



## CEQA Exempt Referral and Notice of Public Hearing

**Date:** April 5, 2016  
**To:** Distribution List (See Attachment A)  
**From:** Timothy Vertino, Assistant Planner, Planning and Community Development  
**Subject:** VARIANCE APPLICATION NO. PLN2016-0021 – GALLO GLASS – TENAYA DR  
**Respond By:** April 25, 2016

**Public Hearing Date:** Not yet scheduled. A separate notice will be sent to you when a hearing is scheduled.

Under the California Environmental Quality Act of 1970, the project described herein is **exempt** from CEQA review (Section 15061(b)(3)). However, the Stanislaus County Department of Planning and Community Development is soliciting comments from responsible agencies to determine if specific conditions should be placed upon project approval. Therefore, please contact this office within **15** days 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.

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<b>Applicant:</b>	<b>Rod Hawkins, Hawkins &amp; Associates Engineering, Inc.</b>
<b>Project Location:</b>	<b>Tenaya Drive, east of Santa Rita Ave, west of S. Santa Cruz Ave., inside the City of Modesto's Sphere of Influence.</b>
<b>APN's:</b>	<b>035-012-001 – 015; 035-012-034</b>
<b>Williamson Act Contract:</b>	<b>N/A</b>
<b>General Plan:</b>	<b>IND (Industrial)</b>
<b>Current Zoning:</b>	<b>M (Industrial)</b>

**Project Description:** Request a 3.11 foot variance from the required side yard setback for a proposed 42,240 square foot warehouse expansion (BP No. 2016-0338), located at the southeast corner of Tenaya & Santa Rita. The warehouse would be located 31.89 feet from centerline of Tenaya Road. County zoning standards require structures to be located not less than 35 feet from centerline of a 50 foot road, for a side yard – corner lot.

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

# **VARIANCE APPLICATION NO. PLN2016-0021 – GALLO GLASS COMPANY**

## Attachment A

### Distribution List

	CA DEPT OF CONSERVATION Land Resources		STAN CO ALUC
	CA DEPT OF FISH & WILDLIFE		STAN CO ANIMAL SERVICES
	CA DEPT OF FORESTRY (CAL FIRE)	X	STAN CO BUILDING PERMITS DIVISION
	CA DEPT OF TRANSPORTATION DIST 10	X	STAN CO CEO
X	CA OPR STATE CLEARINGHOUSE		STAN CO CSA
	CA RWQCB CENTRAL VALLEY REGION	X	STAN CO DER
	CA STATE LANDS COMMISSION	X	STAN CO ERC
	CEMETERY DISTRICT		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
	COOPERATIVE EXTENSION		STAN CO RISK MANAGEMENT
	COUNTY OF:	X	STAN CO SHERIFF
X	FIRE PROTECTION DIST: STANISLAUS CONSOLIDATED FIRE	X	STAN CO SUPERVISOR DIST 4: MONTEITH
	HOSPITAL DIST:	X	STAN COUNTY COUNSEL
X	IRRIGATION DIST: MODESTO		StanCOG
	MOSQUITO DIST:	X	STANISLAUS FIRE PREVENTION BUREAU
	MOUNTIAN VALLEY EMERGENCY MEDICAL SERVICES	X	STANISLAUS LAFCO
	MUNICIPAL ADVISORY COUNCIL:		SURROUNDING LAND OWNERS (on file w/the Clerk to the Board of Supervisors)
X	PACIFIC GAS & ELECTRIC		TELEPHONE COMPANY:
	POSTMASTER:		TRIBAL CONTACTS (CA Government Code §65352.3)
X	RAILROAD: MODESTO & EMPIRE TRACTION		TUOLUMNE RIVER TRUST
	SAN JOAQUIN VALLEY APCD		US ARMY CORPS OF ENGINEERS
	SCHOOL DIST 1:		US FISH & WILDLIFE
	SCHOOL DIST 2:		US MILITARY (SB 1462) (5 agencies)
	STAN ALLIANCE		USDA NRCS
	STAN CO AG COMMISSIONER		WATER DIST:

# STANISLAUS COUNTY CEQA REFERRAL RESPONSE FORM

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

**FROM:** \_\_\_\_\_

**SUBJECT:** VARIANCE APPLICATION NO. PLN2016-0021 – GALLO GLASS – TENAYA DR

Based on this agencies 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.

