

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

DEPT: Planning and Community Development

BOARD AGENDA # 6:35 p.m.

Urgent Routine

AGENDA DATE August 17, 2010

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 Community Plan Amendment Application No. 2009-01 and Rezone Application No. 2009-01, Pelandale Commercial, a Request to Amend the Salida Community Plan and Zoning Designation of an 8.71 Acre Parcel from
(Continued on page 2)

PLANNING COMMISSION RECOMMENDATIONS:

After conducting a duly advertised public hearing at its regular meeting of June 3, 2010, the Planning Commission, on a 5-0 vote, recommended the Board approve the project as follows:

1. Adopt the Mitigated 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 Mitigated Negative Declaration reflects Stanislaus County's independent judgment and analysis.

(Continued on page 2)

FISCAL IMPACT:

There are no fiscal impacts associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2010-514

On motion of Supervisor Monteith, Seconded by Supervisor Chiesa

and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION: INTRODUCED, WAIVED THE READING, AND ADOPTED ORDINANCE NO. C.S. 1091

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-M-6

SUBJECT: (Continued)

Highway Commercial Planned Development (HCPD) to Planned Development (PD) and Rezone Expired PD (151) to a New PD to Permit Construction of 107,000 Square Feet of New Buildings for Retail and Drive Thru Businesses on Property Located at the Northeast Corner of Pelandale Avenue and Sisk Road, in the Salida Area.

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.
 - a. Find that the Community Plan Amendment will maintain a logical land use pattern without detriment to existing and planned land uses.
 - b. Find that the Community Plan Amendment is consistent with the overall goals and policies of the County General Plan.
 - c. Find that the Community Plan Amendment is consistent with the overall goals and policies of the Salida Community Plan.
 - d. Find that the proposed Planned Development (PD) zoning is consistent with the General Plan designation of Planned Development and with approval of the Community Plan Amendment is consistent with the Salida Community Plan.
 - e. Find that 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.
 - f. Find that the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.
4. Approve Community Plan Amendment No. 2009-01 and Rezone Application No. 2009-01, Pelandale Commercial, subject to the attached Development Standards and Development Schedule.

DISCUSSION:

This is a request to amend the Salida Community Plan and zoning designation of an 8.71 acre parcel from Highway Commercial Planned Development (HCPD) to Planned Development (PD) and Planned Development (151) to a new Planned Development (PD) zone to permit construction of 107,000± square feet of new buildings for retail commercial and drive-thru businesses.

The project site is located at the northeast corner of Sisk Road and Pelandale Avenue, in the Salida area, and has a strawberry stand in the spring and Christmas tree sales in the winter. The surrounding uses consist of: MID Lateral No.6 and a light industrial park (PD (180)) to the north; City of Modesto and Northgate Village Shopping Center to the east; City of Modesto and Pelandale Avenue to the south; and Sisk Road and mini-mart and retail center (PD (162)) to the west.

The applicants are proposing that development occur in three (3) phases. Phase One will consist of bringing water and sewer facilities to the parcel by June of 2014. Phase Two includes completion of underground infrastructure and off-site improvements such as curb, gutter, sidewalk, and pavement along the Sisk Road portion of the project site by June of 2015. Construction of the proposed buildings will be completed on or before June of 2022 in Phase Three.

The applicant is requesting uses consistent with the neighboring Planned Development and Planned Industrial zoning districts as well as the Northgate Village Shopping Center. Consequently, the proposed development will consist of commercial uses such as a large retail/wholesale store, restaurant and eateries, and various retail, service, or administrative offices. Hours of operation were not provided as it is expected the project site will operate as an extension of the Northgate Village Shopping Center in the City of Modesto; however, typical hours of operation for businesses in the area are generally from 8 a.m. to 10 p.m., seven days a week.

The General Plan adopted in 1994 designated the project site as Planned Development (PD). This designation is intended for land which, because of demonstrably unique characteristics, may be suitable for a variety of uses without detrimental effects on other property.

Community Plans are a part of the Land Use Element of the General Plan. 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. Community plans on a whole must be consistent with the overall County General Plan. While this application is being processed as a Community Plan Amendment (CPA) it is technically a General Plan Amendment, since Community Plans are a part of the General Plan.

The project site is designated in the Salida Community Plan as "Highway Commercial Planned Development" (HCPD). The project site is part of the existing plan area which was not modified by the new Salida Community Plan adopted in December of 2007. The HCPD 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 limited and include services such as truck stops, restaurants, and motels. Because the applicant's requested uses are inconsistent with the HCPD designation, a Community Plan Amendment was required.

On June 3, 2010, the Planning Commission held a public hearing and unanimously voted 5-0 (Pires/DeLaMare) to forward the project to the Board of Supervisors for approval. Commissioner Navarro requested clarification on the driveway location, reciprocal access, and parking standards. Commissioner Gammon wanted clarification on the annexation process and its relation to sewer and water services. No one spoke in opposition of the project. Norm Soares, the project applicant, spoke in favor of the project referring to it as a classic infill site and stating he was in agreement with content and development standards of the staff report.

Staff concludes that the project, on an overall basis, is consistent with overall goals and policies of the County General Plan and can be approved by the Board of Supervisors. A detailed discussion of the request can be found in the attached Planning Commission Staff Report (Attachment 1).

POLICY ISSUES:

The proposed Community Plan Amendment and Rezone addresses the Board's priorities of the Efficient Delivery of Public Services and A Well Planned Infrastructure System through the consistency of the recommended action with the overall goals and policies of the County General Plan.

STAFFING IMPACT:

There are no staffing impacts associated with this item.

CONTACT PERSON:

Kirk Ford, Planning and Community Development Director. Telephone: (209) 525-6330

ATTACHMENTS:

1. Planning Commission Staff Report, June 3, 2010
2. Planning Commission Minutes, June 3, 2010

STANISLAUS COUNTY PLANNING COMMISSION

June 3, 2010

STAFF REPORT

COMMUNITY PLAN AMENDMENT APPLICATION NO. 2009-01
REZONE APPLICATION NO. 2009-01
PELANDALE COMMERCIAL

REQUEST: TO AMEND THE SALIDA COMMUNITY PLAN AND ZONING DESIGNATION OF AN 8.71 ACRE PARCEL FROM HIGHWAY COMMERCIAL PLANNED DEVELOPMENT (HCPD) TO PLANNED DEVELOPMENT (P-D) AND P-D (151) TO A NEW P-D TO PERMIT CONSTRUCTION OF 107,000 SQUARE FEET OF NEW BUILDINGS FOR RETAIL AND DRIVE THRU BUSINESSES.

APPLICATION INFORMATION

Owner:	Bright Development
Applicant:	Norm Soares
Engineer:	Rick Mummert, Benchmark Engineering
Location:	Northeast corner of Pelandale Avenue and Sisk Road, in the Salida area
Section, Township, Range:	3-3-8
Supervisory District:	Three (Supervisor Grover)
Assessor's Parcel:	135-029-019
Referrals:	See Exhibit K Environmental Review Referrals
Area of Parcel:	8.71 acres
Water Supply:	City of Modesto
Sewage Disposal:	Salida Sanitary District
Existing Zoning:	Expired P-D (151) (Planned Development)
General Plan Designation:	Planned Development
Community Plan Designation:	Highway Commercial Planned Development
Williamson Act:	Not applicable
Environmental Review:	Mitigated Negative Declaration
Present Land Use:	Seasonal strawberry stand and strawberry crops
Surrounding Land Use:	MID Lateral No.6 and P-D (180) to the north (approved as a light industrial park), City of Modesto and Northgate Village Shopping Center to the east, City of Modesto and Pelandale Avenue to the south, Sisk Road and P-D (162) to the west (approved for mini-mart and retail center)

PROJECT DESCRIPTION AND BACKGROUND

This is a request to amend the Salida Community Plan and zoning designation of an 8.71 acre parcel from Highway Commercial Planned Development (HCPD) to Planned Development (P-D) and P-D (151) to a new Planned Development (P-D) zone to permit construction of 107,000± square feet of new buildings for retail commercial and drive-thru businesses. The project site is located at the northeast corner of Sisk Road and Pelandale Avenue, directly adjacent to the City of Modesto, in the Salida area.

The conceptual schematic site plan presented by the applicant includes a total of approximately 107,000 square feet of commercial development including 13,405± square feet of restaurant use, 93,701± square feet of retail space, and 414 parking spaces. Water will be provided by the City of Modesto and sewer service will be provided by the Salida Sanitary District.

The project site was initially modified by Rezone Application No. 87-19 - Bright Development which was approved by the Board of Supervisors on November 24, 1987. The site was rezoned from A-2-40 to P-D (151) to permit an office complex with a mini storage complex located on the north of the parcel near the MID canal. The development schedule stated that the project construction was to be completed by October 1, 1991. Staff Approval Permit No. 90-42 permitted a modification to the proposed development in November of 1990, yet no development took place and P-D (151) expired.

Hours of Operation:

Hours of operation were not provided as it is expected the project site will operate as an extension of the Northgate Village Shopping Center in the City of Modesto; however, typical hours of operation for businesses in the area are generally from 8 a.m. to 10 p.m., seven days a week. Specific hours of operation have not been placed on this project.

Parking:

Employee and customer parking will be provided, as will on-site landscaping to enhance the appearance of the property. According to the traffic assessment, the project would be required to provide 414 parking stalls. This determination was made by calculating that restaurant use would occupy 13,405± square feet with 408 total fixed seats. Parking requirements for restaurant use were calculated by requiring one (1) space for every four (4) fixed seats. Based on that formula, total required parking would equal 102 spaces for restaurant use. Additional parking was estimated to be 312 parking spaces using one (1) space for every 300 square feet of shopping center and retail uses occupying a total of 93,701± square feet. An extra 27 parking spaces will be provided based on this analysis.

Proposed parking shall comply with City of Modesto Off-Street Parking Standards. A development standard has been added prohibiting development that would result in the project site not meeting parking standards (see Exhibit B - *Development Standards*).

Signs:

The applicant has provided one (1) sign option (see Exhibit D - *Sign Plan*). This is the only sign being requested at this time; however, it is appropriate to assume that individual wall signs will be requested by future tenants. Signage shall comply with City of Modesto Development Standards (see Exhibit B - *Development Standards*).

Permitted Uses:

The applicant is requesting uses consistent with the neighboring Northgate Village Shopping Center. Consequently, the proposed development will consist of commercial uses such as a large retail/wholesale store, restaurant and eateries, and various retail, service, or administrative offices.

Development Schedule:

Development will occur in three (3) phases. Phase One will consist of bringing water and sewer facilities to the parcel by June of 2014. Phase Two includes completion of underground infrastructure and off-site improvements such as curb, gutter, sidewalk, and pavement along the Sisk Road portion of the project site by June of 2015. Construction of the proposed buildings will be completed on or before June of 2022 in Phase Three (see Exhibit C - *Development Schedule*).

City of Modesto:

The proposed development is located outside the City's Sphere of Influence; however, given the proximity of the site to the City limits, the prominent location of the parcel, and the need for water service (which increases the probability of the property being annexed into the City sometime in the future) County Staff agrees that the project should blend with surrounding City developments (see Exhibit F - *Water and Sewer Will Serve Letters*). City staff provided comments promoting consistency with Modesto's development requirements so as to insure that the project, which is flanked by the City to the east and south, would blend in with surrounding City developments (see Exhibit E - *City of Modesto Referral Response dated March 10, 2009*). These comments have been incorporated into the projects's development standards (see Exhibit B). In cases where City of Modesto standards were duplicated by a County agency, the County Agency's conditions prevailed and City standards were omitted, as County agencies are responsible for services to the property until the property is annexed into the City.

Curb, gutter, and sidewalk were recently installed, in the public right-of-way, by the City as a part of the Sisk Road and Pelandale Avenue traffic light upgrade project. A condition of the City of Modesto water will-serve letter requires the property owner to waive its right to protest annexation into City limits. Due to the possibility of future annexation, County Planning staff has included a development standard requiring the applicant to comply to the greatest extent possible with the City of Modesto's requirements (see Exhibit F - *Water and Sewer Will Serve Letters* and Exhibit B - *Development Standards*).

SITE DESCRIPTION

The project site is currently improved with a strawberry stand in the spring and Christmas tree sales in the winter. The surrounding uses consist of: MID Lateral No.6 and P-D (180) to the north (approved and developed as a light industrial park); City of Modesto and Northgate Village Shopping Center to the east; City of Modesto and Pelandale Avenue to the south; and Sisk Road and P-D (162) to the west (approved and developed for mini-mart and retail center).

DISCUSSION

The General Plan adopted in 1994 designated the project site as Planned Development (PD). This designation is intended for land which, because of demonstrably unique characteristics, may be suitable for a variety of uses without detrimental effects on other property.

Community Plans are a part of the Land Use Element of the General Plan. 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. Community Plans on a whole must be consistent with the overall County General Plan. While this application is being processed as a Community Plan Amendment (CPA) it is technically a General Plan Amendment, since Community Plans are a part of the General Plan.

The project site is designated in the Salida Community Plan as "Highway Commercial Planned Development" (HCPD). The project site is part of the existing plan area which was not modified by the new Salida Community Plan adopted in December of 2007. The HCPD 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's requested uses are inconsistent with the HCPD designation, a Community Plan Amendment was required.

To evaluate a Zoning and Community Plan change, the goals and policies of the General Plan, including those specific to the Salida Community Plan, must be reviewed. 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.

This project is similar in nature to commercial uses in the area. It is the Community Plan which is inconsistent with the General Plan. Consequently, a Community Plan Amendment is being requested to bring internal consistency to the General Plan and thereby, consistency to the area.

Goal Four- Ensure that an effective level of public service is provided in unincorporated areas.

Policy 22 - Future growth shall not exceed the capabilities/capacity of the provider of services such as sewer, water, public safety, solid waste management, road systems, schools, health care facilities, etc.

Implementation Measure No. 9 states that the County will coordinate development with existing irrigation, water, utility and transportation systems by referring projects to appropriate agencies and organizations for review and comment. It was determined that the project would require that water and sewer services be extended to serve the site and that will-serve letters for those services would be needed. Consequently, the project was referred to the appropriate agencies and public utilities

and will-serve letters were provided by City of Modesto water and Salida Sanitary District (see Exhibit F - *Water and Sewer Will Serve Letters*). In the event that the will-serve letters were to expire, a valid will-serve letter would be required to be on file with the County prior to issuance of a building permit for any structure.

Goal Five - Complement the general plans of cities within the County.

Policy 24 - Development which requires discretionary approval and is within the sphere of influence of cities must meet the applicable development standards of the affected city at the time of project consideration.

As mentioned previously, the project site is not located within the City of Modesto's Sphere of Influence (SOI) but is listed in the City's General Plan as SCP (Salida Community Plan). The project was referred to the City of Modesto and no objections were raised regarding the proposed project. Because the project is adjacent to the City of Modesto's city limits and SOI, development standards were recommended by the City and incorporated into the development standards for the project so as to bring consistency to the development and surrounding area (see Exhibit E - *City of Modesto Referral Response dated March 10, 2009* and Exhibit B - *Development Standards*).

CIRCULATION ELEMENT

Goal One - Provide a system of streets and roads throughout the County that meet land use needs.

Policy 1 - Development will be permitted only when facilities for circulation exist or will exist as part of the development to adequately handle increased traffic.

Policy 2 - Circulation systems shall be designed to provide safety and minimize traffic congestion.

The Modesto General Plan designates Pelandale Avenue as a 6-lane principal arterial street and Sisk Road north of Pelandale Avenue as a 4-lane minor arterial street. The Stanislaus County General Plan classifies both Sisk Road and Pelandale Avenue as "Majors" with an ultimate right-of-way of 110-feet. The Pelandale Interchange is a joint project between CalTrans, the City of Modesto, and Stanislaus County, with the City of Modesto taking the lead in development. The interchange design has not been finalized; however, the north side of Pelandale Avenue has recently been improved with additional lanes, including a deceleration lane onto Sisk Road, and curb, gutter, and sidewalk on the south end of the project site, as a part of the City of Modesto's project upgrading the traffic signal at Pelandale Avenue and Sisk Road. Consequently, comment nos. 19 and 20 requiring dedication on Pelandale Avenue and street improvements, as listed in the City of Modesto referral response, have been completed as per City staff. Right-of-way dedication on Sisk Road is still being required and has been requested by the Stanislaus County Department of Public Works (see Exhibit B - *Development Standards*).

Internal circulation and shared trip traffic was identified in a Traffic Assessment completed by Fehr & Peers as to why the project itself is not anticipated to significantly increase area traffic circulation; however, the Traffic Assessment did identify potential pedestrian safety issues and provided Mitigation measures which have been added to the project to mitigate potential impacts (see Exhibit

B - *Development Standards*). Furthermore, a mitigation measure requiring right-in right-out access on Sisk Road and a development standard requiring reciprocal access between the project site and the Northgate Village Shopping Center on the eastern adjacent parcel (see Exhibit B - *Development Standard No. 56 (J)*) have been added to the project to insure that the project does not reduce the Level of Service at the Sisk Road and Pelandale Avenue Intersection. The access easement will "match up" with the existing access easements already recorded on the eastern parcel.

FINDINGS REQUIRED FOR APPROVAL

General Plan Amendment:

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 Community 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 Community Plan Amendment application, it must be found that:

1. The Community 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.

As part of the General Plan, a Community Plan Amendment must meet the same findings required for approval. These findings are established by Board of Supervisors' policy for processing Community 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 Planned Development and the Salida Community Plan has recognized the site as suitable for Highway Commercial Planned Development uses. The Community 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 and the site's Planned Development General Plan designation.

Staff believes that finding Number 2 can also be met. There is no evidence that the project would adversely impact County services as mitigation measures and development standards, including the payment of County Public Facility Fees, Salida Sanitary District sewer fees and City of Modesto water fees, have been added to the project to insure that all impacts are mitigated to less than

significant levels (see Exhibit B - *Development Standards*). Furthermore, the project applicant, as a condition of obtaining sewer service from the Salida Sanitary District, will prepare a master plan for sewer service to the proposed development area and surrounding areas which currently utilize independent waste water treatment systems (see Exhibit F - *Water and Sewer Will Serve Letters*).

Also, the project site is currently adjacent to existing Planned Development and Planned Industrial Districts as well as the City of Modesto's Regional Commercial zoning district. Consequently, the proposed uses are not expected to 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 General Plan and would be consistent with the Salida Community Plan if the Community Plan Amendment to PD is approved.

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 (see Exhibit K - *Environmental Review Referrals*). Based on the comments received and the Initial Study discussion, a Mitigated Negative Declaration is being recommended for adoption, if the project is approved (see Exhibit I - *Mitigated Negative Declaration*).

A referral response dated February 3, 2009 from the Local Agency Formation Commission (LAFCO) indicated that the project site is currently outside the Salida Sanitary District's boundaries. Consequently, annexation approval from LAFCO is required prior to extension of sewer services. Additionally, the applicants are proposing to keep storm water on-site. If this plan is not feasible and the project requires storm drainage to be handled by a County Service Area providing storm drainage services, then LAFCO approval shall be required (see Exhibit B - *Development Standards*).

CalTrans worked directly with Fehr & Peers on the Traffic Assessment. Development standards were not provided by CalTrans; however, staff received an email, dated June 16, 2009, from CalTrans staff stating that the Department (CalTrans) does not believe that this project will have an impact on the State Highway System according to Traffic Operations.

Development standards have been added to the project requiring the applicant to comply with previously issued will-serve letters for water and sewer and any extension letters issued thereafter. The will-serve letter provided by the Salida Sanitary District has expired. The applicant has requested a renewal of the will-serve letter; however, the renewal request will not be reviewed by the Salida Sanitary District Board of Directors until June 10, 2010. Consequently, a valid will-serve letter will be required before the project can be heard by the Board of Supervisors.

Certain development standards requested by the City of Modesto and Stanislaus County Departments were omitted because the standard had been met, was no longer applicable due to the Pelandale Avenue and Sisk Road traffic signal upgrade, or duplicated development standards provided by another responding agency or department.

