

# City of Modesto

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## North Beyer Park Specific Plan

**This document reflects all amendments to the  
North Beyer Park Specific Plan, as of January 25, 2011**



## Amendments to the North Beyer Park Specific Plan

This document contains information from the original North Beyer Park Specific Plan adopted November 26, 1996, by City Council Resolution No. 96-641 as revised by the following Specific Plan Amendments:

- SPA No.1      **Add Language to Allow Changes in Service Providers**
- Recommended by Planning Commission Resolution No. 97-73  
Adopted by City Council Resolution No. 97-628
- SPA No.2      **Amended to Expand the Plan Area to Include Approximately 20 Acres at the Northeast Corner of Coffee Road and Claratina Expressway and Specify Development as a Church Site**
- Recommended by Planning Commission Resolution No. 2003-04  
Adopted by City Council Resolution No. 2003-102
- SPA No.3      **Modified the Policies and Standards, Implementation and Financing and Public Facilities Chapters to Allow Development of a Small-Lot Subdivision for Single-Family Homes with a Minimum of 22 Affordable Housing Units Covenant-Restricted to Moderate-Income Households on Property Located on the West Side of Oakdale Road, between Mable and Claratina Avenues, to Require Future Development to Annex to a New CFD and to Require Future Residential Development to Comply with the City's Dual-Use Basin Policy**
- Recommended by Planning Commission Resolution No. 2006-69  
Adopted by City Council Resolution No. 2006-758
- SPA No.4      **Modify the Development Policies and Standards by Removing a Provision from the Land Use Regulations Providing for Twenty-Two Units of Covenant-Restricted Moderate-Income Housing, for Properties Located on the West Side of Oakdale Road between Claratina and Mable Avenues**
- Recommended by Planning Commission Resolution No. 2010-28  
Adopted by City Council Resolution No. 2011-27



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# **Chapter 1. Specific Plan Introduction**

## **A. PURPOSE OF SPECIFIC PLAN**

The North Beyer Park Specific Plan is a tool to guide the orderly development of land within the plan area. The purpose of the North Beyer Park Specific Plan is to implement the City of Modesto's General Plan as authorized by Section 65450 et. seq. of the State Government Code. The Specific Plan provides a bridge between the General Plan's broad base goals and policies and the City's precise zoning and subdivision regulations. The North Beyer site is located within a "Comprehensive Planning District (CPD)", therefore in accordance with the City of Modesto's General Plan adopted policies the adoption of a Specific Plan is required prior to any development. This Specific Plan ensures that the Citywide effects of development projects, especially the need for providing adequate infrastructure, is addressed.

The Specific Plan was created using the City's guidelines for preparing comprehensive plans and following procedures for Specific Plans contained in Government Code Section 65453(b).

The Specific Plan area is within the North Beyer CPD and subject to the CPD policies and provisions of the City's General Plan (Exhibit III-5) which include:

1. Maximum of 1,200 dwelling units.
2. Implementing adopted City General Plan policies.

The North Beyer Specific Plan will guide development of land within the Plan area. The Specific Plan will implement Modesto's long-range objective of orderly growth by providing housing, shopping and professional offices for City residents.

## **B. PLAN AREA DESCRIPTION**

The North Beyer Park CPD is located on the north side of Mable Avenue (See Figure 1). The site is bound by Coffee Road on the west, the extension of Claratina Avenue to the north and Oakdale Road on the East Side. The project site contains approximately 160 acres.

The existing land use of the property is primarily agricultural with vineyards occupying the middle portion of the site and peach orchards occupying about the eastern one-third of the site. There are three houses on the site, a Christmas Tree Farm, the Mable Avenue Baptist Church, and the Assyrian of the East Church. There are also barns and other farm buildings on-site.

In September of 2002, an application was submitted to amend the Specific Plan to realign its northerly boundary to add the existing approximately 17-acre Claratina Driving Range and Golf Course (the "Claratina Driving Range") site to the North Beyer Specific Plan, to add a land use designation to the North Beyer Specific Plan of Church (CH), and to designate the Claratina Driving Range for development as a church (CH).



The Claratina Driving Range is located at the northeast corner of Coffee Road and the Claratina Expressway, and Figure 1 has been modified to show the addition of this property to the North Beyer Specific Plan. On February 25, 2003, the City Council adopted Resolution No. 2003-102 approving this amendment application.

## **1. Surrounding Land Use**

The surrounding land uses are as follows:

North – (North of the Eastward Extension of Claratina Avenue) – Claratina Golf and Country Grill (Golf Course Driving Range) adjacent to Coffee Road, and agricultural uses (almond orchards, peach orchards, and vineyards).

South – (South of Mable Avenue all within the City of Modesto) – Vacant lot adjacent to Coffee Road, single-family residences, Stockard Coffee Elementary School, Undeveloped 5 Acre City Park, City Fire Station #7, and Homewood Village Mobile Home Park.

East – (East Side of Oakdale Road) – Agricultural Uses – Almond orchards and a ranchette development.

West – (Opposite side of Coffee Road – The Claratina / Coffee Plan Area) – Silverwood Mobile Home Park, orchard, Exxon Mini-mart, existing residence and open field.

## **C. PLANNING PROCESS**

Adoption of the Specific Plan and adoption of the North Beyer Mitigated Negative Declaration establishes and defines the planning criteria and necessary mitigation measures that will be used to guide the subsequent stages of the established planning process, when initiated by private developers and public agencies, as follows:

- Tentative Subdivision Map Application
- Land Use and Site Design Review, Where Applicable

A discussion of each of these subsequent components of the planning process following Specific Plan adoption is found in the Implementation Element of the Plan (Chapter 4).

## **D. STATUTORY AUTHORITY**

A Specific Plan is a policy document used to implement the “Comprehensive Planning District” concept presented in Section III-D of the City’s General Plan. The General Plan acknowledges specific plans (as defined by Section 65450 of the California Government Code) as an appropriate form of comprehensive plan to implement CPD policies. Specific Plans are authorized under Section 65450 of the Government Code for the systematic implementation of all or part of a general plan.

The North Beyer Specific Plan is intended to facilitate development within the Plan area by: 1) defining the types and distribution of land uses and the location and type of infrastructure, 2) setting development standards, and 3) documenting financing of public improvements. The Specific Plan has been prepared in accordance with the California Government Code. Section 65451 mandates that a specific plan includes, at minimum, text and diagrams to describe the following:

1. The distribution, location and extent of land use, including open space, within the plan area.
2. The proposed distribution, location, extent, and intensity of major components of public and private transportation, sewage, water, drainage, solid waste, energy, and other essential facilities proposed to be located within the plan area and needed to support land uses described in the specific plan.
3. Standards and criteria by which development will proceed and standards for the conservation, development, and utilization of natural resources, where applicable.
4. A program of implementation measures, including regulations, programs, public works projects, and financing measures necessary to implement the specific plan.
5. A statement of the relationship between the specific plan and the City's general plan.

