

STAFF REPORT - Use Permit

Application Information

Owner: **Keith & Denise Powell**
Applicant: **Quartaroli & Associates**
File Number: **PA-1900030**
Location: **On the east side of Comconex Road, 300 feet north of State Route 120, east of Manteca**
Address: **17800 S Comconex Road, Manteca**

General Plan:	I/L	Community:	Manteca
Zoning:	I-L	APN:	208-180-23
Project Size:	11.8 acres	Parcel Size:	11.8 acres
Water Supply:	CSA 30	Sewage Disposal:	Septic
Storm Drainage:	On-site	100-Year Flood:	No
Williamson Act:	No	Supervisorial District:	3
Staff:	Christine Luckasen	CEQA Determination:	Negative Declaration

Project Description

This project is a Use Permit application to expand an existing 34,035 square foot crane rental facility to include the construction of a 14,400 square foot equipment storage building with an 8,000 square foot roof overhang. (Use Type: Equipment Sales & Repair - Heavy Equipment, Sales)

Recommendation

Approval.

Referrals and Replies

The application referrals were mailed on February 2, 2019, with responses due by March 21, 2019.

AGENCY	RESPONSE DATE (through April 18, 2019)
Department of Public Works	March 26, 2019
Environmental Health Department	March 25, 2019
S.J. County Sheriff	
S.J. County Building Inspection	March 12, 2019
S.J. County Fire Prevention Bureau	
S.J. County Assessor	
S.J. County Office of Emergency Services	
Council of Governments	March 8, 2019
San Joaquin Air Pollution Control District	March 11, 2019
Lathrop/Manteca Fire District	
P.G. & E.	
Verizon	
C.A. Department of Fish and Wildlife	
City of Manteca - Building & Fire	
City of Manteca - Engineering	
City of Manteca - Planning	
Manteca Unified School District	
U.S. Army Corps of Engineers	
S.S.J.I.D.	March 5, 2019
Caltrans - District 10	
California Highway Patrol	
C.V.W.Q.C.B.	March 14, 2019
C.V.F.P.B.	
Mosquito & Vector Control	
Sierra Club	
Precessi Flying Service	
Haley Flying	
Kathy Perez	

A legal ad for the public hearing was published in the Stockton Record on April 22, 2019, and August 5, 2019.

Twenty-nine (29) public hearing notices were mailed on April 19, 2019, and August 2, 2019.

The Development Committee reviewed this proposal on March 27, 2019.

Analysis

Background

On October 3, 2013, the Planning Commission approved Use Permit application No. PA-1300124 to establish a crane rental facility, which included the construction of a 15,000 square foot repair shop, for incidental repair of cranes, and a 3,200 square foot office building. Improvements were constructed and the use was established.

On November 3, 2016, the Planning Commission approved Use Permit application No. PA-1600198 to expand the existing crane rental facility, including the construction of an 8,960 square foot equipment storage building.

On February 19, 2019, the applicant applied for Use Permit application No. PA-1900030 to further expand the crane rental facility, which includes the construction of a 14,400 square foot equipment storage building with an 8,000 square foot overhang.

Facility Operations

The existing facility operates Monday through Saturday, 6:00 a.m. to 6:00 p.m. with a maximum of thirty-five (35) employees and approximately three (3) customers per day. No increase in hours, employees, or customers is proposed with this expansion.

CSA 30

The project site is located within County Service Area 30 (CSA 30 Manteca Industrial Area) for water services. As a Condition of Approval for the previously approved Use Permit application No. PA-1300124, the project area was required to annex into the district. As a result, an 8.42-acre northern portion of the property was annexed into CSA 30. The proposed equipment storage building is located within the annexed area, and will be served by CSA 30.

Parking Modification

Use Permit Application No. PA-1300124 required forty-one (41) parking stalls, and Use Permit Application No. PA-1600198 required an additional two (2) parking stalls, in addition to the existing forty-one (41) parking stalls, resulting in forty-three (43) existing required parking stalls. The Use Type Equipment Sales & Repair – Heavy Equipment Sales, requires one (1) parking space for every 1,000 square feet of building, and .67 per employee. As a result, fifteen (15) additional parking spaces would be required for this expansion. However, the applicant submitted a letter dated March 5, 2019, requesting a modification in the number of parking spaces required. The letter states that the proposed expansion to the existing crane rental facility consists of storage area only, and the number of employees and anticipated customers will not increase. The applicant has requested that there be no additional parking spaces required with this project. The Community Development Department has reviewed the request and is recommending the Planning Commission approve the modification.

San Joaquin Council of Governments

San Joaquin County is a signatory to San Joaquin Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), and this project is subject to the plan. 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). In order to expedite the approval process, the applicant went through the San Joaquin Council of Governments review process early, and was informed that the fee was \$0. The applicant satisfied the SJCOG requirements on March 6, 2019.

Recommendations

Action

It is recommended that the Planning Commission:

1. **Approve the Negative Declaration; and**
2. **Approve Use Permit application No. PA-1900030 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 crane rental facility may be conditionally permitted use in the I-L (Limited Industrial) zone with an approved Use Permit application. The project is consistent with the goals, policies, standards, and maps of the General Plan. There are no Master Plan, Specific Plan, or Special Purpose Plans applicable for 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 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. Additionally, there will be no increase in employees or customers with this expansion. The project is served County Service Area (CSA) 30 for public water, an individual wastewater disposal system(s) will be constructed under permit and inspected by the Environmental Health Department. All storm drainage 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 11.8-acre parcel is of adequate size and shape to accommodate the proposed use, building coverage, setbacks, and other requirements of the Development Title. The applicant has requested that no additional parking spaces be required because this expansion is for storage only and will not result in an increase in employees or customers.**
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 adjacent parcels are primarily industrial and agricultural with scattered residences. The proposed use may be conditionally permitted in the I-L zone subject to an approved Use Permit application.**

Conditions of Approval

Use Permit Application No. PA-1900030 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: Christine Luckasen, [209] 468-3121)

- a. **COMMERCIAL 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). Foundations 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:** An expansion of an existing 34,035 square foot crane rental facility to include the construction of a 14,400 square foot equipment storage building, with an 8,000 square foot roof overhang, as shown on the site plan dated February 15, 2019. Repair and routine maintenance of the rental construction equipment may be permitted as an accessory use only to the proposed operation. (Use Type: Equipment Sales and Repair - Heavy Equipment, Sales)

Existing Buildings:

- Repair Building: 16,875 square feet
- Office Building: 5,280 square feet
- Equipment Storage Building: 11,880 square feet

These Conditions of Approval include and supersede the Conditions of Approval for Use Permit application No. PA-1600198 and Use Permit application No. PA-1300124.

- c. **CAPITAL FACILITY FEE:** This project may be subject to the Capital Facility Fee. If the Capital Facility Fee is applicable, the County shall collect the fees before the issuance of any building permits. (Development Title Section 9-1245.2)
- d. **PARKING:** Off-street parking shall be provided and comply with the following:
 1. All parking spaces, driveways, and maneuvering areas shall be surfaced and permanently maintained with base material of appropriate depth and asphalt concrete to provide a durable, dust free surface. Bumper guards shall be provided where necessary to protect adjacent structures or properties. (Development Title Section 9-1015.5[e])
 2. The parking area for the tractor-trailers and mobile crane units shall be surfaced with 1.5 inch

rounded rock, as the surfacing material in lieu of asphalt concrete. (Development Title Section 9-1015.9)

3. A minimum of forty-three (43) parking stalls shall be provided.
 4. Each parking stall shall be an unobstructed rectangle, minimum nine (9) feet wide and twenty (20) feet long. (Development Title Section 9-1015.5[b])
 5. All parking stalls and directional arrows must be delineated with paint. (Development Title Section 9-1015.5[d])
- e. **ACCESS AND CIRCULATION:** The following requirements apply and shall be shown on the Site Plan:
- 1) Access driveways shall have a width of no less than twenty-five (25) feet for two-way aisles and sixteen (16) feet for one-way aisles, except that in no case shall driveways designated as fire department access be less than twenty (20) feet wide. (Development Title Section 9-1015.5[f][1])
- f. **LIGHTING:** Lighting shall be provided and comply with the following:
- 1) If the parking area is to be used at night, parking lot and security lighting shall be installed. (Development Title Section 9-1015.5[g])
 - 2) Any lighting shall be designed to confine direct rays to the premises. No spillover beyond the property lines shall be permitted except onto public thoroughfares, provided, however, that such light shall no cause a hazard to motorists. (Development Title Section 9-1015.5[g][4])
- g. **LANDSCAPING:** Landscaping shall be provided and comply with the following:
- 1) This project will be required to comply with the Model Water Efficient Landscape Ordinance Requirement per California Code of Regulations, Title 23, Division 2, Chapter 2.7.
 - 2) A minimum ten (10) foot wide landscaped strip, respecting the ultimate right-of-way with of Comconex Road, shall be installed across the frontage of the project site. (Development Title Section 9-1020.7) The existing landscaping meets this requirement.
 - 3) Areas of the property which are not part of the project shall be barricaded from traffic and kept mowed and dust free.
- h. **SCREENING:** Screening shall be provided and comply with the following:
- 1) A solid masonry wall six (6) to seven (7) feet in height shall be erected along the first 350 feet of the southern property line adjacent to the project site. The existing screening meets this requirement.
 - 2) All storage materials and related activities, including storage areas for trash, shall be enclosed by a screen six (6) to eight (8) feet in height. Items stored within one hundred (100) feet of a dedicated street or residential zone shall not be stacked higher than two (2) feet above the adjacent screen. (Development Title Section 9-1022.4[e][2][A])
- h. **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) A grading permit will be required for this project. Submit plans and grading calculations, including a statement of the estimated quantities of excavation and fill, prepared by a Registered Design Professional. The grading plan shall show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of the code. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of the code.
- 3) 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.
- 4) 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.
- 5) For each proposed new building, provide the following information on the plans:
 - a. Description of proposed use
 - b. Existing and proposed occupancy Groups
 - c. Type of construction
 - d. Sprinklers (Yes or No)
 - e. Number of stories
 - f. Building height
 - g. Allowable floor area
 - h. Proposed floor area
 - i. Occupant load based on the CBC
 - j. Occupant load based on the CPC
- 6) Accessible routes shall be provided per CBC § 11B-206. At least one accessible route shall be provided within the site from accessible parking spaces 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
- 7) 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
- 8) 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