RECOMMENDATION

Based on the foregoing discussion, staff recommends the Planning Commission recommend the Board of Supervisors take the following actions regarding this proposal:

1. Adopt the Mitigated 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 Mitigated 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:
 - A. The Community Plan Amendment will maintain a logical land use pattern without detriment to existing and planned land uses;
 - B. The Community Plan Amendment is consistent with the overall goals and policies of the County General Plan;
 - C. The Community Plan Amendment is consistent with the overall goals and policies of the Salida Community Plan;
 - D. The proposed Planned Development (P-D) zoning is consistent with the General Plan designation of Planned Development and with approval of the Community Plan Amendment is consistent with the Salida Community Plan;
 - E. 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; and
 - F. The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.
4. Approve Community Plan Amendment Application No. 2009-01 and Rezone Application No. 2009-01 - Pelandale Commercial, subject to the attached Development Standards.

CPA 2009-01, REZ 2009-01
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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 \$2,067.25 for the Department of Fish and Game and the Clerk Recorder filing fees. The attached development standards insure that this will occur.

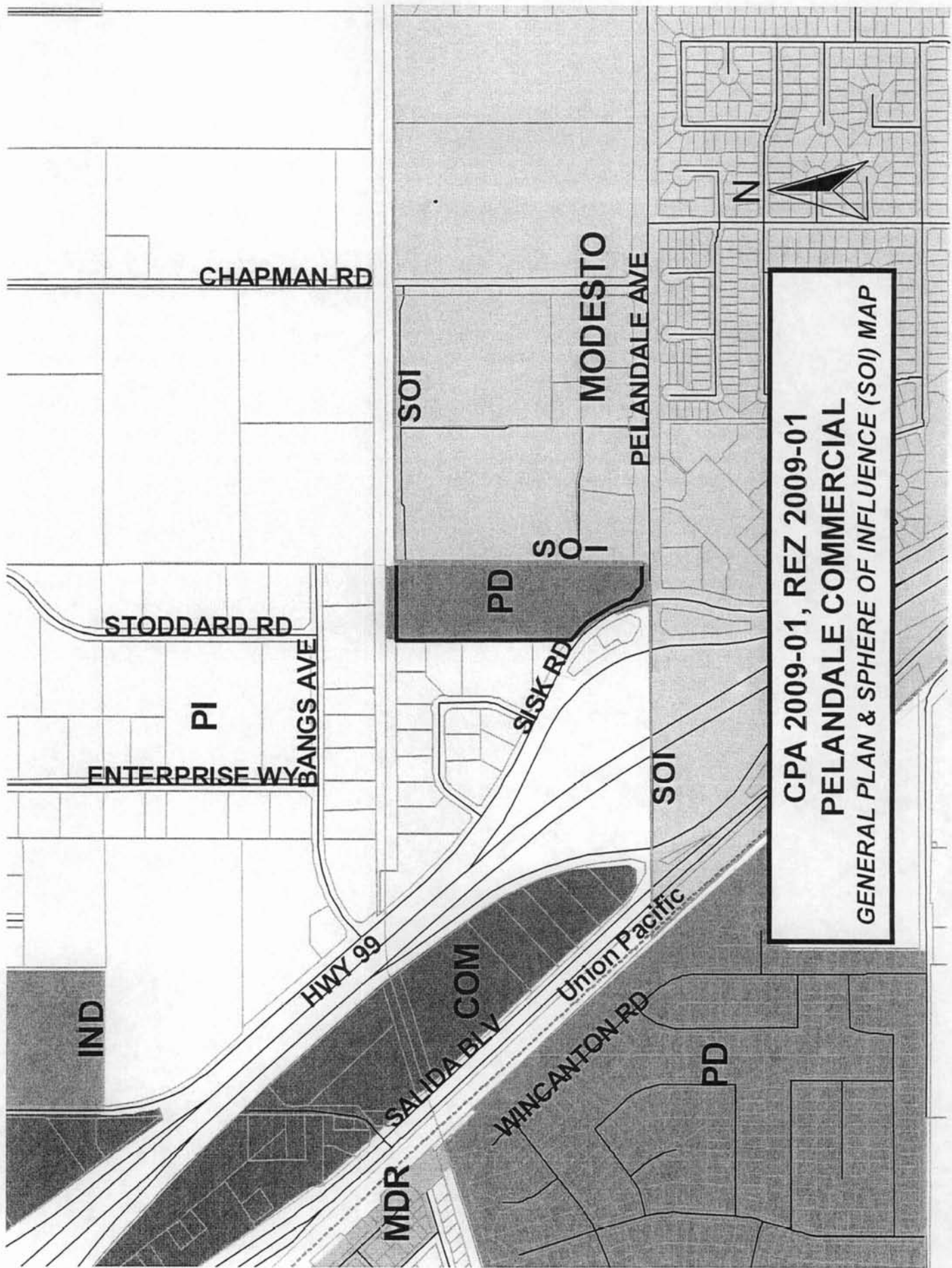
Report written by: Rachel Wyse, Assistant Planner - May 18, 2010
Reviewed by: Bill Carlson, Senior Planner

Attachments:

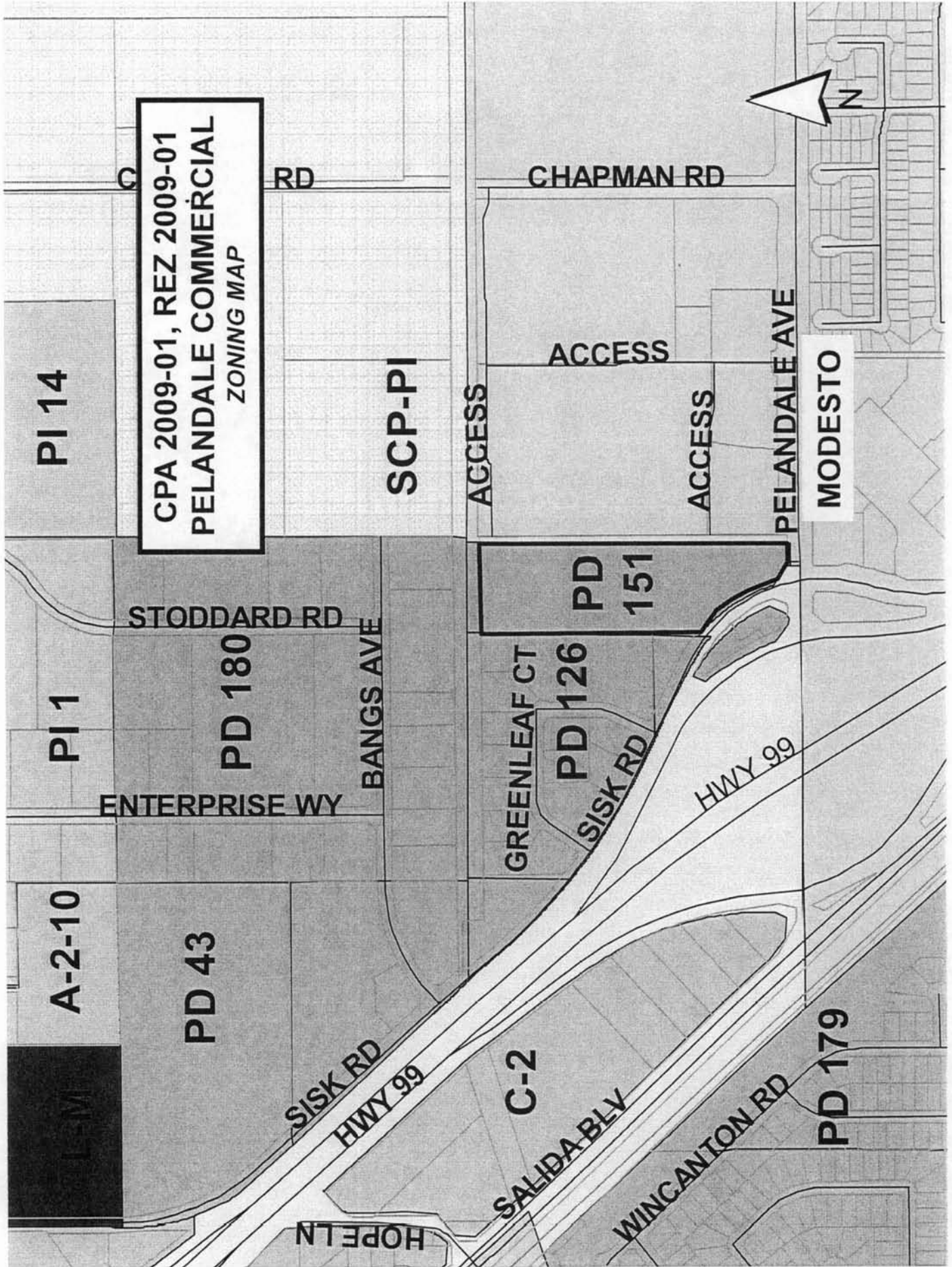
- Exhibit A - Maps
- Exhibit B - Development Standards
- Exhibit C - Development Schedule
- Exhibit D - Sign Plan
- Exhibit E - City of Modesto Referral Response dated March 10, 2009
- Exhibit F - Water and Sewer Will Serve Letters
- Exhibit G - MID power system and irrigation layout
- Exhibit H - Initial Study
- Exhibit I - Mitigated Negative Declaration
- Exhibit J - Mitigation Monitoring Plan
- Exhibit K - Environmental Review Referrals

**CPA 2009-01, REZ 2009-01
PELANDALE COMMERCIAL
AREA MAP**

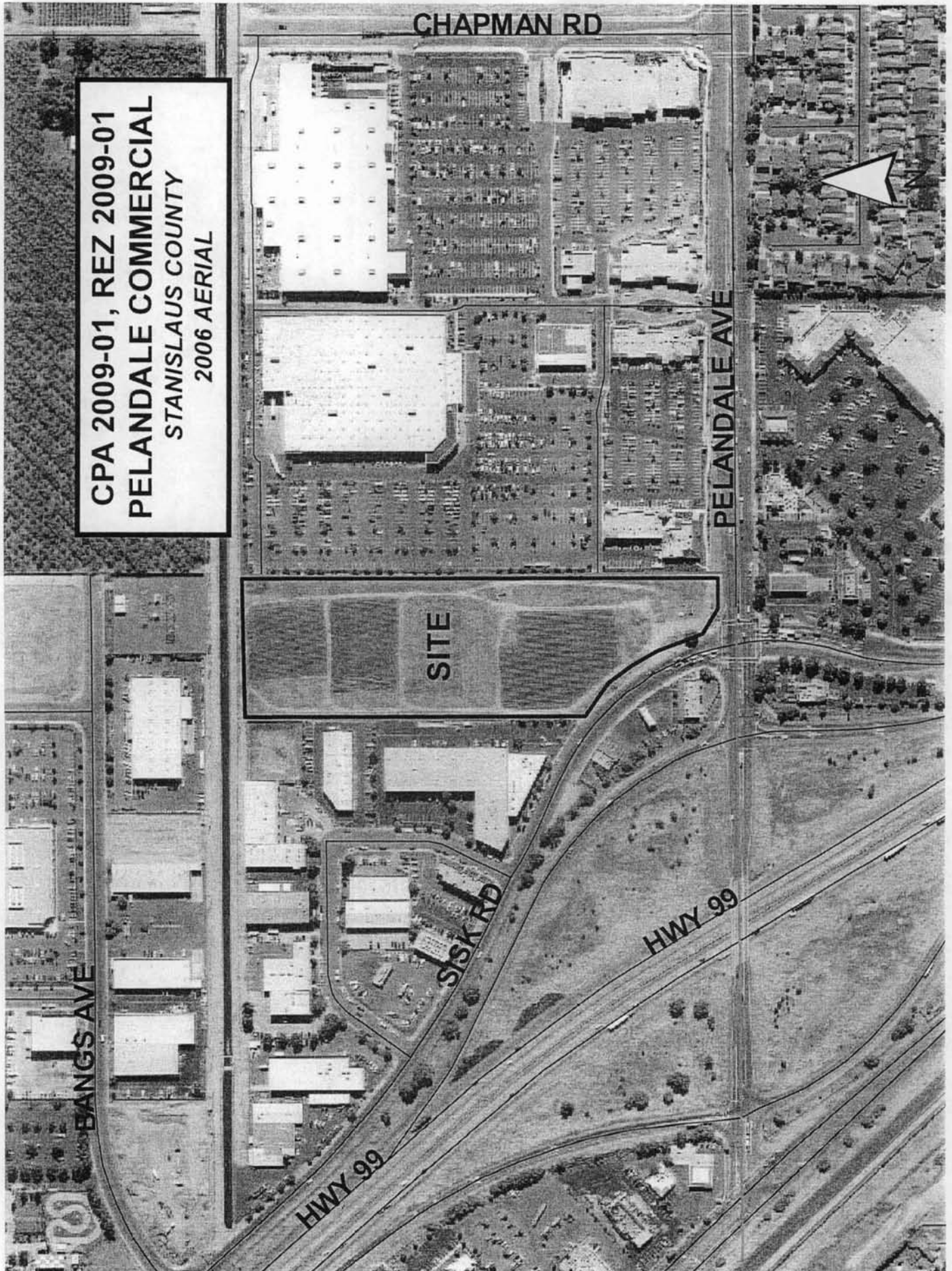




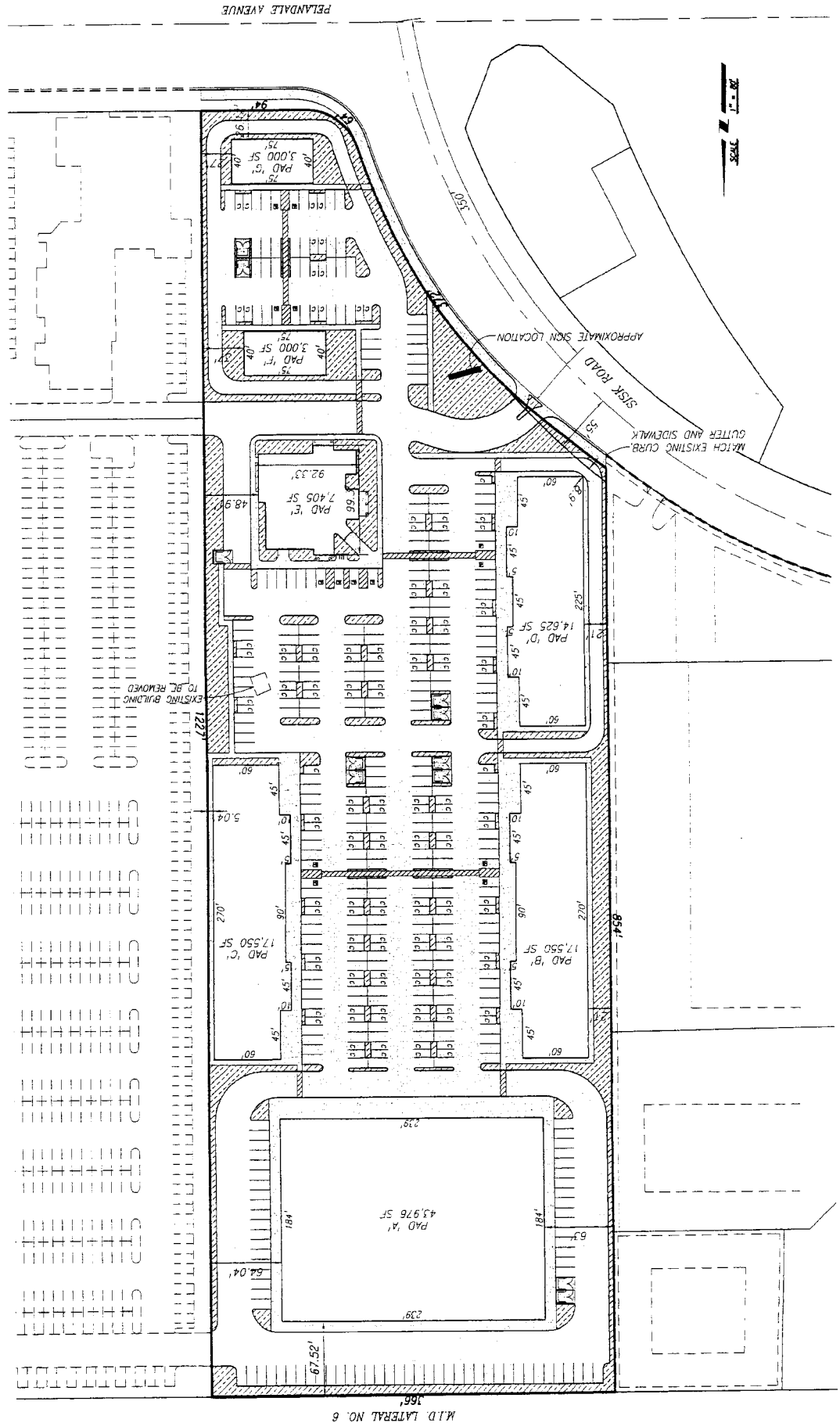
CPA 2009-01, REZ 2009-01
 PELANDALE COMMERCIAL
 GENERAL PLAN & SPHERE OF INFLUENCE (SOI) MAP



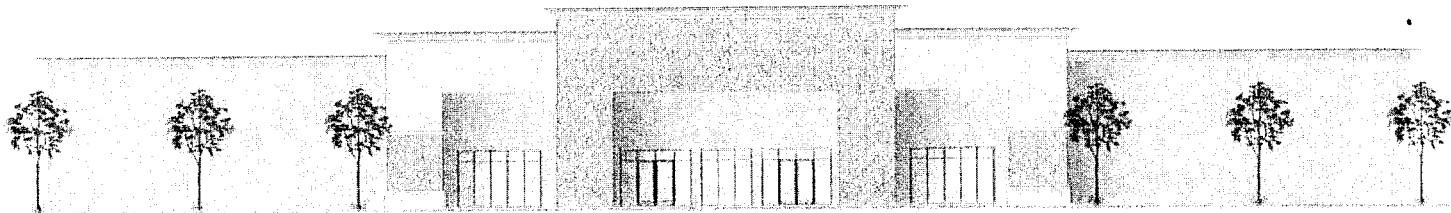
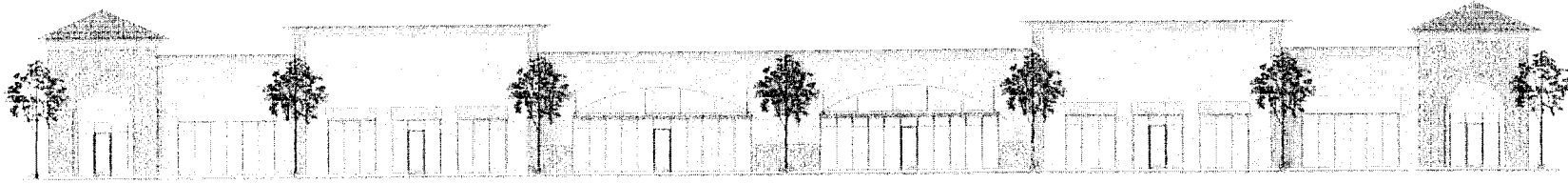
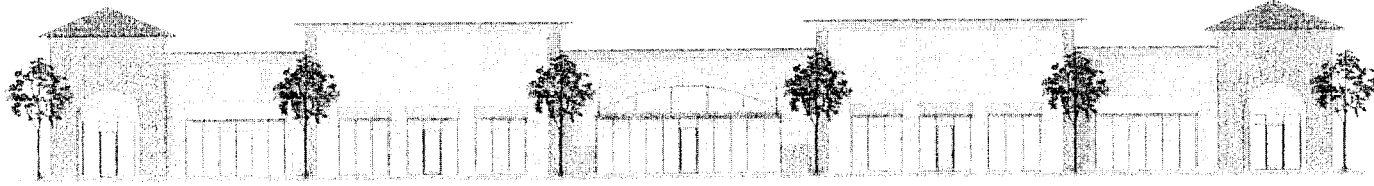
CPA 2009-01, REZ 2009-01
PELANDALE COMMERCIAL
STANISLAUS COUNTY
2006 AERIAL



**CPA 2009-01, REZ 2009-01
 PELANDALE COMMERCIAL
 REVISED SITE PLAN**



**CPA 2009-01, REZ 2009-01
PELANDALE COMMERCIAL
ELEVATIONS**



BENCHMARK ENGINEERING, INC.
 CIVIL ENGINEERING & LAND SURVEYING
 213 SOUTH STEPHEN AVENUE • LUNDALE, CALIFORNIA • 90641
 709 (415) 596-1300 FAX (714) 515-1352

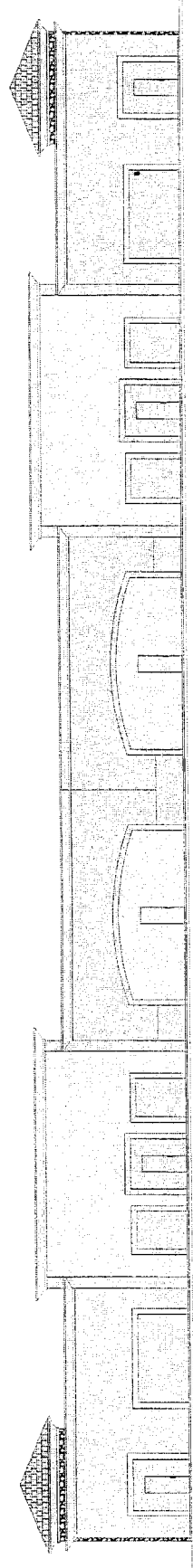


PRELIMINARY ELEVATIONS
 PELANDALE COMMERCIAL
 MODESTO, CALIFORNIA

DATE:
 BY:
 CHECKED:
 APPROVED:

1

1/2012



REAR ELEVATION

DEVELOPMENT STANDARDS

**COMMUNITY PLAN AMENDMENT APPLICATION NO. 2009-01
REZONE APPLICATION NO. 2009-01
PELANDALE COMMERCIAL**

Department of Planning and Community Development

1. This use(s) shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances. Modifications to the approved plot plan to allow conformance with City standards shall be allowed provided the overall development scale remains consistent with the approved plot plan (square footage of buildings and parking spaces).
2. Prior to issuance of a building permit, the applicant shall pay applicable and appropriate City fees and shall provide verification of payment to the County.
3. All exterior lighting shall be designed (aimed down and towards the site) to provide adequate illumination without a glare effect.
4. Construction of the project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District.
5. Building permits are required by 2007 California Code of Regulations (Building Codes) Title 24.
6. Developer shall pay all Public Facilities Impact 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.
7. 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.
8. All businesses operating on-site shall obtain and maintain a valid business license. Application shall be made with the Planning Department. (Section 6.04 of the Stanislaus County Ordinance Code)
9. The noise level generated by the proposed project shall be restricted to exterior noise limits and recommendations in Stanislaus County Code Chapter 10.46.
10. 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.