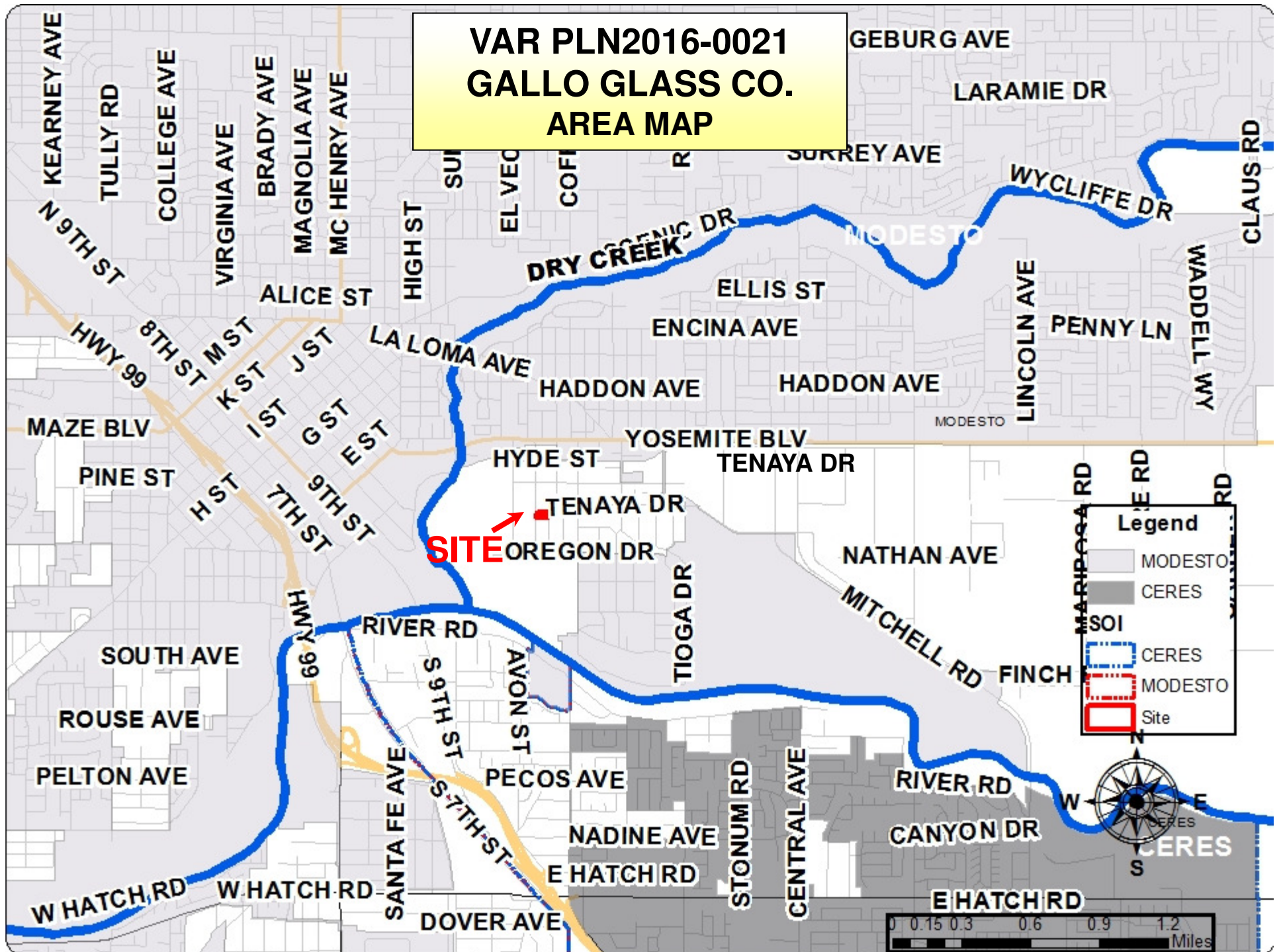
In addition, our agency has the following comments (attach additional sheets if necessary).

