STANISLAUS COUNTY PLANNING COMMISSION

September 15, 2022

STAFF REPORT

VARIANCE APPLICATION NO. PLN2022-0009
FRITO-LAY, INC.

REQUEST: FOR A VARIANCE TO THE INDUSTRIAL (M) ZONING DISTRICT HEIGHT LIMIT TO ALLOW FOR THE CONSTRUCTION OF A 97-FOOT-TALL 27,000± SQUARE-FOOT WAREHOUSE BUILDING AT AN EXISTING MANUFACTURING FACILITY.

APPLICATION INFORMATION

Applicant:	Daniel O'Brien, Modesto Site Director, Frito-Lay, Inc.
Property owner:	Frito-Lay, Inc.
Agent:	Scott Weaver, Ramboll
Location:	600 Garner Road, between State Route 132 (Yosemite Boulevard) and Finch Road, in the Modesto area.
Section, Township, Range:	31-3-10 and 36-3-9
Supervisorial District:	Five (Supervisor C. Condit)
Assessor's Parcel:	009-018-055
Referrals:	See Exhibit G Environmental Review Referrals
Area of Parcel(s):	71.35± acres
Water Supply:	City of Modesto and private wells
Sewage Disposal:	City of Modesto
General Plan Designation:	Industrial
Community Plan Designation:	N/A
Existing Zoning:	Industrial (M)
Sphere of Influence:	City of Modesto
Williamson Act Contract No.:	N/A
Environmental Review:	Negative Declaration
Present Land Use:	Existing snack food manufacturing facility consisting of a 436,000± square-foot manufacturing/warehouse building, a 63,000± square-foot warehouse, traffic management building, solar field, and parking lots.
Surrounding Land Use:	Industrial uses in all directions; Tuolumne River to the south; State Route 132 and the City of Modesto to the north; and the Modesto City-County Airport to the west.

RECOMMENDATION

Based on the discussion below and on the whole of the record provided to the County, staff is recommending that the Planning Commission approve this request, as presented in this staff report. If the Planning Commission decides to approve the project, Exhibit A provides an overview of all of the findings required for project approval.

BACKGROUND

On May 20, 2021, the Stanislaus County Planning Commission approved Variance No. PLN2020-0079 – Frito-Lay, Inc. for a similar variance to the Industrial (M) zoning district height limit to allow for the construction of a 97-foot-tall 39,000± square-foot warehouse building, in addition to a 127,000 square-foot manufacturing building, a second rail spur, receiving and storage equipment and an expansion of a retention pond; the project is currently under construction and multiple building permits have been applied for through the Stanislaus County Building Permits Division.

PROJECT DESCRIPTION

This is a request for a variance to Section 21.60.040(A) of the County Code, which requires building and appurtenant structures not exceed 75 feet in height in the Industrial (M) zoning district. The variance request is to allow construction of a 27,000± square-foot warehouse building that will be 84 feet tall with an HVAC unit at the top bringing the total height to 97 feet in height with appurtenance. The new warehouse building is part of a larger expansion of the existing Frito Lay facility, which will incorporate a new snack food production line for Onion Fried Snack (OFS) production by constructing a 62,000± square-foot manufacturing building, two silos to be used for storage of corn and cornmeal, and site improvements consisting of the following: a second rail branch on the northeastern portion of the parcel; new solar photovoltaic carport; 14 vehicle charging stations for employees; a publicly available compressed natural gas fueling station; and a near zero emission and zero emission on and off-road fleet upgrades; all of which are permitted in the M zoning district, subject to applicable development standards (see Exhibit B – *Maps, Site Plans, and Elevations)*. The request under consideration by the Planning Commission is for a variance to the M zoning district height limit. The improvements under the previous expansion and variance request (PLN2020-0079 – Frito Lay, Inc.) are not considered a part of the current request.

The 27,000± square-foot warehouse associated with the variance request, is proposed to be a total of 97 feet tall with appurtenance; the warehouse will be composed of one floor, and a mezzanine (see Exhibit B-7 and B-8 – *Maps, Site Plans, and Elevations*). The additional height of the proposed warehouse is needed to accommodate construction of a two-crane automated storage and pallet retrieval system for bulk materials transported by truck and rail. The first floor and mezzanine of the proposed warehouse will be manned daily, with up to four employees to oversee the crane system and operate forklifts from ground levels. The proposed steel silo to be used for storing corn will be 92± feet-tall and the proposed steel silo for storing cornmeal will be 79± feet-tall; however, as unmanned fireproof structures, the silos are not subject to a height limit. The proposed 62,000± square-foot manufacturing building will be 46 feet tall, which is in compliance with the height limits of the M zoning district (see Exhibit B – *Maps, Site Plans, and Elevations*).

Current hours of operation are 24 hours per day, seven days a week; and will remain the same. The number of employees is anticipated to increase by 130 as part of the current request for expansion; increasing the number of employees to 486 during a maximum shift. Customers and

visitors on-site per day is anticipated to increase by six for a total of 26 per day as part of the expansion. Additionally, the facility will have an additional seven outbound truck trips for an average of 93 outbound delivery truck trips per day; a decrease of two inbound truck trips for a total of five inbound delivery truck trips per day; and an additional five railcar deliveries for a total of 33 railcars per-week, as a result of the project. Truck deliveries and loadings are anticipated to continue to occur 24 hours per day, seven days a week.

SITE DESCRIPTION

The 71.35± acre project site is located at 600 Garner Road, between State Route (SR) 132 (Yosemite Boulevard) and Finch Road, in the Modesto area. The project site is currently improved with an existing snack food manufacturing facility consisting of a 436,000± square-foot manufacturing and warehouse building, a 63,000± square-foot warehouse, traffic center for management of receiving activities and finished project shipping, solar array field, four parking areas for trailers not in use and two employee parking lots. The site has also been improved with landscaping, consisting of trees and lawn along the frontage of Garner Road and Leckron Road. Lastly, wrought iron fencing has been installed around the perimeter of the project site (see Exhibit B – *Maps, Site Plans, and Elevations*).

Surrounding land uses include industrial uses in all directions; the Tuolumne River to the south; SR 132 and the City of Modesto to the north; and the Modesto City-County Airport 1.5 miles to the west. The project site is located within the LAFCO adopted Sphere of Influence of the City of Modesto. The site is currently served with public sewer and water facilities by the City of Modesto and private wells. The site has access to County-maintained Garner Road and Leckron Road.

ISSUES

The following issues have been identified as part of the review of the project:

The project site is located approximately 1.5 miles northeast of the Modesto City-County Airport's primary runway. The application was submitted to the FAA in February of 2022; the Federal Aviation Administration (FAA) conducted an aeronautical study on the proposed warehouse building, manufacturing building, and the corn and cornmeal silos. An Early Consultation referral response received from the Modesto Airport manager on March 14, 2022, confirmed the requirement for the project contractor to file a Notice of Proposed Construction or Alteration with the FAA to determine whether any effects on navigable airspace would be imposed by the proposed 97-foot-tall warehouse building with appurtenance. On March 22, 2022, the FAA issued their determination; the study revealed the structures do not exceed obstruction standards and would not be a hazard to air navigation. A FAA Form 7460-2, Notice of Actual Construction or Alteration, will need to be e-filed any time the project is abandoned or within five days after the construction reaches its greatest height (see Exhibit D – *Initial Study, with Attachments*). Furthermore, based on this evaluation, the FAA determined that marking and lighting are not necessary for aviation safety; however, if marking/lighting are included on a voluntary basis, the FAA recommends it be installed in accordance to their standards and specifications as noted in their referral letter. If any future construction or alteration, including increase to heights, power, or the addition of other transmitters occur, the FAA requires a separate notice to be submitted. The FAA's requirements are reflected in the conditions of approval for this project.

A discussion of the project's review by the Stanislaus County Airport Land Use Commission (ALUC) is provided in the General Plan Consistency section below.

In response to the project's Early Consultation and 30-day Initial Study referrals, the Planning Department received responses from San Joaquin Valley Air Pollution Control District (Air District), Central Valley Regional Water Quality Control Board (Regional Water), Stanislaus County Department of Environmental Works – Hazardous Materials Division (DER Hazmat), and Modesto Irrigation District (MID); however, the comments provided by Regional Water, DER Hazmat, and MID addressed the proposed expansion of the snack food manufacturing facility, and not specifically the variance request. Conditions of approval for this project only address the variance request to allow for additional height for the construction of the warehouse building. The balance of the requested development is considered a permitted use in the Industrial (M) zoning district and will be subject to the M zoning district standards for development.

Although the remaining expansion of the facility is a permitted use in the M zoning district, the environmental review examined the entirety of the project request for the purpose of allowing Frito-Lay, Inc. to obtain Air District permits which require California Environmental Quality Act review. A full discussion of the analysis can be found in the Environmental Review section of the report.

GENERAL PLAN CONSISTENCY

Consistency with the goals, objectives, and policies of the various elements of the General Plan was evaluated when processing this discretionary project request. The site is currently designated as "Industrial" in the Stanislaus County General Plan. According to the Stanislaus General Plan Designations, the intent of this designation is to indicate areas for various forms of light or heavy industrial uses, including, but not limited to, manufacturing and warehousing. Generally, the Industrial designation shall be used in areas where public sewer and water are available or where the restrictions of the Planned Industrial designation are inappropriate.

For projects located within a Local Agency Formation Commission (LAFCO) adopted Sphere of Influence (SOI), the County's General Plan SOI policy states that development, other than agricultural uses and churches, which requires discretionary approval from incorporated cities, shall be referred to the city for preliminary approval. The project shall not be approved by the County unless written communication is received from the city memorializing their approval. If approved by the city, the city should specify what development standards are necessary to ensure that development will comply with city development standards. Approval from a city does not preclude the County's decision-making bodies from exercising discretion, and it may either approve or deny the project. If development standards of the City and County conflict; the City's standards shall govern.

This project is located within the LAFCO adopted SOI of the City of Modesto and is designated Industrial by the City's General Plan. As such, the project was referred to the City of Modesto, which responded that the City's industrial zones do not have height limits except when located in the Airport Zone or adjacent to a residential zone. The City of Modesto indicated that the proposed total height for the warehouse is consistent with City height standards and did not object to the proposed height of the 97-foot-tall 27,000± square-foot warehouse with appurtenance. In the referral response received from the City of Modesto, the City did not indicate any development standards.

As required under Goal Two, Policy 12, of the General Plan Safety Element, development within areas protected by the Stanislaus County Airport Land Use Compatibility Plan (ALUCP) shall only be approved if the project is consistent with the adopted Plan. The project was referred to the Stanislaus County Airport Land Use Commission (ALUC), which responded that the project is

located within Referral Area 2. Areas protected by the ALUCP are divided into two areas, Referral Area 1 and Referral Area 2. Requirements for referral of Land Use Actions to the ALUC for review differ between these two areas. Referral Area 2 includes locations where airspace protection and/or overflight are compatibility concerns, but not noise or safety. A portion of the southwest corner of the project site is located within Safety Zone 6. With the exception of uses related to hazardous material production, industrial uses, such as the proposed use of the warehouse, manufacturing buildings, and silos are considered to be compatible with airport operations in Safety Zone 6. The remainder of the property is not located within any Safety Zone and is therefore not subject to safety compatibility criteria. The ALUC referral response further specified the project site is not located within any Noise Zone of the Modesto City-County Airport and, as such, no noise level restrictions apply. The ALUC confirmed the project site is within the Federal Aviation Administration (FAA) Height Notification Surface Area for the Modesto City-County Airport. As mentioned in the Issues section of this report, the FAA was notified of the proposed project and an aeronautical study was performed. The FAA has determined the proposed height of the buildings and silos will not have an effect on navigable airspace.

Staff evaluation of the project has found it to be consistent with the General Plan.

ZONING CONSISTENCY

The project site is currently zoned Industrial (M). Food manufacturing facilities are permitted uses in the M zoning district provided they comply with all development standards, such as parking, height limits, etc. With the exception of the height of the proposed warehouse building, the project meets all applicable development standards of the M zoning district.

As discussed earlier, this is a request for a variance to Section 21.60.040(A) of the County Code, which requires building and appurtenant structures not to exceed 75 feet in height in the M zoning district. A variance may be approved in situations where physical characteristics of the property exist that limit the enjoyment of development rights experienced by other properties within the same zoning designation, resulting in unnecessary hardships, from the strict application of provisions of the Zoning Ordinance. In order to grant a variance, the Planning Commission must make the following findings:

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

b. 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.

c. That the granting of the 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 the neighborhood.

The additional height of the proposed warehouse is needed to accommodate construction of a two-crane automated storage and pallet retrieval system for bulk materials that will be transported

by truck and rail. As part of the expansion of the snack food facility, the addition of the new cornmeal receiving, storage, and handling system will increase the production capacity and reduce the need to import packaged snack food products from other plants. The applicant has submitted variance findings which state that special circumstances applicable to this project are that strict application of the height limit would deprive the subject property of privileges enjoyed by other properties in the M zoning district. The design requirements for the proposed warehouse demand the additional height allowance in order to be accommodated on the property. The proposed project would not be possible without the additional height allowance due to the warehouse building design requirements (see Exhibit E – *Applicant's Variance Findings*).

As discussed within the General Plan Consistency section of this report, all discretionary development proposals within the sphere of influence or areas of specific designation of a city shall be referred to that city to determine whether or not the proposal shall be approved and whether it meets their development standards. If development standards of the city and County conflict; the city's standards shall govern.

The project was referred to the City of Modesto which has indicated that the total height for the warehouse would be consistent with City height standards. Furthermore, the City stated the project site is designated Industrial by the City's General Plan. Per the City's Zoning Ordinance for Industrial zoning districts, there is no height limit for buildings, except when located in the Airport Zone or adjacent to a residential zone. As mentioned in the Issues section of this report, the Federal Aviation Administration (FAA) was notified of the proposed project, and an aeronautical study performed which determined the proposed height of the buildings and silos would not have an effect on navigable airspace. The City of Modesto's support for this project and County's General Plan Sphere of Influence (SOI) policy allowing city standards to govern within a LAFCO SOI is a special circumstance/condition applying to the project site.

On May 20, 2021, the Stanislaus County Planning Commission approved Variance No. PLN2020-0079 – Frito-Lay, Inc. for a similar variance to the M zoning district height limit to allow for the construction of a 97-foot-tall 39,000± square-foot warehouse building based on compliance with the County's General Plan SOI policy allowing city standards to govern within a LAFCO SOI. The May 20, 2021 Planning Commission staff report referenced a similar example involving an exception, which is the Subdivision Map Acts version of a variance, for a project within the City of Ceres' LAFCO SOI. On July 16, 2020 the Planning Commission approved Parcel Map and Exception No. PLN2019-0083 – Lopez – Montague Court to subdivide a 24,899 square-foot parcel into four parcels of at least 5,685 square feet. The proposal for the Parcel Map included a parcel (Parcel 3) which did not meet access requirements of the County's Subdivision Ordinance. Parcel 3 proposed to take action from a 20-foot-wide access easement in the form of a shared driveway. The City of Ceres supported the exception and indicated that, if located within the City, it could be approved without the need for an exception and/or variance.

In their recommendation of Lopez-Montague Court, staff determined that if the project were outside a city SOI or did not have city support, they would have recommended denial of the project. However, it was found that while the County's General Plan SOI Policy did not preclude the County from denying a project supported by the city, it was difficult to deny the findings when the project met all of the city standards and would be approved by the city without an exception. The City of Ceres' support for the project and County's General Plan SOI policy allowing city standards to govern within a LAFCO SOI was a special circumstance/condition applying to the project site under the Parcel Map and Exception request. Ultimately, the Planning Commission agreed and approved the project on 6-0 vote.

No health or safety issues associated with the proposed variance request have been identified. The variance will allow the existing facility to develop in compliance with City standards. Based on the unique circumstances of this project, staff believes that that all required variance findings can be made.

ENVIRONMENTAL REVIEW

The California Environmental Quality Act (Section 21000, et seq. of the California Public Resources Code, hereafter CEQA) requires analysis of agency approvals of discretionary "projects." A project, under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." The proposed project is a project under CEQA.

Although the expansion of the facility is a permitted use in the Industrial (M) zoning district, the environmental review examined the entire request for the purpose of allowing Frito-Lay, Inc. to obtain permits from the San Joaquin Valley Air Pollution Control District (Air District) which require CEQA review. An Early Consultation referral response received from the Air District indicated that construction and operation-related emissions for the project would have a less than significant impact on air quality; however, the response letter requested a Health Impact Assessment, Ambient Air Quality Analysis, and assessment for any Hazards and Odors be conducted to evaluate the project's health-related impacts. An Air Quality and Greenhouse Gas Analysis Report was conducted by Ramboll on February 9, 2022 (see Exhibit D – *Initial Study, with Attachments*). The analysis confirmed the Air District's response that construction and operation-related emissions for the project would have a less than significant impact on air quality and would not exceed the Air District's annual emissions significance thresholds. The Air District initially recommended a Health Risk Assessment (HRA) be performed for the project to evaluate potential health impacts associated with the addition of the new Onion Fried Snack (OFS) production line and the addition of a cornmeal receiving, storage, and handling system; however, the Air District provided a comment letter on July 8, 2022, determining the proposed OFS production line equipment will generate de minimis levels of Toxic Air Contaminants (TACs). Therefore, the proposed project is not expected to cause any significant public health risk, nor will it have the potential to significantly contribute to an exceedance of state or federal Ambient Air Quality Standards. In addition to the Authority to Construct (ATC) Permit and Permit to Operate (PTO), the project will be required to obtain all other applicable Air District permits and to be in compliance with all applicable Air District rules and regulations, as reflected in the conditions of approval, which may require the applicant to prepare an HRA and undergo further environmental analysis of the project at the discretion of the Air District.

Pursuant to the California Environmental Quality Act (CEQA), the proposed project was circulated to interested parties and responsible agencies for review and comment and no significant issues were raised (see Exhibit G – *Environmental Review Referrals*). A Negative Declaration has been prepared for approval prior to action on the project itself as the project will not have a significant effect on the environment (see Exhibit F – *Negative Declaration*). Conditions of approval reflecting referral responses have been placed on the project (see Exhibit C – *Conditions of Approval*).

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Note: Pursuant to California Fish and Game Code Section 711.4, all project applicants subject to the California Environmental Quality Act (CEQA) shall pay a filing fee for each project; therefore, the applicant will further be required to pay **$2,605.00** for the California Department of

Fish and Wildlife (formerly the Department of Fish and Game) and the Clerk-Recorder filing fees. The attached Conditions of Approval ensure that this will occur.

Contact Person: Emily Basnight, Assistant Planner, (209) 525-6330

Attachments:
Exhibit A - Findings and Actions Required for Project Approval
Exhibit B - Maps, Site Plans, and Elevations
Exhibit C - Conditions of Approval
Exhibit D - Initial Study, with Attachments*
Exhibit E - Applicant's Variance Findings
Exhibit F - Negative Declaration
Exhibit G - Environmental Review Referrals

* Appendices A through D of Attachment I – Air Quality and Greenhouse Gas Analysis Report of Exhibit D have been redacted from the Staff Report. However, the Initial Study was circulated with all of the Appendices attached. Hard copies are available upon request. Please contact the Planning and Community Development Department by email at planning@stancounty.com or by phone at (209) 525-6330 to obtain a copy.

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Findings and Actions Required for Project Approval

1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis.

2. Order the filing of a Notice of Determination with Stanislaus County Clerk-Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.

3. Find that:

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

    b. 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.

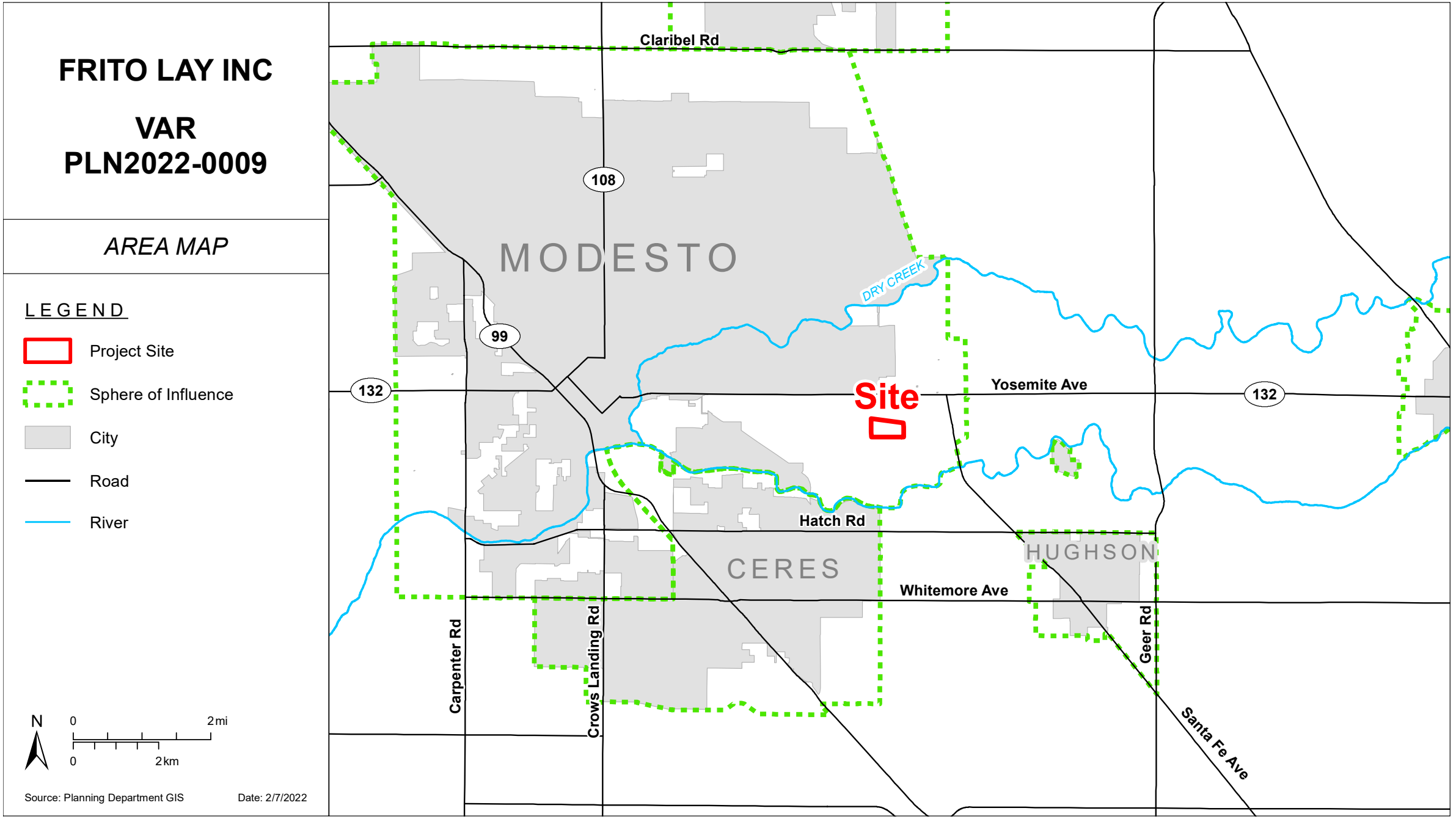
    c. That the granting of the application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of the particular case, be materially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

4. Approve Variance Application No. PLN2022-0009 – Frito-Lay, Inc.

FRITO LAY INC

VAR
PLN2022-0009

AREA MAP



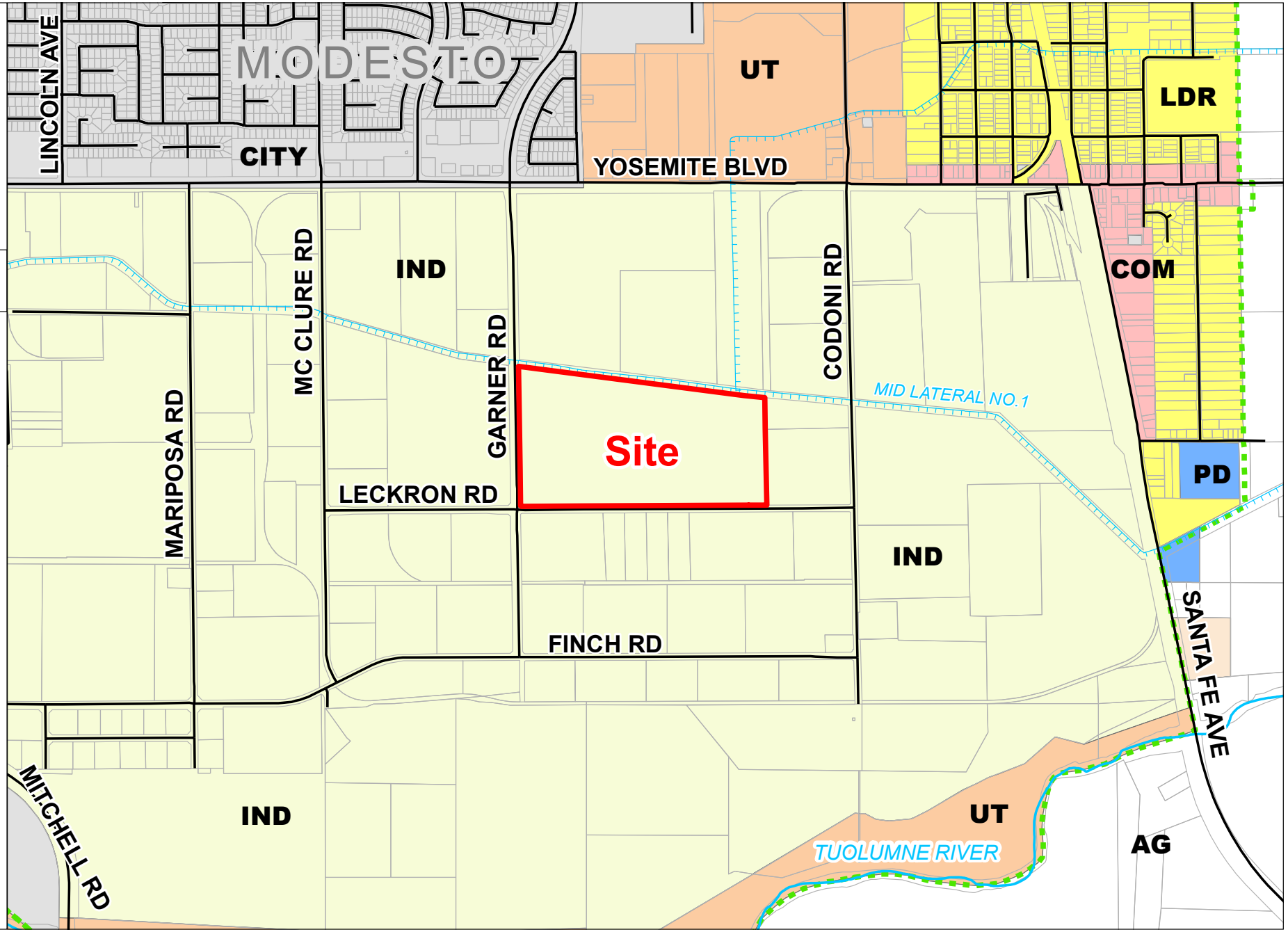
10

EXHIBIT B

FRITO LAY INC

VAR PLN2022-0009

GENERAL PLAN MAP



LEGEND

- Project Site
- Sphere of Influence
- City of
- Parcel
- Road
- River
- Canal

General Plan

- Agriculture
- Commercial
- Urban Transition
- Industrial
- Low Density Residential
- Planned Development

N 0 1,500 ft 0 300 m

Source: Planning Department GIS Date: 2/7/2022

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EXHIBIT B-1

FRITO LAY INC

VAR PLN2022-0009

ZONING MAP

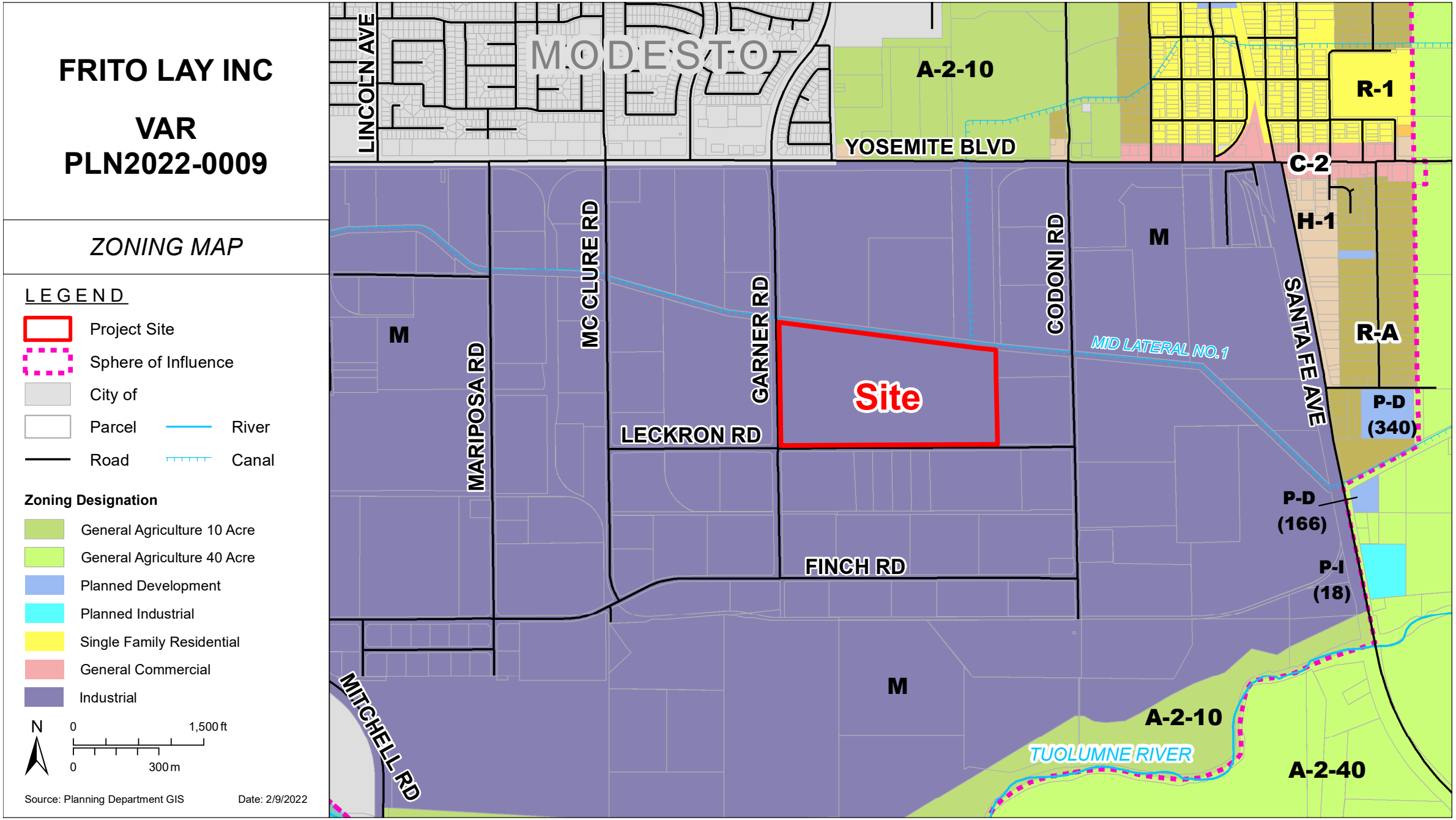

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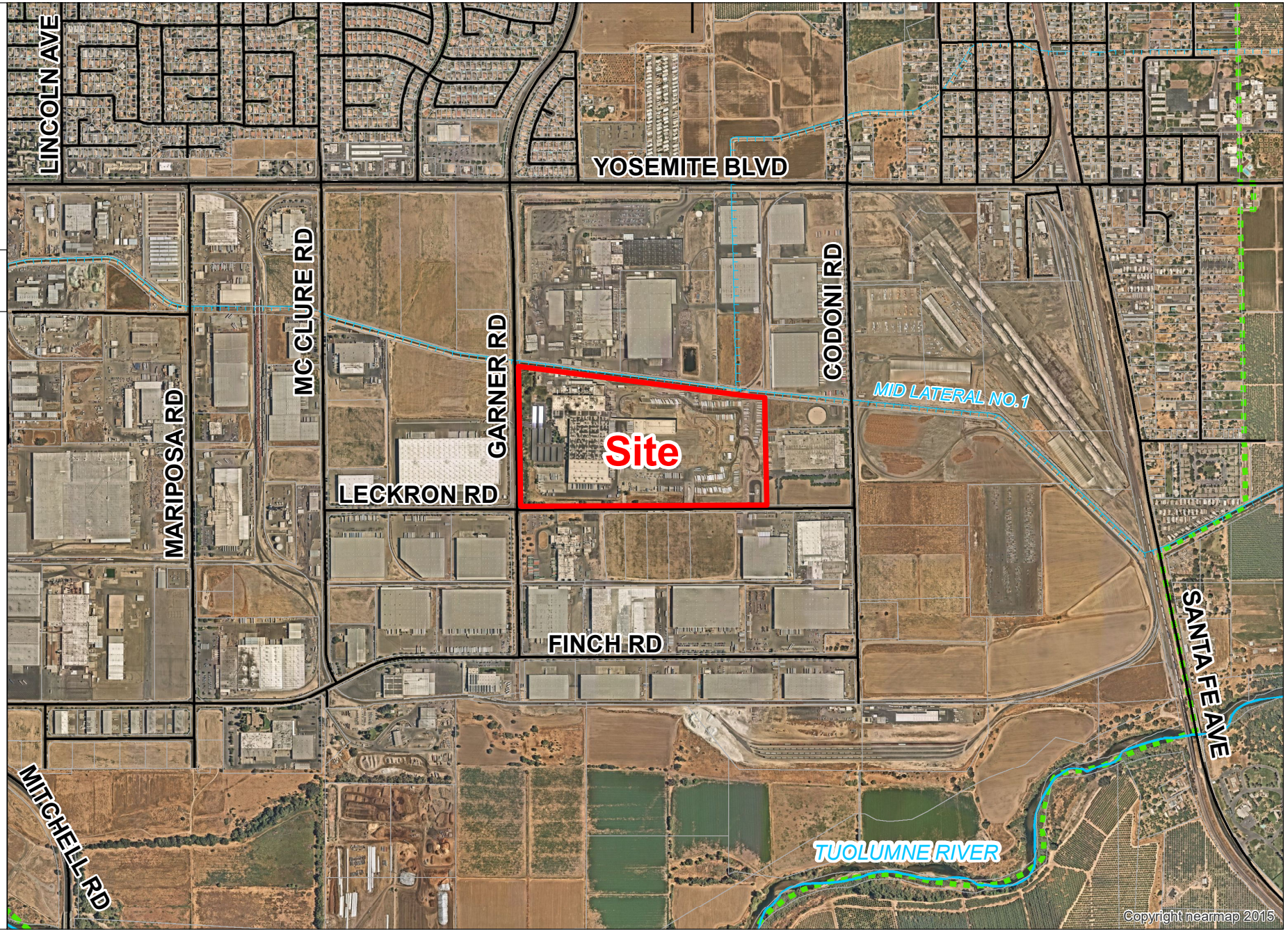
EXHIBIT B-2

