

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
ACTION AGENDA SUMMARY

DEPT: Planning & Community Development

Urgent \_\_\_\_\_ Routine X

CEO Concurs with Recommendation YES \_\_\_\_\_ NO \_\_\_\_\_  
(Information Attached)

BOARD AGENDA # 9:25 a.m.

AGENDA DATE: April 10, 2001

4/5 Vote Required YES \_\_\_\_\_ NO X

**SUBJECT:**

APPROVAL OF REZONE APPLICATION NO. 2000-17 - WALTER KOENIG. A REQUEST TO ALLOW CONSTRUCTION OF MINI-STORAGE FACILITIES ON A 5.7 ACRE PROPERTY AT THE SOUTHWEST CORNER OF KIERNAN AVENUE (HWY. 219) AND MCHENRY AVENUE (HWY. 108), NORTH OF MODESTO.

**PLANNING COMMISSION RECOMMENDATION:**

AT ITS REGULARLY SCHEDULED MEETING OF MARCH 1, 2001, THE PLANNING COMMISSION FOLLOWED A RECOMMENDATION FROM STAFF AND VOTED UNANIMOUSLY TO ASK THE BOARD TO APPROVE THIS PROJECT AS FOLLOWS:

1. ORDER THE FILING OF A NEGATIVE DECLARATION, BASED ON THE INITIAL STUDY;
2. FIND THAT THE PROPOSED PLANNED DEVELOPMENT IS CONSISTENT WITH THE COUNTY GENERAL PLAN;

(Continued on Page 2)

**FISCAL IMPACT:**

None.

**BOARD ACTION AS FOLLOWS:**

No. 2001-273

On motion of Supervisor Mayfield, Seconded by Supervisor Blom

and approved by the following vote,

Ayes: Supervisors: Mayfield, Blom, Simon, Caruso, and Chair Paul

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) \_\_\_\_\_ Denied

3) \_\_\_\_\_ Approved as amended

Motion:

INTRODUCED, ADOPTED, AND WAIVED THE READINGS OF  
ORDINANCE C.S. 757 FOR REZONE APPLICATION #2000-17.

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

Christine Ferraro  
By: Deputy

File No. ORD-54-H-7

**PLANNING  
COMMISSION  
RECOM-  
MENDATION  
CONTINUED:**

3. FIND THAT DEVELOPMENT OF THE PROPERTY WILL INCREASE ACTIVITY THERE, NECESSITATING ON- AND OFF-SITE IMPROVEMENTS;
4. APPROVE REZONE APPLICATION NO. 2000-17, SUBJECT TO THE ATTACHED DEVELOPMENT STANDARDS AND DEVELOPMENT SCHEDULE; AND,
5. FIND THIS PROJECT TO BE "DE MINIMIS" FOR THE PURPOSES OF FISH AND GAME CODES.

**DISCUSSION:**

Planned Development #227 was approved at the southwest corner of Kiernan Avenue and McHenry Avenue in 1996. It allowed a gas station/mini-mart and two fast food restaurants. One of the restaurants, and the gas/market facility currently are located on the site.

At the time PD 227 was approved, uses were limited to no further west than 450 feet from the centerline of McHenry Avenue, as per our General Plan and City/County Agreement. The current project is to allow the owner, Walter Koenig, to use the entire property.

The present project is to modify PD 227 to allow a mini-storage facility to be constructed on the undeveloped portion, some 5.57 acres. The applicant originally filed a request to have a used car lot on the site, and to allow the 5.57 acres to take direct access from Kiernan Avenue via the existing westerly driveway. However, due to the on-going plans to build Kiernan/Highway 219 to expressway standards, Modesto still does not want to give direct access to Kiernan. Given the fact that Modesto does indeed have approval power over the project because it is beyond the 450 foot McHenry corridor, this project, much like the earlier one, has been substantially revised.

The revisions, primarily no longer requesting Kiernan Avenue access, and the change in use to the mini-storage facility, are partly a result of the issues raised during the CEQA/Initial Study review process. It should also be noted that the original project here contained a parcel map which would have separated the then proposed car sales from the mini-warehouses. With the change to the current project, that map is no longer needed and has been dropped from further consideration. Rather, a subsequent lot line adjustment or merger will be filed to eliminate or move a present lot line which will be covered by building construction.

The plan before you is to construct a mini-storage facility, consisting of seven buildings, over the entire remaining portion of the original PD. Access to this facility will come through the southerly of the two McHenry Avenue frontage driveways serving the complex. This is in keeping with Modesto's desires, as reflected in the attached letter dated February 2, 2001 from the City. Modesto no longer objects to the project.

**DISCUSSION  
CONTINUED:**

Aside from traffic, other matters are fairly routine. Septic systems meeting Measure X standards will be used for sewage disposal. Water will be provided from an on-site system consistent with Department of Environmental Resources standards. Drainage will be contained entirely on-site as required by County Public Works standards. Visually and operationally, the facilities will be typical of mini storage complexes elsewhere.

There was no opposition to the project at the Planning Commission hearing which took place on March 1, 2001. John Hinchey spoke as the project representative. The only discussion centered around having the mini-storage customers drive through the existing fast food parking lot to access the facility. The current design which proposes for this to occur was done in response to Modesto and Caltrans concerns about the direct access to Kiernan Avenue originally proposed. There is already an access easement at the McHenry Avenue access driveway. It was put in place by Mr. Koenig at the time of the original approval. It was also pointed out at the Commission hearing that the situation is quite analogous to shopping centers which have freestanding buildings, often fast food facilities, along a major street frontage, with the larger stores behind them. In these cases, there would be far more traffic through the frontage lots than would be created by the mini-storage facility.

Following the public hearing, the Commission voted unanimously to recommend that the Board of Supervisors approve the rezone. Recommended Development Standards are included in the attached Planning Commission staff report.

**POLICY  
ISSUES:**

As the property is within the Sphere of Influence of Modesto, the City must support it for the County to grant approval. After modifying the project, the applicant does now in fact have written support from Modesto.

**STAFFING  
IMPACT:**

None.

**ATTACHMENTS:** Planning Commission Staff Report, March 1, 2001  
Planning Commission Minutes, March 1, 2001

# STANISLAUS COUNTY PLANNING COMMISSION

March 1, 2001

## STAFF REPORT

REZONE APPLICATION NO. 2000-17  
WALTER KOENIG

REQUEST: TO MODIFY AN EXISTING PLANNED DEVELOPMENT TO ALLOW DEVELOPMENT OF A MINI-STORAGE FACILITY, MODESTO AREA.

### APPLICATION INFORMATION

Owner/Applicant:	Walter Koenig
Agent:	John Hinchey, JBH Real Estate
Location:	Southwest corner of Kiernan Avenue (St. Rte. 219) and McHenry Avenue (State Route 108), in the Modesto area.
Section, Township, Range	5-3-9
Supervisorial District:	Four (Supervisor Simon)
Assessor's Parcel:	046-10-24
Referrals:	See list contained within Initial Study
Area of Parcels:	5.57 acres (two parcels)
Water Supply:	Private well
Sewage Disposal:	Septic systems consistent with Measure X
Existing Zoning:	Planned Development 227
General Plan Designation:	Planned Development
Environmental Review:	Negative Declaration Recommended
Present Land Use:	Vacant
Surrounding Land Use:	Mixture of commercial, residential, industrial, and agricultural uses.

### BACKGROUND

For well over two decades the Stanislaus County General Plan has had contained within it specific provisions pertaining to the McHenry Avenue corridor from the Modesto City limits north to Kiernan Avenue. These provisions have recognized the unique character and location by allowing development to occur on both sides of McHenry Avenue within the unincorporated area. For the area west of McHenry Avenue, the specific exemption from City jurisdiction was set at 450 feet west of centerline.

In 1986, the County Board of Supervisors approved a general plan change and rezoning of the subject 8.22 acres to a Planned Development (PD 134) which would have allowed construction of two automobile dealerships. That project covered not only the 450 feet, but the entire property. The City of Modesto commented on the proposed circulation pattern, but did not object to the project itself. The Development Schedule for the automobile dealership project, submitted by the applicant, called for construction to begin by January 1, 1988 and completion by January 1, 1990. The project was never constructed.

In the late 1980s, Stanislaus County entered into formal agreements with all nine incorporated cities. These agreements established criteria for reciprocal collection of impact fees for projects both within and outside city limits. The agreements also provided for land use development decision within spheres of influence to be deferred by the County to the cities thereby ensuring that the cities would have control over their own destinies. Developments, also under terms of the agreements would be required to develop consistent with city development standards for things such as signs, landscaping, street improvements and the like. The Land Use Element of the County General Plan was amended to reflect these policies.

There are a few exceptions to those policies however. Churches, agricultural uses and certain physical locations, including this McHenry Avenue corridor, are not subject to the terms of those agreements.

In February of 1996, a Planned Development request was filed for what was then an 8.22 acre parcel. At that time, development was being proposed for the entire property. The easterly portion was very similar to what is now in place. Current uses right at the corner of Kiernan and McHenry Avenues include a Taco Bell and a Shell Gas/Mini-Mart. However, there were additional plans for a large sit-down style restaurant, a medium sized and a very large retail space area, and yet another portion of the project set aside for additional unspecified commercial use.