\_\_\_\_\_  
\_\_\_\_\_

Response prepared by:

Name	Title	Date
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**VAR PLN2016-0021  
GALLO GLASS CO.  
AREA MAP**



**VAR PLN2016-0021  
GALLO GLASS CO.  
GENERAL PLAN MAP**

**SITE**

DEL MAR CT

TENAYA DR

IT

IND

S SANTA ROSA AVE

SANTA RITA AVE

HERMOSA AVE

S SANTA ANA AVE

S SANTA CRUZ AVE

BENSON AVE






GALLO PARK WY

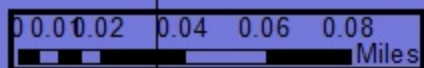
OREGON DR

PI

CITY

**Legend**

-  Site
-  City of Modesto
-  IT
-  Industrial
-  Planned Industrial





**VAR PLN2016-0021  
GALLO GLASS CO.  
ZONING DESIGNATION MAP**

**SITE**



R-1

DEL MAR CT

TENAYA DR

SANTA RITA AVE

HERMOSA AVE

S SANTA ANA AVE

GALLO PARK WY

OREGON DR

S SANTA CRUZ AVE

R-3

**Legend**

- Site
- City of Modesto
- C-1
- M (Industrial)
- P-D (Planned Development)
- R-1
- R-2
- R-3

P-D (192)

