



Referral
Early Consultation

Date: September 23, 2024
To: Distribution List (See Attachment A)
From: Teresa McDonald, Associate Planner
Planning and Community Development
Subject: TIME EXTENSION FOR USE PERMIT APPLICATION NO. PLN2022-0020 – HALAL BUTCHER SHOP
Respond By: October 08, 2024

****PLEASE REVIEW REFERRAL PROCESS POLICY****

The Stanislaus County Department of Planning and Community Development is soliciting comments from responsible agencies under the Early Consultation process to determine: a) whether or not the project is subject to CEQA and b) if specific conditions should be placed upon project approval.

Therefore, please contact this office by the response date if you have any comments pertaining to the proposal. Comments made identifying potential impacts should be as specific as possible and should be based on supporting data (e.g., traffic counts, expected pollutant levels, etc.). Your comments should emphasize potential impacts in areas which your agency has expertise and/or jurisdictional responsibilities.

These comments will assist our Department in preparing a staff report to present to the Planning Commission. Those reports will contain our recommendations for approval or denial. They will also contain recommended conditions to be required should the project be approved. Therefore, please list any conditions that you wish to have included for presentation to the Commission as well as any other comments you may have. Please return all comments and/or conditions as soon as possible or no later than the response date referenced above.

Thank you for your cooperation. Please call (209) 525-6330 if you have any questions.

Applicant: Taha Aezah, Halal Butcher Shop
Project Location: 436 Mitchell Road, Suite F, between Hoover Avenue and Tenaya Drive, in the Modesto area.
APN: 036-001-083
Williamson Act Contract: N/A
General Plan: Industrial
Current Zoning: Industrial (M)

Project Description: Request for a one-year time extension for Use Permit No. PLN2022-0020 – Halal Butcher Shop, approved by the Planning Commission on February 16, 2023, to utilize a 4,000 square-foot suite, within an existing 29,040 square-foot warehouse building, for the slaughter of chickens, lambs, and goats on a 1.07-acre parcel in the Industrial (M) zoning district. Pursuant to County Code Section 21.104.030, in order for a Use Permit to be activated, all conditions of approval of the use permit must be met or a building permit obtained within 18 months of project approval, unless the Planning Commission approves an extension. The applicant has requested a one-year extension to complete the conditions of approval required to be met prior to issuance of a building permit. If approved, the Use Permit would have a new expiration date of August 16, 2025.

Full document with attachments available for viewing at:
http://www.stancounty.com/planning/pl/act-projects.shtm



TIME EXTENSION FOR USE PERMIT APPLICATION NO. PLN2022-0020 – HALAL BUTCHER SHOP
Attachment A

Distribution List

	CA DEPT OF CONSERVATION Land Resources / Mine Reclamation	X	STAN CO ALUC
	CA DEPT OF FISH & WILDLIFE		STAN CO ANIMAL SERVICES
	CA DEPT OF FORESTRY (CAL FIRE)	X	STAN CO BUILDING PERMITS DIVISION
	CA DEPT OF TRANSPORTATION DIST 10		STAN CO CEO
	CA OPR STATE CLEARINGHOUSE		STAN CO CSA
X	CA RWQCB CENTRAL VALLEY REGION	X	STAN CO DER
	CA STATE LANDS COMMISSION		STAN CO ERC
	CEMETERY DISTRICT		STAN CO FARM BUREAU
	CENTRAL VALLEY FLOOD PROTECTION	X	STAN CO HAZARDOUS MATERIALS
X	CITY OF: MODESTO		STAN CO PARKS & RECREATION
	COMMUNITY SERVICES DIST:		STAN CO PUBLIC WORKS
	COOPERATIVE EXTENSION		STAN CO RISK MANAGEMENT
	COUNTY OF:		STAN CO SHERIFF
	DER GROUNDWATER RESOURCES DIVISION		STAN CO SUPERVISOR DIST 5: C. CONDIT
	FIRE PROTECTION DIST: STANISLAUS CONSOLIDATED		STAN COUNTY COUNSEL
	GSA: STRGBA		StanCOG
	HOSPITAL DIST:		STANISLAUS FIRE PREVENTION BUREAU
	IRRIGATION DIST: MODESTO		STANISLAUS LAFCO
	MOSQUITO DIST: EASTSIDE		STATE OF CA SWRCB DIVISION OF DRINKING WATER DIST. 10
	MOUNTAIN VALLEY EMERGENCY MEDICAL SERVICES		SURROUNDING LAND OWNERS
	MUNICIPAL ADVISORY COUNCIL:		TELEPHONE COMPANY: AT&T
	PACIFIC GAS & ELECTRIC		TRIBAL CONTACTS (CA Government Code §65352.3)
	POSTMASTER:		US ARMY CORPS OF ENGINEERS
	RAILROAD: MODESTO & EMPIRE TRACTION CO		US FISH & WILDLIFE
X	SAN JOAQUIN VALLEY APCD		US MILITARY (SB 1462) (7 agencies)
	SCHOOL DIST 1: MODESTO UNION		USDA NRCS
	SCHOOL DIST 2:		WATER DIST:
	WORKFORCE DEVELOPMENT		UNITED STATES DEPARTMENT OF AGRICULTURE
	STAN CO AG COMMISSIONER		CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE
	TUOLUMNE RIVER TRUST		

**STANISLAUS COUNTY
CEQA REFERRAL RESPONSE FORM**

TO: Stanislaus County Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

FROM: _____

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

Based on this agency's particular field(s) of expertise, it is our position the above described project:

- _____ Will not have a significant effect on the environment.
- _____ May have a significant effect on the environment.
- _____ No Comments.

Listed below are specific impacts which support our determination (e.g., traffic general, carrying capacity, soil types, air quality, etc.) – (attach additional sheet if necessary)

- 1.
- 2.
- 3.
- 4.

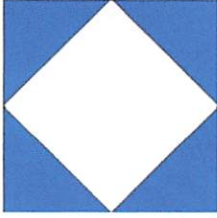
Listed below are possible mitigation measures for the above-listed impacts: *PLEASE BE SURE TO INCLUDE WHEN THE MITIGATION OR CONDITION NEEDS TO BE IMPLEMENTED (PRIOR TO RECORDING A MAP, PRIOR TO ISSUANCE OF A BUILDING PERMIT, ETC.):*

- 1.
- 2.
- 3.
- 4.

In addition, our agency has the following comments (attach additional sheets if necessary).

Response prepared by:

Name Title Date



KAESTNER

ARCHITECT
PO BOX 1777
EMPIRE, CA. 95319
(209) 577-2753
C-13523
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

STANISLAUS COUNTY PLANNING COMMISSION

February 16, 2023

STAFF REPORT

USE PERMIT APPLICATION NO. PLN2022-0020 HALAL BUTCHER SHOP

REQUEST: REQUEST TO UTILIZE A 4,000 SQUARE-FOOT SUITE, LOCATED WITHIN AN EXISTING 29,040 SQUARE-FOOT WAREHOUSE BUILDING, FOR THE SLAUGHTER OF CHICKENS, LAMBS, AND GOATS IN THE INDUSTRIAL (M) ZONING DISTRICT.

APPLICATION INFORMATION

Applicant:	Taha Aezah, Halal Butcher Shop
Property owner:	Blandon Family Revocable Living Trust (Eduardo A. and Monica Blandon)
Agent:	Ken Kaestner, Kaestner Architect
Location:	436 Mitchell Road, Suite F, between Hoover Avenue and Tenaya Drive, in the Modesto area.
Section, Township, Range:	35-3-9
Supervisory District:	District Five (Supervisor C. Condit)
Assessor's Parcel:	036-001-083
Referrals:	See Exhibit G Environmental Review Referrals
Area of Parcel(s):	1.07± acres
Water Supply:	City of Modesto
Sewage Disposal:	City of Modesto
General Plan Designation:	Industrial
Community Plan Designation:	N/A
Existing Zoning:	Industrial (M)
Sphere of Influence:	Modesto
Williamson Act Contract No.:	N/A
Environmental Review:	Negative Declaration
Present Land Use:	Industrial warehouse
Surrounding Land Use:	Industrial uses surround the site on all sides; and the Modesto City-County Airport to the south.

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 the findings required for project approval.

PROJECT DESCRIPTION

The project is a request to utilize a 4,000 square-foot suite, located within an existing 29,040 square-foot warehouse building, for the slaughter of chickens, lambs, and goats in the Industrial (M) zoning district.

The proposed hours of operation are seven days a week from 8:00 a.m. to 5:00 p.m. with three employees on a maximum shift. Outside of normal business hours, up to two employees may be on-site for cleaning. Additionally, the applicant proposes a maximum of one daily truck trip (for either the delivery of live animals or for the pickup of animal waste) and up to 15 daily customers, (with up to three expected on-site at one time). Approximately 202 gross square-feet of the suite will be used for the retail sales area. The project site has three dedicated parking spaces outside, and three parking spaces inside the facility. The indoor parking spaces will be utilized by the employees and delivery trucks, with one vehicle expected to be parked inside the facility on a daily basis. Live animals will be delivered by local ranches in the morning between 7:00 a.m. and 11:00 a.m., approximately twice a week by truck and will be kept within cages inside the building. The trucks will park inside the facility, out of public view, before being unloaded. Up to two goats, two lambs, and 20 live chickens are expected on-site at any one time.

An estimated three to four chickens are expected to be slaughtered per day (excluding Fridays), not exceeding 1,000 per year. Approximately two to three goats and/or lambs may be slaughtered per week, not exceeding 130 per year. The slaughter of the animals will occur, as needed, depending on customer orders. Animals are estimated to be on-site for up to 24 hours prior to slaughter. After the animals are slaughtered, they will be butchered into retail cuts, packaged for sale, then stored in the deli case until they are picked up by the customer. The animal waste or offal (e.g., feathers, blood, organs, and hides) will be frozen and held in a large chest freezer and delivered to or picked up, as needed, by Darling Ingredients. Rinse water used during production will be filtered and passed through a grease interceptor before draining into the sewer system. Interior tenant improvements will separate the existing suite into areas for animal holding, slaughter, cleaning and packaging, and sales. Equipment utilized during the slaughtering and packaging process will consist of hand tools, knives, saws, a slicer, defeathering machine, and pressure washer for cleaning and sanitization. Exhaust fans will be utilized to limit odor. Proposed signage will consist of one sign affixed to the front of the building, which will be required to comply with the City of Modesto's standards. A permit from the California Department of Food and Agriculture and/or United States Department of Agriculture will be required, which involves inspections that verify proper sanitization and disposal.

SITE DESCRIPTION

The project site is located on a 1.07± acre parcel at 436 Mitchell Road, between Hoover Avenue and Tenaya Drive, in the Modesto area. The site is currently improved with an existing 29,040 square-foot suited warehouse with five suites and a paved parking lot with 33 parking spaces. The subject 4,000 square-foot suite is not currently occupied. The remaining suites are occupied by a mechanic, cabinet maker, mushroom grower, and commercial laundromat. The site has access to County-maintained Mitchell Road via a 30-foot-wide access easement located on the adjacent parcel to the south and is served by the City of Modesto for water and sewer.

