STANISLAUS COUNTY PLANNING COMMISSION

July 19, 2018

STAFF REPORT

VESTING PARCEL MAP APPLICATION NO. 2017-0137 GREG AND JULIE AVERY TRUST

REQUEST: TO SUBDIVIDE TWO PARCELS TOTALING 4.63 ACRES, INTO FOUR PARCELS RANGING FROM 1.06 TO 1.43 ACRES IN SIZE.

<u>APPLICATION INFORMATION</u>

Applicant/Property owner: Greg and Julie Avery Trust

Agent: Rick Mummert, Benchmark Engineering, Inc. Location: 4719, 4747, 4801 and 4825 Stratos Way,

between State Route 219 and Galaxy Way, in

the Modesto Area.

Section, Township, Range: 5-3-9

Supervisorial District: Four (Supervisor Monteith)
Assessor's Parcel: 046-010-034 and 046-010-005

Referrals: See Exhibit E

Environmental Review Referrals

Area of Parcel(s): $4.63 \pm acres$

Water Supply:
Sewage Disposal:
Public water system
Septic system

General Plan Designation: PD (Planned Development)

Community Plan Designation: N/A

Existing Zoning: P-D 88 (Planned Development)

Sphere of Influence: City of Modesto

Williamson Act Contract No.: N/A

Environmental Review: CEQA Exempt

Present Land Use: Four multi-use light industrial warehouses and

a parking lot

Surrounding Land Use: Commercial and light industrial uses in all

directions, State Route 219 (Kiernan Avenue) to the north, and Union Pacific rail line 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 the findings required for project approval.

PROJECT DESCRIPTION

The project is a request to subdivide two parcels totaling 4.63 acres, into four parcels ranging from 1.06 to 1.43 acres in size in the P-D 88 (Planned Development) zoning district. The P-D 88

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(Planned Development) zoning district allows light industrial and similar commercial uses allowed in the C-2 (General Commercial) zoning district. Existing uses include, but are not limited to: auto body repair, vocational training, metal fabrication, gymnastics school, and general warehousing.

No construction or change in use is proposed. The existing parcels are 2.14 and 2.49 acres in size, and are each developed with two multi-use warehouse buildings, ranging in size from 16,335 to 19,445 square feet. The project request would place one warehouse building on each of the proposed parcels. Both parcels have paved parking lots, with a total of 162 parking spaces, with shared drive aisles that provide access to all four existing warehouses, and curb, gutter, and landscaping along their perimeters. The project site also conveys storm water runoff to the curb and gutter of Stratos Way, ultimately being deposited into a County-maintained neighborhood storm drain basin south of the Stratos and Galaxy Way intersection. The applicant is proposing reciprocal easements between all four proposed parcels for the purpose of shared use of the existing infrastructure, including parking, access, and storm water drainage. The existing warehouses are served by a shared public water system and individual septic systems and will continue to do so if approved (See Exhibit B – *Maps*).

SITE DESCRIPTION

The project site is located at the corner of Stratos and Galaxy Way, with each warehouse building fronting onto Stratos Way, south of State Route 219 (Kiernan Avenue). The project site is located within the City of Modesto's Local Agency Formation Commission (LAFCO) adopted sphere of influence. The project site is surrounded by similar light industrial and non-retail commercial development in all directions, as well as auto dealerships (See Exhibit B – *Maps*).

ISSUES

No issues have been identified as a part of this request. Standard conditions of approval have been added to the project (See Exhibit C – *Conditions of Approval*).

GENERAL PLAN CONSISTENCY

Consistency with the goals, objectives, and policies of the various elements of the General Plan must be evaluated when processing all discretionary project requests. The site is currently designated as Planned Development (P-D) in the Stanislaus County General Plan. The intent of the P-D General Plan designation is for land that can be found to have demonstrably unique characteristics that can suit a variety of uses without detriment to surrounding property.

The project proposes to create four parcels ranging from 1.06 to 1.43 acres in size, which are of a large enough size to accommodate the existing development in terms of parking, access, and storm water management. Being as there will be no change in the use of the site, Staff feels the proposed subdivision is consistent with the General Plan.

