



Referral
Early Consultation

Date: January 13, 2023
To: Distribution List (See Attachment A)
From: Jeremy Ballard, Senior Planner
Planning and Community Development
Subject: USE PERMIT APPLICATION NO. PLN2022-0122 – EMPIRE HEALTH AND WELLNESS
Respond By: January 30, 2023

\*\*\*\*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: Empire Health & Wellness
Project Location: 4275 Yosemite Boulevard (SR 132), between A Street and B Street, in the Community of Empire.
APN: 133-012-005
Williamson Act Contract: N/A
General Plan: Commercial
Current Zoning: General Commercial (C-2)

Project Description: This is a request to obtain a Use Permit to allow operation of an existing retail commercial cannabis business with delivery services, within an existing 3,720 square-foot building, in the General Commercial (C-2) zoning district. In accordance with County Code Section 6.78.120(A)(6)(c)(i), the applicant is also requesting a waiver to the required 200-foot setback from adjacent residences.

Hours of operation are proposed to be seven days a week, from 8:00 a.m. to 8:00 p.m. The business will include a maximum of seven employees per shift, with up to two shifts. The applicant anticipates a total of two supply deliveries to the site per day and up to 150 sales deliveries to customers per day. Additionally, the applicant proposes site improvements such as: removal of five existing parking stalls within the SR 132 right-of-way, reconfiguration of the existing parking

lot by repaving and restriping to develop a total of 19 parking stalls, construction of sidewalk along the A Street and SR 132 frontage, construction of an 8-foot-tall masonry wall along the northern property line, development of a valley gutter stormwater capture system within the parking lot, and installation of landscaping along both street frontages. The project site is served by the City of Modesto with public water and sewer services and is located within Local Agency Formation Commission (LAFCO) adopted Sphere of Influence (SOI) of the City of Modesto.

The project was originally approved by the Board of Supervisors on October 19, 2019, under Use Permit (UP) and Development Agreement (DA) Application No. PLN2018-0115 – Empire Health and Wellness. Conditions of Approval for UP and DA No. PLN2018-0115 required completion of site and building improvements no later than December 31, 2020. The applicant did not complete these improvements by this deadline; thus, the Use Permit is now expired and a new use permit is required to be obtained to allow for the continued operation of the business.

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



**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**

1010 10<sup>TH</sup> Street, Suite 3400, Modesto, CA 95354  
 Planning Phone: (209) 525-6330 Fax: (209) 525-5911  
 Building Phone: (209) 525-6557 Fax: (209) 525-7759

**USE PERMIT APPLICATION NO. PLN2022-0122 – EMPIRE HEALTH AND WELLNESS**

Attachment A

Distribution List

	CA DEPT OF CONSERVATION Land Resources	X	STAN CO ALUC
X	CA DEPT OF FISH & WILDLIFE		STAN CO ANIMAL SERVICES
	CA DEPT OF FORESTRY (CAL FIRE)	X	STAN CO BUILDING PERMITS DIVISION
X	CA DEPT OF TRANSPORTATION DIST 10	X	STAN CO CEO
X	CA OPR STATE CLEARINGHOUSE		STAN CO CSA
X	CA RWQCB CENTRAL VALLEY REGION	X	STAN CO DER
	CA STATE LANDS COMMISSION	X	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:	X	STAN CO PUBLIC WORKS
X	COOPERATIVE EXTENSION		STAN CO RISK MANAGEMENT
	COUNTY OF:	X	STAN CO SHERIFF
	DER GROUNDWATER RESOURCES DIVISION	X	STAN CO SUPERVISOR DIST 5: CONDIT
X	FIRE PROTECTION DIST: STANISLAUS CONSOLIDATED	X	STAN COUNTY COUNSEL
X	GSA: STANISLAUS & TUOLUMNE		StanCOG
	HOSPITAL DIST:	X	STANISLAUS FIRE PREVENTION BUREAU
X	IRRIGATION DIST: MID	X	STANISLAUS LAFCO
X	MOSQUITO DIST: EASTSIDE		STATE OF CA SWRCB DIVISION OF DRINKING WATER DIST. 10
X	STANISLAUS COUNTY EMERGENCY MEDICAL SERVICES		SURROUNDING LANDOWNERS
X	MUNICIPAL ADVISORY COUNCIL: EMPIRE		INTERESTED PARTIES
X	PACIFIC GAS & ELECTRIC	X	TELEPHONE COMPANY: AT&T
	POSTMASTER:		TRIBAL CONTACTS (CA Government Code §65352.3)
X	RAILROAD: MODESTO & EMPIRE TRACTION		US ARMY CORPS OF ENGINEERS
X	SAN JOAQUIN VALLEY APCD		US FISH & WILDLIFE
X	SCHOOL DIST 1: EMPIRE UNION		US MILITARY (SB 1462) (7 agencies)
X	SCHOOL DIST 2: MODESTO UNION		USDA NRCS
	WORKFORCE DEVELOPMENT	X	CA DEPARTMENT OF CANNABIS CONTROL
X	STAN CO AG COMMISSIONER		
	TUOLUMNE RIVER TRUST		

