



PLANNING COMMISSION MINUTES OF APRIL 20, 2023

The San Joaquin County Planning Commission met in regular session on April 20, 2023 at 6 p.m., in the San Joaquin County Administration Building, 44 N. San Joaquin St., #640 (Board of Supervisors Chambers), Stockton, California.

The meeting was called to order by James Grunsky, Chair.

The Pledge of Allegiance to the flag was given.

Roll Call:

(present)

Commissioners

James Grunsky, Chair

Donald Ruhstaller

Chris Meehleis

Jass Sangha

County Staff

Zoey Merrill, County Counsel

Shayan Rehman, Department of Public Works

Chris Heylin, Department of Public Works

Steven Shih, Environmental Health Department

Cesar Ruvalcaba, Environmental Health Department

Frank Girardi, Environmental Health Department

Community Development Department Staff

Jennifer Jolley, Director

Tim Burns, Code Enforcement Chief

Corinne King, Deputy Director of Planning

Megan Aguirre, Principal Planner

Alisa Goulart, Associate Planner

Allen Asio, Office Assistant Specialist

Laura Sauers, Office Assistant Specialist

(absent)

Sheri Midgley, Vice-Chair

Minutes not presented to Planning Commission for approval.

ACTION ITEMS:

CONSENT 1. HOUSING ELEMENT ANNUAL PROGRESS REPORT. This is a review of the San Joaquin County General Plan Housing Element Annual Progress Report for calendar year 2022. The purpose of the annual report is to provide the progress of the Housing Element's implementation status toward meeting the County's share of the Regional Housing Needs Allocation as required by the California Department of Housing and Community Development.

MOTION:

It was moved, seconded (Ruhstaller / Sangha), and passed by a vote (4 to 0) to:

1. Approve action item #1 on consent, with the recommendations in the Staff Report.

VOTE:

AYES: Chris Meehleis, Jass Sangha, Donald Ruhstaller, James Grunsky

NOES:

ABSENT: Sheri Midgley

2. USE PERMIT NO. PA-2200049 OF VENKATESHWARA SHARMA CHINTAPALLI, ET AL. (C/O SRI VEDA VIDYA PEETHAM) to convert a 2,000-square-foot single-family residence, 1,500-square-foot barn, and 840-square-foot attached garage to a Neighborhood Religious Assembly for a maximum of 49 people. The project proposal includes:

- Convert:
 - 2,000-square-foot residence into a prayer hall, office, storage room, and restrooms
 - 1,500-square-foot barn into a storage building
 - 840-square-foot attached garage into a second prayer hall
 - 631-square-foot storage building for religious assembly use
- Construct:
 - 268-square-foot accessible restrooms (2)

The project site is on the west side of S. San Jose Rd., 625 feet south of W. Middle Rd., Tracy. (Supervisory District: 5)

ALISA GOULART, ASSOCIATE PLANNER, introduced the staff report into the record.

Commissioner Meehleis asked about the speed limit. Ms. Goulart answered that it is 55 miles per hour.

PUBLIC HEARING OPENED:

PROPONENTS:

Manikya Salveru explained the reason for starting the temple. He said that since 2004, for any prayer needs, he needed to drive to Livermore or other location in the Bay Area. Since then, thought was given to having a prayer hall in Tracy but there was not enough financial support for the temple. In 2015 the proponent met a priest in Livermore and started discussing plans to have a prayer hall in Tracy. He stated that he started looking for a property in 2017 and acquired the AG-40 zoned property in August 2021. He consulted with an architect, gathered funds, did repairs, and held events but was unaware that a special event permit was required. An application was submitted in March 2022.

Manikya Salveru further explained that the garage doors/windows were changed out after a builder stated that they could do the work without a permit if there was no change to the square footage. The submitted application led to enforcement. It was confirmed that no new structures are being built, just conversions of existing structures to a prayer hall. A maximum limit of 49 people would be in place, per session by appointment, to not be a burden to the property or neighborhood. It was clarified that large events would not be held on the premises. Larger facilities in the community would be used instead.

