

CITY OF STOCKTON
FINAL INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION

FOR THE

THORNTON ROAD/EIGHT MILE ROAD
ARCO STATION PROJECT
2910 Eight Mile Road
Stockton, CA

City of Stockton
Project File No: P16-0667

October 9, 2017

CITY OF STOCKTON
Community Development Department
345 N. El Dorado Street
Stockton, CA 95202
209-937-8444

Prepared by:

BASECAMP ENVIRONMENTAL
115 S. School Street, Suite 14
Lodi, CA 95240
209-224-8213

in association with:

Marcus H. Bole and Associates
Wheatland, CA



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TABLE OF CONTENTS

1.0	INTRODUCTION	1-1
2.0	REVISED SUMMARY TABLE	2-1
3.0	COMMENTS ON THE ENVIRONMENTAL DOCUMENT AND LEAD AGENCY RESPONSES TO COMMENTS	3-1
4.0	ERRATA	4-1

APPENDICES

Appendix A	IS/MND Transmittals and Distribution List
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FIGURES

1	Regional Map	1-2
2	Vicinity Map	1-3
3	Aerial Photo Map	1-4
4	Site Plan	1-5
5.	Commercial Area Site Plan	1-6

1.0 INTRODUCTION TO FINAL IS/MND

The project applicant proposes to construct an ARCO fueling station and other commercial structures on 2.11 acres of an approximately 10.09-acre site at the intersection of Eight Mile Road and Thornton Road in north Stockton. The project would include three commercial structures: a gasoline station and convenience store approximately 3,799 square feet, a fast-food restaurant approximately 3,462 square feet, and a retail building approximately 4,000 square feet. The gasoline station would have 16 fuel dispensing pumps. A carwash would be attached to the convenience store building, and the fast-food restaurant would have a drive-through. The commercial development would have 78 parking spaces. Access would be provided off Thornton Road and Eight Mile Road.

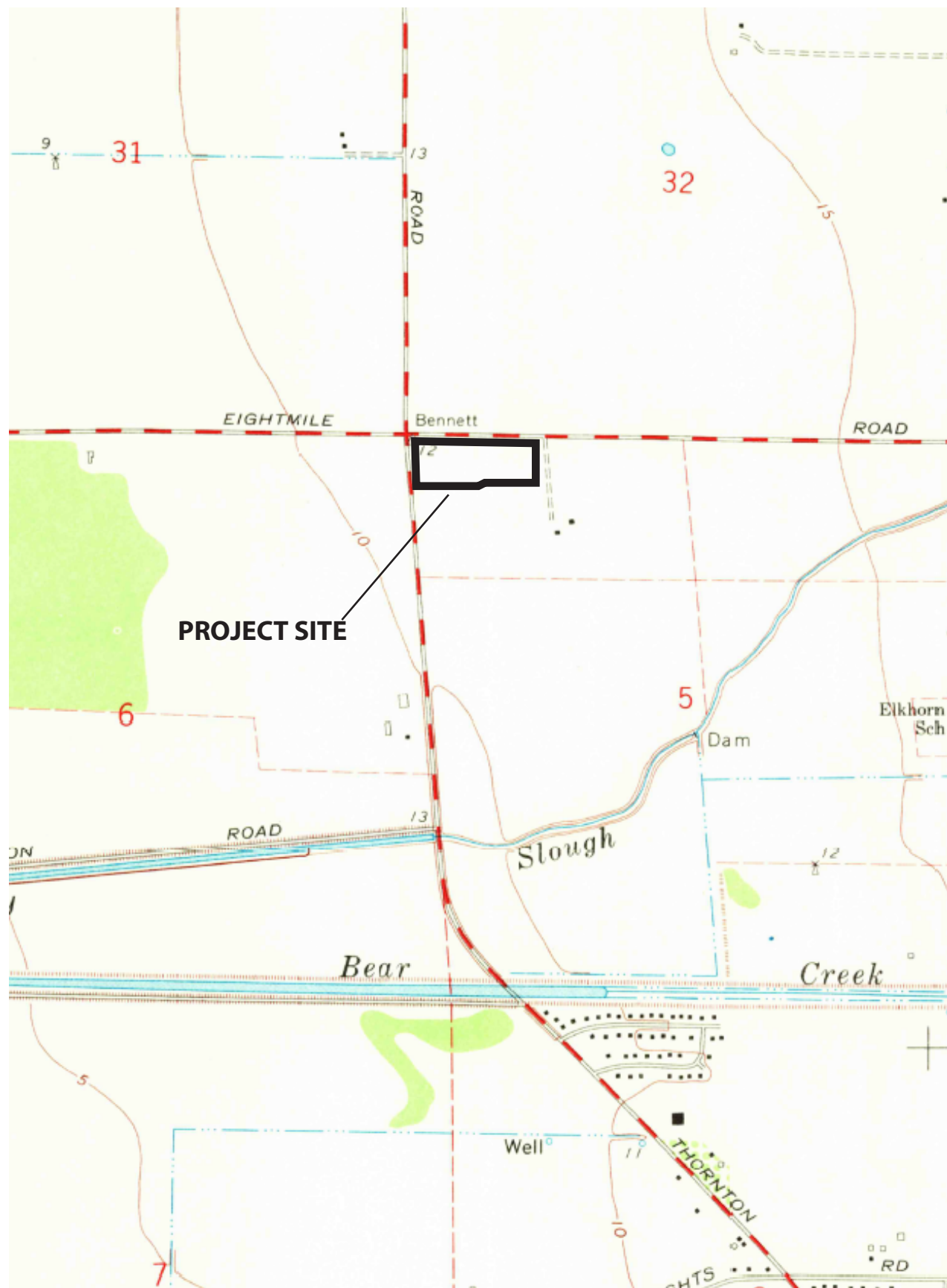
The project is subject to the California Environmental Quality Act. The City of Stockton prepared an Initial Study and proposed Mitigated Negative Declaration for the project (Draft IS/MND), which was circulated for public and agency review during a 30-day comment period extending from August 18, 2017, until September 18, 2017. Copies of the public review legal notices and transmittal documents are shown in Appendix A. The Draft IS/MND is available for public review at the Stockton Department of Community Development at 345 N El Dorado Street, Stockton, CA 95202 or online at:

<http://www.stocktongov.com/government/departments/communityDevelop/cdPlanEnv.html>

