



PLANNING COMMISSION MINUTES OF JUNE 20, 2019

The San Joaquin County Planning Commission met in regular session on June 20, 2019 at 6:30 p.m., in the Public Health/Planning Commission Auditorium, 1601 East Hazelton Avenue, Stockton, California.

The meeting was called to order by Kitty Walker, Chair.

The Pledge of Allegiance to the flag was given.

Roll Call:

(present)

Commissioners

Kitty Walker, Chair  
Randy Hamilton, Vice Chair  
Stan Morri  
Sheri Midgley  
James Grunsky

County Staff

Awni Taha, Department of Public Works  
Steven Shih, Environmental Health Department  
Robert McClellon, Environmental Health Department

Community Development Department Staff

Zayante (Zoey) P. Merrill, Interim Director  
John Funderburg, Principal Planner  
Stephanie Stowers, Senior Planner  
Giuseppe Sanfilippo, Associate Planner  
Frank Girardi, Associate Planner  
Keia Williams, Office Assistant Specialist  
Domenique Martorella, Office Assistant Specialist

(absent)

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ACTION ON REQUESTS FOR CONTINUANCES OR WITHDRAWALS:

1. The Farm Bureau made a Request for Continuance for Item 1, PA-1800090, to the August 1, 2019, Planning Commission Meeting.

MOTION:

It was moved, seconded (Grunsky/Morri), and passed with a vote of 5-0-0 to:

1. Deny continuance to August 1, 2019.

VOTE:

AYES: Morri, Hamilton, Midgley, Grunsky, Walker

NOES:

ABSENT:

ACTION ITEMS:

- 1. USE PERMIT APPLICATION NO. PA-1800090 AND ENVIRONMENTAL IMPACT REPORT NO. PA-0800105 OF FORWARD INC.** to increase the disposal footprint for an existing landfill from 355 acres to 372.3 acres and increase the remaining landfill capacity by 8.12 million cubic yards (cy), from 15.7 million (cy) to 24 million (cy). All of the increase would be Class II Landfill space. The project also includes the relocation of 3,000 feet of the south branch of the south fork of Littlejohns Creek (which currently traverses the landfill) to the southeastern boundaries of the site to provide additional separation of the creek from the landfill. The relocated creek will be approximately 3,200 feet in length. The proposed expansion area is not under a Williamson Act contract. The project site is located on the west side of Austin Road, 1/2 mile north of Lynch Road, north of Manteca. This item is continued from the May 16, 2019, Planning Commission hearing. (Supervisorial District: 1).

STAFF PRESENTATION OPENED:

John Funderburg, Principal Planner, introduced the Staff Report into the record.

Commissioner Morri asked if hazards to the airport from on-site lighting is addressed.

John Funderburg replied that mitigation measures in the final SEIR addresses lighting concerns; they need to not shine towards aircraft.

STAFF PRESENTATION CLOSED:

Chair Walker asked for clarification if the area of the map where are landfill activities are not permitted was within the project boundaries.

Mr. Funderburg replied that state guidelines require the entire landfill boundaries be shown on the map, and the area where activities are not permitted is due to proximity of the airport.

Chair Walker asked if that portion could be sold, or farmed.

Mr. Funderburg said they could sell it, and the land currently farmed.

Chair Walked asked what water source is used for the farming.

Mr. Funderburg stated there are wells on-site for agricultural activities.

Chair Walker asked for clarification of the bridge location on the site, and details of the creek re-alignment for the project.

Mr. Funderburg showed where the bridge crossing would be located, and deferred the details of the creek re-alignment to the applicant's presentation.

Commissioner Morri commented that he thinks we have to remember that this is an infill project, not an expansion.

PUBLIC HEARING OPENED:

PROPONENTS:

Mike Hakeem, Attorney for the Proponent, stated the proposed in-fill expansion area is part of the existing landfill that is not currently in agriculture production. Mr. Hakeem stated the area is not considered prime agricultural land, as defined by the state of California; and as such, it is important to point out that the expansion project will not convert existing agricultural lands to non-agricultural use, and there will be no impact to, nor loss of, prime agricultural farmland.

Mr. Hakeem said they are proud of the falconry program for bird mitigation that has been in existence for the last ten years, and that it has not only benefitted the project area but the airport as well.