By this time the Kiernan Avenue/Highway 219 corridor had been designated as a limited access expressway on both City of Modesto and Caltrans plans. Although exact corridor widths had not yet been determined, the plan was to not allow direct vehicular access except at widely spaced intervals, and then only for cross streets. Project - related comments from Modesto and Caltrans were based in part on the need to protect the integrity of the future expressway.

In July of 1996, the Modesto City Council, on recommendation of staff, voted to deny the request as being premature. Given the City Council decision, and unresolved traffic issues, the applicant basically went back to the drawing board. Most of the proposed uses were removed from the project. The project area itself was reduced from 8.22 to approximately 2.88 acres to coincide with the depth limitation of 450 feet from the centerline of McHenry Avenue. The project as finally approved consists of only two fast food restaurants (one of which has not been built) and the gas pumps/mini mart along with appropriate parking and landscaping. There are two driveways to the facilities on Kiernan Avenue and two along McHenry Avenue.

As the plot plan for the current project shows, the westerly Kiernan Avenue driveway extends beyond the 450 foot limitation. This driveway is obviously an integral part of this development project, and was approved despite objections from Modesto to ensure safe access away from the very busy intersection. At the time the fast food and gas facilities were approved, the entire property was zoned to be PD# 227, but no uses were specified.

### **PROJECT DESCRIPTION**

The present project is to modify PD# 227 to allow a mini-storage facility to be constructed on the undeveloped portion, some 5.57 acres. The applicant originally filed a request to have a used car lot on the site, and to allow the 5.57 acres to take direct access from Kiernan Avenue via the existing westerly driveway. However, due to the on-going plans to build Kiernan/Highway 219 to expressway standards, Modesto still does not want to give direct access to Kiernan. Given to fact that Modesto does indeed have approval power over the project because it is beyond the 450 foot McHenry corridor, this project, much like the earlier one, has been substantially revised.

The revisions, primarily no longer requesting Kiernan Avenue access, and the change in use to the mini-storage facility, are partly a result of the issues raised during the CEQA/Initial Study review process. It should also be noted that the original project here contained a parcel map which would have separated the then proposed car sales from the mini-warehouses. With the change to the current project, that map is no longer needed and has been dropped from further consideration. Rather, a subsequent lot line adjustment or merger will be filed to eliminate or move a present lot line which will be covered by building construction.

The plan before you this evening is to construct a mini-storage facility, consisting of seven buildings, over the entire remaining portion of the original PD. Access to this facility will come through the southerly of the two McHenry Avenue frontage driveways serving the complex. This is in keeping with Modesto's desires, as reflected in the attached letter dated February 2, 2001 from the City. Modesto no longer objects to the project.

Aside from traffic, other matters are fairly routine. Septic systems meeting Measure X standards will be used for sewage disposal. Water will be provided from an on-site system consistent with Department of Environmental Resources standards. Drainage will be contained entirely on-site as required by County Public Works standards. Visually and operationally, the facilities will be typical of mini storage complexes elsewhere.

### **FINDINGS**

In a case of a rezone, the only finding required is that the proposed new zone is consistent with the General Plan. Here, the Land Use Element of the General Plan already designated this 8.22 acres as Planned Development. The 1986 Planned Development project created a commercial PD consistent with that designation. We believe that this current request does the

same. It is our position that the applicant's willingness to revise his project is a sincere attempt to deal with a difficult situation, one that gives him use of his project while still being consistent with the General Plan.

### **RECOMMENDATION**

For the reasons discussed above staff is in support of this project. We believe the Commission should recommend to the Board of Supervisors that they:

1. Order the filing of a Negative Declaration, based on the Initial Study;
2. Find that the proposed Planned Development is consistent with the County General Plan;
3. Find that development of the property will increase activity there, necessitating on- and off-site improvements;
4. Approve Rezone Application No. 2000-17 subject to the attached Development Standards and Development Schedule; and,
5. Find this project to be "De Minimis" for the purposes of Fish and Game Codes.

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Report written by: Bob Kachel, Senior Planner, February 16, 2001

Attachments: Exhibit A - Maps  
Exhibit B - Development Standards and Schedule  
Exhibit C - Initial Study and Initial Study Comments  
Exhibit D - Mitigated Negative Declaration  
Exhibit E - Mitigation Monitoring Plan  
Exhibit F - Certificate of Fee Exemption  
Exhibit G - Summary of Referrals

**REZ. NO.2000-17  
BY: WALTER KOENIG**

**THIEMAN RD**

**CARVER RD**

**KIERNAN AVE**

**SITE**

**MC HENRY AVE**

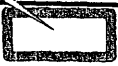
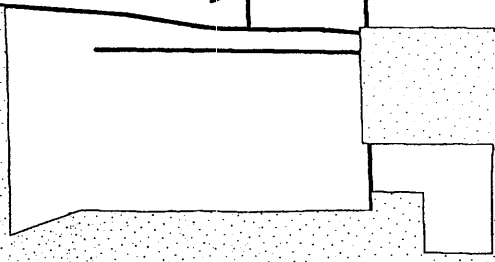
**COFFEE RD**

**STRATOS  
WY**

**TULLY RD**

**BANGS AVE**

**MODESTO**





**REZ. NO.2000-17  
BY: WALTER KOENIG**

15.16  
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3.35AC.

16.545AC.

9.81AC.

9.59AC.

4.47AC.

3.04  
AC.

2.76  
AC.

7.34AC.

9.51AC.

18.43AC.

9.6AC.

1.0

27.23AC

**KIERNAN AVE**

**CLARIBEL RD**

**SITE  
4.55AC.**

**1.02**

1.02

1.24

1.0

1.10

14.30AC.

1.97AC.

4.02AC.

4.73AC.

13.4AC.

3.42  
AC.

1.99AC.

2.83AC.

1.0AC.

5.17  
AC.

1.08AC.

1.02AC.

1.13AC.

9.0AC.

56.54AC.

4.59  
AC.

1.62

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2.49  
AC.

3.41AC.

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AC.

**GALAXY WY**

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22.04AC.

4.48AC.

3.54AC.

**GALAXY WY**

1.805



13.665AC.

Union Pacific

STRATOS WY

MC HENRY AVE

EXHIBIT A-1

REZ. NO.2000-17  
BY: WALTER KOENIG

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9.51AC.

**A-2-40**

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**KIERNAN AVE**

**CLARIBEL RD**

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**SITE**

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**GALAXY WY**

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**GALAXY WY**

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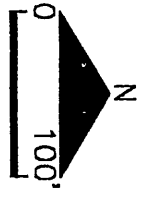
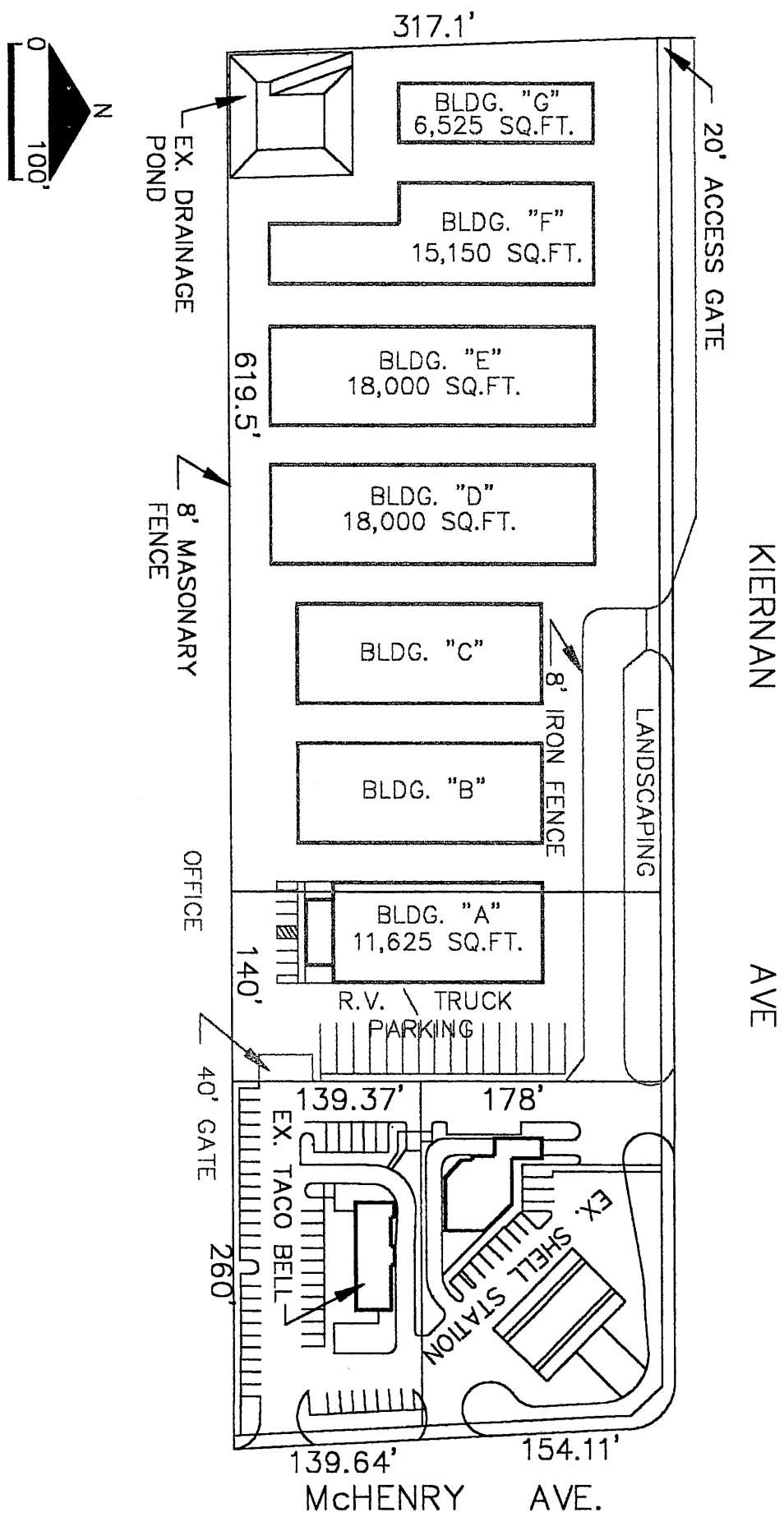
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Union Pacific