**STANISLAUS COUNTY  
CEQA REFERRAL RESPONSE FORM**

**TO:** Stanislaus County Planning & Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354

**FROM:** \_\_\_\_\_

**SUBJECT: USE PERMIT APPLICATION NO. PLN2022-0122 – EMPIRE HEALTH AND WELLNESS**

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

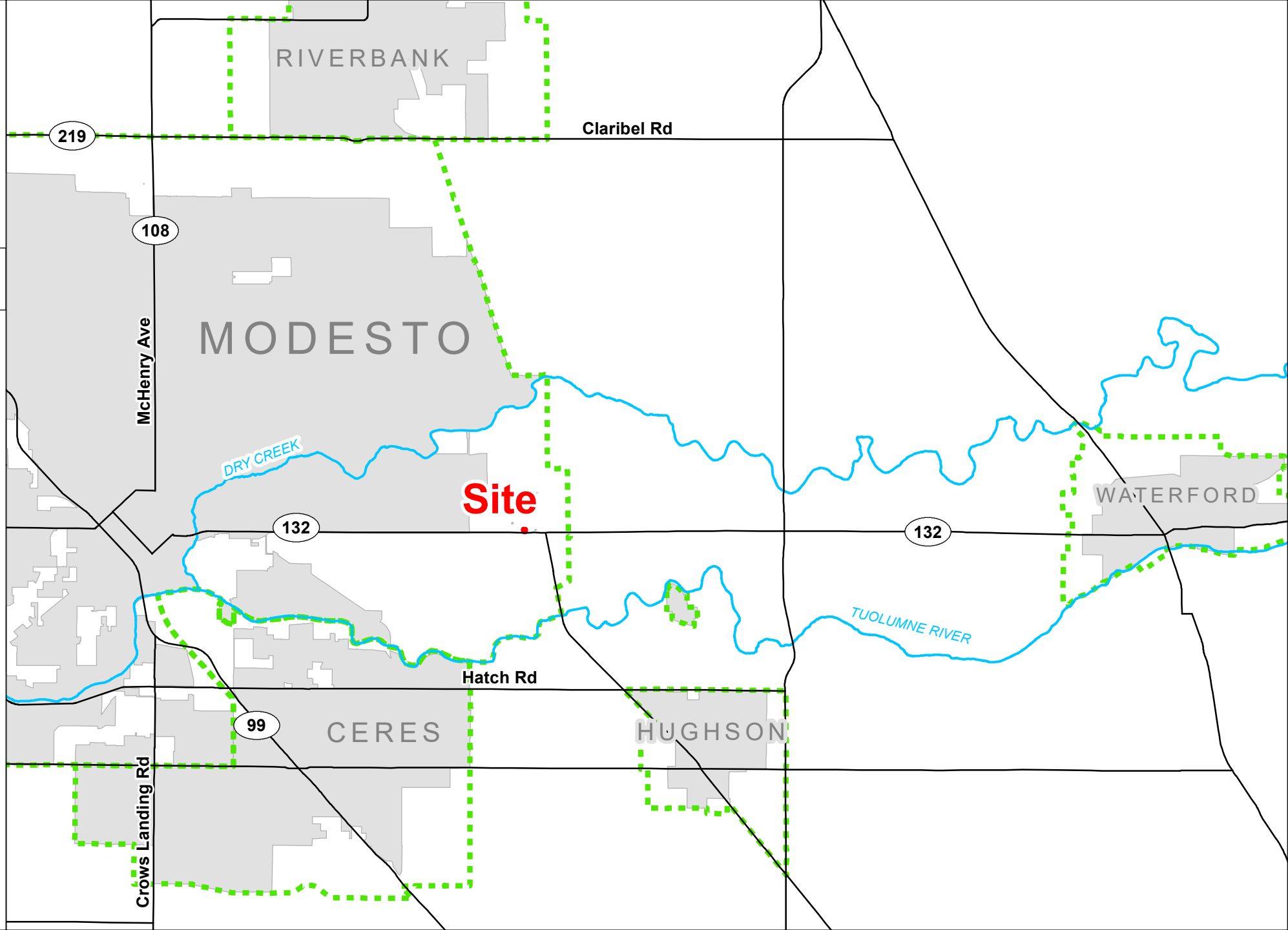
# EMPIRE HEALTH AND WELLNESS

## UP PLN2022-0122

### AREA MAP

#### LEGEND

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



# EMPIRE HEALTH AND WELLNESS

## UP PLN2022-0122

### GENERAL PLAN MAP

#### LEGEND


 Project Site

 Parcel

 Road

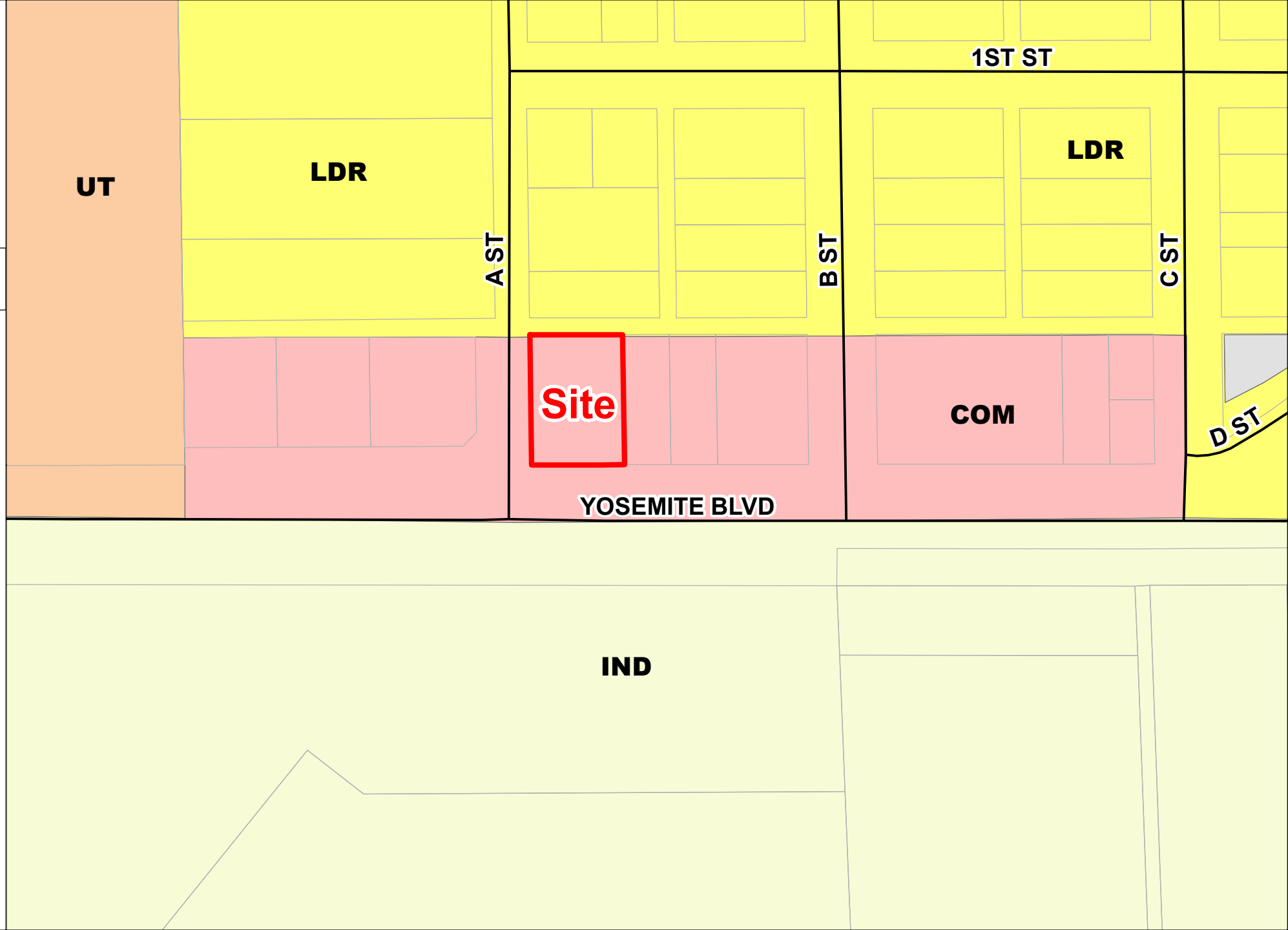
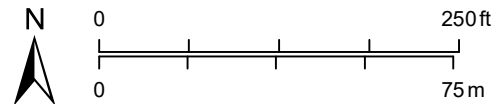
#### General Plan

