

STANISLAUS COUNTY PLANNING COMMISSION

March 20, 2025

STAFF REPORT

USE PERMIT APPLICATION NO. PLN2024-0115 AMERICAN CHEVROLET

REQUEST: TO CONSTRUCT A 4,140 SQUARE-FOOT AUTO PART STORAGE BUILDING, ACCESSORY TO AN EXISTING CAR DEALERSHIP ON AN 8.51± ACRE PARCEL, IN THE PLANNED DEVELOPMENT (P-D) (213), P-D (244), and P-D (280) ZONING DISTRICTS.

APPLICATION INFORMATION

Applicant:	American Chevrolet
Property owner:	Lucy Steve, LLC (Chae Song, Manager)
Agent:	Bret Van Boven, Van Boven Construction
Location:	4742 and 4748 McHenry Avenue (State Route 108), between East Galaxy Way and Claribel Road, in the Modesto area.
Section, Township, Range:	4-3-9
Supervisory District:	District Four (Supervisor Grewal)
Assessor's Parcel:	082-006-053 and 082-006-073
Referrals:	See Exhibit E Environmental Review Referrals
Area of Parcel(s):	8.51± acres
Water Supply:	City of Modesto
Sewage Disposal:	Private Septic System
General Plan Designation:	Planned Development
Community Plan Designation:	N/A
Existing Zoning:	Planned Development (P-D) (213), P-D (244), and P-D (280)
Sphere of Influence:	Modesto
Williamson Act Contract No.:	N/A
Environmental Review:	CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures)
Present Land Use:	Car dealership
Surrounding Land Use:	Car dealerships to the north, south, and west across McHenry Avenue; an orchard to the east; and the City of Modesto to the south.

RECOMMENDATION

Staff recommends the Planning Commission approve this request based on the discussion below and on the whole of the record provided to the County. If the Planning Commission decides to approve the project, Exhibit A provides an overview of all the findings required for project approval.

BACKGROUND AND PROJECT DESCRIPTION

This is a request to construct a 4,140 square-foot metal storage building, accessory to an existing car dealership on an 8.51± acre parcel in the Planned Development (P-D) (213), P-D (244), and P-D (280) zoning district. The building will be utilized to store miscellaneous auto parts for the dealership and will be located on an existing parking lot. The dealership is covered by three different zoning districts, P-D (213), (244), and (280), which function as one business. The building is proposed to be located on the eastern portion of the parcel, which will be encompassed by P-D (280).

P-D (213) was approved by the Board of Supervisors on May 10, 1994, under Rezone No. 93-09 – Lynn and Carole Stinson, allowing the western 5± acres of the site to be developed as a car dealership. P-D (244) and P-D (280) were approved by the Board of Supervisors on April 18, 2000, and April 15, 2003 respectively, under General Plan Amendment and Rezone No. 2000-03 – American Chevrolet-GEO and General Plan Amendment No. 2002-05 and Rezone No. 2002-14 – American Chevrolet, to allow the remainder of the site not previously developed with a car dealership to be utilized as a parking lot for overstock storage associated with the car dealership. Subsequently, Use Permit PLN2022-0011 – American Chevrolet, was approved by the Planning Commission on May 19, 2022, to amend the development plan for P-Ds (244) and (280) to allow for structures to be constructed on the parking lot regulated under those zoning districts.

In addition to an original 1,200 square-foot storage building identified as part of 2022 use permit, two additional 4,140 square-foot storage buildings were constructed under Staff Approval No. PLN2023-0152 – American Chevrolet in accordance with Sections 21.40.080 and 21.96.070 of the Zoning Ordinance, which allow for the expansion of a use when the expansion does not change the nature of, or add new uses to, the legally established use and when the area of the building or use is not expanded by more than twenty-five percent. The requested 4,140 square-foot storage building will exceed the twenty-five percent allowance. Accordingly, a new use permit is required.

The existing operation includes the retail and commercial sales of new and used vehicles, a service, detailing, and parts department, electric vehicle charging area, offices, showroom, and café accessory to the dealership. The hours of operation vary between the different departments, but none operate outside of 7:30 a.m. to 9:00 p.m., Monday through Sunday, with 90 total estimated employees.

SITE DESCRIPTION

The existing car dealership is located at 4742 and 4748 McHenry Avenue (State Route 108), between Claribel Road and East Galaxy Way, in the Modesto area and is improved with commercial structures totaling approximately 40,728± square feet, a paved parking lot with 48 light poles and 483 parking spaces, a monument sign, and landscaping along the road frontage. The site has access to Caltrans-maintained McHenry Avenue (State Route 108) and County-

maintained East Galaxy Way and is served by the City of Modesto for public water and is developed with a private septic for sanitary sewer services. The dealership is located on two Assessor Parcel Numbers (APNs) which make up one legal parcel and functions as one business.

Car dealerships are located directly to the north, south, and west across McHenry Avenue. An orchard is located on the adjacent parcel to the east and the City of Modesto is located to the south of the project site. The site is located within the City of Modesto's Local Agency Formation Commission (LAFCO) adopted Sphere of Influence (SOI).

ISSUES

No issues have been identified as part of this request. Standard conditions of approval have been added to the project.

GENERAL PLAN CONSISTENCY

Consistency with the goals, objectives, and policies of the various elements of the Stanislaus County General Plan must be evaluated when processing all discretionary project requests. The project site's General Plan designation of Planned Development (P-D) is intended for areas appropriate for land which, because of demonstrably unique characteristics, may be suitable for a variety of uses without detrimental effect on surrounding properties. The existing P-D zoning districts are consistent with the General Plan designation of Planned Development.

The Stanislaus County General Plan Sphere of Influence 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. The project site lies within the LAFCO adopted SOI for the City of Modesto. The project was referred to the City of Modesto, which did not object to the project or request the application of any development standards.

To minimize conflicts between agriculture operations and non-agricultural operations, Buffer and Setback Guidelines (Appendix A of the Agricultural Element) have been adopted. The purpose of these guidelines is to protect the long-term health of local agriculture by minimizing conflicts resulting from normal agricultural practices as a consequence of new or expanding uses approved in or adjacent to the General Agriculture (A-2) zoning district.

Appendix A of these guidelines states that all projects shall incorporate a minimum 150 foot-wide buffer setback, or a 300-foot-wide buffer setback for people intensive outdoor activities, such as athletic fields; parking lots are a permitted use within the buffer area. No agricultural buffer is required on the western, northern, and southern property lines as the surrounding parcels are developed with car dealerships and are zoned Planned Development (P-D). The adjacent parcel to the east is zoned A-2 and is developed with an orchard. The project is requesting a reduced buffer setback of 10 feet from the adjacent parcel. The proposed building does not have any doors facing the orchard to the east. Additionally, the building will be unmanned, apart from the stocking or retrieving of parts, which may occur up to once a day.

Staff believes that the proposed project is consistent with the General Plan policies discussed above. The project site is already developed with an existing car dealership, which is considered to be consistent with the Planned Development land use designation.

ZONING ORDINANCE CONSISTENCY

As stated in the *Background and Project Description* section of this report, the dealership is covered by three different zoning districts, P-D (213), (244), and (280), and two Assessor Parcel Numbers (APNs 082-006-053 and 082-006-073), which are one legal parcel. In accordance with Sections 21.40.080 and 21.96.070 of the Zoning Ordinance, a new use permit is required to allow for the expansion of the use exceeding twenty-five percent of the current approved uses.

In order to approve a use permit, the Planning Commission shall make a finding that:

- The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan and will not, under the circumstances of the particular case, be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

This request will be subject to all applicable development standards for P-D (213), P-D (244), and P-D (280), and will also be subject to compliance with the Conditions of Approval of this Use Permit. If a conflict arises between the previous Development Standards and the Conditions of this Use Permit, the Conditions of this Use Permit shall prevail.

With development standards and conditions of approval in place, staff believes the proposed project will be consistent with the dealership's current zoning districts.

ENVIRONMENTAL REVIEW

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 E - *Environmental Review Referrals*). Staff has prepared a Notice of Exemption for the project, which declares that the project is exempt from CEQA on the basis of CEQA Guideline Section 15303 - New Construction or Conversion of Small Structures (see Exhibit D - *Notice of Exemption*), which consists of the construction and location of limited numbers of new, small facilities or structures, including up to four commercial buildings not exceeding 10,000 square feet in floor area. Accessory structures are included in the exemption. The CEQA Guidelines provide that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The development of the proposed structure will not increase the number of employees, hours of operation, or amount of inventory. Conditions of approval reflecting referral responses have been placed on the project (see Exhibit C - *Conditions of Approval*).

Contact Person: Teresa McDonald, Associate Planner, (209) 525-6330

Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps, Site Plan, and Elevations
- Exhibit C - Conditions of Approval
- Exhibit D - Notice of Exemption
- Exhibit E - Environmental Review Referrals
- Exhibit F - Levine Act Disclosure Statement

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Findings and Actions Required for Project Approval

1. Find that the project is exempt pursuant to CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures), by finding that on the basis of the whole record, including any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the categorical exemption reflects Stanislaus County's independent judgment and analysis.
2. Order the filing of a Notice of Exemption with the Stanislaus County Clerk-Recorder's Office pursuant to CEQA Guidelines Section 15062.
3. Find that:
 - a. The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
 - b. The alternative to the Agricultural Buffer Standards applied to this project provides equal or greater protection than the existing buffer standards.
4. Approve Use Permit Application No. PLN2024-0115 – American Chevrolet, subject to the attached Conditions of Approval.