11. 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.
12. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2010), 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 **\$2,067.25**, 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.

13. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.

Department of Public Works

14. The applicant's engineer or surveyor shall prepare a roadway dedication of 55-feet east and north from the centerline of Sisk Road along the parcel frontage. This dedication shall include the width and length of an acceleration lane from Pelandale that will turn into a deceleration lane leading into the driveway for the project. Refer to the City of Modesto Standard Specifications for lengths and widths. This dedication shall be done prior to issuance of a building permit.
15. A grading and drainage plan shall be approved prior to moving any dirt on the project. Drainage calculations shall be prepared as per Stanislaus County Public Works Standards and Specifications signed and sealed by a registered civil engineer in the State of California. Public Works will review and approve the drainage calculations. The plan shall contain enough information to verify that all runoff will be kept on-site and shall include:
 - A. Information that shows the plan complies with the current Stanislaus County National Pollutant Discharge Elimination System (NPDES) General Permit and the Quality Control Standards for New development and Redevelopment contained therein.
 - B. The applicant shall enter into an Inspection Deposit Agreement with the Department of Public Works prior to the issuance of the grading and drainage permit.
 - C. An Engineer's Estimate shall be submitted for the drainage and grading work.
 - D. The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for the plan review of the grading permit. A deposit based off of the Engineer's Estimate shall be made prior to any plan check (3% for projects \$0 to \$100,000 and 2% for projects \$100,001 and above). The applicant

- shall be responsible for any charges beyond the deposit that are incurred over the plan check deposit. The plans shall not be released until such time that all plan check fees have been paid. Any fees left over from the deposit shall be returned to the applicant at the completion and acceptance of the plans by Stanislaus County Public Works.
- E. The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for all on-site inspections. This shall include a deposit of 10% of the Engineer's Estimate for the grading and drainage work.
 - F. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site. Stanislaus County will not accept any work as finished until the inspection fees have been paid in full. Any fees left over from the deposit shall be returned to the applicant at the completion and acceptance of the plans by Stanislaus County Public Works.
 - G. Building permits associated with the project shall not be finalized nor occupancy granted until Public Works accepts the grading and drainage for the project.
16. An Encroachment Permit shall be taken out prior to any work being done in the road right-of-way.
 17. The applicant shall make road frontage improvements along the entire parcel frontage on Sisk Road. These improvements shall include, but not be limited to, curb, gutter, storm drainage, sidewalk, streetlights, matching pavement, striping, and required signing at the ultimate right-of-way. The plans shall be approved prior to the issuance of any building permit. The work shall be installed prior to the final/occupancy of any building permit.
 18. All driveway locations and widths shall be approved by the Department of Public Works. The driveway location shall be a minimum of 350-feet north of the intersection, per Stanislaus County Standards and Specifications.
 19. Off-site improvement plans (4 copies) shall be submitted and approved by Stanislaus County Public Works prior to the issuance of any building permit associated with this project. The off-site improvement plans shall utilize a splitter island to restrict the driveway for right-in/right-out movements only.
 20. The streetlights shall be annexed into the Salida Highway Lighting District. The applicant shall provide all necessary documents and pay all the costs associated with the annexation process. Please be aware that this process may take approximately 4 to 6 months. The annexation of the streetlights into the Salida Highway Lighting District shall be completed before the final/occupancy of any building permit associated with this project.
 21. The owner/developer shall deposit the estimated first year's operating maintenance cost of the new streetlights with the Department of Public Works at the time the paperwork is submitted and prior to the issuance of any building permit associated with the project.
 22. A stamped and sealed Engineer's Estimate shall be provided for the off-site road improvements so that the amount to the financial guarantee can be determined.

23. A financial guarantee in a form acceptable to the Department of Public Works shall be deposited for the street improvement installation along the frontages of the parcel on Sisk Road with the Department prior to the issuance of a building or grading permit.
24. No parking, loading, or unloading of vehicles shall be permitted within the right-of-way on Sisk Road or Pelandale Avenue. The developer will be required to install or pay for the installation of all required signs and/or markings. The developer shall coordinate with Stanislaus County Public Works Traffic Section on the placement of any signs. The signs and markings shall be installed prior to the final/occupancy of any building permit.

Department of Environmental Resources

25. 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).
26. Existing on-site well and/or septic tank shall be destroyed under permit from DER and in accordance with all laws and policies (Stanislaus County and California State Model Well Standards).
27. 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. 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.
28. 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.

Stanislaus County Fire Prevention Bureau

- 29. All buildings constructed shall comply with all applicable codes and ordinances, including fire apparatus access road standards, water for fire protection, and automatic fire sprinkler systems.
- 30. All buildings constructed shall meet the Salida Fire Protection District's requirements for on-site water for fire protection and/or fire hydrants and hydrant locations, blue reflective street hydrant markers, fire sprinkler and fire alarm systems, key-box rapid entry systems and adherence to all applicable codes and ordinances, etc.

Salida Fire Protection District

- 31. This project shall 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.
- 32. This project shall meet the District's requirements of on-site water for fire protection prior to construction of combustible materials. Fire hydrant(s) and static source locations, connections, and access shall be approved by the District.
- 33. Prior to, and during, combustible construction, the District shall approve provisions for serviceable fire vehicle access and fire protection water supplies.
- 34. The applicant shall install and make serviceable a District specified Rapid Entry System (Knox) prior to final inspection allowing fire department access into gated and or limited access points.
- 35. 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.
- 36. For buildings of 30 feet or three (3) or more stories in height, gated 2 ½" hose connections (Class III) for fire department use shall be installed on all floors in each required exit stairwell.
- 37. The project shall meet fire apparatus access standards. Two ingress/egress accesses to each parcel meeting the requirements listed within the California Fire Code.
- 38. If traffic signals are installed and/or retrofitted for the project, signal preemption devices shall be paid for or installed by the developer/owner and shall conform to the District's standards and requirements.

39. The owner of the property(s) shall be required to form or annex into a community facilities district for operational services with the Salida Fire Protection District. Due to the fact this process may take up to 60-120 days to complete, it is recommended that advanced consideration be given to initiating this requirement early in the project.

Modesto Irrigation District (MID)

40. As noted in Exhibit G of the June 3, 2010 Planning Commission Staff Report, there are irrigation pipelines within the applicant's property that must be removed, replaced, or relocated and easements provided for the remaining pipelines as required by MID.
41. A 6' solid masonry wall is required adjacent to the MID Lateral No. 6 right-of-way.
42. A "Sign Off of Irrigation Facilities" form must be completed prior to building permit issuance.
43. Prior to any construction, improvement plans must be submitted to and approved by the MID Irrigation Engineering Department.
44. 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.
45. Relocation or installation of electric facilities shall conform to the District's Electric Service Rules. See Exhibit G of the June 3, 2010 Planning Commission Staff Report for the approximate location of the District's existing electrical facilities.
46. 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.
47. The District should be contacted for requests to remove the existing service. The cost of removal will be at the District's expense provided that the load being served is also removed.
48. A 10' PUE is required along Sisk Road and Pelandale Avenue street frontages.
49. A 15' PUE is required along the northerly property line. The PUE is required in order to protect the existing 12kv electrical lines and maintain necessary safety clearances.
50. The Modesto Irrigation District reserves its future right to utilize its property, including its canal and electrical easements and rights-of-way in a manner it deems necessary for the installation and maintenance of electric, irrigation, agricultural and urban drainage, domestic water and telecommunication facilities. These needs, which have not yet been determined, may consist of poles, cross arms, wires, cables, braces, insulators, transformers, service lines, open channels, pipelines, pumps, control structures, and any necessary appurtenances, as may, in the District's opinion, be necessary or desirable.

51. Additional easements will be required centered on the down guy wires and approximately 5' beyond the anchor rods. The customer should contact the District's Electric Engineering Design Department to coordinate easement and project requirements.

San Joaquin Valley Air Pollution Control District (SJVAPCD)

52. This project shall be subject to the following District rules:
- Rule 9510 (Indirect Source Review)
 - 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)
53. Prior to issuance of the first building permit the project developer shall submit an Air Impact Assessment (AIA) application to the District and pay any applicable off-site mitigation fees.

Local Agency Formation Commission (LAFCO)

54. As the project site is currently outside the Salida Sanitary District's boundaries, annexation approval from LAFCO is required prior to extension of sewer services.
55. The project site is not located within a County Service Area, which typically provides storm drainage in unincorporated areas (e.g. County Service Area No. 10 - Salida). Should the applicant choose to utilize County storm drainage services or the County require the utilization of storm drainage services provided by a County Service Area, LAFCO approval will be necessary.

City of Modesto

56. To the greatest extent possible, the project shall conform with the following City of Modesto development standards including, but not limited to: transportation improvements, landscaping, signage, parking, reciprocal access, and the City's Commercial and Industrial Guidelines. All development plans shall be provided to the City of Modesto for verification of conformance prior to issuance of any building permit and/or approvals by the Stanislaus County Director of Planning and Community Development or designee.
- A. A 15 foot landscaped setback from the ultimate right-of-way shall be provided for the frontage on Sisk Road and Pelandale Avenue.
- B. Four-sided elevations shall be submitted and approved by the Community Development Director or Designee. The building elevations shall include labels that indicate which pad is being shown and which building elevation is shown. Labels for the proposed materials and overall building height shall also be included.

- C. The parcel and proposed buildings are in a prominent location that serves as a gateway to the City. All buildings shall conform to City's Commercial and Industrial Guidelines.
- D. All building drainage gutters, down spouts, vents, etc. located on exterior walls, shall be completely concealed from public view or shall be architecturally compatible (decorative) with the exterior building design and color.
- E. Prior to building permit issuance, the applicant shall submit a cross-section drawing for approval, showing how all rooftop equipment is to be screened from view (including dimensions, materials, colors, etc.). Roof-mounted equipment, including but not limited to air conditioners, fans, vents, antennas, and dishes should be set back from the roof edge and placed behind a parapet wall or in an enclosure, so they are not visible to motorists or pedestrians. Screening for equipment should be integrated into the building and roof design by the use of compatible materials, colors, and forms.
- F. All ground mounted utility structures such as transformers, HVAC equipment, and back flow prevention valves shall be located out of view from a public street. Equipment shall be placed underground or adequately screened through the use of landscaping or masonry walls.
- G. Trash enclosures shall be designed using building materials, colors, and finishes which are consistent or compatible with those used in the major buildings of the development.
- H. Any application for a Stanislaus County building permit for any building that includes a drive-through, shall include a cross-section drawing for approval showing how the drive-through is proposed to be screened. All drive-thru facilities shall be screened from Pelandale Avenue and Sisk Road with landscaped hedge and/or low walls integrated with the form and materials of the building.
- I. The Modesto Municipal Code requires general retail to maintain a parking ratio of one (1) space for every 300 square feet of building area. Restaurant uses require one (1) space for every three seats when the parking is fixed or one space for every 60 square feet of dining area when the seating is not fixed. The applicant shall provide parking calculations that demonstrate parking consistent with City of Modesto parking standards has been provided. At no time shall buildings be constructed that would cause the number of parking spaces to be insufficient.
- J. Prior to issuance of a building permit, the applicant shall record an access easement agreement for on-site traffic circulation to access the property to the east (APN Nos. 078-014-050 & 078-014-049), to the satisfaction of the City of Modesto's Director of Community and Economic Development or designee and in a form acceptable to the City Attorney or designee. The reciprocal access easement agreement shall be reviewed by Planning staff prior to recording the document.

- K. Per City of Modesto Standard Specifications, a deceleration lane to the driveway on Sisk Road shall be required if not already in place at the time of application for any building permit. City Standards require "the applicant to provide a deceleration lane for any driveway located on an arterial street if the right-turn ingress volume exceeds 50 vehicles in the peak hour of the street." The project shall dedicate the street right-of-way, including the right-turn lane, and install street improvements per detail 384, including but not limit to, street pavement, curb, gutter, sidewalk, and street lights.
 - L. The driveway on Sisk Road shall be a drop-curb type. The minimum width of the driveway should be 30'. For a commercial development of this size, the driveway width should be 40' minimum with a 6' landscaped median.
 - M. No egress left-turn movements should be allowed at the proposed new driveway on Sisk Road, due to the traffic volume, the queue length, and the short distance to the SR-99/Pelandale intersection. The project shall widen Sisk Road on the west side of the road north of the proposed driveway, so that a median can be installed which blocks the egress left-turns, allows ingress left-turns, a 300' southbound left-turn lane and 300' transition on Sisk Road.
 - N. Applicant shall submit a Landscape & Irrigation Plan that meets current city of Modesto Standards for commercial parking lots, including shade tree coverage and screen landscaping.
 - O. Applicant shall dedicate sufficient area along Pelandale Avenue to provide for similar streetscape/sidewalk/bike land treatment as adjacent properties.
57. There are many options to address the onsite storm drainage. If this project uses property within the City of Modesto to address storm drainage, then the project will need to follow City of Modesto Standards for storm drainage volumes and disposal and be approved by the City of Modesto's Utility Planning and Projects Department.
58. If no property is used within the City for any portion of the storm water retention, then the owner shall provide information demonstrating that the City will not be impacted by storm water from this project during a 100 year 6 day storm event prior to project approval.
59. A utility site plan that indicates how the project will be serviced with water and sewer will be required. The plan shall include all existing and proposed utilities with size and location information. Information on the proposed water and sewer service connection location, pipe sizes, related appurtenances, and any off-site improvements known or anticipated at this time to be necessary shall also be provided.
60. Developer shall comply with all conditions outlined in the City's water will serve letter dated April 29, 2010, and/or any extensions granted by the City of Modesto. A valid will-serve letter shall be on record with Stanislaus County Planning and Community Development Department prior to issuance of any building permit.

Salida Sanitary District

61. Developer shall comply with all conditions outlined in the Salida Sanitary District's sewer will serve letter dated February 22, 2008, and/or any extensions granted by the District. A valid will-serve letter shall be on record with Stanislaus County Planning and Community Development Department prior to issuance of any building permit.

Mitigation Measures

(Pursuant to California Public Resources Code 15074.1: Prior to deleting and substituting for a mitigation measure, the lead agency shall do both of the following:

- 1) Hold a public hearing to consider the project; and***
2) Adopt a written finding that the new measure is equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment.)

62. Restrict the Sisk Road driveway to right-in/right-out operations. Restricted access would minimize turning movement conflicts and queuing impacts within the site and adjacent street system.
63. In development of the final site plan, the project applicant shall accommodate pedestrians at the vehicular connections between the project site and adjacent retail center.
64. Provide additional pedestrian crossing treatments across the main drive aisles.
65. The project applicant shall identify truck routes through the site and internal intersections and drive aisles shall be designed to accommodate the turning radii of delivery vehicles typically expected to make deliveries to the site. An AutoTURN analysis shall be conducted for delivery vehicle site access. Delivery time restrictions shall be developed if delivery trucks are likely to impede on customer parking.
66. The project applicant shall provide at least 1 bicycle parking space per every 10 employees. Short-term patron stalls should be provided by each of the building areas, as well as secure employee bicycle parking at major site employers.

*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~~.*

Pelandale Commercial Development Schedule

Phase I

- Construction of Off Site Improvements: Bring sewer and water facilities to the site by June 2014.

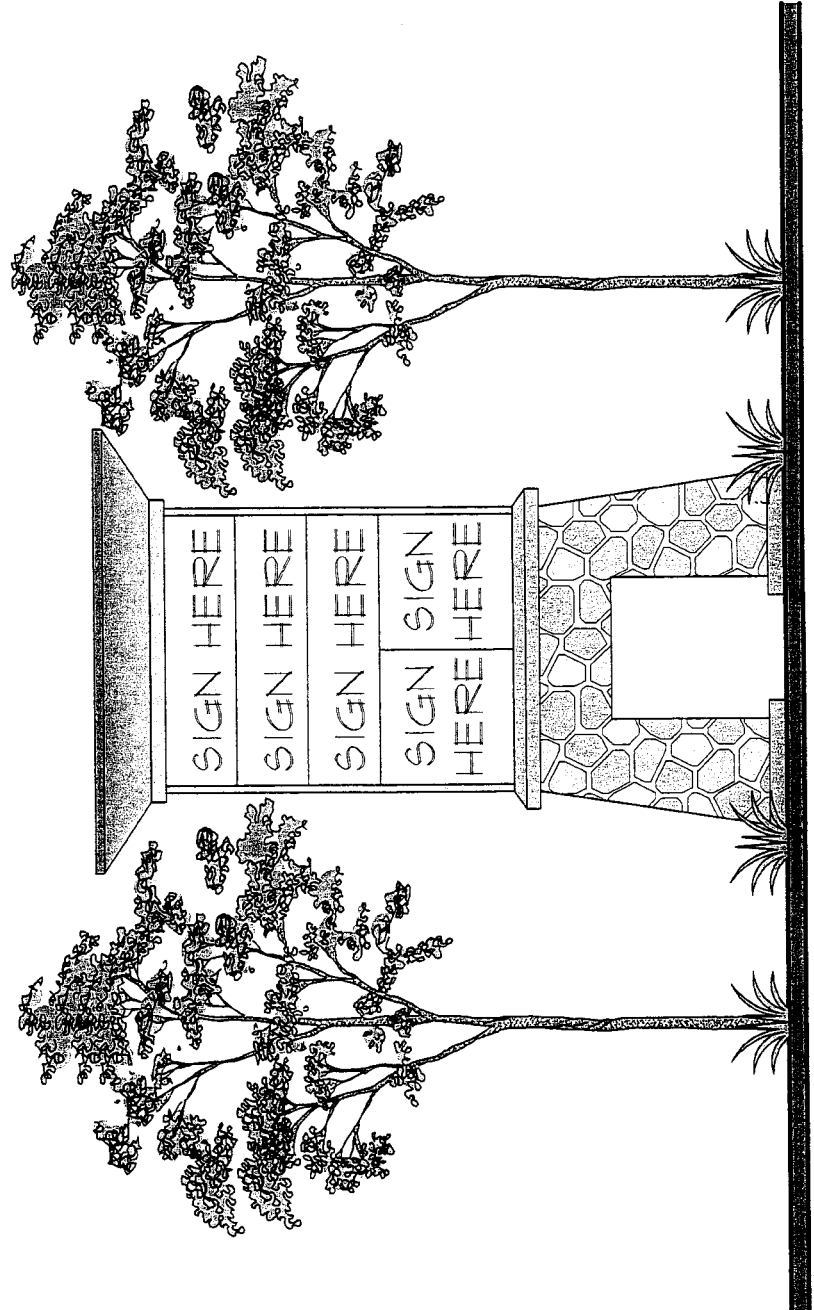
Phase II

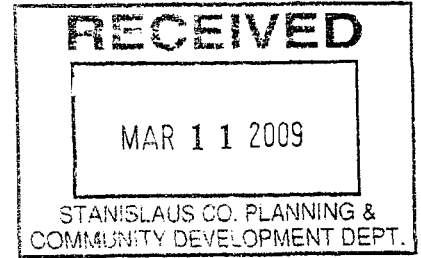
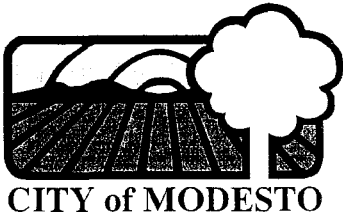
- Construction of On-Site Improvements: To include grading, construction of underground infrastructure, installation of curb, gutter, sidewalk, and pavement. Begin construction on or before June, 2015.

