

# STANISLAUS COUNTY PLANNING COMMISSION

November 5, 2015

## STAFF REPORT

TENTATIVE PARCEL MAP APPLICATION NO. PLN2015-0052  
WELLS & SONS PROPERTIES, LLC.

**REQUEST: TO DIVIDE A 3.52± ACRE PARCEL INTO A .64± ACRE PARCEL AND A 2.89± ACRE REMAINDER.**

### APPLICATION INFORMATION

Property Owner:	Wells & Sons Properties, LLC.
Agent:	Jim Freitas, Associated Engineering Group
Location:	4301 North Star Way, south of Bangs Avenue, north of Pelandale Avenue.
Section, Township, Range:	5-3-9
Supervisorial District:	Four (Supervisor Monteith)
Assessor's Parcel:	046-004-061
Referrals:	See Exhibit E Environmental Review Referrals
Area of Parcel(s):	Proposed Parcel 1: .64± acres Proposed Remainder: 2.89± acres
Water Supply:	City of Modesto
Sewage Disposal:	Septic/leach system
Existing Zoning:	P-I 24 (Planned Industrial)
General Plan Designation:	P-I (Planned Industrial)
Sphere of Influence:	City of Modesto
Community Plan Designation:	N/A
Williamson Act Contract No.:	N/A
Environmental Review:	Exempt (CEQA Guidelines Section 15315)
Present Land Use:	Commercial office, and parking lot
Surrounding Land Use:	Vacant parcels, and commercial/light industrial business to the north; commercial/light industrial warehouse to the east; Pelandale Avenue, and a storm drainage basin to the south; a storm drainage basin to the west.

### RECOMMENDATION

Staff recommends the Planning Commission approve this request based on the discussion below and on the whole of the record provided to the County. If the Planning Commission decides to approve the project, Exhibit A provides an overview of all of the findings required for project approval which include parcel map findings.

## **PROJECT DESCRIPTION**

This is a request to divide a 3.52± acre parcel into a parcel of .64± acres and a 2.89± acre remainder in the P-I 24 (Planned Industrial) zoning district. The parcel is currently developed with a one story, 33,185 square-foot professional office with a 206 space paved parking lot. The proposed Remainder parcel would include the existing office building and 152 paved parking spaces, although County off-street parking standards only require 111 parking spaces for the existing office use (one off-street parking space for every 300 square feet of gross floor area). Proposed Parcel 1, located to the northwest of the proposed Remainder, would include 54 paved parking spaces. The project includes a blanket private utility, reciprocal access and parking easement for the benefit of Parcel 1, and the Remainder.

At this time, there is no development proposed for Parcel 1, however; according to the P-I 24 development standards, any proposed use would require a Staff Approval Permit, prior to the issuance of a building permit. P-I 24 approved uses include Planned Industrial uses in the County Zoning Ordinance, 21.42.020. A conceptual development plan for Parcel 1 is included in Attachment B.

Currently, there is a 20 foot-wide storm drain easement located along the northern property line from North Star Way to the existing drainage basin to the west. As part of the proposed Parcel Map, the owners of the property have relocated the existing drainage and access easement directly to the south of the existing easement, so that the easement lines up with the existing driveway onto North Star Way.

## **SITE DESCRIPTION**

The 3.52± acre project site is located at 4301 North Star Way, south of Bangs Avenue, north of Pelandale Road, inside of the City of Modesto's Sphere of Influence. The parcel is located on the southwest side of the North Star Way – Spyres Way intersection. The existing parcel was created in 2001, as lot number 31 of the Summit Corporate Center, Unit No. 2: Parcel Map.

The project site is developed with a masonry block walk along the eastern, southern, and western boundaries. Surrounding land uses include vacant parcels (zoned Planned Industrial), and commercial/light industrial business to the north; a commercial/light industrial warehouse, and a MID canal to the east; a storm drainage basin, and an orchard to the west; Pelandale Avenue, a storm drainage basin, and the City of Modesto to the south.

The existing office building is currently occupied by a professional medical billing business, which has occupied the building since 2010.

## **ISSUES**

No significant issues have been identified during the review of this application. Standard conditions of approval are being proposed, some of which are carried forward from the previously approved rezoning and parcel map applications involving the subject property (REZ2001-9 and PM2001-12).

## **GENERAL PLAN CONSISTENCY**

The site is currently designated P-I (Planned Industrial) in the Stanislaus County General Plan. The intent of this designation is to provide locations for light industrial development. Such locations may be so designated on the initiative of the County or may be requested by a property owner or group of property owners. The Planned Industrial designation shall be preferred to the Industrial designation

as it allows more control of development to ensure that impacts on adjoining properties are reduced. It shall be used largely in areas without public sewer and/or water service but shall only be used if it is practical, both physically and financially, to provide sewage disposal and water service as needed by the proposed development.

### **ZONING & SUBDIVISION ORDINANCE CONSISTENCY**

The site is currently zoned P-I 24 (Planned Industrial) and is consistent with the General Plan designation of Planned Industrial. Building intensity will be determined by the County on an individual basis, depending upon the nature and location of the proposed planned development. However, no buildings shall cumulatively occupy more than 70% of the area of any parcel. Both proposed parcels will have legal and physical access to a County-maintained road. Staff believes that the proposed subdivision is consistent with the General Plan, zoning, and lot size requirements permitted by the County. Any building created on Parcel 1, will need to meet County off-street parking standards, (See Exhibit B – *Maps: Conceptual Site Plan.*) The parcels, as proposed are physically suitable for development, and staff believes that the findings required for approval can be made.

