

STANISLAUS COUNTY PLANNING COMMISSION

January 15, 2015

STAFF REPORT

USE PERMIT APPLICATION NO. PLN2014-0060 WESTSIDE LANDSCAPE AND CONCRETE

REQUEST: TO CHANGE THE USE OF A LEGAL NONCONFORMING AUTO REPAIR SHOP TO A RETAIL NURSERY AND LANDSCAPING SUPPLY BUSINESS (WESTSIDE LANDSCAPE AND CONCRETE).

APPLICATION INFORMATION

Applicant/Owner:	Armando Garcia, Westside Landscape and Concrete
Agent:	James Shade, JWBS Architects and Planners
Location:	27107 Highway 33, on the southwest corner of Stuhr Road and Highway 33, just north of the city limits of Newman
Section, Township, Range:	18-7-9
Supervisorial District:	Five (Supervisor DeMartini)
Assessor's Parcel:	026-039-037
Referrals:	See Exhibit G Environmental Review Referrals
Area of Parcel(s):	1.8 acres
Water Supply:	Well
Sewage Disposal:	Septic
Existing Zoning:	A-2-10 (General Agriculture)
General Plan Designation:	Agriculture
Sphere of Influence:	Newman
Community Plan Designation:	Not Applicable
Williamson Act Contract No.:	Not Applicable
Environmental Review:	Negative Declaration
Present Land Use:	Retail nursery and landscape business
Surrounding Land Use:	Orchard and row crop operations to the east and west; the Hamlet Motel is located on the northern property line; one to two acre ranchettes and the City of Newman are located south of the project site; and the Southern Pacific Railroad is located across Highway 33 to the east

RECOMMENDATION

Staff recommends the Planning Commission approve this request based on the discussion below and on the whole of the record provided to the County. If the Planning Commission decides to approve the project, Exhibit A provides an overview of all of the findings required for project approval which include use permit findings.

PROJECT DESCRIPTION

This is a request to change the use of a legal nonconforming auto repair shop to a retail nursery and landscaping business (Westside Landscape and Concrete) on a 1.8 acre parcel. The proposed use will utilize the existing 2,688 square foot building as an office and sales area. The project also proposes 17 parking spots, covered plant storage and display areas, landscape materials bunkers, a 490 square foot storage building, and a drainage basin. A future caretaker quarters is also being proposed, but will not be constructed until a later date. The majority of the business conducted by Westside Landscape and Concrete occurs off-site in the form of landscape design, installation, maintenance, and tree services.

Water and sewer services will be provided through private septic and well systems. Proposed business hours are 8:00 a.m. to 5:00 p.m., seven days a week. A maximum of nine employees would be on-site. The applicant estimates 44 trips will be generated per day (17 employees, 12 customers, and 15 truck trips). The site proposes to take access from Highway 33.

SITE DESCRIPTION

The site is located at 27107 Highway 33, on the southwest corner of Stuhr Road and Highway 33, just north of the city limits of Newman, within the Local Agency Formation Commission (LAFCO) adopted Sphere of Influence (SOI) of Newman.

The site was previously made up of two parcels. The northern portion of the site, previously APN 026-039-007, was 0.8 acres in size and had been operated as an auto repair shop since the 1950's. The southern portion of the parcel, previously APN 026-039-008, was 1 acre in size and had been utilized by Westside Landscape and Concrete for storage of trucks and materials since 2000. Westside Landscape and Concrete converted the auto repair shop to retail and office space for their landscaping and nursery business in 2013 and the two parcels were merged in April of 2014.

The surrounding area is a mixture of residential and agricultural uses. The Hamlet Motel is located adjacent to the project site to the north at the intersection of Stuhr Road and Highway 33. A number of ranchettes, one to ten acres in size, are located just south of the property. The City of Newman is located approximately .32 miles south of the project site.

ISSUES

This project was referred to all responsible agencies and departments, as an Early Consultation, from August 27 to September 15, 2014, and as an Initial Study, from November 19 to December 22, 2014.

The City of Newman's response letter requested conditions be placed on the project which became a point of discussion between city staff and the applicant. Ultimately, both parties came to an agreement as to how the conditions should be applied to the project, which is discussed in further detail under the General Plan Consistency section of this staff report.

No other issues were identified with this project proposal. Standard conditions of approval will be applied to the project as requested by commenting agencies. (See Exhibit C – *Conditions of Approval*.)

GENERAL PLAN CONSISTENCY

The site is currently designated “Agriculture” in the Stanislaus County General Plan and this designation is consistent with an A-2 (General Agriculture) zoning district. The agricultural designation recognizes the value and importance of agriculture by acting to preclude incompatible urban development within agricultural areas.

The proposed project is addressed by the following goal, objectives, and policies of the Land Use and Agricultural Elements of the General Plan:

Land Use Element

Goal Two - Ensure compatibility between land uses.

Policy Fourteen - Uses shall not be permitted to intrude into or be located adjacent to an agricultural area if they are detrimental to continued agricultural usage of the surrounding area.

Implementation Measure 1 - All development proposals that require discretionary action shall be carefully reviewed to ensure that approval will not adversely affect an existing agricultural area.

Goal Three - Foster stable economic growth through appropriate land use policies.

Policy Eighteen - Accommodate the siting of industries with unique requirements.

Policy Nineteen - Nonconforming uses are an integral part of the County's economy and, as such, should be allowed to continue.

Implementation Measure 1 - Maintain current Zoning Ordinance provisions (Chapter 21.80 of the County Code) which permit replacement or expansion of nonconforming uses.

Goal Five - Complement the general plans of cities within the County.

Policy Twenty-Four - Development, other than agricultural uses and churches, which requires discretionary approval and is within the SOI of cities or in areas of specific designation created by agreement (e.g., Sperry Avenue and East Las Palmas Corridors), shall not be approved unless first approved by the city within whose SOI it lies or by the city for which areas of specific designation were agreed. Development requests within the SOI or areas of specific designation of any incorporated city shall not be approved unless the development is consistent with agreements with the cities which are in effect at the time of project consideration. Such development must meet the applicable development standards of the affected city as well as any public facilities fee collection agreement in effect at the time of project consideration. (Comment: This policy refers to those development standards that are transferable, such as street improvement standards, landscaping, or setbacks. It does not always apply to standards that require connection to a sanitary sewer system, for example, as that is not always feasible.)

Implementation Measure 2 - The policies described in the section on SPHERES OF INFLUENCE for projects within a city's sphere of influence or areas of specific designation shall be followed.

Spheres Of Influence:

Policy 1 - Development, other than agricultural uses and churches, which requires discretionary approval from incorporated cities shall be referred to that city for preliminary approval. The project shall not be approved by the County unless written communication is received from the city memorializing their approval. If approved by the city, the city should specify what conditions are necessary to ensure that development will comply with city development standards. Requested conditions for such things as sewer service in an area where none is available shall not be imposed. Approval from a city does not preclude the County decision-making body from exercising discretion, and it may either approve or deny the project.

The project was referred to the City of Newman for review because it is located within the City's SOI. The City of Newman responded that the project site is designated Light Industrial/Business Park within their General Plan and requested that the project be developed in accordance with their Master Plan and Municipal Codes. This includes right-of-way dedication along the project site's frontage on Highway 33 and 35 feet of dedication along the western back property line to accommodate future road construction. The City of Newman agreed to allow the applicant to continue utilizing the dedicated land until such time that the City is ready to develop. The applicant subsequently agreed to comply with the City's requested conditions. (See Exhibit F – *Referral Responses from the City of Newman.*)

Agricultural Element

Goal One - Strengthen the agricultural sector of our economy.

Objective No. 1.3 - Minimizing Agricultural Conflicts:

Policy 1.10 - The County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.

Buffer guidelines require any new or expanding non-agricultural uses approved by a discretionary permit in the A-2 zoning district to incorporate a buffer to minimize conflicts between agricultural and nonagricultural uses. The project has provided the required 150 foot buffer setback from the proposed use to the surrounding agricultural operations.

The project site is not enrolled in a Williamson Act Contract. The California Department of Conservation's Important Farmland Maps identify the project site as Urban and Built-up land. There are two parcels (five and nine acres in size) enrolled in Williamson Act contracts just west of the project site which are currently farmed and are located within the City of Newman SOI. The City of Newman has indicated that the project site area will be annexed into the City of Newman within the next 12-18 months. A number of larger agricultural parcels (32 to 80 acres in size) located northeast of the project site are actively farmed and enrolled in Williamson Act contracts; however, they are located far enough away from the project site, outside of the SOI of Newman, that no impact to agricultural resources is anticipated.

ZONING & SUBDIVISION ORDINANCE CONSISTENCY

The site is currently zoned A-2-10 (General Agriculture). The legal nonconforming use is located on the northern half of the project site (previously APN 026-039-007) and operated as Newman Auto Repair and Mufflers from 1956-2013. In June of 1975, a Use Permit was obtained to establish a

restaurant in an existing legal nonconforming building north of the auto repair shop, on the same parcel. The building was demolished in 1988. The southern portion of the project site (previously APN 026-039-008) was historically vacant, unimproved land but has been occupied by Westside Landscape and Concrete since 2000. Westside Landscape and Concrete converted the auto repair shop in 2013 and the two parcels were merged in April of 2014.

The Stanislaus County Zoning Ordinance (Section 21.80.070 Nonconforming Uses of the County Code) states that the Planning Commission may authorize the enlargement, expansion, or restoration of a nonconforming use, or a change to a different use of equal or lesser intensity than the legal nonconforming use, on the same parcel as the existing use, if it finds that the enlargement, expansion, restoration, or changes:

1. Will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use; and
2. Will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of persons residing or working in the neighborhood or to the general welfare of the county; and
3. Is logically and reasonably related to the existing use and that the size or intensity of the enlargement, expansion, restoration, or changes is not such that it would be more appropriately moved to a zoning district in which it is permitted.

This language specifies that “the enlargement, expansion, or restoration of a nonconforming use” shall occur “on the same parcel as the existing use”. In this case, the northern portion of the merged parcel includes the nonconforming use and the southern portion of the merged parcel has operated as a wholesale nursery and landscaping business since 2000. The Stanislaus County Zoning Ordinance (Section 21.20.030[A][1] General Agriculture District [A-2]) allows for wholesale nurseries with a Tier One Use Permit, which can be obtained if the Planning Commission finds that:

1. The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity; and
2. That the establishment, maintenance and operation of the proposed use or building applied for is consistent with the general plan and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.

Although the southern portion of the project site was not originally included in the legal nonconforming use, the storage of landscape materials, which is the proposed use for this portion of the site, could be approved under a Tier 1 Use Permit.

Planning staff believes that both the findings for expansion of a legal nonconforming use (Section 21.80.070 Nonconforming Uses) and the Tier One Use Permit Findings (Section 21.20.030[A][1] General Agriculture District [A-2]) in the Zoning Ordinance can be made. A retail nursery and landscaping business is similar in intensity to a retail auto repair facility, which previously occupied the site. Planning staff believes the proposed use to be appropriate within the A-2-10 zoning district as the project site is in close proximity to the City of Newman, within its SOI, and is surrounded by

other commercial and non-agricultural uses. For this reason and the reasons detailed above, no negative impacts to agriculture or surrounding land uses are anticipated.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), the proposed project was circulated to all interested parties and responsible agencies for review and comment and no significant issues were raised. (See Exhibit G - *Environmental Review Referrals*.) A Negative Declaration has been prepared for approval as the project will not have a significant effect on the environment. (See Exhibit E - *Negative Declaration*.) Conditions of approval reflecting referral responses have been placed on the project. (See Exhibit C - *Conditions of Approval*.)

Note: Pursuant to California Fish and Game Code Section 711.4, California Department of Fish and Wildlife (formerly the Department of Fish and Game) has determined that this project has no potential effect on Fish and Wildlife and the project as described does not require payment of the CEQA filing fee. See attached.

Contact Person: Kristin Doud, Associate Planner, (209) 525-6330

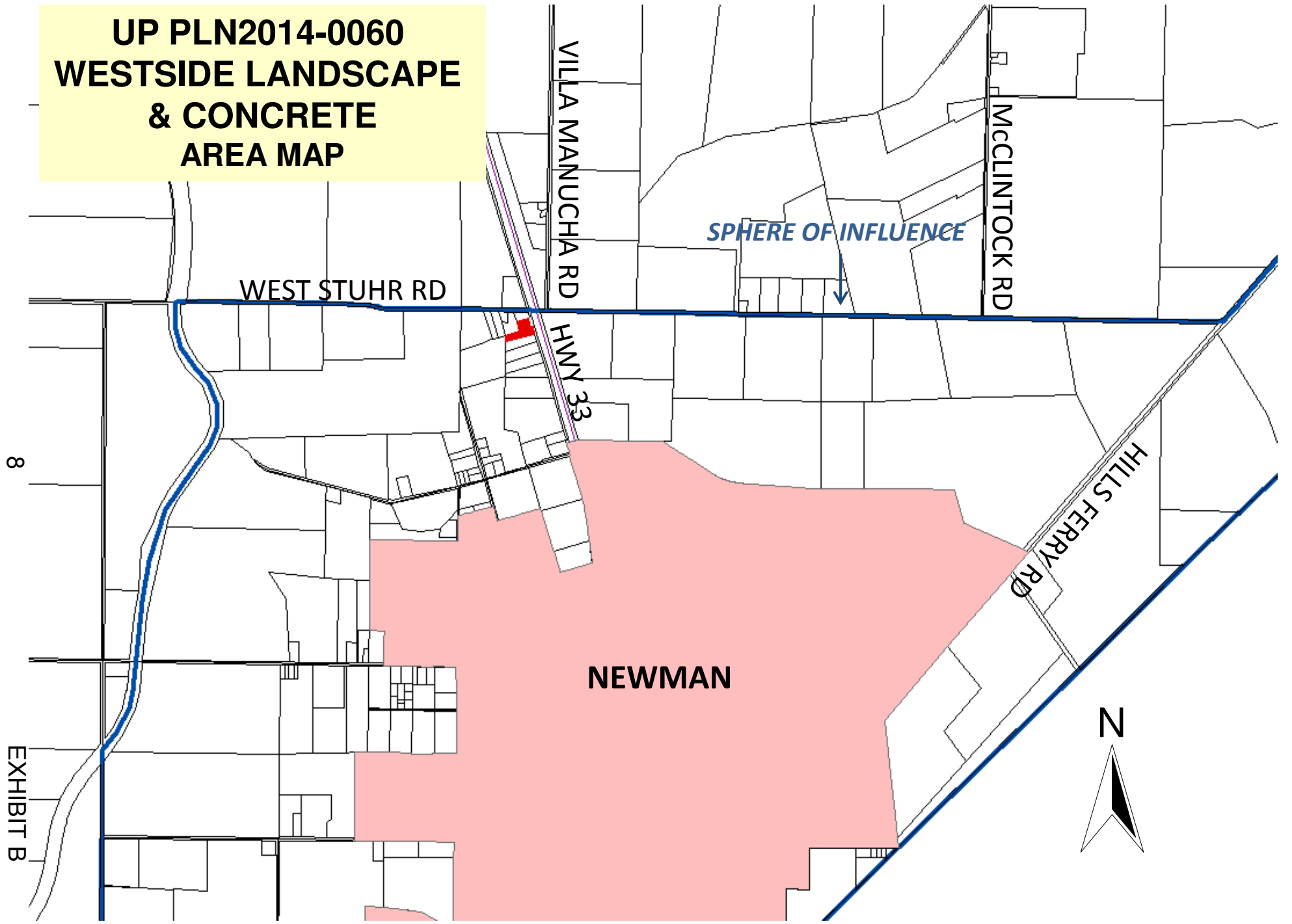
Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps
- Exhibit C - Conditions of Approval
- Exhibit D - Initial Study and Initial Study Comments
- Exhibit E - Negative Declaration
- Exhibit F - Referral Responses from the City of Newman
- Exhibit G - Environmental Review Referrals