As mentioned previously, the project site is located within the City of Modesto's LAFCO adopted Sphere of Influence. As required by Policy No. 26 of the County General Plan, regarding discretionary projects within a city's Sphere of Influence, the project must have written support of the City as well as meet that City's development standards. This project was referred to the City of Modesto who responded with no objections to the parcel map, but requested a condition of approval be added regarding reciprocal parking and access between parcels. The requested parcel map is

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proposing to provide reciprocal easements for parking, ingress/egress and storm water drainage through easements. A condition of approval has been incorporated into the project which requires that the easements be shown on the final map.

ZONING & SUBDIVISION ORDINANCE CONSISTENCY

The site is currently zoned P-D 88, which was adopted in 1982, to allow for light industrial and various commercial uses that were consistent with non-retail uses permitted in the C-2 (General Commercial) zoning district, which is consistent with the General Plan designation of Planned Development. P-D zoning districts have no minimum parcel size requirement and shall be consistent with an approved development plan indicating the specific future use of each parcel. Each proposed parcel will encompass one of the existing multi-use warehouse buildings and will front a County-maintained road (See Exhibit B – *Maps*). The proposed subdivision is consistent with the adopted P-D 88 development standards.

Furthermore, the project site currently meets the County's Off-Street Parking ordinance for number of required parking spaces and will provide a reciprocal parking easement for sharing of the parking spaces and the connected drive aisles. Any future new users will be required to demonstrate off-street parking compliance prior to issuance of a business license. A Planned Development District allows for unique development standards such as lot coverage, building setbacks and off-street parking. The project site's original development plan allowed for required off-street parking to be located within the building setback area.

Both the Planned Development zoning district and the Subdivision Ordinance require connection to public water and sewer services when services are available within a half mile of the project site or when a project is located within a city or special district's service area or sphere of influence. However, the Subdivision Ordinance allows the Planning Commission to permit the signing of an agreement for future connection to public water and sewer when creating four or fewer parcels and when the project site is located more than 100 feet away for the closest utility line.

Currently, the project site is approximately 500 feet from the closest water line and over 4,000 feet from the closest public sewer line. As stated in the Site Description section of the report, the project site consists of a shared public water system and individual septic systems. At the time of development, the project site did not meet any of the criteria that would have required connection to sanitary sewer or public water as outlined in the County's Planned Development zoning district. The site is not located in the City of Modesto's service area and would require an Out of Boundary Service Agreement for service. Therefore, no connection to a public system or future agreement to connect is required. Both the City of Modesto and the County's Department of Environmental Resources were referred the project and neither requested connection or an agreement for future connection the City's utility services.

The proposed project is consistent with both the County's Zoning and Subdivision Ordinance.

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. The project is considered Exempt under Section 15315 for *Minor Land Divisions* of the California Code of Regulations, which allows an exemption when "division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all

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services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent." A Notice of Exemption has been prepared as the project meets the criteria for a CEQA 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: Jeremy Ballard, Associate Planner, (209) 525-6330

Attachments:

Exhibit A - Findings and Actions Required for Project Approval

Exhibit B - Maps

Exhibit C - Conditions of Approval Exhibit D - Notice of Exemption

Exhibit E- Environmental Review Referrals

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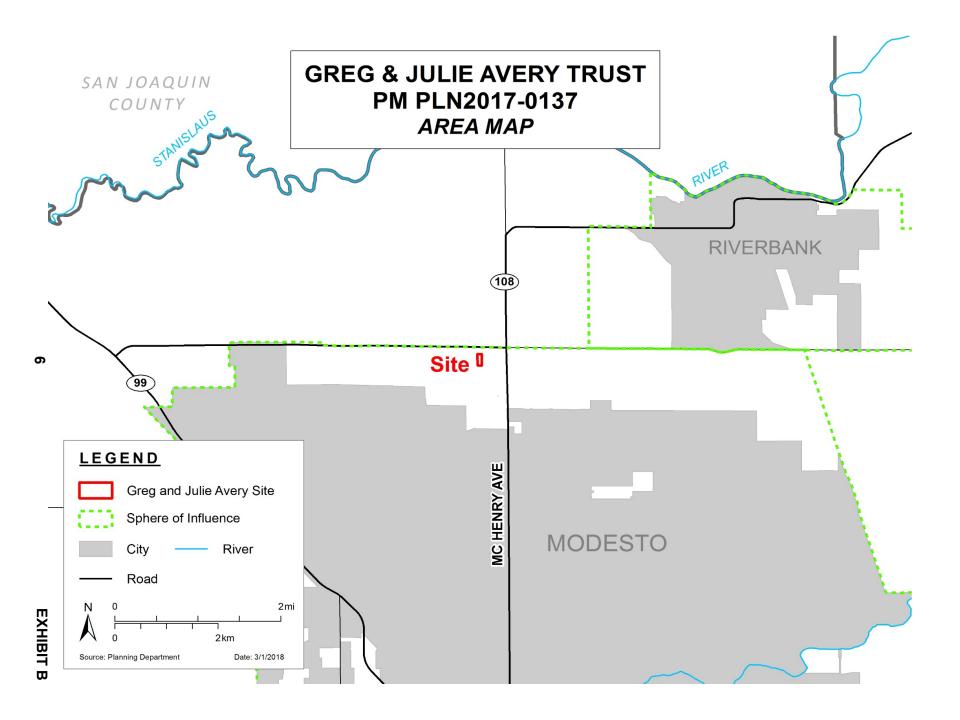
Exhibit A

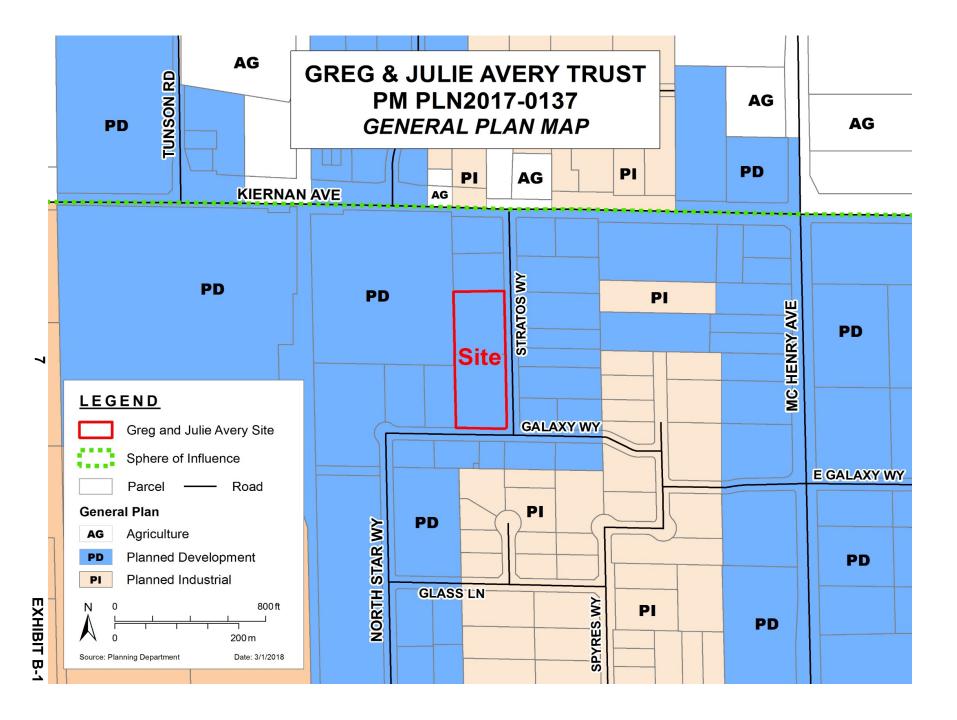
Findings and Actions Required for Project Approval

