

# STAFF REPORT - Site Approval (Appeal)

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## Application Information

Owner:	<b>Raghibir S. Brar</b>		
Applicant:	<b>Octavio Medina</b>		
File Number:	<b>PA-1700109</b>		
Location:	<b>The project site is located on the east side of South McKinley Avenue, 475 feet north of East Roth Road, French Camp</b>		
Address:	<b>11168 South McKinley Avenue, French Camp</b>		
General Plan:	<b>I/L</b>	Community:	<b>Lathrop</b>
Zoning:	<b>I-L</b>	APN:	<b>193-320-20, -24</b>
Project Size:	<b>4.0 acres</b>	Parcel Size:	<b>5.6 acres</b>
Water Supply:	<b>Well</b>	Sewage Disposal:	<b>Septic System</b>
Storm Drainage:	<b>On-Site</b>	100-Year Flood:	<b>No</b>
Williamson Act:	<b>No</b>	Supervisory District:	<b>1</b>
Staff:	<b>Giuseppe Sanfilippo</b>	CEQA Determination:	<b>Negative Declaration</b>

## Project Description

This project is an appeal by the City of Lathrop of the Community Development Departments approval of a Site Approval application to expand an existing truck parking facility from a maximum of fourteen (14) trucks and sixty (60) trailers to a maximum of twenty-four (24) trucks and 114 trailers, and the project to include the construction of a 1,800 square foot building for truck maintenance. (Use Type: Truck Sales and Services-Parking)

## Recommendation

Denial.

# Referrals and Replies

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The application referrals were mailed on May 26, 2017, with responses due by June 21, 2017.

AGENCY	RESPONSE DATE (through January 12, 2018)
Department of Public Works	January 12, 2018
Environmental Health Department	June 20, 2017
Assessor	
Sheriff's Office	
Code Enforcement	
French Camp-McKinley Fire District	June 8, 2017
Building Plan Check	
AT&T	
City of Lathrop	
Division of Aeronautics	
Department of Motor Vehicles	
Irrigation District SEWD	
Building Division	
Fire Prevention Bureau	
Office of Emergency Services	
Council of Governments	June 12, 2017
Mosquito and Vector Control	
San Joaquin County Resource Conservation	
San Joaquin Valley Air Pollution Control District	
Caltrans	
Carpenters Union	
Union Pacific Railroad	
Stockton Airport	
Airport Land Use Commission	
Federal Aviation Administration	
Air Pollution Control District	
French Camp Municipal Advisory Council	
Manteca Unified School District	
C.H.P.	
C.R.W.Q.C.B.	June 14, 2017
C.V.F.P.B.	
F.E.M.A.	
U.S. Army Corps of Engineers	
C.A. Department of Fish & Wildlife	
P.G.&E.	
Farm Bureau	
Sierra Club	
Haley Flying Service	
Kathy Perez	
Precissi Flying Service	
Sierra Club	
John Glick	
Builders Exchange	

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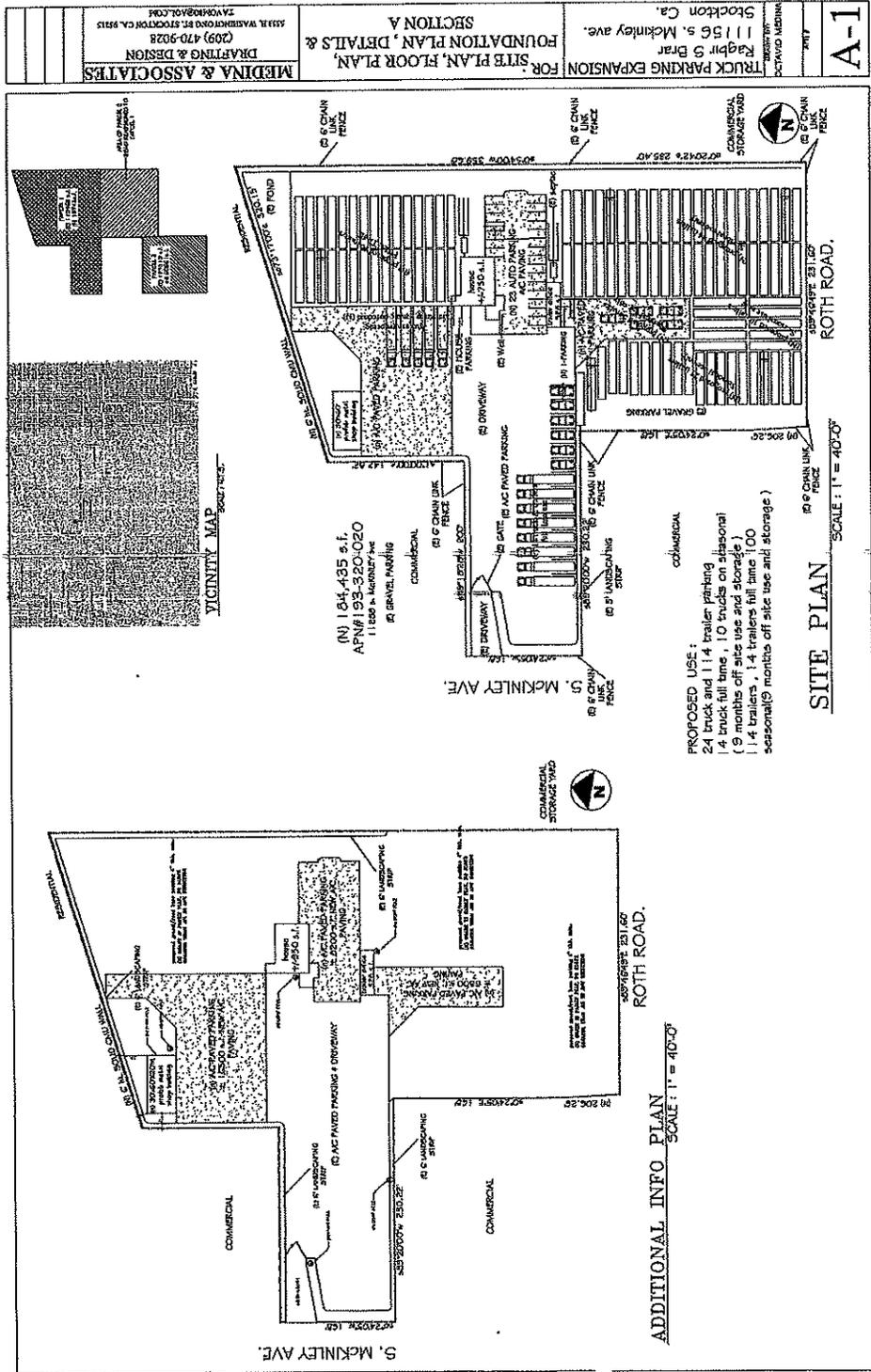
A legal ad for the public hearing was published in the **Stockton Record** on January 4, 2018.

114 Public hearing notices were mailed on January 4, 2018.

**REVISED SITE PLAN**

Application # **PA1700109**

Received By 6.S. On 12/1/2017



# Analysis

## Background

On December 24, 2002, the Community Development Department approved Site Approval application No. PA-0200508 for a truck and trailer parking facility for a maximum of seven (7) trucks and seven (7) trailers on the subject parcel (Use Type: Truck Sales & Services-Parking). On September 24, 2003, a Revisions of Approved Actions application was approved to increase the number of trucks to a maximum of fourteen (14) and the number of trailers to a maximum of sixty (60).

On May 27, 2016, the Community Development Department approved Lot Line Adjustment application No. PA-1600010, which created the current configuration of subject parcel.

On October 4, 2018, the Community Development Department approved Site Approval application No. PA-1700109 for the expansion of an existing truck parking operation from a maximum of fourteen (14) trucks and sixty (60) trailers to a maximum of twenty-four (24) trucks and a maximum of 114 trailers onto a portion of the newly expanded parcel. During the processing of the application, the City of Lathrop requested to be placed on the Notification List for the project, and requested a copy of the Initial Study/Negative Declaration. However, the City did not comment on the project. On October 15, 2018, the City of Lathrop filed an appeal of the Community Development Department's approval of this Site Approval application.

## Appeal Statement No. 1

In the appeal statement, the applicant states the following:

"It is not clear if the Conditions of Approval for the project impose mitigation measures necessary to adequately mitigate the project's traffic impacts to the Roth Road/ I-5 interchange and associated frontage roads.

In 2010, the City of Lathrop adopted the North Lathrop Transportation Fee Study (Resolution No. 11-3132, attached). The study identified all proposed and potential development projects which were estimated at 22,000 new daily vehicle traffic trips to the Roth Road / I-5 interchange. If there are no improvements to the interchange and frontage roads, the interchange will degrade to an unacceptable operating Level of Service (LOS) "F". The City standards require that the interchange and its associated frontage road operate at a minimum LOS "D"

The study also determined that major transportation system improvements to the interchange and relocation of the Harlan and Manthey frontage road intersections will be required in order for the Roth Road / I-5 interchange to operate at a LOS "D" upon full build out of the proposed development projects in the north Lathrop area. In 2010, the cost of these transportation system improvements was estimated to be \$28,825,000. This equates to a cost of \$1,618.94 (adjusted for inflation) per new traffic trip. The purpose of the study is to establish an equitable and fair share transportation impact fee that can be imposed on all projects in the study area that will impact the Roth Road / I-5 interchange in order to collect the necessary funding to pay for the transportation system improvements."

## Response to Appeal Statement No. 1

The City of Lathrop's North Lathrop Transportation Fee Study was never formally adopted by the San Joaquin County Board of Supervisors. Pursuant to Government Code 66002(b), capital improvement plans must be adopted by, and annually updated by, the local jurisdiction and adopted at a noticed public hearing. Additionally, a mailed notice must be given to any city or county that may be significantly affected by the capital improvement plan. At the time of adoption by the City of Lathrop, San Joaquin County was not notified of the hearing for the North Lathrop Transportation Fee, nor did the City of Lathrop include the input of the San Joaquin County Department of Public Works, which handles transportation fees for unincorporated San Joaquin County.

The City of Lathrop did not provide any documentation regarding their stated impacts. The project site fronts along South McKinley Avenue, which is a County maintained road. The Department of Public Works reviewed the project and determined that the project impacts would be less than significant, and has provided the following Conditions of Approval for the County Transportation Fee programs, which were deemed applicable:

2. a. 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)
- b. 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)

### **Appeal Statement No. 2**

In the appeal statement, the applicant states the following:

“The project was not conditioned to construct or guarantee the construction of street improvements including but not limited to: curb, gutter, sidewalk fire hydrants, street lighting, dedicate public utility, etc. The project site is located within the City of Lathrop’s Sphere of Influence and General Plan and shall incorporate improvements as required by the City. At the discretion of the City Engineer, the property owner may enter into a Deferred Frontage Improvement Agreement (DFIA) to guarantee completion of these improvements at a future date.”

### **Response to Appeal Statement No. 2**

The project site has frontage along South McKinley Avenue, which is a County maintained road. The Department of Public Works reviewed this application and found that the project would have less than significant impacts regarding traffic. As a result, the Department of Public Works did not require the street improvements included in the appeal to be constructed.

In addition, at the time of project review, the City of Lathrop did not submit any comments, or provide any recommended Conditions of Approval for review by the San Joaquin County Department of Public Works. These concerns were only raised through the appeal process. The Department of Public Works has reviewed the appeal and found the existing Conditions of Approval to be sufficient.