Industrial uses surround the site on all sides and the Modesto City-County Airport is located approximately 0.08± miles to the south. The site is located within the City of Modesto's Local Agency Formation Commission (LAFCO) adopted Sphere of Influence (SOI).

ISSUES

In response to the Notice of Intent to Adopt a Negative Declaration sent to surrounding landowners, a letter of opposition was received from Michael G. Ruddy, Jr. (see Exhibit F – *Letter of Opposition, dated October 17, 2022*). Mr. Ruddy is the Vice President and General Manager of Allied Concrete & Supply, which is located on the adjacent parcel to the east of the project site. The letter questioned whether the use is retail or wholesale and expressed concerns with the accuracy of the scope of the project provided in the project description, access issues, and potential traffic impacts and sewer pipeline capacity issues. The project had been scheduled for the November 3, 2022 Planning Commission meeting; however, in response to the concerns received, the project was continued indefinitely by the Planning Commission to allow the applicant time to verify legal access to a County-maintained road for the proposed use. Subsequently, a 30-foot-wide access easement was recorded on the adjacent parcel to the south as part of Lot Line Adjustment Application No. PLN2022-0113 - Allied Concrete & Supply Co. Inc. - Joe Ruddy Corporation, providing the project site legal access to Mitchell Road.

The applicant has also provided a copy of the lease agreement reflecting that the suite has three exterior parking spaces. Due to the site being located within Modesto's LAFCO adopted SOI, city parking standards are applicable. The City commented that the proposed project meets their parking requirements, taking into account the three indoor and three outdoor parking spaces. As the end product is distributed directly to the consumer, the proposed use is retail. While the Industrial (M) zoning district is the most permissive zoning district, and retail uses are permitted in the district, feed lots, stockyards, and the slaughter of animals or poultry require a use permit. The intensity of the use will be limited to what is provided in the project description. Regarding potential sewer issues, the City of Modesto did not respond with any concerns regarding potential sewer capacity issues, and the applicant stated high pressure water will be utilized to reduce the volume of water used. Additionally, a condition has been placed on the project requiring that the applicant 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.

GENERAL PLAN CONSISTENCY

Consistency with the goals, objectives, and policies of the various elements of the Stanislaus County General Plan must be evaluated when processing all discretionary project requests. The project site's General Plan designation of Industrial is intended to indicate areas for various forms of light or heavy industrial uses, including, but not limited to, manufacturing and warehousing. Generally, the Industrial designation shall be used in areas where public sewer and water are available or where the restrictions of the Planned Industrial designation are inappropriate. The existing Industrial (M) zoning district is consistent with the General Plan designation of Industrial.

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 the 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 development standards are necessary to ensure that development will comply with city development standards. Approval from a city does not preclude the County's decision-making bodies from exercising discretion, and it may either approve or deny the project. The project site lies within the LAFCO adopted SOI for the City of Modesto. The project was referred to the City of Modesto, who responded with a request that a

condition of approval be placed on the project requiring submittal of information to the City of Modesto's Environmental Compliance staff for review and approval regarding the proposed waste discharge to the City's domestic sewer system prior to building permit or business license issuance. This request has been added to the project as a condition of approval.

As required under Goal Two, Policy 12 of the Safety Element, development within areas protected by the Airport Land Use Commission Plan (ALUCP) shall only be approved if the proposed project is consistent with the adopted Plan. The project was referred to the Airport Land Use Commission (ALUC), who responded stating that the proposed use is compatible with the ALUCP provided that any construction consisting of a certain height or which involves potentially reflective materials shall be evaluated by the FAA through the FAR Part 77 process. As the project is located within an existing building and no exterior construction is proposed, the requirement is not applicable to this project.

Staff believes that the proposed project is consistent with the General Plan policies discussed above. The project site is already developed with an existing warehouse building, which is considered to be consistent with the Industrial land use designation.

ZONING ORDINANCE CONSISTENCY

The site is currently zoned Industrial (M) and the slaughter of animals or poultry in the Industrial zoning district requires a use permit in accordance with Chapter 21.60.030 of the Zoning Ordinance.

In order to approve a use permit, the Planning Commission shall make a 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.

Certain uses such as the incineration of garbage, manufacturing of cement, and the slaughter of animals have the potential to be harmful or create a nuisance. A use permit is required for these uses to allow for discretionary review of the project. This project will maintain zoning consistency by adhering to the development standards of the M zoning district and the Conditions of Approval incorporated into this Use Permit. Thus, staff believes the proposed project is consistent with the M zoning district.

ENVIRONMENTAL REVIEW

An environmental assessment for the project has been prepared in accordance with the California Environmental Quality Act (CEQA). The assessment included preparation of an Initial Study (see Exhibit D – *Initial Study*). Pursuant to CEQA, the proposed project was circulated to interested parties and responsible agencies for review and comment and no significant issues were raised (see Exhibit G – *Environmental Review Referrals*). A Negative Declaration has been prepared for approval prior to action on the project itself as the project will not have a significant effect on the environment (see Exhibit E – *Negative Declaration*). Conditions of approval reflecting referral responses have been placed on the project (see Exhibit C – *Conditions of Approval*).

Note: Pursuant to California Fish and Game Code Section 711.4, all project applicants subject to the California Environmental Quality Act (CEQA) shall pay a filing fee for each project; therefore, the applicant will further be required to pay **\$2,821.00** for the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and the Clerk-Recorder filing fees. The attached Conditions of Approval ensure that this will occur.

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

Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps, Site Plan, and Elevations
- Exhibit C - Conditions of Approval
- Exhibit D - Initial Study
- Exhibit E - Negative Declaration
- Exhibit F - Letter of Opposition, dated October 17, 2022
- Exhibit G - Environmental Review Referrals

Findings and Actions Required for Project Approval






1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis.
2. Order the filing of a Notice of Determination with Stanislaus County Clerk-Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find that:
 - a. 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.
4. Approve Use Permit Application No. PLN2022-0020 – Halal Butcher Shop, subject to the attached Conditions of Approval.

