

# STAFF REPORT - Road Name Change

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## **Application Information**

Owner: **San Joaquin County**  
Applicant: **San Joaquin County**  
File Number: **PA-1900110**  
Location: **On the west side of S. Walker Lane, 1,100 feet north of E. Main Street, Stockton**

Community: **Stockton**  
Supervisory District: **2**  
CEQA Determination: **Notice of Exemption**  
Staff: **Stephanie Stowers**

## **Project Description**

This project is a public Road Name Change application initiated by San Joaquin County to modify the road name Carmelia Avenue. This road name is included on the recorded subdivision map (Subdivision Map No. MP 11-054), however, the name Carmellia Avenue (alternate spelling) has been utilized for property addresses and is depicted on the existing street sign. This Road Name Change is proposed for emergency response purposes, administrative purposes, and for consistency with the commonly used spelling of the road name. The proposed change is not anticipated to impact existing residences because the request will align the official name with the existing street sign and common spelling.

## **Recommendation**

Approval.

# Referrals and Replies

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A legal ad for the public hearing was published in the Stockton Record on July 22, 2019.

Two hundred sixty-seven (267) public hearing notices were mailed on July 19, 2019.



# Analysis

## **Background**

This project is a county-initiated public Road Name Change application, which was initialized on May 15, 2019 to address the spelling inconsistency between Carmelia Avenue, contained on the subdivision map and within official County address records, and Carmellia Avenue, which is depicted on the existing street signs and is utilized by existing residences. This inconsistency was brought to the attention of the Community Development Department GIS/Mapping staff by the Office of the Assessor while updating APN maps. GIS/Mapping staff discussed the inconsistency with the Fire Services Coordinator, who recommended a Road Name Change to limit impact on the existing neighborhood. At the direction of the Community Development Department Director, Community Development Department staff began processing this application to limit any emergency response concerns related to the inconsistency in spelling.

Primarily, this application is for administrative purposes, as the existing street sign utilizes the alternative spelling Carmellia Avenue, and existing addresses also utilize the alternative spelling. However, the change from Carmelia Avenue to Carmellia Avenue is necessary for consistency and emergency response purposes.

## **Addressing**

Twenty-one (21) parcels are located along Carmelia Avenue, however all addresses contained within the San Joaquin County database currently utilize the proposed alternative spelling of Carmellia Avenue. As a result, the Community Development Department anticipates that no existing residences will be impacted by this Road Name Change application.

# Recommendations

## Action

It is recommended that the Planning Commission:

1. **Approve Road Name Change application No. PA-1900110 with the Conditions of Approval contained in the Staff Report.**

(Note: there are no required Findings with this application.)

## **Conditions**

1. DEPARTMENT OF PUBLIC WORKS (Staff Contact: Awni Taha, 209-468-3000)
  - a. A copy of the final approval letter shall be sent to Public Services.
  - b. A copy of the final approval letter shall be sent to the County Surveyor.
  - c. A Certificate of Correction shall be submitted for review and approval.

# STAFF REPORT - Use Permit

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## Application Information

Owner: **Dominion Life Christian Center**  
Applicant: **Skyway Towers, LLC.**  
File Number: **PA-1900018**  
Location: **On the north west corner intersection of West Michigan Avenue, North Ryde Avenue, Stockton.**  
Address: **2701 West Michigan Avenue, Stockton**

General Plan:	<b>R/L</b>	Community:	<b>Stockton</b>
Zoning:	<b>R-L</b>	APN:	<b>109-360-03</b>
Project Size:	<b>6,400 square feet</b>	Parcel Size:	<b>1.82 acres</b>
Water Supply:	<b>California Water</b>	Sewage Disposal:	<b>Septic</b>
Storm Drainage:	<b>On-Site</b>	100-Year Flood:	<b>Yes, A</b>
Williamson Act:	<b>No</b>	Supervisorial District:	<b>3</b>
Staff:	<b>Frank Girardi</b>	CEQA Determination:	<b>Notice of Exemption</b>

## Project Description

This project is a Use Permit application for the establishment of an 80-foot tall monopole communications tower and ancillary equipment within a 6,400 square foot lease area. (Use Type: Communications Services – Type II)

## Recommendation

Approval.

