



**MITIGATED NEGATIVE DECLARATION**

TO: ☒ Office of Planning & Research  
P. O. Box 3044  
Sacramento, California 95812-3044

FROM: San Joaquin County  
Community Development Department  
1810 East Hazelton Avenue  
Stockton, California 95205

☒ County Clerk, County of San Joaquin

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**PROJECT TITLE:** Deviation and Site Approval No. PA-1800253 (DV) and PA-1800254 (SA)

**PROJECT LOCATION:** The project site is located on the south side of East Fremont Street, between Shasta Avenue and Viola Avenue, in Stockton, San Joaquin County. (APN/Address: 143-420-50, -51, and -53/2900 East Fremont Street, Stockton) (Supervisory District: 1)

**PROJECT DESCRIPTION:** A Site Approval application for a retail store to include the construction of a 9,180 square foot structure on three (3) parcels totaling 0.9 acres. Merging the three (3) parcels into a single parcel is contingent upon approval of this Site Approval application. A Deviation application (PA-1800253) has been submitted requesting a reduction in the rear yard setback of two (2) parcels from 20 feet to 18.28 feet and a reduction in the side yard setback on the east side of one (1) parcel from 20 feet to 12.90 feet. The project proposes receiving public water from the California Water Service Company and public sanitary sewer service and stormwater drainage from the City of Stockton. The project proposes two (2) access driveways off of East Fremont Street.

The Property is zoned C-G (General Commercial) and the General Plan designation is C/G (General Commercial).

**PROPONENT:** Stockton Roofing Company, Inc. / ATC Design Group

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This is a Notice of Intent to adopt a Mitigated Negative Declaration for this project as described. San Joaquin County has determined that through the Initial Study that contains proposed mitigation measures all potentially significant effects on the environment can be reduced to a less than significant level. The Negative Declaration and Initial Study can be viewed on the Community Development Department website at [www.sjgov.org/commdev](http://www.sjgov.org/commdev) under Active Planning Applications.

Date: September 3, 2019

Contact Person:

Alisa Goulart Phone: (209) 468-0222 FAX: (209) 468-3163 Email: [alisa.goulart@sjgov.org](mailto:alisa.goulart@sjgov.org)

**INITIAL STUDY/NEGATIVE DECLARATION**

[Pursuant to Public Resources Code Section 21080(c) and California Code of Regulations, Title 14, Sections 15070-15071]

**LEAD AGENCY:** San Joaquin County Community Development Department

**PROJECT APPLICANT:** ATC DESIGN GROUP

**PROJECT TITLE/FILE NUMBER(S):** PA-1800253 and PA-1800254

**PROJECT DESCRIPTION:** A Site Approval application for a retail store to include the construction of a 9,180 square foot structure on three (3) parcels totaling 0.9 acres. Merging the three (3) parcels into a single parcel is contingent upon approval of this Site Approval application. A Deviation application (PA-1800253) has been submitted requesting a reduction in the rear yard setback of two (2) parcels from 20 feet to 18.28 feet and a reduction in the side yard setback on the east side of one (1) parcel from 20 feet to 12.90 feet. The project proposes receiving public water from the California Water Service Company and public sanitary sewer service and stormwater drainage from the City of Stockton. The project proposes two (2) access driveways off of E. Fremont Street.

The project site is located on the south side of E. Fremont Street, between Shasta Avenue and Viola Avenue, in Stockton.

**ASSESSOR PARCEL NO.:** 143-420-50, -51, and -53

**ACRES:** 0.9

**GENERAL PLAN:** C/G (General Commercial)

**ZONING:** C-G (General Commercial)

**POTENTIAL POPULATION, NUMBER OF DWELLING UNITS, OR SQUARE FOOTAGE OF USE(S):**  
A 9,180 square foot retail store.

**SURROUNDING LAND USES:**

**NORTH:** City of Stockton; Commercial; Residential; Millard Fillmore Elementary School

**SOUTH:** Residential

**EAST:** Commercial; Residential; Religious Assembly; State Route 99

**WEST:** Commercial; Residential; City of Stockton

**REFERENCES AND SOURCES FOR DETERMINING ENVIRONMENTAL IMPACTS:**

Original source materials and maps on file in the Community Development Department including: all County and City general plans and community plans; assessor parcel books; various local and FEMA flood zone maps; service district maps; maps of geologic instability; maps and reports on endangered species such as the Natural Diversity Data Base; noise contour maps; specific roadway plans; maps and/or records of archeological/historic resources; soil reports and maps; etc.

Many of these original source materials have been collected from other public agencies or from previously prepared EIR's and other technical studies. Additional standard sources which should be specifically cited below include on-site visits by staff (note date); staff knowledge or experience; and independent environmental studies submitted to the County as part of the project application (Enter report name, date, and consultant.). Copies of these reports can be found by contacting the Community Development Department.

**TRIBAL CULTURAL RESOURCES:**

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

No.

**GENERAL CONSIDERATIONS:**

1. Does it appear that any environmental feature of the project will generate significant public concern or controversy?

☐ Yes ☒ No

Nature of concern(s): Enter concern(s).

2. Will the project require approval or permits by agencies other than the County?

☐ Yes ☒ No

Agency name(s): Enter agency name(s).

