



**Planning Commission Staff Report**  
**Item # 1, April 21, 2022**  
**Appeal to the Planning Commission No. PA-2000214**  
**Prepared by: Stephanie Stowers**

**REVISED:** Additional documents added to Attachment G.

**PROJECT SUMMARY**

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**Applicant Information**

**Property Owner:** Kamps Property Management, LLC  
**Project Applicant:** New Cingular Wireless C/O Kevin Gallagher

**Project Site Information**

**Project Address:** 22640 South Murphy Road, Escalon  
**Project Location:** On the southeast corner of South Murphy Road and East Colony Road, Ripon

<b>Parcel Number (APN):</b>	245-190-45	<b>Water Supply:</b>	Private (Well)
<b>General Plan Designation:</b>	A/UR	<b>Sewage Disposal:</b>	Private (Septic)
<b>Zoning Designation:</b>	AG-40	<b>Storm Drainage:</b>	Private (On-site)
<b>Project Size:</b>	1,600 square feet	<b>100-Year Flood:</b>	No (X)
<b>Parcel Size:</b>	28.74 acres	<b>Williamson Act:</b>	No
<b>Community:</b>	Ripon	<b>Supervisory District:</b>	5

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**Project Description**

This project is an appeal of the Community Development Department’s denial of a Site Approval for an unmanned 134-foot-tall wireless communications tower and associated equipment to be located within a 1,600-square-foot lease area.

**Recommendation**

1. Deny the appeal and uphold the Community Development Department’s denial of Site Approval No. PA-2000214.

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## NOTIFICATION & RESPONSES

(See Attachment C, Response Letters)

### Public Hearing Notices

Legal ad for the public hearing published in the Stockton Record: April 11, 2022.

Number of Public Hearing notices: 368

Date of Public Hearing notice mailing: April 8, 2022.

### Referrals and Responses

Referrals were provided for the project, not the appeal.  
The responses been included for information only.

- **Project Referral with Environmental Determination Date:** March 18, 2021

Agency Referrals	Response Date - Referral
<b>County Departments</b>	
Ag Commissioner	
Community Development	
Building Division	
Fire Prevention Bureau	
Public Works	5/7/21
Environmental Health	4/8/21
Sheriff Office	
Supervisor: Dist. 4	
<b>State Agencies</b>	
Department of Transportation	
Division of Aeronautics	
Fish & Wildlife, Region: 2	
Native American Heritage Commission	
<b>Federal Agencies</b>	
F.A.A.	
F.E.M.A.	
Fish & Wildlife	

Agency Referrals	Response Date - Referral
<b>Local Agencies</b>	
A.L.U.C.	
City of Ripon	4/1/21
Ripon Fire District	
Mosquito & Vector Control	
S.J.C.O.G.	
San Joaquin Farm Bureau	3/31/21
San Joaquin Air Pollution Control District	
S.S.J.I.D.	
Ripon Unified School District	
<b>Miscellaneous</b>	
Frontier Telephone	
Haley Flying Service	
North Valley Yokuts Tribe	
United Aurn Indian Community	4/6/21
Buena Vista Rancheria	3/22/21
P.G.&E.	
Precissi Flying Service	
Sierra Club	

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# ANALYSIS

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## **Background**

### *Denial*

This application is an appeal of the Community Development Department's denial of Site Approval PA-2000214 for a 134-foot tall communication tower.

The project site is agriculturally zoned and has an existing orchard, however, the project site is located within the City of Ripon Sphere of Influence, within an area planned for future residential development.

Pursuant to Development Title Section 9-605.2, new communication tower facilities (Use Type: Communication Services – Type II) are permitted on agricultural properties subject to an approved Site Approval application. Pursuant to Development Title Section 9-818.6, prior to approving an application for a Site Approval, the Community Development Department shall find that all 5 findings are true. The 5 findings include:

1. Consistency. The proposed use is consistent with the goals, policies, standards, and maps of the General Plan, any applicable Master Plan, Specific Plan, and Special Purpose Plan, and any other applicable plan adopted by the County;
2. Improvements. Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, and the proposed improvements are properly related to existing and proposed roadways;
3. Site Suitability. The site is physically suitable for the type of development and for the intensity of development
4. Issuance Not Detrimental. Issuance of the permit will not be significantly detrimental to the public health, safety, or welfare, or be injurious to the property or improvements of adjacent properties; and
5. Compatibility. The use is compatible with adjoining land uses.

On October 21, 2021, the Community Development Department denied Site Approval No. PA-2000214 based on the inability to make the required Findings for approval in the affirmative. The Department cannot make Findings 1, 2, 3, & 5 (see Attachment F, Findings). On October 28, 2021, the applicant appealed the denial. The applicant then asked that the appeal be placed on hold so that they could work with the City of Ripon regarding the City's opposition. When these conversations stalled, staff placed the appeal on the next available Planning Commission agenda.

### *City of Ripon*

The City of Ripon submitted an opposition letter dated April 1, 2021 (Attachment E; City of Ripon Correspondence). In this letter, the City notes that the subject parcel is planned for residential development in the City of Ripon General Plan, and that the Ripon Municipal Code requires a 500-foot buffer distance between residential development and wireless communication towers. As a result, when this area is annexed into the City, the tower would affect planned residential development. Additionally, pursuant to Board of Supervisors Resolution R-18-24, the County has agreed to provide "due consideration to ... comments for development proposals occurring within the City of Ripon's [Sphere of Influence] to the extent said comments are consistent with and implement San Joaquin County's General Plan, Master Plans, Specific Plans, and Development Title." This Resolution is included in Attachment E, City of Ripon Correspondence. As a result, the City of Ripon's comments throughout the review of the application were carefully considered.

### *Zoning*

Because the project site is located within the Sphere of Influence for the City of Ripon, the parcel has a General Plan designation of A-UR (Agricultural – Urban Reserve). This designation provides a reserve for urban development and applies to areas currently used for agricultural production that are in the logical path of development in the city fringe areas, like the Sphere of Influence. The designation was updated to

A-UR with the adoption of the General Plan 2035, which was adopted by the Board of Supervisors in 2016. The Community Development Department is currently updating the Development Title and zoning maps to align with the General Plan 2035. The subject parcel will be updated to AU-20 (Agricultural Urban Reserve) zoning with these updates for consistency with the A-UR designation. A wireless communication tower may be permitted in both the existing AG-40 zone, and the future AU-20 zone subject to approval of a discretionary land use application.

### **Appeal Statements**

The Basis for Appeal submitted by the applicant is contained in its entirety in Attachment A, Appeal.

#### **Appeal Statement #1:**

“The denial appears to be based entirely on an opposition letter sent by the City of Ripon in April 2021, in which the City objected to the project based on alleged inconsistencies of the proposed facility with the County’s General Plan in relation to the City’s Sphere of Influence. AT&T has been working with the City in good faith to site the proposed facility at an alternative location on the property to accommodate the City’s concerns. AT&T intends to amend or resubmit its application with this alternate location as soon as it reaches agreement with the City.”

#### **Response to Appeal Statement #1:**

Although the City of Ripon letter dated April 1, 2021 speaks to concerns regarding compatibility with the County’s General Plan, the denial of the Site Approval was based on the inability to make the necessary findings. Staff review of the application determined that Findings 1, 2, 3, & 5 (Attachment F, Findings) could not be made in the affirmative, and as a result, the project was denied.

Throughout the review of the application, the Community Development Department worked closely with the City of Ripon for input on the application (see Attachment E; City of Ripon Correspondence). As discussed above, Board of Supervisors Resolution R-18-24 states that the County will provide consideration to comments for development proposals occurring within the City of Ripon’s Sphere of Influence. As a result, the City of Ripon’s comments were considered in review of the application, and provided additional reasoning for denial of the application.

#### **Appeal Statement #2:**

“The project is consistent with all applicable County General Plan and Development Code requirements, so the permit denial should be overturned, and AT&T should be permitted to amend or resubmit its application.”

#### **Response to Appeal Statement #2:**

Community Development Department staff reviewed the application pursuant to Development Title 9-818 (Site Approvals). Through the review process, staff reviewed all applicable General Plan and Development Title requirements. Staff determined that the project directly conflicted with multiple General Plan goals and policies, including Goal LU-7 and LU-7.9 relating to the development of Agricultural – Urban Reserve designated parcels; Goal C-1 and C-1.3 regarding protecting established urban and rural communities; Goal C-4 and C-4.1 regarding development within city fringe area; and Goal C-4 and C-4.5 regarding coordination with City development standards (see Attachment F, Findings). In conclusion, the project is not consistent with the General Plan. Additionally, as noted above, Findings 1, 2, 3, & 5 could not be made in the affirmative.

### **Opposition**

In addition to the opposition letter received from the City of Ripon, The Community Development Department also received opposition from Colony Oak Elementary School including the signatures of 37 staff members, and 21 members of the community. Additionally, numerous community members and organizations (250+) contacted the Board of Supervisors directly to express their opposition to the project.

### **Project Revisions**

Since the project was denied, the applicant submitted to the Community Development Department information regarding revisions to the proposal (see Attachment G, Project Revisions), including a change in location from the west side to the east side of the subject property. Because the project is denied, staff has not reviewed this information in depth, however the entire property falls within the City of Ripon General Plan within a residential designation and the proposed changes would not change the Department's recommendation. If the Planning Commission would like to consider the revisions to the application, these revisions would need to be referred back to staff for appropriate review and noticing, including noticing of the public pursuant to the Development Title requirements.

### **Historic Preservation Invitation to Comment**

On February 28, 2022, the Community Development Department received a letter from EBI Consulting addressed to Commissioner Sangha. The letter requested comments under Section 106 of the National Preservation Act, and requests review of the tower, not related to the zoning process. This letter has been included with public response letters (Attachment D, Public Response Letters). This letter does not expressly support or oppose the project and appears unrelated to the appeal. Pursuant to the historic register, no historic landmarks are located in the vicinity of the project site.

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## **RECOMMENDATION**

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It is recommended that the Planning Commission:

1. Deny the appeal and uphold the Community Development Department's denial of Site Approval No. PA-2000214.

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## Community Development Department

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# Attachment A Appeal

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## APPLICATION – APPEAL OF STAFF ACTION

### SAN JOAQUIN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

FILE NUMBER: - PA-2000214 (SA)

TO BE COMPLETED BY THE APPLICANT PRIOR TO FILING THE APPLICATION		
APPLICANT INFORMATION		
Name: New Cingular Wireless PCS LLC d/b/a AT&T Mobility, c/o Complete Wireless Consulting		
Address: 2009 V St, Sacramento, CA 95818, Attn: Kevin Gallagher		
Phone: 916-764-2632		
BASIS FOR APPEAL		
Action being appealed: Staff Denial of Site Approval No. PA-2000214, APN 245-190-45 / 22640 S. Murphy Rd., Escalon		
Date of Staff action: 10/21/21		
State the basis of the appeal. List any findings of fact made by the staff which you feel were wrong and your reasons:		
1. The staff findings that the proposed telecommunications facility is not consistent with the goals and policies of the General Plan, including the findings that the facility is not consistent with (a) Goal LU-7, LU-7.9 (Agriculture-Urban Reserve), (b) Goals C-1, C-1.3 (Protect Established Communities), and (c) Goal C-4, C-4.5 City development standards.		
2. The staff finding that adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have not been provided, and that the proposed improvements are not properly related to existing and proposed roadways.		
3. The staff finding that the site is not physically suitable for the type of development and intensity of development.		
5. The staff finding that the facility is not compatible with adjoining land uses. Additionally, AT&T disputes the assertion that no alternative sites on the property were presented. Prior to denial, AT&T proposed an alternate location on the property. At the time of denial, architectural drawings for the new location were in progress.		
List any condition(s) and or findings being appealed and give reasons why you think it should be modified or removed:		
The denial appears to be based entirely on an opposition letter sent by the City of Ripon in April 2021, in which the City objected to the project based on alleged inconsistencies of the proposed facility with the County's General Plan in relation to the City's Sphere of Influence. AT&T has been working with the City in good faith to site the proposed facility at an alternate location on the property to accommodate the City's concerns. AT&T intends to amend or resubmit its application with this alternate location as soon as it reaches agreement with the City. The project is consistent with all applicable County General Plan and Development Code requirements, so the permit denial should be overturned, and AT&T should be permitted to amend or resubmit its application.		
Signature (Owner): <i>Joan Fenner</i>		
Signature: Kevin Gallagher		<small>Digitally signed by Kevin Gallagher            DN: cn=Kevin Gallagher, o=Complete Wireless Consulting, email=kgallagher@completewireless.com, c=US            Date: 2021.10.28 09:14:31 -0700</small>
Signature: _____		SIGNATURE (applicant)
Date: 10/28/21		
STAFF USE ONLY		
Remarks:	Date appeal filed: 11/01/2021	
Fee: \$353.00	Receipt No: R220513	Appeal Accepted by: KG/AG

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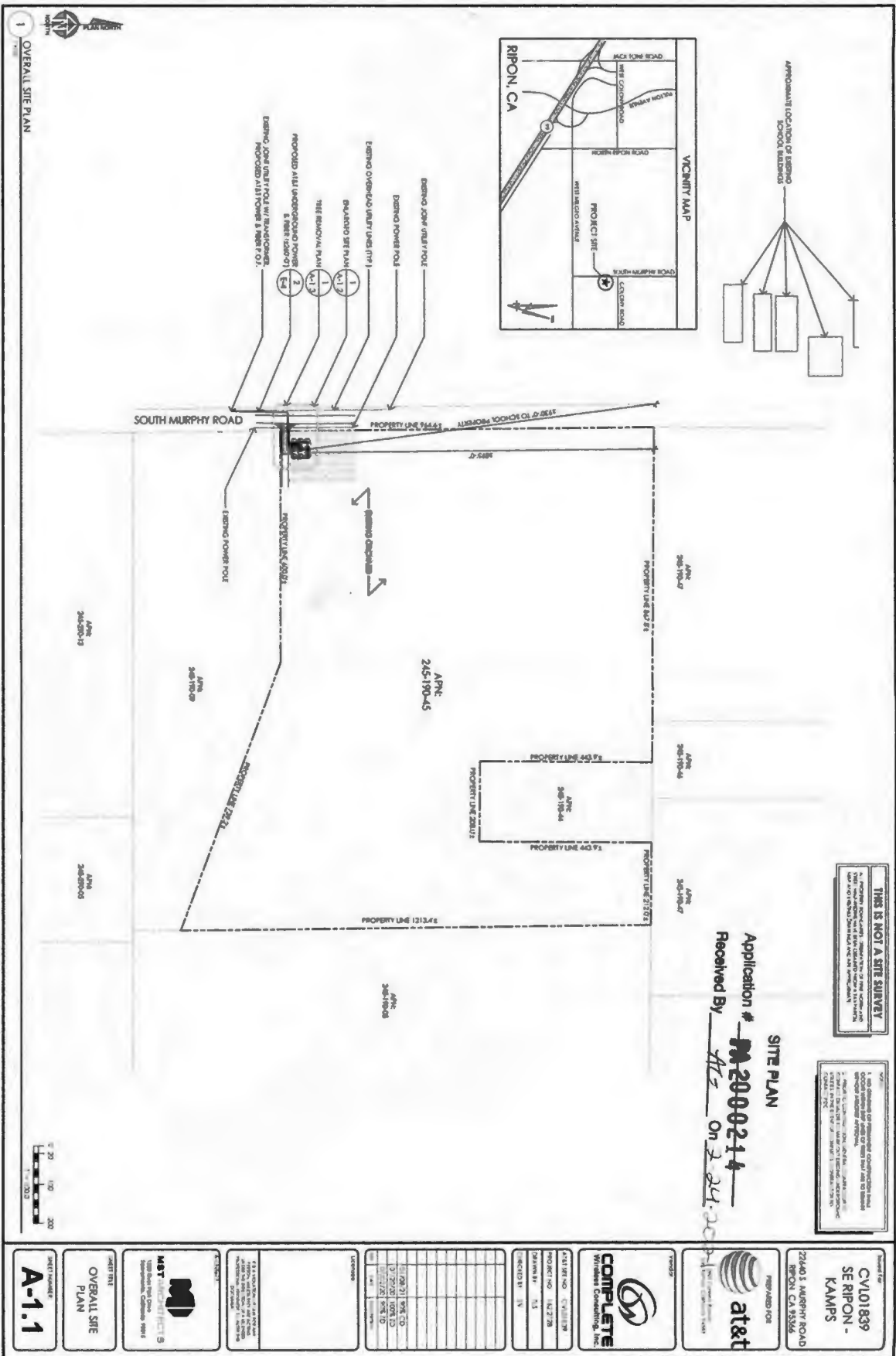
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# Community Development Department

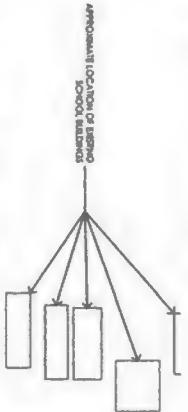
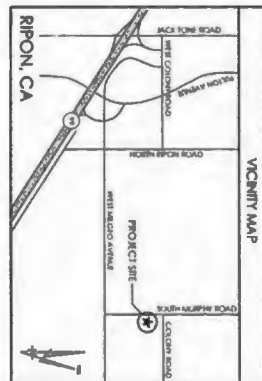
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## **Attachment B** **Site Plan**

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1 OVERALL SITE PLAN



**THIS IS NOT A SITE SURVEY**  
 A PROPERTY ACQUISITION, REMEDIATION OR REDEVELOPMENT PROJECT MAY INVOLVE THE DISCOVERY OF UNDEVELOPED OR UNRECORDED EASEMENTS, RIGHTS OF WAY, OR OTHER INTERESTS IN REAL PROPERTY. THE PRESENCE OF SUCH INTERESTS MAY AFFECT THE ABILITY TO ACQUIRE THE ENTIRE INTEREST IN THE PROPERTY OR TO DEVELOP THE PROPERTY AS SHOWN ON THIS PLAN.

**Application # PA-2000214**  
**Received By HZ On 2-24-20**

**SITE PLAN**

1. All drawings and documents submitted hereunder are the property of the Applicant and shall remain the property of the Applicant. The Applicant warrants that the information provided herein is true and correct to the best of their knowledge and belief. The Applicant shall be responsible for obtaining all necessary permits and approvals from the appropriate agencies and shall be responsible for the cost of such permits and approvals.



<p>Project No: CV101839          SE RIPON - KAMPS</p> <p>22640 S MURPHY ROAD          RIPON, CA 95366</p> <p>Prepared for   at&amp;t</p>	<p><b>COMPLETE</b>          Wireless Consulting, Inc.</p> <p>Project No: CV101839          Project No: 162726          System No: 34          Project No: 34</p>	<p>DATE PLOTTED: 1/11/2020          PLOTTER: HP DesignJet T1100</p>	<p>DATE TIME: 1/11/2020 10:00 AM          OVERALL SITE PLAN</p>	<p>DATE PLOTTED: 1/11/2020          PLOTTER: HP DesignJet T1100</p>	<p>DATE TIME: 1/11/2020 10:00 AM          OVERALL SITE PLAN</p>	<p>DATE PLOTTED: 1/11/2020          PLOTTER: HP DesignJet T1100</p>	<p>DATE TIME: 1/11/2020 10:00 AM          OVERALL SITE PLAN</p>
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## **Attachment C** **Agency Response Letters**

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**Department of Public Works**

**Kris Balaji, Director of Public Works**

**Fritz Buchman, Deputy Director/Development**

**Jim Stone, Deputy Director/Operations**

**Kristi Rhea, Business Administrator**

May 7, 2021

**MEMORANDUM**

**TO:** Community Development Department  
CONTACT PERSON: Kelsey Gunter

**FROM:** Alex Chetley, Engineering Services Manager *AC*  
Development Services Division

**SUBJECT:** PA-2000214; A Site Approval application for an unmanned, freestanding, 134-foot high, wireless telecommunications pole with associated equipment including a backup generator, located within a 1,600 square foot lease space; located on the southeast corner of South Murphy Road and East Colony Road, Escalon. (Supervisorial District 4)

**OWNER:** Kamps Property Management, LLC.                      **APPLICANT:** New Cingular Wireless

**ADDRESS:** 22640 S. Murphy Road, Escalon                      **APN:** 245-190-45

**INFORMATION:**

The site is not currently located within a Federal Emergency Management Agency Designated Flood Hazard Area.

Murphy Road has an existing right-of-way of 60 feet and a planned right-of-way of 84 feet.

Colony Road has an existing right-of-way of 30 feet and a planned right-of-way of 50 feet.

**RECOMMENDATIONS:**

- 1) An encroachment permit shall be required for all work within road right-of-way. (Note: Driveway encroachment permits are for flatwork only – all vertical features, including but not limited to fences, walls, private light standards, rocks, landscaping and cobbles are not allowed in the right-of-way.) (Development Title Sections 9-1145.4 and 9-1145.5)
- 2) Prior to issuance of the occupancy permit, the driveway approach shall be improved in accordance with the requirements of San Joaquin County Improvement Standards Drawing No. R-17. (Development Title Section 9-1145.5)

1810 East Hazelton Avenue | Stockton, California 95205 | T 209 468 3000 | F 209 468 2999

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PA-2000214 (SA)

- 3) The Traffic Impact Mitigation Fee shall be required for this application. The fee is due and payable at the time of building permit application. The fee shall be automatically adjusted July 1 of each year by the Engineering Construction Cost Index as published by the Engineering News Record. (Resolution R-00-433)
- 4) The Regional Transportation Impact Fee shall be required for this application. The fee is due and payable at the time of building permit application. The fee will be based on the current schedule at the time of payment. (Resolution R-06-38)
- 5) The developer shall provide drainage facilities in accordance with the San Joaquin County Development Standards. Retention basins shall be fenced with six (6) foot high chain link fence or equal when the maximum design depth is 18 inches or more. Required retention basin capacity shall be calculated and submitted along with a drainage plan for review and approval, prior to release of building permit. (Development Title Section 9-1135)

AC:CH




## Environmental Health Department

**Jasjit Kang, REHS, Director**  
*Muniappa Naidu, REHS, Assistant Director*  
**PROGRAM COORDINATORS**  
Robert McClellon, REHS  
Jeff Carruesco, REHS, RDI  
Willy Ng, REHS  
Melissa Nissim, REHS  
Steven Shih, REHS

April 8, 2021

To: San Joaquin County Community Development Department  
Attention: Kelsey Gunter

From: Naseem Ahmed; 209-616-3018  
Senior Registered Environmental Health Specialist 

RE: **PA-2000214 (SA), Referral, SU0013963**  
**22640 S. Murphy Rd., Escalon**

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The following requirements have been identified as pertinent to this project. Other requirements may also apply. These requirements cannot be modified.

1. Any geotechnical drilling shall be conducted under permit and inspection by The EHD (San Joaquin County Development Title, Section 9-1115.3 and 9-1115.6).
2. Before any hazardous materials/waste can be stored or used onsite, the owner/operator must report the use or storage of these hazardous materials to the California Environmental Reporting System (CERS) at [cers.calepa.ca.gov/](https://cers.calepa.ca.gov/) and comply with the laws and regulations for the programs listed below (based on quantity of hazardous material in some cases). The applicant may contact the Program Coordinator of the CUPA program, Muniappa Naidu (209) 468-3439, with any questions.
  - a. Any amount but not limited to the following hazardous waste; hazardous material spills, used oil, used oil filters, used oil-contaminated absorbent/debris, waste antifreeze, used batteries or other universal waste, etc. – **Hazardous Waste Program** (Health & Safety Code (HSC) Sections 25404 & 25180 et sec.)
  - b. Onsite treatment of hazardous waste – **Hazardous Waste Treatment Tiered Permitting Program** (HSC Sections 25404 & 25200 et sec. & California Code of Regulations (CCR), Title 22, Section 67450.1 et sec.)
  - c. Reportable quantities of hazardous materials-reportable quantities are 55 gallons or more of liquids, 500 pounds for solids, or 200 cubic feet for compressed gases, with some exceptions. Carbon dioxide is a regulated substance and is required to be reported as a hazardous material if storing 1,200 cubic feet (137 pounds) or more onsite in San Joaquin County – **Hazardous Materials Business Plan Program** (HSC Sections 25508 & 25500 et sec.)
  - d. Any amount of hazardous material stored in an Underground Storage Tank – **Underground Storage Tank Program** (HSC Sections 25286 & 25280 et sec.)
    - i. If an underground storage tank (UST) system will be installed, a permit is required to be submitted to, and approved by, the San Joaquin County EHD before any UST installation work can begin.
    - ii. Additionally, an EHD UST permit to operate is required once the approved UST system is installed.

1868 E. Hazelton Avenue | Stockton, California 95205 | T 209 468-3420 | F 209 464-0138 | [www.sjgov.org/ehd](http://www.sjgov.org/ehd)

- e. Storage of at least 1,320 gallons of petroleum aboveground or any amount of petroleum stored below grade in a vault – **Aboveground Petroleum Storage Program** (HSC Sections 25270.6 & 25270 et sec.)
  - i. **Spill Prevention, Countermeasures and Control (SPCC) Plan requirement**
- f. Threshold quantities of regulated substances stored onsite - **California Accidental Release Prevention (CalARP) Program** (Title 19, Section 2735.4 & HSC Section 25531 et sec.)
  - i. **Risk Management Plan requirement for covered processes**



SJCOG, Inc.

535 East Weber Avenue • Stockton, CA 95202 • (209) 235-0600 • FAX (209) 235-0438

San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)

**SJMSCP RESPONSE TO LOCAL JURISDICTION (RTL)  
ADVISORY AGENCY NOTICE TO SJCOG, Inc.**

**To:** Kelsey Gunter, San Joaquin County, Community Development Department  
**From:** Laurel Boyd, SJCOG, Inc.  
**Date:** March 22, 2021  
**Local Jurisdiction Project Title:** PA-2000214 (SA)  
**Assessor Parcel Number(s):** 245-190-45  
**Local Jurisdiction Project Number:** PA-2000214 (SA)  
**Total Acres to be converted from Open Space Use:** Unknown  
**Habitat Types to be Disturbed:** Multi-Purpose Open Space Habitat Land  
**Species Impact Findings:** Findings to be determined by SJMSCP biologist.

Dear Ms. Gunter:

SJCOG, Inc. has reviewed the application referral for PA-2000214 (SA). This project consists of a Site Approval application for an unmanned, freestanding, 134-foot high, wireless telecommunications pole with associated equipment including a backup generator, located within a 1,600 square foot lease space. Access to the site will be from S. Murphy Road. The project location is on the southeast corner of S. Murphy Road and E. Colony Road, Escalon (APN/Address: 245-190-45/22640 S. Murphy Road, Escalon).

San Joaquin County is a signatory to San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). Participation in the SJMSCP satisfies requirements of both the state and federal endangered species acts, and ensures that the impacts are mitigated below a level of significance in compliance with the California Environmental Quality Act (CEQA). The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measures are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP. Although participation in the SJMSCP is voluntary, Local Jurisdiction/Lead Agencies should be aware that if project applicants choose against participating in the SJMSCP, they will be required to provide alternative mitigation in an amount and kind equal to that provided in the SJMSCP.

**This project is subject to the SJMSCP** and is located within the unmapped land use area. Per requirements of the SJMSCP, unmapped projects are subject to case-by-case review. This can be a 90 day process and it is recommended that the project applicant contact SJMSCP staff as early as possible. It is also recommended that the project applicant obtain an information package. <http://www.sjco.org>

If this project is approved by the Habitat Technical Advisory Committee and the SJCOG Inc. Board, the following process must occur to participate in the SJMSCP:

- Schedule a SJMSCP Biologist to perform a pre-construction survey **prior to any ground disturbance**
- SJMSCP Incidental take Minimization Measures and mitigation requirement:
  1. Incidental Take Minimization Measures (ITMMs) will be issued to the project and must be signed by the project applicant prior to any ground disturbance but no later than six (6) months from receipt of the ITMMs. If ITMMs are not signed within six months, the applicant must reapply for SJMSCP Coverage. Upon receipt of signed ITMMs from project applicant, SJCOG, Inc. staff will sign the ITMMs. This is the effective date of the ITMMs.
  2. Under no circumstance shall ground disturbance occur without compliance and satisfaction of the ITMMs.
  3. Upon issuance of fully executed ITMMs and prior to any ground disturbance, the project applicant must:
    - a. Post a bond for payment of the applicable SJMSCP fee covering the entirety of the project acreage being covered (the bond should be valid for no longer than a 6 month period); or
    - b. Pay the appropriate SJMSCP fee for the entirety of the project acreage being covered; or
    - c. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
    - d. Purchase approved mitigation bank credits
  4. Within 6 months from the effective date of the ITMMs or issuance of a building permit, whichever occurs first, the project applicant must

2 | SJCOG, Inc.

- a. Pay the appropriate SJMSCP for the entirety of the project acreage being covered, or
- b. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
- c. Purchase approved mitigation bank credits.

Failure to satisfy the obligations of the mitigation fee shall subject the bond to be called.

- Receive your Certificate of Payment and release the required permit

*It should be noted that if this project has any potential impacts to waters of the United States [pursuant to Section 404 Clean Water Act], it would require the project to seek voluntary coverage through the unmapped process under the SJMSCP which could take up to 90 days. It may be prudent to obtain a preliminary wetlands map from a qualified consultant. If waters of the United States are confirmed on the project site, the Corps and the Regional Water Quality Control Board (RWQCB) would have regulatory authority over those mapped areas [pursuant to Section 404 and 401 of the Clean Water Act respectively] and permits would be required from each of these resource agencies prior to grading the project site.*

If you have any questions, please call (209) 235-0600.



**S J C O G , I n c .**

*San Joaquin County Multi-Species Habitat Conservation & Open Space Plan*

555 East Weber Avenue • Stockton, CA 95202 • (209) 235-0600 • FAX (209) 235-0438

**SJMSCP HOLD**

**TO:** Local Jurisdiction: Community Development Department, Planning Department, Building Department, Engineering Department, Survey Department, Transportation Department, Other:

**FROM:** Laurel Boyd, S J C O G , I n c .

**DO NOT AUTHORIZE SITE DISTURBANCE  
DO NOT ISSUE A BUILDING PERMIT  
DO NOT ISSUE \_\_\_\_\_ FOR THIS PROJECT**

The landowner/developer for this site has requested coverage pursuant to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). In accordance with that agreement, the Applicant has agreed to:

- 1) **SJMSCP Incidental Take Minimization Measures and mitigation requirement:**
  - 1. Incidental Take Minimization Measures (ITMMs) will be issued to the project and must be signed by the project applicant prior to any ground disturbance but no later than six (6) months from receipt of the ITMMs. If ITMMs are not signed within six months, the applicant must reapply for SJMSCP Coverage. Upon receipt of signed ITMMs from project applicant, S J C O G , I n c . staff will sign the ITMMs. This is the effective date of the ITMMs.
  - 2. Under no circumstance shall ground disturbance occur without compliance and satisfaction of the ITMMs.
  - 3. Upon issuance of fully executed ITMMs and prior to any ground disturbance, the project applicant must:
    - a. Post a bond for payment of the applicable SJMSCP fee covering the entirety of the project acreage being covered (the bond should be valid for no longer than a 6 month period); or
    - b. Pay the appropriate SJMSCP fee for the entirety of the project acreage being covered; or
    - c. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
    - d. Purchase approved mitigation bank credits.
  - 4. Within 6 months from the effective date of the ITMMs or issuance of a building permit, whichever occurs first, the project applicant must:
    - a. Pay the appropriate SJMSCP for the entirety of the project acreage being covered; or
    - b. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
    - c. Purchase approved mitigation bank credits.
 Failure to satisfy the obligations of the mitigation fee shall subject the bond to be called.

Project Title: PA-2000214 (SA)

Landowner: Kamps Property Management, LLC

Applicant: New Cingular Wireless

Assessor Parcel #: 245-190-45

T \_\_\_\_\_, R \_\_\_\_\_, Section(s): \_\_\_\_\_

Local Jurisdiction Contact: Kelsey Gunter

**The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measures are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP.**



## City of Ripon

259 N. Wilma Avenue • Ripon, California 95366  
Phone (209)599-2108 • Fax (209)599-2685  
www.cityofripon.org

MAYOR  
*Daniel de Graff*  
VICE MAYOR  
*Dean Uecker*  
COUNCIL MEMBERS  
*Michael Restuccia*  
*Leo Zuber*  
*Timothy Wheeler*  
CITY ADMINISTRATOR/  
CITY ENGINEER  
*Kevin Werner*  
CITY ATTORNEY  
*Thomas H. Terpstra*  
CITY CLERK/FINANCE DIRECTOR  
*Lisa Ross*  
DIRECTOR OF PLANNING,  
BUILDING & ECONOMIC  
DEVELOPMENT  
*Ken Zuidervaar*  
DIRECTOR OF PUBLIC WORKS  
*James Pearce*  
RECREATION DIRECTOR  
*Kye Stevens*

April 1, 2021

Kelsey Gunter  
Assistant Planner  
San Joaquin Community Development Department  
1810 Hazelton Avenue  
Stockton, CA 95205

Re: Opposition to Application Number: PA-2000214 (SA)

Dear Ms. Gunter:

The City of Ripon appreciates the opportunity to provide comments on the above-mentioned project. For the reasons which follow, the City respectfully opposes the proposed location for this new cell tower.

The proposed location for a new 134-foot high, wireless telecommunications pole falls outside of current City limits, but is within Ripon's Sphere of Influence. While the site is located more than the minimum five-hundred (500) foot buffer distance from existing residential as required under the Ripon Municipal Code, the proposed location would significantly affect planned residential development within the City's Sphere of Influence.

As you are aware, the County's General Plan is replete with policies encouraging inter-jurisdictional coordination in the land use process such as:

- Goal C-4, which deals with City Fringe Areas (Spheres of Influence), and how consultation, coordination and cooperation between the Cities and County are necessary and essential.
  - Policy C-4.1 – City Fringe Boundaries
  - Policy C-4.2 – Coordination with Cities
  - Policy C-4.3 – Consistent Planning
  - Policy C-4.5 – City Development Standards



The proposed location for this new tower placement is in direct conflict with future residentially zoned property within the City of Ripon's Sphere of Influence. Siting a telecommunications tower at this location would preclude the planned development of approximately nine (9) acres of future anticipated residential property (see attachment). The City of Ripon strongly urges the San Joaquin County Community Development Department to deny this application and instruct the applicant to work jointly with San Joaquin County and the City of Ripon in siting a new location that does not impact future planned residential property within the City of Ripon's Sphere of Influence.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ken Zuidervaart', written over a light blue horizontal line.

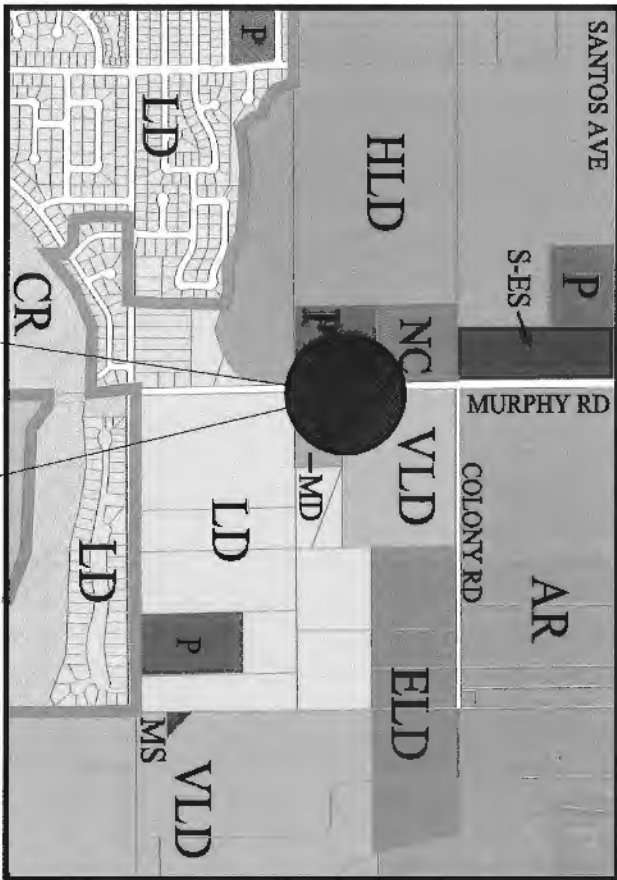
Ken Zuidervaart, Director  
Planning, Building and Economic Development

Enc. Sphere of Influence Land Use Exhibit

# CITY OF RIPON GENERAL PLAN 2040

## Land Uses

- ELD (Extremely Low Density Residential)
- VLD (Very Low Density Residential)
- LD (Low Density Residential)
- HLD (High Low Density Residential)
- MD (Medium Density Residential)
- NC (Neighborhood Commercial)
- MS (Municipal Service)
- P (Park)
- S-ES (Elementary School)
- AR (Agricultural Reserve)
- City Limits



500 Foot Buffer distance required under the Ripon Municipal Code

Proposed Telecommunications Tower Location



# SAN JOAQUIN FARM BUREAU FEDERATION

MEETING TODAY'S CHALLENGES / PLANNING FOR TOMORROW

March 31, 2021

San Joaquin County Community Development Department  
Development Services Division  
Attn: Kelsey Gunter  
1810 E. Hazelton Avenue  
Stockton, CA 95205

**RE: PA- 2000214 (SA)**

Dear Ms. Gunter;

The San Joaquin Farm Bureau Federation is a private, not for profit, volunteer organization. The Farm Bureau is San Joaquin County's oldest agricultural organization, dedicated to the promotion and advancement of agriculture for over one hundred years. We would like to express our concern regarding this application, a site approval to construct a new 134 foot telecommunications pole with associated ground equipment.

Aerial sprayers provide many valuable services to both the agricultural industry and to the community at large. In agriculture, we use crop dusters to eliminate crop damaging pests and the County's Mosquito and Vector Control District also regularly uses aerial spraying for mosquito abatement purposes to control disease carrying insects for the public. Pursuant to the San Joaquin County Development Title<sup>1</sup>, the proposed project shall not significantly displace or impair agricultural operations. Here, we have reservations about this project in a highly agricultural area that regularly utilizes the services of aerial sprayers. Following best agricultural practices, crop dusters fly lower than regular air traffic to maximize their efficiency and only spray the crop, eliminating drift to the greatest extent possible. Thus, we must make certain that the telecommunications pole is clearly marked and maintained to ensure adequate visibility to protect the aerial sprayers, so we can maintain the existing agricultural operations in the region.

As a condition of approval for this application, we recommend the county require that the applicant follow the FAA painting and lighting recommendations for structures that may pose a hazard to air navigation. The unique circumstances of the project and the site warrant such consideration and it would best serve the agricultural and public safety interests at stake. If you have any further questions, please do not hesitate to contact the Farm Bureau at (209) 931-4931.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Strecker'.

David Strecker  
San Joaquin Farm Bureau President

---

<sup>1</sup> SJC Development Title 9-1065.4(e)



SOUTH SAN JOAQUIN  
IRRIGATION DISTRICT

April 5, 2021

San Joaquin County  
Community Development Dept.  
1810 E. Hazelton Ave.  
Stockton, CA 95205

Attn: Kelsey Gunter

Subject: PA-2000214 (SA)  
Kamps Property Management, I.I.C  
APN: 245-190-45

Dear: Ms. Gunter:

The South San Joaquin Irrigation District ("SSJID") has reviewed the application named above and requests that the following conditions of approval be adopted for this development:

- Based upon review of the site plan, it appears that there is an SSJID irrigation pipeline, Lateral U88dd, located very near the proposed project. As such, we are requesting that improvement plans be submitted to the District which provides specific details for proposed improvements which may affect District facilities and operations. This plan must be reviewed and approved by the District Engineering Department to determine the extent of any necessary improvements to District facilities in accordance with District policy. No building shall be allowed within District easement.
- Any proposed encroachment within the District's easement is subject to review and approval of an encroachment permit application.

*P.O. Box 747, Ripon, CA 95366-0747 (Mailing)  
11011 E. Highway 120, Manteca, CA 95336-9750  
(209) 249-4600*

If you have any questions, please contact me in the Engineering Department at (209) 249-4620.

Sincerely,

Handwritten signature of Forrest Killingsworth in black ink.

Forrest Killingsworth  
Engineering Department Manager

*P.O. Box 747, Ripon, CA 95366-0747 (Mailing)  
11011 E. Highway 120, Manteca, CA 95336-9750  
(209) 249-4600*

# COLONY OAK ELEMENTARY SCHOOL

22241 S. Murphy Rd. Ripon, CA 95366 (209)599-7145 Fax (209)599-2772



Ziggy Robeson, Superintendent

Cheryl Griffiths, Principal

March 29, 2021

To The San Joaquin Community Development Department,

The Colony Oak Elementary School Staff is opposed to the cell tower application number PA-2000214 (SA) located at 16683 Colony Road in Ripon, California.

As the site principal of Colony Oak I was only notified of the proposed tower after the land owner signed the contract. Without prior notification, there was no ability to participate in the discussion about the cell phone base tower being constructed on the corner of Murphy and Colony Road which is extremely close to school. The school community would strongly prefer that a cell tower not be located close to our school.

The cell tower location will create an ongoing disruption to our school. The school community is opposed to the tower and the concerns of a cell tower will be an ongoing topic that we frankly do not need.

The visual impact of this cell tower will drastically alter the defining aesthetic characteristic of the school. The visual element of the school will be forever altered by a 134-foot cell tower.

Cell towers can create safety issues. This tower, if allowed to be constructed, will create significant interruption, with potential lasting and irreversible damage to this school and set a dangerous precedent that towers can be placed anywhere without any say from citizens.

The Colony Oak Staff and I support stopping this tower from being placed here and ask that New Cingular Wireless find a different spot that will not be a detriment to this school.

Sincerely,

Cheryl Griffiths

# COLONY OAK ELEMENTARY SCHOOL

22241 S. Murphy Rd. Ripon, CA 95366 (209)599-7145 Fax (209)599-2772



Ziggy Robeson, Superintendent

Cheryl Griffiths, Principal

The following Colony Oak staff members are opposed to the proposed cell tower located at the corner of Murphy Road and Colony Road.

Cheryl Griffiths  
Stephanie Taylor  
P. [unclear]  
Sarah Taylor  
Alicia Walker  
Robert Avila  
Ardette Fessler  
Ann Miller  
Mary Carlson  
[unclear]  
[unclear]  
Stephen Bylma  
Cindie Hobbes  
Stephanie Williams  
Cawley Stull  
Jon Foltz

Michelle Chudler  
Alyce [unclear]  
Sarah Vagney  
Jessica DeWinter  
Jaymani Beyers  
Luelle [unclear]  
Barlene [unclear]  
Marie [unclear]  
Kiana [unclear]  
Jack [unclear]  
M. Bond  
Stacy Dean  
Lany [unclear]  
Jeffrey [unclear]

**Gunter, Kelsey [CDD]**

---

**From:** Anna Cheng <acheng@auburnrancheria.com>  
**Sent:** Tuesday, April 6, 2021 9:58 AM  
**To:** Gunter, Kelsey [CDD]  
**Cc:** Anna Starkey  
**Subject:** PA-2000214 (SA)

CAUTION: This email is originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Gunter,

On behalf of the United Auburn Indian Community's Tribal Historic Preservation Department, thank you for the notification and opportunity to consult for the above referenced project. We have reviewed the project location and determined that it falls outside of the UAIC's consultation area. Therefore, we will not be commenting on the project. Thank you.

Best,  
Anna Cheng

---

Nothing in this e-mail is intended to constitute an electronic signature for purposes of the Electronic Signatures in Global and National Commerce Act (E-Sign Act), 15, U.S.C. §§ 7001 to 7006 or the Uniform Electronic Transactions Act of any state or the federal government unless a specific statement to the contrary is included in this e-mail.



**Galloway, Deborah [CDD]**

---

**From:** Ivan Senock <ivan@bvtribe.com>  
**Sent:** Monday, March 22, 2021 12:31 PM  
**To:** Galloway, Deborah [CDD]  
**Subject:** RE: PA-2000214 Site Approval: Referral, Staff Review with Notice - Neighborhood

CAUTION: This email is originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Debbie Galloway,

I write on behalf of the Buena Vista Rancheria (BVR) of Me- Wuk Indians, Lone, CA. regarding the notification received by this office March 18, 2021.

The notification references PA-2000214(SA).

After review of the notification and examination of the property using the Google Earth mapping application, it is determined BVR has no objection to commencement of the project.

If Tribal Cultural Resources (TCR) should be inadvertently encountered, during the project, Buena Vista Rancheria requests additional notification so steps may be taken to protect and preserve them.

Please refer to identification number BVR-2021-03-016 in any correspondences concerning this project.

Thank you for providing us with this notice and the opportunity to comment

Respectfully,

Ivan R. Senock  
Tribal Historic Preservation Officer (THPO)  
Buena Vista Rancheria of Me-Wuk Indians (Tribe)  
1418 20<sup>th</sup> Street, Suite #200  
Sacramento, CA 95811  
[ivan@bvtribe.com](mailto:ivan@bvtribe.com)  
Office: (916) 941-0011 ext. 255  
Cell: (530) 588-1410

**From:** Galloway, Deborah [CDD] <dgalloway@sjgov.org>  
**Sent:** Thursday, March 18, 2021 10:53 AM  
**To:** Gunter, Kelsey [CDD] <kgunter@sjgov.org>; Martorella, Dominique [CDD] <dmartorella@sjgov.org>; Asio, Allen [CDD] <aasio@sjgov.org>  
**Cc:** Fine, Mark [CDD] <mfine@sjgov.org>; Clayton, Jay [CDD] <jayclayton@sjgov.org>; ehlanduse [EHD] <ehlanduse@sjgov.org>; Butler, Steve [CDD] <sbutler@sjgov.org>; Guerrero, Delia [PW] <Dguerrero@sjgov.org>; Heylin, Christopher [PW] <cheylin@sjgov.org>; Warmerdam, Denise [BOS] <dwarmerdam@sjgov.org>; Laurel Boyd <boyd@sjgov.org>; ALUC@sjgov.org; bruceb@sjfb.org; staff@sjfb.org; Ivan Senock <ivan@bvtribe.com>; Mike DeSpain <mike@buenavistatribe.com>  
**Subject:** PA-2000214 Site Approval: Referral, Staff Review with Notice - Neighborhood

Please see attached documents regarding project PA-2000214 (SA). A copy has been uploaded to Permits Plus and the CDD website.

Thank you,

*Debbie Galloway*

Office Assistant Specialist  
Community Development Department  
Main Office: (209) 468-3121  
Direct: (209) 468-0229  
Fax: (209) 468-3183

Please also visit us On-line: <https://www.sjgov.org/comdev>

SAN JOAQUIN

THIS E-MAIL IS INTENDED ONLY FOR THE ADDRESSEE(S) AND MAY CONTAIN CONFIDENTIAL INFORMATION. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY USE OF THIS INFORMATION OR DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS E-MAIL IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS E-MAIL IN ERROR, PLEASE NOTIFY THE SENDER IMMEDIATELY.



**SAN JOAQUIN**  
— COUNTY —  
*Greatness grows here.*

## Community Development Department

Planning · Building · Code Enforcement · Fire Prevention · GIS

## **Attachment D** **Public Response Letters**

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February 28, 2022

San Joaquin County Community Development Department  
c/o Ms. Jass K Sangha, Planning Commission  
1810 East Hazelton Ave  
Stockton, CA 95205  
209-468-3121  
[planning@sjgov.org](mailto:planning@sjgov.org)

**Subject: Invitation to Comment**  
15070070 / CVL01839  
22640 S Murphy Road, Ripon, San Joaquin County, CA 95366  
EBI Project #6122001545

Dear Ms. Jass K Sangha:

Pursuant to Section 106 of the National Historic Preservation Act, the regulations promulgated thereunder and interagency agreements developed thereto, EBI Consulting, Inc., on behalf of AT&T Mobility, LLC, provides this notice of a proposed telecommunications facility installation at the address listed above.

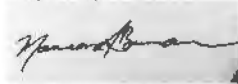
EBI would like to inquire if you would be interested in commenting on this proposed project. Please refer to the attached project plans for additional details regarding this proposed project.

Please note that we are requesting your review of the attached information as part of the Section 106 process only and not as part of the local zoning process. We are only seeking comments related to the proposed project's potential effect to historic properties.

Please submit your comments regarding the proposed project's potential effect on historic properties to EBI Consulting, to my attention at 6876 Susquehanna Trail South, York, PA 17403, or contact me via telephone at the number listed below. Please reference the EBI project number. We would appreciate your comments as soon as possible within the next 30 days. Please do not hesitate to contact me if you have any questions or concerns about the proposed project.

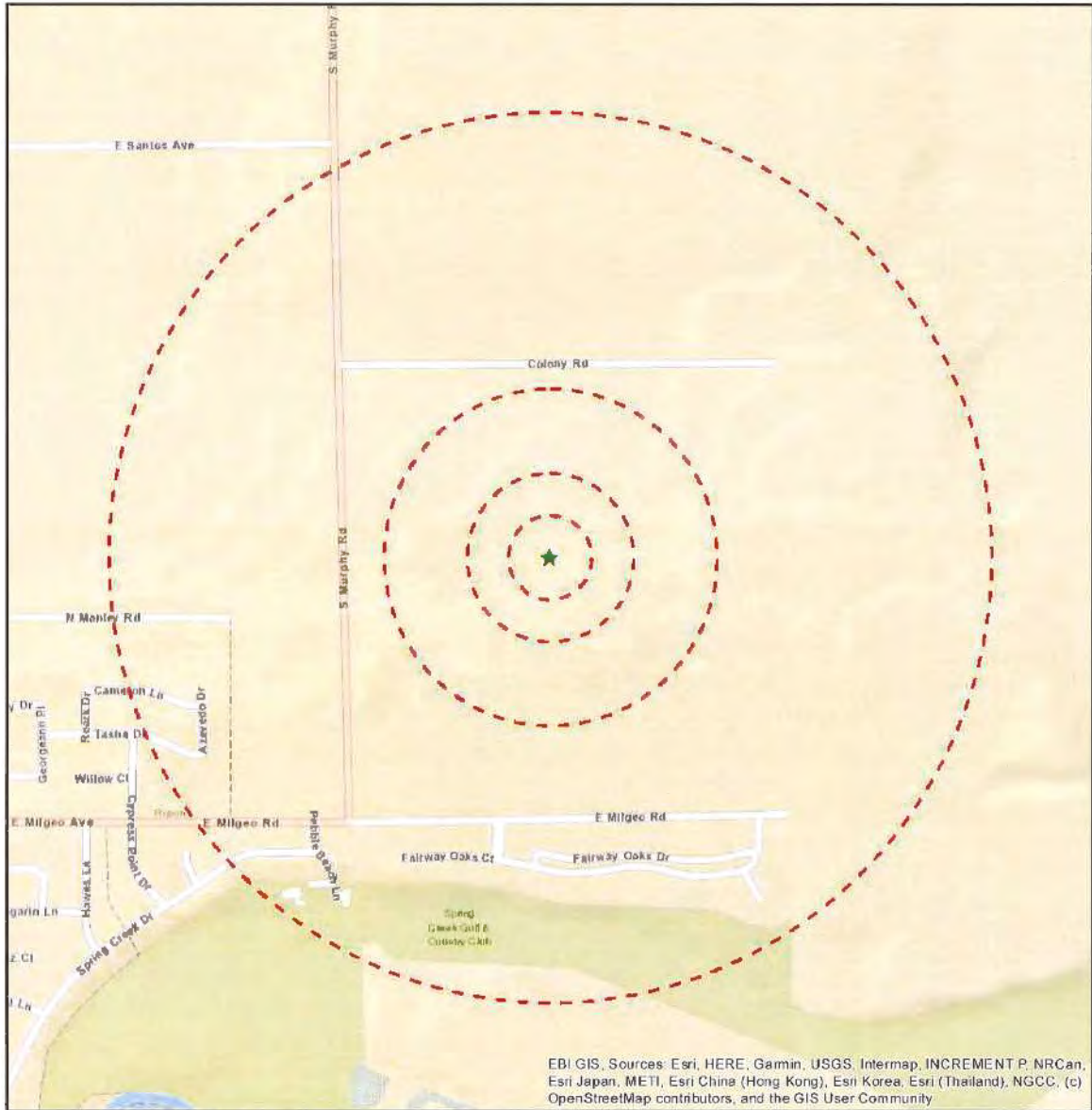
Please note that this project will be entered into the Federal Communication Commission's e106 System, which will send notifications of the project throughout the Section 106 process.

Respectfully Submitted,



Ms. Maureen A. Bowman  
Senior Architectural Historian  
T (617) 909-9035  
[mbowman@ebiconsulting.com](mailto:mbowman@ebiconsulting.com)

Attachments - Drawings and Maps



**Legend**

- ★ Project Site
- Site Radius at 250', 500', 1000' and 1/2 mile

Date: 2/9/2022

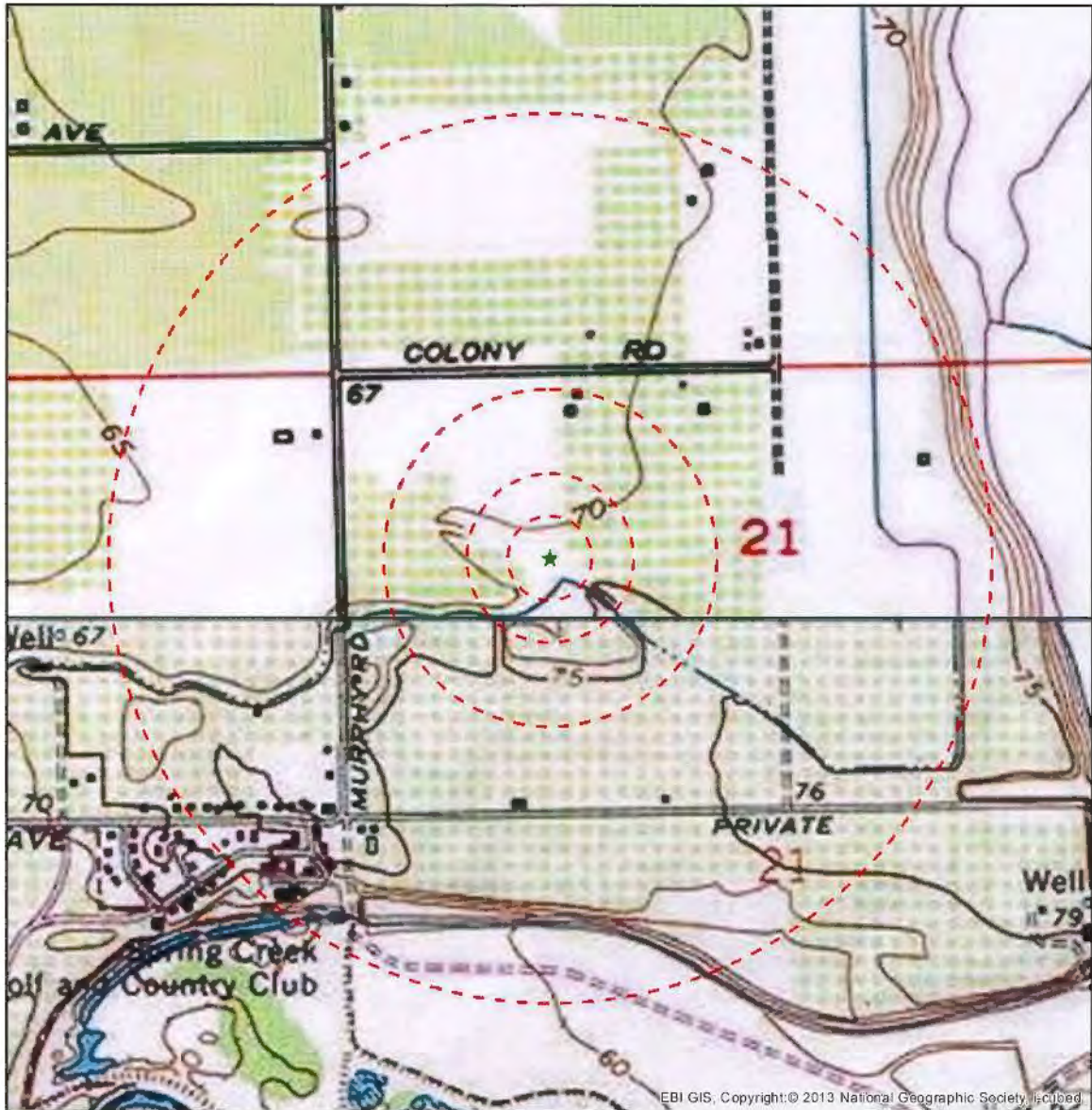
**Figure 1: Site Location Map**

**15070070 CVL01839  
22640 S MURPHY ROAD  
RIPON, CA 95366**

PN: 8122001545







EBI GIS, Copyright: © 2013 National Geographic Society, Inc.

