

MITIGATED NEGATIVE DECLARATION

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: A VARIANCE APPLICATION NO. PA-1900044 (VR)

PROPOSER: Bob Panella

PROJECT LOCATION: The project site is on the northeast corner of North Davis Road and West Peltier Road, Lodi. (APN/Address: 003-090-11, -12/23000 North Davis Road, Lodi) (Supervisory District: 4)

PROJECT DESCRIPTION: A Variance application to reduce the minimum front yard setback for a closed fence in the AG-40 (General Agriculture, 40-acre minimum) zone from thirty (30) feet to 1.5 feet. This parcel is not under a Williamson Act contract.

The Property is zoned AG-40 (General Agriculture, 40-acre minimum) and the General Plan designation is A/G (General Agriculture) and OS/RC (Resource Conservation).

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

Date: *May 7, 2019*

Contact Person: Giuseppe Sanfilippo

Phone: (209) 468-0227

SAN JOAQUIN COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT
INITIAL STUDY

FILE NO: PA-1900044 (VR)

PROJECT/APPLICANT: PANELLA/ HAKEEM

PROJECT DESCRIPTION: This project is a Variance application to reduce the minimum front yard setback for a ten (10) foot tall closed fence in the AG-40 (General Agriculture, 40-Acre Minimum) zone from thirty (30) feet to one and a half (1.5) feet. The project site is served by a private well, private septic system, and storm drainage is retained on site. The parcel has direct access from North Davis Road. This property is not under a Williamson Act contract. The project site is located on the northeast corner of North Davis Road and West Peltier Road, Lodi.

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 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: 003-090-12, -11

ACRES: 78.0-acres

GENERAL PLAN: OS/RC & A/G

ZONING: AG-40

CURRENT SITE CONDITIONS (topography, uses): Single family residence, pool house, guest house, and accessory buildings.

POTENTIAL POPULATION, NUMBER OF DWELLING UNITS, OR SQUARE FOOTAGE OF USE(S): A solid fence with a maximum height of ten (10) feet that is a minimum of one and a half (1.5) feet from the front property line.

SURROUNDING LAND USES:

North: Agriculture with scattered residences

South: Agriculture with scattered residences

East: Agriculture with scattered residences/Mokelumne River/Gill Creek

West: Agriculture with scattered residences

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 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: A, AE 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-1900044 (VR)

Prepared by: **Giuseppe Sanfilippo**



Title: **Associate Planner**

Date: **May 7, 2019**

INITIAL STUDY (ATTACHMENT)
PA-1900044 (VR)
PANELLA/HAKEEM

PROJECT DESCRIPTION: This project is a Variance application to reduce the minimum front yard setback for a ten (10) foot tall closed fence in the AG-40 (General Agriculture, 40-Acre Minimum) zone from thirty (30) feet to one and a half (1.5) feet. The project site is served by a private well, private septic system, and storm drainage is retained on site. The parcel has direct access from North Davis Road. The General Plan designation is General Agriculture (A/G) and the zoning designation is General Agriculture, 40-acre minimum (AG-40). The project site is located on the northeast corner of North Davis Road and West Peltier Road, Lodi.

ENVIRONMENTAL ISSUES:

1. Water

1.a. The project site is located in the Flood Zone A and AE flood designations. As a Condition of Approval, the Department of Public Works will require that all new construction and the substantial improvement of any structure in the area of special flood hazard shall be elevated or floodproofed in accordance to San Joaquin County Development Title Section 9-1605.12(a),(b), and (c). As a result, granting of the Variance will have a less than significant impact on flooding.

2. Earth

2.c. The Soil Survey of San Joaquin County classifies the soil on the parcel as *Columbia fine sandy loam, channeled, partially drained, 0 to 2 percent slopes; Jahant loam, 0 to 2 percent slopes; Kingdon fine sandy loam, 0 to 2 percent slopes; and Tokay fine sandy loam, 0 to 2 percent slopes.*

Columbia fine sandy loam, channeled, partially drained's permeability is moderately rapid and available water capacity is moderate. This unit is suited for irrigated row or field crops. *Columbia fine sandy loam, channeled, partially drained* has a storie index rating of 20 and a land capability of IVw nonirrigated and IIIw irrigated.