BENSON AVE

C-1

MODESTO

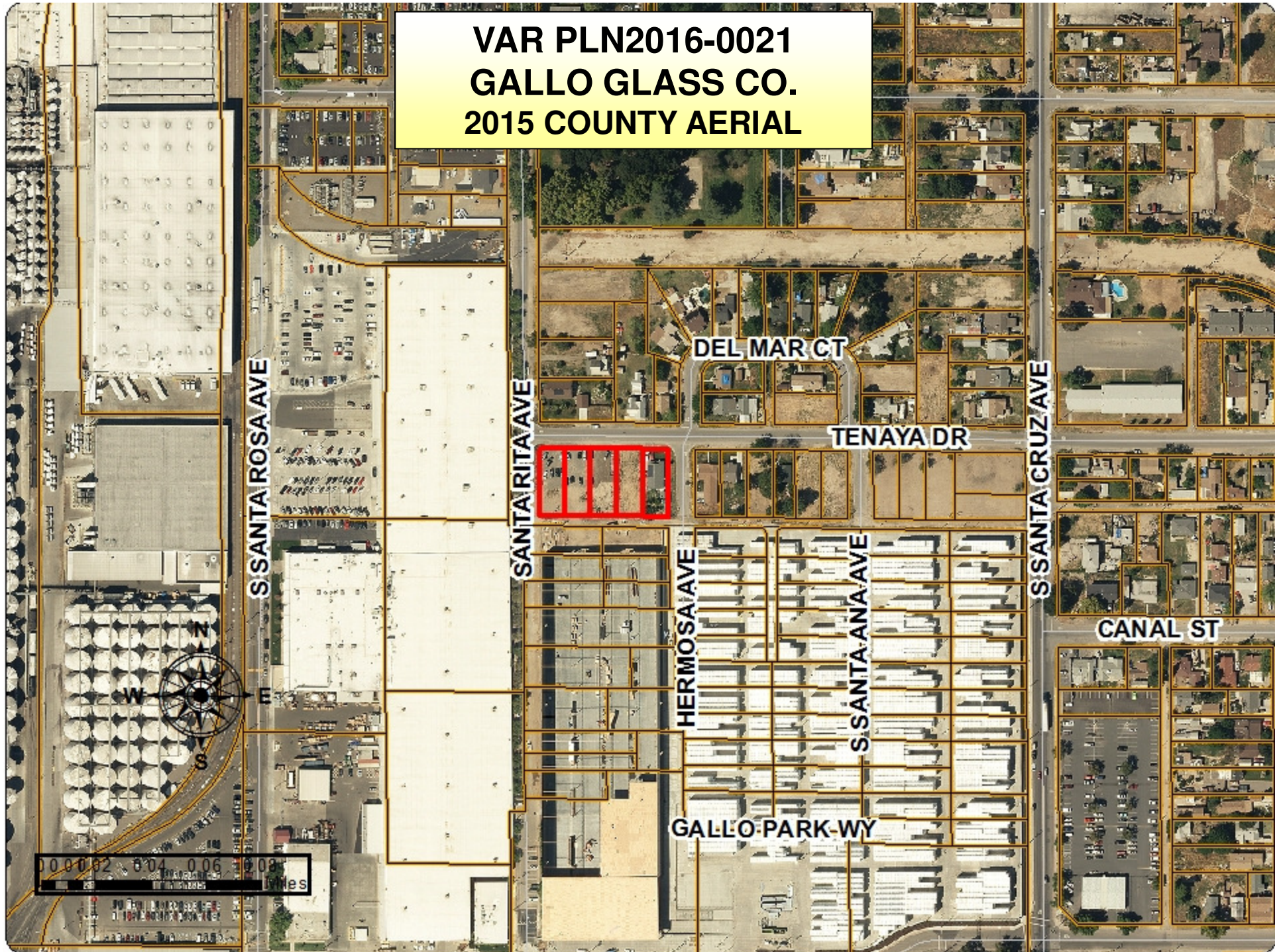


0 0.02 0.04 0.06 0.08  
Miles

M



**VAR PLN2016-0021  
GALLO GLASS CO.  
2015 COUNTY AERIAL**



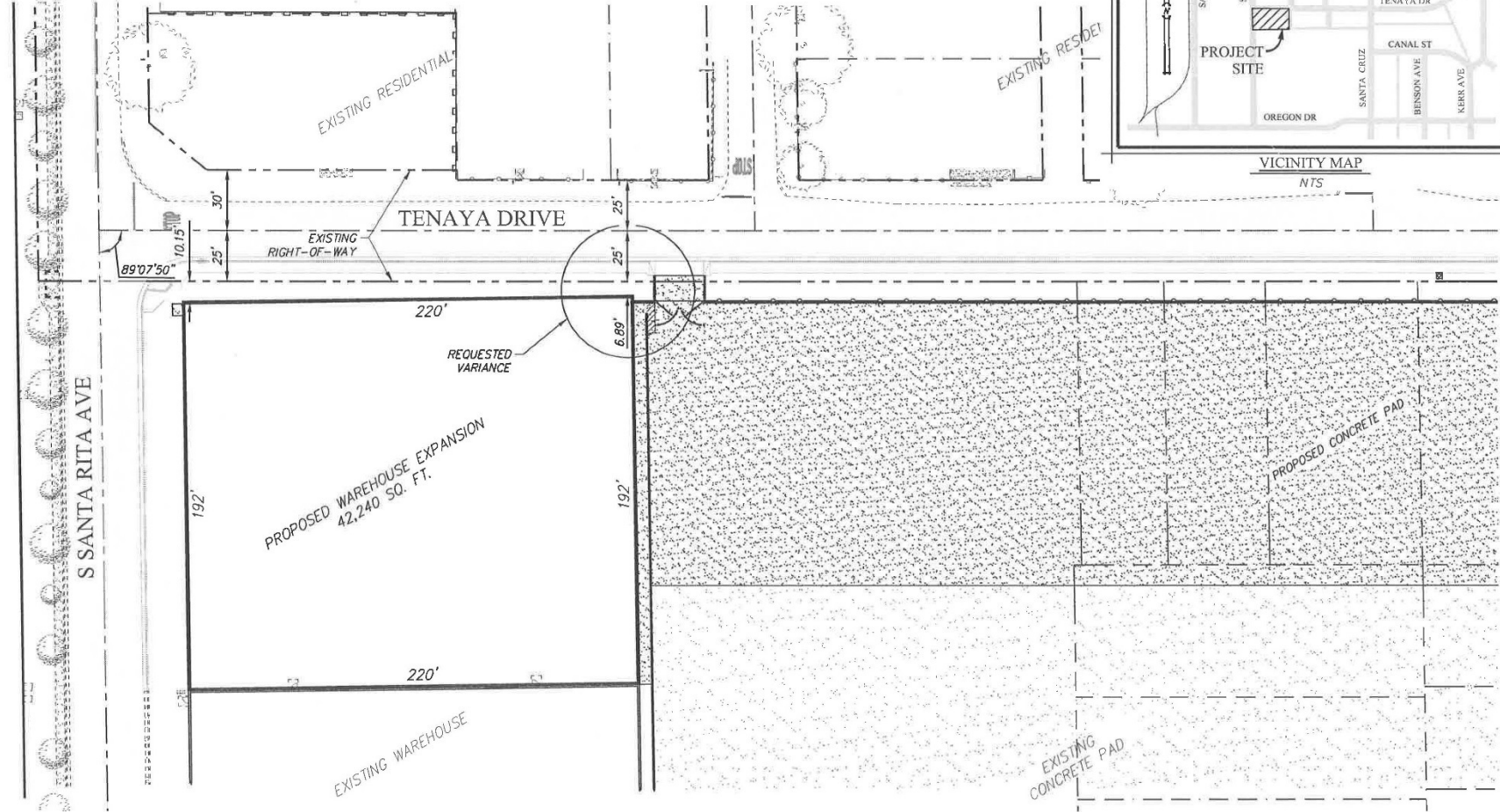
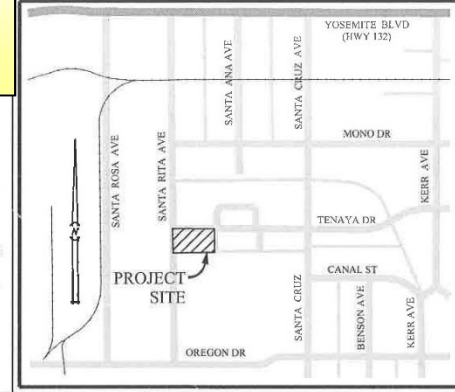