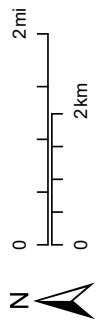
HALAL BUTCHER SHOP

UP
PLN2022-0020

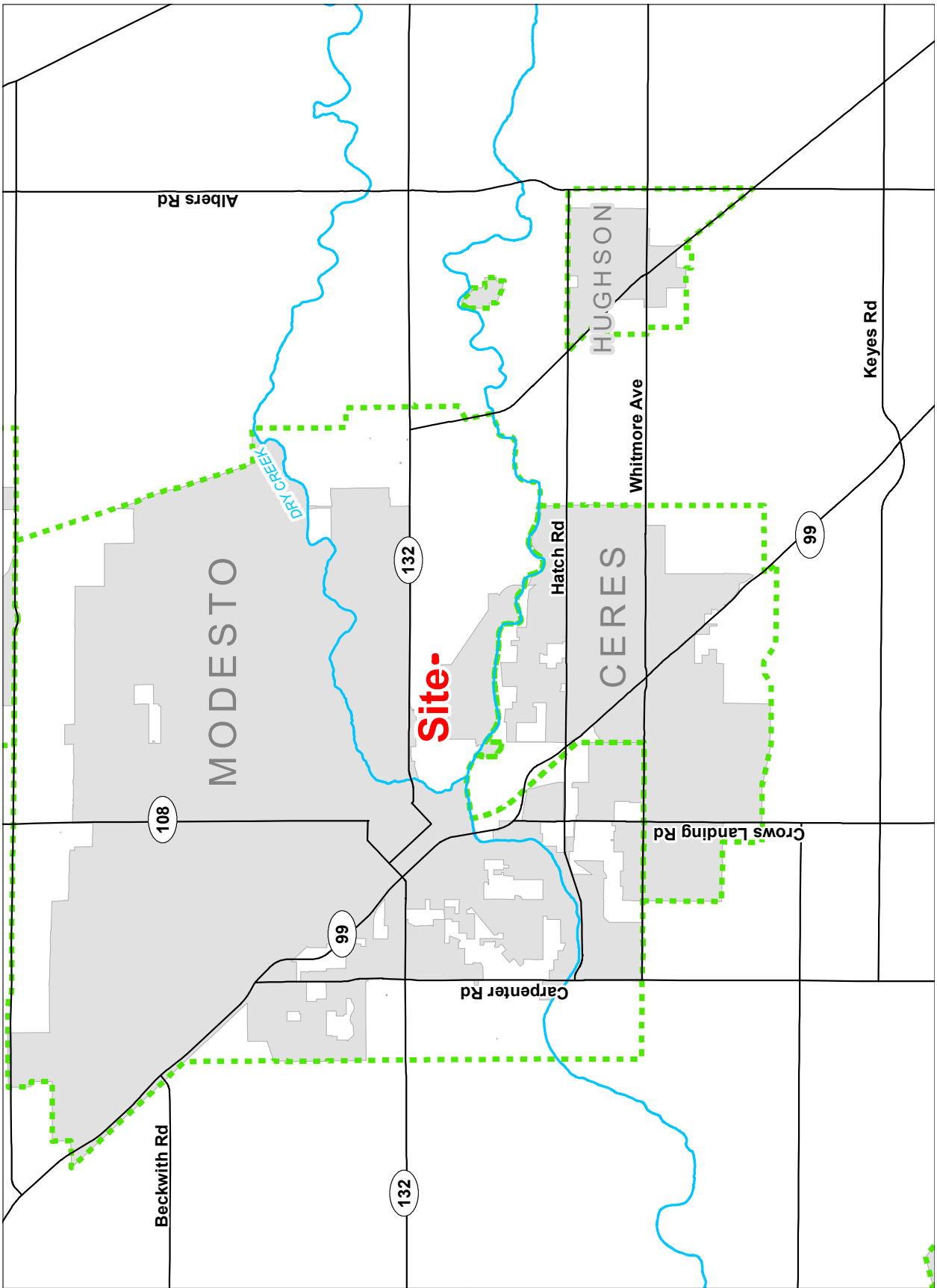
AREA MAP

LEGEND

-  Project Site
-  Sphere of Influence
-  City
-  Road
-  River



Source: Planning Department GIS Date: 6/15/2022

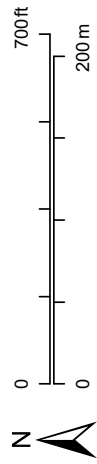


HALAL BUTCH SHOP UP PLN2022-0020

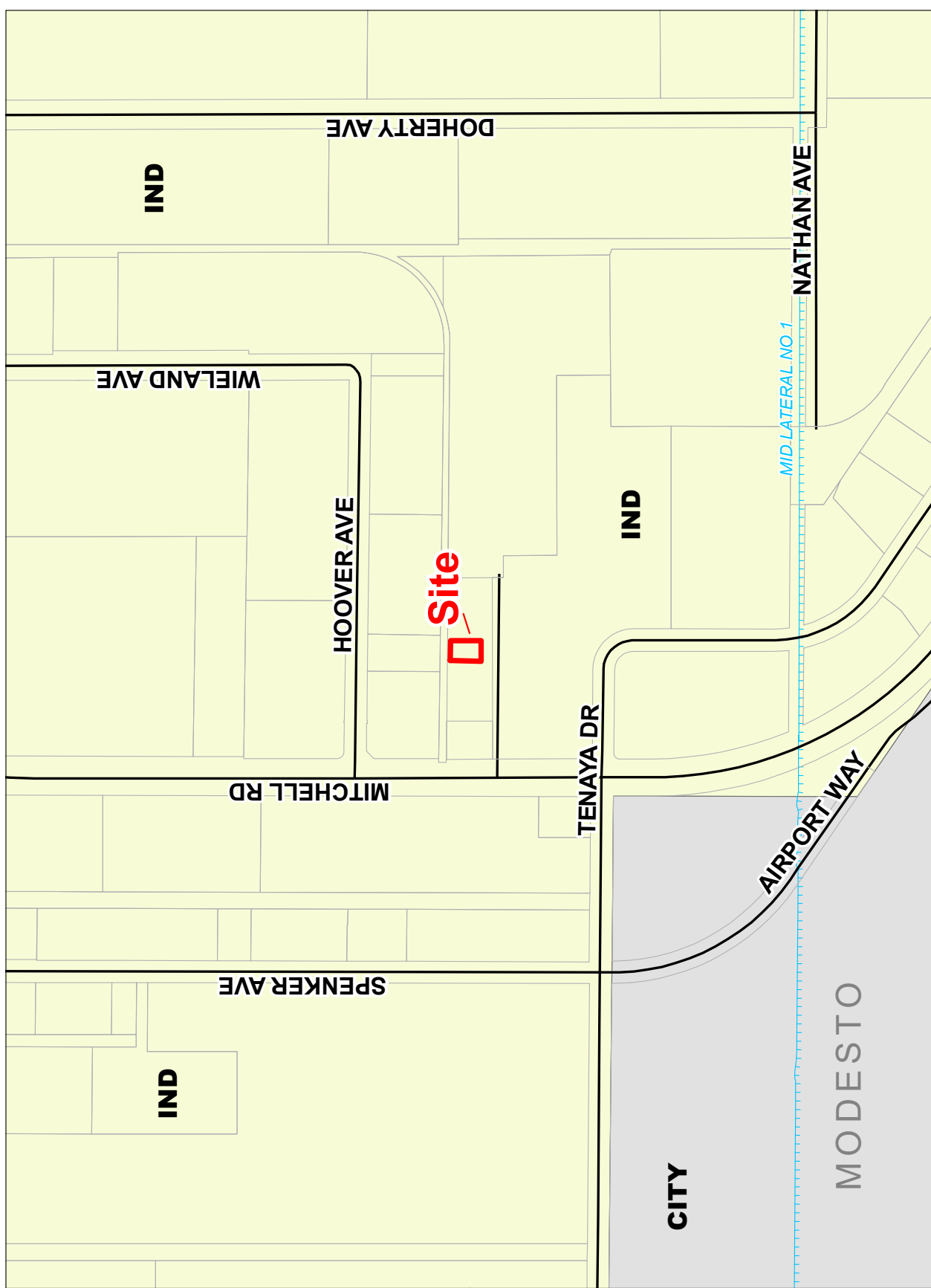
GENERAL PLAN MAP

LEGEND

- Project Site
- City of
- Parcel
- Road
- Canal
- General Plan**
- Industrial



Source: Planning Department GIS Date: 2/2/2023










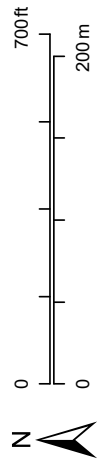
HALAL BUTCHER SHOP

UP
PLN2022-0020

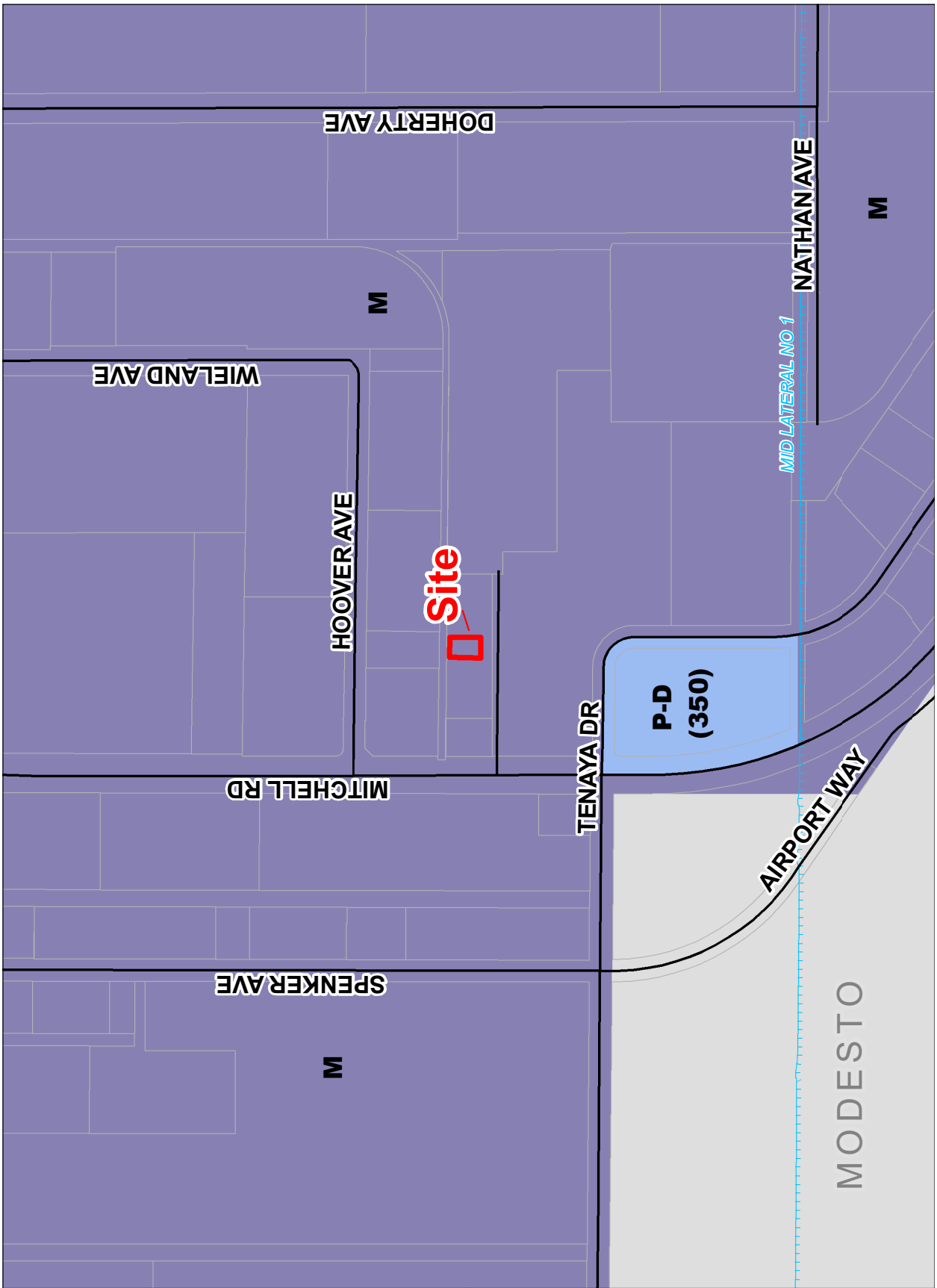
ZONING MAP

LEGEND

-  Project Site
 -  City of
 -  Parcel
 -  Road
 -  Canal
- Zoning Designation**
-  Industrial
 -  Planned Development






