

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

DEPT: Planning and Community Development *IV*

BOARD AGENDA # 6:35 P.M.

Urgent Routine

AGENDA DATE August 18, 2015

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Public Hearing to Consider Planning Commission's Recommendation for Approval of General Plan Amendment and Rezone Application No. PLN2015-0021, Gallo Glass - Tenaya Drive, a Request to Amend the General Plan Designation and Rezone 16 Parcels, Totaling 2.5± Acres, to Be Used for
(Continued on page 2)

PLANNING COMMISSION AND STAFF RECOMMENDATIONS:

1. Conduct a public hearing to consider the Planning Commission's recommendation for approval of General Plan and Rezone Application No. PLN2015-0021, Gallo Glass - Tenaya Drive, a request to amend the General Plan designation from Industrial Transition to Industrial and rezone from R-1 (Single-Family Residential) to M (Industrial) on 16 parcels, totaling 2.5± acres, to be used for storage and parking for Gallo Glass Company, located on the south side of Tenaya Drive, from the east side of Santa Rita Avenue to the west side of South Santa Cruz Avenue in the Modesto area.

(Continued on page 2)

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. 2015-391

On motion of Supervisor Monteith, Seconded by Supervisor Chiesa

and approved by the following vote,

Ayes: Supervisors: Chiesa, Monteith, and Chairman Withrow

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: O'Brien and DeMartini

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

INTRODUCED, WAIVED THE READING, AND ADOPTED ORDINANCE C.S. 1166

ATTEST:


CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-U-5

SUBJECT: (Continued)

Storage and Parking for Gallo Glass Company, Located on the South Side of Tenaya Drive, From the East Side of Santa Rita Avenue to the West Side of South Santa Cruz Avenue in the Modesto Area; and Adoption of a Negative Declaration

PLANNING COMMISSION RECOMMENDATIONS: (Continued)

2. Adopt the Negative Declaration pursuant to California Code of Regulations Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis.
3. 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.
4. Find That:
 - A. The General Plan amendment will maintain a logical land use pattern without detriment to existing and planned land uses.
 - B. 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.
 - C. The amendment is consistent with the General Plan goals and policies.
5. Find that the proposed Industrial zoning is consistent with the Industrial General Plan designation.
6. Approve General Plan Amendment and Rezone Application No. PLN2015-0021, Gallo Glass, Tenaya Drive and introduce, waive the reading, and adopt an ordinance for the Rezone.

DISCUSSION:

This is a two part application requesting to make the following modifications to a 2.5± acre site in the Modesto area: 1) amend the General Plan designation from Industrial Transition to Industrial and 2) amend the zoning designation from R-1 (Low-Density Residential) to M (Industrial). The request will allow Gallo Glass Company to expand its storage for glass bottles and parking capacities. The proposed project will also reduce

the amount of truck trips associated with the glass bottle plant. Subsequent development of the project site may involve the abandonment of affected street rights-of-way.

The project site is within the Local Agency Formation Commission (LAFCO) adopted City of Modesto Sphere of Influence (SOI). The project site is surrounded by single-family dwellings to the north and east and the existing Gallo Glass plant to the west and south. The project site includes 16 residential parcels, 4 of which are developed and occupied as single-family dwellings. The remaining 12 parcels are vacant. All of the subject parcels are owned by the applicant and the remaining dwellings will be demolished once vacated.

On July 16, 2015, the Stanislaus County Planning Commission held a public hearing for General Plan Amendment and Rezone Application No. PLN2015-0021, Gallo Glass, Tenaya Drive. The Planning Commission voted 5-0 to recommend approval of the application to the Board of Supervisors.

No one spoke in opposition to the project. Rod Hawkins, the project representative, spoke in favor of the project and was available for questions. The Planning Commission asked one question related to truck trips. Mr. Hawkins informed the Planning Commission that the proposed project will be part of an aggregate reduction of 8,100 yearly truck trips for Gallo Glass. This total includes the proposed project site and a 12.2± acre property directly south of the project site that was rezoned in 2013 to allow for the same use (General Plan Amendment and Rezone No. PLN2012-0037, Gallo Glass).

Planning Staff believes the General Plan amendment and Rezone for the proposed use on this specific site is consistent with the goals and policies of the County's General Plan. For a discussion on the proposed project's General Plan consistency see Attachment 1 - *Planning Commission Staff Report, July 16, 2015*.

POLICY ISSUES:

The proposed rezone furthers the Board's 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:

Angela Freitas, Planning and Community Development Director
Telephone: (209) 525-6330

Public Hearing to Consider Planning Commission's Recommendation for Approval of
General Plan Amendment and Rezone Application No. PLN2015-0021, Gallo Glass,
Tenaya Drive; and Adoption of a Negative Declaration
Page 4

ATTACHMENTS:

1. Planning Commission Staff Report, July 16, 2015
2. Planning Commission Minutes, July 16, 2015
3. Draft Ordinance and Sectional District Map

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STANISLAUS COUNTY PLANNING COMMISSION

July 16, 2015

STAFF REPORT

GENERAL PLAN & REZONE APPLICATION NO. PLN2015-0021
GALLO GLASS – TENAYA DRIVE

REQUEST: REQUEST TO AMEND THE GENERAL PLAN DESIGNATION FROM INDUSTRIAL TRANSITION TO INDUSTRIAL AND REZONE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) TO M (INDUSTRIAL) ON 16 PARCELS, TOTALING 2.5± ACRES, TO BE USED FOR STORAGE AND PARKING FOR GALLO GLASS COMPANY

APPLICATION INFORMATION

Applicant/Owner:	Gallo Glass Company
Agent:	Rod Hawkins
Location:	South side of Tenaya Drive, from the east side of Santa Rita Avenue to the west side of South Santa Cruz Avenue, in the Modesto area.
Section, Township, Range:	33 & 34-3-9
Supervisorial District:	Four (Supervisor Monteith)
Assessor's Parcel:	035-012-001 thru 035-012-015 & 035-012-034
Referrals:	See Exhibit E Environmental Review Referrals
Area of Parcel(s):	2.5± acres
Water Supply:	Public Water – City of Modesto
Sewage Disposal:	On-site septic
Existing Zoning:	R-1 (Single-Family Residential)
General Plan Designation:	Industrial Transition (IT)
Sphere of Influence:	City of Modesto
Environmental Review:	Negative Declaration
Present Land Use:	Single-family dwellings & vacant lots
Surrounding Land Use:	Residential neighborhood to the north and east, Gallo Glass Company to the south and west

RECOMMENDATION

Based on the entirety of the evidence on the record, and this staff report and its attachments, and on the General Plan, staff recommends that the Planning Commission recommend the Board of Supervisors approve the project. Exhibit A provides an overview of the findings and actions required for project approval.

PROJECT DESCRIPTION

The project is a request to amend the General Plan designation from Industrial Transition to Industrial and rezone from R-1 (Single-Family Residential) to M (Industrial) on 16 parcels, totaling 2.5± acres, to be used for storage and parking for Gallo Glass Company. The proposed project will reduce the amount of truck trips for the glass bottle plant. Subsequent development of the project site may involve the abandonment of affected street rights-of-way.

SITE DESCRIPTION

The project site is located within the Local Agency Formation Commission (LAFCO) adopted City of Modesto Sphere of Influence (SOI). The site is surrounded by single-family dwellings to the north and east as well as the Gallo Glass Plant to the west and south. There is a church located directly at the northeast corner of the South Santa Cruz Avenue and Tenaya Drive intersection. The project site includes 16 residential parcels, 4 of which are developed and occupied as single-family dwellings. The remaining 12 parcels are vacant. All of the subject parcels are owned by the applicant.

BACKGROUND / ISSUES

Gallo Glass Company has been in operation since 1958. The Gallo Glass plant site has been approved for multiple General Plan Amendment and Rezone requests dating back to the 1980's resulting in blocks of land being re-designated and rezoned for industrial uses. In 2013, Gallo Glass Company applied for a General Plan Amendment and Rezone application on a 12.2± property directly south of and adjacent to the project site. The project amended the General Plan designation to Industrial and rezoned the property to M (Industrial). The project allowed Gallo Glass to expand its storage operations. The proposed project is a continuation of the plant's storage expansion.

Business operations require the storage of bulk glass bottles for use by the E & J Gallo Winery as well as for outside clientele. The winery is located northwest of and adjacent to the Gallo Glass plant. Currently, much of the glass is temporarily stored in off-site warehousing and then returned to the winery when it is needed. The proposed expansion will allow Gallo Glass to consolidate its glass storage operations and reduce truck trips for the operation.

Currently 4 of the 16 lots contain occupied single-family dwellings. Escrow has closed on the remaining occupied lots. As part of the purchase agreement, the occupants have been given 60 to 90 days from the closing of escrow to vacate. The applicant has stated that the homes will be demolished once vacated. Should the project be approved and the dwellings remain, the dwellings would be identified as a legal non-conforming use (LNC use), as single-family dwellings are not an allowable use in the M (Industrial) zone. Further, Stanislaus County Code allows LNC uses to continue in conformance with Chapter 21.80 of the Zoning Ordinance. If a home were to burn down or be destroyed, the owner would have six (6) months to obtain a building permit to re-build the home and maintain the LNC status.

