DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
1010 10TH Street, Suite 3400, Modesto, CA 95354
Planning Phone: (209) 525-6330 Fax: (209) 525-5911
Building Phone: (209) 525-6557 Fax: (209) 525-7759

Referral
Early Consultation

Date: **March 22, 2019**

To: **Distribution List (See Attachment A)**

From: **Rachel Wyse, Senior Planner, Planning and Community Development**

Subject: **GENERAL PLAN AMENDMENT & REZONE APPLICATION NO. PLN2018-0081 – LIBITZKY MANAGEMENT CORPORATION**

Respond By: **April 9, 2019**

****PLEASE REVIEW REFERRAL PROCESS POLICY****

The Stanislaus County Department of Planning and Community Development is soliciting comments from responsible agencies under the Early Consultation process to determine: a) whether or not the project is subject to CEQA and b) if specific conditions should be placed upon project approval.

Therefore, please contact this office by the response date if you have any comments pertaining to the proposal. Comments made identifying potential impacts should be as specific as possible and should be based on supporting data (e.g., traffic counts, expected pollutant levels, etc.). Your comments should emphasize potential impacts in areas which your agency has expertise and/or jurisdictional responsibilities.

These comments will assist our Department in preparing a staff report to present to the Planning Commission. Those reports will contain our recommendations for approval or denial. They will also contain recommended conditions to be required should the project be approved. Therefore, please list any conditions that you wish to have included for presentation to the Commission as well as any other comments you may have. Please return all comments and/or conditions as soon as possible or no later than the response date referenced above.

Thank you for your cooperation. Please call (209) 525-6330 if you have any questions.

Applicant: **Kevin Perkins, Libitzky Holdings, LP**

Project Location: **1224 Kiernan Avenue, at the southeast corner of Tully Road and Kiernan Avenue, in the Modesto area.**

APN: **046-001-001**

Williamson Act Contract: **Not Applicable**

General Plan: **Urban Transition**

Current Zoning: **A-2-10 (General Agriculture)**

Project Description: **Request to amend the General Plan designation from Urban Transition to Planned Development and rezone the 17.16 acre parcel from A-2-10 (General Agriculture) to P-D (Planned Development) and construct six 50,000 square-foot buildings for industrial and warehousing uses. The project site will develop as an expansion of the eastern adjacent P-D 131, sharing the existing well and stormwater basin, and utilizing on-site septic systems. Days and hours of operation are seven days a week and 24 hours a day. (See Applicant's Project Description).**

Full document with attachments available for viewing at:
http://www.stancounty.com/planning/pl/act-projects.shtm

STRIVING TOGETHER TO BE THE BEST!

GENERAL PLAN AMENDMENT & REZONE APPLICATION NO. PLN2018-0081 – LIBITZKY MANAGEMENT CORPORATION
Attachment A

Distribution List

	CA DEPT OF CONSERVATION Land Resources / Mine Reclamation		STAN CO ALUC
X	CA DEPT OF FISH & WILDLIFE		STAN CO ANIMAL SERVICES
	CA DEPT OF FORESTRY (CAL FIRE)	X	STAN CO BUILDING PERMITS DIVISION
X	CA DEPT OF TRANSPORTATION DIST 10	X	STAN CO CEO
X	CA OPR STATE CLEARINGHOUSE		STAN CO CSA
X	CA RWQCB CENTRAL VALLEY REGION	X	STAN CO DER
	CA STATE LANDS COMMISSION	X	STAN CO ERC
	CEMETERY DISTRICT	X	STAN CO FARM BUREAU
	CENTRAL VALLEY FLOOD PROTECTION	X	STAN CO HAZARDOUS MATERIALS
X	CITY OF: MODESTO		STAN CO PARKS & RECREATION
	COMMUNITY SERVICES/SANITARY DIST	X	STAN CO PUBLIC WORKS
X	COOPERATIVE EXTENSION		STAN CO RISK MANAGEMENT
	COUNTY OF:	X	STAN CO SHERIFF
X	FIRE PROTECTION DIST: SALIDA	X	STAN CO SUPERVISOR 4: BERRYHILL
	HOSPITAL DIST:	X	STAN COUNTY COUNSEL
X	IRRIGATION DIST: MODESTO	X	StanCOG
X	MOSQUITO DIST: EASTSIDE	X	STANISLAUS FIRE PREVENTION BUREAU
X	MOUNTIAN VALLEY EMERGENCY MEDICAL SERVICES	X	STANISLAUS LAFCO
	MUNICIPAL ADVISORY COUNCIL:	X	STATE OF CA SWRCB DIVISION OF DRINKING WATER DIST. 10
X	PACIFIC GAS & ELECTRIC		SURROUNDING LAND OWNERS
	POSTMASTER:	X	TELEPHONE COMPANY: AT&T
X	RAILROAD: UNION PACIFIC	X	TRIBAL CONTACTS (CA Government Code §65352.3)
X	SAN JOAQUIN VALLEY APCD		US ARMY CORPS OF ENGINEERS
X	SCHOOL DIST 1: STANISLAUS UNION ELEMENTARY		US FISH & WILDLIFE
X	SCHOOL DIST 2: MODESTO UNION HIGH		US MILITARY (SB 1462) (7 agencies)
X	WORKFORCE DEVELOPMENT		USDA NRCS
X	STAN CO AG COMMISSIONER		WATER DIST:
	TUOLUMNE RIVER TRUST		

STANISLAUS COUNTY
CEQA REFERRAL RESPONSE FORM

TO: **Stanislaus County Planning & Community Development**
1010 10th Street, Suite 3400
Modesto, CA 95354

FROM: _____

SUBJECT: **GENERAL PLAN AMENDMENT & REZONE APPLICATION NO. PLN2018-0081 – LIBITZKY MANAGEMENT CORPORATION**

Based on this agency's particular field(s) of expertise, it is our position the above described project:

_____ Will not have a significant effect on the environment.
_____ May have a significant effect on the environment.
_____ No Comments.

Listed below are specific impacts which support our determination (e.g., traffic general, carrying capacity, soil types, air quality, etc.) – (attach additional sheet if necessary)

1.
2.
3.
4.

Listed below are possible mitigation measures for the above-listed impacts: *PLEASE BE SURE TO INCLUDE WHEN THE MITIGATION OR CONDITION NEEDS TO BE IMPLEMENTED (PRIOR TO RECORDING A MAP, PRIOR TO ISSUANCE OF A BUILDING PERMIT, ETC.):*

1.
2.
3.
4.

In addition, our agency has the following comments (attach additional sheets if necessary).

_____

_____

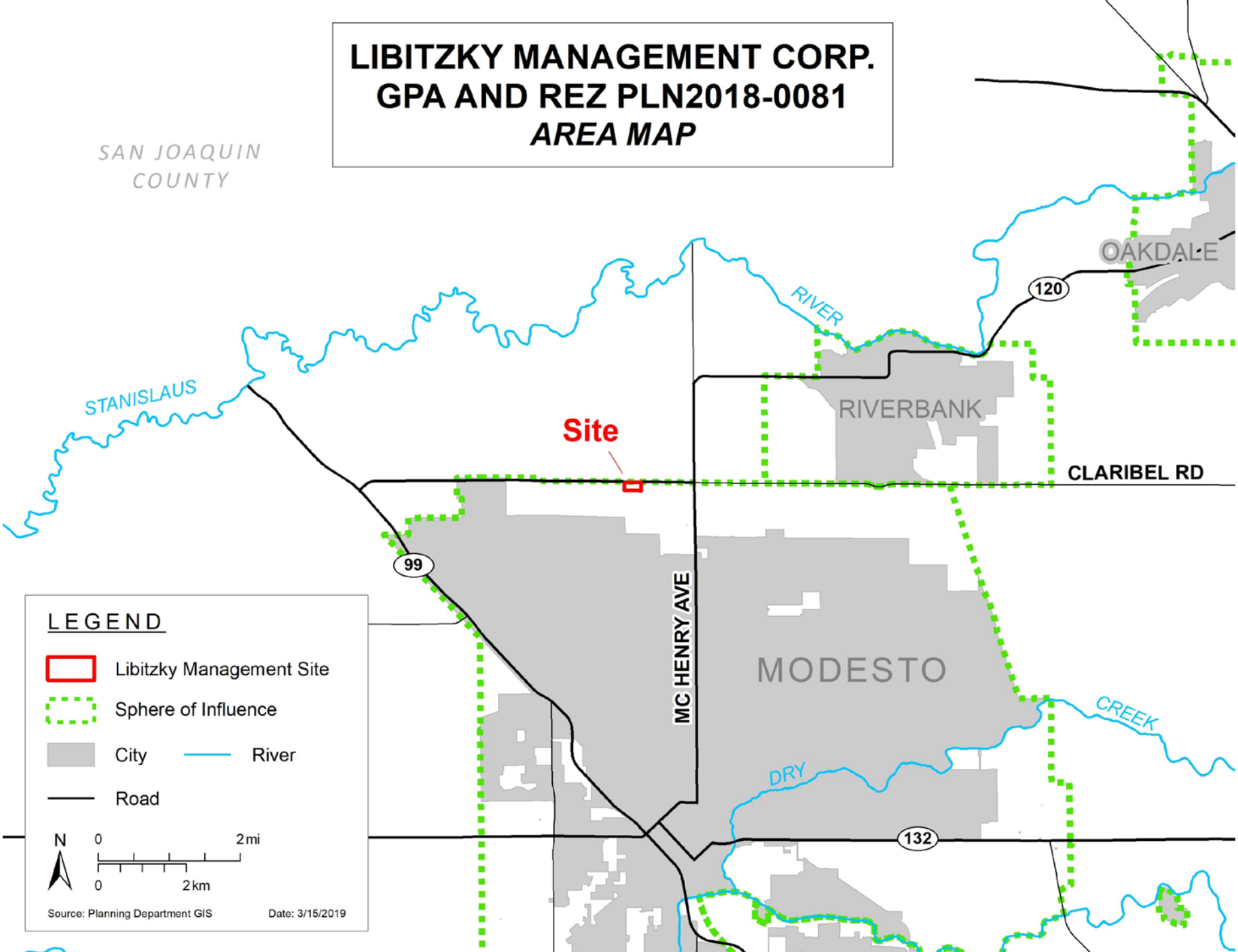
Response prepared by:

