

# STAFF REPORT - Use Permit

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## Application Information

Owner: **Stokes & Lombardi Farms LLC**  
Applicant: **Dillon & Murphy**  
File Number: **PA-1800279**  
Location: **On the north side of West Woodbridge Road, 4,700 feet east of Thornton Road, Lodi.**  
Address: **5573 Woodbridge Road, Lodi**

General Plan:	<b>A/G</b>	Community:	<b>None</b>
Zoning:	<b>AG-40</b>	APN:	<b>011-170-52</b>
Project Size:	<b>3.00 acres</b>	Parcel Size:	<b>45.1 acres</b>
Water Supply:	<b>Well</b>	Sewage Disposal:	<b>Septic</b>
Storm Drainage:	<b>On-site</b>	100-Year Flood:	<b>No</b>
Williamson Act:	<b>Yes</b>	Supervisorial District:	<b>4</b>
Staff:	<b>Frank Girardi</b>	CEQA Determination:	<b>Negative Declaration</b>

## Project Description

This project is a Use Permit application to expand an existing large winery in five (5) phases over ten (10) years and to add nineteen (19) marketing events per year with a maximum attendance of fifty (50) people per marketing event. No outdoor amplified music is proposed at the marketing events. Phase One includes the construction of a 10,000 square foot storage and bottling building. Phase Two, with building permits to be issued within seven [7] years from the effective date of approval, includes the construction of a 35,000 square foot multi-purpose building to include a tasting room, offices, and indoor event area. Phase Three, with building permits to be issued within eight [8] years from the effective date of approval, includes a 10,000 square foot expansion of the storage and bottling building. Phase Four, with building permits to be issued within nine [9] years from the effective date of approval, includes a 10,000 square foot expansion of the storage and bottling building. Phase Five, with building permits to be issued within ten [10] years from the effective date of approval, to include a 10,000 square foot expansion of the storage and bottling building. (Use Type: Wineries and Wine Cellars- Winery, Large)

## Recommendation

Approval.



# Referrals and Replies

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The application referrals were mailed on November 5, 2018, with responses due by December 6, 2018.

<b>AGENCY</b>	<b>RESPONSE DATE</b> (through December 6, 2018)
San Joaquin Council of Governments	November 30, 2018
A.L.U.C.	December 6, 2018
Building Department	December 10, 2018
Department of Public Works	December 5, 2018
Environmental Health Department	November 27, 2018
Pacific Gas & Electric	December 6, 2018
Sheriff	
Department of Fish & Game Reg. 2	
San Joaquin Valley Air Pollution Control District	
Ag Commissioner	
Department of Conservation	
Presessi Flying Services	
Hayley Flying	
Kathy Perez	
AT & T	
Assessor	
Lodi Unified School District	
Mosquito & Vector Control	
Thornton Fire Department	
A.B.C.	
CA Energy Commission	
C.R.W.Q.C.B.	November 29, 2018
State Lands Commission	
US Army Corps of Engineers	
Farm Bureau	November 28, 2018
Sierra Club	
Lodi District Grape Growers Association	
Caltrans	
C.V.F.P.B.	
C.H.P.	
F.E.M.A.	December 4, 2018
U.S. Fish and Wildlife	
Public Utilities Commission	
T.T.B.	
Delta Commission	
Delta Keeper	
Delta Stewardship Council	
Division of Aeronautics	
Carpenter's Union	
Woodbridge Irrigation District	
B.I.A.	
Union Pacific Railroad	December 13, 2018

A legal ad for the public hearing was published in the **Stockton Record** on February 18, 2019.

Public hearing notices were mailed on February 8, 2019.

The Development Committee reviewed this proposal on December 12, 2018.

# Analysis

## Background

On September 26, 1985, the Board of Supervisors approved Zone Reclassification application No. Z-85-0025 to reclassify the zoning of a nine (9) acre portion of a thirty (30) acre parcel from GA-40 (General Agriculture, 40-acre minimum) to EA/AP-10 (Exclusive Agriculture/Agriculture Products, 10-acre minimum) to facilitate an application for a winery.

On October 16, 1986, the Community Development Department approved Development Plan application No. DP-87-0017 to convert an existing milk barn into a winery operation with storage and wine tasting facilities. On June 13, 1989, the Community Development Department approved Business License Application BL-89-0176 for a retail and wholesale winery. The winery has been in operation since this approval.

On October 18, 2018, the applicant applied for the subject application to expand the existing winery from 3,838 square feet to 88,838 square feet over 10 years.

## Winery Operations

The existing winery currently employs six (6) employees with shift hours from 7:00 a.m to 5:00 p.m. The applicant is proposing to employ a total of twelve (12) employees at full buildout. The proposed wine tasting room will be open Friday through Sunday from 12:00 p.m. to 5:00 p.m. with approximately twenty (20) customers expected per day.

## Marketing Events

The applicant is proposing nineteen (19) marketing events per year. The marketing events will have a maximum attendance of fifty (50) people per marketing event and will operate between the hours of 12:00 p.m. to 9:00 p.m. No amplified music is proposed at the marketing events. Accessory Events and Wine Release Events are not a part of this project.

The winery ordinance permits marketing events as an accessory use to a winery (Development Title Section 9-1075.3[m]). Marketing events shall end by 10:00 p.m. pursuant to Development Title Section 9-1075.3(m)(2). The project complies with the winery ordinance contained in the Development Title. Development Title Section 9-1075.1 states "The intent of the Wineries and Related Facilities Chapter of the Development Title is to establish regulations that will acknowledge the distinctive pairing of wine grape growing, wine making, and tourism. The challenge is to provide for agricultural tourism and marketing activities while ensuring that agricultural resources remain vital. A major purpose is to guarantee that both winery and wine cellar marketing events are accessory and are subordinate to the primary agricultural use". Marketing events can take many forms, but they all must promote wine and have wine from the associated vineyard for sale. The applicant has indicated that the marketing events are specifically designed to sell their wine. Marketing event overflow parking spaces will be contained on-site.

## Parking

The winery currently has forty-one (41) parking spaces. Development Title Table 9-1015.3(a) states for the Wineries and Wine Cellars use type that 2.5 parking spaces shall be provided for each 1,000 square feet of building. The applicant proposes to construct 85,000 square feet of buildings, and as a result, 171 additional parking spaces for a total of 212 parking spaces are required. However, Development Title Section 9-1015.9 permits the modification of these requirements by the Director in cases which, due to the unusual nature of the establishment proposed or the development proposal submitted for it, the requirements may be considered insufficient or excessive. The applicant submitted a letter dated October 18, 2018, requesting to reduce the minimum number of parking spaces from 212 to a total of seventy (70) parking spaces at full buildout because the majority of the buildings will be used for warehousing and

storage. The applicant also states that the number of employees anticipated on site at any time is twelve (12) and the approximate number of wine tasting customers is twenty (20). The proposed number of parking spaces is also sufficient to accommodate fifty (50) guests for the proposed marketing events. The Community Development Department recommends that the Planning Commission grant the modification as proposed.

### **Farmland Security Zone Contract**

The subject project is located on a property under Farmland Security Zone contract No. PA-1000254 (FS). The Farmland Security Zone contract restricts development to uses that are compatible with the Williamson Act and Development Title Section 9-1805. "Compatible Use" as defined in the Williamson Act includes uses determined by the County to be compatible with the agricultural, recreational, or open-space use of land within the preserve and subject to contract. (GC Section 51201[e]) Additionally, pursuant to Development Title Section 9-1810.3(b)(1)(G), the Agricultural Processing-Food Manufacturing use type is permitted on land under Williamson Act and Farmland Security Zone contracts.

Pursuant to Government Code Section 51238.1, uses approved on Williamson Act and Farmland Security Zone contracted lands shall be consistent with the three (3) Principles of Compatibility. The Community Development Department has reviewed the Principles of Compatibility, and recommends the Planning Commission approve the project with the included Principles of Compatibility in the Staff Report because the project is directly related to the continued agricultural use of the land. The parcel has approximately 45.1 acres of vineyards and the winery and marketing events will encompass approximately 3.0 acres. The applicant expects to produce 500,000 gallons of wine per year and will have wine available for sale at each marketing event. The wine will be sold exclusively from the host winery.

### **Farm Bureau**

The San Joaquin Farm Bureau Federation submitted a letter of support dated November 28, 2018. The letter states that the Farm Bureau is "pleased to support application PA-1800279," and encourages the Planning Commission to approve this application.

# Recommendations

## Action

It is recommended that the Planning Commission:

1. **Approve the Negative Declaration; and**
2. **Approve Use Permit Application No. PA-1800279 with the Findings, Williamson Act Principles of Compatibility, and Conditions of Approval contained in the Staff Report.**

## 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 proposed winery expansion may be conditionally permitted in the AG-40 (General Agriculture-40 acre minimum) zone with an approved Use Permit application. The winery expansion is also consistent with the goals, policies, standards and maps of the General Plan. The project must meet the noise ordinance requirements of 65 dB at the property line and have no more than 50 attendees at each marketing event. 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 adequate utilities, access roads, sanitation, drainage and other necessary facilities have been provided and the proposed improvements are properly related to existing and proposed streets and highways. The project will be served by an individual well and on-site storm drainage. The amount of storm drainage runoff generated by the construction of any new buildings will be contained on-site. The Department of Public Works is requiring the developer to provide drainage facilities and meet the requirements of San Joaquin County Development Standards to prevent the increased runoff release rate of storm water from discharging onto other properties and to prevent offsite sediment transport. Sewer services can be provided through a septic system. Additionally, the applicant submitted a modification request to reduce the number of required parking spaces from 212 parking spaces to seventy (70) parking spaces because the majority of building square footage will be used for warehousing and storage. and there are forty-one (41) existing parking spaces to accommodate existing operations.**
3. The site is physically suitable for the type of development and for the intensity of development.
  - **This finding can be made because the parcels are of adequate size and shape to accommodate the proposed winery buildings and all yards, building coverage, setbacks, parking areas, and other requirements of the Development Title. The site plan shows that there is sufficient area for parking and circulation for the winery and marketing events 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 an Initial Study prepared for this project found no**

potentially significant environmental impacts. The landowner has agreed to participate in the San Joaquin Council of Governments Multi-Species Habitat Conservation and Open Space Plan. As a Condition of Approval, prior to ground disturbance, landowners proceeding with development of the parcel will need to contact the San Joaquin Council of Governments regarding the requirements of the Multi-Species Habitat and Open Space Plan. Additionally, the project must meet the noise ordinance requirements of 65 dB at the property line and have no more than fifty (50) attendees at each marketing event.

5. The use is compatible with adjoining land uses.

- **This finding can be made because the proposed uses will not interfere with nor alter the current land uses on adjacent properties. The properties surrounding the project site are zoned AG-40 and are being used for agricultural purposes with scattered residences. The nearest residence is located 110 feet south of the project site. As an ordinance requirement, marketing events shall end by 10:00 p.m.**

#### **Williamson Act Compatibility Principles**

(1) The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in agricultural preserves.

- **This Principle of Compatibility can be made because a winery will not displace any agricultural operations. There are existing vineyards that will remain and the use on the subject property will remain agricultural. Therefore, the project will not significantly compromise the long-term productive capability of the subject contracted parcel or other contracted lands in agricultural preserves.**

(2) The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in agricultural preserves. Uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.

- **Although the use may displace current agricultural operations, this Principle of Compatibility can be made because the proposed winery and marketing events relate directly to the production of commercial agricultural products and the promotion of the wine produced by the vineyards grown on the property. The proposed use, including parking areas, will occur on 4.5 acres of an existing 10-acre parcel. The remaining portion of the parcel will remain planted in vineyards.**

(3) The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use. In evaluating compatibility a board or council shall consider the impacts on non-contracted lands in the agricultural preserve or preserves.

- **This Principle of Compatibility can be made because the proposed use as a large winery will encourage continued and expanded agricultural uses in the area. The surrounding properties contain vineyards and other agricultural use. The Lodi area also has existing wineries on contracted lands. Therefore, the project will not negatively impact agricultural uses on adjacent contracted lands and will not result in the significant removal of adjacent contracted land from agricultural or open-space use.**

## Conditions of Approval

Use Permit Application No. PA-1800279 was approved by the Planning Commission on . The effective date of approval is . This approval will expire on , 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: Frank Girardi, [209] 468-8469)
  - a. **BUILDING PERMIT:** Submit an "APPLICATION-COMMERCIAL BUILDING PERMIT". The Site Plan required as a part of the building permit must be prepared by a registered civil engineer or licensed architect. This Plan must show drainage, driveway access details including gates, on-site parking, landscaping, signs, existing and proposed utility services, and grading (refer to the "SITE PLAN CHECK LIST" for details). A fee is required for the Site Plan review. (Development Title Section 9-884)
  - b. **APPROVED USE:** This approval is to establish a large winery in five (5) phases over ten (10) years as shown on the site plan dated November 2, 2018. (Use Type: Wineries and Wine Cellars - Winery, Large)
    - Phase 1 (with building permits to be issued within eighteen [18] months from the effective date of approval) the construction of a 10,000 square foot storage and bottling building.
    - Phase 2 (with building permits to be issued within seven [7] years from the effective date of approval) includes the construction of a 35,000 square foot multi-purpose building to include a tasting room, offices, and indoor event area.
    - Phase 3 (with building permits to be issued within eight [8] years from the effective date of approval) includes a 10,000 square foot expansion of the storage and bottling building.
    - Phase 4 (with building permits to be issued within nine [9] years from the effective date of approval) includes a 10,000 square foot expansion of the storage and bottling building.
    - Phase 5 (with building permits to be issued within ten [10] years from the effective date of approval) includes a 10,000 square foot expansion of the storage and bottling building.
  - c. **PRODUCTION CAPACITY:** A large winery shall have a minimum production capacity of 100,000 gallons of wine per year. (Development Title Section 9-1075.3[a])
  - d. **SETBACKS:** The following requirements apply and shall be shown on the Site Plan:
    - (1) New construction or the use of existing buildings, permanent parking areas and outdoor eating/entertaining areas shall be set back a minimum of 200 feet from Woodbridge Road (Development Title Section 9-1075.3[c][1])
  - e. **MARKETING EVENTS:** Marketing Events are subject to the following regulations:
    - (1) A maximum of nineteen (19) marketing events are permitted annually as a part of the proposed marketing plan dated October 18, 2018.

- (2) Each event shall have a maximum attendance of fifty (50) people. (Development Title Section 9-1075.9 [e][2])
- (3) Marketing Events shall end by 10:00 p.m. (Development Title Section 9-1075.9 [j]).
- f. **MARKETING CALENDAR:** A Marketing Calendar shall be filed with the Community Development Department and updated as required for any winery or off-site wine cellar with approve Marketing Events, Accessory Winery Events, Wine Release Events and/or Industry Wide Events.
- g. **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)
- h. **LOT SIZE:** The Wineries & Wine Cellars - Winery, Large use type shall be located on a parcel with a minimum lot size of ten (10) gross acres in the agricultural zones. (Development Title Section 9-1075.3[b])
- i. **PARKING:** Off-street parking shall be provided and comply with the following:
- 1) All parking spaces, driveways, and maneuvering areas shall be surfaced and permanently maintained with asphalt concrete or Portland cement concrete to provide a durable, dust free surface. Bumper guards shall be provided when necessary to protect adjacent structures or properties. (Development Title Section 9-1015.5[e])
  - 2) A minimum of seventy (70) parking spaces shall be provided at full buildout as follows: eleven (11) parking spaces for Phase One, twenty-five (25) parking spaces for Phase Two, twelve (12) parking spaces for Phase Three, eleven (11) parking spaces for Phase Four, and eleven (11) parking spaces for Phase Five of development. (Development Title Section 9-1015.9)
  - 3) Each parking stall shall be an unobstructed rectangle, minimum 9 feet wide and 20 feet long. (Development Title Section 9-1015.5[b])
  - 4) All parking stalls and directional arrows must be delineated with paint. (Development Title Section 9-1015.5[d])
  - 5) Parking spaces for persons with disability shall be provided as required by Chapters 11A and 11B of the California Building Code.
- j. **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])
- k. **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])
- l. **SCREENING:** Screening shall be provided and comply with the following:

- 1) All storage materials and related activities, including storage areas for trash, shall be enclosed by a screen six (6) to seven (7) feet in height. (Development Title Section 9-1022.4[d][2])
- m. **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])
- 2) **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:
  - a. 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.
  - b. A grading permit will be required for this project. Submit plans and grading calculations, including a statement of the estimated quantities of excavation and fill, prepared by a Registered Design Professional. The grading plan shall show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of the code. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of the code.
  - c. 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, truss design submittals, metal building shop drawings, structural plans and calculations, plumbing, electrical and mechanical drawings and energy report.
  - d. A soils report is required pursuant to CBC § 1803 for foundations and CBC appendix § J104 for grading. All recommendations of the Soils Report shall be incorporated into the construction drawings.
  - e. For each proposed new building, provide the following information on the plans:
    1. Description of proposed use
    2. Existing and proposed occupancy Groups
    3. Type of construction
    4. Sprinklers (Yes or No)
    5. Number of stories
    6. Building height
    7. Allowable floor area
    8. Proposed floor area
    9. Occupant load based on the CBC
    10. Occupant load based on the CPC
  - f. If high piled combustible storage is to be used in a building, an automatic fire sprinkler system will be required.
  - g. Accessible routes shall be provided per CBC § 11B-206. At least one accessible route shall be provided within the site from accessible parking spaces and accessible passenger loading zones; public streets and sidewalks; and public transportation stops to the accessible building or facility entrance they serve. Where more than one route is provided, all routes must be accessible. §11B-206.2.1

- h. At least one accessible route shall connect accessible buildings, accessible facilities, accessible elements and accessible spaces that are on the same site. §11B-206.2.2
  - i. At least one accessible route shall connect accessible building or facility entrances with all accessible spaces and elements within the building or facility, including mezzanines, which are otherwise connected by a circulation path. §11B-206.2.4
  - j. 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.
  - k. Adequate sanitary facilities shall be provided for the facility, per the requirements of Chapter 4 of the California Plumbing Code.
  - l. Pursuant to Section 422.4 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.
  - m. 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
1. DEPARTMENT OF PUBLIC WORKS (Staff Contact: Alex Chetley, 209-468-3023)
- a. An encroachment permit shall be required for all work within road right-of-way. (Note: Driveway encroachment permits are for flatwork only – all vertical features, including but not limited to fences, walls, private light standards, rocks, landscaping and cobbles are not allowed in the right-of-way.) (Development Title Sections 9-1145.4 and 9-1145.5)
  - b. The driveway approach shall be improved in accordance with the requirements of San Joaquin County Improvement Standards Drawing No. 17 prior to issuance of the occupancy permit. (Development Title Section 9-1145.5)
  - c. The driveway shall be relocated so that it will not encroach on the existing railroad right-of-way.
  - d. All vehicular parking related to applicant's proposed development shall be onsite at all times. Parking in the County right-of-way for all winery related events shall be prohibited. It is the responsibility of the applicant to monitor Woodbridge Road to ensure compliance with this requirement.
  - 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. A fee to review the analysis shall be required. (Development Title Section 9-1135)
  - f. A copy of the Final Site Plan shall be submitted prior to release of building permit.
  - g. Permit Registration Documents (PRD's) shall be filed with the State Water Resources Control Board (SWRCB) to comply with the State "General Permit for Storm Water Discharges Associated with Construction Activity". The Waste Discharge Identification (WDID) Number issued by SWRCB shall be submitted to the Department of Public Works for the file. Contact SWRCB at (916) 341-5537 for further information. Coverage under the SWRCB General Construction Permit Order

2009-0009-DWQ shall be maintained throughout the duration of all phases of the project.

- h. The owner shall check with the State Water Resource Control Board (SWRCB) to determine if an Industrial Storm Water Permit will be required.
- i. All new construction and the substantial improvement of any structure, including conversion of existing structures, in the area of special flood hazard shall be elevated or floodproofed in accordance to San Joaquin County ordinance Code Section 9-1605.12 (a) b, (b) & (c).
- j. 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 will be based on the current schedule at the time of payment. The fee shall be automatically adjusted July 1 of each year by the Engineering Construction Cost Index as published by the Engineering News Record. (Resolutions R-00-433)
- k. 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)

Informational Notes:

- (i.) 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.
- (ii.) 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.
- (iii.) All future building permits for projects located within a Special Flood Hazard Area at the time of permit issuance shall meet the San Joaquin County flood hazard reduction requirements (Title 9, Chapter 9-1605) and all requirements of the State of California (CCR Title 23) that are in force at the time of permit issuance. As an example, these requirements may include raising the finish floor elevation one foot above the expected flood level and/or using flood resistant materials.

2. ENVIRONMENTAL HEALTH DEPARTMENT (Staff Contact: Jeffrey Wong, 209-468-0335)

- a. A soil suitability/nitrate loading study incorporating the existing and proposed development with regards to staff and customer use shall be submitted to the Environmental Health Department, indicating that the area is suitable for septic system usage. The studies must be approved by the Environmental Health Department prior to issuance of building permit. (San Joaquin County Development Title, Section 9-1105.2(d)). A review fee must be paid at time of submittal to the EHD. The review fee will be based on the current schedule at the time of payment.

The sewage disposal system shall comply with the on site sewage standards of San Joaquin County prior to approval. A percolation test that meets absorption rates of the manual of septic tank practice or E.P.A. Design Manual for onsite wastewater treatment and disposal system is required for each parcel. A permit fee per percolation hole is required. The review fee will be based on the current schedule at the time of payment

- b. Applicant will need to get written approval from a public entity for the disposal of winery wastewater by removal of winery wastewater to an offsite disposal facility or from the Central Valley Regional Water Quality Control Board for discharge to land. That written approval shall be presented to the Environmental Health Department prior to issuance of building permit and/or final occupancy approval (San Joaquin County Development Title, Section 9-1125.5).

Applicant will need to get written approval from a public entity that will accept the proposed winery waste should applicant propose to haul winery wastewater offsite. That written acceptance shall be

presented to the Environmental Health Department prior to issuance of building permit and/or final occupancy approval.

- c. Submit to the Environmental Health Department revised site plans showing the location and configuration of any existing and proposed sewage disposal systems, along with the area required to be reserved for future sewage disposal repair/replacement (area for 100% sewage disposal replacement). The plans shall include the design calculations, including the maximum number of persons the sewage disposal system is proposed to serve. In addition, show on revised plans that the disposal field area will be barricaded so it cannot be driven over, parked on, or used as a storage area. This disposal field area must be used for that specific purpose only, and it cannot contain any underground utility lines (San Joaquin County Development Title, Section 9-1110.4(c)(5)).
- d. Construction of an individual sewage disposal system(s) under permit and inspection by the EHD is required at the time of development based on the soil suitability / nitrate loading study findings (San Joaquin County Development Title, Section 9-1110.3 & 9-1110.4).
- e. Applicant shall contact Robert McClellon, Program Coordinator, Small Public Water System Program, at (209) 468-0332, to determine if the existing well can be permitted as a public water system prior to issuance of building permits. If a public water system is required, applicant shall submit a Small Public Water System preliminary technical report to the California State Water Resources Control Board, Division of Drinking Water (Water Board) at least six months before initiating construction of any water related improvement, as defined. The issuance of a permit to operate a small public water system by the local primacy agency (EHD) is prohibited without the concurrence of the Water Board. Please contact Michelle Frederick by email at [michelle.frederick@waterboards.ca.gov](mailto:michelle.frederick@waterboards.ca.gov) or by phone at (707) 576-2731 at the Water Board concerning the requirements for preliminary technical report submittal prior to issuance of building permits

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

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

- f. If the winery plans to act as a host kitchen to any catering operation or catering event, a permit must be obtained from EHD for a Host Facility Permit.
- g. 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)
- h. Before any hazardous materials/waste can be stored or used onsite, the owner/operator must report the use or storage of these hazardous materials to the California Environmental Reporting System (CERS) at [cers.calepa.ca.gov/](http://cers.calepa.ca.gov/) and comply with the laws and regulations for the programs listed below (based on quantity of hazardous material in some cases).
  - 1) Any amount but not limited to the following hazardous waste; hazardous material spills, used oil, used oil filters, used oil-contaminated absorbent/debris, waste antifreeze, used batteries or other universal waste, etc. – **Hazardous Waste Program** (Health & Safety Code (HSC) Sections 25404 & 25180 et sec.)

- 2) Onsite treatment of hazardous waste – Hazardous Waste Treatment Tiered Permitting Program (HSC Sections 25404 & 25200 et sec. & California Code of Regulations (CCR), Title 22, Section 67450.1 et sec.)
  - 3) Reportable quantities of hazardous materials-reportable quantities are 55 gallons or more of liquids, 500 pounds for solids, or 200 cubic feet for compressed gases, with some exceptions. Carbon dioxide is a regulated substance and is required to be reported as a hazardous material if storing 1,200 cubic feet (137 pounds) or more onsite in San Joaquin County – Hazardous Materials Business Plan Program (HSC Sections 25508 & 25500 et sec.)
  - 4) Any amount of hazardous material stored in an Underground Storage Tank – Underground Storage Tank Program (HSC Sections 25286 & 25280 et sec.)
    - (a) If an underground storage tank (UST) system will be installed, a permit is required to be submitted to, and approved by, the San Joaquin County Environmental Health Department (EHD) before any UST installation work can begin.
    - (b) Additionally, an EHD UST permit to operate is required once the approved UST system is installed.
  - 5) Storage of at least 1,320 gallons of petroleum aboveground or any amount of petroleum stored below grade in a vault – Aboveground Petroleum Storage Program (HSC Sections 25270.6 & 25270 et sec.)
    - (a) Spill Prevention, Countermeasures and Control (SPCC) Plan requirement
  - 6) Threshold quantities of regulated substances stored onsite - California Accidental Release Prevention (CalARP) Program (Title 19, Section 2735.4 & HSC Section 25531 et sec.)
    - (a) Risk Management Plan requirement for covered processes
3. 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.
4. AIRPORT LAND USE COMMISSION (Staff Contact: Joel Campos, 209-235-0190)
- a. New land uses that may cause visual, electronic, or increased bird strike hazards to aircraft in flight shall not be permitted within any airport's influence area. Specific characteristics to be avoided include:
    - 1) Glare or distracting lights which could be mistaken for airport lights. Reflective materials are not permitted to be used in structures or signs (excluding traffic directing signs).
    - 2) Sources of dust, steam, or smoke which may impair pilot visibility.
    - 3) Sources of electrical interference with aircraft communications or navigation. No transmissions which would interfere with aircraft radio communications or navigational signals are permitted.
    - 4) Occupied structures must be soundproofed to reduce interior noise to 45 decibel(dB) according to State guidelines.
    - 5) Within the airport's influence area, ALUC review is required for any proposed object taller than 100 feet above ground level (AGL).
  - b. Regardless of location within San Joaquin County, ALUC review is required in addition to Federal Aviation Administration (FAA) notification in accordance with Code of Federal Regulations, Part 77,

(<https://oeaaa.faa.gov/oeaaa/external/portal.jsp>) for any proposal for construction or alteration under the following conditions:

- 1) If requested by the FAA.
  - 2) Any construction or alteration that is more than 200 ft. AGL at its site.
  - 3) Any construction or alteration that exceeds an imaginary surface extending outward and upward at any of the following slopes:
    - a) 100 to 1 for a horizontal distance of 20,000 ft. of a public use or military airport from any point on the runway of each airport with its longest runway more than 3,200 ft.
    - b) 50 to 1 for a horizontal distance of 10,000 ft. of a public use or military airport from any point on the runway of each airport with its longest runway no more than 3,200 ft.
    - c) 25 to 1 for a horizontal distance of 5,000 ft. of the nearest take off and landing area of a public use heliport.
- c. Any highway, railroad or other traverse way whose prescribed adjusted height would exceed the above noted standards.





**INITIAL STUDY (ATTACHMENT)  
PA-1800279 (SA)  
STOKES & LOMBARDI FARMS LLC/DILLON AND MURPHY**

**PROJECT DESCRIPTION: This project for a Use Permit Application to expand an existing large winery in five (5) phases over ten (10) years. Phase One includes the construction of a 10,000 square foot storage and bottling building. Phase Two, to be completed in seven (7) years, includes the construction of a 35,000 square foot multi-purpose building to include include a tasting room, offices, and indoor event area. Phase Three, to be completed in eight (8) years, includes a 10,000 square foot expansion of the storage and bottling building. Phase Four, to be completed in 9 (nine) years, includes a 10,000 square foot expansion of the storage and bottling building. Phase Five (5) to be completed in ten (10) years, to include a 10,000 square foot expansion of the storage and bottling building. The applicant is proposing nineteen (19) marketing events per year with a maximum attendance of fifty (50) people per marketing event. No amplified or outdoor music is proposed with this application. Wine production is proposed to be increased from 100,000 gallons to 500,000 gallons per year. (Use Type: Wineries and Wine Cellars- Winery, Large). The project site is located on the north side of West Woodbridge Road, 4,700 feet east of Thornton Road, Lodi.**

**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: 011-170-52**

**ACRES: 45.11 acres**

**GENERAL PLAN: A/G**

**ZONING: AG-40**

**CURRENT SITE CONDITIONS (topography, uses): Relatively flat land with an existing 3,838 winery and two (2) single family residences and accessory buildings.**

**POTENTIAL POPULATION, NUMBER OF DWELLING UNITS, OR SQUARE FOOTAGE OF USE(S): A 85,000 square foot expansion to an existing large winery**

**SURROUNDING LAND USES:**

North: Agriculture with scattered residences

South: Agriculture with scattered residences

East: Agriculture with scattered residences

West: Agriculture with scattered residences/Union Pacific Rail Road/I-5/Sycamore Slough

**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: N/A

**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: A  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-1800279 (UP).**

Prepared by: Frank Girardi



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Title: Assistant Planner

Date: January 17, 2019

**INITIAL STUDY (ATTACHMENT)  
PA-1800279 (SA)  
STOKES & LOMBARDI FARMS LLC/DILLON AND MURPHY**

**PROJECT DESCRIPTION: This project for a Use Permit Application to expand an existing large winery in five (5) phases over ten (10) years. Phase One includes the construction of a 10,000 square foot storage and bottling building. Phase Two, to be completed in seven (7) years, includes the construction of a 35,000 square foot multi-purpose building to include include a tasting room, offices, and indoor event area. Phase Three, to be completed in eight (8) years, includes a 10,000 square foot expansion of the storage and bottling building. Phase Four, to be completed in 9 (nine) years, includes a 10,000 square foot expansion of the storage and bottling building. Phase Five (5) to be completed in ten (10) years, to include a 10,000 square foot expansion of the storage and bottling building. The applicant is proposing nineteen (19) marketing events per year with a maximum attendance of fifty (50) people per marketing event. No amplified or outdoor music is proposed with this application. Wine production is proposed to be increased from 100,000 gallons to 500,000 gallons per year. (Use Type: Wineries and Wine Cellars- Winery, Large). The property has a General Plan designation of General Agriculture (A/G) and a zoning designation of General Agriculture, 40-acre minimum (AG-40). The project site is located on the north side of West Woodbridge Road, 4,700 feet east of Thornton Road, Lodi.**

**ENVIRONMENTAL ISSUES:**

**1. Water**

1.a. The project site is located in the 100 year 'A' flood designation. The proposed winery does not result in an increase to surface, channel or stream volumes, or alterations to drainage patterns or streams, nor will it result in any erosion of or sedimentation to a channel, river or body of water. If approved, the project will have to comply with Development Title Section 9-1605 regarding flood hazards. Compliance with the Development Title will ensure that the proposed project will have a less than significant impact on the local water.

1.b. The applicant states that the winery process waste water is disposed through onsite irrigation. The project site contains forty three (43) acres of vineyards to be irrigated. The irrigation of the winery process waste water is subject to Waste Discharge Requirement permits from the California Regional Water Quality Control Board. As a result, impacts related to winery process water discharge are expected to be less than significant.

**2. Earth**

2.c. The Soil Survey of San Joaquin County classifies the soil on the parcel as *Acampo sandy loam, 0 to 2 percent slopes; and Tajunga loamy sand, 0 to 2 percent slopes*

*Acampo sandy loam* permeability is moderately rapid and available water capacity is moderate. This unit is suited for irrigated row, field, orchard and vineyard crops. *Acampo sandy loam* has a storie index rating of 57 and a land capability of IVe nonirrigated and IIIs irrigated.

