



Referral Early Consultation

Date: March 12, 2025

To: Distribution List (See Attachment A)

From: Teresa McDonald, Associate Planner
Planning and Community Development

Subject: STAFF APPROVAL APPLICATION NO. PLN2025-0001 – LPC MODESTO, LLC

Respond By: March 27, 2025

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

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

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

These comments will assist our Department in preparing the conditions for a Staff Approval. Therefore, please list any conditions that you wish to have included as well as any other comments you may have. Please return all comments and/or conditions as soon as possible or no later than the response date referenced above.

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

Applicant: LPC Modesto, LLC

Project Location: 824 Kiernan Avenue, between Tully Road and McHenry Avenue, in the Modesto area

APN: 046-001-017

Williamson Act Contract: N/A

General Plan: Planned Development (P-D)

Current Zoning: Planned Development (P-D) (131)

Project Description: Request to amend the Development Plan and Development Schedule of Planned Development (P-D) (131), which was originally approved in 1986, and was amended by the Planning Commission in 2020, under Use Permit Application No. PLN2018-0082 – Libitzky, which allowed construction of two warehouses and extended the development schedule. The development schedule from the Use Permit stated construction was to begin by February 20, 2025, but could be extended with a staff approval permit. As construction did not commence by February 20, 2025, a staff approval permit is required. In addition to extending the development schedule, this request also includes reconfiguration of the site plan to demolish 84,000± square feet of an existing 210,520 square-foot warehouse and to construct two new warehouses, 188,240 and 145,568 square feet in size, and a parking lot with 151 parking spaces. Approximately 81,084 square feet of buildings have been constructed on the project site since the 1986 Rezone, leaving approximately

258,916 square feet of building space permitted on the site, undeveloped. Considering the 84,000 square feet of building space being demolished, there will be a total of 342,916 square feet of building space remaining. As the requested new warehouses total 333,808 square feet of building space, they do not detract from the twenty-five percent expansion allowed in accordance with Section 21.100.050 (A) of the Zoning Ordinance. The use of the proposed buildings will be consistent with the approved uses for P-D (131). The approved P-D (131) Development Standards and Conditions of Approval of PLN2018-0082 will remain in effect.

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



STAFF APPROVAL APPLICATION NO. PLN2025-0001 – LPC MODESTO, LLC

Attachment A

Distribution List

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

STANISLAUS COUNTY CEQA REFERRAL RESPONSE FORM

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

FROM: _____

SUBJECT: STAFF APPROVAL APPLICATION NO. PLN2025-0001 – LPC MODESTO, LLC

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:

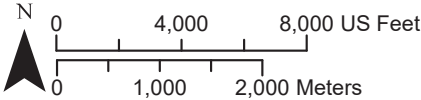
Name	Title	Date
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LPC MODESTO, LLC
SAA
PLN2025-0001

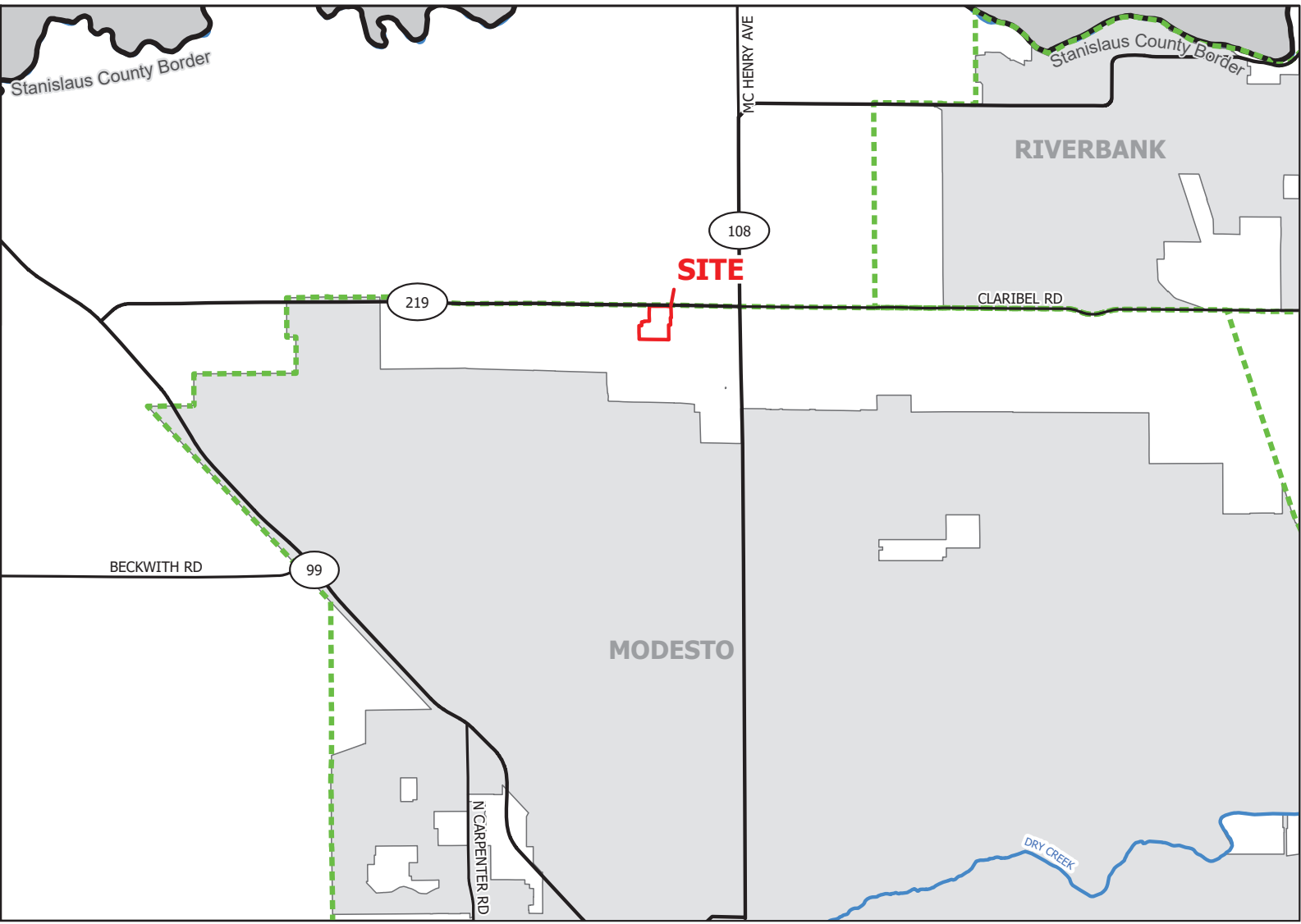
AREA MAP

LEGEND

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



Source: Planning Department GIS Date Exported: 2/7/2025




LPC MODESTO, LLC

SAA

PLN2025-0001

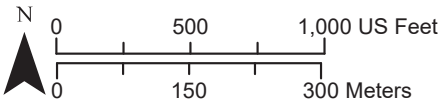
GENERAL PLAN MAP

LEGEND

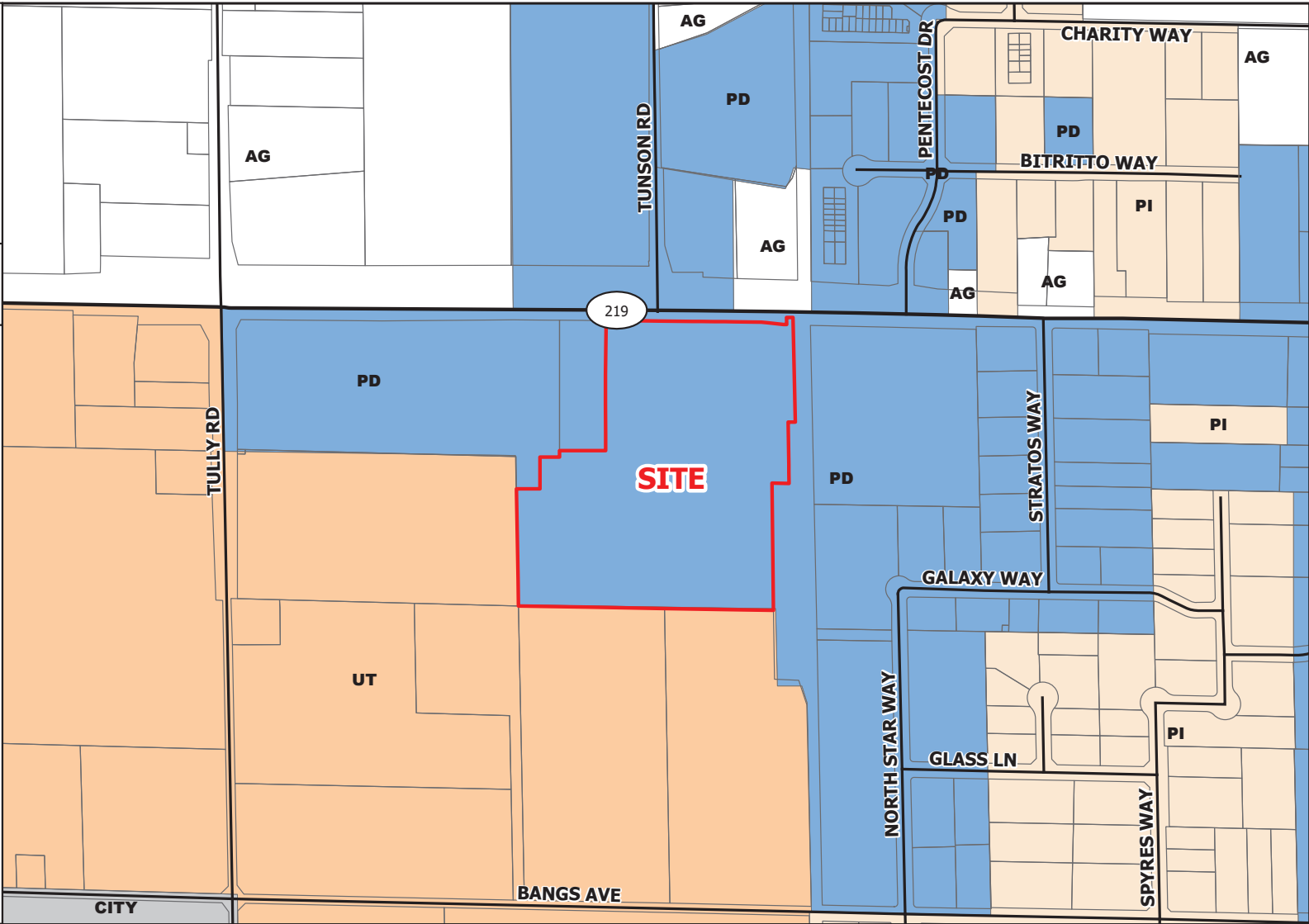
-  Project Site
-  Parcel
-  Highway
-  Street

