

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2025-247**

**RESOLUTION APPROVING AN AMENDMENT TO THE LAND USE  
ELEMENT OF THE MODESTO URBAN AREA GENERAL PLAN TO CHANGE  
THE LAND USE OF APPROXIMATELY 70 ACRES FROM BUSINESS PARK  
(BP) TO RESIDENTIAL (R) USES (FITZPATRICK LAND DEVELOPMENT,  
LLC)**

WHEREAS, a new General Plan for the City of Modesto entitled “City of Modesto Urban Area General Plan”, as recommended by the Modesto City Planning Commission, was adopted by the Council of the City of Modesto by Resolution No. 95-409 on August 15, 1995, and

WHEREAS, said General Plan has been amended by Modesto City Council Resolution Nos. 95-584, 96-20, 96-338, 96-639, 97-3, 97-137, 97-158, 98-293, 99-162, 99-564, 2000-303, 2000-633, 2001-47, 2001-476, 2002-154, 2002-526, 2003-101, 2003-122, 2004-233, 2005-70, 2007-066, 2007-599, 2008-142, 2008-583, 2009-419, 2011-253, 2011-254, 2011-435, 2012-430, 2014-17, 2014-422, 2015-262, 2016-34, 2017-21, 2019-109, 2022-100, 2022-193, 2022-449, 2024-022, and 2025-164, copies of which are on file in the office of the City Clerk, and

WHEREAS, Government Code Section 65358 permits the amendment of General Plans by the legislative body, and

WHEREAS, Fitzpatrick Land Development LLC has applied for an amendment to the General Plan to change the land use designation of approximately 70 acres from Business Park (BP) to Residential (R), properties located north of Pelandale Avenue, south of Bangs Avenue, between Tully Road to the west and the former Tidewater Railroad /future Virginia Trail Corridor to the east, within the Kiernan-McHenry Comprehensive Planning District (CPD), and

WHEREAS, said application was made concurrently with a proposed new Specific Plan document “Founders Point East” to allow for the development of the 70 acres together with 150 acres located between Bangs Avenue to the south, Kiernan Avenue, Tully Road to the west and the former Tidewater Railroad alignment/future Virginia Trail Corridor to the east, 220 acres total within the Kiernan-McHenry Comprehensive Planning District (CPD) (Project ID SPL-24-001), and

WHEREAS, the application was made concurrently with the proposed annexation of the properties of the Founders Point East Specific Plan, located between Pelandale Avenue to the south, Kiernan Avenue to the north, Tully Road to the west and the former Tidewater Railroad alignment/future Virginia Trail Corridor to the east, a total annexation area of 220 acres (Project ID ANX-24-001), and

WHEREAS, the Community & Economic Development Department has analyzed the proposed amendment and concluded that the amendment to the Land Use Diagram would allow for the development of new residential uses consistent with the Residential land use designation, and

WHEREAS, an Initial Study has been prepared by staff, as required by CEQA, and

WHEREAS, the Initial Study concluded that while the project may have a potentially significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent, and a Mitigated Negative Declaration, Environmental Assessment No. EA/C&ED No. 2024-14, was prepared, and

WHEREAS, a 30-day public review period for the proposed Initial Study/Mitigated Negative Declaration began on March 30, 2025 and concluded on April 28, 2025, and

WHEREAS, the City received public comments on the draft Initial Study/Mitigated Negative Declaration and no significant changes to the document were necessary as a result, and

WHEREAS, the Mitigation Monitoring Plan (MMP) is included and described within the Initial Study/Mitigated Negative Declaration, and

WHEREAS, on May 5, 2025, the Planning Commission held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, relating to this proposed amendment to the Modesto Urban Area General Plan to change the land use designation of 70 acres from Business Park (BP) to Residential (R), properties located north of Pelandale Avenue, south of Bangs Avenue, between Tully Road to the west and the former Tidewater Railroad /future Virginia Trail Corridor to the east, within the Kiernan-McHenry Comprehensive Planning District (CPD), and

WHEREAS, after said public hearing, the Planning Commission adopted Resolution No. 2025-24 recommending to the City Council an amendment to the Modesto Urban Area General Plan to change the land use designation of 70 acres from Business Park (BP) to Residential (R), and

WHEREAS, said matter was set for a public hearing of the City Council to be held on June 24, 2025, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing of the

Council was held for the purpose of receiving public comment on the proposed amendment to the Modesto Urban Area General Plan Land Use Diagram.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposed amendment to the Modesto Urban General Plan to as described in **Exhibit “A”**, **attached** hereto and incorporated herein by reference, is required for the public health, safety, and welfare of the citizens of Modesto.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby adopts the proposed amendment to the Urban Area General Plan as described in **Exhibit “A”**, **attached** hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community and Economic Development Department Director is hereby authorized and directed to forward certified copies of this resolution and said amendment to the Urban Area General Plan to the Board of Supervisors, and file a Notice of Determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 2025, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
DIANE NAYARES-PEREZ, CMC,  
City Clerk

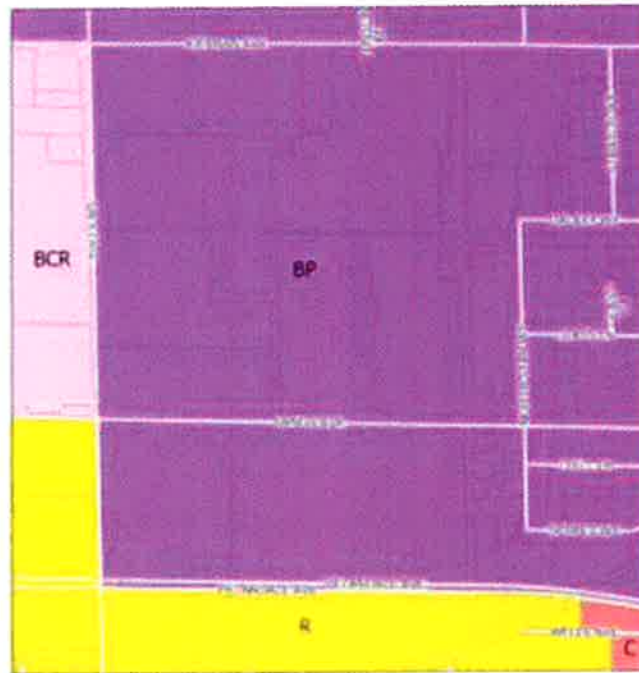
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APPROVED AS TO FORM:

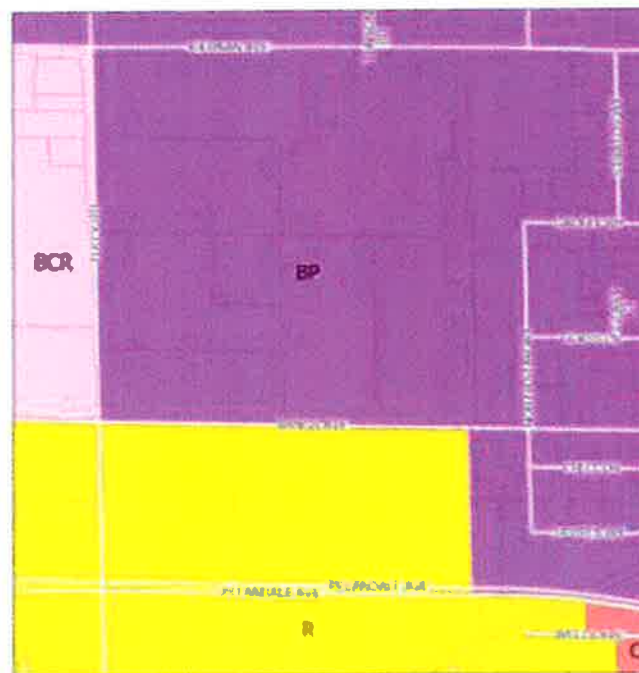
BY:

  
JOSE M. SANCHEZ, City Attorney

## EXHIBIT A



Existing General Plan Land Use



Proposed General Plan Land Use



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2025-248**

**RESOLUTION APPROVING THE FOUNDERS POINT EAST SPECIFIC PLAN  
FOR THE DEVELOPMENT OF APPROXIMATELY 220 ACRES LOCATED  
NORTH OF PELANDALE AVENUE, SOUTH OF KIERNAN AVENUE, EAST  
OF TULLY ROAD AND WEST OF THE FORMER TIDEWATER  
RAILROAD/FUTURE VIRGINIA TRAIL CORRIDOR (FITZPATRICK LAND  
DEVELOPMENT LLC)**

WHEREAS, Government Code Section 65450 et. seq. permits cities and counties to adopt Specific Plans for the systematic implementation of the General Plan and to provide for greater level of detail in planning sites or areas of special interest or value, and

WHEREAS, the Modesto Urban Area General Plan includes a policy that requires the preparation of a comprehensive plan for all Comprehensive Planning Districts, and

WHEREAS, the Modesto Urban Area General Plan allows the implementation of a comprehensive plan through specific plans, as defined by Government Code Section 65450 et. seq., and

WHEREAS, the Kiernan-McHenry Comprehensive Planning District (CPD) of the General Plan is bordered by Kiernan Avenue to the north, Pelandale Avenue to the south, Tully Road to the west and McHenry Avenue to the east, said CPD consisting of 100 acres designated for Regional Commercial (RC) land uses and 370 acres for Business Park (BP) land uses, a total of 470 acres, and

WHEREAS, on April 11, 2024, Fitzpatrick Land Development LLC (“Applicant”) filed an application to propose the new Founders Point Specific Plan for two parcels totaling 70 acres located at the southwest corner of the Kiernan-McHenry CPD, said properties bordered by Bangs Avenue to the north and Pelandale Avenue to

the south, Tully Road to the west and the former Tidewater Railroad/future Virginia Trail Corridor to the east, and

WHEREAS, the application was made concurrently with an application for an amendment to the Land Use Element of the City of Modesto Urban Area General Plan to amend the Land Use designation of the two parcels from Business Park (BP) to Residential (R), (Project ID GPA-24-002), and the annexation of the two parcels totaling 70 acres bordered by Bangs Avenue to the north and Pelandale Avenue to the south, Tully Road to the west, and the former Tidewater Railroad/future Virginia Trail Corridor to the east (Project ID ANX-24-001), and

WHEREAS the application was amended to include properties to the north of the site into the proposed Specific Plan and annexation area, 150 acres bordered by Bangs Avenue to the south and Kiernan Avenue to the north, Tully Road to the west, and the former Tidewater Railroad/future Virginia Trail Corridor to the east, with development policies for the future development of business park uses within the 150 acres in accordance to the General Plan, and

WHEREAS, together with the inclusion of the 150 acres, the Specific Plan and annexation area is to be a combined area of 220 acres, all bordered by Pelandale Avenue to the south, Kiernan Avenue to the north, Tully Road to the west, and the former Tidewater Railroad/future Virginia Trail Corridor to the east, and the Specific Plan document composed to allow for business park uses on the 150 acres north of Bangs Avenue and residential uses on the 70 acres south of Bangs Avenue, and

WHEREAS, an Initial Study for the Project has been prepared by staff, as required by CEQA, and



WHEREAS, the Initial Study concluded that while the project may have a potentially significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent, and a Mitigated Negative Declaration, Environmental Assessment No. EA/C&ED No. 2024-14, was prepared, and

WHEREAS, a 30-day public review period for the proposed Initial Study/Mitigated Negative Declaration began on March 30, 2025 and concluded on April 28, 2025, and

WHEREAS, the City received public comments on the draft Initial Study/Mitigated Negative Declaration and no significant changes to the document were necessary as a result, and

WHEREAS, the Mitigation Monitoring Plan (MMP) is included and described within the Initial Study/Mitigated Negative Declaration, and

WHEREAS, a public hearing was held by the Planning Commission on May 5, 2025, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after said public hearing, the Modesto City Planning Commission adopted Resolution No. 2025-25, recommending to the City Council an approval of the Founders Point East Specific Plan, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on June 24, 2025, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing of the

Council was held for the purpose of receiving public comment on the proposed Founders Point East Specific Plan.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that it hereby finds as follows:

1. The proposed Founders Point East Specific Plan is consistent with the Modesto Urban Area General Plan, because:
  - a. The proposed Specific Plan complies with the requirement to prepare a comprehensive plan for Comprehensive Planning Districts; and
  - b. The proposed development of the properties within the Founders Point East Specific Plan is consistent with Business Park and Residential land use designations of the General Plan (as amended); and
  - c. The location of the properties within the proposed Specific Plan is immediately adjacent to the existing City incorporated area and is within the Sphere of Influence, and is consistent with General Plan Growth Goals II.B.1 which states “Keep urban development as contiguous as possible in order to minimize urbanization of valuable farmland, foster resident convenience, improve air quality, reduce automobile vehicle miles traveled, improve public health and safety, and provide for economy in City services”, II.F.1 which states “Facilitate the creation and expansion of business parks to achieve a more equitable jobs-housing balance”, and II.F.5 to “pursue a diverse supply of housing types and costs, as well as diverse supply of jobs with varying income potential, to balance local job and housing opportunities.”
2. An Initial Study/Mitigated Negative Declaration, Environmental Assessment No. EA/C&ED No. 2024-14, has been prepared by the City of Modesto that analyzed the proposed project, and the Planning Commission has determined that while the project may have a potentially significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent, and that the Mitigated Negative Declaration should be adopted by the City Council.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Founders Point East Specific Plan, on file in the office of the Community and Economic

Development Department and incorporated herein **Attachment A** by reference, is hereby adopted.

BE IT FURTHER RESOLVED by the Council that the City Clerk is hereby authorized and directed to send certified copies of this resolution and said Founders Point East Specific Plan to the Board of Supervisors of the County of Stanislaus.

BE IT FURTHER RESOLVED that the project applicant shall indemnify, defend, and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto and its advisory agency, appeal board, or a legislative body concerning the specific plan (File No. SPL-24-001). The City of Modesto shall promptly notify the applicant of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the applicant shall not thereafter be responsible to defend, indemnify, or hold City harmless.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 2025, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
DIANE NAYARES-PEREZ, CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:

  
JOSE M. SANCHEZ, City Attorney

**ATTACHMENT A**  
**Founders Point East Specific Plan**

# FOUNDERS POINT EAST SPECIFIC PLAN

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JUNE 24, 2025

Adopted by City Council Resolution No. 2025-248

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# 1 SUMMARY

Under California Law (Government Code Section 65450 et seq.), cities and counties may use Specific Plans to develop policies, programs, and regulations to implement the jurisdiction's adopted General Plan for specified areas. This document explains how the Founders Point East Specific Plan contributes to the implementation of the Modesto Urban Area General Plan.

## 1.1 Location

The Founders Point East plan area is located adjacent to the northern city limits of the City of Modesto, within Stanislaus County, in the San Joaquin Valley of California. The plan area is located within Modesto's Sphere of Influence, and within the Kiernan/McHenry Comprehensive Planning District (CPD), as designated in the Modesto Urban Area General Plan. The plan area is bounded by Pelandale Avenue on the south, Tully Road on the west, Kiernan Avenue on the north, and the City of Modesto future bike path (the abandoned U.P.R.R.) on the east.

## 1.2 Proposed Land Uses

Founders Point East is a comprehensively planned residential development on approximately 220 gross acres in the Kiernan/McHenry CPD. The Urban Area General Plan provides for an overall density of up to 6.6 units per acre within the Kiernan/McHenry CPD. The Founders Point East will provide for 70 gross acres within the Kiernan/McHenry CPD designated as Low-Density Residential (LDR), with approximately 63.6 net acres available for development before any additional right-of-way dedication. The residential component of Founders Point East, shown as Subarea A, is projected to develop at an average density of about 6.6 du/acre, resulting in about 420 single-family units on lots ranging from 3,000 to 6,000 square feet, and provides for a range of household income levels and lifestyles. The plan will include approximately 150 acres within the Kiernan/McHenry CPD for Business Park (BP) uses, allowing for office, commercial-industrial and light-industrial uses (shown as Subarea B). The 70-acre Subarea A also includes a robust open space program, including an enhanced entry, and a linear park/basin adjacent to the City's future bike path providing both passive and active recreational opportunities for its residents. (See Figure 3-1: Land Use Diagram)

### 1.2.1 Residential Density and Pattern

The 70-acre single-family or Low-density Residential (LDR) land use area will develop consistent with Chapter 4 Development Standards in this Specific Plan. Within this area, 63.6 net acres is projected to develop at an average density of about 6.6 dus/acre, resulting in approximately 420 single-family units, and includes a variety of lot sizes ranging from 3,000 sf to 6,000 sf. Lotting pattern and density will be finalized by the Tentative Subdivision Map process.

## 1.2.2 Open Space

The open space program consists of 2.5 net acres of dual use park/storm basin adjacent to the approximately 1.5 acre future City Bike Path (abandoned U.P.R.R. right-of-way). In addition, a generous landscape corridor at the primary entry on Tully Road will be provided.

## 1.3 Streets

The plan area is bounded by three public rights-of-way, Pelandale Avenue, Tully Road, and Kiernan Avenue/State Highway CA-219. The 70-acre Subarea A is bounded by Bangs Avenue, Pelandale Avenue and Tully Road. Access to Tully Road and Bangs Avenue is provided. Local residential streets will access these two roads.

## 1.4 Infrastructure

Water, sewer, and police services will be provided by the City of Modesto, and fire services will be provided by the City of Modesto and the Salida Fire Protection District under the provisions of the September 13, 2022 Agreement between the City of Modesto and the Salida Fire Protection District. All plan area storm water drainage will be accommodated on the site with no routine discharges.

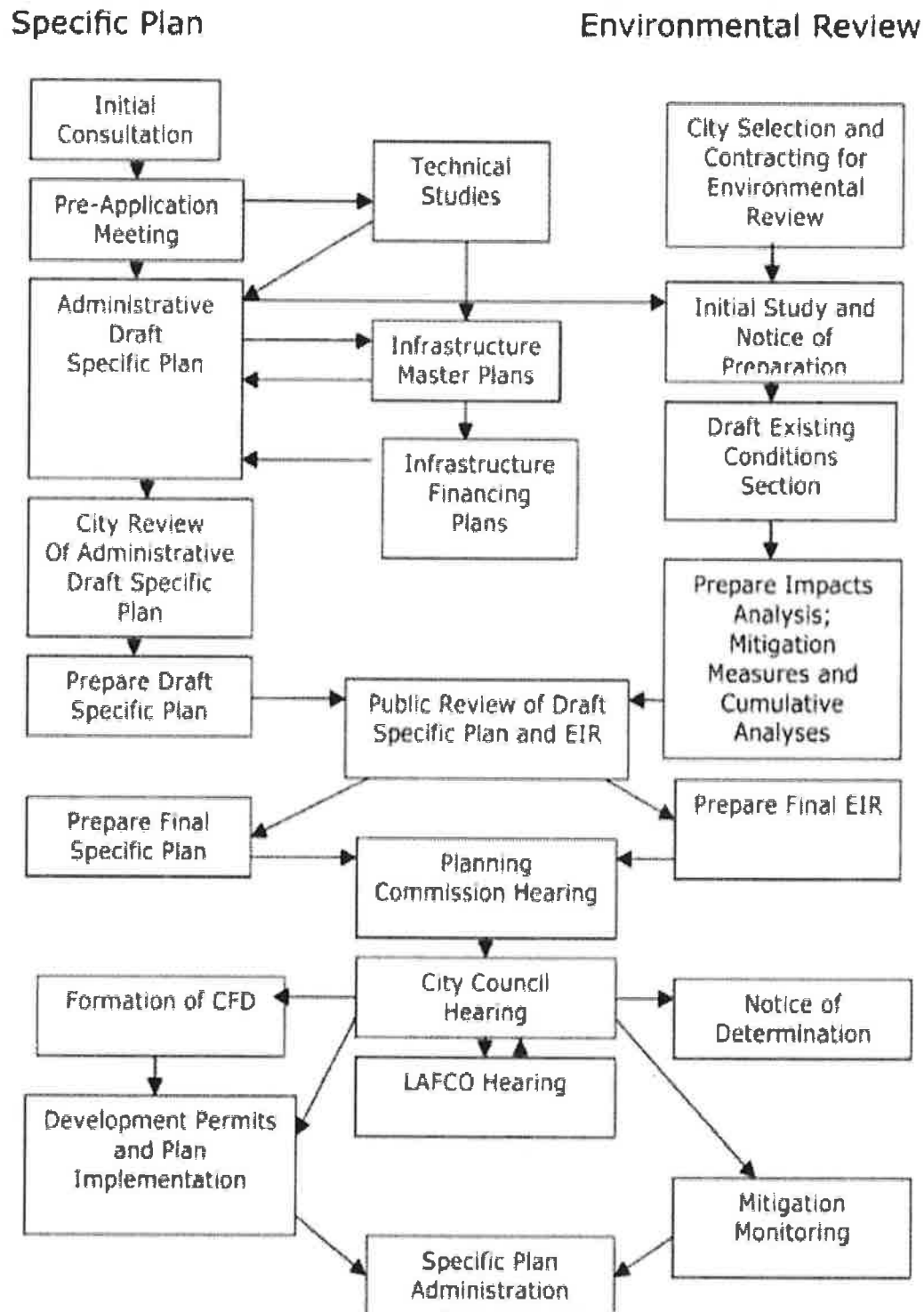
## 1.5 Implementation

Phasing of the 70-acre Subarea A is currently expected to proceed in three phases, each with two distinct villages, although modifications to this projected schedule may occur. Each phase could include sub-phases to complete build out of infrastructure and roadway improvements (see Figure 9-1: Phasing).