Phase III

- Construction of Buildings A, B, C, D, E, F, and G. Complete construction on or before June 2022.

**CPA 2009-01, REZ 2009-01
PELANDALE COMMERCIAL
CONCEPTUAL SIGN PLAN**





*Community and
Economic
Development
Department*

*Planning
Division*

*P.O. Box 642
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*Hearing and Speech
Impaired Only
TDD 209/526-9211*

March 10, 2009

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

Re: Rezone Application No. 2009-01 – Pelandale Commercial

Dear Ms. Wyse:

The subject project has been referred out to the various City departments. The interdepartmental comments have been organized below by department or division, with the point of contact for each department or division listed above the comments.

Planning David Wage
Associate Planner
(209) 577-5267
dwage@modestogov.com

The proposed development is located outside of the City's Sphere of Influence; however, given the applicant's desire to receive City water, the proximity of the site to the City limits, the prominent location of the parcel, and the likelihood of the property being annexed to the City sometime in the future, Planning Staff is providing the following comments:

Site Plan and Building Elevations:

1. A 15 ft landscaped setback from the ultimate right-of-way (after dedication) shall be provided for the frontage on Sisk Rd. and Pelandale Ave.
2. Staff can not complete the review of the building elevations until additional is provided. Prior to project approval, four-sided elevations shall be submitted and approved by the Community and Economic Development Director or Designee. The Building Elevations shall include labels that indicate which pad is being shown and which building elevation is shown (north, south etc.). Labels for the proposed materials and overall building height shall also be included.

3. The parcel and proposed buildings are in a prominent location that serves as a gateway to the city. All buildings shall conform to City's Commercial and Industrial Guidelines.

The proposed site plan and preliminary elevations have been reviewed for conformance with the City's Commercial and Industrial Guidelines. Staff encourages you to view the Guidelines which can be found here:

<http://www.modestogov.com/ced/pdf/planning/general/Industrial%20Design%20Guidelines.pdf> . The following comments/suggestions are intended

to address areas where the project is deficient or inconsistent with respect to the Guidelines:

- The proposed development does not integrate well with the existing commercial center to the east. The proposed Pad C appears orient inward to the site, thereby turning its back on the existing development to the east. In addition, the linear design of Pad C and location along the east property line creates the effect of walling of the development from the development to the east. Pad C should be removed or redesigned. If a building is located in the area of the proposed Pad C it should receive enhanced architectural treatment on all four sides of the building. Designs should demonstrate a consistent use of colors, materials, and detailing throughout all elevations of the building. (C&I Guidelines p. 2.0-15). The guidelines encourage extensive façade articulation in the form of horizontal and vertical design elements to provide variation in wall plane and surface relief.
4. All building drainage gutters, down spouts, vents, etc. located on exterior walls, shall be completely concealed from public view or shall be architecturally compatible (decorative) with the exterior building design and color to the satisfaction of the Director of Community and Economic Development or designee.
 5. Prior to issuance of a building permit, the applicant shall submit a cross-section drawing for approval, showing how all rooftop equipment is to be screened from view (including dimensions, materials, colors, etc.) to the satisfaction of the Director of Community and Economic Development or designee. Roof-mounted equipment, including but not limited to air conditioners, fans, vents, antennas, and dishes should be set back from the roof edge and placed behind a parapet wall or in an enclosure, so they are not visible to motorists or pedestrians. Screening for equipment should be integrated into the building and roof design by the use of compatible materials, colors and forms. Wood lattice and fence-like coverings are not allowed for screening.
 6. Prior to Certificate of Occupancy of any structure, all ground mounted utility structures such as transformers, HVAC equipment and back flow prevention valves shall be located out of view from a public street to the satisfaction of the Director of Community and Economic Development or

designee. Equipment shall be placed underground or adequately screened though the use of landscaping or masonry walls.

7. Prior to issuance of a building permit, trash enclosures shall be designed using building materials, colors and finishes which are consistent or compatible with those used in the major buildings of the development, as approved by the Community and Economic Development Director or designee.
8. Prior to issuance of a building permit for any building that includes a drive-through, the applicant shall submit a cross-section drawing for approval, showing how the drive-through is proposed to be screened. All drive-thru facilities shall be screened from Pelandale Ave. and Sisk Rd. with landscaped hedge and/or low walls integrated with the form and materials of the building, to the satisfaction of the Community and Economic Development Director or designee.

Parking:

9. The Modesto Municipal Code requires general retail to maintain a parking ratio of 1 space for every 300 sf of building area. Restaurant uses require for one space every three seats when the parking is fixed or one space for every 60 sf of dining area when the seating is not fixed. The applicant shall provide parking calculations that demonstrate parking consistent with City of Modesto parking standards has been provided.

Reciprocal Access:

10. Prior to issuance of a building permit, the applicant shall record an access easement agreement for on-site traffic circulation to access the property to the east (APN #078-014-050, 078-014-049) substantially as shown in red on the site plan, to the satisfaction of the Director of Community and Economic Development or designee and in a form acceptable to the City Attorney or designee.

Fire: Paul Easter
Deputy Fire Marshall
(209) 551-5516
peaster@modestogov.com

11. Fire Hydrant spacing and distribution for this project is 300 feet. Please show the location of all proposed and existing fire hydrants.
12. Fire Department access roads are required within 150 feet exterior of all buildings. The access roads shall be a clear width of 20 feet, have an all weather driving surface that will support the imposed load of a 30 ton (60,000lb) fire apparatus and have all curves and changes in direction afford an inside turning radii of 25 feet and outside turning radii of 45 feet. Please show details on plans.

Capital Planning Eva Danka-Kelly
Associate Engineer
(209) 571-5120
edkelly@modestogov.com

Water

13. Please see the attached conditional will serve letter.
14. Water Related Fees: To calculate water related fees proceed to the following website <http://www.modestogov.com/ced/engineering/> and click on the Water Related Fees Link.

Sewer

15. Sewer is not anticipated to be provided by the City of Modesto at this time. The developer will need to contact Salida Sanitary Sewer District for connection information.

Storm Drain

16. There are many options to address the onsite storm drainage. If this project uses property within the City of Modesto address storm drainage then the project will need to follow City of Modesto Standards for storm drainage volumes and disposal.
17. If no property is used within the City for any portion of the Storm water retention, then the owner shall provide information demonstrating that the City will not be impacted by storm water from this projects during a 100 year 6 day storm event prior to project approval.

General

18. A utility site plan that indicates how the project will be serviced with water and sewer will be required. The plan shall include all existing and proposed utilities with size and location information. Information on the proposed water and sewer service connection location, pipe sizes, related appurtenances and any off-site improvements known or anticipated at this time to be necessary shall also be provided prior to approving this project.

Traffic Helen Wang
Transportation Planner
(209) 571-5190
hwang@modestogov.com

Site Plan

19. Pelandale Avenue is designated as a 6-lane principal arterial street and Sisk Road north of Pelandale Avenue is designated as a 4-lane minor arterial street in the Modesto General Plan.
20. Per City of Modesto Standard Specifications Detail 384, Pelandale requires 74.25' from the center line to the project property line and Sisk will require 53.25' from the center line and a total of 120' at the intersection. Any right-of-way required to meet detail 384 shall be provided to the public agency maintaining the roadway prior to the plans being signed.
21. Per City of Modesto Standard Specifications, a deceleration lane to the driveway on Sisk Road shall be required. City Standards require "the applicant to provide a deceleration lane for any driveway located on an arterial street if the right-turn ingress volume exceeds 50 vehicles in the peak hour of the street." The project shall dedicate the street right-of-way, including the right-turn lane, and install street improvements per detail 384, including but not limited to, street pavement, curb, gutter, sidewalk, and street lights.
22. The driveway of this project on Sisk Road shown on the site plan should be moved further toward north, to be located as far away as possible from the Pelandale/Sisk intersection. Per City of Modesto Standard Specifications, the driveway should be 350' minimum from a major intersection.
23. The driveway on Sisk Road shall be a drop-curb type. The minimum width of the driveway should be 30'. For a commercial development of this size, the driveway width should be 40' minimum with a 6' landscaped median.
24. No egress left-turn movements should be allowed at the proposed new driveway on Sisk Road, due to the traffic volume, the queue length, and the short distance to the SR-99/Pelandale intersection. The project shall widen Sisk Road on the west side of the road north of the proposed driveway, so that a median can be installed which blocks the egress left-turns, allows ingress left-turns, a 300' southbound left-turn lane and 300' transition on Sisk Road.
25. The project shall provide vehicular reciprocal access to the existing developments to the east, and pedestrian/bike access to the west.

Traffic Study

26. According to ITE Trip Generation handbook, the trip generation rate for a shopping center at the PM peak hour of the street is 3.73 trips/ksf. With the proposed 107,106 sf. commercial area, the project will generate 400 PM peak hour trips, not 267 trips as shown in the traffic study.
27. The study did not show the trip distribution, the trip assignment, or how many trips are entering and exiting from the new driveway on Sisk Road. This traffic study is incomplete.

Interchange Improvements/Transit

Bill Sandhu
City Engineer
(209) 577-5356
lbsandhu@modestogov.com

28. A bus turnout is needed in this area to serve the commercial development in the vicinity; however, the operational constraints as a result of the proposed Pelandale Ave. interchange reconstruction project may make a permanent bus turnout infeasible at this location.

The right-of-way required for the Pelandale Interchange will serve as a temporary bus turnout. The developer shall pave (asphalt concrete) the additional right-of-way to function as a temporary bus turnout. The temporary bus turnout will be eliminated once the project is constructed.

Parks

Loren Holt
Project Coordinator
(209) 571-5573
lholt@modestogov.com

29. Applicant should submit a Landscape & Irrigation Plan that meets current City of Modesto Standards for commercial parking lots, including shade tree coverage and screen landscaping.

30. Applicant shall dedicate sufficient area along Pelandale Avenue to provide for similar streetscape/sidewalk/bike lane treatment as adjacent properties do

Infrastructure Financing

Tina Rocha
Infrastructure Financing Program Administrator
(209) 577-5321

31.

- Capital Facilities Fees

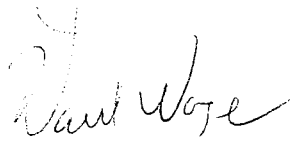
This parcel will be required to pay the appropriate City of Modesto's Capital Facilities Fees ("CFF"). CFF will be due at the time of building permit issuance and will be calculated based on the 2006 Program Fee Schedule. (A copy of the fee schedule is provided.)

- Community Facilities District

This project does not need to form or annex to a city of Modesto Community Facilities District.

Please contact me if you have any questions about the above comments.

Sincerely,



David Wage, Associate Planner
City of Modesto, Community & Economic Development, Planning Division
1010 Tenth Street, Suite 3300, P.O. Box 642, Modesto, CA 95353
dwage@modestogov.com
209-577-5267
209-491-5798 (FAX)

Attachments: March 4, 2009 Conditional Will Serve Letter



CITY of MODESTO

*Community and
Economic
Development
Department*

*Land
Development
Engineering
Division*

*P.O. Box 642
1010 Tenth Street
Fourth Floor
Modesto, CA 95353
209/577-3462
209/577-3461 Fax
www.modestogov.com*

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

April 29, 2010

Mr. Norm Soares
Bright Development
1620 N. Carpenter Road, Suite B
Modesto, CA 95351

Subject: Water Will Serve Letter for Property located at the northeast corner of Pelandale/Sisk (APN 135-029-019), Modesto, CA

Dear Mr. Soares:

As requested in your request dated October 31st, 2008, the proposed commercial development located at the southwest corner of Sisk Road and Pelandale Avenue (APN 135-029-019) will be allowed to make it's water service connections 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:

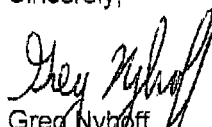
4. That the water demand requirements for a proposed connection will not change significantly from the information contained in the above referenced application.
5. That the proposed building meets all of the Salida Fire District's fire code requirements.
6. That the water service connections for the property be made from the existing twelve inch (12") water line in Sisk Road. 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 an outside water service agreement with the City and waives its right to protest annexation, 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 Miguel Alvarez at (209) 577-5348.

Recommended By: 
 Miguel Alvarez, Assistant Engineer

Sincerely,


 Greg Nyhoff
 City Manager

- cc: Nicholas Pinhey, Director - UP&P 
 Rich Ulm - UP&P
 Allen Lagarbo - PW
 Bill Sandhu - C&EDD
 Wendy Correia - C&EDD
 Steve Treat - Stanislaus County P&CD

STEWART W. JAMES
ATTORNEY AT LAW

7108 HUGHSON AVENUE
P.O. BOX 147
HUGHSON, CALIFORNIA 95326

Telephone: (209) 883-4409
Fax: (209) 883-4588

December 12, 2008

Benchmark Engineering, Inc.
213 South Sierra Ave.
Oakdale, CA 95361

Attn: Rick Mummert

Re: Proposed Pelandale Commercial
Project
My File No. 5824

Gentlemen:

I represent the Salida Sanitary District and am writing this letter on behalf of its Board of Directors in response to your December 3, 2008 request for sewer service for the proposed Pelandale Commercial Project for Bright Development on 8.71 acres at the Northeast corner of Pelandale Avenue and Sisk Road (A.P.N. 135-029-030). The District's Board understands the development is expected to discharge approximately 35,000 gallons a day into the District's sanitary sewer system.

This letter will confirm that at its meeting held on December 11, 2008, the District's Board determined the District has adequate capacity to provide, and would provide, the requested service on the following terms and conditions:

1. That the developer prepare a master plan for sewer service to the proposed development area and surrounding areas, as designated by the District's engineer, which may potentially be served by the District. The plan shall evaluate the impact on the existing Salida sanitary sewer system from the new area(s) and shall address the issue of possible sanitary sewer overflows. Should there appear to be any negative impacts then a mitigation plan shall be developed.
2. That the site and proposed connection plans be approved by the District's engineer before commencement of construction.

Benchmark Engineering, Inc.
December 12, 2008

Page 2

3. That the property be annexed to the District before service is extended, at the owner's expense, with the District's annexation fee paid before completion of the annexation.

4. That all costs and expenses for sewer lines, pumps, and appurtenances for this project be paid by the owner.

5. That all then applicable District connection, facilities and inspection fees be paid prior to connection.

6. That the owner comply with all rules and regulations of the Salida Sanitary District applicable to the use of District facilities.

7. Under its contract with property owners in the existing Mello-Roos District the Salida Sanitary district is required to collect from any future extension of service which receives any capacity from the sewer facility constructed by the Mello-Roos Bond Financing an "in lieu fee" equal to the cost that property would have paid had the property originally been included in the Mello-Roos District. The Salida Sanitary District's connection/facilities fees charge would be in addition to any such "in lieu fee" necessary to discharge our responsibility to the Mello-Roos District property owners.

8. The District's commitment to provide service as specified in this letter will expire on December 11, 2009, unless before that date the foregoing conditions have been fulfilled.

Yours very truly,



STEWART W. JAMES

cc: Salida Sanitary District



May 11, 2010

Stewart W. James
Attorney at Law
Salida Sanitary District
Post Office Box 445
Salida, California 95368

RE: REQUEST FOR RENEWAL OF SEWER WILL-SERVE LETTER

Dear Mr. James:

On behalf of Bright Development, I would like to formally request the renewal of our Sewer Service Will-Serve letter dated December 12, 2008 (File No. 5824). Our property is located on the northeast corner of Sisk Road and Pelandale Avenue (APN 135-029-030), and we are processing the approval of a commercial development on the 8.71 acre site.

We agree to fulfill the original terms and conditions set forth in the original will-serve letter over the course of our proposed development process.

If you have any questions, please call me at 209-571-9457 or email me at nsoares@bright-homes.com

Sincerely,

BRIGHT DEVELOPMENT

Norman Soares
Vice President, Planning & Development

NS:gp

1 SALIDA SANITARY DISTRICT

2 RESOLUTION NO. 1503

3 RESOLUTION SUPPORTING ANNEXATION OF PROPERTY AT NORTHEAST CORNER
4 OF PELANDALE AVENUE AND SISK ROAD

5 WHEREAS, the owner of the property consisting of approxi-
6 mately 8.71 acres at the Northeast corner of Pelandale Avenue and
7 Sisk Road, A.P.N. 135-029-019, desires to obtain sewer service for
8 said property; and

9 WHEREAS, said property is within the District's Sphere
10 of Influence but outside its boundaries; and

11 WHEREAS, the Salida Sanitary District has the capability
12 and capacity to provide the requested service, and has issued to
13 the owner's representative a conditional will-serve letter for that
14 purpose; and

15 WHEREAS, proceedings are being commenced with the
16 Stanislaus County Local Agency Formation Commission to annex said
17 property to the District;

18 NOW, THEREFORE, BE IT RESOLVED by the Board of Directors
19 of the Salida Sanitary District that the District hereby approves
20 and supports the annexation of said property to the District.

21 PASSED AND ADOPTED by the Board of Directors of the Salida
22 Sanitary District at a regular meeting thereof held on January 8,
23 2009, by the following vote:

24 AYES: Directors Horton, Reyes, Dew, Moore
25 NOES: None
26 ABSENT: Murphy

ATTEST: .