*Tajunga loamy sand* permeability is rapid and available water capacity is low. This unit is suited for irrigated row, field, orchard crops. *Tajunga loamy sand* has a storie index rating of less than 10 and a land capability of I irrigated and IVc-I nonirrigated.

The project site encompasses a 3-acre portion of an existing 45.1-acre parcel. The surrounding land uses are primarily agricultural with scattered residences. The Zoning and the General Plan for the project site will continue to remain the same if the project is approved.

The project site is currently under the California Land Conservation Act and is subject to Williamson Act Contract No. PA-1000254. The contract restricts development to uses that are compatible with the Williamson Act and Development title Section 9-1805. "Compatible use" as defined in the Williamson Act includes uses determined by the County to be compatible with the agricultural, recreational, or open-space use of land within the preserve and subject to contract. (Government Code Section 51201[e]) Development Title Section 9-1810.3(7) permits uses that adhere to the Williamson Act principles of compatibility.

Pursuant to Government Code Section 51238.1, uses approved on contracted lands shall be consistent with the following three principles of compatibility.

1. The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in agricultural preserves.

- **This Principle of Compatibility can be made because a winery will not displace any agricultural operations. The proposed winery expansion encompasses 3-acres of the 45.1 acre site, and the remaining 42.1 acres will remain planted in vineyards. The proposed use, a large winery is agricultural use, and the subject property will remain in agricultural and will, therefore, not significantly compromise the long-term productive capability of the subject contracted parcel or other contracted lands in agricultural preserves.**

2. The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in agricultural preserves. Uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they related directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.

- **This Principle of Compatibility can be made because although the use may displace current agricultural operations, the proposed winery and marketing events relate directly to the production of commercial agricultural products because they are for the promotion of the wine that will be produced by the vineyards grown on the property. The proposed use, including parking areas, will occur on a 3-acre portion of an existing 45.1 acre parcel, and will utilize the existing disturbed areas. The remaining portion of the parcel will be planted in vineyards.**

3. The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use. In evaluating compatibility a board or council shall consider the impacts on noncontracted lands in the agricultural preserve or preserves.

- **This Principle of Compatibility can be made because the proposed use, a large winery, will encourage continued and expanded agricultural uses in the area. The surrounding properties are planted in vineyards and other crops, and are agricultural in nature. The Lodi area has existing wineries on contracted lands. Therefore it will not negatively impact agricultural uses on adjacent contracted lands and will not result in the significant removal of adjacent contracted land from agricultural or open-space use.**

The applicant expects to produce 500,000 gallons of wine per year and will have wine available for sale at each marketing event. The wine will be sold exclusively from the host winery. The parcel will have approximately 42.1 acres of vineyards and the winery and marketing events will within the proposed developed areas of the site and will not displace any additional agriculture. Therefore, the marketing events for the winery are accessory uses and the proposed project is consistent with the required three principles of compatibility pursuant to Government Code Section 51238.1.

Referrals have been sent to the San Joaquin Farm Bureau and Department of Conservation for review.

### **3. Plant/Animal Life**

3.a.&b. The Natural Diversity Database list the Swainson's hawk (*Buteo swainsoni*), and the *Lepidurus packardii* vernal (pool tadpole shrimp) as rare, endangered, or threatened species as potentially occurring in or near the project area. 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 an 85,000 square foot expansion of an existing 3,838 square foot winery. The San Joaquin Valley Unified Air Pollution Control District (SJVAPCD) has been established by the State in an effort to control and minimize air pollution. The applicant will be required to meet existing requirements for emissions and dust control as established by SJVAPCD. The project was referred to the SJVAPCD on November 5, 2018 for review. As a Condition of Approval the project will be subject to the Districts rule and regulations regarding air quality. As a result, any impacts to air quality will be reduced to less-than-significant.

### **5. Noise**

5.a. The project site is located adjacent to the Union Pacific Railroad line. However, pursuant to Development Title Table 9-1025.9, Wineries and Wine Cellars-Winery, Large use type is not classified as a noise sensitive land use. Therefore, any impacts from transportation noise will be less than significant.

The nearest residence on an adjacent parcel is approximately 2,600 feet to the south of the project site. Development Title Section 9-1025.9 lists the Residential use type as a noise sensitive land use. Development Title Section Table 9-1025.9 Part II states that the maximum sound level for stationary noise sources during the daytime is 70 dB and 65dB for nighttime. This applies to outdoor activity areas of the receiving use, or applies at the lot line if no activity area is known. The proposed project would be subject to these Development Title standards. Therefore, noise impacts from the proposed project are expected to be less than significant.

### **8. Utilities and Public Services**

8.a. There are no public services available in this area for water, sewer, or storm water drainage. Any new development shall be accommodated by an on-site well for water, and septic system for sewage. Storm water drainage shall be retained on-site. The Environmental Health Department and the Department of Public Works will determine the feasibility of these systems.

Additionally, winery waste will be utilized in irrigation, and will be discharged on site.

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

9.a. This project is an 85,000 square foot expansion of an existing 3,838 square foot winery. The

proposed hours of operation is 7 AM to 5 PM, Monday through Friday with twelve (12) employees and twenty (20) visitors per shift. If approved, nineteen (19) marketing events will be permitted per year for up to 50 attendees per event. The marketing events will operate in a range from 12:00 p.m. to 9:00 p.m. The Department of Public Works states that the proposed project is not expected to exceed fifty vehicle trips per hour. Projects that have a traffic volume that is less than 50 trips per hour are expected to have a less than significant impact on traffic.

### **13. Land Use**

13.a.&b. The proposed project is located on property with a General Plan designation of General Agriculture (A/G) and a zoning designation of General Agriculture, 40-acre minimum lot size (AG-40). The Wineries and Wine Cellars - Wineries, Large use type may be conditionally permitted in the AG-40 zone subject to an approved Use Permit application. Marketing events are a permitted accessory use to a large winery pursuant to Development Title Section 9-1075.3 (m), and marketing events may be conditionally approved for any number of people. The Lodi area is a historical grape growing region and is developed with over 70 wineries. It will not set a significant land use precedent in the area. Therefore, this project is not a growth-inducing action.

13.b. The area is primarily agricultural with scattered residences. A large winery with marketing events is a conditionally permitted use in the AG-40 zone with an approved Use Permit application. The nearest residence is located 110 feet south of the property line. There are no applicable Master Plans, Specific Plans, or Special Purpose Plans.

The project site is located within the Open Water Uplands wetland area and contains Lakes and Ponds wetlands and Seasonal wetlands. A referral was sent to the Army Corp of Engineers for review on November 5, 2018.



## 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:** Frank Girardi, San Joaquin County, Community Development Department

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

**Date:** November 30, 2018

**-Local Jurisdiction Project Title:** PA-1800279 (UP)

**Assessor Parcel Number(s):** 011-170-52

**Local Jurisdiction Project Number:** PA-1800279 (UP)

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

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

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

Dear Mr. Girardi:

SJCOG, Inc. has reviewed the project referral for PA-1800279 (UP). This project consists of a Use Permit application to expand an existing large winery in five (5) phases over ten (10) years. Phase One includes the construction of a 10,000 square foot Storage and Bottling building. Phase Two, to be completed in seven (7) years, includes the construction of a 35,000 square foot building for an Event Center, Tasting Room, and Executive offices. Phase Three, to be completed in eight (8) years, includes a 10,000 square foot expansion to the Phase One Storage and Bottling building. Phase Four, to be completed in 9 (nine) years, includes a 10,000 square foot expansion to the Phase Three Storage and Bottling building expansion. Phase Five, to be completed in ten (10) years, to include a 10,000 square foot expansion to the Phase Four Storage and Bottling building expansion. The applicant is proposing nineteen (19) marketing events per year with a maximum attendance of 50 people per marketing event. No amplified or outdoor music is proposed with this application. The applicant requested a parking modification. Wine production is proposed to be increased from 100,000 gallons to 500,000 gallons per year. The project site is located on the north side of West Woodbridge Road, 4,700 feet east of Thornton Road, Lodi (APN/Address: 011-170-52/5573 West Woodbridge Road, Lodi).

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 90 day process and it is recommended that the project applicant contact SJMSCP staff as early as possible. It is also recommended that the project applicant obtain an information package. <http://www.sjco.org>

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, S J C O G , I n c .

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

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

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

Project Title: PA-1800279 (UP)

Landowner: Stokes & Lombardi Farms, LLC Et al

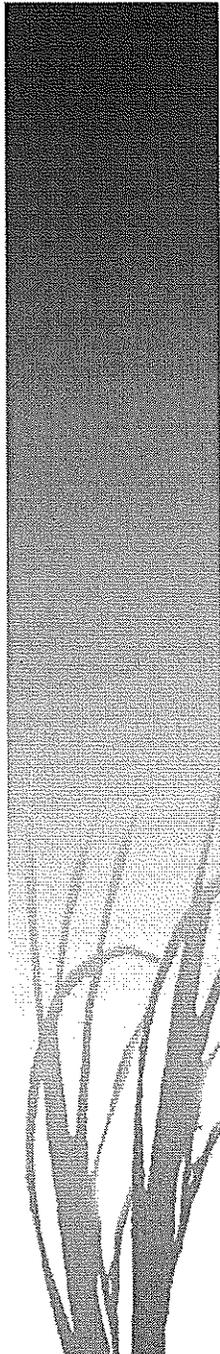
Applicant: Dillon & Murphy

Assessor Parcel #s: 011-170-52

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

Local Jurisdiction Contact: Frank Girardi

**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.**





**BUILDING AMERICA®**

December 13, 2018

Frank Girardi  
San Joaquin County  
Development Services  
Division  
1810 East Hazelton Avenue  
Stockton, CA 95205

Re: Comments regarding application for a Use Permit Application, at the property located roughly on the North side of West Woodbridge Road, 4,700 East of Thornton Road, Lodi (the "Application")

Dear Mr. Girardi:

Thank you for allowing Union Pacific Railroad Company ("UP") the opportunity to submit the following comments in response to the notice on the above-referenced Application. UP is a Delaware corporation that owns and operates a common carrier railroad network in the western half of the United States, including the State of California. UP's rail network is vital to the economic health of California and the nation as a whole and its rail service to customers in the San Joaquin County area is crucial to the future success and growth of those customers.

The proposed location that is the subject of the Application, namely roughly on the North side of West Woodbridge Road, 4,700 East of Thornton Road, Lodi ("Location"), is adjacent to UP's operating property. For your convenience we have attached a map showing UP's right of way. We ask the applicant and their contractors be aware of where UP's right of way is located. Any land planning decisions should consider that train volumes near the Location may increase in the future. UP also asks that the City and the applicant keep in mind that this is a vital rail corridor and nearby land uses should be compatible with this continuing rail use.

#### Increased Traffic Impact and Safety Concerns

The safety of UP's employees, customers, adjoining land owners, and the communities we operate through is our top priority. Any increase in traffic from the proposed change may render inadequate the current safety devices in place on any nearby at-grade crossings. Additionally, an increase of pedestrian and vehicular traffic may conflict with train operations causing trains to proceed more slowly through the area, and/or make more frequent emergency stops, which would make rail service less effective and efficient. Should this Application be approved, UP requests that the applicant, developer and the City examine any increase in vehicular and pedestrian traffic and the impacts on any nearby at-grade road crossings to see if any additional mitigation measures should be included.

### Use of UP Right-of-Way

UP is concerned that any construction equipment used in this project at this Location will impede its right-of-way. UP objects to any use of its right-of-way that is not separately approved by the UP real estate department. UP must maintain sufficient right-of-way for future railroad expansion or connection track. UP also requires its land be retained for maintenance purposes.

### Trespassing

Any increase in pedestrian traffic may increase the likelihood of trespassing onto the railroad right-of-way. UP requests that the developer and the City examine the impacts associated with the increased likelihood of trespassing in this Location and consider appropriate mitigation measures. For example, vandal resistant fencing at least 8 feet or taller (without impairing visibility), pavement markings and "no trespassing" signs designed to prevent individuals from trespassing onto the railroad tracks should be considered. Buffers and setbacks should also be required adjacent to the right-of-way.

### Noise and Vibration Impact

UP's 24-hour rail operations generate the noise and vibration one would expect from an active railway. Any increase in pedestrian and vehicular traffic may result in additional horn use by railroad employees. As a mitigation measure, the City should consider and make the public aware of the daytime and nighttime noise levels naturally occurring with rail service, including sounding horns at vehicle crossings where required, as well as the pre-existing and predictably-occurring vibration. These disclosures should note that train volume may increase in the future. The Application's development plans should also include appropriate mitigation measures, such as construction of sound barrier walls or landscape buffers, and/or use of sound-proofing materials and techniques.

### Drainage and Project Construction

UP requests the City ensure that the drainage plan relating to the Project does not shift storm water drainage toward UP property and infrastructure. Any runoff onto UP's property may cause damage to its facilities resulting in a potential public safety issue. If the Project is approved, we ask that the City require the developer to mitigate all safety risks and the impacts of the railroad's 24-hour operations during the construction of the Project, including contacting UP to arrange for flaggers for work performed within twenty-five feet (25') of the nearest track.

UP appreciates the applicant and the City giving due consideration to the above concerns, as this proposed Application may result in impacts to land use and public safety. Please give notice to UP of all future hearings and other matters with respect to the Application as follows:

Peter Kenney – Real Estate Property Management  
Union Pacific Railroad Company  
1400 Douglas Street - STOP 1690  
Omaha, NE 68179  
(402) 544-8581  
pkenney@up.com

Please do not hesitate to contact Peter Kenney if you have any questions or concerns.

Sincerely,



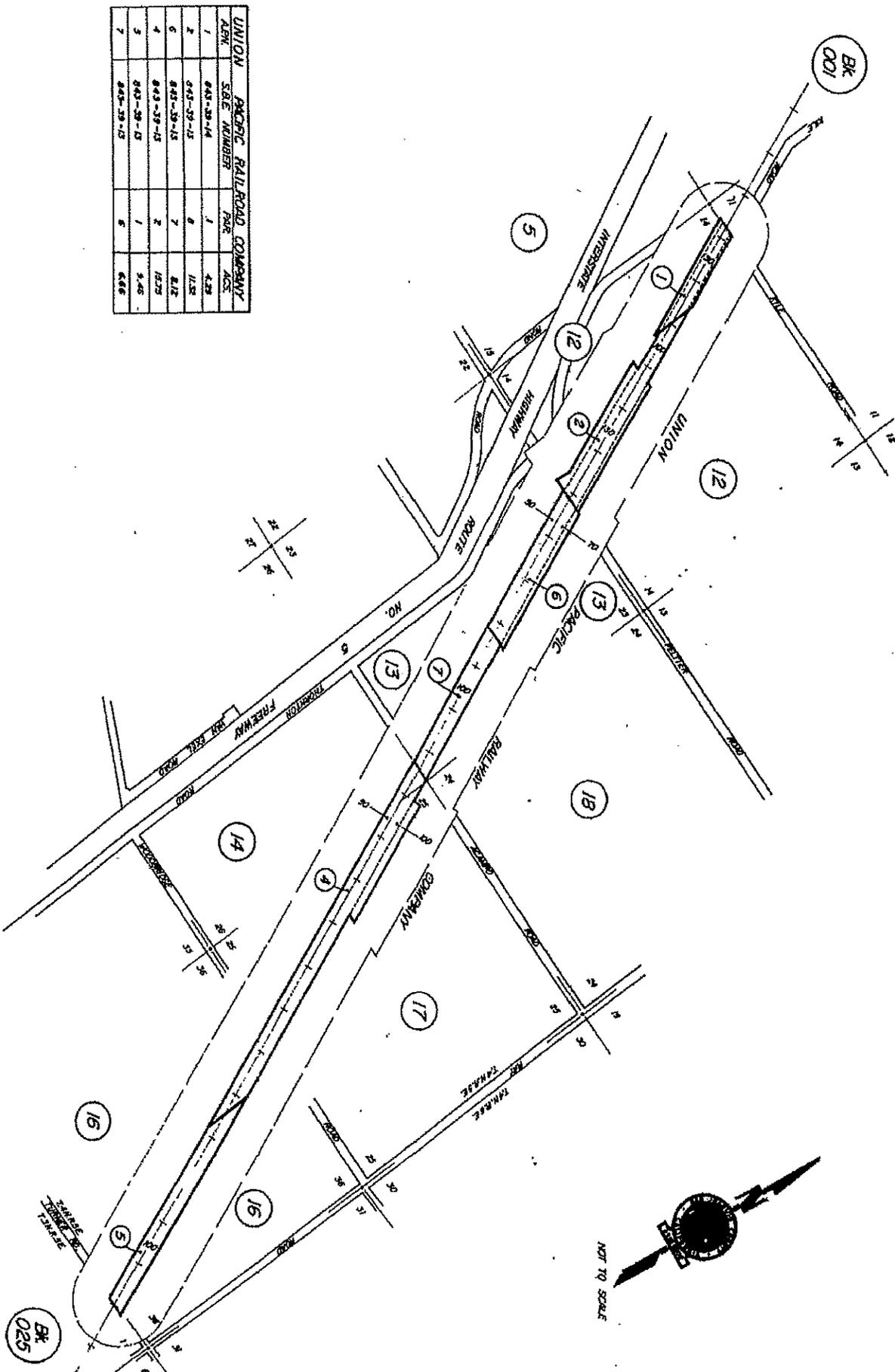
Madeline E. Roebke  
Senior General Attorney  
Union Pacific Railroad Company

cc: Peter Kenney  
Francisco Castillo, Jr.

FOR OF SECTIONS 14, 23, 25, 26 & 36 T4N.R.5E.

THIS MAP FOR ASSESSMENT USE ONLY

011 - 01



UNION	PACIFIC RAILROAD COMPANY	TRAFFIC	ACRES
ALYX	SALE NUMBER	TRAC	AC.
1	843-29-14	1	4.23
2	843-29-12	8	11.23
3	843-29-15	7	8.12
4	843-29-15	2	12.29
5	843-29-15	1	3.45
7	843-29-15	5	6.66

NOTE - Assessors' Parcel Numbers Shown in Circles.

Assessors' Map Bk 011 Pg.



FEMA

December 4, 2018

Frank Girardi, Project Manager  
San Joaquin County  
Community Development Department  
Development Services Division  
1810 East Hazelton Avenue  
Stockton, California 95205

Dear Mr. Girardi:

This is in response to your request for comments regarding Application Referral Application Number PA 1800279 (UP), Use Permit application, (APN/Address: 011-170-52/5573 West Woodbridge Road, Lodi) (Supervisorial District 4).

Please review the current effective Flood Insurance Rate Maps (FIRMs) for the County of San Joaquin (Community Number 060299), Maps revised October 16, 2009 and City of Lodi (Community Number 060299), Maps revised October 20, 2016. Please note that the City of Lodi, San Joaquin County, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.
- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any *development* must not increase base flood elevation levels. **The term *development* means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

Frank Girardi, Project Manager

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December 4, 2018

- All buildings constructed within a coastal high hazard area, (any of the “V” Flood Zones as delineated on the FIRM), must be elevated on pilings and columns, so that the lowest horizontal structural member, (excluding the pilings and columns), is elevated to or above the base flood elevation level. In addition, the posts and pilings foundation and the structure attached thereto, is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.
- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA’s Flood Map Revision Application Packages, please refer to the FEMA website at <http://www.fema.gov/business/nfip/forms.shtm>.

**Please Note:**

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community’s floodplain manager for more information on local floodplain management building requirements. The Lodi floodplain manager can be reached by calling Wally Sandelin, Director, Public Works Department, at (209) 333-6706. The San Joaquin County floodplain manager can be reached by calling John Maguire, Engineering Services Manager, at (209) 953-7617.

If you have any questions or concerns, please do not hesitate to call Brian Trushinski, of the Mitigation staff at (510) 627-7183.

Sincerely,



Gregor Blackburn, CFM, Branch Chief  
Floodplain Management and Insurance Branch

Frank Girardi, Project Manager

Page 3

December 4, 2018

cc:

Wally Sandelin, Director, Public Works Department, City of Lodi

John Maguire, Engineering Services Manager, San Joaquin County

Ray Lee, WREA, State of California, Department of Water Resources, North Central Region  
Office

Brian Trushinski, NFIP Planner, DHS/FEMA Region IX

Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## Central Valley Regional Water Quality Control Board

29 November 2018

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

CERTIFIED MAIL  
7018 1830 0001 0062 3411

### **COMMENTS TO REQUEST FOR REVIEW FOR THE APPLICATION REFERRAL, PA-1800279 (UP) PROJECT, SAN JOAQUIN COUNTY**

Pursuant to the San Joaquin County Community Development Department's 9 November 2018 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-1800279 (UP) 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,

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., 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 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 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

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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.

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 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.

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).

**Waste Discharge Requirements – Discharges to Land**

The discharge of winery wastewater and residual solids to land is subject to regulation under individual WDRs or Central Valley Water Board Order R5-2015-0005 (the Conditional Waiver of Waste Discharge Requirements for Small Food Processors, Small Wineries and Related Agricultural Processors within the Central Valley Region, or Waiver). In accordance with California Water Code Section 13260, the project proponent is required to submit a Report of Waste Discharge (RWD) to apply for the Waiver. We recommend that the RWD be submitted 12 to 18 months before the expected startup date.

Pursuant to the State Board's Onsite Wastewater Treatment Systems Policy, the regulation of the septic system may be regulated under the local agency's management program.

For more information on waste discharges to land, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/waste\\_to\\_land/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_land/index.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/for\\_growers/apply\\_coalition\\_group/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/for_growers/apply_coalition_group/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).

**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 *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order.

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/r5-2016-0076-01.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf)

**NPDES Permit**

If the proposed project discharges waste that could affect the quality of surface 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) 464-4812 or [Jordan.Hensley@waterboards.ca.gov](mailto:Jordan.Hensley@waterboards.ca.gov).



Jordan Hensley  
Environmental Scientist



# SAN JOAQUIN FARM BUREAU FEDERATION

MEETING TODAY'S CHALLENGES / PLANNING FOR TOMORROW

November 28, 2018

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

**RE: PA-1800279 (UP)**

Dear Mr. Girardi:

The San Joaquin Farm Bureau Federation is a private, not for profit, volunteer organization dedicated to the advancement of agriculture in San Joaquin County. As such, we are pleased to support application PA-1800279, a Use Permit application to expand a large winery.

Maintaining and growing our agricultural industry in San Joaquin County is imperative to the economic viability of the entire county and we are encouraged to see applications of this nature. Projects such as the one proposed in the aforementioned application that grow agricultural business contribute significantly to our local economy through job creation, taxes, and most importantly, promoting the incredible local agricultural products that growers produce locally.

We encourage your staff as well as the Planning Commission, if referred, to approve this application. Please keep us informed as this project moves forward. If you have any questions, please do not hesitate to contact the Farm Bureau staff at (209) 931-4931.

Sincerely,

A handwritten signature in cursive script that reads "Jim Ferraro".

President

Cc: Stokes & Lombardi Farms, LLC

ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

601 GATEWAY BOULEVARD, SUITE 1000  
SOUTH SAN FRANCISCO, CA 94080-7037

TEL: (650) 589-1660  
FAX: (650) 589-5062

[jlaurain@adamsbroadwell.com](mailto:jlaurain@adamsbroadwell.com)

SACRAMENTO OFFICE

520 CAPITOL MALL, SUITE 350  
SACRAMENTO, CA 95814-4721

TEL: (916) 444-6201  
FAX: (916) 444-6209

DANIEL L. CARDOZO  
CHRISTINA M. CARO  
SARA F. DUDLEY  
THOMAS A. ENSLOW  
TANYA A. GULESSERIAN  
KYLE C. JONES  
RACHAEL E. KOSS  
NIRIT LOTAN  
MILES F. MAURINO

MARC D. JOSEPH  
*Of Counsel*

January 29, 2019

**Via Email and U.S. Mail**

Mimi Duzenski  
Clerk of the Board  
San Joaquin County  
44 North San Joaquin Street  
Sixth Floor Suite 627  
Stockton, CA 95202  
Email: [mduzenski@sjgov.org](mailto:mduzenski@sjgov.org)

Kerry Sullivan  
Director, Community Development  
Department  
San Joaquin County  
1810 E. Hazelton Avenue  
Stockton, CA 95205  
Email: [ksullivan@sjgov.org](mailto:ksullivan@sjgov.org)

**Via Email Only**

Frank Giardi, [fgiardi@sjgov.org](mailto:fgiardi@sjgov.org)

**Re: Request for Immediate Access to Documents Referenced in the Negative Declaration Thomas Allen Winery Expansion Project (PA-1800279; SCH 2019012037)**

Dear Ms. Duzenski, Ms. Sullivan and Mr. Giardi:

We are writing on behalf of International Brotherhood of Electrical Workers Local 340, Plumbers and Pipefitters Local 228 and Sheet Metal Workers Local 104 to request a copy of the Negative Declaration prepared for the Thomas Allen Winery Expansion Project, PA-1800279, SCH 2019012037, ("Project") and any and all documents referenced or relied upon in the Project Negative Declaration, by Stokes & Lombardi Farms ("Applicant"). Our request for a copy of the Negative Declaration and all documents referenced or relied upon in the Negative Declaration is made pursuant to the California Environmental Quality Act ("CEQA"), which requires that an environmental review document and all documents referenced in an environmental review document be made available to the public for the entire comment period.<sup>1</sup>

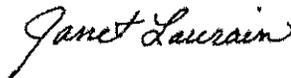
<sup>1</sup> See Pub. Resources Code, § 21092, subd. (b)(1); 14 Cal. Code Reg. § 15072, subd. (g)(4).  
2058-005acp

January 29, 2019  
Page 2

Pursuant to Government Code section 6253.9, if any of the above requested documents are electronic computer-readable format such as PDF (portable document format), please send them to us using a file transfer program such as Dropbox or via email (in batches of 10 megabytes or less). We reserve the right to have a copy service make copies of any and all of the requested documents depending on the volume.

I will be calling you to arrange for duplication/transmission of the documents. If you have any questions, please me at (650) 589-1660. Thank you for your assistance with this matter.

Sincerely,



Janet Laurain  
Paralegal

JML:acp

2058-005acp

Zimbra

fgirardi@sjgov.org

---

**Fwd: CANCELLATION OF: Request for Immediate Access to Documents Referenced in the Negative Declaration Thomas Allen Winery Expansion Project (PA-1800279; SCH 2019012037)**

---

**From :** Megan Aguirre <meaguirre@sjgov.org> Fri, Feb 01, 2019 09:20 AM  
**Subject :** Fwd: CANCELLATION OF: Request for Immediate Access to Documents Referenced in the Negative Declaration Thomas Allen Winery Expansion Project (PA-1800279; SCH 2019012037) 📎 1 attachment  
**To :** Frank Girardi <fgirardi@sjgov.org>  
**Cc :** Zoey Merrill <zmerrill@sjgov.org>

Dear Frank,

Please see the email below. Adams, Broadwell, Joseph, & Cardozo have cancelled their request for information related to the Thomas Allen Winery.

Sincerely,

**Megan A.**

(209) 468-3144; meaguirre@sjgov.org

---

**From:** "Kerry Sullivan" <ksullivan@sjgov.org>  
**To:** "Stephanie Stowers" <sstowers@sjgov.org>, "Megan Aguirre" <meaguirre@sjgov.org>  
**Cc:** "Eric Merlo" <emerlo@sjgov.org>, "John Funderburg" <jfunderburg@sjgov.org>  
**Sent:** Friday, February 1, 2019 8:44:52 AM  
**Subject:** Fwd: CANCELLATION OF: Request for Immediate Access to Documents Referenced in the Negative Declaration Thomas Allen Winery Expansion Project (PA-1800279; SCH 2019012037)

fyi

Thank you  
Sonia

---

**From:** "Janet M. Laurain" <jlaurain@adamsbroadwell.com>  
**To:** "Mimi Duzenski" <mduzenski@sjgov.org>, "Kerry Sullivan" <ksullivan@sjgov.org>, fgirardi@sjgov.org  
**Cc:** "Thomas A. Enslow" <TEnslow@adamsbroadwell.com>, "Sara F. Dudley" <sdudley@adamsbroadwell.com>  
**Sent:** Thursday, January 31, 2019 11:57:24 AM

**Subject:** CANCELLATION OF: Request for Immediate Access to Documents Referenced in the Negative Declaration Thomas Allen Winery Expansion Project (PA-1800279; SCH 2019012037)

Please be advised that we have obtained the documents we need for the Thomas Allen Winery and no longer require the documents sought in the attached letter. With this email we cancel our request for immediate access to documents referenced in the Negative Declaration for the Thomas Allen Winery Expansion Project.

Thank you.

Janet Laurain

Janet M. Laurain, Paralegal  
Adams Broadwell Joseph & Cardozo  
601 Gateway Boulevard, Suite 1000  
South San Francisco, CA 94080  
(650) 589-1660  
jlaurain@adamsbroadwell.com

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**2058-005acp - Immediate Access for Docs Ref-Thomas Allen Winery-SJ**  
 **County.pdf**  
128 KB

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# STAFF REPORT - MOUNTAIN HOUSE

## Master Plan Amendment Specific Plan Amendment Use Permit Minor Subdivision

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### Application Information

Owner:	<b>Mountain House Investors LLC</b>		
Applicant:	<b>Turlock Petroleum</b>		
File Number:	<b>PA-1800157, PA-1800158, PA-1800159, &amp; PA-1800160</b>		
Location:	<b>Located at the northwest corner of Mountain House Parkway and Grant Line Road. (SP III Planning Area)</b>		
General Plan:	<b>P, I/L</b>	Community:	<b>Mountain House</b>
Zoning:	<b>P-F, I-P</b>	APN:	<b>209-450-35</b>
Project Size:	<b>4.34 acres (UP)</b>	Parcel Size:	<b>20.72 acres</b>
Water Supply:	<b>MHCSD</b>	Sewage Disposal:	<b>MHCSD</b>
Storm Drainage:	<b>MCCSD</b>	100-Year Flood:	<b>No</b>
Williamson Act:	<b>No</b>	Supervisorial District:	<b>5</b>
Staff:	<b>John Funderburg</b>	CEQA Determination:	<b>Mitigated Negative Declaration</b>

### Project Description

This project is comprised of four separate applications: 1) a Master Plan Amendment Application (PA-1800157); 2) a Specific Plan III Amendment Application (PA-1800158); 3) a Minor Subdivision Application (PA-1800160); and 4) a Use Permit Application (PA-1800159).

The Master Plan Amendment and Specific Plan III Amendment primarily focus on changes to map figures and text in these documents to conform to the proposed commercial and retail development project located at the northwest corner intersection of Mountain House Parkway and Grant Line Road.

The proposed Master Plan Amendment (see Figures 1 and 2) would:

- 1) Relocate the 3.0 acre Public (P) parcel from the northeast corner of Grant Line Road and De Anza Boulevard to the southeast corner of De Anza Boulevard and Teixeira Avenue, and extend the Master Plan Limited Industrial ( I/L) land use designation to the former area of the Public (P) parcel; and

- 2) Revise Map Figures 3.5 (Master Plan Designations) and 3.8 (Master Plan Designations - South Area) as a consequence of relocating the (3-acre) Public parcel.

The proposed Specific Plan III Amendment (see Figures 3 and 4) would:

- 1) Relocate the 3.0 acre Public parcel (zoned as P-F (Public Facilities)) from the northeast corner of Grant Line Road and De Anza Boulevard to the southeast corner of De Anza Boulevard and Teixeira Avenue, and extends the I/P (Industrial Park) designation to the former area of the Public (zoned as P-F (Public Facilities)) parcel;
- 2) Revise SPIII Map Figures 1-3 (Master Plan Designations), 3.2 (Land Use Map and Residential Buildout), and 3.4 (Specific Plan III Map Zoning Diagram) as a consequence of relocating the Public parcel;
- 3) Revise Section 3.2.7.2 (Specific Plan III Description), by changing the last sentence of the second paragraph, to read as follows: "...The primary religious assembly building is located to orient towards De Anza Boulevard and ~~Grant Line Road~~ Teixeira Avenue."; and
- 4) Revise Implementation Measure 9.5.3 (b) concerning the spacing of intersections on existing County Arterials, first two bullets, as follows: "Intersections, driveways, and minor access points on existing County Arterials shall be spaced at least 1/8 mile apart (660 feet). New driveways and minor access points shall be prohibited on existing County Arterials. Existing driveways and access points may remain, but shall be encouraged to relocate to meet the minimum spacing requirement. Proposed intersections, driveways, and minor access points that cannot achieve 1/8 mile spacing may be permitted as determined by a traffic study or other applicable study. No new building or increased traffic uses shall be allowed on existing access points."