#### **E. RELATIONSHIP OF THE SPECIFIC PLAN TO THE GENERAL PLAN**

The City adopted its current General Plan and certified the Master EIR in August 1995. The General Plan identified 25 Comprehensive Planning Districts, including North Beyer within the City's Planned Urbanizing Area. Collectively, the CPDs cover 17,600 acres and represent the City's major urban growth area. The City's General Plan contains a comprehensive range of goals and policies to manage future growth in these districts. In addition to overall community development policies affecting all CPDs (Chapter III), the City's General Plan includes policies for developing its community services and facilities (Chapter V), and managing the City's environmental resources and open space (Chapter VII).

A General Plan Amendment will be required to revise the North Beyer Comprehensive Planning District text and map, Exhibit III-15, to allow the projects proposed non-residential uses. These proposed uses are consistent with the Neighborhood Plan Prototype Policies of the General Plan, Policy III-C-2, and a General Plan amendment will be adopted concurrently with this Specific Plan adoption.

To allow the addition of the Claratina Driving Range property to the North Beyer Specific Plan, a General Plan Amendment was required to shift Comprehensive Planning District boundaries in the General Plan in order to add approximately 17 acres of land to the North Beyer CPD (General Plan Exhibit III-15) and simultaneously remove the property from the Hetch Hetchy CPD (General Plan Exhibit III-8). This General Plan Amendment was adopted prior to the inclusion of the Claratina Driving Range into the North Beyer Specific Plan.

## **F. SPECIFIC PLAN ADOPTION**

Adoption of the North Beyer Specific Plan and adoption of the Mitigated Negative Declaration establishes the standards, criteria, and mitigation measures for tentative and final subdivision map approval, rezoning, and development of the Plan area.

Should any regulation, condition, program, or portion of this Specific Plan be ruled invalid or unconstitutional by a California or federal court of competent jurisdiction, such portions will be deemed separate, distinct, and independent provisions. The invalidity of these provisions will not affect the validity of the remaining portions of the Specific Plan or Mitigated Negative Declaration.

## **G. CEQA REVIEW**

The North Beyer Specific Plan has received environmental review under the California Environmental Quality Act pursuant to the City's General Plan Master EIR (SCH#920852017) through the preparation of an Initial Study leading to adoption of a Mitigated Negative Declaration (CEQA Section 21157.5). A 30-day public review period was provided for the Mitigated Negative Declaration, which included the Specific Plan document. Because earlier analysis was performed on the project area for substantially similar uses, Stanislaus County LAFCO Staged EIR (SCH #91102032), a Mitigated Negative Declaration per CEQA Section 21157.5 rather than a Focused EIR was used.

Project adoption will include a General Plan Amendment exempting the North Beyer Specific Plan from the requirement for preparation of a Focused EIR, Policy III-D-1-g.

As part of the addition of the Claratina Driving Range to the North Beyer Specific Plan, a Mitigated Negative Declaration was prepared, circulated and adopted (SCH # 2002122117).



## **Chapter 2. Development Policies and Standards**

### **A. LAND USE (SEE FIGURE 2)**

#### **1. General Plan Policies**

North Beyer Park will be developed in compliance with applicable City General Plan community development, CPD, and related policies. Since the Plan Area is the remaining undeveloped portion of an existing developed neighborhood, land use policies relative to the development of existing neighborhoods apply. City General Plan policies regarding land uses implemented through the Specific Plan are: Overall land use policies based on the City's Zoning Code, Title X of the Modesto Municipal Code (Section III-C(1)), "Neighborhood Plan Prototype" Policies (Section III-C(2)), and the North Beyer Park Specific Plan. City General Plan policies for providing community services and facilities, maintaining public safety, and managing environmental and open space resources are included in subsequent chapters of this Specific Plan.

#### **2. The Specific Plan Overlay Zone**

The purpose of the SP-O Zone is to permit development within the North Beyer Specific Plan area under Title X of the Modesto Municipal Code and any exceptions as defined in the Specific Plan.

The City Zoning Map, as allowed by Section 10-2.305 of the Modesto Municipal Code, "The Zoning Map", shall indicate SP-O zoning for the area of the North Beyer Specific Plan.

#### **3. Subsequent Exceptions to Development Regulations**

The Planning Commission may grant exceptions to any of the development regulations listed in this chapter, by resolution, based on the following considerations:

- a. **Exception Guidelines.** Exceptions may be granted to achieve the following purposes:
  1. To encourage creative and efficient land uses.
  2. To encourage mixed or multiple-use projects.
  3. To permit variations from the density, height, and other standards in the various zones.

#### **4. Residential (R)**

The R designation accommodates single-family residential uses. The maximum permitted density for an overall land use area is 7.5 dwelling units per acre. Areas designated R utilize the City's R-1 zones as its development regulations with the following exceptions: Lot sizes smaller than 5,000 square feet and senior housing facilities, as an example, are permitted as long as the 1,200 dwelling unit maximum is not exceeded. Lots less than 5,000 square feet and senior housing require approval of a Final Development Plan by the Planning Commission. The existing churches and the Middle School site are designated R in the General Plan, which is consistent with City policy.

## 5. Mixed Use (MU)

The mixed-use designation applies to a 10-acre site at the southeast corner of the Coffee Road and Claratina Avenue intersection and also a 14-acre site at the southwest corner of the Oakdale Road and proposed Pelandale Expressway intersection, which would allow a possible neighborhood shopping center at both locations. Professional Office uses are proposed for the area at the northeast corner of the Coffee Road and Mable Avenue intersection. A Stanislaus County approved 50,000-square-foot office building, known as "The Arbors", has been planned for this site. Also permitted in the Mixed-Use area is R-3, R-2 and R-1 uses according to the City's Zoning Code, subject to the following exceptions: Lot sizes smaller than 5,000 square feet and senior housing facilities, as an example, are permitted as long as the 1,200 dwelling unit maximum is not exceeded. Lots less than 5,000 square feet and senior housing require approval of a Final Development Plan by the Planning Commission. To develop non-residential areas as residential uses in excess of 1,200 total dwelling units requires a General Plan Amendment. For each of the two Mixed-Use/Neighborhood shopping centers, plot plan approval by the Planning Commission shall be required prior to development. Performance standards deemed necessary by the Commission shall be required at that time.

## 6. Middle School (MS)

This designation is intended to allow development of a 18.50 acre Middle School facility for the Sylvan Union School District.

## 7. Storm Drainage (SD)

This designation is intended to permit development for storm drainage facilities to service the project area including basins and related facilities.

## 8. Church (CH)

The CH designation will permit the construction of a church after the acquisition of a Final Development Plan from the City of Modesto Planning Commission. The development standards shall be as set forth in the City's R-1 Zone, subject to the exceptions listed below. The only permissible use of the site will be as a church. The existing golf course/driving range is allowed as an interim use until the site is developed.

### Exceptions to R-1 Standards

- a. Landscape setbacks shall be a minimum of 25 feet along Coffee Road and the Claratina Expressway and 15 feet along the north and east property lines.
- b. Walls shall incorporate decorative treatment including a cap treatment, pilasters and finished with materials complementary to the exterior materials on the building. Walls along the north or east property line should transition gradually from the maximum six foot (6') allowable height to 42" within the setback area.
- c. All exterior mechanical, heating and air conditioning equipment must be screened from public view.
- d. Exterior lighting shall be arranged or shielded in such a manner as to contain direct illumination on the site and avoid glare onto adjacent residential areas.

