

### III. Standards and Criteria by Which Development Will Proceed

This chapter provides standards and criteria to be followed in the development of the Carver-Bangs Specific Plan, including supplemental development standards in compliance with Section 65451(a)(3) of the California Government Code. This includes development standards for residential uses (i.e., minimum lot sizes, setbacks and height requirements), performance standards for noise attenuation, flood hazard, public safety and natural resource (biological and archeological or historical) protection to address the unique features of the Plan area. Relevant General Plan policies addressing flood hazard, noise, and public safety and natural resource issues that affect the Plan area are presented in this chapter (Table 3-1), followed by standards and criteria for residential development, use of open space, and supporting community facilities and service in the Carver-Bangs Specific Plan Area.

**Table 3-1 Relevant General Plan Policies Relating to Noise, Biology, and Archaeology**

<p>The Focused EIR for each Comprehensive Planning District shall include a Noise Analysis prepared by a qualified person experienced in the fields of environmental noise assessment and architectural acoustics. Noise mitigation measures shall be "used as a guide for establishing a pattern of land uses.... that minimize the exposure of [present and future] community residents to excessive noise." (Section 65302(f), Government Code.) The noise contours developed by the Noise Analysis shall be used to determine the land use pattern appropriate within the Comprehensive Plan. (For example, noise from a freeway or expressway might indicate the need for sound barriers, or for non-residential uses adjacent to the noise source.) (Section G, p VII-16)</p>
<p>For all lands within the Planned Urbanizing Area, site specific surveys shall be conducted by a qualified biologist to determine whether any sensitive natural communities or species are present within the proposed development area. These studies shall particularly focus on proposed development within any lands included within a potential biological resource study area, as delineated on Figure 7-1 in the Final Master Environmental Impact Report (Riparian Corridor Diagram).</p>
<p>Surveys should be conducted at the appropriate season to best determine the likelihood of occurrence and should employ accepted methodologies as determined by the California Department of Fish and Game (DFG) and the U.S. Fish and Wildlife Service (USFWS). The significant results of such surveys should be recorded onto the City's existing biological resources map for future planning purposes. (Section E, p. VII-8)</p>
<p>All habitat found to contain or potentially contain sensitive species shall be avoided and preserved unless doing so would create, isolate an/or fragment habitat that would not function adequately as judged by a qualified biologist and/or that the proposed development layout would be so constrained as to make the development financially infeasible; avoided habitat areas shall also be protected by fencing, signs, and/or establishment of buffer zones as appropriate to the species or habitat involved. Generally, a minimum 100-foot buffer of undeveloped land would be necessary. The protected habitat shall contribute to the long-term conservation of the species and ecosystems on which they depend. (Section E, p. VII-8)</p>
<p>Where formally listed species are determined present, consultation shall be carried out with the DFG and/or USFWS in accordance with the California and/or federal Endangered Species Acts. Where candidate or other special status category of species are involved, informal consultation with these agencies is recommended. The recommendations of these agencies shall be incorporated into the development plan, unless overriding considerations can be demonstrated. (Section E, p. VII-9)</p>

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Other measures to protect sensitive habitats may be implemented. Potential measures to be implemented may include those measures listed in Table 7-1 in the Final Master Environmental Impact Report (Section E, p VII-9)

For all proposed development within an archaeological resource study area (as depicted on Figure 8-1 in the Master Environmental Impact Report), a combination of archival research, particularly through the Central California Information Center at Turlock, and preliminary surface field reconnaissance shall be employed to identify any areas that may have been used by Native Americans. Areas containing prehistoric deposits shall be mapped with evaluation of their significance following only in those areas where proposed development might affect the resources.

Where proposed development could affect the resources, the City shall consult Table 8-1 in the Master Environmental Impact Report for the steps to be implemented. (Section F, p. VII-10)

If archaeological resources are discovered at any time during construction, all activity shall cease, until the site is surveyed by a qualified archaeologist. The survey shall include mitigation measures, which shall be implemented before construction resumes. The survey shall follow the criteria presented in Appendix K of CEQA Guidelines. (Section F, p. VII-11)

## **A. IMPLEMENTATION OF LAND USE AND DEVELOPMENT STANDARDS**

This section describes how the Specific Plan meets Government Code Section 65451(a)(3), specifically related to Development Regulations. This section also describes how the Specific Plan assists in the implementation of the SP-O Zone (Article 19, Sections 10-2.1901 through 10-2.1905 of the Modesto Municipal Code).

### **1. Purpose and Intent of the Specific Plan Overlay Zone**

This purpose of the SP-O Zone is to permit residential development with the Carver-Bangs Specific Plan Area.

### **2. Application of the SP-O Zone**

The City Zoning map as allowed by Section 10-2.305 of the Modesto Municipal Code "The Zoning Map" shall indicate SP-O zoning for the area of the Carver-Bangs Specific Plan designated for Village Residential Uses.

### **3. Effect of the SP-O Overlay Zone/Relationship to the Principal Underlying Zoning**

Principal underlying zoning is not "zoning" in the strict sense as defined in Chapter 4 of the Government Code (Section 65800 et seq.). Rather, principal underlying zoning shall be considered "Development Regulations" for the future development of the Carver-Bangs Specific Plan area.

Development regulations within the Carver-Bangs Specific Plan shall correspond exactly to those regulations specified in Title X of the Modesto Municipal Code for the Low-Density Residential Zone (R-1), Article 5, and Medium-High Density Residential Zone (R-3), Article 7. These development regulations include permitted uses, plot plan uses, conditional uses, home businesses, garage sales, animals and fowl, height, front side and rear yards, street frontage, area, and lot width and lot coverage requirements.

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

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

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

- b) **Exception Examples.** Examples of such exceptions may include, but are not limited to, the following proposals:
  - (1) Lot sizes smaller than 5,000 square feet
  - (2) Condominiums/community apartment projects/stock cooperatives.
  - (3) Subdivisions with private streets, including gated subdivisions.
  - (4) Senior housing facilities.
  - (5) Residential care facilities.
  
- c) **Submittal Requirements.** An application to the Planning Commission to adopt further exceptions to development standards shall include the following submittals.
  - 1. A development plan and any elevations, perspectives, or floor plans necessary for project evaluation as determined by the Director.
  - 2. A development schedule.
  - 3. A tentative subdivision map, if the project contains residential units.
  
- d) **Conditions.** In granting any exceptions, the Planning Commission may impose conditions deemed necessary or desirable to maintain neighborhood compatibility and to protect the public health safety or welfare. Examples of conditions are height, size, lot coverage, yards, density, and parking requirements.

## **B. MITIGATION MEASURES**

A focused EIR prepared for the Carver-Bangs Specific Plan contains mitigation measures that are identified as policies in this Specific Plan. Mitigation measures ensure that onsite uses are protected from impacts (e.g., noise from adjacent uses and public safety hazards) and that development of the Plan area does not result in significant impacts (e.g., biological and cultural or historical resources). Mitigation measures derived from the focused EIR ensure that environmental impacts are offset to the maximum extent feasible.

## **IV. Noise**

The Carver-Bangs Specific Plan hereby adopts an outdoor noise performance standard of 60 L<sub>dn</sub> for new residential development. This standard would apply to outdoor use areas (e.g. back yards). Design features that would be available to meet this standard include open space buffers, berms, and walls. The key locations requiring the noise barrier would include the future Pelandale Expressway and Prescott Road (extended).