General Plan

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



Source: Planning Department GIS Date Exported: 2/7/2025



**LPC MODESTO,
LLC**







**SAA
PLN2025-0001**

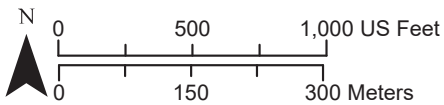
ZONING MAP

LEGEND

-  Project Site
-  Parcel
-  Highway
-  Street

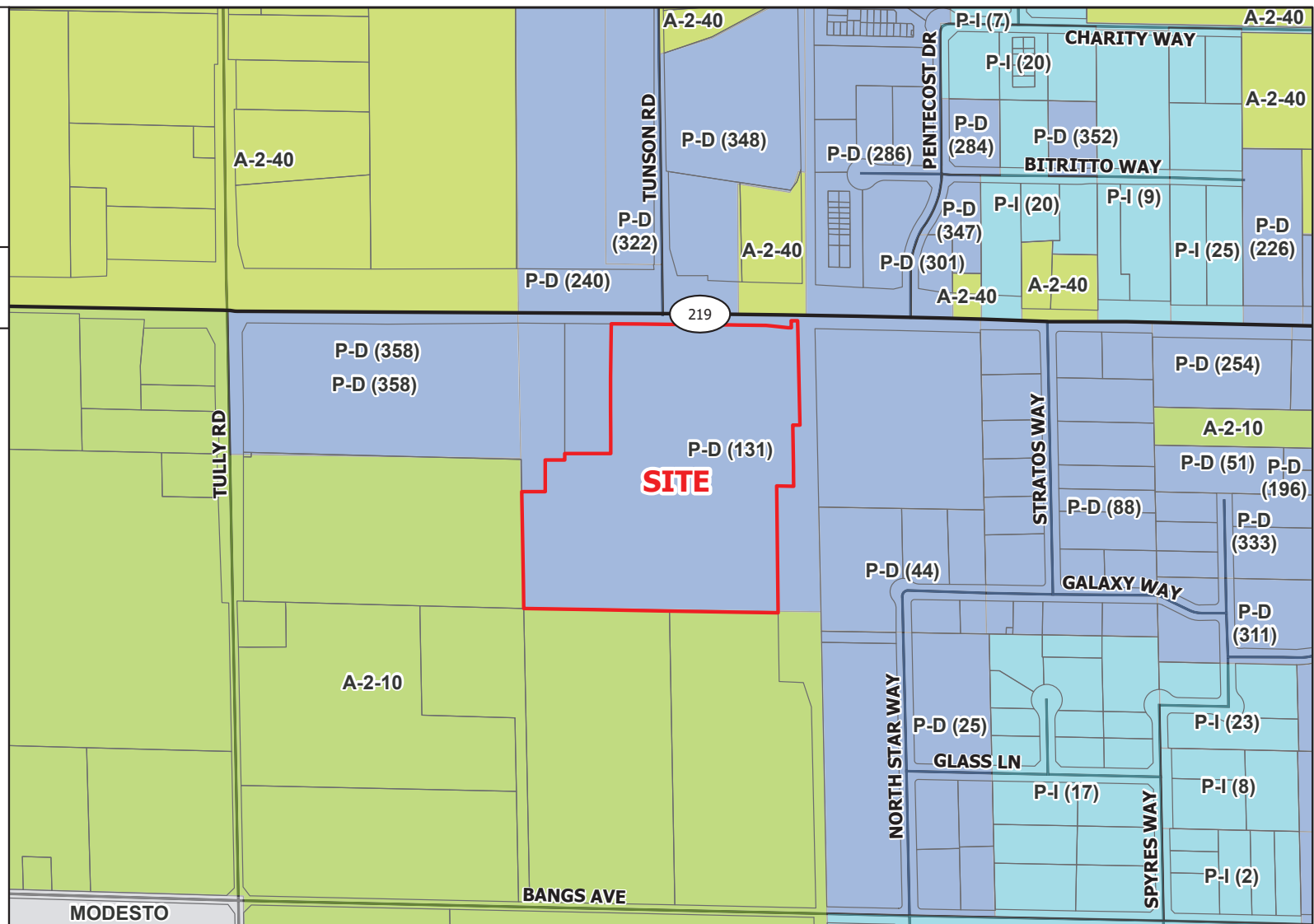
Zoning Designation

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



Source: Planning Department GIS

Date Exported: 2/7/2025



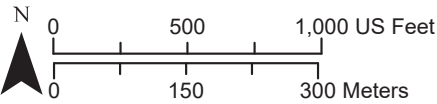
LPC MODESTO,
LLC

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PLN2025-0001

2023 AERIAL AREA MAP

LEGEND

-  Project Site
-  Parcel
-  Highway
-  Street



Source: Planning Department GIS Date Exported: 2/7/2025



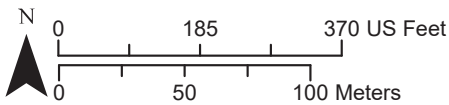
**LPC MODESTO,
LLC**

**SAA
PLN2025-0001**

2023 AERIAL SITE MAP

LEGEND

-  Project Site
-  Parcel
-  Highway
-  Street



Source: Planning Department GIS Date Exported: 2/7/2025



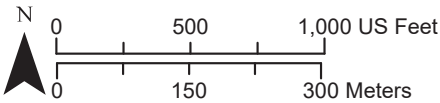
LPC MODESTO,
LLC

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PLN2025-0001

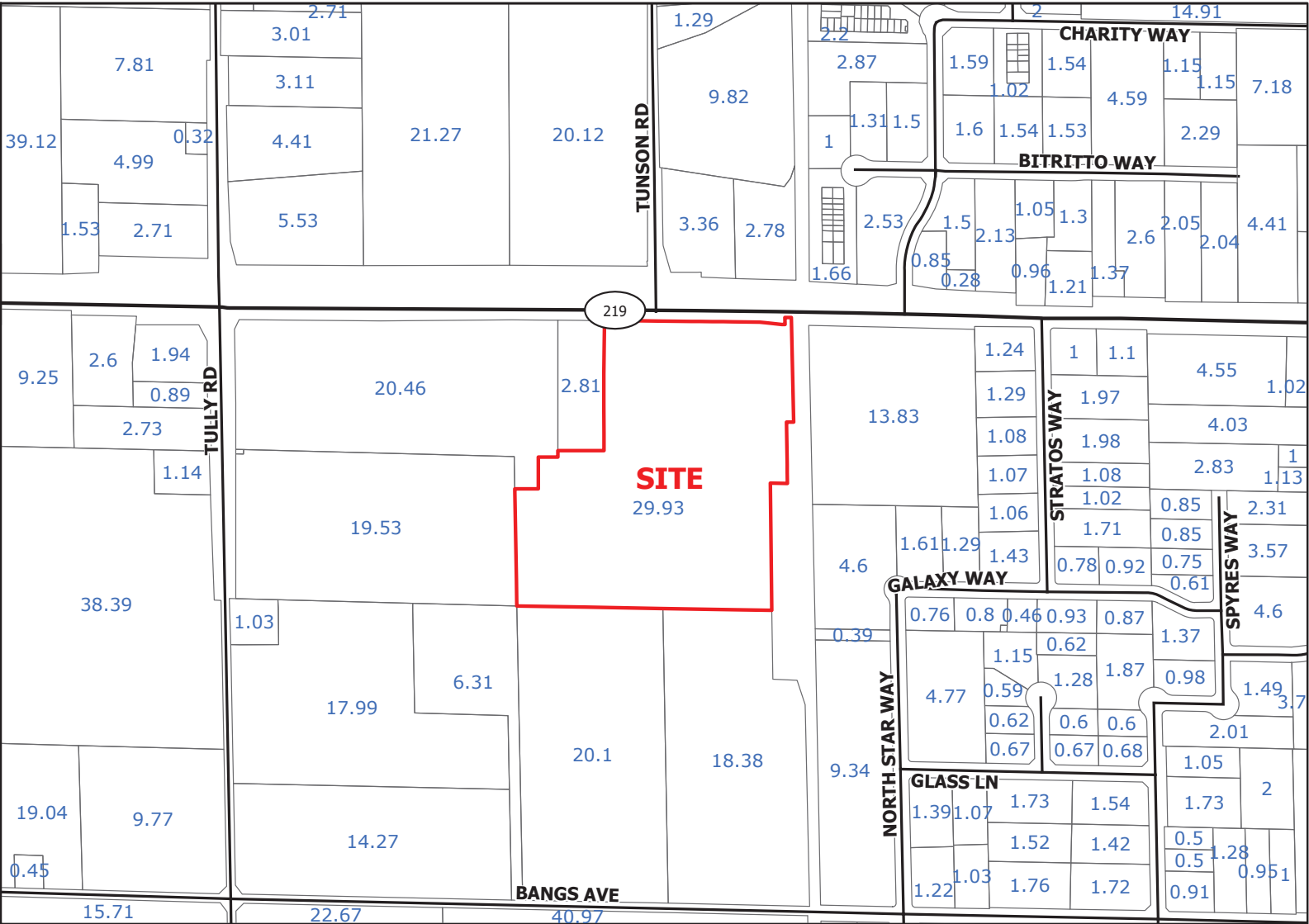
ACREAGE MAP

LEGEND

-  Project Site
-  Parcel
-  Acres
-  Highway
-  Street



Source: Planning Department GIS Date Exported: 2/7/2025



Proposed Site Plan
Kernan Avenue, Modesto CA

EXISTING BUILDING
1224 KERNAN AVE
316,600 SF

Proposed Building 1
900 KERNAN
165,240 SF

Proposed Building 2
800 KERNAN
145,560 SF

WAREHOUSE
179,374 SF

WAREHOUSE
138,300 SF

FUTURE OFFICE
293 SF

FUTURE OFFICE
1520 SF

FUTURE OFFICE
1520 SF

FUTURE OFFICE
7,365 SF

EX. DOCKS

8/16 KERNAN AVE
44,400 SF
EX. BUILDING

806 KERNAN AVE
138,620 SF
EX. BUILDING

RETENTION BASIN

99 FUTURE TRAILER DROPS

