



CEQA Referral Initial Study And Notice of Intent to Adopt a Negative Declaration

Date: October 1, 2021

To: Distribution List (See Attachment A)

From: Jeremy Ballard, Associate Planner, Planning and Community Development

Subject: GENERAL PLAN AMENDMENT, REZONE, AND PARCEL MAP APPLICATION
NO. PLN2020-0102 – M&B FAMILY DEVELOPMENT

Comment Period: October 1, 2021 – November 3, 2021

Respond By: November 3, 2021

Public Hearing Date: November 18, 2021

You may have previously received an Early Consultation Notice regarding this project, and your comments, if provided, were incorporated into the Initial Study. Based on all comments received, Stanislaus County anticipates adopting a Negative Declaration for this project. This referral provides notice of a 30-day comment period during which Responsible and Trustee Agencies and other interested parties may provide comments to this Department regarding our proposal to adopt the Negative Declaration.

All applicable project documents are available for review at: Stanislaus County Department of Planning and Community Development, 1010 10th Street, Suite 3400, Modesto, CA 95354. Please provide any additional comments to the above address or call us at (209) 525-6330 if you have any questions. Thank you.

Applicant: M&B Bruno Family, L.P.

Project Location: 5045 McHenry (SR 108) Avenue, northwest of the McHenry Avenue and Kiernan (SR 219) intersection, in the Modesto area.

APN: 004-094-011

Williamson Act Contract: N/A

General Plan: Agriculture

Current Zoning: A-2-40 (General Agriculture)

Project Description: Request to amend the General Plan and zoning designation of a portion of a 2.84 parcel from Agriculture and A-2-40 (General Agriculture) to Planned Development, and to create a 0.35-acre parcel and a 2.47-acre remainder parcel, to legalize an unpermitted parking lot. The parking lot was developed with 28 paved parking stalls and an eight-foot tall chain-link fence with privacy slats without any land use or grading permits. The parking lot is proposed to be used in conjunction with the existing mixed-use development on the adjoining parcel to the south, via a reciprocal access easement. The mixed used development consists of an existing cardroom, 27-

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unit apartment complex, and restaurant. The parking lot will not be limited on the hours of use as the existing cardroom is open 24 hours a day. The use of the parking stalls will not be restricted, and stalls will be utilized by customers, employees, or any other visitors to the site. No additional customers are expected to be generated as result of this development. The applicant developed the parking lot as result of potential expansion of tables for the cardroom operation, which required additional onsite parking to be developed. Additionally, the 0.35-acre parcel is proposed to be developed with a storm drain basin, frontage improvements including curb, gutter, and sidewalks, two light poles 25 feet in height, and landscaping consisting of a combination of trees, shrubs, and groundcover along the eastern (road frontage), northern, and western property lines. No new well or septic systems are proposed for on-site use. No change in the General Plan and zoning designations of the 2.47-acre remainder parcel is proposed and the use of the property, which is developed with two single family dwelling and accessory structure will remain unchanged. Consequently, the remainder cannot be developed any further without a Master Plan for the North McHenry corridor.

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



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

**GENERAL PLAN AMENDMENT, REZONE, AND PARCEL MAP APPLICATION NO. PLN2020-0102 -
 M&B FAMILY DEVELOPMENT**

Attachment A

Distribution List

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

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STANISLAUS COUNTY CEQA REFERRAL RESPONSE FORM

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

FROM: _____

SUBJECT: GENERAL PLAN AMENDMENT, REZONE, AND PARCEL MAP APPLICATION
NO. PLN2020-0102 – M&B FAMILY DEVELOPMENT

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

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

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

- 1.
- 2.
- 3.
- 4.

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

- 1.
- 2.
- 3.
- 4.

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

Response prepared by:

Name	Title	Date
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DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10TH Street, Suite 3400, Modesto, CA 95354
Planning Phone: (209) 525-6330 Fax: (209) 525-5911
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CEQA INITIAL STUDY

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

1. **Project title:** General Plan Amendment, Rezone, and Parcel Map Application No. PLN2020-0102 – M&B Family Development
2. **Lead agency name and address:** Stanislaus County Planning & Community Development Department
1010 10th Street, Suite 3400
Modesto, CA 95354
3. **Contact person and phone number:** Jeremy Ballard, Associate Planner
(209) 525-6300
4. **Project location:** 5045 McHenry (SR 108) Avenue, northwest of the McHenry Avenue and Kiernan Avenue (SR 219) intersection, in the Modesto area.
APN: 004-094-011.
5. **Project sponsor's name and address:** M&B Family Development (Anthony M. Bruno, Mathew Bruno, Barbara Bruno)
6. **General Plan designation:** Agriculture
7. **Zoning:** A-2-40 (General Agriculture)
8. **Description of project:**

Request to amend the General Plan and zoning designation of a portion of a 2.84 parcel from Agriculture and A-2-40 (General Agriculture) to Planned Development, and to create a 0.35-acre parcel and a 2.47-acre remainder parcel, to legalize an unpermitted parking lot. The parking lot was developed with 28 paved parking stalls and an eight-foot tall chain-link fence with privacy slats without any land use or grading permits. The parking lot is proposed to be used in conjunction with the existing mixed-use development on the adjoining parcel to the south, via a reciprocal access easement. The mixed used development consists of an existing cardroom, 27-unit apartment complex, and restaurant. The parking lot will not be limited on the hours of use as the existing cardroom is open 24 hours a day. The use of the parking stalls will not be restricted, and stalls will be utilized by customers, employees, or any other visitors to the site. No additional customers are expected to be generated as result of this development. The applicant developed the parking lot as result of potential expansion of tables for the cardroom operation, which required additional onsite parking to be developed. Additionally, the 0.35-acre parcel is proposed to be developed with a storm drain basin, frontage improvements including curb, gutter, and sidewalks, two light poles 25 feet in height, and landscaping consisting of a combination of trees, shrubs, and groundcover along the eastern (road frontage), northern, and western property lines. No new well or septic systems are proposed for on-site use. No change in the General Plan and zoning designations of the 2.47-acre remainder parcel is proposed and the use of the property, which is developed with two single family dwellings and accessory structure will remain unchanged. Consequently, the remainder cannot be developed any further without a Master Plan for the North McHenry corridor.

9. **Surrounding land uses and setting:** Light Industrial development to the west and south, legally non-conforming bar and agricultural zoned parcels to the north, State Route 108 (McHenry Avenue), RV storage facility, and orchards to the east, apartment complex, restaurant, cardroom, and State Route 219 (Kiernan Avenue), to the south.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** CalTrans
Stanislaus County Department of Public Works
11. **Attachments:**

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.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture & Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input type="checkbox"/> Geology / Soils | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials |
| <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Wildfire | <input type="checkbox"/> 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.

Prepared by Jeremy Ballard, Associate Planner

October 1, 2021

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, then 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 site itself is not considered to be a scenic resource or unique scenic vista. As stated in the project description, the proposed parking lot was developed with 28 paved parking stalls and an eight-foot tall chain-link fence with privacy slats, without any land use or grading permits. The parking lot is proposed to be used in conjunction with the existing mixed-use development on the adjoining parcel to the south, via a reciprocal access easement. Additionally, the 0.35-acre parcel is proposed to be developed with a storm drain basin, frontage improvements of curb, gutter, and sidewalk, two light 25-foot-tall light poles and landscaping. A development standard will be added requiring a photometric lighting plan be submitted for any new or existing lighting to ensure no glare or light spill effects are created.

The proposed landscaping will consist of a combination of trees, shrubs, and groundcover along the eastern (road frontage), northern, and western property lines. Although not within the Local Agency Formation Commission (LAFCO) adopted City of Modesto Sphere of Influence, the project site serves as a gateway in to the City of Modesto via McHenry Avenue (SR 108). In accordance with the County's General Plan Sphere of Influence policy, the project was referred to the City of Modesto. The City provided comments on the project, requesting that the City's landscaping standards are met for the proposed parking lot including review and approval of a landscaping plan, and inspection of installed landscaping. City standards require a 10-foot landscaping strip along the road frontage, as well as planting of one shade tree for every eight parking stalls. The plan proposed as part of the application, meets those standards. A development standard will be placed on the project to ensure the final landscaping plan meet these standards.

The General Plan and zoning designations of the 2.47-acre remainder parcel will remain unchanged and cannot be developed any further without a Master Plan for the North McHenry corridor. With developments standards in place, no adverse impacts to the existing visual character of the site or its surroundings are anticipated.

Mitigation: None.

References: Application information; City of Modesto referral response, dated February 24, 2021; Stanislaus County Zoning Ordinance; Stanislaus County General Plan; and Support Documentation¹.

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 California Department of Conservation's Farmland Mapping and Monitoring Program lists the proposed 0.35-acre parcel's soil comprised of Urban and Built Up Land with the 2.47-acre remainder as Vacant or Disturbed land. The United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS) Web Soil Survey indicates that both the 0.35-acre parcel and the 2.47-acre remainder parcel soil consists of Grade 2 Tujunga loamy sand, 0 to 3 percent slopes, Storie Index rating 67, which does not qualify as Prime Farmland.

The existing 0.35-acre project site has a General Plan Designation of Agriculture and a zoning designation of A-2-40 (General Agriculture) and was developed with 28 paved parking stalls and an eight-foot tall chain-link fence with privacy slats, without any land use or grading permits. To permit such an activity, a General Plan Amendment and Rezone of the affected area is required. The applicant has proposed to amend the General Plan and zoning of a 0.35-acre portion of the existing parcel to Planned Development. The applicant proposes to subdivide the parcel into a 0.35-acre parcel, which would encompass the already developed parking lot and an area for storm drainage capture, and a 2.47-acre remainder parcel that would remain under its current General Plan and zoning designations.

Goal 2, Policy 2.7 of the Agricultural Element states that, "Proposed amendments to the General Plan Diagram (map) that would allow the conversion of agricultural land to non-agricultural uses shall be approved only if they are consistent with the County's conversion criteria." Implementation 1, of the Agricultural Element's Policy 2.7 describes the procedures for processing amendments to the General Plan land use designation:

Conversion Consequences. The direct and indirect effects, as well as the cumulative effects, of the proposed conversion of agricultural land shall be fully evaluated.

Conversion Considerations. In evaluating the consequences of a proposed amendment, the following factors shall be considered: plan designation; soil type; adjacent uses; proposed method of sewage treatment; availability of water, transportation, public utilities, fire and police protection, and other public services; proximity to existing airports and airstrips; impacts on air and water quality, wildlife habitat, endangered species and sensitive lands; and any other factors that may aid the evaluation process.