**Legend**

- ★ Project Site
- Site Radius at 250', 500', 1000' and 1/2 mile

USGS 24K Quad: Avena, CA 1982, Salida, CA 1986

Date: 2/9/2022

**Figure 2 - Topographic Map**

15070070 CVL01839  
 22640 S MURPHY ROAD  
 RIPON, CA 95366

PN: 6122001645



 CVL01839 SE RIPON ZANE'S MURPHY RD RIPON, CA 95350	 at&t 22840 SOUTH MURPHY ROAD RIPON, CA 95366	 COMPLETE Wireless Consulting, Inc.	PLAN SHEET: COVERED PROJECT NO.: CVL01839 DRAWING NO.: 10 REVISIONS: 01	<table border="1"> <tr><td>DATE</td><td>11/17/2011</td><td>TIME</td><td>09:00</td></tr> <tr><td>DATE</td><td>11/22/2011</td><td>TIME</td><td>09:00</td></tr> </table>	DATE	11/17/2011	TIME	09:00	DATE	11/22/2011	TIME	09:00	 MST ARCHITECTS 11514 FINE LINE DRIVE COLTON, CA 95310	SHEET TITLE <b>TITLE SHEET</b> SHEET NUMBER <b>T-1</b>
DATE	11/17/2011	TIME	09:00											
DATE	11/22/2011	TIME	09:00											

**SITE NUMBER: CVL01839**  
**SITE NAME: SE RIPON**

22840 SOUTH MURPHY ROAD  
 RIPON, CA 95366  
 JURISDICTION: SAN JOAQUIN COUNTY  
 APN: 245-190-45

**at&t**  
 FA CODE: 15070070  
 USDR: 311682  
 PACER: MRSFR065142

**SITE TYPE: PREMANUFACTURED WALK-IN CABINET / MONOPOLE**

<b>PROJECT DESCRIPTION</b> 1. NEW PREMANUFACTURED WALK-IN CABINET (W/C) WITH 120V AC POWER AND 48V DC POWER. 2. INSTALLATION OF 120V AC AND 48V DC POWER. 3. MONOPOLE SUPPORT STRUCTURE. 4. 120V AC AND 48V DC POWER TO BE PROVIDED BY THE LOCAL UTILITY COMPANY. 5. MONOPOLE TO BE PROVIDED BY THE LOCAL UTILITY COMPANY.	<b>PROPERTY INFORMATION</b> PROJECT OWNER: PROJECT NO.: PROJECT NAME: PROJECT ADDRESS: PROJECT CITY: PROJECT STATE: PROJECT ZIP: PROJECT PHONE: PROJECT FAX: PROJECT EMAIL:	<b>PROJECT TEAM</b> ARCHITECT / ENGINEER: ARCHITECT / ENGINEER ADDRESS: ARCHITECT / ENGINEER CITY: ARCHITECT / ENGINEER STATE: ARCHITECT / ENGINEER ZIP: ARCHITECT / ENGINEER PHONE: ARCHITECT / ENGINEER FAX: ARCHITECT / ENGINEER EMAIL: ARCHITECT / ENGINEER WEBSITE:	<b>SHEET INDEX</b> 1. T-1 2. T-2 3. T-3 4. T-4 5. T-5 6. T-6 7. T-7 8. T-8 9. T-9 10. T-10 11. T-11 12. T-12 13. T-13 14. T-14 15. T-15
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<b>PROJECT INFORMATION</b> PROJECT OWNER: PROJECT NO.: PROJECT NAME: PROJECT ADDRESS: PROJECT CITY: PROJECT STATE: PROJECT ZIP: PROJECT PHONE: PROJECT FAX: PROJECT EMAIL:	<b>APPROVALS</b> APPROVED: _____ DATE: _____ TITLE: _____ APPROVED: _____ DATE: _____ TITLE: _____ APPROVED: _____ DATE: _____ TITLE: _____
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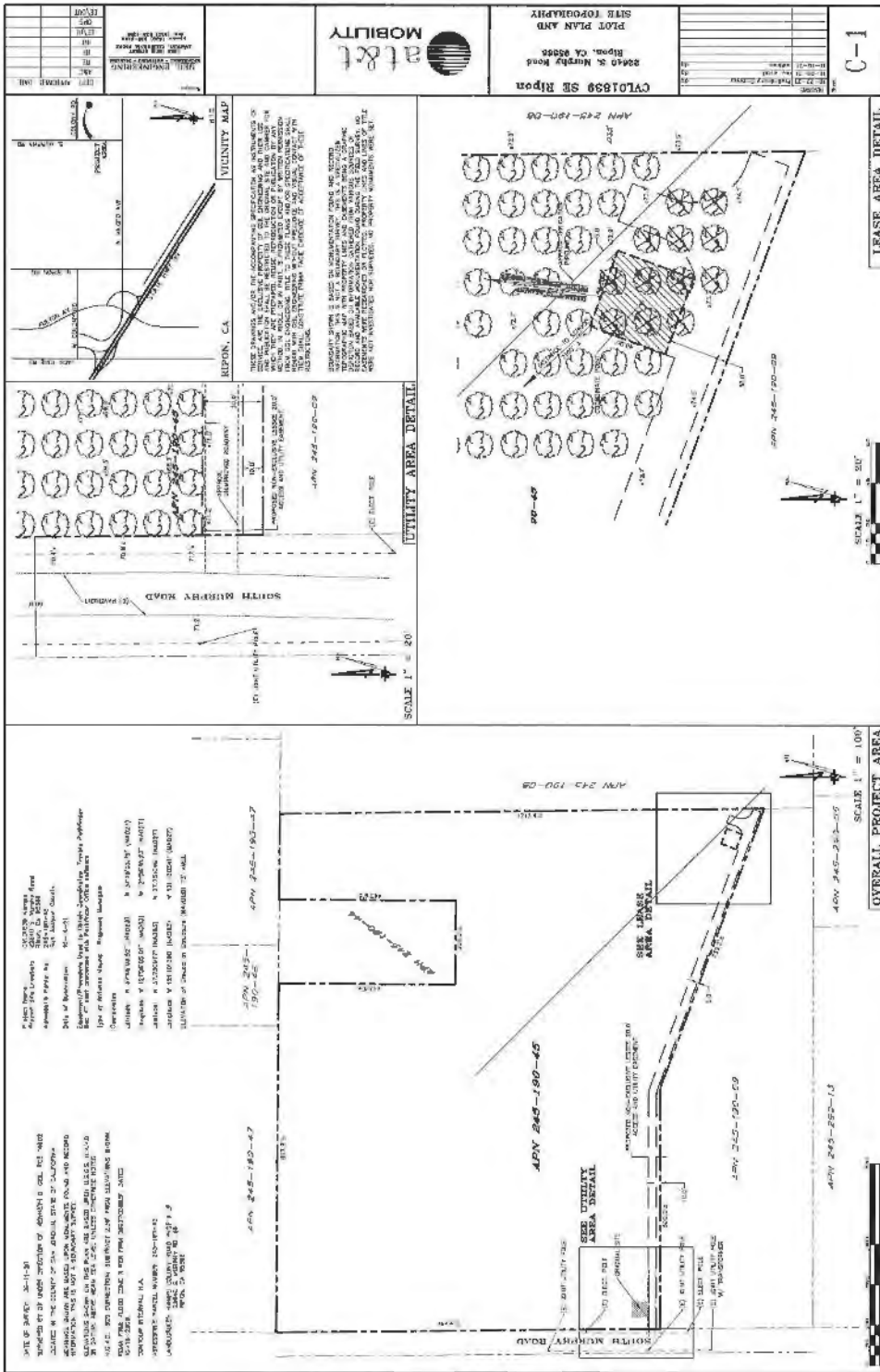
<b>PROPERTY INFORMATION</b> PROJECT OWNER: PROJECT NO.: PROJECT NAME: PROJECT ADDRESS: PROJECT CITY: PROJECT STATE: PROJECT ZIP: PROJECT PHONE: PROJECT FAX: PROJECT EMAIL:	<b>PROJECT TEAM</b> ARCHITECT / ENGINEER: ARCHITECT / ENGINEER ADDRESS: ARCHITECT / ENGINEER CITY: ARCHITECT / ENGINEER STATE: ARCHITECT / ENGINEER ZIP: ARCHITECT / ENGINEER PHONE: ARCHITECT / ENGINEER FAX: ARCHITECT / ENGINEER EMAIL: ARCHITECT / ENGINEER WEBSITE:	<b>GENERAL CONTRACTOR NOTES</b> DO NOT SCALE DRAWINGS MAKE SURE ALL DIMENSIONS ARE AS SHOWN ON DRAWING. IF DIMENSIONS DO NOT ADD UP, CONTACT ARCHITECT FOR CLARIFICATION. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED. ALL DIMENSIONS ARE TO SURFACE UNLESS OTHERWISE NOTED. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED. ALL DIMENSIONS ARE TO SURFACE UNLESS OTHERWISE NOTED.
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<b>PROJECT DESCRIPTION</b> 1. NEW PREMANUFACTURED WALK-IN CABINET (W/C) WITH 120V AC POWER AND 48V DC POWER. 2. INSTALLATION OF 120V AC AND 48V DC POWER. 3. MONOPOLE SUPPORT STRUCTURE. 4. 120V AC AND 48V DC POWER TO BE PROVIDED BY THE LOCAL UTILITY COMPANY. 5. MONOPOLE TO BE PROVIDED BY THE LOCAL UTILITY COMPANY.	<b>CODE COMPLIANCE</b> THE PROJECT SHALL BE IN ACCORDANCE WITH THE FOLLOWING CODES: 1. CALIFORNIA ELECTRICAL CODE (CEC) 2. CALIFORNIA MECHANICAL CODE (CMC) 3. CALIFORNIA PLUMBING CODE (CPC) 4. CALIFORNIA FIRE CODE (CFC) 5. CALIFORNIA BUILDING CODE (CBC) 6. CALIFORNIA ENVIRONMENTAL CODE (CEC) 7. CALIFORNIA HEALTH AND SAFETY CODE (HSC) 8. CALIFORNIA LABOR CODE (CLC) 9. CALIFORNIA PENAL CODE (PC) 10. CALIFORNIA VEHICLE CODE (VC) 11. CALIFORNIA WELFARE AND INSTITUTIONS CODE (WIC) 12. CALIFORNIA GOVERNMENT CODE (GOC) 13. CALIFORNIA EDUCATION CODE (EC) 14. CALIFORNIA FINANCIAL CODE (FC) 15. CALIFORNIA FOOD AND DRUG CODE (FDC) 16. CALIFORNIA FIRE INSURANCE CODE (FCIC) 17. CALIFORNIA FIRE PREVENTION CODE (FCPC) 18. CALIFORNIA FIRE SAFETY CODE (FCSC) 19. CALIFORNIA FIRE SUPPRESSION CODE (FCSP) 20. CALIFORNIA FIRE INVESTIGATION CODE (FCIC) 21. CALIFORNIA FIRE PREVENTION AND INVESTIGATION CODE (FCPCIC) 22. CALIFORNIA FIRE PREVENTION AND INVESTIGATION CODE (FCPCIC) 23. CALIFORNIA FIRE PREVENTION AND INVESTIGATION CODE (FCPCIC) 24. CALIFORNIA FIRE PREVENTION AND INVESTIGATION CODE (FCPCIC)	<b>OCCUPANCY AND CONSTRUCTION TYPE</b> OCCUPANCY: _____ CONSTRUCTION TYPE: _____ OCCUPANCY: _____ CONSTRUCTION TYPE: _____ OCCUPANCY: _____ CONSTRUCTION TYPE: _____
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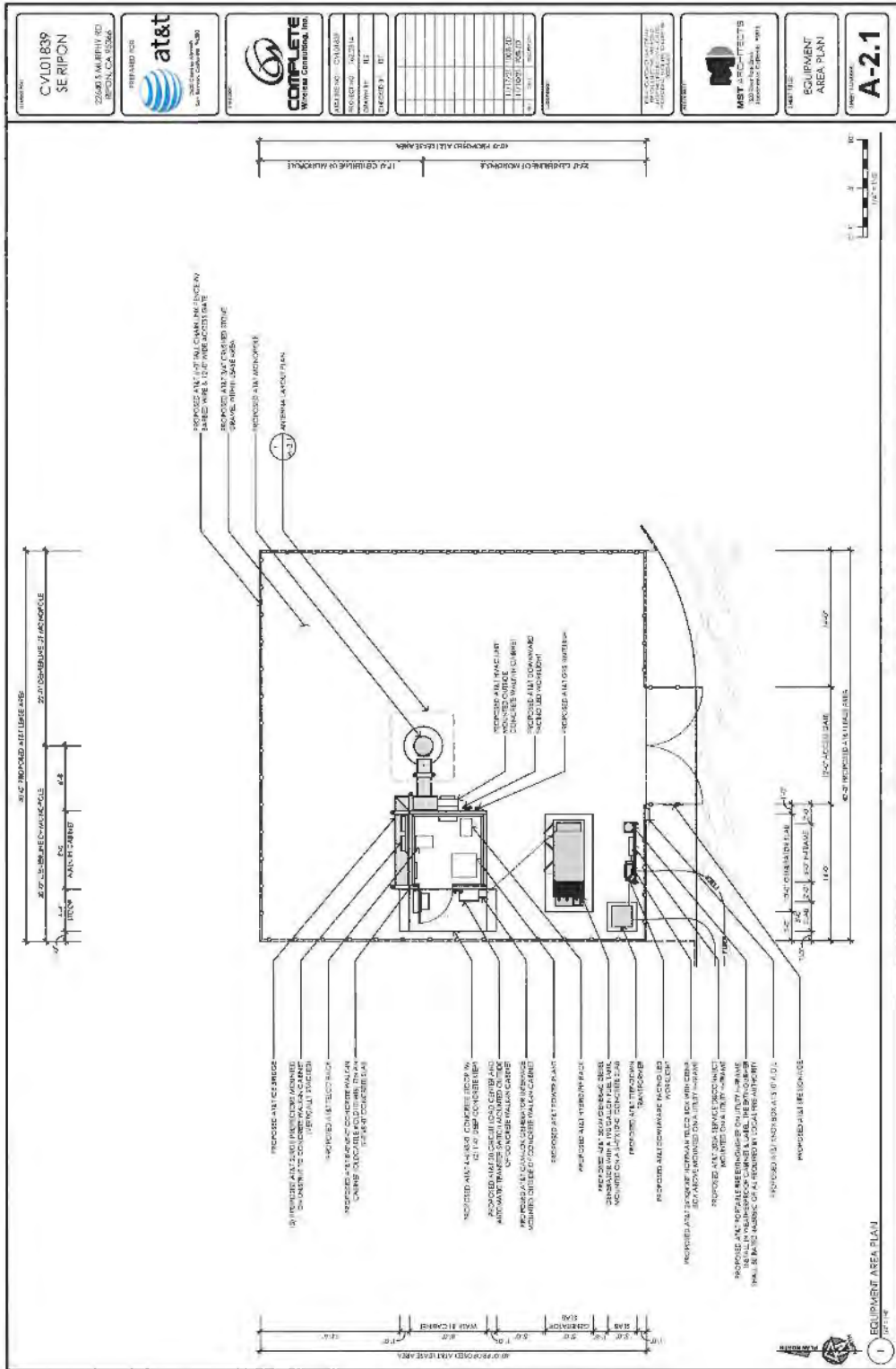














**CVAL01839 SE RIPPON**  
 25001 S MARKET RD  
 RICHMOND, CA 94804

**at&t**  
 AT&T COMMUNICATIONS  
 10000 N. CENTRAL EXPRESSWAY  
 DALLAS, TEXAS 75203

**COMPLETE**  
 Wireless Consulting, Inc.

PROJECT NO. 03-2014  
 DRAWING NO. 03-2014-001  
 DATE 03/11/14

PROJECT TITLE: SE RIPPON  
 DRAWING TITLE: ANTENNA LAYOUT PLAN  
 SHEET NO. A-3.1

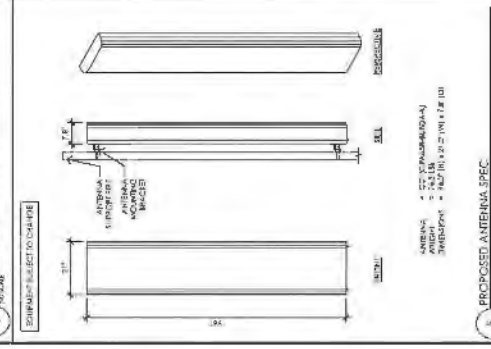
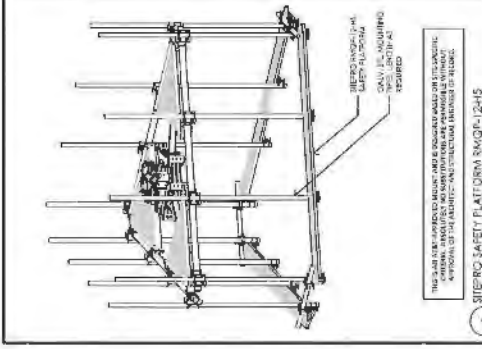
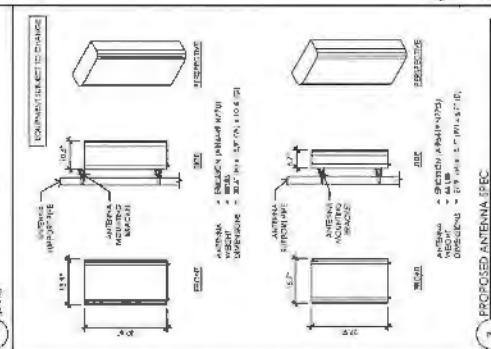
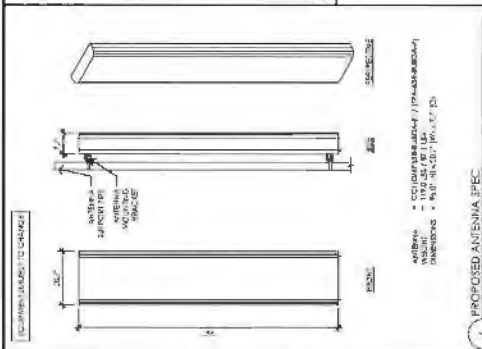
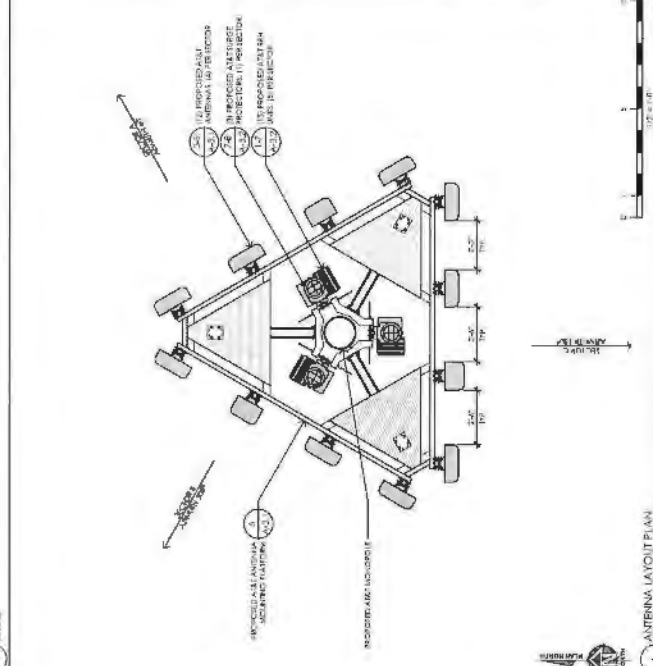
**NST ARCHITECTS**  
 10000 N. CENTRAL EXPRESSWAY  
 DALLAS, TEXAS 75203

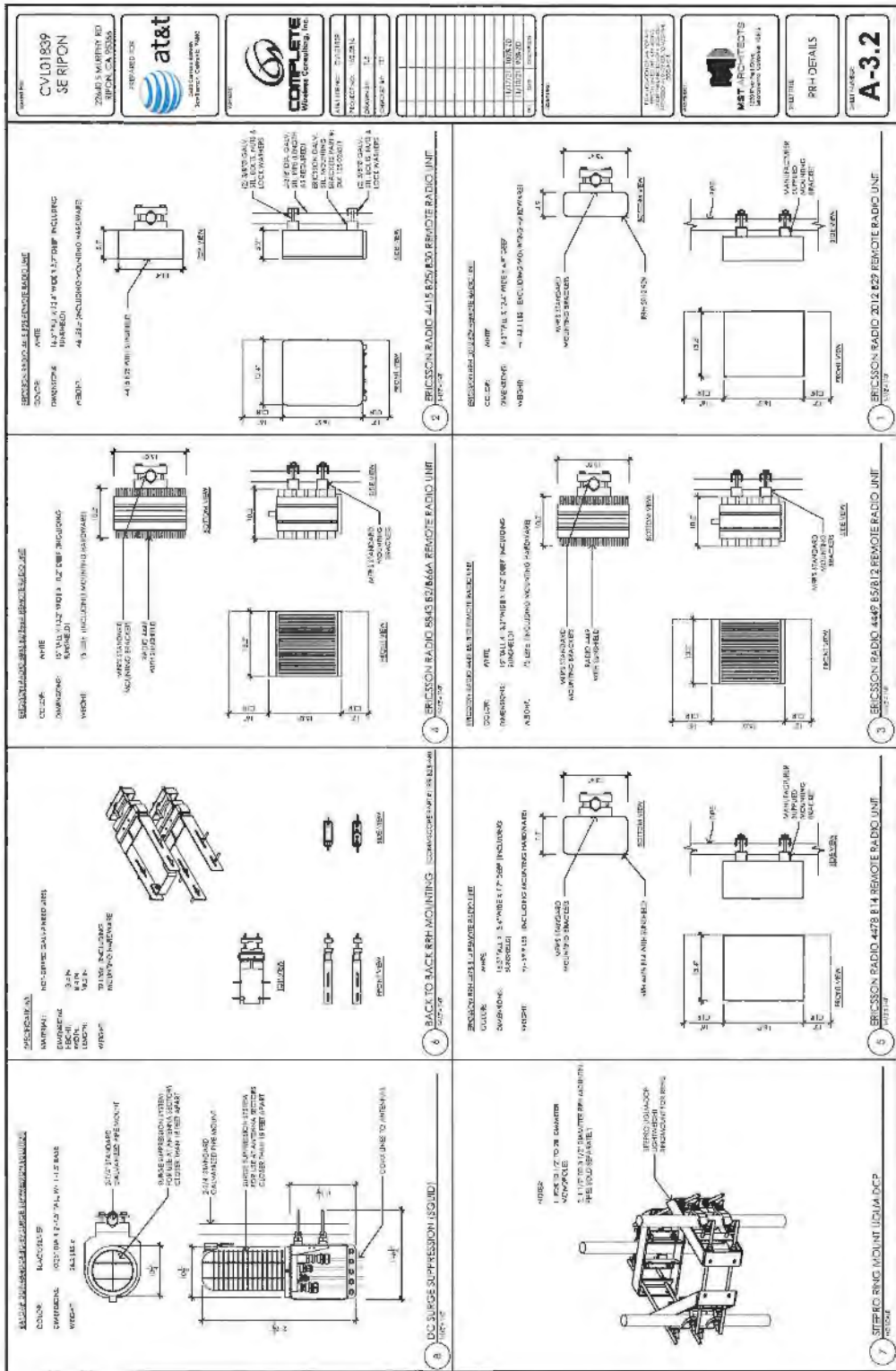
**PREPARED FOR:**  
 AT&T COMMUNICATIONS

**PREPARED BY:**  
 [Signature]

**RF SCHEDULE**

SECTION	DESCRIPTION	QUANTITY	UNIT	REMARKS
A1	SEC. 1 - ANTENNA PLATFORM	1	EA	SEE SECTION A1
A2	SEC. 2 - ANTENNA PLATFORM	1	EA	SEE SECTION A2
A3	SEC. 3 - ANTENNA PLATFORM	1	EA	SEE SECTION A3
A4	SEC. 4 - ANTENNA PLATFORM	1	EA	SEE SECTION A4
A5	SEC. 5 - ANTENNA PLATFORM	1	EA	SEE SECTION A5
A6	SEC. 6 - ANTENNA PLATFORM	1	EA	SEE SECTION A6
A7	SEC. 7 - ANTENNA PLATFORM	1	EA	SEE SECTION A7
A8	SEC. 8 - ANTENNA PLATFORM	1	EA	SEE SECTION A8
A9	SEC. 9 - ANTENNA PLATFORM	1	EA	SEE SECTION A9
A10	SEC. 10 - ANTENNA PLATFORM	1	EA	SEE SECTION A10
A11	SEC. 11 - ANTENNA PLATFORM	1	EA	SEE SECTION A11
A12	SEC. 12 - ANTENNA PLATFORM	1	EA	SEE SECTION A12
A13	SEC. 13 - ANTENNA PLATFORM	1	EA	SEE SECTION A13
A14	SEC. 14 - ANTENNA PLATFORM	1	EA	SEE SECTION A14
A15	SEC. 15 - ANTENNA PLATFORM	1	EA	SEE SECTION A15
A16	SEC. 16 - ANTENNA PLATFORM	1	EA	SEE SECTION A16
A17	SEC. 17 - ANTENNA PLATFORM	1	EA	SEE SECTION A17
A18	SEC. 18 - ANTENNA PLATFORM	1	EA	SEE SECTION A18
A19	SEC. 19 - ANTENNA PLATFORM	1	EA	SEE SECTION A19
A20	SEC. 20 - ANTENNA PLATFORM	1	EA	SEE SECTION A20













**Gunter, Kelsey [CDD]**

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**From:** Stacey Foster <emailstaceyfoster@yahoo.com>  
**Sent:** Friday, April 2, 2021 8:23 AM  
**To:** Rickman, Robert [BOS]; Winn, Charles [BOS]; Miller, Katherine [BOS]; Villapudua, Miguel [BOS]; Patti, Tom [BOS]; kelliieprime@yahoo.com; Gunter, Kelsey [CDD]  
**Subject:** NO to the Murphy Road Cell Phone Tower!

CAUTION: This email is originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

April 2, 2021

To whom it may concern:

My name is Stacey Foster and I am a current parent of a child who attends Colony Oak Elementary School in Ripon, with second child entering as a Kindergartner in the Fall. The news of adding a 5G cell phone tower on Murphy Road in such close proximity (300 yards) to Colony Oak Elementary School is extremely concerning and should not occur. This letter is a plea for reconsideration for the well-being of our children and the staff that would be directly affected by such a careless decision.

Cell phone towers impose dangers on people, so why would it even be a thought to put one right next to a school? Science has proven that radiation from these towers is harmful, especially to children. Children are more vulnerable to cell phone radiation because their brain and organ systems are still developing and are therefore more sensitive to environmental stressors. It would not be safe to have our children exposed to such radiation on a daily basis. The longer our children are exposed, the more dangerous exposure time would be.

Researchers have studied cell towers and cell tower radiation for decades. Effects from radio frequency radiation documented in scientific research include increased cancer risk, cellular stress, headaches, sleep issues, genetic damage, changes to the reproductive system, memory deficits, and impacts to the nervous system.

Please do the right thing and choose another location for the cell tower that will not directly impact the long term safety and health of our children.

As parents we will do whatever it takes to protect the physical and mental well-being of our children. Please think what you would be doing in this situation if this was happening to your children and/or grandchildren. This is NOT ok. This is NOT safe. This is NOT in the best interest of the young, developing children at that school, every person in that matter.

Please reconsider the location. I am begging you as a very concerned parent.

Thank you,

***Stacey Foster***

## **Gunter, Kelsey [CDD]**

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**From:** Heather Borgia <hborgia@gmail.com>  
**Sent:** Thursday, April 1, 2021 7:38 PM  
**To:** Gunter, Kelsey [CDD]  
**Cc:** kellieprime@yahoo.com  
**Subject:** No to the Murphy Rd. Cell Tower

CAUTION: This email is originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Gunter

It has come to my attention that there are plans to raise a cell tower on Murphy Rd. in Ripon, CA. As a community member in Ripon I find this very concerning. As a parent of students who attend Colony Oak Elementary School, 300 yards away from the proposed tower, I find this alarming!

It is no secret that in Ripon we have had several members of our community diagnosed with cancer all who resided or went to work/school a short distance away from a cell tower that was previously located in our community. The high rate of individuals who were diagnosed within the period of time this cell tower was located near Weston Elementary School is disheartening. I do not go a single day driving around Ripon and nearby towns without seeing, "Pray for Mason." A symbol of hope, but also a reminder of the dangers cell towers pose.

There has been research shared with us to state that 5g towers are "safe" and that radiation levels are well below safety limits that were "recommended" by the FCC. This word "recommended" does not rule out with certainty, the possibility that there really is a safety threat from these towers. Recommended certainly isn't something that we are all required to accept. It also does not rule out research that rejects these towers are safe. According to Christopher Portier, PhD, a 32 year US Gov. Scientist who has participated with the CDC and National Toxicology Program, there is a "High Probability" that cell phone radiation causes brain tumors. This research that indicates a "high probability" that cell towers are not safe at all, is significant enough to me to determine that more research needs to be conducted. Cell towers being declared safe is not accurate with 100% certainty and recommended levels need to be revised. In the meantime, our students and staff members only 300 yards away from a proposed tower along with the community members of Ripon shouldn't be subjected to a tower we didn't concede to. We shouldn't put our children at risk with a recommendation and not nearly enough research to prove they are safe each and every day.

Please stop the development of this tower in this location!

**~Heather Dyk**

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**Gunter, Kelsey [CDD]**

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**From:** Ashley August <dancer9448@aol.com>  
**Sent:** Thursday, April 1, 2021 4:45 PM  
**To:** Gunter, Kelsey [CDD]  
**Cc:** zachaugust@comcast.net; AllBoardMembers; kelliprime@yahoo.com  
**Subject:** NO to Cell Phone Tower on Murphy Rd

CAUTION: This email is originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern:

My name is Ashley August and I am a parent of two children who attend Colony Oak Elementary school on Murphy Rd in Ripon. This is very concerning and should not come to fruition. Cell towers have wireless antennas that emit radiofrequency radiation (RFR). Placing an antenna close to a school increases the daily exposures to the antenna emissions because they are constant and cannot be turned off. 5G cell towers emit ultra high frequencies and this is dangerous because the higher the frequency the more dangerous the radiation is. Additionally, the longer the exposure time the more dangerous it is. Effects from RFR documented in scientific research include increased cancer risk, headaches, sleep issues, genetic damage, infertility, memory deficits as well as impacts to the nervous system. What's worse? Children are more vulnerable to cell phone radiation because their brain and organ systems are still developing and are therefore more sensitive to environmental stressors.

Knowing this information, the fact that it is even a CONSIDERATION, let alone a possibility for a 5G cell tower to be placed near a school is completely asinine. Kids were kept out of school for the Covid 19 virus and now that they are back in we are going to stick a cell phone tower that emits harmful radiation near their school? Please DO NOT allow this to become a reality. Please do the right thing and choose another location for the cell tower that will not directly impact the long term safety and health of our children. This seems like a no brainer but nowadays that is not necessarily the case.

Very concerned parent,  
Ashley August

**Gunter, Kelsey [CDD]**

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**From:** Alex H <ally112313@gmail.com>  
**Sent:** Thursday, April 1, 2021 4:38 PM  
**To:** Gunter, Kelsey [CDD]  
**Subject:** Colony Oak

CAUTION: This email is originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

My name is Alexandra and I am a parent of a first grader at Colony Oak Elementary. I have become aware of the project to plant a cell tower near our school. Seeing that you are the planning director for this project I plead with you to not put the tower near our children. This is especially sensitive for our community because of previous cluster cases of cancer that have occurred at Weston Elementary due to the previous cell tower being nearby. For the safety of all our students, teachers, and my only son, please reconsider. Thank you for taking the time to read this email. God Bless

**Gunter, Kelsey [CDD]**

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**From:** mariosgirlie <mariosgirlie@aol.com>  
**Sent:** Thursday, April 1, 2021 3:13 PM  
**To:** Gunter, Kelsey [CDD]  
**Subject:** Ripon tower project

CAUTION: This email is originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing this letter in opposition of the 5G tower being planned at the Murphy road location in Ripon, Ca. My children go to Colony Oak Elementary. We as a town are baffled that this location would even be considered after everything we have been through concerning the tower on the Weston Elementary campus. The new tower is planned for 300 yards from the school. That is unacceptable. We conducted sick outs for the Weston tower and spoke at many district and city council meetings. The news also ran stories on it. We plan to do all of the above if the plan moves forward. This time we will include contacting county officials and attending county meetings in our efforts since this is county jurisdiction. We understand that the owner of the property has agreed to try to get out of the contract. Apparently he was unaware of the health effects this tower will have on himself, his neighbors, and the hundreds of children at the school. The owner doesn't want it, the school doesn't want it, the town doesn't want it. The only appropriate response from the county would be to block any progression of this tower being erected. If you are not aware of the health effects of these towers I urge you to do research. Cancer is only one if the side effects. They break down the blood brain barrier and make loving beings more vulnerable to a plethora of illnesses including cancer and Alzheimer's. There's also other non lethal issues like insomnia, headaches, cataracts, anxiety... the list goes on and ON. These are proven facts. Feel free to contact me if you want more information. I can supply you with plants of links for studies backing this up. I'm sure you are being inundated with information from concerned citizens and parents. Please do the right thing here. This is a very rural town. There's MILES of orchard and farmland around us to put these towers. 300 yards from a school is unacceptable and absurd.

Thank you,  
Vanessa Dominguez

[Sent from the all new Aol app for iOS](#)

**Gunter, Kelsey [CDD]**

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**From:** Mona Bulthuis <bhuis@aol.com>  
**Sent:** Thursday, April 1, 2021 2:53 PM  
**To:** Gunter, Kelsey [CDD]  
**Subject:** Murphy Road Cell Tower

CAUTION: This email is originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Kelsey Gunter,

I am writing to you about the cell tower in Murphy Road. I own a home off of Milgeo and Murphy in 7 Oaks at Barton Ranch. I strongly oppose of this cell tower that is planned for this area. It's dangerous and reckless for this to structure to be placed so close in proximity to a Ripon school/Colony Oak and the residential homes nearby. Our community has already had a terrible experience with Weston Elementary's cell tower. Thankfully we had a strong community of support and we cried out as a community to take the cell tower down after many children started to be diagnosed with cancer. This is reckless and ignorant to disregard the safety and wellness of our community we love so dearly. I am pleading with you please don't go near a school or family homes with this cell tower. I know your doing your job and it may feel like you can't grasp how we feel. I ask that you seek wisdom and discernment for this cell towers placement. My family is praying for our community that we can be spared of cancer and radiation that is proven to be hazardous to the health of our families.

Sincerely,

Mona Bulthuis  
1876 Fairway Oaks Drive  
Ripon, CA 95366



**Gunter, Kelsey [CDD]**

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**From:** neetu sanghera <sanghera00@hotmail.com>  
**Sent:** Thursday, April 1, 2021 1:59 PM  
**To:** Gunter, Kelsey [CDD]; kellieprime@yahoo.com; Winn, Charles [BOS]; Warmerdam, Denise [BOS]; Patti, Tom [BOS]  
**Subject:** Cell phone tower at Colony Oak Elementary School  
**Attachments:** 190701\_Research on cell tower radiation and child health.pdf; scan.pdf

CAUTION: This email is originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Kelsey,  
I am attaching my letter to voice my concern about putting a cell phone tower near Colony Oak Elementary School.  
Please see the attached.

Thank you,  
Avneet Mahil  
>  
>  
>

March 31, 2021

To whom it may concern:

I am writing this letter in opposition of placing a cell phone tower near Colony Oak Elementary School in Ripon, California. It our strong opinion, based on scientific data, that the Radio Frequency Radiation from cell phone towers potentially poses a great danger and threat to our children's health. This is a risk we are not willing to take.

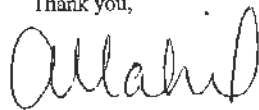
According to the American Academy of Pediatrics, cell phone usage and associated radiation exposure should be minimized. The WHO/International Agency for Research on Cancer (IARC) classified cell phone radiation as possibly carcinogenic to humans. Additionally, in a study by the US National Toxicology Program (a part of the National Institute of Health [NIH]) found rats exposed to radiation from cell phones may develop an increased risk of cancer. A follow up study in October 2019 showed that there were increased areas of damage in the rats' brains, including the frontal cortex of the brain in male mice, the blood cells of female mice and hippocampus of male rats. These studies suggest that there is a potential carcinogenic factor to Radio Frequency Radiation. Although these studies have their limitations and may not necessarily be applicable to humans at this time, it is clear that there is a potential threat.

Dr Joel Moskowitz, a researcher and faculty of the School of Public Health at the University of California, Berkeley has dedicated his work to cell phone risks and Electromagnetic Radiation Safety. Attached below are the several articles he has researched that support the idea that this type of radiation is detrimental to children's health, not only being potentially carcinogenic but also interfering with memory, motor skills, concentration, and fatigue. One study shows that children living in higher exposure areas had lower verbal expression and comprehension scores.

The US Food and Drug Administration (FDA) issued a report on studies done between 2008 and 2018 which concluded "there is insufficient evidence to support a causal association between radiofrequency radiation exposure and [tumor formation]." This is troubling because it suggests that evidence may not yet be established. This uncertainty is what is concerning to us. More studies need to be conducted in order to come to a concrete conclusion whether this type of radiation is truly dangerous to our children's health.

When it comes to the health of our children, any risk as small as it may be, should be avoided. Our children are vulnerable, and it is our responsibility as parents and educators to protect them. For all the reasons above, we are deeply concerned for the health and well-being of our children. We strongly oppose the placement of this cell phone tower.

Thank you,



Avneet Mahil

Sources:

Smith-Roe, S.L., Wyde, M.E., Stout, M.D., Winters, J.W., Hobbs, C.A., Shepard, K.G., Green, A.S., Kissling, G.E., Shockley, K.R., Tice, R.R., Bucher, J.R. and Witt, K.L. (2020), Evaluation of the genotoxicity of cell phone radiofrequency radiation in male and female rats and mice following subchronic exposure. *Environ Mol Mutagen*, 61: 276-290. <https://doi.org/10.1002/em.22343>

<https://ntp.niehs.nih.gov/go/cellphone>

<https://www.cancer.org/content/dam/CRC/PDF/Public/6645.00.pdf>

<https://www.saferemr.com/>

**Gunter, Kelsey [CDD]**

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**From:** Crystal Wright <cwright83@live.com>  
**Sent:** Thursday, April 1, 2021 1:54 PM  
**To:** Gunter, Kelsey [CDD]  
**Cc:** kellieprime@yahoo.com  
**Subject:** Colony Oak Cell Tower

CAUTION: This email is originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it my concern:

It is my understanding that there are plans to build a cell phone tower 300 yards away from my children's school, Colony Oak. It is my personal belief that any type of structure that will be built this close to a school should have the most current data and information available to the families who this tower will affect. The information provided to the property owner is only provided from the cell phone company and is from 1996. They should not be able to use this data as leverage to justify that it is safe for children. The children of this town have been suffering from the tower near Weston Elementary and I would seriously hope that the health of ALL children of Ripon should be the top priority. Please listen to the concerns that parents are have and provide current and reliable data regarding this tower.

Thank you,  
Crystal Wright

Sent from my iPhone

**Gunter, Kelsey [CDD]**

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**From:** Tara Fromm <taradfromm@gmail.com>  
**Sent:** Thursday, April 1, 2021 12:47 PM  
**To:** Gunter, Kelsey [CDD]  
**Subject:** Official community concern email

CAUTION: This email is originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon, I am a parent of two children who attend Colony Oak Elementary School in Ripon California. It has come to our attention that there is a new AT&T tower in plans to go up 930 feet from the school. Given that there is already a large cell tower a mile up the road I would hope there will be reconsideration as to the placement of this new tower. We have high childhood cancer rates in our small town and many that have been linked to radiation exposure. Given that there are many unknowns to the effects of radiation on young developing children I am hopeful this tower will be reconsidered. At the least, pushed further away from our school. Please know, this topic is of high concern for all of the Colony Oak families and community of Ripon.

Thank you,  
The Fromm Family  
Sent from my iPhone

**Gunter, Kelsey [CDD]**

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**From:** Ashley Ragno <ragnoashley@yahoo.com>  
**Sent:** Thursday, April 1, 2021 12:30 PM  
**To:** Gunter, Kelsey [CDD]  
**Subject:** Murphy rd cell tower

CAUTION: This email is originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern,

The past few weeks I have gathered some information in regards to the cell tower that is planning to go up on Murphy Road across from Colony Oak Elementary school. While I have two children that attend Colony Oak- my family also lives within a mile of where the tower plans to go up. You're talking about putting a cell tower right across the street where most vulnerable population spends most of their days. Many EXPERTS that have done studies in this field believe the rise in autism, brain tumors and leukemia in children is caused by the exposure to radiation at home and at school. Children are growing and changing at a rapid rate. Their brains and skulls are still developing, and this means they are very vulnerable to anything that can affect them at a cellular level. Radiation can do that. I find it completely unnecessary especially with another cell tower already being right up the road on the other side of the school. I'm asking that you please reconsider this project and don't put our children or surrounding neighboring homes at risk.

Thank you,  
Ashley Hall

Sent from my iPhone

**Gunter, Kelsey [CDD]**

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**From:** Kwong, David [CDD]  
**Sent:** Thursday, April 1, 2021 11:43 AM  
**To:** Stowers, Stephanie [CDD]; Gunter, Kelsey [CDD]; Jolley, Jennifer [CDD]  
**Subject:** FW: Kamps cell tower

Additional FYI only

David W. Kwong, AICP  
Director of Community Development  
San Joaquin County  
Community Development Department  
(209) 468-9518  
Please also visit us On-line: <https://www.sjgov.org/commdev>

**From:** Winn, Charles [BOS] <cwinn@sjgov.org>  
**Sent:** Thursday, April 1, 2021 11:16 AM  
**To:** Monica <monicabrandrup@hotmail.com>  
**Subject:** Re: Kamps cell tower

Ms. Ferrulli,

Thank you for sharing your experience with your son and your concerns. I hope he is getting better and will have a full recovery. As a point of information, I do not have the authority to promote or stop a project.

There is a process to allow any person or business to submit an application for a project they want to build. It goes through the review process by the Community Development Department staff for compliance with existing standards and may go to the Planning Commission for approval. After the Planning Commission renders a decision, the losing party may appeal the decision to the Board of Supervisors. The Board will hear the appeal and render a final decision. It's at the appeal stage that I have the authority to render a decision on the project.

I understand your concerns and assure you I will make every effort to protect you and your family from any potential hazard that would be placed in a location that could harm you. Consequently, I contacted the County's Health Services Director, Community Development Director and the Information Services Director to discuss this project.

The Community Development Director said they have initially processed the application for the cell tower. They are asking for recommendations and/or comments on this project which must be submitted to the Community Development Department no later than April 15, 2021. Recommendations and/or comments received after that date may not be considered in staff's analysis. The following staff member is processing the application:

Project Planner: Kelsey Gunter  
Phone: (209) 468-8477  
Fax: (209) 468-3163  
Email: [kgunter@sjgov.org](mailto:kgunter@sjgov.org)

1

Mailing address:

Community Development Department  
1810 E. Hazelton Ave.,  
Stockton, CA 95205

Attention: Kelsey Gunter

Since you obviously have done your research, I would encourage you to submit your comments to the Community Development Department before April 15, 2021.  
I appreciate you taking the time to share your concerns

Chuck Winn, Vice-Chair  
San Joaquin County Supervisor 4th District  
44 N. San Joaquin Street, Suite 627  
Stockton, CA 95202  
(209) 468-3113

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**From:** Monica <[monicabrandrup@hotmail.com](mailto:monicabrandrup@hotmail.com)>  
**Sent:** Thursday, April 1, 2021 8:31 AM  
**To:** Winn, Charles [BOS] <[cwinn@sjgov.org](mailto:cwinn@sjgov.org)>  
**Subject:** Kamps cell tower

CAUTION: This email is originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern:

I am writing this email with extreme concern regarding the proposed cell tower in close proximity to Colony Oak Middle School.

My son is one of the children diagnosed with brain cancer after sitting under the cell tower at Weston elementary school, along with 7 other victims in the short time it was up.

I am aware of the FCC guidelines and all of the studies that say it is "safe." However, I am also aware that not one of those studies have been done on children receiving that level of radiation (especially 5G that is already showing significant concerns in other countries). In contrast there has been several studies (peer reviewed) showing children are more susceptible due to their skulls being thinner and rapid developing cells! A new study came out in 2018, The NTP study, that confirmed clear evidence of tumors from that level of radiation (which was less than 5G)!

Also the FCC is currently in middle of a legal trial regarding their negligence of not considering over 1,700 peer reviewed studies showing harm from this level of radiation. Their safety standards are from 25 years ago! The facts are out there and our children should be top priority!!

In addition, there is another cell tower in close proximity so an additional one within a mile or so is not practical.

Please listen to the concerns of these parents and do not allow that tower to be placed so close to our babies! I couldn't imagine another child having to go through what my son has and still is battling for almost 5 years! And yes, several of his doctors have implied that the radiation most definitely played a role in his diagnosis! I have pages and pages of data from all of the cancer diagnosis within 1 mile radius of the Weston cell tower while it was up, if you are interested.

Sincerely,

Monica Ferrulli



**Gunter, Kelsey [CDD]**

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**From:** Kwong, David [CDD]  
**Sent:** Thursday, April 1, 2021 6:58 AM  
**To:** Jolley, Jennifer [CDD]; Stowers, Stephanie [CDD]; Gunter, Kelsey [CDD]  
**Subject:** Fwd: Colony Oak/ AT&T Tower

FYI only.

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**From:** Winn, Charles [BOS] <cwinn@sjgov.org>  
**Sent:** Thursday, April 1, 2021 12:13 AM  
**To:** Tara Fromm  
**Subject:** Re: Colony Oak/ AT&T Tower

Ms. Fromm,

Thank you for your comments. In 2019, I asked our County Health Services Director to look into the cancer question at Weston Elementary School. He requested an investigation by the Cancer Registry of Greater California.

The California Cancer Registry (CCR) is a program of the California Department of Public Health's Chronic Disease Surveillance and Research Branch and is California's mandated statewide population-based cancer surveillance system. The CCR collects information on the occurrence of cancer and first course of treatment for nearly all new cancer cases diagnosed among California residents since 1988.

As one of the three regional registries that make up the CCR, the Cancer Registry of Greater California (CRGC) collects and manages cancer-related data from 48 counties in the state. The mission of CRGC is to record timely and quality cancer information and use this data to help prevent cancer and reduce cancer morbidity and mortality.

On March 19, 2019, the CCR produced a report stating there was no statistical evidence that there were more observed cases of childhood cancer in Ripon between 2007-2016 than what would have been expected. There was a total of 14 cases reported with a statistically expected number of 13.7.

In October 2020, I conducted additional research and located this information on the American Cancer Society website. It posted a statement from the United States Federal Communications Commission (FCC) about cell phone towers near homes or schools:

*"Radio frequency emissions from antennas used for cellular and PCS [personal communications service] transmissions result in exposure levels on the ground that are typically thousands of times below safety limits. These safety limits were adopted by the FCC based on the recommendations of expert organizations and endorsed by agencies of the Federal Government responsible for health and safety. Therefore, there is no reason to believe that such towers could constitute a potential health hazard to nearby residents or students."*

The question I receive most frequently on this issue is, "What about 5G networks?"

The American Cancer Society addresses this on their website.

*Fifth generation (5G) cellular networks are now being rolled out in many parts of the United States and in other countries. 5G networks are capable of transmitting much larger amounts of data over shorter periods of time than previous generations (4G, 3G, etc.).*

*Earlier generation networks have used RF wavelengths below 6 gigahertz (GHz). 5G networks will use some wavelengths in this range, but will also use some higher frequency wavelengths, at the lower end of the millimeter wave spectrum (which ranges from 30 GHz to 300 GHz). While these RF waves are higher frequency (higher energy) than those used by older generations, they are still forms of non-ionizing radiation, so they still lack the ability to directly damage DNA.*

*The higher frequency waves used by 5G travel shorter distances and don't go through objects (such as buildings, or even tree leaves) as well as lower frequency waves. Because of this, 5G networks require many more, smaller versions of base stations (often referred to as small cells) in some places, especially in densely populated areas. These small cells can be mounted on streetlights, utility poles, buildings, and other structures. This could result in the antennas being closer to people, although small cells typically operate at much lower power levels than the larger (macro) base stations.*

*The addition of the higher wavelengths from 5G networks could also expose people to more RF waves overall.*

*At the same time, these higher frequency RF waves are less able to penetrate the body than lower frequency waves, so in theory they might be less likely to have any potential health effects. But so far this issue has not been well studied.*

*At this time, there has been very little research showing that the RF waves used in 5G networks are any more (or less) of a concern than the other RF wavelengths used in cellular communication.*

In 2018, I established the Regional Innovation for Sustained Excellence (RISE) committee made up of technology professionals from the county and all seven cities. The purpose was to discuss technology issues affecting all our agencies. At our first meeting, we discussed the potential benefits and risks of the new 5G cell towers that would eventually be installed throughout the county. After a lengthy discussion, it was agreed that the installation of these towers should not pose a health risk to residents or children based upon information presented.

I understand your concerns and assure you I will make every effort to protect you and your family from any potential hazard that would be placed in a location that could harm you. Consequently, I contacted the County's Health Services Director, Community Development Director and the Information Services Director to discuss this project.

The Community Development Director said they have initially processed the application for the cell tower. They are asking for recommendations and/or comments on this project which must be submitted to the Community Development Department no later than April 15, 2021. Recommendations and/or comments received after that date may not be considered in staff's analysis. The following staff member is processing the application:

Project Planner: Kelsey Gunter

Phone: (209) 468-8477  
Fax: (209) 468-3163  
Email: kgunter@sjgov.org  
Mailing address: Community Development Department  
1810 E. Hazelton Ave.,  
Stockton, CA 95205

Attention: Kelsey Gunter

The information I provided is simply to give you some perspective on this issue. I know there are many other sources of information available you may want to pursue. Thank you for taking the time to share your concerns and feel free to contact me if you need additional information.

Chuck Winn, Vice-Chair  
San Joaquin County Supervisor 4th District  
44 N. San Joaquin Street, Suite 627  
Stockton, CA 95202  
(209) 468-3113

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**From:** Tara Fromm <taradfromm@gmail.com>  
**Sent:** Wednesday, March 31, 2021 2:58 PM  
**To:** Winn, Charles [BOS] <cwinn@sjgov.org>  
**Cc:** Warmerdam, Denise [BOS] <dwarmerdam@sjgov.org>  
**Subject:** Colony Oak/ AT&T Tower

CAUTION: This email is originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon, I am a parent of two children who attend Colony Oak Elementary School in Ripon California. It has come to our attention that there is a new AT&T tower in plans to go up 930 feet from the school. Given that there is already a large cell tower a mile up the road I would hope there will be reconsideration as to the placement of this new tower. We have high childhood cancer rates in our small town and many that have been linked to radiation exposure. Given that there are many unknowns to the effects of radiation on young developing children... I am hopeful this tower will be reconsidered. At the least, pushed further away from our school. Please know, this topic is of high concern for all of the Colony Oak families and community of Ripon.

Thank you,  
The Fromm Family

Sent from my iPhone

**Gunter, Kelsey [CDD]**

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**From:** Monica <monicabrandrup@hotmail.com>  
**Sent:** Wednesday, March 31, 2021 5:32 PM  
**To:** Gunter, Kelsey [CDD]  
**Subject:** Kamps cell tower

CAUTION: This email is originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern:

I am writing this email with extreme concern regarding the proposed cell tower in close proximity to Colony Oak Middle School.

My son is one of the children diagnosed with brain cancer after sitting under the cell tower at Weston elementary school, along with 7 other victims in the short time it was up.

I am aware of the FCC guidelines and all of the studies that say it is "safe." However, I am also aware that not one of those studies have been done on children receiving that level of radiation. New studies have come out including the NTP study in 2018 that confirmed clear evidence of tumors from that level of radiation!

Also the FCC is currently in middle of a legal trial regarding their negligence of not considering over 1,700 peer reviewed studies showing harm from this level of radiation. Their safety standards are from 25 years ago! The facts are out there and our children should be top priority!!

In addition, there is another cell tower in close proximity so an additional one within a mile or so is not practical.

Please listen to the concerns of these parents and do not allow that tower to be placed so close to our babies! I couldn't imagine another child having to go through what my son has and still is battling for almost 5 years! And yes, several of his doctors have implied that the radiation most definitely played a role in his diagnosis!

Sincerely,

Monica Ferrulli

t

**Gunter, Kelsey [CDD]**

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**From:** Ali LePage <lpgfamily5@yahoo.com>  
**Sent:** Wednesday, March 31, 2021 4:09 PM  
**To:** Gunter, Kelsey [CDD]  
**Subject:** Re: Ripon Cell Tower

CAUTION: This email is originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I live on North Ripon Rd. I am a homeowner there. We are hearing about and adamantly opposed to the 5G cell tower being installed near our home. We have spent thousands of dollars trying to make our home healthier and greener to counter the pesticides and pollution here in the Central Valley. Cell towers cause radiation that cause cancers. Cancer is already a problem Here in town. We do not want this near our home! In fact, we would be likely to sell and move out should this go through, that is how strongly opposed we feel. Please send us further information in regards to exactly what's being planned because we plan to fight it all the way.

Thank you,  
Ali LePage

Sent from my iPhone

**Gunter, Kelsey [CDD]**

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**From:** Melissa <melissa.moorehead@yahoo.com>  
**Sent:** Wednesday, March 31, 2021 2:38 PM  
**To:** Gunter, Kelsey [CDD]  
**Subject:** Murphy Road Cell Phone Tower

CAUTION: This email is originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

My name is Melissa Crooker and my daughter Georgette is a kindergartner at colony oak. I was extremely disturbed to find out that there will be a 5G cell phone tower being put up 300 yds away from my daughter's school. After following everything that went on with Weston elementary and knowing that is there any type of chance that that tower could have been the cause for cancer in multiple chooser, I'm disappointed to know that this is even a thought. These are our children, our future that we are talking about. The people that work on these towers have to wear protective gear and monitors that will alert them if they are too exposed to the radiation that leaves these towers and people want to put that near our children? I can't wrap my head around this. We love colony oak and were really looking forward to our daughter and son (when he is old enough) going there until they graduate but there is no way that I can keep my children at the school if this tower goes up.

An extremely concerned parent,  
Melissa Crooker

Sent from my iPhone

**Gunter, Kelsey [CDD]**

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**From:** Nicole Downs <downs812@icloud.com>  
**Sent:** Wednesday, March 31, 2021 2:34 PM  
**To:** Gunter, Kelsey [CDD]  
**Subject:** Cell Tower Colony Oak

CAUTION: This email is originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Kelsey. I am a Ripon resident and I have a child at Colony Oak School. After all of the research AND THE REMOVAL OF THE CELL TOWER NEAR WESTON ELEMENTARY, why on Earth would you even consider installING one near Colony Oak Elementary?! This is horrific. We also live near the school...we are concerned for our health!!! Please do not do this to our children AGAIN. If this happens then I will not allow my child to attend school at Colony Oak. This is awful.

NICOLE DOWNS  
209-480-3082

Sent from Nicole's iPhone

**Gunter, Kelsey [CDD]**

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**From:** Kristie Martin <kristiedaily@icloud.com>  
**Sent:** Wednesday, March 31, 2021 2:02 PM  
**To:** Gunter, Kelsey [CDD]  
**Subject:** Murphy Cell Phone Tower

CAUTION: This email is originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Ms. Gunter,

I want to express my strong belief that this proposed location for a cell phone tower at Murphy & Colony is a very bad idea when we have over 400 young and growing children a very short distance away. We really don't fully understand the potential harmful effects that these radio frequency waves could have on our children. Please speak up on behalf of concerned parents and the health of our children and say no to this tower.

Bill Kamp (the property owner) has written saying he know longer wants this tower at this location on his property. Let's help him out of his contract with AT&T.

My Best,  
Kristie Martin  
Parent of a Colony Oak Student

Sent from my iPhone



**Gunter, Kelsey [CDD]**

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**From:** Tamara Goeckeritz <photographybytami@yahoo.com>  
**Sent:** Wednesday, March 31, 2021 1:52 PM  
**To:** Gunter, Kelsey [CDD]  
**Subject:** Cell tower

CAUTION: This email is originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Kelsey,

I wanted to send an email with my concern about the cell tower in the plans to go up near colony oak elementary. Not only do my kids go to school there but i live in the seven oaks community right around the corner. I am absolutely horrified that they are planning to put this up near where we live and go to school. I'm sure you have heard of how dangerous this can be. I truly hope this doesn't become a fight and that we can get this resolved before the cell tower goes up and becomes one. My family won't ever be ok with this as well as many many families that live and go to school at Colony Oak. Thank you for your time.

Tamara Goeckeritz

Sent from my iPhone

**Gunter, Kelsey [CDD]**

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**From:** Tara Fromm <taradfromm@gmail.com>  
**Sent:** Wednesday, March 31, 2021 12:31 PM  
**To:** Gunter, Kelsey [CDD]  
**Subject:** AT&T tower near Colony Oak School

CAUTION: This email is originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon, I am a parent of two children who attend Colony Oak Elementary School in Ripon California. Given that there is a cell tower a mile up the road I would hope there would be reconsideration as to the placement of this new tower in plan. We have extremely high childhood cancer rates in our town and many that have been linked to radiation exposure. Given that there are many unknowns to the causes and effects of radiation on young developing children... I am hopeful this tower will be reconsidered. At the least, pushed further away from our school...this is a topic of high concern for the colony all families.

Well wishes,  
The Fromm family

Sent from my iPhone



**SAN JOAQUIN**  
— COUNTY —  
*Greatness grows here.*

## Community Development Department

Planning · Building · Code Enforcement · Fire Prevention · GIS

# **Attachment E**

## **City of Ripon Correspondence**

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# City of Ripon

259 N. Wilma Avenue • Ripon, California 95366  
Phone (209)599-2108 • Fax (209)599-2685  
www.cityofripon.org

MAYOR  
*Daniel de Graft*  
VICE MAYOR  
*Dean Uecker*  
COUNCIL MEMBERS  
*Michael Restuech*  
*Lou Zuber*  
*Tammy Wheeler*  
CITY ADMINISTRATOR  
CITY ENGINEER  
*Kevin Berner*  
CITY ATTORNEY  
*Thomas H. Terpstra*  
CITY CLERK FINANCE DIRECTOR  
*Lisa Ross*  
DIRECTOR OF PLANNING  
BUILDING & ECONOMIC  
DEVELOPMENT  
*Ken Zaidenbauer*  
DIRECTOR OF PUBLIC WORKS  
*James Patis*  
RELATION DIRECTOR  
*Kyle Stevens*

April 1, 2021

Kelsey Gunter  
Assistant Planner  
San Joaquin Community Development Department  
1810 Hazelton Avenue  
Stockton, CA 95205

Re: Opposition to Application Number: PA-2000214 (SA)

Dear Ms. Gunter:

The City of Ripon appreciates the opportunity to provide comments on the above-mentioned project. For the reasons which follow, the City respectfully opposes the proposed location for this new cell tower.

The proposed location for a new 134-foot high, wireless telecommunications pole falls outside of current City limits, but is within Ripon's Sphere of Influence. While the site is located more than the minimum five-hundred (500) foot buffer distance from existing residential as required under the Ripon Municipal Code, the proposed location would significantly affect planned residential development within the City's Sphere of Influence.

As you are aware, the County's General Plan is replete with policies encouraging inter-jurisdictional coordination in the land use process such as:

- Goal C-4, which deals with City Fringe Areas (Spheres of Influence), and how consultation, coordination and cooperation between the Cities and County are necessary and essential.
  - Policy C-4.1 – City Fringe Boundaries
  - Policy C-4.2 – Coordination with Cities
  - Policy C-4.3 – Consistent Planning
  - Policy C-4.5 – City Development Standards

The proposed location for this new tower placement is in direct conflict with future residentially zoned property within the City of Ripon's Sphere of Influence. Siting a telecommunications tower at this location would preclude the planned development of approximately nine (9) acres of future anticipated residential property (see attachment). The City of Ripon strongly urges the San Joaquin County Community Development Department to deny this application and instruct the applicant to work jointly with San Joaquin County and the City of Ripon in siting a new location that does not impact future planned residential property within the City of Ripon's Sphere of Influence.

Sincerely,



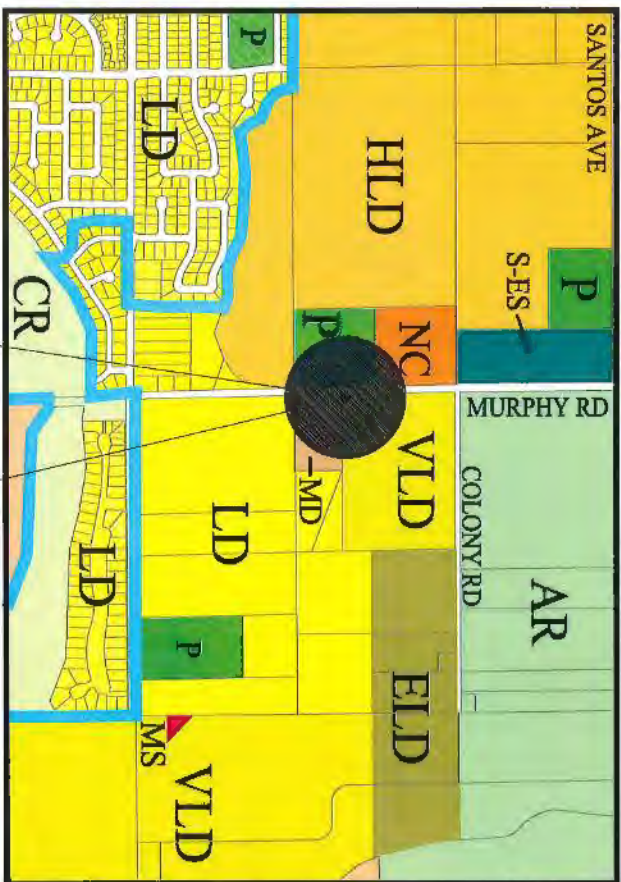
Ken Zuidervaart, Director  
Planning, Building and Economic Development

Enc. Sphere of Influence Land Use Exhibit

# CITY OF RIPON GENERAL PLAN 2040

## Land Uses

-  ELD (Extremely Low Density Residential)
-  VLD (Very Low Density Residential)
-  LD (Low Density Residential)
-  HLD (High Low Density Residential)
-  MD (Medium Density Residential)
-  NC (Neighborhood Commercial)
-  MS (Municipal Service)
-  P (Park)
-  S-ES (Elementary School)
-  AR (Agricultural Reserve)
-  City Limits



500 Foot Buffer distance required under the Ripon Municipal Code

Proposed Telecommunications Tower Location



August 18, 2021

Ken Zuidervaart  
Planning Director  
City of Ripon Planning, Building and Economic Development  
259 N. Wilma Avenue  
Ripon, CA 95366

Re: Letter of Opposition to Application Number PA-2000214 (SA)

Dear Mr. Zuidervaart,

The San Joaquin County Community Development Department (CDD) has reviewed the City of Ripon's opposition letter for Site Approval No. PA-2000214 dated April 1, 2021, and the attached Sphere of Influence Land Use Exhibit.

