



December 5, 2024

MEMO TO: Stanislaus County Planning Commission

FROM: Department of Planning and Community Development

SUBJECT: TIME EXTENSION FOR USE PERMIT NO. PLN2022-0020 – HALAL BUTCHER SHOP

PROJECT DESCRIPTION

This is a request for a one-year time extension to extend the life of the subject Use Permit from August 16, 2024, to August 16, 2025, with all approved Conditions of Approval remaining unchanged.

The Use Permit permitted a 4,000 square-foot suite located within an existing 29,040 square-foot warehouse building on a 1.07± acre parcel in the Industrial (M) zoning district, to be utilized for the slaughter of chickens, lambs, and goats. The property is located at 436 Mitchell Road, Suite F, between Hoover Avenue and Tenaya Drive, in the Modesto area. The project was approved by the Planning Commission on February 16, 2023. The Staff Report for the approved project can be found at the following web address: https://www.stancounty.com/planning/agenda/2023/02-16-2023/8_A.pdf.

DISCUSSION

Section 21.104.030(A) of the Stanislaus County Zoning Ordinance states that use permits shall be null and void 18 months from the date of approval, unless prior to the expiration date, the permit has been signed, and all Conditions of Approval have been met and either the property is being used for the purpose for which the permit was granted, or the landowner or developer has applied for all permits relating to project improvements, and the landowner or developer is working diligently to complete all project improvements. Section 21.104.030(A) of the Stanislaus County Zoning Ordinance also allows the Planning Commission to extend the expiration of any use permit for a period not exceeding one year upon application being made by the owner of the property, in writing prior to expiration of the permit or variance, provided the use is still a permitted use in the district in which it is proposed to be located.

Condition of Approval No. 9 of the subject Use Permit, required the applicant to have the private sewer visually inspected and have a Civil Engineer provide evidence that the proposed volume of waste generated will not exceed the capacity of the private lateral serving the site prior to applying for a building permit or business license. Additionally, Condition of Approval No. 17 required submittal of information regarding the proposed waste discharge to the City of Modesto's domestic sewer system to the City's Environmental Compliance staff for review and approval. While the applicant did submit a building permit for the tenant improvement within the required 18 months, it was not issued within that time frame. The delay in issuance of the

permit has been due to the requirements to meet Condition of Approval Nos. 9 and 17. The applicant has been working on meeting those conditions.

A time extension request was received on August 16, 2024, stating the applicant was requesting an extension to complete the Conditions of Approval and has reached out to an engineering firm to complete the required calculations (see Attachment A - *Applicant's Time Extension Request, received August 16, 2024*).

The request was circulated to responsible agencies, including those agencies that requested conditions of approval be placed on the approved project and neighboring landowners. The request was also circulated to the City of Modesto as the project site is located within the City of Modesto's Local Agency Formation Commission (LAFCO) adopted Sphere of Influence (SOI). As of the time this memo was prepared, no responses expressing opposition to the extension have been received.

ENVIRONMENTAL REVIEW

Under California law, a request for time extension of a project that previously was subject to review under the California Environmental Quality Act (CEQA) may be exempt from CEQA or may be evaluated under the provisions that may trigger subsequent or supplemental CEQA review (under Public Resources Code Section 21166 and CEQA Guidelines Section 15162). A Negative Declaration was adopted for this project on February 16, 2023. In order to trigger additional review when the project was previously approved with a Negative Declaration, a new significant environmental effect not previously evaluated must be identified. No new significant environmental effects have been identified and accordingly additional environmental review is not required for approval of the time extension (see Attachment C – *Environmental Review Referrals*).

RECOMMENDATION

1. Find there is no evidence of any significant changes involving this project since the time it was originally approved, which could trigger a significant environmental effect.
2. Grant a one-year time extension to extend the life of the subject Use Permit to August 16, 2025, with all approved Conditions of Approval remaining in effect.