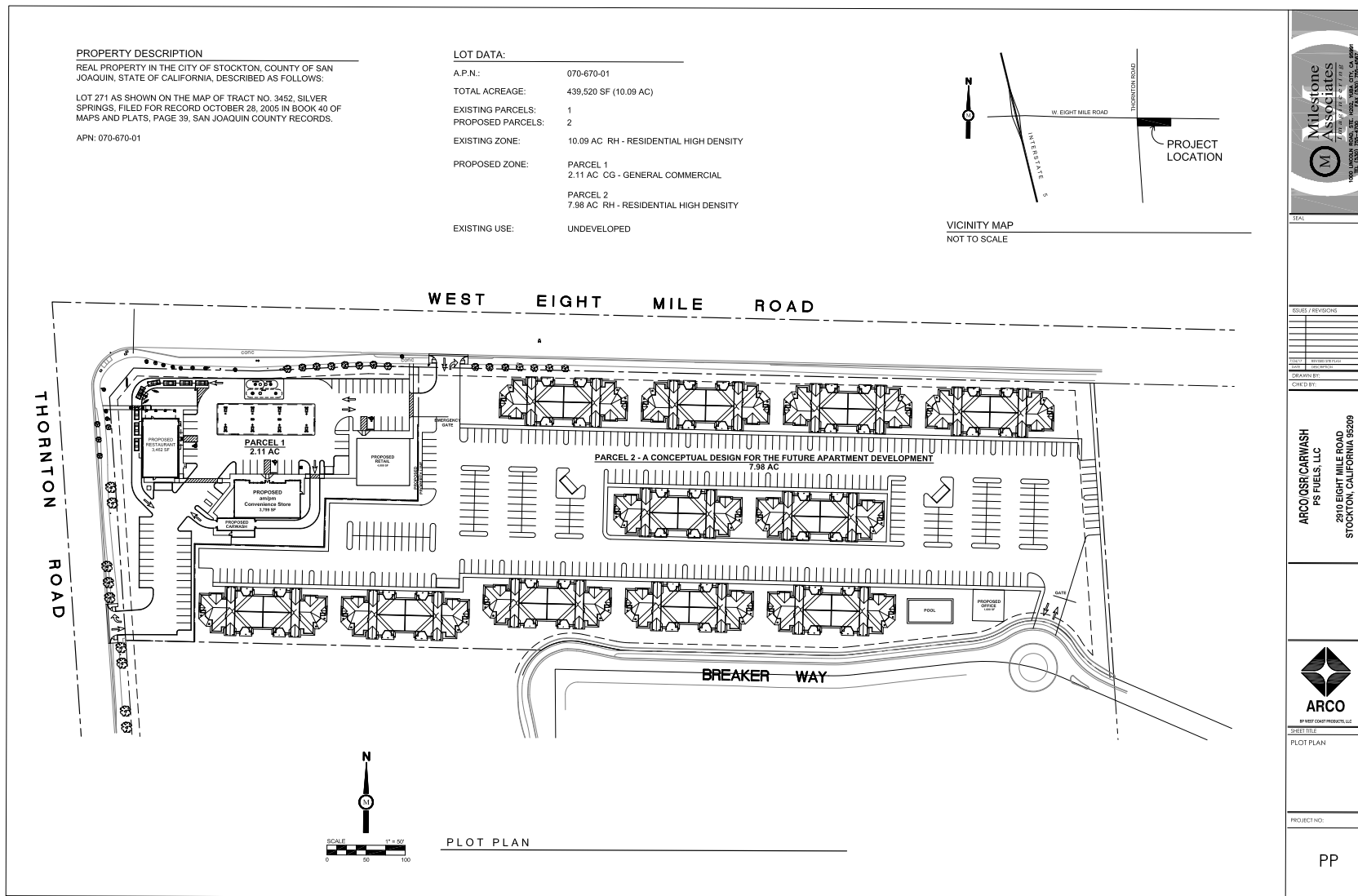
This document is the Final Initial Study/Mitigated Negative Declaration (Final IS/MND) for the project. The final IS/MND includes the Draft IS/MND by this reference. The Draft IS/MND is available for review as described above. The Final IS/MND contains a summary of the environmental effects of the project (Section 2.0). A list of any public or agency comments received, and the City's responses to the comments received, are shown in Section 3.0. The Errata (Section 4.0) shows any revisions to the Draft IS/MND needed to respond to public and agency comments as well as any other changes and corrections to the document identified by City staff.

The Final IS/MND, when combined with the Draft IS/MND, constitutes the complete environmental review document for the Thornton Road/Eight Mile Road ARCO project. The Final IS/MND will be considered by the City of Stockton Planning Commission before the Commission makes its decision on the project. The project is scheduled for consideration by the Planning Commission on October 26, 2017.









SOURCE: Milestone Associates



Figure 5
COMMERCIAL AREA SITE PLAN

Figure 5

2.0 SUMMARY TABLE

The following pages contain Table 2-1, Summary of Environmental Impacts and Mitigation Measures for the proposed project. The table is drawn from the Draft IS/MND; there have been no changes to the potential environmental effects of the project, or mitigation measures required to address significant effects, since the publication of the Draft IS/MND.

The potential environmental impacts of the proposed project are summarized in the left-most column of this table. The level of significance of the impact is indicated in the second column, mitigation measures proposed to minimize the impacts are shown in the third column, and the significance of the impact, after mitigation measures are applied, is shown in the fourth column.

TABLE 2-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation Measures
1. AESTHETICS			
a) Scenic Vistas	NI	None required	-
b) Scenic Resources	NI	None required	-
c) Visual Character and Quality	LS	None required	-
d) Light and Glare	PS	AES-1: Site development plans shall include a photometric site plan that describes the type of lighting that will be used and the amount of illumination that would occur on the site and on the property lines of adjacent residential parcels or parcels zoned for residential uses. The photometric plan shall demonstrate that indirect illumination on the property lines is consistent with the standards set forth in Stockton Municipal Code Section 16.32.070(A). The photometric site plan shall be part of the development application package to be reviewed and approved by the City.	LS
2. AGRICULTURE AND FORESTRY RESOURCES			
a) Agricultural Land Conversion	NI	None required	-
b) Agricultural Zoning and Williamson Act	NI	None required	-
c, d) Forest Land Conversion and Zoning	NI	None required	-
e) Indirect Conversion of Farmland of Forest Land	NI	None required	-
3. AIR QUALITY			
a) Air Quality Plan Consistency	LS	None required	-

TABLE 2-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation Measures
b) Violation of Air Quality Standards	LS	None required	-
c) Cumulative Emissions	LS	None required	-
d) Exposure of Sensitive Receptors to Pollutants	LS	None required	-
e) Odors	LS	None required	-
4. BIOLOGICAL RESOURCES			
a) Special-Status Species	PS	<p>BIO-1: Prior to construction activities, the beginning of which occurs from March to August, the ODS shall conduct a preconstruction nest survey to determine the presence of any bird species or their nests. The survey shall be conducted by a qualified biologist, who shall make recommendations on the treatment of any located nests that shall be implemented by the ODS, including but not limited to establishment of buffer areas and restrictions on construction equipment operations near the nest.</p> <p>BIO-2: The applicant shall apply to the San Joaquin Council of Governments (SJCOG) for coverage under the San Joaquin County Multi-Species Open Space and Habitat Conservation Plan (SJMSCP). The project site will be inspected by the SJMSCP biologist, who will recommend any Incidental Take Minimization Measures (ITMMs) set forth in the SJMSCP should be implemented. The ODS shall pay the required SJMSCP fee, if any, and be responsible for the implementation of the specified ITMMs.</p>	LS
b) Riparian and Other Sensitive Habitats	NI	None required	-
c) Wetlands	NI	None required	-