**VAR PLN2016-0021  
GALLO GLASS CO.  
2015 COUNTY AERIAL**





# VAR PLN2016-0021 GALLO GLASS CO. SITE PLAN



BY: RCS  
CHK: RHH  
DATE: 3/20/16  
SCALE: 1"=50'

PLOT PLAN  
VARIANCE

GALLO GLASS COMPANY  
STANISLAUS COUNTY, CALIFORNIA

HAWKINS & ASSOCIATES  
ENGINEERING, INC.  
436 MITCHELL ROAD  
MODESTO, CA 95354  
PH: (209) 575-4295  
FX: (209) 578-4295

1 OF 1



# APPLICATION QUESTIONNAIRE

Please Check all applicable boxes

## APPLICATION FOR:

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

- |                                                 |                                                      |
|-------------------------------------------------|------------------------------------------------------|
| <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Subdivision Map             |
| <input type="checkbox"/> Rezone                 | <input type="checkbox"/> Parcel Map                  |
| <input type="checkbox"/> Use Permit             | <input type="checkbox"/> Exception                   |
| <input checked="" type="checkbox"/> Variance    | <input type="checkbox"/> Williamson Act Cancellation |
| <input type="checkbox"/> Historic Site Permit   | <input type="checkbox"/> Other _____                 |

## PLANNING STAFF USE ONLY:

Application No(s): PLN 2016-0021

Date: 3.9.16

S 33 T 35 R 9E

GP Designation: Industrial

Zoning: M

Fee: 2,864

Receipt No. 531268

Received By: [Signature]

Notes: incomplete letter - 4 items to Rod Hawkins

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).*

This is to request a variance to the 10 foot minimum set-back requirement to allow the 42,240 sq. ft. expansion of the recently constructed 136,400 sq. ft. warehouse at Santa Rita Avenue and Tenaya Drive.



# 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 10<sup>th</sup> Street – 3<sup>rd</sup> Floor, (209) 525-6330, if you have any questions. Pre-application meetings are highly recommended.