Staff received a letter dated June 4, 2015, from the San Joaquin Valley Air Pollution Control District (SJVAPCD). The SJVAPCD has recommended an assessment of potential health impacts to nearby residents be performed related to diesel truck emissions. The proposed project will rezone the project site to the M-Industrial zoning district, which will allow the expansion and continuation of the glass plant's on-site storage and parking. The expansion consolidates operations and provides a centralized location for storage and parking, thus reducing the amount of truck trips for the operation and diesel truck emissions. Therefore staff is not requiring an assessment of potential

health impacts related to diesel truck emissions as recommended by the SJVAPCD. Standard conditions of approval related to SJVAPCD District rules have been placed on the project.

GENERAL PLAN CONSISTENCY

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?" The County, in reviewing General Plan amendments, shall also consider the additional costs to the County that might be anticipated (economic, environmental, and social) and how levels of public and private service might be affected. In each case, in order to take affirmative action regarding the General Plan amendment application, it must be found that:

1. The General Plan amendment will maintain a logical land use pattern without detriment to existing and planned land uses; and
2. 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.

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.

To evaluate a proposed General Plan amendment, the goals and policies of the General Plan must be reviewed. The following comparison is made between the goals and policies of the General Plan and the proposed project:

Land Use

The General Plan Land Use Element identifies the Industrial Transition designation as intended for lands within a City SOI which for the most part are not zoned or developed for industrial usage, but lie in the path of a valid expansion of a contiguous industrial area. Land falling within this designation may continue to be zoned and used for non-industrial purposes pending demand for such industrial expansion. Rezoning for industrial usage should not be approved for less than an entire block or an area adjacent to an existing industrial zone and must be based on evidence of industrial development capability and a program for adequate relocation of any persons to be ultimately displaced.

The proposed General Plan designation and zoning changes will involve an entire block of parcels adjacent to an existing Industrial zone. Gallo currently owns all 16 of the parcels within the project site.

Goal One - Provide diverse land use needs by designating patterns which are responsible to the physical characteristics of the land as well as to 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.

The General Plan identifies the project site as Industrial Transition. This designation is intended for lands within a SOI which for the most part are not zoned or developed for industrial usage, but lie in the path of a valid expansion of a contiguous industrial area. The proposed project will allow for the expansion of an already existing industrial use (Gallo Glass). An area designated Industrial Transition is intended to eventually become Industrial.

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

The implementation of this policy requires that the criteria described in the DESIGNATIONS section of the Land Use Element be applied to this policy. Under the Industrial Transition section, the designation is intended for lands within a SOI which for the most part are not zoned or developed for industrial usage, but lie in the path of a valid expansion of contiguous industrial area. Land falling within this designation may continue to be zoned and used for non-industrial purposes pending demand for such industrial expansion.

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.

Any new development will be required to meet all development standards as required of any new development in the M (Industrial) zone. This may require the payment of service and district fees required to maintain current levels of service.

The current operation is served by public water service provided by the City of Modesto. Any expansion of services to the proposed area will be required to meet service and capacity standards for Measure X on-site septic system and domestic water services.

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

Policy 24 - Development, other than agricultural uses and churches, which requires discretionary approval and is within the sphere of influence of cities or in areas of specific designation created by agreement (e.g., Sperry Avenue and East Las Palmas Corridors), shall not be approved unless first approved by the city within whose sphere of influence it lies or by the city for which areas of specific designation were agreed. Development requests within the spheres of influence or areas of specific designation of any incorporated city shall not be approved unless the development is consistent with agreements with the cities which are in effect at the time of project consideration. Such development must meet the applicable development standards of the affected city as well as any public facilities fee collection agreement in effect at the time of project consideration. (Comment: This policy refers to those development standards that are transferable, such as street improvement standards, landscaping, or setbacks. It does not

always apply to standards that require connection to a sanitary sewer system, for example, as that is not always feasible.)

The project site is located within the City of Modesto's SOI. The Implementation Measures for Policy 24 require that all discretionary development proposals within the SOI or areas of specific designation of a city shall be referred to that city to determine whether or not the proposal shall be approved and whether it meets its development standards. Currently, the project site is designated Residential (R) in the City of Modesto General Plan. The City of Modesto reviewed the project and has no objection to the proposed project.

When changing the General Plan designation of land to Industrial, the General Plan includes the following criteria for determining whether or not a property is suitable for an Industrial designation:

- a. **Access.** The proposed site should have adequate access to handle the type and quantity of traffic associated with industrial uses without impacting existing facilities. This shall usually mean that the area will be located on a major road at a minimum, with location on a state highway preferred.

Although the project site is not located on a major road, the proposed future use of the property is for storage and parking and is intended to help consolidate the glass operation to one location. This will, in turn, minimize the amount of truck trips needed to deliver off-site glass to the project site.

- b. **Sewage disposal.** Public sanitary sewer service should be available and a written commitment for service received. (Lands suitable for industrial development but without public sanitary sewer service should more appropriately be designated Planned Industrial.)

The existing occupied single-family dwellings within the project site are currently being serviced by private septic systems. Any subsequent development needing sewage disposal will require Stanislaus County Department of Environmental Resources (DER) approval. DER may require connection to the city system or a Measure x on-site septic system.

- c. **Water.** An adequate supply of potable water should be available for industrial usage including water needed for fire suppression. Generally this will require a public water supply in order to meet fire flow standards.

The project site already utilizes City of Modesto public water service. Gallo may be required to make upgrades to the system depending on use and development standards; however, at this time, no upgrades are anticipated.

- d. **Infrastructure.** Other utilities (such as natural gas and electricity) shall be reasonably available to the site as might be required by the proposed uses.

Utilities are available to the project site if needed. The project was referred to the appropriate utility services. No comments were received.

- e. **Topography.** The site is physically suitable for industrial development.

The site is relatively flat and has historically contained development. The site is physically suitable for industrial development.

- f. **Williamson Act and other constraints to development.** The site should be free from constraints such as valid Williamson Act contracts that would inhibit rezoning and development of the area.

The site is not under any Williamson Act contracts or other constraints to development.

- g. **Conflicts.** The proposed site development shall not cause land use conflicts with surrounding properties. From this viewpoint, expansion of existing areas is more desirable than designating totally new areas.

The project is a request to expand an existing industrial use in an area designated Industrial Transition. Any new development must comply with adopted County noise standards.

- h. **City General Plan land use designation.** Any new areas proposed for industrial designation shall not be inconsistent with the General Plan of any city in whose sphere of influence they lie.

The project was referred to the City of Modesto for review. The City has no objection to the project.

- i. **Countywide Integrated Waste Management Plan.** Any new areas proposed for industrial designation shall be consistent with the Countywide Integrated Waste Management Plan.

The project is not anticipated to create more waste than normal. The site is located in an already developed area. The Stanislaus County Department of Environmental Resources (DER) is responsible for overseeing waste management. DER has reviewed the project and has not raised any issues related to waste management.

In summary, planning staff believes the General Plan amendment for the proposed use on this specific site is consistent with the goals and policies of the County's General Plan. The project site is identified within the General Plan as Industrial Transition which designates it as an area within a SOI that lies in the path of a valid expansion of a contiguous industrial area.

ZONING CONSISTENCY

To approve the requested rezone, the Planning Commission must find that the M (Industrial) zoning district is consistent with the General Plan for the proposed project site. The Land Use Element of the General Plan states that property with the General Plan designation of Industrial Transition shall retain its present zoning until such time as conversion to Industrial is desirable. The proposed M-Industrial zoning is consistent with the proposed Industrial General Plan designation.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), the proposed project was circulated to all interested parties and responsible agencies for review and comment and no significant issues were raised (See Exhibit E - *Environmental Review Referrals*.) A Negative Declaration has been prepared for the project will not have a significant effect on the environment. (See Exhibit D - *Negative Declaration*.)

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 **\$2,267.00** for the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and the Clerk Recorder filing fees. Planning staff will ensure that this will occur.

Contact Person: Javier Camarena, Associate Planner, (209) 525-6330

Attachments:

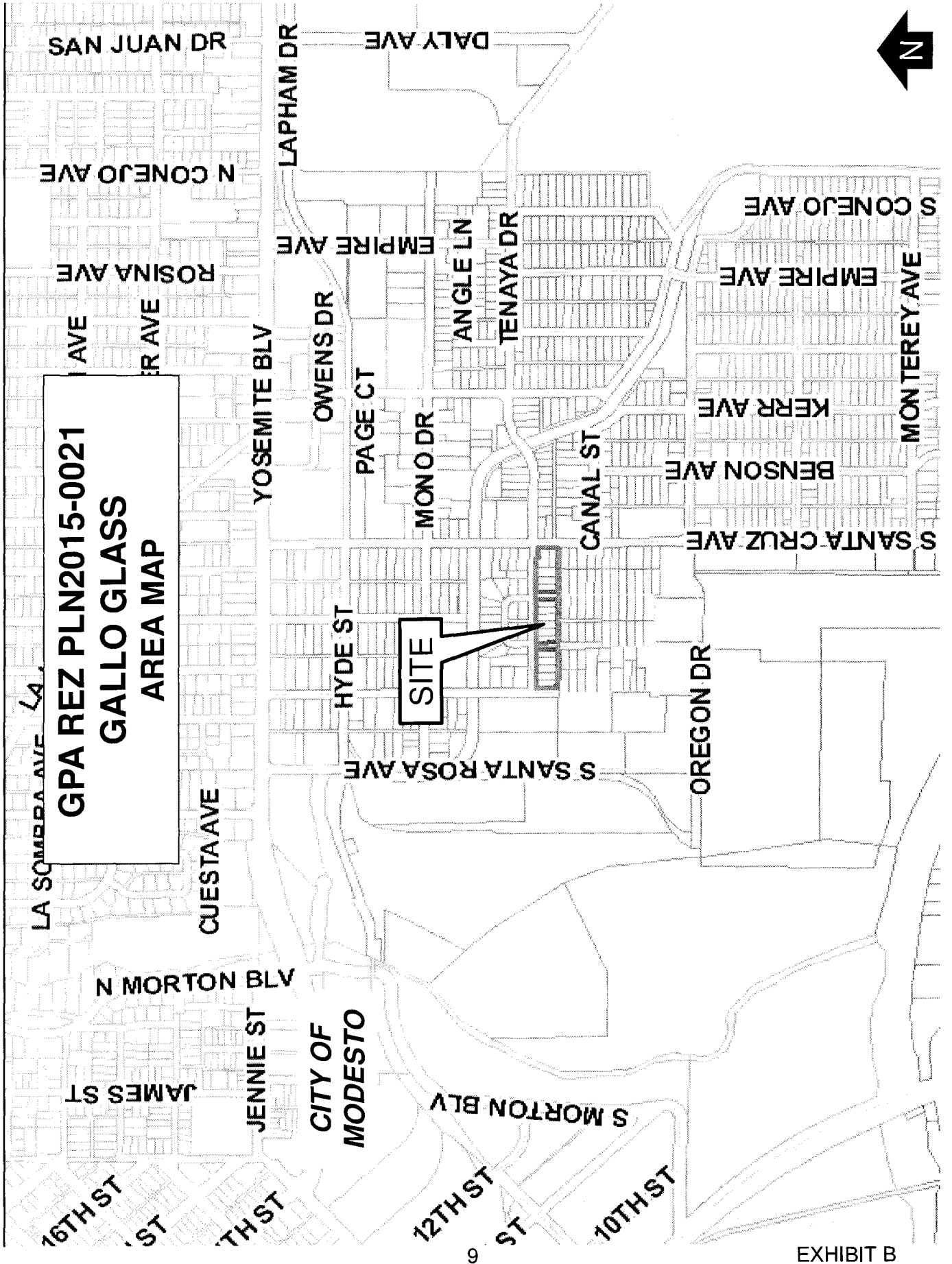
- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps
- Exhibit C - Initial Study
- Exhibit D - Negative Declaration
- Exhibit E - Environmental Review Referral

Exhibit A
Findings and Actions Required for Project Approval

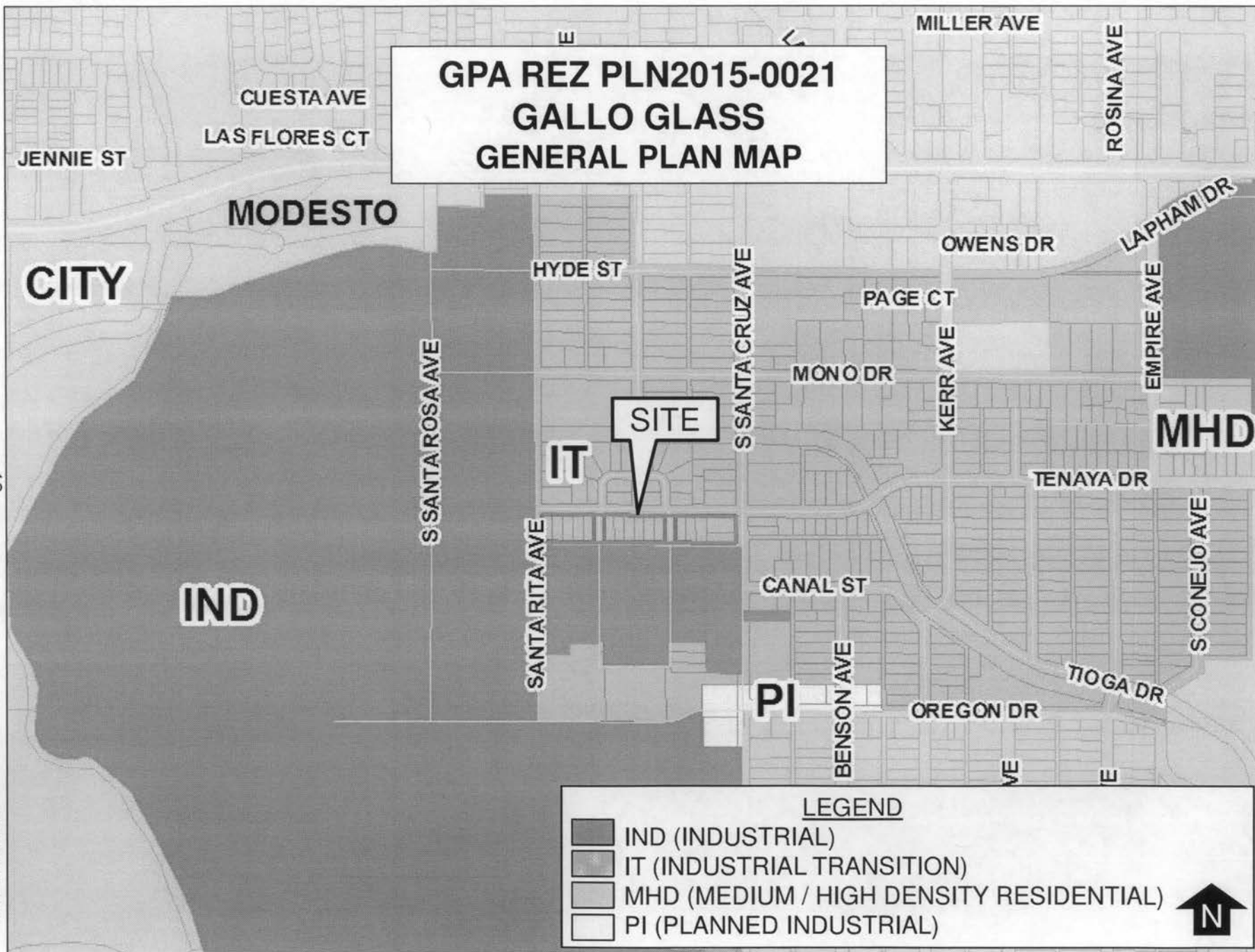
Note: The proposed project must obtain approval from the Stanislaus County Board of Supervisors to be permitted. The Planning Commission may make a recommendation to the Board. Should the Commission support the project, the Commission may recommend the following:

1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis;
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075;
3. Find That:
 - A. The General Plan amendment will maintain a logical land use pattern without detriment to existing and planned land uses;
 - B. 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; and
 - C. The amendment is consistent with the General Plan goals and policies.
4. Find that the proposed Industrial zoning is consistent with the Industrial General Plan designation.
5. Approve General Plan Amendment and Rezone Application No. PLN2015-0021 - Gallo Glass – Tenaya Drive.
6. Introduce, waive the reading, and adopt an ordinance for the approved Rezone Application No. PLN2015-0021 – Gallo Glass – Tenaya Drive.

