



March 30, 2021

Trimark Communities LLC
c/o Eric Bose
2260 Douglas Blvd., Ste 240
Roseville, CA 95661

Dear Owners:

Re: Site Approval No. PA-2000221 of Trimark Communities LLC (APN[s]/Address: 254-030-01 / 505 E. Arnaudo Blvd., Mountain House)

ACTION: On March 30, 2021, the San Joaquin County Community Development Department approved Site Approval No. PA-2000221 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 \$353.00. The 10-day appeal period ends at 4:30 p.m. on April 9, 2021. 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 October 9, 2022). 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] 468-8469, Email: fgirardi@sjgov.org). Questions regarding the building permit process should be directed to the counter staff (Phone: [209] 468-2098).

Sincerely,

A handwritten signature in blue ink that reads "Frank Girardi".

Frank Girardi
Associate Planner

FG:aa

Enclosure(s): Conditions, Site Plan, Informational Letters, Findings

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

CONDITIONS OF APPROVAL

PA-2000221

TRIMARK COMMUNITIES LLC

A Site Approval application No. PA-2000221 was approved by the Community Development Department on March 30, 2021. The effective date of approval is April 9, 2021. This approval will expire on October 9, 2022, 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-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). A fee is required for the Site Plan review. (Development Title Section 9-884)
- b) **APPROVED USE:** This approval is for a 304 unit multi-family residential apartment complex with a 5,600 square foot multi-recreational building as shown on the Site Plan dated December 16, 2020. The project site is within the *Central Mountain House Area of Specific Plan I*. (SPI 4.2. Central Mountain House)
- c) **CONSISTENCY:** Improvement plans and all subsequent development and building applications within the boundaries of this project approval shall be reviewed by the Community Development Department and Design Consistency Review Committee (DCRC) and found consistent with the Mountain House Master Plan, Specific Plan I, Mountain House Development Title, Development Agreement, and other applicable plans, standards and requirements prior to issuance of any discretionary approvals or ministerial permits. (Development Title Section 9-205.8M(b))
- d) **SUBSEQUENT APPROVALS:** All subsequent discretionary and ministerial approvals for the project shall be subject to Design Consistency Review and shall be consistent with the Mountain House Multi-Family Development Design Manual. (Development Title 9-205.M)
- e) **COMMON ARCHITECTURAL THEME:** A consistent architectural theme shall be used throughout the project area, and implemented through Design Manuals. Buildings within the apartment complex shall be compatible with the common architectural theme designated for Neighborhood F, and shall utilize common forms, details, materials and colors. The common theme will be established by Trimark Communities, LLC. Building details such as entries, columns, articulation of windows, overhangs, trellises, gates, fences, and furnishings, shall be emphasized. (Mountain House Multi-Family Design Manual, Chapter 4, Page 7)

Note: The project applicant in an e-mail to the Community Development Department dated March 8, 2017 has chosen the architectural theme "Italianate". This condition has been satisfied.

- f) **LANDSCAPING:** Landscaping shall be provided and comply with the following:
 - i) Site Planning and Landscaping shall be provided and comply with the Mountain House Multi-Family Development Design Manual. Landscape plans prepared by a Landscape Architect shall

be submitted with the Improvement Plans.

- ii) A hedge or decorative security fence may be located within the landscape setback. Fences if used shall be located at least 10 feet from the road right-of-way. (MH Multi-Family Development Design Manual, Chap. 3-13)

Timing: Improvement Plans, Building Permits.

g) **FENCING:** Fencing shall be provided and comply with the following:

- i) Site perimeter and recreation area fencing shall be decorative steel view fencing and no less than 10 feet to any public street right-of-way or private street back of curb. (MH Multi-Family Development Design Manual, Chap. 3-41)

Timing: Improvement Plans, Building Permits.

h) **PRIVATE RECREATION:** Private Recreation shall be provided and comply with the following:

- i) Recreation facilities shall be provided in multi-family developments that are 75 units in size or larger. (MH Multi-Family Development Design Manual, Chap. 3-25, Amenity Areas Chap. 4-69)

Timing: Improvement Plans, Building Permits.

i) **SERVICE AREAS:** Service Areas shall be provided and comply with the following:

- i) All service, trash, storage areas, and utility equipment shall be screened from public view utilizing a combination of planting and architectural elements that are consistent with the project architecture. (MH Multi-Family Development Design Manual, Chap. 3-27)
- ii) Walls used for screening shall be a minimum of six inches higher than the item/area being screened. (MH Multi-Family Development Design Manual, Chap. 3-27)
- iii) Refuse collection and storage shall be located to the rear and sides of buildings, covered with a roof, and sized to contain all refuse generated on site between collections. (MH Multi-Family Development Design Manual, Chap. 3-27)

Timing: Improvement Plans, Building Permits.

j) **PARKING:** Off-street parking shall be provided and comply with the following:

- i) 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])
- ii) 608 parking spaces shall be provided (2 spaces are required for every dwelling unit. (Development Title Section 9-1015.3M)
- iii) Parking spaces for persons with disability shall be provided as required by Chapters 11A and 11B of the California Building Code.
- iv) One bicycle parking rack or storage device is required for every 20 parking spaces. (Development Title Section 9-1015.7)
- v) The Director may approve a reduction in standard parking stall dimensions for all parking spaces. Said parking stalls shall not be less than eight and one-half (8 1/2) feet by eighteen (18) feet.

(Development Title Section 9-1015.5M(c))

- vi) Compact parking spaces shall be a minimum seven and one-half (7 1/2) feet wide and sixteen (16) feet long, be individually designated as a compact space, and make up no more than twenty-five (25) percent of the required spaces. (Development Title Section 9-1015.5[c])
- vii) All parking stalls and directional arrows must be delineated with paint. (Development Title Section 9-1015.5[d])

Timing: Improvement Plans, Building Permits.