The 150-acre Subarea B is already partially built-out with existing industrial and warehouse uses, a church and a recreational vehicle storage facility. Further development is expected with developer demand, with new local streets accessed from Bangs Avenue and Tully Road, and infrastructure and roadway improvements extended into Subarea B as development is proposed.

## 1.6 Summary of Plan Preparation Process

Figure 1-1: Entitlement Process is a chart showing the steps undertaken to prepare this Specific Plan. The process mirrors the 22-step process outlined in Modesto's Specific Plan Procedures and Preparation Guide (October 2004). It illustrates a workflow regarding the preparation of the Specific Plan and a related workflow regarding the preparation of the environmental review document. This process culminates with recommendations from the Modesto Planning Commission to the City Council regarding its certification of project's environmental document and adoption of the Specific Plan. After approval, the City will initiate the annexation that the Local Area Formation Commission will act upon.

**Figure 1-1 Entitlement Process**

## 2 INTRODUCTION

### 2.1 Purpose of this Specific Plan

The Founders Point East plan area is within Modesto's Planned Urbanizing Area as defined by the Modesto Urban Area General Plan. It is part of the Kiernan/McHenry Comprehensive Planning District (CPD), where Business Park, Commercial and Residential land uses are planned. The development of this plan area as Residential is consistent with the General Plan. This Specific Plan document describes the features of the land use plan and associated infrastructure and provides development standards and an implementation strategy for the proposed Founders Point East development.

### 2.2 Specific Plan as a Regulatory Document

California Government Code (Section 65450 et seq.) requires that a Specific Plan include text and diagrams explaining the following information, all of which is provided in this Specific Plan, as noted.

- The distribution, location and extent of land uses, including open space, within the area covered by the plan (Chapter 3);
- The proposed distribution, location, extent and intensity of major components of public and private transportation, water, wastewater, drainage, solid waste disposal, energy and other essential facilities proposed to be located within the area covered by the plan (Chapters 3, 6, and 7);
- Standards and criteria by which development will proceed, and standards for the conservation, development and utilization of natural resources, where applicable (Chapters 4 and 5);
- A program of implementation measures including regulation, programs, public works projects, and financing measures necessary to carry out the above (Chapter 9); and
- A statement of the relationship of the Specific Plan to the adopted General Plan (Chapter 2).

### 2.3 Project Description

The Founders Point East Project is a comprehensively planned residential development on approximately 70 gross acres in the southwest corner of the Kiernan/McHenry Comprehensive Planning District (CPD) of Modesto, California. The 70-acre Subarea A is bounded generally by Bangs Avenue to the north, Pelandale Avenue to the south and Tully Avenue to the east. The land use program provides for approximately 420 single-family residential units adjacent to a park/basin that will act as the project's storm water infiltration basin and recreational area.

The project area also includes approximately 150 gross acres located within the

Kiernan-McHenry CPD, north of the 70-acre residential component and bounded generally by Kiernan Avenue/State Highway CA-219 to the north, Tully Avenue to the west and Bangs Avenue to the south. The land uses of the 150-acre portion, identified as Subarea B, will provide for Business Park uses as described in the General Plan of the City of Modesto.

The Specific Plan area will be annexed to the City of Modesto and the zoning will change from the Stanislaus County Agricultural (A-2-10) Zone to the City of Modesto's Specific Plan (SP) Zone. The underlying uses of the SP Zone will be described in Chapter 3, Specific Plan Elements, below.

## **2.4 General Plan Consistency & Relationship to Other Plans**

The Founders Point East Specific Plan is consistent with the Modesto Urban Area General Plan, as amended, and the Modesto Housing Element. Pursuant to the City of Modesto Specific Plan Procedures and Preparation Guide (October 2004), this section addresses applicable Land Use and Housing policies.

In the General Plan, the community development policies noted below shape citywide development and guide development within the Kiernan/McHenry CPD. Development of land adjacent to existing development and existing city services, such as this site, is encouraged. The project contributes housing with open space and recreation areas. Convenient commercial uses and workplaces are located within other areas of the CPD.

### **2.4.1 Land Use Policies**

The project is consistent with the applicable Overall Land Use Policies in Section III-C.2 of the General Plan, that promote and facilitate a fabric of complete, cohesive, pedestrian-friendly, and family-oriented neighborhoods across the entire City.

### **2.4.2 Kiernan/McHenry Comprehensive Planning District**

The proposed project is consistent with the applicable Kiernan/McHenry Comprehensive Planning District Policies in Section III-D of the General Plan (as amended), as follows:

#### **Exhibit III-1 Land Use Types**

- Approximately 70 acres designated "Residential"
- Approximately 300 acres designated "Business Park"
- Approximately 100 acres designated "Regional Commercial"
- Approximately 10,200 jobs
- Approximately 420 dwelling units

The Founders Point East Specific Plan comprises all of the approximately 210 gross acres of designated Residential within the Kiernan/McHenry Comprehensive Planning District (CPD).

### 2.4.3 Housing Policies

The project is consistent with the following relevant Housing Policies in Chapter 6 of the City of Modesto Housing Element, 01/10/17, as follows:

- Policy 2.1 Promote equal opportunity for all residents to live in the housing of their choice by continuing to make a strong commitment to the issue of fair housing practices, as well as ensure that fair housing opportunities prevail for all City residents regardless of age, sex, religion, ancestry, marital status, family status, income or source of income, race, creed, national origin, sexual orientation, or disabilities.

Fair housing practices shall be implemented in the sale and lease of all residential units within Founders Point East, in accordance with all federal, state, and local laws.

- Policy 2.2 Facilitate the development of accessory units as an affordable housing alternative.

Founders Point East permits and encourages the development of secondary or accessory dwelling units (ADU).

- Policy 2.3 Facilitate the development of entry level housing as well as “step-up” housing and encourage a range of housing types to be constructed in subdivisions and large developments.

The Founders Point East Specific Plan provides a wide range of housing types that are attainable to a wide range of lifestyles and income levels. Accessory dwelling units provide opportunities for inexpensive, entry-level housing. Smaller lot homes provide an opportunity for low to moderate cost housing, while larger lot homes allow for step-up housing opportunities.

- Policy 6.1 Promote coordination between infrastructure master plans, service area boundaries, and housing plans to ensure that adequate services are available to serve expected housing growth. Direct housing to areas where infrastructure and utilities can be provided commensurate with housing production.
- The Founders Point East Specific Plan is consistent with all infrastructure master plans, service area boundaries, and housing plans, ensuring adequate services are available to serve the project.
- Policy 7.1 Encourage the development of workforce housing.



The Founders Point East Specific Plan provides a wide range of housing types that are attainable to a wide range of lifestyles and income levels. Accessory dwelling units provide opportunities for inexpensive, entry-level housing. Smaller lot homes provide an opportunity for low to moderate cost housing, while larger lot homes allow for step-up housing opportunities conveniently located adjacent to an existing public transit line, providing easy access to multiple employment centers throughout the City.

#### 2.4.4 Urban Growth Policy Review Report & Measure M

On November 4, 1997, the voters enacted Measure M, the "Modesto Citizens' Advisory Growth Management Act of 1995." The purpose of Measure M is to extend the advisory votes required by Measure A to all sewer improvements and to bring the public's voice into decisions concerning whether or not to allow urban expansion. The Founders Point East Specific Plan project site received a Measure M vote in November 1997.

The City of Modesto Urban Area General Plan provides for a periodic review of the City's Urban Area Growth Policy (Review). The primary purpose of the Review is to assure that there is an adequate inventory of vacant and agricultural land served with urban infrastructure to accommodate anticipated economic development during the next five years. If there is not sufficient inventory, there is a deficit in needed land and additional land should be added to the Current Inventory.

### 2.5 Existing Site Conditions

As shown in Figure 2-1: Plan Area and Setting, the Founders Point East plan area is comprised of twelve adjoining parcels bounded by Kiernan Avenue/CA-219 Avenue (north), Tully Road (west), Pelandale Avenue (south), and the abandoned U.P.R.R. right-of-way (east). The southerly two parcels (Subarea A) are to be utilized for residential development. Of the two parcels, the western parcel (Spanel) is 22.63 gross acres and the eastern parcel (Bangs Property LLC) is 40.93 gross acres. Thus, the plan area contains approximately 63.6 net acres of developable land for Residential uses, and the 150 acres to the north (Subarea B) are developable for Business Park uses. Both of the Subarea A parcels will be granting (with Final Maps) easements to the City of Modesto for the expansion of the surrounding rights-of way. All other easements for rights-of-way and utility easements within Subarea B will be reserved as further development requires.

The plan area is actively cultivated agricultural land and agricultural fields lie to the north of the site. Across the City's future bike path to the east is the Summit Corporate Center business park. The plan area and the adjoining Stanislaus County lands are zoned Agriculture (A-2-10) or Planned Industrial (PI) for the Summit Corporate Center.

The Founders Point single-family residential subdivision lies to the west. Big Valley Grace Community Church lies to the south of the Plan area.

### **2.5.1 Existing Circulation**

The plan area is approximately four and a half (4.5) miles from downtown Modesto and approximately three (3) miles east of Highway 99. Kiernan Avenue (State Route 219) is approximately one-half mile to the north. The plan area is bounded by four public rights-of-way. Kiernan Avenue/CA-219, on the north, is designated as a State Highway and is a six-lane expressway with center median. Tully Road, on the west, is partially improved as a principal arterial, currently consisting of 2 lanes. Pelandale Avenue, on the south, is a 135-foot wide, six-lane Class B Expressway. Planned landscaping and other amenities along Pelandale Avenue are not completed at this time. This high-capacity travel corridor is currently constructed as a six-lane road as far east as the intersection of Pelandale Avenue and McHenry Avenue. To the east, the site abuts the abandoned

U.P.R.R. right-of-way which is now owned by the City of Modesto and planned for a future bike path.

One bus route (#31) along Pelandale Avenue and Tully Road connects this area with downtown Modesto. Except for the completed bus turnout at the northeast corner of the Tully Road and Pelandale Avenue intersection, there are no sidewalks along the perimeter of the plan area.



**FIGURE 2-1-a  
SUBAREA A  
PLAN AREA AND SETTING**



**FIGURE 2-1-1-b  
SUBAREA B  
PLAN AREA AND SETTING**

## 2.5.2 Existing Utilities

### 2.5.2.1 Water

Alongside the plan area are three City of Modesto water mains: a 16-inch and 24-inch water main within the Bangs Avenue right-of-way; a 12-inch main in the Tully Road right-of-way; and a 16-inch water main in the future City Bike Path (abandoned U.P.R.R. right-of-way). The nearest City wells are City Well No. 43 about 0.6 miles south of the site and City Well No. 48 about 0.8 miles east of the site. See Figure 2-2: Existing Wet Utilities

### 2.5.2.2 Sewer

The 27-inch Modesto North Sewer Trunk Line currently ends at the intersection of Tully Road and Bangs Avenue. A 10-inch sublaterals sewer line extends south down Tully Road from this point to Pelandale Avenue, then continues east on Pelandale Avenue along the entire frontage of the plan area. See Figure 2-2: Existing Wet Utilities

### 2.5.2.3 Irrigation

Several existing irrigation lines cross the plan area. These irrigation lines are 21-inch and 30-inch in size and are private irrigation lines used to irrigate the properties within the plan area. See Figure 2-3: Existing Irrigation System

### 2.5.2.4 Electrical, Gas and Cable

There are existing 12kV electrical lines on three sides of the plan area, within the Bangs Avenue and Tully Road rights-of-way, and within the future City bike path (abandoned U.P.R.R. right-of-way). Gas facilities are located on two sides of the plan area. In Bangs Avenue, there is a 12-inch transmission main and an 8-inch service main, and in Tully Road there is a 4-inch service line. Cable and telephone facilities have conjunctive use with the existing 12kV power poles. See Figure 2-4: Existing Dry Utilities



BANGS AVENUE

PELANDALE AVENUE

FIGURE 2-3  
SUBAREA A  
EXISTING IRRIGATION SYSTEM

TULLY ROAD

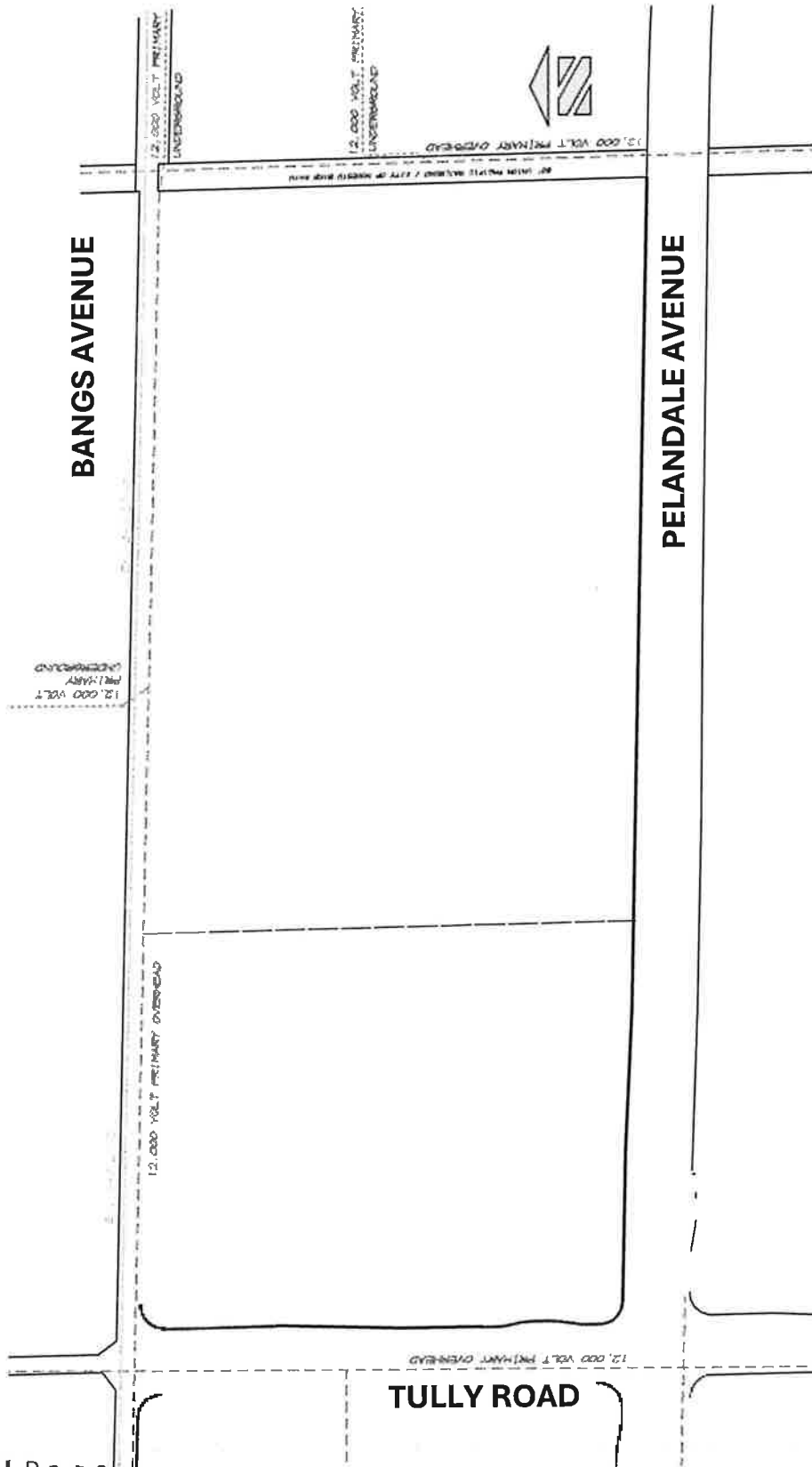


FIGURE 2-4  
SUBAREA A  
EXISTING DRY UTILITY SYSTEM



### **2.5.3 Existing Environmental Conditions**

Almond orchards exist on both parcels.

#### **2.5.3.1 Topography**

The properties are relatively flat. Both properties of Subarea A have been contoured for agricultural use. See Figure 2-5: Existing Topography

#### **2.5.3.2 Geology and Soils**

The plan area subsurface soils consist predominantly of very loose to loose silty and relatively clean sands. Generally, these very loose to loose sandy soils are underlain by alternating layers of more dense sandy silt, silty sand and sandy clay that extended to the maximum depths explored.

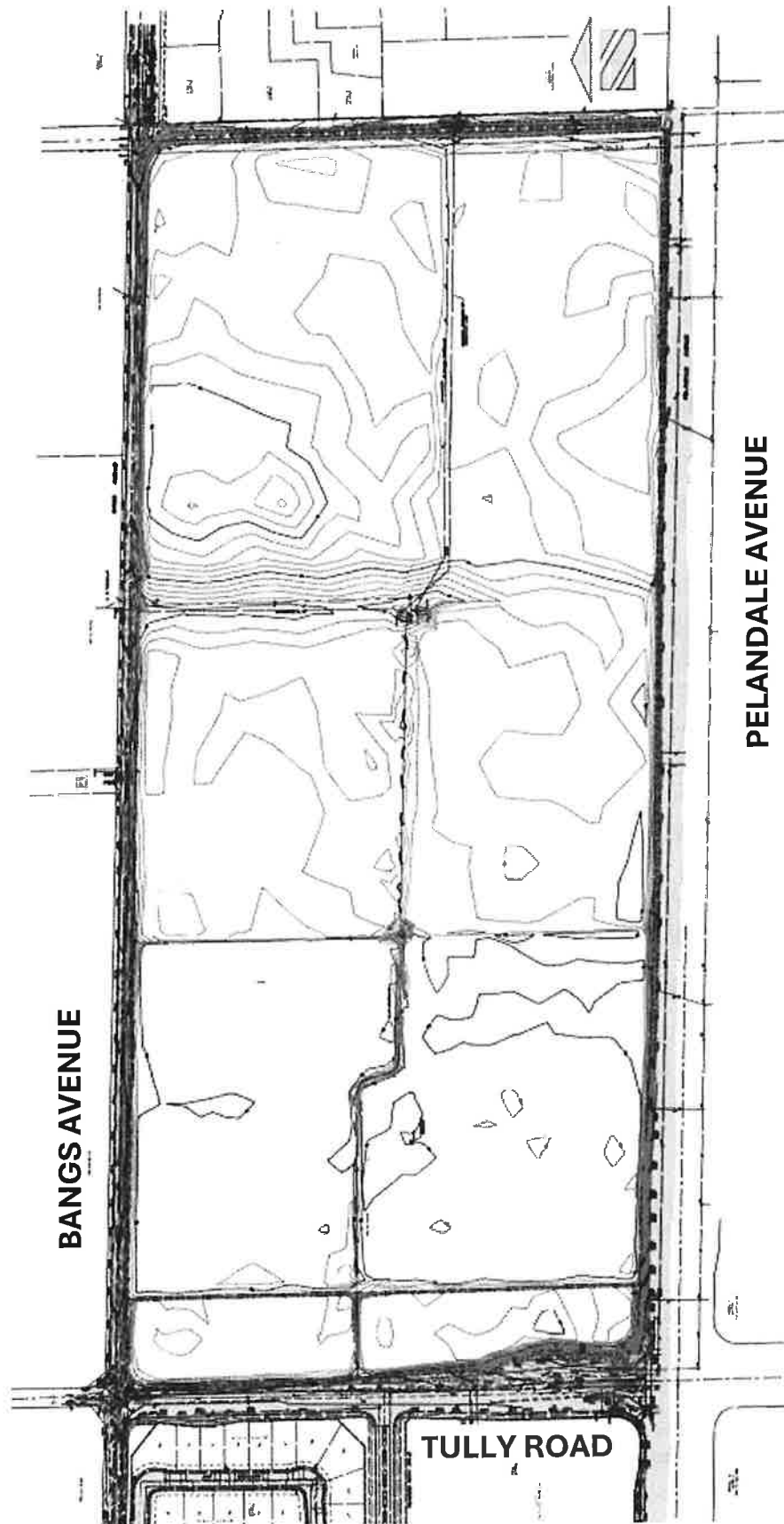
#### **2.5.3.3 Seismicity**

The plan area is in Seismic Zone 3. The nearest seismic source (a Type B Fault) is located farther than 10 kilometers from the site. No seismic risks are projected for the plan area.

#### **2.5.3.4 Drainage and Flooding**

Groundwater depths are estimated at approximately 20 feet or more below the existing ground surface and is not projected to rise near the surface. No known flooding has occurred across the plan area.

The plan area properties have underground irrigation systems that manage drainage for agricultural use. Existing irrigation lines and easements shall be abandoned or relocated in conformance with Modesto Irrigation District requirements.



**FIGURE 2-5  
SUBAREA A  
EXISTING TOPOGRAPHY**

#### **2.5.3.5 Vegetation and Wildlife**

The plan area has been actively used for agricultural purposes for over 50 years. Of the 70-acre Subarea A, mature nut-bearing trees occupy the western parcel's almond orchard, and younger almond trees exist on the eastern parcel. Agricultural operations in the orchard, including pruning, spraying, harvesting, watering and other ground disturbances, limit the potential for most wildlife species to persist in the orchard. Some bird species and common ground animals may be attracted to the nut crops. Burrowing animals are discouraged by the farmers because of potential damage to irrigation systems.

The 150-acre Subarea B is partially developed with a warehouse/distribution center, an industrial business complex including a recreational vehicle storage facility, and the new Holy Family Church. Undeveloped portions of Subarea B are in nut tree production with one parcel currently vacant and not in agricultural production.