**GPA REZ PLN2015-0021
GALLO GLASS
AREA MAP**



**GPA REZ PLN2015-0021
GALLO GLASS
GENERAL PLAN MAP**



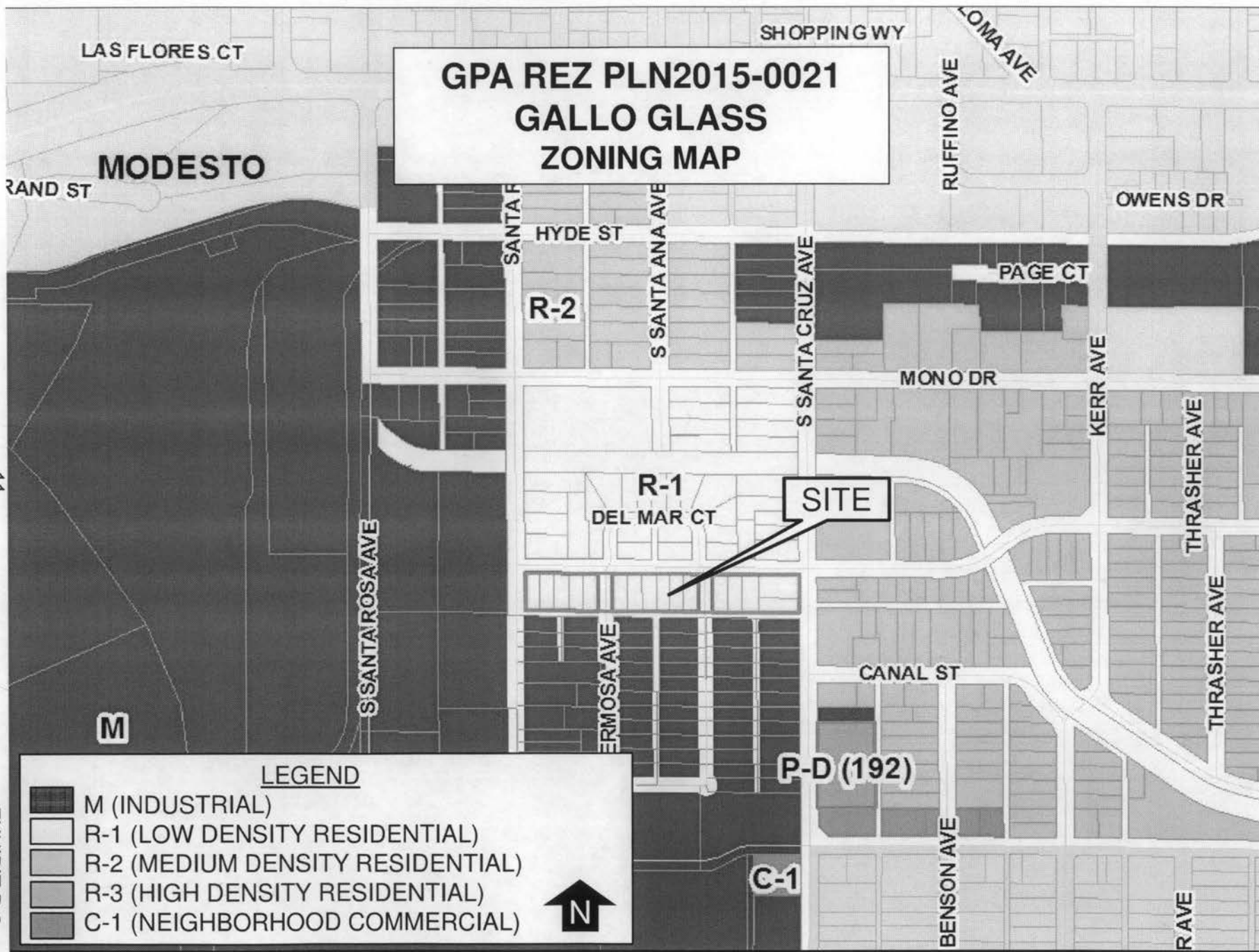
LEGEND

- IND (INDUSTRIAL)
- IT (INDUSTRIAL TRANSITION)
- MHD (MEDIUM / HIGH DENSITY RESIDENTIAL)
- PI (PLANNED INDUSTRIAL)

10

EXHIBIT B-1

**GPA REZ PLN2015-0021
GALLO GLASS
ZONING MAP**



MODESTO

M

R-2






R-1

SITE

P-D (192)

C-1

LEGEND

-  M (INDUSTRIAL)
-  R-1 (LOW DENSITY RESIDENTIAL)
-  R-2 (MEDIUM DENSITY RESIDENTIAL)
-  R-3 (HIGH DENSITY RESIDENTIAL)
-  C-1 (NEIGHBORHOOD COMMERCIAL)



**GPA REZ PLN2015-0021
GALLO GLASS
AERIAL (2013)**





CEQA INITIAL STUDY

Adapted from CEQA Guidelines APPENDIX G Environmental Checklist Form, Final Text, December 30, 2009

1. **Project title:** General Plan Amendment & Rezone Application No. PLN2015-0021 – Gallo Glass Tenaya Drive
2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
3. **Contact person and phone number:** Javier Camarena, Associate Planner
4. **Project location:** South side of Tenaya Drive, from the east side of Santa Rita Avenue to the west side of South Santa Cruz Avenue in the Modesto area. (APNs 035-012-001 thru 035-012-015 & 035-012-034)
5. **Project sponsor’s name and address:** Rod Hawkins, Hawkins & Associates
436 Mitchell Rd.
Modesto, CA 95354
6. **General Plan designation:** Industrial Transition
7. **Zoning:** R-1 (Single-Family Residential)
8. **Description of project:**

The project is a request to amend the General Plan designation from Industrial Transition to Industrial and rezone from R-1 (Single-Family Residential) to M (Industrial) on 16 parcels, totaling 2.5± acres, to be used for storage and parking for Gallo Glass Company. The site includes 16 residential parcels, 4 of which are developed and occupied as single-family dwellings. All parcels are owned by the applicant. The proposed project will reduce the amount of truck trips for the plant.
9. **Surrounding land uses and setting:** The project site is surrounded by a residential neighborhood to the north and east, Gallo Glass Company storage area to the south, and Gallo Glass Company to the west
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** City of Modesto
Stanislaus County Department of Public Works

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 & Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology / Soils
- Greenhouse Gas Emissions
- 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.

Javier Camerena

May 28, 2015

Date

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, than 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). References to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
 - 7) **Supporting Information Sources:** A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
 - 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.

9) The explanation of each issue should identify:

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

ISSUES

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

Discussion: The site itself is not considered to be a scenic resource or a unique scenic vista. Community standards generally do not dictate the need or desire for architectural review. The project site is within the City of Modesto Sphere of Influence and has been referred to the City for comments. The City of Modesto is requiring conditions of approval related to screening, and landscaping requirements. These requirements will be applied to any subsequent ministerial project on the project site.

Mitigation: None

References: Referral Response dated April 20, 2015, from the City of Modesto; Stanislaus County General Plan and Support Documentation¹.

II. AGRICULTURE AND FOREST 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. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- 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) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?			X	
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X

Discussion: The project site is currently comprised of vacant lots at 4 (four) residential dwellings. The proposed rezone to M (Industrial) will enable the applicant to expand the storage and parking area for the Gallo Glass plant and E & J Gallo Winery. The project site and surrounding area are classified as "Urban and Built Up" land by the Farmland Mapping and Monitoring Program. Agricultural and forest resources will not be affected by this project.

Mitigation: None

References: Stanislaus County General Plan and Support Documentation¹.

III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?			X	
e) Create objectionable odors affecting a substantial number of people?			X	

Discussion: The project site is within the San Joaquin Valley Air Basin, which has been classified as "severe non-attainment" for ozone and respirable particulate matter (PM-10) as defined by the Federal Clean Air Act. The San Joaquin Valley Air Pollution Control District (SJVAPCD) has been established by the State in an effort to control and minimize air pollution. As such, the SJVAPCD maintains permit authority over stationary sources of pollutants. The primary source of air pollutants generated by this project would be classified as being generated from "mobile" sources. Mobile sources would generally include dust from roads, farming, and automobile exhausts. Mobile sources are generally regulated by the Air Resources Board of the California EPA which sets emissions for vehicles and acts on issues regarding cleaner burning fuels and alternative fuel technologies. As such, the District has addressed most criteria air pollutants through basin wide programs and policies to prevent cumulative deterioration of air quality within the basin. This project was referred to the SJVAPCD. No response has been received. These requirements will be applied to any subsequent ministerial project on the project site.

Mitigation: None

References: Stanislaus County General Plan and Support Documentation¹

IV. BIOLOGICAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. 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: The proposed project will not result in significant impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors. There are no known sensitive or protected species or natural communities located on the site. The project site is located in the City of Modesto Sphere of Influence and is within an area that has been urbanized for over 75 years. The project was referred to the California Department of Fish and Wildlife, but no comments have been received to date.

Mitigation: None

References: California Department of Fish and Wildlife California Natural Diversity Database; and Stanislaus County General Plan and Support Documentation¹

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 § 15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 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. A records search from the Central California Information Center (CCIC) dated November 8, 2012, indicates that there are existing residential structures over 45 years of age which is common in this area. The report also states that the area has a low-to-moderate sensitivity for the possible discovery of prehistoric resources as well as a low-to-moderate sensitivity for historic archaeological resources (since Tuolumne River and Dry Creek are one mile from the site). If any resources are found during any subsequent ministerial project(s) on the project site, construction activities shall be halted until appropriate agencies are contacted and an archaeological survey is completed.

Mitigation: None

References: Records search from Central California Information Center (CCIC) dated November 8, 2012; and the Stanislaus County General Plan and Support Documentation¹

VI. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X

Discussion: As identified 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 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 consider 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 (DER) through the building permit process, which also takes soil type into consideration within the specific design requirements.

Mitigation: None

References: California Building Code (2013); and Stanislaus County General Plan and Support Documentation¹

VII. GREENHOUSE GAS EMISSIONS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

Discussion: The proposed project consists of a proposed legislative action to amend the General Plan designation and a rezone to the County zoning map and will not generate significant greenhouse gas emissions, either directly or indirectly, that may have significant impact on the environment or conflict with any plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Mitigation: None

References: Stanislaus County General Plan and Support Documentation¹

VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			X	
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?			X	
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

Discussion: No known hazardous materials are on site nor will any exposure to hazardous materials be a part of this project. DER is responsible for overseeing hazardous materials in this area. The project has been referred to DER, but no comments have been received related to hazardous materials. The project site is near an airport; however, the project itself will not pose a safety hazard.

Mitigation: None

References: Stanislaus County General Plan and Support Documentation¹

IX. 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 relatively 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 (FEMA). Per FEMA Map No. 06099C0340E, the project site itself is not within a recognized flood zone and, as such, flooding is not an issue with respect to this project. The project was referred to the Stanislaus County Department of Public Works and the California Regional Water Quality Control Board (RWQCB). Both agencies have provided standard conditions of approval related to permitting and providing a drainage plan. These requirements will be applied to any subsequent ministerial project on the project site.

Mitigation: None

References: Federal Emergency Management Act Map No. 06099C0340E; Referral Response dated April 8, 2015 from the Central Valley Regional Water Quality Control Board; Referral Response dated May 12, 2015 from the Stanislaus County Department of Public Works; Stanislaus County General Plan and Support Documentation¹

X. LAND USE AND PLANNING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Discussion: The project site is currently zoned R-1 (Low Density Residential). The proposed project will rezone the site to M (Industrial) which is consistent with the Stanislaus County General Plan. 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

XI. 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

XII. 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: Any noise impacts associated with increased on-site activities and traffic are not anticipated to exceed the area's existing noise levels. Any activity on site will be required to comply with the Noise Element of the General Plan for industrial uses.

