

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

DEPT: Planning and Community Development

BOARD AGENDA # 9:15 a.m.

Urgent Routine

AGENDA DATE July 26, 2011

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 Rezone Application No. 2010-04, Hartsog, on Property Located at 1300 Bystrum Road, Between Eugene and Joyce Avenue, in the Ceres Area

PLANNING COMMISSION RECOMMENDATIONS:

1. Find the project is categorically exempt from the California Environmental Quality Act (CEQA) and order the filing of the Notice of Exemption.
2. Find that the project is consistent with the overall goals and policies of the County General Plan.
3. Find that the proposed Planned Development zoning is consistent with the Commercial General Plan designation.
4. Approve Rezone Application No. 2010-04, Hartsog, subject to the attached Development Standards.

FISCAL IMPACT:

There are no fiscal impacts associated with this project. In accordance with the adopted Department of Planning and Community Development Fee Schedule, this project is subject to payment of the 'actual cost' for process. All costs associated with this project have been paid and approval of this project will have no impact on the County's General Fund.

BOARD ACTION AS FOLLOWS:

No. 2011-451

On motion of Supervisor DeMartini, Seconded by Supervisor O'Brien

and approved by the following vote,

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

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, ADOPTED, AND WAIVED THE READING OF ORDINANCE
C.S. 1104 FOR REZONE APPLICATION #2010-04.**

ATTEST:


ELIZABETH A. KING, Assistant Clerk

File No. ORD-55-O-2

DISCUSSION:

This is a request to rezone a .45 acre site from P-D (188) (Planned Development) to a new P-D zone to allow the following permitted uses: child care facility; senior care residential facility; senior assisted care facility; and rooming house. The senior care residential and senior assisted care facilities would allow up to 15 beds total. The rooming house would allow up to eight (8) residents. The current PD (188), approved in 1991, allows only for the operation of a large child care facility for a maximum of 45 children.

The site is located at 1300 Bystrum Road, on the southeast corner of Bystrum Road and Eugene Avenue, northwest of the City of Ceres. The building is an existing child care facility and is approximately 3,600 square feet in size. No building expansion is proposed with this application. The project site has been used as a child care facility since P-D (188) (the current zoning designation) was established (1991). This project is located within the Local Agency Formation Commission (LAFCO) adopted Sphere of Influence (SOI) for the City of Ceres. The site currently has nine (9) on-site parking spaces. The surrounding land uses are: single-family residential homes to the north and east; a vacant commercial lot to the south (zoned Highway Frontage); and a State Route 99 on-ramp, State Route 99, and the Union Pacific Railroad to the west.

On June 2, 2011, the Planning Commission held a public hearing to consider this request. One neighbor, Ken Claussen, who lives across the street on Eugene Avenue, spoke in opposition of the project. He was opposed to the original project in 1991 and expressed concerns with the recent upkeep of the property, weeds and a dangerous tree, and limited parking to accommodate the proposed senior facilities.

The applicant representative, Terry Murphy, spoke in favor of the project. He requested the Planning Commission remove three Development Standards No. 14, 15, and 17 requested by the City of Ceres. Mr. Murphy requested Development Standards No. 15 and 17, requiring connection to public sewer and a grease interceptor for the kitchen facility, be removed since they had already been satisfied. Development Standard No. 14 required that a separate guest room be provided for each adult tenant of a rooming house/boarding home. The City Planner, Tom Westbrook, spoke on behalf of the City at the meeting and indicated no opposition to the removal of Development Standards No. 14 and 15. The City's request for limiting the number of adults per room was based on the applicant's initial proposal which identified a greater number of residents. Mr. Westbrook verified that the facility has been connected to public sewer and all connection fees have been paid. Presence of a grease interceptor has not been verified by either the County or the City.

The Planning Commission voted 6-0 (Navarro/Ramos) to recommend the Board of Supervisors approve the request with removal of Development Standards No. 14 and 15.

POLICY ISSUES:

The proposed rezone furthers the Boards priorities of A Well Planned Infrastructure System and A Strong Local Economy by providing a land use determination consistent with the overall goals and policies of the Stanislaus County General Plan.

STAFFING IMPACT:

There are no staffing impacts associated with this item.

CONTACT PERSONS:

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

ATTACHMENTS:

1. Planning Commission Staff Report, June 2, 2011
2. Planning Commission Minutes, June 2, 2011

STANISLAUS COUNTY PLANNING COMMISSION

June 2, 2011

STAFF REPORT

REZONE APPLICATION NO. 2010-04
HARTSOG

REQUEST: TO REZONE A .45 ACRE SITE FROM P-D (PLANNED DEVELOPMENT) TO A NEW PLANNED DEVELOPMENT TO ALLOW THE FOLLOWING AS PERMITTED USES: CHILD CARE FACILITY; SENIOR CARE RESIDENTIAL FACILITY; SENIOR ASSISTED CARE FACILITY; AND ROOMING HOUSE. THE SENIOR CARE RESIDENTIAL AND SENIOR ASSISTED CARE FACILITIES WOULD ALLOW UP TO 15 BEDS TOTAL. THE ROOMING HOUSE WOULD ALLOW UP TO EIGHT RESIDENTS.

APPLICATION INFORMATION

Applicant:	Terry J. Murphy
Owner:	Alvie K. & Martha H. Hartsog
Location:	Southeast corner of Bystrum Road (1300 Bystrum Road), between Eugene and Joyce Avenues, in the Sphere of Influence of the City of Ceres
Section, Township, Range:	4-4-9
Supervisorial District:	Five (Supervisor DeMartini)
Assessor's Parcel:	038-043-037
Referrals:	See Exhibit "G" Environmental Review Referrals
Area of Parcels:	0.45 acres
Water Supply:	Public
Sewage Disposal:	On-site septic system, to be connected to public sewer
Existing Zoning:	P-D (188)
General Plan:	Commercial
Community Plan Designation:	Not applicable
Williamson Act:	Not applicable
Environmental Review:	Exempt
Present Land Use:	Child care facility
Surrounding Land Use:	Single-family residential homes to the north and east; a vacant commercial lot to the south (zoned Highway Frontage); and a State Route 99 on-ramp, State Route 99, and the Union Pacific Railroad to the west

PROJECT DESCRIPTION

This is a request to rezone a .45 acre site from P-D (188) (Planned Development) to a new P-D zone to allow the following as permitted uses: child care facility; senior care residential facility; senior assisted care facility; and rooming house. The Senior care residential and senior assisted care facilities would allow up to 15 beds total. The rooming house would allow up to eight residents.

SITE DESCRIPTION

The site is located at 1300 Bystrum Road, which is at the southeast corner of Bystrum Road and Eugene Avenue, northwest of the City of Ceres. The building is an existing child care facility and is approximately 3,600 square feet in size. No building expansion is proposed with this application. This project is located within the Local Agency Formation Commission (LAFCO) adopted Sphere of Influence (SOI) for the City of Ceres. The project site has been used as a child care facility since P-D (188) (the current zoning designation) was established (1991). The site currently has nine (9) on-site parking spaces. The surrounding land uses are: single-family residential homes to the north and east; a vacant commercial lot to the south (zoned Highway Frontage); and a State Route 99 on-ramp, State Route 99, and the Union Pacific Railroad to the west.

BACKGROUND

On September 17, 1991, the Board of Supervisors approved General Plan Amendment 91-05 and Rezone 91-04 - Alvie K. Hartsog amending the General Plan use designation from Low Density Residential to Commercial and rezoning the property from R-1 (Single-Family Residential) to P-D (188) (Planned Development), allowing for operation of a large child care facility for a maximum of 45 children.

A petition, signed by 16 neighbors, was submitted in 1991 objecting to the child care facility because of the potential increase in noise and traffic. The Stanislaus County Planning Commission had some concerns with traffic patterns. They wanted a safe unloading area for children which would not result in a great deal of new traffic in the residential area to the east. The Commission liked the location which allowed good access to the freeway. The Commissioners felt that with the seven (7) foot high masonry wall and the revised parking plan the use would be compatible with this neighborhood. The City of Ceres also recommended approval.

Based on our records, there have not been any zoning complaints associated with the operation of the child care facility.

DISCUSSION

This request proposes to allow the existing facility be used as a child care facility; senior care residential facility; senior assisted care facility; and rooming house. The senior care residential and senior assisted care facilities would allow up to 15 beds total. The rooming house would allow up to eight residents. There is no development schedule since the building is already existing and the only physical change would occur if the existing child care use is changed to one of the other approved uses. The physical changes to the facility as a result might include but are not limited to interior modification to the building and parking lot expansion/modification.

In accordance with County policy, the project was referred to the City of Ceres for review. Cities are specifically asked to provide information addressing the proposed project's consistency with the land use designation of the city's general plan and the type of conditions necessary to ensure the development will comply with city's development standards such as street improvements, setbacks, and landscaping. County General Plan policy specifies that if development standards of the city and county conflict, the city's standards shall govern. The county may not approve a request for development, other than agricultural or churches, within a city SOI without city approval.

Before submitting this application, the applicant went through the City of Ceres "Predevelopment meeting" process and revised their application based on input received as a result of the meeting. County Staff and the City of Ceres have no objection to the child care facility, senior care residential facility, or senior assisted care facility uses as proposed, provided they meet the development standards. Staff received an email on May 25, 2011, from the City of Ceres expressing support for the eight person rooming house if development standards include the requirement that "prior to issuance of a building or occupancy permits, the City of Ceres is routed the site plan and floor plan to ensure that all City of Ceres parking requirements, etc...can be met." This request is reflected in the development standards, numbers 2 (requiring all development standards meet the City of Ceres standards) and 27.

FINDINGS

In order to approve a rezone, it must be found to be consistent with the General Plan. In this case, the General Plan designation is Commercial. This designation is intended for land which is "best suited for various forms of light or heavy commercial uses, including, but not limited to, retail, service, and wholesaling operations." The County General Plan presently has just one designation to correspond to the various types of commercial zoning districts. The proposed uses should not be detrimental to residential and commercial uses in the area. Staff feels the proposal to rezone the parcel to a new Planned Development is consistent with the General Plan which has been in place for some time, and fits into the type of uses for this area, shape of the parcel, and the location. The project is consistent with the county Sphere of Influence Policies and is supported by the City of Ceres.

ENVIRONMENTAL REVIEW

This project was referred to various agencies for general review and there were no significant issues raised. Staff is considering it exempt under CEQA Guidelines Sections 15301 and 15305 of the California Code of Regulations and no mitigation measures can be imposed on the project.

This project is considered to be Categorically Exempt based on a Class 1 CEQA exemption which allows the minor alteration of existing public or private structures provided that the alteration will not result in an increase of more than 50 percent of the floor area of the structure prior to the change.