 Low Density Residential

 Industrial

 Urban Transition

 Commercial



# EMPIRE HEALTH AND WELLNESS

## UP PLN2022-0122

### ZONING MAP

#### LEGEND

 Project Site


 City of


 Parcel

 Road

#### Zoning Designation

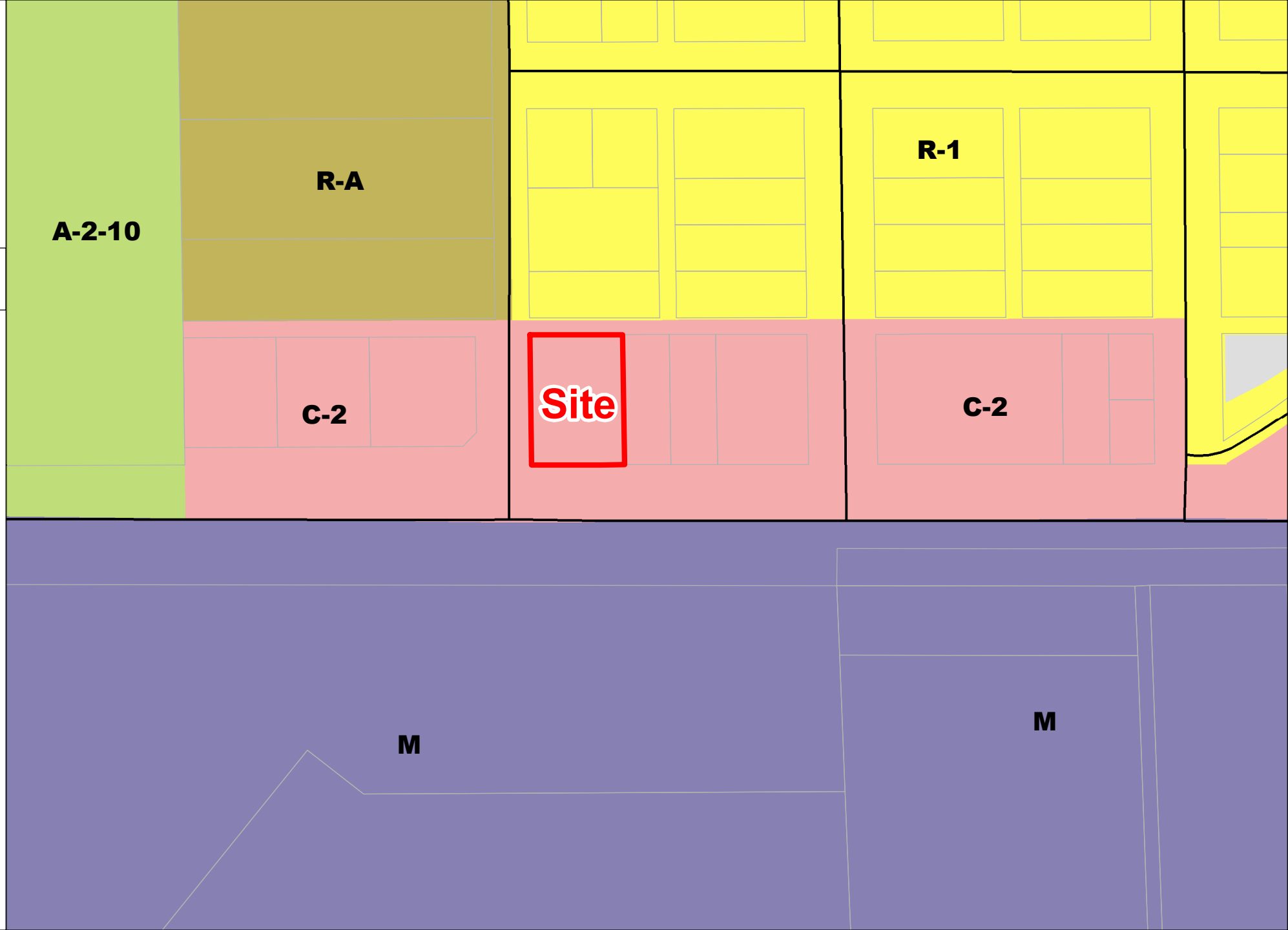
 General Agriculture 10 Acre

 Industrial

 Rural Residential

 Commercial

 Single Family Residential





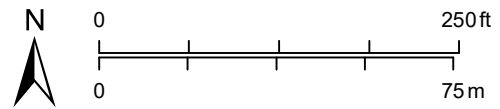
# EMPIRE HEALTH AND WELLNESS

## UP PLN2022-0122

### 2022 AERIAL AREA MAP

#### LEGEND

-  Project Site
-  Road








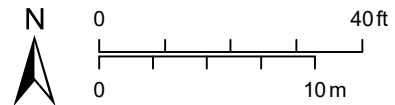
# EMPIRE HEALTH AND WELLNESS

## UP PLN2022-0122

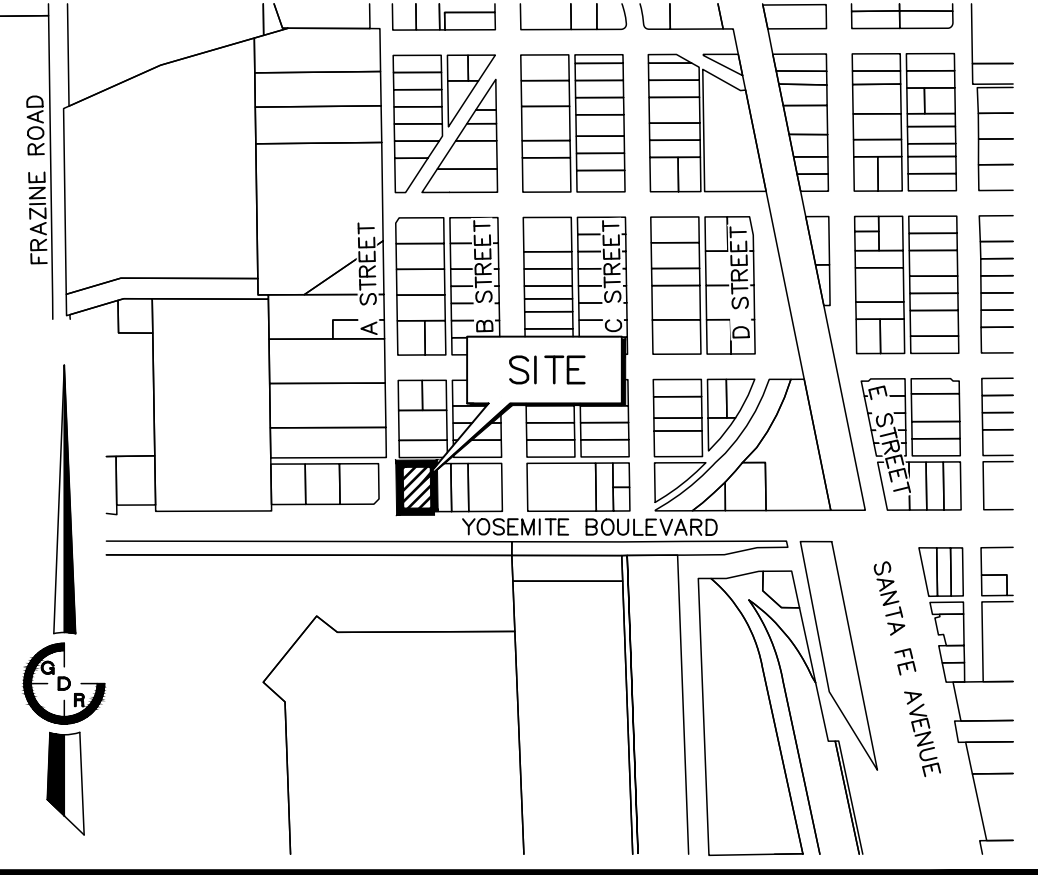
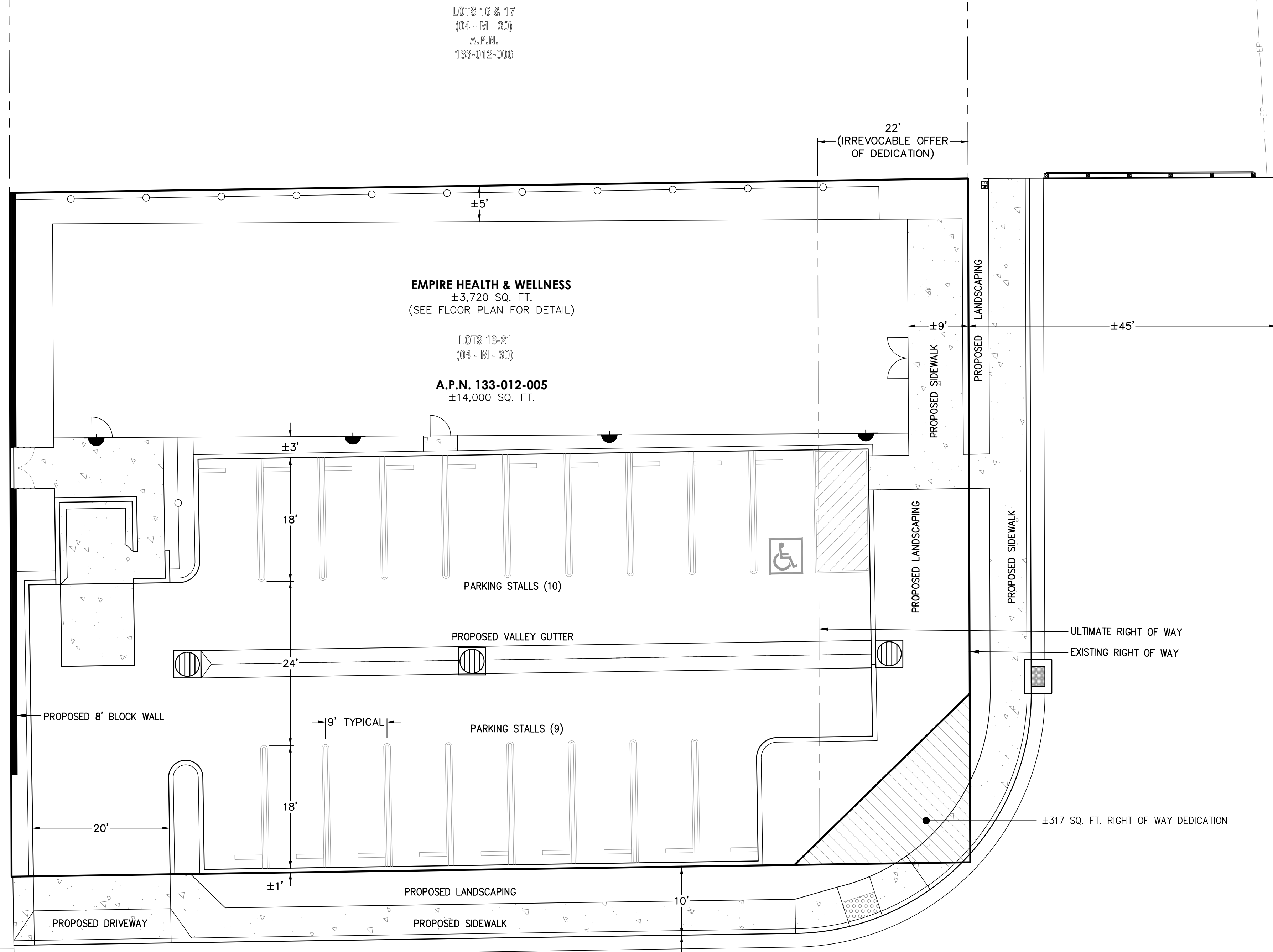
### 2022 AERIAL SITE MAP

#### LEGEND

-  Project Site
-  Road
-  Canal







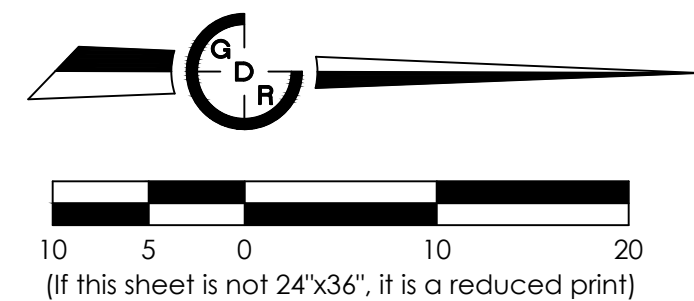
**VICINITY MAP**  
EMPIRE, STANISLAUS COUNTY, STATE OF CALIFORNIA