PROPERTY OWNER AND REPRESENTATIVE INFORMATION

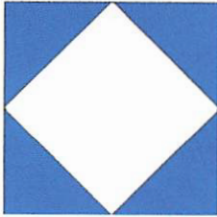
Applicant: Halal Butcher Shop (Taha Aezah)
Property Owner: Blandon Family Revocable Living Trust (Eduardo A. and Monica Blandon)
Agent: Ken Kaestner, Kaestner Architect

Contact Person: Teresa McDonald, Associate Planner, (209) 525-6330

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Attachments:

- Attachment A - Applicant's Time Extension Request, received August 16, 2024
- Attachment B - Conditions of Approval for Use Permit No. PLN2022-0020 – Halal Butcher Shop
- Attachment C - Environmental Review Referrals
- Attachment D - Levine Act Disclosure Statement



KAESTNER

ARCHITECT
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KKaestner@AOL.COM

MEMO CONDITIONS

Friday, August 16, 2024	
Pages Sent (w/Cover):	
PLN2022-0020	
Permit No. BLD2024-0399	

From: Kenneth Kaestner

To: TERESA McDONALD, ASSOC.
PLANNER

These are transmitted by: email

Comments:

436 MITCHELL RD, Modesto, CA, 95350

WE ARE REQUESTING AN EXTENTION FOR COMPLETING ITEMS 9, 17, 19, AND 20.
WE REACHED OUT TO GDR TO COMPLETE CALCULATIONS AND COMPLETING FORMS
REQUESTED.



TAHA AEZAH, TENANT



EDUARDO BLANDON, BUILDING OWNER

END OF COMMENTS

KEN KAESTNER

C:_Date Drive\2022 projects\HALAL BUTCHER\extension of permit.doc

As Approved by the Planning Commission
February 16, 2023

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. PLN2022-0020
HALAL BUTCHER SHOP**

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. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2014), the applicant is required to pay a California Department of Fish and Wildlife (formerly the Department of Fish and Game) fee at the time of filing a "Notice of Determination." Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **\$2,821.00**, made payable to **Stanislaus County**, for the payment of California Department of Fish and Wildlife and Clerk-Recorder filing fees.

Pursuant to Section 711.4 (e) (3) of the California Fish and Game Code, no project shall be operative, vested, or final, nor shall local government permits for the project be valid, until the filing fees required pursuant to this section are paid.
3. 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.
4. 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.
5. 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.

6. 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.
7. The applicant shall obtain and maintain a valid Stanislaus County Business License for the facility. Prior to issuance, the applicant shall obtain all necessary permits from the California Department of Food and Agriculture and/or the United States Department of Agriculture.
8. No operations shall be conducted on any premises in such a manner as to cause an unreasonable amount of noise, odor, dust, smoke, vibration, or electrical interference detectable off the site.
9. Prior to submitting an application for a building permit or business license for the proposed use, the applicant shall have the private sewer visually inspected and have a Civil Engineer provide evidence that the proposed volume of waste generated will not exceed the capacity of the private lateral serving the site.

Department of Environmental Resources (DER)

10. The applicant shall contact DER regarding appropriate permitting requirements for hazardous materials and/or wastes. Applicant and/or occupants handling hazardous materials or generating hazardous wastes must notify DER relative to the following: (Calif. H&S, Division 20)
 - a. Submittal of hazardous materials business information into the California Electronic Reporting System (CERS) by handlers of materials in excess of 55 gallons, 500 pounds of a hazardous material, or of 200 cubic feet of compressed gas.
11. Generators of hazardous waste must notify DER relative to the: (1) quantity of waste generated; (2) plans for reducing wastes generated; and (3) proposed waste disposal practices. Generators of hazardous waste must also use the CERS data base to submit chemical and facility information to the DER.
12. Generators of hazardous waste must apply for and maintain an active state or federal EPA ID number from the Department of Toxic Substances Control (DTSC) using Permanent State ID Number Application DTSC Form 1358.
13. Prior to issuance of a building permit, plans and specifications for the proposed food facility shall be submitted to DER for review and approval in accordance with California Retail Food Code §114380.
14. If the installation of a grease interceptor is required by the City of Modesto, it shall not be located in a food or utensil handling area. (California Retail Food Code §114201).

Building Permits Division

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

16. The building's plumbing and drainage system shall be in accordance with Section(s) 717.2, 724, 1010, 1010.2, and 1010.5 of the 2019 California Plumbing Code.