3. Is the project within the Sphere of Influence, or within two miles, of any city?

☒ Yes ☐ No

City: Stockton

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                  | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources        | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Energy                             |
| <input type="checkbox"/> Geology / Soils             | <input type="checkbox"/> Greenhouse Gas Emissions           | <input type="checkbox"/> Hazards & Hazardous Materials      |
| <input type="checkbox"/> Hydrology / Water Quality   | <input type="checkbox"/> Land Use / Planning                | <input type="checkbox"/> Mineral Resources                  |
| <input type="checkbox"/> Noise                       | <input type="checkbox"/> Population / Housing               | <input type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Recreation                  | <input type="checkbox"/> Transportation                     | <input type="checkbox"/> Tribal Cultural Resources          |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Wildfire                           | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency) On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Alisa Goulart  
Signature

9-3-2019  
Date



## EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
  - a) the significance criteria or threshold, if any, used to evaluate each question; and
  - b) the mitigation measure identified, if any, to reduce the impact to less than significance.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
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#### I. AESTHETICS.

Except as provided in Public Resources Code Section 21099, would the project:

- |   |                          |                          |                                     |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a) Have a substantial adverse effect on a scenic vista?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publically accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |

#### **Impact Discussion:**

- a-b) The proposed project site is located on E. Fremont Street in the Urban community of Stockton. Pursuant to San Joaquin County General Plan 2035 Natural and Cultural Resources Element Figure NCR-1 (page 3.4-13), E. Fremont Street in Stockton is not a designated Scenic Route. Therefore the project will not impact a scenic vista.
- c) The proposed project site is located on E. Fremont Street in the Urban community of Stockton. Therefore the project will not impact a non-urbanized area.
- d) The project will result in the creation of a new source of light; however, the project will comply with applicable Development Title policies to minimize lighting impacts. The conditions placed on the project require parking lot lighting to be on a time clock or photo-sensor system and to be designed to confine direct rays to the premises to prevent light spillover beyond the property line so as not to be a nuisance to adjacent lots. Additionally, lighting must be designed so as not to be hazardous to vehicles traveling on E. Fremont Street. These conditions will ensure that impacts from lighting will be less than significant.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
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## II. AGRICULTURE AND FORESTRY RESOURCES.

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:

- |  |                          |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

### **Impact Discussion:**

- a-e) The subject property is not identified or designated as Prime or Unique Farmland or as Farmland of Statewide Importance on maps provided by the California Department of Conservation's Farmland Mapping and Monitoring Program. The Department of Conservation categorizes the site as Urban and Built-up Land, further described as land intended to be occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. Land with this designation is intended for use as residential, industrial, commercial, construction, institutional, public administration, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes. Therefore, the proposed project will not convert important farmland to non-agricultural use.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
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### III. AIR QUALITY.

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- |   |                          |                          |                                     |                          |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Expose sensitive receptors to substantial pollutant concentrations?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Result in substantial emissions (such as those leading to odors) adversely affecting a substantial number of people?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

#### Impact Discussion:

- a-d) The project site is located in the San Joaquin Valley Air Basin, which is regulated by the San Joaquin Valley Air Pollution Control District (SJVAPCD). SJVAPCD is the lead air quality regulatory agency for San Joaquin. This project was referred to the SJVAPCD for review on July 12, 2019. The applicant will be required to meet existing requirements for emissions and dust control as established by SJVAPCD. Therefore, any impacts to air quality will be reduced to less than significant.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
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#### IV. BIOLOGICAL RESOURCES:

Would the project:

- |  |                          |                                     |                          |                                     |                          |
|--|--------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |

#### Impact Discussion:

- a) The California Department of Fish and Wildlife Natural Diversity Database lists *Buteo swainsoni* (Swainson's Hawk) as rare, endangered, or threatened species or habitat located on or near the site for the proposed project. Referrals have been sent to the San Joaquin Council of Governments (SJCOG), the agency responsible for verifying the correct implementation of the *San Joaquin County Multi-Species Habitat Conservation and Open Space Plan* (SJMSCP), which provides compensation for the conversion of Open Space to non-Open Space uses which affect the plant, fish and wildlife species covered by the Plan. Pursuant to the Final EIR/EIS for SJMSCP, dated November 15, 2000, and certified by SJCOG on December 7, 2000, implementation of the SJMSCP is expected to reduce impacts to biological resources resulting from the proposed project to a level of less-than-significant.

SJCOG responded in a letter dated August 5, 2019, that the project is subject to SJMSCP and that the applicant has already provided mitigation for the project. The applicant's participation in SJMSCP ensures any impacts on biological species are mitigated to less than significant.

- b-c) The project will have no impact on a riparian habitat or on protected wetlands as the project site is not located in a riparian habitat and there is no river, stream, marsh, vernal pool, or other waterway on the site.
- d) The project's impact on native fish or wildlife species will be less than significant because the project applicant has participated in the San Joaquin Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). Implementation of the SJMSCP is expected to reduce impacts to biological resources resulting from the proposed project to a level of less-than-significant.

- e) The project's impact on local policies or ordinances protecting biological resources because the project applicant has participated in the San Joaquin Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). Implementation of the SJMSCP is expected to reduce impacts to biological resources resulting from the proposed project to a level of less-than-significant.
- f) The project will not conflict with the provisions of an adopted Habitat Conservation Plan, natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, because the project applicant has participated in the San Joaquin Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). Implementation of the SJMSCP is expected to reduce impacts to biological resources resulting from the proposed project to less than significant.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
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#### V. CULTURAL RESOURCES.