Conversion Criteria. Proposed amendments to the General Plan Diagram (map) that would allow the conversion of agricultural land to urban uses shall be approved only if the Board of Supervisors makes the following findings:

- A. Overall, the proposal is consistent with the goals and policies of the General Plan.
- B. There is evidence on the record to show a demonstrated need for the proposed project based on population projections, past growth rates, and other pertinent data.
- C. No feasible alternative site exists in areas already designated for the proposed uses.
- D. Approval of the proposal will not constitute a part of, or encourage, piecemeal conversion of a larger agricultural area to non-agricultural uses and will not be growth-inducing (as used in the California Environmental Quality Act).
- E. The proposed project is designed to minimize conflict and will not interfere with agricultural operations on surrounding agricultural lands or adversely affect agricultural water supplies.
- F. Adequate and necessary public services and facilities are available or will be made available as a result of the development.
- G. The design of the proposed project has incorporated all reasonable measures, as determined during the CEQA review process, to mitigate impacts to agricultural lands, fish and wildlife resources, air quality, water quality and quantity, or other natural resources.

According to Goal Two, Policy 2.5, Implementation Measure 1, of the General Plan's Agricultural Element, when defining the County's most productive agricultural areas, it is important to recognize that soil types alone should not be the determining factor. With modern management techniques, almost any soil type in Stanislaus County can be extremely productive. Although soil types should be considered, the designation of "most productive agricultural areas" also should be based on existing uses and their contributions to the agricultural sector of our economy. Additionally, areas considered to be "Most Productive Agricultural Areas" will not include any land within LAFCO-approved Spheres of Influence of cities. The project site is not considered to be a most productive agricultural area as the soils are not considered prime farmland and because the site is under 10 acres in size, does not have access to irrigation water, and is surrounded by urban development. Consequently, the proposed 2.47-acre remainder parcel will remain unchanged and cannot be developed any further without a Master Plan for the North McHenry corridor.

The proposed project was referred to the Department of Conservation (DOC); however, no response has been received to date.

The Stanislaus County Agricultural Element includes Buffer and Setback Guidelines (Appendix A) applicable to new or expanding non-agricultural uses within or adjacent to the A-2 zoning district. The purpose of these guidelines is to protect the long-term health of local agriculture by minimizing conflicts such as spray drift and trespassing resulting from the interface of agricultural and non-agricultural uses. People-intensive uses require a buffer of 300 feet, and non-people-intensive uses require buffer of 150 feet. Permitted uses within a buffer area include: landscaping, parking lots, and similar low-people-intensive uses. The proposed 0.35-acre parking lot is consistent with uses permitted in the Agriculture Buffer requirement. The 2.47-acre remainder parcel will remain zoned agriculture with no changes proposed to the site, thus the remainder will also not be subject to the Agriculture Buffer requirement.

There is no indication that this project will result in the removal of adjacent contracted land from agricultural use. There are no forest lands on or near the project site. Impacts to agriculture and forest resources are considered to be less-than significant.

Mitigation: None.

References: Natural Resources Conservation Service Soil Survey; Application information; Stanislaus Soil Survey; California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2018; Stanislaus County Zoning Ordinance and General Plan; and Support Documentation¹.

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 proposed project is located within the San Joaquin Valley Air Basin (SJVAB) and, therefore, falls under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). In conjunction with the Stanislaus Council of Governments (StanCOG), the SJVAPCD is responsible for formulating and implementing air pollution control strategies. The SJVAPCD's most recent air quality plans are the 2007 PM₁₀ (respirable particulate matter) Maintenance Plan, the 2008 PM_{2.5} (fine particulate matter) Plan, and the 2007 Ozone Plan. These plans establish a comprehensive air pollution control program leading to the attainment of state and federal air quality standards in the SJVAB, which has been classified as "extreme non-attainment" for ozone, "attainment" for respirable particulate matter (PM-10), and "non-attainment" for PM 2.5, as defined by the Federal Clean Air Act.

The primary source of air pollutants generated by this project would be classified as being generated from "mobile" sources. Mobile sources would generally include dust from roads, farming, and automobile exhausts. Mobile sources are generally regulated by the Air Resources Board of the California EPA, which sets emissions for vehicles and acts on issues regarding cleaner burning fuels and alternative fuel technologies. As such, the District has addressed most criteria air pollutants through basin wide programs and policies to prevent cumulative deterioration of air quality within the Basin. The project will increase traffic in the area and, thereby, impacting air quality.

Construction activities associated with new development can temporarily increase localized PM₁₀, PM_{2.5}, volatile organic compound (VOC), nitrogen oxides (NOX), sulfur oxides (SOX), and carbon monoxide (CO) concentrations a project's vicinity. The primary source of construction-related CO, SOX, VOC, and NOX emission is gasoline and diesel-powered, heavy-duty mobile construction equipment. Primary sources of PM₁₀ and PM_{2.5} emissions are generally clearing and demolition activities, grading operations, construction vehicle traffic on unpaved ground, and wind blowing over exposed surfaces.

Potential impacts on local and regional air quality are anticipated to be less-than significant, falling below SJVAPCD thresholds, as a result of the nature of the proposed project and project's operation after construction. Implementation of the proposed project would fall below the SJVAPCD significance thresholds for both short-term construction and long-term operational emissions, as discussed below. Because construction and operation of the project would not exceed the SJVAPCD significance thresholds, the proposed project would not increase the frequency or severity of existing air quality standards or the interim emission reductions specified in the air plans.

The project proposes to amend the General Plan and zoning designation of a portion of a 2.84 parcel from Agriculture and A-2-40 (General Agriculture) to Planned Development, and to create a 0.35-acre parcel and a 2.47-acre remainder parcel, to legalize an unpermitted parking lot. The applicant developed the parking lot as result of potential expansion of tables for the cardroom operation, which required additional onsite parking to be developed. The 0.35-acre parcel is proposed to be further developed with a storm drain basin, frontage improvements consisting of curb, gutter, and sidewalk, two 25-foot-tall light poles and landscaping. No construction of structures is proposed as part of this application, although the applicant, will be required to obtain a grading permit for development of the storm water basin and the installation of curb, gutter, sidewalk along the McHenry Avenue frontage. The General Plan and zoning designations of the 2.47-acre remainder parcel will remain unchanged and cannot be developed any further without a Master Plan for the North McHenry corridor.

The SJVAPCD's Small Project Analysis Level (SPAL) Analysis indicates that the minimum threshold of significance for industrial projects is 1,506 trips per-day. The parking lot will include 28 paved parking stalls to be used for passenger vehicles. The stalls will be utilized by existing development to the south of the project site. The project will not include construction of any new buildings or include any new uses other than parking, which by itself is not expected to generate any separate vehicles trips as it has already been developed and would be only used for customers of the existing development to the south. This would be below the District's thresholds of significance for emissions.

For these reasons, the proposed project would be consistent with the applicable air quality plans. Also, the proposed project would not conflict with applicable regional plans or policies adopted by agencies with jurisdiction over the project and would be considered to have a less-than significant impact.

The project was referred to the SJVAPCD, but no response has been received to date. Although, the project site was developed without land use permits, a development standard will be added to the project to consult with the District to determine if any permits are required to be obtained. Consequently, construction emissions for the proposed project would be considered less-than significant without mitigation.

Mitigation: None.

References: Application material; San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; www.valleyair.org; and Stanislaus County General Plan and Support Documentation¹.

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 Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
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	
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Discussion: The project is located within the Riverbank Quad of the California Natural Diversity Database (CNDDB). There are seven species, which are state or federally listed, threatened, or identified as species of special concern within the Riverbank California Natural Diversity Database Quad. These species include the Swainson's hawk, vernal-pool fairy shrimp and tadpole shrimp, steelhead, chinook salmon, Crotch bumble-bee, and valley elderberry longhorn beetle. The site is not near a river so no salmon or steelhead exist in the site. There is a low likelihood that the other species are present on the project site as the land is already developed and fronts on California State Highway 108.

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.

An Early Consultation was referred to the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and no response was received.

Mitigation: None.

References: Application materials; California Department of Fish and Wildlife's Natural Diversity Database Quad Species List; Stanislaus County General Plan and Support Documentation¹.

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: As this project is a General Plan Amendment it was referred to the tribes listed with the Native American Heritage Commission (NAHC), in accordance with SB 18. No tribes responded with a request for consultation or with any project comments. Tribal notification of the project was not referred to any tribes in conjunction with AB 52 requirements, as Stanislaus County has not received any requests for consultation from the tribes listed with the NAHC. A records search conducted by the Central California Information Center (CCIC) indicated that there are no historical, cultural, or archeological resources recorded on-site and that the site has a low-sensitivity for the discovery of such resources. A development standard will be added to the project which requires if any cultural or tribal resources are discovered during project-related activities, all work is to stop, and the lead agency and a qualified professional are to be consulted to determine the importance and appropriate treatment of the find. Cultural Impacts are considered to be less-than significant.

Mitigation: None.

References: Application materials; Central California Information Center Report for the project site, dated January 7, 2020; Stanislaus County General Plan and Support Documentation¹.

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.

The parking lot will include 28 paved parking stalls to be used for passenger vehicles. The stalls will be utilized by existing development to the south of the project site. The project will not include construction of any new buildings or include any new uses other than parking, which by itself is not expected to generate any separate vehicles trips and has already been developed. No construction is proposed; however, if construction were to occur in the future, such as additional on-site lighting, all construction must meet California Green Building Standards Code (CALGreen Code), which includes mandatory provisions applicable to all new residential, commercial, and school buildings. The intent of the CALGreen Code is to establish minimum statewide standards to significantly reduce the greenhouse gas emissions from new construction. The Code includes provisions to reduce water use, wastewater generation, and solid waste generation, as well as requirements for bicycle parking and designated parking for fuel-efficient and carpool/vanpool vehicles in commercial development. The code requires mandatory inspections of building energy systems for non-residential buildings over 10,000 square-feet to ensure that they are operating at their design efficiencies. It is the intent of the CALGreen Code that buildings constructed pursuant to the Code achieve at least a 15 percent reduction in energy usage when compared to the State's mandatory energy efficiency standards contained in Title 24. The Code also sets limits on VOCs (volatile organic compounds) and formaldehyde content of various building materials, architectural coatings, and adhesives. A development standard will be added to this project to address compliance with Title 24, Green Building Code, which includes energy efficiency requirements.

Senate Bill 743 (SB743) requires that the transportation impacts under the California Environmental Quality Act (CEQA) evaluate impacts by using Vehicle Miles Traveled (VMT) as a metric. Stanislaus County has currently not adopted any significance thresholds for VMT, and projects are treated on a case-by-case basis for evaluation under CEQA. However, the State of California - Office of Planning and Research (OPR) has issued guidelines regarding VMT significance under CEQA. One of the guidelines, presented in the December 2018 document Technical Advisory on Evaluating Transportation Impacts in CEQA, states that locally serving retail would generally redistribute trips from other local uses, rather than generate new trips. The proposed project fits this description of locally serving retail and therefore is presumed to create a less-than significant transportation impact related to VMT.