## **9. Land Use Regulations**

The City of Modesto's Title X Planning and Zoning Code latest edition is hereby adopted and incorporated by reference into the North Beyer Park Specific Plan, as the Plan's land use regulations and development standards. All development projects shall be subject to the zoning provisions that are current at the time of application. The City may grant exemptions from the certain Code provision at its discretion in order to implement the Plan.

## **10. Improvement Standard Regulations**

The City of Modesto Department of Public Works Standard Specifications are hereby adopted and incorporated by reference into the North Beyer Park Specific Plan as the Plan's Development Standards. All development projects shall be subject to the Standard Specifications that are current at the time of application. The City may grant exemptions from the certain code provisions at its discretion in order to implement the plan.

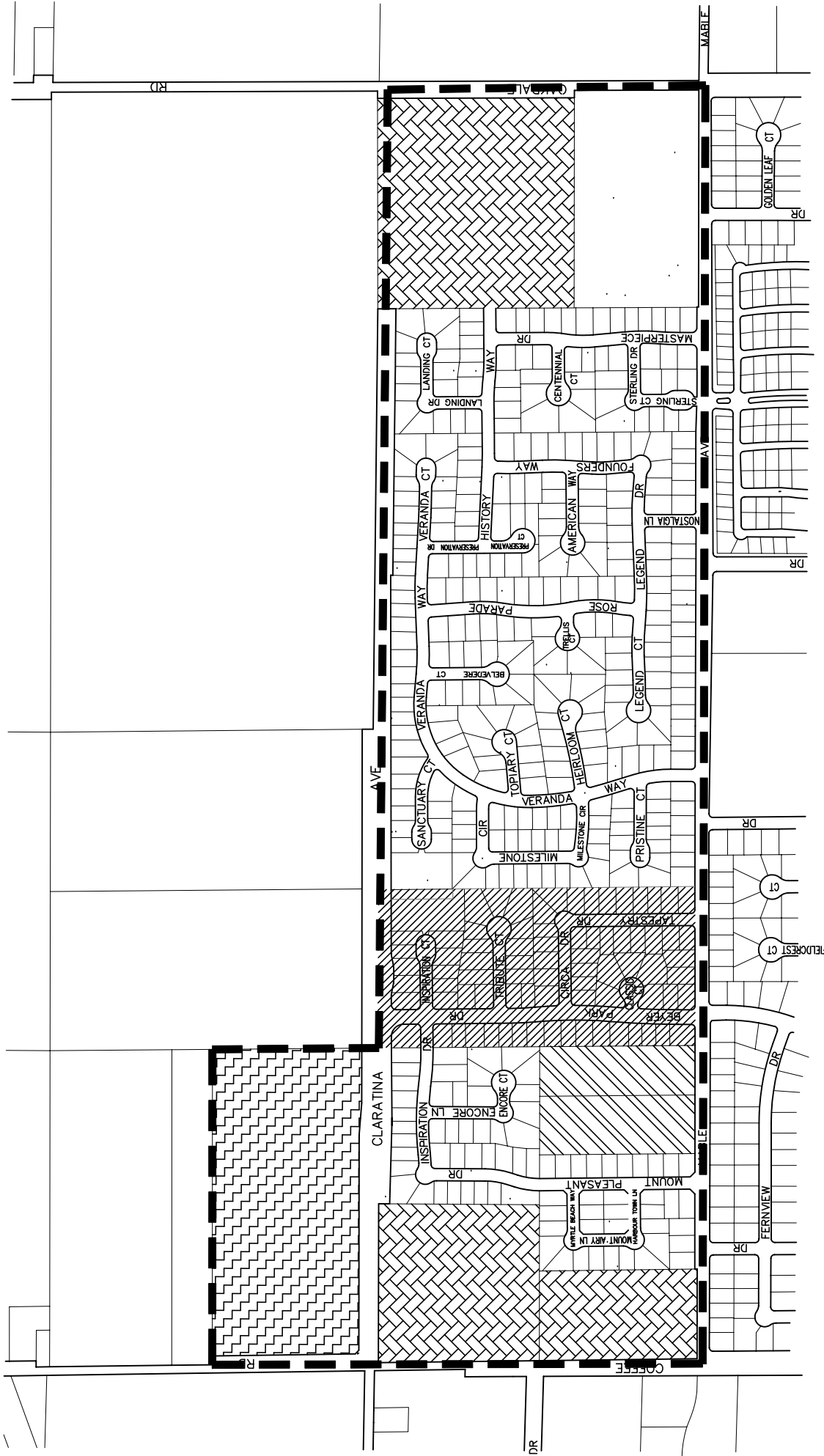






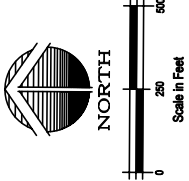


Figure 2  
**Land Use Diagram**

-  Plan Area Boundary
-  Property Ownership Line
-  M.U. - Mixed Use, Nhbhd Shopping Center  
PO, R-3, R-2, or R-1
-  R- Residential (R-1)
-  M.S. - Middle School
-  Existing Church Sites
-  C - Church



## **Chapter 3. Public Facilities**

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### **A. OVERVIEW**

The North Beyer Park Plan area infrastructure system is an extension of the existing neighborhood area's infrastructure. Buildout of the plan area was planned for as part of the existing neighborhood planning areas. This chapter describes development of the transportation and circulation, wastewater collection, water delivery, storm water drainage, utilities (electricity, street lighting, natural gas, telephone, cable television, irrigation), schools, and parks and recreation necessary to support development in the Plan Area. Improvement of North Beyer infrastructure will be as described in the General Plan policies in Chapter V, Community Services and Facilities.

The infrastructure plans contained in this Chapter were modified in 2003 as part of the addition of the Claratina Driving Range property to the North Beyer Specific Plan. The following discussion under Section B. INFRASTRUCTURE PLAN, details the revisions made to the infrastructure plans to accommodate the addition of the Claratina Driving Range property to the North Beyer Specific Plan.

### **B. INFRASTRUCTURE PLAN**

The North Beyer Park Infrastructure Plan is shown on Figures 3 and 4, and incorporated into this Specific Plan. The figures serves as a design schematic for the planning area infrastructure and does not represent specific alignments or locations for facilities. The figures indicate the preliminary sizing and design for backbone infrastructure in the planning area. Exact phasing and design will be determined as development occurs. Prior to the recording of subdivision maps, improvement plans consistent with the general design in this Specific Plan shall be approved by the City.

#### **1. Sanitary Sewer Service (See Figure 3)**

The existing 18" sub-trunk sewer main at Coffee Road at Sylvan Meadows Drive will be utilized to serve the North Beyer Park Plan Area. A sewer lift station must be installed in order to obtain the depth required to accommodate the expected construction and buildout of the Plan Area. A "sub-trunk" sewer line must be extended from the pump station north up Coffee Road to the proposed Claratina Expressway, and then extending east down the Expressway to serve the North Beyer Park project. The pump station and "sub-trunk" sewer system in Coffee Road will be sized to serve both the North Beyer Park Plan Area and the Claratina / Coffee Plan Area. The "sub-trunk" system and sewer lift station and force main shall be funded by the City with fees collected for that purpose.