ELECTRICAL ROOM

PUMP ROOM

8TH AVENUE

KERNAN AVENUE

APN:	048-001-018
TOTAL SITE AREA:	= 32.25 ACRES (1404666 S.F.)
PROPOSED BUILDING 1 AREA:	86,240 S.F.
PROPOSED BUILDING 2 AREA:	148,560 S.F.
REQUIRED PARKING - BUILDING 1 OFFICE (A80):	8,066 S.F. # 1/200 = 44 SPACES
WAREHOUSE:	10,000 S.F. # 1/2000 = 5 SPACES
TOTAL REQUIRED:	69,374 S.F. # 1/5000 = 34 SPACES
PROVIDED PARKING:	84 SPACES
REQUIRED PARKING - BUILDING 2 OFFICE (A90):	7,366 S.F. # 1/200 = 37 SPACES
WAREHOUSE:	10,000 S.F. # 1/2000 = 5 SPACES
TOTAL REQUIRED:	136,200 S.F. # 1/6000 = 25 SPACES
PROVIDED PARKING:	67 SPACES

PERKINS, WILLIAMS & COTTERILL, INC.
ARCHITECTS
3320 Data Drive, Suite 200 • Rancho Cordova, California 95670
T (916) 851-1400 F (916) 851-1408 E pwsearch@pwsearchitects.com

Project: 824 KIERNAN AVENUE

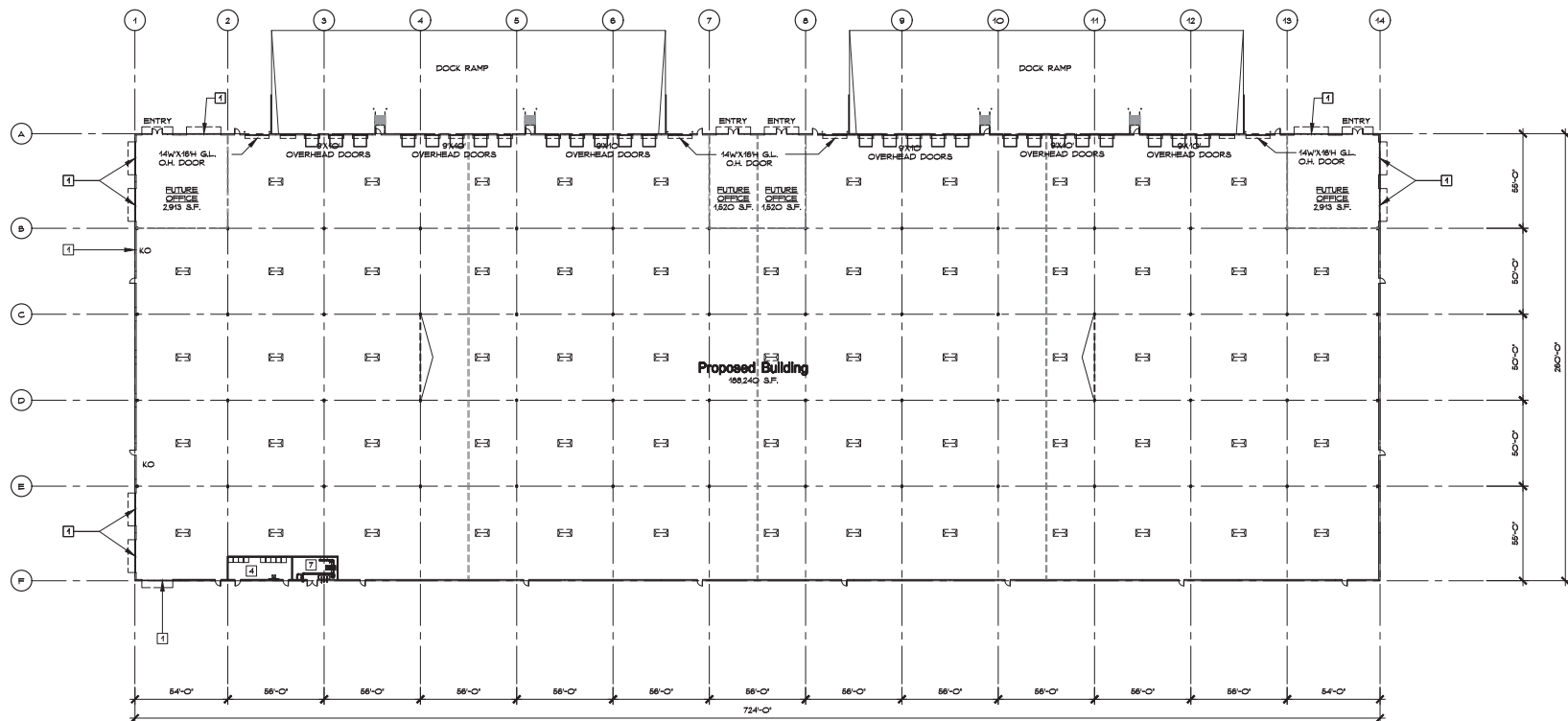
Job No. 24-311 **Date:** 7-8-24

Scale: AS NOTED

NORTH

A simple black arrow pointing upwards, enclosed in a square frame. The word "NORTH" is printed above the arrow.

Proposed Site Plan
824 Kiernan Avenue, Modesto CA



Building 1 Floor Plan

SCALE: 1/32" = 1'-0"



KEYNOTES

- [1] GLASS IN ALUM. STOREFRONT SYSTEM
- [2] CONCRETE TILT-UP WALL PANEL
- [3] STEEL COLUMN, TYP.
- [4] ELECTRICAL & FIRE RISER ROOM
- [5] ROOF ACCESS LADDER
- [6] MAN DOOR
- [7] PUMP ROOM

PERKINS, WILLIAMS & COTTERILL, INC.
ARCHITECTS
 3880 Delta Drive, Suite 300 - Rancho Cordova, California 95670
 (916) 881-1400 F (916) 881-1408 info@perkinswill.com

Building 1 Floor Plan

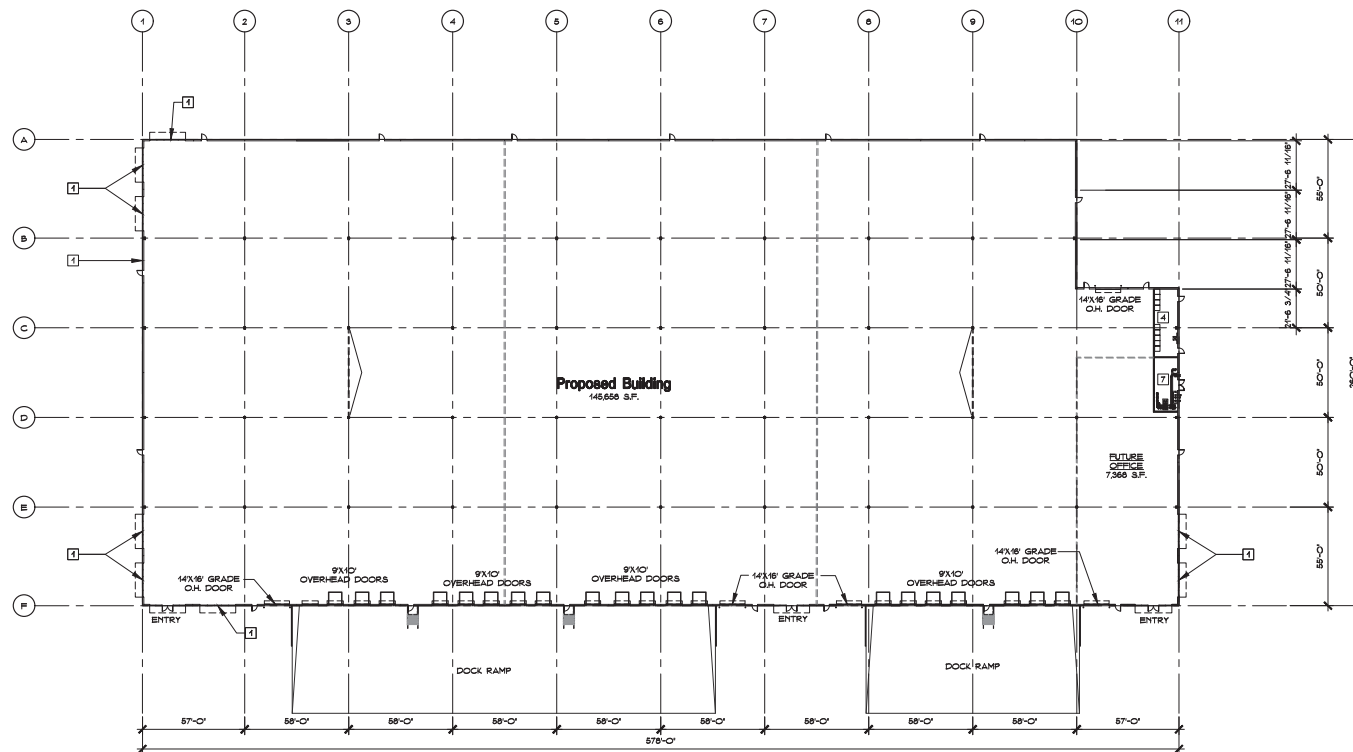
Project: 624 KIERNAN AVENUE

Job No. 24-311 Date: 4-15-24

Scale: AS NOTED

Building 1
 824 Kiernan Avenue, Modesto CA

A2.1



Building 2 Floor Plan

SCALE: 1/32" = 1'-0"



