

MITIGATED NEGATIVE DECLARATION

2019049005

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

X County Clerk, County of San Joaquin

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

PROJECT TITLE: Site Approval application No. PA-1700291

PROPONENT: Yasir Khanshali

PROJECT LOCATION: The project site is located on the southeast corner of E. Liberty Road and State Route 88 Highway, Clements (APN: 021-200-24/21850 E. Liberty Road, Clements) (Supervisory District 4).

PROJECT DESCRIPTION: A Site Approval application for to expand an existing 3,200 square foot market to include the addition of fuel sales and the construction of a 1,372 square foot canopy, four (4) fuel pumps, and two (2) above-ground fuel tanks. The market and gas station will operate seven (7) days per week, from 5:00 p.m. until 11:00 p.m. An existing caretaker's residence will be relocated to a new site on the same parcel. This parcel is not under a Williamson Act contract.

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

Based on the attached Initial Study, it has been found that the project will not have a significant effect on the environment.

Date: 3-29-19

Contact Person: Alisa Goulart

Phone: (209) 468-0222



SAN JOAQUIN COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT

INITIAL STUDY

FILE NO: PA-1700291 (SA)

PROJECT/APPLICANT: Khanshali / Owens Design Consultants

PROJECT DESCRIPTION: A Site Approval application to expand an existing 3,200 square foot market to include the addition of fuel sales and the construction of a 1,372 square foot canopy, four (4) fuel pumps, and two (2) above-ground fuel tanks. The market and gas station will operate seven (7) days per week, from 5:00 a.m. until 11:00 p.m. An existing caretaker's residence will be relocated to a new site on the same parcel. (Use Type: Gasoline Sales – Combination) The project site is located on the southeast corner of E. Liberty Road and State Route 88, northeast of Clements.

RECOMMENDED ENVIRONMENTAL DETERMINATION:

The proposed project could not have a significant effect on the environment, and a Negative Declaration will be prepared. _____

Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A Mitigated Negative Declaration will be prepared. X

The proposed project may have a significant effect on the environment, an Environmental Impact Report is required. _____

ASSESSOR PARCEL NO: 021-200-24

ACRES: 4.84

GENERAL PLAN: A/G

ZONING: C-X

CURRENT SITE CONDITIONS (topography, uses): The project site is relatively flat and is developed with a 3,200 square foot market, a 7,800 square foot personal storage facility, and an 1,800 square foot caretaker's residence.

POTENTIAL POPULATION, NUMBER OF DWELLING UNITS, OR SQUARE FOOTAGE OF USE(S): The addition of a 1,372 square foot canopy with four (4) fuel pumps for a total of 12,372 square feet of commercial use and one (1) caretaker's residence.

SURROUNDING LAND USES:

North: Agricultural with scattered residences / E. Liberty Road

South: Agricultural with scattered residences / Communications Tower / Mokelumne River

East: Agricultural with scattered residences / Commercial / Commanche Reservoir

West: Agricultural with scattered residences / State Route 88 Highway

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): _____

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

Yes No Agency name(s): _____

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

Yes No City: _____

ENVIRONMENTAL IMPACTS:

"Yes" may only be checked in situations where there is substantial evidence to indicate that there may be a significant adverse impact on the environment if there is no change in the project description. (CEQA Guidelines, Sec. 15064)

See the "Discussion" section at the end of the Initial Study for explanation of any impacts checked "Yes", or any "No" answer marked with an asterisk (*).

Sources: The following sources of information have been used in 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. Copies of these reports and maps can be found by contacting the Community Development Department.

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 (note report title, date, and consultant).

1. Water:

a. Is any portion of the project subject to flood hazard?

Flood zone: X

Yes No

b. Will the project result in reduction of surface or ground water quality or quantity?

Yes No

c. Will the project result in increases to surface, channel or stream volumes, or alterations to drainage patterns and streams?

Yes No

d. Will the project result in erosion of or sedimentation to a channel, river, or body of water?