FRITO LAY INC

VAR PLN2022-0009

2021 AERIAL AREA MAP



LEGEND

- Project Site
- Sphere of Influence
- Road
- River
- Canal

N

0 1,500 ft

0 300 m

Source: Planning Department GIS

Date: 2/7/2022

EXHIBIT B-3

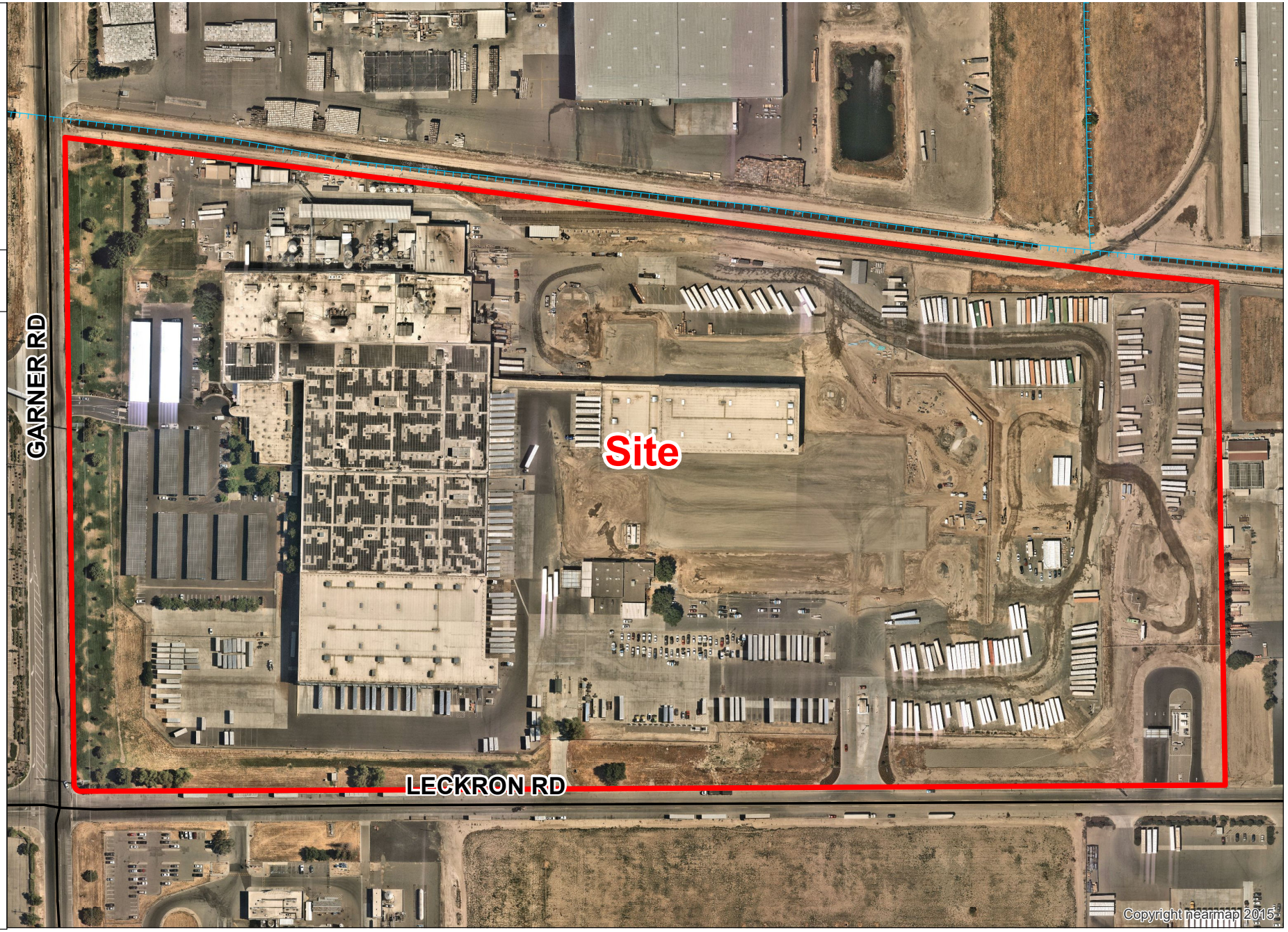
FRITO LAY INC

VAR PLN2022-0009

2021 AERIAL SITE MAP

LEGEND

- Project Site
- Road
- Canal



N

0 400ft

0 100m

Source: Planning Department GIS

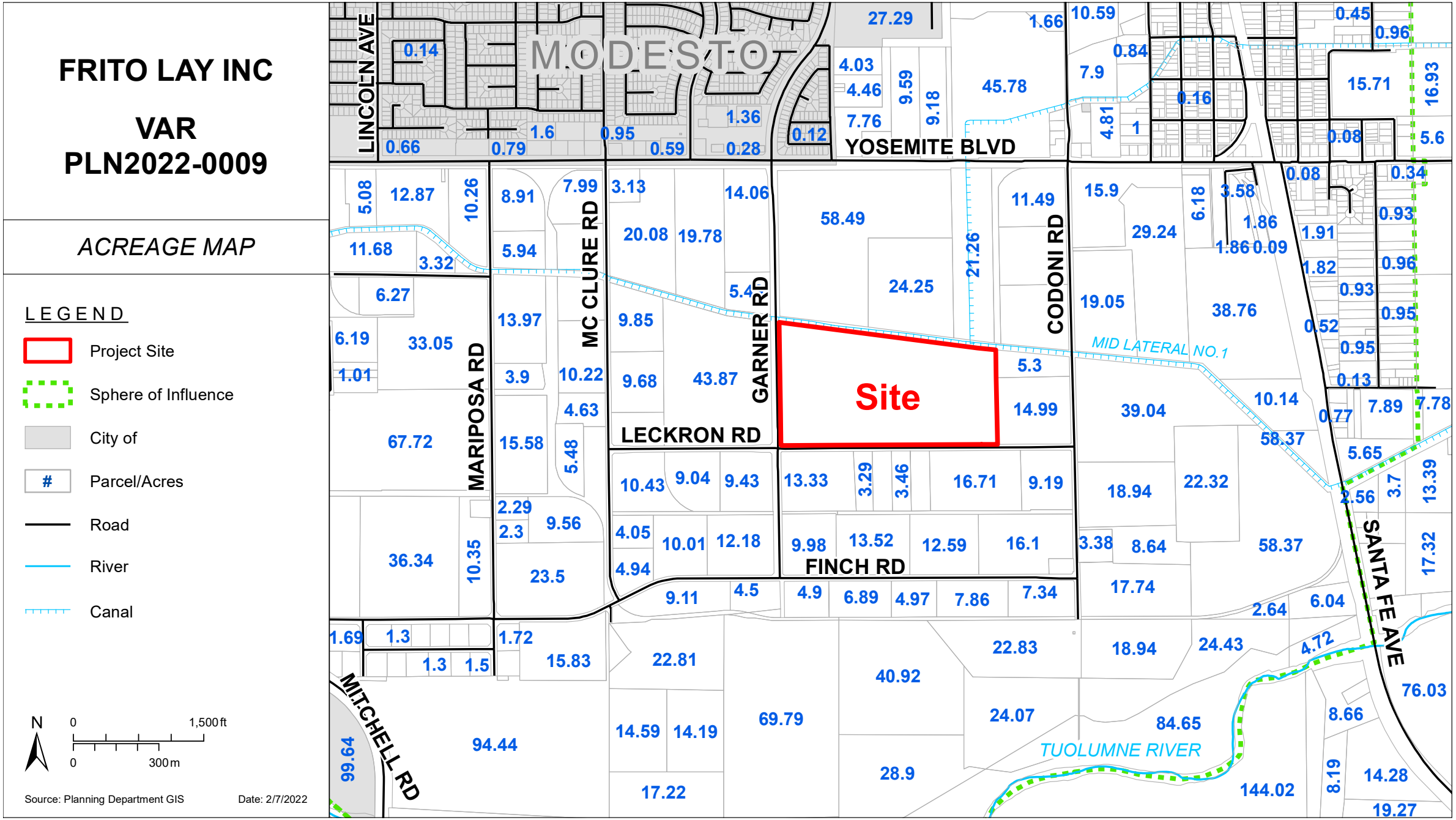
Date: 2/7/2022

EXHIBIT B-4

FRITO LAY INC

VAR PLN2022-0009

ACREAGE MAP



Source: Planning Department GIS

Date: 2/7/2022

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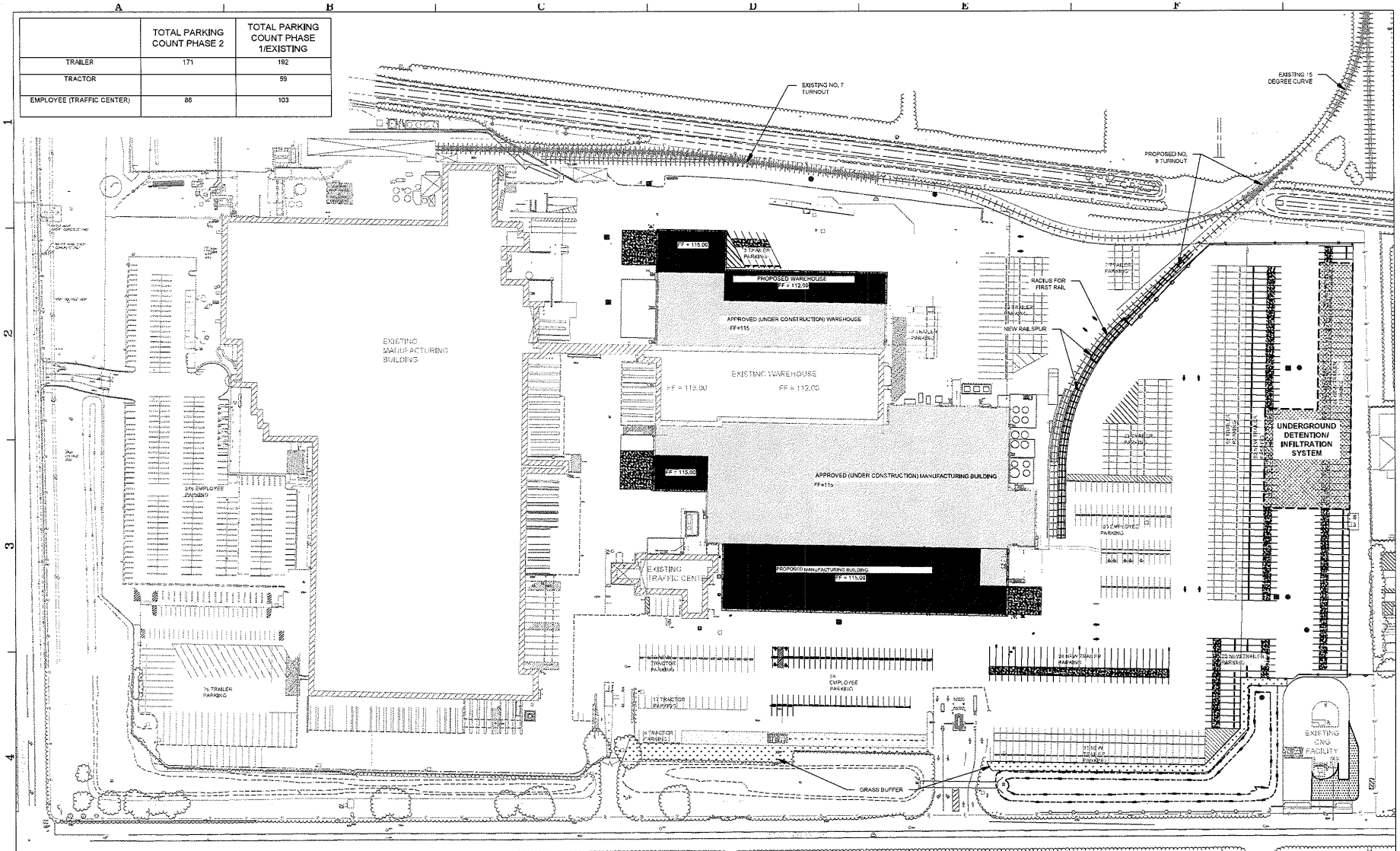
EXHIBIT B-5

	TOTAL PARKING COUNT PHASE 2	TOTAL PARKING COUNT PHASE 1/EXISTING
TRAILER	171	192
TRACTOR		59
EMPLOYEE (TRAFFIC CENTER)	88	103



LEGEND

- EXISTING BUILDING
- NEW BUILDING (PHASE I)
- NEW BUILDING (PHASE II)
- VEGETATED BUFFER
- UNDERGROUND RETENTION

REV	DESCRIPTION	DRAWN DATE	CHECK DATE	APPD DATE
1	ISSUED FOR GRADING PERMIT	10/15/21	10/15/21	10/15/21

DRAWING REVISION

DRAWING REUSE

BURNS & MCDONNELL (VENDOR) AND FRITO LAY, INC. (OWNER) AGREE THAT DRAWINGS PROVIDED BY OWNER'S TITLE BLOCK BECOME THE PROPERTY OF OWNER WHICH MAY REUSE THEM FOR SUBSEQUENT EXTENSIONS OF THE PROJECT OR FOR NON PROJECTS OF OWNER. PROVIDED, HOWEVER, THE VENDOR SHALL NOT BE LIABLE IN ANYWAY TO THE OWNER OR TO ANYONE ELSE) RELATING TO ANY SUCH REUSE OF THE DRAWINGS BY OWNER. ANY SUCH REUSE OR MODIFICATION BY OWNER SHALL NOT APPLY, AND VENDOR SHALL BE HELD RESPONSIBLE AND LIABLE IN THE CASE WHERE VENDOR IS A PARTY TO SUCH REUSE.

BURNS MCDONNELL

NAME OF PROFESSIONAL: JOHN SARKILL
ARIZONA CERTIFICATE / EXPIRATION NUMBER: 67563
PROFESSIONAL SEAL AND SIGNATURE APPLY TO CIVIL DRAWINGS ONLY

CONFIDENTIAL

THIS DOCUMENT IS CONFIDENTIAL PROPRIETARY INFORMATION OF THE FRITO-LAY, INC. AND SHALL NOT BE DISCLOSED, COPIED OR USED FOR ANY PURPOSE OTHER THAN FOR WHICH SPECIFICALLY FURNISHED, WITHOUT THE PRIOR CONSENT OF FRITO-LAY, INC.

DRAWN BY	DATE	BY
	10/15/21	SA
	10/15/21	MT
	10/15/21	JS

Frito Lay Good Fun!

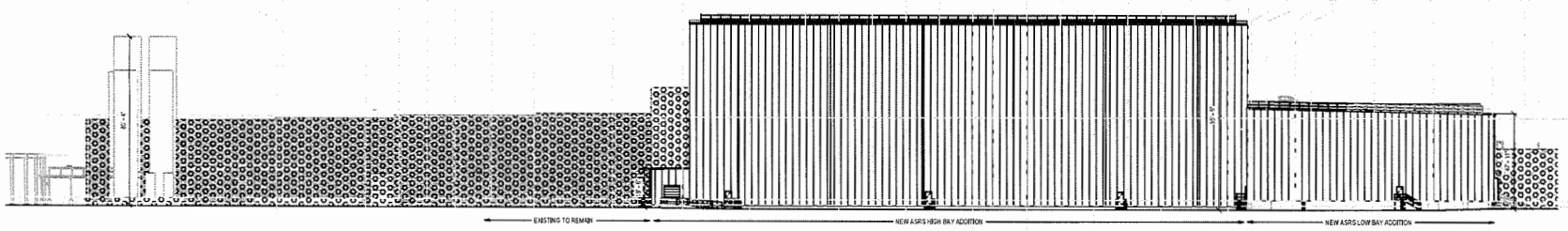
MODESTO, CA
FUNYUNS EXPANSION
CIVIL
OVERALL SITE PLAN

VENDOR PROJECT NUMBER	VENDOR DRAWING NUMBER	SCALE	SHEET NUMBER	FL DRAWING NUMBER	REV
127399	---	1"=80'	- OF -	- - - - -	1

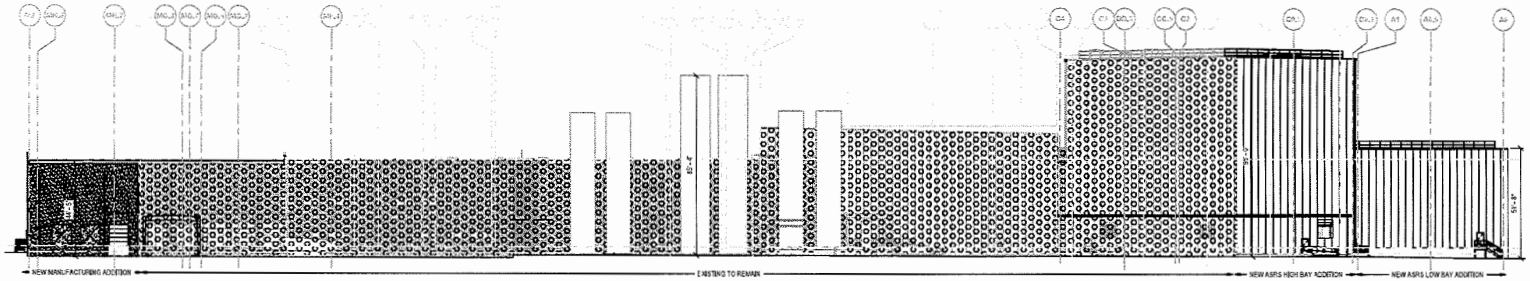
N:\MODOF\CLIENT\OF\FRITOLAY\127399_MODESTRAN\SHPD\DESIGN\CADD\XML\SHEETS\FUNYUNS EXPANSION\127399- TRAFFIC PATTERN.DWG 10/20/2021 9:53 AM AMARTINEZ

16

EXHIBIT B-6

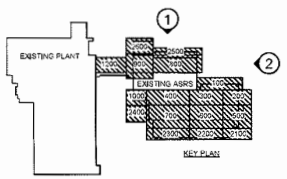


NORTH - OFS ELEVATION ①



EAST - OFS ELEVATION ②

LEGEND:
EXISTING BUILDING



PRELIMINARY - NOT FOR CONSTRUCTION

BURNS McDONNELL
9400 WARD PARKWAY
KANSAS CITY, MO 64114
BURNS & MCDONNELL ENGINEERING CO, INC.
BURNS & MCDONNELL
755236

DRAWING REUSE

BURNS McDONNELL

CONFIDENTIAL

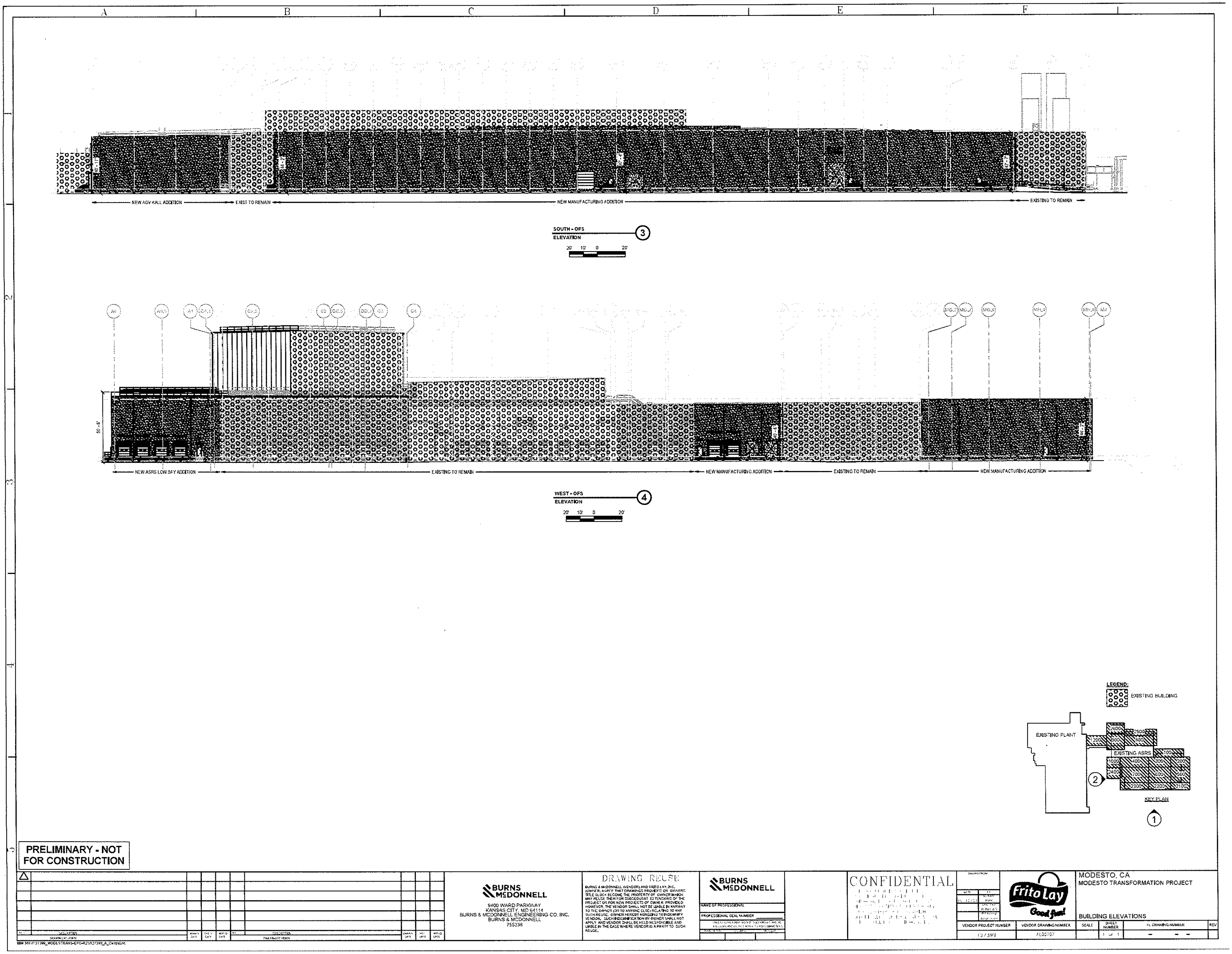
Frito Lay Good food

MODESTO, CA
MODESTO TRANSFORMATION PROJECT

BUILDING ELEVATIONS

VENDOR PROJECT NUMBER	VENDOR DRAWING NUMBER	SCALE	SHEET NUMBER	N. DRAWING NUMBER	REV
127399	AE60708		1 OF 1	– – –	

EXHIBIT B-7



18

EXHIBIT B-8

NOTE: Approval of this application is valid only if the following conditions are met. This permit shall expire unless activated within 18 months of the date of approval. In order to activate the permit, it must be signed by the applicant and one of the following actions must occur: (a) a valid building permit must be obtained to construct the necessary structures and appurtenances; or, (b) the property must be used for the purpose for which the permit is granted. (Stanislaus County Ordinance 21.104.030)

CONDITIONS OF APPROVAL

VARIANCE APPLICATION NO. PLN2022-0009
FRITO-LAY, INC.

Department of Planning and Community Development

1. Use(s) shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission in accordance with other laws and ordinances.

2. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2014), the applicant is required to pay a California Department of Fish and Wildlife (formerly the Department of Fish and Game) fee at the time of filing a "Notice of Determination." Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **$2,605.00**, made payable to **Stanislaus County**, for the payment of California Department of Fish and Wildlife and Clerk-Recorder filing fees.

   Pursuant to Section 711.4 (e) (3) of the California Fish and Game Code, no project shall be operative, vested, or final, nor shall local government permits for the project be valid, until the filing fees required pursuant to this section are paid.

3. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.

4. The applicant/owner is required to defend, indemnify, or hold harmless the County, its officers, and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.

5. During the construction phases of the project, if any human remains, significant or potentially unique, are found, all construction activities within 150 feet of the find shall cease until a qualified archeologist can be consulted. Construction activities shall not resume in the area until an on-site archeological mitigation program has been approved by a qualified archeologist. If the find is determined to be historically or culturally significant, appropriate mitigation measures to protect and preserve the resource shall be

formulated and implemented. The Central California Information Center shall be notified if the find is deemed historically or culturally significant.

6. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District (Air District) and may be subject to additional regulations/permits, as determined by the Air District.

7. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.

Building Permits Division

8. Building permits are required and the project must conform with the California Code of Regulations, Title 24.

Federal Aviation Administration (FAA)

9. Prior to issuance of a building permit, future construction or alteration, including increase to heights, power, or the addition of other transmitters, or installation of equipment which has a height greater than the warehouse, separate notice to the FAA shall be provided.

10. The applicant/operator of the facility shall contact the FAA at any point the use is abandoned or within five days of the construction reaching its greatest height. Additionally, the applicant shall notify the FAA within five days of completion if construction or alterations of the structure are made, including dismantling or destruction.

11. If any markings or lighting are installed on the 97-foot-tall warehouse structure, it shall be installed in accordance with FAA Advisory. The property owner/developer shall provide Stanislaus County with written record of the FAA advisory received prior to installation of any markings or lighting.

San Joaquin Valley Air Pollution Control District

12. Prior to issuance of a building permit, the operator shall obtain all applicable Air District permits, including an Authority to Construct (ATC) Permit and Permit to Operate (PTO).

13. The proposed project shall be subject to all applicable District Rules and Regulations. The applicant shall contact and coordinate with the San Joaquin Valley Air Pollution Control District to determine whether any rules, regulations or permits shall be met/obtained prior to operation.

****

*Please note: If Conditions of Approval/Development Standards are amended by the Planning Commission or Board of Supervisors, such amendments will be noted in the upper right-hand corner of the Conditions of Approval/Development Standards; new wording is in **bold**, and deleted wording will ~~have a line through it.~~*

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

CEQA INITIAL STUDY

Adapted from CEQA Guidelines APPENDIX G Environmental Checklist Form, Final Text, January 1, 2020

1.	**Project title:**	Variance Application No. PLN2022-0009 – Frito-Lay, Inc.
2.	**Lead agency name and address:**	Stanislaus County 1010 10th Street, Suite 3400 Modesto, CA 95354
3.	**Contact person and phone number:**	Emily Basnight, Assistant Planner 209-525-6330
4.	**Project location:**	600 Garner Road, between Yosemite Boulevard (SR 132) and Finch Road, in the Modesto area (APN:009-018-055)
5.	**Project sponsor's name and address:**	Daniel O'Brien, Modesto Site Director, Frito-Lay, Inc. 600 Garner Road, Modesto, CA 95357
6.	**General Plan designation:**	Industrial
7.	**Zoning:**	Industrial (M)

8. Description of project:

This is a request for a variance to the Industrial (M) zoning district height limit. The project proposes to expand the current Frito-Lay facility by constructing a 62,000± square-foot manufacturing building, 27,000± square-foot warehouse building, silos (one to be utilized for corn storage and one for cornmeal storage), and site improvements consisting of the following: a second rail branch; new solar photovoltaic carport; 14 vehicle charging stations for employees; a publicly available compressed natural gas fueling station; and a near zero emission and zero emission on and off-road fleet upgrades to increase the production capacity and reduce the need to import packaged snack food products from other plants. The proposed expansion will also include the addition of a new snack food production line for Onion Fried Snack (OFS) production, and the addition of a cornmeal receiving, storage, and handling system. The number of employees is anticipated to increase by 206 as part of this project; increasing the number of employees to 486 during a maximum shift. The corn and cornmeal silos will be 85± feet tall; as unmanned fireproof structures the silos are considered to be permitted uses in the Indusrial (M) zoning district and are not subject to a height limit pursuant to §21.60.040(B) of the County Zoning Ordinance. The proposed 62,000± square-foot manufacturing building will be 46 feet tall. The 27,000± square-foot warehouse is proposed to be 92 feet tall with an HVAC unit at the top bringing the total height to 97 feet tall; the warehouse will be composed of one floor, and a mezzanine. County Zoning Ordinance §21.60.040(A) requires building and appurtenant structures not to exceed 75 feet in height in the Industrial (M) zoning district. The additional height of the building is needed to accommodate construction of a three-crane automated storage and pallet retrieval system for bulk materials transported by truck and rail. The automated crane system will operate from the ground level and the first floor and mezzanine of the proposed warehouse will be manned daily, with up to four employees to oversee the crane system and operate forklifts from ground levels. The proposed warehouse and expansion will be located at an existing snack manufacturing facility on a 71.35± acre parcel in the Industrial (M) zoning district within the LAFCO adopted Sphere of Influence for the City of Modesto. The site is currently served with public sewer and water facilities by the City of Modesto. The site has access to County-maintained Garner Road and Leckron Road. The expansion of the facility is a permitted use in the Industrial (M) zoning district; however, the environmental review will cover the entire expansion request for the purpose of allowing Frito-Lay, Inc. to obtain Air District permits which require CEQA review for the expansion of the manufacturing and packaging operations for the new OFS production line. The

Planning Commission will consider the variance for the additional height of the proposed 97-foot-tall warehouse building, and the CEQA review for the entire project.