Source: Planning Department GIS Date: 2/2/2023

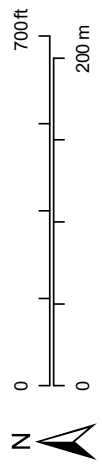


**HALAL BUTCHER
SHOP
UP
PLN2022-0020**

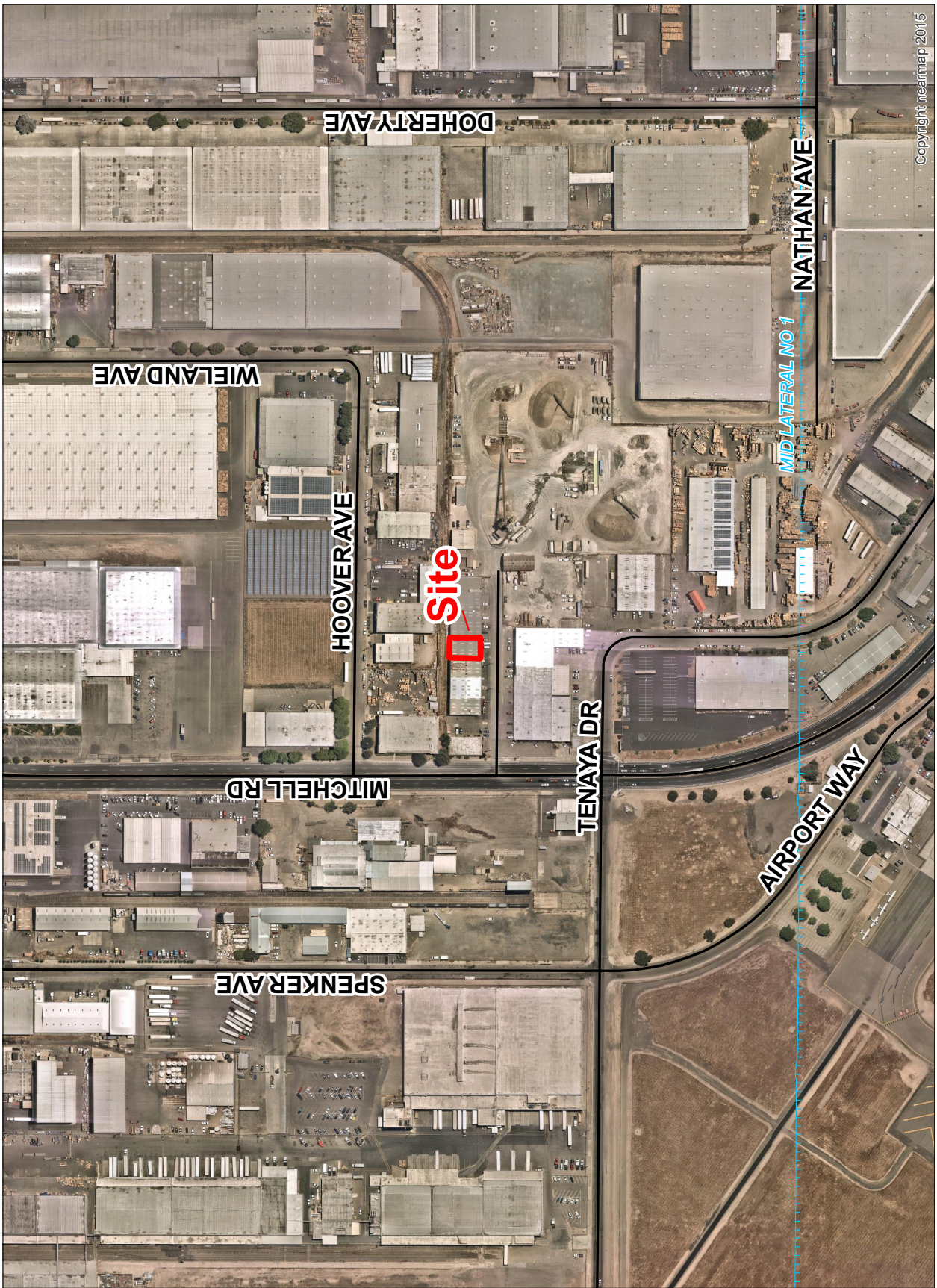
2021 AERIAL AREA MAP

LEGEND

-  Project Site
-  Road
-  Canal






Source: Planning Department GIS Date: 2/2/2023

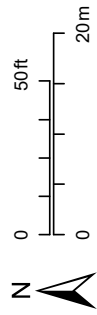


HALAL BUTCH SHOP UP PLN2022-0020

2021 AERIAL SITE MAP

LEGEND

-  Project Site
-  Road
-  Canal



Source: Planning Department GIS Date: 2/2/2023








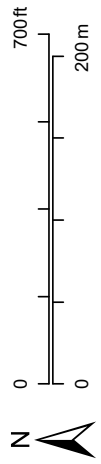
HALAL BUTCHER SHOP

UP
PLN2022-0020

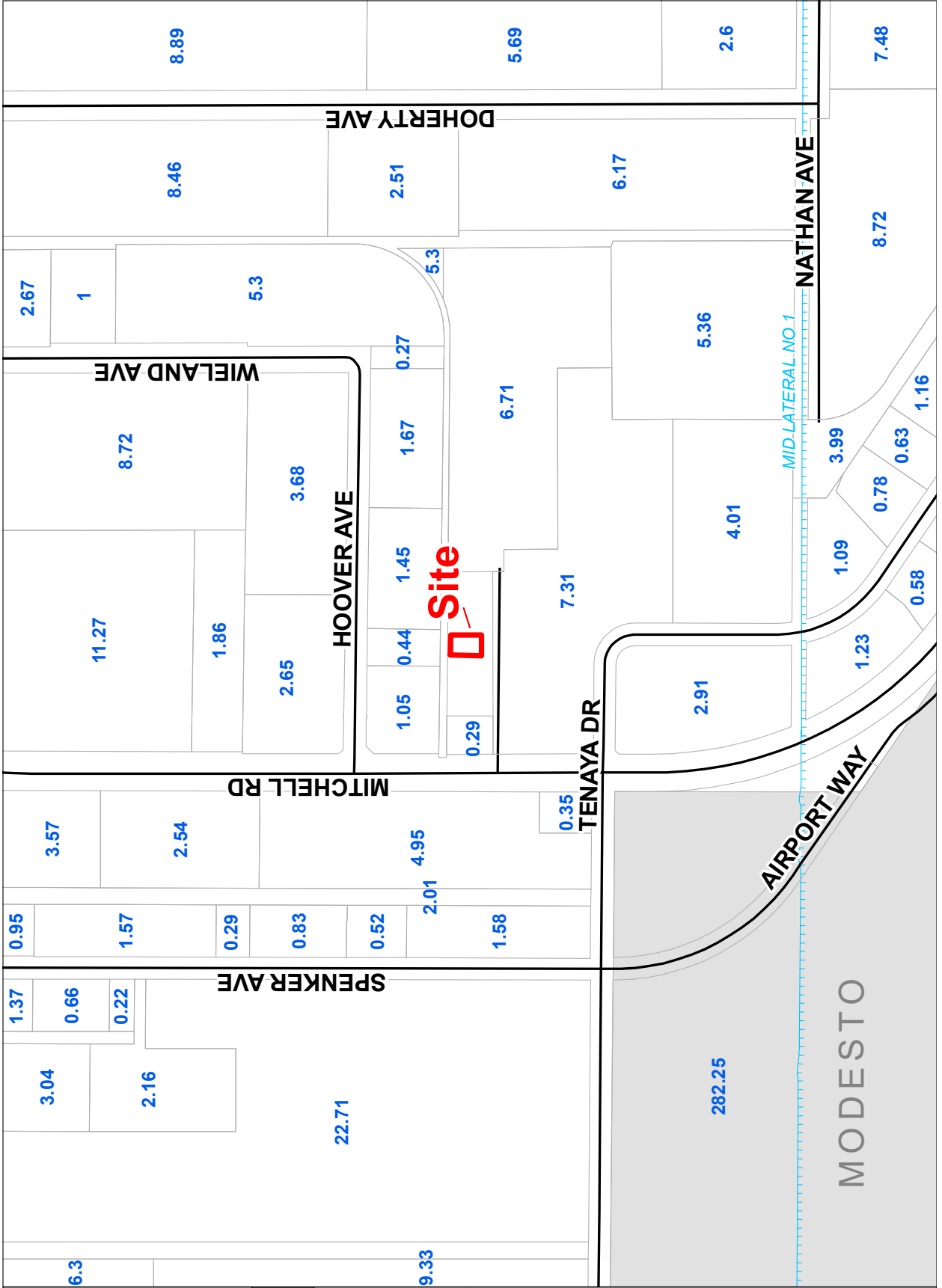
ACREAGE MAP

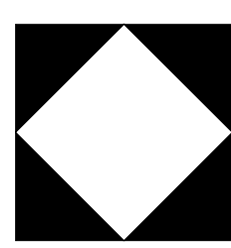
LEGEND

-  Project Site
-  City of
-  Parcel/Acres
-  Road
-  Canal



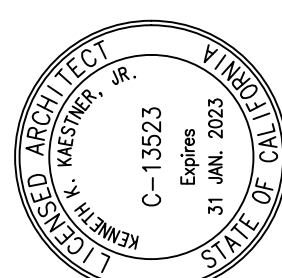
Source: Planning Department GIS Date: 2/2/2023





KAESTNER ARCHITECT
 1717 15th Street
 Empire, California 95319
 KENNETH K. KAESTNER, JR.
 (209) 450-0885
 E-Mail: kkaestner@aol.com

PLN2022-0020
APN: 036-001-83



THE SEAL OF ANY REGISTERED PROFESSIONAL ENGINEER OR ARCHITECT MAY NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE BOARD OF ARCHITECTURE, LICENSED PROFESSIONAL ENGINEERS AND LAND SURVEYORS, STATE OF CALIFORNIA.

PROJECT DATA:

REVISIONS	

PROJECT NUMBER:
 NATHAN
 FILENAME:
 DRAWN BY:
 KK
 CHECKED BY:
 KK

ISSUE DATE:
2/23/2022

**HALAL BUTCHER SHOP
 TENANT IMPROVEMENT
 SPACE F**
**436 MITCHELL ROAD, SPACE F
 MODESTO, CA 95354**

SHEET TITLE
SITE PLAN
 REV 2.02.2023
 SHEET NUMBER

CUP-1
 of #

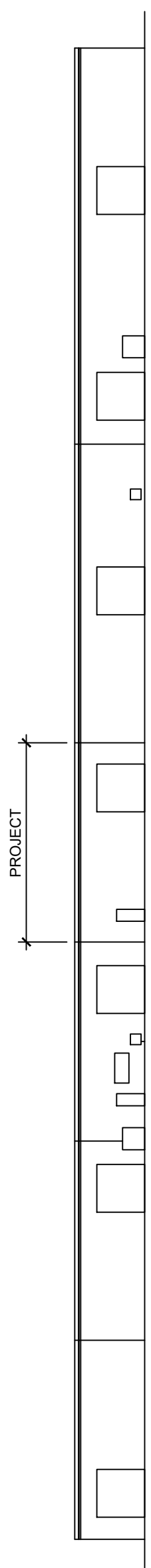
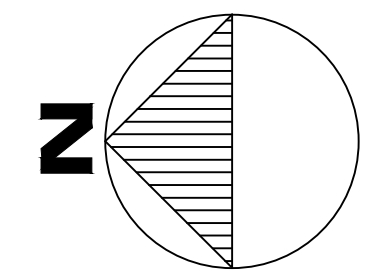
PROJECT DATA:
 PROJECT: HALAL BUTCHER SHOP
 ADDRESS: 436 MITCHELL ROAD, SPACE F
 MODESTO, CA 95354
 APN: 132-004-045
 BUILDING I:
 NAME: LIGHT INDUSTRIAL
 OCCUPANCY: A2B
 CONSTRUCTION TYPE: V-B
 PARKING: WHOLE SALE, 1500V-2, WAREHOUSE 12000-1

TABLE 803 ALLOWABLE BUILDING HEIGHTS AND AREAS:
 ALLOWABLE HEIGHT: 40 FT
 ALLOWABLE AREA: 9000 SF
 BUILDING AREA: 29440 SF
 ALLOWABLE STORIES: 2
 EXISTING HEIGHT: 20'-0"

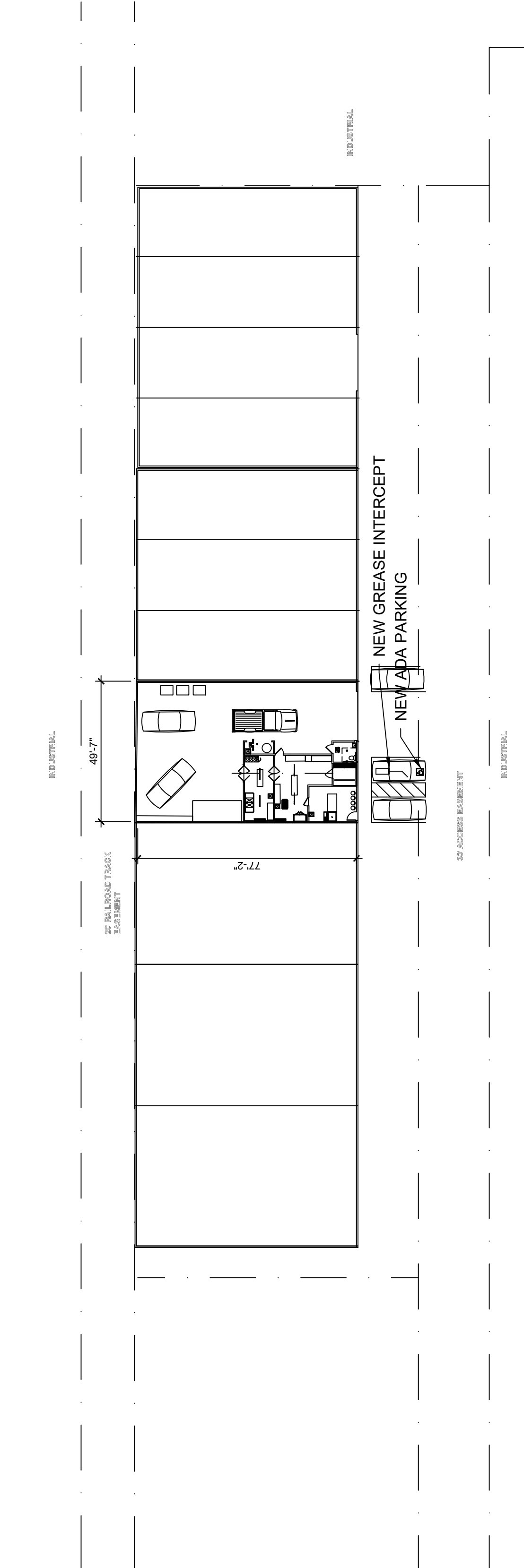
PROPOSED AREA LEASED: 4000 SF
 PROPOSED STORIES: 1
 FIRE SPRINKLERS: YES
 APPLICABLE CODE: 2019 CBC, OMC, CPC, CFC, CEC
 2019 CALGREEN CODE
 2019 CA ENERGY CODE