SIRATOS WY

MC HENRY AVE

REZ. NO. 2000-17  
BY: WALTER KOENIG



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

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## **DEVELOPMENT STANDARDS AND SCHEDULE**

### **REZONE APPLICATION NO. 2000-17 WALTER KOENIG**

#### **Department of Planning and Community Development**

1. This use be conducted as described in the application and supporting information (including the plot plan) as approved and in accordance with other laws and ordinances. All applicable standards of PD #227 shall remain in effect.
2. Applicant must obtain building permits for all proposed structures, equipment, and utilities. Plans shall be prepared by a California licensed engineer working within the scope of his/her license.
3. Project proponent, when applicable, shall obtain both a permit to construct and a permit to operate from the San Joaquin Valley Air Pollution Control District prior to building occupancy. Applicant shall comply with the terms and conditions of said entitlements. (APCD Rule 201 and Health and Safety Code 42301)
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 for on-site water storage.
5. That a Certificate of Occupancy shall be obtained from the Building Inspection Division prior to occupancy. (UBC Section 307)
6. That sufficient paved and marked parking spaces be provided as required by Chapter 21.76 of the Stanislaus County Code.
7. Applicant, or subsequent property owner, shall be responsible for maintaining landscape plants in a healthy and attractive condition. Dead or dying plants shall be replaced with materials of equal size and similar variety. (CEQA, Section 15041)
8. Exterior lighting of the parking areas shall be designed (aimed down and towards the site) to provide adequate illumination without a glaring effect.

9. 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. (Section 16.64.170 of the Stanislaus County Ordinance Code)
10. A plan for any proposed signs indicating the location, height, area of the sign, and message must be approved by the Planning Director and the City of Modesto before installation.
11. Trash bins shall be kept in trash enclosures constructed of materials compatible with the architecture of the development. Trash enclosures shall be placed in locations as approved by the refuse collecting agency and the Planning Director.
12. A signed agreement, subject to the approval of the Board of Supervisors, shall be filed with the County agreeing to annex the subject property to the City of Modesto upon demand by the City and after approval by the Board of Supervisors.
13. There shall be no outside storage of materials or equipment. (Title 21 of the Stanislaus County Ordinance Code)
14. Prior to issuance of any building permit, the developer shall dedicate public utility easements as required by the utility companies and the Planning Director. (See January 3, 2001 letter from Modesto Irrigation District.)
15. All new utilities shall be placed underground.
16. Fences and landscaping adjacent to roadways shall be in compliance with the County's "Visibility and Obstructions at Public Intersections" ordinance.
17. That all businesses on site obtain and maintain a valid business license. Application may be made in the Planning Department (Section 6.04 of the Stanislaus County Ordinance Code).
18. Applicant shall be responsible for dust abatement during construction and development operations. A water truck or other watering device shall be on the project site on all working days when natural precipitation does not provide adequate moisture for complete dust control. Said watering device shall be used to spray water on the site at the end of each day and at all other intervals, as need dictates, to control dust. (CEQA, Section 15041)
19. If subsurface cultural resources are discovered on the project site during the construction process, all work shall stop until a qualified archaeologist, approved by the Planning Department, evaluates said resources and establishes boundaries around

archaeologically sensitive areas. If the site is determined to be significant, appropriate mitigation measures shall be formulated and implemented in accordance with Appendix K of CEQA. (CEQA, Section 15041)

20. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by 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.
21. A landscaping plan consistent with Section 21.102 of the Zoning Ordinance shall be submitted and approved prior to issuance of building permits.
22. Prior to the issuance of the Notice of Determination, the applicant shall pay, within five days of Planning Commission approval, a filing fee of \$50.00 to "**Stanislaus County Clerk/Recorder**" care of the Planning Department. Should the "De Minimis" finding be found invalid for any reason, the applicant/developer shall be responsible for payment of Department of Fish and Game Fees.
23. The applicant 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.
24. Prior to construction: The developer shall be responsible for contacting the U.S. Army Corps of Engineers to determine if any "wetlands", "waters of the United States", or other areas under the jurisdiction of the Corps of Engineers are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from these agencies, if necessary.
25. Prior to construction: The developer shall be responsible for contacting the California Department of Fish and Game shall be responsible for obtaining all appropriate streambed alteration agreements permits or authorizations if necessary.
26. Prior to construction: The developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a "Notice of Intent" is necessary, and shall prepare all appropriate documentation, including a Storm Water Pollution Prevention Plan. Once complete, and prior to construction, a copy of the Storm Water Pollution Prevention Plan shall be submitted to the Stanislaus County Department of Planning and Community Development.

**Department of Environmental Resources**

27. Water supply for the project is defined by State regulations as a public water system. Water system owner must submit plans for the water system construction or addition;

and obtain approval from this Department, prior to construction. Prior to final approval of the project, the owner must obtain a Water Supply Permit from this Department. Water supply permit issuance is contingent upon water system meeting construction standards, and providing water which is of acceptable quantity and quality.

28. The sewage disposal system shall be an approved aerobic treatment system so as to comply with the Primary and Secondary Sewage Treatment Initiative (Measure X).

**Salida Fire Protection District**

29. Prior to the issuance of a building permit, the developer shall enter into an agreement with Salida Fire Protection District to ensure compliance with the district's recommendations that new construction will be subject to CEQA Impact Mitigation Fees. This condition shall only apply provided Salida Fire Protection District can supply evidence satisfactory to the Director of Planning that a nexus exists between the proposed project and the identified impact.

**San Joaquin Valley Air Pollution Control District**

30. The applicant shall comply with all mandatory regulations of the San Joaquin Valley Unified Air Pollution Control District as discussed in the March 8, 1996 letter from the District and shall consider including the suggested mitigations in the project.

**Modesto Irrigation District**

31. Project shall comply with all requirements of the January 3, 2001 letter from the MID.

**Caltrans**

32. Building and fencing setbacks should be cleared with the SR 219 Project Manager, Gary Fromm, at (209) 948-7983

**Stanislaus County Department of Public Works**

33. Prior to the issuance of any building permits, sufficient road right-of-way shall be dedicated to Stanislaus County to provide for 67.5 feet south of the centerline of Kiernan Avenue.
34. Prior to occupancy of the property with the approved use, street improvements shall be installed along the entire developed frontages of the property on Kiernan Avenue. The improvements shall include, but not be limited to, curb, gutter, sidewalk, drainage facilities, street lights, signs, pavement markings, street pavement, and concrete medians on McHenry and Kiernan Avenues. A financial guarantee in a form acceptable to the Department of Public Works to ensure the construction of the improvements shall be deposited with the Department.

35. Prior to the issuance of any building permits, off-site street improvement plans shall be prepared by a registered civil engineer and approved by the Department of Public Works, Caltrans and reviewed by the City of Modesto.
36. Driveway locations and widths (41' maximum) shall be approved by the Department of Public Works, Caltrans and reviewed by the City of Modesto.
37. No parking, loading or unloading of vehicles shall be permitted within the right-of-way of McHenry or Kiernan Avenues. The developer will be required to install or pay for the installation of all required signs and/or markings.
38. A Grading and Drainage Plan for the entire property shall be designed to meet the requirements of the County's "Storm Drainage Design Manual, 1998 Edition." The plan shall be approved by the Department of Public Works prior to the issuance of any building permits. The storm drainage system shall be installed prior to occupancy of any buildings.
39. When the parcels are developed and prior to issuance of any building permits, the developer shall pay the first years operating and maintenance cost of the street lights.

**Consolidated Fire**

40. No construction shall begin without approved fire protection water and fire apparatus access roads. Fire access roads shall be provided with approved turning radius for fire apparatus inside the storage facility complex.