**PROPERTY OWNER**  
 NAME: DARRON SILVA & SERGIO E. MARTINEZ  
 MAILING ADDRESS: 1631 FIG AVENUE  
 CITY/STATE/ZIP: PATTERSON, CA 95363  
 SITE ADDRESS: 4725 YOSEMITE BOULEVARD  
 CITY/STATE/ZIP: EMPIRE, CA 95319

**APPLICANT**  
 NAME: EMPIRE HEALTH & WELLNESS  
 CONTACT: DARRON SILVA  
 MAILING ADDRESS: 4725 YOSEMITE BOULEVARD  
 CITY/STATE/ZIP: EMPIRE, CA 95319

**EXISTING CONDITIONS**  
 A.P.N.: 133-012-005  
 EXISTING PARCELS: 1

**PROPERTY DESCRIPTION**  
 LOTS 18, 19, 20 AND 21 IN BLOCK 15 OF THE TOWN OF EMPIRE, ACCORDING TO THE OFFICIAL MAP THEREOF, FILED IN THE OFFICE OF THE RECORDER OF STANISLAUS COUNTY, CALIFORNIA, ON JULY 13, 1909 IN VOLUME 4 OF MAPS, AT PAGE 30, STANISLAUS COUNTY RECORDS, LYING IN A PORTION OF THE SOUTHEAST 1/4 OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 10 EAST, MOUNT DIABLO MERIDIAN.