TABLE 2-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation Measures
d) Fish and Wildlife Movement	PS	Mitigation Measure BIO-1.	LS
e) Local Biological Requirements	NI	None required	-
f) Conflict with Habitat Conservation Plans	PS	Mitigation Measure BIO-2.	LS
5. CULTURAL RESOURCES			
a, b) Historical and Archaeological Resources	PS	CULT-1: If any subsurface cultural or paleontological resources are encountered during project construction, all construction activities in the vicinity of the encounter shall be halted until a qualified archaeologist or paleontologist, as appropriate, can examine these materials and make a determination of their significance. If the resource is determined to be significant, recommendations shall be made on further mitigation measures needed to reduce potential effects on the resource to a level that would be less than significant. Such measures could include 1) preservation in place or 2) excavation, recovery and curation by qualified professionals. The CDD shall be notified of any find, and the ODS shall be responsible for retaining qualified professionals, implementing recommended mitigation measures, and documenting mitigation efforts in a written report to the CDD, consistent with the requirements of the CEQA Guidelines.	LS
c) Paleontological Resources and Unique Geological Features	PS	Mitigation Measure CULT-1.	LS
d) Human Burials	LS	None required	-

TABLE 2-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation Measures
6. GEOLOGY AND SOILS			
a-1) Fault Rupture Hazards	NI	None required	-
a-2, 3) Seismic Hazards	LS	None required	-
a-4) Landslides	NI	None required	-
b) Soil Erosion	PS	GEO-1: The ODS shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) for the project and file a Notice of Intent with the State Water Resources Control Board (SWRCB) prior to commencement of construction activity, in compliance with the Construction General Permit and City of Stockton stormwater requirements. The SWPPP shall be available on the construction site at all times. The ODS shall incorporate an Erosion Control Plan consistent with all applicable provisions of the SWPPP within the site development plans. The ODS shall submit the SWRCB Waste Discharger's Identification Number to the City prior to approval of development or grading plans.	LS
c) Geologic Instability	NI	None required	-
d) Expansive Soils	PS	GEO-2: If required by the City, the Silver Springs geotechnical report shall be updated to reflect current standards and practices. GEO-3: Prior to issuance of a grading permit, a comprehensive grading plan shall be submitted to the City Engineer that addresses potential adverse impacts on structures due to expansive soils. The City Engineer shall review and approve the grading plan and building design, and the City Engineer or designated representative shall	LS

TABLE 2-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation Measures
		verify the implementation in the field.	
e) Adequacy of Soils for Wastewater Disposal	NI	None required	-
7. GREENHOUSE GAS EMISSIONS			
a) Project GHG Emissions and Consistency with GHG Reduction Plans	LS	None required	-
8. HAZARDS AND HAZARDOUS MATERIALS			
a, b) Hazardous Material Transport, Use, and Potential Release	LS	None required	-
c) Hazardous Materials Releases near Schools	NI	None required	-
d) Hazardous Materials Sites	NI	None required	-
e, f) Public Airport and Private Airstrip Operations	NI	None required	-
g) Emergency Response and Evacuations	LS	None required	-
h) Wildland Fire Hazards	LS	None required	-
9. HYDROLOGY AND WATER QUALITY			
a, f) Surface Waters and Water Quality	PS	<p>HYDRO-1: The ODS shall submit a Storm Water Quality Plan that shall include post-construction Best Management Practices (BMPs) as required by Title 13 of the SWQCCP. The Storm Water Quality Plan will be reviewed and approved by the City of Stockton Municipal Utilities Department prior to the Certificate of Occupancy.</p> <p>HYDRO-2: The ODS shall execute a Maintenance Agreement with the City for stormwater BMPs prior to</p>	LS

TABLE 2-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation Measures
		receiving a Certificate of Occupancy. The ODS must remain the responsible party and provide funding for the operation, maintenance and replacement costs of the proposed treatment devices built for the subject property.	
		HYDRO-3: The ODS shall comply with any and all requirements of, and pay all associated fees as required by, the City's Storm Water Pollution Prevention Program as set forth in its NPDES Storm Water Permit.	
b) Groundwater Supplies and Recharge	LS	None required	-
c, d, e) Drainage Patterns and Runoff	LS	None required	-
g, h) Residences and Other Structures in 100-Year Floodplain	NI	None required	-
i) Dam and Levee Failure Hazards	LS	None required	-
j) Seiche, Tsunami, and Mudflow Hazards	NI	None required	-
10. LAND USE AND PLANNING			
a) Division of Established Communities	NI	None required	-
b) Conflicts with Plans, Policies and Regulations Mitigating Environmental Effects	LS	None required	-
c) Conflict with Habitat Conservation Plans	NI	None required	-
11. MINERAL RESOURCES			
a, b) Availability of Mineral Resources	NI	None required	-

TABLE 2-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation Measures
12. NOISE			
a) Exposure to Noise Exceeding Local Standards	PS	<p>NOISE-1: A concrete masonry unit wall eight (8) feet in height shall be constructed along the southern and eastern property lines of the commercial development as shown in Figure 2 of the Environmental Noise Assessment prepared by Bollard Acoustical Consultants on August 31, 2016 (in Appendix E of this IS/MND).</p> <p>NOISE-2: The car wash shall be equipped with entrance and exit doors which shall be closed during the drying cycle and which would provide a minimum 15 dB noise reduction. Alternatively, the car wash shall be equipped with entrance and exit doors which shall be closed during the drying cycle and which would provide a minimum 10 dB noise reduction, and car wash dryers shall be selected that are 5 dB lower in noise generation than that assumed in the Environmental Noise Assessment prepared by Bollard Acoustical Consultants on August 31, 2016.</p> <p>NOISE-3: Vacuum usage shall be limited to daytime hours (7:00 a.m. to 7:00 p.m.). Alternatively, a vacuum system shall be procured that is 10 dB lower in noise generation than that assumed in the Environmental Noise Assessment prepared by Bollard Acoustical Consultants on August 31, 2016.</p>	LS
b) Groundborne Vibrations	NI	None required	-
c) Permanent Increase in Ambient Noise	LS	None required	-
d) Temporary or Periodic Increase in Ambient Noise	PS	NOISE-4: All construction equipment used at the project site shall be fitted with mufflers in accordance with manufacturers' specifications. Mufflers shall be installed	LS

TABLE 2-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation Measures
		on the equipment at all times on the construction site.	
e, f) Public Airport and Private Airstrip Noise	NI	None required	-
13. POPULATION AND HOUSING			
a) Population Growth Inducement	LS	None required	-
b, c) Displacement of Housing or People	NI	None required	-
14. PUBLIC SERVICES			
a) Fire Protection	LS	None required	-
b) Police Protection	PS	SERV-1: The ODS shall coordinate with the Stockton Police Department as required to establish adequate security and visibility of the construction site.	LS
c) Schools	LS	None required	-
d, e) Parks and Other Public Facilities	LS	None required	-
15. RECREATION			
a, b) Recreational Facilities	LS	None required	-
16. TRANSPORTATION/TRAFFIC			
a) Conflict with Transportation Plans, Ordinances and Policies	LS	None required	-
b) Conflict With Congestion Management Program	LS	None required	-
c) Air Traffic Patterns	NI	None required	-