9.	**Surrounding land uses and setting:**	Industrial uses in all directions; Tuolumne River to the south; SR 132 and the City of Modesto to the north; Community of Empire to the northeast; and the Modesto City-County Airport to the west.
10.	**Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):**	CalTrans San Joaquin Valley Air Pollution Control District (SJVAPCD) City of Modesto Stanislaus County Department of Public Works Department of Environmental Resources
11.	**Attachments:**	I. Air Quality and Greenhouse Gas Analysis Report, prepared by Ramboll, dated February 9, 2022 II. Federal Aviation Administration Aeronautical Study Nos. 2022-AWP-3479-OE – 2022-AWP-3489-OE, dated March 22, 2022

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ **Aesthetics**	☐ **Agriculture & Forestry Resources**	☐ **Air Quality**
☐ **Biological Resources**	☐ **Cultural Resources**	☐ **Energy**
☐ **Geology / Soils**	☐ **Greenhouse Gas Emissions**	☐ **Hazards & Hazardous Materials**
☐ **Hydrology / Water Quality**	☐ **Land Use / Planning**	☐ **Mineral Resources**
☐ **Noise**	☐ **Population / Housing**	☐ **Public Services**
☐ **Recreation**	☐ **Transportation**	☐ **Tribal Cultural Resources**
☐ **Utilities / Service Systems**	☐ **Wildfire**	☐ **Mandatory Findings of Significance**

DETERMINATION: (To be completed by the Lead Agency)
On the basis of this initial evaluation:

☒ **I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.**

☐ **I find that although the proposed project could have a 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. A MITIGATED NEGATIVE DECLARATION will be prepared.**

☐ **I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.**

☐ **I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.**

☐ **I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.**

Signature on File **July 20, 2022**
Prepared by Emily Basnight Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, than the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration.

Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

a) Earlier Analysis Used. Identify and state where they are available for review.

b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). References to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:

a) the significant criteria or threshold, if any, used to evaluate each question; and

b) the mitigation measure identified, if any, to reduce the impact to less than significant.

ISSUES

I. AESTHETICS – Except as provided in Public Resources Code Section 21099, could the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

Discussion: The project site itself is not considered to be a scenic resource or unique scenic vista. The project site is currently improved with a 436,000± square-foot manufacturing/warehouse building, a 63,000± square-foot warehouse, traffic center, solar field, and parking lots. On May 20, 2021, The Stanislaus County Planning Commission approved a project involving addition of a 39,000± square-foot warehouse building, a 127,000 square-foot manufacturing building, a second rail spur, receiving and storage equipment and an expansion of a retention pond; the project is currently under construction and multiple building permits have been applied for through the Stanislaus County Building Permits Division. The proposed 62,000± square-foot manufacturing building, 27,000± square-foot warehouse building, corn and cornmeal silos, and site improvements consisting of the following: a second rail branch; new solar photovoltaic carport; 14 vehicle charging stations for employees; a publicly available compressed natural gas fueling station; and a near zero emission and zero emission on and off-road fleet upgrades are industrial in nature as manufacturing/warehouse uses, which are consistent with other developments in the area. The corn and cornmeal silos will be 85 feet tall; the silos are considered unmanned fireproof structures and not subject to a height limit pursuant to §21.60.040(B) of the County Zoning Ordinance. The proposed 62,000± square-foot manufacturing building will be 46 feet tall. The 27,000± square-foot warehouse is proposed to be 92 feet tall with an HVAC unit at the top bringing the total height to 97 feet tall. The site is surrounded by industrial uses in all directions and City of Modesto to the north and the City of Ceres to the south. The project site is located within the LAFCO adopted Sphere of Influence of the City of Modesto. The project was referred to the City of Modesto; the project site is designated as Industrial within the Modesto General Plan. The City of Modesto responded that the City's industrial zones do not have height limits except when located in the Airport Zone or adjacent to a residential zone. The City of Modesto indicated that the proposed total height for the warehouse is consistent with City height standards. The project site is located approximately 1.5 miles northeast of the Modesto City County Airport's primary runway. An early consultation referral response received from the Modesto Airport manager on March 14, 2022, required the project contractor to file a Notice of Proposed Construction or Alteration (FAA Form 7460-1) with the Federal Aviation Administration (FAA) to determine whether any effects on navigable airspace would be imposed by the proposed 97-foot-tall warehouse building with appurtenance. An application was submitted to the FAA and the FAA conducted an aeronautical study on the proposed warehouse building, manufacturing building and the corn and cornmeal silos. On March 22, 2022, the FAA issued their determination; the study revealed the structures do not exceed obstruction standards and would not be a hazard to air navigation provided the FAA's conditions are met requiring notification if the project is to be abandoned, dismantled, destroyed, altered or within five days after construction reaches its greatest height. Based on their evaluation, the FAA determined that marking and lighting are not necessary for aviation safety and requested conditions to be placed on the project if marking and lighting are installed in the future. More information regarding the FAA aeronautical study and Airport Land Use Commission referral can be found below under the Hazards and Hazardous Materials section of this Initial Study.

Mitigation: None.

References: Application information; Variance No. PLN2020-0079 – Frito-Lay, Inc., approved by the Planning Commission on May 20, 2021; City of Modesto referral response, dated March 1, 2022; Modesto City-County Airport referral response, received March 14, 2022; Federal Aviation Administration Aeronautical Study Nos. 2022-AWP-3479-OE – 2022-

AWP-3489-OE, dated March 22, 2022; City of Modesto Zoning Ordinance (Title 10); Stanislaus County Zoning Ordinance (Title 21); the Stanislaus County General Plan; and Support Documentation.[1]

II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:	**Potentially Significant Impact**	**Less Than Significant With Mitigation Included**	**Less Than Significant Impact**	**No Impact**
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			**X**	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			**X**	
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?			**X**	
d) Result in the loss of forest land or conversion of forest land to non-forest use?			**X**	
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			**X**	

Discussion: The 71.35± acre project site and its surrounding area is classified as "Urban and Built-Up Land" by the Farmland Mapping and Monitoring Program. Soils include Hanford Fine Sandy Loam (HbpA), moderately deep over silt, along with Hanford Sandy Loam (HdA), and Tujunga Loamy Sand (TuA). The site has been developed with the current manufacturing operation since 1990. No agricultural land surrounds the site. There are several vacant parcels to the northwest, west and south; however, all of them are zoned Industrial and are not currently in agricultural production. Any development of the surrounding vacant parcels would be subject to the permitted uses included in the Industrial Zoning Ordinance or would require additional land use entitlements and environmental review. The nearest agriculturally zoned parcel currently in agricultural production is located across Yosemite Boulevard .38 miles north of the project site. The nearest parcel in agricultural production and enrolled under a Williamson Act Contract is planted in almond trees and located .9 miles to the east of the project site. If approved, the proposed project will not convert farmland to non-agriculture uses as the project site and surrounding area is built-out with industrial and commercial uses; nor will it conflict with existing zoning or a Williamson Act Contract.

Mitigation: None.

References: Application Information; California State Department of Conservation Farmland Mapping and Monitoring Program – Stanislaus County Farmland 2012; USDA – NRCS Web Soil Survey; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County General Plan and Support Documentation.[1]

III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions (such as those odors adversely affecting a substantial number of people?			X	

Discussion: The project site is within the San Joaquin Valley Air Basin, which has been classified as "severe non-attainment" for ozone and respirable particulate matter (PM-10) as defined by the Federal Clean Air Act. The San Joaquin Valley Air Pollution Control District (SJVAPCD) has been established by the State in an effort to control and minimize air pollution. As such, the District maintains permit authority over stationary sources of pollutants.

The expansion includes construction of a 62,000± square-foot manufacturing building, 27,000± square-foot warehouse building, silos (one to be utilized for corn storage and one for cornmeal storage), and site improvements consisting of the following: a second rail branch; new solar photovoltaic carport; 14 vehicle charging stations for employees; a publicly available compressed natural gas fueling station; and a near zero emission and zero emission on and off-road fleet upgrades to increase the production capacity and reduce the need to import packaged snack food products from other plants. The proposed expansion will also include the addition of a new snack food production line for Onion Fried Snack (OFS) production, and the addition of a cornmeal receiving, storage, and handling system. A Permit to Operate (PTO) and an Authority to Construct (ATC) permit will be required to be obtained from the SJVAPCD for the proposed facility expansion.

The primary source of air pollutants generated by this project would be classified as being generated from "mobile" sources created from increased passenger vehicle, truck, and train trips generated from the expansion. Mobile sources would generally include dust from roads, farming, and vehicle exhaust. The applicant estimates an increase of 7 outbound truck trips per day and 5 railcars per week as a result of this project. At full build-out there will be an increase of 206 employees as part of this project; increasing the number of employees to 486 during a maximum shift. The facility will have an average of 93 outbound loads, five inbound loads per day, and 33 railcars per week as a result of the project. Customers and visitors on-site per day is anticipated to increase by six for a total of 26 per day as part of the expansion. A comment was received from SJVAPCD in response to the Early Consultation prepared for the proposed project indicating that construction and operation-related emissions for the Project would have a less than significant impact on air quality and are not expected to exceed any of the District's annual emissions significance thresholds, including: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of 10 microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5). However, the response letter indicated that further review of the project's potential impacts to air quality should be conducted, and Project related pollutant emissions should be identified and quantified, for both existing and post-project construction and operational emissions. The letter also indicated that a Health Risk Assessment, and Ambient Air Quality Analysis, and assessment for any Hazards and Odors may also be needed to evaluate the project's health related impacts.

The comments provided by the Air District were based on the proposed expansion of the Frito-Lay facility. However, the Planning Commission will only consider the Variance request to the Industrial height standard. The proposed expansion is a permitted use under the Industrial Zoning Ordinance and requires ministerial permits to be reviewed and approved by Staff for full build-out; however, a Permit to Operate (PTO) and an Authority to Construct (ATC) permit are required by the Air District as part of the expansion and necessitate an analysis of the impacts to air quality in order to process the ATC and PTO. Accordingly, additional CEQA analysis is necessary to be conducted, specifically in terms of potential impacts to air quality and greenhouse gas emissions as a result of the proposed expansion and use of the snack food facility.

An Air Quality and Greenhouse Gas Analysis Report was prepared by Ramboll in February 2022 and received on February 9, 2022. The report included all proposed uses in calculating emissions and making significance determinations in the

analysis. The analysis utilized the California Emissions Estimator Model (CalEEMod) to calculate emission factors for grading, construction, and paving activities and for operational emissions, made up of motor vehicles (fleet and employee vehicles and trains) based on the number of trips and Vehicle Miles Traveled (VMT); area sources (architectural coatings, consumer products, landscape equipment); and natural gas for uses both requiring Air District permits (permitted uses), and uses not subject to District permits (non-permitted uses). The analysis found that emissions of ROG, CO, SO2, NOx, PM10, and PM2.5 associated with the construction and operation of the project would not exceed the District's significance thresholds. The applicant proposes to change the fleet composition replacing 12 diesel fueled trucks with 14 electric powered trucks and addition two additional natural gas fueled trucks for a total of 40 natural gas fueled trucks and 14 electric trucks in order to lower criteria pollutant emissions. The project was determined to be below the SJVAPCD GAMAQI thresholds of significance. As the SJVAPCD Air Quality Attainment Plans predict that nonattainment pollutant emissions will continue to decline each year as regulations adopted to reduce these emissions are implemented, accounting for growth projected for the region, cumulative health impacts were anticipated to decline even with the project's emission contribution. The analysis found that expected emission increases for the Project will be less than 100 pounds per day for ROG, CO, SO2, NOx, PM10, and PM2.5; therefore, an ambient air quality analysis will not be required. The closest sensitive receptor to the project site is a house located at the northwest corner of Codoni Avenue and Finch Road, approximately 2,000 feet southeast of the project site, and therefore not expected to be impacted by the Project activities. Additionally, odors are not expected to impact off-site receptors, as construction equipment and haul trucks are not expected to generate diesel exhaust odor greater than typically present at the facility and will abide by best practices for equipment used during construction, and truck idling on-site.

The Air District initially recommended a Health Risk Assessment (HRA) be performed for the project to evaluate potential health impacts associated with the addition of the new Onion Fried Snack (OFS) production line and the addition of a cornmeal receiving, storage, and handling system. However, the District provided a comment letter on July 8, 2022, determining the proposed OFS production line equipment will generate de minims levels of Toxic Air Contaminants. Therefore, the proposed project is not expected to cause any significant public health risk.

The project will be required to obtain all applicable Air District permits, including an Authority to Construct (ATC) Permit and Permit to Operate (PTO), and may be subject to the following District Rules: Regulation VIII (Fugitive PM10 Prohibitions), Rule 2201 New and Modified Stationary Review, Rule 4002 National Emission Standards for Hazardous Air Pollutants, Rule 4102 Nuisance, Rules 4601 Architectural Coatings, 4641 Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations, and 9510 Indirect Source Review. The applicant has already submitted their ATC application to the Air District. Staff will include a condition of approval on the project requiring that the applicant be in compliance with the District's rules and regulations. As the project must comply with District regulations, the project's emissions would be less than significant for all criteria pollutants, would not be inconsistent with any applicable air quality attainment plans, and would result in less than significant impacts to air quality.

Mitigation: None.

References: San Joaquin Valley Air Pollution Control District referral response, dated March 9, 2022; Air Quality and Greenhouse Gas Analysis Report, prepared by Ramboll, dated February 9, 2022; Letter from San Joaquin Valley Air Pollution Control District, received July 8, 2022; San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; www.valleyair.org; Application Information; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County General Plan and Support Documentation.[1]

IV. BIOLOGICAL RESOURCES -- Would the project:	**Potentially Significant Impact**	**Less Than Significant With Mitigation Included**	**Less Than Significant Impact**	**No Impact**
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			**X**	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California			**X**	

Department of Fish and Game or U.S. Fish and Wildlife Service?				
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			**X**	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			**X**	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			**X**	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			**X**	

Discussion: The project is located within the Riverbank Quad based on the California Natural Diversity Database (CNDDB). There are five animals and two insect species which are state or federally listed, threatened, or identified as species of special concern or a candidate of special concern within the Riverbank California Natural Diversity Database Quad. These species include the Swainson's hawk, vernal pool fairy shrimp, vernal pool tadpole shrimp, steelhead – Central Valley DPS, chinook salmon - Central Valley spring-run ESU, Crotch bumble bee, and valley elderberry longhorn beetle. However, the project site has been developed with industrial uses for over 20 years, making the likelihood for existence of these species on the project site very low.

The Tuolumne River is located .72 miles south of the project site. The project was referred to the Tuolumne River Trust and no response has been received to date. An Early Consultation was referred to the California Department of Fish and Wildlife, and no response has been received to date. The project will not conflict with a Habitat Conservation Plan, a Natural Community Conservation Plan, or other locally approved conservation plans. Impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors are considered to be less than significant.

Mitigation: None.

References: Application Information; California Department of Fish and Wildlife's Natural Diversity Database Quad Species List; Stanislaus County General Plan and Support Documentation.[1]

V. CULTURAL RESOURCES -- Would the project:	**Potentially Significant Impact**	**Less Than Significant With Mitigation Included**	**Less Than Significant Impact**	**No Impact**
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in § 15064.5?			**X**	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?			**X**	
c) Disturb any human remains, including those interred outside of formal cemeteries?			**X**	

Discussion: It does not appear that this project will result in significant impacts to any archaeological or cultural resources. The project site is already developed with manufacturing and warehouse operations, and the proposed construction is within the area which has already been disturbed. However, development standards will be placed on the project, requiring that construction activities shall be halted if any cultural resources are found, until appropriate agencies are contacted, and an archaeological survey is completed.

Mitigation: None.

References: Application Information; Stanislaus County General Plan and Support Documentation.[1]

VI. ENERGY. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			**X**	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			**X**	

Discussion: The CEQA Guidelines Appendix F states that energy consuming equipment and processes, which will be used during construction or operation such as: energy requirements of the project by fuel type and end use, energy conservation equipment and design features, energy supplies that would serve the project, total estimated daily vehicle trips to be generated by the project, and the additional energy consumed per trip by mode, shall be taken into consideration when evaluating energy impacts. Additionally, the project's compliance with applicable state or local energy legislation, policies, and standards must be considered.

As stated above in the Air Quality section, the expansion includes construction of a 62,000± square-foot manufacturing building, a 27,000± square-foot warehouse building, silos (one to be utilized for corn storage and one for cornmeal storage), and site improvements consisting of the following: a second rail branch; new solar photovoltaic carport; 14 vehicle charging stations for employees; a publicly available compressed natural gas fueling station; and a near zero emission and zero emission on and off-road fleet upgrades to increase the production capacity and reduce the need to import packaged snack food products from other plants. The proposed expansion also includes a new snack food production line for Onion Fried Snack (OFS) production, and the addition of a cornmeal receiving, storage, and handling system. A Permit to Operate (PTO) and an Authority to Construct (ATC) permit will be required to be obtained from the SJVAPCD for the proposed expansion.

A comment was received in response to the Early Consultation referral for the Project indicating that further review of the project's potential impacts to air quality should be conducted. An Air Quality and Greenhouse Gas Analysis Report was conducted by Ramboll on February 9, 2022. The report included all proposed uses in calculating emissions and making significance determinations in the analysis. The analysis utilized the California Emissions Estimator Model (CalEEMod) to calculate emission factors for grading, construction, and paving activities and for operational emissions, made up of motor vehicles (fleet and employee vehicles and trains) based on the number of trips and Vehicle Miles Traveled (VMT); area sources (architectural coatings, consumer products, landscape equipment); and natural gas for uses both requiring Air District permits (permitted uses), and uses not subject to District permits (non-permitted uses). The analysis found that emissions of ROG, CO, SO2, NOx, PM10, and PM2.5 associated with the construction and operation of the project would not exceed the District's significance thresholds. As mentioned in the Air Quality section, the applicant proposes to change the fleet mix replacing 12 diesel fueled trucks with 14 electric powered trucks and two additional natural gas trucks for a total of 40 natural gas fueled trucks and 14 electric trucks in order to lower criteria pollutant emissions. The project was determined to be below the SJVAPCD GAMAQI thresholds of significance.

The proposed structures are subject to the mandatory planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and environmental quality measures of the California Green Building Standards (CALGreen) Code (California Code of Regulations, Title 24, Part 11).

In addition to the Authority to Construct (ATC) Permit and Permit to Operate (PTO), the project will be required to obtain other applicable Air District permits including but not limited to the following District Rules: Regulation VIII (Fugitive PM10 Prohibitions), Rule 2201 New and Modified Stationary Review, Rule 4002 National Emission Standards for Hazardous Air Pollutants, Rule 4102 Nuisance, Rules 4601 Architectural Coatings, 4641 Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations, and 9510 Indirect Source Review. The applicant has already submitted their ATC application to the Air District. Staff will include a condition of approval on the project requiring that the applicant be in compliance with the District's rules and regulations. As the project must comply with District regulations, the project would result in less than significant impacts to energy.

Mitigation: None.

References: Air Quality and Greenhouse Gas Analysis Report, prepared by Ramboll, dated February 9, 2022; San Joaquin Valley Air Pollution Control District referral response, dated March 9, 2022; San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; www.valleyair.org; Application Information; Stanislaus County General Plan and Support Documentation.[1]

VII. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:			X	
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			X	
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	

Discussion: As mentioned earlier in the Agriculture and Forest Resources section, the USDA Natural Resources Conservation Service's Eastern Stanislaus County Soil Survey indicates that the property is made up of Hanford Fine Sandy Loam (HbpA), moderately deep over silt, along with Hanford Sandy Loam (HdA), and Tujunga Loamy Sand (TuA). As contained in Chapter 5 of the General Plan Support Documentation, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5; however, as per the California Building Code, all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F) and a soils test may be required at building permit application. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present, special engineering of the structure will be required to compensate for the soil deficiency.

The proposed project includes construction of a 62,000± square-foot manufacturing building and 27,000± square-foot warehouse building, silos (one to be utilized for corn storage and one for cornmeal storage), and site improvements consisting of the following: a second rail branch; new solar photovoltaic carport; 14 vehicle charging stations for employees; a publicly available compressed natural gas fueling station; and a near zero emission and zero emission on and off-road fleet upgrades to increase the production capacity and reduce the need to import packaged snack food products from other plants. The corn and cornmeal silos will be 85 feet tall; the silos are considered unmanned fireproof structures and not subject to a height limit pursuant to §21.60.040(B) of the County Zoning Ordinance. The proposed 62,000± square-foot manufacturing building will be 46 feet tall. The 27,000± square-foot warehouse is proposed to be 92 feet tall with an HVAC unit at the top bringing the total height to 97 feet tall; the warehouse will be composed of one floor, and a mezzanine. County Zoning Ordinance §21.60.040(A) requires building and appurtenant structures not to exceed 75 feet in height in the Industrial

(M) zoning district. The expansion of the facility is a permitted use in the Industrial (M) zoning district; however, the environmental review will cover the entire expansion request for the purpose of allowing Frito-Lay, Inc. to obtain Air District permits which require CEQA review for the expansion of the manufacturing and packaging operations for the new OFS production line. The Planning Commission will consider the Variance for the additional height of the proposed 97-foot-tall warehouse building, and the CEQA review for the entire project.

All proposed structures will be required to be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed. Any earth moving is subject to Public Works Standards and Specifications, which consider the potential for erosion and run-off prior to permit approval. The project site is served by the City of Modesto for public sewer services; no septic tanks are proposed as part of the project request. The project was referred to Stanislaus County Department of Public Works and no response was received; however, Public Works, and the Building Permits Division review and approve any building or grading permit to ensure their standards are met. Building permits will be required for the proposed expansion of the facility. Public Works' and the Building Permits Division's standards will be applied to the proposed facility expansion under the building permit process.

The project site is not located near an active fault or within a high earthquake zone. Landslides are not likely due to the flat terrain of the area.

Mitigation: None.

References: Application Information; USDA – NRCS Web Soil Survey; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County General Plan and Support Documentation.[1]

VIII. GREENHOUSE GAS EMISSIONS -- Would the project:	**Potentially Significant Impact**	**Less Than Significant With Mitigation Included**	**Less Than Significant Impact**	**No Impact**
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			**X**	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			**X**	

Discussion: The principal Greenhouse Gasses (GHGs) are carbon dioxide (CO2), methane (CH4), nitrous oxide (N2O), sulfur hexafluoride (SF6), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H2O). CO2 is the reference gas for climate change because it is the predominant greenhouse gas emitted. To account for the varying warming potential of different GHGs, GHG emissions are often quantified and reported as CO2 equivalents (CO2e). In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill [AB] No. 32), which requires the California Air Resources Board (ARB) design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020. Two additional bills, SB 350 and SB32, were passed in 2015 further amending the states Renewables Portfolio Standard (RPS) for electrical generation and amending the reduction targets to 40% of 1990 levels by 2030.

The expansion includes construction of a 62,000± square-foot manufacturing building, a 27,000± square-foot warehouse building, silos (one to be utilized for corn storage and one for cornmeal storage), and site improvements consisting of the following: a second rail branch; new solar photovoltaic carport; 14 vehicle charging stations for employees; a publicly available compressed natural gas fueling station; and a near zero emission and zero emission on and off-road fleet upgrades to increase the production capacity and reduce the need to import packaged snack food products from other plants. The proposed expansion also includes a new Onion Fried Snack (OFS) process line and a cornmeal receiving, storage, and handling system. A Permit to Operate (PTO) and an Authority to Construct (ATC) Permit will be required to be obtained from the SJVAPCD for the proposed expansion. The applicant estimates an increase of 7 outbound truck trips per day and 5 railcars per week as a result of this project. At full build-out there will be approximately 206 additional employees; for a total of 486 employees during a maximum shift. The facility will have an average of 93 outbound loads, five inbound loads per day and 33 railcars per week as a result of the project. Customers and visitors on-site per day is anticipated to increase by six for a total of 26 per day as part of the expansion. As mentioned above in the Air Quality section, the applicant proposes to change the fleet composition replacing 12 diesel fueled trucks with 14 electric powered trucks and adding two

additional natural gas fueled trucks for a total of 40 natural gas fueled trucks and 14 electric trucks in order to lower criteria pollutant emissions.

A comment was received in response to the Early Consultation referral for the Project indicating that further review of the project's potential impacts to air quality should be conducted. An Air Quality and Greenhouse Gas Analysis Report was conducted by Ramboll on February 9, 2022. The report included all proposed uses in calculating emissions and making significance determinations in the analysis. The analysis utilized the California Emissions Estimator Model (CalEEMod), Emission Factor Model (EMFAC), and EPA Guidance methodology wherever possible to calculate emission factors made up of area sources (architectural coatings, consumer products, landscape equipment), electricity, motor vehicles (fleet and employee vehicles and trains) based on the number of trips and Vehicle Miles Traveled (VMT), natural gas, water, and solid waste disposal for uses both requiring Air District permits (permitted uses), and uses not subject to District permits (non-permitted uses). The analysis found that emissions of CO2, CH4, N2O, CO2e associated with the construction and operation of the project would increase as a result of the project, with the change in the vehicle fleet contributing to the increase in GHG emissions; however, existing regulatory requirements applicable to the project would limit GHG emissions to less than significant levels by federal, state and local standards. The Frito-Lay facility is enrolled in the California Air Resources Board's (CARB's) Cap-and-Trade program; GHG emissions from expansion would be limited under CARB's Cap-and-Trade program, which limits the amount of GHGs for the facility in accordance with AB 32. Additionally, Best Performance Standards (BPS) for the Onion Fried Snack chip processing line are proposed and all SJVAPCD regulations surrounding technology and heavy-duty vehicle fleets will apply to the project. As the project must comply with federal, state and local Air District regulations, the project's emissions would be less than significant for all GHGs. The analysis determined the expansion to be below the SJVAPCD GAMAQI thresholds of significance based on regulatory compliance.

The project will be required to obtain all applicable Air District permits, including an Authority to Construct (ATC) Permit and Permit to Operate (PTO), and may be subject to the following District Rules: Rule 9510, Regulation VIII, Rule 4102, Rule 4601, Rule 4641, Rule 2201, and Rule 4002. The proposed building will also be subject to the mandatory planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and environmental quality measures of the California Green Building Standards (CALGreen) Code (California Code of Regulations, Title 24, Part 11). Staff will include development standards on the project requiring that the applicant comply with Title 24, obtain building permits, and be in compliance with the Air District's rules and regulations. Impacts to Greenhouse Gas Emissions are considered to be less than significant.

Mitigation: None.

References: Air Quality and Greenhouse Gas Analysis Report, prepared by Ramboll, dated February 9, 2022; California Green Building Code Title 24, Part 11, 2019; San Joaquin Valley Air Pollution Control District referral response, March 9, 2022; Application Information; Stanislaus County General Plan and Support Documentation.[1]

IX. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:	**Potentially Significant Impact**	**Less Than Significant With Mitigation Included**	**Less Than Significant Impact**	**No Impact**
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			**X**	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			**X**	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			**X**	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			**X**	

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?			**X**	
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			**X**	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			**X**	

Discussion: The project does not interfere with the Stanislaus County Local Hazard Mitigation Plan, which identifies risks posed by disasters and identifies ways to minimize damage from those disasters. The site is located in a Local Responsibility Area (LRA) for fire protection and is served by Stanislaus Consolidated Fire Protection District. The project was referred to the DER Hazardous Materials (Haz Mat) Division. The DER Haz Mat Division responded that the project will not have a significant effect on the environment and that the applicant should contact DER regarding appropriate permitting requirements for hazardous materials and/or wastes; and that the Applicant and/or occupants handling hazardous materials or generating hazardous wastes must submit hazardous materials Business information into the California Electronic Reporting System (CERS) by handlers of materials for the storage of 55 gallons, 500 pounds of a hazardous material, or of 200 cubic feet of compressed gas or more. The Haz Mat Division shall be notified regarding the handling of acutely hazardous materials which may require the preparation of a Risk Management Prevention Program which must be implemented prior to operation of the facility. Additionally, Generators of hazardous waste must notify the Department relative to the quantity of waste generated, plans for reducing wastes generated, and proposed waste disposal practices. Generators of hazardous waste must also use the CERS data base to submit chemical and facility information to the DER. Generators of hazardous waste must apply for and maintain an active state or federal EPA ID number from the Department of Toxic Substances Control (DTSC). The project proposes to develop a natural gas fueling station; DER Haz Mat clarified that if the site has a new address, then the facility will be required to register that address and the hazardous materials that are held in that location. The project was also referred to the Stanislaus Consolidated Fire Protection District; however, no response was received. The project will include conditions of approval requiring that all DER Haz Mat and fire district standards are met and that any required permits be obtained. The project site is not listed on the California Department of Toxic Substance Control's EnviroStor database as a hazardous waste facility.

The project site is located approximately 1.5 miles northeast of the Modesto City-County Airport's primary runway. An Early Consultation referral response received from the Modesto Airport manager on March 14, 2022, required the project contractor to file a Notice of Proposed Construction or Alteration (FAA Form 7460-1) with the Federal Aviation Administration (FAA) to determine whether any effects on navigable airspace would be imposed by the proposed 97-foot-tall warehouse building with appurtenance. An application was submitted to the FAA and the FAA conducted an aeronautical study on the proposed warehouse building, manufacturing building and the corn and cornmeal silos. On March 22, 2022, the FAA issued their determination; the study revealed the structures do not exceed obstruction standards and would not be a hazard to air navigation provided the following conditions are met: it is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or within five days after the construction reaches its greatest height. Furthermore, based on this evaluation, the FAA determined that marking and lighting are not necessary for aviation safety; however, if marking/lighting are accomplished on a voluntary basis, the FAA recommend it be installed in accordance to their standards and specifications as noted in their referral letter. Should any future construction or alteration, including increase to heights, power, or the addition of other transmitters, occur, the FAA will require a separate notice to be submitted. If construction or alteration is dismantled or destroyed, the FAA requires the applicant submit notice to the FAA within five days after the construction or alteration is dismantled or destroyed. The FAA's determination did not include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the proposed structures. However, the FAA specified that equipment used shall not exceed the overall heights as indicated within the study. Use of equipment which has a height greater than the studied structures will require separate notices to the FAA. This will be reflected within the conditions of approval applied to the project.

A referral response was received from the Airport Land Use Commission (ALUC) who confirmed the project site is not located within any Noise Zone of the Modesto City-County Airport and as such no noise level restrictions apply. A portion of the southwest corner of the project site is located within Safety Zone 6 of the Modesto City-County Airport; however, with the exception of hazardous material production, Safety Zone 6 finds industrial uses, such as the proposed use of the warehouse, manufacturing building, and silos to be compatible with Airport operations. The remainder of the property is

not located within any Safety Zone and is therefore not subject to Safety compatibility criteria. The ALUC confirmed the project site is within the Federal Aviation Administration (FAA) Height Notification Surface Area for the Modesto City-County Airport. Accordingly, as mentioned in the paragraph above, the FAA was notified of the proposed project, and an aeronautical study performed which determined the proposed height of the buildings would not have an effect on navigable airspace.

No significant impacts associated with hazards or hazardous materials are anticipated to occur as a result of the proposed project. No significant impacts associated with safety hazards or excessive noise for people residing or working in the project area are anticipated as a result of the project.

The project site is not within the vicinity of any wildlands.

Mitigation: None.