RECOMMENDATION

Based on all evidence on the record, and on the ongoing discussion, staff recommends that the Planning Commission recommend that the Board of Supervisors take the following actions:

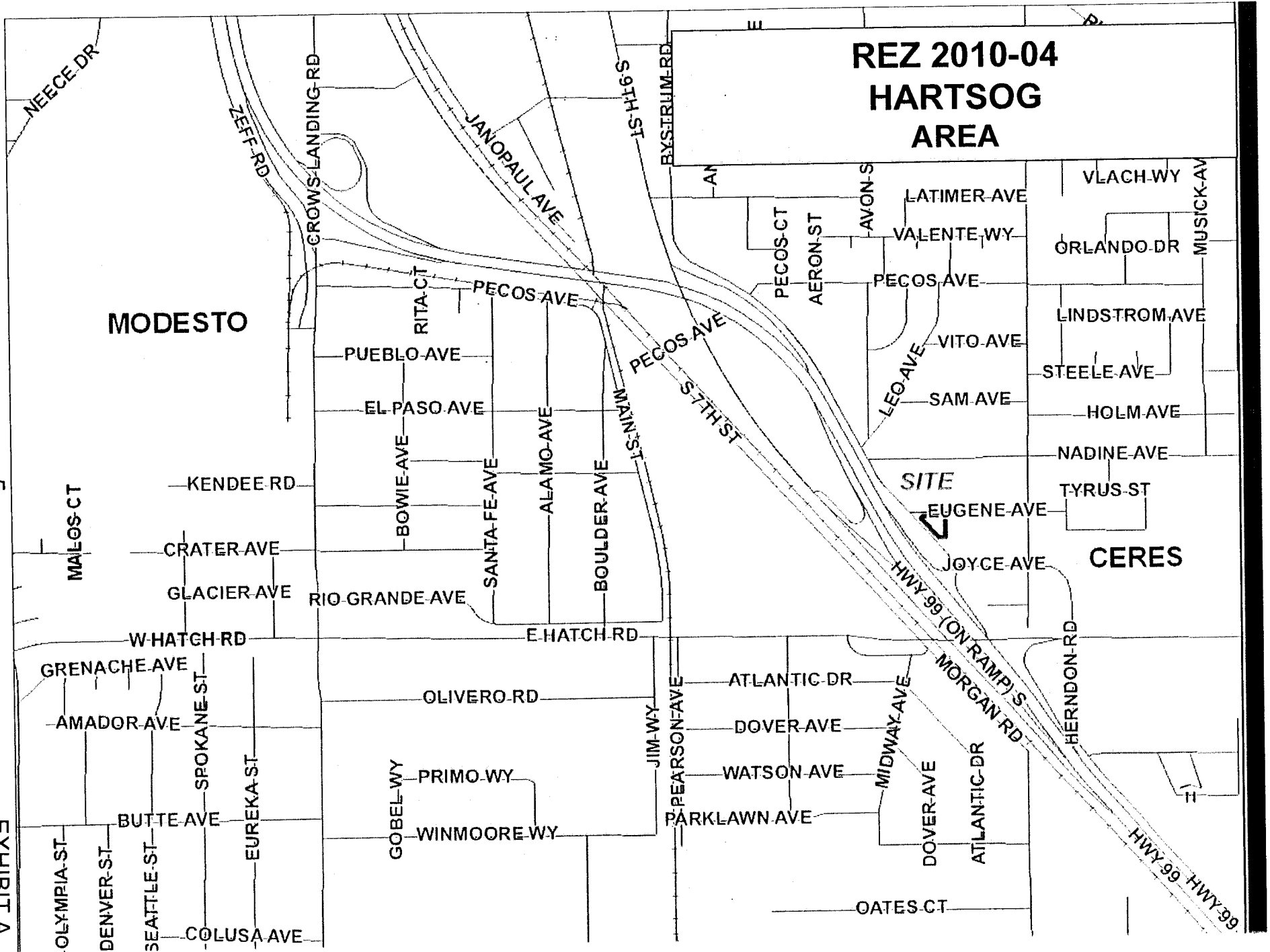
1. Find the project is categorically exempt from the California Environmental Quality Act (CEQA) and order the filing of the Notice of Exemption;

2. Find That:
 - A. The project is consistent with the overall goals and policies of the County General Plan; and
 - B. The proposed Planned Development zoning is consistent with the Commercial General Plan designation.
3. Approve Rezone Application No. 2010-04 - Hartsog, subject to the attached Development Standards.

Report written by: Bill Carlson, Senior Planner, May 25, 2011
Reviewed by: Angela Freitas, Deputy Director

Attachments:

- Exhibit A - Maps
- Exhibit B - Applicant's Application, Project Description, Site Plan and Parking Layout
- Exhibit C - City of Ceres Correspondence and applicant's correspondence to City of Ceres
- Exhibit D - Adopted Development Standards - General Plan Amendment 91-05, Rezone 91-04 - Alvie K. Hartsog
- Exhibit E - Development Standards
- Exhibit F - Notice of Exemption
- Exhibit G - *Environmental Review Referrals*



**REZ 2010-04
HARTSOG
AREA**

MODESTO

CERES

SITE

NEECE DR

ZEFF RD

CROWS LANDING RD

JANORPAUL AVE

15TH ST

BYSTRUM RD

AN

AVON S

LATIMER AVE

VLACH WY

MUSICK AV

VALENTE WY

ORLANDO DR

PECOS AVE

PECOS CT

AERON ST

PECOS AVE

LINDSTROM AVE

PUEBLO AVE

RITA CT

PECOS AVE

LEO AVE

VITO AVE

STEELE AVE

EL PASO AVE

ALAMO AVE

BOULDER AVE

MAIN ST

S 7TH ST

SAM AVE

HOLM AVE

KENDEE RD

BOWIE AVE

SANTA FE AVE

ALAMO AVE

BOULDER AVE

MAIN ST

S 7TH ST

EUGENE AVE

TYRUS ST

MALOS CT

CRATER AVE

RIO GRANDE AVE

E HATCH RD

JOYCE AVE

CERES

GLACIER AVE

W HATCH RD

E HATCH RD

JOYCE AVE

GRENACHE AVE

OLIVERO RD

ATLANTIC DR

MIDWAY AVE

HERNDON RD

AMADOR AVE

SPOKANE ST

EUREKA ST

GOBEL WY

PRIMO WY

JIM WY

PEARSON AVE

DOVER AVE

WATSON AVE

DOVER AVE

ATLANTIC DR

BUTTE AVE

WINMOORE WY

PARKLAWN AVE

OATES CT

OLYMPIA ST

DENVER ST

SEATTLE ST

COLUSA AVE

HWY-99 (ON RAMP) S MORGAN RD

HWY-99 HWY-99

REZ 2010-04 HARTSOG GENERAL PLAN

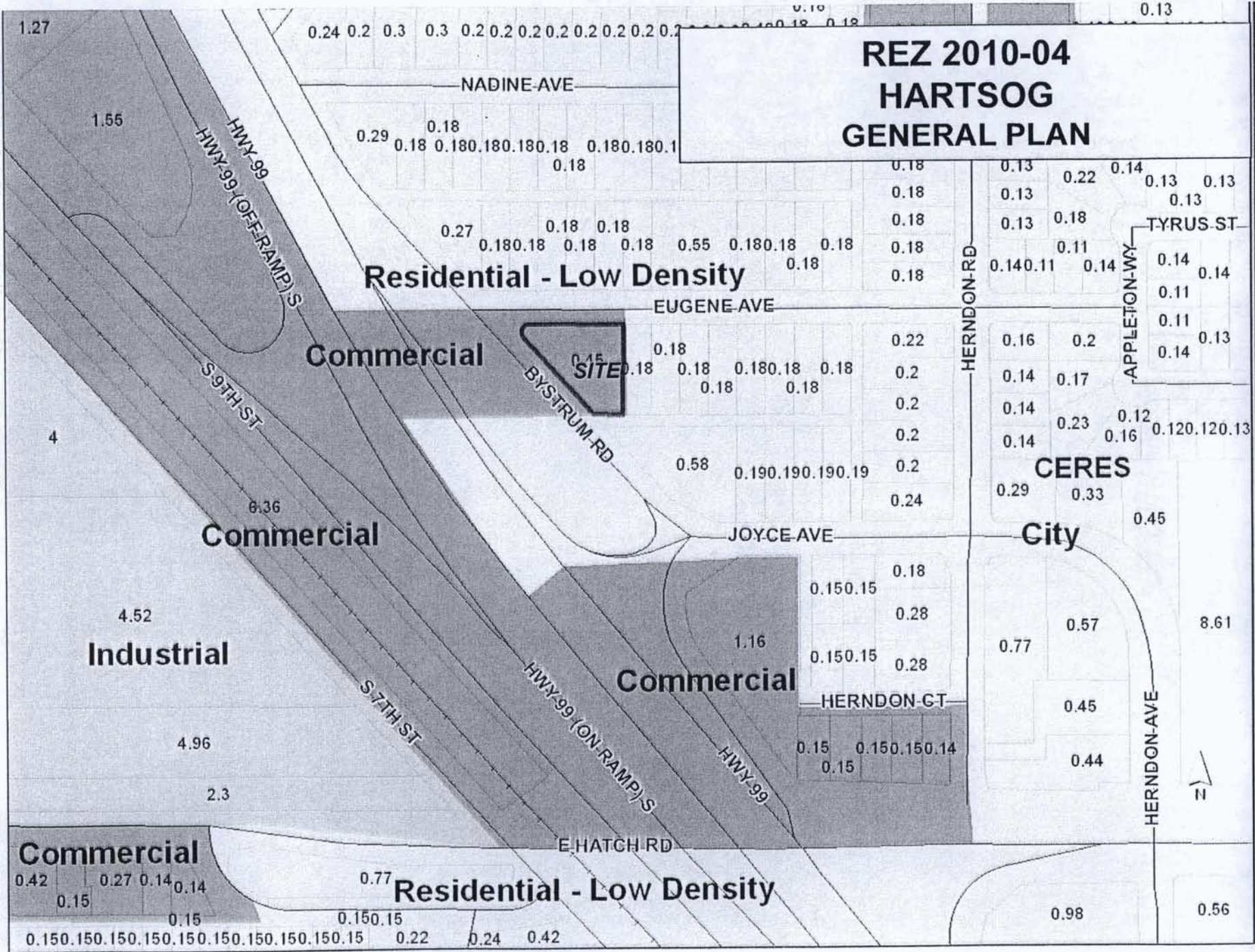
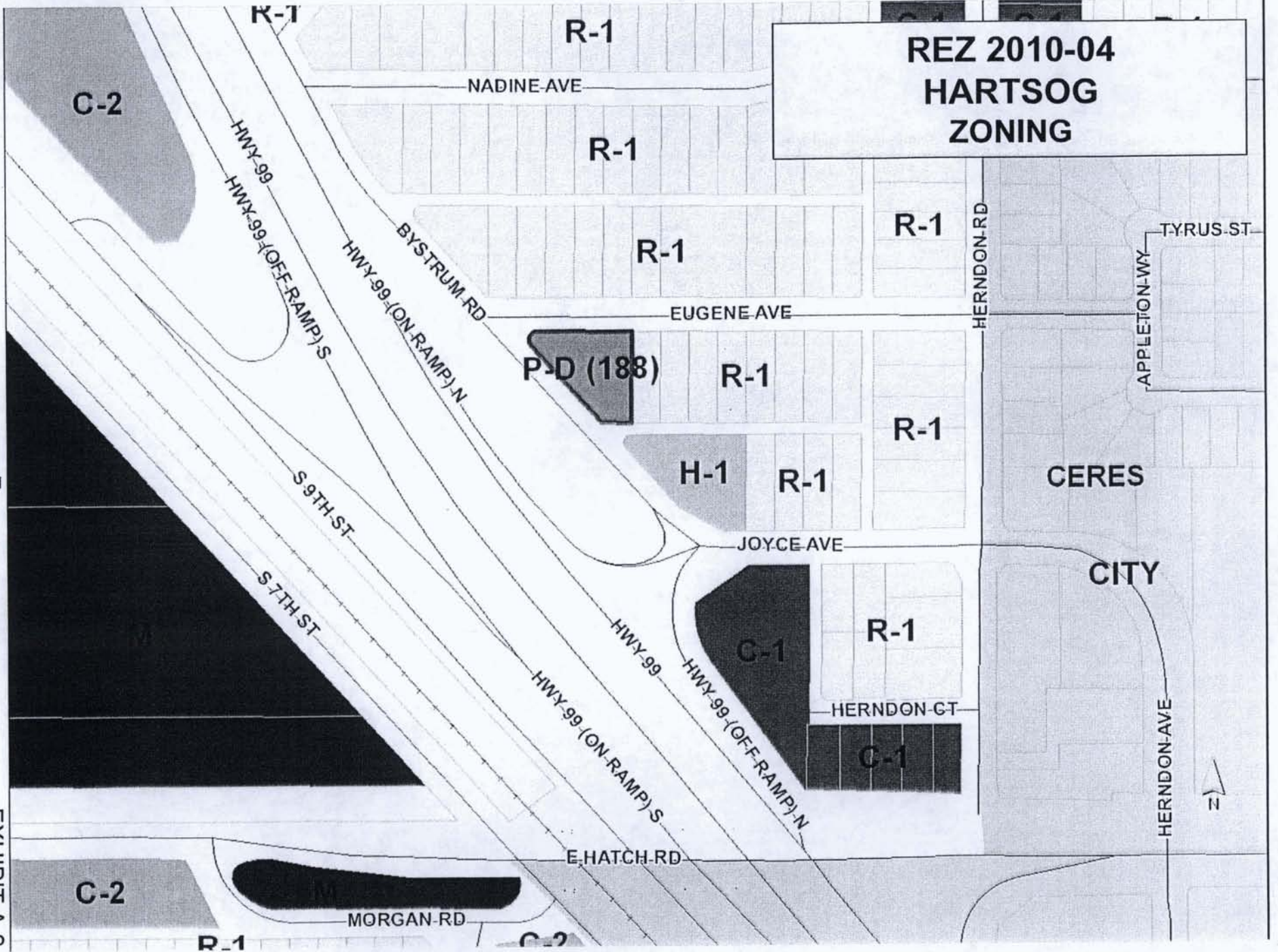


EXHIBIT A-1

**REZ 2010-04
HARTSOG
ZONING**



REZ 2010-04
HARTSOG
Aerial



**REZ 2010-04
HARTSOG
AERIAL (2008)**

EUGENE AVE

SITE

BYSTRUM RD

N



**Terry J. Murphy
Murphy Consulting
Orinda, CA**

**Stanislaus County
Planning & Community Development Dept.
1010 10th Street, Suite 3400
Modesto, CA 95354**

Re: 1300 Bystrum Road, Modesto APN-038-043-037-000

Application to rezone the above property

This narrative is additional information to be included with our application to rezone the property at 1300 Bystrum Road, Stanislaus County. We are requesting that the property be zoned to include uses in addition to what has been previously approved by the County Planning Commission [see approval dated August 1, 1991].