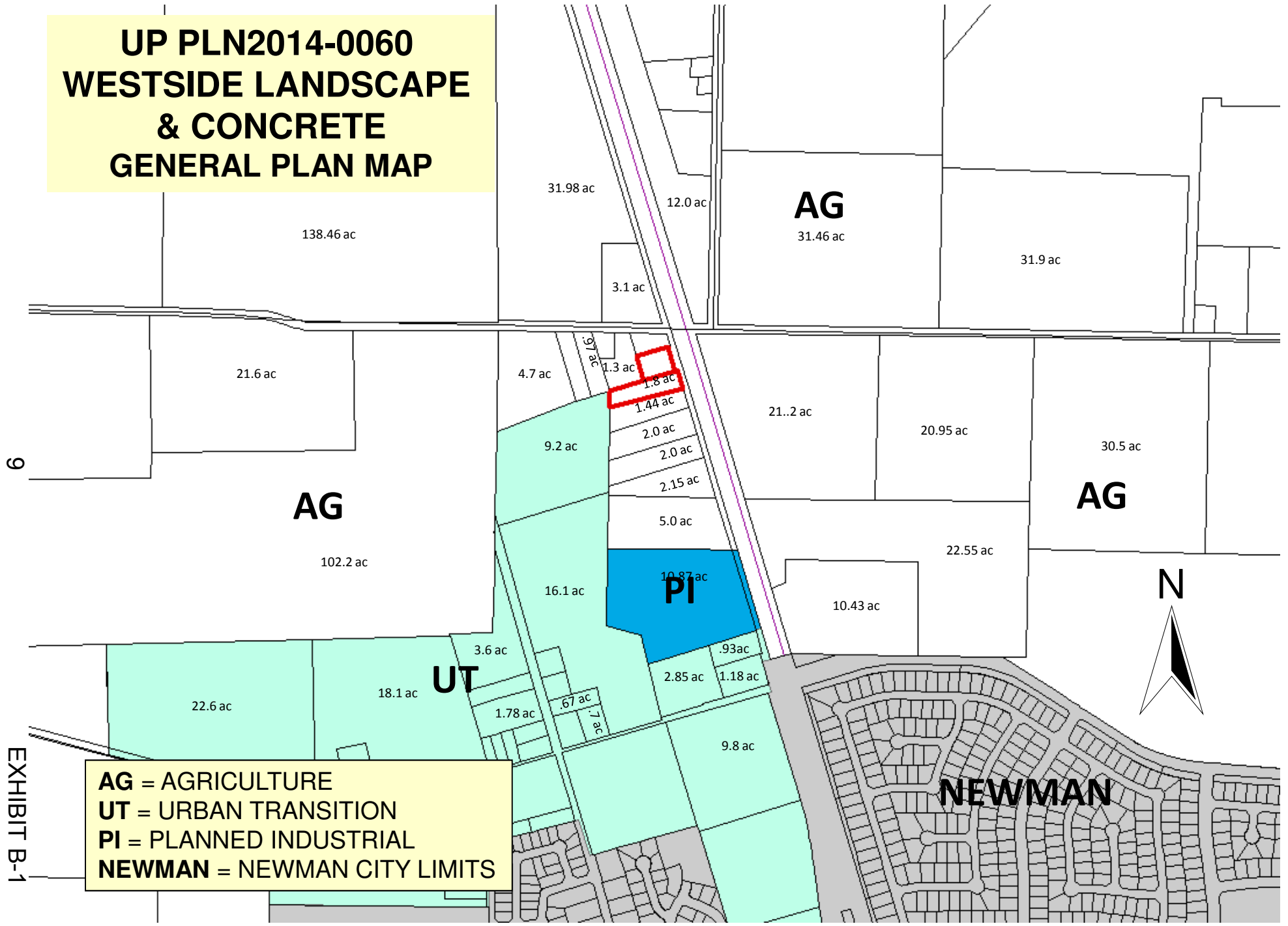
Exhibit A
Findings and Actions Required for Project Approval

1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that, on the basis of the whole record, including the Initial Study and any comments received, there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis.
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find that the project:
 - (a) Will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use;
 - (b) Will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of persons residing or working in the neighborhood or to the general welfare of the county;
 - (c) Is logically and reasonably related to the existing use and that the size or intensity of the enlargement, expansion, restoration or changes is not such that it would be more appropriately moved to a zoning district in which it is permitted;
 - (d) The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements;
 - (e) The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity; and
 - (f) That the establishment, maintenance and operation of the proposed use or building applied for is consistent with the general plan and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.
4. Approve Use Permit Application No. PLN2014-0060 – Westside Landscape and Concrete, subject to the attached conditions of approval.

**UP PLN2014-0060
WESTSIDE LANDSCAPE
& CONCRETE
AREA MAP**



**UP PLN2014-0060
WESTSIDE LANDSCAPE
& CONCRETE
GENERAL PLAN MAP**



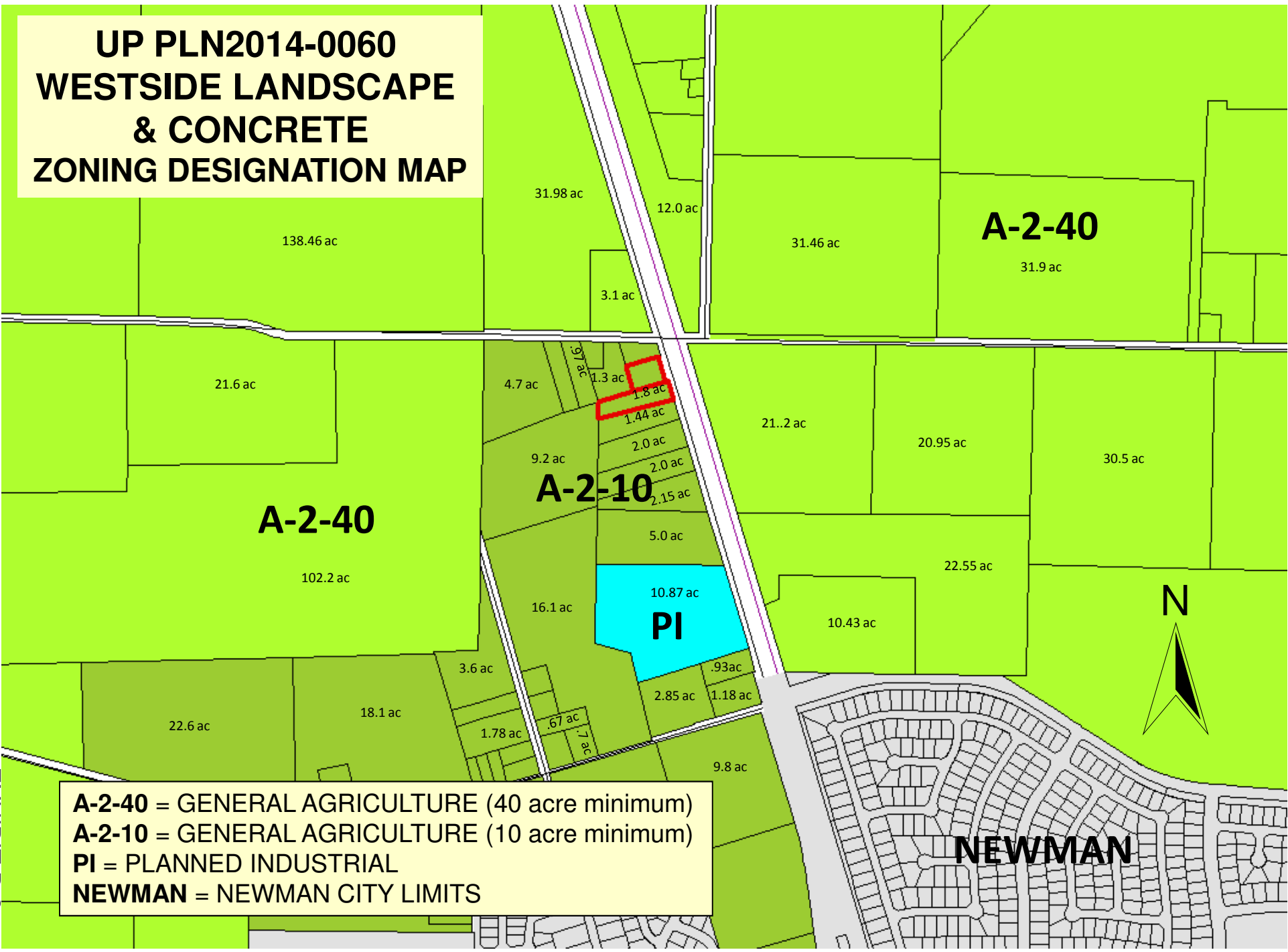
AG = AGRICULTURE
UT = URBAN TRANSITION
PI = PLANNED INDUSTRIAL
NEWMAN = NEWMAN CITY LIMITS

EXHIBIT B-1

UP PLN2014-0060 WESTSIDE LANDSCAPE & CONCRETE ZONING DESIGNATION MAP

10

EXHIBIT B-2



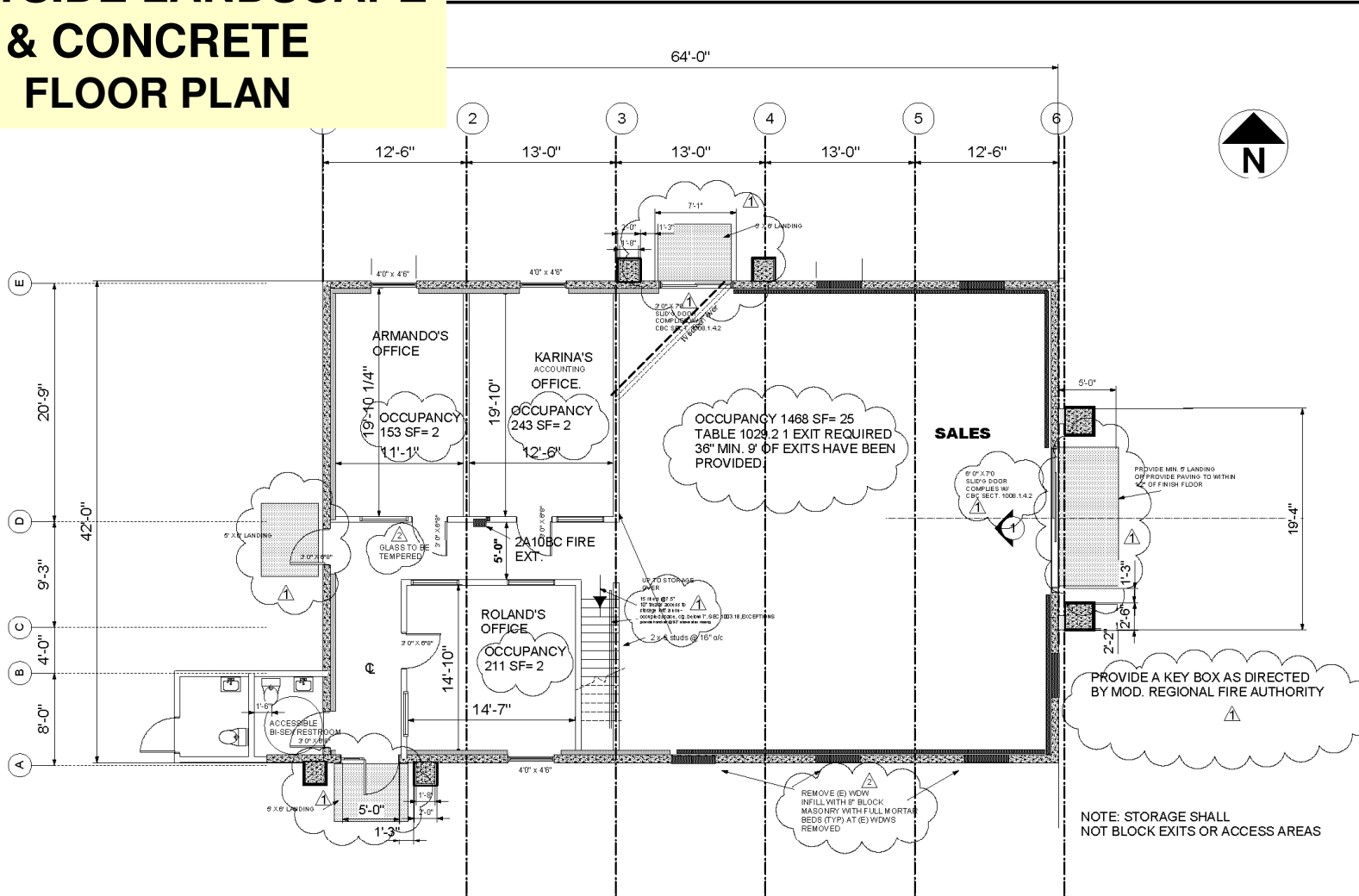
A-2-40 = GENERAL AGRICULTURE (40 acre minimum)
A-2-10 = GENERAL AGRICULTURE (10 acre minimum)
PI = PLANNED INDUSTRIAL
NEWMAN = NEWMAN CITY LIMITS

NEWMAN

**UP PLN2014-0060
WESTSIDE LANDSCAPE
& CONCRETE
2013 AERIAL MAP**



UP PLN2014-0060 WESTSIDE LANDSCAPE & CONCRETE FLOOR PLAN



FLOOR PLAN 1/4" = 1'