The project site is located at 22640 S. Murphy Road/APN: 245-190-45 ("Project Site") in the San Joaquin County designated Urban Community of Ripon. The Project Site is designated in San Joaquin County's 2035 General Plan as both Agricultural-Urban Reserve (A/UR) and Resource Conservation (OS/RC), and is zoned General Agriculture with a 40-acre minimum (AG-40). The Project Site is also located within the City of Ripon's Sphere of Influence.

Pursuant to San Joaquin County Development Title 9-115-385(b), cell towers are classified as Communication Services – Type II. Pursuant to Development Title Table 9-605.2, cell towers may be conditionally permitted in the AG-40 zone subject to an approved Site Approval.

Based on the Sphere of Influence Land Use Exhibit provided with the City of Ripon's letter, the Project Site is located within an area designated entirely for future residential development. Specifically, the Project Site is located within the City's General Plan designation of Very Low Density Residential (VLD), while the surrounding area also includes the following designations:

- Extremely Low Density Residential (ELD)
- Very Low Density Residential (VLD)
- Low Density Residential (LD)
- Medium Density Residential (MD)

Pursuant to the San Joaquin County Board of Supervisors Resolution No. R-18-24, San Joaquin County and the City of Ripon mutually agree to and shall mandate coordination and review of development occurring within the City of Ripon's Sphere of Influence through their respective Community Development Departments and Public Works Departments.



Within San Joaquin County's 2035 General Plan, there are several policies specifically related to development within the A/UR General Plan designation, where the Project Site is located. Reviewing these policies in light of the City's comments is key to ensuring successful coordination on this proposed project. San Joaquin County's 2035 General Plan policies include the following:

- Goal C-4, C-4.4, City Fringe Areas (pg. 3.1-78 and 79): The County shall, as appropriate, apply the Agriculture-Urban Reserve designation to unincorporated properties within City Fringe Areas that are planned for future development by cities in their general plans.
- Goal LU-7, LU-7.9 Agriculture-Urban Reserve (pg. 3.1-61): The County shall preserve areas designated Agriculture-Urban Reserve (A/UR) for future urban development by ensuring that the operational characteristics of the existing uses does not have a detrimental impact on future urban development or the management of surrounding properties, and by generally not allowing capital-intensive facility improvements or permanent structures that are not compatible with future urban development.
- Goal C-1, C-1.3, Protect Established Communities (pg. 3.1-75): Within Urban and Rural Communities, the County shall ensure that new development provides sensitive transitions between existing and new neighborhoods, and require new development, both private and public, respect and respond to those existing physical characteristics, buildings, streetscapes, open spaces, and urban form that contribute to the overall character and livability of each community.
- Goal C-4, C-4.1, City Fringe Boundaries (pg. 3.1-78): The County shall maintain City Fringe Area boundaries around incorporated cities as the official edge between future urban and agricultural land uses. City Fringe Area boundaries define the area where land uses are presumed to have an impact upon the adjacent incorporated city, and within which the cities' concerns are to be given serious consideration as part of the land use review process. Areas within the City Fringe Areas shall represent the next logical area in which urban development may occur and the area within which cities may ultimately expand. To this end the County shall generally define City Fringe Areas consistent with adopted City Spheres of Influence, unless otherwise depicted or defined in the General Plan.
- Goal C-4, C-4.5, City Development Standards (pg. 3.1-79): The County shall continue to notify a city whenever the County receives development applications for discretionary development permits within a City Urban Fringe Area, and solicit input from the City on the proposal. Where the Board of Supervisors finds that a proposed urban development is consistent with County General Plan objectives to approve development within a City Fringe Area, the County shall consider requiring the project to meet the development standards of the city in question and connect to City services.

In reviewing the Project in light of the City's comment letter, attachment, and these General Plan policies, the County wants to confirm with the City of Ripon if it agrees with the following:

- *The Project Site is in a portion of the City of Ripon's Fringe Area, which is consistent with the City's Sphere of Influence and that is planned for future urban development within the City of Ripon. Site Approval No. PA-2000214, if approved, would permit the construction of a cell tower, which is a permanent structure, on the Project Site. The area around the Project Site is planned for residential development, which would not allow for the construction of a cell tower within 500 feet of a residence, pursuant to the City of Ripon's zoning code. Accordingly, it is the City's position that construction of the cell tower on the Project Site is not compatible with the planned future urban development.*

Please review this statement and confirm whether this accurately describes the City of Ripon's stance on Site Approval No. PA-2000214 and the Project Site in light of the City's comments and the applicable San Joaquin County 2035 General Plan policies. The City's comments and response are appreciated and are key to the Jurisdictions' successful coordination efforts.

Please respond to me via email at [kgunter@sjgov.org](mailto:kgunter@sjgov.org), or by phone at (209) 468-8477, and feel free to contact me if you have any questions.

Thank you for your time and consideration,



Kelsey Gunter  
Assistant Planner  
San Joaquin County Community Development Department

Enclosure(s): San Joaquin County Board of Supervisors Resolution No. R-18-24  
Sphere of Influence Land Use Exhibit (City of Ripon)

c: Director of Community Development, David Kwong  
Deputy Director of Planning, Jennifer Jolley  
Senior Planner, Megan Aguirre  
Deputy County Counsel, Zayante (Zoey) P. Merrill

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN  
STATE OF CALIFORNIA

RESOLUTION

R-18-24

RESOLUTION ESTABLISHING COORDINATION POLICIES  
AND A CONSULTATION PROCESS FOR DEVELOPMENT  
OCCURRING WITHIN THE CITY OF RIPON'S SPHERE OF INFLUENCE BETWEEN  
SAN JOAQUIN COUNTY AND THE CITY OF RIPON

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WHEREAS, California Government Code Section 56425 requires that prior to the City of Ripon (City) submitting an application to the San Joaquin County Local Agency Formation Commission (LAFCO) to update its Sphere of Influence (SOI) that representatives of the City meet with San Joaquin County (County) representatives to discuss proposed sphere boundaries and explore methods to reach agreement on development standards and planning and zoning requirements within the SOI to ensure that development within the SOI occurs in a manner that promotes the logical and orderly development of areas within the SOI;

WHEREAS, on January 5, 2018, San Joaquin County met as required by California Government Code Section 56425 and discussed and agreed to the City of Ripon's SOI boundary as established by the City's General Plan Land Use Diagram adopted; and

WHEREAS, the City of Ripon is not proposing any changes to the boundaries of the SOI as identified in Exhibit A; and

WHEREAS, the City has coordinated with LAFCO to prepare the 2018 Municipal Services Review, which affirms the City's current SOI, updates the 10- and 20-year planning horizons, and demonstrates adequacy of services and governmental organization for existing and planned development, for adoption by LAFCO; and

WHEREAS, the City and County representatives did not identify any incompatibilities between the City's planned uses and the County's adopted land use regulations; and

WHEREAS, the City and County representatives agreed that the County's land use regulations, including the General Plan and Zoning Code, do not conflict with the City's proposed land uses in the SOI and that the SOI promotes logical and orderly development and the efficient delivery of public services; and

WHEREAS, San Joaquin County Community Development Department and/or Department of Public Works shall give due consideration to said comments for development proposals occurring within the City of Ripon's SOI to the extent said comments are consistent with and implement San Joaquin County's General Plan, Master Plans, Specific Plans, and Development Title; and

Resolution Template 01/2017

WHEREAS, San Joaquin County and the City of Ripon recognize that development and projects that are in compliance with the Agricultural Zoning, of San Joaquin County or minor development requests occurring within the City of Ripon's SOI need not be referred to the City of Ripon for comments.

NOW, THEREFORE, BE IT RESOLVED by this Board of Supervisors that:

1. San Joaquin County and the City of Ripon hereby agree to said SOI boundaries as identified in Attachment A hereto.
2. San Joaquin County and the City of Ripon mutually agree to and shall mandate coordination and review of development occurring within the City of Ripon's SOI as show in Attachment A through their respective Community Development Departments and Public Works Departments.
3. San Joaquin County shall provide the City of Ripon Community Development Department and Public Works Department twenty (20) calendar days to respond to referrals with appropriate comments reflecting the City of Ripon's General Plan Policies and Implementing Measures as they apply to the specific development proposal prior to being processed by San Joaquin County.
4. San Joaquin County Community Development Department and/or Department of Public Works shall give due consideration to said comments for development proposals occurring within the City of Ripon's SOI to the extent said comments are consistent with and implement San Joaquin's General Plan, Master Plans, Specific Plans, and Development Title.
5. San Joaquin County and the City of Ripon recognize that development and projects that are in compliance with the Agricultural Zoning of San Joaquin County or minor development requests occurring within the City of Ripon's SOI need not be referred to the City of Ripon for comments.
6. San Joaquin County finds that the City of Ripon's General Plan, the Municipal Services Review update, the SOI boundary, and the SOI planning horizons promotes logical and orderly development and the efficient delivery of public services.
7. San Joaquin County finds that no changes to the County's land use regulations are necessary to promote the logical and orderly development of areas with in the SOI.

Resolution Template 01/2017

PASSED AND ADOPTED \_\_\_\_\_ 03/06/2018 \_\_\_\_\_, by the following vote of the Board of Supervisors, to wit:

AYES: **Villapudua, Miller, Patti, Winn, Elliott**

NOES: **None**

ABSENT: **None**

ABSTAIN: **None**

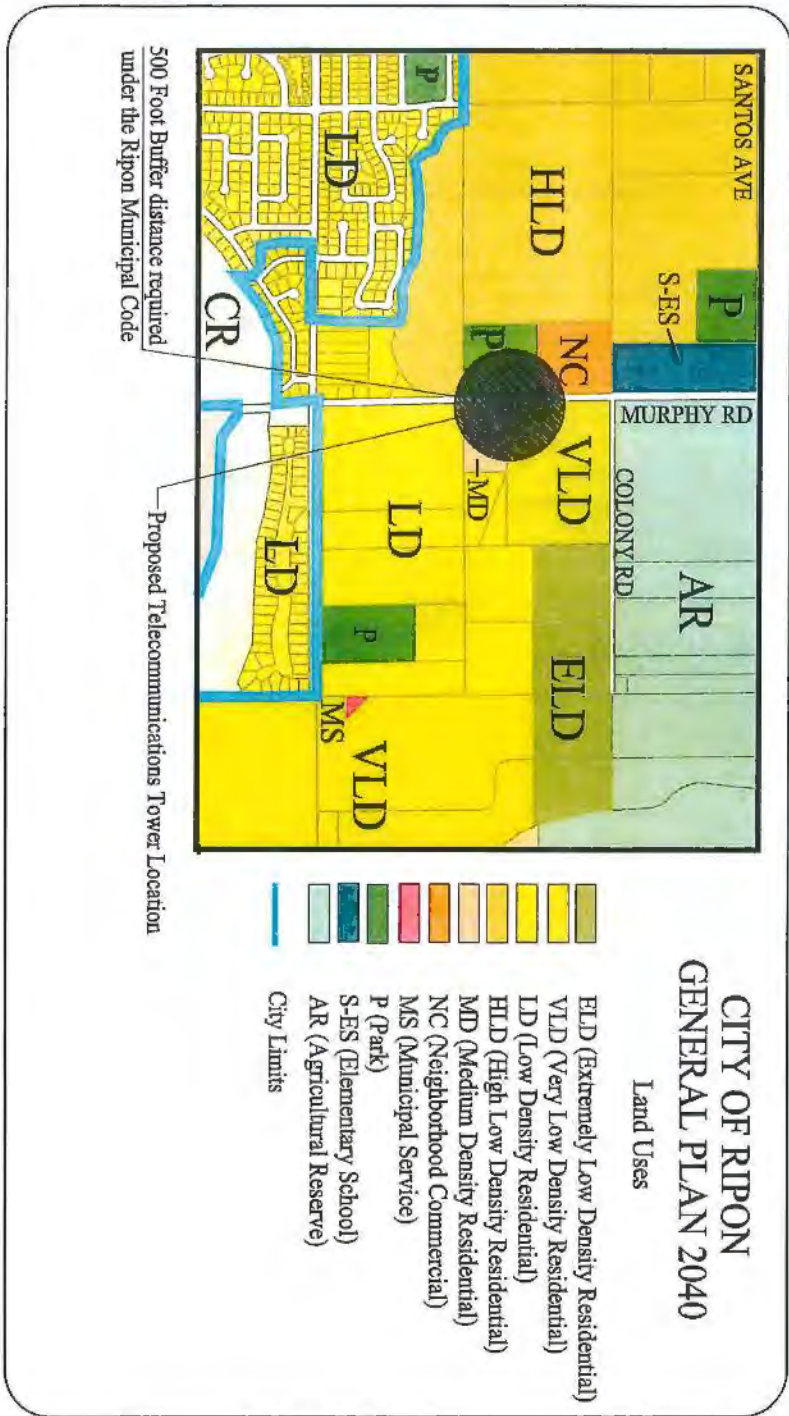
**Robert V. Elliott**

ATTEST: MIMI DUZENSKI  
Clerk of the Board of Supervisors  
Of the County of San Joaquin,  
State of California

ROBERT V. ELLIOTT  
Chair, Board of Supervisors  
County of San Joaquin  
State of California



By **Mimi Duzenski**





**SAN JOAQUIN**  
— COUNTY —  
*Greatness grows here.*

## Community Development Department

Planning · Building · Code Enforcement · Fire Prevention · GIS

# Attachment F Findings

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# FINDINGS FOR DENIAL OF SITE APPROVAL

PA-2000214

## KAMPS PROPERTY MANAGEMENT, LLC / NEW CINGULAR WIRELESS

1. The proposed use is inconsistent with the goals, policies, standards, and maps of the General Plan, any applicable Master Plan, Specific Plan, and Special Purpose Plan, and any other applicable plan adopted by the County.

- **The finding of approval cannot be made because the proposed telecommunications facility (Use Type: Communication Services – Type II) is not consistent with the goals and policies of the General Plan. The Project Site has a General Plan designation of Agriculture-Urban Reserve (A/UR), and a zoning designation of General Agriculture – 40-acre minimum (AG-40). The use may be permitted in the AG-40 zone with a Site Approval if all findings can be made in the affirmative. However, this finding cannot be made because the project is not consistent with the following General Plan policies:**

- *Goal LU-7, LU-7.9 Agriculture-Urban Reserve (pg. 3.1-61): The County shall preserve areas designated Agriculture-Urban Reserve (A/UR) for future urban development by ensuring that the operational characteristics of the existing uses does not have a detrimental impact on future urban development or the management of surrounding properties, and by generally not allowing capital-intensive facility improvements or permanent structures that are not compatible with future urban development.*

The parcel where the telecommunications facility is proposed is located within the City of Ripon's Sphere Of Influence (SOI) with a General Plan designation of Very Low Density Residential (VLD). Additionally, the City of Ripon has designated the surrounding area for future residential development with varying densities. The City of Ripon Municipal Code Chapter 16.90, Table 16.90.070.1, requires a minimum five-hundred (500) foot buffer distance between telecommunications facilities and residential development. Although this project is not within the City of Ripon's city limits, it is in close proximity to the City. Approval of the proposed telecommunications facility would result in construction of a permanent structure that would not meet the City's buffer requirement, as integrated in the City's municipal code, when the area is residentially developed, as planned. Consequently, the proposed permanent structure will be located in the City of Ripon's SOI, which has the similar detrimental impact of placing capital-intensive facility improvement(s) or permanent structure(s) that are not compatible with future urban development in this geographic area.

- *Goal C-1, C-1.3, Protect Established Communities (pg. 3.1-75): Within Urban and Rural Communities, the County shall ensure that new development provides sensitive transitions between existing and new neighborhoods, and require new development, both private and public, respect and respond to those existing physical characteristics, buildings, streetscapes, open spaces, and urban form that contribute to the overall character and livability of each community.*

The proposed location of the telecommunications facility, which is within the City of Ripon's sphere of influence, does not provide for a sensitive transition between the existing rural neighborhood and what is slated to be new residential neighborhoods pursuant to the City of Ripon's General Plan. The Project Site is located within the City of Ripon's Sphere of Influence in an area planned for residential development. SOIs are San Joaquin Local Agency Formation Commission (LAFCO) adopted growth boundaries and, in this case, specifically regarding the City of Ripon. Once growth in the City of Ripon occurs and areas are annexed according to the LAFCO SOI, this Project Site would be similarly annexed as a part of a large annexation project to the City of Ripon. These boundaries are determined and approved by LAFCO. This Project Site itself would also be annexed in order to avoid an island of unincorporated area. The approval of this site would circumvent the Ripon municipal code in that its approval would occur in the unincorporated area. Consequently, the construction of a telecommunications facility is not a residential use and would require a 500-foot buffer based upon the Ripon Municipal Code, thus impacting the transition between existing and new neighborhoods. San Joaquin County

shall ensure that new development provides sensitive transitions between existing and new neighborhoods, and require new development, both private and public, respect and respond to those existing physical characteristics, buildings, streetscapes, open spaces, and urban form that contribute to the overall character and livability of each community.

- *Goal C-4, C-4.1, City Fringe Boundaries (pg. 3.1-78): The County shall maintain City Fringe Area boundaries around incorporated cities as the official edge between future urban and agricultural land uses. City Fringe Area boundaries define the area where land uses are presumed to have an impact upon the adjacent incorporated city, and within which the cities' concerns are to be given serious consideration as part of the land use review process. Areas within the City Fringe Areas shall represent the next logical area in which urban development may occur and the area within which cities may ultimately expand. To this end, the County shall generally define City Fringe Areas consistent with adopted City Spheres of Influence, unless otherwise depicted or defined in the General Plan.*

A project referral was sent to the City of Ripon on March 18, 2021, and the City sent a response letter dated April 1, 2021. In the letter, the City raised concerns about project consistency with the City's General Plan. Specifically, the City stated that the proposed location is in direct conflict with future residentially zoned property within the City's Sphere of Influence and would preclude the planned development of approximately 9 acres of future anticipated residential development. In as much as the SOI is an adopted LAFCO policy applicable to both the City of Ripon and San Joaquin County, San Joaquin County is obligated to review the City's concerns. San Joaquin County Community Development Department has concluded that this project is inconsistent with the County's General Plan policy, in that serious consideration of the City of Ripon's concern is a part of this land use review process. The approval of this project would infringe upon the City of Ripon's SOI and, thus, a future residentially planned area. Accordingly, locating the telecommunications facility within the City of Ripon Sphere of Influence would not maintain the City of Ripon Fringe Area.

- *Goal C-4, C-4.5, City Development Standards (pg. 3.1-79): The County shall continue to notify a city whenever the County receives development applications for discretionary development permits within a City Urban Fringe Area, and solicit input from the City on the proposal. Where the Board of Supervisors finds that a proposed urban development is consistent with County General Plan objectives to approve development within a City Fringe Area, the County shall consider requiring the project to meet the development standards of the city in question and connect to City services.*

As noted above, the San Joaquin County Community Development Department referred the proposed project to the City of Ripon on March 18, 2021, and the City responded with concerns about compatibility and the impact that the proposed project would have on future planned development of the Project Site and surrounding area. The development standard provided by the City's Municipal Code is a 500-foot buffer between telecommunications facilities and residential development. Approval of this project would limit the developable area planned for future residential development. Additionally, the City of Ripon and San Joaquin County Community Development Department have established coordination policies and a consultation process for development occurring within the City of Ripon's Sphere of Influence. Pursuant to San Joaquin County Board of Supervisors Resolution No. R-18-24, San Joaquin County and the City of Ripon mutually agree to and shall mandate coordination and review of development occurring within the City of Ripon's Sphere of Influence through their respective Community Development and Public Works Departments (see enclosed Resolution Document). In consultation with the City of Ripon, San Joaquin County Community Development Department has confirmed that the City mutually agrees that the construction of the telecommunications facility on the Project Site is not compatible with the planned future urban development. In addition, the applicant has not presented any alternative sites for the County to review and consider in order to respond to concerns about compatibility with the City of Ripon's future planned growth and its consistency with the County General Plan objectives necessary to approve development within a City Fringe Area.

2. Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, and the proposed improvements are properly related to existing and proposed roadways.
  - **This finding cannot be made because the construction of a telecommunications facility is a significant improvement on site. Although this project will not require the use of a public water, sewer or storm drainage, nor will private services be required, the proposed use of a telecommunications facility is a permanent structure proposed in an area designated for future residential development. Removal of such facilities is an extensive process.**
3. The site is physically suitable for the type of development and for the intensity of development.
  - **This finding cannot be made because the Project Site is located within the City of Ripon's Sphere of Influence, which includes an area designated for future residential development within the City of Ripon. Approval of the project would supersede or sever the development of approximately 9 acres planned for future residential development.**
4. Issuance of the permit will not be significantly detrimental to the public health, safety, or welfare, or be injurious to the property or improvements of adjacent properties.
  - **This finding can be made because approval of the telecommunication facility at this location would not be significantly detrimental to the public health, safety, or welfare, or be injurious to the property or improvements of adjacent properties. The tower must comply with Federal Communications Commission regulations regarding radio frequency emissions.**
5. The use is compatible with adjoining land uses.
  - **This finding cannot be made because, while the current zoning designation conditionally permits the proposed use, the ultimate approval of the telecommunication facility at this location would impact the future residentially planned development of 9 acres of land surrounding the Project Site, as cited in the City of Ripon's letter dated April 1, 2021. Approval of this telecommunications facility would sever and preclude the ability of the City of Ripon to grow according to the LAFCO approved SOI. In addition, the applicant has not presented any alternative sites for the County to review and consider in order to respond to concerns about compatibility also discussed within the City of Ripon's letter dated April 1, 2021. The compatibility concerns include the City of Ripon's future planned residential growth, the proposed project's consistency with the County General Plan objectives, and how these points must be considered in order to approve development within a City Fringe Area.**

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**SAN JOAQUIN**  
— COUNTY —  
*Greatness grows here.*

## Community Development Department

Planning · Building · Code Enforcement · Fire Prevention · GIS

## **Attachment G** **Project Revisions**

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# **December 20, 2021**

## **Project Revisions**

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**PROJECT SUPPORT STATEMENT - APPEAL  
AT&T MOBILITY**

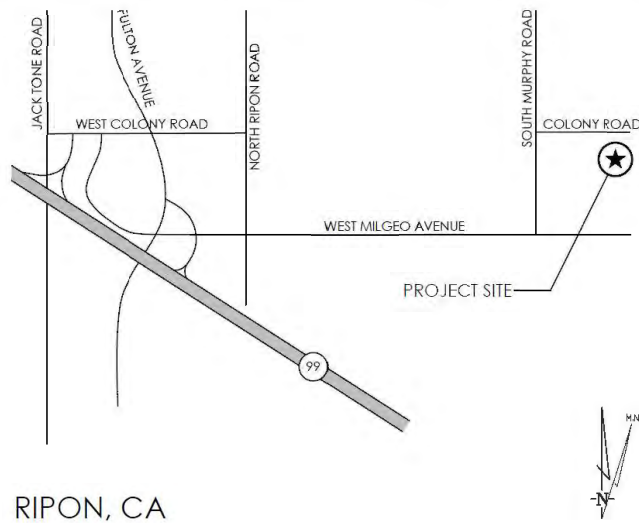
**Site Name:** CVL01839 SE Ripon  
**Location:** 22640 S. Murphy Road, Ripon, CA 95366  
**APN:** 245-190-45

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**Introduction**

New Cingular Wireless PCS, LLC d/b/a AT&T Mobility is seeking to improve telecommunication services in City of Ripon and the surrounding area in unincorporated San Joaquin County. More specifically, AT&T would like to bring improved fixed wireless internet and cellular coverage to the area along Milgeo Avenue and Murphy Road, and north past River Road. Currently, this portion of the AT&T network is suffering from poor coverage due to an insufficient amount of telecommunications facilities and the ever-increasing volume of service. To address this issue, AT&T is proposing a new freestanding facility for both existing and potential customers and to provide capacity relief during peak usage hours. The increase in wireless services will benefit residents, local businesses, travelers, and, public safety communications systems in and around Ripon, including police, fire, and medical services.

Additionally, this network development will increase public safety within this area and bring wireless service to areas that currently suffer from poor service. This unmanned facility will provide service to area travelers, residents and businesses 24 hours a day, 7 days a week. This site will also serve as a backup to the existing landline service in the area and will provide improved mobile communications, which are essential to modern day commerce and recreation.



**Project History**

The project application was originally submitted to the San Joaquin County Community Development Department for review. Because the subject lies within the sphere of influence of the City of Ripon, it was also reviewed by City of Ripon Planning staff. On April 1, 2021, the City of Ripon’s Planning Director sent a formal letter of opposition to the project, on the grounds that although the parcel was currently zoned agricultural, the land was designated residential under the City of Ripon 2040 General Plan and AT&T’s siting of the facility would conflict with the City’s long term residential development plans. The City requested the applicant work with the County and the City in siting a new location that would not impact the City’s future plans.

Separately, a number of residents expressed opposition to the facility on the grounds that the proposed location was too close to Colony Oaks Elementary. (The facility as originally proposed was 930’ from the edge of school property, and approximately 1100’ from the nearest school building.)

Per the City’s request, AT&T began discussions with the City of Ripon. Under the City of Ripon’s municipal code, wireless facilities are prohibited within 500’ of a residential property. This would eliminate the entirety of Ripon’s sphere of influence aside from an agricultural area directly across the street from Colony Oaks Elementary. In discussions with the City, AT&T proposed, as an alternative, moving the facility approximately 1200’ to east, to the very corner of the subject parcel. This would place the facility about 1200’ from Murphy Road, as opposed to 30’ at the original location.

In addition, the City provided an AT&T with an agreement that the City had previously entered into with Sprint in a similar situation where Sprint sought to build a new facility within Ripon’s sphere of influence. In that agreement, Ripon agreed to withdraw a similar letter of opposition if Sprint agreed, after a period of time, to remove the proposed facility if development encroached within a given area and certain other requirements were met. Ripon requested AT&T draft an agreement modeled on the Sprint/Ripon agreement and provide it to the City for review and approval.

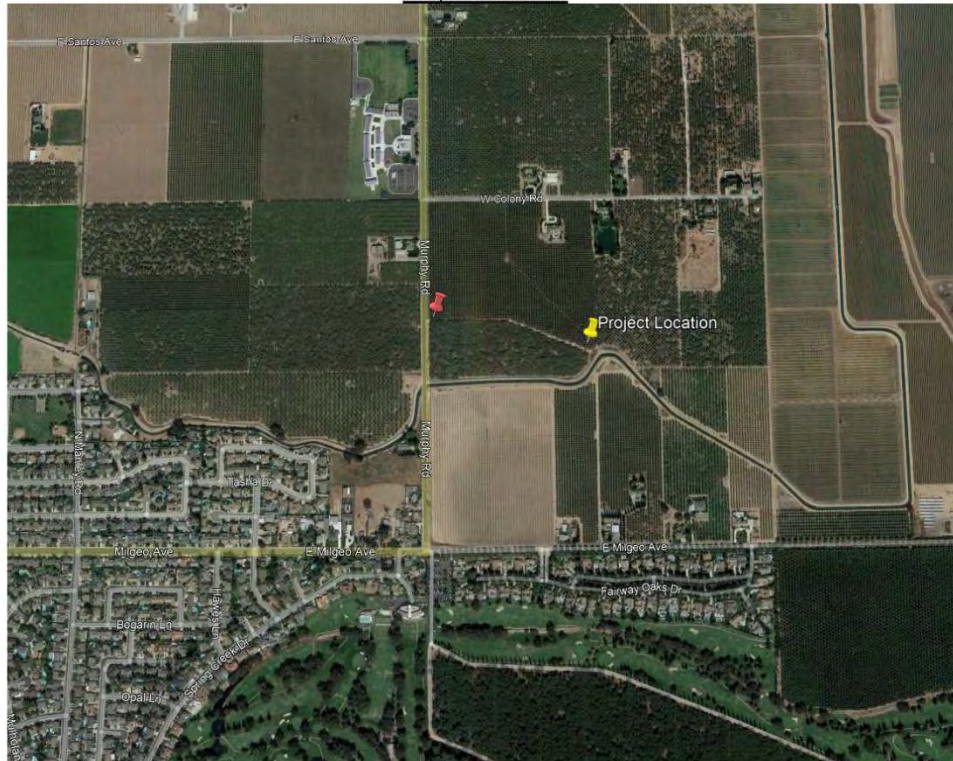
While this process was ongoing, the County administratively denied AT&T’s application at the original location. Although AT&T is no longer pursuing the original location, AT&T timely filed the present appeal, as per the County Code, the new project location would be barred under the denial, as despite the distances involved, the project is on the same parcel.

At present, AT&T has completed the redesign of the facility and all related studies and provided the County. The agreement with the City of Ripon, however, is still in progress. It will ultimately need to be approved by Ripon City Council.

**Location/Design**

AT&T proposes to build a new, freestanding, 124’ tall wireless facility on a large parcel outside the City of Ripon in unincorporated San Joaquin County. The parcel is 28.74 acres in size and is zoned General Agriculture (AG-40) and occupied by a commercial almond orchard. All adjoining properties are similarly zoned. A dozen almond trees will be removed as a part of the project, up from nine at the original location. The original location is marked by a red pin, while the currently proposed location is marked by a yellow.

*Project Location*



**Project Description & Aesthetic Impact**

AT&T proposes to construct a new, 125’ tall freestanding monopole and install nine panel antennas and associated equipment at a 120’ centerline. The facility would be located within a 40’ by 40’ fenced compound.

AT&T’s ground equipment would be installed within the compound and would consist of a 30 kW emergency backup diesel generator and accompanying 190 gallon fuel tank installed on a 5’ by 10’ concrete slab, as well as a walk-in ground cabinet installed on a 8’ by 8’ concrete slab with a

4.33' by 8' stoop. The facility will comply with all County of San Joaquin noise requirements. A noise study confirming this has been included with this application. Utilities would run underground from the points of connection to the compound.

The compound will be secured by a 6' tall chain link fence with barbed wire and will include a sign indicating the facility owner and a 24-hour emergency telephone number. Unless tower lighting is required by the FAA, the only lighting on the facility will be downward facing work lights.

The present location has been placed on a large agricultural parcel to maximize the distance from public rights of way, residences and schools. To the south, the nearest residences along Milgeo Avenue are over 1000' away. To the east, Murphy Road is over 1200' feet away, and to the north, Colony Road is 1100' away and the residences along it are 800' to 1000' distance. Colony Oak Elementary, meanwhile, would be 2100' away. The facility has been designed at the minimum function functioning height – to satisfy zoning setbacks while still covering the residential areas and roads in need coverage while still covering them, the full height of the facility as proposed is absolutely necessary.

The unmanned facility will provide wireless coverage to the surrounding area 24 hours a day, 7 days a week.

*Photo simulation of the view looking northeast towards the site from Murphy Road*



*(Complete photo simulations depicting views from several other locations have been included as part of the submittal for this project.)*

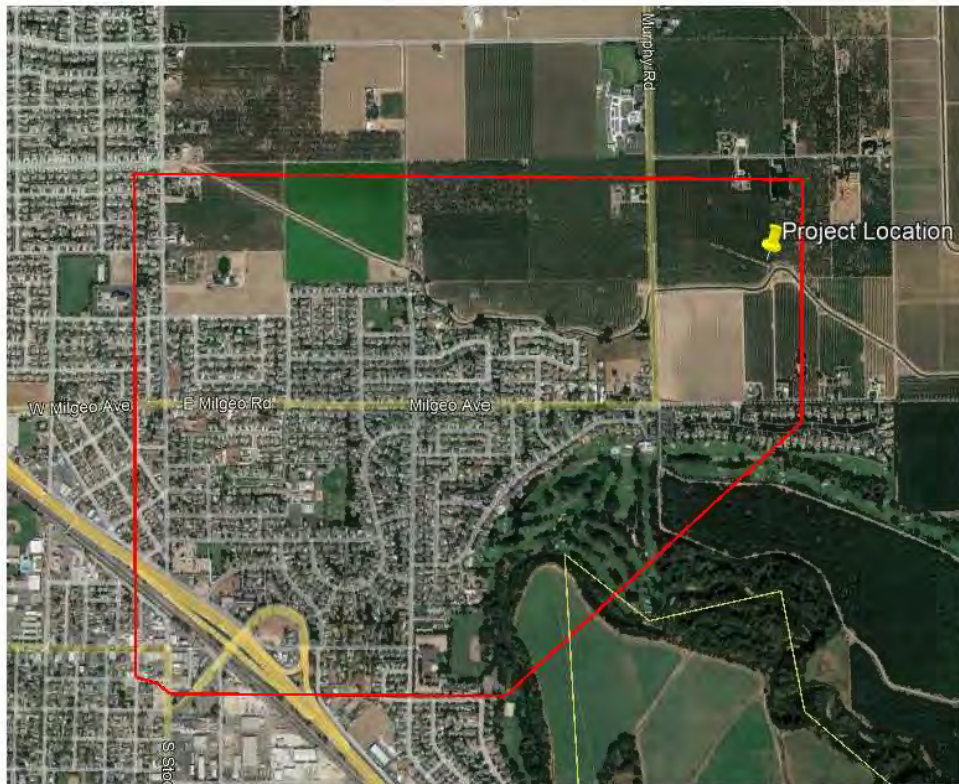


**Description of Coverage Area**

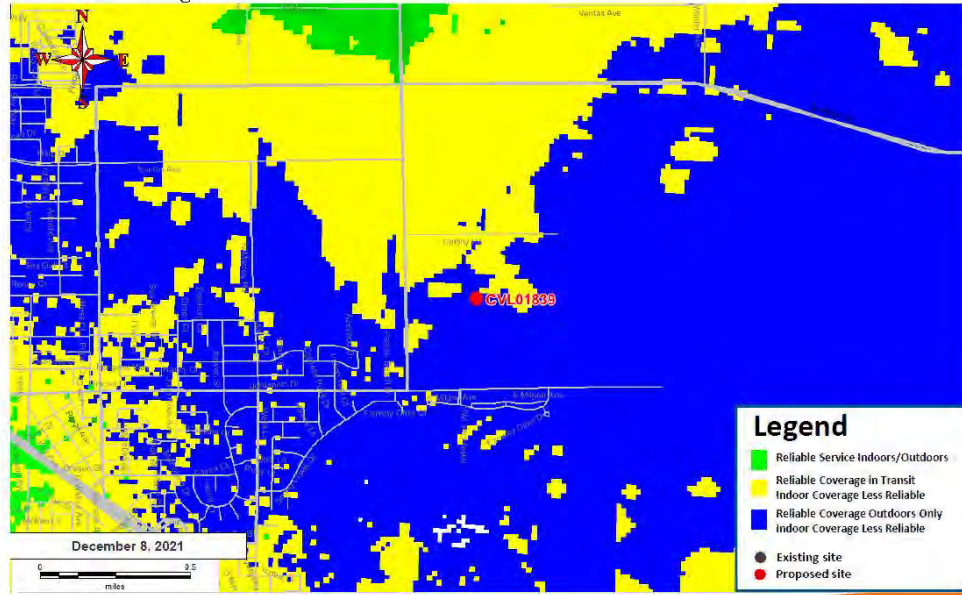
The objective of the proposed facility is to improve both coverage and capacity to the community of Linden and the surrounding area. To achieve this service objective, AT&T identified a potential candidate "Search Ring." A Search Ring is an area on a map that is determined by AT&T's Radio Access Network Engineer (RAN engineer). The area identifies the geographic area within which the proposed telecommunications site must be located to satisfy the intended service objective. In creating the Search Ring, the RAN engineer considers many factors, such as topography, proximity to existing structures, current coverage areas, and existing obstructions.

In this case, the search area was drawn to cover a large portion of the east side of Ripon and the outlying areas, the vast majority of which are either residential areas or within 500' of residential areas and therefore under the Ripon Municipal Code. A higher centerline – the height of the center of the antennas above ground level – was required in this instance so that the facility could be placed at some distance from residential areas while still providing acceptable coverage to them.

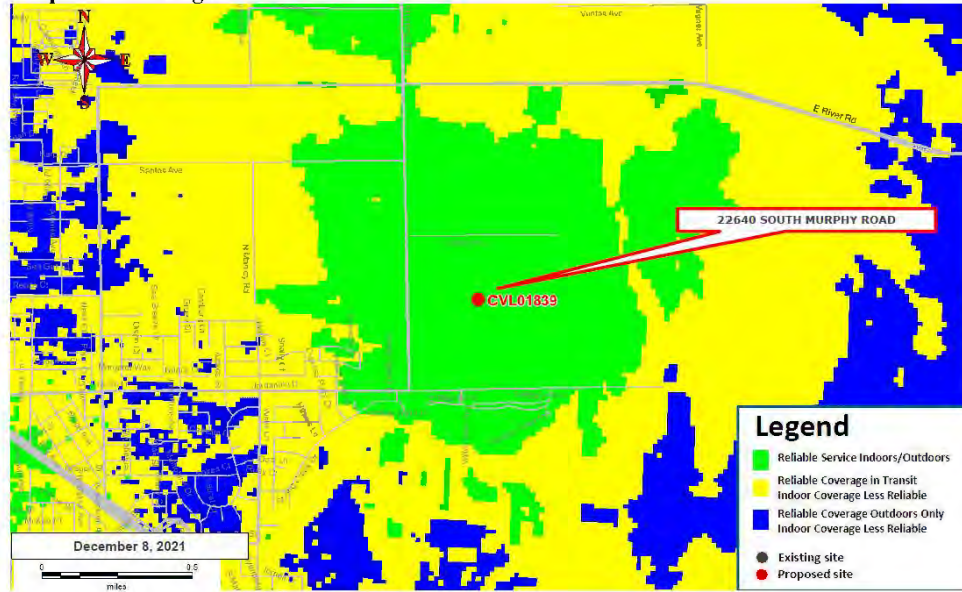
*Map of Approximate Search Area*



**Current Coverage**



**Proposed Coverage**



**Compliance with FCC Standards**

This project will not interfere with any TV, radio, telephone, satellite, or any other signals. Any interference would be against federal law and a violation of AT&T’s FCC License.

**Statement of Commitment to Allow Collocation**

The proposed facility has been designed in a manner that will structurally accommodate additional antennas and future collocation. AT&T welcomes other carriers to collocate on their facilities whenever possible. Additional ground space is available within AT&T’s lease area for at least one future carrier.

**Maintenance and Standby Generator Testing**

AT&T installs a standby generator at all of its cell sites. The generator plays a vital role in AT&T’s emergency and disaster preparedness plan. In the event of a power outage, the back-up generator will automatically start and continue to run the site for up to 24 hours. The standby generator will operate for approximately 15 minutes per week for maintenance purposes, during the daytime. Back-up generators allow AT&T’s communications sites to continue providing valuable communications services in the event of a power outage, natural disaster or other emergency. Following construction, the security fence will include a small sign indicating the facility owner and a 24-hour emergency telephone number. The lease area will be surrounded by a 6’ chain link fence with barbed wire for additional security.

**Construction Schedule**

The construction of the facility will be in compliance with all local rules and regulations. The crew size will range from two to ten individuals. The construction phase of the project will last approximately two to three months and will not exceed acceptable noise levels.

**Notice of Actions Affecting Development Permit**

AT&T requests notice of any proposal to adopt or amend the: general plan, specific plan, zoning ordinance, ordinance(s) affecting building or grading permits that would in any manner affect this development permit. Any such notice may be sent to 2009 V Street, Sacramento, CA 95818.



at&t

FA CODE: 1507000  
USID#: 311682  
PACE#: MRSFR085142

SITE NUMBER: CVL01839  
SITE NAME: SE RIPON

22640 SOUTH MURPHY ROAD  
RIPON, CA 95366  
JURISDICTION: SAN JOAQUIN COUNTY  
APN: 245-190-45

SITE TYPE: PREMANUFACTURED WALK-IN  
CABINET / MONOPOLE

CVL01839  
SE RIPON

22640 SOUTH MURPHY ROAD  
RIPON, CA 95366

at&t

COMPLETE  
Wireless Consulting, Inc.

DATE: 11/15/11  
DRAWN: [Name]  
CHECKED: [Name]  
APPROVED: [Name]

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800-227-2600

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Wireless Consulting, Inc.

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PROJECT DESCRIPTION	PROJECT INFORMATION	PROJECT TEAM	SHEET INDEX	
<p>1. THIS DRAWING IS A PRELIMINARY DRAWING.</p> <p>2. THE CLIENT HAS PROVIDED ALL NECESSARY INFORMATION FOR THE PREPARATION OF THIS DRAWING.</p> <p>3. THE CLIENT HAS PROVIDED ALL NECESSARY INFORMATION FOR THE PREPARATION OF THIS DRAWING.</p> <p>4. THE CLIENT HAS PROVIDED ALL NECESSARY INFORMATION FOR THE PREPARATION OF THIS DRAWING.</p> <p>5. THE CLIENT HAS PROVIDED ALL NECESSARY INFORMATION FOR THE PREPARATION OF THIS DRAWING.</p>	<p>PROPERTY INFORMATION:</p> <p>1. SITE NUMBER: 22640 SOUTH MURPHY ROAD, RIPON, CA 95366</p> <p>2. SITE NAME: SE RIPON</p> <p>3. SITE TYPE: PREMANUFACTURED WALK-IN CABINET / MONOPOLE</p> <p>4. SITE AREA: 0.15 ACRES</p> <p>5. SITE ZONING: MRSFR</p> <p>6. SITE ADDRESS: 22640 SOUTH MURPHY ROAD, RIPON, CA 95366</p> <p>7. SITE CONTACT: [Name]</p> <p>8. SITE PHONE: [Phone]</p> <p>9. SITE FAX: [Fax]</p> <p>10. SITE EMAIL: [Email]</p>	<p>ARCHITECT / ENGINEER:</p> <p>COMPLETE WIRELESS CONSULTING, INC. 22640 SOUTH MURPHY ROAD RIPON, CA 95366 TEL: 800-227-2600 WWW.COMPLETEWIRELESS.COM</p> <p>DATE: 11/15/11</p> <p>BY: [Name]</p> <p>CHECKED: [Name]</p> <p>APPROVED: [Name]</p>	<p>1. TITLE SHEET</p> <p>2. GENERAL NOTES, ABBREVIATIONS &amp; LEGEND</p> <p>3. SITE PLAN</p> <p>4. ELECTRICAL PLAN</p> <p>5. STRUCTURAL PLAN</p> <p>6. MECHANICAL PLAN</p> <p>7. PLUMBING PLAN</p> <p>8. HVAC PLAN</p> <p>9. FINISH SCHEDULE</p> <p>10. MATERIAL SCHEDULE</p>	
<p><b>CODE COMPLIANCE:</b></p> <p>1. CALIFORNIA ELECTRICAL CODE (CEC)</p> <p>2. CALIFORNIA MECHANICAL CODE (CMC)</p> <p>3. CALIFORNIA PLUMBING CODE (CPC)</p> <p>4. CALIFORNIA STRUCTURAL CODE (CSC)</p> <p>5. CALIFORNIA FIRE CODE (CFC)</p> <p>6. CALIFORNIA BUILDING CODE (CBC)</p> <p>7. CALIFORNIA ENERGY CODE (CEC)</p> <p>8. CALIFORNIA ENVIRONMENTAL CODE (CEC)</p> <p>9. CALIFORNIA HEALTH AND SAFETY CODE (HSC)</p> <p>10. CALIFORNIA LABOR CODE (CLC)</p> <p>11. CALIFORNIA PENAL CODE (PC)</p> <p>12. CALIFORNIA CIVIL CODE (CCC)</p> <p>13. CALIFORNIA CRIMINAL CODE (CCC)</p> <p>14. CALIFORNIA EVIDENCE CODE (CEC)</p> <p>15. CALIFORNIA GOVERNMENT CODE (GOC)</p> <p>16. CALIFORNIA JUDICIAL BRANCH CODE (JBC)</p> <p>17. CALIFORNIA LEGISLATIVE BRANCH CODE (LBC)</p> <p>18. CALIFORNIA JUDICIAL BRANCH CODE (JBC)</p> <p>19. CALIFORNIA LEGISLATIVE BRANCH CODE (LBC)</p> <p>20. CALIFORNIA JUDICIAL BRANCH CODE (JBC)</p>	<p><b>NEIGHBORHOOD MAP:</b></p>	<p><b>DIRECTIONS FROM AT&amp;T:</b></p> <p>1. FROM AT&amp;T HEADQUARTERS (12200 E. BROADWAY, DENVER, CO 80231)</p> <p>2. TAKE I-70 WEST TO EXIT 101 (SOUTH MURPHY ROAD)</p> <p>3. TURN RIGHT ON SOUTH MURPHY ROAD</p> <p>4. TURN LEFT ON SOUTH MURPHY ROAD</p> <p>5. TURN RIGHT ON SOUTH MURPHY ROAD</p> <p>6. TURN LEFT ON SOUTH MURPHY ROAD</p> <p>7. TURN RIGHT ON SOUTH MURPHY ROAD</p> <p>8. TURN LEFT ON SOUTH MURPHY ROAD</p> <p>9. TURN RIGHT ON SOUTH MURPHY ROAD</p> <p>10. TURN LEFT ON SOUTH MURPHY ROAD</p>	<p><b>APPROVALS:</b></p> <p>DATE: 11/15/11</p> <p>BY: [Name]</p> <p>CHECKED: [Name]</p> <p>APPROVED: [Name]</p>	<p><b>GENERAL CONSTRUCTION NOTES:</b></p> <p>1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA ELECTRICAL CODE (CEC), CALIFORNIA MECHANICAL CODE (CMC), CALIFORNIA PLUMBING CODE (CPC), CALIFORNIA STRUCTURAL CODE (CSC), CALIFORNIA FIRE CODE (CFC), CALIFORNIA BUILDING CODE (CBC), CALIFORNIA ENERGY CODE (CEC), CALIFORNIA ENVIRONMENTAL CODE (CEC), CALIFORNIA HEALTH AND SAFETY CODE (HSC), CALIFORNIA LABOR CODE (CLC), CALIFORNIA PENAL CODE (PC), CALIFORNIA CIVIL CODE (CCC), CALIFORNIA CRIMINAL CODE (CCC), CALIFORNIA EVIDENCE CODE (CEC), CALIFORNIA GOVERNMENT CODE (GOC), CALIFORNIA JUDICIAL BRANCH CODE (JBC), CALIFORNIA LEGISLATIVE BRANCH CODE (LBC), CALIFORNIA JUDICIAL BRANCH CODE (JBC), CALIFORNIA LEGISLATIVE BRANCH CODE (LBC), CALIFORNIA JUDICIAL BRANCH CODE (JBC), CALIFORNIA LEGISLATIVE BRANCH CODE (LBC).</p>

GENERAL CONSTRUCTION NOTES:	ABBREVIATIONS	SYMBOLS LEGEND
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<p><b>APPLICABLE CODES, REGULATIONS AND STANDARDS:</b></p> <p>1. CALIFORNIA ELECTRICAL CODE (CEC)</p> <p>2. CALIFORNIA MECHANICAL CODE (CMC)</p> <p>3. CALIFORNIA PLUMBING CODE (CPC)</p> <p>4. CALIFORNIA STRUCTURAL CODE (CSC)</p> <p>5. CALIFORNIA FIRE CODE (CFC)</p> <p>6. CALIFORNIA BUILDING CODE (CBC)</p> <p>7. CALIFORNIA ENERGY CODE (CEC)</p> <p>8. CALIFORNIA ENVIRONMENTAL CODE (CEC)</p> <p>9. CALIFORNIA HEALTH AND SAFETY CODE (HSC)</p> <p>10. CALIFORNIA LABOR CODE (CLC)</p> <p>11. CALIFORNIA PENAL CODE (PC)</p> <p>12. CALIFORNIA CIVIL CODE (CCC)</p> <p>13. CALIFORNIA CRIMINAL CODE (CCC)</p> <p>14. CALIFORNIA EVIDENCE CODE (CEC)</p> <p>15. CALIFORNIA GOVERNMENT CODE (GOC)</p> <p>16. CALIFORNIA JUDICIAL BRANCH CODE (JBC)</p> <p>17. CALIFORNIA LEGISLATIVE BRANCH CODE (LBC)</p> <p>18. CALIFORNIA JUDICIAL BRANCH CODE (JBC)</p> <p>19. CALIFORNIA LEGISLATIVE BRANCH CODE (LBC)</p> <p>20. CALIFORNIA JUDICIAL BRANCH CODE (JBC)</p>		

CVL01839  
SE RIPON

22640 SOUTH MURPHY ROAD  
RIPON, CA 95366

at&t

COMPLETE  
Wireless Consulting, Inc.

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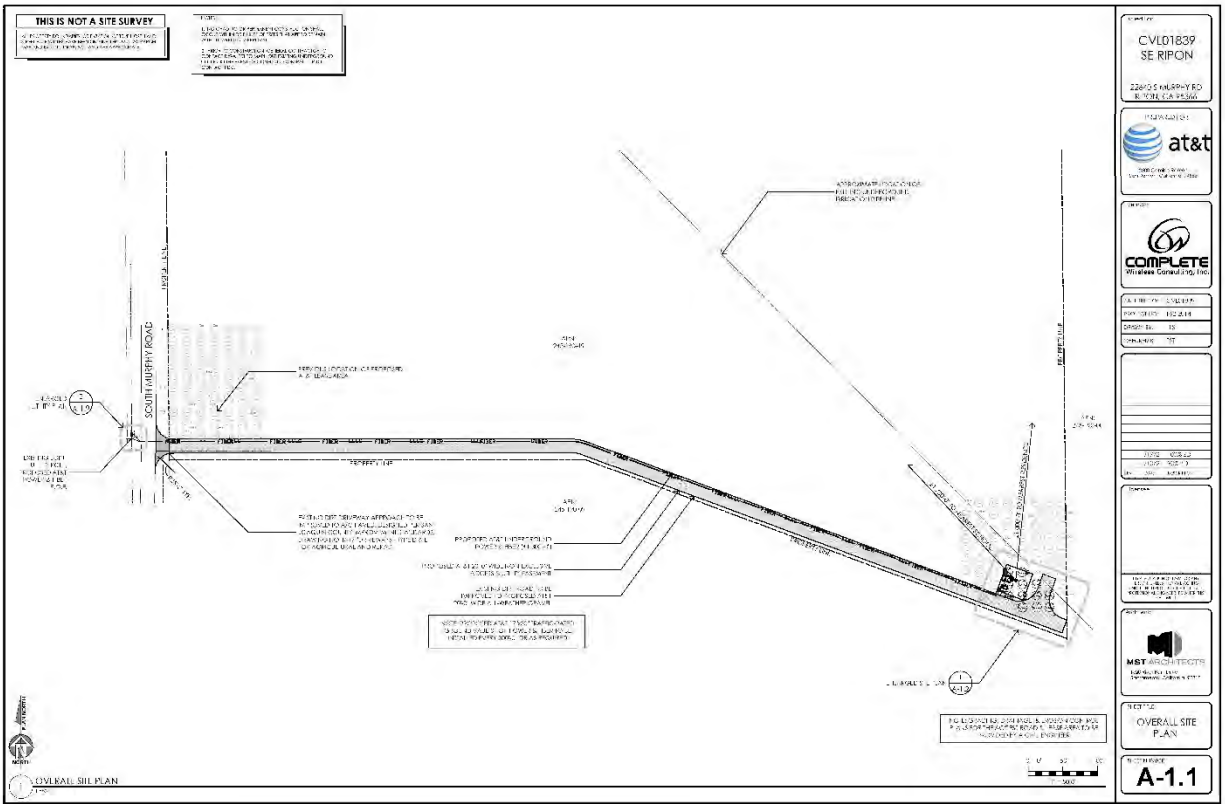
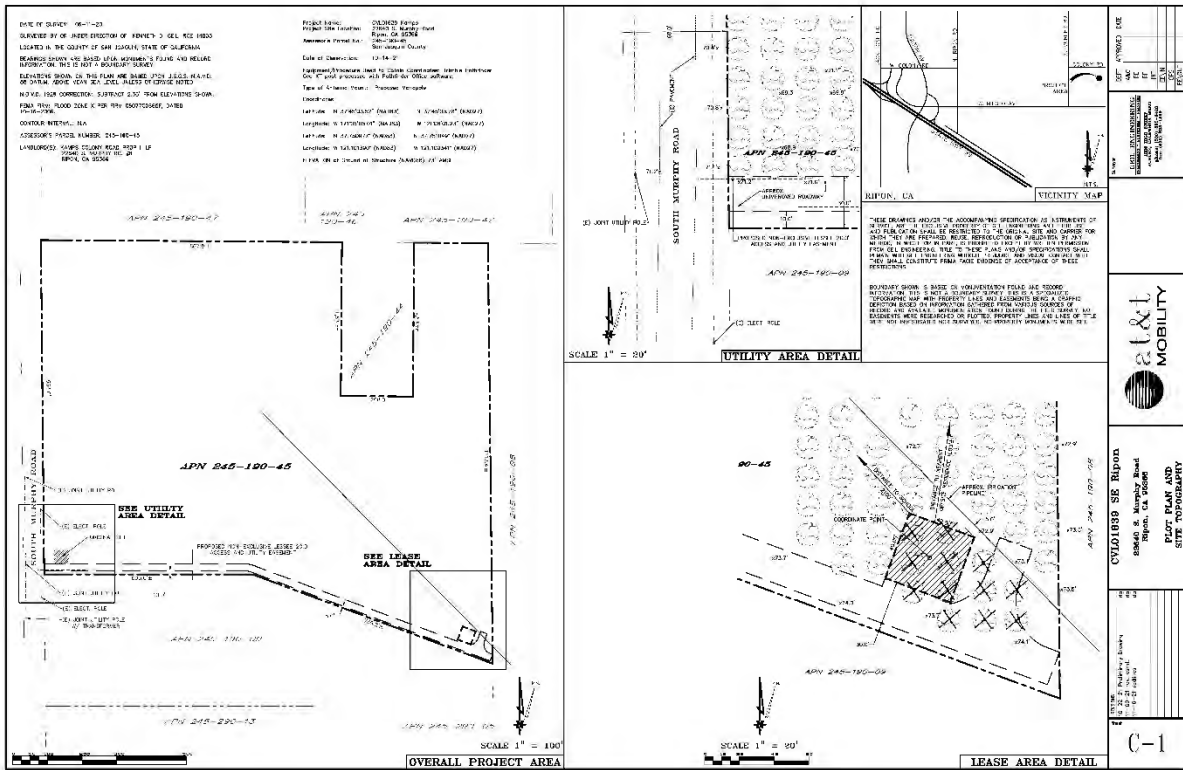
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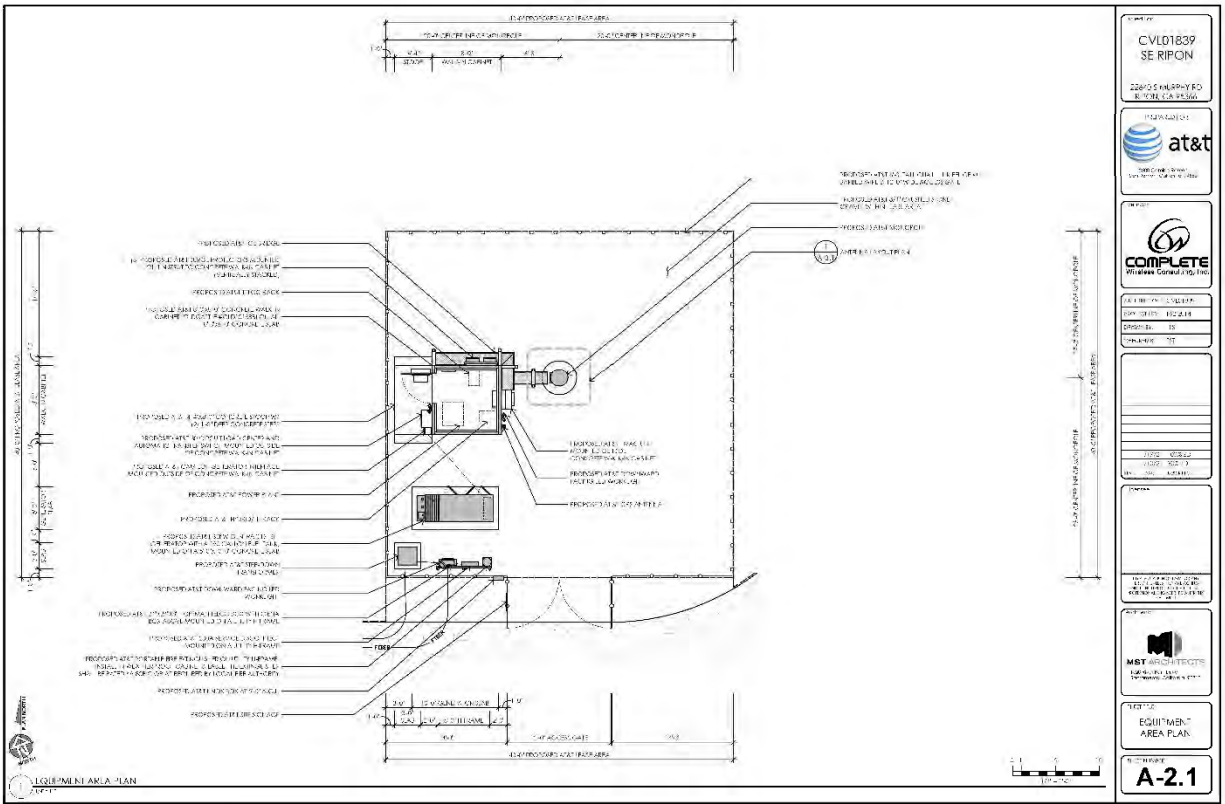
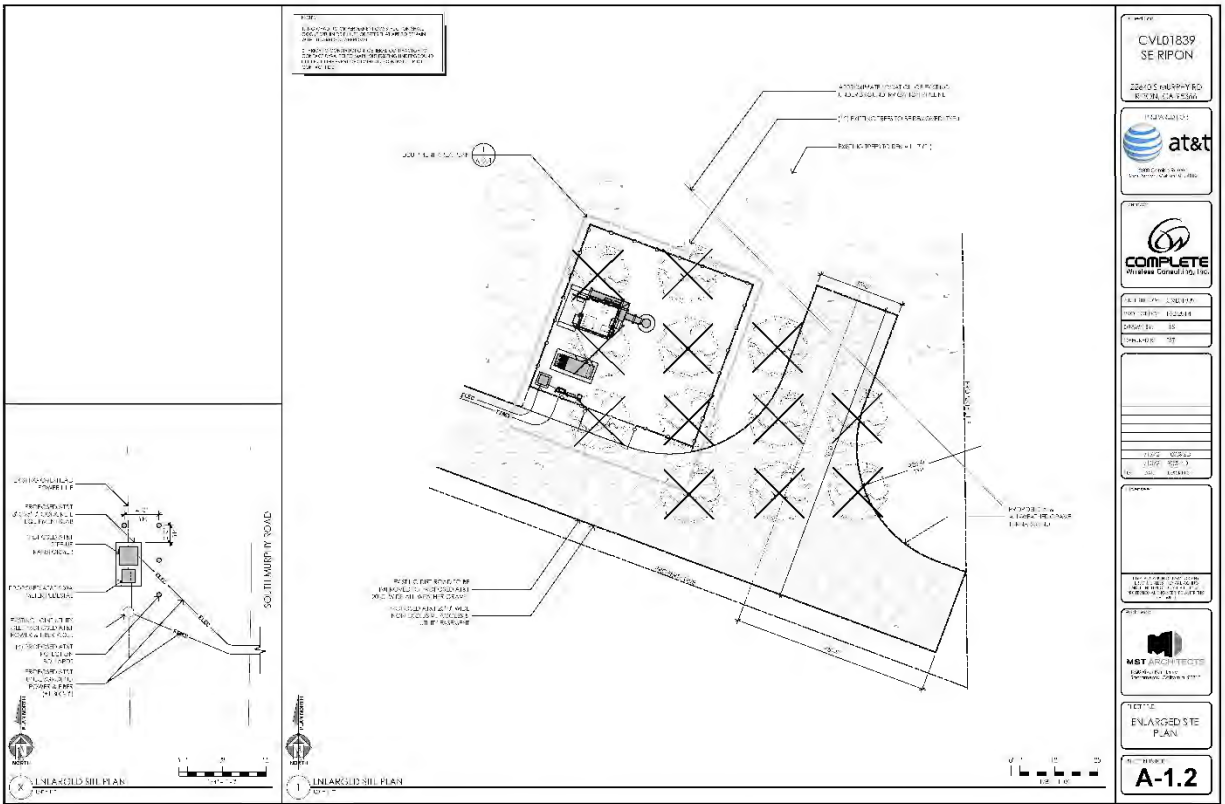
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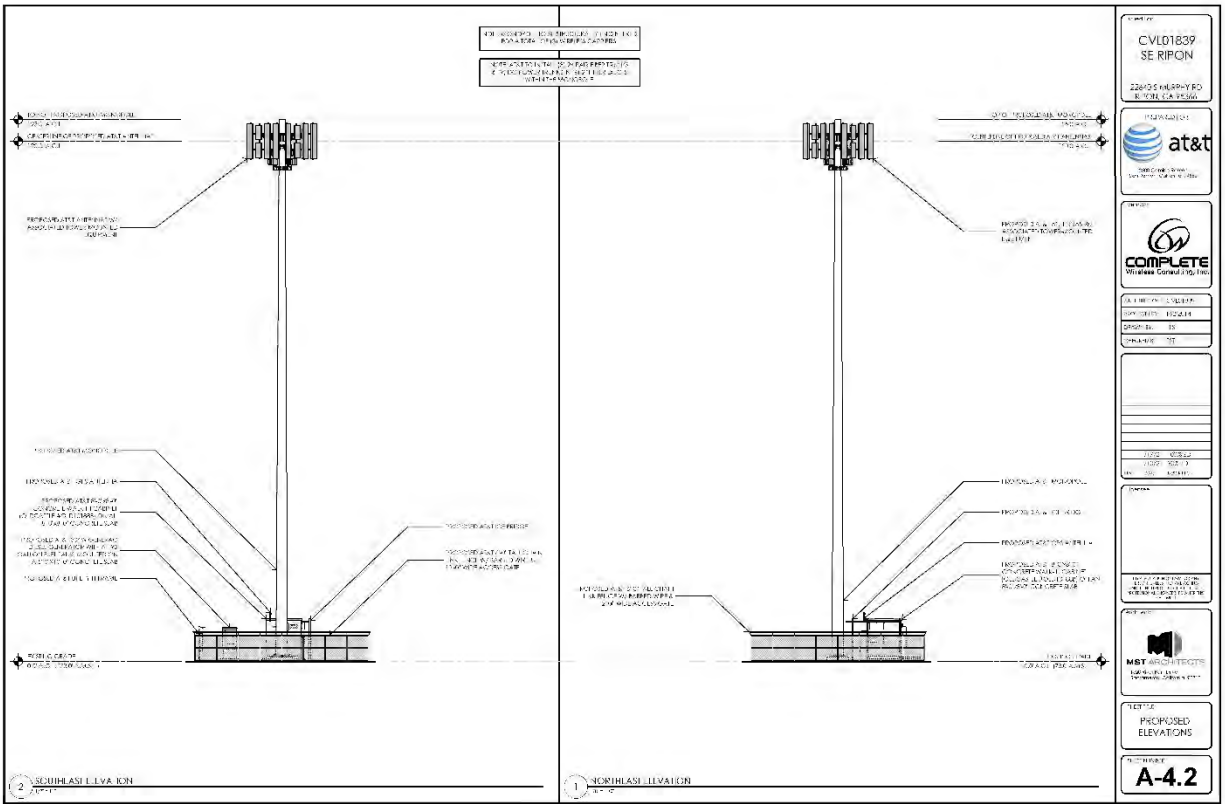
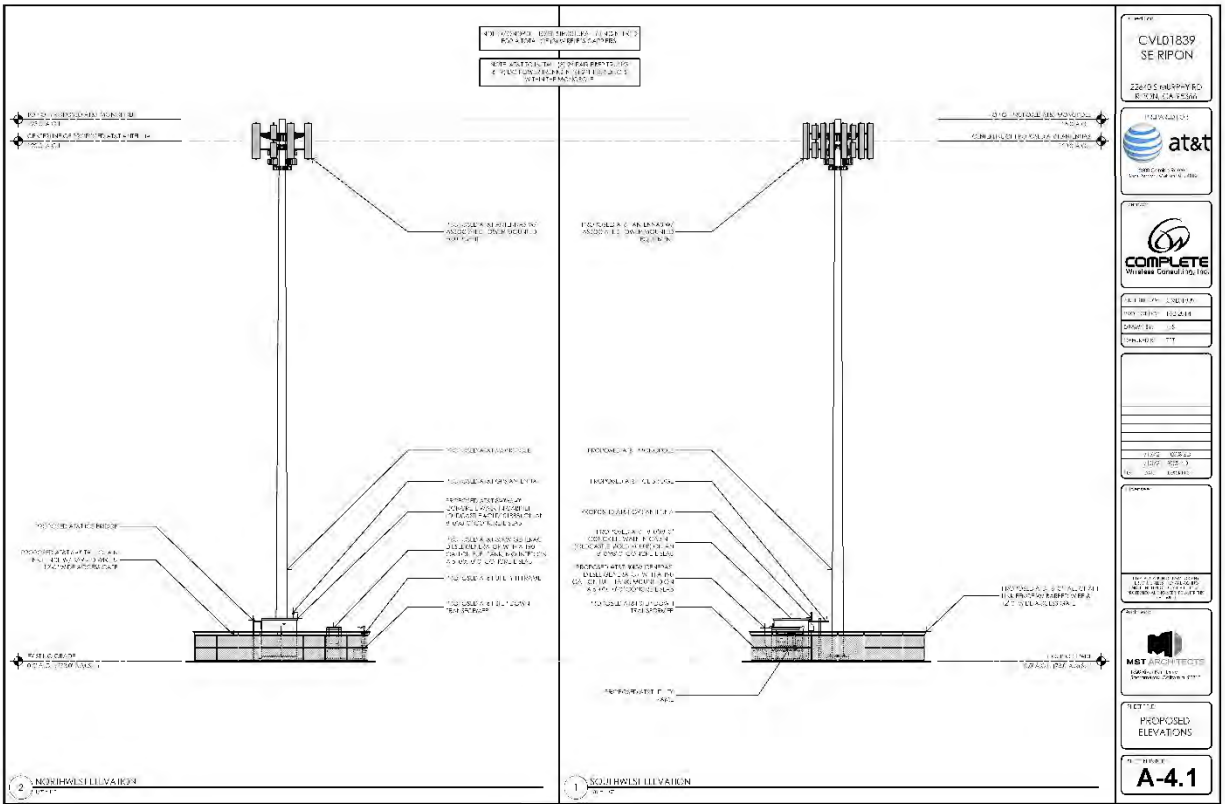
800-227-2600