#### **2.5.3.6 Community Services**

The plan area will be served by the Modesto Police Department, the Modesto Fire Department and the Salida Fire Protection District under the provisions of the September 13, 2022 Agreement between the City of Modesto and the Salida Fire Protection District, Modesto City Schools and Sylvan Union School District. Solid waste management for the plan area is provided by Gilton Waste Management under contract to the City of Modesto.

#### **2.5.3.7 Agricultural Resources**

Both parcels of the 70-acre Subarea A are used for almond orchards. Currently, both parcels are under Williamson Act contracts. Contract No. 75-1981 for APN: 046-002-001 was protested by the City of Modesto and the protest was upheld by the Local Agency Formation Commission (LAFCO) Resolution dated March 29, 1978. Contract No. 76-2108 for APN: 046-002-002 was protested by the City of Modesto and the protest was upheld by LAFCO Resolution dated April 19, 1978. The City of Modesto will not succeed to these contracts, so they will terminate upon annexation to the City.

Of the parcels of Subarea B, three are under Williamson Act Contracts: Contract No. 75-1982 for APN: 046-001-012, Contract No. 76-2108 for APN: 046-012-003 and Contract No. 76-2109 for APN: 046-012-004. Contract No. 75-1982 for APN: 046-001-012 was protested by the City of Modesto and the protest was upheld by LAFCO Resolution dated March 29, 1976. Contracts No. 76-2108 for APN: 046-012-003 and No. 76-2109 for APN: 046-012-004 were protested by the City of Modesto and the protests were upheld by LAFCO Resolution dated March 19, 1978. As for the contracts within Subarea B, the City of Modesto will not succeed to those contracts, so they will also terminate upon annexation to the City.

### 2.5.3.8 Archaeological/Historical Sites

The Urban Area General Plan MEIR does not identify the site as an area expected to have Archaeological/Historical Sites (GPMEIR Chapter V, Section 8)

## 3 SPECIFIC PLAN ELEMENTS

### 3.1 Land Use Plan

The Founders Point East plan area is comprised of two subareas: Subarea A of approximately 70 gross acres designated Residential and Subarea B of approximately 150 acres designated Business Park in the Modesto Urban Area General Plan as part of the Kiernan/McHenry Comprehensive Planning District (CPD). In Subarea A, after removing existing road rights-of-way, the remaining 63.6 acres is projected to develop at an average density of about 6.6 dus/acre, resulting in about 420 single-family units.

The predominant land uses in the Founders Point East Specific Plan are Business Park and Residential. For the Residential component, two types of Low-Density Residential homes (LDR) are provided which are a continuation of the smaller lot homes that have been or are being constructed within the adjacent Woodglen Specific Plan located to the west (marketing name is "Founders Point"). A maximum of 420 units is permitted in the overall LDR land use designation, resulting in an average density of about 6.6 units per gross acre. Diverse housing types, sizes and styles are permitted within the LDR- designated area.

A major feature of the plan for Subarea A is the 2.5-acre park/basin that helps orient the neighborhood to the adjacent 1.5 acre future City Bike Path. The open space features an infiltration basin with a landscaped perimeter trail at the top of the basin.

Figure 3-1: Land Use Diagram regulates the location and extent of the land uses.

#### **Low-Density Residential (LDR):**

The Low-Density Residential designation provided in this Specific Plan regulates the development of Subarea A of the project and is discussed in greater detail in Chapter 4 Development Standards. Chapter 4 establishes the development standards for detached single-family homes. Uses permitted within the LDR area shall be limited to those permitted within the City's Low Density Residential (R-1) Zone (Title 10 of the Modesto Municipal Code).

#### **Open Space (OS):**

Open space areas may include the following permitted uses: parks, playgrounds, and recreation facilities, passive or active open space, private recreation facilities, or

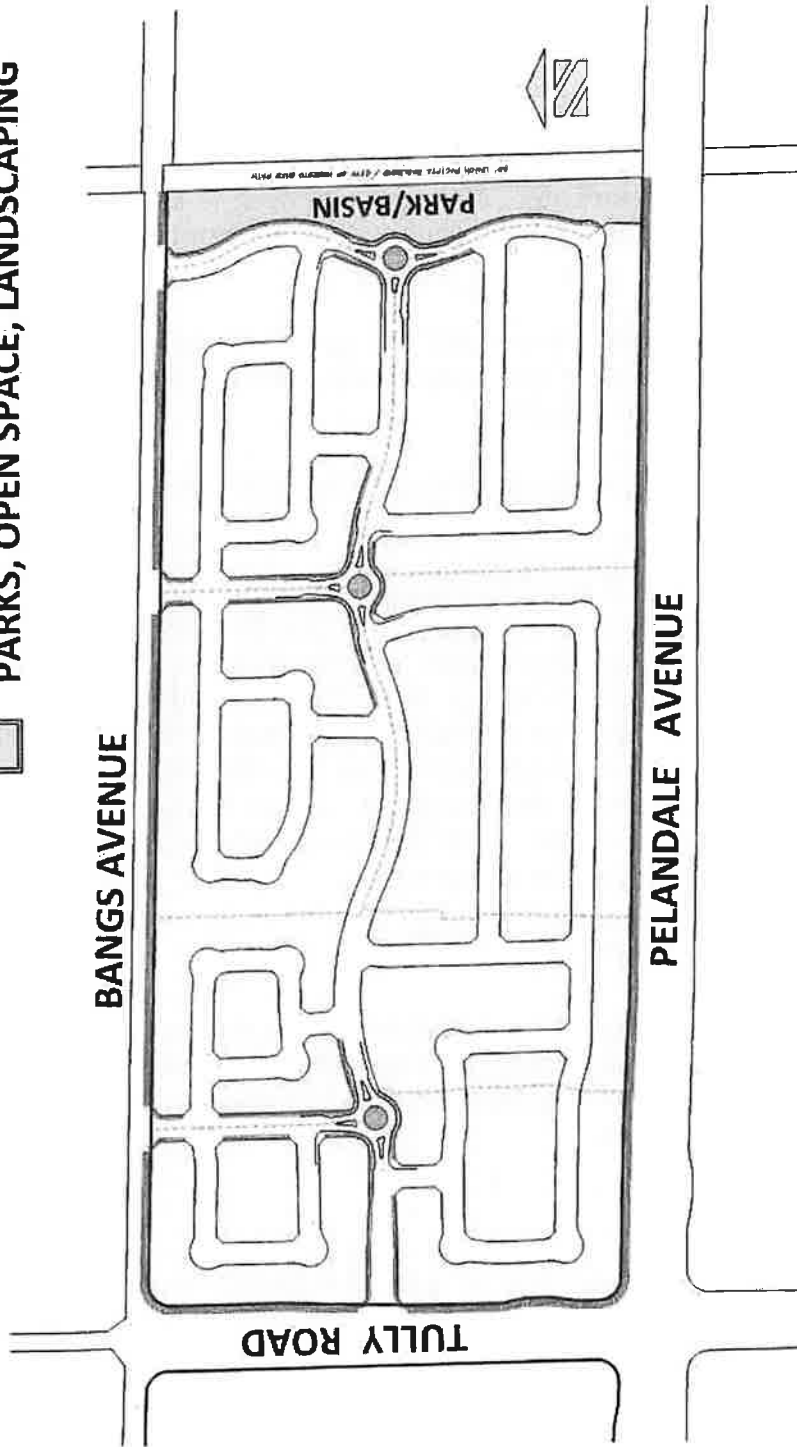
public facilities. Facilities inherent to the character of open space uses, such as trails and picnic areas, or ancillary facilities are also permitted.

**Business Park (BP):**

The Business Park designation provided in this Specific Plan regulates the development of Subarea B of the project, and is discussed in greater detail in Chapter 4, Development Standards. Chapter 4 establishes the development standards, principles and guidelines for continued development of current uses within the Subarea B. Uses permitted in the BP area shall be those permitted within the Commercial-Industrial (C-M) Zone and the Light Industrial (M-1) Zone, including Conditional Uses of the C-M and M-1 Zones upon attainment of a Conditional Use Permit by the Board of Zoning Adjustment as provided for in Chapter 9 of the Specific Plan. Uses within the Business Park area may include professional and medical office, medical clinics, hospitals or convalescent care/rehabilitation centers, research and development, and light manufacturing uses, with emphasis on the development of campus-like environments including ancillary retail and business service uses such as child daycare, adult daycare and personal services.

Conditional uses within Subarea B: multi-family residential developments specifically for workforce housing, hotels.

- SP - SPECIAL USE
- PARKS, OPEN SPACE, LANDSCAPING



**FIGURE 3-1  
SUBAREA A  
LAND USE DIAGRAM**

NOTE:  
INTERNAL ROADWAY LOCATIONS ARE  
CONCEPTUAL AND MAY ADJUST WITH  
THE SUBMISSION OF A TENTATIVE  
SUBDIVISION MAP.

## 3.2 Housing Plan

The Founders Point East, Subarea A housing plan includes single-family detached homes (LDR) generally designed in accordance with the City's R-1 Zone. Following is a summary of the housing provided.

Within the LDR area, a variety of lot and home sizes and types are envisioned. The homes located along the edges of the park are designed to provide a front door or side presence, contributing to an attractive streetscape, increasing neighborhood awareness, and making these areas safer. All homes within the LDR area incorporate a high quality of architectural design with unifying and complimentary siting and scale.

Up to 420 single-family homes are allowed on the approximately 63.6 acres for an average density of about 6.6 dwelling units per gross acre, consistent with General Plan development assumptions for the site.

Specific Development Standards and Guidelines for the LDR areas are addressed in Chapters 4 and 5.

The Founders Point East, Subarea B housing plan may include multi-family residential uses as a Conditional Use, subject to a Conditional Use Permit from the Board of Zoning Adjustment. Multi-family projects with emphasis on workforce housing is highly encouraged. Density requirements for multi-family residential projects shall be in accordance with the City's Medium Density Residential (R-2) Zone or Medium-High Density Residential (R-3) Zone. Higher densities than provided by the R-3 Zone may be considered for multi-family development under the Affordable Housing provisions of Title 10, Chapter 8 of the Modesto Municipal Code and provisions of current State of California housing development laws.

## 3.3 Public Facilities Plan

This section provides plans for the removal of existing irrigation facilities and the provision of water, sewer, storm drainage, streets/walkways/bike routes and open space. Chapter 9 Implementation of the Specific Plan describes methods to fund the construction of these improvements.

### 3.3.1 Irrigation Systems

To implement the Specific Plan, existing irrigation facilities must be abandoned, relocated or removed. The plan area is currently within the Modesto Irrigation District (MID) service area for the supply and drainage of agricultural irrigation water.

#### 3.3.1.1 Service Standards and Guidelines

MID has standard details, specifications, and construction guidelines for the abandonment and relocation of its facilities. MID has a general policy for the removal

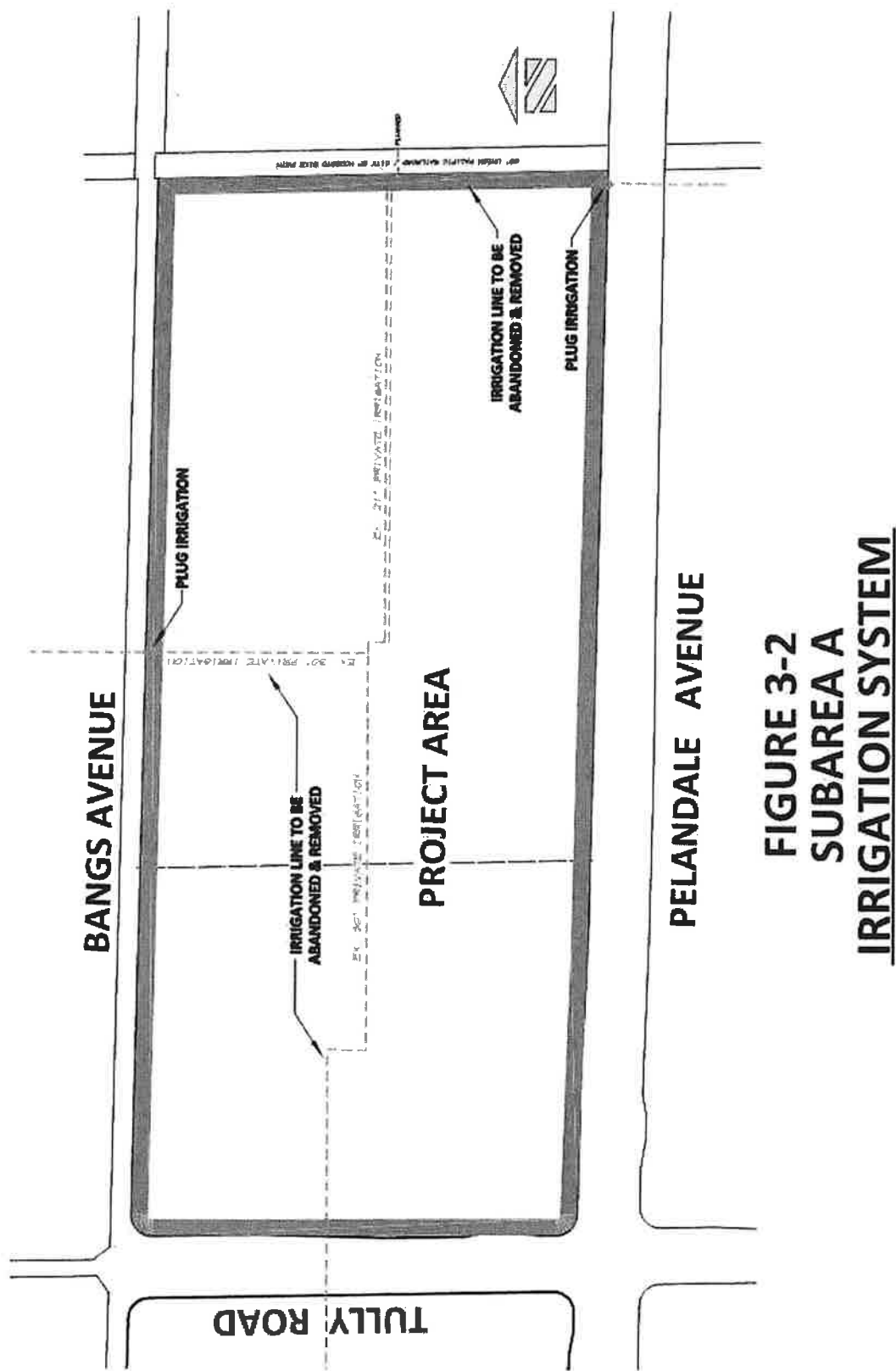
of agricultural service from the District, implemented upon termination of the irrigation rights in the plan area.

### **3.3.1.2 Proposed Facilities**

All private facilities shall be abandoned and removed unless required to be relocated by MID for downstream users of the District's facilities. Any proposed relocation of MID's drainage facilities shall be constructed using reinforced concrete pipe, according to MID standards. The location shall be determined by MID requirements.

Figure 3-2: Irrigation System shows a typical layout of the irrigation facilities and the proposed method of facility removal. It is possible that some irrigation line relocation may be required, depending on the areas of the project developed first, and whether some areas might stay in agriculture for some period of time. This will be finally determined at the time of submittal of tentative subdivision maps.





**FIGURE 3-2  
SUBAREA A  
IRRIGATION SYSTEM**

### 3.3.2 Water

The following section summarizes the water system for the plan area. The proposed system is designed to be consistent with General Plan policies and existing improvement standards. Service and maintenance of the systems shall be provided by the City of Modesto.

#### 3.3.2.1 Existing Conditions

The plan area is currently within the City of Modesto's planned service area with existing water mains on three sides of the project. Currently, the plan area does not receive service from the City of Modesto.

#### 3.3.2.2 Service Standards

All of the facilities within the plan area shall be sized and constructed in accordance with the current City standards to provide the necessary water demand for domestic use, fire suppression and irrigation. Fire hydrants shall be provided along the project's frontages in accordance with City Standards. The design of this system shall operate to meet all of the criteria established by the City of Modesto. These criteria include:

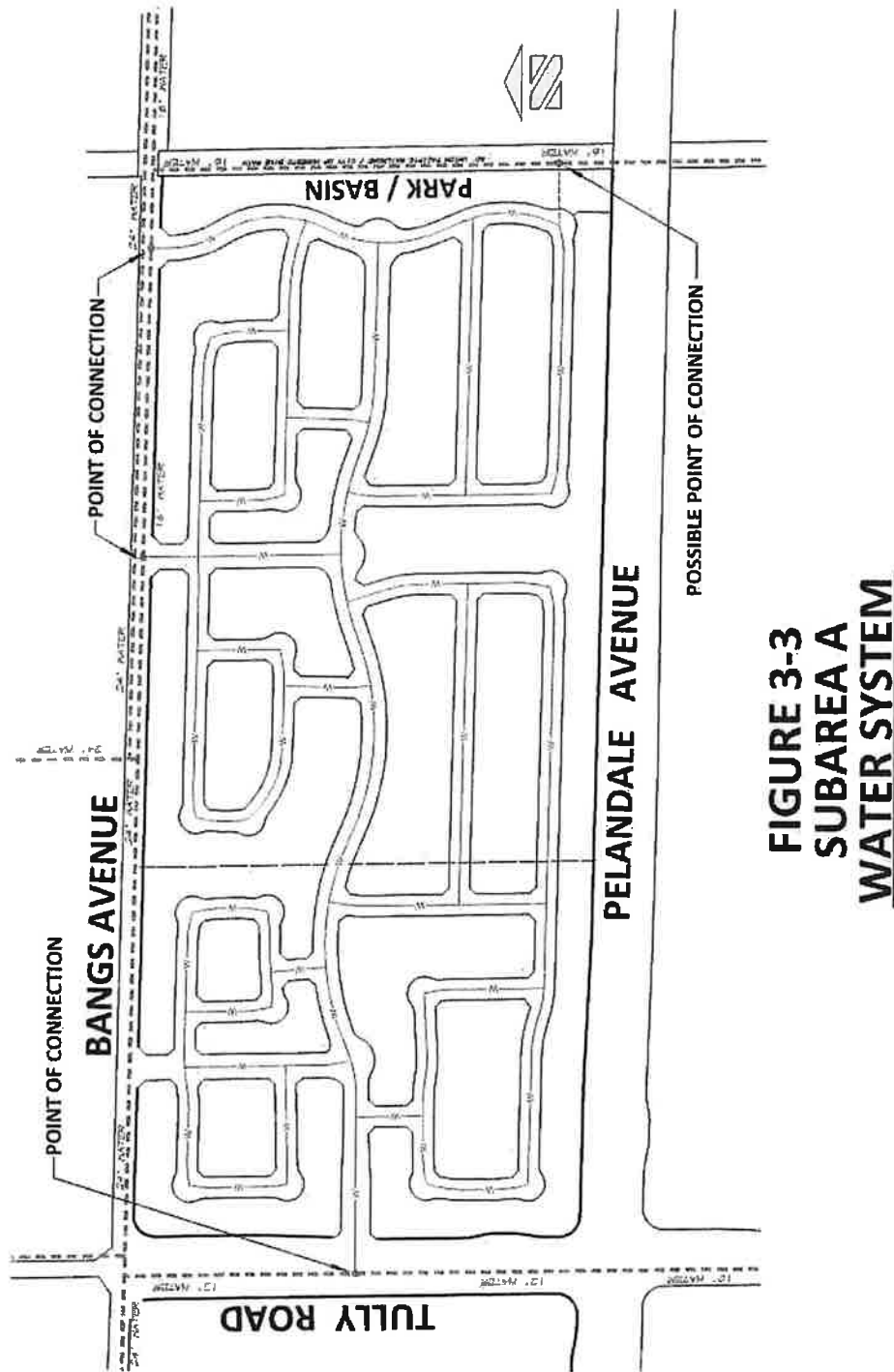
- Minimal residual system pressure is greater than 30 psi.
- Fire flows must be provided with a minimum residual pressure of 20 psi or greater under maximum day scenario.
- The maximum system pressure shall be 90 psi.
- Total head loss per 1,000 lf of pipeline should not exceed 5.0 feet.
- Prior to obtaining Tentative Subdivision, Parcel Map or Development Plan approvals, the proponent shall be required to demonstrate the adequate quantity and quality of water consistent with the City of Modesto General Plan.
- No future well sites are identified by City of Modesto for placement within the plan area.

#### 3.3.2.3 Proposed Facilities

The water system is served by a looped grid system of water mains constructed in the streets and lanes. Figure 3-3: Water System shows a typical layout with connection points to existing water mains surrounding the plan area.

The water distribution system (as illustrated by Figure 3-3: Water System Subarea A) includes the main spine of the network of water mains following the east-west road. From this water main, a sub-network of looped water mains serves the various neighborhoods. A tie in point is provided to the north to the existing 16-inch line in Bangs Avenue and to the west to the existing 12-inch line in Tully Road. The size and final location of all the water lines shall be determined at the time the Tentative Subdivision Map is approved and final maps and improvement plans are prepared.

For Subarea B, water line placement and sizing shall be determined as new development is proposed and improvement plans are prepared.



### 3.3.3 Wastewater System

Founders Point East shall collect the wastewater from the residences with conventional sanitary sewer facilities consisting of manholes, main sewer pipes, service laterals and cleanouts. See Figure 3-4: Wastewater System.