TABLE 2-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation Measures
d) Traffic Hazards	PS	TRANS-1: The ODS shall install barriers on Eight Mile Road and Thornton Road along the commercial development frontage to prevent vehicles from making left turns to the commercial development. The type of barrier shall be subject to the City's review and approval.	LS
e) Emergency Access	NI	None required	-
f) Conflict with Non-vehicular Transportation Plans	LS	None required	-
17. TRIBAL CULTURAL RESOURCES			
a, b) Tribal Cultural Resources	PS	<p>TCR-1: The ODS shall retain a qualified professional archaeologist and a representative of the Wilton Rancheria to monitor all ground disturbing activities that occur within the project site. The Wilton Rancheria Native American Monitor shall be compensated per Wilton Rancheria's Tribal Inspector/Monitoring Rates 2017 Schedule of Time and Material Rates sheet.</p> <p>TCR-2: In the event that construction encounters evidence of human burial or scattered human remains, construction in the vicinity of the encounter shall be immediately halted until the qualified archaeologist/Wilton Rancheria Cultural Resources Officer can evaluate the nature and significance of the find. The ODS shall immediately notify the County Coroner, the Stockton Community Development Department, and the Wilton Rancheria Cultural Resources Officer. Appropriate federal and State agencies also shall be notified, in accordance with the provisions in the Archaeological Resources Protection Act (16 USC 469), Native American</p>	LS

TABLE 2-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Graves Protection and Repatriation Act (25 U.S.C. 3001-30013), California Health and Safety Code section 7050.5, and California Public Resources Code section 5097.9 *et al.*

The ODS will be responsible for compliance with the requirements of CEQA as to human remains as defined in CEQA Guidelines Section 15064.5, with California Health and Safety Code Section 7050.5, and as directed by the County Coroner. If the human remains are determined to be Native American, the County Coroner shall notify the Native American Heritage Commission, stating Wilton Rancheria has been working on the project, and they will notify and appoint a Most Likely Descendant. The Most Likely Descendant will work with the archaeologist to decide the proper treatment of the human remains and any associated funerary objects.

TCR-3: In the event that any other cultural resources are encountered during project construction, all construction activities in the vicinity of the encounter shall be halted until a qualified archaeologist/Wilton Rancheria Cultural Resources Officer can examine the materials and make a determination of their significance. If the resource is determined to be significant, the archaeologist shall make recommendations, in consultation with Wilton Rancheria, as to further mitigation measures needed to reduce potential effects on the resource to a level that would be less than significant. The ODS will be responsible for retaining the archaeologist and Wilton Rancheria Tribal Monitor and implementing the recommendations of the archaeologist, including submittal of a written report to the Stockton Community Development Department and the Wilton Rancheria documenting the find and its treatment.

TCR-4: Construction foremen and key members of trenching crews shall be instructed to be wary of the

TABLE 2-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

possibility of destruction of buried cultural resource materials. They shall be instructed to recognize signs of historic and prehistoric use and their responsibility to report any such finds, or suspected finds, immediately to the archaeology consultant/Wilton Rancheria Tribal Monitor so damage to such resources may be prevented.

18. UTILITIES AND SERVICE SYSTEMS

a, b, e) Wastewater Systems	PS	UTIL-1: The ODS shall submit detailed subdivision improvement plans prior to project construction. The improvement plans shall show all on-site and off-site utilities necessary to provide sanitary sewer, water, and storm drainage service. The plans shall be designed in accordance with the City of Stockton's most recently adopted master plans for sanitary sewer, water, and storm drainage, and with the City's Standard Specifications and Plans.	LS
b, d) Water Systems and Supply	PS	Mitigation Measure UTIL-1.	LS
c) Stormwater Systems	PS	Mitigation Measure UTIL-1.	LS
f, g) Solid Waste Services	LS	None required	-

3.19. MANDATORY FINDINGS OF SIGNIFICANCE

a) Findings on Biological and Cultural Resources	PS	Mitigation measures in Sections 3.4 and 3.5 above.	LS
b) Findings on Individually Limited but Cumulatively Considerable Impacts	LS	None required	-
c) Findings on Adverse Effects on Human Beings	LS	None required	-

3.0 COMMENTS ON THE ENVIRONMENTAL DOCUMENT AND LEAD AGENCY RESPONSES TO COMMENTS

The City of Stockton received seven comments from agencies or the public regarding the Draft (IS/MND) for the UOP Student Housing Project.

1. State Clearing House and Planning Unit
2. Caltrans District 10
3. Central Valley Regional Water Quality Control Board
4. San Joaquin County Department of Public Works
5. San Joaquin County Multi-Species Habitat Conservation Open Space Plan
6. San Joaquin Council of Governments
7. United Auburn Indian Community of the Auburn Rancheria



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KER ALEX
DIRECTOR

September 19, 2017

Jenny Liaw
City of Stockton
Community Development Department
345 N. El Dorado Street, suite 14
Stockton, CA 95202

Subject: Thornton Rd/Eight Mile Road ARCO Station Project
SCH#: 2017082056

Dear Jenny Liaw:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on September 18, 2017, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

1A

COMMENT NO. 1
STATE CLEARINGHOUSE

LETTER: 1

STATE CLEARING HOUSE AND PLANNING UNIT

RESPONSE:

The State Clearinghouse letter transmits comments from responding State agencies. Seven agencies commented on the IS/MND. These comment letters are discussed in turn below. The letter also acknowledged that the Lead Agency has complied with State Clearinghouse review requirements for draft environmental documents. The letter does comment directly on the CEQA document or on the project (other than in the transmitted letters) and does not request additional information. No further action or response by the Lead Agency is required.

Jenny Liaw

From: Swearingen, Joshua B@DOT <joshua.swearingen@dot.ca.gov>
Sent: Thursday, September 07, 2017 8:37 AM
To: Jenny Liaw
Cc: Dumas, Thomas A@DOT; Jaramillo-Landeros, Janet P@DOT;
State.Clearinghouse@opr.ca.gov
Subject: ARCO Station Project - SCH 2017082056

Ms. Liaw,

The California Department of Transportation (Department) appreciates the opportunity to review and comment on the ARCO Station Project located at 2910 Eight Mile Road. The project applicant proposes to construct an ARCO fueling station and other commercial structures on 2.00 acres of an approximate 10.09-acre site at the intersection of Eight Mile Rd and Thornton Rd in north Stockton. The project would include three structures approximately 3,054 sf, 2,695 sf and 4,000 sf in size. Commercial uses would include a convenience store, car wash and fast-food restaurant. The remaining 8.09 acres is now and would remain available for high-density residential development. For the purposes of this CEQA analysis purposes, it is assumed that a residential complex consisting of three-story structures totaling 234 units will ultimately be constructed on the remainder parcel. The Department has the following comment:

- A Traffic Impact Study (TIS) should be completed to assess potential cumulative impacts to state facilities associated with the ARCO station and residential development at the off/on ramps at I-5/Eight mile Road interchange and SR-99/Eight Mile Road interchange.