Would the project:

- |  |                          |                          |                                     |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?      | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Disturb any human remains, including those interred outside of dedicated cemeteries?                        | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |

#### **Impact Discussion:**

- a-b) The project site is located in the Urban community of Stockton, with the nearest waterway being Mormon Slough located 1.28 miles south of the site. The site consists of three (3) parcels that are currently vacant but were previously developed with a retail store, an auto repair shop, two (2) single-family residences, and two (2) septic systems, all of which have been demolished and/or removed under permit from the site. The parcels are vacant, therefore, there are no historical or historically significant resources on the project site. The site has been previously disturbed, therefore, the proposed project will not be disturbing ground that has the significance of yielding an archeological resource.
- c) In the event human remains are encountered during any portion of the project, California state law requires that there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county has determined manner and cause of death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation (California Health and Safety Code – Section 7050.5).

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
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# VI. ENERGY.

Would the project:

- a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation?
- b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## **Impact Discussion:**

- a-b) The California Energy Code (also titled The Energy Efficiency Standards for Residential and Non-residential Buildings) was created by the California Building Standards Commission in response to a legislative mandate to reduce California's energy consumption. The code's purpose is to advance the state's energy policy, develop renewable energy sources and prepare for energy emergencies. These standards are updated periodically by the California Energy Commission. The code includes energy conservation standards applicable to most buildings throughout California. These requirements will be applicable to the proposed project ensuring that any impact to the environment due to wasteful, inefficient, or unnecessary consumption of energy will be less than significant and preventing any conflict with state or local plans for energy efficiency and renewable energy.



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
<b><u>VII. GEOLOGY AND SOILS.</u></b>					
Would the project:					
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil and create direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

- a) The geology of San Joaquin County is composed of high organic alluvium, which is susceptible to earthquake movement. The project will have to comply with the California Building Code (CBC) which includes provisions for soils reports for grading and foundations as well as design criteria for seismic loading and other geologic hazards based on fault and seismic hazard mapping. All recommendations from a soils report must be incorporated into the construction plans. Therefore, impacts to seismic-related (or other) landslide hazards will be less than significant.
- b) The project will not result in substantial soil erosion or the loss of topsoil because the site will be paved and landscaped. Therefore, impacts to soil erosion or loss of topsoil will be less than significant.
- c-d) The proposed project will not affect geology and soils, since it will not change geotechnical standards or development patterns. The project site is relatively flat terrain where landslides have not historically been an issue. A soils report will be required for grading and foundations and all recommendations from a soils report must be incorporated into the construction plans. Therefore, the risk of being located on an unstable unit and creating risks to life or property can be reduced to less than significant.
- e) The project will be served by the City of Stockton public sewer system and will not require an onsite septic tank or alternative waste water disposal system for the disposal of waste water.

- f) The parcels are vacant, however, the project site was previously developed with a retail store, an auto repair shop, two (2) single-family residences, and two (2) septic systems, therefore, the site has been previously disturbed. The proposed project will not be disturbing new ground that may yield unique paleontological resource or site or unique geologic feature, therefore the project's expected impact to paleontological resources or geologic features is expected to be less than significant.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
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# VIII. GREENHOUSE GAS EMISSIONS.

Would the project:

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
- b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## **Impact Discussion:**

- a-b) Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. Therefore, the cumulative global emissions of GHGs contributing to global climate change can be attributed to every nation, region, and city, and virtually every individual on earth. An individual project's GHG emissions are at a micro-scale level relative to global emissions and effects to global climate change; however, an individual project could result in a cumulatively considerable incremental contribution to a significant cumulative macro-scale impact. As such, impacts related to emissions of GHG are inherently considered cumulative impacts.

Implementation of the proposed project would cumulatively contribute to increases of GHG emissions. Estimated GHG emissions attributable to future development would be primarily associated with increases of carbon dioxide (CO<sub>2</sub>) and, to a lesser extent, other GHG pollutants, such as methane (CH<sub>4</sub>) and nitrous oxide (N<sub>2</sub>O) associated with area sources, mobile sources or vehicles, utilities (electricity and natural gas), water usage, wastewater generation, and the generation of solid waste. The primary source of GHG emissions for the project would be mobile source emissions. The common unit of measurement for GHG is expressed in terms of annual metric tons of CO<sub>2</sub> equivalents (MTCO<sub>2</sub>e/yr).

As noted previously, the proposed project will be subject to the rules and regulations of the SJVAPCD. The SJVAPCD has adopted the *Guidance for Valley Land- use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA* and the *District Policy – Addressing GHG Emission Impacts for Stationary Source Projects Under CEQA When Serving as the Lead Agency*.<sup>11</sup> The guidance and policy rely on the use of performance-based standards, otherwise known as Best Performance Standards (BPS) to assess significance of project specific greenhouse gas emissions on global climate change during the environmental review process, as required by CEQA. To be determined to have a less-than-significant individual and cumulative impact with regard to GHG emissions, projects must include BPS sufficient to reduce GHG emissions by 29 percent when compared to Business As Usual (BAU) GHG emissions. Per the SJVAPCD, BAU is defined as projected emissions for the 2002-2004 baseline period. Projects which do not achieve a 29 percent reduction from BAU levels with BPS alone are required to quantify additional project-specific reductions demonstrating a combined reduction of 29 percent. Potential mitigation measures may include, but not limited to: on-site renewable energy (e.g. solar photovoltaic systems), electric vehicle charging stations, the use of alternative-fueled vehicles, exceeding Title 24 energy efficiency standards, the installation of energy-efficient lighting and control systems, the installation of energy-efficient mechanical systems, the installation of drought-tolerant landscaping, efficient irrigation systems, and the use of low-flow plumbing fixtures.