KEYNOTES

- [1] GLASS IN ALUM. STOREFRONT SYSTEM
- [2] CONCRETE TILT-UP WALL PANEL
- [3] STEEL COLUMN, TYP.
- [4] ELECTRICAL ROOM
- [5] ROOF ACCESS LADDER
- [6] MAN DOOR
- [7] PUMP ROOM

PERKINS, WILLIAMS & COTTERILL, INC.
ARCHITECTS
 3800 Delta Drive, Suite 300 - Rancho Cordova, California 95670
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Building 2 Floor Plan

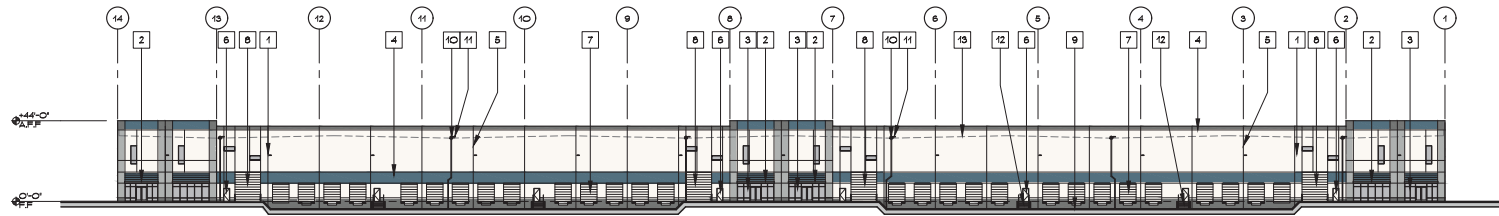
Project: 624 KIERNAN AVENUE

Job No. 24-311 Date: 4-15-24

Scale: AS NOTED

Building 2
 824 Kiernan Avenue, Modesto CA

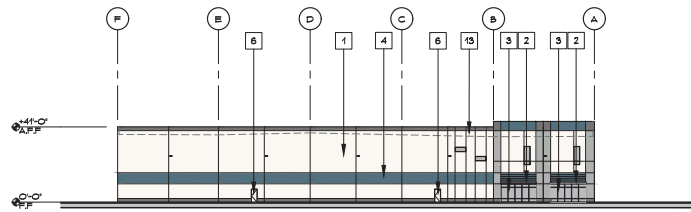
A2.2



East Elevation

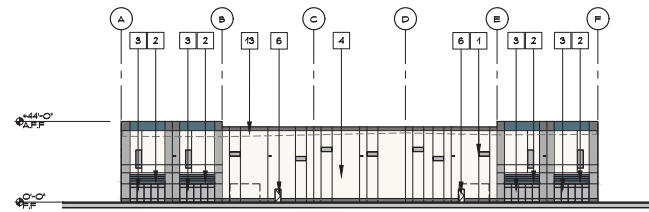
1/32" = 1'-0"

BUILDING INTERIOR CLEAR HEIGHT SHALL BE 32'-0" THROUGHOUT



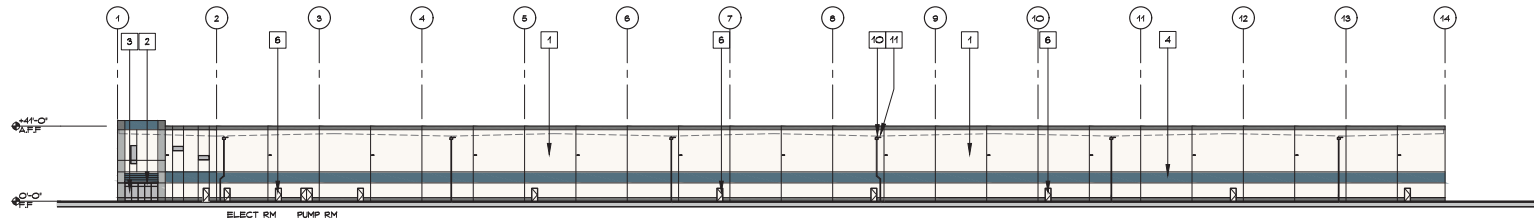
South Elevation

1/32" = 1'-0"



North Elevation

1/32" = 1'-0"



West Elevation

1/32" = 1'-0"

BUILDING INTERIOR CLEAR HEIGHT SHALL BE 32'-0" THROUGHOUT

KEYNOTES

- 1 CONCRETE WALL PANEL - PAINTED WITH ELASTOMERIC FINISH
- 2 METAL CANOPY - PAINTED
- 3 ALUMINUM STOREFRONT WINDOW SYSTEM W/ DOUBLE GLAZED TINTED GLASS
- 4 3/4" DEEP REVEAL IN CONCRETE (TYP.)
- 5 PANEL JOINT (TYP.)
- 6 METAL MAN-DOOR - PAINTED
- 7 9'-0" X 10'-0" SECTIONAL DOCK DOOR - PAINTED
- 8 14'-0" X 16'-0" SECTIONAL GRADE LEVEL DOOR - PAINTED
- 9 RECESSED DOCK AREA
- 10 PRIMARY SCUPPER W/ LEADERBOX AND DOWNSPOUT
- 11 OVERFLOW SCUPPER THRU WALL
- 12 METAL STAIR AND LANDING - PAINTED
- 13 ROOF LINE BEHIND PARAPET

PERKINS, WILLIAMS & GOTTERRILL, INC.
ARCHITECTS
 3000 Delta Drive, Suite 300 - Modesto, California 95201
 T: (209) 521-1400 F: (209) 521-1408 E: gotterrill@perkinswill.com

Building 1 Elevation 1

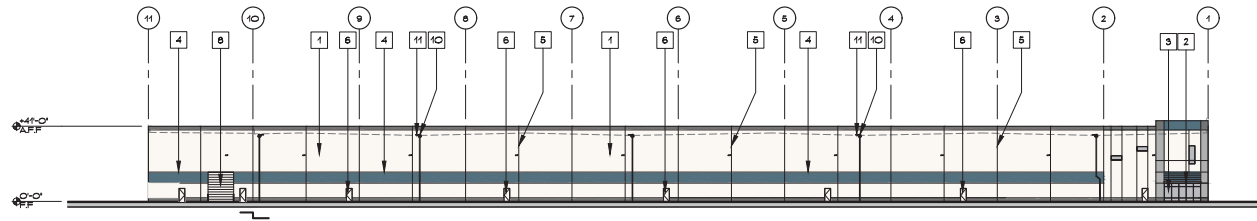
Project: 824 KIERNAN AVENUE

Job No. 24-311 Date: 4-15-24

Scale: AS NOTED

A3.1

Building 1
 824 Kiernan Avenue, Modesto CA

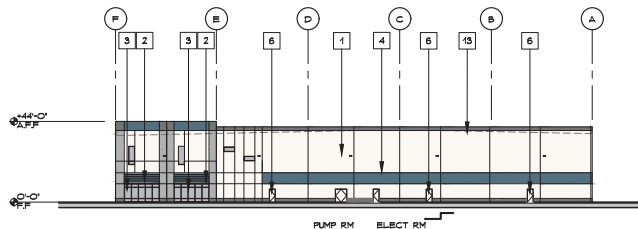


East Elevation

1/32" = 1'-0"

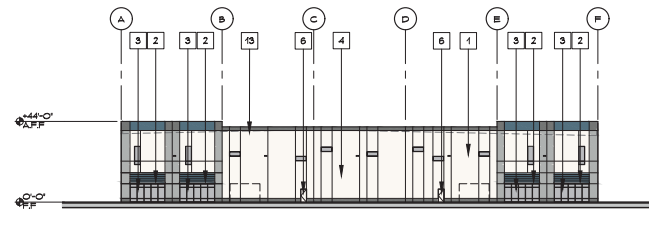
BUILDING INTERIOR CLEAR HEIGHT SHALL BE 32'-0" THROUGHOUT

KEYNOTES	
1	CONCRETE WALL PANEL - PAINTED WITH ELASTOMERIC FINISH
2	METAL CANOPY - PAINTED
3	ALUMINUM STOREFRONT WINDOW SYSTEM W/ DOUBLE GLAZED TINTED GLASS
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10	PRIMARY SCUPPER W/ LEADERBOX AND DOWNSPOUT
11	OVERFLOW SCUPPER THRU WALL
12	METAL STAIR AND LANDING - PAINTED
13	ROOF LINE BEHIND PARAPET



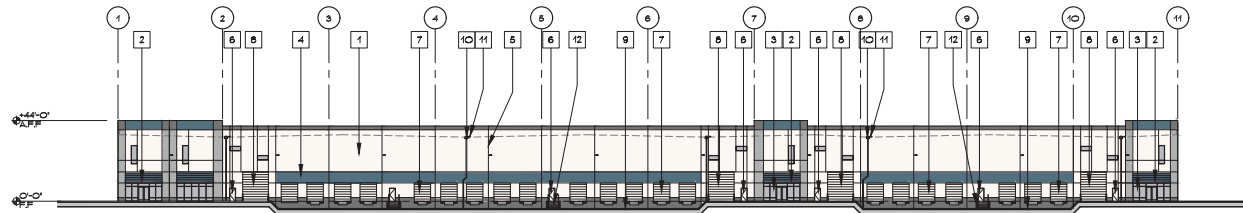
South Elevation

1/32" = 1'-0"



North Elevation

1/32" = 1'-0"



West Elevation

1/32" = 1'-0"