- 9) 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.
 - 10) Adequate sanitary facilities shall be provided for the facility, per the requirements of Chapter 4 of the California Plumbing Code.
 - 11) 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 of stairs. The plans shall indicate the location of the toilet facilities and the travel distance from work areas.
 - 12) This project will be required to comply with the Model Water Efficient Landscape Ordinance requirements of the California Code of Regulations, Title 22, Division 2, Chapter 2.7
2. DEPARTMENT OF PUBLIC WORKS (Staff contact: Awni Taha, [209] 468-3000, see memo dated March 26, 2019)
- a. The Traffic Impact Mitigation Fee shall be required for this application. The fee is due and payable at the time of building permit application. The fee 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)
 - b. The Regional Transportation Impact Fee shall be required for this application. The fee is due and payable at the time of building permit application. The fee will be based on the current schedule at the time of payment. (Resolution R-06-38)
 - c. A copy of the Final Site Plan shall be submitted prior to release of building permit.
 - d. 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".
 - e. The developer shall provide drainage facilities in accordance with the San Joaquin County Development Standards. Retention basins shall be fenced with six (6) foot high chain link fence or equal when the maximum design depth is 18 inches or more. Required retention basin capacity shall be calculated and submitted along with a drainage plan for review and approval, prior to release of building permit. (Development Title Section 9-1135)
3. ENVIRONMENTAL HEALTH DEPARTMENT (Staff contact: Naseem Ahmed, [209] 468-3420, see memo dated March 25, 2019)

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

- a. A soil suitability and nitrate loading study incorporating proposed 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(s). (San Joaquin County Development Title, Section 9-1105.2(d)). The fee will be based on the current schedule at the time of payment.

The sewage disposal system shall comply with the onsite wastewater treatment systems standards of San Joaquin County prior to approval. Percolation testing in accordance with the E.P.A. Design Manual - Onsite Wastewater and Disposal Systems is required. The fee will be based on the current schedule at the time of payment.

- b. 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)).
- c. Applicant shall contact Robert McClellon, Program Coordinator, Small Public Water System Program, at (209) 468-0332, to determine if a permit amendment application is required for the existing small public water system prior to issuance of building permits.
- d. 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).
- e. 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/ 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.)
 - 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.
 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.)

i. 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.)

i. Risk Management Plan requirement for covered processes

4. 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.

5. SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT (Staff Contact: Arnaud Marjollet, [559] 230-5820, see memo dated March 11, 2019)

a. The proposed project is subject to District Rule 9510 and the applicant is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable fees.

b. The proposed project may be subject to the following District rules: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving, and Maintenance Operations), and Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

c. The proposed project may require District permits. Prior to the start of construction, the project proponent should contact the District's Small Business Assistance Office at (550) 230-5888 to identify other District rules or regulations that apply to this Project.

SAN JOAQUIN COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT

INITIAL STUDY

FILE NO: PA-1900030

PROJECT/APPLICANT: Powell / Quartaroli & Associates

PROJECT DESCRIPTION: A Use Permit application for the expansion of an existing crane rental facility to include the construction of a 14,400 square foot equipment storage building with a 7,200 square foot overhang. The project is located on the east side of Comconex Road, 500 feet north of State Route 120, east of Manteca. (Use Type: Equipment Sales and Repair – Heavy Equipment Sales)

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: 208-180-23

ACRES: 11.8

GENERAL PLAN: I/L

ZONING: I-L

CURRENT SITE CONDITIONS (topography, uses): Relatively flat parcel with an existing crane rental facility.

POTENTIAL POPULATION, NUMBER OF DWELLING UNITS, OR SQUARE FOOTAGE OF USE(S): 21,600 square foot expansion to an existing crane rental facility.

SURROUNDING LAND USES:

North: Agricultural with scattered residences

South: Religious Assembly / State Route 120 / Agricultural with scattered residences

East: Agricultural with scattered residences

West: Industrial / Residential / City of Manteca

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: Manteca

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.

1. Water:

- a. Is any portion of the project subject to flood hazard?
 Flood zone: X Yes No
- b. Will the project result in reduction of surface or ground water quality or quantity? Yes No
- c. Will the project result in increases to surface, channel or stream volumes, or alterations to drainage patterns and streams? Yes No
- d. Will the project result in erosion of or sedimentation to a channel, river, or body of water? Yes No

Other sources used: _____

2. Earth:

- a. Will the project result in or be subject to potentially hazardous geologic

or soils conditions on or immediately adjoining the site (slides, springs, erosion, liquefaction, earthquake faults; steep slopes, septic tank limitations)?

Yes No

b. Will the project involve substantial grading which could result in secondary impacts (consider amount, steepness, and visibility of proposed slopes; consider effect of grading on trees and creek channels)?

Yes No

c. Will there be conversion of prime farmland (over 40 acres and not shown for development in the General Plan)?

Yes No *

Other sources used: San Joaquin County Soil Survey

3. Plant/Animal Life:

a. Will there be a reduction or disturbance to any habitat for plants and animals (including removal or disturbance of trees, riparian areas, or migration routes)?

Yes No *

b. Will the project impact any rare, endangered, threatened, or recreational species located on or near the site? (Check the Natural Diversity Data Base)

Yes No *

Other sources used: Natural Diversity Database

4. Air/Climate:

a. Will the project make a significant contribution to the deterioration of existing air quality, including creation of objectionable odors; will future project residents be subjected to significant pollution levels?

Yes No *

b. Will the project result in any impact to current climatic conditions? (Consider the introduction of water features, loss of wetland, etc.)

Yes No

Other sources used: _____

5. Noise:

a. Will the project expose people to high noise or vibration levels (over 65db/Ldn for residential uses or 75db/Ldn for industrial uses at the property line)? (Check 2010 projected noise contours.)

Yes No

b. Will the project result in increased noise or vibration levels?

Yes No

Other sources used: _____

6. Energy/Natural Resources:

a. Will the project use substantial amounts of fuel or energy, require a substantial increase in demand upon existing sources, or require the development of new sources of energy?

Yes No

b. Will the project affect the potential use, extraction, conservation, or depletion of a natural resource (other than agricultural land)?

Yes No

Other sources used: _____

7. Hazards:

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

Other sources used: _____

8. Utilities and Public Service:

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

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

Other sources used: _____

9. Transportation/Circulation:

- a. Will the project generate significant traffic volumes and/or make a significant contribution to an existing circulation problem (consider existing LOS on nearby arterials and highways, road design, access, parking, accident potential)? Yes No *
- b. **Will the project cause special transportation considerations (consider water-borne, rail, air, pedestrian, and bicycle traffic, and public transportation systems and parking facilities)? Yes No
- c. Will the project result in a significant increase in commuting to and from the local community? Yes No
- d. Will the project be impacted by or interfere with an airport flight path? Yes No
- e. Will the project restrict access to the surrounding area? Yes No

Other sources used (note traffic studies): _____

10. Cultural Resources:

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

Other sources used: _____

11. Housing:

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

Other sources used: _____

12. Aesthetics:

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

Other sources used: _____

13. Land Use:

- a. Is this project a growth-inducing action: Will it encourage additional requests for related uses, or will it set a significant land use precedent in the area? Yes No
- b. Will the project conflict with existing or planned land uses; is the project in conflict with any adopted plans? Yes No *
- c. Will the project disrupt a natural or recreation area, impact access to waterways, or allow trespass onto surrounding land? Yes No

14. Cumulative:

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

Other sources used: _____

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

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

16. 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-1900030.

Prepared by: Christine Luckasen



Title: Assistant Planner

Date: April 3, 2018

INITIAL STUDY CONTINUED
PA-1900030
Powell / Quartaroli & Associates

Project Description: A Use Permit application for the expansion of an existing crane rental facility to include the construction of a 14,400 square foot equipment storage building with a 7,200 square foot overhang. The project is located on the east side of Comconex Road, 500 feet north of State Route 120, east of Manteca. (Use Type: Equipment Sales and Repair – Heavy Equipment Sales)

2. Earth

2. c. The project is subject to the Agricultural Mitigation Ordinance pursuant to Development Title Section 9-1080.3(a), which states that the County shall require agricultural mitigation as a result of General Plan Amendment or Zone Reclassification that changes the designation of land from agricultural to non-agricultural use. This parcel is subject to this requirement as a result of General Plan Amendment application PA-1200153 (GP) and Zone Reclassification application PA-1200154 (ZR). Development Title section 9-1080.3(c) states "Agricultural mitigation shall be satisfied by granting a farmland conservation easement or other farmland conservation mechanism as set forth in Subsection (d) of this Section to or for the benefit of a Qualifying Entity. The number of acres of agricultural mitigation land shall be at least equal to the number of acres that will be changed to a nonagricultural use (a 1:1 ratio)." Pursuant to Development Title Section 9-1080.3(f), submission of the required legal instrument to provide agricultural mitigation land will be required at the time of Grading Permit or Building Permit issuance for the underlying development project.

3. Plant/Animal Life

3. a.&b. The Natural Diversity Database does not list any rare, endangered, or threatened species as potentially occurring in or near the project area. Referrals have been sent to the San Joaquin Council of Governments (SJCOG) for review. If SJCOG determines that the applicant may participate in the San Joaquin Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), and if the applicant chooses to participate, then the proposed project is consistent with the SJMSCP, as amended, as reflected in the conditions of project approval for this proposal. Pursuant to the Final EIR/EIS for San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), dated November 15, 2000, and certified by SJCOG on December 7, 2000, implementation of the SJMSCP is expected to reduce impacts to biological resources resulting from the proposed project to a level of less-than-significant. If the applicant chooses not to participate, then the applicant will be required to participate in a similar mechanism that provides the same level of mitigation.

4. Air & Climate

4. a. This project is an expansion of an existing crane rental facility to include the construction of a 14,400 square foot equipment storage building with a 7,200 square foot overhang. A referral has been sent to the San Joaquin Air Pollution Control District for review. This project will be subject to the District requirements regarding fugitive dust emissions and emissions standards for hazardous air pollutants. With the rules and regulations of the San Joaquin Air Pollution Control District, the impact to air quality will be less than significant.