It should be noted that neither the SJVAPCD nor the County provide project-level thresholds for construction-related GHG emissions. Construction GHG emissions are a one-time release and are, therefore, not typically expected to generate a significant contribution to global climate change. As such, the analysis herein is limited to discussion of long-term operational GHG emissions.

<sup>11</sup> San Joaquin Valley Air Pollution Control District. *Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA*. December 17, 2009. San Joaquin Valley Air Pollution Control District. *District Policy Addressing GHG Emission Impacts for Stationary Source Projects Under CEQA When Serving as the Lead Agency*. December 17, 2009.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
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# **IX. HAZARDS AND HAZARDOUS MATERIALS.**

Would the project:

- |   |                          |                          |                                     |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?                                | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |

## **Impact Discussion:**

- a-c) The proposed project is a 9,180 square foot retail store. Consumer-level hazardous materials, such as cleaning supplies and pest sprays, may be used, stored, and sold on site. The San Joaquin County Environmental Health Department (EHD) requires the owner/operator to report to the California Environmental Reporting System (CERS) before any hazardous materials/waste can be stored or used onsite. The existing regulatory framework for the transport and use of any hazardous materials will ensure any impact is less than significant.
- d) The project site is not included on the California Department of Toxic Substances Control EnviroStor database map, compiled pursuant to Government Code 65962.5.
- e) The project site is not located within an airport land use plan or within two miles of an airport. The nearest airport is the Stockton Metropolitan Airport. The project site is located approximately 5 miles to the north of the airport's runway.
- f) The proposed project has adequate access via Fremont Street to provide for safe evacuation and adequate access to emergency equipment. As such, the project will not impair implementation of, or interfere with, County-adopted emergency response plans.
- g) The project location is in the urban community of Stockton, CA, which is not identified as a Community at Risk from Wildfire by Cal Fire's "Fire Risk Assessment Program". Communities at Risk from Wildfire are those places within 1.5 miles of areas of High or Very High wildfire threat as determined from CDF-FRAP fuels and hazard data. Therefore,

the impact of wildfires on the project are expected to be less than significant.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
<u><b>X. HYDROLOGY AND WATER QUALITY.</b></u>					
Would the project:					
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

- a) The proposed project's impacts on hydrology and water are expected to be less than significant. The project will be served by a public water system and a public sewer system. The applicant has provided a will serve letter from the the California Water Service Company (CalWater) confirming that CalWater will provide water service to the project. The applicant has also provided a will serve letter from the City of Stockton confirming that the City will provide sewer service to the project. Therefore, these public services will ensure that the project's impact on ground water will be less than significant.
- b) The San Joaquin County Department of Public Works will require the applicant pay a Water Supply Facilities Impact Mitigation Fee. The Water Impact Mitigation Fee Program was established to finance San Joaquin County's share of the construction cost for the New Melones Water Conveyance Project, which is intended to mitigate the impact of ground and surface water depletion resulting from new development within the fee area. The fee area includes the unincorporated area of the County within the SEWD and Central San Joaquin Water Conservation District and the area within one-half mile north of the SEWD boundary along Eight Mile Road, between Rio Blanco Road and Alpine Road. The proposed project's impact on ground and surface water will be mitigated with the required Water Supply Facilities Impact Mitigation Fee which will reduce any impact the project has on ground and surface water to less than significant.

c-e) The proposed project does not propose any substantial alteration to a drainage pattern, stream or river. All necessary

drainage improvements onsite will be required as conditions of the construction of the project. The project will not result in substantial soil erosion because the site will be paved and landscaped subject to building code requirements.

Development Title Section 9-1135.2 requires all development projects to provide drainage facilities within and downstream from the development project. Storm water runoff shall be conveyed into a terminal drain or may be retained in a retention basin. The Department of Public Works requires that drainage facilities be provided in accordance with the San Joaquin County Development Standards. The proposed project plans call for storm water to be retained in an on-site retention pond. The Department of Public Works will determine the feasibility of the proposed retention pond.

The project falls within the definition of a Regulated Project as defined in either the County Post-Construction Standards Manual or the County Phase I National Pollutant Discharge Elimination System (NPDES) permit and shall comply with the following conditions:

- 1) The proposed project disturbs less than one (1) acre of ground and is not part of a larger plan of common development.
- 2) A registered professional engineer shall design a system or combination of systems to infiltrate, treat, and/or filter the 85th percentile storm as defined in the County's 2009 "Storm Water Quality Control Criteria Plan" (SWQCCP) or in the "California Association of Stormwater Quality Agencies" (CASQA) publications and comply with the conditions of the County Phase I NPDES permit. Standard Best Management Practices for the type of development proposed shall be incorporated into the system design. CASQA documents are available at <http://www.casqa.org>. Plans and/or calculations of the proposed system shall be submitted to the County for review and approval.
- 3) Applicant shall submit a "Storm Water Pollution Prevention Plan" (SWPPP) to Public Works for review. A SWPPP preparation guide is available at the Department of Public Works. A copy of the SWPPP and all required records, updates, test results and inspection reports shall be maintained on the construction site and be available for review upon request. The post construction chapter of the SWPPP must identify expected pollutants and how they will be prevented from entering the storm system. The chapter shall also contain a maintenance plan, a spill plan, and a training plan for all employees on proper use, handling and disposal of potential pollutants. The example plans are available in the SWQCCP and CASQA handbooks.
- 4) All priority New Development and Significant Redevelopment Projects must meet the volume reduction requirement outline in the County's SWQCCP 2009 available at <http://www.sjcleanwater.org/LID.htm>.
- 5) Proprietary storm drainage treatment devices used in any system shall be approved for use by a major California city, Caltrans, or the Washington State DOT and shall be the last resort of the developer to comply with the 2009 SWQCCP. Latitude and Longitude of all treatment devices shall be obtained by use of a global positioning system and reported to the County. Property owner shall execute and record a deed restriction, in a form acceptable to the County, regarding maintenance and perpetuation of the installed systems. Property owner shall be responsible for the ongoing operation and maintenance of any system installed unless the system is accepted for maintenance by a government agency.
- 6) Owner shall be responsible for providing the County with an annual report of operation and maintenance of any system. The property owner shall also be responsible for the payment to the County of an annual system inspection fee established by Resolution of the Board of Supervisors.
- 7) A Maintenance Plan shall be submitted and the execution of a Maintenance Agreement with San Joaquin County shall be required for the owner/operator of stormwater controls prior to the release of the building permit.
- 8) Standard Best Management Practices, for the type of development proposed, shall be incorporated into the site design storm drainage design.
- 9) Wastewater shall not be allowed in the storm drainage system.



Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
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# XI. LAND USE AND PLANNING.

Would the project:

- |  |                          |                                     |                                     |                          |                          |
|--|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Physically divide an established community?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |

## **Impact Discussion:**

- a) The construction and operation of the proposed project will not physically divide an established community. The project site is located in a developed section of Stockton, along a corridor of commercially-zoned properties fronting Fremont Street, a main street area. The proposed retail store is an orderly addition to the existing commercial area and will serve the surrounding residential areas. Therefore, the possibility of the project physically dividing an established community is less than significant.
- b) The proposed project will not result in conflicts between existing and proposed on-site or off-site land uses because the proposed project, a 9,180-square foot retail store, is consistent with all land use policies and regulations of the County Development Code and 2035 General Plan. The project parcel is zoned General Commercial (C-G). In any commercial zone, a commercial use that proposes 6,000 square feet or more on the ground floor may be conditionally permitted in the C-G zone with an approved Site Approval application. The surrounding land uses include commercial and residential uses.

The concurrent Deviation application is requesting reductions in the setbacks that, if approved, will place the proposed retail store closer to adjacent parcels with conforming residential uses than the minimum permitted by the Development Title. Pursuant to Development Title Section 9-410.5(b)(1)(2), side and rear yards of lots within the commercial zones must be increased to a minimum of twenty (20) feet when abutting property developed with conforming residential uses. Therefore, the rear setback of all three (3) parcels that comprise the project site is twenty (20) feet and the side yard on the east side of parcel 143-420-51 is twenty (20) feet.

However, pursuant to Development Title Section 9-824.2(a)(2)(3), applications for Deviations may be considered for the following modifications: Up to forty (40) percent of side yard setback requirements, but no closer than three (3) feet, and up to thirty (30) percent of rear yard setback requirements, but no closer than ten (10) feet. The applicant is requesting a 12.90 foot side setback and an 18.28 foot rear setback.

Pursuant to Development Title Section 9-1022.4, commercial projects that abut a residential zone must be screened using a solid masonry wall six to seven feet in height erected along the abutting property line. The separation created with the required masonry wall will provide sufficient screening between the commercial use and the residential uses to reduce any possible conflict to less than significant. Further, the masonry wall will not be the cause of significant environmental impact.



Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
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## XII. MINERAL RESOURCES.

Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

☐
☐
☐
☒
☐

b) Result in the loss of availability of a locally- important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

☐
☐
☐
☒
☐

### **Impact Discussion:**

- a-b) The proposed project, a 9,180 square foot retail store, will not result in the loss of availability of a known mineral resource of a resource recovery site because the site does not contain minerals of significance or known mineral resources. San Joaquin County applies a mineral resource zone (MRZ) designation to land that meets the significant mineral deposits definition by the State Division of Mines and Geology. The project site in Stockton has been classified as MRZ-1. The San Joaquin County General Plan 2035 Volume II, Chapter 10-Mineral Resources, Table 10-7, defines MRZ-1 as "Areas where adequate information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence." Therefore, the project will not result in the loss of mineral resources or mineral resource recovery sites within the region and in the Stockton community.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
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### XIII. NOISE.

Would the project result in:

- |   |                          |                          |                                     |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| b) Generation of excessive groundborne vibration or groundborne noise levels?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) For a project within the vicinity of a private airstrip or an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

### Impact Discussion:

- a) The project site is surrounded by commercially and residentially zoned properties and is located 2,000 feet west of State Route 99. The nearest residence is located adjacent to the southern property line of the project site. Development Title Section 9-1025.9 lists the Residential use type as a noise sensitive land use. However, the residential area located to the south of the project site was developed in the 1920's and the project site was developed in the past with a retail store and a car repair shop. The proposed project is reestablishing a historic use with which the neighborhood residential properties have always co-existed. Development Title Section Table 9-1025.9 Part II states that the maximum sound level for stationary noise sources during the daytime is 70 dB and 65dB for nighttime. This applies to outdoor activity areas of the receiving use, or applies at the lot line if no activity area is known. The proposed project would be subject to these Development Title standards. There is no evidence provided that the activities associated with proposed project will exceed the Development Title noise standards with the proposed operation, therefore impacts from the proposed project are expected to be less than significant.