**DEVELOPMENT SCHEDULE**

1. The project shall begin construction within three years of the effective date of the rezone.

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# Stanislaus County Planning and Community Development

1010 Street, Suite 3400  
Modesto, CA 95354

Phone: (209) 525-6330  
Fax: 525-5911

## CEQA INITIAL STUDY

Adapted from CEQA Guidelines APPENDIX G Environmental Checklist Form, Final Text, October 26, 1998

- 1. Project title: **Rezone Application No. 2000-17 and Parcel Map 2000-23 - Walter Koenig**
- 2. Lead agency name and address: **Stanislaus County  
1010 10th Street  
Modesto, CA 95354**
- 3. Contact person and phone number: **Bob Kachel, Senior Planner  
(209)525-6330**
- 4. Project location: **South side of Kiernan Avenue (Hwy 219), west of McHenry Avenue (Hwy 108).**
- 5. Project sponsor's name and address: **Koenig Investments  
P.O. Box 1041  
Woodbridge CA 95258**
- 6. General plan designation: **Planned Development**
- 7. Zoning: **Planned Development #227**
- 8. Description of project: **To allow construction of mini-storage facilities and a used car lot, and to create parcels 3.3 and 1.2 acres.**
- 9. Surrounding land uses and setting: **Area uses are generally light industrial and commercial.**
- 10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.) **Caltrans**

### ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

- Aesthetics
- Agriculture Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology /Soils

- Hazards & Hazardous Materials       Hydrology / Water Quality       Land Use / Planning
- Mineral Resources       Noise       Population / Housing
- Public Services       Recreation       Transportation/Traffic
- Utilities / Service Systems       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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
For

**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). Reference 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 significance 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 significance.

	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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**ISSUES**

**I. AESTHETICS** -- Would the project:

a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:** The project site is surrounded by a mixture of commercial and industrial uses. A portion of the Planned Development zone is already used commercially. As this project proposes to continue those uses, no significant aesthetic changes are anticipated.

**Mitigation:** None

**References:** Review of the project area, and staff experience.

**II. AGRICULTURE 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 Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:** The site is located within the sphere of influence of the City of Modesto, in a neighborhood where only limited farming remains. The bulk of the area is committed to non-agricultural uses.

**Mitigation:** None.

**References:** Stanislaus County General Plan, LAFCO adopted Sphere of Influence, Stanislaus County Zoning Ordinance, Farmland Mapping and Monitoring Program, California Land Conservation Act (Williamson Act), renew of project area.

**III. AIR QUALITY** -- Where available, the significance criteria established by the applicable air quality management 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:**

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

The 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 SJVAPCD has addressed most criteria air pollutants through basin wide programs and polices to prevent cumulative deterioration of air quality within the Basin.

d,e. There is no indication this project will result in exposing sensitive receptors to substantial pollutant concentrations or create objectionable odors.

**Mitigation:** None.

**References:** San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis and the Stanislaus County General Plan - Adopted June 1994, staff experience.

**IV. BIOLOGICAL RESOURCES** -- Would the project:

a) Have a substantial adverse effect, either directly or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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?				
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 US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:** The project site is located within a developed commercial/industrial area. No endangered species or habitats locally designated species, migration corridors and/or wetlands are know to exist on this site or in the area.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Stanislaus County General Plan Support Documentation, Natural Diversity Data Base, staff experience.

**V. CULTURAL RESOURCES --** Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:**

- a. The project site is not listed or eligible for listing on any federal, state and/or local historical registry.
- b-d. The farming history of the site, which is vacant, would minimize the possibility of finding cultural resources.

**Mitigation:** None.

**References:** Stanislaus County General Plan, Stanislaus County General Plan Support Documentation, staff experience.

**VI. GEOLOGY AND SOILS -- Would the project:**

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:**

a-d. As discussed on page 247 of the General Plan Support Documentation the areas of the County subject to significant geological hazard are located in the Diablo Range, west of I-5. Any structures built for this project will be constructed according to building standards appropriate to withstand shaking and for soil type for the area in which they are constructed.

e. "Measure X" standards will be used on all septic systems associated with this project to ensure that no adverse impacts occur. There are no soil related problem in this area.

Mitigation: None.

References: Stanislaus County General Plan, Stanislaus County General Plan Support Documentation and 1997 Uniform Building Code.

**VII. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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**Discussion:**

- a-c. Any development resulting from this project will be subject to all applicable federal, state, and local standards regarding the transport, storage, and/or handling of hazardous materials.
- d. The site is not known to be included on any lists of hazardous materials sites.
- e,f. The site is not located within an airport land use plan, with two miles of a public airport, or in the vicinity of a private airstrip.
- g. There is no indication this project will impair or interfere with any emergency plan.
- h. The site is not located in a wildland area.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Stanislaus County General Plan Support Documentation.

**VIII. HYDROLOGY AND WATER QUALITY -- Would the project:**

a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:** Water for the project will be provided from an existing on-site well. Both proposed uses are relatively low water uses. Stormwater will be channeled to an existing basin, as approved in ultimate size by the Department of Public Works. The site is not within any official designated flood area nor is it subject to item j. conditions.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Stanislaus County General Plan Support Documentation.

**IX. LAND USE AND PLANNING - Would the project:**

a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:** There is no possibility of dividing any community in this case, nor are there any conservation plans in effect in the area. The proposed accesses to Kiernan Avenue (Rt. 219) may conflict with expressway plans of the City of Modesto, Caltrans and StanCog, but the possible conflict is not environmentally significant. Rather it is a land use issue.

**Mitigation:** None.

**References:** Stanislaus County General Plan and General Plan Support Documentation, StanCog Plans, City of Modesto General Plan, Caltrans verbal correspondence, staff experience.

**X. MINERAL RESOURCES -- Would the project:**

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
<b>Discussion:</b> There are no know mineral resources in the project area.				
<b>Mitigation:</b> None.				
<b>References:</b> Department of Conservation Special Report 173, Stanislaus County General Plan and General Plan Support Documentation.				

**XI. NOISE --** Would the project result in:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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 expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Discussion:** The location of this property along a busy State Highway, will minimize any noise related issues. There are no sensitive receptors in the vicinity, and neither of the proposed projects are a noise generator.

**Mitigation:** None.

**References:** Staff experience, application information, Stanislaus County General Plan and General Plan Support Documentation.

**XII. POPULATION AND HOUSING --** Would the project:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Induce substantial 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)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:** These uses are designed to take advantage of and serve existing area travelers and residents as opposed to drawing new ones.

**Mitigation:** None.

**References:** Application information, staff experience.

**XIII. PUBLIC SERVICES**

a) Would the project result in 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion:** As with any development, public services will be affected. The County has standardized mitigation by the adoption of Public Facility Fees and Fire Facilities Fees.

**Mitigation:** Developer shall pay all Public Facilities Fees and Fire Facilities Fees as adopted by Resolutions of the Board of Supervisors. The fees shall be payable at the time of building permit issuance and shall be based on the rates in effect at the time of building permit issuance.

**References:** County policies, Stanislaus County General Plan and Stanislaus County General Plan Support Documentation.

**XIV. RECREATION --**

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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**Discussion:** The project will not result in an increased use of existing recreational facilities and does not include and/or require recreational facilities or expansion of existing facilities.

**Mitigation:** None.

**References:** County policies, application information, staff experience, Stanislaus County General Plan and Stanislaus County General Plan Support Documentation.

**XV. TRANSPORTATION/TRAFFIC --** Would the project:

- |  |                          |                          |                                     |                                     |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f) Result in inadequate parking capacity?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**Discussion:** This project will increase traffic, but both uses are relevantly small traffic generators, so it will not substantially increase traffic to the point of changing service level. We are concerned however, about the consistency of the proposal to create two driveways on to Kiernan Avenue, which is planned as an expressway, which staff does not support. This configuration, we do not see it as a significant CEQA issue. Comments from Caltrans, City of Modesto, StanCog and Public Works are welcomed in this area.

**Mitigation:** None.

**References:** Staff experience, application information, Stanislaus County General Plan, Transportation Improvement Plan, City of Modesto General Plan.

**XVI. UTILITIES AND SERVICE SYSTEMS --**

Would the project:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:** On site water and drainage facilities will be used. Early consultations has not produced any anticipated problems. Similar, Measure X, sewage disposal will minimize any upsets in that regard. Solid waste collection is available to the area.

**Mitigation:** None.

**References:** Application information, staff experience, response to Early Consultation.

**XVII. MANDATORY FINDINGS OF SIGNIFICANCE --**

a) Does the project have the potential to 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, 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

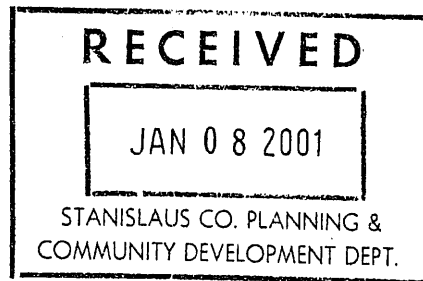
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**DEPARTMENT OF TRANSPORTATION**

P.O. BOX 2048 (1976 E. CHARTER WAY)  
STOCKTON, CA 95201  
TDD (209) 948-7981  
(209) 948-3975



January 2, 2001



**STA-219-P.M. 4.565**  
**Walter Koenig**  
**Rezone # 2000-17**  
**Parcel Map App # 2000-23**  
**APN 046-10-24**  
**SCH# 2000122006**

Mr. Bob Kachel, Senior Planner  
Stanislaus County  
Department of Planning and  
Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, California 95354

Dear Mr. Kachel:

Thank you for the opportunity to review the above-referenced document, an Initial Study/Proposed Mitigated Negative Declaration on the request to create a parcel of 1.2 and 3.3 acres and rezone from a Planned Development 227 to a new Planned Development for commercial use on Kiernan Avenue (SR 219) in the Modesto area.

