

STANISLAUS COUNTY PLANNING COMMISSION

September 20, 2018

STAFF REPORT

GENERAL PLAN AMENDMENT AND REZONE APPLICATION NO. PLN2018-0087 EMPIRE MIGRANT CENTER HOUSING PROJECT

REQUEST: TO AMEND THE GENERAL PLAN AND ZONING DESIGNATION OF A 7.63 ACRE SITE, FROM LOW DENSITY RESIDENTIAL (LDR) AND RURAL RESIDENTIAL (R-A) TO PLANNED DEVELOPMENT (PD), TO ALLOW THE EMPIRE MIGRANT FARM WORKER CENTER, OPERATED BY THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS (HACS), TO BE UTILIZED AS A COLD WEATHER EMERGENCY SHELTER (LESS THAN 6 MONTHS) TO TEMPORARILY HOUSE HOMELESS FAMILIES.

APPLICATION INFORMATION

Applicant:	Housing Authority of the County of Stanislaus
Property owner:	Housing Authority of the County of Stanislaus
Agent:	N/A
Location:	5132 South Avenue, on the south side of South Abbie Street and South Avenue, east of Santa Fe Avenue, in the Community of Empire.
Section, Township, Range:	32-3-10
Supervisorial District:	One (Supervisor Olsen)
Assessor's Parcel:	009-020-028
Referrals:	See Exhibit G Environmental Review Referrals
Area of Parcel(s):	7.63 acres
Water Supply:	City of Modesto
Sewage Disposal:	City of Modesto
General Plan Designation:	Low Density Residential
Community Plan Designation:	N/A
Existing Zoning:	R-A (Rural Residential)
Sphere of Influence:	City of Modesto
Williamson Act Contract No.:	N/A
Environmental Review:	Exempt
Present Land Use:	90 single-family dwelling units, utilized for farmworker housing, a paved parking lot, fencing, common greenspace area with a playground and basketball court, laundry room, community center, office, and caretaker unit.
Surrounding Land Use:	Single-family residences, the community of Empire, and CA Highway 132 to the north; The Beard Industrial Tract and the Burlington Northern Santa Fe Railroad to the west; Breezewood Mobile Home Park directly south of the project site; and agricultural land with orchards, pasture, and scattered single-family dwellings to the east and south.

RECOMMENDATION

Staff recommends the Planning Commission recommend that the Board of Supervisors 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 provide a recommendation of approval, Exhibit A provides an overview of all of the findings required for project approval.

PROJECT DESCRIPTION

The project is a request to amend the general plan and zoning designation of a 7.63 acre site from Low Density Residential (LDR) and Rural Residential (R-A) to Planned Development (PD), to utilize the Empire Migrant Farm Worker Center, operated by the Housing Authority of the County of Stanislaus (HACS), as a cold weather emergency shelter (less than 6 months) to temporarily house homeless families. The site is currently improved with 90 housing units, a paved parking lot, fencing, common greenspace area with a playground and basketball court, laundry room, community center, office, and caretaker unit. The project will utilize 22 of the site's existing housing units, with the potential to utilize up to all 90 units in the future, during the off-season, between mid-November to the end of April, when migrant farm worker households are not occupying the site. (See Exhibit B – *Maps*.)

Three employees will be on-site during a maximum shift. Both case management, to be provided to the occupants both on-site and off-site, and on-site property management will be provided through sub-contractors. The goal of the project is to promote self-sufficiency and ultimately permanent housing placement for homeless families. Clients will be referred to the housing project through the Stanislaus County Community Services Agency (CSA). The target population would be those families who are currently under case management in CSA's Housing Support Program (HSP), have used all available temporary shelter nights, are still engaged in permanent housing search, and have been unsheltered the longest from date of referral to the HSP. Once entered into the program by an off-site case manager, shelter residents will have access to their residential units 24 hours a day, 7 days a week during the shelter season. Accordingly, no daily intake process will take place on site. Shelter residents who have vehicles will be permitted to park in the existing on-site parking lot. There is a Stanislaus Regional Transit (START) bus station located ½ mile north of the project site, at the corner of Yosemite Blvd. (HWY 132) and S. Abbie St.

The site is located within the City of Modesto's LAFCO Adopted Sphere of Influence (SOI) and is currently served with public water and sewer services provided by the City of Modesto. No construction is proposed as part of this project.

The existing migrant center was approved by the Planning Commission on October 5, 2000, to reconstruct a 100-unit migrant farmworker family center, under Use Permit Application No. 2000-08 – Stanislaus County Housing Authority. Prior to the 2000 redevelopment of the site, the property included 67 farm worker housing units, which were approved under the site's previous (pre-1973) A-1 zoning designation.

SITE DESCRIPTION

Single-family residences, the community of Empire, and CA Highway 132 are located to the north of the project site. The Beard Industrial Tract and the Burlington Northern Santa Fe Railroad are located to the west of the project site. The Breezewood Mobile Home Park is located directly south of the project site; and agricultural land with orchards, pasture, and scattered single-family dwellings are located to the east and south.

ISSUES

No issues have been identified as a part of this request. Standard conditions of approval have been added to the project.

GENERAL PLAN CONSISTENCY

The site is currently designated Low Density Residential in the Land Use Element of the General Plan. The General Plan states that the intent of Low Density Residential designation is to provide appropriate locations and adequate areas for single-family detached homes in either conventional or clustered configurations. Appropriate zoning designations include R-A (Rural Residential) or R-1 (Single-Family Residential). Planned Development (PD) zoning may also be appropriate, provided the development does not exceed the established building intensity of this designation. Residential building intensity when served by a community services district or sanitary sewer district and public water district is zero to eight units per net acre. The zoning designation is proposed to be changed from Rural Residential (R-A) to Planned Development to allow the site to be used to temporarily shelter homeless families during the migrant work off-season, which is not currently permitted in the R-A zoning district. Based on the density limitations described in the Land Use Element of the General Plan, the proposed Planned Development (PD) zoning designation would not be consistent with the existing Low Density Residential General Plan designation, as the site exceeds the 8 dwelling units per acre, which for the 7.63 acre project site would equal a maximum of 61 residential units. Accordingly, a General Plan Amendment is requested to change the land use designation from Low Density Residential to Planned Development to allow the proposed PD zoning designation and project to be consistent with the proposed Planned Development General Plan Designation.

To minimize conflicts between agriculture operations and non-agricultural operations, Buffer and Setback Guidelines (Appendix A of the Agricultural Element) have been adopted. The purpose of these guidelines is to protect the long-term health of local agriculture by minimizing conflicts resulting from normal agricultural practices as a consequence of new or expanding uses approved in or adjacent to the A-2 (General Agriculture) zoning district. While this request allows for expanded use of the existing Center, the overall intensity and density of the use will not be increasing, and no new facilities are proposed. As such, staff has determined that the proposed use is not a new or expanding use subject to the Buffer and Setback Guidelines. This project was referred to the Stanislaus Agricultural Commissioner's office and no comments were received, to date.

The Stanislaus County General Plan Sphere of Influence policy states, that development, other than agricultural uses and churches, which requires discretionary approval from incorporated cities, shall be referred to that city for preliminary approval. The project shall not be approved by the County unless written communication is received from the city memorializing their approval. If approved by the city, the city should specify what conditions are necessary to ensure that development will comply with city development standards. Requested conditions for such things as sewer service in an area where none is available shall not be imposed. Approval from a city does not preclude the County decision-making body from exercising discretion, and it may either approve or deny the project. The project was referred to the City of Modesto who responded with no comments to the proposed request. (See Exhibit D – *City of Modesto Referral Response dated August 31, 2018.*)

ZONING ORDINANCE CONSISTENCY

The site is currently zoned Rural Residential (R-A). The R-A zoning district allows farmworker housing when a use permit is obtained. The existing migrant center was approved by the Planning Commission on October 5, 2000, to reconstruct a 100-unit migrant farmworker family center, under Use Permit Application No. 2000-08 – Stanislaus County Housing Authority. The current project

proposal to allow the site to be used to temporarily shelter homeless families during the migrant work off-season, is not currently permitted in the R-A zoning district zoning designation. Accordingly, in order to approve the project, the zoning must be changed from Rural Residential (R-A) to Planned Development. To approve a Rezone, the Planning Commission must find that it is consistent with the General Plan. In this case, if the requested change for the General Plan designation is approved, the zoning designation of Planned Development would subsequently be consistent with the General Plan. Planned Developments typically include a Development Schedule which indicates the timing for meeting specific project benchmarks. However, in this case no Development Schedule is proposed as the project is already built-out and in use. Approval of this project will allow continued use of the facility for the purposes of migrant housing and supplemental use of the facility for the temporary housing of homeless families during the off-season.

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 15301 for *Existing Facilities* of the California Code of Regulations, which allows an exemption for the "...operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination." A Notice of Exemption has been prepared as the project meets the criteria for a CEQA Exemption. (See Exhibit F – *Notice of Exemption*.) Conditions of approval reflecting referral responses have been placed on the project. (See Exhibit C – *Development Standards*.)

Note: Pursuant to California Fish and Game Code Section 711.4, California Department of Fish and Wildlife (formerly the Department of Fish and Game) has determined that this project has no potential effect on Fish and Wildlife and the project as described does not require payment of the CEQA filing fee. See attached.