_____

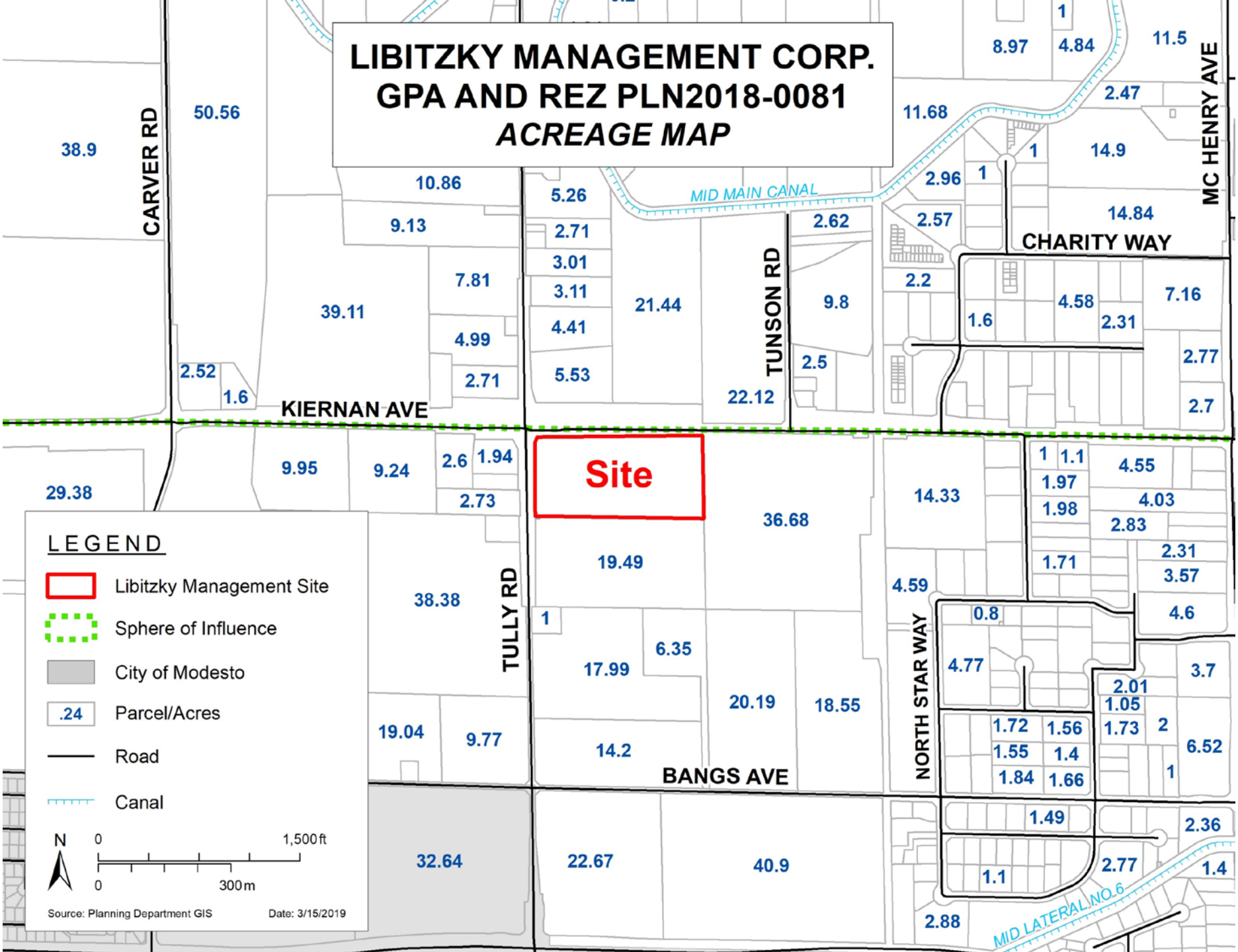
Name Title Date

STRIVING TOGETHER TO BE THE BEST!