Mitigation: None

References: Stanislaus County General Plan and Support Documentation¹

XIII. POPULATION AND HOUSING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?			X	
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?			X	

Discussion: The proposed project will not create significant service extensions or new infrastructure which could be considered as growth inducing, as services are already available to the project area. E & J Gallo Winery currently owns all of the properties. All of the parcels are currently vacant except for 4 parcels, which contain occupied single-family dwellings. Subsequent development may result in the removal of existing housing units which will be presumably unoccupied. However, should the housing units remain; they would remain as a non-conforming use. Stanislaus County Code §21.80 – *Non-conforming uses* allows lawful non-conforming uses to be continued provided that they not be enlarged, increased, or extended to occupy a greater area than that occupied by such use prior to the date the use became non-conforming. If any such use is abandoned, the subsequent use shall conform to the industrial zoning district. No housing or persons will be displaced by this project.

Mitigation: None

References: Stanislaus County General Plan and Support Documentation¹

XIV. PUBLIC SERVICES --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project result in the 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	

Discussion: The County has adopted Public Facilities Fees, as well as Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. Should any new construction occur on site, such fees will be required to be paid at the time of building permit issuance. Any development of the property will be required to comply with all applicable fire department standards with respect to access and water for fire protection.

Mitigation: None

References: Stanislaus County General Plan and Support Documentation¹

XV. 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: This project is not anticipated to increase significant demands for recreational facilities as such impacts typically are associated with residential development.

Mitigation: None

References: Stanislaus County General Plan and Support Documentation¹

XVI. TRANSPORTATION/TRAFFIC -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			X	
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards 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) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?			X	

Discussion: The proposed rezone will not conflict with any street, highway, or circulation plans nor will it significantly affect any levels of service. The subject project was referred to the Stanislaus County Department of Public Works. Public Works has not indicated any significant impacts as a result of this project and is requiring standard conditions of approval related to encroachment permits, signage, frontage improvements, and entering into a street improvement agreement with the City of Modesto. These requirements will be applied to any subsequent ministerial project on the project site. The project was also referred to the California Department of Transportation (CalTrans). No comments have been received from the agency.

Mitigation: None

References: Referral Response dated May 12, 2015 from the Stanislaus County Department of Public Works; Stanislaus County General Plan and Support Documentation¹

XVII. 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: Impacts to the existing utility and service systems will be minimal as a result of this project. The applicant is planning on constructing a storage area which will require minimal utilities. Should the project be approved, uses allowed in the M (Industrial) zone will be permitted; however, any new development requiring services will be required to obtain any necessary permits from each applicable utility agency. Such requirements are standard on all projects and will be required during development of this site.

Mitigation: None

References: Stanislaus County General Plan and Support Documentation¹

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

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

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 August 28, 2012; **Circulation Element** and **Noise Element** adopted on April 18, 2006.

NEGATIVE DECLARATION

- NAME OF PROJECT:** General Plan Amendment & Rezone Application No. PLN2015-0021 – Gallo Glass – Tenaya Drive
- LOCATION OF PROJECT:** South side of Tenaya Drive, from the east side of Santa Rita Avenue to the west side of S. Santa Cruz Avenue, in the Modesto area (APNs 035-012-001 thru 035-012-015 & 035-012-034)
- PROJECT DEVELOPERS:** Gallo Glass Co.
P.O. Box 1230
Modesto, CA 95353
- DESCRIPTION OF PROJECT:** The project is a request to amend the General Plan designation from Industrial Transition to Industrial and rezone from R-1 (Single-Family Residential) to M (Industrial) on 16 parcels, totaling 2.5± acres, to be used for storage and parking for Gallo Glass Company. The site includes 16 residential parcels, 4 of which are developed and occupied as single-family dwellings. All parcels are owned by the applicant. The proposed project will reduce the amount of truck trips for the plant.

Based upon the Initial Study, dated **May 28, 2015**, the Environmental Coordinator finds as follows:

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

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

Initial Study prepared by: Javier Camarena, Associate Planner

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

EXHIBIT D


SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: GPA & REZ NO. PLN2015-0021 - GALLO GLASS - TENAYA DRIVE

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
CA DEPT OF FISH & WILDLIFE	X	X	X		X							
CA DEPT OF TRANSPORTATION DIST 10	X	X	X		X							
CA OPR STATE CLEARINGHOUSE	X	X	X	X		X					X	
CA RWQCB CENTRAL VALLEY REGION	X	X	X	X		X					X	
CENTRAL VALLEY FLOOD PROTECTION	X	X	X		X							
CITY OF: MODESTO	X	X	X	X		X					X	
COOPERATIVE EXTENSION	X	X			X							
FIRE PROTECTION DIST: STANISLAUS CONS.	X	X	X	X		X		X		X		
IRRIGATION DISTRICT: MODESTO	X	X	X		X							
MOSQUITO DISTRICT: EASTSIDE	X	X	X		X							
MT VALLEY EMERGENCY MEDICAL	X	X	X		X							
PACIFIC GAS & ELECTRIC	X	X	X		X							
RAILROAD: MODESTO & EMPIRE TRACTION	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X	X		X					X	
STAN CO AG COMMISSIONER	X	X	X		X							
STAN CO BUILDING PERMITS DIVISION	X	X		X		X		X		X		
STAN CO CEO	X	X			X							
STAN CO DER	X	X			X							
STAN CO ERC	X	X		X		X		X		X		
STAN CO HAZARDOUS MATERIALS	X	X			X							
STAN CO PUBLIC WORKS	X	X		X		X					X	
STAN CO SHERIFF	X	X			X							
STAN CO SUPERVISOR DIST 4: MONTEITH	X	X			X							
STAN COUNTY COUNSEL	X	X			X							
STANISLAUS FIRE PREVENTION BUREAU	X	X			X							
STANISLAUS LAFCO	X	X	X		X							
SURROUNDING LAND OWNERS			X		X							
TELEPHONE COMPANY:	X	X	X		X							
TRIBAL CONTACTS												
(CA Government Code §65352.3)	X	X	X		X							
TUOLUMNE RIVER TRUST	X	X	X		X							
US ARMY CORPS OF ENGINEERS	X	X	X		X							
US FISH & WILDLIFE	X	X	X		X							
US MILITARY AGENCIES												
(SB 1462) (5 agencies)	X	X	X		X							

EXHIBIT E

- A. **GENERAL PLAN AMENDMENT & REZONE APPLICATION NO. PLN2015-0021 - GALLO GLASS - TENAYA DRIVE** - Request to amend the General Plan designation from Industrial Transition to Industrial and rezone from R-1 (Single-Family Residential) to M (Industrial) on 16 parcels, totaling 2.5± acres, to be used for storage and parking for Gallo Glass Company. The property is located on the south side of Tenaya Drive, from the east side of Santa Rita Avenue to the west side of South Santa Cruz Avenue in the Modesto area. The Planning Commission will consider adoption of a CEQA Negative Declaration for the project.
APN: 035-012-001 thru 035-012-015 & 035-012-034
Staff Report: Javier Camarena, Associate Planner, Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: Rod Hawkins, Hawkins & Associates Engineering, Inc. 436 Mitchell Road, Modesto, CA
Public hearing closed.
Etchenbarne/Buehner, 5/0 (Unanimous) **RECOMMENDED 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;"> Secretary, Planning Commission</p> <p style="text-align: center;"><i>B.L. 2015</i> Date</p>

STANISLAUS COUNTY ORDINANCE NO. C.S. _____

AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO. 9-110-_____ FOR THE PURPOSE OF REZONING A 2.5± ACRE PARCEL FROM R-1 (LOW-DENSITY RESIDENTIAL) TO M (INDUSTRIAL TO ALLOW GALLO GLASS COMPANY TO EXPAND ITS STORAGE AND PARKING FOR ITS PLANT. THE PROPERTY IS LOCATED ON THE SOUTH SIDE OF TENAYA DRIVE, FROM THE EAST SIDE OF SANTA RITA AVENUE TO THE WEST SIDE OF SOUTH SANTA CRUZ AVENUE, IN THE MODESTO AREA, APNS: 035-012-001 THRU 035-012-015 & 035-012-034.

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

Section 1. Sectional District Map No. 9-110-_____ is adopted for the purpose of designating and indicating the location and boundaries of a District, such map to appear as follows:

(Map to be inserted upon rezone approval)

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 _____, seconded by Supervisor _____, 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 18th day of August, 2015, by the following called vote:

- AYES: Supervisors:
- NOES: Supervisors:
- ABSENT: Supervisors:
- ABSTAINING: Supervisors:

Terrance Withrow
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

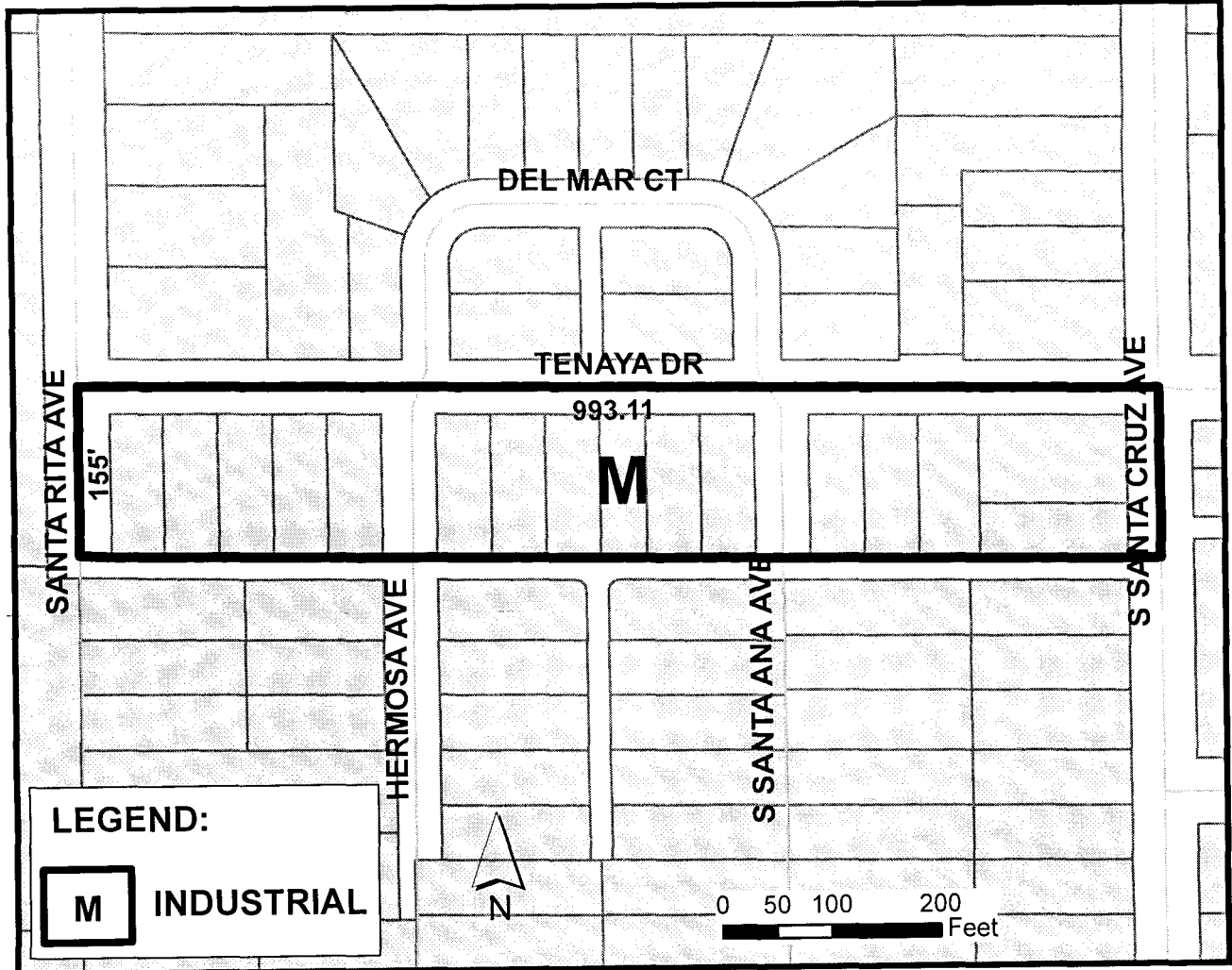
BY: _____
Elizabeth A. King, Assistant Clerk of the Board

APPROVED AS TO FORM:

JOHN P. DOERING
County Counsel

By _____
Thomas E. Boze
Assistant County Counsel

SECTIONAL DISTRICT MAP NO. 9-110-100X



EFFECTIVE DATE: 00.00.0000

PREVIOUS MAPS: 6

STANISLAUS COUNTY ORDINANCE NO. C.S. 1166

AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO. 9-110-1004 FOR THE PURPOSE OF REZONING A 2.5± ACRE PARCEL FROM R-1 (LOW-DENSITY RESIDENTIAL) TO M (INDUSTRIAL TO ALLOW GALLO GLASS COMPANY TO EXPAND ITS STORAGE AND PARKING FOR ITS PLANT). THE PROPERTY IS LOCATED ON THE SOUTH SIDE OF TENAYA DRIVE, FROM THE EAST SIDE OF SANTA RITA AVENUE TO THE WEST SIDE OF SOUTH SANTA CRUZ AVENUE, IN THE MODESTO AREA, APNS: 035-012-001 THRU 035-012-015 & 035-012-034.

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

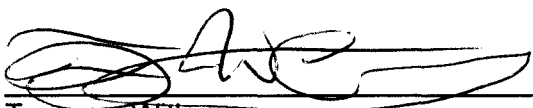
Section 1. Sectional District Map No. 9-110-1004 is adopted for the purpose of designating and indicating the location and boundaries of a District, such map to appear as follows:

(Insert Map Here)

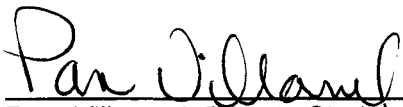
Section 2. This ordinance shall take effect and be in full force thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against same, in the Modesto Bee, a newspaper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

Upon motion of Supervisor 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 18th day of August, 2015, by the following called vote:

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

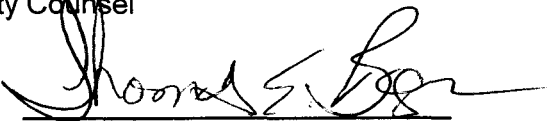

 Terrance Withrow
 CHAIRMAN OF THE BOARD OF SUPERVISORS
 of the County of Stanislaus,
 State of California

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

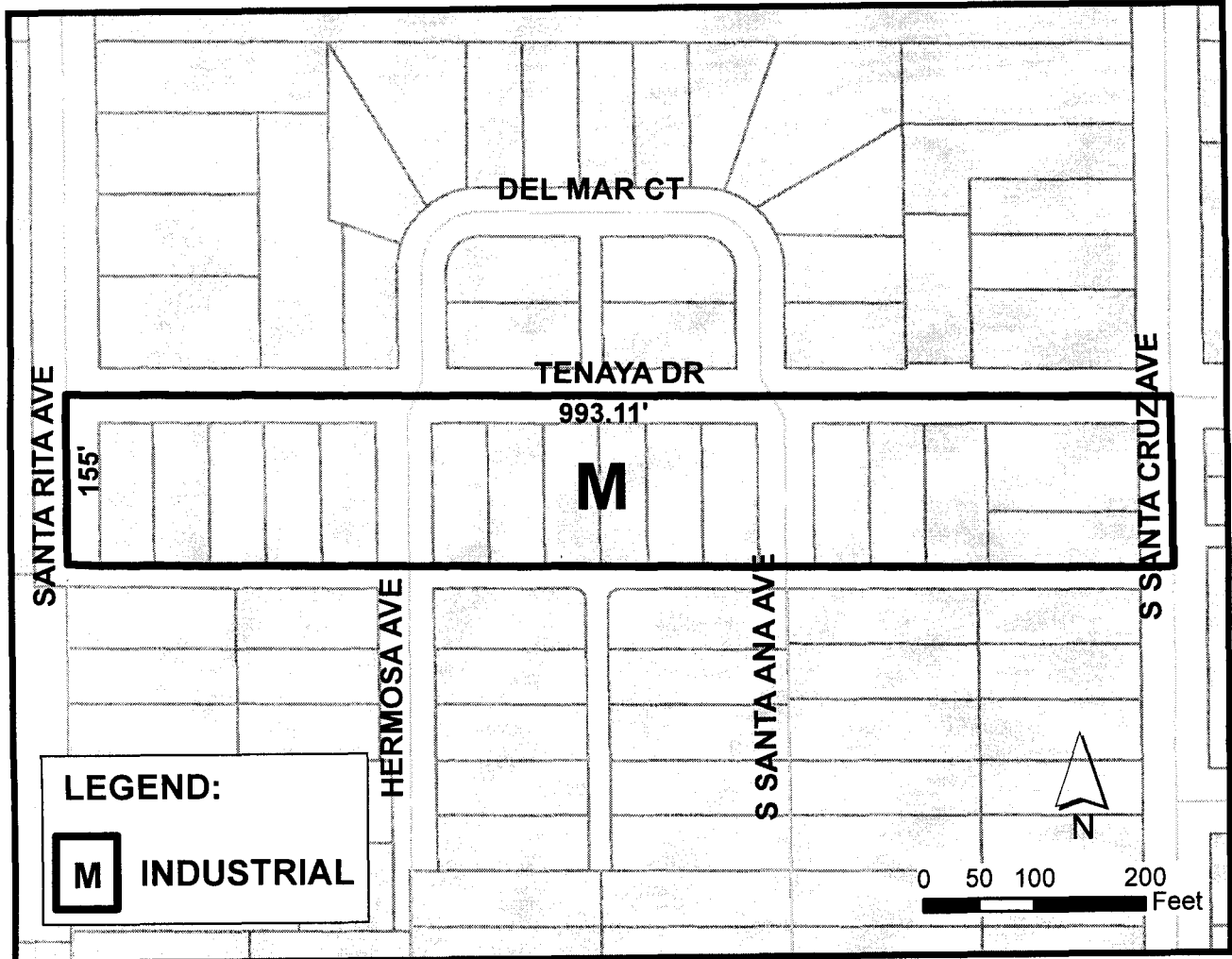
BY: 
Pam Villarreal, Deputy Clerk

APPROVED AS TO FORM:

JOHN P. DOERING
County Counsel

By 
Thomas E. Boze
Assistant County Counsel

SECTIONAL DISTRICT MAP NO. 9-110-1004



EFFECTIVE DATE: 09.17.2015

PREVIOUS MAPS: 6

**GENERAL PLAN AMENDMENT &
REZONE
APPLICATION NO. 2015-0021**

**GALLO GLASS
TENAYA DRIVE**

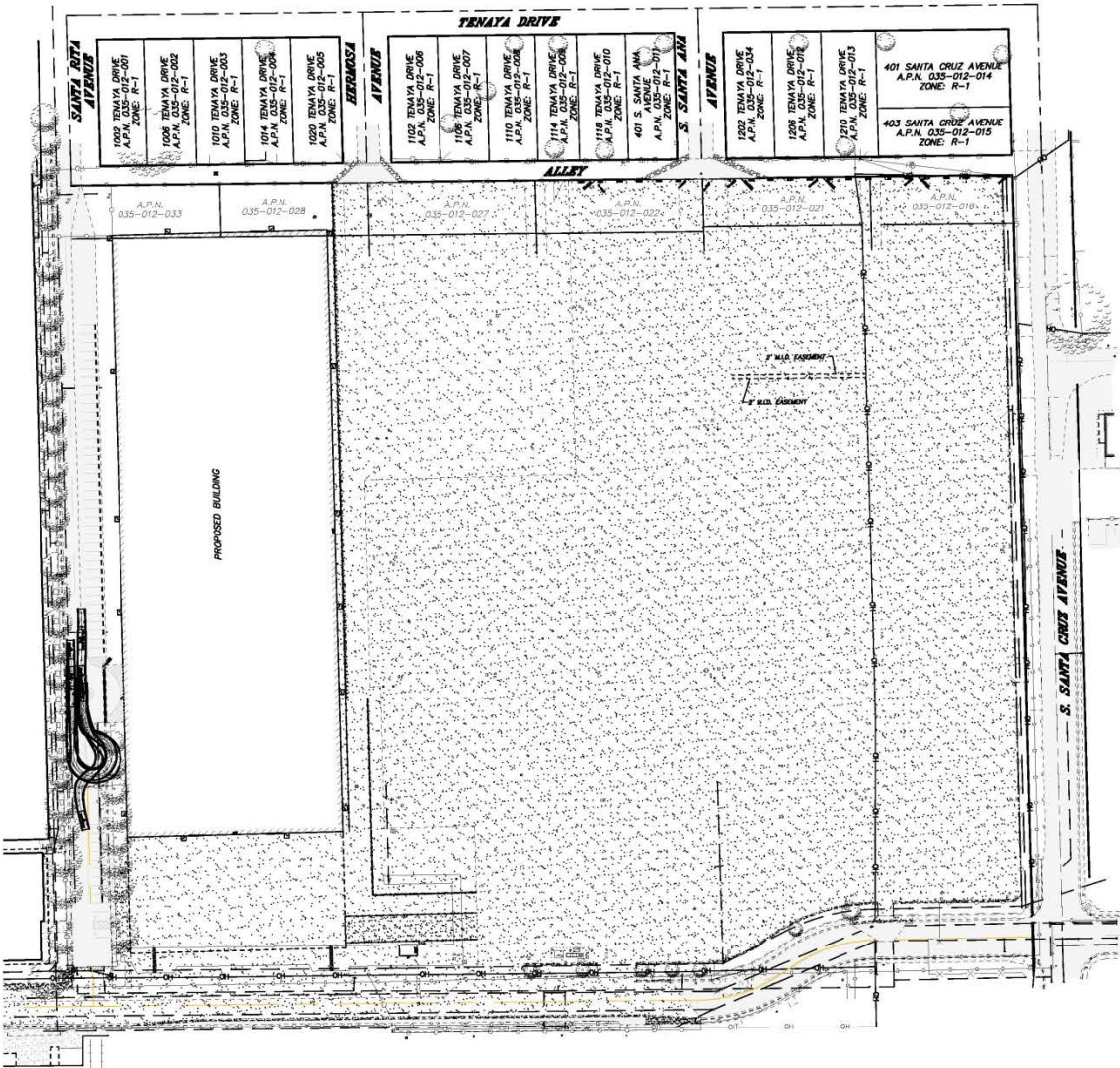


REQUEST

Amend the project site's General Plan Designation from Industrial Transition to Industrial and Rezone the site from R-1 to M-Industrial on a 2.5± acre site

- Site to be used for storage and parking
- Reduce the amount of truck trips
- May involve abandonment of affected street rights-of-way

GPA REZ PLN2015-0021 GALLO GLASS – TENAYA DRIVE SITE PLAN



VICINITY MAP
NOT TO SCALE

OWNER

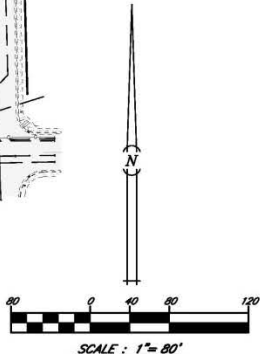
GALLO GLASS COMPANY
P.O. BOX 1230
MODESTO, CA 95363
PH: (209) 341-3411

NOTE

1. PARKING AREAS ARE SUBJECT TO CHANGE BASED UPON FUNCTIONAL EFFICIENCY.
2. THE OWNER WILL WORK WITH STANISLAUS COUNTY TO ABANDON EXISTING ROADS WITHIN THE PROJECT AREA.
3. THE OWNER WILL COORDINATE WITH UTILITY COMPANIES TO REMOVE OR RELOCATE FACILITIES WHERE PRACTICAL AND TO PROVIDE EASEMENTS FOR UTILITIES THAT MAY NOT BE REMOVED OR RELOCATED.
4. WATER SUPPLY: CITY OF MODESTO
5. SEWER DISPOSAL: CITY OF MODESTO
6. WATER TABLE DEPTH: BELOW 50.0 FEET
7. ALL TREES ON SUBJECT PARCELS ARE TO BE REMOVED

LEGEND

- EXISTING VERTICAL CURBING
- EXISTING CURB & GUTTER
- EXISTING CURB, GUTTER & SIDEWALK
- EXISTING EDGE-OF-PAVEMENT
- EXISTING AREA OF AC PAVING
- EXISTING AREA OF CONCRETE
- EXISTING CHAIN LINK FENCE
- EXISTING OVERHEAD LINE
- EXISTING TREE, SPREAD TO SCALE



SYM	DATE	DESCRIPTION	APP

BY:	RCS	RODRICK H. HAWKINS R.C.E. 50188
CHK:	RHH	KEVIN J. GENASCI L.S. 8660
DATE:	02/20/15	
SCALE:	1"=80'	
JOB #:	2030.T	

**REZONE APPLICATION
SITE PLAN EXHIBIT**

GALLO GLASS
STANISLAUS COUNTY, CALIFORNIA

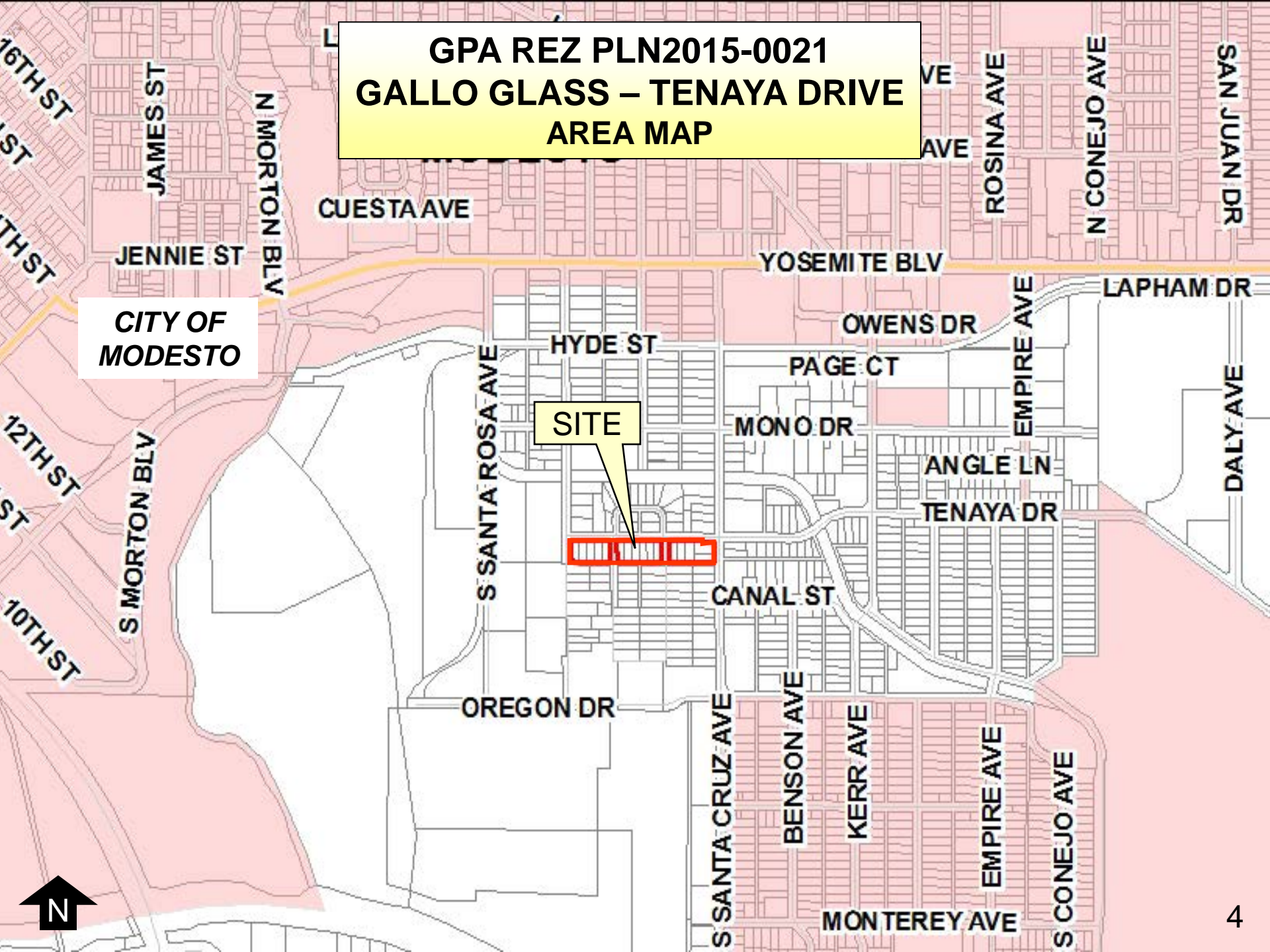
**HAWKINS & ASSOCIATES
ENGINEERING, INC.**
436 MITCHELL RD.
MODESTO, CA. 95354
PH: (209) 575 - 4295 FX: (209) 578 - 4295

SHEET 1.3 OF 1.