Mr. Hakeem stated there are significant unavoidable traffic impacts, ones that are not directly related to the landfill itself or part of the overall cumulative background to the general regional area. Mr. Hakeem said they would do their fair share of the mitigation of the costs for road improvements, traffic improvements, and signalization in the area.

Mr. Hakeem stated there are significant mitigation measures that have incorporated into the approval process related to litter issues.

Mr. Hakeem stated it is important to note that the groundwater flow pattern in the southern portion of the site is consistent with the regional northeasterly flow pattern, and the groundwater gradient is to the northeast and away from the other agricultural wells south of the landfill.

Mr. Hakeem stated the project is outside the 10,000 foot distance that was previously part of the reason the Federal Aviation Agency (FAA) did not support the earlier project; the FAA has no opposition to our proposed project, and has indicated that in writing to the applicant.

Mr. Hakeem stated the project site and expansion area fall within the Airport Land Use Plan for the Stockton Metropolitan Airport; there is a letter dated November 2, 2018, where the Airport Land Use Commission stated that this project is a compatible used under the Airport Land Use Plan for the Stockton Metropolitan Airport.

Mr. Hakeem stated there are other impacts that cannot be mitigated such as noise, air quality, visual, and traffic; all of the proposed mitigation measures that are feasible have been incorporated into the mitigation and monitoring program.

Mr. Hakeem outlined some benefits presented in the Statement of Overriding Considerations:

- Cost effective, long-term stable disposal capacity for portions of the waste stream that cannot be recycled or converted away from landfill.
- Supports industrial and commercial growth in San Joaquin County, and surrounding communities, by providing the only centrally located Class 2 disposal capacity.
- Safe and environmentally appropriate containment of items: contaminated soil, various types of construction and demolition waste, and other material critical to the continued industrial/commercial growth and development of San Joaquin County.

Mr. Hakeem stated an approval would assist the county in the legislative mandate for recycling and meeting increased beneficial reuse goals that the county is part of the participant to with the assembly and Senate bills that have come out recently.

Mr. Hakeem stated there is a land discharge of cannery waste as a soil amendment. Mr. Hakeem stated the county currently has a six-month seasonal cannery operation which employs 4,000 seasonal employees; taking the waste, which has nowhere else to go, in our program allows cost effective solutions for agriculture, commodity, production, and distribution, as well as cannery seasonal employment.

Mr. Hakeem stated the 17.3-acre expansion is located in an existing disturbed the area of the landfill and is about a 4.5% increase to total acreage of the permitted disposal area.

Chair Walker inquired about the increase in operational time the gained through the expansion.

Mr. Hakeem said the expansion would add six years to the operational time.

Chair Walker asked what the end date of the operation is; when would the operation run out of capacity?

Mr. Hakeem said the capacity would be exhausted in 2030.

Chair Walker asked if there was a long-range plan.

Mr. Hakeem said there are no other plans besides the one being presented this evening.

Kevin Bosso, General Manager of Forward Landfill, outlined his employment with the project, the services offered to the community, and relationships and partnerships with local cities and counties. Mr. Bosso presented a brief history of the project. Mr. Bosso clarified Chair Walker's question regarding the bridge depicted: the bridge remains as it is public roadway of Austin Road, and a new bridge will be constructed within the site to cross the re-aligned creek. Mr. Bosso stated it is important to note they are not seeking any changes to the operation nor any traffic volumes above what is currently permitted. Mr. Bosso outlined where the waste handled by the project originates and how, through federal guidelines, the project became a regional landfill. Mr. Bosso outlined benefits provided to residents and businesses, the project providing maximum environmental protection, as well as revenue sharing with San Joaquin County.

Tom Bruen, Senior Counsel for Forward Landfill, spoke to the history of the initial project EIR and the changes that brought upon the Supplemental EIR.

Don Litchfield, Environmental Manager for Forward Landfill, spoke to the impacts associated with landfill operations and the mitigation steps taken by the operation.

Aaron Hook, Principle Scientist with Arcadius, spoke to the historical groundwater impact and the remediation activities in place at the project location.

Chair Walker asked if the groundwater remediation is active currently, and how long remediation has been in place.

Mr. Hook confirmed remediation is actively being done at the project location, and has been ongoing since the early 1990's.

Chair Walker asked further questions regarding the amount of contamination in the groundwater, the remediation process, the Regional Water Board's concern regarding contaminated water being used for agricultural purposes, and to confirm the contamination is from historical operations at the project location.