Contact Person: Kristin Doud, Senior Planner, (209) 525-6330

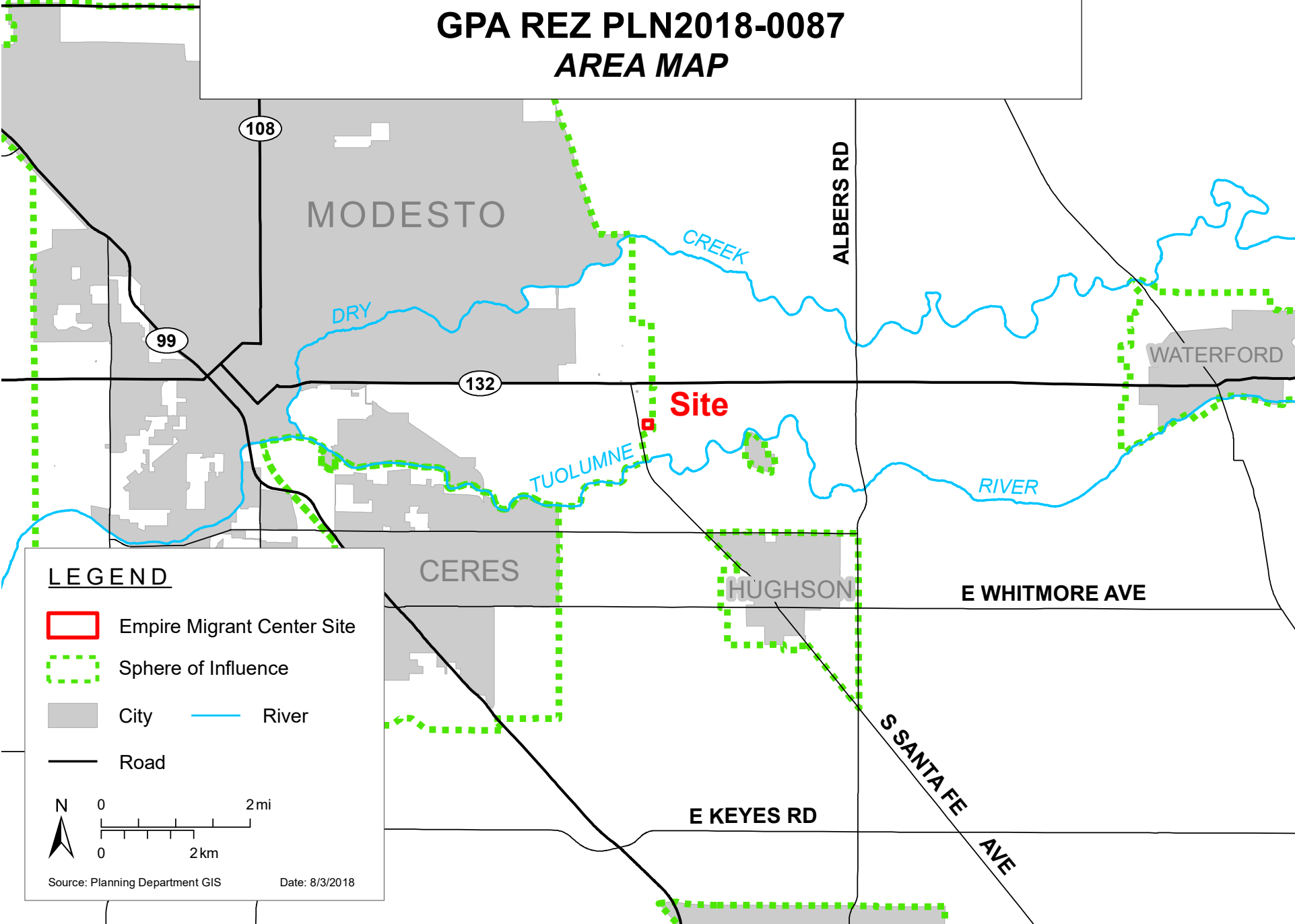
Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps
- Exhibit C - Development Standards
- Exhibit D - City of Modesto Referral Response dated August 31, 2018
- Exhibit E - Planning Commission Staff Report for Use Permit 2000-08 – Stanislaus County Housing Authority, dated October 5, 2000 (*with partial attachments*)
- Exhibit F - Notice of Exemption
- Exhibit G - Environmental Review Referral

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, based on the discussion in this report, and the whole of the record 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 governmental agencies will be able to maintain levels of service consistent with the ability of the governmental agencies to provide a reasonable level of service.
 - (c) The amendment is consistent with the General Plan goals and policies.
 - (d) That the proposed alternative agricultural buffer provides equal or greater protection to surrounding agricultural uses.
3. Find that the proposed Planned Development zoning is consistent with the Planned Development General Plan designation.
4. Approve General Plan Amendment and Rezone Application No. PLN2018-0087 – Empire Migrant Center Housing Project, subject to the attached Development Standards.
5. Introduce, waive the reading, and adopt an ordinance for the approved Rezone Application No. PLN2018-0087 – Empire Migrant Center Housing Project.

EMPIRE MIGRANT CENTER HOUSING PROJECT GPA REZ PLN2018-0087 AREA MAP



LEGEND

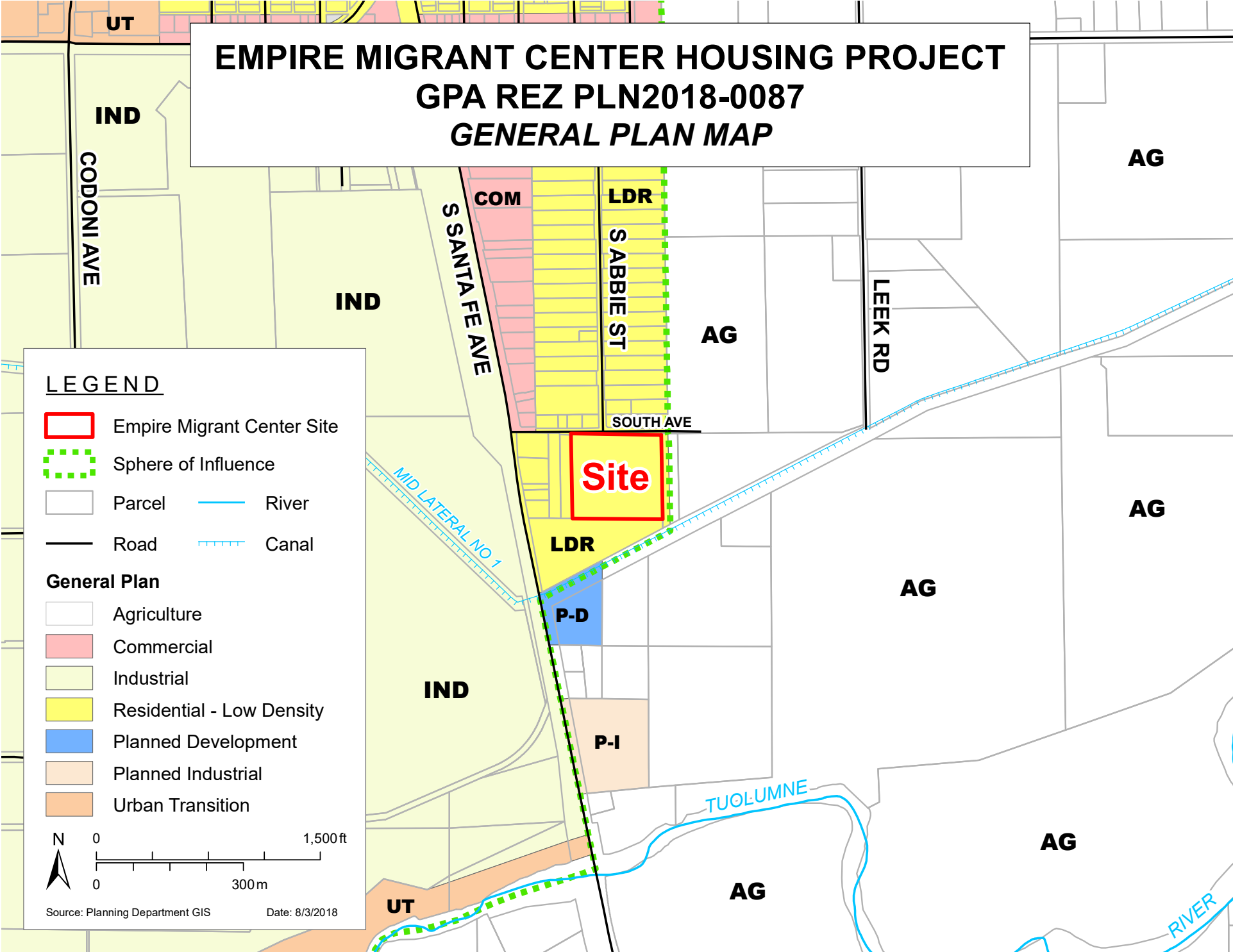
- Empire Migrant Center Site
- Sphere of Influence
- City
- River
- Road

N
 0 2mi
 0 2km

Source: Planning Department GIS Date: 8/3/2018

EXHIBIT B

EMPIRE MIGRANT CENTER HOUSING PROJECT GPA REZ PLN2018-0087 GENERAL PLAN MAP



LEGEND

- Empire Migrant Center Site
- Sphere of Influence
- Parcel
- Road
- River
- Canal

General Plan

- Agriculture
- Commercial
- Industrial
- Residential - Low Density
- Planned Development
- Planned Industrial
- Urban Transition