# Referrals and Replies

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The application referrals were mailed on June 11, 2019, with responses due by June 25, 2019.

<b>AGENCY</b>	<b>RESPONSE DATE</b> (through June 25, 2019)
SJC Assessor	
SJC Building Division & Plan Check	June 26, 2019
SJC Environmental Health	June 24, 2019
SJC Fire Prevention Bureau	
SJC Mosquito Abatement	
SJC Public Works	June 24, 2019
SJC Sheriff Comm Director	
City of Stockton	June 25, 2019
Stockton Unified School District	
Country Club Fire District	
Air Pollution Control District	
SJ Council of Governments	June 24, 2019
Caltrans / District 10	
CA Highway Patrol	
CA Regional Water Quality Control Board	June 18, 2019
Central Valley Flood Protection Board	
Delta Stewardship Council	
CA Division of Aeronautics	
CA Fish & Wildlife Region 3	
Native American Heritage Commission	
Stockton East Water District	
PG&E	
Public Utilities Commission	
1614 Smith TR Reclamation District	
AT&T	
Private Cal Water	
Federal Aviation Administration	
Federal Emergency Management Agency	
US Army Corps	
Audubon Society	
Building Industry Association	
Builders Exchange	
California Tribal TANF Partnership	
California Valley Miwok Tribe	
Carpenters Union	
Delta Keeper	
Haley Flying Services	
North Valley Yokuts Tribe	
Precissi Flying Services	
Sierra Club	
United Auburn Indian Community	

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A legal ad for the public hearing was published in the **Stockton Record** July 22, 2019.

Fifty (50) public hearing notices were mailed on July 19, 2019.

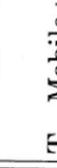
The Development Committee reviewed this proposal on June 26, 2019.



**SKYWAY TOWERS**  
TAMPA, FL 33618  
REP: (771) 461-8337



**T-Mobile**



**apx**  
ENGINEERING GROUP  
4000 LAUREL BAY, SUITE 100  
TAMPA, FL 33611

PROJECT NO: C-18110  
DRAWN BY: W. ARNEY  
CHECKED BY:

NO.	DATE	DESCRIPTION	BY
A	1/15/18	REV. ZONING	OS
B	1/22/18	REV. ZONING	OS
C	3/1/18	EXISTING DISK/SLA FIELD	OS
D	3/1/18	100% ZONING	OS
E	4/25/18	100% ZONING	OS
F	5/22/18	100% ZONING	OS