LIBITZKY MANAGEMENT CORP.
GPA AND REZ PLN2018-0081
AREA MAP



LIBITZKY MANAGEMENT CORP.
GPA AND REZ PLN2018-0081
ACREAGE MAP

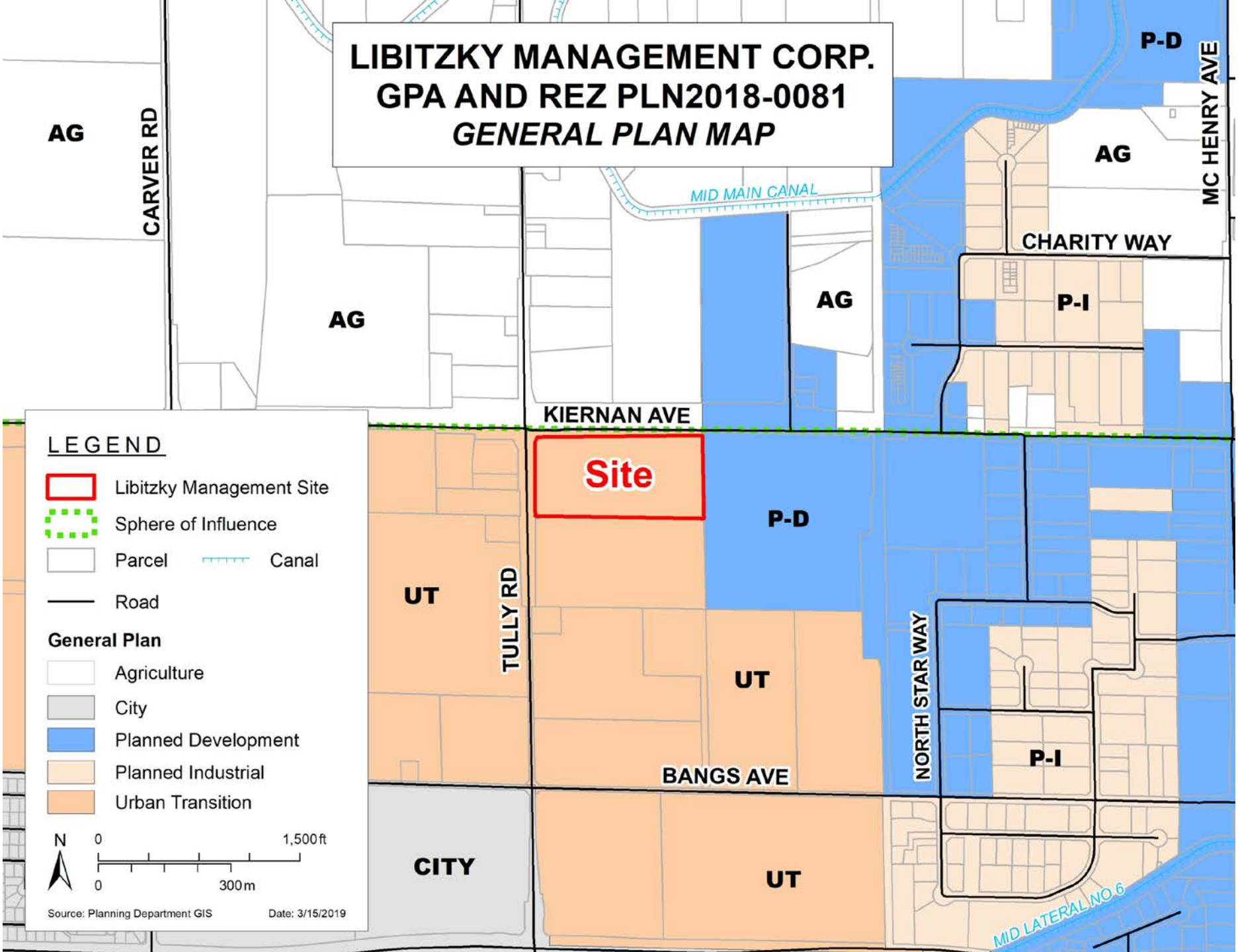


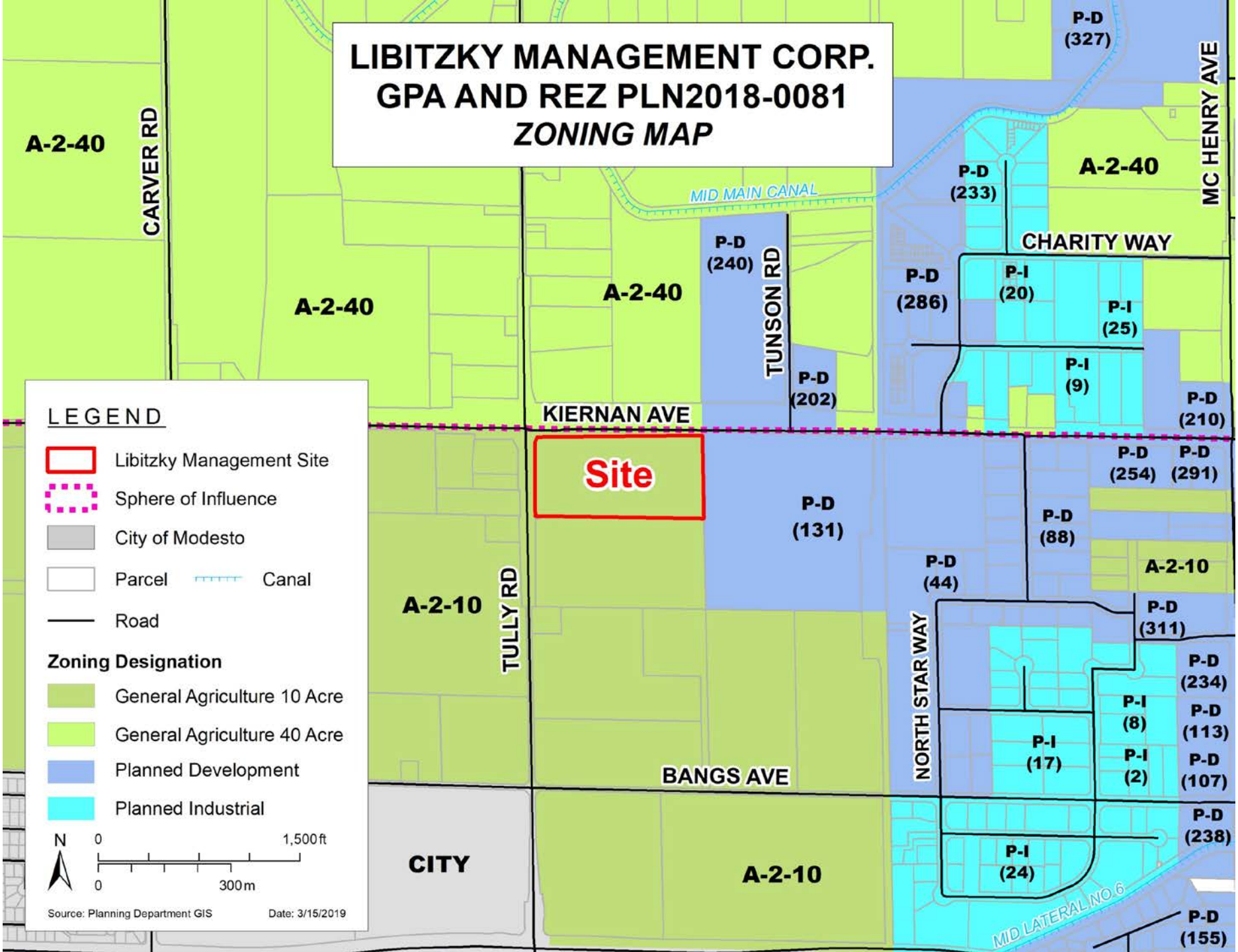
LEGEND

- Libitzky Management Site
- Sphere of Influence
- City of Modesto
- .24 Parcel/Acres
- Road
- Canal

N 0 1,500 ft
0 300 m

Source: Planning Department GIS Date: 3/15/2019


LIBITZKY MANAGEMENT CORP.
GPA AND REZ PLN2018-0081
GENERAL PLAN MAP
AG
CARVER RD
AG
AG
MID MAIN CANAL
P-D
MC HENRY AVE
AG
CHARITY WAY
P-I
KIERNAN AVE
Site
P-D
UT
TULLY RD
UT
NORTH STAR WAY
P-I
BANGS AVE
CITY
UT
MID LATERAL NO 6
LEGEND
Libitzky Management Site
Sphere of Influence
Parcel
Canal
Road
General Plan
Agriculture
City
Planned Development
Planned Industrial
Urban Transition
N
0
1,500 ft
0
300 m
Source: Planning Department GIS
Date: 3/15/2019


LIBITZKY MANAGEMENT CORP.
GPA AND REZ PLN2018-0081
ZONING MAP
A-2-40
CARVER RD
A-2-40
A-2-40
MID MAIN CANAL
P-D (240)
TUNSON RD
P-D (202)
KIERNAN AVE
Site
P-D (131)
A-2-10
TULLY RD
BANGS AVE
CITY
A-2-10
P-D (327)
MC HENRY AVE
A-2-40
P-D (233)
CHARITY WAY
P-D (286)
P-I (20)
P-I (25)
P-I (9)
P-D (210)
P-D (254)
P-D (291)
P-D (88)
A-2-10
P-D (44)
P-D (311)
NORTH STAR WAY
P-D (234)
P-I (8)
P-D (113)
P-I (17)
P-I (2)
P-D (107)
P-D (238)
P-I (24)
MID LATERAL NO 6
P-D (155)
LEGEND
Libitzky Management Site
Sphere of Influence
City of Modesto
Parcel
Canal
Road
Zoning Designation
General Agriculture 10 Acre
General Agriculture 40 Acre
Planned Development
Planned Industrial
N
0
1,500 ft
0
300 m
Source: Planning Department GIS
Date: 3/15/2019

LIBITZKY MANAGEMENT CORP.
GPA AND REZ PLN2018-0081
2017 AERIAL AREA MAP
CARVER RD
MID MAIN CANAL
MC HENRY AVE
CHARITY WAY
TUNSON RD
KIERNAN AVE
Site
TULLY RD
NORTH STARWAY
BANGS AVE
MID LATERAL NO 6
LEGEND
Libitzky Management Site
Road
Canal
N
0
1,500 ft
0
300 m
Source: Planning Department GIS
Date: 3/15/2019

LIBITZKY MANAGEMENT CORP.
GPA AND REZ PLN2018-0081
2017 AERIAL SITE MAP
KIERNAN AVE
TULLY RD
Site
LEGEND
Libitzky Management Site
Road
N
0
300 ft
0
50 m
Source: Planning Department GIS
Date: 3/15/2019

LIBITZKY MANAGEMENT CORP
GPA AND REZ PLN2018-0081
SITE PLAN

PROJECT INFORMATION

OWNER:
LIBITZKY HOLDINGS LP ET AL
1475 POWELL ST 204
EMERYVILLE, CA 94608
510-652-4950

DEVELOPER:
LIBITZKY MANAGEMENT GROUP
1475 POWELL ST
EMERYVILLE, CA 94608
510-652-4950

ENGINEER:
VVH CONSULTING ENGINEERS
430 16TH STREET
MODESTO, CA 95354
ROD CHRISTENSEN, PE: C70004
209-538-4477

ASSESSOR'S PARCEL NUMBERS
046-001-001 ±17.16 ACRES

TOTAL AREA ±17.16 ACRES (GROSS)

LAND USE:

EXISTING COUNTY GENERAL PLAN: UT (URBAN TRANSITION)
PROPOSED COUNTY GENERAL PLAN: PD (PLANNED DEVELOPMENT)

EXISTING CITY GENERAL PLAN: BP (BUSINESS PARK)
PROPOSED CITY GENERAL PLAN: BP (BUSINESS PARK)

EXISTING ZONING: A-2-10 (GENERAL AG)
PROPOSED ZONING: PD (PLANNED DEVELOPMENT)

SERVICES:

SEWER:	ONSITE SEPTIC
WATER:	ONSITE PRIVATE WELL
STORM DRAIN:	ONSITE AREAS DRAIN TO A PRIVATELY OWNED & MAINTAINED RETENTION FACILITY
ELECTRICAL:	MODESTO IRRIGATION DISTRICT
GAS:	PG&E
TELEPHONE:	AT&T
CABLE:	COMCAST

NOTES

1. THIS EXHIBIT IS TO ACCOMPANY A DEVELOPMENT APPLICATION FOR A REZONE. ALL SITE CHARACTERISTICS ARE PRELIMINARY ONLY, AND WILL BE REFINED THROUGH THE PREPARATION OF FINAL DESIGN DRAWINGS.
2. THE PROPOSED LANDSCAPING SHOWN HEREIN IS CONCEPTUAL ONLY. SITE LANDSCAPING WILL BE DESIGNED, PERMITTED AND CONSTRUCTED IN ACCORDANCE WITH CHAPTER 21.102 LANDSCAPE AND IRRIGATION STANDARDS OF THE STANISLAUS COUNTY CODE.

LEGEND

- STALL COUNT
- TRAFFIC CIRCULATION
- EXISTING WELL
- PROP. LANDSCAPING FEATURES (CONCEPTUAL ONLY)
- PROP. AREA OF ASPHALT PAVEMENT

PARKING ANALYSIS

THE BUILDING TYPES LOCATED IN THIS SITE ARE NOT SPECIFIED IN SECTION 21.76 OF THE STANISLAUS COUNTY CODE.