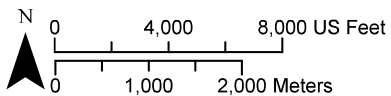
AMERICAN CHEVROLET

UP
PLN2024-0115

AREA MAP

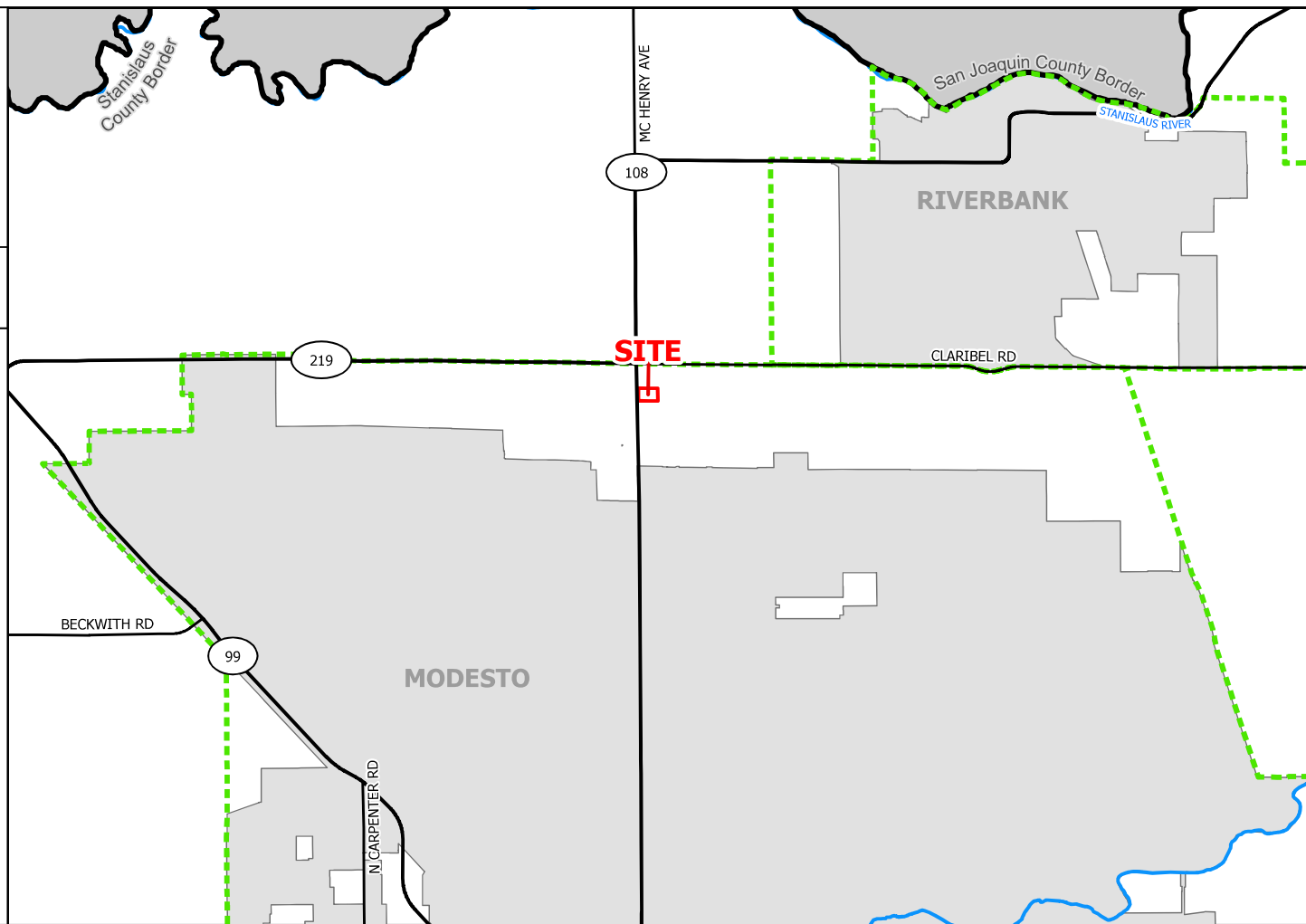
LEGEND

-  Project Site
-  Sphere of Influence
-  Highway
-  Major Road
-  River



Source: Planning Department GIS

Date Exported: 3/5/2025



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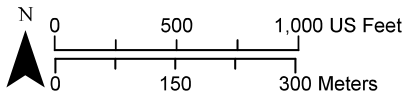
GENERAL PLAN MAP

LEGEND

-  Project Site
-  Parcel
-  Highway
-  Street
-  Canal

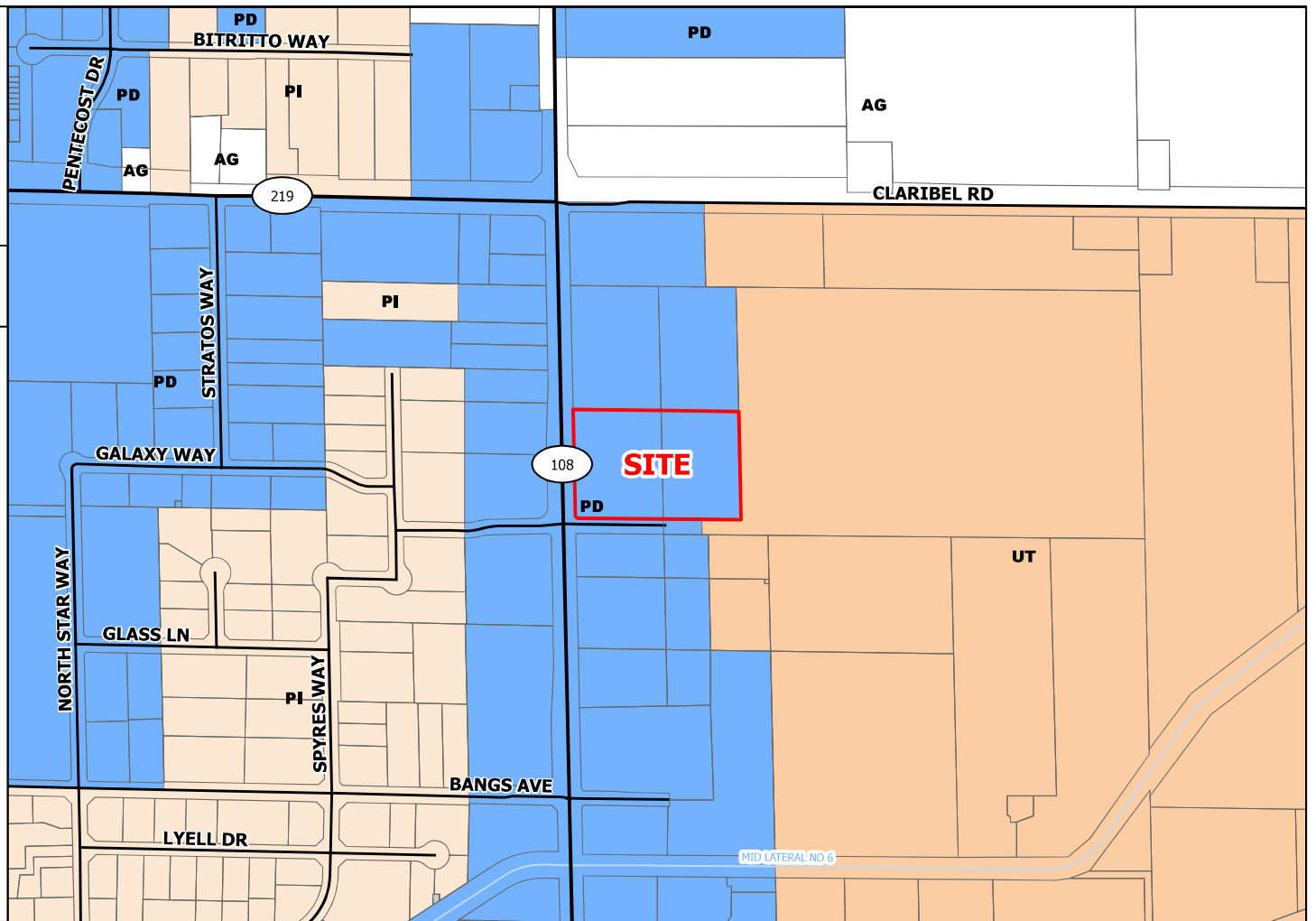
General Plan

-  Agriculture (AG)
-  City
-  Planned Development (PD)
-  Planned Industrial (PI)
-  Urban Transition (UT)



Source: Planning Department GIS

Date Exported: 3/5/2025



AMERICAN CHEVROLET





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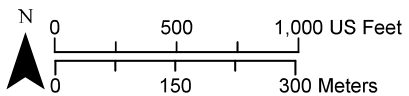
ZONING MAP