Mr. Hook confirmed upgrades and improvements are being put in place to continue the remediation process, the current levels of contaminants and the maximum acceptable levels allowed by the Regional Water Board, and that the contamination is from the historical operations. Mr. Hook stated that the agricultural wells are deeper than the extraction wells, and he does not have data from them.

John Hinkleman, SCS Engineers, spoke to the sources of air pollution from the project, such as diesel exhaust, methane from the landfill, and dust created from truck traffic in the landfill area, and the remediation measures in place.

Sangeeta Lewis, Lewis Engineering, spoke to the Subtitle D liner regulation requirements and the bird mitigation at the project location.

Russel Stark, Director of Stockton Metropolitan Airport, and Ron Elliot, Deputy Director of Stockton Metropolitan Airport, spoke in support of the project.

#### OPPOSITION:

Katie Lucchese, Attorney for Tom Terpstra representing the San Joaquin County Farm Bureau, highlighted concerns regarding the final SEIR and the Conditions of Approval for the project:

- Mitigation measures appear ineffective; they require self-policing and are a voluntary nature, opposite of what CEQA requires.
- The facility is unable to control their existing litter at the site.
- Bird control program is dependent on reactionary measures.
- The revised noise mitigation measure places the burden on neighbors to request mitigation, opposite to what is required for actual mitigation.
- FSEIR should be recirculated due to the new report in response to San Joaquin Valley Air Pollution Control District.
- Lack of complete project description / analysis.
- Possibility of piece-meal expansion, in violation of CEQA.
- Finding Number Two and certification of the finale SEIR cannot be done due to the Statement of Overriding Considerations.
- The project will be a burden to local residents, and will mostly benefit customers from outside of San Joaquin County.

Michael Laforge, resident, voiced the following concerns:

- Property values will lower.
- Need for bottled water for residents off Austin Road, and now Newcastle Road.
- Required mediation is nowhere near completion.
- The FEIR is outdated and obsolete.
- Fly and odor issues.
- Impact to species due to the creek relocation.
- Impacts to traffic due to the landfill operation.
- History of pollution and non-compliance.
- Delinquent with water remediation.
- Delinquent with domestic well sampling.
- Food safety concerns for agricultural operations near the landfill.
- Litter issues.

REBUTTAL:

Mike Hakeem stated staff found the Supplemental FEIR adequate, and it complies with CEQA and other required governmental controls. Mr. Hakeem stated there were no litter complains in 2018, nor odor complaints in three years, there is a system in place to respond to complaints, and that the bird issue is well policed by the airport and pilots that operate out of it. Mr. Hakeem stated the Brocchini parcel is not part of the plan, nor is there intent to come back and do the parcel. Mr. Hakeem states Finding Number Two can be made, as is outlined by staff in their report. Mr. Hakeem stated the adequacy of the EIR is addressed in Section 15151. Mr. Hakeem stated the project was controlled, inspected, and regulated in accordance with California Law and the San Joaquin County Development Title. Mr. Hakeem stated the bottled water requirement is due to the historic, unlined landfill purchased from the City of Stockton; the issue was due to City of Stockton's handling of the landfill and not the client's. Mr. Hakeem stated the client is offering to install filtration systems for affected landowners, at the cost of the client, and the requests are currently being processed.

Chair Walker asked for clarification on the bottled water requirement.

John Funderburg explained that the bottled water condition has been in place since 2002, but the water filtration system being offered is proposal from the project applicant.

Chair Walker asked what has been in existence before.

Mr. Hakeem explained that bottled water is being provided under order from the Regional Water Quality Board to residents.

Chair Walker asked how many residents / property owners receive bottled water.

Mr. Hakeem stated there are fourteen residents receiving bottled water.

Chair Walker asked if they would be receiving bottled water indefinitely.

Mr. Hakeem stated they would receive the bottled water until the VOCs are below a certain detection level.

Chair Walker voiced concerns about the groundwater issue, and feels it was not discussed in the presentation.

Mr. Hakeem brought up Aaron Hook to answer the questions.