8. Utilities and Public Services

8. a. The project site is served by County Service Area 30 (CSA 30) for water service and storm drain service. The Department of Public Works states that the existing water service is sufficient

to serve the proposed expansion. Public sewer is not available. Any new development will have to be accommodated by an on-site septic system for sewage. The Environmental Health Department will determine the size of this system. As a result, the project will not require new public utility systems or district boundary changes. A referral has been sent to the Department of Public Works and the Environmental Health Department for review.

9. Transportation/Circulation

9. a. This project is an expansion of an existing crane rental facility. The existing facility operates Monday through Saturday, 6:00 am to 6:00 pm with a maximum of 35 employees and approximately three (3) customers per day. No increase in hours, employees, or customers is expected with this expansion. The Department of Public Works states that the proposed project would have a less than significant impact on traffic on the local streets because the development project is not expected to exceed fifty vehicles during any hour. Projects that have a traffic volume that is less than fifty (50) trips per hour have a less than significant impact of traffic.

13. Land Use

13. a. & b. The proposed project is an expansion of an existing crane rental facility to include the construction of a 14,400 square foot equipment storage building with a 7,200 square foot overhang. The Use Type for the project is Equipment Sales and Repair – Heavy Equipment Sales, and may be conditionally permitted in the I-L zone with an approved Use Permit application. This project is not a growth-inducing action nor is in conflict with any existing or planned land uses. The surrounding land uses are industrial, agricultural with scattered residences, and residential. The proposed project does not conflict with any existing or planned land uses, and will not set any significant land use precedents in the area. Therefore, this project is not a growth-inducing action.



SJCOG, Inc.

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: Christine Luckasen, San Joaquin County, Community Development Department
From: Laurel Boyd, SJCOG, Inc.
Date: March 8, 2019
Local Jurisdiction Project Title: PA-1900030 (UP)
Assessor Parcel Number(s): 208-180-23
Local Jurisdiction Project Number: PA-1900030 (UP)
Total Acres to be converted from Open Space Use: Unknown
Habitat Types to be Disturbed: Urban Habitat Land
Species Impact Findings: Findings to be determined by SJMSCP biologist.

Dear Ms. Luckasen:

SJCOG, Inc. has reviewed the application referral for PA-1900030 (UP). This project consists of a Use Permit application for the expansion of an existing 34,035 square foot crane rental facility. The expansion includes the construction of an enclosed 14,400 square foot building for equipment storage with 7,200 square feet of overhang, totaling 21,600 square feet. Operations are planned for 12 hours per day, Monday through Saturday, with 35 employees per shift, three (3) customers per shift, and two (2) vehicles per shift. This parcel will utilize a private septic system and be provided water from a public water district. The project site is located on the northeast corner of South Comconex Road and State Route 120, Manteca (APN/Address: 208-180-23/17800 South Comconex Road, Manteca).

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

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

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

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

4. Within 6 months from the effective date of the ITMMs or issuance of a building permit, whichever occurs first, the project applicant must:
 - a. Pay the appropriate SJMSCP for the entirety of the project acreage being covered; or
 - b. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
 - c. Purchase approved mitigation bank credits.

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

- Receive your Certificate of Payment and release the required permit

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

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



S J C O G , I n c .

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

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

SJMSCP HOLD

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

FROM: Laurel Boyd, SJCOG, Inc.

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

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

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

Project Title: PA-1900030 (UP)

Landowner: Keith and Denise Powell

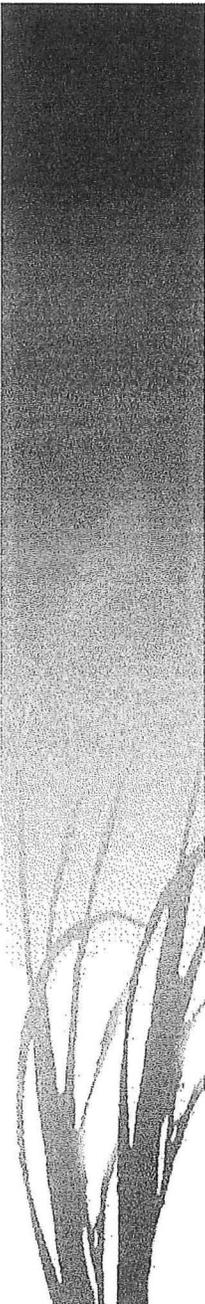
Applicant: Quartaroli & Associates, Inc.

Assessor Parcel #s: 208-180-23

T _____, R _____, Section(s): _____

Local Jurisdiction Contact: Christine Luckasen

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.





S J C O G, Inc.

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

American Crane Project (PA-1900030), Phase 4 SJMSCP Incidental Take Minimization Measures (APN: 208-180-23)

Date: March 5, 2019

Findings: No SJMSCP covered species on site

Total Disturbed Acres Anticipated: 2.85 acres (remaining acreage)

Habitat Types to be Disturbed: Urban (U) Habitat Land

Project Jurisdiction: San Joaquin County

Advisory Statements

After inspecting the project site, and project site conditions, the San Joaquin Council of Governments (SJCOG) provides the following *advisory statements* to the applicant. No further action is required with the SJCOG with respect to the following statements. SJCOG does not accept any liability for the accuracy of these statements since each regulatory agency discussed below must determine the extent of its own regulatory authority with respect to the proposed project.

It should be noted that two important federal and state agencies (U.S. Army Corps of Engineers and the California Regional Water Quality Control Board) and California Department of Fish and Wildlife Streambed Alteration requirements have not issued permits to the SJCOG and so payment of the fee to use the SJMSCP will not modify requirements (1600/1602) now imposed by these agencies. **If potential waters of the United States [pursuant to Section 404 Clean Water Act] may occur on the project site**, it therefore 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 likely be required from each of these resource agencies prior to impacting these features on the project site.

The SJMSCP covers lawful activities which must comply with all federal, state and local laws for coverage. The **Migratory Bird Treaty Act (MBTA)** is a federal act which protects many birds and their habitats. Those species go beyond the listed SJMSCP species but are included as protective measures for compliance with the federal MBTA measures. The measures will be stated under **MBTA Compliance** in the prescribed ITMM.

The ITMM is not deemed complete until finalized by SJCOG, Inc. staff and provided back to the project.

Conditions

Prior to ground disturbance:

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.

Pay appropriate SJMSCP 2019 fees based on habitat categories and rates to SJCOG, Inc.:

- Urban (U) Habitat – 2.85 acres x \$0.00 per acre = **\$0.00**

Total Fee due: \$0.00

Note: If fees are not paid prior to January 1, 2020 this project will be subject to the subsequent fee change, and the fee above will no longer be applicable.

Project Proponent Must Initial Here As to Understanding the Note Above: _____

During project construction:

All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers and removed at least once a week from the construction site.

In reliance on the Section 10(a)(1)(B) Permit issued by the United States Fish and Wildlife Service and the Section 2081(b) Incidental Take Permit issued by the California Department of Fish and Wildlife, San Joaquin County has consulted with and agreed to allow coverage pursuant to the SJMSCP for the

American Crane Project (PA-1900030), Phase 4 its successors, agents and assigns pursuant to the "Implementation Agreement for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan" which will allow the American Crane Project (PA-1900030), Phase 4, its successors, agents and assigns to construct, operate and maintain the Project commonly known as the American Crane Project (PA-1900030), Phase 4 and located on Assessor Parcel Numbers 208-180-23 which could result in a legally permitted Incidental Take of the SJMSCP Covered Species in accordance with and subject to the terms and conditions of the American Crane Project (PA-1900030), Phase 4 approved by San Joaquin County. This Certification applies only to activities on the subject parcel(s) which are carried out in full compliance with the approved plans for the American Crane Project (PA-1900030), Phase 4, Section 10(a)(1)(B) Permit, and Section 208(b) Incidental Take Permit conditions.

I have read, acknowledge, and agree to the preceding conditions:

Keith Powell

Project Proponent for the American Crane Project (PA-1900030), Phase 4

3-6-19
Date

Keith Powell
Please Print Name Here

FOR SJCOG, Inc. Use Only:

Laurel Boyd
SJCOG, Inc. Staff Signature

3/6/19
Official Date of Issuance

Laurel Boyd
SJCOG, Inc. Staff Print Name Here

9/6/19
Mitigation Due Date



S J C O G, Inc.

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

Certificate of Payment CP-19-26

This Certificate of Payment serves as acknowledgement for payment of development fees pursuant to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan. The project and fee amount paid are provided below.

Project: American Crane Project, Phase 4 (PA-1900030)

Project Jurisdiction: San Joaquin County

Assessor Parcel Number(s): 208-180-23

Project Impact(s): 2.85 acres of Urban (U) Habitat

Payment Date: March 6, 2019

Fee Amount: 2.85 acres x \$0.00 per acre = \$0.00

Total Amount Paid= \$0.00

Certificate Prepared By: Laurel Boyd

Payment Received By Signature:

Print Name: Laurel K Boyd **Date:** March 6, 2019



SOUTH SAN JOAQUIN
IRRIGATION DISTRICT

March 5, 2019

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

Attn: Christine Luckasen

Subject: PA-1900030 (UP)
Keith and Denise Powell
APN: 208-180-23

Dear: Ms. Luckasen:

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

Upon review of the materials supplied, there does not appear to be any major concern for the District relative to the proposed application as long as it would not result in an encroachment of the District's easement or drainage into District facilities. Applicant shall contact District for approval if said encroachment or drainage applies. Improvement plans for both off-site and on-site improvements shall be submitted for review by the District's Engineering Department.

If there are further questions, please feel free to contact me at (209)249-4620.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Killingsworth", is written in a cursive style.

Forrest Killingsworth
Engineering Department Manager

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



San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT



March 11, 2019

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

Project: Use Permit Application Number PA-1900030 (UP)

District CEQA Reference No: 20190245

Dear Ms. Luckasen:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of the expansion of an existing 34,035 square foot crane rental facility, including the construction of an enclosed 14,400 square foot building for equipment storage with 7,200 square feet of overhang, totaling 21,600 square feet, with operations planned for 12 hours per day on Monday through Saturday, including thirty-five (35) employees per shift, three (3) customers per shift, and two (2) vehicles per shift (Project), located at 17800 South Comconex Road, in Manteca, CA (APN: 208-180-23). 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. 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.