### **ENVIRONMENTAL REVIEW**

Pursuant to the California Environmental Quality Act (CEQA), the proposed project was circulated to all interested parties and responsible agencies for review and comment and no significant issues were raised. Staff is considering the project Exempt under Section 15315 “Minor Land Division” of the California Code of Regulations (CEQA Guidelines) and no mitigation measures can be imposed on the project. A Notice of Exemption has been prepared for approval as the project meets the criteria for a CEQA categorical exemption. (See Exhibit D – *Notice of Exemption.*) Conditions of approval reflecting referral responses have been placed on the project. (See Exhibit C - *Conditions of Approval.*)

Contact Person: Timothy Vertino, Assistant Planner, (209) 525-6330

#### Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps, Parcel Map, Conceptual Site Plan
- Exhibit C - Conditions of Approval
- Exhibit D - Notice of Exemption
- Exhibit E - Environmental Review Referral

**Exhibit A**  
**Findings and Actions Required for Project Approval**

1. Find the project is categorically exempt from the California Environmental Quality Act (CEQA) and order the filing of the Notice of Exemption; and
2. Find that:
  - (a) The proposed map is consistent with applicable general and community plans as specified in Section 65451;
  - (b) The design or improvement of the proposed subdivision is consistent with applicable general and specific plans;
  - (c) The site is physically suitable for the type of development;
  - (d) The site is physically suitable for the proposed density of development;
  - (e) The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
  - (f) The design of the subdivision or type of improvements are not likely to cause serious public health problems;
  - (g) The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided and that these will be substantially equivalent to ones previously acquired by the public;
3. Approve Tentative Parcel Map Application No. PLN2015-0052 – Wells & Sons Properties, LLC subject to the attached Conditions of Approval

**PM PLN2015-0052  
WELLS & SONS  
PROPERTIES, LLC  
AREA MAP**

**RIVERBANK**

**SITE**

**MODESTO**

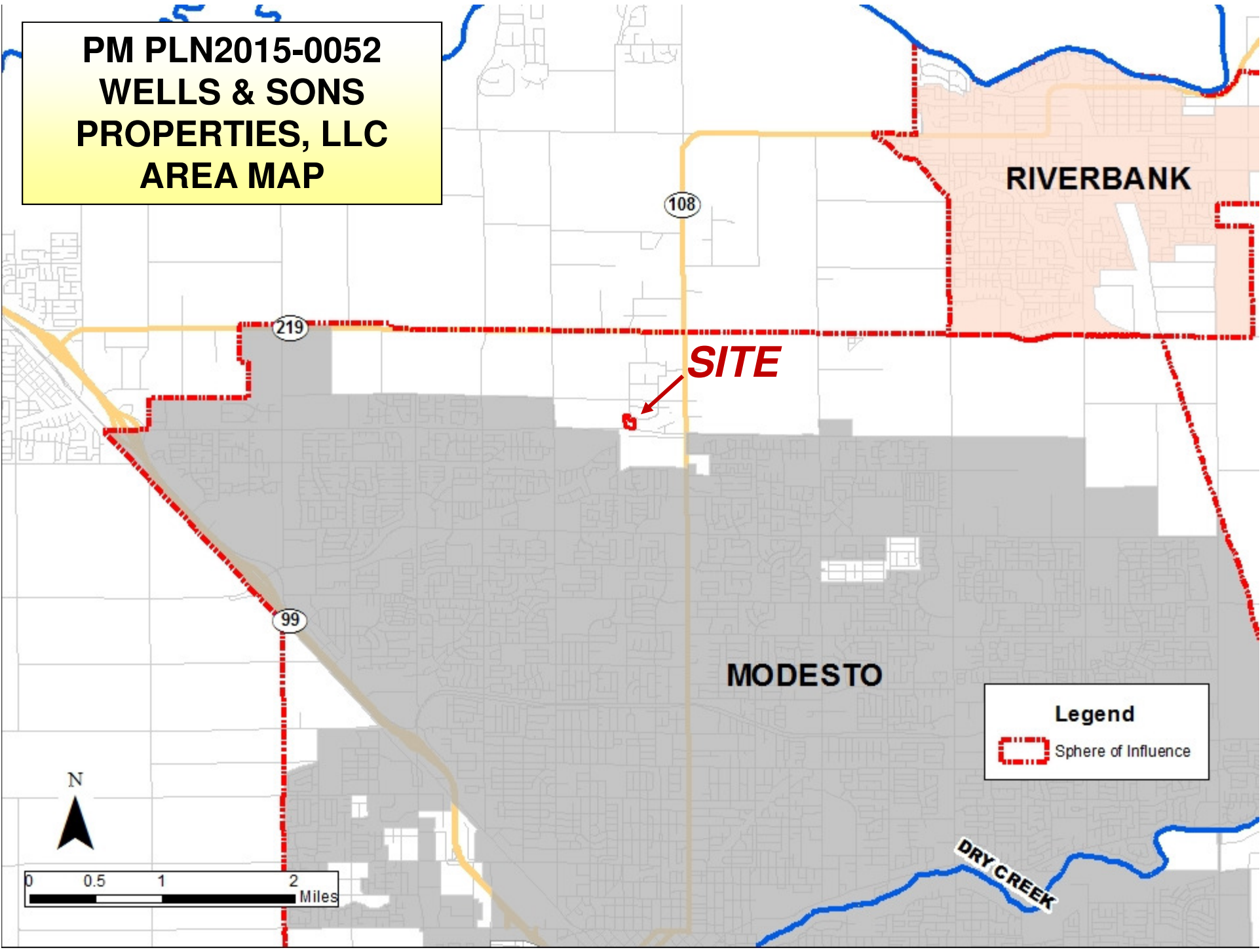
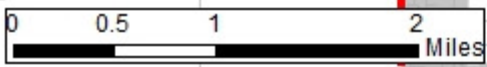
**Legend**