If you have any questions or concerns please contact me.

Thank you,

JOSHUA SWEARINGEN
Associate Transportation Planner
Caltrans District 10
(209) 948-7142

2A

COMMENT NO. 2
CALTRANS DISTRICT 10

LETTER 2

CALTRANS DISTRICT 10

RESPONSE:

A Traffic Impact Study (TIS) was prepared by KD Anderson Transportation in conjunction with preparation of the IS/MND. The TIS considered the potential effects of the project on the 1-5/Eight Mile Road interchange and found these potential effects to be less than significant. The potential for traffic effects at the SR 99/Eight Mile Road interchange were considered but not analyzed in detail. Because of the distance from the project site to SR 99, and the less-than-significant impacts at the much closer I-5 interchange, there is no reason to expect the project would have a significant impact at the SR 99 interchange.



Central Valley Regional Water Quality Control Board

8 September 2017

RECEIVED

SEP 12 2017

Jenny Liaw
City of Stockton
345 North Dorado Street, Suite 14
Stockton, CA 95240

CITY OF STOCKTON
PERMIT CENTER / PLANNING DIV

CERTIFIED MAIL
91 7199 9991 7035 8360 3865

**COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE
DECLARATION, THORNTON ROAD/EIGHT MILE ROAD ARCO STATION PROJECT,
SCH# 2017082056, SAN JOAQUIN COUNTY**

Pursuant to the State Clearinghouse's 18 August 2017 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Thornton Road/Eight Mile Road ARCO Station 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,

KARL E. LONOLEY ScD, P.E., CHAIR | PAMELA C. CREEDON P.E., BCEE, EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley

3A

the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:
http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/.

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Policy is available on page IV-15.01 at:
http://www.waterboards.ca.gov/centralvalleywater_issues/basin_plans/sacsjr.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 Activities (Construction General Permit), Construction General Permit Order No. 2009-009-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

3A

(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 Caltrans Phase I MS4 Permit, visit the State Water Resources Control Board at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/caltrans.shtml.

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

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.

3A

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 (USACOE). If a Section 404 permit is required by the USACOE, 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 USACOE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE 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 (i.e., discharge of dredge or fill material) 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.

Waste Discharge Requirements (WDRs)

Discharges to Waters of the State

If USACOE 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.

Land Disposal of Dredge Material

If the project will involve dredging, Water Quality Certification for the dredging activity and Waste Discharge Requirements for the land disposal may be needed.

Local Agency Oversight

Pursuant to the State Water Board's Onsite Wastewater Treatment Systems Policy (OWTS Policy), the regulation of septic tank and leach field systems may be regulated under the local agency's management program in lieu of WDRs. A county environmental health department may permit septic tank and leach field systems designed for less than 10,000 gpd. For more information on septic system regulations, visit the Central Valley Water Board's website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/owts/sb_owts_policy.pdf

3A

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

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 Risk General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. 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 Risk 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 Risk Waiver and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf

Regulatory Compliance for Commercially Irrigated Agriculture

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_approval/index.shtml; or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other

3A

action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

Low or 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 *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

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/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of the waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/help/business_help/permit3.shtml

3A

Thornton Road/Eight Mile
Road ARCO Station Project
San Joaquin County

- 7 -

8 September 2017

If you have questions regarding these comments, please contact me at (916) 464-4644 or
Stephanie.Tadlock@waterboards.ca.gov.



Stephanie Tadlock
Environmental Scientist

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

LETTER:3

CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

RESPONSE:

The Central Valley Regional Water Quality Control Board (RWQCB) begins its comments with a general overview of the regulatory setting for water quality. The letter goes on to describe review authority and permitting requirements for various areas of the Board's water quality jurisdiction, including the Basin Plan, NPDES Permits, Waste Discharge Requirements, Municipal Separate Storm Sewer (MS4) Permits, Construction and Industrial Storm Water General Permits and Requirements for Commercially Irrigated Agriculture. Several areas of water quality jurisdiction are not applicable to the project or the IS/MND.

The RWQCB letter does not comment on the information, analysis or conclusions in the project IS/MND and did not identify any permits or other requirements that pertain directly to the project. As a result, no response to the CVFPB or further action by the Lead Agency is required.



SAN JOAQUIN
COUNTY
Greatness grows here.



Department of Public Works

Kris Balaji, Director of Public Works

Fritz Buchman, Deputy Director/Development

Michael Selling, Deputy Director/Engineering

Jim Stone, Deputy Director/Operations

Najee Zarif, Interim Business Administrator

September 19, 2017

Jenny Liaw, Senior Planner
Community Development Department
Planning and Engineering Division
345 North El Dorado Street
Stockton, CA 95202

SUBJECT: NOTICE OF INTENT OF A DRAFT INITIAL STUDY/MITIGATED NEGATIVE
DECLARATION FOR THE THORNTON ROAD/EIGHT MILE ROAD ARCO STATION
PROJECT

Dear Ms. Jenny Liaw,

The San Joaquin County Department of Public Works has reviewed the Notice of Intent for the above referenced project and our comments are as follows:

Utilities Maintenance Division

1. Utilities maintenance division has no facilities within the delineated area of this project. However, Parks and Recreation has/had a pipeline the travels on the south side of Eight Mile Road and runs the entire length of the delineated project area, I recommend contacting them.

Transportation Engineering

1. All roads adjacent to the proposed project shall be annexed by the City of Stockton.

Public Services

1. The project shall mitigate impacts to County roads.

Thank you for the opportunity to review and comment. Please send any future project documents or questions to Amy Spitzer at aspitzer@sjgov.org or (209) 468-8494

Sincerely,

ASHLEN MCGINNIS
Environmental Coordinator

AM:as

c: Alex Chetley, Engineering Services Manager
Firoz Vohra, Senior Engineer
Ben Guzman, Utility Superintendent

4A

4B

4C

COMMENT NO. 4
SAN JOAQUIN COUNTY PUBLIC WORKS
DEPARTMENT

LETTER 4

SAN JOAQUIN COUNTY PUBLIC WORKS DEPARTMENT

RESPONSE: 4A

The San Joaquin County Department of Parks and Recreation was contacted regarding the pipeline, which conveys irrigation water from Pixley Slough east of the project site along Eight Mile Road to the County's Oak Grove Regional Park to the west. The pipeline is located within the existing right-of-way of Eight Mile Road and would not be affected by the project.

RESPONSE: 4B

Both Eight Mile Road and Thornton Road adjacent to the project site have already been annexed to the City of Stockton.

RESPONSE: 4C

A Traffic Impact Study (TIS) was prepared by KD Anderson Transportation in conjunction with preparation of the IS/MND. The TIS considered the potential effects of the project on various roads and intersections that could be affected by the project. None of these locations involved County roads. No potential impacts to County roads were identified by the TIS.



SJCOG, Inc.