BUILDING INTERIOR CLEAR HEIGHT SHALL BE 32'-0" THROUGHOUT

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Building 2 Elevation 2

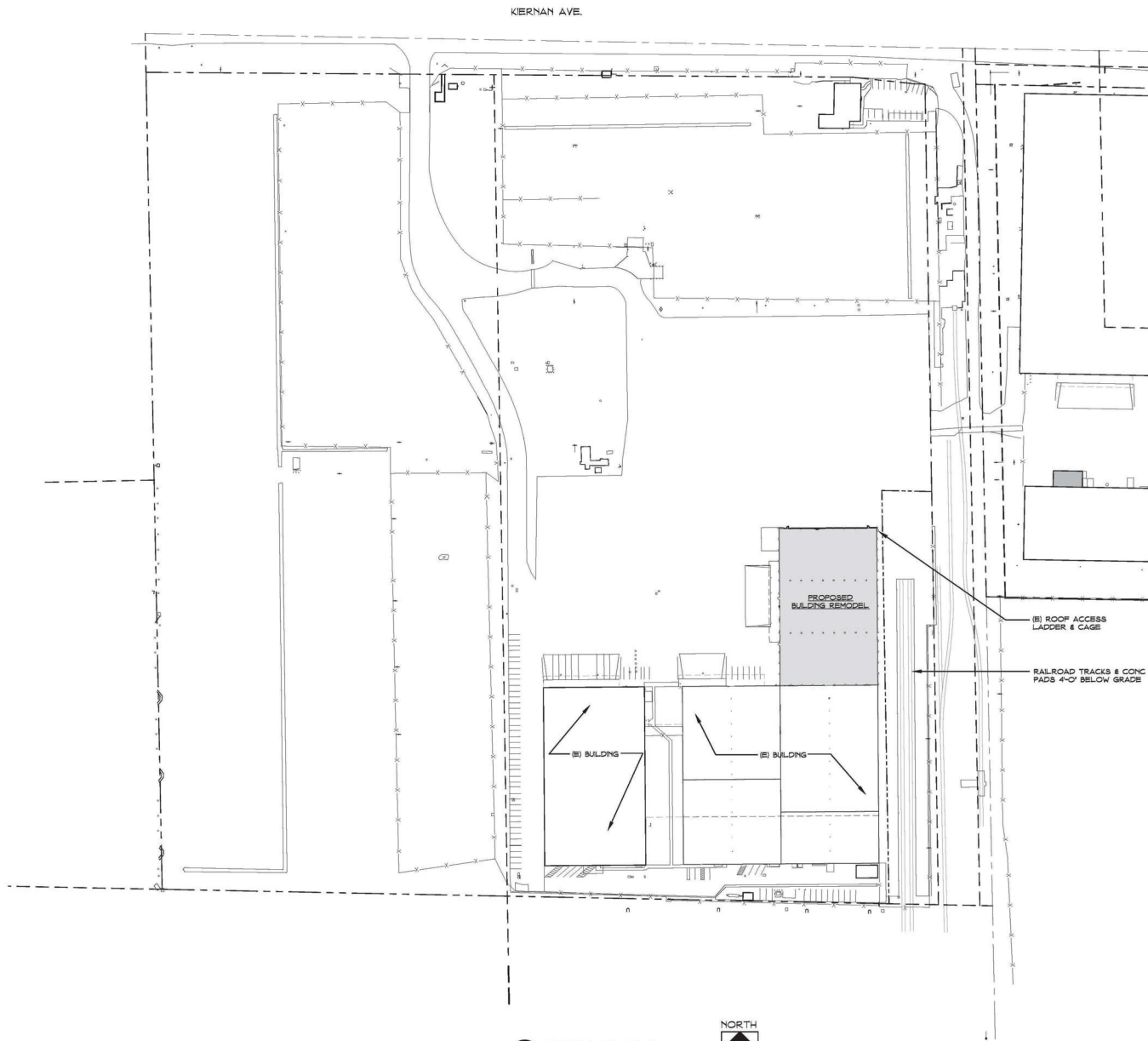
Project: 824 KIERNAN AVENUE

Job No. 24-311 Date: 4-15-24

Scale: AS NOTED

A3.2

Building 2
 824 Kiernan Avenue, Modesto CA



1 OVERALL SITE PLAN
SCALE = 1" = 80'-0"

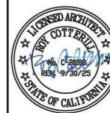


INFORMATION AND DRAWINGS APPEARING HEREIN CONSTITUTE THE ORIGINAL WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED, USED, OR DISCLOSED WITHOUT THE WRITTEN CONSENT OF PERKINS, WILLIAMS & COTTELL, INC.

pwcarch@pwcarchitects.com

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PROFESSIONAL STAMP



CONSULTANT PPO

LANDLORD REMODEL FOR:
800 KIERNAN AVE
MODESTO, CA. 95356

ISSUE TYPE:

1ST SUBMITTAL 8-31-24

REVISIONS:

DATE:

8-31-24

PROJECT NUMBER:

24-741

DRAWING TITLE:

OVERALL SITE PLAN

SHEET NUMBER:

A1.1

STANISLAUS COUNTY PLANNING COMMISSION

February 20, 2020

STAFF REPORT

USE PERMIT APPLICATION NO. PLN2018-0082
LIBITZKY HOLDINGS, LP

REQUEST: TO AMEND THE DEVELOPMENT PLAN FOR P-D (131) (PLANNED DEVELOPMENT) TO ALLOW THE CONSTRUCTION OF TWO 48,000 SQUARE-FOOT WAREHOUSES, INTENDED FOR LIGHT INDUSTRIAL AND WAREHOUSE USES.

APPLICATION INFORMATION

Applicant:	Libitzky Holdings, LP (Moses S. Libitzky for Libitzky Development Company)
Property owner:	LPC Modesto, LLC (Libitzky Holdings, LP, Nathan Petrowsky, Kevin Perkins)
Agent:	David Romano, P.E., Newman-Romano, LLC
Location:	824 Kiernan Avenue, between Tully Road and McHenry Avenue, in the Modesto area.
Section, Township, Range:	5-3-9
Supervisory District:	Four (Supervisor Berryhill)
Assessor's Parcel:	046-001-002
Referrals:	See Exhibit H - Environmental Review Referrals
Area of Parcel(s):	36.31 acres
Water Supply:	Private well
Sewage Disposal:	Private septic system
Existing Zoning:	P-D (131) (Planned Development)
General Plan Designation:	Planned Development
Sphere of Influence:	Modesto
Community Plan Designation:	N/A
Williamson Act Contract No.:	N/A
Environmental Review:	Negative Declaration
Present Land Use:	Industrial and commercial uses and Recreational Vehicle (RV) storage
Surrounding Land Use:	Industrial and commercial uses to the north and east; orchards and the City of Modesto to the south; and orchards to the west.

RECOMMENDATION

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

PROJECT DESCRIPTION

This is a request to amend the Development Plan for P-D (131) (Planned Development) to allow the construction of two 48,000 square-foot warehouses intended for light industrial and warehouse uses consistent with the approved uses for P-D (131) (see Exhibit D – *P-D (131) Permitted Uses*), with construction to begin by 2025. Although no tenants are identified, the anticipated hours of operation are 24 hours a day, seven days a week, with an estimated 16-24 employees on-site and 12-24 truck trips per day. The project will allow each warehouse to be divided up into as many as four 12,000 square-foot suites.

The proposed project includes the addition of 114 parking stalls, parking-lot lighting, landscaping along Kiernan Avenue, an on-site storm drainage basin, and six-foot-tall chain-link fencing along a portion of the western property line.

The project site, and the adjoining 13.84± acre parcel to the east, were rezoned from A-2-10 (General Agriculture) to P-D (131) in 1986, under Rezone Application No. 86-07- Lincoln Property Co., to allow for 184,270 square feet of existing building development and 340,000 square feet of proposed building development on the project site, to be used for a variety of commercial and light industrial uses. Approximately 81,084 square feet of buildings have been constructed on the project site since the rezone, leaving approximately 258,916 square feet of building permitted on the site, undeveloped. P-D (131) is considered active because some construction has been completed; however, the adopted Development Schedule stated construction was to be complete by January 1, 1992. As such, the Development Plan must be amended to allow for further construction to occur.

If this request is approved, development standards for P-D (131) will remain active, however, proposed development will be subject to compliance with the conditions of approval of this Use Permit. If a conflict arises between the development standards and the conditions of approval, the conditions of this Use Permit shall prevail. Proposed conditions of approval recognize the County's Sphere of Influence Policy, see discussion below in the General Plan Consistency section, requiring the project comply with City of Modesto's development standards (i.e. landscaping, drainage, setbacks, building design, lighting, parking, etc.).

Staff Approval Application No. PLN2018-0143 – Cho & Walters RV Storage was issued in 2018 allowing for RV storage on 2.93-acres of the northwest portion of the project site. The area where the RV storage is permitted overlaps with the area proposed to be developed with two 48,000 square-foot warehouses. The RV storage business is intended to be a temporary use with no structures and will cease to operate when the proposed project is built.

LPC Modesto, LLC is also proposing to construct six 50,000 square-foot buildings for light industrial and warehouse uses on the adjoining property to the west under a separate land use entitlement application (General Plan Amendment and Rezone Application No. PLN2018-0081 – Libitzky Management Corporation). Exhibit B-10 - *Maps* provides the site plan showing both projects.

SITE DESCRIPTION

The 36.31-acre project site is located at 824 Kiernan Avenue, between Tully Road and McHenry Avenue, in the Modesto area. The project site is improved with various structures totaling approximately 265,354 square feet and current uses include manufacturing, wholesale, construction, transportation services, and RV storage. Surrounding land uses include industrial

and commercial uses to the north and east, orchards and the City of Modesto to the south, and orchards to the west. The site is located within the City of Modesto's LAFCO adopted Sphere of Influence. Multiple underlying parcels exist which will be merged as a condition of approval.

The site is served by a private well and septic system and has access to State Route 219 (Kiernan Avenue). At the request of both Caltrans and the Stanislaus County Public Works Department, a raised median will be installed as a condition of approval to ensure ingress and egress to the project site is only right-in and right-out only. Storm water runoff will be handled by a proposed on-site storm drainage basin.