Yes No

Other sources used: _____

2. Earth:

- a. Will the project result in or be subject to potentially hazardous geologic or soils conditions on or immediately adjoining the site (slides, springs, erosion, liquefaction, earthquake faults; steep slopes, septic tank limitations)? Yes No

- b. Will the project involve substantial grading which could result in secondary impacts (consider amount, steepness, and visibility of proposed slopes; consider effect of grading on trees and creek channels)? Yes No

- c. Will there be conversion of prime farmland (over 40 acres and not shown for development in the General Plan)? Yes No*

Other sources used: San Joaquin County Soil Survey

3. Plant/Animal Life:

- a. Will there be a reduction or disturbance to any habitat for plants and animals (including removal or disturbance of trees, riparian areas, or migration routes)? Yes No*

- b. Will the project impact any rare, endangered, threatened, or recreational species located on or near the site? (Check the Natural Diversity Data Base) Yes No*

Other sources used: Natural Diversity Database

4. Air/Climate:

- a. Will the project make a significant contribution to the deterioration of existing air quality, including creation of objectionable odors; will future project residents be subjected to significant pollution levels? Yes No*

- b. Will the project result in any impact to current climatic conditions? (Consider the introduction of water features, loss of wetland, etc.) Yes No

Other sources used: _____

5. Noise:

- a. Will the project expose people to high noise or vibration levels (over 65db/Ldn for residential uses or 75db/Ldn for industrial uses at the property line)? (Check 2010 projected noise contours.) Yes No*

- b. Will the project result in increased noise or vibration levels? Yes No*

Other sources used: _____

6. Energy/Natural Resources:

- a. Will the project use substantial amounts of fuel or energy, require a substantial increase in demand upon existing sources, or require the development of new sources of energy? Yes No
- b. Will the project affect the potential use, extraction, conservation, or depletion of a natural resource (other than agricultural land)? Yes No

Other sources used: _____

7. Hazards:

- a. Will the project create a risk of explosion; release, generate or store any hazardous substances; or cause other dangers to public health and safety? Yes No*
- b. Are there any known hazardous substances located within 500 feet of the boundaries of this project, if in an existing or proposed residential area (this could include possible groundwater contamination)? Yes No
- c. Will the project result in interference with, or need, for emergency plans? Yes No

Other sources used: _____

8. Utilities and Public Service:

- a. **Will the project require alteration of, addition to, or the need for new utility systems (water, sewer, drainage, solid waste), including a sphere of influence or district boundary change? Yes No*
- b. **Will the project result in the need for or the expansion of the following services: fire and police protection, schools, parks and recreation, libraries, roads, flood control, solid waste or other public works facilities, public transit, or governmental services? Yes No*
- c. Will the project adversely impact existing recreational/park opportunities or require new park/recreation opportunities? Yes No

Note: ** "Yes" answers to these two questions and 9 (b) below will require additional discussion, but do not necessarily indicate a potentially significant impact.

Other sources used: _____

9. Transportation/Circulation:

- a. Will the project generate significant traffic volumes and/or make a significant contribution to an existing circulation problem (consider existing LOS on nearby arterials and highways, road design, access, parking, accident potential)? Yes No*

- b. ****Will the project cause special transportation considerations (consider water-borne, rail, air, pedestrian, and bicycle traffic, and public transportation systems and parking facilities)?** Yes No
- c. Will the project result in a significant increase in commuting to and from the local community? Yes No
- d. Will the project be impacted by or interfere with an airport flight path? Yes No
- e. Will the project restrict access to the surrounding area? Yes No

Other sources used (note traffic studies): _____

10. Cultural Resources:

- a. Will the proposal result in an alteration of a significant archeological, or historical site, structure, or building? Yes No

Other sources used: _____

11. Housing:

- a. Will the proposal adversely affect the existing housing stock or create a demand for additional housing (more than 50 units)? Yes No

Other sources used: _____

12. Aesthetics:

- a. Will the project obstruct any public scenic vista or view, create an aesthetically offensive site open to public view, or produce new light or glare? Yes No*

Other sources used: _____

13. Land Use:

- a. Is this project a growth-inducing action: Will it encourage additional requests for related uses, or will it set a significant land use precedent in the area? Yes No*
- b. Will the project conflict with existing or planned land uses; is the project in conflict with any adopted plans? Yes No*
- c. Will the project disrupt a natural or recreation area, impact access to waterways, or allow trespass onto surrounding land? Yes No

14. Cumulative:

- a. Will the project create any impacts which may not be significant for the project alone, but may be significant when combined with other anticipated development of similar type and or location? Yes No

Other sources used: _____

15. **Other Impacts:** Identify any other impact(s) not noted above which may be significant, and cite source(s). NONE KNOWN.

16. **Mandatory Findings of Significance:**

(A "Yes" answer to any of the following questions requires preparation of an EIR.)

- a. Does the project have the potential to degrade the quality of the environment or curtail the diversity in the environment? Yes No
- b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? Yes No
- c. Does the project have impacts which are individually limited but cumulatively considerable? Yes No
- d. Does the project have environmental impacts which will cause substantial, adverse effects on human beings, either directly or indirectly? Yes No

17. **DISCUSSION OF ANY ENVIRONMENTAL IMPACTS NOTED ABOVE.**

(Discuss any questions answered "Yes" above, as well as any "No" answers marked with an asterisk (*). Discuss any changes to the project which could mitigate the identified impacts. Discuss any proposed mitigation monitoring program submitted by the project applicant. Use additional attached pages if necessary.)