355 East Weber Avenue • Stockton, CA 95202 • (209) 213-0600 • FAX (209) 213-0438

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

**SJMSCP RESPONSE TO LOCAL JURISDICTION (RTLJ)
ADVISORY AGENCY NOTICE TO SJCOG, Inc.**

To: Jenny Liaw, City of Stockton, Community Development Department

From: Laurel Boyd, SJCOG, Inc.

Date: August 25, 2017

Local Jurisdiction Project Title: NOI to Adopt an IS/MND for the Thornton Road/Eight Mile Road Arco Station Project

Assessor Parcel Number(s): 070-670-01

Local Jurisdiction Project Number: P16-0667

Total Acres to be converted from Open Space Use: Approximately 10.09 acres

Habitat Types to be Disturbed: Agricultural Habitat Land

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

Dear Ms. Liaw:

SJCOG, Inc. has reviewed the project referral for the Notice of Intent to Adopt an Initial Study/Mitigated Negative Declaration for the Thornton Road/Eight Mile Road Arco Station Project. The project proponent proposes to construct a commercial development consisting of an ARCO fueling station on 2.11 acres of an approximately 10.09 acre site. The fueling station would have 16 pumps for the dispensing of gasoline and diesel fuel for passenger vehicles and light-duty trucks. A building approximately 3,799 square feet in size would contain a convenience store; an automated car wash structure would be located at the rear of the convenience store. The project applicant also proposes to construct two additional stand-alone buildings: 1) a fast-food restaurant approximately 3,462 square feet in size and 2) a 4,000 square foot building for retail use. The project site is located on the southeast corner of Eight Mile Road and Thornton Road, Stockton (APN: 070-670-01).

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

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

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

- Schedule a SJMSCP Biologist to perform a pre-construction survey ***prior to any ground disturbance***
- SJMSCP Incidental take Minimization Measures and mitigation requirement:
 1. Incidental Take Minimization Measures (ITMMs) will be issued to the project and must be signed by the project applicant prior to any ground disturbance but no later than six (6) months from receipt of the ITMMs. If ITMMs are not signed within six months, the applicant must reapply for SJMSCP Coverage. Upon receipt of signed ITMMs from project applicant, SJCOG, Inc. staff will sign the ITMMs. This is the effective date of the ITMMs.
 2. Under no circumstance shall ground disturbance occur without compliance and satisfaction of the ITMMs.
 3. Upon issuance of fully executed ITMMs and prior to any ground disturbance, the project applicant must:
 - a. Post a bond for payment of the applicable SJMSCP fee covering the entirety of the project acreage being covered (the bond should be valid for no longer than a 6 month period); or
 - b. Pay the appropriate SJMSCP fee for the entirety of the project acreage being covered; or
 - c. Dedicate land in-lieu of fees, either as conservation easements or fee title; or

**COMMENT NO. 5
SAN JOAQUIN COUNTY PUBLIC WORKS
DEPARTMENT
PAGE 1**

5A

2 | S J C O G , I n c .

- d. Purchase approved mitigation bank credits.
4. Within 6 months from the effective date of the ITMMs or issuance of a building permit, whichever occurs first, the project applicant must:
 - a. Pay the appropriate SJMSCP for the entirety of the project acreage being covered; or
 - b. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
 - c. Purchase approved mitigation bank credits.

Failure to satisfy the obligations of the mitigation fee shall subject the bond to be called.

- Receive your Certificate of Payment and release the required permit

It should be noted that if this project has any potential impacts to waters of the United States [pursuant to Section 404 Clean Water Act], it would require the project to seek voluntary coverage through the unmapped process under the SJMSCP which could take up to 90 days. It may be prudent to obtain a preliminary wetlands map from a qualified consultant. If waters of the United States are confirmed on the project site, the Corps and the Regional Water Quality Control Board (RWQCB) would have regulatory authority over those mapped areas [pursuant to Section 404 and 401 of the Clean Water Act respectively] and permits would be required from each of these resource agencies prior to grading the project site.

If you have any questions, please call (209) 235-0600.

5A



S J C O G, Inc.

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

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

SJMSCP HOLD

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

FROM: Laurel Boyd, S J C O G, Inc.

**DO NOT AUTHORIZE SITE DISTURBANCE
DO NOT ISSUE A BUILDING PERMIT
DO NOT ISSUE _____ FOR THIS PROJECT**

The landowner/developer for this site has requested coverage pursuant to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). In accordance with that agreement, the Applicant has agreed to:

- 1) SJMSCP Incidental Take Minimization Measures and mitigation requirement:
 1. Incidental Take Minimization Measures (ITMMs) will be issued to the project and must be signed by the project applicant prior to any ground disturbance but no later than six (6) months from receipt of the ITMMs. If ITMMs are not signed within six months, the applicant must reapply for SJMSCP Coverage. Upon receipt of signed ITMMs from project applicant, S J C O G, Inc. staff will sign the ITMMs. This is the effective date of the ITMMs.
 2. Under no circumstance shall ground disturbance occur without compliance and satisfaction of the ITMMs.
 3. Upon issuance of fully executed ITMMs and prior to any ground disturbance, the project applicant must:
 - a. Post a bond for payment of the applicable SJMSCP fee covering the entirety of the project acreage being covered (the bond should be valid for no longer than a 6 month period); or
 - b. Pay the appropriate SJMSCP fee for the entirety of the project acreage being covered; or
 - c. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
 - d. Purchase approved mitigation bank credits.
 4. Within 6 months from the effective date of the ITMMs or issuance of a building permit, whichever occurs first, the project applicant must:
 - a. Pay the appropriate SJMSCP for the entirety of the project acreage being covered; or
 - b. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
 - c. Purchase approved mitigation bank credits.
- Failure to satisfy the obligations of the mitigation fee shall subject the bond to be called.

Project Title: NOI to Adopt an IS/MND for the Eight Mile Rd & Thornton Road ARCO Station

Applicant: BaseCamp Environmental, Inc.

Assessor Parcel #s: 070-670-01

T _____, R _____, Section(s): _____

Local Jurisdiction Contact: Jenny Liaw

The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measures are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP.

5B

LETTER 5

SAN JOAQUIN COUNTY MULTI-SPECIES HABITAT CONSERVATION & OPEN SPACE PLAN (SJMSCP)

RESPONSE:5A

The San Joaquin Council of Governments (SJCOG) letter notes that the City of Stockton is a signatory to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) and that the project is covered by the SJMSCP. The letter also notes that participation in the SJMSCP is voluntary. It is anticipated as documented in the IS/MND that the project will participate in the SJMSCP, including compliance with the requirements outlined in the letter.

The SJCOG letter does not comment on the analysis or conclusions in the project IS/MND. Since no comments on the IS/MND were received, no response to SJCOG or further action by the Lead Agency is required.

RESPONSE: 5B

The letter attaches an “SJMSCP Hold,” which is factually incorrect. It states that the landowner/developer for the project, identified as the CEQA consultant, has requested coverage under the SJMSCP. BaseCamp Environmental is not the project applicant. It is anticipated that the applicant will request coverage under the Plan but has not done so at this time.