- k) **ACCESS AND CIRCULATION:** The following requirements apply and shall be shown on the Site Plan:
 - i) Access driveways shall have a width of no less than twenty-four (24) feet for two-way aisles and sixteen (16) feet for one-way aisles. (Development Title Section 9-1015.5M (g))
 - ii) Parking lot drive aisles shall be 24 feet wide. (MH Multi-Family Development Design Manual, Chap. 3-21)
 - iii) The design of the driveway and traffic circulation plan for the project site shall be incorporated into the construction plans.

Timing: Improvement Plans, Building Permits.

- l) **LIGHTING:** Lighting shall be provided and comply with the following:
 - i) If the parking area is to be used at night, parking lot and security lighting shall be installed. (Development Title Section 9-1015.5[g])
 - ii) Any lighting shall be designed to confine direct rays to the premises. No spillover beyond the property lines shall be permitted except onto public thoroughfares, provided, however, that such light shall not cause a hazard to motorists. (Development Title Section 9-1015.5[g][4])

Timing: Improvement Plans, Building Permits.

- m) **CONSTRUCTION NOISE:** The following measures shall be implemented during construction:
 - i) Construction shall be restricted to the hours of 7:00 AM to 6:00 PM on weekdays. Extended hours which may include Saturdays and Sundays may be allowed through prior notice to adjacent residents and landowners, and prior approval of the MHCS D for infrastructure construction and CDD for building permits.
 - ii) All internal combustion engines shall be equipped with exhaust mufflers that are in good condition and appropriate for the equipment.
 - iii) Arrange all construction equipment and truck routes to minimize travel adjacent to occupied residences.
 - iv) Locate stationary construction equipment and staging areas as far as possible from sensitive receptors. Temporary acoustic barriers may be installed around stationary equipment, if necessary.

Timing: Inclusion of the above measures as notes on Improvement Plans approved by CDD and MHCS D.

- n) **AIR QUALITY:** The developer(s) shall comply with all requirements of the San Joaquin Valley Air Pollution Control District.
 - i) Temporary Construction Emissions: The latest version of the San Joaquin Valley Air Pollution Control District (“SJVAPCD”) construction-emissions control measures shall be implemented during construction as applicable.

Timing: Inclusion of the above language as a note on Improvement Plans prior to approval or grading, whichever occurs first.

- o) **FEES:** The developer(s) shall comply with the following:
 - i) **GENERAL:** Development within the project shall be subject to the payment of all applicable and lawfully enacted County fees, subject to the provisions of the Master Plan Development Agreement (i.e., the *Amended and Restated Master Plan Development Agreement By and Between County of San Joaquin and Trimark Communities Relative to the Development of Certain Property Within the Mountain House Community* {“Development Agreement”}) {“SPI Development Agreement”}). [Development Agreement Section 2.5.3]
 - ii) **SPECIFIC:** The applicant shall pay the Affordable Housing Impact Fee in effect at the time of building permit approval. (Mountain House Development Title Chapter 9-1270.5M)
- p) **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)
- q) **BUILDING CODE REQUIREMENTS:** The following California Building Code and San Joaquin County Ordinance requirements will be applicable and shall be incorporated in the construction plans before submittal to the Building Inspection Division:
 - i) A building permit for each separate structure or building is required, including carports. 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, 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.
 - ii) 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 insufficient detail to identify how grade changes will conform to the requirements of the code.
 - iii) 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.
 - iv) A soils report is required pursuant to CBC § 1803 for foundations and CBC appendix § J104 for foundations. All recommendations of the Soils Report shall be incorporated into the construction drawings.

- v) For each proposed new building, provide the following information on the plans:
 - (1) Description of proposed use
 - (2) Existing and proposed occupancy Groups
 - (3) Type of construction
 - (4) Sprinklers
 - (5) Number of stories
 - (6) Building height
 - (7) Allowable floor area
 - (8) Proposed floor area
 - (9) Occupant load based on the CBC
 - (10) Occupant load based on the CPC
- vi) Provide accessible routes and access to connect all buildings, facilities, elements and spaces per the applicable sections of chapter 11A and 11B of the 2019 California Building Code.
- vii) 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.
- viii) Parking spaces will be required to accommodate persons with disabilities in compliance with the applicable sections of chapter 11A and 11B of the 2019 California Building Code.
- ix) 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.
- x) Adequate sanitary facilities shall be provided for the multi-recreational building, per the requirements of Chapter 4 of the California Plumbing Code.
- xi) This project will be required to comply with the Model Water Efficient Landscape Ordinance requirements of the California Code of Regulations, title 22, Division 2, Chapter 2.7

2) DEPARTMENT OF PUBLIC WORKS (Contact: [209] 468-3000)

- a) The Traffic Impact Mitigation Fee shall be required for this application. The fee is due and payable at the time of building permit application. The fee 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)
- b) A copy of the Final Site Plan shall be submitted prior to release of building permit.
- c) Stormwater Best Management Practices shall be implemented during construction.
- d) Wastewater shall NOT be allowed into the storm drainage system.

3) MOUNTAIN HOUSE COMMUNITY SERVICES DISTRICT (Contact: [209] 831-2300)

- a) The Park and Ride lot is a condition of the Wicklund Village Tentative Map. Per the attached letter from Mr. Paul Sensibaugh, MHCS D General Manager, May 3, 2005, the Park and Ride lot is deferred to the time of the development of the Community Commercial Shopping Center along Central Parkway and Arnaudo Boulevard. Therefore, the Park and Ride lot shall be a condition of approval associated with development of the Community Commercial Shopping Center along Central Parkway and Arnaudo Boulevard.