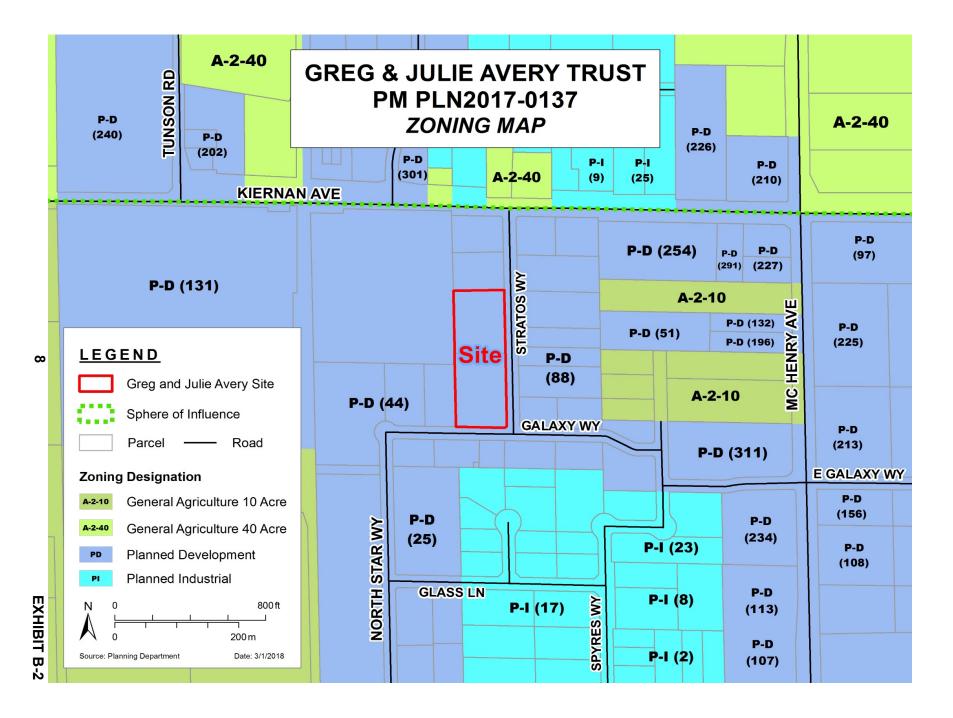
1. Find the project to be categorically exempt from the California Environmental Quality Act (CEQA) and order the filing of the Notice of Exemption.

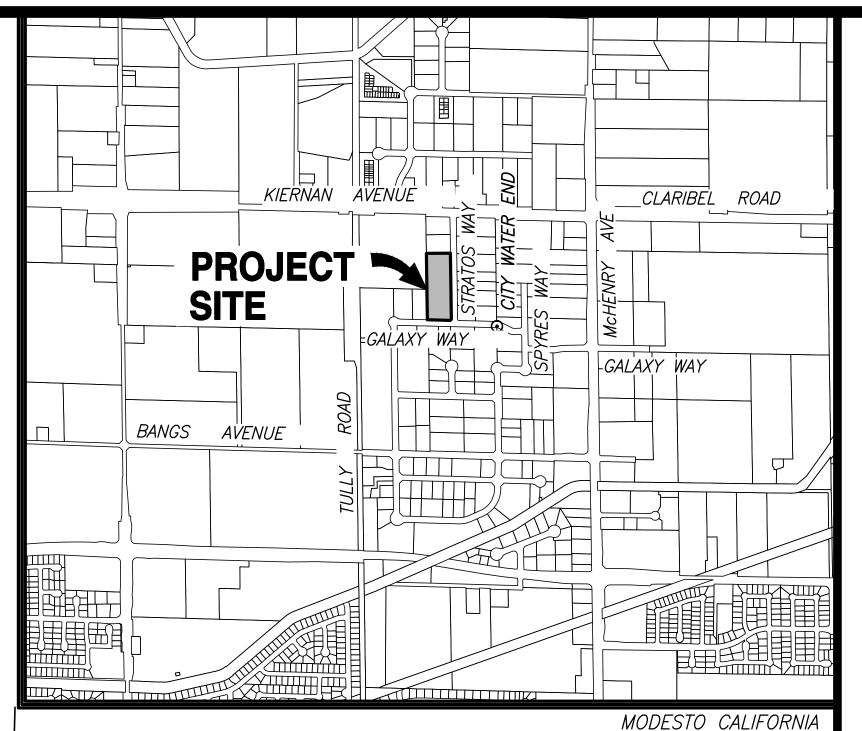
2. Find that:

- (a) That the proposed map is consistent with applicable general and community plans as specified in Section 65451 of California Code, Government Code.
- (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 proposed density of development.
- (d) The site is physically suitable for the type of development.
- (e) The design of the parcel map 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 parcel map or type of improvements are not likely to cause serious public health problems.
- (g) The design of the parcel map 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 Commission 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.
- (h) That the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.
- 3. Approve Parcel Map PLN2017-0137– Greg and Julie Avery Trust, subject to the attached Conditions of Approval.









VICINITY MAP

OWNER:

GREG & JULIE AVERY 530 GALAXY WAY MODESTO, CA 95356

STATEMENT OF SUBDIVIDER

- 1 ASSESSORS PARCEL NO: 046-010-005, 046-010-034
- 2 EXISTING ZONING: PD-88
- 3 EXISTING GENERAL PLAN: PLANNED DEVELOPMENT
- WATER SUPPLY: NMIP FIRE & WATER SYSTEM, LLC
- 5 SEWAGE DISPOSAL: SEPTIC
- 6 STORM DRAINAGE: ON-SITE
- 7 SOIL TYPES: TUJUNGA LOAMY SAND, HANFORD SANDY LOAM
- 8 WATER TABLE DEPTH: 39 FEET

NOTES:

APN: 046-011-011

046-011-026

35'

- 1 STREET IMPROVEMENTS SHALL BE INSTALLED PER STANISLAUS COUNTY STANDARD SPECIFICATIONS.
- 2 ALL EXISTING WELLS AND SEPTIC TANKS SHALL BE ABANDONED PER STANISLAUS COUNTY HEALTH DEPARTMENT STANDARDS.
- 3 THE SITE IS RELATIVELY FLAT, WITH 0%-1% SLOPES.
- 4 NO AREAS ARE SUBJECT TO INUNDATION BY 1% ANNUAL CHANCE STORM.
- 5 EXISTING STRUCTURES TO REMAIN.
- 6 TOTAL AREA OF THIS SUBDIVISION IS 4.63 ACRES CONTAINING 4 PARCELS.
- 7 DISTANCE TO NEAREST CITY OF MODESTO 8" WATER LINE IS 500' APPROX. LINE IS LOCATED ALONG GALAXY WAY TOWARDS SPYRES WAY

PARKING ANALYSIS:

PARKING REQUIREMENTS: 1 SPACE FOR EVERY 300 SF OF GROSS FLOOR AREA.

PARCEL A (MANUFACTURING & OFFICE)

EXISTING PARKING: 33 STALLS INCLUDING 1 ACCESSIBLE REQUIRED PARKING: 19 PER BUILDING OCCUPANCY

PARCEL B (WAREHOUSE)

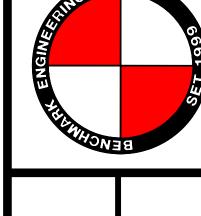
EXISTING PARKING: 34 STALLS INCLUDING 1 ACCESSIBLE REQUIRED PARKING: 39 PER BUILDING OCCUPANCY

PARCEL C (MANUFACTURING)

EXISTING PARKING: 33 STALLS INCLUDING 1 ACCESSIBLE REQUIRED PARKING: 14 PER BUILDING OCCUPANCY

PARCEL D (AUTO BODY & MANUFACTURING)