APN: 100-30-010  
APN: 100-30-010  
APN: 100-30-010

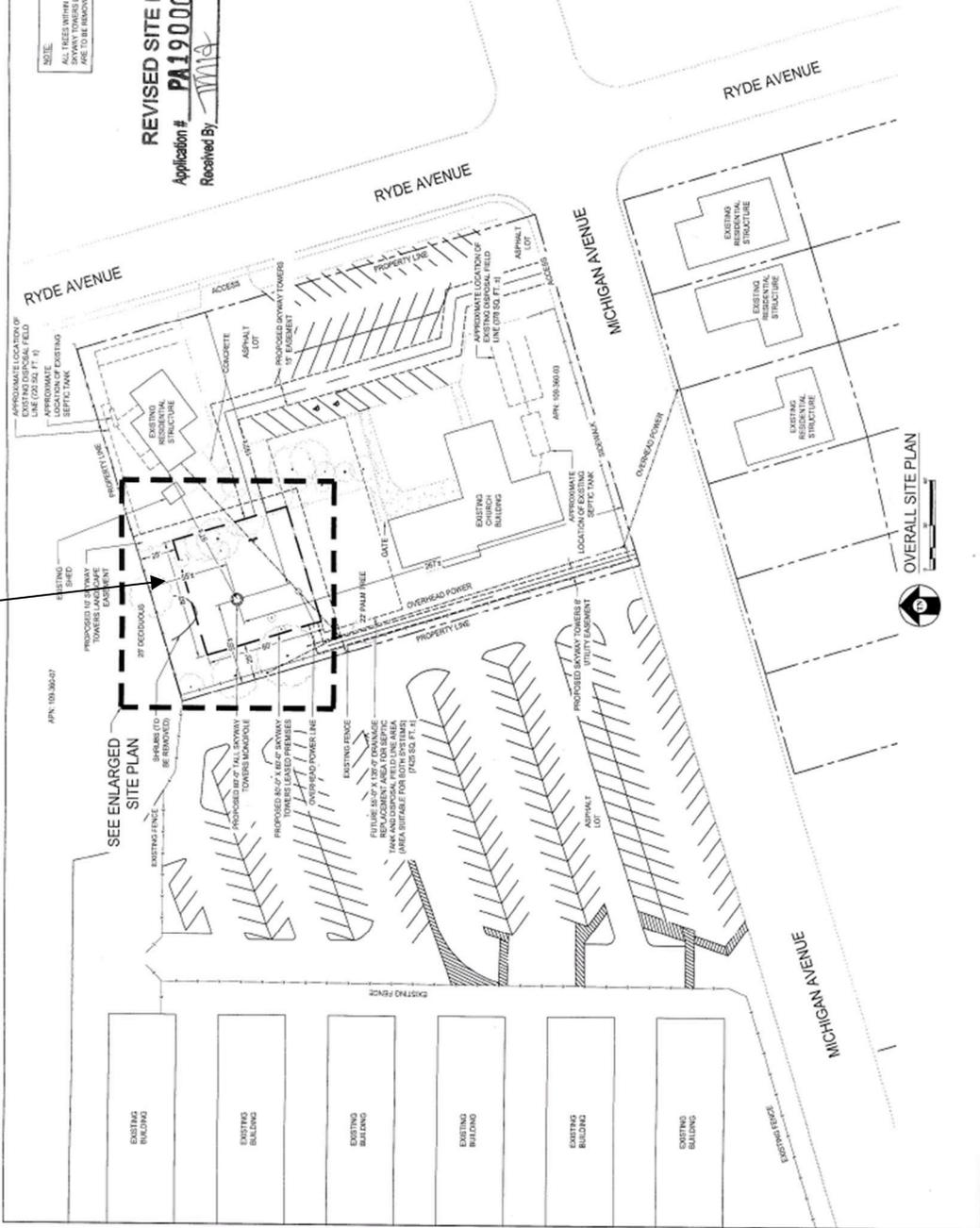
ALPINE AVE  
C-00008  
2701 MARKET STREET  
STOCKTON, CA 95204

OVERALL SITE PLAN

SHEET NUMBER  
**A-1**

NOTE:  
ALL TREES WITHIN PROPOSED  
SKYWAY TOWERS LEASE AREA  
ARE TO BE REMOVED

**REVISED SITE PLAN**  
Application # **PA1900018**  
Received By: *[Signature]* On: *3/1/18*



See detail on page 4



# Analysis

## Site History

The project site contains an existing religious assembly and residence. On August 15, 1985, the Community Development Department approved Development Plan application No. DP-85-0021 to expand the existing religious assembly by adding a fellowship hall. The proposed monopole will be located behind the existing religious assembly facility, within an area of the property leased to Skyway Towers, LLC.

## Oak Trees

The site plan depicts the removal of three (3) oak trees for the installation of the lease area. The Development Title (Chapter 9-1505) provides regulations for the protection and conservation of oak trees. As result, any oak trees proposed for removal must be reviewed and replaced pursuant to the Development Title regulations. The following condition has been included in the recommended Conditions of Approval regarding oak tree preservation:

**TREE PRESERVATION:** The removal of a Native Oak Tree or Heritage Oak Tree shall require an approved Improvement Plan application. Replacement of any tree removed under Development Title Section 9-1505.3 shall be as specified in Section 9-1505.4. The method of replacement shall be described, consistent with Section 9-1504.4 of the Development Title. The replacement stock shall be of healthy commercial nursery stock or acorns, of the species removed or other approved species, and shall be established and maintained for at least three (3) years, as Specified in Section 9-1505.4 (a). Replacement trees shall be planted as near as possible to the location of the removed tree or in an alternative location acceptable to the Review Authority as Specified in Section 9-1505.4 (b). The improvement plan shall indicate how many trees will be removed. If the tree is to remain, development constraints shall be noted on the improvement plan, consistent with Section 1505.5 of the Development Title.