- b) Traffic signals at Providence Street and Arnaudo Boulevard/Tradition Street and Arnaudo Boulevard shall be required when warranted or triggered by the traffic study or a condition of approval for the Neighborhood F map.
- c) Construction of an 8-foot wide pedestrian/bike path shall be provided for all collector streets entering the Town Center.
- d) All construction activities shall be in compliance with the storm, sewer and water master plans.
- e) All new driveway improvements, such as traffic signage, striping, curb markings/painting, and pavement markings shall be built per MHCS D current standards.
- f) Trimark shall restore any existing MHCS D infrastructure it damages during its course of construction, to its previous condition.
- g) All catch basins within the development site shall include MI-ICSD approved filters or an alternative onsite solution that meets MI-ICSD requirements for treatment and include an MI-ICSD approved long term maintenance plan.
- h) All catch basins adjacent to the development area shall include a filter per the MCI-ISD storm water management plan.
- i) All water lines shall include water meters, backflow prevention devices and fully comply with MCHSD standards and ordinances to protect the public water system.
- j) All water lines must include a valve to isolate and shut off the line in case of a leak or failure.
- k) All onsite utility facilities shall be privately owned and maintained in accordance with MHCS D ordinances and standards.
- l) Utility easements shall be provided to MHCS D on all utility lines and facilities for MHCS D inspections.
- m) As recommended by traffic engineer, developer shall modify and/or reconstruct median islands to control access in and out of the apartment complex onto arterial roads as approved by MHCS D.
- n) Developer shall construct a temporary cul-de-sac at the north end of Providence Street. The cul-de-sac shall partially overlap the paved road area of Providence Street and partially overlap the Trimark Multi-Family parcel located due west of Providence Street. The portion of the cul-de-sac overlapping Providence Street roadway will be paved. The portion of the cul-de-sac that overlaps the Trimark Multi-Family parcel (remainder) will be flat compacted and surfaced with gravel (with no paving, curb or gutter) and its eastern boundary will start at the planned ultimate westerly edge of pavement on Providence Street. No easement, license or right of way dedication will be required for the portion of the cul-de-sac that lies on the Trimark Multi-Family parcel. Trimark shall be allowed to remove the graveled portion of the cul-de-sac from its property when it commences development of its Multi-Family parcel west of Providence Street. The temporary cul-de-sac will be built according to the "typical cul-de-sac geometrics" for a residential area as identified in the MHCS D Design Standard Specification and Details. Developer will provide the MHCS D General Manager with a letter committing to maintain the gravel portion of the temporary cul-de-sac in good usable condition until the cul-de-sac is no longer needed. If Providence Street is not finished and completed north to Main Street at the time Developer moves forward with construction of its Multi-Family parcel then Developer will make arrangements for a paved temporary cul-de-sac at the north end terminus of Providence Street, unless this paving condition is otherwise waived by the MHCS D General Manager.

- o) Developer shall stripe the entrance and exits to accommodate proper ingress and egress to prevent wrong vehicle movements.
- p) Any on or off-site landscape plans submitted for this development project shall meet MWELo requirements per the review and approval of the CSD Community Development Department.

Notes and Information Only:

The multi-family apartment project (PA-2000221) is subject to the SJMSCP and the project area was mitigated for under SU-00-0003 (Receipt No. R063975).

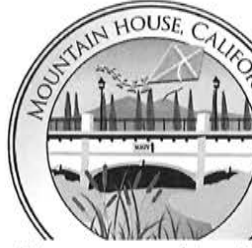
See San Joaquin County Environmental Health Department letter dated February 11, 2021

See Central Valley Regional Water Quality Control Board letter dated February 16, 2021

See California Department of Transportation letter dated February 17, 2021

See California Department of Fish and Wildlife letter dated February 22, 2021

See United Auburn Indian Community (UAIC) email dated January 25, 2021



Mountain House Community Services District

251 E Main Street, Mountain House, CA 95391

Tel (209) 831-2300 • Fax (209) 831-5610

www.mountainhousecsd.org

February 16, 2021

San Joaquin County Planning
Attn: Frank Girardi
1810 East Hazelton Ave.
Stockton, CA 95205

SUBJECT: PA-1700047

MHCSD has reviewed the conditions of approval on the previously approved PA-1700047 and the only additional condition of approval the District would like to add to PA-2000221 is the following:

1. Any on or off-site landscape plans submitted for this development project shall meet WELO requirements per the review and approval of the CSD Community Development Department.

If you have any questions, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "R. Henson".

Rochelle Henson
Principal Planner



SAN JOAQUIN
— COUNTY —
Greatness grows here.

Environmental Health Department

Jasjit Kang, REHS, Director

Muniappa Naidu, REHS, Assistant Director

PROGRAM COORDINATORS

Robert McClellon, REHS

Jeff Carruesco, REHS, RDI

Willy Ng, REHS

Michael Kith, REHS

February 11, 2021

To: San Joaquin County Community Development Department
Attention: Frank Girardi

From: Naseem Ahmed; 209-616-3018 ^{MA}
Senior Registered Environmental Health Specialist

RE: **PA-2000221 (SA), Referral, SU0013876**
505 E. Arnaudo Blvd, Mountain House

The Environmental Health Department has no comment; these parcels will be served by public services.



Central Valley Regional Water Quality Control Board

16 February 2021

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

COMMENTS TO REQUEST FOR REVIEW FOR THE NEGATIVE DECLARATION, PA-2000221 PROJECT, SCH#2021010234, SAN JOAQUIN COUNTY

Pursuant to the State Clearinghouse's 21 January 2021 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Negative Declaration* for the PA-2000221 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 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

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

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

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:

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.