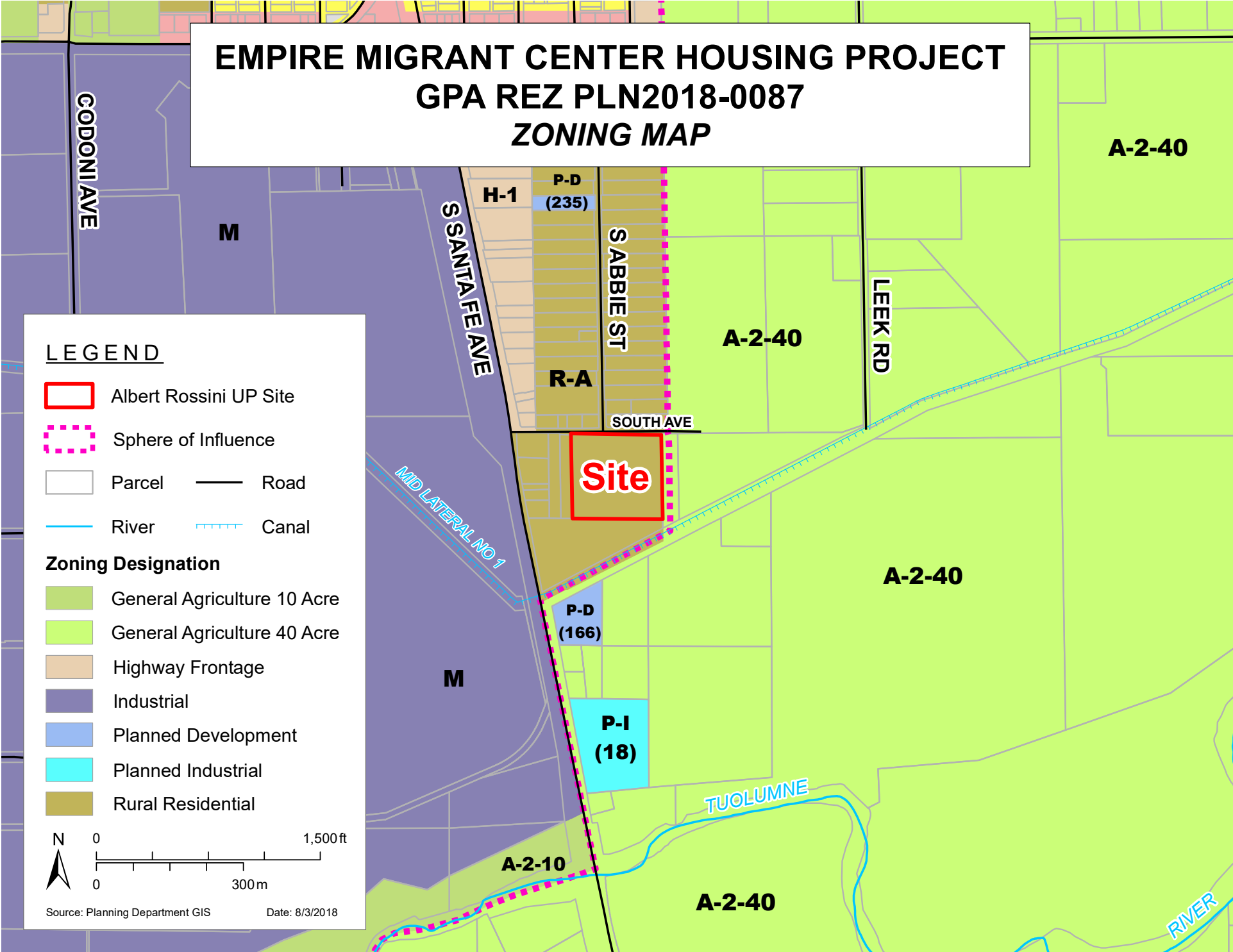
N
0 1,500ft
0 300m

Source: Planning Department GIS Date: 8/3/2018

7

EXHIBIT B-1

EMPIRE MIGRANT CENTER HOUSING PROJECT GPA REZ PLN2018-0087 ZONING MAP

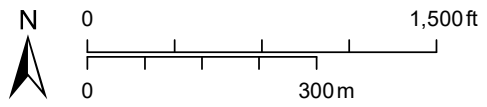


LEGEND

- Albert Rossini UP Site
- Sphere of Influence
- Parcel
- Road
- River
- Canal

Zoning Designation

- General Agriculture 10 Acre
- General Agriculture 40 Acre
- Highway Frontage
- Industrial
- Planned Development
- Planned Industrial
- Rural Residential

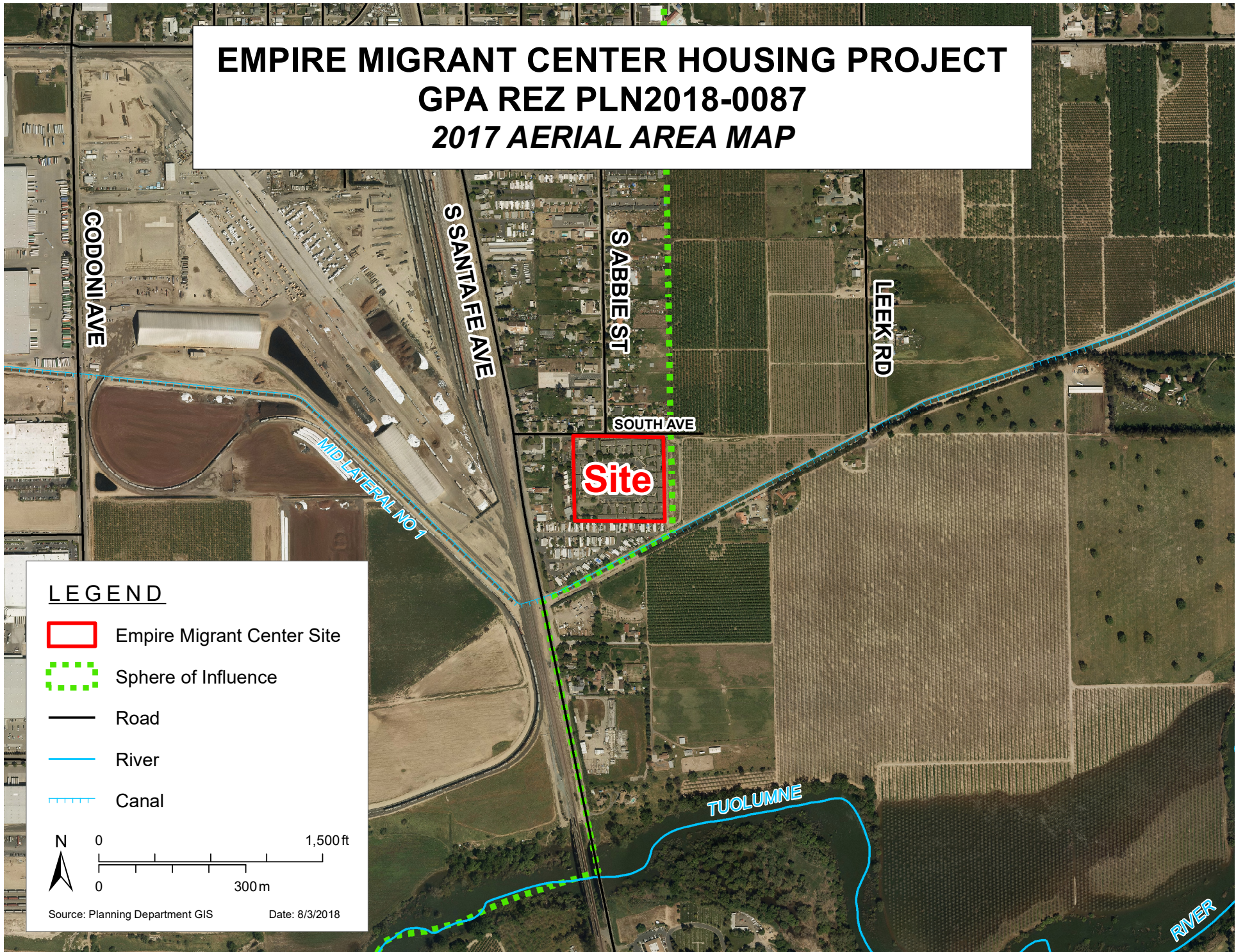


Source: Planning Department GIS Date: 8/3/2018






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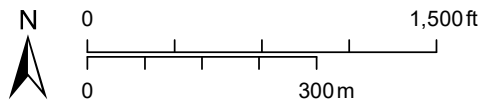
EXHIBIT B-2