#### 3.3.3.1 Existing Conditions

The plan area is currently within the City of Modesto's planned service area for sanitary sewer service. The 27-inch Modesto North Sewer Trunk Line currently ends at the intersection of Tully Road and Bangs Avenue. A 10-inch sublateral sewer line extends south down Tully Road from this point to Pelandale Avenue, then continues east on Pelandale Avenue along the entire frontage of the plan area. In 2009, the City completed the Phase I - Treatment Plant Expansion for disposal and tertiary treatment to meet its current and future demands.

#### 3.3.3.2 Sewer Service Standards & Guidelines

The Modesto General Plan Citywide policy mandates public sewer service for new residential developments. Consistent with this policy, the plan area is served by a public sewer system. Construction of sewer laterals shall be required to the satisfaction of the City of Modesto.

#### 3.3.3.3 Proposed Facilities

Figure 3-4: Wastewater System illustrates the general configuration of the proposed system layout and the approximate location of the tie-in point to the City of Modesto wastewater system.

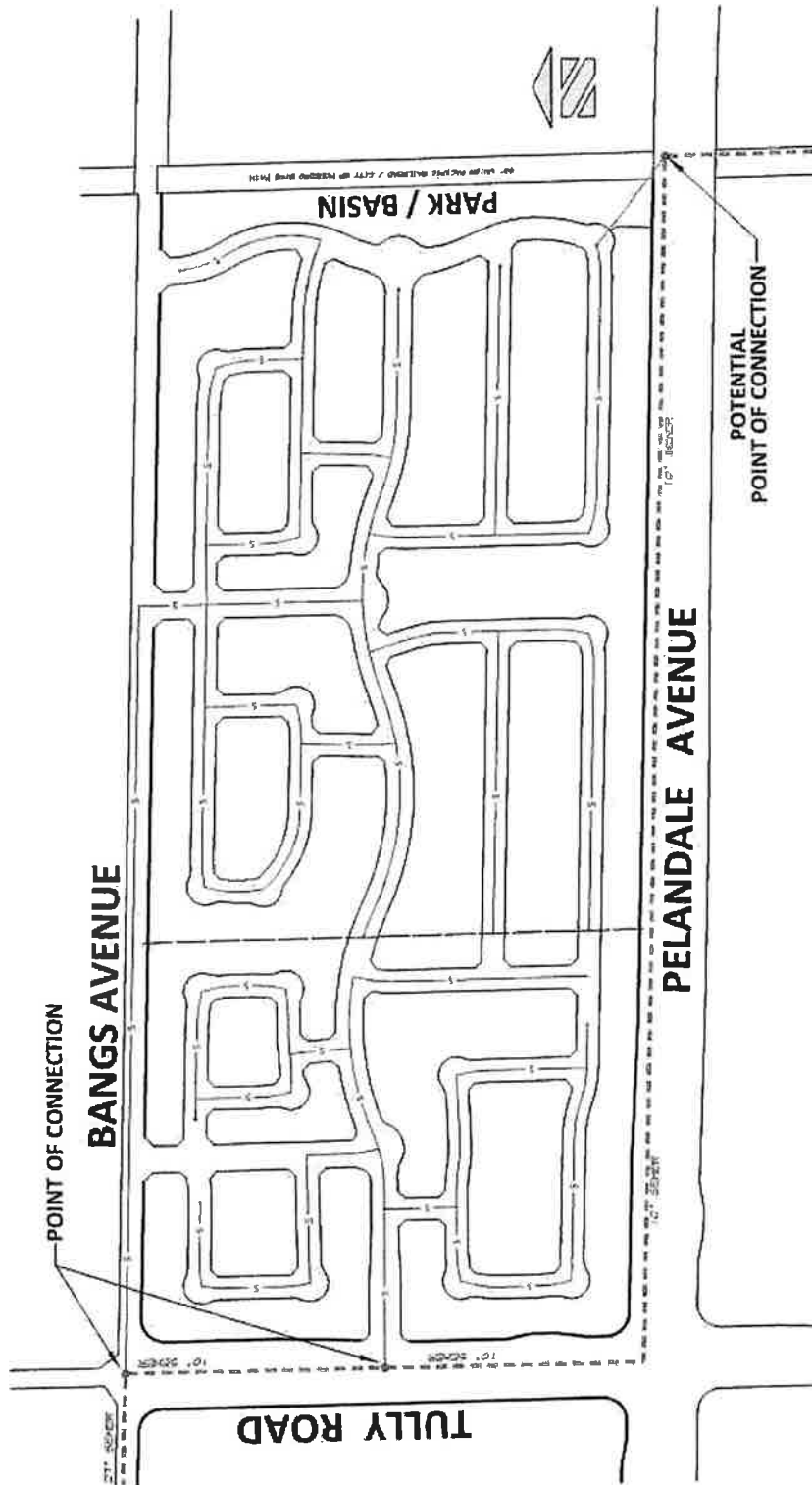
The service area limits are bounded by the plan area and no oversizing of facilities are required for the servicing area beyond the proposed service area limits. The shed area encompasses approximately 70 acres bounded on the north by Bangs Avenue, the south by Pelandale Avenue, the west by Tully Road, and on the east by the future City Bike Path (abandoned U.P.R.R. right-of-way). The shed area includes the Subarea A project area as well as portions of the surrounding rights-of-way measured to centerline. At ultimate build-out condition, the sewer system will gravity flow from the plan area in an east to west direction connecting to the 10-inch sewer sublateral in Tully Road, that will convey the sewer effluent to the 27-inch North Sewer Trunk at the intersection of Tully Road and Bangs Avenue.

The estimated wastewater flow for the plan area is 93,800 gallons per day (gpd) based on the Build-Out Flow Projections for the Residential Land Use Category (Wastewater Flow Coefficient: 1,340 gpd/gr. acre) as identified in Table 5.7 of the City's 2016 Wastewater Collection System Master Plan.

The sewer system for the plan area is located within existing and proposed road rights-of-way. In the build-out condition, the entire plan area is served by a gravity

sewer system connecting to the 10-inch sewer sublateral in Tully Road. The size and final location of all the sewer lines shall be determined at the time the Tentative Subdivision Map is approved and final maps and improvement plans are prepared.

For Subarea B, sewer line placement and sizing shall be determined as new development is proposed and improvement plans are prepared.



**FIGURE 3-4  
SUBAREA A  
WASTEWATER SYSTEM**

### 3.3.4 Stormwater Drainage Plan

Storm drainage shall be collected with conventional storm drain facilities consisting of manholes, inlets and main storm drain lines. The system will be conveyed to the dual use basin/park at the east end of the plan area, adjacent to the future City Bike Path (abandoned U.P.R.R. right-of-way). On-site infiltration systems will be sized to store and infiltrate 100% of the site's drainage per City Standards. See Figure 3-5: Stormwater Drainage System.

Low Impact Development (LID) strategies, in compliance with LID stormwater management principles for new development, will provide volume retention at the park/basin through the use of underground pipes (french drains) and above ground storage. Stormwater treatment prior to retention will utilize treatment control methods approved by the City of Modesto.

#### 3.3.4.1 Existing Facilities

The existing Subarea A plan area is undeveloped land and is being used for agricultural purposes. There are currently no City drainage facilities serving the site or adjoining roadways except for Pelandale Avenue where a storm drainage pipe system and a roadside swale serve the roadway's drainage requirements.

The existing Subarea B plan area is partially developed with a warehouse/distribution center, existing industrial complex including a recreational vehicle storage facility, and the new Holy Family Church. There are currently no City drainage facilities serving the site or adjoining roadways except for Pelandale Avenue as noted above.

#### 3.3.4.2 Service Standards and Guidelines

The Modesto General Plan calls for public storm drainage systems for all new residential development. Consistent with this policy, Founders Point East Subarea A shall be served by a public storm drainage system that is designed as a positive drainage system network. Construction of public trunk and collector storm drain lines shall be designed to the satisfaction of the City of Modesto. The determination of the fair share costs, timing and funding mechanisms for drainage will be determined at the time the Tentative Subdivision map is approved and final map and improvement plans are prepared.

The City of Modesto also requires commercial and industrial development to provide for onsite storm drainage and treatment facilities. Storm drain systems shall be designed as new development is proposed, subject to Development Plan Review or Conditional Use Permit prior to installation.

#### 3.3.4.3 Proposed Facilities

LID strategies will be provided in the dual-use park/basin.

The stormwater drainage system consists of a series of pipe networks, curb inlets, and manholes in the streets. Figure 3-5: Stormwater Drainage System shows a typical layout with connections to the adjacent streets surrounding the Specific Plan Area.

The project will collect and infiltrate 100% of the drainage from the plan area and adjoining half street rights-of way (not including Pelandale Avenue). The self-sufficient system removes approximately 70 acres of drainage area from future CPD drainage considerations. The drainage from the surrounding streets and the plan area is picked-up and conveyed via conventional stormwater inlets, manholes and piping. To meet stormwater quality standards, the stormwater will pass through a device(s) that removes pollutants, including gross solids, suspended solids, oil and grease, before it is discharged to infiltration basins.

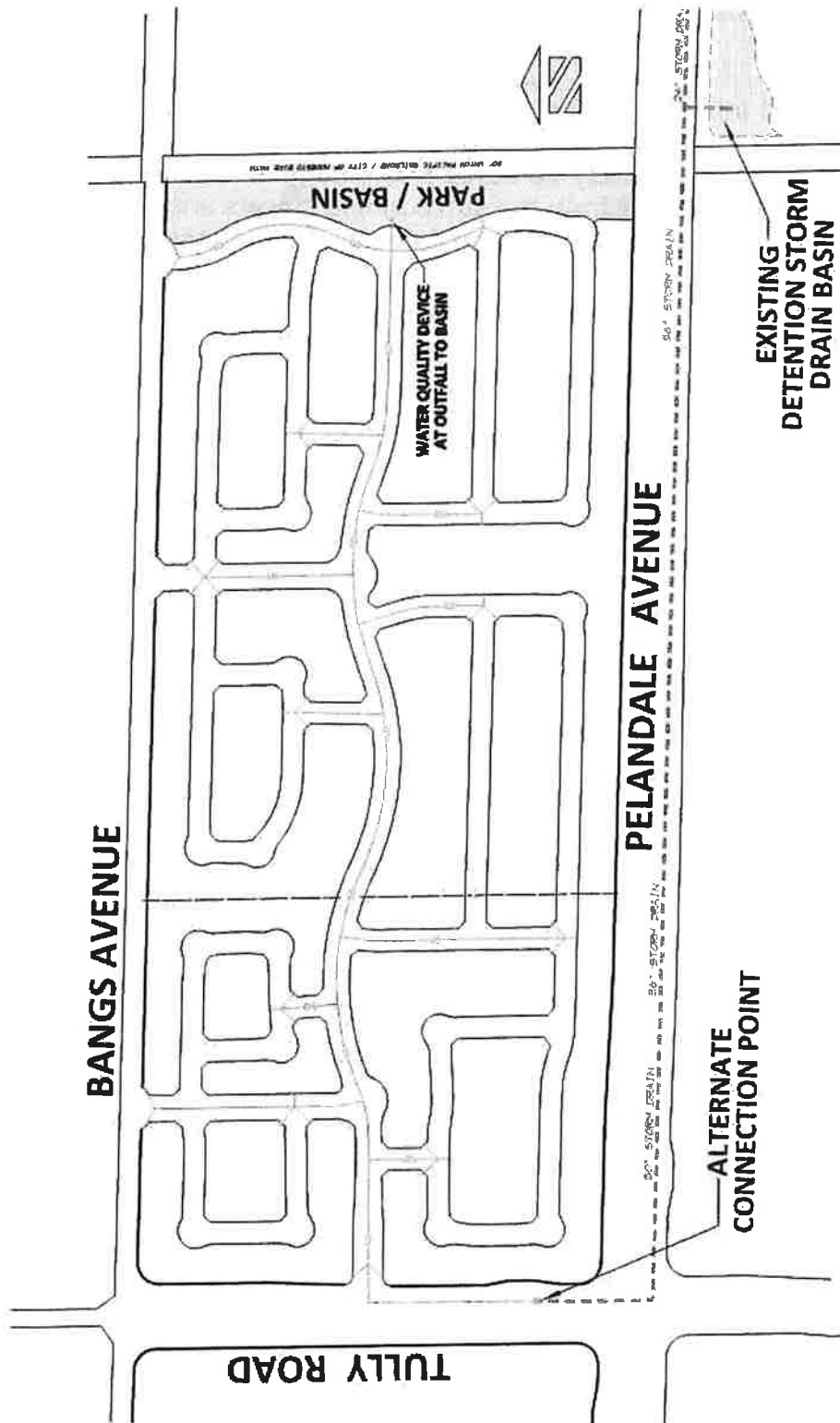
The Subarea A portion of the project will consist of one drainage basin and may include underground infiltration systems such as perforated pipes. The basins and/or underground systems will collect and infiltrate storm water per City Standards. The basin will be constructed to a maximum depth of 5' with perforated pipe beneath the surface for additional storage capacity. The size and length of perforated pipe will be determined at the time of preparation of the improvement plans. The basin together with the perforated pipe are sized to store and infiltrate the 100 year, 24 hour storm ( $R=2.88$  inches). The outside of the basin will include a 20 feet wide landscape buffer with a continuous sidewalk/trail. This public facility is designed for positive drainage in a manner consistent with the General Plan.

The design of the storm drainage system meets all the criteria established by the City of Modesto. These criteria include:

- Basins and/or underground infiltration systems will provide storage volume to store stormwater from a 100-year, 24-hour event ( $R=2.88$  inches).
- Basins and/or underground infiltration systems will dispose (percolates) the 100-year, 24-hour ( $R=2.88$  inches) storm event volume in 48 hours.
- Stormwater is treated in accordance with the City of Modesto's policies for stormwater quality. Stormwater entering the basin passes through an approved treatment unit or device prior to discharge.

Figure 3-5: Stormwater Drainage System illustrates the principles of the stormwater drainage system. The size and final location of all the storm drain lines and infiltration systems shall be determined at the time the Tentative Subdivision Map is approved and final maps and improvement plans are prepared.





**FIGURE 3-5  
SUBAREA A  
STORMWATER DRAINAGE SYSTEM**

### **3.3.5 Utility Plan**

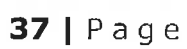
The service providers identified below provide utilities, including gas, electricity, telephone, cable television and telecommunications. All such equipment shall be placed underground and located within public utility easements, and consistent with City practices. See Figure 3-6: Dry Utility System.

#### **3.3.5.1 Gas and Electric**

MID owns and maintains backbone electrical infrastructure adjacent to the plan area and will provide service to Founders Point East. Distribution lines extending into the plan area serve the specific land uses. PG&E will provide natural gas service, if applicable due to current building code standards. Trenched utilities shall be placed underground pursuant to City standards and specifications.

#### **3.3.5.2 Cable TV - Telecommunications**

Telephone and telecommunications service to the plan area will be provided by conjunctive use of existing electrical poles by AT&T. Cable television service will be provided by Comcast.



### 3.4 Circulation Plan

The plan area is bounded by public roadways, but currently has no existing internal roads, as described under Existing Conditions in Chapter 2: Introduction. There are multiple connections to the perimeter public roadways, one primary entry - on Tully Road - and three secondary entries on Bangs Avenue. See Figure 3-7: Circulation Diagram. Access onto Pelandale Avenue, a Class B Expressway, is neither permitted nor provided. Access to Kiernan Avenue/CA-219 shall be limited to existing driveway entrances located along the alignment at the plan boundary; however no new accesses to the highway shall be permitted nor provided.

The Founders Point East circulation plan for Subarea A is a network of internal public streets that serve its residential areas. The streets vary in width based on function. Descriptions of the internal local street system are provided below. They are preceded by descriptions of the two public rights-of-way adjacent to the plan area (Pelandale Avenue is not described as it is already built-out adjacent to Founders Point East). New internal streets for Subarea B shall be designed as new development is proposed, with primary accesses allowed from Tully Road and secondary access allowed from Bangs Avenue.

The Founders Point East Specific Plan area is served by Modesto Area Transit Route 31, which currently runs along Pelandale Avenue between Tully Road and Dale Road. The nearest existing stop is located less than one mile away, at the corner of Tully Road and Standiford Avenue. A new bus stop at the corner of Tully Road and Pelandale Avenue will serve the Founders Point East Community and the surrounding area. An additional transit stop will be provided on Tully Road in the public right-of-way to make the project "transit ready" for any future bus routes. The new transit stop is shown on Figure 3-7: Circulation Diagram.

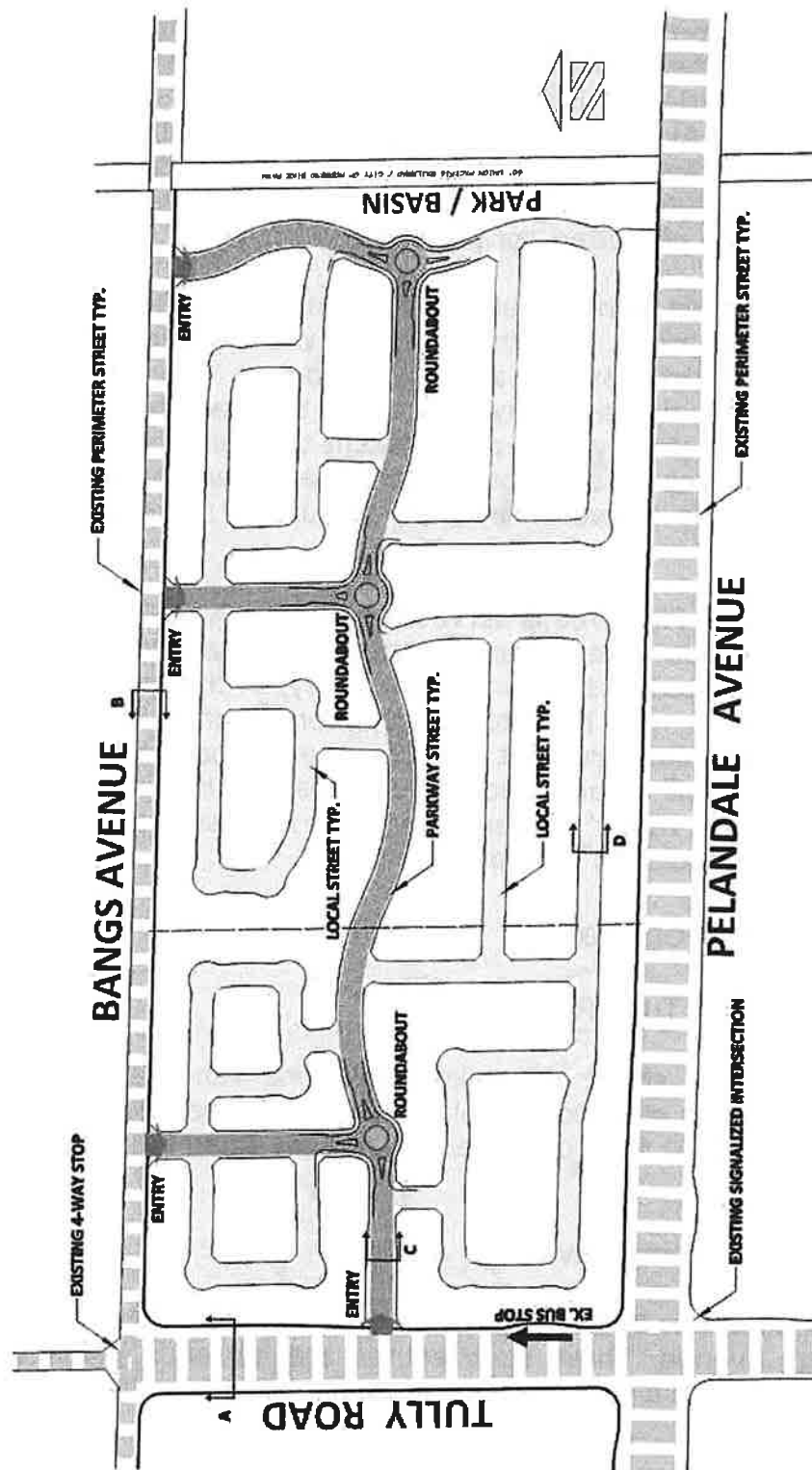
#### 3.4.1 External Rights-of-Way

##### 3.4.1.1 Principal Arterial – Tully Road

Tully Road is a principal arterial street with bike lanes. One vehicular entry into Founders Point East Subarea A is planned roughly mid-way between Pelandale and Bangs Avenues. See Figure 3-7(A) for a cross-section of Tully Road adjacent to the plan area.

##### 3.4.1.2 Minor Collector – Bangs Avenue

Bangs Avenue is a minor collector. Secondary entries into Founders Point East may be provided along Bangs Avenue. Three such entries are currently planned for Subarea A. See Figure 3-7(B) for a cross-section of Bangs Avenue adjacent to the plan area.



**FIGURE 3-7  
SUBAREA A  
CIRCULATION DIAGRAM**

### 3.4.2 Founders Point East Streets

Within the low-density residential areas, the cross sections of the internal streets vary to adapt to specific circumstances, as explained in this section and shown in Figures 3-7 (C) and (D). Public streetscape design is discussed in Section 3.4.4.

#### 3.4.2.1 Parkway Residential Streets

The primary entrance is from Tully Road. The two-way entrance is a 60-foot wide right-of-way, with two 10-foot travel lanes, 7-foot parking lanes, and two 5-foot detached sidewalks set between two 8-foot parkways. There is no on-street parking on the Parkway Residential Street between Tully Road and the first on-site roundabout. The Tully Road receiving lane will be designed to the satisfaction of the City Traffic Engineer to safely accommodate traffic entering the plan area from Tully Road. See Figure 3-7(C) for a cross-section of the Parkway Residential Street.