The concurrent Deviation application is requesting reductions in the setbacks that, if approved, will place the proposed retail store closer to adjacent parcels with conforming residential uses than the minimum permitted by the Development Title. Pursuant to Development Title Section 9-410.5(b)(1)(2), side and rear yards of lots within the commercial zones must be increased to a minimum of twenty (20) feet when abutting property developed with conforming residential uses. Therefore, the rear setback of all three (3) parcels that comprise the project site is twenty (20) feet and the side yard on the east side of parcel 143-420-51 is twenty (20) feet.

However, pursuant to Development Title Section 9-824.2(a)(2)(3), applications for Deviations may be considered for the following modifications: Up to forty (40) percent of side yard setback requirements, but no closer than three (3) feet, and up to thirty (30) percent of rear yard setback requirements, but no closer than ten (10) feet. The applicant is requesting a 12.90 foot side setback and an 18.28 foot rear setback.

Pursuant to Development Title Section 9-1022.4, commercial projects that abut a residential zone must be screened using a solid masonry wall six to seven feet in height erected along the abutting property line. The separation created with the required masonry wall will provide sufficient screening between the commercial use and the residential uses to reduce any possible increase in ambient noise levels in the vicinity of the project to less than significant.

- b) The project does not include any operations that would result in excessive ground-borne vibrations or other noise levels therefore, the project will not have any impact on vibrations or other noise levels.
- c) The project site is not located within the vicinity of an airstrip or airport.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
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#### XIV. POPULATION AND HOUSING.

Would the project:

- a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
- b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### **Impact Discussion:**

- a-b) The proposed project will not induce substantial population growth in the area either directly or indirectly because the project site is in a commercial zone. The proposed project would not displace substantial numbers of people or existing housing, necessitating the construction of replacement housing elsewhere because the project site is currently vacant. Therefore, the project's impact on population and housing will be less than significant.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
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#### XV. PUBLIC SERVICES.

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Police protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Schools?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Parks?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Other public facilities?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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#### **Impact Discussion:**

a) The proposed project is a retail store to include the construction of 9,180 square foot structure. The project site is located in the Stockton Eastside Fire District and the Stockton Unified School District. Both agencies were provided with the project proposal and invited to respond with any concerns or conditions. A response was not received from either agency. The project site is served by the San Joaquin County Sheriff's Office. The office was provided with the project proposal and invited to respond with any concerns or conditions. A response was not received from that office. As proposed, the project is not anticipated to result in a need for a substantial change to public services.

b)

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
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XVI. RECREATION.

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Impact Discussion:**

a-b) The proposed project will not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated, because the project will not generate any new residential units and the impacts to parks generated by the employees of this project will be minimal. This project does not include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment, because the type of project proposed, a retail store, will not result in an increased demand for recreational facilities. Therefore, the project will have no impact on recreation facilities.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
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# XVII. TRANSPORTATION.

Would the project:

- |  |                          |                          |                                     |                          |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle, and pedestrian facilities?        | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Result in inadequate emergency access?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

## **Impact Discussion:**

- a-c) The project is a 9,180 square foot retail store. The proposed retail store is located on the south side of Fremont Street, and will operate sixteen hours per day, seven days a week, with a maximum of ten (10) employees per shift. Access to the project site is via two (2) proposed driveways off Fremont Street, the frontage street for the project site. A project referral was sent to the Department of Public Works on July 12, 2019. The Department of Public Works requires a traffic study for projects that are expected to generate in excess of fifty vehicles during any hour and, in the Department's response letter dated July 15, 2019, a traffic study was not required for this project. Therefore, the project will have a less than significant impact on traffic volumes on the local streets, will not conflict with program plans, ordinances, or policies, and did not present with any hazardous design features.
- d) The proposed project has access from E. Fremont Street that provides for adequate access for emergency vehicles. The Department of Public Works, in its conditions, requires that the driveway approach be improved in accordance with the requirements of San Joaquin County Improvement Standards Drawing No. 13 [including return radii to accommodate truck-trailer movements for trucks exiting the site so as not to encroach on opposing lanes of traffic]. Pursuant to Development Title Section 9-1015.5(h)(1), access driveways shall have a width of no less than twenty-five (25) feet for two-way aisles and sixteen (16) feet for one-way aisles, except that in no case shall driveways designated as fire department access be less than twenty (20) feet wide. With these required improvements, the project is expected to provide for adequate emergency access.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
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# XVIII. TRIBAL CULTURAL RESOURCES.

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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## **Impact Discussion:**

a) The project is a 9,180 square foot retail store. The project site is located in the urban community of Stockton, with the nearest waterway being Mormon Slough located 1.28 miles south of the site. The site consists of three (3) parcels that are currently vacant but were previously developed with a retail store, an auto repair shop, two (2) single-family residences, and two (2) septic systems, all of which have been demolished and/or removed from the site under permit.