The Minor Subdivision application (see Figure 5) would subdivide an existing parcel, excluding the area set aside for De Anza Boulevard and Teixeira Avenue, into three parcels: Parcel 1, containing 3.00 acres; Parcel 2, containing 8.55 acres; and Parcel 3, containing 4.34 acres. Parcel 3 would include the commercial and retail development proposed under the Use Permit application.

The Use Permit application (see Figures 6 through 12) would provide for the development of the proposed commercial-retail parcel (Parcel 3), as follows:

- 1) Permit the construction of the following structures:
  - a) Building 1, located adjacent to Mountain House Parkway, to contain 7,000 square feet for a proposed full-service restaurant with an outside patio;
  - b) Building 2, located adjacent to Grant Line Road, to contain 2,400 square feet for a proposed restaurant with a drive-through service lane;
  - c) Building 3, located at the northeast corner of Grant Line Road and De Anza Boulevard, to contain 2,400 square feet for a proposed restaurant with a drive-through service lane;

- d) Building 4, located in the central portion of the development north of the gas pumps, to contain 6,750 square feet for a proposed convenience store and restaurant;
  - e) A canopy structure for 10 gas pumps, located in the central portion of the development adjacent to Grant, associated with the proposed convenience store and restaurant; and
  - f) A car wash, located adjacent to De Anza Boulevard north of Building 3, to contain 3,133 square feet.
- 2) Provide two points of access along Grant Line Road, with right-in only for the first driveway west of Mountain House Parkway, and right-out only for the second driveway west of Mountain House Parkway;
  - 3) Provide access from an interior road located immediately to the north of the development that has full access to De Anza Boulevard, and right-in and right-out partial access to Mountain House Boulevard; and
  - 4) Provide shared parking for 100 standard vehicles (9X20), 5 accessible parking spaces (17X20), and 22 parking spaces for the car wash, for a total of 127 spaces.

### **Recommendation**

Approval.



Figure 2: Proposed Master Plan Map

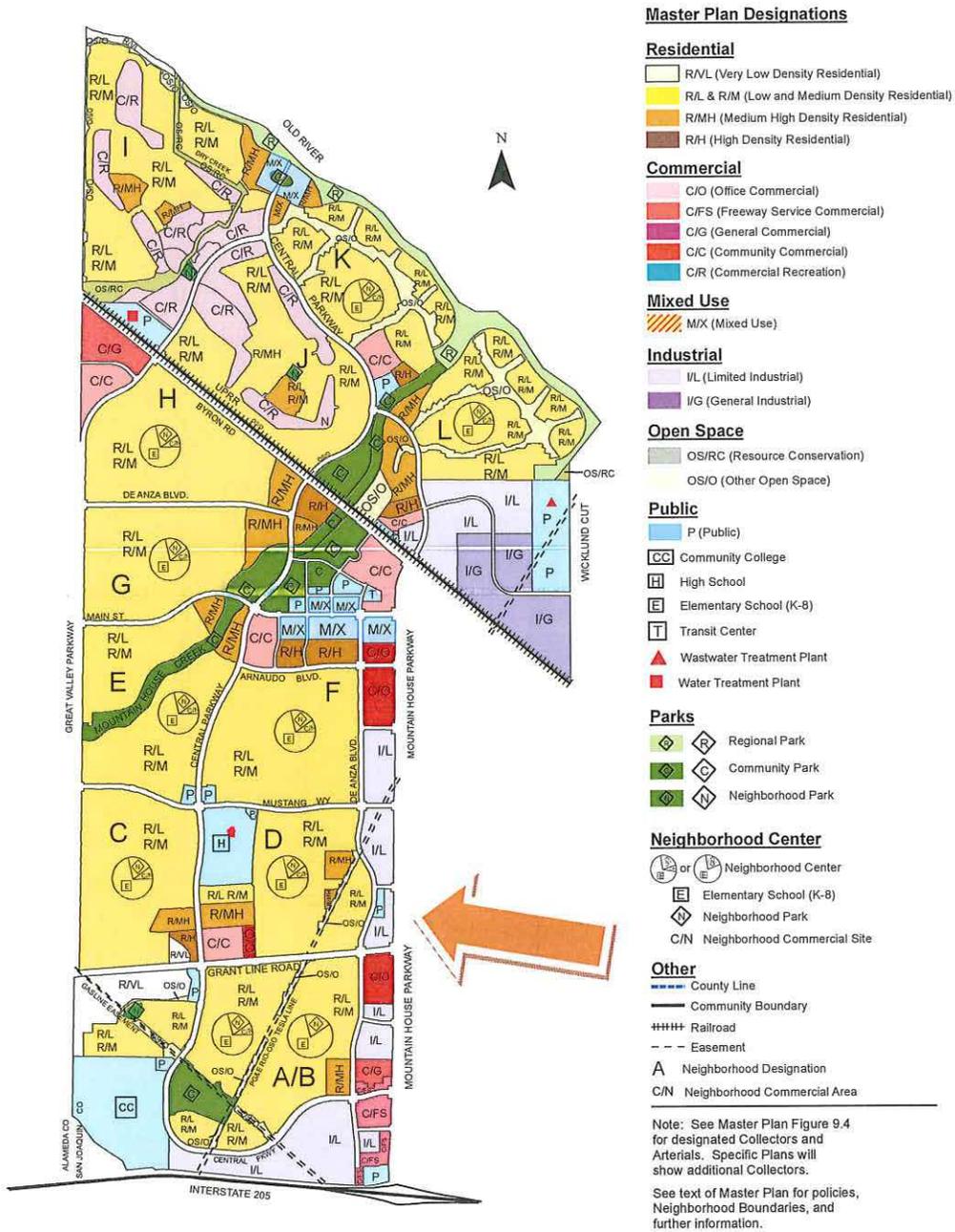
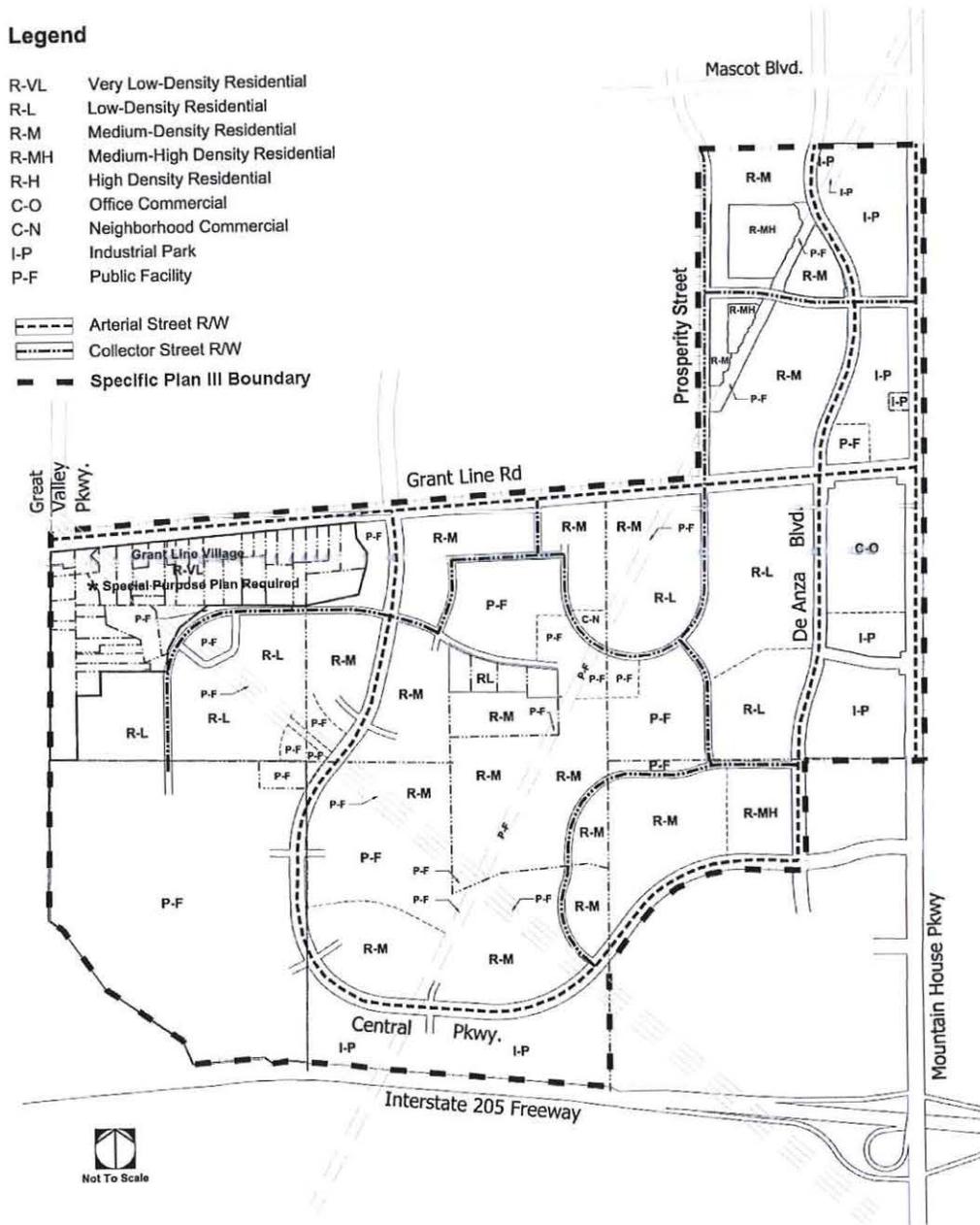


FIGURE 3.5 – MASTER PLAN DESIGNATIONS

**Figure 3: Existing Specific Plan III Zoning Map**



**FIGURE 3-4: SPECIFIC PLAN III MAP ZONING DIAGRAM**

Figure 4: Proposed Specific Plan III Zoning Map

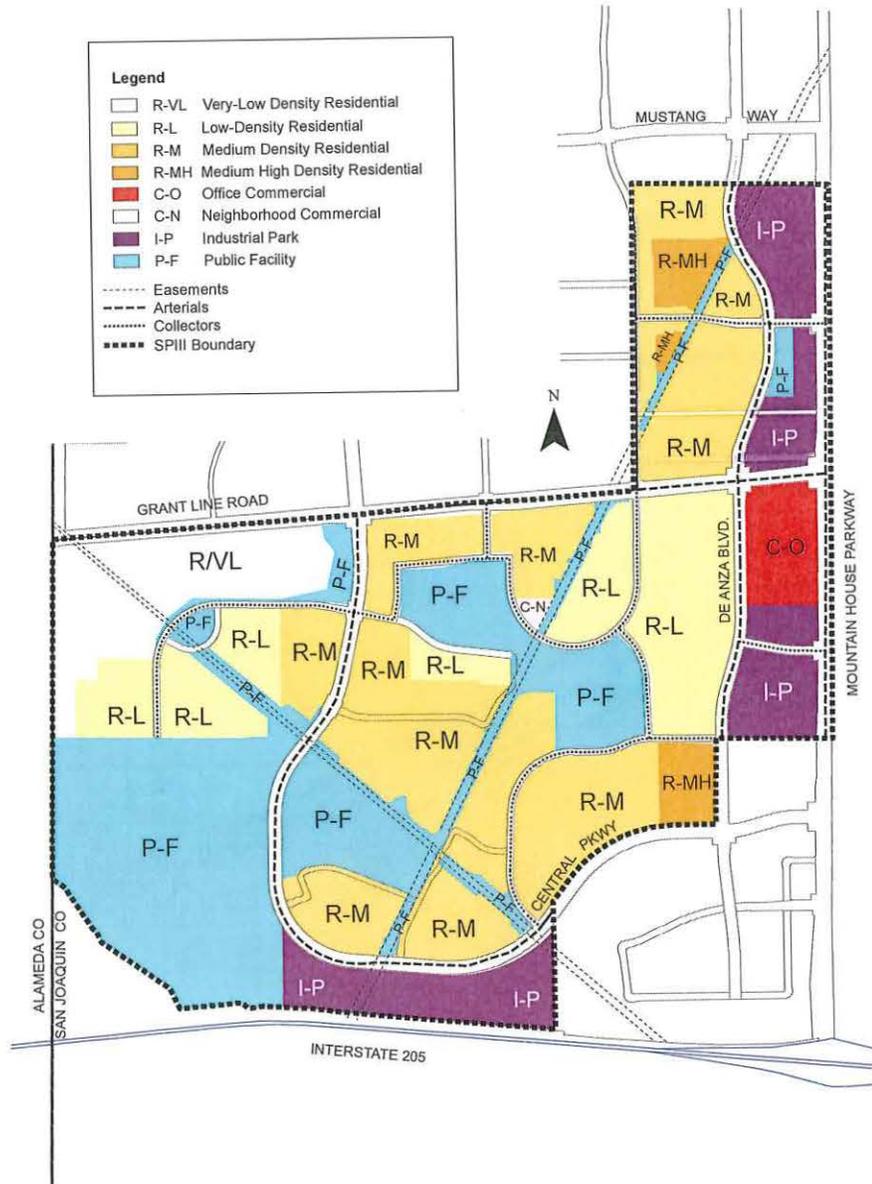


FIGURE 3-4: SPECIFIC PLAN III MAP ZONING DIAGRAM





Figure 7: Building 1 Elevations

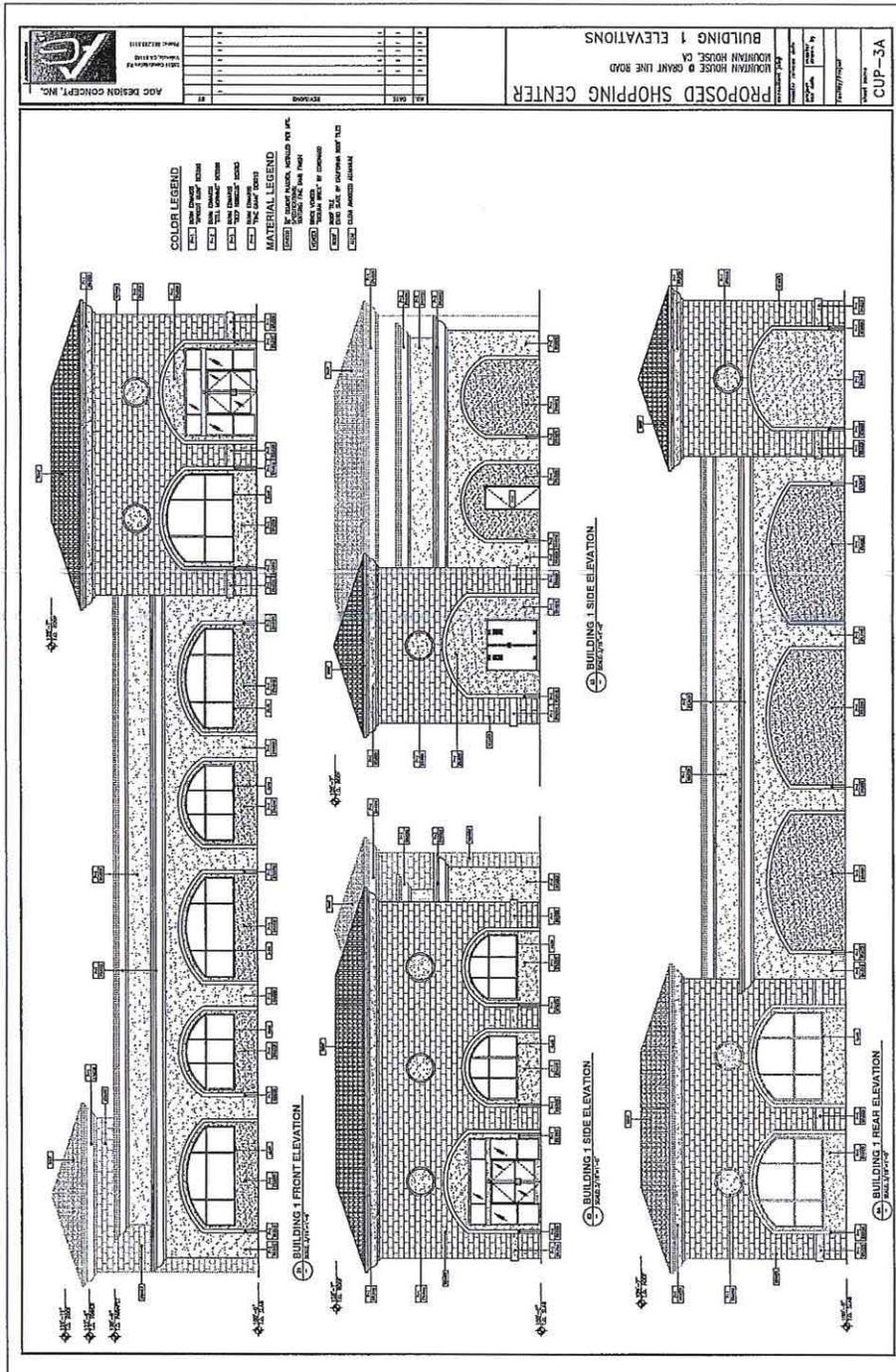


Figure 8: Buildings 2 & 3 Elevations

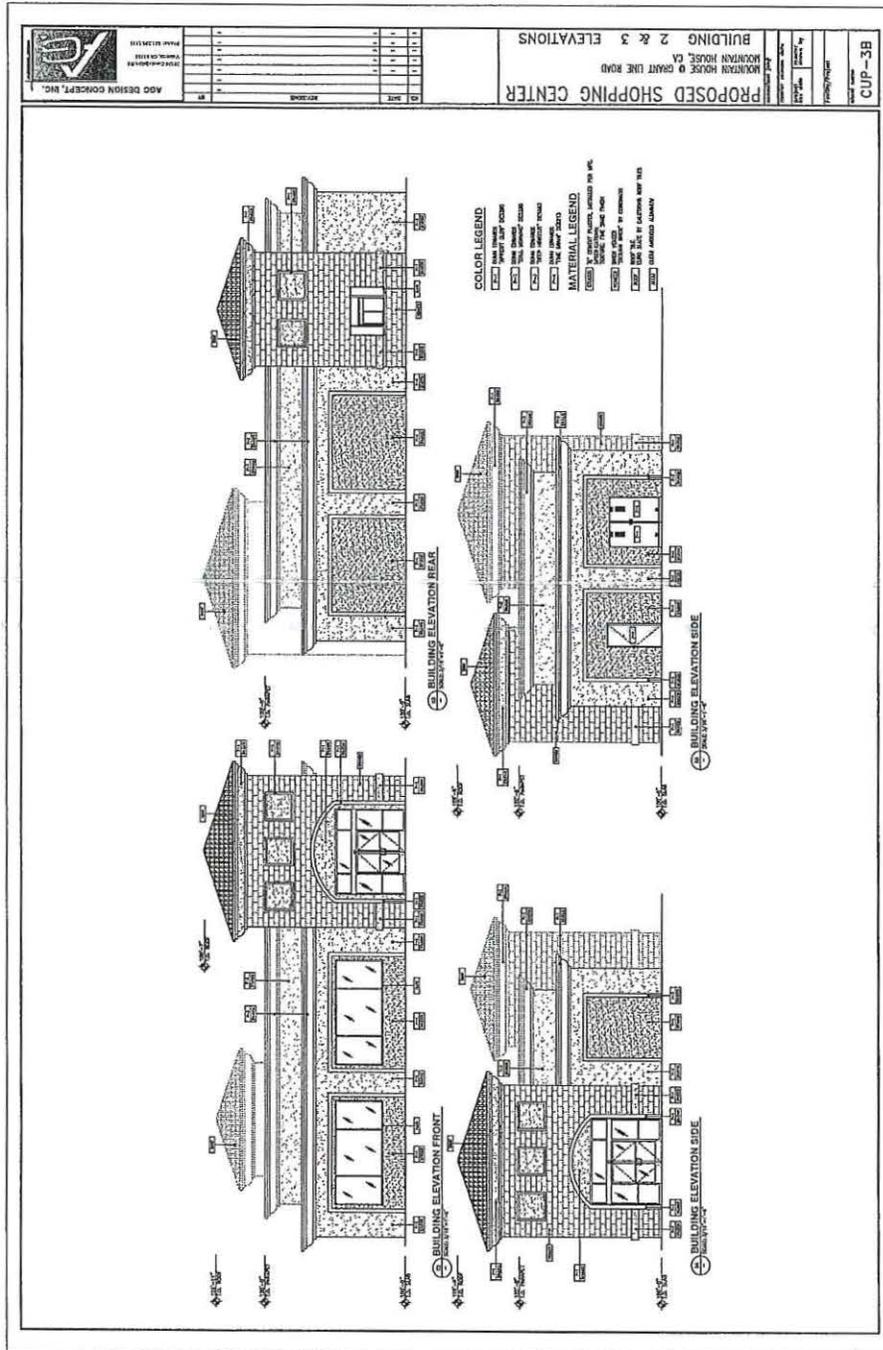


Figure 9: Building 4 Elevations

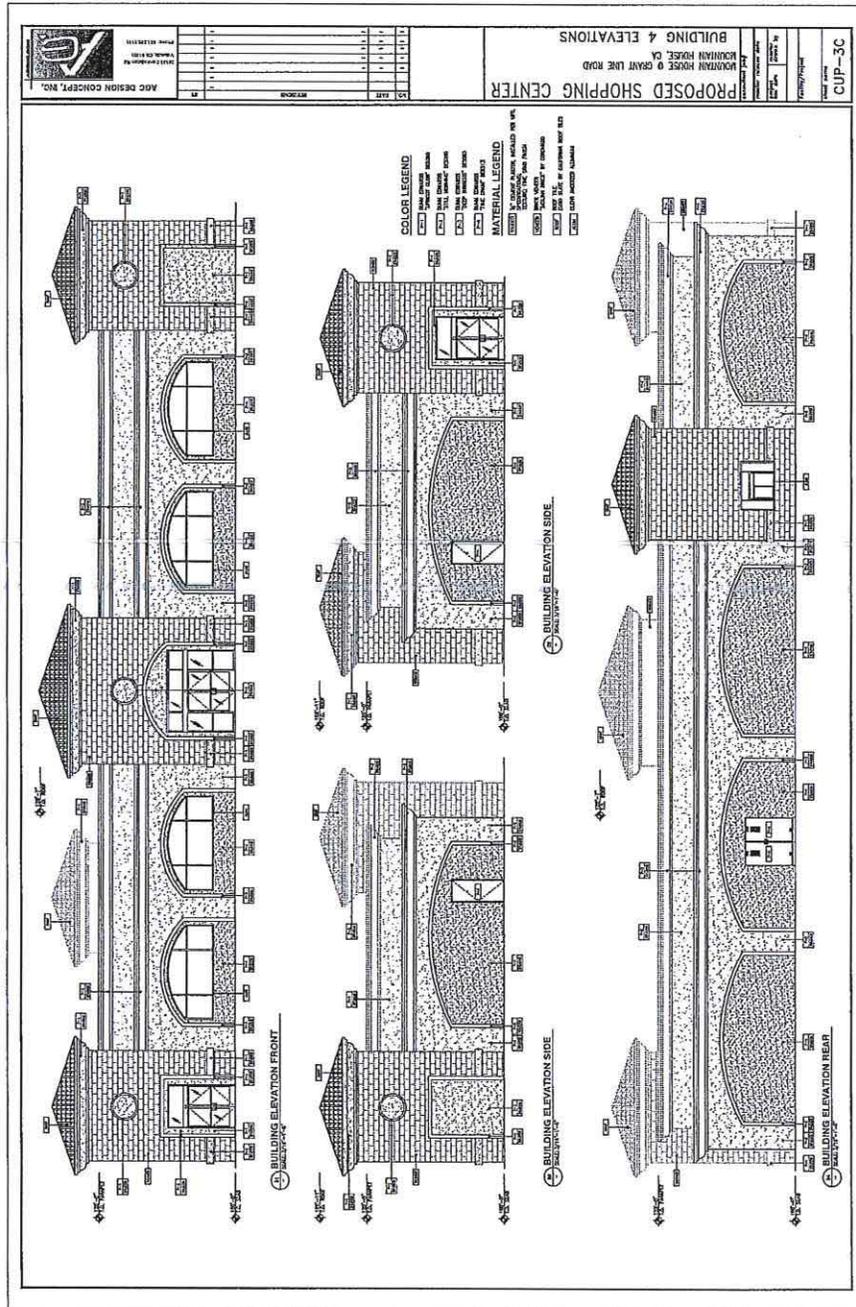


Figure 10: Canopy Elevations

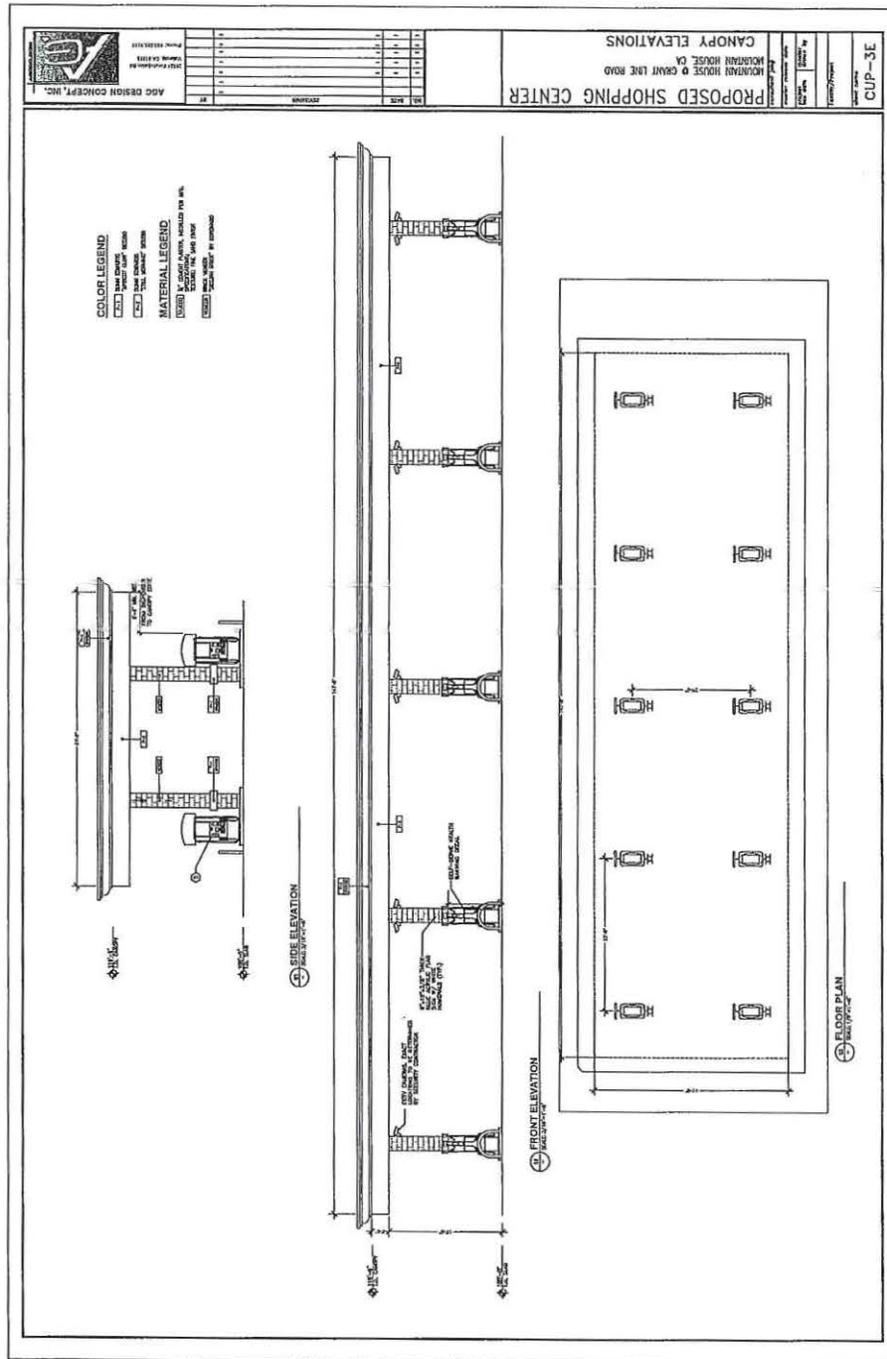




Figure 12: Conceptual Landscape Plan



VAN DORN ARBET  
LANDSCAPE ARCHITECTURE, INC.  
10000 VAN DORN DRIVE, SUITE 100  
MOUNTAIN HOUSE, CALIFORNIA 95026

TURLOCK PETROLEUM  
COMMERCIAL CENTER  
MOUNTAIN HOUSE, CALIFORNIA

CONCEPTUAL LANDSCAPE PLAN  
06/06/18  
SCALE: 1" = 30'-0"

L1.0



# Referrals and Replies

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The application referrals were mailed on August 31, 2018, with responses due by September 30, 2018.

<b>AGENCY</b>	<b>RESPONSE DATE</b> (through February 11, 2019)
SJ Building Inspection	
SJ Fire Prevention Bureau	
SJ County Code Enforcement	
SJ Environmental Health	September 25, 2018
SJ County Plan Check	
SJ Public Works	October 19, 2018
SJ County Sheriff	
SJ Council of Governments	
US Army Corp of Engineers	
SJ County Surveyor	
SJ County Assessor	October 17, 2018
Mountain House CSD	September 7, 2018
PG&E	
C.R.W.Q.C.B.	
French Camp Fire District	
Kathy Perez	
C.V.F.P.B.	
Fish & Wildlife Region-3	
SJ Co Dept of Parks and Rec.	
Union Pacific Railroad	
Delta Keeper	
Sierra Club	
Lammersville School District	
Alameda County Planning	
Contra Costa County Planning	
City of Tracy	
Supervisor District-5	
Caltrans	
CHP	
SJV Air Pollution Control District	February 11, 2019
SJ Resources Conservation	
Delta Stewardship Council	
Delta Protection Commission	
Department of Water Resources	
BBID	
Public Utilities Commission	
AT&T	
Trinkle & Boys	
Bureau of Reclamation	

US Fish & Wildlife  
New Jerusalem Airport  
Byron Airport  
ALUC  
Delta Keeper  
Haley Flying  
MH Development Agreement List  
Housing & Community Development  
Mosquito & Vector Control  
State Lands Commission  
Agricultural Commissioner  
Precissi Flying  
Sierra Club  
Trimark Communities LLC  
Gerry N. Kamilos, LLC  
Joe Machado  
Joann Kimbrough  
Richard Luck  
Eric Bose, Trimark Communities, LLC  
Duane Grimsman, Sterling Pacific Assets  
Gerry N. Kamilos, LLC  
Invest West  
Transamerica Minerals Company  
Adams Broadwell & Joseph  
Remy Thomas & Moose, LLP  
EOG Resources, Inc  
Herum-Crabtree-Brown  
Placemakers  
Peter MacDonald  
Robert & Judy Burick  
Fred Pakzad  
Roy Cunha  
Clyde Martin  
C& R Landers

October 8, 2018

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A legal ad for the public hearing was published in the **Stockton Record** on February 11, 2019.

Five hundred and forty one public hearing notices were mailed on February 9, 2019.

# Analysis

## Background

This project consists of several applications: 1) A Master Plan Amendment; 2) A Specific Plan III Amendment; 3) a Minor Subdivision; and 4) a Use Permit. The Use Permit component would be the first retail and commercial development project for the Specific Plan III planning area. The proposed project area would be located at the northwest corner of Grant Line Road and Mountain House Parkway. The project site is relatively flat, sloping gently to the northeast. Surrounding land uses west of the project site are single-family residences (Meritage Homes); to the north and south vacant commercial and industrial lands; and to the east agricultural lands.