The Claratina Driving Range will be served by a sewer fly line coming off of the manhole currently existing in the intersection of Coffee Road and the Claratina Expressway. The line will be sized to serve, and will serve, only the Claratina Driving Range property. Downstream sewer lines and lift stations have been analyzed and determined to have adequate capacity to serve the Claratina Driving Range as its existing use, or as a redeveloped church use.

The sewer line will be eight inches (8") in size coming to the site from the existing manhole at the intersection of Coffee Road and the Claratina Expressway. At development of the site, the on-site sewer will be constructed in such a manner that when the North Trunk becomes available north of the site, sewer flows can be diverted to that trunk line, and the connection to the line in Coffee Road can be abandoned. Figure 3 has been updated to show these sewer lines.

## **2. Storm Drainage (See Figure 4)**

A positive storm drainage system comprised of catch basins, pipelines and storm drain basins is proposed to serve this project. The storm drain basins will be constructed as development occurs. Storm drain basins for residential development shall be constructed and maintained in accordance with the City's Dual-Use Basin Policy. The storm drain collection system and basins will be designed in accordance with the City of Modesto and Stanislaus County Standards and Specifications.

Concurrent with its redevelopment as a church, the Claratina Driving Range property will provide its own on-site storage for storm runoff, adequate to capture storm runoff to City Standards. A line will be stubbed from the site to permit for the future connection of the site to an area-wide storm drainage facility. The size and location of the facilities will be finally determined as part of the Final Development Plan process required for redevelopment of the site.

## **3. Water (See Figure 3)**

City water service will be provided to the entire plan area through connection to the existing water mains in Mable Avenue. An existing 10" water main and a 24" transmission water main, which lie in Mable Avenue, are part of a larger looped water system designed to serve the entire Plan Area. All private wells shall be abandoned and capped at the time of development, in accordance with the City of Modesto, Stanislaus County and Department of Health Services Standards.

The Claratina Driving Range property will connect to the existing City water system for the provision of water to the site. A well site will be provided to the City, subject to reimbursement consistent with current City policy, for the location of a future well. The actual location for the well site will be determined as part of the Final Development Plan process required for the redevelopment of the site. As the entire site is currently served by an existing well for irrigation, domestic and fire flow purposes, this well may remain in service for a period of time, until connection to the City system is deemed appropriate. That connection is proposed to consist of a four to six inch (4-6") line for domestic service, and an eight-inch (8") line for fire flow.

## **C. TRANSPORTATION AND CIRCULATION**

### **1. Overview**

The North Beyer Park Plan Area circulation system represents a logical extension of the City's existing arterial and collector street system as specified in the General Plan. The location and classification of streets within this extended street system is shown on Figure 5, Vehicular Circulation Diagram. The plan provides for the dedication of right-of-way (ROW) that is required within the North Beyer Park for the proposed Pelandale Expressway. Additional dedication will be necessary for the expressway, which will be required by the properties north of the Plan Area as future development occurs. The Specific Plan and Mitigated Negative Declaration preparation included a traffic analysis performed under the direction of the City of Modesto Public Works and Transportation Department.

## 2. Specific Plan Street Classifications

Table 2 (below) Specific Plan Street Classifications, describes the streets which are a part of the North Beyer Plan Area. The street classifications correspond to Public Works Standards. Street cross-sections shall conform to Public Works Standards and Policies with the following exception, the Pelandale Expressway shall correspond to Schematic Section, Figure 8, on page 2-11 of the Pelandale / Snyder Final Specific Plan.

**Table 2 – Specific Plan Street Classifications**

Street / Classification	Street ROW
Class B Expressway (Pelandale Expressway)	135 Feet*
Principle Arterial (Oakdale Road)	114 Feet*
Minor Arterial (Coffee Road)	100 Feet*
Collector Street (Mable Avenue)	60 Feet*
Minor Residential Street	50 Feet

\* Additional right-of-way may be required at intersections per City of Modesto Standard Specifications.

- a. **Class B Expressway** – Claratina Avenue is designated as an expressway in the General Plan. Public Works analysis has determined Claratina to be an eastward extension of the Pelandale Expressway to be developed to a 135' Class B Expressway. The expressway will ultimately connect from Highway 99 to the Claus Road Expressway. The expressway shall include a Class I Bike Trail that will link up with the Claratina and Claus Road trails consistent with the City of Modesto's Non-Motorized Transportation Master Plan. As property owners develop within the Plan Area they will be required to dedicate right-of-way for the expressway and construct a sound wall along the property adjacent to the expressway. The City will be responsible for all improvements on the Pelandale Expressway except for the soundwall, which will be the developer responsibility. The City will reimburse the developer the cost of a 12' of right-of-way. Pelandale Expressway will be improved per Schematic Section, Figure 8, Page 2-11, Pelandale / Snyder Final Specific Plan.
- b. **Arterial Streets** – The extensions of two arterial streets, Coffee Road and Oakdale Road are part of the City's circulation system. Coffee and Oakdale Roads shall include a Class II Bike Lane consistent with the City of Modesto's Non-Motorized Transportation Master Plan. Coffee Road will be improved as a 100' minor arterial and Oakdale Road will be a 114' principle arterial per Public Works Standards.
- c. **Collector Streets** – Existing Mable Avenue is the only 60' collector streets crossing the Plan Area. Mable Avenue will connect Coffee and Oakdale Roads.
- d. **Minor Residential Streets** – Minor residential streets provide internal neighborhood circulation while minimizing through traffic. This street network will be determined at the time each individual property owner develops. No connection will be permitted between minor residential streets and the proposed Claratina Expressway through the planned residential areas.

## **D. TRAFFIC CIRCULATION SYSTEM ANALYSIS**

The following outline shows general traffic circulation system improvements needs anticipated for the next 30 years based on the Traffic Impact Analysis prepared by kdAnderson Transportation Engineers. These needs cover areas adjacent to and outside the project area. A majority of these improvements would be needed even without this project. A listing of these needs does not indicate the project responsibility, which can be found in Chapter 4, Implementation and Financing.

**Concurrent with Project Development (1-5 Years)**

<b>Facility</b>	<b>Impact (Level of Service)</b>	<b>Recommended Improvements</b>
Coffee / Claratina Intersection	LOS F	Signals needed plus four lane improvements
Coffee / Mable Intersection	Future Turning Movements	Provide adequate setbacks and dedication at northeast corner for future intersection turn lanes
Pelandale Expressway	LOS Degraded on Surrounding Roadways	Dedicate right-of-way along adjacent projects per Specific Plan
Fronting roadways of development: Coffee Road Oakdale Road Mable Avenue	LOS is degraded	Dedicate and improve roadway to City Standards along fronting projects

**5 Years (Phase 1 of Project)**

<b>Facility</b>	<b>Impact (Level of Service)</b>	<b>Recommended Improvements</b>
Coffee / Mable Intersection	LOS F	Signals needed plus improvements per study
Fronting roadways of development: Pelandale Expressway Coffee Road Oakdale Road Mable Avenue	LOS is degraded	Dedicate and improve roadway to City Standards along fronting projects. Pelandale Expressway improvements per Specific Plan.

