



March 2, 2022

LBA Fund VI-MM Industrial, LLC
3347 Michelson Drive, #220
Irvine, CA 92612

Dear Owners:

Re: Site Approval No. PA-1900208 of LBA Fund VI-MM Industrial, LLC (c/o Net Development Company)
(APN[s]/Address: 209-240-23 / 14800 W. Schulte Rd., Tracy)

ACTION: On February 28, 2022, the San Joaquin County Community Development Department approved Site Approval No. PA-1900208 subject to the enclosed Conditions of Approval.

APPEAL PERIOD: This action can be appealed to the Planning Commission by any interested party. Appeals must be filed with this Department within 10 days of the action with an appeal fee of \$711.85. The 10-day appeal period ends at 4:30 p.m. on March 10, 2022. If this date falls on a weekend or holiday, the appeal period will expire on the next regular business day at 4:30 p.m.

EXPIRATION: This action requires you to comply with all Conditions of Approval within the next 18 months (by September 9, 2023). If you have not complied with the Conditions of Approval by that date, this approval will expire, and the project cannot proceed.

NEXT STEP: Prior to the expiration date, you must comply with all Conditions of Approval, including the securing of building permits and any other permits specified in the Conditions of Approval.

Please contact me if you have questions regarding the Community Development Department Conditions (Phone: [209] 468-0222, Email: alisa.goulart@sjgov.org). Questions regarding the building permit process should be directed to the counter staff (Phone: [209] 468-2098).

Sincerely,

A handwritten signature in black ink that reads "Alisa Goulart".

Alisa Goulart
Associate Planner

AG/dm

Enclosure(s): Conditions, Mitigation Monitoring and Reporting Plan, Site Plan, Informational Letters, Findings

c: Net Development Company
San Joaquin County Building Inspection Division
San Joaquin County Environmental Health
San Joaquin County Public Works

CONDITIONS OF APPROVAL

PA-1900208

LBA FUND VI-MM INDUSTRIAL, LLC / NET DEVELOPMENT COMPANY

Site Approval Application No. PA-1900208 was approved by the Community Development Department on February 28, 2022. The effective date of approval is March 10, 2022. This approval will expire on September 9, 2023, 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 (Contact: [209] 468-3121)

- a. **BUILDING PERMIT:** Submit an "APPLICATION-COMMERCIAL BUILDING PERMIT". The Site Plan required as a part of the building permit must be prepared by a registered civil engineer or licensed architect. This Plan must show drainage, driveway access details including gates, on-site parking, landscaping, signs, existing and proposed utility services, and grading (refer to the "SITE PLAN CHECK LIST" for details). Foundation and soils investigation shall be conducted in conformance with Chapter 18 of the California Building Code at the time of permit application. A fee is required for the Site Plan review. (Development Title Section 9-884)
- b. **APPROVED USE:** This approval is for a warehouse and distribution center to include construction of three buildings totaling 678,913 square feet as shown on the site plan dated November 27, 2019. (Use Type: Wholesaling and Distribution - Light)
- 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. **MITIGATION MONITORING AND REPORTING PROGRAM:** The project shall comply with all required mitigations included in the MMRP dated September 2021 (attached).
- e. **PARKING:** Off-street parking shall be provided and comply with the following:
 1. All parking spaces, driveways, and maneuvering areas shall be surfaced and permanently maintained with asphalt concrete or Portland cement concrete to provide a durable, dust-free surface. Bumper guards shall be provided when necessary to protect adjacent structures or properties. (Development Title Section 9-1015.5[e])
 2. A minimum of 380 auto parking spaces shall be provided. (0.5 spaces required for every 1,000 feet of building area and for every employee.) (Development Title Section 9-1015.3b)
 3. Each parking stall shall be an unobstructed rectangle, minimum 9 feet wide and 20 feet long, with exceptions for compact spaces and concrete curb wheel stops. (Development Title Section 9-1015.5)
 4. Parking spaces for persons with disability shall be provided as required by Chapters 11A and 11B of the California Building Code.

5. A minimum of one bicycle parking rack or storage device is required for every 20 parking spaces. (Development Title Section 9-1015.7)
- f. **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 25 feet for two-way aisles and 16 feet for one-way aisles, except that in no case shall driveways designated as fire department access be less than 20 feet wide. (Development Title Section 9-1015.5[h][1])
- g. **LIGHTING:** Lighting shall be provided and comply with the following:
 1. If the parking area is to be used at night, parking lot lighting shall be installed. (Development Title Section 9-1015.5[g])
 2. All lighting shall be designed to confine direct rays to the premises. No spillover beyond the property lines shall be permitted except onto public thoroughfares, provided, however, that such light shall not cause a hazard to motorists. (Development Title Section 9-1015.5[g][4])
 3. All lighting shall be on a time clock or photo-sensor system. (Development Title Section 9-1015[g][2])
- h. **LANDSCAPING:** Landscaping shall be provided and comply with the following:
 1. At a minimum, a ten-foot-wide landscaped strip, respecting the ultimate right-of-way of Schulte Road, shall be installed across the frontage of the project site. The strip shall be continuous except where crossed by driveways and walkways. (Development Title Section 9-1020.8[a])
 2. The parking area shall be landscaped as specified in Section 9-1020.5 of the Development Title. The parking area shall be provided with a minimum of five percent landscaping within the perimeter of the parking area, not including landscaping along the street frontage.
 3. Planters which abut parking stalls shall be a minimum of 5 feet wide. A minimum 18-inch-wide paved strip shall be added to the adjacent parking stall to allow access to and from vehicles. (Development Title Section 9-1020.5[d])
 4. One (1) tree shall be required for each 5 parking stalls and shall be evenly spaced throughout the parking lot. (Development Title Section 9-1020.5[b])
 5. This project will be required to comply with the Model Water Efficient Landscape Ordinance Requirements per California Code of Regulations, Title 23, Division 2, Chapter 2.7.
- i. **SCREENING:** Screening shall be provided and comply with the following:
 1. All storage materials and related activities, including storage areas for trash, shall be screened so as not to be visible from adjacent properties and public rights-of-way. Screening shall be 6 to 8 feet in height. Outside storage is not permitted in front yards, street side yards, or in front of main buildings. (Development Title Section 9-1022[e][2])
- j. **SIGNS:** Sign details shall be consistent with Chapter 9-1710 of the Development Title and be included on the Site Plan.
 1. All portions of any sign shall be set back a minimum of 5 feet from any future right-of-way line, including any corner cut-off (snipe). (Development Title Section 9-1710.2[g])
 2. One (1) freestanding sign per parcel shall be permitted for each street frontage of the parcel.

3. Multiple wall signs are allowed.
- k. **CALIFORNIA BUILDING CODE:** 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 the 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 2019 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. Fire 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 Section 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 1 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 1 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 disability 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 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 Requirement per California Code of Regulations, Title 23, Division 2, Chapter 2.7.

2. DEPARTMENT OF PUBLIC WORKS (Contact: [209] 468-3000, see memo dated February 19, 2021)

3. ENVIRONMENTAL HEALTH DEPARTMENT (Contact: [209] 468-3420, see memo dated December 17, 2020)

4. SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY (Contact: [209] 831-6707, see memo dated January 13, 2020)

5. SAN JOAQUIN COUNCIL OF GOVERNMENTS (Contact: [209] 235-0600, see memo dated December 30, 2019)

6. SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT (Contact: [559] 230-6061, see memo dated January 16, 2020)

FOR NOTES AND INFORMATION ONLY:

See City of Tracy letter dated January 15, 2020.

See Central Valley Regional Water Quality Control Board letter dated December 18, 2020.

See Department of Transportation letter dated October 24, 2019.

See California Department of Fish and Wildlife dated December 22, 2020.

See FEMA letter dated October 2, 2019.

4 Mitigation Monitoring and Reporting Program

4.1 Introduction

California Public Resources Code Section 21081.6 requires that, upon certification of an Environmental Impact Report, “the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation.”¹

This Mitigation Monitoring and Reporting Program (MMRP) was developed in compliance with Section 21081.6 of the California Public Resources Code and Section 15097 of the California Environmental Quality Act Guidelines,² and includes the following information:

- A list of mitigation measures as well as the Project Design Features
- The timing for implementation of the mitigation measures and Project Design Features
- The party responsible for implementing or monitoring the mitigation measures and Project Design Features
- The date of completion of monitoring

The Project Design Features are added to the end of Table 4-1 and will be monitored to ensure completion.

The County of San Joaquin must adopt this MMRP, or an equally effective program, if it approves the proposed 14800 W. Schulte Road Logistics Center (Project) with the mitigation measures that were adopted or made conditions of Project approval.

¹ California Public Resources Code, Section 21000–21177. California Environmental Quality Act, as amended.

² 14 CCR 15000–15387 and Appendices A–L. Guidelines for Implementation of the California Environmental Quality Act, as amended.

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Table 4-1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
Air Quality			
MM-AQ-1: Vehicle Miles Traveled Reduction Strategies. The Project shall implement a Transportation Demand Management (TDM) Program to facilitate increased opportunities for bicycling and pedestrian travel, as well as provide the resources, means, and incentives for ride-sharing and carpooling to reduce vehicle miles traveled and associated criteria air pollutant emissions. The following components shall be included in the TDM program: <i>Bicycle and Pedestrian Travel</i> <ul style="list-style-type: none"> Provide bicycle parking facilities of one bike rack space per 20 vehicle/employee parking spaces or to meet demand, whichever results in the greater number of bicycle racks. Provide shower and locker facilities to encourage employees to bike and/or walk to work of one shower and three lockers per every 25 employees. <i>Ride-Sharing and Commute Reduction</i> <ul style="list-style-type: none"> Promote ride-sharing programs through a multi-faceted approach, such as designating a certain percentage of parking spaces for ride-sharing vehicles, designating adequate passenger loading and unloading and waiting areas for ride-sharing vehicles, and/or providing a website or message board for coordinating rides. Implement marketing strategies to reduce commute trips. Information sharing and marketing are important components to successful commute-trip-reduction strategies. Implementing commute-trip-reduction strategies without a complementary marketing strategy would result in lower vehicle miles traveled reductions. Marketing strategies may include new employee orientation of trip reduction and alternative mode options, event promotions, and/or publications. 	During operation	County of San Joaquin	
MM-AQ-2: Idling Restriction. The Project shall minimize idling time of all vehicles and equipment to the extent feasible; idling for periods of greater than 5 minutes shall be prohibited. Signage shall be posted at truck parking spots, entrances, and truck bays advising that idling time shall not exceed 5 minutes per idling location. To the extent feasible, the tenant shall restrict idling emissions from trucks by using auxiliary power units and electrification.			
MM-AQ-3: Forklifts and Yard Trucks. During operation, the Project shall require that all forklifts be powered by electricity or other zero-emission technology; if electric is not available or feasible, propane is acceptable. All yard trucks shall meet Tier 4 Interim standards or better, or use zero-emissions technology (e.g., electric, fuel-cell).	During construction and operation	County of San Joaquin	
Biological Resources			
MM-BIO-1: Avoid and Minimize Impacts to Burrowing Owl. Measures identified in the Incidental Take Minimization Measures (ITMM) document (SJCOC 2020) shall be implemented to ensure that Project-related impacts to burrowing owl are avoided or minimized. In the event that the SJMSCP is not used to mitigate species impacts, the following measures, similar to those included in the ITMM document, shall be implemented. The following measures to discourage ground squirrel presence, which would limit habitat suitability for burrowing owls, shall be implemented: <ul style="list-style-type: none"> New vegetation shall be planted, or existing vegetation shall be retained entirely covering the site at a height of approximately 36 inches above the ground. Vegetation shall be retained until construction begins. Vegetation shall discourage ground squirrel and burrowing owl use of the site. Alternatively, the Project applicant may disc or plow the entire Project site to destroy any ground squirrel burrows. Before burrows are destroyed, ground squirrels shall be removed through one of the following approved methods to prevent reoccupation of the Project site: anticoagulants, zinc phosphide, fumigants, or traps. Detailed descriptions of these methods are included in San Joaquin Multi-Species Habitat Conservation and Open Space Plan, Appendix A, Protecting Endangered Species, Interim Measures for Use of Pesticides in San Joaquin County, dated March 2000. If burrowing owls are known to occupy the site prior to Project construction, pre-construction surveys for burrowing owls shall be conducted no less than 14 days, and again within 24 hours, prior to 	Prior to and during construction	County of San Joaquin	