AN ADDITION TO WESTSIDE LANDSCAPE & CONCRETE
27107 STATE HIGHWAY 33 NEWMAN CA 95360

JAMES W B SHADE, AIA
ARCHITECTS & PLANNERS
225 S HIGGINS BLVD SUITE 100, HAYWARD, CA 94540
TEL: 925.938.2222 FAX: 925.938.2223



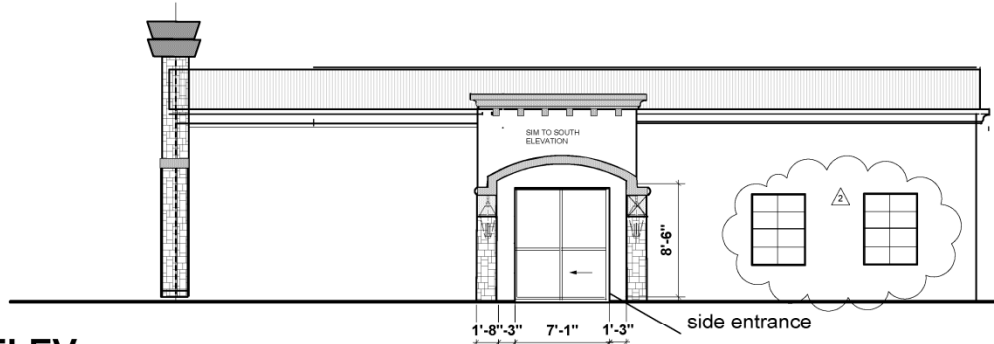
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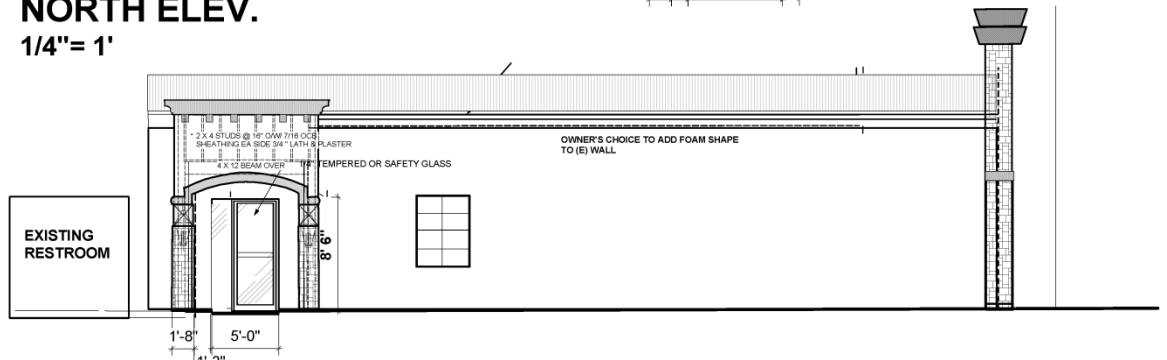
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SHEET:
A3

UP PLN2014-0060 WESTSIDE LANDSCAPE & CONCRETE ELEVATION

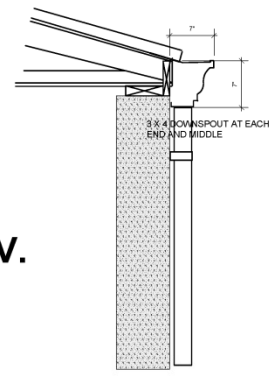


NORTH ELEV.
1/4" = 1'

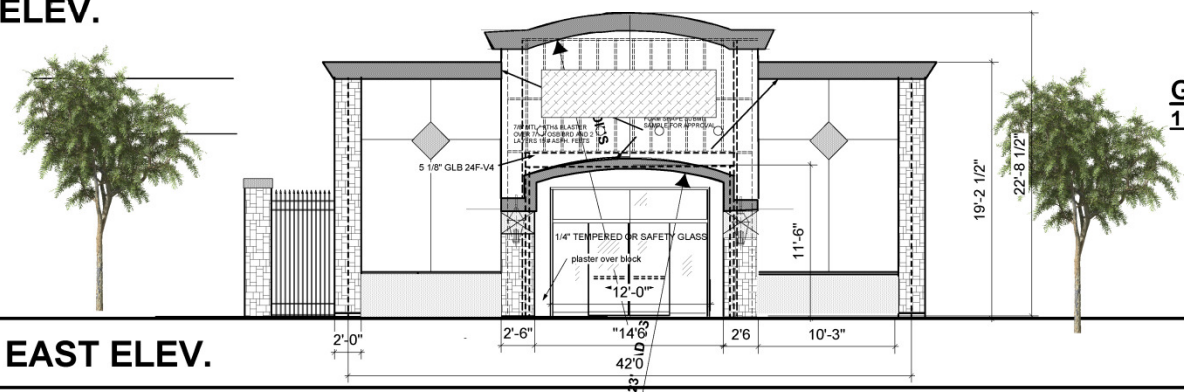


SOUTH ELEV.

SOUTH ELEV.
1/4" = 1'



GUTTER @ EXISTING BLDG
1 1/2" = 1'



EAST ELEV.

13

EXHIBIT B-5

AN ADDITION TO WESTSIDE LANDSCAPE & CONCRETE
27107 STATE HIGHWAY 33 NEWMAN CA 95360

JAMES W SHADE, AIA
ARCHITECTS & PLANNERS
222 S. PARKER ST. SUITE 101, TURLOCK, CA 95354
TEL: (209) 947-2315 FAX: (209) 947-1388

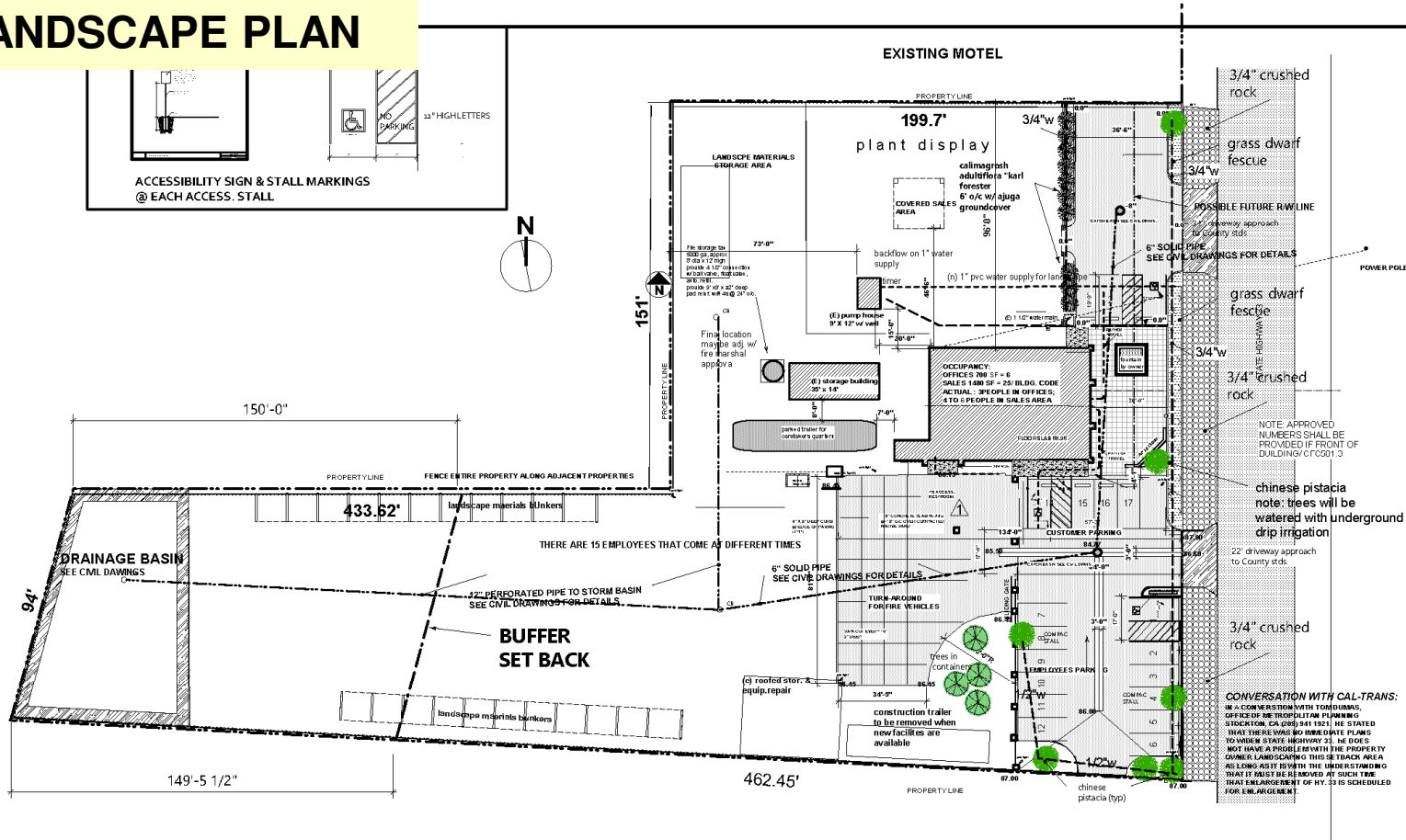


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Exp. 12/13

7-2-15	jam

SHEET: **A4**

UP PLN2014-0060 WESTSIDE LANDSCAPE & CONCRETE SITE/LANDSCAPE PLAN



SITE PLAN W/ TREE PLANTING & BUFFER STRIP @ HIGHWAY

SCALE 1" = 20'

AN ADDITION TO WESTSIDE LANDSCAPE & CONCRETE
 27107 STATE HIGHWAY 33 NEWMAN CA 95360

JAMES W B SHADE, AIA
ARCHITECTS & PLANNERS



I, JAMES W B SHADE, AIA, ARCHITECT AND PLANNER, DO HEREBY CERTIFY THAT I AM THE AUTHOR OF THE ABOVE DESCRIBED PROJECT AND THAT I AM A LICENSED ARCHITECT AND PLANNER UNDER THE PROFESSIONAL ARCHITECTURE ACT OF THE STATE OF CALIFORNIA. I AM NOT PROVIDING THIS INFORMATION TO ANY OTHER PARTY.

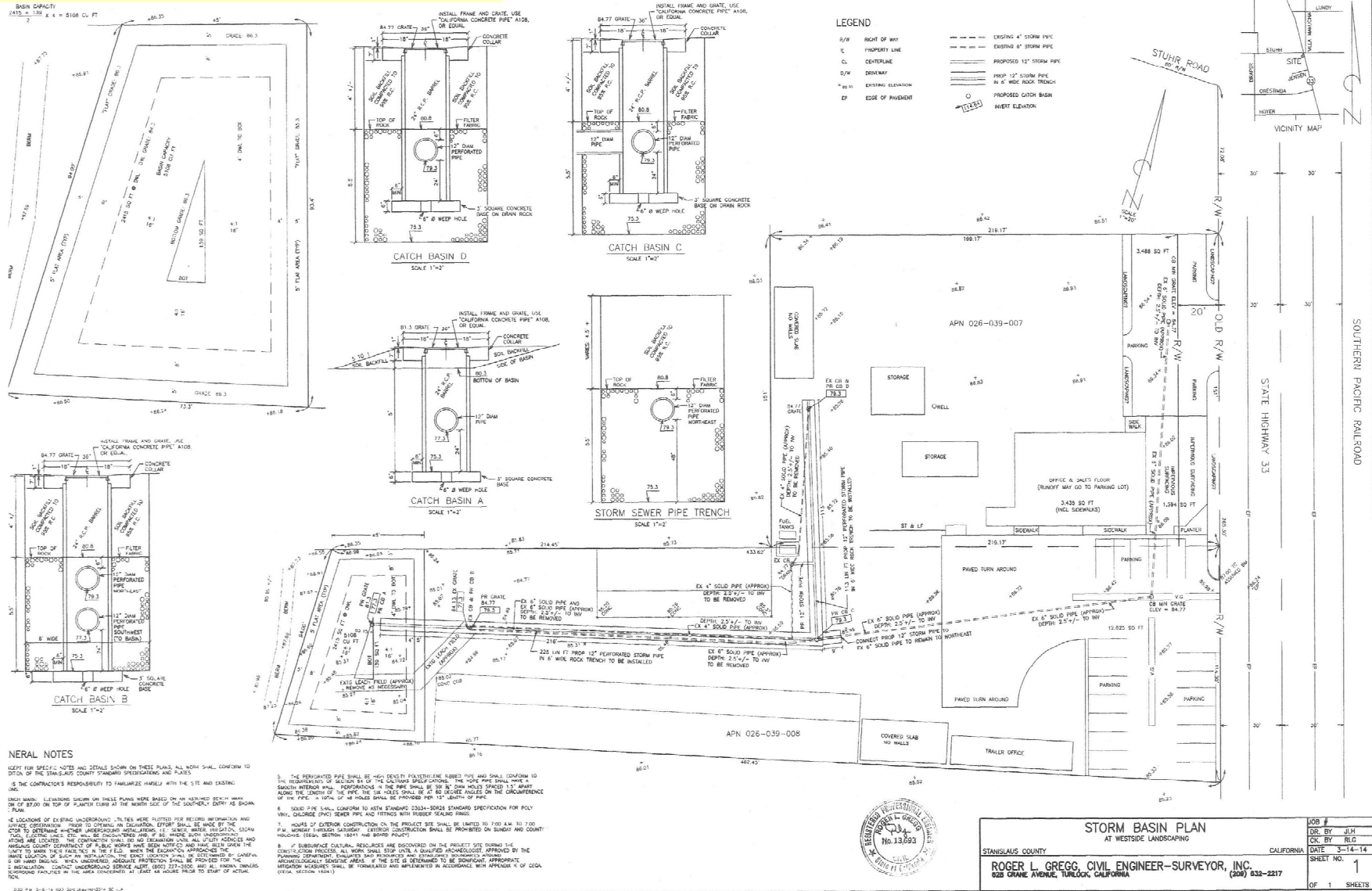
DATE	DATE
12/28/14	JAMES W B SHADE, AIA
1/14/15	JAMES W B SHADE, AIA
NO. OF SHEETS	TOTAL SHEETS
1	1

SHEET: **A1.1**

UP PLN2014-0060 WESTSIDE LANDSCAPE & CONCRETE STORM BASIN PLAN

15

EXHIBIT B-7



GENERAL NOTES

1. REFER TO SPECIFIC NOTES AND DETAILS SHOWN ON THESE PLANS. ALL WORK SHALL CONFORM TO THE CITY OF SAN JOAQUIN COUNTY STANDARD SPECIFICATIONS AND PLANS.