EMPIRE MIGRANT CENTER HOUSING PROJECT GPA REZ PLN2018-0087 2017 AERIAL AREA MAP



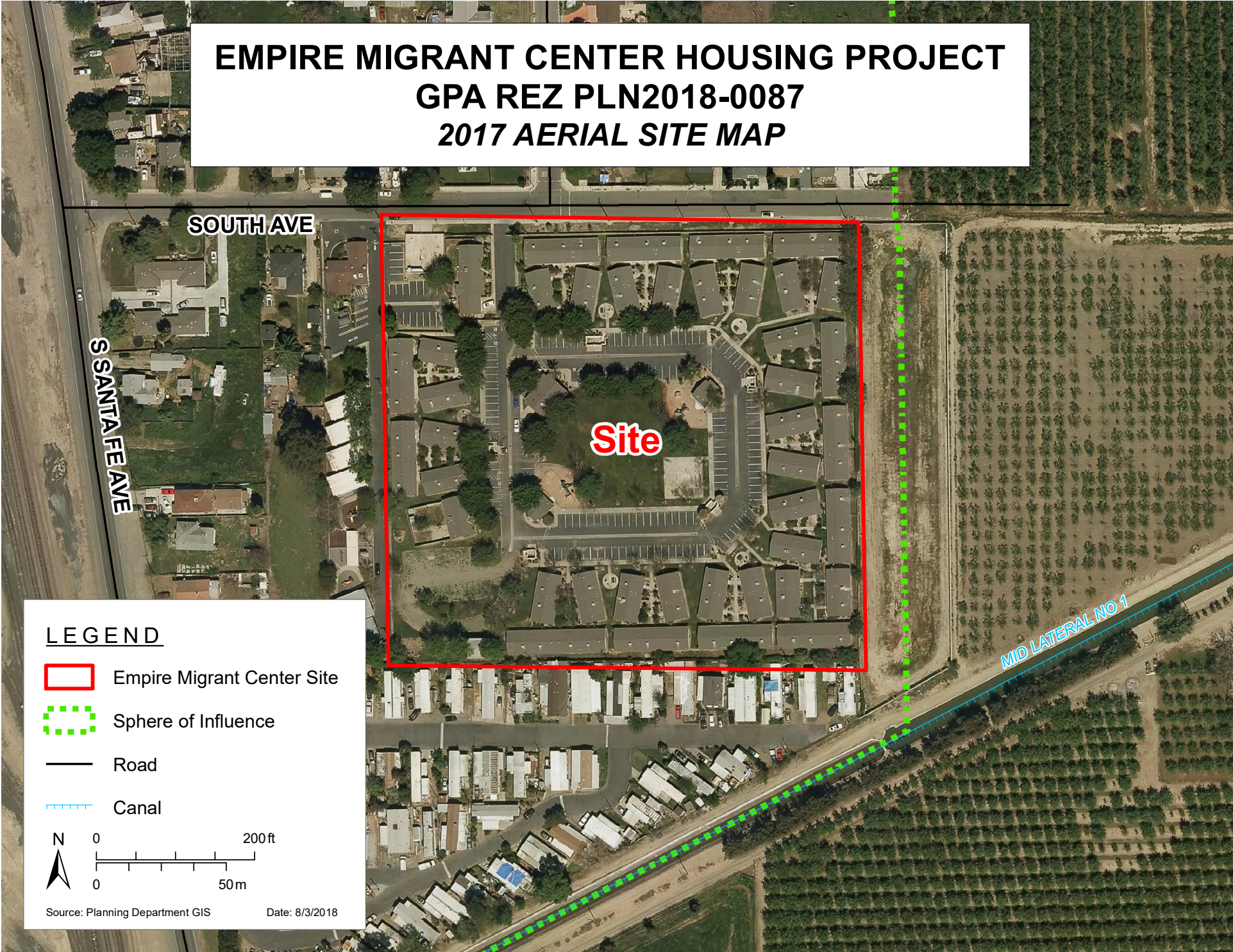
LEGEND

-  Empire Migrant Center Site
-  Sphere of Influence
-  Road
-  River
-  Canal







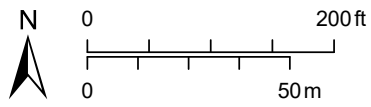
Source: Planning Department GIS Date: 8/3/2018

