

# STANISLAUS COUNTY PLANNING COMMISSION

July 15, 2021

## STAFF REPORT

**GENERAL PLAN AMENDMENT & REZONE APPLICATION NO. PLN2019-0079  
CAL SIERRA FINANCIAL, INC.**

**REQUEST: TO AMEND THE GENERAL PLAN AND ZONING DESIGNATION OF A 9.6 ACRE SITE, FROM COMMERCIAL AND SALIDA COMMUNITY PLAN GENERAL COMMERCIAL (SCP C-2) TO PLANNED DEVELOPMENT, TO ALLOW FOR DEVELOPMENT OF A CONVENIENCE STORE/COMMUNITY MARKET, GAS STATION, RESTAURANT, RETAIL BUILDING, AND MINI-STORAGE FACILITY TO BE DEVELOPED ON APPROXIMATELY FOUR ACRES.**

### APPLICATION INFORMATION

Applicant:	Baldev Grewal representing Cal Sierra Financial, Inc. (Melissa Verrinder, President; Sandra Nevis, Vice President/Secretary)
Property owner:	Grover Family Properties, L.P. (Mark S. and Lorraine J. Grover)
Agent:	John Anderson, J.B. Anderson Land Use Planning
Location:	Pirrone Road, on the east side of the Pirrone Road and Hammett Road intersection, east of Highway 99, in the Community of Salida.
Section, Township, Range:	28-2-8
Supervisory District:	Three (Supervisor Withrow)
Assessor's Parcel:	003-014-007
Referrals:	See Exhibit Q Environmental Review Referrals
Area of Parcel(s):	9.6 acres
Water Supply:	City of Modesto
Sewage Disposal:	Salida Sanitary
General Plan Designation:	Commercial
Community Plan Designation:	Commercial
Existing Zoning:	Salida Community Plan General Commercial (SCP C-2)
Sphere of Influence:	N/A
Williamson Act Contract No.:	N/A
Environmental Review:	Mitigated Negative Declaration
Present Land Use:	Vacant
Surrounding Land Use:	Single-family residences, light industrial uses, and agricultural land to the east and southeast; vacant land and California State Highway 99 to the west and south; and vacant land to the north.

## **RECOMMENDATION**

Staff recommends the Planning Commission recommend that the Board of Supervisors 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 provide a recommendation of approval, Exhibit A provides an overview of all the findings required for project approval.

## **BACKGROUND**

This project was originally scheduled to be heard at the April 15, 2021 Planning Commission meeting. However, the item was continued to allow late comments received from the California Department of Fish and Wildlife (CDFW) to be considered in the project's environmental assessment. The CDFW referral response indicated that the project's potential impacts to special-status species should be evaluated including, but not limited to, the State threatened Swainson's hawk (*Buteo swainsoni*), and the State species of special concern burrowing owl (*Athene cunicularia*) (see Exhibit L – *April 15, 2021 Planning Commission Memo*).

The April 15, 2021 Planning Commission Staff Report can be viewed at the following link: [http://www.stancounty.com/planning/agenda/2021/04-15-2021/7\\_B.pdf](http://www.stancounty.com/planning/agenda/2021/04-15-2021/7_B.pdf). Four items of correspondence relating to this project were placed before the Planning Commission at the start of the April 15, 2021 Planning Commission meeting. The items included a memo to the Planning Commission from the Planning and Community Development Department requesting an indefinite continuance (see Exhibit L - *Planning Commission Memo, dated April 15, 2021*) and three emails expressing opposition to the project (see Exhibit M – *Community Responses from Planning Commission Correspondence, dated April 15, 2021*).

Following the April 15, 2021 continuance, a Biological Assessment was completed and a revised initial study was circulated for the project. The project description and initial study were also revised to clearly identify the potential storage and sale of hydrogen fuel on the project site (see Exhibit E - *Amended Initial Study, recirculated May 28, 2021*). This Staff Report provides much of the same information provided in the April 15, 2021 Planning Commission Staff report, but updates have been made to reflect the revised initial study and new correspondence received after the April 15, 2021 Planning Commission Staff Report was released to the public.

On August 7, 2007, the Stanislaus County Board of Supervisors passed an ordinance to implement the Salida Area Planning "Roadway Improvement, Economic Development and Salida Area Farmland Protection and Planning Initiative," also known as the Salida Initiative, which amended the Salida Community Plan. The amended Salida Community Plan provides land use planning and guidance for development of approximately 4,600 acres of land in the Salida area. The Community Plan encompasses the existing community of Salida, which was part of the previously approved Salida Community Plan (Existing Plan Area), and an amendment area encompassing approximately 3,383 acres (Amendment Area) (see Exhibit B-4 and B-5).

Prior to the 2007 Salida Community Plan, the project site had a General Plan designation of Planned Development, was designated within the original Salida Community Plan as Planned Development/Highway Commercial, and had a zoning designation of A-2-10 (General Agriculture) (see Exhibit B-2, B-5, and B-7). With the passage of the Salida Initiative, the subject site and other properties were erroneously included in the Amendment Area of the Salida Community Plan. This inclusion was a draftsperson's error, as the site was part of the Existing Plan Area. The Salida Initiative requires that prior to new development in the Salida Community Plan (SCP) Amendment Area, that the County must prepare, at the landowner's expense, a programmatic-level

Environmental Impact Report (EIR) evaluating the environmental impacts associated with the development. Accordingly, with the incorrect inclusion of the subject site in the Amendment Area of the Salida Community Plan, the subject site was erroneously subject to the EIR requirement. If approved, this community plan boundary line will be amended to correctly show the subject property as part of the Existing Plan Area of the Salida Community Plan. Additionally, while the Salida Initiative maintained the subject site's Community Plan designation of Commercial, the General Plan designation was amended from Planned Development to Commercial, and the zoning designation was amended from A-2-10 (General Agriculture) to Salida Community Plan General Commercial (SCP C-2) with the passing of the Salida Initiative. These General Plan and zoning changes would not have occurred if the site was correctly reflected as being a part of the Existing Plan Area, rather than the Amendment Area of the Salida Community Plan. This project is a request to correct the General Plan designation error and to rezone the property to Planned Development. (See Exhibit B – *Maps*.) A similar process is applicable to the parcel to the south. Upon request, the County will work with them to correct the error consistent with the outcome of this request.

### **PROJECT DESCRIPTION**

This is a request to amend the General Plan and zoning designation of a 9.6 acre site, from Commercial and Salida Community Plan General Commercial (SCP C-2) to Planned Development, to allow for development of a convenience store/community market, gas station, restaurant, retail building, and mini-storage facility to be developed on approximately four acres of the site. The project proposes the following uses:

- 2,310 square feet of retail space
- 3,250 square feet of fast-food restaurant space with drive-thru and outdoor dining area
- Service station with six pumps
- Two above-ground gasoline storage tanks
- 4,500 square feet of convenience market space
- 61,460 square feet of mini storage with 1,400 square feet of office space

The mini-storage buildings are proposed to be placed along the southeastern, eastern, and northern boundaries of the project site to act as a buffer between the proposed development and the existing residential uses to the south and southeast. Although the use types are specified in this request, no specific users are identified at this time. Depending on the end user, the gas station might include petroleum, diesel, and/or hydrogen fuel and/or an electrical vehicle (EV) charging station. The project estimates 18 employees will be on-site during a maximum shift (2-3 shifts per day), 60 customers maximum at any one time, and deliveries as needed. Hours of operation for the market are proposed to be 24 hours a day, seven days a week; However, deliveries will be limited to the hours of 6 a.m. to 6 p.m. The project proposes 38 total parking spaces to serve the convenience store, retail, and restaurant portions of the development and five parking spaces for the mini storage portion of the development.

The buildings for this site are proposed to be single story with modern farm style architecture, which is consistent with the area and other development along the Highway 99 corridor. The project proposes to include a monument sign, which will be approximately six feet in height and 12 feet wide, which will not include any animated messaging, and will act as the signage for the multiple tenants occupying site. The project also proposes a six-foot-tall concrete masonry unit (CMU) masonry wall, to be installed along the northern and eastern perimeter and lined with decorative trees, behind the proposed ministorage buildings. Additional wrought iron fencing is proposed to be installed along the southeastern corner of the property which is proposed to remain vacant due to required roadway dedication. Evergreen trees will be planted along the northern and eastern property lines to provide a visual buffer for the adjacent land uses. The southern and western

property lines will include a landscape strip planted along the road frontage which is proposed to include a mixture of decorative trees and low growing drought tolerant grasses. The project site will be required to annex into the existing Salida Lighting District to provide funding for maintenance of lighting installed along the sidewalk, which has been incorporated into the project as a development standard. The remaining area of the site will remain undeveloped, with the exception of a storm drainage basin, with no public access and will be required to obtain land use entitlements prior to future developments. A development standard has been applied to the project which requires that after future road improvements are constructed, landscaping consistent with the proposed landscaping be installed along the project's street frontage, by the property owner. Exhibit B-13 - *Maps* proves a site plan showing the areas of the site proposed to be developed, the areas to remain vacant, and the roadway dedication area.

Project access will be provided via a full access driveway on Arborwood Drive (east of existing Pirrone Road) and a secondary right-turn only driveway on the existing Pirrone Road (between Hammett Road and Arborwood Drive). The project will complete road frontage improvements along the entire parcel frontage of the parcel on Arborwood Drive, including, but not be limited to, driveway locations, street lights, curb, gutter, and sidewalk, storm drainage, and matching pavement.

The site is proposed to be served by the City of Modesto for water and Salida Sanitary for sewer services. A referral response received from the City of Modesto Utilities Department indicated that the City can serve the proposed development, provided the City Council approves the Will-Serve request. Further, the City of Modesto indicated the water demand shall be memorialized by Salida Fire, per County building and fire code requirements, as no more than 2,000 gallons per-minute (GPM), and requires that the design of the water utilities be reviewed and approved by the City of Modesto Utilities Department to ensure the project connects with appropriate sized utilities and meter locations to receive the necessary fire flow. A referral response received from the Stanislaus Local Area Formation Commission (LAFCO) indicated that LAFCO approval of an out-of-boundary service extension must be obtained prior to connecting to the City of Modesto's water system. Salida Sanitary provided a Will-Serve letter indicating that the project can be served provided each business has a separate sewer connection and that all improvements be completed to Salida Sanitary District standards. These requirements have been incorporated into the development standards applied to the project.

The site was previously in Community Service Area (CSA) 10, which covers parks, public works storm drain, and street sweepings but was recently annexed into CSA 4 to cover maintenance of these services.

On May 18, 2000, the Planning Commission approved Tentative Subdivision Map No. 99-11 – Salida Gateway Commons (Vizcaya Subdivision No. 1), which created 137 single-family residential lots out of the 28.3 acres located southeast of the project site, and a temporary off-site storm drainage basin located on the parcel to the south (see Exhibit B-10). A permanent storm drainage basin was envisioned to handle the storm drainage requirements of the entire 1997 project site, as well as the commercial lands located at the Hammett Road Interchange, as a part of the master storm drainage system for the north-east Salida Community Plan area covered by the Salida Mello-Roos, but one was never developed. The "temporary" basin still exists on the parcel south of the project site and serves the existing Vizcaya Subdivision to the east. The owner of the property with the temporary basin has been working with the County to identify a permanent basin solution, however, there currently are limitations on finding land to re-locate the storm drain basin due to the surrounding area being zoned Salida Community Plan (SCP). With the exception of the project site and the property to the south, which currently contains the temporary storm drainage basin, no development may occur on SCP zoned property until an Environmental Impact Report (EIR) for the entire Salida Community Plan amendment area is completed. A permanent storm drainage basin

solution will occur as part of a master storm drainage plan once the Salida Community Plan Amendment area develops. However, until that occurs the applicant has agreed to relocate the storm drainage basin, to be maintained by the County under CSA 4, on the northern-most portion of the project site within the roadway dedication area reserved for the future Hammett Road Interchange improvement project, as the Hammett Road Interchange improvement project will not occur until the Salida Community Plan Amendment area is able to develop.

## **SITE DESCRIPTION**

The 9.6 acre project site is located on Pirrone Road, on the east side of the Pirrone Road and Hammett Road intersection, east of Highway 99, in the Community of Salida. A portion of the future Pirrone Road has been developed south of the project site which is planned to be extended in the future through the eastern portion of the project site. The site is located in the City of Modesto service area for public water and the Salida Sanitary District's service area for sewer. The site is currently vacant.

Single-family residences, light industrial uses, and agricultural land surround the site to the east and southeast; vacant land and California State Highway 99 to the west and south; and vacant land to the north. The Stanislaus River is located approximately ½ mile northwest of the site.

## **ISSUES**

As required by the Stanislaus County General Plan's Land Use Element Sphere of Influence Policy, projects located within a Municipal Advisory Council's (MAC) boundary shall be referred to the MAC and the decision-making body shall give consideration to any comments received from the MAC. The proposed project is located within the Salida MAC boundaries and, accordingly, has been referred to the Salida MAC. The project was originally presented to the Salida MAC on September 24, 2019 as an Early Consultation referral. During the MAC meeting County Planning Department staff presented the project and responded to questions from the community. The applicant was also in attendance and answered questions from the community. The MAC members and community members had a lot of questions and concerns about the project and requested that a community meeting be held to further discuss the project.

Following the September 24, 2019 meeting, Staff received approximately 98 letters and emails in opposition to the project and eight letters/emails in support for the project. Additionally, Staff received a petition against the project on Change.org which included signatures of 630 people in opposition to the project. The Salida MAC provided a response to the project on October 10, 2019 which stated the MAC was in opposition to the project based on concerns regarding safety impacts to the nearby neighborhoods, including increased crime, noise, and light pollution associated with a 24/7 truck stop and fueling station and traffic impacts to existing roads. Further the letter stated the Salida MAC was not against development in Salida but would prefer if the County leaders proceeded with a long-term view as far as planning, considering what is beneficial to both Salida and Stanislaus County. The MAC response continued to explain that the Community of Salida had no input on the Salida Community Plan that was adopted in 2007 and would like to protect Salida's future and work together with the County on how their community develops. Finally, the response stated that the negative impact a truck stop/travel plaza will have on Salida resident's quality of life outweighs any benefits to the County. The Salida MAC had received 91 comments from the residents of Salida regarding the proposal; 85 against the project and six in favor of the project (See Exhibit I - *Salida Municipal Advisory Council Responses*).

A revised Early Consultation referral was circulated on January 24, 2020, which revised the project to prohibit semi-truck fueling and removed the drive-thru aspect of the proposed restaurant space.

A community meeting was then held by the County on March 20, 2020. During the community meeting many community members raised concerns regarding the presence of semi-trucks on the site, and regarding the project's potential impacts to the community in terms of light pollution, noise, traffic impacts, security, and views from second story homes in the Vizcaya subdivision. A poll was taken on the project during the meeting which resulted in two people in support of the project, 12 in opposition, and four that were undecided. On April 8, 2020 an email response was received on behalf of the individual members of the Salida MAC, due to the MAC not holding a meeting that month and indicated that they were unanimously opposed to the project (See Exhibit I – *Salida Municipal Advisory Council Responses*).

Following the community meeting, the project was further amended to include: a reduction to the number of fueling stations to only one fueling island with six pumps; a change in the restaurant from a sit down style to a fast food restaurant with a drive-thru; and the addition of mini-storage buildings which are proposed to be placed along the southeastern, eastern, and northern boundaries of the project site to act as a buffer between the proposed development and the existing residential uses to the south and southeast. Semi-truck fueling is still not part of the project being presented for consideration. The applicant prepared a noise study, an air impact analysis, and traffic impact analysis for the project, which have been included in the project's environmental assessment. A 30-day Initial Study prepared in accordance with the California Environmental Quality Act (CEQA) was circulated for the project and was presented to the Salida MAC on March 23, 2021. During the March 23, 2021 Salida MAC meeting there were 26 people in attendance, including County staff and other agency representatives. Those in attendance discussed concerns with the project citing potential issues with increased crime and traffic. A poll of those in attendance was taken by the MAC which showed six participants were opposed to the project and one was undecided. After the poll, there was a discussion on whether the one undecided vote counted as the individual was a resident of Wood Colony and not of Salida. Ultimately, the MAC decided the vote did count as the decision impacts services (such as fire) that also cover the Wood Colony area. The Salida MAC then put forth a motion to recommend denial of the project which ended in a split vote of 2-2. After the vote, several participants commented that they felt the project was not properly noticed to the surrounding community. However, other participants commented that they felt they did receive notice of the project in a timely manner. Landowner notices were sent out by the County's Planning Department on March 3, 2021 for the 30-day Initial Study and scheduled April 15, 2021 Planning Commission hearing. The notices were sent to all property owners of record within 1,320 feet of the project site, which exceeds the State's noticing requirements for public noticing. Noticing of the Salida MAC meeting is conducted by the MAC. In response to the March 23, 2021 Salida MAC meeting and 30-day Initial Study referral, Staff received eight emails/letters of opposition and three letters/emails of support for the project. These community responses were provided as an attachment in the April 15, 2021 Planning Commission Staff Report and are also provided in this Staff Report as Exhibit J. A Change.org petition was also circulated online in opposition to the project: <https://www.change.org/p/no-gas-station-next-to-vizcaya>.

As stated in the Background Section of this report the project was scheduled to be heard at the April 15, 2021 Planning Commission meeting but was indefinitely continued to allow time to address a letter received from the CDFW. Three responses regarding the item were provided to the Planning Commission as items of correspondence during the April 15, 2021 Planning Commission meeting which were all emails of opposition, which raised concerns with security, crime, increased homeless in the area, traffic, light pollution, aesthetics, air quality impacts, a potential for the decrease of property values, and neighborhood compatibility (see Exhibit M – *Community Responses from Planning Commission Correspondence, dated April 15, 2021*).

After the item was indefinitely continued during the April 15, 2021 Planning Commission meeting, Planning staff presented an update on the project at the April 27, 2021 and June 22, 2021 Salida

MAC meetings. During the April 27, 2021 meeting, an update on the project was provided as an informational item only. Staff explained that the project had been continued and that the MAC would receive notice once the Initial Study was recirculated and the project was rescheduled. Planning then returned to the Salida MAC to give another project update after the Initial Study was recirculated and the project was rescheduled, during their June 22, 2021 MAC meeting. The MAC voted to accept Planning staff's project update on a vote of 3-1, with a denial by MAC Member Brad Johnson.

After the item was indefinitely continued on April 15, 2021, additional community input was received regarding biological resources on and surrounding the site, potential Salida MAC conflict of interest issues, the proposed hydrogen fueling station, on-site security, and regarding the process for amending the Salida community Plan (see Exhibit N - *Planning Commission Community Responses, post April 15, 2021*). One of the comments received included a page of signatures of persons in opposition to the project. Another comment mentioned that there was a conflict of interest issue with several Salida MAC members due to their employment or the employment of their relatives. As stated above, the Salida MAC recommend denial of the project in a split vote of 2-2. However, the vote is an advisory recommendation to the Board of Supervisors.

Staff has also received a fact sheet prepared by the applicant to clarify the project description in-light of opposition comments being received. (See Exhibit K – *Cal Sierra Financial, Inc. Fact Sheet.*)

Throughout the review of this project, community input received in opposition to the project has consistently brought up concerns with light pollution, noise, safety and security, and traffic. Additionally, later opposition letters received raised concerns with biological resources and the Salida Initiative amendment procedures (see Exhibits J, M, and N). An overview and discussion of these issues is provided below:

#### Light Pollution

Light pollution was a concern raised by many community members in response to the original Early Consultation. A referral response received from the Stanislaus County Environmental Review Committee also requested that potential light impacts be evaluated in the project review. 19.5-foot-tall light poles, to include dark sky lighting, are proposed to be installed throughout the parking lot. To prevent the potential for the creation of a new source of substantial light or glare affecting the day or nighttime views in the area, a mitigation measure has been applied to the project requiring that a photometric lighting plan be submitted for review and approval to the Planning Department. With the inclusion of this mitigation measure, aesthetic impacts, in the form of light pollution, from the project are considered to be less-than significant.

#### Noise

A noise study was conducted, by Acoustics Group, Inc., dated February 15, 2021, to evaluate potential noise impacts that may occur from the project (see Exhibit E – *Amended Initial Study, recirculated May 28, 2021*). The Noise Study found that on-site noise generated from project traffic would comply with the County's Noise Guideline of 70 dBA CNEL for Residential Land Uses. All operational noise levels were found to comply with the daytime and nighttime standards of 50 and 45 dBA, respectively. Further, the study recommended that the final engineering design should be reviewed by a qualified acoustical consultant to ensure compliance with the noise standards. The recommendation for a review by an acoustical consultant has been incorporated into the project as a mitigation measure. With this mitigation measure in place, noise impacts from the project are considered to be less than significant. A response received from one of the community members mentioned the ambient noise considered in the Noise Study and inquired

why the on-site noise measurements taken for the Noise Study were not taken during the nighttime, when noise levels are lower. The Stanislaus County Noise Element includes language which states that where measured ambient noise levels exceed the standards included in the Noise Element, the standards shall be increased to the ambient levels. The acceptable noise levels utilized in the Noise Study are adjusted to account for ambient noise levels. The Noise Study was completed in accordance with common practice in acoustical engineering and in accordance with County noise measurement standards.

### Safety and Security

Concerns surrounding potential crime and security for the proposed development were raised by multiple community members surrounding crime associated with a gas station serving the traveling public, specifically semi-trucks, which may bring homeless people, criminal activity, theft, and hazardous material which may have a negative impact on the surrounding community. A development standard has been applied to the project requiring that prior to issuance of a certificate of occupancy for any tenant to occupy the site, a security plan shall be submitted to the Sheriff's Office for review and approval. The applicant has proposed to provide on-site security; however, some members of the community have still expressed concerns with security's ability to address the homeless which may be attracted to the site from the nearby Stanislaus River located north of the project site. Community input received also brought up concerns with increased crime associated with a truck stop. As reflected in the project's Development Standards, the applicant has agreed to limit the fueling service of the proposed gas station to not allow for the fueling of semi-trucks.

The project is required to obtain all applicable permits through County Department of Environmental Resources Hazardous Materials (HM) Division and must submit hazardous materials business information into the California Electronic Reporting System (CERS) when handling the storage of 55 gallons or 500 pounds of a hazardous material, or 200 cubic feet or more of compressed gas. Additionally, the handling of acutely hazardous materials requires the preparation of a Risk Management Prevention Program which must be implemented prior to operation of the facility. As the lead entity for the Underground Storage Tank (UST) and Above Storage Tank (AST) Programs, the HM Division reviews, approves, and monitors the construction, operation, repair and removals of UST or AST systems in Stanislaus County. The UST and AST programs are in place in order to protect the environment and groundwater from contamination resulting from UST/ASTs. Each UST/AST site is inspected annually as mandated by State law. Permitting and compliance with the HM Division's UST/AST Programs has been added to the project's Development Standards.

At the March 23, 2021 Salida MAC meeting, the applicant's representative mentioned the possibility of offering hydrogen fueling. The original Initial Study circulated for the project did not include hydrogen fuel as a fuel proposed to be offered at the proposed fueling station, as distinctions in the types of fuel to be offered at gas stations are not typically specified. Following the March 23, 2021 Salida MAC meeting, Staff received input from the Stanislaus County Fire Warden's Office and the HM Division on hydrogen fuel. The HM Division indicated that hydrogen fuel tanks are different from gasoline or diesel tanks, as hydrogen is not a hydrocarbon chemical, and unlike gasoline or diesel tanks, will not contaminate ground water. Gasoline and diesel tanks are heavily regulated by federal Environmental Protection Agency (EPA) and State Water Resources Control Board, as well as the local regulatory agency, such as, the HM Division and Fire Departments. Hydrogen gas is lighter than air and will dissipate in the air and, under pressure, can be a cryogenic liquid and can be flammable. Accordingly, hydrogen tanks are also regulated under the Hazardous Materials Business Plan (HMBP) program by the HM Division. There are multiple hydrogen fuel stations in the State of California that are under the HMBP program regulated by the Unified Program Agencies (UPA). At the time of construction, including the installation of tanks for the storage of hydrogen fuel, all applicable building, fire, and hazardous material codes will need to be met as part of the

permitting process. Development standards have been applied to the project which require the applicable permitting be obtained if hydrogen fuel be offered at the project site. As with gasoline and diesel fuel, hydrogen fuel will be regulated to address any associated hazards and no greater hazard is anticipated with the on-site storage and use of hydrogen fuel. This information was incorporated into the recirculated Initial Study, which found no significant impacts associated with hazards or hazardous materials, considering the permitting that is required for hydrogen fueling (see Exhibit E - *Amended Initial Study, recirculated May 28, 2021*).

### Traffic

Many comments received on the project focused on the project's potential impacts to traffic and on the existing road conditions. In response to the original Early Consultation, referral responses were received from the Stanislaus County Environmental Review Committee (ERC) and the California Department of Transportation (Caltrans) requesting that potential traffic and transportation impacts from the project be further evaluated. Accordingly, a Traffic Impact Analysis (TIA) was prepared by Pinnacle Traffic Engineering, dated March 9, 2020. The TIA was referred to the County Department of Public Works and Caltrans both of which provided comments on the TIA. The TIA was then amended to address those comments. A Supplemental Traffic Generation Analysis was conducted by Pinnacle Traffic Engineering on January 22, 2021 to incorporate the project changes that had occurred since the Traffic Analysis was first conducted – see discussion below. (See Exhibit E – *Amended Initial Study, recirculated May 28, 2021*.)

Project access will be provided via a full access driveway on Arborwood Drive (east of existing Pirrone Road) and a secondary right-turn only driveway on the existing Pirrone Road (between Hammett Road and Arborwood Drive). Eventually, the existing Pirrone Road on the west side of these parcels will be vacated and the future Pirrone Road will be improved and extended along the east side of these parcels to intersect with the extension of Hammett Road (east of SR 99). The required road improvements will consist of road frontage improvements along the entire parcel frontage on Arborwood Drive and Pirrone Road, including, but not be limited to, driveway locations, street lights, curb, gutter, and sidewalk, storm drainage, and matching pavement. Installation of a southbound left turn lane at the existing Pirrone Road and Arborwood Drive intersection and improvement of the intersection of Arborwood Drive and existing Pirrone Road are also required to be improved to County standards, as well as widening of the southwest corner of the intersection of Pirrone Road and Hammett Road to accommodate an inside radius with a STAA Standard. Upon the written request of the Stanislaus County Road Commissioner, the applicant shall restripe the Hammett Road at SR 99 Northbound Ramp intersection with one eastbound through lane and one left turn lane, resulting in one westbound through lane west of the intersection and an exclusive westbound right-turn only lane on Hammett Road at the SR 99 Northbound Ramps intersection shall be installed.

The Supplemental Traffic Generation Analysis was completed after the project was amended to reflect the proposed project changes, adding a drive-thru restaurant, reducing the number of gas pumps, and adding a mini-storage facility. The Supplemental analysis indicated that the revised (current) project uses will generate fewer peak hour and daily trips than analyzed in the TIA. The number of AM peak hour trips is essentially the same, with a reduction of about 9% during the PM peak hour and on a daily basis. The TIA and Supplemental analysis identified the potentially significant impacts based on peak AM Level of Service (LOS) and proposed mitigation measures, including intersection restriping, and widening to improve vision clearance, and payment of the applicable Regional Traffic Impact Fee (RTIF), to pay a fair-share contribution towards the costs associated with the future regional and local infrastructure improvements, to reduce the impacts to a level of less-than significant.

A referral response to the first 30-day Initial Study circulated was received from the California Department of Transportation (Caltrans) which indicates that they support the payment of Regional Transportation Impact Fees (RTIF) for the project, but did not support the mitigation measures, including intersection restriping, and widening at the SR-99/ Hammett on/off-ramps, identified in the TIA and Supplemental analysis for the project (see Exhibit H - *Caltrans response letter, dated April 5, 2021*). The Caltrans response indicates that based on the existing width of pavement of the east and westbound Hammett Road and SR-99 off-ramp and bridge, the mitigation measures recommended in the TIA and Supplemental analysis are infeasible. As the recommended mitigation measures were based on level of service (LOS), which is no longer a threshold of significance under CEQA, and because Caltrans found the improvements to be infeasible, the recommended mitigation measures were not applied to the project and the County has determined the traffic impacts associated with the project to be less than significant without mitigation. However, development standards have been applied to address the traffic flow at the Hammett Road and SR-99 off-ramp by the Department of Public Works who will work in coordination with Caltrans for any improvements involving the SR-99 and Hammett Road interchange. The Caltrans response also indicated that they recommended a complete streets approach to the project to maintain access to the existing bike-pedestrian path which leads to the Stanislaus River. The project will include sidewalks and street shoulders along the project's road frontage which will enhance the existing bike-pedestrian access. Future development of the Salida Community Plan Amendment area will be required to address long-term connectivity. Finally, the Caltrans response requested that the County coordinate in any future projects in the area to avoid cumulative impacts. Any improvements involving the SR-99 on and off-ramps associated with this project, as required by the development standards applied to the project, will be completed in coordination with Caltrans. Other than the subject property and the property to the south, all other property in the surrounding area would be subject to completing an EIR for the entire Salida Community Plan Amendment area prior to development. Coordination with Caltrans would be conducted at the time an EIR for the Salida Community Plan Amendment area is completed. Caltrans was sent the amended initial study and no comment response has been received.

The Salida Sanitary District also provided a referral response, dated June 29, 2021, indicating that the project may have a significant traffic impact and referred to their March 26, 2021 project comments which stated that the Transportation Section of the Initial Study, discussing the proposed road improvements on Arborwood Drive, did not mention how the transition between the end of the commercial driveway and the existing private easement would be constructed; specifically, whether it would include a turn-around area or hammer head. The Salida Sanitary District utilizes the existing private easement for access to their facilities. In response to this inquiry, Public Works clarified in an email to Planning staff, dated July 8, 2021, that the proposed project will be improving Arborwood Drive as a public roadway along its frontage from Pirrone Road to approximately 370' east of the future Pirrone Road re-alignment, adjacent to the Vizcaya subdivision. Access to the Salida Sanitary site will remain intact across the new public roadway. Turn-around facilities will not be required as there will not be any dead-end of the roadway. Public Works' response further clarified that the future realignment of Pirrone Road to Hammett Road, Arborwood Drive adjacent to the proposed project site would become a dead-end roadway and access to Arborwood east of Pirrone Road, including to the Salida Sanitary site, will be by way of the intersection with the realigned Pirrone Road.

### Biological Resources

In response to the late comments received from the CDFW, a Biological Assessment, dated May 21, 2021, was prepared by Moore Biological Consultants to evaluate potential project-related impacts to biological species (see Exhibit E – *Amended Initial Study, recirculated May 28, 2021*). A field survey of the site was conducted during the early morning of May 5, 2021. The survey consisted of walking

throughout the project site making observations of current habitat conditions and noting surrounding land use, general habitat types, and plant and wildlife species. The survey included an assessment of the project site for presence or absence of potentially jurisdictional Waters of the U.S. (a term that includes wetlands) as defined by the U.S. Army Corps of Engineers (ACOE, 1987; 2008), special-status species, and suitable habitat for special-status species (e.g., blue elderberry shrubs, vernal pools). Additionally, trees within and near the project site were assessed for the potential use by nesting raptors, especially Swainson's hawk (*Buteo swainsoni*). The project site was also searched for burrowing owls (*Athene cunicularia*) or ground squirrel burrows that could be utilized by burrowing owls.

The Biological Assessment found that the site is a farmed oat field bordered by highly disturbed ruderal grassland vegetation and that on-site habitats are biologically unremarkable. Additionally, the assessment found that no potentially jurisdictional Waters of the U.S. or wetlands were observed in the project site and due to high levels of disturbance and a lack of suitable habitat, it is unlikely that special-status plants occur in the site. The Biological Assessment found that the site does have suitable foraging and nesting habitat for Swainson's hawk. However, no Swainson's hawks were observed during the site survey, which was conducted in the early morning during the heart of the Swainson's hawk nesting season. The Biological Assessment concluded that it is unlikely Swainson's hawks forage in the site on an intensive basis. There were no occurrences of burrowing owls in the 2021 California Natural Diversity Database (CNDDDB) search area and no burrowing owls or ground squirrels were observed in the site during the field survey. The Biological Assessment stated that the ruderal grassland along the edges of the farmed field in the site is weedy and provides marginal foraging habitat for burrowing owls. While a few old ground squirrel burrows were observed within the site, none of the burrows had evidence of burrowing owl occupancy (i.e. whitewash, feathers, and/or pellets).

Based on the recommendations included in the Biological Assessment, mitigation requiring surveys be conducted prior to ground disturbance for Swainson's hawk, burrowing owl, and other nesting birds protected by the Migratory Bird Treaty Act of 1918 have been incorporated into the project. If active nests are found, work in the vicinity of the nest shall be delayed and a qualified biologist shall be consulted for recommendations on how to proceed. The recirculated Initial Study circulated for the project found that the project's impacts to Biological Resources were less-than significant with mitigation included. As discussed in the Environmental Review Section of this Report, the mitigation included with the project requiring pre-construction surveys for Swainson's hawk nests has been amended from 0.25 miles of the project site to 0.5 miles to account for a response received from the CDFW (see Exhibit E – *Amended Initial Study, recirculated May 28, 2021*).

Several comments received from community members and from the California Wildlife Foundation of California Oaks (CWF/CO), focused on the Biological Assessment and the mitigation applied to the project (see Exhibit N - *Community responses, post April 15, 2021* and Exhibit O - *California Wildlife Foundation response letter, dated June 29, 2021*). A more detailed discussion on the comments received surrounding Biological Resources can be found in the Environmental Review Section of this Report.

#### Salida Initiative Amendment Procedures

Comments received from Leonard Powell, dated June 29, 2021, indicated that the Board of Supervisors does not have the authority to amend the Salida Community Plan, as it was created by initiative (see Exhibit N - *Community responses, post April 15, 2021*). The comment continues to explain that in accordance with California Election Code Section 9125 no ordinance created by initiative can be repealed or amended except by a vote of the people.

It has been the position of the Planning Department that the inclusion of this property, and the adjoining property to the south, in the "Amendment" area as reflected in the mapping of the Salida Initiative was an error. The text of the initiative very clearly refers to the "existing" and "amended" areas and the two properties were located within the Salida Community Plan area in existence prior to the initiative being adopted by the Board of Supervisors. Approval of this project as proposed would formally recognize and correct the mapping error (see Exhibit B - *Maps*).

### **GENERAL PLAN CONSISTENCY**

The site is currently designated Commercial in both the Land Use Element and the Salida Community Plan of the General Plan. However, as discussed in the background section of this report, prior to the 2007 Salida Initiative, the property was part of the Existing Plan Area of the Salida Community Plan and had a General Plan designation of Planned Development and a Community Plan designation of Planned Development/Highway Commercial. The project is a request to revert the General Plan designation back to Planned Development and would formally recognize the Community Plan designation of Commercial. In addition, if approved, the community plan boundary line will be amended to correctly show the subject property as part of the Existing Plan Area.

The Land Use Element describes the Planned Development designation as a designation intended for land which, because of demonstrably unique characteristics, may be suitable for a variety of uses without detrimental effects on other property. The Commercial Community Plan designation is intended for uses that are commercial in nature and applies to Regional Commercial, Neighborhood Commercial, and Highway Commercial uses as described in the General Plan.

To minimize conflicts between agriculture operations and non-agricultural operations, Buffer and Setback Guidelines (Appendix A of the Agricultural Element) have been adopted. The purpose of these guidelines is to protect the long-term health of local agriculture by minimizing conflicts resulting from normal agricultural practices as a consequence of new or expanding discretionary uses approved in or adjacent to the A-2 (General Agriculture) zoning district. A referral response received from the Agricultural Commissioner's Office requested that a 150-foot setback, in line with the Agricultural Buffer requirement of the General Plan, be maintained between the proposed use and the adjacent parcels under agricultural production. The County's Buffer and Setback Guidelines apply to all new or expanding uses approved by discretionary permit in the A-2 zoning district or on a parcel adjoining the A-2 zoning district; of which there are no such parcels surrounding the site. However, the proposed development is located 420 feet from the nearest actively farmed parcel. Accordingly, although the buffer requirement does not technically apply to the project site, the proposed project does meet the buffer guidelines for setback distance.

This project must comply with both the Noise Element and Chapter 10.46 Noise Control Ordinance of the Stanislaus County Code. As required by Goal Two/Policy Two/Implementation Measure Three of the Noise Element of the County General Plan, noise generating land uses are required to show through an acoustical analysis that the noise levels can meet the standards set forth within the Noise Element of the General Plan. A Noise Study was prepared and mitigation measures have been applied to the project to ensure that the project meets the County's Noise standards.

This project request is considered to be consistent with the General Plan as the proposed uses are consistent with the Salida Community Plan's Commercial designation and the amendment recognizes the site as being part of the pre- 2007 Salida Initiative Salida Community Plan area which was designated Planned Development.

## **ZONING ORDINANCE CONSISTENCY**

The site is currently zoned Salida Community Plan General Commercial (SCP C-2). As stated within the *Background* Section of this report, with the passage of the Salida Initiative, the subject site and other properties were erroneously included in the Amendment Area of the Salida Community Plan. This inclusion was a draftsman's error, as the site was actually part of the Existing Plan Area. The project site's pre-2007 Salida Initiative zoning was A-2-10 (General Agriculture).

To approve a Rezone, the Planning Commission must find that it is consistent with the General Plan. Pursuant to the General Plan, land within a Planned Development designation should be zoned A-2 (General Agriculture) until development occurs through Planned Development zoning. This project will maintain zoning consistency by adhering to the uses and development standards, including lighting, parking, signage, and landscaping, incorporated into this project. If the project is approved, the zoning designation of Planned Development will be consistent with the General Plan designation of Planned Development.

## **ENVIRONMENTAL REVIEW**

Pursuant to the California Environmental Quality Act (CEQA), the proposed project was originally circulated on February 26, 2021 to interested parties and responsible agencies for review and comment. A noise study was prepared as was an Air Impact and Traffic Impact Analysis. The Initial Study prepared for the project found the project had a less than significant impact with mitigation applied, specific to Aesthetics, Air Quality, Cultural and Tribal Resources, and Noise. A Mitigated Negative Declaration was prepared and included in the April 15, 2021 Planning Commission Staff Report.

As stated in the Background Section of this report, Planning Commission consideration of this project was continued on April 15, 2021 to allow late comments received from the California Department of Fish and Wildlife (CDFW) to be considered in the project's environmental assessment. The CDFW referral response indicated that the project's potential impacts to special-status species should be evaluated including, but not limited to, the State threatened Swainson's hawk (*Buteo swainsoni*), and the State species of special concern burrowing owl (*Athene cunicularia*) (see Exhibit L – *Planning Commission Memo, dated April 15, 2021*). In response to the CDFW letter that was received, a Biological Assessment dated May 21, 2021, was prepared by Moore Biological Consultants, dated May 21, 2021, to evaluate potential project-related impacts to biological species (see Exhibit E – *Amended Initial Study, recirculated May 28, 2021*). A discussion on the findings of the Biological Assessment can be found in the Issues Section of this report. The recirculated Initial Study circulated for the project found that the project's impacts to Biological Resources were less-than significant with mitigation included (See Exhibit G – *Mitigated Negative Declaration*).

The mitigation that was proposed in the first initial study, addressing aesthetics, air quality, cultural and tribal resources, and noise, remained unchanged and three additional mitigation measures addressing biological resources were added to the amended Initial Study and proposed Mitigated Negative Declaration. The recirculated initial study also incorporated information about the potential for a hydrogen fuel station to be included in the final project and incorporated a comment letter received from Modesto City Schools, the administrator for the Salida Area Public Facilities Financing Agency, regarding the requirement for the project to pay Mello-Roos – Salida Area Public Facilities Financing Agency (SAPFFA) CFD 1988-1 taxes the first fiscal year after a building permit is pulled. The sites inclusion in the Mello-Roos district is reflective of it being part of the "existing" Salida Community Plan prior to approval of the 2007 Salida Initiative.

In response to the recirculated initial study, responses were received from the California Department of Conservation, Geologic Energy Management Division (CalGEM), Salida Sanitary District, Salida School District, California Wildlife Foundation of California Oaks (CWF/CO), and CDFW.

The Salida Sanitary response requested clarification on the proposed improvements on Arborwood Way. Clarification is provided in the traffic discussion included in the Issues Section of this report. The response received from the Salida Union School District indicated no opposition to the project and that all appropriate fees shall be collected at the time of construction. The CalGEM response included state requirements for an abandoned dry well that exists onsite. These requirements have been incorporated into the project's Development Standards.

The CWF/CO response, dated June 29, 2021, states that Katherine Borges, a resident of Salida, had reached out to them with concerns about the proposed project impacts on a coast live oak tree that provides Swainson's hawk foraging habitat, and to communicate that the site assessment was conducted during a time of year when Burrowing owl and California tiger salamander are dormant, and that the protocol identified by California Department of Fish and Wildlife for conducting Burrowing owl surveys was not followed. Further, the letter stated that the California Wildlife Habitat Relationship information system identifies Swainson's hawk as an oak-dependent species. The CWF/CO's response indicated that their review of the amended Initial Study found a number of deficiencies, including not incorporating the CDFW's recommendation for mitigating habitat loss and recommendation that three or more surveillance surveys be conducted during daylight with each visit occurring at least three weeks apart during the breeding season (April 15 to July 15) (see Exhibit O - *California Wildlife Foundation response letter, dated June 29, 2021*).

The CWF/CO's response letter was provided by Moore Biological Consulting, which has responded with a letter that explains that the site is not in the range of the California tiger salamander, that the burrowing owl does not become "dormant", that the field survey was conducted during the early morning of May 5, 2021, which is the heart of the burrowing owl nesting season, that the site has poor quality potential habitat for burrowing owl, and that records for the site indicate no burrowing owl presence (see Exhibit P - *Moore Biological Consultants response letter, dated July 7, 2021*). The response clarifies that the Biological Assessment acknowledged that the site is in the range of Swainson's hawk; however, it also found that due to the size of the site, proximity to Highway 99 and developed areas, and distance from preferred nesting habitat along the Stanislaus River, which is approximately .50 miles, it is unlikely Swainson's hawks forage in the site on an intensive basis. Finally, the response indicates that the mitigation for the loss of habitat referenced in the CDFW response letter is appropriate mitigation for habitat which is intensively utilized by the Swainson's hawk. As the Biological Assessment found that the site is utilized as foraging habitat for the Swainson's hawk on a non-intensive basis, the mitigation for loss of habitat is not appropriate mitigation to be applied to the project. As required by mitigation applied to the project, additional surveys are required to be completed prior to construction and if the site characteristics for Swainson's hawk is found at the time of the future surveys to be intensive, appropriate measures will be identified at that time, in consultation with CDFW.

The California Department of Fish and Wildlife (CDFW) reviewed the recirculated Initial Study and provided a response, dated June 30, 2021, which thanked the County for incorporating their recommendations and indicated that due to staffing challenges they were going to be unable to respond to the recirculated Initial Study and to refer to their previous comment letter. CDFW's response did, however, note that the survey protocol under the Swainson's Hawk Technical Advisory Committee recommends a survey distance of .50miles. Mitigation Measure No. 3 included a survey distance of 0.25 miles. Accordingly, Mitigation Measure No. 3 has been amended, new wording reflected in bold and deleted word(s) in strikethrough text, to incorporate the 0.50 mile survey distance, as recommended by CDFW (see Exhibit F – *Amended Mitigation Monitoring Plan*):

3. If ground-disturbing activity or construction commences between March 1 and September 15, pre-construction surveys for nesting Swainson's hawks (SWHA) shall be conducted by a qualified biologist. SWHA surveys shall be conducted a maximum of 10 days prior to the onset of grading or construction activities, within ~~0.25~~ **0.5** miles of the project site area, in accordance with survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000).

If active SWHA nests are found, a qualified biologist, in consultation with CDFW, shall determine the need (if any) for temporal restrictions on construction, including but not limited to a minimum no-disturbance buffer of 0.5 miles to be maintained around active nests prior to and during any ground-disturbing activities until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. If take cannot be avoided, take authorization through the issuance of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

Changes may be made to Mitigation Measures without the requirement for recirculation, provided the changes are found to be equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment. Staff believes that the requirements for the Swainson's hawk survey to be conducted within a 0.50 mile radius, rather than a 0.25 mile radius, is more restrictive and thus more effective in mitigating or avoiding potential significant effects.

Development standards reflecting referral responses have also been placed on the project. (See Exhibit C – *Development Standards and Mitigation Measures*.)

\*\*\*\*\*

**Note:** Pursuant to California Fish and Game Code Section 711.4, all project applicants subject to the California Environmental Quality Act (CEQA) shall pay a filing fee for each project; therefore, the applicant will further be required to pay **\$2,537.25** for the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and the Clerk Recorder filing fees. The attached Conditions of Approval ensure that this will occur.

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

Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps
- Exhibit C - Development Standards and Mitigation Measures
- Exhibit D - Development Schedule
- Exhibit E - Amended Initial Study, recirculated May 28 ,2021
- Exhibit F - Amended Mitigation Monitoring Plan
- Exhibit G - Mitigated Negative Declaration
- Exhibit H - Caltrans response letter, dated April 5, 2021
- Exhibit I - Salida Municipal Advisory Council responses
- Exhibit J - Community responses, Planning Commission Staff Report, dated April 15, 2021
- Exhibit K - Cal Sierra Financial, Inc. Fact Sheet
- Exhibit L - Planning Commission Memo, dated April 15, 2021
- Exhibit M - Community Responses from Planning Commission Correspondence, dated April 15, 2021
- Exhibit N - Community responses, post April 15, 2021
- Exhibit O - California Wildlife Foundation response letter, dated June 29, 2021
- Exhibit P - Moore Biological Consultants response letter, dated July 7, 2021
- Exhibit Q - Environmental Review Referral

## **Findings and Actions Required for Project Approval**

1. Find that the Amended Mitigation Measures presented in this report are equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment.
2. Adopt the Mitigated Negative Declaration and Amended Mitigation Monitoring Plan pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Amended Mitigated Negative Declaration reflects Stanislaus County's independent judgment and analysis.
3. 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.
4. Find, based on the discussion in this report, and the whole of the record that:
  - a. The General Plan Amendment will maintain a logical land use pattern without detriment to existing and planned land uses.
  - b. The County and other affected governmental agencies will be able to maintain levels of service consistent with the ability of the governmental agencies to provide a reasonable level of service.
  - c. The amendment is consistent with the General Plan goals and policies.
  - d. The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring improvements.
5. Find that the proposed Planned Development zoning is consistent with the Planned Development General Plan designation.
6. Approve General Plan Amendment and Rezone Application No. PLN2019-0079 – Cal Sierra Financial, Inc., subject to the attached development standards and mitigation measures.
7. Introduce, waive the reading, and adopt an ordinance for the approved Rezone Application No. PLN2019-0079 – Cal Sierra Financial, Inc.

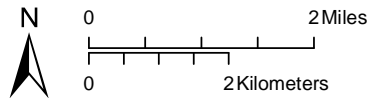
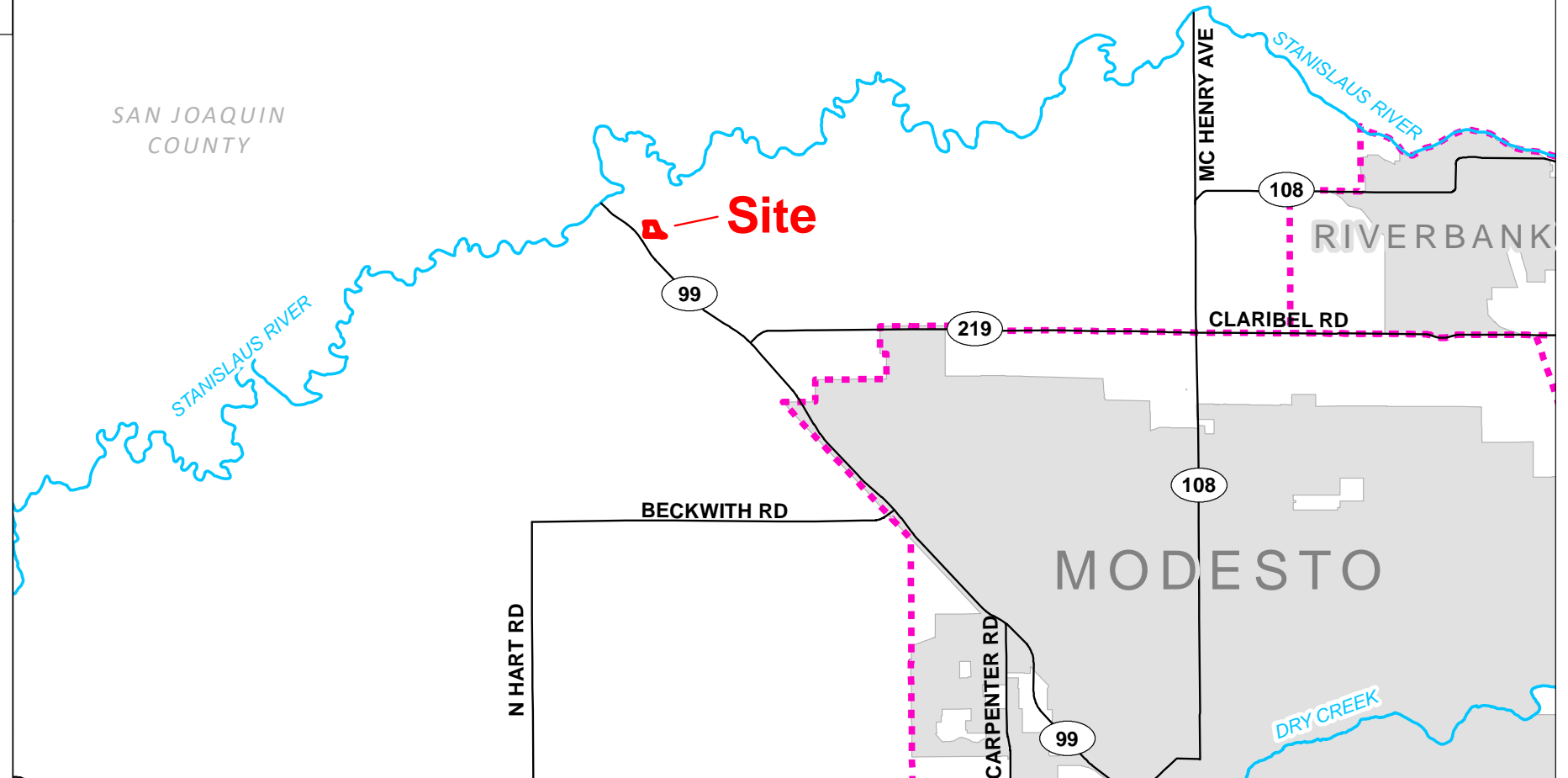
# CAL SIERRA FINANCIAL INC.

## GPA REZ PLN2019-0079

### AREA MAP

#### LEGEND

-  Project Site
-  Parcel
-  Road
-  River
-  Canal



Source: Planning Department GIS

Date: 9/3/2019

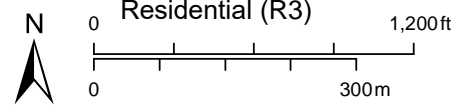
# CAL SIERRA FINANCIAL INC.

## GPA REZ PLN2019-0079

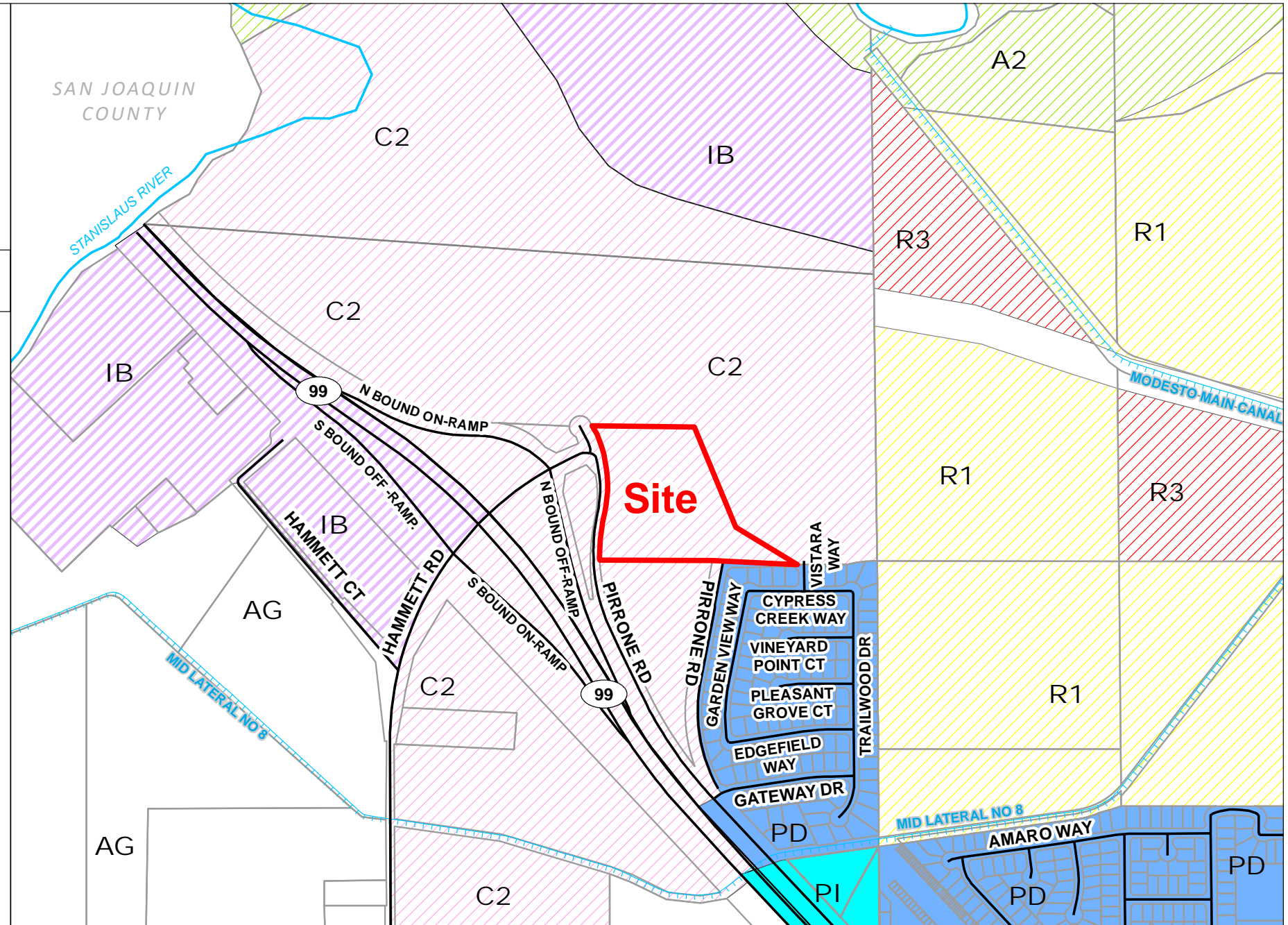
### GENERAL PLAN MAP

#### LEGEND

- Project Site
  - Parcel
  - River
  - Road
  - Canal
- General Plan**
- AG General Agriculture 40 Acre
  - PD Planned Development
  - PI Planned Industrial
  - AG Agriculture
  - C2 Commercial (C2)
  - R1 Low-Density Residential (R1)
  - IBP Industrial Business Park (IBP)
  - R3 Medium High-Density Residential (R3)



Source: Planning Department GIS Date: 9/3/2019






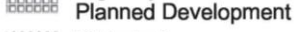


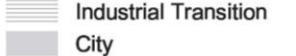
**GPA REZ PLN2019-0079  
 CAL SIERRA FINANCIAL, INC.  
 GENERAL PLAN MAP  
 (PRE-2007 SALIDA INITIATIVE)**

**LAND USE**

-  Planned Development
-  Planned Industrial
-  Specific Plan
-  Urban Transition

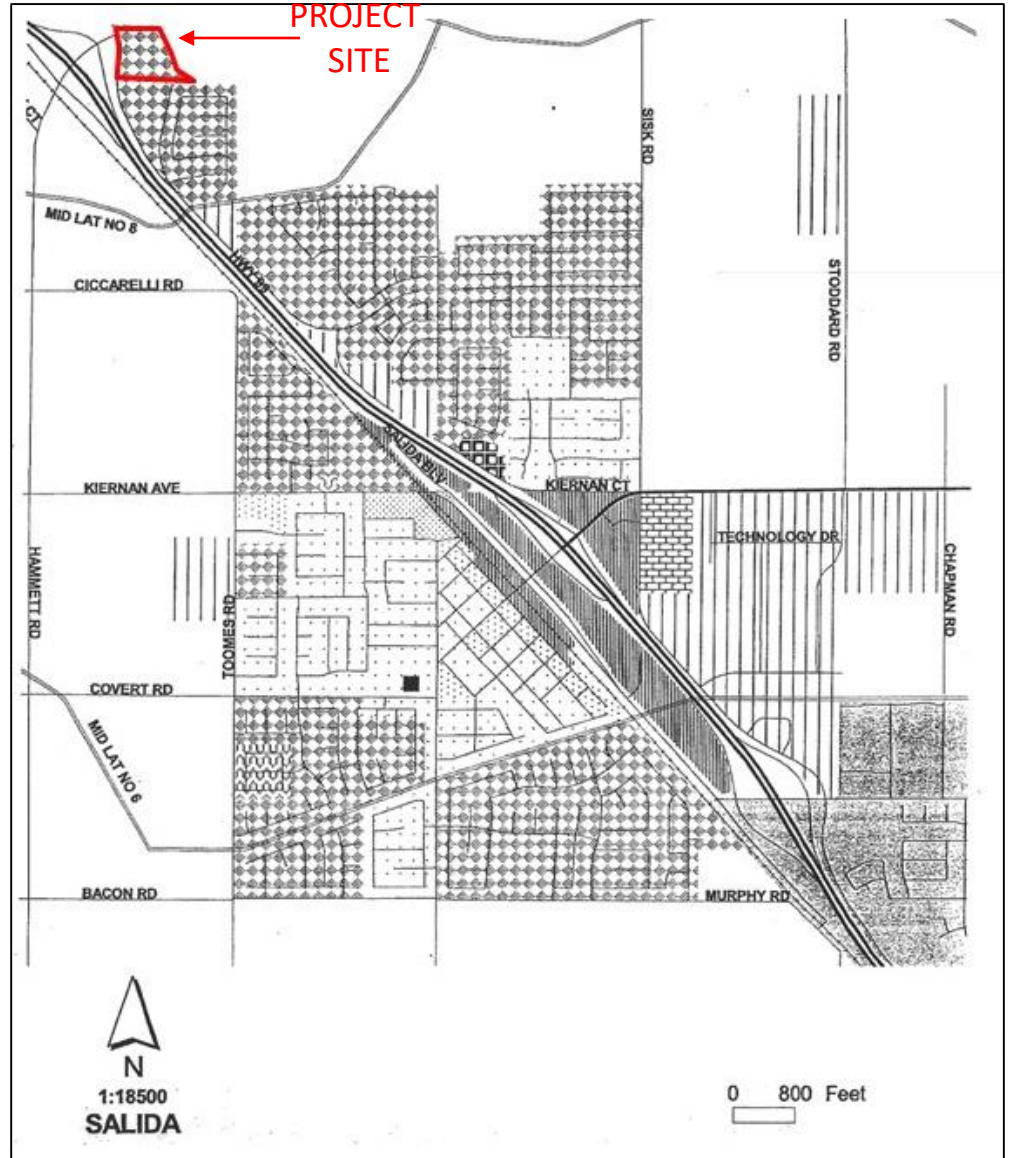
**RESIDENTIAL**

-  Estate  
ONE D.U./ 3 ACRES
-  Low-Density  
0-2 D.U./NET ACRE OR  
0-7 D.U./NET ACRE
-  Medium-Density  
0-14 D.U./NET ACRE
-  Medium High-Density  
0-25 D.U./NET ACRE

-  Agriculture
-  Commercial
-  Highway Commercial /  
Planned Development
-  Historical
-  Industrial
-  Industrial Transition
-  City

- ★ Airport
- ▲ Park
- Solid/Liquid Waste Disposal Site
- School

- Roads
- - - Railroads
- Rivers
- Canals



# CAL SIERRA FINANCIAL INC.

## GPA REZ PLN2019-0079

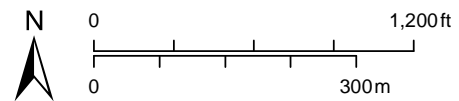
### COMMUNITY PLAN MAP

#### LEGEND

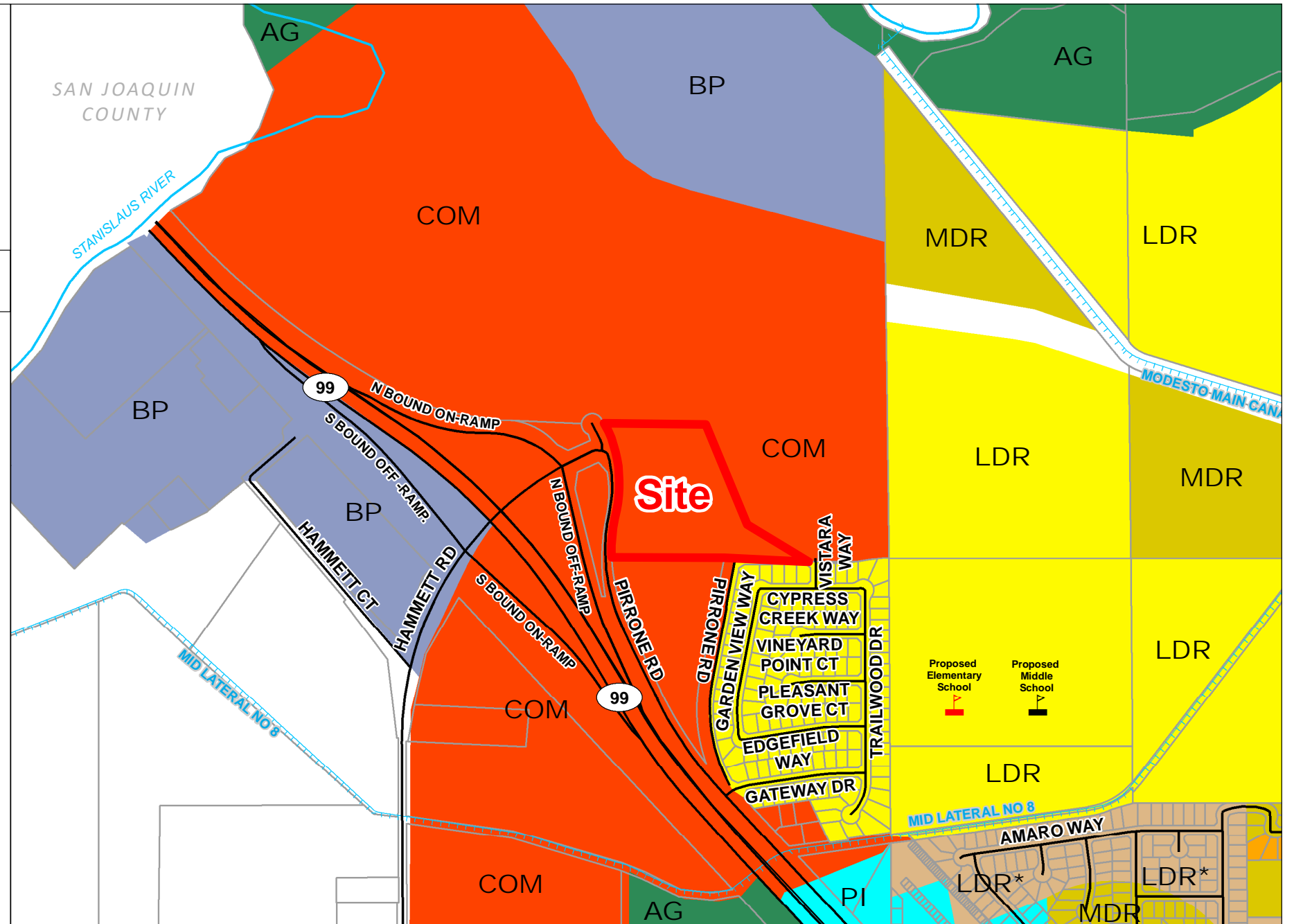
- Project Site
- Parcel
- River
- Road
- Canal