**Year 2025 (Project Buildout)**

<b>Facility</b>	<b>Impact (Level of Service)</b>	<b>Recommended Improvements</b>
Coffee / Claratina Intersection	LOS E	Three through lanes needed to upgrade signals
Coffee / Sylvan Intersection	LOS D	None
Oakdale / Sylvan Intersection	LOS C	Dedicate and improve to City Standards
Coffee / Mable Intersection	LOS E	Dual southbound turn lanes if no mid-block median break on Coffee Road
Oakdale / Mable Intersection	LOS B	Signals needed
Pelandale Expressway	LOS F at intersections	Six through lanes needed per North Beyer Park Specific Plan
Fronting roadways of development: Coffee Road Oakdale Road Mable Avenue	LOS is degraded	Dedicate and improve roadway to City Standards along fronting projects

The improvements set forth in the previous table were reanalyzed and evaluated as part of the Mitigated Negative Declaration for the addition of the Claratina Driving Range to the North Beyer Specific Plan. At the time of that evaluation, late 2002/early 2003, improvements contained in this table were in differing levels of completion, with some unfinished, some partially finished, and some complete. It was determined at that time that the redevelopment of the Claratina Driving Range as a church would require the completion of the traffic signal at the intersection of Coffee Road and the Claratina Expressway. This facility is incorporated into the City of Modesto Capital Facilities Fee Program (the "CFF Program"). At the redevelopment of the Claratina Driving Range property, the funding for the Coffee Road/Claratina Expressway traffic signal will be required as a condition of the project. The funding for this traffic signal will be reimbursed by the City from the CFF Program on the same schedule as if the City were constructing the signal without the project.

At the time of preparation of a site plan for review and processing on the project site, a Site Access Study, consistent with the General Plan requirement contained in Chapter V (B)(7)(c) shall be prepared. The Site Access Study will also evaluate how to provide adequate pedestrian and vehicular access to the balance of the Hetch Hetchy CPD, which may include the reservation of road right-of-way and/or the granting of vehicular/pedestrian cross access rights to make certain that the project properly integrates with the balance of the Hetch Hetchy CPD, at the time of its development.

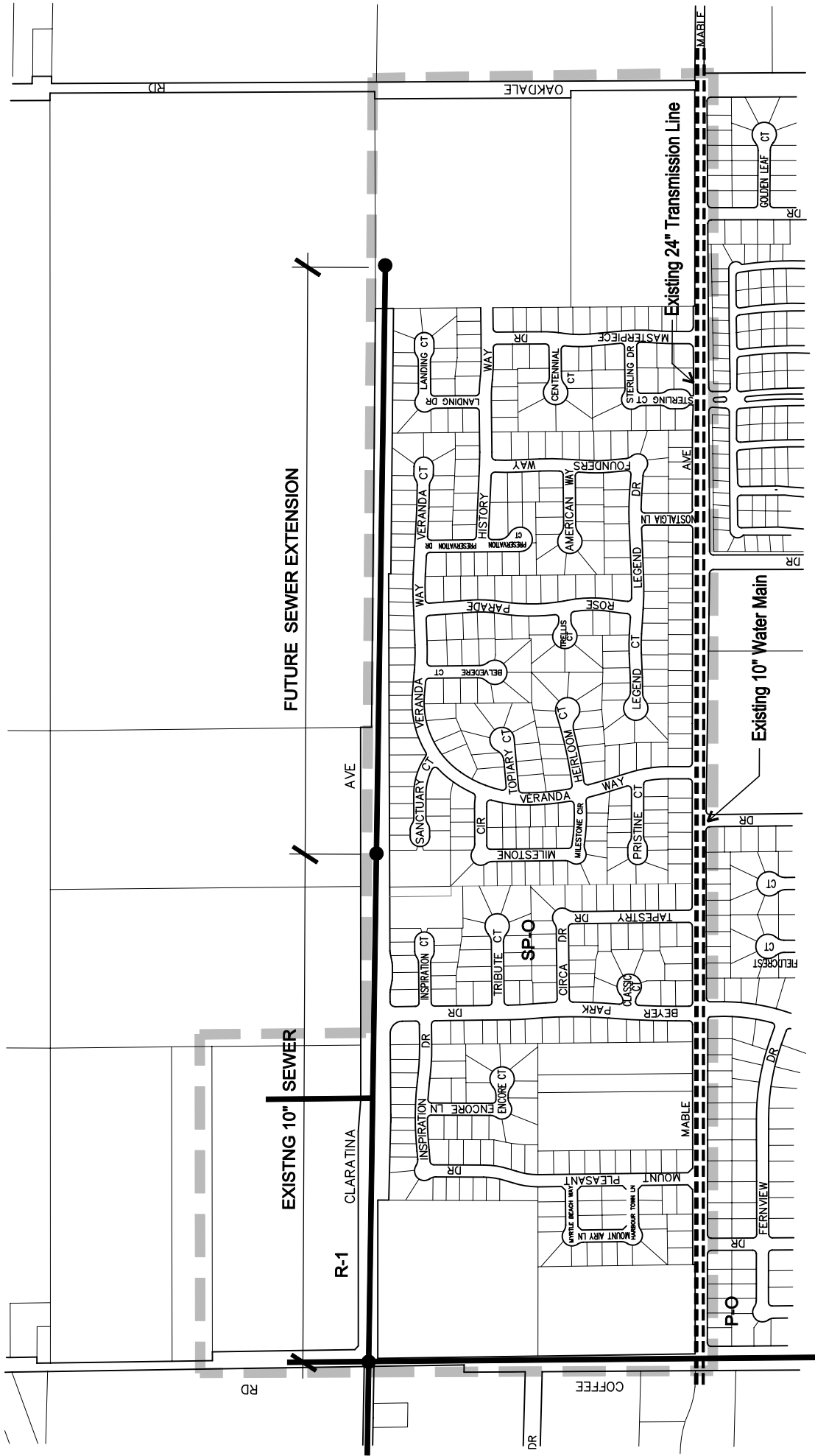
A preliminary site plan for the property designated Church (CH) shows an access point along the Claratina Expressway. In the General Plan, the Claratina Expressway is designated as a Class "B" Expressway. Consistent with the General Plan, access to the Expressway is not permitted unless certain findings can be made (Chapter V Section B.5.c 1995 Urban Area General Plan).

## **E. SCHOOLS**

The North Beyer Park project will be served by the Sylvan Union School District for grades Kindergarten (K) through 8, and by the Modesto High School District for 9-12. The North Beyer Park Plan Area is proposing a 18.50 net acre middle school site as shown on the Land Use Diagram (Figure 2). The school site will have a west orientation facing the existing church sites. As stated in the City's General Plan (Policy VH.3.i, Page V-25), the City considers impacts on public school district and project proponent have resolved school impacts and the means by which they are resolved. One project (approximately 55 acres of residential) within the North Beyer Park Plan Area has already annexed to the CFD.