Jahant loam's permeability is slow and available water capacity is high. This unit is suited for irrigated row, field, orchard, and vineyard crops. *Jahant loam* has a storie index rating of 40 and a land capability of IVs nonirrigated and IIIs irrigated.

Kingdon fine sandy loam's permeability is moderate and available water capacity is moderate. This unit is suited for irrigated irrigated crops. *Kingdon fine sandy loam* has a storie index rating of 30 and a land capability of IVc nonirrigated and I irrigated.

Tokay fine sandy loam's permeability is moderately rapid and available water capacity is high. This unit is suited for irrigated crops. *Tokay fine sandy loam* has a storie index rating of 30 and a land capability of IVc nonirrigated and I irrigated.

3. Plant/Animal Life

3.a.&b. The Natural Diversity Database list the Swainson's hawk (*Buteo swainsoni*), vernal pool tadpole shrimp (*Lepridurus packardi*), legenera (*Legenera limosa*), and the foothill yellow-legged frog (*Rana boylei*) and as rare, endangered, or threatened species as potentially occurring in or near the project area. If SJCOG determines that the applicant may participate in the San Joaquin

Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), and if the applicant chooses to participate, then the proposed project is 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 impacts to biological resources resulting from the proposed project to a level of less-than-significant. If the applicant chooses not to participate, then the applicant will be required to participate in a similar mechanism that provides the same level of mitigation.

8. Utilities and Public Services

8.a. The underlying project for this Variance application is to obtain a Building Permit for an existing solid fence that was built without the benefit of a permit. The parcel will continue to be served by private well for water service, and onsite septic system for sewer service. Storm water drainage will be required to be retained on-site. Therefore, impacts on public services will be less than significant.

9. Transportation/Circulation

9.a. The Variance application is requesting to vary the minimum front yard setback requirements for a ten (10) foot high solid fence from thirty (30) feet to one and a half (1.5) feet. The Department of Public Works states that North Davis Road has a current and planned right-of-way width eighty (80) feet. Although the requested setback is one and a half (1.5) feet from the property line, the location of the wall is approximately thirty-five (35) feet from the edge of the roadway and one and a half (1.5) feet from the planned Right-of-Way width. The Department of Public Works has determined that the construction of closed fence with a maximum height of ten (10) feet, that is setback one and a half (1.5) feet from the front property line, will not create a line of sight issue. In addition, the closed fence will not significantly increase the traffic levels in the area; as the proposed project is not expected to exceed fifty (50) vehicles during any hour. Projects that have a traffic volume that is less than fifty trips per hour have a less than significant impact on traffic.

13. Land Use

13. a. & b. A Variance application is intended to provide a means of altering the requirements of the Development Title in specific instances where the strict application of those requirements would deprive a property of privileges enjoyed by other properties in the vicinity and under identical zoning because of special circumstances applicable to the property involved. Approval requires meeting findings that state there are special circumstances applicable to the property that deprives the landowner of uses enjoyed by other property owners in the same zone, that granting the Variance will not constitute a grant of special privileges, and that the granting of the Variance will not authorize a use or activity which is not otherwise expressly authorized by the regulations governing the parcel. If approved, the applicant will be required to obtain a Building Permit for the solid wall as a Condition of Approval.

Granting this Variance application will not conflict with any existing or planned land uses in the vicinity. The approval would permit a ten (10) foot high closed fence to be located one and a half (1.5) feet from the front property line. The surrounding vicinity is zoned AG-40 (General Agriculture, 40-acre minimum) and is being used for agriculture with scattered residences. Therefore, the project is not growth inducing and will not encourage additional requests for related uses. The Variance will not set a significant land use precedent, nor will it conflict with existing or planned uses in the vicinity.