ARCHITECT/ELECTRICAL:
 KAESTNER ARCHITECT
 KEN KAESTNER
 EMPIRE, CA 95319
 209-450-0885

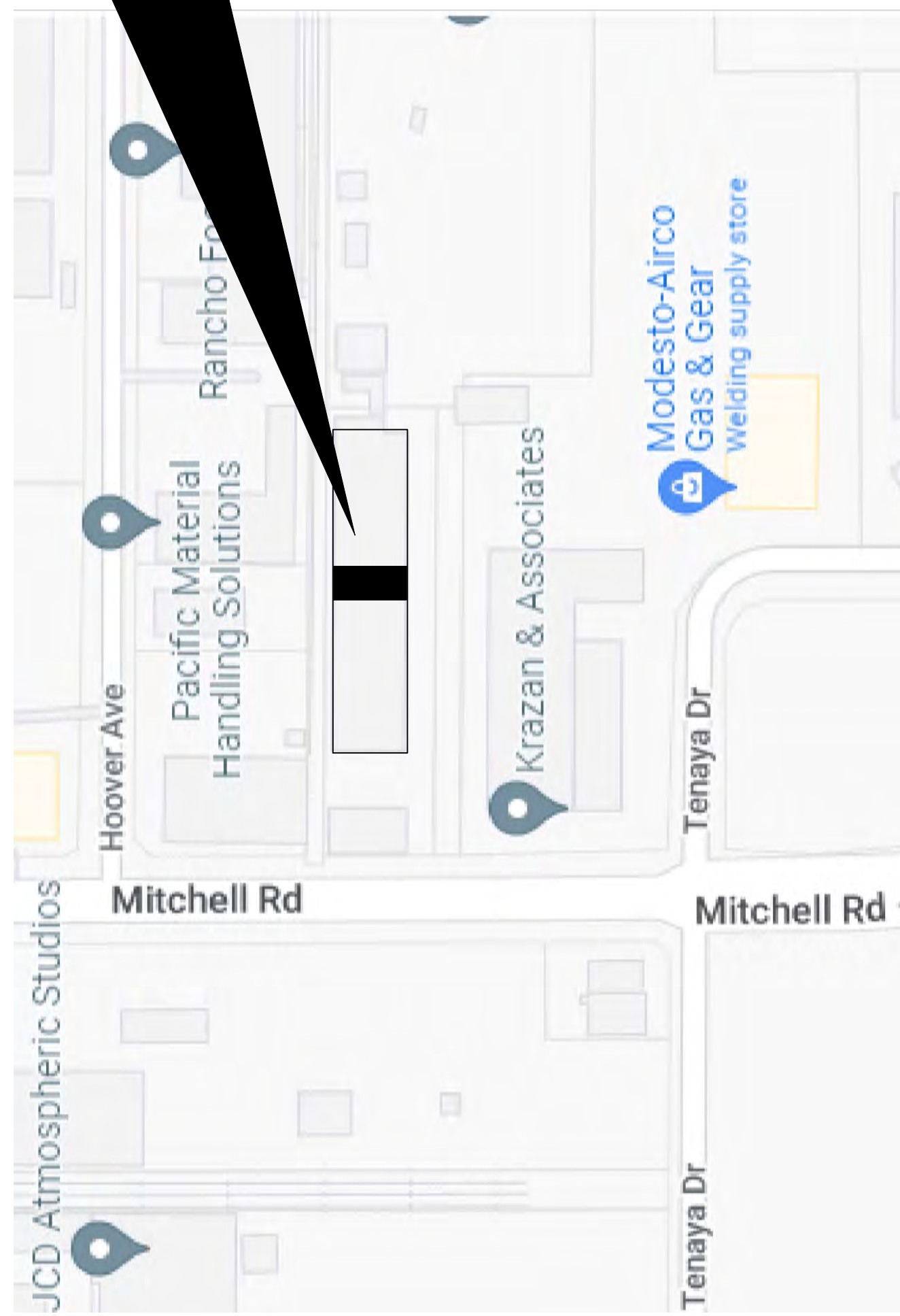
OWNER:
 TANA AEZAH
 1318 GARDEN AVE
 MODESTO, CA 95351



10 ELEVATION
 1/32" = 1'-0"



9 SITE PLAN
 1/32" = 1'-0"

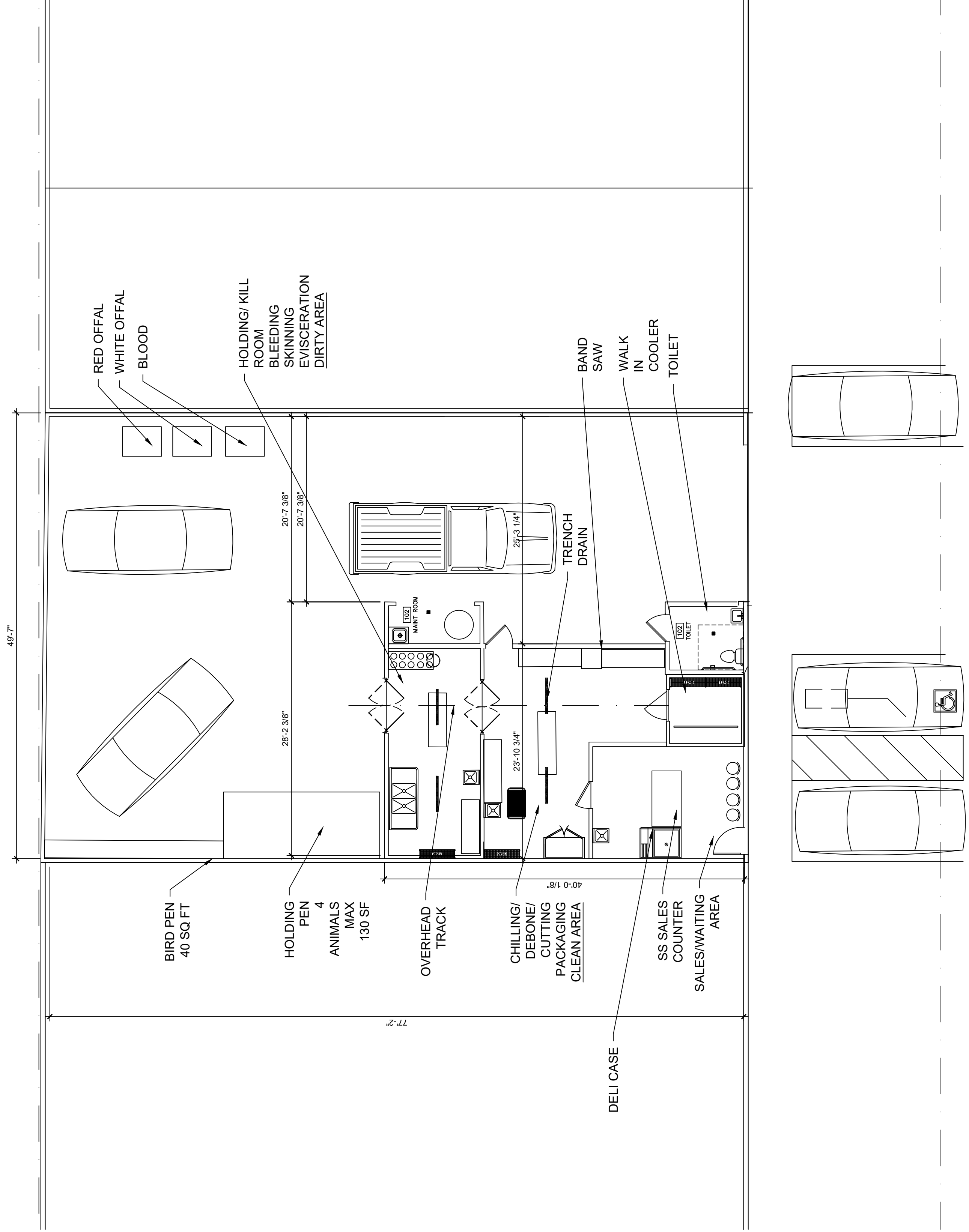


5 AREA MAP
 NTS

C:\Date Drive\2022 projects\HALAL BUTCHER\project files\ DATE: 2-02-23 12:01:36 PM

20' RAILROAD TRACK
EASEMENT

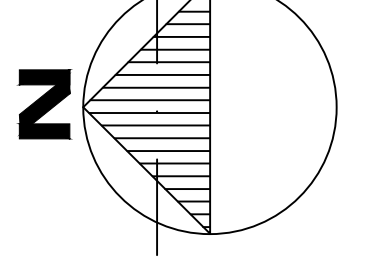
INDUSTRIAL



30' ACCESS EASEMENT

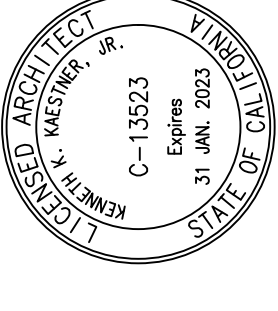
5 FLOOR PLAN
NTS

INDUSTRIAL



KAESTNER ARCHITECT
ARCHITECTS
1111 17th Street
Emeryville, California 94608
KENNETH K. KAESTNER, JR.
(415) 450-0085
E-Mail: kkaestner@kca.com

PLN2022-0020
APN: 036-001-83



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PROJECT DATA:

REVISIONS	
PROJECT NUMBER:	
NATHEN FILENAME:	
DRAWN BY:	KK
CHECKED BY:	
ISSUE DATE:	2/23/2022

**HALAL BUTCHER SHOP
TENANT IMPROVEMENT
436 MITCHELL ROAD, SPACE F
MODESTO, CA 95354**

SHEET TITLE
FLOOR PLAN
REV 2.02.2023
SHEET NUMBER

CUP-2
of #

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.



