

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS

ACTION AGENDA SUMMARY

DEPT: Planning and Community Development

BOARD AGENDA # 6:45 p.m.

Urgent Routine

AGENDA DATE April 21, 2009

CEO Concurs with Recommendation YES NO (Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Public Hearing to Consider Planning Commission's Recommendation for Approval of General Plan Amendment Application No. 2007-08, Rezone Application No. 2007-11, and Parcel Map 2007-32, Kiernan Court Office Park, a Request to Amend the General Plan Designation from Highway Commercial Planned (Continued on page 2)

PLANNING COMMISSION RECOMMENDATIONS:

After conducting a duly advertised public hearing at its regular meeting of February 19, 2009, the Planning Commission, on a 7-0 vote, recommended the Board approve the project as follows:

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

(Continued on page 2)

FISCAL IMPACT:

There are no fiscal impacts associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2009-253

On motion of Supervisor Grover, Seconded by Supervisor O'Brien and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Grover, Monteith, and Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

- 1) X Approved as recommended
2) Denied
3) Approved as amended
4) Other:

MOTION: INTRODUCED, ADOPTED, AND WAIVED THE READING OF ORDINANCE C.S. 1053 FOR REZONE APPLICATION #2007-11.

Christine Ferraro (handwritten signature)

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-I-9

SUBJECT: (Continued)

Development to Planned Development, and Rezone from A-2-40 (General Agriculture) to PD (Planned Development) and Create Three (3) Parcels Measuring 1.07, 1.01 and 0.98 Acres from a 3.06 Acre Parcel. The Project Proposes Development of a Three (3) Story, 69,531 Square Foot Office Building. The Property Is Located at 5049 Kiernan Court, Northeast of Kiernan Avenue, East of State Highway 99, in the Salida Area. APN: 136-017-017.

PLANNING COMMISSION RECOMMENDATION: (Continued)

2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find that the project is consistent with the overall goals and policies of the County General Plan;
4. Find that the proposed PD zoning is consistent with the Planned Development General Plan designation;
5. Find that:
 - (a) The proposed map is consistent with applicable general and specific plans as specified in Section 65451.
 - (b) The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.
 - (c) The site is physically suitable for the type of development.
 - (d) The site is physically suitable for the proposed density of development.
 - (e) The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
 - (f) The design of the subdivision or type of improvements are not likely to cause serious public health problems.
 - (g) The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public.

6. Approve General Plan Amendment Application No. 2007-08, Rezone Application No. 2007-11 and Vesting Tentative Parcel Map Application No. 2007-32 - Kiernan Court Office Park, subject to the attached Development Standards.

DISCUSSION:

The project proposes to amend the General Plan from Highway Commercial Planned Development (HCPD) to Planned Development (PD), rezone the parcel from A-2-40 (General Agriculture) to PD (Planned Development) and create three (3) parcels measuring 1.07, 1.01 and 0.98 acres from a 3.06 acre vacant parcel. Although the applicants do not intend to develop the site themselves, they are requesting approval of a three (3) story, 69,531 square foot office building. The building will be 50 feet tall. The windows on the north and northeast sides of the building will be placed at six feet above floor level to insure the privacy of the surrounding residential uses. The building will be set back 83 feet from eastern residential property lines and 140 feet from southern residential property lines, separated by an eight foot masonry wall. A variety of uses, consistent with businesses in the surrounding areas and the PI (Planned Industrial) zone, are being proposed (see Exhibit D - Proposed Uses).

The surrounding uses consist of a residential subdivision to the north, residential subdivision and P-D (287) (approved for office/warehouse) to the east, Highway 99 to the south, P-D (277) and P-D (283) to the west (approved for schools and low traffic generating uses).

Employee and customer parking will be provided, as will on-site landscaping to enhance the appearance of the property. As part of the project approval, the proposed development will receive water service from the City of Modesto and sewer service from the Salida Sanitary District.

Approvals

This project has three approvals that are required:

- Amend the Land Use Element Map of the County General Plan from Highway Commercial Planned Development (HCPD) to Planned Development (PD).
- Rezone the property from Agricultural (A-2-40) to Planned Development (PD).
- Approve Vesting Tentative Parcel Map Application No. 2007-32

To evaluate a General Plan Amendment, the goals and policies of the General Plan must be reviewed. In addition, County policy, adopted by the Board of Supervisors, sets forth additional findings, as outlined on pages 7 and 8 of the Planning Commission Staff Report, necessary for approval of a request to amend the General Plan. The goals and policies of the General Plan listed in the Planning Commission Staff Report are focused on those goals and policies which staff believes are most relevant to making the findings necessary for determining the subject project's consistency with the overall General Plan. A complete

discussion on General Plan consistency can be found in the attached Planning Commission Staff Report (see Attachment No. "1"). To approve a Rezone, the Board must find that it is consistent with the General Plan. In this case, Planned Development zoning would indeed be consistent with the proposed Planned Development General Plan designation.

Planning Commission Hearing

The County Planning Commission held an advertised public hearing on this project on February 19, 2009. Following presentation of the staff report which recommended approval, Dennis Wilson, of Horizon Consulting, spoke on behalf of the project. Mr. Wilson expressed gratitude to Public Works staff for the last minute modification to Development Standards Nos. 6,7, and 8. The modification added, "or improvements may be deferred with a Subdivision Improvement Agreement," to allow the applicant the option of constructing or deferring off-site improvements until obtaining a temporary or final occupancy on a building permit or recording the vesting tentative parcel map. No one spoke in opposition to the project. The final vote was 7-0 to recommend approval with the amended conditions as requested by the applicant's representative (see Attachment No. "2").

STAFFING IMPACT:

None.

ATTACHMENTS:

1. Planning Commission Staff Report, February 19, 2009
2. Planning Commission Minutes, February 19, 2009

STANISLAUS COUNTY PLANNING COMMISSION

February 19, 2009

STAFF REPORT

GENERAL PLAN AMENDMENT APPLICATION NO. 2007-08
REZONE APPLICATION NO. 2007-11
VESTING TENTATIVE PARCEL MAP APPLICATION NO. 2007-32
KIERNAN COURT OFFICE PARK

REQUEST: TO AMEND THE GENERAL PLAN FROM HIGHWAY COMMERCIAL PLANNED DEVELOPMENT TO PLANNED DEVELOPMENT, AND REZONE FROM A-2-40 (GENERAL AGRICULTURE) TO PD (PLANNED DEVELOPMENT) AND CREATE THREE PARCELS MEASURING 1.07, 1.01, AND 0.98 ACRES FROM A 3.06-ACRE PARCEL.

APPLICATION INFORMATION

Owner/Applicant:	VIG-Golden State, LLC
Agent:	Dennis Wilson, Horizon Consulting
Engineer:	David Skidmore, Associated Engineering
Location:	5049 Kiernan Court, northwest of Kiernan Avenue, in the Salida area
Section, Township, Range:	34-2-8
Supervisory District:	Three (Supervisor Grover)
Assessor's Parcel:	136-017-017
Referrals:	See Exhibit J Environmental Review Referrals
Area of Parcel:	3.06 acres
Water Supply:	City of Modesto
Sewage Disposal:	Salida Sanitary District
Existing Zoning:	A-2-40 (General Agriculture)
General Plan Designation:	HCPD (Highway Commercial Planned Development) Planned Development
Community Plan Designation:	Planned Development
Williamson Act:	Not applicable
Environmental Review:	Negative Declaration
Present Land Use:	Vacant
Surrounding Land Use:	Residential subdivision to the north, residential subdivision and P-D (287) (approved for office/warehouse) to the east, Highway 99 to the south, P-D (277) and P-D (283) to the west (approved for technical schools and low traffic generating uses)

PROJECT DESCRIPTION

This is a request to amend the General Plan and rezone from HCPD (Highway Commercial Planned Development) / A-2-40 (General Agriculture) to Planned Development and create three (3) parcels measuring 1.07, 1.01, and 0.98 acres from a 3.06-acre parcel. The parcels will be served by City of Modesto water and Salida Sanitary District (see Exhibit G - Will Serve Letters). The project site is located at 5049 Kiernan Court, northwest of Kiernan Avenue, in the Salida area.

Although the applicants do not intend to develop the site themselves, they are requesting approval of a three (3) story, 69,531 square foot office building. The building will be 50 feet tall. The elevations and application information indicate that windows on the north and northeast sides of the building will be placed at six feet above floor level to insure the privacy of the surrounding residential uses. The building will be set back 83 feet from eastern residential property lines and 140 feet from southern residential property lines, separated by an eight foot masonry wall. A variety of uses, consistent with businesses in the surrounding areas, are being proposed (see Exhibit D - Proposed Uses).

SITE DESCRIPTION

The 3.06-acre project site is located at 5049 Kiernan Court, northwest of Kiernan Avenue, north of Highway 99, in the Salida area. The site is currently vacant. The surrounding uses consist of a residential subdivision to the north, residential subdivision and P-D (287) (approved for office/warehouse) to the east, Highway 99 to the south, P-D (277) and P-D (283) to the west (approved for schools and low traffic generating uses).

DISCUSSION

Community Plan:

The site is designated HCPD (Highway Commercial Planned Development) in the General Plan and zoned A-2-40 (General Agriculture). The Salida Community Plan adopted in December of 1988 identifies the site as "Planned Development" as does the new Salida Community Plan adopted in December of 2007. Stanislaus County has adopted Community Plans for most of the unincorporated towns in the County. These plans outline the future growth patterns of the town. Each plan is used in conjunction with the General Plan to indicate the desired land use 'vision' for the town. Any request for a General Plan Amendment or rezoning of the property must be consistent with the proposed use category on the Community Plan map and the Community Plan in general. Community Plans on a whole must be consistent with the overall County General Plan. Consequently, a Community Plan Amendment is not necessary as the subject project is consistent with the Salida Community Plan designation of Planned Development.

General Plan:

The General Plan adopted in 1994 designated the project site as Highway Commercial Planned Development (HCPD). This designation is intended for land located at freeway interchanges where it is necessary to provide services to highway travelers. The permitted uses for the HCPD designation are Truck Stops, Restaurants, Motels, Service Stations, Overnight R.V. Camping, and

Fruit Stands, Towing Service, Minor Emergency automobile repair, Convenience Market, and Wine Tasting are permitted as an accessory to the aforementioned permitted uses. Because the applicant requested uses inconsistent with the HCPD designation a General Plan Amendment was required.

To evaluate a General Plan change, the goals and policies of the General Plan must be reviewed. In addition, County policies, adopted by the Board of Supervisors, set forth additional findings necessary for approval of a general plan change request.

The following comparison is made between the goals and policies of the General Plan and the proposed project:

LAND USE

Goal One - Provide for diverse land use needs by designating patterns which are responsive to the physical characteristics of the land as well as to the environmental, economic, and social concerns of the residents of Stanislaus County.

Policy 1 - Land will be designated and zoned for agricultural, residential, commercial, industrial, or historical uses when such designations are consistent with other adopted goals and policies of the General Plan.

Policy 3 - Land use designations shall be consistent with the criteria established in this element.

The Planned Development designation (PD) is intended for land which, because of demonstrably unique characteristics, may be suitable for a variety of uses without detrimental effects to surrounding properties. This project is similar in nature to commercial/industrial uses in the area and is consistent with the Salida Community Plan.

Policy 10 - New areas for urban development (as opposed to expansion of existing areas) shall be limited to less productive agricultural land. (This policy is the same as the Agricultural Elements policy 2.5.)

Goal Two - Ensure compatibility between land uses.

Policy 14 - Uses shall not be permitted to intrude into an agricultural area if they are detrimental to continued agricultural usage of the surrounding area.

The project site and adjacent residential and commercial (planned development) land are located within the Salida Community Plan and, as such, the development of this site will not diminish the agricultural usage of the surrounding area. The surrounding area has been urbanized and is not in agricultural production. The California State Department of Conservation Farmland Mapping and Monitoring Program has classified the soil as "Urban and Built-Up," consequently the parcel is not considered to be one of the County's Most Productive Agricultural Areas.

Goal Three - Foster stable economic growth through appropriate land use policies.

Policy 16 - Agriculture, as the primary industry of the County, shall be promoted and protected.

This project site is of limited agricultural potential due to its location within the Salida Community Plan and its adjacency to urban/commercial uses. No agriculturally viable land exists near or adjacent to the subject parcel.

Mello-Roos:

The subject parcel is located adjacent to and surrounded by the portion of Salida which has been developed as a part of what is commonly known as the "Mello-Roos" project, originally approved in 1988. Although residential uses make up the majority of this "Mello-Roos" area, there are also commercial, industrial, and public areas included. Kiernan Court Office Park is an in-fill project and the final property intended for commercial/industrial uses to be located in this "Mello-Roos" district.

The purpose of the Salida "Mello-Roos" project was to finance the needed infrastructure and offset many of the anticipated impacts of developing the area in compliance with the Salida Community Plan. As a result, fee programs were implemented and a County Service Area (CSA) was formed. The required "Mello-Roos" fees are reflected in the Development Standards (Exhibit B - Development Standards).

Hours of Operation:

According to the project application, hours of operation for the proposed uses will be 7:30 a.m. to 5:30 p.m., Monday through Friday and closed Saturday and Sunday. Approximately 116 persons would be working on the site during a maximum shift with 116 customers expected on a daily basis. A letter dated February 5, 2009 was submitted by Dennis Wilson requesting that the project application be modified and that churches and radio stations be allowed to operate on Saturday and Sunday.

Parking:

Employee and customer parking will be provided, as will on-site landscaping to enhance the appearance of the property. Parking shall conform to County Code Chapter 21.76 Off-Street Parking and reciprocal parking maintenance and access agreements shall be recorded as reflected in the Development Standards Nos. 31 and 32 (Exhibit B - Development Standards). The applicant is proposing 232 parking spaces based on the County Code ratio of one (1) space for every 300 square feet of office space. Reciprocal parking and access agreements are required because the parking lot and building will be split into three (3) parcels. Parking ratios are as follows:

Parcel 1	1.07 acres	81 parking spaces
Parcel 2	1.01 acres	70 parking spaces
Parcel 3	0.98 acres	81 parking spaces

Signs:

The applicant has provided two (2) sign options (Exhibit F - Sign Plan). Option A is a monument sign which may be used in conjunction with wall signs. Option B is a pole sign. Staff is recommending that the pole sign only be permitted if the proposed building is occupied by a single user. The sign plan is considered to be conceptual. All signs, their location, message and size, shall be approved by the Planning Director or his designated representative prior to installation.

Permitted Uses:

Planning staff believes that the proposed uses are consistent with other Planned Industrial and Planned Development zones located in the area. The applicant has indicated in the application that the proposed uses are non-retail, low traffic generating uses. However, staff recommends that outdoor advertising signs be omitted from the applicant's proposed uses list (Exhibit D - Proposed Uses). The only signs permitted on-site shall be those consistent with the proposed sign plan.

Development Schedule:

A revised development schedule was submitted on February 10, 2009. Staff requested that the development schedule state specific improvements that would be started and completed within specific time frames. The agent determined that based on the current economy it was necessary to also change the projected dates of development. All Phases will begin approximately two (2) years later than previously requested. For example, Phase I, scheduled to begin by June 1, 2010, will now begin by June 1, 2012.

Future Development:

The applicants do not intend to develop the site but are seeking approval of the project to maximize the parcel's marketability. A future owner may wish to modify the proposed building or construct on separate parcels. A Use Permit or Staff Approval Permit may be required based on the scope and intensity of the requested modifications (Exhibit B - Development Standards, No. 46).

At no time shall a building be constructed that does not meet the County Code Chapter 21.76 Off-Street Parking requirements. It is staff's experience that projects that are approved with insufficient parking prove to be costly to the property owner, prospective tenants and the County. Applicants who own or lease buildings on parcels with insufficient parking are required to get a Staff Approval Permit, so that Planning staff can research the permitted uses and verify the parking will support the existing and proposed use. It is not uncommon for a tenant to first learn they need a Staff Approval Permit while applying for a business license, and that a business license will not be issued until a Staff Approval Permit is obtained. As a result, property owners lose tenants; or in some cases, businesses operate without a business license.

FINDINGS REQUIRED FOR APPROVAL

General Plan:

General Plan Amendments affect the entire County and any evaluation must give primary concern to the County as a whole; therefore, a fundamental question must be asked in each case: "Will this amendment, if adopted, generally improve the economic, physical and social well-being of the County in general?" Additionally, the County in reviewing General Plan Amendments, shall consider the additional costs to the County that might be anticipated (economic, environmental, social) and how levels of public and private service might be affected. In each case, in order to take affirmative action regarding the General Plan Amendment application, it must be found that:

1. The General Plan Amendment will maintain a logical land use pattern without detriment to existing and planned land uses.

2. The County and other affected governmental agencies will be able to maintain levels of service consistent with the ability of the governmental agencies to provide a reasonable level of service.

In the case of a proposed amendment to the diagram of the Land Use Element, an additional finding must be established.

3. The amendment is consistent with the General Plan goals and policies.

These findings are established by Board of Supervisors' policy for processing General Plan Amendments. The first finding, as to whether this is a logical land use pattern can, given adjacent land uses, be made. The County has recognized the site as suitable for Highway Commercial Planned Development and the Salida Community Plan has recognized the site as suitable for Planned Development uses. The General Plan Amendment is necessary only because of the limited uses allowed by the Highway Commercial Planned Development designation. However, staff agrees that the proposed uses are consistent with the development of the area.

Staff believes that finding Number 2 can also be met. There is no evidence that the project would adversely impact provisions of services as any impacts to County services will be mitigated through the payment of impact mitigation fees and Mello-Roos fees.

The original Salida Community Plan shows the entire frontage in this area as suitable for PD uses. The designations section of the Land Use Element of the County General Plan discussed appropriate location and indicated that the PD plan designation can be consistent with A-2, PI and selected PD zones. As this site is currently adjacent to PD, development to those standards and the new uses will not adversely impact the surrounding area, staff concludes the project is, on an overall basis, consistent with the overall goals and policies of the County General Plan.

Rezone:

To approve a rezone, the Planning Commission must find that it is consistent with both the General Plan and the Salida Community Plan. The PD zoning district is consistent with the Salida Community Plan and would be consistent with the General Plan if the General Plan Amendment to PD is approved.

Vesting Tentative Parcel Map:

The proposed parcel sizes exceed those required by County Code. Furthermore, all parcels front on a County maintained road and have access to public water and sewer services. No evidence presented indicates any of the findings required to deny the map could be made.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA) the proposed project was circulated to all interested parties and responsible agencies for review and comment (Exhibit J - Environmental Review Referrals). Based on the comments received and the Initial Study discussion, a Negative Declaration is being recommended for adoption, if the project is approved (see Exhibit I - Negative Declaration).