References: Application Information; Department of Environmental Resources (DER) Hazardous Materials (Haz Mat) Division referral response, received February 22, 2022; Email from Department of Environmental Resources (DER) Hazardous Materials (Haz Mat) Division, received February 22, 2022; Modesto City-County Airport referral response, received March 14, 2022; Airport Land Use Commission referral response, dated April 18, 2022; Federal Aviation Administration Aeronautical Study Nos. 2022-AWP-3479-OE – 2022-AWP-3489-OE, dated March 22, 2022; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County General Plan and Support Documentation.[1]

X. HYDROLOGY AND WATER QUALITY -- Would the project:	**Potentially Significant Impact**	**Less Than Significant With Mitigation Included**	**Less Than Significant Impact**	**No Impact**
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			**X**	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			**X**	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:			**X**	
(i) result in substantial erosion or siltation on – or off-site;			**X**	
(ii) substantially increase the rate of amount of surface runoff in a manner which would result in flooding on- or off-site;			**X**	
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			**X**	
(iv) impede or redirect flood flows?			**X**	
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			**X**	
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			**X**	

Discussion: The project site is served by the City of Modesto for public water and sewer services. The project site is located within the San Joaquin Valley – Modesto groundwater sub-basin which is managed by the Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Agency (STRGBA GSA). The Modesto basin isn't considered to be critically over drafted, but since most of the cities within the basin rely solely on groundwater, it is considered a high-priority basin. Due to that designation, the Sustainable Groundwater Management Act (SGMA) requires

that the STRGBA GSA adopt and begin implementation of a Groundwater Sustainability Plan (GSP) by January 31, 2022. The City of Modesto is required to maintain consistency with any applicable GSP. Additionally, the City of Modesto and Modesto Irrigation District jointly adopted the Joint 2010 Urban Water Management Plan, which addresses groundwater sustainability.

Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act (FEMA). The project site is located in FEMA Flood Zone X, which includes areas determined to be outside the 0.2% annual chance floodplains. All flood zone requirements will be addressed by the Building Permits Division during the building permit process. Storm water is proposed to be contained on-site with a storm drain retention basin. The project was referred to Stanislaus County Department of Public Works, and no response was received for the project; however, Public Works, and the Building Permits Division review and approve any building or grading permit to ensure their standards are met. Building permits will be required for the proposed expansion of the facility. Public Works' and the Building Permits Division's standards will be applied to the proposed facility expansion under the building permit process.

Mitigation: None.

References: Application Information; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County General Plan and Support Documentation.[1]

XI. LAND USE AND PLANNING -- Would the project:	**Potentially Significant Impact**	**Less Than Significant With Mitigation Included**	**Less Than Significant Impact**	**No Impact**
a) Physically divide an established community?			**X**	
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			**X**	

Discussion: The project site is designated Industrial by the Stanislaus County General Plan land use diagrams and zoned Industrial (M). The applicant is requesting a Variance to the Industrial (M) zoning district height limit, Section 21.60.040(B) requiring building and appurtenant structures to be 75 feet or less, for a proposed 27,000± square-foot warehouse building. The project site is currently improved with a 436,000± square-foot manufacturing/warehouse building, a 63,000± square-foot warehouse, traffic center, solar field, and parking lots. On May 20, 2021, The Stanislaus County Planning Commission approved a project involving addition of a 39,000± square-foot warehouse building, a 127,000 square-foot manufacturing building, a second rail spur, receiving and storage equipment and an expansion of a retention pond; the project is currently under construction and multiple building permits have been applied for through the Stanislaus County Building Permits Division. The previous project also included the addition of two new snack food production lines for the Dorito Tortilla Chip (DTC) and Fried Cheese Puff (FCP) production. The current proposed expansion will also include the addition of a new snack food production line for Onion Fried Snack (OFS) production. The number of employees is anticipated to increase by 206 as part of this project; increasing the number of employees to 486 during a maximum shift. The corn and cornmeal silos will be 85 feet tall; as unmanned fireproof structures the silos are considered to be permitted uses in the Industrial (M) zoning district and are not subject to a height limit pursuant to §21.60.040(B) of the County Zoning Ordinance. The proposed 62,000± square-foot manufacturing building will be 46 feet tall. The 27,000± square-foot warehouse is proposed to be 92 feet tall with an HVAC unit at the top bringing the total height to 97 feet tall; the warehouse will be composed of one floor, and a mezzanine. County Zoning Ordinance §21.60.040(A) requires building and appurtenant structures not to exceed 75 feet in height in the Industrial (M) zoning district.

The site is currently served with public sewer and water facilities by the City of Modesto. The site has access to County-maintained Garner Road and Leckron Road. The site is surrounded by industrial uses in all directions; Tuolumne River to the south; State Route 132 and the City of Modesto to the north; Community of Empire to the northeast; and the Modesto City-County Airport to the west. The project site is located within the LAFCO adopted Sphere of Influence of the City of Modesto. For projects located within a Local Agency Formation Commission (LAFCO) adopted Sphere of Influence (SOI), the County's General Plan SOI policy states that development, other than agricultural uses and churches, which requires discretionary approval from incorporated cities, shall be referred to the that city for preliminary approval. The project site is designated as Industrial within the Modesto General Plan. The project was referred to the City of Modesto who responded that the City's industrial zones do not have height limits except when located in the Airport Zone or adjacent to a residential zone. City of Modesto indicated that the proposed total height for the warehouse is consistent with City height standards.

The project site is located within 1.5 miles northeast of the Modesto City-County Airport's primary runway. As discussed above in the Hazards and Hazardous Materials Section, an Early Consultation referral response received from the Modesto Airport manager on March 14, 2022 required the project contractor to file a Notice of Proposed Construction or Alteration (FAA Form 7460-1) with the Federal Aviation Administration (FAA) to determine whether any effects on navigable airspace would be imposed by the proposed 97-foot-tall warehouse building with appurtenance. An application was submitted to the FAA and the FAA conducted an aeronautical study on the proposed warehouse building, manufacturing building and the corn and cornmeal silos. On March 22, 2022, the FAA issued their determination; the study revealed the structures do not exceed obstruction standards and would not be a hazard to air navigation provided the conditions provided in the referral letter are met. The Hazards and Hazardous Materials Section can be reviewed for a full list of the conditions requested by the FAA for the project. The FAA's comments will be reflected in the conditions of approval applied to the project.

A referral response was received from the Airport Land Use Commission (ALUC) who confirmed the project site is not located within any Noise Zone of the Modesto City-County Airport and as such no noise level restrictions apply. A portion of the southwest corner of the project site is located within Safety Zone 6 of the Modesto City-County Airport; however, with the exception of hazardous material production, Safety Zone 6 finds industrial uses, such as the proposed use of the warehouse, manufacturing building, and silos to be compatible with Airport operations. The remainder of the property is not located within any Safety Zone and is therefore not subject to Safety compatibility criteria. The ALUC confirmed the project site is within the Federal Aviation Administration (FAA) Height Notification Surface Area for the Modesto City-County Airport. Accordingly, as mentioned in the paragraph above, the FAA was notified of the proposed project, and an aeronautical study performed which determined the proposed height of the buildings would not have an effect on navigable airspace.

The project will not physically divide an established community nor conflict with any habitat conservation plans. No impacts to Land Use and Planning are anticipated to occur as a result of this project.

Mitigation: None.

References: Application Information; City of Modesto referral response, received March 1, 2022; San Joaquin Valley Air Pollution Control District referral response, dated March 9, 2022; Modesto City-County Airport referral response, dated March 14, 2022; Airport Land Use Commission referral response, dated April 18, 2022; Federal Aviation Administration Aeronautical Study Nos. 2022-AWP-3479-OE – 2022-AWP-3489-OE, dated March 22, 2022; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County General Plan and Support Documentation.[1]

XII. MINERAL RESOURCES -- Would the project:	**Potentially Significant Impact**	**Less Than Significant With Mitigation Included**	**Less Than Significant Impact**	**No Impact**
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?			**X**	
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?			**X**	

Discussion: The location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173. There are no known significant resources on the site, nor is the project site located in a geological area known to produce resources.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation.[1]

XIII. NOISE -- Would the project result in:	**Potentially Significant Impact**	**Less Than Significant With Mitigation Included**	**Less Than Significant Impact**	**No Impact**

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			**X**	
b) Generation of excessive groundborne vibration or groundborne noise levels?			**X**	
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			**X**	

Discussion: The area's ambient noise level will temporarily increase during any grading/construction. As such, the project will be conditioned to abide by County regulations related to hours and days of construction. The project is located in an industrial area which has an exterior noise exposure limit of 70 Ldn or CNEL, dBA. Additionally, a part of the Modesto and Empire Traction rail spur is located on the northeastern portion of the project site, and Yosemite Boulevard is located .33 miles to the north of the project site which adds to the ambient noise levels at the project site.

As mentioned in the Land Use and Planning Section above, the project site is located within 1.5 miles northeast of the Modesto City-County Airport's primary runway. A portion of the southwest corner of the project site is located within Safety Zone 6 of the Modesto City-County Airport; however, with the exception of hazardous material production, Safety Zone 6 finds industrial uses, such as the proposed use of the warehouse and manufacturing building, to be compatible with Airport operations. A referral response was received from the Airport Land Use Commission (ALUC) who confirmed the project site is not located within any Noise Zone of the Modesto City-County Airport and as such no noise level restrictions apply.

Mitigation: None.

References: Application Information; Modesto City-County Airport referral response, dated March 14, 2022; Airport Land Use Commission referral response, dated April 18, 2022; Stanislaus County General Plan and Support Documentation.[1]

XIV. POPULATION AND HOUSING -- Would the project:	**Potentially Significant Impact**	**Less Than Significant With Mitigation Included**	**Less Than Significant Impact**	**No Impact**
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			**X**	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?			**X**	

Discussion: The site is not included in the vacant sites inventory for the 2016 Stanislaus County Housing Element, which covers the 5th cycle Regional Housing Needs Allocation (RHNA) for the county and will therefore not impact the County's ability to meet their RHNA. No population growth will be induced nor will any existing housing be displaced as a result of this project.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation.[1]

XV. PUBLIC SERVICES --	**Potentially Significant Impact**	**Less Than Significant With Mitigation Included**	**Less Than Significant Impact**	**No Impact**

a) Would the project result in the substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:			**X**	
Fire protection?			**X**	
Police protection?			**X**	
Schools?			**X**	
Parks?			**X**	
Other public facilities?			**X**	

Discussion: The County has adopted Public Facilities Fees, as well as a Fire Facility Fee on behalf of the appropriate fire district, to address impacts to public services. All adopted public facility fees will be required to be paid at the time of building permit issuance. This project was circulated to all applicable school, fire, police, irrigation, and public works departments and districts during the early consultation referral period and no concerns were identified with regard to public services.

The project site is served public water and sewer by the City of Modesto. An Early Consultation referral was sent to the City of Modesto and a response with no objections to the proposed project was received; no comments were received from the City of Modesto related to public services.

The project was referred to the Modesto Irrigation District. MID provided a referral response replying that MID Water Operations takes no objections to the proposed zoning variance; however, any impacts to existing MID Water Operations infrastructure (Lateral No. 1) shall be coordinated with staff in conjunction with the existing drive aisle and rail spur crossing for the project. Electricity will be provided to the project by the Modesto Irrigation District (MID). MID indicated that the existing electrical service may not be adequate for the proposed development and requested that prior to construction a full set of construction plans be submitted to the District. MID also listed the following requirements in their response letter: that the contractor verify actual depth and location of all underground utilities prior to start of construction and notify the appropriate agencies prior to any earth moving activities for any applicable rules or regulations; that the applicant/property owner comply with all standards and notifications regarding the protection, relocation or removal of any MID facilities; that workers and equipment should always maintain a distance no less than 10 feet from overhead facilities; and that a minimum clearance of 12 feet is to be maintained from the overhead primary conductor to any walkable surface of the building and a minimum of 8 feet from any non-walkable surface. Moreover, a minimum horizontal clearance of 6 feet between the conductor and any part of the building upon which men may work is to be maintained.

The comments provided by MID address the proposed expansion of the snack food manufacturing facility, and not specifically the variance request. Conditions of approval for this project only address the variance request to allow for additional height for the construction of the warehouse building. The balance of the requested development is considered a permitted use in the Industrial (M) zoning district and will be subject to the M zoning district standards for development.

Mitigation: None.

References: Application Information; Modesto Irrigation District response, dated February 28, 2022; City of Modesto response, dated March 1, 2022; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County General Plan and Support Documentation.[1]

XVI. RECREATION --	**Potentially Significant Impact**	**Less Than Significant With Mitigation Included**	**Less Than Significant Impact**	**No Impact**
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			**X**	

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			**X**	

Discussion: This project will not increase demands for recreational facilities, as such impacts typically are associated with residential development.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation.[1]

XVII. TRANSPORTATION-- Would the project:	**Potentially Significant Impact**	**Less Than Significant With Mitigation Included**	**Less Than Significant Impact**	**No Impact**
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			**X**	
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?			**X**	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			**X**	
d) Result in inadequate emergency access?			**X**	

Discussion: This is a request for a Variance to the Industrial (M) zoning district height limit. The project proposes to expand the current Frito-Lay facility by constructing a 62,000± square-foot manufacturing building, a 27,000± square-foot warehouse building, silos (one to be utilized for corn storage and one for cornmeal storage), and site improvements consisting of the following: a second rail branch; new solar photovoltaic carport; 14 vehicle charging stations for employees; a publicly available compressed natural gas fueling station; and a near zero emission and zero emission on and off-road fleet upgrades to increase the production capacity and reduce the need to import packaged snack food products from other plants. The proposed expansion will also include the addition of a new snack food production line for Onion Fried Snack (OFS) production, and the addition of a cornmeal receiving, storage, and handling system. The site has access to County-maintained Garner Road and Leckron Road. The project will be required to meet the California Fire Code's requirements for emergency access; which will be reviewed for compliance though the Building Permit process.

Leckron Road is classified as an 80-foot Major Collector (MJC) road. The project was referred to the Public Works Department; however, no response has been received to date.

This project was referred California Department of Transportation (Caltrans) and no response has been received to date. An early consultation referral was sent to the City of Modesto and a response with no objections to the proposed project was received; no comments were received from the City of Modesto related to traffic and transportation impacts.

Section 15064.3 of the CEQA Guidelines establishes specific considerations for evaluating a project's transportation impacts. The CEQA Guidelines identify vehicle miles traveled (VMT), which is the amount and distance of automobile travel attributable to a project, as the most appropriate measure of transportation impacts. A technical advisory on evaluating transportation impacts in CEQA published by the Governor's Office of Planning and Research (OPR) in December of 2018 clarified the definition of automobiles as referring to on-road passenger vehicles, specifically cars and light trucks. While heavy trucks are not considered in the definition of automobiles for which VMT is calculated for, heavy-duty truck VMT could be included for modeling convenience. According to the same technical advisory from OPR, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than significant transportation impact and can be used as a screening threshold of VMT to indicate when detailed analysis is needed. The applicant anticipates an increase of 7 outbound truck trips per day and 5 railcars per week as a result of this project. At full build-out there will be approximately 206 additional employees, or an additional 412 one-way passenger vehicle trips. The facility will have an average of 93 outbound truck trips, 5 inbound truck trips per day and 33 railcars per week as a result of the project; and an increase of 6

customers and visitors on-site per day for a total of 26 customers and visitors on-site per day is anticipated as part of the expansion.

An Air Quality and Greenhouse Gas Analysis Report was conducted by Ramboll on February 9, 2022. The report included all proposed uses in calculating emissions and making significance determinations in the analysis. The analysis utilized the California Emissions Estimator Model (CalEEMod) to calculate emission factors for grading, construction, and paving activities and for operational emissions, which included an analysis of the air and greenhouse gas impacts associated with Vehicle Miles Traveled (VMT) from fleet and employee vehicles and trains based on the number of trips. The analysis found the proposed project to be below the District's thresholds of significance. Additionally, the proposed project is located within an already developed industrial area, will be reducing truck trips with the addition of rail, and will be providing additional local jobs which have the potential to reduce employee generated vehicle trips going out of the area. Accordingly, the project's impacts to VMT are considered to be less than significant.

As discussed above in the Hazards and Hazardous Materials Section, the project site is located within 1.5 miles NE of the Modesto City-County Airport's primary runway. A referral response was received from the Airport Land Use Commission (ALUC) who confirmed the project site is not located within any Noise Zone of the Modesto City-County Airport and as such no noise level restrictions apply. A portion of the southwest corner of the project site is located within Safety Zone 6 of the Modesto City-County Airport; however, Safety Zone 6 finds industrial uses, such as the proposed use of the warehouse, manufacturing building, and silos to be compatible with Airport operations. The remainder of the property is not located within any Safety Zone and is therefore not subject to Safety compatibility criteria. The ALUC confirmed the project site is within the Federal Aviation Administration (FAA) Height Notification Surface Area for the Modesto City-County Airport. An Early Consultation referral response received from the Modesto Airport manager on March 14, 2022, required the project contractor to file a Notice of Proposed Construction or Alteration (FAA Form 7460-1) with the Federal Aviation Administration (FAA) to determine whether any effects on navigable airspace would be imposed by the proposed 97-foot-tall warehouse building with appurtenance. Accordingly, the FAA was notified of the proposed project, and an aeronautical study performed which determined the proposed height of the building would not have an effect on navigable airspace. The FAA requested conditions be placed on the project requiring notification if the project is to be abandoned, dismantled, destroyed, altered or within five days after construction reaches its greatest height; and that any marking/lighting accomplished on a voluntary basis be required to be installed in accordance to FAA standards and specifications. The FAA's determination did not include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the proposed structures. However, the FAA specified that equipment used shall not exceed the overall heights as indicated within the study. Use of equipment which has a height greater than the studied structures will require separate notices to the FAA. This will be reflected within the conditions of approval applied to the project.

No significant effects are anticipated for air traffic patterns, increases in hazards or conflicting adopted policies.

Mitigation: None.

References: City of Modesto referral response, received March 1, 2022; San Joaquin Valley Air Pollution Control District referral response, dated March 9, 2022; Modesto City-County Airport referral response, received March 14, 2022; Federal Aviation Administration Aeronautical Study Nos. 2022-AWP-3479-OE – 2022-AWP-3489-OE, dated March 22, 2022; Airport Land Use Commission referral response, dated April 18, 2022; Stanislaus County General Plan and Support Documentation[1].

XVIII. TRIBAL CULTURAL RESOURCES -- Would the project:	**Potentially Significant Impact**	**Less Than Significant With Mitigation Included**	**Less Than Significant Impact**	**No Impact**
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California native American tribe, and that is:			**X**	
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical			**X**	

resources as defined in Public Resources Code section 5020.1(k), or				
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set for the in subdivision (c) of Public Resource Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.			**X**	

Discussion: It does not appear that this project will result in significant impacts to any archaeological or cultural resources. The project site is currently improved with a 436,000± square-foot manufacturing/warehouse building, a 63,000± square-foot warehouse, traffic center, solar field, and parking lots. Additionally, on May 20, 2021, The Stanislaus County Planning Commission approved a project involving addition of a 39,000± square-foot warehouse building, a 127,000 square-foot manufacturing building, a second rail spur, receiving and storage equipment and an expansion of a retention pond; the project is currently under construction and multiple building permits have been applied for through the Stanislaus County Building Permits Division. In accordance with SB 18 and AB 52, this project was not referred to the tribes listed with the Native American Heritage Commission (NAHC) as the project is not a General Plan Amendment and no tribes have requested consultation or project referral noticing. A development standard regarding the discovery of cultural resources during the construction process will be added to the project.

Mitigation: None.

References: Application Information; Stanislaus County General Plan and Support Documentation.[1]

XIX. UTILITIES AND SERVICE SYSTEMS -- Would the project:	**Potentially Significant Impact**	**Less Than Significant With Mitigation Included**	**Less Than Significant Impact**	**No Impact**
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			**X**	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			**X**	
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			**X**	
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			**X**	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			**X**	

Discussion: The project was referred to the Modesto Irrigation District. MID provided a referral response replying that MID Water Operations takes no objections to the proposed zoning variance; however, any impacts to existing MID Water Operations infrastructure (Lateral No. 1) shall be coordinated with staff in conjunction with the existing drive aisle and rail spur crossing for the project. Electricity will be provided to the project by the Modesto Irrigation District (MID). MID indicated that the existing electrical service may not be adequate for the proposed development and requested that prior to construction a full set of construction plans be submitted to the District. MID also listed the following requirements in their response letter: that the contractor verify actual depth and location of all underground utilities prior to start of construction

and notify the appropriate agencies prior to any earth moving activities for any applicable rules or regulations; that the applicant/property owner comply with all standards and notifications regarding the protection, relocation or removal of any MID facilities; that workers and equipment should always maintain a distance no less than 10 feet from overhead facilities; and that a minimum clearance of 12 feet is to be maintained from the overhead primary conductor to any walkable surface of the building and a minimum of 8 feet from any non-walkable surface. Moreover, a minimum horizontal clearance of 6 feet between the conductor and any part of the building upon which men may work is to be maintained. The comments provided by MID address the proposed expansion of the snack food manufacturing facility, and not specifically the variance request. Conditions of approval for this project only address the variance request to allow for additional height for the construction of the warehouse building. The balance of the requested development is considered a permitted use in the Industrial (M) zoning district and will be subject to the M zoning district standards for development.

The project site is served public water and sewer by the City of Modesto. An Early Consultation referral was sent to the City of Modesto and a response with no objections to the proposed project was received; no comments were received from the City of Modesto related to utilities.

Storm water is proposed to be contained on-site with a storm drain retention basin. The project was referred to Stanislaus County Department of Public Works, and no response was received for the project; however, Public Works reviews and approves any building and grading permit to ensure their standards are met. Building permits will be required for the proposed expansion of the facility. Public Works' standards will be applied to the proposed facility expansion under the building permit process.

With these requirements incorporated into the project as conditions of approval, no impacts to utilities and service systems are anticipated.

Mitigation: None.

References: Application Information; Modesto Irrigation District referral response, received on February 28, 2022; City of Modesto referral response, received on March 1, 2022; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County General Plan and Support Documentation.[1]

XX. WILDFIRE – If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?			**X**	
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			**X**	
c) Require the installation of maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			**X**	
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			**X**	

Discussion: The Stanislaus County Local Hazard Mitigation Plan identifies risks posed by disasters and identifies ways to minimize damage from those disasters. The terrain of the site is relatively flat, and the site has access t to County-maintained road. The site is located in a Local Responsibility Area (LRA) for fire protection and is served by Stanislaus Consolidated Fire Protection District. The project was referred to the District, and no comments have been received to date. California Building and Fire Code establishes minimum standards for the protection of life and property by increasing the ability of a building to resist intrusion of flame and burning embers. Building permits required as a result of the proposed project will be reviewed the County's Building Permits Division and Fire Prevention Bureau to ensure all State of California Building and Fire Code requirements are met prior to construction. Wildfire risk and risks associated with postfire land changes are considered to be less than significant.

Mitigation: None.

References: Application Information; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County General Plan and Support Documentation.[1]

XXI. MANDATORY FINDINGS OF SIGNIFICANCE --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			**X**	
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)			**X**	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			**X**	

Discussion: Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or the surrounding area. The surrounding area is built-out with industrial and commercial uses. There are several vacant parcels to the northwest, west and south; however, all of them are zoned Industrial and are not currently in agricultural production. Any development of the vacant parcels would be subject to the permitted uses included in the Industrial Zoning Ordinance or would require additional land use entitlements and environmental review.

Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or the surrounding area.

Mitigation: None.

References: Initial Study; Stanislaus County Zoning Ordnance (Title 21); Stanislaus County General Plan and Support Documentation.[1]

[1]Stanislaus County General Plan and Support Documentation adopted in August 23, 2016, as amended. ***Housing Element*** adopted on April 5, 2016.

Prepared for
Frito-Lay, Inc.
Modesto, California

Project Number
1690022886

Date
February 2022

AIR QUALITY AND GREENHOUSE GAS ANALYSIS FRITO-LAY MODESTO TRANSFORMATION PROJECT

FRITO-LAY
MODESTO, CALIFORNIA

CONTENTS

TABLES

APPENDICES

ACRONYMS AND ABBREVIATIONS

AB – Assembly Bill
BEV - battery electric vehicle
BPS – best performance standards
CAA – Clean Air Act
CALEEMOD – California Emissions Estimator Model
CalEPA – California Environmental Protection Agency
CAP - criteria air pollutant
CARB – California Air Resources Board
CAT – Climate Action Team
CEQA – California Environmental Quality Act
cfh – cubic feet per hour
CH_4 – methane
CNG – compressed natural gas
CO – carbon monoxide
CO_2 - carbon dioxide
CO_2e - carbon dioxide equivalents
cy - cubic yards
DTC – Dorito Tortilla Chip
EMFAC – Emission Factor Model
EO – Executive Order
EPA – Environmental Protection Agency
EVSE – electric vehicle supply equipment
FCC – Fried Corn Chip
GHG - greenhouse gas
gpm – gallons per minute
HDV – heavy-duty vehicles
HHDT – heavy heavy-duty truck
kWh – kilowatt hour
LCFS – Low Carbon Fuel Standard
LDA – passenger car
LDT – light-duty truck
MDV – medium-duty vehicle
MHDT – medium heavy-duty truck
MPO – metropolitan planning organization
MT - metric ton
MW – megawatts
N_2O - nitrous oxide
NO_x - oxides of nitrogen
NZE – near-zero emission
OFS – Onion Fried Snack
$PM_{2.5}$ - particulate matter less than 2.5 microns in diameter

PM_{10} - particulate matter less than 10 microns in diameter
RNG – renewable natural gas
ROG - reactive organic gases
SJVAB - San Joaquin Valley Air Basin
SJVAPCD - San Joaquin Valley Air Pollution Control District
SO_2 – sulfur dioxide
SOI – sphere of influence
sqft - square feet
StanCOG – Stanislaus Council of Governments
VOC – volatile organic compounds
ZE – zero emission

1. INTRODUCTION

1.1 Purpose of the Air Quality and Greenhouse Gas Analysis

Frito-Lay, Inc. (Frito-Lay) is proposing to expand its existing Modesto snack food manufacturing facility to support the addition of new snack food production lines, packaging systems and warehouse operations to increase snack food production capacity at the Modesto facility. This air quality and greenhouse gas (GHG) analysis has been prepared to evaluate whether the estimated criteria air pollutant (CAP) and GHG emissions from the Frito-Lay Project (Project) would cause significant impacts to the project area. This assessment follows the *Guidance for Assessing and Mitigating Air Quality Impacts* prepared by the San Joaquin Valley Air Pollution Control District (SJVAPCD or District) for quantification of emissions and evaluation of potential impacts to air resources.[1]

On May 20, 2021, the Stanislaus County Planning Commission approved a project involving addition of a 39,000 sq ft warehouse building, a 127,000 sq ft manufacturing building, a 2nd rail spur, receiving and storage equipment, and an expansion of the retention pond.[2] Two new snack food production lines will be installed as part of the approved project. That project is currently under construction with completion scheduled for October 2022. The analyses presented in this report encompass both the project approved on May 20, 2021 as well as the proposed Project.

1.2 Organization of the Air Quality and Greenhouse Gas Analysis

The air quality and GHG analysis is organized as follows:

Chapter 1 Introduction provides a brief description of the proposed Project, as well as the purpose and intended use of the analysis.

Chapter 2 Project Description provides a detailed description of the proposed Project, including its location and setting. Project objectives are identified, and information is provided on the proposed Project characteristics and construction scenario.

Chapter 3 Air Quality Analysis provides a description of the calculation methodology for CAP emissions for construction, permitted operational activities, and non-permitted operational activities. This section also includes an analysis of air quality impact.

Chapter 4 Greenhouse Gas Analysis provides a description of the calculation methodology for GHG emissions for construction, permitted operational activities, and non-permitted operational activities. This section also includes an analysis of GHG impact.

Chapter 5 Summary summarizes the findings of the air quality and GHG analysis.

Chapter 6 Preparers identifies those persons responsible for the preparation of this analysis.

[1] SJVAPCD Guidance for Assessing and Mitigating Air Quality Impacts. Available at: https://www.valleyair.org/transportation/GAMAQI-2015/FINAL-DRAFT-GAMAQI.PDF. Accessed: December 2020.

[2] Stanislaus County Department of Planning and Community Development Variance Permit No. 2020-0079. Date of Approval: May 20, 2021.

2. PROJECT DESCRIPTION

2.1 Project Background

Frito-Lay, Inc. (Frito-Lay) is proposing to expand the existing Modesto facility to support the addition of new snack food production lines, packaging systems and warehouse operations. This Project would involve the addition of new structures, installation of new snack food production equipment, and addition of a second rail line branch. The Modesto facility investments also include new onsite solar electricity generation equipment, compressed natural gas (CNG) fueling infrastructure to support new near-zero emission (NZE) vehicles, and battery electric vehicle (BEV) charging infrastructure to support new light-duty and heavy-duty zero emission (ZE) on-road and off-road vehicles. The proposed changes will increase snack food production capacity at the Modesto facility, increase the warehouse capacity to meet the demands of the expanded production lines, and reduce the need to import of packaged snack food products from other plants.

2.2 Project Location

The Project site is located on a 71.38-acre parcel at 600 Garner Road, Modesto, Stanislaus County, California, on unincorporated lands. The site is an existing snack food production facility that processes corn and potato starch to make tortilla chips, potato chips, and fried cheese puffs. The Project site is in an area zoned as Industrial (M) under the Stanislaus County General Plan and is generally surrounded by industrial and agricultural land uses. The site is within the City of Modesto sphere of influence (SOI).

2.3 Existing Environment

The site is adjacent to unrelated industrial facilities on its north, south, east, and west sides. In addition, agricultural fields are located both south and west of the facility. The closest residential use is located approximately 2000 feet north of the facility. The closest school is located approximately 4000 feet northwest of the facility.

2.4 Project Description

The Frito-Lay Modesto facility (Facility) was established in 1990 and currently consists of one main manufacturing/warehousing building (436,000 square feet (sq ft)), one dedicated warehouse building (63,000 sq ft), and a traffic center for management of material receiving activities and finished product shipping. On May 20, 2021, the Stanislaus County Planning Commission approved a project involving addition of a 39,000 sq ft warehouse building, a 127,000 sq ft manufacturing building, a 2nd rail spur, receiving and storage equipment, and an expansion of the retention pond.[3] Two new production lines will be installed as part of the approved project. That project is currently under construction with startup of the second production line scheduled for October 2022.

With this Project, Frito Lay is proposing to add additional structures to house new manufacturing and warehouse operations, new material receiving and storage operations. Site investments also include new renewable (solar) energy generation equipment, and infrastructure to support ZE and NZE vehicles. These are described in the following sections.

Manufacturing and Packaging Operations

Frito-Lay is proposing to add a new Onion Fried Snack (OFS) production line to the 127,000 sq ft manufacturing building currently under construction. Frito-Lay proposes to commence

[3] Stanislaus County Department of Planning and Community Development Variance Permit No. 2020-0079. Date of Approval: May 20, 2021

installation of the OFS production line in August 2022 and commission the equipment by March 2023. The new OFS production line will consist of dump stations, bins, a hopper, a blender, 10 extruders, a vegetable oil fryer, an ambient air cooler, an electric oven, and an OFS seasoning system equipped with a scrubber.

Additionally, Frito-Lay is proposing to add a new manufacturing building measuring approximately 62,000 sq ft with a height of approximately 46 ft. Construction of this new building would begin in early 2022 and be completed in early 2023. The building is expected to house a new Fried Corn Chip (FCC) production line consisting of a corn cook, soak, and wash system, a vegetable oil fryer, an ambient air cooler, and a seasoning system equipped with a scrubber. In addition, Frito-Lay will be installing a new natural gas-fired boiler to generate steam for process heating.

Warehouse Operations

Frito-Lay is proposing to add an approximately 27,000 sq ft warehouse building. This building would be equipped with new (2-crane) automated storage and retrieval systems with 5,184 pallet areas. The height of the new warehouse building will be approximately 84 ft. Construction would be complete on the new warehouse building in 2023.

Receiving and Storage Operations

Frito-Lay is proposing to add one new corn silo, and one new cornmeal silo. The cornmeal tank would be located at the eastern side of the manufacturing building currently under construction. The corn silo would be located on the eastern side of the under-construction 127,000 sq ft manufacturing building. Bulk materials would be received either by truck or by rail. A new second rail branch would be added to the 2nd rail spur (currently under construction) and would be located east of the manufacturing building (currently under construction).