#### 3.4.2.3 Typical Local Streets

The conceptual two-way local residential streets have 50-foot-wide rights-of-way. They include two 10-foot travel lanes, two 8-foot parking lanes, two 5-foot sidewalks measured from flow-line of the curb, and an additional 2-feet from back of sidewalk. See Figure 3-7(D) for a cross-section of a Local Residential Street.

Future internal local streets for Subarea B shall be designed as development is proposed, with cross-sections to accommodate both light vehicle and truck traffic, and designated bicycle lanes to connect to Tully Road. Ultimate approval of the street cross-sections for Subarea B shall be made by the City Engineer and Director of Community and Economic Development or designee(s).

### 3.4.3 Non-Motorized Transportation Plan

Pedestrian circulation is encouraged by the walkways provided within the sidewalks on both sides of the streets. Sidewalks are a minimum of 5-feet wide and comprised of concrete with scoring.

Bicyclists are able to use the local street system, where size, volume and travel speeds are conducive to shared travel. Bike lanes are provided along Tully Road, the most intensive roadway providing access to the site. These facilities provide connection to a planned Class I bike path on the south side of the Pelandale right-of-way.

### 3.4.4 Streetscape Plan

Founders Point East has generously-sized and extensively landscaped borders and primary entry. Internal streets provide sidewalks on both sides of the streets (See Figures 3-7(A) through (D)). Street landscaping will be provided on the exterior edge

of the plan area, along Pelandale Avenue (including the area adjacent to the Woodglen Specific Plan), Tully Road, and Bangs Avenue rights-of-way that border Founders Point East. The primary entry will receive an enhanced landscape treatment to accentuate its importance. The primary entry design shall be determined at the time the Tentative Subdivision Map is approved and final maps and improvement plans are prepared.

Future internal local streets for Subarea B shall be designed as development is proposed, with cross-sections to accommodate both light vehicle and truck traffic, and designated bicycle lanes to connect to Tully Road. Ultimate approval of the street cross-sections for Subarea B shall be made by the City Engineer and Director of Community and Economic Development or designee(s).

Landscaping along local streets is provided through front and side yard setback areas. All streetscapes are described below. The plant palette for Founders Point East is provided in Chapter 5: Design Guidelines.

#### **3.4.4.1 External Rights-of-Way**

The description of exterior wall treatments for the perimeter is provided under Chapter 5: Design Guidelines, Section 5.6.

#### **3.4.4.2 Primary Entry: Tully Road**

The design of the primary entry shall be determined at the time the Tentative Subdivision Map is approved and final maps and improvement plans are prepared.

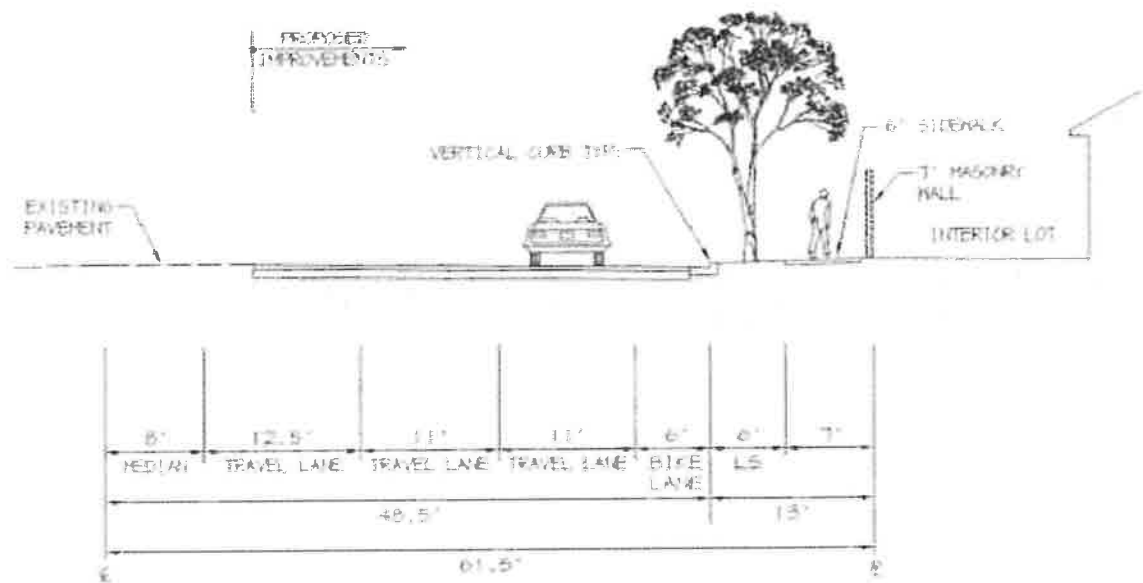


FIGURE 3.7(A)  
TULLY AVENUE

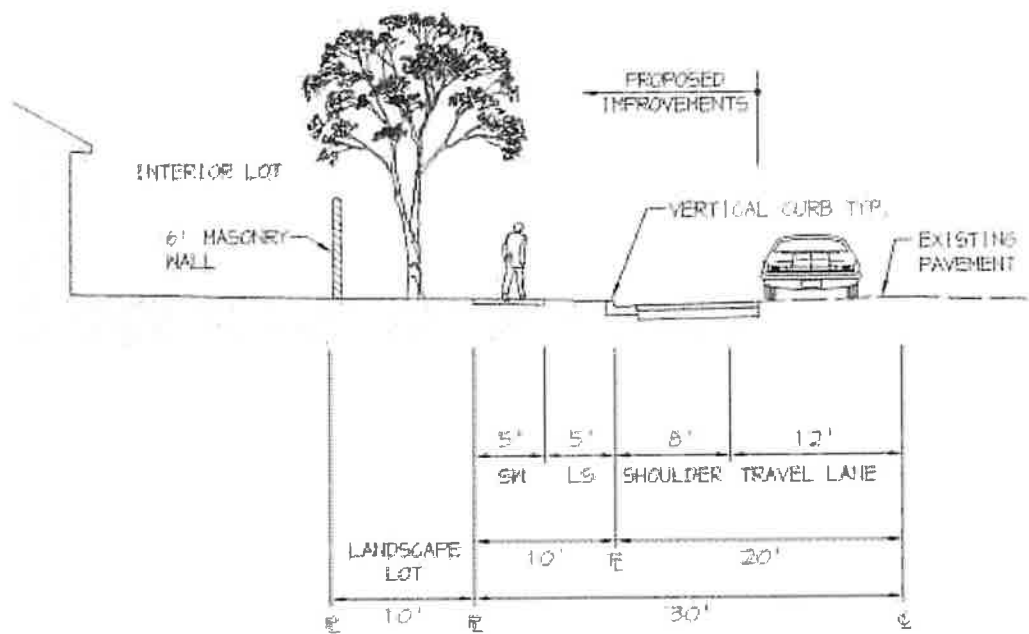
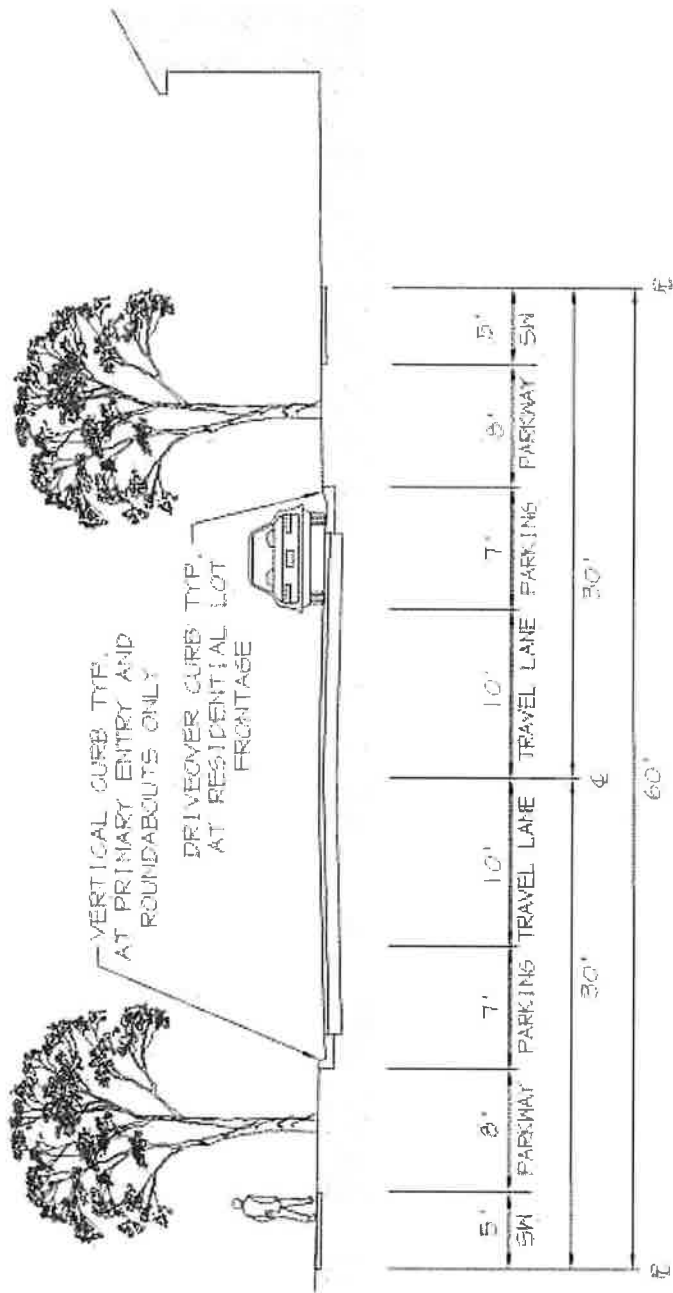


FIGURE 3.7(B)  
BANGS AVENUE



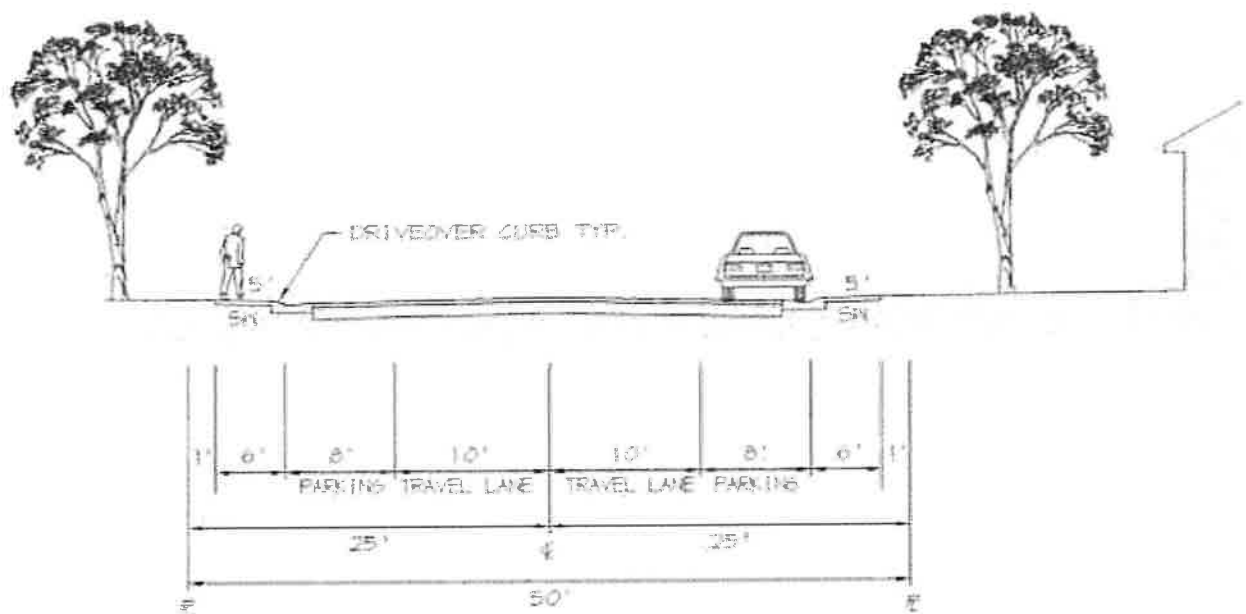


**FIGURE 3-7 (C)**  
TYPICAL 60' STREET SECTION  
**PARKWAY RESIDENTIAL STREET**  
(CITY OF MODESTO STD. DETAIL 309A)

### 3.4.4.5 Local Streets

The neighborhood landscape is defined by tree-lined local streets and curb-adjacent sidewalks. Within Subarea A, standard local streets will have drive-over curbs and 5-foot sidewalks on both sides of the street. See Figures 3-7(D): Local Residential Street. Canopy street tree species vary by sub-neighborhood.

Within Subarea B, the streetscape shall be designed as development is proposed, with cross-sections to accommodate both light vehicle and truck traffic, and designated bicycle lanes to connect to Tully Road. Ultimate approval of the street cross-sections for Subarea B shall be made by the City Engineer and Director of Community and Economic Development or designee(s).



**FIGURE 3-7 (D)**  
 TYPICAL 50' STREET SECTION  
**LOCAL RESIDENTIAL STREET**  
 (CITY OF MODESTO STD. DETAIL 309)

### **3.5 Conceptual Grading Plan**

The Founders Point East grading plan is consistent with the City of Modesto standards and specifications and complies with Federal, State and local Stormwater National Pollutant Discharge Elimination System (NPDES) water quality objectives and requirements. The grading for new development shall maintain the relatively flat character of the site and create the dual use park/stormwater infiltration basin. Grading operations will follow the demolition of the orchards and the removal or relocation of irrigation lines per MID standards and requirements. Cut and fill will balance on the site.

## **4 DEVELOPMENT STANDARDS**

The residential land use designation (LDR) specified in the Land Use Diagram has been assigned minimum development standards within this chapter. If a development standard is not addressed within the Founders Point East Specific Plan, development shall occur in accordance with the City of Modesto Zoning Ordinance and the Development Standards provided in this Specific Plan. If a development standard within the Specific Plan conflicts with other applicable City Standards or Guidelines, the Development Standard in the Specific Plan shall prevail.

### **4.1 Low-Density Residential (LDR)**

The Low-density Residential (LDR) land use designation is intended to provide single-family residential neighborhoods with varying lot sizes and configurations.

Low-density Residential lots consist of a variety of creative layouts. Plots studies accompanied by brief narratives and photographic examples of varying lotting patterns and associated development are included in Chapter 5: Design Guidelines.

Table 4-1: Low-density Residential Standards, provides setback requirements and other development standards. The development standards are organized into two categories: standards for 44' x 76' minimum lots and 50' x 80' minimum lots.

**Table 4-1: Low-Density Residential Standards**

<b>Lot Size (Minimum)</b>	<b>44' x 76' Lot</b>	<b>50' x 80' Lot</b>
Area, Interior Lot	3,344 SF	4,000 SF
Area, Corner Lot	4,104 SF	4,800 SF
Width, Interior Lot / Elbow Lot	44' / 25'	50' / 25'
Width, Corner Lot	54'	60'
<b>Setbacks (Minimum)</b>		
Front Yard		
First Floor (Living Area / Porches)	15' / 10'	15' / 10'
Second Floor	15'	15'
Garage (Entry) <sup>(1)</sup>	20'	20'
Side Yard		
Interior (First and Second Floor)	5'	5'
House on Side Street	15'	15'
Rear Yard		
House	10'	10'
Garage	10'	10'
Patio Covers	7'	7'
<b>Coverage (Maximum)</b>		
Site Coverage	60%	55% <sup>(2)</sup>
<b>Height (Maximum to ridge)</b>		
Height Limit	30' (2 Stories)	
<b>Private Open Space (Per Unit)</b>		
Minimum Area <sup>(3)</sup>	400 SF	500 SF
Minimum Dimension	15'	15'
<b>Common Open Space (Per Unit)</b>		
Minimum Area	250 SF	250 SF
<b>Parking -</b>		
Spaces Per Unit	2 <sup>(4,5)</sup>	2 <sup>(4,5)</sup>

(1) Setback is to be 20' from back of sidewalk.

(2) May exceed coverage up to 60% for outdoor "California Rooms"

(3) Private open space refers to the aggregate private yard area provided within a single lot. Private yard area may be provided in more than one location on the lot and is not required to be contiguous.

(4) Studio or one-bedroom accessory dwelling units do not require additional parking off-street.

(5) The Director will have authority to review projects that propose tandem garage parking spaces.

## 4.2 Business Park (BP)

The Business Park (BP) land use designation is intended to allow for the continued use of existing commercial, industrial and institutional uses within Subarea B, and provide for new uses that fall within the allowable and conditional uses of the Commercial-Industrial (C-M) and Light Industrial (M-1) Zones of the Municipal Code. Those uses that are conditional shall require the issuance of a Conditional Use Permit by the Board of Zoning Adjustment in accordance with Title 10, Chapter 9, Article 7 of the Modesto Municipal Code, prior to commencement of development. The intent of the Business Park land use designation is to provide for light industrial and employment-intensive uses in an aesthetically attractive campus-like setting.

## 5 DESIGN GUIDELINES

The following design guidelines provide direction to developers and home builders within Founders Point East towards practical site planning standards and high-quality home designs that ensure the creation of a first-class residential community. The following guidelines are not intended to overly restrict creativity but rather ensure the creation of an attractive and authentic neighborhood. Homes within Founders Point East should combine individuality and authenticity with quality design and construction to create charming and appealing neighborhoods. Landscaping should enhance street life and distinguish special places in Founders Point East.

The following design guidelines supplement the City of Modesto Guidelines, if a design guideline is omitted or not specified in this Specific Plan, development should refer to the Modesto Guidelines.

### 5.1 Overall Founders Point East Site Planning Design Concept

Founders Point East is comprised of two areas: Subarea A for Low Density Residential (LDR) uses and Subarea B for Business Park (BP) uses.

Founders Point East Subarea A is characterized by tree-lined neighborhoods. A 2.5-acre park, located on the eastern edge of the community, is connected to the future City Bike Path. The park provides an opportunity for passive and active use in a lush, landscaped environment. Landscape amenities will distinguish Founders Point East from other neighborhoods, becoming a source of pride for residents. Street landscaping and distinctive home design throughout the neighborhoods affirm the character of this quiet, high quality residential area.

Subarea B is partially developed with existing industrial and warehouse/distribution center uses, recreational vehicle storage facilities and the newly constructed Holy Family Church. To accommodate those uses and future uses of similar type, the land use designation is to be Business Park (BP) allowing for permitted and conditional uses of the Commercial-Industrial (C-M) and Light Industrial (M-1) Zones of the City. The character of new development should emulate campus-like environments with distinctive landscape amenities and attractive architectural design.

### 5.2 Low-Density Residential (LDR)

The Low-Density Residential (LDR) land use designation applies to all single-family homes in Founders Point East. Basic design principles can be applied to all single-family homes to ensure the creation of attractive architecture. The following design guidelines address the design and placement of the individual design features of each building as well as the overall mass and scale of individual buildings and their

relationship to streetscape. The overall intent is to display cohesive architecture in style and size with the adjacent Woodglen Specific Plan (marketing name Founders Point).

## 5.2.1 Site Planning Guidelines

### 5.2.1.1 Conceptual Site Plans

Low-density single-family homes within Founders Point East will be thoughtfully sited during preparation of the tentative maps to create a superior street scene along the main east/west circulation route and accentuate the project's connectivity between Tully Road and its park area as the focal point of the community.

Founders Point East consists of a variety of lot sizes which create distinctive neighborhoods and villages within the community.

- **Lot:** Garage access is from the public street and lots generally maintain a rectangular geometry. Lots include functional style floor plans that have been scaled to fit a smaller building envelope. These lots should exhibit a variety of setbacks and garages should either be flush with or slightly recessed from the front feature of the home.

### 5.2.1.2 Parking and Garages

#### Garage Placement and Variety

Using one or more of the following techniques should reduce the impact of garages on the streetscape:

- **Vary garage placement within neighborhood plotting plan:** Garage placement can be varied by alternating front setbacks and can also be alternated along the streetscape to minimize similar looking garages immediately adjacent to one another.
- **Vary garage placement from plan to plan:** When possible, garage placement should be varied among floor plans to provide an assortment of setbacks or configurations.
  - (1) Garage Flush: located flush with the home's front facade.
  - (2) Shallow Recess: located slightly behind the home's front facade.
- **Vary garage door appearance:** Garage door patterns, styles, windows and/or colors as appropriate to the architectural style can be varied from plan to plan.
- **Provide Optional treatments:** Optional treatments such as trellises, trim and landscape treatments contribute to a diversified garage door appearance.

## 5.2.2 Architectural Guidelines

### 5.2.2.1 Architectural Styles

A unified architectural theme in conjunction with the Woodglen Specific Plan (marketing name Founders Point) provides Founders Point East with a distinctive yet familiar identity and expresses a respectful integration of building structures within the surrounding natural and built environments. To create a consistent architectural theme for Founders Point East, a palette of architectural styles has been created for each lot type. Should a builder/developer propose an alternate style not represented in this specific plan, the applicant can submit for design review approval by the City's Director of Community and Economic Development.

Buildings within the plan area should be designed with these architectural styles in mind and should include architectural elements that authentically represent that style. Roof forms, colors, materials, and secondary architectural elements such as windows and doors should all play a major role in defining the architectural style of the building. Proper scale and proportion are also important to establishing the overall architectural theme of individual buildings. The following pages provide renderings of contemporary style interpretations to be approved for each lot type.