History:

These lots were created as lots 1 and 2 in block 3596 of the Herndon Tract on May 20, 1946 [see Grant Deed] and were initially developed in 1955 [see Property Profile Report]. At .42 acre [18,295.2 sq. ft.] the lot is considerably larger than all but two of the other lots in the subdivision [see assessors map] and has an existing structure of 3,587 sq. ft. on it. After being used for a variety of uses my client, Mr. Alvie K. Hartsog, acquired the property on October 21, 1987 [Grant Deed] and started rehabilitating it. In 1989 he was approached by a person wanting to operate a child care facility on the property and he subsequently made an application to the County to rezone it for that purpose.

In 1991 the County Planning Commission approved the Hartsog rezoning application [see approval dated August 1, 1991] and he complied with all the Development Standards contained therein. The child care facility operated from 1992 until funding ran out from both the State and Federal governments. To his knowledge there were **no** issues regarding that use of the property. No parking problems reported and neither code enforcement nor police response has been needed.

Existing Conditions:

As stated previously, the property is a level lot of .42 acres with a single story structure on it of 3,587 square feet. There are 8 parking spaces with room to configure more if needed although to do it will mean a loss of area that either has or could have landscaping. A driveway enters off Eugene Avenue and exits to Bystrum with ready access to State Highway 99. By the time our application is heard Mr. Hartsog has connected to the sanitary sewer provided by the City of Ceres. Approval for the connection was obtained from Ceres, LAFCO and the County.

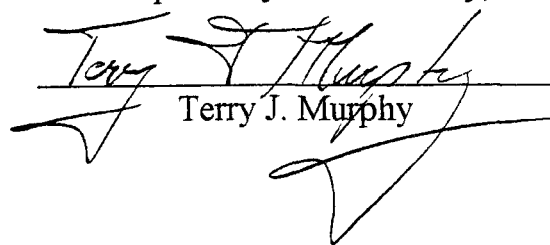
Request:

When we asked staff what would be needed to make economic use of the property we were told that, since we were asking for more than one possible use, a Use Permit was not the appropriate application to make and that what we needed was to rezone it for all the potential uses we could foresee. We are asking for a zoning designation which will allow the following;

1. Child Care as per the PD-188 zoning that exists.
2. Senior Care Residential Facility. Number of residents to be determined.
3. Senior Assisted Care Facility. Number to be determined.
4. Rooming House with the number of residents to be determined.

There is little use for the property as it is currently zoned since funding for that use evaporated. We want to retain the PD-188 zoning in case funding should return as this use is what the Hartsogs see as the best use of their property and a service to the community. The other uses are, we feel, in keeping with the residential nature of the neighborhood and the close proximity to the State Highway and public transportation. What the zoning designation would be if the commission decides to approve our request is unknown to us.

Respectfully Submitted by,


Terry J. Murphy

PROJECT SITE INFORMATION

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

ASSESSOR'S PARCEL NUMBER(S): Book 038 Page 043 Parcel 037

Additional parcel numbers: _____
Project Site Address _____
or Physical Location: _____

Property Area: Acres: .42 or Square feet: 18,295.2

Current and Previous Land Use: (Explain existing and previous land use(s) of site for the last ten years)
PD-188 - child care center since 1992

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

Parcel Map - May 20, 1946 Development Plan - 1955
General Plan Amendment - 91-05, August 1, 1991 REZ - 91-04, Aug 1, 1991

Existing General Plan & Zoning: PD-188

Proposed General Plan & Zoning: _____
(if applicable)

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

East: Residential
West: Bystrom RD Then State Highway 99 Then commercial
North: Residential
South: commercial and residential

WILLIAMSON ACT CONTRACT:

Yes No

Is the property currently under a Williamson Act Contract?
Contract Number: _____

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

Date Filed: _____

Yes No

Do you propose to cancel any portion of the Contract?

Yes No

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

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

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

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

Field crops Orchard Pasture/Grassland Scattered trees

Shrubs Woodland River/Riparian Other

Explain Other: lawm

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

GRADING:

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

STREAMS, LAKES, & PONDS:

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

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

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

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

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

STRUCTURES:

Yes No Are there structures on the site? (If yes, please show on plot plan. Show a relationship to property lines and other features of the site.)

Yes No Will structures be moved or demolished? (If yes, indicate on plot plan.)

Yes No Do you plan to build new structures? (If yes, show location and size on plot plan.)

Yes No Are there buildings of possible Historical significance? (If yes, please explain and show location and size on plot plan.) _____

PROJECT SITE COVERAGE:

Existing Building Coverage: 3587 Sq. Ft.

Landscaped Area: 11,183 Sq. Ft.

Proposed Building Coverage: 3587 Sq. Ft.

Paved Surface Area: 3,520 Sq. Ft.

BUILDING CHARACTERISTICS:

Size of new structure(s) or building addition(s) in gross sq. ft.: (Provide additional sheets if necessary) _____

0

Number of floors for each building: _____

Building height in feet (measured from ground to highest point): (Provide additional sheets if necessary) _____

Height of other appurtenances, excluding buildings, measured from ground to highest point (i.e., antennas, mechanical equipment, light poles, etc.): (Provide additional sheets if necessary) _____

Proposed surface material for parking area: (Provide information addressing dust control measures if non-asphalt/concrete material to be used) _____

UTILITIES AND IRRIGATION FACILITIES:

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

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

Electrical: P&H/E

Sewer*: City of Modesto

Telephone: AT&T

Gas/Propane: _____

Water**: City of Modesto

Irrigation: _____

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

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

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

None

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

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

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

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

AFFORDABLE HOUSING/SENIOR:

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

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

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

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

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

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

Square footage of each existing or proposed building(s): EXISTING - 3,557 sq FT single story

Type of use(s): Residential - child care facility

Days and hours of operation: TBD

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

Occupancy/capacity of building: TBD

Number of employees: (Maximum Shift): TBD (Minimum Shift): _____

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

Other occupants: _____

Estimated number of truck deliveries/loadings per day: 0

Estimated hours of truck deliveries/loadings per day: 0

Estimated percentage of traffic to be generated by trucks: 0

Estimated number of railroad deliveries/loadings per day: 0

Square footage of:

Office area: _____

Warehouse area: _____

Sales area: _____

Storage area: _____

Loading area: _____

Manufacturing area: _____

Other: (explain type of area) _____

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

ROAD AND ACCESS INFORMATION:

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

Bestman Road and Eugene Ave. B, W of Joyce Ave
and State Highway 99

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

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

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

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

STORM DRAINAGE:

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

Other: (please explain) _____

If direct discharge is proposed, what specific waterway are you proposing to discharge to? _____

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

EROSION CONTROL:

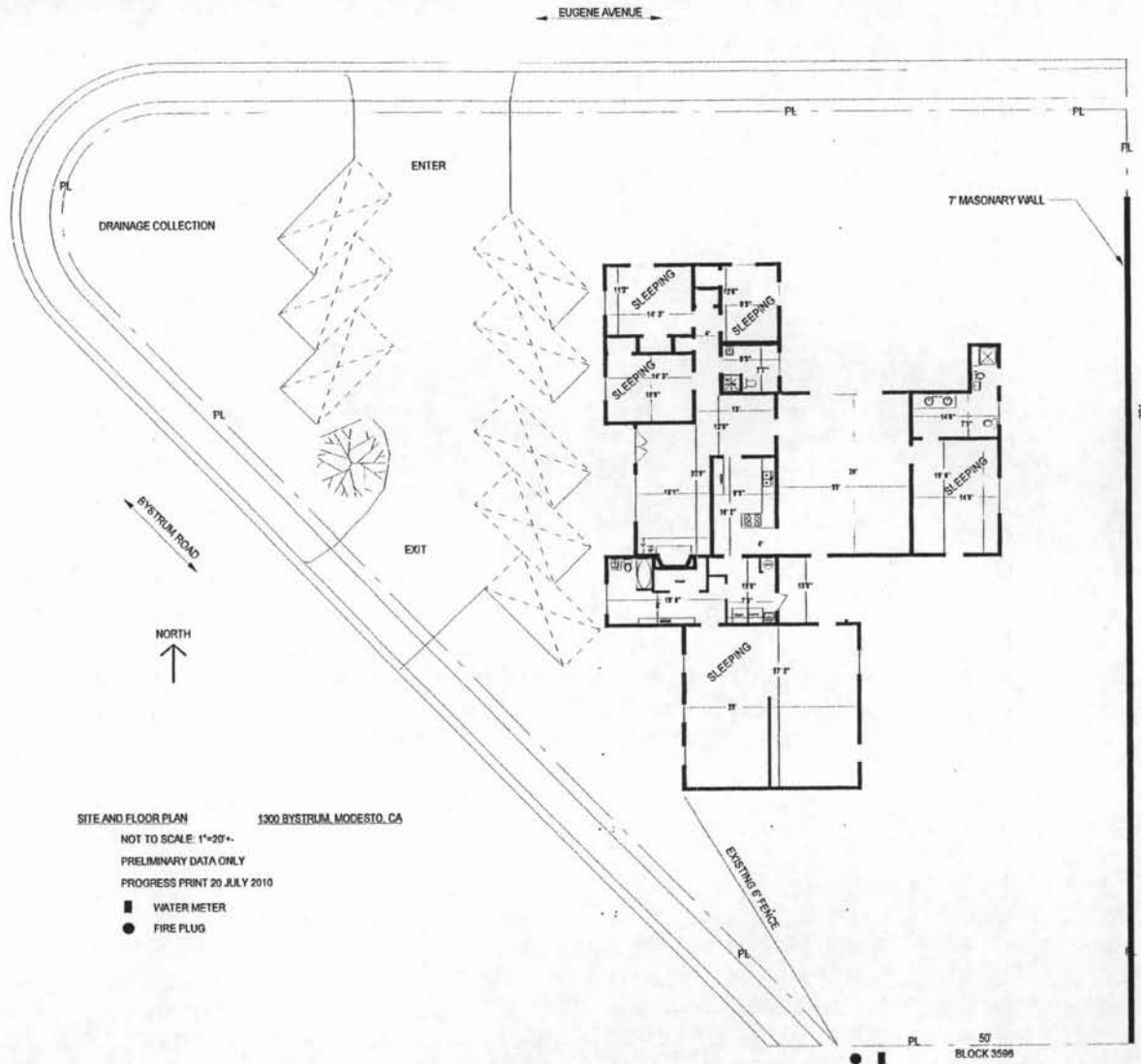
If you plan on grading any portion of the site, please provide a description of erosion control measures you propose to implement.

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

ADDITIONAL INFORMATION:

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

1300 BYSTRUM ROAD, MODESTO CA

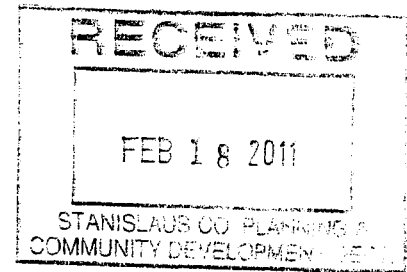


SITE AND FLOOR PLAN 1300 BYSTRUM, MODESTO, CA

NOT TO SCALE: 1"=20'
PRELIMINARY DATA ONLY
PROGRESS PRINT 20 JULY 2010

- WATER METER
- FIRE PLUG

**Terry J. Murphy
Murphy Consulting
Orinda, CA**



**Stanislaus County
Planning & Community Development Department
1010 10th Street Suite #3400
Modesto, CA 95354**

1300 Bystrum Parking Analysis

At the request of staff, the following parking analysis for the above project is submitted and should be included as part of the application to rezone the property. Each of the proposed uses has a different parking requirement so a section is being included case by case.