SAN JOAQUIN COUNCIL OF GOVERNMENTS

555 E. Weber Avenue • Stockton, California 95202 • P 209.235.0600 • F 209.235.0438 • www.sjcog.org

San Joaquin County Airport Land Use Commission/Congestion Management Agency

September 18, 2017

Jenny Liaw
Community Development Department
345 North El Dorado Street
Stockton, CA 95202

Katherine Miller
CHAIR

Robert Rickman
VICE CHAIR

Andrew T. Chesley
EXECUTIVE DIRECTOR

Member Agencies
CITIES OF
ESCALON
LATHROP,
LODI,
MANTECA,
RIPON,
STOCKTON,
TRACY,
AND
THE COUNTY OF
SAN JOAQUIN

Re: P16-0667 IS/MND (Deadline: 9/18/17)

Dear Jenny Liaw,

The San Joaquin Council of Governments (SJCOC), acting as the Airport Land Use Commission (ALUC) and Congestion Management Agency (CMA), has reviewed an IS/MND for a proposed development project to allow the establishment of a gasoline station and convenience store with the off-sale of beer and wine at Southeast corner of Eight Mile Road and Thornton Road, Stockton.

CONGESTION MANAGEMENT AGENCY'S REVIEW

SJCOC adopted the 2016 Update to the Regional Congestion Management Program (RCMP) (http://www.sjcog-rcmp.org/literature/231152/2016_RCMP_Update_Adopted_Report) on March 24, 2016). Chapter 6 of the RCMP describes the updated Land Use Analysis Program, including Tier 1 and Tier 2 review/analysis requirements, analysis methods, impact significance criteria, and mitigation.

SJCOC reviewed the IS/MND and had the following comments:

- Page 3-56 & -57 rates the intersection of Eight Mile Road from Thornton Road to David Road at LOS E. *Under the City of Stockton Transportation Impact Analysis Guidelines, for City roadway segments with a LOS E or F without the project, project impacts are not considered significant if the additional project traffic volume is no greater than 5 percent of traffic volume without the project (Pg. 3-57).* SJCOC notes that the segment is part of the RCMP network, which has an LOS standard of D. SJCOC recommends that the project contribute to projects in the Regional Transportation Impact Fee (RTIF) that reduce congestion and provide transportation alternatives in the affected corridor. RTIF contributions are required, even if no impacts are found per the CEQA analysis. Please see the SJCOC RTIF website at <http://www.sjcog.org/118/Regional-Transportation-Impact-Fee-RTIF> for FY 17/18 fee rates and to download the RTIF Operating Agreement.

6A

AIRPORT LAND USE COMMISSION'S REVIEW

This project is not located within any airport influence area; thus, no further information is requested at this time.

SJCOG would like to provide standards and project design conditions that comply with the Airport Land Use Compatibility Plan as a reference guide.

1. New land uses that may cause visual, electronic, or increased bird strike hazards to aircraft in flight shall not be permitted within any airport's influence area. Specific characteristics to be avoided include:
 - a. Glare or distracting lights which could be mistaken for airport lights. Reflective materials are not permitted to be used in structures or signs (excluding traffic directing signs).
 - b. Sources of dust, steam, or smoke which may impair pilot visibility.
 - c. Sources of electrical interference with aircraft communications or navigation. No transmissions which would interfere with aircraft radio communications or navigational signals are permitted.
 - d. Occupied structures must be soundproofed to reduce interior noise to 45 decibel(dB) according to State guidelines.
 - e. Within the airport's influence area, ALUC review is required for any proposed object taller than 100 feet above ground level (AGL).
2. Regardless of location within San Joaquin County, ALUC review is required in addition to Federal Aviation Administration (FAA) notification in accordance with Code of Federal Regulations, Part 77, (<https://oeaaa.faa.gov/oeaaa/external/portal.jsp>) for any proposal for construction or alteration under the following conditions:
 - a. If requested by the FAA.
 - b. Any construction or alteration that is more than 200 ft. AGL at its site.
 - c. Any construction or alteration that exceeds an imaginary surface extending outward and upward at any of the following slopes:
 - i. 100 to 1 for a horizontal distance of 20,000 ft. of a public use or military airport from any point on the runway of each airport with its longest runway more than 3,200 ft.
 - ii. 50 to 1 for a horizontal distance of 10,000 ft. of a public use or military airport from any point on the runway of each airport with its longest runway no more than 3,200 ft.
 - iii. 25 to 1 for a horizontal distance of 5,000 ft. of the nearest take off and landing area of a public use heliport
 - d. Any highway, railroad or other traverse way whose prescribed adjusted height would exceed the above noted standards
 - e. Any construction or alteration located on a public use airport or heliport regardless of height or location.

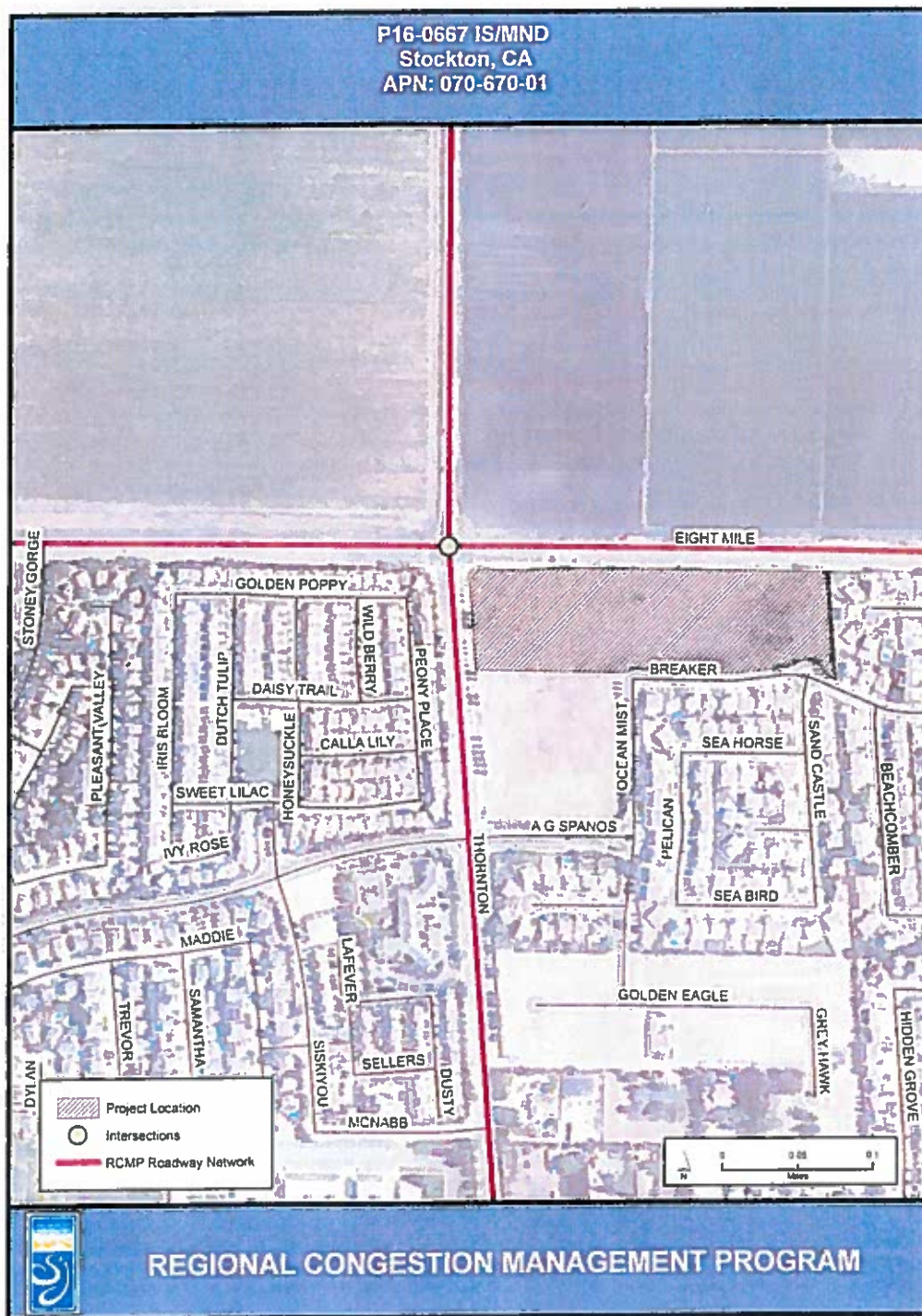
Thank you again for the opportunity to comment. Please contact CMA and ALUC staff Travis Yokoyama (209-235-0451 or yokoyama@sjcog.org) if you have any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Travis Yokoyama". The signature is fluid and cursive, with the first name "Travis" and last name "Yokoyama" clearly distinguishable.