Table 4-1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
<p>commencement of ground disturbance. Any burrowing owl pre-construction surveys shall be conducted following the protocol within the Staff Report on Burrowing Owl Mitigation (CDFW 2012).</p> <ul style="list-style-type: none"> During the breeding season (February 1 through August 31), any occupied burrows shall not be disturbed and shall be provided with a 75-meter protective buffer until and unless the Technical Advisory Committee (TAC), with the concurrence of the Permitting Agencies (representatives on the TAC), or unless a qualified biologist approved by the Permitting Agencies, verifies through non-invasive means that either (1) the birds have not begun egg laying, or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. Once the fledglings are capable of independent survival, a Burrowing Owl Exclusion Plan shall be developed and approved by the applicable Department of Fish and Wildlife San Joaquin Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) representative/office, and habitat shall be mitigated in accordance with the Staff Report (CDFW 2012), then the burrow can be destroyed. Pre-construction surveys following destruction of burrows and prior to initial construction activities are required (24 hours prior) to ensure owls do not re-colonize the Project site. If Project activities are delayed or suspended for more than 15 days during the breeding season, surveys shall be repeated. During the non-breeding season (September 1 through January 31), burrowing owls may be evicted after a Burrowing Owl Exclusion Plan is developed and approved by the applicable Department of Fish and Wildlife SJMSCP representative/office and habitat is mitigated in accordance with the Staff Report (CDFW 2012). <p>Pre-construction surveys following destruction of burrows and prior to initial construction activities are required (24 hours prior) to ensure owls do not re-colonize the Project site. If owls are found within 50 meters of the Project site, it is recommended that visual screens or other measures are implemented to limit disturbance of the owls without evicting them from the occupied burrows.</p>			
<p>MM-BIO-2: Avoid and Minimize Impacts to Native and Migratory Nesting Birds. Mitigation measures identified in the Incidental Take Minimization Measures (ITMM) document (SJCOPG 2020) shall be implemented to avoid and minimize impacts to native and migratory nesting birds. In the event that the San Joaquin Multi-Species Habitat Conservation and Open Space Plan is not used to mitigate species impacts, the following measures, similar to those included in the ITMM document, shall be implemented.</p> <ul style="list-style-type: none"> Pre-construction nesting bird surveys shall be conducted no greater than 14 days prior to commencement of construction activities (including ground disturbance or vegetation removal), if Project activities must commence during the nesting bird season (February 1 through September 15). If an active bird nest is detected during pre-construction surveys or at any other time during Project construction, appropriate disturbance avoidance buffers shall be established by a qualified biologist. Nest avoidance buffers shall be a minimum of 100 feet surrounding an active nest, but vary depending on species and site-specific circumstances. Avoidance buffers for state or federally listed special-status species are typically 500 feet. Construction activities shall not be permitted within any established nest buffer until the nest is determined by a qualified biologist to be inactive. All vegetation removal, trimming, and grading of vegetated areas shall occur outside of the peak bird breeding season to the maximum extent practicable. Available resources, such as internet-based tools (e.g., the U.S. Fish and Wildlife Service's Information, Planning and Conservation system and Avian Knowledge Network) shall be used to identify peak breeding months for local bird species or the local Service Migratory Bird Program Office shall be contacted for breeding bird information. A vegetation maintenance plan shall be prepared that outlines vegetation maintenance activities and schedules so that direct bird impacts do not occur. <p>To the maximum extent practicable, construction activities shall be limited to the time between dawn and dusk to avoid the illumination of adjacent habitat areas. If construction activity time restrictions are not possible, down-shielding or directional lighting shall be used to avoid light trespass into bird habitat (i.e., use a "Cobra"-style light</p>	Prior to and during construction	County of San Joaquin	

Table 4-1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
<p>rather than an omnidirectional light system to direct light down to the site). To the maximum extent practicable while allowing for public safety, low-intensity energy-saving lighting (e.g. low-pressure sodium lamps) shall be used. Illumination of lighting on associated construction and operation structures shall be minimized by using motion sensors or heat sensors.</p> <p>MM-BIO-3: Avoid and Minimize Unintentional Wildlife Entrapment. Measures identified in the Incidental Take Minimization Measures document (SJCOCG 2020) shall be implemented to avoid and minimize impacts related to wildlife entrapment in Project equipment and materials, and to prevent birds from perching or nesting on the Project site where they would be unsafe or vulnerable to potential disturbance, as follows:</p> <ul style="list-style-type: none"> Prior to the nesting bird season, anti-perching devices shall be installed on equipment or structures within the Project site that present a suitable place for birds to nest or perch. Alternatively, access to potentially suitable nesting surfaces shall be enclosed with mesh netting, chicken wire fencing, or other suitable exclusion material or otherwise prevented until construction activities are complete or until the structure is removed. During the time that the birds are trying to build or occupy their nests (generally, April through August, depending on the geographic location), potential nesting surfaces shall be monitored at least once every 3 days for any nesting activity, especially where bird use of structures is likely to cause take. It is permissible to remove non-active nests (without birds or eggs), partially completed nests, or new nests as they are built (prior to occupation). If birds have started to build any nests, the nests shall be removed before they are completed. Water shall not be used to remove the nests if nests are located within 50 feet of any surface waters. If an active nest becomes established (i.e., there are eggs or young in the nest), all work that could result in abandonment or destruction of the nest shall be avoided until the young have fledged or the nest is unoccupied. Construction activities that may displace birds after they have laid their eggs and before the young have fledged shall not be permitted. If the Project continues into the following spring, this cycle shall be repeated. When work is complete, all netting shall be removed and properly disposed of. To prevent entrapment and mortality of smaller wildlife and birds, all pipes, culverts, or similar structures that are stored at the construction site vertically or horizontally for one or more overnight periods shall be securely capped on both ends prior to storage and thoroughly inspected for wildlife prior to implementation at the Project site. All hollow pipes or posts installed as part of the Project and exposed to the environment shall be capped, screened, or filled with material by the Project proponent prior to the end of the workday. To prevent entanglement of raptor talons, any post with exposed perforations installed on the Project site and exposed to the environment shall have the holes permanently filled within the top 6 inches of the post upon installation. <p>Any open trenches, pits, or holes with a depth larger than 1 foot shall be covered at the conclusion of work each day with a hard, non-heat-conductive material (i.e., plywood). No netting, canvas, or material capable of trapping or ensnaring wildlife shall be used to cover open trenches. If use of a hard cover is not feasible, multiple wildlife escape ramps shall be installed, constructed of wood or installed as an earthen slope, in each open trench, hole, or pit that is capable of allowing large (i.e., deer) and small (i.e., snakes) animals to escape on their own. Prior to the initiation of construction each day and prior to the covering of the trench at the conclusion of work each day, on-site personnel shall inspect the open trench, pit, or hole for wildlife. If wildlife is discovered, it shall be allowed to leave on its own.</p>	Prior to and during construction	County of San Joaquin	
Cultural Resources and Tribal Cultural Resources			
<p>MM-CUL-1: Inadvertent Discovery of Archeological Resources. In the event that potential archaeological resources (sites, features, or artifacts) are exposed during construction activities for the Project, all construction work occurring within 100 feet of the find shall immediately stop until a qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards, can evaluate the significance of the find and determine whether</p>	During construction	County of San Joaquin	

Table 4-1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
or not additional study is warranted. Depending on the significance of the find under the California Environmental Quality Act (CEQA) (14 CCR 15064.5(f); California Public Resources Code Section 21082), the archaeologist may simply record the find and allow work to continue. Avoidance shall be considered the preferred option for treatment of identified archaeological resources. If the discovery proves significant under CEQA, additional work, such as preparation of an archaeological treatment plan, testing, or data recovery, may be warranted.			
MM-CUL-2: Inadvertent Discovery of Human Remains. In accordance with Section 7050.5 of the California Health and Safety Code, if human remains are found within the Project site, the County coroner shall be immediately notified of the discovery. No further excavation or disturbance of the site or any adjacent area reasonably suspected to overlie adjacent remains shall occur until the County coroner has determined, within 2 working days of notification of the discovery, the appropriate treatment and disposition of the human remains. If the County coroner determines that the remains are, or are believed to be, Native American, they shall notify the Native American Heritage Commission (NAHC) in Sacramento within 24 hours. In accordance with California Public Resources Code Section 5097.98, the NAHC shall immediately notify those persons it believes to be the most likely descendants (MLD) of the deceased Native American. The MLD shall complete their inspection within 48 hours of being granted access to the site. The designated Native American representative shall then determine, in consultation, with the property owner, the disposition of the human remains.	During construction	County of San Joaquin	
MM-CUL-3: In the event that paleontological resources (fossil remains) are exposed during construction activities for the Project, all construction work occurring within 50 feet of the find shall immediately stop until a qualified paleontologist, as defined by the Society of Vertebrate Paleontology's 2010 guidelines, can assess the nature and importance of the find. Depending on the significance of the find, the paleontologist may record the find and allow work to continue or recommend salvage and recovery of the resource. All recommendations will be made in accordance with the Society of Vertebrate Paleontology's 2010 guidelines and shall be subject to review and approval by the County of San Joaquin. Work in the area of the find may only resume upon approval of a qualified paleontologist.	During construction	County of San Joaquin	
Transportation			
MM-TRAF-1: The Project would require one of the two following improvements to mitigate impacts to site access, consistent with County of San Joaquin requirements to adhere to City of Tracy driveway standards: <ul style="list-style-type: none"> Move western driveway approximately 160 feet to the east to provide the minimum recommended distance of 500 feet from the 14900 Schulte Road driveway if full access is to be maintained, or If the western driveway remains less than 500 feet from the 14900 Schulte Road driveway, driveway will be restricted to right-in/right-out access only. 	Prior to construction	County of San Joaquin	

Project Design Feature	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
Air Quality			
PDF-AQ-1: Prior to the County of San Joaquin's (County) approval of any grading permits and during Project construction, a Fugitive Dust Control Plan shall be prepared demonstrating compliance with San Joaquin Valley Air Pollution Control District's (SJVAPCD) Rules 8021, 8031, 8041, 8051, 8061, and 8071, to the satisfaction of the County. The Project applicant or its designee shall require implementation of the following fugitive dust measures to minimize coarse particulate matter emissions as part of the Fugitive Dust Control Plan. All measures shall be designated on Grading Plans. <ol style="list-style-type: none"> Grading areas shall be watered, or another SJVAPCD-approved dust control non-toxic agent shall be used, at least three times daily to minimize fugitive dust only where chemical stabilizers are not used. All permanent roads and the paved access roadway improvements shall be constructed and paved as early as possible in the construction process to reduce construction vehicle travel on unpaved roads. Foundations shall be finalized as soon as possible following site preparation and grading activities to reduce fugitive dust from earth-moving operations. 	Prior to construction and during construction	County of San Joaquin	