2. THE CONTRACTOR'S RESPONSIBILITY TO FAMILIARIZE HIMSELF WITH THE SITE AND EXISTING CONDITIONS.

3. DIMENSIONS AND ELEVATIONS SHOWN ON THESE PLANS WERE BASED ON AN ADJUSTED BENCH MARK OF 87.00 ON TOP OF PLASTER CURB AT THE NORTH SIDE OF THE SOUTHERLY ENTRY AS SHOWN ON PLAN.

4. LOCATIONS OF EXISTING UNDERGROUND UTILITIES WERE PLOTTED PER RECORD INFORMATION AND FIELD OBSERVATION. FIELD OBSERVATION SHALL BE MADE BY THE CONTRACTOR TO DETERMINE WHETHER UNDERGROUND UTILITIES, SUCH AS WATER, GAS, SEWER, AND TELEPHONE LINES, ARE PRESENT AND TO DETERMINE THEIR DEPTHS AND LOCATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL UTILITIES AND SHALL BE RESPONSIBLE FOR ANY DAMAGE TO EXISTING UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO EXISTING UTILITIES.

5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SAN JOAQUIN COUNTY AND THE CALIFORNIA DEPARTMENT OF WATER RESOURCES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SAN JOAQUIN COUNTY AND THE CALIFORNIA DEPARTMENT OF WATER RESOURCES.

6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SAN JOAQUIN COUNTY AND THE CALIFORNIA DEPARTMENT OF WATER RESOURCES.

7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SAN JOAQUIN COUNTY AND THE CALIFORNIA DEPARTMENT OF WATER RESOURCES.

8. IF SUBSURFACE CULTURAL RESOURCES ARE DISCOVERED ON THE PROJECT SITE DURING THE COURSE OF CONSTRUCTION, THE CONTRACTOR SHALL STOP WORK IMMEDIATELY AND NOTIFY THE CALIFORNIA DEPARTMENT OF CULTURAL RESOURCES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CALIFORNIA DEPARTMENT OF CULTURAL RESOURCES.

9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SAN JOAQUIN COUNTY AND THE CALIFORNIA DEPARTMENT OF WATER RESOURCES.

10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SAN JOAQUIN COUNTY AND THE CALIFORNIA DEPARTMENT OF WATER RESOURCES.



STORM BASIN PLAN
AT WESTSIDE LANDSCAPING

STANISLAUS COUNTY CALIFORNIA

ROGER L. GREGG, CIVIL ENGINEER-SURVEYOR, INC.
628 CRANE AVENUE, TURLOCK, CALIFORNIA
(209) 632-2217

JOB #	DR. BY	CHK. BY	DATE
	JLH	RLG	3-14-14
SHEET NO.	1		OF 1 SHEETS

NOTE: Approval of this application is valid only if the following conditions are met. This permit shall expire unless activated within 18 months of the date of approval. In order to activate the permit, it must be signed by the applicant and one of the following actions must occur: (a) a valid building permit must be obtained to construct the necessary structures and appurtenances; or, (b) the property must be used for the purpose for which the permit is granted. (Stanislaus County Ordinance 21.104.030)

CONDITIONS OF APPROVAL

USE PERMIT APPLICATION NO. PLN2014-0060 WESTSIDE LANDSCAPE AND CONCRETE

Department of Planning and Community Development

1. Use(s) shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances.
2. Prior to filing the Notice of Determination, within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for \$57.00 made payable to **Stanislaus County**, for the payment of Clerk Recorder filing fees.
3. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
4. The applicant/owner is required to defend, indemnify, or hold harmless the County, its officers, and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
5. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include, but not be limited to, the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and the installation of shielded fixtures to prevent light trespass (glare and spill light that shines onto neighboring properties).
6. Pursuant to Section 404 of the Clean Water Act, prior to construction, the developer shall be responsible for contacting the US Army Corps of Engineers to determine if any "wetlands," "waters of the United States," or other areas under the jurisdiction of the Corps of Engineers are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from the Corps, including all necessary water quality certifications, if necessary.

7. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and may be subject to additional regulations/permits, as determined by the SJVAPCD.
8. A sign plan for all proposed on-site signs indicating the location, height, area of the sign(s), and message must be approved by the City of Newman prior to installation. All applicable building permits for such signage must be obtained from the Building Permits Division of the Stanislaus County Planning and Community Development Department or the City of Newman following annexation.
9. Pursuant to Sections 1600 and 1603 of the California Fish and Game Code, prior to construction, the developer shall be responsible for contacting the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and shall be responsible for obtaining all appropriate streambed alteration agreements, permits, or authorizations, if necessary.
10. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.
11. Pursuant to the federal and state Endangered Species Acts, prior to construction, the developer shall be responsible for contacting the US Fish and Wildlife Service and California Department of Fish and Wildlife (formerly the Department of Fish and Game) to determine if any special status plant or animal species are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from these agencies, if necessary.
12. Pursuant to State Water Resources Control Board Order 99-08-DWQ and National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a "Notice of Intent" is necessary, and shall prepare all appropriate documentation, including a Storm Water Pollution Prevention Plan (SWPPP). Once complete, and prior to construction, a copy of the SWPPP shall be submitted to the Stanislaus County Department of Public Works.
13. Should any archeological or human remains be discovered during development, work shall be immediately halted within 150 feet of the find until it can be evaluated by a qualified archaeologist. If the find is determined to be historically or culturally significant, appropriate mitigation measures to protect and preserve the resource shall be formulated and implemented. The Central California Information Center shall be notified if the find is deemed historically or culturally significant.

Department of Public Works

14. A grading and drainage plan for the project site shall be submitted with the grading or building permit. Public Works will review and approve the drainage calculations. The

grading and drainage plan shall be designed in accordance with the Stanislaus County Standards and Specifications that are current at the time the permit is issued and shall include the following minimum information:

- A. The plan shall contain enough information to verify that all runoff will be kept from going onto adjacent properties and Stanislaus County road right-of-way.
- B. The grading, drainage, and erosion control plan shall comply with the current Stanislaus County National Pollutant Discharge Elimination System (NPDES) General Construction Permit, including post development treatment and water quality treatment requirements.
- C. A Notice of Intent (NOI) shall be submitted to the County prior to the approval of the grading permit.
- D. The grading, drainage, and associated work shall be accepted by Stanislaus County Public Works prior to a final inspection or occupancy, as required by the grading/building permit.
- E. The applicant of the grading/building permit shall pay the current Stanislaus County Public Works weighted labor rate for the plan review of the building and/or grading plan and all inspection fees. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site. The plans shall not be released until such time that all plan check and inspection fees have been paid.
- F. The applicant shall determine the project risk level and pay the appropriate NPDES fee based on the latest Public Works Engineering Fee Schedule.

Department of Environmental Resources

- 15. Prior to issuance of building permits or onset of activities associated with the Use Permit, the property owner/operator shall provide a detailed site plan to the Department of Environmental Resources, drawn to scale, providing the location of the onsite domestic water well and the size, location, and layout of the existing Onsite Wastewater Treatment System (OWTS).
- 16. Prior to issuance of building permits or onset of activities associated with the Use Permit, the property owner/operator shall either: (1) certify to Stanislaus County Department of Environmental Resources (Department) that the property use does not or will not constitute a public water system (as defined by California Health and Safety Code [CA HSC] Section 116275 and Title 22 California Code of Regulations [CCR] Sections 64400.10, 64400.80, 64401.85); or (2) submit a public water supply permit application ([CA HSC] 116525) to the Department accompanied by a public water system technical report ([CA HSC] 116530), financial and managerial and technical information ([CA HSC] 116540), and obtain a public water supply permit to operate the public water system ([CA HSC] Sections 116525, 116530, 116540, 116550).

17. On-site wastewater disposal system (OSWDS) may be required to be provided by individual Primary and Secondary wastewater treatment units, operated under conditions and guidelines established by Measure X.

Building Permits Division

18. Within six months of project approval, any applicable building permit, including ADA accessible restrooms and/or a change of occupancy, must be obtained by the Building Permits Division. Building permit(s) must be finalized within 6 months of issuance. All building permits must comply with the California Code of Regulations, Title 24.

Stanislaus County Office of Emergency Services / Fire Warden

19. A 6,700 gallon fire water tank will be required. It shall be placed on the north east corner, behind the constructed wall. It shall have an underground pipe plumbed to a Fire Department Connection at the road side.

City of Newman

20. Within six months of project approval, right-of-way in the amount of 20 feet along Highway 33, commencing at the south end of the project site and extending northerly across the project frontage (approximately 114.3 feet in length), shall be dedicated to the Stanislaus County Department of Public Works. Said dedication shall be transferred to the City of Newman upon annexation. The property owner will continue to utilize the dedicated land until formal notice from the City.
21. At which point in time the City of Newman is ready to develop, in order to accommodate a knuckle where the future street changes direction, 35 feet of the southwestern portion of the project site shall be dedicated to the City of Newman. The property owner will continue to utilize the dedicated land until formal notice from the City. The proposed storm drain basin will be permitted to be located on the southwestern portion of the property (as shown on the site plan included with the Use Permit application), with the agreement that it shall be relocated, filled, and compacted to City standards upon formal notice from the City.
22. All stormwater runoff from the proposed project watershed shall be treated to comply with Stormwater MS4 Phase II Permit No. CAS000004.
23. Upon annexation by the City of Newman the current property owner shall be required to connect to City utilities at the owner's expense.
24. Prior to issuance of a Building or Change of Occupancy permit, all applicable City Impact fees shall be paid.

Central Valley Flood Protection Board

25. Prior to ground disturbance or issuance of a building permit, the Central Valley Flood Protection Board shall be consulted to obtain any necessary permits and to implement any necessary measures, including but not limited to Construction Storm Water General Permit,

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits, Industrial Storm Water General Permit, Clean Water Act Section 404 Permit, Clean Water Act Section 401 Permit (Water Quality Certification), Waste Discharge Requirements, Low or Limited Threat General NPDES Permit, and any other applicable Regional Water Quality Control Board permit.

California Department of Transportation

26. Prior to issuance of a building or grading permit, all driveways shall be paved to Caltrans Standards in order to prevent debris from the unpaved driveway spilling onto SR-33.
27. Prior to any commencement of work within the State's right-of-way (ROW) and upon any access (driveway) point onto the State Highway System, an Encroachment Permit must be obtained from the California Department of Transportation (Caltrans). All work performed within/adjacent to the State's ROW will be subject to Caltrans Highway Design Manual and Standards and Specifications.

*Please note: If Conditions of Approval/Development Standards are amended by the Planning Commission or Board of Supervisors, such amendments will be noted in the upper right-hand corner of the Conditions of Approval/Development Standards; new wording is in **bold**, and deleted wording will have a ~~line through it~~.*



Stanislaus County Planning and Community Development

1010 10th Street, Suite 3400
Modesto, California 95354

Phone: (209) 525-6330
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CEQA INITIAL STUDY

Adapted from CEQA Guidelines APPENDIX G Environmental Checklist Form, Final Text, December 30, 2009

1. **Project title:** Use Permit Application No. PLN2014-0060 - Westside Landscape and Concrete
2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
3. **Contact person and phone number:** Kristin Doud, Associate Planner
(209) 525-6330
4. **Project location:** 27107 Highway 33, on the southwest corner of Stuhr Road and Highway 33, just north of the city limits of Newman, in the City of Newman Sphere of Influence. APN: 026-039-037
5. **Project sponsor's name and address:** Armando Garcia
Westside Landscape and Concrete
634 Crevison Peak
Newman, CA 95360
6. **General Plan designation:** Agriculture
7. **Zoning:** A-2-10 (General Agriculture)
8. **Description of project:**

This is a request to change the use of a legal non-conforming auto repair shop to a retail nursery and landscaping supply business (Westside Landscape and Concrete) on a 1.8 acre parcel. The site proposes to take access from Highway 33. The business includes 2,688 square feet of office and sales area, storage and covered storage and display areas, and a caretaker quarters. Services will be provided through private septic and well systems. Proposed business hours are 8:00 a.m. to 5:00 p.m., seven days a week. A maximum of nine employees would be on-site. The applicant estimates 44 trips will be generated per day (17 employees, 12 customers, and 15 truck trips).
9. **Surrounding land uses and setting:** The project site is surrounded by orchard and row crop operations to the north, east, and west; the Hamlet Motel is located on the northern property line; one to two acre ranchettes and the City of Newman are located south of the project site; and the Southern Pacific Railroad is located across Highway 33 to the east.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** City of Newman
Department of Public Works
CalTrans

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

- Aesthetics
- Agriculture & Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology /Soils
- Greenhouse Gas Emissions
- Hazards & Hazardous Materials
- Hydrology / Water Quality
- Land Use / Planning
- Mineral Resources
- Noise
- Population / Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities / Service Systems
- Mandatory Findings of Significance

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

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

Kristin Doud, Associate Planner
Prepared By

November 17, 2014
Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration.

Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

- a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
 - 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
 - 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
 - 9) The explanation of each issue should identify:
 - a) the significant criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significant.

ISSUES

I. AESTHETICS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	
<p>Discussion: The site itself is not considered to be a scenic resource or a unique scenic vista. A landscape plan, included with the project application, proposes crushed rock and dwarf fescue along the Highway 33 road frontage and scattered Chinese Pistache trees in the parking area. No adverse impacts to the existing visual character of the site or its surroundings are anticipated.</p>				
<p>Mitigation: None.</p>				
<p>References: Application information and the Stanislaus County General Plan and Support Documentation¹.</p>				
II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			X	

<p>c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?</p>				<p>X</p>
<p>d) Result in the loss of forest land or conversion of forest land to non-forest use?</p>				<p>X</p>
<p>e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?</p>			<p>X</p>	

Discussion: The surrounding area is a mixture of residential and agricultural uses. The Hamlet Motel is located adjacent to the project site to the north at the intersection of Stuhr Road and Highway 33. A number of ranchettes, one to ten acres in size, are located just south of the property. The City of Newman is located approximately .32 miles south of the project site. The project site is not enrolled in a Williamson Act Contract. The California Department of Conservation’s Important Farmland Maps identify the project site as Urban and Built-up land. There are two parcels (five and nine acres in size) enrolled in Williamson Act contracts just west of the project site which are currently farmed and are located within the City of Newman Sphere of Influence (SOI). The City of Newman has indicated that the project site area will be annexed into the City of Newman within the next 12-18 months. A number of larger agricultural parcels (32 to 80 acres in size) located northeast of the project site are actively farmed and enrolled in Williamson Act contracts; however, they are located far enough away from the project site, outside of the SOI of Newman, that no impact to agricultural resources is anticipated.