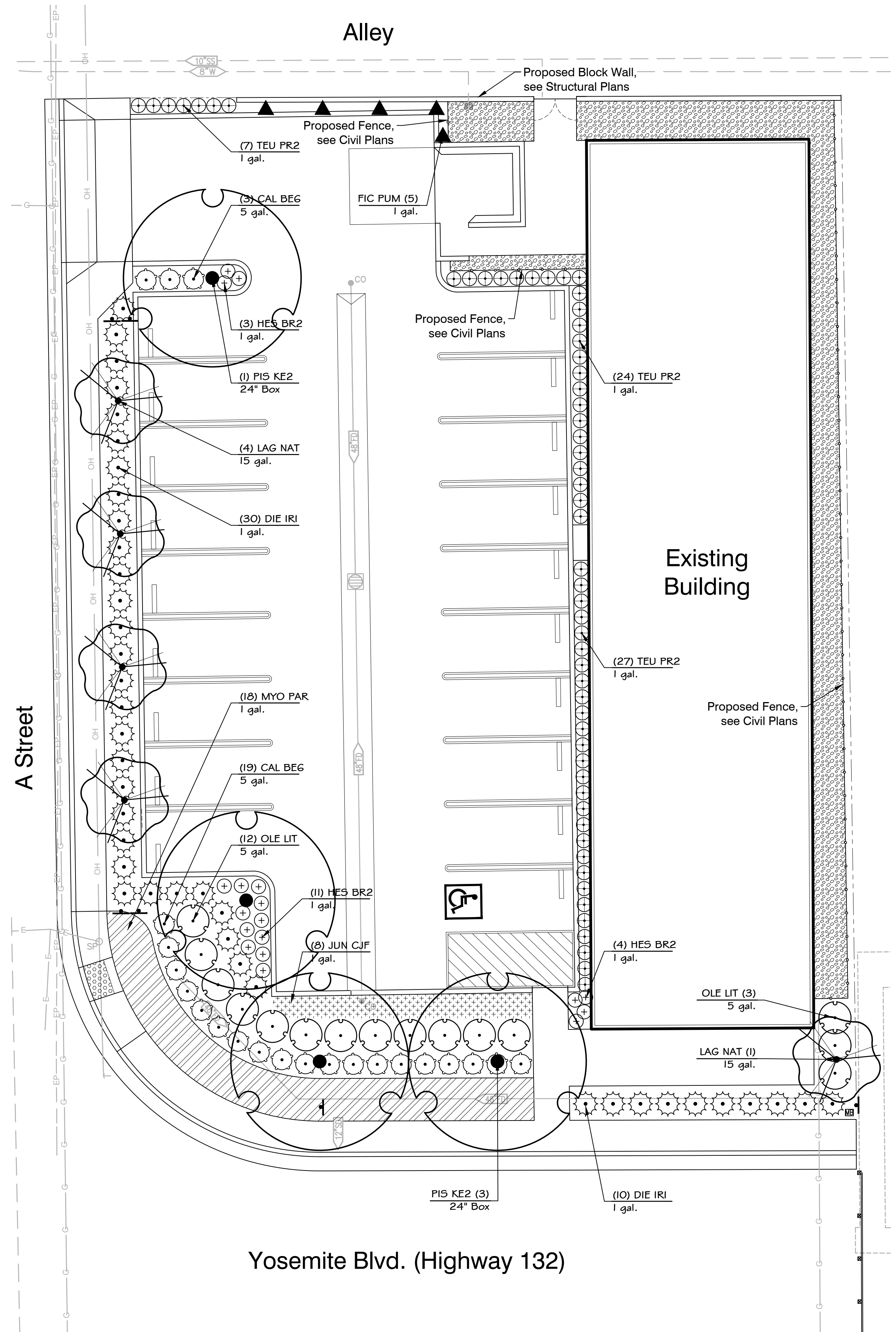
EXISTING	DESCRIPTION	PROPOSED
---	PROPERTY LINE	---
---	RIGHT OF WAY	---
---	CHAINLINK FENCE	---
---	EDGE OF PAVEMENT	---
---	CENTER LINE	---
---	CATCH BASIN	■
---	DRAIN INLET	■
---	ADA CURB RAMP	---

**LEGEND**

**GDR ENGINEERING, INC.**  
 ENGINEERING/SURVEYING/PLANNING  
 3525 MITCHELL ROAD, SUITE G CERES, CA 95307  
 TELEPHONE: (209) 538-3360 FAX: (209) 538-7370  
 www.gdrengeering.com

**CONCEPTUAL SITE PLAN FOR EMPIRE HEALTH & WELLNESS**

SCALE: 1"=10'  
 DATE: 12/15/2022  
 DWG NO. 18001 Site Plan.dwg  
 DRAWN: HS  
 CHECKED: JKC  
 SHEET: 1 OF 1  
 FILE NO. 18001



**Planting Legend:**

TREES	CODE	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	WUCOLS	QTY
	LAG NAT	Lagerstroemia x 'Natchez'	Crape Myrtle	15 gal.	per plan	L	5
	PIS KE2	Pistacia chinensis 'Keith Davey'	Keith Davey Chinese Pistache	24" Box	per plan	L	4

SHRUBS	CODE	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	WUCOLS	QTY
	CAL BE6	Callistemon viminalis 'Better John'	Dwarf Weeping Bottle Brush	5 gal.	3'	L	22
	DIE IRI	Diets iridioides	Fortnight Lily	1 gal.	4'	L	40
	FIC PUM	Ficus Pumila	Creeping Fig	1 gal.	per plan	M	5
	HES BR2	Hesperaloe parviflora 'Perpa' TM	Brakelights Red Yucca	1 gal.	2.5'	L	18
	OLE LIT	Olea europaea 'Little Ollie' TM	Little Ollie Olive	5 gal.	5'	VL	15
	TEU PR2	Teucrium x lucidrys prostratum	Germander	1 gal.	2.5'	L	58