The project was referred to SJVAPCD, but no response was received. However, the project will be required to meet all applicable Air District standards and to obtain all applicable Air District permits. A referral response from the Modesto Irrigation District (MID) requested consultation from the applicant if any of their facilities are impacted as a result of the project. A development standard will be added to ensure consultation takes place prior to issuance of any permit. The proposed project would be consistent with all applicable renewable energy or energy efficiency requirements. Impacts related to Energy are considered to be less-than significant.

Mitigation: None.

References: Application materials; 2016 California Green Building Standards Code Title 24, Part 11(Cal Green); 2016 California Energy Code Title 24, Part 6; State of California - Office of Planning and Research (OPR) guidelines regarding VMT significance under CEQA; Referral response from Modesto Irrigation District, dated February 9, 2021; Stanislaus County General Plan and Support Documentation¹.

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: 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. The USDA Natural Resources Conservation Service's Eastern Stanislaus County Soil Survey indicates that the property is made up of Tujunga loamy sand (TuA) soils. 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, if applicable. 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. No construction of structures is proposed; however, if construction were to occur in the future, it must be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed.

As part of the referral of the project, the City of Modesto, stated the applicant would be required to maintain all storm drainage onsite. Additionally, a referral response from the California Department of Transportation stated the same requirement pertaining to capture of stormwater. As stated in the project description, the applicant has proposed to develop a storm drain basin to capture any runoff produced by the parking lot. Consequently, as required by the County's Public Works all storm water must be maintained onsite. Therefore, Public Works has required grading, drainage, and erosion/sediment control plan for the 0.35-acre project site shall be submitted for review and approval to the Department of Public Works that includes drainage calculations and enough information to verify that runoff from project will not flow onto adjacent properties and Stanislaus County road right-of-way and is in compliance with the current State of California

National Pollutant Discharge Elimination System (NPDES) General Construction Permit. Development standards will be added to the project to reflect these requirements.

There are no well or septic facilities onsite, nor is there any proposed on the 0.35-acre parcel. No changes to the remainder parcel, which has been previously developed with a dwelling and accessory structures, are being proposed. Any future addition or expansion of a septic tank or alternative wastewater disposal system on the remainder parcel would require the approval of the Department of Environmental Resources (DER) through the building permit process, which also takes soil type into consideration within the specific design requirements. Development standards regarding these standards will be applied to the project and will be triggered when a building permit is requested.

Impacts to Geology and Soils are considered to be less-than significant.

Mitigation: None.

References: Referral response from the Stanislaus County Department of Public Works, dated February 8, 2021; City of Modesto referral response, dated February 24, 2021; CalTrans referral response, dated June 25, 2021; Stanislaus County General Plan and Support Documentation¹.

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 Gases (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 parking lot will include 28 paved parking stalls to be used for passenger vehicles. The stalls will be utilized by existing development to the south of the project site. The project will not include construction of any new buildings or include any new uses other than parking, which by itself is not expected to generate any separate vehicle trips and has already been developed. No construction of structures is proposed; however, if construction were to occur in the future, such as additional on-site lighting, all construction must meet California Green Building Standards Code (CALGreen Code), which includes mandatory provisions applicable to all new residential, commercial, and school buildings. The intent of the CALGreen Code is to establish minimum statewide standards to significantly reduce the greenhouse gas emissions from new construction. The Code includes provisions to reduce water use, wastewater generation, and solid waste generation, as well as requirements for bicycle parking and designated parking for fuel-efficient and carpool/vanpool vehicles in commercial development. The code requires mandatory inspections of building energy systems for non-residential buildings over 10,000 square-feet to ensure that they are operating at their design efficiencies. It is the intent of the CALGreen Code that buildings constructed pursuant to the Code achieve at least a 15 percent reduction in energy usage when compared to the State's mandatory energy efficiency standards contained in Title 24. The Code also sets limits on VOCs (volatile organic compounds) and formaldehyde content of various building materials, architectural coatings, and adhesives. A development standard will be added to this project to address compliance with Title 24, Green Building Code, which includes energy efficiency requirements.

Senate Bill 743 (SB743) requires that the transportation impacts under the California Environmental Quality Act (CEQA) evaluate impacts by using Vehicle Miles Traveled (VMT) as a metric. Stanislaus County has currently not adopted any significance thresholds for VMT, and projects are treated on a case-by-case basis for evaluation under CEQA. However, the State of California - Office of Planning and Research (OPR) has issued guidelines regarding VMT significance under CEQA. One of the guidelines, presented in the December 2018 document Technical Advisory on Evaluating Transportation Impacts in CEQA, states that locally serving retail would generally redistribute trips from other local uses, rather than generate new trips. The proposed project fits this description of locally serving retail and therefore is presumed to create a less-than significant transportation impact related to VMT.

The project was referred to SJVAPCD, but no response was received. However, a development standard will be added to the project requiring consultation with the Air District standards to determine any applicable Air District permits. Impacts associated with Greenhouse Gas Emissions are expected to have a less-than significant impact.

Mitigation: None.

References: Application materials; 2016 California Green Building Standards Code Title 24, Part 11(Cal Green); 2016 California Energy Code Title 24, Part 6; State of California - Office of Planning and Research (OPR) guidelines regarding VMT significance under CEQA; Stanislaus County General Plan and Support Documentation¹.

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 was referred to the DER Hazardous Materials (HazMat) Division; however, no response was received. The project proposes to amend the General Plan and zoning designation of a portion of a 2.84 parcel from Agriculture and A-2-40 (General Agriculture) to Planned Development, and to create a 0.35-acre parcel and a 2.47-acre remainder parcel, to legalize an unpermitted parking lot. Per the application, the operation will not include or generate any hazardous wastes associated with the project and the 0.35-acre project site will serve only as a parking lot serving existing

commercial and residential development on the adjacent parcel, while the 2.47-acre remainder parcel will not include any changes to existing residential development.

Pesticide exposure is a risk in areas located in the vicinity of agriculture. Sources of exposure include contaminated groundwater, which is consumed, and drift from spray applications. Application of sprays is strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. Additionally, agricultural buffers are intended to reduce the risk of spray exposure to surrounding people. As stated earlier, the proposed project is consistent with the uses permitted within the Agricultural Buffer area. Additionally, the applicant proposes to install landscaping, which will consist of a combination of trees, shrubs, and groundcover along the eastern (road frontage), northern, and western property lines. The project was referred to the Stanislaus County Agricultural Commissioner and no comments have been received to date.

The project site is not listed on the EnviroStor database managed by the CA Department of Toxic Substances Control or within the vicinity of any airport. The groundwater is not known to be contaminated in this area. 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 District, however no response was received. Project impacts related to Hazards and Hazardous Materials are considered to be less-than significant impact.

Mitigation: None.

References: Application materials; California Department of Toxic Substance Control's EnviroStor database; Stanislaus County General Plan and Support Documentation¹.

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: 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. On-site areas subject to flooding have not been identified by the Federal Emergency Management Agency and/or County designated flood areas.

The parking lot is proposed to be used in conjunction with the existing mixed-use development on the adjoining parcel to the south, via a reciprocal access easement. Additionally, the 0.35-acre parcel is proposed to be developed with a storm drain basin, frontage improvements, two light poles, and landscaping. No new well or septic systems are proposed for on-site use; however, an existing domestic well and septic system is utilized for the commercial development to the south. The 2.47-acre remainder parcel will remain unchanged and cannot be developed any further without a Master Plan for the North McHenry corridor. As part of the referral of the project, the City of Modesto, stated the applicant would be required to maintain all storm drainage onsite. Additionally, a referral response from the California Department of Transportation stated the same requirement pertaining to capture of stormwater. As stated in the project description, the applicant has proposed to develop a storm drain basin to capture any runoff produced by the parking lot. Consequently, as required by the County's Public Works all storm water must be maintained onsite. Public Works has required that a grading, drainage, and erosion/sediment control plan for the 0.35-acre project site be submitted for review and approval to the Department of Public Works that includes drainage calculations and enough information to verify that runoff from project will not flow onto adjacent properties and Stanislaus County road right-of-way and is in compliance with the current State of California National Pollutant Discharge Elimination System (NPDES) General Construction Permit. Development standards will be added to the project to reflect these requirements.

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.

A referral response received from the Central Valley Regional Water Quality Control District provided a list of the Board's permits and programs that may be applicable to the proposed project. The developer will be required to contact Regional Water to determine which permits/standards must be met prior to construction as a condition of approval.

A referral response from the Modesto Irrigation District (MID) did not indicate any irrigation infrastructure within the project area.

Any additional development on the 0.35-acre parcel other than the proposed parking lot would be subject to additional discretionary permitting and environmental review related to Hydrology or development of other water infrastructure for the site. Future development would also be subject to a Master Plan for the North McHenry corridor.

As a result of the development standards required for this project, impacts associated with drainage, water quality, and runoff are expected to have a less-than significant impact.

Mitigation: None.

References: Application materials; Referral response received from the Department of Public Works, dated February 8, 2021; Referral response from Modesto Irrigation District (MID), dated February 7, 2021; Referral response received from the Regional Water Quality Control District, dated February 9, 2021; City of Modesto referral response, dated February 24, 2021; CalTrans referral response, dated June 25, 2021; Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Agency website ([About STRGBA - Stanislaus and Tuolumne Rivers Groundwater Basin Association](#)); Stanislaus County General Plan and Support Documentation¹.

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: Request to amend the General Plan and zoning designation of a portion of a 2.84 parcel from Agriculture and A-2-40 (General Agriculture) to Planned Development, and to create a 0.35-acre parcel and a 2.47-acre remainder parcel, to legalize an unpermitted parking lot. The parking lot was developed with 28 paved parking stalls and an eight-foot-tall chain-link fence with privacy slats without any land use or grading permits. The parking lot is proposed to be used in conjunction with the existing mixed-use development on the adjoining parcel to the south, via a reciprocal access easement. The mixed used development consists of an existing cardroom, 27-unit apartment complex, and restaurant. The parking lot will not be limited on the hours of use as the existing cardroom is open 24 hours a day. The use of the parking stalls will not be restricted, and stalls will be utilized by customers, employees, or any other visitors to the site. No additional customers are expected to be generated as result of this development. The applicant developed the parking lot as result of potential expansion of tables for the cardroom operation, which required additional onsite parking to be developed. Additionally, the 0.35-acre parcel is proposed to be developed with a storm drain basin, frontage improvements including curb, gutter, and sidewalks, two light poles 25 feet in height, and landscaping consisting of a combination of trees, shrubs, and groundcover along the eastern (road frontage), northern, and western property lines. No new well or septic systems are proposed for on-site use. No change in the General Plan and zoning designations of the 2.47-acre remainder parcel is proposed and the use of the property, which is developed with two single family dwellings and accessory structure will remain unchanged. Consequently, the remainder cannot be developed any further without a Master Plan for the North McHenry corridor.