Mr. Hook that the cleanup is an ongoing issue and a legacy plume; the impact coming from unlined landfill. Mr. Hook stated the expansion would adhere to the Subtitle D liners for the new landfill area. Mr. Hook stated they met with the Water Board on May 15<sup>th</sup>, and all conditions were met except for two: a revised feasibility study for the remediation due at the end of the year, and an interim measure offsite that they are currently talking to the Water Board about how it should be addressed. Mr. Hook stated the important thing to consider is the expansion will have the Subtitle D liners, and the historic impacts will take years to address.

Don Litchfield stated they have worked with the City of Stockton to bring city water to the youth authority. Don Litchfield stated there has been an offer to the residents to connect them to city water at the applicant's cost. Don Litchfield stated the contamination is below required drinking water standards, but bottled water is being provided out of caution. Don Litchfield stated that, if connected to city water, the possibility of being annexed into the City of Stockton and then open to additional taxes had residents declining the offer of the connection. Don Litchfield stated an offer of home treatment options were offered in lieu of the city water connection, a less expensive option. Don Litchfield stated the levels at Ashton Road are low, and decreasing in time.

Chair Walker asked if the applicant would cover all costs for the city water connection to the residents, and if the residents would be paying the monthly water bill.

Don Litchfield stated the connection costs and monthly water bill would be covered by the applicant indefinitely, or until cleared by the Regional Board.

Chair Walker stated that needs to be in the mitigation monitoring program.

Don Litchfield spoke to the cannery waste application standards. Don Litchfield said the initial calculations were done in error, the calculations were redone, the years fell below the 300 parts per million action level, the letter and corrections were submitted to the Water Board, and was accepted by them. Don Litchfield stated they have been in compliance since the start of the land application program.

Mr. Hakeem stated that the land certainly is not prime agricultural land, as confirmed in the staff report. Mr. Hakeem stated either you're in or out of the 10,000 feet radius; they are out of the radius and shouldn't be penalized because they are close to it.

Chair Walker stated concern about the litter issue; as pointed out it is kind of a voluntary, self-compliance, kind of program. Chair Walker asked how the hotline is advertised and how people would know it is available.

Don Litchfield stated they would do mailings to all the local residents that would be impacted, and there is signage and a posted number at the entrances of the landfill.

Chair Walker asked how the new position of the litter mitigation manager would improve things.

Don Litchfield stated they would have a dedicated person, experienced with litter and nuisance control, there on a daily basis for monitoring and inspections.

Chair Walker asked how litter is prevented from blowing into the creek, and then drifting downstream and offsite.

Don Litchfield stated the control program consists of three fence, layered system to prevent litter from leaving the site; one on the perimeter, one on the inside adjacent to the creek, and the next layer is at the working location of active dumping. Don Litchfield stated there is daily picking of litter in the most focused areas necessary.

Chair Walker asked if there is a filtration system or strainer to capture litter from the creek before it flows offsite.

Don Litchfield stated the creek does not flow heavily. Don Litchfield stated a system can be installed to screen the upper area, but the creek cannot be screened completely due to wildlife.

Chair Walker asked if that is under the regulatory authority of the Central Valley Regional Water Quality Control Board.

Don Litchfield stated it is under the Lead Enforcement Agency of San Joaquin County Environmental Health Department through Robert McClellon.

Robert McClellon, Environmental Health Department, stated he does inspections at the landfill monthly. Mr. McClellon stated they inspect litter and nuisance issues, debris in the creek, roadside litter, entrance / exit litter, and the trucks. Mr. McClellon stated the last inspection was on June 14<sup>th</sup>; they did have some onsite litter and had another group of picking it up that morning while he was there. Mr. McClellon stated they take the litter issue seriously.

Commissioner Hamilton asked if there would be regulatory oversight of the waterway relocation.

Don Litchfield stated there would be permits, through the US Army Corps of Engineers, and Fish & Wildlife overseeing the project.

#### PUBLIC HEARING CLOSED.

Commissioner Hamilton stated it doesn't look like a major project, it is only 17 acres, and there are 13 governmental regulatory agencies overseeing the project.

Chair Walker stated it is important to remember that many of the issues are historic. Chair Walker stated that the project provides an opportunity to improve existing conditions through the mitigation monitoring program, and can protect as well as enhance the community and surrounding property.

Commissioner Morri stated the FSEIR shows a great amount of work done by staff for the project.

Commissioner Midgley stated the landfill is already in existence, so the expansion shouldn't have an effect on property values.