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

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

P.O. BOX 2048 STOCKTON, CA 95201
(1976 E. CHARTER WAY/1976 E. DR. MARTIN
LUTHER KING JR. BLVD. 95205)
TTY: California Relay Service (800) 735-2929
PHONE (209) 941-1921
FAX (209) 948-7194



*Making Conservation
a California Way of Life.*

February 17, 2021

**10-SJ-205-PM 000.854
SCH#2021010234
PA-2000221 (SA)
Trimark Communities LLC**

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

Dear Mr. Girardi:

The California Department of Transportation appreciates the opportunity to review the Notice of Intent to adopt a Negative Declaration for the proposed 304-unit apartment complex at 505 West Arnaudo Blvd, Mountain House. The project is within Specific Plan I area for the Mountain House Community. The Department has the following comments:

- Caltrans recommends a Complete Streets approach to planning this development and the surrounding area that promotes bicycle and pedestrian connectivity between the residence and neighboring schools, parks, businesses, and other nearby destinations. This would include facilities such as crosswalks, sidewalks, and bicycle lanes.
- Caltrans recommends that the apartment include the facilities necessary to accommodate alternate modes of transportation such as bus parking, bike racks, and solar charging stations for electric vehicles.

If you have any questions or would like to discuss our comments in more detail, please contact Nicholas Fung at (209) 948-7190 or myself at (209) 941-1921.

Sincerely,

FOR

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



February 22, 2021

Mr. Frank Girardi
San Joaquin County
Community Development Department
1810 E. Hazelton Avenue
Stockton, CA 95205
FGirardi@sigov.org

Subject: PA-2000221 (SA), Negative Declaration, SCH No. 2021010234, Community of Mountain House, San Joaquin County

Dear Mr. Girardi:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a Negative Declaration (ND) from San Joaquin County Community Development Department for PA-2000221 (SA) (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 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. To the

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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 San Joaquin County Community Development Department
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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: Trimark Communities, LLC

Objective: A Site Approval application for construction of a 304-unit multi-family residential apartment complex with a 5,600-square-foot multi-recreational building within the Mountain House Community. Surrounding land uses include a Lammersville Unified School District building to the north, residential development to the south, the Mountain House Community Services District Administration building to the East, and vacant farmland to the west.

Location: The Project site is located 900 feet west of Mountain House Parkway on the north side of Arnaudo Boulevard in Mountain House, San Joaquin County. The site encompasses 15.2 acres. APN Number 254-030-01.

Timeframe: Unknown

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist San Joaquin County Community Development Department in adequately identifying and/or mitigating the Project’s significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

Special-status species documented to occur, or with the potential to occur, on or near the Project area include, but are not limited to, those listed in the table below.

Common Name	Scientific Name	Status	Rare Plant Rank
Caper-fruited tropidocarpum	<i>Tropidocarpum capparideum</i>		1B.1
Swainson’s hawk	<i>Buteo swainsoni</i>	ST	
Burrowing owl	<i>Athene cunicularia</i>	SSC	
Loggerhead shrike	<i>Lanius ludovicianus</i>	SSC	
San Joaquin kit fox	<i>Vulpes macrotis</i>	FE, ST	

FE = federally listed as endangered under ESA; ST = state listed as threatened under CESA; SSC = state species of special concern.

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CNPS Plant Ranks: 1B = Rare, Threatened, or Endangered in California and Elsewhere;
CNPS Threat Ranks: 0.1 = Seriously threatened in California (over 80% of occurrences
threatened/high degree and immediacy of threat)

General Comments

Comment 1: Disclose Project impacts and avoidance, minimization, and mitigation measures

In the ND, the Section IV Biological Resources Impact Discussion for items a-f, it is stated that the proposed multi-family apartment project will have no impact on Biological Resources. The ND does not include a Project description or discuss Project impacts on plants or wildlife. CDFW does not concur that the Project will have no impacts on biological resources because the ND does not address impacts, quantify impacts, or identify biological resources that could be impacted by the Project. Without a Project description with an impact discussion, it is not possible to know if Project impacts are less-than-significant and if an ND is appropriate for the Project. Also, the pre-construction survey conditions of the San Joaquin Multi Species Conservation and Open Space Plan (SJMSCP) are unknown; therefore, it is not known if an ND is adequate to prevent environmental impacts to a less-than-significant level. Because participation in the SJMSCP is voluntary, the ND must include: 1) An evaluation and discussion of potential direct and indirect impacts of the Project to biological resources including fish, wildlife, and their habitats, 2) feasible avoidance, minimization, and mitigation measures to reduce those impacts to a less-than-significant level, and 3) specific and sufficient compensatory for all impacts that cannot be fully avoided, including on-site habitat loss in the event the SJMSCP will not provide coverage of the Project in whole or part as a means to mitigate impacts to a less-than-significant level.

If the impacts analysis indicates there will be direct or indirect take of California Endangered Species Act (CESA)-listed species, and if the Project cannot fully avoid take of CESA-listed species, and the SJMSCP does not offer take coverage, then CDFW recommends the ND include language defining the Project's obligation to obtain take coverage through an Incidental Take Permit (ITP) issued by CDFW.

Comment 2: IS/ND does not mitigate biological impacts to a less-than-significant level

Alternate mitigation needs to be specified in case the San Joaquin Council of Governments (SJCOG) does not approve the Project and/or the applicant chooses not to participate. The ND states:

"All development approvals in Mountain House are required to comply with pre-construction survey conditions of approval for discretionary projects and are subject to

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the San Joaquin Multi Species Habitat Conservation and Open Space Plan to reduce any impacts to sensitive species to less than significant.”

This mitigation measure does not mitigate potential impacts to a less-than-significant level regarding CEQA, as the ND does not propose or identify specific and sufficient mitigation in the event the SJCOG does not approve coverage or the applicant chooses to not participate. The statement also does not negate the need for a biological impact analysis, which includes, but is not limited to, potential impacts to nesting birds, Swainson’s hawk (*Buteo swainsoni*, SWHA), burrowing owl (*Athene cunicularia*, BUOW), San Joaquin kit fox (*Vulpes macrotis mutica*, SJKF), and other special-status species. The Project has the potential to impact special-status species that utilize the Project area through direct take due to Project construction, indirect take due to Project operation, and temporary and permanent losses of agricultural land that can serve as marginal habitat.