PLEASE SEE INITIAL STUDY ATTACHMENT PA-1700291.

Prepared by: Alisa Goulart



Title: Associate Planner

Date: March 28, 2019

INITIAL STUDY (ATTACHMENT)
PA-1700291
Kenshali / Owens Design Consultants

PROJECT DESCRIPTION: A Site Approval application to expand an existing 3,200 square foot market to include the addition of fuel sales and the construction of a 1,372 square foot canopy, four (4) fuel pumps, and two (2) above-ground fuel tanks. The market and gas station will operate seven (7) days per week, from 5:00 a.m. until 11:00 p.m. An existing caretaker's residence will be relocated to a new site on the same parcel. The General Plan designation is General Agriculture (A/G) and the zoning is Crossroads Commercial (C-X). The project site is located on the southeast corner of E. Liberty Road and State Route 88, northeast of Clements.

Environmental Issues

2. Earth

2.c. The Soil Survey of San Joaquin County classifies the soil on the subject parcel as *Pentz sandy loam, 2 to 15 percent slopes*, *Pardee cobbly loam, 3 to 15 percent slopes*, and *Kaseberg fine sandy loam, 2 to 15 percent slopes*. *Pentz sandy loam's* permeability is moderately rapid and available water capacity is low. Most areas are used for livestock grazing. A few areas are used for homesite development. *Pentz sandy loam* has a storie index rating of 27 and a land capability of VIe, nonirrigated. It is in vegetative soil group G.

Pardee cobbly loam's permeability is moderately slow and available water capacity is low. This unit is used mostly for livestock grazing. *Pardee cobbly loam* has a storie index rating of 16 and a land capability of VIe, nonirrigated. It is in vegetative soil group G.

Kaseberg fine sandy loam's permeability is moderate and available water capacity is low. Most areas are used for livestock grazing. A few areas are used for vineyards. *Kaseberg fine sandy loam* has a storie index rating of 21 and a land capability of VIe, nonirrigated. It is in vegetative soil group G.

The proposed project is for the addition of gasoline sales to an existing market on a 4.94-acre parcel that also contains a personal storage facility and a caretaker's residence. The property is zoned Crossroad Commercial (C-X) and has an underlying General Plan designation of General Agriculture (A/G). The subject parcel is not designated as prime farmland. The surrounding land uses are primarily agricultural, but include commercial to the east and State Route 88 Highway to the west. Pursuant to the 2035 General Plan Goal LU-5.7 (p.3.1-47), the C-X zone is an implementing zone for the A/G General Plan designation, and the zoning and General Plan designations for the project site will remain the same. Therefore, the proposed project will have a less than significant impact to surrounding agricultural operations and will not create premature development pressure on surrounding agricultural lands to convert land from agricultural uses to non-agricultural uses.

3. Plant/Animal Life

3.a.&b. The Natural Diversity Database identifies *Spea hammondi* (Western spadefoot toad), *Buteo swainsoni* (Swainson's Hawk), *Legenere limosa* (legenere), *Icteria virens* (Yellow-breasted chat), and *Ambystoma californiense* (California Tiger Salamander) as rare or threatened species potentially occurring in the area. A referral was sent to the San Joaquin Council of Governments (SJCOG) for review and SJCOG responded that the project is subject to the San Joaquin Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). The applicant has confirmed they will participate in SJMSCP, providing mitigation in the form of a fee to be paid prior to disturbing ground for the project, therefore the proposed project will be consistent with the SJMSCP, as amended, as reflected in the

conditions of project approval for this proposal. Pursuant to the Final EIR/EIS for San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) dated November 15, 2000, and certified by SJCOG on December 7, 2000, implementation of the SJMSCP is expected to reduce the impacts to biological resources resulting from the proposed project to a level less than-significant. Any future development will be subject to participate in SJCOG's San Joaquin Multi-Species Habitat Conservation and Open Space Plan (SJMSCP).

4. Air / Climate

4.a. The San Joaquin Valley Air Pollution Control District (SJVAPCD) has been established by the State in an effort to control and minimize air pollution. The project was referred to the SJVAPCD for review on August 10, 2018. The District replied on February 14, 2019 that it had no comments on the project. As a condition of approval, the project will be subject to the District's rules and regulations to mitigate for any impacts on air quality. Therefore, any impacts to air quality will be reduced to less than significant.