Transportation Planning has circulated these documents through our normal interdepartmental review process. We offer the following comments:

- An encroachment permit will be required. Please direct the applicant to include the affected portion of the State right of way in their environmental studies. This avoids the delay of a separate environmental review for the encroachment permit. You and the applicant should review the need for cultural resource, biological resource and hazardous waste studies in our right of way. Review agencies and interest groups frequently challenge Caltrans permits on these issues. Please provide Caltrans with either (1) appropriate studies done by qualified professional staff, or (2) the rationale for your CEQA determination that these issues are not of concern in the State right of way. This will expedite our review of the encroachment permit. If engineering plans or drawings will be part of your permit application, they must be prepared in metric units.
- All Final Conditions of Approval should be forwarded to Caltrans District Planning in order to monitor approved local development and implementation of agreed upon mitigation measures.



Mr. Bob Kachel  
January 2, 2001  
Page 2

- The proposed development, as presented, is not consistent with the Class B Expressway designation of Kiernan Avenue. Driveways should be shared, where possible, and any additional access should be through the existing side street (Stratos Way).
- Size and location of driveways are not delineated on the site plan included with the document. Therefore, the applicant will have to resubmit suitable engineered plans when applying for an encroachment permit. At that time, the applicant will be informed of any additional requirements.
- Building setbacks should be cleared with the SR 219 Project Manager, Gary Fromm, at (209) 948-7983.

If you have any questions or concerns regarding this project, please contact Lynn O'Connor of my staff at (209) 948-7575 or email at [loconnor@dot.ca.gov](mailto:loconnor@dot.ca.gov).

Sincerely,

*Christine Sayre for*  
**CARLOS P. YAMZON, Chief**  
**Office of Travel Forecasting and**  
**Metropolitan Planning**



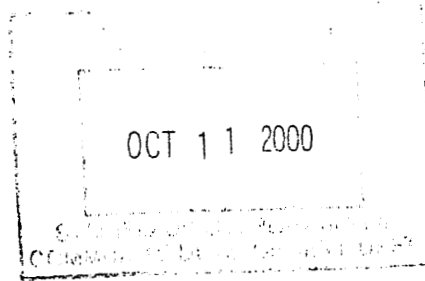
**CHIEF EXECUTIVE OFFICE**

**Reagan M. Wilson**  
Chief Executive Officer

1010 10TH Street, Suite 6800, Modesto, CA 95354  
PO Box 3404, Modesto, CA 95353-3404

**Patricia Hill Thomas**  
Assistant Executive Officer

Phone: 209.525.6333 Fax: 209.544.6226



October 10, 2000

Bob Kachel  
Stanislaus County Planning  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354

**SUBJECT: ENVIRONMENTAL REFERRALS –REZONE APPLICATION NO. 2000-17 AND  
PMA NO. 2000-23- WALTER KOENIG**

Mr. Kachel:

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and has the following comments:

No construction shall begin without approved fire protection water and fire apparatus access roads. Fire access roads shall be provided with approved turning radius for fire apparatus inside storage facility complex.

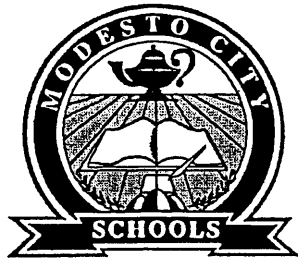
The ERC appreciates the opportunity to comment on this project.

Sincerely,

W. Richard Jantz, Deputy Executive Officer  
Keith D. Boggs, Associate Management Consultant  
Environmental Review Committee

KDB:lbh

cc: ERC Members



## MODESTO CITY SCHOOLS

Planning and Research  
(209) 576-4032/Fax 576-4879

426 Locust Street, Modesto, CA 95351  
Email: meredith.b@monet.k12.ca.us

December 4, 2000

Stanislaus County Department of Planning  
And Community Development  
1010 Tenth St., Suite 3400  
Modesto, CA 95354

**RE: REZONE APPLICATION NO. 2000-17 AND PARCEL MAP APPLICATION NO.  
2000-23 - WALTER KOENIG**

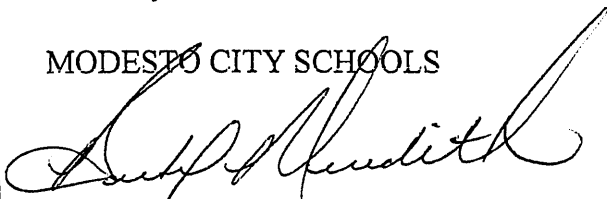
TO WHOM IT MAY CONCERN:

As stated in our previous response of September 21, 2000, Modesto City School has no objection to the above referenced rezone application and parcel map application. The appropriate school impact fees will be assessed on all construction.

If you have any questions or need additional information, please contact me at 576-4032.

Sincerely,

MODESTO CITY SCHOOLS



Becky Meredith, Director  
Planning and Research

cc: Sylvan Union School District

DEC 7 2000



Gray Davis  
GOVERNOR

STATE OF CALIFORNIA

Governor's Office of Planning and Research  
State Clearinghouse



Steve Nissen  
ACTING DIRECTOR

January 2, 2001

Bob Kachel.  
Stanislaus County Planning Department  
1010 10th Street, Suite 3400  
Modesto, CA 95354

Subject: Rezone Application No. 2000-17 & Parcel Map Application No. 2000-23-Walter Koenig  
SCH#: 2000122006

Dear Bob Kachel:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. The review period closed on January 1, 2001, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts  
Senior Planner, State Clearinghouse



**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2000122006  
**Project Title** Rezone Application No. 2000-17 & Parcel Map Application No. 2000-23-Walter Koenig  
**Lead Agency** Stanislaus County

---

**Type** **Neg** Negative Declaration  
**Description** Request to create parcels of 1.2 and 3.3 acres and rezone from Planned Development 227 to New Planned Development for Commercial Use.

---

**Lead Agency Contact**

**Name** Bob Kachel  
**Agency** Stanislaus County Planning Department  
**Phone** (209) 525-6330 **Fax**  
**email**  
**Address** 1010 10th Street, Suite 3400  
**City** Modesto **State** CA **Zip** 95354

---

**Project Location**

**County** Stanislaus  
**City** Modesto  
**Region**  
**Cross Streets** McHenry Avenue & Kiernan Avenue  
**Parcel No.** 046-10-24  
**Township** 3 **Range** 9 **Section** 5 **Base** MDB&M

---

**Proximity to:**

**Highways** 219 & 108  
**Airports**  
**Railways** UPRR  
**Waterways**  
**Schools**  
**Land Use** The site is zoned Planned Development #227, that PD is for Commercial uses, but does not list specific uses for the subject area. Land is current open and unused.

---

**Project Issues** Public Services; Traffic/Circulation

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**Reviewing Agencies** Resources Agency; Department of Conservation; Department of Fish and Game, Region 4; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 10; Regional Water Quality Control Bd., Region 5 (Sacramento); Native American Heritage Commission; Public Utilities Commission; State Lands Commission

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**Date Received** 12/01/2000 **Start of Review** 12/01/2000 **End of Review** 01/01/2001

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# California Regional Water Quality Control Board

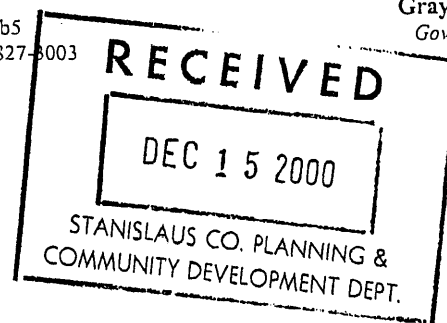
## Central Valley Region



Winston H. Hickox  
Secretary for  
Environmental  
Protection

Sacramento Main Office  
Internet Address: <http://www.swrcb.ca.gov/~rwqcb5>  
3443 Routier Road, Suite A, Sacramento, California 95827-8003  
Phone (916) 255-3000 • FAX (916) 255-3015

Gray Davis  
Governor



11 December 2000

Mr. Bob Kachel  
Stanislaus County Planning and  
Community Development Department  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354

***PROPOSED MITIGATED NEGATIVE DECLARATION, USED CAR LOT AND STORAGE BUSINESS, ASSESSOR'S PARCEL NO. 046-10-24, SCH NO. 2000122006, STANISLAUS COUNTY***

Pursuant to your request dated 29 November 2000, I have reviewed the subject document. Based on the information provided, it appears that a Mitigated Negative Declaration is appropriate for the proposed project.