Project Design Feature	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
Air Quality			
<ul style="list-style-type: none"> c. Grading areas shall be stabilized as quickly as possible to minimize fugitive dust. d. Chemical stabilizer shall be applied, a gravel pad shall be installed, or the last 100 feet of internal travel path within the construction site shall be paved prior to public road entry. e. Wheel washers, grates, rock, or road washers shall be installed adjacent to the site access points for tire inspection and washing prior to vehicle entry on public roads. f. Visible track-out into traveled public streets shall be removed with the use of sweepers, water trucks, or similar method within 30 minutes of occurrence. g. Perimeter erosion control shall be provided to prevent washout of silty material onto public roads. Unpaved construction site egress points shall be graveled to prevent track-out. h. The construction access point shall be wet-washed at the end of the workday if any vehicle travel on unpaved surfaces has occurred. i. Haul trucks shall be covered or at least 2 feet of freeboard shall be maintained to reduce blow-off during hauling. j. On-site stockpiles of excavated material shall be covered. k. A 15 mile per hour speed limit on unpaved surfaces shall be enforced. <p>Construction traffic control plans shall route delivery and haul trucks required during construction away from sensitive receptor locations and congested intersections to the extent feasible. Construction traffic control plans shall be finalized and approved prior to issuance of grading permits.</p>			
PDF-AQ-2: The Project applicant or its designee shall provide to all Project construction employees the fact sheet entitled "Preventing Work-Related Coccidioidomycosis (Valley Fever)" by the California Department of Public Health to ensure all employees are aware of the potential risks the site poses. The Project applicant or its designee shall inform all Project construction employees of all occupational responsibilities and requirements contained in these measures to reduce potential exposure to <i>Coccidioides</i> spores. The training shall include all the following topics: <ul style="list-style-type: none"> a. What Valley Fever is and how it is contracted. b. High-risk areas and types of work and environmental conditions during which the risk of contracting Valley Fever is highest. c. Personal risk factors that may create a higher risk for some individuals. d. Personal and environmental exposure prevention methods. e. Importance of early detection, diagnosis, and treatment. f. Recognizing common signs and symptoms of Valley Fever. g. Importance of reporting symptoms to the employer and seeking medical attention. 	Prior to construction	County of San Joaquin	
Common treatment and prognosis for Valley Fever.			
PDFAQ/GHG-1: The buildings shall be designed to achieve a minimum the Leadership in Energy and Environmental Design (LEED) Certified goal identified by the LEED Green Building Rating System to conserve resources, including energy and renewable resources.	Prior to construction	County of San Joaquin	
PDFAQ/GHG-2: Install 2%-3% skylights in warehouse buildings for natural lighting and to reduce electricity consumption from warehouse lighting.	During construction	County of San Joaquin	
PDFAQ/GHG-3: Install conduit for future electric truck charging capabilities.	During construction	County of San Joaquin	
PDFAQ/GHG-4: Install conduit for 33 future electric vehicle charging spaces.	During construction	County of San Joaquin	
PDFAQ/GHG-5: Designate 21 parking spaces for clean air/electric vehicle/vanpool parking.	During construction and operation	County of San Joaquin	

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4.2 References Cited

CDFW (California Department of Fish and Wildlife). 2012. *Staff Report on Burrowing Owl Mitigation*. Published March 7, 2012.

SJCOG (San Joaquin Council of Governments). 2020. *LBA Logistics Center III Project (PA-1900208) SJMSCP Incidental Take Minimization Measures (APN: 209-240-23). San Joaquin County Multi-Species Habitat Conservation & Open Space Plan*.

4 – Mitigation Monitoring and Reporting Program

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DATE: October 14, 2019

PA-1900208 (SA)

Property owner: LBA Fund VI-MM Industrial

Applicant: Net Development

APN / Address: 209-240-23, 14800 West Schulte Rd.

Planner: Alisa Goulart

Building Conditions By: Mark Fine Deputy Director (Building Official) (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 each separate structure or building is required. A permit will also be required for all proposed demolitions of equipment or structures. 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



Department of Public Works

Kris Balaji, Director of Public Works

Fritz Buchman, Deputy Director/Development

Jim Stone, Deputy Director/Operations

Najee Zarif, Interim Deputy Director/Engineering

Kristi Rhea, Business Administrator

February 19, 2021

MEMORANDUM

TO: Community Development Department
CONTACT PERSON: Alisa Goulart

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

SUBJECT: PA-1900208; A Site Approval application to develop a warehouse distribution facility with two (2) buildings totaling 510,990 square feet (Building A to be 231,600 square feet and Building B to be 279,390 square feet). The project also proposes the establishment of a truck sales, rental and repair facility which includes the construction of a 16,584 square foot building and outdoor storage area of trucks and trailers; located on the south side of West Schulte Road, 4,180 feet west of South Lammers Road, Tracy.
(Supervisorial District 5)

PROPERTY OWNER: LBA Fund Industrial, LLC

APPLICANT: Net Development Co.

ADDRESS: 14800 W. Schulte Road, Tracy

APN: 209-240-23

INFORMATION:

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

Schulte Road has an existing right-of-way of 60 feet and a planned right-of-way of 115 feet per the City of Tracy.

REQUIREMENTS:

~~The applicant shall complete the following requirements before the Department of Public Works can support or deem complete the application for this project:~~

- ~~1. A traffic study shall be required to determine the impacts and mitigation of the proposed project. The developer shall deposit funds with the County for all costs, as estimated by the Department of Public Works Transportation Engineering Division, prior to Department of Public Works preparing or contracting for the~~

~~Upon satisfaction of the above requirements, the following Conditions of Approval shall apply. Additional and/or revised Conditions of Approval may be necessary based upon the completed application.~~

RECOMMENDATIONS:

- 1) 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)
- 2) Prior to issuance of the occupancy permit, the east driveway approach shall be improved in accordance with the requirements of San Joaquin County Improvement Standards R-13 [including return radii to accommodate truck-trailer movements]. (Development Title Section 9-1145.5)
- 3) The owner shall execute an Irrevocable Offer to Dedicate Road to result in a 57.5- foot wide right-of-way from the centerline of Schulte Road to the property line across the parcel's frontage. (A fee based on the current fee schedule is required for processing per Development Title Table 9-240.2 in addition to a copy of the Grant Deed and a legal description of the parcel to be offered for dedication.) (Development Title Section 9-1150.5)
- 4) The Traffic Impact Mitigation Fee shall be required for this application. The fee is due and payable at the time of building permit application. The fee shall be automatically adjusted July 1 of each year by the Engineering Construction Cost Index as published by the Engineering News Record. (Resolution R-00-433)
- 5) 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)
- 6) A copy of the Final Site Plan shall be submitted prior to release of building permit.
- 7) 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)
- 8) Permit Registration Documents (PRD's) shall be filed with the State Water Resources Control Board (SWRCB) to comply with the State "General Permit for Storm Water Discharges Associated with Construction Activity". The Waste Discharge Identification (WDID) Number issued by SWRCB shall be submitted to the Department of Public Works for the file. Contact SWRCB at (916) 341-5537 for further information. Coverage under the SWRCB General Construction Permit Order 2009-0009-DWQ shall be maintained throughout the duration of all phases of the project.

- 9) Documentation shall be provided showing the owner has verified if an industrial storm water permit is required from the State Water Resources Control Board (SWRCB)
- 10) The applicant shall pay the following fair share contributions prior to issuance of any building permits:
 - a) \$4,768 for addition of a right turn lane in the northbound approach and signalization of the intersection of Schulte Road and International Parkway.
 - b) \$52,023 for addition of an eastbound, westbound, northbound and southbound through lane and signalization of the intersection of Schulte Road and Hansen Road.
 - c) \$2,589 for addition of two (2) through lanes, left and right turn lanes in the northbound and southbound approaches, right turn lanes in the eastbound and southbound approaches and signalization of the intersection of Schulte Road and Lammers Road.
 - d) \$1,308 for addition of two (2) through lanes on Lammers Road, two (2) right turn lanes on the westbound approach, one (1) through lane on the eastbound approach and signalization of the intersection of Valpico Road and Lammers Road.
 - e) \$2,208 for addition of one (1) through lane on Valpico Road, one (1) through lane on the north-south approach and signalization of the intersection of Valpico Road and Corral Hollow Road.
- 11) The frontage improvements for Schulte Road shall be constructed in conformance with the standards for a sixty-foot (60') wide right-of-way Rural Collector road except as noted below. The improvements shall be in conformance with the current Improvement Standards of the County of San Joaquin. Improvement plans, specifications and engineer's estimate prepared by a registered civil engineer shall be submitted for review and are subject to plan check, field inspection fees and must be approved and accepted by the County of San Joaquin Department of Public Works prior to issuance of the certificate of occupancy. The traffic index shall be per County Improvement Standards section 2-3.04.
 - a) The proposed western driveway shall be restricted to right-in/right-out access only. A raised median shall be constructed to prevent left-in/left-out movements.
 - b) A westbound left turn lane for the eastern driveway shall be constructed per the Caltrans Highway Design Manual.
 - c) An eastbound right turn lane shall be provided across the parcel's frontage terminating at the eastern driveway.
 - d) Five foot paved shoulders are required in both directions along all widened sections.
 - e) Utility poles shall be relocated or installed underground as necessitated by the road widening.



Environmental Health Department

Jasjit Kang, REHS, Director

Munilappa Naidu, REHS, Assistant Director

PROGRAM COORDINATORS

Robert McClellon, REHS

Jeff Carruesco, REHS, RD

Willy Ng, REHS

Michael Kid, REHS

Melissa Nissim, REHS

December 17, 2020

To: San Joaquin County Community Development Department
Attention: Alisa Goulart

From: Naseem Ahmed; 209-616-3018 *WN*
Senior Registered Environmental Health Specialist

RE: **PA-1900208 (SA), Early Consultation, Re-Referral, SU0012685**
14800 W. Schulte Rd, Tracy

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

1. 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. A percolation test conducted in accordance with the E.P.A. Design Manual - Onsite Wastewater and Disposal Systems is required for each parcel. The fee will be based on the current schedule at the time of payment.

Note: The Environmental Health Department received and reviewed a soil suitability and nitrate-loading study dated November 30, 2020 (Service Request# SR0082985).

2. Applicant shall contact Robert McClellon, Program Coordinator, Small Public Water System Program, at (209) 468-0332, to determine if the existing well can be permitted as a public water system prior to issuance of building permits. If a public water system is required, applicant shall submit a Small Public Water System preliminary technical report to the California State Water Resources Control Board, Division of Drinking Water (Water Board) at least six months before initiating construction of any water related improvement, as defined. The issuance of a permit to operate a small public water system by the local primacy agency (EHD) is prohibited without the concurrence of the Water Board. Please contact Brian Kidwell, P.E. with the SWRCB Division of Drinking Water at (209): 948-3963 concerning the requirements for preliminary technical report submittal prior to issuance of building permits.

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

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

3. Construction of an individual sewage disposal system(s) under permit and inspection by the Environmental Health Department is required at the time of development based on the Soil Suitability/ Nitrate Loading Study findings (San Joaquin County Development Title, Section 9-1110.3 & 9-1110.4).
4. Submit to the Environmental Health Department revised site plans prior to final occupancy 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)).