In order to proceed with the Use Permit, the Master Developer for this project, Mountain House Investors, LLC – 'Kamilos', has requested to amend the existing approved Master Plan and Specific Plan III documents. The amendments propose a minor repurposing of the existing Master Plan I/L (Limited Industrial) and Public (P) land use map designations for the project site (see Figure No. 2). The overall existing Master Plan site area acreage (for retail, commercial, and industrial development) would not be affected by the proposed project amendments. The proposed map amendments would relocate the existing 3.0 acre Public ("P") parcel from the northeast corner of Grant Line Road and De Anza Boulevard to the southeast corner of De Anza Boulevard and Teixeira Avenue, and extend the Master Plan I/L (Limited Industrial) land use designation to the former area of the Public parcel. The changes proposed also require additional various text and map figures changes to the existing approved Master Plan and Specific Plan III documents. These changes are necessary in order to ensure the integrity and continuity of these documents are maintained if the proposed amendments are approved.

Development and design of the retail and commercial center will be addressed through the implementation of special design considerations to ensure that a high level of quality is maintained at final buildout. In terms of development, design, and aesthetics the proposed project would be developed in accordance with the Mountain House Commercial, Office and Industrial Design Manual. The Design Manual includes standards for site planning, architecture, landscape architecture, and community elements that are similar to other Design Manuals for single-family residential, multi-family residential uses. The project applicant has chosen the Civic Italianate style of architecture for the project site.

## Master Plan and Specific Plan III Amendment

The Mountain House Master Plan has specific policies in regards to developing Industrial Lands.

*Master Plan Section 3.7 Industrial and Office Use Policy u) states the following:*

Policy u) All industrial areas located south of Byron Road shall be zoned **I-P (Industrial Park) by Specific Plans.**

The proposed project area is located south of Byron Road. A portion of the site has an underlying zoning of I-P (Industrial Park). The I-P zone is an implementing zone for the I/L (Limited Industrial) Master Plan land use designation currently for the site. Conditionally permitted uses in the I-P zone include corporate offices, light retail and commercial uses, and light manufacturing.

The Master Developer and project applicant for the proposed underlying project are relocating the existing 3.0 acre P-F zoned parcel for the site from the northeast corner of Grant Line Road and De Anza Boulevard to the southeast corner of De Anza Boulevard and Teixeira Avenue, which would expand the current I-P zoning to the former area of the 3.0 acre P-F zoned parcel.

If the proposed Master Plan and Specific Plan map amendments are approved this would allow for the underlying commercial and retail development project to proceed.

Community Development Department staff has reviewed the proposed project with already existing community approvals, and the proposed project is an orderly development of the already established Industrial, Commercial and Office employment corridor for the Mountain House community. This area is planned for commercial, office, and retail development, and mixed uses consistent with the Master Plan and Specific Plan III documents and existing community approvals.

### **Text Changes**

In addition to the Master Plan and Specific Plan III map land use amendments, minor text corrections, are included with this request for the Specific Plan III document.

The *first correction* would revise Section 3.2.7.2 (Specific Plan III Description), by changing the last sentence of the second paragraph, to read as follows:

"...The primary religious assembly building is located to orient towards De Anza Boulevard and Grant Line Road Teixeira Avenue. [*underlining denotes added text*]

Future uses described in the Specific Plan III land use descriptions for the 3.0 acre P-F parcel include a new religious assembly facility. The text would be updated to ensure consistency with proposed new location of the 3.0 acre P-F parcel on the Specific Plan III land use map.

The *second correction* is a clean-up correction that would ensure that the language regarding the spacing of intersections is consistent with the standards and policies with the existing approved Mountain House Master Plan and Specific Plan I and II documents. The text would be revised under Specific Plan III Implementation Measure 9.5.3 (b) concerning the spacing of intersections on existing County Arterials, it would read as follows:

"Intersections, driveways, and minor access points on existing County Arterials shall be spaced at least 1/8 mile apart (660 feet)." [*underlining denotes added text*]

~~New driveways and minor access points shall be prohibited on existing County Arterials. Existing driveways and access points may remain, but shall be encouraged to relocate to meet the minimum spacing requirement. Proposed intersections, driveways, and minor access points that cannot achieve 1/8 mile spacing may be permitted as determined by a traffic study or other applicable study. No new building or increased traffic uses shall be allowed on existing access points.~~ [*underlining denotes added text, strikethroughs denotes deleted text*]

No other text changes to the Specific Plan III document are proposed with this application request.

### **Use Permit and Minor Subdivision**

If the Master Plan and Specific Plan III map and text amendments are approved, the Master Developer and project applicant (Turlock Petroleum) would move forward with the Use Permit application and development of the proposed retail and commercial site. The approval of this Use Permit would also represent several firsts for the community: the first gas station, the first large eating establishment, and the first car wash in Mountain House.

Approval of the Use Permit would help implement Master Plan and Specific Plan III policies, and the 2035 General Plan, specifically, because it satisfies General Plan requirements for orderly and compact development (e.g. the proposed land uses are compatible with the adjacent residential development projects and transportation improvements are being, or will be, provided to serve the project site).

The project would also require the approval of a Minor Subdivision application to create three new parcels: Parcel 1 containing 3.00 acres; Parcel 2 containing 8.75 acres; and Parcel 3 containing 4.34 acres. Parcel 3 will include the commercial and retail developments proposed under the Use Permit application (see Figure No. 6).

The proposed lot configurations for the Minor Subdivision application and project parcel zoning designation will be P-F (Public Facilities) and Industrial Park (I-P). The Gasoline Sales-Combination, Retail Sales and Services- Primary, Eating Establishments-Full Service use types may be conditionally permitted in the I-P zone with an approved Use Permit application. The Religious Assembly use type may be a conditionally permitted in the P-F zone with an approved Site Approval application.

The proposed tentative map was evaluated by staff for internal consistency with existing policies, text, conceptual(s), map figures, and tables contained in the Master Plan and in the Specific Plan III document. It was determined the tentative map design, layout, and parcel area is consistent with these documents.

### **Public Land Equity Program**

As part of this review, staff evaluated the project for consistency with the Public Land Equity Program ("PLEP"). There are no public lands on the subject parcel. Community Development Department staff has determined that, because the area of the project has previously been included in prior approvals, the public land acreage requirement (i.e., the amount of land that a landowner must provide to the MHCS D in order to comply with the Mountain House Public Land Equity Program) for the project has been met.

### **Job Generation**

Approval of the proposed applications by Mountain House Investors, LLC/Turlock Petroleum would provide authorization for what is anticipated to be a major commercial/retail development project and job generator for the Mountain House community.

The anticipated number of full-time equivalent jobs for the proposed retail and commercial center site is **140 jobs**. This is the same as this is the minimum number of jobs per acre assumed by the Master Plan and Specific Plan III for Limited Industrial parcels.

The proposed project jobs generation rate are based on the following calculations as shown in the table below:

**Table - Job Generation Rate by Specific Plan III Land Use Designation\***

Land Use	Jobs/Acre*	Gross Acres	Jobs
Limited Industrial (I/L)	32.3	4.34	140
Total			140

\* Ratios taken from Specific Plan III, Table 3-14: Jobs Analysis.

**Noise**

Development Title Section 9-1025.9 lists the Residential use type as a noise sensitive land use. Development Title Section 9-1025.9(d) states that the Review Authority shall require the preparation of an acoustical study in instances where it has been determined that a project may expose existing or proposed noise sensitive land uses to noise levels exceeding the noise standards specified in Table 9-1025.9.

Mountain House Master Plan Section 11.4 establishes daytime and nighttime noise level standards for stationary noise sources associated with commercial projects. Stationary noise sources include equipment, utilities, or processes associated with industrial, commercial, or public facilities, which create a constant or periodic noise in a fixed location (car wash, drive-thru establishments).

See *Table 11.2* below for daytime and nighttime hourly Leq standards, this criteria is applied at the property line of the receiving use.

<b>Table 11.2                      Exterior Noise Standards for Noise-Sensitive Uses Affected by                      Non-Transportation Noise Sources</b>		
<b>Noise Level                      Descriptor</b>	<b>Daytime                      (7 a.m. to 10 p.m.)</b>	<b>Nighttime                      (10 p.m. to 7 a.m.)</b>
Hourly Leg	55 dB	50 dB

An Environmental Noise Analysis was prepared by Saxelby Acoustics on July 5, 2018 to analyze potential noise impacts associated with the project operations (drive-thru lane and speaker box, car wash with a blower system) at the nearest residential uses (276 feet west) of the project site, across De Anza Boulevard. The noise measurements were taken at the rear property lines of the receiving residential development project, adjacent to De Anza Boulevard.

The car wash is predicted to generate sounds levels of 67.3 dBA Leq at a distance of 50 feet from the exit end of the car wash and 65.3 dBA Leq at a distance of 50 feet from the entrance of the car wash. To quantify the noise emissions of the proposed drive-through lanes, data from a Sacramento area fast food drive-through restaurant was used. The results of the data indicate that a noise level of 55 dBA Leq can be expected at a distance of 30 feet from the drive-thru speaker box.

As concluded by the Environmental Noise Analysis, operation of the project is predicted to result in noise levels which would comply with Mountain House Master Plan noise standards of 55 dBA Leq during daytime hours (7:00 a.m. to 10:00 p.m.) and 50 dBA Leq during nighttime (10:00 p.m. to 7:00 a.m.) and not impact the nearest residential uses located west of the project site. If approved and as conditions of approval for the project site the following recommendations below will be incorporated into the final design of the proposed car wash:

- The car wash dryer used for the project shall be the Mark VII, AquaDri E-30 or similar car wash not exceeding an exterior noise level of 74 dBA at 50 feet from the car wash exit.
- The car wash blowers should be set to run for a period no more than 60 seconds per car wash cycle.
- The car wash shall operate only during the hours of 7:00a.m. – 10:00p.m.

Again, the above recommendations will be incorporated into the final design of the proposed car wash and added as conditions of approval for the project to ensure any exposure to noise sources or excessive noise levels will be less than significant.

#### **Transportation/Traffic**

Master Plan Chapter Nine, Transportation and Circulation addresses the expected traffic volumes and anticipates the need for and timing of circulation improvements required to serve the community through buildout. Under the proposed project conditions, the site is expected to have a less than significant impact on existing adjacent roadways and intersections.

A traffic analysis was conducted by TJKM on June 21, 2018 for the proposed retail, commercial, eating establishments, and gasoline services plaza. It was concluded from the study that an auxiliary westbound right turn lane should be provided on Grant Line Road between Mountain House Parkway and De Anza Boulevard, terminating at the westbound right turn lane at De Anza Boulevard.

The proposed auxiliary lane would be used by the vehicles accessing the two driveways along Grant Line Road, which will improve the safety and traffic operations on Grant Line Road. Therefore, the proposed project and proposed final circulation and roadway layout for the retail, commercial, eating establishments, and gasoline services plaza will have a less than significant impact on existing roadway levels of service.

### **Consistency with Adopted Plans**

The proposed amendments to the Master Plan and Specific Plan III document, was reviewed for consistency with the General Plan, Mountain House Master Plan, other Specific Plans, and the Mountain House Public Financing Plan. The proposed retail and commercial land use project and proposed parcel map was found to be consistent with these plans because:

- It is supportive of Master Plan policies and Specific Plan provisions regarding the development and location of Industrial, Commercial and Retail projects;
- It does not affect existing planned Industrial and Commercial employment corridor for the Mountain House Community;
- No significant changes in jobs are expected that would adversely affect the number of jobs projected or the jobs/housing ratios anticipated for the community;
- The approved site area acreage, number of lots proposed under the tentative map, and approved land use plan for (office, retail, commercial, and industrial) public facilities (e.g., religious assembly) for the Mountain House community will not be affected;
- It does not increase the demand for public services; and
- No amendments to the Jobs/Housing Program or Affordable Housing program are being proposed.

# Recommendations

## Action

It is recommended that the Planning Commission:

1. Forward the Mitigated Negative Declaration to the Board of Supervisors;
2. Forward Master Plan Amendment Application No. PA-1800157 to the Board of Supervisors with a recommendation to approve with the Bases for Master Plan Amendment contained in the staff report;
3. Forward Specific Plan III Amendment Application No. PA-1800158 to the Board of Supervisors with a recommendation to approve with the Bases for Specific Plan Amendment contained in the staff report;
4. Forward Use Permit Application No. PA-1800159 to the Board of Supervisors with a recommendation to approve, with the findings contained in the staff report; and
5. Forward Minor Subdivision Application No. PA-1800160 to the Board of Supervisors with a recommendation to approve, with the findings contained in the staff report.

## BASES

### **Bases for Master Plan Amendment (PA-1800157)**

1. The Master Plan Amendment is consistent with the General Plan and the Public Financing Plan.

**This determination can be made because, with adoption of the proposed revisions to the text of the Master Plan (as amended), the project: 1) is supportive of, and consistent with, the policies in these documents regarding the compatibility and protection of adjacent land uses; 2) is supportive of Master Plan Specific Plan provisions regarding the development and location of the Employment Corridor project and facilities within Mountain House; 3) does not significantly affect existing acreage and densities of proposed land use designations; 4) no significant changes in jobs are expected that would adversely affect the number of jobs projected or the jobs/housing ratios anticipated for the community; 5) does not increase the demand for public services and does not negatively affect the Public Financing Plan; and 6) no amendments to the Jobs/Housing Program or Affordable Housing program are being proposed.**

2. The Master Plan Amendment shall not adversely affect the jobs/housing program and housing affordability; and

**This determination can be made because: 1) no changes are proposed to the Jobs/Housing Program or to the Affordable Housing Program; and 2) no significant**

changes in jobs are expected that would adversely affect the number of jobs projected or the jobs/housing ratios anticipated for the Community as a part of the current or Specific Plan II amendment application. The anticipated number of full-time equivalent jobs for the proposed retail and commercial center site is 140 jobs. This is the same as this is the minimum number of jobs per acre assumed by the Master Plan and Specific Plan III for Limited Industrial parcels.

3. All applicable provisions of the Mountain House Development Agreement have been met.

**This determination can be made because: 1) the provisions of the PCCP Development Agreement (i.e., the Development Agreement by and between County of San Joaquin and PCCP Mountain House, LLC, Relative to the Development of Certain Property within the Mountain House Community) that are applicable to the subject properties are not affected by the proposed project; 2) the PCCP Development Agreement incorporates provisions of the existing, principal Mountain House Development Agreement (Amended and Restated Master Plan Development Agreement by and between County of San Joaquin and Trimark Communities Relative to the Development of Certain Property within the Mountain House Community) and no modification or supplementation of those antecedent provisions was determined to be necessary; and 3) the PCCP Development Agreement vests certain provisions/sections of the General Plan, Master Plan, the Mountain House Development Title, and Specific Plan III, and the proposed project does not change or alter those provisions/sections.**

#### **Bases for Specific Plan III Amendment (PA-1800158)**

1. The Specific Plan or Specific Plan Amendment is consistent with the General Plan, the Master Plan, and the Public Financing Plan.

**This determination can be made because, with adoption of the proposed map figure and the revision to the text of the Specific Plan III (as amended), the project: 1) is supportive of, and consistent with, the policies in these documents regarding the compatibility and protection of adjacent land uses; 2) is supportive of policies regarding the encouragement of industrial activities that have the potential for creating jobs for residents of the Mountain House Community 3) does not affect existing acreage, densities, and the number of housing unit by residential land use designation; and 4) does not increase the demand on public services.**

2. The Specific Plan or Specific Plan Amendment shall not adversely affect the jobs/housing program and housing affordability; and

**This determination can be made because no changes are proposed to the Jobs/Housing Program or to the Affordable Housing Program as a part of the current Revisions of Approved Actions request or Specific Plan III amendment application.**

3. All applicable provisions of the Mountain House Development Agreement have been met.

**This determination can be made because: 1) the provisions of the PCCP Development Agreement (i.e., the Development Agreement by and between County of San Joaquin and PCCP Mountain House, LLC, Relative to the Development of Certain Property within the Mountain House Community) that are applicable to the subject properties are not affected by the proposed project; 2) the PCCP Development Agreement incorporates provisions of the existing, principal Mountain House Development Agreement (Amended and Restated Master Plan Development Agreement by and between County of San Joaquin and Trimark Communities Relative to the Development of Certain Property within the Mountain House Community) and no modification or supplementation of those antecedent provisions was determined to be necessary; and 3) the PCCP Development Agreement vests certain provisions/sections of the General Plan, Master Plan, the Mountain House Development Title, and Specific Plan III, and the proposed project does not change or alter those provisions/sections.**

## **FINDINGS**

### **Findings for Use Permit Application (PA-1800159)**

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 use types Retail Sales and Service-Primary, Gasoline Sales and Service-Combination, Eating Establishments- may be conditionally permitted in the I-P (Public Facilities) zone with an approved Use Permit application. The proposed buildings are supportive of the Master Plan and Specific Plan II provisions regarding the development and location of Commercial and Retail development along the employment corridor of Mountain House.**

2. Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, and the proposed improvements are properly related to existing and proposed roadways.

**This finding can be made because adequate utilities, roadway improvements and other necessary facilities will be provided and there is sufficient area on the parcel for the buildings.**

3. The site is physically suitable for the type of development and for the intensity of development.

**This finding can be made because the property involved is of adequate size and shape to accommodate the proposed development, building coverage, setbacks, and parking areas meet the requirements of the Development Title.**

4. Issuance of the permit will not be significantly detrimental to the public health, safety, or welfare, or be injurious to the property or improvements of adjacent properties.

**This finding can be made because the Initial Study prepared for the project found no potentially significant environmental impacts.**

5. The use is compatible with adjoining land uses.

**This finding can be made because the proposed use will not interfere with nor alter the current land uses on adjacent properties. The architecture proposed for the development is Civic Italianate and the construction of the building will be built in accordance with the existing approved Mountain House Commercial, Office and Industrial Design Manual.**

6. All applicable provisions of the Mountain House Development Agreement have been met.

**This determination can be made because: 1) the provisions of the PCCP Development Agreement (*i.e., the Development Agreement by and between County of San Joaquin and PCCP Mountain House, LLC, Relative to the Development of Certain Property within the Mountain House Community*) that are applicable to the subject properties are not affected by the proposed project; 2) the PCCP Development Agreement incorporates provisions of the existing, principal Mountain House Development Agreement (*Amended and Restated Master Plan Development Agreement by and between County of San Joaquin and Trimark Communities Relative to the Development of Certain Property within the Mountain House Community*) and no modification or supplementation of those antecedent provisions was determined to be necessary; and 3) the PCCP Development Agreement vests certain provisions/sections of the General Plan, Master Plan, the Mountain House Development Title, and Specific Plan III, and the proposed project does not change or alter those provisions/sections.**

#### **Findings for Minor Subdivision Application (PA-1800160)**

1. The proposed subdivision is consistent with the General Plan, any applicable Master Plan, Specific Plan, and Special Purpose Plan, the Public Financing Plan and any other applicable plan adopted by the County.

**This finding can be made because the analysis conducted by the Community Development Department (CDD) has shown that the proposed subdivision is consistent with all applicable adopted plans (as proposed for amendment).**

2. The design or improvement of the proposed subdivision is consistent with the General Plan and any applicable Specific Plan or Special Purpose Plan.

**This finding can be made since the analysis conducted by the Community Development Department has found that the design or improvements of the proposed subdivision, as shown on the Tentative Map, is consistent with the General Plan, (amended) Master Plan, and (amended) Specific Plan III.**

3. The site is physically suitable for the type of development proposed.

**This finding can be made because the sites are physically suitable to accommodate the proposed residential and open space uses. This analysis is based on the improvements proposed; the assessment of the hydrology and water quality of the site.**

4. The site is physically suitable for the proposed density of development.

**This finding can be made because the area proposed for development is adequate in size to accommodate the density of development, consistent with the Master Plan (as amended for the project) Specific Plan III and Development Title, as amended.**

5. Neither the design of the subdivision nor any proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

**This finding can be made because the proposed subdivision, as conditioned, would be required to comply with applicable Federal and State laws for the protection of fish or wildlife or their habitat (e.g., Section 401 of the Clean Water Act; Section 404 of the Clean Water Act; Federal and State Endangered Species Acts), and because the applicants would participate in the San Joaquin County Multi-Species Habitat Conservation and Open space Plan (SJMSCP). The proposed subdivision would also be subject to the Mountain House community monitoring and mitigation monitoring programs.**

6. The design of the subdivision or type of improvement is not likely to cause significant public health problems.

**This finding can be made because the design of the minor subdivision, as conditioned would either have no impact or less than significant impact on the health of future residents.**

7. The design of the subdivision or the types of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

**This finding can be made because there are not existing public easements acquired by the public at large that will be negatively affected by the subdivision.**

8. Any land or improvements to be dedicated to the County or other public agency is consistent with the General Plan, any applicable Specific Plan and Special Purpose Plan, and any other applicable plan adopted by the County.

**This finding can be made because any lands and improvements that are to be dedicated are consistent with the Public Land Equity Program and/or required to meet the MHCSD Design Manual, both of which are implementation measures for the General Plan, Master Plan, and Specific Plan III.**

9. The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision, as required by Government Code Section 66473.1

**The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision, as required by the Government Code because the lots are large enough so that individual dwellings can be situated to take advantage of solar orientation.**

10. All applicable provisions of the Mountain House Development Agreement have been met.

**This determination can be made because: 1) the provisions of the PCCP Development Agreement (i.e., the Development Agreement by and between County of San Joaquin and PCCP Mountain House, LLC, Relative to the Development of Certain Property within the Mountain House Community) that are applicable to the subject properties are not affected by the proposed project; 2) the PCCP Development Agreement incorporates provisions of the existing, principal Mountain House Development Agreement (Amended and Restated Master Plan Development Agreement by and between County of San Joaquin and Trimark Communities Relative to the Development of Certain Property within the Mountain House Community) and no modification or supplementation of those antecedent provisions was determined to be necessary; and 3) the PCCP Development Agreement vests certain provisions/sections of the General Plan, Master Plan, the Mountain House Development Title, and Specific Plan III, and the proposed project does not change or alter those provisions/sections.**

## **EXHIBITS**

### **EXHIBIT 1 – MASTER PLAN AMENDMENTS**

#### **A.MAP FIGURE AMENDMENTS**

### **EXHIBIT 2 – SPECIFIC PLAN III AMENDMENTS**

#### **A.TEXT AMENDMENTS**

#### **B.MAP FIGURE AMENDMENTS**

### **EXHIBIT 3 – USE PERMIT CONDITIONS OF APPROVAL**

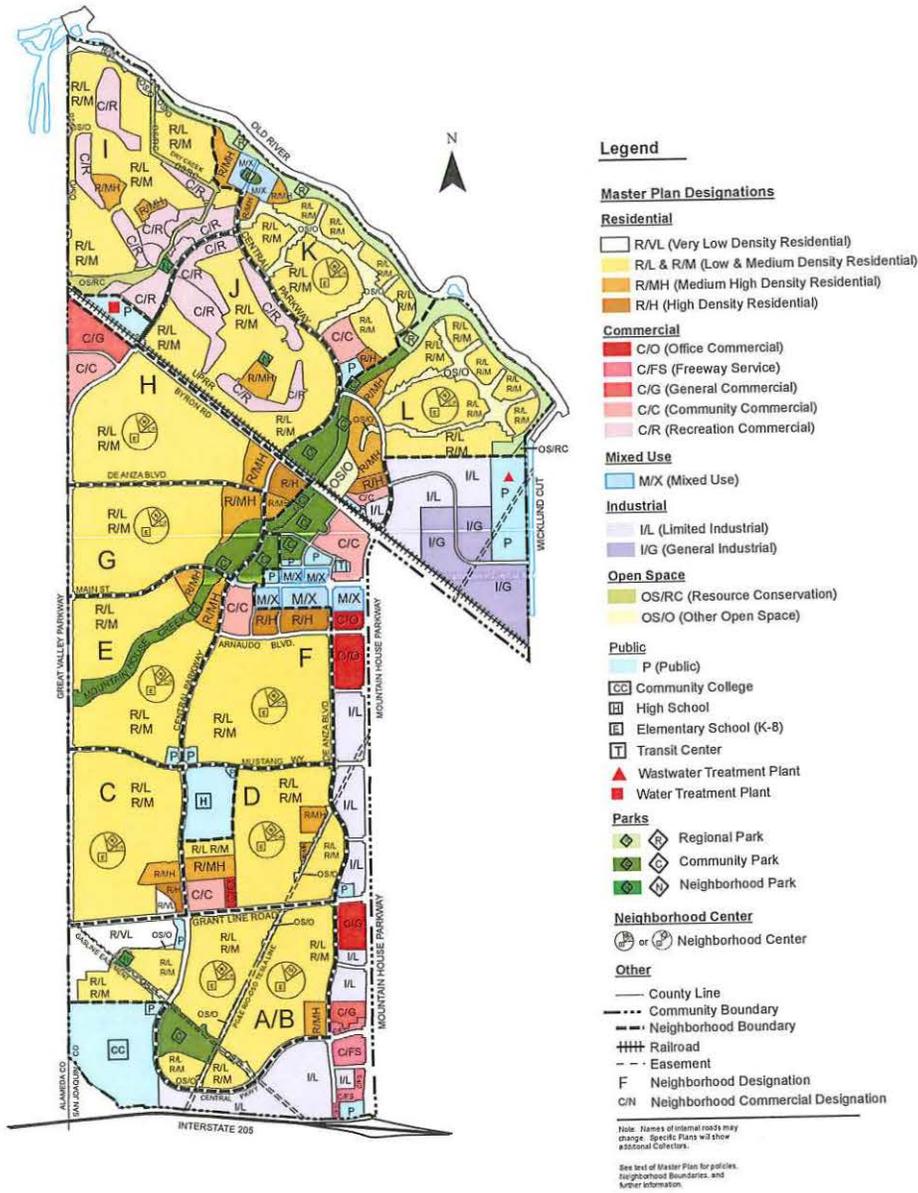
### **EXHIBIT 4 – MINOR SUBDIVISION CONDITIONS OF APPROVAL**

# **EXHIBIT 1**

## **MASTER PLAN AMENDMENTS**

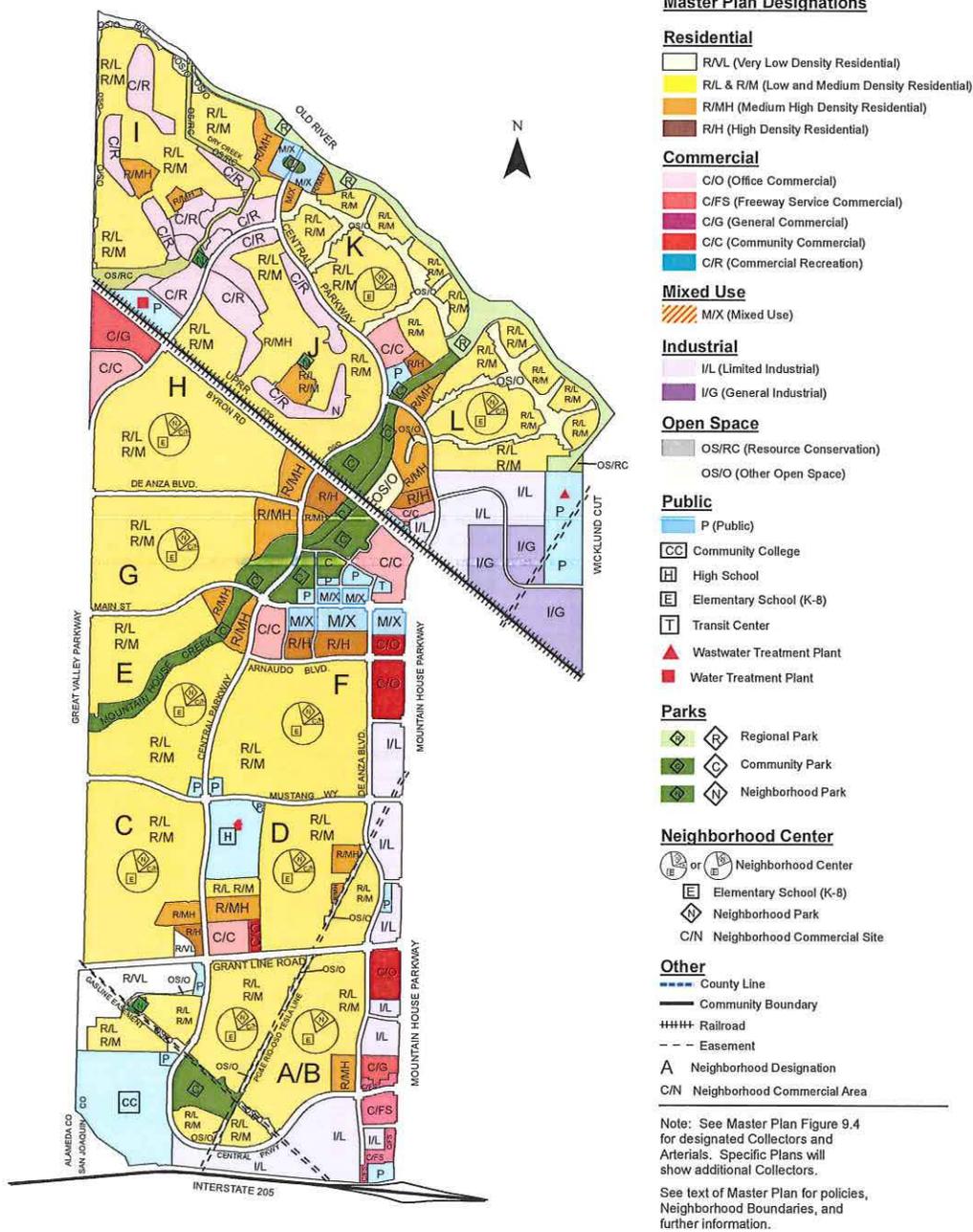
### **A. MAP FIGURE AMENDMENTS**

# EXISTING



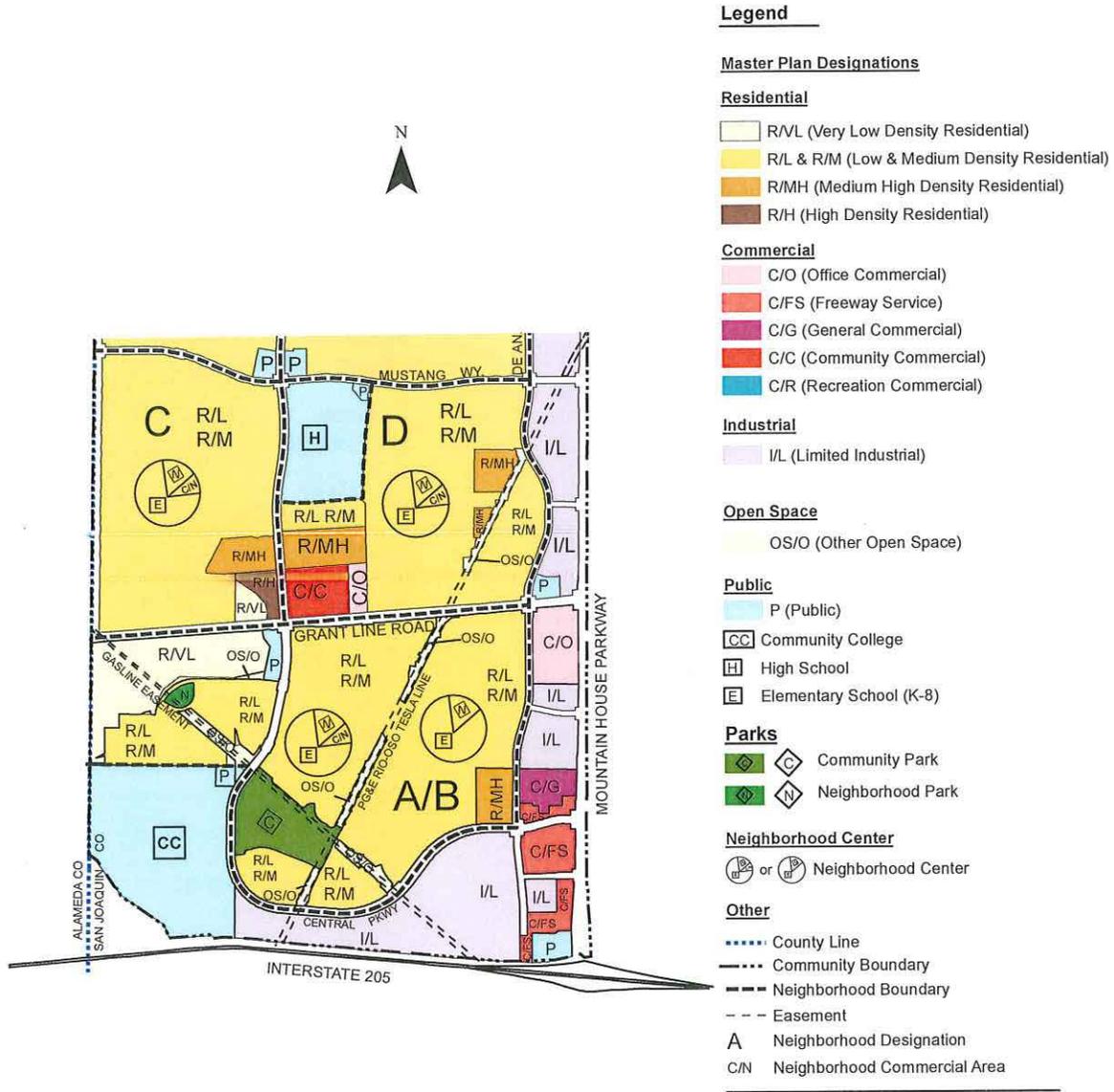
**FIGURE 3.5 – MASTER PLAN DESIGNATIONS**