#### Community Plan

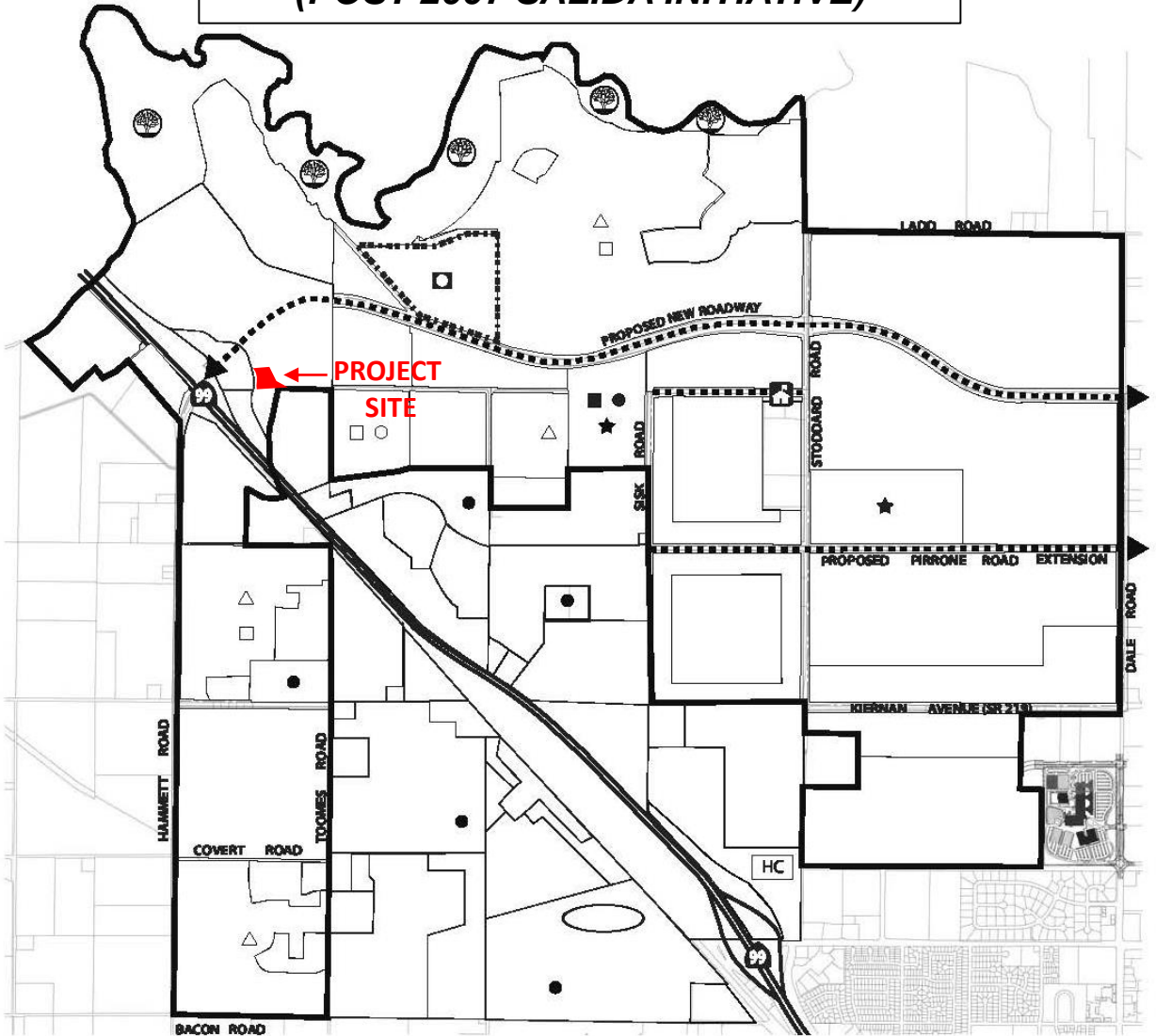
- AG Agriculture
- BP Business Park
- COM Commercial
- PI Planned Industrial
- LDR Residential - Low Density
- LDR\* Residential - LOW (Within Project Boundary)
- MDR Residential - Medium
- MHDR Residential - Medium High



Source: Planning Department GIS Date: 9/5/2019



# GPA REZ PLN2019-0079 CAL SIERRA FINANCIAL, INC. SALIDA COMMUNITY PLAN MAP (POST-2007 SALIDA INITIATIVE)



### LAND USES

- Low Density Residential
- Low Density Residential (Within Project Boundary)
- Medium Density Residential
- Medium High Density Residential
- Business Park
- Commercial
- Industrial
- Planned Industrial
- Planned Development
- HC Highway Commercial
- Agricultural

### PARKS AND SCHOOLS

- | Existing | Proposed |                        |
|----------|----------|------------------------|
| ▲        | △        | Neighborhood Park*     |
| ■        | □        | Elementary School*     |
| ●        | ○        | Middle School*         |
| ★        | ☆        | High School*           |
| 🌳        | 🌳        | Stanislaus River Park* |

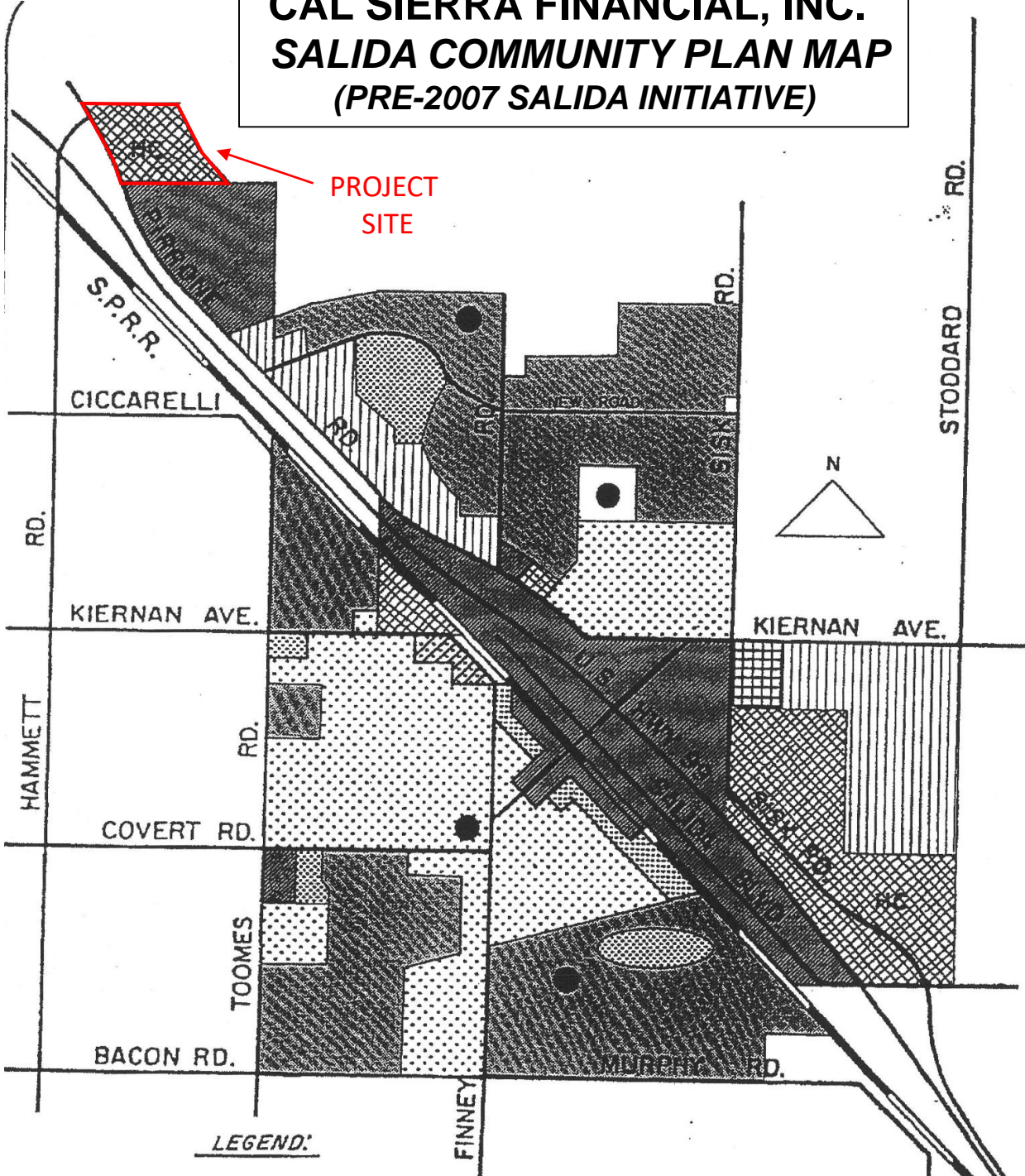
### PUBLIC FACILITIES

- New Road
- Special Treatment Area
- Amendment Area Boundary
- Existing Waste Water Treatment Plant\*
- Proposed Fire Station\*



## COMMUNITY PLAN

**GPA REZ PLN2019-0079  
 CAL SIERRA FINANCIAL, INC.  
 SALIDA COMMUNITY PLAN MAP  
 (PRE-2007 SALIDA INITIATIVE)**



**LEGEND:**

- |   |                               |                              |
|---|-------------------------------|------------------------------|
| AGRICULTURE                                       | MED. HIGH DENSITY RESIDENTIAL | <b>PLANNED DEVELOPMENT</b>   |
| LOW DENSITY RESIDENTIAL                           | COMMERCIAL                    | PLANNED INDUSTRIAL           |
| LOW DENSITY RESIDENTIAL (WITHIN PROJECT BOUNDARY) | INDUSTRIAL                    | SCHOOL SITES                 |
|   | MED. DENSITY RESIDENTIAL 23   | <b>HC HIGHWAY COMMERCIAL</b> |

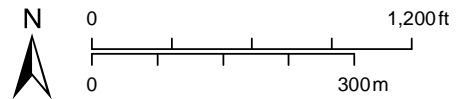
# CAL SIERRA FINANCIAL INC.

## GPA REZ PLN2019-0079

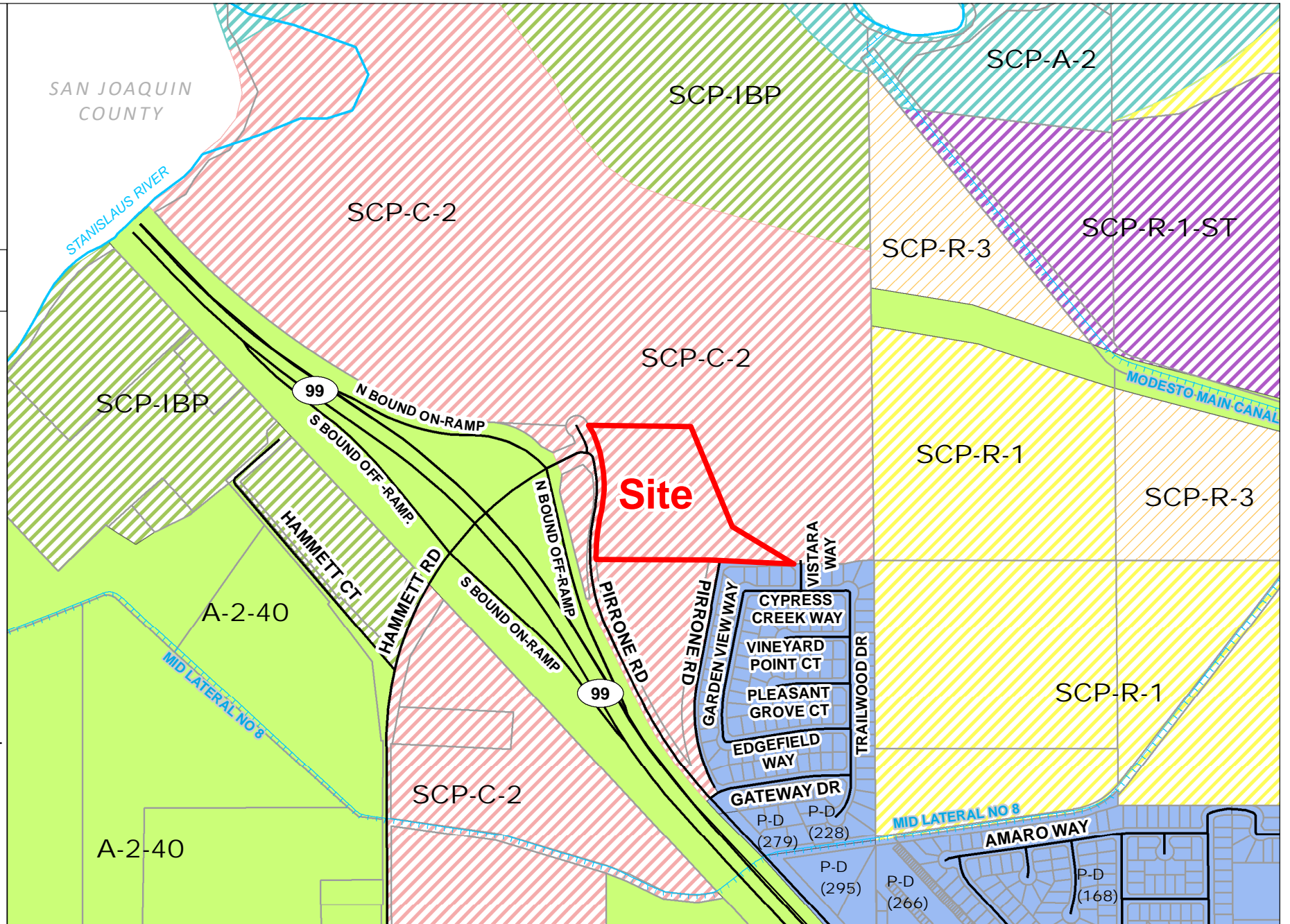
### ZONING MAP

#### LEGEND

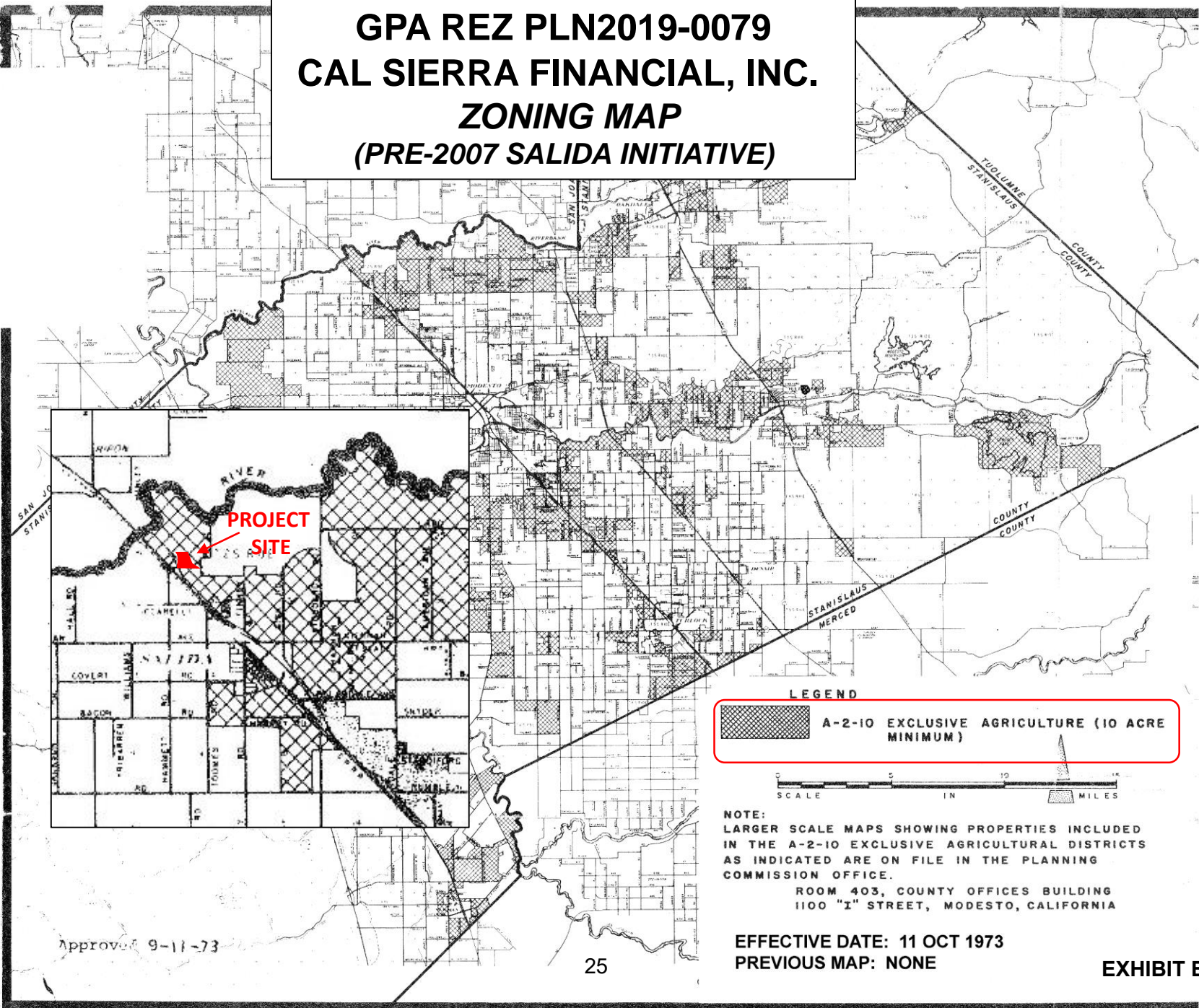
- Project Site
  - Parcel
  - River
  - Road
  - Canal
- Zoning Designation**
- A-2-40 General Agriculture 40 Acre
  - P-D Planned Development
  - SCP Salida Community Plan - A-2
  - SCP Salida Community Plan - IBP
  - SCP Salida Community Plan - C-2
  - SCP Salida Community Plan - R-1
  - SCP Salida Community Plan - R-1ST
  - SCP Salida Community Plan - R-3



Source: Planning Department GIS Date: 9/3/2019



**GPA REZ PLN2019-0079  
 CAL SIERRA FINANCIAL, INC.  
 ZONING MAP  
 (PRE-2007 SALIDA INITIATIVE)**



**LEGEND**

 **A-2-10 EXCLUSIVE AGRICULTURE (10 ACRE MINIMUM)**



**NOTE:**  
 LARGER SCALE MAPS SHOWING PROPERTIES INCLUDED  
 IN THE A-2-10 EXCLUSIVE AGRICULTURAL DISTRICTS  
 AS INDICATED ARE ON FILE IN THE PLANNING  
 COMMISSION OFFICE.

ROOM 403, COUNTY OFFICES BUILDING  
 1100 "I" STREET, MODESTO, CALIFORNIA

Approved 9-11-73

**EFFECTIVE DATE: 11 OCT 1973  
 PREVIOUS MAP: NONE**

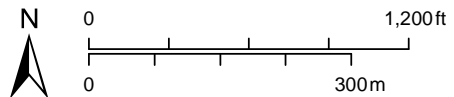
# CAL SIERRA FINANCIAL INC.

## GPA REZ PLN2019-0079

### 2017 AERIAL AREA MAP

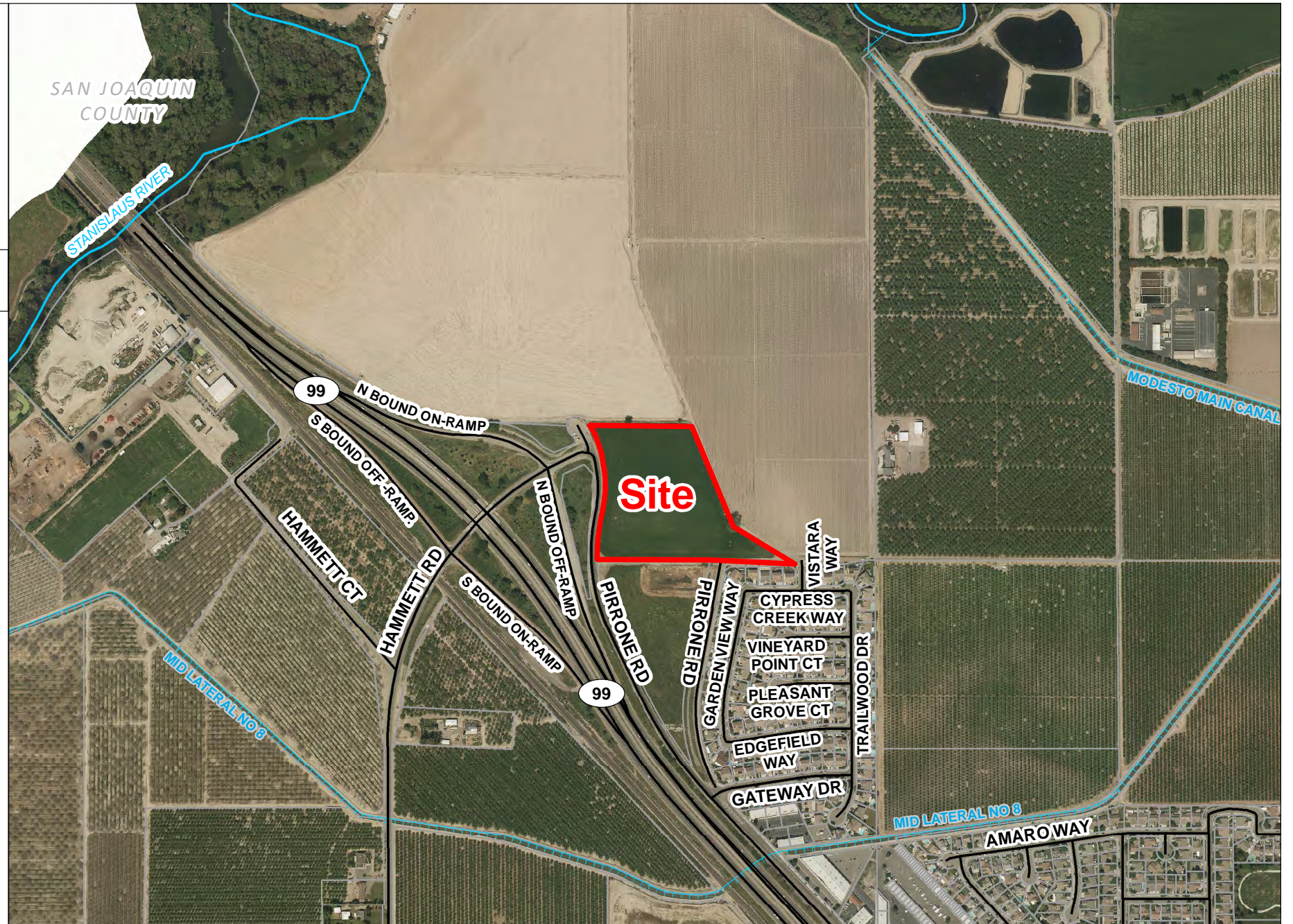
#### LEGEND

-  Project Site
-  Parcel
-  Road
-  River
-  Canal



Source: Planning Department GIS

Date: 9/3/2019




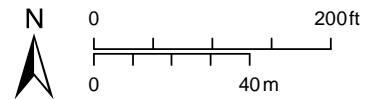
# CAL SIERRA FINANCIAL INC.

## GPA REZ PLN2019-0079

### 2017 AERIAL SITE MAP

#### LEGEND

-  Project Site
-  Parcel
-  Road
-  River
-  Canal



Source: Planning Department GIS

Date: 9/3/2019



**GPA REZ PLN2019-0079  
CAL SIERRA FINANCIAL, INC.  
VIZCAYA SUBDIVISION & STORM DRAIN BASIN**



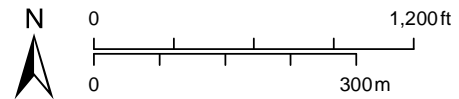
# CAL SIERRA FINANCIAL INC.

## GPA REZ PLN2019-0079

### ACREAGE MAP

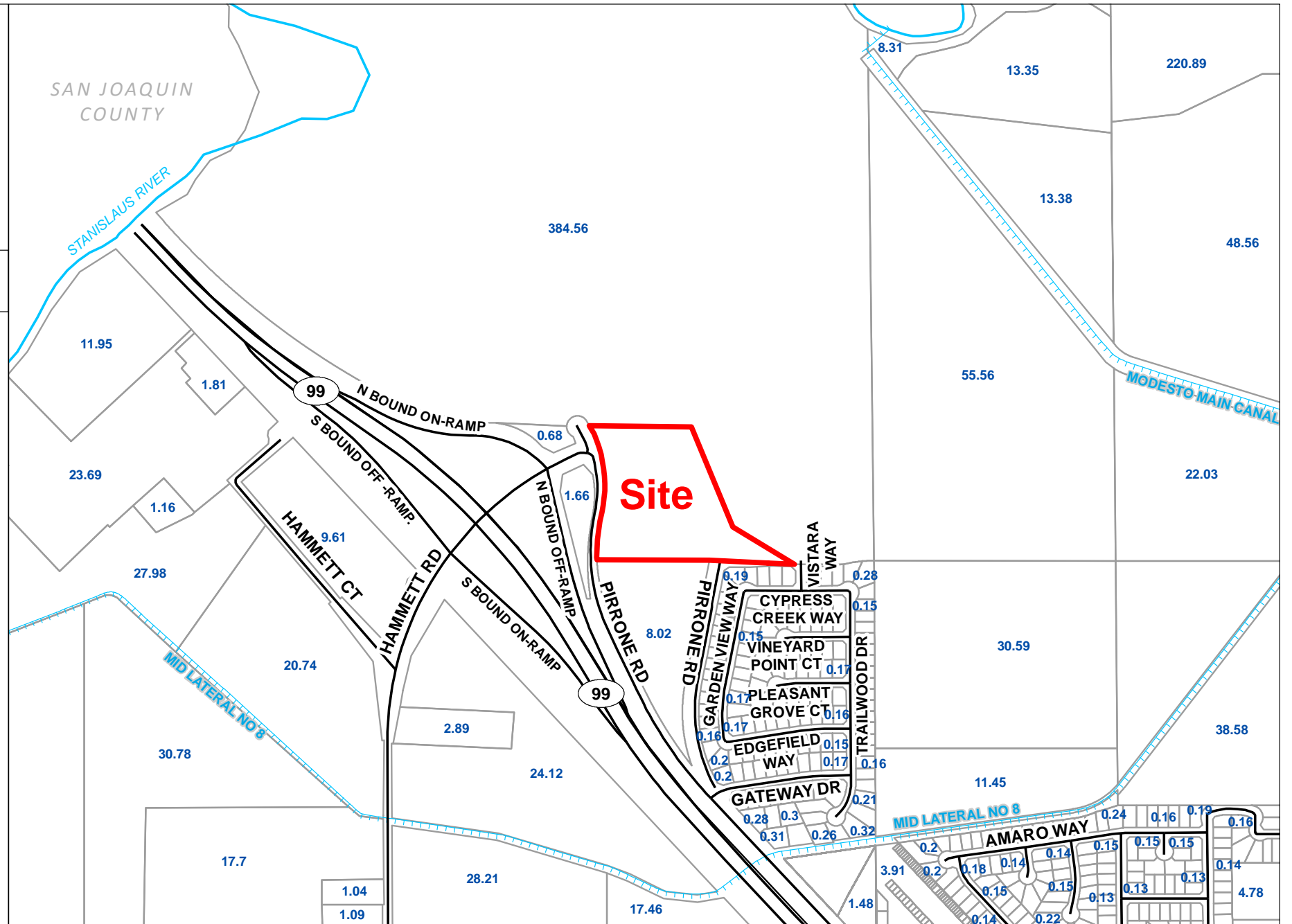
#### LEGEND

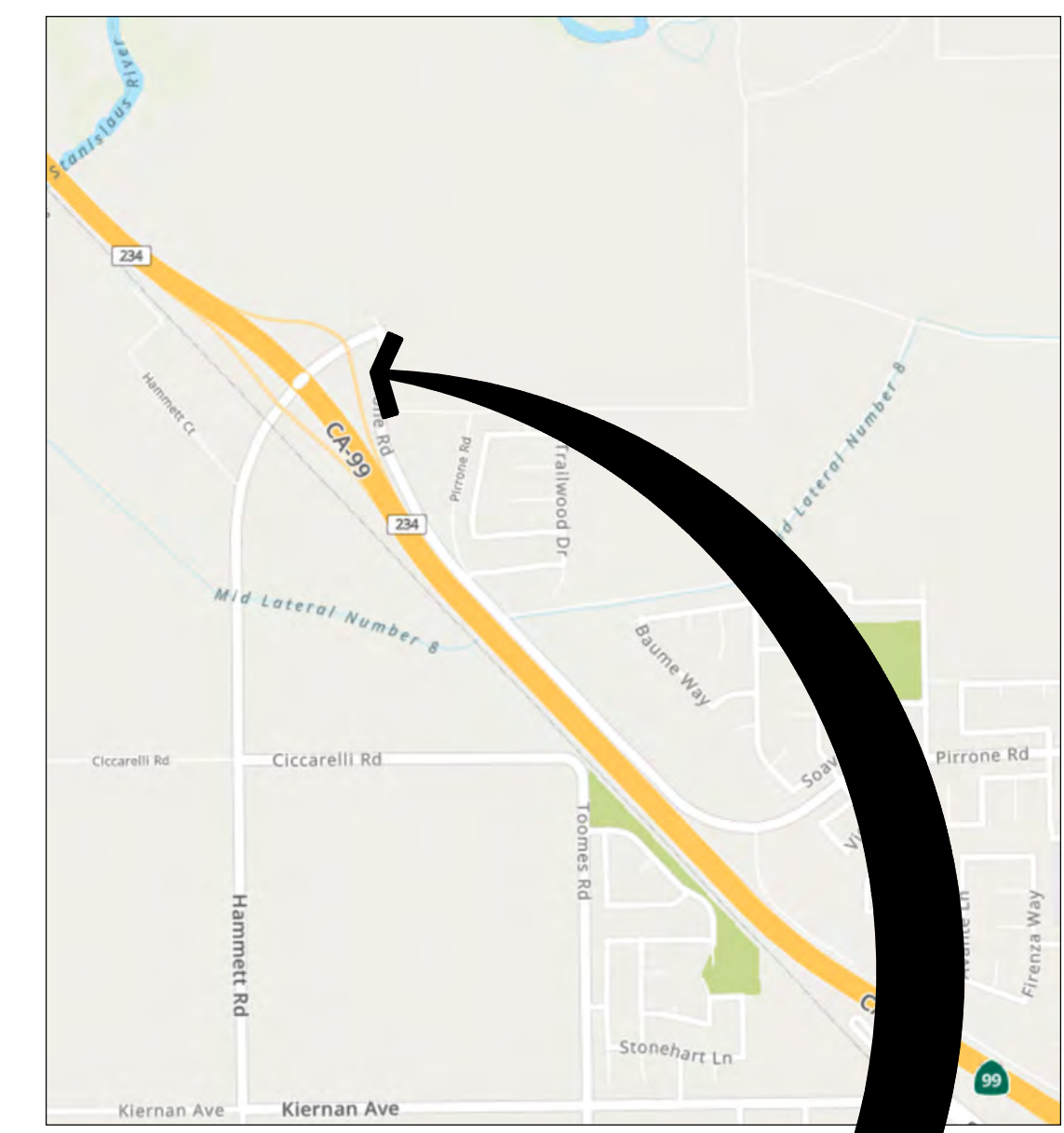
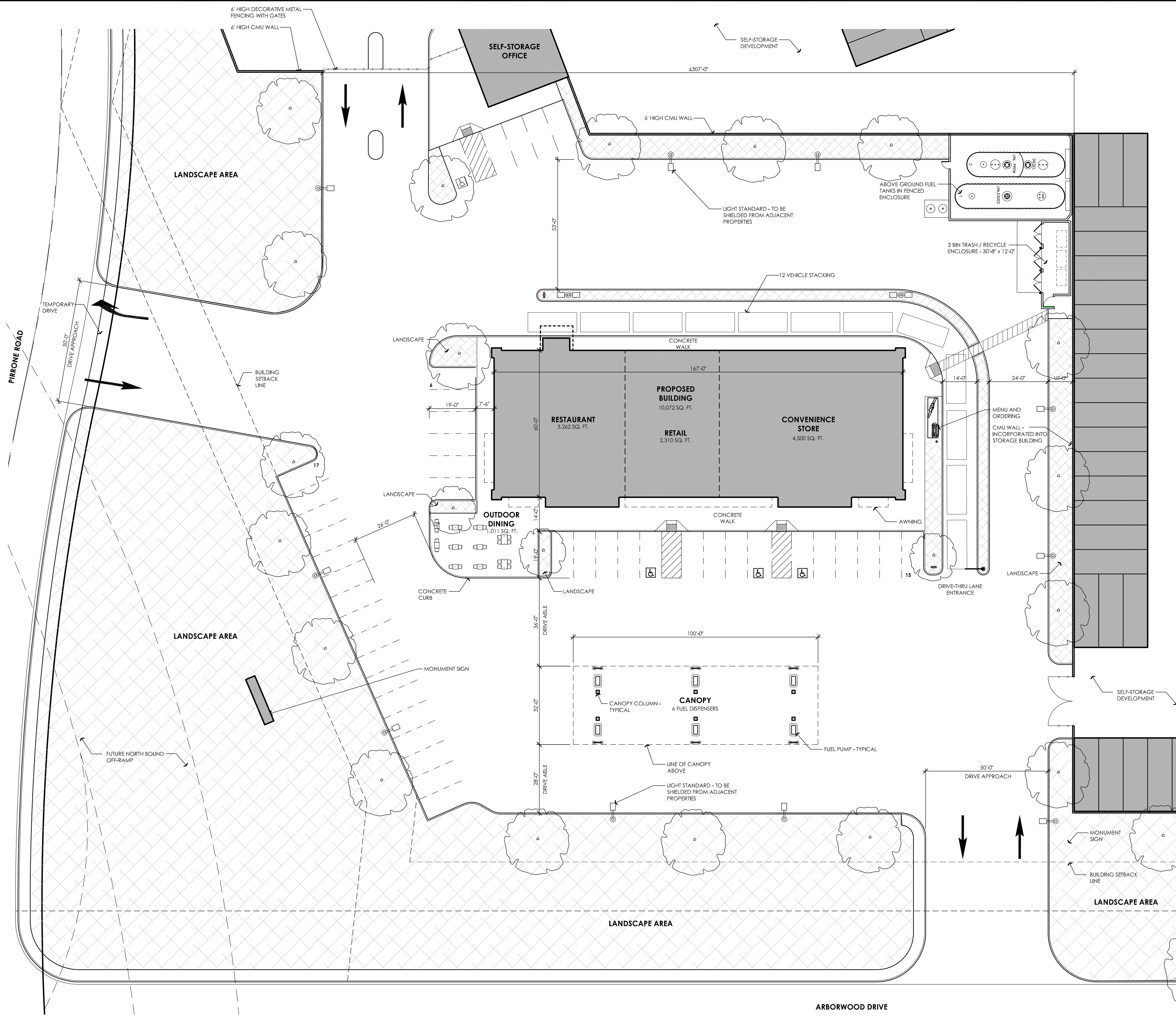
-  Project Site
-  Parcel
-  River
-  Road
-  Canal



Source: Planning Department GIS

Date: 9/3/2019





**PROJECT LOCATION**

PIRRONE AND HAMMETT ROADS  
 MODESTO, CA

**VICINITY MAP**

PIRRONE ROAD  
 SAUDA, CA

**PROJECT TEAM**

**PROJECT CONTACT:**  
 BALDEV GREWAL  
 (209) 658-7987  
**CONTACT:** BALDEV GREWAL

**ARCHITECT:**  
 API  
 4335-B NORTH STAR WAY  
 MODESTO, CA 95356  
 (209) 577-4661  
**CONTACT:** RODNEY ALONZO  
 rod@apiarc.com

**PROJECT DESCRIPTION**

**RETAIL DEVELOPMENT:** NEW 10,072 SQ. FT. CONVENIENCE STORE / RESTAURANT BUILDING WITH SITE DEVELOPMENT  
**STORAGE DEVELOPMENT:** 9 SELF-STORAGE UNIT BUILDINGS, 61,460 SQ. FT. TOTAL AND 1,400 SQ. FT. OFFICE BUILDING, AND SITE DEVELOPMENT

**SITE DATA**

**JURISDICTION:** COUNTY OF STANISLAUS  
**ADDRESS:** PIRNONE AND HAMMETT ROADS  
**ASSESSORS PARCEL NUMBER:** 003-014-007  
**PROPERTY AREA:** 418,176 SQ. FT. / 9.60 AC  
**DEVELOPMENT AREA:** RETAIL - 144,154 SQ. FT. / 3.3 AC  
 STORAGE - 182,531 SQ. FT. / 4.19 AC  
**BUILDING COVERAGE:** RETAIL - 10,072 SQ. FT. (0.69% OF RETAIL DEVELOPMENT AREA)  
 STORAGE - 62,820 SQ. FT. (3.4% OF STORAGE DEVELOPMENT AREA)  
**CURRENT ZONE:** SALIDA COMMUNITY PLAN C-2  
**GENERAL PLAN:** SALIDA COMMUNITY PLAN C-2

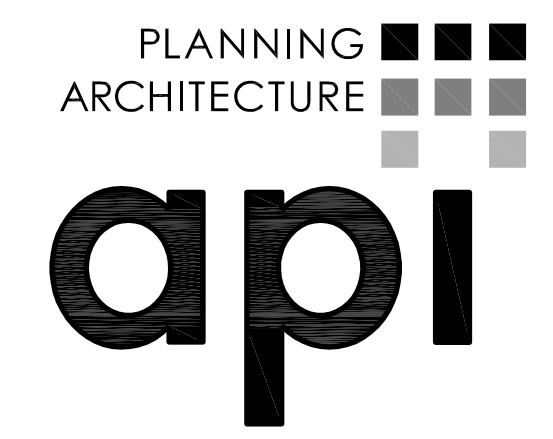
**BUILDING DATA**

**RETAIL DEVELOPMENT AREA:** 10,072 SQ. FT.  
**BUILDING AREA:** 10,072 SQ. FT.  
**BUILDING USE:** CONVENIENCE STORE / RESTAURANT / RETAIL  
**STORIES:** 1  
**SELF-STORAGE DEVELOPMENT:** 62,820 SQ. FT.  
**BUILDING USE:** RENTED STORAGE UNITS  
**STORIES:** 1

**PARKING DATA**

**RETAIL DEVELOPMENT**  
**PARKING REQUIRED**  
 CONVENIENCE STORE - 1 STALL/300 SQ. FT.: 15 STALLS  
 RESTAURANT - 1 STALL/14 SEATS: 8 STALLS  
 RESTAURANT - 1 STALL/14 SEATS: 15 STALLS  
**TOTAL PARKING REQUIRED:** 38 STALLS  
**PARKING PROVIDED**  
 STANDARD: 35 STALLS  
 ACCESSIBLE: 3 STALLS  
**TOTAL PARKING PROVIDED:** 38 STALLS  
**STORAGE DEVELOPMENT**  
**PARKING PROVIDED**  
 OFFICE - 1 STALL/300 SQ. FT.: 5 STALLS  
**TOTAL PARKING PROVIDED:** 5 STALLS  
**PARKING PROVIDED**  
 STANDARD: 4 STALLS  
 ACCESSIBLE: 1 STALL  
**TOTAL PARKING PROVIDED:** 5 STALLS

**PROPOSED NEW DEVELOPMENT:**  
**PIRRONE RETAIL**  
 PIRNONE ROAD AND HAMMETT ROAD  
 SALIDA, CA.



ARCHITECTURE PLUS INC.  
 4335-B NORTH STAR WAY  
 MODESTO, CA 95356

ph. 209.577.4661  
 fx. 209.577.0213

www.apiarc.com

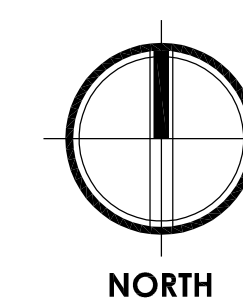
SHEET:

**A1**  
 OF 2

**SITE PLAN - PROJECT AREA**

SCALE: 1" = 20'-0"

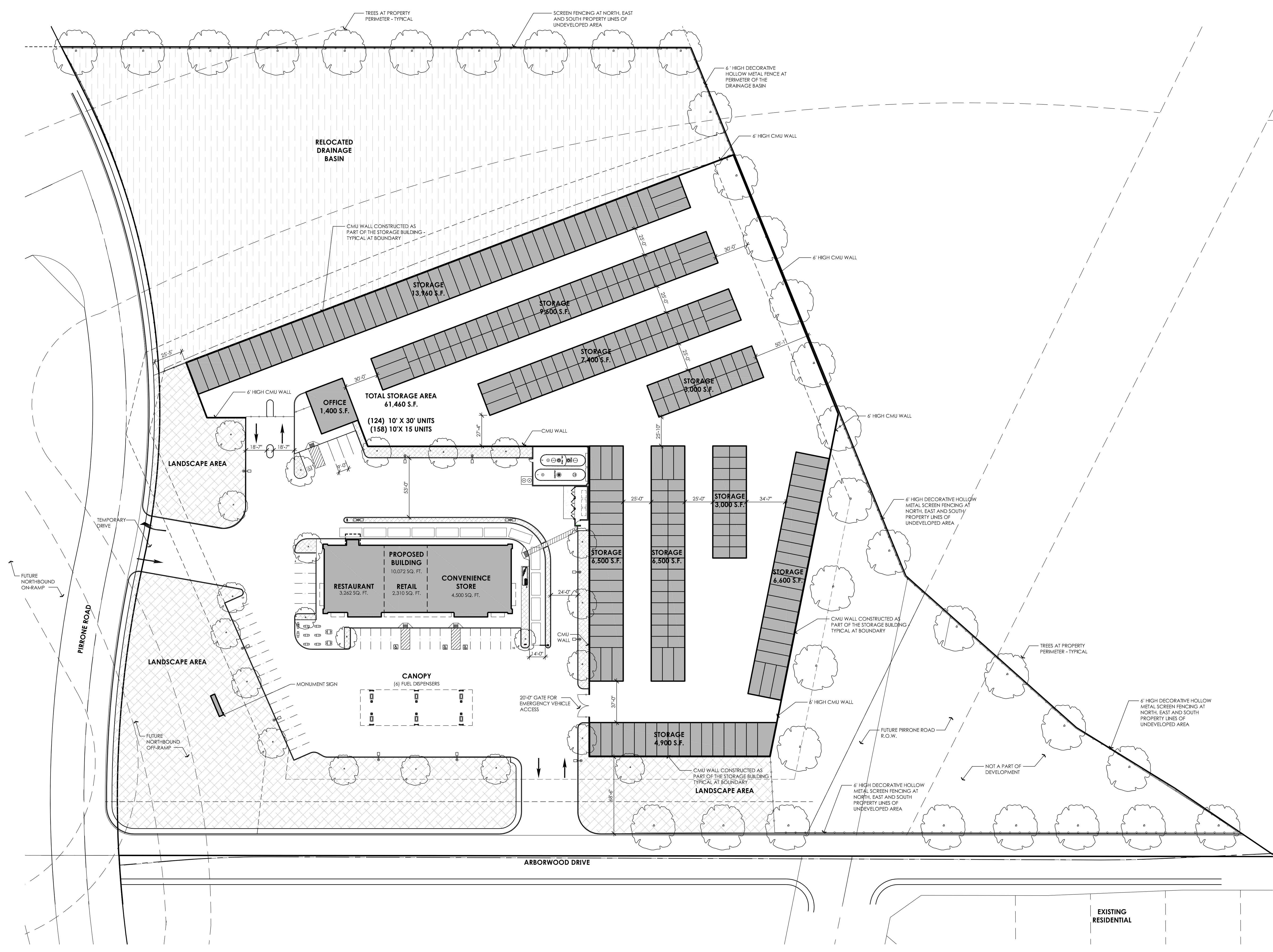
02-17-21



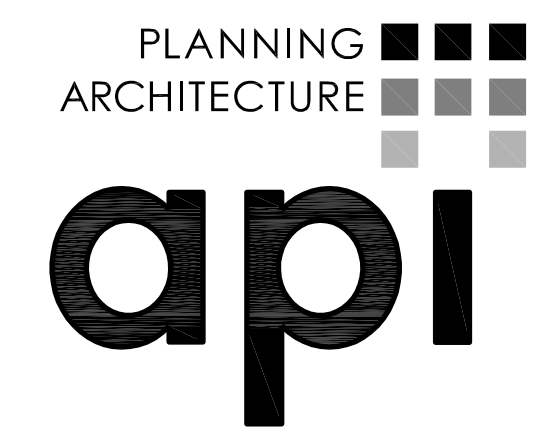
**SITE CONCEPT NARRATIVE**  
 THE SITE LANDSCAPE FOR THIS PROJECT WILL BE DESIGNED TO PROVIDE AN AESTHETIC LANDSCAPE DESIGN THAT MEETS THE PROJECT GOALS AND CONFORMS WITH THE COUNTY'S LANDSCAPE GUIDELINES. THE PLANTING DESIGN WILL PROVIDE CLEAN AND OPEN LANDSCAPE TO COMPLEMENT THE BUILDING ARCHITECTURE. PROVIDE CLEAR VIEWS THROUGH THE PARKING LOT. COORDINATE WITH THE NEARBY EXISTING LANDSCAPE AND ENHANCE THE STREET EDGE.

PLANT SPECIES WILL BE SELECTED TO PERFORM WELL IN THIS REGION. PLANTS SELECTED FOR THIS PROJECT WILL HAVE LOW OR MEDIUM WATER USE CLASSIFICATION, ARE DURABLE AND REQUIRE LOW MAINTENANCE. THE PLANTING DESIGN WILL CONFORM WITH THE COUNTY'S MWEO ORDINANCE AND BE DROUGHT TOLERANT.

**IRRIGATION DESIGN**  
 THE LANDSCAPE ON THIS SITE WILL USE DRIP IRRIGATION, WILL MEET THE COUNTY'S REQUIREMENTS AND COMPLY WITH THE REQUIREMENTS OF THE STATE'S WATER EFFICIENT LANDSCAPE ORDINANCE (MWEO). EQUIPMENT INCLUDES DEDICATED IRRIGATION METER, SMART CONTROLLER, WEATHER SENSOR AND EFFICIENT IRRIGATION EMITTERS, NOZZLES AND OTHER EQUIPMENT.



**PROPOSED NEW DEVELOPMENT:**  
**PIRRONE RETAIL**  
 PIRRONE ROAD AND HAMMETT ROAD  
 SALIDA, CA.

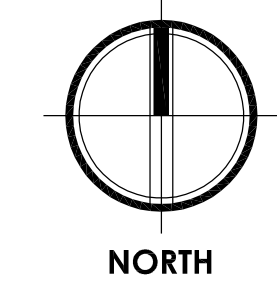


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SHEET:  
**A2**  
 OF 2

**SITE PLAN - OVERALL**  
 SCALE: 1" = 40'-0"

DATE: 02-17-21







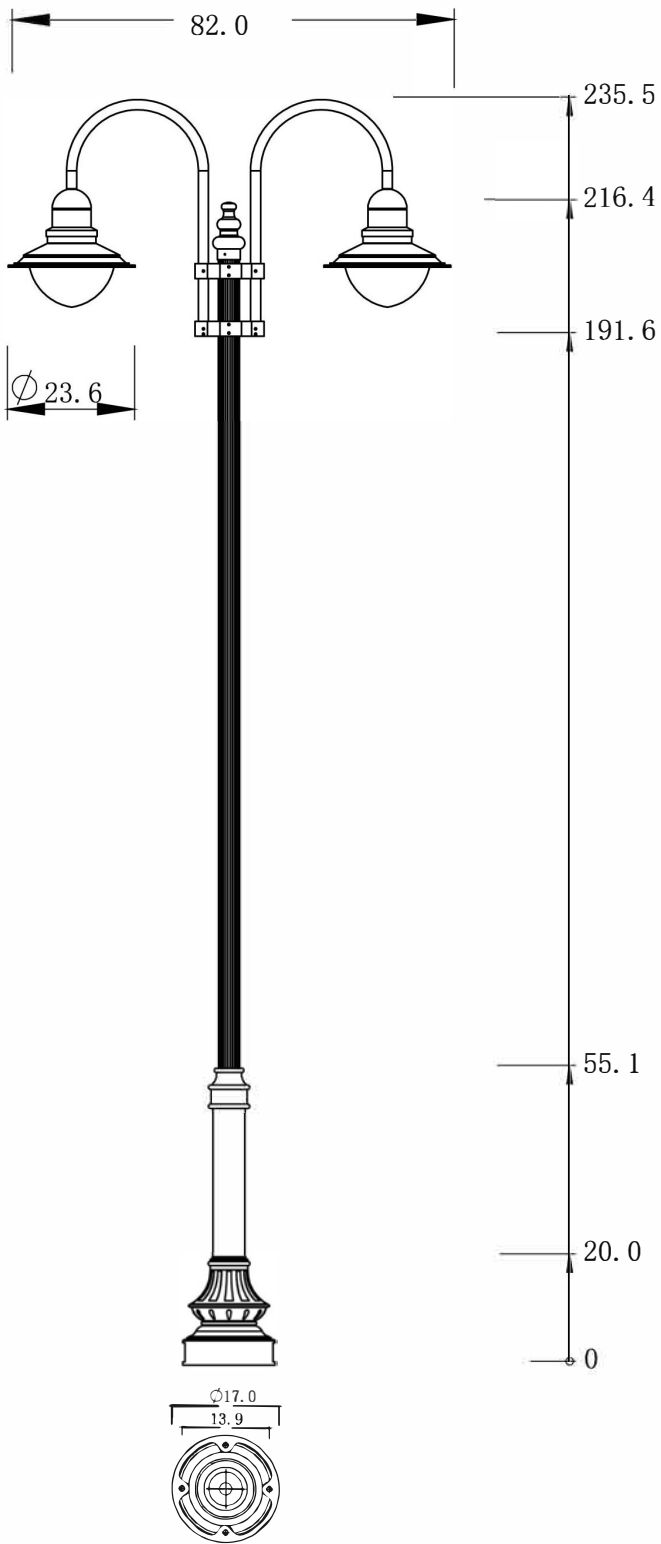


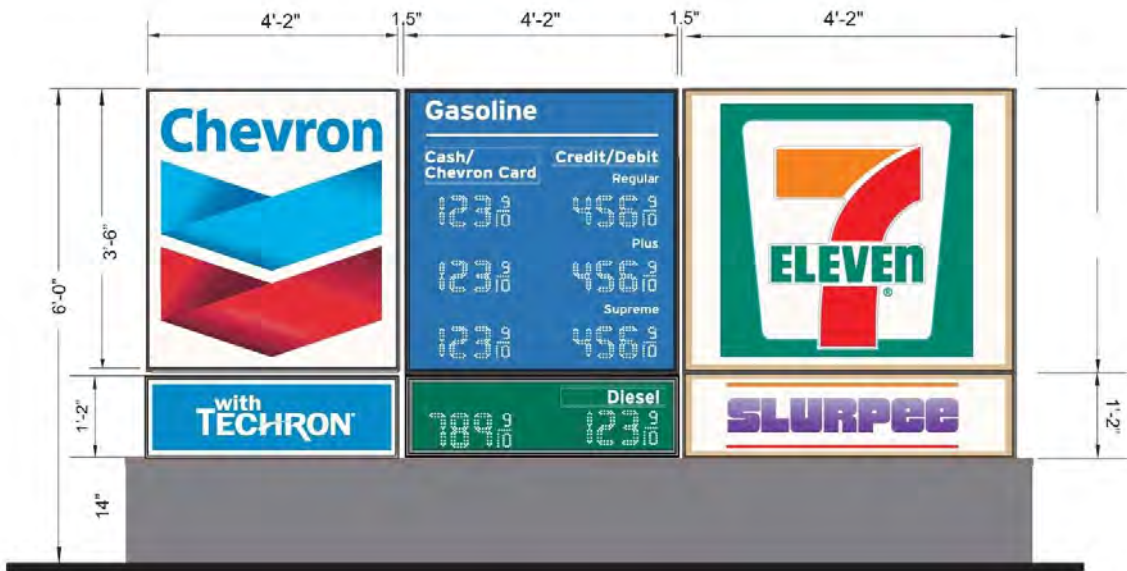












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NOTE: Approval of this application is valid only if the following conditions are met. This permit shall expire unless activated within 18 months of the date of approval. In order to activate the permit, it must be signed by the applicant and one of 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)

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## **DEVELOPMENT STANDARDS**

### **GENERAL PLAN AMENDMENT AND REZONE APPLICATION NO. PLN2019-0079 – CAL SIERRA FINANCIAL, INC.**

#### **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. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2017), the applicant is required to pay a California Department of Fish and Wildlife (formerly the Department of Fish and Game) fee at the time of filing a "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 **\$2,537.25**, made payable to **Stanislaus County**, for the payment of California Department of Fish and Wildlife and Clerk Recorder filing fees.

Pursuant to Section 711.4 (e) (3) of the California Fish and Game Code, no project shall be operative, vested, or final, nor shall local government permits for the project be valid, until the filing fees required pursuant to this section are paid.

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. 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.
6. Modification to the sign plan for all proposed on-site signs indicating the location, height, area of the sign(s), and message shall be approved by the Planning Director or appointed designee(s) prior to installation. Flashing, animated, or electronic reader board signs are not permitted.

7. 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.
8. The gas station shall not offer fueling services to semi-trucks.
9. Prior to issuance of a grading or building permit, a landscaping plan indicating type of plants, initial plant size, location and method of irrigation shall be submitted and approved by the County Planning Director or appointed designee(s). Landscaping must be installed and inspected prior to final of grading or building permit. The landscaping shall include the perimeter of the relocated drainage basin
10. Within six (6) months of completion of improvements to future Pirrone Road, the property owner shall install landscaping on the portion of their property located along the new public road rights-of-way, consistent with the approved landscaping along existing Pirrone Road and Arborwood Drive frontages. Prior to installing the landscaping, a landscaping plan indicating type of plants, initial plant size, location and method of irrigation shall be submitted and approved by the County Planning Director or appointed designee(s).
11. Within six (6) months of completion of improvements to the Hammett Road Interchange as part of the Salida Community Plan implementation and/or relocation of the relocated drainage basin, the property owner shall install landscaping on the portion of their property located along the new public road rights-of-way, consistent with the approved landscaping along existing Pirrone Road and Arborwood Drive frontages. Prior to installing the landscaping, a landscaping plan indicating type of plants, initial plant size, location and method of irrigation shall be submitted and approved by the County Planning Director or appointed designee(s).
12. All landscaped areas, fences, walls, basins, and unimproved areas shall be maintained, and the premises shall be kept free of weeds, trash, and other debris.
13. No operations shall be conducted on any premises in such a manner as to cause an unreasonable amount of noise, odor, dust, smoke, vibration, or electrical interference detectable off the site.
14. Prior to issuance of any Certificate of Occupancy by the County's Building Permits Services, a Security Plan shall be submitted to, reviewed, and approved by the Stanislaus County Sheriff's Office. The approved Security Plan shall be fully implemented and any modifications shall be subject to further review and approval by the Stanislaus County Sheriff's Office.

**Department of Public Works**

15. The project shall pay all applicable Public Facility Fees and Salida Planned Development Fees based on the trip ends generated per the respective implementation guidelines.
16. Prior to issuance of a building or grading permit, a Public Utility Easement (P.U.E.) shall be filed for a 10 foot-wide public utility easement located adjacent to all road rights-of-way. All new utilities shall be underground and located in public utility easements.

17. No parking, loading or unloading of vehicles will be permitted within the County road right-of-way.
18. The developer will be required to install or pay for the installation of any signs and/or markings, if warranted.
19. An Encroachment Permit shall be obtained for any work done in Stanislaus County road right-of-way.
20. Prior to the final of any building or grading permit, whichever comes first, the property shall be annexed into the Salida Lighting District. The applicant shall provide all necessary documents and pay all the costs associated with the annexation process. The annexation of the parcel into the Salida Lighting District shall be completed before the final/occupancy of any building permit associated with this project.
21. Prior to the final of any grading or building permit, the applicant shall make road frontage improvements along the entire parcel frontage of the parcel on Arborwood Drive. The improvements shall include, but not be limited to, driveway locations, street lights, curb, gutter, and sidewalk, storm drainage, and matching pavement. Three (3) copies of the off-site improvement plans shall be submitted to Public Works Department for review and approval.
22. Project applicant, or their authorized representative, should consult with Public Works Development Services and Traffic Engineering staff prior to off-site plan submittal to discuss access requirements.
23. Prior to issuance of a building permit, a southbound left turn lane shall be installed at the existing Pirrone Road and Arborwood Drive intersection.
24. Upon the written request of the Stanislaus County Road Commissioner, the applicant shall restripe the Hammett Road at SR 99 Northbound Ramp intersection with one (1) eastbound through lane and one (1) left turn lane, resulting in one (1) westbound through lane west of the intersection.
25. Applicant shall modify the southwest corner of the intersection of Pirrone Road and Hammett Road by widening the pavement to accommodate truck combinations that will be providing service to the site. The inside radius shall accommodate a STAA Standard Truck. Additionally, an exclusive westbound right turn only lane on Hammett Road at the SR 99 Northbound Ramps intersection shall be installed.
26. Prior to the issuance of any building or grading permit associated with this project, all driveway locations shall be approved by the Department of Public Works.
27. The intersection of Arborwood Drive and existing Pirrone Road shall be designed to County Standard detail 3-C1.
28. Arborwood Drive is currently a 20-foot road easement which is privately owned. The applicant shall offer a 30-foot road dedication along the frontage of Arborwood Drive and an 88-foot road reservation for future Pirrone Road. The alignment shall be coordinated with Public Works staff.

29. Prior to the issuance of any building or grading permit, an acceptable financial guarantee for the road improvements shall be provided to the Department of Public Works. This may be deferred if the work in the right-of-way is done prior to the issuance of any grading or building permit.
30. An Engineer's Estimate shall be provided for the road improvements so that the amount of the financial guarantee can be determined.
31. Prior to the Department of Public Works doing any plan review or inspections associated with the development, the applicant shall sign a "Plan Check/Inspection Agreement" and post a \$5,000 deposit with Public Works.
32. Prior to acceptance of the road improvements, a set of Record Drawings as specified in the County standards and electronically scanned files for each sheet in a PDF format shall be provided to and approved by the Department of Public Works.
33. A grading, drainage, and erosion/sediment control plan for the project site shall be submitted for any building permit that will create a larger or smaller building footprint. The grading and drainage plan shall include the following information:
  - a. The plan shall contain drainage calculations and enough information to verify that runoff from project will not flow onto adjacent properties and Stanislaus County road right-of-way. Public Works will review and approve the drainage calculations.
  - b. For projects greater than one acre in size, the grading drainage and erosion/sediment control plan shall comply with the current State of California National Pollutant Discharge Elimination System (NPDES) General Construction Permit. A Waste Discharge Identification Number (WDID) and a copy of the Notice of Intent (NOI) and the project's Storm Water Pollution Prevention Plan (SWPPP) shall be provided prior to the approval of any grading, if applicable.
  - c. The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for review of the grading plan.
  - d. The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for all on-site inspections. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site.

**Department of Environmental Resources**

34. The applicant shall provide a current Will-Serve letter for municipal services to serve the development issued from the Salida Sanitary District for sewer and the City of Modesto for water.
35. The applicant shall secure all necessary permits for the destruction/ relocation of any on-site water wells and/or septic systems at the project site under the direction of the Stanislaus County Department of Environmental Resources.

36. A person proposing to build or remodel a food facility shall submit complete, easily readable plans drawn to scale, and specifications to the Stanislaus County Department of Environmental Resources for review, and shall receive plan approval before starting any new construction or remodeling of a facility for use as a retail food facility. (California Retail Food Code §114380).
37. Food facilities may be required to install grease interceptors in the wastewater line leading from drains, sinks, and other fixtures or equipment where grease may be introduced into the sewer system in quantities that can cause blockage. A grease interceptor shall not be located in a food or utensil handling area.
38. Any on-site hydrogen fuel is subject to permitting under the Stanislaus County Department of Environmental Resources Hazardous Materials (HM) Division's Hazardous Materials Business Plan (HMBP) program.
39. The project applicant is required to obtain all applicable permits through the Stanislaus County Department of Environmental Resources Hazardous Materials (HM) Division and must submit any hazardous materials Business information into the California Electronic Reporting System (CERS) when handling the storage of 55 gallons or 500 pounds of a hazardous material, or 200 cubic feet or more of compressed gas.
40. A Risk Management Prevention Program, if applicable, must be implemented prior to operation of the facility.
41. Any discovery of underground storage tanks, former underground storage tank locations, buried chemicals, buried refuse, or contaminated soil shall be brought to the immediate attention of the Stanislaus County Department of Environmental Resources Hazardous Materials (HM) Division.

#### **Building Permits Division**

42. Building permits are required and the project must conform to the California Code of Regulations, Title 24.

#### **City of Modesto**

43. The project's required demand shall be confirmed as being no more than 2,000 Gallons Per Minute and shall be memorialized by Salida Fire per County building and fire code requirements.
44. The City of Modesto's Utilities Department needs to review the design of the water utilities to ensure that the project connects with appropriate sized utilities, meter locations, etc. to ensure the property receives the fire flow necessary.

#### **Stanislaus County Local Area Formation Commission (LAFCO)**

45. Prior to connecting to the City of Modesto's water system, LAFCO approval of an out-of-boundary service extension must be obtained.

**Salida Sanitary**

46. Prior to connecting to the Salida Sanitary system, the sewer main along Arborwood Drive shall be extended to serve the development at the developer's expense. An eight inch sewer main shall be extended west along Arborwood Drive from the intersection of Arborwood Drive and Vistara Way to the westerly property boundary of the subject project site and terminated with a maintenance hole. Installation of a new maintenance hole at the intersection of Arborwood Drive and the future extension of Pirrone Road is required, and shall include a five-foot, eight-inch stub in the northern direction. Each individual commercial business shall have a separate sewer lateral connection to the sewer main. Public sewer ownership will start and stop within the sewer easement on Arborwood Drive.
47. Owner/developer shall obtain the necessary Salida Sanitary District sewer connection permits and pay all applicable fees.
48. The owner/developer shall design and construct in accordance with the Salida Sanitary District's Sewer Standards and Specifications, rules and regulations.
49. Owner/developer shall provide an alternative all-weather access roadway, acceptable to the District, if any construction work on the 30-foot road easement impedes access to District facilities.
50. Owner/developer shall dedicate a 15-foot sewer easement for exclusive purposes of maintaining and repairing the eight-inch sanitary sewer extension from Vistara Way west to the terminus of the sewer main on future Arborwood Drive. New sewer easement shall be overlaid and centered over the existing road easement. The new sewer main shall be centered over the new sewer easement.
51. Owner/developer shall not construct any permanent facilities on the existing roadway easement or in any way obstruct the passage of vehicles on existing roadway easement.
52. In accordance with the District's Fats, Oils, and Grease (FOG) Control Ordinance, the installation of FOG Interceptor(s) shall be included on building plans for sewer services where the discharge of FOG exists. The installation of the device(s) shall be in accordance with District and Stanislaus County requirements.
53. Sanitary sewer improvement plans are to be approved by the District before commencement of construction.
54. All costs associated with sewer service are to be paid by the property owner/developer. The owner/developer shall be responsible for all costs involved in the design and installation of all sewer mains, maintenance holes and laterals to serve the subject property.
55. Prior to connecting to the sanitary sewer line, applicant shall obtain sewer connection permits, one for each sewer lateral connection, from the District. Applicant shall pay all District facilities fees, sewer charges, plan check fees, and inspection fees.