However, because of the anticipated volume and nature of the wastewater, the proposed facility is considered a potential threat to groundwater and surface water quality, and may be subject to Waste Discharge Requirements (WDRs) adopted by the Board. Full compliance with the WDRs as well as applicable County ordinances would be considered sufficient mitigation for potential water quality impacts associated with on-site wastewater management. Please revise Section VIII(a) of the Initial Study Checklist accordingly.

The applicant must contact the Regional Water Quality Control Board to ask for a permit application, and must not discharge any wastewater until facility-specific WDRs are adopted. Once a complete application is received, it may take up to 120 days before the Board adopts WDRs.

Thank you for allowing us the opportunity to comment on this proposed project. If you have any questions, please call me at (916) 255-3140.

*Anne Olson*

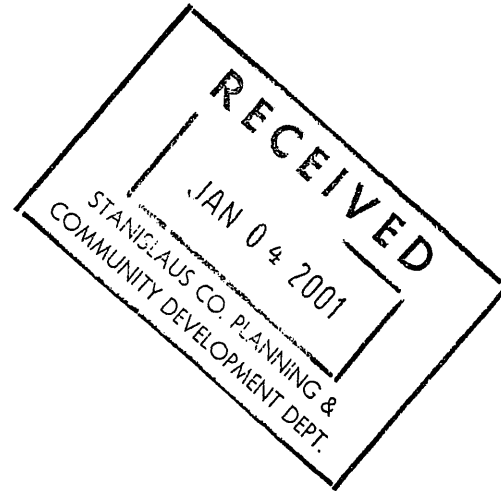
ANNE L. OLSON, P.E.  
Associate Water Resources Control Engineer

cc: Stanislaus County Environmental Resources Department, Modesto  
Walter Koenig, Woodbridge



**Modesto  
Irrigation  
District**

1231 Eleventh St.  
P.O. Box 4060  
Modesto, CA 95352  
(209) 526-7373



January 3, 2001

Stanislaus County  
Department of Planning  
and Community Development  
1010 10<sup>th</sup> Street  
Suite 3400  
Modesto, CA 95354

**Correction to previous letter dated December 28, 2000.**

I apologize the comments from our irrigation department were directed to a project for the City of Modesto. Electrical remain the same. Please return drawings done by our irrigation department. Thank you

Regarding: - Rezone application No. 2000-17 and Parcel Map Application No. 2000-23 – Walter Koenig

**ELECTRICAL:**

Please refer to MID's previous response provided on 10/02/2000, for location of MID's existing electric facilities and comments which include:

- (X) In conjunction with related site improvement requirements, existing overhead and underground electric facilities within or adjacent to the proposed development shall be protected, relocated or removed as required by the District's Electric Engineering Department. Appropriate easements for electric facilities shall be granted as required.
- (X) Costs for relocation and/or undergrounding the District's facilities at the request of others will be borne by the requesting party. Estimates for relocating or undergrounding existing facilities will be supplied upon request.
- (X) A 10' PUE is required along all existing and proposed street frontages.
- (X) A 10' PUE is required adjacent to all the westerly property line.
- (X) Electric service to the proposed project is not available at this time. Customer should contact the District's Electric Engineering Department to arrange for electric service to the project.

**IRRIGATION:**

- (X) The attached drawings are marked showing the approximate location of existing irrigation and drainage

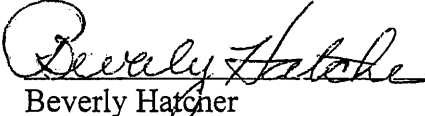
facilities.

- (X) The existing pipeline must be rerouted using Class III reinforced concrete pipe. A 10' irrigation easement centered on the pipeline is required.
- (X) A sign off of irrigation facilities form must be completed to remove the applicant's property from the irrigation billing system.
- (X) Prior to any construction an irrigation plan must be submitted to and approved by the MID Civil Engineering Department.

DOMESTIC WATER

- (X) No comments at this time.

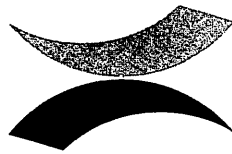
1-3-01  
Date

  
Beverly Hatcher  
Risk and Property Analyst



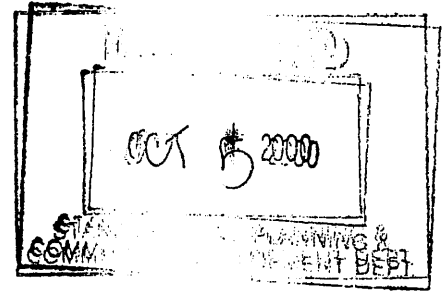
**GEORGE STILLMAN**  
Director

Administration  
Engineering  
Development Services  
Transit  
Facilities Services  
Road Maintenance  
Landfill



# Public Works

STANISLAUS COUNTY



October 4, 2000

MEMO TO: Department of Planning and Community Development

FROM: *Ron Cherrier*  
Ron Cherrier, Assistant Engineer

SUBJECT: Rezone No. 2000-17 - Walter Koenig

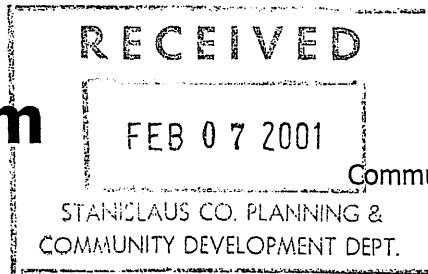
This Department hereby recommends the following conditions:

1. Prior to the issuance of any building permits, sufficient road right-of-way shall be dedicated to Stanislaus County to provide for 67.5 feet south of the centerline of Kiernan Avenue.
2. Prior to occupancy of the property with the approved use, street improvements shall be installed along the entire developed frontage on Kiernan Avenue. The improvements shall include, but not be limited to, curb, gutter, sidewalk, drainage facilities, street lights, signs, pavement markings, street pavement, and concrete medians on Kiernan Avenue. A financial guarantee in a form acceptable to the Department of Public Works to ensure the construction of the improvements shall be deposited with the Department.
3. Prior to the issuance of any building permits, off-site street improvement plans shall be prepared by a registered civil engineer and approved by the Department of Public Works and Caltrans and reviewed by the City of Modesto.
4. Driveway locations and widths (41' maximum) shall be approved by the Department of Public Works and Caltrans and reviewed by the City of Modesto.
5. Approval of all street improvements from Caltrans, as being completed within the State Highway 219 right-of-way, shall be provided prior to final and /or occupancy of any building.
6. No parking, loading or unloading of vehicles shall be permitted within the Kiernan Avenue right-of-way. The developer will be required to install or pay for the installation of all required signs and/or markings.
7. A Grading and Drainage Plan for the entire property shall be designed to meet the requirements of the County's "Standards and Specifications, 1998 Edition". The plan shall be approved by the Department of Public Works prior to the issuance of any building permits. The storm drainage system shall be installed prior to occupancy of any buildings.
8. When the parcels are developed and prior to the issuance of any building permits, the developer shall pay the first year's operating and maintenance cost of street lights.

If you have any questions or comments regarding the above, please call me at 525-7571.

(H:\services\rez2000-17.rc)

# Memorandum



**City of Modesto**

Community Development Department  
Planning Division

**TO:** Bob Kachel  
**FROM:** Barbara Denlis  
**SUBJECT:** County Referral – Rezone Application No. 2000-17 and Parcel Map Application No. 2000-23, Walter Koenig – Kiernan and McHenry Avenues.

**DATE:** February 2, 2001

---

City staff has reviewed the revised plans submitted by John Hinchey for a mini-storage facility on the south side of Kiernan Avenue, west of McHenry Avenue and offers the following comments.

1. The property is within the City of Modesto General Plan area and the uses proposed are allowed under the Regional Commercial designation of the General Plan. Mini-storage facilities are considered interim uses and the City has no opposition to approval of the proposed project.
2. As shown on the site plan, the primary access to the site will be provided from McHenry Avenue by an existing driveway located along the south property line. Provision should be made for reciprocal access through the Taco Bell site to adjacent parcels to the south.
2. The site plan shows two accessways off of Kiernan Avenue. As noted in previous correspondence and discussions with County staff, Kiernan Avenue is designated as a Class "B" Expressway in the Modesto Urban Area General Plan. A Class "B" Expressway is defined as a partial access-controlled roadway with signalized intersections at major streets and right-turn-only access to collector streets. The right-of-way is 135 feet (6 lanes) between intersections, and 159 feet at intersections. When built-out, Kiernan Avenue will have a median at this location. Ultimately, the at-grade intersection of Kiernan and McHenry will be replaced with an urban interchange, the construction of which may have an impact on this particular parcel. As such, it should be acknowledged that the two driveways on Kiernan Avenue are temporary facilities, subject to future closure at the behest of Caltrans, Stanislaus County, or the City Modesto.
3. Water service (and sewer, when available) would require execution of an "outside boundary service agreement." A revenue sharing agreement for new commercial development pursuant to the existing City/County North McHenry Corridor revenue sharing agreement, which provides for payment of City Capital Facilities Fees and County Public Facilities Fees, would be required.

For questions regarding our comments, please call me at 577-5276.