5. 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).
6. 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). The applicant may contact the Program Coordinator of the CUPA program, Muniappa Naidu (209) 468-3439, with any questions.
 - a. Any amount but not limited to the following hazardous waste; hazardous material spills, used oil, used oil filters, used oil-contaminated absorbent/debris, waste antifreeze, used batteries or other universal waste, etc. – **Hazardous Waste Program** (Health & Safety Code (HSC) Sections 25404 & 25180 et sec.)
 - b. Onsite treatment of hazardous waste – **Hazardous Waste Treatment Tiered Permitting Program** (HSC Sections 25404 & 25200 et sec. & California Code of Regulations (CCR), Title 22, Section 67450.1 et sec.)
 - c. Reportable quantities of hazardous materials-reportable quantities are 55 gallons or more of liquids, 500 pounds for solids, or 200 cubic feet for compressed gases, with some exceptions. Carbon dioxide is a regulated substance and is required to be reported as a hazardous material if storing 1,200 cubic feet (137 pounds) or more onsite in San Joaquin County – **Hazardous Materials Business Plan Program** (HSC Sections 25508 & 25500 et sec.)
 - d. Any amount of hazardous material stored in an Underground Storage Tank – **Underground Storage Tank Program** (HSC Sections 25286 & 25280 et sec.)
 - i. If an underground storage tank (UST) system will be installed, a permit is required to be submitted to, and approved by, the San Joaquin County Environmental Health Department (EHD) before any UST installation work can begin.
 - ii. Additionally, an EHD UST permit to operate is required once the approved UST system is installed.

- e. Storage of at least 1,320 gallons of petroleum aboveground or any amount of petroleum stored below grade in a vault – **Aboveground Petroleum Storage Program** (HSC Sections 25270.6 & 25270 et sec.)
 - i. **Spill Prevention, Countermeasures and Control (SPCC) Plan requirement**
- f. Threshold quantities of regulated substances stored onsite - **California Accidental Release Prevention (CalARP) Program** (Title 19, Section 2735.4 & HSC Section 25531 et sec.)
 - i. **Risk Management Plan requirement for covered processes**



South San Joaquin County Fire Authority

Community Risk Reduction Division

835 Central Avenue

Tracy, CA 95376

PH: (209) 831-6707

FAX: (209) 831-6703

fire.plancheck@cityoftracy.org

Date: 1/13/2020

Project #: FC19-0056

City/County Project #: PA-1900208 (SA)

Project Description: Warehouse Distribution Facility

Project Address: 14800 W. Schulte Rd.

Jurisdiction: San Joaquin County

At this time, project is conditionally approved subject to satisfying the following requirements:

1. Prior to construction, applicant shall submit construction documents to the South San Joaquin County Fire Authority for review and approval. As of July 1st, applicant has the option to submit to construction documents in electronic format. For more information on the electronic process, please contact our offices at 209-831-6707.
 - a. Each building shall be a separate permit.
 - b. Deferred submittals shall be listed on the coversheet of each page. Each deferred submittal shall be submitted, reviewed and approved by SSJCFA prior to installation.
 - c. Fire protection water supply must be designed by a fire protection engineer. All piping and installation shall be in accordance with CFC §507 & NFPA standards.
 - d. Fire flow report shall be submitted and approved prior to construction. Fire flow requirements shall be in accordance with CFC Appendix B, as stated in the San Joaquin County Municipal Code.
 - e. Use of one water tank is not advised, however if used, each building shall have its own separate system.
 - f. Installation of a draft hydrant before the pump requires an alternate means material request to be submitted to the SSJCFA for review and approval by the Fire Marshal prior to the issuance of construction permit.
 - g. Well pump shall be UL FM listed. If no method for refilling water supply tank, an alternate means material request must be submitted to the SSJCFA for review and approval by the Fire Marshal prior to issuance of construction permit.
 - h. If electric fire pump is installed, auxiliary power is required to be installed.
 - i. Hydrant spacing shall have a maximum spacing of 300' and shall be located outside of the collapse zone. Collapse zone is measured at 1.5 times the building height.

- j. Fire department connections shall be installed in accordance with CFC §912 and NFPA standards. A hydrant shall be placed within 100' of the FDC, in accordance with NFPA 14 §6.4.5.4. FDC locations shall be approved by the fire code official prior to issuance of construction permit.
- k. Fire control room locations shall be approved by the fire code official prior to the issuance of construction permit.
- l. Fire sprinklers shall be designed by a licensed fire protection contractor or engineer. Hydraulic calculations, specifications and plans shall be submitted prior to issuance of building permit.
- m. Exterior hardware shall be placed on all fire service doors. Fire service doors shall be labeled in accordance with CFC.

2. Applications received by our offices are subject to the current fee schedule for South San Joaquin County Fire Authority.

- a. Application processing fees and minimum plan review fees are due at time of submittal of construction documents.
- b. Additional plan review fees, minimum inspection fees and administrative fees are calculated on approval of project and shall be paid prior to issuance of permit.
- c. Permit holder is responsible for any additional inspection fees incurred, and shall be paid prior to final inspection.

3. Each building has been determined it will be constructed as a 'speculative building'. Additional permits will be required for tenant improvements, which may require additional fire systems to be installed. Construction documents shall be submitted to South San Joaquin County Fire Authority for review and approval prior to the start of construction or demolition.

- a. Prior to occupancy of each new business, the tenant shall contact South San Joaquin County Fire Authority for a new business inspection. Additional fees may be required for New Business, Annual and Operational Fire Permits. All fees shall be paid prior to approval of inspections.

4. Prior to construction, all fire apparatus access roads shall be installed. Fire apparatus access roads during construction shall have a minimum 20' unobstructed width in accordance with CFC §503.

5. All hydrants shall be installed, inspected and tested prior to bringing combustible materials onsite.

6. Gates shall be equipped with traffic preempting optical signal receivers compatible with the emitters used by the Fire Department, which will activate the gates and override all command functions of the gate controller. Electric gate operators shall be listed in accordance with UL 325 and ASTM F2200. Knox switches shall be provided on both sides of the gates unless an exit loop is provided at automatic gates. The automatic gates shall have a battery back-up or a manual mechanical disconnect readily accessible to emergency personnel in case of power failure.

7. Knox boxes shall be required. Each tenant shall have keys placed in the key box. The operator of the building shall immediately notify the fire code official and provide the new key where a lock is changed or rekeyed. The key to such shall be secured in the key box.
8. New and existing building shall be provided with approved address identification in accordance with CFC §505.
9. Prior to final inspection, emergency radio responder coverage shall be tested to confirm coverage areas. It is beneficial for the applicant to conduct testing at foundation as retrofitting for the conduit is costly. If coverage is inadequate, a separate permit for emergency radio responder coverage shall be submitted to SSJCFA for review and approval prior to installation.
 - a. Additional improvements may warrant additional testing to be performed. Testing shall be the determination of the fire code official.
10. In the event of a future parcel split, Owner shall submit construction documents to redesign the underground fire protection water service as to not cross parcels.
11. Additional comments may occur upon submittal of construction documents.

Feel free to contact our offices, should you have any questions.

Thank you,
Courtney Wood
Fire Plans Examiner
(209) 831-6707 main line
courtney.wood@cityoftracy.org

cc: fire.plancheck@cityoftracy.org, permit file

- End -



S J C O G, 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 SJCOP, Inc.

To: Alisa Goulart, San Joaquin County, Community Development Department

From: Laurel Boyd, SJCOP, Inc.

Date: December 30, 2019

-Local Jurisdiction Project Title: PA-1900208 (SA)

Assessor Parcel Number(s): 209-240-23

Local Jurisdiction Project Number: PA-1900208 (SA)

Total Acres to be converted from Open Space Use: Unknown

Habitat Types to be Disturbed: Agriculture Habitat Land

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

Dear Ms. Goulart:

SJCOP, Inc. has reviewed the project referral for PA-1900208 (SA). This project consists of a Site Approval application to develop a warehouse and distribution facility to include the construction of a 231,340 square foot building, a 281,710 square foot building, and a 166,320 square foot building (Total square footage is 670,370). The project proposes the utilization of a private well for water, an on-site septic system for sewage disposal, and three (3) on-site retention basins for storm drainage. All existing equipment/buildings will be demolished. The project site is on the south side of West Schulte Road, Tracy (APN/Address: 209-240-23/14800 West Schulte Road, Tracy).

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

This Project is subject to the SJMSCP. This can be up to a 30 day process and it is recommended that the project applicant contact SJMSCP staff as early as possible. It is also recommended that the project applicant obtain an information package. <http://www.sjcop.org>

Please contact SJMSCP staff regarding completing the following steps to satisfy SJMSCP requirements:

- Schedule a SJMSCP Biologist to perform a pre-construction survey ***prior to any ground disturbance***
- SJMSCP Incidental take Minimization Measures and mitigation requirement:
 1. Incidental Take Minimization Measures (ITMMs) will be issued to the project and must be signed by the project applicant prior to any ground disturbance but no later than six (6) months from receipt of the ITMMs. If ITMMs are not signed within six months, the applicant must reapply for SJMSCP Coverage. Upon receipt of signed ITMMs from project applicant, SJCOP, 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

2 | S J C O G , Inc.

- 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, Inc.

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

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

SJMSCP HOLD

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

FROM: Laurel Boyd, S J C O G, 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, S J C O G, 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-1900208 (SA)

Landowner: LBA Fund VI-MM Industrial, LLC

Applicant: Net Development Company

Assessor Parcel #s: 209-240-23

T , R , Section(s):

Local Jurisdiction Contact: Alisa Goulart

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.



January 16, 2020

Alisa Goulart
San Joaquin County
Community Development Department
1810 E. Hazelton Avenue
Stockton, CA 95205

Project: Revised PA-1900208 (SA)

District CEQA Reference No: 20191394

Dear Ms. Goulart:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of the construction of a warehouse and distribution facility to include a 231,340 square foot building, a 281,710 square foot building, and a 166,320 square foot building totaling 679,370 square foot (Project). The Project proposes the utilization of a private well for water, an on-site septic system for sewage disposal, and three onsite retention basins for storm drainage. All existing equipment/buildings will be demolished. The Project is located at 14800 West Schulte Road, in Tracy, CA. The District offers the following comments:

1) The District's initial review of the Project concludes that emissions resulting from construction and/or operation of the Project may exceed the following thresholds of significance: 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). The District recommends that a more detailed preliminary review of the Project be conducted. The additional environmental review of the Project's potential impact on air quality should consider the following:

1a) Project Emissions Quantification

i) Construction Emissions: Construction emissions are short-term emissions and should be evaluated separately from operational emissions. For reference, the District's annual criteria thresholds of significance for

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

construction are: 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).

- *Recommended Measure:* To reduce impacts from construction related exhaust emissions, the District recommends the cleanest reasonably available off-road construction fleets, as set forth in §2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 Code of Federal Regulations.
- ii) Operational Emissions: Permitted (stationary sources) and non-permitted (mobile sources) sources should be analyzed separately. For reference, the annual criteria thresholds of significance for operation of permitted and non-permitted sources each are: 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).
 - *Recommended Measure:* Project related impacts on air quality can be reduced through incorporation of design elements, for example, that increase energy efficiency, reduce vehicle miles traveled, and reduce operational related emissions. More information on mitigation measures can be found at:
http://www.valleyair.org/transportation/ceqa_idx.htm.
- iii) Recommended Model: Project related criteria pollutant emissions from construction and operation non-permitted (limited to equipment not subject to District permits) should be identified and quantified. Emissions analysis should be performed using CalEEMod (**California Emission Estimator Model**), which uses the most recent approved version of relevant Air Resources Board (ARB) emissions models and emission factors. CalEEMod is available to the public and can be downloaded from the CalEEMod website at: www.caleemod.com.
- iv) Emissions from stationary sources require an Authority to Construct permit by the District, for example, dryers. If it is determined that project related emissions from construction and non-permitted sources such as mobile emissions have a significant impact, the District recommends the environmental document/assessment include a discussion on the feasibility of implementing a Voluntary Emission Reduction Agreement (VERA) as a

mitigation measure for this project. VERAs are designed to provide developers with an enforceable and legally defensible means to mitigate significant emission increases. A VERA is a mitigation measure by which the project proponent provides pound-for-pound mitigation of air emissions increases through a process that funds and implements emission reduction projects, which are administered through the District's emission reduction incentive grant programs. A VERA can be implemented to address air quality impacts from both construction and operational phases of a project. The emission reductions secured through VERAs are "surplus" of existing regulations, achieving reductions contemporaneously with the emissions increases caused by a project.