City of Modesto

17. Prior to issuance of a building permit or business license, information regarding the proposed waste discharge to the City's domestic sewer system shall be submitted to City of Modesto Environmental Compliance staff for review and approval.
18. Signage shall comply with Title 10, Chapter 6, of the Modesto Municipal Code.

San Joaquin Valley Air Pollution Control District (District)

19. Prior to the start of construction, the property owner/operator shall contact the District to determine if any District permits or if any other District rules or permits are required, including, but not limited to, an Authority to Construct (ATC) for construction or demolition of structures. The project may also be subject to the following District rules: Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources, Rule 9510 - Indirect Source Review (ISR), Rule 4002 (National Emission Standards for Hazardous Air Pollutants), Rule 4601 (Architectural Coatings), Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

California Regional Water Quality Control Board (RWQCB)

20. The applicant shall contact and coordinate with the Regional Water Quality Control Board to determine if any permits or Water Board requirements shall be obtained.

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 will be in bold font, and deleted wording will be in strikethrough text.

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: TE FOR UP APPLICATION NO. PLN2022-0020 - HALAL BUTCHER SHOP

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 RWQCB CENTRAL VALLEY REGION	X	X		X							
CITY OF: MODESTO	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X		X							
STAN CO ALUC	X	X		X							
STAN CO BUILDING PERMITS DIVISION	X	X		X							
STAN CO DER	X	X	X				X		X		X
STAN CO HAZARDOUS MATERIALS	X	X	X				X		X		X
SURROUNDING LAND OWNERS		X		X							

**COUNTY OF STANISLAUS CAMPAIGN CONTRIBUTION DISCLOSURE FORM
PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT**

Application Number: pln2022-0020, bld2024-0399
 Application Title: halal butcher
 Application Address: 436 mitchell rd, ste f
 Application APN: 036-001-83

Was a campaign contribution, regardless of the dollar amount, made to any member of a decision-making body involved in making a determination regarding the above application (i.e. Stanislaus County Board of Supervisors, Planning Commission, Airport Land Use Commission, or Building Code Appeals Board), hereinafter referred to as Member, during the 12-month period preceding the filing of the application, by the applicant, property owner, or, if applicable, any of the applicant's proposed subcontractors or the applicant's agent or lobbyist?

Yes No

If no, please sign and date below.

If yes, please provide the following information:

Applicant's Name: _____

Contributor or Contributor Firm's Name: _____

Contributor or Contributor Firm's Address: _____

Is the Contributor:

The Applicant	Yes <input type="checkbox"/>	No <input type="checkbox"/>
The Property Owner	Yes <input type="checkbox"/>	No <input type="checkbox"/>
The Subcontractor	Yes <input type="checkbox"/>	No <input type="checkbox"/>
The Applicant's Agent/ Lobbyist	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Note: Under California law as implemented by the Fair Political Practices Commission, campaign contributions made by the Applicant and the Applicant's agent/lobbyist who is representing the Applicant in this application or solicitation must be aggregated together to determine the total campaign contribution made by the Applicant.

Identify the Member(s) to whom you, the property owner, your subcontractors, and/or agent/lobbyist made campaign contributions during the 12-month period preceding the filing of the application, the name of the contributor, the dates of contribution(s) and dollar amount of the contribution. Each date must include the exact month, day, and year of the contribution.

Name of Member: _____

Name of Contributor: _____

Date(s) of Contribution(s): _____

Amount(s): _____

(Please add an additional sheet(s) to identify additional Member(s) to whom you, the property owner, your subconsultants, and/or agent/lobbyist made campaign contributions)

By signing below, I certify that the statements made herein are true and correct. I also agree to disclose to the County any future contributions made to Member(s) by the applicant, property owner, or, if applicable, any of the applicant's proposed subcontractors or the applicant's agent or lobbyist after the date of signing this disclosure form, and within 12 months following the approval, renewal, or extension of the requested license, permit, or entitlement to use _____

10.28.2024

Date

kaestner architect

Print Firm Name if applicable

11/14/2024

Signature of Applicant

ken kaestner

Print Name of Applicant

EDUARDO BLANDON

OWNER

BLANDON FAMILY LIVING TRUST

OWNER