# PROPOSED



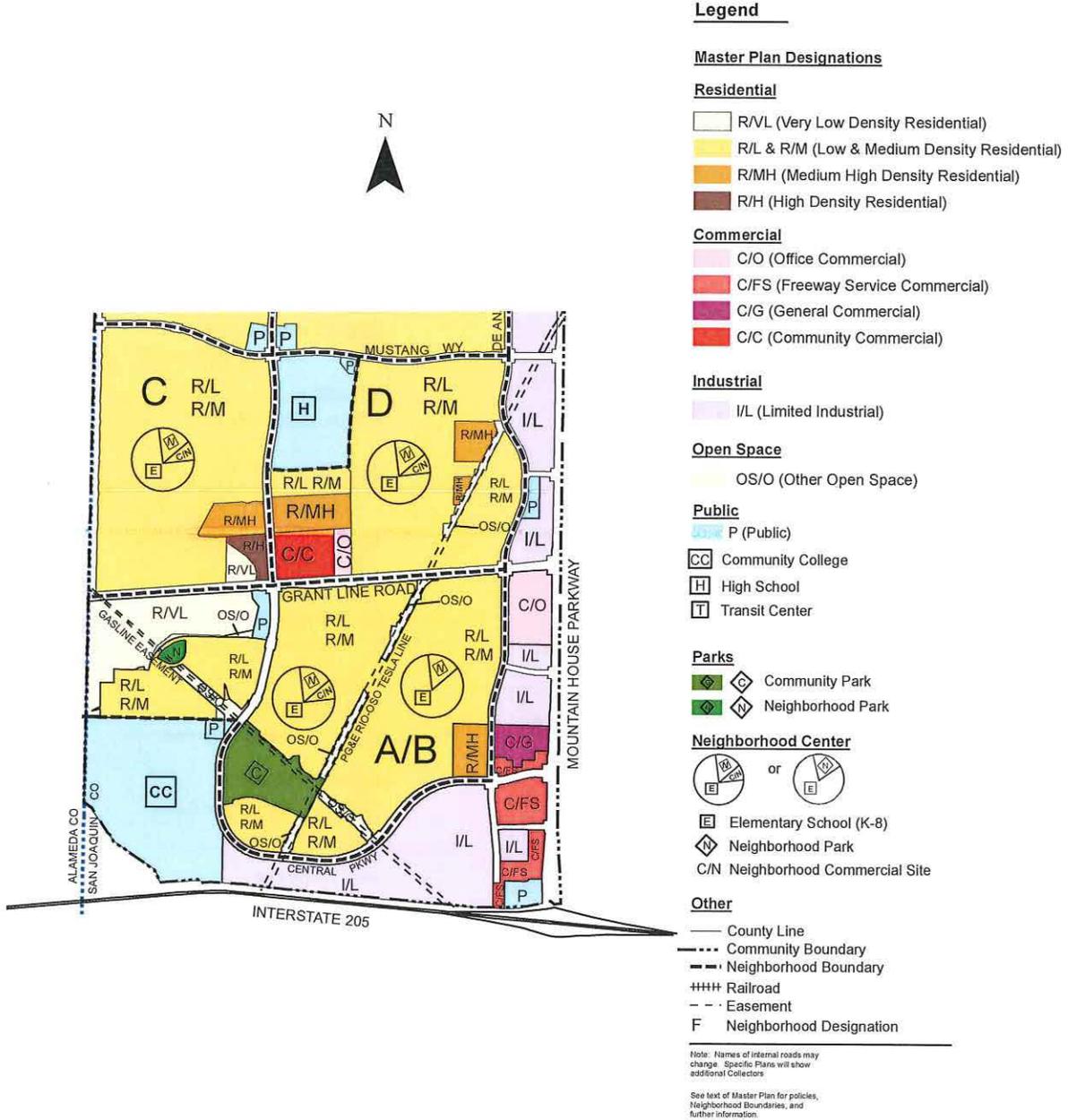
**FIGURE 3.5 – MASTER PLAN DESIGNATIONS**

# EXISTING



**FIGURE 3.8 – MASTER PLAN DESIGNATIONS – SOUTH AREA**

# PROPOSED



**FIGURE 3.8 – MASTER PLAN DESIGNATIONS – SOUTH AREA**

## **EXHIBIT 2**

### **SPECIFIC PLAN III AMENDMENTS**

#### **A. TEXT AMENDMENTS**

## EXISTING

### **Section 3.2.7.2 – Specific Plan III Description** (concerning second paragraph only)

The two K-8 schools have been located on collector streets separated by the approximately 8.5 acre Neighborhood Park. There are two joint use areas in the Neighborhood Park which are located adjacent to each school. The primary school building will be sited to provide the central focus within each school campus. The primary religious assembly building is located to orient towards De Anza Boulevard and Grant Line Road.

## PROPOSED

### **Section 3.2.7.2 – Specific Plan III Description** (concerning second paragraph only)

The two K-8 schools have been located on collector streets separated by the approximately 8.5 acre Neighborhood Park. There are two joint use areas in the Neighborhood Park which are located adjacent to each school. The primary school building will be sited to provide the central focus within each school campus. The primary religious assembly building is located to orient towards De Anza Boulevard and ~~Grant Line Road~~ Teixeira Avenue. [*underlining denotes added text*]

## EXISTING

**Section 9.5.1 – Master Plan Summary – Arterial Intersections** (concerning first paragraph only)

The Master Plan requires that safe intersections be provided through properly designed signalization and lane channelization at appropriate locations. New driveways and minor access points are prohibited on existing County Arterials. Existing driveways and access points may remain, but should be relocated if possible to meet the minimum spacing requirement. No new building or increased traffic uses are allowed on existing access points.

## PROPOSED

**Section 9.5.1 – Master Plan Summary – Arterial Intersections** (concerning first paragraph only)

The Master Plan requires that safe intersections be provided through properly designed signalization and lane channelization at appropriate locations. Intersections, driveways, and minor access points on existing County Arterials must be spaced at least 1/8 mile (660 feet) apart. ~~New driveways and minor access points are prohibited on existing County Arterials.~~ Existing driveways and access points may remain, but should be relocated if possible to meet the minimum spacing requirement. Proposed intersections, driveways, and minor access points that cannot achieve 1/8 mile (660 feet) spacing may be permitted as determined by a traffic study or other applicable study. No new building or increased traffic uses are allowed on existing access points. [*underlining denotes added text*]

## EXISTING

### Section 9.5.3 – Implementation Measures (concerning Implementation Measure (b) only)

- b. MHCSD Arterial Intersection Design Requirements.
- Intersections on existing County arterials shall be spaced at least 1/8 mile apart.
  - New driveways and minor access points shall be prohibited on existing County arterials. Existing driveways and access points may remain, but shall be encouraged to relocate. No new building or increased traffic uses shall be allowed on existing access points.
  - All implementing projects shall comply with the applicable provisions of the MHCSD Roadway Improvement Plan, Development Standards (see Section 1: General Design Requirements and Section 2: Street Design Standards), and Design Manual, as amended (see Chapter Three: Streetscape and Chapter Nine: Entries).

## PROPOSED

### Section 9.5.3 – Implementation Measures (concerning Implementation Measure (b) only)

- b. MHCSD Arterial Intersection Design Requirements.
- Intersections, driveways, and minor access points on existing County arterials shall be spaced at least 1/8 mile (660 feet) apart. [*underlining denotes added text*]
  - ~~New driveways and minor access points shall be prohibited on existing County arterials.~~ Existing driveways and access points may remain, but shall be encouraged to relocate to meet the minimum spacing requirement. Proposed intersections, driveways, and minor access points that cannot achieve 1/8 mile (660 feet) spacing may be permitted as determined by a traffic study or other applicable study. No new building or increased traffic uses shall be allowed on existing access points. [*underlining denotes added text*]
  - All implementing projects shall comply with the applicable provisions of the MHCSD Roadway Improvement Plan, Development Standards (see Section 1: General Design Requirements and Section 2: Street Design Standards), and Design Manual, as amended (see Chapter Three: Streetscape and Chapter Nine: Entries).



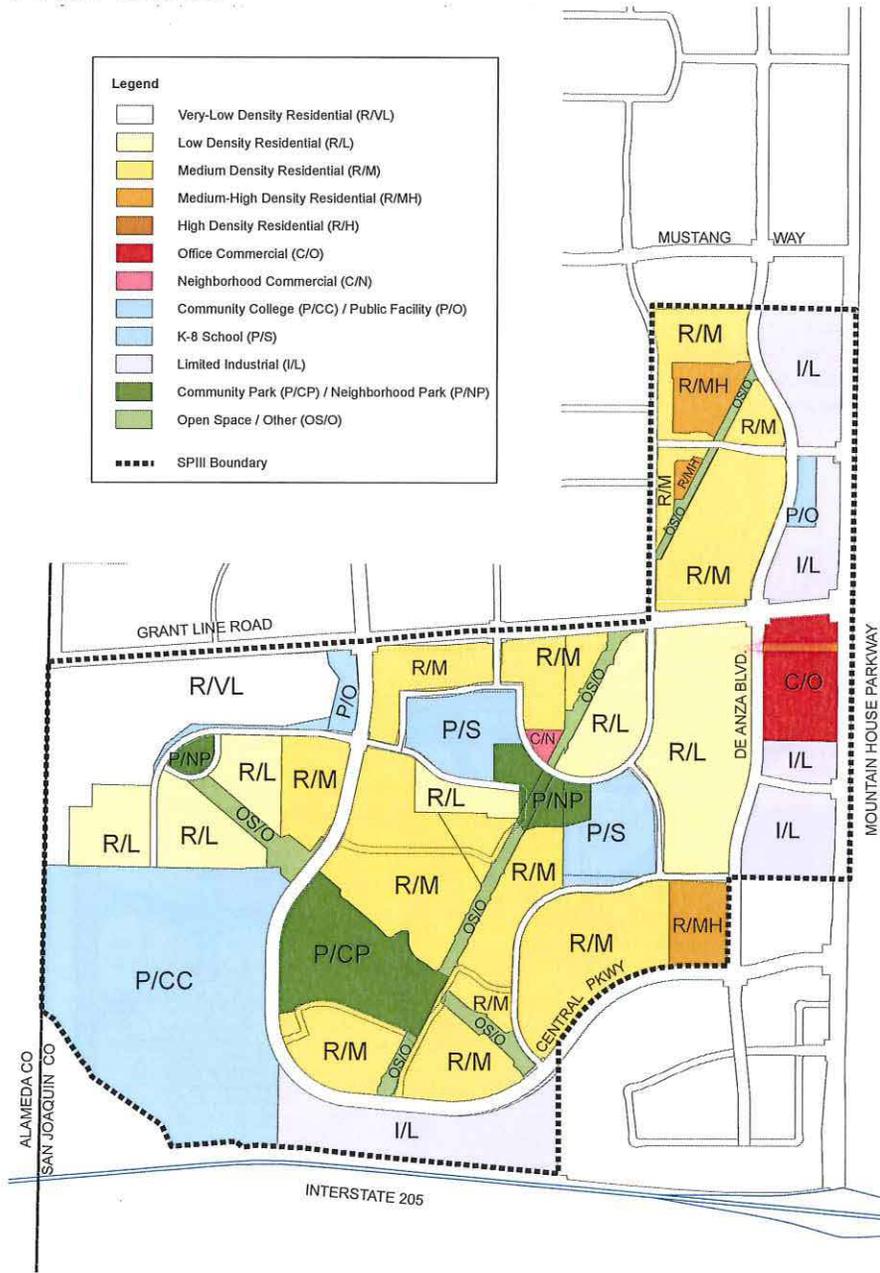
## **EXHIBIT 2**

### **SPECIFIC PLAN III AMENDMENTS**

#### **B. MAP FIGURE AMENDMENTS**



# PROPOSED



**FIGURE 3-2: LAND USE MAP AND RESIDENTIAL BUILDOUT**

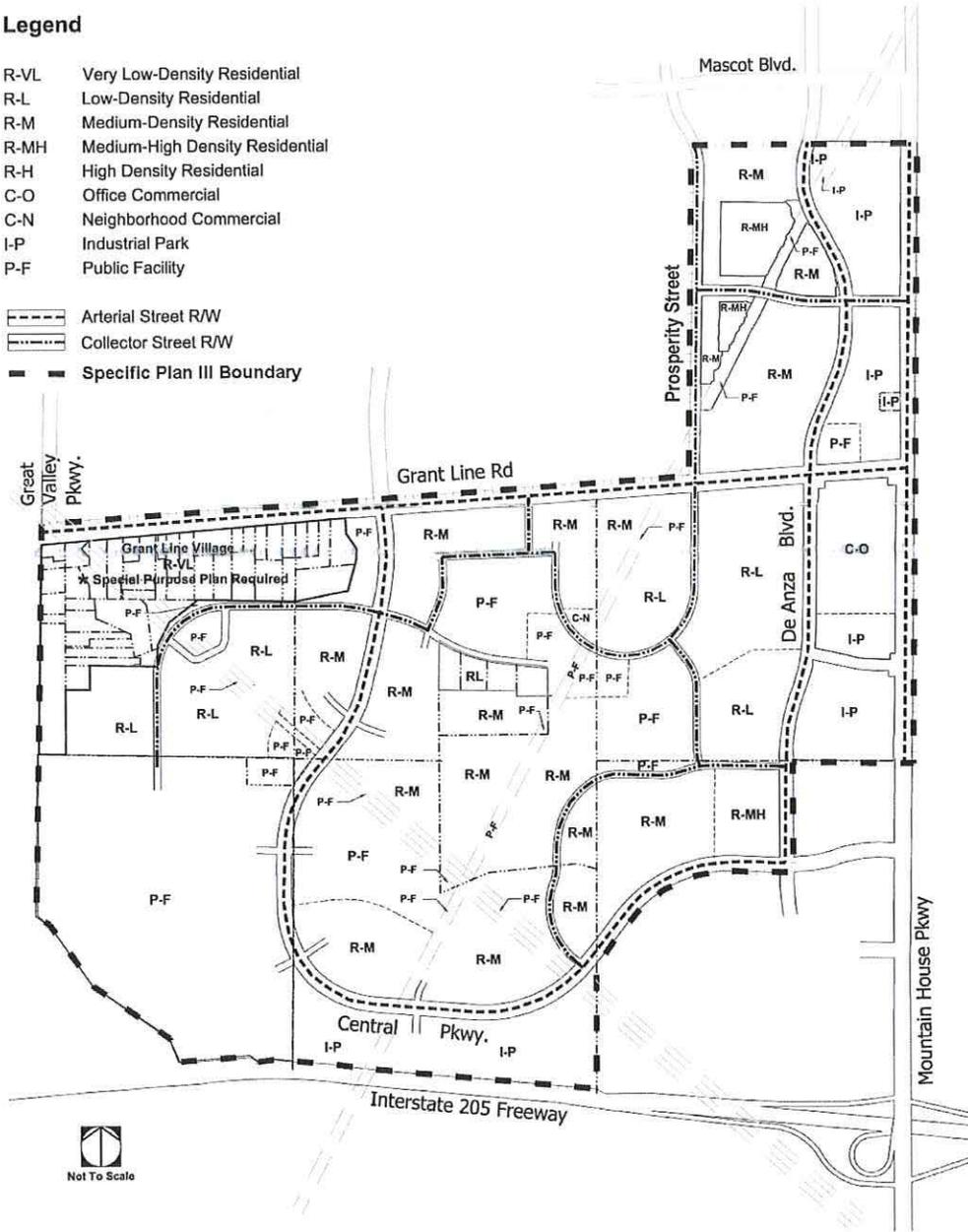
Expected as per waste water limitations (See Table 3-3; Neighborhood Minimum, Maximum and Expected Residential Units)

# EXISTING

## Legend

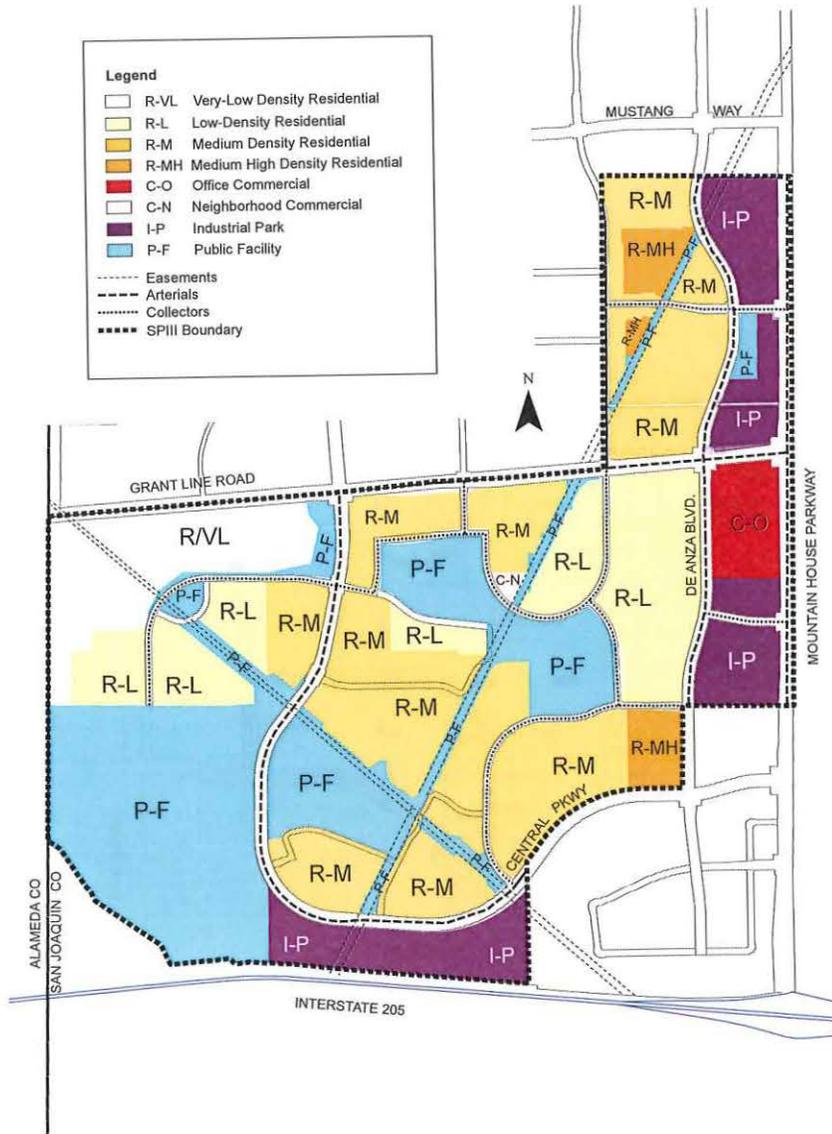
- R-VL Very Low-Density Residential
- R-L Low-Density Residential
- R-M Medium-Density Residential
- R-MH Medium-High Density Residential
- R-H High Density Residential
- C-O Office Commercial
- C-N Neighborhood Commercial
- I-P Industrial Park
- P-F Public Facility

-  Arterial Street R/W
-  Collector Street R/W
-  Specific Plan III Boundary



**FIGURE 3-4: SPECIFIC PLAN III MAP ZONING DIAGRAM**

# PROPOSED



**FIGURE 3-4: SPECIFIC PLAN III MAP ZONING DIAGRAM**

## **EXHIBIT 3**

# **USE PERMIT CONDITIONS OF APPROVAL**



**CONDITIONS OF APPROVAL  
PA-1800159  
MHI LLC/TURLOCK PETROLEUM**

Use Permit Application No. PA-1800159 was approved by the Board of Supervisors on . The effective date of approval is . This approval will expire on , 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: John Funderburg, (209) 468-3160)
  - a) **APPROVED USE:** This approval is for the development of the proposed commercial retail plaza which includes the construction of the following structures using the Civic Italianate architectural style as shown the site plan dated :
    - Building 1, located adjacent to Mountain House Parkway, to contain 7,000 square feet for a proposed full-service restaurant with an outside patio;
    - Building 2, located adjacent to Grant Line Road, to contain 2,400 square feet for a proposed restaurant with a drive-through service lane;
    - Building 3, located at the northeast corner of Grant Line Road and De Anza Boulevard, to contain 2,400 square feet for a proposed restaurant with a drive-through service lane;
    - Building 4, located in the central portion of the development north of the gas pumps, to contain 6,750 square feet for a proposed convenience store and restaurant;
    - A canopy structure for 10 gas pumps, located in the central portion of the development adjacent to Grant, associated with the proposed convenience store and restaurant; and
    - A car wash, located adjacent to De Anza Boulevard north of Building 3, to contain 3,133 square feet.
  - b) **BUILDING PERMIT:** Submit an "APPLICATION-BUILDING PERMIT". The Site Plan required as part of the building permit must be prepared by a registered civil engineer or licensed architect. This Plan must show drainage, driveway access details including gates, on-site parking, landscaping, signs, existing and proposed utility services, and grading (refer to the "SITE PLAN CHECK LIST" for details). A fee is required for the Site Plan review. (Development Title Section 9-884)

- 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) **CONSISTENCY:** Improvement plans and all subsequent development and building applications within the boundaries of this project approval shall be reviewed by the Community Development Department and Design Consistency Review Committee (DCRC) and found consistent with the Mountain House Master Plan, Specific Plan IIII, Mountain House Development Title, and other applicable plans, standards and requirements prior to issuance of any discretionary approvals or ministerial permits. (Development Title Section 9-205.8M(b))

**Timing: Prior to the issuance of any discretionary or ministerial permits.**

- e) **COMMON ARCHITECTURAL THEME:** The "Civic Italianate" architectural theme shall be used throughout the project area. Buildings within the project site shall be consistent with the Design Guidelines for this architectural theme, as provided in the Mountain House Commercial, Office, and Industrial Design Manual, with attention to common forms, details, materials and colors. Building details such as entries, columns, articulation of windows, overhangs, trellises, gates, fences, and furnishings, shall be emphasized. (Mountain House Commercial, Office, and Industrial Design Manual, Chapter 4)

**Note: Prior to the approval of Improvement Plans and Building Permits**

- f) **LANDSCAPING:** Landscaping shall be provided and comply with the following:
  - i) Site Planning and Landscaping shall be provided and comply with the Mountain House Commercial, Office and Industrial Design Manual. Landscape plans prepared by a Landscape Architect shall be submitted with the Improvement Plans.

**Timing: Prior to the approval of Improvement Plans and Building Permits**

- g) **PARKING:** Off-street parking shall be provided and comply with the following:
  - i) All parking spaces, driveways, and maneuvering areas shall be surfaced and permanently maintained with asphalt concrete or Portland cement concrete to provide a durable, dust free surface. Bumper guards shall be provided when necessary to protect adjacent structures or properties. (Development Title Section 9-1015.5[e])
  - ii) 127 parking spaces shall be provided. (Development Title Section 9-1015.9M)
  - iii) Each parking stall shall be an unobstructed rectangle, minimum eight and one-half feet (8 ½) feet wide and eighteen (18) feet long to serve both full sized and compact cars. (Development Title Section 9-1015.5M(b))
    - (1) **Compact Spaces.** If parking stalls are not designed to accommodate both full-sized and compact cars, as specified in iii., compact spaces shall comprise a minimum of twenty-five percent (25%) of the total parking spaces required.

- iv) All parking stalls and directional arrows must be delineated with paint. (Development Title Section 9-1015.5[d])
- v) The site shall provide secure bicycle facilities, consisting of bicycle lockers or racks as appropriate, free of charge to all employees. Bicycle parking rack or storage device shall be provided at a rate of five (5) spaces per building complex plus one (1) space for every fifteen (15) automobile parking spaces. (Development Title Section 9-1015.7M)
- vi) **Truck Parking and Loading:** The requirements for truck parking and loading shall be as provided in the Development Title, with the following modification:
  - (1) Areas for receiving and loading of material on the premises of commercial and industrial uses shall be located away from the public street to which the use is oriented. (Development Title Section 9-1015.6M)

**Timing: Prior to the approval of Improvement Plans and Building Permits.**

- h) **FENCING AND PRIVACY WALLS:** Fencing and Privacy Walls shall be provided and comply with the following:
  - i) Site perimeter, screening, and area fencing shall be consistent with the Mountain House Commercial, Office and Industrial Design Manual. (Chap. 3)

**Timing: Prior to the approval of Improvement Plans and Building Permits.**

- i) **SERVICE AREAS:** Service Areas shall be provided and comply with the following:
  - i) All service, trash, storage areas, and utility equipment shall be screened from public view utilizing a combination of planting and architectural elements that are consistent with the project architecture. (Mountain House Commercial, Office and Industrial Design Manual, Chap. 3, Pg. 21)
  - ii) Walls used for screening shall be a minimum of six inches higher than the item/area being screened. (Mountain House Commercial, Office and Industrial Design Manual., Chap. 3, Pg. 21)
  - iii) Refuse collection and storage shall be located to the rear and sides of buildings, covered with a roof, and sized to contain all refuse generated on site between collections. (Mountain House Commercial, Office and Industrial Design Manual., Chap. 3-21)

**Timing: Prior to the approval of Improvement Plans and Building Permits.**

- j) **ACCESS AND CIRCULATION:** The following requirements apply and shall be shown on the Site Plan:
  - i) Access driveways shall have a width of no less than twenty-four (24) 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 9-1015.5M[g][1])

- ii) The design of the driveway access and traffic circulation plan for the site shall be incorporated into the construction plans.

**Timing: Prior to the approval of Improvement Plans and Building Permits.**

- k) **LIGHTING:** All off-street parking areas within commercially-zoned projects, and projects where the parking area is used at night, shall be provided with exterior lighting which meets the following standards:
  - i) Parking lot luminaries shall be metal halide with ninety (90) degree cut-off and flat lenses, unless specified differently in the applicable Mountain House Design Manual. (Development Title Section 9-1015.5M[f][1])
  - ii) 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])

**Timing: Prior to the approval of Improvement Plans and Building Permits.**

- l) **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])
- m) **NOISE:** The following Noise mitigation measures will be incorporated into the final design of the proposed car wash:
  - (1) The car wash dryer used for the project shall be the Mark VII, AquaDri E-30 or similar car wash not exceeding an exterior noise level of 74 dBA at 50 feet from the car wash exit.
  - (2) The car wash blowers should be set to run for a period no more than 60 seconds per car wash cycle.
  - (3) The car wash shall operate only during the hours of 7:00a.m. – 10:00p.m.

**Timing: Prior to the approval of Improvement Plans and Building Permits.**

- n) **GREEN HOUSE GASES:** Prior to approval of improvement plans, and prior to issuance of building permits the project applicant shall submit a Greenhouse Gas (GHG) Mitigation Plan to the San Joaquin County Community Development Department.
  - (1) The GHG Mitigation Plan shall specify Best Performance Standards (BPS) to be implemented by the project, as well as any other project-specific GHG reduction measures, sufficient to reduce the project's estimated annual GHG emissions by 315.24 MTCO<sub>2</sub>e/yr or to a total of 5,818.95 MTCO<sub>2</sub>e/yr (29 percent from the modeled baseline emissions of 8,195.70 MTCO<sub>2</sub>e/yr). Potential BPS and GHG reduction measures may include, but are not be limited to, the following:

- (a) Provide on-site renewable energy (e.g., solar photovoltaic systems);
- (b) Include electric vehicle charging stations;
- (c) Encourage use of alternative-fueled vehicles/trucks;
- (d) Exceed Title 24 energy efficiency standards;
- (e) Install energy-efficient lighting and control systems;
- (f) Install energy-efficient mechanical systems;
- (g) Provide only drought-tolerant plantings;
- (h) Use efficient irrigation systems; and
- (i) Use low-flow plumbing fixtures.

Calculations shall be included in the GHG Mitigation Plan validating that with implementation of the BPS, the project's estimated annual GHG emissions would be reduced to the necessary level stated above.

**Timing: Prior to the approval of Improvement Plans and Building Permits.**

- o) **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:
  - i) 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.
  - ii) A grading permit will be required for this project. Submit plans and grading calculations, including a statement of the estimated quantities of excavation and fill, prepared by a Registered Design Professional. The grading plan shall show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of the code. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of the code.
  - iii) 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 protection system shop drawings, including fire sprinkler and fire alarm systems, truss design submittals, metal building shop drawings, structural plans and calculations, plumbing, electrical and mechanical drawings and energy report.

- iv) A soils report is required pursuant to CBC § 1803 for foundations and CBC appendix § J104 for grading. All recommendations of the Soils Report shall be incorporated into the construction drawings.
- v) For each proposed new building, provide the following information on the plans:
  - (1) Description of proposed use
  - (2) Existing and proposed occupancy Groups
  - (3) Type of construction
  - (4) Sprinklers (Yes or No)
  - (5) Number of stories
  - (6) Building height
  - (7) Allowable floor area
  - (8) Proposed floor area
  - (9) Occupant load based on the CBC
  - (10) Occupant load based on the CPC
- vi) Accessible routes shall be provided per CBC § 11B-206. At least one accessible route shall be provided within the site from accessible parking spaces and accessible passenger loading zones; public streets and sidewalks; and public transportation stops to the accessible building or facility entrance they serve. Where more than one route is provided, all routes must be accessible. §11B- 206.2.1
- vii) At least one accessible route shall connect accessible buildings, accessible facilities, accessible elements and accessible spaces that are on the same site. §11B-206.2.2
- viii) At least one accessible route shall connect accessible building or facility entrances with all accessible spaces and elements within the building or facility, including mezzanines, which are otherwise connected by a circulation path. §11B-206.2.4
- ix) 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.
- x) Adequate sanitary facilities shall be provided for the facility, per the requirements of Chapter 4 of the California Plumbing Code.
- xi) Pursuant to Section 422.4 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.
- xii) 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

- p) **CALIFORNIA FIRE CODE REQUIREMENTS:** The following California Fire Code (CFC) 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.
- i) CFC 507 Fire Protection Water Supply – Fire flow and hydrants shall be provided for the proposed project by the use of: CFC Appendix B – Fire Flow Requirements for Buildings and Appendix C – Fire Hydrant Locations and Distribution.
  - ii) Fire Protection Systems shall be installed according to the CFC, Chapter 9 and the appropriate standards and guides adopted in Chapter 35 of the California Building Code and the California Electrical Code.
  - iii) CFC, Section 503 Fire Apparatus Access Roads – Shall be provided as required by this section. 503.1.2 – A secondary access may be required.
  - iv) CFC, Section 906 Portable Fire Extinguishers – Provide portable fire extinguishers as required by this section.
  - v) CFC, Section 506 Key Box – A Knox® Box shall be installed according to the local fire department's instructions. Make application for the key box at the fire district having jurisdiction of this project. If there is an electronically controlled access gate at this site a Knox® key switch will also be required.
  - vi) CFC, Section 5001.3.3.1 Properties of Hazardous Materials – A complete list of hazardous materials used and or stored at this site shall be provided.
  - vii) A complete review, at building permit submittal, will require compliance with applicable codes and ordinances.
  - viii) CFC, Section 105 Permits: Operation Permit(s) may be required prior to occupancy.

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 the 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)

Informational Notes:

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

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.