**Cc:** George Osner  
Phil Testa



DEPARTMENT OF ENVIRONMENTAL RESOURCES

3800 Cornucopia Way, Suite C Modesto, CA 95358-9492  
Phone: 209.525.6700 Fax: 209.525.6774

TO: STANISLAUS COUNTY PLANNING & COMMUNITY DEV.  
FROM: DEPARTMENT OF ENVIRONMENTAL RESOURCES  
RE: ENVIRONMENTAL REVIEW COMMENTS

PROJECT TITLE: REZONE APPLICATION NO. 2000-17 AND PARCEL MAP NO. 2000-23 -WALTER KOENIG.

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

- 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 generation, carrying capacity, soil types, air quality, etc.). Attached are additional sheets if necessary.

1. Sewage disposal system may effect groundwater quality.

Listed below are possible mitigation measures for the above-listed impacts:

1. The sewage disposal system shall be an approved aerobic treatment system so as to comply with the Primary and Secondary Sewage Treatment Initiative (Measure X).

In addition, our agency has the following comments: Water supply for the project is defined by State regulations as a public water system. Water system owner must submit plans for the water system construction or addition; and obtain approval from this Department, prior to construction. Prior to final approval of the project, the owner must obtain a Water Supply Permit from this Department. Water Supply Permit issuance is contingent upon water system meeting construction standards, and providing water which is of acceptable quantity and quality

Response prepared by:

REG ENV. HEALTH SPECIALIST December 27, 2000

REGISTERED ENVIRONMENTAL HEALTH SPECIALIST  
Division of Environmental Health

cc: County ERC  
filename:

**STANISLAUS COUNTY  
CEQA REFERRAL RESPONSE FORM**

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

**FROM:** Salida Fire Protection District

**PROJECT:** REZONE APPLICATION NO. 2000-17 AND PARCEL MAP APPLICATION NO. 2000-23 - WALTER KOENIG

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

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

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

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

Listed below are possible mitigation measures for the above-listed impacts:

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

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

New construction will be subject to CEQA Impact Mitigation Fees

Response prepared by:

John A. Brubaker, Fire Chief

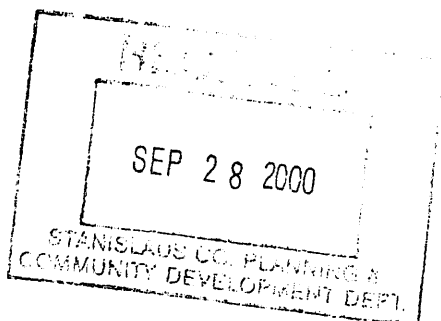
September 25, 2000

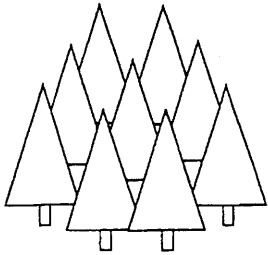
Name

Title

Date

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# SYLVAN UNION SCHOOL DISTRICT

605 Sylvan Avenue • Modesto, California 95350-1599 • (209) 574-5000 • FAX (209) 524-2672



December 21, 2000

CAROL DEE  
Superintendent

## BOARD OF TRUSTEES

STEPHEN STROUD  
President

GEORGE RAWE  
Clerk

TERRIANN ZEEK  
Member

CYNTHIA LINDSEY  
Member

CHAD BROWN  
Member

Stanislaus County Department of Planning and Community  
Development  
1010 10th Street, Suite 3400  
Modesto, CA 95354

Re: Rezone Application No. 2000-17 and Parcel Map Application  
No. 2000-23 - Walter Koenig

To Whom It May Concern:

As stated in our letter dated September 26, 2000, the Sylvan Union School District has no objection to the above referenced rezone application and parcel map application. The appropriate school impact fees will be assessed on all construction.

If you have any questions or need additional information, please contact me at 574-5000, extension 215.

Sincerely,

SYLVAN UNION SCHOOL DISTRICT

Ronald N. Lebs  
Director of Facilities

RNL:alr

cc: Becky Meredith, Director, Planning and Research (MCS)

## MITIGATED NEGATIVE DECLARATION

**NAME OF PROJECT:** Rezone Application No. 2000-17 - Walter Koenig

**LOCATION OF PROJECT:** Southwest corner of Kiernan Avenue (Highway 219) and McHenry Avenue (Highway 108), north of Modesto.

**PROJECT DEVELOPER:** Walter Koenig

**DESCRIPTION OF PROJECT:** Proposal to rezone an 5.57 vacant Planned Development to allow construction of a mini storage facility.

Based upon the Initial Study, dated November 20, 2000, the Environmental Coordinator finds as follows:

1. This project does not have the potential to degrade the quality of the environment, nor to curtail the diversity of the environment.
2. This project will not have a detrimental effect upon either short-term or long-term environmental goals.
3. This project will not have impacts which are individually limited but cumulatively considerable.

The aforementioned findings are contingent upon the following mitigation measures (if indicated) which shall be incorporated into this project:

1. Developer shall pay all Public Facilities Impact Fee and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance for any building permit, change of use, and/ or change of occupancy and shall be based on the rates in effect at the time of permit issuance.

The Initial Study and other environmental documents are available for public review at the Department of Planning and Community Development, 1100 H Street, Modesto, California.

Initial Study prepared by: Bob Kachel, Senior Planner

Submit comments to: Stanislaus County  
Planning and Community Development Department  
1100 "H" Street  
Modesto, California 95354

**Stanislaus County**  
**Planning and Community Development**

1010 10th Street, Suite 3400  
Modesto, CA 95354

Phone: (209) 525-6330  
Fax: 525-5911

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**Mitigation Monitoring Plan**

Adapted from CEQA Guidelines sec. 15097 Final Text, October 26, 1998

**November 18, 2000**

- |   |  |
|---|--|
| 1. Project title and location:  | <b>Rezone Application No. 2000-17 and Parcel Map 2000-23 - Walter Koenig</b> |
| 2. Project Applicant name and address:  | <b>Koenig Investments<br/>P.O. Box 1041<br/>Woodbridge CA 95258</b>          |
| 3. Person Responsible for Implementing Mitigation Program (Applicant Representative): | <b>Walter Koenig</b>   |
| 4. Contact person at County:  | <b>Bob Kachel, Senior Planner<br/>(209)525-6330</b>                          |

**MITIGATION MEASURES AND MONITORING PROGRAM:**

List all Mitigation Measures by topic as identified in the Mitigated Negative Declaration and complete the form for each measure.

**XIII. PUBLIC SERVICES**

- |   |   |
|---|---|
| No. 1 Mitigation Measure:               | 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 for any building permit, change of use, and/or change of occupancy and shall be based on the rates in effect at the time of permit issuance. |
| Who Implements the Measure:             | Applicant   |
| When should the measure be implemented: | Prior to the issuance of a building permit, change of use, and/or change of occupancy.  |
| When should it be completed:            | Prior to the issuance of a building permit, change of use, and/or change of occupancy.  |
| Who verifies compliance:                | Building Department and Planning Department.  |





CALIFORNIA DEPARTMENT OF FISH AND GAME

CERTIFICATE OF FEE EXEMPTION

De Minimis Impact Finding

**Project Title/Location (include county):**

Rezone Application No. 2000 -17 Walter Koenig  
Southwest corner of Kiernan Avenue (Highway 219) and McHenry Avenue (Highway 108),  
north Modesto area, Stanislaus County.

**Project Description:**

Proposal to rezone an 5.57 vacant Planned Development to allow construction of a mini  
storage facility.

**Findings of Exemption (attach as necessary):**

The Stanislaus County Planning Commission make a finding of "De Minimis" on this project  
for the following reason(s):

- 1) The site is not in a riparian corridor;
- 2) The site is not identified on the Natural Diversity Data Base as having any threatened or  
endangered animals or plants or any sensitive habitat; and
- 3) This division will not result in the ability to construct additional residences.

**Certification:**

I hereby certify that the public agency has made the above finding and that the project will  
not individually or cumulatively have an adverse effect on wildlife resources, as defined in  
Section 711.2 of the Fish and Game Code.