 Sphere of Influence

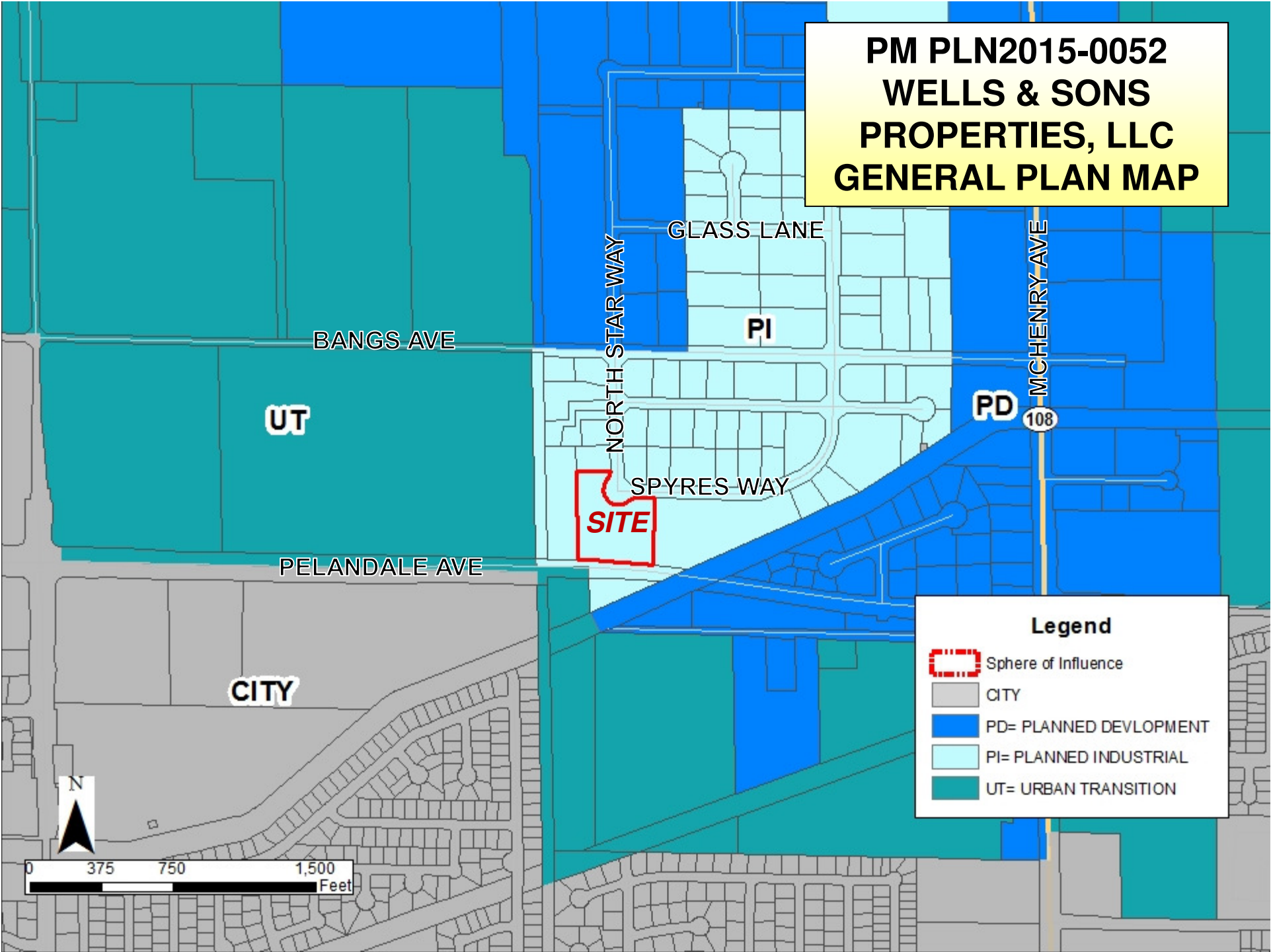
**DRY CREEK**

5

EXHIBIT B



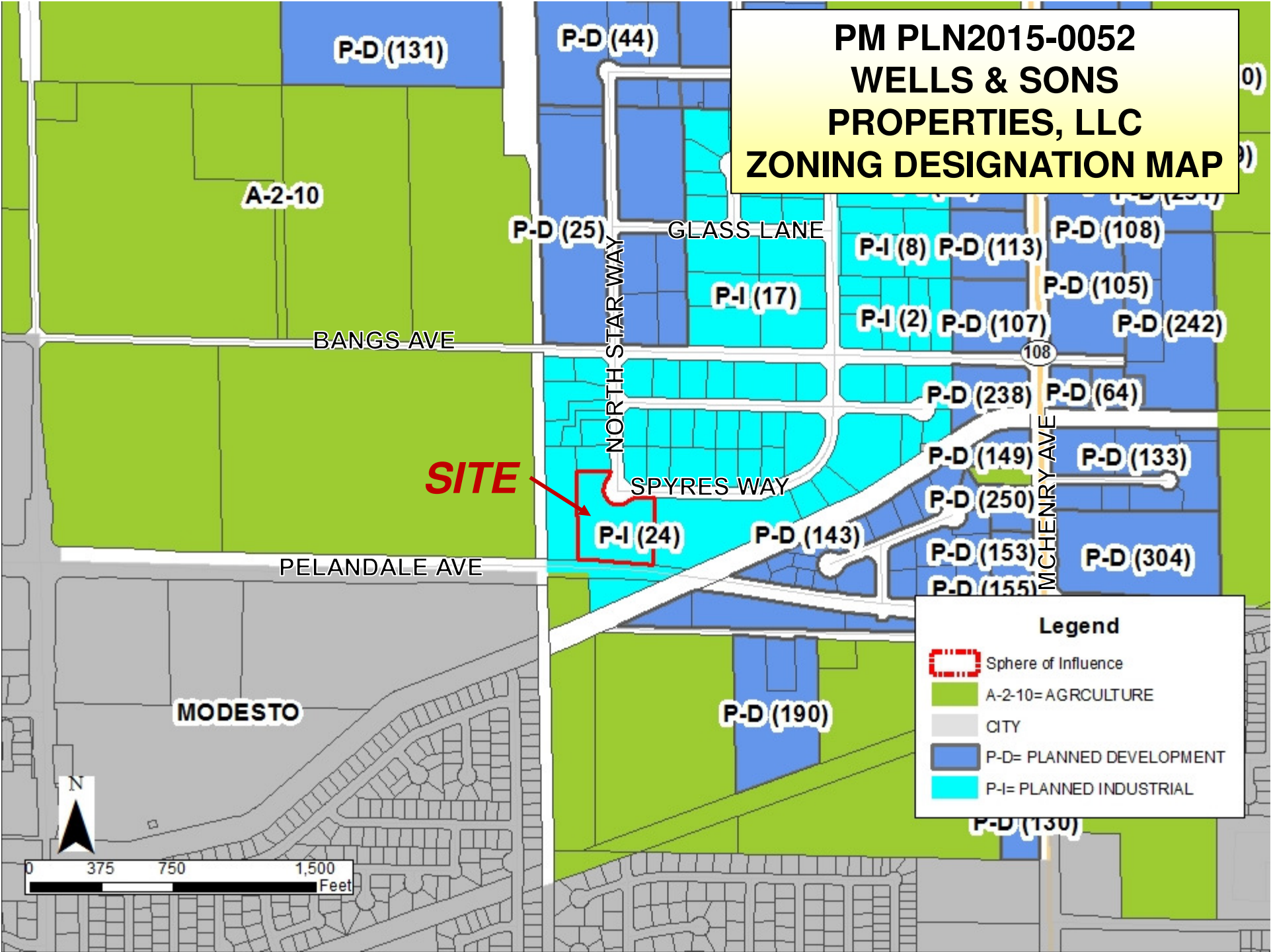
**PM PLN2015-0052  
WELLS & SONS  
PROPERTIES, LLC  
GENERAL PLAN MAP**



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EXHIBIT B-1

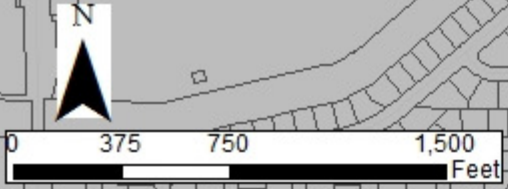
**PM PLN2015-0052  
WELLS & SONS  
PROPERTIES, LLC  
ZONING DESIGNATION MAP**



**SITE**

**Legend**

-  Sphere of Influence
-  A-2-10= AGRICULTURE
-  CITY
-  P-D= PLANNED DEVELOPMENT
-  P-I= PLANNED INDUSTRIAL