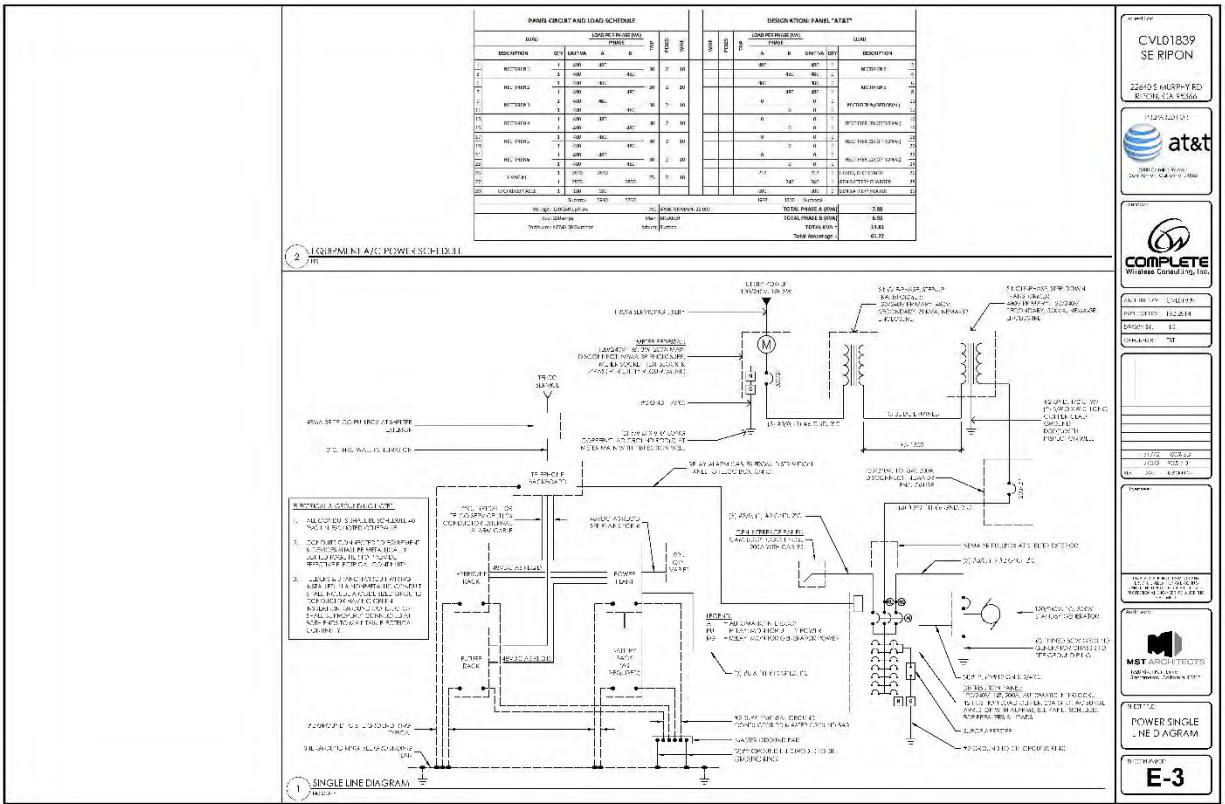












*Existing*



*Proposed*



*view from Murphy Road looking northeast at site*

**AdvanceSim**  
Photo Simulation Solutions  
Contact ( 925 ) 202-8507

 **AT&T Wireless**

CVL01839 SE Ripon  
22640 S. Murphy Road, Ripon, CA  
Photosims Produced on 11-18-2021



Existing



Proposed



*view from E. Milgeo Avenue looking northeast at site*

**AdvanceSim**  
Photo Simulation Solutions  
Contact (925) 202-8507

 **AT&T Wireless**

CVL01839 SE Ripon  
22640 S. Murphy Road, Ripon, CA  
Photosims Produced on 11-18-2021

*Existing*



*Proposed*



Proposed AT&T Installation

*view from W. Colony Road looking south at site*

**AdvanceSim**  
Photo Simulation Solutions  
Contact ( 925 ) 202-8507

 **AT&T Wireless**

CVL01839 SE Ripon  
22640 S. Murphy Road, Ripon, CA  
Photosims Produced on 11-18-2021



**Existing**



**Proposed**



*view from E. Milgeo Avenue looking northwest at site*

**AdvanceSim**  
Photo Simulation Solutions  
Contact (925) 202-8507

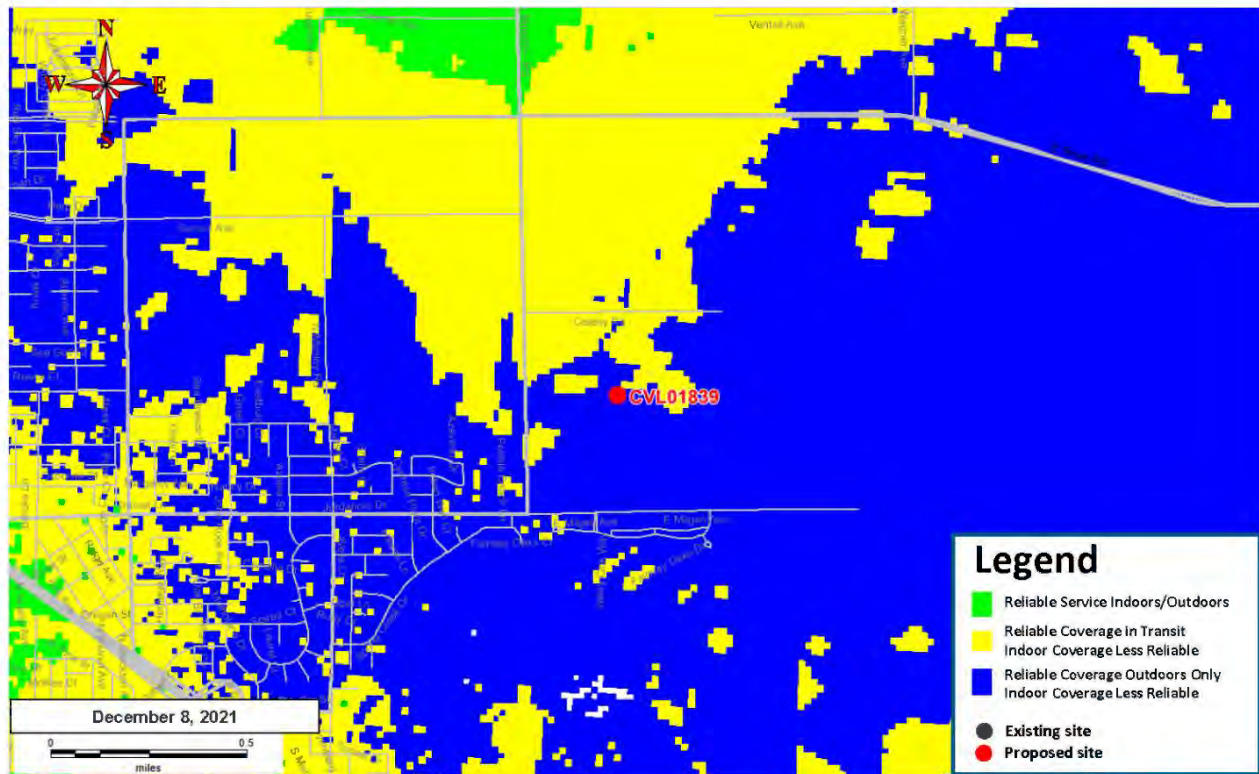
 **AT&T Wireless**

CVL01839 SE Ripon  
22640 S. Murphy Road, Ripon, CA  
Photosims Produced on 11-18-2021

# CVL01839 Zoning Propagation Map

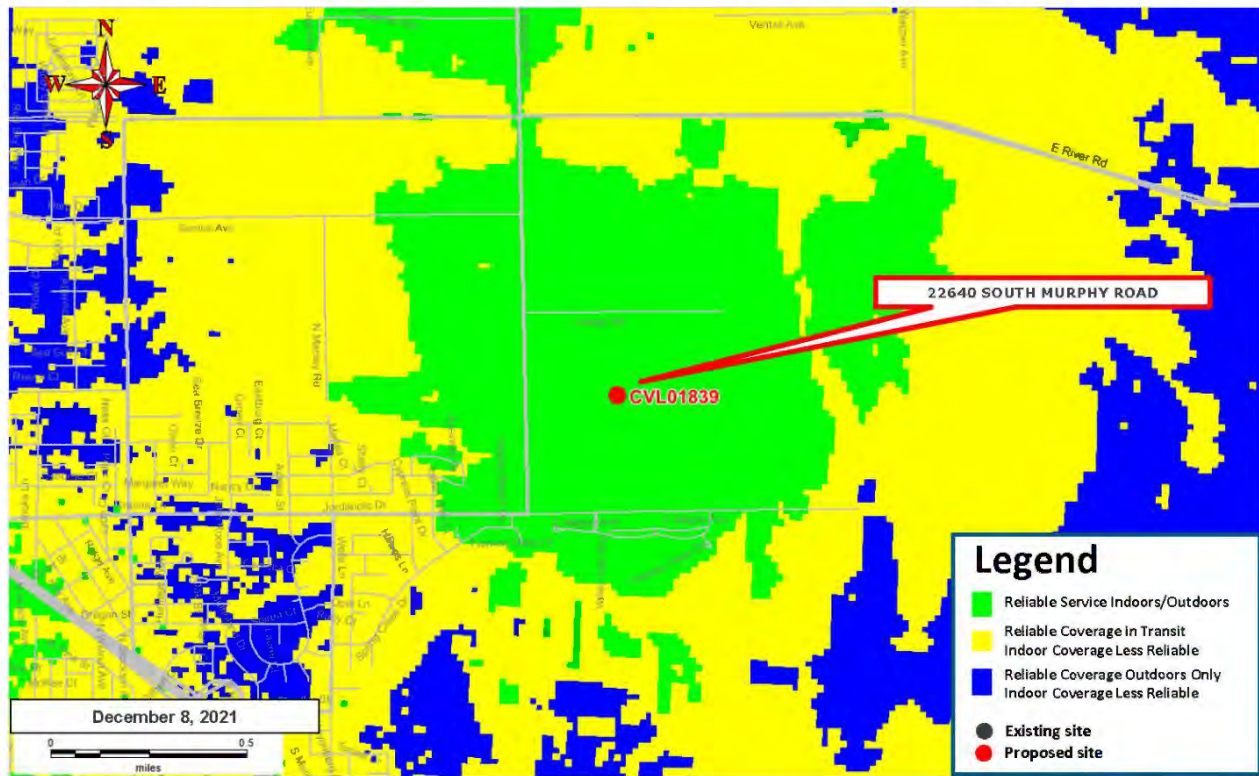
December 8, 2021

## Existing LTE 700 Coverage





# Proposed LTE 700 Coverage – 22640 SOUTH MURPHY ROAD @ RC = 120 ft



Environmental Noise Assessment

**CVL01839 AT&T Cellular Facility**

San Joaquin County, California

BAC Job # 2021-179

Prepared For:

**Complete Wireless Consulting**

Attn: Steve Proo  
2009 V Street  
Sacramento, CA 95818

Prepared By:

**Bollard Acoustical Consultants, Inc.**



Dario Gotchet, Senior Consultant

November 17, 2021



Bollard Acoustical Consultants, Inc. • P.O. Box 7968, Auburn, CA. 95604 • Phone: (530) 537-2328 • bacnoise.com

Introduction

The CVL01839 AT&T Wireless Unmanned Telecommunications Facility (project) proposes the installation of cellular equipment within a lease area located at 22640 South Murphy Road in Ripon (San Joaquin County), California (APN: 245-190-045). The externally mounted HVAC unit of a pre-manufactured concrete walk-in cabinet and an emergency diesel standby generator have been identified as the primary noise sources associated with the project. The project site location is shown on Figure 1. The studied site design is dated November 10, 2021.

Bollard Acoustical Consultants, Inc. has been contracted by Complete Wireless Consulting, Inc. to complete an environmental noise assessment regarding the proposed project cellular equipment operations. Specifically, the following assessment addresses daily noise production and exposure associated with operation of the project emergency generator and HVAC equipment.

Please refer to Appendix A for definitions of acoustical terminology used in this report. Appendix B illustrates common noise levels associated with various sources.

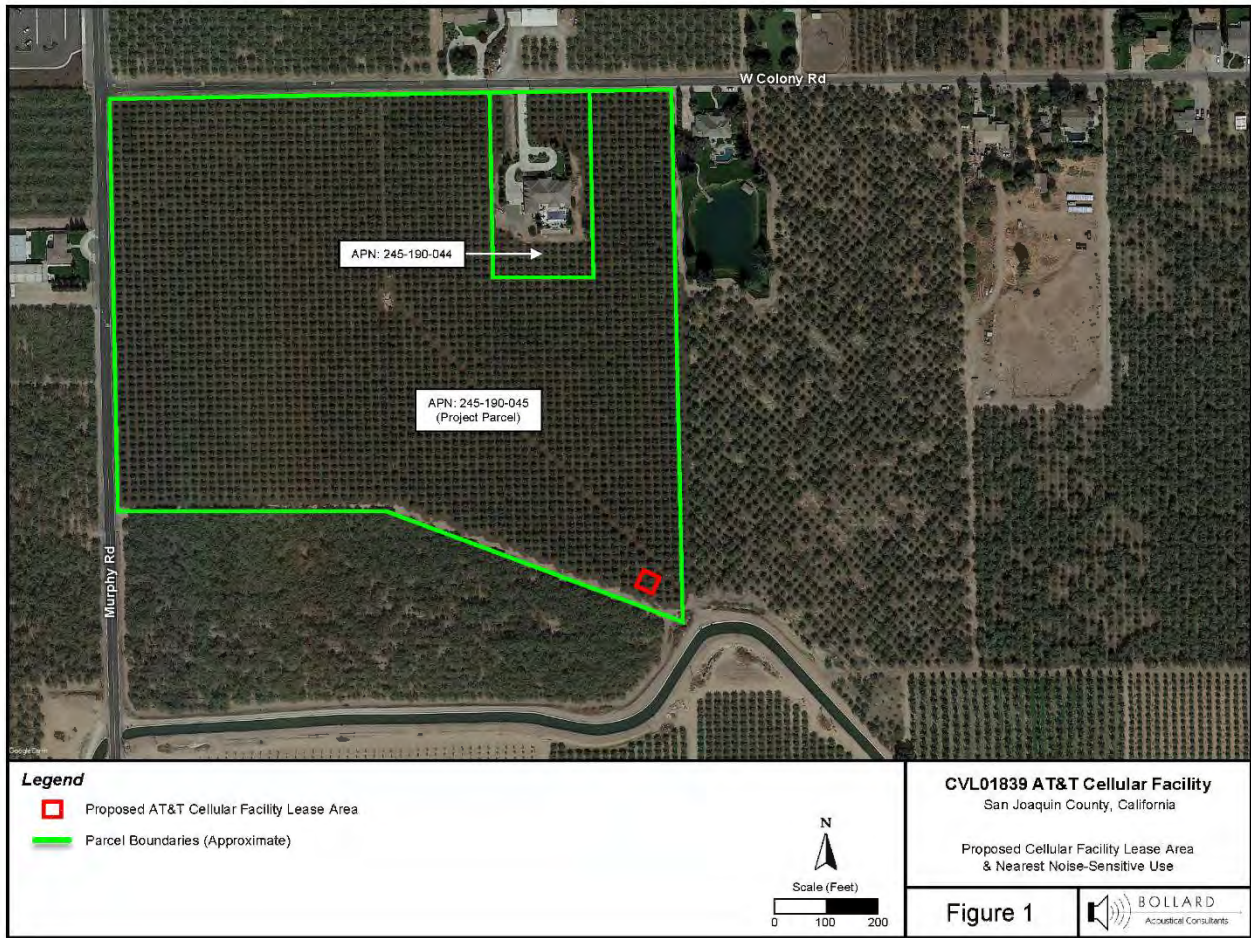
Criteria for Acceptable Noise Exposure

San Joaquin County General Plan and Municipal Code

The noise section of the San Joaquin County General Plan Public Health and Safety Element establishes acceptable noise level limits for non-transportation (stationary) noise sources. The San Joaquin County Municipal Code (Development Title, Chapter 9-1025.9) also establishes acceptable noise level limits for stationary noise sources, which are identical to those of the General Plan. Both General Plan and Municipal Code noise level standards are presented below in Table 1.

Table 1
Maximum Allowable Noise Exposure for Stationary Noise Sources

Table with 3 columns: Noise Level Descriptor, Daytime (7 AM to 10 PM), and Nighttime (10 PM to 7 AM). Rows include Hourly Leq, dB and Maximum Level (Lmax), dB. Includes a footnote and sources.





### Exemptions to the County Noise Standards

Section 9-1025.9 of the San Joaquin County Municipal Code provides exemptions to the noise regulations provided in Table 1. Specifically, Section 9-1025.9(c)(2) provides an exemption to the emission of sound from “any mechanical device, apparatus or equipment used, related to, or connected with, emergency activities or emergency work”. In addition, Section 9-1025.9(c)(7) provides an exemption for “noise sources associated with work performed by private or public utilities in the maintenance or modification of its facilities”.

The function of the emergency generator is to provide ongoing communications support during emergencies resulting in power outages. As a result, the emergency generator would operate only during routine testing and emergency power outages. With respect to testing, the emergency generator would be tested during daytime hours only, twice per month, for a duration not exceeding 15 minutes during each test. The purpose of this routine testing (maintenance) is to ensure that the generator will be properly lubricated and in good working order in the event of an emergency resulting in a power outage.

Pursuant to the above-mentioned sections of the San Joaquin County Municipal Code, noise exposure associated with the project emergency generator during both emergency situations and maintenance activities (as proposed) would be exempt. As a result, the following analysis focuses on noise exposure associated with the project HVAC equipment.

### **Noise Standards Applied to this Project**

Noise would be generated by the project from the operation of the externally mounted HVAC unit of the pre-manufactured concrete walk-in cabinet. This system utilizes fans to circulate cooling air through the electric circuitry. During warmer periods, the cooling requirements will be greater, and the fans will run continuously. During cooler periods, however, the heat transfer requirements are diminished, and the fans will run intermittently as needed. Because the fan operation is a normal aspect of the project, and because the fans could run continuously during warm nighttime hours (i.e., more than 30 minutes per hour), the noise standards applied to the HVAC equipment are as follows:

- 45 dB  $L_{eq}$  at outdoor activity areas during nighttime hours (Table 1)
- 50 dB  $L_{eq}$  at outdoor activity areas during daytime hours (Table 1)

Satisfaction with the County’s 45 dB  $L_{eq}$  nighttime noise level standard would ensure compliance with the County’s less restrictive 50 dB  $L_{eq}$  daytime noise level standard. As a result, the following analysis of project-generated HVAC equipment noise level exposure focuses on achieving compliance with the County’s nighttime noise level limit of 45 dB  $L_{eq}$  at the outdoor activity area of the nearest noise-sensitive uses.

### **Project Noise Generation**

The project proposes the installation of a pre-manufactured concrete walk-in cabinet equipped with one (1) externally mounted HVAC unit within the equipment lease area illustrated on Figure 1. Based on a review of the project site plans, the HVAC unit assumed for the project is a Marvair Airxcel, Inc. Model ECUA18ACA. According to reference noise level data obtained from the



manufacturer (Marvair Airxcel, Inc.), this specific HVAC unit model has a reference noise level of 62 dB at a distance of 5 feet. The manufacturer’s noise level data specification sheet for the proposed HVAC equipment is provided as Appendix C.

**Predicted Facility Noise Levels at the Nearest Noise-Sensitive Use**

According to the San Joaquin County District Viewer (accessed November 17, 2021), the project parcel and adjacent parcels are agriculturally zoned (AG-40). Agricultural uses are generally not considered to be noise-sensitive, but rather noise-generating. However, a residence constructed on an agriculturally zoned parcel would be considered noise-sensitive. The nearest existing residence is located north of the project parcel on an agriculturally zoned parcel, APN: 245-190-044. As a result, the County’s noise level standard was applied to the project equipment and assessed at the outdoor activity area (backyard) of the residence constructed on APN: 245-190-044. Satisfaction of the County’s noise level limit at the nearest residential use would ensure for compliance of the noise level standard at residential uses located farther away.

The proposed cellular facility lease area maintains a separation of approximately 850 feet from the outdoor activity area (backyard) of the residence located on APN: 245-190-044. Assuming standard spherical spreading loss (-6 dB per doubling of distance), project-equipment noise exposure at this residence was calculated and the results of those calculations are presented in Table 2.

**Table 2  
Summary of Predicted Project Equipment Noise Exposure at Nearest Noise-Sensitive Use**

Receiver <sup>1</sup>	Distance from Cellular Equipment Lease Area <sup>2</sup>	Predicted HVAC Equipment Noise Level, L <sub>eq</sub> (dBA)
Residence on APN: 245-190-044	850	<20
<sup>1</sup> Parcel boundaries are illustrated on Figure 1. <sup>2</sup> Distance scaled from the proposed cellular facility lease area to the nearest residential outdoor activity area using the San Joaquin County District Viewer measurement tool and the project site plans. Source: Bollard Acoustical Consultants, Inc. (2021)		

As indicated in Table 2, the predicted HVAC unit noise level of less than 20 dB L<sub>eq</sub> at the outdoor activity area of the nearest noise-sensitive use (residential) would satisfy the San Joaquin County General Plan and Municipal Code nighttime noise level limit of 45 dB L<sub>eq</sub> by a wide margin. As a result, no further consideration of HVAC equipment noise mitigation measures would be warranted for the project.

**Conclusions**

Based on the analysis presented in this report, project-related equipment noise exposure is expected to comply with the applicable San Joaquin County General Plan and Municipal Code noise exposure limits at the closest noise-sensitive uses. As a result, additional consideration of equipment noise mitigation measures would not be warranted for this project.

This concludes our environmental noise assessment for the proposed CVL01839 AT&T Cellular Facility in Ripon (San Joaquin County), California. Please contact BAC at (530) 537-2328 or [dariog@bacnoise.com](mailto:dariog@bacnoise.com) with any questions or requests for additional information.

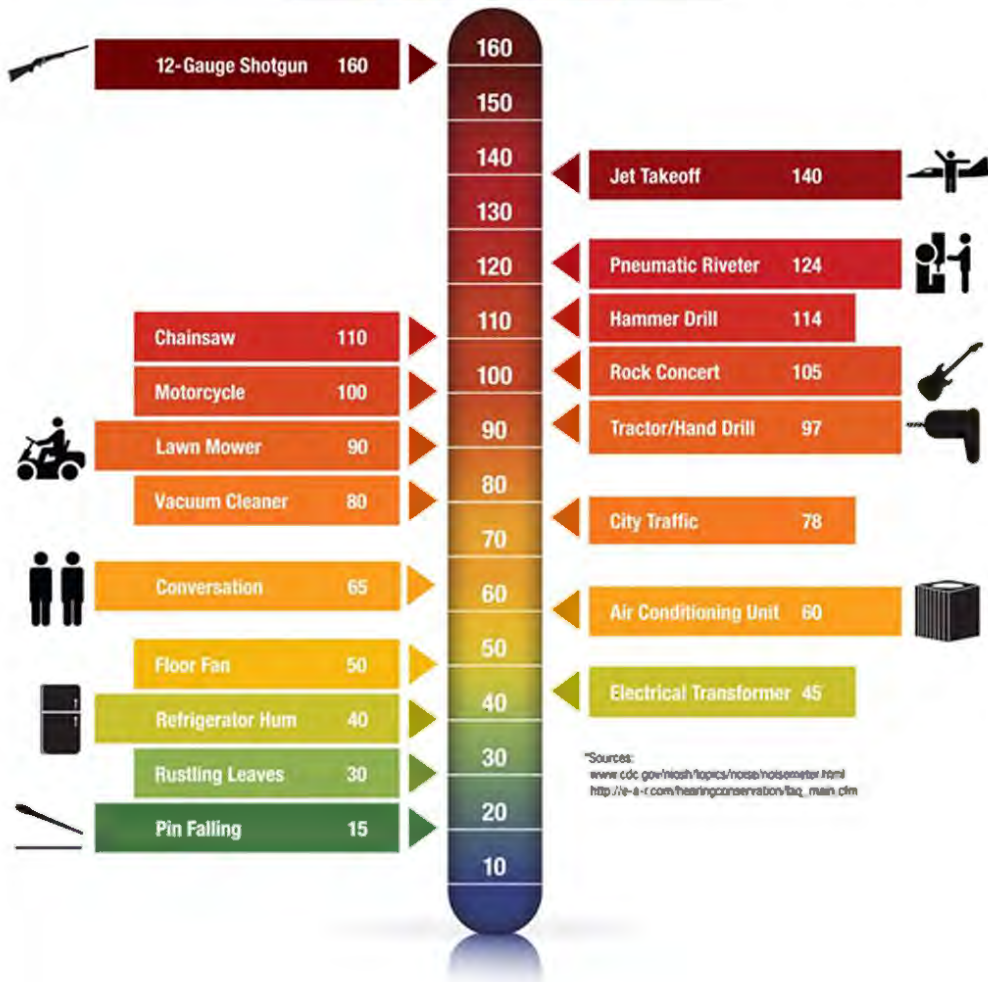
## Appendix A Acoustical Terminology

<b>Acoustics</b>	The science of sound.
<b>Ambient Noise</b>	The distinctive acoustical characteristics of a given space consisting of all noise sources audible at that location. In many cases, the term ambient is used to describe an existing or pre-project condition such as the setting in an environmental noise study.
<b>Attenuation</b>	The reduction of an acoustic signal.
<b>A-Weighting</b>	A frequency-response adjustment of a sound level meter that conditions the output signal to approximate human response.
<b>Decibel or dB</b>	Fundamental unit of sound. A Bell is defined as the logarithm of the ratio of the sound pressure squared over the reference pressure squared. A Decibel is one-tenth of a Bell.
<b>CNEL</b>	Community Noise Equivalent Level. Defined as the 24-hour average noise level with noise occurring during evening hours (7 - 10 p.m.) weighted by a factor of three and nighttime hours weighted by a factor of 10 prior to averaging.
<b>Frequency</b>	The measure of the rapidity of alterations of a periodic signal, expressed in cycles per second or hertz.
<b>IIC</b>	Impact Insulation Class (IIC): A single-number representation of a floor/ceiling partition's impact generated noise insulation performance. The field-measured version of this number is the FIIC.
<b>L<sub>dn</sub></b>	Day/Night Average Sound Level. Similar to CNEL but with no evening weighting.
<b>L<sub>eq</sub></b>	Equivalent or energy-averaged sound level.
<b>L<sub>max</sub></b>	The highest root-mean-square (RMS) sound level measured over a given period of time.
<b>Loudness</b>	A subjective term for the sensation of the magnitude of sound.
<b>Masking</b>	The amount (or the process) by which the threshold of audibility is for one sound is raised by the presence of another (masking) sound.
<b>Noise</b>	Unwanted sound.
<b>Peak Noise</b>	The level corresponding to the highest (not RMS) sound pressure measured over a given period of time. This term is often confused with the "Maximum" level, which is the highest RMS level.
<b>RT<sub>60</sub></b>	The time it takes reverberant sound to decay by 60 dB once the source has been removed.
<b>STC</b>	Sound Transmission Class (STC): A single-number representation of a partition's noise insulation performance. This number is based on laboratory-measured, 16-band (1/3-octave) transmission loss (TL) data of the subject partition. The field-measured version of this number is the FSTC.



## Appendix B

### Typical A-Weighted Sound Levels of Common Noise Sources Decibel Scale (dBA)\*



## Appendix C

# Marvair

155 Seeding Drive  
 Cordele, Georgia 31015  
 229-273-0763

Sound Pressure Level for the Industrial Product Air Conditioners (dBA)					
Distance From Unit (Feet)	Model Number				
	ECUA06ACA	ECUA03ACA	ECUA011ACA	ECUA013ACA	
5			51.5	62	
10			50.7	58	
20			47.8	55	
30			46.5	51	
40			45.6		
50			45.6		
60					
70					
80					

- Notes: (1) Date: July 1, 2019  
 (2) Background Sound Pressure Level: 41 dBA  
 (3) Sound Level Meter 1 Meter Above Ground Directly in Line with Outdoor Coil  
 (4) All units - 410A Refrigerant

# Radio Frequency – Electromagnetic Energy (RF-EME) Compliance Report

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Site No. CVL01839  
MRSFR065142/ MRSFR073572/ MRSFR073563/ MRSFR073568/ MRSFR073566/  
MRSFR073564  
SE Ripon  
22640 South Murphy Road  
Ripon, California 95366  
San Joaquin County  
37.75272900; -121.10350800 NAD83  
Monopole

**The proposed AT&T installation will be in compliance with FCC regulations  
upon proper installation of recommended signage.**

EBI Project No. 6221007584  
December 16, 2021



Prepared for:  
AT&T Mobility, LLC  
c/o Complete Wireless Consulting Inc  
2009 V st  
Sacramento, California 95818-1729

Prepared by:  
 **EBI Consulting**  
environmental | engineering | due diligence

**TABLE OF CONTENTS**

**EXECUTIVE SUMMARY**..... 1  
**1.0 FEDERAL COMMUNICATIONS COMMISSION (FCC) REQUIREMENTS** ..... 3  
**2.0 AT&T RF EXPOSURE POLICY REQUIREMENTS** ..... 5  
**3.0 WORST-CASE PREDICTIVE MODELING**..... 5  
**4.0 RECOMMENDED SIGNAGE/COMPLIANCE PLAN** ..... 7  
**5.0 SUMMARY AND CONCLUSIONS**..... 8  
**6.0 LIMITATIONS**..... 8

**APPENDICES**

- Appendix A Personnel Certifications**
- Appendix B Compliance/Signage Plan**

## EXECUTIVE SUMMARY

### Purpose of Report

EnviroBusiness Inc. (dba EBI Consulting) has been contracted by AT&T Mobility, LLC to conduct radio frequency electromagnetic (RF-EME) modeling for AT&T Site CVL01839 located at 22640 South Murphy Road in Ripon, California to determine RF-EME exposure levels from proposed AT&T wireless communications equipment at this site. As described in greater detail in Section 1.0 of this report, the Federal Communications Commission (FCC) has developed Maximum Permissible Exposure (MPE) Limits for general public exposures and occupational exposures. This report summarizes the results of RF-EME modeling in relation to relevant FCC RF-EME compliance standards for limiting human exposure to RF-EME fields.

This report contains the RF EME analysis for the site, including the following:

- Site Plan with antenna locations
- Graphical representation of theoretical MPE fields based on modeling
- Graphical representation of recommended signage and/or barriers

This document addresses the compliance of AT&T's transmitting facilities independently and in relation to all collocated facilities at the site.

### Statement of Compliance

A site is considered out of compliance with FCC regulations if there are areas that exceed the FCC exposure limits and there are no RF hazard mitigation measures in place. Any carrier which has an installation that contributes more than 5% of the applicable MPE must participate in mitigating these RF hazards.

As presented in the sections below, based on worst-case predictive modeling, there are no modeled exposures on any accessible ground walking/working surface related to ATT's proposed antennas that exceed the FCC's occupational and/or general public exposure limits at this site.

As such, the proposed AT&T installation is in compliance with FCC regulations upon proper installation of recommended signage and/or barriers.

### AT&T Recommended Signage/Compliance Plan

AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document, dated October 28, 2014, requires that:

1. All sites must be analyzed for RF exposure compliance;
2. All sites must have that analysis documented; and
3. All sites must have any necessary signage and barriers installed.

Site compliance recommendations have been developed based upon protocols presented in AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document, dated October 28, 2014, additional guidance provided by AT&T, EBI's understanding of FCC and OSHA requirements, and common industry practice. Barrier locations have been identified (when required) based on guidance presented in AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document, dated October 28, 2014.

The following signage is recommended at this site:

- Yellow CAUTION 2B sign posted at the base of the monopole near the climbing ladder.

The signage proposed for installation at this site complies with AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document and therefore complies with FCC and OSHA requirements. Barriers are not recommended on this site. To reduce the risk of exposure and/or injury, EBI recommends that access to the monopole or areas associated with the active antenna installation be restricted and secured where possible. More detailed information concerning site compliance recommendations is presented in Section 4.0 and Appendix B of this report.



**1.0 FEDERAL COMMUNICATIONS COMMISSION (FCC) REQUIREMENTS**

The FCC has established Maximum Permissible Exposure (MPE) limits for human exposure to Radiofrequency Electromagnetic (RF-EME) energy fields, based on exposure limits recommended by the National Council on Radiation Protection and Measurements (NCRP) and, over a wide range of frequencies, the exposure limits developed by the Institute of Electrical and Electronics Engineers, Inc. (IEEE) and adopted by the American National Standards Institute (ANSI) to replace the 1982 ANSI guidelines. Limits for localized absorption are based on recommendations of both ANSI/IEEE and NCRP.

The FCC guidelines incorporate two separate tiers of exposure limits that are based upon occupational/controlled exposure limits (for workers) and general public/uncontrolled exposure limits for members of the general public.

**Occupational/controlled exposure limits** apply to situations in which persons are exposed as a consequence of their employment and in which those persons who are exposed have been made fully aware of the potential for exposure and can exercise control over their exposure. Occupational/controlled exposure limits also apply where exposure is of a transient nature as a result of incidental passage through a location where exposure levels may be above general public/uncontrolled limits (see below), as long as the exposed person has been made fully aware of the potential for exposure and can exercise control over his or her exposure by leaving the area or by some other appropriate means.

**General public/uncontrolled exposure limits** apply to situations in which the general public may be exposed or in which persons who are exposed as a consequence of their employment may not be made fully aware of the potential for exposure or cannot exercise control over their exposure. Therefore, members of the general public would always be considered under this category when exposure is not employment-related, for example, in the case of a telecommunications tower that exposes persons in a nearby residential area.

Table I and Figure I (below), which are included within the FCC's OET Bulletin 65, summarize the MPE limits for RF emissions. These limits are designed to provide a substantial margin of safety. They vary by frequency to take into account the different types of equipment that may be in operation at a particular facility and are "time-averaged" limits to reflect different durations resulting from controlled and uncontrolled exposures.

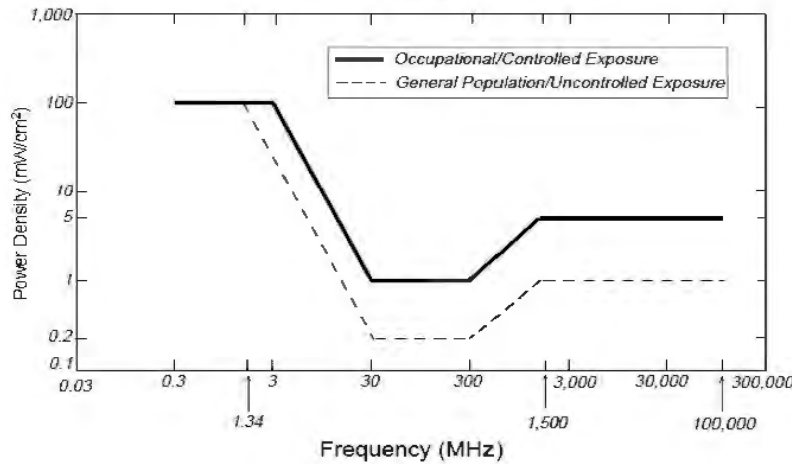
The FCC's MPEs are measured in terms of power (mW) over a unit surface area (cm<sup>2</sup>). Known as the power density, the FCC has established an occupational MPE of 5 milliwatts per square centimeter (mW/cm<sup>2</sup>) and an uncontrolled MPE of 1 mW/cm<sup>2</sup> for equipment operating in the 1900 MHz frequency range. For the AT&T equipment operating at 850 MHz, the FCC's occupational MPE is 2.83 mW/cm<sup>2</sup> and an uncontrolled MPE of 0.57 mW/cm<sup>2</sup>. For the AT&T equipment operating at 700 MHz, the FCC's occupational MPE is 2.33 mW/cm<sup>2</sup> and an uncontrolled MPE of 0.47 mW/cm<sup>2</sup>. These limits are considered protective of these populations.

Table I: Limits for Maximum Permissible Exposure (MPE)				
(A) Limits for Occupational/Controlled Exposure				
Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm <sup>2</sup> )	Averaging Time [E] <sup>2</sup> , [H] <sup>2</sup> , or S (minutes)
0.3-3.0	614	1.63	(100)*	6
3.0-30	1842/f	4.89/f	(900/f <sup>2</sup> )*	6
30-300	61.4	0.163	1.0	6
300-1,500	--	--	f/300	6
1,500-100,000	--	--	5	6

Table 1: Limits for Maximum Permissible Exposure (MPE)				
(A) Limits for Occupational/Controlled Exposure				
Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm <sup>2</sup> )	Averaging Time [E] <sup>2</sup> , [H] <sup>2</sup> , or S (minutes)
(B) Limits for General Public/Uncontrolled Exposure				
Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm <sup>2</sup> )	Averaging Time [E] <sup>2</sup> , [H] <sup>2</sup> , or S (minutes)
0.3-1.34	614	1.63	(100)*	30
1.34-30	824/f	2.19/f	(180/f)*	30
30-300	27.5	0.073	0.2	30
300-1,500	--	--	f/1,500	30
1,500-100,000	--	--	1.0	30

f = Frequency in (MHz)  
 \* Plane-wave equivalent power density

Figure 1. FCC Limits for Maximum Permissible Exposure (MPE)  
 Plane-wave Equivalent Power Density



Based on the above, the most restrictive thresholds for exposures of unlimited duration to RF energy for several personal wireless services are summarized below:

Personal Wireless Service	Approximate Frequency	Occupational MPE	Public MPE
Microwave (Point-to-Point)	5,000 - 80,000 MHz	5.00 mW/cm <sup>2</sup>	1.00 mW/cm <sup>2</sup>
Broadband Radio (BRS)	2,600 MHz	5.00 mW/cm <sup>2</sup>	1.00 mW/cm <sup>2</sup>
Wireless Communication (WCS)	2,300 MHz	5.00 mW/cm <sup>2</sup>	1.00 mW/cm <sup>2</sup>
Advanced Wireless (AWS)	2,100 MHz	5.00 mW/cm <sup>2</sup>	1.00 mW/cm <sup>2</sup>
Personal Communication (PCS)	1,950 MHz	5.00 mW/cm <sup>2</sup>	1.00 mW/cm <sup>2</sup>
Cellular Telephone	870 MHz	2.90 mW/cm <sup>2</sup>	0.58 mW/cm <sup>2</sup>
Specialized Mobile Radio (SMR)	855 MHz	2.85 mW/cm <sup>2</sup>	0.57 mW/cm <sup>2</sup>

Personal Wireless Service	Approximate Frequency	Occupational MPE	Public MPE
Long Term Evolution (LTE)	700 MHz	2.33 mW/cm <sup>2</sup>	0.47 mW/cm <sup>2</sup>
Most Restrictive Frequency Range	30-300 MHz	1.00 mW/cm <sup>2</sup>	0.20 mW/cm <sup>2</sup>

MPE limits are designed to provide a substantial margin of safety. These limits apply for continuous exposures and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health.

Personal Communication (PCS) facilities used by AT&T in this area operate within a frequency range of 700-1900 MHz. Facilities typically consist of: 1) electronic transceivers (the radios or cabinets) connected to wired telephone lines; and 2) antennas that send the wireless signals created by the transceivers to be received by individual subscriber units (PCS telephones). Transceivers are typically connected to antennas by coaxial cables.

Because of the short wavelength of PCS services, the antennas require line-of-site paths for good propagation, and are typically installed above ground level. Antennas are constructed to concentrate energy towards the horizon, with as little energy as possible scattered towards the ground or the sky. This design, combined with the low power of PCS facilities, generally results in no possibility for exposure to approach Maximum Permissible Exposure (MPE) levels, with the exception of areas directly in front of the antennas.

## 2.0 AT&T RF EXPOSURE POLICY REQUIREMENTS

AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document, dated October 28, 2014, requires that:

1. All sites must be analyzed for RF exposure compliance;
2. All sites must have that analysis documented; and
3. All sites must have any necessary signage and barriers installed.

Pursuant to this guidance, worst-case predictive modeling was performed for the site. This modeling is described below in Section 3.0. Lastly, based on the modeling and survey data, EBI has produced a Compliance Plan for this site that outlines the recommended signage and barriers. The recommended Compliance Plan for this site is described in Section 4.0.

## 3.0 WORST-CASE PREDICTIVE MODELING

In accordance with AT&T's RF Exposure policy, EBI performed theoretical modeling using RoofMaster™ software to estimate the worst-case power density at the site ground-level and/or nearby rooftops resulting from operation of the antennas. RoofMaster™ is a widely-used predictive modeling program that has been developed to predict RF power density values for rooftop and tower telecommunications sites produced by vertical collinear antennas that are typically used in the cellular, PCS, paging and other communications services. Using the computational methods set forth in Federal Communications (FCC) Office of Engineering & Technology (OET) Bulletin 65, "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields" (OET-65), RoofMaster™ calculates predicted power density in a scalable grid based on the contributions of all RF sources characterized in the study scenario. At each grid location, the cumulative power density is expressed as a percentage of the FCC limits. Manufacturer antenna pattern data is utilized in these calculations. RoofMaster™ models consist of the Far Field model as specified in OET-65 and an implementation of the OET-65 Cylindrical Model (Sula9). The models utilize several operational specifications for different types of antennas to produce a plot of spatially-averaged power densities that can be expressed as a percentage of the applicable exposure limit. A statistical power factor may be applied to the antenna system based on guidance from the carrier and system manufacturers.

For this report, EBI utilized antenna and power data provided by AT&T and compared the resultant worst-case MPE levels to the FCC's occupational/controlled exposure limits outlined in OET Bulletin 65.

The assumptions used in the modeling are based upon information provided by AT&T and information gathered from other sources. There are no other wireless carriers with equipment installed at this site.

Based on worst-case predictive modeling, there are no modeled exposures on any accessible ground walking/working surface related to ATT's proposed antennas that exceed the FCC's occupational and/or general public exposure limits at this site.

At the nearest walking/working surfaces to the AT&T antennas on the ground, the maximum power density generated by the AT&T antennas is approximately 1.03 percent of the FCC's general public limit (0.21 percent of the FCC's occupational limit). The composite exposure level from all carriers on this site is approximately 1.03 percent of the FCC's general public limit (0.21 percent of the FCC's occupational limit) at the nearest walking/working surface to each antenna.

A graphical representation of the RoofMaster™ modeling results is presented in Appendix B.




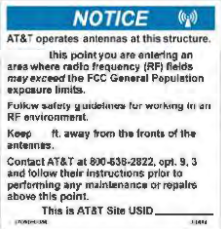





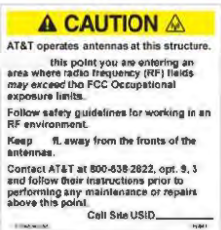


Microwave dish antennas are designed for point-to-point operations at the elevations of the installed equipment rather than ground-level coverage. Based on AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document, dated October 28, 2014, microwave antennas are considered compliant if they are higher than 20 feet above any accessible walking/working surface. There are no microwaves installed at this site.

**4.0 RECOMMENDED SIGNAGE/COMPLIANCE PLAN**

Signs are the primary means for control of access to areas where RF exposure levels may potentially exceed the MPE. As presented in the AT&T guidance document, the signs must:

- Be posted at a conspicuous point;
- Be posted at the appropriate locations;
- Be readily visible; and
- Make the reader aware of the potential risks prior to entering the affected area.

The table below presents the signs that may be used for AT&T installations.

CRAN / HETNET Small Cell Decals / Signs		Alerting Signs	
 <p><b>NOTICE DECAL</b></p>		 <p><b>TRILINGUAL NOTICE</b></p>	 <p><b>NOTICE 2</b></p>
 <p><b>NOTICE SIGN</b></p>		 <p><b>CAUTION 2 - ROOFTOP</b></p>	 <p><b>CAUTION 2A</b></p>
 <p><b>CAUTION DECAL</b></p>		 <p><b>CAUTION 2B - TOWER</b></p>	 <p><b>CAUTION 2C - PARAPETS</b></p>
 <p><b>CAUTION SIGN</b></p>		 <p><b>WARNING 1B</b></p>	 <p><b>WARNING 2A</b></p>

Based upon protocols presented in AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document, dated October 28, 2014, and additional guidance provided by AT&T, the following signage is recommended on the site:

- Yellow CAUTION 2B sign posted at the base of the monopole near the climbing ladder.

No barriers are required for this site. Barriers should be constructed of weather-resistant plastic or wood fencing. Barriers may consist of railing, rope, chain, or weather-resistant plastic if no other types are permitted or are feasible. Painted stripes should only be used as a last resort and only in regions where there is little chance of snowfall. If painted stripes are selected as barriers, it is recommended that the stripes and signage be illuminated. The signage and any barriers are graphically represented in the Signage Plan presented in Appendix B.

## 5.0 SUMMARY AND CONCLUSIONS

EBI has prepared this Radiofrequency Emissions Compliance Report for the proposed AT&T telecommunications equipment at the site located at 22640 South Murphy Road in Ripon, California.

EBI has conducted theoretical modeling to estimate the worst-case power density from AT&T antennas to document potential MPE levels at this location and ensure that site control measures are adequate to meet FCC and OSHA requirements, as well as AT&T's corporate RF safety policies. As presented in the preceding sections, based on worst-case predictive modeling, there are no modeled exposures on any accessible ground walking/working surface related to AT&T's proposed antennas that exceed the FCC's occupational and/or general public exposure limits at this site.

To reduce the risk of exposure and/or injury, EBI recommends that access to the monopole or areas associated with the active antenna installation be restricted and secured where possible. Signage is recommended at the site as presented in Section 4.0 and Appendix B. Posting of the signage brings the site into compliance with FCC rules and regulations and AT&T's corporate RF safety policies.

## 6.0 LIMITATIONS

This report was prepared for the use of AT&T Mobility, LLC to meet requirements outlined in AT&T's corporate RF safety guidelines. It was performed in accordance with generally accepted practices of other consultants undertaking similar studies at the same time and in the same locale under like circumstances. The conclusions provided by EBI and its partners are based solely on information supplied by AT&T, including modeling instructions, inputs, parameters and methods. Calculations, data, and modeling methodologies for C Band equipment include a statistical factor reducing the power to 32% of maximum theoretical power to account for spatial distribution of users, network utilization, time division duplexing, and scheduling time. AT&T recommends the use of this factor based on a combination of guidance from its antenna system manufacturers, supporting international industry standards, industry publications, and its extensive experience. The observations in this report are valid on the date of the investigation. Any additional information that becomes available concerning the site should be provided to EBI so that our conclusions may be revised and modified, if necessary. This report has been prepared in accordance with Standard Conditions for Engagement and authorized proposal, both of which are integral parts of this report. No other warranty, expressed or implied, is made.

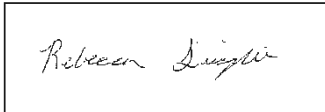
## **Appendix A**

### **Personnel Certifications**

## Preparer Certification

I, Rebecca Sinisgalli, state that:

- I am an employee of EnviroBusiness Inc. (d/b/a EBI Consulting), which provides RF-EME safety and compliance services to the wireless communications industry.
- I have successfully completed RF-EME safety training, and I am aware of the potential hazards from RF-EME and would be classified "occupational" under the FCC regulations.
- I am fully aware of and familiar with the Rules and Regulations of both the Federal Communications Commissions (FCC) and the Occupational Safety and Health Administration (OSHA) with regard to Human Exposure to Radio Frequency Radiation.
- I have been trained in on the procedures outlined in AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document (dated October 28, 2014) and on RF-EME modeling using RoofMaster™ modeling software.
- I have reviewed the data provided by the client and incorporated it into this Site Compliance Report such that the information contained in this report is true and accurate to the best of my knowledge.

A rectangular box containing a handwritten signature in cursive script that reads "Rebecca Sinisgalli".



Reviewed and Approved by:



sealed 17dec2021

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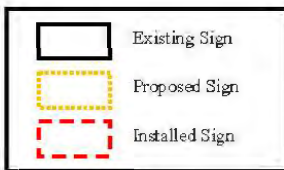
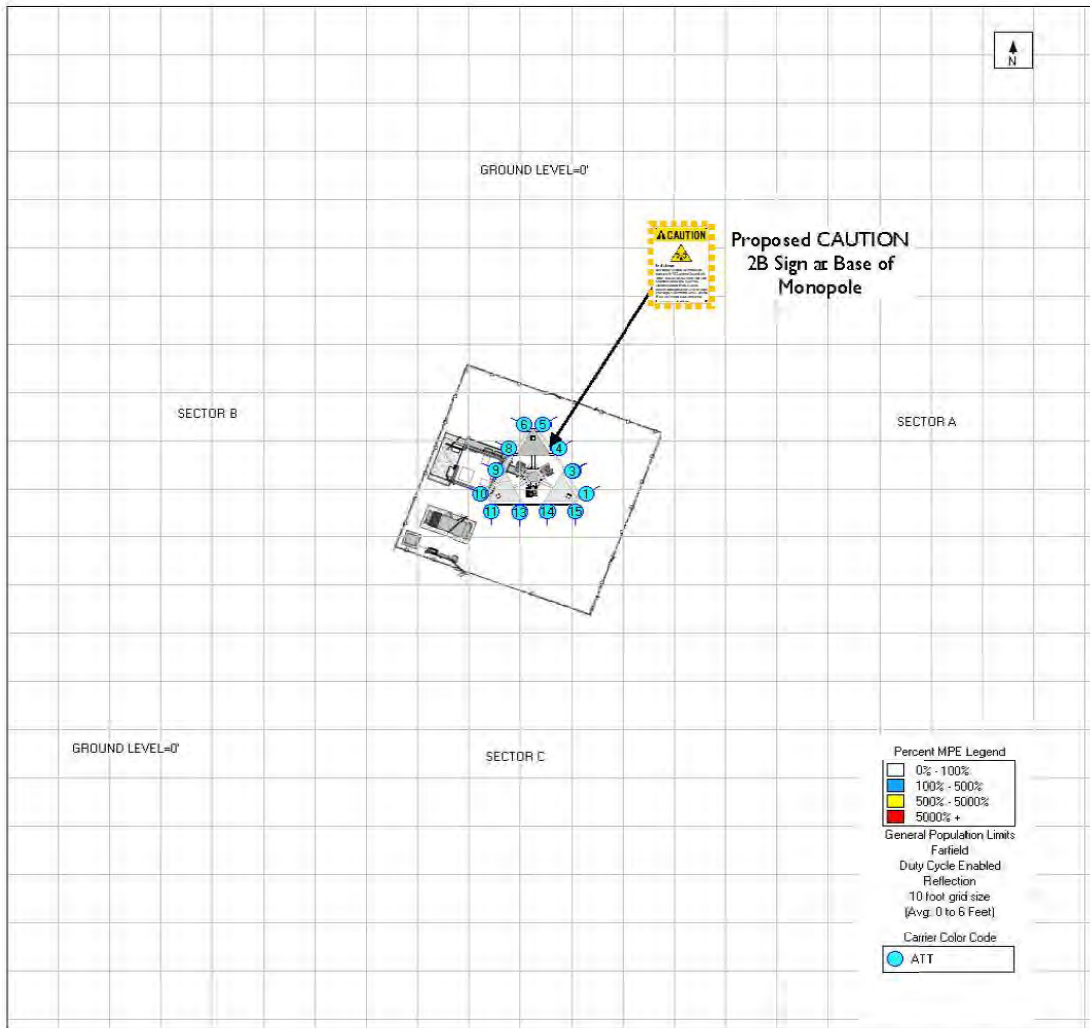
Michael McGuire  
Electrical Engineer  
[mike@h2dc.com](mailto:mike@h2dc.com)

Note that EBI's scope of work is limited to an evaluation of the Radio Frequency – Electromagnetic Energy (RF-EME) field generated by the antennas and broadcast equipment noted in this report. The engineering and design of the building and related structures, as well as the impact of the antennas and broadcast equipment on the structural integrity of the building, are specifically excluded from EBI's scope of work.