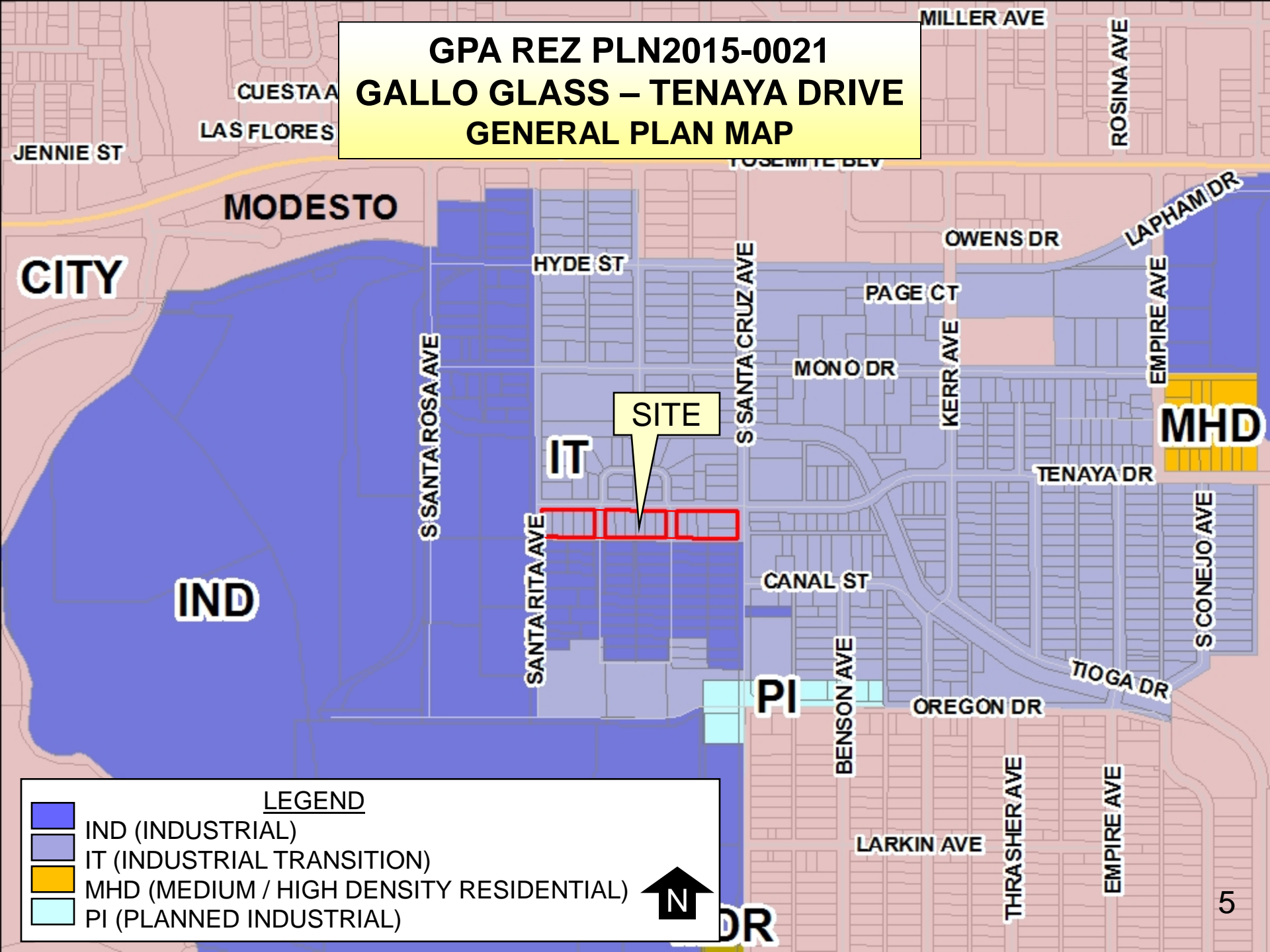
**GPA REZ PLN2015-0021
GALLO GLASS – TENAYA DRIVE
AREA MAP**

**CITY OF
MODESTO**





SITE




**GPA REZ PLN2015-0021
GALLO GLASS – TENAYA DRIVE
GENERAL PLAN MAP**



LEGEND






-  IND (INDUSTRIAL)
-  IT (INDUSTRIAL TRANSITION)
-  MHD (MEDIUM / HIGH DENSITY RESIDENTIAL)
-  PI (PLANNED INDUSTRIAL)



**GPA REZ PLN2015-0021
GALLO GLASS – TENAYA DRIVE
ZONING MAP**



LEGEND

-  M (INDUSTRIAL)
-  R-1 (LOW DENSITY RESIDENTIAL)
-  R-2 (MEDIUM DENSITY RESIDENTIAL)
-  R-3 (HIGH DENSITY RESIDENTIAL)
-  C-1 (NEIGHBORHOOD COMMERCIAL)



M

SITE

P-D (192)

C-1

**GPA REZ PLN2015-0021
GALLO GLASS – TENAYA DRIVE
AERIAL (2013)**



SITE

S SANTA ROSA AVE

SANTA RITA AVE

DEL MAR CT

HERMOSA AVE

S SANTA ANA AVE

S SANTA CRUZ AVE

CANAL ST

GALLO PARK WY

OREGON DR

BENSON AVE

LARKIN AVE

TIOGA DR

THRASHER AVE







TENAYA
SANTA ANA

TENAYA DR
1200



STOP





SPEED
LIMIT
30

BACKGROUND

- The Gallo Glass plant has been in operation since 1958
- GPA/REZ PLN2012-0037 – GALLO GLASS: re-designated the 12.2± acre site directly south of the project site for industrial use

ISSUES

- Glass is stored in off-site warehousing
- The expansion will consolidate storage and reduce truck trips
- Any subsequent development will be required to meet County Code

**GPA REZ PLN2015-0021
GALLO GLASS – TENAYA DRIVE
AERIAL & PARCELS (2013)**

SANTA RITA AVE

TENAYA DR

S SANTA CRUZ AVE



HERMOSA AVE

S SANTA ANA AVE



LEGEND
[Red shaded box] OCCUPIED PARCEL

GENERAL PLAN

- GPA will re-designate the site from Industrial Transition to Industrial
- BOS must make the following findings:
 - Maintain a logical land use pattern
 - Maintain reasonable levels of service
 - Consistent with the General Plan

ZONING

- BOS must Find that the Industrial zoning district is consistent with the General Plan
- M-Industrial zone is consistent with the proposed Industrial Designation

PLANNING COMMISSION

- PC held a public hearing on July 16, 2015
- Project representative spoke in favor
- No one spoke in opposition
- PC voted 5-0 to recommend approval to BOS

ENVIRONMENTAL REVIEW

- Pursuant to CEQA the project was circulated to all responsible parties
- A Negative Declaration has been prepared

RECOMMENDATION

- PC recommends approval of General Plan Amendment and Rezone Application No. PLN2015-0021 – Gallo Glass, Tenaya Drive
- Staff is available for questions

**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 25, 2015

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 25, 2015

Cynthia Q. Nakamura

(Signature)

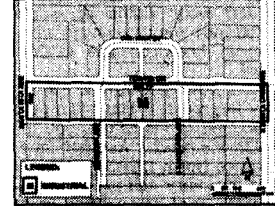
**STANISLAUS COUNTY
ORDINANCE NO. C.S. 1166**

AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO. 9-110-1004 FOR THE PURPOSE OF REZONING A 2.5± ACRE PARCEL FROM R-1 (LOW-DENSITY RESIDENTIAL) TO M (INDUSTRIAL TO ALLOW GALLO GLASS COMPANY TO EXPAND ITS STORAGE AND PARKING FOR ITS PLANT). THE PROPERTY IS LOCATED ON THE SOUTH SIDE OF TENAYA DRIVE, FROM THE EAST SIDE OF SANTA RITA AVENUE TO THE WEST SIDE OF SOUTH SANTA CRUZ AVENUE, IN THE MODESTO AREA, APNS: 035-012-001 THRU 035-012-015 & 035-012-034.

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

Section 1. Sectional District Map No. 9-110-1004 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. 9-110-1004



EFFECTIVE DATE: 08-17-2015
PREVIOUS MAPS: 0

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 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 18th day of August, 2015, by the following called vote: AYES: Supervisors: Monteith, Chiesa, and Chairman Withrow. NOES: Supervisors: None. ABSENT: None. Supervisors: ABSTAINING: Supervisors: O'Brien and DeMartini. /s/ Terrance Withrow, 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: Pam Villarreal, Deputy Clerk. APPROVED AS TO FORM: JOHN P. DOERING, County Counsel By: Thomas E. Boze, Assistant County Counsel. MOD0001921572-01