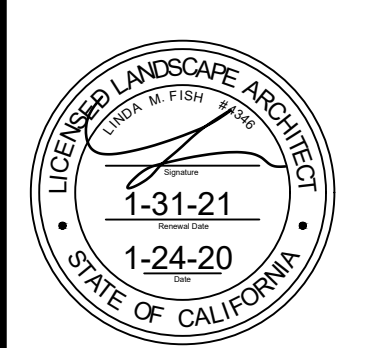
  

GROUND COVERS	CODE	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	WUCOLS	QTY
	JUN CJF	Juniperus conferta	Shore Juniper	1 gal.	4'	L	8
	MYO PAR	Myoporum parvifolium	Trailing Myoporum	1 gal.	5'	L	18

Gravel Only, see Planting Notes 814 sf

- Planting Notes:**
- Before beginning work, Contractor shall inspect the site. If any conditions existing that differ from what is shown on the plans and will affect Contractor's work, notify the owner or Landscape Architect immediately.
  - When fine grading, Contractor is to be sure that water cannot pool against buildings or fences.
  - The Contractor shall furnish the City and owner with a landscape soils report from A&L Western Lab in Modesto (209) 529-4080, or equal. The Contractor is to follow the recommendations in accordance with the Model Water Efficiency Landscape Ordinance. All landscape areas are to be amended with compost (9 yards per 1,000 square feet, or approximately 3" deep) before planting. Rototill all planting areas at least 9" deep. Soil amendments and fertilizer shall be based on the soil fertility test and the recommendations from the reputable soil testing laboratory.
  - Gravel areas are to be installed in areas shown on plan. Excavate gravel areas at least 3". Line area with landscape fabric (not sheet plastic) and overlap seams by at least 6". Secure with U-pins at least every 2' along seams. Fill area with gravel at least 3" deep, ensuring that all fabric is covered completely. Provide owner with gravel sample prior to buying or installing gravel.
  - Edge Myoporum area with steel edging, Permaloc in Bronze color, or equal. Install per detail, sheet L3.
  - Contractor to submit 2 photos of each plant (photo of entire plant, plus close-up of plant tag) to the Landscape Architect for approval prior to installation.
  - Weed and weed seeds, both existing and potential, are to be addressed at all planting areas. Contractor to use a pre-emergent herbicide throughout the entire project area. All additives and herbicides selected must be safe for animals and young children. If any concerns arise, Contractor is to bring them to the attention of the Landscape Architect or Owner.
  - Place 3" of brown bark chip mulch in all planting areas. Replenish the mulch at the end of the maintenance period so that there it is at least 3" deep.
  - Trees with cut or broken central leader shall be rejected.
  - All plant material is to be of the highest quality, in healthy condition, and of a size expected of the species and container size.
  - Wherever trees are within 7' of a paved surface, root barriers are to be used at back of paving. The root barrier is to be installed linear against the curb or walk at 1" below adjacent finished grades. The gap between the barrier and paved surface shall be backfilled with soil. Use 4 24" DeepRoot panels at each paved surface.
  - Contractor to verify quantities listed. Plant quantities are provided as a convenience only. If there is a discrepancy between the quantities provided and what is shown on the plans, then Contractor is to refer to the plans.
  - Add OMRI - certified fertilizer tablets to each tree or shrub when planting in the following quantities:  
1 gallon - 1 tablet, 5 gallon - 3 tablets, 15 gallon - 5 tablets, 24" box - 7 tablets
  - The backfill mix for tree and shrub pits must use the following: 1 part compost to 2 parts native soil.
  - Contractor is responsible to notify the City prior to work commencement and to set up an inspection schedule.
  - Contractor is to maintain all landscape work for 60 days after the landscape has been accepted by the City of Modesto.
  - All work is to be guaranteed by the installing Contractor for one (1) full calendar year after acceptance by Owner unless specified otherwise.

**MWEL Note:**  
Changes to the approved plans or field substitutions shall not be permitted without prior written approval from the Landscape Architect and the City of Modesto Parks, Planning and Development Division. If the owner/contractor deviates from the approved plan without prior written approval they will be required to make any corrections, at their own expense, to bring the landscape and irrigation into compliance with the approved plans and the State Model Water Efficient Landscape Ordinance.



Revisions:

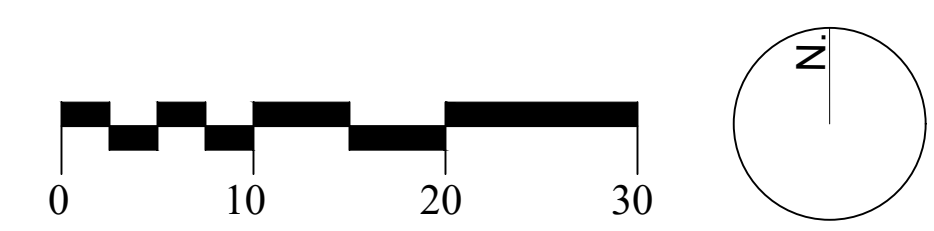

**Linda Fish**  
Landscape Architect  
(209) 656-7177  
CLA #4346

**Planting Plan**

**Empire Health & Wellness**  
A.P.N. 133-012-005  
4725 Yosemite Blvd.  
Empire, CA 95319

Scale: 1"=20'-0"  
Date: 1-24-20  
Drawn: LF  
Sheet Number:

**L2**







# **Sign Plan**



**SOUTH BUILDING ELEVATION**

FRONT ENTRY

EMPIRE HEALTH AND WELLNESS  
4725 YOSEMITE BOULEVARD, EMPIRE, CA 95319

"CALI KOSHER" SIGN DIMENSIONS: 54" (WIDTH) x 54" (HEIGHT)

STREET NUMBER DIMENSIONS: 45" (WIDTH) x 18" (HEIGHT)



# APPLICATION QUESTIONNAIRE

Please Check all applicable boxes

**APPLICATION FOR:**

*Staff is available to assist you with determining which applications are necessary*

- |   |  |
|---|--|
| <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Subdivision Map             |
| <input type="checkbox"/> Rezone                 | <input type="checkbox"/> Parcel Map                  |
| <input checked="" type="checkbox"/> Use Permit  | <input type="checkbox"/> Exception                   |
| <input type="checkbox"/> Variance               | <input type="checkbox"/> Williamson Act Cancellation |
| <input type="checkbox"/> Historic Site Permit   | <input type="checkbox"/> Other _____                 |

**PLANNING STAFF USE ONLY:**

Application No(s): PLN 2022-012  
 Date: 10/16/22  
 S 30 T 3 R 10  
 GP Designation: COMMERCIAL  
 Zoning: C-2  
 Fee: \$5,295.00  
 Receipt No. \_\_\_\_\_  
 Received By: KA  
 Notes: \_\_\_\_\_

In order for your application to be considered COMPLETE, please answer all applicable questions on the following pages, and provide all applicable information listed on the checklist on pages i – v. Under State law, upon receipt of this application, staff has 30 days to determine if the application is complete. We typically do not take the full 30 days. It may be necessary for you to provide additional information and/or meet with staff to discuss the application. Pre-application meetings are not required, but are highly recommended. An incomplete application will be placed on hold until all the necessary information is provided to the satisfaction of the requesting agency. An application will not be accepted without all the information identified on the checklist.