## **Appendix B**

### **Compliance/Signage Plan**

### Nearest Walking Surface Simulation



SIGN IDENTIFICATION LEGEND			
	AT&T NOTICE 2 Sign		AT&T CAUTION 2 - Rooftop Sign
	AT&T WARNING 1B and 2A Signs		AT&T CAUTION 2B - Tower Sign
	AT&T NOTICE Small Cell Signs		AT&T CAUTION 2C - Parapet Sign
	AT&T CAUTION Small Cell Signs		AT&T TRILINGUAL NOTICE Sign

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**March 18, 2022**  
**Project Revisions**

**REQUEST FOR STAFF CONSIDERATION OF ALTERNATE LOCATION  
AT&T MOBILITY**

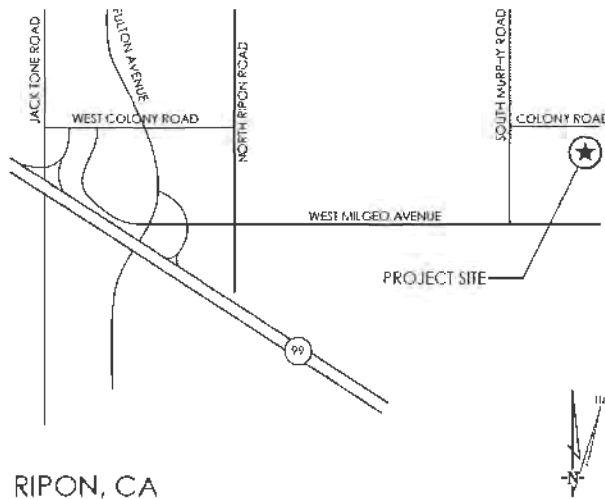
**Site Name:** CVI.01839 SF Ripon  
**Location:** 22640 S. Murphy Road, Ripon, CA 95366  
**APN:** 245-190-45

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**Introduction**

New Cingular Wireless PCS, LLC d/b/a AT&T Mobility is seeking to improve telecommunication services in City of Ripon and the surrounding area in unincorporated San Joaquin County. More specifically, AT&T would like to bring improved fixed wireless internet and cellular coverage to the area along Milgeo Avenue and Murphy Road, and north past River Road. Currently, this portion of the AT&T network is suffering from poor coverage due to an insufficient amount of telecommunications facilities and the ever-increasing volume of service. To address this issue, AT&T is proposing a new freestanding facility for both existing and potential customers and to provide capacity relief during peak usage hours. The increase in wireless services will benefit residents, local businesses, travelers, and, public safety communications systems in and around Ripon, including police, fire, and medical services.

Additionally, this network development will increase public safety within this area and bring wireless service to areas that currently suffer from poor service. This unmanned facility will provide service to area travelers, residents and businesses 24 hours a day, 7 days a week. This site will also serve as a backup to the existing landline service in the area and will provide improved mobile communications, which are essential to modern day commerce and recreation.



### **Project History**

This project application was originally submitted to the San Joaquin County Community Development Department for review. Because the subject parcel lies within the sphere of influence of the City of Ripon, it was also reviewed by City of Ripon Planning staff. On April 1, 2021, the City of Ripon’s Planning Director sent a formal letter of opposition to the project, on the grounds that although the parcel was currently zoned agricultural, the land was designated residential under the City of Ripon 2040 General Plan and AT&T’s siting of the facility would conflict with the City’s long term residential development plans. The City requested the applicant work with the County and the City in siting a new location that would not impact the City’s future plans.

Separately, a number of residents expressed opposition to the facility on the grounds that the proposed location was too close to Colony Oaks Elementary. (The facility as originally proposed was 930’ from the edge of school property, and approximately 1100’ from the nearest school building.)

Per the City’s request, AT&T began discussions with the City of Ripon. Under the City of Ripon’s municipal code, wireless facilities are prohibited within 500’ of a residential property. This would eliminate the entirety of Ripon’s sphere of influence. In discussions with the City, AT&T proposed, as an alternative, moving the facility approximately 1200’ to east, to the very corner of the subject parcel. This would place the facility about 1200’ from Murphy Road, as opposed to 30’ at the original location. The location would put the facility 2100’ from Colony Oaks Elementary.

In addition, the City provided an AT&T with an agreement that the City had previously entered into with Sprint in a similar situation where Sprint sought to build a new facility within Ripon’s sphere of influence. In that agreement, Ripon agreed to withdraw a similar letter of opposition if Sprint agreed, after a period of time, to remove the proposed facility if development encroached within a given area and certain other requirements were met. Ripon requested AT&T draft an agreement modeled on the Sprint/Ripon agreement and provide it to the City for review and approval.

While this process was ongoing, the County administratively denied AT&T’s application at the original location in October of 2021 on the grounds that the project was not consistent with the Ripon 2040 General Plan. Although AT&T was no longer pursuing the original location, it timely filed the present appeal, as per the County Code, the new project location would be barred by the denial as, despite the distances involved, the new location remains on the same parcel.

At present, AT&T has completed the redesign of the facility at the new location and provided all related site plans, photo simulations, and studies to the County. These documents are part of the record, but staff have not circulated them for departmental review because at present the October administrative denial is still in effect, and no further action can be taken on the project by staff absent direction from the Planning Commission.

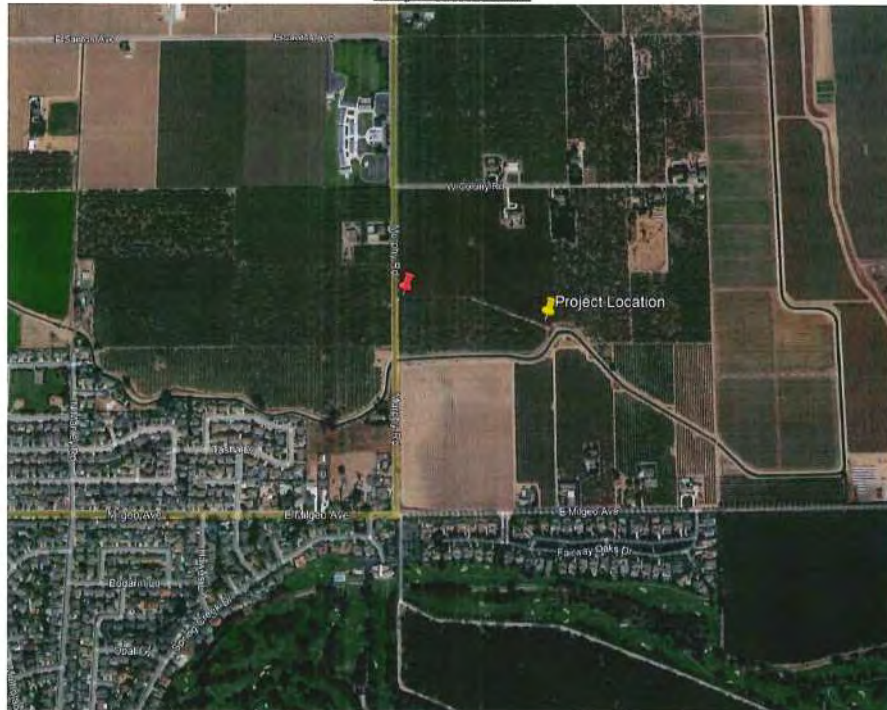
Meanwhile, on February 22<sup>nd</sup>, 2022, the City of Ripon informed AT&T that they had decided that a removal agreement modeled on the City’s earlier agreement with Sprint would not be sufficient for the City to no longer formally oppose the project. Despite this, the new proposed location is the least intrusive means of filling a significant gap in coverage, and there is no alternate location that is less impactful to the City of Ripon’s 2040 general plan.

AT&T therefore respectfully requests that the planning commission direct staff to review the new project location located 1200’ further back from the public right of way, requesting additional information from AT&T as needed, and issue a new determination on the new location.

**Location/Design**

AT&T proposes to build a new, freestanding, 124’ tall wireless facility on a large parcel outside the City of Ripon in unincorporated San Joaquin County. The parcel is 28.74 acres in size and is zoned General Agriculture (AG-40) and occupied by a commercial almond orchard. All adjoining properties are similarly zoned. A dozen almond trees will be removed as a part of the project, up from nine at the original location. The original location is marked by a red pin, while the currently proposed location is marked by a yellow.

*Project Location*





**Project Description & Aesthetic Impact**

AT&T proposes to construct a new, 125’ tall freestanding monopole and install nine panel antennas and associated equipment at a 120’ centerline. The facility would be located within a 40’ by 40’ fenced compound.

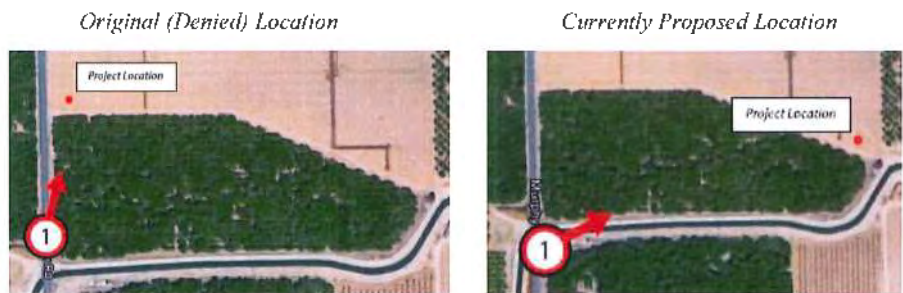
AT&T’s ground equipment would be installed within the compound and would consist of a 30 kW emergency backup diesel generator and accompanying 190 gallon fuel tank installed on a 5’ by 10’ concrete slab, as well as a walk-in ground cabinet installed on a 8’ by 8’ concrete slab with a 4.33’ by 8’ stoop. The facility will comply with all County of San Joaquin noise requirements. Utilities would run underground from the points of connection to the compound.

The compound will be secured by a 6’ tall chain link fence with barbed wire and will include a sign indicating the facility owner and a 24-hour emergency telephone number. Unless tower lighting is required by the FAA, the only lighting on the facility will be downward facing work lights.

The present location has been placed on a large agricultural parcel to maximize the distance from public rights of way, residences and schools. To the south, the nearest residences along Milgea Avenue are over 1000’ away. To the east, Murphy Road is over 1200’ feet away, and to the north, Colony Road is 1100’ away and the residences along it are 800’ to 1000’ distant. Colony Oak Elementary, meanwhile, would be 2100’ away. The facility has been designed at the minimum function functioning height – to satisfy zoning setbacks while still covering the residential areas and roads in need coverage while still covering them, the full height of the facility as proposed is absolutely necessary.

The unmanned facility will provide wireless coverage to the surrounding area 24 hours a day, 7 days a week.

Comparisons of the new and old designs are on the following page, based on the viewpoints below:



*Photo simulation of the view looking northeast towards the new location from Murphy Road*



*Photo simulation of original, administratively denied location, looking northeast from Murthy rd*



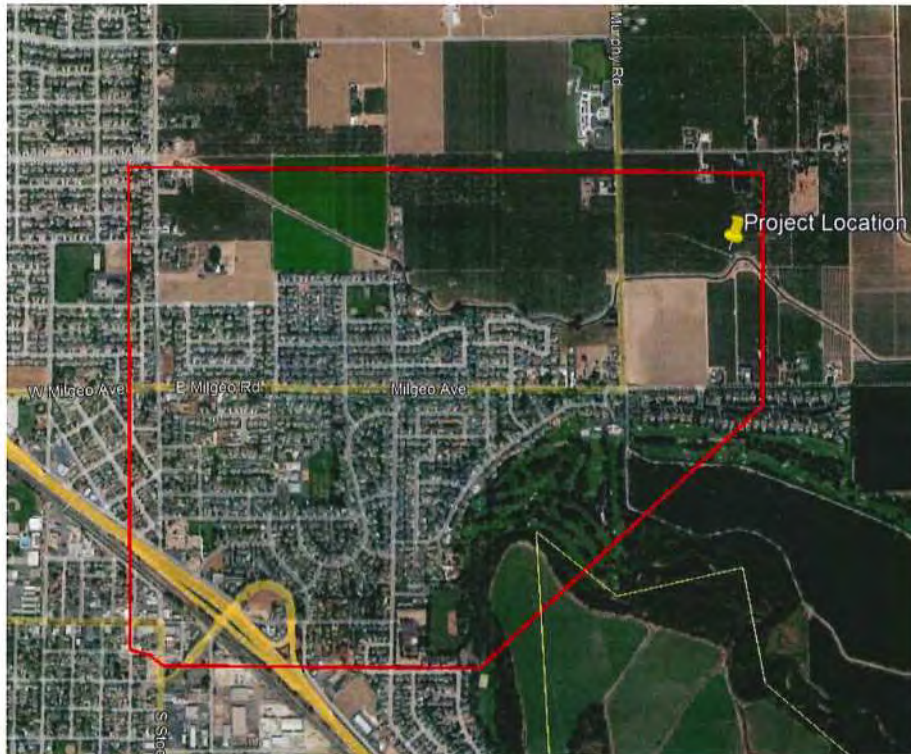
*Note the closeness of the denied facility to Murphy Road relative to the new location.*

**Description of Coverage Area**

The objective of the proposed facility is to improve both coverage and capacity to the community of Linden and the surrounding area. To achieve this service objective, AT&T identified a potential candidate "Search Ring." A Search Ring is an area on a map that is determined by AT&T's Radio Access Network Engineer (RAN engineer). The area identifies the geographic area within which the proposed telecommunications site must be located to satisfy the intended service objective. In creating the Search Ring, the RAN engineer considers many factors, such as topography, proximity to existing structures, current coverage areas, and existing obstructions.

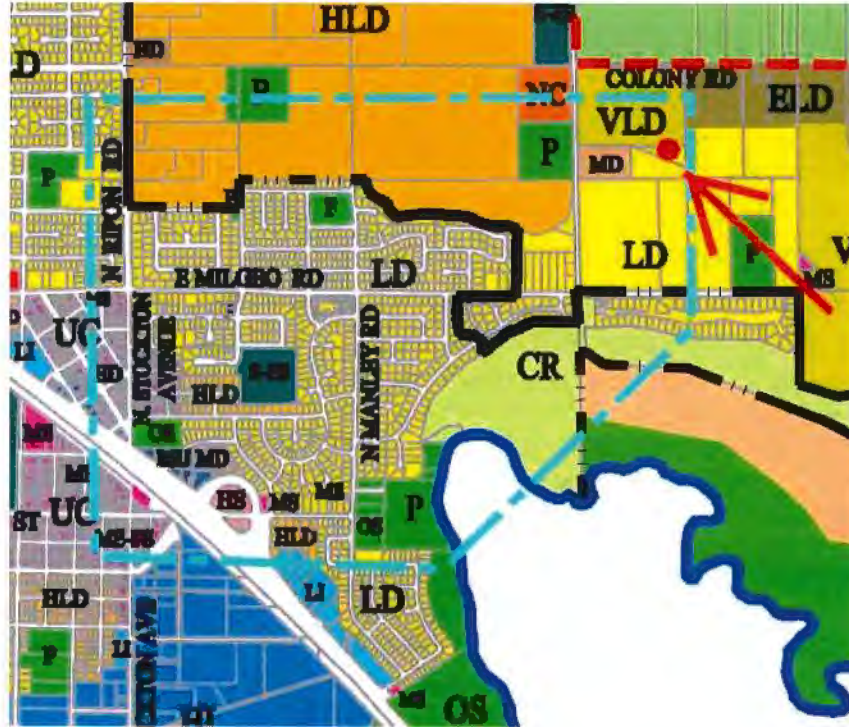
In this case, the search area was drawn to cover a large portion of the east side of Ripon and the outlying areas. Almost the entire of the search is either zoned residential or within 500' of residential areas and therefore barred under the Ripon Municipal Code. A higher centerline – the height of the center of the antennas above ground level – was required in this instance so that the facility could be placed at some distance from residential areas while still providing acceptable coverage to them.

Map of Approximate Search Area





Detail from Ripon 2040 General Plan

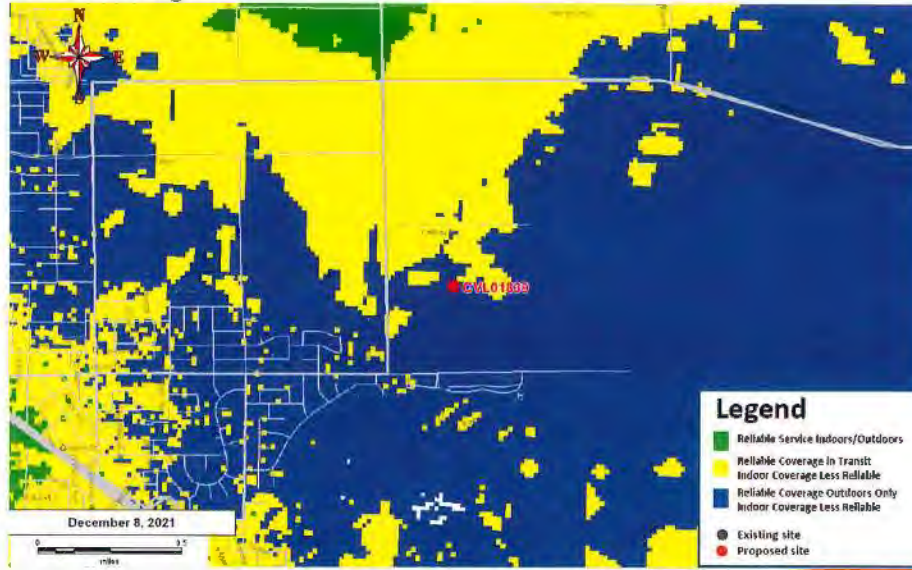


A complete copy of the Ripon 2040 general plan has been included. The detail above shows the portion of Ripon that is within the search area for this project, which is depicted by a dashed teal line. The proposed location is depicted by the red circle in the northeastern corner of the search area.

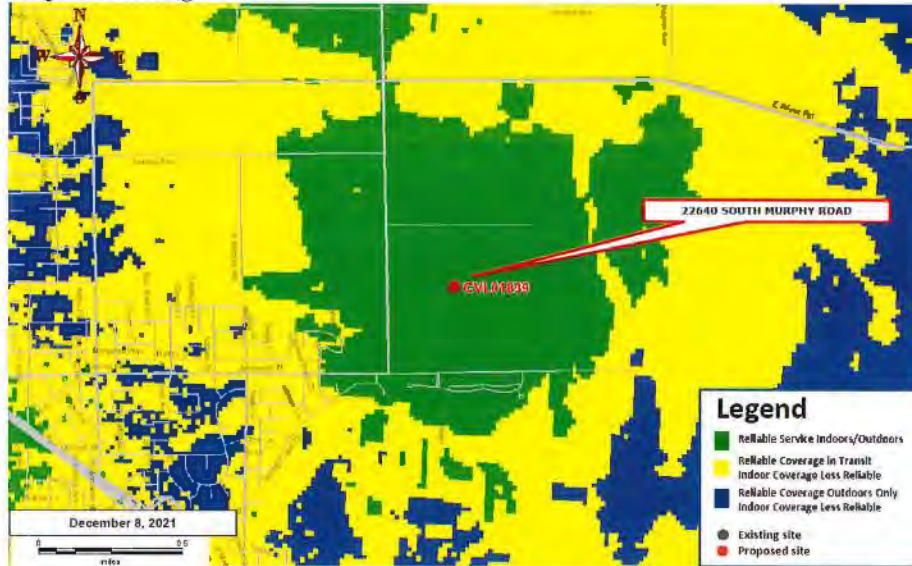
Ripon’s city limits are depicted as a wide, dashed line, while the outer bounds of Ripon’s sphere of influence are depicted by a dashed red line. As you can see from the above, aside from a handle of areas designated Parks (P) in the 2040 general plan and one area designated Neighborhood Commercial, all areas are “HD,” “HLD,” “VLD,” “ELD,” all residential designations, or schools. Of the handful of areas not designated residential, all are small enough that there is no area within them that does not fall within 500’ of a residential area.

AT&T is more than willing to provide further information on the coverage gap and why this site is the least intrusive means of filling it as part of the review process for the new location that AT&T is requesting as part of this appeal.

### Current Coverage



### Proposed Coverage



### **Conclusion**

AT&T's new location is 1200' distant from the original denied location and, because of procedural rules, has never been fully reviewed by County staff. AT&T therefore requests the Planning Commission direct staff to conduct a fresh review of the new location, including all due diligence materials AT&T has provided, request additional information from AT&T if needed, and issue a new determination.

It is in the best interests of all parties that this facility be fully and thoroughly evaluated before a final decision is made. If necessary, once staff make their fresh determination regarding the new location, the Planning Commission would remain fully able to revisit the project with a more complete administrative record.

### **Additional Information**

#### **Compliance with FCC Standards**

This project will not interfere with any TV, radio, telephone, satellite, or any other signals. Any interference would be against federal law and a violation of AT&T's FCC License. An RF study showing FCC EME compliance has been included and an independent third party RF engineer will be made available to answer questions.

#### **Compliance with Noise Standards**

This project conforms with all applicable noise standards. A third party study confirming this has been provided for review.

#### **Statement of Commitment to Allow Collocation**

The proposed facility has been designed in a manner that will structurally accommodate additional antennas and future collocation. AT&T welcomes other carriers to collocate on their facilities whenever possible. Additional ground space is available within AT&T's lease area for at least one future carrier.

#### **Maintenance and Standby Generator Testing**

AT&T installs a standby generator at all of its cell sites. The generator plays a vital role in AT&T's emergency and disaster preparedness plan. In the event of a power outage, the back-up generator will automatically start and continue to run the site for up to 24 hours. The standby generator will operate for approximately 15 minutes per week for maintenance purposes, during the daytime. Back-up generators allow AT&T's communications sites to continue providing valuable communications services in the event of a power outage, natural disaster or other emergency. Following construction, the security fence will include a small sign indicating the facility owner and a 24-hour emergency telephone number. The lease area will be surrounded by a 6' chain link fence with barbed wire for additional security.

Project Support Statement – AT&T 'CVI 01839 SI: Ripon'  
22640 S. Murphy Road, Ripon, CA 95366 (APN: 245-190-45)

**Construction Schedule**

The construction of the facility will be in compliance with all local rules and regulations. The crew size will range from two to ten individuals. The construction phase of the project will last approximately two to three months and will not exceed acceptable noise levels.

**Notice of Actions Affecting Development Permit**

AT&T requests notice of any proposal to adopt or amend the: general plan, specific plan, zoning ordinance, ordinance(s) affecting building or grading permits that would in any manner affect this development permit. Any such notice may be sent to 2009 V Street, Sacramento, CA 95818.



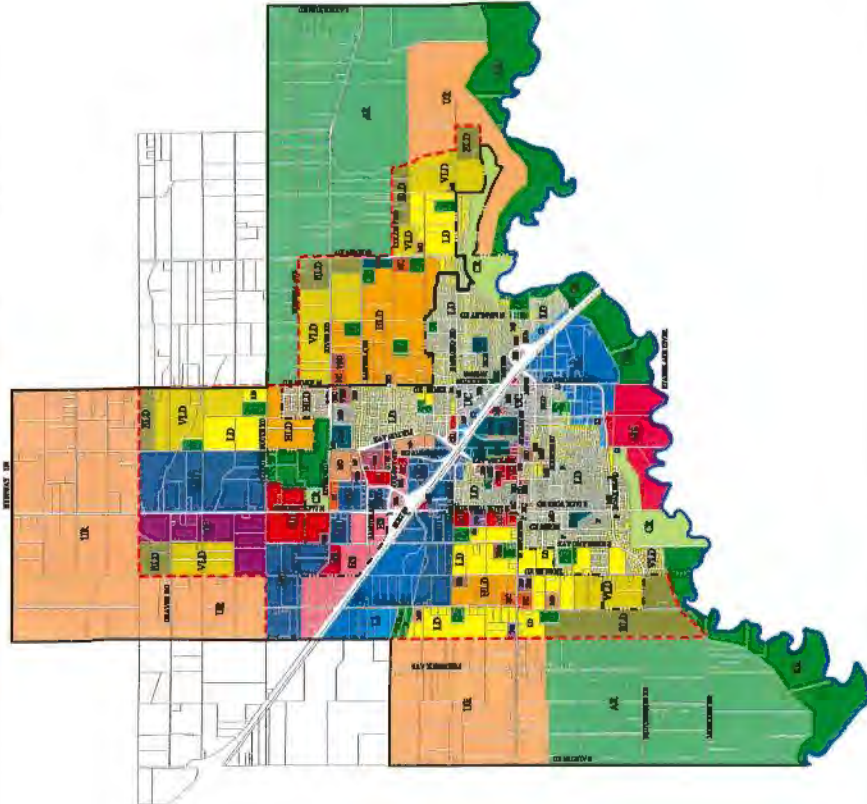
**CITY OF RIPON**  
**GENERAL PLAN 2040**

Adopted September 19, 2016

- ELD (Extremely Low Density Residential)
- VLD (Very Low Density Residential)
- LD (Low Density Residential)
- MD (Medium Density Residential)
- HD (High Density Residential)
- VED (Very High Density Residential)
- CC (Neighborhood Commercial)
- CC (Community Commercial)
- BC (Regional Commercial)
- RS (Regional Service)
- CS (Community Service)
- CA (Community Center)
- PC (Professional Office)
- PO (Professional Office)
- MP (Manufacturing Professional Office)
- LI (Light Industrial)
- MI (Medium Industrial)
- MI-20 (Manufacturing Service-Ten Stories)
- P (Park)
- OS (Open Space)
- HS (High School)
- MS (Middle School)
- AS (Agricultural Reserve)
- UR (Urban Reserve)
- ER (Resource Reserve)

- City Limits
- City Sphere of Influence
- General Plan Boundary

- Amendments**
- Layer 10007; 26.9 ac; LARCO 15-46
  - Layer 10008; 59 ac; DSA07; ORD 759
  - Layer 10009; 100 ac; DSA07; ORD 759
  - Layer 10010; 100 ac; DSA07; ORD 759
  - Layer 10011; 100 ac; DSA07; ORD 759
  - Layer 10012; 100 ac; DSA07; ORD 759
  - Layer 10013; 100 ac; DSA07; ORD 759
  - Layer 10014; 100 ac; DSA07; ORD 759
  - Layer 10015; 100 ac; DSA07; ORD 759
  - Layer 10016; 100 ac; DSA07; ORD 759
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  - Layer 10098; 100 ac; DSA07; ORD 759
  - Layer 10099; 100 ac; DSA07; ORD 759
  - Layer 10100; 100 ac; DSA07; ORD 759



Plan City Limits - Ripon, CA - 10/15/16





**Planning Commission Staff Report**  
**Item # 2, April 21, 2022**  
**Use Permit No. PA-2100039**  
**Prepared by: Alisa Goulart**

**PROJECT SUMMARY**

**Applicant Information**

**Property Owner:** John Franzia, Jr. and Mary Lynne Franzia  
**Project Applicant:** Latitude 37 Partners, LLC

**Project Site Information**

**Project Address:** 20679 East State Route 120, Escalon  
**Project Location:** On the north side of East State Route 120, 0.7 miles east of Carrolton Road, west of Escalon.

<b>Parcel Number (APN):</b>	205-080-04	<b>Water Supply:</b>	Private (Private)
<b>General Plan Designation:</b>	A/G	<b>Sewage Disposal:</b>	Private (Private)
<b>Zoning Designation:</b>	AG-40	<b>Storm Drainage:</b>	Private (Private)
<b>Project Size:</b>	3 acres	<b>100-Year Flood:</b>	No
<b>Parcel Size:</b>	44.62 acres	<b>Williamson Act:</b>	No
<b>Community:</b>	None	<b>Supervisorial District:</b>	4

**Environmental Review Information**

**CEQA Determination:** Mitigated Negative Declaration (Attachment C; Environmental Review)

This project is a Use Permit to be completed in 2 phases over 5 years. The project includes:

- Expanding a small winery into a large winery
- Adding Marketing Events and Large-Scale Accessory Winery Events to approved events
- Expanding an existing produce stand into a large agricultural store
- Adding food manufacturing

(Use Types: Wineries and Wine Cellars - Winery, Large; Agricultural Processing – Preparation Services, and Food Manufacturing; Produce Sales - Agricultural Store, Large)

Phase 1 includes converting an existing 1,687-square-foot agricultural building to a large agricultural store and food manufacturing operation. Phase 2 includes converting the 1,687-square-foot agricultural product store from Phase 1 to a wine tasting room and constructing a 3,280-square-foot new, large agricultural store and food manufacturing operation.

**Recommendation**

1. Adopt the Mitigated Negative Declaration (Attachment C, Mitigated Negative Declaration);
2. Adopt the Mitigation Monitoring and Reporting Plan (Attachment F, Mitigation and Monitoring Report Plan);
3. Adopt the Findings for Use Permit (Attachment D, Findings); and
4. Approve Use Permit No. PA-2100039 with the attached Conditions of Approval (Attachment E, Conditions of Approval).

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## NOTIFICATION & RESPONSES

(See Attachment B, Response Letters)

### Public Hearing Notices

Legal ad for the public hearing published in the Stockton Record: April 11, 2022.

Number of Public Hearing notices: 95

Date of Public Hearing notice mailing: April 8, 2022.

### Referrals and Responses

- **Early Referral Date:** May 13, 2021
- **Mitigated Negative Declaration Posting Date:** February 24, 2022
- **Project Referral with Environmental Determination Date:** February 24, 2022
- **OPR State Clearinghouse #:** 2022020575

Agency Referrals	Early Consultation	Revised Referral
<b>County Departments</b>		
Ag Commissioner		
Assessor		
Community Development		
Building Division	6/24/2021	
Fire Prevention Bureau		
Public Works	6/21/2021	2/28/2022 4/4/2022
Environmental Health	6/9/2021	3/1/2022
Sheriff Office		
Supervisor: District 4		
<b>State Agencies</b>		
C.R.W.Q.C.B.		3/23/2022
Caltrans District 10	6/28/2021	
C.H.P.		
Fish & Wildlife, Division: 2		
CA Food & Agriculture		
CA Alcoholic Beverage Control		
CA Native American Heritage Commission		
<b>Federal Agencies</b>		
Alcohol & Tobacco Tax & Trade Bureau		
F.E.M.A.		
US Fish & Wildlife		

Agency Referrals	Early Consultation	Revised Referral
<b>Local Agencies</b>		
City of Escalon		
Escalon Fire District		
Mosquito & Vector Control		
S.J.C.O.G.	5/14/2021	3/1/2022
San Joaquin Farm Bureau		
San Joaquin Air Pollution Control District	6/11/2021	3/24/2022
South San Joaquin Irrigation District	5/20/2021	
Escalon Unified School District		
<b>Miscellaneous</b>		
A.T.&T.		
Haley Flying Service		
P.G.&E.	6/15/2021	
Precissi Flying Service		
Sierra Club		
Builders Exchange		
Building Industry Association		
Carpenter's Union		
CA Tribal TANF Partnership		
United Auburn Indian Community	5/13/2021	
CA Valley Miwok Tribe		
CA North Valley Yokuts Tribe		
Buena Vista Tribe Rancheria	5/21/2021	

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# ANALYSIS

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## **Background**

On January 22, 2020, the Planning Division approved Site Approval No. PA-1900083 for a small winery. Deviation No. PA-1900082, to reduce the required front setback for the winery from 200 feet to 150 feet, was approved concurrently. The Site Approval permitted the construction and/or conversion of a total of 19,014 square-feet of building space which included the construction of a 4,945-square-foot winery and tasting room. Building permits have been issued for all of the proposed structures and the winery is currently under construction.

## **Land Use**

The proposed project is a large winery and large agricultural store with food production in the General Agriculture (AG-40) zone. The project use types are: 1) Wineries and Wine Cellars - Winery, Large; 2) Agricultural Processing – Preparation Services and Food Manufacturing; and, 3) Produce Sales - Agricultural Store, Large. These use types may be conditionally permitted in the AG-40 zone with an approved land use permit. The project parcel's General Plan designation is General Agriculture (A/G) which is implemented by the AG-40 zone. Therefore, the project's use types and the parcel location are consistent with applicable land use policies and regulations of the county's Development Title and General Plan.

## **Operations**

The project proposes daily winery and agricultural store operations for 13 hours per day (6:30 a.m. to 7:30 p.m.). Agricultural processing and food manufacturing operations are proposed for 5 days weekly for 14 hours per day (5:30 a.m. to 7:30 p.m.). Employees are expected to number 20 per shift. An average of 20 deliveries weekly and an average of 140 customers per day are anticipated.

## **Setbacks**

The Development Title requires large wineries that are located adjacent to a parcel with a residence to increase the setback from the property line adjacent to that parcel to a minimum of 300 feet. This increased setback is for all new construction, existing buildings to be used for the winery, permanent parking areas, and outdoor eating/entertaining areas. This setback requirement is reduced to 100 feet if the residence on the adjacent parcel is located more than 200 feet from that property line. (Development Title Section 9-1075.3[c][2][B])

The project site is adjacent to a parcel with a residence on its east side. The residence is located approximately 630 feet away from the shared property line, therefore, the required setback on this side is 100 feet. The parcel on the west side of the project site does not have a residence, therefore, the required setback is 10 feet pursuant to the minimum setback requirements for development within the AG-40 zone.

## **Winery Events**

With Site Approval No. PA-1900083, the winery is currently approved to hold the following events once wine is available. Outdoor amplified sound was not permitted with this Site Approval.

- Small-scale Accessory Winery Events: A maximum of 12 events per calendar year, with a maximum of 80 attendees
- Wine Release Events: A maximum of 4 two-day events per calendar year, with a maximum of 150 attendees.

The current Use Permit proposes to add the following events, all with outdoor amplified sound permitted, in addition to the previously approved events:

- Large-scale Accessory Winery Events: A maximum of 12 events per calendar year, with a maximum of 116 attendees.
- Marketing Events: A maximum of 20 events per calendar year, with a maximum of 300 attendees.

- Wine Release Events: A maximum of 4 two-day events per calendar year, increasing the maximum number of attendees from 150 to 300.

### **Outdoor Amplified Sound**

Pursuant to Development Title Section 9-1075.9 (f) (1 & 2), amplified sound shall comply with the following:

- For Marketing Events, Wine Release Events and Industry Events, outdoor amplified sound shall be permitted between the hours of 10:00 a.m. and 10:00 p.m.
- For Large-scale Accessory Winery Events outdoor amplified sound shall be permitted between the hours of 10:00 a.m. and 9:00 p.m. Sunday through Thursday and between the hours of 10:00 a.m. and 10:00 p.m. on Friday and Saturday.

### **Noise Study**

Pursuant to Development Title Section 9-1075.9(f)(3), a Noise Study is required prior to permitting outdoor amplified sound at winery events to ensure compliance with the Noise Standards specified in Development Title Section 9-1075.9. For this application, a noise study was performed by WJV Acoustics and a report dated September 18, 2021 was submitted. The assessment noise level measurements were conducted in the direction and vicinity of the 3 nearest offsite residences: 1) located approximately 500 feet south; 2) located approximately 950 feet east; and, 3) located approximately 1,000 feet west. The sound system was located in the area labeled "Outdoor Event Area" on the site plan and the system was oriented to face toward the north, opposite and to the side of the closest residences

The project site is located on State Route 120, in the community of Escalon. Pursuant to the noise study report, the existing ambient noise in the vicinity of the project site already exceeds the County's noise level standards with the dominant source of noise being vehicle traffic on State Route 120. The assessment concluded that the project would not result in an increase in the existing ambient noise levels in the vicinity.

### **Traffic**

The original winery application for the project site was conditionally approved in 2019. At that time, the California Department of Transportation (Caltrans) required that the applicant make improvements to State Route 120 which included installing a two-way left turn lane along the frontage of the project parcel. This improvement required widening of the roadway. The resulting 350-foot long left turn lane now provides stacking for up to 14 vehicles waiting to turn left into the site. The lane also accommodates the turning requirements of trucks turning into and out of the site. A referral of the current application for the winery expansion and large agricultural store was sent to Caltrans on May 31, 2021. The Department responded June 28, 2021, that it had no further requirements as the two-left turn lane had been installed.

For this Use Permit, the San Joaquin County Department of Public Works required that the applicant submit a Transportation Technical Memorandum (TTM) from a registered traffic engineer certifying that the proposed development will not degrade service along adjacent roadways and/or intersections to unacceptable conditions. The memorandum, completed by transportation engineers KD Anderson and Associates Consulting, Inc., and dated November 24, 2021, concluded that the proposed improvements and events would not have an appreciable impact on the operation of, or the safety of, the roads providing access to the site.

### **Neighbor Responses**

The Community Development Department received comments on the project from 2 neighbors. A letter from the property owner of agricultural land located at 18185 S. Van Allen Road, Escalon expressed concern regarding traffic and access, land use compatibility and zoning, drunk driving, and security. An email from a representative for the owner of the property on the east side of the project site expressed concern regarding noise, trespassing, and complaints about farming nuisances. Each of these concerns is addressed below.

**Traffic and Access:** Concern was expressed regarding an increase in vehicle traffic resulting from the winery expansion project and the dangers associated with State Route 120. As discussed under the Traffic

heading above, Caltrans and the Department of Public Works have reviewed the proposed project and the previously approved Site Approval PA-1900082. Caltrans required improvements to State Route 120 to include widening and installing a two-way left turn lane along the frontage of the project parcel. The TTM was completed and Caltrans is satisfied that no further improvements are required. Additionally, a Transportation Technical Memorandum (TTM) was required by the Department of Public Works. This was completed and the TTM concluded that the project would not have a significant impact on traffic and that no additional access improvements beyond those on the site plan were needed. Lastly, the winery is required to utilize 1 or more parking attendants during all permitted events when the facility's permanent parking spaces will reach capacity or when the public roadway starts to be impacted. Therefore, the completed improvements with the required parking oversight is expected to address these concerns.

**Land Use Compatibility and Zoning:** Concern was expressed regarding the project's impact on neighboring agricultural operations and the need to rezone the property for the project. The proposed project is not a commercial or industrial project. The proposed project's winery, agricultural store, and food processing use types may be permitted in the AG-40 zone with an approved land use permit. No change in zoning is required to approve the project. Additionally, the project parcel is approximately 45 acres in size, with only 3 acres to be utilized for the project. The remaining acres will continue to be used for agricultural production.

**Security and Drunk Driving:** The proposed project has been reviewed by public agencies that are expected to provide services or have requirements related to the project type or location. Most of the responses from agencies are incorporated into the final conditions of approval in order to mitigate impacts from the project. In addition to these conditions, the project applicants and those customers that will use the facility are expected to comply with all laws and regulations that address issues beyond the scope of the Community Development Department.

**Screening:** An email from the farming group that farms the almond orchard on the property adjacent on the east side of the project parcel, expressed concern regarding complaints coming from the winery operators about the dust and agricultural applications from the orchard, and about winery visitors trespassing onto the neighboring property. The email requested that the project incorporate fencing to block access to the neighboring property and rows of evergreen trees or other hedge row vegetation dense enough to block dust, etc. The applicant has agreed to provide the fencing and vegetation, on both the east and the west sides of the project site, and this has been incorporated into the attached draft Conditions of Approval for the project.

**Noise:** Additionally, the email requested that any amplified sound satisfy San Joaquin County's noise ordinance. As discussed above under the Noise Study heading, a noise study was performed that monitored the noise level from amplified music at the nearest residences and concluded that the project would not result in an increase in ambient noise levels in the vicinity. The study noted that the existing ambient noise level, mostly from traffic on State Route 120, already exceeds the county standards for ambient sound levels.

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## **RECOMMENDATION**

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It is recommended that the Planning Commission:

1. Adopt the Mitigated Negative Declaration (Attachment C, Mitigated Negative Declaration);
2. Adopt the Mitigation Monitoring and Reporting Plan (Attachment F, Mitigation and Monitoring Report Plan);
3. Adopt the Findings for Use Permit (Attachment D, Findings); and
4. Approve Use Permit No. PA-2100039 with the attached Conditions of Approval (Attachment E, Conditions of Approval).

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**SAN JOAQUIN**  
— COUNTY —  
*Greatness grows here.*

## Community Development Department

Planning · Building · Code Enforcement · Fire Prevention · GIS

# Attachment A

## Site Plan

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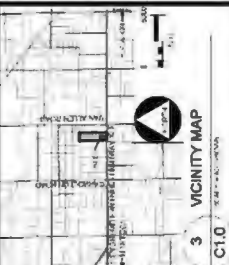
DATE: 02/25/2022  
 DRAWN BY: MRS  
 CHECKED BY: MRS  
 APPROVED BY: MRS

811  
 Know what's below.  
 Call before you dig.  
 811 / 800-227-2800

JOB NO. 18-003  
 BY: L. JACOBSON, 2021  
 DATE: 01/19/2021  
 SCALE: AS SHOWN

PRELIMINARY SITE PLAN  
**ZINC HOUSE WINERY**  
 20679 E. STATE ROUTE 120  
 ESCALON, CALIFORNIA

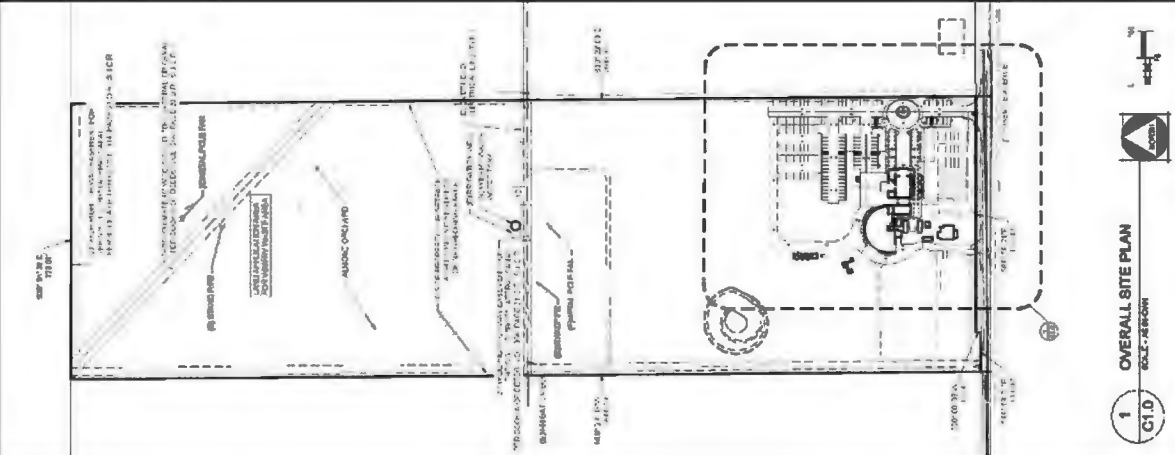
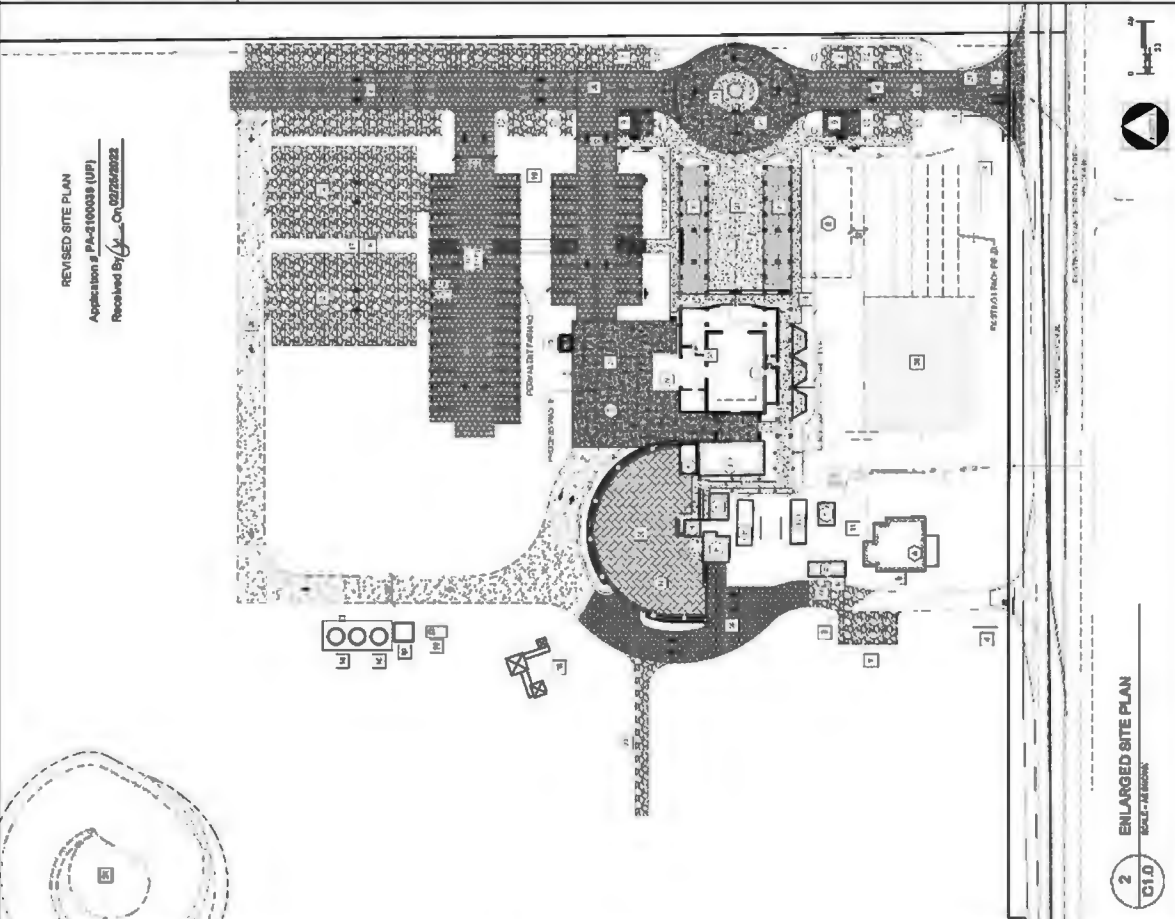
LATITUDE 37 PARKWAY, LLC.



**NUM. AREA SCHEDULE**

NO.	DESCRIPTION	AREA (SQ. FT.)	PERCENTAGE
1	EXISTING ASPHALT DRIVE	1,000	0.10
2	NEW ASPHALT DRIVE	1,000	0.10
3	EXISTING CONC. DRIVE	1,000	0.10
4	NEW CONC. DRIVE	1,000	0.10
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1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL ENGINEERING BOARD'S SPECIFICATIONS FOR HIGHWAY AND BRIDGE CONSTRUCTION.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES INFORMATION FROM THE 811 SERVICE AND THE LOCAL UTILITY COMPANIES.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY EROSION CONTROL PERMITS FROM THE CALIFORNIA DEPARTMENT OF WATER RESOURCES.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY FIRE DEPARTMENT APPROVALS.
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97. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PUBLIC WORKS APPROVALS.
98. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY TRANSPORTATION APPROVALS.
99. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES APPROVALS.
100. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY EROSION CONTROL APPROVALS.



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**SAN JOAQUIN**  
— COUNTY —  
*Greatness grows here.*

## Community Development Department

Planning · Building · Code Enforcement · Fire Prevention · GIS

## **Attachment B** **Response Letters**

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This letter is addressed to Alisa Goulart in reference to Application Number: PA-2100039 (UP) submitted by Latitude 37 Partners, LLC.

Ms. Goulart,

My name is Frank Bellino and I live at 27850 Owens Road in Escalon. I own property across Highway 120 from the proposed project location. My family is third generation farmers on Van Allen Road and farming is our sole source of income. I write this letter because of the need to preserve our right to farm in our predominately agricultural community. Agriculture is already a heavily regulated and restricted sector by both state and county, without the added oversight from a private business. The benefits of this project are solely for the property owners and project applicants, while the surrounding landowners and neighbors will deal with inevitable repercussions. The following points made are in respect to the Phase 2 Project.

Phase 1 includes converting an already existing 1,687 square foot agricultural building into a large agricultural store and preparation/ food manufacturing facility. Phase 2 would convert that 1,687 square foot space into a wine tasting room while expanding the store/ manufacturing facility into a space that is double the size. Why would the county approve a larger facility before the smaller store from phase 1 has yet to be built?

I disagree with the proposed wine tasting room due to its impending effect on the traffic in and out of the facility from a major highway. There is a turning lane on Highway 120 for motorists to use when making left hand turns onto Van Allen Road while traveling eastbound. Zinc House Farms turning lane connects with said turning lane, making for an extended lane that people use to drive in rather than use briefly to make turns. The proposed project map shows ONE entrance, which also acts as the ONE exit, that would put people directly into this turning lane when making a left turn to head into Escalon. Utilizing the turning lane as a merging lane would be dangerous for everyone using this facility and traveling along this stretch of highway.

I do not support converting the fruit stand, which can sell produce grown on site, to a storefront that can sell anything whether or not it is related to agriculture or the winery. Again, this 3,280 square foot storefront will require deliveries multiple times a week that will impact our current traffic situation. Along those same lines is the issue of a food manufacturing facility being on site, which may allow for a future restaurant to be built. As farmers, we are worried that the food manufacturing facility will hinder us from performing basic tasks such as orchard spraying, mowing, and harvesting as these all include dust and the use of chemicals. Circling back to my previous statement of agriculture already having many restrictions enforced by both state and county, will this private business have a say in how we farm due to their choice of location for a food manufacturing facility?

The property where the proposed project will be built is currently zoned AG-40, general agriculture. In order for the facilities to be built, there will need to be a change in zoning. This opens up the "floodgates" for surrounding property owners to change their status as well, bringing more commercial businesses along the highway and destroying more farmland and livelihoods. The beauty of our small farm community is just that, it is small. We take pride in not being a large city such as Manteca and Modesto where crime rates have soared. Something as simple as changing a zoning status for ONE business will create a snowball effect for

surrounding properties to follow suit, resulting in large companies finding our already trafficked stretch of highway 120 attractive for business.

As farmers we have to be worried about people trespassing on private property and causing harm to either our crops or even to themselves. This project has just begun and property owners are already running into this issue. The neighboring property to the east is a corner lot with access to Highway 120, as well as Van Allen Road, with a pipeline running along the north side of the property. This pipeline road is on private property but is being utilized by the construction companies as well as the applicants. If Highway 120 is too dangerous for the owners of Zinc House Farms and Latitude 37 Partners, LLC to use, how can they expect their future patrons to safely enter and exit their facility onto this major highway? Safe enough for customers but not for owners? Neighboring property owners are already taking measures to physically secure their land, costing them money and time.

Wine tasting, small and large-scale winery events, marketing events, and music events are all proposed facets of phase 2 expansion. As with any sponsored event where alcohol is involved there is an increased risk of drunk driving, but the risk of incident is magnified at this location with its ONE entrance and exit accessible from busy Highway 120. We do not have a traffic light on this stretch of highway to allow these business patrons to safely enter and exit the highway, nor should there be one just to accommodate this one business and the eventual increase in motor vehicles traveling in and out of their facility. With the increase of alcohol being consumed and purchased at this location, will there be an increase in police presence to ensure the public's safety? And who will incur the cost of that increased police presence? Will John Jr. & Mary Lynne Franzia Trust and Latitude 37 Partners, LLC be liable for the inevitable future collisions that will occur in front of their property due to the increase in traffic and alcohol consumption?

My hope, as a landowner and member of this community, is that you consider the full effect this proposed project would have on the surrounding property owners who have spent generations protecting their farmland from encroaching businesses. The existing business, Zinc House Farms, has already changed the landscape of the highway to accommodate the small amount of business they generate. Can you imagine the changes that will have to occur in order to expand their business to its proposed size? The influx of traffic, coupled with the increase in alcohol consumption, will no doubt cause issues in terms of drunk driving and trespassing on neighboring properties. The applicants will reap all the benefits of this expansion project, while surrounding landowners will no doubt incur all the negative impacts of having a large-scale business next door.

Thank you for your consideration,  
Frank Bellino

**Goulart, Alisa [CDD]**

---

**From:** Byrd, Timothy <Tim.Byrd@G3Enterprises.com>  
**Sent:** Thursday, March 24, 2022 4:55 PM  
**To:** Goulart, Alisa [CDD]  
**Subject:** FW: Preliminary Comments to PA-2100039 (UP)

**CAUTION:** This email is originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The Mary C. Gallo Trust ("MGT") owns the property at the northwest corner of St. Rt. 120 and Van Allen Road, commonly known as 17929 South Van Allen Road, Escalon, CA, San Joaquin County APN 205-080-030 ("MGT Property"). The MGT Property adjoins the east boundary of the proposed project covered by application number PA-2100039 (UP) ("Project").

On behalf of the MGT, I am submitting the following preliminary comments to the Project. MGT reserves the right to provide further comments as the project progresses and more information is available.

MGT farms almonds directly east of the Project, and requests that the Project incorporate evergreen trees and/or other green screen hedge row vegetation of sufficient density and height to block dust and applications used in the MGT agricultural operations and fencing to prevent public access to MGT Property. MGT also requests that conditions and mitigation measures be required regarding noise from any amplified or other sound source to ensure that the noise levels satisfy San Joaquin County noise standards at the property line between the MGT Property and the Project.

Thank you for the opportunity to comment on the Project.

Tim Byrd

209-602-0571



**DATE: June 24, 2021**

**PA-2100039**

**Property owner: John Franzia Jr. and Mary Lynne TR**

**Applicant: Latitude 37 Partners, LLC**

**APN / Address: 205/080/04/20679 E St. Rt. 120 Escalon**

**Planner: Alisa Goulart**

**Project Description: Winery**

**Building Conditions By: Mark Fine Deputy Director (Building Official) (209) 468-3180**

**BUILDING CODE REQUIREMENTS:** The following California Building Code (CBC) and San Joaquin County Ordinance requirements will be applicable to the proposed project. The following conditions shall be addressed prior to submittal of a building permit application to the Building Inspection Division:

1. A building permit for each separate structure or building is required. Submit plans, Specifications and supporting calculations, prepared by a Registered Design Professional (architect or engineer) for each structure or building, showing compliance with current adopted California Building, Existing Building, Mechanical, Plumbing, Electrical, Energy and Fire Codes as may be applicable. Plans for the different buildings or structures may be combined into a single set of construction documents.
2. A grading permit will be required for this project. Submit plans and grading calculations, including a statement of the estimated quantities of excavation and fill, prepared by a Registered Design Professional. The grading plan shall show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of the code. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of the code.
3. For each proposed new building, provide the following information on the plans:
  - a. Description of proposed use
  - b. Existing and proposed occupancy Groups
  - c. Type of construction
  - d. Sprinklers (Yes or No)
  - e. Number of stories
  - f. Building height
  - g. Allowable floor area
  - h. Proposed floor area
  - i. Occupant load based on the CBC
  - j. Occupant load based on the CPC
4. For the conversion of existing buildings, the change in use and occupancy classification may constitute a change of occupancy. A change of occupancy will require a code analysis report and necessary plans prepared by an architect or engineer in accordance with the current adopted California Building and Existing Building Code. The report and plans shall identify existing conditions, propose alterations necessary to bring the building in compliance with the current code and include the following:

- a. Description of proposed use
- b. Existing and proposed Occupancy Groups
- c. Type of construction
- d. Sprinklers (Yes or No)
- e. Number of stories
- f. Building height
- g. Allowable floor area
- h. Proposed floor area
- i. Occupant load based on the CBC for the new use
- j. Occupant load based on the CPC for the new use
- k. Risk Category analysis. (Agricultural Buildings are allowed to be constructed to Risk Category I, whereas other occupancies require Risk Category II or III.)

Modifications to existing buildings are required to include upgrades related to disability access pursuant to the current adopted California Building and Existing Building Code. Plans showing these upgrades must be prepared by a registered engineer or licensed architect and shall be submitted for review and approval prior to issuance of a building permit.

- 5. If high piled combustible storage is to be used in a building, an automatic fire sprinkler system will be required.
- 6. Accessible routes shall be provided per Chapter 11B of current adopted California Building Code. At least one accessible route shall be provided within the site from accessible parking spaces and accessible passenger loading zones; public streets and sidewalks; and public transportation stops to the accessible building or facility entrance they serve. Where more than one route is provided, all routes must be accessible. At least one accessible route shall connect accessible buildings, accessible facilities, accessible elements and accessible spaces that are on the same site.
- 7. Parking spaces will be required to accommodate persons with disabilities in compliance with Chapter 11B of the California Building Code. Note that accessible parking spaces are required for each phase of the project. These parking space(s) shall be located as close as possible to the primary entrance to the building.
- 8. Adequate sanitary facilities shall be provided for the facility, per the requirements of Chapter 4 of the current adopted California Plumbing Code. Pursuant to Section 422 of the California Plumbing Code, each building or structure shall be provided with toilet facilities for employees and customers. Requirements for customers and employees shall be permitted to be met with a single set of restrooms accessible to both groups. Required toilet facilities for employees and customers in other than shopping malls or centers shall have a maximum travel distance not to exceed 500 feet. The plans shall indicate the location of the toilet facilities and the travel distance from work areas.
- 9. If the project includes landscaping, the requirements of with the Model Water Efficient Landscape Ordinance of the California Code of Regulations, Title 22, Division 2, Chapter 2.7 will apply.



Department of Public Works

Kris Balaji, Director of Public Works

Fritz Buchman, Deputy Director/Development

Jim Stone, Deputy Director/Operations

Najee Zarif, Deputy Director/Engineering

Kristi Rhea, Business Administrator

June 21, 2021

MEMORANDUM

TO: Community Development Department  
CONTACT PERSON: Alisa Goulart

FROM: Alex Chetley, Engineering Services Manager *AC*  
Development Services Division

SUBJECT: PA-2100039; A Use Permit application to convert a small winery to a large winery and expand the agricultural processing and food manufacturing facilities to include an agricultural products store in two (2) phases over five (5) years. The small winery, which was originally approved with Site Approval PA-1900083, is currently under construction.

Phase 1 to include:

- Increasing winery production capacity from a maximum of 36,000 gallons of wine per year to a minimum of 100,000 gallons of wine per year.
- Converting a portion of an agricultural processing and food manufacturing building (Building J) to an agricultural product store.

Phase 2 to include:

- Converting Building J from an agricultural product store with agricultural processing and food manufacturing to a wine tasting room.
- Constructing a new 3,280 square foot agricultural products store with processing and manufacturing (Building S).