**Modesto Irrigation District (MID)**

56. There is an existing thirty-six (36) inch cast-in-place concrete improvement district (ID) pipeline (ID No. 184 – McCarthy ID) that lies along the eastern property line of

- APN: 003-014-007. The size and location of the existing ID pipeline must be located and verified in the field and shown on the proposed plans.
57. A thirty (30) foot irrigation easement must be dedicated to MID by separate instrument for the existing McCarthy ID Pipeline. The existing irrigation facilities and dedicated easement must be identified on the proposed plans.
  58. Upon development of the eastern portion of the parcel the existing cast-in-place concrete ID pipeline must be replaced within the footprint of the proposed project with rubber gasketed reinforced concrete pipeline (RGRCP) that has an appropriate wall thickness for the pressure and traffic loads. Pressure manholes must be installed per MID standard detail C 20 and located no more than five hundred (500) feet apart.
  59. Draft improvement plans for the proposed project area must be submitted to MID's Civil Engineering Department for review and approval prior to the start of any construction.
  60. If the Applicant has no plans to use MID irrigation water, the Applicant must contact MID's Water Operations Department at (209) 526-7562 to request a Sign-Off of Irrigation Facilities form for the parcel.
  61. Water Operations staff recommends a pre-consultation meeting to discuss MID irrigation requirements. MID irrigation standard details are available online or can be provided upon request.
  62. All work that may impact the existing irrigation facilities must be completed during the non-irrigation season (typically March 1 to November 1).
  63. High voltage is present within and adjacent to the project area. This includes 12,000 volts overhead primary and 6,900 volts primary underground and secondary underground facilities. Use extreme caution when operating heavy equipment, handheld tools or any other type of equipment near the existing MID electric cables. Assume all overhead and underground electric facilities are energized.
  64. The Electric Engineering Department requires that any trenching or pipe pushing maintain a 1:1 horizontal distance from any existing MID pole or pole anchor. If trenching or pipe pushing will encroach on this depth/distance ratio, the Contractor shall contact the Electric Engineering Design Department to brace any affected poles. The cost of any required pole bracing or guy anchor re-tensioning will be assumed by the Contractor. Estimates for bracing any existing poles will be supplied upon request.
  65. The contractor shall verify actual depth and location of all underground utilities prior to start of construction. Notify "Underground Service Alert" (USA) (Toll Free 800-227-2600) before trenching, grading, excavating, drilling, pipe pushing, tree planting, post-hole digging, etc. USA will notify all utilities to mark the location of their underground facilities.
  66. Existing electric service may not be adequate for the proposed project development. Prior to any construction a full set of construction plans must be submitted to Electrical Engineering Design Group. Please contact Modesto Irrigation District at (209) 526-7337 or (888) 335-1643 and ask for the Electrical Engineering Design Group to coordinate project/cost requirements.

**Salida Union School District**

67. Prior to issuance of a building permit, all applicable school fees shall be paid to the Salida Union School District.

**Modesto City School District**

68. The property shall be placed on the tax roll for the Mello-Roos – Salida Area Public Facilities Financing Agency (SAPFFA) CFD 1988-1 the first fiscal year after a building permit is pulled.

**California Department of Transportation**

69. An encroachment permit shall be obtained prior to any work within the State right-of-way.

**Salida Fire Protection District**

70. This project will be subject to Fire Service Impact Mitigation Fees as adopted by the District Board of Directors and currently in place at the time of issuance of construction permits, which shall be paid prior to issuance of a building permit.
71. This project shall meet the District's requirements of on-site water for fire protection prior to construction of combustible materials. Fire hydrant(s) and static source locations, connections, and access shall be approved by the District prior to issuance of a building permit.
72. Prior to, and during, combustible construction, the District shall approve provisions for serviceable fire vehicle access and fire protection water supplies.
73. A District specified Rapid Entry System (Knox) shall be installed and serviceable prior to final inspection allowing fire department access into gated areas, limited access points, and or buildings.
74. Buildings shall be required to have fire sprinklers meeting the standards listed within the adopted California Fire Code and related amendments.
75. The project shall meet fire apparatus access standards. Two ingress/egress accesses to each parcel meeting the requirements listed within the California Fire Code.
76. If traffic signals are installed and/or retrofitted for the project, signal preemption devices shall be paid for or installed by the developer/owner and shall conform to the District's standards and requirements.
77. Prior to issuance of a building permit, the owner(s) of the property shall be required to form or annex into a Community Facilities District for operational services with the Salida Fire Protection District. Due to the fact this process may take 60-120 days to complete, it is recommended that advanced consideration be given to initiate this requirement early in the project.

**Central Valley Regional Water Quality Control Board**

78. Prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a "Notice of Intent" (Pursuant to State Water Resources Control Board Order 99-08-DWQ and National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002), 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.
79. Prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a Phase I and II Municipal Separate Storm Sewer System (MS4) Permit, an Industrial Storm Water General Permit, Clean Water Act Section 404 Permit, Clean Water Act Section 401 Permit, or Waste Discharge Requirement (WDR) permits are required.

**San Joaquin Valley Air Pollution Control District**

80. Prior to issuance of the first building permit, the developer shall be responsible for demonstrating compliance with District Rule 9510 (Indirect Source Review), which is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site fees. The proposed project is subject to District Rule 9510 as it will receive a project-level discretionary approval from a public agency and will exceed 25,000 square feet of light industrial space. When subject to the rule, an Air Impact Assessment (AIA) application is required.
81. The project will be subject to Regulation VIII (Fugitive PM10 Prohibitions). The project proponent is required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in District Rule 8021 - Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities.
82. Prior to construction, the developer shall be responsible for contacting the San Joaquin Valley Air Pollution Control District to determine if Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations), or any other District rules or regulations apply to this project.

**California Department of Conservation Geologic Energy Management Division (CalGEM)**

83. The existing abandoned dry well shall meet all CalGEM requirements as prescribed by law.
84. If, during development of this proposed project, any unknown well(s) is/are discovered, CalGEM should be notified immediately so that the newly-discovered well(s) can be incorporated into the records and investigated. All wells identified on the development parcel prior to, or during, development activities shall be tested for liquid and gas leakage. Surveyed locations should be provided to CalGEM in Latitude and Longitude, NAD 83 decimal format. Any wells found leaking shall be reported to CalGEM immediately. Failure to plug and re-abandon any applicable well may result in enforcement action, including an order to perform re-abandonment well work, pursuant to CA PRC § 3208.1, and 3224.

85. Access to any dry well located on the property shall be maintained in the event re-abandonment of the well becomes necessary in the future.

## **MITIGATION MEASURES**

***(Pursuant to California Public Resources Code 15074.1: Prior to deleting and substituting for a mitigation measure, the lead agency shall do both of the following:***

- 1) Hold a public hearing to consider the project; and***  
***2) Adopt a written finding that the new measure is equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment.)***

1. Prior to issuance of any building permit, a photometric lighting plan shall be submitted for review and approval by the Planning Department. 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). The height of the lighting fixtures shall not exceed 20 feet above grade.
2. All off-road diesel construction equipment greater than 25 horsepower and operating at the site for more than 20 hours shall, at a minimum, meet U.S. EPA Tier 3 engine standards with Level 3 particulate filtration. Use of equipment with U.S. EPA Tier 4 engine standards would meet this requirement. Optionally, the applicant could develop and implement a plan that would achieve a 44-percent reduction in, on, and near-site DPM emissions.
3. If ground disturbing activity or construction commences between March 1 and September 15, pre-construction surveys for nesting Swainson's hawks (SWHA) shall be conducted by a qualified biologist. SWHA surveys shall be conducted a maximum of 10 days prior to the onset of grading or construction activities, within 0.5 miles of the project site area, in accordance with survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000).

If active SWHA nests are found, a qualified biologist, in consultation with CDFW, shall determine the need (if any) for temporal restrictions on construction, including but not limited to a minimum no-disturbance buffer of 0.5 miles to be maintained around active nests prior to and during any ground-disturbing activities until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. If take cannot be avoided, take authorization through the issuance of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

4. If ground disturbing activity or construction commences between February 1 and August 31, pre-construction surveys for burrowing owls (BUOW) on the site shall be conducted by a qualified biologist. Surveys shall be conducted in accordance with "Burrowing Owl Survey Protocol and Mitigation Guidelines" (CBOC 1993) and CDFW's *Staff Report on Burrowing Owl Mitigation*" (CDFG 2012), which requires three or more surveillance surveys are conducted during daylight with each visit occurring at least three weeks apart during the peak breeding season (April 15 to July 15), when BUOW are most detectable.

If occupied BUOW burrows are found a qualified biologist, in consultation with CDFW, shall determine the need (if any) for temporal restrictions on construction, including but not limited to maintaining no-disturbance buffers, as outlined in the “*Staff Report on Burrowing Owl Mitigation*” (CDFG 2012), prior to and during any ground-disturbing activities.

5. If vegetation removal or construction commences during the general avian nesting season, between March 1 and July 31, a pre-construction survey for nesting birds on the site, which are protected by the Migratory Bird Treaty Act of 1918, shall be conducted by a qualified biologist. If active nests are found, work in the vicinity of the nest shall be delayed until the young fledge.
6. 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 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.
7. Prior to issuance of a building permit, the final engineering design should be reviewed by a qualified acoustical consultant and evidence of compliance with the County’s noise standards shall be provided.

## **DEVELOPMENT SCHEDULE**

### **GENERAL PLAN AMENDMENT AND REZONE APPLICATION NO. PLN2019-0079**

#### **CAL SIERRA FINANCIAL, INC.**

- Construction shall begin within four (4) months and shall be completed within 18 months of Rezone effective date.
- Issuance of any building permit for construction of a building after the Development Schedule time frame has passed shall be subject to a staff approval permit to allow modification to the Development Standards as determined necessary by the Planning Director.



## AMENDED CEQA INITIAL STUDY

Adapted from CEQA Guidelines APPENDIX G Environmental Checklist Form, Final Text, January 1, 2020  
Amendments consisting of additions are reflected in bold text and deletions in strikethrough text.

- 1. **Project title:** General Plan Amendment and Rezone Application No. PLN2019-0079 – Cal Sierra Financial, Inc.  
SCH No. 2019090255
- 2. **Lead agency name and address:** Stanislaus County  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354
- 3. **Contact person and phone number:** Kristin Doud, Principal Planner  
(209) 525-6330
- 4. **Project location:** Pirrone Road, on the east side of the Pirrone Road and Hammett Road intersection, east of Highway 99, in the Community of Salida.  
(APN: 003-014-007).
- 5. **Project sponsor’s name and address:** Baldev Grewal, dba Cal Sierra Financial Inc;  
2807 G St., Merced, CA, 95340
- 6. **General Plan designation:** Commercial (General Plan and Salida Community Plan designation)
- 7. **Zoning:** SCP C-2 (Salida Community Plan – General Commercial)
- 8. **Description of project:**

This is a request to amend the general plan and zoning designation of a 9.6-acre site, from Commercial and Salida Community Plan General Commercial (SCP C-2) to Planned Development, to allow for development of a convenience store/community market, gas station, restaurant, retail building, and mini-storage facility to be developed on approximately four acres of the site. The project proposes the following uses:

- 2,310 square feet of retail space
- 3,250 square feet of fast-food restaurant space with drive-thru and outdoor dining area
- Service station with six pumps
- Two above-ground gasoline storage tanks
- 4,500 square feet of convenience market space
- 61,460 square feet of mini storage with 1,400 square feet of office space

The mini-storage buildings are proposed to be placed along the southeastern, eastern, and northern boundaries of the project site to act as a buffer between the proposed development and the existing residential uses to the south and southeast. Although the use types are specified in this request, no specific users are identified at this time. Depending on the end user, the gas station might include petroleum, diesel, and/or hydrogen fuel and/or an electrical vehicle (EV) charging station. The project estimates 18 employees will be on-site during a maximum shift, 60 customers, and deliveries as needed. Hours of operation for the market are proposed to be 24 hours a day, seven days a week. Delivery cutoff time for the proposed site will be 6 p.m. The remaining acres of the site will remain undeveloped, with the exception of a storm drainage basin, with no public access, and will be required to obtain land use entitlements prior to

future developments. The site is proposed to be served by the City of Modesto for water and Salida Sanitary for sewer services.

A request to amend the General Plan and Community Plan designation of Commercial to Planned Development is also included in this request to correct a draftsman’s error that occurred when the Salida Community Plan map was amended in 2007. The project site was part of the prior Salida Community Plan and, as such, the current designations were established in error with the adoption of the 2007 Salida Initiative. This request will return the property back to its original, pre-2007 Initiative, General Plan and Community Plan designations of Planned Development.

- 9. Surrounding land uses and setting:** Single-family residences, light industrial uses, and agricultural land to the east and southeast; Vacant land and California State Highway 99 to the west and south; and vacant land to the north.
  
- 10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** CalTrans  
 San Joaquin Valley Air Pollution Control District  
 Stanislaus County Department of Public Works  
 Stanislaus County Department of Environmental Resources  
 City of Modesto Community and Economic Development Department
  
- 11. Attachments:**

  - 1. Air Quality and Health Risk Assessment, conducted by Illingworth and Rodkin, Inc., dated February 5, 2021
  - 2. Referral response received from the California Department of Fish and Wildlife, dated April 9, 2021
  - 3. Biological Assessment, conducted by Moore Biological Consultants, dated May 21, 2021
  - 4. Central California Information Center records search
  - 5. Noise Study, conducted by Acoustics Group, Inc., dated February 15, 2021
  - 6. Traffic Impact Analysis, conducted by Pinnacle Traffic Engineering, dated March 9, 2020
  - 7. Supplemental Traffic Generation Analysis, conducted by Pinnacle Traffic Engineering, dated January 22, 2021
  - 8. Project Memo, received from the Department of Public Works, dated February 25, 2021 and September 11, 2020.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

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

**DETERMINATION: (To be completed by the Lead Agency)**

On the basis of this initial evaluation:

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

Signature on file.  
Prepared by Kristin Doud, Principal Planner

May 28, 2021 (as updated on July 7, 2021)  
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). References 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 – Except as provided in Public Resources Code Section 21099, could 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) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?		X		

**Discussion:** The site itself is not considered to be a scenic resource or unique scenic vista. The site is currently vacant and is surrounded by single-family residences, light industrial uses, and agricultural land to the east and southeast, vacant land and California State Highway 99 to the west and south, and vacant land to the north. The buildings for this site are proposed to be single-story with modern farm-style architecture, which is consistent with the area and other development along the Highway 99 corridor. The project proposes to include a monument sign, which will be approximately six feet in height and 12 feet wide, which will not include any animated messaging and will act as the signage for the multiple tenants occupying the site. The project also proposes a six-foot-tall CMU masonry wall to be installed along the northern and eastern perimeter behind the proposed mini-storage buildings. Additional wrought iron fencing is proposed to be installed along the southeastern corner of the property which is proposed to remain vacant due to required roadway dedication. Evergreen trees will be planted along the northern and eastern property lines to provide a visual buffer for the adjacent land uses. The southern and western property lines will include a landscape strip planted along the road frontage which is proposed to include a mixture of decorative trees and low growing drought-tolerant grasses. The project site will be required to annex into the existing Salida Lighting District to provide funding for maintenance of lighting, which will be incorporated into the project as a development standard.

A referral response was received from the Stanislaus County Environmental Review Committee indicating that potential light impacts should be considered in the project review. 19.5-foot-tall light poles, to include dark sky lighting, are proposed to be installed throughout the parking lot. To prevent the potential for the creation of a new source of substantial light or glare affecting the day or nighttime views in the area, a mitigation measure has been applied to the project requiring that a photometric lighting plan be submitted for review and approval to the Planning Department. With the inclusion of this mitigation measure, aesthetic impacts from the project are considered to be less-than significant with mitigation included.

**Mitigation:**

1. Prior to issuance of any building permit, a photometric lighting plan shall be submitted for review and approval by the Planning Department. 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). The height of the lighting fixtures shall not exceed 20 feet above grade.

**References:** Application materials; Referral response received from the Stanislaus County Environmental Review Committee, dated September 30, 2019 and February 11, 2020; Referral response received from the Department of Public Works, dated July 7, 2020 and February 26, 2021; Stanislaus County Zoning Ordinance; the Stanislaus County General Plan; and Support Documentation<sup>1</sup>.

<b>II. AGRICULTURE AND FOREST RESOURCES:</b> 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
<b>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?</b>			X	
<b>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</b>			X	
<b>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))?</b>				X
<b>d) Result in the loss of forest land or conversion of forest land to non-forest use?</b>				X
<b>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?</b>				X

**Discussion:** The USDA Natural Resources Conservation Service’s Eastern Stanislaus County Soil Survey indicates that the property is made up of Dinuba fine sandy loam (DmA), Hanford sandy loam (HdA), and Oakdale sandy loam (OaA) soils. These soils are considered to be prime soils based on their Storie Index Ratings (which range between 81-95) and their Grade of 1 and are designated as prime soils on the California Department of Conservation’s Important Farmland Maps.

The site is vacant and not actively farmed. Single-family residences, light industrial uses, and agricultural land surround the site to the east and southeast; vacant land and California State Highway 99 to the west and south; and vacant land to the north. On August 7, 2007, the Stanislaus County Board of Supervisors passed an ordinance to implement the Salida Area Planning “Roadway Improvement, Economic Development and Salida Area Farmland Protection and Planning Initiative,” also known as the Salida Initiative, which amended the Salida Community Plan. The amended Salida Community Plan provides land use planning and guidance for development of approximately 4,600 acres of land in the Salida area. The Community Plan encompasses the existing community of Salida, which was part of the previously approved Salida Community Plan (Existing Plan Area), and an amendment area encompassing approximately 3,383 acres (Amendment Area). Property within the Salida Community Plan Amendment area may be treated under the A-2 (General Agriculture) zoning district regulations if restricted by a Williamson Act Contract. Otherwise, no property within the Salida Community Plan zoning (which includes the amendment area) may develop until a programmatic-level Environmental Impact Report (EIR) evaluating the environmental impacts associated with the build-out of the entire Salida Community Plan Amendment area is prepared. With the passage of the Salida Initiative, the subject site and a few other properties were erroneously

included in the Amendment Area of the Salida Community Plan. This inclusion was a draftsman's error, as the subject site was actually part of the Existing Plan Area. As part of the Existing Salida Community Plan, the proposed project is not subject to the EIR requirement for the entire Salida Community Plan Amendment area. If approved, this community plan boundary line will be amended to correctly show the subject property as part of the Existing Plan Area of the Salida Community Plan. The same situation is applicable to the parcel to the south. Other than the subject property and the property to the north, all other property in the surrounding area would be subject to completing an EIR for the entire Salida Community Plan Amendment area prior to development. The closest actively farmed parcel is approximately 450 feet east of the project site and the nearest parcel under Williamson Act Contract is over 9,000 feet to the west, divided by California Highway 99. Accordingly, there is no indication that this project will result in the removal of adjacent contracted land from agricultural use.

A referral response received from the Agricultural Commissioner's Office requested that a 150-foot setback, in line with the Agricultural Buffer requirement of the General Plan, be maintained between the proposed use and the adjacent parcels under agricultural production. The County's Buffer and Setback Guidelines apply to all new or expanding uses approved by discretionary permit in the A-2 zoning district or on a parcel adjoining the A-2 zoning district; of which there are no such parcels surrounding the site. However, the proposed development is located 420 feet from the nearest actively farmed parcel.

A referral response from the Modesto Irrigation District (MID) indicated that there is a 36-inch cast-in-place concrete pipeline that exists along the eastern property line of the project site called the McCarthy Pipeline. MID requested that the location of the McCarthy pipeline be field verified and shown on the building site plans, and that a 30-foot-wide easement be recorded, centered on the McCarthy Pipeline. Further, MID is requiring that if the area of the McCarthy pipeline were ever to be developed, that the pipeline must be replaced with rubber gasket reinforced concrete pipeline, with appropriate wall thickness for the pressure and traffic loads and manholes installed per MID standards located no more than 500 feet apart. In the case that the McCarthy Pipeline needs to be replaced, draft improvement plans must be submitted and approved by MID and all work must be completed during the non-irrigation seasons, which typically runs from March 1<sup>st</sup> to November 1<sup>st</sup>. Additionally, if the site does not plan to continue to use irrigation water from the District, a Sign-Off of Irrigation Facilities form for the parcel is required. These comments will be applied as development standards.

**Mitigation:** None.

**References:** Application materials; Referral response from Modesto Irrigation District (MID), dated September 25, 2019 and February 18, 2020; Referral response received from the Agricultural Commissioner's Office, dated January 29, 2020; United States Department of Agriculture NRCS Web Soil Survey; California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2018; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?		X		
c) Expose sensitive receptors to substantial pollutant concentrations?		X		
d) Result in other emissions (such as those odors adversely affecting a substantial number of people)?			X	

**Discussion:** The proposed project is located within the San Joaquin Valley Air Basin (SJVAB) and, therefore, falls under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). In conjunction with the Stanislaus Council of Governments (StanCOG), the SJVAPCD is responsible for formulating and implementing air pollution control strategies.

The SJVAPCD's most recent air quality plans are the 2007 PM10 (respirable particulate matter) Maintenance Plan, the 2008 PM2.5 (fine particulate matter) Plan, and the 2007 Ozone Plan. These plans establish a comprehensive air pollution control program leading to the attainment of state and federal air quality standards in the SJVAB, which has been classified as "extreme non-attainment" for ozone, "attainment" for respirable particulate matter (PM-10), and "non-attainment" for PM 2.5, as defined by the Federal Clean Air Act. Mobile emission 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.

A referral response was received from the San Joaquin Valley Air Pollution Control District indicating that emissions resulting from construction and/or operation of the Project may exceed the District's thresholds of significance for carbon monoxide (CO), oxides of nitrogen (NOx), reactive organic gases (ROG), oxides of sulfur (Sox), and particulate matter (PM) and recommended a more detailed review of the project be conducted. Further, the Air District recommended that the more detailed review of potential air impacts consider criteria pollutants for both construction and operational emissions, with a recommendation of utilizing the California Emissions Estimator Model (CalEEMod) for the basis of project analysis, health risk screening/assessment, PM impacts from under-fired charbroilers, and an ambient air quality analysis (AAQA). The response indicated that if mitigation measures were to be applied to reduce the project to a less-than significant level, that the effectiveness of each mitigation measure should be discussed within the environmental review for the project as well as how the project would impact the District's attainment status. The Air District response also indicated that the project is subject to District Rule 9510, which requires the development of an Air Impact Assessment (AIA), District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Regulation VIII (Fugitive PM10 Prohibitions), District Rule 9410 (Employer Based Trip Reduction), and other applicable District permits and rules, which must be met as part of the District's Authority to Construct (ATC) permitting process. A referral response was also received from the Stanislaus County Environmental Review Committee (ERC) indicating that potential air impacts, including odor, should be further evaluated.

In response to the Air District and ERC comment letters, an Air Quality and Health Risk Assessment (AQA/HRA) was prepared by Illingworth and Rodkin, Inc., dated February 5, 2021. The AQA/HRA analyzed potential project impacts to air quality associated with emissions generated during construction, emissions generated from the operation of the proposed gasoline dispensing facility (GDF), as well as indirect impacts that may also occur from vehicle emissions associated with travel to and from the site during construction and operation. This AQA/HRA considered existing air quality conditions, construction period air quality impacts, operational air quality impacts (at both a local and regional scale) and identified any necessary mitigation measures to reduce or eliminate air quality impacts identified as significant. The project's potential impacts on air quality during construction and operation were assessed per the San Joaquin Valley Air Pollution Control District's *Guide for Assessing and Mitigating Air Quality Impacts* (GAMAQI). The AQA/HRA considered the nearest receptors to be the Vizcaya Subdivision, made up of residences, located across Arborwood Drive from the site, to the southeast, and the closest sensitive receptors to be the Modesto Christian School and Little Hearts Preschool and Childcare, both located approximately one mile to the east of the project site.

The Project construction activities are anticipated to take place over an approximate 13-month period beginning in Fall 2021 and concluding in Fall 2022. Site preparation and disturbance (e.g., vehicle travel on exposed areas) would likely result in the greatest emissions of dust and PM10/PM2.5. Windy conditions during construction could cause substantial emissions of PM10/PM2.5. Project-related air quality impacts fall into two categories: short-term impacts due to construction, and long-term impacts due to the proposed project operation. During construction, the proposed project would affect local particulate concentrations primarily due to fugitive dust sources and contribute to ozone and PM10/PM2.5 levels due to exhaust emissions. Over the long-term, the proposed project would result in an increase in emissions of particulate matter from commercial cooking operations and an increase in ozone precursors such as total organic gases (TOG), reactive organic gases (ROG), and NOx, primarily due to increased motor vehicle trips (employee trips, site deliveries, and on-site maintenance activities). Construction activities would temporarily affect local air quality, causing a temporary increase in particulate dust and other pollutants. Dust emission during periods of construction would increase particulate concentrations at neighboring properties. However, the AQA/HRA found construction activity emissions to be less-than significant with implementation of Regulation VIII, compliance with which is required during the construction phase of the proposed project. Regulation VIII essentially prohibits the emissions of visible dust (limited to 20-percent opacity) and requires that disturbed areas or soils be stabilized. Prior to construction of each project phase, the applicant would be required to submit a dust control plan that meets the regulation requirements. These plans are reviewed by SJVAPCD and construction cannot begin until District approval is obtained. The provisions of Regulation VIII and its constituent rules pertaining to construction activities generally require effective dust suppression, stabilization of all disturbed areas of a construction site, control of

fugitive dust and the tracking of mud or dirt off-site, ceasing outdoor construction and grading activities that disturb soils during periods with high winds, erosion control measures, and record keeping. Anyone who prepares or implements a Dust Control Plan must attend a training course conducted by the District. Construction sites are subject to SJVAPCD inspections under this regulation. Compliance with Regulation VIII, including the effective implementation of a Dust Control Plan that has been reviewed and approved by the SJVAPCD, would reduce dust and PM10 emissions to a less-than significant level.

Both criteria air pollutant exhaust and fugitive dust (i.e., PM10 and PM2.5) impacts from construction equipment were computed by CalEEMod, which considered the use of construction equipment, worker vehicle travel, on-site vehicle and truck use, and off-site truck travel by vendors or equipment/material deliveries. Construction traffic information from CalEEMod was combined with the California Air Resources Board's 2017 Emission Factor inventory (EMFAC2017) motor vehicle emissions factors to estimate construction site-trip emissions. The analysis found that unmitigated construction emissions would not exceed the applicable SJVAPCD thresholds for total PM10 emissions.

The CalEEMod model was also used to estimate annual emissions from operation of the Project, including emissions from transportation sources and from area sources, such as natural gas usage, consumer products, landscape equipment, and ROG emissions from use of consumer products, architectural coatings, parking lot markings, GDF operations, and charbroiling from the fast-food restaurant. Inputs to the CalEEMod model for air pollutant modeling are based on EMFAC2017 default conditions for Stanislaus County and adjusted trip generation rates to match the Institute of Transportation Engineers (ITE) rates used in the project's traffic impact analysis. The first full year that the project could be operational was assumed to be 2023 and was used as the analysis year. Emissions were modeled and evaluated two ways: (1) emissions from land use (e.g., project traffic generation), and (2) emissions from sources subject to SJVAPCD permitting for stationary sources.

Both chain-driven (CD) and underfired (UF) charbroilers are regulated by the SJVAPCD through Rule 4692 (Commercial Charbroilers). The project will include a 3,250-square-foot fast-food restaurant with a drive-thru window that will utilize either a charbroiler or flat griddle to cook meat. Emissions from the restaurant were estimated using the district default activity values provided in Section 2.3.4.2 of SJVAPCD's *Guidance for Air Dispersion Modeling*. Facility Type 2 (Flat Griddle) was selected given a specific restaurant has not been identified for the project location and Facility Type 2 provides the most flexibility. It assumes the restaurant will cook hamburger, poultry without skin, and pork. Criteria pollutant emissions factors in pounds of pollutant per ton of meat cooked and were obtained from the SJVAPCD's *2006 Area Source Emissions Inventory Methodology: 690 – Commercial Cooking Operations*, which used the emissions factors from the U.S. EPA's 2002 National Emissions Inventory (NEI). Emissions factors were provided for PM10, PM2.5, and VOCs for cooking of hamburger, poultry, and pork. Emissions from meat cooking at the proposed fast-food restaurant would not exceed the SJVAPCD's applicable significance thresholds for permitted stationary sources.

Gasoline dispensing facilities (GDFs) are regulated by the SJVAPCD. The project includes one 12-position GDF and will require a permit from the Air District. Emissions attributed to operation of the GDF were estimated based on annual throughput (i.e., fuel received and dispensed) anticipated for the facility. The project estimates a daily throughput of approximately 4,340 gallons, which equates to 1.58 million gallons per year. GDFs are a source of evaporative ROG emissions and with sources that include storage-tank loading, storage-tank venting, refueling of vehicles, and fuel spillage. ROG emissions from the proposed GDF would not exceed the SJVAPCD's applicable significance thresholds for permitted stationary sources.

Operational emissions from stationary equipment, such as a small standby power generator operated by diesel or natural gas, were also evaluated and were determined to be less-than significant as they will be required to comply with all applicable SJVAPCD regulations.

Project traffic would slightly increase concentrations of CO along roadways providing access to the project. Carbon monoxide is a localized air pollutant, where highest concentrations are found very near sources. The major source of CO is vehicle traffic. Elevated concentrations, therefore, are usually found near areas of high traffic volume and congestion. Emissions and ambient concentrations of CO have decreased greatly in recent years. These improvements are due largely to the introduction of cleaner-burning motor vehicles and reformulated motor vehicle fuels. No exceedances of the State or federal CO standards have been recorded at any of San Joaquin Valley's monitoring stations in the past 15 years. The San Joaquin Valley Air Basin has attained the State and National CO standards. Localized CO concentrations are addressed through the SJVAPCD screening method that can be used to determine with fair certainty that the effect a project has on any given intersection would not cause a potential CO hotspot. A project can be said to have no potential to create a CO violation or create a localized hotspot if either of the following conditions are not met: level of service (LOS) on one or more

streets or intersections would be reduced to LOS E or F; or the project would substantially worsen an already LOS F street or intersection within the project vicinity. As the proposed project will not do either of these, the potential impact on CO would be considered less-than significant.

To evaluate the exposure of sensitive receptors to emissions of Toxic Air Contaminants (TACs) from the project, a health risk assessment of both project construction activities and emissions from project operation was conducted. The health risk assessment predicts lifetime cancer risk and non-cancer risks. The health risk assessment involves prediction of emissions from the various sources of TACs, dispersion modeling using historical meteorological data and calculation of health risks using SJVAPCD recommended risk assessment methods for infant, child, and adult exposures for residential receptors, and for off-site worker exposure. Construction activity is anticipated to include site preparation and grading, trenching/excavation, building construction, paving and some application of architectural coatings. Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a TAC. Results of this assessment indicate that, with project construction, the maximum increased infant cancer risk at the maximally exposed residential individual location would be 40.7 in one million and the maximum residential adult incremental cancer risk would be 1.0 in one million. The predicted increased cancer risk for a residential exposure (assuming infants are present) would be greater than the SJVAPCD significance threshold of 20 in one million. However, with Mitigation Measure 2 applied to the project the mitigated increased project residential cancer risk would not exceed the cancer risk significance threshold. Potential non-cancer health effects due to chronic exposure to DPM were also evaluated. The chronic inhalation reference exposure level (REL) for DPM is 5 µg/m<sup>3</sup>. The Hazard Index (HI), which is the ratio of the annual DPM concentration to the REL, is less than 0.1 at all receptor locations. This HI is much lower than the SJVAPCD significance criterion of a HI greater than 1. Local traffic generated by the project along with emissions from the gasoline dispensing facility and the fast-food restaurant could lead to operational health risk impacts. Emissions from diesel fuel are expected to be minimal, as the GDF will not serve heavy-duty diesel vehicles. Specific sources of emissions from the GDF include customer traffic traveling to and from the project site, fuel delivery-truck traffic traveling to and from the site, fuel delivery-truck idling while at the site, and evaporative emissions of fuel from transfer and storage of gasoline (i.e., above-ground tank filling, tank breathing and vehicle fueling and spillage). Emission sources from the fast-food restaurant include vehicle emissions from operation of the drive-thru window and emissions from meat cooking. Impacts from each of these sources are addressed. These sources are assumed to be operational well into the future (i.e., 70 years). The year 2022 was used as the year of analysis for generating vehicle emission rates. Vehicle emission rates are considered to be less-than significant as they are anticipated to decrease in the future due to improvements in exhaust systems and turnover of the fleet from older, more polluting vehicles to newer cleaner vehicles.

On-site emission sources include customer vehicles, fuel delivery trucks, fuel delivery-truck idling, gas pump fueling and spillage, the vent stack for fuel storage tank emissions, and operation of the fast-food restaurant (meat cooking and drive-thru queue). Off-site emission sources include customer and fuel delivery vehicle travel routes. The maximum excess cancer risk associated with mitigated project construction and operation would be 9.5 chances per million. The predicted Hazard Index is well below the significance threshold.

During construction, the various diesel-powered vehicles and equipment in use on-site would create localized odors. These odors would be temporary and not likely to be noticeable for extended periods of time much beyond the project's site boundaries. The potential for diesel odor impacts is, therefore, less-than significant. During project operations, the project is expected to generate odors that may or may not be noticeable. The odors produced would be related to the cooking of food, in particular meat, from its fast-food restaurant component. Operations from these types of restaurants have not been identified by the SJVAPCD as significant odor sources and do not often generate complaints. Additionally, the nearest receptor to the restaurant is approximately 598 feet to the southeast. Therefore, the odor impacts associated with restaurant operations would be less-than significant. However, the restaurant would be subject to the air district's rules governing odors and odor complaints.

Mitigation requiring construction equipment meet U.S. EPA Tier 3 engine standards has been applied to the project to ensure construction related air impacts are less-than significant. From a CEQA perspective, mitigation is not required for this impact, but it will be required in accordance with SJVAPCD's Indirect Source Review Rule (Rule 9510) and this measure would reduce emissions from construction. Implementation of Mitigation Measure AQ-1 would reduce NOX emissions by 30 percent and PM10 emissions by over 70 percent. It was previously noted that under Rule 9510 (ISR), the project would be responsible for reducing construction PM10 emissions by 45 percent, and NOX emissions by 20 percent. These reductions are required regardless of whether the project emissions exceed the CEQA significance thresholds. This CEQA analysis does not account for ISR reductions, as they are treated separately by the SJVAPCD. However, it appears that

the reductions in emissions that would result from implementation of this mitigation measure would meet the ISR emissions reduction requirements. The final emissions calculations for the project will be performed in an Air Impact Assessment (AIA), as required under ISR to determine the specific ISR reductions (i.e., in tons) that will be required for the project. In addition, application of the required PM10 fugitive dust rules (i.e., District Regulation VIII) would reduce fugitive dust emissions from construction substantially. CalEEMod modeling indicates that implementation of Mitigation Measure 2 would reduce exhaust PM10 emissions, considered to be equivalent to DPM emissions, by 86 percent. The reductions in construction period emissions would reduce the construction period cancer risk for residents to 6.4 chances per million. This level is below the significance threshold of 20 chances per million. When construction risks are considered with operational emissions, the overall 70-year project cancer risk would be 9.5 chances per million. Additionally, the project is still subject to meeting the requirements of District Rule 9510, which requires that the project reduce uncontrolled construction exhaust and annual NOx and PM10 emissions in accordance with District standards.

The project land uses would not alter population or vehicle-related emissions projections contained in regional clean air planning efforts in any measurable way and would not conflict with achievement of the control plans aimed at reducing these projected emissions. Therefore, the project would not conflict with or obstruct the implementation of efforts outlined in the region’s air pollution control plans to attain or maintain ambient air quality standards. This would be a less-than significant impact. Since the project would be required to implement the emissions reductions under the Indirect Source Rule (ISR), it would fulfill its share of achieving the District’s emission reduction commitments in the PM10 and Ozone attainment plans. Therefore, the project would result in a less-than significant impact since it would not conflict with or obstruct implementation of the ISR Rule.

Air impacts associated with the project are considered to be less-than significant with mitigation included.

**Mitigation:**

2. All off-road diesel construction equipment greater than 25 horsepower and operating at the site for more than 20 hours shall, at a minimum, meet U.S. EPA Tier 3 engine standards with Level 3 particulate filtration. Use of equipment with U.S. EPA Tier 4 engine standards would meet this requirement. Optionally, the applicant could develop and implement a plan that would achieve a 44-percent reduction in on and near-site DPM emissions.

**References:** Application materials; Referral response received from the San Joaquin Air Pollution Control District, dated September 25, 2019 and February 25, 2020; Referral response received from the Stanislaus County Environmental Review Committee, dated September 30, 2019 and February 11, 2020; San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; [www.valleyair.org](http://www.valleyair.org); Air Quality and Health Risk Assessment, conducted by Illingworth and Rodkin, Inc., dated February 5, 2021; Traffic Impact Analysis, conducted by Pinnacle Traffic Engineering, dated March 9, 2020; Supplemental Traffic Generation Analysis, conducted by Pinnacle Traffic Engineering, dated January 22, 2021; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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 U.S. Fish and Wildlife Service?			X	

c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			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:** The project is located within the Salida Quad of the California Natural Diversity Database (CNDDDB). There are six species which are state or federally listed, threatened, or identified as species of special concern within the Salida California Natural Diversity Database Quad. These species include the California tiger salamander, Swainson’s hawk, tricolored blackbird, steelhead, Crotch bumblebee, and valley elderberry longhorn beetle. A referral response received from the California Department of Fish and Wildlife (CDFW), after the 30-day circulation period for the original Initial Study circulated for the project had ended, was received which indicated that the project’s potential impacts to special-status species should be evaluated including, but not limited to, the State threatened Swainson’s hawk (*Buteo swainsoni*), and the State species of special concern burrowing owl (*Athene cucularia*). Accordingly, a Biological Assessment was prepared, by Moore Biological Consultants, to evaluate potential project-related impacts to biological species.

A field survey of the site was conducted during the early morning of May 5, 2021. The survey consisted of walking throughout the project site making observations of current habitat conditions and noting surrounding land use, general habitat types, and plant and wildlife species. The survey included an assessment of the project site for presence or absence of potentially jurisdictional Waters of the U.S. (a term that includes wetlands) as defined by the U.S. Army Corps of Engineers (ACOE, 1987; 2008), special-status species, and suitable habitat for special-status species (e.g., blue elderberry shrubs, vernal pools). Additionally, trees within and near the project site were assessed for the potential use by nesting raptors, especially Swainson’s hawk (*Buteo swainsoni*). The project site was also searched for burrowing owls (*Athene cucularia*) or ground squirrel burrows that could be utilized by burrowing owls. The Biological Assessment states that the site is a farmed oat field bordered by highly disturbed ruderal grassland vegetation and that on-site habitats are biologically unremarkable. Additionally, the assessment stated that no potentially jurisdictional Waters of the U.S. or wetlands were observed in the project site and due to high levels of disturbance and a lack of suitable habitat, it is unlikely that special-status plants occur in the site. The Biological Assessment found that the site does have suitable foraging and nesting habitat for Swainson’s hawk. However, no Swainson’s hawks were observed during the site survey, which was conducted in the early morning during the heart of the Swainson’s hawk nesting season. The Biological Assessment concluded that it is unlikely Swainson’s hawks forage in the site on an intensive basis. There were no occurrences of burrowing owls in the CNDDDB (2021) search area and no burrowing owls or ground squirrels were observed in the site during the field survey. The ruderal grassland along the edges of the farmed field in the site is weedy and provides marginal foraging habitat for burrowing owls. While a few old ground squirrel burrows were observed within the site, none of the burrows had evidence of burrowing owl occupancy (i.e. whitewash, feathers, and/or pellets. Based on the recommendations included in the Biological Assessment prepared for the project, mitigation requiring surveys be conducted prior to ground disturbance for Swainson’s hawk, burrowing owl, and other nesting birds protected by the Migratory Bird Treaty Act of 1918 have been incorporated into the project. If active nests are found, work in the vicinity of the nest shall be delayed and a qualified biologist shall be consulted for recommendations on how to proceed.

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 with mitigation included.

**Mitigation:**

3. If ground-disturbing activity or construction commences between March 1 and September 15, pre-construction surveys for nesting Swainson’s hawks (SWHA) shall be conducted by a qualified biologist. SWHA surveys shall be conducted a maximum of 10 days prior to the onset of grading or construction activities, within ~~0.25~~ **0.5** miles of the project site area, in accordance with survey methods developed by the Swainson’s Hawk Technical Advisory Committee (SWHA TAC, 2000).

If active SWHA nests are found, a qualified biologist, in consultation with CDFW, shall determine the need (if any) for temporal restrictions on construction, including but not limited to a minimum no-disturbance buffer of 0.5 miles to be maintained around active nests prior to and during any ground-disturbing activities until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. If take cannot be avoided, take authorization through the issuance of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

4. If ground-disturbing activity or construction commences between February 1 and August 31, pre-construction surveys for burrowing owls (BUOW) on the site shall be conducted by a qualified biologist. Surveys shall be conducted in accordance with “Burrowing Owl Survey Protocol and Mitigation Guidelines” (CBOC 1993) and CDFW’s *Staff Report on Burrowing Owl Mitigation*” (CDFG 2012), which requires three or more surveillance surveys are conducted during daylight with each visit occurring at least three weeks apart during the peak breeding season (April 15 to July 15), when BUOW are most detectable.

If occupied BUOW burrows are found a qualified biologist, in consultation with CDFW, shall determine the need (if any) for temporal restrictions on construction, including but not limited to maintaining no-disturbance buffers, as outlined in the “*Staff Report on Burrowing Owl Mitigation*” (CDFG 2012), prior to and during any ground-disturbing activities.

5. If vegetation removal or construction commences during the general avian nesting season, between March 1 and July 31, a pre-construction survey for nesting birds on the site, which are protected by the Migratory Bird Treaty Act of 1918, shall be conducted by a qualified biologist. If active nests are found, work in the vicinity of the nest shall be delayed until the young fledge.

**References:** Application materials; California Department of Fish and Wildlife’s Natural Diversity Database Quad Species List; Referral response received from the California Department of Fish and Wildlife, dated April 9, 2021; Biological Assessment, conducted by Moore Biological Consultants, dated May 21, 2021 Stanislaus County General Plan and Support Documentation<sup>1</sup>.

<b>V. CULTURAL RESOURCES -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Cause a substantial adverse change in the significance of a historical resource pursuant to in § 15064.5?</b>		<b>X</b>		
<b>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?</b>		<b>X</b>		
<b>c) Disturb any human remains, including those interred outside of formal cemeteries?</b>		<b>X</b>		

**Discussion:** As this project is a General Plan Amendment it was referred to the tribes listed with the Native American Heritage Commission (NAHC), in accordance with SB 18. No tribes responded with a request for consultation or with any project comments. Tribal notification of the project was not referred to any tribes in conjunction with AB 52 requirements, as Stanislaus County has not received any requests for consultation from the tribes listed with the NAHC. A records search conducted by the Central California Information Center (CCIC) found a previous archaeological field survey and an architectural survey for cultural resources that included most of the subject property, except the SE corner, or approximately the eastern half of Parcel 3, as part of a Caltrans District 10 project. The study indicated that there are no historical, cultural, or archeological resources recorded on-site and that the site has a low sensitivity for the discovery of such resources.

However, the CCIC Report also stated that the project area is less than ½-mile from the southern terraces of the Stanislaus River, and there is at least one recorded Native American occupation site known to be within one mile of this property, in association with the river and advised that, in accordance with State law, if any historical resources are discovered during project-related activities, all work is to stop and the lead agency and a qualified professional are to be consulted to determine the importance and appropriate treatment of the find. This requirement has been incorporated into the project as a mitigation measure. Cultural Impacts are considered to be less-than significant with mitigation included.

**Mitigation:**

- 6. 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 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.

**References:** Application materials; Historic Property Survey Report for the Hammett Road/State Route 99 Interchange Reconstruction Project, Blind, H., 2010; Tribal consultation letters for proposed project, dated September 10, 2019; Central California Information Center Report for the project site, dated June 11, 2019; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

VI. ENERGY. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

**Discussion:** The CEQA Guidelines Appendix F states that energy consuming equipment and processes, which will be used during construction or operation such as: energy requirements of the project by fuel type and end-use, energy conservation equipment and design features, energy supplies that would serve the project, total estimated daily vehicle trips to be generated by the project, and the additional energy consumed per-trip by mode, shall be taken into consideration when evaluating energy impacts. Additionally, the project’s compliance with applicable state or local energy legislation, policies, and standards must be considered.

A referral response was received from the San Joaquin Valley Air Pollution Control District (SJVAPCD) and the Stanislaus County Environmental Review Committee (ERC) requesting that air impacts from the project be further evaluated. In response to the SJVAPCD and ERC comment letters an Air Quality and Health Risk Assessment (AQA/HRA) was prepared by Illingworth and Rodkin, Inc., dated February 5, 2021, which included an analysis of the proposed project energy usage. CalEEMod was used to quantify greenhouse gas (GHG) emissions from project operations-related activities assuming full build-out of the project in 2023. The project land use types and size and other project-specific information were input to the model. The use of this model for evaluating emissions from land use projects is recommended by the Air District. GHG emissions modeling includes those indirect emissions from electricity consumption. The business as usual (BAU) emissions estimate included the CalEEMod default emission factor of 641.3 pounds of CO2 per megawatt of electricity produced. However, the electricity-produced emission rate was modified for the analysis of 2023 operations emissions, to 210 pounds CO2 per megawatt of electricity delivered. The CalEEMod default is based on Pacific Gas and Electric’s (PG&E) 2008 emissions rate. However, in 2019 PG&E published emissions rates for 2010 through 2017, which showed the emission rate for delivered electricity had been reduced to 210 pounds CO2 per megawatt of electricity delivered.

The 2016 California Green Building Standards Code (CALGreen Code) went into effect on January 1, 2017, and includes mandatory provisions applicable to all new residential, commercial, and school buildings. The intent of the CALGreen Code is to establish minimum statewide standards to significantly reduce the greenhouse gas emissions from new construction. The Code includes provisions to reduce water use, wastewater generation, and solid waste generation, as well as requirements for bicycle parking and designated parking for fuel-efficient and carpool/vanpool vehicles in commercial

development. The code requires mandatory inspections of building energy systems for non-residential buildings over 10,000 square feet to ensure that they are operating at their design efficiencies. It is the intent of the CALGreen Code that buildings constructed pursuant to the Code achieve at least a 15 percent reduction in energy usage when compared to the State’s mandatory energy efficiency standards contained in Title 24. The Code also sets limits on VOCs (volatile organic compounds) and formaldehyde content of various building materials, architectural coatings, and adhesives. With the requirements of meeting the Title 24, Green Building Code energy impacts from the project are considered to be less-than significant. A development standard will be added to this project to address compliance with Title 24, Green Building Code, which includes energy efficiency requirements.

Senate Bill 743 (SB743) requires that the transportation impacts under the California Environmental Quality Act (CEQA) evaluate impacts by using Vehicle Miles Traveled (VMT) as a metric. A Project Memo, received from the Department of Public Works, indicated that the project’s proposal preceded the implementation of SB743 on July 1, 2020. Further, the memo stated that Stanislaus County has currently not adopted any significance thresholds for VMT, and projects are treated on a case-by-case basis for evaluation under CEQA. However, the State of California - Office of Planning and Research (OPR) has issued guidelines regarding VMT significance under CEQA. One of the guidelines, presented in the December 2018 document Technical Advisory on Evaluating Transportation Impacts in CEQA, states that locally serving retail would generally redistribute trips from other local uses, rather than generate new trips. The proposed project fits this description of locally-serving retail and therefore is presumed to create a less-than significant transportation impact related to VMT.

Impacts related to Energy are considered to be less-than significant.

**Mitigation:** None.

**References:** Application materials; Project Memo, received from the Department of Public Works, dated February 25, 2021 and September 11, 2020; Referral response received from the San Joaquin Air Pollution Control District, dated September 25, 2019 and February 25, 2020; 2016 California Green Building Standards Code Title 24, Part 11(Cal Green); 2016 California Energy Code Title 24, Part 6; State of California - Office of Planning and Research (OPR) guidelines regarding VMT significance under CEQA; Air Quality and Health Risk Assessment, conducted by Illingworth and Rodkin, Inc., dated February 5, 2021; Traffic Impact Analysis, conducted by Pinnacle Traffic Engineering, dated March 9, 2020; Supplemental Traffic Generation Analysis, conducted by Pinnacle Traffic Engineering, dated January 22, 2021; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

<b>VII. GEOLOGY AND SOILS -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:</b>			X	
<b>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.</b>			X	
<b>ii) Strong seismic ground shaking?</b>			X	
<b>iii) Seismic-related ground failure, including liquefaction?</b>			X	
<b>iv) Landslides?</b>			X	
<b>b) Result in substantial soil erosion or the loss of topsoil?</b>			X	
<b>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?</b>			X	
<b>d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?</b>			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	
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	

**Discussion:** The project site is not located near an active fault or within a high earthquake zone. Landslides are not likely due to the flat terrain of the area. The USDA Natural Resources Conservation Service’s Eastern Stanislaus County Soil Survey indicates that the property is made up of Dinuba fine sandy loam (DmA), Hanford sandy loam (HdA), and Oakdale sandy loam (OaA) soils. 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. An early consultation referral response received from the Department of Public Works indicated that a grading, drainage, and erosion/sediment control plan for the project will be required, subject to Public Works review and Standards and Specifications. Likewise, any addition or expansion of a septic tank or alternative wastewater 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. Development standards regarding these standards will be applied to the project and will be triggered when a building permit is requested.

Impacts to Geology and Soils are considered to be less-than significant.

**Mitigation:** None.

**References:** Application materials; Referral response received from the Department of Environmental Resources, dated September 24, 2019 and February 12, 2020; Referral response received from the Department of Public Works, dated July 7, 2020 and February 26, 2021; Title 24 California Code of Regulations; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

VIII. 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 Gases (GHGs) are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), sulfur hexafluoride (SF<sub>6</sub>), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H<sub>2</sub>O). CO<sub>2</sub> 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 CO<sub>2</sub> equivalents (CO<sub>2</sub>e). 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) 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. Two additional bills, SB 350 and SB32, were passed in 2015 further amending the states Renewables Portfolio Standard (RPS) for electrical generation and amending the reduction targets to 40% of 1990 levels by 2030.

Under its mandate to provide local agencies with assistance in complying with CEQA in climate change matters, the SJVAPCD developed its *Guidance for Valley Land-Use Agencies in Addressing GHG Emissions Impacts for New Projects*

*under CEQA.* As a general principal to be applied in determining whether a proposed project would be deemed to have a less-than significant impact on global climate change, a project must be in compliance with an approved GHG emission reduction plan that is supported by a CEQA-compliant environmental document or be determined to have reduced or mitigated GHG emissions by 29 percent relative to Business-As-Usual conditions, consistent with GHG emission reduction targets established in ARB's Scoping Plan for AB 32 implementation. The SJVAPCD guidance is intended to streamline the process of determining if project-specific GHG emissions would have a significant effect. The proposed approach relies on the use of performance-based standards and their associated pre-quantified GHG emission reduction effectiveness (Best Performance Standards, or BPS). Establishing BPS is intended to help project proponents, lead agencies, and the public by proactively identifying effective, feasible mitigation measures. Emission reductions achieved through implementation of BPS would be pre-quantified, thus reducing the need for project-specific quantification of GHG emissions. For land use development projects, BPS would include emissions reduction credits for such project features as bicycle racks, pedestrian access to public transit, and so forth.

A referral response was received from the San Joaquin Valley Air Pollution Control District (SJVAPCD) and the Stanislaus County Environmental Review Committee (ERC) requesting that air impacts from the project be further evaluated. In response to the SJVAPCD and ERC comment letters an Air Quality and Health Risk Assessment (AQA/HRA) was prepared by Illingworth and Rodkin, Inc., dated February 5, 2021, which included an analysis of the greenhouse gas impacts from the proposed project. CalEEMod was used to quantify GHG emissions from project operations-related activities assuming full build-out of the project in 2023. The project land use types and size and other project-specific information were input to the model. The use of this model for evaluating emissions from land use projects is recommended by the Air District. CalEEMod provides emissions for transportation, area sources, electricity consumption, natural gas combustion, electricity usage associated with water usage and wastewater discharge, and solid waste landfilling and transport. Annual GHG emissions associated with construction were computed at 605 metric tons (MT) of CO<sub>2</sub>e. These are the emissions from on-site operation of construction equipment, vendor and hauling truck trips, and worker trips. Neither the County nor SJVAPCD have an adopted threshold of significance for construction-related GHG emissions. However, other air districts, account for construction GHG emissions by amortizing them over a 30-year period (i.e., adding 1/30th of construction emissions to annual operational emissions). This amortization method was applied in the calculation of project GHG emissions. The CalEEMod model predicted annual emissions associated with operation of the fully developed project. In 2023, annual emissions are calculated to be 1,822 MT of CO<sub>2</sub>e, 2023 project emissions are approximately four percent less (92 MT CO<sub>2</sub>e more) than the 29 percent reduction target before the implementation of BPS. Additionally, mobile source emissions will be reduced over time as older, less efficient vehicles are replaced by newer, more efficient ones.

The 2016 California Green Building Standards Code (CALGreen Code) went into effect on January 1, 2017, and includes mandatory provisions applicable to all new residential, commercial, and school buildings. The intent of the CALGreen Code is to establish minimum statewide standards to significantly reduce the greenhouse gas emissions from new construction. The Code includes provisions to reduce water use, wastewater generation, and solid waste generation, as well as requirements for bicycle parking and designated parking for fuel-efficient and carpool/vanpool vehicles in commercial development. The code also requires mandatory inspections of building energy systems for non-residential buildings over 10,000 square feet to ensure that they are operating at their design efficiencies. It is the intent of the CALGreen Code that buildings constructed pursuant to the Code achieve at least a 15 percent reduction in energy usage when compared to the State's mandatory energy efficiency standards contained in Title 24. The Code also sets limits on VOCs (volatile organic compounds) and formaldehyde content of various building materials, architectural coatings, and adhesives. With the requirements of meeting the Title 24, Green Building Code energy impacts from the project are considered to be less-than significant. A development standard will be added to this project to address compliance with Title 24, Green Building Code, which includes energy efficiency requirements.

Senate Bill 743 (SB743) requires that the transportation impacts under the California Environmental Quality Act (CEQA) evaluate impacts by using Vehicle Miles Traveled (VMT) as a metric. A Project Memo, received from the Department of Public Works, indicated that the project's proposal preceded the implementation of SB743 on July 1, 2020. Further, the memo stated that Stanislaus County has currently not adopted any significance thresholds for VMT, and projects are treated on a case-by-case basis for evaluation under CEQA. However, the State of California - Office of Planning and Research (OPR) has issued guidelines regarding VMT significance under CEQA. One of the guidelines, presented in the December 2018 document Technical Advisory on Evaluating Transportation Impacts in CEQA, states that locally serving retail would generally redistribute trips from other local uses, rather than generate new trips. The proposed project fits this description of locally-serving retail and therefore is presumed to create a less-than significant transportation impact related to VMT.

Impacts associated with Greenhouse Gas Emissions are expected to have a less-than significant impact.

**Mitigation:** None.

**References:** Application materials; Project Memo, received from the Department of Public Works, dated February 25, 2021 and September 11, 2020; Referral response received from the San Joaquin Air Pollution Control District, dated September 25, 2019 and February 25, 2020; 2016 California Green Building Standards Code Title 24, Part 11(Cal Green); 2016 California Energy Code Title 24, Part 6; State of California - Office of Planning and Research (OPR) guidelines regarding VMT significance under CEQA; Air Quality and Health Risk Assessment, conducted by Illingworth and Rodkin, Inc., dated February 5, 2021; Traffic Impact Analysis, conducted by Pinnacle Traffic Engineering, dated March 9, 2020; Supplemental Traffic Generation Analysis, conducted by Pinnacle Traffic Engineering, dated January 22, 2021; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

IX. 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 or excessive noise for people residing or working in the project area?				X
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			X	

**Discussion:** The project was referred to the DER Hazardous Materials (Haz Mat) Division who responded that the project applicant is required to obtain all applicable permits through Haz Mat and must submit hazardous materials Business information into the California Electronic Reporting System (CERS) by handlers of materials for the storage of 55 gallons, 500 pounds of a hazardous material, or of 200 cubic feet of compressed gas or more. Additionally, the Haz Mat Division response indicated that the handling of acutely hazardous materials may require the preparation of a Risk Management Prevention Program which must be implemented prior to operation of the facility and that any discovery of underground storage tanks, former underground storage tank locations, buried chemicals, buried refuse, or contaminated soil shall be brought to the immediate attention of the Haz Mat Division.

Gasoline and diesel tanks are heavily regulated by the federal Environmental Protection Agency (EPA) and State Water Resources Control Board, as well as the local regulatory agency, such as, the Haz Mat Division and Fire Departments. As the lead entity for the Underground Storage Tank (UST) and Above Storage Tank (AST) Programs, Haz Mat reviews, approves, and monitors the construction, operation, repair and removals of UST or AST systems in Stanislaus County. The UST and AST programs are in place in order to protect the environment and groundwater from contamination resulting from

UST/ASTs. Each UST/AST site is inspected annually as mandated by State law. Depending on the end uses, the gas station may include an EV charging station or hydrogen fuel. Haz Mat indicated that hydrogen fuel tanks are also regulated under the Hazardous Materials Business Plan (HMBP) program as well as by the CalEPA Unified Program Agencies (UPA). At the time of construction, including the installation of tanks for the storage of hydrogen fuel, all applicable building, fire, and hazardous material codes will need to be met as part of the permitting process. Permitting and compliance with Haz Mat’s UST/AST Programs and all applicable state or federal permitting will be applied to the project as development standards.

A referral response was received from the Department of Environmental Resources stating that the project is subject to submitting food facility plans to the Department for review and approval, which would require conformance with any local or State requirements for grease interceptors or charbroilers. The food facility will also need to meet the Air District’s standards for chain-driven (CD) and underfired (UF) charbroilers and for Gasoline dispensing facilities (GDFs). These requirements will be applied as development standards for the project.

The project does not interfere with the Stanislaus County Local Hazard Mitigation Plan, which identifies risks posed by disasters and identifies ways to minimize damage from those disasters. The site is located in a Local Responsibility Area (LRA) for fire protection and is served by Salida Fire Protection District. The project was referred to the District who responded with comments indicating that the development must annex into the District and that all construction must comply with current adopted fire code, including the payment of fire service impact mitigation fees, on-site water supply and infrastructure for fire protection, and emergency vehicle access. These comments will be applied as development standards for the project. The project site is not listed on the California Department of Toxic Substance Control’s EnviroStor database as a hazardous waste facility and is not located within the vicinity of any public use airport.

As a result of the development standards required for this project, impacts associated with Hazards and Hazardous Materials are expected to have a less-than significant impact.

**Mitigation:** None.

**References:** Application materials; Referral response received from the San Joaquin Air Pollution Control District, dated September 25, 2019 and February 25, 2020; Referral response received from the Department of Environmental Resources, dated September 24, 2019 and February 12, 2020; California Department of Toxic Substance Control’s EnviroStor database; Referral response received from the Department of Environmental Resources, Hazardous Materials Division, dated September 30, 2019; Referral response from Salida fire Protection District, dated September 17, 2019 and February 12, 2020; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

<b>X. HYDROLOGY AND WATER QUALITY -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?</b>			X	
<b>b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?</b>			X	
<b>c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:</b>			X	
<b>(i) result in substantial erosion or siltation on – or off-site;</b>			X	
<b>(ii) substantially increase the rate of amount of surface runoff in a manner which would result in flooding on- or off-site;</b>			X	

(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			X	
(iv) impede or redirect flood flows?			X	
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			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 X, which includes areas determined to be outside the 0.2% annual chance floodplains. All flood zone requirements will be addressed by the Building Permits Division during the building permit process. On-site areas subject to flooding have not been identified by the Federal Emergency Management Agency and/or County designated flood areas.

Development of the project sites will include paving for the building pads, driveways, parking lot, curb, gutter, and sidewalks. This type of development will alter the existing drainage pattern of the sites. The site is currently in CSA 10, which covers parks, public works storm drain, and street sweepings. However, because this CSA is insufficient to pay for the expenses to provide those special benefit services, all property currently in CSA 10 will be annexed into CSA 4, specifically to sufficiently cover maintenance of these services. The Board of Supervisors approved this Public Works action and has applied to LAFCO to expand the boundary of CSA 4 to cover all of Salida’s benefiting parcels. On May 18, 2000, the Planning Commission approved Tentative Subdivision Map No. 99-11 – Salida Gateway Commons (Vizcaya Subdivision No. 1), which created 137 single-family residential lots out of the 28.3 acres located east of the project site, and a temporary off-site storm drainage basin located on the northern part of the project site; which were both part of the original 1997 project. A permanent storm drainage basin was envisioned to handle the storm drainage requirements of the entire 1997 project site, as well as the commercial lands located at the Hammett Road Interchange, as a part of the master storm drainage system for the north-east Salida Community Plan area covered by the Salida Mello-Roos, but one was never developed. The “temporary” basin still exists on the project site and serves the existing Vizcaya Subdivision to the east. There currently are limitations on finding land to re-locate the storm drain basin due to the surrounding area being zoned Salida Community Plan (SCP). With the exception of the project site and the property to the south, which currently contains the temporary storm drainage basin, no development may occur on SCP zoned property until an Environmental Impact Report (EIR) for the entire Salida Community Plan amendment area is completed. The applicant has agreed to locate the drainage basin on the northern-most portion of the project site within the roadway dedication area reserved for the future Hammett Road Interchange improvement project, as the Hammett Road Interchange improvement project will not occur until the Salida Community Plan Amendment area is able to develop. A grading, drainage, and erosion/sediment control plan for the project site shall be submitted for review and approval to the Department of Public Works that includes drainage calculations and enough information to verify that runoff from the project will not flow onto adjacent properties and Stanislaus County road right-of-way and is in compliance with the current State of California National Pollutant Discharge Elimination System (NPDES) General Construction Permit. Development standards will be added to the project to reflect these requirements.

The project proposes to connect to the City of Modesto for public water service and Salida Sanitary for public sewer service (see discussion on Salida Sanitary in the XIX. Utilities and Service Systems Section of this document). A referral response received from the City of Modesto Utilities Department indicated that the City can serve the proposed development, provided the City Council approves the Will-Serve request. Further, the City of Modesto indicated that the water demand shall be memorialized by Salida Fire, per County building and fire code requirements, as no more than 2,000 gallons per minute (GPM), and requires that the design of the water utilities be reviewed and approved by the City of Modesto Utilities Department to ensure that the project connects with appropriate sized utilities and meter locations to receive the necessary fire flow. A referral response received from the Stanislaus Local Area Formation Commission (LAFCO) indicated that LAFCO approval of an out-of-boundary service extension must be obtained prior to connecting to the City of Modesto’s water system.

The project site is located within the San Joaquin Valley – Modesto groundwater sub-basin which is managed by the Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Agency (STRGBA GSA). The Modesto basin isn’t considered to be critically over-drafted, but since most of the cities within the basin rely solely on groundwater, it is considered a high-priority basin. Due to that designation, the Sustainable Groundwater Management Act

(SGMA) requires that the STRGBA GSA adopt and begin implementation of a Groundwater Sustainability Plan (GSP) by January 31, 2022. The City of Modesto is required to maintain consistency with any applicable GSP. Additionally, the City of Modesto and Modesto Irrigation District jointly adopted the Joint 2010 Urban Water Management Plan, which addresses groundwater sustainability.

A referral response received from the Central Valley Regional Water Quality Control District provided a list of the Board’s permits and programs that may be applicable to the proposed project. The developer will be required to contact Regional Water to determine which permits/standards must be met prior to construction as a condition of approval.

A referral response from the Modesto Irrigation District (MID) indicated that there is a 36-inch cast-in-place concrete pipeline that exists along the eastern property line of the project site called the McCarthy Pipeline. MID requested that the location of the McCarthy pipeline be field verified and shown on the building site plans and that a 30-foot-wide easement be recorded, centered on the McCarthy Pipeline. Further, MID is requiring that if the area of the McCarthy pipeline were ever to be developed, that the pipeline must be replaced with rubber gasket reinforced concrete pipeline, with appropriate wall thickness for the pressure and traffic loads and manholes installed per MID standards located no more than 500 feet apart. In the case that the McCarthy Pipeline needs to be replaced, draft improvement plans must be submitted and approved by MID and all work must be completed during the non-irrigation seasons, which typically runs from March 1<sup>st</sup> to November 1<sup>st</sup>. Additionally, if the site does not plan to continue to use irrigation water from the District, a Sign-Off of Irrigation Facilities form for the parcel is required.

As a result of the development standards required for this project, impacts associated with drainage, water quality, and runoff are expected to have a less-than significant impact.