The site is designated Agriculture by the General Plan and is zoned A-2-40 (General Agriculture). As stated by the Introduction to the General Plan, General Plan Amendments affect the entire County and any evaluation must give primary concern to the County as a whole; therefore, a fundamental question must be asked in each case: "Will this amendment, if adopted, generally improve the economic, physical and social well-being of the County in general?" Additionally, the County in reviewing General Plan amendments shall consider how the levels of public and private service might be affected; as well as how the proposal would advance the long-term goals of the County. In each case, in order to take affirmative action regarding a General Plan Amendment application, it must be found that the General Plan Amendment will maintain a logical land use pattern without detriment to existing and planned land uses and that the County and other affected government agencies will be able to maintain levels of service consistent with the ability of the government agencies to provide a reasonable level of service. In the case of a proposed amendment to the Land Use diagrams of the Land Use Element, an additional finding that the amendment is consistent with the goals and policies of the General Plan must also be made. Additionally, Goal 2 of the Land Use Element aims to ensure compatibility between land uses.

The Land Use Element describes the Planned Development designation as a designation intended for land which, because of demonstrably unique characteristics, may be suitable for a variety of uses without detrimental effects on other property. The Land Use Element also requires that the Agricultural Element's Conversion Criteria (Goal 2, Policy 2.7) be met when converting agricultural land to non-agricultural uses.

Goal 2, Policy 2.7 of the Agricultural Element states that, "Proposed amendments to the General Plan Diagram (map) that would allow the conversion of agricultural land to non-agricultural uses shall be approved only if they are consistent with the County's conversion criteria." Implementation 1, of the Agricultural Element's Policy 2.7 describes the procedures for processing amendments to the General Plan land use designation from "Agriculture" to another designation:

Conversion Consequences. The direct and indirect effects, as well as the cumulative effects, of the proposed conversion of agricultural land shall be fully evaluated.

Conversion Considerations. In evaluating the consequences of a proposed amendment, the following factors shall be considered: plan designation; soil type; adjacent uses; proposed method of sewage treatment; availability of

water, transportation, public utilities, fire and police protection, and other public services; proximity to existing airports and airstrips; impacts on air and water quality, wildlife habitat, endangered species and sensitive lands; and any other factors that may aid the evaluation process.

Conversion Criteria. *Proposed amendments to the General Plan Diagram (map) that would allow the conversion of agricultural land to urban uses shall be approved only if the Board of Supervisors makes the following findings:*

- A. *Overall, the proposal is consistent with the goals and policies of the General Plan.*
- B. *There is evidence on the record to show a demonstrated need for the proposed project based on population projections, past growth rates, and other pertinent data.*
- C. *No feasible alternative site exists in areas already designated for the proposed uses.*
- D. *Approval of the proposal will not constitute a part of, or encourage, piecemeal conversion of a larger agricultural area to non-agricultural uses and will not be growth-inducing (as used in the California Environmental Quality Act).*
- E. *The proposed project is designed to minimize conflict and will not interfere with agricultural operations on surrounding agricultural lands or adversely affect agricultural water supplies.*
- F. *Adequate and necessary public services and facilities are available or will be made available as a result of the development.*
- G. *The design of the proposed project has incorporated all reasonable measures, as determined during the CEQA review process, to mitigate impacts to agricultural lands, fish and wildlife resources, air quality, water quality and quantity, or other natural resources.*

The proposed landscaping will consist of a combination of trees, shrubs, and groundcover along the eastern (road frontage), northern, and western property lines. Although not within the Local Agency Formation Commission (LAFCO) adopted City of Modesto Sphere of Influence, the project site serves as a gateway in to the City of Modesto via McHenry Avenue (SR 108). In accordance with the County's General Plan Sphere of Influence policy, the project was referred to the City of Modesto. The City provided comments on the project, requesting that the City's landscaping standards are met for the proposed parking lot including review, approval, and inspection installed landscaping. Standards would include a 10-foot landscaping strip along the road frontage, as well as planting of one shade tree for every eight parking stalls. The plan proposed as part of the application, meets those standards. A development standard will be placed on the project to ensure the final landscaping plan meet these standards.

To approve a Rezone, the Planning Commission must find that it is consistent with the General Plan. Pursuant to the General Plan, land within a Planned Development designation should be zoned A-2 (General Agriculture) until development occurs through Planned Development zoning. Any additional development on the 0.35-acre parcel other than the proposed parking lot would be subject to additional discretionary permitting. Future development would also be subject to a Master Plan for the North McHenry corridor.

The project will not physically divide an established community nor conflict with any habitat conservation plans. Project impacts related to land use and planning are considered to be less-than significant.

Mitigation: None.

References: Application materials; City of Modesto referral response, dated February 24, 2021; Stanislaus County General Plan and Support Documentation¹.

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.

No significant impacts related to Mineral Resources have been identified.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.

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 Stanislaus County General Plan identifies noise levels up to 70 dB Ldn (or CNEL) as the normally acceptable level of noise for industrial, manufacturing, utilities, and agriculture uses. For residential land uses, the threshold separating conditionally acceptable noise exposure is 70 dB CNEL. The site itself is impacted by the noise generated from State Route 108. On-site grading resulting from this project may result in a temporary increase in the area's ambient noise levels; however, noise impacts associated with on-site activities and traffic are not anticipated to exceed the normally acceptable level of noise. No construction of new structures is proposed, but if construction were to occur in the future noise associated with the construction work would be required to meet the noise ordinance and Noise Element standards. As the parking lot would be used in. The site is not located within an airport land use plan. Noise impacts are considered to be less-than significant.

Mitigation: None.

References: Application materials; Stanislaus County Noise Control Ordinance, General Plan; and Support Documentation¹.

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. The existing residential development on the remainder parcel will remain. No population growth will be induced, nor will any existing housing be displaced as a result of this project.

Impacts related to Population and Housing are considered to be less-than significant.

Mitigation: None.

References: Application materials; Stanislaus County General Plan and Support Documentation¹.

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:				
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 Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. No construction is proposed; however, if the site were to construct anything in the future all applicable Public Facility Fees would be required to be paid at the time of issuance of a building permit.

This project was circulated to all applicable: school, fire, police, irrigation, public works departments, and districts during the Early Consultation referral period, and no concerns were identified with regard to public services.

A referral response from the Modesto Irrigation District (MID) requested consultation from the applicant if any of their electrical facilities are impacted as a result of the project. A development standard will be added to ensure consultation takes place prior to issuance of any permit.

No significant impacts related to Public Services were identified.

Mitigation: None.

References: Referral response from Modesto Irrigation District (MID), dated February 9, 2021; Stanislaus County General Plan and Support Documentation¹.

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 does not include any recreational facilities and is not anticipated to increase demands for recreational facilities, as such impacts typically are associated with residential development.

No significant impacts related to Recreation were identified.

Mitigation: None.

References: Application materials; Stanislaus County General Plan and Support Documentation¹.

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: A referral response received from the California Department of Transportation (Caltrans) stated that matching curb, gutter, and sidewalk shall be installed along the road frontage (SR 108) of the project site. Additionally, the District stated that an Encroachment Permit be obtained for any work being done in their right of way. A development standard will be added to the project to ensure that the required matching, curb, gutter, and sidewalk is installed along the entire 0.35-acre parcel's frontage on McHenry Avenue.

The existing parking lot will serve the existing residential and commercial uses that have been developed on the parcel to the south. As a result, a response received from the Department of Public Works indicated that an irrevocable reciprocal access easement be recorded across the proposed 0.35-acre parcel and the developed parcel that abuts the project site to the south. The appurtenant easement shall be non-exclusive as well. Public Works has also required improvement plans for curb, gutter, and sidewalk to be installed along the McHenry Avenue frontage of the parcel be submitted and approved by Caltrans.

Senate Bill 743 (SB743) requires that the transportation impacts under the California Environmental Quality Act (CEQA) evaluate impacts by using Vehicle Miles Traveled (VMT) as a metric. Stanislaus County has currently not adopted any significance thresholds for VMT, and projects are treated on a case-by-case basis for evaluation under CEQA. However, the State of California - Office of Planning and Research (OPR) has issued guidelines regarding VMT significance under

CEQA. One of the guidelines, presented in the December 2018 document Technical Advisory on Evaluating Transportation Impacts in CEQA, states that locally serving retail would generally redistribute trips from other local uses, rather than generate new trips. The proposed project fits this description of locally serving retail and therefore is presumed to create a less-than significant transportation impact related to VMT.

Mitigation: None.

References: City of Modesto referral response, dated February 24, 2021; CalTrans referral response, dated June 25, 2021; Referral response from the Stanislaus County Department of Public Works, dated February 8, 2021; Stanislaus County General Plan and Support Documentation¹.

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 resources as defined in Public Resources Code section 5020.1(k), or			X	
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: As this project is a General Plan Amendment it was referred to the tribes listed with the Native American Heritage Commission (NAHC), in accordance with SB 18. No tribes responded with a request for consultation or with any project comments. Tribal notification of the project was not referred to any tribes in conjunction with AB 52 requirements, as Stanislaus County has not received any requests for consultation from the tribes listed with the NAHC. A records search conducted by the Central California Information Center (CCIC) indicated that there are no historical, cultural, or archeological resources recorded on-site and that the site has a low-sensitivity for the discovery of such resources. A development standard will be added to the project which requires if any cultural or tribal resources are discovered during project-related activities, all work is to stop, and the lead agency and a qualified professional are to be consulted to determine the importance and appropriate treatment of the find. Cultural Impacts are considered to be less-than significant.

Mitigation: None.

References: Central California Information Center Report for the project site, dated January 7, 2020; County General Plan and Support Documentation¹.

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: Limitations on providing services have not been identified. The parking lot is proposed to be used in conjunction with the existing mixed-use development on the adjoining parcel to the south, via a reciprocal access easement. Additionally, the 0.35-acre parcel is proposed to be developed with a storm drain basin, frontage improvements, two light poles, and landscaping. No new well or septic systems are proposed for on-site use; however, an existing domestic well and septic system is utilized for the commercial development to the south. No changes to the 2.47-acre remainder parcel, which has been previously developed with a dwelling and accessory structures, are being proposed. Any future addition or expansion of a septic tank or alternative wastewater disposal system on the remainder parcel would require the approval of the Department of Environmental Resources (DER) through the building permit process, which also takes soil type into consideration within the specific design requirements. The 2.47-acre remainder parcel will remain unchanged and cannot be developed any further without a Master Plan for the North McHenry corridor.