Buffer guidelines require any new or expanding non-agricultural uses approved by a discretionary permit in the A-2 zoning district to incorporate a buffer to minimize conflicts between agricultural and nonagricultural uses. The project has provided the required 150 foot buffer setback from the proposed use to the surrounding agricultural operations.

This project was circulated to the Stanislaus County Farm Bureau and Ag Commissioner during the early consultation referral period and no comments were received.

Considering the information above, no negative impacts to agricultural resources are anticipated. No forest resources exist in the area.

Mitigation: None.

References: Referral response from the City of Newman dated September 15, 2014; California Farmland Mapping and Monitoring Program Data; the Stanislaus County Zoning Ordinance; and the Stanislaus County General Plan and Support Documentation¹.

<p>III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. -- Would the project:</p>	<p>Potentially Significant Impact</p>	<p>Less Than Significant With Mitigation Included</p>	<p>Less Than Significant Impact</p>	<p>No Impact</p>
<p>a) Conflict with or obstruct implementation of the applicable air quality plan?</p>			<p>X</p>	
<p>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</p>			<p>X</p>	

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?			X	
e) Create objectionable odors affecting a substantial number of people?			X	

Discussion: The project site is within the San Joaquin Valley Air Basin, which has been classified as "severe non-attainment" for ozone and respirable particulate matter (PM-10) as defined by the Federal Clean Air Act. The San Joaquin Valley Air Pollution Control District (SJVAPCD) has been established by the State in an effort to control and minimize air pollution. As such, the District maintains permit authority over stationary sources of pollutants.

The primary source of air pollutants generated by this project would be classified as being generated from "mobile" sources. Mobile sources would generally include dust from roads, farming, and automobile exhausts. The applicant estimates 44 trips will be generated per day (17 employees, 12 customers, and 15 truck trips). Mobile sources are generally regulated by the Air Resources Board of the California EPA which sets emissions for vehicles and acts on issues regarding cleaner burning fuels and alternative fuel technologies. As such, the District has addressed most criteria air pollutants through basin wide programs and policies to prevent cumulative deterioration of air quality within the Basin.

The project will not conflict with, or obstruct implementation of, any applicable air quality plan. This project has been referred to the District, but no comments have been received to date. Based on the project details stated above, no significant impacts to air quality are anticipated.

Mitigation: None.

References: San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis and the Stanislaus County General Plan and Support Documentation¹.

IV. BIOLOGICAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

Discussion: There are eight (8) plants and animals which are State or Federally listed, threatened, or identified as species of special concern within the Newman California Natural Diversity Database Quad. These species include the California red-legged frog, golden eagle, Swainson’s hawk, California horned lark, tricolored blackbird, San Joaquin pocket mouse, Sycamore Alluvial Woodland, and spiny-sepaled button-celery. No negative impacts to these or other biological resources are anticipated as the project site has historically been used commercially. The site is currently improved with pavement and commercial structures and is located in close proximity to the City of Newman.

The project will not conflict with a Habitat Conservation Plan, a Natural Community Conservation Plan, or other locally approved conservation plans. Impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors are considered to be less than significant.

An early consultation referral response has not been received from the California Department of Fish and Wildlife (formerly the Department of Fish and Game).

Mitigation: None.

References: California Department of Fish and Wildlife (formerly the Department of Fish and Game) California Natural Diversity Database and the Stanislaus County General Plan and Support Documentation¹.

V. CULTURAL RESOURCES -- Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?			X	
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	
d) Disturb any human remains, including those interred outside of formal cemeteries?			X	

Discussion: It does not appear this project will result in significant impacts to any archaeological or cultural resources; however, a standard condition of approval will be added to this project to address any discovery of cultural resources during any ground disturbing activities.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.

VI. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil creating substantial risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			X	
<p>Discussion: As contained in Chapter 5 of the General Plan Support Documentation, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5; however, as per the California Building Code, all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F) and a soils test may be required at building permit application. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present, special engineering of the structure will be required to compensate for the soil deficiency. Any structures resulting from this project will be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed. Any earth moving is subject to Department of Public Works Standards and Specifications which consider the potential for erosion and run-off prior to permit approval. Likewise, any addition of a septic tank or alternative waste water disposal system would require the approval of the Department of Environmental Resources (DER) through the building permit process, which also takes soil type into consideration within the specific design requirements.</p> <p>DER, Public Works, and the Building Permits Division provided project comments requiring County standards be met in regard to obtaining building and grading and drainage permits. These comments will be included as conditions of approval on the project. Each of these Departments/Divisions must review and approve any building permit associated with this project.</p>				
<p>Mitigation: None.</p>				
<p>References: Referral response from the Stanislaus County Department of Public Works dated September 19, 2014; referral response from the Stanislaus County Building Permits Division dated September 25, 2014; referral response from the Stanislaus County Department of Environmental Resources dated September 4, 2014; California Building Code; and the Stanislaus County General Plan and Support Documentation - Safety Element¹.</p>				

VII. GREENHOUSE GAS EMISSIONS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X

Discussion: The principal Greenhouse Gasses (GHGs) are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), sulfur hexafluoride (SF₆), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H₂O). CO₂ is the reference gas for climate change because it is the predominant greenhouse gas emitted. To account for the varying warming potential of different GHGs, GHG emissions are often quantified and reported as CO₂ equivalents (CO₂e). In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill [AB] No. 32), which requires the California Air Resources Board (ARB) to design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020. As a requirement of AB 32, the ARB was assigned the task of developing a Climate Change Scoping Plan that outlines the state's strategy to achieve the 2020 GHG emissions limits. This Scoping Plan includes a comprehensive set of actions designed to reduce overall GHG emissions in California, improve the environment, reduce the state's dependence on oil, diversify the state's energy sources, save energy, create new jobs, and enhance public health. The Climate Change Scoping Plan was approved by the ARB on December 22, 2008. According to the September 23, 2010, AB 32 Climate Change Scoping Plan Progress Report, 40 percent of the reductions identified in the Scoping Plan have been secured through ARB actions and California is on track to its 2020 goal.

Although not originally intended to reduce GHGs, California Code of Regulations (CCR) Title 24, Part 6: California's Energy Efficiency Standards for Residential and Nonresidential Buildings, was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. Since then, Title 24 has been amended with recognition that energy-efficient buildings require less electricity and reduce fuel consumption, which in turn decreases GHG emissions. The current Title 24 standards were adopted to respond to the requirements of AB 32. Specifically, new development projects within California after January 1, 2011, are subject to the mandatory planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and environmental quality measures of the California Green Building Standards (CALGreen) Code (California Code of Regulations, Title 24, Part 11).

Minimal greenhouse gas emissions will occur during construction, and from energy use. These emissions are considered to be less than significant. Greenhouse gas emissions will also be generated from vehicle trips, which are estimated to be 44 trips per day (17 employees, 12 customers, and 15 truck trips). The applicant will be required to obtain any applicable permits from the SJVAPCD, which considers project details such as vehicle trips, building square footage, and land use type into their permitting processes. Provided that this project is an amendment to an existing commercial use, no significant impacts from greenhouse gas emissions occurring as a result of this project are anticipated.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.

VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	

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

Discussion: A 150 foot buffer has been applied to the project to reduce the risk of pesticide exposure from surrounding agricultural operations. The project was referred to the DER Hazardous Materials (HazMat) Division and they responded that they had no comments on the project. No significant impacts associated with hazards or hazardous materials are anticipated to occur as a result of the proposed project.

Mitigation: None.

References: Referral response from the Stanislaus County Department of Environmental Resources Hazardous Materials Division dated September 2, 2014, and the Stanislaus County General Plan and Support Documentation¹.

IX. HYDROLOGY AND WATER QUALITY -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?			X	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?			X	
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			X	
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	
j) Inundation by seiche, tsunami, or mudflow?				X

Discussion: Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act (FEMA). The project site is located in FEMA Flood Zone AO, which includes areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. All measures required to be taken in regard to the Floodzone designation will be addressed by the Building Permits Division during the building permit process. The Central Valley Regional Water Quality Control Board (RWQCB) provided an early consultation referral response requesting that the applicant coordinate with their agency to determine if any permits or Water Board requirements must be obtained/met prior to operation. A condition of approval will be added to the project requiring the applicant comply with this request prior to issuance of a building permit.

Mitigation: None.

References: Referral response from the Central California Regional Water Quality Control Board dated September 2, 2014; FEMA Flood Maps; and the Stanislaus County General Plan and Support Documentation¹.

X. LAND USE AND PLANNING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?			X	
<p>Discussion: The northern half of the project site (previously APN 026-039-007) was operated as Newman Auto Repair and Mufflers from 1956-2013. In June of 1975, a Use Permit was obtained to establish a restaurant in an existing legal non-conforming building north of the auto repair shop, on the same parcel. The building was demolished in 1988. The southern portion of the project site (previously APN 026-039-008) was historically vacant, unimproved land but has been occupied by Westside Landscape and Concrete since 2000. Westside Landscape and Concrete converted the auto repair shop in 2013 and the two parcels were merged in April of 2014. In accordance with Section 21.80.070 of the County Code, the planning commission, after a public hearing, may authorize the enlargement, expansion, or restoration of a nonconforming use, or a change to a different use of equal or lesser intensity than the legal nonconforming use, on the same parcel as the existing use, if it finds that the enlargement, expansion, restoration or changes: (1) will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use; (2) will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of persons residing or working in the neighborhood or to the general welfare of the county; and (3) is logically and reasonably related to the existing use and that the size or intensity of the enlargement, expansion, restoration or changes is not such that it would be more appropriately moved to a zoning district in which it is permitted. The proposed use will not physically divide an established community and/or conflict with any habitat conservation plan or natural community conservation plan. This project is not known to conflict with any adopted land use plan, policy, or regulation of any agency with jurisdiction over the project.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan and Support Documentation¹.</p>				
XI. MINERAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X
<p>Discussion: The location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173. There are no known significant resources on the site.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan and Support Documentation¹.</p>				
XII. NOISE -- Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?			X	

Discussion: The majority of this project is already constructed. There may be some construction related to meeting ADA parking and restroom requirements and for allowing for on-site drainage, in which case the area’s ambient noise level will temporarily increase. As such, the project will be conditioned to abide by County regulations related to hours and days of construction in the A-2 zone. The potential for noise impacts occurring as a result of this project is considered to be less than significant.

The project is located near a private airstrip, utilized for agricultural spraying, on the northeast corner of Villa Manucha and Stuhr Roads; however, no impacts to this facility are anticipated as a result of this project as the structure is existing and the property has been used in a commercial capacity for many decades.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.

XIII. POPULATION AND HOUSING -- Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

Discussion: This project does not propose any significant type of growth inducing features; therefore, adverse effects created by population growth should not occur. For security reasons, this application includes a request for a yard manager to be located on the project site on a full-time basis.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.

XIV. PUBLIC SERVICES --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?			X	
Police protection?			X	
Schools?				X
Parks?				X
Other public facilities?			X	
<p>Discussion: The County has adopted Public Facilities Fees, as well as a Fire Facility Fee on behalf of the appropriate fire district, to address impacts to public services. Such fees are required to be paid at the time of building permit issuance. Conditions of approval will be added to this project to insure the proposed use complies with all applicable fire department standards with respect to access and water for fire protection.</p> <p>This project was circulated to all applicable school, fire, police, irrigation, and public works departments and districts during the early consultation referral period and no concerns were identified with regard to public services.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan and Support Documentation¹.</p>				
XV. RECREATION --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X
<p>Discussion: This project will not increase demands for recreational facilities as such impacts typically are associated with residential development.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan and Support Documentation¹.</p>				

XVI. TRANSPORTATION/TRAFFIC -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			X	
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			X	
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e) Result in inadequate emergency access?			X	
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?			X	
<p>Discussion: The applicant proposes an estimated 44 vehicle trips per day (17 employees, 12 customers, and 15 truck trips). The project was referred to Stanislaus County's Department of Public Works who responded with conditions of approval that require: an encroachment permit be obtained through CalTrans for any new driveway or work done in the right-of-way (ROW) of State Route Highway 33; ROW be dedicated through an Irrevocable Offer of Dedication; and a grading and drainage plan be submitted to the Department of Public Works for review and approval. The City of Newman requested ROW dedication along the project site's frontage on Highway 33 and 35 feet of dedication along the western back property line to accommodate future road construction.</p>				
<p>Mitigation: None.</p>				
<p>References: Referral response from the Stanislaus County Department of Public Works dated September 19, 2014; referral response from the City of Newman dated October 24, 2014; and the Stanislaus County General Plan and Support Documentation¹.</p>				
XVII. UTILITIES AND SERVICE SYSTEMS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X

Discussion: Limitations on providing services have not been identified. The site will be served by private well, septic system, and on-site drainage. A referral response from the Department of Public Works requires that they review and approve a grading and drainage plan prior to issuance of any building permit. A referral response from DER indicated that the expansion could result in the need for a Measure X septic system and/or a Public Water System. Conditions of approval shall be added to the project to reflect these requirements be met prior to building permits being finalized. The City of Newman has requested dedication of 35 feet of ROW along the southwestern property boundary to accommodate a future road. The storm drain proposed as part of this project is located within that 35 foot ROW, but will be permitted to remain in that location until such time that the City of Newman develops the planned roadway.

Mitigation: None.

References: Referral response from the Stanislaus County Department of Public Works dated September 19, 2014; referral response from the Stanislaus County Department of Environmental Resources dated September 4, 2014; referral response from the City of Newman dated October 24, 2014; and the Stanislaus County General Plan and Support Documentation¹.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X

<p>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</p>				<p>X</p>
<p>Discussion: Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or the surrounding area.</p>				

I:\Planning\Staff Reports\UP\2014\UP PLN2014-0060 - Westside Landscape & Concrete\CEQA-30-Day-Referral\Initial Study.wpd

¹Stanislaus County General Plan and Support Documentation adopted in October 1994, as amended. Optional and updated elements of the General Plan and Support Documentation: **Agricultural Element** adopted on December 18, 2007; **Housing Element** adopted on August 28, 2012; **Circulation Element** and **Noise Element** adopted on April 18, 2006.



EDMUND G. BROWN JR.
GOVERNOR

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



KEN ALEX
DIRECTOR

December 22, 2014

Kristin Doud
Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354

Subject: Use Permit Application No. PLN2014-0060 - Westside Landscape & Concrete
SCH#: 2014082082

Dear Kristin Doud:

The State Clearinghouse submitted the above named 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 December 19, 2014, 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.