Funding provided by the project proponent is reinvested in the Valley to reduce emissions. Utilizing the District's highly successful emission reduction incentive grant administration program, the funds generated under VERAs are awarded to Valley businesses, residents, and municipalities to generate real quantifiable reductions in emissions.

Because the District quantifies and enforces the emission reductions generated by the VERA program, the District will certify that the project proponent has mitigated a specific target of emissions increases caused by the construction and operation of a development project, adding a level of defensibility to the use of VERAs as California Environmental Quality Act (CEQA) mitigation.

- 1b) Nuisance Odors: The Project should be evaluated to determine the likelihood that the Project would result in nuisance odors. Nuisance odors are subjective, thus the District has not established thresholds of significance for nuisance odors. Nuisance odors may be assessed qualitatively taking into consideration of Project design elements and proximity to off-site receptors that potentially would be exposed objectionable odors.
- 1c) Health Risk Screening/Assessment: A Health Risk Screening/Assessment identifies potential Toxic Air Contaminants (TAC's) impact on surrounding sensitive receptors such as hospitals, daycare centers, schools, work-sites, and residences. TAC's are air pollutants identified by the Office of Environmental Health Hazard Assessment/California Air Resources Board (OEHHA/CARB) (<https://www.arb.ca.gov/toxics/healthval/healthval.htm>) that pose a present or potential hazard to human health. A common source of TACs can be attributed to diesel exhaust emitted from both mobile and stationary sources.

The District recommends the Project be evaluated for potential health impacts to surrounding receptors (on-site and off-site) resulting from operational and multi-year construction TAC emissions.

- i) The District recommends conducting a screening analysis that includes all sources of emissions. A screening analysis is used to identify projects which may have a significant health impact. A prioritization, using CAPCOA's updated methodology, is the recommended screening method. A prioritization score of 10 or greater is considered to be significant and a refined Health Risk Assessment (HRA) should be performed. For your convenience, the District's prioritization calculator can be found at: http://www.valleyair.org/busind/pto/emission_factors/Criteria/Toxics/Utilities/PRIORITIZATION%20RMR%202016.XLS.
- ii) The District recommends a refined HRA for projects that result in a prioritization score of 10 or greater. Prior to performing an HRA, it is recommended that the Project proponent contact the District to review the proposed modeling protocol. The Project would be considered to have a significant health risk if the HRA demonstrates that the Project related health impacts would exceed the District's significance threshold of 20 in a million for carcinogenic risk and 1.0 for the Acute and Chronic Hazard Indices, and would trigger all feasible mitigation measures. The District recommends that Projects that result in a significant health risk not be approved.

For HRA submittals, please provide the following information electronically to the District for review:

- HRA AERMOD model files
- HARP2 files
- Summary of emissions source locations, emissions rates, and emission factor calculations and methodology.

More information on toxic emission factors, prioritizations and HRAs can be obtained by:

- E-Mailing inquiries to: hramodeler@valleyair.org; or
- The District can be contacted at (559) 230-6000 for assistance; or
- Visiting the District's website (Modeling Guidance) at: http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm.

1d) Ambient Air Quality Analysis: An ambient air quality analysis (AAQA) uses air dispersion modeling to determine if emissions increases from a project will cause or contribute to a violation of the ambient air quality standards. The District

recommends that an AAQA be performed for the Project if emissions exceed 100 pounds per day of any pollutant.

If an AAQA is performed, the analysis should include emissions from both Project specific permitted and non-permitted equipment and activities. The District recommends consultation with District staff to determine the appropriate model and input data to use in the analysis. Specific information for assessing significance, including screening tools and modeling guidance is available online at the District's website [www.valleyair.org/ceqa](http://valleyair.org/ceqa).

- 2) If preliminary review indicates that a Mitigated Negative Declaration should be prepared, in addition to the effects identified above, the document should include:
 - 2a) Mitigation Measures – If preliminary review indicates that with mitigation, the Project would have a less than significant adverse impact on air quality, the effectiveness of each mitigation measure incorporated into the Project should be discussed.
 - 2b) District's attainment status – The document should include a discussion of whether the Project would result in a cumulatively considerable net increase of any criteria pollutant or precursor for which the San Joaquin Valley Air Basin is in non-attainment. Information on the District's attainment status can be found online by visiting the District's website at <http://valleyair.org/aqinfo/attainment.htm>.
- 3) If preliminary review indicates that an Environmental Impact Report (EIR) should be prepared, in addition to the effects identified above, the document should also include the following:
 - 3a) A discussion of the methodology, model assumptions, inputs and results used in characterizing the Project's impact on air quality.
 - 3b) A discussion of the components and phases of the Project and the associated emission projections, (including ongoing emissions from each previous phase).
- 4) The proposed Project is subject to District Rule 9510 if (1) it has or will receive a project-level discretionary approval from a public agency and will equal or exceed 25,000 square feet of light industrial space, or (2) if it has or will receive a project-level approval from a public agency and will equal or exceed 125,000 square feet of light industrial space. If subject to the rule, an Air Impact Assessment (AIA) application is required prior to applying for project-level approval from a public agency. In this case, if not already done, please inform the project proponent to

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.

The purpose of District Rule 9510 (Indirect Source Review) is to reduce the growth in both NOx and PM10 emissions associated with development and transportation projects from mobile and area sources associated with construction and operation of development projects. The rule encourages clean air design elements to be incorporated into the development project. In case the proposed project clean air design elements are insufficient to meet the targeted emission reductions, the rule requires developers to pay a fee used to fund projects to achieve off-site emissions reductions.

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>.

- 5) 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 (559) 230-5888 to determine if an Authority to Construct (ATC) is required.
- 6) 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.
- 7) The proposed Project may be subject to the following District rules: 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).

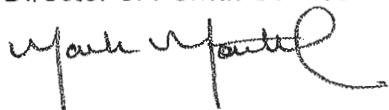
- 8) The District recommends that a copy of the District's comments be provided to the Project proponent.

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.

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this Project. If you have any questions or require further information, please call Sharla Yang at (559) 230-5934.

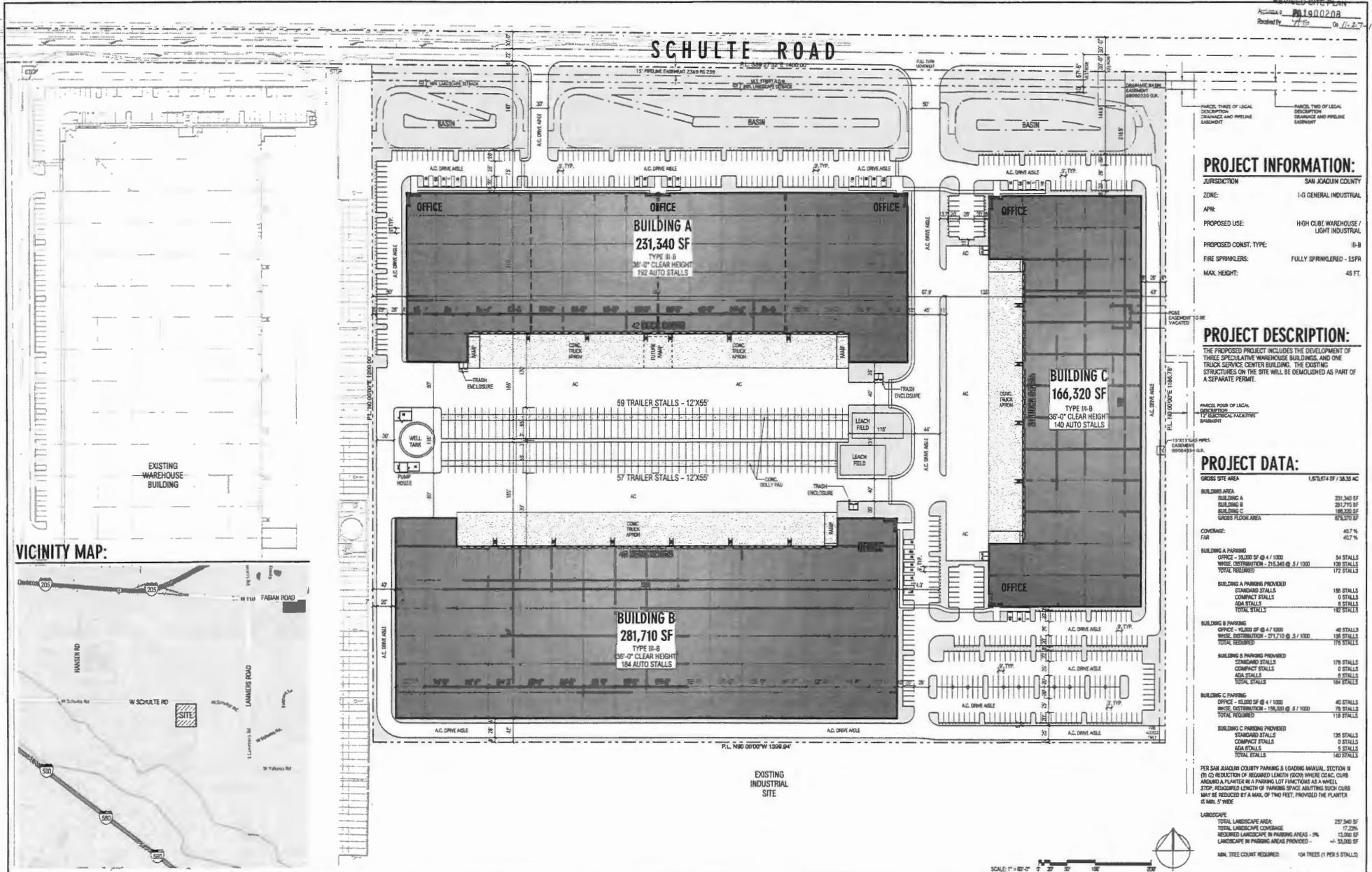
Sincerely,

Arnaud Marjollet
Director of Permit Services



for: Robert Gilles
Program Manager

AM: sy



SCHULTE ROAD DEVELOPMENT

14800 W. SCHULTE ROAD TRACY, CA

SITE PLAN



Owner Contact: Emily Moudrup
Vice President, Industrial Development
LBA Realty | 3347 Michelson Drive, Suite 200
Irvine, CA 92612
949.895.8333 direct | 810.519.5336 cell
emily.moudrup@lba.com
www.lbar.com

PLANNING PERIOD	DESCRIPTION
1/15/19	PLANNING RESIDENTIAL PLAN
1/15/19	PLANNING SITE PLAN POSITION
1/25/19	PLANNING SITE PLAN
2/27/19	PLANNING SITE PLAN
MAP DATE	DESCRIPTION

A1-1P



City of Tracy
333 Civic Center Plaza
Tracy, CA 95376

CITY MANAGER'S OFFICE

MAIN 209.831.6000
TAX 209.831.6120
www.cityoftracy.org

November 5, 2019

San Joaquin County Community Development Department
1810 E. Hazelton Avenue
Stockton, CA 95205
Attention: Alisa Goulart

RE: Early Consultation: Net Development Company Site Approval Application
Application Number: PA-1900208 (SA)

Dear Ms. Goulart:

The City of Tracy ("City") received the application referral for early consultation for the Net Development Company's warehouse and truck sales project (the "Project").