Please contact staff at (209) 525-6330 to discuss any questions you may have. Staff will attempt to help you in any way we can.

# PROJECT INFORMATION

**PROJECT DESCRIPTION:** (Describe the project in detail, including physical features of the site, proposed improvements, proposed uses or business, operating hours, number of employees, anticipated customers, etc. – Attach additional sheets as necessary)

**\*Please note:** A detailed project description is essential to the reviewing process of this request. In order to approve a project, the Planning Commission or the Board of Supervisors must decide whether there is enough information available to be able to make very specific statements about the project. These statements are called "Findings". It is your responsibility as an applicant to provide enough information about the proposed project, so that staff can recommend that the Commission or the Board make the required Findings. Specific project Findings are shown on pages 17 – 19 and can be used as a guide for preparing your project description. (If you are applying for a Variance or Exception, please contact staff to discuss special requirements).

See attached "Project Description"  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

# PROJECT SITE INFORMATION

Complete and accurate information saves time and is vital to project review and assessment. Please complete each section entirely. If a question is not applicable to your project, please indicated this to show that each question has been carefully considered. Contact the Planning & Community Development Department Staff, 1010 10<sup>th</sup> Street – 3<sup>rd</sup> Floor, (209) 525-6330, if you have any questions. Pre-application meetings are highly recommended.

ASSESSOR'S PARCEL NUMBER(S): Book 133 Page 012 Parcel 005

Additional parcel numbers: \_\_\_\_\_  
Project Site Address \_\_\_\_\_  
or Physical Location: \_\_\_\_\_  
\_\_\_\_\_

Property Area: Acres: \_\_\_\_\_ or Square feet: 14,000

Current and Previous Land Use: (Explain existing and previous land use(s) of site for the last ten years)

**General Commercial; Commercial Cannabis Retail Business**

List any known previous projects approved for this site, such as a Use Permit, Parcel Map, etc.: (Please identify project name, type of project, and date of approval)

**USE PERMIT AND DEVELOPMENT AGREEMENT APPLICATION NO. PLN2018-0115**

Existing General Plan & Zoning: **General Plan: General Commercial; Zoning: C-2**

Proposed General Plan & Zoning: \_\_\_\_\_  
(if applicable)

ADJACENT LAND USE: (Describe adjacent land uses within 1,320 feet (1/4 mile) and/or two parcels in each direction of the project site)

East: **General Plan: General Commercial; Zoning: C-2**

West: **General Plan: General Commercial; Zoning: C-2**

North: **General Plan: Single Family Residential; Zoning: R-1**

South: **General Plan: Industrial; Zoning: M**

## WILLIAMSON ACT CONTRACT:

Yes  No

Is the property currently under a Williamson Act Contract?  
Contract Number: \_\_\_\_\_

If yes, has a Notice of Non-Renewal been filed?

Date Filed: \_\_\_\_\_



Yes  No

Do you propose to cancel any portion of the Contract?

Yes  No

Are there any agriculture, conservation, open space or similar easements affecting the use of the project site. (Such easements do not include Williamson Act Contracts)

If yes, please list and provide a recorded copy: \_\_\_\_\_

\_\_\_\_\_

**SITE CHARACTERISTICS:** (Check one or more)

Flat

Rolling

Steep

**VEGETATION:** What kind of plants are growing on your property? (Check one or more)

Field crops

Orchard

Pasture/Grassland

Scattered trees

Shrubs

Woodland

River/Riparian

Other

Explain Other: **None**

Yes  No

Do you plan to remove any trees? (If yes, please show location of trees planned for removal on plot plan and provide information regarding transplanting or replanting.)

**GRADING:**

Yes  No

Do you plan to do any grading? (If yes, please indicate how many cubic yards and acres to be disturbed. Please show areas to be graded on plot plan.) \_\_\_\_\_

\_\_\_\_\_

**STREAMS, LAKES, & PONDS:**

Yes  No

Are there any streams, lakes, ponds or other watercourses on the property? (If yes, please show on plot plan)

Yes  No

Will the project change any drainage patterns? (If yes, please explain – provide additional sheet if needed) \_\_\_\_\_

\_\_\_\_\_

Yes  No

Are there any gullies or areas of soil erosion? (If yes, please show on plot plan)

Yes  No

Do you plan to grade, disturb, or in any way change swales, drainages, ditches, gullies, ponds, low lying areas, seeps, springs, streams, creeks, river banks, or other area on the site that carries or holds water for any amount of time during the year? (If yes, please show areas to be graded on plot plan)

**Please note: If the answer above is yes, you may be required to obtain authorization from other agencies such as the Corps of Engineers or California Department of Fish and Game.**

**STRUCTURES:**

- Yes  No  Are there structures on the site? (If yes, please show on plot plan. Show a relationship to property lines and other features of the site.)
- Yes  No  Will structures be moved or demolished? (If yes, indicate on plot plan.)
- Yes  No  Do you plan to build new structures? (If yes, show location and size on plot plan.)
- Yes  No  Are there buildings of possible Historical significance? (If yes, please explain and show location and size on plot plan.) \_\_\_\_\_  
\_\_\_\_\_

**PROJECT SITE COVERAGE:**

Existing Building Coverage: 3,720 Sq. Ft.                      Landscaped Area: 815 Sq. Ft.  
 Proposed Building Coverage: \_\_\_\_\_ Sq. Ft.                      Paved Surface Area: 9,466 Sq. Ft.

**BUILDING CHARACTERISTICS:**

Size of new structure(s) or building addition(s) in gross sq. ft.: (Provide additional sheets if necessary) \_\_\_\_\_

**Existing Structure: 3,720 sq. ft.** \_\_\_\_\_

Number of floors for each building: **Single story** \_\_\_\_\_

Building height in feet (measured from ground to highest point): (Provide additional sheets if necessary) **35 feet** \_\_\_\_\_

Height of other appurtenances, excluding buildings, measured from ground to highest point (i.e., antennas, mechanical equipment, light poles, etc.): (Provide additional sheets if necessary) \_\_\_\_\_

**NIA** \_\_\_\_\_

Proposed surface material for parking area: (Provide information addressing dust control measures if non-asphalt/concrete material to be used) \_\_\_\_\_

**Concrete parking lot for guests and employees** \_\_\_\_\_

**UTILITIES AND IRRIGATION FACILITIES:**

- Yes  No  Are there existing public or private utilities on the site? Includes telephone, power, water, etc. (If yes, show location and size on plot plan)

Who provides, or will provide the following services to the property?