To ensure that Project impacts to special-status species are mitigated to a less-than-significant level, and in the event SJCOG does not offer full coverage, CDFW recommends the ND be revised to require compensatory mitigation for impacts to their habitat. Compensatory mitigation should be in the form of permanently conserved lands at the following ratios: 3:1 ratio (conserved land to impacted habitat) for permanent impacts; 5:1 for construction of new roadways, and 1:1 for temporary impacts (i.e., impact to baseline recovery in under one year). Conservation lands should be placed under a conservation easement with CDFW listed as a third-party beneficiary and an endowment should be funded for managing the lands for the benefit of the conserved species in perpetuity. Additionally, a long-term management plan should be prepared and implemented by a land manager. The Grantee of the conservation easement should be an entity that has gone through the due diligence process for approval by CDFW to hold or manage conservation lands.

Comment 3: Project phasing

The ND does not include a description of timeframe during which construction will occur. Project activities may have additional significant biological impacts due to Project phasing over time. Phasing and the additional impacts from phasing are not discussed, analyzed, or mitigated for in the ND. Projects that include multiple phases with different sections or parcels built out at different time periods or phasing that includes whole-site grading with separate sections or parcels developed at later dates have impacts over a period longer than one year. This delay in full build out of a Project allows wildlife to utilize resources that develop post-grading on vacant sections or parcels. These resources include, but are not limited to; ruderal grassland and brush that provide nesting habitat for passerine birds and burrowing owls; infrastructure installed but not utilized that provide burrowing habitat for ground squirrels and burrowing owls; additional indirect impacts to nesting and foraging raptors with roost and nest trees

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adjacent to the Project site and access routes; and pooling of rainwater on parcels that provide temporary habitat for amphibians. CDFW is unable to analyze these impacts without inclusion of a description of the Project's timing and implementation in relation to site preparation, infrastructure installation, and complete buildout.

CDFW recommends revising and recirculating the ND with a description of the Project's phasing and estimated timeframes from start of construction to complete buildout. 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 burrows and vegetation, then impacts to wildlife utilizing vacant sections or parcels of the Project not built out must be included in the impacts analysis to ensure the Project mitigates impacts to a less-than-significant level. When and if such a delay occurs, and to ensure the Project is mitigating to less-than-significant, CDFW recommends revising the ND to include a mitigation measure that meets the following criteria: 1) a qualified biologist shall conduct a habitat assessment survey to determine what potential wildlife and habitat elements are present that may be utilizing the vacant sections and/or parcels 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 and/or parcels are being utilized, avoidance and minimization measures (including the measures discussed in this letter) shall be used to prevent impacts and take, and 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.

Biological Comments

Comment 4: Revisions needed to identify and mitigate impacts to burrowing owls to a less-than-significant level

The ND does not mitigate potential impacts to burrowing owls (*Athene cunicularia*) to less-than-significant because the ND lacks an evaluation of impacts to burrowing owls and does not include mitigation measures requiring 1) pre-construction surveys conducted according to CDFW'S *Staff Report on Burrowing Owl Mitigation* (2012) and 2) avoidance measures determined by CDFW if and when burrowing owls are discovered at the Project site. The ND does not define avoidance measures in the event burrowing owls are discovered or reduce impacts from permanent loss of burrowing owl nesting or foraging habitats to a less-than-significant level as it does not offset those impacts with a compensatory mitigation requirement. Burrowing owls are designated as a California SSC, a designation used to describe at-risk taxa within the state that warrant proactive conservation to ensure the populations' persistence. As an SSC, the Project's potential impacts are compounded with ongoing impacts to the populations within the San Joaquin Valley through the loss of arid scrub and upland habitats. In addition, the urbanization and conversion of row-crop agriculture to orchard and

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vineyard agriculture has also contributed to the species' decline. Therefore, loss of burrowing owl habitat can be considered a significant impact that warrants mitigation to less-than-significant through the ND.

CDFW recommends the ND be revised and recirculated to include an impacts analysis that provides an evaluation and discussion of potential impacts of the Project to burrowing owls and their habitats. If impacts are identified, CDFW recommends the ND be revised to include adherence to the mitigation strategies defined in the CDFW *Staff Report on Burrowing Owl Mitigation* (2012) in addition to adherence to the survey protocol or require participation in the SJMSCP. If the ND does not include a measure that requires participation in the SJMSCP, CDFW recommends the ND be updated to include a measure requiring compensatory mitigation for impacts to burrowing owl foraging 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.

Comment 5: Burrowing owl surveys and avoidance measures should be incorporated in the ND

If the SJMSCP does not cover the Project, then CDFW recommends the following specific and enforceable measures for burrowing owls be incorporated into a revised and recirculated ND to avoid impacts:

"Pre-construction Surveys for Burrowing Owl. To avoid impacts to burrowing owls, a qualified biologist shall conduct a habitat assessment to determine if burrowing owl habitat is present and if occupancy surveys are required. The following criteria for surveys shall be met:

- *Surveys shall be conducted during the breeding season from February 1 to August 31.*
- *A minimum of three (3) surveys shall be conducted and each survey shall occur at least three (3) weeks apart during the peak of breeding season (between April 15 and July 15), during the nesting period, and during the late nestling period.*
- *Each survey shall be conducted during crepuscular hours.*

If surveys confirm occupied burrowing owl habitat in or adjoining the Project area, the qualified biologist shall complete an impact assessment for burrowing owl. The impact assessment shall evaluate all factors that could affect burrowing owls on the Project site and include mitigation measures, if appropriate. Examples include, but are not limited to, avoidance of occupied burrows during the nesting period of February 1 to August 31, avoidance of occupied burrows during non-breeding season, pre-construction surveys, site surveillance, use of buffer zones or visual screens, and burrow exclusion.