RECOMMENDATION

Based on the foregoing discussion, staff recommends the Planning Commission recommend the Board of Supervisors approve General Plan Amendment Application No. 2007-08, Rezone Application No. 2007-11, Vesting Tentative Parcel Map Application No. 2007-32 - Kiernan Court Office Park, based on the project being consistent with the goals and policies of the County General Plan and Salida Community Plan:

1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgement and analysis.
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find that the project is consistent with the overall goals and policies of the County General Plan;
4. Find that the proposed PD zoning is consistent with the Planned Development General Plan designation;
5. Find that:
 - (a) The proposed map is consistent with applicable general and specific plans as specified in Section 65451.
 - (b) The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.
 - (c) The site is physically suitable for the type of development.
 - (d) The site is physically suitable for the proposed density of development.
 - (e) The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
 - (f) The design of the subdivision or type of improvements are not likely to cause serious public health problems.
 - (g) The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public.

6. Approve General Plan Amendment Application No. 2007-08, Rezone Application No. 2007-11 and Vesting Tentative Parcel Map Application No. 2007-32 - Kiernan Court Office Park, subject to the attached Development Standards.

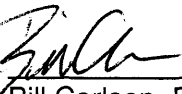
Note: Pursuant to California Fish and Game Code Section 711.4, all project applicants subject to the California Environmental Quality Act (CEQA) shall pay a filing fee for each project. Therefore, the applicant will further be required to pay \$2,050.00 for the Department of Fish and Game and the Clerk Recorder filing fees. The attached Conditions of Approval ensure that this will occur.

Report written by: Rachel Wyse, Assistant Planner - January 26, 2009

Attachments:

- Exhibit A - Maps
- Exhibit B - Development Standards
- Exhibit C - Development Schedule
- Exhibit D - Proposed Uses
- Exhibit E - Letter dated February 5 from Dennis Wilson
- Exhibit F - Sign Plan
- Exhibit G - Water and Sewer Will Serve Letters
- Exhibit H - Initial Study
- Exhibit I - Negative Declaration
- Exhibit J - Environmental Review Referrals

Reviewed by:



Bill Carlson, Planning Manager

RLW:er
I:\Staff\pt\GPA\2007\GPA 2007-08 REZ 2007-11 PM 2007-32 - Kiernan Court Office Park\Staff Report.wpd

GPA 2007-08 REZ 2007-11

PM 2007-32

KIERNAN COURT

AREA MAP



CHAPMAN RD

KIERNAN AVE

SISK RD

KIERNAN CT

BROADWAY AVE

FINNEY RD

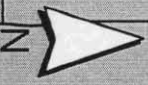
COVERT RD

TOOMES RD

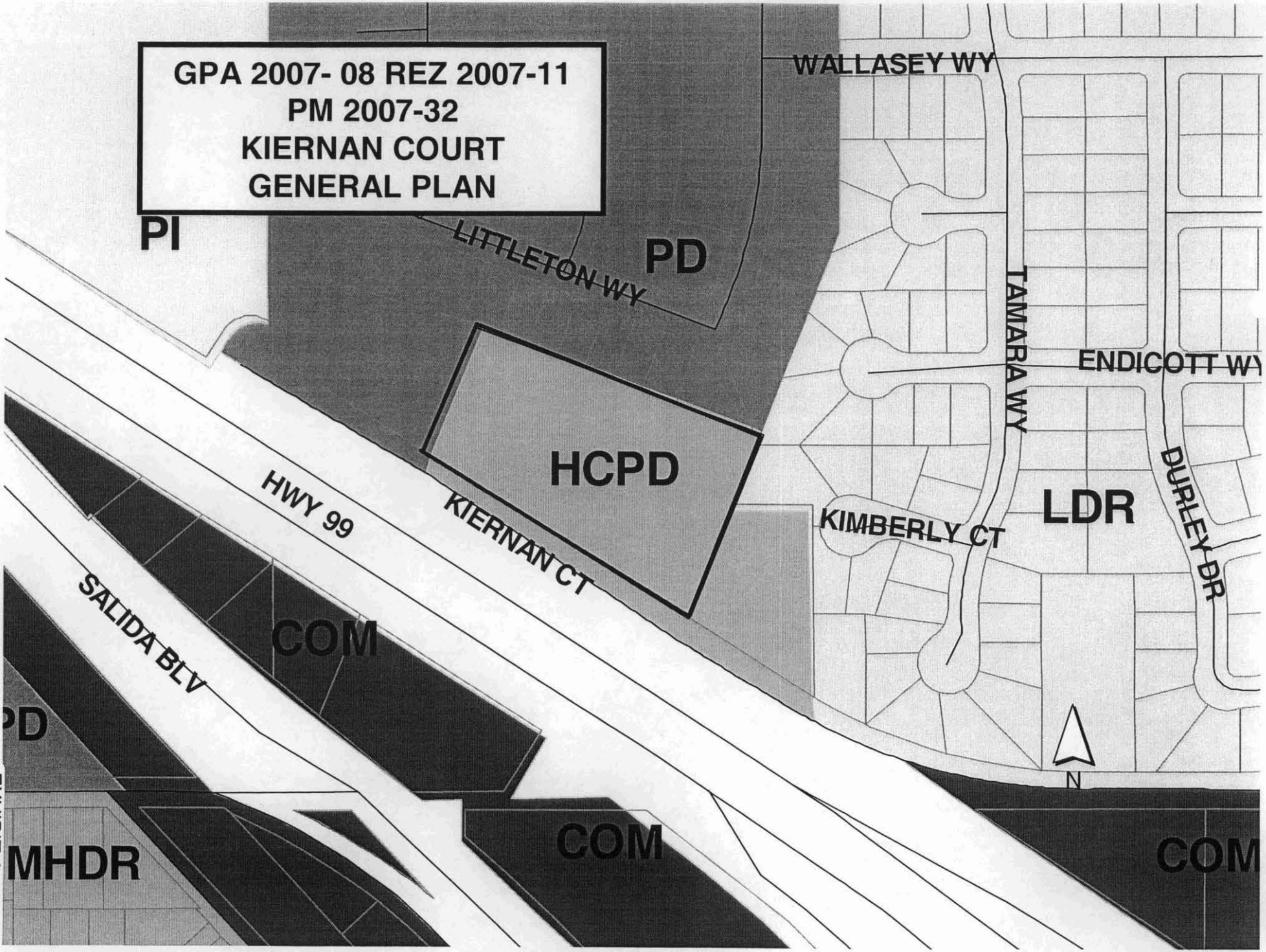
MID LATERAL NO 6

HWY 99

MODESTO



**GPA 2007- 08 REZ 2007-11
PM 2007-32
KIERNAN COURT
GENERAL PLAN**



1.0

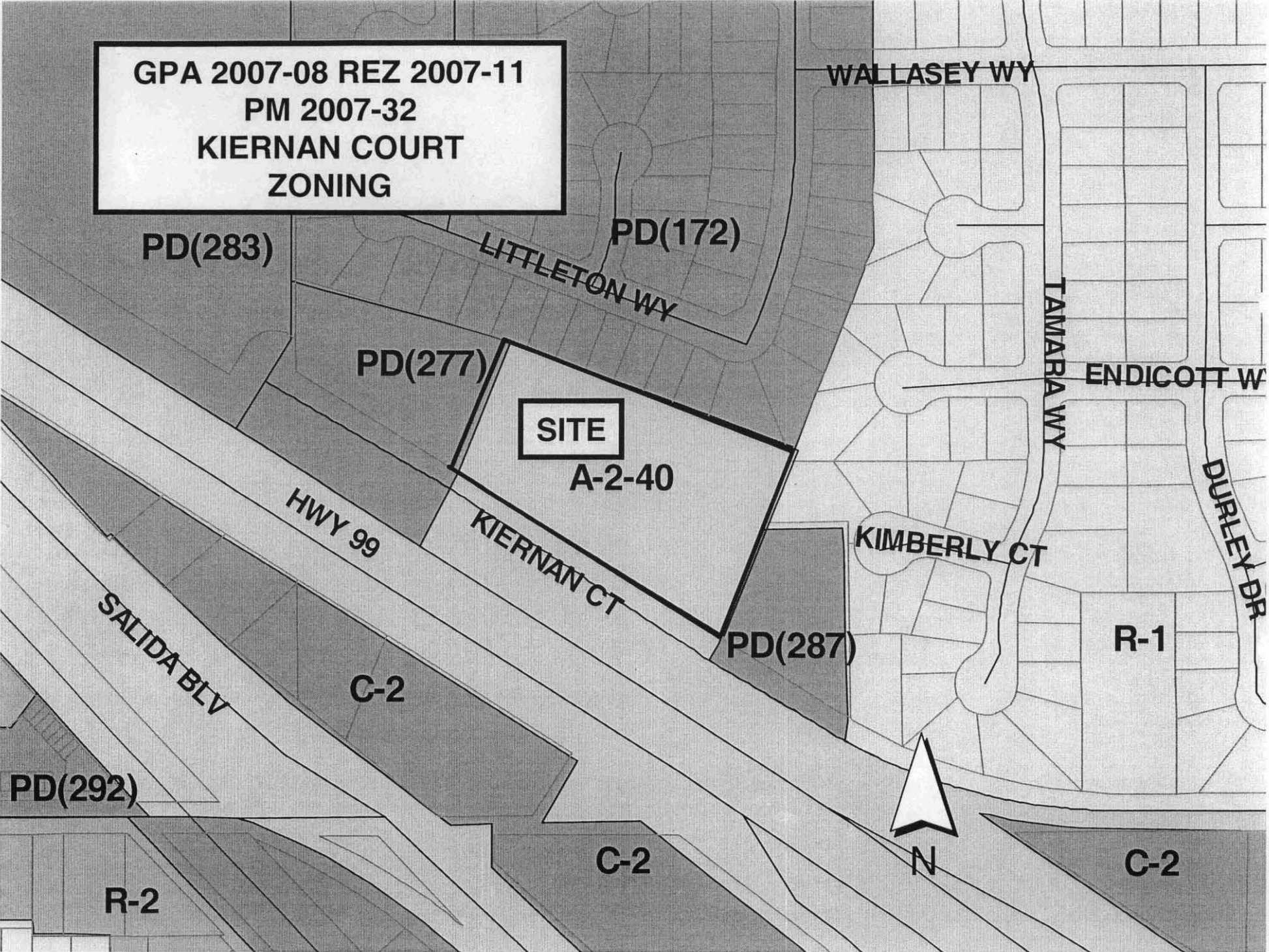
EXHIBIT A-1

MHDR

COM

COM

GPA 2007-08 REZ 2007-11
PM 2007-32
KIERNAN COURT
ZONING



GPA 2007-08 REZ 2007-11
PM 2007-32
KIERNAN COURT
2006 AERIAL
STANISLAUS COUNTY



**GPA 2007- 08 REZ 2007-11
PM 2007-32
KIERNAN COURT
ACREAGE**

WALLASEY WY

0.21 0.18

0.14 0.25 0.26 0.12
0.14 0.13 0.13 0.13
0.17 0.12 0.15 0.13
0.15 0.15 0.13

7.08

LITTLETON WY

0.16 0.15 0.14 0.12 0.23 0.14 0.15
0.14 0.11 0.11 0.13 0.23 0.15 0.14 0.15
0.11 0.11 0.13 0.21 0.26 0.14 0.15

TAMARA WY

ENDICOTT WY

1.30

3.06

KIERNAN CT

KIMBERLY CT

DURLEY DR

HWY 99

0.60

0.30

0.43

0.23

0.50

SALIDA BLV

1.33

1.01

0.16

0.14

0.14

1.10

0.30

0.20

2.66

N



Walter, Ward, Calkins & O'Connell
 10000 Wilshire Blvd., Suite 1000
 Beverly Hills, CA 90210
 Tel: 310.277.1100
 Fax: 310.277.1101
 www.wwcot.com

**FOR PLAN REVIEW ONLY
 NOT FOR CONSTRUCTION**

CONTRACTOR TO VERIFY ALL DIMENSIONS AND CONDITIONS OF EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF BEVERLY HILLS AND THE COUNTY OF LOS ANGELES.

DATE: 10/26/2017
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT: [Name]

**KIERNAN COURT
 OFFICE PARK**

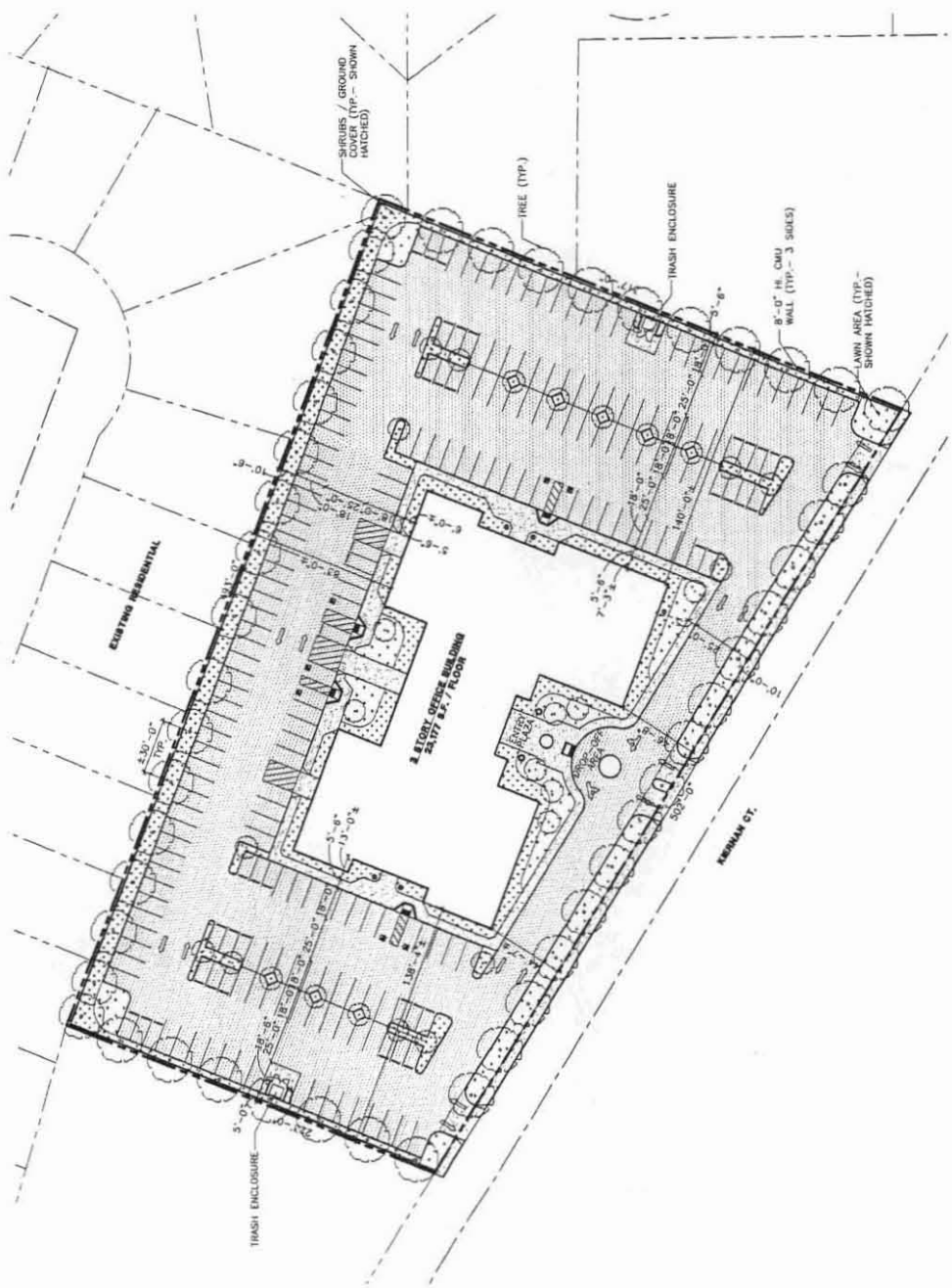
SALIDA
 CALIFORNIA

DATE: 10/26/2017
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT: [Name]

SITE PLAN

PROJECT NO: 07G00400
 SHEET NO: A1.1

BUILDING AREA
23,177 S.F. / 1 FLOOR X 3 FLOORS =
8% BUILDING FOOTPRINT OF TOTAL PARCEL AREA =
23,177 S.F. / 133,270 S.F. = 17%
LANDSCAPING
TOTAL SITE = 133,270 S.F.
TOTAL LANDSCAPE = 40,000 S.F.
% LANDSCAPE OF TOTAL PARCEL AREA =
29,977 S.F. / 133,270 S.F. = 22%
TOTAL FRONT YARD LANDSCAPE AREA =
4,297 S.F. / 133,270 S.F. = 3%
3.2% > 3% = OK
PARKING ANALYSIS
PARKING AVAILABLE SPACES = 1
ACCESSIBLE SPACES = 6
REGULAR PARKING SPACES = 185
COMPACT PARKING SPACES = 750
TOTAL PROVIDED = 942
TOTAL ALLOWABLE S.F. = 69,600 S.F.
232 SPACES X 300 S.F./SPACE = ALLOWABLE
69,631 S.F. < 69,600 S.F. = OK
% LANDSCAPE OF TOTAL PARCEL AREA =
86,631 S.F. / 133,270 S.F. = 65%



SITE PLAN
 1"=30'-0"

EXHIBIT A-6



WEST



SOUTH

EXTERIOR ELEVATIONS

1/8"=1'-0"

**WWC
OT**
ARCHITECTURAL
PLANNING
FORWARD
METHODS

William Wain, Chief Of Entry Services

10000 Wilshire Blvd., Suite 1000
Beverly Hills, CA 90210
Tel: (310) 276-1100
Fax: (310) 276-1101
www.wwc.com

**FOR PLAN
REVIEW ONLY
NOT FOR
CONSTRUCTION**

DISCLAIMER OF LIABILITY
The architect, engineer, planner and designer herein, and its agents and employees, shall not be liable for any damages, including reasonable attorney's fees, arising out of or from the use of the drawings, specifications, or any part thereof, in whole or in part, for any project other than that which was intended by the architect, engineer, planner and designer herein.
© Copyright 2007

**KIERNAN COURT
OFFICE PARK**
CALIFORNIA
SALIDA

Date: 10/30/2007

Drawn By: PWA

Revisions:

- ▲
- ▲
- ▲
- ▲
- ▲

**EXTERIOR
ELEVATIONS**

Project No:
07G00400

Sheet No:
A3.1

of 3



**FOR PLAN REVIEW ONLY
NOT FOR CONSTRUCTION**

OVERSIGHT OF DOCUMENTS
The undersigned hereby certifies that the documents are the work of the undersigned or under the direct supervision and control of the undersigned and that the undersigned is duly licensed and qualified to perform the services herein.