\_\_\_\_\_  
(Chief Planning Official)

Title: Planning Director  
Lead Agency: Stanislaus County  
Date: \_\_\_\_\_

dh:

**SUMMARY C RESPONSES:  
REFERRALS PROJECT:**

**ENVIRONMENT, REVIEW  
REZONE APPLICATION NO. 2000-17 -  
WALTER KOENIG**

REFERRED TO:		RESPONDED		RESPONSE			MITIGATION MEASURES	
DATE: November 29, 2000	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT/ NON CEQA	YES	NO
AGRICULTURE	X		X					
CA DEPT. FORESTRY								
CALTRANS	X	X					X	
CITY OF MODESTO	X	X						X
COMMUNITY SERVICES/SANITARY DISTRICT								
CORPS OF ENGINEERS								
COUNTY COUNSEL	X		X					
DEVELOPMENT SERVICES	X	X						X
ENVIRONMENTAL RESOURCES	X	X					X	
SALIDA FIRE PROTECTION DISTRICT	X	X					X	
CONSOLIDATED FIRE PROTECTION DISTRICT	X	X					X	
FISH & GAME	X		X					
HOSPITAL DISTRICT								
MODESTO IRRIGATION DISTRICT	X	X					X	
EASTSIDE MOSQUITO DISTRICT	X	X	X					
MOUNTAIN VALLEY EMERGENCY MEDICAL SERVICES	X	X	X					
MUNICIPAL ADVISORY COMMITTEE								
PARKS & FACILITIES	X		X					
P.G. & E.	X	X	X					
PUBLIC WORKS	X	X					X	
REDEVELOPMENT	X		X					
RISK MANAGEMENT	X	X						X
StanCOG	X		X					
SCHOOL DISTRICT 1: MODESTO HIGH	X	X	X					X
SCHOOL DISTRICT 2: SYLVAN UNION	X	X	X					X
SHERIFF	X	X	X					X
SOIL CONSERVATION								
STANISLAUS COUNTY FARM BUREAU	X		X					
STANISLAUS ERC	X	X					X	
STATE CLEARINGHOUSE	X	X						X
STATE LANDS BOARD								
SUPERVISORIAL DISTRICT FOUR (SIMON)	X		X					
PACIFIC BELL TELEPHONE COMPANY	X	X	X					
US FISH & WILDLIFE	X		X					
VALLEY AIR DISTRICT	X	X					X	
WATER DISTRICT								
DEPT. OF WATER RESOURCES								

bm,i:referral.res

**A. REZONE APPLICATION NO.2000-17 - WALTER KOENIG**

Request to change the zoning from Planned Development #227 to a new PD to allow construction of mini-storage facilities. The property is located on the south side of Kiernan Avenue, west of McHenry Avenue, in the Modesto area. A Mitigated Negative Declaration will be considered.

APN: 046-10-24

Staff report: Bob Kachel Recommends **APPROVAL**.

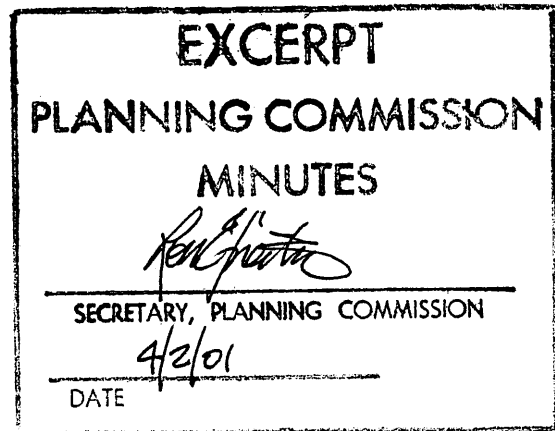
Public hearing opened.

**OPPOSITION:** None.

**FAVOR:** John Hinchey, representing the property owner, 3001 Coffee Road, Suite 4, Modesto.

Public hearing closed.

Haney/Wetherbee, Unanimous, **RECOMMENDS APPROVAL TO THE BOARD OF SUPERVISORS.**



ORDINANCE NO. C.S. - 757

AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO. 9-110.908 FOR THE PURPOSE OF REZONING FROM PLANNED DEVELOPMENT #227 TO A NEW PD TO ALLOW CONSTRUCTION OF MINI-STORAGE FACILITIES ON PROPERTY LOCATED ON THE SOUTH SIDE OF KIERNAN AVENUE, WEST OF MCHENRY AVENUE, IN THE MODESTO AREA. A MITIGATED NEGATIVE DECLARATION WILL BE CONSIDERED. APN: 046-10-24

The Board of Supervisors of the County of Stanislaus, State of California, ordains as follows:

Section 1. Sectional District Map No. 9-110.908 is adopted for the purpose of designating and indicating the location and boundaries of a District, such map to appear as follows:

(Insert Map Here)

Section 2. This ordinance shall take effect and be in full force thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against same, in the Modesto Bee, a newspaper of general circulation published in Stanislaus County, State of California.

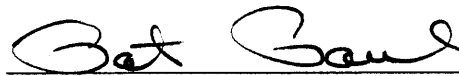
Upon motion of Supervisor Mayfield, seconded by Supervisor Blom, the foregoing ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 10th day of April, 2001, by the following called vote:

AYES: Supervisors: Mayfield, Blom, Simon, Caruso and Chair Paul

NOES: Supervisors: None

ABSENT: Supervisors: None

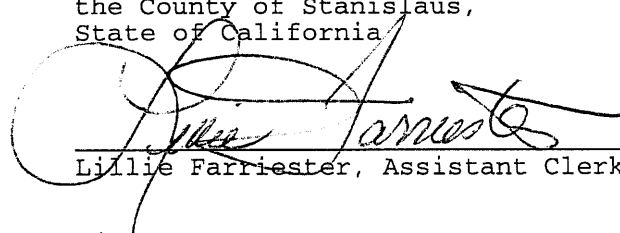
ABSTAINING: Supervisors: None



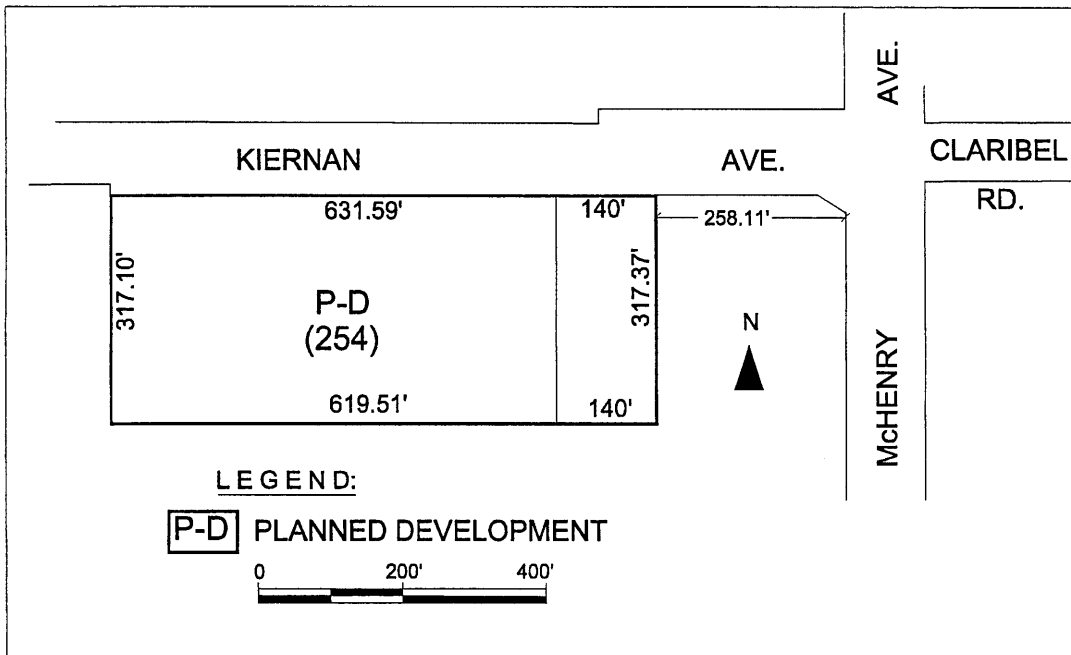
CHAIR OF THE BOARD OF SUPERVISORS  
OF THE County of Stanislaus, State of  
California

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of  
the Board of Supervisors of  
the County of Stanislaus,  
State of California

BY:

  
Lillie Farriester, Assistant Clerk

SECTIONAL DISTRICT MAP NO.9-110.908



**DECLARATION OF PUBLICATION  
C.C.P. S2015.5)**

**COUNTY OF STANISLAUS  
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident Of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested In the above entitle matter. I am a printer and Principal clerk of the publisher of **THE MODESTO BEE**, printed in the City of **MODESTO**, County of **STANISLAUS**, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of **STANISLAUS**, State of California, Under the date of **February 25, 1951, Action No. 46453**; that the notice of which the annexed is a printed copy, has been published in each issue thereof on the following dates, to wit:

**APRIL 22, 28, 2001**

I certify (or declare) under penalty of perjury That the foregoing is true and correct and that This declaration was executed at **MODESTO**, California on

**APRIL 28, 2001**  
(date)

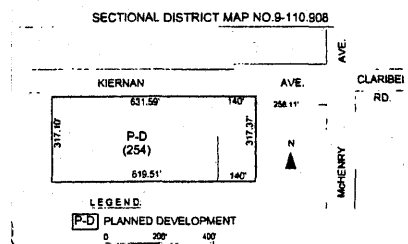
  
(Signature)

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AYES: Supervisors: Mayfield, Blom, Simon, Caruso and Chair Paul  
NOES: Supervisors: None  
ABSENT: Supervisors: None  
ABSTAINING: Supervisors: None

Pat Paul  
CHAIR OF THE BOARD OF SUPERVISORS OF THE County of Stanislaus, State of California

ATTEST: CHRISTINE FERRARO TALLMAN,  
Clerk of the Board of Supervisors of the County of Stanislaus, State of California

BY: Lillie Farriester, Assistant Clerk  
**APRIL 22, 28, 2001**