## Recommendations

### Action

It is recommended that the Planning Commission:

1. **Deny the appeal and uphold the Community Development Department's approval of Site Approval No. PA-1700109 with the previously approved findings and previously approved Conditions of Approval contained in the Staff Report.**

### Previously Approved Findings

- 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 Truck Sales and Services-Parking Use Type may be conditionally permitted in the I-L (Limited Industrial) zone with an approved Site Approval application. The I-L zone implements the General Plan's I/L (Limited Industrial) designation. The subject parcel has a General Plan designation of I/L and is zoned I-L. Therefore, the use is consistent with the goals, policies, standards, and maps of the General Plan. There are no Master Plans, Specific Plans, and/or Special Purpose Plans in the project 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 the 5.6-acre parcel is of adequate size and shape to accommodate the proposed truck parking operation and all necessary improvements. The site plan shows that there is sufficient area for parking and circulation, in compliance with Standards of the Development Title. In addition, the Department of Public Works determined that the truck parking operation would not result in significant traffic impacts because the project is not expected to exceed fifty (50) vehicles during an hour.**
- 3) The site is physically suitable for the type of development and for the intensity of development.
  - **This finding can be made because the parcel is of adequate size and shape to accommodate the proposed uses and the requirements of the Development Title. The Site Plan shows there is sufficient area for parking and circulation in compliance with Standards 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 the Initial Study prepared for this project found no potentially significant environmental impacts.**
- 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. Surrounding properties are mainly industrial with scattered residences. The nearest residence is on the adjacent parcel to the north and is five (5) feet from the property line. As a Condition of Approval, a solid masonry wall six (6) to seven (7) feet in height shall be erected along the north property line of APN 193-320-20. The proposed use may be conditionally permitted in the I-L zone subject to an approved Site Approval application.**

### PREVIOUSLY APPROVED CONDITIONS OF APPROVAL

Site Approval Application No. PA-1700109 was approved by the Community Development Department on October 4, 2018. The effective date of approval is October 15, 2018. This approval will expire on April 14, 2018, which is 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 (Staff Contact: Giuseppe Sanfilippo, (209) 468-0227)

- a. **BUILDING PERMIT:** Submit an "APPLICATION-COMMERCIAL GRADING PERMIT". The Site Plan required as a part of the grading 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 for the expansion of an existing truck parking operation from a maximum of 14 trucks and 60 trailers to a maximum of 24 trucks and 114 trailers and the construction of a 1,800 square foot building for truck maintenance as shown on the Site Plan dated December 1, 2017. These Conditions of Approval are in addition to the Conditions of Approval for Site Approval application No. PA-0200508 (Use Type: Truck Sales & Services - Parking)

Existing Buildings:

- Single Family Residence: 980 square feet (not used in truck parking operation)
- Commercial Coach: 480 square feet

Proposed Buildings:

- Truck Maintenance Building: 1,800 square feet.

- 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. **PARKING:** Off-street parking shall be provided and comply with the following:
  - (1) All parking spaces and all major circulation drive lanes shall be surfaced and permanently maintained with a minimum of two (2) inches of asphalt concrete over an appropriate base. Bumper guards shall be provided when necessary to protect adjacent structures or properties. All other areas that are used for vehicular traffic shall be surfaced and permanently maintained with a chip seal. Aggregate base may be used for trailer storage areas. (Development Title Section 9-1015.5)
  - (2) A minimum of 1 parking space shall be provided. (Development Title Section 9-1015.3(c).
  - (3) Each parking stall shall be an unobstructed rectangle, minimum nine (9) feet wide and twenty (20) feet long. (Development Title Section 9-1015.5[b])
  - (4) Each truck parking stall shall be a minimum of twenty-five (25) feet in length and fifteen (15) in

width and shall have a minimum height clearance of fourteen (14) feet. (Development Title Section 9-1015.5(g))

e. **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 twenty-five (25) feet for two-way aisles and sixteen (16) feet for one-way aisles, except that in no case shall driveways designated as fire department access be less than twenty (20) feet wide. (Development Title Section 9-1015.5[h][1])

f. **LIGHTING:** Lighting shall be provided and comply with the following:

- (1) If the parking area is to be used at night, parking lot and security 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])

g. **LANDSCAPING:** Landscaping shall be provided and comply with the following:

- (1) This project will be required to comply with the Model Water Efficient Landscape Ordinance Requirement per California Code of Regulations, Title 23, Division 2, Chapter
- (2) A minimum ten (10) foot wide landscaped strip shall be installed across the frontage of McKinley Avenue, along the project site. (Development Title Section 9-1020.7)
- (3) A five (5) foot planting strip shall be installed adjacent to the wall and the parking area along the northern property line of APN 193-320-20. (Development Title Section 1020.5[e])

h. **SCREENING:** Screening shall be provided and comply with the following:

- (1) All storage materials and related activities, including storage areas for trash, shall be screened so as not to be visible from adjacent properties and public rights-of-way. Screening shall be six (6) to seven (7) feet in height. Outside storage is not permitted in front yards, street side yards, or in front of main buildings. (Development Title Section 1022.4[d][2])
- (2) A solid masonry wall six (6) to seven (7) feet in height shall be erected along the property line of APN 193-320-20. (Development Title Section 9-1022.4[e][1])

i. **SIGNS:** Sign details shall be consistent with Chapter 9-1710 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])

j. **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 The 2016 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) The required plans must be complete at the time of submittal for a building permit. Plans must address building design and construction, fire and life safety requirements, accessibility and show compliance with the current California codes and San Joaquin County ordinances. A complete set of plans must include fire sprinkler plans (if required), truss design submittals, metal building shop drawings, structural plans and calculations, plumbing, electrical and mechanical drawings and energy report.
- (3) A soils report is required pursuant to CBC § 1803 for foundations. All recommendations of the Soils Report shall be incorporated into the construction drawings.
- (4) 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
- (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 one accessible route shall be provided within the site from accessible parking spaces to the accessible building or facility entrance they serve. Where more than one route is provided, all routes must be accessible. §11B- 206.2.1
- (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
- (9) Pursuant to Table 4-3 of the California Plumbing Code, toilet facilities shall be accessible to employees at all times, should not be more that 500 feet from where employees are regularly employed and accessible by not more than one flight of stairs. The plans shall indicate the location of the toilet facilities and the travel distance from work areas.
- (10) This project will be required to comply with the Model Water Efficient Landscape Ordinance requirements of the California Code of Regulations, title 22, Division 2, Chapter 2.7

2. DEPARTMENT OF PUBLIC WORKS (Staff contact: Alex Chetley, [209] 468-3000)

- a. 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)
- b. 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)

- c. The Water Supply Facilities Impact Mitigation Fee shall be required for this development. The fee is due and payable prior to issuance of the building permit. The fee will be based on the current schedule at the time of payment. (Development Title Section 9-818.4 and Resolutions R-91-327, R-94-185 and R-97-5)
- d. A copy of the Final Site Plan shall be submitted prior to release of building permit.
- e. 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)
- f. This project falls within the definition of a Regulated Project as defined in either the County Post-Construction Standards Manual or the County Phase II National Pollutant Discharge Elimination System (NPDES) permit and shall comply with the following conditions:
  1. A registered professional engineer shall design a system or combination of systems to infiltrate, treat, and/or filter the 85th percentile storm as defined in the County's Post-Construction Standards Manual. The system design shall follow standards as outlined in the 2009 Storm Water Quality Control Criteria Plan or in the "California Association of Stormwater Quality Agencies" (CASQA) publications and comply with the conditions of the County Phase II NPDES permit. CASQA documents are available at [www.casqa.org](http://www.casqa.org)
  2. Owner shall submit a "Storm Water Pollution Prevention Plan" (SWPPP) to Public Works for review. A SWPPP preparation guide is available at the Department of Public Works. A copy of the SWPPP shall be maintained on the construction site and presented to any County, State or Federal employee on demand. The SWPPP onsite shall include all required records, updates, test results and inspections. The post construction chapter of the SWPPP must identify expected pollutants and how they will be prevented from entering the storm system. The chapter shall also contain a maintenance plan, a spill plan, and a training plan for all employees on proper use, handling and disposal of potential pollutants. The example plans are available in the CASQA handbooks.
  3. A Maintenance Plan shall be submitted and the execution of a Maintenance Agreement with San Joaquin County shall be required for the owner/operator of stormwater controls prior to the release of the building permit.
  4. Owner shall be responsible for providing the County with an annual report of operation and maintenance of any system. The property owner shall also be responsible for the payment to the County of an annual system inspection fee established by Resolution of the Board of Supervisors.
  5. Standard Best Management Practices, for the type of development proposed, shall be incorporated into the site design.
  6. Wastewater shall NOT be allowed into the storm drainage system.

Informational Notes:

- (i.) Future expansion of the site may require a Traffic Impact Study.
- (ii.) A Solid Waste Diversion Plan for all applicable projects must be submitted to the Building Division of the Community Development Department prior to issuance of the building permit. Contact the Solid Waste Division (468-3066) for information.

- (iii.) This property is subject to the requirements of San Joaquin County Mosquito & Vector Control District (209-982-4675) and the California Health and Safety Code for the prevention of mosquitoes. Best Management Practices (BMP) guidelines for stormwater devices, ponds and wetlands are available.

3. ENVIRONMENTAL HEALTH DEPARTMENT (Staff Contact: Naseem Ahmed, [209] 468-3436)

- a. 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).
- b. Before any hazardous materials/waste can be stored or used onsite, the owner/operator must report to the California Environmental Reporting System (CERS) which can be found at [cers.calepa.ca.gov/](http://cers.calepa.ca.gov/) for the following:
  - 1. Any amount of hazardous waste (for distribution centers this may include broken or damaged pallets (or individual containers) of hazardous materials, soaps, perfumes, cleaners, dyes, nicotine, over the counter medicines, or other household items packaged for sale that have been damaged; used oil, used oil filters, used oil-contaminated absorbent/debris, waste antifreeze, used batteries or other universal waste, etc.)—Hazardous Waste Program
  - 2. Onsite treatment of hazardous waste – Hazardous Waste Treatment Tiered Permitting Program
  - 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
  - 4. Any amount of hazardous material stored in an Underground Storage Tank – Underground Storage Tank Program
  - 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
  - 6. Threshold quantities of regulated substances stored onsite - California Accidental Release Prevention (CalARP) Program
- c. 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. Additionally, an EHD permit to operate the UST is required once the UST system is installed.
- d. If 1,320 gallons or more of petroleum is to be stored aboveground then a Spill Prevention, Countermeasures and Control (SPCC) Plan is required. If any amount of petroleum is to be stored in a below grade vault, an SPCC plan is required.

4. FRENCH CAMP MCKINLEY FIRE DISTRICT (Staff Contact: John Gish, [209] 982-0721)

- a. The applicant shall submit plans for fire and sprinkler plan check with the fire district
- b. The project must conform to the appropriate edition of the California Fire Code (currently the 2013 edition) and all related standards
- c. Permits shall be obtained from the fire code official, Permit(s) and fees shall be paid prior to issuance of any and/or all permits. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire code official. (permits are to be renewed on an annual basis).
- d. Approved automatic sprinkler systems shall be provided as required in 2013 California Fire Code 903.2.

Tenant/Occupant/Owner shall have the responsibility to ensure that the correct fire suppression system is added/modified/tested and accepted by the (AHJ) Fire District. Fire Suppression system plans shall be modified under separate fire permit and shall be submitted by a licensed fire contractor, to the (AHJ) Fire district for review and approval prior to modification. Deferred submittal accepted

- e. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.
  - f. The applicant shall pay applicable Fire Department Development Fees for all new buildings prior to issuance of permits.
  - g. An approved water supply for fire protection, either temporary or permanent, shall be made available prior to commencing construction beyond the foundation stage, or a soon as combustible materials arrives on the site. CFC 3312.1
  - h. Approved vehicle access for firefighting shall be provided to all construction or demolition sites. Vehicle access shall be provided to within 100 feet (30 480 mm) of temporary or permanent fire department connections. Vehicle access shall be provided by either temporary or roads, capable of supporting vehicle loading under all weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available. CFC 3310.1
  - i. The Fire Department Fire Access Roads shall meet the requirements established by the San Joaquin County Fire Chief's Association.
  - j. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, a key box is required to be installed in an approved location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the fire code official. CFC 506.1
  - k. Other fire & life safety requirements may be required at time of building plan review
  - l. No off-site parking, or parking in ingress and egress areas.
5. SAN JOAQUIN COUNCIL OF GOVERNMENTS (Staff Contact: Laurel Boyd, [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.

FILED

Filed Doc #: 39-12052017-463  
12/05/2017 11:38:13 AM

NEGATIVE DECLARATION

Steve J. Bestolarides  
San Joaquin County Clerk

TO:                 Office of Planning & Research  
  P. O. Box 3044  
  Sacramento, California 95812-3044

    County Clerk, County of San Joaquin

FROM:         San Joaquin County Community Development Department  
  1810 East Hazelton Avenue  
  Stockton, California 95205

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PROJECT TITLE: Site Approval application No. PA-1700109

PROPONENT: Raghobar Brar

PROJECT LOCATION: The project site is located on the east side of South McKinley Avenue, 475 feet north of East Roth Road, French Camp (APN: 193-320-20, -24/11168 South McKinley Avenue) (Supervisorial District 1).

PROJECT DESCRIPTION: A Site Approval application to expand an existing truck parking facility from a maximum of 14 trucks and 60 trailers to a maximum of 24 trucks and 114 trailers. These parcels are not under a Williamson Act contract.

The Property is zoned I-L (Limited Industrial) and the General Plan designation is I/L (Limited Industrial).

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Based on the attached Initial Study, it has been found that the project will not have a significant effect on the environment.