The San Joaquin County General Plan 2035 states as a goal in NCR-6.5 (p. 3.4-11) that the County will protect significant archeological and historical resources by requiring an archeological report be prepared by a qualified cultural resource specialist prior to the issuance of any discretionary permit or approval in areas determined to contain significant historic or prehistoric archeological artifacts that could be disturbed by project construction. Project referrals were mailed on July 12, 2019 to the California Tribal PANF Partnership, the California Valley Miwok Tribe, the North Valley Yokuts Tribe, and the United Auburn Indian Community and no responses were received. Due to the project site's location, topography, and previous on site development, the project is anticipated to have a less than significant impact on tribal cultural resources.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
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#### XIX. UTILITIES AND SERVICE SYSTEMS.

Would the project:

- |   |                          |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

#### **Impact Discussion:**

- a) The project is a proposed 9,180 square foot retail store located in a developed area in Stockton. The project will be served by a public water system and a public sewer system. The applicant has provided a will serve letter from the California Water Service Company (CalWater) confirming that CalWater will provide water service to the project. The applicant has also provided a will serve letter from the City of Stockton confirming that the City will provide sewer service to the project. Therefore, the project will be served by existing services and will not require new facilities.
- b) The project will be served by a public water system. The applicant has provided a will serve letter from the California Water Service Company (CalWater) confirming that CalWater will be able to provide water service to the project.
- c) The project will be served by a public sewer system. The applicant has provided a will serve letter from the City of Stockton confirming that the City will be able to provide sewer service to the project.
- d-e) The project is a proposed 9,180 square foot retail store located in a developed area in Stockton. As proposed, the project is not anticipated to generate solid waste in excess of State and local standards and will be able to comply with all regulations related to solid waste.



Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
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#### XX. WILDFIRE.

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- |  |                          |                          |                                     |                          |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Substantially impair an adopted emergency response plan or emergency evacuation plan?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

#### Impact Discussion:

- a-d) The project location is in the urban community of Stockton, CA, which is not identified as a Community at Risk from Wildfire by Cal Fire's "Fire Risk Assessment Program". Communities at Risk from Wildfire are those places within 1.5 miles of areas of High or Very High wildfire threat as determined from CDF-FRAP fuels and hazard data. Therefore, the impact of wildfires on the project are expected to be less than significant.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
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#### XXI. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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#### Impact Discussion:

- a-c) Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or surrounding area. Mitigation measures have been identified in areas where a potentially significant impact has been identified and these measures have reduced these impacts to a less than significant level.

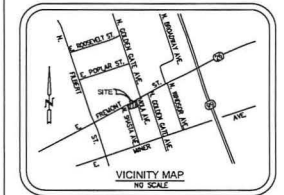
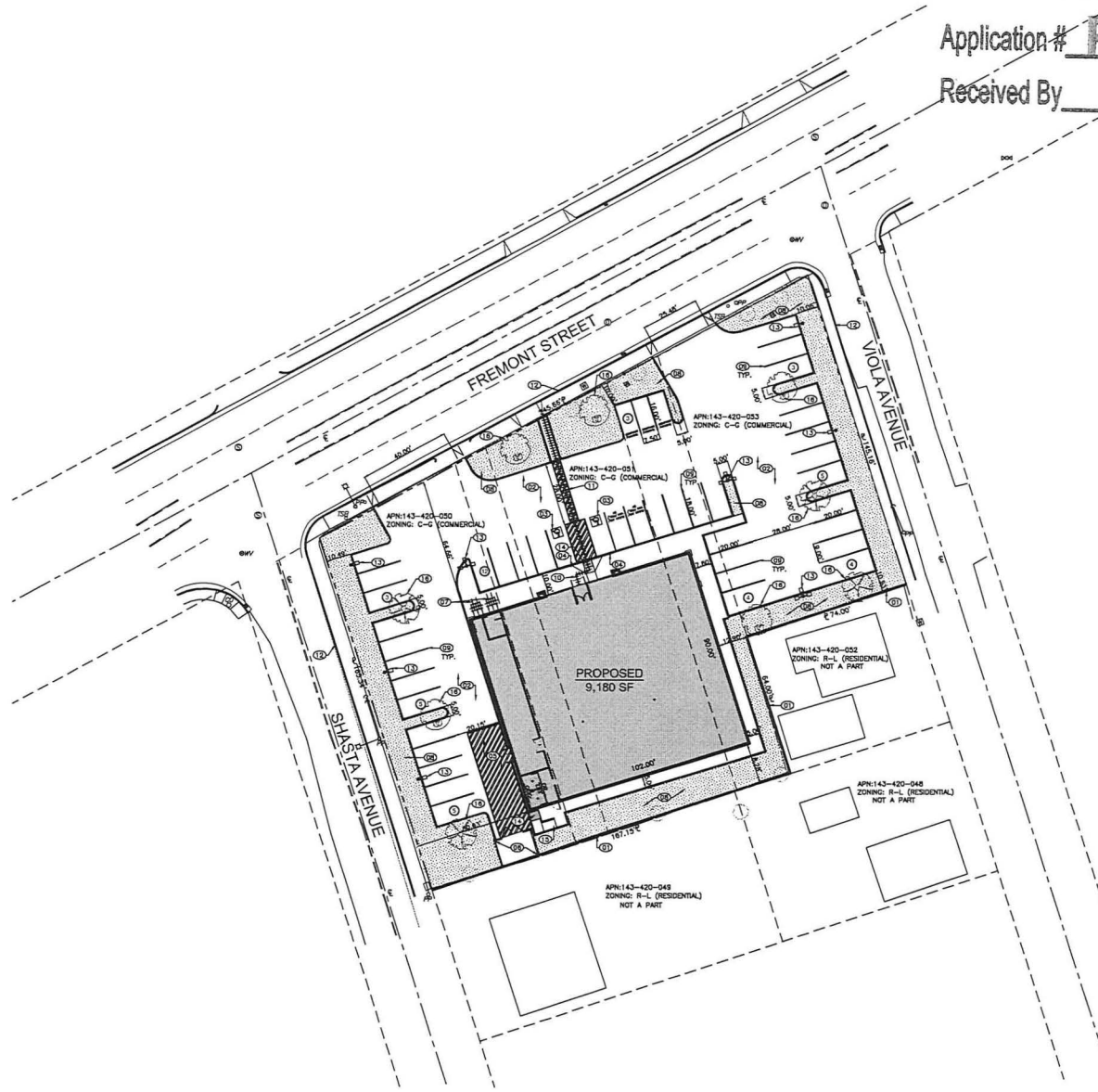
Note: Authority cited: Sections 21083, 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080, 21083.05, 21095, Pub. Resources Code; Eureka Citizens for Responsible Govt. v. City of Eureka (2007) 147 Cal.App.4th 357; Protect the Historic Amador Waterways v. Amador Water Agency (2004) 116 Cal.App.4th at 1109; San Franciscans Upholding the Downtown Plan v. City and County of San Francisco (2002) 102 Cal.App.4th 656.