CEQA INITIAL STUDY

Adapted from CEQA Guidelines APPENDIX G Environmental Checklist Form, Final Text, January 1, 2020

1. **Project title:** Use Permit Application No. PLN2022-0020 – Halal Butcher Shop
2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
3. **Contact person and phone number:** Teresa McDonald, Associate Planner
(209)525-6330
4. **Project location:** 436 Mitchell Road, Suite F, between Hoover Avenue and Tenaya Drive, in the Modesto area (APN:036-001-083).
5. **Project sponsor's name and address:** Taha Aezah, Halal Butcher Shop
1318 Garden Avenue
Modesto, CA 95351
6. **General Plan designation:** Industrial
7. **Zoning:** Industrial (M)
8. **Description of project:**

Request to utilize a 4,000 square-foot suite, within an existing 29,040 square-foot warehouse building, for the slaughter of chickens, lambs, and goats on a 1.07± acre parcel in the Industrial (M) zoning district. The proposed hours of operation are seven days a week from 8:00 a.m. to 5:00 p.m. with three employees on a maximum shift. Outside of normal business hours, up to two employees may be on-site for cleaning. Additionally, the applicant proposes a maximum of one daily truck trip and up to 15 daily customers, with up to three expected on-site at one time. The project site has three dedicated parking spaces outside, and three parking spaces inside the facility for employees and trucks, with one vehicle expected to be parked inside the facility on a daily basis. Live animals will be delivered between 7:00 a.m. and 11:00 a.m., approximately twice a week by truck and be kept within cages inside the building. The trucks will park inside the facility, out of public view, before being unloaded. Up to two goats, two lambs, and 20 live chickens are expected on-site at any one time. An estimated three chickens are expected to be slaughtered per day (excluding Fridays), not exceeding 1,000 per year. Approximately two to three goats and/or lambs may be slaughtered per week, not exceeding 130 per year. The slaughter of the animals will occur as needed depending on customer orders. Animals are anticipated to be on-site for 24 hours prior to slaughter. After the animals are slaughtered, they will be butchered into retail cuts, packaged for sale, then stored in the deli case until they are picked up by the customer. The animal waste (feathers, blood, organs, hides) will be frozen and held in a large chest freezer, and subsequently picked up and used to make bone meal and other related products. Rinse water used during production will be filtered and passed through a grease interceptor before draining into the sewer system. Interior tenant improvements will separate the existing suite into areas for animal holding, slaughter, cleaning and packaging, and sales. Equipment utilized during the slaughtering and packaging process will consist of hand tools, knives, saws, a slicer, defeathering machine, and pressure washer for cleaning and sanitization. Exhaust fans will be utilized to limit odor. Proposed signage will consist of one 24 square-foot sign affixed to the front of the building. The project site is served by the City of Modesto for water and sewer services and has access to County-maintained Mitchell Road via the adjacent parcel to the west.

9. **Surrounding land uses and setting:** Industrial uses surround the site on all sides, the Modesto City-County Airport is located approximately 0.08± miles to the southwest.

- 10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** City of Modesto
Stanislaus County Department of Public Works
Stanislaus County Department of Environmental Resources
California Department of Food and Agriculture
- 11. Attachments:** None

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture & Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input type="checkbox"/> Geology / Soils | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials |
| <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Wildfire | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature on File

 Prepared by Teresa McDonald

September 8, 2022

 Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, than the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration.

Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

- a) **Earlier Analysis Used.** Identify and state where they are available for review.
 - b) **Impacts Adequately Addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) **Mitigation Measures.** For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). References to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
 - 7) **Supporting Information Sources:** A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
 - 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
 - 9) The explanation of each issue should identify:
 - a) the significant criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significant.

ISSUES

I. AESTHETICS – Except as provided in Public Resources Code Section 21099, could the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

Discussion: The site is already developed with a 29,040 square-foot warehouse building and paved parking with 33 total parking spaces consistent with the development standards for the Industrial (M) zoning district. The request will utilize an existing 4,000 square-foot suite within the existing warehouse. Live animals will be delivered between 7:00 a.m. and 11:00 a.m., approximately twice a week by truck and be kept within cages inside the building. The trucks will park inside the facility, out of public view, before being unloaded. No new structures or exterior lighting is proposed. Proposed signage will be 24 square feet in size and affixed to the building. The only scenic designation in the County is along Interstate 5 (I-5), which is not near the project site. The site itself is not considered to be a scenic resource or a unique vista. No adverse impacts to the existing visual character of the site or its surroundings are anticipated.

Mitigation: None.

References: Application information; Stanislaus County Zoning Ordinance; the Stanislaus County General Plan; and Support Documentation¹.

II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X

Discussion: The California Department of Conservation’s (DOC) Farmland Mapping and Monitoring Program lists the project site’s soil as comprised of Urban and Built-Up Land. The United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS) Web Soil Survey indicates that the soil consists of: Grade 1 Hanford fine sandy loam, moderately deep over silt, 0 to 1 percent slopes, Storie Index rating 100; and Grade 1 Hanford sandy loam, 0 to 3 percent slopes, Storie Index rating 93. While Grade 1 soils are considered Prime Farmland, the DOC lists the soil as Urban and Built-Up Land. The project site is already developed with existing industrial uses, as are the other parcels in the area. There is no forest land in the vicinity. The project will not convert Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. There is no indication this project will result in the removal of adjacent contracted land from agricultural use.

Mitigation: None.

References: Application information; United States Department of Agriculture NRCS Web Soil Survey; California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2018; Stanislaus County Zoning Ordinance; Stanislaus County General Plan and Support Documentation¹.

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

Discussion: The proposed project is located within the San Joaquin Valley Air Basin (SJVAB) and, therefore, falls under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). In conjunction with the Stanislaus Council of Governments (StanCOG), the SJVAPCD is responsible for formulating and implementing air pollution control strategies. The SJVAPCD’s most recent air quality plans are the 2007 PM10 (respirable particulate matter) Maintenance Plan, the 2008 PM2.5 (fine particulate matter) Plan, and the 2007 Ozone Plan. These plans establish a comprehensive air pollution

control program leading to the attainment of state and federal air quality standards in the SJVAB, which has been classified as “extreme non-attainment” for ozone, “attainment” for respirable particulate matter (PM-10), and “non-attainment” for PM 2.5, as defined by the Federal Clean Air Act.

The primary source of air pollutants generated by this project would be classified as being generated from "mobile" sources. Mobile sources would generally include dust from roads and automobile exhausts. Mobile sources are generally regulated by the Air Resources Board of the California EPA which sets emissions for vehicles and acts on issues regarding cleaner burning fuels and alternative fuel technologies. As such, the District has addressed most criteria air pollutants through basin wide programs and policies to prevent cumulative deterioration of air quality within the Basin. The project is not anticipated to increase traffic in the area and or impact air quality as the proposal is a request to add a new use to a developed site within an existing warehouse in the Industrial zoning district.

Construction activities associated with the tenant improvements for the 4,000 square-foot suite can temporarily increase localized PM10, PM2.5, volatile organic compound (VOC), nitrogen oxides (NOX), sulfur oxides (SOX), and carbon monoxide (CO) concentrations within a project’s vicinity. The primary source of construction-related CO, SOX, VOC, and NOX emission is gasoline and diesel-powered, heavy-duty mobile construction equipment. Primary sources of PM10 and PM2.5 emissions are generally clearing and demolition activities, grading operations, construction vehicle traffic on unpaved ground, and wind blowing over exposed surfaces. A building permit will be required to be obtained for the tenant improvements and any construction activities would occur in compliance with all SJVAPCD regulations; therefore, construction emissions would be less than significant without mitigation.

The project was referred to SJVAPCD, and no response has been received to date. However, the District’s Small Project Analysis Level (SPAL) guidance identifies thresholds of significance for criteria pollutant emissions, which are based on the District’s New Source Review (NSR) offset requirements for stationary sources. The District has pre-qualified emissions and determined a size below, which is reasonable to conclude that a project would not exceed applicable thresholds of significance for criteria pollutants. Any project falling below the thresholds identified by the District are deemed to have a less than significant impact on air quality due to criteria pollutant emissions. The District’s threshold of significance for industrial projects is identified as 1,506 additional trips per day. The project has the potential to generate 20 daily vehicle trips (for customers and employees) and one daily truck trip. As this is below the District’s threshold of significance, no significant impacts to air quality are anticipated.

Mitigation: None.

References: Application information; San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; www.valleyair.org; and the Stanislaus County General Plan and Support Documentation¹.

IV. BIOLOGICAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			X	

Discussion: The project site is presently improved with an industrial warehouse and surrounded by industrial uses. The project is located within the Riverbank Quad of the California Natural Diversity Database, which identifies the following special status species: Swainson’s hawk, burrowing owl, vernal pool fairy shrimp, vernal pool tadpole shrimp, green sturgeon - southern DPS, Sacramento hitch, hardhead, Sacramento splittail, Pacific lamprey, steelhead - Central Valley DPS, chinook salmon - Central Valley spring-run ESU, chinook salmon - Central Valley fall / late fall-run ESU, valley elderberry longhorn beetle, and Northern California legless lizard as potentially occurring in the quad; however, the nearest recorded sighting of these special status species is approximately 1.78 miles to the southeast near the Tuolumne River. As the project site and surrounding area is fully developed it does not appear this project will result in impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors. There are no known sensitive or protected species or natural community located on the site.

The project will not conflict with a Habitat Conservation Plan, a Natural Community Conservation Plan, or other locally approved conservation plans. Impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors are considered to be less than significant.

An early consultation was referred to the California Department of Fish and Wildlife and no response was received.

Mitigation: None.

References: California Department of Fish and Wildlife’s Natural Diversity Database Quad Species List; Stanislaus County General Plan and Support Documentation¹.

V. CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in § 15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?			X	
c) Disturb any human remains, including those interred outside of formal cemeteries?			X	

Discussion: A referral response received from the California Native American Heritage Commission (NAHC) provided an overview of the requirements for tribal consultation under CA Assembly Bill 52 and Senate Bill 18. This project was not referred to the tribes listed with the NAHC as the request does not include a General Plan Amendment. It does not appear that this project will result in significant impacts to any archaeological or cultural resources as the site is already developed and the proposed construction will take place within an existing building.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.

VI. ENERGY -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

Discussion: The CEQA Guidelines Appendix F states that energy consuming equipment and processes, which will be used during construction or operation such as: energy requirements of the project by fuel type and end use, energy conservation equipment and design features, energy supplies that would serve the project, total estimated daily vehicle trips to be generated by the project, and the additional energy consumed per trip by mode, shall be taken into consideration when evaluating energy impacts. Additionally, the project's compliance with applicable state or local energy legislation, policies, and standards must be considered.

All construction activities shall be in compliance with all SJVAPCD regulations and with Title 24, Green Building Code, which includes energy efficiency requirements. The applicant is proposing to complete tenant improvements within an existing warehouse, which includes installation of LED lighting. Energy consuming equipment and processes include construction equipment, trucks, and the employee vehicles. These activities would not significantly increase Vehicle Miles Traveled (VMT), due to the number of vehicle trips not exceeding a total of 110 vehicle trips per day. The proposed project will generate 20 daily vehicle trips (for customers and employees) and one daily truck trip. Additionally, the trucks are the main consumers of energy associated with this project, but shall be required to meet all Air District regulations, including rules and regulations that increase energy efficiency for heavy trucks. Consequently, emissions would be minimal. Therefore, consumption of energy resources would be less than significant without mitigation for the proposed project.

It does not appear that this project will result in significant impacts to the wasteful, inefficient, or unnecessary consumption of energy resources. Accordingly, the potential impacts to Energy are considered to be less than significant.

Mitigation: None.

References: Application information; CEQA Guidelines; Title 16 of County Code; CA Building Code; Stanislaus County Zoning Ordinance (Title 21); Governor's Office of Planning and Research Technical Advisory, December 2018; Stanislaus County General Plan and Support Documentation¹.