Child Care:

The requirement for this use was determined by the County in 1991 with eight spaces needed and provided for. From 1992 to 2007 there were no problems with parking at the site. There was enough parking for staff and for the drop-off and pick-up of the children. We are not proposing any change to the configuration of the lot if the structure is used for child care but if the Planning Commission or the Board feels that more is needed then the lot can be reconfigured to provide additional spaces and we ask that they look at the plan we have provided for other uses to determine if it will suffice.

Rooming/Boarding House:

Our request is to allow for eight residents plus staff and the requirement is to provide one space for each resident plus additional space as needed for staff. The plan we have provided has nine spaces plus one handicapped space. The new configuration will meet the requirement under the code with staff having two spaces for their use. We do not anticipate that every one of the residents will need their own space but one will be provided just the same. Staff will be limited to one or two persons as needed with a space for each. All parking for staff and residents will be off-street and there should be no adverse impact to parking in the neighborhood.

Senior/Assisted Care:

Both of these uses appear to have the same parking requirement under the code with one space needed per three beds plus staff spaces. For these two uses there will be additional staff needed to safely operate the facility and care for residents. We expect three staff will be needed at all times which will reduce the number of spaces allowed for residents to seven. Seven spaces with three beds per space would seem to allow for as much as twenty-one residents. Too many! A more reasonable number [eight to fifteen] can be arrived at by working with the State/Federal/County agencies but the plan will provide enough parking for any number at or less than the twenty-one.

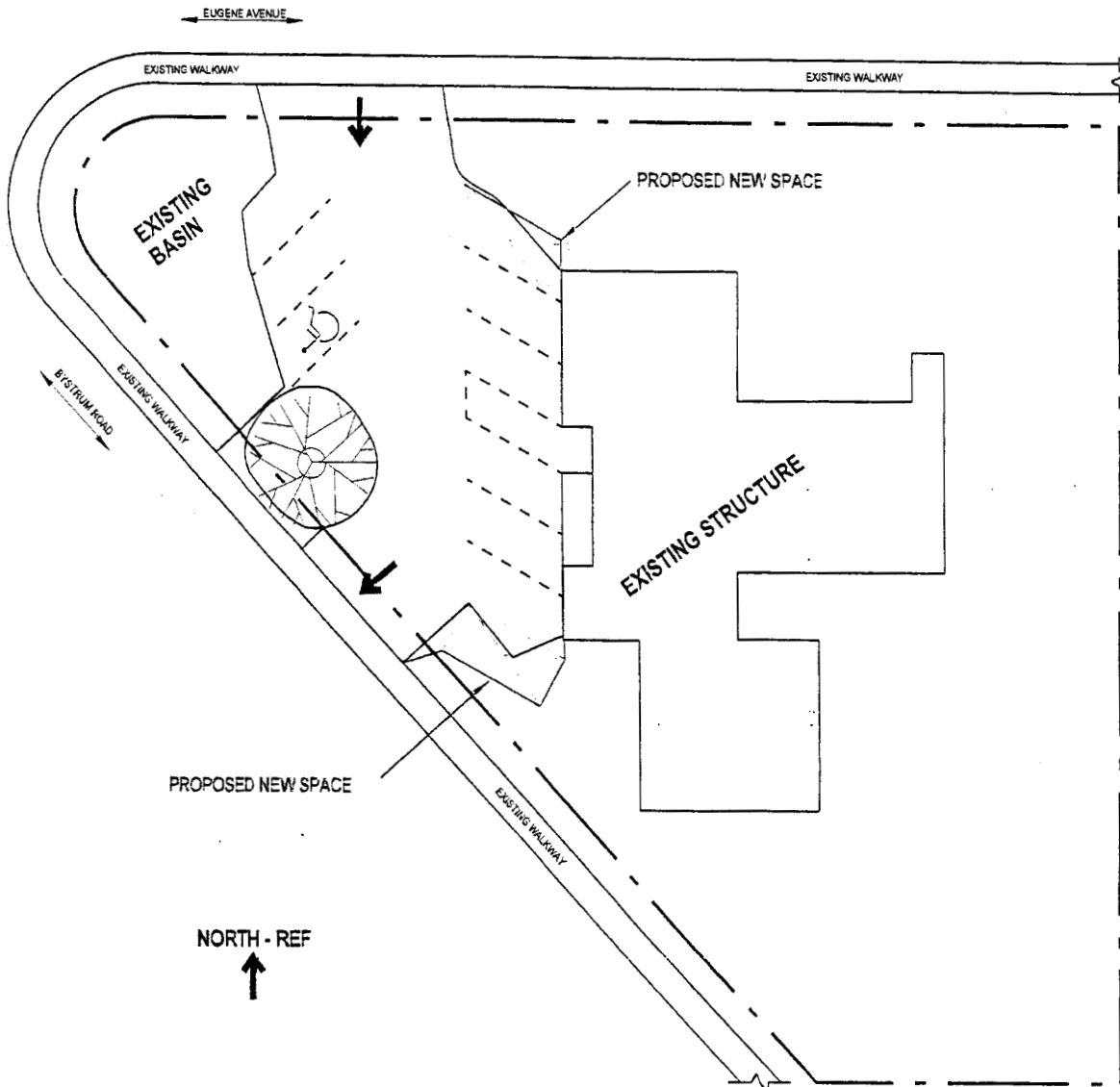
Traffic:

Planning staff did not ask us to address traffic in this analysis but I thought it would be prudent to do so. The site is on the frontage road with ready access to State Highway 99 North and across the overpass access to the South. There is a four lane County road running East/West to shopping and an industrial area. Public transportation is available within two hundred or so feet of the site. In order to access the parking for the site, drivers need only turn off the frontage road and into the lot without having to drive into the neighborhood. Egress from the lot is directly back to the frontage road. Adverse impacts to the neighborhood for both parking and traffic should be minimal if there are any.

Yours truly,


Terry J. Murphy

1300 BYSTRUM ROAD, MODESTO, CA.



PRELIMINARY PROPOSED PARKING PLAN

NOT TO SCALE: 1" = 30'-
DATA FURNISHED BY OTHERS
EXISTING IS IN BLACK, PROPOSED IN IN GREEN
7 FEB 2011

PROPOSED PARKING PLAN

From: "Tom Westbrook" <Tom.Westbrook@ci.ceres.ca.us>
To: "Bill carlson" <carlsonb@stancounty.com>
CC: "James Michaels" <James.Michaels@ci.ceres.ca.us>
Date: 5/25/2011 9:16 AM
Subject: 1300 Bystrum Road

Bill,

Upon further review the City of Ceres can support the proposed rooming and boarding use, in addition to the day care facility and senior housing proposed at 1300 Bystrum Road based on the following:

1. That prior to issuance of a building or occupancy permits, the City of Ceres is routed the site plan and floor plan to ensure that all City of Ceres parking requirements, etc...can be met.

If you should need anything further from me, please contact me at your convenience. Thanks.

Tom

From: "Tom Westbrook" <Tom.Westbrook@ci.ceres.ca.us>
To: "Bill Carlson" <carlisonb@stancounty.com>
CC: "James Michaels" <James.Michaels@ci.ceres.ca.us>
Date: 3/8/2011 1:03 PM
Subject: Re: 1300

Bill,

Thank you for sending along all of the information supplied to you by Mr. Murphy. City of Ceres staff has review the parking layouts as provided and have no issues with the proposed childcare facility (former the use) or the senior/assisted care facility. Ceres staff is however, not comfortable with the rooming/boarding House proposal as we feel with that many people there could be an impact to the neighborhood. As you know, State Law provides some allowance for rooming/boarding Homes, which the property owner would have rights to as long as it would meet those state requirements. If a project could meet those state requirements then it is my understanding that both the City and the County would have little say over the development. However, the application before the County does exceed those state provisions. As I noted above, Ceres can support the continued use of the building as a childcare facility or its conversion to the senior/assisted care facility but we will not support the rooming/boarding use. If you should have any questions or comments, please contact me at your convenience. Thanks.

Tom Westbrook, Planning & Building Division Manager

City of Ceres, Planning Division
2220 Magnolia Street
Ceres, CA 95307
Phone: 209.538.5778 Fax: 209.538.5759
www.ci.ceres.ca.us (<http://www.ci.ceres.ca.us/>)

(<mailto:tom.westbrook@ci.ceres.ca.us>)

>>> "Bill Carlson" <carlisonb@stancounty.com> 2/18/2011 12:43 PM >>>
Hi Tom

Attached are Mr. Murphy's drawings. Comment on them When you get a chance.

Bill

From: "Tom Westbrook" <Tom.Westbrook@ci.ceres.ca.us>
To: "Bill Carlson" <carlsonb@stancounty.com>
CC: "James Michaels" <James.Michaels@ci.ceres.ca.us>
Date: 1/10/2011 8:47 AM
Subject: Fwd: County Application (2010-04 Hartsog) 1300 Bystrum Road
Attachments: 20110107135343400.pdf

Bill,

City staff has reviewed the previous Pre-Development that was completed for this project (i.e. reviewing applicant's project description/narrative and site plan) and compared it to the applicant's project description/narrative and site plan submitted with the County's application. The proposal submitted for the Pre-Development is similar to what the County received only with respect to two things: the site plan (no modifications are really being proposed) and desired uses (i.e. senior care residential/senior assisted care facilities and a Rooming House/Boarding Home). What has been omitted from the applicant's project description with the County application is the following:

- 1) The proposed number of residents and employees for each use;
- 2) The proposed improvements necessary to make each use viable; and
- 3) How each use will operate.

I have attached the project description we evaluated for the Pre-Development which showed the intended numbers desired by the applicant. Based on the idea of converting the existing residence to the potential uses as proposed by the applicant coupled with the existing improvements to relatively remaining unchanged, and due to the potential parking demand for these uses, City of Ceres staff can support the proposed uses only if:

* for the Rooming House/Boarding Home or Senior Housing use: the existing site improvements are reconfigured (as necessary) to accommodate either use such that the required on-site parking demand can be met at a ratio of: 1 space per adult tenant and 1 space for each employee. Additionally, if reconfiguration of the parking area is required to comply with the parking demand, any design should be sensitive to the loss of landscape and outdoor recreational areas, which are important elements of any development. Furthermore, the intent of rooming house/boarding home or senior housing use is to design the building (dwelling) such that a separate guest room would be provided for each adult tenant to allow for privacy. The City of Ceres staff will only support the proposal if each adult tenant is provided his/her own separate room and that all necessary parking spaces can be provided. Note that the current floor plan as proposed by the applicant does not appear to provide individual rooms for each proposed adult tenant and as noted above that configuration could not be supported.

* for the Assisted Care/Senior Care facility: if the overall site plan layout remains unchanged, the City of Ceres staff could support this proposed use as it appears may comply with the parking requirements at a ratio of: 1 space for every 3 beds and 1 space for each employee. However, a determination can not be made until a decision is made on what use is being proposed and site plan/floor plan revised.

Essentially, what it comes down to is that the applicant needs decide which use is being proposed and provide that information to the County as to the number residents and employees proposed for either use. Once that information is obtained and site plan/floor plan revised accordingly, Ceres staff can evaluate and make a determination of support at that time. Of the two options that shown above, staff believes that it would be easier to develop an assisted care/senior care facility at this site. If you should have any questions, please contact me at your convenience. Thanks.

Tom

>>> "James Michaels" <James.Michaels@ci.ceres.ca.us> 1/7/2011 1:53 PM >>>

This E-mail was sent from "an1-lanier" (MP C2500/LD425c).