Adherence to these architectural styles conveys a sense of high quality design and authenticity. Equally as important, the placement and variety of these elevations within Founders Point East should convey a sense of diversity and thoughtful planning. In order to achieve this, the following guidelines have been established:

- Each floor plan should provide a minimum of three architectural elevation styles to ensure variety in the street scene.
- Homes with identical floor plans and elevation styles should not be plotted immediately adjacent to or across the street from one another.
- Homes with similar elevations located adjacent to or across the street from one another should use distinctive color/material palettes and different roof colors.

44' x 76' Typical Lot Size



Residence 1 - A Elevation



Residence 1 - B Elevation



Residence 1 - C Elevation



44' x 76' Typical Lot Size



Residence 2 - A Elevation



Residence 2 - B Elevation



Residence 2 - C Elevation

44' x 76' Typical Lot Size



Residence 3 - A Elevation



Residence 3 - B Elevation



Residence 3 - C Elevation

50' x 80' Typical Lot Size



Residence 1 - A Elevation



Residence 1 - B Elevation



Residence 1 - C Elevation

50' x 80' Typical Lot Size



Residence 2 – A Elevation



Residence 2 – B Elevation



Residence 2 – C Elevation

50' x 80' Typical Lot Size



Residence 3 - A Elevation



Residence 3 - B Elevation



Residence 3 - C Elevation

50' x 80' Typical Lot Size



Residence 4 - A Elevation



Residence 4 - B Elevation



Residence 4 - C Elevation

### 5.2.2.2 Massing and Articulation

Providing variation in massing and articulation is essential to the creation of dynamic and attractive street scenes. In order to avoid the appearance of boxes along the street, homes should include a variety of elements that reduce the overall mass of the building and create an individual massing character for each home. Articulation may be achieved by providing recessed windows or enhanced window treatments such as wood trim, stucco surrounds or shutters if they are appropriate to the architectural style.

Massing and articulation should not be limited to the street facing elevation but should also include any elevation visible to the general public including but not limited the side elevation of corner lots and the second story elevation of lots backing up to major roadways such as Tully Road, Bangs Avenue or Pelandale Avenue. This can be accomplished by enhancing an interior lot plan for use on the corner with additional architectural elements and/or details as found on the front elevations improves neighborhood quality.

The following guidelines help achieve variety in massing and articulation:

- Building heights, roof planes and building walls should be slightly varied to minimize the apparent mass of the building, when appropriate to the architectural style.
- Front yard setbacks should also be varied whenever possible to provide variety and interest to the street scene.
- Three dimensional elements such as recessed windows, moldings, dormers, pilasters or any other elements that provide visual interest and articulation are encouraged to reduce the apparent mass of the building and break up large expanses of walls and roofs.
- Materials used as major surface treatments at front elevations, should be wrapped to interior side elevations a minimum distance appropriate to the architectural character to avoid the appearance of artificial facades.
- Side elevations of buildings located on corner lots or abutting public open space areas should be designed to address the adjacent side street or open space by wrapping materials from the front of the house to a small portion of the side elevation.
- Special attention should be paid to the second story portion of side and rear elevations facing public roadways, open space and trails by including a variety of window treatments, roof projections and architectural details to provide variety and articulation.

### 5.2.2.3 Building Materials and Variety

Providing a diverse palette of materials adds variety and interest to the street scenes. Materials should be selected appropriately by style, but should vary between styles to allow for an eclectic mix of textures and colors. Materials should not only be authentic to style, but should also be applied so they do not appear false. The following guidelines address the selection and application of materials:



- Materials should be carefully selected to be consistent with the overall architectural style of each home.
- Materials should provide variety and interest while complementing other materials and architectural details.
- Materials should be carefully applied to all homes to create depth and contrast for design features and building articulation.
- Materials should be applied in a consistent and coherent manner to avoid a piecemeal appearance.
- Materials that wrap from the front elevation to side elevations should terminate in a manner that expresses the home's character and style and should occur on an inside corner, behind a fence line or in another logical location to avoid the appearance of a false façade.
- Materials should convey the impression of high quality architecture and durability.
- Gutters, downspouts, vents and other roof appurtenances should be finished to complement the materials and colors of the main residence.
- A minimum of two building material styles should be used within Founders Point East.
- Color accents throughout the project should be complementary.
- Exterior lighting fixtures should be consistent with the architectural style of the home.

#### 5.2.2.4 Roofs

Rows of homes seen from a distance or along major roadways are perceived by their contrast against the skyline or background. The dominant impact is the shape of the buildings and roofline. Articulation of building mass and rooflines express a variety of conditions, minimizing the visual impact of repetitious flat planes, similar building silhouettes and similar ridge heights. This can be achieved by using a variety of front to rear, side-to-side, gabled and hipped roofs and/or by the introduction of single story elements. The following guidelines encourage varied roof forms within the same streetscape.

- Roof pitches, forms and materials should be consistent with the architectural style of the home and should vary between elevation styles.
- Roofline should be varied between plans to express a variety of conditions within the same streetscape and minimize the visual impact of repetitious flat planes, similar building silhouettes and similar ridge heights.
- Each building should use a combination of compatible front gabled, hipped, cross- gabled, cross-hipped or combined hipped-and-gabled roof forms to avoid long expanses of roof planes. Architectural elements such as dormers may also be used to break up large roof planes.
- Roofing materials should be selected to provide interesting colors, texture and shadow relief.
- Similar roofing materials should include at least two variations in color that can be incorporated into the overall color and material palette.



#### 5.2.2.5 Building Entries and Porches

Building entries and porches play an important role in creating a welcoming façade and establishing curb appeal. Entries and porches oriented toward the street activate the street scene by encouraging residents to spend time in their front yards and on porches where they can interact with neighbors and friends. This active participation in the neighborhood creates a sense of community and safety by placing “eyes on the street” and allows residents to monitor activities in the vicinity. The following guidelines promote a sense of community through entry placement and design:

- Primary entrances and porches, if applicable, should be oriented toward the street to promote a “friendly” welcoming face toward the neighborhood.
- Front porches, if applicable, should be located in front of the leading edge of the garage.
- Architectural elements such as porches should be designed proportionally to the overall scale and massing of the main structure.
- Primary entries should be clearly defined and accentuated with lighting, added texture, and landscaping or contrasting color materials.
- Exterior lighting should be provided at the primary entrance to all buildings to enhance the entry.

#### 5.2.2.6 Doors and Windows

The size and shape of doors and windows contribute to establishing the overall architectural style of a home. The location, size, shape and type of windows also help create variety and interest by breaking up the overall mass of individual homes and add to diversity in the street scene. Recessed windows add depth while additional enhancements such as wood trim, stucco surrounds, pot shelves, and shutters, appropriate to the architectural style, add texture and contrast. Enhanced landscaping and lighting near doorways establish the entry as a focal point for the home, making the home more inviting. The following guidelines ensure windows and doors contribute to the quality and authenticity of each home.

- Corner and second story rear elevations exposed to public streets, public open spaces or other areas visible to the public, should have window and door trim treatments that express the same architectural character as treatments on the front façade.
- Windows on front elevations and side corner elevations should be placed and designed to maximize views to the street and common open spaces to provide “eyes-on-the- street” safety.
- Doors and windows should be designed proportionally to the overall scale and mass of the building.
- The location, size, shape and type of windows and doors should be consistent with the architectural style of the home. In addition, enhanced window and door treatments should also be consistent with the architectural style of the home.

### 5.2.2.7 Color

Color provides a simple yet highly effective means for creating diversity between homes within a single street scene. Color should be thoughtfully and carefully selected to provide an assortment of compatible yet unique palettes. The following guidelines should be considered when creating color palettes for Founders Point East:

- Each product type should include a minimum of nine (9) compatible color palettes.
- Colors, including roofing colors, for individual homes should be carefully coordinated to be harmonious with one another and consistent with the overall architectural style.
- Colors and materials should provide variety and interest but should be complementary throughout Founders Point East.
- Colors should be carefully applied to all homes to create depth and contrast for design features and building articulation.
- Bright, glaring colors should be avoided.
- All color changes must occur on an inside wall plane.
- On the side elevation return, color changes should terminate in a manner consistent with the home's architectural character.
- A minimum of two colors should be used on each building elevation in addition to a trim and roof color. A different material counts as a color (i.e. stone, brick, wood, masonry, or shingle).
- Color accents throughout the project should be complementary.

### 5.2.2.8 Mechanical and Utility Equipment

Mechanical and utility equipment, such as air conditioning units, satellite dishes, trash containers, and utility meters, can detract from the overall look of a home. Therefore, every effort should be made to diminish the impact of this equipment on the streetscape. The following guidelines seek to reduce the appearance of these items.

- To the greatest extent possible, mechanical and utility equipment should be strategically placed or screened from public view. Equipment screening should be designed to blend with the building through the use of landscape materials, building materials and/or colors consistent with the main residence.
- When screening is not possible, equipment visible by the public should be designed to blend with the building through the use of materials and color consistent with the main residence.
- Roof mounted equipment is not permitted, except satellite dishes under 3 feet in diameter. These must be mounted on the rear third of the roof where least visible.
- Storage areas for trash, recycling and yard waste containers should be provided in garages or side and rear yards to conceal them from public view on non-collection days.
- Air-conditioning condenser units may not be installed inside side yards. No window- or roof-mounted condenser units or related equipment are allowed.

### **5.3 Business Park (BP)**

The Business Park (BP) land use designation applies to new development within Subarea B and future expansion of existing uses within the area. The intent of the land use designation is to provide for light industrial and employment-intensive uses in an aesthetically attractive campus-like setting. Site design shall be in accordance to Title 10, Chapter 4 of the Modesto Municipal Code for Commercial-Industrial (C-M) and Light Industrial (M-1) uses and architectural standards shall meet or exceed the policies of the City of Modesto Commercial and Industrial Design Guidelines, adopted by City Council Resolution No. 2006-587 on September 12, 2006.

### **5.4 Community Wide Landscaping Guidelines**

The grandest landscape elements are intended for the park/basin at the eastern edge of Founders Point East. The primary entry on Tully Road will also receive special treatment with heritage trees. The primary entry design shall be determined at the time the Tentative Subdivision Map is approved and final maps and improvement plans are prepared. Local streets will have various street trees chosen for the interest and character they create and ease of maintenance, as Table 5.1: Plant List and Figure 5-12: Plant Imagery indicate.

A coordinated ensemble of landscape furniture is used in the Founders Point East open space and park areas. Pairings of benches and picnic tables are provided in the active park area.

### **5.5 Community Wide Wall and Fencing Guidelines**

Walls are provided around the perimeter of Founders Point East Subarea A. Along Pelandale Avenue, a Class B expressway, a continuous split-face block wall with vines is provided. On Bangs Avenue and Tully Road an enhanced wood fence is employed. Openings may occur to provide pedestrian, bicycle and vehicle access to/from Founders Point East Subarea A. See Figure 5-13: Perimeter Wall and Fence (Typical).

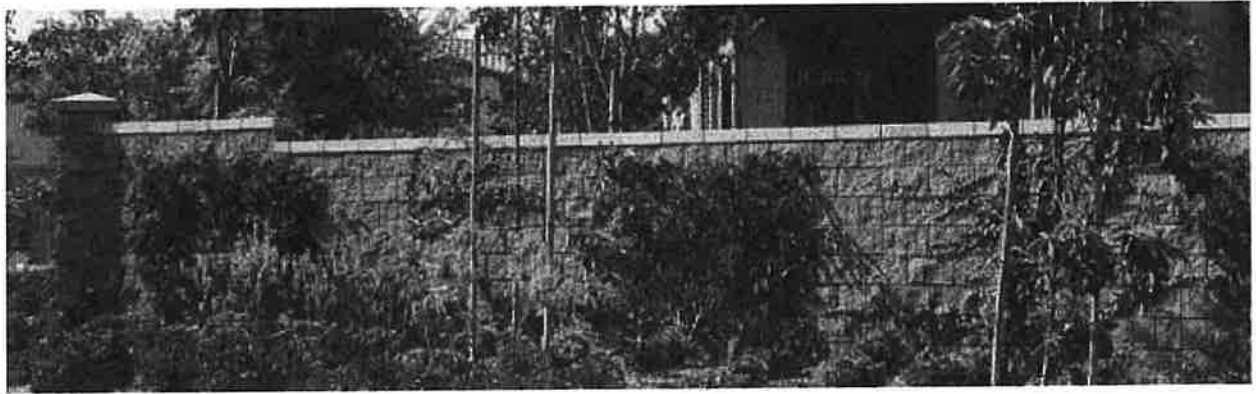
Walls and fences for development within Subarea B shall be either decorative wrought-iron or decorate concrete masonry wall with cap treatment. Where any concrete wall faces street frontage or is visible from a street, wall design shall include landscaping with vines (as shown in Figure 5-13) to deter graffiti. Openings may occur to allow for pedestrian and bicycle access to and from Subarea B. Setbacks for all fences and walls along street frontages shall be ten feet from the front and street side property lines at minimum, and setbacks shall be landscaped with trees and shrubs/accent plantings from the Table 5-1 Plant List below.

**Table 5-1: Plant List**

- **Perimeter Street Trees (Under Power Lines)**
  - *Cercis occidentalis* – Western Redbud
  - *Lagerstroemia indica* 'Muskogee' – Muskogee Crape Myrtle
  - *Lagerstroemia indica* 'Natchez' – Natchez Crape Myrtle
- **Perimeter Accent/Background Trees**
  - *Carpinus betulus* 'Fastigiata' – European Hornbeam
  - *Cupressus sempervirens* – Italian Cypress
  - *Juniperus chinensis* 'Torulosa' – Hollywood Juniper
  - *Podocarpus macrophyllus* – Shrubby Yew Podocarpus
  - *Quercus x 'Nadler'* – Kindred Spirit Oak
- **Perimeter Specimen Trees**
  - *Cercidium x 'Desert Museum'* – Desert Museum Palo Verde
  - *Chilopsis linearis* - Chitalpa
  - *Chilopsis tashkentensis* - Chitalpa
  - *Olea europaea* 'Field Grown' – Field Grown Olive Tree
- **Backbone Street Trees**
  - *Acer rubrum* – Red Maple
  - *Ginkgo biloba* 'Autumn Gold' – Autumn Gold Maidenhair Tree
  - *Ginkgo biloba* 'Princeton Sentry' – Princeton Sentry Maidenhair Tree
  - *Nyssa sylvatica* – Tupelo
  - *Pinus canariensis* – Canary Island Pine
- **Backbone Specimen Trees**
  - *Acer buergeria* – Trident Maple
  - *Cercidium x 'Desert Museum'* – Desert Museum Palo Verde
  - *Quercus suber* – Cork Oak
- **Village Entry Trees**
  - *Cercis occidentalis* – Western Redbud
  - *Cotinus coggygria* – Smoke Tree
  - *Lagerstroemia indica* 'Muskogee' – Muskogee Crape Myrtle
  - *Lagerstroemia indica* 'Natchez' – Natchez Crape Myrtle
  - *Pinus canariensis* – Canary Island Pine
  - *Prunus cerasifera* 'Purple Pony' – Purple Pony Plum
  - *Magnolia grandiflora* 'St. Mary' – St. Mary Magnolia
- **Village Interior Street Trees**
  - *Acer rubrum* 'October Glory' – October Glory Maple
  - *Fraxinus oxycarpa* 'Raywood' – Raywood Ash
  - *Ginkgo biloba* 'Autumn Gold' – Autumn Gold Maidenhair Tree
  - *Koelreuteria bipinnata* – Chinese Flame Tree
  - *Laurus nobilis* 'Saratoga' – Saratoga Laurel
  - *Pistacia chinensis* 'Red Push' – Red Push Pistacia
  - *Quercus ilex* – Holly Oak

- *Ulmus parvifolia* 'Drake' – Drake Chinese Elm
- *Zelkova serrata* 'Village Green' – Village Green Zelkova
- **Groundcovers**
  - *Baccharis pilularis* 'Twin Peaks' – Twin Peaks Coyote Bush
  - *Coprosma kirkii* – Mirror Bush
  - *Cotoneaster dammeri* 'Lowfast' – Bearberry Cotoneaster
  - *Juniperus conferta* – Mountain Cedar Juniper
  - *Myoporum parvifolium* 'Putah Creek' – Putah Creek Myoporum
  - *Rosmarinus officinalis* 'Huntington Carpet' – Huntington Carpet Rosemary
  - *Trachelospermum asiaticum* – Asian Jasmine
  - *Vinca minor* 'Bowles'
- **Grasses and Grass-like Plants**
  - *Calamagrostis acutiflora* 'Karl Foerster' – Feather Reed Grass
  - *Chondropetalum tectorum* – Cape Rush
  - *Dianella caerulea* 'Cassa Blue' – Flax Lily
  - *Dianella revoluta* 'Variegata' – Variegated Flax Lily
  - *Festuca mairii* – Atlas Fescue
  - *Lomandra longifolia* 'Breeze' – Breeze Mat Rush
  - *Lomandra longifolia* 'Platinum Beauty' – Platinum Beauty Mat Rush
  - *Muhlenbergia rigens* – Deer Grass
  - *Muhlenbergia capillaris* 'White Cloud' – White Cloud Muhly Grass
  - *Poa cita* – Alpine Bluegrass
- **Accent Plants**
  - *Agapanthus africanus* 'Peter Pan' – Peter Pan Agapanthus
  - *Dietes* 'spp' – African Iris
  - *Hemerocallis* x 'Cranberry Baby' – Cranberry Baby Daylily
  - *Lavandula stoechas* 'Otto Quast' – Otto Quast Spanish Lavender
  - *Penstemon heterophyllus* 'Margarita Bop' – Margarita Bop Penstemon
  - *Rosa* 'spp' – Rose
- **Hedges**
  - *Ligustrum japonicum* 'Texanum' – Texas Japanese Privet
  - *Olea europaea* 'Little Ollie' – Little Ollie Olive
  - *Prunus caroliniana* 'Compacta' – Compact Cherry Laurel
  - *Raphiolepis umbellata* 'Minor' – Dwarf Yedda Hawthorn
  - *Xylosma congestum* 'Compacta' – Compact Xylosma
- **Medium-Height Shrubs**
  - *Abelia* x *grandiflora* 'Edward Groucher' – Glossy Abelia
  - *Arctostaphylos densiflora* 'Howard McMinn' – Howard McMinn Manzanita
  - *Callistemon viminalis* 'Better John' – Better John Bottlebrush
  - *Lantana* 'New Gold' – New Gold Lantana
  - *Raphiolepis indica* – Indian Hawthorn
  - *Rosmarinus officinalis* 'Blue Spires' – Blue Spires Rosemary
  - *Teucrium lucidrys* – Germander

**Figure 5-13: Perimeter Wall and Fence (Typical)**



## 5.6 Community Wide Signage Guidelines

Plaque signage is provided on the pilasters at all entries into the plan area. Additional directional signage should be placed at the recreation area. The signage should be consistent in character, subtle and understated since the central open space provides a strong defining landscape for Founders Point East.

Signage or materials derivative of the gateway signage should also be placed at each corner of the plan area on exterior walls to signify Founders Point East's presence in the Modesto community.

Signage within Subarea B shall be in accordance with Modesto Municipal Code Title 10, Chapter 6 for Commercial-Industrial (C-M) and Light Industrial (M-1) uses. Any freestanding signage shall be monument-type; pole signs shall not be allowed within the Specific Plan.

Where multiple tenants occupy the same site, individual wall-mounted signs may be used in combination to the maximum allowed wall sign area per the Municipal Code. The use of backlit individually cut letter signs or channel letter signs are highly preferred over cabinet signs. Lighting for signs shall not create any hazardous glare for pedestrians or vehicles, nor spill into nearby residential areas.

## 5.7 Community Wide Lighting Guidelines

Street lighting should occur within the public utility easement on every street in a triangular spacing. Lighting should, at minimum, consist of City standard light poles and fixtures. Where feasible, enhanced lighting standards should be used. At the edge of the park/basin, fixtures light along the landscaped area and the trail should be used.

Within Subarea B, building and parking lot lighting shall not intrude into the residential areas. Site design of any new development or expansion of existing development shall demonstrate with a photometric study the adequate shielding of light fixtures to prevent light spillage into residential areas.

## 6 COMMUNITY SERVICES & UTILITIES

Community facilities and services, including fire, police, schools, childcare and solid waste are described below and summarized in Table 6-1: Public Service Providers.

**Table 6-1: Public Service Providers**

Service	Provider
Fire <sup>1</sup>	Modesto Fire Department Salida Fire Protection District
Police	Modesto Police Department
Schools	Sylvan Union School District Modesto City School District
Solid Waste	Gilton Waste Management

### 6.1 Public Safety

#### 6.1.1 Police

The plan area will be served by the Modesto Police Department. The Modesto General Plan provides Citywide goals and policies for police services that would apply to the plan area.

#### 6.1.2 Fire

The plan area will be served by the Modesto Fire Department, with additional service by the Salida Fire Protection District (District) per the September 13, 2022 Agreement between the City of Modesto and the Salida Fire Protection District, unless the Local Agency Formation Commission agrees to allow detachment of the annexation area from the Salida Fire Protection District. The Modesto Fire Department provides fire protection to the City of Modesto and surrounding unincorporated areas. In addition to fire prevention and control services, it provides emergency medical services, emergency preparedness and mitigation of hazardous incidences.