Date: *December 1, 2017*

Contact Person: Giuseppe Sanfilippo

Phone: (209) 468-0227

JAN 09 2018



SAN JOAQUIN COUNTY  
COMMUNITY DEVELOPMENT DEPARTMENT  
INITIAL STUDY

FILE NO: PA-1700109

PROJECT/APPLICANT: BRAR/ MEDINA

**PROJECT DESCRIPTION: A Site Approval application to expand an existing truck parking facility from a maximum of 14 trucks and 60 trailers to a maximum of 24 trucks and 114 trailers to include the construction of a 1,800 square foot building for truck maintenance. (Use Type: Truck Services-Parking). The subject parcels are located on the east side of South McKinley Avenue, 475 feet north of East Roth Road, French Camp.**

**RECOMMENDED ENVIRONMENTAL DETERMINATION:**

The proposed project could not have a significant effect on the environment, and a Negative Declaration will be prepared.

X

Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A Negative Declaration will be prepared.

\_\_\_\_\_

The proposed project may have a significant effect on the environment, an Environmental Impact Report is required.

\_\_\_\_\_

ASSESSOR PARCEL NO: 193-320-20, -24

ACRES: 5.6 acres

GENERAL PLAN: I/L

ZONING: I-L

CURRENT SITE CONDITIONS (topography, uses): RELATIVELY FLAT LAND, EXISTING TRUCK PARKING FACILITY WITH A MAXIMUM OF 14 TRUCKS AND 60 TRAILERS.

POTENTIAL POPULATION, NUMBER OF DWELLING UNITS, OR SQUARE FOOTAGE OF USE(S): TRUCK PARKING FACILITY WITH A MAXIMUM OF 24 TRUCKS AND 114 TRAILERS.

**SURROUNDING LAND USES:**

North: RESIDENTIAL

South: INDUSTRIAL, U.S. ARMY SHARPE DEPOT, CITY OF LATHROP

East: INDUSTRIAL, AGRICULTURAL WITH SCATTERED RESIDENCES

West: INDUSTRIAL

**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): \_\_\_\_\_

2. Will the project require approval or permits by agencies other than the County?

Yes  No Agency name(s): \_\_\_\_\_

3. Is the project within the Sphere of Influence, or within two miles, of any city?

Yes  No City: Lathrop

**ENVIRONMENTAL IMPACTS:**

"Yes" may only be checked in situations where there is substantial evidence to indicate that there may be a significant adverse impact on the environment if there is no change in the project description. (CEQA Guidelines, Sec. 15064)

See the "Discussion" section at the end of the Initial Study for explanation of any impacts checked "Yes", or any "No" answer marked with an asterisk (\*).

Sources: The following sources of information have been used in 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. Copies of these reports can be found by contacting the Community Development Department.

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 (note report title, date, and consultant).

**1. Water:**

a. Is any portion of the project subject to flood hazard?

Flood zone: \_\_\_\_\_ **X** \_\_\_\_\_

Yes  No\*

b. Will the project result in reduction of surface or ground water quality or quantity?

Yes  No

c. Will the project result in increases to surface, channel or stream volumes, or alterations to drainage patterns and streams?

Yes  No

d. Will the project result in erosion of or sedimentation to a channel, river, or body of water?

Yes  No

Other sources used: \_\_\_\_\_

2. **Earth:**

- a. Will the project result in or be subject to potentially hazardous geologic or soils conditions on or immediately adjoining the site (slides, springs, erosion, liquefaction, earthquake faults; steep slopes, septic tank limitations)?  Yes  No
  
- b. Will the project involve substantial grading which could result in secondary impacts (consider amount, steepness, and visibility of proposed slopes; consider effect of grading on trees and creek channels)?  Yes  No
  
- c. Will there be conversion of prime farmland (over 40 acres and not shown for development in the General Plan)?  Yes  No

Other sources used: San Joaquin County Soil Survey

3. **Plant/Animal Life:**

- a. Will there be a reduction or disturbance to any habitat for plants and animals (including removal or disturbance of trees, riparian areas, or migration routes)?  Yes  No \*
  
- b. Will the project impact any rare, endangered, threatened, or recreational species located on or near the site? (Check the Natural Diversity Data Base)  Yes  No \*

Other sources used: Natural Diversity Database

4. **Air/Climate:**

- a. Will the project make a significant contribution to the deterioration of existing air quality, including creation of objectionable odors; will future project residents be subjected to significant pollution levels?  Yes  No\*
  
- b. Will the project result in any impact to current climatic conditions? (Consider the introduction of water features, loss of wetland, etc.)  Yes  No

Other sources used: \_\_\_\_\_

5. **Noise:**

- a. Will the project expose people to high noise or vibration levels (over 65db/Ldn for residential uses or 75db/Ldn for industrial uses at the property line)? (Check 2010 projected noise contours.)  Yes  No\*
  
- b. Will the project result in increased noise or vibration levels?  Yes  No

Other sources used: \_\_\_\_\_

**6. Energy/Natural Resources:**

- a. Will the project use substantial amounts of fuel or energy, require a substantial increase in demand upon existing sources, or require the development of new sources of energy?  Yes  No
- b. Will the project affect the potential use, extraction, conservation, or depletion of a natural resource (other than agricultural land)?  Yes  No

Other sources used: \_\_\_\_\_

**7. Hazards:**

- a. Will the project create a risk of explosion; release, generate or store Any hazardous substances; or cause other dangers to public health and safety?  Yes  No
- b. Are there any known hazardous substances located within 500 feet of the boundaries of this project, if in an existing or proposed residential area (this could include possible groundwater contamination)?  Yes  No
- c. Will the project result in interference with, or need, for emergency plans?  Yes  No

Other sources used: \_\_\_\_\_

**8. Utilities and Public Service:**

- a. \*\*Will the project require alteration of, addition to, or the need for new utility systems (water, sewer, drainage, solid waste), including a sphere of Influence or district boundary change?  Yes  No\*
- b. \*\*Will the project result in the need for or the expansion of the following services: fire and police protection, schools, parks and recreation, libraries, roads, flood control, solid waste or other public works facilities, public transit, or governmental services?  Yes  No
- c. Will the project adversely impact existing recreational/park opportunities or require new park/recreation opportunities?  Yes  No

Note: \*\* "Yes" answers to these two questions and 9 (b) below will require additional discussion, but do not necessarily indicate a potentially significant impact.

Other sources used: \_\_\_\_\_

**9. Transportation/Circulation:**

- a. Will the project generate significant traffic volumes and/or make a significant contribution to an existing circulation problem (consider existing LOS on nearby arterials and highways, road design, access, parking, accident potential)?  Yes  No\*
- b. \*\*Will the project cause special transportation considerations (consider water-borne, rail, air, pedestrian, and bicycle traffic, and public transportation systems and parking facilities)?  Yes  No

c. Will the project result in a significant increase in commuting to and from the local community?  Yes  No

d. Will the project be impacted by or interfere with an airport flight path?  Yes  No\*

e. Will the project restrict access to the surrounding area?  Yes  No

Other sources used (note traffic studies): \_\_\_\_\_

#### 10. Cultural Resources:

a. Will the proposal result in an alteration of a significant archeological, or historical site, structure, or building?  Yes  No

Other sources used: \_\_\_\_\_

#### 11. Housing:

a. Will the proposal adversely affect the existing housing stock or create a demand for additional housing (more than 50 units)?  Yes  No

Other sources used: \_\_\_\_\_

#### 12. Aesthetics:

a. Will the project obstruct any public scenic vista or view, create an aesthetically offensive site open to public view, or produce new light or glare?  Yes  No\*

Other sources used: \_\_\_\_\_

#### 13. Land Use:

a. Is this project a growth-inducing action: Will it encourage additional requests for related uses, or will it set a significant land use precedent in the area?  Yes  No\*

b. Will the project conflict with existing or planned land uses; is the project in conflict with any adopted plans?  Yes  No\*

c. Will the project disrupt a natural or recreation area, impact access to waterways, or allow trespass onto surrounding land?  Yes  No

#### 14. Cumulative:

a. Will the project create any impacts which may not be significant for the project alone, but may be significant when combined with other anticipated development of similar type and or location?  Yes  No

Other sources used: \_\_\_\_\_

15. **Other Impacts:** Identify any other impact(s) not noted above which may be significant, and cite source(s). **NONE KNOWN.**

16. **Mandatory Findings of Significance:**

(A "Yes" answer to any of the following questions requires preparation of an EIR.)

- a. Does the project have the potential to degrade the quality of the environment or curtail the diversity in the environment?  Yes  No
- b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?  Yes  No
- c. Does the project have impacts which are individually limited but cumulatively considerable?  Yes  No
- d. Does the project have environmental impacts which will cause substantial, adverse effects on human beings, either directly or indirectly?  Yes  No

17. **DISCUSSION OF ANY ENVIRONMENTAL IMPACTS NOTED ABOVE.**

(Discuss any questions answered "Yes" above, as well as any "No" answers marked with an asterisk (\*). Discuss any changes to the project which could mitigate the identified impacts. Discuss any proposed mitigation monitoring program submitted by the project applicant. Use additional attached pages if necessary.)

**PLEASE SEE INITIAL STUDY ATTACHMENT PA-1700109 (SA).**

Prepared by: **Giuseppe Sanfilippo**

  
\_\_\_\_\_

Title: **Assistant Planner**

Date: **December 1, 2017**

**INITIAL STUDY (ATTACHMENT)**  
**PA-1700109**  
**BRAR/ MEDINA**

**PROJECT DESCRIPTION: A Site Approval application to expand an existing truck parking facility from a maximum of 14 trucks and 60 trailers to a maximum of 24 trucks and 114 trailers to include the construction of a 1,800 square foot building for truck maintenance. (Use Type: Truck Services-Parking). The property has a General Plan designation of Limited Industrial (I/L) and a zoning designation of Limited Industrial (I/L). The subject parcels are located on the east side of McKinley Road, 475 feet north of E Roth Road, French Camp.**

**ENVIRONMENTAL ISSUES:**

**1. Water**

1.a. The project site is located in the Flood Zone X Other Flood Areas 0.2 Percent Annual Chance Flood Hazard flood designation. If approved any new developments will have to comply with Development Title Section 9-1605 regarding flood hazards.

**3. Plant/Animal Life**

3. a. & b. The Natural Diversity Database does not list any rare, endangered, or threatened species located on or near the project area. Referrals have been sent to the San Joaquin Council of Governments (SJCOG) for review. If SJCOG determines that the applicant may participate in the San Joaquin Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), and if the applicant chooses to participate, then the proposed project is consistent with the SJMSCP, as amended, as reflected in the conditions of project approval for this proposal. Pursuant to the *Final EIR/EIS for San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (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. If the applicant chooses not to participate, then the applicant will be required to participate in a similar mechanism that provides the same level of mitigation.

**4. Air/ Climate**

4.a. This project is the expansion of an existing truck parking operation for a maximum of twenty four (24) trucks and one hundred fourteen (114) trailers to include the construction of a 1,800 square foot building for truck maintenance. All maneuvering areas shall be paved to provide a durable dust free surface. The project will be subject to applicable San Joaquin Air Pollution Control District requirements regarding fugitive dust emissions and emissions standards for hazardous air pollutants. With the applicable rules and regulations of the San Joaquin Pollution Control District, the impact to air quality will be less than significant.

**5. Noise**

5.a. A portion of the project site is located within the 65 dB noise contour for South McKinley Avenue and East Roth Road. The 65 dB contour line along South McKinley Avenue is located 13 feet from the side of the roadway, and the 65 dB contour line along East Roth Road is located 133 feet from the side of the road pursuant to Background Report General Plan 2035 Table 15-8 . However, the Truck Sales and Services- Parking use type is not classified as a noise sensitive land use.

Development Title Section 9-1025.9 lists the Residential use type as a noise sensitive land use. Low density residential is the zoning directly to the north of the project site. Development Title Table 9-1025.9 Part II states that the maximum sound level for stationary noise sources during the daytime is 70 dB and 65dB in the evening. The project site currently has a chain link fence with privacy slats as screening along the perimeter supplemented by trees and vegetation. Pursuant to Development Title 9-1022.4(e), if an industrial project abuts a residential zone, an area shown on the General Plan for residential use, or a conforming residential use, a solid masonry wall six (6) to eight (8) feet in height shall be erected along the abutting property line. As a Condition of Approval, a solid masonry wall six (6) to eight (8) feet in height is required along the north property line. Therefore, any noise impacts from this project are expected to be less than significant.

### **8. Utilities and Public Service**

8. a. This project will not be required to be served by public services. Water will be provided by an on-site well. Sewer services will be through a septic system. Storm water drainage will have to be retained on-site. The Environmental Health Department and the Department of Public Works will determine the size of these systems.