SALIDA CALIFORNIA

**KIERNAN COURT
OFFICE PARK**

Scale: 1/8" = 1'-0"

Drawn By: P.M.

Revisions:

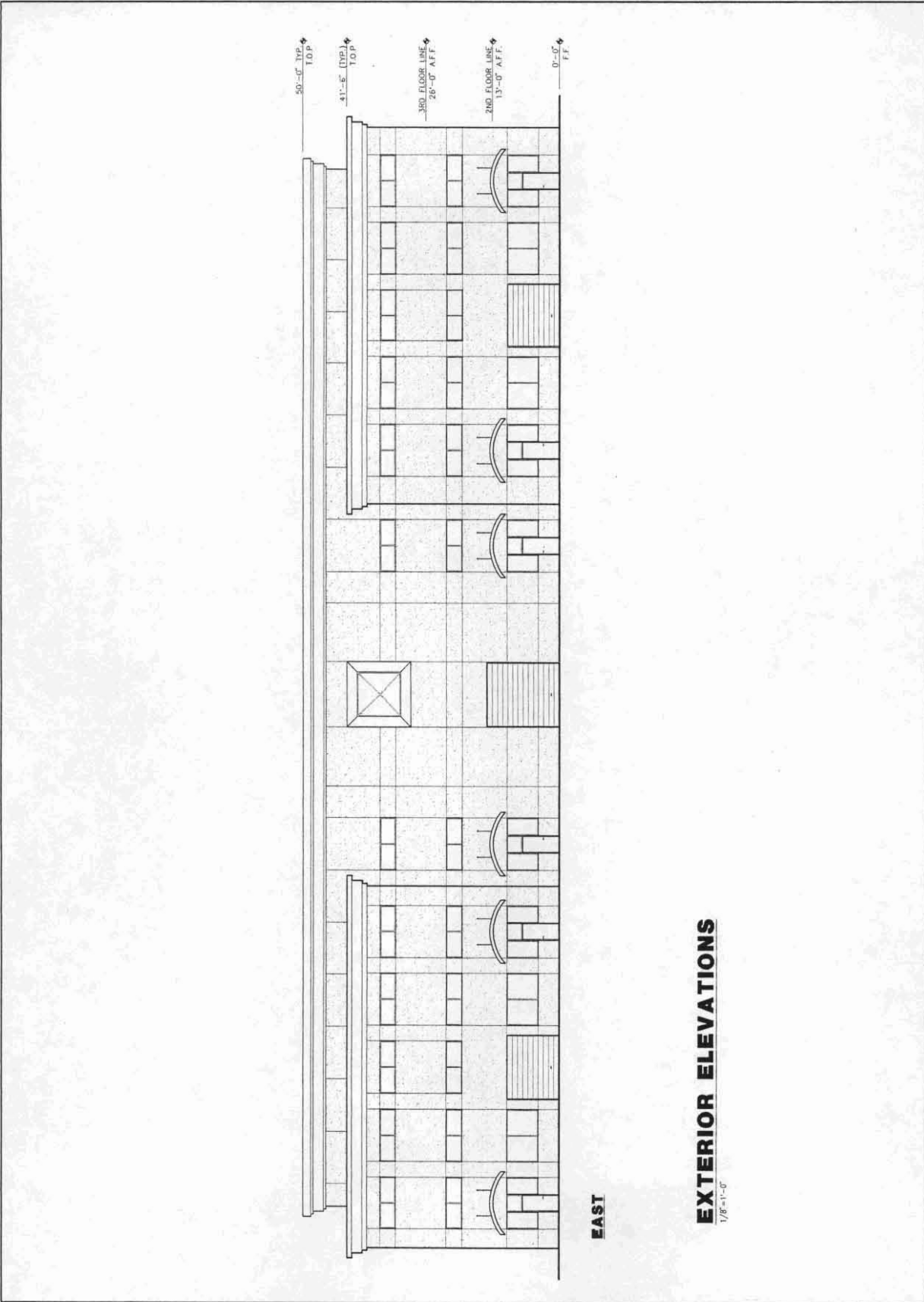


EXTERIOR ELEVATIONS

Project No: 07G00400

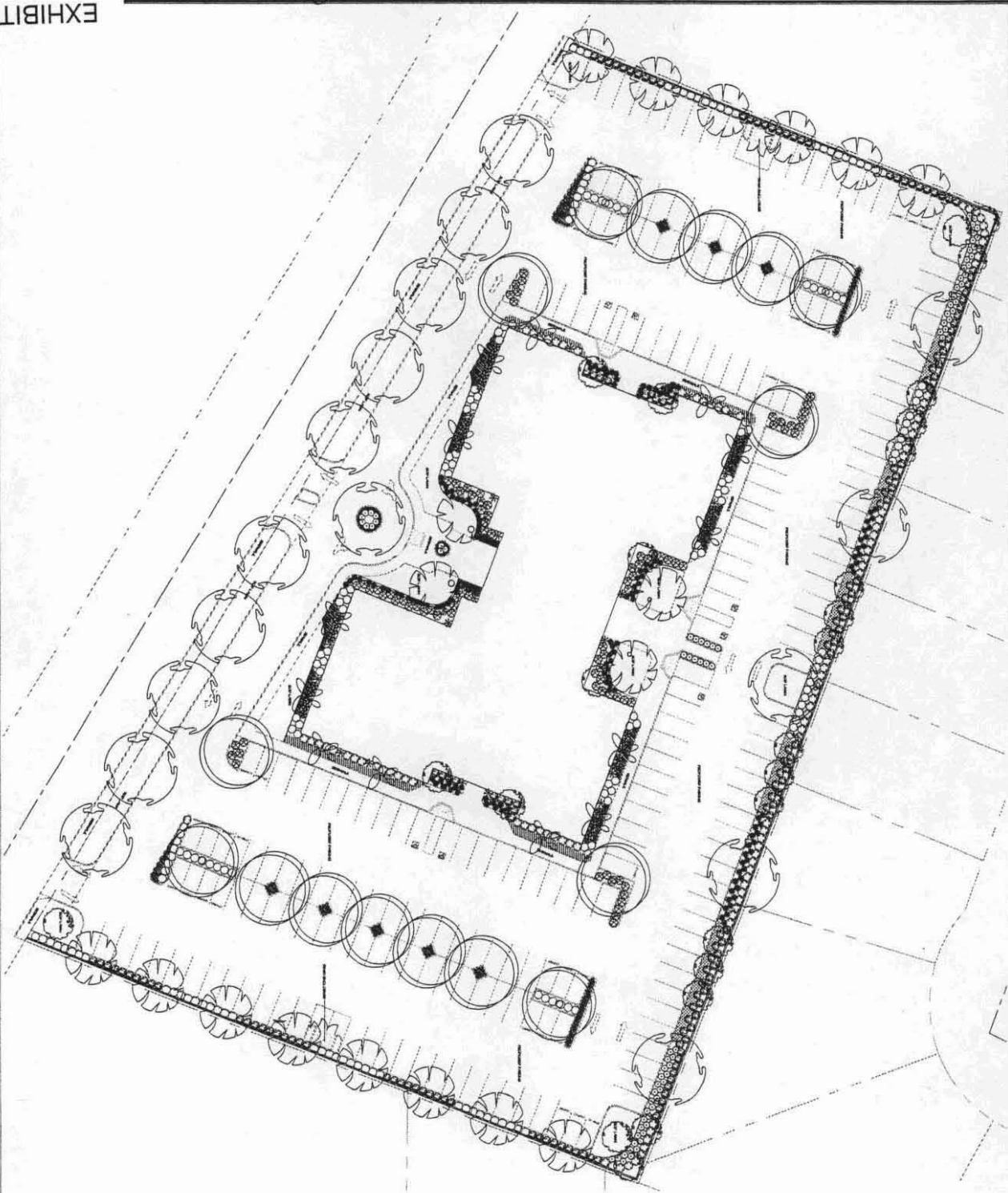
Sheet No: A3.2

of 3



EXTERIOR ELEVATIONS

1/8" = 1'-0"



Symbol	Plant Name	Quantity	Notes
○	Avocado 'Olivier dore'	13	13-04
○	Avocado 'Olivier'	15	15-04
○	Common cypress	16	15-04
○	Laurus 'Scento' 24"	29	15-04
○	Platanus 'Vittoria'	16	15-04
○	Avocado 'Olivier dore'	69	1-04
○	More robust	90	5-04
○	Malus 'Troy Fire'	82	1-04
○	Quercus 'Siderifera'	80	5-04
○	Prunus 'Santitas'	79	1-04
○	Prunus 'Muller's Queen'	40	5-04
○	Prunus 'Muller's Queen'	22	5-04
○	Prunus 'Muller's Queen'	50	5-04
○	Prunus 'Muller's Queen'	82	5-04
○	Prunus 'Muller's Queen'	87	5-04
○	Prunus 'Muller's Queen'	13	5-04

LAL USA TILLER
 3114 EAST RIVER ROAD
 ESCALON, CALIFORNIA 95320
 TEL: (209) 838-2448
 FAX: (209) 838-7650
 WWW.LALUSA.COM

NORTH
 NOT TO SCALE

POLHEMUS ENTERPRISES
 31144 EAST RIVER ROAD
 ESCALON, CALIFORNIA 95320
 TEL: (209) 838-2448
 FAX: (209) 838-7650
 WWW.POLHEMUS.COM

CONCEPTUAL LANDSCAPE PLANS
KIERNAN COURT OFFICE PARK
 KIERNAN COURT
 SALIDA, CALIFORNIA

NO.	DATE	BY	REVISIONS
1			
2			
3			
4			
5			

APPROVED BY:

DEVELOPMENT STANDARDS

GENERAL PLAN AMENDMENT APPLICATION NO. 2007-08
REZONE APPLICATION NO. 2007-11
VESTING TENTATIVE PARCEL MAP APPLICATION NO. 2007-32
KIERNAN COURT OFFICE PARK

Department of Public Works

1. The recorded parcel map shall be prepared by a licensed land surveyor or a qualified registered civil engineer.
2. All existing non-public facilities and/or utilities that do not have lawful authority to occupy the road right of way shall be relocated onto private property upon the request of the Department of Public Works.
3. All structures not shown on the tentative parcel map shall be removed prior to the parcel map being recorded.
4. A 10-foot wide public utility easement along the frontage of Kiernan Court adjacent to the right-of-way line shall be shown on the final map.
5. The new parcels shall be surveyed and fully monumented.
6. Street improvements, including but not limited to curb, gutter, sidewalk, drainage facilities, street light, and street pavement shall be constructed along the Kiernan Court frontage prior to the map being recorded **or improvements may be deferred with a Subdivision Improvement Agreement** or prior to the temporary or final occupancy of any building, whichever occurs first.
7. Prior to the map being record **or improvements may be deferred with a Subdivision Improvement Agreement** or prior to the issuance of a building permit, whichever occurs first, off site improvement plans for the Kiernan Court Frontage shall be approved by the Department of Public Works.
8. An Engineer's estimate shall be submitted for the improvement plans on the Kiernan Court frontage prior to the map being recorded **or improvements may be deferred with a Subdivision Improvement Agreement** or the issuance of a building permit, whichever occurs first.
7. Prior to the parcel map being recorded or prior to the issuance of a building permit, whichever occurs first, the subdivider shall enter into a "Subdivision Improvement Agreement" with Stanislaus County and post the required certificates of insurance and

acceptable financial guarantees. Building occupancy, temporary or final, will not be granted until the roadway improvements are installed. *The "Subdivision Improvement Agreement" may be bypassed if all of the required improvements have been installed and accepted prior to the parcel map being recorded.*

8. Prior to the parcel map being recorded, a reciprocal access and maintenance agreement shall be submitted to the Department of Planning and Community Development and Public Works for approval prior to recording the document. The agreement shall cover two shared accesses for the parcels along with how the accesses and parking shall be maintained.
9. Prior to the Department of Public Works doing any plan review or inspections associated with the development, the subdivider shall sign a "Subdivision Processing/Inspection Agreement" and post a \$5,000 deposit with Public Works.
10. Prior to the issuance of any building permit or the recording of the parcel map, whichever occurs first, the property shall be annexed to the Salida Highway Lighting District. The developer shall provide all necessary documents and pay all fees associated with this annexation process. David Gein is the contact for this annexation and he can be reached at (209) 525-7594.
11. Prior to the issuance of any building permit or the recording of the parcel map, whichever occurs first, the developer shall pay the first year's operating and maintenance cost of any required street lights with the Department of Public Works.
12. Prior to the issuance of any building permit or the recording of the parcel map, whichever occurs first, the developer shall obtain annexation approval from LAFCO for the parcel(s) to be included in Community Service Area Number 10. The developer shall provide all necessary documents and pay all fees associated with this annexation process.
13. An encroachment permit must be obtained for the roadway improvements and will be taken out prior to any construction in the roadway.
14. Prior to the approval of the off-site improvement plans, the applicant shall file a Notice of Intention (NOI) with the California Regional Water Quality Control Board and a Waste Discharge Identification Number must be obtained and provided to the Department of Public Works.
15. No parking, no loading, or unloading of vehicles shall be permitted within the right-of-way on Kiernan Court. The developer will be required to install or pay for the installation of all required signs and/or markings, if warranted.
16. All on-site parking areas shall be paved and double striped per County Standards.
17. The developer shall pay Public Facilities Fees prior to or at the time of a building permit issuance as part of mitigating traffic impacts.

18. A Grading Permit shall be obtained from the Building Permits Division prior to the start of importing, exporting or otherwise moving any dirt.
19. Prior to the issuance of any building permits, the developer shall pay any and all fees set forth under the Salida Planned Development Fees.
20. Prior to the issuance of any building permit, the developer shall pay fees as per the Salida PD Guideline's Building Permit Fee Schedule for Pirrone Commercial/Industrial development. The storm drainage fees shall be based on an amount of \$25,228.23 per acre and \$5,603.71 per acre Salida Road fee.

Department of Planning and Community Development

21. This project is to be constructed and operated as described in the application information submitted including submittals modifying the project, Staff Report, and Board of Supervisors hearing and supporting documentation as approved and in accordance with other laws and ordinances.
22. All exterior lighting shall be designed (aimed down and towards the site) to provide adequate illumination without a glare effect.
23. Hours of exterior construction on the site shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday.
24. Business hours are 7:30 a.m. to 5:30 p.m., Monday thru Friday. Churches and radio stations may operate on Saturday and Sunday.
25. Construction of the project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District.
26. Development shall comply with current Title 24 California Code of Regulations (Building Codes) and Stanislaus County Title 16.
27. Prior to issuance of any building permit the following Mello-Roo's fees shall be paid as identified in the Salida PD Guidelines for storm drainage and roads: Parcel 1 - \$32,990.18; Parcel 2 - \$31,140.25; Parcel 3 - \$30,523.63.
28. 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.
29. Sufficient paved and marked parking spaces shall be provided for all uses in compliance with County Code Chapter 21.76. Prior to issuance of any building permits, the Director of Planning and Community Development, or his designee, shall approve a final parking and circulation plan for the entire PD. The parking facilities shall be in place prior to occupancy of any new buildings.

30. An Irrevocable Reciprocal Parking, Landscaping, Trash Receptacle, Lighting and Storm Water Drainage use and maintenance Easement document shall be executed and recorded prior to or concurrent with filing the final map or issuance of any building permit. Trash Receptacle, Parking, and Storm Water Drainage easements may be reflected on the parcel map, if preferred.
31. Developer shall pay all Public Facilities Impact Fees, Salida PD Guidelines Fees, School Fees and Fire Facilities Fees as adopted by resolution by the Board of Supervisors. The fees shall be payable at the time of issuance of building permits for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
32. A mitigation monitoring fee of \$355.00 per acre or \$1,086.30, a Public Works processing fee of \$335.00 per acre or \$1,025.10 and a Public Works cost of development fee of \$60.00 per acre or \$183.60, from the Salida PD Guidelines approved in 1988, shall be paid prior to recording a final map or issuance of a staff approval permit or building permit, if no map is recorded.
33. Applicant, and/or subsequent property owner(s), 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.
34. A landscaping plan, in accordance with the Salida PD Guidelines, indicating type of plants, initial plant size, location and method of irrigation shall be submitted and approved by Planning staff for each property. Landscaping must be installed prior to occupancy.
35. The 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. Any dead trees shall be replaced with a similar variety of a 15-gallon size or larger.
36. A plan for any proposed signs indicating the location, height, area of the sign and message, must be approved by the director of Planning and Community Development before installation. Signs shall be consistent with the project approvals.
37. The property owner is responsible for maintaining the eight foot masonry wall along the eastern portion of the property. The property owner shall replace the wood fence along the southern portion of the property with an eight foot masonry wall consistent with the eastern masonry wall. The southern masonry wall shall be completed prior to final inspection and/or issuance of a final occupancy permit. The masonry walls shall be landscaped so as to discourage graffiti. Fences and landscaping adjacent to roadways shall be in compliance with the County's "Visibility and Obstructions at Public Intersections" ordinance.
38. All businesses operating on-site shall obtain and maintain a valid business license. Application may be made with the Planning Department. (Section 6.04 of the Stanislaus County Ordinance Code)

39. The noise level generated by the proposed project shall be restricted to exterior noise limits and recommendations of the California Office of Noise Control. Said limits are illustrated in the Stanislaus County General Plan on page 4-13, Figure 3.
40. 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.
41. Pursuant to the federal and state Endangered Species Acts, prior to construction, the developer shall be responsible for contacting the US Fish and Wildlife Service and California Department of Fish and Game to determine if any special status plant or animal species are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from these agencies, if necessary.
42. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2007), the applicant is required to pay a Department of Fish and Game filing fee at the time of recording a "Notice of Determination." Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **\$2,050.00**, made payable to **Stanislaus County**, for the payment of Fish and Game, and Clerk Recorder filing fees.

Pursuant to Section 711.4 (e)(3) of the California Fish and Game Code, no project shall be operative, vested, or final, nor shall local government permits for the project be valid, until the filing fees required pursuant to this section are paid.
43. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.
44. Modifications to the project are subject to first obtaining a Use Permit or Staff Approval Permit.