Commissioner Grunsky stated he sees no reason for the airport to be anything but completely honest in their comments regarding the project, and that the presentation was good.

MOTION:

It was moved, seconded (Morri/Midgley), and passed with a vote of 5-0-0 to:

1. Certify as adequate Final Supplemental Environmental Impact Report No. PA-0800105 under the provisions of Section 15090 of the California Environmental Quality Act (CEQA) (Attachment A),
2. Adopt "Findings of Significant Environmental Impacts" (Attachment A),
3. Adopt "Statement of Overriding Considerations" (Attachment A, Section 8.0),
4. Adopt the "Mitigation Monitoring Program" (Attachment B), and
5. Approve Use Permit Application No. PA-1800090 with the Findings and Conditions of Approval contained in the staff report.

VOTE:

AYES: Midgley, Hamilton, Grunsky, Morri, Walker

NOES:

ABSENT:

2. **APPEAL TO THE PLANNING COMMISSION APPLICATION NO. PA-1800329 OF JORGE SANCHEZ (C/O NEW CINGULAR WIRELESS PCS, LLC.)** of the Community Development Department's approval of a Site Approval application for a 100-foot tall monopole and a 64-square foot equipment shelter with ancillary equipment within a 1,050 square foot lease area. The project site is located on the south side of East Lathrop Road, 670 feet west of North Airport Way, Lathrop. (Supervisory District: 3)

Frank Girardi, Associate Planner, introduced the Staff Report into the record.

Commissioner Hamilton asked how far the project is from neighboring homes.

Frank Girardi stated that the closest home is to the north two hundred-seventy five feet.

Chair Walker asked where the entrance to the parcel is located and confirmation of the location of the home.

Frank Girardi stated that the property is accessed on an easement on an adjoining parcel and that the home is located on the south west corner of the parcel. There are accessory structures on the southeast corner of the parcel.

Chair Walker asked if the owner occupies and uses the southern portion of the property as far as improvements are concerned and then they execute a lease to the company for the use of that area for the monopole.

Frank Girardi stated that is correct.

Chair Walker asked if there is a reason that the monopole that was previously shown on the map of the property, is no longer there.

Frank Girardi stated that he didn't have record of that.

Frank Girardi stated that It is recommended that the Planning Commission deny the appeal and uphold the Community Development Department's approval of Site Approval application No. PA-1800329 with the previously approved Findings and Conditions of Approval contained in the Staff Report.

PUBLIC HEARING OPENED:

APPELLANT:

Dwayne Duke introduced himself and stated his address. He owns two (2) properties near the project. Mr. Duke's main concern is property value. Mr. Duke read an excerpt from a Berkshire Hathaway publication from July 3, 2014, that said, based on a survey of 1,000 respondents of the survey, 94% reported that cell towers and antennas in a neighborhood or in building would impact a property and they would be willing to pay for it. And 79% said under no circumstances would they even purchase or rent property within a few blocks of a cell tower. And almost 90% of the respondents said they were concerned about the increased number of cell towers, antennas and the residential neighborhoods. Mr. Duke stated that at the Western Elementary School in Ripon, four (4) students and three (3) teachers developed cancer over a very short period of time. There was a cell phone tower by Sprint nearby the he heard Sprint would be taking down. Mr. Duke stated that his home will lose value, and tower will be an eyesore. The core of the tower will be 200 feet from his property line. Mr. Duke suggested that the cell towers be located in another area that doesn't expose people to microwave radiation or impact the value of their homes.

Irvine Willson introduced himself and stated his address. Mr. Willson stated that the tower is 180 feet directly south of his backyard. Mr. Willson stated that he spends a lot of time in his backyard and the he is a cancer survivor. Mr. Willson state that after reading an article about children and teachers

developing cancer, he is not in favor of the cell tower. Mr. Duke owns two (2) properties in the area is concerned about the health of everyone in his neighborhood.

Daniel Chaparro introduced himself and stated that he is a homeowner in this neighborhood. Mr. Chaparro opposed the tower because it will be an eyesore and it is surrounded by homes. Mr. Chaparro asked the Planning Commission to support the appeal.

Steve LaGraffe introduced himself and stated his address. Mr. La Graffe strongly objects to the tower being located at the project site because it will be in his backyard and his family will be exposed to electromagnetic frequencies. Mr. LaGraffe stated that the tower could be located in an almond orchard which would not be near homes.