### **9. Transportation and Circulation**

9. a. This project is the expansion of an existing truck parking operation for a maximum of twenty four (24) trucks and one hundred fourteen (114) trailers. The applicant has stated that the hours of operation would be 9:00am to 7:00pm, Monday through Saturday. The Department of Public Works states that the proposed project will have a less than significant impact on the current level of service for the surrounding roads because the project is not expected to exceed fifty vehicles per hour. Therefore, a traffic study will not be required.

9. d. The project site falls within the comprehensive Airport Land Use Plan boundaries for the Stockton Metropolitan Airport and is located in Zone 8 of the Airport Influence Area. The nearest runway of the Stockton Metropolitan Airport is located approximately 3.21 miles northeast project site. The project applicant shall abide by the applicable Airport Land Use Plan for the Stockton Metropolitan Airport. A referral was mailed to both the Airport Land Use Commission and the Stockton Metropolitan Airport on May 26, 2017 and a response has not been received.

### **12. Aesthetics**

12.a. The project site abuts a Low Density Residential zone and the closest residence is approximately 120 feet north of the project site. The project site currently has six (6) foot tall chain link fence with privacy slats as screening along the perimeter supplemented by trees and vegetation. The hours of operation for the truck parking facility will require lighting. Pursuant to Development Title Section 9-1015.5 (g)(4), all lighting shall be designed to confine direct rays to the premises. No spill over beyond the property line shall be permitted, except onto public thoroughfares, provided, however, that such light shall not cause a hazard to motorists.

Pursuant to Development Title 9-1022.4(e), if an industrial project abuts a residential zone, an area shown on the General Plan for residential use, or a conforming residential use, a solid masonry wall six (6) to eight (8) feet in height shall be erected along the abutting property line. As a Condition of Approval, a solid masonry wall six (6) to eight (8) feet in height is required along the north property line. The project site is not located in a scenic vista as identified in the General Plan 2035. Therefore, any impacts to aesthetics will be less than significant.

### **13. Land Use**

13. a.& b. This project is the expansion of an existing truck parking operation for a maximum of twenty-four (24) trucks and one hundred-fourteen (114) trailers, which may be a conditionally permitted use in the I-L zone subject to an approved Site Approval application pursuant to Development Title Section 9-505.2. There is no change in the surrounding land uses, which are industrial and residential. The project is not a growth-inducing action nor is in conflict with any existing or planned uses. The project will not set a significant land use precedent in the area. There are no applicable Master Plans, Specific Plans, or Special Purpose Plans in the vicinity.



**SAN JOAQUIN COUNTY  
COMMUNITY DEVELOPMENT DEPARTMENT**

1810 E. HAZELTON AVE., STOCKTON, CA 95205-6232  
PHONE: 209/468-3121 FAX: 209/488-3163

October 4, 2018

Raghib S Brar  
11156 South McKinley Avenue  
French Camp, CA 95231

Dear Owner:

Re: Site Approval Application No. PA-1700109 of Raghib S Brar (c/o Octavio Medina) (APN/Address: 193-320-20, -24/11168 South McKinley Avenue, French Camp)

**ACTION:** On October 4, 2018, the San Joaquin County Community Development Department approved PA-1700109 subject to the enclosed Conditions of Approval.

**APPEAL PERIOD:** This action can be appealed to the Planning Commission by any interested party. Appeals must be filed with this Department within 10 days of the action with an appeal fee of \$353.00. The 10-day appeal period ends at 4:30 p.m. on October 15, 2018.

**EXPIRATION:** This action requires you to comply with all Conditions of Approval within the next 18 months (by April 14, 2020). If you have not complied with the Conditions of Approval by that date, this approval will expire, and the project cannot proceed.

**NEXT STEP:** Before your use can be established, you must comply with all Conditions of Approval, including the securing of building permits and any other permits specified in the Conditions of Approval.

Please contact me if you have questions regarding the Community Development Department Conditions (Phone: [209] 468-0227). Questions regarding the building permit process should be directed to the counter staff (Phone: [209] 468-2098).

Sincerely,

Giuseppe Sanfilippo  
Associate Planner

GS:dm

Enclosure: Conditions, Map

c: Octavio Medina  
Department of Public Works  
Building Inspection Division  
Rafedah Carella  
Environmental Health Department  
County Assessor  
County Surveyor

NOTICE OF DETERMINATION

TO: (X) Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

(X) State Department of Fish and Game  
Fiscal and Administrative Services Branch  
1416 Ninth Street  
Sacramento, CA 95814

(X) County Clerk, San Joaquin County

FROM: San Joaquin County  
Community Development Department  
1810 East Hazelton Avenue  
Stockton, CA 95205  
Phone: (209) 468-3120

SUBJECT: FILING OF NOTICE OF DETERMINATION IN COMPLIANCE WITH SECTIONS 21152 OF THE PUBLIC RESOURCES CODE

FILE NUMBER: PA-1700109

STATE CLEARINGHOUSE NUMBER: 2017122010

PROJECT TITLE, DESCRIPTION, & LOCATION:

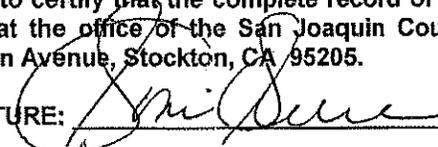
A Site Approval Application No. PA-1700109 of Raghbir S. Brar (c/o Octavio Medina) to expand an existing truck parking facility from a maximum of 14 trucks and 60 trailers to a maximum of 24 trucks and 114 trailers. The project will include the construction of a 1,800 square foot building for truck maintenance. The property is zoned I-L (Limited Industrial) and the General Plan designation is I/L (Limited Industrial). The project site is located on the east side of South McKinley Avenue, 475 feet north of East Roth Road, French Camp (APN/Address: 193-320-20, -24/11168 South McKinley Avenue, French Camp) (Supervisorial District 1).

LEAD AGENCY: San Joaquin County Community Development Department  
TELEPHONE NO.: (209) 468-3120

This is to advise that the San Joaquin County Community Development Department has approved the above-described project on October 4, 2018, and has made the following determinations regarding the above described project:

1. The project will not have a significant effect on the environment.
2. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Findings were not adopted pursuant to the provisions of CEQA.
4. A Statement of Overriding Considerations was not adopted for this project.
5. Mitigation measures were not adopted as a condition of the approval of the project.

This is to certify that the 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.

SIGNATURE: 

DATE: October 4, 2018

NAME: Sonia Serrano

TITLE: Deputy County Clerk

**CONDITIONS OF APPROVAL**  
**PA-1700109**  
**RAGHBIR S BRAR / OCTAVIO MEDINA**

Site Approval Application No. PA-1700109 was approved by the Community Development Department on October 4, 2018. The effective date of approval is October 14, 2018. This approval will expire on April 14, 2020, which is 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 (Staff Contact: Giuseppe Sanfilippo, [209] 468-0227)
  - a. **BUILDING PERMIT:** Submit an "APPLICATION-COMMERCIAL GRADING PERMIT". The Site Plan required as a part of the grading 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 for the expansion of an existing truck parking operation from a maximum of 14 trucks and 60 trailers to a maximum of 24 trucks and 114 trailers and the construction of a 1,800 square foot building for truck maintenance as shown on the Site Plan dated December 1, 2017. These Conditions of Approval are in addition to the Conditions of Approval for Site Approval application No. PA-0200508 (Use Type: Truck Sales & Services - Parking)

Existing Buildings:

- Single Family Residence: 980 square feet (not used in truck parking operation)
- Commercial Coach: 480 square feet

Proposed Buildings:

- Truck Maintenance Building: 1,800 square feet.

- 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. **PARKING:** Off-street parking shall be provided and comply with the following:
  - (1) All parking spaces and all major circulation drive lanes shall be surfaced and permanently maintained with a minimum of two (2) inches of asphalt concrete over an appropriate base. Bumper guards shall be provided when necessary to protect adjacent structures or properties. All other areas that are used for vehicular traffic shall be surfaced and permanently maintained with a chip seal. Aggregate base may be used for trailer storage areas. (Development Title Section 9-1015.5)
  - (2) A minimum of 1 parking space shall be provided. (Development Title Section 9-1015.3(c).

- (3) Each parking stall shall be an unobstructed rectangle, minimum nine (9) feet wide and twenty (20) feet long. (Development Title Section 9-1015.5[b])
  - (4) Each truck parking stall shall be a minimum of twenty-five (25) feet in length and fifteen (15) in width and shall have a minimum height clearance of fourteen (14) feet. (Development Title Section 9-1015.5(g))
- e. **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 twenty-five (25) feet for two-way aisles and sixteen (16) feet for one-way aisles, except that in no case shall driveways designated as fire department access be less than twenty (20) feet wide. (Development Title Section 9-1015.5[h][1])
- f. **LIGHTING:** Lighting shall be provided and comply with the following:
- (1) If the parking area is to be used at night, parking lot and security 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])
- g. **LANDSCAPING:** Landscaping shall be provided and comply with the following:
- (1) This project will be required to comply with the Model Water Efficient Landscape Ordinance Requirement per California Code of Regulations, Title 23, Division 2, Chapter
  - (2) A minimum ten (10) foot wide landscaped strip shall be installed across the frontage of McKinley Avenue, along the project site. (Development Title Section 9-1020.7)
  - (3) A five (5) foot planting strip shall be installed adjacent to the wall and the parking area along the northern property line of APN 193-320-20. (Development Title Section 1020.5[e])
- h. **SCREENING:** Screening shall be provided and comply with the following:
- (1) All storage materials and related activities, including storage areas for trash, shall be screened so as not to be visible from adjacent properties and public rights-of-way. Screening shall be six (6) to seven (7) feet in height. Outside storage is not permitted in front yards, street side yards, or in front of main buildings. (Development Title Section 1022.4[d][2])
  - (2) A solid masonry wall six (6) to seven (7) feet in height shall be erected along the property line of APN 193-320-20. (Development Title Section 9-1022.4[e][1])
- i. **SIGNS:** Sign details shall be consistent with Chapter 9-1710 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])
- j. **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 The 2016 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) The required plans must be complete at the time of submittal for a building permit. Plans must address building design and construction, fire and life safety requirements, accessibility and show compliance with the current California codes and San Joaquin County ordinances. A complete set of plans must include fire sprinkler plans (if required), truss design submittals, metal building shop drawings, structural plans and calculations, plumbing, electrical and mechanical drawings and energy report.
  - (3) A soils report is required pursuant to CBC § 1803 for foundations. All recommendations of the Soils Report shall be incorporated into the construction drawings.
  - (4) 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
  - (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 one accessible route shall be provided within the site from accessible parking spaces to the accessible building or facility entrance they serve. Where more than one route is provided, all routes must be accessible. §11B- 206.2.1
  - (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
  - (9) Pursuant to Table 4-3 of the California Plumbing Code, toilet facilities shall be accessible to employees at all times, should not be more than 500 feet from where employees are regularly employed and accessible by not more than one flight of stairs. The plans shall indicate the location of the toilet facilities and the travel distance from work areas.
  - (10) This project will be required to comply with the Model Water Efficient Landscape Ordinance requirements of the California Code of Regulations, title 22, Division 2, Chapter 2.7
2. DEPARTMENT OF PUBLIC WORKS (Staff Contact: Alex Chetley, [209] 468-3000, see memo dated January 12, 2018)

3. ENVIRONMENTAL HEALTH DEPARTMENT (Staff Contact: Naseem Ahmed, [209] 468-3436, see memo dated June 20, 2017)
4. FRENCH CAMP MCKINLEY FIRE DISTRICT (Staff Contact: John Gish, [209] 982-0721, see memo dated June 8, 2017)
5. SAN JOAQUIN COUNCIL OF GOVERNMENTS (Staff Contact: Laurel Boyd, [209] 235-0600, see memo dated June 12, 2017)

**Notes and Information Only**

See Central Valley Regional Water Quality Control Board letter dated June 14, 2017



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



**Department of Public Works**

Kris Balaji, Director of Public Works

Fritz Buchman, Deputy Director/Development

Michael Selling, Deputy Director/Engineering

Jim Stone, Deputy Director/Operations

Najee Zarif, Interim Business Administrator

January 12, 2018

MEMORANDUM

TO: Community Development Department  
 CONTACT PERSON: Giuseppe Sanfilippo

FROM: Alex Chetley, Engineering Services Manager  
 Development Services Division

SUBJECT: PA-1700109; A Site Approval application to expand an existing truck parking facility from a maximum of 14 trucks and 60 trailers to a maximum of 24 trucks and 114 trailers. The project will include the construction of an 1,800 square foot building for truck maintenance; located on the east side of South McKinley Avenue, 475 feet north of East Roth Road, French Camp. (Supervisorial District 1)

RECEIVED

JAN 12 2018

San Joaquin County  
 Community Development

PROPERTY OWNER: Raghbir Brar

APPLICANT: Octavio Medina

ADDRESS: 11168 South McKinley Avenue, French Camp

APN: 193-320-20 and 193-320-24

INFORMATION:

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

The site is within the Phase 2 area of the National Pollutant Discharge Elimination System (NPDES).