SINCE NO SPECIFICATIONS EXIST, PARKING SHALL BE DETERMINED BASED ON INTENSITY OF USE BY MOTOR VEHICLES, AS OUTLINED IN 21.76.21.9 OF THE STANISLAUS COUNTY CODE. THEREFORE THE INSTITUTE OF TRANSPORTATION ENGINEERS (ITE) PARKING GENERATION 4TH EDITION WAS USED TO DETERMINE THE PARKING SPACES REQUIRED, PER THE ITE PARKING GENERATION:

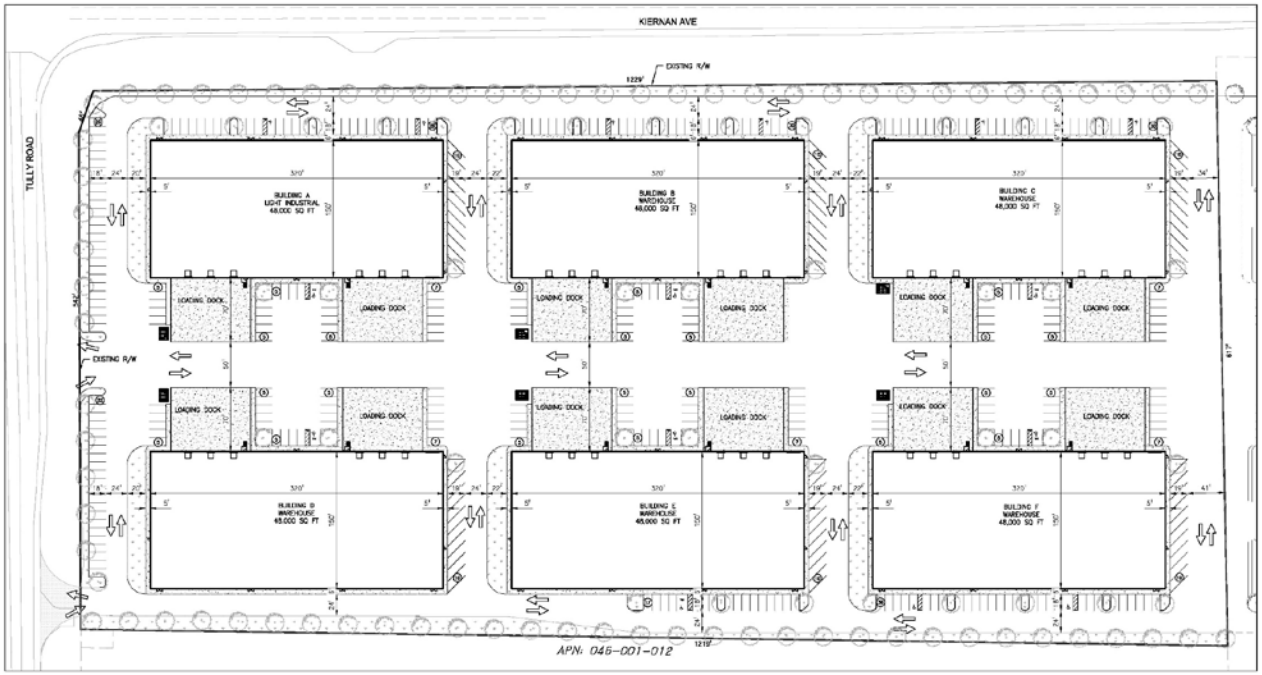
LIGHT INDUSTRIAL PARKING: P=0.61X+6 WHERE X=1,000 SQ. FT GFA

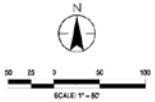
WAREHOUSE PARKING: P=0.41X-1 WHERE X=1,000 SQ. FT GFA

BUILDING	AREA (SF)	USES	PARKING DEMAND (SPACES)
A	48,000	LIGHT INDUSTRIAL	36
B	48,000	WAREHOUSE	16
C	48,000	WAREHOUSE	16
D	48,000	WAREHOUSE	16
E	48,000	WAREHOUSE	16
F	48,000	WAREHOUSE	16
		TOTAL	121

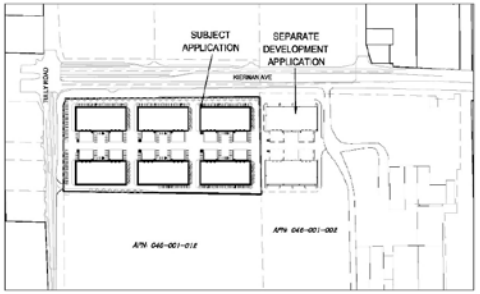
TOTAL REQUIRED SPACES: 131 SPACES

TOTAL PROVIDED SPACES: 384 SPACES





VICINITY MAP
N.T.S.



OVERALL DEVELOPMENT PLAN
N.T.S.

VVH CONSULTING ENGINEERS
1218 G STREET
MODESTO, CA 95354
PH: 209.538.4477
FAX: 209.538.4479

Client/Project
LIBITZKY MANAGEMENT CORPORATION
REZONE APPLICATION
KIERNAN AVENUE INDUSTRIAL DEVELOPMENT
STANISLAUS COUNTY, CALIFORNIA

Engineer's Seal

Title
REZONE APPLICATION PLOT PLAN

811 Know what's below. Call before you dig.

Sheet No.
1 of 1 sheets

LIBITZKY MANAGEMENT CORP
GPA AND REZ PLN2018-0081
P-D (313) SITE PLAN

PROJECT INFORMATION

OWNER:
LIBITZKY HOLDINGS LP ET AL
1475 POWELL ST 201
EMERYVILLE, CA 94608
510-652-4950

DEVELOPER:
LIBITZKY MANAGEMENT GROUP
1475 POWELL ST
EMERYVILLE, CA 94608
510-652-4950

ENGINEER:
VHH CONSULTING ENGINEERS
430 10TH STREET
MODESTO, CA 95354
ROB CHRISTENSEN, PE: C70054
209-568-4477

ASSESSOR'S PARCEL NUMBERS:
046-001-002 ±36.31 ACRES

TOTAL AREA ±36.31 ACRES (GROSS)

LAND USE:

EXISTING COUNTY GENERAL PLAN: PD (PLANNED DEVELOPMENT)
PROPOSED COUNTY GENERAL PLAN: PD (PLANNED DEVELOPMENT)

EXISTING CITY GENERAL PLAN: BP (BUSINESS PARK)
PROPOSED CITY GENERAL PLAN: BP (BUSINESS PARK)

EXISTING ZONING: PD-131 (PLANNED DEVELOPMENT)
PROPOSED ZONING: PD (PLANNED DEVELOPMENT)

SERVICES:

SEWER:	ONSITE SEPTIC
WATER:	ONSITE PRIVATE WELL
STORM DRAIN:	ONSITE AREAS DRAIN TO A PRIVATELY OWNED & MAINTAINED RETENTION FACILITY.
ELECTRICAL:	MODESTO IRRIGATION DISTRICT
GAS:	PG&E
TELEPHONE:	AT&T
CABLE:	COMCAST

NOTES

1. THIS EXHIBIT IS TO ACCOMPANY A DEVELOPMENT APPLICATION FOR A REZONE. ALL SITE CHARACTERISTICS ARE PRELIMINARY, ONLY, AND WILL BE REFINED THROUGH THE PREPARATION OF FINAL DESIGN DRAWINGS.
2. THE PROPOSED LANDSCAPING SHOWN HEREIN IS CONCEPTUAL, ONLY. SITE LANDSCAPING WILL BE DESIGNED, PERMITTED AND CONSTRUCTED IN ACCORDANCE WITH CHAPTER 21.102 LANDSCAPE AND IRRIGATION STANDARDS, OF THE STANISLAUS COUNTY CODE.

LEGEND

- STALL COUNT
- TRAFFIC CIRCULATION
- EXISTING WELL
- PROP. LANDSCAPING FEATURES (CONCEPTUAL, ONLY)
- PROP. AREA OF ASPHALT PAVEMENT

PARKING ANALYSIS

THE BUILDING TYPES LOCATED IN THIS SITE ARE NOT SPECIFIED IN SECTION 21.76 OF THE STANISLAUS COUNTY CODE.

SINCE NO SPECIFICATIONS EXIST, PARKING SHALL BE DETERMINED BASED ON INTENSITY OF USE BY MOTOR VEHICLES, AS OUTLINED BY 21.76.210 OF THE STANISLAUS COUNTY CODE. THEREFORE THE INSTITUTE OF TRANSPORTATION ENGINEERS (ITE) PARKING GENERATION 4TH EDITION WAS USED TO DETERMINE THE PARKING SPACES REQUIRED. PER THE ITE PARKING GENERATION:

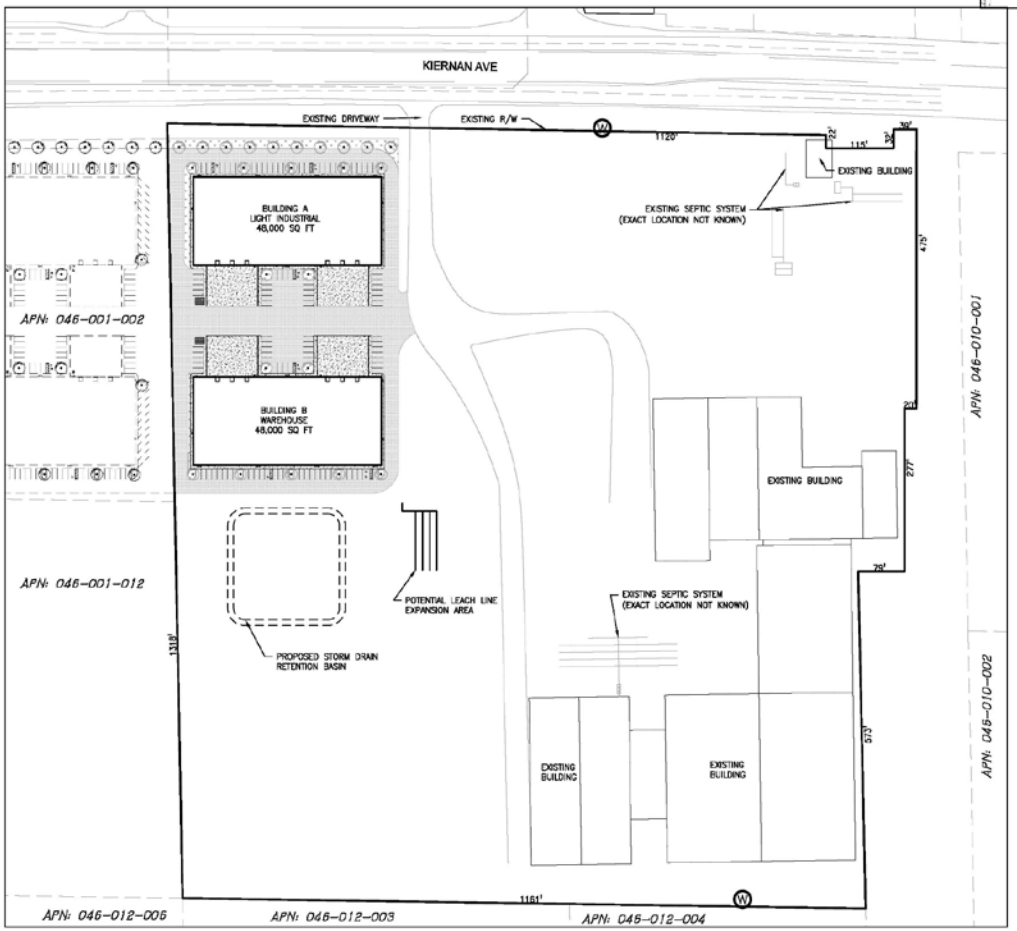
LIGHT INDUSTRIAL PARKING: P=0.61X+6 WHERE X=1,000 SQ. FT GFA

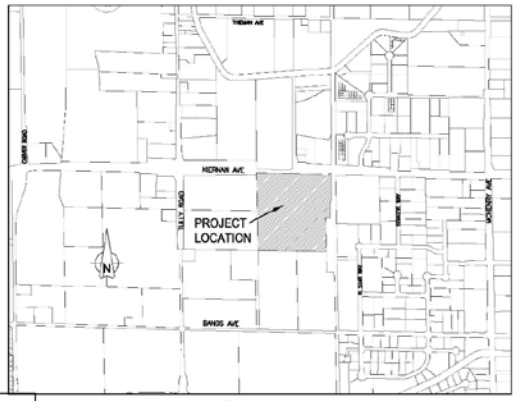
WAREHOUSE PARKING: P=0.41X-1 WHERE X=1,000 SQ. FT GFA

BUILDING	AREA (SF)	USES	PARKING DEMAND (SPACES)
A	48,000	LIGHT INDUSTRIAL	36
B	48,000	WAREHOUSE	19
		TOTAL	55

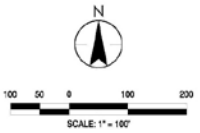
TOTAL REQUIRED SPACES: 55 SPACES

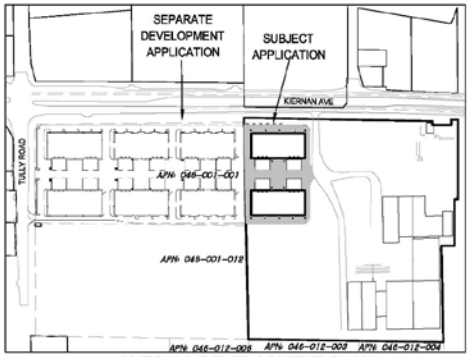
TOTAL PROVIDED SPACES: 114 SPACES





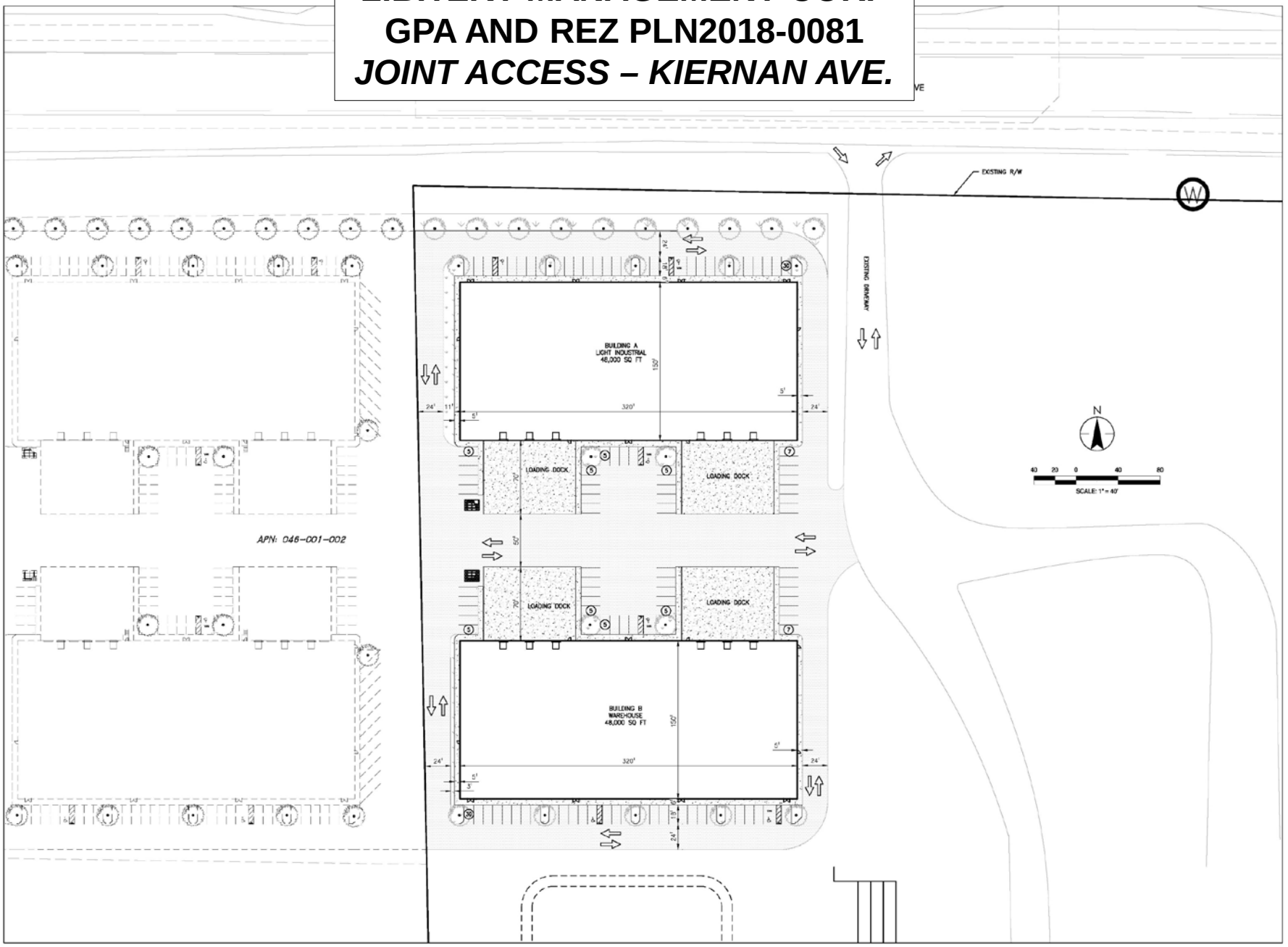
VICINITY MAP
N.T.S.





OVERALL DEVELOPMENT PLAN
N.T.S.

LIBITZKY MANAGEMENT CORP
GPA AND REZ PLN2018-0081
JOINT ACCESS – KIERNAN AVE.



LIBITZKY MANAGEMENT CORP
GPA AND REZ PLN2018-0081
PROPOSED ELEVATIONS

PD 313 – Existing Structure

LIBITZKY MANAGEMENT CORP
GPA AND REZ PLN2018-0081
PROPOSED ELEVATIONS

PD 313 – Existing Structure

LIBITZKY MANAGEMENT CORP
GPA AND REZ PLN2018-0081
PROPOSED ELEVATIONS

PD 313 – Existing Structure

LIBITZKY MANAGEMENT CORP
GPA AND REZ PLN2018-0081
PROPOSED ELEVATIONS

PD 313 – Existing Structure

Stanislaus County

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
1010 10TH Street, Suite 3400, Modesto, CA 95354
Planning Phone: (209) 525-6330 Fax: (209) 525-5911
Building Phone: (209) 525-6557 Fax: (209) 525-7759
Form Available Online: http://www.stancounty.com/planning/applications.shtm

APPLICATION QUESTIONNAIRE

Please Check all applicable boxes

APPLICATION FOR:

Staff is available to assist you with determining which applications are necessary

☒	General Plan Amendment	☐	Subdivision Map
☒	Rezone	☐	Parcel Map
☐	Use Permit	☐	Exception
☐	Variance	☐	Williamson Act Cancellation
☐	Historic Site Permit	☐	Other _____

PLANNING STAFF USE ONLY:

Application No(s): PLN 2018-0081
Date: 7/20/18 KNA
S 5 T 3 R 9
GP Designation: UT
Zoning: A-2-10
Fee: _____
Receipt No. _____
Received By: Kristen Anaya
Notes: See UP 2018-

In order for your application to be considered COMPLETE, please answer all applicable questions on the following pages, and provide all applicable information listed on the checklist on pages i – v. Under State law, upon receipt of this application, staff has 30 days to determine if the application is complete. We typically do not take the full 30 days. It may be necessary for you to provide additional information and/or meet with staff to discuss the application. Pre-application meetings are not required, but are highly recommended. An incomplete application will be placed on hold until all the necessary information is provided to the satisfaction of the requesting agency. An application will not be accepted without all the information identified on the checklist.

Please contact staff at (209) 525-6330 to discuss any questions you may have. Staff will attempt to help you in any way we can.

PROJECT INFORMATION

PROJECT DESCRIPTION: (Describe the project in detail, including physical features of the site, proposed improvements, proposed uses or business, operating hours, number of employees, anticipated customers, etc. – Attach additional sheets as necessary)

Please note: A detailed project description is essential to the reviewing process of this request. In order to approve a project, the Planning Commission or the Board of Supervisors must decide whether there is enough information available to be able to make very specific statements about the project. These statements are called "Findings". It is your responsibility as an applicant to provide enough information about the proposed project, so that staff can recommend that the Commission or the Board make the required Findings. Specific project Findings are shown on pages 17 – 19 and can be used as a guide for preparing your project description. (If you are applying for a Variance or Exception, please contact staff to discuss special requirements).