Linda Walker
Secretary


[Signature]
President of the Board

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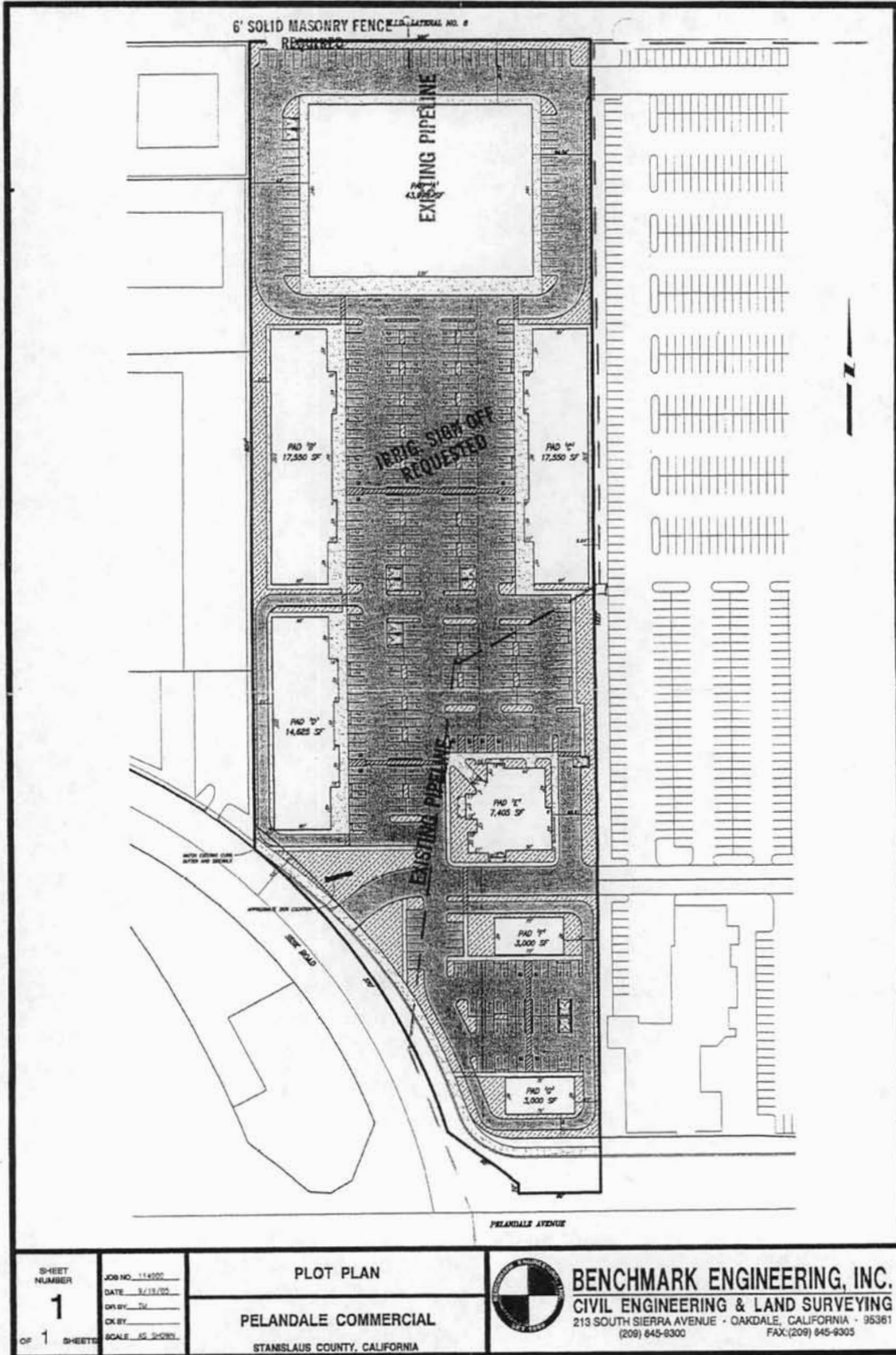
SECRETARY'S CERTIFICATE


I, LINDA WALKER, Secretary of the Board of the Salida Sanitary District, hereby certify that the foregoing is a full, true and correct copy of a Resolution duly adopted by said Board at a regular meeting thereof held on January 8, 2009, by the vote indicated, and that the same is still in full force and effect.

DATED: January 8, 2009.

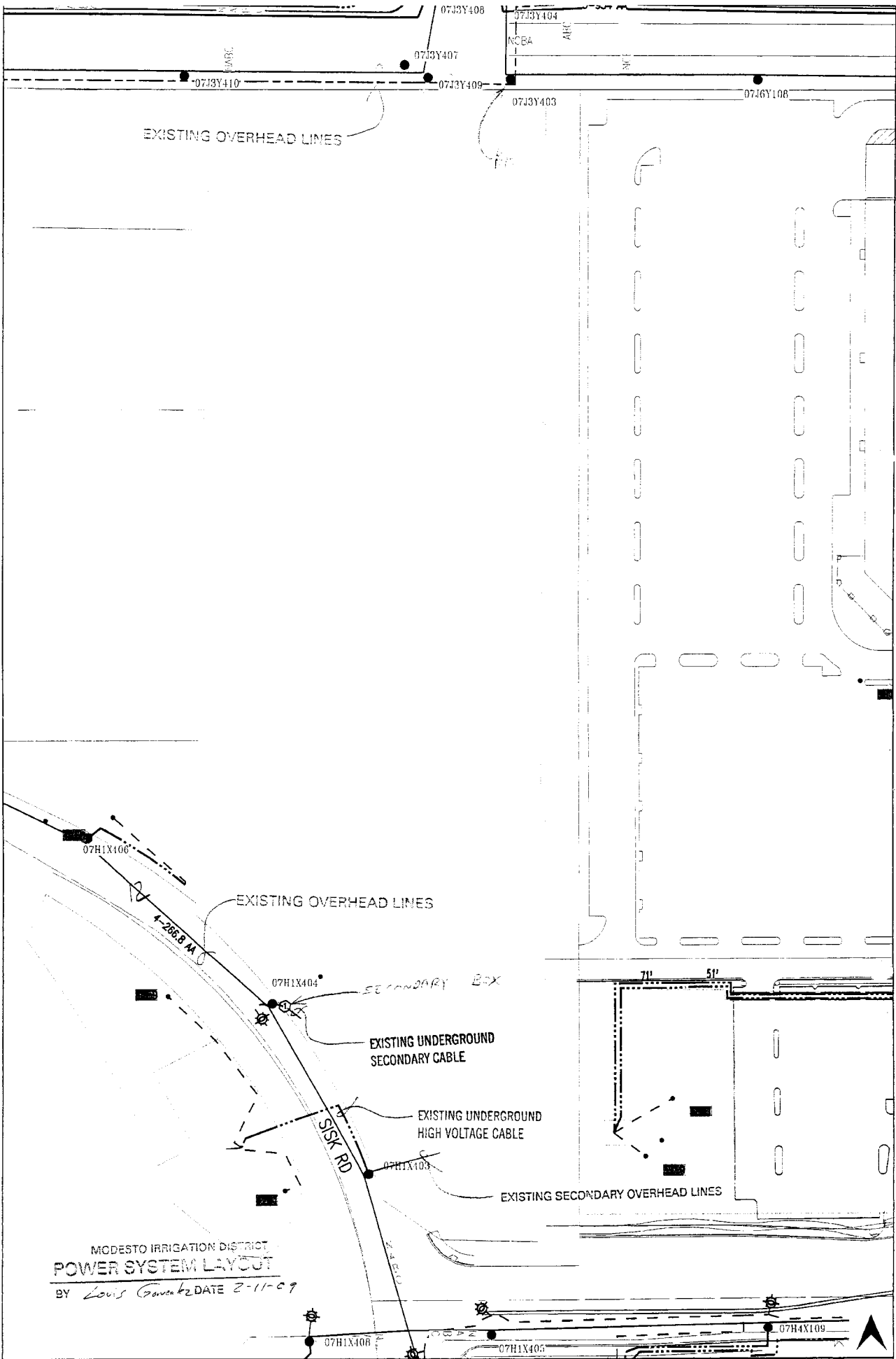


Linda Walker



SHEET NUMBER 1 OF 1 SHEETS	JOB NO. 114202	PLOT PLAN PELANDALE COMMERCIAL STANISLAUS COUNTY, CALIFORNIA	 BENCHMARK ENGINEERING, INC. CIVIL ENGINEERING & LAND SURVEYING 213 SOUTH SIERRA AVENUE • OAKDALE, CALIFORNIA • 95361 (209) 845-9300 FAX: (209) 845-9305
	DATE 3/13/05		
DR BY	CK BY	SCALE AS SHOWN	

M.I.D. IRRIGATION DEPT.
 BY *AM* DATE 2/13/07



MODESTO IRRIGATION DISTRICT
POWER SYSTEM LAYOUT
 BY *Louis Ganss* DATE *2-11-09*

MODESTO IRRIGATION DISTRICT

Date: 02/11/2009

Printed By: louisg

0 87.4 174.9 FT

Comments:



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: | Community Plan Amendment Application No. 2009-01, Rezone Application No. 2009-01 - Pelandale Commercial |
| 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: | Northeast corner of Pelandale Avenue and Sisk Road, within the Salida Community Plan area, adjacent to the city of Modesto. (APN: 135-029-019) |
| 5. | Project sponsor's name and address: | Bright Development
1620 N. Carpenter Road, Suite B-17
Modesto, CA 95357 |
| 6. | General plan designation: | Planned Development |
| 7. | Zoning: | Expired Planned Development P-D (151) |
| 8. | Description of project: | Request to amend the Community Plan from Highway Commercial Planned Development (HCPD) to Planned Development (PD) and rezone 8.71 acres of expired Planned Development zone P-D (151) to a new Planned Development zone to allow seven buildings for retail commercial, Big Box commercial and drive-thru businesses, totaling 107,000± square feet. The parcel will be served by City of Modesto water and the Salida Sanitary District. |
| 9. | Surrounding land uses and setting: | Commercial/light industrial uses to the north, east, west and south. City of Modesto to the east and south. Highway 99 to the west. |
| 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
Stanislaus County Local Agency Formation Commission (LAFCO) |

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

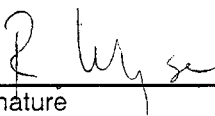
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- 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

May 5, 2009

 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	
<p>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. Any development resulting from this project will be consistent with existing developments in the area. The City of Modesto responded with specific requirements requiring compliance with the City's Commercial and Industrial Guidelines. The project site is not within the City's Sphere of Influence. Final approval of the design and placement of the proposed buildings will be subject to the County Planning Director's (or appointed designee's) discretion, however, County Planning Staff will be incorporating some of the City's Guidelines as Conditions of Approval. A Condition of Approval will be added to the subject project addressing nighttime lighting and shielding of parking lot lights.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan and Support Documentation¹.</p>				
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	
<p>Discussion: The project site is zoned Planned Development. Adjoining parcels are zoned for planned development use and are approved for a variety of commercial and light industrial uses. The project site was approved as a commercial center in 1987, but never developed. The subject parcel is currently in agricultural production and is planted with seasonal strawberries and improved with a produce stand. The soils are classified as "Urban and Built-Up Land" by the California State Department of Conservation Farmland Mapping and Monitoring Program. There are two (2) types of soil on the subject parcel: Tujunga sand, 0 to 3 percent slopes, Index Rating of 43, and Grade of 3; Hanford sandy loam, 0 to 3 percent slopes, Index Rating of 95, Grade of 1. This project will not conflict with any bonafide agricultural operation.</p>				

Mitigation: None.				
References: Stanislaus County General Plan and Support Documentation ¹ .				
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	
<p>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.</p> <p>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.</p> <p>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.</p>				
Mitigation: None.				
References: Referral response dated February 5, 2009, 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 Documentation ¹ .				
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 (2) species, California tiger salamander (*Ambystoma californiense*) and Swainson's hawk (*Buteo swainsoni*), along the Stanislaus River approximately 2.7 miles northwest of the project site, and one (1) species, the Valley Elderberry Longhorn Beetle (*Desmocerus californicus dimorphus*), 1.6 miles southeast of the project site.

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. Community 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: Stanislaus County General Plan and Support Documentation ¹ .				
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
<p>Discussion: As contained in Chapter 5 of the General Plan Support Documentation, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5. However, as per the 2007 California Building Code all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F) and a soils test may be required at building permit application. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present special engineering of the structure will be required to compensate for the soil deficiency. 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. Any earth moving is subject to Public Works Standards and Specifications which considers the potential for erosion and run-off prior to permit approval. Likewise, any addition of a septic tank or alternative waste water disposal system would require the approval of the Department of Environmental Resources through the building permit process, which also takes soil type into consideration within the specific design requirements.</p>				
Mitigation: None.				
References: California Building Code (2007), Stanislaus County General Plan and Support Documentation - Safety Element 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
<p>Discussion: No known hazardous materials are on site. Pesticide exposure is a risk in agricultural areas. Sources of exposure include contaminated groundwater which is consumed and drift from spray applications. Application of sprays is strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. The County Department of Environmental Resources (DER) is responsible for overseeing hazardous materials in this area. The project was referred to the Hazardous Materials Division of DER, but no response has been received to date.</p> <p>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.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan and Support Documentation¹.</p>				

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

Discussion: Run-off is not considered an issue because of several factors which limit the potential impact. These factors include a relative flat terrain of the subject site, and relatively low rainfall intensities. Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act. The project site itself is not located within a recognized flood zone and, as such, flooding is not an issue with respect to this project. On-site areas subject to flooding have not been identified in accordance with the Federal Emergency Management Act and/or County designated flood areas.

However, by virtue of paving for the building pad, parking and driveway, the current absorption patterns of water placed upon this property will be altered. In order to address these issues, Public Works has provided a Condition of Approval requiring the applicant to obtain a grading and drainage permit prior to moving any dirt on-site. The project application states that the applicant intends to address storm water runoff through underground storage. Public Works has indicated concern over the on-site drainage for the project and whether there will be sufficient percolation for the amount of collected storm water. A Condition of Approval will be placed on the project requiring that storm drainage be addressed prior to issuance of a building permit. If underground storage is deemed to be insufficient and the project site is required to annex into a County Service Area for the extension of storm drainage services, Stanislaus County Local Agency Formation Commission (LAFCO) approval will be required as the proposed project site is not located within a County Service Area (CSA). The project was referred to the Regional Water Quality Control Board, but to date no comments have been received.

The City of Modesto responded with Conditions of Approval based on the location of storm water retention. If storm water is retained on site the applicant will be required to provide proof that the City will not be impacted by storm water from the proposed project during a 100 year 6 day storm event. If storm water is retained on a parcel within City limits the project will be required to comply with City of Modesto Standards for storm drainage volumes and disposal.

Mitigation: None.

References: Referral response dated February 11, 2009, from Stanislaus County Public Works, referral response dated February 3, 2009, from LAFCO, referral response dated March 10, 2009 from the City of Modesto, Stanislaus County General Plan and Support Documentation¹.

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 was zoned P-D 151 (Planned Development) with a General Plan of Planned Development, but that zoning has expired due to lack of development. The site has been surrounded by urban commercial/industrial uses for some time. If approved, the project would reclassify the Community Plan and Zoning District as Planned Development. The applicants are proposing to change the Community Plan from HCPD to PD in an effort to allow more uses on the site as the HCPD Community Plan designation limits development of the property to six (6) specific uses and four (4) accessory uses, which are not consistent with the proposed development. 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. The project site is flanked by commercial and light industrial developments, a canal and two (2) major thoroughfares (Pelandale Avenue and Sisk Road). There are no residential neighborhoods in the immediate vicinity 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 and manufacturing zones. Property in agricultural production does exist across the canal to the northeast, however those parcels were rezoned SCP-PI with the adoption of the Salida Initiative in 2007. The Modesto Irrigation District is requiring a 6-foot masonry wall be installed along the north parcel boundary as a Condition of Approval. Consequently, a minimal noise buffer shall be installed. The site is not located within an airport land use plan, but is located beneath a low level flight path. The project was referred to the Airport Land Use Commission and to the United States Military Agencies, but no responses have been received to date.

Mitigation: None.

References: Referral response dated February 17, 2009, from the Modesto Irrigation District, 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
<p>Discussion: This project does not propose any significant type of growth inducing features, therefore, adverse affects created by population growth should not occur. New businesses are being proposed, however, the development will be an extension of the commercial center approved on the adjacent eastern parcels by the City of Modesto. 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. The site is currently improved with a seasonal produce stand which will be removed prior to construction of the proposed structures. This project does not propose any type of significant growth inducing features, therefore, adverse affects created by population growth should not occur.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan and Support Documentation¹.</p>				
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. The Sheriff's Department indicated that the subject project would have a less than significant impact. However, Public Facility fees, Fire Facility fees and standardized Sheriff's 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 project. A Condition of Approval shall be added requiring that the developer pay applicable and current school fees at the time of building permit issuance.</p>				
<p>Mitigation: None.</p>				
<p>References: Referral response dated February 3, 2009, from the Stanislaus County Sheriff's Department, referral response dated February 10, 2009, from the Salida Fire Protection District, referral response dated February 8, 2009, from the Stanislaus County Fire Prevention Bureau, 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
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.				
Mitigation: None.				
References: Referral response dated March 2, 2009, from the Stanislaus County Department of Parks and Recreation, Stanislaus County General Plan and Support Documentation ¹ .				
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
Discussion: The project will increase traffic in the area. Primary access will be from a right-in/right-out driveway on County-maintained Sisk Road. However, the traffic study indicates that a number of the trips generated will use the existing access easements as reflected on the parcel which permit reciprocal access from the commercial center to the east. The traffic study further indicates that users of the commercial center to the east will use the proposed development during the same trip. The City of Modesto is recommending a deceleration lane onto the subject parcel be provided as a Condition of Approval. The portion of Sisk Road adjacent to the project site belongs to Stanislaus County. Comments from the City of Modesto were forwarded to the Stanislaus County Public Works Department, but no further Conditions of Approval were				

provided by the County requiring the deacceleration lane. The Stanislaus County Public Works Department and City of Modesto have reviewed this project and provided Conditions of Approval. The project was referred to CalTrans, who responded with clarification requests regarding the traffic study, however no Conditions of Approval have been provided to date.

The applicant hired Fehr & Peers to provide a Traffic Study. The Traffic Study made six (6) site recommendations. Staff has incorporated five (5) of those items into Mitigation Measures. These Mitigation Measures address pedestrian safety, bicycle racks, truck delivery circulation and right-in/right-out access off of Sisk Road. Site Recommendation 6 of the traffic study was not incorporated as a mitigation measure as all handicap accessible parking is regulated by Uniform Building Code. Regardless of the distribution of ADA compliant parking spaces shown on the site plan all buildings will be required, at the time of building permit application, to meet ADA requirements for number of handicap accessible parking spaces.

Mitigation:

1. *Restrict the Sisk Road driveway to right-in/right-out operations. Restricted access would minimize turning movement conflicts and queuing impacts within the site and adjacent street system.*
2. *In development of the final site plan, the Project Applicant shall accommodate pedestrians at the vehicular connections between the Project site and adjacent retail center.*
3. *Provide additional pedestrian crossing treatments across the main drive aisles.*
4. *The Project Applicant shall identify truck routes through the site and internal intersections and drive aisles shall be designed to accommodate the turning radii of delivery vehicles typically expected to make deliveries to the site. An AutoTURN analysis shall be conducted for delivery vehicle site access. Delivery time restrictions shall be developed if delivery trucks are likely to impede on customer parking areas.*
5. *The Project Applicant shall provide at least 1 bicycle parking space per every 10 employees. Short-term patron stalls should be provided by each of the building areas, as well as secure employee bicycle parking at major site employers.*

References: Referral responses dated February 17, 2009 and March 24, 2009, from CalTrans, referral response dated March 10, 2009, from the City of Modesto, referral response dated February 11, 2009, from Stanislaus County Public Works, Traffic Study dated January 7, 2009, from Fehr & Peers, Stanislaus County General Plan and Support Documentation¹.

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. The Conditions of Approval reflected in the will-serve letters are subject to change. However, the Salida Sanitary District will be required to obtain LAFCO approval, to extend its service area, prior to issuance of a building permit. 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: 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 indicated the need for Mitigation Measures to address traffic and site issues. Staff has incorporated Mitigation Measures into Section XV. Transportation/Traffic. Implementation of these Mitigation Measures insures that the project will not significantly impact the environmental quality of the site and/or the surrounding area.

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¹Stanislaus County General Plan and Support Documentation adopted in October 1994, as amended. Optional and updated elements of the General Plan and Support Documentation: **Agricultural Element** adopted on December 18, 2007; **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.



MEMORANDUM

Date: January 7, 2009

To: Norman Soares, Bright Homes

From: Francisco Martin and Kathrin Tellez, Fehr & Peers

Subject: *Sisk Road/Pelandale Avenue Parcel Development Transportation Assessment*

WC08-2613

This memorandum presents the results of the preliminary transportation assessment prepared by Fehr & Peers for the proposed Sisk Road/Pelandale Avenue commercial development (Project) in Modesto, California, located at the northeast corner of the Sisk Road/Pelandale Avenue intersection. The currently vacant parcel is proposed to be developed with approximately 107,106 square feet of new retail development. The conceptual project site plan is shown on Figure 1.

Access to the site would be provided from a driveway on Sisk Road, as well as through reciprocal access with the adjacent shopping center that contains approximately 450,000 square feet of retail uses. The Project would be integrated into the existing shopping center, with two vehicle connections, as well as pedestrian connections.