# REVISED SITE PLAN

Application # **PA 180025**

Received By **CML**

- KEYNOTES**
- (01) 1/2" X 1/2" CURB WALL
  - (02) AC PAVING
  - (03) LOCATION OF ACCESSIBLE PARKING STALL
  - (04) LOCATION OF ACCESSIBLE PARKING SIGNAGE
  - (05) LOADING AND UNLOADING STRIPPING AREA
  - (06) TRASH ENCLOSURE
  - (07) 1/2" X 1/2" CURB WALL
  - (08) LANDSCAPE AREA
  - (09) PARKING LOT STRIPPING
  - (10) LOCATION OF ACCESSIBLE ENTRANCE WITH LEVEL LANDING (2% MAX. SLOPE IN ANY DIRECTION)
  - (11) ACCESSIBLE PATH OF TRAVEL MAXIMUM 5% SLOPE IN DIRECTION OF TRAVEL AND MAXIMUM 2% CROSS SLOPE
  - (12) EDGE OF SIDEWALK
  - (13) (N) SITE LIGHTING
  - (14) TRUNCATED DOWNS
  - (15) ACCESSIBLE RAMP
  - (16) (N) TREE



## SITE LEGEND

- — — — — PROPERTY LINE
- DOH EXISTING FIRE HYDRANT
- ACCESSIBLE PATH OF TRAVEL
- LOT LINE

APN: 143-420-020, 143-420-021 & 143-420-023  
ZONING: C-2 (COMMERCIAL) FOR SAN JOAQUIN COUNTY  
SCHM: FROM 100'-0" TO 100'-0" SIDE (100' STREET 300'-0" SIDE (100' STREET) 10'-0" FROM 100'-0" FROM 100' (EXISTING RESIDENTIAL) 27'-0" SIDE (100' STREET) 10'-0"

## SITE SUMMARY:

LAND AREA GROSS	= 538,160 SF (0.87 AC)
PROPOSED BUILDING AREA (1-STORY)	= 9,180 SF
LAND/BUILDING RATIO	= 4.13/1 = 24%
LANDSCAPE AREA	= 8,883 = 23.5% (2% RES.)
1 PER 3 PARKING SPACES = 44 SPACES/2 = 8.8 = 8 TREES	

## PARKING SUMMARY:

REQUIRED SPACES:	RETAIL SALES/SERVICES (INTERMEDIATE) 4/1000
TOTAL REQUIRED:	44 SPACES
TOTAL PROVIDED:	44 SPACES
COMPACT STALLS:	3 SPACES (25% OF REQ. ALLOWED)
STANDARD STALLS:	39 SPACES
ACCESSIBLE STALLS:	2 SPACES
CLEAN AREA VEHICLE STALLS:	3 SPACES (1 ACCESSIBLE)
PER CAL. GREEN TABLE 5.105.5.2	
PARKING PROVIDED:	44 SPACES
PARKING RATIO:	4.79/1000
BIKECYCLE PARKING:	2 BIKECYCLE SPACES (10 SPACES TOTAL)
PER CAL. GREEN 5.105.4.1	

DISCLAIMER:  
THIS PLAN HAS BEEN PREPARED WITHOUT BENEFIT OF A COMPLETE SURVEY.  
IT IS CONCEPTUAL IN NATURE AND NO GUARANTEE OF ITS ACCURACY IS IMPLIED.

FOR REFERENCE ONLY

**ATC DESIGN GROUP**  
ARCHITECTS • ENGINEERS • SURVEYORS  
1282 PACIFIC OAKS PLACE, SUITE C, ESCOBEDO, CA 95029  
PHONE: (925) 738-8800 FAX: (925) 738-8803

CLIENT:

PROJECT:

STOCKTON  
2900-2938 FREMONT STREET  
STOCKTON, CA 95205

**PRELIMINARY  
NOT FOR  
CONSTRUCTION**

REV	REVISION	DATE	REV	REVISION	DATE

SHEET DESCRIPTION:

**SITE PLAN**

**AS.1**

PROJECT NO: 18-2795  
DATE: 2/14/2018