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EXHIBIT B-2

**PM PLN2015-0052  
WELLS & SONS  
PROPERTIES, LLC  
ACREAGE MAP**

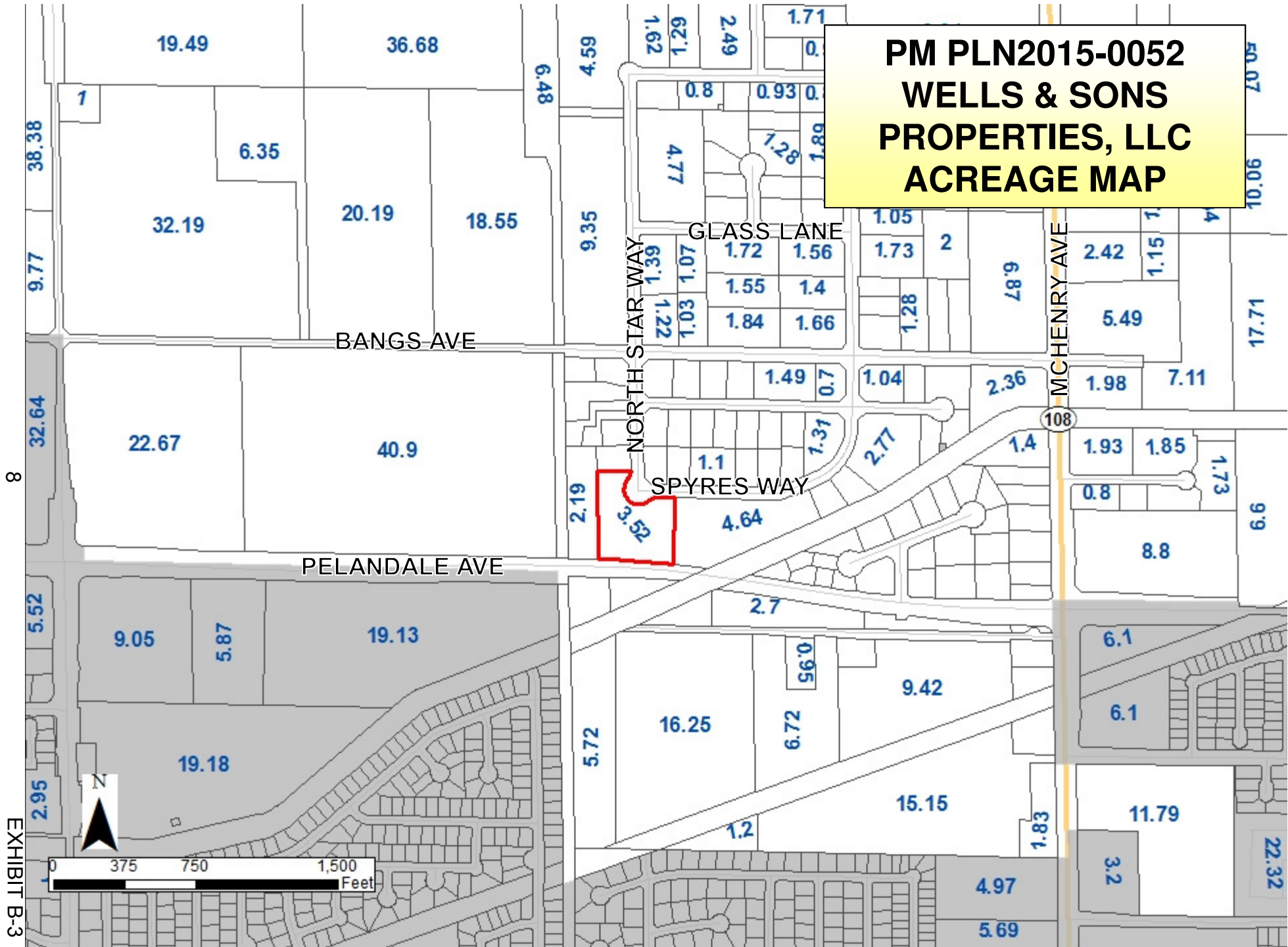


EXHIBIT B-3



**PM PLN2015-0052  
WELLS & SONS  
PROPERTIES, LLC  
AERIAL 1 (2013)**



**PM PLN2015-0052  
WELLS & SONS  
PROPERTIES, LLC  
AERIAL 2 (2013)**

NORTH STAR WAY

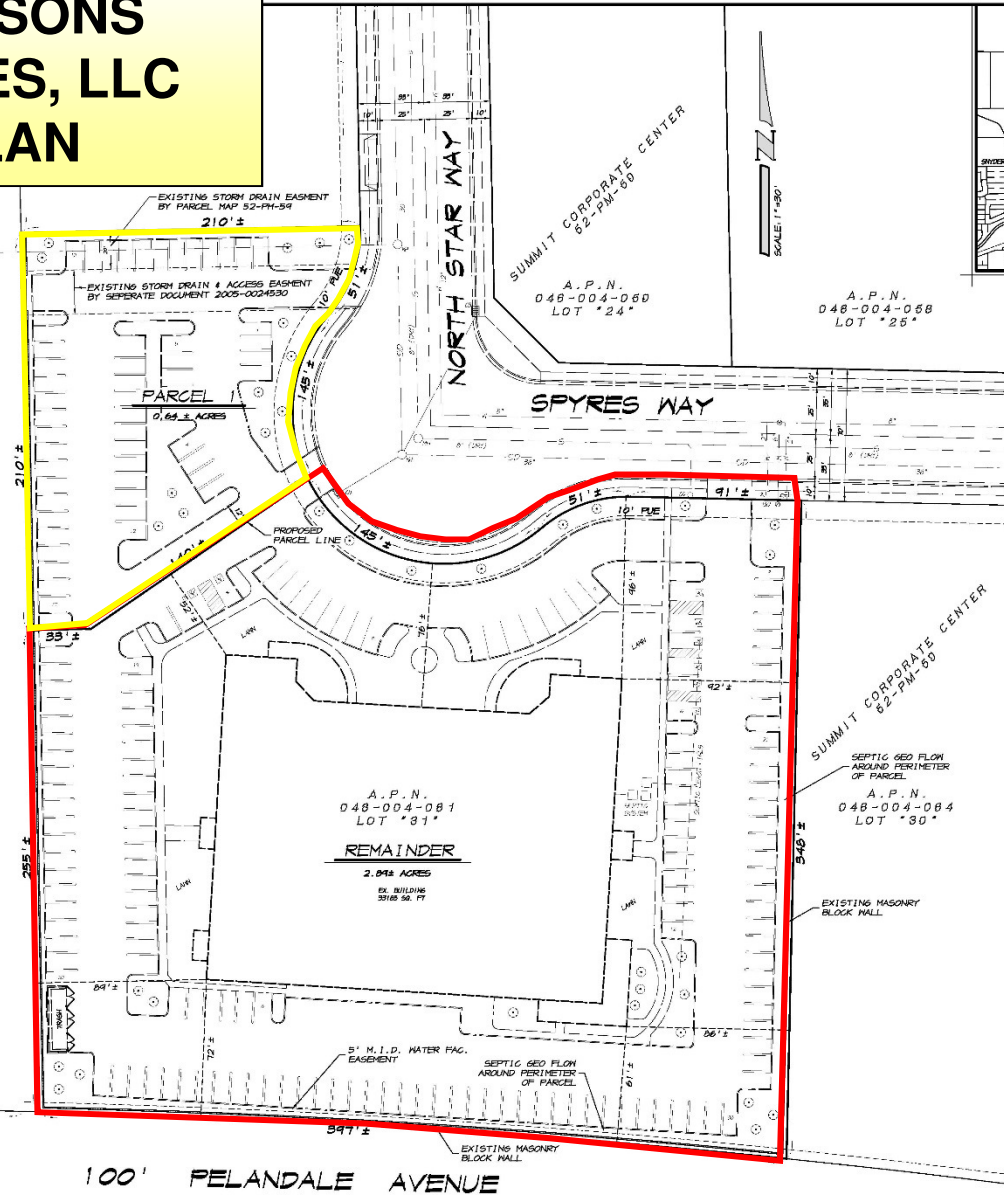
SPYRES WAY



# PM PLN2015-0052 WELLS & SONS PROPERTIES, LLC SITE PLAN

60' UNION PACIFIC RAILROAD  
CITY OF MODESTO BIKE PATH  
592' ±

A.P.N.  
048-004-041  
LOT "A"  
EXISTING STORM  
DRAINAGE BASIN



SUMMIT CORPORATE CENTER  
A.P.N.  
048-004-060  
LOT "24"

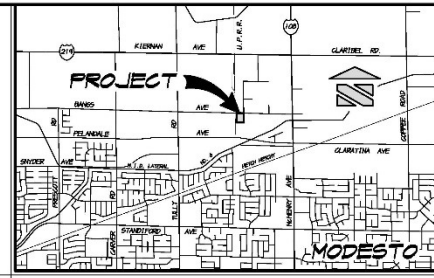
A.P.N.  
048-004-058  
LOT "25"

A.P.N.  
048-004-081  
LOT "81"  
**REMAINDER**  
2.018 ACRES  
EX. BUILDING  
3140 SQ. FT.

SUMMIT CORPORATE CENTER  
A.P.N.  
048-004-084  
LOT "80"

160' ±

100' PELANDALE AVENUE



**VICINITY MAP**  
NO SCALE

**OWNER-APPLICANT**

WELLS & SONS PROPERTIES, LLC,  
6619 CARVER ROAD  
MODESTO, CA 95366

**GENERAL NOTES**

1. ASSESSOR'S PARCEL NUMBERS: 048-004-061
2. PRESENT ZONING: P-1, PLANNED INDUSTRIAL DISTRICT (SUMMIT CORPORATE CENTER)
3. SITE SUMMARY: TOTAL SITE = 3.52 ± ACRES BEING DIVIDED INTO 2 PARCELS