As part of the referral of the project, the City of Modesto, stated the applicant would be required to maintain all storm drainage onsite. Additionally, a referral response from the California Department of Transportation stated the same requirement pertaining to capture of stormwater. As stated in the project description, the applicant has proposed to develop a storm drain basin to capture any runoff produced by the parking lot. Consequently, as required by the County's Public Works all storm water must be maintained onsite. Therefore, Public Works has required a grading, drainage, and erosion/sediment control plan for the 0.35-acre project site be submitted for review and approval to the Department of Public Works that includes drainage calculations and enough information to verify that runoff from project will not flow onto adjacent properties and Stanislaus County road right-of-way and is in compliance with the current State of California National Pollutant Discharge Elimination System (NPDES) General Construction Permit. Development standards will be added to the project to reflect these requirements.

A referral response from the Modesto Irrigation District (MID) requested consultation from the applicant if any of their electrical facilities are impacted as a result of the project. A development standard will be added to ensure consultation takes place prior to issuance of any permit.

No significant impacts related to Utilities and Services Systems have been identified.

Mitigation: None.

References: Application materials; Referral response received from the Department of Public Works, dated February 8, 2021; Referral response from Modesto Irrigation District (MID), dated February 7, 2021; City of Modesto referral response,

dated February 24, 2021; CalTrans referral response, dated June 25, 2021; Stanislaus County General Plan and Support Documentation¹.

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. With the Wildfire Hazard Mitigation Activities of this plan in place, impacts to an adopted emergency response plan or emergency evacuation plan are anticipated to be less-than significant. The terrain of the site is relatively flat, and the site has access to a County-maintained road. The site is located in a Local Responsibility Area (LRA) for urban fire protection, and is served by Stanislaus Consolidated Fire Protection District. The project was referred to the District, but no response was received. California Building Code establishes minimum standards for the protection of life and property by increasing the ability of a building to resist intrusion of flame and embers. No construction is proposed, but if future construction does occur it will be required to meet fire code, which will be verified through the building permit review process. A grading and drainage plan will be required for the parking lot, which include compliance with all fire protection, and emergency vehicle access standards. These requirements will be applied as development standards for the project. Accordingly, wildfire risk and risks associated with postfire land changes are considered to be less-than significant.

Mitigation: None.

References: Application materials; California Building Code Title 24, Part 2, Chapter 7; Stanislaus County Local Hazard Mitigation Plan; Stanislaus County General Plan and Support Documentation¹.

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 potential for cumulative impacts, which might significantly impact the environmental quality of the site and/or the surrounding area. The area surrounding the site, is developed with various light industrial and commercial planned developments, as well as some limited agriculture. Outside of the permitted uses for the A-2 zoning district, development of these properties would require discretionary approval and additional environmental review. As stated previously, any further development of the 2.47-acre remainder parcel would require a Master Plan for the North McHenry corridor, which would require further environmental review including but not limited to; analysis of impacts to hydrology, agricultural resources, traffic and transportation, utilities and service, and cumulative impacts to the surrounding area. As the 0.35-acre project site is already developed and would remain as a parking lot utilized in conjunction with the exiting commercial and residential development to the south, amending the general plan and zoning of the subject parcel for the purposes of permitting the use is not anticipated to set a precedent for further development of the surrounding area.

Mitigation: None.






References: Application material; Initial Study; Stanislaus County General Plan and Support Documentation¹.

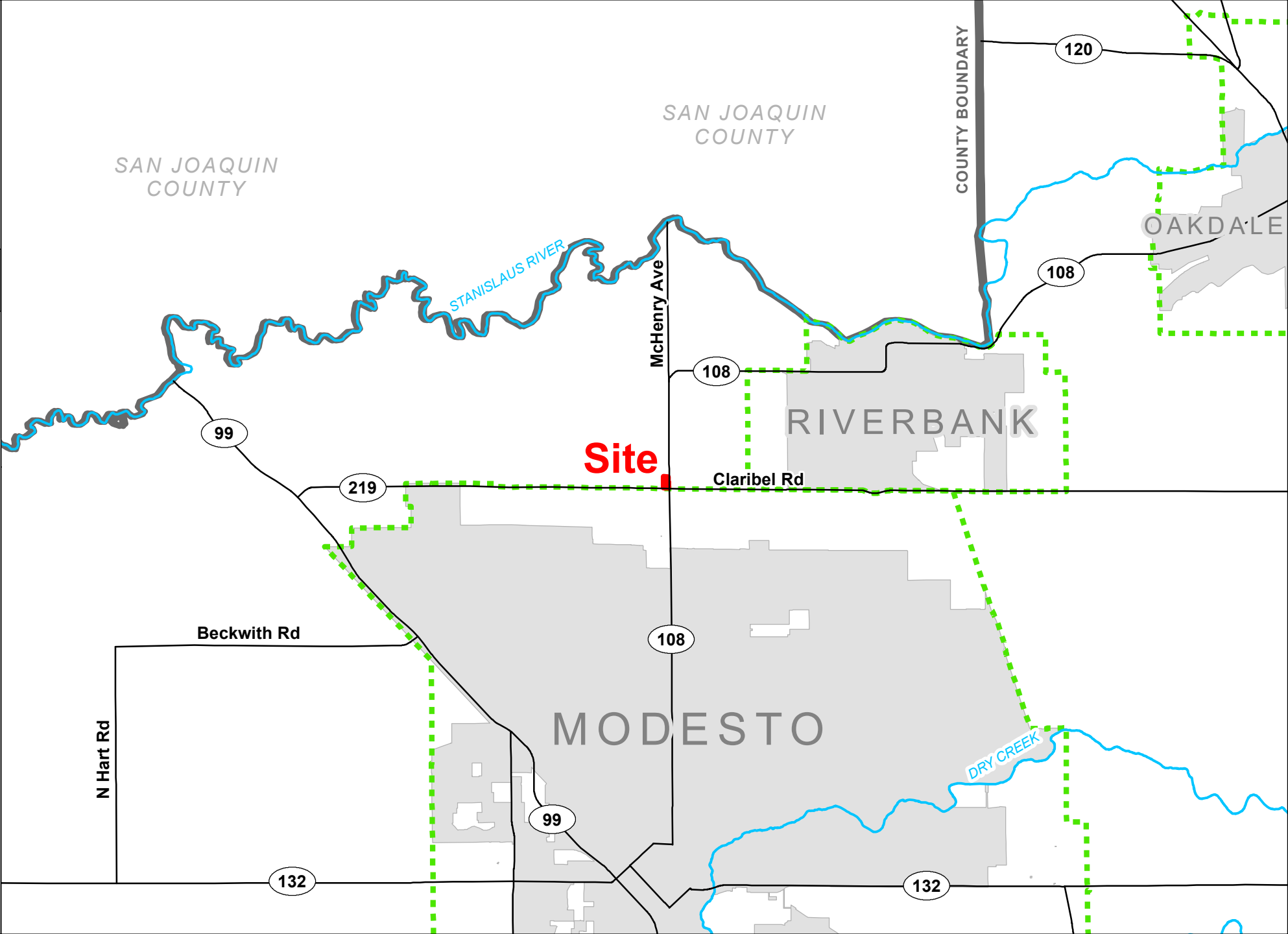
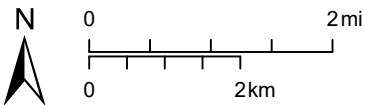
¹Stanislaus County General Plan and Support Documentation adopted in August 23, 2016, as amended. **Housing Element** adopted on April 5, 2016.

M&B FAMILY
DEVELOPMENT
GPA & REZ
PLN2020 – 0102

AREA MAP

LEGEND

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





M&B FAMILY
DEVELOPMENT
GPA & REZ
PLN2020 – 0102

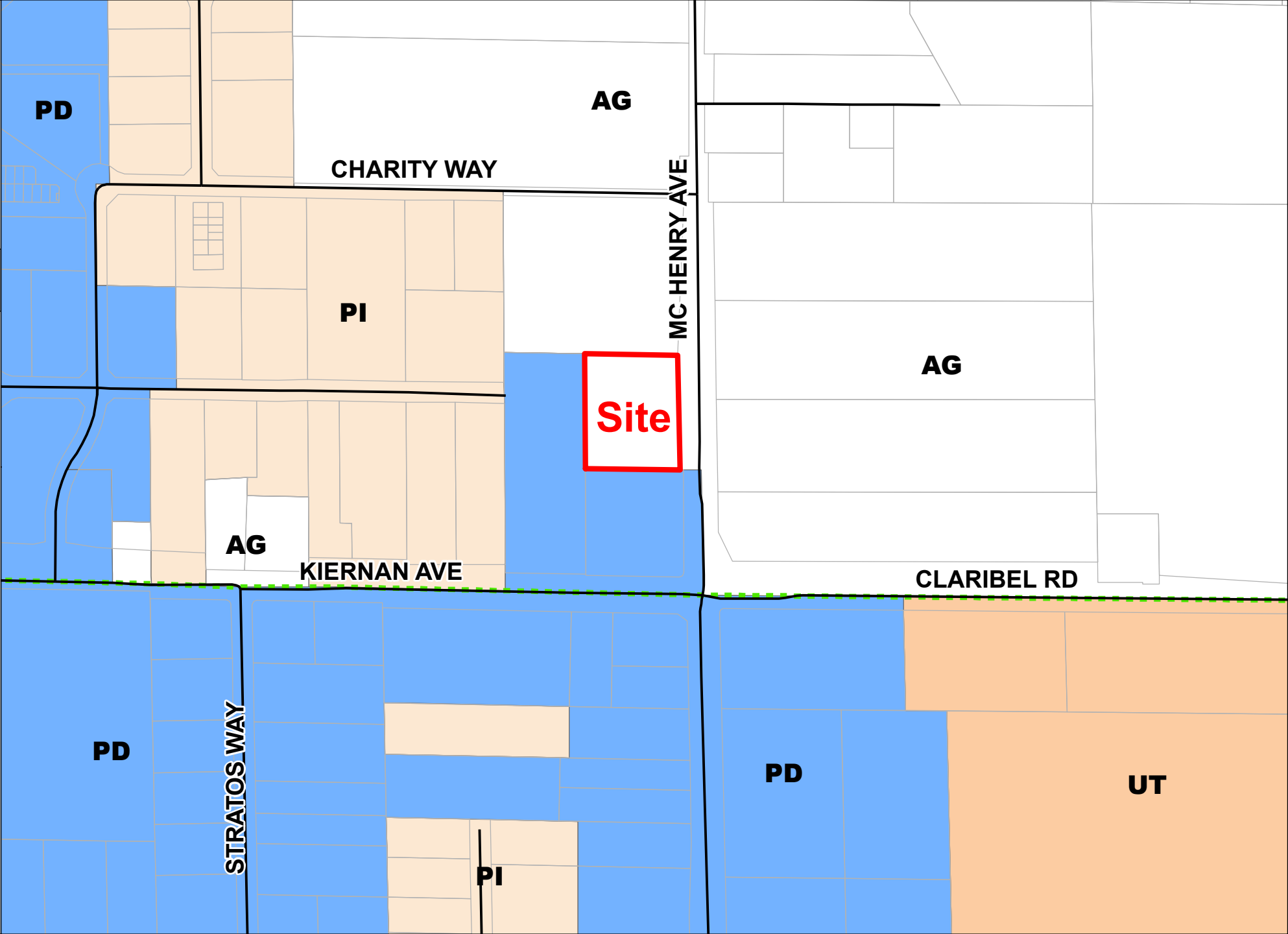
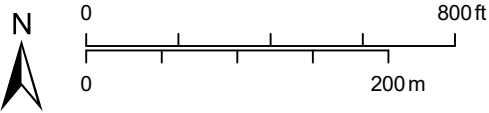
GENERAL PLAN MAP