McKinley Avenue has an existing and planned right-of-way width of 50 feet.

RECOMMENDATIONS:

1. 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)
2. 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)
3. The Water Supply Facilities Impact Mitigation Fee shall be required for this development. The fee is due and payable prior to issuance of the building permit. The fee will be based on the current schedule at the time of payment. (Development Title Section 9-818.4 and Resolutions R-91-327, R-94-185 and R-97-5)
4. A copy of the Final Site Plan shall be submitted prior to release of building permit.

Mo Hatef  
Community Development Department  
PA-1700109 (SA)

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)
6. This project falls within the definition of a Regulated Project as defined in either the County Post-Construction Standards Manual or the County Phase II National Pollutant Discharge Elimination System (NPDES) permit and shall comply with the following conditions:
  - a. A registered professional engineer shall design a system or combination of systems to infiltrate, treat, and/or filter the 85th percentile storm as defined in the County's Post-Construction Standards Manual. The system design shall follow standards as outlined in the 2009 Storm Water Quality Control Criteria Plan or in the "California Association of Stormwater Quality Agencies" (CASQA) publications and comply with the conditions of the County Phase II NPDES permit. CASQA documents are available at [www.casqa.org](http://www.casqa.org)
  - b. Owner shall submit a "Storm Water Pollution Prevention Plan" (SWPPP) to Public Works for review. A SWPPP preparation guide is available at the Department of Public Works. A copy of the SWPPP shall be maintained on the construction site and presented to any County, State or Federal employee on demand. The SWPPP onsite shall include all required records, updates, test results and inspections. The post construction chapter of the SWPPP must identify expected pollutants and how they will be prevented from entering the storm system. The chapter shall also contain a maintenance plan, a spill plan, and a training plan for all employees on proper use, handling and disposal of potential pollutants. The example plans are available in the CASQA handbooks.
  - c. A Maintenance Plan shall be submitted and the execution of a Maintenance Agreement with San Joaquin County shall be required for the owner/operator of stormwater controls prior to the release of the building permit.
  - d. Owner shall be responsible for providing the County with an annual report of operation and maintenance of any system. The property owner shall also be responsible for the payment to the County of an annual system inspection fee established by Resolution of the Board of Supervisors.
  - e. Standard Best Management Practices, for the type of development proposed, shall be incorporated into the site design.
  - f. Wastewater shall NOT be allowed into the storm drainage system.

Informational Notes:

- (i.) Future expansion of the site may require a Traffic Impact Study.
- (ii.) A Solid Waste Diversion Plan for all applicable projects must be submitted to the Building Division of the Community Development Department prior to issuance of the building permit. Contact the Solid Waste Division (468-3066) for information.

Mo Hatef  
Community Development Department  
PA-1700109 (SA)

- (iii.) This property is subject to the requirements of San Joaquin County Mosquito & Vector Control District (209-982-4675) and the California Health and Safety Code for the prevention of mosquitoes. Best Management Practices (BMP) guidelines for stormwater devices, ponds and wetlands are available.

AC: JR



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

## Environmental Health Department

**Linda Turkatte, REHS, Director**

*Kasey Foley, REHS, Assistant Director*

**PROGRAM COORDINATORS**

Robert McClellon, REHS

Jeff Carruesco, REHS, RDI

Rodney Estrada, REHS

Willy Ng, REHS

Muniappa Naidu, REHS

June 20, 2017

To: San Joaquin County Community Development Department  
Attention: Giuseppe Sanfilippo

From: Ted Tasiopoulos; (209) 953-7698  
Senior Registered Environmental Health Specialist 

RE: **PA-1700109 (SA), SU0011373**  
**11168 S. McKinley Ave., French Camp**

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The San Joaquin County Development Title Requirements listed below have been identified as pertinent to this project. Other requirements may also apply. These requirements cannot be modified.

- A. 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).
- B. Before any hazardous materials/waste can be stored or used onsite, the owner/operator must report to the California Environmental Reporting System (CERS) which can be found at [cers.calepa.ca.gov/](http://cers.calepa.ca.gov/) for the following:
  - o Any amount of hazardous waste (for distribution centers this may include broken or damaged pallets (or individual containers) of hazardous materials, soaps, perfumes, cleaners, dyes, nicotine, over the counter medicines, or other household items packaged for sale that have been damaged; used oil, used oil filters, used oil-contaminated absorbent/debris, waste antifreeze, used batteries or other universal waste, etc.)—**Hazardous Waste Program**
  - o Onsite treatment of hazardous waste – Hazardous Waste Treatment Tiered Permitting Program
  - o 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**

- o Any amount of hazardous material stored in an Underground Storage Tank – **Underground Storage Tank Program**
  - o 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**
  - o Threshold quantities of regulated substances stored onsite - **California Accidental Release Prevention (CalARP) Program**
- C. 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. Additionally, an EHD permit to operate the UST is required once the UST system is installed.
- D. If 1,320 gallons or more of petroleum is to be stored aboveground then a Spill Prevention, Countermeasures and Control (SPCC) Plan is required. If any amount of petroleum is to be stored in a below grade vault, an SPCC plan is required.



# French Camp McKinley Fire District



Bob Firo  
Director

German Houbain  
Director

James J. Lee  
Director

Mark  
Walsh  
Chairman

310 E. French Camp Rd., P.O. Box 790, French Camp, CA 93223  
Phone: 309-522-0121 Fax: 309-522-4385

Directly providing services to our people  
ISO through a cooperative partnership

Date: June 8, 2017  
Project: Rughbar Boat  
Address: 11156 South McKinley Ave  
# PA-1700109

Fred Harding  
Fire Chief  
Assistant  
Battalion Chief /  
Deputy Fire Marshal

1. The applicant shall place for fire and sprinkler plan check with the fire district.
2. The project must conform to the appropriate edition of the California Fire Code (currently the 2013 edition) and all related standards.
3. Permits shall be obtained from the fire code official. Permit(s) and fees shall be paid prior to issuance of any and/or all permits. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire code official. (Permits are to be renewed on an annual basis).
4. Approved automatic sprinkler systems shall be provided as required in 2013 California Fire Code 903.2. Tenant/Occupant/Owner shall have the responsibility to ensure that the correct fire suppression system is added/modified/tested and accepted by the (A11) Fire District. Fire suppression system plans shall be modified under separate fire permit and shall be submitted by a licensed fire contractor to the (A11) Fire District for review and approval prior to modification. Detached submittal accepted.  
\*Note: Based on the proposed project notes for the occupancy, an automatic fire sprinkler system is required. If structure layout or dimensions change, this requirement may be removed through future consultations and reviews.
5. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant and a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.
6. The applicant shall pay applicable Fire Department Development Fees for all new buildings prior to issuance of permits.
7. An approved water supply for fire protection, either temporary or permanent, shall be made available prior to commencing construction beyond the foundation stage or as soon as combustible material arrives on the site. CFC 3312.1
8. Approved vehicle access for firefighting shall be provided to all construction or demolition sites. Vehicle access shall be provided to within 100 feet (30 480 mm) of temporary or permanent fire department connections. Vehicle access shall be provided by either temporary or permanent roads, capable of supporting vehicle loading under all weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available. CFC 3310.1
9. The Fire Department Fire Access Roads shall meet the requirements established by the San Joaquin County Fire Chief's Association.

10. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, a key box is required to be installed in an approved location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the fire code official. CFC 506.1
11. Other fire & life safety requirements may be required at time of building plan review.
12. No off-site parking, or parking in ingress and egress areas



John Gish  
Battalion Chief / Deputy Fire Marshal



S J C O G , I n c .

555 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 (RTLJ)  
ADVISORY AGENCY NOTICE TO SJCOG, Inc.**

To: Giuseppe Sanfilippo, San Joaquin County, Community Development Department  
From: Laurel Boyd, SJCOG, Inc.  
Date: June 12, 2017  
Local Jurisdiction Project Title: PA-1700109 (SA)  
Assessor Parcel Number(s): 193-320-20, -24  
Local Jurisdiction Project Number: PA-1700109 (SA)  
Total Acres to be converted from Open Space Use: Unknown  
Habitat Types to be Disturbed: Urban Habitat Land  
Species Impact Findings: Findings to be determined by SJMSCP biologist.

Dear Mr. Sanfilippo:

SJCOG, Inc. has reviewed the application referral for PA-1700109 (SA). This project consists of a Site Approval application to expand an existing truck parking facility from a maximum of 14 trucks and 60 trailers to a maximum of 24 trucks and 114 trailers. The project site is located on the east side of South McKinley Avenue, 475 feet north of East Roth Road, French Camp (APN/Address: 193-320-20, -24; 11168 South McKinley Avenue, French Camp).

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.*** This can be up to a 30 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>

Please contact SJMSCP staff regarding completing the following steps to satisfy SJMSCP requirements:

- 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 , 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, 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-1700109 (SA)

Landowner: Raghar Barar

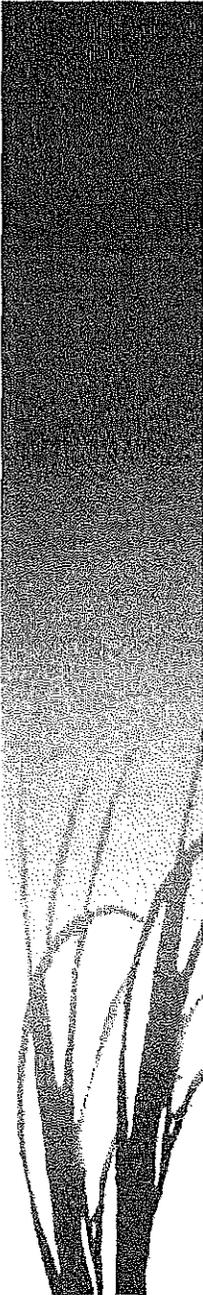
Applicant: Octavio Medina

Assessor Parcel #s: 193-320-20, -24

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

Local Jurisdiction Contact: Giuseppe Sanfilippo

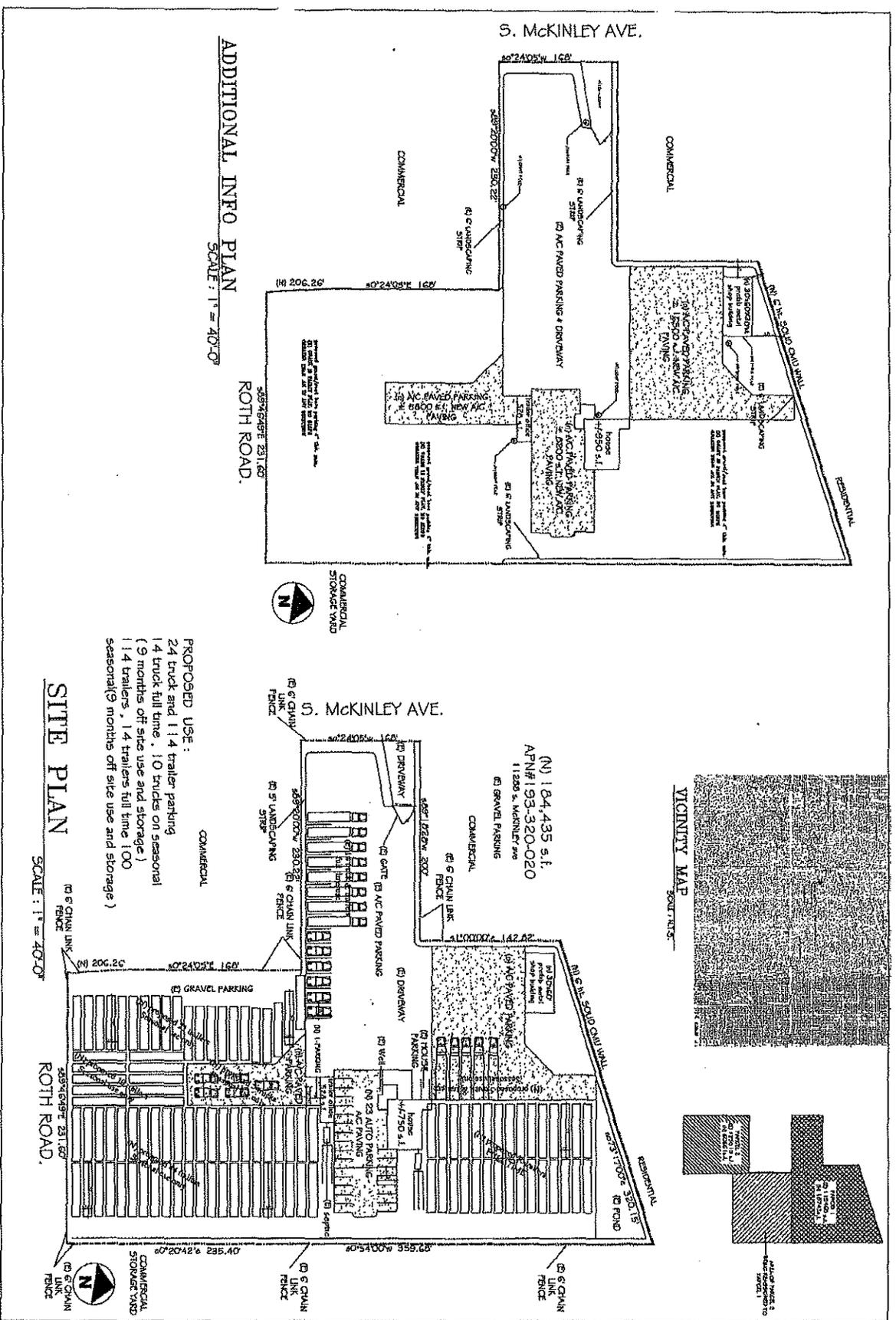
**The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measures are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP.**