*\*Note: Based on the proposed project notes for the occupancy, an automatic fire sprinkler removed through future consultations and reviews.*

- 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 as soon as combustible material 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 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
- i) The Fire Department Fire Access Roads shall meet the requirements established by the San Joaquin County Fire Chiefs 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.

5) MOUNTAIN HOUSE COMMUNITY SERVICES DISTRICT (Staff Contact: Anthony Docto, (209) 831-5666)

- a) All new frontage improvements, traffic signage, striping, curb markings/painting, and pavement markings shall be constructed as per MHCSD current standards.
- b) Applicant shall be responsible for repair and/or improvements for any facilities damaged by Applicant and/or its construction parties, its operations, to meet MHCSD current standards.
- c) All catch basins within the development site shall include MHCSD approved filters/inserts or an alternative onsite solution that meets MHCSD requirements for treatment and include an MHCSD approved long-term maintenance plan.
- d) The Applicant shall be the responsible, in perpetuity, for the ongoing costs to upkeep, maintain, and ensure functionality of said approved catch basin filters/inserts as approved by the MHCSD. The applicant will be required to sign a storm water management plan with the MHCSD.
- e) All catch basins adjacent to and within the development area shall include a filter/insert per the MHCSD storm water management plan.
- f) All water lines shall include water meters, backflow prevention devices and fully comply with MHCSD standards and ordinances to protect the public water system.
- g) All water lines must include a valve to isolate and shut off the line in case of a leak or failure.
- h) All onsite utility facilities shall be privately owned and maintained in accordance with MHCSD ordinances and standards.
- i) Utility easements shall be provided to MHCSD on all utility lines and facilities for MHCSD inspections.
- j) Applicant shall modify and/or reconstruct any existing infrastructure improvements, such as curb, gutter, sidewalks, landscaping, pavement markings, signage, lighting, etc., to control access in and out, as well as parking, of the proposed development area onto arterial roads and/or local roads, as approved by MHCSD. Such determinations shall be made during the Improvement Plan review process and/or the Encroachment permit review process and/or prior to the building permit issuance.
- k) Applicant shall coordinate with the master developer (MHI) and ensure that all surrounding arterial roadways, including landscaping, and improvements such as the Community Entry and traffic signals.
- l) Please confirm that the proposed development will have a 3<sup>rd</sup> party to cover and maintain all proposed on-site and development - related improvements.

- m) Provide onsite civil improvement plans:
  - a. Show details of connection points
  - b. Any unused stubs need to be capped at the property line.
- n) Provide cut sheets for proposed equipment (such as backflow prevention devices, double check valves, etc.) used at points of connections.
- o) Provide details for on-site storm water management plan.
- p) Applicant shall complete all unfinished and perimeter landscaping to the ultimate design and per the MHCS standards and guidelines.
- q) Show the sight line triangles for all driveway exits.
- r) Please confirm with the county that the on-site landscaping and architecture is being reviewed for consistency with the applicable Commercial, Office and Industrial Design Manual, standards, and guidelines
- s) Provide a graphical plan showing the delivery truck/tanker access to the site.
- t) All improvements (frontage and off-site) identified by the traffic study shall be incorporated into a preliminary plan and submitted to MHCS for review and approval
  - bb) Provide an evaluation for On-Site Storm and Runoff Water Treatment requirements in accordance with the NPDES permit requirements, specifically the MS4 permit requirements for on-site water treatment related to the car wash facility.
- u) Provide documentation and requirements with the Regional Water Quality Board permit related to on-site water treatment related to the Car Wash facility.
- v) All on-site water treatment facilities and NPDES, RWQB permit requirements shall be incorporated into the plans and submitted to MSCSD for review and approval.
- w) Coordinate with MHI regarding the Grant Line Road widening improvements, specifically with the addition of acceleration and deceleration lanes, ADA ramps, frontage improvements and ADA ramps, and signal modification (if any) at Mountain House Parkway/Grant Line Road.
- x) Evaluate landscaping and lighting requirements on Mountain House Parkway between Grand Line and Interior Road (both sides).
- y) The Applicant shall design and construct all improvements in accordance with the latest version of the Mountain House Community Services District (MHCS) Standard Specifications and Details.

- z) The Applicant shall execute a maintenance agreement with the MHCSD for storm water quality control treatment devices to the satisfaction of MHCSD.
- aa) Construct a deceleration lane on Mountain House Parkway to the Internal Road with a minimum length of 100 feet storage, plus 120 feet transition.
- bb) Extend the Right turn lane on Mountain House Parkway between the Internal Road and Grant Line Road.
- cc) Construct deceleration lane and right lane pocket on Grant line Road between Mountain House Parkway and De Anza Road. The right lane pocket for the first driveway shall be a minimum of 150 feet, plus 90 feet transition.
- dd) Install No-Left Sign for Southbound De Anza Blvd. at the Internal Road.
- ee) Install double Raised Pavement Marker (RPM) (2 feet-wide) for the westbound left-turn lane at Grant Line Road at De Anza Blvd to prevent left turn traffic from the westerly driveway to merge into the left turn lane. The RPM shall extend all the way through the westerly driveway. Install No-Truck U-Turn lane for the westbound left-turn lane. Incorporate additional traffic safety measures, including signing, striping, delineations, etc. to prevent merging of the traffic between the westerly driveway and De Anza Blvd and for safe egress from both driveways on Grant Line Road.
- ff) Extend the left turn lane on Grant Line Road at De Anza with a minimum of 250 feet storage and 90 feet transition.
- gg) Widen both Driveway access to the Interior Road (on Both De Anza Blvd. and Mountain House Parkway) to a minimum of 35 feet width with 30 feet curb returns.
- hh) Construct all frontage improvements, including curb, gutter, sidewalk, irrigation, landscaping, storm drain facilities and fire hydrants adjoining the property along Grant Line and De Anza Blvd.
- ii) Construct all frontage improvements, including curb, gutter, sidewalk, irrigation, landscaping, storm drain facilities, median landscaping and irrigation, and fire hydrants on both side of Mountain House Parkway.
- jj) Incorporate all On-Site Water Quality Treatment, NPDES and RWQCB requirements per the original comments (CSD comment).
- kk) Install STOP control signage and striping at all driveway exits.

6) SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT (Staff Contact: Sharla Yang, (559) 230-5934

- a) Based on information provided to the District, Project specific annual emissions of criteria pollutants are not expected to exceed any of the following District significance thresholds: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of 10 microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5). Therefore, the District concludes that the Project would have a less than significant impact on air quality when compared to the above-listed annual criteria pollutant emissions significance thresholds.
- b) The IS/MND indicates that the Project would include several onsite restaurants, the nature of which are not known at this time. The IS/MND presented a qualitative assessment which relies upon the District to require controls on any future sources that may emit toxic air contaminants, making the impact less than significant. Currently, the only source of restaurant emissions subject to District regulations is chain-driven charbroilers. Therefore, it would be reasonable to conclude that chain-driven charbroilers would have a less than significant health impact. However, please note that sources such as underfired charbroilers, deep fat fryer, or griddles are not subject to District rules and their emissions may have a significant health impact.
- c) District Rule 9510 (Indirect Source Review) is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site fees. The proposed Project is subject to District Rule 9510 (Indirect Source Review) if it has or will receive a project-level discretionary approval from a public agency and will equal or exceed 2,000 square feet of commercial space, or (2) if it has or will receive project-level approval from a public agency and will equal or exceed 10,000 square feet of commercial space.

If subject to the rule, an Air Impact Assessment (AIA) application is required prior to applying for project-level approval from a public agency. In this case, if not already done, please immediately submit an AIA application to the District to comply with District Rule 9510. In the case the Project is subject to District Rule 9510 an AIA application is required and the District recommends that demonstration of compliance with District Rule 9510, before issuance of the first building permit, be made a condition of Project approval. Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>. The AIA application form can be found online at: <http://www.valleyair.org/ISR/ISRFormsAndApplications.htm>.

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

- e) Particulate Matter 2.5 microns or less in size (PM2.5) from under-fired charbroilers pose immediate health risk. Since the cooking of meat can release carcinogenic PM2.5 species like polycyclic aromatic hydrocarbons, controlling emissions from under-fired charbroilers will have a substantial positive impact on public health.

Charbroiling emissions occur in populated areas, near schools and residential neighborhoods, resulting in high exposure levels for sensitive Valley residents. The air quality impacts on neighborhoods near restaurants with under-fired charbroilers can be significant on days when meteorological conditions are stable, when dispersion is limited and emissions are trapped near the surface within the surrounding neighborhoods. This potential for neighborhood-level concentration of emissions during evening or multi-day stagnation events raises environmental concerns.

Furthermore, the latest photochemical modeling indicates that reducing commercial charbroiling emissions is critical to achieving attainment of multiple federal PM2.5 standards and associated health benefits in the Valley.

Therefore, the District strongly recommends new restaurants that will operate under-fired charbroilers install emission control systems during the construction phase since installing charbroiler emissions control systems during construction of new facilities is likely to result in substantial economic benefit compared to costly retrofitting. To ease the financial burden for Valley businesses that wish to install control equipment before it is required by District Rule 4692 (Commercial Charbroiling), the District is currently offering substantial incentive funding that covers the full cost of purchasing, installing, and maintaining the system for up to two years. Please contact the District at (559) 230-5800 or [technology@valleyair.org](mailto:technology@valleyair.org) for more information.

- f) The proposed Project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this Project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm).

## **EXHIBIT 4**

# **MINOR SUBDIVISION CONDITIONS OF APPROVAL**



**CONDITIONS OF APPROVAL  
PA-1800160  
MHI LLC/TURLOCK PETROLEUM**

Minor Subdivision Application No. PA-1800160 was approved by the Board of Supervisors on. The effective date of approval is. This tentative map approval will expire on, which is three years from the effective date of approval, unless (1) all Conditions of Approval have been complied with and (2) a Parcel Map has been filed with and accepted by the County Surveyor.

Unless otherwise specified, all Conditions of Approval and Ordinance requirements shall be fulfilled prior to approval of the Parcel Map. 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: John Funderburg, 209-468-3160)
  - a. **TENTATIVE MAP:** The Parcel Map shall substantially conform with the revised tentative map dated December 7, 2018.
  - b. **RIGHT TO FARM:** Pursuant to San Joaquin County Code Section 6-9004(b), the following note shall be placed on the Parcel Map and recorded as a separate instrument:
    - (1) All persons purchasing lots within the boundaries of this approved map should be prepared to accept the inconveniences or discomforts associated with agricultural operations or activities, such as noise, odors, insects, dust or fumes. San Joaquin County has determined that such inconveniences or discomforts shall not be considered to be a nuisance.
  - c. **LOT SIZE AND WIDTH:** The following lot size and width regulations shall apply to this map:
    - (1) Parcel 1 shall have a minimum lot area of three (3) net acres in size.
    - (2) Parcels 2 & 3 shall have a minimum lot width 100 feet, measured at the front yard setback line. (Development Title Section 9-510.4M)
    - (3) Parcels 2 & 3 shall have a minimum lot area of 10,000 square feet. (Development Title Section 9-510.3M)
2. COUNTY COUNSEL

**HOLD HARMLESS PROVISION:** Pursuant to Section 66474.9 of the Government Code, the subdivider shall defend, indemnify, and hold harmless the local agency or its agents, officers, and employees from any claim, action, or proceeding against the local agency or its agents, officers, or employees to attack, set aside, void, or annul an approval of the local agency, advisory agency, appeal board, or legislative body concerning a subdivision, which action is brought within the time provided for in Section 66499.37 of the Government Code.

3. DEPARTMENT OF PUBLIC WORKS (Contact Staff: Alex Chetley, (209) 468-3023)
  - a. A Parcel Map is required. (Development Title Section 9-915.2)
  - b. All easements of record shall be shown on the Parcel Map. (Development Title Section 9-910.20)
4. ENVIRONMENTAL HEALTH DEPARTMENT (Contact Staff: Naseem Ahmed (209) 468-3436)
  - a. A qualified environmental professional shall prepare a surface and subsurface contamination report, identifying any potential source of surface or subsurface contamination caused by past or current land uses. The report shall include evaluation of non-point source of hazardous materials, including agricultural chemical residues, as well as potential point sources, such as fuel storage tanks, septic systems, or chemical storage areas. If the report indicates there is contamination, corrective action shall be taken, as recommended in the report and concurred with by Environmental Health prior to recordation of parcel map. San Joaquin County Development Title, Section 9-905.12(a)(c) and San Joaquin County Development Title, Section 9-905.12(M).





NEGATIVE DECLARATION

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

                  X       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: **PA-1800157 (MP), PA-1800158 (SP), PA-1800159 (UP), PA-1800160 (MS)**

PROPOSER: Mountain House Investors, LLC

PROJECT DESCRIPTION: The project consists of a Master Plan Amendment (PA-1800157), a Specific Plan III Amendment (PA-1800158), a Use Permit (PA-1800159), and a Minor Subdivision (PA-1800160). The Master Plan Amendment and Specific Plan III Amendment primarily focus on changes to the map figures and text of these documents to conform to the proposed commercial and retail development project for the Specific Plan III planning area, located at the northwest corner intersection of Mountain House Parkway and Grant Line Road. The Use Permit and Minor Subdivision application requests are included in the project description and facilitate the underlying commercial and retail development project. The Minor Subdivision will subdivide an existing 15.89 acre parcel into three parcels. Parcel 1 containing 3.00 acres; Parcel 2 containing 8.75 acres; and Parcel 3 containing 4.14 acres. Parcel 3 will include the commercial and retail developments proposed under the Use Permit application which include the followings buildings and structures:

- Building One a 7,000 square foot restaurant commercial building
- Building Two a 2,400 square foot restaurant commercial building with a drive-thru lane
- Building Three a 2,400 square foot restaurant commercial building with a drive-thru lane
- Building Four a 6,750 square foot commercial convenience store and restaurant with a drive-thru lane
- A 6,054 square foot canopy structure for 10 gas pumps
- A 3,133 square foot car wash building

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

Date: *January 4, 2019*

Contact Person: John Funderburg

Phone: (209) 468-3160

**INITIAL STUDY/NEGATIVE DECLARATION**

[Pursuant to Public Resources Code Section 21080(c) and California Code of Regulations, Title 14, Sections 15070-15071]

**LEAD AGENCY:** San Joaquin County Community Development Department

**PROJECT APPLICANT:** Turlock Petroleum

**PROJECT LOCATION:** Located at the northwest corner intersection of Mountain House Parkway and Grant Line Road. (SP IIII Planning Area)

**PROJECT TITLE/FILE NUMBERS:** The project consists of a Master Plan Amendment (PA-1800157), a Specific Plan III Amendment (PA-1800158), a Use Permit (PA-1800159), and a Minor Subdivision (PA-1800160). The Master Plan Amendment and Specific Plan III Amendment primarily focus on changes to the map figures and text of these documents to conform to the proposed commercial and retail development project for the project located at the northwest corner intersection of Mountain House Parkway and Grant Line Road. The Use Permit and Minor Subdivision application requests are included in the project description and facilitate the underlying commercial and retail development project. The Minor Subdivision will subdivide an existing 15.89 acre parcel into three parcels. Parcel 1 containing 3.00 acres; Parcel 2 containing 8.75 acres; and Parcel 3 containing 4.14 acres. Parcel 3 will include the commercial and retail developments proposed under the Use Permit application which include the followings buildings and structures:

- Building One a 7,000 square foot restaurant commercial building
- Building Two a 2,400 square foot restaurant commercial building with a drive-thru lane
- Building Three a 2,400 square foot restaurant commercial building with a drive-thru lane
- Building Four a 6,750 square foot commercial convenience store and restaurant with a drive-thru lane
- A 6,054 square foot canopy structure for 10 gas pumps
- A 3,133 square foot car wash building

**ASSESSOR'S PARCEL NO.:** 209-450-35

**ACRES:** 20.72

**GENERAL PLAN:** (I/L) Limited Industrial; (P/F) Public Facilities

**ZONING:** (I-P) Industrial Park; (P-F) Public Facilities

**POTENTIAL POPULATION, NUMBER OF DWELLING UNITS, OR SQUARE FOOTAGE OF USE(S):**

7,000 square foot restaurant commercial building; 2,400 square foot restaurant commercial building with a drive-thru lane; 2,400 square foot restaurant commercial building with a drive-thru lane; 6,750 square foot commercial convenience store and restaurant with a drive-thru lane; 6,054 square foot canopy structure for 10 gas pumps; and a 3,133 square foot car wash building

**SURROUNDING LAND USES:**

**NORTH:** Industrial/Vacant

**SOUTH:** Commercial/Grant Line Road

**EAST:** Mountain House Pkwy/Agriculture

**WEST:** Residential

**REFERENCES AND SOURCES FOR DETERMINING ENVIRONMENTAL IMPACTS:**

Original source materials and maps on file in the Community Development Department including: all County and City general plans and community plans; assessor parcel books; various local and FEMA flood zone maps; service district maps; maps of geologic instability; maps and reports on endangered species such as the Natural Diversity Data Base; noise contour maps; specific roadway plans; maps and/or records of archeological/historic resources; soil reports and maps; etc.

Many of these original source materials have been collected from other public agencies or from previously prepared EIR's and other technical studies. Additional standard sources which should be specifically cited below include on-site visits by staff (note date); staff knowledge or experience; and independent environmental studies submitted to the County as part of the project application (note report title, date, and consultant).

**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): Mountain House Community Services District

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

Yes  No City: City of Tracy

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

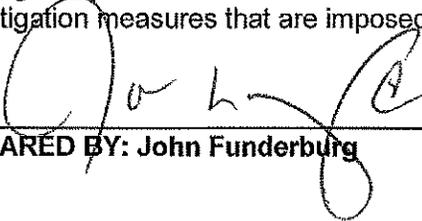
The environmental factors checked below would be potentially affected by this project, as indicated by the checklist on the following pages.

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

**DETERMINATION:**

On the basis of this initial evaluation:

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

  
PREPARED BY: John Funderburg

TITLE: Principal Planner

DATE: January 4, 2019

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>I. AESTHETICS</b>				
Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

a-d) The proposed project involves the processing of four applications (Master Plan Amendment, Specific Plan III Amendment, Use Permit, and Minor Subdivision) to facilitate the construction of a retail, commercial, eating establishments, and gasoline services plaza. The proposed project and land use improvements for the project site are subject to the site planning and architecture standards contained in the Mountain House Commercial, Office, and Industrial Design Manual. The project site and design of the buildings will also be subject to the Design Review Process to ensure the architecture, character, and quality envisioned for the site and the community are maintained. Therefore, the proposed project will have a less than significant impact on aesthetics for the Mountain House community and its surroundings.

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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**II. AGRICULTURE AND FORESTRY RESOURCES**

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:

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

**Impact Discussion:**

- a-e) The proposed project will consist of the construction of a retail services and commercial eating establishment plaza. The current zoning for the property is I-P (Industrial Park) and P-F (Public Facilities) the proposed project will not affect adjacent agricultural uses, agricultural zoning within or adjacent to Mountain House nor will it effect existing Williamson Act contracts. Therefore, the proposed application request(s) will have no impact on agriculture and forestry resources.

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>III. AIR QUALITY</b>				
Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

a-c) Areas not meeting federal and State ambient air quality standards are designated as nonattainment areas, which are required to have an air quality plan containing strategies and control measures to attain the ambient air quality standards. The San Joaquin County, including the proposed project site, is located within the San Joaquin Valley Air Basin (SJVAB) and is within the jurisdictional boundaries of the San Joaquin Valley Air Pollution Control District (SJVAPCD). The area is designated as extreme nonattainment for the federal 8-hour ozone standard, nonattainment for the federal particulate matter 2.5 microns in diameter (PM<sub>2.5</sub>) standard, and attainment or unclassified for all other federal standards. At the State level, the area is designated as severe nonattainment for the 1-hour ozone standard, nonattainment for the 8-hour ozone, particulate matter 10 microns in diameter (PM<sub>10</sub>), and particulate matter 2.5 microns in diameter (PM<sub>2.5</sub>) standards, and attainment or unclassified for all other State standards.

Due to the nonattainment designations, SJVAPCD has developed plans to attain the State and federal standards for ozone and particulate matter. The plans include the *2014 RACT SIP, 2013 Plan for the Revoked 1-Hour Ozone Standard, the 2007 Ozone Plan, the 2015 Plan for the 1997 PM<sub>2.5</sub> Standard, the 2012 PM<sub>2.5</sub> Plan, and the 2007 PM<sub>10</sub> Maintenance Plan.*

The SJVAPCD thresholds of significance are based on the SJVAPCD source review offset requirements, which are a major component of the SJVAPCD's air quality plans. Thus, according to the SJVAPCD, projects with emission below the thresholds of significance for criteria pollutants would be determined to not conflict with or obstruct implementation of the SJVAPCD's air quality

plans. For development projects, SJVAPCD establishes significance thresholds for emissions of the ozone precursors reactive organic gases (ROG), oxides of nitrogen (NO<sub>x</sub>), carbon monoxide (CO), and sulfur oxide (SO<sub>x</sub>), as well as for PM<sub>10</sub>, and PM<sub>2.5</sub>, expressed in tons per year (tons/yr). The thresholds are listed in Table 1. Thus, by exceeding the SJVAPCD's mass emission thresholds for operational emissions of ROG, NO<sub>x</sub>, CO, SO<sub>x</sub>, PM<sub>10</sub>, or PM<sub>2.5</sub>, a project would be considered to conflict with or obstruct implementation of the SJVAPCD's air quality planning efforts.

<b>Pollutant</b>	<b>Construction/Operational Emissions (tons/yr)</b>
ROG	10
NO <sub>x</sub>	10
CO	100
SO <sub>x</sub>	27
PM <sub>10</sub>	15
PM <sub>2.5</sub>	15

*Source: SJVAPCD, March 2016.*

The proposed project's construction and operational emissions were quantified using the California Emissions Estimator Model (CalEEMod) software version 2016.3.2 - a Statewide model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify air quality emissions, including GHG emissions, from land use projects. The model applies inherent default values for various land uses, including construction data, vehicle mix, trip length, average speed, etc. Where project-specific information is available, such information should be applied in the model. Accordingly, the proposed project's modeling assumed the following:

- Construction would occur over an approximately 18-month period;
- Per SJVAPCD direction, construction was assumed to commence in 2014 to provide a worst-case estimate of construction fleet emissions;
- The project would include a 50 percent reduction in outdoor water use; and
- Based on the Traffic Technical Memorandum (Traffic Memo) prepared for the proposed project by TJKM and accounting for pass-by trip reductions, the following vehicle trip generation rates were assumed:<sup>1</sup>
  - Building 1: 74.29 trips/day-unit;
  - Buildings 2 and 3: 234.38 trips/day-unit;
  - Building 4 (gas station/drive-through restaurant): 104.00 trips/day-unit; and
  - Building 4 (car wash): 141.94 trips/day-unit.

The proposed project's estimated emissions associated with construction and operations are presented and discussed in further detail below. A discussion of the proposed project's contribution to cumulative air quality conditions is provided below as well. All CalEEMod results are included in the Appendix A to this Air Quality and Greenhouse Gas Impact Analysis.

<sup>1</sup> TJKM. *Traffic Technical Memorandum for Mountain House Retail Site*. June 21, 2018.

**Construction Emissions**

According to the CalEEMod results, the proposed project would result in maximum construction criteria air pollutant emissions as shown in Table 3. As shown in the table, the proposed project's construction emissions would be below the applicable thresholds of significance. Thus, according to the SJVAPCD, the proposed project would be expected to result in a less-than-significant impact related to air quality during construction.

<b>Table 3 Maximum Construction Emissions (tons/yr)</b>			
<b>Pollutant</b>	<b>Proposed Project Emissions</b>	<b>Threshold of Significance</b>	<b>Exceeds Threshold?</b>
ROG	0.50	10	NO
NO <sub>x</sub>	3.49	10	NO
CO	2.23	100	NO
SO <sub>x</sub>	< 0.01	27	NO
PM <sub>10</sub>	0.32	15	NO
PM <sub>2.5</sub>	0.26	15	NO

*Source: CalEEMod, September 2018 (see Appendix A).*

It should be noted that the proposed project would be required to comply with all applicable SJVAPCD rules and regulations, including, but not limited to, Regulation VIII (Fugitive PM<sub>10</sub> Prohibition), Rule 4101 (Visible Emissions), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback Slow Cure, Emulsified Asphalt, Paving and Maintenance Operations), Rule 4101 (Visible Emissions), and Rule 4102 (Nuisance). All buildings within the State of California are required to comply with the mandatory standards within the current California Green Building Standards Code and California Building Energy Efficiency Standards Code. Compliance with the aforementioned mandatory standards would help to reduce criteria pollutant emissions associated with project construction.

**Operational Emissions**

According to the CalEEMod results, the proposed project would result in maximum operational criteria air pollutant emissions as shown in Table 4.

<b>Table 4 Unmitigated Maximum Operational Emissions</b>			
<b>Pollutant</b>	<b>Proposed Project Emissions</b>	<b>Threshold of Significance</b>	<b>Exceeds Threshold?</b>
ROG	0.98	10	NO
NO <sub>x</sub>	8.83	10	NO
CO	6.02	100	NO
SO <sub>x</sub>	0.02	27	NO
PM <sub>10</sub>	0.94	15	NO
PM <sub>2.5</sub>	0.27	15	NO

*Source: CalEEMod, September 2018 (see Appendix A).*

As shown in the table, the proposed project's operational emissions would be below the applicable thresholds of significance. As such, the proposed project would not result in a significant air quality impact during operations.

Past, present and future development projects contribute to the region's adverse air quality impacts on a cumulative basis. By nature, air pollution is largely a cumulative impact. A single project is not sufficient in size to, by itself, result in nonattainment of AAQS. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project's contribution to the cumulative impact is considerable, then the project's impact on air quality would be considered significant. Consequently, the SJVAPCD's application of thresholds of significance for criteria pollutants is relevant to the determination of whether a project's individual emissions would have a cumulatively significant impact on air quality.

A lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project would comply with the requirements in a previously approved plan or mitigation program, including, but not limited to an air quality attainment or maintenance plan that provides specific requirements that would avoid or substantially lessen the cumulative problem within the geographic area in which the project is located [CCR §15064(h)(1)]. Thus, as stated in Section 7.14 of the SJVAPCD *Guidance for Assessing and Mitigating Air Quality Impacts*, if project-specific emissions would exceed the thresholds of significance for criteria pollutants, the project would be expected to result in a cumulatively considerable net increase of any criteria pollutant for which the area is in non-attainment under applicable ambient air quality standards. As further discussed in Section 8.8 of the SJVAPCD *Guidance for Assessing and Mitigating Air Quality Impacts*, the SJVAPCD would consider projects consistent with the following to result in a less-than-cumulatively-significant impact related to air quality:

- SJVAPCD attainment plans;
- SJVAPCD rules and regulations;
- State air quality regulations;
- Project emissions below SJVAPCD thresholds of significance for criteria pollutants, localized CO, and toxic air contaminants (TACs); and
- Project emissions below ambient air quality standards.

As presented above, the proposed project would be below the SJVAPCD's applicable thresholds of significance for construction-related and operational criteria pollutant emissions. In addition, as discussed in further detail below, the proposed project would be below the SJVAPCD's preliminary screening criteria for CO hotspots and would not exceed the SJVAPCD's applicable thresholds for TACs, including diesel particulate matter (DPM). Therefore, the proposed project would not be considered to result in a cumulatively considerable net increase in any criteria pollutant for which the area is under nonattainment for a federal or State ambient air quality standard (i.e., ozone and PM). Consequently, in accordance with SJVAPCD guidance, because the proposed project would result in emissions less than the thresholds of significance, the project would not be expected to result in a cumulatively considerable contribution to the region's existing air quality conditions.

## Conclusion

As stated previously, the applicable regional air quality plans include the 2014 RACT SIP, 2013 Plan for the Revoked 1-Hour Ozone Standard, the 2007 Ozone Plan, the 2015 Plan for the 1997 PM<sub>2.5</sub> Standard, the 2012 PM<sub>2.5</sub> Plan, and the 2007 PM<sub>10</sub> Maintenance Plan.

According to SJVAPCD, if a project would not result in significant and unavoidable air quality impacts, after the application of all feasible mitigation, the project may be considered consistent with the air quality plans. Because the proposed project would result in emissions below the applicable thresholds of significance, the project would not be considered to conflict with or obstruct implementation of regional air quality plans.

Because the proposed project would not conflict with or obstruct implementation of the applicable air quality plans, violate any air quality standards or contribute substantially to an existing or projected air quality violation, or result in a cumulatively considerable net increase in any criteria air pollutant, impacts would be considered ***less than significant***.

d) Some land uses are considered more sensitive to air pollution than others, due to the types of population groups or activities involved. Heightened sensitivity may be caused by preexisting health problems, proximity to the emissions source, and/or duration of exposure to air pollutants. Children, pregnant women, the elderly, and those with existing health problems are especially vulnerable to the effects of air pollution. Accordingly, land uses that are typically considered to be sensitive receptors include residences, schools, childcare centers, playgrounds, retirement homes, convalescent homes, hospitals, and medical clinics. The nearest sensitive receptors are the existing single-family homes located approximately 125 feet west of the site across De Anza Boulevard. The property line of the nearest home is located approximately 380 feet from the proposed fuel pump canopy.

The major pollutant concentrations of concern are localized CO emissions and TAC emissions, which are addressed in further detail below:

Localized concentrations of CO are related to the levels of traffic and congestion along streets and at intersections. Implementation of the proposed project would increase traffic volumes on streets near the project site; therefore, the project could be expected to increase local CO concentrations. Concentrations of CO approaching the ambient air quality standards are only expected where background levels are high, and traffic volumes and congestion levels are high. In accordance with the State CO Protocol, the SJVAPCD has established preliminary screening criteria for determining whether the effect that a project would have on any given intersection would cause a potential CO hotspot.<sup>2</sup> If either of the following is true for the proposed project, further CO analysis would be required:

- A traffic study for the project indicates that the Level of Service (LOS) on one or more streets or at one or more intersections in the project vicinity would be reduced to LOS E or F; or
- A traffic study indicates that the project would substantially worsen (i.e., increase delay by more than five percent) an already existing LOS F on one or more streets or at more or more intersections in the project vicinity.

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<sup>2</sup> San Joaquin Valley Unified Air Pollution Control District. *Guidance for Assessing and Mitigating Air Quality Impacts* [pg. 98]. March 19, 2015.

The College Park at Mountain House Specific Plan III EIR included an analysis of intersection operations in the project area. The EIR determined that cumulative buildout of the Mountain House Area, including the proposed project site, would not cause any of the intersections in the project area to be degraded to LOS E or F. The existing intersections at Mountain House Parkway/Grant Line Road and De Anza Boulevard/Grant Line Road are anticipated to operate at LOS D or better during the AM and PM peak hours. While a project-specific LOS analysis has not been prepared for the proposed project site, according to the Traffic Technical Memorandum (Traffic Memo) prepared for the proposed project by TJKM, the project would generate a total of 369 trips during the AM peak hour and 307 trips during the PM peak hour.<sup>3</sup> Such traffic volumes are unlikely to result in substantially worsened intersection operations relative to what was analyzed in the Specific Plan EIR. Thus, the project's impact related to a contribution to local mobile-source concentrations of CO would be less than significant.

### **TAC Emissions**

Another category of environmental concern is TACs. The CARB's *Air Quality and Land Use Handbook: A Community Health Perspective* (Handbook) provides recommended setback distances for sensitive land uses from major sources of TACs, including, but not limited to, freeways and high traffic roads, distribution centers, rail yards, and gas dispensing facilities (GDFs). The CARB has identified DPM from diesel-fueled engines as a TAC; thus, high volume freeways, stationary diesel engines, and facilities attracting heavy and constant diesel vehicle traffic are identified as having the highest associated health risks from DPM. Gasoline includes multiple TACs, which are released through various processes during the operation of GDFs. Such TACs include benzene, ethyl benzene, toluene, and xylene. Health risks associated with TACs are a function of both the concentration of emissions and the duration of exposure, where the higher the concentration and/or the longer the period of time that a sensitive receptor is exposed to pollutant concentrations would correlate to a higher health risk.

The proposed project would involve several components that would result in the emission of TACs. During construction of the proposed project, the operation of heavy-duty diesel-powered machinery within the project site would result in the emission of DPM. Following construction of the proposed project, project operations would include multiple sources of TACs including, food preparation, operation of the proposed GDF, and emissions of DPM resulting from the use of heavy-duty diesel vehicles to transport goods to and from the site.