**Mitigation:** None.

**References:** Application materials; Referral response received from LAFCO, dated February 7, 2020; Referral response from Modesto Irrigation District (MID), dated September 25, 2019 and February 18, 2020; Referral response from the City of Modesto, dated February 17, 2021; Referral response received from the Department of Public Works, dated July 7, 2020 and February 26, 2021; Referral response received from the Regional Water Quality Control District, dated September 17, 2019; Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Agency website ([About STRGBA - Stanislaus and Tuolumne Rivers Groundwater Basin Association](#)); City of Modesto and Modesto Irrigation District jointly adopted the Joint 2010 Urban Water Management Plan; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XI. 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) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			X	

**Discussion:** As stated by the Introduction to the General Plan, General Plan Amendments affect the entire County and any evaluation must give primary concern to the County as a whole; therefore, a fundamental question must be asked in each case: "Will this amendment, if adopted, generally improve the economic, physical and social well-being of the County in general?" Additionally, the County in reviewing General Plan amendments shall consider how the levels of public and private service might be affected; as well as how the proposal would advance the long-term goals of the County. In each case, in order to take affirmative action regarding a General Plan Amendment application, it must be found that the General Plan Amendment will maintain a logical land use pattern without detriment to existing and planned land uses and that the County and other affected government agencies will be able to maintain levels of service consistent with the ability of the government agencies to provide a reasonable level of service. In the case of a proposed amendment to the Land Use diagrams of the Land Use Element, an additional finding that the amendment is consistent with the goals and policies of the General Plan must also be made. Additionally, Goal 2 of the Land Use Element aims to ensure compatibility between land uses.

The site is vacant and not actively farmed. Single-family residences, light industrial uses, and agricultural land surround the site to the east and southeast; vacant land and California State Highway 99 to the west and south; and vacant land to the north.

The site is located within the Mello-Roos – Salida Area Public Facilities Financing Agency (SAPFFA) CFD 1988-1, which collects fees in the district to pay for public improvements, including schools, parks, roads, fire, storm drainage, Sheriff, library, sanitary district, and other capital facilities. A referral response was received from Modesto City Schools, acting administrator for the Salida Area Public Facilities Financing Agency, indicating that the vacant parcel is not currently taxed but would be required to pay the annual SAPFFA tax after issuance of a building permit. This requirement will be incorporated into the project as a development standard.

On August 7, 2007, the Stanislaus County Board of Supervisors passed an ordinance to implement the Salida Area Planning “Roadway Improvement, Economic Development and Salida Area Farmland Protection and Planning Initiative”, also known as the Salida Initiative, which amended the Salida Community Plan. The amended Salida Community Plan provides land use planning and guidance for development of approximately 4,600 acres of land in the Salida area. The Community Plan encompasses the existing community of Salida, which was part of the previously approved Salida Community Plan (Existing Plan Area), and an amendment area encompassing approximately 3,383 acres (Amendment Area). Property within the Salida Community Plan Amendment area may be treated under the A-2 (General Agriculture) zoning district regulations if restricted by a Williamson Act Contract. Otherwise, no property within the Salida Community Plan zoning (which includes the amendment area) may develop until a programmatic-level Environmental Impact Report (EIR) evaluating the environmental impacts associated with the build-out of the entire Salida Community Plan Amendment area is prepared. With the passage of the Salida Initiative, the subject site and a few other properties were erroneously included in the Amendment Area of the Salida Community Plan. This inclusion was a draftsperson’s error, as the subject site was actually part of the Existing Plan Area. As part of the Existing Salida Community Plan, the proposed project is not subject to the EIR requirement for the entire Salida Community Plan Amendment area. If approved, this community plan boundary line will be amended to correctly show the subject property as part of the Existing Plan Area of the Salida Community Plan. The same situation is applicable to the parcel to the south. Other than the subject property and the property to the north, all other property in the surrounding area would be subject to completing an EIR for the entire Salida Community Plan Amendment area prior to development.

The Land Use Element describes the Planned Development designation as a designation intended for land which, because of demonstrably unique characteristics, may be suitable for a variety of uses without detrimental effects on other property. To approve a Rezone, the Planning Commission must find that it is consistent with the General Plan.

Per the County’s General Plan Land Use Element policy regarding Municipal Advisory Councils (MAC), the project was referred to the Salida MAC during each project referral. The Salida MAC did provide some environmental comments regarding evaluating the project’s potential noise, hazardous materials, and traffic impacts and potential light pollution that may occur as a result of the proposed project. Each of these environmental issues have been evaluated within this environmental document and no significant impacts were identified. In the case of light pollution and noise mitigation measures have been incorporated into the project to reduce potential impacts to a less-than significant level.

The project will not physically divide an established community nor conflict with any habitat conservation plans.

No significant impacts related to Land Use and Planning have been identified.

**Mitigation:** None.

**References:** Application materials; Referral response received from Modesto City Schools, acting administrator for the Salida Area Public Facilities Financing Agency, dated April 21, 2021; Referral response received from the Salida MAC, dated October 10, 2019; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

<b>XII. MINERAL RESOURCES -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?</b>			<b>X</b>	
<b>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?</b>			<b>X</b>	

**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, nor is the project site located in a geological area known to produce resources.

No significant impacts related to Mineral Resources have been identified.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>.

<b>XIII. NOISE -- Would the project result in:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</b>		<b>X</b>		
<b>b) Generation of excessive groundborne vibration or groundborne noise levels?</b>			<b>X</b>	
<b>c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?</b>				<b>X</b>

**Discussion:** A referral response was received from the Stanislaus County Environmental Review Committee indicating that potential noise impacts should be further evaluated. Accordingly, a noise study was conducted, by Acoustics Group, Inc., dated February 15, 2021, to evaluate potential noise impacts that may occur from the project.

Stanislaus County’s Chapter 10.46 Noise Control Ordinance limits the maximum noise level at the nearest residential property line to 50 dBA during the daytime (7 a.m. to 9:59 p.m.) and 45 dBA during the nighttime (10 p.m. to 6:59 a.m.), respectively. The Stanislaus County General Plan Noise Element (Chapter 4) establishes noise and land use compatibility guidelines for land uses. For residential land uses, the threshold separating conditionally acceptable compatibility with design and insulation and incompatibility noise exposure is 70 dB CNEL.

The noise study considered the neighboring residential properties to the southeast and east as the most sensitive receptors to potential project-related noise impacts. A significant impact would be identified if traffic generated by the project or project improvements/operations would substantially increase noise levels at sensitive receivers in the vicinity. A substantial increase would occur if: a) the noise level increase is 5 dBA CNEL or greater where the future noise level is compatible in terms of noise and land use compatibility, or b) the noise level increase is 3 dBA CNEL or greater where the future noise level exceeds the compatibility threshold. AGI conducted a site visit on March 2 through 3, 2020 to observe the project site and to conduct one long-term ambient noise measurement. The ambient noise measurement was conducted along the

east project site boundaries to document baseline noise levels. The hourly Leq measured ranged from 58.6 to 61.0 dBA. The noise sources contributing to the ambient measurement data was from vehicular traffic.

In terms of on-site noise generated from operations, the noise study found the following noise levels would occur at the identified sensitive receptors: Lmax from the rooftop condenser units would be as high as 34.7, 31.9, and 24.3 dBA; Lmax from the air compressor would be as high as 26.0, 26.9, and 11.5 dBA; noise level generated by future on-site operational traffic movements would result in a noise level of 41.5, 38.0, and 29.5 dBA; cars starting would result in maximum noise levels as high as 33.3, 30.2, and 14.2 dBA; car door slams would result in maximum noise levels as high as 32.8, 29.5, and 14.7 dBA; and the drive-thru menu board would result in a noise level of 29.0, 21.8, and 13.8 dBA. All operational noise levels were found to comply with the daytime and nighttime standards of 50 and 45 dBA, respectively. Additionally, the operational noise was found to be significantly below the measured range in hourly ambient Leq of 54.7 to 62.0 dBA at NM1.

In terms of on-site noise generated from traffic, the noise study found that the project would generate CNEL traffic noise levels at the identified sensitive receptors well below the 70 dB CNEL Guidelines for traffic noise. The Project’s CNEL incremental increase in traffic noise will range from 0.2 to 1.9 dBA. The Project’s greatest increase above Existing is not expected to generate an incremental increase of 3 dBA or greater. Therefore, the Project traffic would not result in a significant traffic noise impact. The Existing plus Project 24-hour CNEL would be as high as 47.2, 47.7, and 39.4 dB at the identified sensitive receptor locations. Existing plus Project generated traffic noise levels would not exceed the County’s CNEL Exterior Noise Guideline of 70 dB CNEL. The Cumulative plus Project 24-hour CNEL would be as high as 47.3, 47.7, and 39.4 dB, at the same sensitive receptor locations. The Noise Study found that on-site noise generated from project traffic would comply with the County’s Noise Guideline of 70 dBA CNEL for Residential Land Uses.

Further, the study recommended that the final engineering design should be reviewed by a qualified acoustical consultant to ensure compliance with the noise standards. This has been incorporated into the project as a mitigation measure. The site is not located within an airport land use plan. Noise impacts are considered to be less-than significant with mitigation included.

**Mitigation:**

- 7. Prior to issuance of a building permit, the final engineering design should be reviewed by a qualified acoustical consultant and evidence of compliance with the County’s noise standards shall be provided.

**References:** Application materials; Referral response received from the Stanislaus County Environmental Review Committee, dated September 30, 2019 and February 11, 2020; Noise Study, conducted by Acoustics Group, Inc., dated February 15, 2021; Stanislaus County Noise Control Ordinance, General Plan, and Support Documentation<sup>1</sup>.

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

**Discussion:** The site is not included in the vacant sites inventory for the 2016 Stanislaus County Housing Element, which covers the 5<sup>th</sup> cycle Regional Housing Needs Allocation (RHNA) for the county, and will therefore not impact the County’s ability to meet their RHNA. No population growth will be induced, nor will any existing housing be displaced as a result of this project.

Impacts related to Population and Housing are considered to be less-than significant.

**Mitigation:** None.

**References:** Application materials; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XV. PUBLIC SERVICES --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project result in the 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:			X	
Fire protection?			X	
Police protection?			X	
Schools?			X	
Parks?			X	
Other public facilities?			X	

**Discussion:** The County has adopted Public Facilities Fees, as well as Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. The project will be required to pay all applicable Public Facility Fees and Salida Planned Development Fees, based on the trip ends generated per the respective implementation guidelines.

This project was circulated to all applicable: school, fire, police, irrigation, public works departments, and districts during the Early Consultation referral period, and no concerns were identified with regard to public services.

The site is located within the Mello-Roos – Salida Area Public Facilities Financing Agency (SAPFFA) CFD 1988-1, which collects fees in the district to pay for public improvements, including schools, parks, roads, fire, storm drainage, Sheriff, library, sanitary district and other capital facilities. A referral response was received from Modesto City Schools, acting administrator for the Salida Area Public Facilities Financing Agency, indicating that the vacant parcel is not currently taxed but would be required to pay the annual SAPFFA tax after issuance of a building permit. This requirement will be incorporated into the project as a development standard.

A referral response was received from Salida Fire indicating that all construction must comply with current adopted Fire Code, including the payment of fire service impact mitigation fees, on-site water supply and infrastructure for fire protection, and emergency vehicle access. Additionally, the applicant is required to form or annex into a Community Services District to provide for operational services.

A referral response from the Modesto Irrigation District (MID) indicated that there is a 36-inch cast-in-place concrete pipeline that exists along the eastern property line of the project site called the McCarthy Pipeline. MID requested that the location of the McCarthy pipeline be field verified and shown on the building site plans and that a 30-foot-wide easement be recorded, centered on the McCarthy Pipeline. Further, MID is requiring that if the area of the McCarthy pipeline were ever to be developed, that the pipeline must be replaced with rubber gasket reinforced concrete pipeline, with appropriate wall thickness for the pressure and traffic loads and manholes installed per MID standards located no more than 500 feet apart. In the case that the McCarthy Pipeline needs to be replaced, draft improvement plans must be submitted and approved by MID and all work must be completed during the non-irrigation seasons, which typically runs from March 1<sup>st</sup> to November 1<sup>st</sup>. Additionally, if the site does not plan to continue to use irrigation water from the District, a Sign-Off of Irrigation Facilities form for the parcel is required. These comments will be applied as conditions of approval.

No significant impacts related to Public Services were identified.

**Mitigation:** None.

**References:** Referral response received from Modesto City Schools, acting administrator for the Salida Area Public Facilities Financing Agency, dated April 21, 2021; Referral response received from the Department of Public Works, dated July 7, 2020 and February 26, 2021; Referral response from Modesto Irrigation District (MID), dated September 25, 2019 and February 18, 2020; Referral response from Salida fire Protection District, dated September 17, 2019 and February 12, 2020; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

<b>XVI. RECREATION --</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>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?</b>			<b>X</b>	
<b>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?</b>			<b>X</b>	

**Discussion:** This project does not include any recreational facilities and is not anticipated to increase demands for recreational facilities, as such impacts typically are associated with residential development.

No significant impacts related to Recreation were identified.

**Mitigation:** None.

**References:** Application materials; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

<b>XVII. TRANSPORTATION-- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?</b>			<b>X</b>	
<b>b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?</b>			<b>X</b>	
<b>c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</b>			<b>X</b>	
<b>d) Result in inadequate emergency access?</b>			<b>X</b>	

**Discussion:** A referral response was received from the Stanislaus County Environmental Review Committee (ERC) and the California Department of Transportation (Caltrans) indicating that potential traffic and transportation impacts should be further evaluated. Accordingly, a Traffic Impact Analysis (TIA) was prepared by Pinnacle Traffic Engineering, dated March 9, 2020. The TIA was referred to the Department of Public Works and Caltrans both of which provided comments on the TIA. The TIA was then amended to address these comments. A Supplemental Traffic Generation Analysis was conducted by Pinnacle Traffic Engineering on January 22, 2021, to incorporate the project changes that had occurred since the Traffic Analysis was first conducted.

The Traffic Impact Analysis (TIA) evaluated the potential project impacts associated with the proposed Project. Project access will be provided via a full access driveway on Arborwood Drive (east of existing Pirrone Road) and a secondary right-turn-only driveway on the existing Pirrone Road (between Hammett Road and Arborwood Drive). Eventually, the existing Pirrone Road on the west side of these parcels will be vacated and the New Pirrone Road will be improved and

extended along the east side of these parcels to intersect a short extension of Hammett Road (east of SR 99). The project trips were also assigned to the study network assuming the future improvement of the New Pirrone Road alignment.

The TIA estimated that the Project would generate a total of approximately 4,612 daily trips, with 291 trips during the AM peak hour and 325 trips during the PM peak hour. However, a portion of the project trips will be internal “captured” trips (5%) which will not exit and re-enter the site. A significant portion of the trips will be “pass-by” and/or “diverted-link” trips coming from traffic already on the adjacent street system (e.g. 80-85% of gas station trips). The total trip generation estimates were adjusted to reflect the “pass-by” trips (Caltrans limits pass-by trip reduction to 15%). Based on the project location (unincorporated County), it’s anticipated that very few of the project trips will be new “single purpose” trips attracted from other local communities (e.g. Ceres, Modesto, Ripon, or Manteca). A majority (if not all) of the project trips to and from SR 99 will already be on the freeway. Though pass-by trips will come from SR 99 and Pirrone Road, the SR 99 ramp intersections will experience 100% of the project external demands (the project trips still need to exit and re-enter the freeway). The actual number of pass-by trips is anticipated to be much higher than 15%. Therefore, the number of single-purpose primary trips represents a worse-case scenario. The evaluation of potential project impacts focuses on an evaluation of peak hour operations at the SR 99/Hammett Road interchange ramp and Pirrone Road/Arborwood Drive intersections. New traffic count data was collected to document existing conditions during the morning and afternoon commuter periods.

The evaluation of existing conditions indicates average vehicle delays are currently within acceptable limits as defined by the County (LOS C or better), except at the SR 99 Northbound Ramps intersection during the AM peak hour (LOS D). Caltrans endeavors to maintain a target LOS at the transition between LOS C and D. Therefore, average delays in the LOS D range may be considered acceptable during short peak demand periods (e.g. 15-30 minutes within the peak hour). The existing conditions analysis identified significant queuing during the AM peak hour on the eastbound approach of Hammett Road at the SR 99 Northbound Ramps. Observations of actual traffic operations did notice the eastbound queuing issue during the AM peak hour. Peak hour volumes at the SR 99 Northbound Ramps intersection are below the minimum 70% “peak hour” volume traffic signal warrant criteria in the 2014 California Manual on Uniform Traffic Control Devices (2014 CA MUTCD). Peak hour volumes at the SR 99 Southbound Ramps intersection exceed the minimum 70% “peak hour” volume signal warrant criteria, but are below the 100% signal warrant criteria. Therefore, the installation of traffic signal control is not recommended under existing conditions since average vehicle delays are in the LOS B-C range with the existing all-way stop control. The Project TIA analysis includes an evaluation of access on the existing Pirrone Road. The average southbound speed on Pirrone Road near Arborwood Drive was recorded at +/-40 mph (85th percentile speed of 45 mph). The average northbound speed was recorded at +/-44 mph (85th percentile speed of 48 mph). Pirrone Road south of Hammett Road has a relatively level vertical alignment. There is a horizontal curve to the west on Pirrone Road south of Hammett Road followed by a short tangent section and a horizontal curve to the east. The area along Pirrone Road north of Arborwood Drive (both sides) is relatively free of fixed objects that obstruct the visibility of vehicles on Pirrone Road (southbound) or vehicles exiting Arborwood Drive (westbound). Southbound stopping sight distance on Pirrone Road is acceptable for the 85th percentile speed (45 mph) near Arborwood Drive. Corner sight distance looking north is acceptable for vehicles exiting Arborwood Drive (westbound left turn).

A review of the existing plus project volumes at the Pirrone Road/Arborwood Drive intersection was conducted to determine the appropriate traffic control and required improvements. The existing plus project peak hour volumes will not exceed the minimum MUTCD signal warrant criteria. However, the AM and PM peak hour volumes will warrant the installation of an exclusive left turn only lane on the southbound approach of Pirrone Road at Arborwood Drive. An evaluation of existing plus project conditions demonstrates average vehicle delays at the Pirrone Road/Arborwood Drive intersection will be within acceptable limits (LOS C or better). However, delays on the Arborwood Drive (stop sign controlled) will be in the LOS D range during the AM peak hour. The provision of a southbound acceleration lane on Pirrone Road for the westbound left turn from Arborwood Drive would only slightly reduce delays to the LOS C range. Therefore, the installation of a southbound acceleration lane on Pirrone Road is not recommended. Similar to the existing conditions analysis, average delays under the existing plus project scenario will remain within acceptable limits at the SR 99 Southbound Ramps intersection. However, delays at the SR 99 Northbound Ramps intersection will continue to exceed the County’s LOS C threshold during the AM peak hour, increasing congestion at the SR 99 Northbound Ramps intersection during the AM peak hour. Vehicle queues (95th percentile) on the eastbound approach of Hammett Road at the SR 99 Northbound Ramps intersection will also exceed the distance between the ramps during the AM peak hour. The existing plus project volumes at both SR 99 ramp intersections will exceed the minimum 70% “peak hour” volume signal warrant criteria but only marginally satisfy the minimum 100% criteria. Therefore, the installation of signal control at the ramp intersections is not recommended under the existing plus project conditions (delays will remain in the LOS B-C range with the existing all-way stop control).

The Project TIA presents an evaluation of future cumulative conditions. Cumulative conditions are typically comprised of existing traffic plus traffic generated by other known future developments. It's noted that long-range infrastructure improvements in this portion of the County initially included a reconstruction of the SR 99/Hammett Road interchange. However, Caltrans staff has indicated that the SR 99/Hammett Road interchange improvements will not be constructed in the foreseeable future. Therefore, cumulative analysis does not assume that any major improvements will be constructed by Caltrans or the County at the SR 99/Hammett Road interchange. Due to the location of the Lark Landing parcel(s) and development potential, it was deemed reasonable to analyze the cumulative conditions "without" and "with" the possible future development of the Lark Landing parcel(s). The cumulative conditions analysis (without the Lark Landing development) indicates average delays at the Pirrone Road/Arborwood Drive intersection will be within acceptable limits (LOS C or better). With the Lark Landing development, additional traffic of up to 16% more AM peak hour trips and 65% more PM peak hour trips could be generated. Under both scenarios, average delays at the SR 99 Southbound Ramps intersection will remain with acceptable limits. However, delays at the SR 99 Northbound Ramps intersection will continue to exceed the County's LOS C threshold during the AM peak hour. Under both scenarios, the project will impact traffic flow at the SR 99 Northbound Ramps intersection during the AM peak hour. Vehicle queues (95th percentile) on the eastbound Hammett Road approach at the SR 99 Northbound Ramps intersection will also exceed the distance between the ramps during the AM peak hour. The cumulative plus project volumes at both SR 99 ramp intersections will exceed the minimum 70% "peak hour" volume signal warrant criteria (MUTCD). However, the AM peak hour volumes will only marginally satisfy the minimum 100% signal warrant criteria. Therefore, the installation of signal control at the SR 99 Southbound Ramps intersection is not recommended under both cumulative plus project condition scenarios (average delays will remain in the LOS B-C range with the existing all-way stop control).

A Supplemental Traffic Generation Analysis was completed after the project was amended to reflect the proposed project changes, which consisted of a drive-thru restaurant, less gas pump stations, and a mini-storage facility. The Supplemental analysis indicated that the revised (current) project uses will generate fewer peak hours and daily trips than analyzed in the March 2020 TIA. The number of AM peak hour trips is essentially the same, with a reduction of about 9% during the PM peak hour and on a daily basis. The March 2020 TIA and Supplemental analysis identified the potentially significant impacts based on peak AM LOS and proposed the appropriate mitigation measures, including intersection restriping, and widening to improve vision clearance, and payment of the applicable Regional Traffic Impact Fee (RTIF), to pay a fair-share contribution towards the costs associated with the future regional and local infrastructure improvements, to reduce the impacts to a level of less-than significant. However, these recommended mitigation measures were based on Level of Service (LOS), which is no longer a threshold of significance under CEQA. Accordingly, the recommended mitigation measures included in the March 2020 TIA and Supplemental analysis has been incorporated into the requirements provided by the Department of Public Works and will be applied to the project as development standards.

The development standards required by Public Work's include: the payment of all applicable Public Facility Fees (including RTIF) and Salida Planned Development Fees, based on the trip ends generated per the respective implementation guidelines; establishment of a 10-foot-wide public utility easement adjacent to all road right-of-ways; annexation into the Salida Lighting District and annexation approval from the Stanislaus Local Area Formation Commission (LAFCO); a limitation of parking, loading, or the unloading of vehicles within the County right-of-way; installation of any signs and/or marking, if determined to be needed by the Department of Public Works; obtainment of encroachment permits; and installation of road improvements. The required road improvements will consist of road frontage improvements along the entire parcel frontage of the parcel on Arborwood Drive, including, but not be limited to, driveway locations, street lights, curb, gutter, and sidewalk, storm drainage, and matching pavement. Installation of a southbound left-turn lane at the existing Pirrone Road and Arborwood Drive intersection and improvement of the intersection of Arborwood Drive and Old Pirrone Road are also required to be improved to County standards, as well as widening of the southwest corner of the intersection of Pirrone Road and Hammett Road to accommodate an inside radius with an STAA Standard. Upon the written request of the Stanislaus County Road Commissioner, the applicant shall restripe the Hammett Road at SR 99 Northbound Ramp intersection with one (1) eastbound through lane and one (1) left turn lane, resulting in one (1) westbound through lane west of the intersection and an exclusive westbound right turn only lane on Hammett Road at the SR 99 Northbound Ramps intersection shall be installed. Additionally, prior to the issuance of any building or grading permit associated with this project, all driveway locations shall be approved by Public Works Department, and dedication along the frontages of Arborwood Drive and Pirrone Road shall be provided. A plan check and inspection agreement, Engineer's Estimate, and financial guarantee are also required to be submitted to the Department of Public Works for the improvements. A grading, drainage, and erosion/sediment control plan for the project site shall be submitted that includes drainage calculations and enough information to verify that runoff from the project will not flow onto adjacent properties and Stanislaus County road right-of-way and is in compliance with the current State of California National Pollutant Discharge Elimination System (NPDES) General Construction Permit. All of these requirements will be applied to the project as development standards.

Senate Bill 743 (SB743) requires that the transportation impacts under the California Environmental Quality Act (CEQA) evaluate impacts by using Vehicle Miles Traveled (VMT) as a metric. A Project Memo, received from the Department of Public Works, indicated that the project’s proposal preceded the implementation of SB743 on July 1, 2020. Further, the memo stated that Stanislaus County has currently not adopted any significance thresholds for VMT, and projects are treated on a case-by-case basis for evaluation under CEQA. However, the State of California - Office of Planning and Research (OPR) has issued guidelines regarding VMT significance under CEQA. One of the guidelines, presented in the December 2018 document Technical Advisory on Evaluating Transportation Impacts in CEQA, states that locally serving retail would generally redistribute trips from other local uses, rather than generate new trips. The proposed project fits this description of locally-serving retail and therefore is presumed to create a less-than significant transportation impact related to VMT.

An additional referral response was received from the California Department of Transportation (Caltrans) which indicated that they support the payment of Regional Transportation Impact Fees (RTIF) for the project, but did not support the mitigation measures, including intersection restriping, and widening at the SR-99/ Hammett on/off-ramps, identified in the TIA and Supplemental analysis for the project. The Caltrans response indicates that based on the existing width of pavement of the east and westbound Hammett Road and SR-99 off-ramp and bridge, the mitigation measures recommended in the TIA and Supplemental analysis are infeasible. As previously stated, the recommended mitigation measures were based on LOS, which is no longer a threshold of significance under CEQA, and because Caltrans found the improvements to be infeasible, the recommended mitigation measures were not applied to the project and the County has determined the traffic impacts associated with the project to be less than significant without mitigation. However, development standards have been applied to address the traffic flow at the Hammett Road and SR-99 off-ramp by the Department of Public Works who will work in coordination with Caltrans for any improvements involving the SR-99 and Hammet Road interchange. The Caltrans response also indicated that they recommended a complete streets approach to the project to maintain access to the existing bike-pedestrian path which leads to the Stanislaus River. The project will include sidewalks and street shoulders along the project’s road frontage which will enhance the existing bike-pedestrian access. Future development of the Salida Community Plan Amendment area will be required to address long-term connectivity. Finally, the Caltrans response requested that the County coordinate in any future projects in the area to avoid cumulative impacts. Any improvements involving the SR-99 on and off-ramps associated with this project, as required by the development standards applied to the project, will be completed in coordination with Caltrans. Other than the subject property and the property to the south, all other property in the surrounding area would be subject to completing an EIR for the entire Salida Community Plan Amendment area prior to development. Coordination with Caltrans would be conducted at the time an EIR for the Salida Community Plan Amendment area is completed.

Impacts associated with Transportation are expected to have a less-than significant impact.

**Mitigation:** None.

**References:** Application materials; Referral response received from the Department of Public Works, dated July 7, 2020 and February 26, 2021; Referral response received from CalTrans, dated September 30, 2019, June 10, 2020, and July 15, 2020, and April 6, 2021; Referral response received from the Stanislaus County Environmental Review Committee, dated September 30, 2019 and February 11, 2020; Project Memo, received from the Department of Public Works, dated February 25, 2021 and September 11, 2020; Traffic Impact Analysis, conducted by Pinnacle Traffic Engineering, dated March 9, 2020; Supplemental Traffic Generation Analysis, conducted by Pinnacle Traffic Engineering, dated January 22, 2021; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XVIII. TRIBAL 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 tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California native American tribe, and that is:		X		

i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or			X	
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set for the in subdivision (c) of Public Resource Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.		X		

**Discussion:** As this project is a General Plan Amendment it was referred to the tribes listed with the Native American Heritage Commission (NAHC), in accordance with SB 18. No tribes responded with a request for consultation or with any project comments. Tribal notification of the project was not referred to any tribes in conjunction with AB 52 requirements, as Stanislaus County has not received any requests for consultation from the tribes listed with the NAHC.

A records search conducted by the Central California Information Center (CCIC) found a previous archaeological field survey and an architectural survey for cultural resources that included most of the subject property, except the SE corner, or approximately the eastern half of Parcel 3, as part of a Caltrans District 10 project. The study indicated that there are no historical, cultural, or archeological resources recorded on-site and that the site has a low sensitivity for the discovery of such resources. However, the CCIC Report also stated that the project area is less than ½-mile from the southern terraces of the Stanislaus River, and there is at least one recorded Native American occupation site known to be within one mile of this property, in association with the river and advised that, in accordance with State law, if any historical resources are discovered during project-related activities, all work is to stop and the lead agency and a qualified professional are to be consulted to determine the importance and appropriate treatment of the find. This requirement has been incorporated into the project as a mitigation measure. Accordingly, impacts to Tribal Cultural Resources is considered to be less-than significant with mitigation included.

**Mitigation:** See Mitigation Measure No. 6, listed under Section V. Cultural Resources.

**References:** Application materials; Historic Property Survey Report for the Hammett Road/State Route 99 Interchange Reconstruction Project, Blind, H., 2010; Tribal consultation letters for proposed project, dated September 10, 2019; Central California Information Center Report for the project site, dated June 11, 2019; County General Plan and Support Documentation<sup>1</sup>.

XIX. UTILITIES AND SERVICE SYSTEMS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	

d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	

**Discussion:** Limitations on providing services have not been identified. The project proposes to connect to the City of Modesto for public water service and Salida Sanitary for public sewer service. A referral response received from the City of Modesto Utilities Department indicated that the City can serve the proposed development, provided the City Council approves the Will-Serve request. Further, the City of Modesto indicated that the water demand shall be memorialized by Salida Fire, per County building and fire code requirements, as no more than 2,000 gallons per minute (GPM), and requires that the design of the water utilities be reviewed and approved by the City of Modesto Utilities Department to ensure that the project connects with appropriate sized utilities and meter locations to receive the necessary fire flow. A referral response received from the Stanislaus Local Area Formation Commission (LAFCO) indicated that LAFCO approval of an out-of-boundary service extension must be obtained prior to connecting to the City of Modesto’s water system. Salida Sanitary provided a Will-Serve letter indicating that: an eight-inch sewer main shall be extended west along future Arborwood Drive from the intersection of Arborwood Drive and Vistara Way to the westerly property boundary of the project site and terminated with a maintenance hole; a new maintenance hole shall be installed at the intersection of Arborwood Drive and the future extension of Pirrone Road, and shall include a five-foot eight-inch stub in the northern direction; each individual commercial business shall have a separate sewer lateral connection to the sewer main; public sewer ownership will start and stop within the sewer easement on the future Arborwood Drive; an alternative all-weather access roadway, acceptable to the District, to be installed if any construction work on the 30-foot road easement impedes access to District facilities; a 15-foot sewer easement for exclusive purposes of maintaining and repairing the eight-inch sewer extension from Vistara Way to the terminus of the sewer main on future Arborwood Drive be centered over the existing road easement; all work be done in compliance with Salida Sanitary District requirements, and improvements plans be reviewed and approved by the District prior to commencement of construction; all costs associated with sewer service, design and installation of all sewer mains, maintenance holes and laterals to serve the project are to be paid by the property owner; prior to connecting to the sanitary sewer line that a sewer connection permit for each connection be obtained from the District and all applicable District fees paid; that the owner/developer not construct any permanent facilities on the existing roadway easement or on in any way obstruct the passage of vehicles on existing roadway easement; the installation of FOG interceptor(s) be included on building plans and meet District and Stanislaus County requirements for Fats, Oils, and Grease (FOG); and that an encroachment permit be obtained through Stanislaus County Public Works prior to construction of the improvements. These requirements will be incorporated into the development standards applied to the project. Salida Sanitary provided two referral responses which re-stated the above sewer connection requirements and requested that potential traffic and stormwater runoff-related impacts associated with the project be evaluated. A discussion on the potential for traffic-related impacts can be found in the XVII. Transportation Section of this document and a discussion on the stormwater-related aspects of the project can be found in the X. Hydrology and Water Quality Section of this document.

The site is located within the Mello-Roos – Salida Area Public Facilities Financing Agency (SAPFFA) CFD 1988-1, which collects fees in the district to pay for public improvements, including schools, parks, roads, fire, storm drainage, Sheriff, library, sanitary district, and other capital facilities. A referral response was received from Modesto City Schools, acting administrator for the Salida Area Public Facilities Financing Agency, indicating that the vacant parcel is not currently taxed but would be required to pay the annual SAPFFA tax after issuance of a building permit. This requirement will be incorporated into the project as a development standard.

The site is currently in CSA 10, which covers parks, public works storm drain, and street sweepings. However, because this CSA is insufficient to pay for the expenses to provide those special benefit services, all property currently in CSA 10 will be annexed into CSA 4, specifically to sufficiently cover maintenance of these services. The Board of Supervisors approved this Public Works action and has applied to LAFCO to expand the boundary of CSA 4 to cover all of Salida’s benefiting parcels. On May 18, 2000, the Planning Commission approved Tentative Subdivision Map No. 99-11 – Salida Gateway Commons (Vizcaya Subdivision No. 1), which created 137 single-family residential lots out of the 28.3 acres located east of the project site, and a temporary off-site storm drainage basin located on the northern part of the project site; which were both part of the original 1997 project. A permanent storm drainage basin was envisioned to handle the storm drainage requirements of the entire 1997 project site, as well as the commercial lands located at the Hammett Road Interchange, as a part of the master storm drainage system for the north-east Salida Community Plan area covered by the Salida Mello-Roos, but one was never developed. The “temporary” basin still exists on the project site and serves the

existing Vizcaya Subdivision to the east. There currently are limitations on finding land to re-locate the storm drain basin due to the surrounding area being zoned Salida Community Plan (SCP). With the exception of the project site and the property to the south, which currently contains the temporary storm drainage basin, no development may occur on SCP zoned property until an Environmental Impact Report (EIR) for the entire Salida Community Plan amendment area is completed. The applicant has agreed to locate the drainage basin on the northern-most portion of the project site within the roadway dedication area reserved for the future Hammett Road Interchange improvement project, as the Hammett Road Interchange improvement project will not occur until the Salida Community Plan Amendment area is able to develop. A grading, drainage, and erosion/sediment control plan for the project site shall be submitted for review and approval to the Department of Public Works that includes drainage calculations and enough information to verify that runoff from the project will not flow onto adjacent properties and Stanislaus County road right-of-way and is in compliance with the current State of California National Pollutant Discharge Elimination System (NPDES) General Construction Permit. Development standards will be added to the project to reflect these requirements.

A referral response from the Modesto Irrigation District (MID) indicated that there is a 36-inch cast-in-place concrete pipeline that exists along the eastern property line of the project site called the McCarthy Pipeline. MID requested that the location of the McCarthy pipeline be field verified and shown on the building site plans and that a 30-foot-wide easement be recorded, centered on the McCarthy Pipeline. Further, MID is requiring that if the area of the McCarthy pipeline were ever to be developed, that the pipeline must be replaced with rubber gasket reinforced concrete pipeline, with appropriate wall thickness for the pressure and traffic loads and manholes installed per MID standards located no more than 500 feet apart. In the case that the McCarthy Pipeline needs to be replaced, draft improvement plans must be submitted and approved by MID and all work must be completed during the non-irrigation seasons, which typically runs from March 1<sup>st</sup> to November 1<sup>st</sup>. Additionally, if the site does not plan to continue to use irrigation water from the District, a Sign-Off of Irrigation Facilities form for the parcel is required. MID also provided general requirements regarding electrical services. These comments will be applied as conditions of approval.

No significant impacts related to Utilities and Services Systems have been identified.

**Mitigation:** None.

**References:** Application materials; Referral response received from Modesto City Schools, acting administrator for the Salida Area Public Facilities Financing Agency, dated April 21, 2021; Referral response received from the Department of Public Works, dated July 7, 2020 and February 26, 2021; Referral response from Modesto Irrigation District (MID), dated September 25, 2019 and February 18, 2020; Referral response from the City of Modesto, dated February 17, 2021; Referral response received from LAFCO, dated February 7, 2020; Referral response received from Salida Sanitary, dated September 27, 2019 and February 20, 2020; Will-Serve Letter from Salida Sanitary, dated September 17, 2019; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

<b>XX. WILDFIRE – If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Substantially impair an adopted emergency response plan or emergency evacuation plan?</b>			X	
<b>b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?</b>			X	
<b>c) Require the installation of maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?</b>			X	
<b>d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?</b>			X	

**Discussion:** The Stanislaus County Local Hazard Mitigation Plan identifies risks posed by disasters and identifies ways to minimize damage from those disasters. With the Wildfire Hazard Mitigation Activities of this plan in place, impacts to an adopted emergency response plan or emergency evacuation plan are anticipated to be less-than significant. The terrain of the site is relatively flat, and the site has access to a County-maintained road. The site is located in a Local Responsibility Area (LRA) for fire protection and is served by Salida Fire Protection District. The project was referred to the District who responded with comments indicating that the development must annex into the District, and that all construction must comply with current adopted fire code, including the payment of fire service impact mitigation fees, on-site water supply, and infrastructure for fire protection and emergency vehicle access. These comments will be applied as conditions of approval. California Building Code establishes minimum standards for the protection of life and property by increasing the ability of a building to resist intrusion of flame and embers. Accordingly, wildfire risk and risks associated with postfire land changes are considered to be less-than significant.

**Mitigation:** None.

**References:** Application materials; Referral response from Salida fire Protection District, dated September 17, 2019 and February 12, 2020; California Building Code Title 24, Part 2, Chapter 7; Stanislaus County Local Hazard Mitigation Plan; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XXI. 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 substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			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	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

**Discussion:** Review of this project has not indicated any potential for cumulative impacts which might significantly impact the environmental quality of the site and/or the surrounding area. On August 7, 2007, the Stanislaus County Board of Supervisors passed an ordinance to implement the Salida Area Planning “Roadway Improvement, Economic Development and Salida Area Farmland Protection and Planning Initiative”, also known as the Salida Initiative, which amended the Salida Community Plan. The amended Salida Community Plan provides land use planning and guidance for development of approximately 4,600 acres of land in the Salida area. The Community Plan encompasses the existing community of Salida, which was part of the previously approved Salida Community Plan (Existing Plan Area), and an amendment area encompassing approximately 3,383 acres (Amendment Area). The Salida Initiative requires that prior to new development in the Salida Community Plan (SCP) Amendment Area, that the County prepare, at the landowner’s expense, a programmatic-level Environmental Impact Report (EIR) evaluating the environmental impacts associated with the build-out of the entire Salida Community Plan Amendment area. With the passage of the Salida Initiative, the subject site and a few other properties were erroneously included in the Amendment Area of the Salida Community Plan. This inclusion was a draftsman’s error, as the subject site was actually part of the Existing Plan Area. As part of the Existing Salida Community Plan, the proposed project is not subject to the EIR requirement for the entire Salida Community Plan Amendment area. If

approved, this community plan boundary line will be amended to correctly show the subject property as part of the Existing Plan Area of the Salida Community Plan. The same situation is applicable to the parcel to the south. Other than the subject property and the property to the north, all other property in the surrounding area would be subject to completing an EIR for the entire Salida Community Plan Amendment area prior to development. Accordingly, development of the subject parcel would not set a precedent for further development of the surrounding area.

**Mitigation:** None.

**References:** Application materials; Initial Study; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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<sup>1</sup>Stanislaus County General Plan and Support Documentation adopted in August 23, 2016, as amended. **Housing Element** adopted on April 5, 2016.

# ***PIRRONE ROAD MARKET, RESTAURANT, GASOLINE STATION, & MINI STORAGE***

## ***AIR QUALITY & HEALTH RISK ASSESSMENT***

***Stanislaus County, California***

**February 5, 2021**

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# INTRODUCTION

This report assesses the air quality impacts associated with the proposed development of a mixed-use gas station with convenience market/deli, fast food restaurant with drive through window, and mini storage facility on the west side of Pirrone Road between Hammet Road and Arborwood Drive in Stanislaus County, California. The Project will occupy approximately 5.6 acres of a 9.6-acre site adjacent to the east side of Pirrone Road and the north side of Arborwood Drive, as shown in Figure 1.

**FIGURE 1. Project Location**



The Proposed Project includes the construction of one commercial building that will contain a 4,500-square foot (sf) convenience market with a 6-pump gasoline dispensing facility (GDF) not for use by heavy-duty vehicles (i.e., no semi-trucks), a 3,250 sf fast food restaurant with a drive-through window, and a 2,300 sf retail space. This portion of the project would include 34 parking spaces and one covered fueling island. The island will provide unleaded gasoline and diesel fuel, but will not be able to accommodate large, heavy-duty diesel vehicles. The project would also construct eight mini storage buildings and approximately 62,340 sf of storage space with an accompanying front office.

Fuel will be stored in two above-ground storage tanks, located near the center of the site. The tanks will be enclosed in a cinder block concrete structure adjacent to the mini storage facility and will have no public access. It is estimated there will be a maximum of 18 employees on-site between the market, restaurant, and retail portion of the project. The market and GDF will operate 24 hours per day, 7 days per week and will sell approximately 4,340 gallons of fuel a day.

Development projects of this type in the San Joaquin Valley may directly impact air quality due to the emissions they generate during construction and the emissions generated from GDF operations. Indirect impacts may also occur from vehicle emissions associated with travel to and from the site during construction and operation. This report describes existing air quality conditions, construction period air quality impacts, operational air quality impacts (at both a local and regional scale) and identifies any necessary mitigation measures to reduce or eliminate air quality impacts identified as significant. The project's potential impacts on air quality during construction and operation have been assessed per the San Joaquin Valley Air Pollution Control District's *Guide for Assessing and Mitigating Air Quality Impacts* (GAMAQI).<sup>1</sup>

## SETTING

### TOPOGRAPHIC CONSIDERATIONS

The project site is in Stanislaus County in the northern portion of the San Joaquin Valley Air Basin. The California Air Resources Board (CARB) defines the boundaries of the basin by the San Joaquin Valley within the Sierra Nevada Mountains to the east, the Coast Ranges in the west, and the Tehachapi mountains in the south. The valley opens to the ocean at the north, at the Carquinez Strait, where the San Joaquin-Sacramento Delta empties into San Francisco Bay. The valley floor is basically flat with a slight downward gradient to the northwest. Thus, the airshed is considered a "basin" with the primary opening to the north. The surrounding topographic features restrict air movement through and out of the basin and, as a result, impede the dispersion of air pollutants from the basin. Wind flow is usually down the valley from the north, as the Tehachapi Mountains block or restrict the southward progression of airflow. The Sierra Nevada are a substantial barrier from the usual westerly winds, which also contributes to the weak airflow in the valley. The flow is further restricted vertically by temperature inversion layers that are common in the San Joaquin Valley air basin throughout the year. An inversion layer is created when a mass of warm dry air sits over cooler air near the ground, preventing vertical dispersion of pollutants from the cold air mass below. During the summer, the San Joaquin Valley experiences daytime temperature inversions at elevations from 1,500 to 3,000 feet above the valley floor that lead to a buildup of ozone and ozone precursor pollutants. During the fall and winter months, strong surface-based inversions occur from 500 to 1,000 feet above the valley floor.<sup>2</sup> These inversions trap very stable air near the surface and lead primarily to a buildup of particulate matter.

### AIR BASIN CHARACTERISTICS

The climate of the project area is characterized by hot dry summers and cool, mild winters. Clear days are common from spring through fall. Daytime temperatures in the summer often approach or exceed 100 degrees, with lows in the 60s. In the winter, daytime temperatures are usually in the 50s, with lows around 35 degrees. Radiation fog is common in the winter and may persist for days. Partly to mostly cloudy days are common in winter, as most precipitation received in the Valley falls from November through April.

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<sup>1</sup>*Guide for Assessing and Mitigating Air Quality Impacts*. SJVAPCD. 2015. March.

<sup>2</sup>*Extreme Ozone Attainment Demonstration Plan*. SJVAPCD. 2004. October.

Winds are predominantly up-valley (flowing from the north) in all seasons, but more so in the summer and spring months (CARB 1984). In this flow, winds are usually from the north end of the Valley and flow in a south-southeasterly direction, through Tehachapi Pass, into the Southeast Desert Air Basin. Annually, up-valley wind flow (i.e., northwest flow with marine air) is most common, occurring about 40 percent of the time. This type of flow is usually trapped below marine and subsidence inversions, restricting outflow through the Sierra Nevada and Tehachapi Mountains. The occurrence of this wind flow is almost 70 percent of the time in summer, but less than 20 percent of the time in winter. Winter and fall are characterized by mostly light and variable wind flow. Pacific storm systems do bring southerly flows to the valley during late fall and winter. Light and variable winds, less than 10 miles per hour (mph), are common in the winter months.

Superimposed on this seasonal regime is the diurnal wind cycle, which takes the form of a combination of a modified sea breeze-land breeze and mountain-valley regimes. The sea breeze-land breeze regime typically has a modified sea breeze flowing into the Valley from the north during the late day and evening and then a land breeze flowing out of the Valley late at night and early in the morning. The mountain-valley regime has an upslope (mountain) flow during the day and a down slope (valley) flow at night. These effects create a complexity of regional wind flow and pollutant transport.

The pollution potential of the San Joaquin Valley Air Basin is very high. The San Joaquin Valley has one of the most severe air pollution problems in the State and the Country. Surrounding elevated terrain in conjunction with temperature inversions frequently restrict lateral and vertical dilution of pollutants. Abundant sunshine and warm temperatures in late spring, summer, and early fall are ideal conditions for the formation of ozone, where residents frequently experience unhealthy air pollution days. Low wind speeds, combined with low inversion layers in the winter, create conditions conducive to high respirable particulate matter (i.e., PM<sub>10</sub> and PM<sub>2.5</sub>) concentrations and elevated carbon monoxide (CO) levels.

## **REGULATORY SETTING**

The Federal and California Clean Air Acts have established ambient air quality standards for different pollutants. National Ambient Air Quality Standards (NAAQS) were established by the Federal Clean Air Act (CAA) of 1970 (amended in 1977 and 1990) for six "criteria" pollutants. These criteria pollutants now include carbon monoxide (CO), ozone (O<sub>3</sub>), nitrogen dioxide (NO<sub>2</sub>), respirable particulate matter with a diameter less than 10 microns (PM<sub>10</sub>), sulfur dioxide (SO<sub>2</sub>), and lead (Pb). In 1997, The Environmental Protection Agency (EPA) added fine particulate matter (PM<sub>2.5</sub>) as a criteria pollutant. The air pollutants for which standards have been established are considered the most prevalent air pollutants that are known to be hazardous to human health. California Ambient Air Quality Standards (CAAQS) include the six "criteria" pollutants and hydrogen sulfide, sulfates, vinyl chloride, and visibility reducing particles. These additional CAAQS pollutants tend to have unique sources and are not typically examined in environmental air quality assessments. In addition, lead concentrations have decreased dramatically since it was removed from motor vehicle fuels.

### Federal Regulations

At the federal level, the United States Environmental Protection Agency (US EPA) administers

and enforces air quality regulations. Federal air quality regulations were developed primarily from implementation of the Federal Clean Air Act. If an area does not meet NAAQS over a set period (three years), EPA designates it as a "nonattainment" area for that pollutant. EPA requires states that have areas that do not comply with the national standards to prepare and submit air quality plans showing how the standards would be met. If the states cannot show how the standards would be met, then they must show progress toward meeting the standards. These plans are referred to as the State Implementation Plan (SIP). Under severe cases, EPA may impose a federal plan to make progress in meeting the federal standards.

EPA also has programs for identifying and regulating hazardous air pollutants. The Clean Air Act requires EPA to set standards for these pollutants and sharply reduce emissions of controlled chemicals. Industries were classified as major sources if they emitted certain amounts of hazardous air pollutants. The US EPA also sets standards to control emissions of hazardous air pollutants through mobile source control programs. These include programs that reformulated gasoline, national low emissions vehicle standards, Tier 2 motor vehicle emission standards, gasoline sulfur control requirements, and heavy-duty engine standards.

The San Joaquin Valley Air Basin is subject to major air quality planning programs required by the CAA (1977, last amended in 1990, 42 United States Code [USC] 7401 *et seq.*) to address O<sub>3</sub>, PM, and CO. The CAA requires that regional planning and air pollution control agencies prepare a regional Air Quality Plan to outline the measures by which both stationary and mobile sources of pollutants can be controlled in order to achieve all standards within the deadlines specified in the CAA. These plans are submitted to the State, which after approval, submits them to US EPA as the SIP.

### State Regulations

The California Clean Air Act of 1988, amended in 1992, outlines a program for areas in the State to attain the CAAQS by the earliest practical date. CARB is the state air pollution control agency and is a part of the California EPA. The California Clean Air Act sets more stringent air quality standards for all the pollutants covered under national standards, and additionally regulates levels of vinyl chloride, hydrogen sulfide, sulfates, and visibility-reducing particulates. If an area does not meet CAAQS, CARB designates the area as a nonattainment area. The San Joaquin Valley Air Basin does not meet the CAAQS for O<sub>3</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. CARB requires regions that do not meet CAAQS for O<sub>3</sub> to submit clean air plans that describe plans to attain the standard or show progress toward attainment.

In addition to the US EPA, CARB further regulates the amount of air pollutants that can be emitted by new motor vehicles sold in California. California-specific vehicle emissions standards were first imposed in 1961 and are more stringent than federal standards. CARB also sets standards for motor vehicle fuels sold in in the state and has implemented vehicle Inspection and Maintenance (I/M) and "Smog Check" programs with the California Bureau of Automotive Repair.

### Local Air District

The San Joaquin Valley Air Pollution Control District (SJVAPCD) is made up of eight counties in California's Central Valley: San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings Tulare, and the western portion of Kern. The primary role of the SJVAPCD is to develop rules, regulations,

plans, and pollution control strategies for the San Joaquin Valley to control air pollution in the region. The district's rules and regulations control air pollution from a wide range of sources, not just large industrial sources such as factories and power plants. In March 2007, an Indirect Source Review (ISR) rule was adopted that controls air pollution from new land developments. SJVAPCD also conducts public education and outreach efforts such as the Spare the Air, Wood Burning, and Smoking Vehicle voluntary programs.

### Stanislaus County General Plan 2015

The Conservation/Open Space Element (Chapter 3 of the General Plan) establishes goals, objectives, and policies to guide planning decisions and provides the platform for local action in addressing air quality, energy, and climate change issues.

Applicable goals, objectives, and policies presented in the General Plan are as follows:

- GOAL 6 Improve air quality:
- Policy 18: The County will promote effective communication, cooperation, and coordination among agencies involved in developing and operating local and regional air quality programs.
  - Policy 19: The County will strive to accurately determine and fairly mitigate the local and regional air quality impacts of proposed projects.
  - Policy 20: The County shall strive to reduce motor vehicle emissions by reducing vehicle trips and vehicle miles traveled and increasing average vehicle ridership.
  - Policy 21: The County will support efforts to increase public awareness of air quality problems and solutions.
  - Minimizing public exposure to pollutants that create a public nuisance, such as unpleasant odors.

#### Applicable Implementing Measures:

- Refer discretionary projects under CEQA review to the San Joaquin Valley Air Pollution Control District (SJVAPCD), neighboring jurisdictions and other affected agencies for review and comment.
- Require all development proposals, where appropriate, to include reasonable air quality mitigation measures.
- Minimize case-by-case analysis of air quality impacts using standard criteria for determining significant environmental effects, a uniform method of calculating project emissions, and standard mitigation methods to reduce air quality impacts.
- Work with the local building industry, utilities, and the SJVAPCD to educate developers and builders on the benefits of energy-efficient designs and the use of low-emission equipment for new residential and commercial construction.

## **NATIONAL AND STATE AMBIENT AIR QUALITY STANDARDS**

The CAA and CCAA promulgate, respectively, national and State ambient air quality standards. Air quality standards have been established by US EPA (i.e., NAAQS) and California (i.e., CAAQS) for specific air pollutants most pervasive in urban environments. The NAAQS and CAAQS are shown in Table 1. Ambient standards specify the concentration of pollutants to which

the public may be exposed without adverse health effects. Individuals vary in their sensitivity to air pollutants, and standards are set to protect more pollution-sensitive populations (e.g., children and the elderly). National and State standards are reviewed and updated periodically based on new health studies. California ambient standards tend to be at least as protective as national ambient standards and are often more stringent. For planning purposes, regions like the San Joaquin Valley Air Basin are given an air quality status designation by the federal and State regulatory agencies. Areas with monitored pollutant concentrations that are lower than ambient air quality standards are designated “attainment” on a pollutant-by-pollutant basis. When monitored concentrations exceed ambient standards within an air basin, it is designated “nonattainment” for that pollutant. US EPA designates areas as “unclassified” when insufficient data are available to determine the attainment status. These areas are typically considered to be in attainment of the standard.

## CRITERIA AIR POLLUTANTS AND THEIR HEALTH EFFECTS

The primary criteria air pollutants that would be emitted by the project include ozone (O<sub>3</sub>) precursors (NO<sub>x</sub> and ROG), carbon monoxide (CO), and suspended particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>). Other criteria pollutants, such as lead (Pb) and sulfur dioxide (SO<sub>2</sub>), would not be substantially emitted by the project or traffic, and air quality standards for them are being met throughout the San Joaquin Valley Air Basin. A description of each pollutant is provided below, as described by SJVAPCD<sup>3</sup> and the Bay Area Air Quality Management District.<sup>4</sup>

### Ozone (O<sub>3</sub>)

While O<sub>3</sub> serves a beneficial purpose in the upper atmosphere (stratosphere) by reducing ultraviolet radiation potentially harmful to humans, when it reaches elevated concentrations in the lower atmosphere (troposphere) it can be harmful to the human respiratory system and to sensitive species of plants. Ozone concentrations build to peak levels during periods of light winds, bright sunshine, and high temperatures. Short-term O<sub>3</sub> exposure can reduce lung function in children, make persons susceptible to respiratory infection, and produce symptoms that cause people to seek medical treatment for respiratory distress. Long-term exposure can impair lung defense mechanisms and lead to emphysema and chronic bronchitis. A healthy person exposed to high concentrations may become nauseated or dizzy, may develop headache or cough, or may experience a burning sensation in the chest.

Ozone is formed in the atmosphere by a complex series of photochemical reactions that involve “ozone precursors” that consist of two families of pollutants: oxides of nitrogen (NO<sub>x</sub>) and reactive organic gases (ROG). NO<sub>x</sub> and ROG are emitted from a variety of stationary and mobile sources. While NO<sub>2</sub>, an oxide of nitrogen, is another criteria pollutant itself, ROGs are not in that category, but are included in this discussion as O<sub>3</sub> precursors. In 2007, CARB adopted an 8-hour health-based standard for O<sub>3</sub> of 0.070 parts per million (ppm). The U.S. EPA revised the 8-hour NAAQS for O<sub>3</sub> from 0.080 ppm in 2008 and reduced it again in 2015 to 0.070 ppm<sup>5,6</sup>.

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<sup>3</sup> Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI) – Final Draft. SJVAPCD. 2015. March.

<sup>4</sup> Bay Area Air Quality Management District (BAAQMD). 2011. *BAAQMD CEQA Air Quality Guidelines*. May (updated May 2017). [http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa\\_guidelines\\_may2017-pdf.pdf?la=en](http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en)

<sup>5</sup> *The California Almanac of Emissions and Air Quality - 2013 Edition*. CARB. 2013

<sup>6</sup> U.S. EPA. 2017. *2008 National Ambient Air Quality Standards (NAAQS) for Ozone*. See <https://www.epa.gov/ozone-pollution/2008-national-ambient-air-quality-standards-naaqs-ozone>. Accessed 06/19/18.

**TABLE 1 Ambient Air Quality Standards<sup>7</sup>**

Pollutant	Averaging Time	California Standards Concentration	National Standards Concentration
Ozone	1-hour	0.09 ppm (180 µg/m <sup>3</sup> )	—
	8-hour	0.070 ppm (137 µg/m <sup>3</sup> )	0.070 ppm (137 µg/m <sup>3</sup> ) (3-year average of annual 4 <sup>th</sup> highest daily maxima)
Carbon Monoxide	8-hour	9.0 ppm (10,000 µg/m <sup>3</sup> )	9 ppm (10,000 µg/m <sup>3</sup> )
	1-hour	20 ppm (23,000 µg/m <sup>3</sup> )	35 ppm (40,000 µg/m <sup>3</sup> )
Nitrogen dioxide	Annual Average	0.030 ppm (57 µg/m <sup>3</sup> )	0.053 ppm (100 µg/m <sup>3</sup> )
	1-hour	0.18 ppm (339 µg/m <sup>3</sup> )	0.100 ppm (188 µg/m <sup>3</sup> ) (3-year average of annual 98 <sup>th</sup> percentile daily maxima)
Sulfur dioxide			
	24-hour	0.04 ppm (105 µg/m <sup>3</sup> )	—
	3-hour	—	0.5 ppm (1,300 µg/m <sup>3</sup> )
	1-hour	0.25 ppm (655 µg/m <sup>3</sup> )	0.075 ppm (196 µg/m <sup>3</sup> ) (3-year average of annual 99 <sup>th</sup> percentile daily maxima)
Respirable particulate matter (10 micron)	24-hour	50 µg/m <sup>3</sup>	150 µg/m <sup>3</sup>
	Annual Arithmetic Mean	20 µg/m <sup>3</sup>	—
Fine particulate matter (2.5 micron)	Annual Arithmetic Mean	12 µg/m <sup>3</sup>	12.0 µg/m <sup>3</sup> (3-year average)
	24-hour	—	35 µg/m <sup>3</sup> (3-year average of annual 98 <sup>th</sup> percentile daily concentrations)
Sulfates	24-hour	25 µg/m <sup>3</sup>	—
Lead	30-day	1.5 µg/m <sup>3</sup>	—
	3 Month Rolling Average	—	0.15 µg/m <sup>3</sup>
Source: CARB website, 12/1/16. SO <sub>2</sub> Federal 24 hour and annual standards are not applicable in the SJVAPCD. µg/m <sup>3</sup> = micrograms per cubic meter ppm = parts per million			

Carbon Monoxide (CO)

Carbon monoxide or CO is a colorless, odorless, poisonous gas. Carbon monoxide’s health effects are related to its affinity for hemoglobin in the blood. Exposure to high concentrations of CO reduces the oxygen-carrying capacity of the blood and can cause dizziness and fatigue, and causes reduced lung capacity, impaired mental abilities, and central nervous system function, and induces angina in persons with serious heart disease. Primary sources of CO in ambient air are exhaust emissions from on-road vehicles, such as passenger cars and light-duty trucks, and residential wood burning. The

<sup>7</sup> Source: California Air Resources Board (<http://www.arb.ca.gov>)

monitored CO levels in the Valley during the last 10 years have been well below ambient air quality standards.

### Nitrogen Dioxide (NO<sub>2</sub>)

The major health effect from exposure to high levels of NO<sub>2</sub> is the risk of acute and chronic respiratory disease. Nitrogen dioxide is a combustion by-product, but it can also form in the atmosphere by chemical reaction. Nitrogen dioxide is a reddish-brown colored gas often observed during the same conditions that produce high levels of O<sub>3</sub> and can affect regional visibility. Nitrogen dioxide is one compound in a group of compounds consisting of oxides of nitrogen (NO<sub>x</sub>). As described above, NO<sub>x</sub> is an O<sub>3</sub> precursor compound. Monitored levels of NO<sub>2</sub> in the Valley are below ambient air quality standards.

### Particulate Matter (PM)

Respirable particulate matter (PM<sub>10</sub>) and fine particulate matter (PM<sub>2.5</sub>) consist of particulate matter that is 10 microns or less in diameter and 2.5 microns or less in diameter, respectively. PM<sub>10</sub> and PM<sub>2.5</sub> represent fractions of particulate matter that can be inhaled and cause adverse health effects. PM<sub>10</sub> and PM<sub>2.5</sub> are a health concern, particularly at levels above the Federal and State ambient air quality standards. PM<sub>2.5</sub> (including diesel exhaust particles) is thought to have greater effects on health because minute particles can penetrate to the deepest parts of the lungs. Scientific studies have suggested links between fine particulate matter and numerous health problems including asthma, bronchitis, acute and chronic respiratory symptoms such as shortness of breath and painful breathing. Children are more susceptible to the health risks of PM<sub>2.5</sub> because their immune and respiratory systems are still developing. These fine particulates have been demonstrated to decrease lung function in children. Certain components of PM are linked to higher rates of lung cancer. Very small particles of certain substances (e.g., sulfates and nitrates) can also directly cause lung damage or can contain absorbed gases (e.g., chlorides or ammonium) that may be injurious to health.

Particulate matter in the atmosphere results from many kinds of dust- and fume-producing industrial and agricultural operations, fuel combustion, and atmospheric photochemical reactions. Some sources of particulate matter, such as mining and demolition and construction activities, are more local in nature, while others, such as vehicular traffic, have a more regional effect. In addition to health effects, particulates also can damage materials and reduce visibility. Dust comprised of large particles (diameter greater than 10 microns) settles out rapidly and is more easily filtered by human breathing passages. This type of dust is considered more of a soiling nuisance rather than a health hazard.

The current State PM<sub>10</sub> standard, approved in 2002, is 20 micrograms per cubic meter (µg/m<sup>3</sup>) for an annual average. The 24-hour average standard is 50 µg/m<sup>3</sup>. PM<sub>2.5</sub> standards were first promulgated by the U.S. EPA in 1997 and were revised in 2006 to lower the 24-hour PM<sub>2.5</sub> standard to 35 µg/m<sup>3</sup> for 24-hour exposures (Federal Register, Vol. 71, No. 10, January 17, 2006). That same action by U.S. EPA also revoked the annual PM<sub>10</sub> standard due to lack of scientific evidence correlating long-term exposures of ambient PM<sub>10</sub> with health effects. CARB has only

adopted an annual average PM<sub>2.5</sub> standard, which is set at 12 µg/m<sup>3</sup>. This is equal to the NAAQS of 12 µg/m<sup>3</sup>.<sup>8</sup>

## TOXIC AIR CONTAMINANTS

Besides the "criteria" air pollutants, there is another group of substances found in ambient air referred to as Hazardous Air Pollutants (HAPs) under the CAA and Toxic Air Contaminants (TACs) under the CCAA. These contaminants tend to be localized and are found in relatively low concentrations in ambient air. However, they can result in adverse chronic health effects if exposure to low concentrations occurs for long periods. They are regulated at the local, state, and federal level.

HAPs are the air contaminants identified by U.S. EPA as known or suspected to cause cancer, serious illness, birth defects, or death. Many of these contaminants originate from human activities, such as fuel combustion and solvent use. Mobile source air toxics (MSATs) are a subset of the 188 HAPs. Of the 21 HAPs identified by U.S. EPA as MSATs, a priority list of six priority HAPs was identified that include: diesel exhaust, benzene, formaldehyde, acetaldehyde, acrolein, and 1,3-butadiene. The Federal Highway Administration (FHWA) reports<sup>9</sup> that while vehicle miles traveled (VMT) in the United States is expected to increase by 64 percent over the period 2000 to 2020, emissions of MSATs are anticipated to decrease substantially as a result of efforts to control mobile source emissions (by 57 percent to 67 percent depending on the contaminant).

California developed a program under the Toxic Air Contaminant Identification and Control Act (Assembly Bill [AB] 1807, Tanner 1983), also known as the Tanner Toxics Act, to identify, characterize and control TACs. Subsequently, AB 2728 (Tanner, 1992) incorporated all 188 HAPs into the AB 1807 process. TACs include all HAPs plus other contaminants identified by CARB. These are a broad class of compounds known to cause morbidity or mortality (cancer risk). TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter (DPM) near a freeway). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, state, and federal level.

The Air Toxics "Hot Spots" Information and Assessment Act (AB 2588, 1987, Connelly) described by CARB,<sup>10</sup> was enacted in 1987, and requires stationary sources to report the types and quantities of certain substances routinely released into the air. The goals of the Air Toxics "Hot Spots" Act are to collect emission data, to identify facilities having localized impacts, to ascertain health risks, to notify nearby residents of significant risks, and to reduce those significant risks to acceptable levels.