City of Modesto Fire Station 11 operates at the corner of Carver Road and Pelandale Avenue. Primary service for the plan area would originate from Station 11 and additional service may be provided from the Salida Fire Protection District located at 4820 Salida Boulevard. First and full responses can be made from Station 11, based

<sup>1</sup> Fire protection services to be provided by the City of Modesto Fire Department and the Salida Fire Protection District per the September 13, 2022 Agreement between the City of Modesto and the Salida Fire Protection District.



on existing apparatus, equipment and personnel levels. Secondary service would be feasible and available from Modesto Fire Station 5 located at 200 West Briggsmore Avenue and Modesto Fire Station 6 located at the corner of Hahn Drive and Standiford Avenue.

## 6.2 Schools

The plan area is served by Sylvan Union School District for K-8 and by Modesto City Schools at Gregori High School for grades 9-12. The estimated student generation from Founders Point East is shown in Table 6-2: Projected Student Generation.

**Table 6-2: Projected Student Generation**

Grade Level	K-5	6-8	9-12
Single-family Homes (420)	126	84	84
<b>Total</b>	<b>126</b>	<b>84</b>	<b>84</b>

## 6.3 Child Care

Small Family Residential Child Care businesses (six or fewer children) and Large Family Residential Child Care businesses (7-14 children) are permitted uses in homes within Subarea A (as allowed by City) or in the private recreation facility. New businesses which establish within Subarea B Business Park may elect to offer on-site Child Day Care services as an employee amenity, and commercial Child Day Care Centers would be a permitted use among the allowable uses of Subarea B.

## 6.4 Solid Waste

The plan area is currently served by Gilton Waste Management. Based on service projections for the plan area, an adequate future level of service will be provided. No solid waste facilities are located within the plan area.

## 7 OPEN SPACE & RECREATION

### 7.1 Existing Open Space and Recreation Setting

There are two existing neighborhood parks in the vicinity of Founders Point East: Wesson Ranch Park about ½ mile to the south, and Aqueduct Park is about ¾ mile to the southwest. There is also a park/basin being constructed just to the west of Tully Road in Founders Point.

The Modesto General Plan calls for a seven-acre minimum neighborhood park in the Stanislaus Park Planning Area, of which Founders Point East is a part. The Founders Point East Specific Plan is not central to the Stanislaus Park Planning Area, and will not contain a neighborhood park. The parks acreage standard for neighborhood parks is 1 acre of park per 1,000 population within the Park Planning Area, and 2 acres of Community Park per 1,000 population and a minimum size of 40-acres within the Community Park Service Area.

Assuming 420 dwelling units within Subarea A, and a population of about 3 persons pre dwelling unit, Founders Point East could have a population of about 1,260 persons, resulting in a demand for about 1.26 acres of neighborhood park area. Within Subarea A of Founders Point East, a 2.5 net acre dual use park/basin is proposed. The design of the dual use park/basin will be determined at the time a Tentative Subdivision Map is approved and final maps and improvement plans are prepared.

Park credit may be requested for the new park/basin, so the developer will pay Capital Facilities Fees to the City toward the development of parks and a community park in Northwest Modesto. Developer and City will discuss the amount of creditable park area that may be subject of park fee offsets. The open space areas in the plan are designed to accommodate passive and active recreation activities, but do not contribute acreage to the neighborhood and community park acreage requirements.

### 7.2 Open Space

The Founders Point East residential area (Subarea A) is oriented toward a 2.5 net acre dual use park/basin at the eastern edge of the site. The 2.5 net acre dual use park/basin is intended for both passive and active recreational uses, and may include the following amenities: a tot lot, a community garden, barbeque and picnic area, and outdoor exercise area. This park/basin has been located immediately next to the approximately 1.5 acre City owned future City Bike Path (abandoned U.P.R.R. right-of- way). This creates the opportunity for up to 4 acres of open space at the eastern edge of the project.

## 8 Environmental Resources

### 8.1 Environmental Restrictions

The Developer is placing one environmental restriction upon Founders Point East housing design: No wood-burning fireplaces or stoves will be allowed.

Applicants for future development projects are recommended to conduct Phase I and if necessary, Phase II environmental site assessments for sites containing or formerly containing residences or farm buildings/structures, with findings reported to the City and the County's Department of Environmental Resources. Any appropriate remediation should occur prior to final occupancy of the approved development.

### 8.2 Environmental Review

A Mitigated Negative Declaration (MND) has been prepared for the Founders Point East Specific Plan, pursuant to the California Environmental Quality Act (CEQA) and State CEQA Guidelines. The purpose of the MND is to determine the potential significant environmental impacts of the proposed project and identify any feasible mitigation measures that are available to offset those impacts. The Founders Point East MND was prepared pursuant to Section 15178 of the CEQA Guidelines, and analyzes the impacts of this specific project that were not considered in the General Plan Master EIR. Mitigation measures contained in the adopted MND will apply to the project.

## 9 IMPLEMENTATION

The Founders Point East Specific Plan is comprised of two subareas: Subarea A with residential areas, a dual-use park/basin with open space features, an internal local public street system, and a self-contained project storm drainage system, and Subarea B allowing for future development of Business Park uses as outlined in Section 2. Improvements to adjacent, off-site public rights-of-way and infrastructure connections to the citywide street system, potable water system, wastewater system and dry utilities are also provided.

This chapter focuses on how these elements of the Specific Plan will be implemented. It includes descriptions of phasing, funding mechanisms and implementation concepts, and entitlement processing.

### 9.1 Public Infrastructure

Founders Point East public infrastructure must be funded and constructed in a timely and logical manner that ensures public health and safety and provides a livable community at all times. Public infrastructure is a combination of “backbone” infrastructure that benefits the broader community and “project-specific” infrastructure that primarily benefits Founders Point East. The financing of backbone and project-specific infrastructure may be a combination of fees, project-wide financing and developer funding. Backbone and project-specific infrastructure improvements include streets, sewer, water, storm drainage, open space and utilities.

#### 9.1.1 Overall Public Infrastructure

Founders Point East’s backbone infrastructure elements are:

- improvements to two adjacent perimeter public rights-of-way (Tully Road and Bangs Avenue)
- The Founders Point East dual use park/basin.

##### 9.1.1.1 Streets

Backbone street improvements include perimeter principal arterial (Tully Road) and collector street (Bangs Avenue). Improvements to Pelandale Avenue are part of an ongoing Capital Facilities Project by Modesto. Project-specific public street improvements include, but are not limited to, local streets (pavement, curb, gutter, sidewalk, pathways, bike lanes, landscaping, traffic control devices, gateways, and related traffic accessories).

##### 9.1.1.2 Sewer

There are no backbone sewer system improvements. Project-specific improvements

include a system of residential sewer lines.

#### **9.1.1.3 Water**

There are no backbone water system improvements. Project-specific improvements include a network of residential water mains that tie into the existing city system.

#### **9.1.1.4 Storm Drainage**

Backbone storm drainage improvements include the dual use park/basin, and its associated infiltration system and water quality treatment features necessary to handle plan area stormwater. Project-specific improvements are on-site gravity collection stormwater lines. Future development within Subarea B will be required to handle and treat stormwater runoff on-site per City Standards and State regulations.

#### **9.1.1.5 Open Space**

There are no backbone open space improvements. Project-specific facilities include the dual use park/basin within Subarea A.

#### **9.1.1.6 Utilities**

There are no backbone utility improvements. Project-specific improvements include the extension of underground distribution lines into Founders Point East for gas, electricity, cable, telephone and telecommunications.

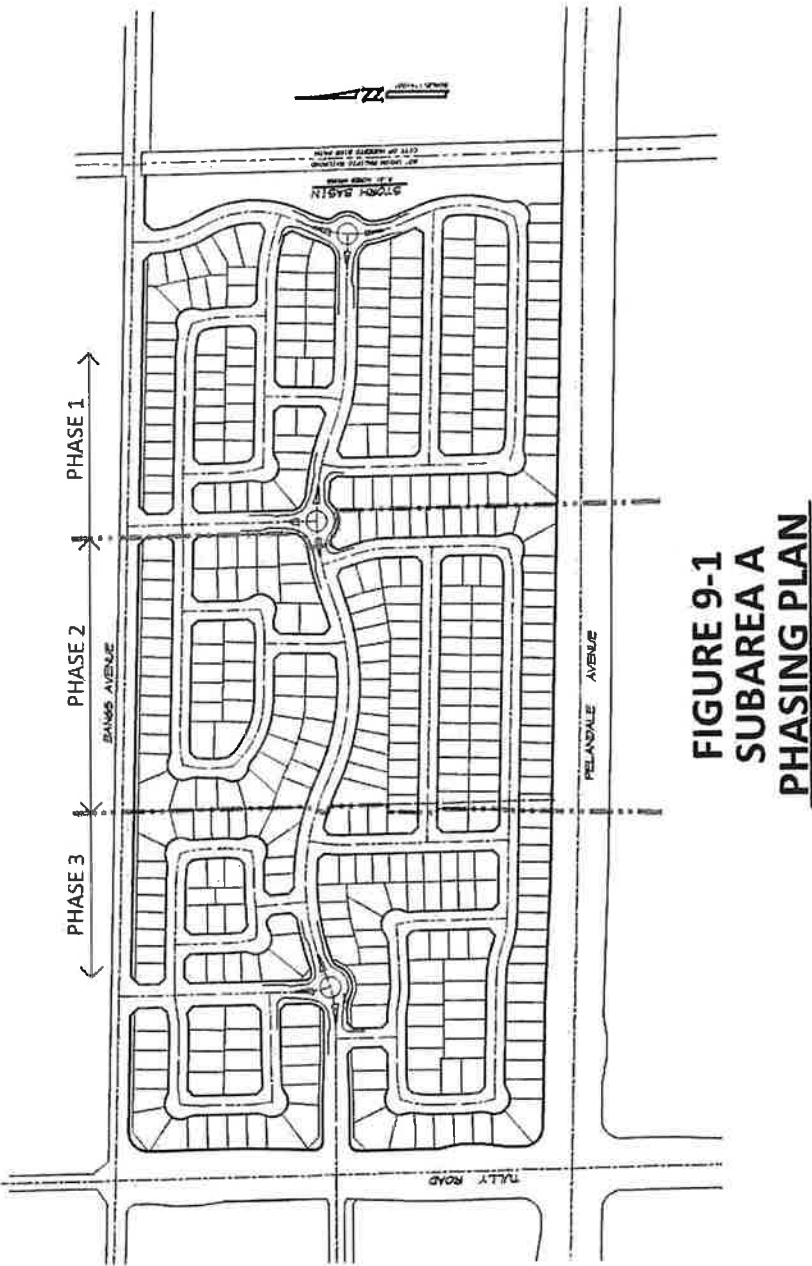
### **9.1.2 Facilities and Infrastructure Financing**

Pursuant to Section 65450 et seq. of the California Government Code and as defined in Chapter 2, Section 2.1.1 of this Specific Plan, the Specific Plan includes a “program of implementation measures, including programs, public works projects, and financing measures necessary to carry out the Plan”. The Founders Point East Specific Plan provides an analysis and description of the backbone infrastructure required to serve the plan area. It includes preliminary calculations and planning level analysis to a level to confirm the sizing and capacity of facilities and their layout. The project infrastructure is discussed in detail in Chapter 3 of this Specific Plan.

The primary funding mechanisms for the backbone infrastructure will be either developer responsibility, the creation of a Community Facilities District (CFD), payment of existing City fees, or a combination of these items, as described below. Oversized infrastructure is not expected, but if it is required, will be subject to appropriate reimbursement consistent with City policies.

9.1.3 Phasing

Phasing of Subarea A shall proceed in multiple phases, which may be moved around as development occurs. It is currently projected that the phasing of residential development in Subarea A will move east to west. The current Phasing Plan is shown below as Figure 9-1.



### **9.1.4 Infrastructure Funding Mechanisms**

A variety of funding mechanisms are available and commonly used to fund public infrastructure. Following are the funding mechanisms most appropriate for use in Founders Point East's implementation.

#### **9.1.4.1 Community Facilities District for Founders Point East**

A Community Facilities District (CFD) or similar mechanism provides funding for Founders Point East. A CFD is a special taxing district that provides funding for the purchase, construction, expansion or rehabilitation of any real or tangible property with an estimated useful life of five (5) years or longer. Additionally, a CFD may finance the costs of planning, design, engineering, legal assistance and other consultants involved in the construction of improvements or formation of the bonded CFD. The CFD may also cover the maintenance of applicable facilities. No final map, building permit or other development entitlement for any part of the plan area shall be deemed consistent with this Specific Plan until and unless the affected parcel(s) are annexed to the applicable CFD or other funding mechanism at the applicable rate(s) and have paid all applicable taxes and fees.

As a condition of approval for development within Founders Point East, the developer shall be required to take all actions necessary to secure and establish a City Mello-Roos CFD for on- going maintenance. A CFD may also be established to fund project infrastructure. The developer shall also be required to pay all Capital Facilities Fees, sewer and water capacity charges and other development fees applicable to the property in accordance with City ordinances, resolutions, regulations, policies and procedures.

#### **9.1.4.2 Capital Facilities Fees**

Capital Facilities Fees pay for citywide improvements for arterials (Tully Road) and expressways, police and fire facilities, parks, air quality, general government, and administration.

#### **9.1.4.3 Water Fees**

There are three water fees that Founders Point East developers are required to pay for the project's fair share of water service to the project. The Water Development Fee pays for pump stations, wells, fire hydrants and water mains 10 inches or larger. The Water Connection for New Extension Fee pays for new water mains to an existing live main for connecting a new subdivision to an existing main. The Water Service Installation Charge pays for installing the water service from the water main to the property line.

#### **9.1.4.4 Sewer Fees**

There are several sewer fees that apply to new development for the project's fair share of sewer service. The Bond Redemption Charge pays for the Wastewater Treatment Plant and sewer trunk system throughout the city. The SubTrunk Charge pays for the construction and maintenance of subtrunk lines. The Lateral Charge

pays for specific sewer laterals that extend from the street or lane to the specific property.

#### **9.1.4.5 Developer Installation**

The developer(s) are responsible for installing the project-specific infrastructure including street dedication and improvements along the perimeter of both subareas (except Pelandale Avenue right-of-way) and within the plan area. The size, location and design of the project-specific infrastructure shall be determined at the time of the Tentative Map for Subarea A and proposed development within Subarea B.

Founders Point East developers may be required by the City to install public facilities that do not benefit the project, in part or in whole. One Founders Point East backbone improvement, the extension of the City's North Sewer Trunk, benefits the project and other development. The developer shall pay their fair share of that type of improvement, based on an allocation established in the Founders Point East FMP/IFP. Also, to make the improvements to Tully Road, Founders Point East may be obligated to build a 10-inch sewer line that serves development south and east of the plan area but does not serve Founders Point East. Full reimbursement to the Founders Point East developer(s) for such an improvement shall be documented in the FMP/IFP.

#### **9.1.4.6 Other Financing Options**

The IFP considers other financing options that may include, but are not limited to: Reimbursement Agreements, Landscape and Lighting Districts, Assessment Districts, Area of Benefit Districts and/or other long range financing strategies.

#### **9.1.4.7 Public Infrastructure Design Standards**

The design of required Founders Point East public infrastructure shall be in accordance with the City of Modesto Standard Specification, 2006 Edition, or as amended by the City of Modesto and as superseded by this Specific Plan or the Founders Point East FMP. The standards applicable shall be those in effect at the time of vesting. Landscape design shall be in accordance with Chapter 1 of Title 12 of the Modesto Municipal Code and this Specific Plan. Standards in this Specific Plan shall prevail where there is a conflict.

### **9.1.5 Infrastructure Maintenance**

#### **9.1.5.1 Public Facilities**

Sewer, water, storm drainage, roadways and open space shall be owned and maintained by the City of Modesto upon acceptance of improvements. A CFD is authorized to finance the services authorized by California Government Code Section 53313, et Seq., as may be amended from time to time. Services may include the maintenance of streets and associated facilities, open space, parkways, storm drainage and flood facilities, as well as emergency services. All applicable property must participate in the maintenance CFD. Landscape irrigation facilities within such



areas shall be owned and maintained by the City upon acceptance of improvements. Dry utilities shall be owned and maintained by the respective utility companies.

#### **9.1.5.2 Private Facilities**

Maintenance of private common open space, landscape areas, subdivision recreation facilities and plan area entry features shall be the developer's responsibility, and may be maintained through mechanisms such as a landscape and lighting district or homeowner's association for that portion of the plan area. The Codes, Covenants and Restrictions (CC&R's) for each homeowner's association must be reviewed and approved by the City. Individual property owners shall be responsible for the landscaping and maintenance of their own private lots.

## **9.2 Plan Administration**

### **9.2.1 Plan Adoption**

The Founders Point East Specific Plan is approved by Ordinance [NUMBER] as approved by the City Council on [DATE] following review and recommendation by the Planning Commission. The Founders Point East Mitigated Negative Declaration was certified by the City Council as of [DATE] by Resolution [NUMBER].

### **9.2.2 Annexation**

The entire 220-acre Founders Point East Specific Plan Area was annexed into the City of Modesto on [DATE]. The annexation of Founders Point East plan area into the City ensures that future development in the plan area is accomplished in conformance with this Specific Plan, the City's General Plan and applicable City standards.

The annexation of Founders Point East is in keeping with the City's intention to develop land contiguous to its city limits, as the Founders Point East plan area is in the Planned Urbanizing Area per the Urban Area General Plan and is adjacent on its southern side to Big Valley Grace Church, and on its western side to land that has been developed with housing similar to that planned within Founders Point East.

#### **9.2.1 Specific Plan Administration Authority**

The City of Modesto's Director of Community and Economic Development Director (hereinafter referred to as Director) shall be responsible for administering the provisions of the Founders Point East Specific Plan in accordance with the provisions of this Specific Plan, the State of California Government Code, Subdivision Map Act, and the City of Modesto General Plan, and Municipal Code.

## 9.2.2 Specific Plan Amendment Procedures

Specific Plan amendments shall be classified as either minor or major in significance. Specific Plan Amendments shall be governed by California Government Code Section 65450-65457.

### 9.2.2.1 Minor Amendments

Minor amendments are defined as those simple modifications to text or diagrams that do not change the meaning or intent nor are contrary to any provision of the Founders Point East Specific Plan. Approval of minor amendments to the Specific Plan may be handled administratively so long as the amendment is found to be in substantial conformance with the Specific Plan and shall not cause additional environmental impacts. The administrative approval shall be approved by the Director, or Designee, and are appealable to the Planning Commission.

### 9.2.4.2 Major Amendments

Major (substantial) amendments are modifications to text or graphics that change the intent, development or other significant provisions of this Specific Plan.

Major amendments: result in an increase in the maximum number of residential units; are substantial modifications in the amount of basin; are substantial changes in the general circulation system layout, or development standards and design guidelines; may cause significant environmental impact; or give rise to other issues of substance as determined by the Director, or Designee. Major modifications will require a Specific Plan Amendment and shall be approved by the City Council. Major amendments shall adhere to the following format:

- All amendments will include textual, graphic or other materials suitable to replace or augment the sections being modified.
- The applicant must provide amendments to the text using a strike-out and underline format and amendments to graphics using clouds and delta format.
- The format and style of the original specific plan will be followed for ease of incorporation and consistency.
- All amendments will be analyzed by the City to ensure that the Founders Point East Specific Plan remains consistent with the Comprehensive Planning District (CPD) in which it is situated and the Urban Area General Plan.

City staff shall prepare and submit a staff report to the Planning Commission and City Council summarizing the proposed amendments to the Specific Plan. This staff report must contain statements regarding the consistency of the proposed amendments with the General Plan and the need for additional environmental review, if required. Consistent with Government Code Section 65453, both the City Council and the Planning Commission will hold hearings on any proposed Specific Plan amendment. Notwithstanding the above, Specific Plan amendments shall be subject to the California Environmental Quality Act and may be reviewed for potential

environmental effects. If it is determined that additional environmental impacts would be caused by the amendment, additional environmental review may be required (e.g., subsequent or supplemental EIR, focused EIR, new EIR or a subsequent/supplemental mitigated negative declaration).

### **9.2.5 Interpretation**

When there is a question or ambiguity regarding the interpretation of any provision of this Specific Plan, the Director or Designee has the authority to interpret the intent of such provision. The Director, or Designee, may at their discretion, refer interpretations to the Planning Commission for their consideration and action. Such a referral shall be accompanied by a written staff analysis of issues related to the interpretation.

### **9.2.6 Severability**

If any regulation, condition or program or portion thereof of the Specific Plan is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and the invalidity of such provision shall not affect the validity of the remaining provisions.

### **9.2.7 Indemnification**

The Specific Plan applicant shall indemnify, defend and hold harmless the City of Modesto, its agents, officers and employees for any and all claims, actions and proceedings against the City of Modesto, its agents, officers and employees to attack, set aside, void or annul, any approval by the City of Modesto and its advisory agency, appeal board or legislative body concerning the Specific Plan and its related documents (e.g., Environmental Impact Report, Facilities Master Plan and Infrastructure Financing Plan).

## **9.3 Development Process**

### **9.3.1 Tentative Subdivision Map**

Tentative Subdivision Map(s) shall be submitted for Founders Point East, pursuant to the Subdivision Map Act and City of Modesto Municipal Code. These maps shall identify all development lots and the exact number of homes or the amount of square footage of any non-residential facilities for sale, lease or financing. Final Development Plan Reviews, if required for residential development of lots smaller than the lot area allowed by the Low Density Residential Zone, should be submitted with tentative maps for concurrent review and determination by the Planning Commission in a public hearing. If approved by the Planning Commission, the developer(s) reserves the right to apply for one or more Final Maps, as allowed in the Subdivision Map Act.