VII. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:			X	
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?			X	

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			X	
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	

Discussion: The USDA Natural Resources Conservation Service’s Eastern Stanislaus County Soil Survey indicates that the soil consists of: Grade 1 Hanford fine sandy loam, moderately deep over silt, 0 to 1 percent slopes, Storie Index rating 100; and Grade 1 Hanford sandy loam, 0 to 3 percent slopes, Storie Index rating 93. As contained in Chapter 5 of the General Plan Support Documentation, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5 (I-5); however, as per the California Building Code, all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F) and a soils test may be required at building permit application. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present, special engineering of the structure will be required to compensate for the soil deficiency. The warehouse is existing all proposed tenant improvements will be required to get the necessary building permits. Any future structures will be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed. Any future development would be subject to Public Works review and compliance with their Standards and Specifications. The site is connected to the City of Modesto for water and sewer.

The project site is not located near an active fault or within a high earthquake zone. Landslides are not likely due to the flat terrain of the area. DER, Public Works, and the Building Permits Division review and approve any building or grading permit to ensure their standards are met.

Mitigation: None.

References: Application information; USDA Natural Resources Conservation Service’s Eastern Stanislaus County Web Soil Survey; Stanislaus County General Plan and Support Documentation¹.

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

Discussion: The principal Greenhouse Gasses (GHGs) are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), sulfur hexafluoride (SF₆), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H₂O). CO₂ is the reference gas for climate change because it is the predominant greenhouse gas emitted. To account for the varying warming potential of different GHGs, GHG emissions are often quantified and reported as CO₂ equivalents (CO₂e). In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill [AB] No. 32), which requires the California Air Resources Board (ARB) design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020. Two additional bills, SB 350

and SB32, were passed in 2015 further amending the states Renewables Portfolio Standard (RPS) for electrical generation and amending the reduction targets to 40% of 1990 levels by 2030.

The proposed hours of operation are seven days a week from 8:00 a.m. to 5:00 p.m. with three employees on a maximum shift. Outside of normal business hours, up to two employees may be on-site for cleaning. Additionally, the applicant proposes a maximum of one daily truck trip, and up to three customers on-site at one time and 15 total customers a day. The project site has three dedicated parking spaces outside, and three parking spaces inside the facility for employees and trucks, with one vehicle expected to be parked inside the facility on a daily basis. Direct emissions of GHGs from the operation of the proposed project are primarily due to passenger vehicle trips. Therefore, the project would result in direct annual emissions of GHGs during operation. As required by CEQA Guidelines section 15064.3, potential impacts regarding Green House Gas Emissions should be evaluated using Vehicle Miles Traveled (VMT). The calculation of VMT is the number of cars/trucks multiplied by the distance traveled by each car/truck. Total vehicle trips as a result of this project will not exceed 110 trips per day. The proposed project will generate one truck trip per day, and a total of 20 automobile trips per day (anticipated inbound and outbound trips by customers and employees).

The proposed project will result in short-term emissions of GHGs during construction of the interior improvements. These emissions, primarily CO2, CH4, and N2O, are the result of fuel combustion by construction equipment and motor vehicles. The other primary GHGs (HFCs, PFCs, and SF6) are typically associated with specific industrial sources and are not expected to be emitted by the proposed project. The use of heavy-duty construction equipment would be very limited; therefore, the emissions of CO2 from construction would be less than significant. Additionally, the tenant improvements are subject to the mandatory planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and environmental quality measures of the California Green Building Standards (CALGreen) Code (California Code of Regulations, Title 24, Part 11). All proposed construction activities associated with this project are considered to be less than significant as they are temporary in nature and are subject to meeting SJVAPCD standards for air quality control. Consequently, GHG emissions associated with this project are considered to be less than significant.

References: Application information; California Air Resources Board 2019 Edition, California Greenhouse Gas Emission Inventory: 2000 – 2017; Governor’s Office of Planning and Research Technical Advisory, December 2018; CA Building Code; Stanislaus County General Plan and Support Documentation¹.

IX. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?			X	

<p>f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</p>			<p>X</p>	
<p>g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?</p>			<p>X</p>	

Discussion: The County Department of Environmental Resources (DER) is responsible for overseeing hazardous materials. The project was referred to the DER–Hazmat Division and no significant environmental effects were identified. The proposed project will consist of the slaughter of chickens, lambs, and goats within an existing 4,000 square-foot building. The operation will include the handling of hazardous materials including bleach and sanitizers used for the cleaning of the interior of the facility. DER is responsible for overseeing hazardous materials and has not indicated any particular concern. A hazardous waste plan will be required to be submitted as a part of normal business operations and will be reviewed by the DER-Hazmat Division. Conditions of approval will be placed on the project to address these requirements. The project site is not listed on the EnviroStor database managed by the CA Department of Toxic Substances Control. The groundwater is not known to be contaminated in this area. The project site is not within the vicinity of any wildlands.

The Modesto City-County Airport is located approximately 0.08± miles to the southwest of the project site and the project site is located within Referral Area 1, Safety Zone 6. Livestock uses, industrial uses, and indoor storage, which are similar in nature to the requested use, are considered normally compatible uses within Safety Zone 6. The project was referred to the Airport Land Use Commission and a response was received stating that Avigation Easement Dedication, Overflight Notification and Real Estate Disclosure requirements do not apply to the project. The project is subject to FAR Part 77 Obstruction Surfaces and FAA Height Notification, which requires that the FAA be notified of any proposed construction or alteration having a height greater than an imaginary surface extending 50 feet outward and 1 foot upward (slope of 50 to 1) for a distance of 10,000 feet from the nearest point of any runway. Beyond the FAA Height Notification Area boundary, any object taller than 200 feet requires FAA notification. Provided this notification takes place for any potential airway obstruction, the project is considered to be consistent with the Stanislaus County ALUCP. As the subject request does not include any alteration to the height of the existing building the project is consistent with the ALUCP.

After the animals are slaughtered, they will be butchered into retail cuts, packaged for sale, then stored in the deli case until they are picked up by the customer. The animal waste (feathers, blood, organs, hides) will be frozen and held in a large chest freezer, and subsequently picked up and used to make bone meal and other related products. Rinse water used during production will be filtered and passed through a grease interceptor before draining into the City of Modesto sewer system. The project was referred to the City who provided a referral response requiring submittal of information to the City’s Environmental Compliance staff for review and approval regarding the proposed waste discharge to the City’s domestic sewer system, prior to issuance of a building permit.

The operation will be required to be licensed by either the United States Department of Agriculture (USDA), California Department of Food and Agriculture (CDFA), or both. Licensing by either agency will require the facility to be inspected.

The site is located in a Local Responsibility Area (LRA) for fire protection and is served by Stanislaus Consolidated Fire Protection District. The project was referred to Stanislaus Consolidated and no response has been received to date.

No significant impacts associated with hazards or hazardous materials are anticipated to occur as a result of the proposed project.

Mitigation: None.

References: Application information; Referral response from the Stanislaus County Airport Land Use Commission (ALUC) dated September 8, 2022; Referral response received from the Department of Environmental Resources, Hazardous Materials Division dated August 3, 2022; Referral response from the City of Modesto, dated August 22, 2022; California Department of Food and Agriculture; Stanislaus County Airport Land Use Compatibility Plan; Stanislaus County General Plan and Support Documentation¹.

X. HYDROLOGY AND WATER QUALITY -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:			X	
i) result in substantial erosion or siltation on- or off-site;			X	
ii) substantially increase the rate of amount of surface runoff in a manner which would result in flooding on- or off-site.			X	
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			X	
iv) impede or redirect flood flows?			X	
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	

Discussion: Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act (FEMA). The project site is located in FEMA Flood Zone X, which includes areas determined to be outside the 0.2% annual chance floodplains. All flood zone requirements will be addressed by the Building Permits Division during the building permit process. As the building is existing, the current absorption patterns of water upon this property will not be altered. The project was referred to the City of Modesto and the City provided a referral response requiring submittal of information to the City's Environmental Compliance staff for review and approval regarding the proposed waste discharge to the City's domestic sewer system, prior to issuance of a building permit. This comment will be applied to the project as a condition of approval. Impacts associated with drainage, water quality, and runoff are expected to have a less than significant impact.

Mitigation: None.

References: Application information; Referral response from the City of Modesto, dated August 22, 2022; Stanislaus County General Plan and Support Documentation¹.

XI. LAND USE AND PLANNING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Physically divide an established community?			X	
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			X	

Discussion: The project site is designated Industrial by the Stanislaus County General Plan land use diagrams and zoned Industrial (M). The intent of this designation is to indicate areas for various forms of light or heavy industrial uses, including, but not limited to, manufacturing and warehousing. This is a request to utilize a 4,000 square-foot suite, within an existing 29,040 square-foot warehouse building, for the slaughter of chickens, lambs, and goats. The slaughter of animals or poultry requires a use permit in accordance with the zoning ordinance. In order for the Planning Commission to approve a use permit, the Planning Commission must find 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 project site is located within an existing warehouse in an area developed with industrial uses. The project was referred to all applicable: school, fire, police, irrigation, public works departments, and districts during the early consultation referral period and no concerns were identified with regard to public services. Public Works responded stating that the project is required to show legal access to Mitchell Road, which will be applied as a condition of approval. The project will not physically divide an established community nor conflict with any habitat conservation plans.

Mitigation: None.

References: Referral response from Public Works, dated July 20, 2022; Stanislaus County General Plan and Support Documentation¹.

XII. MINERAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?			X	
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?			X	

Discussion: The location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173. There are no known significant resources on the site, nor is the project site located in a geological area known to produce resources.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.

XIII. NOISE -- Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Generation of excessive groundborne vibration or groundborne noise levels?			X	

<p>c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?</p>			<p>X</p>	
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Discussion: The Stanislaus County General Plan identifies noise levels up to 70 dB Ldn (or CNEL) as the normally acceptable level of noise for commercial uses. Noise impacts associated with on-site activities and traffic are not anticipated to exceed the normally acceptable level of noise. Noise generating equipment utilized during the slaughtering and packaging process will consist of a slicer, defeathering machine, and pressure washer for cleaning and sanitization. Exhaust fans will be utilized to limit odor. All work is to be completed indoors. The site itself is impacted by the noise generated from Mitchell Road. The proposed hours of operation are seven days a week from 8:00 a.m. to 5:00 p.m. with three employees on a maximum shift. Outside of normal business hours, up to two employees may be on-site for cleaning.

The Modesto City-County Airport is located approximately 0.08± miles to the southwest of the project site and the project site is located within the Modesto City-County Airport Land Use Compatibility Plan Airport Influence Area. The project was referred to the Airport Land Use Commission and a response was stating the project site is not located within any of the Airport’s Noise Impact Zones.

The project is not anticipated to have a significant impact with respect to project-related ambient noise levels established by the Stanislaus County General Plan Noise Element at or in the vicinity of the project site.

Mitigation: None.

References: Application information; Stanislaus County Airport Land Use Compatibility Plan; Referral response from the Stanislaus County Airport Land Use Commission (ALUC) dated September 8, 2022; Stanislaus County General Plan and Support Documentation¹.

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

Discussion: The site is not included in the vacant sites inventory for the 2016 Stanislaus County Housing Element, which covers the 5th cycle Regional Housing Needs Allocation (RHNA) for the county and will therefore not impact the County’s ability to meet their RHNA. No population growth will be induced nor will any existing housing be displaced as a result of this project.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.