The Project is within the City's Sphere of Influence ("SOI"), which reflects the City's, the County's, and the San Joaquin County Local Agency Formation Commission's determinations that the Project site is within the probable physical boundaries and service area of the City and will eventually be annexed to the City (Gov. Code § 56076). Because the City is anticipated to be the ultimate service provider for the Project, the City has a substantial interest in ensuring that the Project adequately supports the costs of providing infrastructure and services to the Project, that it conforms to all applicable City standards and regulations, and that all of the potential environmental impacts from the development and operation of the Project are fully and adequately mitigated. The City cannot support approval of the Project or any future annexation of the Project site unless and until the City can confirm that the Project complies with applicable City requirements, including applicable development standards and regulations, and the payment of City fees intended to fund the infrastructure and services that will be expected to support the development and operation of the Project, and that a full and comprehensive environmental review process has been completed pursuant to the requirements of the California Environmental Quality Act ("CEQA").

With regard to CEQA, we note that the application referral does not mention any environmental review for the Project. Since the Project involves very large structures as well as infrastructure improvements including water, wastewater, and storm drainage infrastructure, the City does not anticipate that the Project will be exempt from review under CEQA. The City therefore requests that the County provide the City with all CEQA notices and documents prepared for the Project. Further, the City requests that the County notify the City of any and all future public meetings, hearings, workshops and other activities related to the Project by the time required by law for notification of adjacent property owners.

Letter to San Joaquin County
Page 2 of 2

In addition to the above, a list of plan check comments is enclosed with this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "AM".

Andrew Malik
Assistant City Manager

Enclosure: Plan Check Comments

Plan Check Comments

1. How are traffic impacts to be mitigated? How are cumulative traffic impacts to be mitigated?
2. Applicant should pay fair share of impacts to interchange improvements to Mountain House Blvd Interchanges on I-205 and I-580.
3. Applicant should pay fair share of impacts to widening of bridges over Delta Mendota Canal at International Parkway and Schulte Road.
4. Impacts to intersection at Schulte and Mountain House, Hansen and Schulte, Schulte and Lammers, Valpico and Lammers, Valpico and Corral Hollow, & Lammers and 11th Street should be studied at a minimum. Fair share payments may be necessary.
5. Drainage impacts should be studied and mitigated onsite.
6. Applicant should initiate annexation to the City of Tracy and pay City Impact Fees.
7. Consistent with County General Plan, the County should make findings to require Applicant to adhere to City Design Requirement for buildings, site, and public improvements.
8. Provide acceleration and deceleration lanes per SJ County MuniCode 9-505.7(a) and said lanes will be based on a traffic study per 9-505.7(m). Provide a copy of the traffic study to the City for our review.
9. Confirm that vertical curbs or another type of barricades are proposed to prevent traffic from entering leach fields per 9-505.7(g). Provide a detailed site plan to the City for our review.
10. Provide developer's proposed finish surface for the storm water basins. Per 9-505.7(h) remaining land will not cause a dust issue.
11. Confirm sewage will not seep to the adjacent retention basin as required per 9-505.9(a).
12. Some drive aisles between truck parking seem smaller than the min. 55-ft as required per 9-1015.6.
13. Provide the Geotech report regarding the basin's soil permeability as required per 9-1135.6(b).
14. Developer shall construct frontage improvements per 9-1150.2(c)1 and 9-1150.2(d)1.
15. Developer shall dedicate their share of land to achieve the masterplan right-of-way width for Schulte Road as required per 9-1150.5.
16. Underground overhead utilities.
17. Provide Traffic Impact Study (TIS) for the Development, identifying potential impacts to signals along Schulte Road and roadway capacity.
18. The Development shall address any mitigation measures identified in the TIS.
19. Trucks should not be travelling EB on Schulte Rd from this development. Lane configurations, signage, entry and exit from the driveways shall limit that movement.
20. Trucks shall not park on the roadway. The development shall address the storage and parking requirements of all trucks arriving to this facility.
21. Perform Pavement Repair and Slurry Seal Schulte Road in front of the development.



City of Tracy
333 Civic Center Plaza
Tracy, CA 95376

CITY MANAGER'S OFFICE

MAIN 209.831.6000
FAX 209.831.6126
www.cityoftracy.org

January 15, 2020

San Joaquin County
Community Development Department
1810 E. Hazelton Avenue
Stockton, CA 95205
Attention: Alisa Goulart

RE: Second Application Referral: Early Consultation: Net Development Company
(Application Number PA-1900208) (SA)

Dear Ms. Goulart:

This responds to the County Community Development Department's second Application Referral: Early Consultation for the Net Development Company development application received by the City of Tracy ("City") on December 13, 2019, and follows on the City's November 5th response to the County's first Application Referral, received by the City on September 30th.

The City did not receive any response from the County to the City's November 5th letter, and remains very concerned that the County may proceed to consideration and approval of this project without adequately addressing the City's concerns. As we explained in our November 5th letter, the Project site is adjacent to the City's borders and within the City's sphere of influence ("SOI"), which reflects the San Joaquin County Local Agency Formation Commission's ("LAFCo") determination that the Project site is within the probable physical boundaries and service area of the City and will eventually be annexed into the City (Gov. Code § 56076).

The fact that the County's LAFCo included this site in the City's SOI reflects its determination that the City should be the service provider for the Project. Therefore, the City has a substantial interest in ensuring that the Project complies with City development standards and requirements, that all potential environmental effects from the Project are fully mitigated, and that it adequately supports the costs of providing infrastructure and services to the Project site. The City believes that the only way that the City and County can ensure that the City's concerns are adequately addressed is for the County to require the applicant, as a condition of its Project approval and before any site improvement permits are issued for the site, to execute a pre-annexation agreement with the City that addresses all of the City's concerns. Doing so would be consistent with, and in furtherance of the City's 2011 General Plan Goal, LU-8 (enclosed) which states:

No urbanization in unincorporated County areas as defined by this General Plan or the San Joaquin County General Plan, whichever is more restrictive, without annexation to the city, a pre-annexation agreement or a letter of support from the City.

The City cannot support approval of the Project or any future annexation of the Project site unless and until the City can confirm that the Project complies with applicable City standards and requirements and will pay City fees intended to fund the infrastructure and services necessary to support the Project. And, of course, the Project must undergo a full and comprehensive environmental review in compliance with all California Environmental Quality Act (“CEQA”) requirements, which we anticipate will require a full Environmental Impact Report (“EIR”).

We note that the December 10th Application Referral indicates that the size of the proposed Project has increased from 510,990 square feet to 678,370 square feet, an increase of almost 33% or more than 165,000 square feet, as compared to the Project described in the September 27 referral. No explanation was provided in the second referral for the requested increase in square footage, although the December 10th referral does not mention the truck sales, rental and service use described in the September 27th referral. Instead, the December 10th referral simply indicates that the property carries General Plan and zoning designations to allow “General Industrial” uses.

We also note that the Project intends to rely on groundwater and a septic system, rather than seeking to connect to existing City water and sewer facilities (the environmentally preferred approach). The General Industrial land use and zoning designations would allow a wide variety of uses that could result in a broad range of adverse environmental effects, including effects on traffic, air quality, surface water and groundwater, and other natural resources. The City is currently in the process of updating its Infrastructure Master Plans, which are intended to, among other things, minimize the impacts of new development on these environmental resources and efficiently fund the costs of this environmental mitigation. It is critical to the City that all new development in its SOI contribute to the Master Plan infrastructure that will serve such development. Therefore, an annexation or a pre-annexation agreement should be a mandatory requirement for this Project.

We reiterate the City’s earlier request for the County to provide the City with notices of all actions proposed to be taken by the County relating to this Project, including notices for all CEQA actions and processes relating to the Project. We also hereby formally request copies of all documents prepared by the County relating to its processing of this application. Finally, we reiterate our request that the County notify the City of any and all future public meetings, hearings, workshops and other activities related to the Project by the time required by law for notification of adjacent property owners.

In addition to the foregoing, a list of the previous plan check comments are enclosed with this letter.

January 15, 2020

Page 3 of 3

It is of utmost importance to the City that our concerns about this Project be addressed. Thus, we would appreciate the opportunity to meet with the appropriate members of the County's Community Development Department to discuss the County's processing of this application and its environmental review for this Project. We are hopeful that we can resolve this matter and ensure that the Project is realized in a manner that benefits both the City and the County without resorting to other means. We will continue to closely monitor this Project and await your response.

Sincerely,



Andrew Malik
Assistant City Manager

Enclosures:

Excerpt from City of Tracy General Plan
Plan Check Comments

CC: Zoey Merrill

P2. Sponsors of new development projects should have early and frequent communication with affected citizens and stakeholders.

Goal LU-8	No urbanization in unincorporated County areas as defined by this General Plan or the San Joaquin County General Plan, whichever is more restrictive, without annexation to the city, a pre-annexation agreement, or a letter of support from the City. 
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Objective LU-8.1 Participate proactively in land use decision making within Tracy's Planning Area in pursuit of the above-stated goal. 

Policies

P1. The City shall strongly oppose all development in the area defined by Goal LU-8 unless the property is annexed, unless there is a pre-annexation agreement, or unless San Joaquin County receives a letter of support from the City of Tracy. 

P2. The City shall not make new commitments to provide water and wastewater services to areas outside the City limits unless such commitment is accomplished by a pre-annexation agreement and approved by LAFCO if required. 

P3. The City shall support existing San Joaquin County agricultural land use designations in the Planning Area

County Request for Early Consultation
PA-1900208
City of Tracy Response

1. How are traffic impacts to be mitigated? How are cumulative traffic impact to be mitigated?
2. Applicant should pay fair share of impacts to interchange improvements to Mountain House Blvd Interchanges on I-205 and I-580.
3. Applicant should pay fair share of impacts to widening of bridges over Delta Mendota canal at International Parkway and Schulte road.
4. Impacts to intersection at Schulte and Mountain House, Hansen and Schulte, Schulte and Lammers, Valpico and Lammers, Valpico and Corral Hollow, & Lammers and 11th Street should be studied at a minimum. Fair share payments may be necessary.
5. Drainage impacts should be studied and mitigated onsite.
6. Applicant should initiate annexation to the City of Tracy and pay City Impact Fees.
7. Consistent with County General Plan, the County should make findings to require Applicant to adhere to City Design Requirement for buildings, site, and public improvements.
8. Provide acceleration and deceleration lanes per SJ County MuniCode 9-505.7(a) and said lanes will be based on a traffic study per 9-505.7(m). Provide a copy of the traffic study to the City for our review.
9. Confirm that vertical curbs or another type of barricades are proposed to prevent traffic from entering leach fields per 9-505.7(g). Provide a detailed site plan to the City for our review.
10. Provide developer's proposed finish surface for the storm water basins. Per 9-505.7(h) remaining land will not cause a dust issue.
11. Confirm sewage will not seep to the adjacent retention basin as required per 9-505.9(a).
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19. Trucks should not be travelling EB on Schulte Rd from this development. Lane configurations, signage, entry and exit from the driveways shall limit that movement.
20. Trucks shall not park on the roadway. The development shall address the storage and parking requirements of all trucks arriving to this facility.
21. Perform Pavement Repair and Slurry Seal Schulte Road in front of the development.