See attached Project Description

PROJECT DESCRIPTION

The proposed project is the construction of up to six (6) new Industrial/Light Industrial / Warehouse buildings of approximately 50,000 square feet each on the 17.16 acre property identified as APN 046-001-001. The future tenants of the buildings are unknown at this time, and these future tenants may occupy part or all of each building. The new buildings will be an extension of the two (2) new buildings to be constructed on the adjacent PD (131) property immediately to the east. Libitzky Holdings, LP (Libitzky) owns both this parcel, and PD (131) to the east, so with approval of this project, this site and PD (131) will operate as a unified development.

The property is located at the southeast corner of Kiernan Avenue and Tully Road and the majority of the property is currently planted in almonds. The property is bordered to the east by the existing PD (131) development, to the north, south and west by agricultural development. The property is located within the City of Modesto sphere of influence, and has a County General Plan designation of Urban Transition and a City of Modesto General Plan designation of Business Park. The County General Plan Land Use designation will be changed from Urban Transition to Planned Development, to match the County General Plan designation on PD (131) to the east.

The current zoning on the property is A-2-10, and this proposal is to rezone the property to Planned Development, with the allowable uses being those permissible consistent with PD (131). A copy of the approved PD (131) is attached. Development will commence construction no later than January 1, 2024 and complete construction no later than January 1, 2034.

As this property and the 36 acre PD (131) property will allow cross access, and the sharing of utilities, easements will be granted as necessary. Water will be provided from a shared water system. Utilities will be provided by septic systems, but these septic systems will be designed in a way to make the connection to the future City of Modesto sewer lines as easy as possible. Cross access will be provided so trucks entering the property from PD (131) to the east can exit the site on Tully Road. Storm drainage will be provided on the existing PD (131) site, and if additional storm drainage is required, it will be provided on this site via above or underground storage, designed as development occurs.

The proposed buildings will be oriented to Kiernan Avenue and Tully Road with landscaping proposed along both road frontages. Prior to issuance of a building permit, building elevations will be reviewed for consistency with the City of Modesto Commercial and Industrial Design Guidelines adopted September 12, 2006. Customer parking and employee parking is proposed in proximity to each building, so the buildings can be constructed in phases. Hours of operation will be seven (7) days a week, 24 hours a day.

PROJECT SITE INFORMATION

Complete and accurate information saves time and is vital to project review and assessment. Please complete each section entirely. If a question is not applicable to your project, please indicated this to show that each question has been carefully considered. Contact the Planning & Community Development Department Staff, 1010 10th Street – 3rd Floor, (209) 525-6330, if you have any questions. Pre-application meetings are highly recommended.

ASSESSOR'S PARCEL NUMBER(S): **Book** 046 **Page** 001 **Parcel** 001

Additional parcel numbers: _____

Project Site Address or Physical Location: _____

_____

Property Area: Acres: 17.16 or Square feet: _____

Current and Previous Land Use: (Explain existing and previous land use(s) of site for the last ten years)

Agriculture

List any known previous projects approved for this site, such as a Use Permit, Parcel Map, etc.: (Please identify project name, type of project, and date of approval)

_____

_____

Existing General Plan & Zoning: Urban Transition and A-2-10

Proposed General Plan & Zoning: PD
(if applicable)

ADJACENT LAND USE: (Describe adjacent land uses within 1,320 feet (1/4 mile) and/or two parcels in each direction of the project site)

East: Industrial/Commercial Development

West: Agriculture (in Modesto SOI)

North: Agriculture

South: Agriculture (in Modesto SOI)

WILLIAMSON ACT CONTRACT:

Yes ☐ **No** ☒

Is the property currently under a Williamson Act Contract?
Contract Number: _____

If yes, has a Notice of Non-Renewal been filed?

Date Filed: _____

Yes ☐ No ☒ Do you propose to cancel any portion of the Contract?

Yes ☐ No ☒ Are there any agriculture, conservation, open space or similar easements affecting the use of the project site. (Such easements do not include Williamson Act Contracts)

If yes, please list and provide a recorded copy: _____

_____

SITE CHARACTERISTICS: (Check one or more) Flat ☒ Rolling ☐ Steep ☐

VEGETATION: What kind of plants are growing on your property? (Check one or more)

Field crops ☐ Orchard ☒ Pasture/Grassland ☐ Scattered trees ☐

Shrubs ☐ Woodland ☐ River/Riparian ☐ Other ☐

Explain Other: _____

Yes ☒ No ☐ Do you plan to remove any trees? (If yes, please show location of trees planned for removal on plot plan and provide information regarding transplanting or replanting.)

GRADING:

Yes ☒ No ☐ Do you plan to do any grading? (If yes, please indicate how many cubic yards and acres to be disturbed. Please show areas to be graded on plot plan.) Minimal site grading with construction

_____

STREAMS, LAKES, & PONDS:

Yes ☐ No ☒ Are there any streams, lakes, ponds or other watercourses on the property? (If yes, please show on plot plan)

Yes ☐ No ☒ Will the project change any drainage patterns? (If yes, please explain – provide additional sheet if needed) _____

_____

Yes ☐ No ☒ Are there any gullies or areas of soil erosion? (If yes, please show on plot plan)

Yes ☐ No ☒ Do you plan to grade, disturb, or in any way change swales, drainages, ditches, gullies, ponds, low lying areas, seeps, springs, streams, creeks, river banks, or other area on the site that carries or holds water for any amount of time during the year? (If yes, please show areas to be graded on plot plan)

Please note: If the answer above is yes, you may be required to obtain authorization from other agencies such as the Corps of Engineers or California Department of Fish and Game.

STRUCTURES:

Yes ☒ **No** ☐ Are there structures on the site? (If yes, please show on plot plan. Show a relationship to property lines and other features of the site.

Yes ☐ **No** ☒ Will structures be moved or demolished? (If yes, indicate on plot plan.)

Yes ☒ **No** ☐ Do you plan to build new structures? (If yes, show location and size on plot plan.)

Yes ☐ **No** ☒ Are there buildings of possible Historical significance? (If yes, please explain and show location and size on plot plan.) _____

_____

PROJECT SITE COVERAGE:

Existing Building Coverage: N/A Sq. Ft. Landscaped Area: _____ Sq. Ft.

Proposed Building Coverage: Approx 300,000 Sq. Ft. Paved Surface Area: _____ Sq. Ft.

BUILDING CHARACTERISTICS:

Size of new structure(s) or building addition(s) in gross sq. ft.: (Provide additional sheets if necessary)

6 new Light Industrial/warehouse buildings of about 50,000 square feet each

Number of floors for each building: one

Building height in feet (measured from ground to highest point): (Provide additional sheets if necessary)

Approximately 30-35 feet.

Height of other appurtenances, excluding buildings, measured from ground to highest point (i.e., antennas, mechanical equipment, light poles, etc.): (Provide additional sheets if necessary) N/A

Proposed surface material for parking area: (Provide information addressing dust control measures if non-asphalt/concrete material to be used) Asphalt pavement

UTILITIES AND IRRIGATION FACILITIES:

Yes ☐ **No** ☐ Are there existing public or private utilities on the site? Includes telephone, power, water, etc. (If yes, show location and size on plot plan)

Who provides, or will provide the following services to the property?

Electrical: M.I.D. Sewer*: Septic

Telephone: AT&T Gas/Propane: PG&E

Water**: Private/on-site wells Irrigation: M.I.D.

***Please Note: A "will serve" letter is required if the sewer service will be provided by City, Sanitary District, Community Services District, etc.**

****Please Note: A "will serve" letter is required if the water source is a City, Irrigation District, Water District, etc., and the water purveyor may be required to provide verification through an Urban Water Management Plan that an adequate water supply exists to service your proposed development.**

Will any special or unique sewage wastes be generated by this development other than that normally associated with resident or employee restrooms? Industrial, chemical, manufacturing, animal wastes? (Please describe:)

No.

Please Note: Should any waste be generated by the proposed project other than that normally associated with a single family residence, it is likely that Waste Discharge Requirements will be required by the Regional Water Quality Control Board. Detailed descriptions of quantities, quality, treatment, and disposal may be required.

Yes ☐ **No** ☒ Are there existing irrigation, telephone, or power company easements on the property? (If yes, show location and size on plot plan.)

Yes ☐ **No** ☒ Do the existing utilities, including irrigation facilities, need to be moved? (If yes, show location and size on plot plan.)

Yes ☐ **No** ☒ Does the project require extension of utilities? (If yes, show location and size on plot plan.)

AFFORDABLE HOUSING/SENIOR:

Yes ☐ **No** ☒ Will the project include affordable or senior housing provisions? (If yes, please explain)

RESIDENTIAL PROJECTS: (Please complete if applicable – Attach additional sheets if necessary)

Total No. Lots:_____ Total Dwelling Units:_____ Total Acreage:_____

Net Density per Acre: _____ Gross Density per Acre: _____

(complete if applicable)	Single Family	Two Family Duplex	Multi-Family Apartments	Multi-Family Condominium/ Townhouse
Number of Units:				
Acreage:				

COMMERCIAL, INDUSTRIAL, MANUFACTURING, RETAIL, USE PERMIT, OR OTHER PROJECTS: (Please complete if applicable – Attach additional sheets if necessary)

Square footage of each existing or proposed building(s): Six (6) approximately 50,000 square foot buildings

Type of use(s): Light Industrial/Industrial/Warehousing

Days and hours of operation: 24 hours per day/7 days per week

Seasonal operation (i.e., packing shed, huller, etc.) months and hours of operation: No

Occupancy/capacity of building: Unknown

Number of employees: (Maximum Shift): Unknown (Minimum Shift):

Estimated number of daily customers/visitors on site at peak time: to be determined

Other occupants: N/A

Estimated number of truck deliveries/loadings per day: N/A

Estimated hours of truck deliveries/loadings per day: N/A

Estimated percentage of traffic to be generated by trucks: N/A

Estimated number of railroad deliveries/loadings per day: N/A

Square footage of:

Office area: Warehouse area:

Sales area: Storage area:

Loading area: Manufacturing area:

Other: (explain type of area) Future tenants unknown at this time

Yes ☐ **No** ☒ Will the proposed use involve toxic or hazardous materials or waste? (Please explain)

Unknown at this time

ROAD AND ACCESS INFORMATION:

What County road(s) will provide the project's main access? (Please show all existing and proposed driveways on the plot plan)

Existing driveway on Kiernan Avenue and new driveways on Tully Road.