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

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>.

3. The proposed Project may be subject to District Rule 9410 (Employer Based Trip Reduction) if the Project would result in employment of 100 or more "eligible" employees. District Rule 9410 requires employers with 100 or more "eligible" employees at a worksite to establish an Employer Trip Reduction Implementation Plan (eTRIP) that encourages employees to reduce single-occupancy vehicle trips, thus reducing pollutant emissions associated with work commutes. Under an eTRIP plan, employers have the flexibility to select the options that work best for their worksites and their employees. Information about how District Rule 9410 can be found online at: www.valleyair.org/tripreduction.htm. For additional information, you can contact the District by phone at 559-230-6000 or by e-mail at etrip@valleyair.org
4. 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.
5. 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 Stephanie Palmer, at (559) 230-5820.

Sincerely,

Arnaud Marjollet
Director of Permit Services


Brian Clements
Program Manager

AM: sp



GAVIN NEWSOM
GOVERNOR



JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

14 March 2019

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

CERTIFIED MAIL
7014 2120 0001 4292 3419

COMMENTS TO REQUEST FOR REVIEW FOR THE EARLY CONSULTATION, PA-1900030 (UP), SAN JOAQUIN COUNTY

Pursuant to the San Joaquin County Community Development Departments' 22 February 2019 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Early Consultation* for the PA-1900030 (UP), 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

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/

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

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

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

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/

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

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

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.

¹ 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.

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/

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/

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

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

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/ or contact water board staff at (916) 464-4611 or via email at 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.

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

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.



Jordan Hensley
Environmental Scientist

STAFF REPORT - Variance

Application Information

Owner: **Robert A. Panella and Dorothy Panella Family Trust**
Applicant: **Michael Hakeem**
File Number: **PA-1900044**
Location: **On the northeast corner of North Davis Road and West Peltier Road, Lodi**
Address: **23000 North Davis Road**

General Plan:	A/G, OS/RC	Community:	None
Zoning:	AG-40	APN:	003-090-12, -11
Project Size:	1-acre	Parcel Size:	78- acres
Water Supply:	Well	Sewage Disposal:	Septic system
Storm Drainage:	On-site	100-Year Flood:	Yes
Williamson Act:	No	Supervisorial District:	4
Staff:	Giuseppe Sanfilippo	CEQA Determination:	Mitigated Negative Declaration

Project Description

This project is a Variance application to reduce the minimum required front yard setback for a ten 10-foot tall solid fence in the AG-40 (General Agriculture, 40-acre minimum) zone from the required thirty (30) feet to one and a half (1.5) feet from the front property line.

Recommendation

Denial.

Referrals and Replies

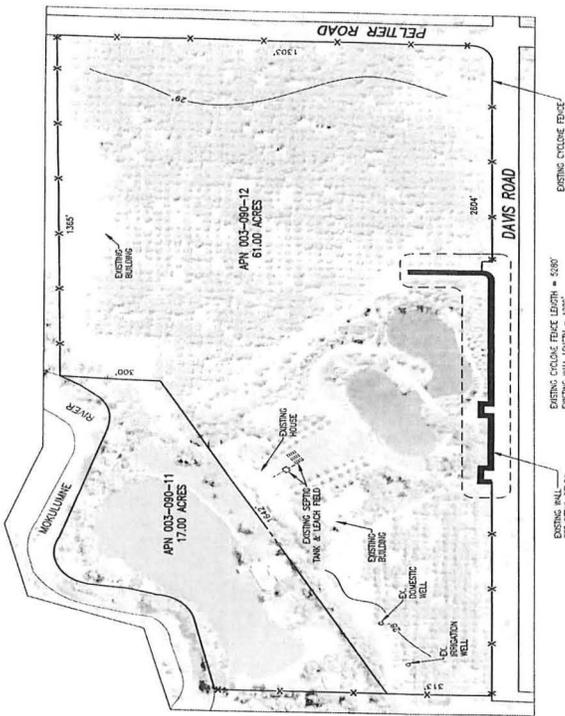
The agency referrals were mailed on March 22, 2019, with responses due by April 25, 2019.

AGENCY	RESPONSE DATE (through June 28, 2019)
Department of Public Works	May 1, 2019, May 6, 2019
Environmental Health Department	April 11, 2019
San Joaquin Air Pollution Control District	
San Joaquin County Sheriff	
Building Division	April 22, 2019
Code Enforcement	
Surveyor	
Assessor	
Council of Governments	
Ag Commissioner	
Air Pollution Control District	
C.V.F.P.B.	
C.R.W.Q.C.B.	May 24, 2019
County Assessor	
Woodbridge Irrigation District	
U.S. Fish and Wildlife	
P G & E	April 1, 2019
A T & T	
Precessi Flying Service	
Lodi Grape Growers Association	
Haley Flying Services	
Kathy Perez	
C.A. Department of Fish and Wildlife	
Department of Conservation	
San Joaquin County Resource Conservation	
Fire Prevention Bureau	March 26, 2019
Lodi Unified School District	
F.E.M.A	April 1, 2019
Mosquito & Vector Control	
Farm Bureau	
Sierra Club	
Woodbridge Fire District	May 16, 2019

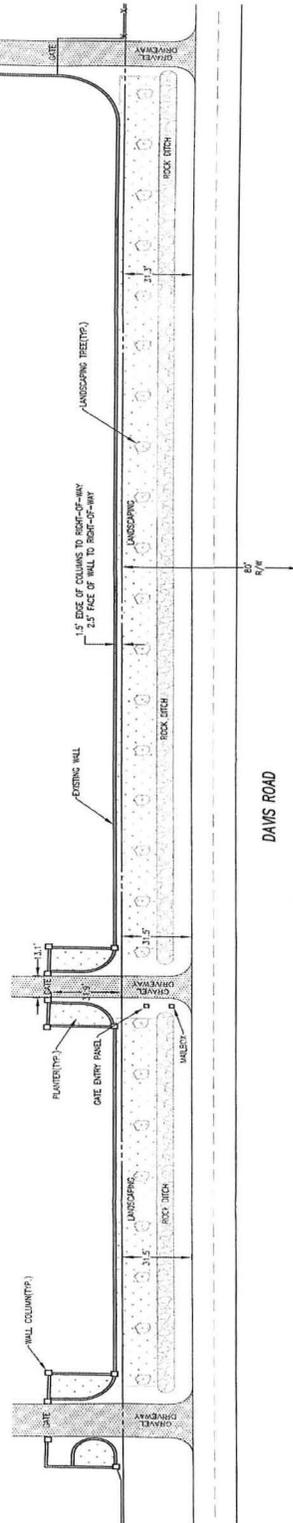
A legal ad for the public hearing was published in the **Stockton Record** on August 5, 2019.

Fifty two (52) Public Hearing notices were mailed on August 2, 2019.

The Development Committee reviewed this project on May 1, 2019



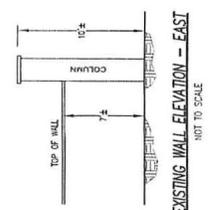
OVERALL PROPERTY
 SCALE: 1"=200'



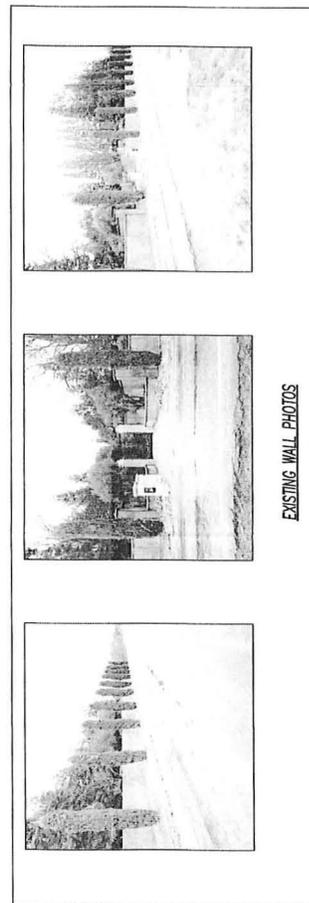
EXISTING WALL DETAIL
 SCALE: 1"=40'

NOTES:

1. THE PROPERTY DIMENSIONS ARE SHOWN.
2. THE DISTANCE FROM THE PROPERTY LINE TO THE EDGE OF THE TRAVELED HIGHWAY IS APPROXIMATELY 11.5 FEET.
3. THE DISTANCE FROM THE GATE TO THE PROPERTY LINE IS APPROXIMATELY 33.9 FEET.
4. THE DISTANCE FROM THE GATE TO THE PROPERTY LINE IS APPROXIMATELY 33.9 FEET.
5. THE DISTANCE FROM THE GATE TO THE PROPERTY LINE IS APPROXIMATELY 33.9 FEET.
6. THE DISTANCE FROM THE GATE TO THE PROPERTY LINE IS APPROXIMATELY 33.9 FEET.
7. THE LOCATION OF THE SEPTIC AND LEACH FIELD IS AS SHOWN. THE SEPTIC AND LEACH FIELD IS APPROXIMATELY 11.5 FEET FROM THE PROPERTY LINE.
8. THE DISTANCE FROM THE PROPERTY LINE TO THE SEPTIC AND LEACH FIELD IS APPROXIMATELY 11.5 FEET.
9. THE DISTANCE FROM THE PROPERTY LINE TO THE SEPTIC AND LEACH FIELD IS APPROXIMATELY 11.5 FEET.
10. THE DISTANCE FROM THE PROPERTY LINE TO THE SEPTIC AND LEACH FIELD IS APPROXIMATELY 11.5 FEET.



EXISTING WALL ELEVATION - EAST
 NOT TO SCALE



EXISTING WALL PHOTOS

DILLON & MURPHY
 CONSULTING CIVIL ENGINEERS
 ENGINEERING PLANNING • SURVEYING
 847 N. CLAY AVENUE, SUITE 42, LOS ANGELES, CALIFORNIA 90012 (213) 334-6813

PANELLA PROPERTY
 23000 N. DAVIS ROAD
 EXISTING WALL PLAN

WEST SAN JOAQUIN
 COUNTY, CALIF.