Central Valley Regional Water Quality Control Board

18 December 2020

Alisa Goulart
San Joaquin County
Community Development Department
1810 East Hazelton Avenue
Stockton, CA 95205

COMMENTS TO REQUEST FOR REVIEW FOR THE NOTICE OF PREPARATION FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, PA-1900208 (SA) & PA-2000162 (ER) - 14800 W. SCHULTE LOGISTICS CENTER PROJECT, SCH#2020110406, SAN JOAQUIN COUNTY

Pursuant to the State Clearinghouse's 23 November 2020 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Notice of Preparation for the Draft Environmental Impact Report* for the PA-1900208 (SA) & PA-2000162 (ER) - 14800 W. Schulte Logistics Center Project, located in San Joaquin County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has

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

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_2018_05.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 and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-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. If you have any questions regarding the Clean Water Act

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.

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/

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

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 Threat General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. 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 Threat 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 Threat Waiver and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

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) 464-4856 or Nicholas.White@waterboards.ca.gov.



Nicholas White
Water Resource Control Engineer

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

DEPARTMENT OF TRANSPORTATION

DISTRICT 10 DIRECTOR

P.O. BOX 2048

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a California Way of Life.*

October 24, 2019

**PA-1900208
10-SJ-205-PM3.331**

Alisa Goulart
San Joaquin County
1810 E. Hazelton Ave
Stockton, CA 95205

Dear Mr. Griffin:

The California Department of Transportation (Department) appreciates the opportunity to review and comment on PA-1900208 a Site Development Plan. The Department has the following comment:

- A traffic impact study (TIS) is necessary to determine this proposed project's near-term and long-term impacts to State facilities – both existing and proposed – and to propose appropriate mitigation measures. The TIS should be submitted for review and comments.

If you have any questions, please contact Joshua Swearingen at (209) 948-7142 (email: Joshua.swearingen@dot.ca.gov) or me at (209) 941-1921. We look forward to continuing to work with you in a cooperative manner.

Sincerely,

A handwritten signature in black ink.

TOM DUMAS, Chief
Office of Metropolitan Planning



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 Bay Delta Region
 2825 Cordelia Road, Suite 100
 Fairfield, CA 94534
 (707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



December 22, 2020

Ms. Alisa Goulart, Associate Planner
 San Joaquin County Community Development Department
 1810 East Hazelton Avenue
 Stockton, CA 92505
Alisa.Goulart@sjgov.org

Subject: PA-1900208 (SA) & PA-2000162 (ER) - 14800 W. Schulte Logistics Center Project, Notice of Preparation of a Draft Environmental Impact Report, SCH No. 2020110406, City of Tracy, San Joaquin County

Dear Ms. Goulart:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation of a draft Environmental Impact Report (EIR) from the San Joaquin County Community Development Department (County) for the PA-1900208 (SA) & PA-2000162 (ER) - 14800 W. Schulte Logistics Center Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California's fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. [Fish and Game Code, §§ 711.7, subd. (a) and 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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proposed, for example, the Project may be subject to CDFW's Lake and Streambed Alteration (LSA) regulatory authority. (Fish and Game Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish and Game Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: LBA RVI-Company XXXII, LLC

Objective: The objective of the Project is to construct and operate three (3) single-story industrial warehouse buildings totaling approximately 678,913 square feet, as well as associated improvements including loading docks, tractor trailer stalls, parking for passenger vehicles, and street, sidewalk, and landscape improvements. The Project will also involve street improvements on Schulte Road, including adding a right-turn lane on eastbound Schulte Road and widening a portion of westbound Schulte Road. Additionally, the Project will involve the construction of new water, wastewater treatment, and stormwater drainage facilities. Two on-site water wells will be installed, and the Project will include a 500,000-gallon aboveground water storage tank for fire suppression use only. Wastewater generated by the three (3) new buildings will be directed to on-site septic tanks and leach fields. Stormwater will be managed and treated by three below-grade, open, earthen infiltration basins that will be sized to capture and treat all on-site stormwater generated by two (2) consecutive 10-year, 24-hour storm events.

Location: The 37.96-acre Project site is located within southwestern unincorporated San Joaquin County, California and is located at 14800 West Schulte Road in Tracy. The Project site is bounded by Schulte Road and agricultural uses to the north, Quality Road and agricultural uses to the east, a manufacturing/warehouse use to the south, and a warehouse/distribution use to the west. It is composed of one parcel (Assessor's Parcel Number 209-240-23). The site was formerly used as a biomass energy facility, which was decommissioned and demolished in 2019.

Timeframe: Construction is expected to commence in 2021 and continue through 2022.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on plants and wildlife (biological) resources in the draft EIR. Editorial comments or other suggestions may also be included to improve the document.

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Environmental Setting

The environmental setting should contain sufficient information to understand the Project's, and its alternatives', significant impacts on the environment (CEQA Guidelines, §§15125 and 15360).

According to a preliminary search of the California Natural Diversity Database (CNDDB), fully protected, threatened or endangered, candidate, and other special-status species that are known to occur, or that have the potential to occur in or near the Project area, include, but are not limited to the species listed below.

Common Name	Scientific Name	Status
California tiger salamander	<i>Ambystoma californiense</i>	FT, ST ²
California red-legged frog	<i>Rana draytonii</i>	FT, SSC
Burrowing owl	<i>Athene cunicularia</i>	SSC
Swainson's hawk	<i>Buteo swainsonii</i>	ST
Tricolor blackbird	<i>Agelaius tricolor</i>	ST
San Joaquin kit fox	<i>Vulpes macrotis mutica</i>	FE, ST
Caper-fruited tropidocarpum	<i>Tropidocarpum capparideum</i>	1B.1
Big tarplant	<i>Blepharizonia plumosa</i>	1B.1

² Source: CDFW, California Natural Diversity Database, 2016

FE = Federally Endangered; FT = Federally Threatened; FC = Federal Candidate; SE = State Endangered; ST = State Threatened; SC = State Candidate; SSC = State Species of Special Concern; FP = Fully Protected

CNPS Plant Ranks

- 1B = Rare, Threatened, or Endangered in California and Elsewhere
- 2A = Presumed Extirpated in California, But Common Elsewhere
- 2B = Rare, Threatened, or Endangered in California, But More Common Elsewhere

CNPS Threat Ranks

- 0.1-Seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat)
- 0.2-Moderately threatened in California (20-80% occurrences threatened / moderate degree and immediacy of threat)
- 0.3-Not very threatened in California (less than 20% of occurrences threatened / low degree and immediacy of threat or no current threats known)

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CDFW recommends that the draft EIR provide baseline habitat assessments for all special-status plant and wildlife species located within the Project area and surrounding lands per CEQA Guidelines, §15380. The draft EIR should also include habitat assessments for sensitive habitat types and plant communities.

Habitat descriptions and species profiles should include information from multiple sources: aerial imagery, historical and recent survey data, field reconnaissance, scientific literature and reports, and findings from “positive occurrence” databases such as the CNDDB. Based on the habitat assessment, the draft EIR should assess which special-status species are likely to occur in the vicinity of the Project area.

CDFW recommends that surveys be conducted for special-status species likely to occur, following agency-recommended survey protocol. Survey and monitoring protocols and guidelines are available at: <https://wildlife.ca.gov/conservation/survey-protocols>.

Botanical surveys for special-status plant species, including those listed by the California Native Plant Society (<http://www.cnps.org/cnps/rareplants/inventory/>) should be conducted during the blooming period for all sensitive plant species potentially occurring within the Project area. Please refer to CDFW protocols (*Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities*) for surveying and evaluating impacts to rare plants available at: <https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants>. Potential impacts to these species, including take, habitat loss, habitat impairment and temporary disturbances, should be thoroughly addressed in the draft EIR.

Impact Analysis and Mitigation Measures

The draft EIR should discuss all direct and indirect impacts (temporary and permanent) that could occur with implementation of the Project. This includes evaluating and describing impacts such as:

- Potential for “take” (Fish and Game Code, §86) of special-status species;
- Loss or modification of breeding, nesting, denning, dispersal, and foraging habitat, including vegetation removal, alteration of soils and hydrology, and removal of natural habitat structural features (e.g., snags, roosts, overhanging banks) as well as modification of artificial structures such as bridges that may provide habitat for certain species (e.g., birds and bats);
- Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic or human presence; and
- Obstruction of movement corridors and impediments to connectivity, fish passage, or access to water sources and other core habitat features.

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The draft EIR should identify reasonably foreseeable future projects in the Project vicinity, disclose any cumulative impacts associated with these projects, determine the significance of each cumulative impact, and assess the significance of the Project's contribution to the impact (CEQA Guidelines, § 15355). Although a project's impacts may be insignificant individually, its contributions to a cumulative impact may be considerable. A contribution to a significant cumulative impact, such as reduction of the available habitat for a listed species, should be considered cumulatively considerable without mitigation to minimize or avoid the impact.

A description of all feasible mitigation measures to avoid potentially significant impacts, and/or mitigate significant impacts of the Project on the environment should be included in the draft EIR (CEQA Guidelines, §§ 15021, 15063, 15071, 15126.2, 15126.4 and 15370). Take avoidance and minimization measures for special-status species should be developed in consultation with the U.S. Fish and Wildlife Service, the National Marine Fisheries Service and CDFW.

Fully protected species may not be taken or possessed at any time (Fish and Game Code § 3511). Therefore, the EIR should include measures to ensure complete take avoidance of such species.

Specific Guidance for the Draft EIR

Due to the limited information provided in the NOP, CDFW is providing the comments below with regards to potential impacts of the Project to special-status species and mitigation measures to offset any unavoidable impacts.

Comment 1: Special Status Plant Impacts Avoidance

CDFW recommends that the draft EIR include a mitigation measure requiring special-status plant species avoidance through delineation and establishment of no-disturbance buffers of at least 50 feet or greater from the outer edge of the plant population or specific habitat type required by special-status plant species. Buffer sizes should be developed by a qualified botanist and based on seed dispersal and other biological characteristics of the plant species being avoided.

Comment 2: Mitigate Special Status Plants to a Less-than-Significant Level

CDFW recommends that the draft EIR include a statement defining compensatory mitigation in the event impacts to special-status plants are not fully avoidable. CDFW recommends the EIR includes a requirement for compensatory mitigation for impacts to special-status plant species and their habitats at a minimum of a 3:1 mitigation ratio (conserved habitat to impacted habitat) for all permanent impacts and those related to grading or compaction where the soils may take years to recover to baseline conditions.

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Comment 3: Nesting Bird Surveys

CDFW encourages Project implementation outside of the bird nesting season, which extends from February through early September. However, if ground-disturbing or vegetation-disturbing activities must occur during the nesting season, the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or Fish and Game Code.

CDFW recommends that a qualified avian biologist conduct pre-activity surveys for active nests no more than seven (7) days prior to the start of ground or vegetation disturbance and every fourteen (14) days during Project activities to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the Project site to identify nests and determine their status. A sufficient area means any area potentially affected by the Project. Prior to initiation of ground or vegetation disturbance, CDFW recommends that a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once Project activities begins, CDFW recommends having the qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

Comment 5: Mitigate Impacts to Burrowing Owls to a Less-Than-Significant Level

Burrowing owls are known to utilize rodent burrows and dormant or infrequently maintained urban infrastructure for nesting habitat, such as utility conduits and graded subdivision lots. Therefore, the draft EIR should include measures to require annual surveys for burrowing owls throughout each phase or each construction season of the Project to address potential impacts from Project phasing or dormancy periods.