Particulate matter from diesel exhaust is the predominant TAC in urban air and is estimated to represent about 70 percent of the cancer risk from TACs, based on the statewide average reported by CARB.<sup>11</sup> According to CARB, diesel exhaust is a complex mixture of gases, vapors, and fine

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<sup>8</sup> iADAM: *Air Quality Data Statistics*. CARB. 2016. <https://www.arb.ca.gov/adam/index.html>

<sup>9</sup> *Updated Interim Guidance on Mobile Source Air Toxic Analysis in NEPA Documents*. FHWA.2016. [https://www.fhwa.dot.gov/Environment/air\\_quality/air\\_toxics/policy\\_and\\_guidance/msat/](https://www.fhwa.dot.gov/Environment/air_quality/air_toxics/policy_and_guidance/msat/)

<sup>10</sup> *AB 2588 Air Toxics "Hot Spots" Program*. CARB. 2016. <https://www.arb.ca.gov/ab2588/ab2588.htm>

<sup>11</sup> *Overview: Diesel Exhaust and Health*. CARB. 2012. <https://www2.arb.ca.gov/resources/overview-diesel-exhaust-and-health>

particles. This complexity makes the evaluation of health effects of diesel exhaust a complex scientific issue. Some chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by CARB, and are listed as carcinogens either under State Proposition 65 or under the Federal Hazardous Air Pollutants programs.

CARB reports that recent air pollution studies have shown an association that diesel exhaust and other cancer-causing TACs emitted from vehicles are responsible for much of the overall cancer risk from TACs in California. Particulate matter emitted from diesel-fueled engines (DPM) was found to comprise much of that risk. In 1998, CARB formally identified DPM as a TAC. DPM is of particular concern since it can be distributed over large regions, thus leading to widespread public exposure. The particles emitted by diesel engines are coated with chemicals, many of which have been identified by U.S. EPA as HAPs, and by CARB as TACs. Most diesel exhaust particles (over 90 percent) consist of PM<sub>2.5</sub>, which are the particles that can be inhaled deep into the lung. Like other particles of this size, a portion will eventually become trapped within the lung possibly leading to adverse health effects. While the gaseous portion of diesel exhaust also contains TACs, CARB's 1998 action was specific to DPM, which accounts for much of the cancer-causing potential from diesel exhaust. California has adopted a comprehensive diesel risk reduction program to reduce DPM emissions 85 percent by 2020.<sup>12</sup> The EPA and CARB adopted low sulfur diesel fuel standards in 2006 that reduce DPM substantially.

Smoke from residential wood combustion can be a source of TACs. Wood smoke is typically emitted during winter when dispersion conditions are poor. Localized high TAC concentrations can result when cold stagnant air traps smoke near the ground and, with no wind the pollution can persist for many hours, especially in sheltered valleys during winter. Wood smoke also contains a significant amount of PM<sub>10</sub> and PM<sub>2.5</sub>. Wood smoke is an irritant and is implicated in worsening asthma and other chronic lung problems.

## **EXISTING AIR QUALITY**

As previously discussed, the San Joaquin Valley experiences poor air quality conditions, due primarily to elevated levels of ozone and particulate matter. CARB, in cooperation with SJVAPCD, monitors air quality throughout the San Joaquin Valley Air Basin. Monitoring data presented in Table 2 was derived for each pollutant based upon the closest monitoring station to the project site. The monitoring station in on 14<sup>th</sup> Street in Modesto measures ozone, PM<sub>10</sub> and PM<sub>2.5</sub>.

### *Ozone*

In California, ozone concentrations are generally lower near the coast regions than inland regions. The inland regions, such as the San Joaquin Valley, typically experience some of the higher ozone concentrations. This is because of the greater frequency of hot days (that is, higher temperatures) and stagnant air conditions (that is, very calm atmospheric conditions with very gentle winds) that are conducive to ozone formation. Many areas of the Valley lie downwind of urban areas that are sources of ozone precursor pollutants. Exceedances of the ozone standard occurred on 8 to 21 days per year, based on the last 3 years of available monitoring data.

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<sup>12</sup> *Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles*. CARB. 2000. October. <https://www.arb.ca.gov/diesel/documents/rrpFinal.pdf>

## Carbon Monoxide

State and federal standards for carbon monoxide are met throughout California as a result of cleaner vehicles and fuels that were reformulated in the 1990s. For CO, the 2012 monitored value of 2.2 ppm for an 8-hour average was used as the air basin maximum level.<sup>13</sup> Because CO levels are so low in the air basin, monitoring was discontinued after 2012.

**TABLE 2 Summary of Criteria Air Pollution Monitoring Data for San Joaquin County**

Pollutant	Standard	Monitored Values <sup>(1)</sup> and Exceedance Days		
		2017	2018	2019
Ozone (ppm) measured in Modesto	State 1-Hour	0.111 / 3	0.103 / 2	0.102 / 1
Ozone (ppm) measured in Modesto	State 8-Hour	0.098 / 21	0.091 / 13	0.083 / 8
Ozone (ppm) measured in Modesto	Federal 8-Hour	0.098 / 21	0.091 / 13	0.083 / 8
PM <sub>10</sub> (ug/m <sup>3</sup> ) measured in Modesto	State 24-Hour	128.9/ 58 <sup>(2)</sup>	236.4/ 44 <sup>(2)</sup>	315.6/ 41 <sup>(2)</sup>
PM <sub>10</sub> (ug/m <sup>3</sup> ) measured in Modesto	Federal 24-Hour	129.3/ 0 <sup>(2)</sup>	224.9/ 4 <sup>(2)</sup>	309.1/ 1 <sup>(2)</sup>
PM <sub>10</sub> (ug/m <sup>3</sup> ) measured in Modesto	State Annual	31.1 <sup>(2)</sup>	-- <sup>(2)</sup>	-- <sup>(2)</sup>
PM <sub>2.5</sub> (ug/m <sup>3</sup> ) measured in Modesto	Federal 24-Hour	74.5/ 25 <sup>(2)</sup>	189.8 / 21 <sup>(2)</sup>	34.4 / 0 <sup>(2)</sup>
PM <sub>2.5</sub> (ug/m <sup>3</sup> ) measured in Modesto	State Annual	12.9 <sup>(2)</sup>	15.2 <sup>(2)</sup>	7.7 <sup>(2)</sup>
PM <sub>2.5</sub> (ug/m <sup>3</sup> ) measured in Modesto	Federal Annual	12.8 <sup>(2)</sup>	15.2 <sup>(2)</sup>	7.7 <sup>(2)</sup>
Carbon Monoxide (ppm)	State/Fed.8-Hour	NA / -- <sup>(3)</sup>	NA / -- <sup>(3)</sup>	NA / -- <sup>(3)</sup>
Nitrogen Dioxide (ppm) measured in Stockton	State 1-Hour	0.06 / 0	0.07 / 0	0.06 / 0
Nitrogen Dioxide (ppm) measured in Stockton	Federal 1-Hour	0.059 / 0	0.067 / 0	0.059 / 0
Nitrogen Dioxide (ppm) measured in Stockton	State Annual	0.009	0.009	0.008

Note: (1) Monitored values are the high values considering the form of the applicable standard, (2) affected by firestorms, and (3) NA = not available in summaries, but last measured levels in 2012 were 2 ppm.

Source: CARB ADAM Data at <http://www.arb.ca.gov/adam/index.html>, Accessed 12/03/2020

## Particulate Matter (PM<sub>2.5</sub> and PM<sub>10</sub>)

Most areas of California have either 24-hour or annual PM<sub>10</sub> concentrations that exceed the State standards. Most urban areas exceed the State annual standard and the 2006 24-hour federal standard. In the San Joaquin Valley (S.J. Valley or Valley), there is a strong seasonal variation in PM, with higher PM<sub>10</sub> and PM<sub>2.5</sub> concentrations occurring in the fall and winter months. These higher concentrations are caused by increased activity for some emission sources and meteorological conditions that are conducive to the build-up of particulate matter. Industry and motor vehicles consistently emit particulate matter. Seasonal sources of particulate matter in the Valley include wildfires, agricultural activities, windblown dust, and residential wood burning. In

<sup>13</sup> iADAM: Air Quality Data Statistics. CARB. 2016.

California, area sources, which primarily consist of fugitive dust, account for the majority of directly emitted particulate matter. This includes dust from paved and unpaved roads. The CARB estimates that 85 percent of directly emitted PM<sub>10</sub> (and 66 percent of directly emitted PM<sub>2.5</sub>) is from area sources.<sup>14</sup> During the winter, the PM<sub>2.5</sub> size fraction makes up much of the total particulate matter concentrations. The major contributor to high levels of ambient PM<sub>2.5</sub> is the secondary formation of particulate matter caused by the reaction of NO<sub>x</sub> and ammonium to form ammonium nitrate. CARB estimates that the secondary portion of PM<sub>2.5</sub> makes up about 50 percent of the annual concentrations in the Valley. The Valley also records high PM<sub>10</sub> and PM<sub>2.5</sub> levels during the fall. During this season, both the coarse fraction (from dust) and the PM<sub>2.5</sub> fraction result in elevated PM<sub>2.5</sub> and PM<sub>10</sub> concentrations. Wildfires caused high particulate matter levels over the last 3 years. Measured PM<sub>2.5</sub> levels exceeded federal standards on 20 to 25 days per year. Measured PM<sub>10</sub> levels exceeded State standards on an estimated 41 to 58 days.

### *Other Pollutants*

Current and past air monitoring data indicate that the Valley meets ambient air quality standards for NO<sub>2</sub>, SO<sub>2</sub>, and lead. Monitoring of lead, sulphates, hydrogen sulfide and vinyl chloride is not routinely conducted by CARB in the air basin.<sup>15</sup>

### Air Quality Trends

Air quality in the Valley has improved significantly despite a natural low capacity for pollution, created by unique geography, topography, and meteorology. Emissions have been reduced at a rate similar or better than other areas in California. Since 1990, emissions of ozone precursors (i.e., NO<sub>x</sub> and ROG) reduced by 80 percent, resulting in much fewer days where ozone standards have been exceeded.<sup>16</sup> Direct emissions of PM<sub>10</sub> and PM<sub>2.5</sub> have been reduced by 10 to 13 percent.<sup>17</sup> As a result, the San Joaquin Valley is the first air basin that was previously classified as “serious nonattainment” under the NAAQS to come into attainment of the PM<sub>10</sub> standards.

## **ATTAINMENT STATUS**

Areas that do not violate ambient air quality standards are considered to have attained the standard. Violations of ambient air quality standards are based on air pollutant monitoring data and are judged for each air pollutant. The Valley as a whole does not meet State or federal ambient air quality standards for ground level O<sub>3</sub> and State standards for PM<sub>10</sub> and PM<sub>2.5</sub>. The attainment status for the Valley with respect to various pollutants of concern is described in Table 3.

Under the CAA, the U.S. EPA has classified the Air Basin as *extreme nonattainment* for the 8-hour O<sub>3</sub> standard. As mentioned earlier, the Air Basin has attained the NAAQS for PM<sub>10</sub>. The Air Basin is designated *nonattainment* for the older 1997 PM<sub>2.5</sub> NAAQS. U.S. EPA recently designated the Air Basin as nonattainment for the newer 2006 24-hour PM<sub>2.5</sub> standard. The U.S. EPA classifies the Air Basin as *attainment* or *unclassified* for all other air pollutants, which include CO and NO<sub>2</sub>.

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<sup>14</sup> 2016 Moderate Area Plan for the 2012 PM<sub>2.5</sub> Standard. SJVAPCD. 2016

<sup>15</sup> California Air Resources Board 2018 Annual Network Plan.

<sup>16</sup> 2016 Plan for the 2008 8-Hour Ozone Standard. CARB. 2016. June.

<sup>17</sup> The California Almanac of Emissions and Air Quality - 2013 Edition. CARB. 2013.

At the state level, the Air Basin is considered *severe nonattainment* for ground level O<sub>3</sub> and *nonattainment* for PM<sub>10</sub> and PM<sub>2.5</sub>. In general, California ambient air quality standards are more stringent than the national ambient air quality standards. The Air Basin is required to adopt plans on a triennial basis that show progress towards meeting the State O<sub>3</sub> standard. The Air Basin is considered *attainment* or *unclassified* for all other pollutants.

**TABLE 3 Project Area Attainment Status**

Pollutant	Federal Status	State Status
Ozone (O <sub>3</sub> ) – 1-Hour Standard	No Designation	Severe Nonattainment
Ozone (O <sub>3</sub> ) – 8-Hour Standard	Extreme Nonattainment	Nonattainment
Respirable Particulate Matter (PM <sub>10</sub> )	Attainment-Maintenance	Nonattainment
Fine Particulate Matter (PM <sub>2.5</sub> )	Nonattainment	Nonattainment
Carbon Monoxide (CO)	Attainment	Attainment
Nitrogen Dioxide (NO <sub>2</sub> )	Attainment	Attainment
Sulfur Dioxide (SO <sub>2</sub> )	Attainment	Attainment
Sulfates and Lead	No Designation	Attainment
Hydrogen Sulfide	No Designation	Unclassified
Visibility Reducing Particles	No Designation	Unclassified
Vinyl Chloride	No Designation	Attainment

## REGIONAL AIR QUALITY PLANS

In response to not meeting the NAAQS, the region is required to submit attainment plans to US EPA through the State, which are referred to as the SIP. These plans are provided on SJVAPCD’s website at [http://valleyair.org/Air\\_Quality\\_Plans/air-quality-plans.htm](http://valleyair.org/Air_Quality_Plans/air-quality-plans.htm).

CARB submitted the 2004 Extreme Ozone Attainment Demonstration Plan to EPA in 2004, which addressed the old 1-hour NAAQS. The region’s 2007 Ozone Plan, addressing the 8-hour ozone NAAQS, was submitted to US EPA and approved in March 2012. That plan predicts attainment of the standard throughout 90 percent of the district by 2020 and the entire district by 2024. To accomplish these goals, that plan would reduce NO<sub>x</sub> emissions by 75 percent and ROG emissions by 25 percent. A wide variety of control measures are included in these plans, such as reducing or offsetting emissions from construction and traffic associated with land use developments. The air basin was since designated as an extreme ozone nonattainment area for the more stringent 2008 8-hour ozone NAAQS. The 2016 Plan for the 2008 8-Hour Ozone Standard was adopted by SJVAPCD on June 16, 2016. Addressing the 2008 8-hour ozone standard will pose a tremendous challenge for the Valley, as NO<sub>x</sub> emissions will need to be reduced by 60 percent to bring the Valley into attainment of EPA’s 2008 8-hour ozone standard. SJVAPCD’s 2016 Ozone Plan received EPA’s final approval or conditional approval of all portions of the plan in 2019. EPA found that sufficient quantified emissions reductions are identified in the plan without including

unquantified emissions reductions such as those related to the “further study” of Rule 4694 that controls emissions from winery activities (fermentation and storage of wines).

On April 25, 2008, US EPA proposed to approve the 2007 PM<sub>10</sub> Maintenance Plan and Request for Re-designation. The region now meets the NAAQS for PM<sub>10</sub>. The SJVAPCD adopted the 2008 PM<sub>2.5</sub> Plan on April 30, 2008. US EPA has designated the basin as Attainment.

The SJVAPCD adopted the 2018 Plan for the 1997, 2006 and 2012 PM<sub>2.5</sub> Standards on November 15, 2018. This plan was approved by CARB on January 24, 2019. This plan demonstrates attainment of the federal PM<sub>2.5</sub> standards as expeditiously as practicable. The plan uses control measures to reduce NO<sub>x</sub>, which also leads to fine particulate formation in the atmosphere. The plan incorporates measures to reduce direct emissions of PM<sub>2.5</sub>, including a strengthening of regulations for various SJVAB industries and the general public through new rules and amendments. The plan increases controls on residential wood-burning activities.

Both the ozone and PM<sub>2.5</sub> plans include all measures (i.e., federal, state, and local) that would be implemented through rule making or program funding to reduce air pollutant emissions. Transportation Control Measures (TCMs) are part of these plans. The plans described above addressing ozone also meet the state planning requirements.

## **SJVAPCD RULES AND REGULATIONS**

The SJVAPCD has adopted rules and regulations that apply to land use projects, such as the proposed project. These are described below.

### SJVAPCD Indirect Source Review Rule<sup>18</sup>

In 2005, the SJVAPCD adopted Rule 9510 Indirect Source Review (ISR or Rule 9510) to reduce NO<sub>x</sub> and PM<sub>10</sub> emissions from new land use development projects. The rule, which became effective March 1, 2006, is the result of state requirements outlined in the region’s portion of the State Implementation Plan (SIP). Rule 9510 was amended in December 2017 (and became effective March 21, 2018) to ensure that all large development projects are subject to the rule. The SJVAPCD’s SIP commitments are contained in the 2004 Extreme Ozone Attainment Demonstration Plan and the 2003 PM<sub>10</sub> Plan. These plans identified the need to reduce PM<sub>10</sub> and NO<sub>x</sub> substantially to attain and maintain the ambient air-pollution standards on schedule.

New projects that would generate substantial air pollutant emissions are subject to this rule. The rule requires projects to mitigate both construction and operational period emissions by applying the SJVAPCD-approved mitigation measures and paying fees to support programs that reduce emissions. The rule requires mitigated exhaust emissions during construction based on the following levels:

- 20 percent reduction from unmitigated baseline in total NO<sub>x</sub> exhaust emissions
- 45 percent reduction from unmitigated baseline in total PM<sub>10</sub> exhaust emissions

For operational emissions, Rule 9510 requires the following reductions:

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<sup>18</sup> Rule 9510 Indirect Source Review (ISR) (Adopted December 15, 2005; Amended December 21, 2017, but not in effect until March 21, 2018). SJVAPCD. <http://www.valleyair.org/rules/currnrules/r9510-a.pdf>

- 33.3 percent of the total operational NO<sub>x</sub> emissions from unmitigated baseline
- 50 percent of the total operational PM<sub>10</sub> exhaust emissions from unmitigated baseline

Fees apply to the unmitigated portion of the emissions and are based on estimated costs to reduce the emissions from other sources plus estimated costs to cover administration of the program. In accordance with ISR, the project applicant will submit an application for approval of an Air Impact Assessment (AIA) to the SJVAPCD.

### Regulation VIII – Fugitive PM<sub>10</sub>

SJVAPCD controls fugitive PM<sub>10</sub> through Regulation VIII (Fugitive PM<sub>10</sub> Prohibitions). The purpose of this regulation is to reduce ambient concentrations of PM<sub>10</sub> by requiring actions to prevent, reduce or mitigate anthropogenic (human caused) fugitive dust emissions. This applies to activities such as construction, bulk materials, open areas, paved and unpaved roads, material transport, and agricultural areas. Sources regulated are required to provide dust control plans that meet the regulation requirements. Fees are collected by SJVAPCD to cover costs for reviewing plans and conducting field inspections.

SJVAPCD regulates the emissions of organic compounds (i.e., ROG) from gasoline dispensing stations through Regulation IV, Rule 4622. This rule requires the facility to install enhanced vapor recovery (EVR systems). This project would be required to install CARB-certified Phase-I and Phase-II vapor recovery equipment. A Health Risk Assessment (HRA) is required by SJVAPCD since the annual benzene emissions, a TAC, would exceed the District's TAC risk triggering levels.

### Other SJVAPCD Rules

Other SJVAPCD Rules and Regulations that may be applicable to the project include, but are not limited to:

- Rule 4101 (Visible Emissions): The purpose of this rule is to prohibit the emissions of visible air contaminants to the atmosphere. The provisions of this rule apply to any source operation which emits or may emit air contaminants.
- Rule 4102 (Nuisance): The purpose of this rule is to protect the health and safety of the public and applies to any source operation that emits or may emit air contaminants or other materials.
- Rule 4601 (Architectural Coatings): The purpose of this rule is to limit Volatile Organic Compounds (VOC) emissions from architectural coatings. Emissions are reduced by limits on VOC content and providing requirements on coatings storage, cleanup, and labeling.
- Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations): The purpose of this rule is to limit VOC emissions from asphalt paving and maintenance operations. Paving operations will be subject to Rule 4641.
- Rule 4692 (Commercial Charbroilers): The purpose of this rule is to reduce emissions from chain-driven charbroilers. Chain-driven charbroilers are required to be equipped and operated with a certified catalytic oxidizer control device. Underfired charbroilers are subject to reporting and registration requirements. The proposed fast-food restaurant may utilize a charbroiler, however, for the purposes of this analysis, it was assumed the restaurant would use a Flat Griddle.

The Air District is anticipated to provide a determination of applicable rules/regulations to the project when specific building, grading, etc. plans are provided to the Air District prior to initiation of construction- and operation-related activities that fall within the purview of the Air District's regulatory authority.

## **SENSITIVE RECEPTORS**

“Sensitive receptors” are defined as facilities where sensitive population groups, such as children, the elderly, the acutely ill, and the chronically ill, are likely to be located. Land uses that include sensitive receptors are residences, schools, playgrounds, childcare centers, retirement homes, convalescent homes, hospitals, and medical clinics. The nearest receptors consist of residences located across Arborwood Drive from the site, to the southeast. The closest sensitive receptors are the Modesto Christian School and Little Hearts Preschool and Childcare. Both are approximately one mile to the east of the project site.

## **GREENHOUSE GASES (GHGs)**

Gases that trap heat in the atmosphere, Greenhouse gases (GHGs), regulate the earth's temperature. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate. The most common GHGs are carbon dioxide (CO<sub>2</sub>) and water vapor but there are also several others, most importantly methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF<sub>6</sub>). These are released into the earth's atmosphere through a variety of natural processes and human activities. Sources of GHGs are generally as follows:

- CO<sub>2</sub> and N<sub>2</sub>O are byproducts of fossil fuel combustion.
- N<sub>2</sub>O is associated with agricultural operations such as fertilization of crops.
- CH<sub>4</sub> is commonly created by off-gassing from agricultural practices (e.g., keeping livestock) and landfill operations.
- Chlorofluorocarbons (CFCs) were widely used as refrigerants, propellants, and cleaning solvents but their production has been stopped by international treaty.
- HFCs are now used as a substitute for CFCs in refrigeration and cooling.
- PFCs and sulfur hexafluoride emissions are commonly created by industries such as aluminum production and semi-conductor manufacturing.

Each GHG has its own potency and effect upon the earth's energy balance. This is expressed in terms of a global warming potential (GWP), with CO<sub>2</sub> being assigned a value of 1 and sulfur hexafluoride being several orders of magnitude stronger. In GHG emission inventories, the weight of each gas is multiplied by its GWP and is measured in units of CO<sub>2</sub> equivalents (CO<sub>2</sub>e).

An expanding body of scientific research supports the theory that global climate change is currently affecting changes in weather patterns, average sea level, ocean acidification, chemical reaction rates, and precipitation rates, and that it will increasingly do so in the future. The climate and several naturally occurring resources within California are adversely affected by the global warming trend. Increased precipitation and sea level rise will increase coastal flooding, saltwater intrusion, and degradation of wetlands. Mass migration and/or loss of plant and animal species could also occur. Potential effects of global climate change that could adversely affect human health include more extreme heat waves and heat-related stress; an increase in climate-sensitive

diseases; more frequent and intense natural disasters such as flooding, hurricanes and drought; wildfires and increased levels of air pollution.

### ***Recent Regulatory Actions***

#### *Assembly Bill 32 (AB 32), California Global Warming Solutions Act (2006)*

AB 32, the Global Warming Solutions Act of 2006, codified the State's GHG emissions target by directing CARB to reduce the State's global warming emissions to 1990 levels by 2020. AB 32 was signed and passed into law by Governor Schwarzenegger on September 27, 2006. Since that time, the CARB, California Energy Commission (CEC), California Public Utilities Commission (CPUC), and Building Standards Commission have all been developing regulations that will help meet the goals of AB 32 and Executive Order S-3-05.

A Scoping Plan for AB 32 was adopted by CARB in December 2008. It contains the State's main strategies to reduce GHGs from business-as-usual emissions projected in 2020 back down to 1990 levels. Business-as-usual (BAU) is the projected emissions in 2020, including increases in emissions caused by growth, without any GHG reduction measures. The Scoping Plan has a range of GHG reduction actions, including direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, and market-based mechanisms such as a cap-and-trade system.

As directed by AB 32, CARB has also approved a statewide GHG emissions limit. On December 6, 2007, CARB staff resolved an amount of 427 million metric tons (MMT) of CO<sub>2</sub>e as the total statewide GHG 1990 emissions level and 2020 emissions limit. The limit is a cumulative statewide limit, not a sector- or facility-specific limit. CARB updated the future 2020 BAU annual emissions forecast, in light of the economic downturn, to 545 MMT of CO<sub>2</sub>e. Two GHG emissions reduction measures currently enacted that were not previously included in the 2008 Scoping Plan baseline inventory were included, further reducing the baseline inventory to 507 MMT of CO<sub>2</sub>e. Thus, an estimated reduction of 80 MMT of CO<sub>2</sub>e is necessary to reduce statewide emissions to meet the AB 32 target by 2020.

#### *Senate Bill 375, California's Regional Transportation and Land Use Planning Efforts (2008)*

California enacted legislation (SB 375) to expand the efforts of AB 32 by controlling indirect GHG emissions caused by urban sprawl. SB 375 provides incentives for local governments and applicants to implement new conscientiously planned growth patterns. This includes incentives for creating attractive, walkable, and sustainable communities and revitalizing existing communities. The legislation also allows applicants to bypass certain environmental reviews under CEQA if they build projects consistent with the new sustainable community strategies. Development of more alternative transportation options that would reduce vehicle trips and miles traveled, along with traffic congestion, would be encouraged. SB 375 enhances CARB's ability to reach the AB 32 goals by directing the agency in developing regional GHG emission reduction targets to be achieved from the transportation sector for 2020 and 2035. CARB works with the metropolitan planning organizations to align their regional transportation, housing, and land use plans to reduce vehicle miles traveled and demonstrate the region's ability to attain its GHG reduction targets.

### *SB 350 Renewable Portfolio Standards*

In September 2015, the California Legislature passed SB 350, which increases the states Renewables Portfolio Standard (RPS) for content of electrical generation from the 33 percent target for 2020 to a 50 percent renewables target by 2030.

### *Executive Order EO-B-30-15 (2015) and SB 32 GHG Reduction Targets*

In April 2015, Governor Brown signed Executive Order which extended the goals of AB 32, setting a greenhouse gas emissions target at 40 percent of 1990 levels by 2030. On September 8, 2016, Governor Brown signed SB 32, which legislatively established the GHG reduction target of 40 percent of 1990 levels by 2030. In November 2017, CARB issued *California's 2017 Climate Change Scoping Plan*. While the State is on track to exceed the AB 32 scoping plan 2020 targets, this plan is an update to reflect the enacted SB 32 reduction target.

SB 32 was passed in 2016, which codified a 2030 GHG emissions reduction target of 40 percent below 1990 levels. CARB is currently working on a second update to the Scoping Plan to reflect the 2030 target set by Executive Order B-30-15 and codified by SB 32. The proposed Scoping Plan Update was published on January 20, 2017 as directed by SB 32 companion legislation AB 197. The mid-term 2030 target is considered critical by CARB on the path to obtaining an even deeper GHG emissions target of 80 percent below 1990 levels by 2050, as directed in Executive Order S-3-05. The Scoping Plan outlines the suite of policy measures, regulations, planning efforts, and investments in clean technologies and infrastructure, providing a blueprint to continue driving down GHG emissions and obtain the statewide goals.

The new Scoping Plan establishes a strategy that will reduce GHG emissions in California to meet the 2030 target (note that the AB 32 Scoping Plan only addressed 2020 targets and a long-term goal). Key features of this plan are:

- Cap and Trade program places a firm limit on 80 percent of the State's emissions;
- Achieving a 50-percent Renewable Portfolio Standard by 2030 (currently at about 29 percent statewide);
- Increase energy efficiency in existing buildings;
- Develop fuels with an 18-percent reduction in carbon intensity;
- Develop more high-density, transit-oriented housing;
- Develop walkable and bikeable communities;
- Greatly increase the number of electric vehicles on the road and reduce oil demand in half;
- Increase zero-emissions transit so that 100 percent of new buses are zero emissions;
- Reduce freight-related emissions by transitioning to zero emissions where feasible and near-zero emissions with renewable fuels everywhere else; and
- Reduce "super pollutants" by reducing methane and hydrofluorocarbons or HFCs by 40 percent.

In the updated Scoping Plan, CARB recommends statewide targets of no more than 6 metric tons CO<sub>2e</sub> per capita (statewide) by 2030 and no more than 2 metric tons CO<sub>2e</sub> per capita by 2050. The statewide per capita targets account for all emissions sectors in the State, statewide population

forecasts, and the statewide reductions necessary to achieve the 2030 statewide target under SB 32 and the longer-term State emissions reduction goal of 80 percent below 1990 levels by 2050.

### ***GHG Emissions***

The U.S. EPA reported that in 2017, total gross nationwide GHG emissions were 6,457 MMT. These emissions were lower than peak levels of 7,370 MMT that were emitted in 2008. Relative to 1990 levels, these emissions were CARB updates the statewide GHG emission inventory on an annual basis where the latest inventory includes 2000 through 2017 emissions.<sup>19</sup> In 2017, GHG emissions from statewide emitting activities were 424 MMT. The 2017 emissions have decreased by 14 percent since peak levels in 2004 and are 7 MMT below the 1990 emissions level and the State's 2020 GHG limit. Per capita GHG emissions in California have dropped from a 2001 peak of 14.1 MT per person to 10.7 MT per person in 2017. The most recent Bay Area emission inventory was completed for the year 2011.<sup>20</sup> The Stanislaus County regional GHG emission were 6 MMT in 2005<sup>21</sup>. As a point of comparison, statewide emissions were about 483 MMT in 2011.

### ***California Green Building Standards Code***

The 2016 California Green Building Standards Code (CALGreen Code) went into effect on January 1, 2017, and includes mandatory provisions applicable to all new residential, commercial, and school buildings. The intent of the CALGreen Code is to establish minimum statewide standards to significantly reduce the greenhouse gas emissions from new construction. The Code includes provisions to reduce water use, wastewater generation, and solid waste generation, as well as requirements for bicycle parking and designated parking for fuel-efficient and carpool/vanpool vehicles in commercial development. The code also requires mandatory inspections of building energy systems for non-residential buildings over 10,000 square feet to ensure that they are operating at their design efficiencies. It is the intent of the CALGreen Code that buildings constructed pursuant to the Code achieve at least a 15 percent reduction in energy usage when compared to the State's mandatory energy efficiency standards contained in Title 24. The Code also sets limits on VOCs (volatile organic compounds) and formaldehyde content of various building materials, architectural coatings, and adhesives.

### ***San Joaquin Valley Air Pollution Control District***

In August 2008, the SJVAPCD adopted the Climate Change Action Plan (CCAP). The goals of the CCAP are to establish the Air District's processes for assessing the significance of project specific GHG impacts for projects permitted by the District; assist local land use agencies, developers, and the public by identifying and quantifying GHG emission reduction measures for development

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<sup>19</sup> CARB. 2019. *2019 Edition, California Greenhouse Gas Emission Inventory: 2000 – 2017*. Available at [https://ww3.arb.ca.gov/cc/inventory/pubs/reports/2000\\_2017/ghg\\_inventory\\_trends\\_00-17.pdf](https://ww3.arb.ca.gov/cc/inventory/pubs/reports/2000_2017/ghg_inventory_trends_00-17.pdf).

<sup>20</sup> BAAQMD. 2015. *Bay Area Emissions Inventory Summary Report: Greenhouse Gases Base Year 2011*. January. Available at [http://www.baaqmd.gov/~media/files/planning-and-research/emission-inventory/by2011\\_ghgsummary.pdf](http://www.baaqmd.gov/~media/files/planning-and-research/emission-inventory/by2011_ghgsummary.pdf) accessed Nov. 26, 2019.

<sup>21</sup> ICF. 2013. Stanislaus Countywide Regional Community Greenhouse Gas Inventory. July. See <https://www.stancounty.com/planning/pl/StanRST-Docs/County/STANISLAUS%20COUNTY%20GHG%20REPORT.pdf>

projects, and by providing tools to streamline evaluation of project specific GHG effects; ensure that collateral emissions from GHG emission reduction projects do not adversely impact public health or environmental justice communities in the Valley; and assist Valley businesses in complying with state law related to GHG emission reduction. In particular, the CCAP directed the SJVAPCD's Air Pollution Control Officer to develop guidance to assist Air District staff, Valley businesses, land use agencies, and other permitting agencies in addressing GHG emissions as part of the CEQA process. Pursuant to this directive, on December 17, 2009, SJVAPCD adopted *Guidance for Valley Land-Use Agencies in Addressing GHG Emissions Impacts for New Projects under CEQA* (described below). The CCAP also directs Air District staff to investigate and develop a greenhouse gas banking program, enhance the existing emissions inventory process to include greenhouse gas emissions reporting consistent with new state requirements, and administer voluntary greenhouse gas emission reduction agreements.

### ***SJVAPCD's Guidance for Addressing GHG Emissions Impacts under CEQA***

Under its mandate to provide local agencies with assistance in complying with CEQA in climate change matters, the SJVAPCD developed its *Guidance for Valley Land-Use Agencies in Addressing GHG Emissions Impacts for New Projects under CEQA*. As a general principal to be applied in determining whether a proposed project would be deemed to have a less-than-significant impact on global climate change, a project must be in compliance with an approved GHG emission reduction plan that is supported by a CEQA-compliant environmental document or be determined to have reduced or mitigated GHG emissions by 29 percent relative to Business-As-Usual conditions, consistent with GHG emission reduction targets established in ARB's Scoping Plan for AB 32 implementation. The SJVAPCD guidance is intended to streamline the process of determining if project specific GHG emissions would have a significant effect. The proposed approach relies on the use of performance-based standards and their associated pre-quantified GHG emission reduction effectiveness (Best Performance Standards, or BPS). Establishing BPS is intended to help project proponents, lead agencies, and the public by proactively identifying effective, feasible mitigation measures. Emission reductions achieved through implementation of BPS would be pre-quantified, thus reducing the need for project specific quantification of GHG emissions. For land use development projects, BPS would include emissions reduction credits for such project features as bicycle racks, pedestrian access to public transit, and so forth. However, these features do not provide meaningful reductions from gasoline dispensing facilities. Projects implementing a sufficient level of BPS would be determined to have a less-than-significant individual and cumulative impact on global climate change and would not require project specific quantification of GHG emissions. For all projects for which the lead agency has determined that an Environmental Impact Report is required, quantification of GHG emissions would be required whether or not the project incorporates BPS. SJVAPCD's guidance document does not constitute a rule or regulation but is intended for use by other agencies in their assessment of the significance of project impacts to global climate change under CEQA.

# IMPACT ANALYSIS

## STANDARDS OF SIGNIFICANCE

Appendix G, of the California Environmental Quality Act (CEQA) Guidelines (Environmental Checklist) contains a list of project effects that may be considered significant. The project would result in a significant impact if it would:

- Conflict with or obstruct implementation of the applicable air quality plan;
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is a nonattainment area for an applicable federal or state ambient air quality standard;
- Expose sensitive receptors to substantial pollutant concentrations;
- Result in other emissions (such as those leading to odors) affecting a substantial number of people;
- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant effect on the environment; or
- Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

The SJVAPCD has developed the Guide for Assessing and Mitigating Air Quality Impacts (SJVAPCD 2015), also known as the GAMAQI. The following thresholds of significance, obtained from the SJVAPCD's GAMAQI, are used to determine whether a proposed project would result in a significant air quality impact:

- 1) Construction Emissions of PM. Construction projects are required to comply with Regulation VIII as listed in the SJVAPCD. However, the size of the project and the proximity to sensitive receptors may warrant additional measures.
- 2) Criteria Air Pollutant Emissions. SJVAPCD current adopted thresholds of significance for criteria pollutant emissions and their application is presented in Table 4. These thresholds address both construction and operational emissions. Note that the District treats permitted equipment and activities separately. The project is not considered a source of SO<sub>x</sub> emissions and would have relatively low CO emissions.
- 3) Ambient Air Quality. Emissions that are predicted to cause or contribute to a violation of an ambient air quality would be considered a significant impact. SJVAPCD recommends that dispersion modeling be conducted for construction or operation when on-site emissions exceed 100 pounds per day after implementation of all mitigation measures.
- 4) Local CO Concentrations. Traffic emissions associated with the proposed project would be considered significant if the project contributes to CO concentrations at receptor locations in excess of the ambient air quality standards.
- 5) Toxic Air Contaminants or Hazardous Air Pollutants. Exposure to HAPs or TACs would be considered significant if the probability of contracting cancer for the Maximally Exposed Individual would exceed 20 in 1 million or would result in a Hazard Index greater than 1 for non-cancer health effects.

- 6) Odors. Odor impacts associated with the proposed project would be considered significant if the project has the potential to frequently expose members of the public to objectionable odors through development of a new odor source or placement of receptors near an existing odor source.
- 7) Greenhouse Gases (GHGs). In SJVAPCD’s *Guidance for Valley Land-Use Agencies in Addressing GHG Emissions Impacts for New Projects Under CEQA*, the District establishes a requirement that land use development projects demonstrate a 29 percent reduction in GHG emissions from Business-As-Usual (BAU).
- 8) With respect to cumulative air quality impacts, the GAMAQI provides that any proposed project that would individually have a significant air quality impact (i.e., exceed significance thresholds for criteria pollutants ROG, NO<sub>x</sub>, or PM<sub>10</sub>) would also be considered to have a significant cumulative impact. In cases where project emissions are all below the applicable significance thresholds, a project may still contribute to a significant cumulative impact if there are other projects nearby whose emissions would combine with project emissions to result in an exceedance of one or more significance thresholds for criteria pollutants.

**TABLE 4 SJVAPCD Air Quality Thresholds of Significance – Criteria Pollutant Emission Levels in Tons Per Year**

Pollutant/Precursor	Construction Emissions	Operational Emissions	
		Permitted Equipment and Activities	Non-Permitted Equipment and Activities
Carbon Monoxide (CO)	100	100	100
Nitrogen Oxides (NO <sub>x</sub> )	10	10	10
Reactive Organic Gases (ROG)	10	10	10
Sulfur Dioxide (SO <sub>x</sub> )	27	27	27
Particulate Matter – PM <sub>10</sub>	15	15	15
Particulate Matter – PM <sub>2.5</sub>	15	15	15

Source: San Joaquin Valley Air Pollution Control District, GAMAQI, Page 80, Table 2 or website at <http://www.valleyair.org/transportation/0714-GAMAQI-Criteria-Pollutant-Thresholds-of-Significance.pdf>.

## AIR QUALITY IMPACTS

Project-related air quality impacts fall into two categories: short-term impacts due to construction, and long-term impacts due to the proposed project operation. During construction, the proposed project would affect local particulate concentrations primarily due to fugitive dust sources and contribute to ozone and PM<sub>10</sub>/PM<sub>2.5</sub> levels due to exhaust emissions. Over the long-term, the proposed project would result in an increase in emissions of particulate matter from commercial cooking operations and an increase in ozone precursors such as total organic gases (TOG), reactive organic gases (ROG), and NO<sub>x</sub>, primarily due to increased motor vehicle trips (employee trips, site deliveries, and onsite maintenance activities).

**Impact 1:** Construction Dust. Construction activity involves a high potential for the emission of fugitive particulate matter emissions that would affect local air quality. This would be *less-than-significant* with implementation of Regulation VIII.

Construction activities would temporarily affect local air quality, causing a temporary increase in particulate dust and other pollutants. Dust emission during periods of construction would increase particulate concentrations at neighboring properties. This impact is potentially significant, but normally it can be mitigated.

The Project construction activities are anticipated to take place over an approximate 13-month period beginning in Fall 2021 and concluding in Fall 2022. Site preparation and disturbance (e.g., vehicle travel on exposed areas) would likely result in the greatest emissions of dust and PM<sub>10</sub>/PM<sub>2.5</sub>. Windy conditions during construction could cause substantial emissions of PM<sub>10</sub>/PM<sub>2.5</sub>.

The SJVAPCD's GAMAQI, emphasizes implementation of effective and comprehensive control measures. SJVAPCD adopted a set of PM<sub>10</sub> fugitive dust rules collectively called Regulation VIII. This regulation essentially prohibits the emissions of visible dust (limited to 20-percent opacity) and requires that disturbed areas or soils be stabilized. Compliance with Regulation VIII during the construction phase of the proposed project would be required. Prior to construction of each project phase, the applicant would be required to submit a dust control plan that meets the regulation requirements. These plans are reviewed by SJVAPCD and construction cannot begin until District approval is obtained. The provisions of Regulation VIII and its constituent rules pertaining to construction activities generally require:

- Effective dust suppression (e.g., watering) for land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill and demolition activities.
- Effective stabilization of all disturbed areas of a construction site, including storage piles, not used for seven or more days.
- Control of fugitive dust from on-site unpaved roads and off-site unpaved access roads.
- Removal of accumulations of mud or dirt at the end of the workday or once every 24 hours from public paved roads, shoulders, and access ways adjacent to the site.
- Cease outdoor construction activities that disturb soils during periods with high winds.
- Record keeping for each day dust control measures are implemented.
- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Landscape or replant vegetation in disturbed areas as quickly as possible.
- Prevent the tracking of dirt on public roadways. Limit access to the construction sites, so tracking of mud or dirt on to public roadways can be prevented. If necessary, use wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.
- Suspend grading activity when winds (instantaneous gusts) exceed 25 mph or dust clouds cannot be prevented from extending beyond the site.

Anyone who prepares or implements a Dust Control Plan must attend a training course conducted by the District. Construction sites are subject to SJVAPCD inspections under this regulation. Compliance with Regulation VIII, including the effective implementation of a Dust Control Plan that has been reviewed and approved by the SJVAPCD, would reduce dust and PM<sub>10</sub> emissions to a *less-than-significant* level.

**Impact 2:**     Construction Emissions. Equipment and vehicle trips associated with construction would emit ozone precursors (i.e., ROG and NO<sub>x</sub>) and particulate matter air

pollutants on a temporary basis. Construction emissions would be below the GAMAQI significance threshold. This would be a *less-than-significant* impact.

Construction equipment exhaust effects air quality both locally and regionally. Emissions of DPM, a TAC, can affect local air quality. This impact is discussed under Impact 5. Emissions of air pollutants that could affect regional air quality were addressed by modeling emissions using the California Emissions Estimator Model (CalEEMod 2016.3.2 model) with project construction information and comparing them to the SJVAPCD significance thresholds. CalEEMod was developed by the South Coast Air Quality Management District (SCAQMD) with input from the other California Air Districts. SJVAPCD recommends the use of this model for construction and operational analysis of land use development projects. The model predicts emissions of ROG and NO<sub>x</sub> and particulate matter (i.e., PM<sub>10</sub> and PM<sub>2.5</sub>).

The construction build-out scenario was developed based on the default assumptions assigned by CalEEMod for construction of the project as described in Table 5. The emissions computed by CalEEMod for this assessment address use of construction equipment, worker vehicle travel, on-site vehicle and truck use, and off-site truck travel by vendors or equipment/material deliveries. Both criteria air pollutant exhaust and fugitive dust (i.e., PM<sub>10</sub> and PM<sub>2.5</sub>) were computed by CalEEMod. Note that the unmitigated CalEEMod modeling does not include the effects of SJVAPCD Regulation VIII that would substantially reduce fugitive PM<sub>10</sub> and PM<sub>2.5</sub> emissions. *Attachment 1* includes the CalEEMod modeling outputs for construction and operational emissions.

**TABLE 5 CalEEMod Inputs**

Land Uses	Size	Metric	Lot Acreage
Convenience Market with Gas Pumps	4.5	1,000 sf	2.04
Fast Food Restaurant with Drive-Thru	3.25	1,000 sf	0.0
Retail (Strip Mall Type)	2.31	1,000 sf	0.0
Parking Lot	34	Spaces	0.0
Mini Storage (Unrefrigerated Warehouse-No Rail)	62.34	1,000 sf	3.62
Other Asphalt Surfaces	157.1	1,000 sf	0.0

Construction trip emissions were estimated using CalEEMod trip quantities, CalEEMod trip lengths, and emissions factors from CARB’s Emission FACTors 2017 (EMFAC2017) model. The latest version of the CalEEMod model is based on the older version of the CARB’s EMFAC2014 motor vehicle emission factor model and was replaced by the EMFAC2017 model. However, CalEEMod has not been updated to include EMFAC2017. Therefore, construction traffic information from CalEEMod was combined with EMFAC2017 motor vehicle emissions factors to estimate construction site trip emissions.

Unmitigated and uncontrolled emissions from all phases of construction are reported in Table 6. The project would be constructed within a 13-month period over two calendar years (2021 and 2022). Therefore, both the calendar year and total project emissions are compared to the significance thresholds in Table 6. As shown, unmitigated construction emissions would not

exceed the applicable SJVAPCD thresholds. Total PM<sub>10</sub> emissions include both exhaust emissions and fugitive dust.

The SJVAPCD Indirect Source Review Rule (Rule 9510) applies to construction of the proposed Project. Regardless of whether a project’s construction emissions of regional pollutants would exceed the Air District’s significance thresholds for each pollutant, the project is still required to comply with Rule 9510, to ensure that the project contributes its fair share of emissions reductions to achieve the basin-wide reduction targets established in the Air District’s Ozone and PM attainment plans. Rule 9510 requires that the project reduce uncontrolled construction exhaust emissions by 20 percent for NO<sub>x</sub> and 45 percent for PM<sub>10</sub> from calculated unmitigated levels. The basis for the reductions is use of the CalEEMod emissions for statewide construction fleets. Use of newer equipment could result in substantially lower emissions. SJVAPCD encourages reductions through on-site mitigation measures. (Note: The use of the term “mitigation” under Rule 9510 does not refer to mitigation of impacts under CEQA (i.e., the ISR emission reduction percentages are required without regard to whether the CEQA emissions thresholds are exceeded or not.) Fees to purchase or sponsor off-site reductions through SJVAPCD apply when on-site mitigation measures do not achieve the required percentage of emissions reduction. Using less-polluting construction equipment, such as newer equipment or retrofitting older equipment reduces construction emissions on-site. A combination of on-site and off-site measures can be implemented to meet the overall emission reduction requirements. The emissions reported in Table 6 do not include the reductions required by Rule 9510.

**TABLE 6 Uncontrolled Annual Construction Emissions in Tons per Year \***

<b>Construction Year</b>	<b>ROG</b>	<b>NO<sub>x</sub></b>	<b>CO</b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>
2021	0.15	1.43	1.10	0.37	0.21
2022	0.73	1.81	2.06	0.22	0.10
TOTAL	0.88	3.24	3.16	0.59	0.31
<i>Significance thresholds</i>	10	10	100	15	15
<i>Exceed Threshold?</i>	No	No	No	No	No

\* Values reported for PM<sub>10</sub> and PM<sub>2.5</sub> include fugitive dust and diesel exhaust emissions combined. Fugitive dust emissions do not include the effect of measures implemented under Regulation VIII or required by the Stanislaus County.

**Mitigation Measure AQ-1:** All off-road diesel construction equipment greater than 25 horsepower and operating at the site for more than 20 hours shall at a minimum meet U.S. EPA Tier 3 engine standards with Level 3 particulate filtration. Use of equipment with U.S. EPA Tier 4 engine standards would meet this requirement. Optionally, the applicant could develop and implement a plan that would achieve a 44-percent reduction in on- and near-site DPM emissions.

Effectiveness of Mitigation

From a CEQA perspective, mitigation is not required for this impact, but it will be required in accordance with SJVAPCD’s Indirect Source Review Rule (Rule 9510) and this measure would reduce emissions from construction. Implementation of Mitigation Measure AQ-1 would reduce NO<sub>x</sub> emissions by 30 percent and PM<sub>10</sub> emissions by over 70 percent. It was previously noted that under Rule 9510 (ISR), the project would be responsible for reducing construction PM<sub>10</sub> emissions by 45 percent, and NO<sub>x</sub> emissions by 20 percent. These reductions are required regardless of whether the project emissions exceed the CEQA significance thresholds. This CEQA analysis does not account for ISR reductions, as they are treated separately by the SJVAPCD.

However, it appears that the reductions in emissions that would result from implementation of *Mitigation Measure AQ-1* would meet the ISR emissions reduction requirements. The final emissions calculations for the project will be performed in an Air Impact Assessment (AIA), as required under ISR to determine the specific ISR reductions (i.e., in tons) that will be required for the project. In addition, application of the required PM<sub>10</sub> fugitive dust rules (i.e., District Regulation VIII) would reduce fugitive dust emissions from construction substantially.

**Impact 3:** Operational Emissions. Proposed Project operational emissions, generated primarily by traffic and evaporation of gasoline vapors, would increase emissions of ozone precursors and particulate matter, but they would be below GAMAQI significance thresholds. These increases would be *less-than-significant*.

The CalEEMod model was also used to estimate annual emissions from operation of the Project. The first full year that the project could be operational was assumed to be 2023 and was used as the analysis year. Emissions were modeled and evaluated two ways: (1) emissions from land use (e.g., project traffic generation) and (2) emissions from sources subject to SJVAPCD permitting for stationary sources.

#### Emissions from Sources Not Subject to Specific SJVAPCD Permits

The effect of the project operations on regional air quality was evaluated by quantification of emissions for operating scenarios in 2023 and comparing said emissions to the SJVAPCD thresholds of significance provided in Table 4. As described previously, the CalEEMod model was also used to quantify annual emissions from the project once construction is completed and the project is operational. In addition to emissions from transportation sources, the CalEEMod model also predicts emissions from area sources, such as natural gas usage, consumer products, and landscape equipment. Area sources include ROG emissions from use of consumer products, architectural coatings, and parking lot marking. ROG emissions from GDF operations and charbroiling from the fast-food restaurant are permitted by SJVAPCD and are addressed separately below.

Inputs to the CalEEMod model for air pollutant modeling are based on EMFAC2017 default conditions for Stanislaus County and adjusted trip generation rates to match the Institute of Transportation Engineers (ITE) rates used in the project's traffic impact analysis<sup>22</sup>.

The annual area source emissions associated with the project are shown in Table 7. The project emissions would not exceed the applicable significance thresholds for ROG, NO<sub>x</sub>, or PM<sub>10</sub>.

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<sup>22</sup> *Salida Gas Station & C-Store "Traffic Impact Analysis"*, Pinnacle Traffic Engineering, March 9, 2020.

**TABLE 7 Annual Project Operational Emissions in Tons Per Year**

Project	ROG	NO <sub>x</sub>	CO	PM <sub>10</sub> <sup>1</sup>	PM <sub>2.5</sub> <sup>1</sup>
Operations Area Sources	2.48	2.66	9.15	1.29	0.36
<i>Significance Thresholds</i>	10	10	100 <sup>2</sup>	15	15
Permitted Sources					
GDF	0.81	---	---	---	---
Charbroiling	<0.01	---	---	0.05	0.04
<i>Significance Thresholds</i>	10	10	100 <sup>2</sup>	15	15
<i>Exceed Thresholds?</i>	No	No	No	No	No

<sup>1</sup>Includes both exhaust and fugitive dust emissions.

<sup>2</sup>Significant if emissions exceed 100 tons per year and then contribute to violation of the NAAQS/CAAQS

As previously mentioned, the project is subject to SJVAPCD’s ISR Rule 9510 to reduce NO<sub>x</sub> and PM<sub>10</sub> emissions. Although the project’s operational emissions of regional pollutants would not exceed the District’s significance thresholds for each pollutant, the project is still required to comply with Rule 9510, to ensure that the project contributes its share of emissions reductions to achieve the basin-wide reduction targets established in the Air District’s Ozone and PM<sub>10</sub> attainment plans. Under Rule 9510, the project would be required to reduce operational NO<sub>x</sub> emissions by 33 percent and operational PM<sub>10</sub> emissions by 50 percent over 10 years. The emissions in Table 7 do not reflect any reductions that may be required under ISR.

#### Emissions from Sources Subject to SJVAPCD Permits

##### *Fast Food Charbroiling*

Both chain-driven (CD) and underfired (UF) char broilers are regulated by the SJVAPCD through Rule 4692 (Commercial Char broilers). The project will include a 3,250 sf fast food restaurant with a drive thru window that will utilize either a char broiler or flat griddle to cook meat. Emissions from the restaurant were estimated using the district default activity values provided in Section 2.3.4.2 of SJVAPCD’s *Guidance for Air Dispersion Modeling*. Facility Type 2 (Flat Griddle) was selected given a specific restaurant has not been identified for the project location and Facility Type 2 provides the most flexibility. It assumes the restaurant will cook hamburger, poultry without skin, and pork.

Criteria pollutant emissions factors in pounds of pollutant per ton of meat cooked were obtained from the SJVAPCD’s *2006 Area Source Emissions Inventory Methodology: 690 – Commercial Cooking Operations*, which used the emissions factors from the U.S. EPA’s 2002 National Emissions Inventory (NEI). Emissions factors were provided for PM<sub>10</sub>, PM<sub>2.5</sub>, and VOCs for cooking of hamburger, poultry, and pork. The annual meat cooking emissions estimates for the fast-food restaurant are provided in Table 7. Emissions from meat cooking at the proposed fast-food restaurant would not exceed the SJVAPCD’s applicable significance thresholds for permitted stationary sources.

##### *Gasoline Dispensing Facilities*

Gasoline dispensing facilities (GDFs) are regulated by the SJVAPCD. The project includes one 12-position GDF and will require a permit from the Air District (unlike the other “unpermitted”

operational area sources). Emissions attributed to operation of the GDF were estimated based on annual throughput (i.e., fuel received and dispensed) anticipated for the facility. The project estimates a daily throughput of approximately 4,340 gallons, which equates to 1.58 million gallons per year.<sup>23</sup> GDFs are a source of evaporative ROG emissions and with sources that include storage tank loading, storage tank venting, refueling of vehicles, and fuel spillage. Table 7 presents the evaporative ROG emissions associated with operation of the proposed GDF. ROG emissions from the proposed GDF would not exceed the SJVAPCD's applicable significance thresholds for permitted stationary sources. Note that SJVAPCD emissions thresholds are applied separately for permitted and non-permitted (i.e., area source) emissions.

### *Emergency Backup Generators*

Another potential source of operational emissions is stationary equipment such as diesel engines used to power emergency back-up generators. Typically, commercial retail projects do not include stationary equipment, and, other than the proposed GDF, no other stationary source equipment has been proposed as part of the project. There is, however, the possibility that the facility could include sources of combustion emissions, such as a small standby power generator operated by diesel or natural gas. These stationary sources would be subject to SJVAPCD rules and regulations and could require permits from SJVAPCD. The SJVAPCD's permitting process requires the purchase of emission reduction credits (ERC) for any criteria pollutant exceeding the SJVAPCD's New Source Review (NSR) offset requirements. NSR offset requirements provide the basis for the SJVAPCD CEQA thresholds of significance. As such, sources of stationary air pollutant emissions will be required to comply with all applicable SJVAPCD regulations thereby resulting in a less than significant air quality impact.

### **Mitigation Measure for Impact 3: None Required**

**Impact 4:** Carbon monoxide concentrations from operational traffic. Mobile source emissions generated by project would increase carbon monoxide concentrations at intersections in the project vicinity. However, resulting concentrations would be below ambient air quality standards, and therefore, considered a *less-than-significant* impact.

Project traffic would slightly increase concentrations of CO along roadways providing access to the project. Carbon monoxide is a localized air pollutant, where highest concentrations are found very near sources. The major source of CO is vehicle traffic. Elevated concentrations, therefore, are usually found near areas of high traffic volume and congestion.

Emissions and ambient concentrations of CO have decreased greatly in recent years. These improvements are due largely to the introduction of cleaner burning motor vehicles and reformulated motor vehicle fuels. No exceedances of the State or federal CO standards have been recorded at any of San Joaquin Valley's monitoring stations in the past 15 years. The San Joaquin Valley Air Basin has attained the State and National CO standards.

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<sup>23</sup> Per email correspondence from Roman Acosta, J.B. Anderson Land Using Planning. Dated 11-12-2020 and February 1, 2021. 220,000 gallons per month reduced by 40%.

Localized CO concentrations are addressed through the SJVAPCD screening method that can be used to determine with fair certainty that the effect a project has on any given intersection would not cause a potential CO hotspot. A project can be said to have no potential to create a CO violation or create a localized hotspot if either of the following conditions are not met: level of service (LOS) on one or more streets or intersections would be reduced to LOS E or F; or the project would substantially worsen an already LOS F street or intersection within the project vicinity. As the proposed project will not do either of these<sup>24</sup>, the potential impact on CO would be considered *less-than-significant*.

#### **Mitigation Measure for Impact 4:** None Required

**Impact 5:** Exposure of Sensitive Receptors to Toxic Air Contaminants. Construction activity, delivery trucks, vehicle traffic, evaporative emissions from the GDF, and emissions from meat cooking would expose nearby receptors to toxic air contaminants. Based on the levels of construction toxic air contaminants and the distance to the nearest sensitive receptor, a health risk assessment to assess the potential cancer risk was conducted and found would be *less-than-significant with Mitigation*.

To evaluate the exposure of sensitive receptors to emissions of Toxic Air Contaminants (TACs) from the project, a health risk assessment of both project construction activities and emissions from project operation was conducted. The health risk assessment predicts lifetime cancer risk and non-cancer risks. The health risk assessment involves prediction of emissions from the various sources of TACs, dispersion modeling using historical meteorological data and calculation of health risks using SJVAPCD recommended risk assessment methods for infant, child, and adult exposures for residential receptors, and for off-site worker exposure. These methods are described in *Attachment 2*.

#### **Construction Health Risk Impacts**

Construction activity is anticipated to include site preparation and grading, trenching/excavation, building construction, paving and some application of architectural coatings. Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a TAC. This health risk assessment focused on modeling on-site construction activity using emissions computed using CalEEMod, as described under Impact 2. Construction of the project is expected to occur over a 13-month period assumed to start in the Fall of 2021 and end in 2022.

##### *Construction Emissions*

The CalEEMod model provided unmitigated total annual PM<sub>10</sub> exhaust emissions (assumed to be DPM) for the off-road construction equipment and for exhaust emissions from on-road vehicles (haul trucks, vendor trucks, and worker vehicles), with total DPM exhaust emissions of 0.07 tons (135 pounds) in 2021 and 0.08 tons (165 pounds) in 2022. The construction DPM emissions include on-road emissions resulting from haul truck travel during grading activities, worker travel, and vendor deliveries during building construction, with overall trip lengths of 1.0 mile to simulate

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<sup>24</sup> Refer to *Salida Gas Station & C-Store "Traffic Impact Analysis"*, Pinnacle Traffic Engineering, March 9, 2020 for intersection LOS and traffic impacts.

travel on and near the site. A summary of the on-site CalEEMod model output with emission calculations are provided in *Attachment 1*.

### Dispersion Modeling

The U.S. EPA AERMOD dispersion model was used to model concentrations of DPM at existing sensitive receptors in the vicinity of the project site. The AERMOD modeling utilized an area source to represent the location of on-site construction activities. Emissions were distributed evenly across the area source. To represent the construction equipment exhaust emissions, an emission release height of 6 meters (20 feet) was used for the area sources. The elevated source height reflects the height of the equipment exhaust pipes plus an additional distance for the height of the exhaust plume above the exhaust pipes to account for plume rise of the exhaust gases. Emissions from on-road truck travel at and near the project site were included in the area source. Emissions were modeled as occurring daily between 7 am - 4 pm, when the majority of construction activity would occur. Figure 2 shows the project site and nearby sensitive receptor locations (residential and worker<sup>25</sup>) where health impacts were evaluated.

**Figure 2 – Project Site and Sensitive Receptor Locations**



The model used a 5-year data set (2013-2017) of hourly meteorological data from Modesto City-County Airport prepared for use with the AERMOD model by the SJVAPCD. The airport is about

<sup>25</sup> No worker receptors were identified near the project site.

10 miles northwest of the project site. DPM concentrations were calculated at nearby sensitive receptors using a receptor height of 1.5 meters (4.9 feet). Flat terrain was used for the modeling since there is negligible elevation difference between the source and receptors and the receptors with the highest modeled concentrations are close to the project site. Rural dispersion conditions were used in the modeling given the area surrounding the project site is predominantly rural.

*Construction Cancer Risk and Hazards*

The maximum-modeled unmitigated (uncontrolled) annual DPM concentration occurred at a residential receptor southeast of the project site. Increased cancer risks were calculated using the modeled annual concentrations and SJVAPCD recommended risk assessment methods for infant, child, and adult exposures for residential receptors. No off-site worker locations were identified near the project. Table 8 reports the health risk impacts associated with construction activities at the various sensitive receptor types near (i.e., 1,000 ft) the project and *Attachment 3* provides the analysis. Results of this assessment indicate that, with project construction, the maximum increased infant cancer risk at the maximally exposed residential individual location would be 40.7 in one million and the maximum residential adult incremental cancer risk would be 1.0 in one million. The predicted increased cancer risk for a residential exposure (assuming infants are present) would be greater than the SJVAPCD significance threshold of 20 in one million. With *Mitigation Measure AQ-1* the mitigated increased project residential cancer risk would not exceed the cancer risk significance threshold.

Potential non-cancer health effects due to chronic exposure to DPM were also evaluated. The chronic inhalation reference exposure level (REL) for DPM is 5 µg/m<sup>3</sup>. The Hazard Index (HI), which is the ratio of the annual DPM concentration to the REL, is less than 0.1 at all receptor locations. This HI is much lower than the SJVAPCD significance criterion of a HI greater than 1.

**TABLE 8. Construction Period Health Risk Impacts**

Receptor	Health Risk Impact	
	Increased Cancer Risk (per million)	Hazard Index
Residential – infant exposure		
Unmitigated	40.7	0.03
Mitigated	6.4	<0.01
Residential – adult		
Unmitigated	1.0	0.03
Mitigated	0.2	<0.01
Off-Site Worker*		
Unmitigated	NA	NA
Mitigated	NA	NA
<i>SJVAPCD Threshold</i>	>20.0	>1.0
<b><i>Exceed Threshold?</i></b>		
Unmitigated/Mitigated	<i>Yes/No</i>	<i>No/No</i>

\*NA = no workplaces within 1,000 ft of the project site were identified.

## Operation Health Risk Impacts

Local traffic generated by the project along with emissions from the gasoline dispensing facility and the fast-food restaurant could lead to operational health risk impacts. Emissions from diesel fuel are expected to be minimal, as the GDF will not serve heavy duty diesel vehicles. Specific sources of emissions from the GDF include customer traffic traveling to and from the project site, fuel delivery truck traffic traveling to and from the site, fuel delivery truck idling while at the site, and evaporative emissions of fuel from transfer and storage of gasoline (i.e., above-ground tank filling, tank breathing and vehicle fueling and spillage). Emissions sources from the fast-food restaurant include vehicle emissions from operation of the drive-thru window and emissions from meat cooking. Impacts from each of these sources are addressed. These sources are assumed to be operational well into the future (i.e., 70 years). The year 2022 was used as the year of analysis for generating vehicle emission rates. Vehicle emission rates are anticipated to decrease in the future due to improvements in exhaust systems and turnover of the fleet from older, more polluting vehicles to newer cleaner vehicles.

### *Project Traffic-Related Emissions*

Daily trip generation was calculated in the initial traffic impact analysis report to be 4,612 total vehicle trips per day based on the three land use types planned at the site (i.e., Service Station with Convenience Market [20 vehicle fueling positions], Sit Down Restaurant, and Retail).<sup>26</sup> This estimate was revised to include the mini storage facility, the reduction in vehicle fueling positions (from 20 to 12), and the change from a sit-down restaurant to a fast food restaurant with a drive thru window.<sup>27</sup> The result was a nine percent decrease in trip generation. However, for the purposes of estimating traffic emissions for this health risk assessment, trips to and from the site remained at the original, higher level.

Additionally, it was estimated that about 15 percent of these trips would be pass-by trips. This means the vehicles are already traveling by or near the project site. However, to be conservative, this analysis assumes these trips are all new to the project site. No adjustment was made for pass-by trips in this health risk analysis.

The distribution of customer vehicle trips on the local roads (Pirrone Road and Arborwood Drive) and station access was based on the initial traffic report for the project.<sup>28</sup> The number of fuel delivery trucks visiting that station were estimated to be 156 trucks per year based on a total station fuel use of 1.58 million gallons per year. All fuel delivery trucks were assumed to be heavy duty diesel fueled trucks (HDT). These trucks were assumed to arrive at the station via Arborwood Drive, travel around the building to the above ground fuel tank storage area, unload their fuel, and then depart the station via Pirrone Road. The number of customer heavy duty diesel trucks accessing the station was estimated to be zero (0) as the GDF will not serve heavy duty diesel trucks. Fuel delivery trucks were assumed to travel at a speed of 25 mph off site and 5 mph while in the station area.