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If habitat loss or degradation occur on the Project site, the impacts to burrowing owl shall be mitigated to a less-than-significant level. A mitigation monitoring and reporting plan shall be developed and submitted to CDFW for approval prior to Project implementation.

All habitat assessment, pre-construction survey protocols, impact assessment, reporting requirements, and mitigation guidance can be found in the Staff Report on Burrowing Owl Mitigation dated March 7, 2012. For more information, see <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>."

Comment 6: Revisions needed to mitigate impacts to Swainson's hawks to a less-than-significant level

The ND does not mitigate potential impacts to Swainson's hawk (*Buteo swainsoni*) to a less-than-significant level because the ND lacks an evaluation of impacts to Swainson's hawks and does not include mitigation measures requiring 1) pre-construction surveys conducted according to CDFW's *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (2000) and 2) avoidance measures determined by CDFW if and when Swainson's hawks are discovered at or within a half-mile of the Project site. The ND does not define avoidance measures in the event Swainson's hawks are discovered or reduce impacts from permanent loss of foraging habitats or indirect impacts to nesting hawks from increased construction activity to a less-than-significant level as it does not offset those impacts with a compensatory mitigation requirement. Swainson's hawks are designated as a State of California Threatened Species and impacts to the species and its habitat is prohibited without meeting certain conditions. The loss and conversion of native grasslands and agricultural lands to urbanization and orchard and vineyard agriculture is the primary threat to Swainson's hawk populations throughout California, and about 80 percent of the Central Valley population of Swainson's hawks is located with the Sacramento, San Joaquin, and Yolo counties region. The Project's potential impacts to this historically denser population is a significant impact that warrants mitigation to less-than-significant through the ND.

CDFW recommends the ND be revised and recirculated to include an impacts analysis that provides an evaluation and discussion of potential impacts of the Project to Swainson's hawks and their habitats according to CDFW's *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California* (1994). If impacts are identified, CDFW recommends the ND be revised to include adherence to the mitigation strategies defined in the *Staff Report* in addition to adherence to *CDFW's Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (2000) survey protocol or require participation in the SJMSCP. If the ND does not include a measure that requires participation in the SJMSCP, CDFW recommends the ND be updated to include a measure requiring compensatory mitigation for impacts to Swainson's hawk nesting and

Mr. Frank Girardi
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foraging 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, as well as language defining the Project's obligation to obtain take coverage through an ITP issued by CDFW.

In the event SJMSCP does not cover the Project or the Proponent elects to not participate in the SJMSCP, CDFW recommends the following specific and enforceable measures for Swainson's hawk be incorporated into a revised and recirculated ND to minimize and avoid impacts:

"Pre-construction Surveys and Nest Buffers for Swainson's Hawk. CDFW recommends conducting project activities outside of the Swainson's hawk breeding season (March 20 to September 15). If Project activities are to be conducted during the breeding season, surveys for Swainson's hawks and their nests shall be conducted by the Designated Biologist(s) prior to the beginning of Project-related activities at each Project site. Surveys shall be conducted in a manner consistent with the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds>). Surveys shall cover a minimum of two survey periods with the minimum number of surveys prior to project initiation as follows:

- *January to March 20 - survey all day for raptor nests a minimum of one survey.*
- *March 20 to April 5 – survey from either sunrise to 1000 or 1600 to sunset with a minimum of three surveys.*
- *April 5 to April 20 – survey from either sunrise to 1200 or 1630 to sunset with a minimum of 3 surveys.*

An alternative methodology may be approved by CDFW specific to each Project location.

If a lapse in Project-related work of 7 days or longer occurs at Project site, then a focused all-day survey shall be performed, and the results shall be sent to CDFW prior to resuming work. Surveys shall be conducted in proposed work areas, staging and storage areas, and access routes. If any active Swainson's hawk nests are found within ½-mile of a Project site, an avoidance buffer of ¼-mile in urban areas or a ½-mile buffer in non-urban areas shall be implemented from March 20 to September 15 unless otherwise approved in writing by CDFW."

Comment 7: Revisions needed to mitigate impacts to San Joaquin kit fox to a less-than-significant level

The ND does not mitigate potential impacts to San Joaquin kit fox (*Vulpes macrotis mutica*) to less-than-significant because the ND lacks an evaluation of impacts to San Joaquin kit fox and does not include either a mitigation measure that requires full

Mr. Frank Girardi
San Joaquin County Community Development Department
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avoidance of take of San Joaquin kit fox or their habitat. The ND does not define avoidance measures in the event San Joaquin kit fox are discovered or reduce impacts from permanent loss of open space and movement corridors and foraging habitats or indirect impacts to foraging and denning impacts from increased construction activity to a less-than-significant level as it does not offset those impacts with compensatory mitigation requirements. San Joaquin kit fox are designated as a State of California Endangered Species. The loss of valley and foothill grasslands due to conversion to agriculture and urbanization is the primary threat to San Joaquin kit fox populations throughout California. The U.S. Fish and Wildlife Service's *Recovery Plan for Upland Species of the San Joaquin Valley, California* (1998) states connectivity between the sub-populations of the kit fox are essential for recovery of the species. The Project's potential impacts to connectivity and permanent loss of habitat requires an impacts evaluation in a revised and recirculated ND. Given the severe population declines of the species and magnitude of historic habitat loss, any impacts identified can be considered as significant and even more so when evaluated in a cumulative manner.

CDFW recommends the ND be revised and recirculated to include an impacts analysis that provides an evaluation and discussion of potential impacts of the Project to San Joaquin kit fox and their habitats. If the impacts analysis indicates there will be direct or indirect take and the Project cannot fully avoid impacts to and take of San Joaquin kit fox, CDFW recommends the ND be revised to include a measure requiring participation in the SJMSCP, or in the event SJMSCP does not cover the Project or the Proponent elects to not participate in the Plan, then CDFW recommends the ND include language defining the Project's obligation to obtain take coverage through an ITP issued by CDFW.