EMPIRE MIGRANT CENTER HOUSING PROJECT GPA REZ PLN2018-0087 2017 AERIAL SITE MAP



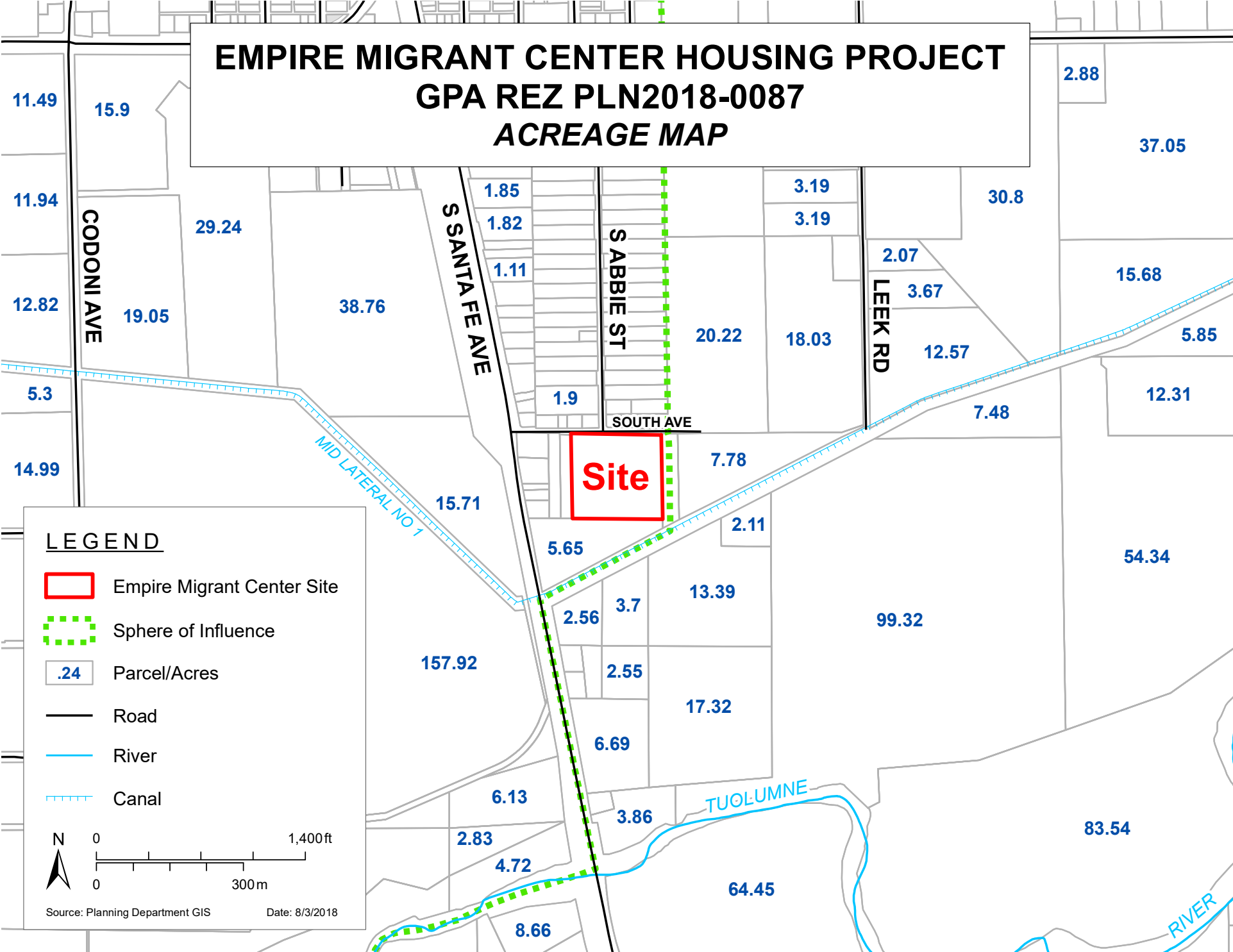
LEGEND

-  Empire Migrant Center Site
-  Sphere of Influence
-  Road
-  Canal



Source: Planning Department GIS Date: 8/3/2018

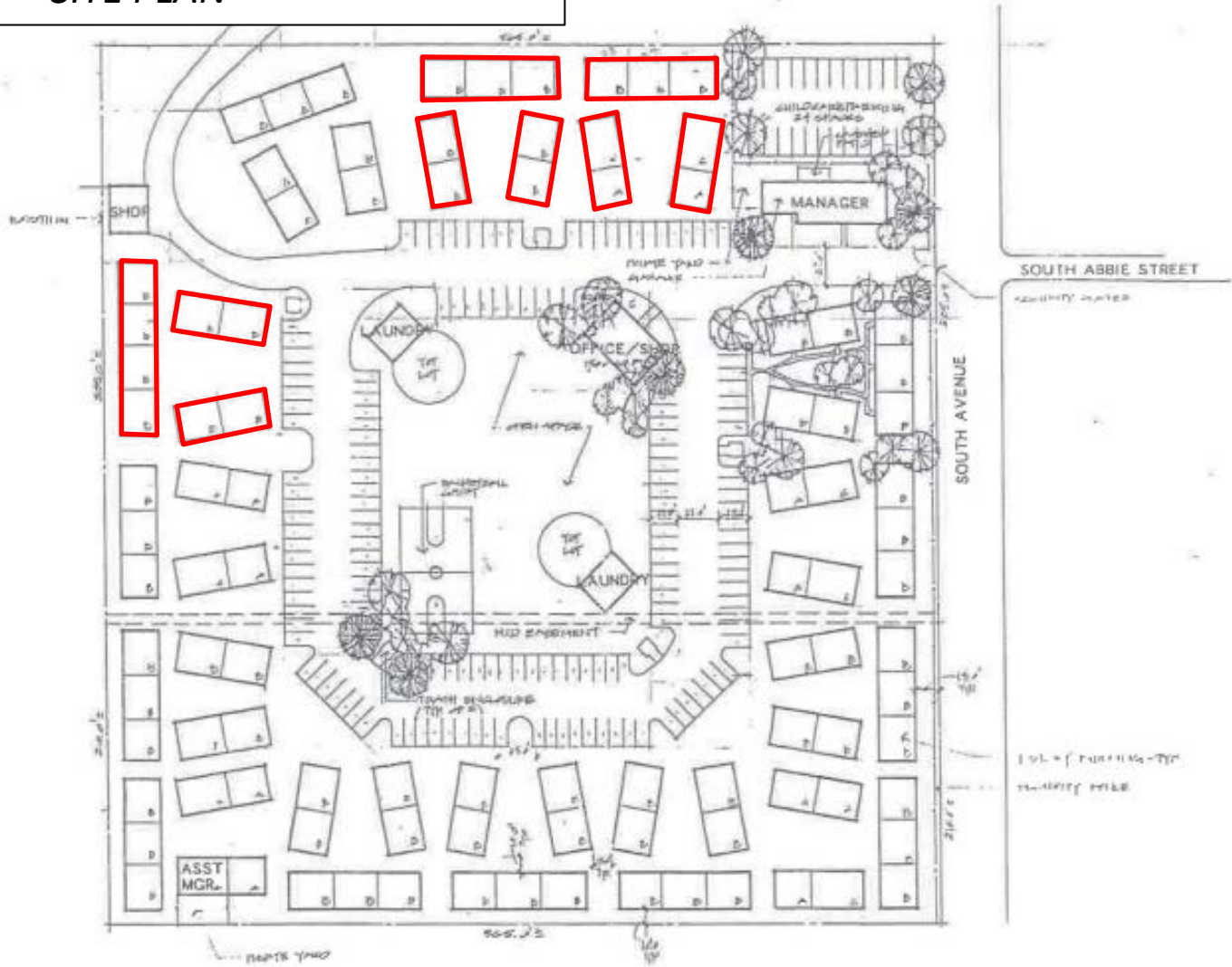
EMPIRE MIGRANT CENTER HOUSING PROJECT GPA REZ PLN2018-0087 ACREAGE MAP




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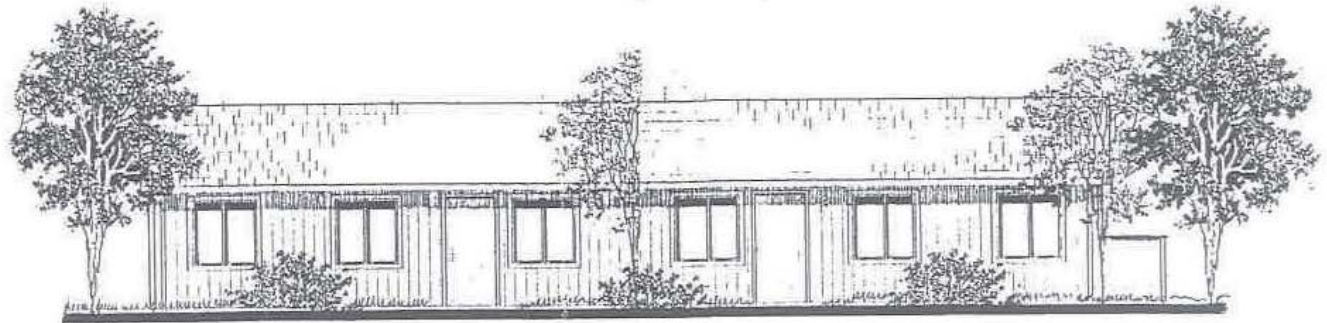
EXHIBIT B-5

EMPIRE MIGRANT CENTER HOUSING PROJECT
GPA REZ PLN2018-0087
SITE PLAN



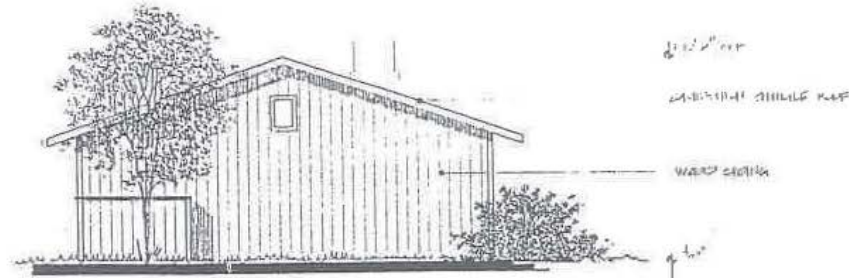
PRELIMINARY
SITE PLAN

 Phase 1 Units to be occupied (22 total)

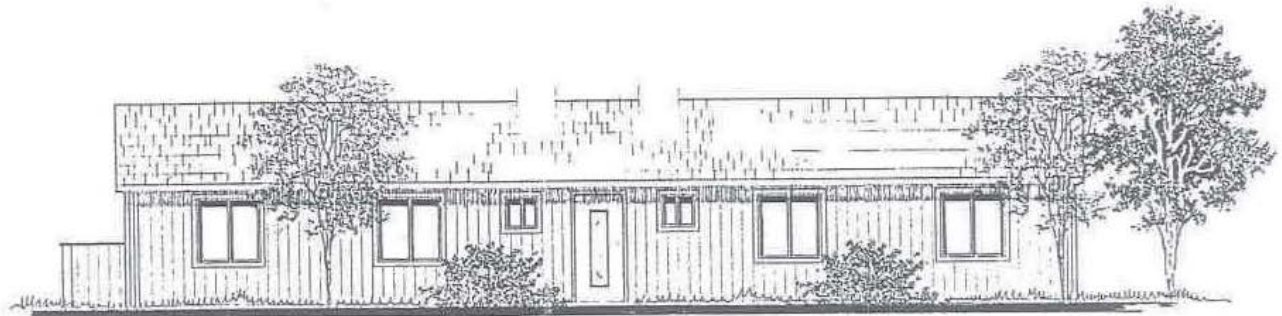


TYPICAL FRONT ELEVATION

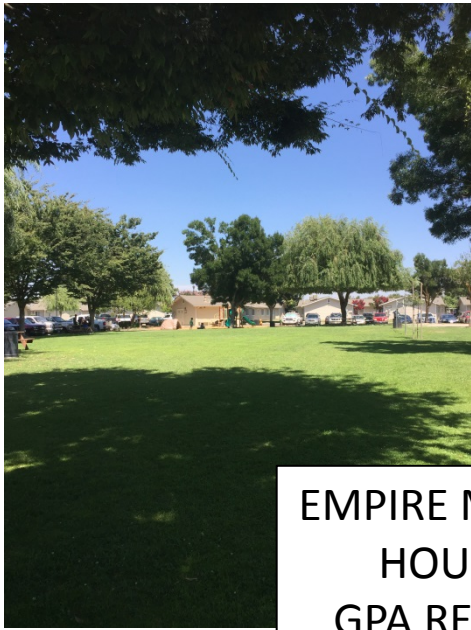
EMPIRE MIGRANT CENTER
HOUSING PROJECT
GPA REZ PLN2018-0087
ELEVATIONS



TYPICAL SIDE ELEVATION



TYPICAL REAR ELEVATION



EMPIRE MIGRANT CENTER
HOUSING PROJECT
GPA REZ PLN2018-0087
2018 SITE PHOTOS



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)

DEVELOPMENT STANDARDS

GENERAL PLAN AND REZONE APPLICATION NO. PLN2018-0087 EMPIRE MIGRANT CENTER HOUSING PROJECT

Department of Planning and Community Development

1. Use(s) shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances.
2. Outdoor activity, and intake areas, if applicable, shall be screened from public view and from the view of adjacent properties.
3. On-site lighting shall be provided in all parking, pedestrian paths, and entry areas. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include, but not be limited to, the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and the installation of shielded fixtures to prevent light trespass (glare and spill light that shines onto neighboring properties).
4. Off-street parking shall be provided at a rate of one and a half parking space per unit plus one additional vehicle parking space per employee on a maximum shift. Bicycle parking shall be provided at a rate of one space for every three beds.
5. A minimum of one supervisory level staff member must be present on the site during hours of operation.
6. A security plan shall be submitted to the sheriff's department for review and approval prior to operation and shall be annually reviewed.
7. If intake is to occur on-site, a security guard or security officer must be provided during the intake period. Security guards must be licensed through the state of California Department of Consumer Affairs Bureau of Security and Investigative Services. Operator(s) must ensure that loitering does not occur on the property during non-shelter hours and must ensure that clients are not loitering, littering, or otherwise creating a nuisance to the neighborhood.
8. The maximum length of stay shall be no longer than six months, as established by the California Health and Safety Code for emergency shelters.
9. Outdoor activity shall be allowed only during the hours of 8:00 a.m. to 10:00 p.m. The shelter shall comply with the County's noise ordinance.

10. If pets are permitted, a plan for their care must be reviewed and approved by the department of animal services.
11. Outdoor trash receptacles shall be provided on-site, and the property maintained free of litter and debris.
12. All other applicable local, State and federal laws, regulations and codes shall be met.
13. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
14. 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.
15. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and may be subject to additional regulations/permits, as determined by the SJVAPCD.
16. A sign plan for all proposed on-site signs indicating the location, height, area of the sign(s), and message must be approved by the Planning Director or appointed designee(s) prior to installation.
17. 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.
18. Should any archeological or human remains be discovered during development, work shall be immediately halted within 150 feet of the find until it can be evaluated by a qualified archaeologist. If the find is determined to be historically or culturally significant, appropriate mitigation measures to protect and preserve the resource shall be formulated and implemented. The Central California Information Center shall be notified if the find is deemed historically or culturally significant.
19. The applicant or subsequent property owner shall be responsible for maintaining the existing landscaping in a healthy and attractive condition. Dead or dying plants shall be replaced with materials of equal size and similar variety.
20. These Development Standards (GPA REZ PLN2018-0087) shall superseded all Conditions of Approval from Use Permit No. 2000-08.

Department of Public Works

21. There shall be no parking, loading, or unloading of vehicle associated with this use in the South Avenue right-of-way.

Building Permits Division

22. Building permits are required for any construction related activities and the project must conform with the California Code of Regulations, Title 24.

*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~~.*

From: Steve Mitchell
To: [Kristin Doud](#)
Cc: [Brad Wall](#); [Katharine Martin](#); [Patrick Kelly](#)
Subject: RE: Empire Migrant Center Housing Project
Date: Friday, August 31, 2018 3:32:11 PM

Kristin,

We've reviewed this proposal, and the City has no objections to the proposed use. Let me know if you need anything further from us.

Steve Mitchell

Principal Planner

City of Modesto

Community & Economic Development Dept.

1010 Tenth St. Ste. 3300

Modesto, CA 95354

(209) 577-5287

From: Kristin Doud [mailto:Doudk@stancounty.com]
Sent: Friday, August 31, 2018 11:24 AM
To: Katharine Martin; Steve Mitchell
Subject: Empire Migrant Center Housing Project

Steve and Katharine – I never received a response from the City of Modesto on the Empire Migrant Center Housing Project. See referral at the following link:

http://www.stancounty.com/planning/pl/act-proj/PLN2018-0087_EC.pdf

The two-week referral ended on August 24thDid you have any comments?