Annual events with amplified sound and catered food are also propose for the winery and include: (12) Small-Scale Winery Events with a maximum of (80) attendees, (12) Large-Scale Winery Events with a maximum of (116) attendees, (4) Wine Release Events with a maximum of (300) attendees, and (20) Marketing Events with a maximum of (300) attendees; located on the north side of East State Route 120, 797 feet west of South Van Allen Road, Escalon. (Supervisory District 4)

OWNER: John & Mary Franzia Trust

APPLICANT: Latitude 37 Partners, LLC.

ADDRESS: 20679 E. State Route 120, Escalon

APN: 205-080-04

INFORMATION:

The site is not currently located within a Federal Emergency Management Agency Designated Flood Hazard Area.

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PA-2100039 (UP)

State Route 120 has an existing and planned right-of-way width per Caltrans

**REQUIREMENTS:**

The applicant shall complete the following requirements before the Department of Public Works can support or deem complete the application for this project:

- 1) A traffic study shall be required to determine the impacts and mitigation of the proposed project. The developer shall deposit funds with the County for all costs, as estimated by the Department of Public Works Transportation Engineering Division, prior to Department of Public Works preparing or contracting for the required study. (Development Title Section 9-1150.4)

Upon satisfaction of the above requirements, the following Conditions of Approval shall apply. Additional and/or revised Conditions of Approval may be necessary based upon the completed application.

**RECOMMENDATIONS:**

- 1) A Caltrans encroachment permit shall be required for all work within Caltrans right-of-way.
- 2) Prior to issuance of the occupancy permit, the driveway approaches shall be improved in accordance with Caltrans' requirements.
- 3) All vehicular parking related to applicant's winery shall be onsite at all times. Parking in the County or Caltrans right-of-way for all events shall be prohibited. It is the responsibility of the applicant to monitor State Route 120 to ensure compliance with this requirement.
- 4) The Traffic Impact Mitigation Fee shall be required for this application. The fee is due and payable at the time of building permit application. The fee shall be automatically adjusted July 1 of each year by the Engineering Construction Cost Index as published by the Engineering News Record. (Resolution R-00-433)
- 5) The Regional Transportation Impact Fee shall be required for this application. The fee is due and payable at the time of building permit application. The fee will be based on the current schedule at the time of payment. (Resolution R-06-38)
- 6) A copy of the Final Site Plan shall be submitted prior to release of building permit.
- 7) The developer shall provide drainage facilities in accordance with the San Joaquin County Development Standards. Retention basins shall be fenced with six (6) foot high chain link fence or equal when the maximum design depth is 18 inches or more. Required retention basin capacity shall be calculated and submitted along with a drainage plan for review and approval, prior to release of building permit. (Development Title Section 9-1135)

PA-2100039 (UP)

Informational Notes:

- (i.) If the Project disturbs more than one acre of land, the applicant must submit a Notice of Intent with State Water Resources Control Board under the Construction General Permit.

AC:CH





**Department of Public Works**

**Kris Balaji, Director of Public Works**

**Fritz Buchman, Deputy Director/Development**

**David Tolliver, Deputy Director/Operations**

**Najee Zarif, Deputy Director/Engineering**

**Kristi Rhea, Business Administrator**

February 28, 2022

**MEMORANDUM**

**TO:** Community Development Department  
CONTACT PERSON: Alisa Goulart

**FROM:** Alex Chetley, Engineering Services Manager *AC*  
Development Services Division

**SUBJECT:** PA-2100039; Use Permit application to convert a small winery to a large winery with added events, to expand a produce stand into a large agricultural store, and to add food manufacturing, in 2 phases over 5 years. The small winery, which was originally approved with Site Approval No. PA-1900083, is currently under construction.

Phase 1 to include:

- Increasing annual winery production capacity to a minimum of 100,000 gallons.
- Converting an existing 1,687-square-foot agricultural building to a large agricultural store and preparation / food manufacturing facility.

Phase 2 to include:

- Converting the 1,687-square-foot agricultural product store from Phase 1 to a wine tasting room.
- Constructing a 3,280-square-foot agricultural products store to include preparation and food manufacturing.

Winery events for which the winery is currently approved are: (12) annual Small-scale Accessory Winery Events with a maximum of 80 attendees and (4) annual Wine Release events with a maximum of 150 attendees. This application proposes to increase the maximum number of attendees at Wine Release events to 300, to add (12) annual Large-scale Accessory Winery events with a maximum of 116 attendees, and to add (20) annual Marketing Events with a maximum of 300 attendees; located on the north side of East State Route 120, 797 feet west of South Van Allen Road, Escalon. (Supervisorial District 4)

**OWNER:** John & Mary Franzia Trust

**APPLICANT:** Latitude 37 Partners, LLC.


**ADDRESS:** 20679 E. State Route 120, Escalon

**APN:** 205-080-04

**INFORMATION:**

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PA-2100039 (UP)

State Route 120 has an existing and planned right-of-way width per Caltrans

**REQUIREMENTS:**

The applicant shall complete the following requirements before the Department of Public Works can support or deem complete the application for this project:

- 1) Applicant shall provide to Public Works for review and approval, a "Technical Memorandum" from a registered traffic engineer certifying that the proposed development will not degrade the level of service along adjacent roadways and/or intersections to unacceptable conditions. Guidelines for the required content of the "Technical Memorandum" are available at the Department of Public Works. (A processing fee based on the current fee schedule is required.)

Upon satisfaction of the above requirements, the following Conditions of Approval shall apply. Additional and/or revised Conditions of Approval may be necessary based upon the completed application.

**RECOMMENDATIONS:**

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PA-2100039 (UP)

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AC:CH



Department of Public Works

Kris Balaji, Director of Public Works

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February 28, 2022

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Development Services Division

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Phase 1 to include:

- Increasing annual winery production capacity to a minimum of 100,000 gallons.
- Converting an existing 1,687-square-foot agricultural building to a large agricultural store and preparation / food manufacturing facility.

Phase 2 to include:

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Winery events for which the winery is currently approved are: (12) annual Small-scale Accessory Winery Events with a maximum of 80 attendees and (4) annual Wine Release events with a maximum of 150 attendees. This application proposes to increase the maximum number of attendees at Wine Release events to 300, to add (12) annual Large-scale Accessory Winery events with a maximum of 116 attendees, and to add (20) annual Marketing Events with a maximum of 300 attendees; located on the north side of East State Route 120, 797 feet west of South Van Allen Road, Escalon. (Supervisorial District 4)

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PA-2100039 (UP)

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Upon satisfaction of the above requirements, the following Conditions of Approval shall apply. Additional and/or revised Conditions of Approval may be necessary based upon the completed application.

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- 3) All vehicular parking related to applicant's winery shall be onsite at all times. Parking in the County or Caltrans right-of-way for all events shall be prohibited. It is the responsibility of the applicant to monitor State Route 120 to ensure compliance with this requirement.
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PA-2100039 (UP)

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Informational Notes:

- (i.) If the Project disturbs more than one acre of land, the applicant must submit a Notice of Intent with State Water Resources Control Board under the Construction General Permit.

AC:CH



## Environmental Health Department

**Jasjit Kang, REHS, Director**

Muniappa Naidu, REHS, Assistant Director

**PROGRAM COORDINATORS**

Robert McClellon, REHS

Jeff Carruesco, REHS, RDI


Willy Ng, REHS

Melissa Nissim, REHS

Steven Shih, REHS

June 9, 2021

To: San Joaquin County Community Development Department  
Attention: Alisa Goulart

From: Aaron Gooderham; (209) 616-3062  
Registered Environmental Health Specialist 

RE: **PA-2100039 (UP), Early Consultation, SU0013999**  
**20679 East HWY 120, Escalon**

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The following requirements have been identified as pertinent to this project. Other requirements may also apply. These requirements cannot be modified.

- 1) The onsite sewage disposal system (SR0083751) shall be inspected and approved by the Environmental Health Department before Certificate of Final Occupancy is issued (San Joaquin County Development Title, Section 9-1110.4 (d)).
- 2) The onsite wastewater treatment system (OWTS) shall be designed to receive all domestic sewage and wastewater from the property. Only domestic sewage is allowed to discharge into the OWTS. No basement, footing or surface drainage or discharge from water softener, iron filter, pool filters, or water treatment systems shall be permitted to enter any part of the OWTS. (San Joaquin County OWTS Standards 1.10.1)
  - a) Prohibited discharges into OWTS include: automobile and garage waste, storm drainage, solvents and toxics, solids, garbage, kitchen wastewater from restaurant or bar, air conditioners, hazardous wastes, backwash, truck terminal wastes, recreational vehicle holding tank waste, industrial and manufacturing waste, and food processing wastes. (San Joaquin County Development Title, Section 9-1110.7 and San Joaquin County OWTS 1.14).
- 3) Applicant will need to get written approval from a public entity for the disposal of winery wastewater by removal of winery wastewater to an offsite disposal facility or from the Central Valley Regional Water Quality Control Board for discharge to land. That written approval shall be presented to the Environmental Health Department prior to issuance of building permit and/or final occupancy approval (San Joaquin County Development Title, Section 9-1125.5).
- 4) Applicant shall contact Robert McClellon, Program Coordinator, Small Public Water System Program, at (209) 468-0332, to determine if the existing well can be permitted as a public water system prior to issuance of building permits. If a public water system is required, applicant shall submit a Small Public Water System preliminary technical report to the California State Water Resources Control Board, Division of Drinking Water (Water Board) at least six months before initiating construction of any water related improvement, as defined. The issuance of a permit to operate a small public water system by the local primacy agency (EHD) is prohibited without the concurrence of the Water Board. Please contact Brian Kidwell, P.E. with the SWRCB Division of Drinking Water at (209): 948-3963 concerning the requirements for preliminary technical report submittal prior to issuance of building permits.

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If the Water Board determines that an onsite well shall be used as the potable water source, a permit application to operate Small Public Water System shall be submitted to the EHD for approval prior to issuance of building permits. To issue a permit to operate, concurrence from the Water Board is required. A yearly permit to operate a public water system will be required by the EHD prior to sign off of the certificate of final occupancy (San Joaquin County Development Title, Section 9-1120.2 and 9-1115.9.).

The supplier must possess adequate financial, managerial, and technical capability to assure delivery of pure, wholesome, and potable drinking water in accordance with San Joaquin County Development Title, Sections 9-1120.2 and 9-1115.9 and C.C.R., Title 22, and Health and Safety Code, Section 116525 116570.

- 5) The existing private water wells shall be tested for the chemical Dibromochloropropane (DBCP) and nitrates with the results submitted to the Environmental Health Department prior to issuance of building permit(s). Samples are to be taken and analyzed by a State-approved laboratory (San Joaquin County Development Title, Section 9-1115.7).

Note: EHD has received water samples analyzed for DBCP and Nitrates in the soil suitability and nitrate loading study dated February 24, 2020.

- 6) Any geotechnical drilling shall be conducted under permit and inspection by The Environmental Health Department (San Joaquin County Development Title, Section 9-1115.3 and 9-1115.6).
- 7) Submit two (2) hardcopy sets, or one (1) electronic version, of food facility plans to the Environmental Health Department for review and approval prior to issuance of building permit(s) (California Retail Food Code, Article 1, 114380). The fee will be based on the current schedule at the time of payment.
- 8) A valid permit from EHD is required prior to operating food facility (California Retail Food Code, Chapter 13, Article 1, Section 14381).
- 9) Before any hazardous materials/waste can be stored or used onsite, the owner/operator must report the use or storage of these hazardous materials to the California Environmental Reporting System (CERS) at [cers.calepa.ca.gov/](http://cers.calepa.ca.gov/) and comply with the laws and regulations for the programs listed below (based on quantity of hazardous material in some cases). The applicant may contact the Program Coordinator of the CUPA program, Melissa Nissim (209) 468-3168, with any questions.
  - a) Any amount but not limited to the following hazardous waste; hazardous material spills, used oil, used oil filters, used oil-contaminated absorbent/debris, waste antifreeze, used batteries or other universal waste, etc. – Hazardous Waste Program (Health & Safety Code (HSC) Sections 25404 & 25180 et sec.)
  - b) Onsite treatment of hazardous waste – Hazardous Waste Treatment Tiered Permitting Program (HSC Sections 25404 & 25200 et sec. & California Code of Regulations (CCR), Title 22, Section 67450.1 et sec.)
  - c) Reportable quantities of hazardous materials-reportable quantities are 55 gallons or more of liquids, 500 pounds for solids, or 200 cubic feet for compressed gases, with some exceptions. Carbon dioxide is a regulated substance and is required to be reported as a hazardous material if storing 1,200 cubic feet (137 pounds) or more onsite in San Joaquin County – Hazardous Materials Business Plan Program (HSC Sections 25508 & 25500 et sec.)



- d) Any amount of hazardous material stored in an Underground Storage Tank – Underground Storage Tank Program (HSC Sections 25286 & 25280 et sec.)
  - i) If an underground storage tank (UST) system will be installed, a permit is required to be submitted to, and approved by, the San Joaquin County Environmental Health Department (EHD) before any UST installation work can begin.
  - ii) Additionally, an EHD UST permit to operate is required once the approved UST system is installed.
- e) Storage of at least 1,320 gallons of petroleum aboveground or any amount of petroleum stored below grade in a vault – Aboveground Petroleum Storage Program (HSC Sections 25270.6 & 25270 et sec.)
  - i) Spill Prevention, Countermeasures and Control (SPCC) Plan requirement
- f) Threshold quantities of regulated substances stored onsite - California Accidental Release Prevention (CalARP) Program (Title 19, Section 2735.4 & HSC Section 25531 et sec.)
  - i) Risk Management Plan requirement for covered processes



## Environmental Health Department

**Jasjit Kang, REHS, Director**

Muniappa Naidu, REHS, Assistant Director

**PROGRAM COORDINATORS**

Robert McClellon, REHS

Jeff Carruesco, REHS, RDI

Willy Ng, REHS


Melissa Nissim, REHS

Steven Shih, REHS

Michelle Henry, REHS

March 1, 2022

To: San Joaquin County Community Development Department  
Attention: Alisa Goulart

From: Aaron Gooderham (209) 616-3062  
Registered Environmental Health Specialist 

RE: **PA-2100039 (UP), Referral, SU0013999**  
**20679 E. HWY 120, Escalon**

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The following requirements have been identified as pertinent to this project. Other requirements may also apply. These requirements cannot be modified.

1. The onsite sewage disposal system (SR0083751) shall be inspected and approved by the Environmental Health Department before Certificate of Final Occupancy is issued (San Joaquin County Development Title, Section 9-1110.4 (d)).
2. The onsite wastewater treatment system (OWTS) shall be designed to receive all domestic sewage and wastewater from the property. Only domestic sewage is allowed to discharge into the OWTS. No basement, footing or surface drainage or discharge from water softener, iron filter, pool filters, or water treatment systems shall be permitted to enter any part of the OWTS. (San Joaquin County OWTS Standards 1.10.1)
  - a. Prohibited discharges into OWTS include: automobile and garage waste, storm drainage, solvents and toxics, solids, garbage, kitchen wastewater from restaurant or bar, air conditioners, hazardous wastes, backwash, truck terminal wastes, recreational vehicle holding tank waste, industrial and manufacturing waste, and food processing wastes. (San Joaquin County Development Title, Section 9-1110.7 and San Joaquin County OWTS 1.14).
3. Applicant will need to get written approval from a public entity for the disposal of winery wastewater by removal of winery wastewater to an offsite disposal facility or from the Central Valley Regional Water Quality Control Board for discharge to land. That written approval shall be presented to the Environmental Health Department prior to issuance of building permit and/or final occupancy approval (San Joaquin County Development Title, Section 9-1125.5).
4. The existing private water wells shall be tested for the chemical Dibromochloropropane (DBCP) and nitrates with the results submitted to the Environmental Health Department prior to issuance of building permit(s). Samples are to be taken and analyzed by a State-approved laboratory (San Joaquin County Development Title, Section 9-1115.7).

Note: EHD has received water samples analyzed for DBCP and Nitrates in the soil suitability and nitrate loading study dated February 24, 2020.
5. Any geotechnical drilling shall be conducted under permit and inspection by The Environmental Health Department (San Joaquin County Development Title, Section 9-1115.3 and 9-1115.6).

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6. Submit two (2) hardcopy sets, or one (1) electronic version, of food facility plans to the Environmental Health Department for review and approval prior to issuance of building permit(s) (California Retail Food Code, Article 1, 114380). The fee will be based on the current schedule at the time of payment.
7. A valid permit from EHD is required prior to operating food facility (California Retail Food Code, Chapter 13, Article 1, Section 14381).
8. Before any hazardous materials/waste can be stored or used onsite, the owner/operator must report the use or storage of these hazardous materials to the California Environmental Reporting System (CERS) at [cers.calepa.ca.gov/](http://cers.calepa.ca.gov/) and comply with the laws and regulations for the programs listed below (based on quantity of hazardous material in some cases). The applicant may contact the Program Coordinator of the CUPA program, Melissa Nissim (209) 468-3168, with any questions.
  - a. Any amount but not limited to the following hazardous waste; hazardous material spills, used oil, used oil filters, used oil-contaminated absorbent/debris, waste antifreeze, used batteries or other universal waste, etc. – Hazardous Waste Program (Health & Safety Code (HSC) Sections 25404 & 25180 et sec.)
  - b. Onsite treatment of hazardous waste – Hazardous Waste Treatment Tiered Permitting Program (HSC Sections 25404 & 25200 et sec. & California Code of Regulations (CCR), Title 22, Section 67450.1 et sec.)
  - c. Reportable quantities of hazardous materials-reportable quantities are 55 gallons or more of liquids, 500 pounds for solids, or 200 cubic feet for compressed gases, with some exceptions. Carbon dioxide is a regulated substance and is required to be reported as a hazardous material if storing 1,200 cubic feet (137 pounds) or more onsite in San Joaquin County – Hazardous Materials Business Plan Program (HSC Sections 25508 & 25500 et sec.)
  - d. Any amount of hazardous material stored in an Underground Storage Tank – Underground Storage Tank Program (HSC Sections 25286 & 25280 et sec.)
    - i. If an underground storage tank (UST) system will be installed, a permit is required to be submitted to, and approved by, the San Joaquin County Environmental Health Department (EHD) before any UST installation work can begin.
    - ii. Additionally, an EHD UST permit to operate is required once the approved UST system is installed.
  - e. Storage of at least 1,320 gallons of petroleum aboveground or any amount of petroleum stored below grade in a vault – Aboveground Petroleum Storage Program (HSC Sections 25270.6 & 25270 et sec.)
    - i. Spill Prevention, Countermeasures and Control (SPCC) Plan requirement
  - f. Threshold quantities of regulated substances stored onsite - California Accidental Release Prevention (CalARP) Program (Title 19, Section 2735.4 & HSC Section 25531 et sec.)
    - i. Risk Management Plan requirement for covered processes



S J C O G, Inc.

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San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)

**SJMSCP RESPONSE TO LOCAL JURISDICTION (RTLJ)  
ADVISORY AGENCY NOTICE TO SJCOG, Inc.**

**To:** Alisa Goulart, San Joaquin County, Community Development Department

**From:** Laurel Boyd, SJCOG, Inc.

**Date:** May 14, 2021

**Local Jurisdiction Project Title:** PA-2100039 (UP)

**Assessor Parcel Number(s):** 205-080-04

**Local Jurisdiction Project Number:** PA-2100039 (UP)

**Total Acres to be converted from Open Space Use:** Unknown

**Habitat Types to be Disturbed:** Multi-Purpose Open Habitat Land

**Species Impact Findings:** Findings to be determined by SJMSCP biologist.

Dear Mr. Sanfilippo:

SJCOG, Inc. has reviewed the application referral for PA-2100039 (UP). This project consists of a Use Permit application to convert a small winery to a large winery and expand the agricultural processing and food manufacturing facilities to include an agricultural products store in 2 phases over 5 years. (Use Type: Wineries and Wine Cellars – Winery, large; Agricultural Processing – Food Manufacturing; Produce Sales – Agricultural Store, Large). The small winery, which was originally approved with Site Approval No. PA-1900083, is currently under construction.

Phase 1 includes:

- Increasing winery production capacity from a maximum of 36,000 gallons of wine per year to a minimum of 100,000 gallons of wine per year
- Construction a new 3,280 square foot agricultural products store with processing and manufacturing (Building S).

Phase 2 (within 5 years of approval date) includes:

- Converting Building J from an agricultural product store with agricultural processing and food manufacturing to a wine tasting room.
- Constructing a new 3,280 square foot agricultural products store with processing and manufacturing (Building S).

Annual events with amplified sound and catered food are also proposed for the winery and include: 12 Small-Scale Winery Events with a maximum of 80 attendees, 12 Large-Scale Winery Events with a maximum of 116 attendees, 4 Wine Release Events with a maximum of 300 attendees, and 20 Marketing Events with a maximum of 300 attendees. All events with 150 or more attendees will utilize portable toilets.

This parcel is serviced by an existing on-site well and septic system that will remain in use. An existing store drain basin and rainwater collection tank will be utilized for storm water. The project site is on the north side of E. State Route 120 Highway 120, 797 feet west of S. Van Allen Road, Escalon (APN/Address 205-080-04/20679 E. State Route 120 Highway, Escalon).

San Joaquin County is a signatory to San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). Participation in the SJMSCP satisfies requirements of both the state and federal endangered species acts, and ensures that the impacts are mitigated below a level of significance in compliance with the California Environmental Quality Act (CEQA). The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measure are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP. Although participation in the SJMSCP is voluntary, Local Jurisdiction/Lead Agencies should be aware that if project applicants choose against participating in the SJMSCP, they will be required to provide alternative mitigation in an amount and kind equal to that provided in the SJMSCP.

**This project is subject to the SJMSCP** and is located within the unmapped land use area. Per requirements of the SJMSCP, unmapped projects are subject to case-by-case review. This can be a 90 day process and it is recommended

## 2 | S J C O G , I n c .

that the project applicant contact SJMSCP staff as early as possible. It is also recommended that the project applicant obtain an information package. <http://www.sjocog.org>

If this project is approved by the Habitat Technical Advisory Committee and the SJCOG Inc. Board, the following process must occur to participate in the SJMSCP:

- Schedule a SJMSCP Biologist to perform a pre-construction survey **prior to any ground disturbance**
- SJMSCP Incidental take Minimization Measures and mitigation requirement:
  1. Incidental Take Minimization Measures (ITMMs) will be issued to the project and must be signed by the project applicant prior to any ground disturbance but no later than six (6) months from receipt of the ITMMs. If ITMMs are not signed within six months, the applicant must reapply for SJMSCP Coverage. Upon receipt of signed ITMMs from project applicant, SJCOG, Inc. staff will sign the ITMMs. This is the effective date of the ITMMs.
  2. Under no circumstance shall ground disturbance occur without compliance and satisfaction of the ITMMs.
  3. Upon issuance of fully executed ITMMs and prior to any ground disturbance, the project applicant must:
    - a. Post a bond for payment of the applicable SJMSCP fee covering the entirety of the project acreage being covered (the bond should be valid for no longer than a 6 month period); or
    - b. Pay the appropriate SJMSCP fee for the entirety of the project acreage being covered; or
    - c. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
    - d. Purchase approved mitigation bank credits.
  4. Within 6 months from the effective date of the ITMMs or issuance of a building permit, whichever occurs first, the project applicant must:
    - a. Pay the appropriate SJMSCP for the entirety of the project acreage being covered; or
    - b. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
    - c. Purchase approved mitigation bank credits.

Failure to satisfy the obligations of the mitigation fee shall subject the bond to be called.
- Receive your Certificate of Payment and release the required permit

*It should be noted that if this project has any potential impacts to waters of the United States [pursuant to Section 404 Clean Water Act], it would require the project to seek voluntary coverage through the unmapped process under the SJMSCP which could take up to 90 days. It may be prudent to obtain a preliminary wetlands map from a qualified consultant. If waters of the United States are confirmed on the project site, the Corps and the Regional Water Quality Control Board (RWQCB) would have regulatory authority over those mapped areas [pursuant to Section 404 and 401 of the Clean Water Act respectively] and permits would be required from each of these resource agencies prior to grading the project site.*

If you have any questions, please call (209) 235-0600.



**S J C O G, Inc.**

*San Joaquin County Multi-Species Habitat Conservation & Open Space Plan*

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**SJMSCP HOLD**

**TO:** Local Jurisdiction: Community Development Department, Planning Department, Building Department, Engineering Department, Survey Department, Transportation Department, Other:

**FROM:** Laurel Boyd, SJCOG, Inc.

**DO NOT AUTHORIZE SITE DISTURBANCE  
DO NOT ISSUE A BUILDING PERMIT  
DO NOT ISSUE \_\_\_\_\_ FOR THIS PROJECT**

The landowner/developer for this site has requested coverage pursuant to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). In accordance with that agreement, the Applicant has agreed to:

- 1) SJMSCP Incidental Take Minimization Measures and mitigation requirement:
    - 1. Incidental Take Minimization Measures (ITMMs) will be issued to the project and must be signed by the project applicant prior to any ground disturbance but no later than six (6) months from receipt of the ITMMs. If ITMMs are not signed within six months, the applicant must reapply for SJMSCP Coverage. Upon receipt of signed ITMMs from project applicant, SJCOG, Inc. staff will sign the ITMMs. This is the effective date of the ITMMs.
    - 2. Under no circumstance shall ground disturbance occur without compliance and satisfaction of the ITMMs.
    - 3. Upon issuance of fully executed ITMMs and prior to any ground disturbance, the project applicant must:
      - a. Post a bond for payment of the applicable SJMSCP fee covering the entirety of the project acreage being covered (the bond should be valid for no longer than a 6 month period); or
      - b. Pay the appropriate SJMSCP fee for the entirety of the project acreage being covered; or
      - c. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
      - d. Purchase approved mitigation bank credits.
    - 4. Within 6 months from the effective date of the ITMMs or issuance of a building permit, whichever occurs first, the project applicant must:
      - a. Pay the appropriate SJMSCP for the entirety of the project acreage being covered; or
      - b. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
      - c. Purchase approved mitigation bank credits.
- Failure to satisfy the obligations of the mitigation fee shall subject the bond to be called.

Project Title: PA-2100039 (UP)

Landowner: John Jr. & Mary Lynne Franzia Trust

Applicant: Latitude 37 Partners, LLC

Assessor Parcel #s: 205-080-04

T \_\_\_\_\_, R \_\_\_\_\_, Section(s): \_\_\_\_\_

Local Jurisdiction Contact: Alisa Gouliart

**The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measures are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP.**





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San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)

**SJMSCP RESPONSE TO LOCAL JURISDICTION (RTLJ)  
ADVISORY AGENCY NOTICE TO SJCOG, Inc.**

**To:** Alisa Goulart, San Joaquin County, Community Development Department

**From:** Laurel Boyd, SJCOG, Inc.

**Date:** March 1, 2022

**Local Jurisdiction Project Title:** PA-2100039 (UP)

**Assessor Parcel Number(s):** 205-080-04

**Local Jurisdiction Project Number:** PA-2100039 (UP)

**Total Acres to be converted from Open Space Use:** Unknown

**Habitat Types to be Disturbed:** Multi-Purpose Open Space Habitat Land

**Species Impact Findings:** Findings to be determined by SJMSCP biologist.

Dear Ms. Goulart:

SJCOG, Inc. has reviewed the application referral for PA-2100039 (UP). This project consists of a Use Permit application to convert a small winery to a large winery with added events, to expand a produce stand into a large agricultural store, and to add food manufacturing, in 2 phases over 5 years. The small winery, which was originally approved with Site Approval PA-1900083, is currently under construction. (Use Type: Wineries and Wine Cellars – Winery, large; Agricultural Processing – Preparation Services and Food Manufacturing; Produce Sales – Agricultural Store, Large).

Phase 1 includes:

- Increasing winery production capacity from to a minimum of 100,000 gallons; and
- Converting an existing 1,687 square foot agricultural building to a large agricultural store and preparation /food manufacturing facility.

Phase 2 (within 5 years of approval date) includes:

- Converting the 1,667 square foot agricultural product store from Phase 1 to a wine tasting room; and
- Constructing a 3,280 square foot agricultural products store to include preparation and food manufacturing.

The project proposes daily winery and agricultural store operations for 13 hours per day (6:30 am to 7:30 pm). Agricultural processing and food manufacturing operations are proposed for 5 days weekly for 14 hours per day. Winery events for which the winery is currently approved are: 12 annual Small-scale Accessory Winery Events with a maximum of 80 attendees and 4 annual Wine Release events with a maximum of 150 attendees. This application proposes to increase the maximum number of attendees at Wine Release events to 300, to add 12 annual Large-scale Accessory Winery events with a maximum of 116 attendees, and to add 20 annual Marketing Events with a maximum of 300 attendees. The application also proposes having outdoor, amplified sound and/or music at Marketing Events and Large-scale Accessory Winery Events. The project site is on the north side of E. State Route 120 Highway 120, 797 feet west of S. Van Allen Road, Escalon (APN/Address 205-080-04/20679 E. State Route 120 Highway, Escalon).

San Joaquin County is a signatory to San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). Participation in the SJMSCP satisfies requirements of both the state and federal endangered species acts, and ensures that the impacts are mitigated below a level of significance in compliance with the California Environmental Quality Act (CEQA). The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measure are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP. Although participation in the SJMSCP is voluntary, Local Jurisdiction/Lead Agencies should be aware that if project applicants choose against participating in the SJMSCP, they will be required to provide alternative mitigation in an amount and kind equal to that provided in the SJMSCP.

***This project is subject to the SJMSCP*** and is located within the unmapped land use area. Per requirements of the SJMSCP, unmapped projects are subject to case-by-case review. This can be a 90 day process and it is recommended that the project applicant contact SJMSCP staff as early as possible. It is also recommended that the project applicant obtain an information package. <http://www.sjco.org>

If this project is approved by the Habitat Technical Advisory Committee and the SJCOG Inc. Board, the following process must occur to participate in the SJMSCP:

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- SJMSCP Incidental take Minimization Measures and mitigation requirement:
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Failure to satisfy the obligations of the mitigation fee shall subject the bond to be called.
- Receive your Certificate of Payment and release the required permit

*It should be noted that if this project has any potential impacts to waters of the United States [pursuant to Section 404 Clean Water Act], it would require the project to seek voluntary coverage through the unmapped process under the SJMSCP which could take up to 90 days. It may be prudent to obtain a preliminary wetlands map from a qualified consultant. If waters of the United States are confirmed on the project site, the Corps and the Regional Water Quality Control Board (RWQCB) would have regulatory authority over those mapped areas [pursuant to Section 404 and 401 of the Clean Water Act respectively] and permits would be required from each of these resource agencies prior to grading the project site.*

If you have any questions, please call (209) 235-0600.





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*San Joaquin County Multi-Species Habitat Conservation & Open Space Plan*

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**SJMSCP HOLD**

**TO:** Local Jurisdiction: Community Development Department, Planning Department, Building Department, Engineering Department, Survey Department, Transportation Department, Other:

**FROM:** Laurel Boyd, SJCOG, Inc.

**DO NOT AUTHORIZE SITE DISTURBANCE  
DO NOT ISSUE A BUILDING PERMIT  
DO NOT ISSUE \_\_\_\_\_ FOR THIS PROJECT**

The landowner/developer for this site has requested coverage pursuant to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). In accordance with that agreement, the Applicant has agreed to:

- 1) SJMSCP Incidental Take Minimization Measures and mitigation requirement:
    - 1. Incidental Take Minimization Measures (ITMMs) will be issued to the project and must be signed by the project applicant prior to any ground disturbance but no later than six (6) months from receipt of the ITMMs. If ITMMs are not signed within six months, the applicant must reapply for SJMSCP Coverage. Upon receipt of signed ITMMs from project applicant, SJCOG, Inc. staff will sign the ITMMs. This is the effective date of the ITMMs.
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Project Title: PA-2100039 (UP)

Landowner: John Jr. & Mary Lynne Franzia Trust

Applicant: Latitude 37 Partners, LLC

Assessor Parcel #s: 205-080-04

T \_\_\_\_\_, R \_\_\_\_\_, Section(s): \_\_\_\_\_

Local Jurisdiction Contact: Alisa Goulart

**The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measures are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP.**



June 11, 2021

Alisa Goulart  
San Joaquin County  
Community Development Department  
1810 E Hazelton Ave  
Stockton, Ca, 95205

**Project: PA-2100039 (UP)**

**District CEQA Reference No: 20210499**

Dear Ms. Goulart:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above from the San Joaquin County (County) consisting of converting a small winery to a large winery and expand the agricultural processing and food manufacturing facilities to include an agricultural products store in 2 phases over 5 years (Project). The Project is located at 20679 E. State Route 120 in Escalon, CA (APN 205-080-04).

**Project Scope**

The Project consists of converting a small winery to a large winery and expand the agricultural processing and food manufacturing facilities to include an agricultural products store in 2 phases over 5 years. Phase 1 includes increasing winery production capacity from a maximum of 36,000 gallons of wine per year to a minimum of 100,000 gallons of wine per year. In addition, converting a portion of an agricultural processing and food manufacturing building (Building J) to an agricultural product store. Phase 2 includes Converting Building J from an agricultural product store with agricultural processing and food manufacturing to a wine tasting room. In addition, constructing a new 3,280-square-foot agricultural products store with processing and manufacturing (Building S).

Based on information provided to the District, Project specific annual emissions from construction and operation emissions of criteria pollutants are not expected to exceed any of the following District significance thresholds: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic

**Samir Sheikh**  
Executive Director/Air Pollution Control Officer

**Northern Region**  
4800 Enterprise Way  
Modesto, CA 95356-8718  
Tel: (209) 557-8400 FAX: (209) 557-8475

**Central Region (Main Office)**  
1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244  
Tel: (559) 230-6000 FAX: (559) 230-6061

**Southern Region**  
34946 Flyover Court  
Bakersfield, CA 93308-8725  
Tel: (866) 392-5500 FAX: (866) 392-5585

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gases (ROG), 27 tons per year of oxides of sulfur (SO<sub>x</sub>), 15 tons per year of particulate matter of 10 microns or less in size (PM<sub>10</sub>), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM<sub>2.5</sub>).

Other potential significant air quality impacts related to Toxic Air Contaminants (see information below under Health Risk Assessment), Ambient Air Quality Standards, Hazards and Odors, may require assessments and mitigation. More information can be found in the District's Guidance for Assessing and Mitigating Air Quality Impacts at: <https://www.valleyair.org/transportation/GAMAQL.pdf>

The District offers the following comments:

**1) Project Related Criteria Pollutant Emissions**

**1a) Project Related Construction Emissions**

Although the construction-related emissions are expected to have a less than significant impact, the District suggests that the County advise project proponents with construction-related exhaust emissions and activities resulting in less than significant impact on air quality to utilize the cleanest reasonably available off-road construction fleets and practices (i.e. eliminating unnecessary idling) to further reduce impacts from construction-related exhaust emissions and activities.

**1b) Project Related Operational Emissions– Electric On-Site Off-Road and On-Road Equipment**

Since the Project consists of a winery production facility, it may have the potential to result in increased use of off-road equipment (i.e. forklifts) and/or on-road equipment (i.e. mobile yard trucks with the ability to move materials). The District recommends the County advise the project proponent to utilize electric or zero emission off-road and on-road equipment used on-site for this Project.

**2) Health Risk Screening/Assessment**

A Health Risk Screening/Assessment identifies potential Toxic Air Contaminants (TACs) impact on surrounding sensitive receptors such as hospitals, daycare centers, schools, work-sites, and residences. TACs are air pollutants identified by the Office of Environmental Health Hazard Assessment/California Air Resources Board (OEHHA/CARB) that pose a present or potential hazard to human health. A common source of TACs can be attributed to diesel exhaust emitted from both mobile and stationary sources. List of TACs identified by OEHHA/CARB can be found at: <https://ww2.arb.ca.gov/resources/documents/carb-identified-toxic-air-contaminants>

The District recommends the development project(s) be evaluated for potential health impacts to surrounding receptors (on-site and off-site) resulting from operational and multi-year construction TAC emissions.

- i) The District recommends conducting a screening analysis that includes all sources of emissions. A screening analysis is used to identify projects which may have a significant health impact. A prioritization, using CAPCOA's updated methodology, is the recommended screening method. A prioritization score of 10 or greater is considered to be significant and a refined Health Risk Assessment (HRA) should be performed.

For your convenience, the District's prioritization calculator can be found at:  
[http://www.valleyair.org/busind/pto/emission\\_factors/Criteria/Toxics/Utilities/PRIORITIZATION%20RMR%202016.XLS](http://www.valleyair.org/busind/pto/emission_factors/Criteria/Toxics/Utilities/PRIORITIZATION%20RMR%202016.XLS).

- ii) The District recommends a refined HRA for development projects that result in a prioritization score of 10 or greater. Prior to performing an HRA, it is recommended that development project applicants contact the District to review the proposed modeling protocol. A development project would be considered to have a significant health risk if the HRA demonstrates that the project related health impacts would exceed the District's significance threshold of 20 in a million for carcinogenic risk and 1.0 for the Acute and Chronic Hazard Indices, and would trigger all feasible mitigation measures. The District recommends that development projects which result in a significant health risk not be approved.

For HRA submittals, please provide the following information electronically to the District for review:

- HRA AERMOD model files
- HARP2 files
- Summary of emissions source locations, emissions rates, and emission factor calculations and methodology.

More information on toxic emission factors, prioritizations and HRAs can be obtained by:

- E-Mailing inquiries to: [hramodeler@valleyair.org](mailto:hramodeler@valleyair.org); or
- The District can be contacted at (559) 230-6000 for assistance; or
- Visiting the District's website (Modeling Guidance) at:  
[http://www.valleyair.org/busind/pto/Tox\\_Resources/AirQualityMonitoring.htm](http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm).

### **3) Ambient Air Quality Analysis**

An ambient air quality analysis (AAQA) uses air dispersion modeling to determine if emissions increases from a project will cause or contribute to a violation of the ambient air quality standards. The District recommends that an AAQA be performed for the Project if emissions exceed 100 pounds per day of any pollutant.

If an AAQA is performed, the analysis should include emissions from both Project specific permitted and non-permitted equipment end activities. The District recommends consultation with District staff to determine the appropriate model and input data to use in the analysis.

Specific information for assessing significance, including screening tools and modeling guidance is available online at the District's website [www.valleyair.org/ceqa](http://www.valleyair.org/ceqa).

### **4) Solar Deployment in the Community**

It is the policy of the State of California that renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045. While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, the production of solar energy is contributing to improving air quality and public health. The District suggests that the County consider the feasibility of incorporating solar power systems, as an emission reduction strategy for this Project.

### **5) Charge Up! Electric Vehicle Charger**

To support further installation of electric vehicle charging equipment and development of such infrastructure, the District offers incentives to public agencies, businesses, and property owners of multi-unit dwellings to install electric charging infrastructure (Level 2 and 3 chargers). The purpose of this incentive program is to promote clean air alternative-fuel technologies and the use of low or zero-emission vehicles. The District suggests that the County and Project proponent consider the feasibility of installing electric vehicle chargers for this Project.

Please visit [www.valleyair.org/grants/chargeup.htm](http://www.valleyair.org/grants/chargeup.htm) for more information.

### **6) District Rules and Regulations**

The District issues permits for many types of air pollution sources and regulates some activities not requiring permits. A project subject to District rules and regulation would reduce its impacts on air quality through compliance with regulatory requirements. In

general, a regulation is a collection of rules, each of which deals with a specific topic. Here are a couple of example, Regulation II (Permits) deals with permitting emission sources and includes rules such as District permit requirements (Rule 2010), New and Modified Stationary Source Review (Rule 2201), and implementation of Emission Reduction Credit Banking (Rule 2301).

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm). To identify other District rules or regulations that apply to this Project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (209) 557-6446.

**6a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources**

Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 requires that new and modified stationary sources of emissions mitigate their emissions using best available control technology (BACT).

This Project may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and may require District permits. Prior to construction, the Project proponent should submit to the District an application for an Authority to Construct (ATC). For further information or assistance, the project proponent may contact the District's Small Business Assistance (SBA) Office at (209) 557-6446.

**6b) District Rule 9510 (Indirect Source Review)**

The purpose of District Rule 9510 is to reduce the growth in both NO<sub>x</sub> and PM<sub>10</sub> emissions associated with development and transportation projects from mobile and area sources associated with construction and operation of development projects. The rule encourages clean air design elements to be incorporated into development projects. In case the proposed development project clean air design elements are insufficient to meet the targeted emission reductions, the rule requires developers to pay a fee used to fund projects to achieve off-site emissions reductions.

Per District Rule 9510 (Indirect Source Review) section 4.4.3, a development project on a facility whose primary functions are subject to District Rule 2201 or District Rule 2010 are exempt from the requirements of the rule. The District has reviewed the

information provided and has determined that the primary functions of this Project are subject to District Rule 2201 (New and Modified Stationary Source Review Rule) or District Rule 2010 (Permits Required). As a result, District Rule 9510 requirements and related fees do not apply to the Project referenced above.

**6c) Other District Rules and Regulations**

The Project may also be subject to the following District rules: Rule 4695 Brandy Aging and Wine Aging Operations, Rule 2201 New and Modified Stationary Source Review Rule, Rule 4694 Wine Fermentation and Storage Tanks, Regulation VIII, (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

**7) District Comment Letter**

The District recommends that a copy of the District's comments be provided to the Project proponent.

If you have any questions or require further information, please contact Patrick Chimienti by e-mail at [patrick.chimienti@valleyair.org](mailto:patrick.chimienti@valleyair.org) or by phone at (559) 230-6139.

Sincerely,

Brian Clements  
Director of Permit Services



For: John Stagnaro  
Program Manager



SOUTH SAN JOAQUIN  
IRRIGATION DISTRICT

May 20, 2021

San Joaquin County  
Community Development Dept.  
1810 E. Hazelton Ave.  
Stockton, CA 95205

Attn: Alisa Goulart

Subject: PA-2100039 (UP)  
John and Mary Lynne Franzia  
APN: 205-080-04

Dear Ms. Goulart:

The South San Joaquin Irrigation District owns, operates and maintains irrigation facilities in the vicinity of the property described in the subject application.

Upon review of the materials supplied, there does not appear to be any major concern for the District relative to the proposed application as long as it would not result in an encroachment of the District's easement or drainage into District facilities. Applicant shall contact District for approval if said encroachment or drainage applies.

As stated above, the District owns irrigation facilities in the vicinity of the proposed improvements within the subject property. The applicant is advised to ensure that adequate protections are in place to protect the proposed improvements from inadvertent flooding should irrigation water be applied to the property (intentional or unintentional). Improvement plans for both off-site and on-site improvements shall be submitted for review by the District's Engineering Department. If there are further questions, please feel free to contact me at (209)249-4620.

Sincerely,

A handwritten signature in blue ink that reads "F. Killingsworth".

Forrest Killingsworth  
Engineering Department Manager

*P.O. Box 747, Ripon, CA 95366-0747 (Mailing)  
11011 E. Highway 120, Manteca, CA 95336-9750  
(209) 249-4600*



**Goulart, Alisa [CDD]**

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**From:** Anna Cheng <acheng@auburnrancheria.com>  
**Sent:** Thursday, May 13, 2021 1:52 PM  
**To:** Goulart, Alisa [CDD]  
**Cc:** Anna Starkey  
**Subject:** Early Consultation: PA-2100039 Use Permit

**CAUTION:** This email is originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Goulart,

On behalf of the United Auburn Indian Community's Tribal Historic Preservation Department, thank you for the notification and opportunity to consult for the above referenced project. We have reviewed the project location and determined that it falls outside of the UAIC's consultation area. Therefore, we will not be commenting on the project. Thank you.

Best,  
Anna C.



**Anna Cheng**  
Cultural Regulatory Assistant  
Tribal Historic Preservation Department | UAIC  
10720 Indian Hill Road  
Auburn, CA 95603  
Cell: (530) 492-4822  
acheng@auburnrancheria.com | www.auburnrancheria.com

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Nothing in this e-mail is intended to constitute an electronic signature for purposes of the Electronic Signatures in Global and National Commerce Act (E-Sign Act), 15, U.S.C. §§ 7001 to 7006 or the Uniform Electronic Transactions Act of any state or the federal government unless a specific statement to the contrary is included in this e-mail.

**Goulart, Alisa [CDD]**

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**From:** Ivan Senock <ivan@bvtribe.com>  
**Sent:** Friday, May 21, 2021 4:42 PM  
**To:** Martorella, Dominique [CDD]; Goulart, Alisa [CDD]  
**Subject:** RE: PA 2100039 Use Permit: Agency Referral.

**CAUTION:** This email is originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Alisa Goulart,

I write on behalf of the Buena Vista Rancheria (BVR) of Me-Wuk Indians, Lone, CA. regarding the notification sent May 13, 2021. The notification references the PA-2100039 (UP). We appreciate your effort to contact us and wish to respond.

After review of the notification and examination of the property using the Google Earth mapping application, it is determined BVR has no objection to commencement of the project.

If Tribal Cultural Resources (TCR) should be inadvertently encountered, during the project, Buena Vista Rancheria requests additional notification so steps may be taken to protect and preserve them.

Respectfully,

Ivan R. Senock  
Tribal Historic Preservation Officer (THPO)  
Buena Vista Rancheria of Me-Wuk Indians (Tribe)  
1418 20<sup>th</sup> Street, Suite #200  
Sacramento, CA 95811  
[ivan@bvtribe.com](mailto:ivan@bvtribe.com)  
Office: (916) 941-0011 ext. 255  
Cell: (530) 588-1410

**From:** Martorella, Dominique [CDD] <dmartorella@sjgov.org>  
**Sent:** Thursday, May 13, 2021 8:03 AM  
**To:** Goulart, Alisa [CDD] <alisa.goulart@sjgov.org>; Asio, Allen [CDD] <aasio@sjgov.org>  
**Cc:** Fine, Mark [CDD] <mfine@sjgov.org>; Clayton, Jay [CDD] <jayclayton@sjgov.org>; Butler, Steve [CDD] <sbutler@sjgov.org>; Guerrero, Delia [PW] <Dguerrero@sjgov.org>; Heylin, Christopher [PW] <cheylin@sjgov.org>; ehlanduse [EHD] <ehlanduse@sjgov.org>; DeBord, Rachel [COB] <rdebord@sjgov.org>; Warmerdam, Denise [BOS] <dwarmerdam@sjgov.org>; sjvapcd@valleyair.org; boyd@sjcog.org; nicholas.fung@dot.ca.gov; joshua.swearingen@dot.ca.gov; Ivan Senock <ivan@bvtribe.com>; staff@sjfb.org; Bruce Blodgett <bruceb@sjfb.org>  
**Subject:** PA-2100039 - Use Permit: Agency Referral.

Please see the attached documents for project PA-2100039 (UP). A copy has been uploaded to the project folder in Permits Plus.

Thank you,

**Goulart, Alisa [CDD]**

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**From:** Swearingen, Joshua B@DOT <joshua.swearingen@dot.ca.gov>  
**Sent:** Monday, June 28, 2021 9:46 AM  
**To:** Goulart, Alisa [CDD]  
**Cc:** Fung, Nicholas@DOT  
**Subject:** RE: PA-2100039 Use Permit Winery Expansion

**CAUTION:** This email is originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Alisa,

There will be no further requirement for the site as the two-way left was installed.

Thank you,

**Joshua Swearingen**

Caltrans District 10  
Office of Metropolitan Planning  
Office (209) 948-7142  
Cell (209) 986-9792

**From:** Goulart, Alisa [CDD] <alisa.goulart@sjgov.org>  
**Sent:** Monday, June 28, 2021 9:15 AM  
**To:** Swearingen, Joshua B@DOT <joshua.swearingen@dot.ca.gov>  
**Subject:** PA-2100039 Use Permit Winery Expansion

**EXTERNAL EMAIL.** Links/attachments may not be safe.

Good morning Joshua,

Pursuant to our earlier conversation, the above project, the expansion of a winery that was originally approved with Site Approval PA-1900083, has completed the requirement from Caltrans for that Site Approval, which was to install a two-way left turn lane along the frontage of the Project.

Will there be additional requirements for the expansion project, PA-2100039?

Thank you.

*Alisa Goulart*

Associate Planner  
Community Development Department  
Main Office: (209) 468-3121  
Direct: (209) 468-0222  
Fax: (209) 468-3163  
Please also visit us On-line: <https://www.sjgov.org/commdev>



June 15, 2021

Alisa Goulart  
County of San Joaquin  
1810 E Hazelton Ave  
Stockton, CA 95205

Ref: Gas and Electric Transmission and Distribution

Dear Alisa Goulart,

Thank you for submitting the 20679 E State Route 120 plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: [https://www.pge.com/en\\_US/business/services/building-and-renovation/overview/overview.page](https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page).
2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.
3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team  
Land Management

### Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf>

1. **Standby Inspection:** A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.
2. **Access:** At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.
3. **Wheel Loads:** To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. **Grading:** PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.
5. **Excavating:** Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 12 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch

wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [ $24/2 + 24 + 36/2 = 54$ ] away, or be entirely dug by hand.)

Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 12 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible ( $90^\circ \pm 15^\circ$ ). All utility lines crossing the gas pipeline must have a minimum of 12 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.

11. Cathodic Protection: PG&E pipelines are protected from corrosion with an "Impressed Current" cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.



## Attachment 2 – Electric Facilities

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. **Buildings and Other Structures:** No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as "RESTRICTED USE AREA – NO BUILDING."
2. **Grading:** Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
3. **Fences:** Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&'s facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
4. **Landscaping:** Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 15 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
5. **Reservoirs, Sumps, Drainage Basins, and Ponds:** Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
6. **Automobile Parking:** Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.
7. **Storage of Flammable, Explosive or Corrosive Materials:** There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.



8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 ([http://www.cpuc.ca.gov/gos/GO95/go\\_95\\_startup\\_page.html](http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html)) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.

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**SAN JOAQUIN**  
— COUNTY —  
*Greatness grows here.*

## Community Development Department

Planning · Building · Code Enforcement · Fire Prevention · GIS

# Attachment C Environmental Review

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**DRAFT  
 NOTICE OF DETERMINATION**

TO:  Office of Planning & Research  
 P. O. Box 3044, Room 212  
 Sacramento, California 95812-3044

FROM: San Joaquin County  
 Community Development Department  
 1810 East Hazelton Avenue  
 Stockton, California 95205

County Clerk, County of San Joaquin

**SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.**

State Clearinghouse Number: 2022020575

**PROJECT TITLE:** Use Permit No. PA-2100039

**PROJECT LOCATION:** The project site is located on the north side of State Route 120, 797 feet west of Van Allen Rd., east of Escalon, San Joaquin County. (APN/Address: 205-080-04 / 20679 E. State Route 120 Hwy., Escalon) (Supervisory District: 4)

**PROJECT DESCRIPTION:** Use Permit application to convert a small winery to a large winery with added events, to expand a produce stand into a large agricultural store, and to add food manufacturing, in 2 phases over 5 years. The small winery, which was originally approved with Site Approval No. PA-1900083, is currently under construction. (Use Type: Wineries and Wine Cellars - Winery, Large; Agricultural Processing – Preparation Services and Food Manufacturing; Produce Sales - Agricultural Store, Large)

PHASE 1 includes:  
 - Increasing annual winery production capacity to a minimum of 100,000 gallons; and,  
 - Converting an existing 1,687-square-foot agricultural building to a large agricultural store and preparation / food manufacturing facility.

PHASE 2 includes:  
 - Converting the 1,687-square-foot agricultural product store from Phase 1 to a wine tasting room; and  
 - Constructing a 3,280-square-foot agricultural products store to include preparation and food manufacturing.

The project proposes daily winery and agricultural store operations for 13 hours per day (6:30 a.m. to 7:30 p.m.). Agricultural processing and food manufacturing operations are proposed for 5 days weekly for 14 hours per day (5:30 a.m. to 7:30 p.m.). Winery events for which the winery is currently approved are: 12 annual Small-scale Accessory Winery Events with a maximum of 80 attendees and 4 annual Wine Release events with a maximum of 150 attendees. This application proposes to increase the maximum number of attendees at Wine Release events to 300, to add 12 annual Large-scale Accessory Winery events with a maximum of 116 attendees, and to add 20 annual Marketing Events with a maximum of 300 attendees. Proposed hours for all events are 10:00 a.m. to 10:00 p.m. with the exception of Accessory Winery Events hours which are 5:00 p.m. to 9:00 p.m. The application also proposes having outdoor, amplified sound and/or music at Marketing Events and Large-scale Accessory Winery Events. Outdoor amplified music must end by 9:00 p.m. All events with 150 or more attendees will utilize portable toilets.

The project site is accessed from State Route 120 Highway and services are provided by an existing on-site well and septic system that will remain in use. An existing storm drain basin and rainwater collection tank will be utilized for storm water.

The Property is zoned AG-40 (General Agriculture, 40-acre minimum) and the General Plan designation is AVG (General Agriculture).

**PROPONENT:** John Jr. & Mary Lynne Franzia Trust / Latitude 37 Partners, LLC

This is to advise that the San Joaquin County Planning Commission has approved the above described project on April 21, 2022, and has made the following determinations regarding the above described project:

1. The project will not have a significant effect on the environment.

*Authority cited: Sections 21083, Public Resources Code.  
 Reference Section 21000-21174, Public Resources Code.*

2. A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan was adopted for this project.
5. A Statement of Overriding Considerations was not adopted for this project.
6. Findings were not made pursuant to the provisions of CEQA.

This is to certify that a complete record of project approval is available for review by the general public at the office of the San Joaquin County Community Development Department, 1810 East Hazelton Avenue, Stockton, CA 95205; or via website at <https://www.sjgov.org/commdev>.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: Allen Asio Title: Deputy County Clerk

Signed by Lead Agency

Date Received for filing at OPR: \_\_\_\_\_

DRAFT

Filed Doc #: 39-02282022-058  
02/28/2022 08:46:51 AM  
Steve J. Bestolarides  
San Joaquin County Clerk

**Lead Agency:**

SJ County Comm. Development

1810 East Hazelton Ave.

Stockton, Ca 95205

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**DOCUMENT TITLE**

Mitigated Negative Declaration - Initial Study  
Use Permit No. PA-2100039

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**MITIGATED NEGATIVE DECLARATION**

TO:  Office of Planning & Research  
 P. O. Box 3044  
 Sacramento, California 95812-3044

FROM: San Joaquin County  
 Community Development Department  
 1810 East Hazelton Avenue  
 Stockton, California 95205

County Clerk, County of San Joaquin

**PROJECT TITLE:** Use Permit No. PA-2100039

**PROJECT LOCATION:** The project site is located on the north side of State Route 120, 797 feet west of Van Allen Rd., east of Escalon, San Joaquin County. (APN/Address: 205-080-04 / 20679 E. State Route 120 Hwy., Escalon) (Supervisory District: 4)

**PROJECT DESCRIPTION:** Use Permit application to convert a small winery to a large winery with added events, to expand a produce stand into a large agricultural store, and to add food manufacturing, in 2 phases over 5 years. The small winery, which was originally approved with Site Approval No. PA-1900083, is currently under construction. (Use Type: Wineries and Wine Cellars - Winery, Large; Agricultural Processing – Preparation Services and Food Manufacturing; Produce Sales - Agricultural Store, Large)

PHASE 1 includes:

- Increasing annual winery production capacity to a minimum of 100,000 gallons; and,
- Converting an existing 1,687-square-foot agricultural building to a large agricultural store and preparation / food manufacturing facility.

PHASE 2 includes:

- Converting the 1,687-square-foot agricultural product store from Phase 1 to a wine tasting room; and
- Constructing a 3,280-square-foot agricultural products store to include preparation and food manufacturing.

The project proposes daily winery and agricultural store operations for 13 hours per day (6:30 a.m. to 7:30 p.m.). Agricultural processing and food manufacturing operations are proposed for 5 days weekly for 14 hours per day (5:30 a.m. to 7:30 p.m.). Winery events for which the winery is currently approved are: 12 annual Small-scale Accessory Winery Events with a maximum of 80 attendees and 4 annual Wine Release events with a maximum of 150 attendees. This application proposes to increase the maximum number of attendees at Wine Release events to 300, to add 12 annual Large-scale Accessory Winery events with a maximum of 116 attendees, and to add 20 annual Marketing Events with a maximum of 300 attendees. Proposed hours for all events are 10:00 a.m. to 10:00 p.m. with the exception of Accessory Winery Events hours which are 5:00 p.m. to 9:00 p.m. The application also proposes having outdoor, amplified sound and/or music at Marketing Events and Large-scale Accessory Winery Events. Outdoor amplified music must end by 9:00 p.m. All events with 150 or more attendees will utilize portable toilets.

The project site is accessed from State Route 120 Highway and services are provided by an existing on-site well and septic system that will remain in use. An existing storm drain basin and rainwater collection tank will be utilized for storm water.

The Property is zoned AG-40 (General Agriculture, 40-acre minimum) and the General Plan designation is A/G (General Agriculture).

**PROPONENT:** John Jr. & Mary Lynne Franzia Trust / Latitude 37 Partners, LLC

This is a Notice of Intent to adopt a Mitigated Negative Declaration for this project as described. San Joaquin County has determined that through the Initial Study that contains proposed mitigation measures all potentially significant effects on the environment can be reduced to a less than significant level. The Mitigated Negative Declaration and Initial Study can be viewed on the Community Development Department website at [www.sjgov.org/commdev](http://www.sjgov.org/commdev) under Active Planning Applications.

Date: February 24, 2022

Contact Person:

Alisa Goulart Phone: (209) 468-0222 FAX: (209) 468-3163 Email: [alisa.goulart@sjgov.org](mailto:alisa.goulart@sjgov.org)

**INITIAL STUDY/NEGATIVE DECLARATION**

[Pursuant to Public Resources Code Section 21080(c) and California Code of Regulations, Title 14, Sections 15070-15071]

**LEAD AGENCY:** San Joaquin County Community Development Department

**PROJECT APPLICANT:** Latitude 37 Partners, LLC

**PROJECT TITLE/FILE NUMBER(S):** PA-2100039

**PROJECT DESCRIPTION:** This is a Use Permit application to convert a small winery to a large winery with added events, to expand a produce stand into a large agricultural store, and to add food manufacturing, in 2 phases over 5 years. The small winery, which was originally approved with Site Approval No. PA-1900083, is currently under construction. (Use Type: Wineries and Wine Cellars - Winery, Large; Agricultural Processing – Preparation Services and Food Manufacturing; Produce Sales - Agricultural Store, Large)

**PHASE 1 includes:**

- Increasing annual winery production capacity to a minimum of 100,000 gallons; and,
- Converting an existing 1,687 square foot agricultural building to a large agricultural store and preparation / food manufacturing facility.

**PHASE 2 includes:**

- Converting the 1,687 square foot agricultural product store from Phase 1 to a wine tasting room; and
- Constructing a 3,280 square foot agricultural products store to include preparation and food manufacturing.

The project proposes daily winery and agricultural store operations for 13 hours per day (6:30 a.m. – 7:30 p.m.). Agricultural processing and food manufacturing operations are proposed for 5 days weekly for 14 hours per day (5:30 a.m. – 7:30 p.m.). Winery events for which the winery is currently approved are: 12 annual Small-scale Accessory Winery Events with a maximum of 80 attendees and 4 annual Wine Release events with a maximum of 150 attendees. This application proposes to increase the maximum number of attendees at Wine Release events to 300, to add 12 annual Large-scale Accessory Winery events with a maximum of 116 attendees, and to add 20 annual Marketing Events with a maximum of 300 attendees. Proposed hours for all events are 10:00 a.m. to 10:00 p.m. with the exception of Accessory Winery Events hours which are 5:00 p.m. to 9:00 p.m. The application also proposes having outdoor, amplified sound and/or music at Marketing Events and Large-scale Accessory Winery Events. Outdoor amplified music must end by 9:00 p.m. All events with 150 or more attendees will utilize portable toilets.