LEGEND

-  Project Site
-  Parcel
-  Highway
-  Street
-  Canal

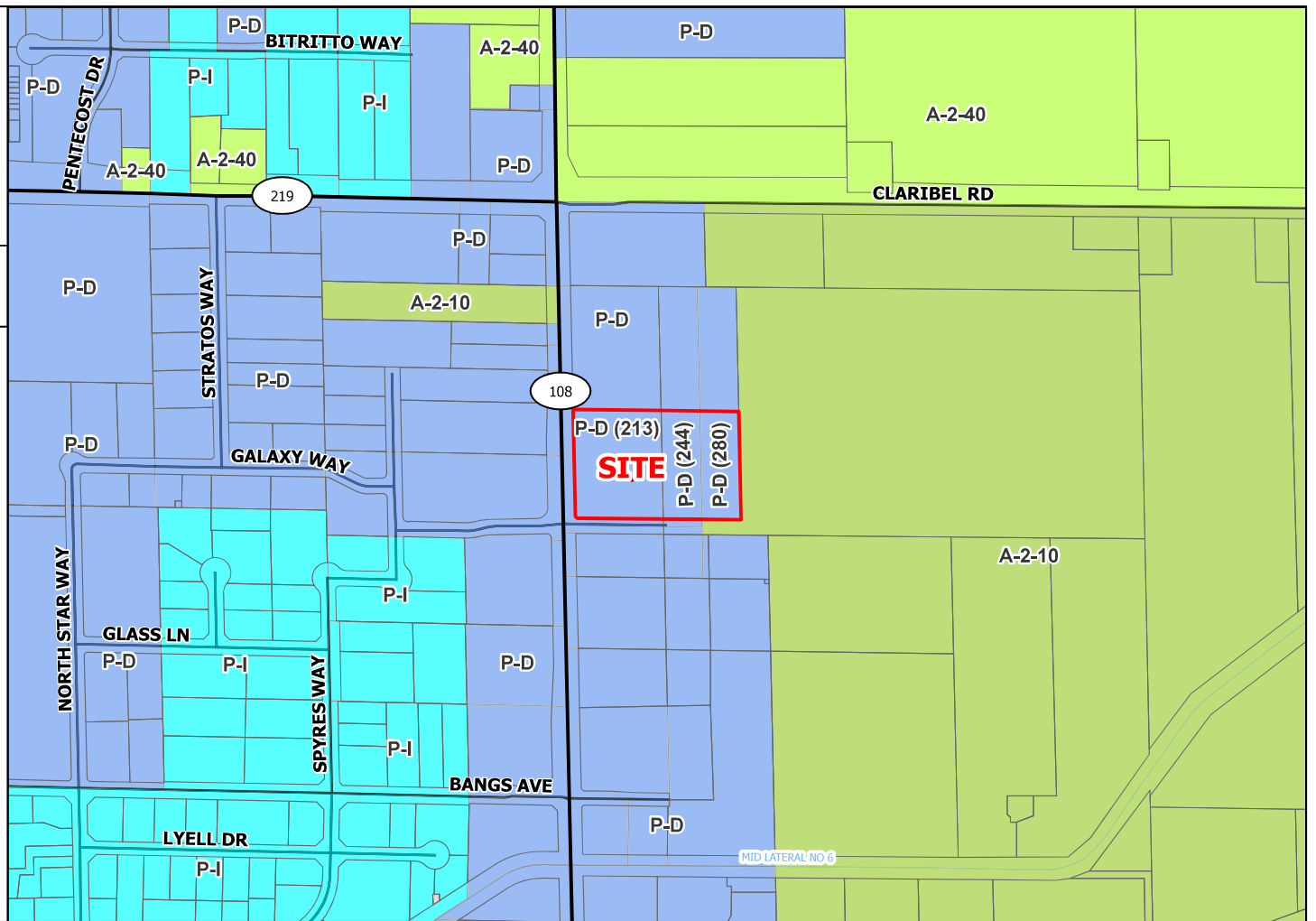
Zoning Designation

-  City of Modesto
-  General AG 10 Acre (A-2-10)
-  General AG 10 Acre UT (A-2-10)
-  General AG 40 Acre (A-2-40)
-  Planned Development (P-D)
-  Planned Industrial (P-I)



Source: Planning Department GIS

Date Exported: 3/5/2025



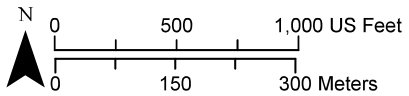
AMERICAN CHEVROLET

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PLN2024-0115

2023 AERIAL AREA MAP

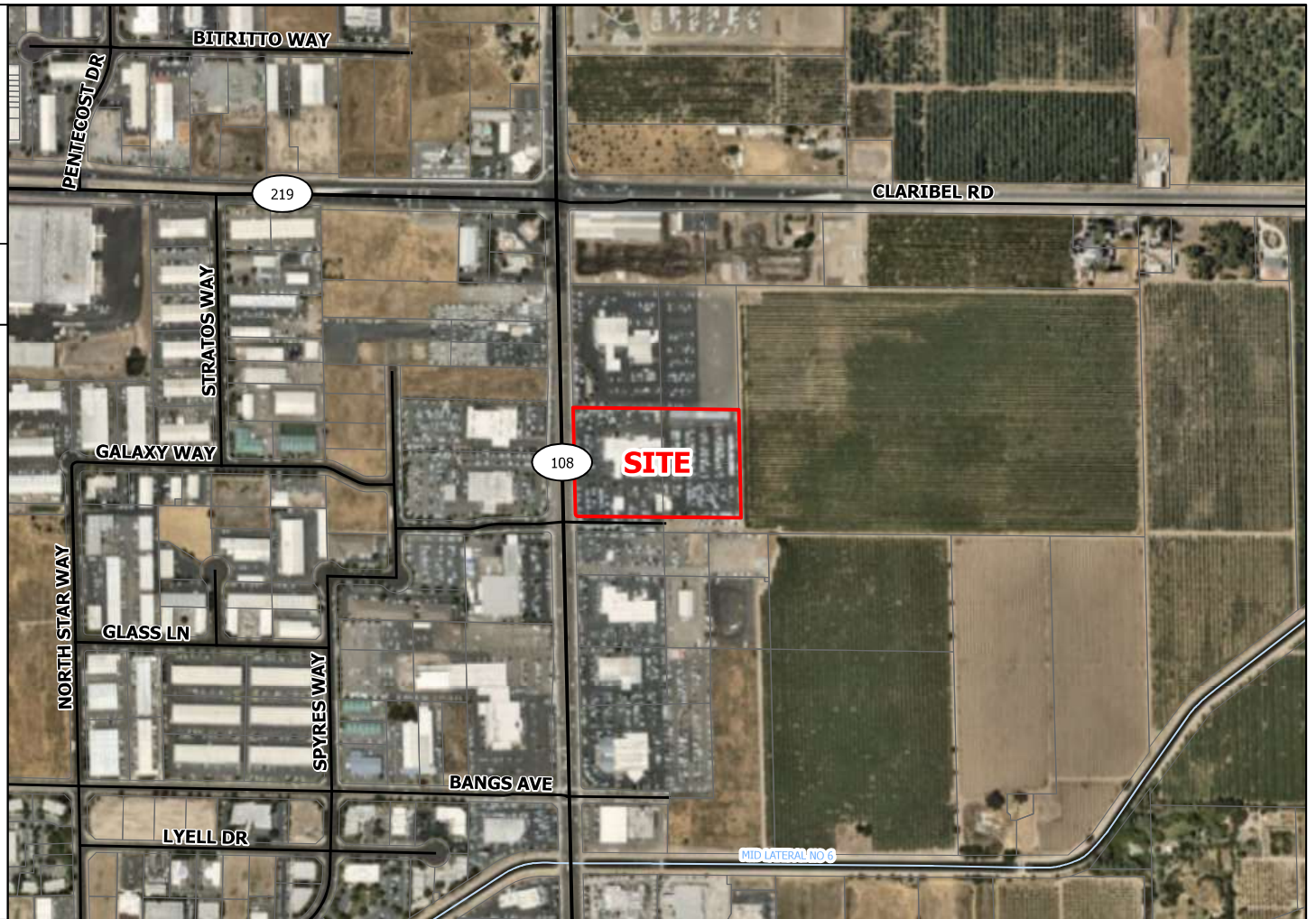
LEGEND

-  Project Site
-  Parcel
-  Highway
-  Street
-  Canal



Source: Planning Department GIS

Date Exported: 1/6/2025




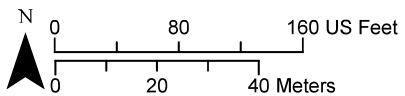
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2023 AERIAL SITE MAP

LEGEND

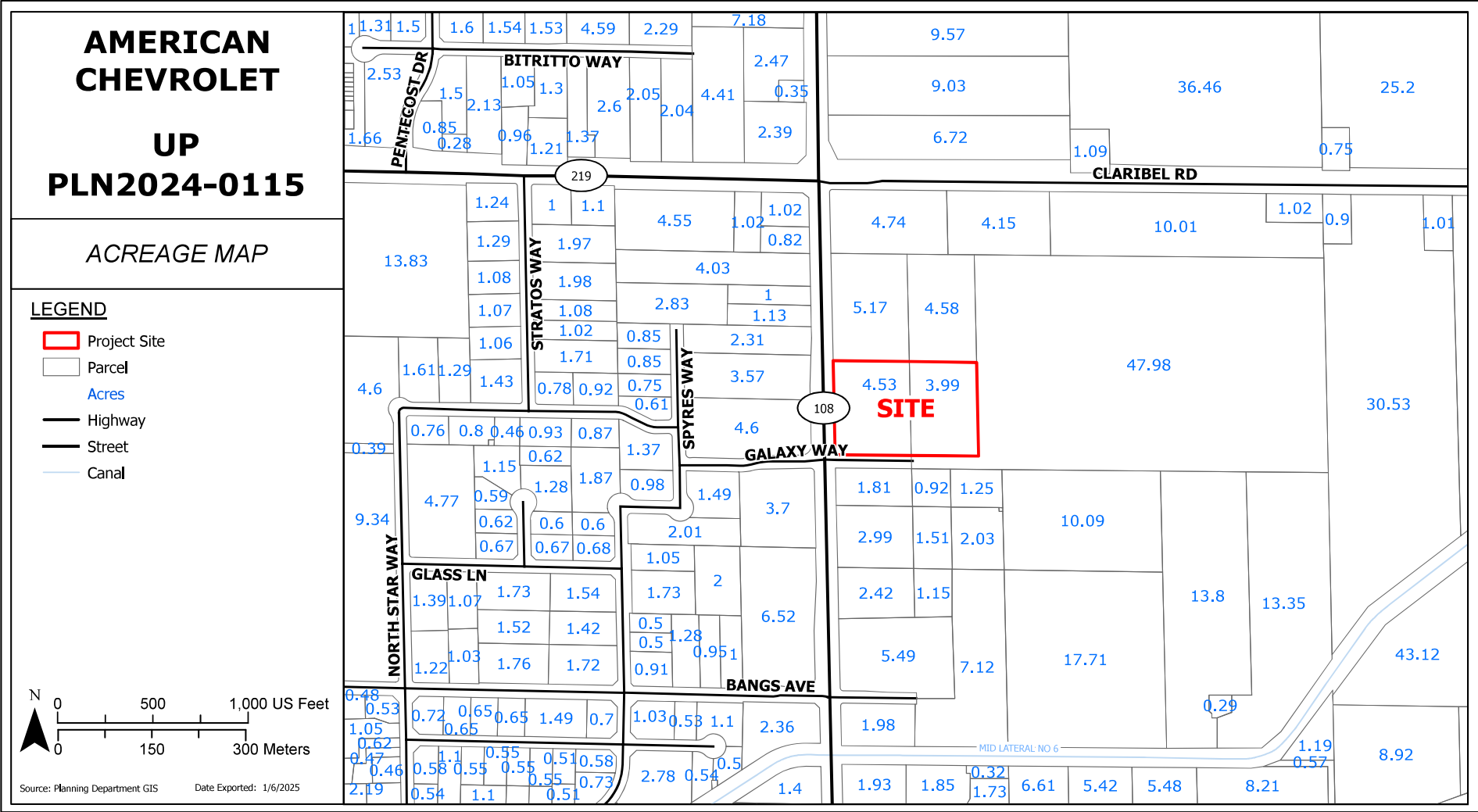
-  Project Site
-  Parcel
-  Highway
-  Street