Thank you!!

Kristin Doud

Senior Planner

Long Range Planning Manager

Stanislaus County Department of Planning & Community Development

1010 10th Street, Suite 3400

Modesto, CA 95354

(209) 525-6330

doudk@stancounty.com

STANISLAUS COUNTY PLANNING COMMISSION

October 5, 2000

STAFF REPORT

USE PERMIT APPLICATION NO. 2000-08
STANISLAUS COUNTY HOUSING AUTHORITY

REQUEST: TO RECONSTRUCT A 100-UNIT MIGRANT FARMWORKER FAMILY CENTER ON A 7.7 ACRE SITE IN THE RURAL RESIDENTIAL (R-A) ZONING DISTRICT.

APPLICATION INFORMATION

Owner/applicant:	Housing Authority of Stanislaus County
Location:	5120 and 5200 South Avenue in the Empire area.
Section, Township, Range:	32-03-10
Supervisorial District:	One (Supervisor Paul)
Assessor's Parcel:	09-20-13,14
Referrals:	See Exhibit "H" Environmental Review Referrals
Area of Parcels:	2.78 acres and 5 acres
Water Supply:	City of Modesto
Sewage Disposal:	Empire Sanitary District
Existing Zoning:	Rural Residential (R-A)
General Plan Designation:	Low Density Residential
Community Plan Designation:	Not applicable
Environmental Review:	Mitigated Negative Declaration
Present Land Use:	Vacant parcel, former farm worker housing
Surrounding Land Use:	Residential uses in a rural setting to the north, almond orchard and additional residences to the east, mobile home park to the south, child care center and additional residences to the west..

PROJECT DESCRIPTION

To construct a Migrant Farm Worker Family Center consisting of 100 dwelling units, an ancillary shop, laundry facilities and management buildings. The proposed dwelling units will consist of 8 two-bedroom units at 624 square feet each, 83 three-bedroom units at 730 square feet each, 8 four-bedroom units at 834 square feet each, and 1 four-bedroom unit for the on-site manager consisting of 1680 square feet. The manager's unit also includes an attached two car garage. Parking for the remaining units is provided at 1.5 spaces per unit for a total of 155 spaces.

The proposed project also includes open-space and recreation areas. A basketball court and 2 tot-lot play areas will be located in the center of the project. The site is adjacent to the Pearlene Reese Child Development Center and will provide 24 additional parking spaces in the north west corner of the project site for that facility.

SITE DESCRIPTION

The project site consists of two parcels, a 5 acre parcel owned by the Stanislaus County Housing Authority and, an adjacent 2.78 acre parcel which was recently purchased by the Housing Authority. Until recently, the 5 acre site contained a 67 unit farm labor housing center that was built in the late 1960s. The 2.78 acre site also contained a run-down multi-family housing unit. The buildings on both parcels were recently demolished and the sites have been cleared. Permits were obtained by the Housing Authority for the demolition of the buildings and special permits were obtained from the proper authorities for the identification and removal of possible asbestos and lead contaminants.

The subject site is located on the south side of South Avenue, east of Santa Fe Avenue in the Empire area. Surrounding uses include mixed residential uses, a mobile home park and peach and almond orchards.

DISCUSSION

The proposed project is to construct 100 dwellings on a 7.7 acre site to be used as migrant farm worker housing. The project also includes housing for a full-time manager, an assistant manager, 2 laundry facilities and adjacent tot-lot play areas, an office and 2 shop buildings, recreational open space, and 155 parking spaces. A chain-link fence will surround the property and access to the site will be provided from South Avenue. Security gates with a Knox Lock Box, to be used by emergency personnel when the gates are closed, will be installed across the South Avenue driveway. A fire access road located in the southwest corner of the property will allow additional emergency access to and from the site.

The project site is located immediately adjacent to the Pearlene Reese Child Development Center on the west. As proposed, 24 parking spaces will be developed in the northwest corner of the subject site to serve the Center.

As shown on the plans, the project will be developed in a circular pattern around a center recreational open space and parking area. The larger dwellings will be located around the perimeter of the site facing the center courtyard. The smaller units will be developed perpendicular to the larger units in a "horseshoe" pattern. The project design offers a sense of community and privacy for the tenants. Prior to occupancy, the site will be fully landscaped.

As proposed, a full-time manager will live at the center and maintain the property year round, however, the farm worker housing will only be occupied during the normal harvest season of May to October.

The subject site is zoned Rural Residential (R-A) and designated Low Density Residential on the Land Use Element Map of the Stanislaus County General Plan. Section 21.21.030 of the Zoning Ordinance allows for the development of agricultural uses, as specified in Sections 21.20.030 and 21.20.040, in the R-A district subject to the approval of a use permit. Farm labor housing is allowed in the General Agriculture zoning district as a Tier One use.

Tier One uses may be allowed when the planning commission finds that, in addition to finding that *"the establishment, maintenance and operation of the proposed use or building applied for is consistent with the general plan and will not, under the circumstances of the particular case, be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County,"* the use as proposed will not be substantially detrimental to, or in conflict with the agricultural use of other property in the vicinity.

The subject site is designated Low Density Residential on the Land Use Element Map of the Stanislaus County General Plan and rural residential zones are appropriate within this designation. The site is located on the edge of a rural township and is surrounded by a mix of older single-family residences and multiple-family dwellings. The properties immediately to the east of the site are zoned (A-2-40) general agriculture and are farmed in fruit and nut orchards. The proposed project would replace a 67 unit farm worker housing center that had been approved under a prior zoning designation and would expand the use to include 33 additional units. The proposed project would blend well with the rural character of the surrounding neighborhood and would not be detrimental to, or in conflict with the agricultural use of other property in the vicinity.

Pursuant to the California Environmental Quality Act (CEQA) the proposed project was circulated to all interested parties and responsible agencies, including the State Clearing House, the City of Modesto, and the Empire Municipal Advisory Committee for review and comment. No significant impacts were raised and any requests for conditions have been incorporated into the attached Conditions of Approval for this project.

RECOMMENDATION

Order the filing of the Mitigated Negative Declaration, find the project to be "De Minimis" for the purpose of the Fish and Game Codes, make all the appropriate findings, and approve Use Permit Application No. 2000-08 - Housing Authority of Stanislaus County, subject to the attached Conditions of Approval.

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Staff Report
October 5, 2000
Page 4

Report written by: Barbara Denlis, Associate Planner, September 21, 2000

Attachments:

- Exhibit A - Maps
- Exhibit B - Conditions of Approval
- Exhibit C - Findings
- Exhibit D - Initial Study and Initial Study Comments
- Exhibit E - Mitigation Monitoring Plan
- Exhibit F - Mitigated Negative Declaration
- Exhibit G - Certificate of Fee Exemption
- Exhibit H - Environmental Review Referrals

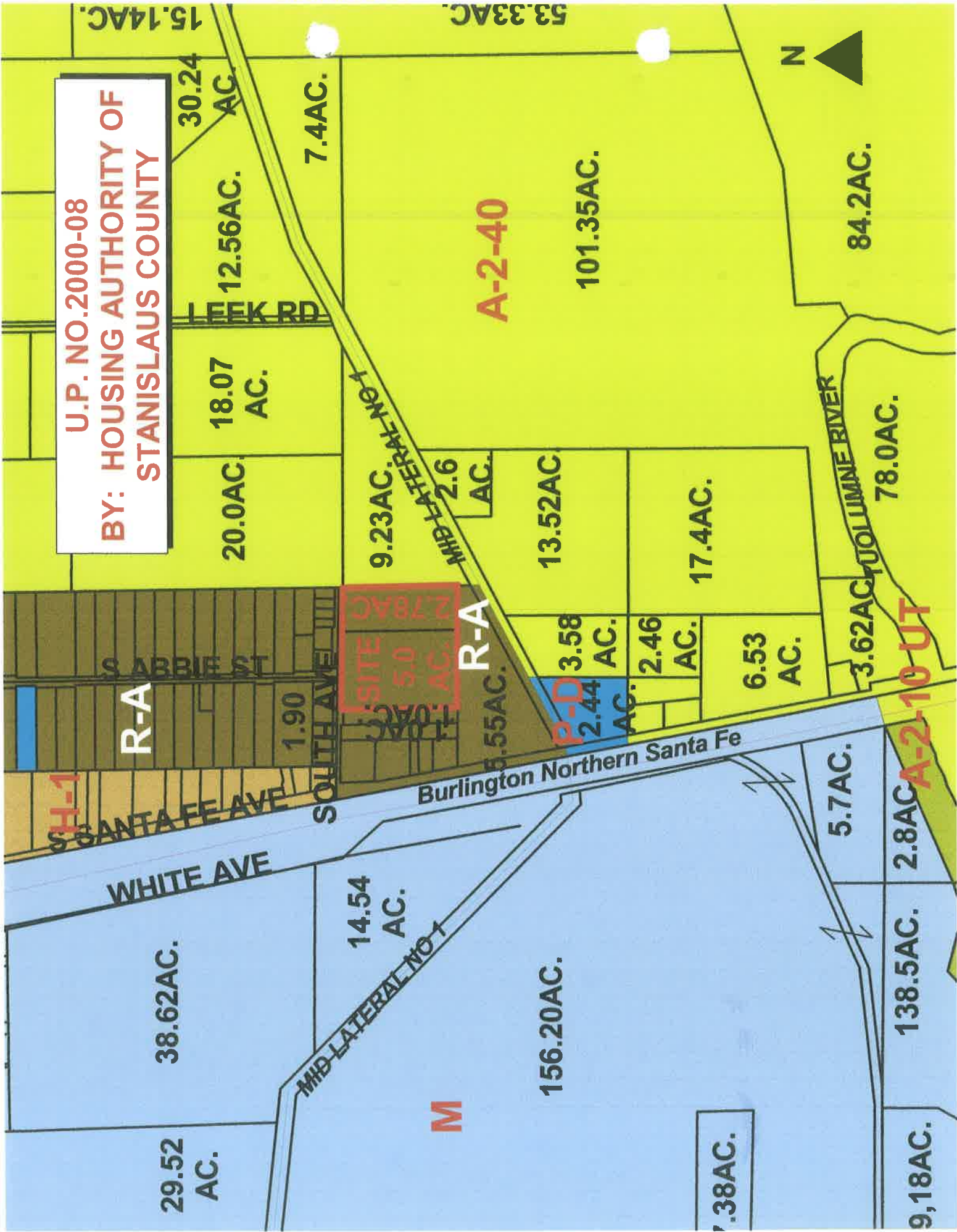
Reviewed by:



Kirk Ford, Senior Planner

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U.P. NO.2000-08
BY: HOUSING AUTHORITY OF
STANISLAUS COUNTY



U.P. NO. 2000-08
BY: HOUSING AUTHORITY OF
STANISLAUS COUNTY

WELLSFORD RD



YOSEMITE BLV

SITE

TUOLUMNE RIVER

EMPIRE

S ABBIE ST

S SANTA FE AVE

CHURCH ST

SOUTH AVE

Burlington Northern Santa Fe

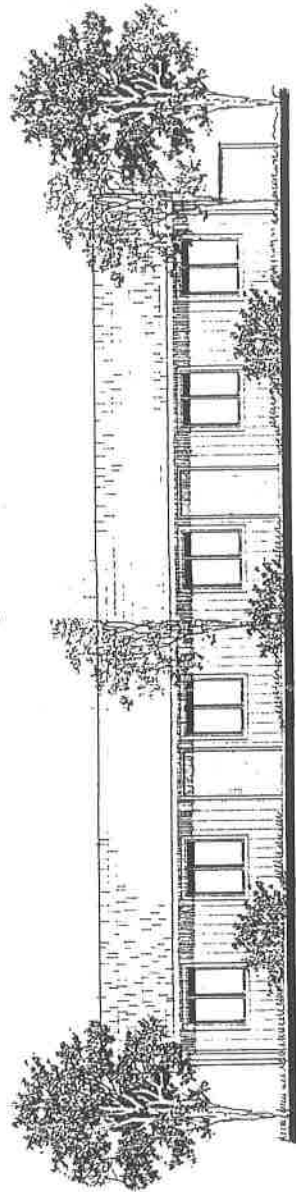
CODONI AVE

MODESTO

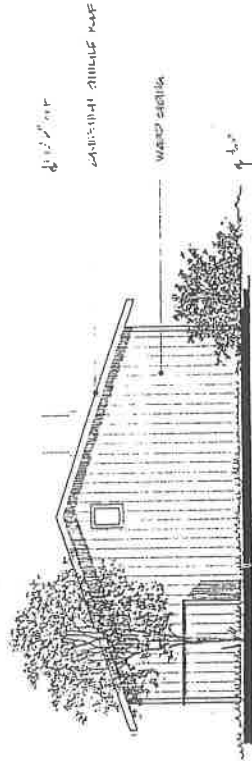
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Modesto & Empire Traction

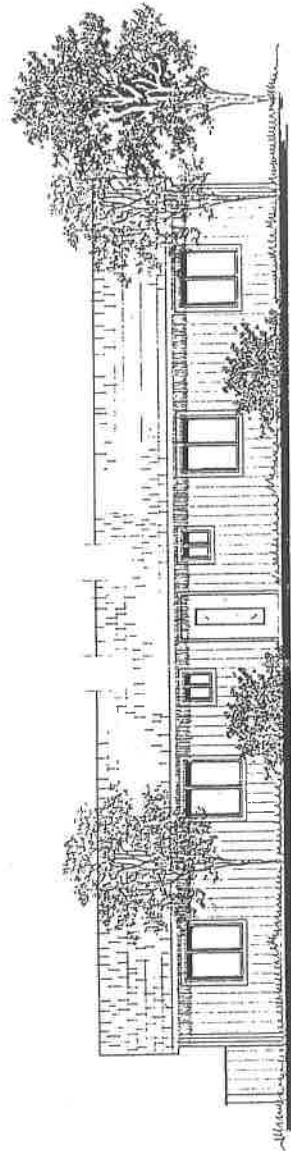
FINCH RD



TYPICAL FRONT ELEVATION



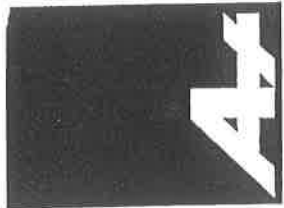
TYPICAL SIDE ELEVATION



TYPICAL REAR ELEVATION

PRELIMINARY
ELEVATION
REVISED 1/10/07

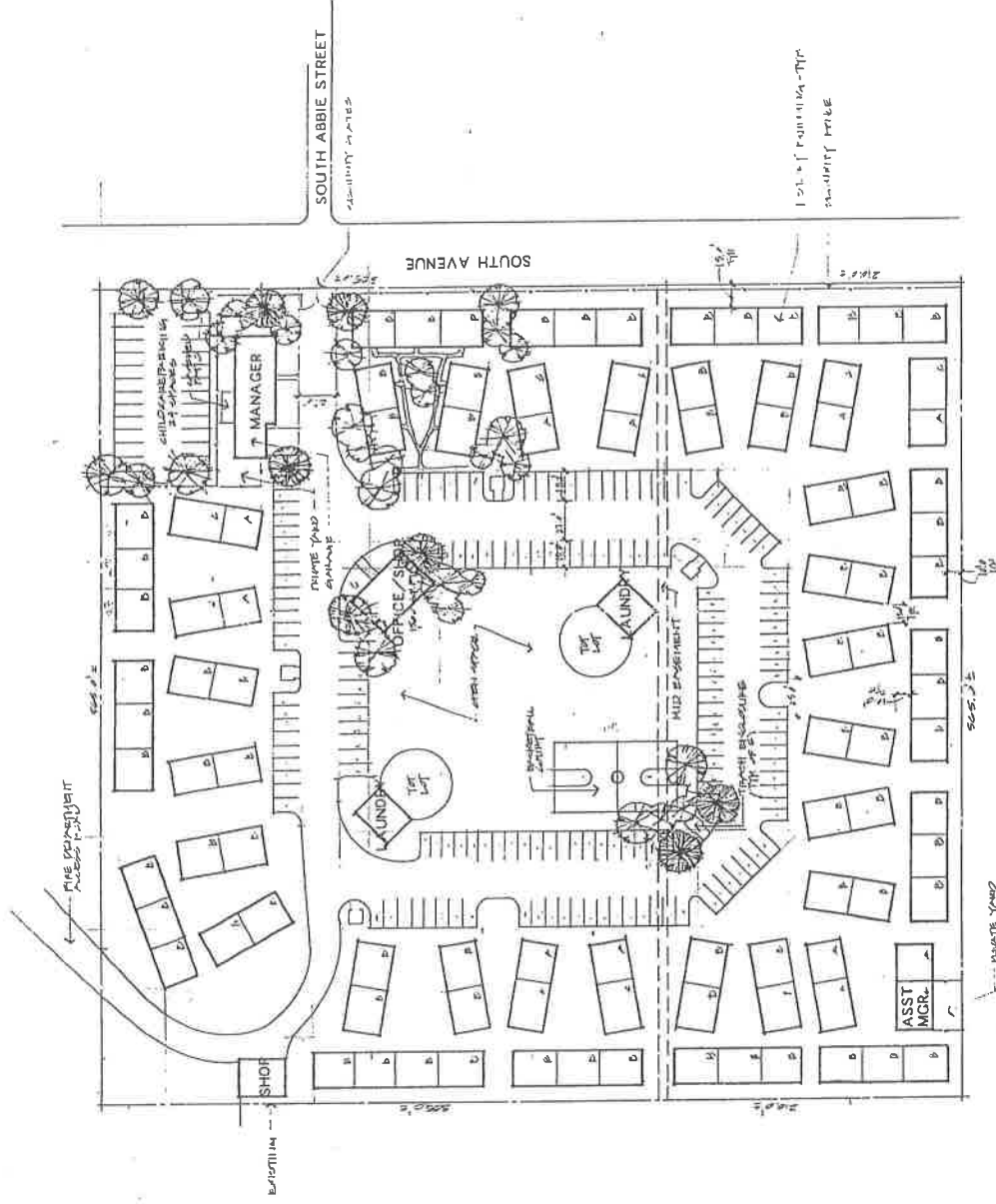
EMPIRE MIGRANT
 FAMILY CENTER



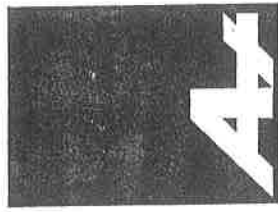
ARCHITECTURE
 PLUS, INC.
 1207 13TH STREET, SUITE 6
 MODESTO, CA 95354
 209-577-4661 FAX 577-0213

PROJECT DATA

- SITE 200' x 150' (APPROX.)
 - UNIT A 2 BED 1 BATH 800 SF
 - UNIT B 3 BED 1 BATH 1000 SF
 - UNIT C 4 BED 2 BATH 1200 SF
 - UNIT D 5 BED 2 BATH 1400 SF
 - TOTAL 100 UNITS
 - FINISHES TO BE DETERMINED
 - FINISHES TO BE DETERMINED 155 SPACES
 - FINISHES TO BE DETERMINED 155 SPACES/UNIT