**ASSESSOR'S PARCEL NUMBER(S):** Book 035 Page 012 Parcel 001

Additional parcel numbers: 035-012-002 thru 0015, 035-012-034  
Project Site Address  
or Physical Location: \_\_\_\_\_

Property Area: Acres: 2.5 +/- (total) or Square feet: \_\_\_\_\_

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

Single Family Residence

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)

None

Existing General Plan & Zoning: Industrial / M

Proposed General Plan & Zoning: No Change  
(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: Gallo Bulk Storage

West: Abandoned Santa Rita Avenue and Warehouse

North: Tenaya Drive then resedintial lots

South: Existing Warehouse

## 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 Corridor?

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.) Area to be disturbed: 2,000 cubic yards,

approx. 2.5+/- acres from Tenaya Drive south to the alley & Santa Rita east to Santa Cruz

### 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: 136,400 Sq. Ft.      Landscaped Area: see site plan Sq. Ft.

Proposed Building Coverage: 42,240 Sq. Ft.      Paved Surface Area: see site plan Sq. Ft.

## BUILDING CHARACTERISTICS:

Size of new structure(s) or building addition(s) in gross sq. ft.: (Provide additional sheets if necessary) 42,240 sq. ft.

Number of floors for each building: 1

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

Concrete and asphalt are anticipated for storage and parking areas

## 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: <u>MID</u>	Sewer*: <u>City of Modesto</u>
Telephone: <u>AT&amp;T</u>	Gas/Propane: <u>PG&amp;E</u>
Water**: <u>City of Modesto</u>	Irrigation: <u>N/A</u>

\*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:)

None

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:	<u>N/A</u>	Total Dwelling Units:	<u>N/A</u>	Total Acreage:	<u>N/A</u>
Net Density per Acre:	<u>N/A</u>	Gross Density per Acre:	<u>N/A</u>		
(complete if applicable)	Single Family	Two Family Duplex	Multi-Family Apartments	Multi-Family Condominium/Townhouse	
Number of Units:	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	
Acreage:	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	

#### 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): Proposed addition is 42,240 sq ft

Type of use(s): Storage



Days and hours of operation: N/A

Seasonal operation (i.e., packing shed, huller, etc.) months and hours of operation: N/A

Occupancy/capacity of building: N/A

Number of employees: (Maximum Shift): N/A (Minimum Shift): N/A

Estimated number of daily customers/visitors on site at peak time: \_\_\_\_\_

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: N/A

Warehouse area: \_\_\_\_\_

Sales area: \_\_\_\_\_

Storage area: see site plan

Loading area: \_\_\_\_\_

Manufacturing area: \_\_\_\_\_

Other: (explain type of area) \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## 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)

Santa Cruz Avenue

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Yes ☐ No ☒ Are there private or public road or access easements on 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) On-site storm drain piping system

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.

To be determined

**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)

Justification for variance (see attached)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Variance Justification

1. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of this Chapter will deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

As the Gallo Glass Company continues to grow within the industrial zone long term management and planning are imperative. The first phase of the new warehouse on the east side of Santa Rita Avenue was designed to correspond with the existing warehouse 5 on the west side of the street. Much expense was expended to ensure that the two warehouses align vertically, with the matching finish floor elevations and structurally, with the same column spacing and alignment. The long term plan being that they may potentially be combined into one larger warehouse. The intention is to maintain that same pattern with the phase two expansion which works out very well along the west side of the building with the northwest corner of the building landing 10.15 feet from the 50 feet wide Tenaya Drive right-of-way where the minimum required set-back is 10 feet. The issue is, and the request for variance becomes required, because Santa Rita Avenue and Tenaya Drive intersect at less than a 90 degree angle (as measured at the southeast quadrant of the intersect, the angle is 89 degrees) Because of this, the right-of-way line converges on the building slightly and reduces the set-back to 6.89 feet, 3.11 feet less than the 10 feet required by ordinance at the northeast corner of the building

2. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner and will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.

This area is unique in that the general plan designation is industrial transition which has been happening at a very fast pace. Gallo is purchasing the homes adjacent to the project are as they become available and in fact owns 12 of the 26 lots north of Tenaya Drive. This fact together with the development of this area over the last few years, proves that the forward planning for orderly expansion of the industrial zone is both warranted and prudent and is not a grant of special privilege, but accommodating the orderly development of the area.

3. That the granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.

Approving the set-back variance will have no impact on the health or safety of the area whatsoever. The full street section with new curb gutter and sidewalk will be constructed. The only reduction will be in the landscape area that will be reduced from 15 feet to 11.89 feet (this includes 5 feet of landscaping between the back of the sidewalk and the right-of-way line).