Solar Energy and NZE and ZE Vehicle Infrastructure

Frito-Lay is also making investments to transform the Modesto facility into a near-zero emission freight facility through addition of renewable energy infrastructure, the installation of NZE and ZE infrastructure, and the purchase of NZE and ZE vehicles. These investments include:

- Installation of a solar photovoltaic carport for the on-site generation of carbon-free electricity;
- Light duty vehicle (LDV) electric vehicle supply equipment (EVSE) consisting of 14 employee charging stations and new 696 kWh energy storage equipment;
- A publicly available compressed natural gas (CNG) fueling station with renewable natural gas (RNG) attributes for use in Frito-Lay NZE CNG-fueled vehicles;
- Lithium-ion forklift chargers to support new ZE forklifts;
- 12 box truck and yard tractor EVSE;
- New EVSE and new 2682 kWh energy storage system for ZE heavy-duty vehicles (HDV);
- Purchase of at least 38 CNG tractors capable of utilizing RNG;
- Purchase of at least 12 lithium-ion ZE forklifts;
- Purchase of at least 3 ZE electric yard tractors; and

- Purchase of at least 6 ZE electric box trucks.

Additional Considerations

Prior to construction, grading will be required, with an estimated 12,800 cubic yards of soil disturbance. There are no existing public utility easements inside the property fenceline for irrigation, telephone, or electric utilities. Existing customer-owned utility and irrigation facilities will not need to be removed as a result of this Project. However, existing (customer-owned) utility connections will be extended to new points of service within the Project site. Extensions include a new fire water line, new electric transformers, new service drops from overhead electrical lines, new underground electric service lines, and a new domestic water service line. The landscaped areas will increase by approximately 10,500 sq ft as a result of this Project.

Frito-Lay expects the proposed Project to add 75 employees when the OFS production line is installed, and an additional 55 employees when the FCC production becomes operational. 43 employees will be added to the minimum shift, and 51 employees will be added to the maximum shift.

Daily truck loadings and deliveries before and after the Project are presented below:

	Average Daily		
Loads	**Currently Authorized**	**After Project**	**Change**
Outbound	86	93	7
Inbound	7	5	(2)

Once the new process lines are operational, products that were previously shipped to the facility will instead be manufactured at the Modesto facility. Therefore, inbound loads to the Project site are expected to decrease as a result of the Project. Truck deliveries and loadings are expected to occur 24 hours/day.

The Facility currently receives approximately 28 railcar deliveries per week. This is expected to increase to approximately 33 railcars per week as a result of the Project.

The Project is expected to result in an increase of utility usage at the site as follows:

Table 1.1: Pre- and Post-Project Utility Usage

Utility	**Currently Authorized**	**After Project**	**Change**
Water[1]	581 gpm	836 gpm	255 gpm
Electricity	61,844 MWh	94,209 MWh	32,365 MWh
Sewer	643-693 gpm	858-908 gpm	215 gpm
Natural Gas	580,420 MMBtu/yr	1,023,431 MMBtu/yr	443,011 MMBtu/yr
[1]Facility water is supplied through a combination of onsite wells and City of Modesto service.			

Stormwater is currently handled by overland flow into an at-grade retention basin located on the southeast corner of the property. This Project will add approximately 72,412 sq ft of new paved areas to the site.

2.5 Schedule

Frito-Lay has developed a preliminary project schedule, presented in Table 1.2.

Table 1.2: Frito-Lay Transformation Project Schedule

Task	Start Date	End Date
Construction of new 27,000 sq ft warehouse building	Aug 2022	Jul 2023
Construction of the new 62,000 sq ft manufacturing building	Mar 2023	Nov 2023
Construction of new rail branch	Feb 2022	May 2022
Construction of renewable energy and ZE/NZE infrastructure	Dec 2019	Feb 2022

3. AIR QUALITY ANALYSIS

Air quality within the Project area is regulated by the U.S. Environmental Protection Agency (EPA), the California Air Resources Board (CARB), and the San Joaquin Air Pollution Control District (SJVAPCD). Regional impacts on air quality result from emissions generated during short-term (construction) and long-term (operational) activities. SJVAPCD has established thresholds of significance for the following CAPs: volatile organic compounds (VOC), nitrogen oxides (NO_x), particulate matter (PM), carbon monoxide (CO), and sulfur dioxide (SO_2). The thresholds of significance address construction emissions, operational emissions resulting from permitted equipment and activities, and operational emissions resulting from non-permitted equipment and activities. This section describes the calculation methodology for CAPs and compares the results to the thresholds of significance.

3.1 Construction CAP Emissions

Construction phase CAP emissions at the Project site will primarily consist of emissions from off-road construction equipment and on-road construction vehicles during each phase of construction. Construction phase emission calculations are presented in Appendix A. Potential air emissions associated with the Project's construction phase activities were estimated using the California Emissions Estimator Model (CalEEMod®).[4] Construction phase emissions will be short-term and are anticipated to occur over a roughly 16-month period (see Table A.2).

Assumptions used in CalEEMod® simulation are presented in the following sub-sections. CalEEMod® output files are presented in Appendix B.1.

The primary air pollutants associated with construction emissions will include fugitive PM and diesel exhaust emissions of NO_x and PM. Exhaust emissions will be typically emitted by on-road vehicles and/or off-road equipment. Fugitive emissions result from PM dust suspended in the air by wind action and construction related activities. SO_x and VOC will also be emitted during construction, but to a lesser extent.

Emissions from Construction Equipment

Construction equipment emissions were estimated for off-road equipment engine use based on equipment lists and projected phase durations. The fugitive emissions resultant from off-road equipment usage were also included in this analysis.

Since most of the off-road construction equipment used for construction projects is diesel-fueled, the CalEEMod® model assumes all the equipment operates on diesel fuel. There will be no starting or evaporative emissions associated with the construction equipment as these are considered *de minimis* for diesel-fueled equipment. CalEEMod® calculates the exhaust emissions based on default values for horsepower and load factor taken from the CARB OFFROAD2011 model.[5] CalEEMod® default equipment types and quantities were assumed for each construction phase.

The list of estimated construction equipment for each construction phase is presented in Table A.2.

[4] California Emissions Estimator Model Version 2020.4.0. Available at: www.caleemod.com. Accessed: December 2021.

[5] California Emissions Estimator Model User's Guide. Appendix A. Page 7. Version 2020.4.0. Available at: http://www.caleemod.com. Accessed: December 2021.

CalEEMod® was also used to calculate fugitive dust associated with the demolition, site preparation, and grading phases. The quantity of material to be demolished as well as the estimated quantity of material removed during the site preparation and grading phases were provided by the Facility (Table A.3). Fugitive emissions from truck loading were based on the estimated volume of soil to be exported (43,400 cubic yards). Potential PM_{10} and $PM_{2.5}$ emissions from fugitive dust will be controlled by watering the construction site or implementing other equivalent stabilization methods in accordance with SJVAPCD requirements.[6] CalEEMod® defaults assume that the construction site is watered twice a day; a control measure estimated to reduce fugitive dust emissions by 55%.

Emissions from On-Road Trips

Construction activities can generate on-road vehicle exhaust (including evaporative emissions) and entrained road dust emissions from personal vehicles for worker/vendor commuting, and trucks for soil/materials hauling. These emissions were calculated in the CalEEMod® model based on the estimated number of trips (Table A.4) and vehicle miles traveled (VMT) along with emission factors from the EMFAC2014 model. The number of worker, vendor, and hauling trips were estimated using CalEEMod® defaults for all phases.

The mobile source emissions were calculated using trip rates and lengths, as well as emission factors from EMFAC2017 as outlined in the CalEEMod® user's guide.[7]

Details regarding on-road trips generated during the construction phase are presented in Table A.4.

Maximum Emissions from Project Construction

The maximum annual criteria air pollutant emissions estimated due to construction of the Project are summarized in Table 3.1. Detailed CalEEMod® outputs can be found in Appendix B.1. The estimated annual emissions for construction phase activities are less than the SJVAPCD's significance thresholds for construction for all criteria pollutants.

Table 3.1: Project Maximum Annual CAP Emissions from Construction

Calendar Year	Maximum Annual Emissions (tons/year)					
	ROG	CO	SO_2	NO_x	PM_{10}	$PM_{2.5}$
Maximum Overall	**1.16**	**4.22**	**0.01**	**6.22**	**0.93**	**0.52**
SJVAPCD Threshold[1]	**10**	**100**	**27**	**10**	**15**	**15**
Above Threshold?	**No**	**No**	**No**	**No**	**No**	**No**

Notes:

1 Criteria pollutant significance thresholds for construction emissions obtained from SJVAPCD Air Quality Thresholds of Significance. Available at: http://www.valleyair.org/transportation/0714-GAMAQI-Criteria-Pollutant-Thresholds-of-Significance.pdf. Accessed: December 2021.

6 Fugitive Dust Control at Construction Sites: New Requirements. Available at: https://www.valleyair.org/busind/comply/PM10/forms/RegVIIICAB.pdf. Accessed: December 2021.

7 California Emissions Estimator Model User's Guide. Appendix A. Page 37. Version 2020.4.0. Available at: http://www.caleemod.com. Accessed: December 2021.

3.2 Operational CAP Emissions

3.2.1 Operational CAP Emissions from Permitted Equipment and Activities

Within the broader category of operational emissions, SJVAPCD has separate emission thresholds for equipment and activities subject to SJVAPCD permits (i.e., permitted), and those which are not subject to SJVAPCD permits (i.e., non-permitted). Portions of the proposed Project will be subject to SJVAPCD permitting requirements under SJVAPCD Regulation II (Permits).

Frito-Lay plans to submit applications to SJVAPCD for ATCs for the following equipment:

- Onion Fried Snack (OFS) process line
- Additional cornmeal receiving, storage, and handling system
- Boiler (future)
- Fried Corn Chip (FCC) process line (future)
- Additional corn receiving, storage, and handling system.

The Facility's post-Project potential to emit was calculated based on equipment-specific emission factors and control efficiency of control equipment. Emission calculations are provided in Appendix C. The increases in facility emissions expected after full Project implementation are compared to SJVAPCD thresholds below.

Table 3.2: Operational CAP Emissions from Permitted Equipment

Pollutant	Post-Project Potential to Emit (tons/year)					
	ROG	**CO**	**SO_2**	**NO_x**	**PM_{10}**	**$PM_{2.5}$**
Total	1.62	17.45	0.15	2.02	11.82	11.82
SJVAPCD Threshold[1]	**10**	**100**	**27**	**10**	**15**	**15**
Above Threshold?	**No**	**No**	**No**	**No**	**No**	**No**

Notes:

Criteria pollutant significance thresholds for operational emissions from permitted equipment obtained from SJVAPCD Air Quality Thresholds of Significance. Available at: http://www.valleyair.org/transportation/0714-GAMAQI-Criteria-Pollutant-Thresholds-of-Significance.pdf. Accessed: December 2021.

3.2.2 Operational CAP Emissions from Non-Permitted Equipment and Activities

As noted above, SJVAPCD has separate emission thresholds for permitted operational equipment and non-permitted operational equipment. For the purpose of calculating CAP emissions, the non-permitted operational equipment and activities will include Project-related emissions from area sources, non-permitted natural gas usage, and mobile sources (i.e., passenger cars, trucks, trains). Emission calculations for non-permitted operational sources are provided in Appendix D.

Area Source Emissions

Project-related area source emissions will include emissions from architectural coating, consumer products, and landscaping. These emissions were estimated in CalEEMod, using

default emission factors. These emissions, summarized in Table D.1, are dependent on the land use areas, which were provided by the facility and shown in Table A.1.

Emissions from Natural Gas Usage

The Project-related emissions from increased (non-permitted) natural gas usage expected after Project implementation were calculated outside of CalEEMod, using CalEEMod default emission factors for nonresidential land uses.[8] CAP emissions resulting from this category are presented in Table D.8. These totals account for the increase in natural gas required to replace the facility's diesel heavy heavy-duty and medium heavy-duty trucks with natural gas-powered vehicles, as calculated in Table D.7.

Mobile Emissions

Passenger Cars

As a result of the Project, the facility expects to hire 336 employees. Therefore, the expected increase in the number of daily trips was estimated at twice that number, or 672 additional one-way trips per day. Emissions from Project-related passenger cars were calculated. Baseline (calendar year 2020) passenger car emissions were analyzed and compared to post-Project emissions. The total passenger car emissions attributed to the Project were calculated by subtracting the baseline emissions from the Project emissions.

It was assumed that the average passenger car trip length is the distance that an employee will have to travel roundtrip from their home to the facility. This distance was estimated using CalEEMod defaults for home-work trips in urban Stanislaus County.[9]

In both scenarios, passenger car emissions were calculated using EMFAC2021 (EMFAC) default emission factors for the passenger car (LDA), light-duty truck (LDT), and medium-duty vehicle (MDV) vehicle classes.[10] The emission factors in the post-Project scenario are lower than in the baseline scenario as a result of car regulations becoming increasingly stringent over time. However, since the number of passenger car trips increases as a result of the increased facility capacity, the estimated CAP emissions are larger in the post-Project scenario then they are in the baseline scenario for all pollutants except NO_x, as shown in Table D.22. EMFAC output files are presented in Appendix B.2, and additional calculation details can be found in Appendix D.

Trucks

Project-related emissions from trucks were calculated using the same general methodology as passenger vehicles. First, baseline (calendar year 2020) truck emissions were analyzed, then post-Project emissions were evaluated. The total truck emissions attributed to this Project were calculated by subtracting the baseline emissions from the Project emissions. Project-related emissions from trucks included two types of trucks: large delivery trucks and

[8] California Emissions Estimator Model User's Guide. Appendix D. Page D-339. Version 2020.4.0. Available: http://www.aqmd.gov/docs/default-source/caleemod/user-guide-2021/appendix-d2020-4-0-full-merge.pdf?sfvrsn=12. Accessed: December 2021.

[9] California Emissions Estimator Model User's Guide. Appendix D. Page D-86. Version 2020.4.0. Available: http://www.aqmd.gov/docs/default-source/caleemod/user-guide-2021/appendix-d2020-4-0-full-merge.pdf?sfvrsn=12. Accessed: December 2021.

[10] EMFAC Model Version 2021.1.1. Available at: https://arb.ca.gov/emfac/emissions-inventory. Accessed: December 2021

box trucks. Baseline and post-Project emissions for each truck type were calculated using separate methodologies, as described in this section.

The average trip length for large delivery trucks was estimated using the following methodology:

1. The distance from the facility to each of six Frito-Lay distribution centers (three in Northern California, three in Southern California) was mapped.
2. The average trip length for each region was weighted based on the population of the city in which each distribution center is located.
3. To calculate the overall truck trip length, the average trip length to each region was once again weighted, this time assuming that 65% of the trucks are sent to Northern California, and 35% of the trucks are sent to Southern California.

Calculation details can be found in Table D.10. The increase in number of larger delivery truck trips from the baseline to post-Project scenarios was calculated based on the facility's current production levels and load quantities. The snack food production capacity increase was used to estimate the number of delivery loads and ultimately truck trips required as a result of the Project.

The fleet mix for larger delivery trucks also changes between the baseline and post-Project scenarios. The facility currently operates 38 natural gas fueled trucks, and 12 diesel trucks. With the Project, the facility expects to operate 40 natural gas fueled trucks and 14 electric trucks. This change in the heavy-duty fleet mix reflects Frito-Lay's aggressive pursuit of alternative vehicle technologies as part of its corporate sustainability initiative.

EMFAC2021 was used to generate the average truck emission factors for each scenario. For the baseline scenario, EMFAC was run for the heavy-heavy duty truck (HHDT) vehicle class in 2020. Natural gas and diesel HHDT emission factors were averaged based on the expected fleet mix. Those emission factors were then multiplied by the average truck trip length and number of trips to estimate CAP emissions. For the Project scenario, only natural gas HHDT emission factors were obtained from EMFAC, since electric trucks have zero tailpipe emissions. As before, the emission factors were weighted based on fleet mix.

Baseline emissions from box trucks were calculated based on six diesel-fueled box trucks. The number of daily trips for box trucks in the baseline scenario was based on the assumption that each truck takes two trips per day. Since box trucks are confined to local travel, it was assumed that these box trucks travel approximately 15 miles in each direction per trip, for a total of 30 miles per round trip. Note that the box trucks are classified as medium heavy-duty vehicles, and EMFAC emission factors for this vehicle class were used accordingly to calculate both mile- and trip-based emission factors for the baseline scenario. The facility has committed to using electric box trucks during post-Project operations, which would result in zero tailpipe emissions.

While truck usage is expected to increase as a result of the Project, the change in the fleet composition from a mix of natural gas/diesel to natural gas/electric trucks and more stringent regulations result in lower emissions from trucks for some criteria pollutants, such as NO_x. A summary of MHDT and HHDT truck emissions in each scenario can be found in Table D.22. Additional calculation details are presented in Appendix D.

Trains

As with cars and trucks, in order to estimate emissions from trains, the average trip length was estimated. The rail route was mapped in GIS based on its known route. This total distance was estimated at 213 miles (Table D.23). A large portion of that distance is outside of SJVAPCD jurisdiction. For purposes of this analysis, 30% of the total emissions were estimated to occur within SJVAPCD, which is proportional to the percent of the rail distance within SJVAPCD boundaries.

Locomotive-specific emission factors were then identified. Emission factors for volatile organic compounds, carbon monoxide, and sulfur dioxide were obtained or calculated using US EPA Guidance.[11] California has more stringent emission standards than other states, so emission factors for particulate matter and NO_X were calculated separately, using CARB Guidance.[12] Emission factors were converted from grams per gallon to grams per ton-mile using the total ton-miles that Union Pacific freight trains travelled in 2020 and the total gallons of diesel fuel consumed by Union Pacific freight trains in 2020.[13]

Locomotive emissions were then calculated by multiplying these emission factors by the miles that the trains will travel within SJVAPCD and the weight of the trains travelling to the facility each year. The total train weight included the weight of the locomotive itself, as well as the weight of the empty railcars and loaded freight containers. Only the portion of the train weight that could be attributed to Frito-Lay was included in these calculations. This weight was calculated based on the number of railcars that deliver freight to Frito-Lay each week, and the estimated amount of corn, cornmeal, and oil used annually by the facility. The details of these calculations are presented in Table D.25.

As mentioned above, the locomotives travel throughout several other California Air Districts. It was determined that emissions will also be released within the Sacramento, Yolo Solano, Placer, and Northern Sierra Air Districts. While only emissions occurring within SJVAPCD were summed within the Project totals, emissions released in other districts were compared to those Districts' specific CEQA significance thresholds. All emissions totals were below applicable thresholds, as shown in Table D.28.

Off-Road Equipment

The facility uses off-road equipment that include yard tractors and forklifts as part of its daily operations. Emissions from these sources were quantified as part of the Project analysis. Unlike on-road vehicle emissions, off-road emissions are calculated based on daily emission rates as calculated using OFFROAD2021[14]. The data provided by OFFROAD2021 are aggregated within the SJVAPCD jurisdiction, which results in emission factors applicable to the Project scenarios.

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[11] Emission Factors for Locomotives. Available: https://nepis.epa.gov/Exe/ZyPDF.cgi/P100500B.PDF?Dockey=P100500B.PDF. Accessed: December 2021.

[12] 2016 Line Haul Locomotive Model and Update. Available: https://ww3.arb.ca.gov/msei/ordiesel/locolinehaul2017ei.docx. Accessed: December 2021.

[13] 2020 Union Pacific Class I Railroad Annual Report. Available: https://www.up.com/cs/groups/public/@uprr/@investor/documents/investordocuments/pdf_up_r1_2020.pdf. Accessed: December 2021.

[14] OFFROAD Model Version 2021.1.1. Available at: https://arb.ca.gov/emfac/emissions-inventory. Accessed: December 2021

The facility operates four diesel-powered forklifts and one diesel-powered yard tractor under the baseline scenario. In OFFROAD2021, these equipment types were modeled as "Industrial – Forklifts" and "Cargo Handling Equipment – Rail Yard Tractor," respectively. Running OFFROAD2021 resulted in an emission rate and activity estimated for diesel fueled equipment within SJVAPCD, from which emission factors could be calculated. Calculation details can be found in Table D.21.

The facility has committed to reducing CAP and GHG emissions from off-road equipment usage by converting these diesel-powered equipment to electric-powered by the start of post-Project operation. It is estimated that for each piece of diesel off-road equipment retired, three equivalent pieces of electric equipment will have to be utilized in order to make up for time required for equipment cooling and charging. Unlike on-road mobile vehicles, OFFROAD2021 models emissions from off-road equipment based on equipment fuel consumption. Converting from diesel- to electric-powered equipment would therefore result in zero CAP and GHG emissions.

Total Operational CAP Emissions from Non-Permitted Sources and Activities

As detailed above, the incremental CAP emissions resulting from Project implementation include area source emissions, emissions from natural gas usage, and mobile source emissions. Contributions from each of these sources are summarized and compared to SJVAPCD thresholds in Table 3.3:

Table 3.3: Operational CAP Emissions from Non-Permitted Equipment

	Incremental Project Emissions (tons/year)					
	ROG	**CO**	**SO_2**	**NO_x**	**PM_{10}**	**$PM_{2.5}$**
Area Sources	1.2	0.0	0.0	0.0	0.0	0.0
Natural Gas Usage	0.5	4.0	0.0	4.7	0.4	0.4
Mobile Emissions	-0.1	2.8	0.0	-2.7	-0.1	-0.1
Total	1.6	6.8	0.02	2.0	0.3	0.2
SJVAPCD Threshold[1]	10	100	27	10	15	15
Above Threshold?	**No**	**No**	**No**	**No**	**No**	**No**

Notes:

Criteria pollutant significance thresholds for operational emissions from non-permitted equipment obtained from SJVAPCD Air Quality Thresholds of Significance. Available at: http://www.valleyair.org/transportation/0714-GAMAQI-Criteria-Pollutant-Thresholds-of-Significance.pdf. Accessed: December 2020.

3.3 Air Quality Impact Analysis

Per Appendix G of the CEQA Guidelines, the air quality impacts of a project would be significant if the project would:

a. Conflict with or obstruct implementation of the applicable air quality plan;

b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation;

c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient quality standard;

d. Expose sensitive receptors to substantial pollutant concentrations, or;

e. Create objectionable odors affecting a substantial number of people.[15]

As shown in this report, the CAP emissions from construction, permitted operation, and non-permitted operation will all be under the respective SJVAPCD thresholds of significance. All Project impacts will be less than significant in the surrounding air quality districts as well. Therefore, this Project should have a less-than-significant impact on air quality.

Per the US EPA Green Book, portions of Stanislaus County are currently in non-attainment for ozone and particulate matter.[16] However, the increases in particulate matter emissions, as well as those of ozone precursors such as NO_x and VOCs, will be within the applicable SJVAPCD Thresholds of Significance. Thus, the potential increase in emissions of those pollutants will be considered less than significant.

The SJVAPCD recommends that an ambient air quality analysis be performed if on-site emission increases from construction, permitted operation, or non-permitted operation exceed 100 pounds per day for any pollutant. As shown in the Table 3.4, the expected emission increases for the Project will be less than 100 pounds per day for each pollutant for each category of emissions. Therefore, an air dispersion modeling analysis will not be required.

[15] CEQA Appendix G: Environmental Checklist Form. Available: https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/ab52/final-approved-appendix-G.pdf. Accessed: December 2021.

[16] California Nonattainment/Maintenance Status for Each County by Year for All Criteria Pollutants. Available: https://www3.epa.gov/airquality/greenbook/anayo_ca.html. Accessed: December 2021.

Table 3.4: Ambient Air Quality Analysis CAP Threshold Comparison

	Post-Project Potential to Emit (lb/day)					
	ROG	**CO**	**SO_2**	**NO_x**	**PM_{10}**	**$PM_{2.5}$**
Construction	6.3	23.1	0.1	34.1	5.1	2.9
Permitted Operation	19.3	95.8	1.3	11.0	64.6	64.6
Non-Permitted Operation	8.9	37.2	0.1	11.1	1.5	1.3
Maximum	19.3	95.8	1.3	34.1	64.6	64.6
SJVAPCD Threshold[1]	100	100	100	100	100	100
Above Threshold?	**No**	**No**	**No**	**No**	**No**	**No**

Notes:

[1] Thresholds for ambient air quality screening requirements from SJVAPCD Guidance for Assessing and Mitigating Air Quality Impacts. Available: http://www.valleyair.org/transportation/GAMAQI_12-26-19.pdf. Accessed: December 2021.

The expansion of the existing snack food manufacturing facility under the Project will not result in objectionable odors. Odors during the construction phase, if any, will also be less than significant. Construction equipment is typically fueled by diesel, which could lead to odors. However, diesel-fueled construction equipment is required by regulation to use low sulfur content fuel in accordance with SJVAPCD Rule 4702.[17] Compliance with this rule and use of low sulfur fuel will minimize potential odors. Additionally, the facility is located in an industrial-zoned area. The nearest sensitive receptor is a residence located approximately 2,000 feet from the Project site, and therefore is not expected to be impacted by Project activities. Diesel trucks that will be operated onsite as part of construction activities will not be allowed to idle longer than five minutes in any one location, in accordance with the CARB idling Airborne Toxics Control Measure (13 CCR §2485).[18] Therefore, construction equipment and haul trucks are not expected to generate diesel exhaust odor greater than typically present at the Facility. Given the intermittent and temporary nature of construction activities and the distance to sensitive receptors, any potential odors will not be expected to impact offsite receptors.

[17] Rule 4702, Internal Combustion Engines. Available at: https://www.valleyair.org/rules/currntrules/R4702_Clean.pdf. Accessed: December 2021.

[18] 13 CCR §2485, Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling. Available at: https://www.arb.ca.gov/msprog/truck-idling/13ccr2485_09022016.pdf. Accessed: December 2021.

4. GREENHOUSE GAS ANALYSIS

4.1 Construction Emissions

Greenhouse gas (GHG) emissions were calculated using CalEEMod as described in Section 3.1. The methodology was the same for GHG emissions as for criteria air pollutants. CalEEMod output files are presented in Appendix B.1. Table 4.1 presents a summary of GHG emissions from construction. Additional calculation details are presented in Appendix A.

Table 4.1: Project Maximum Annual GHG Emissions from Construction

Calendar Year	Maximum Annual Emissions (MT/year)			
	Total CO_2	CH_4	N_2O	CO_2e
Maximum Overall	**993**	**0.17**	**0.06**	**1,013**

4.2 Operational Emissions

4.2.1 Operational GHG Emissions from Permitted Equipment and Activities

As described in Section 3, Frito-Lay is expanding its Modesto facility to include additional process lines, and associated receiving, storage, and handling equipment. Greenhouse gas emissions are expected from one boiler rated at 50 MMBtu per hour. The potential GHG emissions from this boiler are estimated in Table 4.2, below.

Table 4.2: Operational GHG Emissions from Permitted Equipment

	Incremental Project Emissions (MT/year)			
	Total CO_2	CH_4	N_2O	CO_2e
Boiler	23,330	0.45	0.43	23,468
Totals	**23,330**	**0.45**	**0.43**	**23,468**

4.2.2 Operational GHG Emissions from Non-Permitted Equipment and Activities

For the purpose of calculating GHG emissions, the non-permitted operational equipment and activities include emissions from area sources, electricity usage, natural gas usage, mobile sources (passenger cars, trucks, trains), water usage, and solid waste disposal.

Area Source Emissions

Area source GHG emissions were estimated in CalEEMod using default emission factors, similar to CAP emissions. These GHG emissions, summarized in Table D.1, are dependent on the land use areas, which were provided by the facility and presented in Table A.1.

Emissions from Electricity Usage

The emissions that will result from Project-related electricity consumption were estimated outside of CalEEMod to account for requirements in Senate Bill 100, which requires ever increasing percentages of renewable energy over time.[19] While Modesto Irrigation District is the electricity provider for Frito-Lay, power content labels were not available for recent

[19] CA Senate Bill 100. Available: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB100. Accessed: December 2021.

calendar years. As such, nearby PG&E power content labels were obtained for three previous years (i.e., 2016, 2017, and 2018) and used to calculate compliant carbon dioxide intensity factors instead.[20] These power content labels provide the percentage of PG&E's total energy portfolio sourced from renewable and non-renewable sources. Using these power content labels as a reference, carbon dioxide intensity factors for PG&E's energy portfolio were then backcalculated to obtain a baseline intensity factor, which accounts for only non-renewable sources. Per Senate Bill 100, California utility companies must use at least 33% renewable sources in 2020, and 50% in 2026. By linearly interpolating between the points, it was determined that 38.7% of PG&E's electricity will come from renewable sources by 2022 in order to meet the requirements of Senate Bill 100. The final carbon dioxide intensity factor was calculated by taking that baseline factor, which assumed no renewable energy, and reducing it in accordance with these standards. Detailed calculations can be found in Table D.2. This adjusted carbon dioxide intensity factor was used in all CalEEMod runs; therefore, all GHG emissions were calculated using CalEEMod per Senate Bill 100 requirements.

To calculate the potential GHG emissions from Project-related electricity usage, the annual electricity usage was multiplied by this emission intensity factor. CH_4 and N_2O emissions were calculated using CalEEMod defaults for nonresidential land uses.[21] CO_2e emissions were calculated by multiplying the CO_2, CH_4, and N_2O emissions by their respective global warming potentials, and summing the result. Results are presented in Table D.6.

The increased electricity usage at the facility accounts for the additional electricity required to meet the facility's ambitious electrification goals. These goals include adding electric heavy heavy-duty trucks, medium heavy-duty trucks, yard tractors, and forklifts to the facility's on- and off-road fleet. As mentioned in Section 2.4, the facility has also committed to providing 7.1 MW of onsite solar capacity via solar carports and roof-mounted solar panels. Table D.5 shows a full breakdown of facility electricity use by sector.

Emissions from Natural Gas Usage

GHG emissions from natural gas usage were calculated in the same manner as CAP emissions. Refer to Section 3.2.2 for details, and Table D.8 for emission quantification.

Mobile Emissions

Passenger Cars

Project-related GHG emissions from passenger cars were calculated in the same manner as CAP emissions, except where noted below. Refer to Section 3.2.2 and Appendix D for details.

Trucks

Project-related GHG emissions from trucks were calculated in the same manner as and using the same emission factor sources as the CAP emissions. As previously stated, the facility has committed to converting its fleets of larger delivery trucks and box trucks from diesel-

[20] PG&E Power Content Labels. Available: https://www.pge.com/pge_global/local/assets/data/en-us/your-account/your-bill/understand-your-bill/bill-inserts/2017/november/power-content.pdf, https://www.pge.com/pge_global/common/pdfs/your-account/your-bill/understand-your-bill/bill-inserts/2018/10-18_PowerContent.pdf, and https://www.pge.com/pge_global/common/pdfs/your-account/your-bill/understand-your-bill/bill-inserts/2019/1019-Power-Content-Label.pdf. Accessed: December 2021.

[21] California Emissions Estimator Model User's Guide. Appendix D. Page D-3. Version 2020.4.0. Available: http://www.aqmd.gov/docs/default-source/caleemod/user-guide-2021/appendix-d2020-4-0-full-merge.pdf?sfvrsn=12. Accessed: December 2021.

powered to electric-powered. Post-Project electricity consumption captures the usages from the anticipated 14 electric large delivery trucks and 6 electric box trucks. See Section 3.2.2 for details. A summary of truck emissions is presented in Table D.22.

Trains

The methodology for calculating Project-related GHG emissions from trains was the same as for CAP emissions. See Section 3.2.2. for details. However, the emission factor sources were different for GHGs. The CO_2 emission factor was calculated using methodology outlined in EPA Guidance: Emission Factors for Locomotives.[22] The CH_4 and N_2O emission factors were taken from Table 5 of EPA Guidance: Emission Factors for Greenhouse Gas Inventories.[23] These emission factors are specific to diesel-fueled locomotives. Emission factors were converted into units of gram per ton-mile using Union Pacific locomotive data, as discussed in Section 3.2.2. Train GHG emissions can be found in Table D.27.

GHG emissions were divided up between the different air districts that the trains pass through on the way to the facility. All emissions are below the applicable thresholds in other districts.