REV. NO.	DESCRIPTION	DATE	SCALE AS SHOWN	BENCH MARK: N.T.A. & S.W.	SHEET
1	DESIGNED BY:				1
	CHECKED BY: JM				OF 1 SHEETS
	AS SHOWN BY:				JOB NO. 1901

Analysis

Background

On November 15, 2018, the Community Development Department opened Code Enforcement case No. EN-1800486 for the construction of a 10-foot tall solid fence within the front setback. Because the fence is a solid material and exceeds permitted fence height, the fence is subject to structure setbacks. Pursuant to Development Title Table 9-610.2, structures must be set back a minimum of thirty (30) feet from the front property line, on the subject parcel.

On March 7, 2019, the applicant submitted Variance application No. PA-1900044 to reduce the minimum required front yard setback for a ten (10) foot tall solid fence in the AG-40 (General Agriculture, 40-acre minimum) zone from thirty (30) feet to one and a half (1.5) feet from the front property line.

Fire Access

The property has access to North Davis Road from two (2) access points, with driveways integrated into the existing wall. The site plan depicts the northern driveway as 20-feet wide and the southern driveway as 13-feet wide. In an e-mail dated May 16, 2019, Chief Butler of the Woodbridge Fire District stated the existing access meets applicable fire code requirements. However, a Knox Box would be required at both gates at the time of Building Permit.

Neighboring Properties

A field survey conducted by the Community Development Department identified three (3) properties in the vicinity of the subject property with similar solid fences. However, these fences were built pursuant to the existing building code and Development Title standards. As a result, no additional review is necessary.

Policy Consideration

In order to approve a Variance application, three (3) findings must be made in the affirmative. The applicant submitted findings for the approval of the application. The Community Development Department has reviewed the applicant's findings and is recommending that the Planning Commission deny the Variance application because Findings Number 1 and Number 2 cannot be made in the affirmative. If the Planning Commission approves this Variance application, the applicant must obtain a Building Permit. Fees are associated with this process.

Finding No. 1: Special Circumstances

Because of the special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the regulation deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Applicant's Statement:

"The Applicant's property is on a dead end road and is part of the existing agricultural community which currently has many other residences with fences similar in both height and placement as compared to the fence on the applicant's property".

- **This finding cannot be made because the property has no special circumstances. The applicant's proposed finding is not related to the size, shape, topography, location, or surroundings of the parcel. The property has not been denied a privilege enjoyed by other property in the vicinity and under identical zoning classifications; surrounding property**

owners within the same vicinity and with the same zoning classification are not able to construct fences of this nature under the standards and regulations of the Development Title. A fence exceeding seven (7) feet in height has been determined to be a structure, requiring structure setbacks and a building permit. As a result, the proposed fence is subject to Development Title Table 9-610.2, which requires structures to be setback a minimum of 30 feet from the street right-of-way.

Finding No. 2: No Special Privileges

The granting of the Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.

Applicant's Statement:

"The Applicant's fence is not different in size or placement from many of the other fences that are currently existing in the adjacent agricultural community. As such, the granting of the variance will not constitute a grant of special privilege as the use is consistent with many of the other residential fences in the area."

- **This finding cannot be made because granting this Variance will constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated. There are no limitations upon this property that are not also on neighboring properties. A survey of the vicinity found that similar fences were permitted pursuant to applicable Development Title and Building Code regulations.**

Finding No. 3: Use Authorized

The Variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property.

Applicant's Statement

"The Variance Application is for the approval of the existing fence only and would not authorize a use or activity which is not otherwise expressly authorized by the regulation(s) governing this parcel of property".

- **This finding can be supported because the Variance application does not authorize a use that is not otherwise expressly authorized by the General Plan or Development Title. The construction of a solid fence is a permitted use in the Development Title in the AG-40 (General Agriculture, 40-acre minimum) zone, subject to the required minimum front setback of thirty (30) feet pursuant to Development Title Table 9-610.2.**

Recommendations

Action

It is recommended that the Planning Commission:

1. **Deny Variance Application No. PA-1900044 based on the inability to make Findings Number 1 and 2 contained in the staff report.**

Findings

1. Because of the special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the regulation deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification.
 - **This finding cannot be made because the property has no special circumstances. The applicant's proposed finding is not related to the size, shape, topography, location, or surroundings of the parcel. The property has not been denied a privilege enjoyed by other property in the vicinity and under identical zoning classifications; surrounding property owners within the same vicinity and with the same zoning classification are not able to construct fences of this nature under the standards and regulations of the Development Title. A fence exceeding seven (7) feet in height has been determined to be a structure, requiring structure setbacks and a building permit. As a result, the proposed fence is subject to Development Title Section 9-610.5, which requires structures to be setback a minimum of 30 feet from the street right-of-way.**
2. The granting of the Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.
 - **This finding cannot be made because granting this Variance will constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated. There are no limitations upon this property that are not also on neighboring properties. A survey of the vicinity found that similar fences were permitted pursuant to applicable Development Title and Building Code regulations.**
3. The Variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property.
 - **This finding can be supported because the Variance application does not authorize a use that is not otherwise expressly authorized by the General Plan or Development Title. The construction of a solid fence is a permitted use in the Development Title in the AG-40 (General Agriculture, 40-acre minimum) zone, subject to the required minimum front setback of thirty (30) feet pursuant to Development Title Section 9-610.5.**

MITIGATED 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

PROJECT TITLE: A VARIANCE APPLICATION NO. PA-1900044 (VR)

PROPOSER: Bob Panella

PROJECT LOCATION: The project site is on the northeast corner of North Davis Road and West Peltier Road, Lodi. (APN/Address: 003-090-11, -12/23000 North Davis Road, Lodi) (Supervisorial District: 4)

PROJECT DESCRIPTION: A Variance application to reduce the minimum front yard setback for a closed fence in the AG-40 (General Agriculture, 40-acre minimum) zone from thirty (30) feet to 1.5 feet. This parcel is not under a Williamson Act contract.

The Property is zoned AG-40 (General Agriculture, 40-acre minimum) and the General Plan designation is A/G (General Agriculture) and OS/RC (Resource Conservation).

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

Date: *May 7, 2019*

Contact Person: Giuseppe Sanfilippo

Phone: (209) 468-0227

Filed Doc #: 39-05072019-142
05/07/2019 10:55:00 AM
Steve J. Bestolarides
San Joaquin County Clerk

SAN JOAQUIN COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT
INITIAL STUDY

FILE NO: PA-1900044 (VR)

PROJECT/APPLICANT: PANELLA/ HAKEEM

PROJECT DESCRIPTION: This project is a Variance application to reduce the minimum front yard setback for a ten (10) foot tall closed fence in the AG-40 (General Agriculture, 40-Acre Minimum) zone from thirty (30) feet to one and a half (1.5) feet. The project site is served by a private well, private septic system, and storm drainage is retained on site. The parcel has direct access from North Davis Road. This property is not under a Williamson Act contract. The project site is located on the northeast corner of North Davis Road and West Peltier Road, Lodi.

RECOMMENDED ENVIRONMENTAL DETERMINATION:

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

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. X

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

ASSESSOR PARCEL NO: 003-090-12, -11

ACRES: 78.0-acres

GENERAL PLAN: OS/RC & A/G

ZONING: AG-40

CURRENT SITE CONDITIONS (topography, uses): Single family residence, pool house, guest house, and accessory buildings.

POTENTIAL POPULATION, NUMBER OF DWELLING UNITS, OR SQUARE FOOTAGE OF USE(S): A solid fence with a maximum height of ten (10) feet that is a minimum of one and a half (1.5) feet from the front property line.

SURROUNDING LAND USES:

North: Agriculture with scattered residences

South: Agriculture with scattered residences

East: Agriculture with scattered residences/Mokelumne River/Gill Creek

West: Agriculture with scattered residences

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: _____

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, AE 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-1900044 (VR)

Prepared by: Giuseppe Sanfilippo



Title: Associate Planner

Date: May 7, 2019

INITIAL STUDY (ATTACHMENT)
PA-1900044 (VR)
PANELLA/HAKEEM

PROJECT DESCRIPTION: This project is a Variance application to reduce the minimum front yard setback for a ten (10) foot tall closed fence in the AG-40 (General Agriculture, 40-Acre Minimum) zone from thirty (30) feet to one and a half (1.5) feet. The project site is served by a private well, private septic system, and storm drainage is retained on site. The parcel has direct access from North Davis Road. The General Plan designation is General Agriculture (A/G) and the zoning designation is General Agriculture, 40-acre minimum (AG-40). The project site is located on the northeast corner of North Davis Road and West Peltier Road, Lodi.

ENVIRONMENTAL ISSUES:

1. Water

1.a. The project site is located in the Flood Zone A and AE flood designations. As a Condition of Approval, the Department of Public Works will require that 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 Development Title Section 9-1605.12(a),(b), and (c). As a result, granting of the Variance will have a less than significant impact on flooding.

2. Earth

2.c. The Soil Survey of San Joaquin County classifies the soil on the parcel as *Columbia fine sandy loam, channeled, partially drained, 0 to 2 percent slopes*; *Jahant loam, 0 to 2 percent slopes*; *Kingdon fine sandy loam, 0 to 2 percent slopes*; and *Tokay fine sandy loam, 0 to 2 percent slopes*.

Columbia fine sandy loam, channeled, partially drained's permeability is moderately rapid and available water capacity is moderate. This unit is suited for irrigated row or field crops. *Columbia fine sandy loam, channeled, partially drained* has a storie index rating of 20 and a land capability of IVw nonirrigated and IIIw irrigated.

Jahant loam's permeability is slow and available water capacity is high. This unit is suited for irrigated row, field, orchard, and vineyard crops. *Jahant loam* has a storie index rating of 40 and a land capability of IVs nonirrigated and IIIs irrigated.

Kingdon fine sandy loam's permeability is moderate and available water capacity is moderate. This unit is suited for irrigated irrigated crops. *Kingdon fine sandy loam* has a storie index rating of 30 and a land capability of IVc nonirrigated and I irrigated.

Tokay fine sandy loam's permeability is moderately rapid and available water capacity is high. This unit is suited for irrigated crops. *Tokay fine sandy loam* has a storie index rating of 30 and a land capability of IVc nonirrigated and I irrigated.