ISSUES

Standard conditions of approval along with conditions addressing the need for a raised median and fencing for agricultural buffers, as discussed in this report, have been added to this project. Typically, a use permit requires that development of a project be started within 18 months of approval. As discussed in the Zoning Ordinance Consistency section of this report, the applicant is requesting five years (60 months) to start development of this project. The applicant has also requested the use of lighting fixtures that do not exceed 25 feet above grade, instead of the County's standard allowance for 15 feet. The project is located within the City of Modesto's Local Agency Formation Commission's (LAFCO) Sphere of Influence and, as such, is subject to the City's standards. The City's standard is 15 feet and, as such, Condition of Approval No. 6 limits the light standard to 15 feet; however, it does allow for a greater height if City's standards change in the future. Regardless of the height, a photometric light plan, along with light design and shielding, will be required to prevent light spill and trespass.

GENERAL PLAN CONSISTENCY

Consistency with the goals, objectives, and policies of the various elements of the General Plan must be evaluated when processing all discretionary project requests. The site is currently designated "Planned Development" in the Stanislaus County General Plan. Goal Two and Three of the Land Use Element of the Stanislaus County General Plan aim to ensure compatibility between land uses; and, to promote diversification and growth of the local economy by accommodating the siting of industries with unique requirements, as described in the Land Use Designations section of the Land Use Element.

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 Stanislaus County General Plan Sphere of Influence policy states, that development, other than agricultural uses and churches, which requires discretionary approval from incorporated cities, shall be referred to the that city for preliminary approval. The project shall not be approved by the County unless written communication is received from the city memorializing their approval. If approved by the city, the city should specify what development standards are necessary to ensure that development will comply with city development standards. Approval from a city does not preclude the County's decision-making bodies from exercising discretion, and it may either approve or deny the project. The project site lies within the Local Agency Formation Commission (LAFCO) adopted Sphere of Influence for the City of Modesto. The project was referred to the City of Modesto, who responded with no objections and comments, which have been applied as conditions of approval, regarding landscaping, signage, elevations, drainage, paving, and parking lot requirements. (see Exhibit C – *Conditions of Approval*.)

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

Appendix A of these guidelines states that all projects shall incorporate a minimum 150 foot-wide buffer setback. Projects which propose people intensive outdoor activities, such as athletic fields, shall incorporate a minimum 300 foot-wide buffer setback. Permitted uses within a buffer area shall include: public roadways, utilities, drainage facilities, rivers and adjacent riparian areas, landscaping, parking lots, and similar low-people intensive uses. Walking and bike trails shall be allowed within buffer setback areas provided they are designed without rest areas.

The surrounding parcels to the north and east are developed with commercial and industrial uses, therefore no agricultural buffer is required on the northern and eastern property lines. There are currently two adjoining parcels to the south developed with orchards, both of which are enrolled in a Williamson Act Contract. The proposed project meets the 150 foot agricultural buffer to the south. There are two parcels adjoining to the west, both developed with orchards, and the southwest parcel is enrolled in a Williamson Act Contract. The project does not meet the 150 foot buffer from the parcels to the west, and accordingly, the project includes a request for an agricultural buffer alternative consisting of a reduced setback of 32± feet from the northwest parcel and 55± feet from the southwest parcel, and a six-foot-tall chain-link fence along the most northerly 767± feet of the project site's western property line in order to prevent trespassing onto adjacent agricultural land.

As referenced earlier in this report, there is an active application to rezone the adjoining parcel to the northwest from A-2-40 (General Agriculture) to Planned Development to allow the construction of six buildings for industrial and warehouse uses. If the adjoining project is approved, the required agricultural buffer for this project would consist of 150 feet of fencing (instead of 767 feet) along the western property line. The Conditions of Approval for this project, reflect the requested agricultural buffer alternative and the requirement for less fencing if the adjoining parcel is rezoned to a non-agricultural zoning.

The project was referred to the Agricultural Commissioner's office who raised no concerns with the project as proposed, including the proposed agricultural buffer alternative. All four adjoining parcels developed with orchards have a Stanislaus County General Plan designation of Urban Transition (UT) and are in the City of Modesto's Sphere of Influence, recognizing that the area west of Kiernan is planned for conversion to non-agricultural use. The impact to the adjoining agricultural uses is not anticipated to be greater as a result of this project, due to the site's past use and that the proposed on-site activities are to occur indoors, and parking lots are a permitted use within the agricultural buffer setback area.

Staff believes that the proposed project is consistent with the General Plan policies discussed above. The project site is already developed with industrial buildings and historically has been used for commercial and industrial uses, which are considered to be consistent with the Planned Development land use designation.

ZONING ORDINANCE CONSISTENCY

The site is zoned P-D (131), which allows the property to be used for a variety of commercial and light industrial uses and permitted the construction of an additional 340,000 square feet in new

buildings (of which only 81,084± square feet of buildings have been constructed). Because the adopted Development Schedule for P-D (131) required construction to be complete by January 1, 1992, the submittal of a use permit application is needed in accordance with Chapter 21.40.080(A)(2) of the Zoning Ordinance to amend the development plan to allow for continued development consistent with the original adopted developed plan.

Under the County's Zoning Ordinance, use permits allow projects 18 months to begin construction. The applicant has requested that the Planning Commission extend the life of this Use Permit from 18 to 60 months (five years). The City of Modesto does not oppose extending the time frame and over the last ten years the Planning Commission has approved extended time frames. The extensions have been provided for large scale solar facilities and church projects where the need to obtain additional regulatory approvals or funding is infeasible during the 18 month life of a use permit. As reflected in Condition of Approval No. 2, Staff supports the applicant's request for a five year time frame to begin construction.

In order to approve a use permit, the Planning Commission shall make a finding that the establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan and will not, under the circumstances of the particular case, be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

The use of the proposed buildings will be light industrial and warehouse uses consistent with the approved uses for P-D (131). The current uses operating at the site include tile and metal packaging manufacturing, wholesale toys and gym equipment, utility installation, semi-truck transportation services, and the RV storage mentioned in the Project Description section of this report. These existing uses, with the exception of the RV storage, are operating on the previously developed area of the project site and are required to comply with the established development standards of P-D (131). As discussed earlier, all new development will need to comply with the City of Modesto's development standards as reflected in the conditions of approval.

This project will maintain zoning consistency by adhering to the approved P-D (131) uses and Development Standards as well as the Conditions of Approval incorporated into this Use Permit.

ENVIRONMENTAL REVIEW

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

Note: Pursuant to California Fish and Game Code Section 711.4, all project applicants subject to the California Environmental Quality Act (CEQA) shall pay a filing fee for each project; therefore, the applicant will further be required to pay **\$2,463.75** for the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and the Clerk Recorder filing fees. The attached Conditions of Approval ensure that this will occur.

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

Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps
- Exhibit C - Conditions of Approval
- Exhibit D - P-D (131) Permitted Uses
- Exhibit E - P-D (131) Development Standards
- Exhibit F - Initial Study
- Exhibit G - Negative Declaration
- Exhibit H - Environmental Review Referrals

I:\PLANNING\STAFF REPORTS\UP\2018\PLN2018-0082 - LIBITZKY HOLDINGS, LP\PLANNING COMMISSION\FEBRUARY 20, 2020\STAFF REPORT\STAFF REPORT - APPROVED.DOCX

Findings and Actions Required for Project Approval

1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis.
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find that:
 - a. The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan and will not, under the circumstances of the particular case, be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
 - b. The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring improvements.
 - c. The alternative to the Agricultural Buffer Standards applied to this project provides equal or greater protection than the existing buffer standards.
4. Approve Use Permit Application No. PLN2018-0082 – Libitzky Holdings, LP., subject to the attached Conditions of Approval.

PROJECT INFORMATION

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

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

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

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

TOTAL AREA ±36.31 ACRES (GROSS)

LAND USE:

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

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

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

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

NOTES

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

LEGEND

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

PARKING ANALYSIS

THE BUILDING TYPES LOCATED IN THIS SITE ARE NOT SPECIFIED IN SECTION 21.7.6 OF THE STANISLAUS COUNTY CODE.
SINCE NO SPECIFICATIONS EXIST, PARKING SHALL BE DETERMINED BASED ON INTENSITY OF USE BY MOTOR VEHICLES, AS OUTLINED BY 21.7.6.210 OF THE STANISLAUS COUNTY CODE. THEREFORE THE INSTITUTE OF TRANSPORTATION ENGINEERS (ITE) PARKING GENERATION 4TH EDITION WAS USED TO DETERMINE THE PARKING SPACES REQUIRED. PER THE ITE PARKING GENERATION:

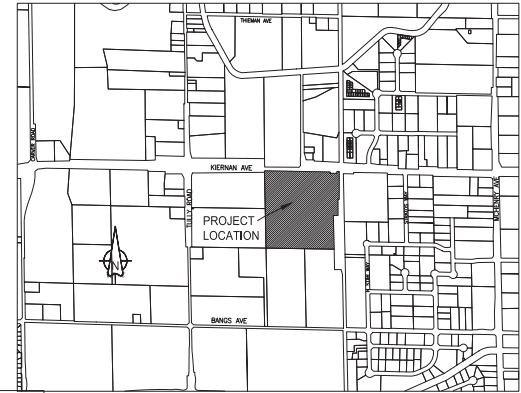
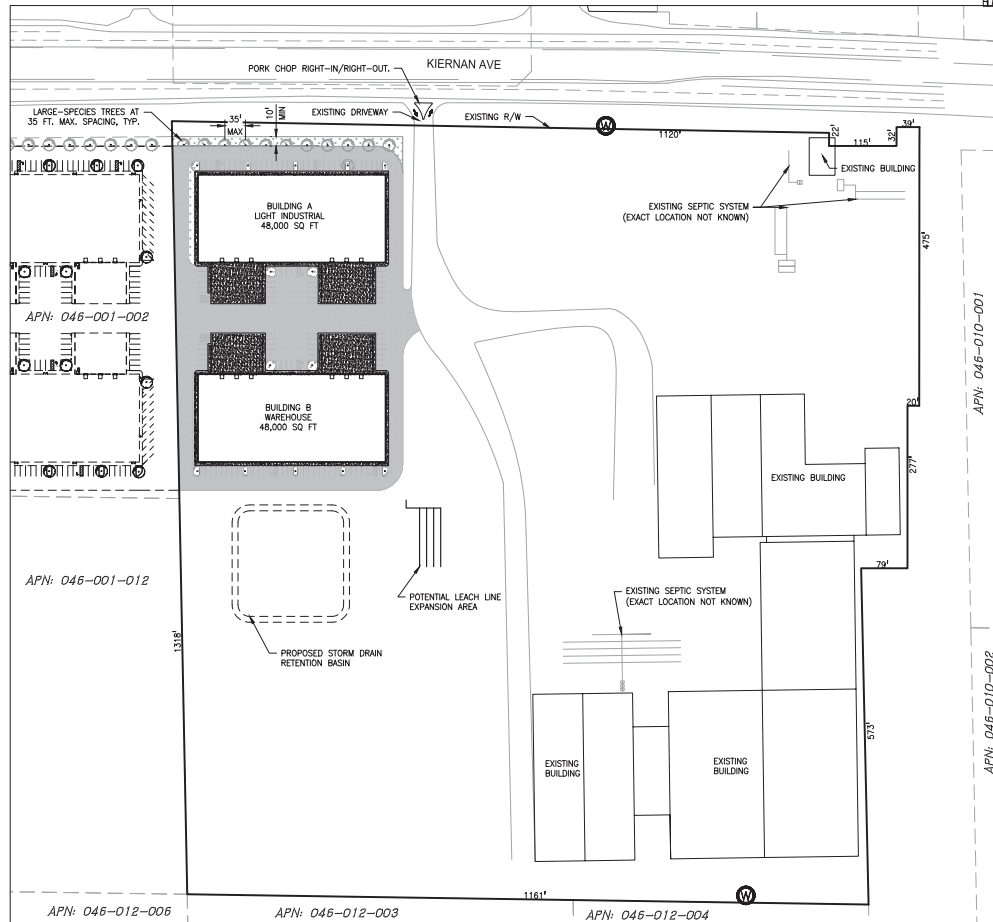
LIGHT INDUSTRIAL PARKING: $P=0.61X+6$ WHERE $X=1,000$ SQ. FT. GFA
WAREHOUSE PARKING: $P=0.41X-1$ WHERE $X=1,000$ SQ. FT. GFA

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

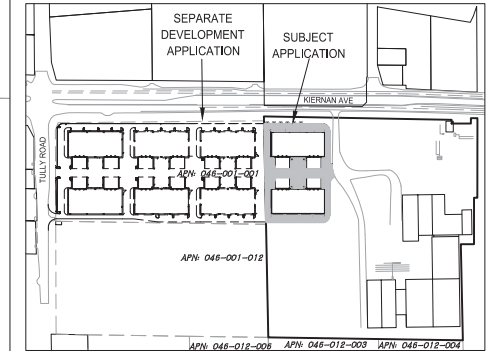
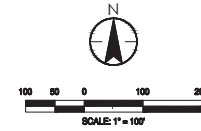
TOTAL REQUIRED SPACES: 55 SPACES

TOTAL PROVIDED SPACES: 114 SPACES

USE PERMIT FOR PD-131 KIERNAN AVENUE INDUSTRIAL DEVELOPMENT STANISLAUS COUNTY, CALIFORNIA



VICINITY MAP
N.T.S.



OVERALL DEVELOPMENT PLAN
N.T.S.



No.	DATE	BY	APP.
1	08.03.19	Rob Christensen	Rob Christensen
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Client/Project
LIBITZKY MANAGEMENT CORPORATION
USE PERMIT FOR PD-131
KIERNAN AVENUE INDUSTRIAL DEVELOPMENT
STANISLAUS COUNTY, CALIFORNIA
Title
PLOT PLAN

Engineer's Seal

Engineer's Signature:
Signature Date:
811
Know what's below.
Call before you dig.
Project Engineer: R. CHRISTENSEN
Project Number: 11720100
File Name: 20180706_Libitzky.dwg
User: RJC Date: 08.03.19
Job: Civil Dept: MWD-05-17
Sheet No.

NOTE: Approval of this application is valid only if the following conditions are met. This permit shall expire unless activated within 60 months of the date of approval. In order to activate the permit, it must be signed by the applicant and one of the following actions must occur: (a) a valid building permit must be obtained to construct the necessary structures and appurtenances; or, (b) the property must be used for the purpose for which the permit is granted. (Stanislaus County Ordinance 21.104.030)

CONDITIONS OF APPROVAL

USE PERMIT APPLICATION NO. PLN2018-0082 LIBITZKY HOLDINGS, LP

Department of Planning and Community Development

1. Use(s) shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances. All development standards adopted for the Planned Development (P-D) (131) zoning district shall remain in effect. If a conflict arises between the P-D (131) development standards and these conditions of approval, the conditions of this Use Permit shall prevail.
2. Construction shall be allowed to commence within five (5) years of project approval. Issuance of any building permit after five (5) years shall be subject to a staff approval permit to allow modification to development standards as determined necessary by the Planning Director.
3. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2017), the applicant is required to pay a California Department of Fish and Wildlife (formerly the Department of Fish and Game) fee at the time of filing a "Notice of Determination." Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **\$2463.75**, made payable to **Stanislaus County**, for the payment of California Department of Fish and Wildlife and Clerk Recorder filing fees.

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

4. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
5. The applicant/owner is required to defend, indemnify, or hold harmless the County, its officers, and employees from any claim, action, or proceedings against the County to set

aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.

6. Prior to issuance of any building permit, a photometric lighting plan shall be submitted for review and approval by the Stanislaus County Planning Department. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include, but not be limited to, the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and the installation of shielded fixtures to prevent light trespass (glare and spill light that shines onto neighboring properties). The height of the lighting fixtures should not exceed 15 feet above grade. The lighting plan shall be subject to review by the City of Modesto for conformance with City standards and, if City standards conflict with this condition, the City standards shall prevail.
7. Prior to issuance of any Certificate of Occupancy (CoO), a 6-foot-tall chain-link fence shall be installed along 150 feet of the western property line, beginning at the northeast corner of APN 046-001-012 headed in a southerly direction. Additionally, if General Plan Amendment and Rezone Application No. PLN2018-0081 – Libitzky Management Corporation has not been approved by the Board of Supervisors prior to issuance of any CoO, the fence shall also be installed along the most northerly portion of the western property line adjacent to APN 046-001-001, for an additional distance of 617± feet. The chain-link fence shall be maintained until the adjoining parcels are developed with, or rezoned to allow, non-agricultural uses.
8. In accordance with the Noise Element of the Stanislaus County General Plan, noise levels associated with all on-site activities shall not exceed the maximum allowable noise levels as allowed by the Noise Element. The property owner shall be responsible for verifying compliance and for any costs associated with verification.
9. No operations shall be conducted on any premises in such a manner as to cause an unreasonable amount of noise, odor, dust, smoke, vibration, or electrical interference detectable off the site.
10. During the construction phases of the project, if any human remains, significant or potentially unique, are found, all construction activities within 150 feet of the find shall cease until a qualified archeologist can be consulted. Construction activities shall not resume in the area until an on-site archeological mitigation program has been approved by a qualified archeologist. If the find is determined to be historically or culturally significant, appropriate mitigation measures to protect and preserve the resource shall be formulated and implemented. The Central California Information Center shall be notified if the find is deemed historically or culturally significant.
11. As required to meet zoning code and/or building code setback requirements, a merger shall be recorded prior to the issuance of a building permit for any structure unable to meet setback requirements.
12. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.

Department of Public Works

13. Prior to issuance of the first Building Permit, an encroachment permit for the required roadway improvements shall be obtained from Caltrans.
14. Prior to the final inspection of the first building permit, the raised median shall be installed and accepted by Caltrans.
15. A grading and drainage plan for the project site shall be submitted with the grading or building permit. The storm water shall be maintained on-site. Public Works will review and approve the drainage calculations. The grading and drainage plan shall include the following information:
 - The plan shall contain drainage calculations and enough information to verify that all runoff will be kept from going onto adjacent properties and Stanislaus County road right-of-way. Public Works will review and approve the drainage calculations.
 - The grading drainage and erosion/sediment control plan shall comply with the current State of California National Pollutant Discharge Elimination System (NPDES) General Construction Permit. A Waste Discharge Identification Number (WDID) and a copy of the Notice of Intent (NOI) and the projects Storm Water Pollution Prevention Plan (SWPPP) shall be provided prior to the approval of any grading, if applicable.
 - The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for the plan review of the grading plan.
 - The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for all on-site inspections. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site.

Department of Environmental Resources

16. The on-site wastewater treatment system (OWTS) for any newly constructed building or addition to an existing building shall be by individual Primary and Secondary wastewater treatment units, operated under conditions and guidelines established by Measure X.

Building Permits Division

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

Caltrans

18. The driveway which provides access to State Route 219 will remain right-in/right-out. A raised median "pork chop" must be included in the design to ensure that access to this driveway is right-in/right-out only. Please refer to National Cooperative Highway Research Program Report (NCHRP) 659 Guide for Geometric Design of Driveways.
19. An encroachment permit shall be obtained from Caltrans for any work completed within the CA Highway 219 (Kiernan Ave.) right-of-way.