Yes ☐ No ☒ Are there private or public road or access easements on the property now? (If yes, show location and size on plot plan)

Yes ☒ No ☐ Do you require a private road or easement to access the property? (If yes, show location and size on plot plan)

Yes ☐ No ☒ Do you require security gates and fencing on the access? (If yes, show location and size on plot plan)

Please Note: Parcels that do not front on a County-maintained road or require special access may require approval of an Exception to the Subdivision Ordinance. Please contact staff to determine if an exception is needed and to discuss the necessary Findings.

STORM DRAINAGE:

How will your project handle storm water runoff? (Check one) ☒ Drainage Basin ☐ Direct Discharge ☐ Overland

☐ Other: (please explain) _____

If direct discharge is proposed, what specific waterway are you proposing to discharge to? _____

Please Note: If direct discharge is proposed, you will be required to obtain a NPDES permit from the Regional Water Quality Control Board, and must provide evidence that you have contacted them regarding this proposal with your application.

EROSION CONTROL:

If you plan on grading any portion of the site, please provide a description of erosion control measures you propose to implement.

Typical erosion control consistent with County standards

Please note: You may be required to obtain an NPDES Storm Water Permit from the Regional Water Quality Control Board and prepare a Storm Water Pollution Prevention Plan.

ADDITIONAL INFORMATION:

Please use this space to provide any other information you feel is appropriate for the County to consider during review of your application. (Attach extra sheets if necessary)

Prior to issuance of a building permit, elevations will be reviewed for consistency with the City of Modesto

Commercial and Industrial Design Guidelines adopted September 12, 2006.

Development Schedule

Start construction no later than June 2023;
Complete construction no later than June 2033.

General Plan Justification

The proposed project is adjacent to current industrial development within the City of Modesto sphere of influence. The property is designated Business Park in the City of Modesto General Plan. The County's General Plan identifies the area as Urban Transition, recognizing it is appropriate for urban development. As such, the County's General Plan Designation is proposed to be changed to Planned Development. This is consistent with the property immediately to the east, which is in the same ownership.

The County has already approved substantial development north and east of the property. South of the property the County has approved a Use Permit for Holy Family Catholic Church, and the City of Modesto has constructed a large water tank in the immediate vicinity of the project site.

Since the property is located within the City of Modesto sphere of influence, for the General Plan Amendment request to be approved, the City of Modesto must consent. Initial conversations with the City have resulted in initial support, but ultimate support can only come through the project submittal and review process. The project will be built to City of Modesto standards and elevations will be consistent with the City of Modesto Commercial and Industrial Design Guidelines.

The project provides an opportunity for the County and the City of Modesto to work together on a job generating project that will benefit the citizens of the City and the County. Once again, the General Plans of both jurisdictions recognize the future development of this property, but for development to proceed immediately, the County General Plan Land Use designation must be changed from Urban Transition to Planned Development.

EXHIBIT III-13: KIERNAN/MCHENRY COMPREHENSIVE PLANNING DISTRICT

1. Overview

This approximately 470-acre Comprehensive Planning District is composed of Commercial and Business Park uses, designated to take advantage of access along Kiernan Avenue (State Route 219). This Comprehensive Planning District may also support future light rail transit along the present Union Pacific Railroad tracks.

2. Principal Comprehensive Planning District Policies

The Specific Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District policies presented in this chapter.

3. Land Use Description

a. Land Use Types (see Section III-B)

- Approximately 370 acres designated "Business Park"
- Approximately 100 acres designated "Regional Commercial"

Approximately 15,040 jobs

b. Distribution of Land Uses within the CPD

The Regional Commercial is sited along McHenry Avenue to join the existing Regional Commercial uses on McHenry Avenue.

4. Land Use Policies

a. Implementation of Adopted Land Use Policies

The Specific Plan to implement this Comprehensive Planning District shall address the Land Use policies presented earlier in this chapter, as follows:

(1) Overall Land Use Policies (Section III-C.1)

(2) Specific Plan Size Policies (Section III-D.1.)

b. Supplemental Land Use Policies

In addition, the Specific Plan shall also address the following Land Use policies, which apply to this particular Comprehensive Planning District:

(1) The design of this Comprehensive Planning District should support the future use of light rail along the Union Pacific tracks.

c. Housing Policy Implementation

Because this Comprehensive Planning District does not propose any residential uses, the Housing policies presented in Chapter IV do not apply to this Comprehensive Planning District.

5. Provision of Public Facilities and Services

The Specific Plan to implement this Comprehensive Planning District shall address the Public Facilities and Services policies presented in Chapter V. In addition, the Specific Plan shall also address the following policies, which apply to this particular Comprehensive Planning District:

a. This Comprehensive Planning District will be served by the North Sanitary Sewer Trunk after it is extended easterly through the Kiernan/Carver Comprehensive Planning District.

6. Focused Environmental Impact Report

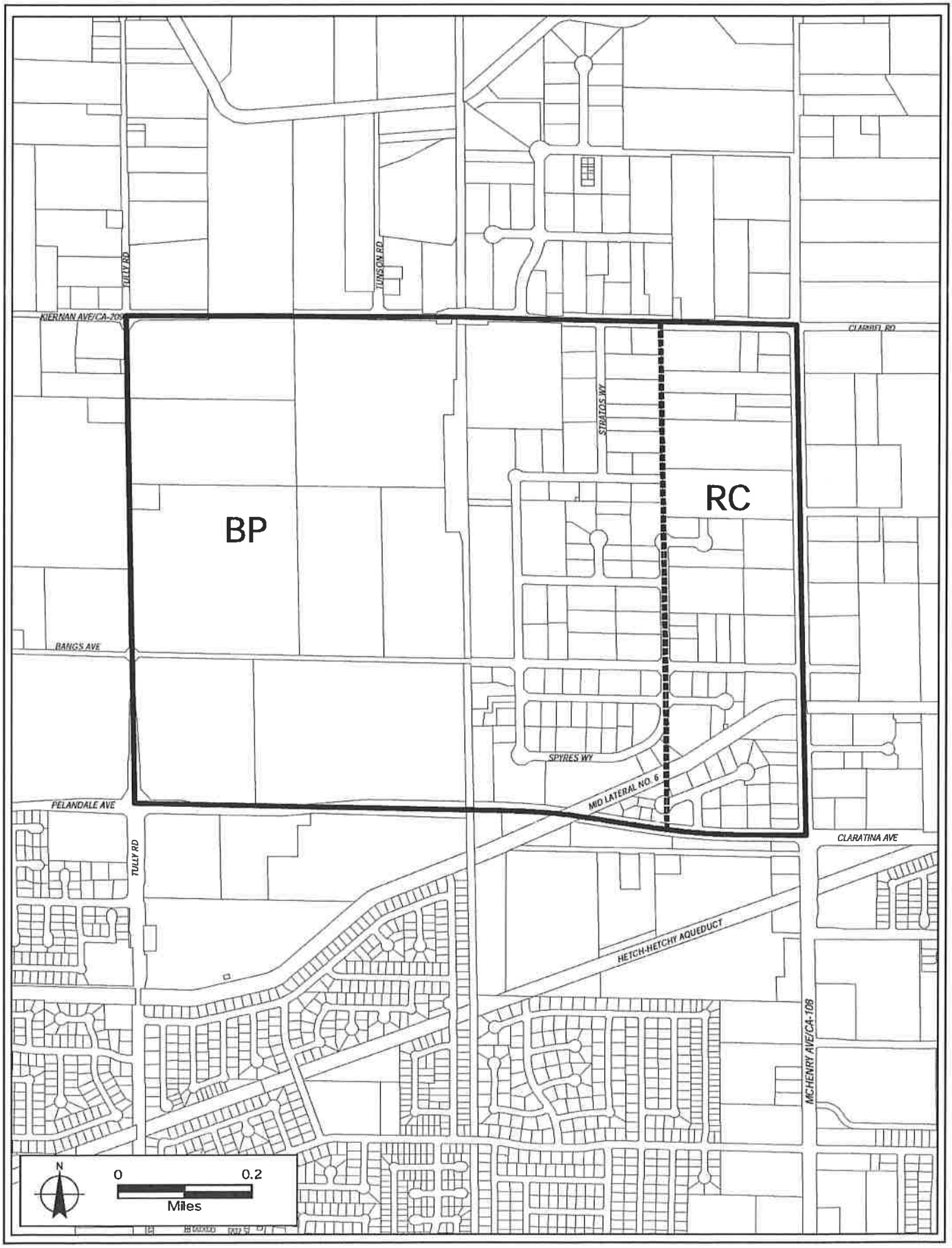
The Focused Environmental Impact Report for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:

a. A total of 15,040 employees was assumed for this Comprehensive Planning District.

7. Special Considerations Unique to this Comprehensive Planning District

The exact boundary between the Business Park and Regional Commercial uses will be determined by the Specific Plan.