## **F. PARKS**

In Modesto, open space is provided through a comprehensive network of regional, community and neighborhood parks. The North Beyer Park Specific Plan is the remaining portion of an existing neighborhood and lies within Park Planning Area No. 9 as shown on figure V-5 of the General Plan. There are existing and planned parks within the neighborhood. Payment of capital fees will mitigate the project impact to parks and open space demand in the area.



**LEGEND**

- Plan Area Boundary
- Property Ownership Line
- - - Water Lines
- Sewer Lines

Figure 3

# Sanitary Sewer and Water Infrastructure



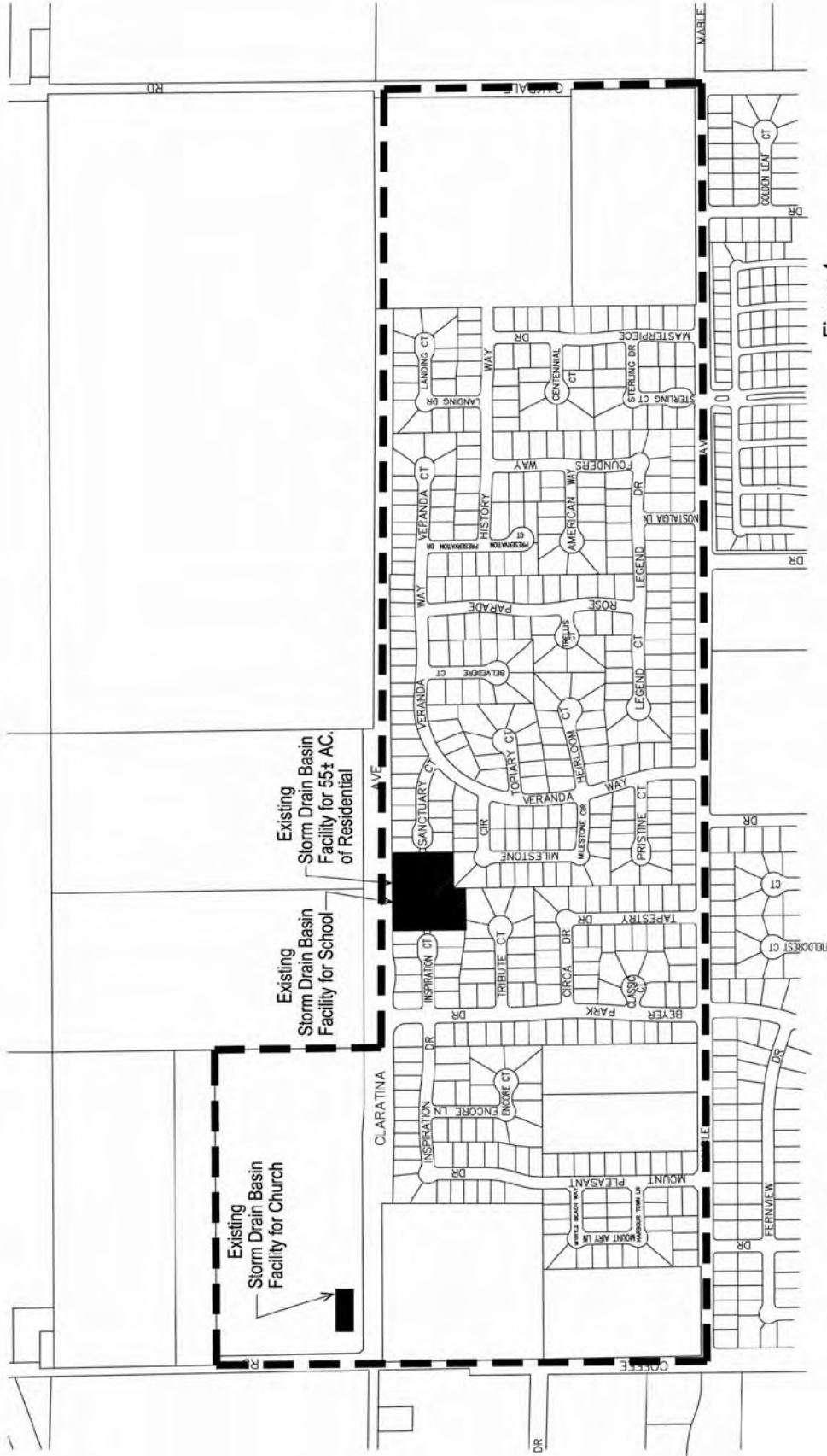
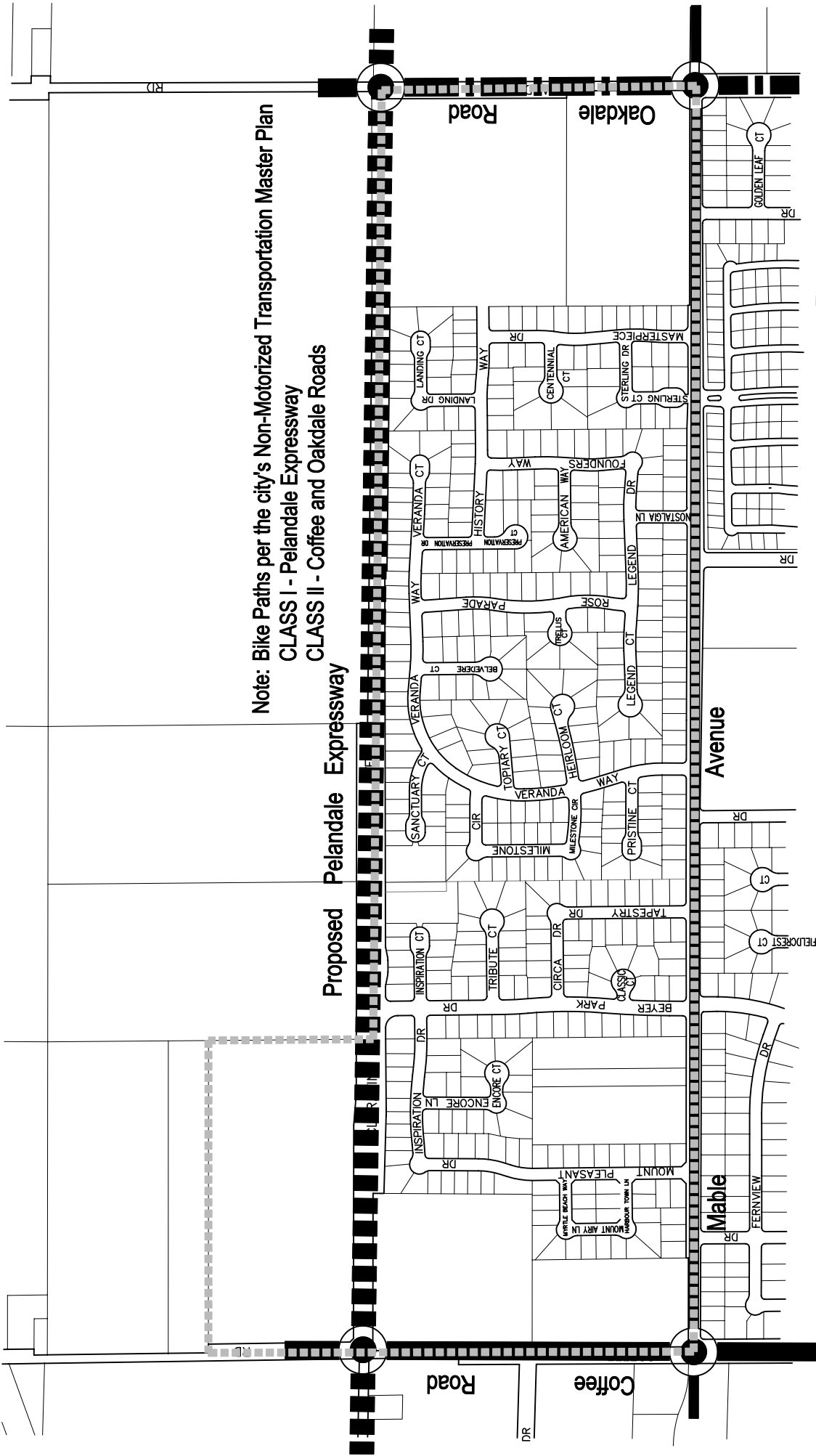