Off-Road Equipment

The methodology for calculating Project-related GHG emissions from off-road equipment was the same as for CAP emissions. As previously stated, the facility has committed to converting its forklifts and yard tractor from diesel-powered to electric-powered. Post-Project electricity consumption captures the usages from the anticipated 12 electric forklifts, 3 electric yard tractors, 14 electric delivery trucks and 6 electric box trucks. See Section 3.2.2 for details.

Emissions from Water Usage

Emissions that will result from the increased water usage at the facility were calculated in CalEEMod using default emission factors. Per Table 1.1 in the Project Description, the Project is expected to increase the water needs of the facility by 255 gallons per minute. Emissions from increases in water usage are presented in Table D.32.

Emissions from Solid Waste Disposal

Emissions that will result from the increased waste disposal at the facility were also calculated in CalEEMod using default emission factors. The amount of non-hazardous waste generated in 2020 was obtained from Frito-Lay waste logs. To estimate waste amounts after Project implementation, this value was scaled up based on the expected increased facility capacity. The incremental amount of waste disposed is the difference between the future and present waste totals. As such, the facility is expected to generate an additional 105 tons of non-hazardous waste per year as a result of this Project. These emissions are shown in Table D.33.

Total Operational GHG Emissions from Non-Permitted Sources and Activities

As detailed above, the incremental GHG emissions resulting from Project implementation include emissions from area sources, electricity usage, natural gas usage, mobile sources (passenger cars, trucks, trains, off-road equipment), water usage, and solid waste disposal.

[22] Emission Factors for Locomotives. Available: https://nepis.epa.gov/Exe/ZyPDF.cgi/P100500B.PDF?Dockey=P100500B.PDF. Accessed: December 2021.

[23] Emission Factors for Greenhouse Gas Inventories. Available: https://www.epa.gov/sites/production/files/2015-07/documents/emission-factors_2014.pdf. Accessed: December 2021.

Contributions from each of these sources are presented in Table D.35 and summarized below.

Table 4.3: Operational GHG Emissions from Non-Permitted Equipment

	Incremental Project Emissions (MT/year)			
	Total CO_2	**CH_4**	**N_2O**	**CO_2e**
Area Sources	0.0	0.0	0.0	0.0
Electricity Usage	11,319	1.8	0.2	11,430
Natural Gas Usage	5,138	0.1	0.1	5,168
Mobile Emissions	-101	-1.8	-0.4	-272
Water Usage	203	7.8	0.2	454
Solid Waste Disposal	21	1.3	0.0	53
Totals	**16,580**	**9.2**	**0.1**	**16,833**

4.3 Greenhouse Gas Impact Analysis

CEQA Guidelines on GHG Emissions

Per Appendix G of the CEQA Guidelines, the air quality impacts of a project would be significant if the project would:

a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, or;

b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.[24]

SJVAPCD Guidance

In December 2009, the SJVAPCD adopted a Climate Change Action Plan.[25] Per this plan, Projects that are not exempt from the requirements of CEQA can be determined to have a less than significant individual and cumulative impact for GHG emissions in three ways.

First, the facility can demonstrate Project compliance with the District's approved Best Performance Standards (BPS). The District has compiled a list of BPS for stationary sources. If the Project can show that the stationary sources in question are following guidance as outlined in the corresponding BPS, then that source will have a less than significant impact.

Next, the facility can prove that Project elements are complying with approved GHG emission reduction plans or GHG mitigation programs. Such plans must be specified in law and

[24] CEQA Appendix G: Environmental Checklist Form. Available: https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/ab52/final-approved-appendix-G.pdf. Accessed: December 2021.

[25] SJVAPCD Final Staff Report – Addressing Greenhouse Gas Emissions Impacts Under CEQA. Available: http://www.valleyair.org/Programs/CCAP/12-17-09/1%20CCAP%20-%20FINAL%20CEQA%20GHG%20Staff%20Report%20-%20Dec%2017%202009.pdf. Accessed: December 2021.

supported by a CEQA compliant environmental review document adopted by the lead agency.

Finally, the Project can quantify its GHG emissions and demonstrate that these project-specific emissions would be reduced or mitigated by at least 29% compared to a Business as Usual (BAU) approach. If the Project is achieving at least a 29% emission reduction from the BAU case, then the Project would be determined to have a less than significant impact for GHG.

Project Approach to Significance

For purposes of demonstrating that the Project will not have a significant impact, a hybrid approach was used. This section demonstrates compliance with applicable BPS and proves consistency with the several key GHG emission reduction plans and legislation listed in Section 4.3.1.

4.3.1 Regulatory Framework

Federal

Clean Air Act

In April 2007, in *Massachusetts v. EPA*, the U.S. Supreme Court directed the Administrator of the EPA to determine whether GHG emissions from new motor vehicles cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare, or whether the science is too uncertain to make a reasoned decision. In making these decisions, the EPA Administrator was directed to follow the language of Section 202(a) of the Clean Air Act (CAA). In December 2009, the Administrator signed a final rule with two distinct findings regarding GHGs under Section 202(a) of the CAA:

- Elevated concentrations of GHGs—CO_2, CH_4, N_2O, HFCs, PFCs, and SF_6—in the atmosphere threaten the public health and welfare of current and future generations. This is referred to as the "endangerment finding."
- The combined emissions of GHGs—CO_2, CH_4, N_2O, and HFCs—from new motor vehicles and new motor vehicle engines contribute to the GHG air pollution that endangers public health and welfare. This is referred to as the "cause or contribute finding."

These two findings were necessary to establish the foundation for regulation of GHGs from new motor vehicles as air pollutants under the CAA.

State

Executive Order S-03-05

In 2005, Governor Schwarzenegger issued Executive Order (EO) S-3-05, which identifies state-wide GHG emission reduction targets to achieve long-term climate stabilization as follows:

- Reduce GHG emissions to 1990 levels by 2020; and
- Reduce GHG emissions to 80 percent below 1990 levels by 2050.

In response to EO S-3-05, California Environmental Protection Agency (CalEPA) created the Climate Action Team (CAT), which in March 2006 published the Climate Action Team Report

(the "2006 CAT Report").[26] The 2006 CAT Report identified a recommended list of strategies that the State could pursue to reduce GHG emissions. These are strategies that could be implemented by various State agencies to ensure that the emission reduction targets in EO S-3-05 are met and can be met with existing authority of the State agencies. The strategies include, but are not limited to, the reduction of passenger and light-duty truck emissions, the reduction of idling times for diesel trucks, an overhaul of shipping technology/infrastructure, increased use of alternative fuels, increased recycling, and landfill methane capture.

AB 32, the Global Warming Solutions Act

Assembly Bill (AB) 32 (Nunez, 2006), the California Global Warming Solutions Act of 2006, was enacted after considerable study and expert testimony before the Legislature. The heart of AB 32 is the requirement that state-wide GHG emissions be reduced to 1990 levels by 2020. In order to achieve this reduction mandate, AB 32 requires California Air Resources Board to adopt rules and regulations in an open public process that achieve the maximum technologically feasible and cost-effective GHG reductions.

In response to these requirements, CARB adopted the *Climate Change Scoping Plan: A Framework for Change* (2008 Scoping Plan) in accordance with Health & Safety Code Section 38561. During the development of the 2008 Scoping Plan, CARB created a planning framework that is comprised of eight emissions sectors: (1) transportation; (2) electricity; (3) commercial and residential; (4) industry; (5) recycling and waste; (6) high global warming potential (GWP) gases; (7) agriculture; and, (8) forest net emissions. The 2008 Scoping Plan establishes an overall framework for the measures that will be adopted to reduce California's GHG emissions from the eight emissions sectors to 1990 levels by 2020.

In November 2017, CARB published California's 2017 Climate Change Scoping Plan (2017 Scoping Plan), which was subsequently adopted by CARB's Board in December 2017.[27] The 2017 Scoping Plan identifies CARB's strategy for achieving the State's 2030 GHG target.

Key elements of CARB's GHG reduction plan that are relevant to this analysis include:

- Achieving a mix of 50 percent for energy generation from renewable sources;
- Establishing targets for transportation-related GHG emissions, particularly by increasing zero emission vehicle fleets and regulating heavy-heavy duty truck emissions; and
- Implementing an extended, more stringent Cap-and-Trade Program.

Assembly Bill 1493

AB 1493 required CARB to adopt regulations to reduce GHG emissions from non-commercial passenger vehicles and light-duty trucks for model years 2009–2016. CARB obtained a waiver from the USEPA that allows for implementation of these regulations notwithstanding possible federal pre-emption concerns.

[26] California Environmental Protection Agency Climate Action Team Report to Governor Schwarzenegger and the Legislature. Available: http://s3-us-west-2.amazonaws.com/ucldc-nuxeo-ref-media/0bdec21c-ca2b-4f4d-9e11-35935ac4cf5f. Accessed: December 2021.

[27] California's 2017 Climate Change Scoping Plan. Available: https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf. Accessed: December 2021.

Executive Order S-01-07

EO S-1-07, as issued by Governor Schwarzenegger, called for a 10 percent or greater reduction in the average fuel carbon intensity for transportation fuels in California regulated by CARB by 2020. In response, CARB approved the Low Carbon Fuel Standard (LCFS) regulations in 2009, which became fully effective in April 2010. Thereafter, a lawsuit was filed challenging CARB's adoption of the regulations; and, in 2013, a court order was issued compelling CARB to remedy substantive and procedural defects of the LCFS adoption process under CEQA.[28] However, the court allowed implementation of the LCFS to continue pending correction of the identified defects. In September 2015, CARB re-adopted the LCFS regulations. The LCFS would reduce GHG emissions by reducing the carbon intensity of transportation fuels used in California by at least 10% by 2020 and, as most recently amended in 2018, by at least 20% by 2030.

Regional

SJVAPCD Guidance

SJVAPCD manages air quality in the San Joaquin Valley Air Basin (SJVAB). The primary role of SJVAPCD is to develop plans, rules, and regulations as well as implement control measures in the SJVAB to control air pollution. SJVAPCD adopted a Climate Change Action Plan (CCAP) to identify strategies to reduce GHG emissions in the SJVAB and evaluate Project significance. More details on this legislation can be found in Section 4.3.

Local

Stanislaus County Air Quality Conformity Analysis

The Stanislaus Council of Governments (StanCOG) is the designated Metropolitan Planning Organization (MPO) for Stanislaus County. It is responsible for regional transportation planning. As such, StanCOG also prepares conformity analyses. The 2014 Air Quality Conformity Analysis describes ways that Projects within the County can comply. This analysis suggests that transportation control measures be followed in order to ensure compliance with the Clean Air Act, and that County-approved emission estimation models be used in Project calculations.

4.3.2 Project Inventory in Context

BPS

The boiler that will be installed as part of the Project will need to comply with a SJVAPCD best performance standard (BPS). While the facility plans to install a boiler, the specific boiler type has not yet been selected. As such, the make, model, and pressure rating of this boiler are not currently known. SJVAPCD lists BPS for boilers based on the equipment's rated steam pressure, so it is currently unclear which BPS is applicable to this boiler. Once the boiler type is selected, the facility will ensure that it will meet the required criteria in order to comply with the applicable BPS.

Consistency Analysis

By complying with several key elements of the legislation outlined above, this Project demonstrates that its overall GHG emission impact will be less than significant.

[28] *POET, LLC v. CARB* (2013) 217 Cal.App.4th 1214.

As shown in Table 4.2, increased natural gas usage is a key driver of emissions as a result of the Project. However, per CARB's Climate Change Scoping Plan, these potential emissions will be covered under CARB's Cap-and-Trade program. As such, the natural gas usage at the facility is already accounted for and regulated in accordance with AB 32. Transportation fuels are also covered under Cap-and-Trade, so the fuels used to power the facility's current truck fleet are also regulated in accordance with CARB's Scoping Plan. The facility's plan to reduce their mobile emissions demonstrates compliance with the Clean Air Act, Executive Order S-03-05, Executive Order S-01-07, and CARB's Climate Change Scoping Plan. Reducing impacts from mobile sources is a key factor in these regulations. In particular, these regulations recommend decarbonizing the transportation sector, increasing usage of alternative fuels, and regulating heavy-duty truck fleets. In accordance with all of these items, Frito-Lay is aggressively pursuing alternative vehicle technologies for its heavy-duty fleet. This is reflected in both their current HHDT fleet, which is comprised of a large percentage of natural gas trucks, and their future HHDT fleet, which will consist of only natural gas and battery electric trucks. The Project site plan includes electric vehicle (EV) parking spaces for employees as well as charging states for the facility's Tesla Tractors. By utilizing a cleaner truck fleet for loads and deliveries, the facility will ensure compliance with federal and state regulations that focus on mobile emissions, and emissions from heavy-duty trucks in particular.

In addition to on-road mobile sources, the facility plans to mitigate potential GHG emissions through additional methods of electrification. As previously discussed in Section 4.2.2, the facility current operates diesel-powered off-road equipment that include forklifts and one yard tractor. Tailpipe emissions from these equipment will effectively be eliminated when the facility replaces them with electric-powered equipment. Additionally, the facility is committed to reducing building energy intensity by installing on-site solar carports and solar panels, which total approximately 7.1 MW of power generation for the facility.

The facility is also complying with state and local legislation by submitting a quantitative greenhouse gas inventory for this Project. This inventory has been compiled following guidance from AB 1493, EO S-01-07, and Stanislaus County Air Quality Conformity Analysis. Emissions from construction and operation were quantified using emission factors and methodology obtained from CalEEMod and EMFAC wherever possible. These California-specific models account for regulatory requirements in their assumptions. For example, requirements resulting from AB 1493, saying that non-commercial passenger vehicles are subject to stricter emission standards, and EO S-01-07, which mandates a reduction in the carbon intensity of transportation fuels, are already incorporated into EMFAC. Note that in both cases, the most recently approved model versions were used in all calculations. Therefore, by using state-approved models to quantify emissions, the Project inventory has been calculated while taking legislative action into consideration.

Impact Determination

Overall, the individual and cumulative GHG impacts of this Project are expected to be less than significant. While the Project could represent a small increase in GHG emissions when compared to the existing conditions on the site, the Project will not conflict with any state-wide emission reduction targets. Further, there are no clear Project alternatives which would be more effective in reducing the Project's impact.

This Project will comply with all applicable BPS and demonstrate consistency with the regulations outlined in Section 4.3.1. Therefore, per SJVAPCD's CEQA guidance, the impacts from this Project will be less than significant.

5. DETERMINATION

5.1 Summary

The proposed Project was analyzed and found to have **less than significant** impacts in the areas of air quality and greenhouse gases. CAP emissions are under below SJVAPCD thresholds for construction, permitted operation, and non-permitted operation. Additionally, GHG emissions are consistent with federal, state, and local legislation, which indicates compliance per SJVAPCD Guidelines. No further analysis of these areas is required.

6. PREPARERS

Scott Weaver

Principal-in-Charge

Ramboll US Corporation

350 S. Grand Ave., Suite 2800

Los Angeles, CA 90071

Appendices A through D of Attachment I – Air Quality and Greenhouse Gas Analysis Report, have been redacted from the Staff Report. However, the Initial Study was circulated with all of the Appendices attached.

Hard copies are available upon request. Please contact the Planning and Community Development Department by email at planning@stancounty.com or by phone at (209) 525-6330 to obtain a copy.

Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2022-AWP-3488-OE

Issued Date: 03/22/2022

Elisabeth Gleeson
Frito-Lay
600 Garner Road
Modesto, CA 95357

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building #10 76' SILO
Location:	Modesto, CA
Latitude:	37-37-51.95N NAD 83
Longitude:	120-54-59.66W
Heights:	111 feet site elevation (SE)
	76 feet above ground level (AGL)
	187 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

_____ At least 10 days prior to start of construction (7460-2, Part 1)
__X__ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/ lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 09/22/2023 unless:

(a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
(b) extended, revised, or terminated by the issuing office.
(c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within

6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

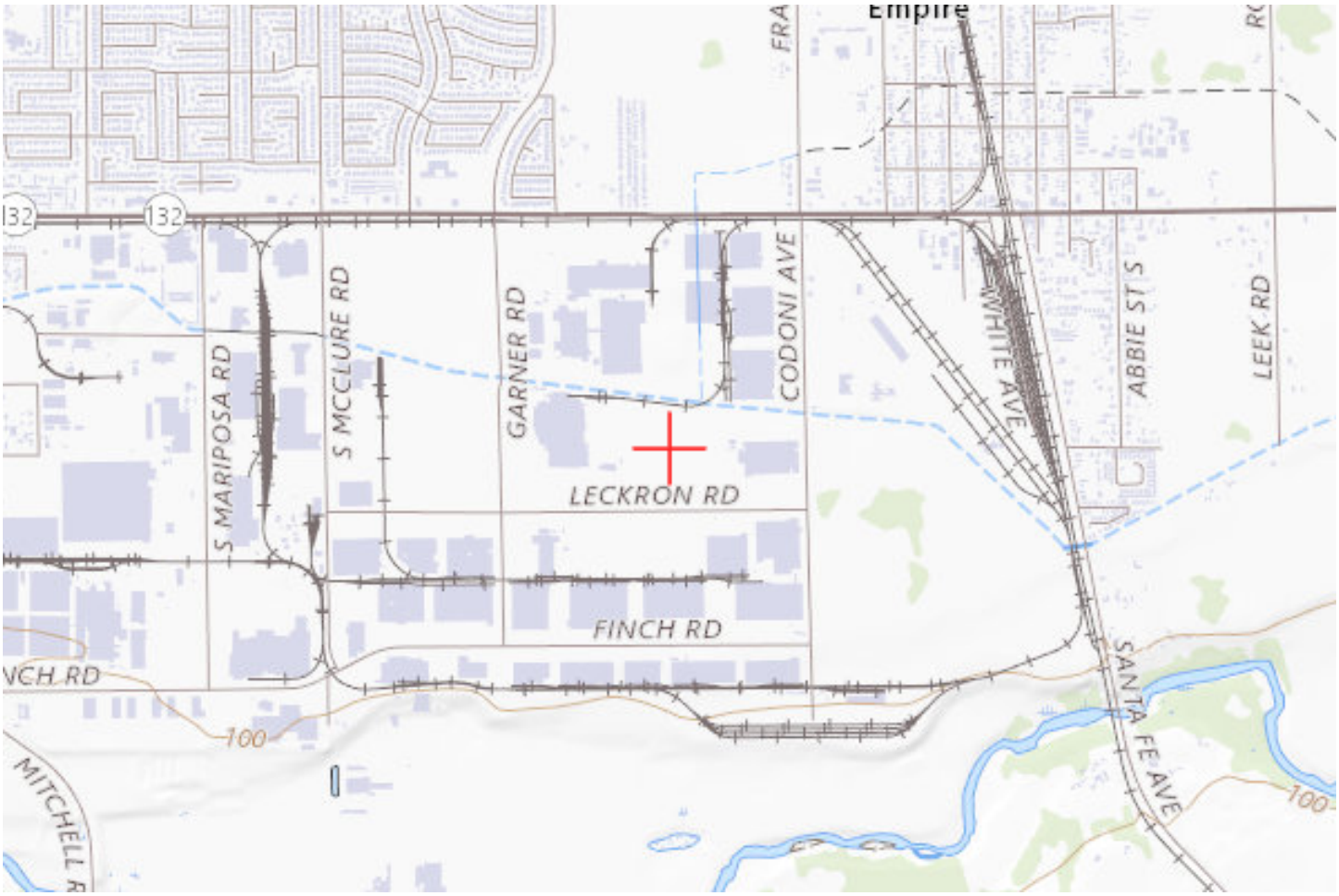
This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (206) 231-2989, or dan.shoemaker@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2022-AWP-3488-OE.

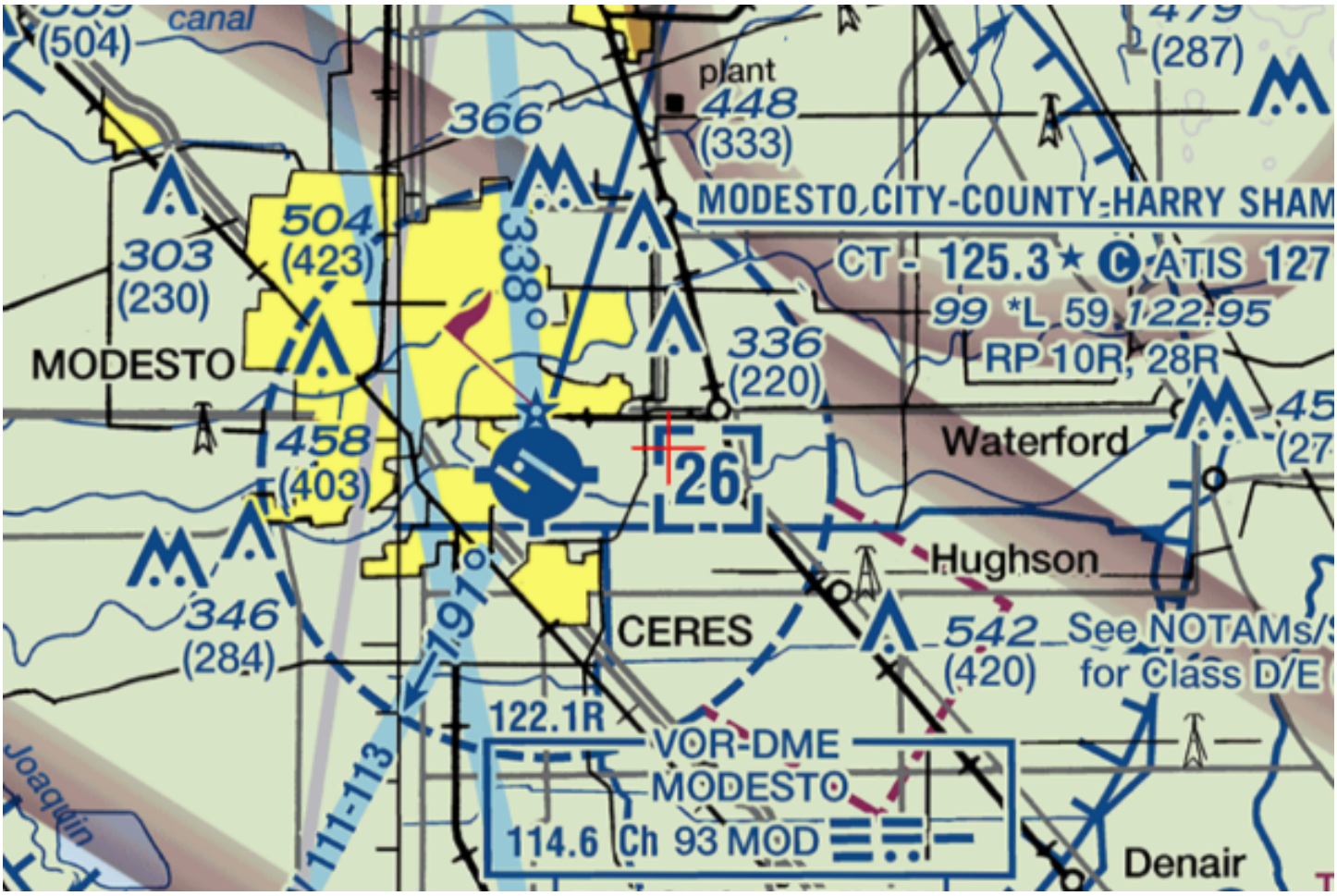
Signature Control No: 512919444-519348860 (DNE)
Daniel Shoemaker
Specialist

Attachment(s)
Map(s)

TOPO Map for ASN 2022-AWP-3488-OE



Sectional Map for ASN 2022-AWP-3488-OE



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2022-AWP-3487-OE

Issued Date: 03/22/2022

Elisabeth Gleeson
Frito-Lay
600 Garner Road
Modesto, CA 95357

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building #9 MANUF BLDG ROCK ROOM NE CORNER
Location:	Modesto, CA
Latitude:	37-37-50.38N NAD 83
Longitude:	120-55-00.77W
Heights:	111 feet site elevation (SE)
	45 feet above ground level (AGL)
	156 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

_____ At least 10 days prior to start of construction (7460-2, Part 1)
__X__ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/ lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 09/22/2023 unless:

(a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
(b) extended, revised, or terminated by the issuing office.
(c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within

6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

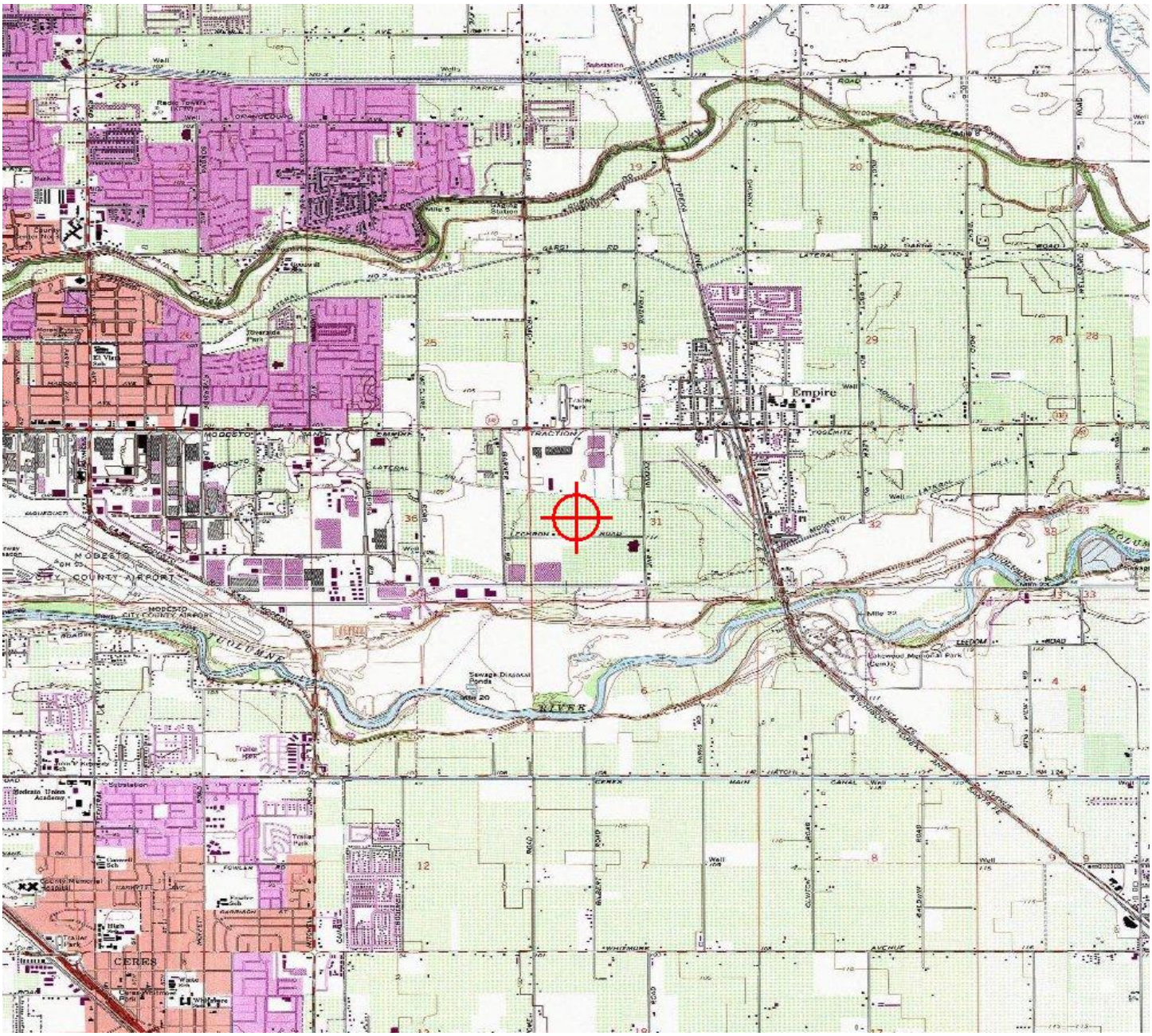
This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (206) 231-2989, or dan.shoemaker@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2022-AWP-3487-OE.