EXISTING PARKING: 57 STALLS INCLUDING 2 ACCESSIBLE REQUIRED PARKING: 53 PER BUILDING OCCUPANCY



ARCE

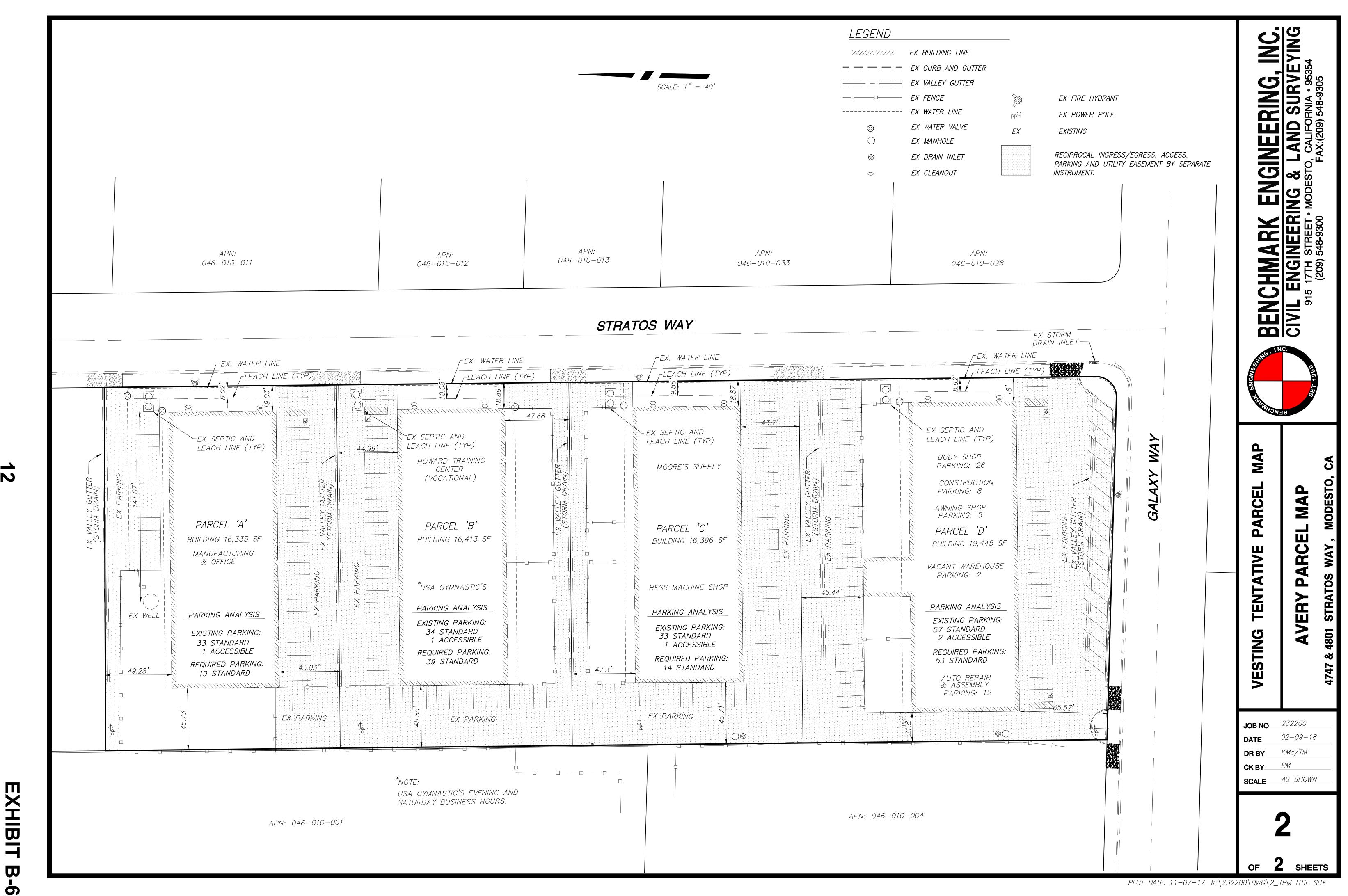
TENT,

MAP ARCEL **D**

AVERY

JOB NO_____232200 DATE_____2-9-18 DR BY____KMc/TM **CK BY___** SCALE AS SHOWN

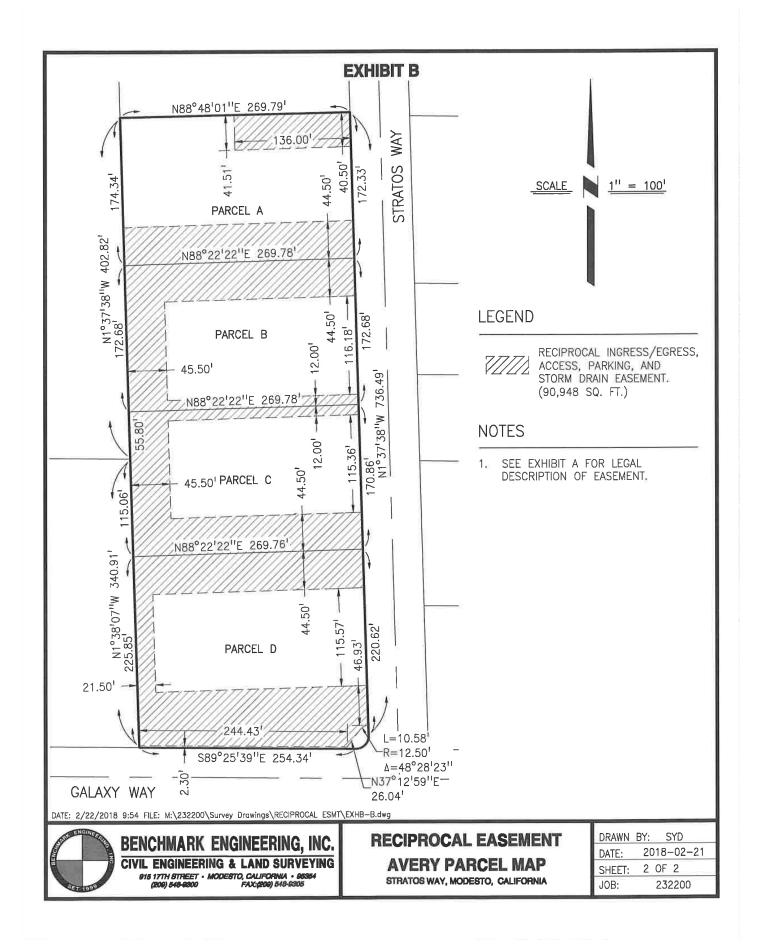
of 2 SHEETS



PLOT DATE: 11-07-17 K:\232200\DWG\2_TPM UTIL SITE

N

EXHIBIT



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)

CONDITIONS OF APPROVAL

VESTING PARCEL MAP APP NO. PLN2017-0137 GREG AND JULIE AVERY TRUST

Department of Planning and Community Development

- 1. All development standards from General Plan Amendment and Rezone 1982-03 North Modesto Industrial Park shall remain in effect and shall be enforced with any future development of the proposed parcels.
- 2. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of the vesting date **February 23, 2018**.
- 3. 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.
- 4. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.
- 5. 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 surrounding 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."
- 6. The recorded map shall contain irrevocable reciprocal ingress/egress access, parking and utility easements between all parcels.

Department of Public Works

7. The recorded parcel map shall be prepared by a licensed land surveyor or registered civil engineer licensed to practice land surveying in California.

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- 8. All structures not shown on the tentative parcel map shall be removed prior to the parcel map being recorded.
- 9. Prior to the recording of the final map, the new parcels shall be surveyed and fully monumented.
- 10. Prior to the issuance of any building permit for the new parcels, an encroachment permit shall be taken out to replace one driveway adjacent to the parcel if the driveway is cracked or otherwise damaged. The driveway shall be installed prior to the final of the building permit. Since the driveways have truck traffic, the driveways shall be installed with the Commercial Driveway Standard. This will be the concrete driveways with #4 rebar installed 12" on center both directions.

Modesto Irrigation District (MID)

11. Prior to the recording of the final map, the applicant shall have the existing parcel removed from MID irrigation facilities database.