## Proximity to the nearest cell tower and residences

The nearest cell tower is located approximately 0.5 miles away to the south east of the project site on Country Club Boulevard. The nearest residence is located approximately 350 feet south of the proposed site, on the south side of Michigan Avenue

# Recommendations

## Action

It is recommended that the Planning Commission:

1. **Approve the Notice of Exemption; and**
2. **Approve Use Permit application No. PA-1900018 with the Findings 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 tower will be located in the R-L (Low Density Residential) zone, and the Communications Services - Type II use type may be conditionally permitted in the R-L zone with an approved Use Permit application. The project site also has a General Plan designation of R/L (Low Density Residential), and the R-L zone is an implementing zone for this designation. The proposed communications tower is consistent with the goals, policies, standards, and maps of the General Plan, and there are no Master Plans or Special Purpose Plan applicable to this site.**
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 there are no new utility or roadway improvements required. The wireless communication tower is an unmanned facility and will not impact existing public utilities. This project will not require the use of a public water or septic system and all storm water will be retained on site.**
3. The site is physically suitable for the type of development and for the intensity of development.
  - **This finding can be made because the 1.82-acre parcel is of adequate size and shape to accommodate the proposed use, building coverage, setbacks, and other requirements of the Development Title. The parcel can accommodate the 80-foot-tall monopole and 6,400 square foot lease area. There are no residences on adjoining parcels within the 80-foot fall zone of the tower.**
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 this project is exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15303. Any potentially significant impacts will be adequately addressed through Conditions of Approval. The tower must comply with Federal Communications Commission regulations regarding radio frequency emissions.**

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 surrounding land uses are public facilities and residential both within the County and within the City of Stockton. The project site is zoned P-F (Public Facilities) and R-L (Low Density Residential). The proposed tower will be located centrally within the parcel in the portion of the project site that is zoned R-L, with the nearest residence located 350 feet south of the project site. The proposed use may be conditionally permitted in the R-L zone subject to an approved Use Permit application.**

## Conditions of Approval

Use Permit Application No. PA-1900018 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). Foundation and soils investigation shall be conducted in conformance with Chapter 18 of the California Building Code at the time of permit application. A fee is required for the Site Plan review. (Development Title Section 9-884)
  - b. **APPROVED USE:** This approval is for a 80-foot-tall monopole communications tower and ancillary equipment within a 6,400 square foot lease area as shown on the Revised Site Plan dated May 31, 2019. (Use Type: Communications Services - Type II)
  - 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. **SETBACKS:** The structure shall comply with the following setback requirements:
    - (1) The proposed tower and accompanying equipment shelter shall be set back a minimum of twenty (20) feet from the front and street side property lines. (Development Title Section 9-310.3)
    - (2) New freestanding support structures shall be located a distance equal to at least the height of the said structure from residential structures on adjoining properties. (Development Title Section 9-1065.4[d])
  - e. **MAINTENANCE OF FACILITIES:** All freestanding structures, antennas, and supporting equipment associated with wireless telecommunication shall be maintained in good condition by the provider of the telecommunication facility and, whenever necessary, repaired or replaced. (Development Title Section 9-1065.7)
  - f. **REMOVAL OF FACILITIES:** Freestanding structures, antennas, and supporting equipment associated with wireless telecommunication shall be removed by the provider of such facilities and the site resorted to its pre-construction state if said facilities have not been operational or used for a period of six (6) consecutive months. Removal and site restoration shall be completed within ninety (90) days of the end of said six (6) month period.