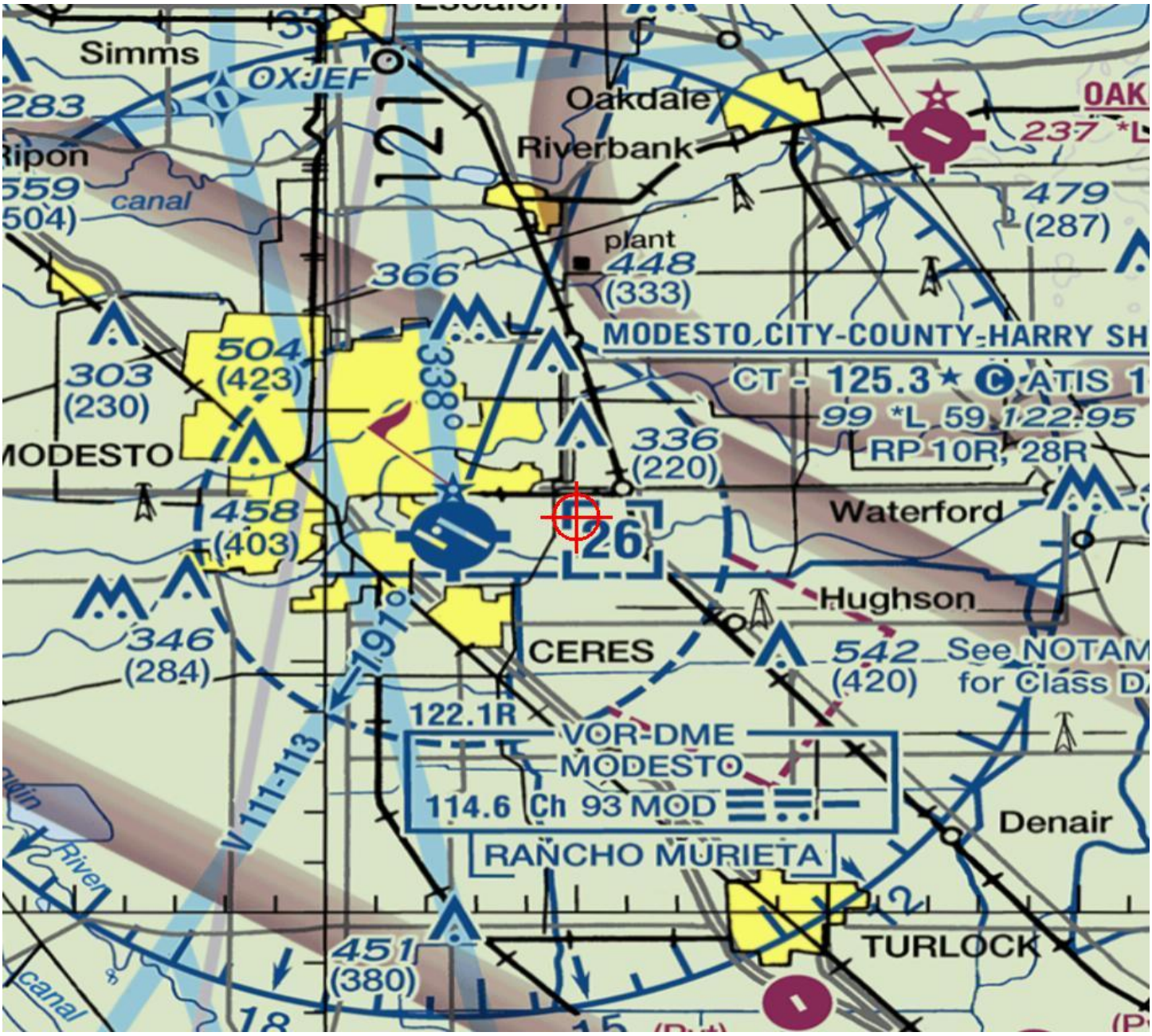
Signature Control No: 512919443-519348855 (DNE)
Daniel Shoemaker
Specialist

Attachment(s)
Map(s)

TOPO Map for ASN 2022-AWP-3487-OE



Sectional Map for ASN 2022-AWP-3487-OE



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10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2022-AWP-3486-OE

Issued Date: 03/22/2022

Elisabeth Gleeson
Frito-Lay
600 Garner Road
Modesto, CA 95357

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building #8 MANUF BLDG SE CORNER
Location:	Modesto, CA
Latitude:	37-37-51.44N NAD 83
Longitude:	120-55-07.14W
Heights:	111 feet site elevation (SE)
	45 feet above ground level (AGL)
	156 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

_____ At least 10 days prior to start of construction (7460-2, Part 1)
__X__ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/ lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 09/22/2023 unless:

(a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
(b) extended, revised, or terminated by the issuing office.
(c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within

6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

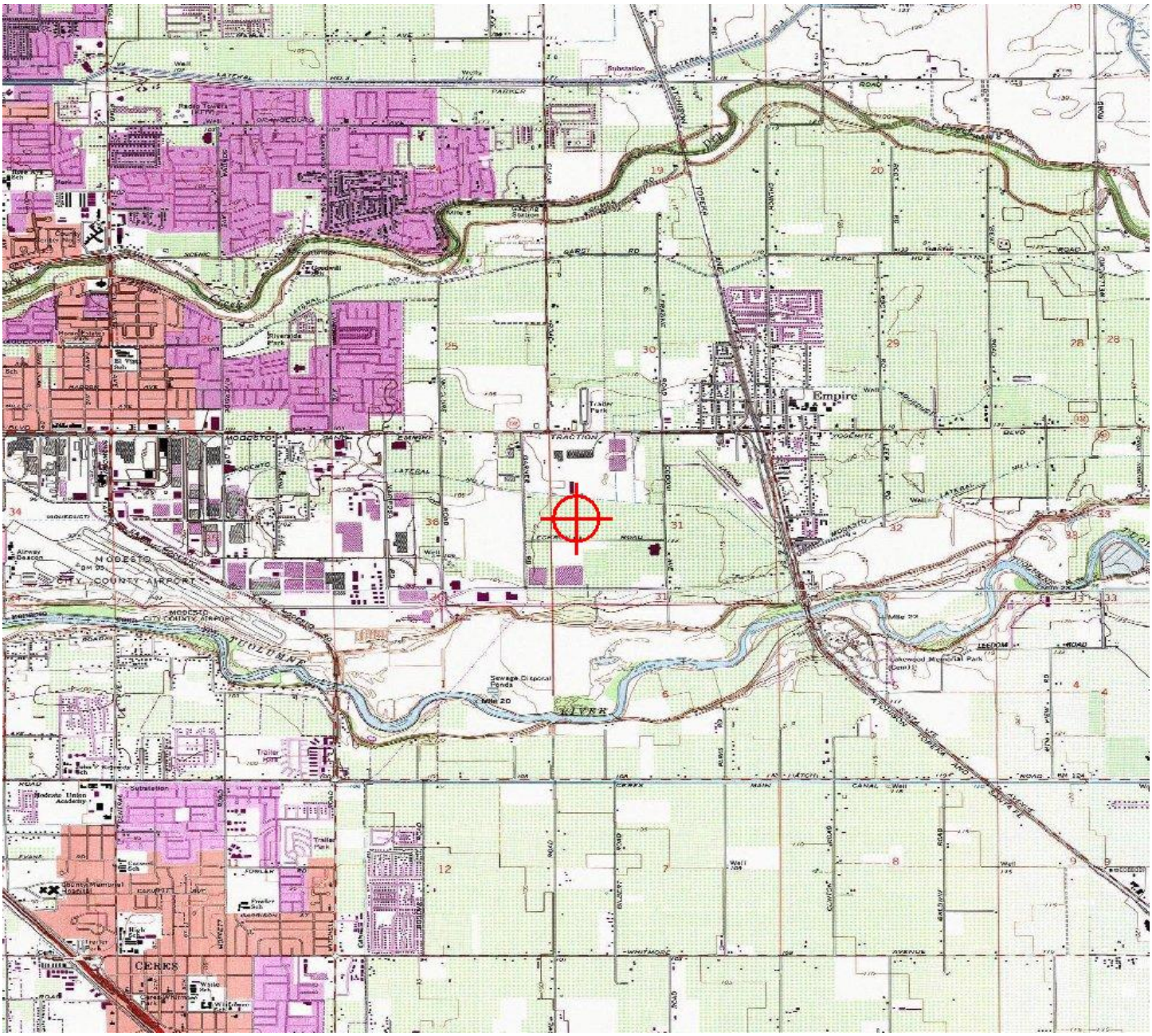
This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (206) 231-2989, or dan.shoemaker@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2022-AWP-3486-OE.

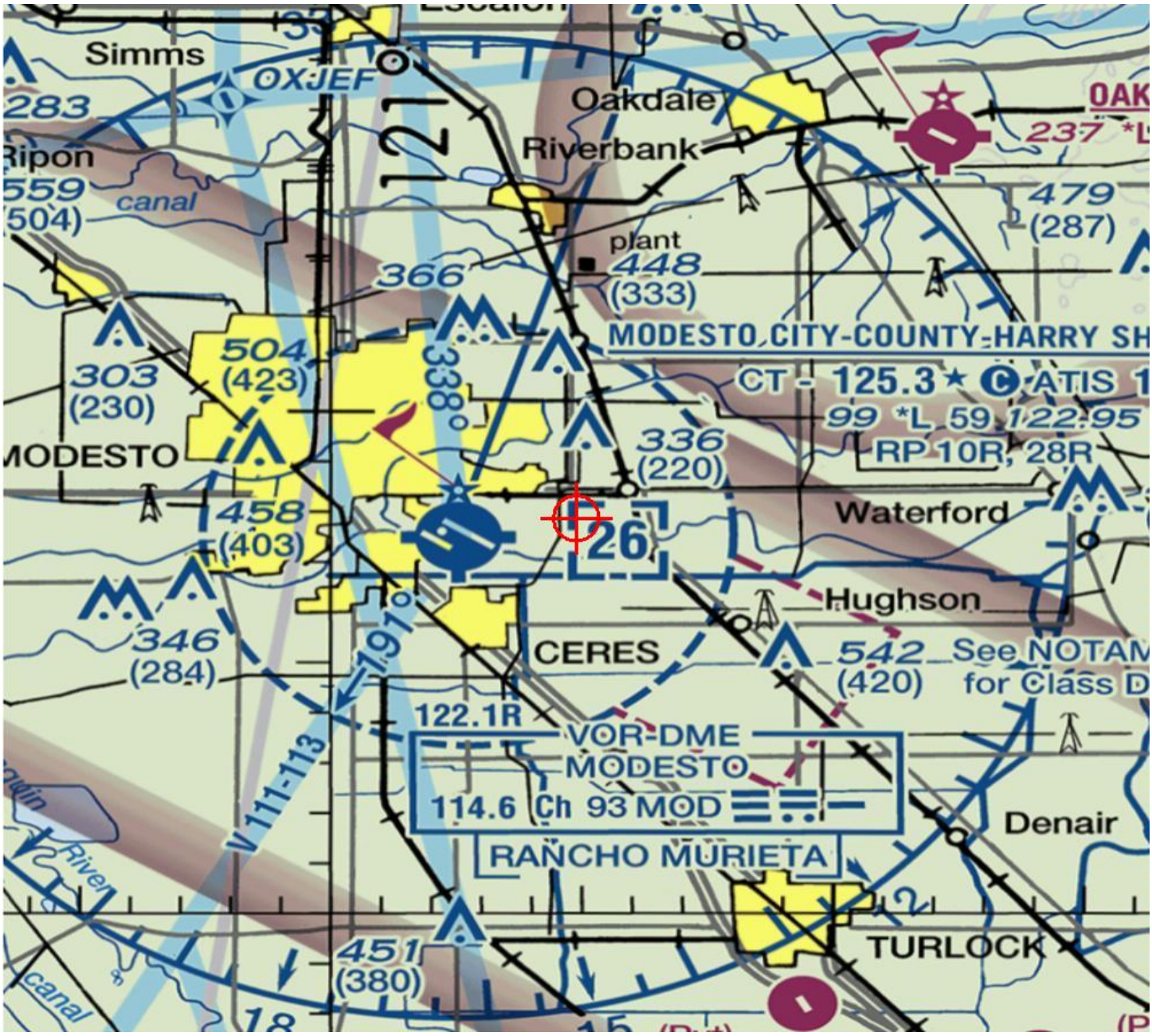
Signature Control No: 512919442-519348858 (DNE)
Daniel Shoemaker
Specialist

Attachment(s)
Map(s)

TOPO Map for ASN 2022-AWP-3486-OE



Sectional Map for ASN 2022-AWP-3486-OE



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Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2022-AWP-3485-OE

Issued Date: 03/22/2022

Elisabeth Gleeson
Frito-Lay
600 Garner Road
Modesto, CA 95357

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building #7 MANUF BLDG NW CORNER
Location:	Modesto, CA
Latitude:	37-37-52.09N NAD 83
Longitude:	120-55-08.37W
Heights:	111 feet site elevation (SE)
	45 feet above ground level (AGL)
	156 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

_____ At least 10 days prior to start of construction (7460-2, Part 1)
__X__ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/ lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 09/22/2023 unless:

(a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
(b) extended, revised, or terminated by the issuing office.
(c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within

6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

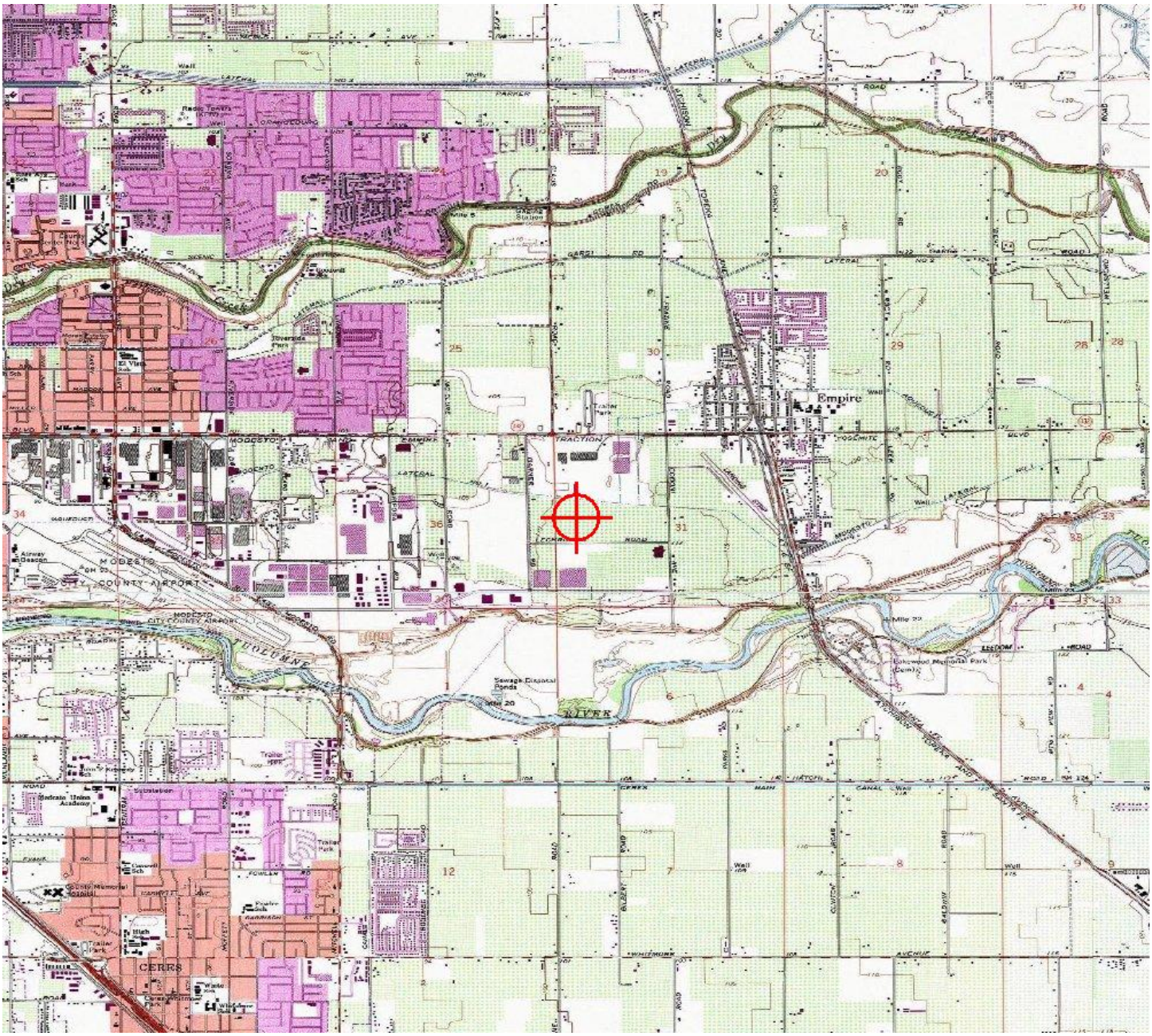
This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (206) 231-2989, or dan.shoemaker@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2022-AWP-3485-OE.

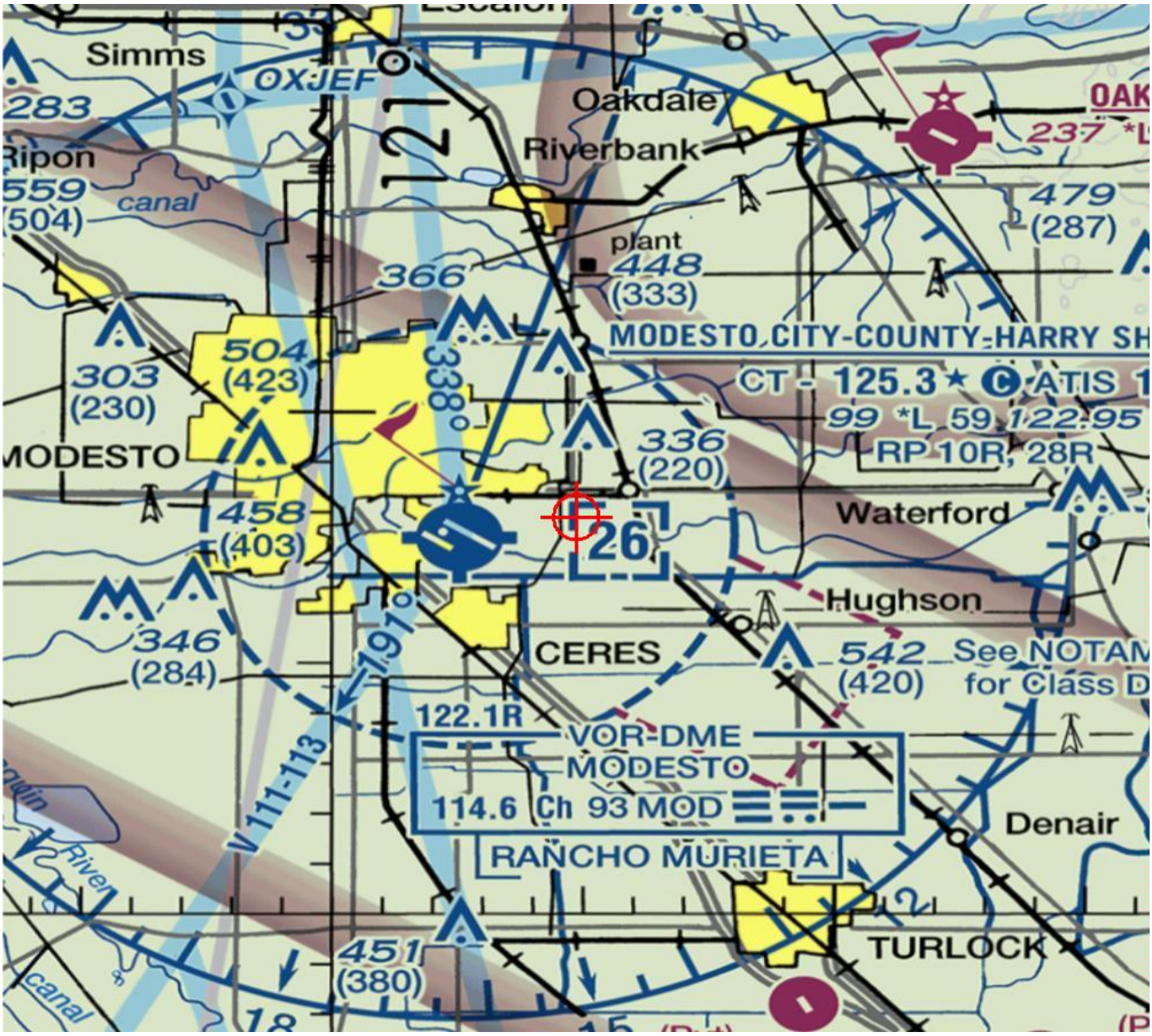
Signature Control No: 512919441-519348853 (DNE)
Daniel Shoemaker
Specialist

Attachment(s)
Map(s)

TOPO Map for ASN 2022-AWP-3485-OE



Sectional Map for ASN 2022-AWP-3485-OE



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10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2022-AWP-3484-OE

Issued Date: 03/22/2022

Elisabeth Gleeson
Frito-Lay
600 Garner Road
Modesto, CA 95357

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building #6 MANUF BLDG ROCK ROOM NW CORNER
Location:	Modesto, CA
Latitude:	37-37-50.45N NAD 83
Longitude:	120-55-06.76W
Heights:	111 feet site elevation (SE) 45 feet above ground level (AGL) 156 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

_____ At least 10 days prior to start of construction (7460-2, Part 1)
__X__ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/ lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 09/22/2023 unless:

(a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
(b) extended, revised, or terminated by the issuing office.
(c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within

6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

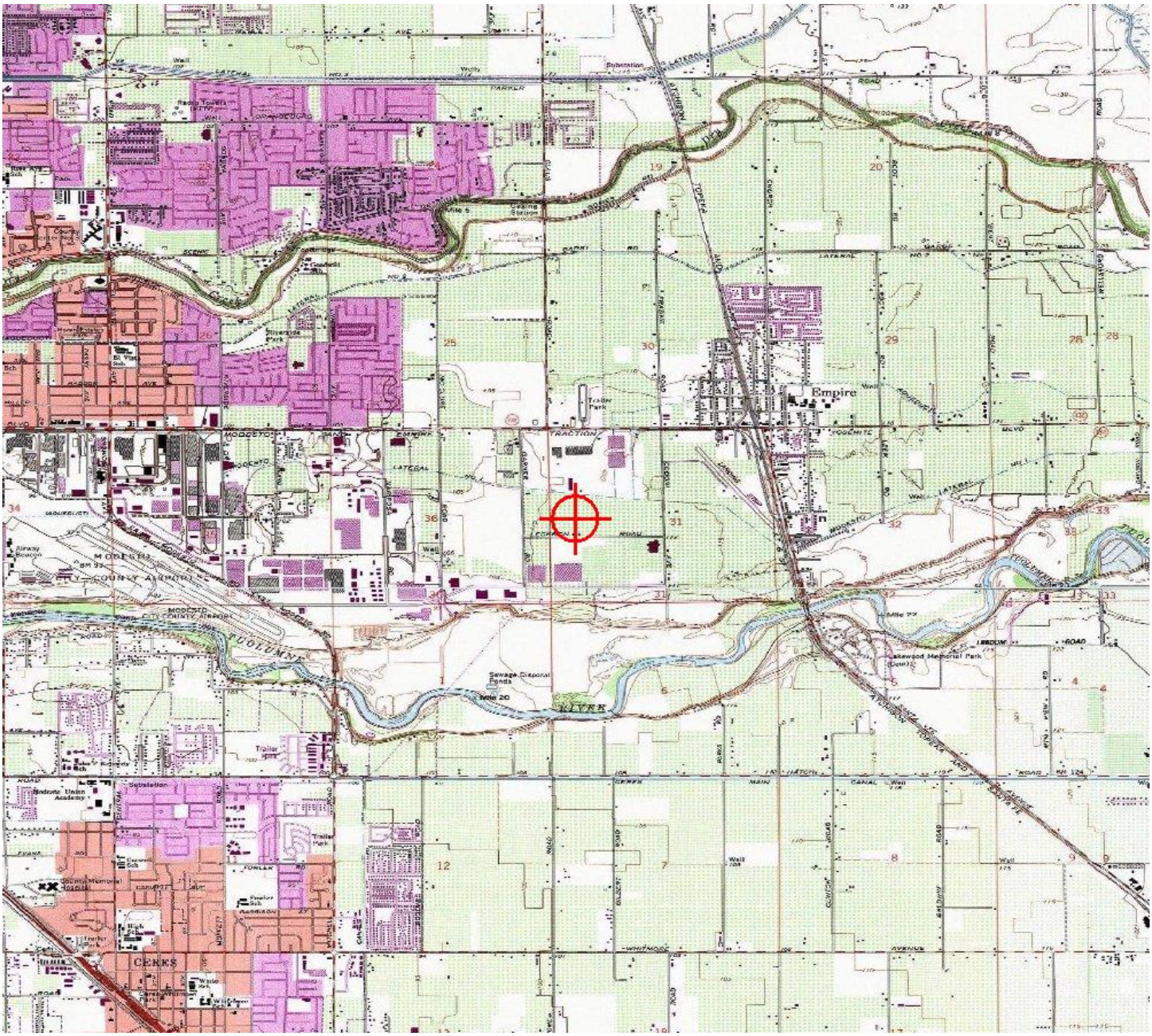
This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

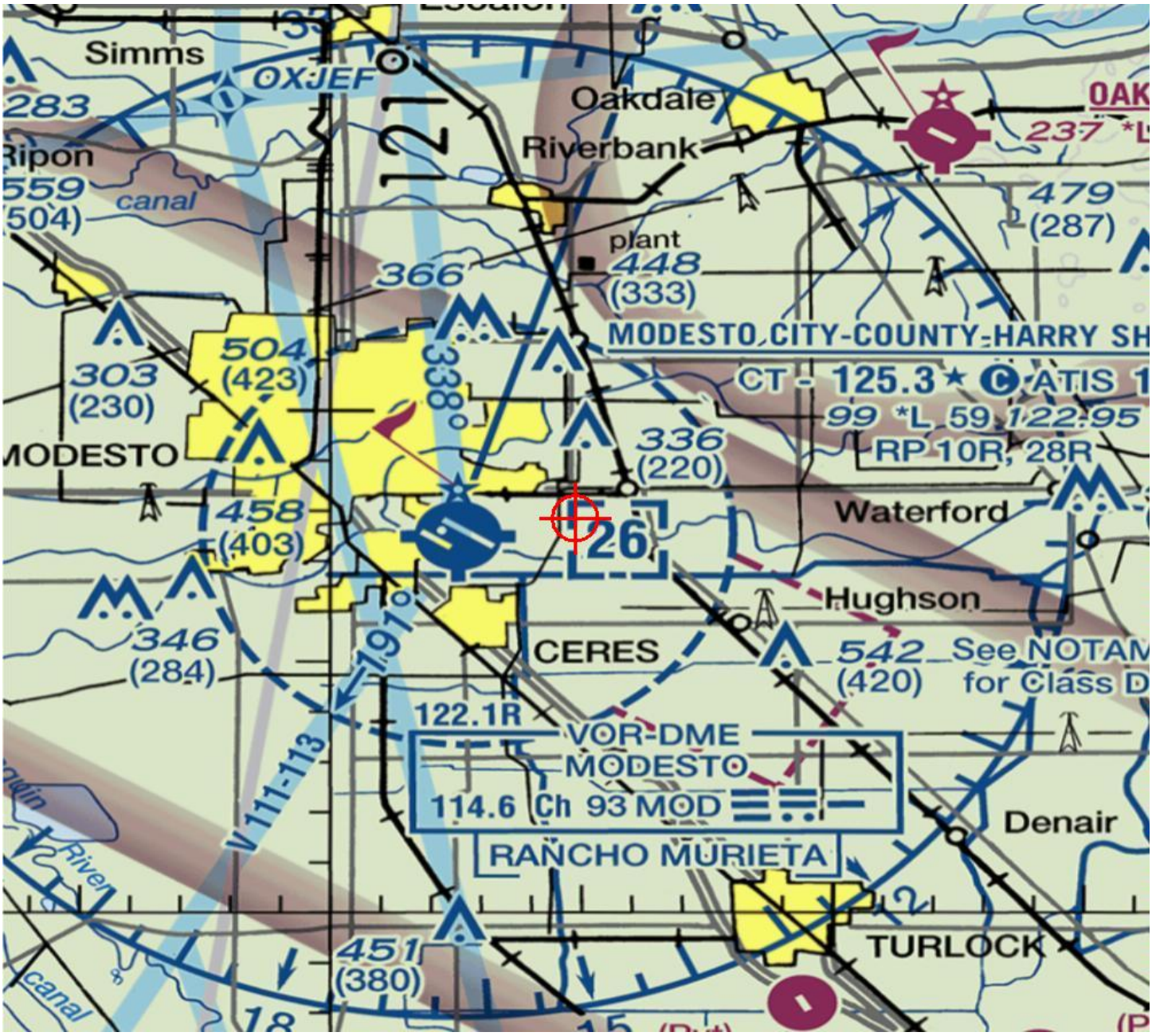
If we can be of further assistance, please contact our office at (206) 231-2989, or dan.shoemaker@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2022-AWP-3484-OE.

Signature Control No: 512919440-519348857 (DNE)
Daniel Shoemaker
Specialist

Attachment(s)
Map(s)

TOPO Map for ASN 2022-AWP-3484-OE




Simms
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Ripon
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canal
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Oakdale
Riverbank
plant
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(333)
366
479
(287)
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504
(423)
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(230)
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MODESTO
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(403)
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Waterford
Hughson
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(420)
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for Class D
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Denair
River
451
(380)
TURLOCK
canal

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10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2022-AWP-3483-OE

Issued Date: 03/22/2022

Elisabeth Gleeson
Frito-Lay
600 Garner Road
Modesto, CA 95357

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building #5 MANUF BLDG ROCK ROOM SE CORNER
Location:	Modesto, CA
Latitude:	37-37-49.17N NAD 83
Longitude:	120-55-00.17W
Heights:	111 feet site elevation (SE) 45 feet above ground level (AGL) 156 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

_____ At least 10 days prior to start of construction (7460-2, Part 1)
__X__ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/ lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 09/22/2023 unless:

(a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
(b) extended, revised, or terminated by the issuing office.
(c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within

6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.This determination includes all previously filed frequencies and power for this structure.

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This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

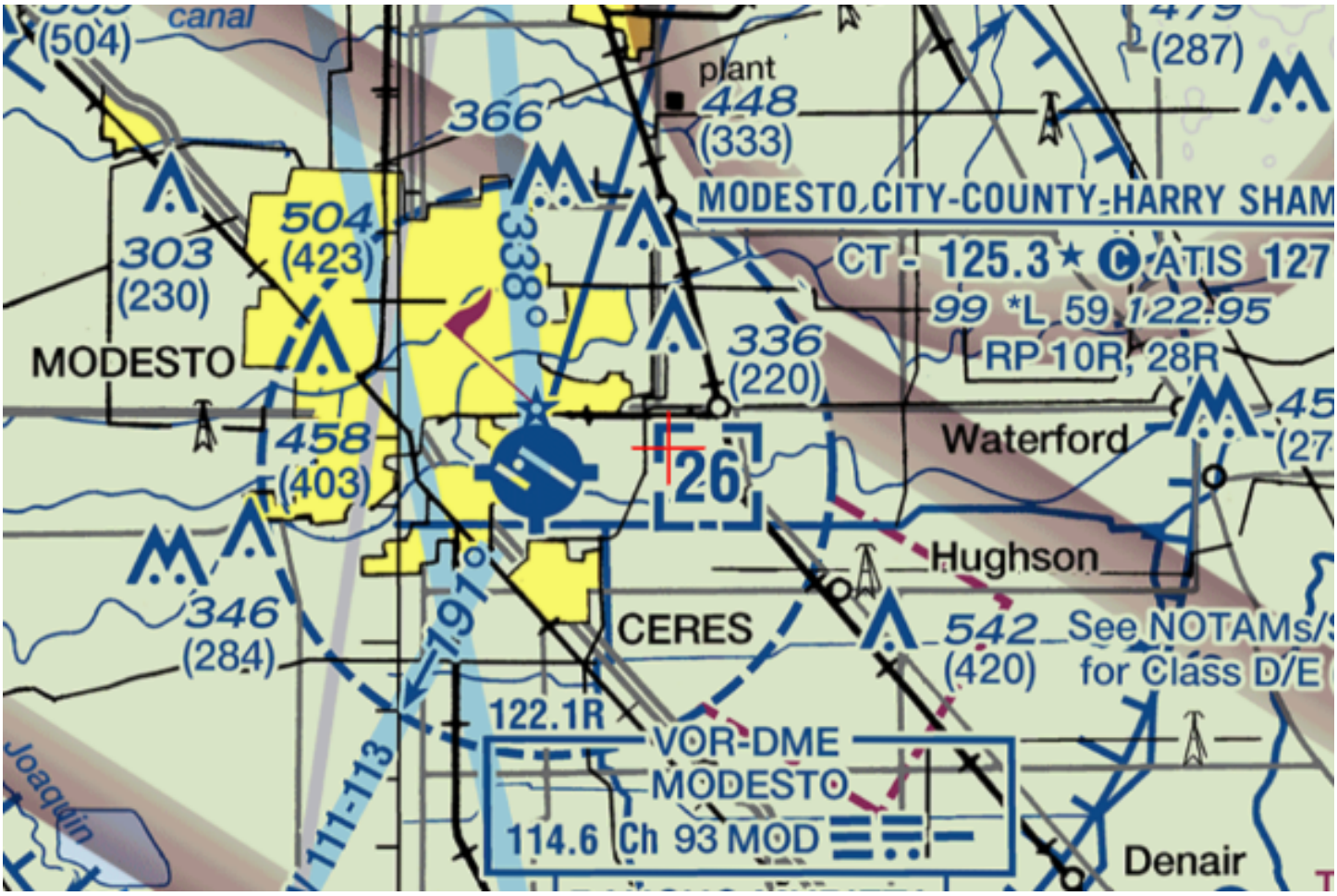
If we can be of further assistance, please contact our office at (206) 231-2989, or dan.shoemaker@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2022-AWP-3483-OE.

Signature Control No: 512919439-519348851 (DNE)
Daniel Shoemaker
Specialist

Attachment(s)
Map(s)

TOPO Map for ASN 2022-AWP-3483-OE

Sectional Map for ASN 2022-AWP-3483-OE



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Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2022-AWP-3482-OE

Issued Date: 03/22/2022

Elisabeth Gleeson
Frito-Lay
600 Garner Road
Modesto, CA 95357

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building #4 ASRS BLDG SW CORNER
Location:	Modesto, CA
Latitude:	37-37-55.46N NAD 83
Longitude:	120-55-08.30W
Heights:	111 feet site elevation (SE)
	48 feet above ground level (AGL)
	159 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

_____ At least 10 days prior to start of construction (7460-2, Part 1)
__X__ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/ lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 09/22/2023 unless:

(a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
(b) extended, revised, or terminated by the issuing office.
(c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within

6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.This determination includes all previously filed frequencies and power for this structure.