4. THE PROPERTY LINE DISTANCES, BEARINGS, AND ALL OTHER DIMENSIONS SHOWN ON THIS MAP ARE TAKEN FROM DEEDS, ASSESSOR'S MAPS, OR BOTH, AND PRELIMINARY FIELD OBSERVATIONS BY OFFICE PERSONNEL AND DO NOT REFLECT AN ACTUAL FIELD SURVEY.
5. THIS PROJECT SITE IS NOT SUBJECT TO INUNDATION AS PER THE NATIONAL FLOOD INSURANCE PROGRAM FIRM FLOOD INSURANCE RATE MAP

**STATEMENT OF SUBDIVIDER**

- A. ALL IMPROVEMENTS TO BE INSTALLED SHALL BE INSTALLED IN ACCORDANCE WITH THE STANISLAUS COUNTY STANDARDS.
- B. STORM DRAINAGE, STORM DRAINAGE TO BE IN ACCORDANCE WITH STANISLAUS COUNTY STANDARDS. DRAINAGE WILL BE POSITIVE TYPE TO THE EXISTING STORM DRAINAGE BASIN FOR THE SUMMIT CORPORATE CENTER DEVELOPMENT.
- C. SANITARY SEWER, SEWER TO BE IN ACCORDANCE WITH STANISLAUS COUNTY REQUIREMENTS.
- D. WATER SUPPLY, DOMESTIC WATER WILL CONNECT TO THE EXISTING CITY OF MODESTO SYSTEM.
- E. NO PUBLIC AREAS ARE PROPOSED WITH THIS DEVELOPMENT.
- F. A BLANKET PRIVATE UTILITY, RECIPROCAL ACCESS AND PARKING EASEMENT SHALL BE DEEDED FOR THE BENEFIT OF PARCELS 1 & REMAINDER FOR PRIVATE UTILITY PURPOSE, PARKING AND ACCESS, EXCEPTING THEREFROM THAT AREA WITHIN THE PHYSICAL BOUNDARY OF ANY EXISTING BUILDING OR BUILDINGS TO BE CONSTRUCTED IN SUBSTANTIAL CONFORMANCE WITH THE APPROVED PLANS.