To assess the potential impacts of TAC exposure, the SJVAPCD maintains thresholds of significance for the review of local community risk and hazard impacts. The thresholds are designed to assess the impact of new sources of TACs on existing sensitive receptors. Based on the SJVAPCD thresholds, the proposed project would result in a significant impact if, due to the exposure of sensitive receptors to TACs related to food preparation, operation of the GDF or DPM emissions, nearby sensitive receptors would experience an increased cancer risk of greater than or equal to 20 in one million people, or experience a chronic or acute hazard index of greater than or equal to 1.0.<sup>4</sup>

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<sup>3</sup> TJKM. *Traffic Technical Memorandum for Mountain House Retail Site*. June 21, 2018.

<sup>4</sup> San Joaquin Valley Air Pollution Control District. *Air Quality Thresholds of Significance -- Toxic Air Contaminants*. Available at: <http://www.valleyair.org/transportation/0714-GAMAQI-TACs-Thresholds-of-Significance.pdf>. Accessed October 2018.

Following the guidance within the SJVAPCD's *Guidance for Air Dispersion Modeling*,<sup>5</sup> to the extent possible the potential concentrations of TACs resulting from construction and operation of the proposed project were calculated using the American Meteorological Society/Environmental Protection Agency (AMS/EPA) Regulatory Model (AERMOD) dispersion model. The associated cancer risk and non-cancer (chronic and acute) hazard index were calculated using the CARB's Hotspot Analysis and Reporting Program 2 Risk Assessment Standalone Tool (HARP 2 RAST),<sup>6</sup> which calculates the cancer and non-cancer health impacts using the risk assessment guidelines of the 2015 Office of Environmental Health Hazard Assessment (OEHHA) Guidance Manual for Preparation of Health Risk Assessments.<sup>7</sup> In addition to the guidance provided by the SJVAPCD, further modeling guidance was obtained through the California Air Pollution Control Officers Association's (CAPCOA) Guidance document, *Gasoline Service Station Industrywide Risk Assessment Guidelines*, as well as the USEPA's *User's Guide for the AMS/EPA Regulatory Model – AERMOD*,<sup>8</sup> and the 2015 OEHHA Guidance Manual. All modeling results and side calculations related to the analysis of TAC exposure are presented within Appendix B of this report.

### **Construction-related Emissions**

Construction-related activities have the potential to generate emissions of TACs, specifically DPM, from on-road haul trucks and off-road equipment exhaust. However, construction is temporary and occurs over a relatively short duration in comparison to the operational lifetime of the proposed project. While methodologies for conducting health risk assessments are associated with long-term exposure periods (e.g., over a 30-year period), construction activities associated with the proposed project would occur over an approximately 18-month period. Nonetheless, given the project's proximity to existing sensitive receptors, the potential impacts on nearby sensitive receptors associated with DPM from construction activities at the project site has been evaluated.

Details regarding the modeling of construction emissions are described under the answers to questions a through c, above. Using the modeling assumptions above, the concentration of DPM at nearby receptors was estimated, and the resulting increase in cancer risk and non-cancer hazard index was calculated for the maximally exposed individual. Based on the construction DPM modeling results, implementation of the proposed project would result in increases in cancer risk and non-cancer hazard index at the maximally exposed resident as shown in Table 5 below.

	<b>Cancer Risk (per million persons)</b>	<b>Acute Hazard Index</b>	<b>Chronic Hazard Index</b>
At Maximally Exposed Receptor	19.36	0.00	0.02
<i>Thresholds of Significance</i>	20	1.0	1.0
<b>Exceed Thresholds?</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>
<i>Sources: CalEEMod, AERMOD, and HARP 2 RAST, October 2018 (see Appendix A and B).</i>			

<sup>5</sup> San Joaquin Valley Air Pollution Control District. *Guidance for Air Dispersion Modeling*. August 2006.

<sup>6</sup> California Air Resources Board. *User Manual for the Hotspots Analysis and Reporting Program Health Risk Assessment Standalone Tool, Version 2*. March 17, 2015.

<sup>7</sup> Office of Environmental Health Hazard Assessment. *Air Toxics Hot Spots Program Risk Assessment Guidelines, Guidance Manual for Preparation of Health Risk Assessments* [pg. 8-18]. February 2015.

<sup>8</sup> U.S. Environmental Protection Agency. *User's Guide for the AMS/EPA Regulatory Model – AERMOD*. September 2004.

As shown in Table 5, implementation of the proposed project would result in cancer risk as well as hazard index below the applicable SJVAPCD's thresholds of significance. Consequently, short-term emissions related to construction of the proposed project would not result in the exposure of sensitive receptors to excess concentrations of pollutants, and construction would result in a ***less-than-significant*** impact.

### **Food Operations**

The proposed project includes several land uses that would involve on-site food preparation. Such uses include two proposed standalone fast-food restaurants, one additional standalone restaurant, and a third fast-food restaurant that would be combined with the proposed gas station and convenience market. The preparation of meat using char broilers and griddles results in the emission of TACs depending on the type of meat being prepared, and the volume of such meat being prepared each day and each week. At the time of preparation of this environmental analysis, the type of restaurants that would be included within the proposed project was not known. Consequently, the type of meat and quantity of meat that would be prepared on-site, as well as the type of food preparation equipment that would be used could not be known with any reasonable degree of certainty. Therefore, a quantitative analysis of potential emissions could not be conducted.

Nevertheless, the potential future emissions of TACs could pose a health risk to nearby receptors, and are further considered on a qualitative level. Design of cooking areas within potential future restaurant uses would be required to comply with all State and local regulations associated with cooking equipment and controls, such as grease filtration and removal systems, exhaust hood systems, and blowers to move air into the hood systems, through air cleaning equipment, and then outdoors. Such equipment would ensure that pollutants associated with smoke and exhaust from cooking surfaces would be captured and filtered, allowing only filtered air to be released into the atmosphere. Furthermore, at the time of project implementation, the SJVAPCD could require the implementation of further filtration devices beyond the standard requirements for such equipment. For instance, should the SJVAPCD determine that proposed restaurant uses would pose a risk to public health, the SJVAPCD could require the installation of activated carbon filtration systems in addition to the foregoing requirements. Activated carbon may be used to capture volatile organic compounds, including those compounds considered to be TACs, with a removal rate of over 98 percent for some pollutants. Considering the above, existing regulations would require that the proposed restaurants include exhaust and filtration devices, which would be anticipated to provide sufficient filtration to remove TACs released during the cooking process prior to the emission of such TACs to the atmosphere. Consequently, the proposed project would result in a ***less-than-significant*** impact related to the release of TACs due to food preparation.

### **DPM Emissions from Heavy Duty Truck Operations**

Operation of the proposed land uses would require the movement of goods to and from the site. The movement of goods is anticipated to involve the use of heavy-duty diesel-powered trucks, some of which would may include diesel-powered refrigeration units. The operation of heavy-duty diesel-powered trucks, as well as diesel-powered refrigeration units, would result in the emission of DPM within the project site and on the surrounding roadways. Following the guidance of the SJVAPCD, emissions related to the travel of such trucks on local roadways, as well as the idling of trucks within the project site and the operation of the diesel-powered refrigeration units within the project site was calculated. The number of heavy-duty diesel-powered trucks that would operate within the site each day was determined using the fleet mix assumptions used in CalEEMod. Emissions rates for the heavy-duty diesel-powered trucks was obtained through the CARB's mobile source emissions inventory (EMFAC) database.<sup>9</sup>

Based on the DPM emissions that would result from the operation of heavy-duty diesel-powered trucks within the site and on the adjacent roadways, and the resultant DPM concentrations at nearby sensitive receptors, the potential increases in cancer risk and non-cancer hazard index at the maximally exposed resident were calculated and are presented in Table 6 below. It should be noted that the cancer risks and non-cancer hazard indexes presented in Table 6 represent the risks over a 70-year exposure period.

As shown in Table 6, operation of heavy-duty diesel-powered trucks, including trucks with diesel powered refrigerator units, on roadways and within the project site would result in cancer risk as well as hazard index below the applicable SJVAPCD's thresholds of significance. Consequently, operation of the proposed project would not expose sensitive receptors to excess concentrations of pollutants, and the proposed project would result in a *less-than-significant* impact related to DPM from diesel engines.

<b>Table 6</b>			
<b>Maximum Cancer Risk and Hazard Index Associated with Heavy-Duty Diesel Trucks and Diesel-Powered Refrigeration Units</b>			
	<b>Cancer Risk (per million persons)</b>	<b>Acute Hazard Index</b>	<b>Chronic Hazard Index</b>
At Maximally Exposed Receptor	10.12	0.00	0.01
<i>Thresholds of Significance</i>	20	1.0	1.0
<b>Exceed Thresholds?</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>
<i>Sources: CalEEMod, EMFAC, AERMOD, and HARP 2 RAST, October 2018 (see Appendix A and B).</i>			

<sup>9</sup> California Air Resources Board. *Mobile Source Emissions Inventory – Categories*. Available at <https://www.arb.ca.gov/msel/categories.htm#emfac2014>. Accessed October 2018.

**TAC Emissions Resulting from Operation of the GDF**

As noted previously, GDFs are considered sources of various types of TACs. To address potential impacts that could result from the proposed GDF operations, emissions of pollutants related to gasoline dispensing activity were estimated and the potential health risks were subsequently calculated.

Considering that GDFs result in the emission of various TACs, per the SJVAPCD's guidance, potential risks related to the exposure of receptors to benzene, ethyl benzene, toluene, and xylene were considered. Table 7 presents the combined cancer risks and non-cancer hazard indexes for the foregoing pollutants. It should be noted that the cancer risks and non-cancer hazard indexes presented in Table 7 represent the risks over a 70-year exposure period.

	<b>Cancer Risk (per million persons)</b>	<b>Acute Hazard Index</b>	<b>Chronic Hazard Index</b>
At Maximally Exposed Receptor	1.71	0.05	0.01
<i>Thresholds of Significance</i>	20	1.0	1.0
<b>Exceed Thresholds?</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>
<i>Sources: AERMOD and HARP 2 RAST, October 2018 (see Appendix A and B).</i>			

As shown in Table 7 above, TAC emissions related to the operation of the GDF would not result in health risks in excess of the SJVAPCD's thresholds for cancer risk and/or non-cancer hazard index. Consequently, operation of the GDF would result in a **less-than-significant** impact.

**Combined Exposure to Operational Emissions of TACs**

While the foregoing analyses present the potential health risks that may result from implementation of the proposed project for DPM and GDF-related pollutants separately, exposure to DPM and GDF-related pollutants would occur simultaneously during project operations. Therefore, the potential health risks from operation of the proposed project have been considered together. Table 8 below, presents the cumulative cancer risk resulting from operation of the proposed project, while Table 9 below presents the cumulative non-cancer hazard index from operation of the proposed project. As with the operational analyses presented previously within this report, the cumulative cancer risk was evaluated over a 70-year exposure period.

<b>Source</b>	<b>Cancer Risk (per million persons)</b>
DPM	10.12
GDF Related Pollutants	1.71
<i>Total</i>	11.83
<i>Threshold of Significance</i>	20
<b>Exceed Thresholds?</b>	<b>NO</b>
<i>Sources: AERMOD, CalEEMod, and HARP 2 RAST, October 2018 (see Appendix A and B).</i>	

Table 9 Cumulative Non-Cancer Hazard Index		
Source	Acute Hazard Index	Chronic Hazard Index
DPM	0.00	0.01
GDF Related Pollutants	0.05	0.01
<i>Total</i>	<i>0.05</i>	<i>0.02</i>
<i>Threshold of Significance</i>	<i>1.0</i>	<i>1.0</i>
<b>Exceed Thresholds?</b>	<b>NO</b>	<b>NO</b>
<i>Sources: AERMOD, CalEEMod, and HARP 2 RAST, October 2018 (see Appendix A and B).</i>		

### Conclusion

Based on the above discussion, the proposed project would not expose any sensitive receptors to substantial concentrations of localized CO. Furthermore, as discussed above, short-term project construction activities would not result in the exposure of any sensitive receptors to substantial concentrations of DPM. Project operations would include the release of DPM, benzene, ethyl benzene, toluene, and xylene; however, emissions of such TACs would not result in cancer risks or health hazards in excess of the SJVAPCD's thresholds of significance. As such, operations of the proposed project would not result in the exposure of any sensitive receptors to substantial concentrations of TACs. Therefore, the proposed project would result in a ***less-than-significant*** impact related to the exposure of sensitive receptors to substantial pollutant concentrations.

e) The SJVAPCD has identified common types of facilities that have been-known to produce odors within the San Joaquin Valley Air Basin. Per the SJVAPCD, typical odor-generating land uses include, but are not limited to, wastewater treatment plants, landfills, food processing facilities, and composting facilities.<sup>10</sup> The proposed project would not introduce any such land uses and is not located in the vicinity of any such existing or planned land uses. However, the proposed project would include construction activities, and the operations of restaurants, both of which may result in the emission of odiferous compounds. Both potential sources of odors are discussed in further depth below:

Construction activities often include diesel-fueled equipment and heavy-duty diesel trucks, which can create odors associated with diesel fumes, which could be found to be objectionable. However, as discussed above, construction activities would be temporary, and operation of construction equipment would be regulated and intermittent. Project construction would also be required to comply with all applicable SJVAPCD rules and regulations, particularly associated with permitting of air pollutant sources. The aforementioned regulations would help to minimize air pollutant emissions as well as any associated odors. Accordingly, substantial objectionable odors would not occur during construction activities or affect a substantial number of people. Operations of the proposed restaurant uses would have the potential to result in emissions of odors related food preparation and disposal. In particular, preparation of oily food, some baking processes, and cooking using charbroiling grills may create odorous emissions.

<sup>10</sup> San Joaquin Valley Air Pollution Control District. *Air Quality Thresholds of Significance – Odors*. June 2015.

However, commercial kitchens and cooking areas are required to comply with state and local regulations associated with cooking equipment and controls, such as grease filtration and removal systems, exhaust hood systems, and blowers to move air into the hood systems, through air cleaning equipment, and then outdoors. Such equipment would ensure that pollutants associated with smoke and exhaust from cooking surfaces would be captured and filtered, allowing only filtered air to be released into the atmosphere. The disposal of solid waste, including putrescible waste, such as food waste, is regulated under Division 2 – Solid Waste Collection, of the San Joaquin County Code. Division 2 requires that waste be collected and properly disposed of at least as frequently as every seven days.

The collection of such waste in a timely manner would ensure that food waste does not decompose and create substantial objectionable odors. Moreover, Section 9-1025.4, Odor, within Division 10 of the San Joaquin County Code prohibits any use within the County from resulting in the emission of perceptible and offensive odors at any residential lot line. Therefore, future restaurants would be required to incorporate proper business practices or design features to ensure that operations do not result in the emission of substantial objectionable odors that could be perceived at the nearest residential property line.

The SJVAPCD regulates objectionable odors through Rule 4102, Nuisance, which prohibits any person or source from emitting air contaminants that cause injury, detriment, nuisance, or annoyance to any considerable number of persons or the public or which endanger the comfort, repose, health or safety of any such person or the public. Rule 4102 is enforced based on complaints. If complaints are received, the SJVAPCD is required to investigate the complaint, as well as determine and ensure a solution for the source of the complaint, which could include operational modifications. Thus, although not anticipated, if odor complaints are made after the proposed project is approved, the SJVAPCD would ensure that such odors are addressed and any potential odor effects reduced to less than significant.

For the aforementioned reasons, construction and operation of the proposed project would not create objectionable odors that would affect a substantial number of people, and a ***less- than-significant*** impact related to objectionable odors would result.

ISSUES:	Potentially Significant Impact	Less Than Significant		No Impact
		With Mitigation Incorporated	Less Than Significant Impact	

**IV. BIOLOGICAL RESOURCES**

Would the project:

- |                                                                                                                                                                                                                                                                                                                  |                          |                          |                                     |                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?                                                               | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?                                             | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?                                                                               | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?                                                                                                                                                                              | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?                                                                                                                             | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**Impact Discussion: a-f)**

a)The California Department of Fish and Wildlife Natural Diversity Database does not list any rare, endangered, or threatened species or habitat located on or near the site. Referrals have been sent to the San Joaquin Council of Governments (SJCOG) and SJCOG determined that the applicant is subject to and may participate in the San Joaquin Multi-Species Habitat Conservation and Open Space Plan (SJMSCP).

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.

b) The project site is not located in a riparian habitat as there is no river, stream or other waterway on the site, therefore, impacts will be less than significant.

c) The project will not have an effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means, because the project is not within an identified protected wetland. Therefore, impacts will be less than significant.

f) The project will not conflict with the provisions of an adopted Habitat Conservation Plan, natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, because the project applicant will participate in the San Joaquin Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). Implementation of the SJMSCP is expected to reduce impacts to biological resources resulting from the proposed project to a level of less-than-significant.

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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**V. CULTURAL RESOURCES**

Would the project:

- |                                                                                                                |                          |                          |                                     |                          |
|----------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?    | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?      | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries?                           | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**Impact Discussion:**

a – d) The development approval of the project will include conditions of approval and mitigation measures to avoid potential impacts to cultural resources. In the event human remains are encountered during any portion of the project, California state law requires that there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county has determined manner and cause of death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation (California Health and Safety Code - Section 7050.5).

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VI. GEOLOGY AND SOILS</b>				
Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

- a-e) The geology of San Joaquin County is composed of high organic alluvium, which is susceptible to earthquake movement. The project will have to comply with the California Building Code (CBC) which includes provisions for soils reports for grading and foundations as well as design criteria for seismic loading and other geologic hazards based on fault and seismic hazard mapping. All recommendations from a soils report must be incorporated into the construction plans. Therefore, impacts to seismic-related (or other) landslide hazards will be less than significant.

- c-d) The proposed development project will not affect geology and soils, since it will not change geotechnical standards or development patterns. The project site is relatively flat terrain and a soils report will be required for grading and foundations and all recommendations from a soils report must be incorporated into the construction plans. Therefore, the risk of being located on an unstable unit can be reduced to less than significant.

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VII. GREENHOUSE GASES EMISSIONS</b>				
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

- a-b) Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. Therefore, the cumulative global emissions of GHGs contributing to global climate change can be attributed to every nation, region, and city, and virtually every individual on earth. An individual project's GHG emissions are at a micro-scale level relative to global emissions and effects to global climate change; however, an individual project could result in a cumulatively considerable incremental contribution to a significant cumulative macro-scale impact. As such, impacts related to emissions of GHG are inherently considered cumulative impacts.

Implementation of the proposed project would cumulatively contribute to increases of GHG emissions. Estimated GHG emissions attributable to future development would be primarily associated with increases of carbon dioxide (CO<sub>2</sub>) and, to a lesser extent, other GHG pollutants, such as methane (CH<sub>4</sub>) and nitrous oxide (N<sub>2</sub>O) associated with area sources, mobile sources or vehicles, utilities (electricity and natural gas), water usage, wastewater generation, and the generation of solid waste. The primary source of GHG emissions for the project would be mobile source emissions. The common unit of measurement for GHG is expressed in terms of annual metric tons of CO<sub>2</sub> equivalents (MTCO<sub>2</sub>e/yr).

As noted previously, the proposed project site is located within the jurisdictional boundaries of the SJVAPCD. The SJVAPCD has adopted the *Guidance for Valley Land- use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA* and the *District Policy – Addressing GHG Emission Impacts for Stationary Source Projects Under CEQA When Serving as the Lead Agency*.<sup>11</sup> The guidance and policy rely on the use of performance-based standards, otherwise known as Best Performance Standards (BPS) to assess significance of project specific greenhouse gas emissions on global climate change during the environmental review process, as required by CEQA. To be determined to have a less-than-significant individual and cumulative impact with regard to GHG emissions, projects must include BPS sufficient to reduce GHG emissions by 29 percent when

compared to Business As Usual (BAU) GHG emissions. Per the SJVAPCD, BAU is defined as projected emissions for the 2002-2004 baseline period. Projects which do not achieve a 29 percent reduction from BAU levels with BPS alone are required to quantify additional project-specific reductions demonstrating a combined reduction of 29 percent.

It should be noted that neither the SJVAPCD nor the County provide project-level thresholds for construction-related GHG emissions. Construction GHG emissions are a one-time release and are, therefore, not typically expected to generate a significant contribution to global climate change. As such, the analysis herein is limited to discussion of long-term operational GHG emissions.

Of the BPS approved by the SJVAPCD, Measure #4 (Proximity to bike path/bike lanes), #5 (Pedestrian network), and #6 (Pedestrian barriers minimized) were determined to apply to the proposed project. Based on the quantified reductions included in the SJVAPCD's 2009 Staff Report, combined application of the BPS would result in a GHG emissions reduction of 2.63 percent.<sup>12</sup> In order to determine the additional GHG emissions reductions required to meet the target reduction threshold of 29 percent, the proposed project's operational GHG emissions were quantified with CalEEMod for year 2020 using the same assumptions as presented in the Air Quality section above. In addition, in order to establish project-specific baseline scenario emissions, the proposed project was modeled for year 2005, the closest available model year to the 2002 to 2004 baseline period. The results of the modeling are summarized in Table 10 below and included in Appendix A to this Air Quality and Greenhouse Gas Impact Analysis.

Category	Annual GHG Emissions (MTCO <sub>2</sub> e/yr)			% Reduction
	Baseline	2020	Change	
Area	0.0027	0.0029	-0.0002	--
Energy	268.09	203.79	-64.30	23.99%
Mobile	2,310.95	2,054.72	-256.23	11.09%
Waste	75.71	75.71	0.00	0.00%
Water	14.21	12.19	-2.02	14.23%
<b>Subtotal:</b>	<b>2,668.98</b>	<b>2,346.41</b>	<b>-322.56</b>	<b>12.09%</b>
BPS Reductions	-	-	-	2.63%
<b>Grand Total:</b>			<b>-392.62</b>	<b>14.71%</b>
<b>Additional Reductions Required:</b>			<b>381.38</b>	<b>14.29%</b>

*Source: CalEEMod, September 2018 (see Appendix A).*

As shown in the table above, with implementation of applicable BPS and accounting for project-specific sustainability features, the proposed project would provide for a 14.71 percent reduction in GHG emissions from baseline levels. Thus, an additional 14.29% reduction, or 381.3789 MTCO<sub>2</sub>e/yr would be required to meet the SJVAPCD's target reduction threshold of 29 percent. In the absence of additional measures to reduce operational GHG emissions, the proposed project could be considered to generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. Thus, the proposed project could be considered to result in a **potentially significant** impact related to GHG emission and global climate change.

Mitigation Measure(s):

Implementation of the following mitigation measure would reduce the above impact to a less-than-significant level.

*VII-1*

*Prior to approval of improvement plans, the project applicant shall submit a Greenhouse Gas (GHG) Mitigation Plan to the San Joaquin County Community Development Department prior to issuance of building permits. The GHG Mitigation Plan shall specify Best Performance Standards (BPS) to be implemented by the project, as well as any other project-specific GHG reduction measures, sufficient to reduce the project's estimated annual GHG emissions by 381.38 MTCO<sub>2</sub>e/yr or to a total of 1,894.97 MTCO<sub>2</sub>e/yr (29 percent from the modeled baseline emissions of 2,668.98 MTCO<sub>2</sub>e/yr). Potential BPS and GHG reduction measures may include, but are not be limited to, the following:*

- *Provide on-site renewable energy (e.g., solar photovoltaic systems);*
- *Include electric vehicle charging stations;*
- *Encourage use of alternative-fueled vehicles/trucks;*
- *Exceed Title 24 energy efficiency standards;*
- *Install energy-efficient lighting and control systems;*
- *Install energy-efficient mechanical systems;*
- *Provide only drought-tolerant plantings;*
- *Use efficient irrigation systems; and*
- *Use low-flow plumbing fixtures.*

*Calculations shall be included in the GHG Mitigation Plan validating that with implementation of the BPS, the project's estimated annual GHG emissions would be reduced to the necessary level stated above.*

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<sup>11</sup> San Joaquin Valley Air Pollution Control District. *Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA*. December 17, 2009.  
San Joaquin Valley Air Pollution Control District. *District Policy Addressing GHG Emission Impacts for Stationary Source Projects Under CEQA When Serving as the Lead Agency*. December 17, 2009.

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<sup>12</sup> San Joaquin Valley Air Pollution Control District. *Final Staff Report, Appendix J: GHG Emission Reduction Measures – Development Projects*. December 17, 2009.

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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**VIII. HAZARDS AND HAZARDOUS MATERIALS**

Would the project:

- |                                                                                                                                                                                                                                                                  |                          |                          |                                     |                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?                                                                                                                          | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?                                                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?                                                                                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?                                   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?                                                                                                      | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?                                                                                                                                        | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?                                             | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**Impact Discussion:**

- a-h) The proposed application(s) would not result in, create or induce hazards and associated risks to the public. Construction activities for the project typically involve the use of toxic or hazardous materials such as paint, fuels, and solvents. Construction activities would be subject to federal, state, and local laws and requirements designed to minimize and avoid potential health and safety risks associated with hazardous materials. No significant impacts are anticipated related to the transport, use, or storage of hazardous materials during construction activities are anticipated.

The nearest airport is the Byron Airport, located approximately 5 miles northwest of the project site. The proposed structures will not exceed 50 feet in height. Project referrals have been sent to Caltrans Division of Aeronautics, Contra Costa County ALUC, SJCOG ALUC, and Byron Airport. Any comments or conditions of approval received from the agencies will be included in the final conditions of approval to ensure any impacts are reduced to less than significant.

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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**IX. HYDROLOGY AND WATER QUALITY**

Would the project:

- |                                                                                                                                                                                                                                                                                                                                                                                               |                          |                          |                                     |                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Violate any water quality standards or waste discharge requirements?                                                                                                                                                                                                                                                                                                                       | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?                                                                                                                                                            | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?                                                                                                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?                                                                                                                                                                                                         | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Otherwise substantially degrade water quality?                                                                                                                                                                                                                                                                                                                                             | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Place housing within a 100-year floodplain hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?                                                                                                                                                                                                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?                                                                                                                                                                                                                                                                                           | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

a-j) The proposed project's impacts on hydrology and water are expected to be less than significant. The project will be served by a public water system and a public sewer system. The applicant has provided a will serve letter from the Mountain House Community Services District (MHCS D) confirming that MHCS D will provide sewer, storm drainage and water services to the project site. Therefore, these public services will ensure that the project's impact on these resources will be less than significant.

The project would be required to comply with the National Pollutant Discharge Elimination Systems (NPDES) permit program. Also, the proposed facility would be required to implement additional water quality Best Management Practices (BMP's), depending on the operations that are proposed at each facility (Library/Townhall). These BMP's would be determined on a case-by-case basis and approved by the MHCS D. Therefore, project impacts related to hydrology and water quality will be less than significant.

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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**X. LAND USE AND PLANNING**

Would the project:

- |                                                                                                                                                                                                                                                                                                             |                          |                          |                                     |                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Physically divide an established community?                                                                                                                                                                                                                                                              | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan?                                                                                                                                                                                                           | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Result in land use/operational conflicts between existing and proposed on-site or off-site land uses?                                                                                                                                                                                                    | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

**Impact Discussion:**

a-d) Applications

The proposed project involves the processing of four applications (Master Plan Amendment, Specific Plan III Amendment, Use Permit, and Minor Subdivision) to facilitate the construction of a retail, commercial, eating establishments, and gasoline services plaza. See impact discussion and analysis below:

- a) The construction and operation of the proposed project will not physically divide an established community. The project is an orderly extension of the development that is established within the Industrial, Commercial and Office employment corridor for the Mountain House community. This area is planned for commercial, office, and retail development consistent with the Master Plan and Specific Plan III documents and existing community approvals.
- b) The project will not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect, because the project is consistent with all applicable Master Plan, Specific Plan III land use policies and regulations of the County Development Code and General Plan. Therefore, the project's impact on land use would be less than significant.
- c) The San Joaquin Council of Governments (SJCOG) determined that the applicant is subject to and may participate in the San Joaquin Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). 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. Therefore, the projects impact on conservation plans will be less than significant.

- d) The proposed project will not result in conflicts between existing and proposed on-site or off-site land uses because the proposed project involves the processing of four applications (Master Plan Amendment, Specific Plan Amendment, Use Permit, and Minor Subdivision) to facilitate the construction of a retail, commercial, eating establishments, and gasoline services plaza. The project is consistent with all land use policies and regulations of the 2035 General Plan and Master Plan. The proposed project parcel zoning designation will be Industrial Park (I-P) and the Gasoline Sales-Combination, Retail Sales and Services- Primary, Eating Establishments-Full Service use types may be conditionally permitted in the I-P zone with an approved Use Permit application.

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XI. MINERAL RESOURCES</b>				
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Impact Discussion:**

- a, b) The commercial and retail development project and amendment applications will not result in the loss of availability of a known mineral resource of a resource recovery site because the site does not contain minerals of significance or known mineral resources. San Joaquin County applies a mineral resource zone (MRZ) designation to land that meets the significant mineral deposits definition by the State Division of Mines and Geology. Therefore, the commercial and retail development project and amendment applications will have less than a significant impact on the availability of mineral resources or mineral resource recovery sites within San Joaquin County and the Mountain House community.

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XII. NOISE</b>				
Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

- a-f) The development project may have equipment utilized in the grading of the site that will temporarily increase the area's ambient noise levels. Underlying projects when approved will be required to comply with Development Title Section 9-1025.9 (c) (3) which states that:

**Noise sources associated with construction are exempt from the provisions of the Noise Ordinance provided such activities do not take place before 6:00 a.m. or after 9:00 p.m. on any day.**

As such, noise generation from the proposed underlying projects will be reduced to less than significant with this added condition.

Development Title Section 9-1025.9 lists the Residential use type as a noise sensitive land use. Development Title Section 9-1025.9(d) states that the Review Authority shall require the preparation of an acoustical study in instances where it has been determined that a project may expose existing or proposed noise sensitive land uses to noise levels exceeding the noise standards specified in Table 9-1025.9.

Mountain House Master Plan Section 11.4 establishes daytime and nighttime noise level standards for stationary noise sources associated with commercial projects. Stationary noise sources include equipment, utilities, or processes associated with industrial, commercial, or public facilities which create a constant or periodic noise in a fixed location (car wash, drive-thru establishments). See *Table 11.2* below for daytime and nighttime hourly Leq standards, this criteria is applied at the property line of the receiving use.

Table 11.2 Exterior Noise Standards for Noise-Sensitive Uses Affected by Non-Transportation Noise Sources		
Noise Level Descriptor	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
Hourly Leg	55 dB	50 dB

An Environmental Noise Analysis was prepared by Saxelby Acoustics on July 5, 2018 to analyze potential noise impacts associated with the project operations (drive-thru lane and speaker box, car wash with a blower system) at the nearest residential uses (276 feet west) of the project site, across De Anza Boulevard. The noise measurements were taken at the rear property lines of the receiving residential development project, adjacent to De Anza Boulevard.

The car wash is predicted to generate sounds levels of 67.3 dBA Leq at a distance of 50 feet from the exit end of the car wash and 65.3 dBA Leq at a distance of 50 feet from the entrance of the car wash. To quantify the noise emissions of the proposed drive-through lanes, data from a Sacramento area fast food drive-through restaurant was used. The results of the data indicate that a noise level of 55 dBA Leq can be expected at a distance of 30 feet from the drive-thru speaker box.

As concluded by the Environmental Noise Analysis, operation of the project is predicted to result in noise levels which would comply with Mountain House Master Plan noise standards of 55 dBA Leq during daytime hours (7:00 a.m. to 10:00 p.m.) and 50 dBA Leq during nighttime (10:00 p.m. to 7:00 a.m.) and not impact the nearest residential uses located west of the project site. If approved and as conditions of approval for the project site the following recommendations below will be incorporated into the final design of the proposed car wash:

- The car wash dryer used for the project shall be the Mark VII, AquaDri E-30 or similar car wash not exceeding an exterior noise level of 74 dBA at 50 feet from the car wash exit.
- The car wash blowers should be set to run for a period no more than 60 seconds per car wash cycle.
- The car wash shall operate only during the hours of 7:00a.m. – 10:00p.m.