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This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

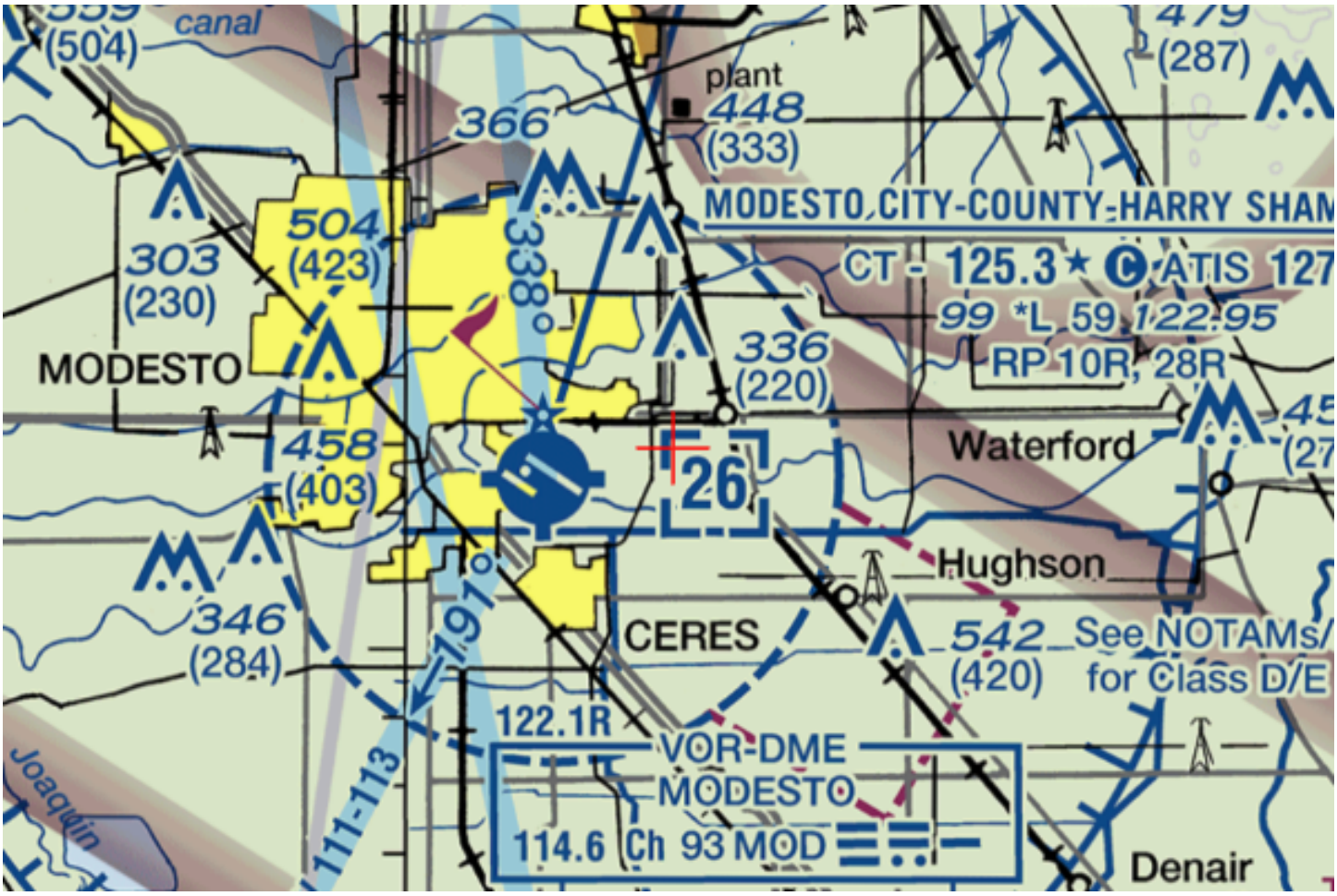
If we can be of further assistance, please contact our office at (206) 231-2989, or dan.shoemaker@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2022-AWP-3482-OE.

Signature Control No: 512919438-519348861 (DNE)
Daniel Shoemaker
Specialist

Attachment(s)
Map(s)

TOPO Map for ASN 2022-AWP-3482-OE

Sectional Map for ASN 2022-AWP-3482-OE



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Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2022-AWP-3481-OE

Issued Date: 03/22/2022

Elisabeth Gleeson
Frito-Lay
600 Garner Road
Modesto, CA 95357

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building #3 ASRS BLDG NW CORNERN037° 37' 56"
Location:	Modesto, CA
Latitude:	37-37-56.24N NAD 83
Longitude:	120-55-08.29W
Heights:	111 feet site elevation (SE)
	48 feet above ground level (AGL)
	159 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

_____ At least 10 days prior to start of construction (7460-2, Part 1)
__X__ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/ lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 09/22/2023 unless:

(a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
(b) extended, revised, or terminated by the issuing office.
(c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within

6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

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This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

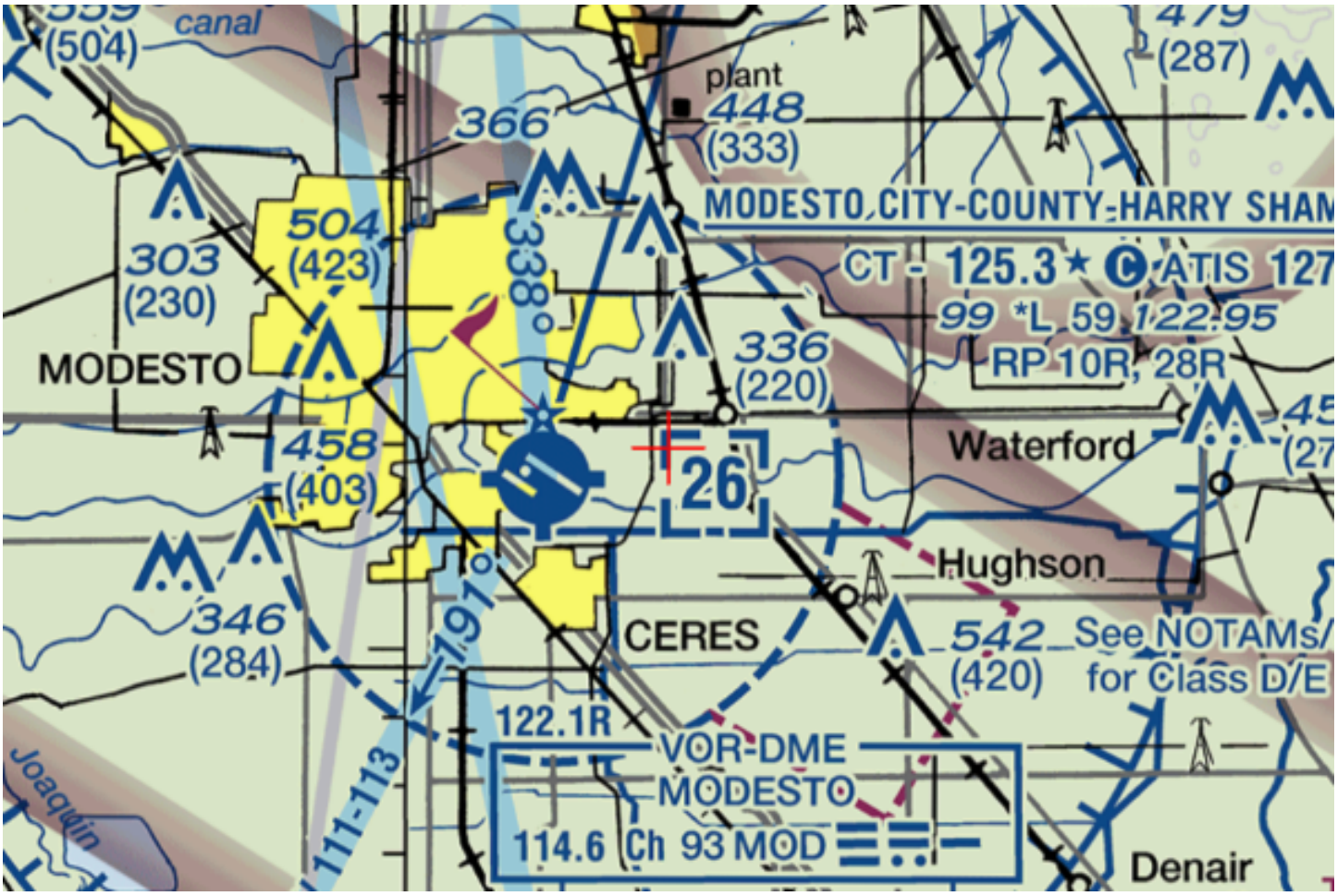
If we can be of further assistance, please contact our office at (206) 231-2989, or dan.shoemaker@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2022-AWP-3481-OE.

Signature Control No: 512919437-519348852 (DNE)
Daniel Shoemaker
Specialist

Attachment(s)
Map(s)

TOPO Map for ASN 2022-AWP-3481-OE

Sectional Map for ASN 2022-AWP-3481-OE



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2022-AWP-3480-OE

Issued Date: 03/22/2022

Elisabeth Gleeson
Frito-Lay
600 Garner Road
Modesto, CA 95357

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building #2 ASRS BLDG SE CORNER
Location:	Modesto, CA
Latitude:	37-37-54.89N NAD 83
Longitude:	120-55-03.00W
Heights:	111 feet site elevation (SE)
	97 feet above ground level (AGL)
	208 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

_____ At least 10 days prior to start of construction (7460-2, Part 1)
__X__ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/ lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 09/22/2023 unless:

(a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
(b) extended, revised, or terminated by the issuing office.
(c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within

6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

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This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

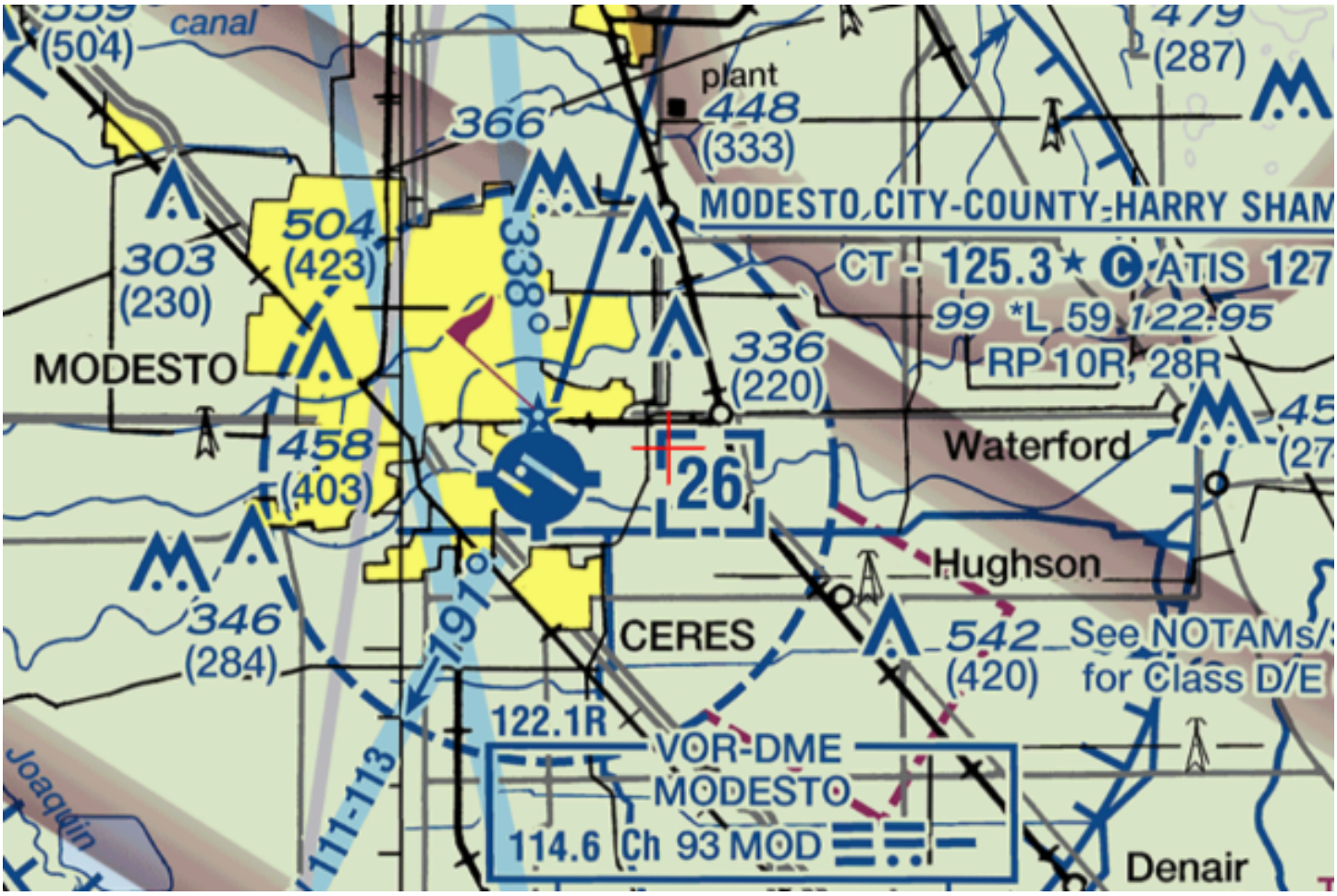
If we can be of further assistance, please contact our office at (206) 231-2989, or dan.shoemaker@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2022-AWP-3480-OE.

Signature Control No: 512919436-519348856 (DNE)
Daniel Shoemaker
Specialist

Attachment(s)
Map(s)

TOPO Map for ASN 2022-AWP-3480-OE

Sectional Map for ASN 2022-AWP-3480-OE



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2022-AWP-3479-OE

Issued Date: 03/22/2022

Elisabeth Gleeson
Frito-Lay
600 Garner Road
Modesto, CA 95357

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building #1 ASRS BLDG NE CORNER
Location:	Modesto, CA
Latitude:	37-37-55.45N NAD 83
Longitude:	120-55-02.99W
Heights:	111 feet site elevation (SE)
	97 feet above ground level (AGL)
	208 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

_____ At least 10 days prior to start of construction (7460-2, Part 1)
__X__ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/ lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 09/22/2023 unless:

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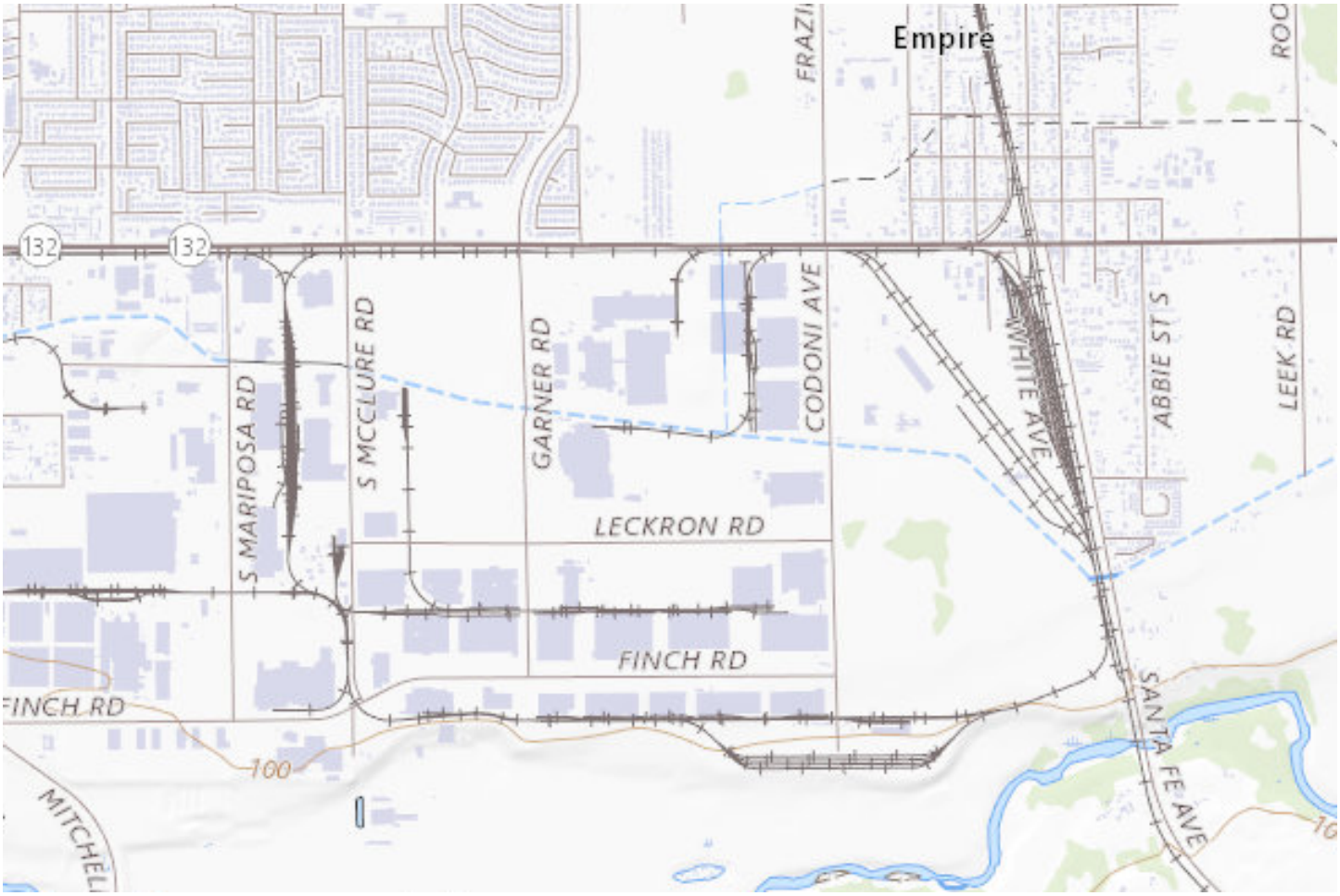
If we can be of further assistance, please contact our office at (206) 231-2989, or dan.shoemaker@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2022-AWP-3479-OE.

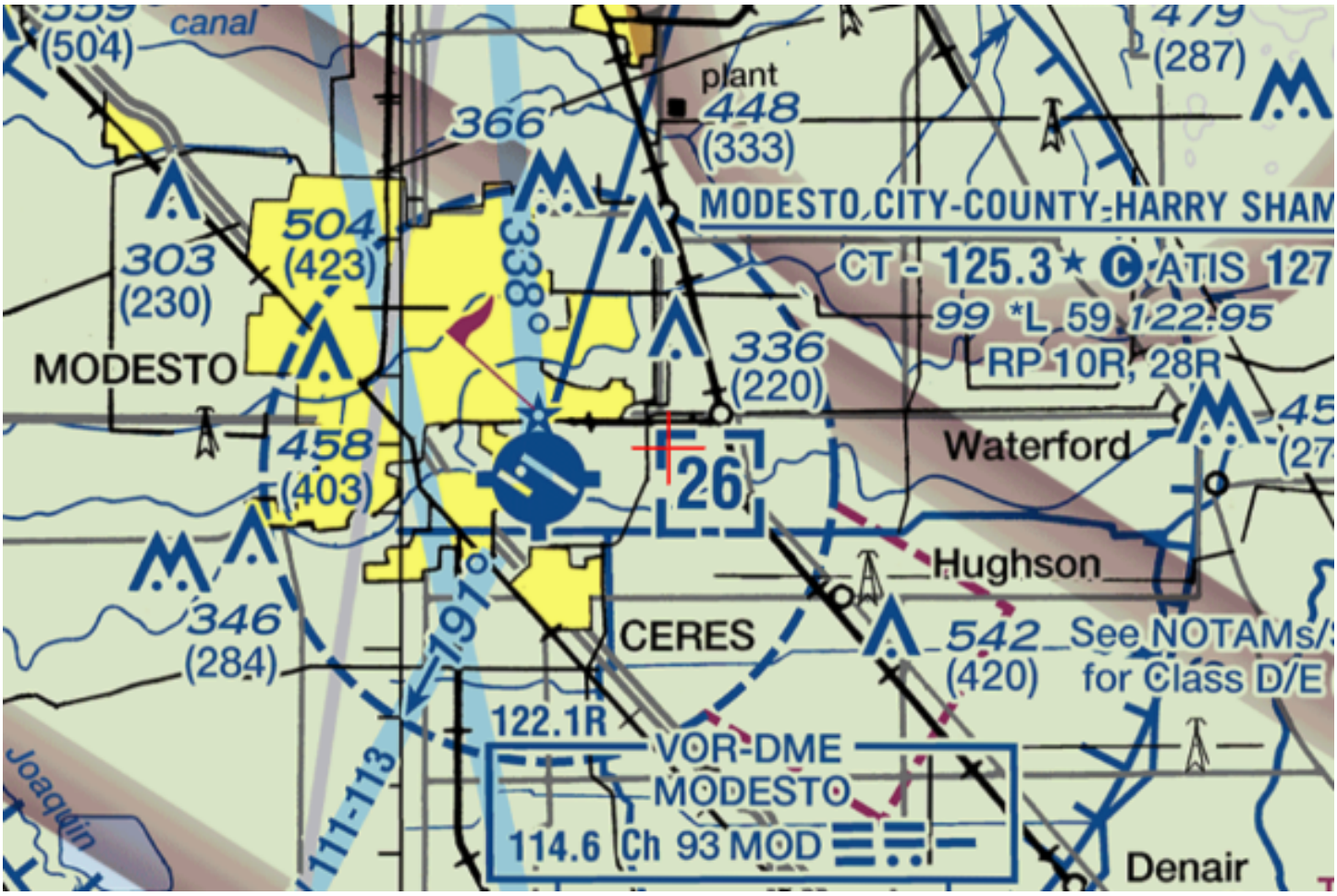
Signature Control No: 512919435-519348854 (DNE)
Daniel Shoemaker
Specialist

Attachment(s)
Map(s)

TOPO Map for ASN 2022-AWP-3479-OE



Sectional Map for ASN 2022-AWP-3479-OE



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Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2022-AWP-3489-OE

Issued Date: 03/22/2022

Elisabeth Gleeson
Frito-Lay
600 Garner Road
Modesto, CA 95357

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building #11 70' SILO
Location:	Modesto, CA
Latitude:	37-37-52.92N NAD 83
Longitude:	120-54-59.70W
Heights:	111 feet site elevation (SE)
	70 feet above ground level (AGL)
	181 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

_____ At least 10 days prior to start of construction (7460-2, Part 1)
__X__ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/ lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

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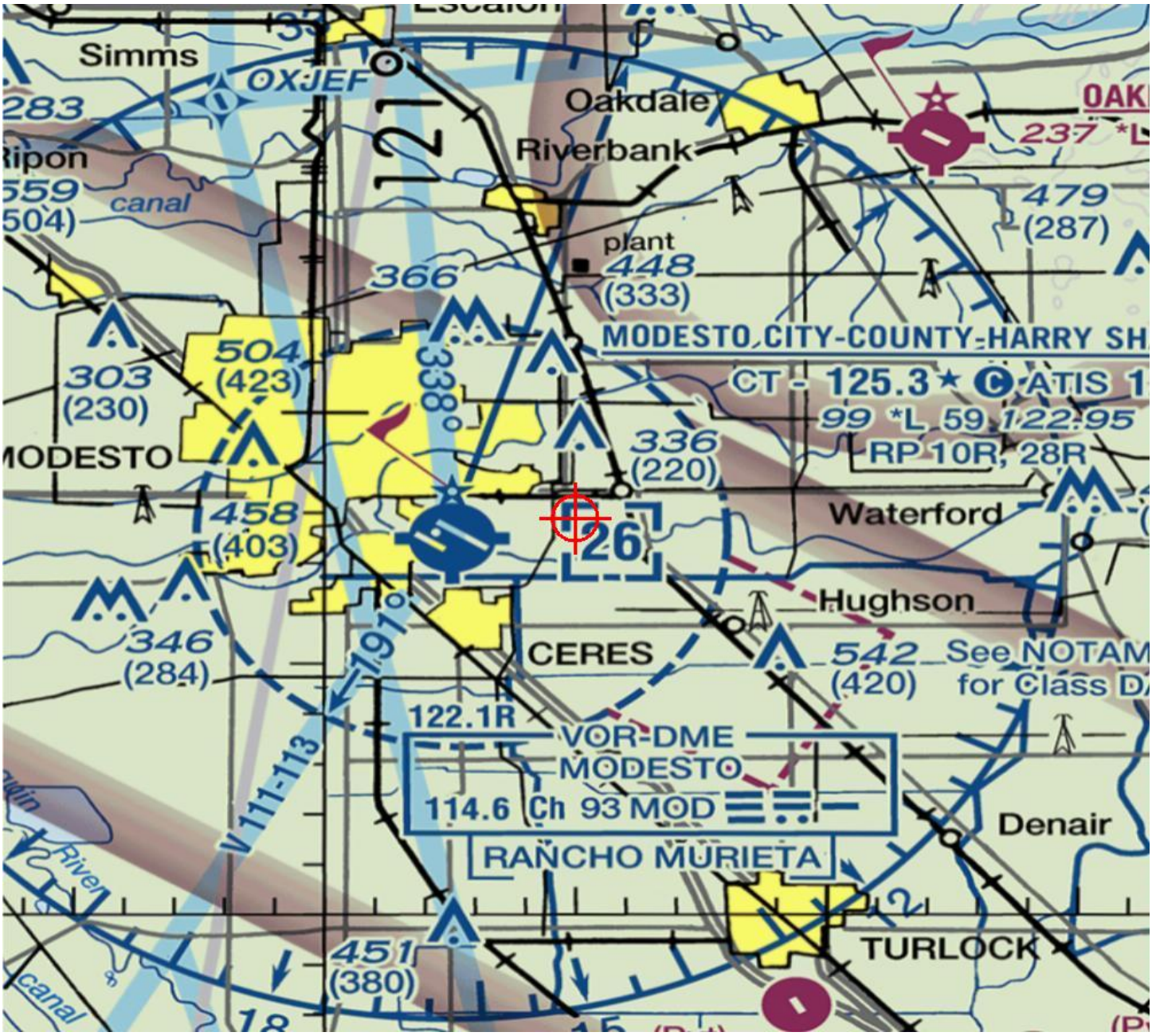
If we can be of further assistance, please contact our office at (206) 231-2989, or dan.shoemaker@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2022-AWP-3489-OE.

Signature Control No: 512919445-519348859 (DNE)
Daniel Shoemaker
Specialist

Attachment(s)
Map(s)

TOPO Map for ASN 2022-AWP-3489-OE


Simms
OXJEF
Oakdale
Riverbank
Ripon
canal
plant
448
(333)
366
504
(423)
303
(230)
MODESTO
338°
336
(220)
458
(403)
346
(284)
191°
CERES
Waterford
Hughson
542
(420)
See NOTAM
for Class D
122.1R
VOR-DME
MODESTO
114.6 Ch 93 MOD
RANCHO MURIETA
V 111-113
Denair
TURLOCK
451
(380)
MODESTO CITY-COUNTY-HARRY SH
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99 *L 59 1-22-95
RP 10R, 28R
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479
(287)
237

The Project site is located on a 71.38-acre parcel at 600 Garner Road, Modesto, Stanislaus County, California, on unincorporated lands. The site is an existing snack food production facility that processes corn and potato starch to make tortilla chips, potato chips, and fried cheese puffs. The Project site is located in an area zoned as Industrial (M) under the Stanislaus County General Plan and is generally surrounded by industrial and agricultural land uses. The site is within the City of Modesto sphere of influence (SOI).

County Zoning Ordinance §21.60.040(A) requires building and appurtenant structures not to exceed 75 feet in height in the M zoning district. Frito-Lay is requesting that the Planning Commission consider the Variance for the additional height to accommodate the proposed 84 foot-tall warehouse building (97 feet with HVAC units) which requires a Variance to allow for the additional height. The Proposed Project would not be possible due the warehouse building design requirements without the additional height allowance.

A variance may be approved in situations where physical characteristics of the property exist that limit the enjoyment of development rights experienced by other properties within the same zoning designation, resulting in unnecessary hardships, from the strict application of provisions of the Zoning Ordinance. In order to grant a variance, the Planning Commission must make the following findings:

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

The special circumstances applicable to this project are that strict application of the title would deprive the subject property of privileges enjoyed by other properties in the M zoning. The design requirements for the warehouse structure demand the additional height allowance in order to be accommodated on the property. Therefore, the granting of the application is necessary for the preservation of substantial property rights of the petitioner for this property in the M zoning.

The granting would 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. The additional height allowance is required for business operation and is not a special privilege relative to other properties in the vicinity with M zoning.

Lastly, the granting will not materially affect adversely the health or safety of other persons working the neighborhood of the property. More specifically, the additional height allowance of the warehouse required for the Project will not create additional air quality, water quality, ecological, or public safety impacts during construction or operation of the Project. Construction and operation of the warehouse will be contained on privately owned property and will not be materially detrimental to the public welfare or injurious to other property or improvements in the project neighborhood. The applicant is conforming with all other code requirements and believes the resultant project is consistent with the intent and the character of project neighborhood in the M zoning.

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

NEGATIVE DECLARATION

NAME OF PROJECT: Variance Application No. PLN2022-0009 – Frito-Lay, Inc.

LOCATION OF PROJECT: 600 Garner Road, between State Route 132 (Yosemite Boulevard) and Finch Road, within the LAFCO adopted Sphere of Influence of the City of Modesto. Stanislaus County APN: 009-018-055.

PROJECT DEVELOPERS: Daniel O'Brien, Modesto Site Director, Frito-Lay, Inc., 600 Garner Road, Modesto, CA 95357

DESCRIPTION OF PROJECT: Request for a variance to the Industrial (M) zoning district height limit to allow for the construction of a 97-foot-tall 27,000± square-foot warehouse building at an existing manufacturing facility.

Based upon the Initial Study, dated **July 20, 2022**, the Environmental Coordinator finds as follows:

1. This project **does not** have the potential to degrade the quality of the environment, nor to curtail the diversity of the environment.

2. This project **will not** have a detrimental effect upon either short-term or long-term environmental goals.

3. This project **will not** have impacts which are individually limited but cumulatively considerable.

4. This project **will not** have environmental impacts which will cause substantial adverse effects upon human beings, either directly or indirectly.

The Initial Study and other environmental documents are available for public review at the Department of Planning and Community Development, 1010 10th Street, Suite 3400, Modesto, California.

Initial Study prepared by: Emily Basnight, Assistant Planner

Submit comments to: Stanislaus County
Planning and Community Development Department
1010 10th Street, Suite 3400
Modesto, California 95354

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: VARIANCE APPLICATION NO. PLN2022-0009 - Frito-Lay, Inc.

REFERRED TO:				RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS	
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CA DEPT OF FISH & WILDLIFE	X	X	X		X							
CA DEPT OF TRANSPORTATION DIST 10	X	X	X		X							
CA OPR STATE CLEARINGHOUSE	X	X	X		X							
CA RWQCB CENTRAL VALLEY REGION	X	X	X	X				X		X	X	
COOPERATIVE EXTENSION	X	X	X		X							
CITY OF: MODESTO	X	X	X	X				X		X		X
FIRE PROTECTION DIST: STANISLAUS CONSOLIDATED	X	X	X		X							
IRRIGATION DISTRICT: MODESTO	X	X	X	X				X		X	X	
MOSQUITO DISTRICT: EASTSIDE	X	X	X		X							
MT VALLEY EMERGENCY MEDICAL	X	X	X		X							
PACIFIC GAS & ELECTRIC	X	X	X		X							
RAILROAD: UNION PACIFIC AND MODESTO AND EMPIRE TRACTION	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X	X				X		X	X	
SCHOOL DISTRICT 1: EMPIRE UNION	X	X	X		X							
SCHOOL DISTRICT 2: MODESTO UNION	X	X	X		X							
STAN CO AG COMMISSIONER	X	X	X		X							
TUOLUMNE RIVER TRUST	X	X	X		X							
STAN CO ALUC	X	X	X	X				X		X		X
STAN CO BUILDING PERMITS DIVISION	X	X	X		X						X	
STAN CO CEO	X	X	X		X							
STAN CO DER	X	X	X		X							
STAN CO ERC	X	X	X	X				X		X		X
STAN CO HAZARDOUS MATERIALS	X	X	X	X		X				X	X	
STAN CO PARKS AND RECREATION	X	X	X		X							
STAN CO PUBLIC WORKS	X	X	X		X							
STAN CO SHERIFF	X	X	X		X							
STAN CO SUPERVISOR DIST 5: C. CONDIT	X	X	X		X							
STAN COUNTY COUNSEL	X	X	X		X							
STAN COG	X	X	X		X							
STANISLAUS FIRE PREVENTION BUREAU	X	X	X		X							
STANISLAUS LAFCO	X	X	X		X							
SURROUNDING LAND OWNERS		X	X		X							
TELEPHONE COMPANY: AT&T	X	X	X		X							
FEDERAL AVIATION ADMINISTRATION	X	X	X	X				X		X	X	
CITY OF MODESTO UTILITIES DEPT	X	X	X	X				X		X		X
MODESTO AIRPORT	X	X	X	X				X		X		X