#### PROPONENTS:

Sara King introduced herself as the representative of the AT&T. Sara King stated that the biggest concern is the health concern. Sara King stated the FCC states that as long as AT&T is in compliance, a project cannot be denied. Sara King stated that AT&T will be in compliance and that she will make radio frequency reports available. The report shows the Maximum Permissible Exposure (MPE) limit for the general population is 5%. The report measures the maximum point of density. In this case that would be at the base of the tower if you were to stand for a long period of time, the MPE is .596%. Sara King stated that the MPE is well below the FCC requirement of 5% and that this will be a safe tower.

Chair Walker asked if the FCC checked emissions on towers often.

Sara King stated that the FCC monitors the emissions on-site but she will verify if the monitoring is performed annually.

Sara King stated that AT&T's goal is to expand coverage in this area specifically around the West Lathrop and South Airport cross street. AT&T has a tower to the west, on the other side of Interstate-5 that is providing good coverage and another to the south east. When there is high volume on the other two (2) towers, this area starts to lose coverage. A location was selected as far from the other two (2) towers as possible because it's not efficient for towers to be close together, but not so far apart that it would create holes in coverage.

Sara King stated that AT&T looked for other areas to put the tower that were not in densely populated residential areas and where the coverage would be maximized. One of the other benefits is that the tower will be emerging services tower with increased coverage that will also benefit first responders in the area.

Chair Walker asked if AT&T is going to co-locate additional antennas on that tower.

Sara King stated not at this time on the proposed tower but may consider it at a later date. Most jurisdictions prefer co-location because it minimizes the number of towers that you need to install.

Chair Walker asked if Ms. King knew why the tower was in fact removed from the school site in Ripon and asked what the rationale was for removing the tower without authorization to do so.

Sara King stated that she does not know since she was not directly involved. Sara King stated that the effects of radio frequency emissions is proximity based and she did not the layout of Ripon.

#### REBUTTAL:

None

PUBLIC HEARING CLOSED.

Commissioner Hamilton asked how far the cell tower was from the property line.

Frank Girardi stated that the proposed tower is located thirty feet from the east property line.

Commissioner Hamilton stated that he agreed that the tower will not be good fit, it is an eyesore and that it will affect the property values. Commissioner Hamilton supports the appeal.

Commission Morri stated it is the responsibility as a Planning Commission, to make all the findings and that he is not able to make finding number four (4), which says that issuance of the permit will not be significantly detrimental to the public health, safety or welfare or injurious to the property or improvements of adjacent properties. Commissioner Morri stated that he believes that this will be harming the people with a hundred foot tower. Commissioner Morri does not believe that the rays cannot hurt you. Commissioner Morri will support the appeal.

Commissioner Grunsky stated that he didn't know if the health effects are real or imagined, but the effects on property values are very real in his opinion. Commission Grunsky stated that he doesn't think that the \$1,100 to \$2,000 a month income for one person outweighs the negative effects to all surrounding property owners.

Commissioner Midgley stated affects property values that she wouldn't want the tower in her backyard. So she agreed with the appeal.

MOTION:

It was moved, seconded (Morri/Grunsky), and passed with a vote of 5-0-0 to:

1. Deny the appeal of the Community Development Departments approval of Site Approval Application # PA-1800329 with the previously approved finding and conditions if the approval contained in the Staff Report.

VOTE:

AYES: Grunsky, Midgley, Morri, Hamilton, Walker

NOES:

ABSENT:

**Note: In preparation of the meeting minutes, the Community Development Department staff found the motion as stated and recorded to be inconsistent with the discussion by the Planning Commissioners. Based on staff review, the motion as stated and approved by the Commission appears to have been an error. At the Planning Commission on August 1, 2019, the Planning Commission confirmed that it was the intent of the Commission to approve the appeal by Duane Duke of the Community Development Department's approval of Site Approval No. PA-1800329. A vote of 3-0-2 confirmed this action. Two Planning Commissioners were absent from this meeting.**

3. **USE PERMIT APPLICATION NO. PA-1900042 OF CALIFORNIA ISLAMIC CENTER (C/O TAJ KHAN)** for the expansion of an existing religious assembly for a maximum of 249 people. The project will include the construction of a 4,680 square foot addition to the existing worship building to be utilized as a multi-purpose area, and the construction of a 640 square foot storage building. The religious assembly will operate from 5:00 a.m. to 10:00 p.m., seven (7) days a week, and anticipates having up to two (2) volunteers daily. The religious services are held Friday from 1:00 p.m. to 2:30 p.m. The project will be served by a private well for water, a private septic tank for sewage, and storm drainage will be retained on-site. The parcel is provided access from North Lower Sacramento Road. No change is proposed for the maximum number of attendees. The project site is located on the east side of North Lower Sacramento Road, 850 feet south of North Extension Road, Lodi. (Supervisory District: 4).