# REVISED SITE PLAN

Application # **PA1700109**

Received By G.S. on 12/11/2017

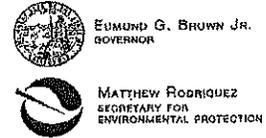


**ADDITIONAL INFO PLAN**  
SCALE: 1" = 40'-0"

**PROPOSED USE:**  
24 truck and 114 trailer parking  
14 truck full time, 10 trucks on seasonal  
(9 months off site use and storage)  
114 trailers, 14 trailers full time 100  
seasonal (9 months off site use and storage)

**SITE PLAN**  
SCALE: 1" = 40'-0"

<b>A-1</b>	DRAWN BY: JMT	FOR: <b>SITE PLAN, FLOOR PLAN, FOUNDATION PLAN, DETAILS &amp; SECTION A</b>	<b>MEDINA &amp; ASSOCIATES</b> DRAFTING & DESIGN (209) 470-9028 6553 E. WASHINGTON ST. STOCKTON CA. 95215 TAVCMIG@AOL.COM
	CHECKED BY: DORLAND MEDINA		
<b>TRUCK PARKING EXPANSION</b> Ragbir S Brar 11156 s. Mckinley ave. Stockton Ca.			



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## Central Valley Regional Water Quality Control Board

14 June 2017

Giuseppe Sanfilippo  
San Joaquin County  
Community Development Department  
1810 East Hazelton Avenue  
Stockton, CA 95205

CERTIFIED MAIL  
91 7199 9991 7036 6990 6941

### COMMENTS TO REQUEST FOR REVIEW FOR THE APPLICATION REFERRAL, PA-1700109 (SA) PROJECT, SAN JOAQUIN COUNTY

Pursuant to the San Joaquin County Community Development Department's 26 May 2017 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Application Referral* for the PA-1700109 (SA) Project, located in San Joaquin County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

#### I. Regulatory Setting

##### Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases,

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KARL E. LONGLEY ScD, P.E., CHAIR | PAMELA C. CREEDON P.E., BOCEE, EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | [www.waterboards.ca.gov/centralvalley](http://www.waterboards.ca.gov/centralvalley)

the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/).

### **Antidegradation Considerations**

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Policy is available on page IV-15.01 at:  
[http://www.waterboards.ca.gov/centralvalleywater\\_issues/basin\\_plans/sacsjr.pdf](http://www.waterboards.ca.gov/centralvalleywater_issues/basin_plans/sacsjr.pdf)

In part it states:

*Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.*

*This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.*

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

## **II. Permitting Requirements**

### **Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan

(SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml).

#### **Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/).

For more information on the Caltrans Phase I MS4 Permit, visit the State Water Resources Control Board at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/caltrans.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/caltrans.shtml).

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml)

#### **Industrial Storm Water General Permit**

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml).

#### **Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the

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<sup>1</sup> Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

#### **Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance (i.e., discharge of dredge or fill material) of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

#### **Waste Discharge Requirements**

##### *Discharges to Waters of the State*

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

##### *Land Disposal of Dredge Material*

If the project will involve dredging, Water Quality Certification for the dredging activity and Waste Discharge Requirements for the land disposal may be needed.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit2.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml).

#### **Dewatering Permit**

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0003.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf)

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/waivers/r5-2013-0145\\_res.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf)

#### **Regulatory Compliance for Commercially Irrigated Agriculture**

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: [http://www.waterboards.ca.gov/centralvalley/water\\_issues/irrigated\\_lands/app\\_approval/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_approval/index.shtml); or contact water board staff at (916) 464-4611 or via email at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).

#### **Low or Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering

discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0074.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf)

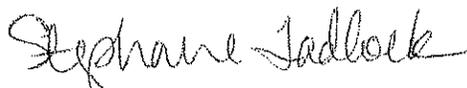
For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0073.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf)

#### **NPDES Permit**

If the proposed project discharges waste that could affect the quality of the waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit3.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit3.shtml)

If you have questions regarding these comments, please contact me at (916) 464-4644 or [Stephanie.Tadlock@waterboards.ca.gov](mailto:Stephanie.Tadlock@waterboards.ca.gov).



Stephanie Tadlock  
Environmental Scientist

June 12, 2017

San Joaquin County  
Community Development Department  
Development Services Division  
Attn: Giuseppe Sanfilippo  
1810 E Hazelton Ave  
Stockton, Ca 95205

Re: Application PA-1700109 (SA)  
Property Owner: Raghbar Brar  
Applicant: Octavio Medina

Dear Mr. Sanfilippo

Thank you for taking the time to talk with me last week regarding the Application mentioned above. As I mentioned, I own residential property situated at 11022 S McKinley, French Camp, Ca 95231 which is near the project location. I have many concerns about this request to expand the existing truck parking and would like to express a few in this letter, as follows:

Currently there is a traffic issue with the trucks coming and going into the facility making it difficult for the residents of the area as this is only a two lane country road. I am deeply concerned about the air quality as well as the noise pollution that this will cause and I am also concerned with future contaminants to the ground. I also have concerns with future signage (currently there is neon sign that went up on a nearby truck location which is disturbing to the residents in the area and the location that is directly across the street that backs up to McKinley Avenue is very noisy and it is at all hours during the night. My property is being surrounded by trucking.

I have attached the site plan map for your review. I would be interested to know what would be involved in changing my residential status to Commercial as it mentions on this map.

Thank you for taking the time to review my concerns. Please feel free to contact me with any questions.

Sincerely,

Kim Mello  
1639 Brookdale  
Manteca, Ca 95336  
(209)823-0715  
(11022 S McKinley Ave., French Camp Ca 95231)



# APPLICATION – APPEAL OF STAFF ACTION

SAN JOAQUIN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

FILE NUMBER: - PA-1700109

**TO BE COMPLETED BY THE APPLICANT PRIOR TO FILING THE APPLICATION**

**APPLICANT INFORMATION**

Name: City of Lathrop  
Address: 376 Towne Centre Dr.  
Lathrop, CA 95330  
Phone: (209) 941-7290

**BASIS FOR APPEAL**

Action being appealed: Site Approval No. PA-1700109  
Date of Staff action: October 4, 2018

State the basis of the appeal. List any findings of fact made by the staff which you feel were wrong and your reasons:

See Attachment

List any condition(s) and or findings being appealed and give reasons why you think it should be modified or removed:

**SIGNATURE**

Signature: [Handwritten Signature]

Date: 10-15-18

**STAFF USE ONLY**

Remarks:

Date appeal filed: 10/15/2018

Fee: \$353

Receipt No: R195550

Appeal Accepted by: CML



*Community Development Department  
Planning Division*

390 Towne Centre Drive– Lathrop, CA 95330  
Phone (209) 941-7290 – Fax (209) 941-7268  
[www.ci.lathrop.ca.us](http://www.ci.lathrop.ca.us)

October 15, 2018

San Joaquin County Community Development  
1810 East Hazelton Avenue  
Stockton, CA 95205

Re: Appeal of San Joaquin County Approval for Site Approval Application No. PA-1700109  
(11168 S. McKinley Avenue, APN's: 193-320-20 & -24) on October 4, 2018

To Whom It May Concern:

Please find enclosed an application to appeal the above referenced San Joaquin County Community Development Department action. This application is submitted today in order to meet your established deadline requiring the filing of such an application within 10 days of staff's action.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Meissner", written over a white background.

Mark Meissner,  
Community Development Director

Encl: Application – Appeal of Staff Action

Cc: Stephen Salvatore, City Manager  
Salvador Navarrete, City Attorney  
Glenn Gebhardt, City Engineer  
Michael King, Assistant Public Works Director  
Rick Caguiat, Principal Planner  
Jay Davidson, Principal Engineer

## Attachment

State the basis of the appeal. List any findings made by the staff which you feel were wrong and your reasons:

1. It is not clear if the conditions of approval for the project impose mitigation measures necessary to adequately mitigate the project's traffic impacts to the Roth Road / I-5 interchange and associated frontage roads.

In 2010, the City of Lathrop adopted the North Lathrop Transportation Fee Study (Resolution No. 11-3132, attached). The study identified all proposed and potential development projects which were estimated at 22,000 new daily vehicle traffic trips to the Roth Road / I-5 interchange. If there are no improvements to the interchange and frontage roads, the interchange will degrade to an unacceptable operating Level of Service (LOS) "F". The City standards require that the interchange and its associated frontage road operate at a minimum LOS "D".

The study also determined that major transportation system improvements to the interchange and relocation of the Harlan and Manthey frontage road intersections will be required in order for the Roth Road / I-5 interchange to operate at a LOS "D" upon full build out of the proposed development projects in the north Lathrop area. In 2010, the cost of these transportation system improvements was estimated to be \$28,825,000. This equates to a cost of \$1,618.94 (adjusted for inflation) per new traffic trip. The purpose of the study is to establish an equitable and fair share transportation impact fee that can be imposed on all projects in the study area that will impact the Roth Road / I-5 interchange in order to collect the necessary funding to pay for the transportation system improvements.

2. The project was not conditioned to construct or guarantee the construction of street improvements including but not limited to: curb, gutter, sidewalk fire hydrants, street lighting, dedicate public utility easement, etc. The project site is located within the City of Lathrop's Sphere of Influence and General Plan and shall incorporate improvements as required by the City. At the discretion of the City Engineer, the property owner may enter into a Deferred Frontage Improvement Agreement (DFIA) to guarantee completion of these improvements at a future date.