Department of Environmental Resources

45. At the time the project consists of a food facility, Applicant must submit 3 sets of food facility construction plans to the Department of Environmental Resources for review and approval for compliance with the California Uniform Retail Food Facilities Law (Section 27550).
46. The applicant shall determine, to the satisfaction of the Department of Environmental Resources (DER), that a site containing (or formerly containing) residences or farm buildings, or structures, has been fully investigated (via Phase I study, and Phase II study

if necessary) prior to issuance of a grading permit. DER recommends research be conducted to determine if pesticides were used on the proposed development site; if confirmed, suspect site areas should be tested for organic pesticides and metals. Any discovery of underground storage tanks, former underground storage tank locations, buried chemicals, buried refuse, or contaminated soil shall be brought to the immediate attention of DER.

47. Applicant shall contact the Department of Environmental Resources regarding appropriate permitting requirements for hazardous materials and/or wastes. Applicant and/or occupants handling hazardous materials or generating hazardous wastes must notify the Department of Environmental Resources relative to: (Calif. H&S, Division 20)
- A. Permits for the underground storage of hazardous substances at a new location or the modification of existing tank facilities.
 - B. Requirements for registering as a handler of hazardous materials in the County.
 - C. Submittal of hazardous materials Business Plans by handlers of materials in excess of 55 gallons or 500 pounds of a hazardous material or of 200 cubic feet of compressed gas.
 - D. The handling of acutely hazardous materials may require the preparation of a Risk Management Prevention Program, which must be implemented prior to operation of the facility. The list of acutely hazardous materials can be found in SARA, Title III, Section 302.
 - E. Generators of hazardous waste must notify the Department of Environmental Resources relative to the: (1) quantities of waste generated; (2) plans for reducing wastes generated; and (3) proposed waste disposal practices.
 - F. Permits for the treatment of hazardous waste on-site will be required from the hazardous materials division.
 - G. Medical waste generators must complete and submit a questionnaire to the Department of Environmental Resources for determination if they are regulated under the Medical Waste Management Act

Fire Prevention Bureau

48. All buildings constructed shall comply with all applicable codes and ordinances, including fire apparatus access road standards, water for fire protection, etc.
49. All traffic signals installed and/or retrofitted at the intersection of Sisk Road and Kiernan Avenue as a result of the proposed project shall be provided with signal preemption.
50. This project will be subject to current CEQA Fire Service Impact Mitigation fees as adopted by the Salida Fire Protection District at the time of issuance of construction permits.
51. All buildings with a fire area over 5,000 square feet, or 3 or more stories in height, or with an occupied floor over 30' above the lowest point of fire department access shall be provided with an automatic fire sprinkler system.

52. A Class III standpipe system shall be installed in all stairwells with a gated fire department connection on each floor.
53. No development shall occur without an approved fire department access and water for fire protection.
54. The project shall comply with fire apparatus access standards. Two ingress/egress accesses shall be provided.
55. If this is a condominium project, a condominium agreement shall be recorded specifying method of collecting fees and dispensing same for maintenance of all safety features; for example automatic sprinklers, access etc.

Salida Fire Protection District

56. This project will be subject to Fire Service Impact Mitigation Fees as adopted by the District Board of Directors and currently in place at the time of issuance of construction permits.
57. All buildings constructed shall meet the District's requirements for: on-site water for fire protection and/or fire hydrants and hydrant locations, blue reflective street hydrant markers, sprinkler and alarms systems, key-box rapid entry systems and, adherence to all applicable codes and ordinances, etc.
58. Buildings of 5,000 square feet and greater shall be required to have fire sprinklers meeting the standards listed within the adopted California Fire Code and related amendments.
59. Gated 2 ½" hose connections (Class III) for fire department use shall be installed on all floors in each required exit stairwell for buildings of 30 feet or three (3) or more stories in height.
60. The project shall meet fire apparatus access standards. Two ingress/egress accesses to each parcel meeting the requirements listed within the California Fire Code.
61. Prior to, and during, combustible construction, the District shall approve provisions for serviceable fire vehicle access and fire protection water supplies.
62. Prior to recording the final map, the owner of the property(s) will be required to form or annex into a community facilities district for operational services with the Salida Fire Protection District. Due to the fact this process may take up to 60-120 days to complete, it is recommended that advanced consideration be given to initiating this requirement early in the project.
63. A District specified Rapid Entry System (Knox) shall be installed and serviceable prior to final inspection allowing fire department access into gated and or limited access points.

Modesto Irrigation District (MID)

64. In conjunction with related site/road 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.
65. Relocation or Installation of electric facilities shall conform to the District's Electric Service Rules.
66. 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.
67. A 15' easement is required adjacent to the existing 12kv overhead lines along Kiernan Ct. in order to protect existing facilities and maintain necessary safety clearances.
68. Electric service to the individual parcels is not available at this time. The customer should contact the District's Electric engineering department to arrange for electric service to the project. Additional easements may be required with development of this property.

San Joaquin Valley Air Pollution Control District (SJVAPCD)

69. The project may be subject to District Rule 9510 (Indirect Source Review). Prior to construction the Applicant and/or subsequent owners shall be responsible for completing the Air Impact Assessment (AIA) Form currently on hold with the SJVAPCD and paying applicable off-site mitigation fees.
70. The proposed project may be subject to the following District rules:
 - Regulation VIII (Fugitive PM10 Prohibitions)
 - Rule 4102 (Nuisance)
 - Rule 4601 (Architectural Coatings)
 - Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations)
 - District Rule 4002 (National Emission Standards for Hazardous Air Pollutants)

California Department of Transportation

73. The Department has plans to construct a median limiting access to Kiernan Court to right-in/out only, in 2009. However, if the site is developed before the median is in place, restricting access to Kiernan Court to right-in/out only, the applicant would be responsible for putting the median in prior to opening day.

City of Modesto

74. Developer shall comply with all conditions outlined in the City's water will serve letter dated August 19, 2008.

Salida Sanitary District

75. Developer shall comply with all conditions outlined in the Salida Sanitary District's sewer will serve letter dated February 22, 2008.

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

(I:\Staffrpt\GPA\2007\GPA 2007-08 REZ 2007-11 PM 2007-32 - Kiernan Court Office Park\Staff Report.wpd)

DEVELOPMENT SCHEDULE

Phase I - Construction of Off-Site improvements (curb, gutter, sidewalk, matching pavement) to begin on or before June 1, 2012 and be completed prior to June 1, 2013

Phase II - Construction of On-Site improvements (grading and drainage) to begin on or before June 1, 2013 and be completed prior to June 1, 2014

Phase III - Construction of first building and/or installation of landscaping to begin on or before June 1, 2014 and be completed prior to June 1, 2015

LIST OF PROPOSED/PERMITTED
USES FOR VIG-KIERNAN COURT. PD.

- Churches, excluding tent and open air churches, clubhouses, residential care homes, convents, day care center, facilities, family day care homes, fraternal organizations, orphanages, public and quasi-public buildings, medical and professional offices.
- Administrative offices, art galleries, business and professional offices, clinics, laboratories.
- Music and dance schools, personal service establishments, real estate offices.
- Accessory buildings incidental and secondary to all permitted uses, including outdoor advertising signs which are non flashing and non animated subject to existing Stanislaus County standards.
- Schools offering general academic instruction, seminaries.
- Mail order establishments, storage and service, printing, publishing, book binding and paper sales and studios.
- Assembly of technical instruments, including computers, business machines and similar mechanical equipment.
- Compounding and packaging of cosmetics, pharmaceuticals and toiletries.
- Manufacturing and assembling of jewelry, watches, clocks precision instruments, musical instruments, bottles and other glass products which are made from previously prepared materials, electric and electronic instruments and equipment, electric motors, toys, television and radio studios and station..
- Assembling of paper products, pens, pencils and artist supplies when such goods, products and supplies are made from previously prepared materials.
- Assembling of professional scientific instruments, photographic and optical equipment.
- Assembling of containers from previously prepared materials when such process does not include enameling, lacquering, rubber coating or electrical plating.
- Printing, publishing.
- Radio, television and communication facilities, research institutions and administrative institutions.
- Retail store when conducted entirely within a building and is determined to be of a low traffic generating use.
- Medical billing offices.
- Financial institution.
- Museum
- Personal service establishment.



February 5, 2009

Ms. Rachel Wyse
Assistant Planner
Stanislaus County Planning Department
1010 Tenth Street, Suite 3400
Modesto, CA 95354

Re: Rezone No. 2007-11; Parcel Map No. 2007-32
Kiernan Court, Salida, CA

Dear Ms. Wyse,

During the review process it was discovered that two of the potential uses listed in our original application (churches and radio stations) could have the potential for Saturday and Sunday hours of operation. In the instance of churches however, the weekday usage would be minimal. Radio stations operate on limited staffing and no outdoor activity would occur.

Please make this revision part of the Conditions of Approval scheduled to go before the county Planning Commission on the evening of February 19, 2009.

Dennis E. Wilson
Land Planning and
Zoning Consultant

P.O. Box 1448
Modesto, California
95353

phone 209.491.7620
fax 209.491.7626
e-mail: dwilson@arrival.net

Sincerely,

Dennis E. Wilson

DEW/chw

Cc: Jeff Burda, VIG-Golden State, LLC

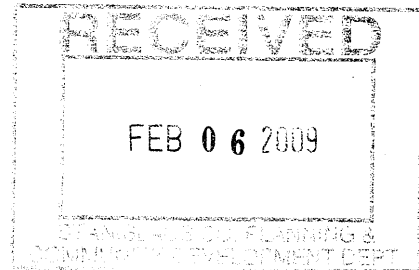


EXHIBIT E



William Turner Colton O'Leary Inc.
 1000 California Street, Suite 1000
 San Francisco, CA 94109
 Tel: 415.774.1100
 Fax: 415.774.1101
 www.wtc.com

FOR PLAN REVIEW ONLY
 NOT FOR CONSTRUCTION

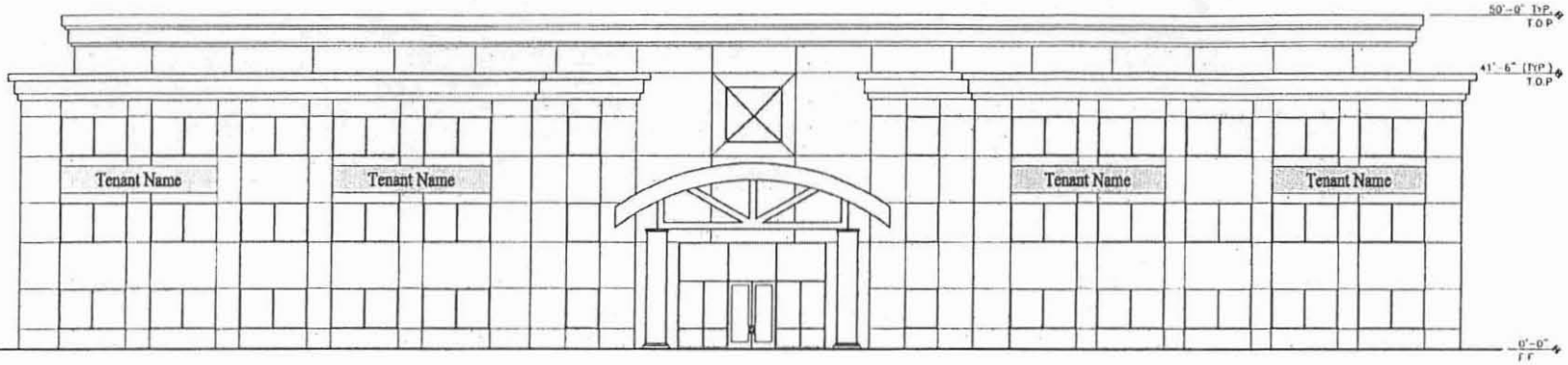
DISCLAIMER OF DOCUMENTS
 We warrant that the drawings and design documents are the work of our firm and are prepared in accordance with the professional standards of the practice of architecture and engineering.
 We warrant that the drawings and design documents are the work of our firm and are prepared in accordance with the professional standards of the practice of architecture and engineering.
 We warrant that the drawings and design documents are the work of our firm and are prepared in accordance with the professional standards of the practice of architecture and engineering.
 © George 2002

SAIDA CALIFORNIA
 KIERNAN COURT
 OFFICE PARK

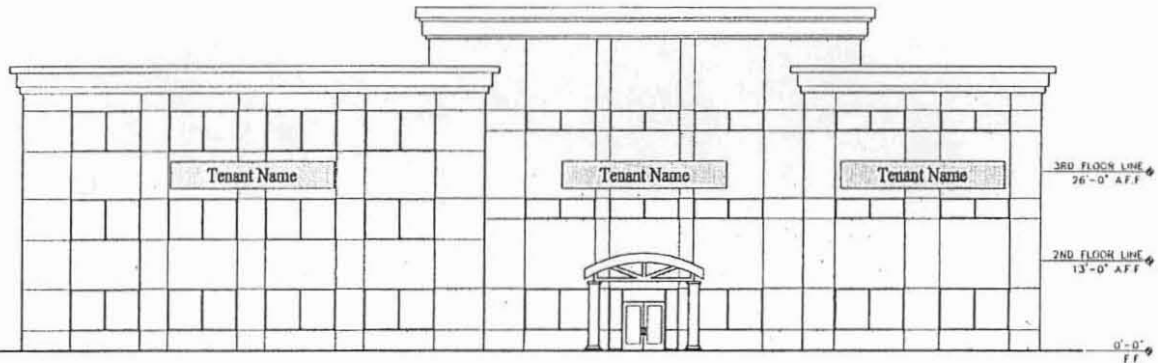
Date: 01/14/2009
 Drawn By: ACE
 Revisions:

SIGNAGE TYPE 'A' AND 'B'
 SIGNAGE TYPE 'C'
 EXTERIOR ELEVATIONS

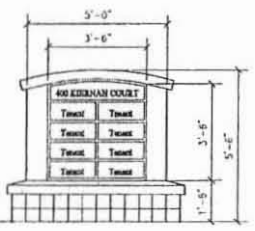
Project No: 07G00400
 Sheet No: A3.3
 of 3



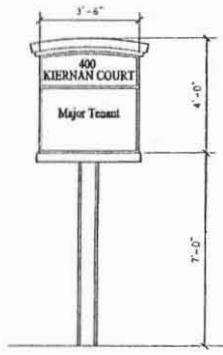
WEST



SOUTH



SIGNAGE TYPE 'A'
 MONUMENT SIGN
 1/2"=1'-0"



SIGNAGE TYPE 'B'
 POLE SIGN
 1/2"=1'-0"

SIGNAGE TYPE 'C' (used in conjunction with either Sign Type 'A' or 'B')
 EXTERIOR ELEVATIONS
 1/8"=1'-0"

EXHIBIT 'A' & 'B'

31
 EXHIBIT F



WVC
OT
LANDSCAPE ARCHITECTURE
11111 15th Street
San Diego, CA 92161
Tel: 619-594-1111
Fax: 619-594-1112

FOR PLAN
REVIEW ONLY
NOT FOR
CONSTRUCTION

DISCLAIMER: THE CONSULTANT'S OBLIGATION IS LIMITED TO THE SERVICES SPECIFICALLY SET FORTH IN THIS AGREEMENT. THE CONSULTANT DOES NOT WARRANT, REPRESENT OR GUARANTEE THE ACCURACY, COMPLETENESS OR RELIABILITY OF THE INFORMATION PROVIDED HEREON. THE CONSULTANT SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS DOCUMENT OR FOR ANY CONSEQUENCES ARISING FROM THE USE OF THIS DOCUMENT.

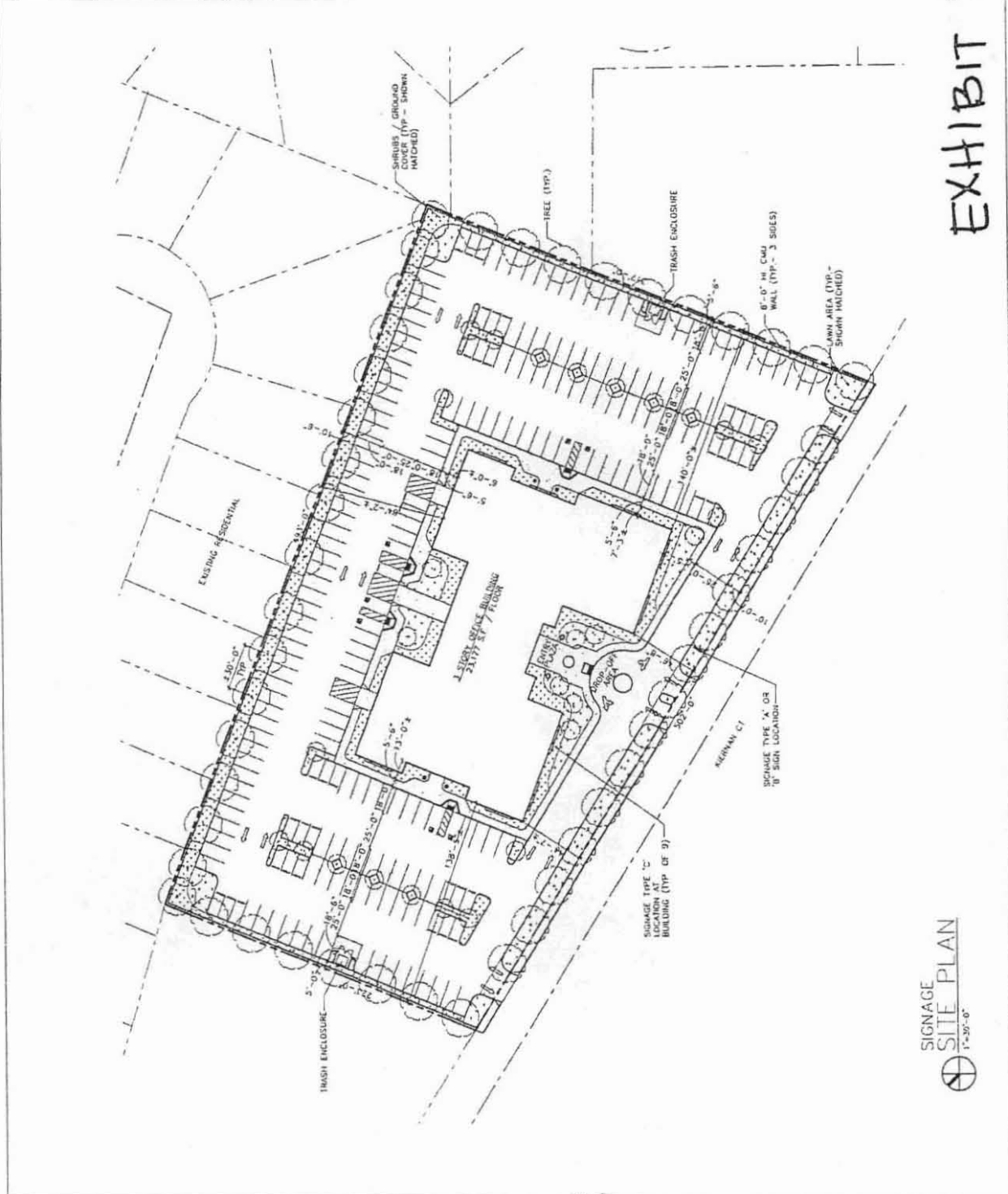
SALIDA
KIERNAN COURT
OFFICE PARK
CALIFORNIA