LEGEND

-  Project Site
-  Sphere of Influence
-  Parcel
-  Road

General Plan

-  Agriculture
-  Planned Development
-  Planned Industrial
-  Urban Transition







M&B FAMILY
DEVELOPMENT
GPA & REZ
PLN2020 – 0102

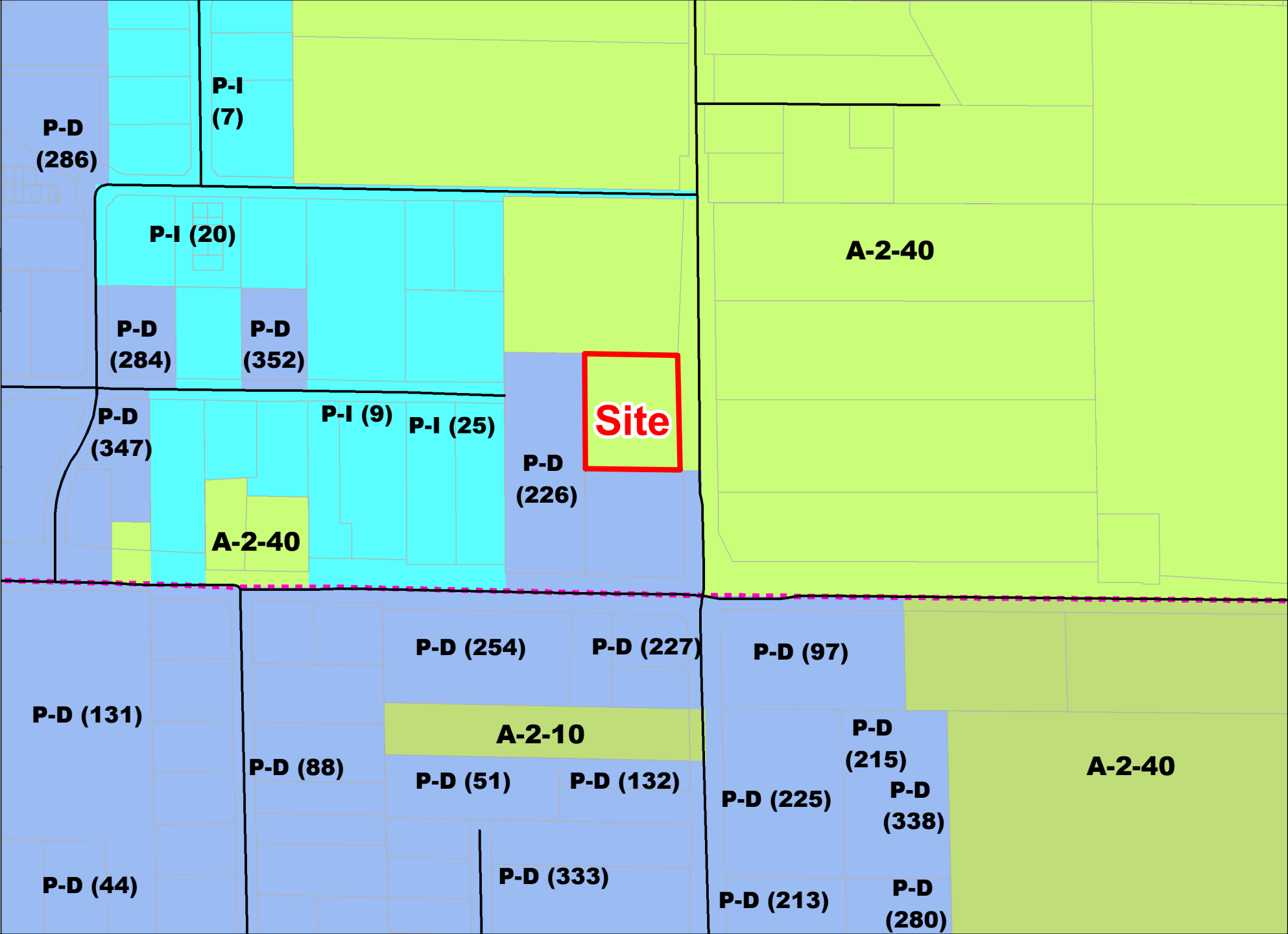
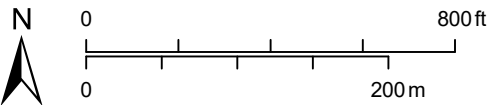
ZONING MAP

LEGEND

-  Project Site
-  Sphere of Influence
-  Parcel
-  Road

Zoning Designation

-  General Agriculture 10 Acre
-  General Agriculture 40 Acre
-  Planned Industrial
-  Planned Development

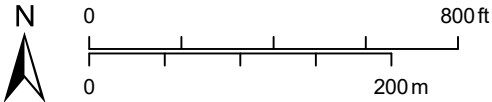


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DEVELOPMENT
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PLN2020 – 0102

2017 AERIAL AREA MAP

LEGEND




-  Project Site
-  Sphere of Influence
-  Road

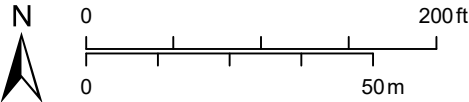


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PLN2020 – 0102

2017 AERIAL SITE MAP

LEGEND

-  Project Site
-  Road
-  Canal







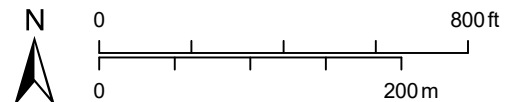
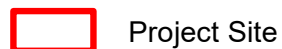
**M&B FAMILY
DEVELOPMENT
GPA & REZ
PLN2020 – 0102**

ACREAGE MAP

ACREAGE MAP

LEGEND

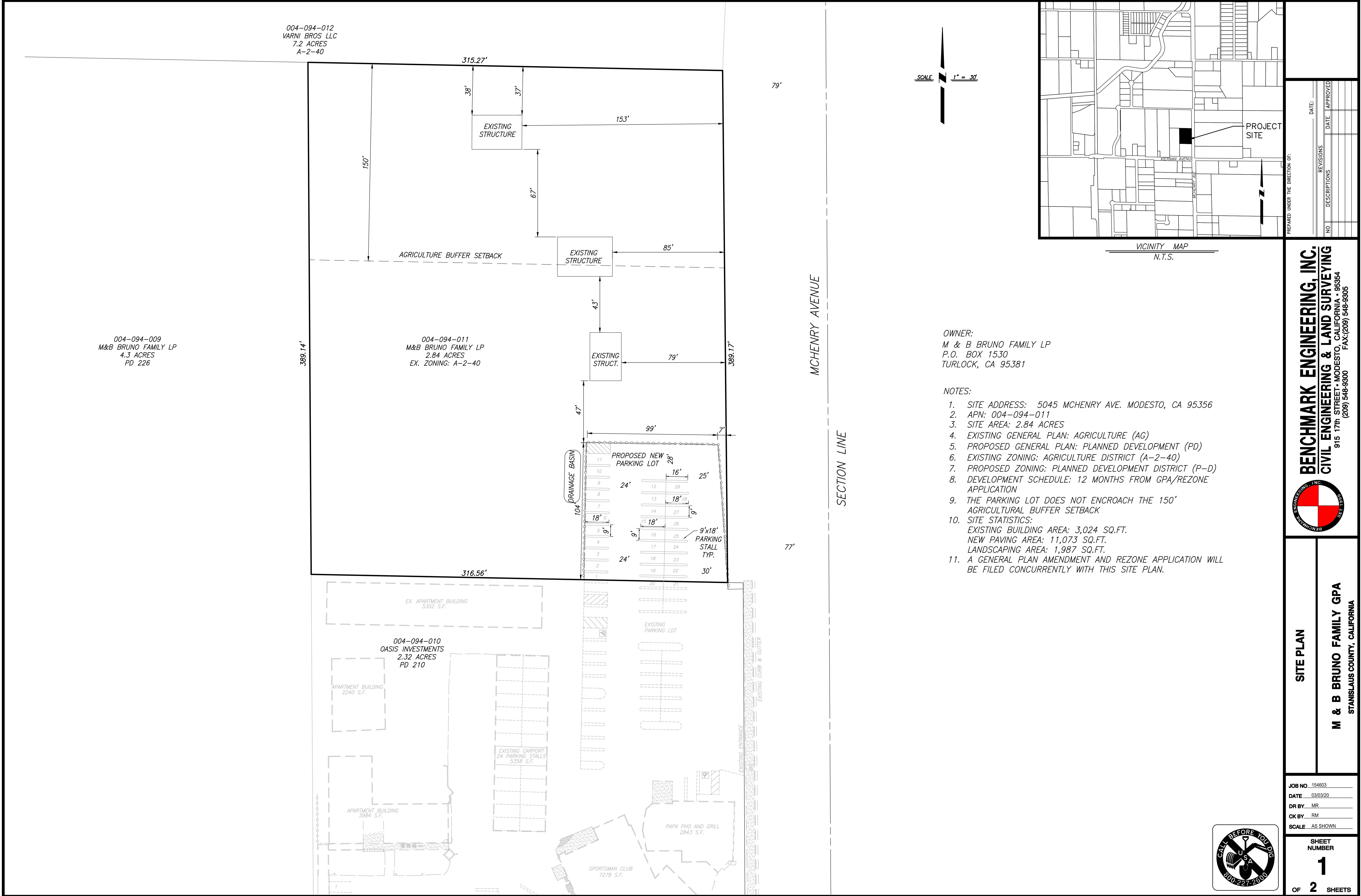
-  Project Site
-  Sphere of Influence
-  Parcel/Acres
-  Road



Source: Planning Department GIS Date: 12/30/2020

Source: Planning Department GIS Date: 12/30/2020





DATE: _____	
DATE	APPROVED
REVISIONS	
NO	DESCRIPTIONS

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CIVIL ENGINEERING & LAND SURVEYING
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(209) 548-9300 FAX: (209) 548-9305