Scan Date: 01.07.2011 13:53:43 (-0800)



PLANNING AND BUILDING DIVISION
2220 MAGNOLIA STREET
CERES, CA 95307
(209) 538-5774
FAX (209) 538-5759

CITY COUNCIL

Anthony Cannella, Mayor
Chris Vierra Ken Lane
Guillermo Ochoa Bret Durossette

August 16, 2010

Terry Murphy
Murphy Consulting
142 La Espiral
Orinda, CA 94563

Subject: Predevelopment Proposal PDP 10-05; Requesting City comments for a proposed rezoning of the property -1300 Bystrum Road, to allow for a rooming house, senior housing, and/or assisted care living uses. The subject property is within the City's Sphere of Influence. The applicant is not proposing to annex into the City. Zoned: Stanislaus County Zoning (PD-188).

Dear Mr. Murphy:

Summarized below are the comments made during the predevelopment meeting of August 11, 2010. The purpose of the predevelopment meeting is to provide you with comments and identify important issues early in the review process to allow time for adjustments before either a formal application or building plan is submitted. It is important to recognize that the comments provided in this letter are preliminary and are not necessarily a complete list of City comments or issues. Staff makes every attempt to address all known issues as soon as possible in the process. However, as the project changes or as additional information regarding the project is received, staff may identify other issues or have additional requirements and recommendations. Therefore, the more specific information that can be provided initially, the more specific and definitive the City can make its preliminary comments.

1. Staff is aware that the applicant plans to submit an application to the County of Stanislaus for the rezoning of the subject property to allow for the potential of multiple uses, and that the applicant desires for the City to comment on the proposal including: a rooming house, senior housing, and/or assisted living/senior care facilities where each use has the potential to generate 1-4 employees and 15-18 residents. Based on the information that we have received and reviewed, please review the City's comments noted below that are relevant to your proposal.
 - a. If this property was within City limits, the City would require a Conditional Use Permit (CUP) for the uses proposed for the property. It might be possible to avoid additional approvals from Stanislaus County if six (6) or fewer people were

proposed, as provided for in the Health and Safety Code for the State of California. The applicant would need to ensure that all proposed uses (as applicable) obtain the appropriate licensing from the State of California, regardless of the number of persons proposed.

- b. The site's existing improvements may need to be reconfigured to accommodate the anticipated number of adult tenants for the proposed uses such that adequate parking facilities are being maintained and that adequate privacy (i.e. sleeping quarters) are provided for each adult tenant.
- c. Given the number of potential tenants proposed in the home, there may be issues associated with the maximum allowable occupancy. The State of California may have a stricter standard depending on the intended use of the dwelling.
- d. With 1-4 employees plus 15-18 residents, the on-site parking requirements for each use are as follows:
 - i. Rooming House and Senior Housing: 1 space per adult tenant and 1 space for each employee.
 - ii. Assisted Care/Senior Care (Nursing Home, etc.): 1 space for every 3 beds and 1 space for each employee.

Thus, except for the possibility of the Assisted Care/Senior Care Facility, the site would have to be reconfigured to allow for the additional parking spaces for the Rooming House and Senior Housing uses.

- e. Based on the information that has been provided with this Pre-Development application for the City to review, the City's overall recommendation for each use would be as follows:
 - i. For the "Rooming House" or "Senior Housing" proposal: As noted above, if the property was within the City's jurisdiction, the proposal would be subject to approval of a Conditional Use Permit. The site improvements would need to be reconfigured such that the required parking can be met for either of these uses. While reconfiguring the parking lot area, any design should be sensitive to the loss of landscape and outdoor recreational areas, which are important elements of any development. Additionally, the intent of a rooming house/boarding home or a senior housing use is to design the dwelling such that a separate guest room would be provided for each adult tenant to allow for privacy. The current floor plan does not appear to provide individual rooms for each proposed adult tenant. Thus, the City would require each adult tenant to have his/her own separate room for privacy. If these issues could not be adequately addressed, the City would not support such proposal.
 - ii. For an "Assisted Care/Senior Care" proposal: As noted above, if the property was within the City's jurisdiction, the proposal would be subject to approval of a Conditional Use Permit. Given the overall site plan layout, proposed use and parking requirements, it appears this option would work best. Thus, the City would be willing to support such a proposal.

2. Additional items discussed at the meeting include:

- a. Sewer: since the applicant intends to abandon the existing septic system for the property, the applicant will be responsible for paying for all required connection fees and construction costs to connect to the City's sewer system. There was a process that was completed around the early 2000's where public funding (i.e. CDBG funding) was provided for sewer services and LAFCO gave a blanket like approval for multiple properties in this area and the subject property is one of those properties. Thus, there is no need for the property to be annexed into City limits and additional LAFCO approval is not required to hook up to the City's sewer system.
- b. Water: Water services are covered through the City of Modesto's jurisdiction.
- c. The City would not object to the driveway entrance/exit and the drive aisle area be widened to meet commercial standards.
- d. The City would not object to the existing curb, gutter, and sidewalk improvements being repaired along entire frontage area of the property.
- e. The City would not object to the existing drainage collection basin on the property to be adequately maintained to handle any existing stormwater issues for the property.
- f. The City would not object to the project parking stalls being repaved and re-striped. A 45° parking stall should have a minimum stall depth of 12.7' and a minimum driveway width of 8.8'. A 60° parking stall should have a minimum stall depth of 10.4' and a minimum driveway width of 15'.
- g. The applicant must comply with ADA standards as applicable to project parking and accessibility to the building from parking area. Additionally, the entire interior of the building must comply with ADA accessibility standards.
- h. The building will be required to have a grease interceptor for the kitchen facility and require approval from the Stanislaus County Department of Environmental Resources.

Public Safety/Emergency Services Department (538-5701)

The additional comments provided below are typical conditions of approval that may be imposed by the Public Safety/Emergency Services Department. These conditions are informational only and they are intended to illustrate what the City's expectations would be for an applicant with development projects inside City limits. Please note that as the project changes, or as additional information about the project is received, the Department may identify other issues or impose additional requirements and recommendations.

Project Specific Conditions

1. A fire hydrant shall be provided within 150 feet of the most distance portion of the facility.


2. A Knox type key box is required and shall be installed at a location approved by the Ceres Fire Department.
3. The project address shall be visible from the roadway.
4. Fire extinguishers shall be provided and mounted with the tops no higher than 4 feet.
5. Fire extinguishers shall be spaced no more than 75 feet apart in the interior of the building.

General Project Conditions

1. All construction shall conform to the requirements of the City of Ceres Building Division and City of Ceres Ordinance 84-625, as amended pertaining to the Uniform Fire Code and Ordinance 80-546, as amended, pertaining to Automatic Sprinklers.
2. All Emergency Vehicle Access points and proposed utilities shall ensure cross-easements and shall be located per the proposed development plan unless modified by these conditions.
3. All Emergency Vehicle Access shall be constructed of an all weather material approved by the Ceres Emergency Services.
4. An approved fire alarm system is required and shall be 24-hour monitored by an approved and UL listed monitoring station.
5. A minimum of 24-hour notice is required for all inspections.
6. The applicant shall provide and install security lighting. Security lighting shall not shine on adjacent properties.

We hope that you have found the predevelopment process helpful in planning your project. If I can be of further assistance, please feel free to contact me.

Sincerely,



James Michaels
Associate Planner
(209) 538-5789
james.michaels@ci.ceres.ca.us

xc: Alvie Hartsog, 730 Moreno Avenue, Palo Alto, CA 94303-3617

Terry J. Murphy
Murphy Consulting
Orinda, CA

1/12/11

Tom Westbrook
City of Ceres
Mr. Westbrook,

Bill Carlson at Stanislaus County was kind enough to send me a copy of your email regarding our application to rezone the property at 1300 Bystrum and suggested that I contact you and clarify what is being proposed. What we are trying to do is to rezone to allow for more than one use in an effort to avoid the current situation where the zoning only permits one use, child care. When we [Mr. Hartsog and I] went to the County to inquire about additional possible uses they informed us that to allow one more would require a Use Permit at the least and any more than that would need rezoning. We requested a meeting with your city's representatives to see what, if any, issues there might be with our application. After that meeting and after we received a letter from your staff we submitted our application. I think it best if I state here what we want at this time. The following are the uses we are asking to be approved.

1. Child care- as is permitted under the current zoning [PD-188]. This use remains what the owners would like the property to be used for.
2. Rooming House- maximum number allowed to be determined by Planning Commission.
3. Senior Housing- This seems to be the designation staff uses for what we requested.
4. Assisted Care/Senior Care- number allowed to be determined by County and State through licensing requirements.

Prior to making our request Mr. Hartsog decided to connect the structure to the sanitary sewer that had been recently installed in the street. This change is the only one needed for use number 1. We are not proposing any further changes to the structure or grounds for this use [1] but does reserve the right to make changes he feels may be needed or wanted to make it better for the kids. This use is the one both the owners would prefer but funds for it have "dried up" and they need to make economic use of the property.

I have spoken to the owner regarding uses 2 and 3 suggesting that in order to maintain the use of the grounds a reasonable restriction on the number of tenants allowed should be made. He is now asking that a maximum of 8 [eight] people be permitted which along with one staff person

per shift will mean that we need one more parking space than we have currently have. The AC that exists in front of the building is large enough to accommodate reconfiguration for the additional space and the design will be submitted to the Planning Commission for review and approval. The last issue for numbers 2 and 3 is "privacy" where you and staff have required "separate" rooms for each tenant. If we were to attempt to provide the "separate" rooms the structure would turn into a "rabbit warren" making it difficult to create and expensive to return it to any other use. We feel that providing freestanding, solid "privacy" walls and lockable storage for each tenant along with an onsite manager will give them the privacy and security needed. This is more privacy and security than my twins had when they attended UCLA and Santa Cruz. To date, we have not been given a copy of the zoning document or law that is being used to make "separate" a requirement. If there is such a document then please remit and I will share it with the owner.

Last we come to number 4 and I need to make it clear that we are not asking for a "facility" just for the zoning that would allow for one. I have no doubt that before any license would be issued for this use there would be design review by Ceres, the County, the State and likely by the Federal Government plus any number of their agencies. We are only asking that it be allowed on this property by zoning. We understand that before the property can be used for Assisted Care/Senior Care it will need to be reconfigured for that purpose as per the requirements of all the above agencies.

Apart from our differences about what is adequate for privacy we are left with only one item- Design Review. You have insisted on having designs for every use before your City will sign-off on any change and I have to ask. Do you know how much it is going to cost my client to give you what you want? Design Review at this time seems like getting the cart ahead of the horse. Again, he is not proposing these uses at this time just that the use be allowed on the property. Even if we give you everything asked for I have no doubt that when or if we want to use zoning for numbers 3 or 4 the agencies involved will require their own changes and we will be back to square one having spent good money on unusable plans that we don't need.

We respectfully request that you consider the uses proposed and provide the County a letter stating if you are in support of what we are asking for plus any conditions you feel are needed. If you have any questions that I might be able to answer please send me an email to the address this letter was sent from.

Yours truly,
Terry J. Murphy

DEVELOPMENT STANDARDS

GENERAL PLAN AMENDMENT NO. 91-05
REZONE APPLICATION NO. 91-04
ALVIE K. HARTSOG

1. A 7' masonry wall shall be constructed along the east property line beginning at a point 45' from the center-line of Eugene Avenue.
2. An off-street parking plan shall be submitted to and approved by the Department of Planning and Community Development and by the Department of Public Works. Said parking plan shall provide eight (8) off-street spaces with not more than two (2) compact spaces.
3. Setbacks - Bystrum Road - 10'
Eugene Avenue - 10'
East and south property line - 5'
4. A landscaping plan shall be submitted to and approved by the Department of Planning and Community Development. Said plan shall provide for: screening of parking areas to the extent feasible, street trees along Eugene and Bystrum Road, and be automatically irrigated.
5. Signs shall comply with the City of Ceres standards and shall be approved by the Department of Planning and Community Development.
6. Hours of operation shall be limited to the hours of 5:30 am to 7:00 pm, Monday through Saturday.
7. All required approvals defined in these standards and relevant construction/implementation of these standards shall be completed prior to occupancy for the use approved.
8. The existing septic system shall be upgraded to accommodate the approved use.
9. The approved use of this property is a child care facility to accommodate a maximum of forty-five (45) children.
10. Curb, gutter, sidewalk, street pavement and drainage facilities shall be constructed along the Bystrum Road and Eugene Avenue frontages prior to occupancy of the child care facility.
11. Prior to issuance of any building permits, the County Public Facilities shall be paid.
12. All parking and driveway areas shall be paved to Department of Public Works standards prior to occupancy to the child care facility.
13. An on-site storm drainage system, designed to County standards, shall be installed prior to occupancy of the child care facility.