- g. **TOWER LIGHTS:** For safety purposes, the communications tower shall be lighted according to the following:
- (1) Two (2) red lights shall be placed at or near the top of the tower.
  - (2) The light shall operate twenty-four (24) hours a day.
  - (3) The light shall conform to all lighting standards required by the Federal Aviation Administration.
- h. **TREE PRESERVATION:** The removal of a Native Oak Tree or Heritage Oak Tree shall require an approved Improvement Plan application. Replacement of any tree removed under Development Title Section 9-1505.3 shall be as specified in Section 9-1505.4. The method of replacement shall be described, consistent with Section 9-1504.4 of the Development Title. The replacement stock shall be of healthy commercial nursery stock or acorns, of the species removed or other approved species, and shall be established and maintained for at least three (3) years, as Specified in Section 9-1505.4 (a). Replacement trees shall be planted as near as possible to the location of the removed tree or in an alternative location acceptable to the Review Authority as Specified in Section 9-1505.4 (b). The improvement plan shall indicate how many trees will be removed. If the tree is to remain, development constraints shall be noted on the improvement plan, consistent with Section 1505.5 of the Development Title.
- j. **BUILDING CODE REQUIREMENTS:** The following California Building Code (CBC) and San Joaquin County Ordinance requirements will be applicable to the proposed project. The following conditions shall be addressed prior to submittal of a building permit application to the Building Inspection Division:
- (1) A building permit for each separate structure or building is required. Submit plans, Specifications and supporting calculations, prepared by a Registered Design Professional (architect or engineer) for each structure or building, showing compliance with The 2016 California Building, Existing Building, Mechanical, Plumbing, Electrical, Energy and Fire Codes as may be applicable. Plans for the different buildings or structures may be combined into a single set of construction documents.
  - (2) The required plans must be complete at the time of submittal for a building permit. Plans must address building design and construction, fire and life safety requirements, accessibility and show compliance with the current California codes and San Joaquin County ordinances. A complete set of plans must include fire sprinkler plans, truss design submittals, metal building shop drawings, structural plans and calculations, plumbing, electrical and mechanical drawings and energy report.
  - (3) 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.
  - (4) A soils report is required pursuant to Section 1803 for foundations and appendix Section J104 for grading of the CBC. All recommendations of the Soils Report shall be incorporated into the construction drawings.

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

- a. A copy of the Final Site Plan shall be submitted prior to approval of the Improvement Plan.
  - b. The proposed project disturbs less than one (1) acre of ground and is not part of a larger plan of common development. The construction phase of the proposed project shall follow best management practices of the County "Small Site Storm Water management Plan".
  - c. 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)
  - d. 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)
  - e. All new construction and the substantial improvement of any structure 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) and (c).
4. ENVIRONMENTAL HEALTH DEPARMTENT (Staff contact: Sukhreet Kaur, (209) 953-7868)
- a. Any geotechnical drilling shall be conducted under permit and inspection by The Environmental Health Department (San Joaquin County Development Title, Section 9-1115.3 and 9-1115.6).
  - b. There shall be no underground utility in the proposed future septic system replacement area.
  - a. 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
5. 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 30-day process and it is recommended that the project applicant contact SJMSCP staff as early as possible. It is also recommended that the project applicant obtain an information package.



GAVIN NEWSOM  
GOVERNOR

JARED BLUMENFELD  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## Central Valley Regional Water Quality Control Board

18 June 2019

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

**CERTIFIED MAIL**  
7017 2620 0001 1359 0628

### **COMMENTS TO REQUEST FOR REVIEW FOR THE NOTICE OF PUBLIC HEARING, PA-1900018 (UP) PROJECT, SAN JOAQUIN COUNTY**

Pursuant to the San Joaquin County Community Development Department's 11 June 2019 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Notice of Public Hearing* for the PA-1900018 (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

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)

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, 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 Implementation Policy is available on page 74 at:

[https://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/sacsjr\\_201805.pdf](https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_201805.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:

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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.

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

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

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

If an USACE 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.

For more information on the Water Quality Certification, visit the Central Valley Water Board website at:

[https://www.waterboards.ca.gov/centralvalley/water\\_issues/water\\_quality\\_certification/](https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/)

#### **Waste Discharge Requirements – Discharges to Waters of the State**

If USACE 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 Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at:

[https://www.waterboards.ca.gov/centralvalley/water\\_issues/waste\\_to\\_surface\\_water/](https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/)

### **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:  
[https://www.waterboards.ca.gov/centralvalley/water\\_issues/irrigated\\_lands/regulatory\\_information/for\\_growers/coalition\\_groups/](https://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/regulatory_information/for_growers/coalition_groups/) 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 11-100 acres are currently \$1,277 + \$8.53/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:  
[https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2016-0076-01.pdf](https://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:  
<https://www.waterboards.ca.gov/centralvalley/help/permit/>

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