**ASSOCIATED  
ENGINEERING  
GROUP**

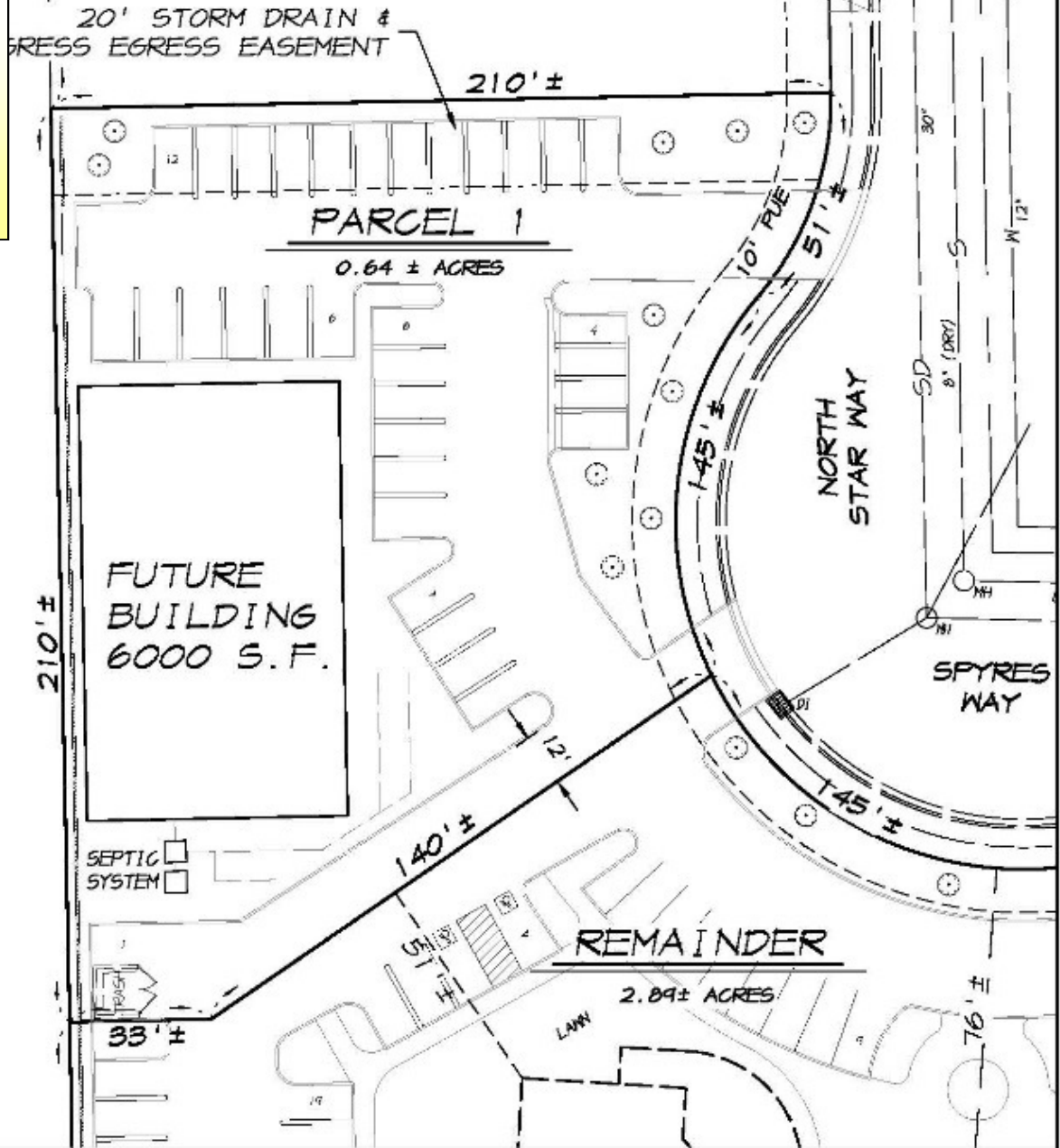
**TENTATIVE PARCEL MAP**  
BEING A DIVISION OF LOT 91 OF THE SUMMIT  
CORPORATE CENTER BOOK 52 OF PARCEL MAPS AT  
PAGE 59 STANISLAUS COUNTY RECORDS  
STANISLAUS COUNTY

RAW CARB, R.C.E. 9558  
SWEDEKROD, L.S. 2148

DRAWN BY: M.B.M.E.  
DATE: 8/10/15 8:35  
SCALE: 1"=30'  
JOB: 1011-TENMAP  
CHECKED:  
315 # 1011  
SHEET  
1  
OF  
1

**PM PLN2015-0052  
WELLS & SONS  
PROPERTIES, LLC  
CONCEPTUAL SITE PLAN**

A.P.N.  
048-004-041  
LOT "A"  
EXISTING STORM  
DRAINAGE BASIN



PROJECT SITE

A.P.N. 048-004-060  
1201 NORTH STAR WAY

PARKING SUMMARY

REMAINDER EXISTING BUILDINGS:

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

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## **CONDITIONS OF APPROVAL**

### **TENTATIVE PARCEL MAP APPLICATION NO. PLN2015-0052 WELLS & SONS PROPERTIES, LLC.**

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

1. All development standards (including mitigation measures) from REZ 2001-9 and PM 2001-12: P-I 24, Berberian Properties, LLC shall remain in effect and enforced with any development on the proposed parcels.
2. The applicant/owner 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.
3. 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; and a project area map.
4. The recorded parcel map shall contain the following statement:  
  
"All persons purchasing lots within the boundaries of this approved map should be prepared to accept the inconveniences associated with the agricultural operations, such as noise, odors, flies, dust, or fumes. Stanislaus County has determined that such inconveniences shall not be considered to be a nuisance if agricultural operations are consistent with accepted customs and standards."
5. A reciprocal parking, access and maintenance agreement for the two proposed parcels shall be executed and recorded prior to recordation of the final map.