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<sup>26</sup> *Salida Gas Station & C-Store "Traffic Impact Analysis"*, Pinnacle Traffic Engineering, March 9, 2020.

<sup>27</sup> *Pirrone Retail Project (PLN2019-0079); Stanislaus County, California Supplemental Trip Generation Analysis*, Memo, Pinnacle Traffic Engineering, January 22, 2021.

<sup>28</sup> *Salida Gas Station & C-Store "Traffic Impact Analysis"*, Pinnacle Traffic Engineering, March 9, 2020.

The primary TAC of concern from the fuel delivery trucks is DPM, while for other customer vehicles the TACs of concern are MSATs, as previously described. The primary TAC of concern from meat cooking operations at the fast-food restaurant is naphthalene<sup>29</sup>. DPM and MSAT emissions for customer vehicles were calculated using emission factors from the Caltrans version of the EMFAC2017 emissions model, known as CT-EMFAC2017<sup>30</sup>, and the increased local project-related traffic described above. Vehicle emission processes modeled include running/idle exhaust, running evaporative losses for organic MSATs, tire and brake wear, and fugitive road dust. Vehicle emissions are projected to decrease in the future and are reflected in the CT-EMFAC2017 emissions estimates. Inputs to the model include region (i.e., Stanislaus County), type of road (for road dust calculation purposes), traffic mix (assigned by CT-EMFAC2017 for the county), year of analysis (i.e., 2022), and season (Annual). Year 2022 emissions were conservatively assumed as being representative of future conditions over the period that cancer risks are evaluated (70 years), since, as discussed above, overall vehicle emissions will decrease in the future.

Emission factors from the CT-EMFAC2017 model for travel speeds of 35 mph, 40 mph, and 45 mph were used in calculating project vehicle emissions while traveling off-site to represent the travel speeds identified by the traffic impact study for the adjacent local roadways. Emission factors for a travel speed of 5 mph were used in calculating project vehicle emissions while traveling and/or idling on-site. Emissions from the GDF and convenience market were assumed to occur 24-hours per day, 365 days per year. While emissions from the fast-foot restaurant were assumed to occur 18-hours per day, 365 days per year. MSAT emission rates used in the analysis are provided in *Attachment 4*.

#### *Idling Emissions - Fuel Delivery Trucks*

DPM emissions due to fuel delivery trucks idling at the fuel tanks were computed by converting 5 mile-per hour emissions rates into hourly emissions using the 5-mph DPM emission factor from the CT-EMFAC2017 model for a 100 percent truck fleet. All fuel delivery trucks were assumed to idle for a total of 15 minutes while at the station. Annual emissions assumed similar operating conditions 365 days per year. The analysis of idling emissions is included in *Attachment 4*.

#### *Fueling Emissions*

The transfer and storage of gasoline results in emissions of VOCs and organic TAC compounds including benzene, ethyl benzene, toluene, and xylenes (BETX). Emissions of VOCs and BETX were computed based on projected annual throughput of gasoline (i.e., 1.58 million gallons per year) using a Gasoline Dispensing Operations VOC Calculator spreadsheet provided by the SJVAPCD.<sup>31</sup> The emission are based on annual gasoline throughput and account for emissions from fuel storage tank loading and pressure driven (breathing) losses, motor vehicle refueling, and fuel spillage while refueling. *Attachment 4* includes emissions calculation of VOC and BTEX emissions from gasoline fueling, storage, and transfer.

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<sup>29</sup> TAC emissions rates obtained from Section 2.3.4.2 of the *Guidance for Air Dispersion Modeling*, SJVAPCD.

<sup>30</sup> California Department of Transportation. 2019. CT-EMFAC2017 User Guide. January.

<sup>31</sup> San Joaquin Valley Air Pollution Control District. 2020. Email from Kyle Melching of the SJVAPCD and James Reyff of Illingworth & Rodkin, Inc. on February 6, 2020. This methodology was subsequently confirmed based on a phone conversation between Eric Mclaughlin of SJVAPCD and Jay Witt of Illingworth & Rodkin, Inc. on November 9, 2020.

### *Fast-Food Restaurant Emissions*

The proposed fast-food restaurant would generate TACs from two sources: the cooking of meat and the operation of a drive-thru window. The SJVAPCD's *Guidance for Air Dispersion Modeling* lists one TAC from meat cooking, naphthalene, while operation of the drive-thru window will generate MSATs from both traveling through and idling at the window queue. Naphthalene emissions from meat cooking were estimated using the emissions factors provided by SJVAPCD guidance. MSAT emissions from the drive thru queue were estimated as described above for traffic related emissions. Daily vehicles utilizing the drive thru window were estimated by dividing the daily trips generated by the restaurant (1,530) in half (i.e., two trips per vehicle) and assuming two-thirds of restaurant patrons would utilize the drive thru option. Each vehicle was assumed to spend 5 minutes idling in the window queue.

### *Dispersion Modeling*

The US EPA AERMOD dispersion model was used to predict DPM and other TAC concentrations at existing sensitive receptors (residences) in the vicinity of the project site. The AERMOD dispersion model is a SJVAPCD-recommended model for use in modeling analysis of these types of emission activities for CEQA projects.<sup>32</sup> The modeling used the same meteorological data from the Modesto City-County Airport as previously discussed for the construction health risk modeling. TAC concentrations from on-site and off-site (i.e., roadway) emission sources were calculated at nearby residences using a receptor height of 1.5 meters (4.9 feet). Since there is negligible elevation difference between the modeled sources and receptors, flat terrain was used for the modeling.

On-site emission sources include customer vehicles, fuel delivery trucks, fuel delivery truck idling, gas pump fueling and spillage, the vent stack for fuel storage tank emissions, and operation of the fast-food restaurant (meat cooking and drive thru queue). Off-site emission sources include customer and fuel delivery vehicle travel routes. The modeled emission sources and receptors where TAC concentrations were calculated are shown in Figure 3. Truck emissions were modeled as line-volume sources (a series of volume sources along a line) representing off-site and on-site travel routes depicted in Figure 3, while customer vehicle travel emissions and emissions from the drive thru queue were modeled as line-area sources (a series of area sources along a line). Vehicle volume source modeling parameters were based on EPA<sup>33</sup> and SJVAPCD<sup>34</sup> recommended roadway volume and area source parameters.

BETX emissions from refueling and spillage in the gas dispensing area at the fuel station were modeled using volume sources and parameters recommended by the SJVAPCD. Three volume sources with side lengths of 6.5 meters and a 1-meter height were used for vehicle refueling emissions and three volume sources with side lengths of 6.5 meters and a 0-meter height were used for spillage emissions. Emissions from the fuel storage tank, fuel truck idling, and meat cooking

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<sup>32</sup> San Joaquin Valley Air Pollution Control District, *Guidance for Air Dispersion Modeling*, Draft 01/07 Rev 2.0

<sup>33</sup> US EPA. 2015. *Transportation Conformity Guidance for Quantitative Hot-spot Analyses in PM2.5 and PM10 Nonattainment and Maintenance Areas*. November 2015

<sup>34</sup> San Joaquin Valley Air Pollution Control District. 2018. *SJVAPCD Memo FYI – 366 Estimating and Modeling Emissions from Truck Travel and Idling*. May 24, 2018.

were modeled as point sources using parameters recommended by the SJVAPCD<sup>35</sup>. Details on the emission calculations and dispersion modeling information for these sources are provided in *Attachment 5*.

**FIGURE 3. Project Site, Sensitive Receptor Locations, and Modeled Emission Sources**



### *Cancer Risk and Hazards*

Using the maximum modeled TAC concentrations, total increased cancer risks from project construction and operation were computed using the most recent methods recommended by SJVAPCD and OEHHA that include nearly continuous exposures with adjustments for infants and children. Based on modeled TAC concentrations, cancer risks were calculated for 70-year residential exposures assuming two partial years of emissions from construction (i.e., 2021 and 2022) and constant operational emissions starting in late 2022/early 2023.

Table 9 shows the increased health risk impacts attributable to operation of the project only. *Attachment 5* provides the analysis. Operation of the project includes the effects of project generated traffic (on-site and traveling nearby), fuel deliveries, evaporative emissions from the GDF, and emissions from the fast-food restaurant (i.e., meat cooking and drive thru queue).

<sup>35</sup> San Joaquin Valley Air Pollution Control District, Guidance for Air Dispersion Modeling, Draft 01/07 Rev 2.0

**TABLE 9. Project Operation Maximum Health Risk Impacts**

Receptor	Increased Cancer Risk (per million)	Acute Hazard Index	Chronic Hazard Index
Residential	4.6	0.09	<0.01
Off-Site Worker*	NA	NA	NA
<i>SJVAPCD Threshold</i>	<i>&gt;20.0</i>	<i>&gt;1.0</i>	<i>&gt;1.0</i>
<b><i>Exceed Threshold?</i></b>	<i>No</i>	<i>No</i>	<i>No</i>

\*NA = no workplaces within 1,000 ft of the project site were identified.

Table 10 shows the increased cancer risks and acute or chronic hazards associated with the project construction and operation at the locations of residential exposures. The maximum excess cancer risk associated with mitigated project construction and operation would be 9.5 chances per million. The predicted Hazard Index is well below the significance threshold.

**Table 10. Project Construction and Operation Maximum Health Risk Impacts**

Receptor	Increased Cancer Risk (per million)	Acute Hazard Index	Chronic Hazard Index
Residential			
With Unmitigated Construction	<b>44.98</b>	0.09	0.03
Mitigated	9.46	0.09	<0.01
<i>SJVAPCD Threshold</i>	<i>&gt;20.0</i>	<i>&gt;1.0</i>	<i>&gt;1.0</i>
<b><i>Exceed Threshold?</i></b> Unmitigated/Mitigated	<i>Yes/No</i>	<i>No/No</i>	<i>No/No</i>

**Mitigation Measure for Impact 5:** Implement **Mitigation Measure AQ-1**. All off-road diesel construction equipment greater than 25 horsepower and operating at the site for more than 20 hours shall at a minimum meet U.S. EPA Tier 3 engine standards with Level 3 particulate filtration. Use of equipment with U.S. EPA Tier 4 engine standards would meet this requirement. Optionally, the applicant could develop and implement a plan that would achieve a 44-percent reduction in on- and near-site DPM emissions.

Effectiveness of Mitigation

CalEEMod modeling indicates that implementation of Mitigation Measure AQ-1 would reduce exhaust PM<sub>10</sub> emissions, considered to be equivalent to DPM emissions, by 86 percent. The reductions in construction period emissions would reduce the construction period cancer risk for residents to 6.4 chances per million. This level is below the significance threshold of 20 chances per million. When construction risks are considered with operational emissions, the overall 70-year project cancer risk would be 9.5 chances per million.

**Impact 6:** Odors. The project would result in temporary odors during construction and ongoing odors from the meat cooking operations at the fast-food restaurant. This impact would be *less-than-significant*.

During construction, the various diesel-powered vehicles and equipment in use on-site would create localized odors. These odors would be temporary and not likely to be noticeable for extended periods of time much beyond the project's site boundaries. The potential for diesel odor impacts is, therefore, *less-than-significant*.

During project operations, the project is expected to generate odors that may or may not be noticeable. The odors produced would be related to the cooking of food, in particular meat, from its fast-food restaurant component. Operations from these types of restaurants have not been identified by the SJVAPCD as significant odor sources and do not often generate complaints. Additionally, the nearest receptor to the restaurant is approximately 598 feet to the southeast. Therefore, the odor impacts associated with restaurant operations would be *less-than-significant*. However, the restaurant would be subject to the air district's rules governing odors and odor complaints.

**Mitigation Measure for Impact 6:** None proposed.

**Impact 7:** Consistency with Clean Air Planning Efforts. The project would not conflict with the current clean air plan or obstruct its implementation. This would be a *less-than-significant impact*.

The GAMAQI does not include methodologies for assessing the effect of a project on consistency with clean air plans developed by the SJVAPCD. Regional clean air plans developed by SJVAPCD rely on local land use designations to develop population and travel projections that are the basis of future emissions inventories. Air pollution control plans are aimed at reducing these projected future emissions. The project land uses would not alter population or vehicle-related emissions projections contained in regional clean air planning efforts in any measurable way and would not conflict with achievement of the control plans aimed at reducing these projected emissions. Therefore, the project would not conflict with or obstruct implementation of efforts outlined in the region's air pollution control plans to attain or maintain ambient air quality standards. This would be a *less-than-significant impact*.

Also, as previously discussed, in 2005 the SJVAPCD adopted the ISR Rule to fulfill the District's emission reduction commitments in its PM<sub>10</sub> and Ozone attainment plans. The District has determined that implementation and compliance with the ISR would reduce the cumulative PM<sub>10</sub> and NO<sub>x</sub> impacts of growth anticipated in the air quality plans to a less-than-significant level. Since the project would be required to implement the emissions reductions under ISR, it would fulfill its share of achieving the District's emission reduction commitments in the PM<sub>10</sub> and Ozone attainment plans. Therefore, the project would result in a *less-than-significant impact* since it would not conflict with or obstruct implementation of the ISR Rule.

**Mitigation Measure for Impact 7:** None required.

## Computation of Greenhouse Gas Emissions

This section provides a computation of greenhouse gases (GHG) emissions associated with the project. GHG emissions are from many sources over long periods of time has resulted in, and continues to contribute to, global warming and climate change. The effects of climate change include: melting polar ice caps, sea level rise, increased coastal flooding, increased frequency and severity of extreme weather events, habitat disruption, and other adverse environmental effects. It is generally accepted that individual development projects, in and of themselves, are too small to have a perceptible effect on global climate. However, the GHG emissions from each development project results in an incremental contribution to global warming and climate change. The geographic scope of climate change is global, and the cumulative emissions of GHGs globally have resulted in cumulatively significant climate change impacts. Thus, in CEQA terms, GHG emissions associated with individual development projects are by nature cumulative in their effects. A significant project impact would occur if the GHG emissions associated with a project represent a considerable contribution to the cumulatively significant impacts resulting from global climate change. As such, the focus of this analysis is to determine whether the GHG emissions associated with the project represent a considerable contribution to the cumulatively significant impacts resulting from global climate change. For purposes of this analysis, the cumulatively contribution is considered a significant adverse impact.

### *SJVAPCD Methodologies*

The SJVAPCD's (Air District) *Guidance for Valley Land-Use Agencies in Addressing GHG Emissions Impacts for New Projects under CEQA* provides for three alternative methodologies for evaluating project's potential impact on climate change and determination reducing the greenhouse gas emissions from a project to less-than-significant levels. These include: (1) Demonstrate compliance with a locally-adopted GHG reduction plan (i.e., Climate Action Plan); (2) Demonstrate implementation of a combination of Air District-approved and pre-qualified Best Performance Standards (BPS) which taken together are deemed to result in a 29 percent reduction in project GHG emissions relative to Business-As-Usual (BAU) conditions; or (3) For projects not implementing BPS, quantification of project GHG emissions and comparison to GHG emissions from BAU conditions in order to demonstrate a 29 percent reduction in emissions relative to BAU conditions. BAU is defined as operation of the proposed project with emission factors from the 2002-2004 baseline period established by the AB 32 Scoping Plan. Land use projects not achieving the necessary reductions would be considered to have a significant impact. It is important to note that projects that require the preparation of an EIR for any reason are required to quantify GHG emissions, even if compliant with an adopted climate action plan or implementing BPS.

### *CalEEMod Modeling*

CalEEMod was used to quantify GHG emissions from project operations-related activities assuming full build-out of the project in 2023. The project land use types and size and other project-specific information were input to the model. The use of this model for evaluating emissions from land use projects is recommended by the Air District. Unless otherwise noted below, the CalEEMod model defaults for Stanislaus County were used. CalEEMod provides emissions for transportation, areas sources, electricity consumption, natural gas combustion, electricity usage associated with water usage and wastewater discharge, and solid waste land filling and transport. CalEEMod output worksheets are included in *Attachment 1*.

The project land use types and size, and trip generation rates were input to CalEEMod, as described above under Impact 1 and 2.

### Energy

CalEEMod defaults for energy use were used, which include the 2016 Title 24 Building Standards. GHG emissions modeling includes those indirect emissions from electricity consumption. The BAU emissions estimate included the CalEEMod default emission factor of 641.3 pounds of CO<sub>2</sub> per megawatt of electricity produced. However, the electricity-produced emission rate was modified for the analysis of 2023 operations emissions, to 210 pounds CO<sub>2</sub> per megawatt of electricity delivered. The CalEEMod default is based on Pacific Gas and Electric’s (PG&E) 2008 emissions rate. However, in 2019 PG&E published emissions rates for 2010 through 2017, which showed the emission rate for delivered electricity had been reduced to 210 pounds CO<sub>2</sub> per megawatt of electricity delivered.<sup>36</sup>

### ***Construction Emissions***

Annual GHG emissions associated with construction were computed at 605 metric tons (MT) of CO<sub>2</sub>e. These are the emissions from on-site operation of construction equipment, vendor and hauling truck trips, and worker trips. Neither the County nor SJVAPCD have an adopted threshold of significance for construction related GHG emissions. However, other air districts, such as the SCAQMD, account for construction GHG emissions by amortizing them over a 30-year period, i.e., adding 1/30<sup>th</sup> of construction emissions to annual operational emissions. This amortization method was applied in the calculation of project GHG emissions.

### ***Operational Emissions***

The CalEEMod model predicted annual emissions associated with operation of the fully developed project. In 2023, annual emissions are calculated to be 1,822 MT of CO<sub>2</sub>e, as shown in Table 11.

**TABLE 11. Annual Project GHG Emissions (CO<sub>2</sub>e) in Metric Tons**

<b>Source Category</b>	<b>BAU Emissions</b>	<b>2023 Project Emissions</b>
Amortized Construction	20	20
Area	0	0
Energy Consumption	317	172
Mobile	2,007	1,555
Solid Waste Generation	56	56
Water Usage	35	18
<b>Total</b>	<b>2,436</b>	<b>1,822</b>
<i>Percent Reduction</i>		25.2 percent
<b><i>SJVAPCD Reduction Target for Project-Specific Emissions (for Projects not compliant with a CAP or not implementing BPS)</i></b>		<b>29 percent</b>

<sup>36</sup> PG&E, 2019. *Corporate Responsibility and Sustainability Report*. Web: [http://www.pgecorp.com/corp\\_responsibility/reports/2019/assets/PGE\\_CRCSR\\_2019.pdf](http://www.pgecorp.com/corp_responsibility/reports/2019/assets/PGE_CRCSR_2019.pdf)

2023 project emissions are approximately 4 percent less (92 MT CO<sub>2</sub>e more) than the 29 percent reduction target before the implementation of BPS. Stanislaus County does not have a qualified climate action plan but does provide a Sustainability “toolbox” for its communities to use.<sup>37</sup> Additionally, mobile source emissions will be reducing over time as older, less efficient vehicles are replaced by newer, more efficient ones.

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<sup>37</sup> *Stanislaus Regional Sustainability Toolbox – Grant Work Products*. Stanislaus County.  
<http://www.stancounty.com/planning/pl/toolbox.shtm>

Modeling Assumptions and Results available in the April 15, 2021 Planning Commission

Agenda: [http://www.stancounty.com/planning/agenda/2021/04-15-2021/7\\_B.pdf](http://www.stancounty.com/planning/agenda/2021/04-15-2021/7_B.pdf)

Hard copies available upon request. Please contact the Planning and Community Development Department at (209) 525-6330 or via email at [planning@stancounty.com](mailto:planning@stancounty.com).

Governor's Office of Planning & Research

Apr 12 2021

April 9, 2021

STATE CLEARINGHOUSE

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**Subject: General Plan Amendment and Rezone Application No. PLN2019-0079 – Cal  
Sierra Financial, Inc. (Project)  
Mitigated Negative Declaration (MND)  
State Clearinghouse No. 2019090255**

Dear Ms. Doud:

The California Department of Fish and Wildlife (CDFW) received a Mitigated Negative Declaration from the Stanislaus County Department of Planning and Community Development for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code.

While the comment period may have ended, CDFW would appreciate if you will still consider our comments.

**CDFW ROLE**

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish and G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically

<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & Game Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

**Nesting Birds:** CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include, sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

## PROJECT DESCRIPTION SUMMARY

**Proponent:** Baldev Grewal, dba Cal Sierra Financial, Inc.

**Objective:** The Project proposes to amend the general plan and zoning designation of a 9.6-acre site, from Commercial and Salida Community Plan General Commercial to Planned Development, to allow for development of a convenience store/community market, gas station, restaurant, retail building, and mini-storage facility to be developed on approximately four acres of the site. The Project proposes the following uses:

- 2,310 square feet of retail space
- 3,250 square feet of fast-food restaurant space with drive-thru and outdoor dining area
- Service station with six pumps
- Two above-ground gasoline storage tanks
- 4,500 square feet of convenience market space
- 61,460 square feet of mini storage with 1,400 square feet of office space

**Location:** The Project site is located on the east side of the Pirrone Road and Hammett Road intersection, east of Highway 99, in the Community of Salida.

**Timeframe:** Unspecified.

## COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist Stanislaus County Department of Planning and Community Development in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

Currently, the Mitigated Negative Declaration (MND) indicates that the Project's impacts would be less than significant described in the MND. CDFW is concerned regarding potential impacts to special-status species including, but not limited to, the State threatened Swainson's hawk (*Buteo swainsoni*), and the State species of special concern burrowing owl (*Athene cunicularia*).

If significant environmental impacts will occur as a result of Project implementation and cannot be mitigated to less than significant levels, an MND would not be appropriate. Further, when an MND is prepared, mitigation measures must be specific, clearly defined, and cannot be deferred to a future time. Preparation of a species-specific mitigation plan following determination that a project activity will have a direct impact on special-status plant and wildlife species would be deferring mitigation to a future time. When an Environmental Impact Review (EIR) is prepared, the specifics of mitigation measures may be deferred, provided the lead agency commits to mitigation and establishes performance standards for implementation. Regardless of whether an MND or EIR is prepared, CDFW recommends that the CEQA document provide quantifiable and enforceable measures, as needed, that will reduce impacts to less than significant levels.

### I. Environmental Setting and Related Impact

**Would the Project 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 CDFW or the United States Fish and Wildlife Service (USFWS)?**

#### **COMMENT 1: Swainson's Hawk (SWHA)**

**Issue:** The Project site has SWHA foraging habitat, and SWHA have the potential to nest near the Project site. The proposed Project will involve ground-disturbing activities near large trees that may serve as potential nest sites.

**Specific impacts:** Without appropriate avoidance and minimization measures for SWHA, potential significant impacts that may result from Project activities include: nest abandonment, loss of nest trees, permanent loss of foraging habitat that would reduce nesting success (loss or reduced health or vigor of eggs or young), and direct mortality. Any take of SWHA without appropriate incidental take authorization would be a violation of Fish and Game Code.

**Evidence impact is potentially significant:** SWHA exhibit high nest-site fidelity year after year and lack of suitable nesting habitat in the San Joaquin Valley limits their local distribution and abundance (CDFW 2016). Approval of the Project will lead to ground-disturbing activities that will involve noise, groundwork, and movement of workers that could affect nests and has the potential to result in nest abandonment, significantly impacting local nesting SWHA.

### **Recommended Potentially Feasible Mitigation Measure(s)**

Because suitable nesting and foraging habitat for SWHA is present throughout and adjacent to the Project site, CDFW recommends conducting the following evaluation of the Project site, editing the MND to include the following measures specific to SWHA, and that these measures be made conditions of approval for the Project.

#### **Recommended Mitigation Measure 1: SWHA Surveys**

To evaluate potential impacts, CDFW recommends that a qualified wildlife biologist conduct surveys for nesting SWHA following the survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000) prior to project implementation. The survey protocol includes early season surveys to assist the project proponent in implementing necessary avoidance and minimization measures, and in identifying active nest sites prior to initiating ground-disturbing activities.

#### **Recommended Mitigation Measure 2: No-disturbance Buffer**

If ground-disturbing activities are to take place during the normal bird breeding season (March 1 through September 15), CDFW recommends that additional pre-activity surveys for active nests be conducted by a qualified biologist no more than 10 days prior to the start of Project implementation. CDFW recommends a minimum no-disturbance buffer of 0.5 mile be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

#### **Recommended Mitigation Measure 3: SWHA Foraging Habitat Mitigation**

The Project proposed development in suitable foraging habitat. CDFW recommend compensation for the loss of Swainson's hawk foraging habitat as described in the Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (CDFG, 1994) to reduce impacts to foraging habitat to less than significant. The Staff Report recommends that mitigation for habitat loss occur within a minimum distance of 10 miles from known nest sites. CDFW has the following recommendations based on the Staff Report:

- For projects within 1 mile of an active nest tree, a minimum of one acre of habitat management (HM) land for each acre of development is advised.
- For projects within 5 miles of an active nest but greater than 1 mile, a minimum of 0.75 acres of HM land for each acre of development is advised.

- For projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree, a minimum of 0.5 acres of HM land for each acre of development is advised.

#### **Recommended Mitigation Measure 4: SWHA Take Authorization**

CDFW recommends that in the event an active SWHA nest is detected during surveys, consultation with CDFW is warranted to discuss how to implement the project and avoid take. If take cannot be avoided, take authorization through the issuance of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

#### **COMMENT 2: Burrowing Owl (BUOW)**

**Issue:** BUOW has the potential to occur within the vicinity of the Project site. BUOW have been documented near the Project site (CDFW 2021). BUOW inhabit open grassland or adjacent canal banks, ROWs, vacant lots, etc. containing small mammal burrows, a requisite habitat feature used by BUOW for nesting and cover. Based on aerial photography potential habitat appears to occur both within and bordering the Project site.

**Specific impact:** Potentially significant direct impacts associated with subsequent activities and development include burrow collapse, inadvertent entrapment, nest abandonment, reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals.

**Evidence impact is potentially significant:** BUOW rely on burrow habitat year round for their survival and reproduction. Habitat loss and degradation are considered the greatest threats to BUOW in California's Central Valley (Gervais et al. 2008). The Project site consists of undeveloped land. Therefore, subsequent ground-disturbing activities associated with the Project have the potential to significantly impact local BUOW populations. In addition, and as described in CDFW's "*Staff Report on Burrowing Owl Mitigation*" (CDFG 2012), excluding and/or evicting BUOW from their burrows is considered a potentially significant impact under CEQA.

#### **Recommended Potentially Feasible Mitigation Measure(s) (Regarding Environmental Setting and Related Impact)**

To evaluate potential impacts to BUOW, CDFW recommends conducting the following evaluation of the subject parcel and implementing the following mitigation measures.

#### **Recommended Mitigation Measure 5: BUOW Surveys**

CDFW recommends assessing presence/absence of BUOW by having a qualified biologist conduct surveys following the California Burrowing Owl Consortium's

“*Burrowing Owl Survey Protocol and Mitigation Guidelines*” (CBOC 1993) and CDFW’s *Staff Report on Burrowing Owl Mitigation*” (CDFG 2012). Specifically, CBOC and CDFW’s Staff Report suggest three or more surveillance surveys conducted during daylight with each visit occurring at least three weeks apart during the peak breeding season (April 15 to July 15), when BUOW are most detectable.

### **Recommended Mitigation Measure 6: BUOW Avoidance**

CDFW recommends no-disturbance buffers, as outlined in the “*Staff Report on Burrowing Owl Mitigation*” (CDFG 2012), be implemented prior to and during any ground-disturbing activities. Specifically, CDFW’s Staff Report recommends that impacts to occupied burrows be avoided in accordance with the following table unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting sites	April 1-Aug 15	200 m*	500 m	500 m
Nesting sites	Aug 16-Oct 15	200 m	200 m	500 m
Nesting sites	Oct 16-Mar 31	50 m	100 m	500 m

\* meters (m)

### **Recommended Mitigation Measure 7: BUOW Passive Relocation and Mitigation**

If BUOW are found within these recommended buffers and avoidance is not possible, it is important to note that according to the Staff Report (CDFG 2012), exclusion is not a take avoidance, minimization, or mitigation method and is considered a potentially significant impact under CEQA. However, if necessary, CDFW recommends that burrow exclusion be conducted by qualified biologists and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. CDFW recommends replacement of occupied burrows with artificial burrows at a ratio of 1 burrow collapsed to 1 artificial burrow constructed (1:1) as mitigation for the potentially significant impact of evicting BUOW. BUOW may attempt to colonize or re-colonize an area that will be impacted; thus, CDFW recommends ongoing surveillance, at a rate that is sufficient to detect BUOW if they return.

## **II. Editorial Comments and/or Suggestions**

**Nesting birds:** CDFW encourages that Project implementation occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the breeding season (February through mid-September), the Project applicant is

responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above.

To evaluate Project-related impacts on nesting birds, CDFW recommends that a qualified wildlife biologist conduct pre-activity surveys for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the Project site to identify nests and determine their status. A sufficient area means any area potentially affected by the Project. In addition to direct impacts (i.e. nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, CDFW recommends that a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is compelling biological or ecological reason to do so, such as when the construction area would be concealed from a nest site by topography. CDFW recommends that a qualified wildlife biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

## **ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special status species and natural communities detected during Project surveys to CNDDDB. The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

## **FILING FEES**

If it is determined that the Project has the potential to impact biological resources, an assessment of filing fees will be necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental

review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CDFW appreciates the opportunity to comment on the Project to assist Stanislaus County Department of Planning and Community Development in identifying and mitigating the Project's impacts on biological resources.

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). If you have any questions, please contact Jim Vang, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 243-4014 extension 254, or by electronic mail at [Jim.Vang@wildlife.ca.gov](mailto:Jim.Vang@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
Julie A. Vance  
Regional Manager

## LITERATURE CITED

- California Burrowing Owl Consortium. 1993. Burrowing owl survey protocol and mitigation guidelines. April 1993.
- California Department of Fish and Game (CDFG). 1994. Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo Swainsoni*) in the Central Valley of California. California Department of Fish and Game.
- CDFG, 2012. Staff Report on Burrowing Owl Mitigation. California Department of Fish and Game.
- CDFW. 2016. Five Year Status Review for Swainson's Hawk (*Buteo swainsoni*). California Department of Fish and Wildlife. April 11, 2016.
- Gervais, J.A., D.D. Rosenberg, and L.A. Comrack. Burrowing Owl (*Athene cunicularia*) in Shuford, W.D. and T. Gardali, editors. 2008. California Bird Species of Special Concern: A ranked assessment of species, subspecies, and distinct populations of birds of immediate conservation concern in California. Studies of Western Birds 1. Western Field Ornithologists, Camarillo, California, and California Department of Fish and Game, Sacramento, California, USA.
- Swainson's Hawk Technical Advisory Committee (SWHA TAC). 2000. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. Swainson's Hawk Technical Advisory Committee, May 31, 2000.

**Attachment 1**

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM  
(MMRP)**

**PROJECT: General Plan Amendment and Rezone Application No.  
PLN2019-0079 – Cal Sierra Financial, Inc.**

**SCH No.: 2019090255**

<b>RECOMMENDED MITIGATION MEASURE</b>	<b>STATUS/DATE/INITIALS</b>
<i>Before Disturbing Soil or Vegetation</i>	
Mitigation Measure 1: SWHA Surveys	
Mitigation Measure 3: SWHA Foraging Habitat Mitigation	
Mitigation Measure 4: SWHA Take Authorization	
Mitigation Measure 5: BUOW Surveys	
Mitigation Measure 7: BUOW Passive Relocation and Mitigation	
<i>During Construction</i>	
Mitigation Measure 2: SWHA No-disturbance Buffer	
Mitigation Measure 6: BUOW Avoidance	

# MOORE BIOLOGICAL CONSULTANTS

May 21, 2021

Mr. John Anderson  
J.B. Anderson Land Use Planning  
139 S. Stockton Avenue  
Ripon, CA 95366

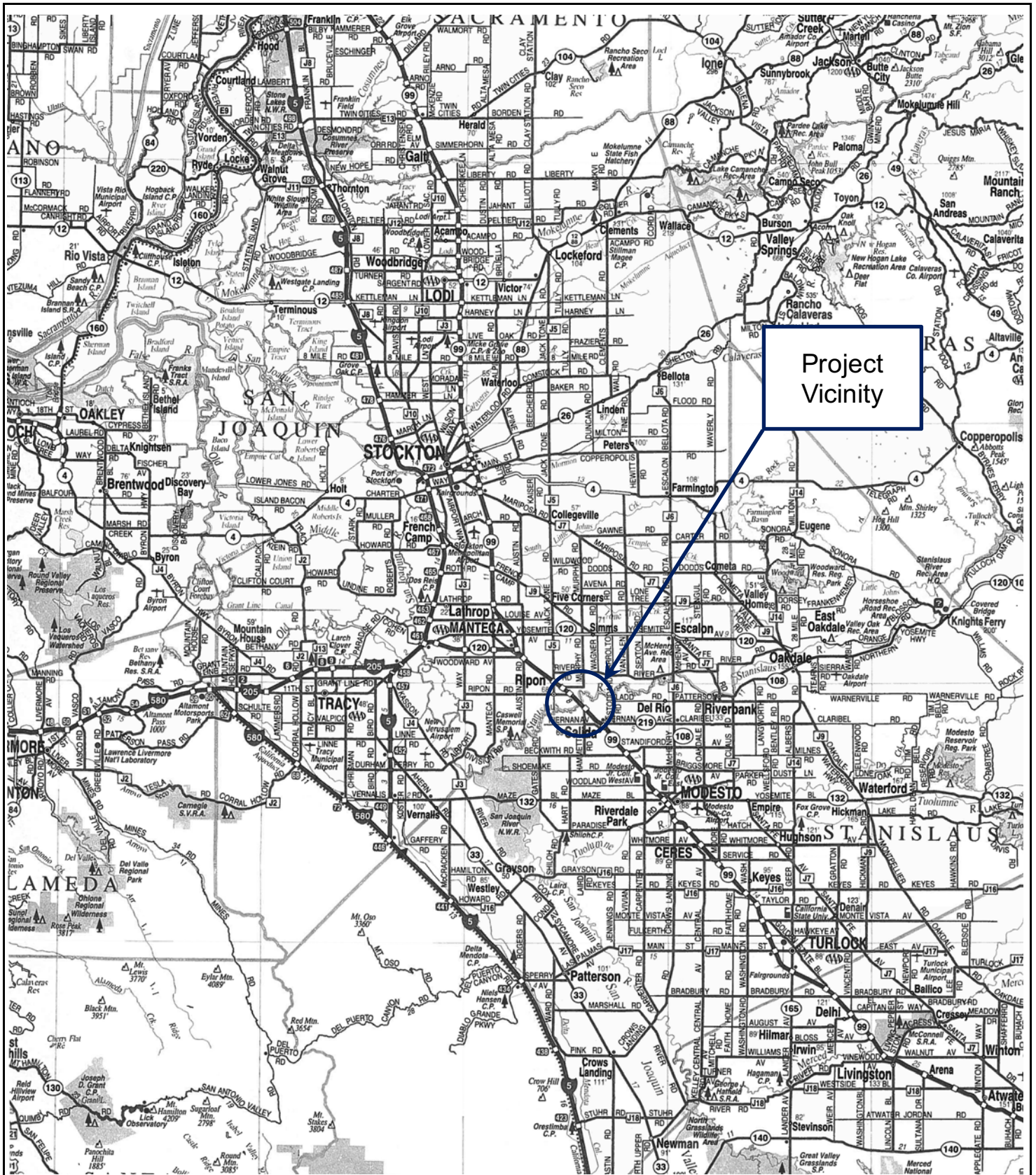
Subject: "CAL SIERRA 9+/- ACRE PARCEL", STANISLAUS COUNTY,  
CALIFORNIA: BIOLOGICAL ASSESSMENT

Dear John:

Thank you for asking Moore Biological Consultants to prepare a biological assessment for the "9+/- Acre Cal Sierra Parcel" near Salida, in Stanislaus County, California (Figures 1 and 2). The focus of our work was to describe existing biological resources in the site, identify potentially significant impacts to biological resources from the proposed project, and provide recommendations for how to reduce those impacts to a less-than-significant level. The work involved reviewing databases, aerial photographs, and documents, and conducting a field survey to document vegetation communities, Waters of the U.S. and/or wetlands, and potentially suitable habitat for special-status species.

## **Project Overview**

The proposed project is the development of a convenience store/community market, gas station, restaurant, retail building, and mini-storage facility and associated landscaping and parking on approximately 4 acres of the site (see Site Plan in Attachment A). There will be a detention basin in the north part of the site and the southeast corner of the site will be dedicated for a future road. The City of Modesto will provide water to the development and sewer will be provided by the Salida Sanitary District.



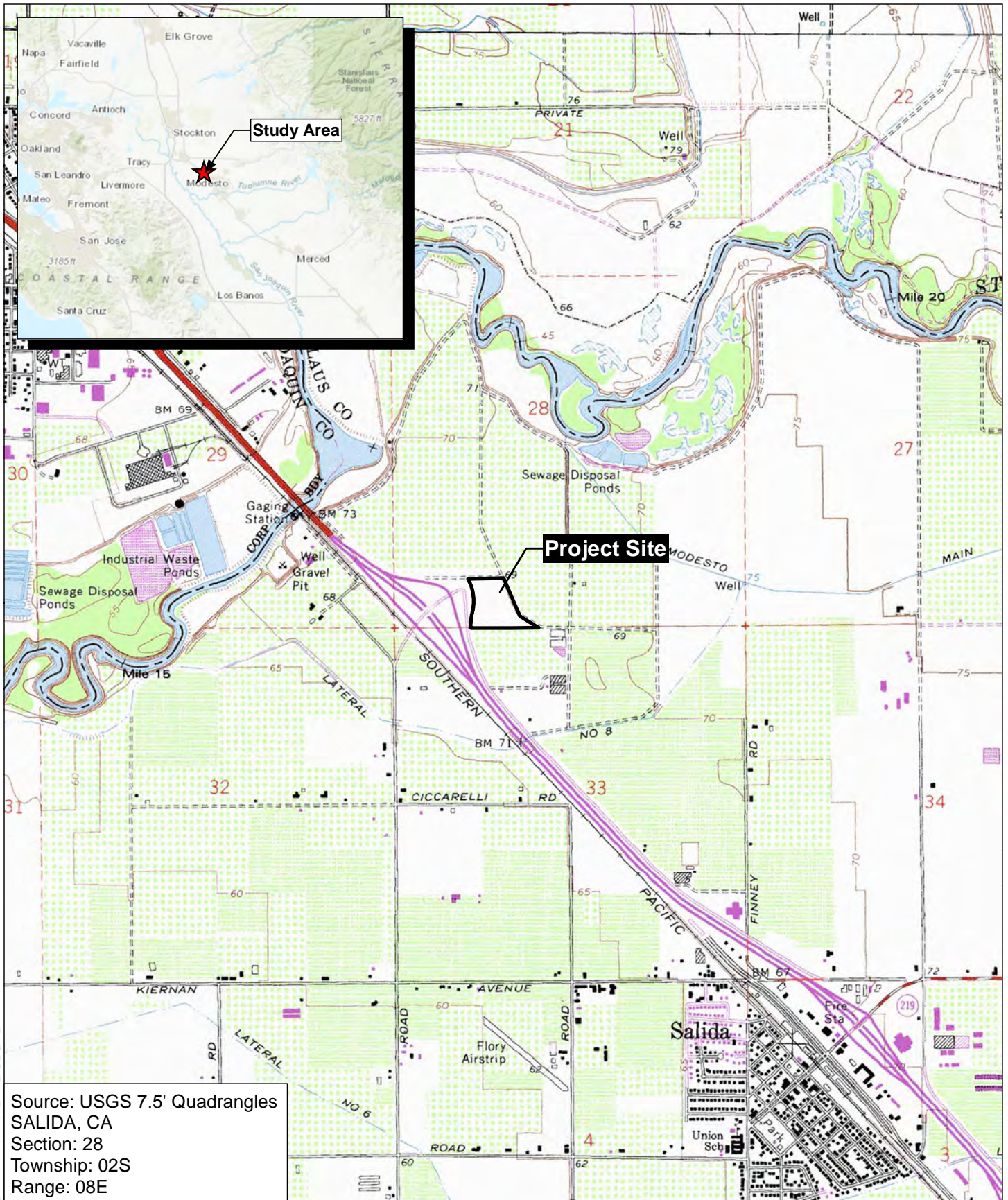
Source: California State  
Automobile Association

**Moore Biological  
Consultants**



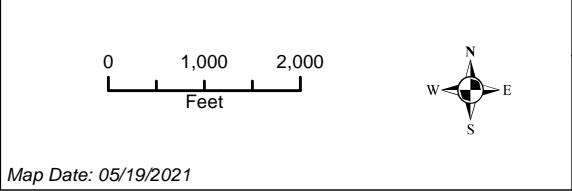
**FIGURE 1**

**PROJECT VICINITY**



Source: USGS 7.5' Quadrangles  
 SALIDA, CA  
 Section: 28  
 Township: 02S  
 Range: 08E

**Figure 2**  
 Moore Biological  
 Consultants



**USGS**  
**Cal Sierra 9+/- Acre Parcel**  
 Salida, Stanislaus County, CA

## Methods

Prior to the field survey, we conducted a search of California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDDB, 2021). The CNDDDB search encompassed the USGS 7.5-minute Manteca, Avena, Ripon, and Salida topographic quadrangles, which encompasses approximately 240 square miles surrounding the project site. The United States Fish and Wildlife Service (USFWS) list of Federally Threatened and Endangered species that may occur in or be affected by projects in the same topographic quadrangles was also reviewed (Attachment B). This information was used to identify wildlife and plant species that have been previously documented in the project vicinity or have the potential to occur based on suitable habitat and geographical distribution. The USFWS on-line-maps of designated critical habitat were also downloaded and plotted with respect to the site.

A field survey of the site was conducted during the early morning of May 5, 2021. The survey consisted of walking throughout the project site making observations of current habitat conditions and noting surrounding land use, general habitat types, and plant and wildlife species. The survey included an assessment of the project site for presence or absence of potentially jurisdictional Waters of the U.S. (a term that includes wetlands) as defined by the U.S. Army Corps of Engineers (ACOE, 1987; 2008), special-status species, and suitable habitat for special-status species (e.g., blue elderberry shrubs, vernal pools). Additionally, trees within and near the project site were assessed for the potential use by nesting raptors, especially Swainson's hawk (*Buteo swainsoni*). The project site was also searched for burrowing owls (*Athene cunicularia*) or ground squirrel burrows that could be utilized by burrowing owls.

## Results

GENERAL SETTING: The project site is located in the unincorporated community of Salida, in Stanislaus County, California (Figure 1). The site is in Section 28,

Township 2 South, Range 8 East of the USGS 7.5-minute Salida topographic quadrangle (Figure 2). The site is level and is at an elevation of approximately 70 feet above mean sea level. The site was most recently farmed in oats; the oats were cut a day or two before the survey and the rows of cut oats were present in the body of the site (see photographs in Attachment C). There are a few large trees along the edge of the field; it is unclear if these trees fall within the site boundary of the site or are just off-site (Figure 3).

Surrounding land uses in this portion of Stanislaus County are primarily agricultural and residential. Pirrone Road runs along the west edge of the site and there is a landscaped strip further west, between Pirrone Road and Highway 99. A farm road bounds the south edge of the site and there is a residential subdivision and an open field with a large basin to the south of the farm road. Leveled cropland borders the north and east edges of the site (Figure 3 and photographs in Attachment C).

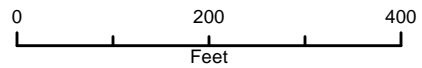
VEGETATION: Due to the amount of disturbance from intensive farming, vegetation in the site is constrained primarily to the edges of the field and primarily consists of annual grass and weed species. California annual grassland series (Sawyer and Keeler-Wolf, 1995) best describes the disturbed grassland vegetation along the edges of the field, fence lines, and road shoulders. Grasses including oats (*Avena* sp.), soft chess brome (*Bromus hordeaceus*), ripgut brome (*Bromus diandrus*), foxtail barley (*Hordeum murinum*), and perennial ryegrass (*Lolium perenne*) are dominant grass species. Other grassland species such as radish (*Raphanus sativa*), field bindweed (*Convolvulus arvensis*), bull thistle (*Cirsium vulgare*), small flowered fiddleneck (*Amsinckia menziesii*), filaree (*Erodium* sp.), and common mallow (*Malva neglecta*) are intermixed with the grasses. Table 1 is a list of plant species observed in the site.



**Figure 3**

Moore Biological  
Consultants

Map Date: 05/19/2021  
Aerial Source: Maxar (05/2020)



**AERIAL**

**Cal Sierra 9+/- Acre Parcel**

Salida, Stanislaus County, CA

TABLE 1  
PLANT SPECIES OBSERVED IN THE PROJECT SITE

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<i>Amsinckia menziesii</i>	rancher's fireweed
<i>Avena fatua</i>	wild oat
<i>Brassica nigra</i>	black mustard
<i>Bromus diandrus</i>	ripgut brome
<i>Bromus hordeaceus</i>	soft chess brome
<i>Capsella bursa-pastoris</i>	shepherd's purse
<i>Cirsium vulgare</i>	bull thistle
<i>Convolvulus arvensis</i>	field bindweed
<i>Datura innoxia</i>	datura
<i>Epilobium brachycarpum</i>	annual willowherb
<i>Erodium botrys</i>	filaree
<i>Galium aparine</i>	sticky willy
<i>Hordeum murinum</i>	foxtail barley
<i>Lactuca serriola</i>	prickly lettuce
<i>Lolium perenne</i>	perennial ryegrass
<i>Malva neglecta</i>	common mallow
<i>Polygonum aviculare</i>	prostrate knotweed
<i>Populus fremontii</i>	Fremont cottonwood
<i>Quercus agrifolia</i>	coast live oak
<i>Raphanus sativus</i>	wild radish
<i>Rumex crispus</i>	curly dock
<i>Salsola tragus</i>	Russian thistle
<i>Sonchus oleraceus</i>	common sow thistle
<i>Sorghum halepense</i>	Johnson grass
<i>Trifolium hirtum</i>	rose clover

---

There is a coast live oak (*Quercus agrifolia*) and a small almond tree (*Prunus* sp.) along the north fence line and a large Fremont cottonwood (*Populus fremontii*) along the east edge of the site (see photographs in Attachment C). It is unclear if the trees along the edges of the field in the site are within the site boundary or just off-site. There are also some oaks, stone fruit, and other common ornamental trees and shrubs within the landscaped area just west of Pirrone Road (Figure 3).

There are no blue elderberry shrubs (*Sambucus nigra* ssp. *caerulea*) in or immediately adjacent to the site. There is a blue elderberry shrub in the landscaped area just west of Pirrone Road, approximately 100 feet west of the site (see photograph in Attachment C).

WILDLIFE: A variety of bird species were observed during the field survey; all of these are common species found in agricultural areas of Stanislaus County (Table 2). Turkey vulture (*Cathartes aura*), American crow (*Corvus brachyrhynchos*), mourning dove (*Zenaidura macroura*), western kingbird (*Tyrannus verticalis*), and Bullock's oriole (*Icterus bullockii*) are representative of the avian species observed in the site.

The coast live oak along the north edge of the site and the cottonwood on the west edge of the site are large enough to support nesting raptors, but no raptor stick nests were observed in these trees. It is also likely that several songbirds utilize these trees for nesting. Several small songbirds including bushtits (*Psaltriparus minimus*) and European starlings (*Sturnus vulgaris*) were observed flying around the canopy of the cottonwood along the east edge of the site.

A limited variety of mammals common to agricultural areas are expected to occur in the site. No mammals were observed during the recent survey, but a few California ground squirrel (*Otospermophilus beecheyi*) burrows were observed, primarily along the edges of the field and along the north fence line. Common species including raccoon (*Procyon lotor*), coyote (*Canis latrans*), striped skunk

TABLE 2  
WILDLIFE SPECIES DOCUMENTED IN THE PROJECT SITE

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**Birds**

Turkey vulture	<i>Cathartes aura</i>
Rock dove	<i>Columba livia</i>
Mourning dove	<i>Zenaida macroura</i>
Northern flicker	<i>Colaptes auratus</i>
Western kingbird	<i>Tyrannus verticalis</i>
Tree swallow	<i>Tachycineta bicolor</i>
American crow	<i>Corvus brachyrhynchos</i>
Bushtit	<i>Psaltriparus minimus</i>
Northern mockingbird	<i>Mimus polyglottos</i>
European starling	<i>Sturnus vulgaris</i>
Red-winged blackbird	<i>Agelaius phoeniceus</i>
Bullock's oriole	<i>Icterus bullockii</i>
House finch	<i>Carpodacus mexicanus</i>
Lesser goldfinch	<i>Spinus psaltria</i>

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(*Mephitis mephitis*), desert cottontail (*Sylvilagus audubonii*), and Virginia opossum (*Didelphis virginiana*) may occur in the project site.

Due to lack of suitable habitat, few amphibians and reptiles are expected to use habitats in the site and none were observed during the field survey. The site provides suitable habitat for a few common species such as western fence lizard (*Sceloporus occidentalis*), Pacific chorus frog (*Pseudacris regilla*), and western terrestrial garter snake (*Thamnophis elegans*).

WATERS OF THE U.S. AND WETLANDS: Waters of the U.S., including wetlands, are broadly defined under 33 Code of Federal Regulations (CFR) 328 to include

navigable waterways, their tributaries, and adjacent wetlands. State and federal agencies regulate these habitats and Section 404 of the Clean Water Act requires that a permit be secured prior to the discharge of dredged or fill materials into any waters of the U.S., including wetlands. Some jurisdictional waters of the U.S. also fall under the jurisdiction of CDFW and/or the California Regional Water Quality Control Board (RWQCB).

“Waters of the U.S.”, as defined in 33 CFR 328.4, encompasses Territorial Seas, Tidal Waters, and Non-Tidal Waters; Non-Tidal Waters includes interstate and intrastate rivers and streams, as well as their intermittent tributaries. The limit of federal jurisdiction of Non-Tidal Waters of the U.S. extends to the “ordinary high water mark”. The ordinary high water mark is established by physical characteristics such as a natural water line impressed on the bank, presence of shelves, destruction of terrestrial vegetation, or the presence of litter and debris.

Jurisdictional wetlands are vegetated areas that meet specific vegetation, soil, and hydrologic criteria defined by the ACOE *Wetlands Delineation Manual* and Regional Supplement (ACOE, 1987; 2008). Jurisdictional wetlands are usually adjacent to or hydrologically associated with Waters of the U.S. Isolated wetlands are outside federal jurisdiction, but may be regulated by RWQCB under the State Wetlands Program.

The project site is a leveled field that has been subject to intensive farming for decades. The body of the site vegetated with upland grasses and weeds, with soils that appear well draining. No potentially jurisdictional Waters of the U.S. or wetlands were observed within the site.

**SPECIAL-STATUS SPECIES:** Special-status species are plants and animals that are legally protected under the state and/or federal Endangered Species Act or other regulations. The Federal Endangered Species Act (FESA) of 1973 declares that all federal departments and agencies shall utilize their authority to conserve endangered and threatened plant and animal species. The California

Endangered Species Act (CESA) of 1984 parallels the policies of FESA and pertains to native California species.

Special-status species also include other species that are considered rare enough by the scientific community and trustee agencies to warrant special consideration, particularly with regard to protection of isolated populations, nesting or denning locations, communal roosts, and other essential habitat. The presence of species with legal protection under the Endangered Species Act often represents a constraint to development, particularly when the species are wide-ranging or highly sensitive to habitat disturbance and where proposed development would result in a take of these species.

Special-status plants are those, which are designated rare, threatened, or endangered and candidate species for listing by the USFWS. Special-status plants also include species considered rare or endangered under the conditions of Section 15380 of the California Environmental Quality Act Guidelines, such as those plant species identified on Lists 1A, 1B and 2 in the Inventory of Rare and Endangered Vascular Plants of California (CNPS, 2021). Finally, special-status plants may include other species that are considered sensitive or of special concern due to limited distribution or lack of adequate information to permit listing or rejection for state or federal status, such as those included on CNPS List 3.

The likelihood of occurrence of listed, candidate, and other special-status species in the work areas is generally low. Table 3 provides a summary of the listing status and habitat requirements of special-status species that have been documented in the greater project vicinity or for which there is potentially suitable habitat in the greater project vicinity. This table also includes an assessment of the likelihood of occurrence of each of these species in the site. The evaluation of the potential for occurrence of each species is based on the distribution of regional occurrences (if any), habitat suitability, and field observations.

TABLE 3

## SPECIAL-STATUS PLANT AND WILDLIFE SPECIES DOCUMENTED OR POTENTIALLY-OCCURRING IN THE PROJECT VICINITY

Common Name	Scientific Name	Federal Status <sup>1</sup>	State Status <sup>2</sup>	CNPS List <sup>3</sup>	Habitat	Potential for Occurrence in the Project Site
<b>PLANTS</b>						
Lesser saltscale	<i>Atriplex minuscula</i>	None	None	1B	Chenopod scrub, playas, valley and foothill grassland; in sandy alkaline soils.	Unlikely: the tilled field does not provide suitable habitat for lesser saltscale. The nearest occurrence of lesser saltscale in the CNDDDB (2021) search area is approximately 7 miles southwest of the site.
Delta button-celery	<i>Eryngium racemosum</i>	None	E	1B	Seasonally inundated (usually floodplain) riparian scrub with a clay substrate.	Unlikely: the site does not provide suitable habitat for delta button-celery. The nearest occurrence of delta button-celery in the CNDDDB (2021) search area is approximately 5 miles southwest of the site.
Alkali-sink goldfields	<i>Lasthenia chrysantha</i>	None	None	1B	Vernal pools.	Unlikely: there are no vernal pools in the site. The nearest occurrence of alkali-sink goldfields in the CNDDDB (2021) search area is approximately 8 miles southwest of the project site.
California alkali grass	<i>Puccinellia simplex</i>	None	None	1B	Chenopod scrub, meadows and seeps, valley and foothill grassland, vernal pool habitats; in alkaline, vernal mesic sinks, flats, and lake margins.	Unlikely: the tilled field does not provide suitable habitat for California alkali grass. The nearest occurrence of this species in the CNDDDB (2021) search area is approximately 8 miles southwest of the site.
<b>WILDLIFE</b>						
<b>Birds</b>						
Swainson's hawk	<i>Buteo swainsoni</i>	None	T	N/A	Breeds in stands of tall trees in open areas. Requires adjacent suitable foraging habitats such as grasslands or alfalfa fields supporting rodents.	Moderate: the site provides foraging habitat for Swainson's hawks and trees in and near the site are suitable for nesting. No Swainson's hawks were observed during the survey and no raptor stick nests were observed in the trees in the site. There are several occurrences of Swainson's hawks in the CNDDDB (2021) search area within a few miles of the site, including a record is approximately 1 mile west of the site.

TABLE 3

## SPECIAL-STATUS PLANT AND WILDLIFE SPECIES DOCUMENTED OR POTENTIALLY-OCCURRING IN THE PROJECT VICINITY

Common Name	Scientific Name	Federal Status <sup>1</sup>	State Status <sup>2</sup>	CNPS List <sup>3</sup>	Habitat	Potential for Occurrence in the Project Site
Tricolored blackbird	<i>Agelaius tricolor</i>	None	T	N/A	Requires open water and protected nesting substrate, usually cattails and riparian scrub with surrounding foraging habitat.	Unlikely: the site provides potentially suitable foraging habitat for tricolored blackbird; there is no nesting habitat in the site. The nearest occurrence of this species in the CNDDDB (2021) search area is approximately 7.5 miles northwest of the site.
Western yellow-billed cuckoo	<i>Coccyzus americanus occidentalis</i>	T	E	N/A	Nests in mature riparian forests, along the broad, lower flood-bottoms of larger river systems.	Unlikely: there is no suitable nesting habitat in or adjacent to the site to support western yellow-billed cuckoo. The nearest occurrence of this species in the CNDDDB (2021) search area is approximately 8.5 miles southwest of the site.
Burrowing owl	<i>Athene cunicularia</i>	None	SC	N/A	Open, dry annual or perennial grasslands, deserts and scrublands characterized by low-growing vegetation.	Unlikely: there are a few ground squirrel burrows in the site, but none of the burrows contained evidence of past or current occupancy by burrowing owls. There are no occurrences of this species in the CNDDDB (2021) search area.
<b>Mammals</b>						
Riparian brush rabbit	<i>Sylvilagus bachmani riparius</i>	E	E	N/A	Dense riparian thickets along large rivers in Stanislaus and southern San Joaquin Counties.	Unlikely: there is no suitable habitat for riparian brush rabbit in the site. The nearest occurrence of this species in the CNDDDB (2021) search area is approximately 4.5 miles southwest of the site at Caswell State Park.
Riparian (=San Joaquin Valley) woodrat	<i>Neotoma fuscipes riparia</i>	E	SC	N/A	Dense riparian woodlands and scrub along major Central Valley rivers.	Unlikely: the site does not provide suitable habitat for riparian woodrat. The nearest documented occurrence of this species in the CNDDDB (2021) search area is approximately 4.5 miles southwest of the site at Caswell State Park.
<b>Reptiles &amp; Amphibians</b>						
Giant garter snake	<i>Thamnophis gigas</i>	T	T	N/A	Freshwater marsh and low gradient streams. Has adapted to drainage canals and irrigation ditches, primarily for dispersal or migration.	Unlikely: there is no suitable aquatic habitat in or near the site to support giant garter snake. There are no recorded occurrences of giant garter snake in the CNDDDB (2021) search area.

TABLE 3

## SPECIAL-STATUS PLANT AND WILDLIFE SPECIES DOCUMENTED OR POTENTIALLY-OCCURRING IN THE PROJECT VICINITY

Common Name	Scientific Name	Federal Status <sup>1</sup>	State Status <sup>2</sup>	CNPS List <sup>3</sup>	Habitat	Potential for Occurrence in the Project Site
California tiger salamander	<i>Ambystoma californiense</i>	T	T	N/A	Seasonal water bodies without fish (i.e., vernal pools and stock ponds) and grassland/ woodland habitats with summer refugia (i.e., burrows).	Unlikely: there is no suitable habitat within or near the site for California tiger salamander. The nearest occurrence of California tiger salamander in the CNDDDB (2021) search area is approximately 1.5 miles northwest of the site. The site is not within designated critical habitat for California tiger salamander (USFWS, 2005a).
California red-legged frog	<i>Rana aurora draytonii</i>	T	SC	N/A	Lowlands and foothills in or near permanent sources of deep water with dense, shrubby or emergent riparian vegetation.	Unlikely: there is no suitable aquatic habitat for California red-legged frog in or near the project site. are no recorded occurrences of this species in the CNDDDB (2021) search area. The site is not within designated critical habitat for California red-legged frog (USFWS, 2006).
Western spadefoot	<i>Spea hammondi</i>	None	SC	N/A	Breeds and lays eggs in seasonal water bodies such as deep vernal pools or stock ponds.	Unlikely: there is no suitable habitat for western spadefoot in the site. The nearest occurrence of this species in the CNDDDB (2021) search area is approximately 5 miles southwest of the site.
Northern California legless lizard	<i>Anniella pulchra</i>	None	SC	N/A	Sandy or loose loamy soils under sparse vegetation.	Unlikely: the project site does not provide high quality habitat for northern California legless lizard; the site has been farmed for decades. The nearest occurrence of this species in the CNDDDB (2021) search area is approximately 7.5 miles northeast of the site.
<b>Fish</b>						
Central Valley steelhead	<i>Oncorhynchus mykiss irideus</i>	T	None	N/A	Riffle and pool complexes with adequate spawning substrates within Central Valley drainages.	None: the project site does not contain aquatic habitat to support any species of fish. The nearest occurrence of Central Valley steelhead in the CNDDDB (2021) search area is within a mile north of the site, in the Stanislaus River. The Stanislaus River is designated critical habitat for this species (NOAA, 2005).

TABLE 3

## SPECIAL-STATUS PLANT AND WILDLIFE SPECIES DOCUMENTED OR POTENTIALLY-OCCURRING IN THE PROJECT VICINITY

Common Name	Scientific Name	Federal Status <sup>1</sup>	State Status <sup>2</sup>	CNPS List <sup>3</sup>	Habitat	Potential for Occurrence in the Project Site
Delta smelt	<i>Hypomesus transpacificus</i>	T	T	N/A	Shallow lower delta waterways with submersed aquatic plants and other suitable refugia.	Unlikely: the project site does not contain suitable aquatic habitat to support any species of fish. There are no occurrences of delta smelt in the CNDDDB (2021) search area. The site is not within designated critical habitat for delta smelt (USFWS, 1994).
Hardhead	<i>Mylopharodon conocephalus</i>	None	SC	N/A	Clear, deep pools with sand and gravel bottoms in tributaries to the San Joaquin and Sacramento River.	Unlikely: the project site does not contain suitable aquatic habitat to support any species of fish. The nearest occurrence of hardhead in the CNDDDB (2021) search area is approximately 4.5 miles southwest of the site.
<b>Invertebrates</b>						
Valley elderberry longhorn beetle	<i>Desmocerus californicus dimorphus</i>	T	None	N/A	Elderberry shrubs, usually in Central Valley riparian habitats.	Unlikely: there are no blue elderberry shrubs in the site. There is a blue elderberry shrub approximately 100 feet west of the site in the grassland area just west of Pirrone Road. The nearest occurrence of valley elderberry longhorn beetle in the CNDDDB (2021) search area is 5 northeast of the site.
Vernal pool fairy shrimp	<i>Branchinecta lynchi</i>	T	None	N/A	Vernal pools.	Unlikely: there are no vernal pools in the site. The nearest occurrence of vernal pool fairy shrimp in the CNDDDB (2021) search area is approximately 6.5 miles southwest of the site. The site is not within designated critical habitat for vernal pool fairy shrimp or other listed branchiopods (USFWS, 2005b).
Conservancy fairy shrimp	<i>Branchinecta conservatio</i>	E	None	N/A	Vernal pools.	Unlikely: there are no vernal pools in the site. The nearest occurrence of Conservancy fairy shrimp in the CNDDDB (2021) search area is approximately 7.5 miles southwest of the site. The site is not within designated critical habitat for Conservancy fairy shrimp or other listed branchiopods (USFWS, 2005b).

TABLE 3

## SPECIAL-STATUS PLANT AND WILDLIFE SPECIES DOCUMENTED OR POTENTIALLY-OCCURRING IN THE PROJECT VICINITY

Common Name	Scientific Name	Federal Status <sup>1</sup>	State Status <sup>2</sup>	CNPS List <sup>3</sup>	Habitat	Potential for Occurrence in the Project Site
Vernal pool tadpole shrimp	<i>Lepidurus packardii</i>	E	None	N/A	Vernal pools.	Unlikely: there are no vernal pools in the site. The nearest occurrence of tadpole shrimp in the CNDDDB (2021) search area is approximately 5 miles southwest of the site. The site is not within designated critical habitat for tadpole shrimp or other listed branchiopods (USFWS, 2005b).
Crotch bumble bee	<i>Bombus crotchii</i>	None	CE	N/A	Variety of habitats from coastal California east to the Sierra-Cascade crest and south into Mexico.	Unlikely: this bee species may fly over the site on occasion. The nearest occurrence of this species in the CNDDDB (2021) search area is approximately 9 miles southeast of the site.
Western bumble bee	<i>Bombus occidentalis</i>	None	CE	N/A	Variety of habitats within Central California.	Unlikely: this bee species may fly over the site on occasion. The nearest occurrence of this species in the CNDDDB (2021) search area is approximately 5 miles northwest of the site.

<sup>1</sup> T= Threatened; E = Endangered.

<sup>2</sup> T = Threatened; E = Endangered; CE= Candidate for listing as an Endangered Species; SC=State of California Species of Special Concern

<sup>3</sup> CNPS List 1B includes species that are rare, threatened, or endangered in California and elsewhere.

SPECIAL-STATUS PLANTS: Three species of special-status plants were identified in the CNDDDB (2021) search area (Table 3 and Attachment A). These include lesser saltscare (*Atriplex minuscula*), Delta button-celery (*Eryngium racemosum*), alkal-sink goldfields (*Lasthenia chrysantha*), and California alkali grass (*Puccinellia simplex*). The USFWS species list (Attachment B) does not contain any special-status plants.

Special-status plants generally occur in relatively undisturbed areas in vegetation communities such as vernal pools, marshes and swamps, seasonal wetlands, riparian scrub, and areas with unusual soils. The leveled field and ruderal grasslands along the edges of the field are highly disturbed and do not provide suitable habitat for any special-status plants. Due to lack of suitable habitat, no special-status plant species are expected to occur in the site.