EXHIBIT E

Development Standards
GPA 91-05 & REZ 91-04
August 1, 1991
Page 2

14. A signed agreement, in form approved by the County Counsel, shall be filed with the County agreeing to annex the subject property to the City of Ceres on demand.
15. Trash enclosures shall be placed in locations approved by the refuse collecting agency and the Planning and Community Development Department.
16. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Planning Director.
17. All landscaped areas, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash and other debris.
18. All outdoor lighting shall be shielded from adjacent properties as required by the Planning Director.
19. Prior to filing the Notice of Determination the applicant shall provide a check payable to "Stanislaus County Clerk" for \$25.00 in conformance with AB 3158.

/mk,P7

DEVELOPMENT STANDARDS

REZONE APPLICATION NO. 2010-04 HARTSOG

Department of Planning and Community Development

1. This project is to be developed and operated as described in the application information submitted, including submittals modifying the project in accordance with other laws and ordinances. All previous Development Standards applicable to GPA 91-05, REZ 91-04 - Alvie K. Hartsog shall remain in effect as part of this rezone.
2. All approved uses shall develop and operate in compliance with the City of Ceres development standards. The city of Ceres shall review and approve all building permit plans, grading plans, and any other plans required for development and operation of the approved uses prior to issuance of any permit by the county.
3. A business license shall be obtained for any businesses operating on the site.
4. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
5. Within five days of final approval by the Planning Commission or Board of Supervisors, a \$57.00 check made payable to the "Stanislaus County Clerk/Recorder" shall be submitted to the Department of Planning and Community Development for the purpose of filing the Notice of Exemption.
6. 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. Written evidence of said contact shall be submitted to the Planning Department prior to issuance of any building permit.
7. 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.
8. The applicant, or subsequent property owner, shall be responsible for maintaining landscape plants in a healthy and attractive condition. Dead or dying plants shall be replaced with materials of equal size and similar variety. Any dead trees shall be replaced with a similar variety of a 15-gallon size or larger.

Department of Public Works

9. A grading and drainage plan for the project site shall be submitted with the grading or building permit. Public Works will review and approve the drainage calculations. The grading and drainage plan shall include the following information:

- Drainage calculations shall be prepared as per the Stanislaus County Standards and Specifications that are current at the time the permit is issued.
- The plan shall contain enough information to verify that all runoff will be kept from going onto adjacent properties and Stanislaus County road right-of-way.
- The grading and drainage plan shall comply 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.
- An Engineer's Estimate shall be submitted for the grading and drainage work.
- The grading, drainage, and associated work shall be accepted by Stanislaus County Public Works prior to a final inspection or occupancy, as required by the building permit.

The applicant of the grading/building permit shall pay the current Stanislaus County Public Works weighted labor rate for the plan review of the building and/or grading plan. A deposit of 3% of the Engineer's Estimate shall be made prior to the plan check.

The applicant will be responsible for any charges 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.

10. The applicant of the grading/building 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. The deposit shall be made prior to the issuance of the grading permit. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site. The Public Works inspector will not sign on the grading or building permit until such time that all inspection fees have been paid. Any fees left over from the deposit shall be returned to the applicant at the completion and acceptance of the grading and drainage construction by Stanislaus County Public Works.

11. An Encroachment Permit must be obtained for any work in the road right of way.

12. Public Works will approve of any new or relocated driveway locations.

Building Permit Division

13. When there is a change of use, the applicant shall comply with current adopted Title 24 Building Codes.

City of Ceres

~~14. Use as a rooming house/boarding home or senior housing requires the building be designed such that a separate guest room would be provided for each adult tenant.~~

- ~~15. When there is a change of use, the applicant shall connect the building to the public sewer and pay the appropriate fees prior to occupancy.~~
16. When there is a change of use, the applicant shall comply with the ADA standards as applicable to the project parking and accessibility to the building from the parking area. Additionally the entire interior of the building shall comply with ADA accessibility standards.
17. When there is a change of use, the building will be required to have a grease interceptor for the kitchen facility and require approval from the Stanislaus County Department of Environmental Resources.
18. When there is a change of use, a fire hydrant shall be provided within 150 feet of the most distance portion of the facility.
19. When there is a change of use, a Knox type key box is required and shall be installed at a location approved by the Ceres Fire Department.
20. When there is a change of use, the project address shall be visible from the roadway.
21. When there is a change of use, fire extinguishers shall be provide and mounted with the tops no higher than 4 feet and the spacing shall be no more than 75 feet apart in the interior of the building.
22. When there is a change of use, all emergency vehicle access points and proposed utilities shall ensure cross-easements and shall be located per the proposed development plan unless modified by these conditions.
23. When there is a change of use, all emergency vehicle access shall be constructed of an all-weather material approved by the Ceres Emergency Services.
24. When there is a change of use, an approved fire alarm system is required and shall be 24-hour monitored by an approved and UL listed monitoring station.
25. When there is a change of use, a minimum of 24-hour notice is required for all inspections.
26. When there is a change of use, the applicant shall provide and install security lighting. Security lighting shall not shine on adjacent properties.
27. Prior to issuance of a building or occupancy permits, the City of Ceres shall be routed the site plan and floor plan to ensure that all City of Ceres parking requirements, etc...can be met.

*Please note: If 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 first page of the Development Standards, new wording is in **bold**, and deleted wording will have a ~~line through it~~.*

As Approved by the Planning Commission
June 2, 2011

LIST OF USES

REZONE APPLICATION NO. 2010-04
HARTSOG

- Child Care Facility (up to 45 children)
- Senior Care Residential Facility (up to 15 beds)
- Senior Assisted Care Facility (up to 15 beds)
- Rooming House (up to eight residents)

(I:\Planning\Staff Reports\REZ\2010\REZ 2010-04 - HARTSOG\Staff Report - Official.wpd)

STANISLAUS COUNTY
DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT
1010 10th Street, Suite 3400
Modesto, California 95354

NOTICE OF EXEMPTION

Project Title: Rezone Application No. 2010-04 - Hartsog

Applicant Information: Alvie & Martha Hartsog / 730 Moreno Avenue / Palo Alto, CA 94303 / (650) 400-9624

Project Location: Southeast corner of Bystrum Road (1300 Bystrum Road), between Eugene and Joyce Avenues, in the Sphere of Influence of the City of Ceres, Stanislaus County. APN: 038-043-037

Description of Project: Request to rezone a .45 acre site to allow the following as permitted uses: Child Care Facility; Senior Care Residential Facility; Senior Assisted Care Facility; and Rooming House. The Senior Care Residential and Senior Assisted Care Facilities would allow up to 15 beds total. The Rooming House would allow up to eight residents. The property is zoned P-D (188).

Name of Agency Approving Project: Stanislaus County Planning Commission

Lead Agency Contact Person: Bill Carlson, Senior Planner

Telephone: (209) 525-6330

Exempt Status: (check one)

- Ministerial (Section 21080(b)(1); 15268);
- Declared Emergency (Section 21080(b)(3); 15269(a));
- Emergency Project (Section 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: 15301, 15305
- Statutory Exemptions. State code number: _____
- General Exemption.


Reasons why project is exempt: Class 1 CEQA exemption which allows the minor alteration of existing public or private structures provided that the alteration will not result in an increase of more than 50 percent of the floor area of the structure prior to the change. Also, the Class 5 CEQA exemption consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including minor lot line adjustments and encroachment permits.

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: REZONE APPLICATION NO. 2010-04 - HARTSOG

REFERRED TO:	RESPONDED			RESPONSE			MITIGATION MEASURES		CONDITIONS			
	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							
BUILDING PERMITS DIVISION	X			X				X			X	
CALTRANS DISTRICT 10	X		X		X							
CHIEF EXECUTIVE OFFICE	X				X							
CITY OF: CERES	X		X	X				X			X	
COOPERATIVE EXTENSION	X				X							
COUNTY COUNSEL	X				X							
ENVIRONMENTAL RESOURCES	X				X							
FIRE PROTECTION DIST: INDUSTRIAL	X		X		X							
FISH & GAME, DEPT OF	X		X		X							
HAZARDOUS MATERIALS	X				X							
IRRIGATION DISTRICT: TURLOCK	X		X	X				X				X
LAFCO	X		X		X							
MOSQUITO DISTRICT: TURLOCK	X		X		X							
MT VALLEY EMERGENCY MEDICAL	X		X		X							
MUNICIPAL ADVISORY COUNCIL: S MOD	X		X		X							
PACIFIC GAS & ELECTRIC	X		X		X							
PARKS & FACILITIES	X				X							
PUBLIC WORKS	X			X				X			X	
RAILROAD: UNION PACIFIC	X		X		X							
REDEVELOPMENT	X				X							
REGIONAL WATER QUALITY CONTROL	X		X		X							
SAN JOAQUIN VALLEY APCD	X		X		X							
SCHOOL DISTRICT 1: MODESTO	X		X	X				X			X	
SHERIFF	X				X							
STANISLAUS COUNTY FARM BUREAU	X		X		X							
STANISLAUS ERC	X			X				X				X
STANISLAUS FIRE PREVENTION BUREAU	X				X							
SUPERVISORIAL DISTRICT 5: DeMARTINI	X				X							
SURROUNDING LAND OWNERS			X		X							
TELEPHONE COMPANY: AT&T	X		X		X							
UNITED STATES MILITARY AGENCIES (SB 1462) (5 agencies)	X		X		X							
US FISH & WILDLIFE	X		X		X							

- C. **REZONE APPLICATION NO. 2010-04 - HARTSOG** - Request to rezone a .48 acre site to allow the following as permitted uses: Child Care Facility; Senior Care Residential Facility; Senior Assisted Care Facility; and Rooming House. The Senior Care Residential and Senior Assisted Care Facilities would allow up to 15 beds total. The Rooming House would allow up to eight residents. The property is zoned P-D (188) and is located at 1300 Bystrum Road, between Eugene and Joyce Avenues, in the Sphere of Influence of the City of Ceres. The project is CEQA Exempt.
APN: 038-043-037
Staff Report: Bill Carlson Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: Ken Claussen, 1109 Eugene Avenue, Modesto.
FAVOR: Terry Murphy, 142 La Espiral, Orinda; Tom Westbrook, City Planner, City of Ceres.
Public hearing closed.
Navarro/Ramos, **RECOMMENDED APPROVAL TO THE BOARD OF SUPERVISORS WITH REMOVAL OF DEVELOPMENT STANDARD NOS. 14 & 15.**