SITE PLAN

M & B BRUNO FAMILY GPA
STANISLAUS COUNTY, CALIFORNIA

JOB NO. 154603
DATE 03/03/20
DR BY MR
CK BY RM
SCALE AS SHOWN

SHEET NUMBER
1
OF 2 SHEETS



PREPARED UNDER THE DIRECTION OF:

NO.	REVISIONS	DATE	APPROVED

AREA MAP

M & B BRUNO FAMILY GPA

STANISLAUS COUNTY, CALIFORNIA

154603

03/03/20

MR

RM

AS SHOWN

SHEET NUMBER

2

OF 2 SHEETS

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SCALE 1" = 50'

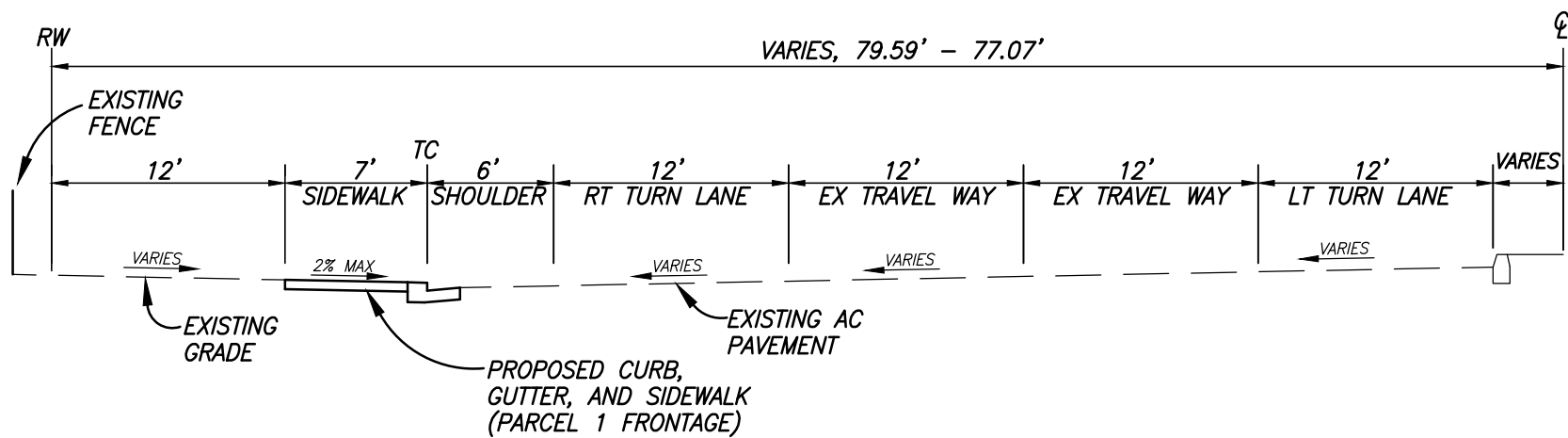
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APN: 004-094-009

APN: 004-094-012

APN: 004-094-011

APN: 004-094-010



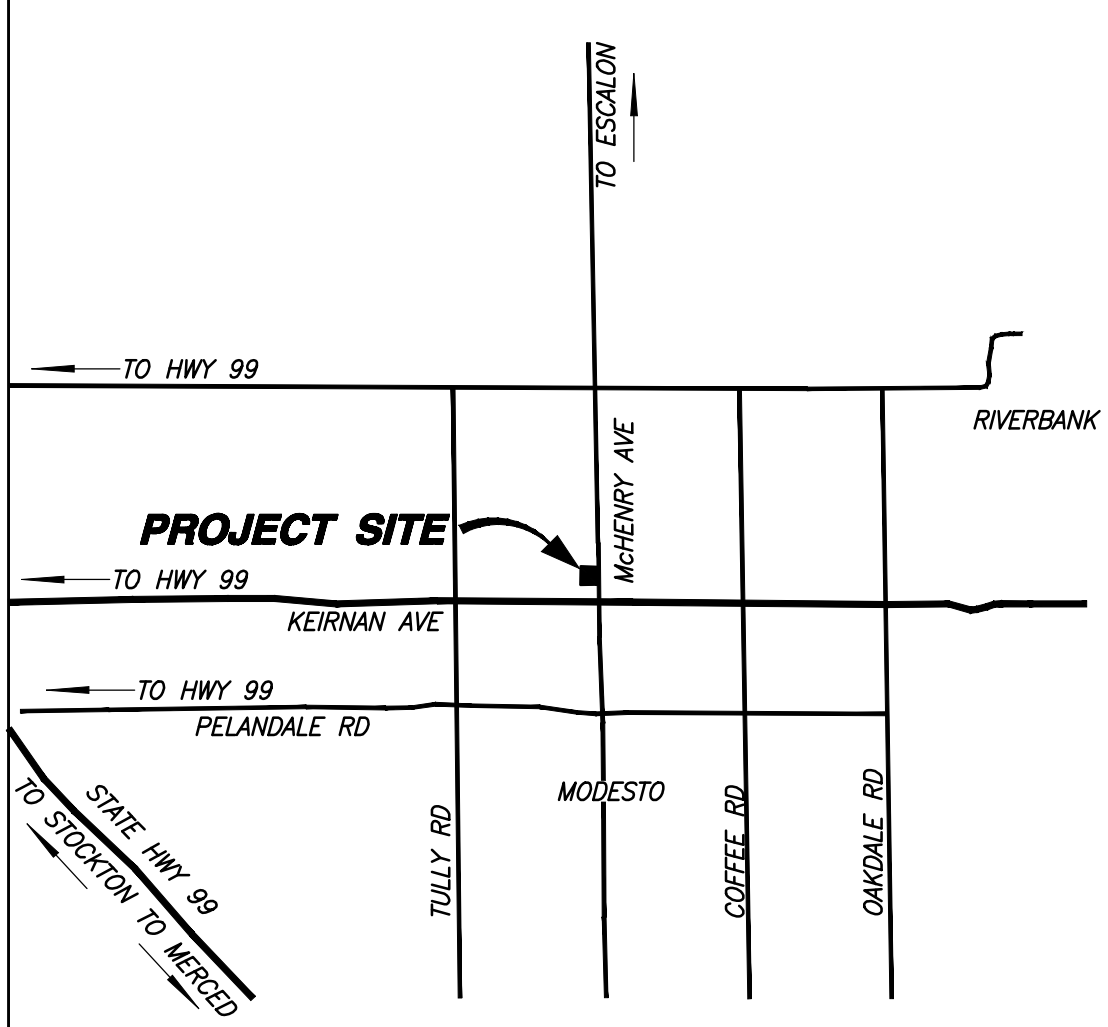
1

CROSS SECTION
McHENRY AVENUE
NTS

EX BLDG
USED CAR DEALER

KIERNAN RD (SR 219)

EX TRAFFIC SIGNAL



VICINITY MAP

NTS

VESTING TENTATIVE PARCEL MAP FOR:
BRUNO PARCEL
COUNTY OF STANISLAUS, CALIFORNIA

OWNERS:

M&B BRUNO FAMILY, LP
PO BOX 1530
TURLOCK, CA 95381

APPLICANT:

M&B BRUNO FAMILY, LP
PO BOX 1530
TURLOCK, CA 95381
PHONE: (209) 632-2647

STATEMENT OF SUBDIVIDER

1. ASSESSORS PARCEL NO: 004-094-011
2. EXISTING ZONING: GENERAL AG 40 ACRE
3. EXISTING GENERAL PLAN: AGRICULTURE
4. WATER SUPPLY: OWNED, OPERATED, AND MAINTAINED BY THE OWNER(S).
5. SEWAGE DISPOSAL: OWNED, OPERATED, AND MAINTAINED BY THE OWNER(S).
6. ON-SITE STORM DRAINAGE SYSTEMS TO BE DESIGNED PER COUNTY OF STANISLAUS STANDARDS AND OWNED, OPERATED, AND MAINTAINED BY THE OWNER(S).

NOTES:

1. STREET IMPROVEMENTS SHALL BE INSTALLED PER COUNTY OF STANISLAUS STANDARD SPECIFICATIONS.
2. THE SITE IS RELATIVELY FLAT, WITH 0%-1% SLOPES.
3. NO AREAS ARE SUBJECT TO INUNDATION BY 1% ANNUAL CHANCE STORM.
4. EXISTING STRUCTURES TO BE REMOVED UNLESS OTHERWISE NOTED.
5. TOTAL AREA OF THIS SUBDIVISION IS 2.82 ACRES, CONTAINING 2 PARCELS.

LEGEND

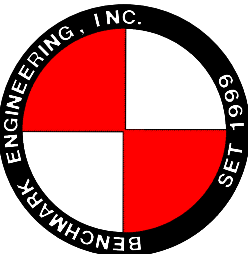
	EXISTING	FUTURE
WATER VALVE	N/A	
FIRE HYDRANT		
STORM INLET		
ELECTROLIER		
STANDARD MANHOLE	N/A	
WATER LATERAL	N/A	
WATER LINE		
SANITARY SEWER		
HORIZONTAL DRAIN		
SANITARY SEWER	N/A	
CURB, GUTTER AND SIDEWALK		
APN	ASSESSOR'S PARCEL NUMBER	
PUE	PUBLIC UTILITY EASEMENT	
SQ.FT.	SQUARE FEET	
BLDG	BUILDING	
EP	EDGE OF PAVEMENT	
EX	EXISTING	
FP	POWER POLE	



VESTING TENTATIVE PARCEL MAP

FOR:
BRUNO PARCEL
COUNTY OF STANISLAUS, CA

BENCHMARK ENGINEERING, INC.
CIVIL ENGINEERING & LAND SURVEYING
915 17th STREET-MODESTO, CALIFORNIA • 95384
(209) 648-9300 FAX(209) 648-9305



NO	REVISIONS	DATE	APPROVED

PREPARED UNDER THE DIRECTION OF:

SHEET
NUMBER

1



OF 1 SHEETS

PLANT SCHEDULE

      	TREES	BOTANICAL NAME	COMMON NAME	CONT	QTY	Water Use
	LAG RED	Lagerstroemia indica 'Red'	Red Cape Myrtle Multi-Trunk	15 gal	3	Low
	PLA BLO	Platanus x acerifolia 'Bloodgood'	London Plane Tree	15 gal	5	Medium
	SHRUBS	BOTANICAL NAME	COMMON NAME	SIZE	QTY	Water Use
	DIA LR	Dianella revoluta 'Little Rev'	Little Rev Flax Lily	1 gal	12	Low
	LIG TEX	Ligustrum japonicum 'Texanum'	Wax Leaf Privet	5 gal	15	Low
	OLE LIT	Olea europaea 'Little Ollie'	Little Ollie Olive	5 gal	9	Low
	VINES	BOTANICAL NAME	COMMON NAME	SIZE	QTY	Water Use
	▲ TRA JAS	Trachelospermum jasminoides	Chinese Star Jasmine	1 gal	8	Low
	GROUND COVERS	BOTANICAL NAME	COMMON NAME	CONT	SPACING	QTY
 COT STR	Cotoneaster dammeri 'Streibs Finding'	Streibs Finding Cotoneaster	1 gal	54" o.c.	30	Low
 JUN CON	Juniperus conferta	Shore Juniper	1 gal	48" o.c.	29	Low
 ZAU ROU	Zauschneria californica 'Route 66'	California Fuchsia	1 gal	36" o.c.	14	Low
 SOD/SEED TUR NO	BOTANICAL NAME Turf No-Mow Fescue Blend	COMMON NAME No-Mow	CONT Sod	SPACING	QTY 1,612 sf	Water Use Medium

Misc. Landscape Materials

All shrub and groundcover areas shall be top-dressed with a 3" layer of mulch derived from recycled wood chips or arbor chips from tree trimming. Mulch shall be 2" minus in length and not greater than 3/8" in thickness, and shall be dark brown in color. Contractor shall provide sample for approval prior to installation. Shredded redwood or cedar bark ("Gorilla-Hair") is not acceptable.