Source: Planning Department GIS

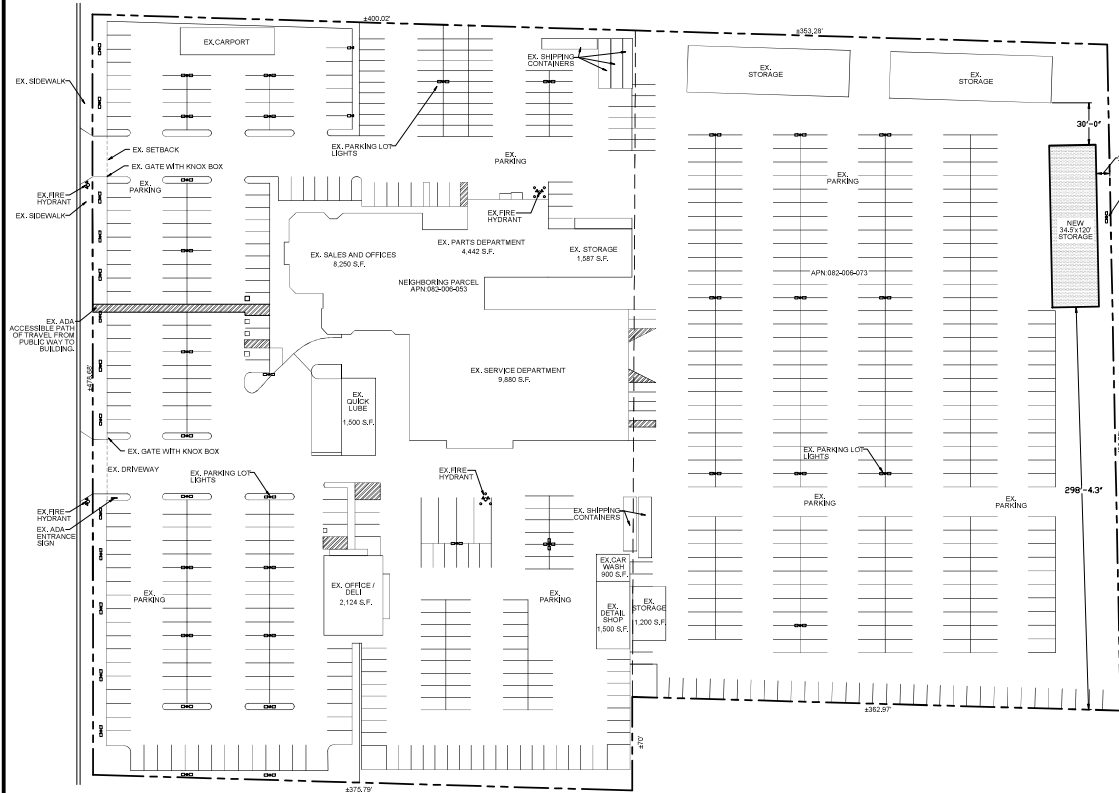
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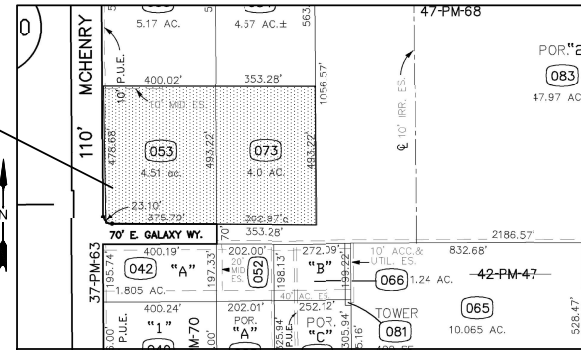
34.5' x 120' STORAGE

4748 McHenry Avenue
Modesto Ca. 95356



SITE PLAN
SCALE: 1"=40'

PROJECT LOCATION



VICINITY MAP
SCALE: N.T.S.

SHEET INDEX

SHEET NO.	SHEET NAME
1	COVER SHEET
2	ELEVATIONS
3	CONSTRUCTION DETAILS
4	REFERENCE SITE PLAN

PROJECT DIRECTORY

ENGINEER
BENCHMARK ENGINEERING, INC.
4265 SPRING WAY, SUITE A
MODESTO, CA 95354
PHONE: (209) 548-9000

CONTRACTOR
VAN BOWEN CONSTRUCTION
BRETT VAN BOWEN
28205 ENCH AVE.
ESCALON, CA 95320
PHONE: (209) 614-1193

PROJECT DATA

NEW STORAGE BUILDING
ZONE: PD (213) PD (24)
BUILDING HEIGHT: 17'-0"
OCCUPANCY TYPE: TYPE II
ALLOWABLE AREA: 30,000 SF
OCCUPANT LOAD FACTOR: 300 GROSS
SITE AREA: 98,000 SQ. FT.
SPRINKLERS: NO
WIND SPEED: 95 MPH
WIND LOAD: 12 PSF
WIND EXPOSURE: C
SEISMIC SITE CLASS: II
SEISMIC DESIGN VALUE (SDV): 0.556

CODE REVIEW:
PROJECT SHALL CONFORM TO THE FOLLOWING CODES:
2022 CALIFORNIA BUILDING CODE (CBC)
2022 CALIFORNIA ENERGY EFFICIENCY (CEEC)
STANDARD, TITLE 24, PART 5
2022 CALIFORNIA FIRE CODE (CFC)

AREA:
CONDITIONED:
(1) STORAGE = 8,280 SQ. FT.
OCCUPANT LOAD = 280 PERSONS = 28 OCCUPANTS

SCOPE OF WORK

CONSTRUCT NEW 34.5'X120' STEEL BUILDINGS TO BE USED FOR STORAGE OF AUTOMOTIVE PARTS TO A HEIGHT NOT TO EXCEED 12 FEET.

NOTE:

ADDRESS NUMBERS ARE REQUIRED. NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND AND BE A MINIMUM OF 6 INCHES TALL WITH SHARSH MINIMUM STROKE AND SHALL BE PLACED ON ALL NEW AND EXISTING BUILDINGS IN SUCH A PORTION AS TO BE PLAINLY VISIBLE AND LEGIBLE FROM STREET OR ROAD FRONTING THE PROPERTY. THIS WILL NECESSITATE PLACING ADDRESS NUMBERS AT THE DRIVEWAY ENTRANCE TO THE PROPERTY AS WELL AS THE NEW BUILDING PER CFC 905.

ELECTRICAL SHALL NOT BE PART OF THIS PROJECT

A LICENSED SURVEYOR SHALL PROVIDE A REPORT STATING THAT THE FOUNDATION FORM BOARDS ARE SET PER THE APPROVED PLANS PRIOR TO SCHEDULING A FOUNDATION INSPECTION.

GENERAL NOTES

- THE CONTRACTOR SHALL CHECK ALL DIMENSIONS AT THE JOB. ANY DISCREPANCY BETWEEN DRAWINGS AND ACTUAL WORK SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT FOR CORRECTION PRIOR TO COMMENCING WITH THE WORK.
- IT IS NOT INTENDED THAT THE CONTRACTOR DOCUMENTS INCLUDE EACH AND EVERY SUBSYSTEM AND SUB COMPONENT NECESSARY TO FULLY AND PROPERLY COMPLETE THE WORK. SUBSYSTEMS, SUB COMPONENTS OR DETAIL REQUIRED OR NORMALLY INCLUDED AS TRADE PRACTICE MAY NOT BE SPECIALLY MENTIONED OR SHOWN. NEVERTHELESS, CONTRACTOR SHALL BE RESPONSIBLE FOR EACH ELEMENT OF THE WORK.
- ALL WORK SHALL BE DONE IN A NEAT AND WORKMAN LIKE MANNER ACCORDING TO THE BEST TRADE PRACTICE BY THOSE SKILLED IN THE PARTICULAR TRADE. EQUIPMENT, FIXTURES, PIPING, ETC. SHALL BE PLUMB LEVEL, SQUARE OR CENTERED ETC. EQUIPMENT TO BE INSTALLED IN STRICT COMPLIANCE WITH MANUFACTURER'S RECOMMENDATIONS.
- CONTRACTOR AND HIS OR HER SUBCONTRACTOR TO HAVE WORKING KNOWLEDGE OF ALL CODE APPLICABLE TO THEIR WORK.
- GENERAL CONTRACTOR SHALL MAKE AVAILABLE COMPLETE SETS OF CONSTRUCTION DOCUMENTS TO HIS OR HER SUBCONTRACTORS FOR REVIEW. EACH SUB CONSULTANT SHALL BE RESPONSIBLE FOR REVIEWING THE COMPLETE AND COORDINATING ITEMS WHICH PERTAIN TO HIS OR HER WORK WITH OTHER TRADES PRIOR TO COMMENCING WITH THE WORK.
- CHANGES FROM THE APPROVED PLANS DURING THE COURSE OF CONSTRUCTION SHALL BE CAUSE CONSTRUCTION TO BE SUSPENDED UNTIL SUCH TIME AS THE PLANS CAN BE AMENDED BY THE DESIGNER AND SUBMITTED TO THE COUNTY FOR REVIEW AND APPROVAL.