SPECIAL-STATUS WILDLIFE: The potential for intensive use of habitats within the project site by special-status wildlife species is very low. Special-status wildlife identified in the CNDDDB (2021) search are Swainson's hawk, tricolored blackbird (*Agelaius tricolor*), western yellow-billed cuckoo (*Coccyzus americanus occidentalis*), riparian brush rabbit (*Sylvilagus bachmani riparius*), riparian (=San Joaquin Valley) woodrat (*Neotoma fuscipes riparia*), California tiger salamander (*Ambystoma californiense*), northern California legless lizard (*Anniella pulchra*), western spadefoot (*Spea hammondi*), Central Valley steelhead (*Oncorhynchus mykiss*), hardhead (*Mylopharodon conocephalus*), valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), vernal pool fairy shrimp (*Branchinecta lynchi*), vernal pool tadpole shrimp (*Lepidurus packardii*), Conservancy fairy shrimp (*Branchinecta conservatio*), Crotch bumble bee (*Bombus crotchii*), and western bumble bee (*Bombus occidentalis*) (Table 3 and Attachment A). Although not recorded in the CNDDDB (2021) within the search area, giant garter snake (*Thamnophis gigas*), California red-legged frog (*Rana aurora draytonii*), and delta smelt (*Hypomesus transpacificus*) were added to Table 3 as they are on the USFWS Species List (Attachment B). Burrowing owl was added to Table 3 as it is known to occur in the greater project vicinity.

While the project site may have provided habitat for special-status wildlife species at some time in the past, farming and development have substantially modified natural habitats in the greater project vicinity. Of the wildlife species identified in the CNDDDB, Swainson's hawk and burrowing owl are the only species that have potential to occur in the site on more than a transitory or occasional basis.

**SWAINSON'S HAWK:** The Swainson's hawk is a migratory hawk listed by the State of California as a Threatened species. The Migratory Bird Treaty Act and Fish and Game Code of California protect Swainson's hawks year-round, as well as their nests during the nesting season (March 1 through September 15). Swainson's hawk are found in the Central Valley primarily during their breeding season, a population is known to winter in the San Joaquin Valley.

Swainson's hawks prefer nesting sites that provide sweeping views of nearby foraging grounds consisting of grasslands, irrigated pasture, hay, and wheat crops. Most Swainson's hawks are migratory, wintering in Mexico and breeding in California and elsewhere in the western United States. This raptor generally arrives in the Central Valley in mid-March, and begins courtship and nest construction immediately upon arrival at the breeding sites. The young fledge in early July, and most Swainson's hawks leave their breeding territories by late August.

The site is within the nesting range of Swainson's hawks and the CNDDDB (2021) contains a few records of nesting Swainson's hawks in the greater project vicinity (Attachment B). The nearest occurrence of nesting Swainson's hawks in the CNDDDB (2021) search area is along the Stanislaus River approximately 1 mile west of the site.

Swainson's hawks were not observed in or near the site during the recent survey, which was conducted in the early morning during the heart of the Swainson's hawk nesting season. The large trees along the edges of the site are suitable for

nesting by Swainson's hawks, but no raptor stick nests were observed in these trees. Large trees visible from the site, especially those along the Stanislaus River, were also scanned for nesting Swainson's hawks and large raptor stick nests and none were observed. No Swainson's hawks were observed exhibiting signs of defending nest territories such as vocalizing or soaring and/or circling over fixed locations.

The site provides suitable foraging habitat for Swainson's hawks. Due to the size of the site, proximity to Highway 99 and developed areas, and distance from preferred nesting habitat along the Stanislaus River, it is unlikely Swainson's hawks forage in the site on an intensive basis.

**BURROWING OWL:** The Migratory Bird Treaty Act and Fish and Game Code of California protect burrowing owls year-round, as well as their nests during the nesting season (February 1 through August 31). Burrowing owls are a year-long resident in a variety of grasslands as well as scrub lands that have a low density of trees and shrubs with low growing vegetation; burrowing owls that nest in the Central Valley may winter elsewhere.

The primary habitat requirement of the burrowing owl is small mammal burrows for nesting. The owl usually nests in abandoned ground squirrel burrows, although they have been known to dig their own burrows in softer soils. In urban areas, burrowing owls often utilize artificial burrows including pipes, culverts, and piles of concrete pieces. This semi-colonial owl breeds from March through August, and is most active while hunting during dawn and dusk. There are no occurrences of burrowing owls in the CNDDDB (2021) search area.

No burrowing owls or ground squirrels were observed in the site during the field survey. The ruderal grassland along the edges of the farmed field in the site is weedy and provides marginal foraging habitat for burrowing owl. While a few old ground squirrel burrows were observed within the site, none of the burrows had evidence of burrowing owl occupancy (i.e. whitewash, feathers and/or pellets).

The site is within the species range and burrowing owls may fly over or forage in the site on an occasional basis. It is possible that burrowing owls could nest in the site in the future, if burrow habitat is available.

**OTHER SPECIAL-STATUS SPECIES:** A few special-status birds, such as tricolored blackbird may fly over the area on occasion, but would not be expected to nest in or the project site due to lack of suitable nesting habitat. There are no riparian woodlands or riparian thickets to support riparian woodrat and riparian brush rabbit. The site does not provide suitable aquatic habitat for any type of fish, western spadefoot, giant garter snake, California tiger salamander, or California red-legged frog. The ruderal grassland along the edges of the site and the farmed field in the body of the site does not provide suitable habitat for northern California legless lizard.

There are no vernal pools or seasonal wetlands in the site for vernal pool branchiopods (i.e., fairy, tadpole shrimp and Conservancy fairy shrimp). Bees may fly over the site on occasion, but the site lack the floristic characteristics to support bees in a meaningful capacity.

There is a blue elderberry shrub situated approximately 100 feet west of the site. Due to spatial separation of this blue elderberry shrub and lack of shrubs in or immediately adjacent to the site, valley longhorn elderberry beetle is not expected to occur in the site.

**CRITICAL HABITAT:** The site is not within designated critical habitat for delta smelt (USFWS, 1994), California red-legged frog (USFWS, 2006), California tiger salamander (USFWS, 2005a), federally listed vernal pool shrimp or plants (USFWS, 2005b), valley elderberry longhorn beetle (USFWS, 1980), Central Valley steelhead (NOAA, 2005), or other federally listed species.

## Conclusions and Recommendations

- The site is a farmed oat field bordered by highly disturbed ruderal grassland vegetation. On-site habitats are biologically unremarkable.
- No potentially jurisdictional Waters of the U.S. or wetlands were observed in the project site.
- Due to high levels of disturbance and a lack of suitable habitat, it is unlikely that special-status plants occur in the site.
- The site provides suitable foraging and nesting habitat for Swainson's hawk. No Swainson's hawks were observed during the recent survey, which was conducted in the early morning during the heart of the Swainson's hawk nesting season. It is unlikely Swainson's hawks forage in the site on an intensive basis.
- Pre-construction surveys for nesting Swainson's hawks within 0.25 miles of the project site are recommended if construction commences between March 1 and September 15. If active nests are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction. The determination should utilize criteria set forth by CDFW (CDFG, 1994).
- Pre-construction surveys for burrowing owls in the site should be conducted if construction commences between February 1 and August 31. If occupied burrows are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction. The determination should be pursuant to criteria set forth by CDFW (CDFG, 2012).

- Trees, shrubs, and grasslands in the site could be used by other birds protected by the Migratory Bird Treaty Act of 1918. If vegetation removal or construction commences during the general avian nesting season (March 1 through July 31), a pre-construction survey for nesting birds is recommended. If active nests are found, work in the vicinity of the nest should be delayed until the young fledge.

We hope this information is useful. Please call me at (209) 745-1159 with any questions.

Sincerely,



Diane S. Moore, M.S.  
Principal Biologist

## References and Literature Consulted

ACOE (U.S. Army Corps of Engineers). 1987. Technical Report Y87-1. U.S. Army Corps of Engineers Waterways Experiment Station, Vicksburg, MI.

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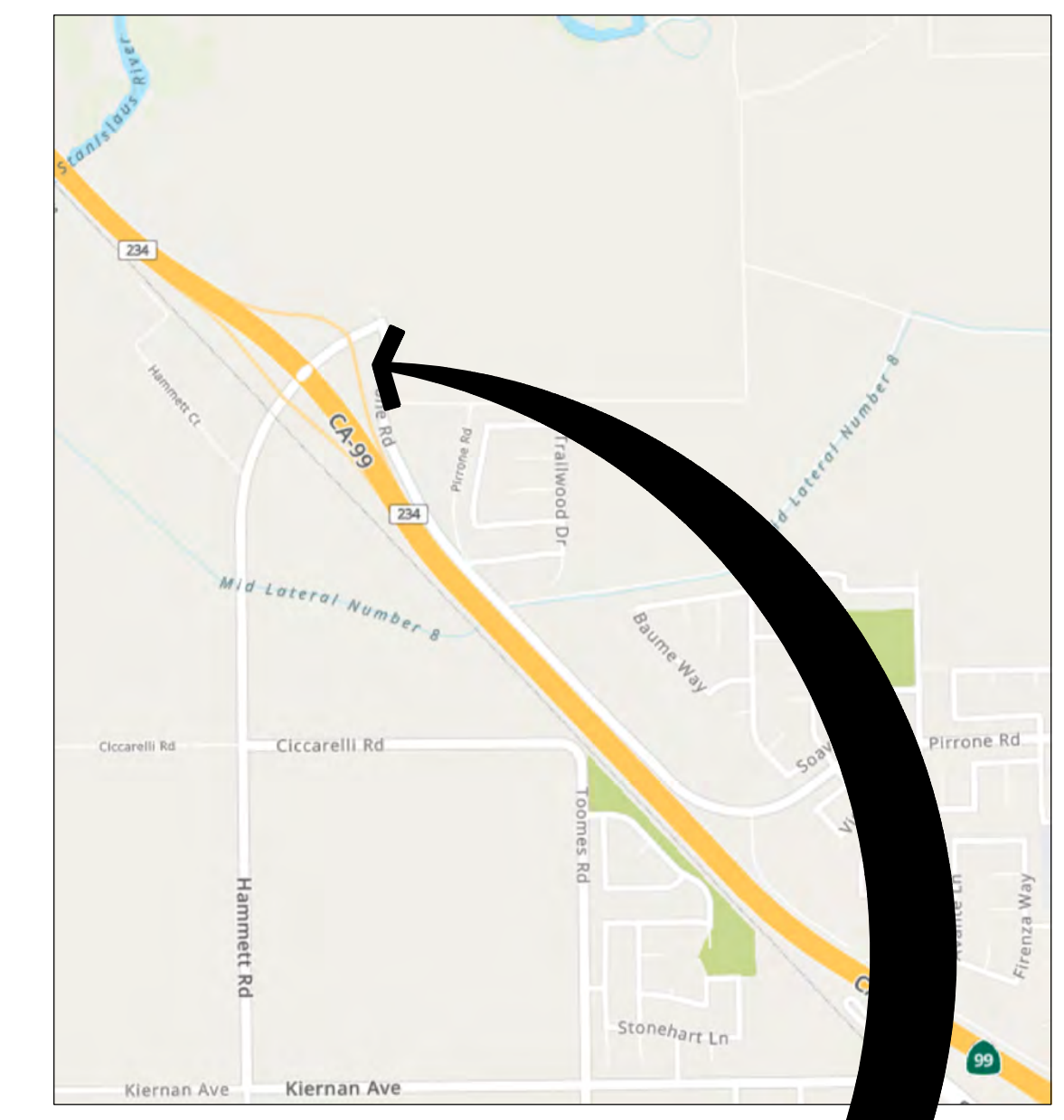
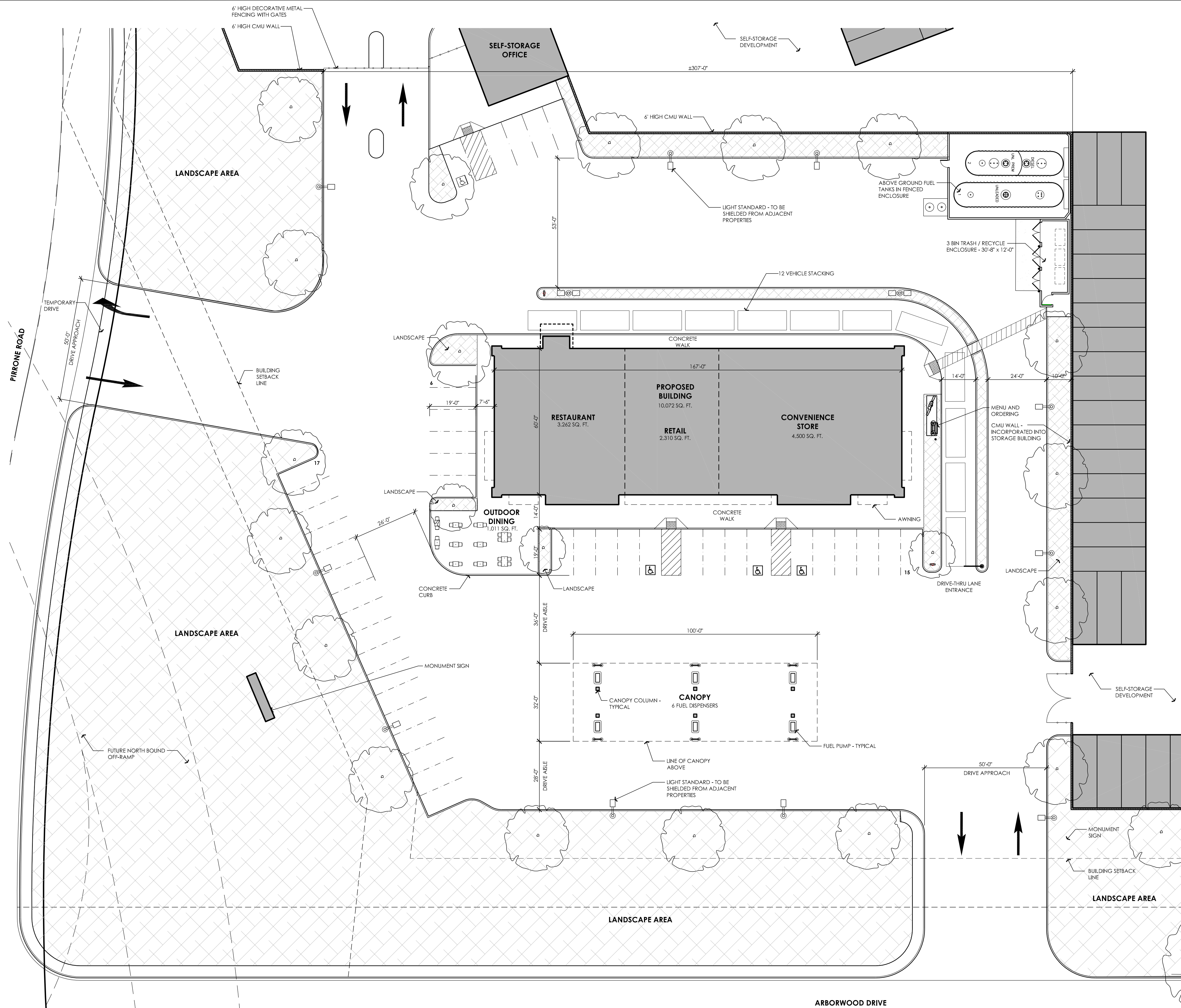
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USFWS. 2017. Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle (*Desmocerus californicus dimorphus*). U.S. Fish and Wildlife Service; Sacramento, California. 28pp.

Attachment A

Site Plan



**PROJECT LOCATION**

PIRRONE AND HAMMETT ROADS  
MODesto, CA

**VICINITY MAP**

PIRRONE ROAD  
SALIDA, CA

**PROJECT TEAM**

**PROJECT CONTACT:**  
BALDEV GREWAL  
(209) 658-7987  
CONTACT: BALDEV GREWAL

**ARCHITECT:**  
API  
4335-B NORTH STAR WAY  
MODesto, CA 95356  
(209) 577-4661  
CONTACT: RODNEY ALONZO  
rod@apiarc.com

**PROJECT DESCRIPTION**

**RETAIL DEVELOPMENT:** NEW 10,072 SQ. FT. CONVENIENCE STORE / RESTAURANT BUILDING WITH SITE DEVELOPMENT  
**STORAGE DEVELOPMENT:** 9 SELF-STORAGE UNIT BUILDINGS, 61,460 SQ. FT. TOTAL, AND 1,400 SQ. FT. OFFICE BUILDING, AND SITE DEVELOPMENT

**SITE DATA**

**JURISDICTION:** COUNTY OF STANISLAUS  
**ADDRESS:** PIRRONE AND HAMMETT ROADS  
**ASSESSOR'S PARCEL NUMBER:** 003-014-007  
**PROPERTY AREA:** 418,176 SQ. FT. / 9.60 AC  
**DEVELOPMENT AREA:** RETAIL - 144,154 SQ. FT. / 3.3 AC  
STORAGE - 182,531 SQ. FT. / 4.19 AC  
**BUILDING COVERAGE:** RETAIL - 10,072 SQ. FT. (.069% OF RETAIL DEVELOPMENT AREA)  
STORAGE - 62,820 SQ. FT. (.34% OF STORAGE DEVELOPMENT AREA)  
**CURRENT ZONE:** SALIDA COMMUNITY PLAN C-2  
**GENERAL PLAN:** SALIDA COMMUNITY PLAN C-2

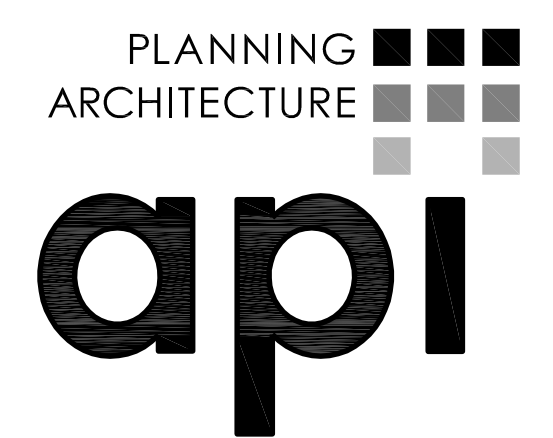
**BUILDING DATA**

**RETAIL DEVELOPMENT AREA:** 10,072 SQ. FT.  
**BUILDING AREA:** 10,072 SQ. FT.  
**BUILDING USE:** CONVENIENCE STORE / RESTAURANT / RETAIL  
**STORIES:** 1  
**SELF-STORAGE DEVELOPMENT:** 62,820 SQ. FT.  
**BUILDING USE:** RENTED STORAGE UNITS  
**STORIES:** 1

**PARKING DATA**

**RETAIL DEVELOPMENT**  
**PARKING REQUIRED:**  
CONVENIENCE STORE - 1 STALL/300 SQ. FT.: 15 STALLS  
RETAIL - 1 STALL/300 SQ. FT.: 8 STALLS  
RESTAURANT - 1 STALL/4 SEATS: 15 STALLS  
TOTAL PARKING REQUIRED: 38 STALLS  
**PARKING PROVIDED:**  
STANDARD: 35 STALLS  
ACCESSIBLE: 3 STALLS  
TOTAL PARKING PROVIDED: 38 STALLS  
**STORAGE DEVELOPMENT**  
**PARKING PROVIDED:**  
OFFICE - 1 STALL/300 SQ. FT.: 5 STALLS  
TOTAL PARKING REQUIRED: 5 STALLS  
**PARKING PROVIDED:**  
STANDARD: 4 STALLS  
ACCESSIBLE: 1 STALL  
TOTAL PARKING PROVIDED: 5 STALLS

**PROPOSED NEW DEVELOPMENT:**  
**PIRRONE RETAIL**  
PIRRONE ROAD AND HAMMETT ROAD  
SALIDA, CA.



ARCHITECTURE PLUS INC.  
4335-B NORTH STAR WAY  
MODesto, CA 95356

ph. 209.577.4661  
fx. 209.577.0213

www.aplarc.com

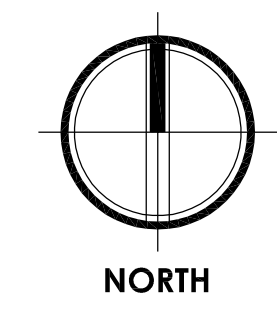
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OF 2

**SITE PLAN - PROJECT AREA**

SCALE: 1" = 20'-0"

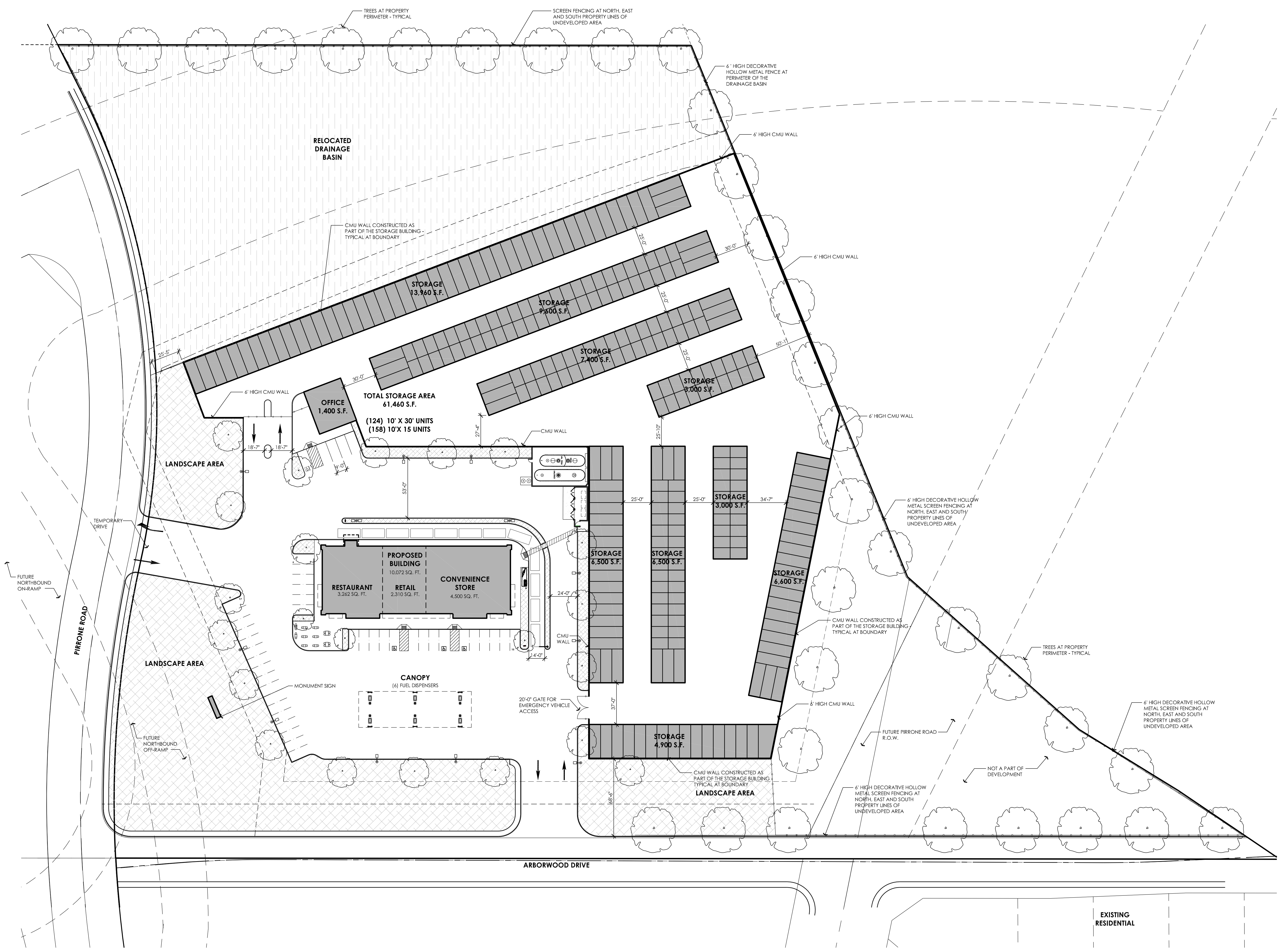
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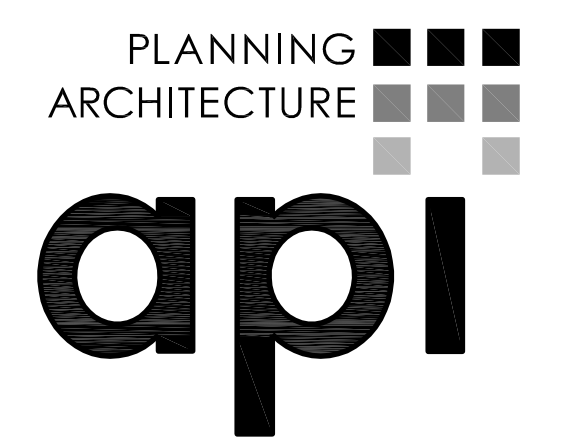
**SITE CONCEPT NARRATIVE**  
 THE SITE LANDSCAPE FOR THIS PROJECT WILL BE DESIGNED TO PROVIDE AN AESTHETIC LANDSCAPE DESIGN THAT MEETS THE PROJECT GOALS AND CONFORMS WITH THE COUNTY'S LANDSCAPE GUIDELINES. THE PLANTING DESIGN WILL PROVIDE CLEAN AND OPEN LANDSCAPE TO COMPLIMENT THE BUILDING ARCHITECTURE, PROVIDE CLEAR VIEWS THROUGH THE PARKING LOT, COORDINATE WITH THE NEARBY EXISTING LANDSCAPE AND ENHANCE THE STREET EDGE.

PLANT SPECIES WILL BE SELECTED TO PERFORM WELL IN THIS REGION. PLANTS SELECTED FOR THIS PROJECT WILL HAVE LOW OR MEDIUM WATER USE CLASSIFICATION, ARE DURABLE AND REQUIRE LOW MAINTENANCE. THE PLANTING DESIGN WILL CONFORM WITH THE COUNTY'S MWVELO ORDINANCE AND BE DROUGHT TOLERANT.

**IRRIGATION DESIGN**  
 THE LANDSCAPE ON THIS SITE WILL USE DRIP IRRIGATION, WILL MEET THE COUNTY'S REQUIREMENTS AND COMPLY WITH THE REQUIREMENTS OF THE STATE'S WATER EFFICIENT LANDSCAPE ORDINANCE (MWVELO). EQUIPMENT INCLUDES DEDICATED IRRIGATION METER, SMART CONTROLLER, WEATHER SENSOR AND EFFICIENT IRRIGATION EMITTERS, NOZZLES AND OTHER EQUIPMENT.



**PROPOSED NEW DEVELOPMENT:  
 PIRRONE RETAIL**  
 PIRRONE ROAD AND HAMMETT ROAD  
 SALIDA, CA.

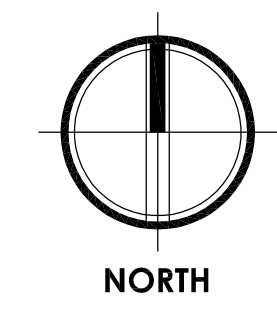


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SHEET:  
**A2**  
 OF 2

**SITE PLAN - OVERALL**  
 SCALE: 1" = 40'-0"

DATE: 02-17-21



Attachment B

CNDDDB Summary Report and Exhibits

& USFWS Species List



**Selected Elements by Scientific Name**  
**California Department of Fish and Wildlife**  
**California Natural Diversity Database**



**Query Criteria:** Quad<span style='color: Red'> IS </span>(Ripon (3712162)<span style='color: Red'> OR </span>Avena (3712171)<span style='color: Red'> OR </span>Salida (3712161)<span style='color: Red'> OR </span>Manteca (3712172))

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<b><i>Agelaius tricolor</i></b> tricolored blackbird	ABPBXB0020	None	Threatened	G1G2	S1S2	SSC
<b><i>Ambystoma californiense</i></b> California tiger salamander	AAAAA01180	Threatened	Threatened	G2G3	S2S3	WL
<b><i>Anniella pulchra</i></b> Northern California legless lizard	ARACC01020	None	None	G3	S3	SSC
<b><i>Atriplex minuscula</i></b> lesser saltscale	PDCHE042M0	None	None	G2	S2	1B.1
<b><i>Bombus caliginosus</i></b> obscure bumble bee	IIHYM24380	None	None	G4?	S1S2	
<b><i>Bombus crotchii</i></b> Crotch bumble bee	IIHYM24480	None	Candidate Endangered	G3G4	S1S2	
<b><i>Bombus occidentalis</i></b> western bumble bee	IIHYM24250	None	Candidate Endangered	G2G3	S1	
<b><i>Branchinecta conservatio</i></b> Conservancy fairy shrimp	ICBRA03010	Endangered	None	G2	S2	
<b><i>Branchinecta lynchi</i></b> vernal pool fairy shrimp	ICBRA03030	Threatened	None	G3	S3	
<b><i>Branta hutchinsii leucopareia</i></b> cackling (=Aleutian Canada) goose	ABNJB05035	Delisted	None	G5T3	S3	WL
<b><i>Buteo swainsoni</i></b> Swainson's hawk	ABNKC19070	None	Threatened	G5	S3	
<b><i>Coccyzus americanus occidentalis</i></b> western yellow-billed cuckoo	ABNRB02022	Threatened	Endangered	G5T2T3	S1	
<b><i>Desmocerus californicus dimorphus</i></b> valley elderberry longhorn beetle	IICOL48011	Threatened	None	G3T2	S3	
<b><i>Elderberry Savanna</i></b> Elderberry Savanna	CTT63440CA	None	None	G2	S2.1	
<b><i>Eryngium racemosum</i></b> Delta button-celery	PDAP10Z0S0	None	Endangered	G1	S1	1B.1
<b><i>Falco columbarius</i></b> merlin	ABNKD06030	None	None	G5	S3S4	WL
<b><i>Great Valley Cottonwood Riparian Forest</i></b> Great Valley Cottonwood Riparian Forest	CTT61410CA	None	None	G2	S2.1	
<b><i>Great Valley Mixed Riparian Forest</i></b> Great Valley Mixed Riparian Forest	CTT61420CA	None	None	G2	S2.2	
<b><i>Great Valley Valley Oak Riparian Forest</i></b> Great Valley Valley Oak Riparian Forest	CTT61430CA	None	None	G1	S1.1	

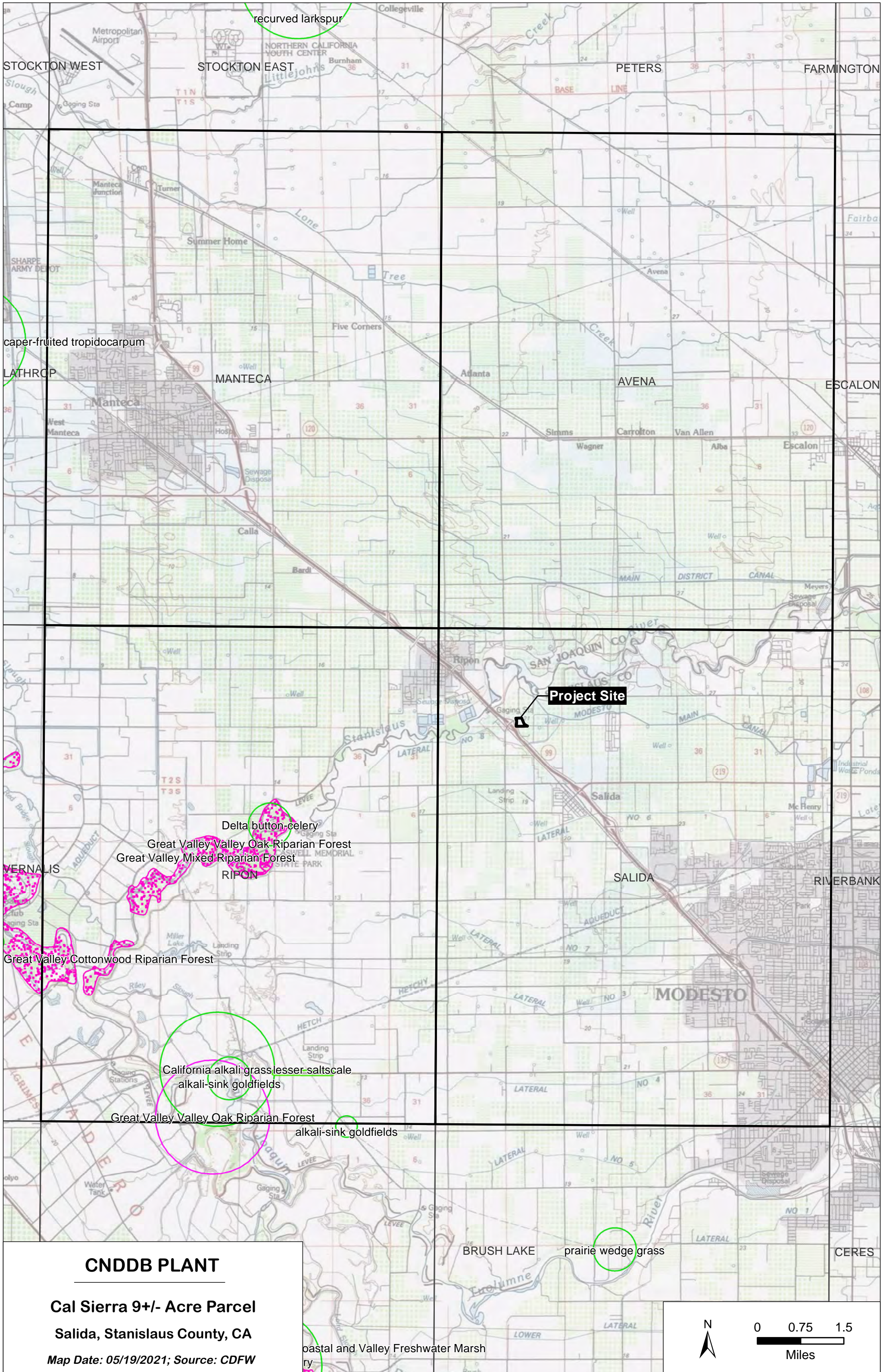


**Selected Elements by Scientific Name**  
**California Department of Fish and Wildlife**  
**California Natural Diversity Database**



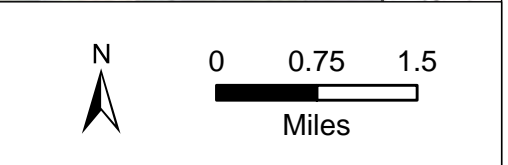
Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<b><i>Lasthenia chrysantha</i></b> alkali-sink goldfields	PDAST5L030	None	None	G2	S2	1B.1
<b><i>Lepidurus packardii</i></b> vernal pool tadpole shrimp	ICBRA10010	Endangered	None	G4	S3S4	
<b><i>Linderiella occidentalis</i></b> California linderiella	ICBRA06010	None	None	G2G3	S2S3	
<b><i>Lytta moesta</i></b> moestan blister beetle	IICOL4C020	None	None	G2	S2	
<b><i>Mylopharodon conocephalus</i></b> hardhead	AFCJB25010	None	None	G3	S3	SSC
<b><i>Neotoma fuscipes riparia</i></b> riparian (=San Joaquin Valley) woodrat	AMAFF08081	Endangered	None	G5T1Q	S1	SSC
<b><i>Oncorhynchus mykiss irideus pop. 11</i></b> steelhead - Central Valley DPS	AFCHA0209K	Threatened	None	G5T2Q	S2	
<b><i>Puccinellia simplex</i></b> California alkali grass	PMPOA53110	None	None	G3	S2	1B.2
<b><i>Spea hammondi</i></b> western spadefoot	AAABF02020	None	None	G2G3	S3	SSC
<b><i>Sylvilagus bachmani riparius</i></b> riparian brush rabbit	AMAEB01021	Endangered	Endangered	G5T1	S1	

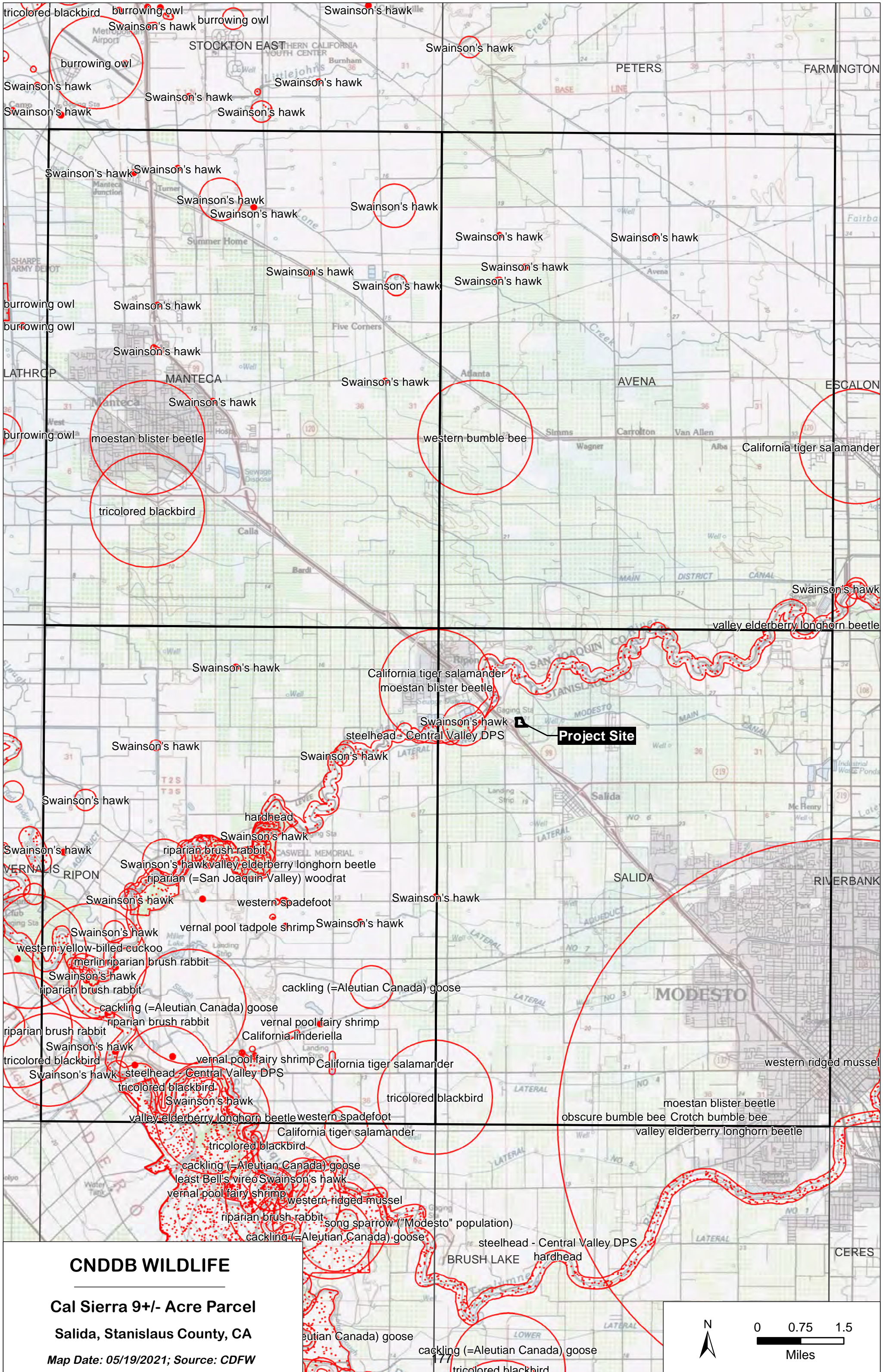
**Record Count: 29**



**CNDDDB PLANT**

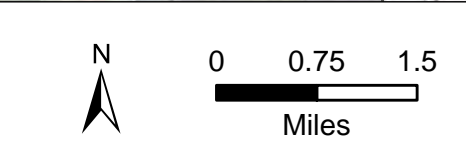
**Cal Sierra 9+/- Acre Parcel**  
**Salida, Stanislaus County, CA**  
*Map Date: 05/19/2021; Source: CDFW*





**CNDDDB WILDLIFE**

**Cal Sierra 9+/- Acre Parcel**  
**Salida, Stanislaus County, CA**  
*Map Date: 05/19/2021; Source: CDFW*



# IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

## Location

San Joaquin and Stanislaus counties, California



## Local office

Sacramento Fish And Wildlife Office

☎ (916) 414-6600

📅 (916) 414-6713

Federal Building  
2800 Cottage Way, Room W-2605  
Sacramento, CA 95825-1846

# Endangered species

**This resource list is for informational purposes only and does not constitute an analysis of project level impacts.**

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species<sup>1</sup> and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries<sup>2</sup>).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

## Reptiles

NAME

STATUS

<b>Giant Garter Snake</b> <i>Thamnophis gigas</i>	<b>Threatened</b>
Wherever found	
No critical habitat has been designated for this species.	
<a href="https://ecos.fws.gov/ecp/species/4482">https://ecos.fws.gov/ecp/species/4482</a>	

## Amphibians

NAME	STATUS
<b>California Red-legged Frog</b> <i>Rana draytonii</i>	<b>Threatened</b>
Wherever found	
There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available.	
<a href="https://ecos.fws.gov/ecp/species/2891">https://ecos.fws.gov/ecp/species/2891</a>	
<b>California Tiger Salamander</b> <i>Ambystoma californiense</i>	<b>Threatened</b>
There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available.	
<a href="https://ecos.fws.gov/ecp/species/2076">https://ecos.fws.gov/ecp/species/2076</a>	

## Fishes

NAME	STATUS
<b>Delta Smelt</b> <i>Hypomesus transpacificus</i>	<b>Threatened</b>
Wherever found	
There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available.	
<a href="https://ecos.fws.gov/ecp/species/321">https://ecos.fws.gov/ecp/species/321</a>	

## Insects

NAME	STATUS
<b>Valley Elderberry Longhorn Beetle</b> <i>Desmocerus californicus dimorphus</i>	<b>Threatened</b>
Wherever found	
There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available.	
<a href="https://ecos.fws.gov/ecp/species/7850">https://ecos.fws.gov/ecp/species/7850</a>	

## Crustaceans

NAME	STATUS
<b>Vernal Pool Fairy Shrimp</b> <i>Branchinecta lynchi</i>	<b>Threatened</b>
Wherever found	
There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available.	
<a href="https://ecos.fws.gov/ecp/species/498">https://ecos.fws.gov/ecp/species/498</a>	

## Vernal Pool Tadpole Shrimp *Lepidurus packardii*

Endangered

Wherever found

There is **final** critical habitat for this species. The location of the critical habitat is not available.

<https://ecos.fws.gov/ecp/species/2246>

## Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

## Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your

list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.)
<p>Common Yellowthroat <i>Geothlypis trichas sinuosa</i>            This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA  <a href="https://ecos.fws.gov/ecp/species/2084">https://ecos.fws.gov/ecp/species/2084</a></p>	Breeds May 20 to Jul 31
<p>Lawrence's Goldfinch <i>Carduelis lawrencei</i>            This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.  <a href="https://ecos.fws.gov/ecp/species/9464">https://ecos.fws.gov/ecp/species/9464</a></p>	Breeds Mar 20 to Sep 20
<p>Long-billed Curlew <i>Numenius americanus</i>            This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.  <a href="https://ecos.fws.gov/ecp/species/5511">https://ecos.fws.gov/ecp/species/5511</a></p>	Breeds elsewhere
<p>Nuttall's Woodpecker <i>Picoides nuttallii</i>            This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA  <a href="https://ecos.fws.gov/ecp/species/9410">https://ecos.fws.gov/ecp/species/9410</a></p>	Breeds Apr 1 to Jul 20
<p>Oak Titmouse <i>Baeolophus inornatus</i>            This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.  <a href="https://ecos.fws.gov/ecp/species/9656">https://ecos.fws.gov/ecp/species/9656</a></p>	Breeds Mar 15 to Jul 15

<p><b>Rufous Hummingbird</b> <i>selasphorus rufus</i>  This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.  <a href="https://ecos.fws.gov/ecp/species/8002">https://ecos.fws.gov/ecp/species/8002</a></p>	Breeds elsewhere
<p><b>Short-billed Dowitcher</b> <i>Limnodromus griseus</i>  This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.  <a href="https://ecos.fws.gov/ecp/species/9480">https://ecos.fws.gov/ecp/species/9480</a></p>	Breeds elsewhere
<p><b>Song Sparrow</b> <i>Melospiza melodia</i>  This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA</p>	Breeds Feb 20 to Sep 5
<p><b>Spotted Towhee</b> <i>Pipilo maculatus clementae</i>  This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA  <a href="https://ecos.fws.gov/ecp/species/4243">https://ecos.fws.gov/ecp/species/4243</a></p>	Breeds Apr 15 to Jul 20
<p><b>Tricolored Blackbird</b> <i>Agelaius tricolor</i>  This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.  <a href="https://ecos.fws.gov/ecp/species/3910">https://ecos.fws.gov/ecp/species/3910</a></p>	Breeds Mar 15 to Aug 10
<p><b>Whimbrel</b> <i>Numenius phaeopus</i>  This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.  <a href="https://ecos.fws.gov/ecp/species/9483">https://ecos.fws.gov/ecp/species/9483</a></p>	Breeds elsewhere
<p><b>Wrentit</b> <i>Chamaea fasciata</i>  This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds Mar 15 to Aug 10
<p><b>Yellow-billed Magpie</b> <i>Pica nuttalli</i>  This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.  <a href="https://ecos.fws.gov/ecp/species/9726">https://ecos.fws.gov/ecp/species/9726</a></p>	Breeds Apr 1 to Jul 31

## Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is  $0.25/0.25 = 1$ ; at week 20 it is  $0.05/0.25 = 0.2$ .
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

### Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

### Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

### No Data (-)

A week is marked as having no data if there were no survey events for that week.

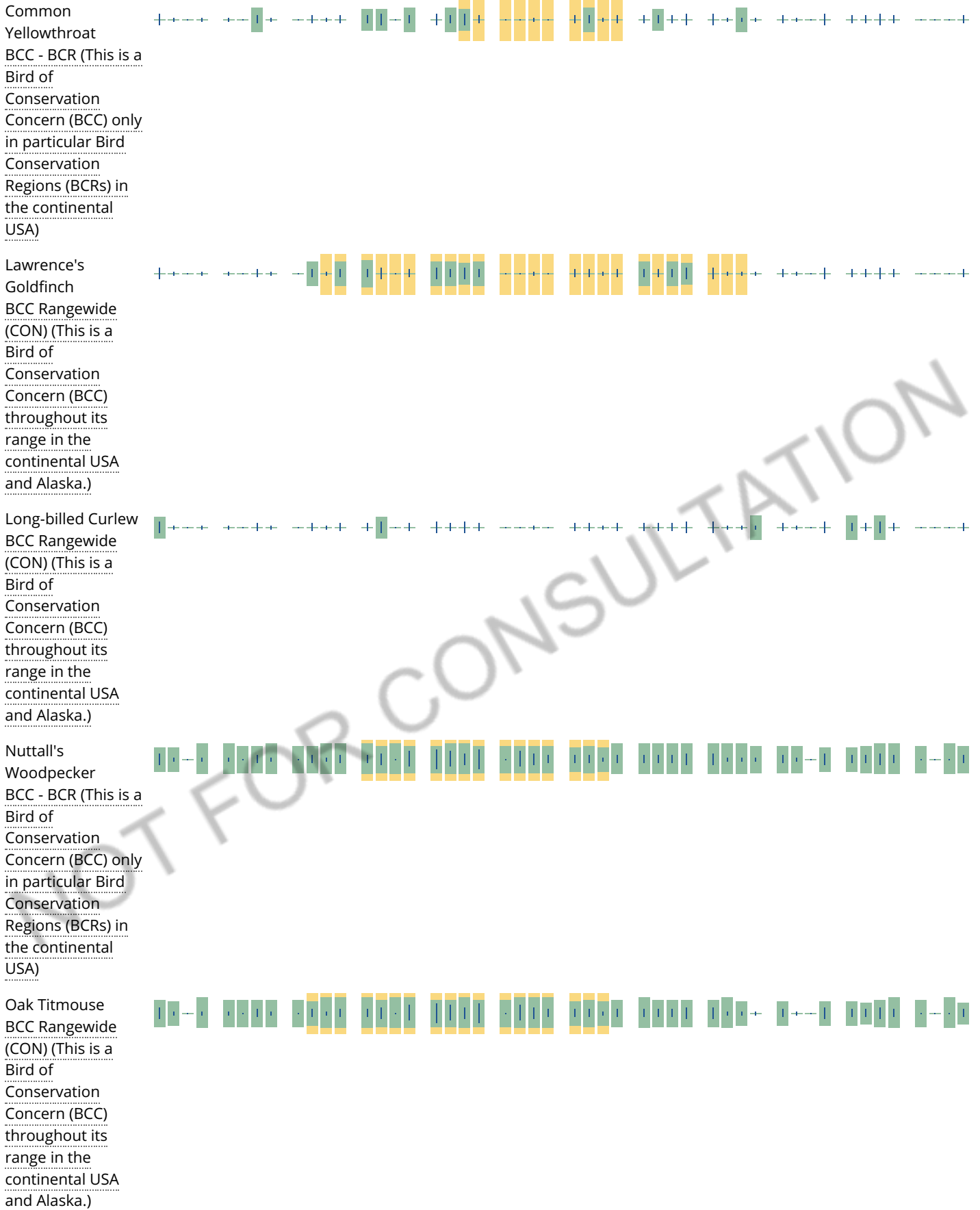
### Survey Timeframe

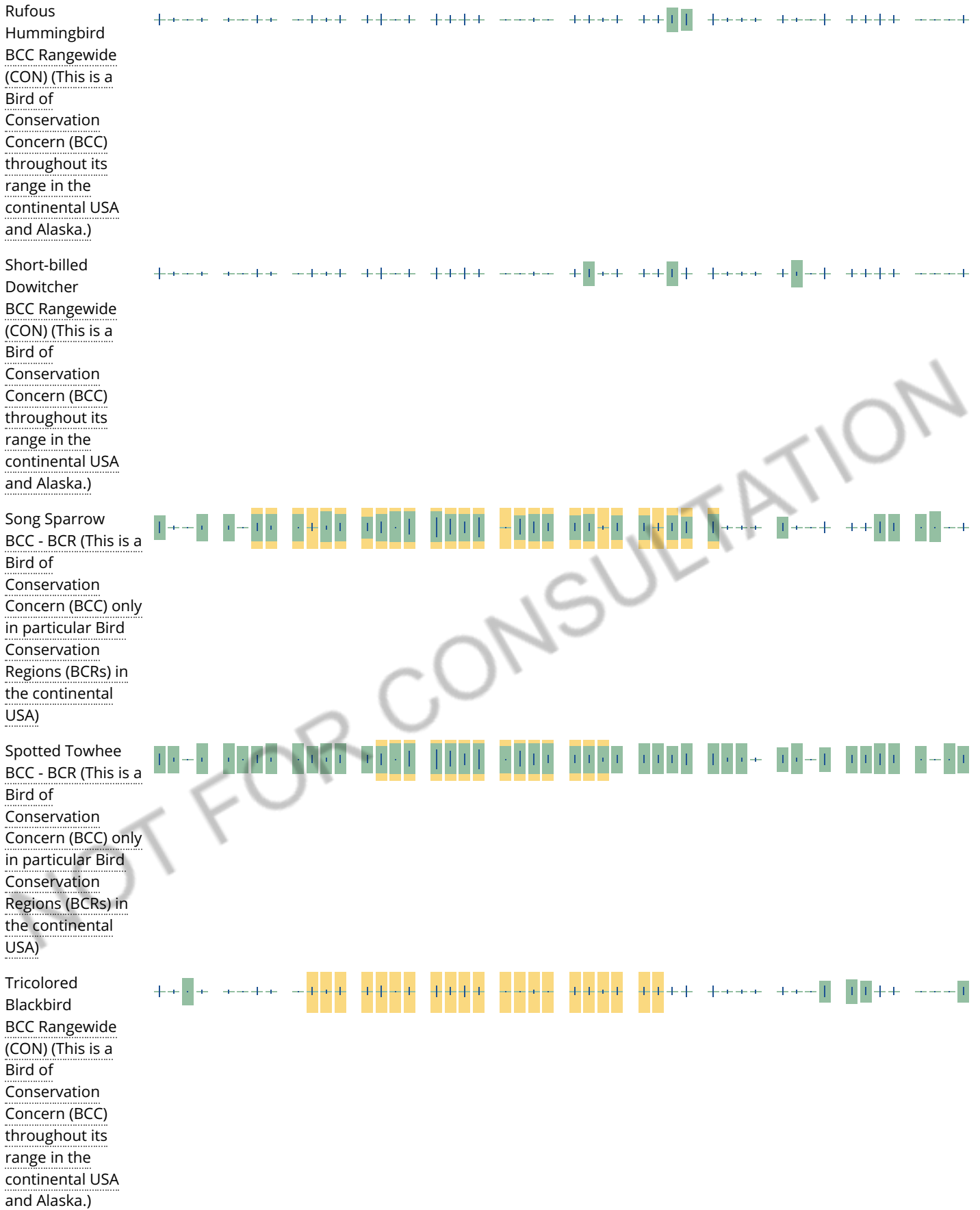
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

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■ probability of presence   
 ■ breeding season   
 | survey effort   
 - no data

SPECIES      JAN      FEB      MAR      APR      MAY      JUN      JUL      AUG      SEP      OCT      NOV      DEC







**Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.**

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

**What does IPaC use to generate the migratory birds potentially occurring in my specified location?**

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#), and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

### What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go to the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

### How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

### What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

### Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

### Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

## Facilities

### National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

### Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

## Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

WETLAND INFORMATION IS NOT AVAILABLE AT THIS TIME

This can happen when the National Wetlands Inventory (NWI) map service is unavailable, or for very large projects that intersect many wetland areas. Try again, or visit the [NWI map](#) to view wetlands at this location.

### Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

### Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

### Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

Attachment C

Photographs



Recently cut forage crop in the body of the site, looking north from the south edge of the site; 05/05/21.



Southeast part of the site, looking northwest from the southeast corner of the site; 05/05/21.



North edge of the site, looking west from the northeast corner of the site; 05/05/21.



East edge of the site, looking south from the northeast edge of the site; 05/05/21.



Live oak tree along the north edge of the site, looking northwest from the north part of the site; 05/05/21.



Large cottonwood tree in the southeast part of the site, looking southeast from the east edge of the site; 05/05/21.



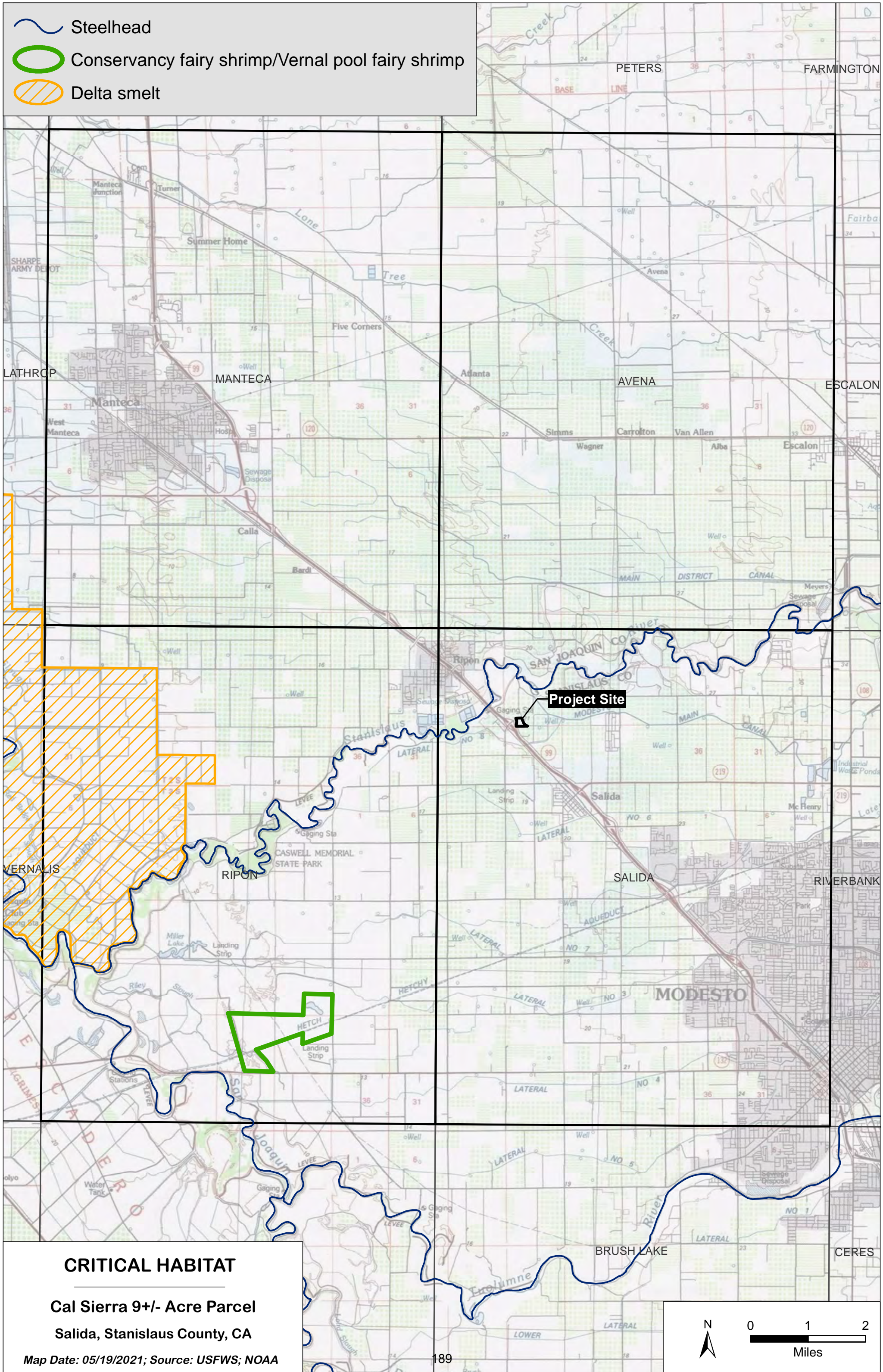
West edge of the site, looking north along Pirrone Road from the southwest corner of the site; 05/05/21.



Elderberry shrub within the grassland strip west of Pirrone Road, looking northwest; 05/05/21. This shrub is located approximately 100 feet west of the site.

Attachment D  
Designated Critical Habitat

-  Steelhead
-  Conservancy fairy shrimp/Vernal pool fairy shrimp
-  Delta smelt



**CRITICAL HABITAT**

Cal Sierra 9+/- Acre Parcel  
 Salida, Stanislaus County, CA

Map Date: 05/19/2021; Source: USFWS; NOAA





## CENTRAL CALIFORNIA INFORMATION CENTER

*California Historical Resources Information System*  
Department of Anthropology – California State University, Stanislaus  
One University Circle, Turlock, California 95382  
(209) 667-3307

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*Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus & Tuolumne Counties*

**Date:** June 11, 2019

**CCaIC File #:** 11104N

**Re: Project:** Commercial Improvements on  
APN 003-014-007 at intersection of Pirrone Rd.  
and Arborwood Dr., Stanislaus Co.; Tentative  
Parcel Map Application

Vionna Adams, PE  
O'Dell Engineering  
1165 Scenic Drive, Ste. A  
Modesto, CA 95350

Email: [vadams@odellengineering.com](mailto:vadams@odellengineering.com)

Dear Ms. Adams,

We have conducted a records search as per your request for the above-referenced project area located on the Salida USGS 7.5-minute quadrangle map in Stanislaus County.

Search of our files includes review of our maps for the specific project area and the immediate vicinity of the project area, and review of the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), *California Inventory of Historic Resources* (DPR 1976), the *California Historical Landmarks* (1990), and the California Points of Historical Interest listing (May 1992 and updates), the Directory of Properties in the Historic Property Data File (HPDF) and the Archaeological Determinations of Eligibility (ADOE) (Office of Historic Preservation current computer lists dated 3-20-2014 and 4-05-2012, respectively), the *Survey of Surveys* (1989), GLO Plats and other historic maps on file for the area, and other pertinent historic data available at the CCIC for each specific county.

The following details the results of the records search:

### **Prehistoric or historic resources within the project area:**

No prehistoric or historic-era archaeological resources or historic properties have been reported to the CCaIC at this time. However, this does not preclude their presence in this area.

Other historic information:

- GLO Plat T2S/R8E (sheet #44-113, dated 1852-1854) shows that the SW  $\frac{1}{4}$  of Section 28 was already subdivided into several lots by that time.
- The 1906 map of Stanislaus Co. shows the highway, the road on the E. side of the property (going north to the river), and it references E. M. Murphy as the estate owner.

- The 1915 Salida USGS map (1:31680) does not show any cultural references in or directly adjacent, but it shows an access road to the north of the property, aligned SW to NE.
- The 1941 Modesto West USACE 15' map references SR 99 as "Stockton Road" and also shows an access road to the north (different alignment from 1915).
- The 1953 Salida USGS 7.5' map shows access road along the north boundary of the property as well, but nothing additional for the property.
- The 1969 Salida USGS 7.5' map shows an orchard, and access roads along the north and east side. Then the 1969 / Photo Revised 1976 map shows the SR 99 interchange encroaching on the area.
- The book *Annals of Stanislaus County, Volume I: River Towns and Ferries* (Brotherton 1982:53-55) contains a map (prepared for the book) that indicates that the property was at or very near an old road to and from the first location (1865) of Murphy's Ferry on the Stanislaus River. The road diverted from another road just south of the property.

**Prehistoric or historic resources within the immediate vicinity of the project area:**

None have been reported to the CCaIC.

**Resources that are known to have value to local cultural groups:**

None have been formally reported to the Information Center.

**Previous investigations within the project area:**

One has been reported to the CCaIC:

**CCIC Report #ST-07235 Author/Date** Blind, H. (2010)  
*Historic Property Survey Report for the Hammett Road/State Route 99 Interchange Reconstruction Project, Salida, Stanislaus County and San Joaquin County, California, Caltrans District 10 EA#10-0L320.*

The above study involved an archaeological field survey and an architectural survey for cultural resources that included most of the subject property as part of the APE for a Caltrans project (included all of the property except the SE corner, or approximately the eastern half of Parcel 3).

**Previous investigations within the immediate vicinity of the project area:**

One has been reported:

**Recommendations/Comments:**

Based on existing data in our files the project area has a low sensitivity for the possible discovery of historical resources, prehistoric or historic-era. The authors of report ST-07235 concluded at the end of their study that the area surveyed (most of the project area, and that closest to the river) had a low sensitivity for surface or subsurface prehistoric cultural deposits. We would like to caution, however, that this does not make their presence *impossible*, even under the agricultural plow zone: the project area is less than ½-mile from the southern terraces of the Stanislaus River, and there is at least one recorded Native American occupation site known to be within one mile of this property, in association with the river. We offer no recommendations for further study at this time, but please keep in mind the advisories below:

Please be advised that a historical resource is defined as a building, structure, object, prehistoric or historic archaeological site, or district possessing physical evidence of human activities over 45 years old. There may be unidentified features involved in your project that are 45 years or older and considered as historical resources requiring further study and evaluation by a qualified professional of the appropriate discipline. If you should need it, The Statewide Referral List for Historical Resources Consultants is posted for your use on the internet at <http://chrisinfo.org>

We advise you that in accordance with State law, if any historical resources are discovered during project-related activities, all work is to stop and the lead agency and a qualified professional are to be consulted to determine the importance and appropriate treatment of the find. If Native American remains are found the County Coroner and the Native American Heritage Commission, Sacramento (916-373-3710) are to be notified immediately for recommended procedures.

The provision of CHRIS Data via this records search response does not in any way constitute public disclosure of records otherwise exempt from disclosure under the California Public Records Act or any other law, including, but not limited to, records related to archeological site information maintained by or on behalf of, or in the possession of, the State of California, Department of Parks and Recreation, State Historic Preservation Officer, Office of Historic Preservation, or the State Historical Resources Commission.

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the CHRIS Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.

We thank you for using the California Historical Resources Information System (CHRIS). Please let us know when we can be of further service. Please sign and return the attached Access Agreement Short Form.

**Note:** Billing (\$150.00) will be transmitted separately via email from our Financial Services Office ([lamarroquin@csustan.edu](mailto:lamarroquin@csustan.edu) or [MSR270@csustan.edu](mailto:MSR270@csustan.edu) ), payable within 60 days of receipt of the invoice.