Item 3 removed from consent by Chair Walker, for clarification on attendance numbers provided in the staff report for the project.

Giuseppe Sanfilippo, Associate Planner, introduced the staff report into the record.

Commissioner Morri asked if the site can be accessed from southbound Lower Sacramento Road.

Giuseppe Sanfilippo stated that left turn access is not available from the southbound lanes of traffic, the site has "right-in, right-out" control measures.

Chair Walker asked for clarification of attendance numbers stating her concern stems from conflict with Finding 2 stating max attendance numbers of 249 people and the Environmental Health Department Conditions of Approval discussing a max of 450 people at special events.

Mr. Sanfilippo stated the facility is approved for the 249 people in attendance for regular services, and the maximum of 450 people is the cap for accessory events.

Commissioner Hamilton asked if parking is available for 450 people.

Mr. Sanfilippo stated there is permanent parking for the 249 people with overflow for special events.

Commissioner Hamilton asked if the overflow area will handle the additional people.

Zayante (Zoey) P. Merrill, Interim Director for the Community Development Department, stated that the overflow parking is unpaved, non-permanent parking, and it is common for accessory events to religious assemblies. Director Merrill stated that EHD wants to ensure the attendance from the accessory events will not create a negative impact related to groundwater.

Steven Shih, Environmental Health Department, explained the purpose of the Soil Suitability and Nitrate Loading studies included in the Conditions of Approval.

Chair Walker asked if the septic system installed was adequately sized for the 450 people.

Mr. Shih stated the current system was sized and permitted for 249 people.

Chair Walker asked if the system could be expanded.

Mr. Shih stated that, based upon the study, it could be expanded.

Chair Walker stated her concern that attendance could be increased based upon the availability of overflow parking and septic suitability. Chair Walker stated the Board specifically denied a facility with a maximum of 400 people and this project was approved for 249.

PUBLIC HEARING OPENED:

PROPOSERS:

Taj Khan, President of California Islamic Center, explained the previous project, that was denied in 2005, was a much larger project; the current project is about one-fourth the size. Mr. Khan stated, that since the facility use permit approved in 2015, the water usage is below the predictions based off the study. Mr. Khan stated the impact from the facility is less than expected, and they are willing to revisit the study and provide an updated report if needed.

OPPONENTS:

None.

PUBLIC HEARING CLOSED.

Commissioner Morri asked if the estimate of three people per car was used for parking requirements.

Awni Taha, Interim Engineering Services Manager for the Development Services Division, confirmed the estimate of three people per car.

Commissioner Hamilton asked if the overflow parking is available year-round, citing issues with wineries where the winter season made the parking unusable.

Chair Walker asked what kind of surface is used for the overflow parking.

Director Merrill stated it appears to be a gravel surface, and we would look for the surfacing to be consistent.

Chair Walker requested that in approving the project that attendance would be limited to 249 people for regular attendance, and to allow a maximum of 450 people for special events only.

Director Merrill asked for clarification on the use of words "special event;" is it a special event with a special event permit, or events with additional people as opposed to regular attendance.

Chair Walker clarified that she means the second option, in relation to Finding 2.

MOTION:

It was moved, seconded (Walker/Morri), and passed with a vote of 5-0-0 to:

1. Approve the Mitigated Negative Declaration and to approve Use Permit number PA-1900042 with the Findings and Conditions of Approval contained in the Staff Report, and to further limit maximum regular attendance to 249 people and a maximum attendance of 450 people for accessory events.

VOTE:

AYES: Morri, Hamilton, Midgley, Grunsky, Walker

NOES:

ABSENT:

The meeting adjourned at 9:56 P.M.

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Kitty Walker, Chair

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Zayante (Zoey) P. Merrill, Secretary