DESIGN CRITERIA

- GENERAL**
2022 EDITION OF C.E.C. CALCULATION SHEETS WILL SUPERSEDE THIS DESIGN CRITERIA SHEET IN ALL CASES.
- CONCRETE**
 - ALL CONCRETE SHALL REACH MINIMUM COMPRESSIVE STRENGTH AT 28 DAYS
 - ALL STRUCTURAL CONCRETE (FC) = 2,500 PSI (UNLESS NOTED OTHERWISE)
 - FOR USE IN SPACES LESS THAN 2" CLEAR IN ANY DIMENSION AND DRYPACK GROUT PROPORTIONED BY VOLUME SHALL BE 1 PART CEMENT AND 2 1/4 TO 3 PARTS SAND TO WHICH 1/10 PART LIME MAY BE ADDED.
 - REFERENCE BOOK: ULTIMATE STRENGTH DESIGN BOOK, ACI
- REINFORCING STEEL**
 - CONCRETE REINFORCEMENT SHALL BE AT LEAST EQUAL TO THE BAR DIAMETER. THE FOLLOWING MINIMUM CONCRETE COVER SHALL BE PROVIDED FOR REINFORCEMENT:
 - A. CONCRETE CAST AGAINST EARTH: 3"
 - B. CONCRETE CAST AGAINST FORM BELOW GRADE: 2"
 - C. CONCRETE CAST AGAINST WEATHER, #5 & SMALLER: 1 1/2"
 - D. SLAB ON GRADE FROM TOP OF SLAB: 1"
 - E. COLUMNS AND BEAMS TO MAIN FLOOR: 2"
 - ALL REINFORCING BARS SHALL BE ACCURATELY AND SECURELY PLACED BEFORE POURING CONCRETE OR DRYPACK MASONRY.
 - SPLICING OF BARS SHALL HAVE LAPSPING OF 30 BAR DIAMETERS OR 24" MINIMUM IN ALL CONTINUOUS CONCRETE REINFORCEMENT.
 - MASONRY REINFORCEMENT SHALL HAVE LAPSP OF 40 BAR DIAMETERS OR 24" MINIMUM. THIS IS IN ALL CASES UNLESS OTHERWISE NOTED.
 - ALL REINFORCING SHALL BE ASTM A-154-40 FOR #5 BARS & SMALLER.
 - ALL REINFORCING SHALL BE ASTM A-154-40 FOR #6 BARS & GREATER.
 - WELDED WIRE FABRIC TO BE ASTM A-185, LAP 1 1/2 SPACES, 1" MINIMUM.
- STRUCTURAL STEEL**
 - STEEL SHALL CONFORM TO ASTM A-36
 - PIPE COLUMNS SHALL CONFORM TO ASTM A-53, GRADE B.
 - REFERENCE BOOK: "SPECIFICATIONS FOR THE DESIGN, FABRICATION, AND ERECTION OF STRUCTURAL STEEL FOR BUILDING" AND "AISC", CURRENT EDITION.



PREPARED UNDER THE DIRECTION OF: _____		
DATE: _____		
REVISIONS		
NO	DESCRIPTIONS	DATE

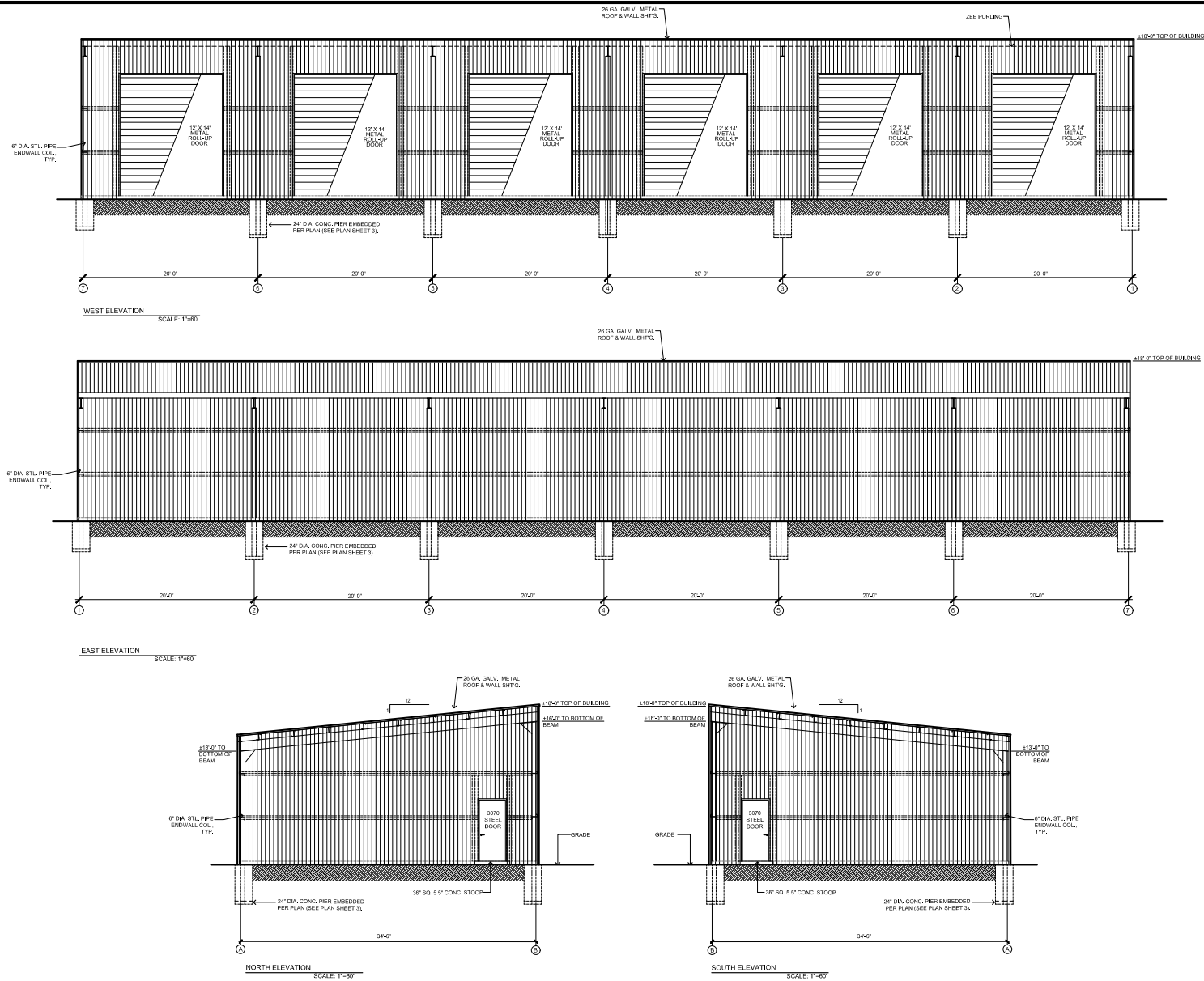
BENCHMARK ENGINEERING, INC.
CIVIL ENGINEERING & LAND SURVEYING
4686 SPRYNG WAY SUITE A
MODESTO, CALIFORNIA 95356
(209) 548-9000
FAX: (209) 548-9000



COVER SHEET
PLANS FOR
34.5' x 120' STEEL BUILDING
4748 McHenry Ave., Modesto CA 95356

JOB NO. 248888
DATE: 09/19/2024
DRAWN BY: JH
CHECKED BY: JH
SCALE: AS SHOWN

SHEET NUMBER
1



BENCHMARK ENGINEERING, INC.
CIVIL ENGINEERING & LAND SURVEYING
4685 SPRYERS WAY SUITE A MODESTO, CALIFORNIA 95358
(209) 546-8800 FAX (209) 546-8800

ELEVATIONS

PLANS FOR
34.5' x 120' STEEL BUILDING
4708 Military Ave., Modesto CA, 95358

JOB NO. 210000
DATE 12/08/2011
DRAWN BY
CHECKED BY
SCALE AS SHOWN

2

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

USE PERMIT APPLICATION NO. PLN2024-0115 AMERICAN CHEVROLET

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 and/or Board of Supervisors. All development standards adopted for the Planned Development (P-D) (213), P-D (244), and P-D (280) zoning district shall remain in effect. If a conflict arises between the P-D (213), P-D (244), and P-D (280) Development Standards and the Conditions of Approval for Use Permit No. PLN 2024-0115 – American Chevrolet, the Conditions of this Use Permit shall prevail.
2. 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.
3. 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.
4. Prior to issuance of a building permit, a photometric lighting plan shall be submitted for review and approval by the Planning Department for any exterior lighting affixed to the building. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include, but not be limited to, the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and the installation of shielded fixtures to prevent light trespass (glare and spill light that shines onto neighboring properties).
5. The Department of Planning and Community Development shall record a Notice of Exemption, and a Notice of Administrative Conditions and Restrictions (NOAC&R) with the County Recorder's Office within 30 days of project approval. The NOAC&R includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map. Prior to filing, within five 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 **\$57.00**, made payable to Stanislaus County, for the payment of Clerk-Recorder filing fees.

Building Permits Division

6. All required building permits shall conform to the California Code of Regulations, Title 24, and any other applicable standards.