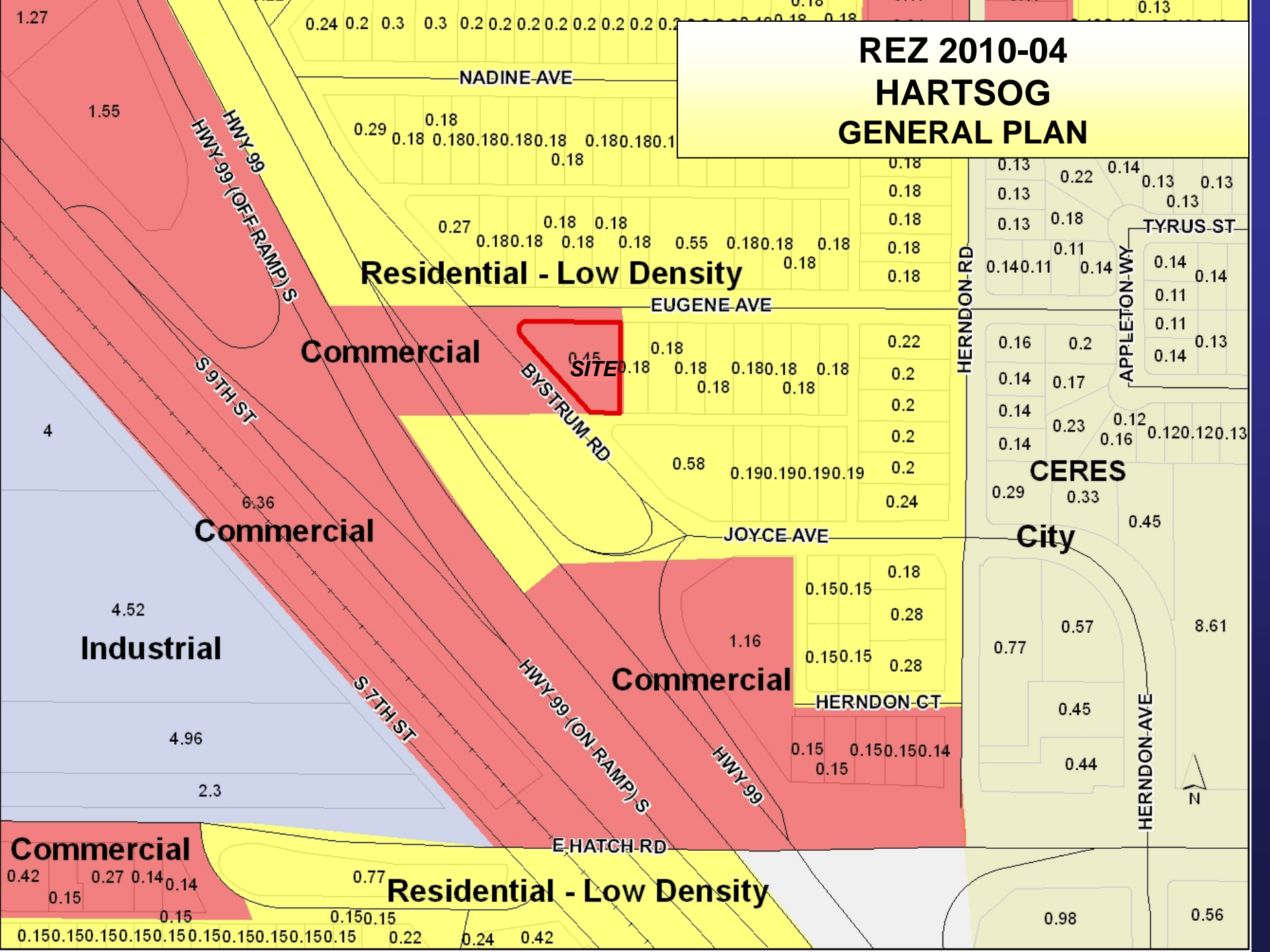
<p style="text-align: center;">EXCERPT</p> <p style="text-align: center;">PLANNING COMMISSION</p> <p style="text-align: center;">MINUTES</p> <p style="text-align: center;"></p> <p>_____ Secretary, Planning Commission</p> <p style="text-align: center;">7/19/11</p> <p>_____ Date</p>
--

REZONE APPLICATION NO. 2010-04 HARTSOG

PowerPoint Presentation



REZ 2010-04 HARTSOG GENERAL PLAN



Residential - Low Density

Commercial

0.15
SITE

Commercial

Industrial

Commercial

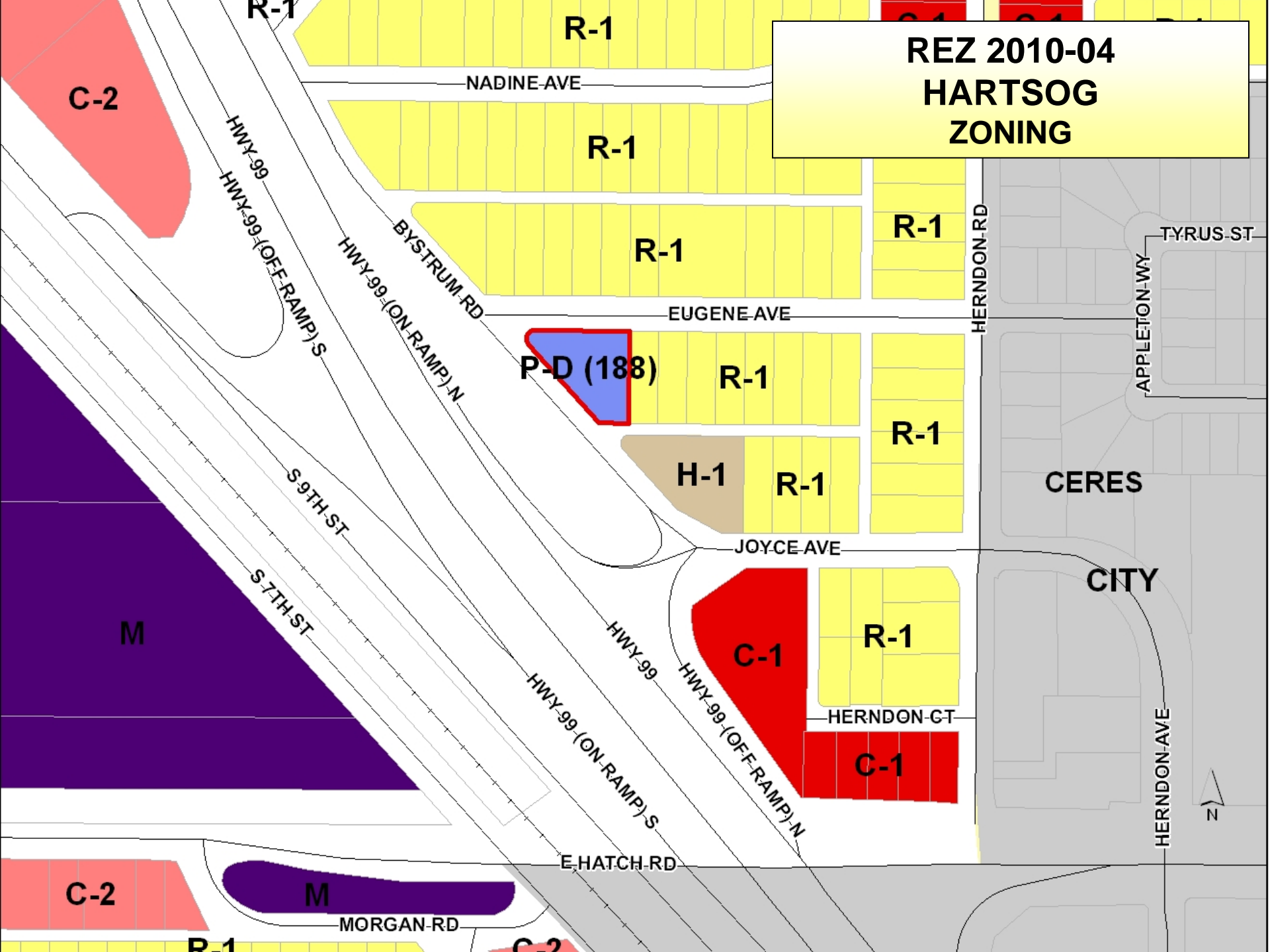
CERES

City

Residential - Low Density



**REZ 2010-04
HARTSOG
ZONING**



**REZ 2010-04
HARTSOG
Aerial**



EUGENE AVE

BYSTRUM RD

JOYCE AVE

HWY 99 (ON RAMP) N

HWY 99

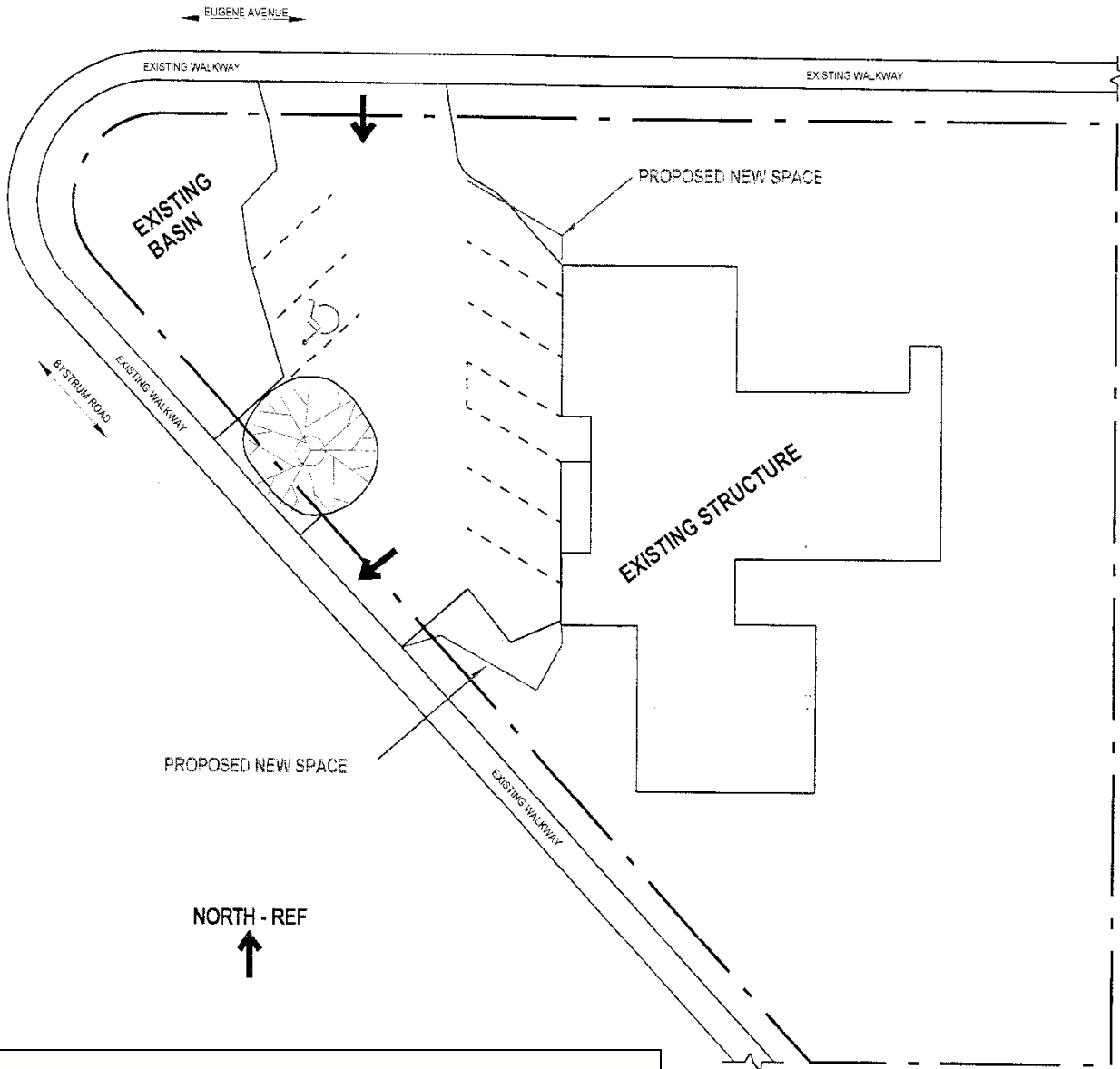
HWY 99 (OFF RAMP) S

HWY 99 (ON RAMP) S

S 9TH ST

HWY 99





**REZ 2010-04
HARTSOG
PARKING PLAN**

PROJECT DESCRIPTION

Rezone a .45 acre site from P-D (188) (Planned Development) to a new P-D zone to allow child care facility; senior care residential facility; senior assisted care facility; and rooming house.

- Senior care/assisted care up to 15 beds
- Rooming house up to eight residents
- Child care for 45 children



Site Description

The building is an existing child care facility and is approximately 3,600 square feet in size. No building expansion is proposed with this application.



BACKGROUND

- 16 neighbors signed a petition, objecting to the child care facility, citing potential increase in noise and traffic.
- Commission had some concerns with traffic patterns.
- Commission wanted a safe unloading area for children.
- A revised parking plan was submitted and approved.



BACKGROUND

In 1991, the BOS approved:

- General Plan designation change from LDR to Commercial
- Rezoning from R-1 (SFR) to P-D (188) ,
- Only to allow for operation of a large child care facility for a maximum of 45 children.



DISCUSSION

- There is no development schedule since the building is already existing.
- Only physical change would occur if the existing child care use is changed to another approved use.
- Physical changes might include interior modification to the building and parking lot expansion/modification.



Discussion

- County Staff and the City of Ceres have no objection to the child care facility, senior care residential facility, or senior assisted care facility uses as proposed, provided they meet the development standards.



General Plan Consistently

In order to approve a rezone, it must be consistent with the General Plan.

Staff believes:

- The proposed uses are not detrimental to residential and commercial uses in the area.
- The rezone to a new PD is consistent with the GP it fits into the type of uses for this area, shape of the parcel, and the location.
- The project is consistent with the County's SOI Policies and is supported by Ceres.