CDFW recommends the draft EIR include a mitigation measure with detailed burrowing owl survey requirements consistent with Appendix D of CDFW's 2012 *Staff Report on Burrowing Owl Mitigation* found at <https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds>.

CDFW recommends the draft EIR adhere to the mitigation strategies and survey guidelines as defined in CDFW's 2012 *Staff Report on Burrowing Owl Mitigation*. The EIR should include measures requiring compensatory mitigation for impacts to burrowing owl breeding, foraging and wintering habitat at a minimum of a 3:1 mitigation ratio (conserved habitat to impacted habitat) for permanent impacts and a 1:1 ratio for temporary impacts (i.e., less than one year from initial impact to full recovery to baseline conditions).

Mitigation lands for owls should have presence of ground squirrel and their burrows, well-drained soils, abundant and available prey within close proximity to burrows, as

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well as foraging habitat. The mitigation areas for burrowing owls should be currently occupied by owls and approved by CDFW prior to the start of Project-related activities.

Comment 6: TRBL Take Authorization

CDFW recommends the draft EIR include the following mitigation measure:

"In the event that a TRBL nesting colony is detected during biological surveys, consultation with CDFW is warranted to discuss how to implement the Project and avoid take, or if avoidance is not feasible, to acquire an Incidental Take Permit (ITP), pursuant to Fish and Game Code Section 2081(b), prior to any ground-disturbing activities."

Comment 7: Swainson's Hawk Surveys

CDFW recommends the draft EIR incorporate survey protocols using the methodology prescribed in the *Recommended Timing and Methodology for Swainson's Hawks Nesting Survey's in California's Central Valley* (2000) and compensatory mitigation guidelines as prescribed in the Management Conditions section of the *Staff Report regarding Mitigation for Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California* (1994). Both documents are available online at: <https://www.wildlife.ca.gov/Conservation/Survey-Protocols>. If impacts to Swainson's hawk (SWHA) cannot be fully avoided, then CDFW recommends the Project obtain SWHA take coverage through an ITP issued by CDFW.

CDFW also recommends inclusion of the following defined protection buffers as specific and enforceable avoidance and minimization measures in the event nesting SWHA are detected:

"If an active nest is identified, a 1/2-mile buffer in non-urban settings or a 1/4 mile buffer in urban settings shall be maintained around the nest until the young fledge. If any active Swainson's hawk nests are found within 1/2-mile of the Project site, CDFW shall immediately be contacted and additional measures may be required for Project activities."

Comment 8: Swainson's Hawk Nesting Tree Impacts

Any trees within the Project site and within 1/2-mile of the Project site with known SWHA or other raptor nests, or with historically active nests (i.e., occupied within the last 10 years), should be avoided to the maximum extent practicable. If a known SWHA nest tree is removed, even during the non-breeding season, the loss of nesting habitat should be mitigated. The draft EIR should describe impacts and include clear and effective measures to adequately mitigate for all permanent and temporary impacts to active, historically active, or suitable nesting habitat that cannot be completely avoided. See the *Staff Report Regarding Mitigation for Impacts to Swainson's Hawk (Buteo*

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swainsoni) in the Central Valley of California (CDFW 1994) at
<https://www.wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds>.

Comment 9: Resurvey of Biological Resources for Each Project Phase or on Dormant Previously Graded Areas

Project activities may have additional significant biological impacts due to the Project's phasing over time. Delays or phasing of full buildout of a Project after initial mass grading over periods of time negates the sufficiency of one-time-only pre-construction surveys and their validity becomes questionable over the lifetime of the Project. For example, if an area is left dormant for a season or two post-grading, grassland and scrub habitats or ground squirrel colonies can be quickly established. These elements then provide nesting habitat for nesting birds and other wildlife.

CDFW recommends the draft EIR include a description of the Project's phasing and estimated timeframes from start of construction to complete buildout and require resurveys for biological resources. If the Project's timeframe from start of construction to complete build out includes breaks in construction longer than 15 days or periods of inactivity that could allow establishment of habitat elements such as ground squirrel burrows or vegetation, then impacts to wildlife that may use these habitat elements should be addressed in the draft EIR. CDFW recommends including in the draft EIR a mitigation measure that includes the following elements: 1) a qualified biologist shall conduct a wildlife survey and habitat assessment to determine potential wildlife and habitat elements present that may be utilizing the vacant sections prior to Project-related activities taking place when there is a break in these activities greater than 15-days; 2) if unbuilt or fallow sections are being utilized by wildlife, avoidance and minimization measures shall be specified to prevent impacts and mortality, 3) if impacts and "take" are not fully avoidable, additional compensatory mitigation shall be discussed and agreed upon with CDFW's approval prior to the re-initiation of construction activities, and 4) if there is a break in these activities greater than 15 days, compliance checks by a qualified biologist are required to ensure habitat assessments, preconstruction surveys, and other biological mitigation measures in the draft EIR are being implemented.

Comment 10: Mitigation Language Recommendation

Mitigation language in the draft EIR must be enforceable. If the Project plans to participate in the San Joaquin Multi Species Conservation Plan (SJMSCP), stating that the Project Proponent has confirmed participation in the SJMSCP is not an enforceable mitigation measure. The draft EIR must propose or identify specific, sufficient, and enforceable mitigation in the event the SJMSCP does not approve coverage or the Proponent chooses to not participate (as discussed in the other species-specific comments). Because participation in the Plan is voluntary, the draft EIR must include 1) an evaluation and discussion of potential direct and indirect impacts of the Project to

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biological resources including wildlife and their habitats, 2) avoidance and minimization mitigation measures to decrease those impacts, and 3) specific and sufficient compensatory mitigation in the event the avoidance and minimization measures do not mitigate to less-than-significant or in the event SJMSCP does not approve coverage of the Project in whole or part to mitigate to less-than-significant.

If the impacts analysis indicates there will be direct or indirect take of CESA-listed species, and the Project cannot fully avoid take of CESA-listed species and SJMSCP does not offer take coverage, then CDFW recommends the draft EIR include language defining the Project's obligation to obtain take coverage through an ITP issued by CDFW.

Comment 11: Open or Hollow Pipes Wildlife Checks, Filling and Capping

CDFW recommends inclusion of the following avoidance and minimization measures in the draft EIR:

"To prevent entrapment and mortality of smaller wildlife and birds, all pipes, culverts, or similar structures that are stored at the construction site vertically or horizontally for one or more overnight periods will be securely capped on both ends prior to storage and thoroughly inspected for wildlife prior to implementation at the Project site by the Qualified Biologist. All hollow pipes or posts installed as part of the Project and exposed to the environment shall be capped, screened or filled with material by Permittee prior to the end of the workday in which installation occurs."

- a) *"To prevent entanglement of raptor talons, any post with exposed perforations installed on the Project site and exposed to the environment shall have the holes permanently filled within the top six (6) inches of the post upon installation by Permittee."*
- b) *"Any open trenches, pits, or holes with a depth larger than one-foot shall be covered at the conclusion of work each day with a hard, non-heat conductive material (i.e., plywood). No netting, canvas, or material capable of trapping or ensnaring wildlife shall be used to cover open trenches. If use of a hard cover is not feasible, multiple wildlife escape ramps shall be installed, constructed of wood or installed as an earthen slope in each open trench, hole, or pit that is capable of allowing large (i.e., deer) and small (i.e., snakes) from escaping on their own accord. Prior to the initiation of construction each day and prior to the covering of the trench at the conclusion of work each day, a Qualified Biologist or on-site personnel shall inspect the open trench, pit, or hole for wildlife. If wildlife is discovered, it shall be allowed to leave on its own accord."*

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ENVIRONMENTAL DATA

CEQA requires that information developed in draft environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNDDB field survey form, online field survey form, and contact information for CNDDB staff can be found at the following link: <https://wildlife.ca.gov/data/CNDDB/submitting-data>. The types of information reported to CNDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDB/Plants-and-Animals>.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish and Game Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

CDFW appreciates the opportunity to comment on the Notice of Preparation of a draft EIR to assist the County in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Ms. Andrea Boertien, Environmental Scientist, at Andrea.Boertien@wildlife.ca.gov; or Ms. Melissa Farinha, Senior Environmental Scientist (Supervisory), at Melissa.Farinha@wildlife.ca.gov.

Sincerely,

DocuSigned by:

Gregg Erickson
BE74D4C93C604EA...
Gregg Erickson
Regional Manager
Bay Delta Region

cc: Office of Planning and Research, State Clearinghouse, Sacramento

U.S. Department of Homeland Security
FEMA Region IX
1111 Broadway, Suite 1200
Oakland, CA, 94607-4052



FEMA

October 2, 2019

Alisa Goulart, Project Manager
San Joaquin County
Community Development Department
1810 East Hazelton Avenue
Stockton, California 95205

Dear Ms. Goulart:

This is in response to your request for comments regarding the Application Referral: Early Consultation Application Number PA 1900208 (SA), Site Approval application, (APN/Address: 209-240-23/14800 West Schulte Road, Tracy) (Supervisorial District 5).

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 Tracy (Community Number 060303), Maps revised October 09, 2009. Please note that the City of Ripon, 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.

Alisa Goulart, Project Manager

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October 2, 2019

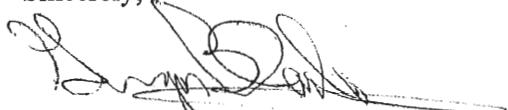
- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than 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 Tracy floodplain manager can be reached by calling Kevin Jorgensen, Chief Building Official, at (209) 831-6415. 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:

Kevin Jorgensen, Chief Building Official, City of Tracy

John Maguire, Engineering Services Manager, Flood Management Division, Public Works
Department, 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

FINDINGS FOR SITE APPROVAL

PA-1900208

LBA FUND VI-MM INDUSTRIAL, LLC / NET DEVELOPMENT COMPANY

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 warehouse and distribution facility may be conditionally permitted in the I-G (General Industrial) zone with an approved Site Approval application. The proposed facility is also consistent with the General Plan's Industrial Development goals LU-6.2 and LU-6.7. There are no Master Plans, Specific Plans, and/or Special Purpose Plans in the project vicinity.**
2. Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, and the proposed improvements are properly related to existing and proposed roadways.
 - **This finding can be made because adequate utilities, access roads, sanitation, drainage and other necessary facilities have been provided and the proposed improvements are properly related to existing and proposed streets and highways. The project will be served by an onsite septic system, an onsite well, and onsite storm water retention basins. The amount of storm drainage runoff generated by the construction of any new buildings will be contained on-site. The Public Works Department is requiring the developer to provide drainage facilities and meet the requirements of San Joaquin County Development Standards to prevent the increased runoff release rate of storm water from discharging onto other properties and to prevent offsite sediment transport.**
3. The site is physically suitable for the type of development and for the intensity of development.
 - **This finding can be made because the 37.96-acre parcel is of adequate size and shape to accommodate the proposed expansion of buildings and all yards, building coverage, setbacks, parking areas, and other requirements of the Development Title as depicted on the Site Plan. The Site Plan demonstrates that there is sufficient area for parking and circulation in compliance with standards of the Development Title.**
4. Issuance of the permit will not be significantly detrimental to the public health, safety, or welfare, or be injurious to the property or improvements of adjacent properties.
 - **This finding can be made because the Environmental Impact Report prepared for this project included mitigation measures within the Mitigation and Monitoring and Reporting Program that reduce impacts to the public health, safety, or welfare, or injuries to the property or improvement of adjacent properties, to less than significant levels, with the exception of Air Quality, as the project would exceed the APCD's threshold for oxides of nitrogen (NO_x). For this significant and unavoidable impact, the County adopted a Statement of Overriding Considerations.**
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.**