	Cobble	3"-8" diameter river cobble. Contractor to submit sample to Landscape Architect for approval prior to installation. Check local suppliers.
	Cobble edging to be Dura-Edge 3/16" x 4" brown steel edging by JD Russell Co., with stakes per manufacturer.	

This plan represents the design style and theme of the landscape design and planting. These plans are preliminary and may change through the design process. The final planting plan may not contain all of the above plants in the sizes as shown. Additionally some new plant species may be used in the final design. This plan does however indicate the quantity of trees and the overall level of landscape development that will be carried through with the final design.

Final landscape design shall meet Stanislaus County's codes and requirements as well as Project Specific Conditions of Approval. Final design is subject to approval through the building permit review process.

Landscape Concept

The landscape design concept for the existing parking lot at the Empire Sportsman Club is to provide an enjoyable and aesthetic space for employees and customers that fits within the landscape framework of the existing neighborhood and the surrounding area, as well as the requirements of the County. Plant material has been selected that performs well in the special conditions of the Central Valley (Sunset Zone #14).

No new high water use turf areas are included. Low and medium water use hardy trees, shrubs and groundcover are proposed for the landscape around the site. The landscape (and associated irrigation) has been designed to be compliant with City of Modesto's Water Efficient Landscape Ordinance (WELo).

Special considerations have been provided in selection of plant material that respect the needs of the facility as well as the customers. Clear and secure view corridors have been provided to ensure safety of the customers entering and moving around the site.

Tree Root Barriers

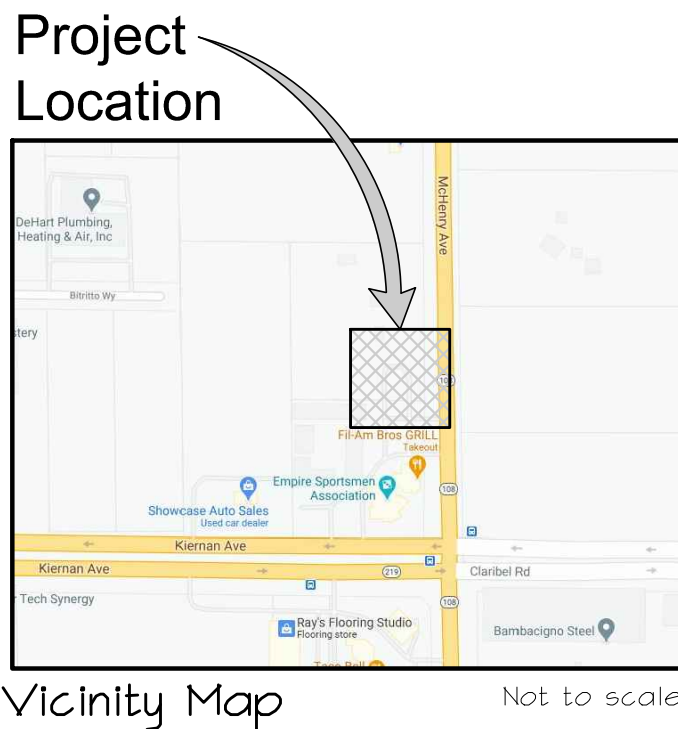
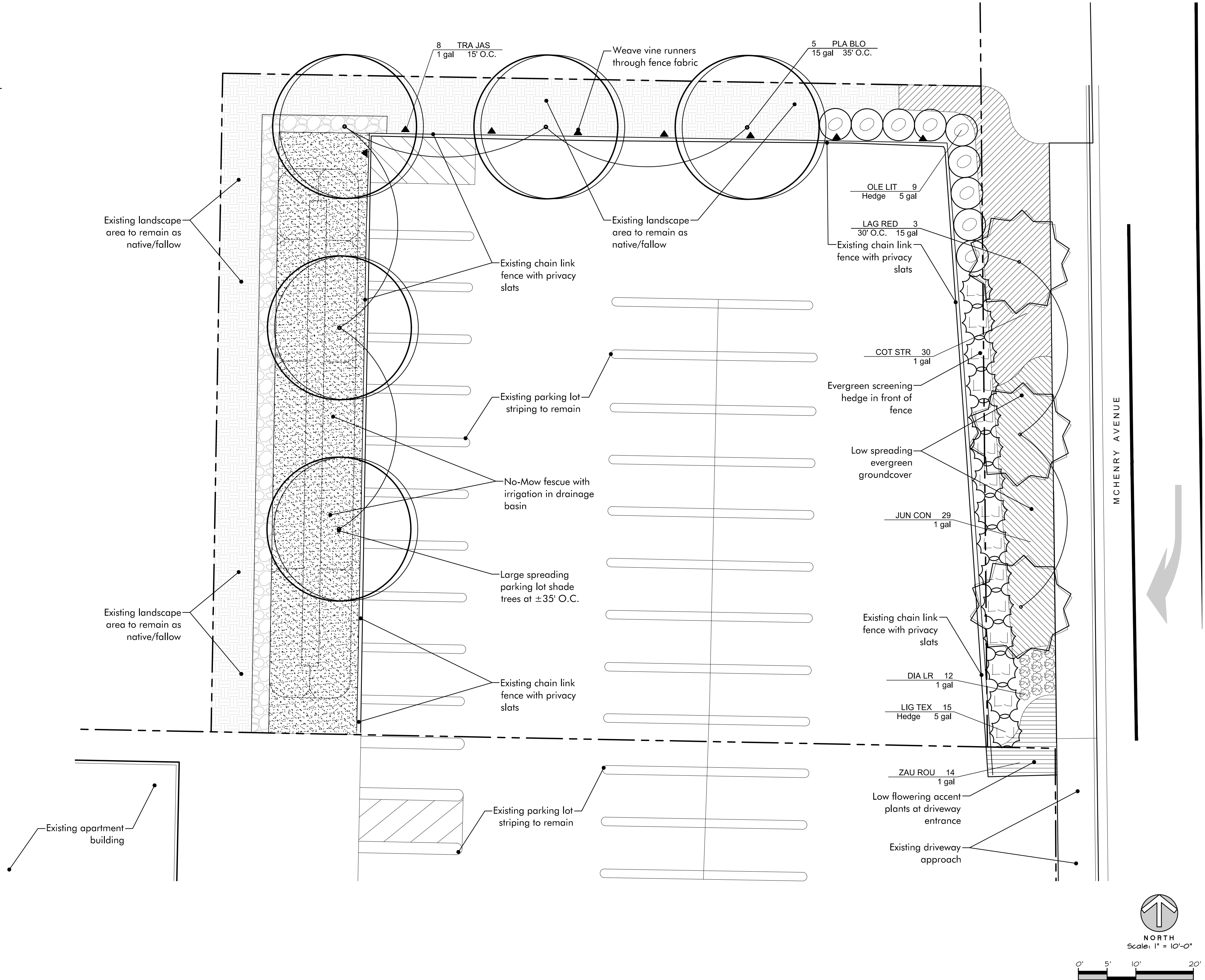
All trees denoted with the root barrier symbol and/or within five (5) feet of hardscape are to have DeepRoot Model #UB 18-2 root barriers installed along the inside edge of the adjacent sidewalk or curb. Length of linear root barrier shall be 16 linear feet (8 panels) and shall be centered on tree.

Irrigation

The entire site will be irrigated using a fully automatic system and designed to meet the County's Water Efficient Landscape Ordinance (WELo). The irrigation system will largely be low-volume design. The system will include in-line valves, quick couplers, and gate valves. New irrigation controller such as a Hunter, Rainbird, Irritrol, or equal and may be required to meet the WELo requirements of a "Smart" controller. A complete irrigation design with these parameters will be provided with the improvement plans.

Landscape Areas

On-Site Planting Area:	3,846 sf (.09 acres)	
No-Mow Fescue Drainage Basin:	1,612 sf	41.9%
New Shrub Area:	1,855 sf	48.2%
New Cobble Area:	379 sf	9.9%
Total Landscape Area:	3,846 sf	100%
Total Parcel size:	15,305 sf (.35 acres)	
Percentage of parcel in landscape:	25.1%	



M & B Bruno Family Development Parcel #1 Project Description

The M & B Bruno Family Development project proposes to amend the Stanislaus County General Plan land use designation and diagram and a rezone to Planned Development.

The parcel subject to the proposed General Plan Amendment and rezone is located at 5045 McHenry Avenue, and is commonly referred to as APN 004-094-011 (Parcel #1). The parcel is 2.84 acres, has a General Plan land use designation of Agriculture (AG) and is zoned Agricultural District A-2-40. The site is flat and contains a single family residence and small outbuildings. It also contains a parking lot of approximately 11,073 square feet.

Parcel #1 is bounded to both the west and south by existing Planned Developments, to the east by McHenry Avenue, and to the north by a parcel that has a General Plan designation of Agriculture but is developed with a bar and a fruit stand along its McHenry frontage.

For Parcel #1, no new development is proposed; the intent is to legalize the existing parking lot, install a drainage basin, change the General Plan to Planned Development (PD) & Zoning to Planned Development District (P-D) and ensure that it meets County standards. Any future development on this parcel would be subject to the County application and approval process. The existing single family residence and outbuildings will remain in the interim.

Parcel #1 is outside the Sphere of Influence of the City of Modesto.

According to the North County Corridor New State Route 108 Project EIR/EIS, Parcel #1 is subject to Full Acquisition and Relocation due to that project's impacts.

Development Schedule

Parking Lot Improvements are complete with the exception of the Storm Drain Basin and Landscaping