3. Plant/Animal Life

3.a.&.b. The Natural Diversity Database list the Swainson's hawk (*Buteo swainsoni*), vernal pool tadpole shrimp (*Lepridurus packardii*), legenera (*Legenera limosa*), and the foothill yellow-legged frog (*Rana boylei*) and 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.

8. Utilities and Public Services

8.a. The underlying project for this Variance application is to obtain a Building Permit for an existing solid fence that was built without the benefit of a permit. The parcel will continue to be served by private well for water service, and onsite septic system for sewer service. Storm water drainage will be required to be retained on-site. Therefore, impacts on public services will be less than significant.

9. Transportation/Circulation

9.a. The Variance application is requesting to vary the minimum front yard setback requirements for a ten (10) foot high solid fence from thirty (30) feet to one and a half (1.5) feet. The Department of Public Works states that North Davis Road has a current and planned right-of-way width eighty (80) feet. Although the requested setback is one and a half (1.5) feet from the property line, the location of the wall is approximately thirty-five (35) feet from the edge of the roadway and one and a half (1.5) feet from the planned Right-of-Way width. The Department of Public Works has determined that the construction of closed fence with a maximum height of ten (10) feet, that is setback one and a half (1.5) feet from the front property line, will not create a line of sight issue. In addition, the closed fence will not significantly increase the traffic levels in the area; as the proposed project is not expected to exceed fifty (50) vehicles during any hour. Projects that have a traffic volume that is less than fifty trips per hour have a less than significant impact on traffic.

13. Land Use

13. a. & b. A Variance application is intended to provide a means of altering the requirements of the Development Title in specific instances where the strict application of those requirements would deprive a property of privileges enjoyed by other properties in the vicinity and under identical zoning because of special circumstances applicable to the property involved. Approval requires meeting findings that state there are special circumstances applicable to the property that deprives the landowner of uses enjoyed by other property owners in the same zone, that granting the Variance will not constitute a grant of special privileges, and that the granting of the Variance will not authorize a use or activity which is not otherwise expressly authorized by the regulations governing the parcel. If approved, the applicant will be required to obtain a Building Permit for the solid wall as a Condition of Approval.

Granting this Variance application will not conflict with any existing or planned land uses in the vicinity. The approval would permit a ten (10) foot high closed fence to be located one and a half (1.5) feet from the front property line. The surrounding vicinity is zoned AG-40 (General Agriculture, 40-acre minimum) and is being used for agriculture with scattered residences. Therefore, the project is not growth inducing and will not encourage additional requests for related uses. The Variance will not set a significant land use precedent, nor will it conflict with existing or planned uses in the vicinity.



**SAN JOAQUIN COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT**

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

DATE: April 22, 2019

PA-1900044 (VR)

Property owner: Bob Panella

Applicant: Mike Hakeem

APN / Address: 003-090-11-12, 23000 North Davis Road, Lodi

Planner: Giuseppe Sanfilippo

Project Description: Block Wall Fence

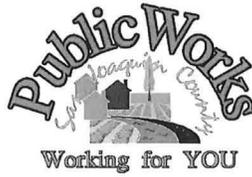
Building Conditions By: Mark Fine Deputy Director Building Inspections (209) 468-3180

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

1. A building permit for the block wall with electrical for lighting and gates is required. Submit plans, Specifications and supporting calculations, prepared by a Registered Design Professional (architect or engineer), showing compliance with the 2016 California Building, Electrical, Energy, and Fire Codes as may be applicable.



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Department of Public Works

Kris Balaji, Director of Public Works

Fritz Buchman, Deputy Director/Development

Alex Chetley, Interim Deputy Director/Engineering

Jim Stone, Deputy Director/Operations

Kristi Rhea, Manager of Strategic Initiatives

RECEIVED

MAY - 7 2019

**San Joaquin County
 Community Development**

May 6, 2019

MEMORANDUM

TO: Community Development Department
 CONTACT PERSON: Giuseppe Sanfilippo

FROM: Awni Taha, Interim Engineering Services Manager *A.T.*
 Development Services Division

SUBJECT: PA-1900044; A Variance application to reduce the minimum front yard setback for a closed fence in the AG-40 zone from thirty (30) feet to 1.5 feet; located on the northeast corner of North Davis Road and West Peltier Road, Lodi. (Supervisory District 4)

PROPERTY OWNER: Bob Panella

APPLICANT: Mike Hakeem

ADDRESS: 23000 N. Davis Road, Lodi

APN: 003-090-11 & 003-090-12

INFORMATION:

The site is currently located within Federal Emergency Management Agency Designated Flood Hazard Area Zone A & AE.

Davis Road has an existing & planned right-of-way width of 80 feet.

Peltier Road has an existing right-of-way width of 80 feet & a planned right-of-way width of 84-110 feet.

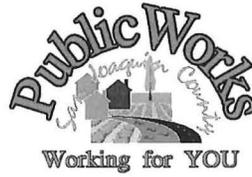
RECOMMENDATIONS:

1. No comments.

AT:CH



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Department of Public Works

Kris Balaji, Director of Public Works

Fritz Buchman, Deputy Director/Development

Alex Chetley, Interim Deputy Director/Engineering

Jim Stone, Deputy Director/Operations

Kristi Rhea, Manager of Strategic Initiatives

May 1, 2019

MEMORANDUM

RECEIVED

MAY - 1 2019

**San Joaquin County
 Community Development**

TO: Community Development Department
 CONTACT PERSON: Giuseppe Sanfilippo

FROM: Awni Taha, Interim Engineering Services Manager *AT*
 Development Services Division

SUBJECT: PA-1900044; A Variance application to reduce the minimum front yard setback for a closed fence in the AG-40 zone from thirty (3) feet to (1.5) feet; located on the northeast corner of North Davis Road and West Peltier Road, Lodi. (Supervisory District 4)

PROPERTY OWNER: Bob Panella **APPLICANT:** Mike Hakeem

ADDRESS: 23000 N. Davis Road, Lodi **APN:** 003-090-11

INFORMATION:

The site is currently located within Federal Emergency Management Agency Designated Flood Hazard Area Zone A & AE.

RECOMMENDATIONS:

1. None.

AT:CH



SAN JOAQUIN
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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

April 11, 2019

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

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

RE: **PA-1900044 (VR), SU0012227**
23000 N. Davis Rd, Lodi

The Environmental Health Department has the following comment: All Onsite Wastewater Treatment Systems (OWTS) must comply with San Joaquin County Local Agency Management Program (LAMP) and current OWTS standards.

Re: PA-1900044 (VR)

From : Steve Butler <steve.butler@woodbridgefire.org>

Thu, May 16, 2019 08:42 PM

Subject : Re: PA-1900044 (VR)

To : Giuseppe Sanfilippo <gsanfilippo@sjgov.org>

The parcel in question has 2 gates on the West Side. Gate 1 is 20' and gate 2 is 13'. The access meets requirements. Please make sure that Knox box access is provided at both gates.

Respectively,
Steve Butler
Fire Chief

Sent from my iPhone

On May 16, 2019, at 4:35 PM, Giuseppe Sanfilippo <gsanfilippo@sjgov.org> wrote:

Good Afternoon Steve,

Please Confirm that the fire access on the property for the above referenced property meets applicable fire code requirements.

Thanks,

Giuseppe Sanfilippo

Associate Planner
Community Development Department
Main Office: (209) 468-3121
Direct: (209) 468-0227
Fax: (209) 468-3163

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

<image003.png>

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GAVIN NEWSOM
GOVERNOR



JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

24 May 2019

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

CERTIFIED MAIL
7015 1520 0002 0441 9377

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, PA-1900044 (VR) PROJECT, SCH#2019059027, SAN JOAQUIN COUNTY

Pursuant to the State Clearinghouse's 7 May 2019 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the PA-1900044 (VR) 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

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

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, 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/

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

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

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

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/

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

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:

¹ 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

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/

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/

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

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

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/ or contact water board staff at (916) 464-4611 or via email at 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.

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

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.



Jordan Hensley
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research,
Sacramento



FEMA

April 1, 2019

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

Dear Mr. Sanfilippo:

This is in response to your request for comments regarding Application Referral Early Consultation, Application Number PA 1900044 (VR), a Variance application for the City of Lodi, San Joaquin County, California.

Please review the current effective Flood Insurance Rate Maps (FIRMs) for the County of San Joaquin (Community Number 060299), Maps revised October 20, 2016 and City of Lodi (Community Number 060300), Maps revised October 16, 2009. 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.

Giuseppe Sanfilippo, Project Manager

Page 2

April 1, 2019

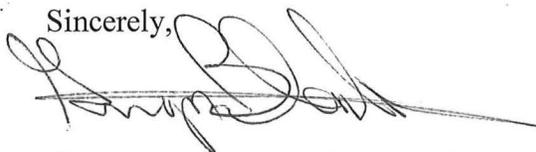
- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than 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 of Public Works, 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

cc:

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

John Maguire, Engineering Services Manager, Flood Management Division, PWD,
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



April 1, 2019

San Joaquin County
1810 East Hazelton Avenue
Stockton, CA 95205

Ref: Gas and Electric Transmission and Distribution

Dear Mr. Sanfilippo,

Thank you for submitting PA-1900044 - 23000 North Davis Rd, Lodi plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

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

Below is additional information for your review:

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

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

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

Sincerely,

Plan Review Team
Land Management



Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <http://usanorth811.org/wp-content/uploads/2017/05/CA-LAW-English.pdf>

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

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

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

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

4. **Grading:** PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.
5. **Excavating:** Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 12 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [$24/2 + 24 + 36/2 = 54$] away, or be entirely dug by hand.)



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

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

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

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

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

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

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

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

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

11. Cathodic Protection: PG&E pipelines are protected from corrosion with an "Impressed Current" cathodic protection system. Any proposed facilities, such as metal conduit, pipes,



service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

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

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.



Attachment 2 – Electric Facilities

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. Buildings and Other Structures: No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as "**RESTRICTED USE AREA – NO BUILDING.**"
2. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
3. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&'s facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
4. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 15 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
5. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
6. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.
7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.
8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for



proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 (http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.