Comment 8: Biological Resources does not define floristic survey protocol

Section IV of the ND does not include defined survey protocols for floristic surveys or require a qualified botanist to conduct the surveys.

CDFW recommends Section IV. Biological Resources be revised to include adherence to CDFW's *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities* (2018), including the reporting requirements contained in those protocols, and to indicate a qualified botanist shall conduct the surveys according to the protocols.

Comment 9: Revisions needed to mitigate impacts to special-status plants to less-than-significant level

Caper-fruited tropidocarpum (*Tropidocarpum capparideum*) is a special-status plant with the potential to occur on the Project site, but the ND does not define avoidance measures in the event they or other special-status plants are discovered or reduce

Mr. Frank Girardi
San Joaquin County Community Development Department
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impacts to a less-than-significant level by identifying compensatory mitigation in the event impacts to special-status plants cannot be fully avoided.

CDFW recommends Section IV, Biological Resources be revised to include a statement of how impacts to special-status plants will be avoided in the event they are discovered in the Project area. If significant impacts to special-status plants are not fully avoidable, CDFW recommends the ND be revised to require compensatory mitigation for impacts to special-status plant species at a minimum of a 3:1 mitigation ratio (conserved habitat to impacted habitat) for permanent impacts. CDFW also recommends inclusion of language defining the Project's obligation to obtain CESA-listed plant take coverage through an Incidental Take Permit (ITP) issued by CDFW when take of caper-fruited tropidocarpum (*Tropidocarpum capparideum*) cannot be fully avoided.

Comment 10: CDFW recommends additional mitigation measures for Project construction be included in the ND

CDFW also recommends the following avoidance and minimization measures to be included in the ND:

"Open Pipes Restriction. All pipes, culverts, or similar structures that are stored at the construction site (either 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 by a Qualified Biologist.

Fence and Sign-Post Restriction. Any fencing posts or signs installed, temporarily or permanently, throughout the course of the Project shall be designed to be wildlife friendly (e.g., smooth top and bottom wires, 6-inches above grade) and have the top three post holes covered or filled with screws or bolts to prevent snaring.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database 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 (CNDDDB). The CNDDDB field survey form, online field survey form, and contact information for CNDDDB staff can be found at the following link: <https://wildlife.ca.gov/data/CNDDDB/submitting-data>. The types of information reported to CNDDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

Mr. Frank Girardi
San Joaquin County Community Development Department
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FILING FEES

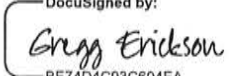
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order 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 ND to assist San Joaquin County Development Department 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 (209) 234-3449 or Andrea.Boertien@wildlife.ca.gov; or Ms. Melissa Farinha, Senior Environmental Scientist (Supervisory), at Melissa.Farinha@wildlife.ca.gov.

Sincerely,

DocuSigned by:

BE74D4C93C604EA...
Gregg Erickson
Regional Manager
Bay Delta Region

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

Girardi, Frank [CDD]

From: DoNotReply@auburnrancheria.com
Sent: Monday, January 25, 2021 8:58 AM
To: Girardi, Frank [CDD]
Subject: PA-2000221 - Site Approval Notification Confirmation
Attachments: Thank you for consulting with the UAIC.pdf

CAUTION: This email is originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



The United Auburn Indian Community thanks you for your commitment to consultation for the following project:

PA-2000221 - Site Approval

You will find a copy of your consultation submission attached for your records.

Our Tribal Historic Preservation Department will review the project and respond as soon as possible. If you need to speak with someone regarding the project or your submission, please contact the Tribal Office at (530) 883-2390.

The United Auburn Indian Community is now accepting electronic consultation requests and project notifications. To learn more, [click here](#).

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Thank you for consulting with the UAIC

Please complete one form for each notification.

How to submit a consultation notification or project update:

1. One form must be completed for each project.
2. Forms cannot be saved and completed at a later time.
3. Include all relevant project information.
4. Upload file attachments. Multiple files can be attached.
5. Submit form.
6. You will receive a submission receipt via email when submission is complete. UAIC prefers our online submission form over certified or hard copy letters.

Contact the Tribal Office at (530) 883-2390 for questions or concerns. Ask for Tribal Historic Preservation or use the contact form located on our website.

Contact Information

Consulting on Behalf of* San Joaquin County Community Development Department
Lead Agency, Consulting Firm, Tribe

Mailing Address

Street Address
1810 E. Hazelton Ave.
Address Line 2

City
Stockton

State / Province / Region
California

Postal / Zip Code
95205

Point of Contact for Consultation* Frank Girardi
Primary Contact Name

Point of Contact Email* fgirardi@sjgov.org

Second Point of Contact Yes
Is there more than one point of contact for this project?

Regulatory

Consulting Under* This project fall under the following regulatory requirements:

Federal State of California Federal and State

Other
County

Project Notification Information

Project Name* PA-2000221 - Site Approval
Please include Name and Reference Number (if applicable)

This is a *

- New Project
- Public Hearing
- Notice of Availability (NOA)
- Other
- Notice of Preparation (NOP)
- Existing Project
- Request for Information

Project Description A Site Approval application to construct a 304-unit multi-family residential apartment complex with a 5,600-square-foot multi-recreational building, within the Specific Plan I area for the Mountain House Community.
Please include a brief project description

Location The project site is located 900 feet west of Mountain House Pkwy., on the north side of Arnaudo Blvd., Mountain House. (APN/Address: 254-030-01 / 505 E. Arnaudo Blvd., Mountain House) (Supervisorial District: 5)
Please include county, city, and address (if available)

Project Documents

Documents uploaded to this form are secure and only accessible by the Tribal Historic Preservation team

Notification Attach notification letters or announcement
PA-2000221 (SA) Staff Review W Notice - Neighborhood.pdf 129.18KB
50mb maximum upload size (per file)

Reports Attach project reports, project descriptions, or supporting documents
PA-2000221 (SA) Signed IS.pdf 1.49MB
50mb maximum upload size (per file)

Location Map Attach maps and location files. Shape files are preferred
PA-2000221 (SA) Site Plan Packet.PDF 1.43MB
File extensions allowed: pdf, jpg, png, kmz, lpk, dbf, prj, shp, abn, sbx, xml, shx, cpg.
NOTE: 50mb maximum upload size (per file).