Again, the above recommendations will be incorporated into the final design of the proposed car wash and added as conditions of approval for the project to ensure any exposure to noise sources or excessive noise levels will be less than significant.

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XIII. POPULATION AND HOUSING</b>				
Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

- a-c) The proposed project development will not result in displacement of the population and affect the amount of proposed or existing housing in Mountain House. The proposed project will facilitate the construction of a retail, commercial, eating establishments, and gasoline services plaza. The retail and commercial plaza will serve the existing population in the area. Jobs and employment opportunities created from the project would most likely be absorbed by the employment needs of the existing residents of the area. Therefore, the projects impact on population and housing will be less than significant.

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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**XIV. PUBLIC SERVICES**

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

a) The proposed project involves the processing of four applications (Master Plan Amendment, Specific Plan Amendment, Use Permit, and Minor Subdivision) to facilitate the construction of a retail, commercial, eating establishments, and gasoline services plaza. As this is the same development project and uses assumed under the existing approved Master Plan and Specific Plan III documents, the project would result in a less than significant impact on public services.

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XV. RECREATION</b>				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

- a-b) The proposed project involves the processing of four applications (Master Plan Amendment, Specific Plan Amendment, Use Permit, and Minor Subdivision) to facilitate the construction of a retail, commercial, eating establishments, and gasoline services plaza. In addition, the proposed project will have no impact on the provision of required recreational facilities and programs for Community Parks as specified by the Mountain House Community Services Districts, "Parks, Recreation, and Leisure Plan".

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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**XVI. TRANSPORTATION/TRAFFIC**

Would the project:

- |                                                                                                                                                                                                                                                                                                                                                                                                                               |                          |                          |                                     |                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?                                                                                                                                                                | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?                                                                                                                                                                                                                                                               | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?                                                                                                                                                                                                                                                                        | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Result in inadequate emergency access?                                                                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?                                                                                                                                                                                                                                        | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**Impact Discussion:**

- a-f) Master Plan Chapter Nine, Transportation and Circulation addresses the expected traffic volumes and anticipates the need for and timing of circulation improvements required to serve the community through buildout. Under the proposed project conditions, the site is expected to have a less than significant impact on existing adjacent roadways and intersections. A traffic analysis was conducted by TJKM on June 21, 2018 for the proposed retail, commercial, eating establishments, and gasoline services plaza. It was concluded from the study that an auxiliary westbound right turn lane be provided on Grant Line Road between Mountain House Parkway and De Anza Boulevard, terminating at the westbound right turn lane at De Anza Boulevard.

The proposed auxiliary lane would be used by the vehicles accessing the two right in/right out driveways on Grant Line Road, which will improve the safety and traffic operations on Grant Line Road. Therefore, the proposed project and proposed final circulation and roadway layout for the retail, commercial, eating establishments, and gasoline services plaza will have a less than significant impact on existing roadway levels of service.

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XVII. UTILITIES AND SERVICE SYSTEMS</b>				
Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

a-g) The project site will be served by the Mountain House Community Services District for sewer, water and terminal storm drainage. The utility infrastructure consisting, of a water distribution system, a sanitary sewer drain system, have been constructed for the development of the project site. The utilities would be extended to the proposed project site. Therefore, the project would not result in significant impacts on utilities and service systems and no additional mitigation measures are necessary.

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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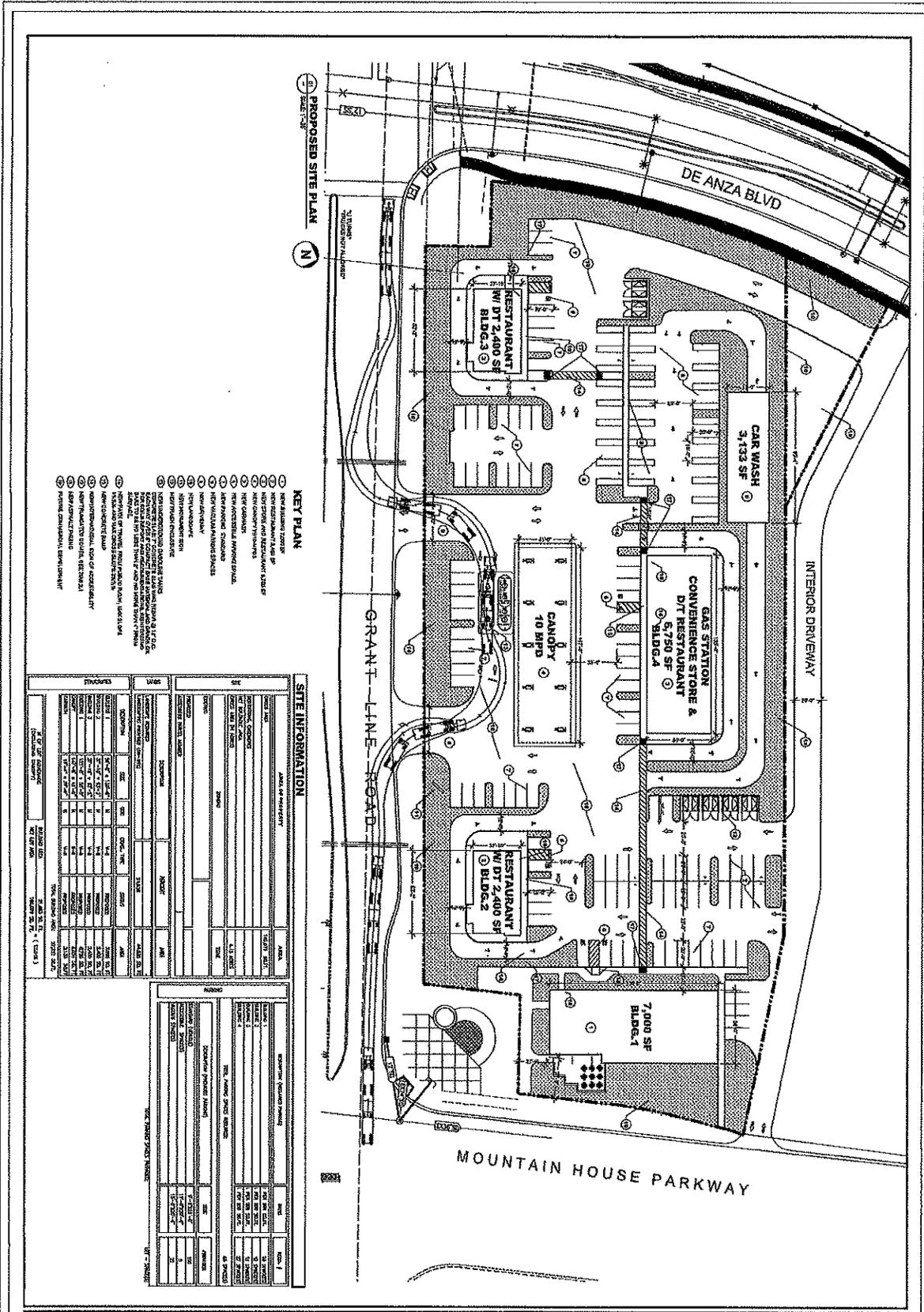
**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE**

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                          |                          |                          |                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?                                                                                                           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Impact Discussion:**

- a-c) The proposed amendment and applications will have no impact on a number of areas: Agriculture, Cultural Resources, Geology and Soils, Hydrology and Water Quality, Hazards and Hazardous Materials, and Mineral Resources.

**ATTACHMENT (PROPOSED PROJECT SITE PLAN)**



- KEY PLAN**
- ① NEW RESTAURANT
  - ② NEW RESTAURANT
  - ③ NEW RESTAURANT
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**SITE INFORMATION**

PROJECT NAME	PROPOSED SHOPPING CENTER
CLIENT	AGC DESIGN CONCEPT, INC.
DATE	10/15/2011
SCALE	AS SHOWN
DESIGNER	AGC DESIGN CONCEPT, INC.
PROJECT NO.	11-001
SHEET NO.	1 OF 1
DATE	10/15/2011
BY	J. GARCIA
CHECKED BY	J. GARCIA
APPROVED BY	J. GARCIA
DATE	10/15/2011
PROJECT LOCATION	MOUNTAIN HOUSE PARKWAY @ GRANT LINE ROAD, MOUNTAIN HOUSE, CA
OWNER	AGC DESIGN CONCEPT, INC.
DESIGNER	AGC DESIGN CONCEPT, INC.
DATE	10/15/2011
BY	J. GARCIA
CHECKED BY	J. GARCIA
APPROVED BY	J. GARCIA
DATE	10/15/2011

NO.	DATE	DESCRIPTION	BY
1	10/15/2011	ISSUED FOR PERMITTING	J. GARCIA
2	10/15/2011	ISSUED FOR PERMITTING	J. GARCIA
3	10/15/2011	ISSUED FOR PERMITTING	J. GARCIA
4	10/15/2011	ISSUED FOR PERMITTING	J. GARCIA
5	10/15/2011	ISSUED FOR PERMITTING	J. GARCIA
6	10/15/2011	ISSUED FOR PERMITTING	J. GARCIA
7	10/15/2011	ISSUED FOR PERMITTING	J. GARCIA
8	10/15/2011	ISSUED FOR PERMITTING	J. GARCIA
9	10/15/2011	ISSUED FOR PERMITTING	J. GARCIA
10	10/15/2011	ISSUED FOR PERMITTING	J. GARCIA

**PROPOSED SHOPPING CENTER**  
 MOUNTAIN HOUSE PARKWAY @ GRANT LINE ROAD  
 MOUNTAIN HOUSE, CA  
**PROPOSED SITE PLAN**

AGC DESIGN CONCEPT, INC.  
 28274 Constitution Rd  
 Walnut, CA 91786  
 Phone: 951.851.1115

CUP-1



**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

September 25, 2018

To: San Joaquin County Community Development Department  
Attention: John Funderburg

From: Naseem Ahmed; (209) 468-3436  
Environmental Health Specialist

RE: **PA-1800157 (MP), SU0011950** ✓  
**18201 W. Grant Line Rd, Mountain House**

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



**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

September 25, 2018

**To:** San Joaquin County Community Development Department  
Attention: John Funderburg

**From:** Naseem Ahmed; (209) 468-3436  
Environmental Health Specialist

**RE:** **PA-1800158 (SP), SU0011939**  
**18201 W. Grant Line Rd, Mountain House**

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



## 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

September 25, 2018

To: San Joaquin County Community Development Department  
Attention: John Funderburg

From: Naseem Ahmed; (209) 468-3436 ✓  
Environmental Health Specialist

RE: **PA-1800159 (UP), SU0011948**  
**18201 W. Grant Line Rd, Mountain House**

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

- A. Submit two (2) hardcopy sets, or one (1) electronic version, of food facility plans to the Environmental Health Department for review and approval prior to issuance of building permit(s) (California Retail Food Code, Article 1, 114380). The fee will be based on the current schedule at the time of payment.
- B. Before any hazardous materials/waste can be stored or used onsite, the owner/operator must report the use or storage of these hazardous materials to the California Environmental Reporting System (CERS) at [cers.calepa.ca.gov/](http://cers.calepa.ca.gov/) and comply with the laws and regulations for the programs listed below (based on quantity of hazardous material in some cases).
  - a. Any amount but not limited to the following hazardous waste; hazardous material spills, used oil, used oil filters, used oil-contaminated absorbent/debris, waste antifreeze, used batteries or other universal waste, etc. – **Hazardous Waste Program** (Health & Safety Code (HSC) Sections 25404 & 25180 et sec.)
  - b. Onsite treatment of hazardous waste – **Hazardous Waste Treatment Tiered Permitting Program** (HSC Sections 25404 & 25200 et sec. & California Code of Regulations (CCR), Title 22, Section 67450.1 et sec.)
  - c. Reportable quantities of hazardous materials-reportable quantities are 55 gallons or more of liquids, 500 pounds for solids, or 200 cubic feet for compressed gases, with some exceptions. Carbon dioxide is a regulated substance and is required to be reported as a hazardous material if storing 1,200 cubic feet (137 pounds) or more onsite in San Joaquin County – **Hazardous Materials Business Plan Program** (HSC Sections 25508 & 25500 et sec.)
  - d. Any amount of hazardous material stored in an Underground Storage Tank – **Underground Storage Tank Program** (HSC Sections 25286 & 25280 et sec.)

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



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— COUNTY —  
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## 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

September 25, 2018

To: San Joaquin County Community Development Department  
Attention: John Funderburg

From: Naseem Ahmed; (209) 468-3436 ✓  
Environmental Health Specialist

RE: **PA-1800160 (MS), SU0011949**  
**18201 W. Grant Line Rd, Mountain House**

- 
- A. A qualified environmental professional shall prepare a surface and subsurface contamination report, identifying any potential source of surface or subsurface contamination caused by past or current land uses. The report shall include evaluation of non-point source of hazardous materials, including agricultural chemical residues, as well as potential point sources, such as fuel storage tanks, septic systems, or chemical storage areas. If the report indicates there is contamination, corrective action shall be taken, as recommended in the report and concurred with by Environmental Health prior to recordation of parcel map. San Joaquin County Development Title, Section 9-905.12(a)(c)) and San Joaquin County Development Title, Section 9-905.12(M).



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— COUNTY —  
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**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

September 7, 2018

MEMORANDUM

RECEIVED

SEP 10 2018

San Joaquin County  
Community Development

TO: Community Development Department  
CONTACT PERSON: John Funderburg

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

SUBJECT: PA-1800059; The project consists of a Master Plan Amendment (PA-1800157), a Specific Plan III Amendment (PA-1800158), a Use Permit (PA-1800159) and a Minor Subdivision (PA-1800160). The Master Plan Amendment and Specific Plan III Amendment primarily focus on changes to the map figures and text of these documents to conform to the proposed commercial and retail development project for the Specific Plan III planning area, located at the northwest corner intersection of Mountain House Parkway and Grant Line Road. The Use Permit and Minor Subdivision application requests are included in the project description and facilitate the underlying commercial and retail development project. The Minor Subdivision will subdivide an existing 15.89 acre parcel into three parcels. Parcel 1 containing 3.00 acres, Parcel 2 containing 8.75 acres and Parcel 3 containing 4.14 acres. Parcel 3 will include the commercial and retail developments proposed in the Use Permit application. (Supervisory District 5)

PROPERTY OWNER: Mountain House Investors, LLC.

APPLICANT: Mountain House Investors, LL. and Turlock Petroleum Inc.

ADDRESS: West Grant Line Road, Mountain House

APN: 209-450-35

INFORMATION:

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

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)

Informational Notes:

- (i.) 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 (209-468-3066) for information.

Community Development Department  
PA-1800059 (UP)

- (ii.) 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: CH



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 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

October 19, 2018

MEMORANDUM

TO: Community Development Department  
 CONTACT PERSON: John Funderburg

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

SUBJECT: PA-1800160; A Minor Subdivision application to subdivide an existing 15.89 acre parcel into three parcels. Parcel 1 containing 3.00 acres, Parcel 2 containing 8.75 acres and Parcel 3 containing 4.14 acres; located on the north side of Grant Line Road, Mountain House. (Supervisorial District 5)

PROPERTY OWNER: Mountain House Investors, LLC.

APPLICANT: Mountain House Investors, LL. and Turlock Petroleum Inc.

ADDRESS: West Grant Line Road, Mountain House

APN: 209-450-35

INFORMATION:

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

The Traffic Impact mitigation Fee will be required when the parcels are developed. The fee is due and payable at the time of building permit.

RECOMMENDATIONS:

1. A Parcel Map is required. (Development Title Section 9-915.2)
2. All easements of record shall be shown on the Parcel Map. (Development Title Section 9-910.20)

AC: CH



## Mountain House Community Services District

230 S. Sterling Drive, Suite 100, Mountain House, CA 95391

Tel (209) 831-2300 • Fax (209) 831-5610

[www.mountainhousecsd.org](http://www.mountainhousecsd.org)

October 23, 2018

Mr. John Funderburg  
Principal Planner  
San Joaquin County Community Development Department  
Stockton, CA

**RE:** Master Plan Amendment (PA-1800157), a Specific Plan III Amendment (PA-1800158), a Use Permit (PA-1800159), and a Minor Subdivision (PA-1800160).MHP/GLR Commercial and Retail Project

Dear Mr. Funderburg:

Please see the MHCSD staff compiled comments below:

- a) All new frontage improvements, traffic signage, striping, curb markings/painting, and pavement markings shall be constructed as per MHCSD current standards.
- b) Applicant shall be responsible for repair and/or improvements for any facilities damaged by Applicant and/or its construction parties, its operations, to meet MHCSD current standards.
- c) All catch basins within the development site shall include MHCSD approved filters/inserts or an alternative onsite solution that meets MHCSD requirements for treatment and include an MHCSD approved long term maintenance plan.
- d) The Applicant shall be the responsible, in perpetuity, for the ongoing costs to upkeep, maintain, and ensure functionality of said approved catch basin filters/inserts as approved by the MHCSD. The applicant will be required to sign a storm water management plan with the MHCSD.
- e) All catch basins adjacent to and within the development area shall include a filter/insert per the MHCSD storm water management plan.

- f) All water lines shall include water meters, backflow prevention devices and fully comply with MHCSD standards and ordinances to protect the public water system.
- g) All water lines must include a valve to isolate and shut off the line in case of a leak or failure.
- h) All onsite utility facilities shall be privately owned and maintained in accordance with MHCSD ordinances and standards.
- i) Utility easements shall be provided to MHCSD on all utility lines and facilities for MHCSD inspections.
- j) Applicant shall modify and/or reconstruct any existing infrastructure improvements, such as curb, gutter, sidewalks, landscaping, pavement markings, signage, lighting, etc., to control access in and out, as well as parking, of the proposed development area onto arterial roads and/or local roads, as approved by MHCSD. Such determinations shall be made during the Improvement Plan review process and/or the Encroachment permit review process and/or prior to the building permit issuance.
- k) Applicant shall coordinate with the master developer (MHI) and ensure that all surrounding arterials roadways, including landscaping, and improvements such as the Community Entry and traffic signals.
- l) Please confirm that the proposed development will have an 3<sup>rd</sup> party to cover and maintain all proposed on-site and development –related improvements.
- m) Provide onsite civil improvement plans:
  - i) Show details of connection points
  - ii) Any unused stubs need to be capped at the property line.
- n) Provide cut sheets for proposed equipment (such as backflow prevention devices, double check valves, etc.) used at points of connections.
- o) Provide details for on-site storm water management plan.
- p) Applicant shall complete all unfinished and perimeter landscaping to the ultimate design and per the MHCSD standards and guidelines.
- q) Show the sight line triangles for all driveway exits.
- r) Please confirm with the county that the on-site landscaping and architecture is being reviewed for consistency with the applicable Commercial, Office and Industrial Design Manual, standards, and guidelines.

The following are preliminary on-site and off-site preliminary requirements of approval subject to modification based on studies identified below:

- s) Prepare and submit a traffic study to evaluate the following:
- t) Ingress and egress traffic volumes and driveway configuration at Interior Road/Mountain House Parkway; Interior Road/DeAnza Blvd; and Grant Line Road/Main Access driveway
- u) Evaluate deceleration/acceleration lane requirements on Grant Line Road and Main Access driveway
- v) Evaluate deceleration lane/right turn lane requirement on De Anza Parkway and Interior Road driveway
- w) Analyze traffic volumes and signal requirement for Interior Road and Joy Avenue
- x) Consider consolidation of the two driveways on Grant Line Road to one main access entrance (in and out) due to the short merging distance between the driveway and Grant Line Road/De Anza Blvd intersection
- y) Evaluate right turn auxiliary lane requirement on Mountain House Parkway and Interior Road driveway. Consider ingress access only with no egress at this location.
- z) Provide a graphical plan showing the delivery truck/tanker access to the site.
- aa) All improvements (frontage and off-site) identified by the traffic study shall be incorporated into a preliminary plan and submitted to MHCS D for review and approval
- bb) Provide an evaluation for On-Site Storm and Runoff Water Treatment requirements in accordance with the NPDES permit requirements, specifically the MS4 permit requirements for on-site water treatment related to the car wash facility
- cc) Provide documentation and requirements with the Regional Water Quality Board permit related to on-site water treatment related to the Car Wash facility.
- dd) All on-site water treatment facilities and NPDES, RWQB permit requirements shall be incorporated into the plans and submitted to MSCSD for review and approval
- ee) Coordinate with MHI regarding the Grant Line Road widening improvements, specifically with the addition of acceleration and deceleration lanes, ADA ramps, frontage improvements and ADA ramps, and signal modification (if any) at Mountain House Parkway/Grant Line Road
- ff) Evaluate landscaping and lighting requirements on Mountain House Parkway between Grand Line and Interior Road (both sides).
- gg) The Applicant shall design and construct all improvements in accordance with the latest version of the Mountain House Community Services District (MHCS D) Standard Specifications and Details.
- hh) The Applicant shall execute a maintenance agreement with the MHCS D for stormwater quality control treatment devices to the satisfaction of MHCS D.

Sincerely,



Anthony Docto, PE  
MHCS D



## Mountain House Community Services District

230 S. Sterling Drive, Suite 100, Mountain House, CA 95391

Tel (209) 831-2300 • Fax (209) 831-5610

[www.mountainhousecsd.org](http://www.mountainhousecsd.org)

November 15, 2018

**Sent via email**

Mr. John Funderburg  
Principal Planner  
San Joaquin County Community Development Department  
Stockton, CA

### **RE: Proposed Shopping Center Site Development at Mountain House/Grant Line Road**

Dear Mr. Funderburg:

As we discussed yesterday evening, Thursday, November 14, 2018, the MHCSD staff has reviewed the Traffic Study update prepared by TJKM, dated June 21, 2018 and amended on November 1, 2018; and the site plan submitted electronically on November 9, 2018 by McKay & Soms. We agree with conclusions from the traffic study and would recommend the following improvements associated with the project:

1. Construct a deceleration lane on Mountain House Parkway to the Internal Road with a minimum length of 100 feet storage, plus 120 feet transition.
2. Extend the Right turn lane on Mountain House Parkway between the Internal Road and Grant Line Road.
3. Construct deceleration lane and right lane pocket on Grant line Road between Mountain House Parkway and De Anza Road. The right lane pocket for the first driveway shall be a minimum of 150 feet, plus 90 feet transition.
4. Install No-Left Sign for Southbound De Anza Blvd at the Internal Road.
5. Install double Raised Pavement Marker (RPM) (2 feet-wide) for the westbound left-turn lane at Grant Line Road at De Anza Blvd to prevent left turn traffic from the westerly driveway to merge into the left turn lane. The RPM shall extend all the way through the westerly driveway. Install No-Truck U-Turn lane for the westbound left-turn lane. Incorporate additional traffic safety measures, including signing, striping, delineations, etc. to prevent merging of the traffic between the westerly driveway and De Anza Blvd and for safe egress from both driveways on Grant Line Road.
6. Extend the left turn lane on Grant Line Road at DeAnza with a minimum of 250 feet storage and 90 feet transition.

7. Widen both Driveway access to the Interior Road (on Both De Anza and Mountain House Parkway) to a minimum of 35 feet width with 30 feet curb returns.
8. Construct all frontage improvements, including curb, gutter, sidewalk, irrigation, landscaping, storm drain facilities and fire hydrants adjoining the property along Grant Line and De Anza Blvd.
9. Construct all frontage improvements, including curb, gutter, sidewalk, irrigation, landscaping, storm drain facilities, median landscaping and irrigation, and fire hydrants on both side of Mountain House Parkway.
10. Incorporate all On-Site Water Quality Treatment, NPDES and RWQCB requirements per the original comments (CSD comment).
11. Install STOP control signage and striping at all driveway exits.

Sincerely,



Anthony Docto, PE  
MHCS

NS:AN:ad

**Zimbra****jfunderburg@sjgov.org**

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**RE: PA-1800157 ; PA-1800158; PA-1800159; PA-1800160**

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**From :** Jamar Stamps <Jamar.Stamps@dcd.cccounty.us>  
**Subject :** RE: PA-1800157 ; PA-1800158; PA-1800159; PA-1800160  
**To :** John Funderburg <jfunderburg@sjgov.org>

Wed, Feb 06, 2019 05:21 PM

Good evening John,

Pleasure talking to you as well. Based on review of the information you provided I believe the project can proceed without formal review by the Contra Costa ALUC.

Thank you, please don't hesitate to contact me if you have any questions.

Jamar I. Stamps, AICP  
Senior Planner – ALUC staff  
Contra Costa County  
Department of Conservation & Development  
Transportation Planning Section  
30 Muir Rd., 2nd Floor  
Martinez, CA. 94553-4601  
(925) 674-7832  
(925) 674-7258 FAX

**From:** John Funderburg <jfunderburg@sjgov.org>  
**Sent:** Wednesday, February 06, 2019 9:59 AM  
**To:** Jamar Stamps <Jamar.Stamps@dcd.cccounty.us>  
**Subject:** PA-1800157 ; PA-1800158; PA-1800159; PA-1800160

Hello Jamar,

It was a pleasure discussing with you the proposed project and as discussed, attached is the project referral, site plan, and applications. If you have any comments on the project, please forward them to me and I'll include them with the final conditions of approval.

Thanks John

**John Funderburg**  
**Principal Planner**  
**San Joaquin County**  
**Community Development Department**  
**209-468-3160**

**DEPARTMENT OF TRANSPORTATION**

P.O. BOX 2048 STOCKTON, CA 95201  
(1976 E. CHARTER WAY/1976 E. DR. MARTIN  
LUTHER KING JR. BLVD. 95205)  
TTY: California Relay Service (800) 735-2929  
PHONE (209) 941-1921  
FAX (209) 948-7194



*Making Conservation  
a California Way of Life.*

January 24, 2019

**10-SJ-205-PM 001.258  
PA-1800157 through PA-1800160  
SPIII Grant Line Road  
Commercial Plaza  
SCH# 2019012015**

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

Dear Mr. Funderburg:

The California Department of Transportation appreciates the opportunity to have reviewed PA-1800157 (MP), PA-1800158 (SP), PA-1800159 (UP), and PA-1800160 (MS), the proposed commercial and retail development on the north side of West Grant Line Road between De Anza Boulevard and Mountain House Parkway. The project includes three restaurants, one convenience store, ten gas pumps, and a car wash. The Department has the following comments:

- As proposed, Caltrans has no objection to this project. However, if plans change significantly, please submit them to Caltrans for further review.

If you have any questions or would like to discuss our comments in more detail, please contact Nicholas Fung at (209) 948-7190 or myself at (209) 941-1921.

Sincerely,

A handwritten signature in blue ink that reads "Nicholas Fung".

FOR

TOM DUMAS, CHIEF  
OFFICE OF METROPOLITAN PLANNING

February 11, 2019

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

**Project: PA-1800157 (MP), PA-1800158 (SP), PA-1800159 (UP), & PA-1800160 (MS)  
Initial Study / Mitigated Negative Declaration**

**District CEQA Reference No: 20181021**

Dear Mr. Funderburg:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Initial Study / Mitigated Negative Declaration (IS/MND) for PA-1800157 (MP), PA-1800158 (SP), PA-1800159 (UP), & PA-1800160 (MS). Per the IS/MND, the proposed Project consists of the following:

- PA-1800157 (MP): master plan amendment focus on changes to the map figures and text of these documents to conform to the proposed commercial and retail development project for the Specific Plan III planning area.
- PA-1800158 (SP): specific plan amendment focus on changes to the map figures and text of these documents to conform to the proposed commercial and retail development project for the Specific Plan III planning area.
- PA-1800159 (UP): use permit for the development of retail and commercial uses on parcel 3. Development on parcel 3 will consists of the following:
  - Building one: a 7,000 square foot restaurant
  - Building two: a 2,400 square foot restaurant with drive thru
  - Building three: a 2,400 square foot restaurant with drive thru
  - Building four: a 6,750 square foot convenience store and restaurant with drive thru
  - A 6,054 square foot canopy structure for 10 gas pumps
  - A 3,133 square foot car wash building
- PA-1800160 (MS): minor subdivision to subdivide an existing 15.89 acre parcel into three parcels (parcel 1 is 3.00 acres, parcel 2 is 8.75 acres, and parcel 3 is 4.14 acres).

Samir Sheikh  
Executive Director/Air Pollution Control Officer

**Northern Region**  
4800 Enterprise Way  
Modesto, CA 95356-8718  
Tel: (209) 557-6400 FAX: (209) 557-6475

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

**Southern Region**  
34946 Flyover Court  
Bakersfield, CA 93308-9725  
Tel: 661-392-5500 FAX: 661-392-5585

The Project is located at the northwest intersection of Mountain House Parkway and Grant Line Road, in San Joaquin County, CA. The District offers the following comments:

1. Based on information provided to the District, Project specific annual emissions of criteria pollutants are not expected to exceed any of the following District significance thresholds: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of 10 microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5). Therefore, the District concludes that the Project would have a less than significant impact on air quality when compared to the above-listed annual criteria pollutant emissions significance thresholds.
2. The IS/MND indicates that the Project would include several onsite restaurants, the nature of which are not known at this time. The IS/MND presented a qualitative assessment which relies upon the District to require controls on any future sources that may emit toxic air contaminants, making the impact less than significant. Currently, the only source of restaurant emissions subject to District regulations is chain-driven charbroilers. Therefore, it would be reasonable to conclude that chain-driven charbroilers would have a less than significant health impact. However, please note that sources such as underfired charbroilers, deep fat fryer, or griddles are not subject to District rules and their emissions may have a significant health impact.
3. District Rule 9510 (Indirect Source Review) is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site fees. The proposed Project is subject to District Rule 9510 (Indirect Source Review) if (1) it has or will receive a project-level discretionary approval from a public agency and will equal or exceed 2,000 square feet of commercial space, or (2) if it has or will receive a project-level approval from a public agency and will equal or exceed 10,000 square feet of commercial space. If subject to the rule, an Air Impact Assessment (AIA) application is required prior to applying for project-level approval from a public agency. In this case, if not already done, please immediately submit an AIA application to the District to comply with District Rule 9510.

In the case the Project is subject to District Rule 9510 an AIA application is required and the District recommends that demonstration of compliance with District Rule 9510, before issuance of the first building permit, be made a condition of Project approval. Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>. The AIA application form can be found online at: <http://www.valleyair.org/ISR/ISRFormsAndApplications.htm>.

4. The gas station portion of this Project will be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and will require District permits. Prior to construction, the Project proponent should submit to the District an application for an Authority to Construct (ATC). For further information or assistance, the Project proponent may contact the District's Small Business Assistance (SBA) Office at (209) 557-6446.
5. Particulate Matter 2.5 microns or less in size (PM<sub>2.5</sub>) from under-fired charbroilers pose immediate health risk. Since the cooking of meat can release carcinogenic PM<sub>2.5</sub> species like polycyclic aromatic hydrocarbons, controlling emissions from under-fired charbroilers will have a substantial positive impact on public health.

Charbroiling emissions occur in populated areas, near schools and residential neighborhoods, resulting in high exposure levels for sensitive Valley residents. The air quality impacts on neighborhoods near restaurants with under-fired charbroilers can be significant on days when meteorological conditions are stable, when dispersion is limited and emissions are trapped near the surface within the surrounding neighborhoods. This potential for neighborhood-level concentration of emissions during evening or multi-day stagnation events raises environmental concerns.

Furthermore, the latest photochemical modeling indicates that reducing commercial charbroiling emissions is critical to achieving attainment of multiple federal PM<sub>2.5</sub> standards and associated health benefits in the Valley.

Therefore, the District strongly recommends new restaurants that will operate under-fired charbroilers install emission control systems during the construction phase since installing charbroiler emissions control systems during construction of new facilities is likely to result in substantial economic benefit compared to costly retrofitting. To ease the financial burden for Valley businesses that wish to install control equipment before it is required by District Rule 4692 (Commercial Charbroiling), the District is currently offering substantial incentive funding that covers the full cost of purchasing, installing, and maintaining the system for up to two years. Please contact the District at (559) 230-5800 or [technology@valleyair.org](mailto:technology@valleyair.org) for more information.

6. The proposed Project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM<sub>10</sub> Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this Project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business

Assistance Office at (559) 230-5888. Current District rules can be found online at: [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm).

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

If you have any questions or require further information, please call Sharla Yang at (559) 230-5934.

Sincerely,

Arnaud Marjollet  
Director of Permit Services



Brian Clements  
Program Manager

AM: sy