Figure 4  
Storm Drain Infrastructure

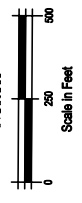
**NOTE: ALL STORM BASINS FOR RESIDENTIAL DEVELOPMENT SHALL COMPLY WITH THE CITY'S DUAL USE BASIN POLICY.**



Note: Bike Paths per the city's Non-Motorized Transportation Master Plan  
 CLASS I - Pelandale Expressway  
 CLASS II - Coffee and Oakdale Roads

Figure 5  
 Vehicular Circulation Diagram

- Plan Area Boundary
- Class B Expressway (6-Lanes)
- Principal Arterial (6-lanes)
- Minor Arterial (4-Lanes)
- Collector Street (2-Lanes)
- Signalized Intersection





## **Chapter 4. Implementation and Financing**

### **A. PLAN IMPLEMENTATION**

The following defines the implementation measures that will guide development within the Plan Area.

#### **1. Action Required for Implementation of the North Beyer Park Specific Plan**

The following actions are required prior to development of land uses proposed in the Specific Plan:

- a. Approval of tentative and final subdivision maps.
- b. Approval of land use and site design review, where applicable.

#### **2. Tentative and Final Subdivision Map Approvals**

Implementation of residential uses in the Plan Area will require processing of a tentative map. The tentative map process is governed by the City's Subdivision Ordinance and the State Subdivision Map Act (Sections 66410 et seq). Tentative and Final Subdivision Map approval requires conformance to the requirements of the Specific Plan and Mitigated Negative Declaration for the Specific Plan.

#### **3. Specific Plan Amendment Process**

Any amendments to the Specific Plans shall be in accordance with Section 65453 of the Government Code, which provides the amendment procedure for Specific Plans.

### **B. IMPLEMENTATION POLICIES**

The following policies will be used to implement the long range financing strategy:

1. Unless specifically accepted, each property owner shall finance and construct improvements as specified in the Specific Plan, and in accordance with the City of Modesto Standards which occur directly on their property.
2. The referenced improvements will be sized by each property owner, in accordance with the Specific Plan. In the event that the properties develop out of sequence, each property owner is required to provide easements and access that may be necessary to install facilities for the benefit of the other property owners. Each property owner will reimburse the other(s) for their oversize expenses at the time of filing the first final map within each development, building permit or connection to the system whichever occurs first.

3. The existing Citywide and County fees for new construction will prevail for development within the Plan Area and are intended to pay for the improvements as specified in this Specific Plan.
4. Property owners may receive credits to the payment of Citywide and County fees to the extent that there exists any duplication of improvements intended by the fee structure.
5. Accounting for facility oversizing will be the responsibility of the property owners, in conformance with City Policies and Standards. Repayment will be enforced by the City by being part of the City's requirements for the subdivision map filing. Disputes among property owners will be subject to binding arbitration by a member of the American Arbitration Association (AAA). Outstanding balances for oversizing will be subject to 10% annual interest, payable by the benefiting 'downstream' property owner at the time of final map filing, building permit or connection to the system whichever occurs first.
6. To the extent permitted by law, the costs of developing the Specific Plan, including but not limited to traffic studies, noise studies and environmental documentation, shall be reimbursed by property owners in the Specific Plan to the property owners in the Specific Plan who have fronted those costs. Reimbursement shall be pursuant to City of Modesto Ordinances and Policies. The existing church sites within the Specific Plan shall not be responsible for the costs associated with the development of the Specific Plan. Disputes among property owners will be subject to binding arbitration by the American Association of Arbitrators (AAA).
7. The City shall require dedication of land for road improvements and construction of arterial and collector street improvements consistent with Citywide policies and regulations.
8. Reimbursement for oversizing utility lines and roadway improvements shall also be consistent with Citywide policies and regulations.

### **C. CEQA MITIGATION MONITORING**

CEQA Section 21081.6 requires the public agency approving a project to adopt a reporting or monitoring program for mitigation measures made conditions of project approval. The North Beyer Park Specific Plan complies with this requirement by incorporating the mitigation measures from the North Beyer Mitigated Negative Declaration (project CEQA review document) into the Specific Plan as development policies and/or standards. These measures are thus fully enforceable with project approval.

As part of the addition of the Claratina Driving Range into the North Beyer Specific Plan a Mitigated Negative Declaration was adopted along with a Mitigation Monitoring and Reporting Program. The mitigation measures contained therein are to be imposed at the redevelopment of the property to a church. The mitigation measures will be made conditions of the Final Development Plan, which is required prior to redevelopment of the Claratina Driving Range property.

## D. FINANCING

A long range financing strategy for the North Beyer Park Plan Area is provided as part of this Specific Plan, both in accordance with State Government Code Requirements and with the City of Modesto Urban Area General Plan Policy.

A basic concept of the Specific Plan Financing Strategy is that infrastructure improvements are to be constructed in conjunction with individual project development. These infrastructure improvements shall be sized according to identified future needs with compensation from property owners who will receive future benefit. The City of Modesto does require Specific Plans to provide for the installation and maintenance for certain public facilities as identified below (See Item E.2.b on Page 4-4) through participation in a City Mello-Roos Community Facilities District.

The City intends to create one or more Community Facilities Districts ("CFD's") or similar funding mechanism to fund construction and maintenance of backbone infrastructure, community facilities and services necessary to serve the North Beyer Park Specific Plan Area. The purpose of this funding mechanism will be to ensure the City is collecting all funds necessary to construct and maintain the backbone infrastructure, community facilities and services necessary to serve the Specific Plan Area. It is the policy of the City Council that no new development may occur without forming or annexing to the applicable CFD(s) or other capital and maintenance funding mechanisms adopted by the City at the applicable rate(s) and by paying all applicable fees and taxes.

No precise plan, final map, final development plan, building permit or other development entitlement for any vacant or undeveloped property or for any property which redevelops in the future shall be deemed consistent with the North Beyer Park Specific Plan until and unless the affected parcel is required to form or annex to the North Beyer Park CFD #2 and pay all applicable CFD taxes at the rate established by North Beyer Park CFD #2.