The project site is accessed from State Route 120 Highway and services are provided by an existing on-site well and septic system that will remain in use. An existing storm drain basin and rainwater collection tank will be utilized for storm water.

The project site is located on the north side of State Route 120, 797 feet west of Van Allen Road, east of Escalon.

**ASSESSORS PARCEL NO(S):** 205-080-04

**ACRES:** 44.62 acres

**GENERAL PLAN:** A/G

**ZONING:** AG-40

**POTENTIAL POPULATION, NUMBER OF DWELLING UNITS, OR SQUARE FOOTAGE OF USE(S):**

A single family residence, winery structures totaling approximately 11,754 square feet, and a 3,280 square foot agricultural store with processing / food manufacturing.

**SURROUNDING LAND USES:**

**NORTH:** Agricultural with scattered residences

**SOUTH:** Agricultural with scattered residences; State Route 120 Highway

**EAST:** Agricultural with scattered residences

**WEST:** Agricultural with scattered residences

PA-2100039 – Initial Study

1

**REFERENCES AND SOURCES FOR DETERMINING ENVIRONMENTAL IMPACTS:**

Original source materials and maps on file in the Community Development Department including: all County and City general plans and community plans; assessor parcel books; various local and FEMA flood zone maps; service district maps; maps of geologic instability; maps and reports on endangered species such as the Natural Diversity Data Base; noise contour maps; specific roadway plans; maps and/or records of archeological/historic resources; soil reports and maps; etc.

Many of these original source materials have been collected from other public agencies or from previously prepared EIR's and other technical studies. Additional standard sources which should be specifically cited below include on-site visits by staff (note date); staff knowledge or experience; and independent environmental studies submitted to the County as part of the project application. Copies of these reports can be found by contacting the Community Development Department.

**TRIBAL CULTURAL RESOURCES:**

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

No

**GENERAL CONSIDERATIONS:**

1. Does it appear that any environmental feature of the project will generate significant public concern or controversy?

Yes  No

Nature of concern(s): Enter concern(s).

2. Will the project require approval or permits by agencies other than the County?

Yes  No

Agency name(s): California Alcohol and Beverage Control; CVRWQCB; APCD

3. Is the project within the Sphere of Influence, or within two miles, of any city?

Yes  No

City: Enter city name(s).


**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

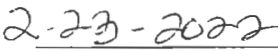
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                  | <input type="checkbox"/> Agriculture and 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 \_\_\_\_\_

  
 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, then 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 "Earlier Analyses," as described in (5) below, 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). Reference 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 significance 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 significance.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
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**I. AESTHETICS.**

Except as provided in Public Resources Code Section 21099, would the project:

a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 publically accessible vantage points). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

- a) San Joaquin County is set within the greater San Joaquin Valley, with the delta and large expanses of generally flat, agricultural lands and urban development framed by the foothills of the Diablo Range to the west and the foothills of the Sierra Nevada to the east. According to the County's General Plan, scenic resources within the County include waterways, hilltops, and oak groves (San Joaquin County 2035).

The proposed project is a winery expansion and 3,280 square foot, large agricultural store. The project site is located on State Route 120, a heavily traveled highway in a generally flat, agricultural area with scattered residences. There are no noted scenic resources in this area. The project site is currently being developed with a small winery, the expansion of which to a large winery is being proposed with this application. There is also a single family residence with accessory structures, an agricultural building for private use, and a produce stand. The expansion of the winery and the addition of a large agricultural store would not obstruct views of scenic resources within the vicinity of the project site. Therefore, the project would have a less-than-significant impact associated with scenic vistas.

- b) There are two officially designated state scenic highways in San Joaquin County: I-580 and I-5 (San Joaquin County 2035). Both interstates are located more than 7 miles to the west of the project site. Due to distance, the project site is not visible from I-580 or I-5.

In addition, the County has designated 26 roadways within the County as local scenic routes (San Joaquin County 2035). The nearest locally designated scenic route is River Road, from Ripon Road east to Santa Fe Road. The project site is located approximately 3 miles north of River Road, which, due to distance, does not have a view of the project site. Therefore, the project would have a less-than-significant impact associated with scenic resources within a state- or locally-designated scenic highway.

- c) The project site is located in a generally flat, agricultural area with scattered residences. The project includes the addition of a 3,280 square foot building. The further development of the site will visually degrade the character as the improvements will enhance the character of the site. Therefore, the project would have a less-than-significant impact associated with the existing visual quality or character of the site or its surroundings.
- d) The existing lighting and glare conditions in the project area are typical of a rural agricultural area. New lighting for the project would include outdoor building lighting and parking lot lighting. Parking lot lighting standards stipulate that all lighting be designed to confine direct rays to the premises, with no spillover beyond the property line except onto public

thoroughfares, provided that such light does not cause a hazard to motorists (Development Title Section 9-1015.5). Therefore, the project is expected to have a less than significant impact from new sources of light or glare on day or nighttime views in the area.



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
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**II. AGRICULTURE AND FORESTRY 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 Dept. 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:

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 a nonagricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

- a) The project parcel is designated as Prime Farmland on maps provided by the California Department of Conservation's Farmland Mapping and Monitoring Program. Pursuant to the General Plan, general agriculture includes agricultural production as well as associated processing, sales, and support uses (San Joaquin County 2035). The project is a winery expansion and a large agricultural store, both involving the processing of an agricultural product, which is an agricultural use. Therefore, the project would not result in a significant impact with respect to conversion of farmland to a nonagricultural use.
- b) The project site is zoned AG-40 (General Agriculture, 40 acre minimum). A winery is an agricultural use that may be conditionally permitted in the AG-40 zone with an approved Use Permit application, therefore, the project will not conflict with existing zoning. The project parcel is not currently under a Williamson Act contract. However, pursuant to Development Title Section 9-1805, a winery is a compatible use with land under a Williamson Act contract, thus allowing

the property to be put under contract if desired by the property owner. Therefore, the project will not conflict with existing zoning or a Williamson Act contract.

- c-d) There are no forest resources or zoning for forestlands or timberland, as defined by Public Resources Code and Government Code, located on or near the project site, therefore, the project will have no impact on corresponding zoning or conversion of such land.
- e) The proposed project, a winery expansion and a 3,280 square foot, large agricultural store, does not conflict with any existing uses as the zoning and General Plan designation will remain the same. Furthermore, it has been determined that a winery and a large agricultural store are conditionally permitted uses in the AG-40 (General Agriculture, 40 acre minimum) zone with an approved Use Permit. Therefore, the project would have no impact on converting farmland to a nonagricultural use.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
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**III. AIR QUALITY.**

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in substantial emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

- a-d) The proposed project is a winery expansion and a 3,280 square foot, large agricultural store. The project site is located within the San Joaquin Valley Air Basin which lies within the jurisdiction of the San Joaquin Valley Air Pollution Control District (APCD). APCD is the local agency established by the State to regulate air quality sources and minimize air pollution.

The project was referred to APCD for review on May 13, 2021. The District responded in a letter dated June 11, 2022 recommending that the project be evaluated for potential health impacts from operational and construction emissions. A screening analysis was performed utilizing the APCD's prioritization tool. The resulting score from the analysis was below the threshold of 10 and it was determined by the APCD that no further assessment was needed. Based on the information provided by the applicant, APCD determined the project is subject to Rule 2201 (New and Modified Stationary Source Review) which will require submission to the District an application for an Authority to Construct (ATC) permit prior to construction.

Compliance with the regulations of the APCD will ensure that any impacts from the proposed project on air quality will be less than significant.

**IV. BIOLOGICAL RESOURCES.**

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

- a) The California Department of Fish and Wildlife Natural Diversity Database does not list any rare, endangered, or threatened species or habitat located on or near the site for the proposed project. Referrals have been sent to the San Joaquin Council of Governments (SJCOG), the agency responsible for verifying the correct implementation of the *San Joaquin County Multi-Species Habitat Conservation and Open Space Plan* (SJMSCP), which provides compensation for the conversion of Open Space to non-Open Space uses which affect the plant, fish and wildlife species covered by the Plan. Pursuant to the Final EIR/EIS for SJMSCP, dated November 15, 2000, and certified by SJCOG on December 7, 2000, implementation of the SJMSCP is expected to reduce impacts to biological resources resulting from the proposed project to a level of less-than-significant.

The project was referred to SJCOG for review on May 13, 2021. SJCOG responded in a letter dated May 14, 2021, that the project is subject to the SJMSCP. The applicant has confirmed that he will participate in SJMSCP. With the applicant's participation, the proposed project is consistent with the SJMSCP and any impacts to biological resources resulting from the proposed project will be reduced to a level of less-than-significant.

- b) There are no riparian habitat or other sensitive natural community identified on the property or in the area. Therefore, the project's impact on riparian habitat is expected to be less than significant.
- c) The County geographic information system (GIS) data indicate there are no natural wetlands on the property. Therefore, any impact from the project on wetlands is expected to be less than significant.
- d) There are no waterways through the property which would be impacted by the proposed project nor does the heavily agricultural area provide corridors for native wildlife, therefore, any impact on habitat or migratory corridors is expected to be less than significant.
- e) The project does not require the removal of trees, therefore, the project's impact on local policies or ordinances protecting biological resources is expected to be less than significant.
- f) This application, for a winery expansion and a 3,280 square foot, large agricultural store, will be conditioned to participate in the SJ Multi-Species Habitat Conservation and open Space Plan. The applicant has confirmed his intention to participate in the SJMSCP, therefore, the project's impact on an approved habitat conservation plan is expected to be reduced to less than significant.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
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**V. CULTURAL RESOURCES.**

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

- a-b) The proposed project is a winery expansion and a 3,280 square foot, large agricultural store on a parcel already developed with a small winery. If the project is approved and any resources not previously uncovered during any prior disturbance are found during any earth disturbing activities associated with the project, construction of the project is required to cease, and a qualified archaeologist will be retained to investigate the site. In this way, any adverse change to a historical or archaeological resource is expected to be less than significant.
- c) In the event human remains are encountered during any portion of the project, California state law requires that there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county has determined manner and cause of death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation (California Health and Safety Code - Section 7050.5). In this way, any disturbance to human remains will be reduced to less than significant.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
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**VI. ENERGY.**

Would the project:

- |  |                          |                          |                                     |                          |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**Impact Discussion:**

- a-b) The California Energy Code (also titled The Energy Efficiency Standards for Residential and Non-residential Buildings) was created by the California Building Standards Commission in response to a legislative mandate to reduce California's energy consumption. The code's purpose is to advance the state's energy policy, develop renewable energy sources and prepare for energy emergencies. The code includes energy conservation standards applicable to most buildings throughout California. These requirements will be applicable to the proposed project ensuring that any impact to the environment due to wasteful, inefficient, or unnecessary consumption of energy will be less than significant and preventing any conflict with state or local plans for energy efficiency and renewable energy.

**VII. GEOLOGY AND SOILS.**

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil and create direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

- a) According to the California Department of Conservation's California Geological Survey, the project site is not located within an earthquake fault zone. However, similar to other areas located in seismically active Northern California, the project area is susceptible to strong ground shaking during an earthquake, although the site would not be affected by ground shaking more than any other area in the region.

The Project would be required to comply with the most recent version of the California Building Code (CBC), which contains universal standards related to seismic load requirements and is codified within the San Joaquin County Ordinance Code under Section 8-1000. In addition, a soils report is required pursuant to CBC § 1803 for foundations and CBC appendix § J104 for grading. All recommendations of the Soils Report will be incorporated into the construction drawings. As a result, impacts associated with seismic ground shaking or possible ground liquefaction are expected to be less than significant.



The project site is located in an area that is relatively flat and does not contain any slopes that could result in landslides. Therefore, impacts associated with landslides are expected to be less than significant.

- b) The project's construction activities would disturb surface soils, therefore, in order to control erosion, the project would be required to comply with state regulations, including the provisions of the California Water Boards Storm Water Program's Construction General Permit (CGP). The CGP requires implementation of temporary and post-construction best management practices and measures to prevent erosion and reduce sediment and pollutants in discharges from the construction site. Once developed, the project site will include buildings, paved surfaces, and other on-site improvements that would stabilize and help retain on-site soils. Remaining pervious disturbed surfaces would consist primarily of landscaping. Therefore, construction impacts and operational impacts associated with soil erosion would be less than significant.
- c) As part of the project design process, a soils report will be required for grading and foundations and all recommendations from a soils report must be incorporated into the construction plans. As a result of these grading recommendations, which are required by the California Building Code (CBC), the project would not be susceptible to the effects of any potential lateral spreading, subsidence, or liquefaction. Compliance with the CBC and the engineering recommendations in the site-specific soils report would ensure structural integrity in the event that seismic-related issues are experienced at the project site. Therefore, impacts associated with unstable geologic units are expected to be less than significant.
- d) Expansive soils are characterized by their potential shrink/swell behavior. The Soil Survey of San Joaquin County classifies the project site soil as non-expansive. As a result, the effects of expansive soil on the project buildings are expected to be less than significant.
- e) The Project would include an on-site septic tank and associated leach fields to treat wastewater. Septic tanks installed in the County are subject to San Joaquin County Ordinance Code Section 9-1105 which requires issuance of a Sanitation Permit by the San Joaquin County Environmental Health Division for the construction of a private septic system and sets forth requirements for the siting and construction of private septic systems. Prior to issuance of a Sanitation Permit, the San Joaquin County Environmental Health Department will review the proposed septic system to ensure on-site soils would be capable of supporting such a system. Compliance with this process will ensure that adverse impacts associated with on-site soils and septic systems do not occur. Therefore, impacts associated with the soils' ability to support septic systems are expected to be less than significant.
- f) If the project is approved and any paleontological resources not previously uncovered during any prior disturbance are found during any earth disturbing activities associated with the project, construction of the project is required to cease, and a qualified archaeologist will be retained to investigate the site. In this way, any adverse change to a paleontological resource is expected to be less than significant.

**VIII. GREENHOUSE GAS EMISSIONS.**

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

- a-b) Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. Therefore, the cumulative global emissions of GHGs contributing to global climate change can be attributed to every nation, region, and city, and virtually every individual on earth. An individual project's GHG emissions are at a micro-scale level relative to global emissions and effects to global climate change; however, an individual project could result in a cumulatively considerable incremental contribution to a significant cumulative macro-scale impact. As such, impacts related to emissions of GHG are inherently considered cumulative impacts.

Implementation of the proposed project would cumulatively contribute to increases of GHG emissions. Estimated GHG emissions attributable to future development would be primarily associated with increases of carbon dioxide (CO<sub>2</sub>) and, to a lesser extent, other GHG pollutants, such as methane (CH<sub>4</sub>) and nitrous oxide (N<sub>2</sub>O) associated with area sources, mobile sources or vehicles, utilities (electricity and natural gas), water usage, wastewater generation, and the generation of solid waste. The primary source of GHG emissions for the project would be mobile source emissions. The common unit of measurement for GHG is expressed in terms of annual metric tons of CO<sub>2</sub> equivalents (MTCO<sub>2</sub>e/yr).

As noted previously, the proposed project will be subject to the rules and regulations of the SJVAPCD. The SJVAPCD has adopted the *Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA* and the *District Policy – Addressing GHG Emission Impacts for Stationary Source Projects Under CEQA When Serving as the Lead Agency*.<sup>1</sup> The guidance and policy rely on the use of performance-based standards, otherwise known as Best Performance Standards (BPS) to assess significance of project specific greenhouse gas emissions on global climate change during the environmental review process, as required by CEQA. To be determined to have a less-than-significant individual and cumulative impact with regard to GHG emissions, projects must include BPS sufficient to reduce GHG emissions by 29 percent when compared to Business As Usual (BAU) GHG emissions. Per the SJVAPCD, BAU is defined as projected emissions for the 2002-2004 baseline period. Projects which do not achieve a 29 percent reduction from BAU levels with BPS alone are required to quantify additional project-specific reductions demonstrating a combined reduction of 29 percent. Potential mitigation measures may include, but not limited to: on-site renewable energy (e.g. solar photovoltaic systems), electric vehicle charging stations, the use of alternative-fueled vehicles, exceeding Title 24 energy efficiency standards, the installation of energy-efficient lighting and control systems, the installation of energy-efficient mechanical systems, the installation of drought-tolerant landscaping, efficient irrigation systems, and the use of low-flow plumbing fixtures.

It should be noted that neither the SJVAPCD nor the County provide project-level thresholds for construction-related GHG emissions. Construction GHG emissions are a one-time release and are, therefore, not typically expected to generate a significant contribution to global climate change. As such, the analysis herein is limited to discussion of long-term operational GHG emissions.

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<sup>1</sup> San Joaquin Valley Air Pollution Control District. *Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA*. December 17, 2009. San Joaquin Valley Air Pollution Control District. *District Policy Addressing GHG Emission Impacts for Stationary Source Projects Under CEQA When Serving as the Lead Agency*. December 17, 2009.

**IX. HAZARDS AND HAZARDOUS MATERIALS.**

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

- a-c) The proposed project is a winery expansion and a 3,280 square foot, large agricultural store. Pursuant to the Hazardous Materials Disclosure Survey submitted with the application, the winery would not handle or store hazardous materials on site. If any hazardous materials should be handled or stored onsite, the owner/operator must report the use or storage of these hazardous materials to the California Environmental Reporting System (CERS) and must comply with all applicable federal, state, and local regulations pertaining to the storage of hazardous materials. In this way, impacts related to the use, transport, or disposal of hazardous materials are expected to be less than significant.
- d) The project site is not listed as a hazardous materials site on the California Department of Toxic Substances Control EnviroStor database map, compiled pursuant to Government Code 65962.5 and, therefore, will not result in creating a significant hazard to the public or the environment.
- e) The project site is not located within an Airport Influence Area. The nearest airport runway is that of the Stockton Metropolitan Airport, which is located approximately 9 miles northwest of the project site. Therefore, the project's risk of

exposing people residing or working in the project area to safety hazards or excessive noise from an airport is expected to be less than significant.

- f) The project site is located on State Route 120, approximately 2.5 miles west of the city of Escalon in San Joaquin County. Pursuant to the County's emergency evacuation maps for the Escalon and Manteca areas, State Route 120 is an evacuation routes for the area in the event of an emergency. (San Joaquin County Office of Emergency Services) The project does not include any features that will impede the mobility of traffic on State Route 120 and moreover, the project would not affect the County's ability to implement its Emergency Operations Plan in the event of an emergency. Therefore, impacts associated with emergency response or evacuation plans are expected to be less than significant.
- g) The project location is not identified as a Community at Risk from Wildfire by Cal Fire's "Fire Risk Assessment Program". Communities at Risk from Wildfire are those places within 1.5 miles of areas of High or Very High wildfire threat as determined from CDF-FRAP fuels and hazard data. Therefore, the impact of wildfires on the project are expected to be less than significant.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
<b><u>X. HYDROLOGY AND WATER QUALITY.</u></b>					
Would the project:					
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

- a) The proposed project is a winery expansion and a 3,280 square foot, large agricultural store. The construction phase of the project, which would include earthwork activities and possible storm water runoff, would require a Construction General Permit for Storm Water Discharges from the State Water Resources Control Board (SWRCB). The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) which requires implementation of best management practices to ensure water quality standards are met and that storm water runoff from the construction work does not degrade water quality.

Additionally, the project will be subject to the Central Valley Regional Water Quality Control Board's (CVRWQCB) rules and regulations to mitigate for any impacts to surface and ground water. The winery would be required to submit a Report of Waste Discharge (RWD) in order to discharge winery wastewater and residual solids to the land as irrigation for agriculture. Therefore, compliance with the rules and regulations of CVRWQCB and SWRCB will ensure any impacts to surface or ground water quality associated with water and waste discharge are expected to be less than significant.

- b) The proposed project, a winery expansion and a 3,280 square foot, large agricultural store, will have a large enough population to be considered a Transient Non-community Small Public Water System by the State of California. The applicant will have to participate in the Preliminary Technical Report process with the California State Water Resources Control Board Division of Drinking. If the Water Board determines that an onsite well can be used as the potable water source, a permit application to operate a Small Public Water System must be submitted to the San Joaquin County Environmental Health Department (EHD) for approval prior to construction of a private, on site well under permit from the EHD.

Although the project will result in an increase in impervious surface area on the project site, the planned use of 100% pervious pavers for driveways, parking areas, and pathways will allow more impervious surface area to remain despite the construction project. Much of the site remains pervious to allow continued filtration of water into the ground. Additionally, the project will reuse wine-making waste water for agricultural irrigation to partially offset water usage. Written approval from the Central Valley Regional Water Quality Control Board is required in order to discharge winery wastewater to land. The written approval must be presented to the San Joaquin County Environmental Health Department prior to issuance of building permits and/or final occupancy approval. Therefore, the project's impact on the depletion of sustainable groundwater is expected to be less than significant.

- c) The construction of the proposed project would result in grading and soil-disturbing activities and the installation of new impervious surfaces. Some modification of the existing on-site drainage pattern would occur to accommodate the structures and related infrastructure. However, most of the site would be preserved in agriculture and existing drainage patterns would be largely retained. A grading permit will be required which requires plans and grading calculations, including a statement of the estimated quantities of excavation and fill, prepared by a Registered Design Professional. The grading plan must show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of the California Building Code (CBC). The plans must also show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of the CDC. In this way, any impacts to the existing drainage pattern of the site will be less than significant.
- d) The project site is not located in a flood, tsunami or seiche zone. Therefore, the risk of release of pollutants due to inundation of the project site is less than significant.
- e) The applicant will be required to comply with the San Joaquin County 2021 Storm Water Quality Control Criteria Plan (SWQCCP) to protect surface and groundwater on site and to insure that the project doesn't conflict or obstruct a water quality control plan or sustainable groundwater management plan.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
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**XI. LAND USE AND PLANNING.**

Would the project:

- |  |                          |                          |                                     |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a) Physically divide an established community?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |

**Impact Discussion:**

- a) This proposed project is a winery expansion and a 3,280 square foot, large agricultural store. The project does not include construction of any feature that would impair mobility within an existing community nor does it include removal of a means of access between a community and outlying area. Currently, the project site is not used as a connection between established communities. Instead, connectivity with the area surrounding the project is facilitated via local roadways. Therefore, the project will not result in dividing an established community.
- b) The project site is located within unincorporated San Joaquin County and is subject to the County's General Plan and Development Title. The County's General Plan Land Use map designates the Project site as General Agriculture (A/G). The zoning map identifies the site as General Agriculture with a 40 acre minimum size (AG-40) which is an implementing zone for the A/G land use designation.

According to the County's General Plan, the A/G designation is meant to provide for large-scale agricultural production and associated processing, sales, and support uses. Typical building types include low-intensity structures associated with farming and agricultural processing and sales. Similarly, the AG-40 zone is intended to preserve agricultural lands for the continuation of commercial agricultural enterprises. According to Development Title Section 9-605.2, a winery and/or a large agricultural store would be permitted uses within the AG-40 zone with an approved Use Permit application. Therefore, the project is consistent with the County General Plan and Development Title and impacts associated with applicable land use plans, policies, and regulations are expected to be less than significant.

**XII. MINERAL RESOURCES.**

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

- a-b) Pursuant to the San Joaquin County General Plan Background Report, Chapter 10-Mineral Resources, the primary extractive resource in San Joaquin County is sand and gravel, with the principal areas of sand and gravel extraction located in the southwestern part of the county and along the Mokelumne, Calaveras, and Stanislaus rivers in the eastern portion of the county. The project site is located outside of the mapped area designated as an area containing mineral deposits. Therefore, the project will not result in the loss of mineral resources or mineral resource recovery sites within the region.



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
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**XIII. NOISE.**

Would the project result in:

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) For a project 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

- a) The proposed project is a winery expansion and a 3,280 square foot, large agricultural store. The project site is located on State Route 120, west of Escalon and is currently being developed with a small winery, the expansion of which to a large winery is being proposed with this application. There is also a single family residence with accessory structures, an agricultural building for private use, and a produce stand. The parcels surrounding the project parcel are small agricultural operations with residences. The nearest residences that are not on the project site are located approximately 260 feet south of the project site and 475 feet west of the project site.

The project proposes daily winery and agricultural store operations for 13 hours per day (6:30 a.m. – 7:30 p.m.). Agricultural processing and food manufacturing operations are proposed for 5 days weekly for 14 hours per day (5:30 a.m. – 7:30 p.m.). Winery events for which the winery is currently approved are: 12 annual Small-scale Accessory Winery Events with a maximum of 80 attendees and 4 annual Wine Release events with a maximum of 150 attendees. This application proposes to increase the maximum number of attendees at Wine Release events to 300, to add 12 annual Large-scale Accessory Winery events with a maximum of 116 attendees, and to add 20 annual Marketing Events with a maximum of 300 attendees. Proposed hours for all events are 10:00 a.m. to 10:00 p.m. with the exception of Accessory Winery Events hours which are 5:00 p.m. to 9:00 p.m. The application also proposes having outdoor, amplified sound and/or music at Marketing Events and Large-scale Accessory Winery Events. Outdoor amplified music must end by 9:00 p.m.

Proposed projects that would create new stationary noise sources are required to mitigate the noise levels so as not to exceed the noise level standards specified in Development Title Section 9-1025.9(b), Part II. An Environmental Noise Assessment was performed by WJV Acoustics and a report dated September 18, 2021 was submitted. Pursuant to the assessment, the existing ambient noise in the vicinity of the project site already exceeds the County's noise level standards with the dominant source of noise being vehicle traffic on State Route 120. The assessment concluded that the project would not result in an increase in ambient noise levels in the vicinity. These conclusions were based on placement of a speaker system within the designated Outdoor Event Area and with speakers facing north. Therefore, the project's impact on the increase in ambient noise levels in the vicinity of the project are expected to be less than significant.

- b) The project does not include any operations that would result in excessive ground-borne vibrations or other noise levels therefore, the project will not have any impact on vibrations or other noise levels.
- c) The project site is not located within the vicinity of a private airstrip or an airport land use plan, therefore, the project's impact resulting from airport noise levels to people residing or working in the project area is expected to be less than significant.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
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**XIV. POPULATION AND HOUSING.**

Would the project:

- |   |                          |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**Impact Discussion:**

- a-b) The project site is located in unincorporated San Joaquin County, west of the City of Escalon. The proposed project is a winery expansion and a 3,280 square foot, large agricultural store. The project will not induce substantial population growth in the area either directly or indirectly because the project is not anticipated to result in a substantial increase in the number of jobs available. The proposed project would not displace substantial numbers of people or existing housing, necessitating the construction of replacement housing elsewhere because the residence on the project site will remain and the zoning will remain the same if the project is approved. Therefore, the project would have no impact on population and housing.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
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**XV. PUBLIC SERVICES.**

a) Would the project result in 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:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

a) The project site is located in unincorporated San Joaquin County west of the City of Escalon and is serviced by the Escalon Fire District, the San Joaquin County Sheriff, and the Escalon Unified School District. According to its website, the Escalon Fire District operates 2 fire stations with a staff of 6 paid and 20 volunteer firefighters. The Escalon Fire District's service boundary covers approximately 58 square miles. Police protection services are provided to the project site by the San Joaquin County Sheriff's Office. The Sheriff's Office website states that the office employs over 800 sworn and support personnel. The project site is located within the Escalon Unified School District which, according to the District's 2021 Annual Report, serves approximately 2,916 students in kindergarten through twelfth grade over 8 campuses with a staff of 318. There are no public recreation facilities near the project site.

The public service agencies listed above were provided with the project proposal and invited to respond with any project concerns or conditions. No responses were received from these public service agencies, indicating there were no concerns about significant impacts resulting from the project. Therefore, the project is not expected to have a significant impact on, or will not significantly affect, the ability of these service providers to maintain current levels of service.

**XVI. RECREATION.**

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

- a-b) The proposed project is a winery expansion and a 3,280 square foot, large agricultural store. The project would not result in an increase in demand for neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated, because the project will not generate any new residential units and the project, an expansion of an existing winery, is not expected to result in an increased demand for recreational facilities. Therefore, the project will have no impact on recreation facilities.

	Less Than			
Potentially Significant Impact	Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR

**XVII. TRANSPORTATION.**

Would the project:

- |  |                          |                          |                                     |                          |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle, and pedestrian facilities?        | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Result in inadequate emergency access?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**Impact Discussion:**

- a) The proposed project is a winery expansion and a 3,280 square foot, large agricultural store, located on State Route 120 west of the City of Escalon. Regional access to the site is provided by State Route 120, a west-east highway beginning at Interstate 5 in Lathrop to the west. Van Allen Road and Carrolton Road are local roads running north-south that provide access to State Route 120 near the project site.

The first winery application for the project site was conditionally approved in 2019. At that time, the California Department of Transportation (Caltrans) required that the applicant make improvements to State Route 120 which included installing a two-way left turn lane along the frontage of the project parcel. This improvement required widening of the roadway and the approximately 350-foot long left turn lane now provides storage for up to 14 vehicles waiting to turn left into the site. The lane also accommodates the turning requirements of trucks turning into and out of the site. A referral of the current application for the winery expansion and large agricultural store was sent to Caltrans on May 31, 2021. The Department responded June 28, 2021, that it had no further requirements as the two-left turn lane had been installed.

The project was also referred to the San Joaquin County Department of Public Works on May 31, 2021. The Department requires a traffic impact study for projects that are expected to generate in excess of 50 vehicles during any hour and a traffic impact study was not required for this project. The Department did require that the applicant submit a Technical Memorandum from a registered traffic engineer certifying that the proposed development will not degrade service along adjacent roadways and/or intersections to unacceptable conditions. The memorandum, completed by transportation engineers KD Anderson and Associates Consulting, Inc., and dated November 24, 2021, concluded that the proposed improvements and events would not have an appreciable impact on the operation of, or the safety of, the roads providing access to the site. Therefore, the project's impact on program plans, ordinances, or policies addressing the circulation system, including transit, roadways, bicycle, and pedestrian facilities, is expected to be less than significant.

- b) Pursuant to the KD Anderson and Associates Consulting, Inc., Traffic Memorandum mentioned above, it is estimated that the project will generate approximately 46 additional daily vehicle trips. This change is relative to the project's transportation impact under CEQA as it relates to Vehicle Miles Traveled (VMT). Pursuant to the Technical Advisory on Evaluating Transportation Impacts in CEQA, as published by the California Office of Planning and Research (OPR) in December 2018, a small project that generates or attracts "fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact" with regards to Vehicle Miles Traveled (VMT).
- c) The proposed project will not be making any changes to local roadways, therefore, the project's impact on transportation hazards is expected to be less than significant. Additionally, roadway improvements to State Route 120, made by the applicant as required by Caltrans, alleviates any possible safety issues or deficiencies at this location. Additionally, a winery and a large agricultural store are permitted uses in the general agricultural zones making the project compatible with the surrounding area.

- d) The project site is accessed from State Route 120 and access into the site is provided by a 350-foot long left turn lane from State Route 120 which provides storage for up to 14 vehicles waiting to turn left into the site and can accommodate the turning requirements of trucks turning into and out of the site. This improved access also provides adequate access for emergency vehicles. Additionally, the project site is encircled by a 20-foot wide fire access road for emergency vehicles. Therefore, site access would provide adequate space for fire trucks and emergency vehicles to enter and turn around, and the project is not expected to result in inadequate emergency access.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
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**XVIII. TRIBAL CULTURAL RESOURCES.**

a) Would the project 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:

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

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources 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.

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Impact Discussion:**

a)

i) The project site is currently being developed with a small winery, the expansion of which to a large winery is being proposed with this application. There is also a single family residence with accessory structures, an agricultural building for private use, and a produce stand. No buildings on the site are listed on the State Office of Historic Preservation California Register or the National Register of Historic Places. Therefore, the project will not result in a substantial adverse change in the significance of a historical resource as defined by CEQA.

ii) The project site is approximately 3 acres in size and is located in a rural, agricultural area west of the City of Escalon. A project referral was mailed May 13, 2021, to the California Native American Heritage Commission, the Buena Vista Rancheria, the California Tribal TANF Partnership, the North Valley Yokuts Tribe, and the United Auburn Indian Community. A response was received from the Buena Vista Rancheria on May 21, 2021, stating that BVR had no objections to the project. A response was received from the United Auburn Indian Community on May 13, 2021, stating that the area is located outside of UAIC's consultation area. Because no requests for consult were received, it is assumed that there are no concerns about significant impacts on tribal cultural resources resulting from the project.

**XIX. UTILITIES AND SERVICE SYSTEMS.**

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

- a) The proposed project is a winery expansion and a 3,280 square foot, large agricultural store, located west of the City of Escalon. The project will utilize a private well, onsite wastewater treatment system, and onsite storm water retention. Therefore, the project will be served by private, onsite services and will not require relocation of existing facilities or require new facilities.
- b) The project would be served by a private well. Groundwater is used for both winemaking processes and for domestic use. The applicant is in the process of obtaining a permit for a Public Water System through the California State Water Resources Control Board, Division of Drinking Water (Water Board). The Water Board will provide oversight of the onsite water system and impacts on water supplies are expected to be less than significant.
- c) The project would utilize an onsite sewage disposal system to be constructed under an Environmental Health Department permit and is subject to the onsite wastewater treatment system regulations that will ensure compliance with the standards of San Joaquin County.
- d-e) The proposed project is a winery expansion and a 3,280 square foot, large agricultural store. As proposed, the project is not anticipated to generate solid waste in excess of State and local standards and will be able to comply with all regulations related to solid waste.



**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 Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Require the installation or 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

- a-d) The project location is in a rural, agricultural area west of the City of Escalon, CA, and is not identified as a Community at Risk from Wildfire by Cal Fire's "Fire Risk Assessment Program". Communities at Risk from Wildfire are those places within 1.5 miles of areas of High or Very High wildfire threat as determined from CDF-FRAP fuels and hazard data. Therefore, the impact of wildfires on the project are expected to be less than significant.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
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**XXI. MANDATORY FINDINGS OF SIGNIFICANCE.**

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?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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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)?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Impact Discussion:**

a-c) Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or surrounding area. Mitigation measures have been identified in areas where a potentially significant impact has been identified and these measures, included as conditions of approval, will reduce these impacts to a less than significant level.

**ATTACHMENTS:**

**ACOUSTICAL ANALYSIS**

**ZINC HOUSE WINERY, OUTDOOR EVENT FACILITY  
20679 CALIFORNIA STATE ROUTE 120  
SAN JOAQUIN COUNTY, CALIFORNIA**

**WJVA Project No. 21-42**

**PREPARED FOR**

**LATTITUDE 37 PARTNERS, LLC  
20679 CA 120  
ESCALON, CA 95320**

**PREPARED BY**

**WJV ACOUSTICS, INC.  
VISALIA, CALIFORNIA**



**SEPTEMBER 18, 2021**

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113 North Church Street, Suite 203 • Visalia, CA 93291 • (559) 627-4923

## INTRODUCTION

The applicant proposes to operate private events at an outdoor event facility located in San Joaquin County. The proposed facility would host annual events with amplified sound and catered food which would include: 12 Small-Scale Winery Events with a maximum of 80 attendees, 12 Large-Scale Winery Events with a maximum of 116 attendees, 4 Wine Release Events with a maximum of 300 attendees, and 20 Marketing Events with a maximum of 300 attendees. According to the project applicant, all amplified speech and music would conclude by 10:00 p.m.

San Joaquin County has required an acoustical analysis to determine if noise generated by the proposed activities will comply with applicable San Joaquin County noise standards. This acoustical analysis, prepared by WJV Acoustics Inc. (WJVA), is based on the site plan provided by the project applicant, facility operations data provided by the project applicant and noise level data obtained by WJVA at the project site.

Appendix A provides definitions of the acoustical terminology used in this report. Unless otherwise stated, all sound levels reported in this analysis are A-weighted sound pressure levels in decibels (dB). A-weighting de-emphasizes the very low and very high frequencies of sound in a manner similar to the human ear. Most community noise standards utilize A-weighted sound levels, as they correlate well with public reaction to noise. Appendix B provides typical A-weighted sound levels for common noise sources.

## CRITERIA FOR ACCEPTABLE NOISE EXPOSURE

### General Plan

Chapter 3.3 (Public Health and Safety Element) of The San Joaquin County General Plan provides noise level criteria for land use compatibility for both transportation and non-transportation (stationary) noise sources. The General Plan sets noise compatibility standards for transportation noise sources in terms of the Day-Night Average Level ( $L_{dn}$ ). The  $L_{dn}$  represents the time-weighted energy average noise level for a 24-hour day, with a 10 dB penalty added to noise levels occurring during the nighttime hours (10:00 p.m.-7:00 a.m.). The  $L_{dn}$  represents cumulative exposure to noise over an extended period of time and are therefore calculated based upon *annual average* conditions. Table I provides the General Plan noise level standards for transportation noise sources.

TABLE I		
SAN JOAQUIN COUNTY GENERAL PLAN NOISE LEVEL STANDARDS MAXIMUM ALLOWABLE NOISE EXPOSURE FROM TRANSPORTATION NOISE SOURCES		
Noise-Sensitive Land Use	Outdoor Activity Areas <sup>1</sup>	Interior Spaces
	$L_{dn}$ , dB	$L_{dn}$ , dB
Residential	65	45
Administrative Office	--	45
Child Care Services-Child Care Center	--	45
Community Assembly	65	45
Cultural & Library Services	--	45
Educational Services: General	--	45
Funeral & Internment Services-Undertaking	65	45
Lodging Services	65	45
Medical Services	65	45
Professional Services	--	45
Public Services (excluding hospitals)	--	45
Public Services (hospitals only)	65	45
Recreation-Indoor Spectator	--	45
Religious Assembly	65	45

1 Where the location of outdoor activity areas is unknown or is not applicable, the noise standard shall be applied at the property line of the receiving land use. When determining the effectiveness of noise mitigation measures, the standards shall be applied on the receiving side of noise barriers or other property line noise mitigation measures.

Source: San Joaquin County General Plan

The General Plan also provides noise standards applicable to non-transportation (stationary) noise sources. Table II provides the General Plan noise level standards for non-transportation noise sources. The noise level standards provided in Table II are applicable to the project.

**TABLE II**

**SAN JOAQUIN COUNTY GENERAL PLAN NOISE LEVEL STANDARDS**  
**NON-TRANSPORTATION NOISE LEVEL PERFORMANCE STANDARDS FOR NOISE-SENSITIVE USES AT OUTDOOR ACTIVITY AREAS<sup>1</sup>**

Daytime (7 a.m.-10 p.m.) <sup>2</sup>		Nighttime (10 p.m.-7 a.m.) <sup>2</sup>	
<i>L<sub>eq</sub></i>	<i>L<sub>max</sub></i>	<i>L<sub>eq</sub></i>	<i>L<sub>max</sub></i>
50 (45)	70 (65)	45 (40)	65 (60)

1 Where the location of outdoor activity areas is unknown or is not applicable, the noise standard shall be applied at the property line of the receiving land use. When determining the effectiveness of noise mitigation measures, the standards shall be applied on the receiving side of noise barriers or other property line noise mitigation measures.

2 Each of the noise level standards specified shall be reduced by 5 dB for impulsive noise, single tone noise, or noise consisting primarily of speech or music. \*Noise levels provide in parenthesis represent those that apply to these sources.

Source: San Joaquin County General Plan

It should be noted, Section 9-1025.9 (Noise) of the San Joaquin County Code of Ordinances also provides noise level standards applicable to the project. The noise level standards provided in the County's Code of Ordinances are identical to those provided in the General Plan (described above).

## EXISTING NOISE ENVIRONMENT

The project site is located at 20679 CA State Highway 120, in the community of Escalon, in San Joaquin County. The area surrounding the project site is predominately agricultural and rural residential land uses. The closest off-site residential land uses (sensitive receivers) are approximately 500 feet to the south (R-1), 1,000 feet to the west (R-2) and 950 feet to the east (R-3) of the project site (described distances represent the distance from the proposed location of the outdoor speakers to the closest residential land uses). Noise level measurements were conducted in the direction and vicinity of these three sensitive receptor locations. The project site plan is provided as Figure 1. The project vicinity is provided as Figure 2. Figure 3, Figure 4 and Figure 5 provide photographs of measurements sites R-1, R-2 and R-3, respectively.

WJVA staff conducted background (ambient) noise level measurements near the project site on August 17, 2021. Noise level measurements were conducted between the hours of approximately 6:00 p.m. to 7:30 p.m. The measurement sites were located in the direction and vicinity of the closest off-site residential land uses, to determine existing (without project) noise levels. The noise measurement sites are indicated on Figure 2.

Noise monitoring equipment utilized for the measurements consisted of Larson-Davis Laboratories Model LDL-820 sound level analyzers equipped with a B&K Type 4176 1/2" microphones. The equipment complies with the specifications of the American National Standards Institute (ANSI) for Type I (Precision) sound level meters. The meters were calibrated in the field prior to use with a B&K Type 4230 acoustic calibrator to ensure the accuracy of the measurements. The microphones were located on a tripod at 5 feet above the ground. Ambient noise levels were measured simultaneously over a fifteen-minute interval at three (3) locations.

Table III summarizes the ambient noise measurement results. The dominant source of noise in the project vicinity is vehicle traffic along CA 120. Other sources of noise observed during the site visit include noise associated with agricultural activities and occasional aircraft overflights. The noise level data summarized by Table III are representative of early evening conditions in the project area. Reference to Table III indicates that existing (without project) ambient noise levels in the vicinity of the closest sensitive receptors already exceed the County's noise level standards in all categories at all three ambient measurement sites. This is due to the proximity to CA 120.

TABLE III		
SUMMARY OF AMBIENT NOISE LEVEL MEASUREMENTS ZINC HOUSE WINERY, SAN JOAQUIN COUNTY AUGUST 17, 2021		
Location	A-weighted Decibels, dBA	
	$L_{max}$	$L_{eq}$
R-1	82	64
R-2	73	54
R-3	76	59

Source: WJV Acoustics, Inc.

21-42 (Zinc House Winery, San Joaquin County) 9-18-21



## PROJECT-RELATED NOISE LEVELS

### Amplified Speech and Music

The project applicant proposes to operate private outdoor events with the inclusion of amplified speech and music. The applicant has stated that a maximum of approximately 300 guests would attend on-site events. According to the applicant, outdoor amplified speech and music would typically occur within the area indicated as “Outdoor Event Area” on Figure 2.

The noise standards applicable to the project are provided above in Table II. As described, the noise standards become 5 dB more restrictive during the nighttime hours of 10:00 p.m. to 7:00 a.m. Additionally, The County’s noise standards for noise sources that consist primarily of amplified speech and music are further reduced by 5 dB. The noise levels in parenthesis, provided in Table II, represent the applicable standards for noise sources that consist primarily of speech and music, which are applicable to the proposed project.

On August 17, 2021 WJVA staff measured noise levels in the vicinity of the project site while music was being amplified through a speaker system supplied by a DJ. According to the DJ, amplified noise levels during the simulated event were comparable to that which would be experienced during a wedding or banquet event. WJVA staff also agreed with this assessment.

The sound system was located in the same location where the applicant proposes to locate the sound system during outdoor events utilizing amplified speech and music; in the area labeled “Outdoor Event Area” on Figure 2. It should be noted, the sound system was oriented as to face toward the north, opposite and to the side of the closest sensitive receptor locations (residences). Noise levels associated with speaker systems are directional in nature.

WJVA staff conducted noise measurements at the same three (3) locations described above, in the direction and vicinity of the closest nearby off-site residential land uses, while amplified music was being played within the project site. Measurements were taken simultaneously, for twenty (20) minutes at each location. Table IV describes the results of the noise measurements in terms of the County’s applicable standards.

TABLE IV		
SUMMARY OF PROJECT-RELATED NOISE LEVELS ZINC HOUSE WINERY, SAN JOAQUIN COUNTY AUGUST 17, 2021		
Location	A-weighted Decibels, dBA	
	$L_{max}$	$L_{eq}$
R-1	80	64
R-2	74	55
R-3	69	58

Source: WJV Acoustics, Inc.

From Table IV it can be determined that project-related noise levels did not result in any statistically measurable increase in noise levels over those measured without the inclusion of amplified speech (Table III). During the noise measurements, WJVA staff noted that at times the amplified music was slightly audible at the three sites, but generally speaking the amplified music was not audible over existing ambient noise levels.

While not explicitly stated in the San Joaquin County General Plan or Code or Ordinances, it is standard practice to adjust applicable noise standards if existing (without project) ambient noise levels already exceed the applicable standards, as is the case with this project. The noise levels measured at the three locations, while amplified music was being played at the Outdoor Event Area, were nearly identical to those measured without the amplified music. Therefore, it is reasonable to determine that the project would not result in any impacts at nearby sensitive receptor locations, and that the project would not result in any increase in noise levels above the existing (without project) ambient noise levels, in the project vicinity.

WJVA also reviewed data collected at numerous other sites during events using amplified speech and music. Based upon a review of WJVA file data for such events, the proposed location and direction of the speaker system at the project site and the distances to the closest off-site sensitive receptors, WJVA calculated what project-related (amplified music) noise levels would likely be in the absence of elevated ambient noise levels. Based upon this review, WJVA calculated noise levels associated with outdoor events using amplified speech and music, at the closest sensitive receptors, as follows:

- R-1: 35-40 dB  $L_{eq}$
- R-2: 34-39 dB  $L_{eq}$
- R-3: 36-41 dB  $L_{eq}$

Hypothetically speaking, in the absence of existing elevated ambient noise levels (associated with vehicle traffic along CA 120), project-related noise levels would not be expected to exceed the applicable 45 dB  $L_{eq}$  daytime noise level standard (adjusted for noise source consisting primarily of amplified speech and music). This determination was based upon a review of noise levels previously measured by WJVA staff during outdoor events using amplified music, the location and direction of the speaker system at the proposed project site and the distances between the outdoor event area and sensitive receptors. If the speaker system were to be oriented toward one of the sensitive receptors or located in a different area entirely, the above-described noise levels would not apply, and noise levels could exceed the County's standards.

#### **Parking Lot Vehicle Movements:**

Noise due to vehicle movements and traffic in parking lots is typically limited by low speeds and is not usually considered to be significant. Human activity in parking lots that can produce noise includes voices, stereo systems and the opening and closing of car doors and trunk lids. Such activities can occur at any time. The noise levels associated with these activities cannot be precisely defined due to variables such as the number of parking movements, time of day and other factors. It is typical for a passing car in a parking lot to produce a maximum noise level of

21-42 (Zinc House Winery, San Joaquin County) 9-18-21

60 to 65 dB at a distance of 50 feet, which is comparable to the level of a raised voice. For this project, the closest proposed vehicle movement area would be located approximately 700 feet from the closest existing off-site residential land use, resulting in vehicle movement noise levels of approximately 37 to 42 dB at the closest residential land use. Such levels are below the County's daytime and nighttime maximum ( $L_{max}$ ) noise level standards and below existing (without project) ambient noise levels. Vehicle movement noise would not be expected to exceed the standards of the County's noise ordinance.


## CONCLUSIONS AND RECOMMENDATIONS

The above-described project-related noise levels are not expected to exceed the applicable San Joaquin County daytime (7:00 a.m. to 10:00 p.m.) noise level standards. Due to the project site (and nearby sensitive receptors) proximity to California State Highway 120, existing (without project) ambient noise levels already exceed the County's applicable noise level standards. Additionally, noise levels measured at each of the three noise monitoring sites (in the direction and vicinity of the closest off-site sensitive receptors) while amplified music was occurring were nearly identical to those measured without the inclusion of amplified music at the project site. WJVA also applied noise levels previously collected during outdoor events at other locations to calculate expected noise levels in the absence of elevated ambient noise levels associated with traffic along CA 120, and determined the project would not exceed applicable San Joaquin County noise levels standards. Therefore, it can be determined that the project would not result in any impact at nearby sensitive receptors and would not result in an increase in noise levels above existing (without project) ambient noise levels.

The above-described noise levels were measured while the speaker system was facing north (away from the closest sensitive receptors) and the speaker system was located within the Outdoor Event Area (as indicated on Figure 2). However, if noise levels produced by on-site speaker systems are set to excessively high volumes and/or the speaker system is located in an area other than indicated by the project applicant and/or the speakers are oriented in a different direction other than that which was indicated by the project applicant, noise levels at nearby sensitive receivers could be higher than those described in this analysis. Additionally, as indicated by the applicant, amplified speech and music should not occur after 10:00 p.m.

The foregoing conclusions and recommendations are based upon the best information known to WJV Acoustics, Inc. (WJVA) at the time the study was prepared concerning the proposed site plan, proposed activities and the noise levels that could be produced by amplified sound systems at the project site. Any significant changes to the information used for this analysis will require a reevaluation of the findings of this report. Additionally, any significant future changes in noise regulations or other factors beyond WJVA's control may result in long-term noise results different from those described by this analysis.

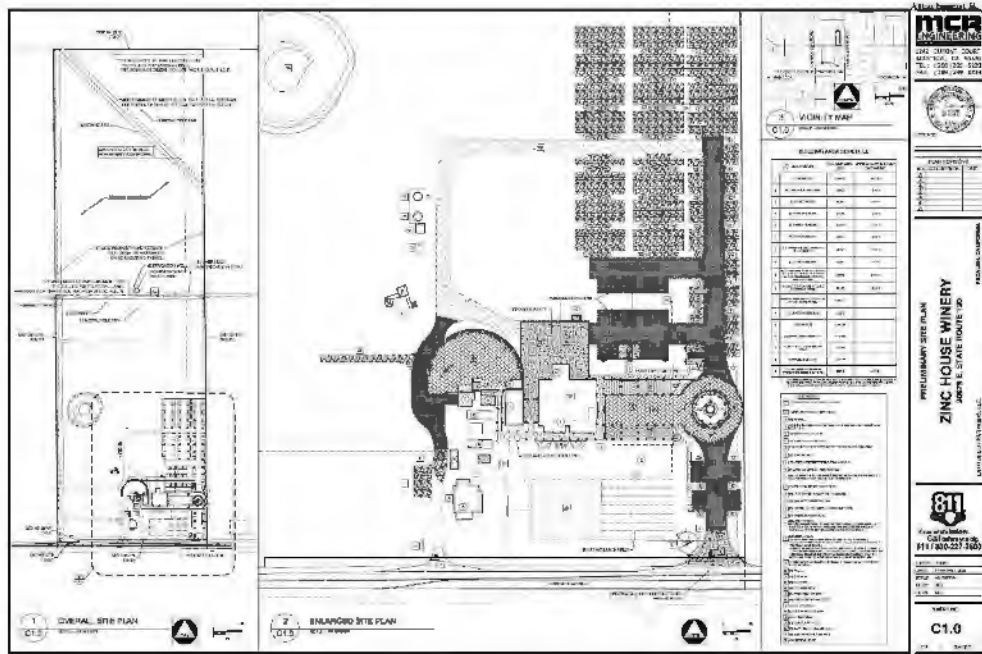
Respectfully submitted,



Walter J. Van Groningen  
President

WJV:wjv

FIGURE 1: PROJECT SITE PLAN



21-42 [Zinc House Winery, San Joaquin County] 9-18-21

**FIGURE 2: PROJECT VICINITY, NOISE MONITORING SITES AND EVENT AREA LOCATION**





FIGURE 3: MEASUREMENT SITE R-1



21-42 (Zinc House Winery, San Joaquin County) 9-18-21

FIGURE 4: MEASUREMENT SITE R-2



21-42 (Zinc House Winery, San Joaquin County) 9-18-21

13



FIGURE 5: MEASUREMENT SITE R-3



21-42 (Zinc House Winery, San Joaquin County) 8-18-21

## APPENDIX A

### ACOUSTICAL TERMINOLOGY

<b>AMBIENT NOISE LEVEL:</b>	The composite of noise from all sources near and far. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location.
<b>CNEL:</b>	Community Noise Equivalent Level. The average equivalent sound level during a 24-hour day, obtained after addition of approximately five decibels to sound levels in the evening from 7:00 p.m. to 10:00 p.m. and ten decibels to sound levels in the night before 7:00 a.m. and after 10:00 p.m.
<b>DECIBEL, dB:</b>	A unit for describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).
<b>DNL/L<sub>dn</sub>:</b>	Day/Night Average Sound Level. The average equivalent sound level during a 24-hour day, obtained after addition of ten decibels to sound levels in the night after 10:00 p.m. and before 7:00 a.m.
<b>L<sub>eq</sub>:</b>	Equivalent Sound Level. The sound level containing the same total energy as a time varying signal over a given sample period. L <sub>eq</sub> is typically computed over 1, 8 and 24-hour sample periods.
<b>NOTE:</b>	The CNEL and DNL represent daily levels of noise exposure averaged on an annual basis, while L <sub>eq</sub> represents the average noise exposure for a shorter time period, typically one hour.
<b>L<sub>max</sub>:</b>	The maximum noise level recorded during a noise event.
<b>L<sub>n</sub>:</b>	The sound level exceeded "n" percent of the time during a sample interval (L <sub>90</sub> , L <sub>50</sub> , L <sub>10</sub> , etc.). For example, L <sub>10</sub> equals the level exceeded 10 percent of the time.

## A-2

### ACOUSTICAL TERMINOLOGY

**NOISE EXPOSURE  
CONTOURS:**

Lines drawn about a noise source indicating constant levels of noise exposure. CNEL and DNL contours are frequently utilized to describe community exposure to noise.

**NOISE LEVEL  
REDUCTION (NLR):**

The noise reduction between indoor and outdoor environments or between two rooms that is the numerical difference, in decibels, of the average sound pressure levels in those areas or rooms. A measurement of noise level reduction combines the effect of the transmission loss performance of the structure plus the effect of acoustic absorption present in the receiving room.

**SEL or SENEL:**

Sound Exposure Level or Single Event Noise Exposure Level. The level of noise accumulated during a single noise event, such as an aircraft overflight, with reference to a duration of one second. More specifically, it is the time-integrated A-weighted squared sound pressure for a stated time interval or event, based on a reference pressure of 20 micropascals and a reference duration of one second.

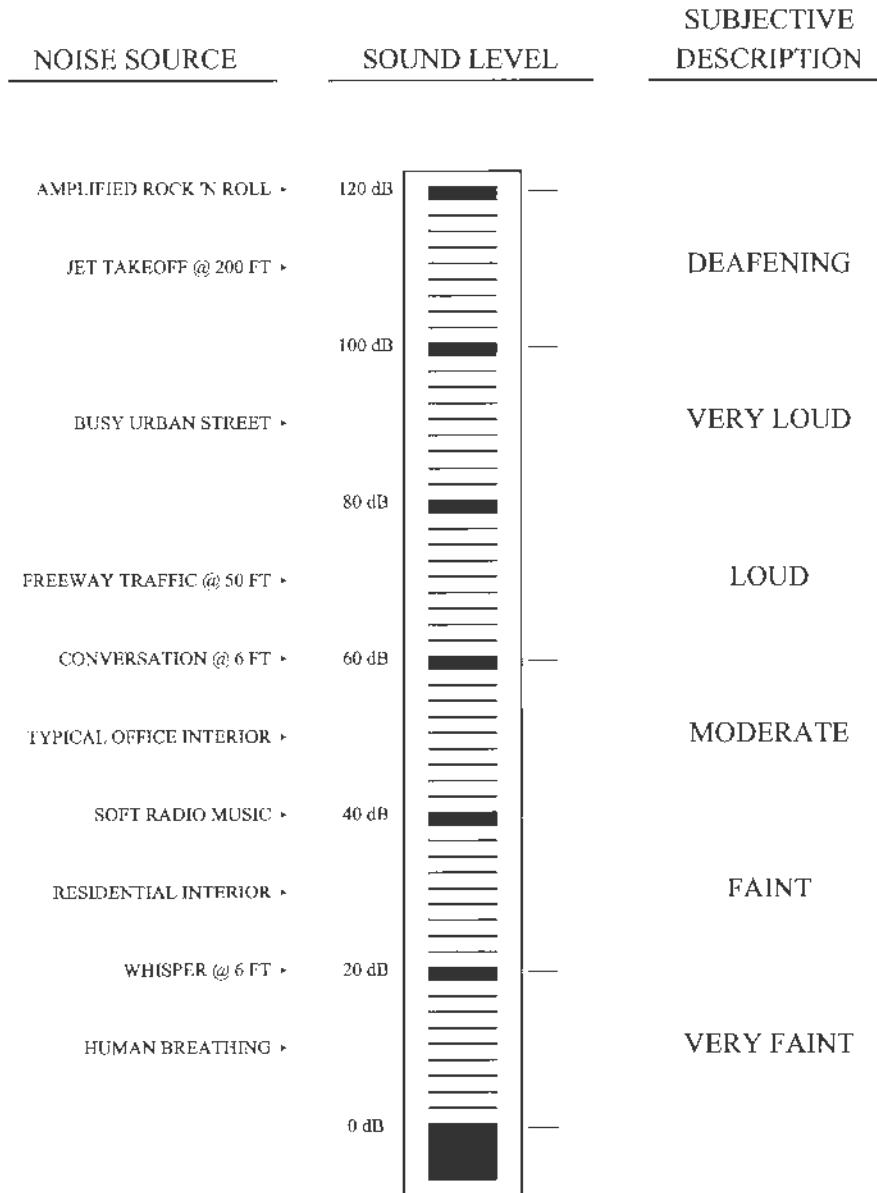
**SOUND LEVEL:**

The sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the response of the human ear and gives good correlation with subjective reactions to noise.

**SOUND TRANSMISSION  
CLASS (STC):**

The single-number rating of sound transmission loss for a construction element (window, door, etc.) over a frequency range where speech intelligibility largely occurs.

APPENDIX B  
EXAMPLES OF SOUND LEVELS



November 24, 2021

Mr. Paul W. Franzia, Founder  
Latitude 37 Partners, LLC  
209-595-8348  
[Paul@FranziaFamily.com](mailto:Paul@FranziaFamily.com)

RE: TRANSPORTATION TECHNICAL MEMORANDUM FOR ZINC HOUSE WINERY  
PA-21900039 (UP) TO CONVERT SMALL WINERY TO LARGE WINERY WITH  
EVENTS AT 20679 SR 120, SAN JOAQUIN COUNTY, CALIFORNIA.

Dear Mr. Franzia:

Thank you for contacting our firm regarding the Winery at 20679 State Route 120 in San Joaquin County. As we have discussed, the project involves expansion of an approved small winery to a large winery with events on a site along SR 120 800 feet west of South Van Allen Road. The approved small winery is under construction with access via an encroachment permit from Caltrans District 10, and Caltrans has not asked for changes to approved improvements to accommodate the larger winery. The project could accommodate up to 300 persons for marketing events, small-scale and large-scale accessory events and wine release parties.

San Joaquin County staff has considered the project's potential traffic impacts and reached a preliminary conclusion of no significant impact. Under County guidelines a *Traffic Technical Memorandum* has been requested in order to provide the evidence needed to support the County's preliminary conclusions. This letter summarizes our assessment of the project's potential impacts under the County's December 2012 guidelines.

**Technical Approach.** As we are aware, this project, as well as other San Joaquin County wineries, introduces traffic into rural areas of San Joaquin County on roads that are successfully used by County residents and visitors. The Traffic Technical Memorandum addresses these key issues identified by San Joaquin County, including:

1. Identify the amount of vehicular traffic that is associated with planned events and other activity that changes due to winery size;
2. Compare site traffic with the current traffic volumes on SR 120;
3. Confirm the adequacy of access to proposed parking facilities based on Caltrans guidelines; and,
4. Review the routes to the site to confirm that there are no "hazards" that could surprise first time visitors or otherwise create a safety hazard; and
5. Review project impact based on regional VMT.