Central Valley Regional Water Quality Control Board

- 12. Prior to any construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a "Notice of Intent" (Pursuant to State Water Resources Control Board Order 99-08-DWQ and National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002), is necessary, and shall prepare all appropriate documentation, including a Storm Water Pollution Prevention Plan (SWPPP). Once complete, and prior to construction, a copy of the SWPPP shall be submitted to the Stanislaus County Department of Public Works.
- 13. Prior to any construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a Phase I and II Municipal Separate Storm Sewer System (MS4) Permit, an Industrial Storm Water General Permit, Clean Water Act Section 404 Permit, Clean Water Act Section 401 Permit, or Waste Discharge Requirement (WDR) permits are required.

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 10th Street, Suite 3400 Modesto, California 95354

NOTICE OF EXEMPTION

Project Title: Vesting Parcel Map Application No. PLN2017-0137 – Greg and Julie Avery Trust
Applicant Information: Greg and Julie Avery Trust
Project Location: 4719, 4747, 4801 and 4825 Stratos Way, between State Route 219 and Galaxy Way, in the Modesto area.
Description of Project: Request to subdivide two parcels totaling 4.63 acres, into four parcels ranging from 1.06 to 1.43 acres in size.
Name of Agency Approving Project: Stanislaus County Planning Commission
Lead Agency Contact Person: Jeremy Ballard, Associate 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)); X Categorical Exemption. State type and section number:
Reasons why project is exempt: The proposed project is requesting to subdivide two parcels into four parcels in an area zoned for commercial or industrial use, is consistent with the General Plan and zoning district, and all services and access to the proposed parcels to local standards are available.
July 19, 2018 Dated Signature on file. Jeremy Ballard Associate Planner
(I/PLANNING/STAFF REPORTS/PM/2017/PLN2017-0137 - GREG & JULIE AVERY TRUST/PLANNING COMMISSION/MEETING DATE/STAFF REPORT/EXHIBIT D.DOC)

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EXHIBIT D

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: VESTING PARCEL MAP APPLICATION NO. PLN2017-0137 - GREG AND JULIE AVERY TRUST

REFERRED TO:				RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS	
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	ON	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	ON
CA DEPT OF FISH & WILDLIFE	Х		Х		Х							
CA DEPT OF TRANSPORTATION DIST 10	Х		Х		Х							
CA OPR STATE CLEARINGHOUSE	Х		Х		Х							
CA RWQCB CENTRAL VALLEY REGION	Х		Х		Х							
CITY OF: MODESTO	х		Х	Х				Х		Х		Х
COOPERATIVE EXTENSION	Х		Х		Х							
FIRE PROTECTION DIST: SALIDA	Х		Х		Х							
IRRIGATION DISTRICT: MID	Х		Х	Х				Х		Х	X	
MOSQUITO DISTRICT: EASTSIDE	Х		Х		Х							
MT VALLEY EMERGENCY MEDICAL	Х		X		Х							
PACIFIC GAS & ELECTRIC	Х		X		Х							
RAILROAD: UNION PACIFIC	Х		X		Х							
SAN JOAQUIN VALLEY APCD	X		X		X							
SCHOOL DISTRICT 1: SYLVAN UNION	Х		Х		Х							
SCHOOL DISTRICT 2: MODESTO UNION	Х		Х		Х							
STAN CO AG COMMISSIONER	Х		Х		Х							
STAN CO BUILDING PERMITS DIVISION	Х		Х		Х							
STAN CO CEO	Х		Х		Х							
STAN CO DER	Х		Х		Х							
STAN CO ERC	X		X		Х							
STAN CO HAZARDOUS MATERIALS	X		X		Х							
STAN CO PUBLIC WORKS	X		X	Х				X		Х	Х	
STAN CO SHERIFF	X		X		Х							
STAN CO SUPERVISOR DIST 4: MONTEITH			Х		Х							
STAN COUNTY COUNSEL	Х		Х		Х							
STANISLAUS FIRE PREVENTION BUREAU	Χ		Х		Х							
STANISLAUS LAFCO	Х		Х		Х							
SURROUNDING LAND OWNERS			Х		Х							
TELEPHONE COMPANY: ATT	Х		Х		Х							
US MILITARY AGENCIES	V											
(SB 1462) (5 agencies)	X		X		X							
WATER DISTRICT: MODESTO	Χ		Х		Х							

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