STAFF REPORT — Modification of Site Approval No. PA-1600172

Application Information

Owner:	Singh, Amarbir & Balwinder		
Applicant:	San Joaquin County Community Development Department		
File Number:	PA-1900102		
Location:	On the north side of Northland Road, 2,500 feet east of S. Castle Street, Manteca		
Address:	7609 E. Northland Road, Manteca		
General Plan:	A/G	Community:	None
Zoning:	AG-40	APN:	206-060-19
Project Size:	2.0 acres	Parcel Size:	2.0 acres
Water Supply:	Well	Sewage Disposal:	Septic
Storm Drainage:	None	100-Year Flood:	No
Williamson Act:	No	Supervisorial District:	3
Staff:	Corinne King	CEQA Determination:	Notice of Exemption

Project Description

Modification proceedings to modify the Conditions of Approval of Site Approval application No. PA-1600172 for agricultural truck parking, including the parking of one (1) truck and two (2) trailers on the 2-acre parcel located at 7609 E. Northland Road, Manteca as an accessory use to the main residence.

Recommendation

Modification.

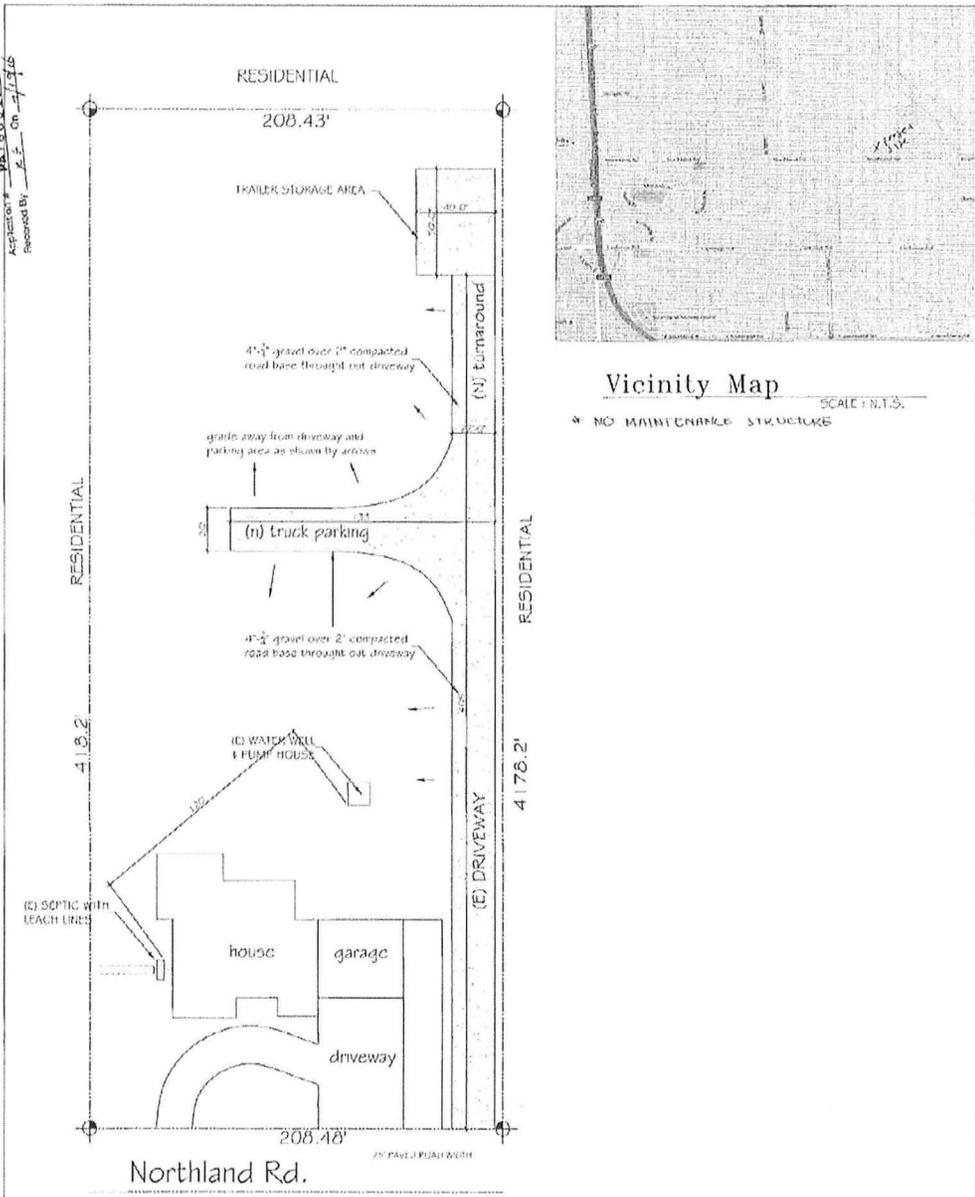
Referrals and Replies

A legal ad for the public hearing was published in the **Stockton Record** on August 5, 2019.

Fifty-two Public Hearing notices were mailed on August 5, 2019.

Previously Approved Site Plan

SHEET NO. PA1900102
 Prepared By: J.E. on 1/17/16



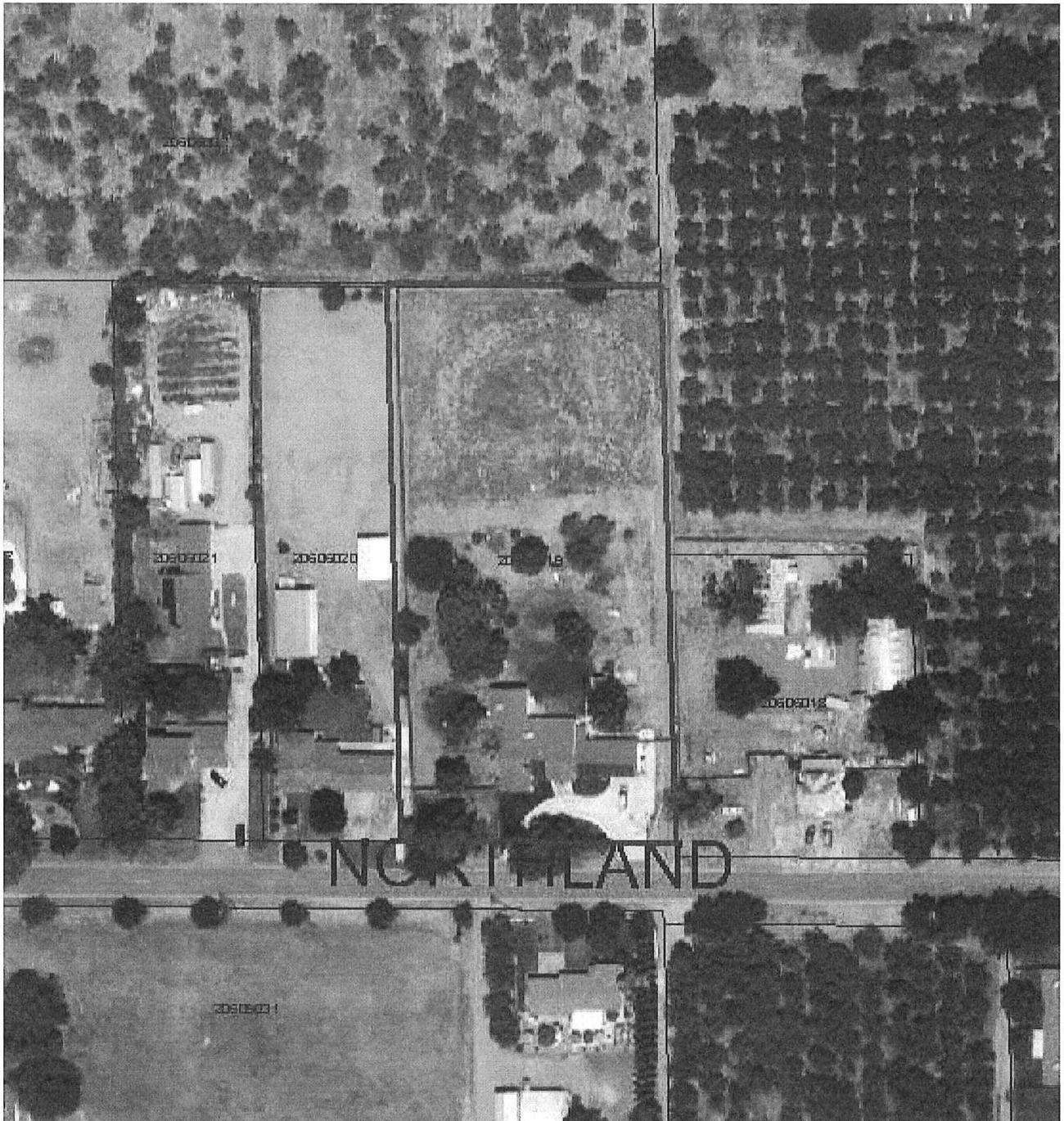
SITE PLAN

SCALE : 1" = 40'-0"



DRAWN BY: OCTAVIO MEDINA A-1	REPORT # 206-050-19	personal truck parking; AMARBIR SINGH 7609 Northland rd. Manteca CA.	SITE PLAN	MEDINA & ASSOCIATES DRAFTING & DESIGN (209) 470-9028 STOCKTON, CA.

Aerial Image



Analysis

Background

At the November 15, 2018, Planning Commission hearing, a neighbor to the 7609 E Northland Road, Manteca (the "Property") spoke during public comment. The neighbor stated that the permitted truck parking and its associated noise, have negatively affected their quality of life. In response to the neighbor's comments, the Planning Commission directed Community Development Department staff to prepare a report on the land use entitlement history of the Property.

On November 21, 2018, staff met with two (2) neighbors regarding their concerns. During that meeting, staff informed the attending neighbors that a report would be given at the Planning Commission meeting scheduled for December 20, 2018.

On December 20, 2018, staff provided a report to the Planning Commission. Neither the property owner nor the neighbors were in attendance at the meeting. The Planning Commission did not provide any further direction.

Enforcement & Land Use History

Between January and March of 2016, six (6) complaints about truck parking without a land use permit on the Property were received and entered into the Community Development Department's Code Enforcement system. Each complaint was investigated and on February 17, 2016, Enforcement Case No. EN-1600032 was opened. The Enforcement Officer informed the property owner of the violation. An inspection of the site was conducted again on March 30, 2016 and all trucks had been removed. As a result, the case was closed.