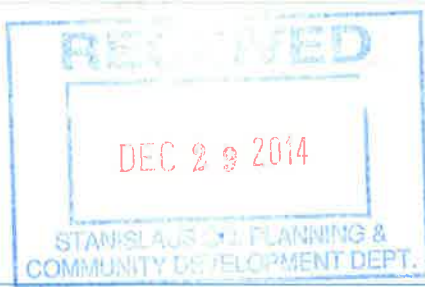
Sincerely,

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



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

17 December 2014

Kristin Doud
Stanislaus County
Department of Planning and Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

CERTIFIED MAIL
7014 2120 0001 3978 3385

COMMENTS TO REQUEST FOR REVIEW FOR THE INITIAL STUDY AND NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION, USE PERMIT APPLICATION NO. PLN2014-0060 – WESTSIDE LANDSCAPE AND CONCRETE PROJECT, STANISLAUS COUNTY

Pursuant to the Stanislaus County Department of Planning and Community Development's 19 November 2014 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Initial Study and Notice of Intent to Adopt a Negative Declaration* for the Use Permit Application No. PLN2014-0060 – Westside Landscape and Concrete Project, located in Stanislaus 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.

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 (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

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. 97-03-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.

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.

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.

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 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

Waste Discharge Requirements

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 will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the 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.

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 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.

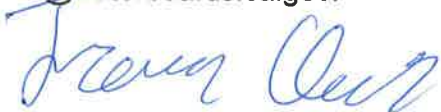
For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

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

If you have questions regarding these comments, please contact me at (916) 464-4684 or tcleak@waterboards.ca.gov.



Trevor Cleak
Environmental Scientist



CHIEF EXECUTIVE OFFICE

Stan Risen
Chief Executive Officer

Patricia Hill Thomas
*Chief Operations Officer/
Assistant Executive Officer*

Keith D. Boggs
Assistant Executive Officer

Jody Hayes
Assistant Executive Officer

1010 10th Street, Suite 6800, Modesto, CA 95354
Post Office Box 3404, Modesto, CA 95353-3404

Phone: 209.525.6333 Fax 209.544.6226

STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE

December 22, 2014

Kristin Doud, Associate Planner
Stanislaus County Planning and Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

**SUBJECT: ENVIRONMENTAL REFERRAL – USE PERMIT APPLICATION NO.
PLN2014-0060 – WESTSIDE LANDSCAPE & CONCRETE – INITIAL
STUDY AND NOTICE OF INTENT TO ADOPT A NEGATIVE
DECLARATION**

Ms. Doud:

Thank you for the opportunity to review the Initial Study phase of the above-referenced project.

The Stanislaus County Environmental Review Committee (ERC) has reviewed the proposed project and has no comments at this time.

The ERC appreciates the opportunity to comment on this project.

Sincerely,

Delilah Vasquez, Management Consultant
Environmental Review Committee

DV:ss

cc: ERC Members



DEPARTMENT OF TRANSPORTATION

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



*Serious drought
Help save water!*

December 15, 2014

**10-STA-33, PM 2.04
Westside Landscape & Concrete
Negative Declaration
SCH #2014082082**

Kristin Doud
Stanislaus County
Planning and Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

Dear Ms. Doud,

The California Department of Transportation (Department) appreciates the opportunity to comment on the Notice of Intent to Adopt a Negative Declaration for **Westside Landscape & Concrete**. The project, located at 27107 Hwy 33 in Newman, proposes to convert an existing auto repair shop to a retail nursery and landscaping supply business. The site proposes to take access from SR-33.

The Department has previously commented on this project in a letter dated September 15, 2014 to the County and cc to Scott Morgan SCH# 2014082082, below please see comments:

1. The Department recommends using a combined access along SR-33 at the existing Westside Landscape driveway. The reduction from two driveways to one driveway will reduce the number of conflict points.
2. The proposed driveway shall be paved to Caltrans Standards in order to prevent debris from the unpaved driveway spilling onto SR-33.
3. The Ultimate Concept Facility for SR-33 is a 4-lane Conventional highway with a continuous center Two-Way-Left-Turn lane. The approval conditions for the proposed development need to require a dedication of right-of-way (ROW) necessary for the eventual widening of SR-33. Therefore, please reserve eight (8) feet of Irrevocable Offers of Dedication of ROW to accommodate future improvements to State facilities.
4. In addition, the applicant must proceed with an Encroachment Permit application prior to any commencement of work within the State's ROW and upon any access (driveway) point onto the State Highway System. All work performed within/adjacent to the State's ROW will be subject to Caltrans Highway Design Manual and Standards and Specifications.

Ms. Doud
December 15, 2014
Page 2

If you have any questions, please contact Eduardo Fuentes at (209) 948-7783 (e-mail: Eduardo.Fuentes@dot.ca.gov) or myself at (209) 941-1921.

Sincerely,



TOM DUMAS, CHIEF
OFFICE OF METROPOLITAN PLANNING

c Scott Morgan, State Clearinghouse

**STANISLAUS COUNTY
CEQA REFERRAL RESPONSE FORM**

TO: Stanislaus County Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

FROM: _____

SUBJECT: USE PERMIT APPLICATION NO. PLN2014-0060 - WESTSIDE LANDSCAPE & CONCRETE

Based on this agencies particular field(s) of expertise, it is our position the above described project:

- Will not have a significant effect on the environment.
- May have a significant effect on the environment.
- No Comments.

Listed below are specific impacts which support our determination (e.g., traffic general, carrying capacity, soil types, air quality, etc.) - (attach additional sheet if necessary)

- 1.
- 2. N/A
- 3.
- 4.

Listed below are possible mitigation measures for the above-listed impacts: *PLEASE BE SURE TO INCLUDE WHEN THE MITIGATION OR CONDITION NEEDS TO BE IMPLEMENTED (PRIOR TO RECORDING A MAP, PRIOR TO ISSUANCE OF A BUILDING PERMIT, ETC.):*

- 1.
- 2. N/A
- 3.
- 4.

In addition, our agency has the following comments (attach additional sheets if necessary).

BUILDING PERMITS ARE REQ AND PROJECT MUST COMPLY WITH CALIF CODE OF REGS
TITLE 24 AND SITE MUST CONFORM TO ADA ACCESSIBILITY.

Response prepared by:

<u>STEVE TREAT</u>	<u>CBO</u>	<u>9-25-14</u>
Name	Title	Date



DEPARTMENT OF PUBLIC WORKS

Matt Machado, PE, LS
Director, County Surveyor

Chris Brady, PE
Deputy Director - Construction/Roads/Bridges

Colt Esenwein, PE
Deputy Director - Engineering/Survey/Fleet

David Leamon, PE
Deputy Director - Development/Traffic

Kathy Johnson
Assistant Director - Finance/GIS/HR/Transit

www.stancounty.com/publicworks

September 23, 2014

To: Kristin Doud, Associate Planner, Planning and Community Development
From: Angie Halverson, Senior Land Development Coordinator
Subject: PLN2014-0060 Use Permit for Westside Landscape and Concrete

This is a request to change the use of the property from a legal non-conforming auto repair shop to a retail nursery and landscaping supply business. The site will take access from State Route 33, which is a Caltrans highway. Stanislaus County Public Works recommends the following conditions of approval:

1. An encroachment permit shall be taken out with Caltrans for any new driveway or for any work to be done in the State Route 33 right-of-way. Any new driveway location will have to be approved by Caltrans.
2. State Route 33 is classified as 2-lane Conventional Highway per Caltrans Transportation Concept Report. An Irrevocable Offer of Dedication will be required for the parcel frontage on this road. The required width of State Route 33 is 68-feet from the Southern Pacific Railroad right-of-way towards the property/parcel. If a minimum 68-feet of the road right-of-way does not exist, then the remainder 68-feet shall be dedicated with an Irrevocable Offer of Dedication for the entire parcel frontage.
3. A grading and drainage plan for the project site shall be submitted with the grading or building permit. Public Works will review and approve the drainage calculations. The grading and drainage plan shall be designed in accordance to the 2014 County Standards and Specifications and shall include the following minimum information:
 - The plan shall contain enough information to verify that all runoff will be kept from going onto adjacent properties and Stanislaus County road right-of-way.
 - The grading, drainage, and erosion control plan shall comply with the National Pollutant Discharge Elimination System (NPDES) General Construction Permit, including post development treatment and water quality treatment requirements.
 - A Notice of Intent (NOI) shall be submitted to the County prior to the approval of the grading permit.
 - The grading, drainage, and associated work shall be accepted by Stanislaus County Public Works prior to a final inspection or occupancy, as required by the grading/building permit.

- The applicant of the grading/building permit shall pay the current Stanislaus County Public Works weighted labor rate for the plan review of the building and/or grading plan and all inspection fees. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site. The plans shall not be released until such time that all plan check and inspection fees have been paid.
- The applicant shall determine the project risk level and pay the appropriate NPDES fee based on the latest Public Works Engineering fee schedule.

Kristin Doud - RE: Stan Co ERC Referral

From: AMBER MINAMI <AMINAMI@envres.org>
To: Crystal Rein <reinc@stancounty.com>
Date: 9/2/2014 10:16 AM
Subject: RE: Stan Co ERC Referral

Sheryl:

Hazardous Materials has no comments for this project.

Thank you!

*Amber Minami
 Hazardous Materials Specialist
 Department of Environmental Resources
 Stanislaus County LOP
 (209) 525-6754*

From: Crystal Rein [mailto:REINC@stancounty.com]
Sent: Tuesday, August 26, 2014 1:49 PM
To: AMBER MINAMI; BELLA BADAL; BERONIA BENIAMINE; HEIDI HIDALGO; JAMI AGGERS; JANIS MEIN; Ryan Barney; RACHEL RIESS; Angela Freitas; Marjorie Blom; Thomas Boze; Tera Chumley; Miguel Galvez; Angie Halverson; Kamaljit Bagri; Keimi Espinoza; David Leamon; Judy Lindsay; Carole Maben; Matt Machado; Milton O'Haire; Sara Lytle-Pinhey; Sheryl Swartz; Delilah Vasquez; Charles Grom; Jerry McDaniel; Randy Crook; Theresa Spezzano
Subject: Stan Co ERC Referral

Early Consultation for UP PLN2014-0060 - Westside Landscape & Concrete is ready for review.

Crystal D Rein
 Staff Services Tech
 Stanislaus County Planning &
 Community Development
 (209) 525-6330
reinc@stancounty.com

-- -- -- Let Us Know How We Are Doing -- -- --

Please take a moment and complete the Customer Satisfaction Survey by clicking on the following link:

<http://www.stancounty.com/customercenter/index.shtm>

Central Valley Regional Water Quality Control Board

2 September 2014

Kristen Doud
Planning Community Development
Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354



CERTIFIED MAIL
7014 1200 0000 7154 3632

COMMENTS TO REQUEST FOR EARLY CONSULTATION, WESTSIDE LANDSCAPE & CONCRETE (PLN2014-0060) PROJECT, SCH NO. 2014082082, STANISLAUS COUNTY

Pursuant to the State Clearing House's 27 August 2014 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Early Consultation* for the Westside Landscape & Concrete (PLN2014-0060) Project, located in Stanislaus 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.

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 (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

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. 97-03-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.

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.

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.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit, or any other federal permit, is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

Waste Discharge Requirements

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 will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the 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.

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

If you have questions regarding these comments, please contact me at (916) 464-4684 or
tcleak@waterboards.ca.gov.



Trevor Cleak
Environmental Scientist

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

DEPARTMENT OF TRANSPORTATION

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



*Serious drought
Help save water!*

September 15, 2014

**10-STA-33, PM 2.04
Westside Landscape & Concrete
SCH #2014082082
PLN2014-0060**

Kristin Doud
Stanislaus County
Planning and Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

Dear Ms. Doud,

The California Department of Transportation (Department) appreciates the opportunity to comment on the Early Consultation for **Westside Landscape & Concrete**. The project, located at 27107 Hwy 33 in Newman, proposes to convert an existing auto repair shop to a retail nursery and landscaping supply business. The site proposes to take access from SR-33.

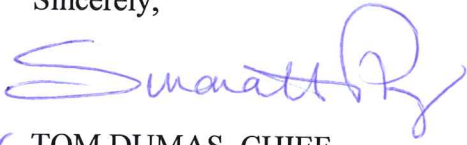
Upon review of the project, the Department has the following comments:

1. The Department recommends using a combined access along SR-33 at the existing Westside Landscape driveway. The reduction from two driveways to one driveway will reduce the number of conflict points.
2. The proposed driveway shall be paved to Caltrans Standards in order to prevent debris from the unpaved driveway spilling onto SR-33.
3. The Ultimate Concept Facility for SR-33 is a 4-lane Conventional highway with a continuous center Two-Way-Left-Turn lane. The approval conditions for the proposed development need to require a dedication of right-of-way (ROW) necessary for the eventual widening of SR-33. Therefore, please reserve eight (8) feet of Irrevocable Offers of Dedication of ROW to accommodate future improvements to State facilities.
4. In addition, the applicant must proceed with an Encroachment Permit application prior to any commencement of work within the State's ROW and upon any access (driveway) point onto the State Highway System. All work performed within/adjacent to the State's ROW will be subject to Caltrans Highway Design Manual and Standards and Specifications.

Ms. Doud
September 15, 2014
Page 2

If you have any questions, please contact Sinarath Pheng at (209) 942-6092 (e-mail: Sinarath.Pheng@dot.ca.gov) or myself at (209) 941-1921.

Sincerely,



for TOM DUMAS, CHIEF
OFFICE OF METROPOLITAN PLANNING

c Scott Morgan, State Clearinghouse



STANISLAUS COUNTY CEQA REFERRAL RESPOND FORM

TO: Stanislaus County Planning & Community Development
FROM: Department of Environmental Resources
SUBJECT: **ENVIRONMENTAL REFERRAL- USE PERMIT APPLICATION NO. PLN2014-0060 – WESTSIDE LANDSCAPE AND CONCRETE**

Based on this agencies particular field(s) of expertise, it is our position the above-described project:

- Will not have a significant effect on the environment.
- May have a significant effect on the environment.
- No Comments.

Listed below are specific impacts which support our determination (e.g., traffic general, carrying capacity, soil types, air quality, etc.) - (attach additional sheet if necessary)

- 1.
- 2.
- 3.
- 4.

Listed below are possible mitigation measures for the above-listed impacts: *PLEASE BE SURE TO INCLUDE WHEN THE MITIGATION OR CONDITION NEEDS TO BE IMPLEMENTED (PRIOR TO RECORDING A MAP, PRIOR TO ISSUANCE OF A BUILDING PERMIT, ETC.):*

- 1.
- 2.
- 3.
- 4.