City of Modesto

20. Prior to issuance of a building or grading permit the City shall review and approve the plans to ensure that all storm water is managed on-site. Development shall be consistent with the City's 2011 Revised Storm Water Quality Control Measures at a minimum. The City acknowledges that the County will require compliance with its 2015 Post-Construction Standards Plan, which has somewhat higher standards than the City's plan.
21. Prior to start of construction, all-weather, hard-surfaced roadways shall be constructed and maintained free of obstructions at all times during construction. Parking surfaces shall also be all-weather and hard-surfaced. Gravel driving and parking surfaces are prohibited.
22. Prior to issuance of a building permit, the applicant shall submit Landscape and Irrigation plans, and any applicable fees, to the City of Modesto's Parks Planning and Development Division for review and approval. Landscape and Irrigation plans shall meet current State of California water use requirements, Modesto Municipal Code requirements, and City of Modesto standards at time of submittal.
23. There shall be a minimum 10-foot landscaped setback from the Kiernan Avenue/SR 219 right-of-way. Applicant shall plant and maintain large-species trees in this setback that shall be equally spaced at a maximum of 35 feet on center.
24. Applicant shall install the required parking lot shade trees for all customer parking spaces identified so that the project complies with the Modesto Municipal Code for parking lot shading, as shown on the site plan.
25. Prior to issuance of a building permit, building elevations will be reviewed and approved by the City of Modesto. Staff will review elevations with respect to the City of Modesto's 2006 Commercial and Industrial Guidelines.
26. Signage shall comply with Title 10, Chapter 6, of the Modesto Municipal Code.

Modesto Irrigation District

27. There is an existing thirty-six (36) inch cast-in-place concrete improvement district pipeline (ID No. 27 - Brown ID) that lies along a portion of the northern property line thence south along the west property line. The size and location of the existing improvement district pipeline must be located and verified in the field and shown on the proposed plans prior to issuance of a building or grading permit.
28. Prior to issuance of a building or grading permit, the existing improvement district pipeline must be replaced within the footprint of the proposed project with a pipeline strength that meets HS20-44 loading requirements.
29. Pressure manholes must be installed per MID standard detail C 20 and located no more than five hundred (500) feet apart.
30. Prior to issuance of a building or grading permit, a thirty (30) foot irrigation easement centered on the pipeline must be dedicated to MID by separate instrument. The irrigation easement must be identified on the proposed plans.

31. Draft improvement plans for the proposed project area must be submitted to MID's Civil Engineering Department for review and approval prior to the start of any construction.
32. All work impacting MID infrastructure must be completed during the non-irrigation season (typically March 1 to November 1).
33. If the Applicant has no plans to use MID irrigation water, the Applicant must contact MID's Water Operations Department at (209) 526-7562 to request a Sign-Off of Irrigation Facilities form for the parcel.
34. High voltage is present within and adjacent to the project area. This includes 12,000 volts overhead primary, 12,000 volts underground primary and overhead secondary facilities. The developer/contractors shall use extreme caution when operating heavy equipment, using a crane, ladders, scaffolding, hand held tools or any other type of equipment near the existing MID electric lines and cables. Workers and equipment should always maintain a distance no less than 10 feet from overhead facilities. Assume all overhead and underground electric facilities are energized.
35. The contractor shall verify actual depth and location of all underground utilities prior to start of construction. Notify "Underground Service Alert" (USA) (Toll Free 800-227-2600) before trenching, grading, excavating, drilling, pipe pushing, tree planting, post-hole digging, etc. USA will notify all utilities to mark the location of their underground facilities.
36. MID requires that any trenching maintain a 1:1 horizontal distance from any existing pole, determined by the depth of the trench. If trenching encroaches on this requirement, the Contractor needs to contact the MID Electric Engineering Department to brace any effected poles during the trenching process. The cost of any required pole bracing will be assumed by the requesting party. Estimates for bracing any existing poles will be supplied upon request.
37. MID high voltage electric facilities are located within the vicinity of the project site and require protection from dirt/dust. Construction dust control measures shall be in place during the digging of new utility trenches, grading, leveling, or digging of building foundations.

Salida Fire Protection District

38. This project will be subject to Fire Service Impact Mitigation Fees as adopted by the District Board of Directors and currently in place at the time of issuance of construction permits, which shall be paid prior to issuance of a building permit.
39. This project shall meet the District's requirements of on-site water for fire protection prior to construction of combustible materials. Fire hydrant(s) and static source locations, connections, and access shall be approved by the District prior to issuance of a building permit.
40. Prior to, and during, combustible construction, the District shall approve provisions for serviceable fire vehicle access and fire protection water supplies.

41. A District specified Rapid Entry System (Knox) shall be installed and serviceable prior to final inspection allowing fire department access into gated areas, limited access points, and or buildings.
42. Buildings shall be required to have fire sprinklers meeting the standards listed within the adopted California Fire Code and related amendments.
43. For buildings of 30 feet or three (3) or more stories in height, gated 2 ½" hose connections (Class III) for fire department use shall be installed on all floors in each required exit stairwell.
44. The project shall meet fire apparatus access standards. Two ingress/egress accesses to each parcel meeting the requirements listed within the California Fire Code.
45. If traffic signals are installed and/or retrofitted for the project, signal preemption devices shall be paid for or installed by the developer/owner and shall conform to the District's standards and requirements.
46. Prior to issuance of a building permit, the owner(s) of the property shall be required to form or annex into a Community Facilities District for operational services with the Salida Fire Protection District. Due to the fact this process may take 60-120 days to complete, it is recommended that advanced consideration be given to initiate this requirement early in the project.

Central Valley Regional Water Quality Control Board

47. Prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a "Notice of Intent" (Pursuant to State Water Resources Control Board Order 99-08-DWQ and National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002), is necessary, and shall prepare all appropriate documentation, including a Storm Water Pollution Prevention Plan (SWPPP). Once complete, and prior to construction, a copy of the SWPPP shall be submitted to the Stanislaus County Department of Public Works.
48. Prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a Phase I and II Municipal Separate Storm Sewer System (MS4) Permit, an Industrial Storm Water General Permit, Clean Water Act Section 404 Permit, Clean Water Act Section 401 Permit, or Waste Discharge Requirement (WDR) permits are required.

San Joaquin Valley Air Pollution Control District

49. Prior to issuance of the first building permit, the developer shall be responsible for demonstrating compliance with District Rule 9510 (Indirect Source Review), which is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site fees. The proposed project is subject to District Rule 9510 as it will receive a project-level discretionary approval from a public agency and will exceed 25,000 square feet of light industrial space. When subject to the rule, an Air Impact Assessment (AIA) application is required.

50. Prior to construction, the developer shall be responsible for contacting the San Joaquin Valley Air Pollution Control District to determine if Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations), or any other District rules or regulations apply to this project.

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

EXHIBIT F

REZONE APPLICATION NO. 86-7
PROPOSED USES
(REVISED JULY 22, 1986)

Auto parts establishment, wholesale only
Cabinet shops
Compounding and packaging of cosmetics, pharmaceutical
and toiletries
Farm and garden supply, wholesale only
Canned or dry food storage

Mail order establishments
Assembly of: jewelry, watches, clocks, precision
instruments, appliances, musical instruments,
business machines, electric motors, toys,
television and radio equipment
Manufacture of leather goods, paper products, pens,
pencils and artists supplies when such goods,
products and supplies are made from previously
prepared materials
Assembly of professional and scientific instruments,
photographic and optical equipment
Mini-warehouses
Office furniture repair
Plumbing and heating establishments
Sign shops and storage
Tire, battery and auto parts, wholesale only
Warehouses
Other similar and related uses as approved by Staff

EXHIBIT E

DEVELOPMENT STANDARDS

REZONE APPLICATION NO. 86-7 - LINCOLN PROPERTY COMPANY

1. This use be conducted as described in the application and supporting information (including the plot plan list of uses and development schedule) as approved and in accordance with other laws and ordinances.
2. That a building permit must be obtained from the Building Inspection Division.
3. A suitable sewage disposal system and water supply must be approved and inspected by the Department of Environmental Resources.
4. Prior to the occupancy of any building, or operation of the approved use, the applicant shall meet all the requirements of the Department of Fire Safety and the Air Pollution Control District.
5. That a Certificate of Occupancy shall be obtained from the Building Inspection Division prior to occupancy.
6. That sufficient paved and marked parking spaces be provided as required by Chapter 21.76 of the Stanislaus County Code.
7. That a landscaping plan indicating type of plants, initial plant size, location and method of irrigation shall be submitted and approved by the County Planning Director. Landscaping must be installed prior to occupancy.
8. All landscaped areas, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
9. All outdoor lighting shall be shielded from adjacent properties as required by the Planning Director.
10. That sufficient road right-of-way be dedicated to Stanislaus County to provide for the following:
 - a. 50 feet of right-of-way south of the existing center line of Kiernan Avenue.
11. That curb, gutter, sidewalk, drainage facilities and matching pavement be constructed along the frontage of Kiernan Avenue to County standards prior to occupancy. Improvement plans for the entire area to improved, shall be approved by the Department of Public Works prior to issuance of any building permits for the project. The improvements shall include a left turn lane.

12. Grading and drainage plans (including drainage calculations based on the Stanislaus County Storm Drainage Design Manual) for the entire site shall be approved by the Department of Public Works prior to issuance of any building permits for the project and shall be implemented prior to occupancy.
13. A plan for any proposed signs indicating the location, height, area of the sign and message must be approved by the Planning Director before installation.
14. A signed agreement, in form approved by the County Counsel, shall be filed with the County agreeing to annex the subject property to the City of Modesto on demand.
15. No operations, conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Planning Director.
16. There shall be no outside storage of materials or equipment which is not screened from public view.
17. Prior to issuance of any building permit, the developer shall dedicate public utility easements as required by the utility companies and the Planning Director.
18. That all uses obtain and maintain a valid business license. Application may be made in the Treasurer's Office.
19. That each use obtain a Staff Approval permit, approved by the Department of Planning and Environmental Resources, prior to occupying the property.
20. That encroachment permits be obtained from Caltrans.
21. That a Reversion to Acreage be completed to eliminate the lots within the Town of McHenry.
22. The designated truck routes for ingress and egress to the development shall be approved by the Department of Public Works.

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Standards 7, 11, 12 and 21 will not be required to be met until building permits are sought for the proposed new buildings.