**RESOLUTION NO. 11-3132**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP  
APPROVING THE NORTH LATHROP TRANSPORTATION FEE STUDY DATED  
DECEMBER 2010, ADOPT THE FEE AND AMEND THE CAPITAL FACILITY FEE  
(CFF) PROGRAM TO INCLUDE THE NEW IMPACT FEE**

**WHEREAS**, on October 18, 2010, the City Council adopted Resolution 10-3106, authorizing the City Manager to contract with Mark Thomas Company to review available information for proposed development projects located in the North Lathrop Study Area and determine their impacts to the Roth Road/I-5 interchange and the associated frontage roads; and

**WHEREAS**, in order to be able to provide information to San Joaquin County and the City of Manteca regarding their proposed development projects potential impacts and related fees to the Roth Road /I-5 interchange area, the Mark Thomas Company prepared preliminary geometrics and preliminary construction cost estimate for improvements at the Roth Road/I-5 interchange; and

**WHEREAS**, the City of Lathrop Municipal Code, Chapter 3.20 Capital Facilities Fee allows for the adoption of new or revised transportation fees by resolution; and

**WHEREAS**, the North Lathrop Transportation Impact Fee Study of December 2010 has been reviewed and considered by the City Council and by reference is hereby entered into the public record; and

**WHEREAS**, a notice of the public hearing was published in the Tri-Valley Herald on December 18 and December 24, 2010; and

**WHEREAS**, the findings required by the State of California Mitigation Fee Act (also known as "AB 1600," Government Code sections 66000, et seq.) have been made as contained said reports and in the administrative record, all of which is hereby incorporated by reference herein; and

**WHEREAS**, the City Council did use its independent judgment and considered all of said reports, recommendations and other evidence in the administrative record, all of which is hereby incorporated by reference herein.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Lathrop does hereby approve the Report, approve the new North Lathrop Transportation Impact Fee (see attached Exhibit "A") in addition to any fees previously imposed by the City , and approve revisions to the Capital Facility Fee Program to incorporate the new fee, based on findings required by the State of California Mitigation Fee Act (also known as "AB 1600," Government Code sections 66000, et seq.) and each finding contained therein and further finds as follows:

1. The purposes of the North Lathrop Transportation Impact Fee imposed by this Resolution are necessary to fund transportation system improvements for the Roth Rd. / I-5 Interchange and the associated frontage roads. Pursuant to the Lathrop Municipal Code Section 3.20.040 collected fees may be used for no other purpose.
2. The geographic area in which the fees will be imposed is the North Lathrop Study Area boundary map is contained in the North Lathrop Transportation Impact Fee report and is hereby incorporated by reference herein.
3. The estimated reasonable costs for providing the transportation system improvements, are contained in the North Lathrop Transportation Impact Fee report and are hereby incorporated by reference and attached as Exhibit "A".
4. There is a reasonable relationship between the type of development projects on which the fee is imposed and the uses of the fees for off-site transportation system improvements, because, as set forth in the Report the development projects can be expected to generate traffic at the identified roadways.
5. There is a reasonable relationship between the amount of the fees and the cost of the specified public facilities attributable to the development projects on which the fee is imposed, because, as is set forth in the Report, the fees have been apportioned based upon a land use's anticipated traffic generation.

**BE IT FURTHER RESOLVED**, that the City Council of the City of Lathrop, based on substantial evidence in the administrative record of proceedings and pursuant to its independent review and consideration, hereby established the following North Lathrop Transportation Impact Fee for the North Lathrop Area for transportation system improvements for the Roth Rd. / I-5 Interchange and the associated frontage roads at:

**\$1,307.26 per vehicle traffic trip; and**

**BE IT FURTHER RESOLVED**, that these fees shall, automatically, and without further action of this Council, be adjusted on July 1, of each year, beginning July 1, 2012, to reflect the effects of inflation. The adjusted rates shall be calculated by multiplying the amounts set forth above by a factor that is equal to the then most current Bay Area Construction Cost Index published in the Engineering News-Record divided by the Construction Cost Index in effect as of the date Resolution. Additionally, the City Council may, following the procedures set forth in Chapter 3.20 of the Municipal Code, take future action to make other revisions to these rates; and

**BE IT FURTHER RESOLVED**, that these fees shall be in addition to any fees previously imposed by the City, that these fees shall be collected and administered in the manner set forth in Chapter 3.20 of the Municipal Code and that these fees shall be effective sixty (60) days after the adoption of this Resolution.

**PASSED AND ADOPTED** this 3rd day of January, 2011, by the following vote:

AYES: Dhaliwal, Mateo, Ornelas, Salcedo and Santos.

NOES: None.

ABSENT: None.

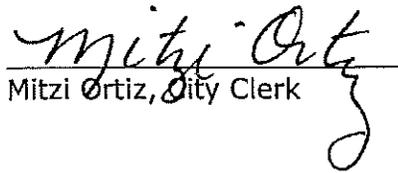
ABSTAIN: None.



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J. "CHAKA" SANTOS, MAYOR

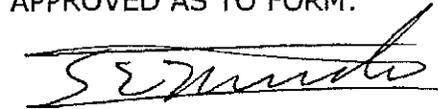
ATTEST:



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Mitzi Ortiz, City Clerk

APPROVED AS TO FORM:



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Salvador Navarrete, City Attorney

Roth Road / I-5 Interchange Improvements  
Cost Sharing  
December 1, 2010

Preliminary Construction Cost Estimate with Right of Way, Utilities, and Project Development Costs

Dec 17 2010

Ultimate: \$28,825,000 (Current Value)  
Phase 1: \$500,000 (Current Value)  
Phase 2: \$14,800,000 (Escalated 5 years)  
Phase 3: \$17,100,000 (Escalated 15 years)  
Phase 4: \$9,400,000 (Escalated 25 years)

			Ultimate (Not Phased) December, 2010	Phase 1 (2011)	Phase 2 (2015) Escalated	Phase 3 (2025) Escalated	Phase 4 (2035) Escalated	Ultimate (Not Phased) December, 2010 Cost/trip	Cost/unit Fee
<b>City of Lathrop</b>									
		#trips							
<b>Central Lathrop Specific Plan</b>			\$ 7,189,909.30	\$124,716.65	\$ 3,691,609.98	\$ 4,265,306.12	\$ 2,344,671.20		
Phase 2 Residential	2250 DU	900 4%	\$ 1,176,530.61	\$ 20,408.16	\$ 604,081.63	\$ 697,959.18	\$ 383,673.47	\$ 1,307.26	\$ 522.80 per DU
Commercial	2,100,000 SF	4,600 21%	\$ 6,013,378.68	\$104,308.39	\$ 3,087,528.34	\$ 3,567,346.94	\$ 1,960,997.73	\$ 1,307.26	\$ 2,863.51 per 1000SF
<b>North Lathrop Area</b>			\$ 3,660,317.46	\$ 63,492.08	\$ 1,879,365.08	\$ 2,171,428.67	\$ 1,193,650.79		
Residential	950 DU	450 2%	\$ 588,265.31	\$ 10,204.08	\$ 302,040.82	\$ 348,979.59	\$ 191,836.73	\$ 1,307.26	\$ 619.23 per DU
Commercial	75,000 SF	2350 11%	\$ 3,072,052.15	\$ 53,287.98	\$ 1,577,324.26	\$ 1,822,448.98	\$ 1,001,814.06	\$ 1,307.26	\$ 40,960.70 per 1000SF
<b>Gordon Trucking</b>			\$ 261,451.25	\$ 4,535.15	\$ 134,240.36	\$ 155,102.04	\$ 85,260.77		
Industrial	16 acres	200 1%	\$ 261,451.25	\$ 4,535.15	\$ 134,240.36	\$ 155,102.04	\$ 85,260.77	\$ 1,307.26	\$ 16,340.70 per acre
<b>LN Industrial Building</b>			\$ 653,628.12	\$ 11,337.87	\$ 335,600.91	\$ 387,755.10	\$ 213,151.93		
Industrial	749,100 SF	500 2%	\$ 653,628.12	\$ 11,337.87	\$ 335,600.91	\$ 387,755.10	\$ 213,151.93	\$ 1,307.26	\$ 872.55 per 1000SF
<b>KSC Travel Center</b>			\$ 915,079.37	\$ 15,873.02	\$ 469,841.27	\$ 542,857.14	\$ 298,412.70		
Highway Commercial	11acres	700 3%	\$ 915,079.37	\$ 15,873.02	\$ 469,841.27	\$ 542,857.14	\$ 298,412.70	\$ 1,307.26	\$ 83,189.03 per acre
<b>Other Lathrop Projects</b>			\$ 1,176,530.61	\$ 20,408.16	\$ 604,081.63	\$ 697,959.18	\$ 383,673.47		
Residential	650 DU	300 1%	\$ 392,176.87	\$ 6,802.72	\$ 201,360.54	\$ 232,653.06	\$ 127,891.16	\$ 1,307.26	\$ 603.35 per DU
Highway Commercial	12,000 SF	600 3%	\$ 784,353.74	\$ 13,605.44	\$ 402,721.09	\$ 465,306.12	\$ 255,782.31	\$ 1,307.26	\$ 65,362.81 per 1000SF
<b>Total for City of Lathrop</b>		10600 48%	\$ 13,856,916.10	\$ 240,362.81	\$ 7,114,739.23	\$ 8,220,408.16	\$ 4,518,820.86	\$ 1,307.26	\$ -
<b>City of Manteca</b>									
<b>CenterPoint</b>			\$ 2,091,609.98	\$ 36,281.18	\$ 1,073,922.90	\$ 1,240,816.33	\$ 682,086.17		
Light Industrial	3,177,000 SF	1600 7%	\$ 2,091,609.98	\$ 36,281.18	\$ 1,073,922.90	\$ 1,240,816.33	\$ 682,086.17	\$ 1,307.26	\$ 658.36 per 1000SF
<b>Other Manteca Projects</b>			\$ 6,229,024.94	\$ 90,702.95	\$ 2,684,807.26	\$ 3,102,040.82	\$ 1,705,215.42		
Light Industrial	1,275,600 SF	1070 5%	\$ 1,398,764.17	\$ 24,263.04	\$ 718,185.94	\$ 829,795.92	\$ 456,145.12	\$ 1,307.26	\$ 1,096.55 per 1000SF
Retail	205,820 SF	2930 13%	\$ 3,830,260.77	\$ 66,439.91	\$ 1,966,621.32	\$ 2,272,244.90	\$ 1,249,070.29	\$ 1,307.26	\$ 18,608.76 per 1000SF
<b>Total for City of Manteca</b>		5600 25%	\$ 7,320,634.92	\$ 126,984.13	\$ 3,758,730.16	\$ 4,342,857.14	\$ 2,387,301.59	\$ 1,307.26	\$ -
<b>San Joaquin County</b>									
<b>Intermodal Facility</b>			\$ 5,490,476.19	\$ 95,238.10	\$ 2,819,047.62	\$ 3,257,142.86	\$ 1,790,476.19		
Light Industrial	142 acres	4200 19%	\$ 5,490,476.19	\$ 95,238.10	\$ 2,819,047.62	\$ 3,257,142.86	\$ 1,790,476.19	\$ 1,307.26	\$ 38,665.33 per acre
<b>Other SJ County Projects</b>			\$ 2,156,972.79	\$ 37,414.97	\$ 1,107,482.99	\$ 1,279,591.84	\$ 703,401.36		
Residential	314 acres	445 2%	\$ 581,729.02	\$ 10,090.70	\$ 298,684.81	\$ 345,102.04	\$ 189,705.22	\$ 1,307.26	\$ 1,852.64 per acre
Retail	11 acres	575 3%	\$ 751,672.34	\$ 13,038.55	\$ 385,941.04	\$ 445,918.37	\$ 245,124.72	\$ 1,307.26	\$ 68,333.85 per acre
Light Industrial	143 acres	630 3%	\$ 623,571.43	\$ 14,285.71	\$ 422,857.14	\$ 488,571.43	\$ 268,571.43	\$ 1,307.26	\$ 5,759.24 per acre
<b>Total for San Joaquin County</b>		5850 27%	\$ 7,647,448.98	\$ 132,653.06	\$ 3,926,530.61	\$ 4,536,734.69	\$ 2,493,877.55	\$ 1,307.26	\$ -
<b>Total Trips</b>	22050	100% Total =	\$ 28,825,000.00	\$ 500,000.00	\$ 14,800,000.00	\$ 17,100,000.00	\$ 9,400,000.00	\$ 1,307.26	\$ -



# STAFF REPORT - Development Title Text Amendment

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## Application Information

Applicant: **San Joaquin County**  
File Number: **PA-1800303**  
Location: **Applicable Countywide**

Supervisorial District: **All**  
CEQA Determination: **Notice of Exemption**  
Staff: **Christine Luckasen**

## Project Description

This project is a Development Title Text Amendment application to amend Development Title Division 19 Enforcement Regulations by adding new definitions, clarifying criminal penalties, and providing clarification regarding enforcement regulations, definitions, and penalties throughout the San Joaquin County Development Title.

## Recommendation

Approval.

# Referrals and Replies

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The application referrals were mailed on November 30, 2018, with responses due by December 27, 2018.

AGENCY	RESPONSE DATE
All Cities	
All School Districts	
All Airports	
All Fire Districts	
Fire Prevention Bureau	
Assessor	
Building Department	
Sheriff	
Board of Supervisors	
Environmental Health Department	December 27, 2018
County Counsel	
Mosquito Abatement	
Department of Public Works	December 3, 2018
Air Pollution Control District	
San Joaquin Council of Governments	
California Fish and Game – all regions	
PG&E	
Telephone – all telephone service providers	
Hayley Flying Services	
John Glick	
Kathy Perez	
Kevin Johnston	
Lozeau Drury LLP	
Precissi Flying Services	
Sierra Club	

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A legal ad for the public hearing was published in the **Stockton Record** on January 7, 2019.

One hearing notice was sent via postal mail on January 4, 2019.

# Analysis

## Background

This application is to amend Division 19 of the Development Title (Title 9). Division 19 includes enforcement regulations, which were last updated in 2016 with Development Title Text Amendment application No. PA-1600013.