In addition, our agency has the following comments (attach additional sheets if necessary).

The listed items below are to be provided by the applicant:

- 1. A detailed site plans drawn to scale providing the location of the onsite domestic water well location and all the existing onsite wastewater treatment systems. In addition the size, location and layout of OWTS are to be provided. Contact DER land use senior to address this requirement.
- 2. "The Water System may now be or may become a public water system as defined by California Health and Safety Code (CA HSC) Section 116275 and Title 22 California Code of Regulations (CCR) Sections 64400.10, 64400.80, 64401.85. Prior to issuance

of building permits or licenses to conduct business identified in use permit application for Westside Landscape & Concrete, the property owner shall certify to Stanislaus County Department of Environmental Resources (Department) that: the property use does not or will not constitute a public water system, or submit an public water supply permit application [(CA HSC) 116525] to the Department accompanied by a public water system technical report [(CA HSC) 116530], financial and managerial and technical information [(CA HSC) 116540], and obtain a public water supply permit to operate the public water system [(CA HSC) Sections 116525, 116530, 116540, 116550].” Applicant to contact DER water senior to address this requirement.

3. On-site wastewater disposal system (OSWDS) may require to be by individual Primary and Secondary wastewater treatment units, operated under conditions and guidelines established by Measure X.

Response prepared by:

Date: September 4, 2014

Bella Badal

BELLA BADAL, PhD, REHS
SENIOR REGISTERED ENVIRONMENTAL HEALTH SPECIALIST
Department of Environmental Resources

NEGATIVE DECLARATION

NAME OF PROJECT: Use Permit Application No. PLN2014-0060 - Westside Landscape and Concrete

LOCATION OF PROJECT: 27107 Highway 33, on the southwest corner of Stuhr Road and Highway 33, just north of the city limits of Newman, in the City of Newman Sphere of Influence. APN: 026-039-037

PROJECT DEVELOPERS: Armando Garcia
Westside Landscape and Concrete
634 Crevison Peak
Newman, CA 95360

DESCRIPTION OF PROJECT: This is a request to change the use of a legal non-conforming auto repair shop to a retail nursery and landscaping supply business (Westside Landscape and Concrete) on a 1.8 acre parcel. The site proposes to take access from Highway 33. The business includes 2,688 square feet of office and sales area, storage and covered storage and display areas, and a caretaker quarters. Services will be provided through private septic and well systems. Proposed business hours are 8:00 a.m. to 5:00 p.m., seven days a week. A maximum of nine employees would be on-site. The applicant estimates 44 trips will be generated per day (17 employees, 12 customers, and 15 truck trips).

Based upon the Initial Study, dated **November 17, 2014**, the Environmental Coordinator finds as follows:

1. This project does not have the potential to degrade the quality of the environment, nor to curtail the diversity of the environment.
2. This project will not have a detrimental effect upon either short-term or long-term environmental goals.
3. This project will not have impacts which are individually limited but cumulatively considerable.
4. This project will not have environmental impacts which will cause substantial adverse effects upon human beings, either directly or indirectly.

The Initial Study and other environmental documents are available for public review at the Department of Planning and Community Development, 1010 10th Street, Suite 3400, Modesto, California.

Initial Study prepared by: Kristin Doud, Associate Planner

Submit comments to: Stanislaus County
Planning and Community Development Department
1010 10th Street, Suite 3400
Modesto, California 95354



October 24, 2014

Jim Shade
JWBS Architects and Planners
222 South Thor, Suite 19
Turlock, CA 95380

RE: 27107 State Highway 33 (PLN 2014-0060)

Dear Mr. Shade,

Thank you for submitting Westside Landscape and Concrete's Use Permit project plans to the City of Newman for additional review. In addition to our original comments submitted to the County dated September 15th, please accept the following comments:

Stormwater Treatment

1. On July 1, 2013, the State Water Resources Control Board (SWRCB) Water Quality Order No. 2013-0001-DWQ, General Permit No. CAS000004, Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) (Phase II General Permit) became effective for the Phase II stormwater permit communities. Therefore, stormwater runoff from the proposed project watershed shall be treated to comply with the stormwater MS4s Phase II Permit above.

Right-of-Way Dedication

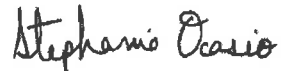
2. The Master Plan (MP) identifies a 90' four lane right-of-way along Highway 33 fronting the project site. Given that the northern portion of the property has already dedicated right-of-way (see attached), the remaining dedication shall be 20 feet wide commencing at the sound end of the project site and extending northerly across the project frontage (approximately 114.3 feet in length).
3. The MP identifies a future industrial street along the westerly side of the project, in a North-South direction, with a knuckle at the North end where the street turns to the West (see attached figure 5.2). Since the design for the industrial street has not yet been finalized and for the purposes of providing direction for your project, it has been assumed that the centerline of the future street will coincide with the existing property lines along its alignment. The typical right-of-way width for an industrial street is 70 feet in accordance with figure 5.3g of the MP (attached). Based on the above, a property line after dedication was established and shown on the attached Exhibit "A." The dedication shall be 35 feet wide at the South end of the project site and shall increase towards the North side in order to accommodate a knuckle where the future street changes direction.

Storm Drain Basin Location

4. Given the necessary right-of-way dedication, the proposed drainage basin needs to be relocated. In order to avoid major conflicts with future corridors adjacent to the project site, it is recommended that an alternative design and location be proposed.

Again, thank you for the opportunity to review the proposed project. Should you have any questions or comments, please feel free to contact me at (209) 862-3725, option 4.

Sincerely,



STEPHANIE OCASIO
City Planner
socasio@cityofnewman.com

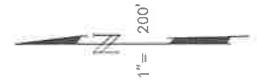
Enclosures

cc: Kristin Doud, Stanislaus County

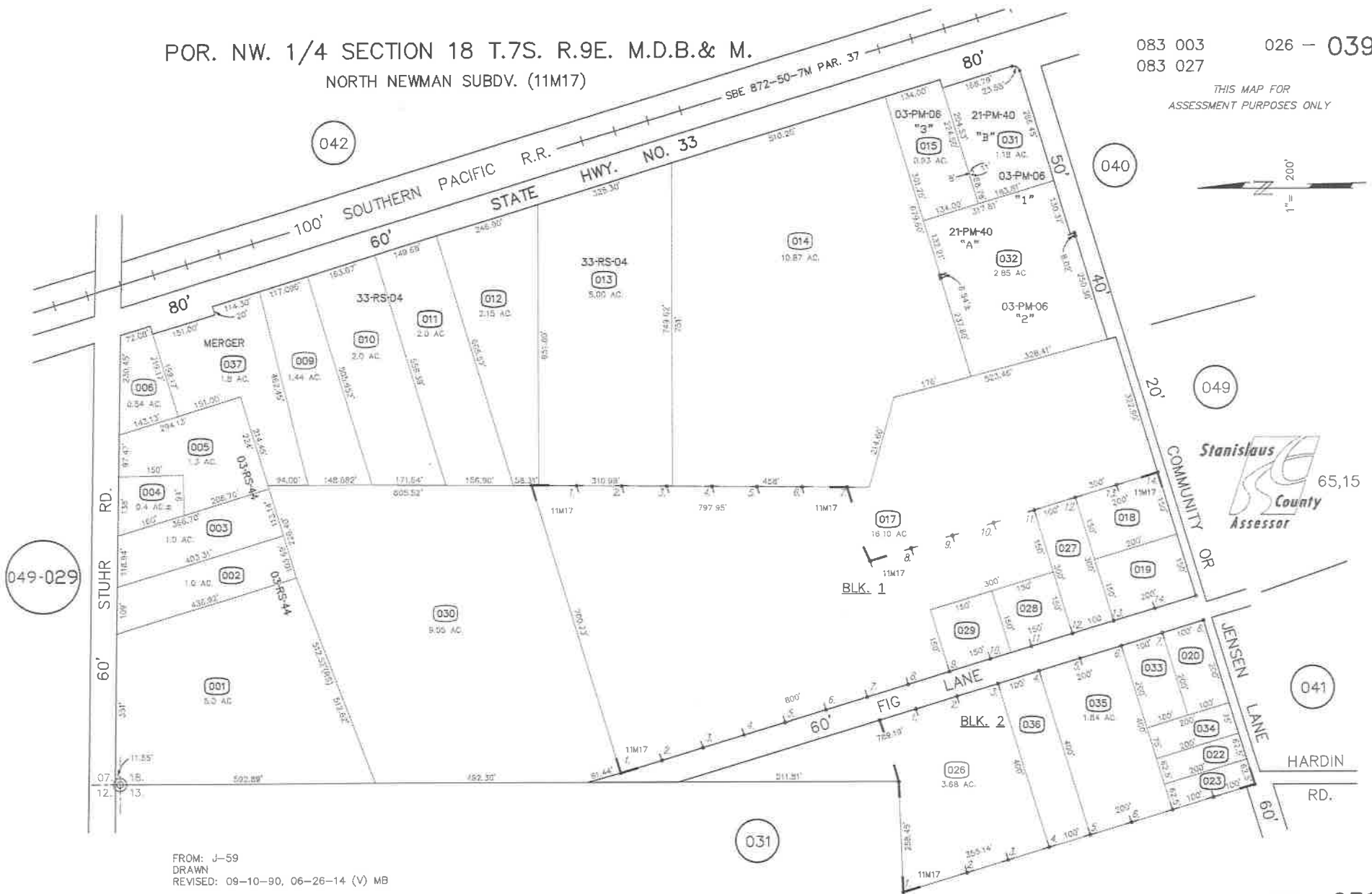
POR. NW. 1/4 SECTION 18 T.7S. R.9E. M.D.B.& M.
NORTH NEWMAN SUBDV. (11M17)

083 003 026 - 039
083 027

THIS MAP FOR
ASSESSMENT PURPOSES ONLY

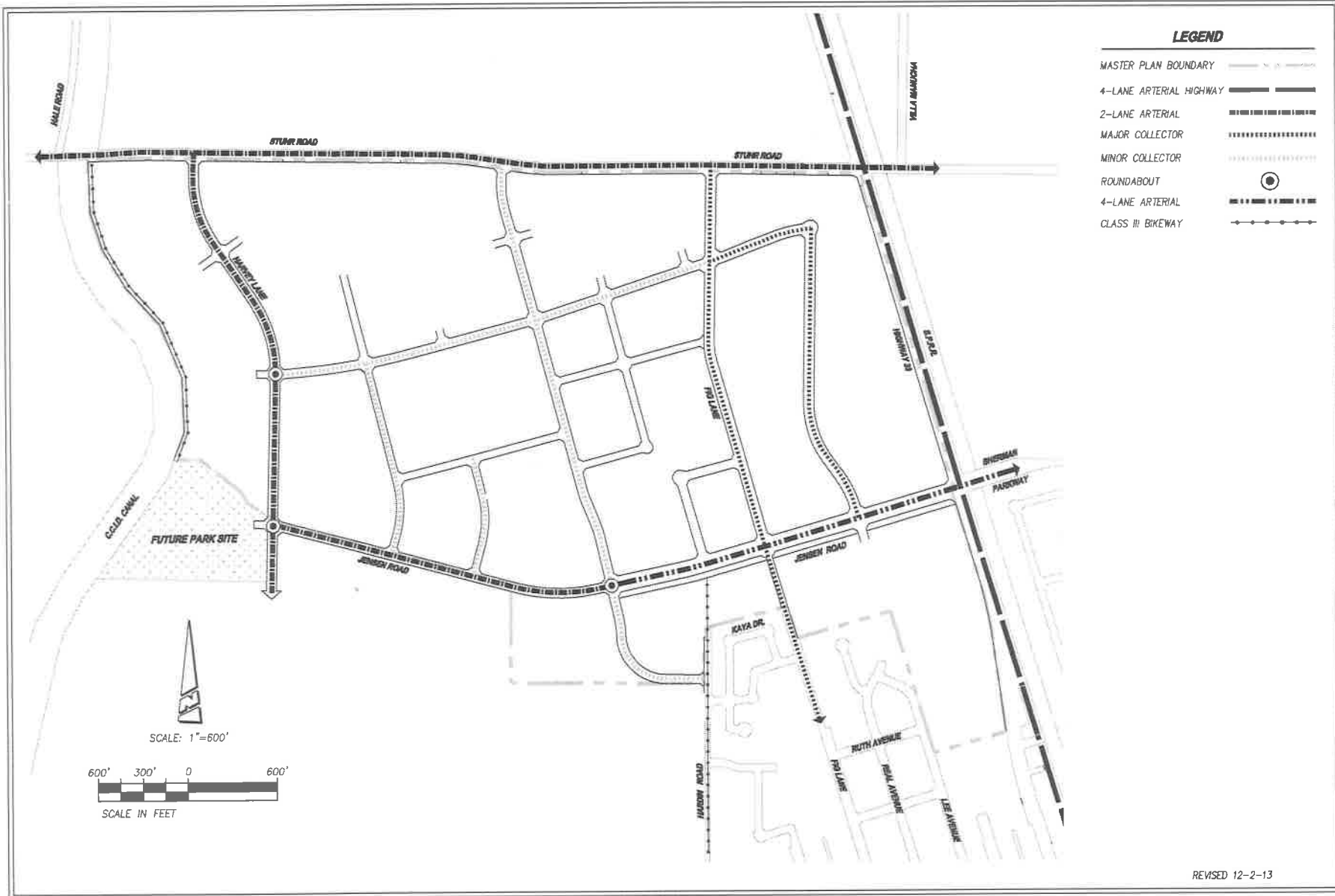


61



FROM: J-59
DRAWN
REVISED: 09-10-90, 06-26-14 (V) MB

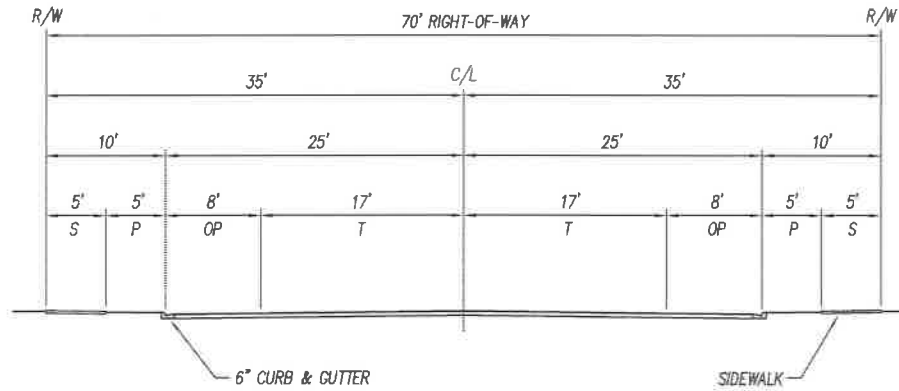




**NORTHWEST NEWMAN MASTER PLAN
MASTER PLAN STREETS & ROADS**

**Figure:
5.2**

REVISED 12-2-13

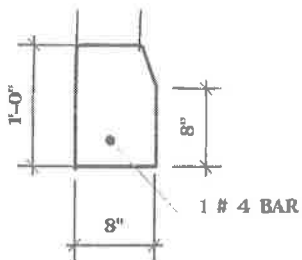


70' STREET SECTION
(TYPICAL INDUSTRIAL) NTS

LEGEND

- S SIDEWALK
- T TRAVEL LANE
- P LANDSCAPED PARKWAY
- OP ON-STREET PARKING

Figure:
5.3g



ACCESSIBILITY SIGN & STALL MARKINGS
@ EACH ACCESS. STALL

CONCRETE CURB @ DRIVEWAYS

SCALE: 1" = 1'-0"