On July 11, 2016, the Property owner applied for Site Approval application No. PA-1600172 for agricultural truck parking to include the parking of one (1) truck and two (2) trailers on the property. On November 16, 2016, the planning application was approved. On September 18, 2017, the owner applied for Building Permit No. BP-1703692 for grading for an agricultural truck parking facility. On November 17, 2017, the building permit was finalized and the use was established.

Between April of 2016, and March of 2018, no complaints were received by the Department.

Between April of 2018 and December of 2018, nine (9) complaints were received regarding the number of trucks parked on site exceeding the approved land use permit, noise generated by the trucks, and parking of STAA trucks on site. STAA trucks are a defined size of truck that are only allowed to drive on approved STAA routes. Northland Road is not an approved STAA route.

On October 31, 2018, Enforcement Case No. EN-1800461 was opened for "violation of the existing land use permit by parking more than 1 truck and/or 2 trailers on site." On October 31, 2018, a Notice of Violation and Order to Abate was mailed to the property owner, with a re-inspection date scheduled on December 7, 2018. The property owners contacted the officer and were informed of what previously approved Site Approval No. PA-1600172 permitted on site. On December 7, 2018, the enforcement officer conducted a follow up site visit, and there was only one (1) trailer on site. The enforcement case was closed on this date.

On April 22, 2019, Enforcement Case No. EN-1900147 was opened for "violation of existing land use permit by parking more than 1 truck and/or 2 trailers on site." On April 24, 2019, a Notice of Violation and Order to Abate was mailed to the property owners, with a re-inspection date of May 24, 2019. Again, the owners

contacted the officer and were informed of what Site Approval No. PA-1600172 permits on the Property. The officer has conducted multiple site visits and has repeatedly only viewed one (1) trailer on site at any given time. This case is currently open so that the officer can continue to conduct site visits and monitor the site.

Sheriff's Department

The Sheriff's Department has responded to multiple calls for disturbing the peace on the subject parcel. There was one (1) call in 2016, one (1) call in 2017, fourteen (14) calls in 2018, and two (2) calls in 2019.

Initiation of Action

Development Title Section 9-230.3 states that:

Actions to revoke or modify development approvals may be initiated as follows:

- (a) By Planning Commission. The Planning Commission may initiate an action to revoke or modify any development approval which it has granted, extended, or modified;
- (b) By Board of Supervisors. The Board of Supervisors may initiate an action to revoke or modify any development approval. Action by the Planning Commission shall not be a prerequisite to action by the Board.

Due to County agencies continuing to receive complaints, this project is being brought back to the Planning Commission for action on revocation or modification.

Grounds for Revocation or Modification

Development Title Section 9-230.4 states that:

A development approval may be revoked or modified pursuant to the provisions of this Chapter upon a finding of any one (1) or more of the following grounds: ...

- (a) Fraud. That such development approval was obtained or extended by fraud;

This determination cannot be made. The Property owner met all prerequisites of the Site Approval application and obtained approval from the Community Development Department. There is no evidence or allegation that the approval was obtained or extended by fraud.

- (b) Violation of Condition. That one (1) or more of the conditions upon which such development approval was granted have been violated; or

This determination cannot be made. The Community Development Department Code Enforcement division's investigation has determined that the Property is not currently in violation of the approved land use permit. Condition of Approval 1. b. of Site Approval No. PA-1600172 states:

1.b. APPROVED USE: This approval is for the parking of one (1) truck and two (2) trailers only, as shown on the site plan dated July 19, 2016 (Use Type: Agricultural Truck Parking-Accessory use in the agricultural zone).

- (c) Adverse Impacts. That the use or facility for which the development approval was granted is so conducted or maintained as to be detrimental to the public health or safety, or as to be a public

nuisance.

This determination can be made. The Property is surrounded by small parcels that contain residences. At the time of the initial review of the land use application, compatibility of truck parking with surrounding land uses was not identified as a concern. However, numerous complaints have since been received by the Department regarding the noise and the size of the trucks parked on site (STAA). As a result, compatibility with surrounding land uses has since become an issue. This use as approved and as being conducted or maintained is impacting neighboring property owners, creating a nuisance.

Proposed Modifications to the Existing Conditions of Approval for Site Approval No. PA-1600172:

Based on the ability to make Finding (c) under Section 9-230.4, Staff proposes the following conditions be added to the land use permit. Explanations are provided for each proposed condition.

- 1.g. SIZE OF TRUCK:** No STAA trucks shall be permitted on site.
- STAA trucks are a defined size of truck that are only allowed to drive on approved STAA routes. Northland Road is not an approved STAA route. If the route is changed to allow STAA trucks in the future, the applicant would apply for a Revision of Approved Actions to propose to remove this condition.
- 1.h. DAILY OPERATION:** Trucks shall enter and exit the property a maximum of two (2) times per day between 12:00 a.m. and 11:59 p.m..
- This will reduce the amount of truck traffic on the road by limiting ingress and egress to a maximum of four (4) times in a 24-hour period. This is intended to minimize the disturbance to the surrounding neighbors.
- 1.i. NOISE LEVEL:** No truck, or any component of a truck, shall be permitted to run for any purpose other than entering and exiting the property. The truck shall be permitted to idle for a reasonable amount of time, not to exceed 15 minutes, prior to exiting the property.
- This will reduce the noise disturbance to the surrounding neighbors by not allowing the truck, including refrigeration units to run for long periods of time.

Recommendations

Action

It is recommended that the Planning Commission:

1. **Modify Site Approval No. PA-1600172 based on the ability to make grounds for revocation pursuant to Development Title Section 9-230.4(c) as contained in the Staff Report.**
2. **Modify the conditions of approval for Site Approval No. PA-1600172 as contained in the Staff Report.**

Grounds for Revocation

- (a) Fraud. That such development approval was obtained or extended by fraud;

This determination cannot be made. The Property owner met all prerequisites of the Site Approval application and obtained approval from the Community Development Department. There is no evidence or allegation that the approval was obtained or extended by fraud.

- (b) Violation of Condition. That one (1) or more of the conditions upon which such development approval was granted have been violated; or

This determination cannot be made. The Community Development Department Code Enforcement division's investigation has determined that the Property is not currently in violation of the approved land use permit. Condition of Approval 1. b. of Site Approval No. PA-1600172 states:

1.b. APPROVED USE: This approval is for the parking of one (1) truck and two (2) trailers only, as shown on the site plan dated July 19, 2016 (Use Type: Agricultural Truck Parking-Accessory use in the agricultural zone).

- (c) Adverse Impacts. That the use or facility for which the development approval was granted is so conducted or maintained as to be detrimental to the public health or safety, or as to be a public nuisance.

This determination can be made. The Property is surrounded by small parcels that contain residences. At the time of the initial review of the land use application, compatibility of truck parking with surrounding land uses was not identified as a concern. However, numerous complaints have since been received by the Department regarding the noise and the size of the trucks parked on site (STAA). As a result, compatibility with surrounding land uses has since become an issue. This use as approved and as being conducted or maintained is impacting neighboring property owners, and creating a nuisance.

Proposed Modified Conditions

Modifications to Site Approval No. PA-1600172 were approved by the Planning Commission on August 15, 2019. The effective date of approval is August 26, 2019.

1. **COMMUNITY DEVELOPMENT DEPARTMENT** (Staff Contact: Rick Griffin, [209] 468-3154)
 - a. **BUILDING PERMIT:** Submit an "APPLICATION-GRADING BUILDING PERMIT". The Site Plan required as a part of the grading building permit 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.
 - b. **APPROVED USE:** This approval is for the parking of one (1) truck and two (2) trailers only, as shown on the site plan dated July 19, 2016 (Use Type: Agricultural Truck Parking-Accessory use in the agricultural zone).
 - c. **OWNER-OPERATOR RESIDENCE:** The property shall contain the residence of the owner-operator of the trucks. (Development Title Section 9-605.6[f][3])
 - d. **EMPLOYEES:** No employees, other than members of the owner-operator's immediate family, are allowed in the agricultural truck parking operation. (Development Title Section 9-605.6[f][4])
 - e. **ACCESS AND CIRCULATION:** The following requirements apply and shall be shown on the Improvement Plan:
 - (1) The design of the driveway shall be such as to allow trucks to enter and exit property without entering into the opposing lane of traffic.
 - f. **PARKING:** Off-street parking shall be provided and comply with the following:
 - (1) The first 100 feet of the driveway and maneuvering area shall be paved and permanently maintained to provide a durable dust free surface. All other areas that are used for vehicular traffic shall be surfaced and permanently maintained with a chip seal. Trailer parking areas shall be surfaced with a minimum four inches of aggregate base (Development Title Section 9-1015.5[e][2]a.). The minimum driveway width shall be as shown on the approved Site Plan dated July 19, 2016.
 - g. **SIZE OF TRUCK:** No STAA trucks shall be permitted on site.
 - h. **DAILY OPERATION:** Trucks shall enter and exit the property a maximum of two (2) times per day between 12:00 a.m. and 11:59 p.m.
 - i. **NOISE LEVEL:** No truck, or any component of a truck, shall be permitted to run for any purpose other than entering and exiting the property. The truck shall be permitted to idle for a reasonable amount of time, not to exceed 15 minutes, prior to exiting the property.
2. **PUBLIC WORKS DEPARTMENT:** (Staff Contact: Alex Chetley, [209] 468-3000, see memo dated August 30, 2016)
 - 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 [including return radii to accommodate truck-trailer movements for trucks existing the site so as not to encroach on opposing lanes of traffic]. (Development Title Section 9-1145.5)
- c. The Traffic Impact Mitigation Fee shall be required for this application. The fee is due and payable prior to approval of the improvement plan. 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 prior to approval of the improvement plan. The fee will be based on the current schedule at the time of payment. (Resolution R-06-38)
- e. A copy of the Final Site Plan shall be submitted prior to approval of the improvement plan.
- f. 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 approval of the improvement plan. (Development Title Section 9-1135)
- g. 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 as may be appropriate to minimize the discharge of transport of pollutants. (Title 5-Health and Sanitation, Division 10-Storm Water Management and Discharge Control)

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 requirement 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. SAN JOAQUIN COUNCIL OF GOVERNMENTS: (Staff Contact: Laurel Boyd, [209] 235-0600, see memo dated August 1, 2016)
- 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.