ENVIRONMENTAL REVIEW

This project is considered to be Categorical Exempt based on a Class 1 CEQA exemption which allows the minor alteration of existing structures.



Planning Commission Meeting

June 2, 2011, the PC held a public hearing.

One neighbor, who lives across the street, spoke in opposition of the project.

He was opposed to the 1991 project and expressed concerns with the recent upkeep of the property, and limited parking to accommodate the proposed project



Planning Commission Meeting

The applicant's representative, spoke in favor of the project. He requested the Planning Commission remove three Development Standards No. 14, 15, and 17 requested by the City of Ceres.



Planning Commission Meeting

The City Planner, spoke on behalf of the Ceres at the meeting and indicated no opposition to the removal of Development Standards No. 14 and 15.



Planning Commission Meeting

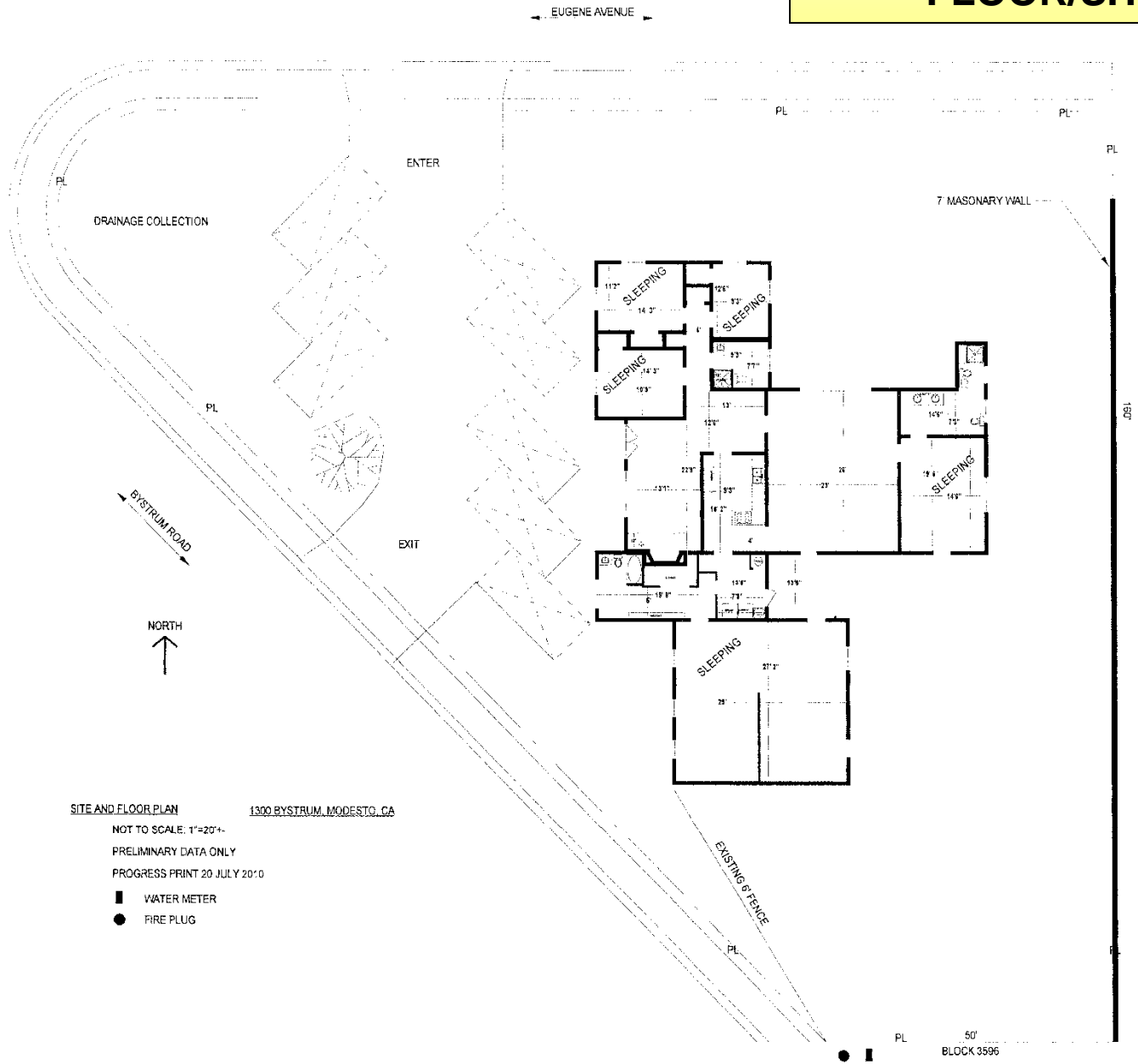
The Planning Commission voted 6-0 (Navarro/Ramos) to recommend the Board of Supervisors approve the request with removal of Development Standards No. 14 and 15.



RECOMMENDATION

Staff Recommends Approval of
Recommendations 1 Through 4 and
Recommend Approve Rezone Application
No. 2010-04 – Hartsog, Subject To The
Conditions Of Approval





SITE AND FLOOR PLAN 1300 BYSTRUM, MODESTO, CA
NOT TO SCALE: 1"=20'-0"
PRELIMINARY DATA ONLY
PROGRESS PRINT 20 JULY 2010
■ WATER METER
● FIRE PLUG

STANISLAUS COUNTY ORDINANCE NO. C.S. 1104

AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO. 9-110.995 FOR THE PURPOSE OF REZONING A .45 ACRE SITE FROM P-D (PLANNED DEVELOPMENT) TO A NEW PLANNED DEVELOPMENT TO ALLOW THE FOLLOWING AS PERMITTED USES: CHILD CARE FACILITY; SENIOR CARE RESIDENTIAL FACILITY; SENIOR ASSISTED CARE FACILITY; AND ROOMING HOUSE. THE SENIOR CARE RESIDENTIAL AND SENIOR ASSISTED CARE FACILITIES WOULD ALLOW UP TO 15 BEDS TOTAL. THE ROOMING HOUSE WOULD ALLOW UP TO EIGHT RESIDENTS. THE PROPERTY IS ZONED P-D (188) AND IS LOCATED AT 1300 BYSTRUM ROAD, BETWEEN EUGENE AND JOYCE AVENUES, IN THE SPHERE OF INFLUENCE OF THE CITY OF CERES, APN: 038-043-037.

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

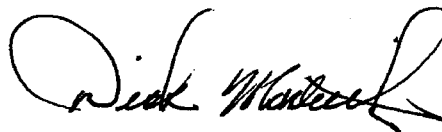
Section 1. Sectional District Map No. 9-110.995 is adopted for the purpose of designating and indicating the location and boundaries of a District, such map to appear as follows:

(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 DeMartini, seconded by Supervisor O'Brien, the foregoing ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 26th day of July, 2011, by the following called vote:

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



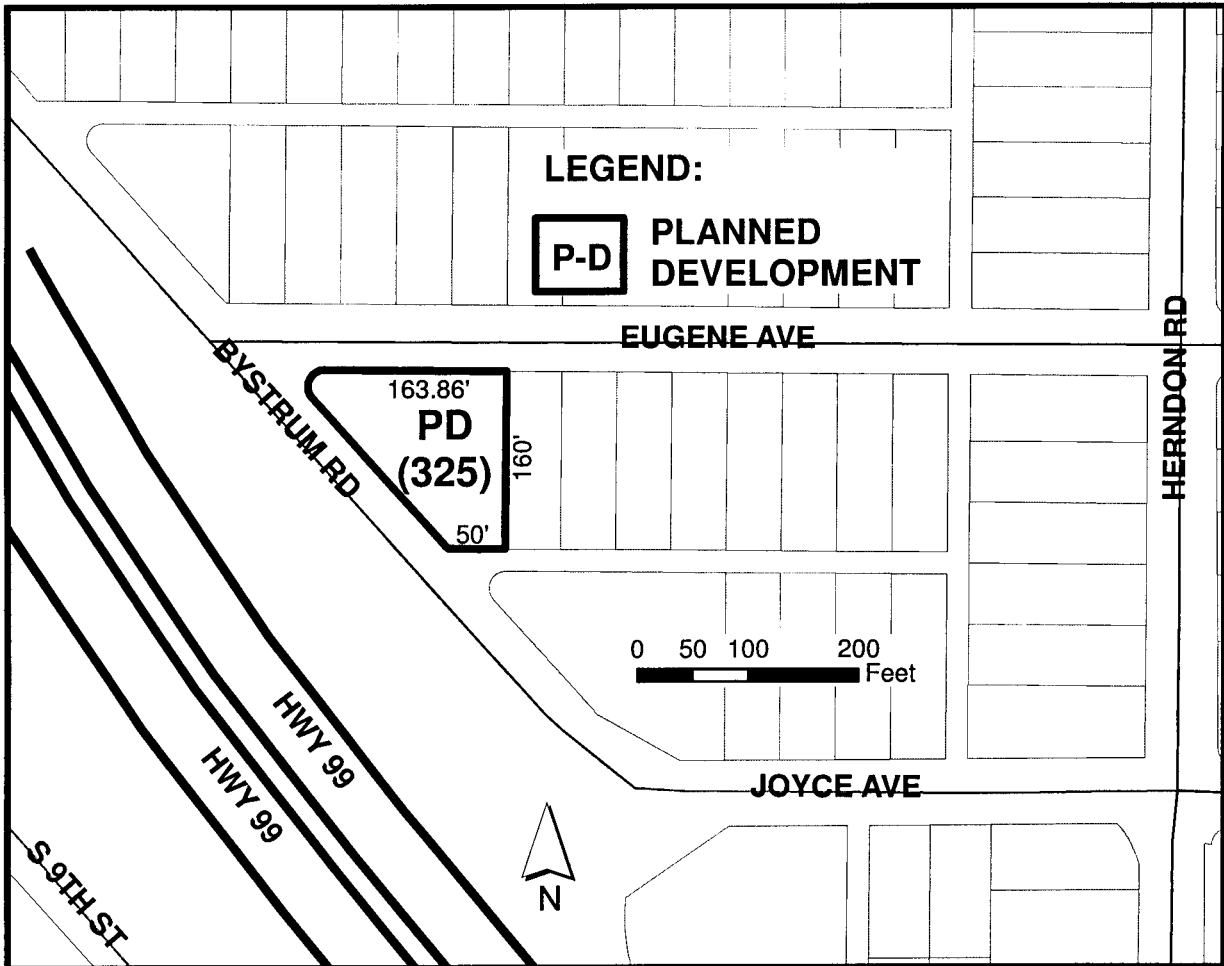
CHAIRMAN OF THE BOARD OF SUPERVISORS
of the County of Stanislaus,
State of California

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. 9-110-995



EFFECTIVE DATE: 08.25.2011

PREVIOUS MAP: 994, 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 2, 2011

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 2, 2011

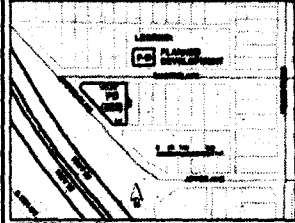
Marlyn Gonzalez

(Signature)

**STANISLAUS COUNTY
ORDINANCE NO. C.S. 1104**

AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO. 9-110.995 FOR THE PURPOSE OF rezoning a .45 acre site from P-D (Planned Development) to a new Planned Development to allow the following as permitted uses: child care facility; senior care residential facility; senior assisted care facility; and rooming house. The senior care residential and senior assisted care facilities would allow up to 15 beds total. The rooming house would allow up to eight residents. The property is zoned P-D (188) and is located at 1300 Bystrum Road, between Eugene and Joyce Avenues, in the Sphere of Influence of the City of Ceres, APN: 038-043-037. The Board of Supervisors of the County of Stanislaus, State of California, ordains as follows: Section 1. Sectional District Map No. 9-110.995 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. 9-110-995



EFFECTIVE DATE: 08.25.2011
PREVIOUS MAP: 894, 877 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 DeMartini, seconded by Supervisor O'Brien, the foregoing ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 26th day of July, 2011, by the following called vote: AYES: Supervisors: O'Brien, Chiesa, Withrow, DeMartini and Chairman Montelth; NOES: Supervisors: None; ABSENT: Supervisors: None; ABSTAINING: Supervisors: None. /s/ Dick Montelth, 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.

C11443.2