KIERNAN/MCHENRY CPD



Buffer Design Standards for New Uses:

1) All projects shall incorporate a minimum 150 foot wide buffer setback. Projects which propose people intensive outdoor activities, such as athletic fields, shall incorporate a minimum 300 foot wide buffer setback.

    a. Permitted uses within a buffer area shall include:

        i. Public roadways, utilities, drainage facilities, rivers and adjacent riparian areas, landscaping, parking lots, and similar low people intensive uses. Walking and bike trails shall be allowed within buffers setback areas provided they are designed without rest areas.

        ii. Permitted non-agricultural uses adjoining or surrounding a project site (including but not limited to legal non-conforming uses and homesites) which are of a permanent nature and not likely to be returned to agriculture.

The buildings proposed are inward facing, so the main office, and employee and public activity areas are internal to the project. Truck docks for loading and unloading are also internal to the project, so all activity areas are generally more than 150 feet from adjacent agricultural operations. For the two new buildings proposed on PD (31) the sides of the buildings are less than 150 feet from the adjacent agricultural operations, but this land is owned by the same landowner, and is also planned for urban development. These lands are in the City of Modesto sphere of influence, and similar setbacks have previously been approved in the County for land uses north of Kiernan Avenue, and specifically the Derrell's Mini Storage and the properties developed along Jerusalem Court have equivalent or lesser setbacks and are adjacent to lands designated A-2-40, and not A-2-10 (UT), such as the case here, and where all the lands in this area are expected to develop with urban uses in the future.

Uses within the 150 foot buffer area include parking lots, drive aisles, and the sides or backs of buildings, and meet the intent of the Buffer Design Guidelines for New Uses, even though the Use Permit is an expansion of an existing use, on an already approved and partially constructed PD (131).

2) A six foot high fence of uniform construction shall be installed along the perimeter of the developed area of the use to prevent trespassing onto adjacent agricultural lands. Fencing shall not be required for uses which do not directly establish the potential for increased trespassing onto adjacent agricultural lands.

Fencing does, or will, exist with the construction of the project.

Buffer and Setback Design Standards for Expanding Uses:

- Where existing development on a project site will allow, accommodation of a buffer as required for new uses shall be provided.

- Where existing development on a project site will not allow a buffer as required for new uses, the expansion may be permitted only if it does not intensify on-site activities or an alternative bugger and setback design standard is approved for the expansion.

The Use Permit project for PD (131) is the expansion of an existing use and as an industrial use, is generally a compatible and low intensity use adjacent to agricultural uses.

Alternative Buffer and Setback Design Standards:

- Any alternative buffer and setback design standards proposed by a project applicant shall be referred to the Stanislaus County Agricultural Commissioner as part of the planning review process prior to consideration by the Stanislaus County Planning Commission. The Planning Commission shall consider the Agricultural Commissioner's referral response in making a determination on the proposed alternative. In no case shall the required standards be reduced, unless the proposed alternative is found to provide equal or greater protection to surrounding agricultural uses.

For any development where the 150 foot separation does not exist, the alternative standards proposed (the Site Plan as designed), provides an acceptable alternative Buffer and Setback. For the Use Permit, it is two new buildings, inward looking, adjacent to agricultural uses on land owned by the same landowner. The Use Permit lands are on an approved PD (131) that already considered the appropriateness of industrial uses in this location.

For the new Rezoning, the new buildings back up to the agricultural uses, so the adjacent agricultural uses are buffered by a landscaping strip, drive aisles, parking, and the backs of industrial buildings. The main human activity areas are planned to be internal (between the buildings) and are more than 150 feet from the adjacent agricultural land uses to the south.

No people intensive activities are proposed with either project.

CENTRAL CALIFORNIA INFORMATION CENTER

California Historical Resources Information System
Department of Anthropology – California State University, Stanislaus
One University Circle, Turlock, California 95382
(209) 667-3307

Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus & Tuolumne Counties

Date: August 10, 2018

CCaIC Records Search File #: 10803N
Re: Project: Proposed development on parcel APN 046-001-001 (Richard Ryan property)
1224 Kiernan Avenue, Stanislaus Co.

Kate Newman
David Romano
Newman-Romano, LLC
1034 12th Street
Modesto, CA 95354

Email: kate@newman-romano.com
dave@newman-romano.com

Dear Ms. Newman and Mr. Romano,

We have conducted a records search as per your request for the above-referenced project area located on the Salida USGS 7.5-minute quadrangle map in Stanislaus County.

Search of our files includes review of our maps for the specific project area and the immediate vicinity of the project area, and review of the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), *California Inventory of Historic Resources* (DPR 1976), the *California Historical Landmarks* (1990), and the California Points of Historical Interest listing (May 1992 and updates), the Directory of Properties in the Historic Property Data File (HPDF) and the Archaeological Determinations of Eligibility (ADOE) (Office of Historic Preservation current computer lists dated 3-20-2014 and 4-05-2012, respectively), the *Survey of Surveys* (1989), GLO Plats and other historic maps on file for the area, and other pertinent historic data available at the CCIC for each specific county.

The following details the results of the records search:

Prehistoric or historic resources within the project area:

No prehistoric or historic-era archaeological resources or historic properties have been reported to the CCaIC.

Re: the existing residence that the client has stated is on the property: aerial maps indicate that standing buildings have already been demolished/removed. Concrete structure pads for this building and perhaps older buildings (also previously removed) and perhaps some fencing and other structural remains might still be present. This property *may* have been evaluated by Caltrans for the North Co. Corridor project or the Kiernan projects, but there are no references to it in reports on file. According to maps on file, there was at least one building on the property as early as 1941, although others may have been built later.

Prehistoric or historic resources within the immediate vicinity of the project area:

No prehistoric or historic-era archaeological resources have been reported to the CCaIC.

Other historic building information, as per the HPDF printout from OHP and Primary records on file: The following nearby properties were recorded and evaluated by and for Caltrans projects:

Address	Est. date of constr.	NRHP eligible?
4767 Tully	1940	no
5106 Tully	1935	no
5125 Tully*	1953	no
5024 Tunson*, 5026 Tunson*	1941, 1948	no
907 Kiernan*	1940	no
1348 Kiernan*	1905 (house; other bldgs unknown)	no

*standing buildings have since been demolished; except at 1348 Kiernan, the old house was demolished but outbuildings may remain.

Resources that are known to have value to local cultural groups:

None have been formally reported to the Information Center.

Previous investigations within the project area:

Four reports or report files at the CCaIC appear to include all or part of this property in its mapped study area:

CCaIC Report
ST-03697 Sharp and L. Nishimura (1999)
Department of Transportation Negative Archaeological Survey Report, 10-STA-219, P.M. 0.1/4.9.

ST-04054 Sharp (2000)
Department of Transportation Negative Archaeological Survey Report- First Supplemental Survey, 10-STA-219, P.M. 0.1/4.9, EA 0A8700, Widening of Route 219.

ST-07244 Waechter and Bunse (2007)
North County Corridor Environmental Constraints Analysis: Cultural Resources.

ST-08007 Nettles (2009)
Supplemental Historic Property Survey Report, 10-STA-219, PM 2.9/4.9, EA 10-0A872, Modesto, Stanislaus County.

ST-08007 Nettles (2009)
Historic Property Survey Report Attachment 2: Third Supplemental Archaeological Survey Report, State Route 219 Four-Lane Widening Project, Stanislaus County, California, 10-STA-219 EA 10-0A872, PM 2.9/4.9.

ST-08007 Nettles (2009)
Historic Property Survey Report Attachment 3: Supplemental Historic Resource Evaluation Report for the State Route 219 Four-Lane Widening Project, Stanislaus County, California 10-STA-219, EA 10-0A872, PM 2.9/4.9.

Previous investigations within the immediate vicinity of the project area:

CCaIC Report ST-03879 Cartier (1986)
Cultural Resource Evaluation of a Seven Parcels in the Cities of Modesto and Stockton, Counties of Stanislaus and San Joaquin.

Recommendations/Comments: Based on existing data in our files the project area has a low sensitivity for the possible discovery of historical resources. No recommendations for further study are offered at this time.

However, please be advised that a historical resource is defined as a building, structure, object, prehistoric or historic archaeological site, or district possessing physical evidence of human activities over 45 years old. There may be unidentified features involved in your project that are 45 years or older and considered as historical resources requiring further study and evaluation by a qualified professional of the appropriate discipline. If at any time you should need the services of a cultural resources professional, The Statewide Referral List for Historical Resources Consultants is posted for your use on the internet at http://chrisinfo.org

We advise you that in accordance with State law, if any historical resources are discovered during project-related activities, all work is to stop and the lead agency and a qualified professional are to be consulted to determine the importance and appropriate treatment of the find. If Native American remains are found the County Coroner and the Native American Heritage Commission, Sacramento (916-373-3710) are to be notified immediately for recommended procedures.

The provision of CHRIS Data via this records search response does not in any way constitute public disclosure of records otherwise exempt from disclosure under the California Public Records Act or any other law, including, but not limited to, records related to archeological site information maintained by or on behalf of, or in the possession of, the State of California, Department of Parks and Recreation, State Historic Preservation Officer, Office of Historic Preservation, or the State Historical Resources Commission.

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the CHRIS Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.

We thank you for using the California Historical Resources Information System (CHRIS). Please let us know when we can be of further service. Please sign and return the attached Access Agreement Short Form.

Note: Billing ($150.00) will be transmitted separately via email from our Financial Services Office (lamarroquin@csustan.edu or MSR270@csustan.edu), payable within 60 days of receipt of the invoice.

Sincerely,

R. L. Hards, Assistant Research Technician
Central California Information Center
California Historical Resources Information System

*Invoice to: Laurie Marroquin lamarroquin@csustan.edu, Financial Services