Therefore, as a condition of approval for development of any parcel within the North Beyer Park Specific Plan area, the property owner and/or developer shall be required to take all actions necessary to impose all CFD taxes on the land as are required of parcels within North Beyer Park CFD #2, including but not limited to securing and establishing North Beyer Park CFD #2 or annexing to North Beyer Park CFD #2 if North Beyer Park CFD #2, has already been established and actually paying all CFD taxes assessed based on the tax rates established for North Beyer Park CFD #2. The property owner shall be required to secure and establish North Beyer Park CFD #2, or annex to North Beyer Park CFD #2 at the tax rates established for North Beyer Park CFD #2 prior to recordation of a final map or issuance of a building permit, whichever occurs first, for any property located within Tax Area B. Payment of the CFD tax at the rates established for North Beyer Park CFD #2 shall be required prior to the issuance of a building permit. Each parcel shall also be required to pay all CFF, sewer and water fees and other development fees applicable to the property in accordance with City ordinances, resolutions, regulations, policies and procedures.

While the Claratina Driving Range property has been added to the North Beyer Specific Plan to permit its immediate development as a church, it is more connected to the Hetch Hetchy CPD relative to the provision of future Master Storm Drainage, Sewer and other infrastructure. As such, while the Claratina Driving Range site may redevelop, paying for the cost of providing the services needed for the project today, consistent with City standards and policies, the Claratina Driving Range will be required to form a Mello-Roos Community Facilities District for the Hetch Hetchy CPD (the "CFD") prior to issuance of a building permit for a church use on the Claratina Driving Range property.

Prior to approval of a Final Development Plan for the redevelopment of the Claratina Driving Range property to a church, a Development Agreement, prepared consistent with the provisions of Government Code Section 65864 et. seq. shall be adopted. The Development Agreement shall, among other things, clarify the Claratina Driving Range property's obligation to participate in the formation of the CFD for the Hetch Hetchy CPD, and the financing of CFD improvements, before a building permit will be issued for a church on the Claratina Driving Range property. In addition to the financing issues, the Development Agreement is to address the following items:

1. A prohibition on school uses without further environmental review and City approval;
2. Future connections to Master Storm Drainage and Sewer Facilities;
3. Project Fees;
4. Well Site dedication and reimbursement;
5. Project contribution and reimbursement for the Coffee/Claratina Traffic Signal;
6. Access from the Claratina Driving Range property to the property to the east; and
7. A Site Access Study referred to in Chapter 3, Section D of this Specific Plan.

The list is not intended to be all inclusive, but rather representative of the items which shall be addressed in the Development Agreement.

## **E. FUNDING METHODS**

The infrastructure element of the North Beyer Park Plan Area describes a number of community facilities necessary to implement the plan. The following funding sources will be used to cover the costs of those facilities. All interior infrastructure shall be installed by individual property owners as projects develop:

### **1. Pelandale Expressway**

- a. Funding Source: City of Modesto's Capital Facilities Fee Program (CFF).
- b. Net cost to City: None. Citywide fees will provide financing for these improvements.
- c. Developer to dedicate right-of-way and construct sound wall.
- d. The City will reimburse the developer the cost of 12 feet of right-of-way.
- e. The City is responsible for all improvements of the Pelandale Expressway except the soundwall, which is the developer's responsibility.

## **2. Principal / Minor Arterials (Coffee and Oakdale Road)**

- a. Funding Source: Existing Citywide fees and individual property owner/developer's requirements.
- b. Medians and landscaping setbacks along soundwalls. Funding Source: City Mello-Roos Community Facilities District.
- c. Net cost to City: None. Existing City policies govern the dedication of land for road improvements and requires developers of a given road frontage to construct the first 40' of the road improvements measured from the property line. The City would be responsible for any improvements required beyond the 40'.

## **3. Collector Street (Mable Avenue) / Minor Residential Streets**

- a. Funding Source: Individual property owners/developers shall be responsible for street improvements adjacent to their property.
- b. Net Cost to City: None. Development will provide financing for these improvements.

## **4. Water**

- a. Funding Source: Existing Citywide user fees and Developer Requirements.
- b. Net Cost to City: None. The existing water distribution lines in Mable Avenue will be utilized to serve the North Beyer Park Plan Area. The Plan Area shall be subject to the typical City of Modesto water related fees (i.e. water systems fee, water meter fee, water connection fee, etc.) which are applicable to each individual property owner/developer at the time of development.

## **5. Sanitary Sewer (Pump Station, Force Main and Sub-Trunk System)**

- a. Funding Source: City Sub-trunk sewer fee, which is designated to fund sub-trunk sewers. City sewer bond redemption charge, which includes a component for lift stations.
- b. Net Cost to City: None. Citywide user fees as described above are sufficient to pay for needed sewer infrastructure facilities.

## **6. Storm Drainage**

- a. Funding Source: Each individual property owner/developer shall be responsible for installation of infrastructure improvements (i.e. main storm drain trunk system, storm drain basin), which are required for development of their property and are in accordance with this Specific Plan.
- b. Net Cost to City: None. Development will provide financing for these improvements.

## **7. Schools**

- a. Funding Source: Separate agreement with school district or annexation into the Village One Schools Infrastructure Financing Agency (SIFA CFD 1994-1).

School impacts shall be considered mitigated when the project is annexed to the Schools Infrastructure Financing Agency or has executed a developer fee agreement with Modesto City Schools. As of this date, only four parcels have not completed the mitigation process; A.P.N. 52-05-18, A.P.N. 52-05-20, A.P.N. 52-05-21, A.P.N. 52-05-22. Compliance with this policy shall be a condition on any final map, which includes these parcels.

- b. Net Cost to City: None. The individual property owners/developers shall reach full agreement with Modesto City Schools and the Sylvan School District to insure funding and to mitigate impacts to the school districts.

## **8. Parks**

- a. None are required within the plan area.
- b. Park fees will be paid within the North Beyer Plan Area.
- c. Net Cost to City: None. Citywide fees and development will provide financing for park improvements.

## **F. UTILITIES**

Following are the agencies and organizations, which were providing services to the project area at the time the Specific Plan was originally adopted. Subsequent changes in service responsibilities may occur without affecting the validity of the Specific Plan. The City intends that adequate service will be provided to the project area, irrespective of the organization providing that service.

Electricity – Electricity to the Plan Area shall be provided by the Modesto Irrigation District (MID).

Street Lighting – Street Lighting shall be provided along the streets per Public Works Standards as individual properties develop.

Natural Gas – Natural gas service shall be provided by Pacific Gas and Electric (PG&E).

Telephone – Telephone service shall be provided by Pacific Bell.

Cable Television – Television service shall be provided by Post Newsweek Cable.

Irrigation – Irrigation service is currently provided by the Modesto Irrigation District and existing irrigation facilities will be abandoned and/or relocated as properties develop.

### **G. INFRASTRUCTURE COST SHARING**

Developers that install oversized facilities consistent with this Specific Plan and benefiting other parts of the Plan Area shall be reimbursed. The cost of infrastructure improvements shall be distributed throughout the Plan Area based on a project's relative benefit. A reimbursement agreement or some other form of reimbursement method shall be secured at the appropriate time in the approval process (prior to the recordation of a final map).