Modesto Irrigation District (MID)

7. High voltage is present within and adjacent to the project area. This includes 12,000 volts overhead and underground primary, and overhead and underground secondary facilities. Use extreme caution when operating heavy equipment, using a crane, ladders, scaffolding, handheld tools or any other type of equipment near the existing MID electric lines and cables. Workers and equipment shall maintain a distance no less than 10 feet from overhead facilities. Assume all underground and overhead electric facilities are energized.
8. The contractor shall verify actual depth and location of all underground utilities prior to start of construction. Notify "Underground Service Alert" (USA) (Toll Free 800-227-2600) before trenching, grading, excavating, drilling, pipe pushing, tree planting, post-hole digging, etc. USA will notify all utilities to mark the location of their underground facilities.
9. MID requires that any trenching maintain a 1:1 horizontal distance from any existing pole, determined by the depth of the trench. If trenching encroaches on this requirement, the Contractor needs to contact the MID Electric Engineering Department to brace any affected poles during the trenching process. The cost of any required pole bracing will be assumed by the requesting party.
10. A minimum working clearance from overhead lines and underground utilities shall be maintained at all times.
11. Existing MID easements for protection of overhead and underground electrical facilities are to remain. Overhead secondary cable is protected by a minimum 20-foot-wide easement centered on the overhead cable. Overhead primary cable is protected by a minimum 30-foot-wide easement centered on the overhead cable. Underground secondary cable is protected by a minimum 5-foot-wide easement centered on the underground cable. Underground primary cable is protected by a minimum 10-foot-wide easement centered on the underground cable.
12. In conjunction with related site improvement requirements, existing overhead and underground electric facilities within or adjacent to the proposed project shall be protected, relocated or removed as required by the District's Electric Engineering Department. Any relocation or installations shall conform to the District's Electric Service Rules. Customer will be responsible for all MID's cost associated with the development.
13. The existing electric service may not be adequate for the proposed project development. Prior to any construction, a full set of construction plans must be submitted to Electrical Engineering Design Group.

Department of Environmental Resources – Hazardous Materials Division

14. The applicant shall determine, to the satisfaction of the Department of Environmental Resources (DER), that a site containing (or formerly containing) residences or farm buildings, or structures, has been fully investigated (via Phase I study, and if necessary, Phase II study) prior to the issuance of a grading permit. Any discovery of underground storage tanks, former underground storage tank locations, buried chemicals, buried refuse, or contaminated soil shall be brought to the immediate attention of DER.
15. The applicant shall contact the Department of Environmental Resources – Hazardous Materials Division regarding regulatory requirements for hazardous materials and/or wastes prior to operation.

San Joaquin Valley Air Pollution Control District (SJVAPCD)

16. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and may be subject to additional regulations/permits, as determined by the SJVAPCD. Prior to the start of construction, the applicant/developer shall contact the SJVAPCD to determine if any SJVAPCD rules or permits are required.

Central Valley Regional Water Quality Control Board

17. Prior to issuance of a building permit, applicant/developer shall be responsible for contacting the Central Valley Regional Water Quality Control Board and obtaining any necessary permits.

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 will be in bold font and deleted wording will be in strikethrough.

STANISLAUS COUNTY
DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT
1010 10th Street, Suite 3400
Modesto, California 95354

NOTICE OF EXEMPTION

Project Title: Use Permit Application No. PLN2024-0115 – American Chevrolet

Applicant Information: American Chevrolet, 4742 McHenry Avenue, Modesto, CA 95356

Applicant Phone: (209) 575-1606

Project Location: 4742 McHenry Avenue (State Route 108), between East Galaxy Way and Claribel Road, in the Modesto area. Stanislaus County APNS: 082-006-053 and 082-006-073.

Description of Project: Request to construct a 4,140 square-foot auto part storage building, accessory to an existing car dealership on an 8.51± acre parcel, in the Planned Development (P-D) (213), P-D (244), and P-D (280) zoning districts.

Name of Agency Approving Project: Stanislaus County Planning Commission

Lead Agency Contact Person: Teresa McDonald, Associate Planner

Telephone: (209) 525-6330

Exempt Status: (check one)

- ☐ Ministerial (Section 21080(b)(1); 15268);
- ☐ Declared Emergency (Section 21080(b)(3); 15269(a));
- ☐ Emergency Project (Section 21080(b)(4); 15269(b)(c));
- ☒ Categorical Exemption. State type and section number: New Construction or Conversion of Small Structures, Section 15303
- ☐ Statutory Exemptions. State code number: _____
- ☐ Common Sense Exemption. 15061 (b)(3)

Reasons why project is exempt: The project is considered exempt per CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures, as the proposed project consists of a small accessory structure to be constructed on top of an existing parking lot.

Dated

Teresa McDonald
Associate Planner

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS												
PROJECT: USE PERMIT APPLICATION NO. PLN2024-0115 - AMERICAN CHEVROLET												
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							
CA DEPT OF TRANSPORTATION DIST 10	X		X		X							
CA OPR STATE CLEARINGHOUSE	X		X		X							
CA RWQCB CENTRAL VALLEY REGION	X		X	X				X		X	X	
COOPERATIVE EXTENSION	X		X		X							
CITY OF: MODESTO	X		X	X				X		X		X
FIRE PROTECTION DIST: STANISLAUS CONSOLIDATED	X		X		X							
GSA: STRGBA	X		X		X							
IRRIGATION DISTRICT: MODESTO	X		X	X				X		X	X	
MOSQUITO DISTRICT: EASTSIDE	X		X		X							
STAN COUNTY EMERGENCY MEDICAL SERVICES	X		X		X							
PACIFIC GAS & ELECTRIC	X		X		X							
SAN JOAQUIN VALLEY APCD	X		X		X							
SCHOOL DISTRICT 1: MODESTO UNION	X		X		X							
SCHOOL DISTRICT 2: SYLVAN UNION	X		X		X							
STAN CO AG COMMISSIONER	X		X		X							
STAN CO BUILDING PERMITS DIVISION	X		X		X							
STAN CO CEO	X		X		X							
STAN CO DER	X		X	X				X		X		X
STAN CO HAZARDOUS MATERIALS	X		X	X				X		X	X	
STAN CO PUBLIC WORKS	X		X		X							
STAN CO SUPERVISOR DIST 4: GREWAL	X		X		X							
STAN COUNTY COUNSEL	X		X		X							
STANISLAUS FIRE PREVENTION BUREAU	X		X		X							
STANISLAUS LAFCO	X		X		X							
SURROUNDING LAND OWNERS			X		X							
TELEPHONE COMPANY: AT&T	X		X		X							

I:\Planning\Staff Reports\UP\2024\UP PLN2024-0115 - American Chevrolet\Planning Commission\March 20, 2025\Staff Report\Exhibit E - Environmental Review Referral.xls

**COUNTY OF STANISLAUS CAMPAIGN CONTRIBUTION DISCLOSURE FORM
PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT**

Application Number: PLN2024-0115
Application Title: Contractor
Application Address: 4748 McHenry Ave.
Application APN: 082-006-073

Was a campaign contribution, regardless of the dollar amount, made to any member of a decision-making body involved in making a determination regarding the above application (i.e. Stanislaus County Board of Supervisors, Planning Commission, Airport Land Use Commission, or Building Code Appeals Board), hereinafter referred to as Member, during the 12-month period preceding the filing of the application, by the applicant, property owner, or, if applicable, any of the applicant's proposed subcontractors or the applicant's agent or lobbyist?

Yes ☐ No ☒

If no, please sign and date below.

If yes, please provide the following information:

Applicant's Name: _____

Contributor or Contributor Firm's Name: _____

Contributor or Contributor Firm's Address: _____

Is the Contributor:

The Applicant

Yes ☐ No ☐

The Property Owner

Yes ☐ No ☐

The Subcontractor

Yes ☐ No ☐

The Applicant's Agent/ Lobbyist

Yes ☐ No ☐

Note: Under California law as implemented by the Fair Political Practices Commission, campaign contributions made by the Applicant and the Applicant's agent/lobbyist who is representing the Applicant in this application or solicitation must be aggregated together to determine the total campaign contribution made by the Applicant.

Identify the Member(s) to whom you, the property owner, your subcontractors, and/or agent/lobbyist made campaign contributions during the 12-month period preceding the filing of the application, the name of the contributor, the dates of contribution(s) and dollar amount of the contribution. Each date must include the exact month, day, and year of the contribution.

Name of Member: _____

Name of Contributor: _____

Date(s) of Contribution(s): _____

Amount(s): _____

(Please add an additional sheet(s) to identify additional Member(s) to whom you, the property owner, your subconsultants, and/or agent/lobbyist made campaign contributions)

By signing below, I certify that the statements made herein are true and correct. I also agree to disclose to the County any future contributions made to Member(s) by the applicant, property owner, or, if applicable, any of the applicant's proposed subcontractors or the applicant's agent or lobbyist after the date of signing this disclosure form, and within 12 months following the approval, renewal, or extension of the requested license, permit, or entitlement to use.

11-12-2024
Date


Signature of Applicant

Van Boven Const. Inc
Print Firm Name if applicable

20

Bret Van Boven
Print Name of Applicant

EXHIBIT F

**COUNTY OF STANISLAUS CAMPAIGN CONTRIBUTION DISCLOSURE FORM
PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT**

Application Number: PLN2024-0115
Application Title: Owner
Application Address: 4748 McHenry Ave.
Application APN: 082-006-073

Was a campaign contribution, regardless of the dollar amount, made to any member of a decision-making body involved in making a determination regarding the above application (i.e. Stanislaus County Board of Supervisors, Planning Commission, Airport Land Use Commission, or Building Code Appeals Board), hereinafter referred to as Member, during the 12-month period preceding the filing of the application, by the applicant, property owner, or, if applicable, any of the applicant's proposed subcontractors or the applicant's agent or lobbyist?

Yes ☐ No ☒

If no, please sign and date below.

If yes, please provide the following information:

Applicant's Name: _____

Contributor or Contributor Firm's Name: _____

Contributor or Contributor Firm's Address: _____

Is the Contributor:

The Applicant	Yes <input type="checkbox"/>	No <input type="checkbox"/>
The Property Owner	Yes <input type="checkbox"/>	No <input type="checkbox"/>
The Subcontractor	Yes <input type="checkbox"/>	No <input type="checkbox"/>
The Applicant's Agent/ Lobbyist	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Note: Under California law as implemented by the Fair Political Practices Commission, campaign contributions made by the Applicant and the Applicant's agent/lobbyist who is representing the Applicant in this application or solicitation must be aggregated together to determine the total campaign contribution made by the Applicant.

Identify the Member(s) to whom you, the property owner, your subcontractors, and/or agent/lobbyist made campaign contributions during the 12-month period preceding the filing of the application, the name of the contributor, the dates of contribution(s) and dollar amount of the contribution. Each date must include the exact month, day, and year of the contribution.