Figure 1 displays the Vicinity Map.

3853 Taylor Road, Suite G • Loomis, CA 95650 • (916) 660-1555

### Project Description

The project will proceed in two phases.

Phase 1 to include:

- \* Increasing winery production capacity from a maximum of 36,000 gallons of wine per year to a minimum of 100,000 gallons of wine per year.
- \* Converting a portion of an agricultural processing and food manufacturing building (Building J) to an agricultural product store.

Phase 2 to include:

- \* Converting Building J from an agricultural product store with agricultural processing and food manufacturing to a wine tasting room.
- \* Constructing a new 3,280 square foot agricultural products store with processing and manufacturing (Building S).

Annual events with amplified sound and catered food are also proposed for the winery and include: (12) Small-Scale Winery Events with a maximum of (80) attendees, (12) Large-Scale Winery Events with a maximum of (116) attendees, (4) Wine Release Events with a maximum of (300) attendees, and (20) Marketing Events with a maximum of (300) attendees. Of these values, only Marketing events change with the project, as a small winery is permitted (4) events with a maximum of 150 persons.

The wine tasting room is expected to see increased visitation with the proposed project. 40 visitors were expected daily with the small winery, and visitation is expected to increase to 80 persons with the project.

The project site plan (Figure 2) indicates that parking is to be configured in a combination of paved and overflow parking. A total of 186 spaces are required under San Joaquin County code, and 197 spaces are provided.

### Background Information

**Current Traffic Volumes / Conditions on Affected Roads.** The following roads provide primary regional access to the site.

*State Route 120 (SR 120).* SR 120 is an east-west facility which traverses San Joaquin County from an interchange on I-5 near Lathrop to the Stanislaus County line near Escalon. In the area of the project SR 120 is a two-lane conventional highway. The UPRR runs along the south side of the highway. Eastbound and westbound left turn lanes have been constructed on SR 120 at the South Van Allen Road intersection, and the eastbound turn lane extends westerly for about 730 feet to the project boundary. As part of the project the lane will be extended for another 600 feet to provide access to the site. The posted speed limit is 55 mph.

The current *Average Annual Daily Traffic (AADT)* volume reported by the California Department of Transportation (Caltrans) on SR 120 between French Camp Road and Escalon was 15,600 to 16,800 vehicles per day in 2019. Trucks comprise 15% of the annual traffic volume on SR 120 in this area.

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**Van Allen Road.** Van Allen Road is a two-lane north-south San Joaquin County roadway east of the project site. Van Allen Road runs for 12 miles from E. River Road on the south to Farmington Road on the north.

**SR 120/ Van Allen Road intersection.** Van Allen Road's intersection with SR 120 is controlled by stop signs on the northbound and southbound Van Allen Road approaches. The north leg of the intersection has been widened to accommodate truck turns. The south leg crosses the LPRR and crossing gates are provided. Van Allen Elementary School is located on the northeast corner of the SR 120 and Van Allen Road intersection, and school crosswalks exist on the intersection's north, east and south legs. Streetlights are found on the northwest and southeast corners.

**Safety along Routes to the Project Site.** It is reasonable to expect that most traffic oriented to the project will arrive and depart via SR 120, and the physical features along this routes were reviewed. SR 120 is a standard conventional highway with 12 foot travel lanes and 8 foot paved shoulders. Separate left turn lanes have been installed at major intersections, and gates exist at adjoining railroad crossings. No Passing zones are striped in the area of the major intersections, including the area of the project between Von Glahn Road and Van Allen Road.

Collision information for SR 120 in the area of the proposed project was obtained from the Statewide Integrated Traffic Records System (SWITRS). Data for the area for the Van Allen Road intersection and westerly on SR 120 beyond the project access to Von Glahn Road was obtained. As shown in Table 1 a total of 11 collisions were reported, with 8 at the Van Allen Road intersection. Of the collisions beyond Van Allen Road, one occurred 200 feet west of Van Allen Road (crossing double yellow centerline), one occurred in the area of the project access (improper turn) and one occurred at Von Glahn Road. The collision near the project could be avoided with project's planned left turn lane. The overall collision rates in this area are near the statewide average for similar rural facilities.

TABLE 1 COLLISION HISTORY ALONG SR 120			
Year	Reported Collisions		
	Von Glahn Road to Van Allen Road	West of Van Allen Road	Van Allen Road Intersection Only
2017	4	2	2
2018	2	0	2
2019	4	1	3
2020	1	0	1
Total	11	3	8
Average Collision Rate		0.40/MVM	0.54/MV
Statewide Average			0.23/MV

**Level of Service Criteria.** The quality of traffic operations on San Joaquin County roads is judged in the Circulation Element based on operating Level of Service at key intersections and on roadway segments. San Joaquin County General Plan policy TM-3.1 Roadway Provisions describes the minimum standards adopted by San Joaquin County. Under County policy all designated Congestion Management Plan

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(CMP) roadways and intersections shall operate at LOS D or better, while non-CMP County roadways are to operate at LOS C or better. SR 120 is a designated CMP road, and the LOS D standard applies.

**Current Operating Conditions.** General Plan EIR Table 4.D-B1, provides information regarding the current and future operation of SR 120. As indicated in Table 2, that document indicates that on SR 120 in the area from French Camp Road to Main Street in Escalon eastbound traffic operates at LOS D in the a.m. peak hour and LOS E in the p.m. peak hour. Alternatively westbound SR 120 operates at LOS C in both the a.m. and p.m. peak hours. The level of service for travel in the eastbound direction exceeds the minimum LOS D standard in the p.m. peak hour.

Road	Location	Number of Lanes	Daily Volume	Existing Level of Service*			
				AM Peak Hour		PM Peak Hour	
				EB	WB	EB	WB
SR 120	French Camp Road to Main St	2	15,600	D	C	E	C
Van Allen Rd	North of SR 120	2	885	A			

\* Source: San Joaquin County General Plan EIR

San Joaquin County has no traffic count data for Van Allen Road, so alternative sources were considered. The San Joaquin Council of Governments (SJCOC) Tri-County regional travel demand model suggests a daily baseline (2008) volume of 885 vehicles per day north of SR 120. San Joaquin County General Plan EIR Table 4.D-B4, indicates that two-lane collector roads can carry up to 7,000 vehicles per day at LOS C. That LOS C threshold could be applied to Van Allen Road. The estimated traffic volume is indicative of LOS A conditions under GP EIR thresholds.

**Future Traffic Volumes / Conditions.** The Draft 2020 San Joaquin County Regional Transportation Plan / Sustainable Communities Strategy (RTP/SCS) summarizes roadway improvements anticipated over the next twenty years. No improvements in the immediate area of the proposed project are identified, but improvements are planned at the SR 120 / Brannon Avenue intersection about 2¼ miles to the east.

The SJCOC travel demand model forces moderate growth in daily traffic volume on SR 120 and very limited growth on Van Allen Road. The current daily traffic volume is projected to increase to 22,000 vehicles per day by 2035, which is an overall increase of 41% to roughly 22,000 vehicles per day. However the volumes on Van Allen Road are projected to increase by only 10%.

The General Plan EIR Table 4.D-B1 describes future traffic conditions on SR 120. The General Plan assumes that SR 120 will be widened to four lanes in the future and that LOS A conditions will result. The volume of traffic anticipated on Van Allen Road will approach 1,000 vehicles per day and remain within the minimum LOS C threshold.

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**Project Traffic Effects**

This analysis addresses the net effect of converting the project from a small winery to a large winery. As noted previously the regular winery operation does not change appreciably as the number of employees does not change, and anticipated visitation for wine tasting will increase slightly. However the course of the year more traffic could be generated at harvest as more grapes are delivered to the site and more product is shipped. The maximum number of persons traveling to the site for events would increase from 150 to 300, and additional traffic would result.

**Trip Generation.** Traffic engineers describe the new travel associated with a project in terms of its “trip generation”.

Typically, published sources of trip generation rates based on observation of similar uses are employed, and standard reference documents, such as the Institute of Transportation Engineers (ITE) publication *Trip Generation, 11th Edition* (Institute of Transportation Engineers 2017) are regularly used by San Joaquin County. However, while ITE rates are available for “wine tasting rooms”, because the proposed project the wine tasting room size does not change with the project. Thus, it is necessary to estimate trip generation based on the travel characteristics of specific activities.

**Tasting Room.** The regular operation of the tasting room will generate automobile traffic by customers and employees on days when no events are held. Assuming an average of 40 visitors a day and an automobile occupancy rate of 2.5 persons per vehicle, then the small winery tasting room could generate 32 daily vehicle trips. This estimate could double to 64 daily trips with a large winery. This traffic would likely be spread across the day, with the hours of peak visitation typically occurring from 11:00 a.m. to 6:00 p.m. P.m. peak hour traffic may total 4-5 trips with a small winery and twice that value with the large winery.

**Winery Operations.** Employee traffic will be generated by the winery, but the number of employees is not appreciably different between large and small wineries.

Expanding the winery capacity will increase the number of trucks traveling to and from the site over the course of the year. Additional loads of grapes, glass, cork, and barrels will be diverted, and more cases of wine would be shipped from the site. Based on the increase in gallons of wine produced and standard industry parameters, the change from a small to a large winery could result in 66 additional truck loads annually, or an annual average of 2 to 3 truck trips per week.

TABLE 3 INCREASE IN ANNUAL TRUCKLOADS DUE TO EXPANSION FROM 36,000 TO 100,000 GALLONS ANNUALLY	
Activity	Additional Annual Truck Loads
Grapes Delivered	24
Glass	12
Cork / Labels	3
Barrels	5
Wine Shipment	22
<b>Total</b>	<b>66</b>

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**Events.** The extent to which event-oriented trips are focused into a specific time period would depend on the event schedule and the nature of activities. “Open house” type activities would spread trips across a broad time period, and some inbound and outbound trips might occur concurrently. A wine release party falls into this category. An event with a designated starting time but uncertain exit time would tend to attract nearly all inbound trips into a single hour but exiting trips would fall into more than one subsequent hour. A wedding or formal dinner might be in this category. Finally, some events could have formal beginning and ending times. Although not proposed for the site, a concert is an example of a hypothetical event that would fall into that category.

In 2013 our firm previously observed traffic before and after a wedding at a rural venue to identify trip generation rates, equivalent vehicle occupancy rates and trip directionality. As indicated that venue generated 0.41 trips per attendee in the highest volume hour before the event. This total would have included any traffic associated with support staff for the wedding and for the following reception. The equivalent automobile occupancy rate is the reciprocal of the trip generation rate, or roughly 2.44 persons per vehicle, as noted in Table 4.

The observed automobile occupancy rate is a useful indication of the characteristics of events with a fixed starting time. To account for ancillary support staff traffic and to provide a “worst case” assessment, this analysis uses an automobile occupancy rate of 2.25 persons per vehicle to estimate project trip generation. The equivalent trip generation rate is 0.45 trips per attendee. This data was used to estimate a daily trip generation rate that includes both inbound and outbound traffic.

Table 4 also presents the total trip generation estimated for the various types and attendance levels for events permitted at the project site. For the most part, these events would likely have a fixed start time but exiting traffic would be staggered over more than one hour. The exception would be a wine release event as guests would likely arrive and depart over a broad time period.

**Small Scale Accessory Events** (i.e., <80 attendees) would be expected to generate roughly 36 vehicles in the hour around the beginning of the event. A total of 76 vehicles in and out would be expected over the day as a result of this type of event.

**Large Scale Winery Events** (i.e., <116 attendees) would be expected to generate roughly 52 vehicles in the beginning hour of the event and a total of 110 vehicles in and out of the site over the day as a result of this type of event.

**Marketing Events** (i.e., <300 attendees) are projected to generate 135 vehicles in the beginning hour and a total of 285 vehicles in and out over the day.

Typically, the attendance at **Wine Release Events** (i.e., < 300 attendees) is spread out over an afternoon as members arrive at various times to pick up their order and participate in an “open house”. As a result, not all of the total attendance is on the site at one time and traffic can be spread over several hours. A total of 295 vehicles in and out are expected over the day for a wine release event attended by 300 persons. The hourly trip generation estimate conservatively assumes that 1/3 of the total attendance could be traveling to or from the site in an hour. This could represent 90 vehicles per hour. As wine release events can have longer hours, the actual “per hour” trip generation could be lower.

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Trip generation estimates for a “hypothetical” event is also shown for comparative purposes only. The “hypothetical” is an event with both fixed start and end times. On a daily basis, the maximum attendance (i.e., 300 persons) for the hypothetical results in 285 vehicle trips (i.e., total of in and out over the duration of the event). These types of events would have 135 vehicles in the hour before or in the hour after the event.

**Annual Average Trip Generation.** The annualized average daily trip generation for permitted events can also be estimated based on the permitted frequency and can be combined with similar information for truck activity and wine tasting. Employee travel has been excluded because the number of employees does not change. As noted in Table 5, on an annual basis, the change from a small to a large winery could increase average daily traffic by 46 trips.

The change is relative to the project’s transportation impact under the California Environmental Quality Act) as it relates to Vehicle Miles Traveled (VMT). Under guidance from the Governor’s Office of Planning and Research (OPR), the impact of small projects generating fewer than 110 daily trips can be presumed to be less than significant.

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TABLE 4  
 EVENT TRIP GENERATION FORECASTS

Description	Number Annually	Unit	Type	Trips Before (yph)			Trips After (yph)			Daily Trips
				Inbound	Outbound	Total	Inbound	Outbound	Total	
Rural Wedding Venue	-	Per attendee	Fixed Start / Stagger Exit	95%	5%	0.41	0%	100%	0.22	0.90
Assumed Rates for Analysis	-	Per attendee	Fixed Start / Stagger Exit	95%	5%	0.45	5%	95%	0.24	0.95
Small Scale Winery Events	12	80		34	2	36	1	18	19	76
Large Scale Winery Event	12	116		49	3	52	2	26	28	110
Marketing Event	20	300		128	7	135	4	68	72	285
Assumed Rate	-	Per attendee		50%	50%	0.45	50%	50%	0.45	0.95
Wine Release Event	4	300	Staggered Start / Staggered Exit	45	45	90	45	45	90	285
Assumed Rate for Concert Type Event	-	Per attendee	Fixed Start / Fixed Exit	95%	5%	0.45	5%	95%	0.45	0.95
	-	300		128	7	135	7	128	135	285

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TABLE 5 ANNUAL AVERAGE DAILY TRIP GENERATION FORECASTS										
Description	Small Winery					Large Winery				
	Number Annually	Attendance	Trips Per Event	Annual Trips	Average Daily Trips	Number Annually	Attendance	Trips Per Event	Annual Trips	Average Daily Trips
<i>Events</i>										
Small Scale Winery Events	12	80	76	912		12	80	76	912	
Large Scale Winery Event	12	116	110	1,320		12	116	110	1,320	
Marketing Event	4	150	145	580		20	300	285	5,700	
Wine Release Event	4	300	285	1,140		5	300	285	1,140	
<b>Subtotal</b>				<b>3,952</b>	<b>11</b>	<b>49</b>			<b>9,072</b>	<b>25</b>
<i>Truck Activity</i>										
Grapes				26					37	
Glass				19					58	
Cork / Labels				3					8	
Barrels				5					15	
Wine				23					20	
<b>Subtotal</b>				<b>72</b>	<b>&lt;1</b>				<b>168</b>	<b>&lt;1</b>
<i>Wine Tasting</i>										
Guests	365	40	52	11,680	32	365	80	64	23,360	64
<b>TOTAL</b>					<b>44</b>					<b>90</b>
<b>NET INCREASE</b>										<b>46</b>

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**Directional Distribution of Project Traffic.** The routes that guests select to reach the site will generally reflect their point of origin and may follow any instructions given by the winery management. However, most guests more typically will follow the routes selected by various cell-phone navigation ap's. The project's location relative to the Stockton-Manteca (west of site), Modesto area (south of site) and Escalon-Riverbank-Oakdale area (east of site) suggest that arriving traffic to be split west on SR 120 (70%) and east (30%).

**Operational Effects of Project Traffic.** The effects of the traffic occurring before and after events of various sizes at the project site have been investigated.

**Traffic Volume / Level of Service.** The anticipated events would add traffic to the adjoining roads, and the amount added would depend on the nature of the event. As noted above an event attended by 300 persons could add roughly 200 vehicles per day (vpd) to SR 120 west of the access and 85 vpd east of the entrance. The resulting percentage increase in daily traffic on SR 120 would be roughly 1.3% to the east and 0.5% to the east.

The largest hourly traffic contribution would occur before a 300-person Marketing Event when 90 trips could be added to eastbound SR 120 west of the site and 38 westbound trips could be added on SR 120 east of the site. Some visitor traffic for wine tasting may occur during the p.m. peak hour. While current weekday p.m. peak hour (i.e., 4:00 p.m. to 6:00 p.m.) conditions on eastbound SR 120 exceed the minimum LOS D standard, most event traffic would occur outside of the weekday p.m. peak hour. Traffic associated with tasting would not coincide with events and is by itself relatively small. As a result, the project would not change current traffic operations on eastbound SR 120 in terms of operating LOS.

**Safety on Routes to the Site.** Events guests traveling to the site on SR 120 may not be familiar with the roadway, but the condition of this road in terms of factors such as alignment, sight distance and features along the route do not present any particular safety hazard that would not be obvious to a motorist. Street name signs indicating the presence of Von Glahn Road and Van Allen Road already exist and will help provide orientation.

**Site Access.** The project layout indicates that SR 120 will be widened at the site access to provide an eastbound left turn lane. The lane will be roughly 350 feet long and would provide storage for 14 vehicles waiting to turn left into the site. While it is highly unlikely that peak arrival activity would result in a queue of this length, the design provides space for project traffic to slow and wait outside of the path of through traffic on SR 120. The design also accommodates the turning requirements of trucks turning into and out of the site, and final project plans will need Caltrans approval.

The adequacy of site access is related to available sight distance at the exit and to the ability of guests to recognize and use the entrance. The applicable minimum sight distance standard is contained in the Caltrans Highway Design Manual Table 201.2. The minimum requirement for the 55 mph speed limit on SR 120 is 500 feet measured from a point 15 feet from the edge of the travel way. This distance is available looking east and west along SR 120. The entrance will also be signed at a location outside of the Caltrans right of way.

No additional access improvements are needed.

KDA

Mr. Paul W. Franzia, Founder  
Latitude 37 Partners, LLC  
November 24, 2021  
Page 11

**Conclusions**

With proposed improvements, hosting events at the project site as anticipated would not have an appreciable impact on the operation of or safety on the roads providing access to the site. Minimum San Joaquin County standards for operating Level of Service will be maintained or conditions that exceed the minimum standard will not be exacerbated by the project. With improvements already required on SR 120 for the small winery, the project does not cause any new safety issues or exacerbate current deficiencies at any location. Proposed site access will meet minimum sight distance requirements and with site signing the access can be used safely by guests without interfering with background traffic.

Thank you again for contacting our firm for this assignment. Please feel free to call me if you have any questions or need additional information.

Sincerely,

KD Anderson & Associates, Inc.



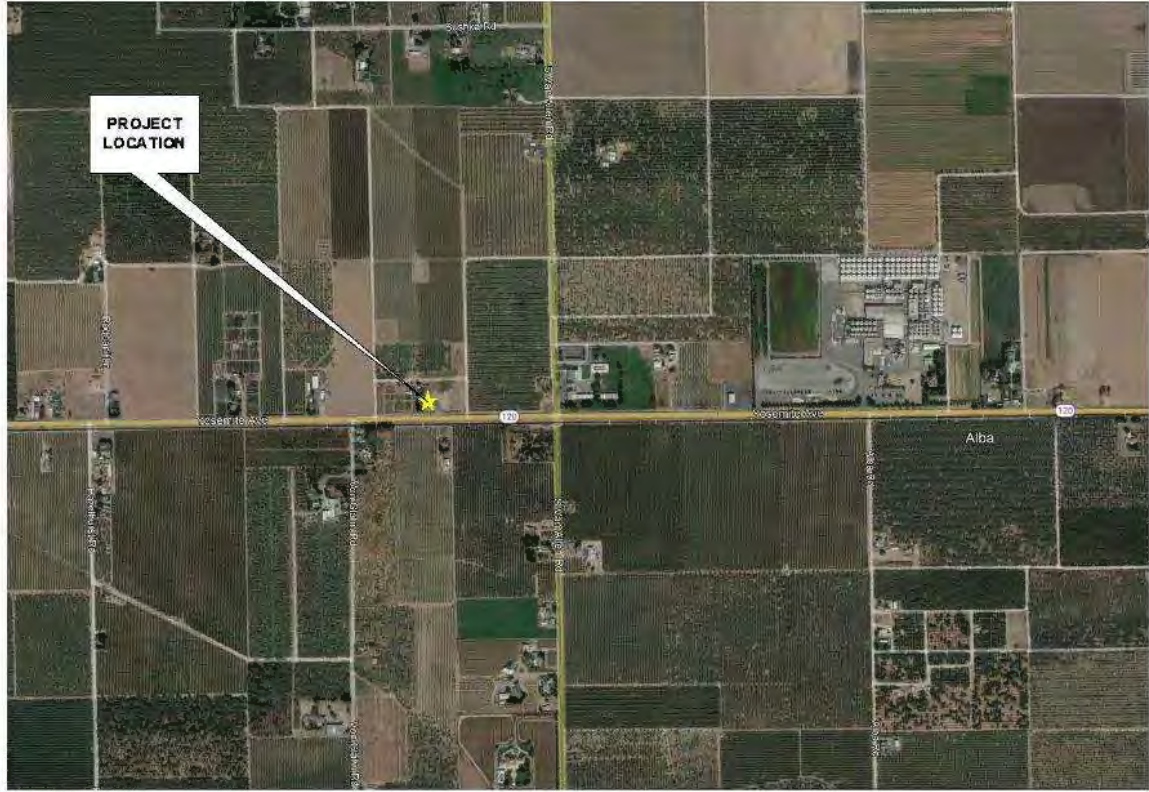
Kenneth D. Anderson, P.E.  
President

Enc: Figures

*Zinc House Winery 112421Jr(4623-01)*

**KDA**



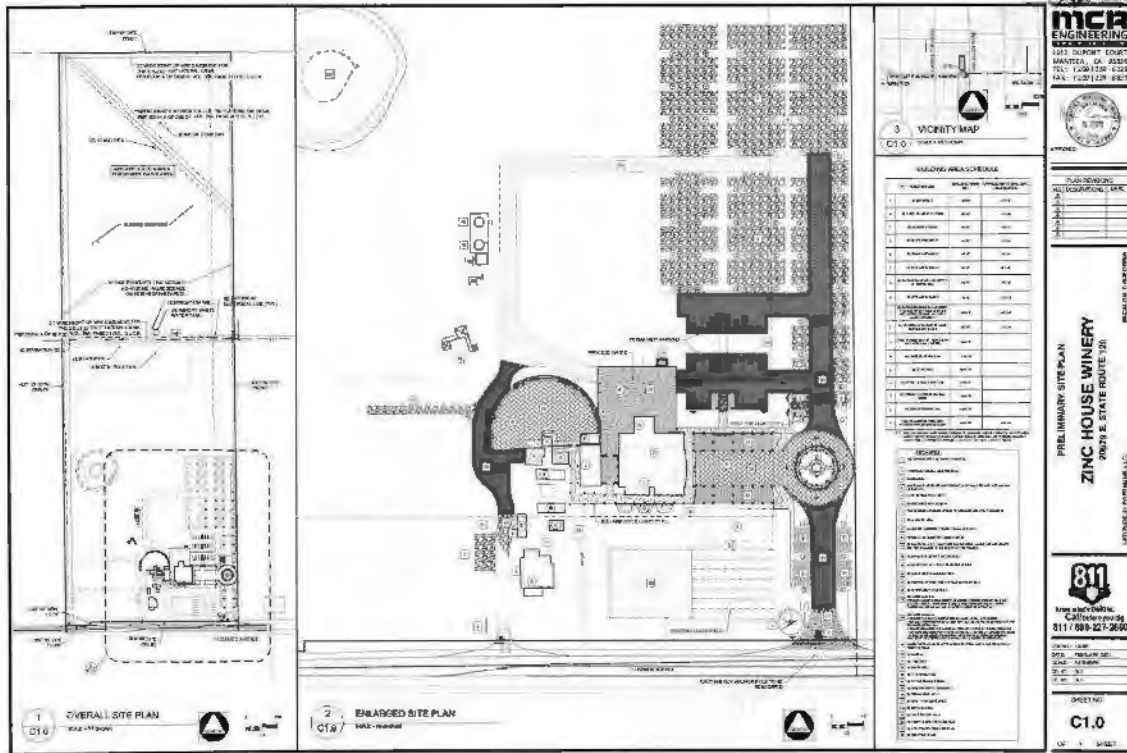


**XD Anderson & Associates, Inc.**  
Transportation Engineers  
4429-01 SA 11/22/2021

VICINITY MAP

figure 1





**KO Anderson & Associates, Inc.**  
 Transportation Engineers  
 1425 O. Rd. 11/23/2021

**SITE PLAN**

figure 2

**Mitigation Monitoring Reporting Plan March 30, 2022**

Impact	Mitigation Measure/Condition	Type of Review		Agency for Monitoring and Reporting Compliance	Action Indicating Compliance or Review	Verification of Compliance or Annual Review of Conditions		
		Monitoring	Reporting			By	Date	Remarks
IV. Biological Resources	Participation in the SJMSCP	X		San Joaquin Council of Governments	Certificate of Payment and Signed ITMM			



**SAN JOAQUIN**  
— COUNTY —  
*Greatness grows here.*

## Community Development Department

Planning · Building · Code Enforcement · Fire Prevention · GIS

# **Attachment D**

## **Findings for Use Permit**

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## FINDINGS FOR USE PERMIT

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### PA-2100039 (UP)

1. The proposed use is consistent with the goals, policies, standards, and maps of the General Plan, any applicable Master Plan, Specific Plan, and Special Purpose Plan, and any other applicable plan adopted by the County.
  - **This finding can be made because the proposed uses (Use Types: Wineries and Wine Cellars - Winery, Large; Agricultural Processing – Preparation Services and Food Manufacturing; Produce Sales - Agricultural Store, Large) may be conditionally permitted in the AG-40 (General Agriculture, 40 acre minimum) zone with an approved Use Permit application. The project site has a General Plan designation of A/G (General Agriculture), and the AG-40 zone is an implementing zone for this designation. There are no Master Plans, Specific Plans, or Special Purpose Plans in the vicinity.**
2. Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, and the proposed improvements are properly related to existing and proposed roadways.
  - **This finding can be made because adequate utilities, access roads, sanitation, drainage, and other necessary facilities have been proposed and the proposed improvements are properly related to existing and proposed streets and highways. The project site is already served by an on-site well. The Environmental Health Department will require an onsite wastewater treatment system that meets the standards of San Joaquin County. The Department of Public Works is requiring the developer to provide drainage facilities that meet the requirements of San Joaquin County Development Standards for the runoff attributed to this project.**
3. The site is physically suitable for the type of development and for the intensity of development.
  - **This finding can be made because the 44.62-acre parcel is of adequate size and shape to accommodate the proposed uses and all yards, building coverage, setbacks, parking areas and other requirements of the Development Title.**
4. Issuance of the permit will not be significantly detrimental to the public health, safety, or welfare, or be injurious to the property or improvements of adjacent properties.
  - **This finding can be made because an Initial Study prepared for this project found no potentially significant environmental impacts that could not be mitigated to a less than significant level.**
5. The use is compatible with adjoining land uses.
  - **This finding can be made because the proposed uses will not interfere with nor alter the current land uses on adjacent properties. The proposed uses may be permitted in the AG-40 zone allowing the zoning to remain the same for the subject parcel and the surrounding parcels with approval of the project.**

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## Community Development Department

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# Attachment E

## Conditions of Approval

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## CONDITIONS OF APPROVAL

PA-2100039

FRANZIA / LATITUDE 37 PARTNERS, LLC.

Use Permit Application No. PA-2100039 was approved by the Planning Commission on . The effective date of approval is . This approval will expire on , which is eighteen (18) months from the effective date of approval, unless (1) all Conditions of Approval have been complied with, (2) all necessary building permits have been issued and remain in force, and (3) all necessary permits from other agencies have been issued and remain in force.

Unless otherwise specified, all Conditions of Approval and ordinance requirements shall be fulfilled prior to the establishment of the use and the issuance of any building permits. Those Conditions followed by a Section Number have been identified as ordinance requirements pertinent to this application. Ordinance requirements cannot be modified, and other ordinance requirements may apply.

1. COMMUNITY DEVELOPMENT DEPARTMENT (Contact: [209] 468-3121)

- a. **BUILDING PERMIT:** Submit an "APPLICATION-COMMERCIAL BUILDING PERMIT". The Site Plan required as a part of the building permit must be prepared by a registered civil engineer or licensed architect. This Plan must show drainage, driveway access details including gates, on-site parking, landscaping, signs, existing and proposed utility services, and grading (refer to the "SITE PLAN CHECK LIST" for details). Foundation and soils investigation shall be conducted in conformance with Chapter 18 of the California Building Code at the time of permit application. A fee is required for the Site Plan review. (Development Title Section 9-884)
- b. **APPROVED USE:** This approval is to expand a small winery into a large winery, expand an existing produce stand into a large agricultural store, and add food manufacturing, in 2 phases over 5 years as shown on the site plan dated February 25, 2022. (Use Types: Wineries and Wine Cellars - Winery, Large; Agricultural Processing – Preparation Services and Food Manufacturing; Produce Sales - Agricultural Store, Large)
  - Phase 1: Conversion of an existing 1,687 square foot agricultural building into a large agricultural store and food manufacturing operation. Building permits to be issued within 18 months.
  - Phase 2: Conversion of the 1,687 square foot large agricultural store in Phase 1 to a wine tasting room. Construction of a 3,280 square foot large agricultural store and food manufacturing operation. Building permits to be issued within 5 years of the date of approval.

Previously Approved/Permitted Structures:

Shade Structure with Outdoor Seating – 11,140 square-feet

Winery Building and Crush Pad – 6,894 square-feet

Tasting Room – 817 square-feet

Restroom – 290 square-feet

Storage Building – 436 square-feet

Storage Building – 153 square-feet

These Conditions of Approval supersede the Conditions of Approval for Site Approval No. PA-1900083.

- c. **CAPITAL FACILITY FEE:** This project may be subject to the Capital Facility Fee. If the Capital Facility Fee is applicable, the County shall collect the fees before the issuance of any building permits. (Development Title Section 9-1245.2)
- d. **TASTING ROOM:** The maximum size of a stand-alone wine tasting room or structure or area designated for wine tasting within a multipurpose building at an on-site wine cellar shall not exceed 30% of the area designated for production facilities or 2,000 square feet, whichever is greater.

(Development Title Section 9-1075.3[n][1][A])

- e. **RETAIL SALES:** A maximum of 500 square feet of contiguous floor area within the building designated for wine tasting shall be permitted for retail sales. Sales may include but are not limited to prepackaged foods, non-alcoholic beverages, crafts, and merchandise. The sale and display of the on-site winery's wine is permitted in addition to this space. (Development Title Section 9-1075.3[n][2])
- f. **PERMITTED EVENTS:** The following winery events are permitted with this Use Permit Events as part of the proposed marketing plan dated February 10, 2021, pursuant to Development Title Section 9-1075.9 as follows:
  - 1. Marketing Events
    - A. A maximum of 20 Marketing Events are permitted annually.
    - B. Each event shall have a maximum attendance of 300 attendees.
    - C. Amplified sound is permitted at Marketing Events from 10:00 a.m. to 10:00 p.m.
  - 2. Small Scale Accessory Winery Events:
    - A. A maximum of 12 Small Scale Accessory Winery Events are permitted annually.
    - B. Each event shall have a maximum attendance of 80 attendees.
  - 3. Large Scale Accessory Winery Events
    - A. A maximum of 12 Large Scale Accessory Winery Events are permitted annually.
    - B. Each event shall have a maximum attendance of 116 attendees.
    - C. Amplified sound is permitted at Large Scale Accessory Winery Events, Sunday through Thursday from 10:00 a.m. to 9:00 p.m., and Friday and Saturday from 10:00 a.m. to 10:00 p.m.
  - 4. Wine Release Events:
    - A. A maximum of 4 Wine Release Events are permitted annually.
    - B. Each event shall have a maximum attendance of 300 attendees.
    - C. Amplified sound is permitted at Marketing Events from 10:00 a.m. to 10:00 p.m.
- g. **OUTDOOR AMPLIFIED SOUND:** When outdoor amplified sound is used at events approved for outdoor amplified sound, the sound system shall be located in the area labeled "Outdoor Event Area" on the site plan dated February 25, 2022 and the system shall be oriented to face toward the north.
- h. **PARKING ATTENDANT(S):** The winery shall utilize 1 or more parking attendants during all permitted events when the facility's permanent parking spaces will reach capacity or when the public roadway starts to be impacted.
- i. **MARKETING CALENDAR:** A Marketing Calendar shall be filed with the Community Development Department and updated as required for any winery with approved Marketing Events, Large-scale or Small-scale Accessory Winery Events, Wine Release Events and/or who will participate in Industry Events and shall comply with the following:
  - 1. Marketing Events, Large Large-scale and Small-scale Accessory Winery Events, Wine Release Events and/or Industry Wide Events shall be reported to the Community Development Department in writing a minimum of 5 days prior to each event.
  - 2. A copy of the Marketing Calendar shall be kept on the winery or off-site wine cellar premises at all times. The Marketing Plan shall be made available to the Community Development Department for review upon request.
- j. **PRODUCTION CAPACITY:** A large winery shall have a minimum production capacity of more than 100,000 gallons of wine per year. (Development Title Section 9-1075.3[a])
- k. **AGRICULTURAL STORE, LARGE:** A maximum of 500 square feet of the floor area may be used for limited retail sales and food service, i.e., customer seating. Food preparation areas, i.e.,

kitchens, shall not be counted as part of the retail sales area. (Development Title Section 9-115.515[c])

- i. **SETBACKS:** The following requirements apply and shall be shown on the Site Plan:
  - 1. New construction or the use of existing buildings, permanent parking areas and outdoor eating/entertaining areas shall be set back a minimum of 150 feet from State Route 120. (Deviation application No. PA-1900082, Development Title Section 9-824.2[a][1])
  - 2. New construction or the use of existing buildings, permanent parking areas and outdoor eating/entertaining areas shall be set back a minimum of 100 feet from the eastern property line along APN: 205-080-03 which contains a residence. (Development Title Section 9-1075.3[c][2][B])
  - 3. All other setbacks shall remain the same as those listed in Development Title Section 9-1075.5(c).
- m. **LOT SIZE:** A large winery shall be located on a parcel with a minimum lot size of 10 gross acres in the agricultural zones. (Development Title Section 9-1075.3[b])
- n. **PARKING:** Off-street parking shall be provided and comply with the following:
  - 1. The parking surfacing requirements for large wineries shall be asphalt concrete or Portland cement concrete. (Development Title Section 9-1075.3[j]) A surfacing material modification to use True Grid permeable pavers for the driveway and permanent parking lot surfacing was approved with Site Approval PA-1900083.
  - 2. A minimum of 58 permanent parking spaces shall be provided. (Development Title Section 9-1075.9(h)).
  - 3. A minimum of 151 overflow parking spaces shall be provided. (Development Title Section 9-1075.9[h][1]).
- o. **ACCESS AND CIRCULATION:** The following requirements apply and shall be shown on the Site Plan:
  - 1. Access driveways shall have a width of no less than 25 feet for two-way aisles and 16 feet for one-way aisles, except that in no case shall driveways designated as fire department access be less than 20 feet wide. (Development Title Section 9-1015.5[h][1])
- p. **SCREENING:** The following screening shall be provided on the east and west sides of the property and shall be shown on the Site Plan:
  - 1. Fencing a maximum of 7 feet in height shall be provided on the east and west sides of the development project, beginning 30 feet from the front property line and extending north to the farthest point of the developed project.
  - 2. Fencing is to be combined with trees and shrubs planted to provide a continuous hedge exceeding the height of the fencing.
- q. **LIGHTING:** Lighting shall be provided and comply with the following:
  - 1. If the parking area is to be used at night, parking lot lighting shall be installed. (Development Title Section 9-1015.5[g])
  - 2. Any lighting shall be designed to confine direct rays to the premises. No spillover beyond the property lines shall be permitted except onto public thoroughfares, provided, however, that such light shall not cause a hazard to motorists. (Development Title Section 9-1015.5[g][4])

- r. **SIGNS:** Sign details shall be consistent with Chapter 9-1710 and 9-1075.9(k) of the Development Title and be included on the Site Plan. All portions of any sign shall be set back a minimum of five (5) feet from any future right-of-way line, including any corner cut-off (snipe). (Development Title Section 9-1710.2[g])
- s. **TRIBAL CULTURAL RESOURCES:** If, in the course of development, potential tribal cultural resources (TCRs) are discovered, all work within 100 feet of the find shall halt until a Tribal Representative from a California Native American tribe that is traditionally and culturally affiliated with a geographic area can evaluate the materials and make recommendations for further action.
- t. **MITIGATION MONITORING AND REPORTING PLAN:** A Mitigation Monitoring and Reporting Plan (MMRP) dated March 30, 2022, is approved with this project. Mitigations contained in the MMRP shall be satisfied prior to issuance of any building permits.
- u. **BUILDING CODE:** The following California Building Code (CBC) and San Joaquin County Ordinance requirements will be applicable to the proposed project. The following conditions shall be addressed prior to submittal of a building permit application to the Building Inspection Division:
  - 1. A building permit for each separate structure or building is required. Submit plans, Specifications and supporting calculations, prepared by a Registered Design Professional (architect or engineer) for each structure or building, showing compliance with The 2019 California Building, Existing Building, Mechanical, Plumbing, Electrical, Energy and Fire codes as may be applicable. Plans for the different buildings or structures may be combined into a single set of construction documents.
  - 2. A grading permit will be required for this project. Submit plans and grading calculations, including a statement of the estimated quantities of excavation and fill, prepared by a Registered Design Professional. The grading plan shall show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of the code. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of the code.
  - 3. For each proposed new building, provide the following information on the plans:
    - A. Description of proposed use
    - B. Existing and proposed Occupancy Groups
    - C. Type of construction
    - D. Sprinklers (Yes or No)
    - E. Number of stories
    - F. Building height
    - G. Allowable floor area
    - H. Proposed floor area
    - I. Occupant load based on the CBC
    - J. Occupant load based on the CPC
  - 4. For the conversion of existing buildings, the change in use and occupancy classification may constitute a change of occupancy. A change of occupancy will require a code analysis report and necessary plans prepared by an architect or engineer in accordance with the current adopted California Building and Existing Building Code. The report and plans shall identify existing conditions, propose alterations necessary to bring the building in compliance with the current code and include the following:
    - A. Description of proposed use
    - B. Existing and proposed Occupancy Groups
    - C. Type of construction
    - D. Sprinklers (Yes or No)
    - E. Number of stories
    - F. Building height

- G. Allowable floor area
- H. Proposed floor area
- I. Occupant load based on the CBC
- J. Occupant load based on the CPC
- K. Risk Category analysis. (Agricultural Buildings are allowed to be constructed to Risk Category I, whereas other occupancies required Risk Category II or III.)

Modifications to existing buildings are required to include upgrades related to disability access pursuant to the current adopted California Building and Existing Building Code. Plans showing these upgrades must be prepared by a registered engineer or licensed architect and shall be submitted for review and approval prior to issuance of a building permit.

- 5. If high piled combustible storage is to be used in a building, an automatic fire sprinkler system will be required.
  - 6. Accessible routes shall be provided per CBC § 11B-206. At least 1 accessible route shall be provided within the site from accessible parking spaces and accessible passenger loading zones; public streets and sidewalks; and public transportation stops to the accessible building or facility entrance they serve. Where more than 1 route is provided, all routes must be accessible. At least one accessible route shall connect accessible buildings, accessible facilities, accessible elements, and accessible spaces that are on the same site.
  - 7. Parking spaces will be required to accommodate persons with disabilities in compliance with Chapter 11B of the California Building Code. Note that accessible parking spaces are required for each phase of the project. These parking space(s) shall be located as close as possible to the primary entrance to the building.
  - 8. Adequate sanitary facilities shall be provided for the facility, per the requirements of Chapter 4 of the California Plumbing Code. Pursuant to Section 422 of the California Plumbing Code, each building or structure shall be provided with toilet facilities for employees and customers. Requirements for customers and employees shall be permitted to be met with a single set of restrooms accessible to both groups. Required toilet facilities for employees and customers in other than shopping malls or centers shall have a maximum travel distance not to exceed 500 feet. The plans shall indicate the location of the toilet facilities and the travel distance from work areas.
  - 9. If the project includes landscaping, the requirements of with the Model Water Efficiency Landscape Ordinance of the California Code of regulations, Title 22, Division 2, Chapter 2.7 will apply.
2. DEPARTMENT OF PUBLIC WORKS (Contact: [209] 468-3000)
- a. A Caltrans encroachment permit shall be required for all work within Caltrans right-of-way.
  - b. Prior to issuance of the occupancy permit, the driveway approaches shall be improved in accordance with Caltrans' requirements.
  - c. All vehicular parking related to applicant's winery shall be onsite at all times. Parking in the County or Caltrans right-of-way for all events shall be prohibited. It is the responsibility of the applicant to monitor State Route 120 to ensure compliance with this requirement.
  - d. The Traffic Impact Mitigation Fee shall be required for any incremental traffic resulting from this application. The fee is due and payable at the time of building permit application. The fee shall be automatically adjusted July 1 of each year by the Engineering Construction Cost Index as published by the Engineering News Record. (Resolutions R-00-433)
  - e. The Regional Transportation Impact Fee shall be required for any incremental traffic resulting from this application. The fee is due and payable at the time of building permit application. The fee will be based on the current schedule at the time of payment. (Resolution R-06-38)

- f. A copy of the Final Site Plan shall be submitted prior to release of building permit.
- g. The developer shall provide drainage facilities in accordance with the San Joaquin County Development Standards. Retention basins shall be fenced with six (6) foot high chain link fence or equal when the maximum design depth is eighteen (18) inches or more. Required retention basin capacity shall be calculated and submitted along with a drainage plan for review and approval, prior to release of building permit. (Development Title Section 9-1135)

Informational Notes:

If the Project disturbs more than one acres of land, the applicant must submit a Notice of Intent with State Water Resources Control Board under the Construction General Permit.

3. ENVIRONMENTAL HEALTH DEPARTMENT (Contact: [209] 468-3420)

The following requirements have been identified as pertinent to this project. Other requirements may also apply. These requirements cannot be modified.

- a. The onsite sewage disposal system (SR0083751) shall be inspected and approved by the Environmental Health Department before Certificate of Final Occupancy is issued (San Joaquin County Development Title, Section 9-1110.4 (d)).
- b. The onsite wastewater treatment system (OWTS) shall be designed to receive all domestic sewage and wastewater from the property. Only domestic sewage is allowed to discharge into the OWTS. No basement, footing or surface drainage or discharge from water softener, iron filter, pool filters, or water treatment systems shall be permitted to enter any part of the OWTS. (San Joaquin County OWTS Standards 1.10.1)
  - 1. Prohibited discharges into OWTS include: automobile and garage waste, storm drainage, solvents and toxics, solids, garbage, kitchen wastewater from restaurant or bar, air conditioners, hazardous wastes, backwash, truck terminal wastes, recreational vehicle holding tank waste, industrial and manufacturing waste, and food processing wastes. (San Joaquin County Development Title, Section 9-1110.7 and San Joaquin County OWTS 1.14).
- c. Applicant will need to get written approval from a public entity for the disposal of winery wastewater by removal of winery wastewater to an offsite disposal facility or from the Central Valley Regional Water Quality Control Board for discharge to land. That written approval shall be presented to the Environmental Health Department prior to issuance of building permit and/or final occupancy approval (San Joaquin County Development Title, Section 9-1125.5).
- d. The existing private water wells shall be tested for the chemical Dibromochloropropane (DBCP) and nitrates with the results submitted to the Environmental Health Department prior to issuance of building permit(s). Samples are to be taken and analyzed by a State-approved laboratory (San Joaquin County Development Title, Section 9-1115.7).

Note: EHD has received water samples analyzed for DBCP and Nitrates in the soil suitability and nitrate loading study dated February 24, 2020.

- e. Any geotechnical drilling shall be conducted under permit and inspection by The Environmental Health Department (San Joaquin County Development Title, Section 9- 1115.3 and 9-1115.6). Submit 2 hardcopy sets, or 1 electronic version, of food facility plans to the Environmental Health Department for review and approval prior to issuance of building permit(s) (California Retail Food Code, Article 1, 114380). The fee will be based on the current schedule at the time of payment.
- f. A valid permit from EHD is required prior to operating food facility (California Retail Food Code, Chapter 13, Article 1, Section 14381).

- g. Before any hazardous materials/waste can be stored or used onsite, the owner/operator must report the use or storage of these hazardous materials to the California Environmental Reporting System (CERS) at [cers.calepa.ca.gov/](http://cers.calepa.ca.gov/) and comply with the laws and regulations for the programs listed below (based on quantity of hazardous material in some cases). The applicant may contact the Program Coordinator of the CUPA program, Melissa Nissim (209) 468-3168, with any questions.
  - 1. Any amount but not limited to the following hazardous waste; hazardous material spills, used oil, used oil filters, used oil-contaminated absorbent/debris, waste antifreeze, used batteries or other universal waste, etc. - Hazardous Waste Program (Health & Safety Code (HSC) Sections 25404 & 25180 et sec.)
  - 2. Onsite treatment of hazardous waste - Hazardous Waste Treatment Tiered Permitting Program (HSC Sections 25404 & 25200 et sec. & California Code of Regulations (CCR), Title 22, Section 67450.1 et sec.)
  - 3. Reportable quantities of hazardous materials-reportable quantities are 55 gallons or more of liquids, 500 pounds for solids, or 200 cubic feet for compressed gases, with some exceptions. Carbon dioxide is a regulated substance and is required to be reported as a hazardous material if storing 1,200 cubic feet (137 pounds) or more onsite in San Joaquin County - Hazardous Materials Business Plan Program (HSC Sections 25508 & 25500 et sec.)
  - 4. Any amount of hazardous material stored in an Underground Storage Tank - Underground Storage Tank Program (HSC Sections 25286 & 25280 et sec.)
    - A. If an underground storage tank (UST) system will be installed, a permit is required to be submitted to, and approved by, the San Joaquin County Environmental Health Department (EHD) before any UST installation work can begin.
    - B. Additionally, an EHD UST permit to operate is required once the approved UST system is installed.
  - 5. Storage of at least 1,320 gallons of petroleum aboveground or any amount of petroleum stored below grade in a vault -Aboveground Petroleum Storage Program (HSC Sections 25270.6 & 25270 et sec.)
    - A. Spill Prevention, Countermeasures and Control (SPCC) Plan requirement
  - 6. Threshold quantities of regulated substances stored onsite - California Accidental Release Prevention (CalARP) Program (Title 19, Section 2735.4 & HSC Section 25531 et sec.)
    - A. Risk Management Plan requirement for covered processes
- 4. SAN JOAQUIN COUNCIL OF GOVERNMENTS (Contact: [209] 235-0600)
  - a. This project is subject to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). This can be up to a 90 day process and it is recommended that the project applicant contact SJMSCP staff as early as possible. It is also recommended that the project applicant obtain an information package. Compliance with the SJMSCP shall be required prior to issuance of any grading or building permits.

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## **Attachment F**

### **Mitigation Monitoring and Reporting Plan**



Mitigation Monitoring Reporting Plan March 30, 2022									
Impact	Mitigation Measure/Condition	Type of Review		Agency for Monitoring and Reporting Compliance	Action Indicating Compliance or Review	Verification of Compliance or Annual Review of Conditions		Remarks	
		Monitoring	Reporting			By	Date		
IV. Biological Resources	Participation in the SIMSCP	X		San Joaquin Council of Governments	Certificate of Payment and Signed ITMM				



**Planning Commission Staff Report  
Item # 3, April 21, 2022  
Report on the San Joaquin County Housing Element  
Annual Progress Report for 2021  
Prepared by: Corinne King**

**PROJECT SUMMARY**

**Applicant Information**

**Project Applicant:** San Joaquin County

**Project Site Information**

**Project Location:** Countywide

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**Project Description**

This is a presentation of the San Joaquin County General Plan Housing Element Annual Progress Report for calendar year 2021.

**Recommendation**

Accept the report and forward it to the Board of Supervisors with a recommendation that they accept the General Plan Housing Element Annual Progress Report for calendar year 2021.

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## NOTIFICATION & RESPONSES

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### Public Hearing Notices

Legal ad for the public hearing published in the Stockton Record: March 28, 2022

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# ANALYSIS

## Background

Under California Government Code Section 65400, the County is required to prepare a General Plan Housing Element Annual Progress Report for submittal to the State Department of Housing and Community Development (HCD) and the Governor's Office of Planning and Research (OPR) by April 1<sup>st</sup> of each year. The report contains data that creates a snapshot of housing unit production across various affordability levels, a listing of development applications received, and provides an update on housing program implementation. The purpose of the annual report is to provide HCD and OPR the progress of the General Plan Housing Element's implementation status toward meeting the County's share of the Regional Housing Needs Allocation (RHNA).

The Board of Supervisors adopted the 2015-2023 San Joaquin County Housing Element on December 15, 2015 and received certification by HCD on October 13, 2016. The Housing Element is one of seven mandated elements of the County's General Plan and includes information related to the County's existing housing needs; an analysis of the County's population and employment trends; household characteristics; an inventory of land suitable for residential development; and goals, policies, and programs intended to meet the identified housing needs and State-mandated requirements. While the Housing Element is part of the General Plan, it is on a different timeline than the General Plan, and thus, is adopted separately from the General Plan.

As part of the County's Housing Element, the County is required to accommodate its share of the RHNA, as established by HCD and managed by the San Joaquin Council of Governments (SJCOG). The RHNA process allocates the State's future housing needs to each county and city. HCD identifies housing needs for each region of the State in response to projected population and household growth, and mandates that each Council of Governments (COG) distribute the RHNA to each jurisdiction within the COG's region. The following table represents the County's share of the RHNA in all income categories for the Housing Element time horizon from 2015 through 2023.

TABLE 7-53 REGIONAL HOUSING NEEDS ALLOCATION Unincorporated San Joaquin County January 1, 2014 to December 31, 2023						
	Extremely Low	Very Low	Low	Moderate	Above Moderate	TOTAL
<b>RHNA</b>	1,257	1,239	1,727	1,724	4,220	<b>10,167</b>
<b>Percent of Total</b>	12%	12%	17%	17%	42%	<b>100%</b>

Each income category is defined as a percentage of the Area Median Income (AMI) as established by HCD. The income categories are then used to calculate housing affordability for rental and owner-occupied housing. Each income category is defined as follows:

- **Acutely Low Income** households have a combined income at or lower than 0-15 percent of AMI
- **Extremely Low Income** households have a combined income between 15-30 percent of AMI.
- **Very Low Income** households have a combined income between 30 and 50 percent of AMI.
- **Low Income** households have a combined income between 50 and 80 percent of AMI.
- **Moderate Income** households have a combined income between 80 and 120 percent of AMI.
- **Above Moderate Income** households have a combined income between 120 and 150 percent of AMI.



The State Income Limits for 2021 are as follows:

San Joaquin County	Income Category	Number of Persons in Household							
		1	2	3	4	5	6	7	8
	Acutely Low	7,850	9,000	10,150	11,250	12,150	13,050	13,950	14,850
	Extremely Low	15,750	18,000	21,960	26,500	31,040	35,580	40,120	44,660
	Very Low	26,250	30,000	33,750	37,500	40,500	43,500	46,500	49,500
	Low	42,000	48,000	54,000	60,000	64,800	69,600	74,400	79,200
	Median	52,550	60,000	67,500	75,000	81,000	87,000	93,000	99,000
	Moderate	63,000	72,000	81,000	90,000	97,200	104,440	111,600	118,800

In order to provide an idea of affordable housing costs by income group, affordable home sale prices are estimated for a typical household based on a determination from area lenders specializing in low income loans and servicing as follows:

Housing Affordability				
	Very Low	Low	Moderate	Above Moderate
Max. Home Sale Price	135,000	280,000	390,000	500,000

### **Annual Progress Report**

HCD requires the APR to be completed on forms provided by them. The forms require the following information:

- A list and number of housing development applications submitted in the reporting year.
- A list and number of housing units that have been entitled, issued building permits, or completed.
- Progress in meeting the County's share of the RHNA.
- A list of sites identified or rezoned to accommodate any shortfall in housing need.
- Status of the Housing Element program implementation.

Staff has prepared the 2021 San Joaquin County Housing Element Annual Progress Report, and has submitted it to HCD and OPR on March 29, 2022 in order to meet the submission deadline of April 1, 2022. A partial representation of the APR is included as Attachment A. The APR contains very large tables that are not suitable for printing and are best viewed electronically. The complete 2021 Housing Element APR can be found at the Community Development Department's webpage at

<https://www.sjgov.org/commdev/cgi-bin/cdyn.exe/file/Planning/Mainpage%20Information/APR%20Report%20for%20San%20Joaquin%20County%20-%20Final%20Draft%204-1-22.xlsm>

The table showing the progress towards the RHNA is as follows:

<b>TABLE 7-53 REGIONAL HOUSING NEEDS ALLOCATION Unincorporated San Joaquin County January 1, 2014 to December 31, 2023</b>						
	<b>Extremely Low</b>	<b>Very Low</b>	<b>Low</b>	<b>Moderate</b>	<b>Above Moderate</b>	<b>TOTAL</b>
<b>RHNA</b>	1,257	1,239	1,727	1,724	4,220	<b>10,167</b>
<b>Percent of Total</b>	12%	12%	17%	17%	42%	<b>100%</b>

Table B (Attachment A) shows the new residential development in unincorporated San Joaquin County by affordability level since 2015. The lower numbers of new development from 2015 to 2017 reflect a slow recovery coming out of the Great Recession that started in 2008-2009. The numbers for 2018 and 2019

show the recovering economy during those years. Because of the COVID-19 pandemic residential units for 2020 were not as high as expected, however 2021 shows a steady increase in activity. Even with the high numbers over the last few years, it may be difficult to achieve the unattainably high RHNA numbers designated for San Joaquin County.

The unincorporated San Joaquin County is primarily rural and agricultural. In order to preserve and maintain agricultural lands and open space, the policies of the General Plan direct any urban development to the cities, city fringe areas, or urban communities that have full public services (sewer, water, and storm drainage) that can sustain that level of growth. Because of this, there is very limited development in the unincorporated County, outside of Mountain House, and thus, reaching the allocated RHNA numbers may be difficult to achieve.

### **Efforts Toward Achieving the RHNA**

The San Joaquin County Community Development Department is making a concerted effort to achieve the RHNA numbers. The following are programs being proposed for implementation to help streamline the application process and accelerate housing production to help the County in attaining the allocated RHNA:

- **SB 2 Planning Grant:** This is a grant from HCD for jurisdictions to implement projects that streamline housing approvals and expedite housing production. \$310,000 has been awarded to the County for this grant. Projects utilizing these funds are:
  - **Lobby and counter area improvements** to streamline physical and permit processing.
  - **E-Plan Check software** to expedite the plan check process.
  - **Development Title Update** – The update of the Development Title will include new Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) standards to streamline review of permits and allow more ADU/JADU units in appropriate locations. A new Accessory Dwelling Design Manual is also being created to help with the streamlining. This companion Design Manual will include a number of pre-approved, affordable plans for all of the allowed types of ADUs (attached, detached, and conversions). The pre-approved plans are designed to reduce the costs associated with building a new ADU. Also, additional zoning incentives will be included for persons with special needs within the Density Bonus section of the Development Title.
- **Local Early Action Planning (LEAP) Grant:** This grant provides one-time grant funding to jurisdictions to update their planning documents and implement process improvements that will facilitate the acceleration of housing production, much like the SB 2 Planning Grant. The County can receive up to \$500,000 from this grant. Projects proposed with these grant funds include:
  - **Fire Flow Study** – The proposed study will evaluate the County's special districts which lack adequate fire flow to support new home construction. The study would identify districts which would be good candidates for new housing and provide recommendations and cost estimates for improvements which would allow the districts to provide required fire flow.
  - **CSA 12 Water Line Extension in Thornton** – This project would include planning and design of an extension of the district's water main. Extending the water main would allow for subdivision and development of additional properties within the district that are zoned residentially and currently are undeveloped.
  - **Farmworkers Housing Implementation Strategy and Design Manual** – An implementation strategy and design manual would be developed for consistency with AB 1783, which calls for a streamlined approval process for agricultural employee housing developments.
  - **Multi-Family Housing and Mixed Use Design Manual** – A design manual would be created to implement the General Plan policies that address affordable housing initiatives and support the County's efforts to have higher density, mixed use, and infill development at appropriate locations. The design manual is intended to streamline the project approval process for multi-family and mixed use projects that include an affordable housing component, making it easier to navigate and build these projects.
- **Camino Software:** Implementation of this software has allowed customers to virtually obtain answers to their development and permitting questions before submitting their applications.

Applicants are able to receive a customized guide containing information about project feasibility, timeline, fees, and process for successful project completion.

- **Mountain House Affordable Housing Trust Fund:** Fees are collected from Mountain House developers on every building permit and deposited into the Affordable Housing Trust to provide affordable housing to low income households within the Mountain House community. Staff expects to begin an affordable housing project using these funds within the next few years.

## **RECOMMENDATION**

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It is recommended that the Planning Commission:

1. Accept the San Joaquin County Housing Element Annual Progress Report for 2021.
2. Forward the report to the Board of Supervisors with the recommendation that they accept the APR.

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**SAN JOAQUIN**  
— COUNTY —  
*Greatness grows here.*

**Community Development Department**

Planning · Building · Code Enforcement · Fire Prevention · GIS

**Attachment A**  
**2021 San Joaquin County Housing Element**  
**Annual Progress Report**  
**(partial)**

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**Table B  
Regional Housing Needs Allocation Progress  
Permitted Units Issued by Affordability**

Income Level	RHNA Allocation by Income Level	2											Total Units to Date (all years)	Total Remaining RHNA by Income Level					
		2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025							
Very Low	Deed Restricted	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	119	2,377
Very Low	Non-Deed Restricted	10	1	-	29	26	7	-	-	-	-	-	-	-	-	-	-	437	1,290
Low	Deed Restricted	46	134	-	51	88	31	-	-	-	-	-	-	-	-	-	-	849	875
Low	Non-Deed Restricted	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Moderate	Deed Restricted	90	96	93	213	225	132	-	-	-	-	-	-	-	-	-	-	664	-
Moderate	Non-Deed Restricted	183	234	180	595	363	68	-	-	-	-	-	-	-	-	-	-	2,287	1,933
<b>Total RHNA</b>		<b>10,167</b>																	
<b>Total Units</b>		<b>339</b>	<b>465</b>	<b>343</b>	<b>893</b>	<b>704</b>	<b>238</b>	<b>710</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>3,692</b>	<b>6,475</b>

Note: units serving extremely low-income households are included in the very/low-income permitted units totals and must be reported as very/low-income units.  
Please note: For the last year of the 5th cycle, Table B will only include units that were permitted during the portion of the year that was in the 5th cycle. For the first year of the 6th cycle, Table B will include units that were permitted since the start of the planning period.  
Please note: The APR form can only display data for one planning period. To view progress for a different planning period, you may login to HCD's online APR system, or contact HCD staff at apr@hcd.ca.gov.