Date: 01/14/2009
Sheet No. ACC
Scale: 1" = 30'-0"

SIGNAGE
SITE PLAN

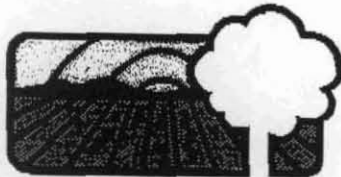
Project No: 07G000400
Sheet No: A1.2

BUILDING AREA	
23,177 S.F. / 1 FLOOR X 3 FLOORS =	
8,960 S.F. / 1 FLOOR X 3 FLOORS =	
23,177 S.F. / 133,270 S.F. X 17%	
LANDSCAPING	
TOTAL SITE AREA = 133,270 S.F.	
TOTAL LANDSCAPE AREA = 23,177 S.F.	
X LANDSCAPE OF TOTAL PARCEL AREA = 17%	
23,267 S.F. / 133,270 S.F. = 18%	
TOTAL FRONT YARD LANDSCAPE AREA =	
4,287 S.F. / 133,270 S.F. = 3%	
3.2% > 3% = OK	
PARKING ANALYSIS	
PARKING	
VAN ACCESSIBLE SPACES	4
REGULAR SPACES	4
REGULAR PARKING SPACES	185
COMPACT PARKING SPACES	150
TOTAL PROVIDED	383
TOTAL ALLOWABLE S.F.	69,600 S.F.
235 SPACES X 300 S.F./SPACE =	70,500 S.F.
69,600 S.F. < 70,500 S.F. =	ALLOWABLE
69,600 S.F. < 69,600 S.F. =	OK
X HARDSCAPE OF TOTAL PARCEL AREA =	
80,831 S.F. / 133,270 S.F. = 60%	



SIGNAGE
SITE PLAN
1" = 30'-0"

EXHIBIT 'A' & 'B'

**CITY of MODESTO**

*Community and
Economic
Development
Department*

*Land
Development
Engineering
Division*

*P.O. Box 642
1010 Tenth Street
Fourth Floor
Modesto, CA 95353
209/577-5462
209/577-5461 Fax
www.modestogov.com*

*Hearing and Speech
Impaired Only
TDD 209/526-9211*

August 19, 2008

VIG-Golden State, LLC.
Mr. Jeff Burda
1302 J Street,
Modesto, CA 95354

Subject: Water Will Serve Letter for Property located at 5049 Kiernan Ct.,
Modesto, CA

Dear Mr. Burda:

As requested in your request dated August 12, 2008, the proposed 3 story building located at 5049 Kiernan Court will be allowed to make a single water service connection to the City's existing water system as described below.

Water Service:

Pursuant to Modesto City Council Resolution No. 98-306 and City Council Policy No. 5.001, both addressing the extension of water service into unincorporated areas, it has been determined that a sufficient quantity of potable domestic water is available for normal usage by the proposed building at this time.

In general, Council Policy No. 5.001 provides that water service extensions may be approved by the City Manager on a case-by-case basis to properties outside the Modesto City Limits, outside of the Modesto Municipal Sewer District Number 1 and inside of the City's Sphere of Influence when all of the following conditions are met:

1. The development has been authorized by the appropriate land use agency.
2. The property is inside, contiguous to, or near the former service area of the Del Este Water Company.
3. City staff has completed an analysis and determined that it is reasonable for the City of Modesto to extend water service based on a plan to pay for the service extension costs, the quantity of water used, the type of water use and the overall impact on the water system.

In addition to the above requirements, the following items are specific conditions on the proposed project:

4. That the water demand requirements for a proposed connection will not change significantly from the information contained in the above referenced application.
5. That the proposed building meets all of the Salida Fire Protection District's fire code requirements.
6. That the water service connections for the property be made from the existing twelve inch (12") water line in Kieman Court. The water service connection shall be per City Standards and shall be approved by the City. All costs associated with its design, installation, and permits shall be borne by the property owner.
7. That the smallest water service lines and associated meter sizes needed to serve the proposed project be installed.
8. That all applicable water connection fees are paid and associated permits be obtained prior to beginning any on-site construction.
9. That the property owner enters into a standard water service agreement with the City, as required for water service outside the City limits, by contacting Wendy Correia at (209) 571-5569 for more information.

Construction of the water connection identified to serve the above referenced project shall be completed prior to twelve (12) months from the date of this letter, and if after such time the service connections have not been made, the City's approval of said connections will be revoked.

If you have any questions, please contact Robert Davalos at (209) 577-5253.

Recommended By: Robert Davalos *RD*
 Robert Davalos, Assistant Civil Engineer

Sincerely,

Greg Nyhoff
 Greg Nyhoff
 City Manager

cc: Nicholas Pinhey, Director - PW *OK M.P.*
 Rich Ulm - PW
 Allen Lagarbo - PW
 Bill Sandhu - C&ED
 Wendy Correia - C&ED
 Dennis Wister - Stanislaus County PW

**SALIDA SANITARY DISTRICT
P.O. BOX 445
SALIDA, CA 95368
(209) 545-4987**

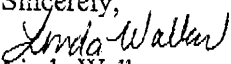
February 22, 2008

Dennis Wilson
Horizon Consulting
P.O. Box 1448
Modesto, CA 95353

Subject: Request for sewer service to 5049 Kieman Court, APN: 136-017-017

Dear Mr. Wilson,

The property mentioned above is located within the Salida Sanitary District service area boundaries, and sewer service is available to this parcel. The proposed new structure will be subject to a connection fee of \$500. The District will collect this fee prior to issuing a new connection permit for the project. Thank you for contacting this agency.

Sincerely,

Linda Walker
Salida Sanitary District



Stanislaus County Planning and Community Development

1010 10th Street, Suite 3400
Modesto, California 95354

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

CEQA INITIAL STUDY

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

1. **Project title:** General Plan Amendment Application No. 2007-08, Rezone Application No. 2007-11, Parcel Map Application No. 2007-32 - Kiernan Court Office Park
2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
3. **Contact person and phone number:** Rachel Wyse, Assistant Planner
(209) 525-6330
4. **Project location:** 5049 Kiernan Court, northeast of Kiernan Avenue, in the Salida area. (APN: 136-017-017)
5. **Project sponsor's name and address:** VIG-Golden State, LLC
6. **General plan designation:** Highway Commercial Planned Development (HCPD)
7. **Zoning:** A-2-40 (General Agriculture)
8. **Description of project:**
Request to amend the General Plan and rezone from HCPD (Highway Commercial Planned Development) / A-2-40 (General Agriculture) to Planned Development and create three (3) parcels measuring 1.07, 1.01, and 0.98 acres from a 3.06 acre parcel. The parcels will be served by City of Modesto water and Salida Sanitary District. Although the applicants do not intend to develop the site themselves, they are requesting approval of a three (3) story, 69,531 square foot office building. A list of proposed uses and revised elevations and site plan reflecting roll up doors is attached.
9. **Surrounding land uses and setting:** Residential subdivision to the north, residential subdivision and P-D (287) (approved for office/warehouse) to the east, Highway 99 to the south, P-D (277) and P-D (283) to the west (approved for schools and low traffic generating uses).
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Stanislaus County Public Works Department
Stanislaus Fire Prevention Bureau
Salida Fire Protection District
City of Modesto (water)
Salida Sanitary District
CalTrans

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

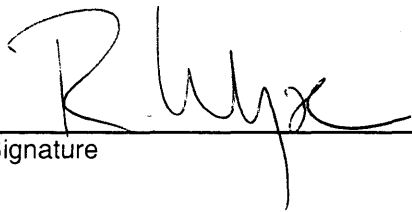
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- 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

July 7, 2008

 Date

Rachel Wyse, Assistant Planner

 Printed name

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 significant criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significant.

ISSUES

I. AESTHETICS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

Discussion: The site itself is not considered to be a scenic resource or a unique scenic vista. Community standards generally do not dictate the need or desire for architectural review of agricultural or residential subdivisions. The construction of a three (3) story building will impede the views of residents living in homes adjacent to the northeastern and eastern property lines. However, the building height is consistent with heights permitted in commercial type zones. A Condition of Approval will be added to the subject project addressing nighttime lighting. Any development resulting from this project will be consistent with existing area developments.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.

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 Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X

Discussion: Although the subject parcel is still zoned A-2-40 (General Agriculture), the adjoining parcels have been developed for residential or planned development use. The project site was formerly a legal non-conforming trucking operation and is currently vacant and improved with an approximately 8,000 square foot asphalt pad. The soils are classified as "Urban and Built-Up Land" by the California State Department of Conservation Farmland Mapping and Monitoring Program. There are three (3) types of soil on the subject parcel:

- Dinuba sandy loam, 0 to 1 percent slopes, Index Rating of 77, and Grade of 2.
- Hanford sandy loam, 0 to 1 percent slopes, Index Rating of 90, Grade of 1.
- Hanford fine sandy loam, 0 to 1 percent slopes, Index Rating of 100, and Grade of 1.

This project will not conflict with any bonafide agricultural operation.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.

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?			X	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
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)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?			X	
e) Create objectionable odors affecting a substantial number of people?			X	

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

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

A referral response from the District determined that the proposed project may be subject to District Rule 9510 and will require the applicants to apply for an Air Impact Assessment (AIA) prior to final discretionary approval. Consequently, the applicants shall be required to provide proof of AIA application prior to scheduling for a public hearing. All other District requirements shall appear as Conditions of Approval.

Mitigation: None.

References: Referral response dated January 31, 2008, from the San Joaquin Valley Air Pollution Control District, San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis, Stanislaus County General Plan and Support Documentation¹.

IV. BIOLOGICAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				X
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?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

Discussion: It does not appear this project will result in impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors. There is no known sensitive or protected species or natural community located on the site. There are California Natural Diversity Database records of two species, California tiger salamander (*Ambystoma californiense*) and Swainson's hawk (*Buteo swainsoni*), along the Stanislaus River approximately two (2) miles northwest of the project site. The project was referred to the California Department of Fish and Game, but there has been no response to date.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹, California Department of Fish and Game California Natural Diversity Database.

V. CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?				X

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X

Discussion: It does not appear this project will result in significant impacts to any archaeological or cultural resources. General Plan Amendment applications require that a records search be compiled by the Central California Information Center and submitted to the Planning Department. Based on the records search submitted by the applicant, the subject parcel has a low sensitivity for the possible discovery of historical resources. Cultural resources are not known to exist on the project site. However, a standardized Condition of Approval shall be added to this project to address any discovery of cultural resources during the construction phases.

Mitigation: None.

References: Records search dated January 24, 2008, from the Central California Information Center, Stanislaus County General Plan and Support Documentation¹.



VI. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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.				X
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X

Discussion: As contained in Chapter 5 of the General Plan Support Documentation¹, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5. Any structures resulting from this project will be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed.

Mitigation: None.				
References: Stanislaus County General Plan and Support Documentation ¹ .				
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?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
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?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
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?				X
Discussion: No known hazardous materials are on site. The County Department of Environmental Resources (DER) is responsible for overseeing hazardous materials in this area. The subject parcel is located within a 2000-foot radius of a known contaminated site located northwest of the project site across Highway 99 at 5050 Salida Blvd. The site is currently occupied by a parts cleaning service and is under regulatory oversight of the Department of Toxic Substances Control for investigation and remediation of soil and groundwater contamination. The primary contaminants of concern are solvents. Copies of reports are on file with the Department of Environmental Resources. The project site should not be effected by the contaminated site. The project site is located within a low-level flight plan according to the California Military Land Use compatibility Analyst Report. The project was referred to the US Military and the Airport Land Use Commission, but no response has been received to date.				
Mitigation: None.				
References: Referral response dated February 7, 2008, from the Environmental Review Committee, Stanislaus County General Plan and Support Documentation ¹ .				

VIII. HYDROLOGY AND WATER QUALITY -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?			X	
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)?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	
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?			X	
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?			X	
f) Otherwise substantially degrade water quality?				X
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?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
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?				X
j) Inundation by seiche, tsunami, or mudflow?				X
<p>Discussion: On-site areas subject to flooding have not been identified in accordance with the Federal Emergency Management Act and/or County designated flood areas. By virtue of paving for the building pad, parking and driveway, the current absorption patterns of water placed upon this property will be altered. LAFCO responded that the proposed project would utilize an existing storm drainage line that empties into a regional drainage basin, located north of the project site. Because the project site is not located within a County Service Area the subject parcel will have to annex into a County Service Area for the extension of services such as storm drainage. A Condition of Approval will reflect the aforementioned requirements. The project was referred to the Regional Water Quality Control Board, but to date no comments have been received.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan and Support Documentation¹.</p>				

IX. LAND USE AND PLANNING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Physically divide an established community?				X
b) 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?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Discussion: The project site is zoned A-2-40 (General Agriculture) and the General Plan is Highway Commercial Planned Development. The site has been surrounded by urban uses for sometime and the project, if approved, would reclassify the General Plan and Zoning District as Planned Development. The applicants are proposing to change the General Plan from HCPD to PD in an effort to allow more uses on the site as the HCPD General Plan designation limits development of the property to six (6) specific uses and four (4) accessory uses. The proposed project will not conflict with any applicable habitat conservation plan or natural community conservation plan and will not physically divide an established community.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.

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

Discussion: The location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173. There are no known significant resources on the site.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.

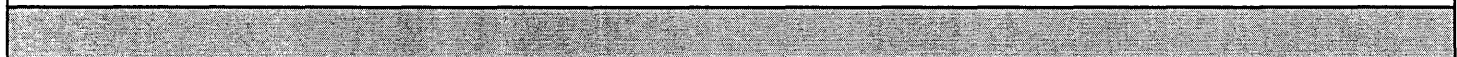
XI. NOISE -- Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
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?				X

Discussion: The site itself is impacted by the noise generated from existing commercial type uses and Highway 99. The Stanislaus County General Plan¹ identifies noise levels up to 75 dB L_{dn} (or CNEL) as the normally acceptable level of noise for industrial, manufacturing, utility, and agricultural uses, and 60 dB L_{dn} (or CNEL) as the normally acceptable level of noise for Residential - Low Density Single-Family, Duplex, and Mobile Homes. There are residential neighborhoods north and east of the project site. On-site grading and construction resulting from this project may result in a temporary increase in the area's ambient noise levels. Noise impacts associated with on-site activities will most likely not exceed the normally acceptable levels of noise for industrial, manufacturing zones, but do have the potential to exceed the normally acceptable levels of noise for residential zones. However, the Planned Development Zoning District requires that the developer include landscaped sound, decorative and privacy walls in the proposed development. Consequently, a Condition of Approval will be added to the project requiring an eight (8) foot block wall be constructed in compliance with the zoning district. The site is not located within an airport land use plan.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.



XII. POPULATION AND HOUSING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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)?			X	
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

Discussion: This project does not propose any significant type of growth inducing features, therefore, adverse affects created by population growth should not occur. No housing or persons will be displaced by this project. The proposed parcel will be restricted to the approved uses and structures. Any alterations to the use or building type could result in the developer being required to submit a Use Permit or Rezone to modify the project beyond what was reviewed in compliance with CEQA. There are no structures present on the project site. This project does not propose any type of significant growth inducing features, therefore, adverse affects created by population growth should not occur.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.

XIII. PUBLIC SERVICES:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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?			X	
Police protection?			X	
Schools?				X
Parks?				X
Other public facilities?			X	
<p>Discussion: The County has adopted a standardized mitigation measure requiring payment of all applicable Public Facilities Fees, as well as one for the Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. In addition, first year costs of the Sheriff's Department have been standardized based on studies conducted by the Sheriff's Department. These fees will be required upon issuance of any building permits and will be placed as Conditions of Approval for this project. Stanislaus Fire Prevention Bureau and the Salida Fire Protection District responded with Conditions of Approval. The District has further required that the applicants enter into an agreement requiring a special tax, that will reflect the actual costs of providing fire and life safety services, be placed on the proposed parcels.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan and Support Documentation¹.</p>				
XIV. RECREATION:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X
<p>Discussion: The proposed commercial project will not cause an increase in the use of existing recreational facilities as no dwelling units will be permitted as a part of this project.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan and Support Documentation¹.</p>				

XV. TRANSPORTATION/TRAFFIC -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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)?			X	
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			X	
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?			X	
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X
<p>Discussion: The project will effect traffic in this area depending on the types of uses that are approved. Each parcel is proposing a separate driveway access to Kiernan Court, a County-maintained road. The Stanislaus County Public Works Department has reviewed this project and requested additional information. The project was referred to CalTrans, but no response has been received to date.</p>				
<p>Mitigation: None.</p>				
<p>References: Referral response received February 14, 2008 from Stanislaus County Public Works, Stanislaus County General Plan and Support Documentation¹.</p>				
XVI. UTILITIES AND SERVICE SYSTEMS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
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?			X	
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?			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	

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?			X	
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g) Comply with federal, state, and local statutes and regulations related to solid waste?			X	

Discussion: Limitations on public utilities and service systems have not been identified. The applicants have obtained will-serve letters for water service from the City of Modesto and sewer service from Salida Sanitary District. Guidelines for connecting to the water and sewer service, as indicated in the will-serve letters, will be reflected in the project's Conditions of Approval. Furthermore, less than significant impacts associated with public utility easement(s) will be reflected in the project's Conditions of Approval. An early consultation was sent to the Regional Water Quality Control Board, but to date no response has been received.

Mitigation: None.

References: Will-serve letter dated August 19, 2008, from the City of Modesto, Will-serve letter dated February 22, 2008, from the Salida Sanitary District, Stanislaus County General Plan and Support Documentation¹.