### **9.3.2 Development Plan Review and Conditional Use Permit**

Development Plan Review, as defined in Title 10 of the Municipal Code, shall be required prior to issuance of building permits for commercial and industrial development within the plan area, and required (if applicable) for amendments to residential architecture not approved within this Founders Point East Specific Plan. For uses that require a Conditional Use Permit as defined in Title 10 of the Municipal Code, said use permit shall be attained by the Board of Zoning Adjustment prior to issuance of building permits.

### **9.3.3 Appeals**

Pursuant to Title 10 of the Modesto Municipal Code, any administrative decision by the Director, or Designee, may be appealed to the Planning Commission. Any decision by the Planning Commission may be appealed to the City Council. Any decision by the Board of Zoning Adjustment may be appealed to the City Council.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2025-249**

**RESOLUTION APPROVING THE FILING OF AN APPLICATION TO THE STANISLAUS LOCAL AGENCY FORMATION COMMISSION FOR THE REORGANIZATION OF APPROXIMATELY 220 ACRES LOCATED NORTH OF PELANDALE AVENUE, SOUTH OF KIERNAN AVENUE, EAST OF TULLY ROAD AND WEST OF THE FORMER TIDEWATER RAILROAD/FUTURE VIRGINIA TRAIL CORRIDOR, INCLUDING RIGHTS OF WAY ON PELANDALE AVENUE, KIERNAN AVENUE AND TULLY ROAD, FOR ANNEXATION TO THE CITY OF MODESTO (OWNER INITIATED—UNINHABITED)**

WHEREAS, Fitzpatrick Land Development, LLC is the owner of approximately 70 acres of real property, located between Pelandale Avenue to the south and Bangs Avenue to the north, east of Tully Road and west of the former Tidewater Railroad/future Virginia Trail Corridor, and

WHEREAS, the City has received a request from the Applicant to initiate reorganization of the Property and adjacent right-of-way on Pelandale Avenue, Bangs Avenue, and Tully Road, a total of 70 acres, for annexation to the City of Modesto under the Cortese-Knox-Hertzberg Local Reorganization Act of 2000, California Government Code Section 56000, et seq, and

WHEREAS, the application was amended to propose the inclusion of additional properties located to the north of the subject site, totaling 150 acres, into the proposed annexation to the City of Modesto, said 150-acres on multiple properties bordered by Bangs Avenue to the south and Kiernan Avenue to the north, Tully Road to the west and the former Tidewater Railroad/future Virginia Trail Corridor to the east, and

WHEREAS, the City received notifications from the respective property owners of the 150-acres that the properties be included in the proposed Founders Point East

Reorganization to the City of Modesto, thereby expanding the overall annexation area to a total of 220 acres (“Properties”), and

WHEREAS, the Resolution of Application is proposed pursuant to the Cortese-Knox-Hertzberg Local Reorganization Act of 2000, California Government Code Section 56000, et seq, and

WHEREAS, the Properties to be annexed are within Stanislaus County, said annexation area is contiguous to the existing City limits, and is within the Sphere of Influence of the City of Modesto as adopted by the Stanislaus Local Agency Formation Commission (LAFCO), and

WHEREAS, the Property proposed for reorganization is uninhabited as defined by Government Code Section 56079.5 (fewer than 12 registered voters), and a description of the boundaries of the subject Property is set forth in **Exhibits “A” and “B”**, attached hereto and by this reference incorporated herein, and

WHEREAS, Properties includes four Williamson Act contracts involving five parcels that were protested by the City of Modesto and were upheld by LAFCO, and

WHEREAS, the Properties are covered by the Master Tax Sharing Agreement that address tax sharing entered into between the County of Stanislaus and City of Modesto which was approved on April 9, 1996 and revised on July 12, 2022, and

WHEREAS, the annexation area received a Measure M advisory vote in November 1997, and

WHEREAS, the Properties are covered by the Master Tax Sharing Agreement that address tax sharing entered into between the County of Stanislaus and City of Modesto which was approved on April 9, 1996 and revised on July 12, 2022, and

WHEREAS, the annexation area received a Measure M advisory vote in November 1997, and

WHEREAS, the Properties have been rezoned to Prezone Specific Plan (P-SP) with land use designations for Business Park and Residential uses as set forth in the Founders Point East Specific Plan, and

WHEREAS, pursuant to Government Code Section 56653, a plan for providing services is set forth in **Exhibit “C”**, attached hereto and by this reference incorporated herein, and

WHEREAS, an Initial Study has been prepared by staff, as required by CEQA, and

WHEREAS, the Initial Study concluded that while the project may have a potentially significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent, and a Mitigated Negative Declaration, Environmental Assessment No. EA/C&ED No. 2024-14, was prepared, and

WHEREAS, a 30-day public review period for the proposed Initial Study/Mitigated Negative Declaration began on March 31, 2025 and concluded on April 28, 2025, and

WHEREAS, the City received public comments on the draft Initial Study/Mitigated Negative Declaration and no significant changes to the document were necessary as a result, and

WHEREAS, the Mitigation Monitoring Plan (MMP) is included and described within the Initial Study/Mitigated Negative Declaration; and

WHEREAS, a public hearing was held by the Planning Commission on May 5, 2025, in the Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, after said public hearing, the City of Modesto Planning Commission adopted Resolution No. 2025-27 recommending to the City Council that it adopt the Resolution of Application for an reorganization to annex the Properties to the City of Modesto, and

WHEREAS, said matter was set for public hearing of the City Council to be held on June 24, 2025, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed annexation.

NOW, THEREFORE, the Council of the City of Modesto hereby finds and determines as follows:

1. The reorganization area is part of the Kiernan-McHenry Comprehensive Planning District of the City of Modesto Urban Area General Plan adopted by the Modesto City Council on March 5, 2019 and subsequent amendments, and as amended by the proposed amendment for the Founders Point East Specific Plan.
2. The proposed reorganization is consistent with the Modesto Urban Area General Plan as amended, because it is consistent with General Plan Growth Goals II.B.1 which states “Keep urban development as contiguous as possible in order to minimize urbanization of valuable farmland, foster resident convenience, improve air quality, reduce automobile vehicle miles traveled, improve public health and safety, and provide for economy in City services”, II.F.1 which states “Facilitate the creation and expansion of business parks to achieve a more equitable jobs-housing balance”, and II.F.5 to “pursue a diverse supply of housing types and costs, as well as diverse supply of jobs with varying income potential, to balance local job and housing opportunities.”



3. The requested reorganization will result in planned, orderly and efficient development of the area, and the most efficient provision of services.
4. The Properties are located within Stanislaus County, within the City's adopted Sphere of Influence, contiguous to the existing City limits and can be most efficiently served with City services.
5. The Property proposed to be annexed to the City of Modesto are uninhabited as defined by Government Code Section 56079.5 (fewer than twelve registered voters) and a description of the boundaries of the subject Properties is set forth in Exhibits "A" and "B", attached hereto and by this reference incorporated herein.
6. The City of Modesto exercises its option not to succeed to the Williamson Act Contracts No. 75-1981, No. 75-1982, No. 76-2108 (two parcels), and No. 76-2109, pursuant to California Government Code Section 51243.5 and tentatively cancel said contracts.
7. The Properties are covered by the Master Tax Sharing Agreement that address tax sharing entered into between the County of Stanislaus and City of Modesto which was approved on April 9, 1996 and revised on July 12, 2022.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby adopts this Resolution Authorizing Application for reorganization to annex the Properties to the City of Modesto and Modesto Sewer District No. 1.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that this Resolution of Application includes annexation of the Property to the Modesto Sewer District No. 1.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that, pursuant to Government Code section 56653, the City Council submit the Plan for Services as set forth in **Exhibit "C"**, attached hereto and by this reference incorporated herein.

BE IT FURTHER RESOLVED that the project applicant shall indemnify, defend, and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and

employees to attack, set aside, void, or annul, any approval by the City of Modesto and its advisory agency, appeal board, or a legislative body concerning the reorganization for the Property. The City of Modesto shall promptly notify the applicant of any claim, action, or proceeding.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 2025, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

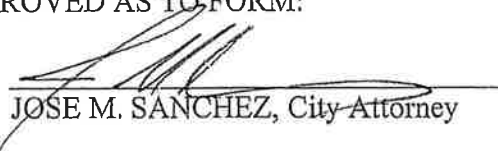


DIANE NAYARES-PEREZ, CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:



JOSE M. SANCHEZ, City Attorney

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**FOUNDERS POINT EAST REORGANIZATION**  
**TO THE CITY OF MODESTO**

All that land situated in the West Half of Section 5 of Township 3 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, described as follows:

Assessor's Parcel No. 046-002-001

All that portion of the Southwest Quarter of Section 5, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, bounded and particularly described as follows, to wit:

Beginning at the Northwest corner of the said Southwest Quarter of said Section 5, and running thence Easterly along the North line of said Southwest Quarter a distance of 1697.73 feet, more or less, to the Northwest corner of land conveyed to Charles Luchessa, et al, by Deed recorded in Volume 16 of Official Records, at Page 406, in the County Recorder's Office of said Stanislaus County; thence South along the West line of land so conveyed to Charles Luchessa a distance of 17.77 chains; thence North  $88^{\circ} 17'$  West a distance of 1699.05 feet, more or less, to the West line of said section 5; thence North along said last named line, a distance of 17.77 chains to the point of beginning.

EXCEPTING THEREFROM the East 20 acres thereof.

ALSO, EXCEPTING THEREFROM that parcel conveyed to County of Stanislaus by Deed recorded March 13, 1986, in Reel 101, Image 1834, described as follows:

All that portion of the Southwest Quarter of Section 5, Township 3 South, Range 9 East, Mount Diablo Meridian, County of Stanislaus, state of California, described as follows:

Beginning at the intersection of the present South line of 40 foot wide Bangs Avenue with the present East line of 40 foot wide Tully Road; thence South  $88^{\circ} 35'$  East, 20.00 feet South of and parallel with the centerline of said Bangs Avenue, 40.00 feet; thence South  $53^{\circ} 42' 06''$  West 49.00 feet to a point on the East line of said Tully Road; thence North  $0^{\circ} 57'$  West, 20.00 feet East of and parallel with the centerline of said Tully Road, 30.00 feet to the point of beginning.

ALSO, EXCEPTING THEREFROM that parcel conveyed to the City of Modesto by that certain Grant Deed recorded September 1, 2005, Instrument No. 2005-0158866 Stanislaus County Records.

ALSO, EXCEPTING THEREFROM that parcel conveyed to the City of Modesto by that certain Final Order of Condemnation recorded October 2, 2007, Instrument No. 2007-0123525 Stanislaus County Records.

ALSO, EXCEPTING THEREFROM that parcel conveyed to the City of Modesto by that certain Grant Deed recorded December 15, 2009, Instrument No. 2009-0119104 Stanislaus County Records.

Assessor's Parcel No. 046-002-002

Parcel One:

The East 20 acres of the following described property:

All that portion of the Southwest quarter of Section 5, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the Northwest corner of said Southwest quarter of said Section 5 and running thence Easterly along the Northerly line of said Southwest quarter, a distance of 1697.73 feet, more or less, to the Northwest corner of land conveyed to Charles Luchessa, et at, by Deed recorded in Vol. 16 of Official Records, at page 406, said Stanislaus County Records; thence South, along the West line of land so conveyed to Charles Luchessa, a distance of 17.77 chains; thence North 88 degrees 17' West, a distance of 1699.05 feet, more or less, to the West line of said Section 5; thence North along said last named line a distance of 17.77 chains to the point of beginning.

EXCEPTING THEREFROM all that portion of said land as Granted to the City of Modesto in that certain Grant Deed recorded December 1, 1999, as Instrument No. 1999-0112066.

ALSO EXCEPTING THEREFROM all that portion contained in the "Final Order of Condemnation Action in Eminent Domain", recorded August 22, 2007, as Instrument No. 2007-0108074, of Official Records.

Parcel Two:

The East 936.53 feet of the following:

All that portion of the Southwest quarter of Section 5, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at a post set for the interior quarter corner of said Section 5, above, Township and Range; thence South 0 degrees 43' East, 17.77 chains; thence North 88 degrees 17' West, 39.63 chains and 20 feet to the center of a Country road running North and South between Sections 5 and 6 of said Township and Range; thence North 0 degrees 40' West, 17.77 chains along the centerline of said country Road to the Northwest corner

of the Southwest quarter of said Section 5; thence South 88 degrees 18' East, 39.61 chains and 20 feet to the point of beginning.

EXCEPTING THEREFROM all that portion of said land as Granted to the City of Modesto in that certain Grant Deed recorded December 1, 1999, as Instrument No. 1999-0112066.

ALSO EXCEPTING THEREFROM all that portion contained in the "Final Order of Condemnation Action in Eminent Domain", recorded August 22, 2007, as Instrument No. 2007-0108074, of Official Records.

Also including the following land as described below:

All that land situated in the Northwest Quarter of Section 5 of Township 3 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, described as follows:

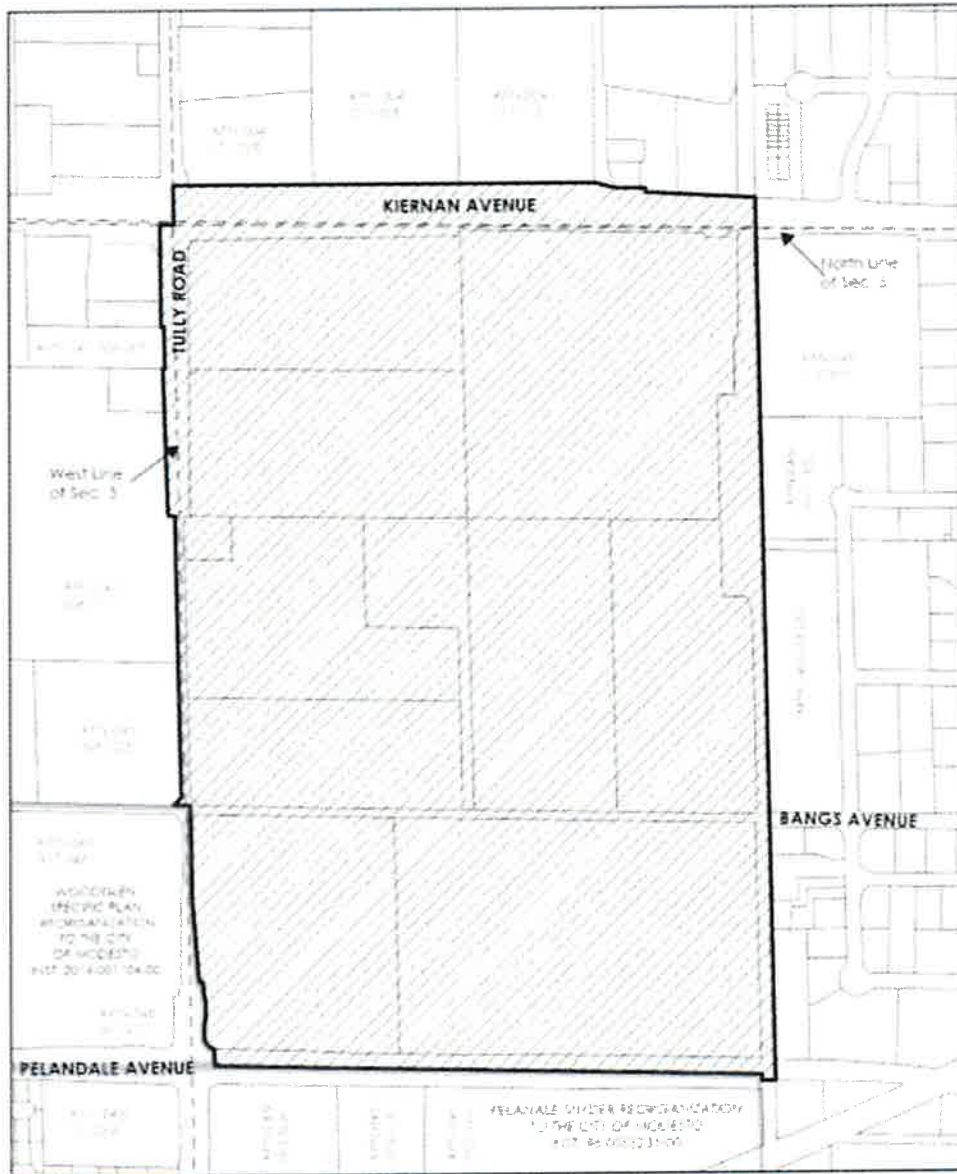
Beginning at the Northwest corner of Section 5 of Township 3 South, Range 9 East, thence east along the northerly line of said Section 5 a distance of 2625 feet; thence South 1° 39' 47" East a distance of 2686 feet; thence North 89° 13' 27" West a distance of 2612 feet; thence North 1° 2' 2" West a distance of 2671 feet to the Point of Beginning.

ALSO INCLUDING all of the right-of-way of Tully Road and Kiernan Avenue/State Highway CA-219, and the right-of-way of the former Tidewater Railroad/future Virginia Trail Corridor, all being immediately adjacent to the above descriptions.

248 acres, more or less.

## EXHIBIT "B"

### FOUNDERS POINT EAST REORGANIZATION TO THE CITY OF MODESTO



#### FOUNDERS POINT EAST SPECIFIC PLAN REORGANIZATION TO THE CITY OF MODESTO

Being a portion of the West 1/2 of Section 5  
Township 3 South, Range 9 East  
Mount Diablo Base and Meridian

248 Acres, more or less.  
Approx. 275 values for the parcels  
on the Specific Plan unit and  
25 acres of adjacent right of way.



## EXHIBIT “C”

### FOUNDERS POINT EAST REORGANIZATION TO THE CITY OF MODESTO PLAN FOR SERVICES

Pursuant to Government Code Section 56653, the following Plan for Services to be extended to the affected territory has been prepared for the Founders Point East Reorganization.

A. The project site is part of the Planned Urbanizing Area, as described in the Modesto Urban Area General Plan, adopted March 5, 2019. As part of the approval, community facilities and services were analyzed in detail in Initial Study Environmental Checklist (C&ED No. 2024-14). These services include traffic and circulation, waste water collection, water delivery, storm water drainage, solid waste disposal, schools, parks, fire protection, and police protection. The City of Modesto is a full service city that intends to provide the following services.

1. Traffic and Circulation: The bulk of the external roadway network is already constructed. The annexation area is bordered by Pelandale Avenue to the south, Kiernan Avenue to the north, Tully Road to the west, and the former Tidewater Railroad/future Virginia Trail Corridor to the east. Pelandale Avenue is a Class-B Expressway with six lanes and a center median. Kiernan Avenue is also California State Highway CA-219, a six-lane highway with a center median. Tully Road is a Minor Arterial street currently comprised of two lanes with left and right turn lanes at the intersections of Kiernan Avenue and Pelandale Avenue, and is designated to be a four-lane Minor Arterial street in the Circulation Element of the General Plan. The applicant or developer will be required to dedicate and construct any necessary roadway improvements along those project frontages upon development.
2. Waste Water Collection: Upon reorganization, the site will annex to Modesto’s Sewer District No. 1. Sewer service will be provided to the subject site from existing lines in Bangs Avenue, Tully Road and Pelandale Avenue to the west and south of the site. The City does not anticipate a substantial demand for service at this site.
3. Water Delivery: There is an adequate quantity of water to serve the commercial, industrial and residential development expected to occur on the property. The site will be served from existing lines in Tully Road, adjacent to the site.
4. Storm Water Drainage: Storm water drainage for this project must be contained on site, as the City does not have a positive storm drain system serving the area. Prior to the approval of any development, the City must approve the storm water drainage system to ensure its adequacy. The storm water drainage system will be constructed by the applicant at the applicant’s expense.

5. Solid Waste Disposal: Weekly pickup will be extended to the annexation area upon the effective date of annexation.

6. Fire Protection: Currently, the annexation area is served by the Salida Fire Protection District. Upon reorganization, Fire Protection will be provided by the City of Modesto Fire Department and the Salida Fire Protection District per an agreement between the City of Modesto and Salida Fire enacted in 2022. No detachment from the Salida Fire Protection District is proposed with the reorganization. Unless the Local Agency Formation Commission (LAFCO) approves detachment of the annexation area from the Salida Protection District, both agencies will be jointly responsible for fire suppression and prevention as provided by the abovementioned Agreement.

Primary service will be provided from City of Modesto Fire Station No. 11 located 0.50 miles away at 4225 Carver Road. Secondary service would be feasible and available from the Salida Fire Protection District station located approximately four miles away at 4820 Broadway Avenue in Salida, in addition to Modesto Fire Station No. 5 at 200 West Briggsmore Avenue and Modesto Fire Station No. 6 located at the corner of Standiford Avenue and Hahn Drive.

7. Police Protection: The Modesto Police Department is able to provide adequate service to the subject site without additional staffing, as industrial property does not require substantial additional policing.

**B. Level and range of services**

- C. The City of Modesto is a full service provider of municipal services and intends to provide the complete service for those areas identified above.

**D. When can services be provided?**

The above-described services can be provided upon the effective date of annexation.

**E. Improvements required as a condition of reorganization**

No improvements are required as a condition of reorganization. The following improvements will be required as a condition of development:

- Prior to issuance of a building permit, the applicant(s) shall construct roadway improvements to the satisfaction of the City Engineer.
- Prior to approval of development, the City must approve the storm water drainage system.

**F. How will services be financed?**

Services will be financed through City fees and the establishment of a new Community Facilities District for the Specific Plan.