Name of Member: _____

Name of Contributor: _____

Date(s) of Contribution(s): _____

Amount(s): _____

(Please add an additional sheet(s) to identify additional Member(s) to whom you, the property owner, your subconsultants, and/or agent/lobbyist made campaign contributions)

By signing below, I certify that the statements made herein are true and correct. I also agree to disclose to the County any future contributions made to Member(s) by the applicant, property owner, or, if applicable, any of the applicant's proposed subcontractors or the applicant's agent or lobbyist after the date of signing this disclosure form, and within 12 months following the approval, renewal, or extension of the requested license, permit, or entitlement to use.

11/12/24
Date

American Chevrolet
Print Firm Name if applicable


Signature of Applicant

Char Song
Print Name of Applicant

UP PLN2024-0115

AMERICAN CHEVROLET

Planning Commission
March 20, 2025



Overview

- Use Permit
 - Request to construct a 4,140 square-foot metal storage building, accessory to an existing car dealership on an 8.51± acre parcel in the Planned Development (P-D) (213), P-D (244), and P-D (280) zoning district.

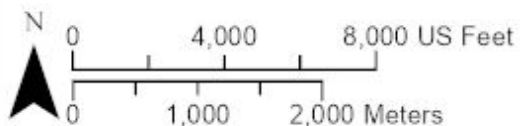
AMERICAN CHEVROLET

UP
PLN2024-0115

AREA MAP

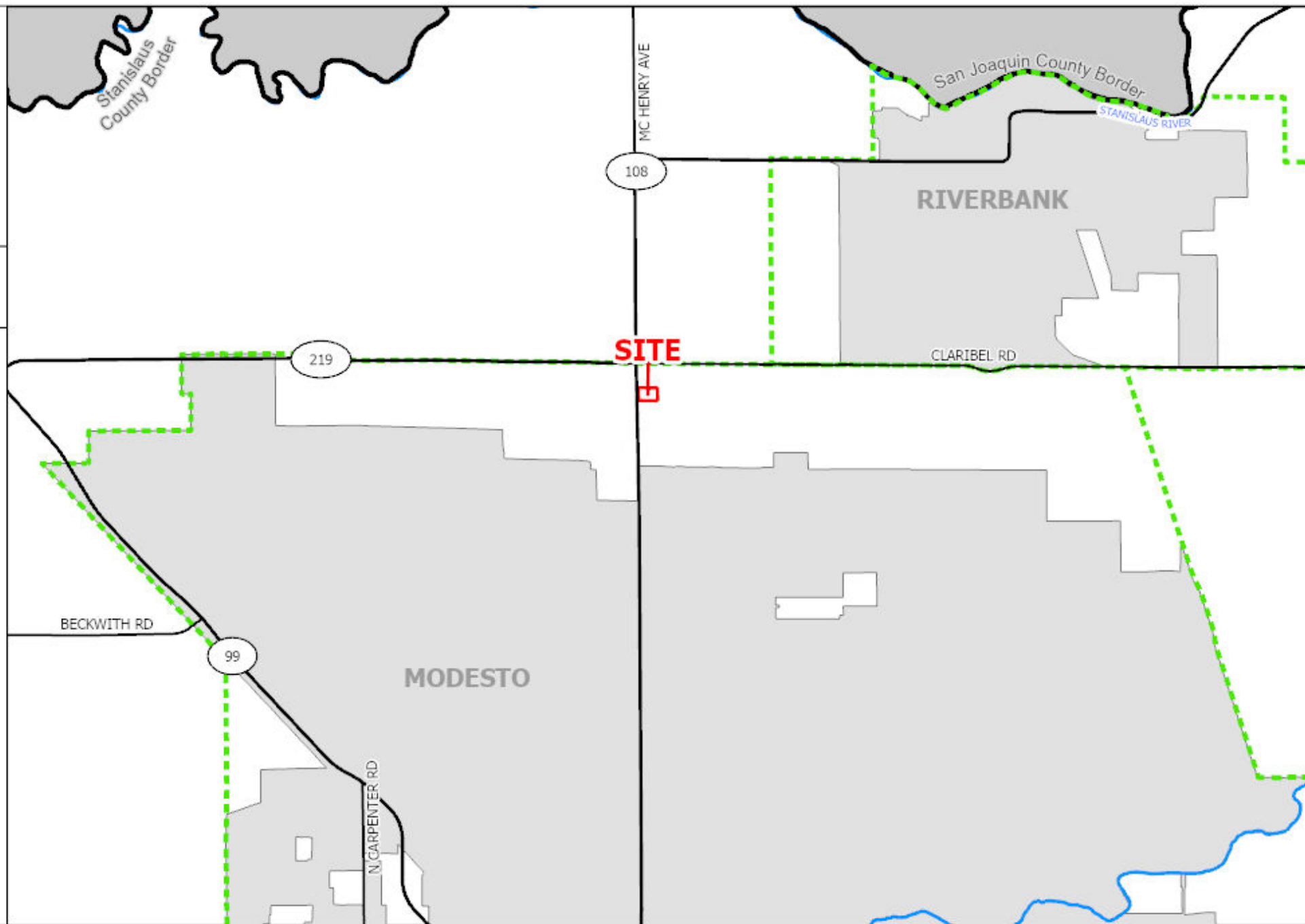
LEGEND

-  Project Site
-  Sphere of Influence
-  Highway
-  Major Road
-  River



Source: Planning Department GIS

Date Exported: 3/5/2025



AMERICAN CHEVROLET






UP
PLN2024-0115

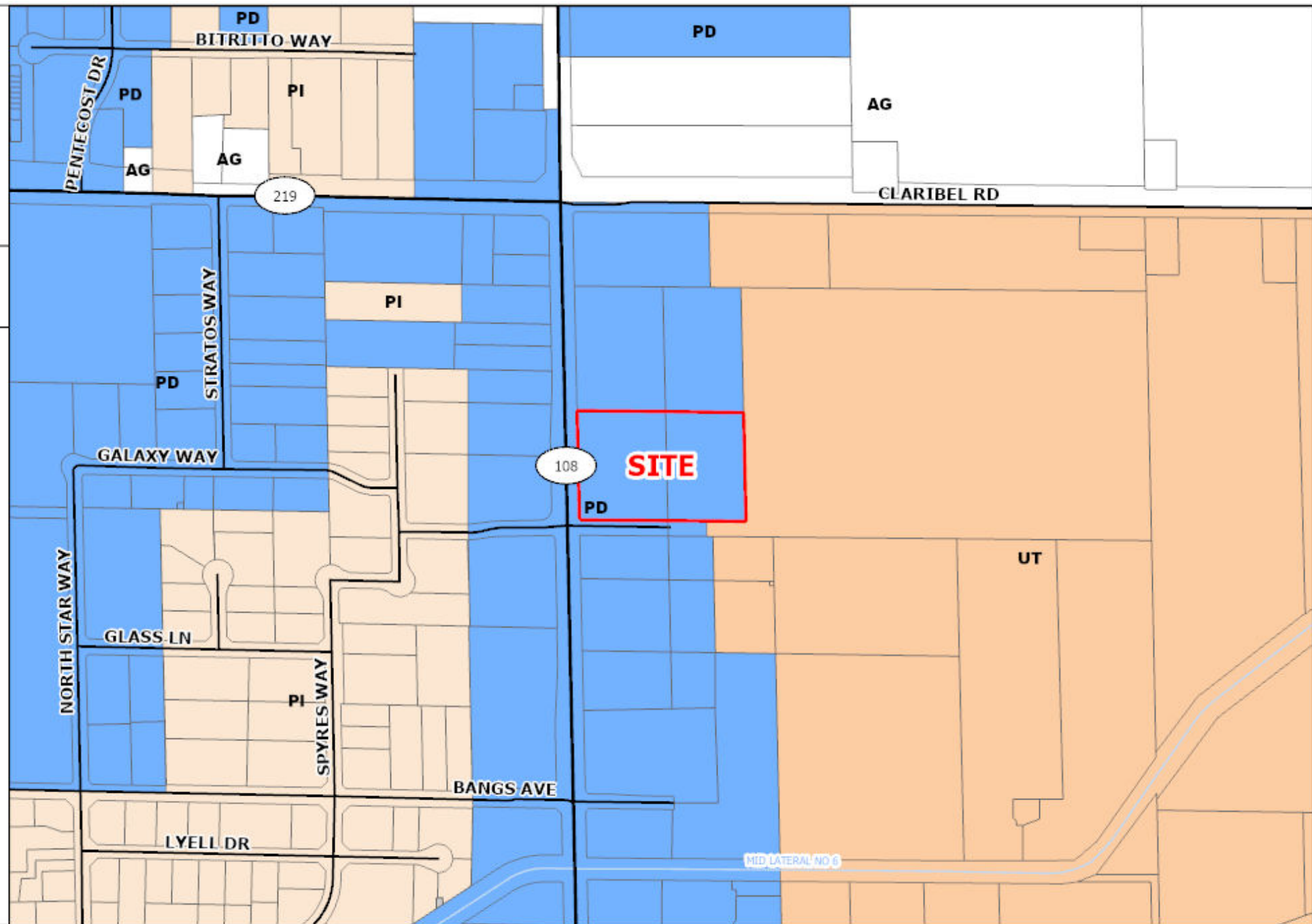
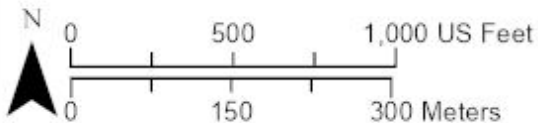
GENERAL PLAN MAP

LEGEND

-  Project Site
-  Parcel
-  Highway
-  Street
-  Canal

General Plan

-  Agriculture (AG)
-  City
-  Planned Development (PD)
-  Planned Industrial (PI)
-  Urban Transition (UT)