Send Submission Receipt To

- Primary Contact
- Secondary Contact
- Different Email

New Email * dmartorella@sjgov.org

***This form submission page is offered for the convenience of consulting agencies, developers, and their respective consultants. UAIC reviews all submissions received, but makes no guarantee that submission via this online form satisfies any particular consultation or notice requirement that exists under state or federal law.



Thank you for consulting with the UAIC Please complete one form for each notification.

How to submit a consultation notification or project update:

1. **One form must be completed for each project.**
2. **Forms cannot be saved and completed at a later time.**
3. Include all relevant project information.
4. Upload file attachments. Multiple files can be attached.
5. Submit form.
6. You will receive a submission receipt via email when submission is complete. UAIC prefers our online submission form over certified or hard copy letters.

Contact the Tribal Office at (530) 883-2390 for questions or concerns. Ask for Tribal Historic Preservation or use the contact form located on our website.

Contact Information

Consulting on Behalf of* San Joaquin County Community Development Department
Lead Agency, Consulting Firm, Tribe

Mailing Address

Street Address
1810 E. Hazelton Ave.
Address Line 2

City
Stockton

State / Province / Region
California

Postal / Zip Code
95205

Point of Contact for Consultation* Frank Girardi
Primary Contact Name

Point of Contact Email* fgirardi@sjgov.org

Second Point of Contact Yes
Is there more than one point of contact for this project?

Regulatory

Consulting Under * This project fall under the following regulatory requirements:

- Federal
 State of California
 Federal and State
 Other
- County

Project Notification Information

Project Name * PA-2000221 - Site Approval

Please include Name and Reference Number (if applicable)

This is a *

- New Project
 Notice of Preparation (NOP)
- Public Hearing
 Existing Project
- Notice of Availability (NOA)
 Request for Information
- Other

Project Description A Site Approval application to construct a 304-unit multi-family residential apartment complex with a 5,600-square-foot multi-recreational building, within the Specific Plan I area for the Mountain House Community.

Please include a brief project description

Location

The project site is located 900 feet west of Mountain House Pkwy., on the north side of Arnaudo Blvd., Mountain House. (APN/Address: 254-030-01 / 505 E. Arnaudo Blvd., Mountain House) (Supervisorial District: 5)

Please include county, city, and address (if available)

Project Documents

Documents uploaded to this form are secure and only accessible by the Tribal Historic Preservation team

Notification

Attach notification letters or announcement

PA-2000221 (SA) Staff Review W Notice - Neigh... 129.18KB

50mb maximum upload size (per file)

Reports

Attach project reports, project descriptions, or supporting documents

PA-2000221 (SA) Signed IS.pdf 1.49MB

50mb maximum upload size (per file)

Location Map

Attach maps and location files. Shape files are preferred

PA-2000221 (SA) Site Plan Packet.PDF 1.43MB

File extensions allowed: pdf, jpg, png, kmz, lpk, dbf, prj, shp, abn, sbx, xml, shx, cpg.
NOTE: 50mb maximum upload size (per file).

Send Submission Receipt To

Primary Contact Secondary Contact Different Email

New Email*

dmartorella@sjgov.org

***This form submission page is offered for the convenience of consulting agencies, developers, and their respective consultants. UAIC reviews all submissions received, but makes no guarantee that submission via this online form satisfies any particular consultation or notice requirement that exists under state or federal law.

FINDINGS FOR SITE APPROVAL

PA-2000221

TRIMARK COMMUNITIES LLC

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 use type Family Residential - Large Multi-Family may be conditionally permitted in the R-H (High Density Residential) zone with an approved Site Approval application. The proposed buildings are supportive of the Master Plan and Specific Plan I provisions regarding the development and location of High Density Residential development in the Mountain House Community.**
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, roadway improvements and other necessary facilities will be provided and there is sufficient area on the parcel for the buildings.**
3. The site is physically suitable for the type of development and for the intensity of development.
 - **This finding can be made because the property involved is of adequate size and shape to accommodate the proposed development, building coverage, setbacks, and parking areas meet the requirements 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 Initial Study prepared for the project found no potentially significant environmental impacts.**
5. The use is compatible with adjoining land uses.
 - **This finding can be made because the proposed use will not interfere with nor alter the current land uses on adjacent properties. The architecture for the buildings shall be compatible with the common architectural theme designated for Neighborhood F, and shall utilize common forms, details, materials and colors. The construction of the building will be built in accordance with the existing approved Mountain House Commercial, Office and Industrial Design Manual.**
6. All applicable provisions of the Mountain House Development Agreement have been met.
 - **This finding can be made because: 1) the provisions of the Trimark Communities Development Agreement (*i.e., the Development Agreement by and between County of San Joaquin and Trimark Communities, Relative to the Development of Certain Property within the Mountain House Community*) that are applicable to the subject properties are not affected by the proposed project; 2) the Trimark Communities Development Agreement incorporates provisions of the existing, principal Mountain House Development Agreement (*Amended and Restated Master Plan Development Agreement by and between County of San Joaquin and Trimark Communities Relative to the Development of Certain Property within the Mountain House Community*) and no modification or supplementation of those antecedent provisions was determined to be necessary; and 3) the Trimark Communities Development Agreement vests certain provisions/sections of the General Plan, Master Plan, the Mountain House**

Development Title, and Specific Plan I, and the proposed project does not change or alter those provisions/sections.