The transportation assessment includes evaluation of the potential impacts of the proposed State Route 99/Pelandale Avenue interchange improvements on the site plan, and presents project trip generation estimates. The resulting trip generation estimates are compared to the growth assumptions for the site included in the traffic analysis for the State Route (SR) 99/Pelandale interchange Project Approval/Environmental Document to determine if additional intersection analysis would be required. A preliminary site plan review was also conducted.

PELANDALE INTERCHANGE IMPROVEMENT EVALUATION

Near-term improvements are planned at the Pelandale Avenue/Sisk Road intersection in conjunction with modifications to the Pelandale Avenue/SR 99 Northbound on-ramp. These modifications would provide a third through lane in each direction on Pelandale Avenue through the Sisk Road intersection. Widening of Sisk road to provide two through lanes in each direction is also planned. These improvements are planned to be constructed in the next few years to accommodate existing traffic volumes through the area. The project site has been designed to allow for the widening of Sisk Road and Pelandale Avenue along the project frontages.

The California Department of Transportation (Caltrans), the City of Modesto, and Stanislaus Council of Governments (StanCOG) is also studying design alternatives for long-term improvements to the State Route (SR) 99/Pelandale Avenue interchange to meet planned traffic growth in the area. As part of the interchange improvements, the SR 99 ramps and Sisk Road/

Pelandale intersection Avenue would be modified, which could further affect the project site frontage along Sisk Road and Pelandale Avenue. The project applicant should consult with the City of Modesto and StanCOG to ensure that development of the project would not preclude construction of the ultimate interchange configuration.

TRIP GENERATION AND DISTRIBUTION

Trip Generation

Project trip generation refers to the process for estimating the amount of vehicular traffic a project would add to the surrounding roadway system. Estimates of the total amount of traffic entering and exiting the project driveways are calculated for a typical weekday. Separate estimates are created for the peak one-hour periods during the morning and evening commute periods when traffic volumes on the surrounding streets are highest.

For projects that contain a mixture of uses, such as retail and restaurants, it is reasonable to expect that some trips would occur internal to the site. Internal trips are defined as those which begin and end within the project site and do not add any new trips to the external roadway network. For retail uses, such as contained within the proposed project, driveway traffic comprises: (1) new traffic generated by the project, (2) traffic that would otherwise already be on the adjacent roadways but the driver decides to stop at the site (e.g., to purchase an item on their way home from work), and (3) traffic on other nearby roadways, but the driver decides to take a short detour to stop at the site. The trips in Item 2 are referred to as "pass-by" trips and the trips in Item 3 are referred to as "diverted-link" trips.

Trip generation estimates for the project were developed by using trip generation rates contained in the Institute of Transportation Engineers (ITE), *Trip Generation*, (8th Edition). Information contained in the ITE *Trip Generation Handbook*, June 2004, was used to estimate internal, pass-by and diverted-link trips.

Internal Trips

The trip generation rate for shopping centers was selected to estimate trip generation for the site. The potential for internal trips is accounted for in the selected rate and no additional internal trip discount was applied.

Pass-by and Diverted-link Trips

The average PM peak hour pass-by rate for a shopping center is 34 percent and the average diverted-link trip rate is about 16 percent. In other words, at a typical shopping center, about 50 percent of the traffic entering and exiting the site is already on the surrounding roadway system.

Fehr & Peers recommends a 30 percent pass-by rate for the shopping center for the daily and PM peak period. This percentage is based on the pass-by percentages of surveyed sites with a similar square footage and volume of adjacent street traffic. No diverted trip discount is recommended. Although diverted trips would not be new trips within the region, they would be new trips to the immediate study area.

Trip Generation Results

Estimates for Project trip generation were developed by using rates contained in the ITE *Trip Generation*, (8th Edition) and the above assumptions for internal, pass-by, and diverted-link trips. As proposed, the Project would function as an addition to the existing retail center given the reciprocal vehicle and pedestrian access, and complementary land uses; the Project is not likely to draw significant amounts of new traffic to the area.

The trip generation rate for Shopping Centers was applied to the size of existing development, approximately 450,000 square-feet of retail bound by Chapman Road to the east, Pelandale Road to the south, the Project site to the west, and the Modesto Irrigation District Canal to the north. The trip generation was then calculated for the entire site considering development of the proposed Project, for a total of 557,600 square feet of retail development. As restaurant square footage is less than 20 percent of the total square footage of the proposed Project, as well as the existing retail center, use of the trip generation equation for shopping centers is the recommended method to estimate trip generation, based on the guidance in the ITE *Trip Generation Handbook*.

Table 1 summarizes the trip generation estimates for this project. After accounting for pass-by trips, the proposed project is anticipated to increase traffic in the immediate study area by 1,880 daily trips, including 50 AM peak hour and 187 PM peak hour trips. This level of trip generation reflects that many of the patrons of the proposed Project would already be in the area patronizing other retail uses.

SR 99/Pelandale Forecasts

The traffic forecasts for the SR 99/Pelandale interchange Project Approval/Environmental Document were developed in consultation with the City of Modesto, StanCOG and Caltrans staff, using the Transportation Planning Partnership Group (TPPG) Countywide Travel Demand Model (TPPG Model). The TPPG Model was modified to reflect StanCOG's city- and county-wide development totals rather than the City of Modesto General Plan buildout. However, to ensure that the SR 99/Pelandale Interchange would be designed to accommodate potential future demand, the land use assumptions within a one mile radius from the SR 99/Pelandale Avenue interchange were not changed from the TPPG land use assumptions (City of Modesto General Plan land use assumptions). Outside the one mile radius and within the City of Modesto General Plan boundary, the land use was modified for the City of Modesto to continue to match StanCOG's land use projections for the City of Modesto. Additional modeling details are presented in *Final Traffic Operations Report SR 99/Pelandale Avenue Interchange Improvement Project, November 2008, Fehr & Peers (PA/ED Traffic Analysis)*.

TABLE 1 PROJECT TRIP GENERATION								
Land Use	Units	Weekday AM Peak Hour			Weekday PM Peak Hour			Daily Trips
		In	Out	Total	In	Out	Total	
Existing Retail Center	450,000 square feet	228	146	374	854	889	1,743	18,050
Future Retail Center	557,106 square feet	259	165	424	985	1,025	2,010	20,740
Total New Driveway Volumes		31	19	50	131	136	267	2,690
Pass-By Vehicles Trips					-40	-40	-80	-810
Net New Project Trips		31	19	50	91	96	187	1,880
<p>Notes:</p> <ol style="list-style-type: none"> Trip generation based on Institute of Transportation Engineers (ITE), <i>Trip Generation</i>, (8th Edition) regression equations for Shopping Center (Land Use Code 820) : Daily: $\text{Ln}(T) = 0.65 \text{Ln}(X) + 5.83$; Enter = 50%, Exit = 50% AM: $\text{Ln}(T) = 0.59 \text{Ln}(X) + 2.32$; Enter = 61%, Exit = 39% PM: $\text{Ln}(T) = 0.67 \text{Ln}(X) + 3.37$; Enter = 49%, Exit = 51% Where: T = trips generated, X = 1,000 square feet, Ln = natural log Trip pass-by rate based on Institute of Transportation Engineers (ITE), <i>Trip Generation Handbook</i> average pass-by for Shopping Center (Land Use Code 820). Average Weekday daily and PM pass-by rate: 30%; no reduction applied to AM peak hour trips. <p>Source: Trip Generation Manual (8th Edition), ITE, 2008; Trip Generation Handbook, ITE, 2004; and Fehr & Peers, 2008.</p>								

The proposed Project and adjacent retail center are represented by Travel Analysis Zone (TAZ) 665 within the TPPG Model. Non-residential land uses in this model are represented by employees. In the base year model (2005), the zone contains 600 retail employees and 50 service employees. In the buildout model (2035), the zone contains 750 retail employees, and 441 service employees, for a total employment growth of 541 employees within the zone. This level of employment and related traffic growth is accounted for in the SR 99/Pelandale Interchange PA/ED traffic forecast and reflects development on the proposed Project site.

INTERSECTION OPERATIONS

The SR 99/Pelandale Interchange PA/ED evaluated peak hour operations of six intersections in the vicinity of the proposed Project, including the Pelandale Avenue/Sisk Avenue and Pelandale Avenue/Northpointe Shopping Center Entrance. Results are presented in Table 2 from the PA/ED Traffic Analysis report for the 2035 buildout year for Interchange Alternatives 1 and 4. The analysis results show that without the interchange improvement project, the intersections in the area would operate poorly, with excessive delay. With development of either interchange alternative, the intersections in the vicinity of the Project site would operate at acceptable levels (LOS D or better). The traffic forecasts used for this analysis reflect the employment growth within the Project site.

**TABLE 2
 DESIGN YEAR (2035) INTERSECTION ANALYSIS ¹**

Intersection	Peak Hour	No Project	Alternative 1	Alternative 4
1. Pelandale Avenue and Salida Boulevard	AM	>200/F	11/B	11/B
	PM	>200/F	14/B	15/B
2. Salida Boulevard and SR 99 SB Ramps	AM	>200/F	8/A	3/A ²
	PM	>200/F	16/B	6/A ²
3. Sisk Road and SR 99 NB Ramps	AM	>200/F	19/B	8/A ²
	PM	>200/F	21/C	12/B ²
4. Pelandale Avenue and Sisk Road	AM	>200/F	36/D	37/D
	PM	>200/F	33/C	33/C
5. Pelandale Avenue and Shopping Center	AM	>200/F	22/C	25/C
	PM	>200/F	31/C	30/C
6. Salida Boulevard and SR 99 SB Loop Off-Ramp	AM	N/A	14/B	14/B
	PM	N/A	14/B	13/B
System-wide Vehicle Delay (vehicle hours)	AM	2,191	134	123
	PM	4,288	162	148
Notes: Shading denotes locations where level of service threshold is exceeded. 1. Presented in Delay (seconds per vehicle) / level of service (LOS) from <i>Final Traffic Operations Report SR 99/Pelandale Avenue Interchange Improvement Project, November 2008, Fehr & Peers.</i> 2. Based on results from Sidra. 3. System-wide vehicle delay calculated by adding up each intersection's vehicle delay which is computed by multiplying the demand volume by the intersection delay. Source: Fehr & Peers, 2008.				

The project applicant should pay the appropriate traffic mitigation fees to pay for their fair share of the interchange improvement project.

SITE PLAN REVIEW

A preliminary site plan review was conducted that addressed bicycle and pedestrian access, on-site vehicular circulation, general parking supply and layout, reciprocal access, and driveway spacing for the project site plan dated October 28, 2008. Site access, internal circulation, and parking considerations were evaluated against the following criteria:

- Designs for on-site circulation, access and parking areas that fail to meet industry standard design guidelines
- An insufficient quantity of on-site parking for vehicles for typical parking demand

- Increases in off-site parking demand above that which is provided in the immediate Project area
- Lack of, inaccessible, and/or unsafe pedestrian connections between buildings and adjacent streets and transit facilities
- Lack of or an insufficient ingress left-turn lane length at a driveway, causing the ingress left-turn vehicle queue to spill out onto the streets adjacent through travel lane
- Lack of or an insufficient ingress right-turn lane length at a driveway, causing the ingress vehicle queue to spill out onto the streets adjacent through travel lane

Consultant site plan recommendations are highlighted on Figure 2.

Vehicular Site Access

Access to the site is proposed from one driveway on Sisk Road, and two driveways that connect internally to the existing shopping center located adjacent to the Project site. The internal driveways can be accessed by the two existing shopping center driveways along Pelandale Avenue, and the existing driveway on Chapman Road. The proposed driveway on Sisk Road is proposed about 300 feet north of the existing Sisk Road/Pelandale Avenue interchange. Full access at the Sisk Road driveway may result in potential turning movement conflicts and queuing issues.

Site Recommendation 1: Restrict the Sisk Road driveway to right-in/right-out operations. Restricted access would minimize turning movement conflicts and queuing impacts within the site and adjacent street system.

Based on the results of the PA/ED traffic analysis, the Pelandale Avenue/Northpoint Shopping Center driveway is expected to operate acceptably with increased development on the site and the reconstruction of the Pelandale Avenue/SR 99 interchange. Entering and exiting vehicle queues (eastbound left and southbound) are expected to be accommodated within the available storage during the AM peak hour. During the PM peak hour, average vehicle queues are expected to be accommodated within the available storage for both the eastbound left and southbound movements. However, the maximum vehicle queues are anticipated to extend beyond the available storage on occasion within the hour. These queues are expected to clear and not result in vehicle queue spillback to the through lanes on Pelandale Avenue, or impede site circulation for extended periods during the PM peak hour.

Bicycle and Pedestrian Site Access

The project would include improvements to Sisk Road and Pelandale Avenue along the project frontage, including the construction of sidewalks, curbs, and gutters along the southern and western property lines. Based on the Stanislaus County and City of Modesto non-motorized transportation plans, bicycle facilities are planned on Sisk Road and Pelandale Avenue. Sisk Road between Pelandale Avenue and Kiernan Avenue is proposed as a Class III bicycle route (signing only), while a Class I bicycle facility (separate path from vehicular travel way) is proposed on Pelandale Avenue from Sisk Road to Claus Road. Construction of the proposed project is not

expected to preclude the construction of these facilities; however, the Project Applicant should discuss with the City of Modesto and StanCOG the ultimate bicycle facilities planned on Pelandale Avenue such that development of the Project would not preclude provision of Class I bicycle facilities.

Pedestrian paths connecting Sisk Road to the site are shown on the site plan. No direct pedestrian connection is provided from Pelandale Avenue or adjacent land uses to the east or west of the project site.

Site Recommendation 2: In development of the final site plan, the Project Applicant shall accommodate pedestrians at the vehicular connections between the Project site and adjacent retail center.

Vehicular On-Site Circulation

On-site circulation was reviewed with respect to the following: drive aisles, throat depths, dead-end drive aisles, drive-through aisles, trash enclosures, vehicle/pedestrian conflicts, delivery vehicles, and parking stall dimensions. The Stanislaus County and City of Modesto Municipal Codes in addition to standard engineering practices are the basis for this analysis.

Drive Aisles

The surface parking lot contains minor circulation roadways. All aisles are at least 24 feet wide, a sufficient width to accommodate two-way vehicle circulation.

Throat Depths

Throat depth refers to the length of continuous curb extending for a project driveway into the project site before a curb break is provided. The continuous curb prevents vehicle queues at the driveway from obstructing internal site circulation. At low volume turn-restricted driveways, a throat depth of approximately 50 to 100 feet (2 to 4 vehicles) is generally sufficient and is provided at the driveway on Sisk Road. Sufficient throat depth is also provided at the two internal driveways that connect to the existing shopping center parking aisles.

Dead-End Drive Aisles

Dead-end drive aisles are parking aisles that are obstructed at one end, thereby reducing navigation through the site. No dead-end drive aisles are shown on the project site plan.

Drive-Through Aisles

Three drive-through aisles are shown on the site plan: Pad D, Pad F, and Pad G. Based on the detail provided on the site plan, it appears that access and storage is adequate for Pads D, F, and G.

Vehicle/Pedestrian Conflicts

Pedestrian paths are proposed throughout the site, connecting the roadway network to uses on the site. Parking stalls in the retail area have generally been designed to be parallel to the uses

they are serving, such that pedestrians walk across parking aisles, as opposed to walking along parked vehicles. This configuration could create more vehicle/pedestrian conflicts because pedestrians would have to walk across parking aisles, conflicting with circulating vehicles.

Site Recommendation 3: Consider providing additional pedestrian crossing treatments across the main drive aisles, as shown on Figure 2.

Delivery Vehicles

Given the nature of the project, deliveries in large semi-trucks would be expected to occur on a regular basis in addition to smaller delivery vehicles. Based on the project site plan, it was difficult to determine the loading areas for the different buildings. The site plan only contains minor circulating roadways, which may potentially result in poor delivery vehicle access and circulation.

State Route 99 is a designated Surface Transportation Assistance Act (STAA) route through the study area and the existing shopping center adjacent to the proposed site may receive deliveries from STAA trucks.

Site Recommendation 4: The Project Applicant shall identify truck routes through the site and internal intersections and drive aisles should be designed to accommodate the turning radii of delivery vehicles typically expected to make deliveries to the site. An AutoTURN analysis should be conducted for delivery vehicle site access. Delivery time restrictions may need to be developed if delivery trucks are likely to impede on customer parking areas.

Parking Stall Dimensions

City of Modesto requires that standard 90-degree-angle parking stalls be at least 18 feet long by 9 feet wide, with 24-foot-wide drive aisles. Parking stalls throughout the site appear to meet these design criteria. A maximum of 30 percent of the site's parking can be designated "compact" spaces, with dimensions 7.5-feet wide and 15-feet long. The site plan has 30 percent of the provided parking stalls designated as compact.

Parking

The proposed on-site parking supply was compared to the City of Modesto Code and Stanislaus County Code parking requirements.

Code Requirements

Both the City of Modesto and Stanislaus County Code parking requirements were reviewed to ensure that the project would provide sufficient parking. Both codes require:

- 1 space for each 300 feet of retail uses
- 1 space for each set of 4 seats in a restaurant

Based on the project description, the project would be required to provide 414 parking stalls as shown in Table 2, a surplus of 27 stalls over the proposed supply.

TABLE 2 CODE AUTOMOBILE PARKING REQUIREMENTS					
Land Use	Size	Parking Code Requirement	Parking Spaces Required	Total Parking Supply	Surplus (Deficit)
Restaurant	13,405 square feet with 408 total seats	1 space for each 4 seats in the restaurant	102		
Shopping Center	93,701 square feet	1 space for each 300 square feet	312		
Total			414	441	27

Source: Stanislaus County Municipal Code 21.76.140 and 21.76.150, and City of Modesto Municipal Code 10-2.2002.

Bicycle Parking

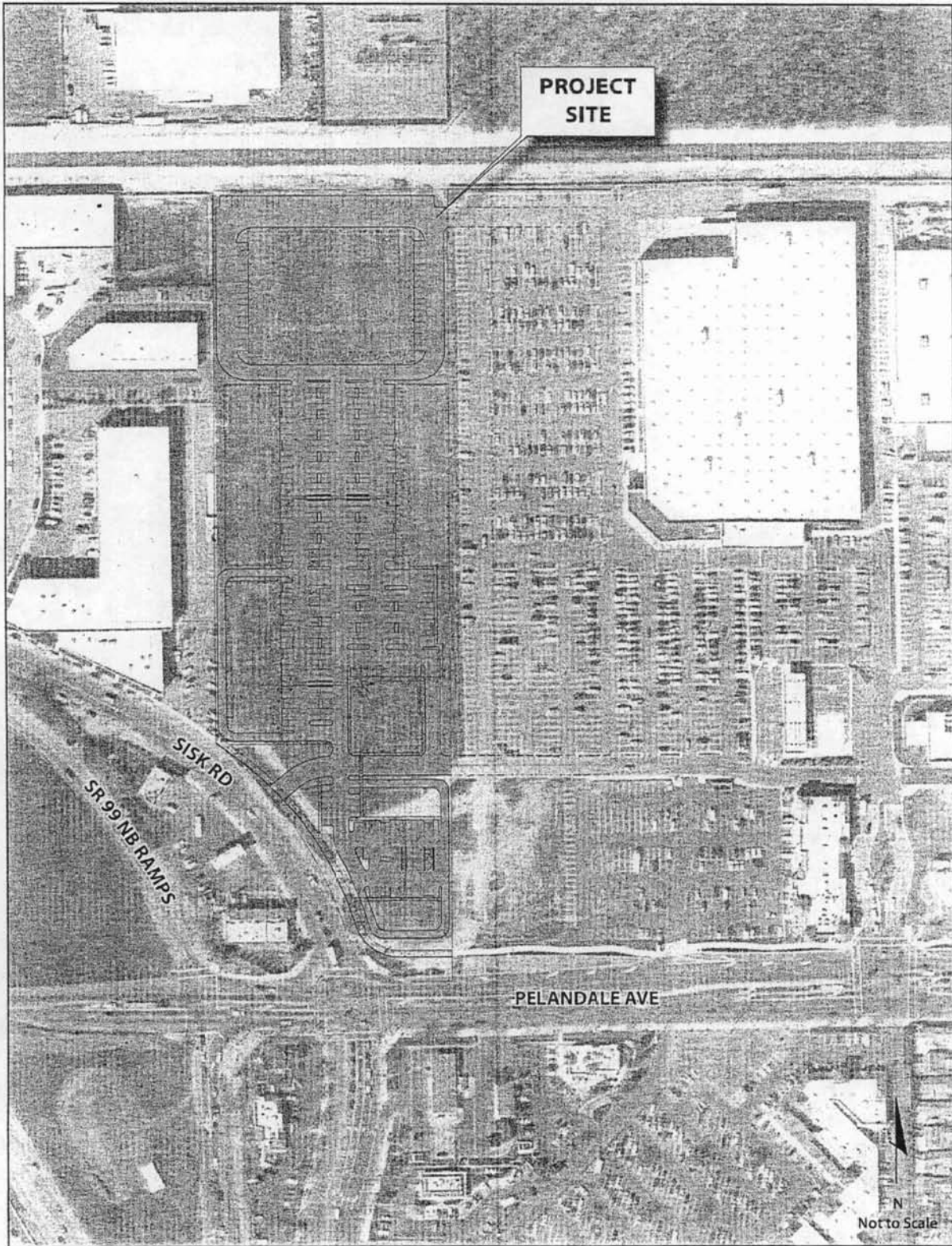
No bicycle parking is shown on the site plan.