AMERICAN CHEVROLET





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PLN2024-0115

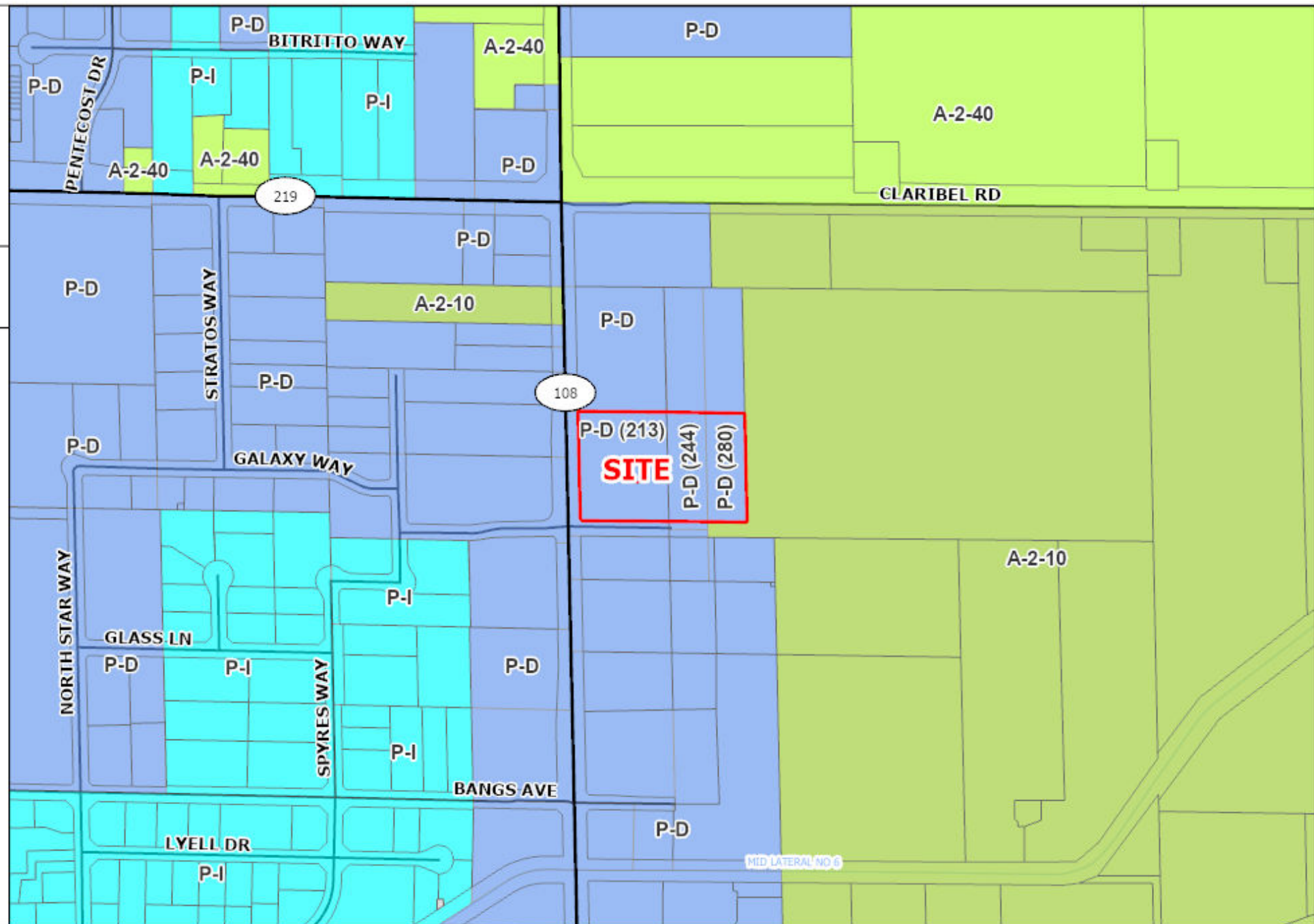
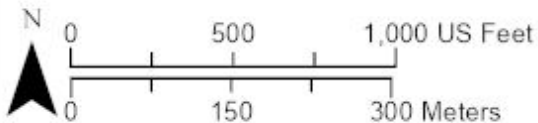
ZONING MAP

LEGEND

-  Project Site
-  Parcel
-  Highway
-  Street
-  Canal

Zoning Designation

-  City of Modesto
-  General AG 10 Acre (A-2-10)
-  General AG 10 Acre UT (A-2-10)
-  General AG 40 Acre (A-2-40)
-  Planned Development (P-D)
-  Planned Industrial (P-I)



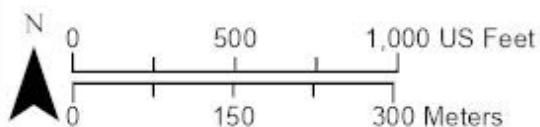
AMERICAN CHEVROLET

UP
PLN2024-0115

2023 AERIAL AREA MAP

LEGEND

-  Project Site
-  Parcel
-  Highway
-  Street
-  Canal



Source: Planning Department GIS

Date Exported: 3/5/2025



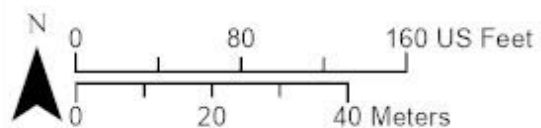
AMERICAN CHEVROLET

UP
PLN2024-0115

2023 AERIAL SITE MAP

LEGEND

-  Project Site
-  Parcel
-  Highway
-  Street



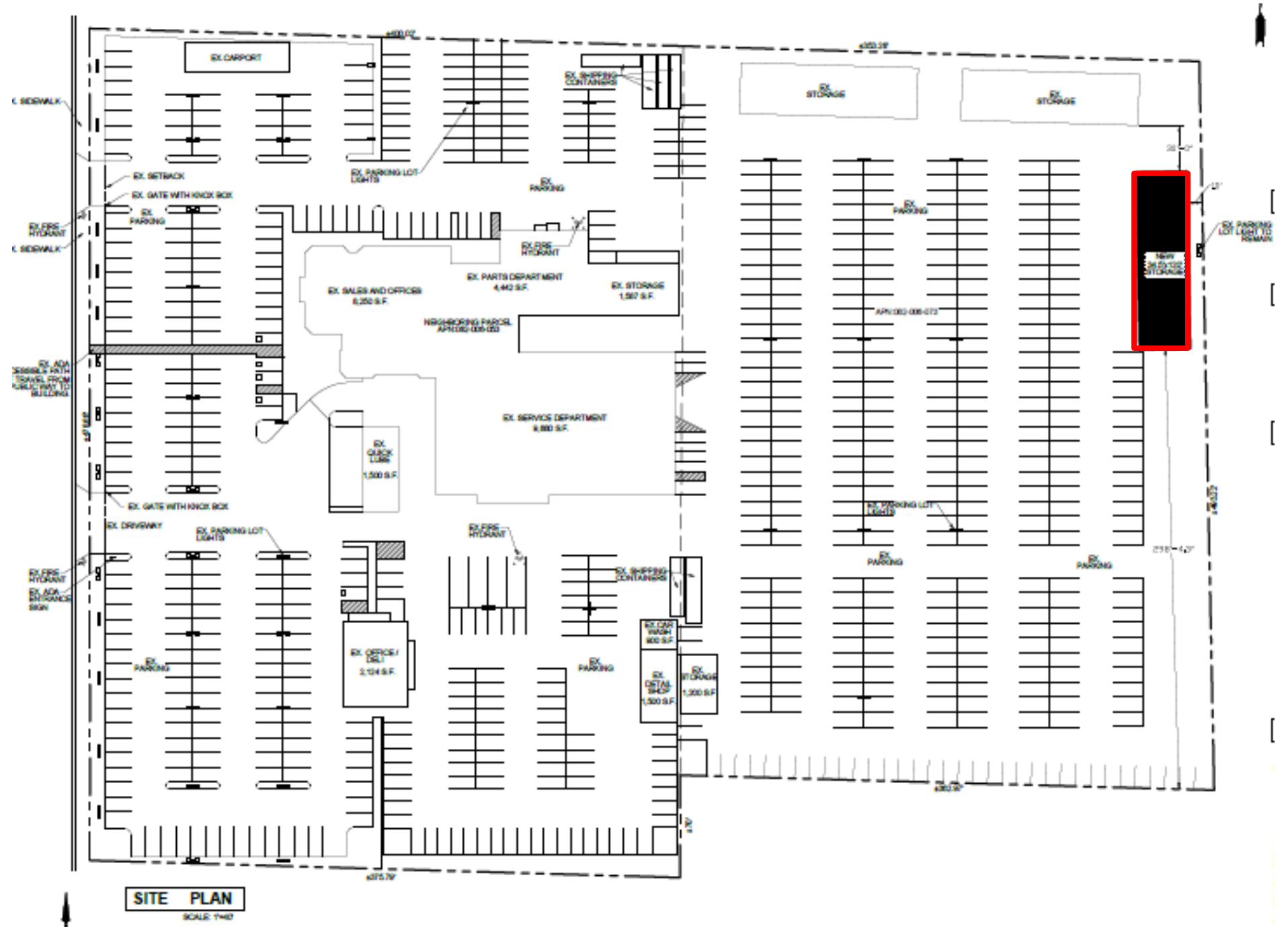
Source: Planning Department GIS

Date Exported: 3/5/2025



UP
PLN2023-0056

 Proposed buildings



General Plan and Zoning Consistency

General Plan

- Land Use Element
 - Planned Development
 - Sphere of Influence policy
 - Modesto had no comment
- Agricultural Element
 - Agricultural Buffer
 - Alternative proposed

Zoning

- Planned Development (P-D) (213), (244), & (280)

Environmental Review

- CEQA
 - Notice of Exemption
 - CEQA Guideline Section 15303 - New Construction or Conversion of Small Structures
- Conditions of Approval

Recommendation

- Staff recommendation
 - Approval
- Findings – Exhibit A
 - Environmental Determination
 - Use Permit
 - Agricultural Buffer
 - Project Approval

Questions?