Electrical: Modesto Irrigation District                      Sewer\*: City of Modesto  
 Telephone: Charter                      Gas/Propane: PG&E  
 Water\*\*: City of Modesto                      Irrigation: NIA

**\*Please Note:** A “will serve” letter is required if the sewer service will be provided by City, Sanitary District, Community Services District, etc.

**\*\*Please Note:** A “will serve” letter is required if the water source is a City, Irrigation District, Water District, etc., and the water purveyor may be required to provide verification through an Urban Water Management Plan that an adequate water supply exists to service your proposed development.

Will any special or unique sewage wastes be generated by this development other than that normally associated with resident or employee restrooms? Industrial, chemical, manufacturing, animal wastes? (Please describe:)

**None**

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**Please Note:** Should any waste be generated by the proposed project other than that normally associated with a single family residence, it is likely that Waste Discharge Requirements will be required by the Regional Water Quality Control Board. Detailed descriptions of quantities, quality, treatment, and disposal may be required.

Yes  No  Are there existing irrigation, telephone, or power company easements on the property? (If yes, show location and size on plot plan.)

Yes  No  Do the existing utilities, including irrigation facilities, need to be moved? (If yes, show location and size on plot plan.)

Yes  No  Does the project require extension of utilities? (If yes, show location and size on plot plan.)

**AFFORDABLE HOUSING/SENIOR:**

Yes  No  Will the project include affordable or senior housing provisions? (If yes, please explain)

**RESIDENTIAL PROJECTS:** (Please complete if applicable – Attach additional sheets if necessary)

Total No. Lots: \_\_\_\_\_ Total Dwelling Units: \_\_\_\_\_ Total Acreage: \_\_\_\_\_

Net Density per Acre: \_\_\_\_\_ Gross Density per Acre: \_\_\_\_\_

<i>(complete if applicable)</i>	Single Family	Two Family Duplex	Multi-Family Apartments	Multi-Family Condominium/Townhouse
Number of Units:	_____	_____	_____	_____
Acreage:	_____	_____	_____	_____

**COMMERCIAL, INDUSTRIAL, MANUFACTURING, RETAIL, USE PERMIT, OR OTHER PROJECTS:** (Please complete if applicable – Attach additional sheets if necessary)

Square footage of each existing or proposed building(s): **3,720 sq. ft.**

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Type of use(s): **Commercial**

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Days and hours of operation: 7 days a week, 8:00 AM - 8:00 PM

Seasonal operation (i.e., packing shed, huller, etc.) months and hours of operation: NIA

Occupancy/capacity of building: \_\_\_\_\_

Number of employees: (Maximum Shift): 7 (Minimum Shift): 6

Estimated number of daily customers/visitors on site at peak time: ±15

Other occupants: NIA

Estimated number of truck deliveries/loadings per day: 2

Estimated hours of truck deliveries/loadings per day: 8:00 AM - 5:00 PM

Estimated percentage of traffic to be generated by trucks: None

Estimated number of railroad deliveries/loadings per day: NIA

Square footage of:

Office area: 500 Warehouse area: NIA

Sales area: 1,200 Storage area: 1,200

Loading area: NIA Manufacturing area: NIA

Other: (explain type of area) 600 sq. ft. Waiting Area

Yes  No  Will the proposed use involve toxic or hazardous materials or waste? (Please explain)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**ROAD AND ACCESS INFORMATION:**

What County road(s) will provide the project's main access? (Please show all existing and proposed driveways on the plot plan)

Yosemite Blvd & A Street

\_\_\_\_\_

\_\_\_\_\_



Yes  No  Are there private or public road or access easements on the property now? (If yes, show location and size on plot plan)

Yes  No  Do you require a private road or easement to access the property? (If yes, show location and size on plot plan)

Yes  No  Do you require security gates and fencing on the access? (If yes, show location and size on plot plan)

**Please Note: Parcels that do not front on a County-maintained road or require special access may require approval of an Exception to the Subdivision Ordinance. Please contact staff to determine if an exception is needed and to discuss the necessary Findings.**

**STORM DRAINAGE:**

How will your project handle storm water runoff? (Check one)  Drainage Basin  Direct Discharge  Overland

Other: (please explain) \_\_\_\_\_

If direct discharge is proposed, what specific waterway are you proposing to discharge to? \_\_\_\_\_

\_\_\_\_\_

**Please Note: If direct discharge is proposed, you will be required to obtain a NPDES permit from the Regional Water Quality Control Board, and must provide evidence that you have contacted them regarding this proposal with your application.**

**EROSION CONTROL:**

If you plan on grading any portion of the site, please provide a description of erosion control measures you propose to implement.

**N/A**  
\_\_\_\_\_  
\_\_\_\_\_

**Please note: You may be required to obtain an NPDES Storm Water Permit from the Regional Water Quality Control Board and prepare a Storm Water Pollution Prevention Plan.**

**ADDITIONAL INFORMATION:**

Please use this space to provide any other information you feel is appropriate for the County to consider during review of your application. (Attach extra sheets if necessary)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **Request for Waiver of Local Setback Requirements**

Empire Health and Wellness requests a waiver of the local setback requirement based on the fact that the waiver will not result in a material detriment to the welfare or the property or persons located in the vicinity based on a finding of fact.

Empire Health and Wellness is located in commercially zoned building on Yosemite Boulevard. It is in a very secure building with only front access and side access through a gated and fenced area. The building only has windows in the front and those windows are composed of tinted security glass and have roll down security doors for after hours. Therefore, there is no ability to see into the building from the outside. The front windows only lead into a general waiting area. There are no cannabis products visible from this waiting area.

The dwelling located directly to the east is the nearest dwelling and is separated by Empire's exterior easterly wall. That exterior wall contains no doors or windows or access of any type. The dwelling directly north of our location is separated by a fence which contains secure barbed wire at the top in addition to being separated by an ally way.

All employee parking is within the secure gated and fenced area. All delivery vehicles enter the secured and fenced parking area and into the building through a side door. Delivery products are unloaded inside the building in a secure room where there is no visible access from the exterior of the building.

The dwelling located directly to the west is a vacant unused commercial building

There is no dwelling to the south of the building as that is Yosemite Boulevard. Across Yosemite Boulevard is an industrial parking area.

The uniquely situated commercial building provides a very secure and protected area to conduct a cannabis business. The secure nature of the building does not allow for any visibility of cannabis activities whatsoever. There is no access through any openings, doors or windows on the side nearest a dwelling. For these reasons Empire believes there will be no detriment to the welfare of the property or persons located in the vicinity.

Empire Health and Wellness is also willing to install a cinderblock wall should the County deem it necessary.