EMPIRE MIGRANT
FAMILY CENTER



ARCHITECTURE PLUS, INC.
 1207 13TH STREET, SUITE 6
 MODESTO, CA 95354
 209-577-4661 FAX 577-0213

PRELIMINARY
SITE PLAN

DATE 11/2/10
 SHEET 4/11/10

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

USE PERMIT APPLICATION NO. 2000-08 HOUSING AUTHORITY OF STANISLAUS COUNTY

Department of Planning and Community Development

1. This use shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances.
2. Building permits must be obtained from the Building Inspection Division. No building permits shall be issued until the Consolidated Fire Protection District has indicated that adequate fire protection water and fire department access roads will be available prior to combustible construction. All replacement buildings will be required to meet all current fire prevention codes and requirements.
3. A Certificate of Occupancy shall be obtained from the Building Inspection Division prior to occupancy of the buildings.
4. Sufficient paved and marked parking spaces shall be provided as required by Chapter 21.76 of the Stanislaus County Zoning Ordinance. Two bicycle racks capable of supporting 4 to 6 bicycles each shall be installed near the common open space/play area located in the center of the complex.
5. All exterior lighting resulting from this project shall be designed (aimed down and towards the site) to provide adequate illumination without a glaring effect.
6. Prior to development, a landscaping plan indicating the type of plants, initial plant size, location and method of irrigation shall be submitted and approved by the County Planning Director. Landscaping plans shall include the planting of deciduous trees on the south and westerly facing sides of buildings. The landscaping shall be installed prior to occupancy.
7. The applicant or subsequent property owner shall be responsible for maintaining the landscape plants in a healthy and attractive condition. Dead or dying plants shall be replaced with materials of equal size and similar variety.

8. Prior to the occupancy of the property with the approved use the owner/developer shall coordinate with a solid waste disposal service for the pick-up of recycled waste products. Individual waste containers for paper/plastic and cans/bottles shall be placed at convenient locations on the subject site to encourage the recycling of waste products.
9. Should any archeological or human remains be discovered during development, work shall be immediately halted within 150 feet of the find until it can be evaluated by a qualified archeologist. If the find is determined to be historically or culturally significant, appropriate mitigation measures to protect and preserve the resource shall be formulated and implemented.
10. Unless found to be exempt by the sponsoring agency the 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 the building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
11. Unless found to be exempt by the sponsoring agency, prior to the issuance of a building permit for a dwelling, the owner/developer shall pay a fee of \$339.00 per dwelling unit to the Stanislaus County Sheriff's Department.
12. Unless found to be exempt by the sponsoring agency, prior to the issuance of a building permit for any construction, the owner/developer shall pay all applicable school fees at the rate in effect at the time of building permit issuance.
13. Prior to the issuance of the Notice of Determination, the applicant shall pay, within five working days of Planning Commission approval, a filing fee of \$50.00 to "Stanislaus County Clerk/Recorder" care of the Planning Department. Should the "De Minimis" finding be found invalid for any reason, the applicant/developer shall be responsible for payment of Department of Fish and Game Fees.
14. The applicant is required to defend, indemnify, or hold harmless the County, its officers and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.

Department of Public Works

15. The owners shall dedicate a 10 foot wide public utility easement along the frontage of South Avenue adjacent to the right-of-way line prior to the issuance of any building permit.

16. Prior to final and/or occupancy of the property with the approved use, street improvements shall be installed along the entire frontage of the property on South Avenue. The improvements shall include, but not be limited to, curb, gutter, sidewalk, drainage facilities, street lights, signs, pavement markings, and street pavement.
17. There shall be no parking, loading or unloading of vehicles associated with this use in the South Avenue right-of-way.
18. Off-site street improvement plans shall be prepared by a registered civil engineer and approved by the Department of Public Works prior to the issuance of any building permits.
19. Driveway locations and widths shall be approved by the Department of Public Works.
20. A Grading and Drainage Plan for the entire property shall be designed to meet the requirements of the County's "Standards and Specifications, 1998 Edition". Percolation test results must be included in the required engineering calculations. The plan shall be approved by the Department of Public Works prior to the issuance of any building permits. The storm drainage system shall be installed prior to occupancy of any buildings.
21. The owners shall dedicate sufficient right-of-way to Stanislaus County to provide for 30 feet south of the centerline of South Avenue.
22. Prior to the issuance of any building permits, the entire parcel shall be annexed to the Empire Highway Lighting District. The developer shall provide all required documents and pay all costs associated with the annexation. In addition, the developer shall pay the first years operating and maintenance cost of the street lights.

San Joaquin Valley Air Pollution Control District

23. All construction resulting from the proposed project shall comply with the standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District.
24. Owner/developer shall provide low nitrogen oxide (NOX) emitting and/or high efficiency water heaters for the units.
25. Unless found to be exempt by the sponsoring agency, energy efficient design including automated control systems for heating/air conditioning and energy efficient lighting controls and energy efficient lighting in buildings. Increased insulation beyond Title 24 requirements, and light-colored roofs to reflect heat shall be required.
26. If transit is available to the project site, improvements should be made to encourage residents to use it. If transit service is not currently available, but planned for the future, appropriate easements should be reserved to provide for future improvements such as bus turn-outs, loading areas and shelters.

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Conditions of Approval
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27. Sidewalks and bike paths should be installed throughout as much of the project as possible and should be connected to any nearby open-space areas, parks, schools, commercial areas, etc.

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FINDINGS FOR APPROVAL

USE PERMIT APPLICATION NO. 2000-08 STANISLAUS COUNTY HOUSING AUTHORITY

FINDINGS

These findings must be made by the Planning Commission in order to approve the project:

1. The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "Low Density Residential" and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County. Certain conditions have been added to ensure that the impact from this project is minimal.
2. The establishment as proposed will not be substantially detrimental to or in conflict with rural residential and/or agricultural uses of other property in the vicinity, and the parcel on which such use is requested is of diminished agricultural importance because of size, shape, location orientation, soil type or relationship to existing adjacent usage or the character of the use which is requested is such that the land may reasonably be returned to agricultural use in the future.
3. The project is not likely to cause substantial environmental damage, because this site is not identified as having endangered plant or animal habitat as noted on the Natural Diversity Data Base Maps of the Stanislaus County General Plan Support Documentation.

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

NOTICE OF EXEMPTION

Project Title: General Plan Amendment and Rezone Application No. PLN2018-0087 – Empire Migrant Center Housing Project

Applicant Information: Housing Authority of the County of Stanislaus

Project Location: 5132 South Avenue, on the south side of Santa Fe Avenue, in the Community of Empire. Stanislaus County APN: 009-020-028.

Description of Project: Request to amend the general plan and zoning designation of a 7.63 acre site, from a Low Density Residential (LDR) and Rural Residential (R-A) to Planned Development (PD), to allow the Empire Migrant Farm Worker Center, operated by the Housing Authority of the County of Stanislaus (HACS), to be utilized as a cold weather emergency shelter (less than 6 months) to temporarily house homeless families.

Name of Agency Approving Project: Stanislaus County Planning Commission

Lead Agency Contact Person: Kristin Doud, Senior Planner

Telephone: (209) 525-6330

Exempt Status: (check one)

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

Reasons why project is exempt: The project is considered Exempt under Section 15301 for *Existing Facilities* of the California Code of Regulations, which allows an exemption for the "...operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination." The project will be utilizing an existing migrant center during the off-season to temporarily house homeless families. No construction is proposed.

September 11, 2018 _____
Dated

Signature on file. _____
Kristin Doud
Senior Planner

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: GENERAL PLAN AND REZONE APPLICATION NO. PLN2018-0087 - EMPIRE MIGRANT CENTER HOUSING PROJECT

REFERRED TO:	RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS			
	2 WK	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 HOUSING AND COMMUNITY DEV	X	X		X							
CITY OF MODESTO	X	X	X				X		X		X
COOPERATIVE EXTENSION	X	X		X							
FIRE PROTECTION DIST: STANISLAUS CONSOLIDATED	X	X		X							
HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS	X	X	X				X		X		X
IRRIGATION DISTRICT: MODESTO	X	X	X				X		X		X
MOSQUITO DISTRICT: EASTSIDE	X	X									
MT VALLEY EMERGENCY MEDICAL	X	X									
MUNICIPAL ADVISORY COUNCIL: EMPIRE	X	X									
PACIFIC GAS & ELECTRIC	X	X									
RAILROAD: BURLINGTON NORTHERN SANTA FE	X	X									
SAN JOAQUIN VALLEY APCD	X	X									
SCHOOL DISTRICT 1: EMPIRE UNION	X	X									
SCHOOL DISTRICT 2: MODESTO UNION	X	X									
STAN CO AG COMMISSIONER	X	X									
STAN CO ALUC	X	X									
STAN CO BUILDING PERMITS DIVISION	X	X									
STAN CO BHRS	X	X									
STAN CO CEO	X	X									
STAN CO CSA	X	X									
STAN CO DER	X	X									
STAN CO ERC	X	X	X				X		X		X
STAN CO HAZARDOUS MATERIALS	X	X									
STAN CO PUBLIC WORKS	X	X	X				X		X		X
STAN CO SHERIFF	X	X									
STAN CO SUPERVISOR DIST #1: OLSEN	X	X									
STAN COUNTY COUNSEL	X	X									
STANISLAUS FIRE PREVENTION BUREAU	X	X									
STANISLAUS LAFCO	X	X									
SURROUNDING LAND OWNERS		X									
TELEPHONE COMPANY: AT&T	X	X									