Site Recommendation 5: The Project Applicant shall provide at least 1 bicycle parking space per every 10 employees. Short-term patron stalls should be provided by each of the building areas, as well as secure employee bicycle parking at major site employers

Handicap Accessible Parking

The site plan was reviewed to determine the number of handicap accessible parking spaces required for the site and its location. The Americans with Disability Act (ADA) guidelines recommend for parking lots in the 400-500 range, a minimum of 9 accessible spaces. The site plan shows 14 accessible stalls, and each proposed pad, except for Pad A, provide its own handicapped parking supply to minimize the distance between the parking space and patron's destination.

Site Recommendation 6: The Project Applicant shall provide a minimum of two handicap accessible parking spaces near the main entrance of Pad A.

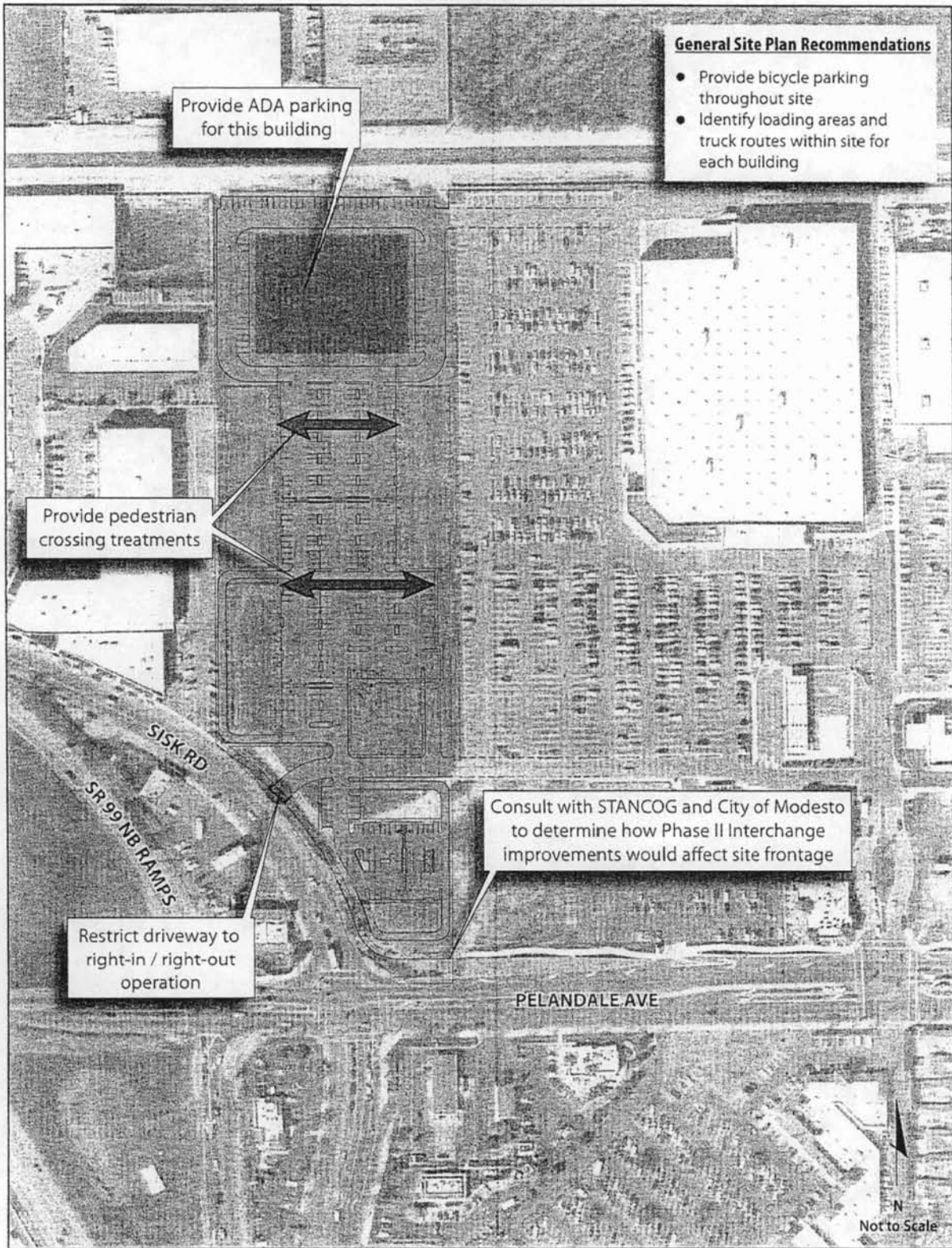


Pelandale-Sisk Development


FEHR & PEERS
 TRANSPORTATION CONSULTANTS
 January 2009
 WC08-2613_1

PROJECT SITE PLAN

Figure 1



General Site Plan Recommendations

- Provide bicycle parking throughout site
- Identify loading areas and truck routes within site for each building

Provide ADA parking for this building

Provide pedestrian crossing treatments

Restrict driveway to right-in / right-out operation

Consult with STANCOG and City of Modesto to determine how Phase II Interchange improvements would affect site frontage

Pelandale-Sisk Development



FEHR & PEERS
TRANSPORTATION CONSULTANTS

January 2009
WC08-2613_2

CONSULTANT RECOMMENDATIONS

Figure 2

MITIGATED NEGATIVE DECLARATION

NAME OF PROJECT: Community Plan Amendment Application No. 2009-01, Rezone Application No. 2009-01 - Pelandale Commercial

LOCATION OF PROJECT: Northeast corner of Pelandale Avenue and Sisk Road, within the Salida Community Plan area, adjacent to the city of Modesto. (APN: 135-029-019)

PROJECT DEVELOPER: Bright Development
1620 N. Carpenter Road, Suite B-17
Modesto, CA 95357

DESCRIPTION OF PROJECT: Request to amend the Community Plan from Highway Commercial Planned Development (HCPD) to Planned Development (PD) and rezone 8.71 acres of expired Planned Development zone P-D (151) to a new Planned Development zone to allow seven buildings for retail commercial, Big Box commercial and drive-thru businesses, totaling 107,000± square feet. The parcel will be served by City of Modesto water and the Salida Sanitary District.

Based upon the Initial Study, dated May 5, 2009, 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 aforementioned findings are contingent upon the following mitigation measures (if indicated) which shall be incorporated into this project:

1. *Restrict the Sisk Road driveway to right-in/right-out operations. Restricted access would minimize turning movement conflicts and queuing impacts within the site and adjacent street system.*
2. *In development of the final site plan, the Project Applicant shall accommodate pedestrians at the vehicular connections between the Project site and adjacent retail center.*
3. *Provide additional pedestrian crossing treatments across the main drive aisles.*
4. *The Project Applicant shall identify truck routes through the site and internal intersections and drive aisles shall be designed to accommodate the turning radii of delivery vehicles typically expected to make deliveries to the site. An AutoTURN analysis shall be conducted for delivery vehicle site access. Delivery time restrictions shall be developed if delivery trucks are likely to impede on customer parking areas.*
5. *The Project Applicant shall provide at least 1 bicycle parking space per every 10 employees. Short-term patron stalls should be provided by each of the building areas, as well as secure employee bicycle parking at major site employers.*

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, California 95354

Stanislaus County

Planning and Community Development

1010 10th Street, Suite 3400
Modesto, CA 95354

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

Mitigation Monitoring Plan

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

May 5, 2009

1. Project title and location: Community Plan Amendment Application No. 2009-01, Rezone Application No. 2009-01 - Pelandale Commercial

Northeast corner of Pelandale Avenue and Sisk Road, within the Salida Community Plan area, adjacent to the city of Modesto. (APN: 135-029-019)
2. Project Applicant name and address: Bright Development
1620 N. Carpenter Road, Suite B-17
Modesto, CA 95357
3. Person Responsible for Implementing Mitigation Program (Applicant Representative): Norm Soares, Bright Development
4. Contact person at County: Rachel Wyse, Assistant Planner (209) 525-6330

MITIGATION MEASURES AND MONITORING PROGRAM:

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

XV. TRANSPORTATION/TRAFFIC

- No. 1 Mitigation Measure: Restrict the Sisk Road driveway to right-in/right-out operations. Restricted access would minimize turning movement conflicts and queuing impacts within the site and adjacent street system.

Who Implements the Measure: Applicant and future property owners.

When should the measure be implemented: Prior to or concurrent with building permit or grading permit application.

When should it be completed: Prior to issuance of a final occupancy permit or final inspection for any building permit.

Who verifies compliance: Stanislaus County Public Works

Other Responsible Agencies: None
- No. 2 Mitigation Measure: In development of the final site plan, the Project Applicant shall accommodate pedestrians at the vehicular connections between the Project site and adjacent retail center.

Who Implements the Measure: Applicant and future property owners.

- When should the measure be implemented: Prior to or concurrent with building permit or grading permit application.
- When should it be completed: Prior to issuance of a final occupancy permit or final inspection for any building permit.
- Who verifies compliance: Stanislaus County Planning Department, Stanislaus County Public Works, City of Modesto
- Other Responsible Agencies: None
- No. 3 Mitigation Measure: Provide additional pedestrian crossing treatments across the main drive aisles.
- Who Implements the Measure: Applicant and future property owners.
- When should the measure be implemented: Prior to or concurrent with building permit or grading permit application.
- When should it be completed: Prior to issuance of a final occupancy permit or final inspection for any building permit.
- Who verifies compliance: Stanislaus County Planning Department, Stanislaus County Public Works.
- Other Responsible Agencies: None
- No. 4 Mitigation Measure: The Project Applicant shall identify truck routes through the site and internal intersections and drive aisles shall be designed to accommodate the turning radii of delivery vehicles typically expected to make deliveries to the site. An AutoTURN analysis shall be conducted for delivery vehicle site access. Delivery time restrictions shall be developed if delivery trucks are likely to impede on customer parking
- Who Implements the Measure: Applicant and future property owners.
- When should the measure be implemented: Prior to or concurrent with building permit or grading permit application.
- When should it be completed: Prior to issuance of a final occupancy permit or final inspection for any building permit.
- Who verifies compliance: Stanislaus County Public Works, Stanislaus County Planning Department
- Other Responsible Agencies: None
- No. 5 Mitigation Measure: The Project Applicant shall provide at least 1 bicycle parking space per every 10 employees. Short-term patron stalls should be provided by each of the building areas, as well as secure employee bicycle parking at major site employers.
- Who Implements the Measure: Applicant and future property owners.
- When should the measure be implemented: Prior to or concurrent with building permit or grading permit application.

When should it be completed:	Prior to issuance of a final occupancy permit or final inspection for any building permit.
Who verifies compliance:	Stanislaus County Public Works, Stanislaus County Planning Department
Other Responsible Agencies:	None

I, the undersigned, do hereby certify that I understand and agree to be responsible for implementing the Mitigation Program for the above listed project.

Signature on file _____
Person Responsible for Implementing
Mitigation Program


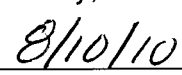
May 5, 2009 _____
Date

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: COMMUNITY PLAN AMENDMENT APPLICATION NO. 2009-01, REZONE APPLICATION NO. 2009-01 - PELANDALE COMMERCIAL

REFERRED TO:			RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS		
DATE:	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
AGRICULTURE COMMISSIONER	X	X			X							
ALLIANCE	X	X	X		X							
BUILDING PERMITS DIVISION	X	X		X		X				X	X	
CALTRANS DISTRICT 10	X	X	X					X		X		X
CHIEF EXECUTIVE OFFICE	X	X			X							
CITY OF: MODESTO	X	X	X	X		X				X	X	
SALIDA SANITARY DIST	X	X	X		X							
COUNTY COUNSEL	X	X			X							
ENVIRONMENTAL RESOURCES	X	X		X		X				X	X	
FIRE PROTECTION DIST: SALIDA	X	X	X	X		X				X	X	
HAZARDOUS MATERIALS	X	X		X		X				X	X	
IRRIGATION DISTRICT: MODESTO	X	X	X	X		X				X	X	
LAFCO	X	X	X	X		X				X	X	
MOSQUITO DISTRICT: EASTSIDE	X	X	X		X							
MUNICIPAL ADVISORY COUNCIL: SALIDA	X	X	X		X							
PACIFIC GAS & ELECTRIC	X	X	X		X							
PARKS & FACILITIES	X	X		X				X		X		X
PUBLIC WORKS	X	X		X		X				X	X	
SCHOOL DISTRICT 1: SALIDA	X	X			X							
SCHOOL DISTRICT 2: MODESTO	X	X			X							
SHERIFF	X	X		X		X				X		X
StanCOG	X	X		X		X				X		X
STANISLAUS COUNTY FARM BUREAU	X	X			X							
STANISLAUS ERC	X	X		X		X				X	X	
STANISLAUS FIRE PREVENTION BUREAU	X	X		X		X				X	X	
STATE CLEARINGHOUSE	X	X	X	X				X		X		X
SUPERVISORIAL DISTRICT 3: GROVER	X	X			X							
SURROUNDING LAND OWNERS			X		X							
TELEPHONE COMPANY: AT&T	X	X	X		X							
TRIBAL CONTACTS	X	X	X		X							
UNITED STATES MILITARY AGENCIES (SB 1462) (5 agencies)	X	X	X		X							
VALLEY AIR DISTRICT (SJVAPCD)	X	X	X	X				X		X	X	

- B. COMMUNITY PLAN AMENDMENT APPLICATION NO. 2009-01, REZONE APPLICATION NO. 2009-01 - PELANDALE COMMERCIAL** - Request to amend the Salida Community Plan and zoning designation of an 8.71 acre parcel from Highway Commercial Planned Development (HCPD) to Planned Development (P-D) and P-D (151) to a new P-D to permit construction of 107,000 square feet of new buildings for retail and drive thru businesses. The property is located at the northeast corner of Pelandale Avenue and Sisk Road, in the Modesto area. The Planning Commission will consider a CEQA Mitigated Negative Declaration on this project.
APN: 135-029-019
Staff Report: Rachel Wyse Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: Norman Soares, Bright Development, 1620 N. Carpenter Road, Modesto
Public hearing closed.
Pires/DeLaMare, Unanimous (5-0), **RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS.**

<p style="text-align: center;">EXCERPT</p> <p style="text-align: center;">PLANNING COMMISSION</p> <p style="text-align: center;">MINUTES</p> <p style="text-align: center;"></p> <hr/> <p style="text-align: center;">Secretary, Planning Commission</p> <p style="text-align: center;"></p> <hr/> <p style="text-align: center;">Date</p>

PowerPoint Presentation

CPA 2009-01, REZ 2009-01, PELANDALE COMMERCIAL

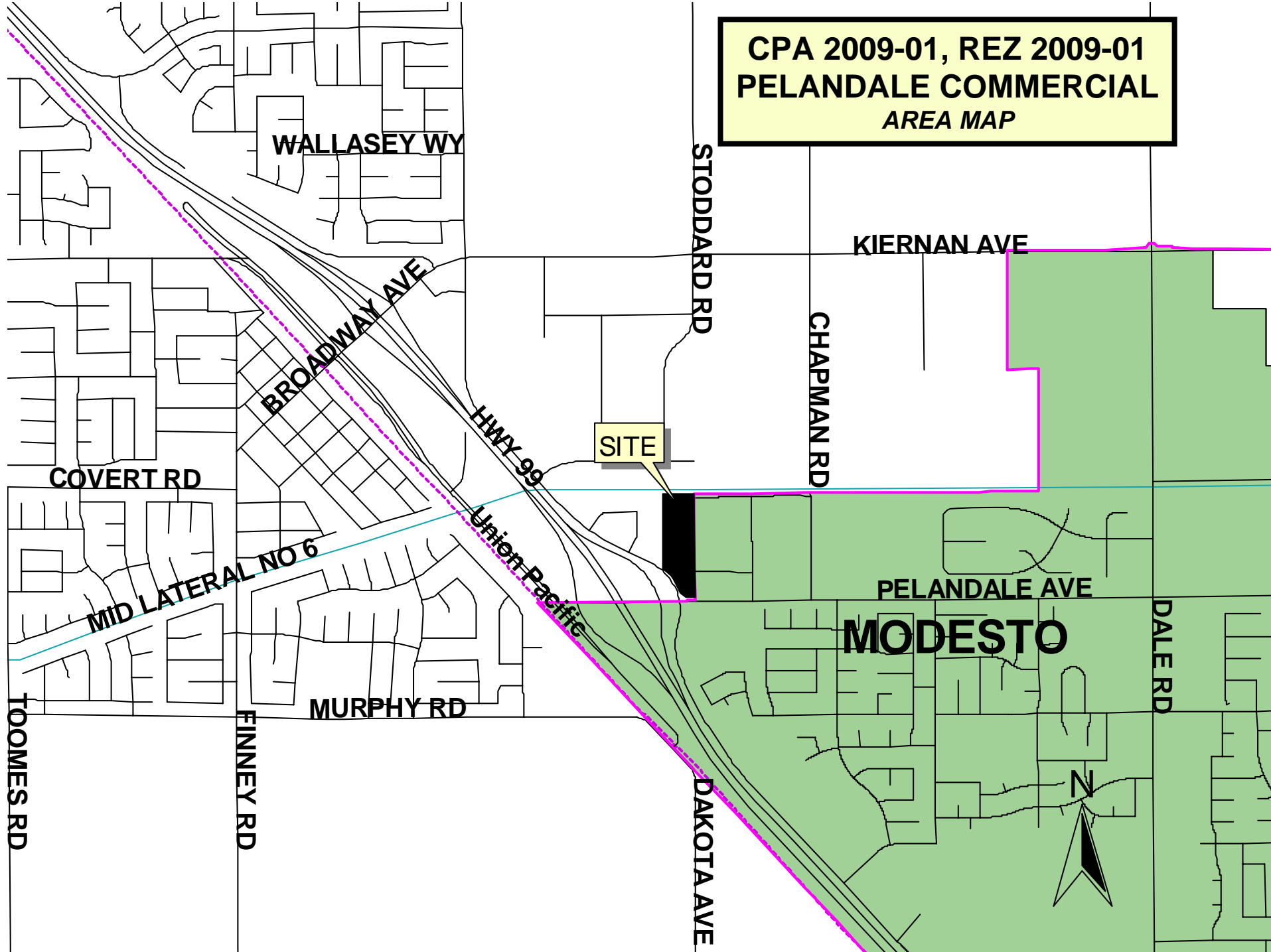


Project Description

- Request to amend the Salida Community Plan of an 8.71 acre parcel from HCPD to PD
- Rezone from expired PD-151 (Planned Development) to PD (Planned Development)
- Approve conceptual schematic site plan
- Permit construction of 107,000 sq. ft. of new buildings for retail commercial and drive-thru businesses.