XVII. MANDATORY FINDINGS OF SIGNIFICANCE:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Does the project have the potential to 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?				X
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

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

I:\Staff\pt\REZ\2007\REZ 2007-11 - Kieman Court Office Park\Initial Study.wpd

¹Stanislaus County General Plan and Support Documentation adopted in October 1994, as amended. Optional and revised elements of the General Plan and Support Documentation: **Agricultural Element** adopted on April 23, 1992. **Housing Element** adopted on December 12, 2003, and certified by the California Department of Housing and Community Development Department on March 26, 2004. **Circulation Element** and **Noise Element** adopted on April 18, 2006.

APPLICANT'S NAME:

Mailing Address

ENGINEER / APPLICANT:

Mailing Address

PROJECT DESCRIPTION: (Describe the project in detail, including physical features of the site, proposed improvements, proposed uses or business, operating hours, number of employees, anticipated customers, etc. – Attach additional sheets as necessary)

**Please note: A detailed project description is essential to the reviewing process of this request. In order to approve a project, the Planning Commission or the Board of Supervisors must decide whether there is enough information available to be able to make very specific statements about the project. These statements are called "Findings". It is your responsibility as an applicant to provide enough information about the proposed project, so that staff can recommend that the Commission or the Board make the required Findings. Specific project Findings are shown on pages 18 – 20 and can be used as a guide for preparing your project description. (If you are applying for a Variance or Exception, please contact staff to discuss special requirements).*

The site was previously utilized for a trucking dispatch firm operated by the Heyman Family. The new owners propose to sell parcels under a general plan amendment and rezone to PD with a specified list of potential low traffic generating use. They do not plan to develop the proposed site themselves. The proposal is to divide the 3 acre site into 3 separate one acre parcels and sell to potential users. The accompanying parcel map depicts the proposal for the division. Each developer would be required to obtain plot plan approval from Stanislaus County based upon the specified use list and the planned development requirements of Stanislaus County. See the attached list of potential uses submitted as a portion of this submittal. Site improvements would consist of curb, gutter and sidewalk, matching pavement and required site grading and drainage. This site is one of the few remaining undeveloped parcels along the Kiernan Court frontage and will be a logical land use pattern that will compliment the 99 Corridor. Proper setbacks and noise barriers will be imposed to protect the existing residential uses to the east. Existing infrastructure within Kiernan Ct. will serve the ultimate uses proposed for this site. The requested amendment and rezone will be consistent with County General Plan goals and policies.

PROJECT SITE INFORMATION

Complete and accurate information saves time and is vital to project review and assessment. Please complete each section entirely. If a question is not applicable to your project, please indicated this to show that each question has been carefully considered. Contact the Planning & Community Development Department Staff, 1010 10th Street – 3rd Floor, (209) 525-6330, if you have any questions. Pre-application meetings are highly recommended.

ASSESSOR'S PARCEL NUMBER(S): Book 136 Page 017 Parcel 017

Additional parcel numbers: 5049 Kiernan Court, Salida. CA 95368
Project Site Address
or Physical Location: _____

Property Area: Acres: 3.06 or Square feet: 133,293.6

Current and Previous Land Use: (Explain existing and previous land use(s) of site for the last ten years)

Current site is vacant. Previously used as a trucking dispatch facility.

List any known previous projects approved for this site, such as a Use Permit, Parcel Map, etc.: (Please identify project name, type of project, and date of approval)

Existing General Plan & Zoning: PI/A2

Proposed General Plan & Zoning: PD/HC
(if applicable)

ADJACENT LAND USE: (Describe adjacent land uses within 1,320 feet (1/4 mile) and/or two parcels in each direction of the project site)

East: Single Family Residential

West: SR 99 Highway

North: Mixed Commercial Uses

South: Vacant PI Zoned land

WILLIAMSON ACT CONTRACT:

Yes No

Is the property currently under a Williamson Act Contract?

Contract Number: _____

If yes, has a Notice of Non-Renewal been filed?

Date Filed: _____

Yes No

Do you propose to cancel any portion of the Contract?

Yes No

Are there any agriculture, conservation, open space or similar easements affecting the use of the project site. (Such easements do not include Williamson Act Contracts)

If yes, please list and provide a recorded copy: _____

SITE CHARACTERISTICS: (Check one or more) Flat Rolling Steep

VEGETATION: What kind of plants are growing on your property? (Check one or more)

Field crops Orchard Pasture/Grassland Scattered trees

Shrubs Woodland River/Riparian Other

Explain Other: ***vacant land*** _____

Yes No Do you plan to remove any trees? (If yes, please show location of trees planned for removal on plot plan and provide information regarding transplanting or replanting.)

GRADING:

Yes No Do you plan to do any grading? (If yes, please indicate how many cubic yards and acres to be disturbed. Please show areas to be graded on plot plan.) _____

STREAMS, LAKES, & PONDS:

Yes No Are there any streams, lakes, ponds or other watercourses on the property? (If yes, please show on plot plan)

Yes No Will the project change any drainage patterns? (If yes, please explain – provide additional sheet if needed) _____

Yes No Are there any gullies or areas of soil erosion? (If yes, please show on plot plan)

Yes No Do you plan to grade, disturb, or in any way change swales, drainages, ditches, gullies, ponds, low lying areas, seeps, springs, streams, creeks, river banks, or other area on the site that carries or holds water for any amount of time during the year? (If yes, please show areas to be graded on plot plan)

Please note: If the answer above is yes, you may be required to obtain authorization from other agencies such as the Corps of Engineers or California Department of Fish and Game.

STRUCTURES:

- Yes No Are there structures on the site? (If yes, please show on plot plan. Show a relationship to property lines and other features of the site.)
- Yes No Will structures be moved or demolished? (If yes, indicate on plot plan.)
- Yes No Do you plan to build new structures? (If yes, show location and size on plot plan.)
- Yes No Are there buildings of possible Historical significance? (If yes, please explain and show location and size on plot plan.) _____

PROJECT SITE COVERAGE:

Existing Building Coverage: n/a Sq. Ft. Landscaped Area: 19,994 Sq. Ft.
Proposed Building Coverage: 23,177 Sq. Ft. Paved Surface Area: 90,123 Sq. Ft.

BUILDING CHARACTERISTICS:

Size of new structure(s) or building addition(s) in gross sq. ft.: (Provide additional sheets if necessary) 3 story structure
 23,177 sq. ft. footprint; 69,531 sq. ft. gross floor area

Number of floors for each building: 3

Building height in feet (measured from ground to highest point): (Provide additional sheets if necessary) 50' top of 3rd
 floor parapet wall

Height of other appurtenances, excluding buildings, measured from ground to highest point (i.e., antennas, mechanical equipment, light poles, etc.): (Provide additional sheets if necessary) 25' height for on-site lighting

Proposed surface material for parking area: (Provide information addressing dust control measures if non-asphalt/concrete material to be used) A/C pavement (concrete as an alternative)

UTILITIES AND IRRIGATION FACILITIES:

- Yes No Are there existing public or private utilities on the site? Includes telephone, power, water, etc. (If yes, show location and size on plot plan)

Who provides, or will provide the following services to the property?

Electrical: M.I.D. Sewer*: Salida Sanitary District
Telephone: AT&T Gas/Propane: PG&E
Water**: City of Modesto Irrigation: N/A

*Please Note: A "will serve" letter is required if the sewer service will be provided by City, Sanitary District, Community Services District, etc.

**Please Note: A "will serve" letter is required if the water source is a City, Irrigation District, Water District, etc., and the water purveyor may be required to provide verification through an Urban Water Management Plan that an adequate water supply exists to service your proposed development.

Will any special or unique sewage wastes be generated by this development other than that normally associated with resident or employee restrooms? Industrial, chemical, manufacturing, animal wastes? (Please describe:)

No

Please Note: Should any waste be generated by the proposed project other than that normally associated with a single family residence, it is likely that Waste Discharge Requirements will be required by the Regional Water Quality Control Board. Detailed descriptions of quantities, quality, treatment, and disposal may be required.

Yes No Are there existing irrigation, telephone, or power company easements on the property? (If yes, show location and size on plot plan.)

Yes No Do the existing utilities, including irrigation facilities, need to be moved? (If yes, show location and size on plot plan.)

Yes No Does the project require extension of utilities? (If yes, show location and size on plot plan.)

AFFORDABLE HOUSING/SENIOR:

Yes No Will the project include affordable or senior housing provisions? (If yes, please explain)

RESIDENTIAL PROJECTS: (Please complete if applicable – Attach additional sheets if necessary)

Total No. Lots: _____ Total Dwelling Units: _____ Total Acreage: _____

Net Density per Acre: _____ Gross Density per Acre: _____

<i>(complete if applicable)</i>	Single Family	Two Family Duplex	Multi-Family Apartments	Multi-Family Condominium/Townhouse
Number of Units:	_____	_____	_____	_____
Acreage:	_____	_____	_____	_____

COMMERCIAL, INDUSTRIAL, MANUFACTURING, RETAIL, USE PERMIT, OR OTHER PROJECTS: (Please complete if applicable – Attach additional sheets if necessary)

Square footage of each existing or proposed building(s): **23,177 sq. ft. footprint for proposed 3 story building**

Type of use(s): **Low traffic generating uses consistent with the approved list and the highway commercial zone.**

Days and hours of operation: Typical office uses: 7:30 - 5:30, M-F. and Saturday/Sunday

Seasonal operation (i.e., packing shed, huller, etc.) months and hours of operation: _____

Occupancy/capacity of building: General Office use (low traffic generating) 250 persons
maximu capacity

Number of employees: (Maximum Shift): 116 (Minimum Shift): 50

Estimated number of daily customers/visitors on site at peak time: 116

Other occupants: _____

Estimated number of truck deliveries/loadings per day: 2-5 UPS/FedEx vehicles

Estimated hours of truck deliveries/loadings per day: 10 am to 3 pm

Estimated percentage of traffic to be generated by trucks: 5% plus or minus

Estimated number of railroad deliveries/loadings per day: N/A

Square footage of:

Office area: 69,531/gross Warehouse area: _____

Sales area: _____ Storage area: _____

Loading area: _____ Manufacturing area: _____

Other: (explain type of area) landscape, entry feature, trash enclosures

Yes No Will the proposed use involve toxic or hazardous materials or waste? (Please explain)

ROAD AND ACCESS INFORMATION:

What County road(s) will provide the project's main access? (Please show all existing and proposed driveways on the plot plan)

Kiernan Court, Kiernan Avenue and SR 99

Yes No Are there private or public road or access easements on the property now? (If yes, show location and size on plot plan)

Yes No Do you require a private road or easement to access the property? (If yes, show location and size on plot plan)

Yes No Do you require security gates and fencing on the access? (If yes, show location and size on plot plan)

Please Note: Parcels that do not front on a County-maintained road or require special access may require approval of an Exception to the Subdivision Ordinance. Please contact staff to determine if an exception is needed and to discuss the necessary Findings.

STORM DRAINAGE:

How will your project handle storm water runoff? (Check one) Drainage Basin Direct Discharge Overland

Other: (please explain) _____

If direct discharge is proposed, what specific waterway are you proposing to discharge to? **There is an existing storm drainage line that emptys into a regional drainage basin located to the north of site**

Please Note: If direct discharge is proposed, you will be required to obtain a NPDES permit from the Regional Water Quality Control Board, and must provide evidence that you have contacted them regarding this proposal with your application.

EROSION CONTROL:

If you plan on grading any portion of the site, please provide a description of erosion control measures you propose to implement.

Erosion control measures will follow the NPDES requirements in effect at the time of construction. An NOI will be prepared.

Please note: You may be required to obtain an NPDES Storm Water Permit from the Regional Water Quality Control Board and prepare a Storm Water Pollution Prevention Plan.

ADDITIONAL INFORMATION:

Please use this space to provide any other information you feel is appropriate for the County to consider during review of your application. (Attach extra sheets if necessary)

The easterly and southerly elevations are designed to protect the privacy of the surrounding residential uses by placing windows at 6'-0" height. The design will utilize the best of the architectural elements from the surrounding uses along the Kiernan Court/Pirrone Road frontages.

NEGATIVE DECLARATION

NAME OF PROJECT: General Plan Amendment Application No. 2007-08, Rezone Application No. 2007-11, Parcel Map Application No. 2007-32 - Kiernan Court Office Park

LOCATION OF PROJECT: 5049 Kiernan Court, northeast of Kiernan Avenue, in the Salida area. (APN: 136-017-017)

PROJECT DEVELOPERS: VIG-Golden State, LLC

DESCRIPTION OF PROJECT: Request to amend the General Plan and rezone from HCPD (Highway Commercial Planned Development) / A-2-40 (General Agriculture) to Planned Development and create three (3) parcels measuring 1.07, 1.01, and 0.98 acres from a 3.06 acre parcel. The parcels will be served by City of Modesto water and Salida Sanitary District. Although the applicants do not intend to develop the site themselves, they are requesting approval of a three (3) story, 69,531 square foot office building. A list of proposed uses and revised elevations and site plan reflecting roll up doors is attached.

Based upon the Initial Study, dated **July 7, 2008**, the Environmental Coordinator finds as follows:

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

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

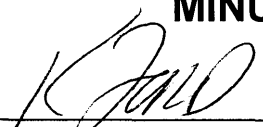
Initial Study prepared by: Rachel Wyse, Assistant Planner

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

A. **GENERAL PLAN AMENDMENT APPLICATION NO. 2007-08, REZONE APPLICATION NO. 2007-11, VESTING TENTATIVE PARCEL MAP APPLICATION NO. 2007-32 - KIERNAN COURT OFFICE PARK** - This is a request to amend the General Plan and rezone from HCPD (Highway Commercial Planned Development) / A-2-40 (General Agriculture) to Planned Development and create three (3) parcels measuring 1.07, 1.01, and 0.98 acres from a 3.06-acre parcel. The project proposes development of a three (3) story, 69,531 square foot office building. The property is located at 5049 Kiernan Court, northeast of Kiernan Avenue, east of State Highway 99, in the Salida area. The Planning Commission will consider a Negative Declaration for this project. APN:136-017-017
Staff Report: Rachel Wyse Recommends **APPROVAL**.
Report Presented by Bill Carlson.
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: Dennis Wilson, Horizon Consulting
Public hearing closed.
Assali/DeLaMare, Unanimous (7-0), **RECOMMEND FORWARDING TO THE BOARD OF SUPERVISORS, RECOMMENDING THE BOARD APPROVE THE REQUEST AS OUTLINED ON PAGES 7 & 8 OF THE STAFF REPORT AND ATTACHED DEVELOPMENT STANDARDS, ALONG WITH MODIFIED CONDITIONS OF APPROVAL:**

6. Street improvements, including but not limited to curb, gutter, sidewalk, drainage facilities, street light, and street pavement shall be constructed along the Kiernan Court frontage prior to the map being recorded **or improvements may be deferred with a Subdivision Improvement Agreement** or prior to the temporary or final occupancy of any building, whichever occurs first.
7. Prior to the map being record **or improvements may be deferred with a Subdivision Improvement Agreement** or prior to the issuance of a building permit, whichever occurs first, off site improvement plans for the Kiernan Court Frontage shall be approved by the Department of Public Works.
8. An Engineer's estimate shall be submitted for the improvement plans on the Kiernan Court frontage prior to the map being recorded **or improvements may be deferred with a Subdivision Improvement Agreement** or the issuance of a building permit, whichever occurs first.