#### **Department of Public Works**

6. A recorded parcel map shall be prepared by a licensed land surveyor or a registered civil engineer licensed to practice land surveying.
7. All structures not shown on the tentative parcel map shall be removed prior to the parcel map being recorded.

8. The new parcels shall be surveyed and fully monumented prior to the recording of the final map.
9. The existing driveways are to remain and a new driveway will not be permitted for this site.
10. The driveway that is to be used by both parcels of this tentative map (the middle driveway of the existing parcel) shall be used as a reciprocal access for both parcels. A reciprocal access agreement shall be reviewed by Planning and Public Works prior to recordation of the final map.

**Building Permits Division**

11. Building permits are required and the project must conform with the California Code of Regulations, Title 24.

**Salida Fire Protection District**

12. This project will be subject to Fire Service Impact Mitigation Fees as adopted by the District Board of Directors and currently in place at the time of issuance of construction permits.
13. This project shall meet the District's requirements of on-site water for fire protection prior to construction of combustible materials. Fire hydrant(s) and static source locations, connections, and access shall be approved by the District.
14. Prior to, and during, combustible construction, the District shall approve provisions for serviceable fire vehicle access and fire protection water supplies.
15. A District specified Rapid Entry System (Knox) shall be installed and serviceable prior to final inspection allowing fire department access into gated areas, limited access points, and or buildings.
16. Buildings of 5,000 square feet and greater shall be required to have fire sprinklers meeting the standards listed within the adopted California Fire Code and related amendments. In addition, there may be revisions to the fire sprinkler requirements in future fire code adoptions. At the time of construction, the most current, adopted fire code will be required and must be adhered to.
17. For buildings of 30 feet or three (3) or more stories in height, gated 2 ½ inch hose connections (Class III) for fire department use shall be installed on all floors in each required exit stairwell.
18. The project shall meet fire apparatus access standards. Two ingress/egress accesses to each parcel meeting the requirements listed within the California Fire Code.
19. If traffic signals are installed and/or retrofitted for the project, signal preemption devices shall be paid for or installed by the developer/owner and shall conform to the District's standards and requirements.

20. Prior to recording the final map, issuance of a permit, and/or development, the owner(s) of the property will be required to form or annex into a community facilities district for operational services with the Salida Fire Protection District. Due to the fact this process may take 60-120 days to complete, it is recommended that advanced consideration be given to initiate this requirement early in the project.

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

**STANISLAUS COUNTY**  
DEPARTMENT OF PLANNING AND  
COMMUNITY DEVELOPMENT  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, California 95354

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**NOTICE OF EXEMPTION**

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**Project Title:** Tentative Parcel Map PLN2015-0052 - Wells & Sons Properties, LLC

**Applicant Information:** Wells & Sons, Properties LLC; 4301 North Star Way Modesto, CA 95356

**Project Location:** 4301 North Star Way, south of Bangs Avenue, within the City of Modesto's Sphere of Influence. APN: 046-004-061.

**Description of Project:** Request to divide a 3.52± acre parcel into a .64± acre parcel and a 2.89± acre remainder. The parcel is currently improved with an existing 33,185 square foot professional office and a 206 space paved parking lot, with three existing driveways.

**Name of Agency Approving Project:** Stanislaus County Planning Commission

**Lead Agency Contact Person:** Timothy Vertino, Assistant 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: Article 19. 15315. Minor Land Division
- Statutory Exemptions. State code number: \_\_\_\_\_
- General Exemption.

**Reasons why project is exempt:** The proposed .64 acre "Parcel 1" is improved as a parking lot, which presently supports the existing 33,185 square foot building, located in the proposed 2.89 acre Remainder.15315 – Minor Land Divisions: allows for projects to be exempt from CEQA when the proposed division of property is located in an urban area, zoned for commercial or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning.



**SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS**

**PROJECT: TENTATIVE PARCEL MAP APPLICATION NO. PLN2015-0052 WELLS & SONS PROPERTIES, LLC**

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							
CA DEPT OF TRANSPORTATION DIST 10	X		X		X							
CA OPR STATE CLEARINGHOUSE	X		X		X							
CA RWQCB CENTRAL VALLEY REGION	X		X	X				X		X	X	
CITY OF: MODESTO	X		X	X								
COOPERATIVE EXTENSION	X		X									
FIRE PROTECTION DIST: SALIDA	X		X	X				X		X	X	
IRRIGATION DISTRICT: MODESTO	X		X		X							
MOSQUITO DISTRICT: EASTSIDE	X		X		X							
MT VALLEY EMERGENCY MEDICAL	X		X		X							
MUNICIPAL ADVISORY COUNCIL: SALIDA	X		X		X							
PACIFIC GAS & ELECTRIC	X		X		X							
SAN JOAQUIN VALLEY APCD	X		X		X							
SCHOOL DISTRICT 1: SYLVAN	X		X		X							
SCHOOL DISTRICT 2: MODESTO	X		X		X							
STAN CO BUILDING PERMITS DIVISION	X		X		X							
STAN CO CEO	X		X		X							
STAN CO DER	X		X	X	X			X		X	X	
STAN CO ERC	X		X	X	X			X		X		X
STAN CO HAZARDOUS MATERIALS	X		X		X							
STAN CO PUBLIC WORKS	X		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							
SURROUNDING LAND OWNERS	X		X									
TELEPHONE COMPANY: AT&T	X		X		X							
US FISH & WILDLIFE	X		X		X							
US MILITARY AGENCIES (SB 1462) (5 agencies)	X		X		X							