Commissioner Ruhstaller inquired about the frequency of the sessions. Mr. Salveru clarified that the prayers are held on Monday, Thursday, and Saturday.

Commissioner Sangha stated that she had visited the property and spoke to Mr. Salveru, Raj Chintapalli, Venkateshwara Chintapalli, and Shashidhar Kache regarding the code violations. The building has been off limits until the proper permits have been submitted and approved.

There were 26 individuals, in attendance and online, advocating for the proposed temple. They expressed their support for the project which they felt would promote cultural and spiritual development and help maintain customs and traditions. It was stated that it would add value through diversity, positivity, and community enrichment. Supporters also expressed their support in the temple because of its proximity to their residences.

OPPONENTS:

Aaron and Rosemary Smud, who live at a neighboring property, stated their concerns regarding the septic system possibly contaminating the groundwater and their domestic well. Per Mr. Smud, the applicant continues to operate with gatherings of up to 70 people after being instructed by the county not to do so.

The Smud's primary concerns were regarding environmental health due to no access to public water or sewer services in the area. Both are concerned with the proposed new detached restrooms as they will need to construct a new industrial sewage disposal system that will be near their well.

Mr. Smud stated that Public Works Conditions of Approval require a fenced retention basin and stormwater treatment facilities which are not shown on the site plan.

Per Mr. Smud, in his experience, little to no inspection will be performed by the county for the required maintenance of these facilities to ensure the proper long-term operation. He stated that if not maintained correctly it can affect the shallow groundwater table and negatively affect their water supply. They have concerns that the septic system shown on the plan for the treatment is not the industry standard for what would be required for the facility. The other main concern is the runoff from the parking lots and driveways. Mrs. Smud stated that the plans don't show storm water drainage facilities, treatment, or a retention basin which is an additional environmental concern.

REBUTTAL:

The applicant stated that he will comply with any conditions of approval, especially with regard to well water and ground water contamination prevention.

PUBLIC HEARING CLOSED.

Commissioner Grunsky addressed the opposition's concerns by saying he understood their concerns but that there were far worse options because of AG-40 zoning's broad usage. He also addressed the project as a great need in the community and its benefit from the prayer hall, family, and schools.

Commissioner Ruhstaller advised the applicant that the property must remain closed until the process is completed.

Commissioner Meehleis expressed concerns regarding the lack of a retention pond being shown on the site plan.

Director Jolley responded that the site plan will be reviewed by public works as well as the building department as part of the building permit process. Director Jolley had Steven Shih from the Environmental Health Department address concern regarding the septic system.

Steven Shih, Environmental Health Department, clarified that the Environmental Health Department requires a condition called soil suitability testing. The study and report will be used to evaluate the soil characteristics which will help them determine the type of septic system needed for the project to mitigate contamination and ground water issues. The report also requires the applicant to obtain a sample from the existing well to have a baseline to see what contaminants they are dealing with and to check for any existing water issues.

Commissioner Ruhstaller inquired about the crowd sizes and also informed the applicant that an additional concern was a neighbor's son almost getting hit by an individual leaving the property.

The applicant responded that the initial excitement regarding the acquisition of the property and proposed temple did attract a lot of people initially but that it would be limited to 49 people once the permit is approved. He also stated that there will be a parking area constructed with a proper entrance and exit to avoid any accidents.

MOTION:

It was moved, seconded (Sangha / Ruhstaller), and passed by a vote (4 to 0) to:

1. Adopt the Findings for Use Permit (Attachment E, Findings); and
2. Approve Use Permit No. PA-2200049 with the attached Conditions of Approval (Attachment F, Conditions of Approval)

VOTE:

AYES: Donald Ruhstaller, Chris Meehleis, Jass Sangha, James Grunsky

NOES:

ABSENT: Sheri Midgley

OTHER BUSINESS:

Director Jolley pointed out that the code enforcement chief is very engaged and attends the planning commission meetings when they have an item that has been under code enforcement. She also stated that there is a different way that they are approaching code enforcement and they are becoming more active and holding individuals accountable

The meeting adjourned at 7:47 P.M.

James Grunsky, Chair

Jennifer Jolley, Secretary