EXCERPT
PLANNING COMMISSION
MINUTES

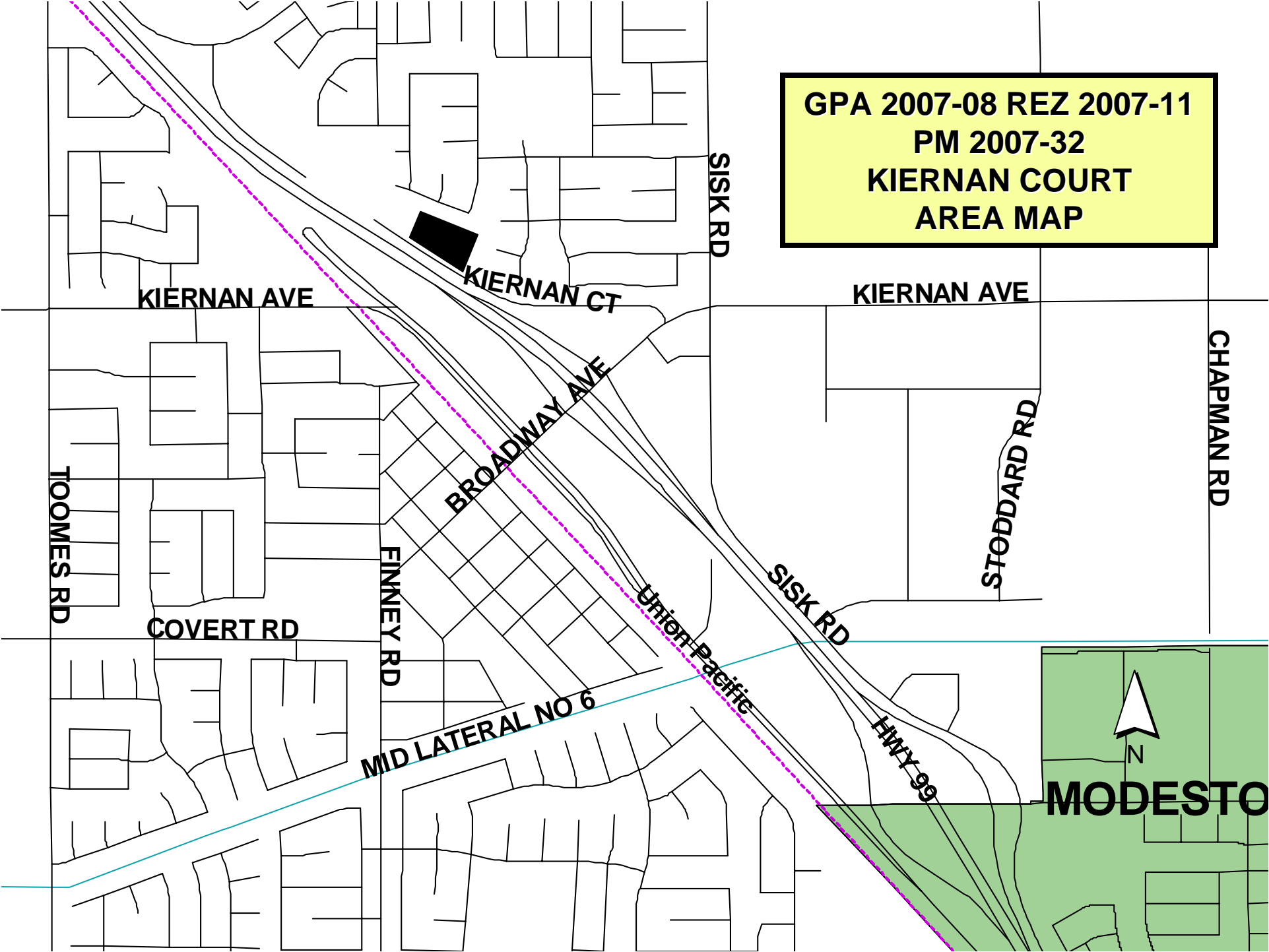


Secretary, Planning Commission

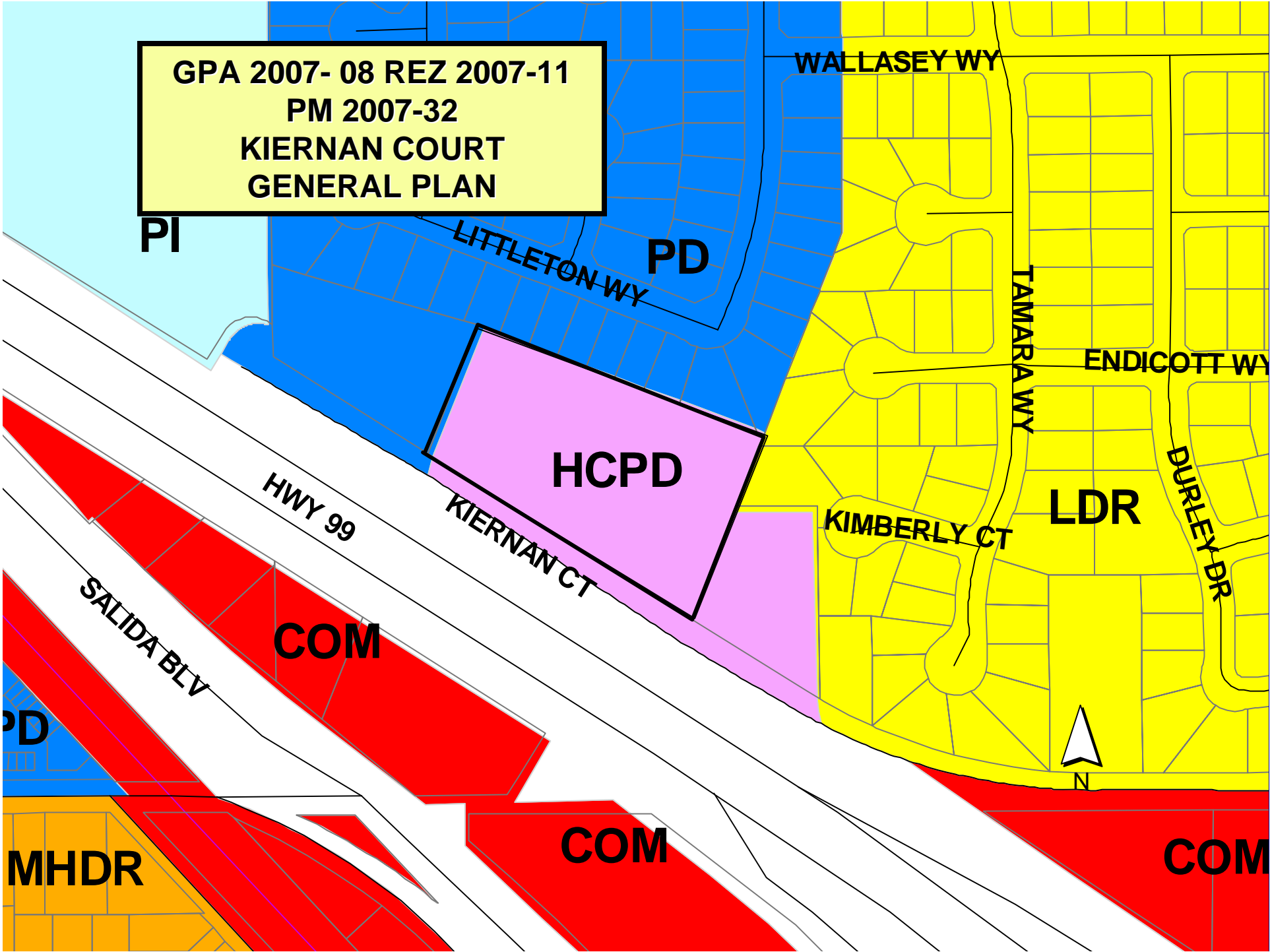
4/9/09

Date

**GPA 2007-08 REZ 2007-11
PM 2007-32
KIERNAN COURT
AREA MAP**



**GPA 2007- 08 REZ 2007-11
PM 2007-32
KIERNAN COURT
GENERAL PLAN**



GPA 2007-08 REZ 2007-11
PM 2007-32
KIERNAN COURT
ZONING

PD(283)

PD(172)

LITTLETON WY

WALLASEY WY

PD(277)

SITE

A-2-40

TAMARA WY

ENDICOTT WY

HWY 99

KIERNAN CT

KIMBERLY CT

DUREY BR

PD(287)

R-1

SALIDA BLV

C-2

PD(292)



C-2

C-2

R-2

**GPA 2007-08 REZ 2007-11
PM 2007-32
KIERNAN COURT
2006 AERIAL
STANISLAUS COUNTY**

AVANTE LN

LITTLETON WY

FIREN

MARA WY

ENDIGOTT CT

KIMBERLY CT

KIERNAN CT

HWY 99

HWY 99

SALIDA BLV

Union Pacific

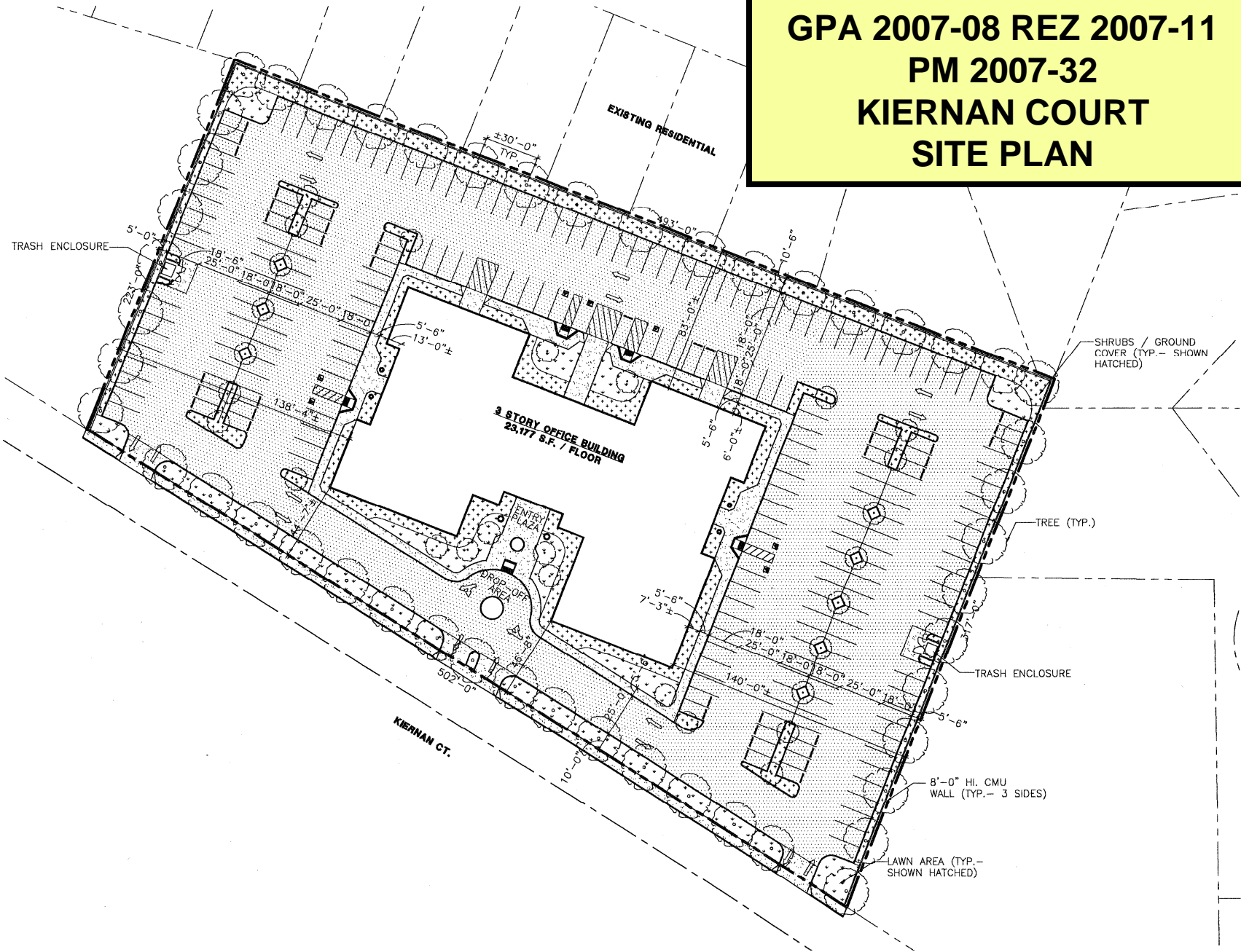
KIERNAN AVE



PROJECT DESCRIPTION

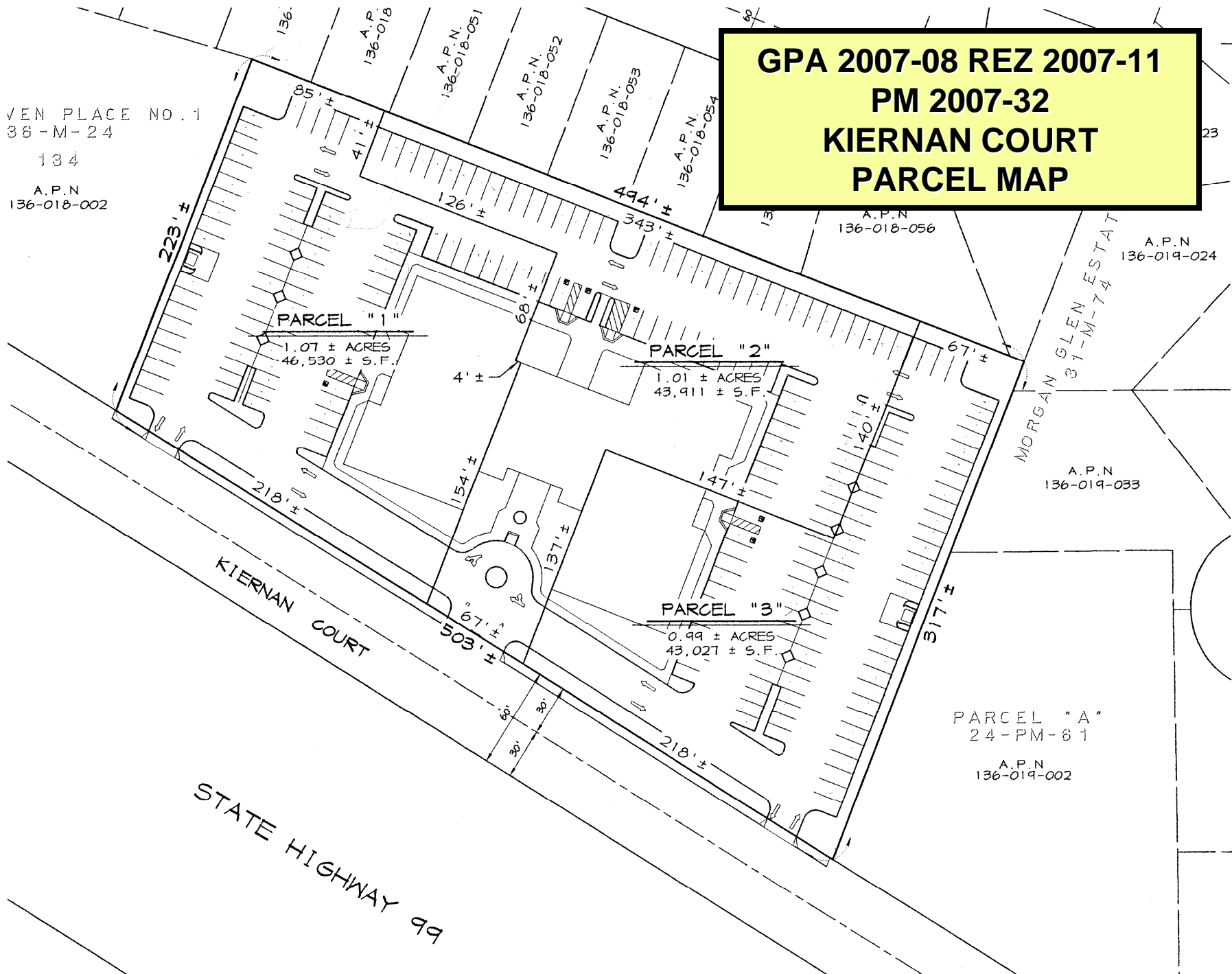
- Request to amend the General Plan from HCPD to PD
- Rezone from A-2-40 (General Agriculture) to PD (Planned Development)
- Create 3 parcels measuring 1.07, 1.01 and 0.98 acres
- Construct a 3 story 69,531 square foot office building