5. Noise

5.a. The proposed project is for the addition of gasoline sales to an existing market (Use Type: Gasoline Sales – Combination). The market currently operates seven (7) days per week from 5:00 a.m. to 9:00 p.m. The hours of operation will extend to 11:00 p.m. with the addition of gasoline sales. Pursuant to 2035 General Plan Table 15-8 (Background Report page 15-27), the Gasoline Sales – Combination use type is not classified as a noise sensitive land use. Therefore, noise impacts to the proposed project would be considered less than significant.

5.b. Development Title Table 9-1025.9 Part I lists the residential use type as a noise sensitive land use. The nearest off-site residence is located 245 feet northeast of the existing market, 325 feet northeast of the proposed expansion area, and 285 feet east of the sixty-five decibel (65 dB) noise contour of State Route 88, pursuant to the 2010 Noise Contour Map. 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. In addition, the proposed expansion area is further from the residence than the existing development. Therefore, noise impacts from the proposed project are expected to be less than significant.

7. Hazards

7.a. The proposed project is for the addition of gasoline sales to an existing market. The San Joaquin County Environmental Health Department (EHD) requires the owner/operator to report the use or storage of any hazardous materials/waste to the California Environmental Reporting System (CERS) before such materials can be stored or used onsite. The existing regulatory framework for the storage and use of any hazardous materials will ensure any impact is less than significant.

8. Utilities and Public Services

8.a. There are no public services available in this area for water, sewer, and storm water drainage. Water will be provided by an on-site well. Sewer services will be through a septic system. Storm water drainage will be retained on-site with a retention basin. Therefore, the impact on public services will be less than significant. The Environmental Health Department and the Department of Public Works will determine the feasibility of these systems.

8.b. The project site is located in a moderate fire hazard zone. Referrals for the project were sent to the

Clements Rural Fire District and the San Joaquin County Fire Prevention Bureau. The Fire Prevention Bureau sent a response letter dated August 21, 2018, with California Fire Code requirements recommended as Conditions of Approval. With the California Fire Code requirements, the project is expected to have a less than significant impact on existing fire protection and not to result in a need for additional fire services.

9. Transportation/Circulation

9.a. A referral for this project was sent to the California Department of Transportation (Caltrans) and the San Joaquin County Department of Public Works for review on August 10, 2018. Caltrans responded in a letter dated September 21, 2018, requiring removal of a proposed driveway that falls within the functional operation boundary of a proposed roundabout on State Route 88 and Liberty Road. The Department of Public Works sent a response letter dated September 25, 2018, requesting a revised site plan that, as requested by Caltrans, does not show the proposed driveway that conflicts with the boundary of the planned roundabout. The applicant submitted a revised site plan on November 13, 2018, which was referred to Caltrans and the Department of Public Works. The Department of Public Works sent a response letter dated December 7, 2018 requesting a traffic study. However, because there are existing traffic studies for the project area, the Department of Public Works sent a revised letter dated February 12, 2019 that removed the traffic study requirement. With the remaining Conditions of Approval from Caltrans and the Department of Public Works, the project impacts on traffic volumes on the local streets will be reduced to less than significant.

12. Aesthetics

12.a. The project site is located on the southeast corner of State Route 88 and E. Liberty Road, northeast of Clements, along a designated Scenic Route identified in Figure NCR-1 of the 2035 General Plan (page 3.4-13). The project site is zoned Crossroads Commercial (C-X) and the Gasoline Sales – Combination use type is a conditionally permitted use with an approved Site Approval application in the C-X zone. The project is consistent with the 2035 General Plan and the zoning ordinances that regulate uses in the C-X zone. In addition, the proposed project will not obstruct a designated scenic vista or view. Therefore, the project is expected to have a less than significant impact on aesthetics.

13. Land Use

13.a.&b. The proposed project is for the addition of gasoline sales to an existing market on a 4.94-acre parcel that has existing commercial and residential development. The parcel has a General Plan land use designation of General Agriculture (A/G) and a zoning of Crossroads Commercial (C-X). Pursuant to Development Title Section 9-400.1[h], the C-X zone is intended to provide for limited commercial areas with an agricultural General Plan land use designation. The Gasoline Sales – Combination use type may be conditionally permitted in the Crossroads Commercial (C-X) zone with an approved Site Approval application. Therefore, the proposed project is not a growth-inducing action and will not set a significant land use precedent in the area. The project does not conflict with existing or planned uses as there are no applicable Master Plans, Specific Plans, or Special Purpose Plans in the vicinity.