Travis Yokoyama

ATTACHMENT A – Exhibit of Project Site Location in relation to RCMP Network



COMMENT NO. 6
SAN JOAQUIN COUNCIL OF GOVERNMENTS
PAGE 4

LETTER 6

SAN JOAQUIN COUNCIL OF GOVERNMENTS

RESPONSE: 6A

As suggested in the comment letter, the IS/MND finds that the segment of Eight Mile Road from Thornton Road to Davis Road would operate at LOS E under EPAP Baseline and EPAP Plus Project conditions. Under the City of Stockton Transportation Impact Analysis Guidelines, impacts to roadway segments with a LOS E or F without the project are not considered significant if the project adds no more than 5 percent to the without-project volumes. The project would not increase traffic volume by more than 5 percent, and project impacts were considered less than significant.

Consistent with SJCOG staff recommendations, however, the proposed commercial project as well as any subsequent residential development of the site would be required to pay the San Joaquin County Regional Traffic Impact Fee (RTIF), which is applicable to all new development in the County, including the City of Stockton.

RESPONSE:6B

As noted by SJCOG, and as reported in the IS/MND, the project is not located within any airport influence area and is therefore not subject to Airport Land Use Commission review and is not required to be consistent with the applicable Airport Land Use Compatibility Plan.

RESPONSE: 6C

The SJCOG letter identifies Airport Land Use Compatibility Plan standards and design requirements that would apply to the project if it were located within an airport influence area. As noted, however, the project is not within an airport influence area, and these standards are inapplicable to the project.



MIWOK United Auburn Indian Community
MAIDU of the Auburn Rancheria

Gene Whitehouse
Chairman

John L. Williams
Vice Chairman

Calvin Moman
Secretary

Jason Camp
Treasurer

Gabe Cayton
Council Member

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OCT - 2 2017

CITY OF STOCKTON
PERMIT CENTER / PLANNING DIV.

September 6, 2017

David Kwong
City of Stockton
345 North El Dorado Street
Stockton, CA 95202-2310

Subject: Draft IS/ MND for a Proposed Development Project to Allow the Establishment of a Gasoline Station and Convenience Store with the Off-Sale of Beer and Wine (P16-0667)

Dear David Kwong,

Thank you for requesting information regarding the above referenced project. The United Auburn Indian Community (UAIC) of the Auburn Rancheria is comprised of Miwok and Southern Maidu (Nisenan) people whose tribal lands are within Placer County and whose service area includes El Dorado, Nevada, Placer, Sacramento, Sutter, and Yuba counties. The UAIC is concerned about development within its aboriginal territory that has potential to impact the lifeways, cultural sites, and landscapes that may be of sacred or ceremonial significance. We appreciate the opportunity to comment on this and other projects in your jurisdiction. The UAIC would like to consult on this project.

We would like to receive copies of any archaeological reports that are completed for the project in order to ascertain whether or not the project could affect cultural resources that may be of importance to the UAIC. We also request copies of future environmental documents for the proposed project so that we have the opportunity to comment on potential impacts and proposed mitigation measures related to cultural resources. The information gathered will provide us with a better understanding of the project and cultural resources on site and is invaluable for consultation purposes. Finally, please contact us if you know of any Native American cultural resources within your project area or if you discover any.

Thank you again for taking these matters into consideration, and for involving the UAIC early in the planning process. We look forward to reviewing the documents requested above and consulting on your project. Please contact Marcos Guerrero, Cultural Resources Manager, at (530) 883-2364 or email at mguerrero@auburnrancheria.com if you have any questions.

Sincerely,

Gene Whitehouse,
Chairman

CC: Marcos Guerrero, CRM

7A

7B

COMMENT NO. 7
UNITED AUBURN INDIAN COMMUNITY
OF THE AUBORN RANCHERIA

LETTER 7

UNITED AUBURN INDIAN COMMUNITY OF THE AUBURN RANCHERIA

RESPONSE: 7A

This introductory is a response to the City's Notice of Intent circulated with the CEQA IS/MND but makes no comment on the IS/MND. No response is required under CEQA.

The last sentence of the first paragraph indicates that the UAIC would like to consult on the project, assumed to be a request for consultation under AB 52. The City provided the UAIC an opportunity to consult under AB 52 in March 2017, but the tribe did not respond within the required 30-day timeframe. On further discussion between City staff and the UAIC, the tribe indicated that it would defer to the wishes of the Wilton Rancheria. The City did engage in consultation with the Wilton Rancheria under AB 52 and has included the Rancheria's recommendations in the Public Review Draft IS/MND and this Final IS/MND, as shown in Chapter 2.0.

RESPONSE: 7B

The City has provided the requested information to the UAIC.

4.0 ERRATA

This section contains corrections and additions to the Draft IS/MND of August 18, 2017. These changes would ordinarily include information added to the IS/MND in response to public and agency comments on the Draft IS/MND as well as changes made independently by City of Stockton in response to staff input. However, no changes were necessitated in response to comments on the IS/MND or staff input.

As a result, the overall conclusions of the IS/MND have not been modified; no new or substantially more severe environmental effects than were addressed in the Draft IS/MND have been identified, and there is no need for substantial changes to mitigation measures or additional mitigation measures.