**GPA 2007-08 REZ 2007-11
PM 2007-32
KIERNAN COURT
SITE PLAN**



**GPA 2007-08 REZ 2007-11
PM 2007-32
KIERNAN COURT
PARCEL MAP**

VEN PLACE NO. 1
38-M-24
134
A.P.N.
136-018-002



PARCEL "A"
24-PM-61
A.P.N.
136-019-002

STATE HIGHWAY 99

KIERNAN COURT

MORGAN GLEN ESTATE
31-M-74

A.P.N.
136-018-056

A.P.N.
136-019-024

A.P.N.
136-019-033

A.P.N.
136-018

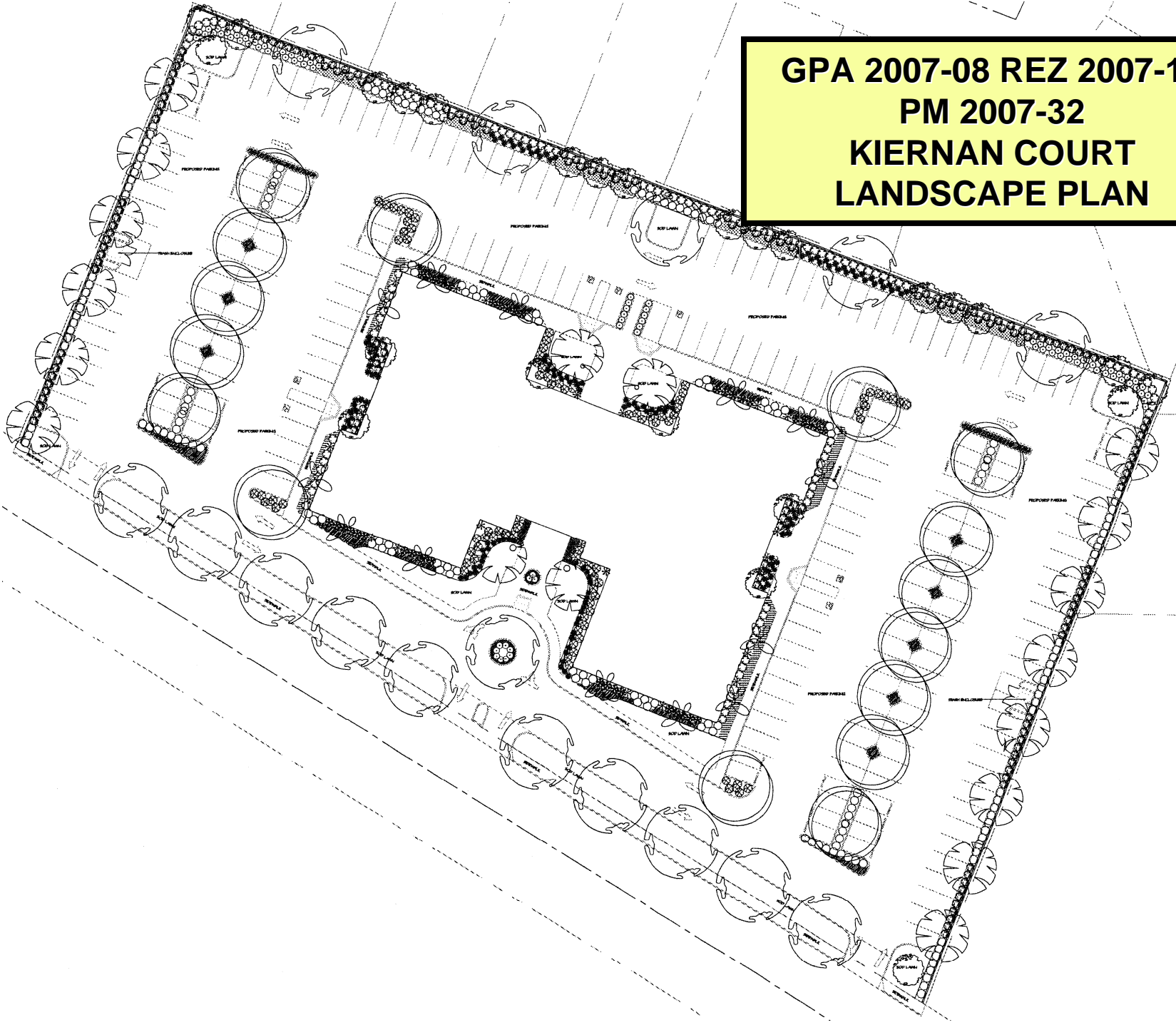
A.P.N.
136-018-051

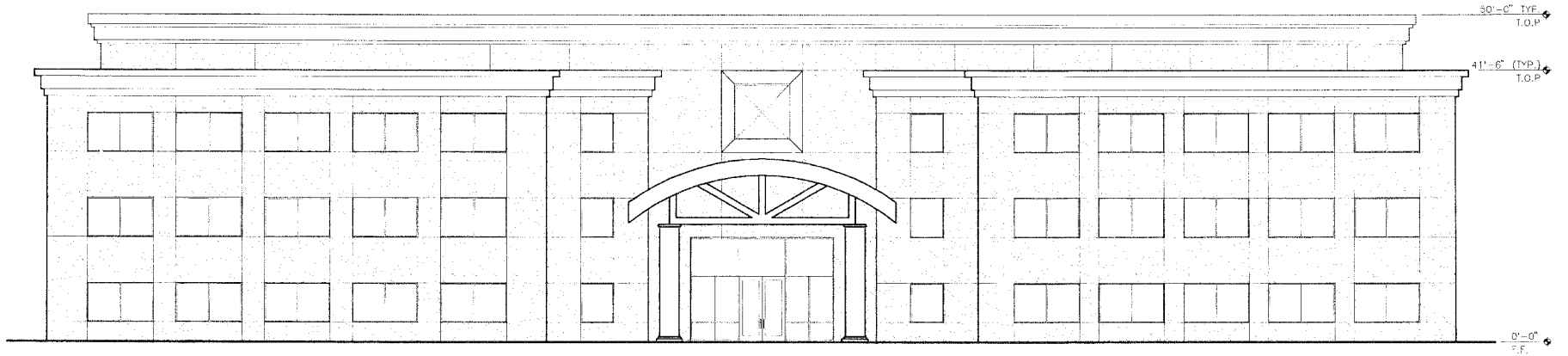
A.P.N.
136-018-052

A.P.N.
136-018-053

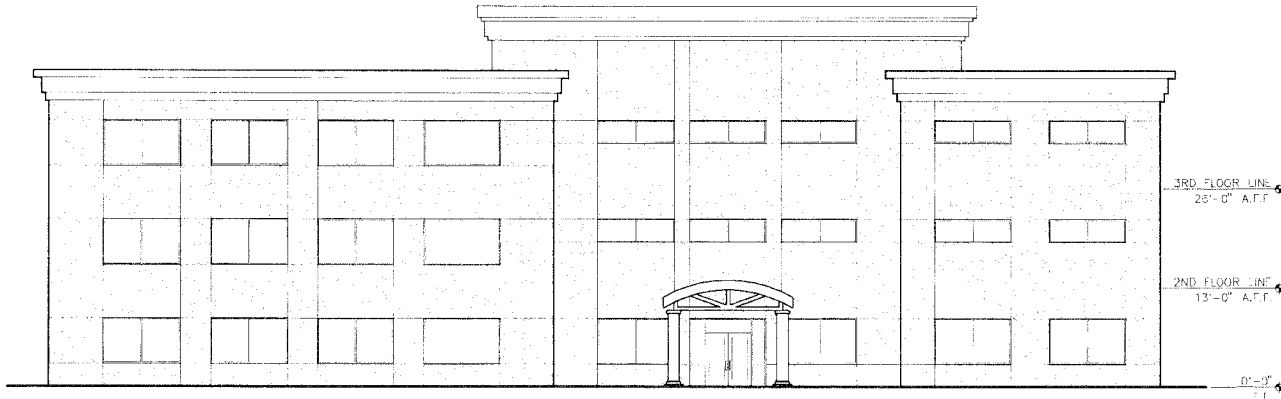
A.P.N.
136-018-054

**GPA 2007-08 REZ 2007-11
PM 2007-32
KIERNAN COURT
LANDSCAPE PLAN**





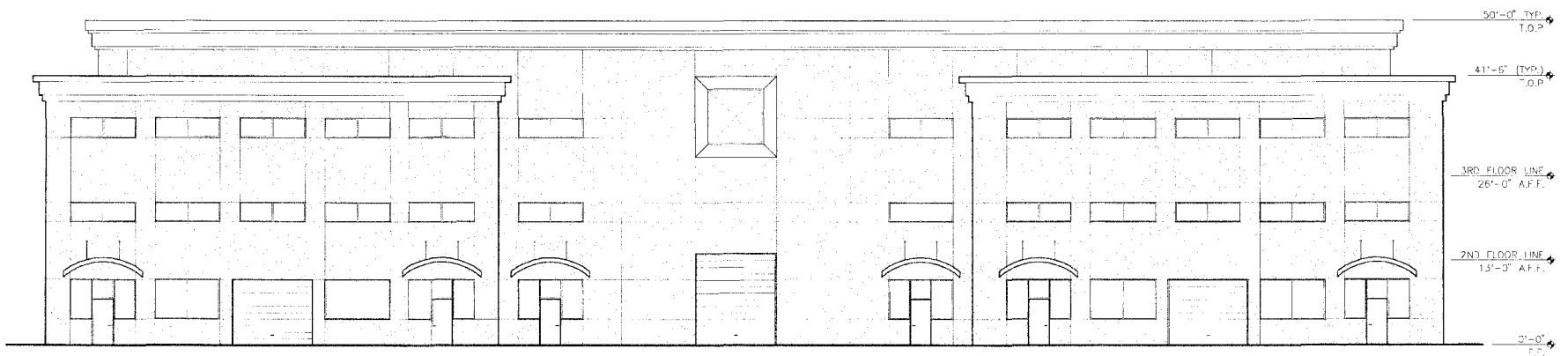
WEST



SOUTH

EXTERIOR ELEVATIONS

1/8" = 1'-0"



EAST

EXTERIOR ELEVATIONS

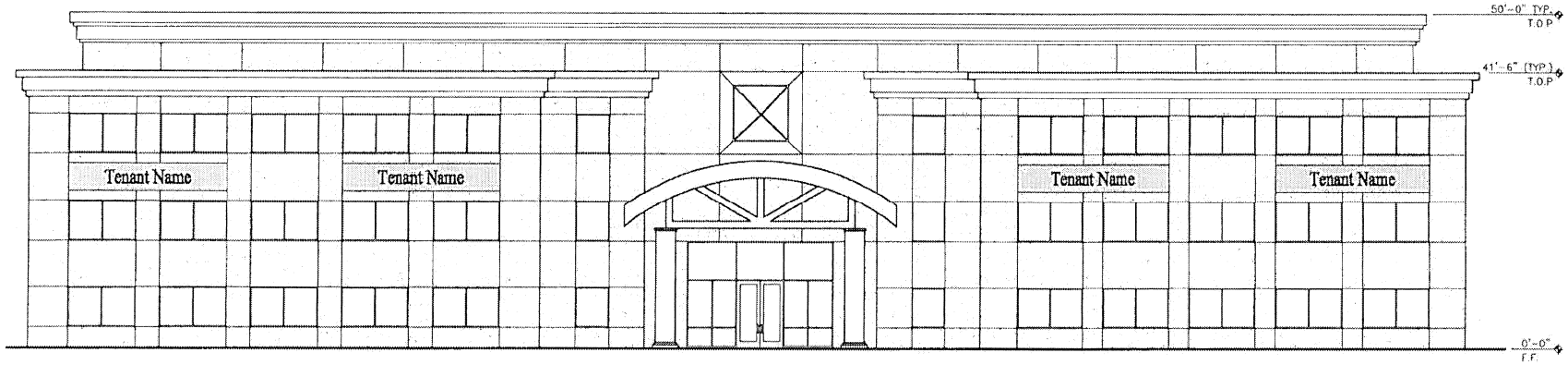
1/8" = 1'-0"

PERMITTED USES

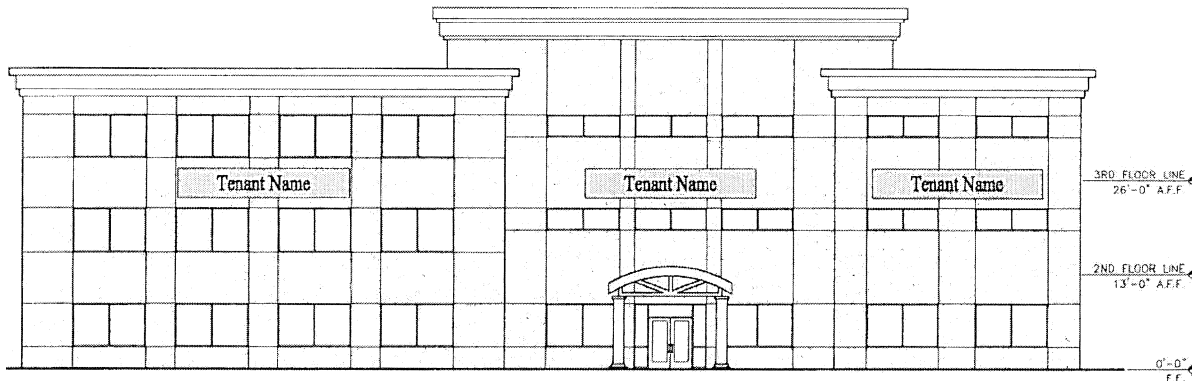
- Staff believes the proposed uses are consistent with other non-retail, low traffic generating uses permitted in the area.
- However, staff recommends that outdoor advertising signs be removed from the proposed uses (Exhibit D - Proposed Uses) and that only on-site business signs be allowed.

HOURS OF OPERATION

- Hours requested are 7:30 a.m. to 5:30 p.m. Monday-Friday.
- Closed on Saturday-Sunday.
- February 5, 2009 letter, requesting churches and radio stations only be permitted to operate Saturday and Sunday.

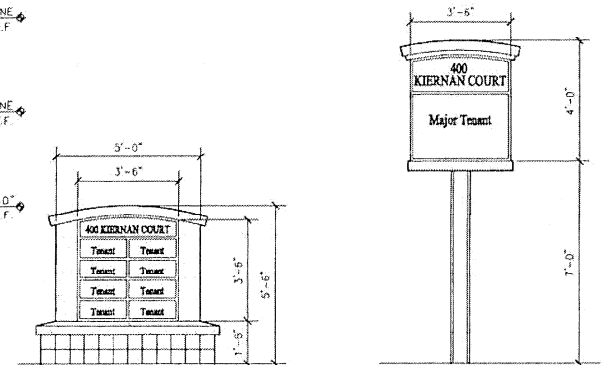


WEST



SOUTH

CONCEPTUAL SIGN PLAN



SIGNAGE TYPE 'A'
MONUMENT SIGN
1/2"=1'-0"

SIGNAGE TYPE 'B'
POLE SIGN
1/2"=1'-0"

SIGNAGE TYPE 'C' (used in conjunction with either Sign Type 'A' or 'B')
EXTERIOR ELEVATIONS
1/8"=1'-0"

DEVELOPMENT SCHEDULE

- A revised development schedule was submitted on February 10, 2009.
- All Phases will begin approximately two years later than previously requested. Phase I, was to begin by June 1, 2010, and now begin by June 1, 2012.

GENERAL PLAN FINDINGS

- The General Plan amendment will maintain a logical land use pattern without detriment to existing and planned land uses.
- The County and other affected government agencies will be able to maintain levels of service consistent with the ability of the government agencies to provide a reasonable level of service.
- The amendment is consistent with the General Plan goals and policies.

REZONE FINDINGS

- To approve a rezone, the Board of Supervisors must find that it is consistent with the General Plan. In this case, Planned Development zoning would indeed be consistent with the Planned Development designation.

ENVIRONMENTAL REVIEW

- Pursuant to the California Environmental Quality Act (CEQA), the proposed project was circulated to all interested parties and responsible agencies for review and comment.
- No significant issues were raised
- Based on the comments, a Negative Declaration is being recommended.

RECOMMENDATION

- At its regularly scheduled meeting of February 19, 2009, after a public hearing, the Planning Commission on a 7-0 vote, recommended the Board approve the project as outlined in the Board Report.

ORDINANCE NO. C.S. 1053

AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO. 9-110.989 FOR THE PURPOSE OF REZONING 3.06-ACRES FROM HCPD (HIGHWAY COMMERCIAL PLANNED DEVELOPMENT) / A-2-40 (GENERAL AGRICULTURE) TO PLANNED DEVELOPMENT AND CREATE THREE (3) PARCELS MEASURING 1.07, 1.01, AND 0.98 ACRES. THE PROJECT PROPOSES DEVELOPMENT OF A THREE (3) STORY, 69,531 SQUARE FOOT OFFICE BUILDING. THE PROPERTY IS LOCATED AT 5049 KIERNAN COURT, NORTHEAST OF KIERNAN AVENUE, EAST OF STATE HIGHWAY 99, IN THE SALIDA AREA. APN: 136-017-017.

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

Section 1. Sectional District Map No. 9-110.989 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 Grover, seconded by Supervisor O'Brien, 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 21st day of April, 2009, by the following called vote:

- AYES: Supervisors: O'Brien, Chiesa, Grover, Monteith, and Chairman DeMartini
- NOES: Supervisors: None
- ABSENT: Supervisors: None
- ABSTAINING: Supervisors: None



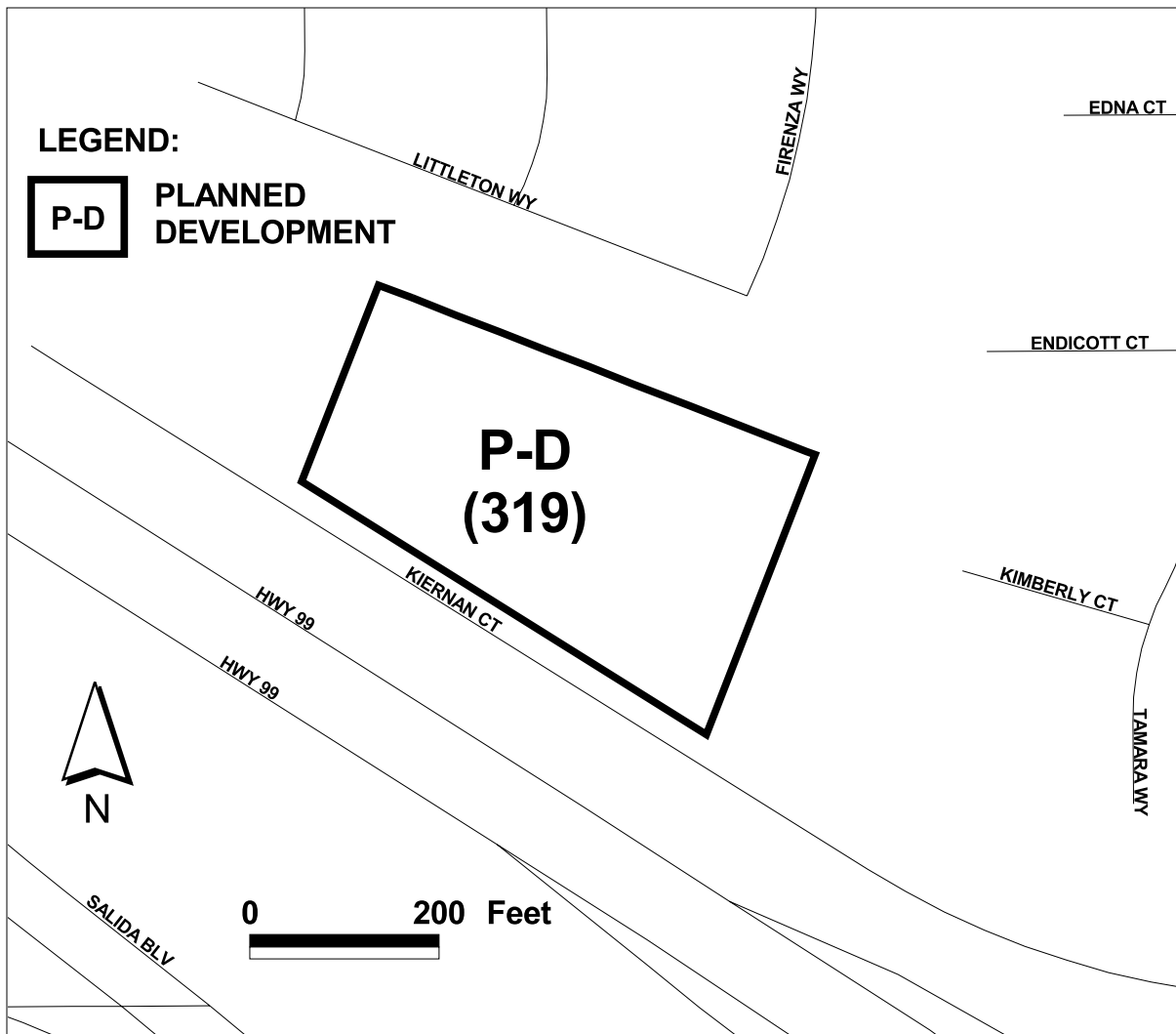
Jim DeMartini
CHAIRMAN OF THE BOARD OF SUPERVISORS
of the County of Stanislaus,
State of California

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



BY: Elizabeth A. King, Assistant Clerk of the Board

SECTIONAL DISTRICT MAP NO. 9-110.989



DATE EFFECTIVE: 21 MAY 2009

PREVIOUS MAPS: 671 F, 528 A, 508, 59

**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 entitled matter. I am a printer and principal clerk of the publisher of **THE MODESTO BEE**, which 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**. The notice of which the annexed is a printed copy has been published in each issue thereof on the following dates, to wit:

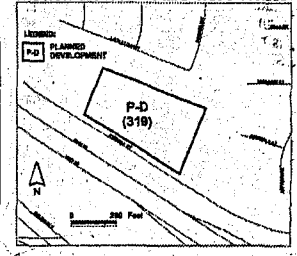
MAY 1, 2009

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

MAY 1, 2009


(Signature)

ORDINANCE NO. C.S. 1053
AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO. 9-110.989 FOR THE PURPOSE OF REZONING 3.06-ACRES FROM HCPD (HIGHWAY COMMERCIAL PLANNED DEVELOPMENT) / A-2-40 (GENERAL AGRICULTURE) TO PLANNED DEVELOPMENT AND CREATE THREE (3) PARCELS MEASURING 1.07, 1.01, AND 0.98 ACRES. THE PROJECT PROPOSES DEVELOPMENT OF A THREE (3) STORY, 69,531 SQUARE FOOT OFFICE BUILDING. THE PROPERTY IS LOCATED AT 5049 KIERNAN COURT, NORTHEAST OF KIERNAN AVENUE, EAST OF STATE HIGHWAY 99, IN THE SALIDA AREA. APN: 136-017-017. The Board of Supervisors of the County of Stanislaus, State of California, ordains as follows: Section 1. Sectional District Map No. 9-110.989 is adopted for the purpose of designating and indicating the location and boundaries of a District, such map to appear as follows:
SECTIONAL DISTRICT MAP NO. 9-110.989



DATE EFFECTIVE: 21 MAY 2009
PREVIOUS MAPS: 871 F, 829 A, 828, 88

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 Grover, seconded by Supervisor O'Brien, 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 21st day of April, 2009, by the following called vote: AYES: Supervisors: O'Brien, Chiesa, Grover, Monteith, and Chairman DeMartini. NOES: Supervisors: None. ABSENT: Supervisors: None. ABSTAINING: Supervisors: None. Jim DeMartini CHAIRMAN 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: Elizabeth A. King, Assistant Clerk of the Board.