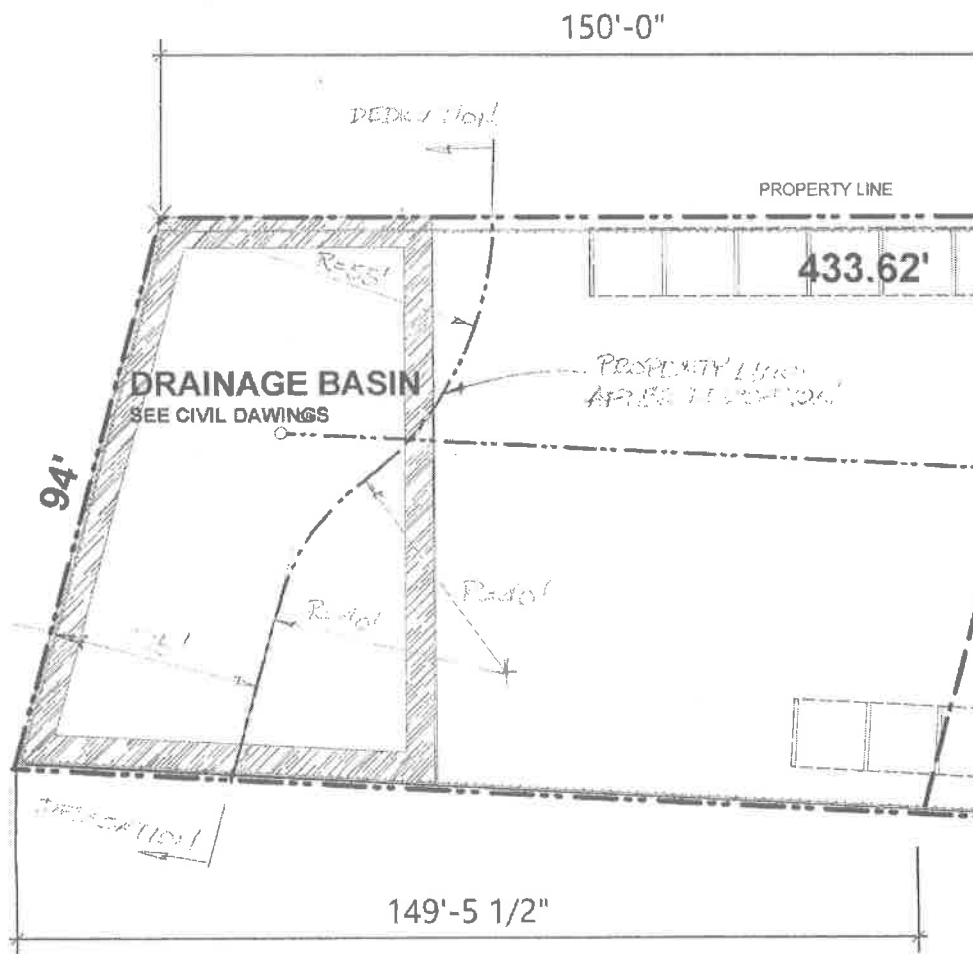


EXHIBIT "A"



September 15, 2014

Kristin C. Doud
Associate Planner
Stanislaus County Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

RE: PLN 2014-0060 Comments

Dear Kristin,

Thank you for providing the City of Newman with an opportunity to review and comment on Westside Landscape and Concrete's Use Permit application. Upon review, the City of Newman has the following comments:

1. The project site (27107 State Highway 33) is within our SOI and proposed Master Plan Area (see attached). Given that the City intends to annex the Master Plan Area in the near future (i.e. within the next 12-18 months) and that the subject parcel is within said area, the City requests that its Master Plan and Municipal Code apply to the proposed project. Upon annexation, it will be zoned "M" Light Industrial/Business Park.
 - a. Upon annexation, the project shall be required to connect to City utilities at the owner's expense.
 - b. Impact fees are applicable for the change in use.
 - c. The proposed caretaker's shall also be subject to residential impact fees.
2. A lot merger is required due to the development over two parcels.
3. The storm drain drainage basin must comply with LID standards.
4. Relocation of storm drain basin is necessary due to required rear right-of-way dedication.
5. Confirmation of Caltrans approval shall be submitted to the City.
6. All Highway 33 and internal road dedications and improvements shall be completed prior to the issuance of a Building Permit.
7. Has a traffic study been prepared to determine potential impacts to Highway 33 and surrounding areas?
 - a. With its close proximity to the intersection of Stuhr and Highway 33, will project offer full access from Highway 33 or right in/right out only?
8. What type of environmental review is proposed?

Again, thank you for the opportunity to review the proposed project. Should you have any questions or comments, please feel free to contact me at (209) 862-3725, option 4.

Sincerely,

A handwritten signature in black ink that reads 'Stephanie Ocasio'.

STEPHANIE OCASIO
City Planner
socasio@cityofnewman.com

Enclosure

P.O. BOX 787 • 938 FRESNO STREET • NEWMAN, CA 95360 | PH (209) 862-3725 • FAX (209) 862-3199 | WWW.CITYOFNEWMAN.COM



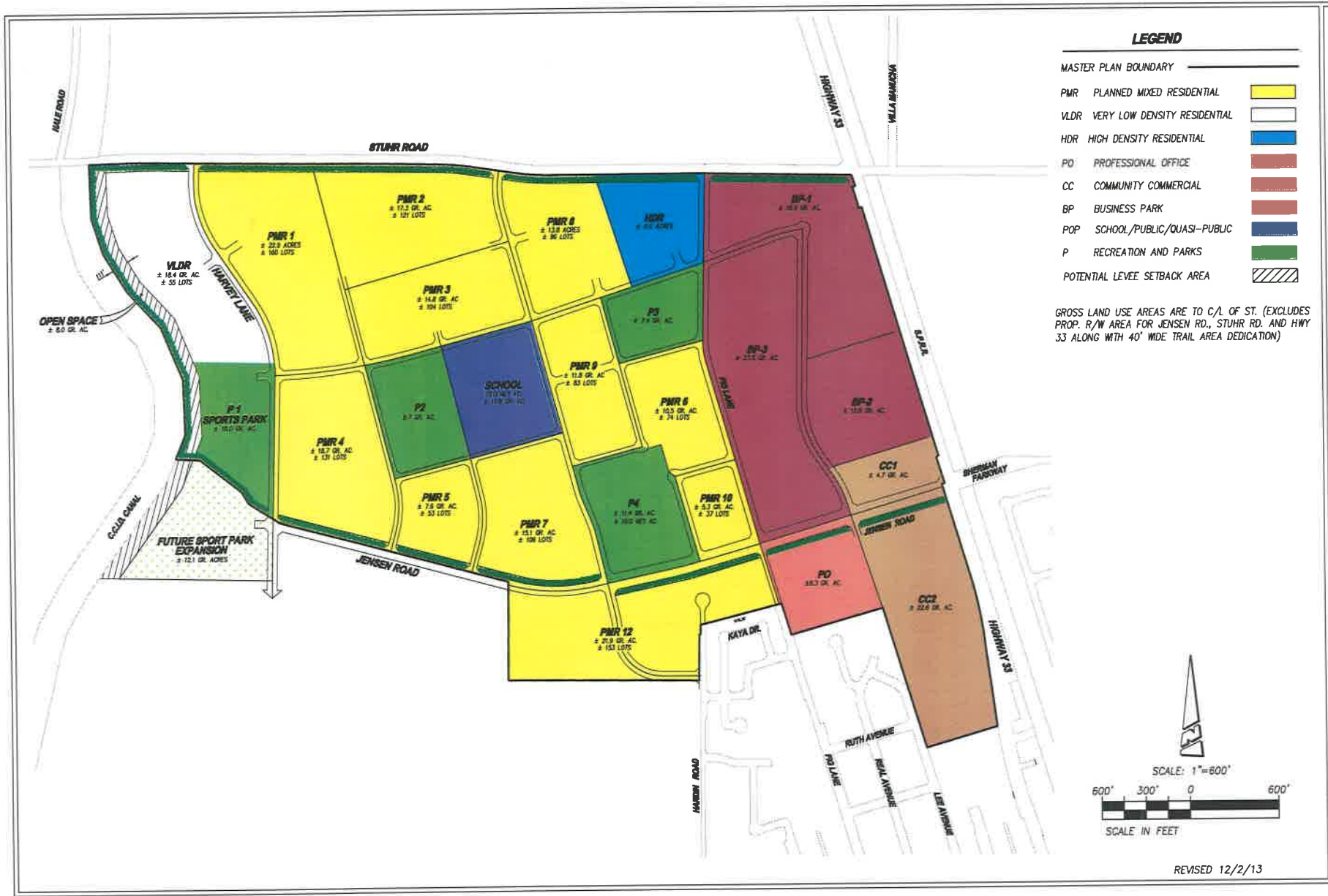
LEGEND

MASTER PLAN BOUNDARY

- ① APN: 026-031-014 1.19 AC.
- ② APN: 026-039-026 3.68 AC.
- ③ APN: 026-039-036 0.91 AC.
- ④ APN: 026-039-035 1.84 AC.
- ⑤ APN: 026-039-023 0.37 AC.
- ⑥ APN: 026-039-022 0.28 AC.
- ⑦ APN: 026-039-034 0.34 AC.
- ⑧ APN: 026-039-033 0.45 AC.
- ⑨ APN: 026-039-020 0.45 AC.
- ⑩ APN: 026-034-017 2.62 AC.
- ⑪ APN: 026-034-021 4.96 AC.
- ⑫ APN: 026-034-025 1.60 AC.
- ⑬ APN: 026-034-026 0.26 AC.
- ⑭ APN: 026-041-040 0.49 AC.
- ⑮ APN: 026-041-002 0.54 AC.
- ⑯ APN: 026-041-001 3.21 AC.
- ⑰ APN: 026-039-019 0.68 AC.
- ⑱ APN: 026-039-018 0.68 AC.
- ⑲ APN: 026-039-027 0.68 AC.
- ⑳ APN: 026-039-028 0.51 AC.
- ㉑ APN: 026-039-029 0.51 AC.
- ㉒ APN: 026-039-031 1.18 AC.
- ㉓ APN: 026-039-015 0.93 AC.
- ㉔ APN: 026-039-012 2.15 AC.
- ㉕ APN: 026-039-011 2.00 AC.
- ㉖ APN: 026-039-010 2.00 AC.
- ㉗ APN: 026-039-009 1.44 AC.
- ㉘ APN: 026-039-008 1.05 AC.
- ㉙ APN: 026-039-007 0.69 AC.
- ㉚ APN: 026-039-006 0.54 AC.
- ㉛ APN: 026-039-005 1.30 AC.
- ㉜ APN: 026-039-004 0.40 AC.
- ㉝ APN: 026-039-003 1.00 AC.
- ㉞ APN: 026-039-002 1.00 AC.
- ㉟ APN: 026-040-007 4.00 AC.

**NORTHWEST NEWMAN MASTER PLAN
EXISTING PARCELIZATION**

Figure:
3.2



**NORTHWEST NEWMAN MASTER PLAN
 MASTER PLAN LAND USES**

**Figure:
 3.3**

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: USE PERMIT APPLICATION NO. PLN2014-0060 - WESTSIDE LANDSCAPE AND CONCRETE

REFERRED TO:				RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS	
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CA DEPT OF FISH & WILDLIFE	X	X	X		X							
CA DEPT OF TRANSPORTATION DIST 10	X	X	X	X				X		X	X	
CA OPR STATE CLEARINGHOUSE	X	X	X	X				X		X		X
CA RWQCB CENTRAL VALLEY REGION	X	X	X	X				X		X	X	
CEMETARY DISTRICT: HILLS FERRY	X	X	X		X							
CENTRAL VALLEY FLOOD PROTECTION	X	X	X		X							
CITY OF: NEWMAN	X	X	X	X				X		X	X	
COOPERATIVE EXTENSION	X	X			X							
COUNTY OF: MERCED	X	X	X		X							
FIRE PROTECTION DIST: W STANISLAUS	X	X	X		X							
HOSPITAL DISTRICT: WESTSIDE	X	X	X		X							
IRRIGATION DISTRICT: CENTRAL CA	X	X	X		X							
MOSQUITO DISTRICT: TURLOCK	X	X	X		X							
MT VALLEY EMERGENCY MEDICAL	X	X	X		X							
PACIFIC GAS & ELECTRIC	X	X	X		X							
RAILROAD: CALIFORNIA NORTHERN	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X		X							
SCHOOL DISTRICT 1: NEWMAN/CROWS LANDING/ MARSHALL B KRUPP	X	X	X		X							
STAN ALLIANCE	X	X			X							
STAN CO AG COMMISSIONER	X	X			X							
STAN CO BUILDING PERMITS DIVISION	X	X		X				X		X	X	
STAN CO CEO	X	X			X							
STAN CO DER	X	X		X				X		X	X	
STAN CO ERC	X	X		X				X		X		X
STAN CO FARM BUREAU	X	X	X		X							
STAN CO HAZARDOUS MATERIALS	X	X		X				X		X		X
STAN CO PUBLIC WORKS	X	X		X				X		X	X	
STAN CO SHERIFF	X	X			X							
STAN CO SUPERVISOR DIST 5: DeMARTINI	X	X			X							
STAN COUNTY COUNSEL	X	X			X							
STANCOG	X	X			X							
STANISLAUS FIRE PREVENTION BUREAU	X	X			X							
STANISLAUS LAFCO	X	X	X		X							
SURROUNDING LAND OWNERS			X									
TELEPHONE COMPANY: AT&T	X	X	X		X							
US MILITARY (SB 1462) (6 AGENCIES)	X	X	X		X							