XV. PUBLIC SERVICES --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project result in the substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:			X	
Fire protection?			X	
Police protection?			X	
Schools?			X	
Parks?			X	
Other public facilities?			X	

Discussion: The County has adopted Public Facilities Fees, as well as Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. The proposed tenant improvements would be required to get the necessary building permits. This building permit will have to comply with all adopted public facility fees and is required to be paid at the time of building permit issuance.

This project was circulated to the following during the early consultation referral period: Modesto Union School District, Stanislaus Consolidated Fire Protection District, Stanislaus County Sheriff, Stanislaus County Parks and Recreation, AT&T, PG&E, Modesto Irrigation District (MID), City of Modesto, and Stanislaus County Public Works. No concerns were identified with regard to public services. Public Works responded with a requirement that the parcel provide proof of legal access, and the City of Modesto commented that the applicant shall contact the City’s Environmental Compliance staff regarding the proposed waste discharge to the City’s domestic sewer system, prior to issuance of a building permit. These comments will be applied as conditions of approval.

Mitigation: None.

References: Application information; Referral response from Public Works, dated July 20, 2022; Referral response from the City of Modesto, dated August 22, 2022; Stanislaus County General Plan and Support Documentation¹.

XVI. RECREATION --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	

Discussion: This project will not increase demands for recreational facilities, as such impacts typically are associated with residential development.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.

XVII. TRANSPORTATION -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			X	
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?			X	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
d) Result in inadequate emergency access?			X	

Discussion: The proposed hours of operation are seven days a week from 8:00 a.m. to 5:00 p.m. with three employees on a maximum shift. Outside of normal business hours, up to two employees may be on-site for cleaning. Additionally, the applicant proposes a maximum of one daily truck trip and up to 15 daily customers, with up to three expected on-site at one time.

The project site is a 1.07± acre landlocked parcel; however, Public Works provided an early consultation referral response stating proof of legal access to a County-maintained road will be required. This comment will be applied as a condition of approval. This project was also referred to the City of Modesto and the California Department of Transportation (Caltrans). The City of Modesto did not have any comments regarding traffic and Caltrans did not respond to the project. Increased traffic resulting from the proposed use of the site is insignificant; therefore, staff has no evidence to support that this project will significantly impact County facilities State Highway 99.

Mitigation: None.

References: Application information; Referral response from Public Works, dated July 20, 2022; Stanislaus County General Plan and Support Documentation¹.

XVIII. TRIBAL CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California native American tribe, and that is:			X	
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or			X	
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set for the in subdivision (c) of Public Resource Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.			X	

Discussion: In accordance with SB 18 and AB 52, this project was not referred to the tribes listed with the Native American Heritage Commission (NAHC) as the project is not a General Plan Amendment and no tribes have requested consultation or project referral noticing. The project site is already developed and no additional ground disturbance is proposed.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.

XIX. UTILITIES AND SERVICE SYSTEMS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	

Discussion: Limitations on providing services have not been identified. The facility will be required to get the necessary building permits for the proposed tenant improvements. The project is served by Modesto Irrigation District (MID) for electrical service. A referral response was provided by MID identifying the location of electrical overhead and underground facilities relative to the project site, and requiring that existing easements remain intact. Their comment letter also added a requirement that to contact MID's Electrical Engineering Design Group prior to building permit issuance. The project site is developed and is served by City of Modesto for water and wastewater service. The project was referred to the City who commented that the applicant shall contact the City's Environmental Compliance staff regarding the proposed waste discharge to the City's domestic sewer system, prior to issuance of a building permit. The comments will be added conditions of approval.

Mitigation: None.

References: Referral response from the City of Modesto, dated August 22, 2022; Referral response from the Modesto Irrigation District (MID), dated June 21, 2022; Stanislaus County General Plan and Support Documentation¹.

XX. WILDFIRE – If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?			X	

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			X	
c) Require the installation of maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			X	
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			X	

Discussion: This project is served by the Stanislaus Consolidated Fire Protection District. The project was referred to the District and no response has been received to date. Although the building is existing, the proposed tenant improvements will be required to get the necessary building permits. All construction and new building permits associated with the proposed facility must comply with current adopted fire code at the time of issuance of construction permits, including the payment of fire service impact mitigation fees, on-site water supply and infrastructure for fire protection, and emergency vehicle access. The site is located in a Local Responsibility Area (LRA). The site has access to County-maintained road Mitchell Road via the adjacent parcel to the west. Proof of legal access will be applied as a condition of approval as requested by Public Works. The terrain is relatively flat, and it is not located near any bodies of water. Wildfire risk and risks associated with postfire land changes are considered to be less than significant.

Mitigation: None.

References: Referral response from Public Works, dated July 20, 2022; Stanislaus County General Plan and Support Documentation¹.

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

Discussion: The 1.07± acre project site is designated Industrial by the Stanislaus County General Plan land use diagrams and zoned Industrial (M). The surrounding area is built out with industrial uses. Any additional development of

the surrounding parcels would be subject to the Industrial zoning district requirements or would require additional land use entitlements and environmental review.

For projects located within a Local Agency Formation Commission (LAFCO) adopted Sphere of Influence (SOI), the County's General Plan SOI policy states that development, other than agricultural uses and churches, which requires discretionary approval from incorporated cities, shall be referred to the that city for preliminary approval. The project site is within the LAFCO adopted Sphere of Influence of the City of Modesto. The City commented that the applicant shall contact the City's Environmental Compliance staff regarding the proposed waste discharge to the City's domestic sewer system, which will be applied as a condition of approval.

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

Mitigation: None.

References: Referral response from the City of Modesto, dated August 22, 2022; Initial Study; Stanislaus County General Plan and Support Documentation¹.

¹Stanislaus County General Plan and Support Documentation adopted in August 23, 2016, as amended. **Housing Element** adopted on April 5, 2016.



NEGATIVE DECLARATION

- NAME OF PROJECT:** Use Permit Application No. PLN2022-0020 – Halal Butcher Shop
- LOCATION OF PROJECT:** 436 Mitchell Road, Suite F, between Hoover Avenue and Tenaya Drive, in the Modesto area
- PROJECT DEVELOPERS:** Taha Aezah, Halal Butcher Shop
1318 Garden Avenue
Modesto, CA 95351
- DESCRIPTION OF PROJECT:** Request to utilize a 4,000 square-foot suite, within an existing 29,040 square-foot warehouse building, for the slaughter of chickens, lambs, and goats on a 1.07-acre parcel in the Industrial (M) zoning district.

Based upon the Initial Study, dated **September 14, 2022**, the Environmental Coordinator finds as follows:

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

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

Initial Study prepared by: Teresa McDonald, Associate Planner

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

Allied Concrete & Supply Co., Inc.

PO Box 1022

Modesto, CA 95353

(209) 524-3177 phone (209) 524-4765 fax

Teresa McDonald
Associate Planner
Stanislaus County Department of Planning
and Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354



Re: NOI Comments - Use Permit Application No. PLN2022-0020 – Halal Butcher Shop

Dear Ms. McDonald,

I am Michael G. Ruddy, Jr., Vice President and General Manager of Allied Concrete & Supply Company (“Allied”). Allied is located immediately east of the proposed Halal Butcher Shop. I have several areas of concern regarding the proposed project, which I will explain in detail in the comments below.

Inadequate project description in the NOI: The NOI does not state whether the Halal Butcher Shop is to be a retail store or a wholesale business. This is a critical point as relates to the use of the access road adjacent to the project. Allied and other adjacent businesses use this access road for truck traffic, which at times can be quite heavy. The potential for conflicts with heavy truck traffic by wholesale customers using commercial vehicles and trained drivers is one thing, having the general public using this access road is very different and could be hazardous.

In addition, the scale of the slaughterhouse operation seems unrealistically small. This appears to downplay the potential impacts of the project. The NOI needs to contain an accurate description that discloses the true scale of the project so the public can be properly informed and the county can accurately determine the potential impacts it may have on the use and operation of surrounding properties.

Inadequate discussion of potential traffic issues: Assuming this is a retail proposal, there needs to be due consideration given to potential mitigation of traffic conflicts as well as the potential for unauthorized passage of customer vehicles onto adjacent industrial properties. The analysis must also discuss and address the particular rights the shop tenant would have for public ingress and egress and the limitations on those rights.

Inadequate discussion of private sewer issues: The proposed Halal Butcher Shop would need to access the public sewer via a private sewer lateral onsite that is also used Allied and other adjacent users. The NOI needs to address in detail the condition of this private lateral and its ability to handle the potential flow from this new use. There is a real chance for a sanitary sewer overflow if this proposed use goes forward since the existing private lateral was not engineered for the increasing volumes which it is currently being asked to carry, nor the potential additional flow, and the character of the effluent, from the project.

As this project goes forward, I request notice of any further proceedings and that you provide me with a copy of the draft negative declaration for the project when it is issued. My email address is mikejr@allied-concrete-supply.com. Please use this email address for future correspondence related to this project.

Thank you,



Michael G. Ruddy Jr.

V.P. & General Manager

Allied Concrete and Supply Co.

mikejr@allied-concrete-supply.com



SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: USE PERMIT APPLICATION NO. PLN2022-0020 - HALAL BUTCHER SHOP

REFERRED TO:				RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS	
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CA DEPT OF FISH & WILDLIFE	X	X	X		X							
CA DEPT OF TRANSPORTATION	X	X	X		X							
CA DEPT OF FOOD & AGRICULTURE	X	X	X		X							
CA OPR STATE CLEARING HOUSE	X	X	X		X							
CA RWQCB CENTRAL VALLEY REGION	X	X	X	X				X		X	X	
CITY OF: MODESTO	X	X	X	X				X		X	X	
COOPERATIVE EXTENSION	X	X	X		X							
DER GROUNDWATER RESOURCES DIVISION	X	X	X		X							
FIRE PROTECTION DIST: STANISLAUS CONSOLIDATED	X	X	X		X							
GSA: STRGBA	X	X	X		X							
IRRIGATION DISTRICT: MODESTO	X	X	X	X				X		X	X	
MOSQUITO DISTRICT: EASTSIDE	X	X	X		X							
MT VALLEY EMERGENCY MEDICAL	X	X	X		X							
PACIFIC GAS & ELECTRIC	X	X	X		X							
TRACTION	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X		X			X		X	X	
SCHOOL DISTRICT 1: MODESTO UNION	X	X	X		X							
STAN CO AG COMMISSIONER	X	X	X		X							
STAN CO ALUC	X	X	X	X				X		X	X	
STAN CO BUILDING PERMITS DIVISION	X	X	X		X			X		X	X	
STAN CO CEO	X	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 FARM BUREAU		X	X		X							
STAN CO HAZARDOUS MATERIALS	X	X	X	X				X		X	X	
STAN CO PUBLIC WORKS	X	X	X	X				X		X	X	
STAN CO SHERIFF	X	X	X		X							
STAN CO SUPERVISOR DIST 5: CONDIT	X	X	X		X							
STAN COUNTY COUNSEL	X	X	X		X							
STANISLAUS FIRE PREVENTION BUREAU	X	X	X		X							
STANISLAUS LAFCO	X	X	X		X							
TELEPHONE COMPANY: AT&T	X	X	X		X							
TUOLUMNE RIVER TRUST	X	X	X		X							
SURROUNDING LAND OWNERS		X	X	X				X		X		X
USDA NRCS	X	X	X		X							
USDA	X	X	X		X							