On August 7, 2018, the Board of Supervisors adopted amendments to the County's Title 1 (Divisions 1, 2, and 3) and Title 2 (Division 3, Chapter 5), regarding enforcement of code violations. The amendments allow violations of all County Ordinance Titles, other than Title 9, to be deemed an infraction or misdemeanor, unless otherwise specified. As a result of this action, this Development Title Text Amendment is proposed for consistency throughout the San Joaquin County code.

## Existing Ordinance

Under Division 19, the Enforcement Official is responsible for investigating reported or suspected violations of the Development Title and correcting or abating any such violation. If the responsible party does not voluntarily abate the violation, then Division 19 allows the County to obtain abatement through referral to the District Attorney's Office or, alternatively, through non-criminal, administrative, or civil processes.

For criminal referrals, Division 19, Chapter 9-1905, Section 9-1905.17 (b) Misdemeanor states "Every violation of this Title is a misdemeanor and may be punished by a fine not exceeding one hundred dollars (\$100.00) for the first violation, a fine not exceeding two hundred dollars (\$200.00) for a second violation of the same section within one (1) year, and a fine not exceeding five hundred dollars (\$500.00) for each additional violation of the same section within one (1) year."

Due to the language stating that a violation "is a misdemeanor," there is no ability for the District Attorney's Office to utilize its discretion in charging the violation(s) as an infraction, even if they believe charging it as an infraction is more appropriate in the interests of justice. The Development Title covers a wide range of violations, from use permit violations, junk and trash, inoperable vehicles, and truck parking; therefore, the District Attorney needs a wide range of ways to address those violations.

In addition, Title 9 does not currently expressly state that it is a violation of the Development Title to maintain or permit a nuisance. It also does not define "junk" or expressly state that an accumulation of junk on a property is a nuisance. Accordingly, enforcement actions for nuisance conditions, and specifically the accumulation of junk, is difficult or impossible.

## Proposed Text

The proposed amendments to Title 9, Sections 9-110.4 and 9-1905.8, address the concerns detailed above, and would allow for effective enforcement action by amending the definition of "nuisance," adding a definition for "junk," and clarifying Division 19 Enforcement Regulations through expanding on regulations regarding enforcement officials, violations, notices of violation, and criminal penalties. The office of the County Counsel recommends the proposed amendments to Title 9, Division 19, Chapters 9-110, 9-1900, and 9-1905, to ensure that the County can abate violations of the Development Title, including nuisances and the accumulation of junk, using all of the tools in the newly adopted Title 1 in addition to Title 9 with the additional ability for the District Attorney's Office to utilize its discretion in charging Title 9 violations as either a misdemeanor or infraction.

### **Notice of Exemption**

California Environmental Quality Act (CEQA) Section 15061(b)(3) states that a project is exempt from CEQA if the local agency determines that the activity has no potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may cause a significant effect on the environment, the activity is not subject to CEQA and, therefore, exempt from CEQA. The Community Development Department has determined that the proposed Development Title Text Amendment has no potential for causing a significant effect on the environment because it is strictly an amendment to the Development Title text relating to regulation and enforcement; therefore, the proposed Development Title Text Amendment is not subject to CEQA. Accordingly, a Notice of Exemption will be filed by the Community Development Department if the Development Title Text Amendment is approved.

# Recommendations

## Action

It is recommended that the Planning Commission:

1. **Forward Development Title Text Amendment application No. PA-1800303 to the Board of Supervisors with a recommendation for approval based on the ability to make the required Basis for Development Title Text Amendment.**

## Basis for Development Title Text Amendment

Prior to approving an application for a Text Amendment, the Planning Commission and the Board of Supervisors shall determine that the proposed Text Amendment is consistent with the General Plan and any applicable Master Plan.

- **This determination can be made because the proposed amendments to the Development Title do not conflict with any of the goals, objectives, policies or implementation measures of the General Plan or any applicable Master Plan.**

THE COUNTY OF SAN JOAQUIN,  
STATE OF CALIFORNIA

ORDINANCE NO.

AN ORDINANCE AMENDING TITLE 9 OF THE ORDINANCE CODE OF THE COUNTY OF SAN JOAQUIN RELATIVE TO SECTIONS 9-1900 and 9-1905 OF THE DEVELOPMENT TITLE.

The Board of Supervisors of the County of San Joaquin ordains as follows:

**Section 1.** Section 9-110.4, Chapter 9-110, Division 1, Title 9 of the San Joaquin County Ordinance Code is hereby amended by revising the definition of "Nuisance," and adding the definition of "Junk," to read as follows:

**Nuisance:** Except as modified in Chapter 9-1110, "nuisance" means anything resulting from unreasonable or unlawful practices or from neglect which is or tends to be injurious to health, safety, or public welfare, including an accumulation of junk, or is so unsightly or offensive to the senses as to interfere with the comfortable enjoyment of life or property. Additionally, "nuisance" means "nuisance" as defined in County Ordinance Code Title 1 and any condition existing in violation of the County Ordinance Code, including this Title.

**Junk:** Junk means, but is not limited to, any cast-off, damaged, discarded, junked, salvaged, scrapped, worn out or wrecked, thing or material including magazines, books, cardboard boxes, wood boxes, scrap lumber, trash, litter, refuse, paper, glass, cans, bottles, rags, ashes, trimmings from lawns, trimmings from plants, trimmings from trees, discarded furniture, scrap metal, used tires, materials from demolition or alteration or construction of buildings or structures, or solid waste.

**Section 2.** Section 9-1900.1, Chapter 9-1900, Division 19, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

Division 19 constitutes the enforcement regulations. ~~The intent of this Division is to provide for the enforcement of provisions of this Title.~~ to be used in addition to or as an alternative to Title 1.

**Section 3:** Section 9-1905, Chapter 9-1900, Division 19, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

**Sections:**

<b><u>Section 9-1905.1</u></b>	<b><u>Intent and Purpose</u></b>
<b><u>Section 9-1905.2</u></b>	<b><u>Enforcement Official</u></b>
<b><u>Section 9-1905.8</u></b>	<b><u>Violations</u></b>
<b><u>Section 9-1905.8</u></b>	<b><u>Violations</u></b>
<b><u>Section 9-1905.9</u></b>	<b><u>Notice of Violation and Order to Abate</u></b>
<b><u>Section 9-1905.17</u></b>	<b><u>Criminal Penalties</u></b>

**9-1905.1**                      **INTENT AND PURPOSE**

Pursuant to the authority granted to the Board of Supervisors in Government Code Sections 25845 and 53069.4, it is the intent and purpose of this Chapter to set forth the provisions for the enforcement of this Title (Ord. 3675-) in addition or as an alternative to Title 1. The procedures set forth in this Chapter are designed to ensure the due process rights of any affected property owner or other person having possession or control of the real property involved. This Chapter provides remedies which are in addition to and does not limit, preclude, waive or supersede any other criminal or civil remedy available by law for the enforcement of this Title or to abate any violation of this Title.

**9-1905.2**

**ENFORCEMENT OFFICIAL**

The Enforcement Official is responsible for enforcing this Title. The Enforcement Official's duties include, but are not limited to the investigation of reported or suspected violation of this Title, determination of whether any violation of this Title has occurred and, pursuant to this Chapter or Title 1, correcting or abating any violation of this Title.

**9-1905.8**

**VIOLATIONS**

It is a violation of this Title and County Ordinance Code Section 1-2000 for a property owner and/or other person in control of a property to maintain or permit a nuisance or a violation of this Title on real property. Any use or condition on real property which is in violation of this Title or in violation of permits approved pursuant to the provisions of this Title shall constitute a violation of this Title and, if not abated, may be subject to the enforcement procedures outlined in this Chapter or Title 1.

**9-1905.9**

**NOTICE OF VIOLATION AND ORDER TO ABATE**

- (a) When the Enforcement Official determines that a condition constituting a violation of this Title has occurred they may provide a written notice and order pursuant to Section 9-1905.11 to the owner(s) of the real property involved and any other person in possession or control of the real property pursuant to County Ordinance Code Sections 1-200610 and 1-200711. If delivery of the notice/order to abate cannot be accomplished pursuant to County Ordinance Code Sections 1-200610 and 1-200711 despite diligent effort then notice may be given by posting copies of the notice/order to abate at the real property involved and recording the notice/order to abate in the official records of the County.
- (b) The failure of an addressee to receive the notice/order to abate provided to them in compliance with this Section shall not affect in any manner the validity of any proceedings taken under this Chapter or Title 1.

**9-1905.17**

**CRIMINAL PENALTIES**

Enforcement of violations of this Title may be subject to criminal penalties as follows:

- (a) Notice to Appear Citation. If an owner and/or person in possession or control of the real property involved has committed a violation of this Title and/or has failed to take the action(s) ordered in the notice/order to abate within the time allowed by the notice/order to abate, Hearing Officer, or Board of Supervisors, then (1) law enforcement agencies or (2) the Enforcement Official may issue a notice to appear citation to the owner and/or person in possession or control of the real property.
- (b) Infraction or Misdemeanor. Every violation of this Title is either an infraction or a misdemeanor, and, regardless of the number of violations of any section of this Title, each violation may be charged as either an infraction or misdemeanor at the discretion of the District Attorney, and may be punished by a fine not exceeding one hundred dollars (\$100.00) for the first violation, a fine not exceeding two hundred dollars (\$200.00) for a second violation of the same section within one (1) year, and a fine not exceeding five hundred dollars (\$500.00) for each additional violation of the same section within one (1) year. Each day, or portion thereof, that the violation exists shall be a new and separate violation.
- (c) Infraction. If the violation is determined to be an infraction pursuant to subsection (b), multiple violations of the same section of this Title on the same property shall be punished as follows:

- (1) For the first violation, a fine of \$100.00, plus any additional penalties assessed by the Court.
- (2) For the second violation of the same section within one (1) year of the first violation, a fine of \$200.00, plus any additional penalties assessed by the Court.
- (3) For the third and all subsequent violations of the same section within one (1) year of the first violation, a fine of \$500.00, plus any additional penalties assessed by the Court.
- (d) Misdemeanor. If the violation is determined to be a misdemeanor pursuant to subsection (b), the property owner shall be guilty of a misdemeanor and upon conviction thereof shall be punishable as follows:
  - (1) By a fine of not more than \$500.00; or
  - (2) By imprisonment in the County Jail for a term of not more than six (6) months; or
  - (3) By such fine and/or imprisonment as noted in subsections (d)(1) and (d)(2).
- (e) Action by County. Nothing in this Chapter shall prevent the District Attorney or County Counsel from seeking any legal or equitable relief permitted under law for any violation of this Title.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of San Joaquin, State of California, on this \_\_\_\_\_ of \_\_\_\_\_ to wit:

AYES:  
 NOES:  
 ABSENT:  
 ABSTAIN:

\_\_\_\_\_  
 MIGUEL A. VILLAPUDUA, CHAIR  
 Board of Supervisors  
 County of San Joaquin  
 State of California

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

BY: \_\_\_\_\_



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



**Department of Public Works**

Kris Balaji, Director of Public Works

Fritz Buchman, Deputy Director/Development

Michael Selling, Deputy Director/Engineering

Jim Stone, Deputy Director/Operations

Kristi Rhea, Manager of Strategic Initiatives

**RECEIVED**

DEC - 3 2018

San Joaquin County  
 Community Development

December 3, 2018

MEMORANDUM

TO: Community Development Department  
 CONTACT PERSON: Christine Luckasen

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

SUBJECT: PA-1800303; A Text Amendment application to amend Division 19 Enforcement Regulations of the San Joaquin County Development Title, add definitions, clarify criminal penalties and provide clarification throughout. (All Supervisorial Districts)

OWNER: San Joaquin County

APPLICANT: San Joaquin County

ADDRESS: N/A

APN: N/A

RECOMMENDATIONS:

1. None.

AC:CH



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

## Environmental Health Department

**Linda Turkatte, REHS, Director**

*Kasey Foley, REHS, Assistant Director*

**PROGRAM COORDINATORS**

Robert McClellon, REHS

Jeff Carruesco, REHS, RDI

Willy Ng, REHS

Muniappa Naidu, REHS

Michael Kith, REHS

December 27, 2018

To: San Joaquin County Community Development Department  
Attention: Christine Luckasen

From: Steven Shih; (209) 468-9850 ✓  
Lead Senior Registered Environmental Health Specialist

RE: **PA-1800303 (TA), SU0012075**  
**1810 E. Hazelton Avenue, Stockton**

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The Environmental Health Department has no comments or recommendation for this application at this time.