**CPA 2009-01, REZ 2009-01
PELANDALE COMMERCIAL
AREA MAP**



WALLASEY WY

STODDARD RD

KIERNAN AVE

BROADWAY AVE

CHAPMAN RD

SITE

COVERT RD

HWY 99

Union Pacific

MID LATERAL NO 6

PELANDALE AVE

MODESTO

MURPHY RD

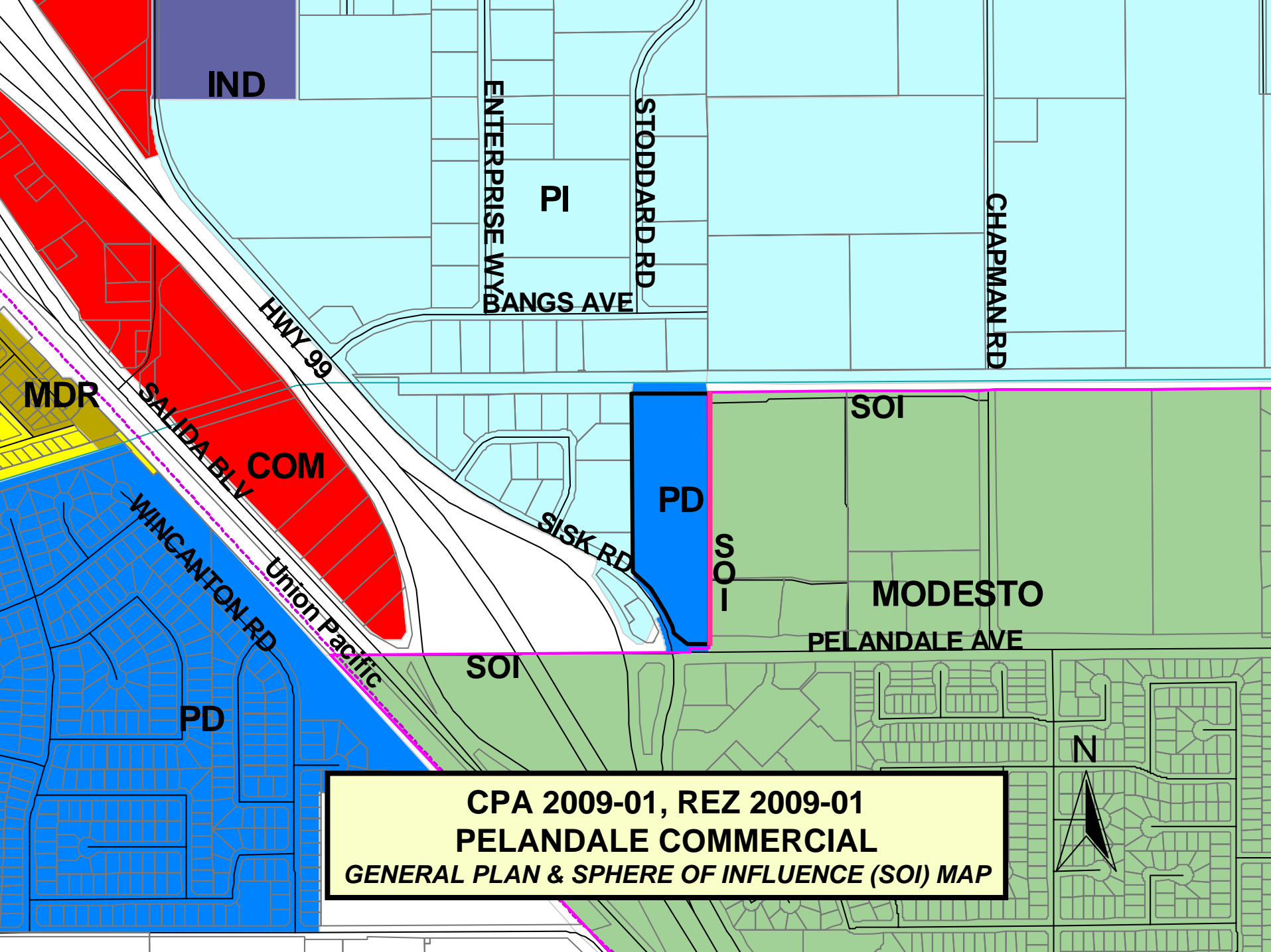
DALE RD

TOOMES RD

FINNEY RD

DAKOTA AVE





IND

PI

ENTERPRISE WYE

STODDARD RD

CHAPMAN RD

BANGS AVE

HWY 99

MDR

SALIDA BLV

COM

PD

SOI

SISK RD

SOI

MODESTO

WINGANTON RD

Union Pacific

PELANDALE AVE

SOI

PD

N

CPA 2009-01, REZ 2009-01
PELANDALE COMMERCIAL
GENERAL PLAN & SPHERE OF INFLUENCE (SOI) MAP

L-M

A-2-10

PI 1

PI 14

PD 43

PD 180

CPA 2009-01, REZ 2009-01
PELANDALE COMMERCIAL
ZONING MAP

ENTERPRISE WY

STODDARD RD

BANGS AVE

SCP-PI

HOPE LN

SISK RD
HWY 99

ACCESS

C-2

GREENLEAF CT

PD 126

PD 151

ACCESS

CHAPMAN RD

SISK RD

ACCESS

SALIDA BLV
WINCANTON RD

HWY 99

PELANDALE AVE

PD 179

MODESTO



BANGS AVE

**CPA 2009-01, REZ 2009-01
PELANDALE COMMERCIAL
STANISLAUS COUNTY
2006 AERIAL**

HWY 99

SISK RD

SITE

HWY 99

PELANDALE AVE

CHAPMAN RD



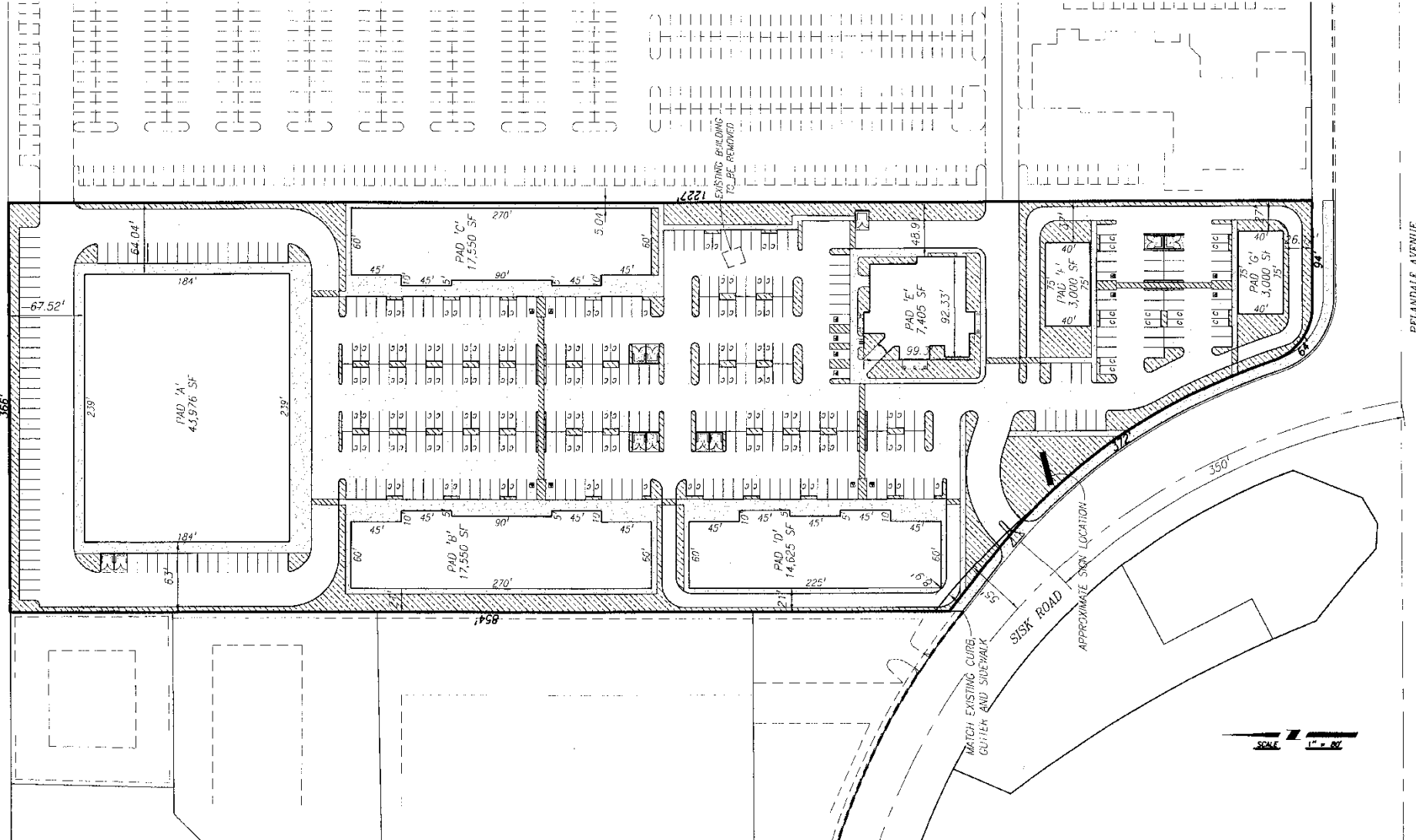
Sphere Of Influence

- Not in Modesto's SOI, but adjacent on east and south.
- Development Standards added conformance with City design, signage, and landscaping criteria to greatest extent possible.
- Possibility of future annexation and to provide aesthetic consistency in the area.
- County Planning Director/designee responsible for final approval.



**CPA 2009-01, REZ 2009-01
 PELANDALE COMMERCIAL
 REVISED SITE PLAN**

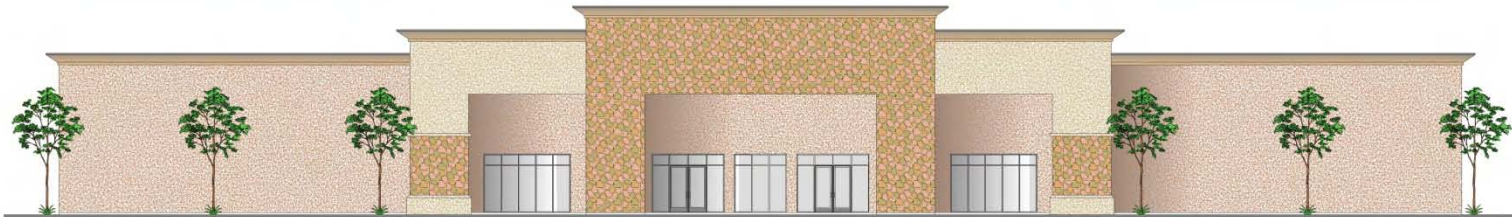
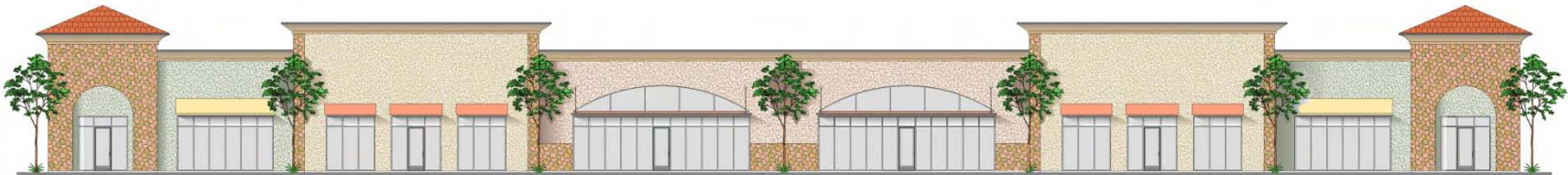
M.I.D. LATERAL NO. 6



PELANDALE AVENUE

SCALE 1" = 80'

CPA 2009-01, REZ 2009-01 PELANDALE COMMERCIAL ELEVATIONS



REVISIONS	
NO.	DESCRIPTIONS

BENCHMARK ENGINEERING, INC.
 CIVIL ENGINEERING & LAND SURVEYING
 213 SOUTH SIERRA AVENUE • OAKDALE, CALIFORNIA • 95361
 (209) 949-9500 FAX: (209) 949-9505



PRELIMINARY ELEVATIONS
 PELANDALE COMMERCIAL
 MODESTO, CALIFORNIA

JOB NO. 188100
 DATE 12-18-08
 DR BY TM
 CK BY
 SCALE AS SHOWN

SHEET NUMBER
1
 OF 1 SHEETS

Permitted Uses

- Staff believes the proposed uses are consistent with the neighboring Northgate Village Shopping Center.
- Permitted uses are: a large retail/wholesale store, restaurant and eateries, various smaller scale retail businesses, and similar uses.



Development Schedule

- Phase One: bring water & sewer to site by June of 2014
- Phase Two: complete underground infrastructure and off-site improvements by June of 2015
- Phase Three: construction of proposed buildings by June of 2022



Salida MAC

- Project referred to MAC in Feb. 2009, June 2009, May 2010 and Aug. 2010.
- August 2010 MAC raised concerns regarding intersection's ability to handle additional traffic.
- Sisk Road Pelandale Ave. Interchange:
 - Planning & CEQA stage
 - City is collecting PFF fees for interchange
 - City recently installed dedicated right turn lane.



General Plan Findings

- The CPA 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 CPA is consistent with the overall goals and policies of the General Plan;
- The CPA is consistent with the overall goals and policies of the Salida Community Plan.



Rezone Finding

- To approve this rezone, the Board of Supervisors must find The proposed Planned development (PD) zoning is consistent with the General Plan designation of Planned Development and with approval of the Community Plan Amendment is consistent with the Salida Community Plan.



Recommendation

- At its regularly scheduled meeting of June 3, 2010, after a public hearing, the Planning Commission on a 5-0 vote, recommended the Board approve the project as outlined in the Board Report.



STANISLAUS COUNTY ORDINANCE NO. C.S. 1091

AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO. 9-110.993 FOR THE PURPOSE OF REZONING AN 8.71 ACRE PARCEL FROM HIGHWAY COMMERCIAL PLANNED DEVELOPMENT (HCPD) TO PLANNED DEVELOPMENT (P-D) AND P-D (151) TO A NEW P-D TO PERMIT CONSTRUCTION OF 107,000 SQUARE FEET OF NEW BUILDINGS FOR RETAIL AND DRIVE THRU BUSINESSES. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF PELANDALE AVENUE AND SISK ROAD, IN THE MODESTO AREA. APN: 135-029-019.

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

Section 1. Sectional District Map No. 9-110.993 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 Monteith, seconded by Supervisor Chiesa, 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 17th day of August, 2010, by the following called vote:

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

NOES: Supervisors: None

ABSENT: Supervisors: None

ABSTAINING: Supervisors: None



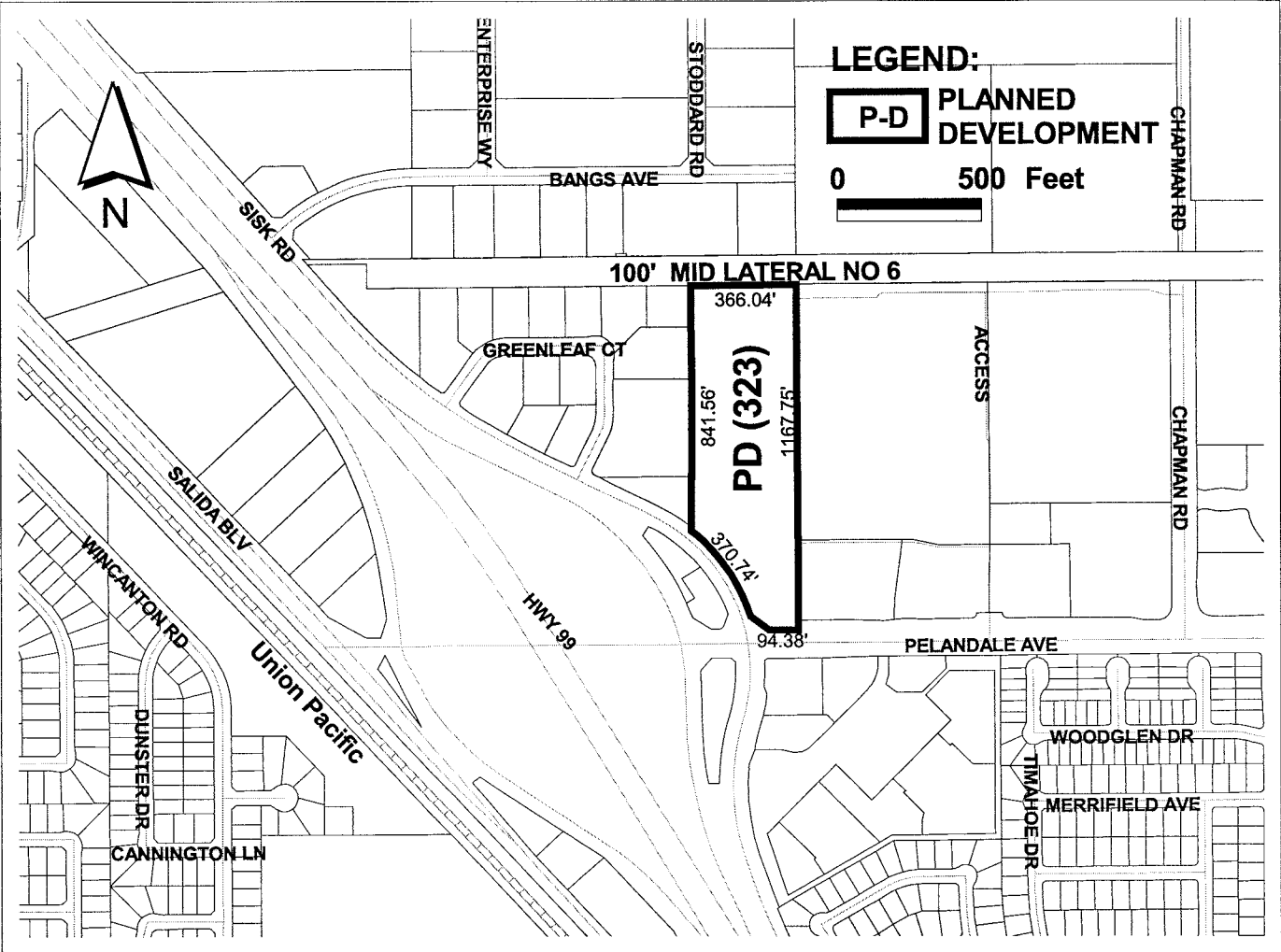
CHAIRMAN OF THE BOARD OF SUPERVISORS
of the County of Stanislaus,
State of California

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. 9-110.993



EFFECTIVE DATE: 09.15.2010
PREVIOUS MAP: 671 E

**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:

AUGUST 26, 2010

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

AUGUST 26, 2010

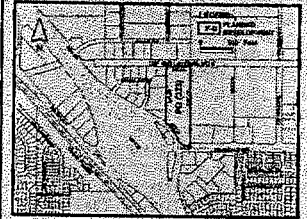

(Signature)

**STANISLAUS COUNTY
ORDINANCE NO. C. S. 1091**

AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO. 9-110.993 FOR THE PURPOSE OF REZONING AN 8.71 ACRE PARCEL FROM HIGHWAY COMMERCIAL PLANNED DEVELOPMENT (HCPD) TO PLANNED DEVELOPMENT (P-D) AND P-D (151) TO A NEW P-D TO PERMIT CONSTRUCTION OF 107,000 SQUARE FEET OF NEW BUILDINGS FOR RETAIL AND DRIVE THRU BUSINESSES. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF PELANDALE AVENUE AND SISK ROAD, IN THE MODESTO AREA. APN: 135029-019

The Board of Supervisors of the County of Stanislaus, State of California, ordains as follows: Section 1. Sectional District Map No. 9-110.993 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. 9-110-993



EFFECTIVE DATE: 09.15.2010
PREVIOUS MAP: 671 E

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 Monteith, seconded by Supervisor Chiesa, 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 17th day of August, 2010, by the following called vote: AYES: Supervisors: O'Brien, Chiesa, Monteith, DeMartini and Chairman Grover; NOES: Supervisors: None; ABSENT: Supervisors: None; ABSTAINING: Supervisors: None. /s/ Jeff Grover, 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