Sincerely,

*Robin Hards*

R. L. Hards, Assistant Research Technician  
Central California Information Center  
California Historical Resources Information System

\*Invoice to: Laurie Marroquin [lamarroquin@csustan.edu](mailto:lamarroquin@csustan.edu), Financial Services



**CAL SIERRA FINANCIAL  
PIRRONE ROAD GAS STATION  
& CONVENIENCE STORE  
NOISE STUDY**

**FEBRUARY 15, 2021**

*Revised*

**PREPARED FOR:  
CAL SIERRA FINANCIAL**

**PREPARED BY:  
ACOUSTICS GROUP, INC.  
CONSULTANTS IN ACOUSTICS, NOISE & VIBRATION**



# **Cal Sierra Financial – Pirrone Road Gas Station & Convenience Store Noise Study**

**Prepared for:**

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## EXECUTIVE SUMMARY

Acoustics Group, Inc., (AGI) was retained to conduct a noise study of the future exterior operations from the Pirrone Road Gas Station and Convenience Store Project in Stanislaus County, CA. AGI has reviewed the Stanislaus County Noise Standards, conducted noise measurements, analyzed the noise levels from future noise sources at the site, assessed the impact of the future noise to determine compliance with the County's Exterior Noise Ordinance Standards, and recommended noise control measures.

Cal Sierra Financial proposes the construction of a Gas Station and Convenience Store that has the potential to affect neighboring properties. The maximum noise level (L<sub>max</sub>) from the rooftop condenser units would be as high as 34.7, 31.9 and 24.3 dBA at R1, R2, and R3, respectively. The L<sub>max</sub> from the air compressor would be as high as 26.0, 26.9, and 11.5 dBA at R1, R2, and R3, respectively. The noise level generated by future on-site operational traffic movements would result in a noise level of 41.5, 38.0, and 29.5 dBA at R1, R2, and R3, respectively. Cars starting would result in maximum noise levels as high as 33.3, 30.2, and 14.2 dBA at R1, R2, and R3, respectively. Car door slams would result in maximum noise levels as high as 32.8, 29.5, and 14.7 dBA at R1, R2, and R3, respectively. The drive through menu board would result in a noise level of 29.0, 21.8 and 13.8 dBA at R1, R2, and R3, respectively. Noise levels from the Gas Station and Convenience Store operations would comply with the daytime and nighttime standards of 50 and 45 dBA, respectively. Additionally, the operational noise will be significantly below the measured range in hourly ambient Leq of 54.7 to 62.0 dBA at NM1.

The Project's incremental increase in traffic noise will range from 0.2 to 1.9 dBA. The Project's greatest increase above Existing is not expected to generate an incremental increase of 3 dBA or greater; therefore, the Project traffic would not result in a significant traffic noise impact.

Additionally, noise levels from the Existing Plus Project and Cumulative plus Project cases were evaluated at the nearest noise sensitive receptors. Existing plus Project peak hour traffic noise levels would be as high 44.8, 45.3, and 37.0 dBA at R1, R2, and R3, respectively. The Existing plus Project 24-hour CNEL traffic noise levels would be as high as 47.2, 47.7, and 39.4 dB at the same receptor locations. Existing plus Project generated traffic noise levels would not exceed the County of Stanislaus CNEL Exterior Noise Guideline of 70 dB CNEL. Cumulative plus Project peak hour traffic noise levels would be as high as 44.9, 45.3, and 37.0 dBA at R1, R2, and R3, respectively. The Cumulative plus Project 24-hour CNEL traffic noise levels would be as high as 47.3, 47.7, and 39.4 dB, at the same receptor locations. The Project would comply with the Stanislaus County Noise Guideline of 70 dBA CNEL for Residential Land Uses.

This report has been organized into multiple sections for ease of reference. Section 1 introduces the Project and provides a general discussion on the Project Components. Section 2 discusses Noise Fundamentals, and Section 3 presents the Stanislaus County Noise Standards. Section 4 presents the Existing Noise Levels. Section 5 discusses the Noise Analysis and Section 6 discusses the Impact Assessment. Section 7 discusses the Conclusion.

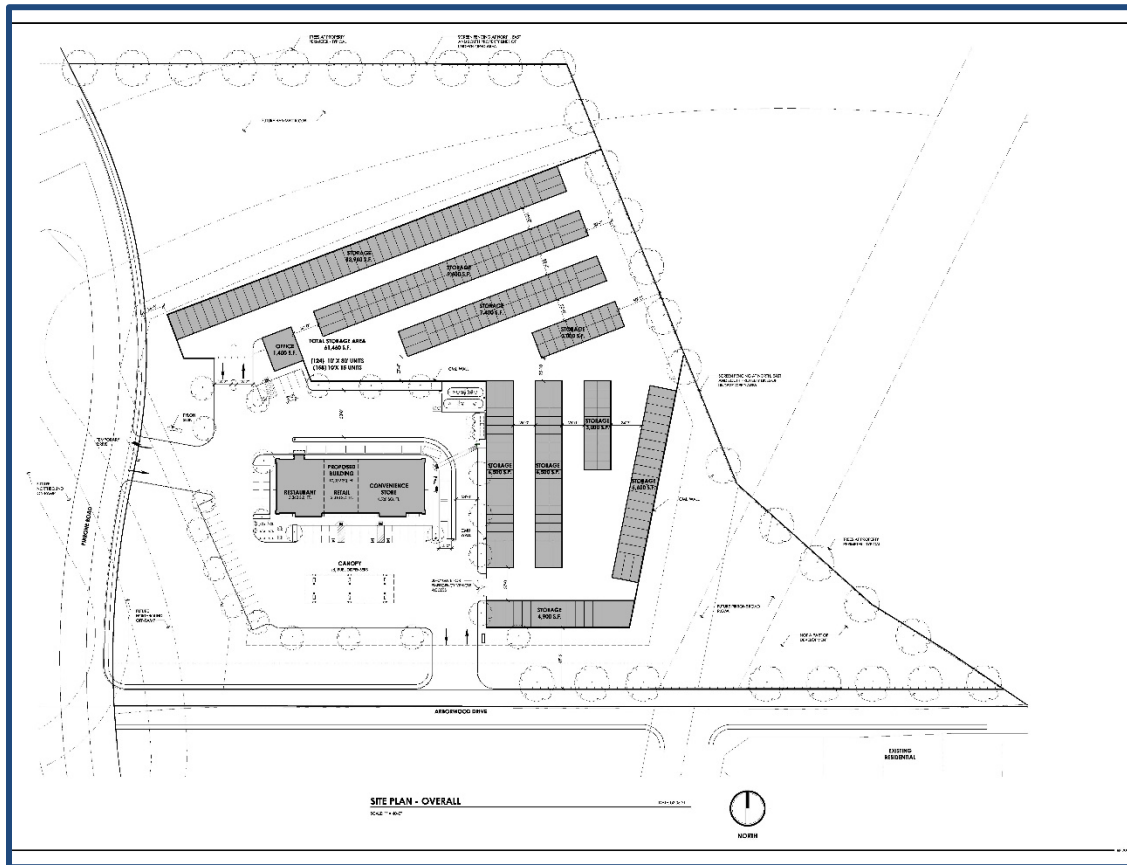
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## 1. INTRODUCTION

Cal Sierra Financial proposes a new Gas Station, Convenience Store, and Mini-Storage in Stanislaus County, CA. Refer to Figure 1 for the general location of the future Gas Station and Convenience Store. Land uses immediately surrounding the site are residential and agricultural. The main noise concern is future Gas Station and Convenience Store operations affecting neighboring residential properties to the southeast (R1 and R2) and east (R3). Figure 2 shows the site plan and location of the proposed Gas Station and Convenience Store. Refer to the Appendix for the Project Drawings.



**Figure 1. Location of the Project Site and Vicinity Map**

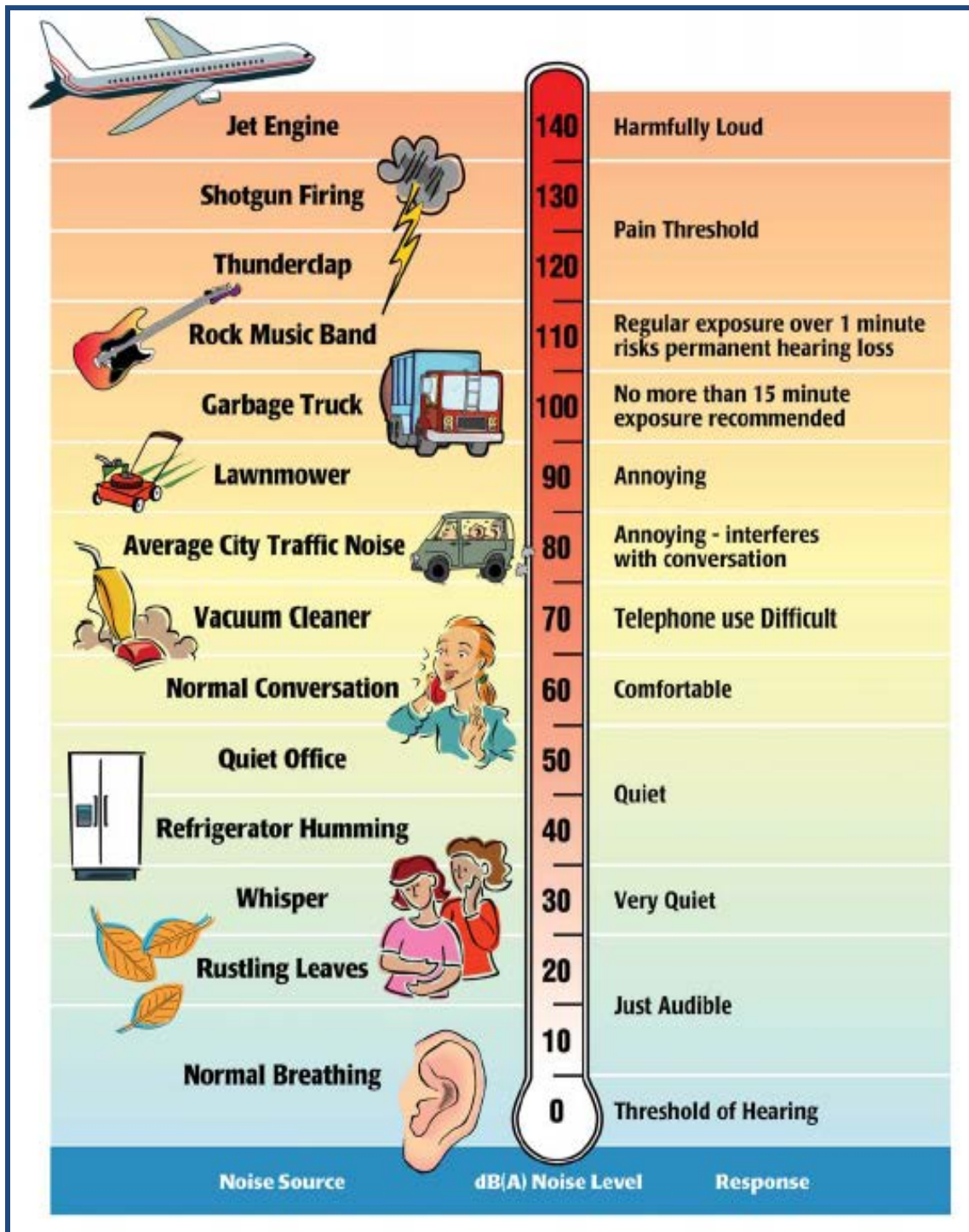


**Figure 2. Site Plan and Location of Proposed Gas Station, Convenience Store, and Mini-Storage**

## 2. NOISE

The magnitude by which noise affects its surrounding environment is measured on a logarithmic scale in decibels (dB). Because the human ear is limited to hearing a specific range of frequencies, the A-weighted filter system is used to form relevant results. A-weighted sound levels are represented as dBA. Figure 3 shows typical A-weighted exterior and interior noise levels that occur in human environments.

Several noise metrics have been developed to evaluate noise.  $L_{eq}$  is the energy average noise level and corresponds to a steady-state sound level that has the same acoustical energy as the sum of all the time-varying noise events.  $L_{max}$  is the maximum noise level measured during a sampling period, and  $L_{xx}$  are the statistical noise levels that are exceeded xx-% of the time of the measurement.  $L_{50}$  is the average noise level that is exceeded 50% of the time, 30 minutes in a 60-minute period.



Source: Melville Branch and R. Beland, 1970. EPA/ONAC 550/9-74-004, March 1974.

Figure 3. Typical A-weighted Sound Levels

### 3. NOISE STANDARDS

Stanislaus County has adopted regulations for the purpose of protecting citizens from potential hearing damage and from various other adverse physiological, psychological, and social effects associated with noise (Chapter 10.46 Noise Control). Stanislaus County limits the maximum noise level at the nearest residential property line to 50 and 45 dBA during the daytime and nighttime, respectively. These standards are intended to regulate intrusive noise from noise occurring on private property, commercial and industrial operations. Refer to Table 1 for the Stanislaus County noise standards.

**Table 1. Stanislaus County Noise Standards**


Land Use	Time Period	Maximum A-weighted Sound Level (Lmax), dBA
Residential	Daytime (7AM – 9:59PM)	50
	Nighttime (10PM – 6:59AM)	45

The County of Stanislaus General Plan (Chapter 4) establishes noise and land use compatibility guidelines for land uses. For residential land uses, the threshold separating conditionally acceptable compatibility with design and insulation and incompatibility noise exposure is 70 dB CNEL.


A significant impact would be identified if traffic generated by the project or project improvements/operations would substantially increase noise levels at sensitive receivers in the vicinity. A substantial increase would occur if: a) the noise level increase is 5 dBA CNEL or greater where the future noise level is compatible in terms of noise and land use compatibility, or b) the noise level increase is 3 dBA CNEL or greater where the future noise level exceeds the compatibility threshold. Refer to Figure 4 for the Land Use Compatibility Matrix.

Land Use Category	Exterior Noise Exposure L <sub>dn</sub> or CNEL, dBA					
	55	60	65	70	75	80
Residential - Low Density Single Family, Duplex, and Mobile Homes						
Multi Family Residential			*			
Hotels and Motels						
Schools, Libraries, Museums, Hospitals, Personal Care, Meeting Halls, Churches						
Auditoriums, Concert Halls, and Amphitheaters						
Sports Arena and Outdoor Spectator Sports						
Playgrounds and Neighborhood Parks						
Golf Courses, Riding Stables, Water Recreation, and Cemeteries						
Office Buildings, Business Commercial, and Professional						
Industrial, Manufacturing, Utilities, and Agriculture						


\* Interior noise levels shall not exceed 45 Ldn in all new residential units (single and multi family). Development sites exposed to noise levels exceeding 60 Ldn shall be analyzed following protocols in Appendix Chapter 12, Section 1208, A, Sound Transmission Control, 1998 California Building Code.




**NORMAL ACCEPTABLE**  
Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special insulation requirements.



**CONDITIONALLY ACCEPTABLE**  
Specified land use may be permitted only after detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design.



**NORMALLY UNACCEPTABLE**  
New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.



**CLEARLY UNACCEPTABLE**  
New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies.

**Figure 4. County of Stanislaus Land Use Compatibility for Community Noise Environments**

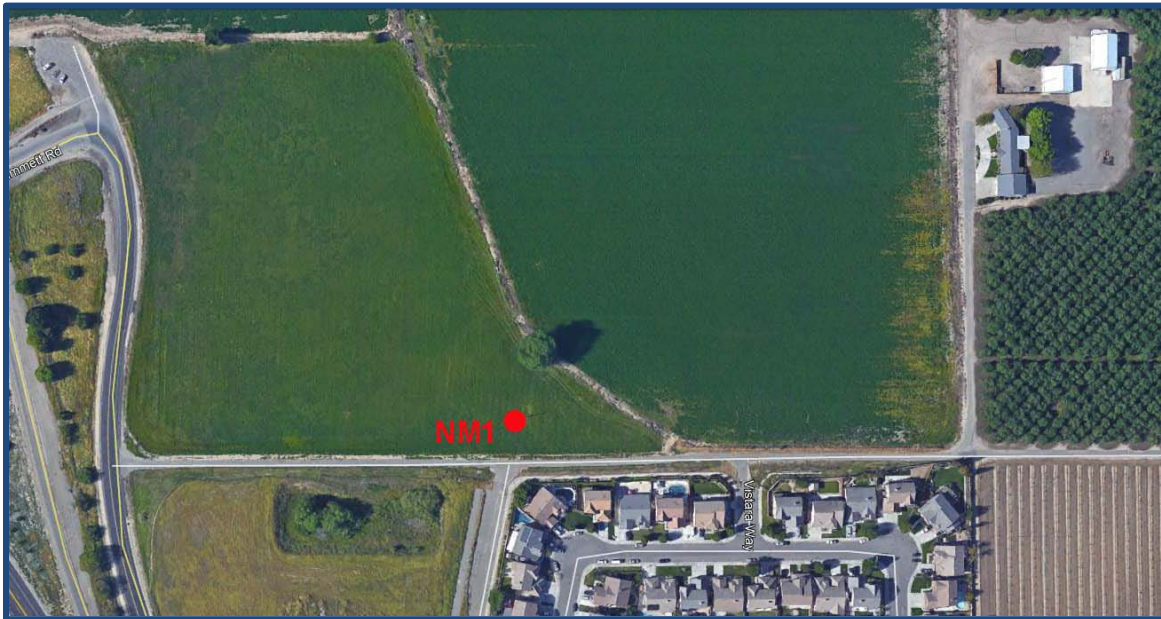
#### 4. EXISTING NOISE LEVELS

AGI conducted a site visit on March 2 through 3, 2020 to observe the project site and to conduct one long term ambient noise measurement. The ambient noise measurement was conducted along the east project site boundaries (NM1) to document baseline noise levels. Figure 5 shows the location of the noise measurement (NM1).

The hourly Leq measured at NM1 ranged from 58.6 to 61.0 dBA. The noise sources contributing to the ambient measurement data at NM1 was from vehicular traffic. Table 2 summarizes the noise measurement data from the survey. Refer to the Appendix for additional measurement data.

**Table 2. Summary of Ambient Noise Measurements**

Receiver	Location	Date and Time	Lmin, dBA	Lmax, dBA	Leq, dBA	CNEL, dB	Noise Sources
NM1	Project Site	3/2/20 11:00 AM – 3/3/20 11:00 AM	47.1	73.1	54.7 – 62.0	66.4	Vehicular Traffic



**Figure 5. Noise Monitor Location**

## 5. NOISE ANALYSIS

### On-site Operational Noise

The future noise generated from the Gas Station and Convenience Store on-site operations has the potential to impact nearby properties. The methodology used to analyze and predict operational noise involved the use of the CadnaA computer noise model. CadnaA can simulate the physical environment by factoring in x, y, and z geometrics of a particular site to simulate the buildings, obstacles, and typography. The model uses industry recognized algorithms (ISO 9613) to perform acoustical analyses. The noise generated by future operations was calculated by inputting acoustical sources at the project site. AGI's industry acoustical database was used for the modeling inputs. Specific operating parameters for the Gas Station and Convenience Store were provided by Cal Sierra Financial.

The Gas Station and Convenience Store future operations were modeled with peak hour operational data. Rooftop condenser units (3-, 5-, 7- and 10-ton) were modeled operating continuously. A standard auto air compressor was modeled as per the project drawings. A traffic projected volume of 200 vehicles was modeled in CadnaA entering/exiting the Project per peak hour. The maximum noise source associated with customer vehicles are attributed to cars starting and car door slams. A car starting and a car door slam was modeled at the project property line adjacent to the nearest residence. Table 3 lists the acoustical source data used in the analysis.

**Table 3. Acoustical Source Sound Power Level Data**

Source	Sound Power Level, re 1 picoWatt, dB									Lmax @ 10 ft, dBA
	31.5	63.0	125	250	500	1k	2k	4k	8k	
3 Ton Rooftop Condenser <sup>1</sup>	-	79	85	79	79	77	71	67	58	60.0
5 Ton Rooftop Condenser <sup>1</sup>	-	80	86	84	85	83	79	73	67	66.1
7 Ton Rooftop Condenser <sup>1</sup>	-	92	96	92	89	85	80	76	69	69.6
10 Ton Rooftop Condenser <sup>1</sup>	-	89	87	91	85	80	77	73	66	66.0
Air Compressor <sup>2</sup>	97	100	84	87	79	77	76	80	76	65.1
Car Starting <sup>2</sup>	94	89	83	81	80	79	81	78	74	65.4
Car Door Slam <sup>2</sup>	99	90	84	83	82	81	79	76	70	65.0
Menu Board	81	77	71	70	78	80	83	69	40	64.9

Note: <sup>1</sup>Trane Packaged Rooftop Air Conditioners Precedent – Cooling and Gas/Electric, March 2015.

<sup>2</sup>AGI Noise Measurement Database, 2020.

The maximum noise level (Lmax) from the rooftop condenser units would be as high as 34.7, 31.9 and 24.3 dBA at R1, R2, and R3, respectively. The Lmax from the air compressor would be as high as 26.0, 26.9, and 11.5 dBA at R1, R2, and R3, respectively.

The noise level generated by future on-site operational traffic movements would result in a noise level of 41.5, 38.0, and 29.5 dBA at R1, R2, and R3, respectively. Cars starting would result in maximum noise levels as high as 33.3, 30.2, and 14.2 dBA at R1, R2, and R3, respectively. Car door slams would result in maximum noise levels as high as 32.8, 29.5, and 14.7 dBA at R1, R2, and R3, respectively. The drive through menu board would result in a noise level of 29.0, 21.8, and 13.8 dBA at R1, R2, and R3, respectively. Refer to Table 4 for the predicted maximum noise levels from facility operations.

**Table 4. Predicted Noise Levels from Gas Station and Convenience Store**

Noise Source	Maximum Noise Level at Receptor Location, dBA		
	R1	R2	R3
Rooftop Compressors	34.7	31.9	24.3
Air Compressor	26.0	26.9	11.5
On-site Traffic	41.5	38.0	29.5
Car Start	33.3	30.2	14.2
Car Door Slam	32.8	29.5	14.7
Menu Board Speaker	29.0	21.8	13.8

### **Project Generated Traffic Noise**

The future noise generated from the Gas Station and Convenience Store project generated traffic on public roadways has the potential to significantly increase the overall traffic noise level. The peak hour Leq and CNEL generated by existing and future traffic on the roadways that serve the proposed Project site has been estimated using the FHWA Traffic Noise Prediction Model and forecasted traffic data from Pinnacle Traffic Engineering. The project related traffic data was added to the Existing traffic data to evaluate the traffic noise greatest increase. The existing Peak Hour Leq is estimated to range from a low of 56.4 dBA to a high of 66.8 dBA and the existing Peak Hour Leq with the Project is estimated to range from a low of 58.8 dBA to a high of 68.6 dBA. The existing CNEL ranges from 60.0 to 69.2 dBA and the existing CNEL with the Project ranges from 61.7 to 71.0 dBA. The Project's increase in CNEL traffic noise will range from 0.2 to 1.9 dBA. The greatest increase would be expected to occur on the SR-99 NB Off Ramp. Table 5 shows the Existing traffic noise levels, the Existing plus Project Related traffic noise levels, and the incremental increase. Refer to the Appendix for the traffic noise calculations for the existing, existing plus project, cumulative, and cumulative plus project cases.

**Table 5. Existing Traffic and Existing Plus Project Traffic Noise Increase**

Roadway Segment	Existing AM Peak Hour Leq @ 50 ft, dBA	Existing PM Peak Hour Leq @ 50 ft, dBA	Existing Traffic CNEL @ 50 ft, dBA	Existing Plus Project AM Peak Hour Leq @ 50 ft, dBA	Existing Plus Project PM Peak Hour Leq @ 50 ft, dBA	Existing Plus Project CNEL @ 50 ft, dBA	Project CNEL Incremental Traffic Noise Contribution, dB
Pirrone Rd	66.8	64.7	69.2	68.6	66.6	71.0	1.8
Hammett Road	66.6	64.8	69.0	67.4	66.0	69.8	0.8
SR-99 NB Off Ramp	57.6	56.4	60.0	59.5	58.6	61.9	1.9
SR-99 NB On Ramp	64.9	62.4	67.3	65.2	63.1	67.6	0.3
SR-99 SB Off Ramp	63.6	64.1	66.5	63.8	64.3	66.7	0.2
SR-99 SB On Ramp	58.6	57.9	61.0	59.3	58.8	61.7	0.7

Additionally, noise levels from the Existing Plus Project and Cumulative plus Project cases were evaluated at the nearest noise sensitive receptors. Existing plus Project peak hour noise levels would be as high as 44.8, 45.3, and 37.0 dBA at R1, R2, and R3, respectively. The Existing plus Project 24-hour CNEL would be as high as 47.2, 47.7, and 39.4 dB at the same receptor locations. Cumulative plus Project peak hour noise levels would be as high as 44.9, 45.3, and 37.0 dBA at R1, R2, and R3, respectively. The Cumulative plus Project 24-hour CNEL would be as high as 47.3, 47.7, and 39.4 dB, at the same receptor locations. Refer to Table 6 for the predicted traffic noise levels at the nearest noise sensitive receptors.

**Table 6. Traffic Noise Levels at Noise Sensitive Receptors**

Case	Peak Hour Traffic Noise Levels, dBA				24-hr CNEL, dB		
	Time Period	R1	R2	R3	R1	R2	R3
Existing	AM	43.1	43.5	35.6	45.5	45.9	38.0
	PM	41.6	42.0	34.1			
Existing + Project	AM	44.8	45.3	37.0	47.2	47.7	39.4
	PM	43.4	43.9	35.6			
Cumulative	AM	43.4	43.8	35.8	45.8	46.2	38.2
	PM	41.6	42.0	34.0			
Cumulative + Project	AM	44.9	45.3	37.0	47.3	47.7	39.4
	PM	43.4	43.9	35.7			

## 6. IMPACT ASSESSMENT

### On-site Operational Noise

The Lmax from the rooftop condenser units would be as high as 34.7, 31.9 and 24.3 dBA at R1, R2, and R3, respectively. The Lmax from the air compressor would be as high as 26.0, 26.9, and 11.5 dBA at R1, R2, and R3, respectively. The noise level generated by future on-site operational traffic movements would result in a noise level of 41.5, 38.0, and 29.5 dBA at R1, R2, and R3, respectively. Cars starting would result in maximum noise levels as high as 33.3, 30.2, and 14.2 dBA at R1, R2, and R3, respectively. Car door slams would result in maximum noise levels as high as 32.8, 29.5, and 14.7 dBA at R1, R2, and R3, respectively. The drive through menu board would result in a noise level of 29.0, 21.8 and 13.8 dBA at R1, R2, and R3, respectively. Noise levels from the Gas Station and Convenience Store operations would comply with the daytime and nighttime standards of 50 and 45 dBA, respectively. Additionally, the operational noise will be significantly below the measured range in hourly ambient Leq of 54.7 to 62.0 dBA at NM1. Refer to Table 7 for the assessment of the maximum noise levels from facility operations with Stanlilaus County Noise Standards.

**Table 7. Assessment of the Predicted Noise Levels from the Gas Station and Convenience Store On-site Operations**

Noise Source	Maximum Noise Level at Receptor Location, dBA			Lmax Standard (Daytime/Nighttime), dBA	Assessment (Daytime/Nighttime)		
	R1	R2	R3		R1	R2	R3
Rooftop Compressors	34.7	31.9	24.3	50/45	Compliance/Compliance	Compliance/Compliance	Compliance/Compliance
Air Compressor	26.0	26.9	11.5		Compliance/Compliance	Compliance/Compliance	Compliance/Compliance
On-site Traffic	41.5	38.0	29.5		Compliance/Compliance	Compliance/Compliance	Compliance/Compliance
Car Start	33.3	30.2	14.2		Compliance/Compliance	Compliance/Compliance	Compliance/Compliance
Car Door Slam	32.8	29.5	14.7		Compliance/Compliance	Compliance/Compliance	Compliance/Compliance
Menu Board Speaker	29.0	21.8	13.8		Compliance/Compliance	Compliance/Compliance	Compliance/Compliance

### Project Generated Traffic Noise

Project generated CNEL traffic noise levels at Receptors R1, R2 and R3 are well below the 70 dB CNEL Guidelines for traffic noise. The Project's CNEL incremental increase in traffic noise will range from 0.2 to 1.9 dBA. The Project's greatest increase above Existing

is not expected to generate an incremental increase of 3 dBA or greater. Therefore, the Project traffic would not result in a significant traffic noise impact. Refer to Table 8 for the incremental increase and impact assessment.

**Table 8. Assessment of the Project Traffic Noise Incremental Increase**

Roadway Segment	Existing Traffic CNEL @ 50 ft, dBA	Existing Plus Project Traffic CNEL @ 50 ft, dBA	Project Incremental Traffic Noise Contribution, dB	Project Incremental Noise Criteria, dB	Project Incremental Traffic Noise Contribution, dB
Pirrone Rd	69.2	71.0	1.8	≥ 3	Insignificant
Hammett Road	69.0	69.8	0.8	≥ 3	Insignificant
SR-99 NB Off Ramp	60.0	61.9	1.9	≥ 3	Insignificant
SR-99 NB On Ramp	67.3	67.6	0.3	≥ 3	Insignificant
SR-99 SB Off Ramp	66.5	66.7	0.2	≥ 3	Insignificant
SR-99 SB On Ramp	61.0	61.7	0.7	≥ 3	Insignificant

The Existing plus Project 24-hour CNEL would be as high as 47.2, 47.7, and 39.4 dB at the same receptor locations. Existing plus Project generated traffic noise levels would not exceed the County of Stanislaus CNEL Exterior Noise Guideline of 70 dB CNEL. The Cumulative plus Project 24-hour CNEL would be as high as 47.3, 47.7, and 39.4 dB, at the same receptor locations. The Project would comply with the Stanislaus County Noise Guideline of 70 dBA CNEL for Residential Land Uses. Refer to Table 9 for the assessment of the predicted traffic noise levels at the nearest noise sensitive receptors.

**Table 9. Assessment of Traffic Noise Levels at Noise Sensitive Receptors**

Case	24-hr CNEL Traffic Noise Level, dB			Residential Land Use Guideline, dBA	Assessment		
	R1	R2	R3		R1	R2	R3
Existing	45.5	45.9	38.0	70	Compliance	Compliance	Compliance
Existing + Project	47.2	47.7	39.4		Compliance	Compliance	Compliance
Cumulative	45.8	46.2	38.2		Compliance	Compliance	Compliance
Cumulative + Project	47.3	47.7	39.4		Compliance	Compliance	Compliance

## 7. CONCLUSION

AGI has conducted a noise study of the Pirrone Road Gas Station and Convenience Store Project in Stanislaus County, CA. The Project Site Plan has been reviewed, noise measurements performed, noise levels analyzed, and an impact assessment performed to determine compliance with the relevant Noise Standards.

The maximum noise level (L<sub>max</sub>) from the rooftop condenser units would be as high as 34.7, 31.9 and 24.3 dBA at R1, R2, and R3, respectively. The L<sub>max</sub> from the air compressor would be as high as 26.0, 26.9, and 11.5 dBA at R1, R2, and R3, respectively. The noise level generated by future on-site operational traffic movements would result in a noise level of 41.5, 38.0, and 29.5 dBA at R1, R2, and R3, respectively. Cars starting would result in maximum noise levels as high as 33.3, 30.2, and 14.2 dBA at R1, R2, and R3, respectively. Car door slams would result in maximum noise levels as high as 32.8, 29.5, and 14.7 dBA at R1, R2, and R3, respectively. The drive through menu board would result in a noise level of 29.0, 21.8 and 13.8 dBA at R1, R2, and R3, respectively. Noise levels from the Gas Station and Convenience Store operations would comply with the daytime and nighttime standards of 50 and 45 dBA, respectively. Additionally, the operational noise will be significantly below the measured range in hourly ambient Leq of 54.7 to 62.0 dBA at NM1.

The Project's incremental increase in traffic noise will range from 0.2 to 1.9 dBA. The Project's greatest increase above Existing is not expected to generate an incremental increase of 3 dBA or greater; therefore, the Project traffic would not result in a significant traffic noise impact.

Additionally, traffic noise levels from the Existing Plus Project and Cumulative plus Project cases were evaluated at the nearest noise sensitive receptors. The Existing plus Project 24-hour CNEL would be as high as 47.2, 47.7, and 39.4 dB at the same receptor locations. Existing plus Project generated traffic noise levels would not exceed the County of Stanislaus CNEL Exterior Noise Guideline of 70 dB CNEL. The Cumulative plus Project 24-hour CNEL would be as high as 47.3, 47.7, and 39.4 dB, at the same receptor locations. The Project would comply with the Stanislaus County Noise Guideline of 70 dBA CNEL for Residential Land Uses.

The final engineering design should be reviewed by a qualified acoustical consultant to ensure compliance with the noise standards.

## **8. REFERENCES**

1. Melville Branch and R. Beland, 1970. EPA/ONAC 550/9-74-004, March 1974.
2. Stanislaus County Noise Standards.
3. Project Drawings, prepared by, Architecture Plus Inc, received February 9, 2021.
4. Pirrone Road Gas Station & C Store - Project Trip Generation Estimates (PTE #350-A, dated February 10, 2020.
5. Pirrone Retail Project (PLN2019-0079); Stanislaus County, California Supplemental Trip Generation Analysis, dated January 22, 2021
6. Trane Packaged Rooftop Air Conditioners Precedent – Cooling and Gas/Electric, March 2015.
7. Salida Gas Station & C-Store Traffic Impact Analysis, prepared by Larry D. Hail, Pinnacle Traffic Engineering, dated March 9, 2020.

## **APPENDIX**

**EXTERIOR NOISE STANDARDS**

**MODELING INPUT & OUTPUT**

**PROJECT DRAWINGS**

## **NOISE STANDARDS**

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**Chapter 10.46 NOISE CONTROL**

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**Note**

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\* Prior ordinance history: Ord. CS 973.

**10.46.010 Title.**

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The ordinance codified in this chapter may be cited as the “Stanislaus County Noise Control Ordinance.” (Ord. CS 1070 §2, 2010).

**10.46.020 Findings and policy.**

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The Stanislaus County board of supervisors hereby finds that every person is entitled to an environment in which the noise is not detrimental to his or her life, health, and enjoyment or property; that the peace, health, safety, and welfare of its citizens require protection from disturbing, excessive, offensive and loud noises from any and all sources in the unincorporated areas of the county; and the establishment of maximum permissible noise levels will further the public health, safety, welfare and peace and quiet of county inhabitants.

In order to control unnecessary, excessive and annoying noise in the county, it is hereby declared to be the policy of the county to prohibit such noise generated from or by all sources as specified in this chapter. It shall be the policy of the county to maintain quiet in areas that exhibit low noise levels and to implement programs aimed to reduce noise in those areas within the county where noise levels are above acceptable values.

It is determined that certain noise levels are detrimental to the public health, welfare and safety, and are contrary to public interest. Therefore, the board of supervisors declares that creating, maintaining, causing or allowing to be created, caused or maintained, any noise in a manner prohibited by or not in conformity with the provisions of this chapter, is a public nuisance and shall be punishable as such. (Ref. California Noise Control Act of 1973, Division 28, Sections 46000 et seq., of the California Health and Safety Code.) (Ord. CS 1070 §2, 2010).

**10.46.030 Definitions.**

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A. “Ambient noise level” means the all encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding the alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.

B. “A-weighted sound level” means the total sound level in decibels of all sound as measured with a sound level meter with a reference pressure of twenty microPascals using the A-weighted network (scale) at slow response. The unit of measurement shall be defined as dB(A).

C. “Construction equipment” means any machine used in the construction, erection, enlargements, alteration, conversion or movement of any building, structures or land together with any scientific surveys associated therewith.

D. “Decibel (dB)” means a unit for measuring the amplitude of sounds, equal to twenty times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is twenty microPascals.

E. “Dwelling unit” means a single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

F. “Impulsive noise” means a noise of short duration with an abrupt onset and rapid decay.

G. “Lmax” means the maximum A-weighted sound level recorded during a noise event.

H. “Person” means a person, firm, association, partnership, joint venture, corporation or any entity, public or private in nature.

I. “Pure tone noise” means any noise that is distinctly audible as a single pitch (frequency) or set of pitches. A pure tone shall exist if the one-third octave band sound pressure level in the band with the tone exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by five decibels for center frequencies of five hundred Hertz and above and by eight decibels for center frequencies of between one hundred sixty and four hundred Hertz and fifteen decibels for center frequencies less than or equal to one hundred twenty-five Hertz.

J. “Sound level meter” means an instrument used for measurement of sound levels, which at a minimum meets the American National Standards Institute (ANSI) Standard S1.4-1983 (R2006) or S1.4a-1985 (R2006) “Specifications for Sound Level Meters,” Type 2, or most recent version thereof.

K. “Sound level” in decibels, means twenty times the logarithm to the base ten of the ratio of the pressure of the sound to a reference pressure that is twenty microPascals. (Ord. CS 1070 §2, 2010).

**10.46.040 Sound level measurement.**

A. Sound level measurements may be made anywhere within the boundaries of a property. Where practical, the point of measurement should be positioned three to five feet above the ground and away from reflective surfaces. The actual location of a sound level measurement shall be at the discretion of the enforcement official.

B. Sound level measurements shall be made with a sound level meter which has been certified as meeting the standards of the American National Standards Institute within the last twelve months and the measurement shall be performed by an enforcement official trained in the use of the sound level meter. (Ord. CS 1070 §2, 2010).

**10.46.050 Exterior noise level standards.**

A. It is unlawful for any person at any location within the unincorporated area of the county to create any noise or to allow the creation of any noise which causes the exterior noise level when measured at any property situated in either the incorporated or unincorporated area of the county to exceed the noise level standards as set forth below:

1. Unless otherwise provided herein, the following exterior noise level standards shall apply to all properties within the designated noise zone:

**Table A  
EXTERIOR NOISE LEVEL STANDARDS**

Designated Noise Zone	Maximum A-Weighted Sound Level as Measured on a Sound Level Meter (LMAX)	
	7:00 a.m.—9:59 p.m.	10:00 p.m.—6:59 a.m.
Noise Sensitive	45	45
Residential	50	45
Commercial	60	55
Industrial	75	75

2. Exterior noise levels shall not exceed the following cumulative duration allowance standards:

**Table B  
CUMULATIVE DURATION  
ALLOWANCE STANDARDS**

Cumulative Duration	Allowance Decibels
Equal to or greater than 30 minutes per hour	215 Table A plus 0 dB

Equal to or greater than 15 minutes per hour	Table A plus 5 dB
Equal to or greater than 5 minutes per hour	Table A plus 10 dB
Equal to or greater than 1 minute per hour	Table A plus 15 dB
Less than 1 minute per hour	Table A plus 20 dB

3. Pure Tone Noise, Speech and Music. The exterior noise level standards set forth in Table A shall be reduced by five dB(A) for pure tone noises, noises consisting primarily of speech or music, or reoccurring impulsive noise.

4. In the event the measured ambient noise level exceeds the applicable noise level standard above, the ambient noise level shall become the applicable exterior noise level standard.

B. Noise Zones Defined.

1. Noise Sensitive. Any public or private school, hospital, church, convalescent home, cemetery, sensitive wildlife habitat, or public library regardless of its location within any land use zoning district.

2. Residential. All parcels located within a residential land use zoning district.

3. Commercial. All parcels located within a commercial or highway frontage land use zoning district.

4. Industrial. All parcels located within an industrial land use zoning district.

5. The noise zone definition of any parcel not located within a residential, commercial, highway frontage, or industrial land use zoning district shall be determined by the director of Stanislaus County planning and community development department, or designee, based on the permitted uses of the land use zoning district in which the parcel is located. (Ord. CS 1070 §2, 2010).

**10.46.060 Specific noise source standards.**

The following sound sources are subject to the following additional standards. The failure to comply with these additional standards constitutes a separate violation of this chapter:

A. Motor Vehicle Sound Systems. No person shall operate a motor vehicle sound system, whether affixed to the vehicle or not, between the hours of ten p.m. and seven a.m., such that the sound system is audible to the human ear inside any inhabited dwelling. No person shall operate a motor vehicle sound system, whether affixed to the vehicle or not, at any other time such that the sound system is audible to the human ear at a distance greater than fifty feet from the vehicle. (Ref. California Vehicle Code Section 27007.)

B. Power Tools and Equipment. No person shall operate any power tools or equipment between the hours of ten p.m. and seven a.m. such that the power tools or equipment are audible to the human ear inside an inhabited dwelling other than a dwelling in which the power tools or equipment may be located. No person shall operate any power tools or equipment at any other time such that the power tools or equipment are audible to the human ear at a distance greater than one hundred feet from the power tools or equipment.

C. Audio Equipment. No person shall operate any audio equipment, whether portable or not, between the hours of ten p.m. and seven a.m. such that the equipment is audible to the human ear inside an inhabited dwelling other than a dwelling in which the equipment may be located. No person shall operate any audio equipment, whether portable or not, at any other time such that the equipment is audible to the human ear at a distance greater than fifty feet from the equipment.

D. Sound-Amplifying Equipment and Live Music. No person shall install, use or operate sound-amplifying equipment, or perform, or allow to be performed, live music unless the sound emanating from the sound-amplifying equipment or live music shall not be audible to the human ear at a distance greater than two hundred feet. To the extent that these requirements conflict with any conditions of approval attached to an underlying land use permit, these requirements shall control.

E. Construction Equipment. No person shall operate any construction equipment so as to cause at or beyond the property line of any property upon which a dwelling unit is located an average sound level greater than seventy-five decibels between the hours of seven p.m. and seven a.m.

F. Burglar Alarms. Any building burglar alarm must have an automatic cutoff, capable of terminating its operation within fifteen minutes of the time it is activated. Notwithstanding the requirements of this provision, any member of the sheriff's department shall have the right to take such steps as may be reasonable and necessary to disconnect any such alarm during the period of its activation. Any structure upon which a burglar alarm has been installed shall prominently display the telephone number at which communication may be made with the owner of such structure.

G. Vehicle Alarms. No owner of a motor vehicle shall have in operation an audible burglar alarm therein unless such burglar alarm shall be capable of terminating its operation within fifteen minutes of the time it is activated. Notwithstanding the requirements of this provision, any member of the sheriff's department of Stanislaus County shall have the right to take such steps as may be reasonable and necessary to disconnect any such alarm installed on a motor vehicle at any time during the period of its activation. (Ref. California Vehicle Code Section 22651.5.) (Ord. CS 1070 §2, 2010).

#### **10.46.070 Vibration.**

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Operating or permitting the operation of any device that creates vibration that is above the vibration perception threshold of any individual at or beyond the property boundary of the source if on private property, or at one hundred fifty feet from the source if on a public space or public right-of-way is prohibited. For the purpose of this section, "vibration perception threshold" means the minimum ground-borne or structure-borne vibration motion necessary to cause a reasonable person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects, or a measured motion velocity of 0.01 in/sec over the range of one to one hundred Hertz. (Ord. CS 1070 §2, 2010).

#### **10.46.080 Exemptions.**

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The following sources are exempt from the provisions of this chapter:

- A. Sounds for the purpose of alerting persons to the existence of an emergency;
- B. Radios, sirens, horns, and bells on police, fire, and other emergency response vehicles;
- C. Parades, fireworks displays, and other special events for which a permit has been obtained from the county are exempted provided there is compliance with all conditions that have been noted in writing on the permit. Noise produced as a result of noncompliance with any condition specified on the permit is not exempted from the requirements of this chapter;
- D. Activities on or in publicly owned property and facilities, or by public employees while in the authorized discharge of their responsibilities, are exempt provided that such activities have been authorized by the owner of such property or facilities or its agent or by the employing authority;
- E. Religious worship activities, including, but not limited to, bells, organs, singing, and preaching;
- F. Locomotives and other railroad equipment, and aircraft;
- G. The collection of solid waste is exempted to the extent that the noise of such collection is regulated by the Stanislaus County refuse ordinance (Chapters 9.02, 9.04, 9.08, 9.09, 9.10 and 9.12). Noise not covered by the Stanislaus County refuse ordinance is not exempted from the requirements of this chapter.
- H. Agricultural activity, as such term is defined in Section 9.32.010(B), and any operation, facility or appurtenances thereof, that are conducted or maintained on agricultural lands for commercial purposes in a manner consistent with proper and accepted customs and standards as established and followed by similar agricultural operations in Stanislaus County.
- I. Federal or State Preempted Activities. This chapter shall not apply to any activity to the extent regulation thereof has been preempted by state or federal law.
- J. Public Entity or Public Utility Activity. This chapter shall not apply to construction or maintenance activities performed by or at the direction of any public entity or public utility.
- K. Residential Maintenance Activity. Noise associated with the maintenance of residential property, including, but not limited to, the operation of lawnmowers, leaf blowers, etc., provided such activity occurs between the hours of seven a.m. and ten p.m. (Ord. CS 1070 §2, 2010).

## 10.46.090 Waiver.

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A. Application. The property owner may request a permit for a waiver from any provision of this chapter.

1. The application for a waiver shall be filed with the department of planning and community development for presentation to the planning commission in writing, on a form prescribed by the director and shall be signed by the owner or authorized agent.

2. The application shall include the information deemed necessary by the director, including, but not limited to:

- a. The nature and location of the noise source for which such application is made;
- b. The reason for which the waiver is requested, including the hardship that will result to the applicant, or the public if the permit of waiver is not granted;
- c. The level of noise that will occur during the period of the waiver;
- d. The section or sections of this chapter for which the waiver shall apply;
- e. A description of interim noise control measures to be taken for the applicant to minimize noise and the impacts of such noise control measures; and
- f. A specific schedule of the noise control measures that shall be taken to bring the source into compliance with this chapter within a reasonable time.

B. A filing fee, in such amount as may be fixed from time to time by resolution of the board of supervisors, shall be paid at the time the application is filed.

C. Notice. The director shall give notice of the request for waiver to all the surrounding properties that would be impacted by the exception, for example, those properties that would experience a noise level at their property line that exceeds the standards as set forth in this chapter.

D. Standard for Issuance of Waiver. A permit to allow a waiver from the provisions contained in all or a portion of this chapter may be issued by the planning commission if the commission determines that:

1. Noise levels occurring during the period of the waiver will not constitute a danger to public health;
2. Compliance with the ordinance would impose an unreasonable hardship on the applicant without equal or greater benefits to the public; and
3. Strict compliance would be unreasonable due to the circumstances of the requested exception.

E. Factors considered for all requests for waiver, other than construction or special events, shall include, but not be limited to, the following:

1. Conformance with the intent of this chapter and general plan policies;
2. Uses of property and existence of sensitive receptors within the area affected by sound;
3. The ability of the applicant to apply the best practical noise control measures;
4. Age and useful life of the existing sound source;
5. The time of the day or night the waiver or waivers will occur;
6. The duration of the waiver; and
7. The general public interest, welfare and safety.

F. Within thirty days of receipt of a completed application, the director shall refer the request directly to the planning commission for action at the next available board meeting. The planning commission may impose reasonable conditions that minimize the public detriment and may include, but are not limited to, restrictions on sound level, sound duration and operating hours, an approved method of achieving compliance and a time schedule for its implementation.

G. Where a request for waiver is associated with a discretionary permit, the waiver shall be processed concurrently with the discretionary permit. In which case the planning commission shall be the approving authority for the exception. The planning commission must consider those factors identified above. The planning commission shall either: (1) approve or conditionally approve such request in whole or in part; or (2) deny the request. The planning commission may impose reasonable conditions that minimize the public detriment and may include, but are not limited to,

restrictions on sound level, sound duration and operating hours, an approved method of achieving compliance and a time schedule for its implementation.

H. Where a waiver has been approved by the planning commission and verified complaints are received related to the waiver the commission has the authority to amend, condition or revoke the waiver, as the commission deems necessary so as to secure the purpose of this chapter.

I. Any person aggrieved by the decision of the planning commission may appeal to the board of supervisors by filing written notice of appeal with the director within ten days of the decision. The board of supervisors' decision shall be final and shall be based upon the considerations set forth in this section. All appeals shall be accompanied by an appeal fee as established from time to time by resolution of the board of supervisors. (Ord. CS 1070 §2, 2010).

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#### **10.46.100 Enforcement.**

Stanislaus County sheriff officers shall have the primary responsibility for enforcement of this chapter. Violations may be prosecuted as described in Section 10.46.120 of this chapter, but nothing in this chapter shall prevent the sheriff from engaging in efforts to obtain voluntary compliance by means of warnings, notices, educational programs or any other means. (Ord. CS 1070 §2, 2010).

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#### **10.46.110 Duty to cooperate.**

No person shall refuse to cooperate with, or obstruct, the enforcement officials identified herein when they are engaged in the process of enforcing the provisions of this chapter. This duty to cooperate may require a person to extinguish a sound source so that it can be determined whether sound emanating from the source violates the provisions of this chapter. (Ord. CS 1070 §2, 2010).

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#### **10.46.120 Violations and penalties.**

A. Any person violating provisions of this chapter is guilty of an infraction, and, upon conviction thereof, shall be punished as an infraction as set forth in Stanislaus County Code Section 1.36.020. Every violation of any provision of this chapter shall be construed as a separate offense for each day during which such violation continues and shall be punishable as provided in this section.

B. All violations of this chapter constitute a public nuisance which, in addition to or in lieu of the penalty provisions set forth above, may be abated in any manner set forth in the Stanislaus County Code, including Chapter 2.92, which may include, but is not limited to, abatement or issuance of administrative citations. (Ord. CS 1070 §2, 2010).

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## NOISE ELEMENT

### 1.0 INTRODUCTION

#### 1.1 Authority

“The purpose of the noise element is to limit the exposure of the community to excessive noise levels.”<sup>1</sup> The 2003 Noise Element Guidelines requires local governments to “analyze and quantify noise levels and the extent of noise exposure” through field measurements or noise modeling, and “implement measures and possible solutions to existing and foreseeable noise problems.” California Government Code Section 65302(f) requires that current and projected noise levels be analyzed and quantified for highways, freeways, primary arterials, and major local streets. Noise contours for current and projected conditions within the community are required to be prepared in terms of either the Community Noise Equivalent Level (CNEL) or the Day-Night Average Level ( $L_{dn}$ ), which are descriptors of total noise exposure at a given location for an annual average day. CNEL and  $L_{dn}$  are generally considered to be equivalent descriptors of the community noise environment within plus or minus 1.0 dBA. Section 1.4 provides an explanation of the acoustical terminology used in this document.

It is intended that the noise exposure information developed for the Noise Element be incorporated into the General Plan to serve as a basis for achieving Land Use compatibility within the unincorporated areas of the County. It is also intended that the noise exposure information developed for the Noise Element be used to provide baseline levels for use in the development and enforcement of a local noise control ordinance to address noise levels generated by non-preempted noise sources within the County.

According to the Noise Element Requirements and Noise Element Guidelines, the following major noise sources should be considered in the preparation of a Noise Element:

1. Highways and freeways
2. Primary arterials and major local streets
3. Passenger and freight online railroad operations and ground rapid transit systems
4. Commercial, general aviation, heliport, helistop, and military airport operations, aircraft over flights, jet engine test standards, and all other ground facilities and maintenance functions related to airport operation
5. Local industrial plants, including, but not limited to, railroad classification yards
6. Other ground stationary sources identified by local agencies as contributing to the community noise environment

Noise-sensitive areas to be considered in the Noise Element should include areas containing the following noise sensitive land uses:

1. Schools
2. Hospitals
3. Convalescent homes
4. Churches
5. Sensitive wildlife habitat, including the habitat of rare, threatened, or endangered species
6. Other uses deemed noise sensitive by the local jurisdiction

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<sup>1</sup> State of California General Plan Guidelines 2003, Governor's Office of Planning and Research (OPR), State of California, October 2003, p. 87.

## 1.2 Relationship to Other Elements of the General Plan

The Noise Element is most related to the Land Use and Circulation Elements of the General Plan. Its relationship to the Land Use Element is direct in that the implementation of either element has the potential to result in the creation or elimination of a noise conflict with respect to differing land uses. The Land Use Element must be consistent with the Noise Element in discouraging the development of incompatible adjacent land uses to prevent impacts upon noise sensitive uses and to prevent encroachment upon existing noise-generating facilities.

The Circulation Element is linked to the Noise Element in that traffic routing and volume directly affect community noise exposure. For example, increased traffic volume may produce increased noise in a residential area so that noise control measures are required to provide an acceptable noise environment. Similarly, rerouting traffic from a noise-impacted neighborhood may provide significant noise relief to that area. Implementation of the Circulation Element should include consideration of potential noise effects.

## 1.3 Noise and Its Effects on People

The Technical Reference Document, included in the General Plan Support Document, is an update of a previous technical reference document and provides a discussion of the fundamentals of noise assessment, the effects of noise on people and criteria for acceptable noise exposure. It is intended that the Technical Reference Document serve as a reference for Stanislaus County when reviewing documents or proposals which refer to the measurement and effects of noise within the County.

## 1.4 Acoustical Terminology

**"Ambient noise levels"** means the composite of noise from all sources near and far. In this context it represents the normal or existing level of environmental noise at a given location for a specific time of the day or night.

**"A weighted sound level"** means the sound level in decibels as measured with a sound level meter using the "A" weighted network (scale) at slow meter response. The unit of measurement is referred to herein as dBA.

**"CNEL"** means Community Noise Equivalent Level. The average equivalent A-weighted sound level during a 24-hour day, obtained after addition of five decibels to sound levels in the evening from 7:00 p.m. to 10:00 p.m. and after addition of ten decibels to sound levels in the night before 7:00 a.m. and after 10:00 p.m.

**"Decibel, dB"** means a unit for describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).

**"Equivalent Energy Level,  $L_{eq}$ "** means the sound level corresponding to a steady state sound level containing the same total energy as time varying signal over a given sample period.  $L_{eq}$  is typically computed over 1, 8 and 24-hour sample periods.

**"Impulsive Noise"** means a noise of short duration, usually less than one second, with an abrupt onset and rapid decay.

**"L<sub>max</sub>"** means the maximum A-weighted noise level recorded during a noise event.

**"Day/Night Average Sound Level, L<sub>dn</sub>"** is a 24-hour measure of the cumulative noise exposure in a community, with a 10 dBA penalty added to nocturnal (10:00 p.m. - 7:00 a.m.) noise levels.

**"Noise Exposure Contours"** Lines drawn about a noise source indicating constant energy levels of noise exposure. CNEL and L<sub>dn</sub> are the descriptors utilized herein to describe community exposure to noise.

**"Preempted Noise Source"** means a noise source which cannot be regulated by the local jurisdiction due to existing state or federal regulations already applying to the source. Examples of such sources are vehicles operated on public roadways, railroad trains and aircraft.

**"Pure Tone Noise"** means any noise which is distinctly audible as a single pitch (frequency) or set of pitches. For the purposes of this document, a pure tone shall exist if the one-third octave band sound pressure level in the band with the tone exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by 5 dB for center frequencies of 500 Hz and above and by 8 dB for center frequencies between 160 and 400 Hz and 15 dB for center frequencies less than or equal to 125 Hz.

## **2.0 EXISTING AND FUTURE NOISE ENVIRONMENT**

### **2.1 Overview of Sources**

Based on discussion with County of Stanislaus Department of Planning and Community Development staff regarding potential major noise sources and field studies conducted by Brown Buntin Associates (1986) and updated by Illingworth & Rodkin (2004), it was determined that there are a number of potentially significant sources of community noise within Stanislaus County. These sources include traffic on state highways and major County roadways, railroad operations, airport operations and industrial activities. Specific noise sources selected for study are described in the Technical Reference Document.

### **2.2 Methods and Noise Exposure Maps**

The California Department of Transportation (Caltrans) Noise Prediction Model LeqV2 was used in conjunction with field noise level measurements to develop L<sub>dn</sub> contours for the state highways and major county roadways within the unincorporated areas of Stanislaus County. Annual average daily traffic volumes (AADT) and truck mixes for existing (2000) and future (2030) conditions were obtained from Caltrans and the Stanislaus County Department of Public Works. CNEL contours for operations at the Oakdale Municipal Airport and the Modesto City/County Airport were derived from existing Airport Master Plan reports.

Tabulated existing noise contours for the major railroad lines throughout the county are shown in Table 1. Figure 1 shows the locations and generalized L<sub>dn</sub> 2030 noise contours of major roadway noise sources. Noise exposure contours for major transportation sources of noise within the unincorporated areas of Stanislaus County are also contained within Appendix A (Existing Noise Sources) and B (Future Noise Sources) of the Technical Reference Document (2004). Generalized

$L_{dn}$  noise contours of major industrial noise sources can be found in Part C-7 (Existing Noise Environment, Industrial and Other Stationary Noise Sources) of the Technical Noise Document (2004). It should be noted that these contours are generally based upon annual average conditions, and are not intended to be site-specific where local topography, vegetation or intervening structures may significantly affect noise exposure at a particular location. The noise contour maps have been prepared to assist Stanislaus County with the implementation of the Noise Element through the project review and long range planning processes.

### 3.0 COMMUNITY NOISE SURVEY

As required by the Government Code and ONC Guidelines, a community noise survey was conducted to document noise exposure in areas of the County containing noise sensitive land uses. The following noise sensitive land uses have been identified within Stanislaus County:

1. Residential uses in Single-Family Residential, Medium-Density Residential and Multiple-Family Residential zones.
2. Schools
3. Long-term care medical facilities, such as hospitals, nursing homes, etc.

Noise monitoring sites were selected to be representative of typical conditions in the unincorporated areas of the County where noise sensitive land uses are located. A combination of short-term and long-term (24-hour) noise monitoring was used to document existing noise levels at these locations during July and August of 2004. A total of 30 monitoring sites were selected, including 20 long-term noise measurements and 10 short-term noise measurements. Measurement locations are shown in Figure 2.

Long-term noise measurements were conducted to show the daily trend in noise levels throughout a 24-hour to 48-hour period. Noise level data collected during continuous monitoring included the  $L_{eq}$ , maximum noise level and the statistical distribution of noise levels for each hour of the sample period. The hourly fluctuations of noise levels at the long-term sites are summarized in graphic form in Appendix A of the Technical Reference Document (2004).

Short-term noise measurements were conducted in simultaneous intervals with traffic volume and speed observations.  $L_{dn}$  noise levels at each receiver were calculated by adjusting for differences in traffic conditions during measurements and the loudest existing hourly traffic conditions (based on the existing AADT traffic volumes). The data collected during the short-term sampling program included the  $L_{eq}$ , maximum noise level, minimum noise level and a description of major sources of noise which were audible. Long and short-term measured noise level data collected during the community noise survey are summarized in Tables 2 and 3.

The quietest areas of unincorporated Stanislaus County are those which are removed from major transportation-related noise sources and local industrial or other stationary noise sources. Good examples of these quiet areas are rural areas such as Hickman, Valley Home, and La Grange. The noisier areas surveyed were those located near state highways (Salida), major county roadways (Westport and Shackelford), or railroads (Empire). Typically, maximum noise levels observed during the survey were generated by local automobile traffic or heavy trucks. Other sources of maximum noise levels included occasional aircraft over flights and, in some areas, railroad operations (especially horns). Background noise levels in the absence of the above-described sources were caused by distant traffic, wind in the trees, running water, birds and distant industrial or other stationary noise sources.

#### 4.0 LAND USE COMPATIBILITY GUIDELINES

Figure 3 is provided as reference concerning the sensitivity of different land uses to their noise environment. It is intended to illustrate the range of noise levels which will allow the full range of activities normally associated with a given land use. For example, exterior noise levels in the range of 50-60 L<sub>dn</sub> (or CNEL) are generally considered acceptable for residential land uses, since these levels will usually allow normal outdoor and indoor activities such as sleep and communications to occur without interruption. Industrial facilities, however, can be relatively insensitive to noise and may generally be located in a noise environment of up to 75 L<sub>dn</sub> (or CNEL) without significant adverse effects. Specific noise compatibility criteria in terms of L<sub>dn</sub> or CNEL for residential and noise sensitive land uses in Stanislaus County are defined in Section 5.0.

**Table 1: Noise Contour Distances for Major Railroad Lines (2004)**

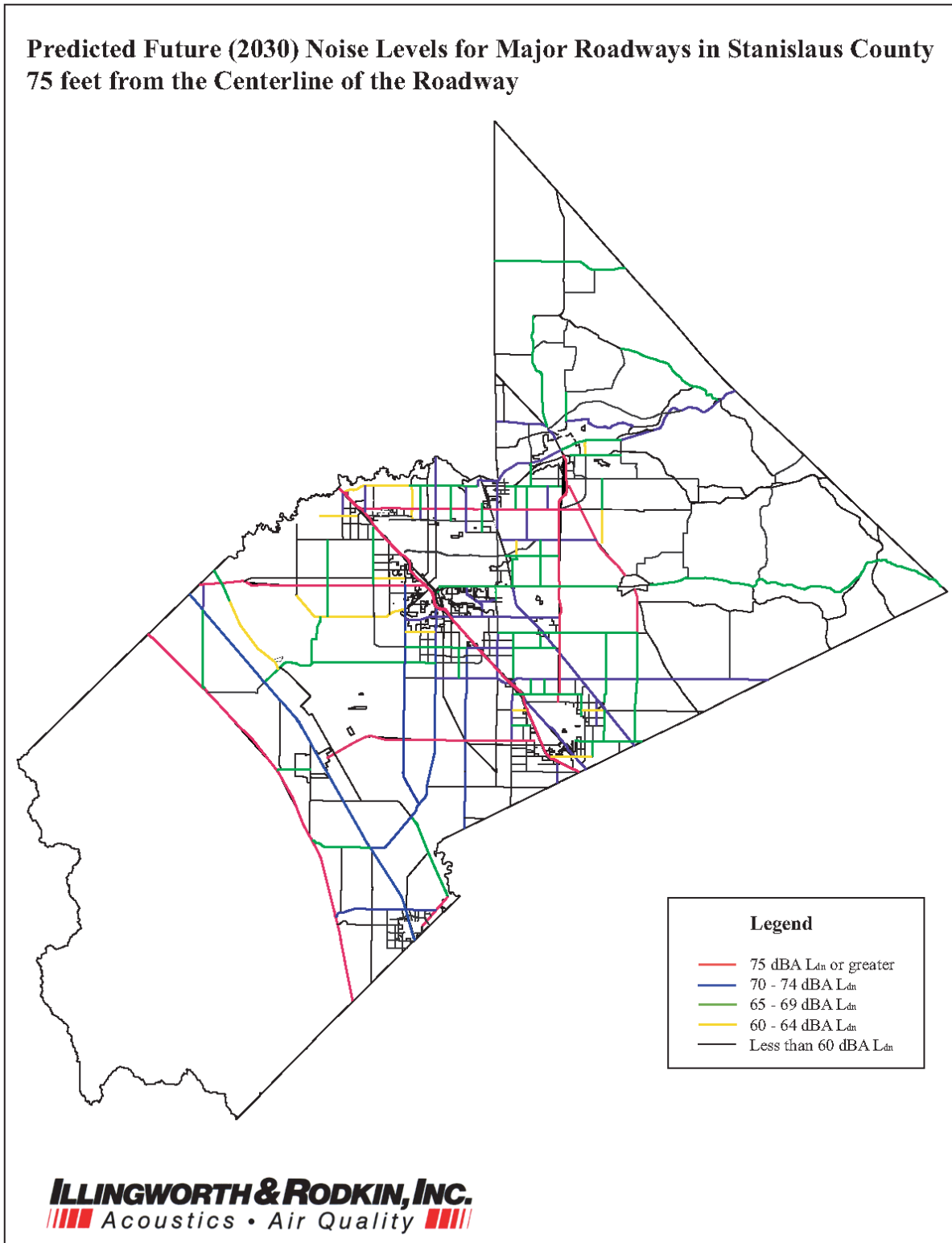
Railroad Description*	Distance from Centerline of Roadway (in feet) Based on Traffic Noise Modeling			
	75-Ldn	70-Ldn	65-Ldn	60-Ldn
<b>Union Pacific Railroad (UPRR)</b>	70	150	320	680
<b>Burlington Northern and Santa Fe (BN &amp; SF) Railway</b>	100	200	440	950
<b>Sierra Railroad</b>	**	**	**	80
<b>Tidewater Southern Railroad</b>	**	**	60	140

*\* Noise contour distances for the Modesto and Empire Traction Company Railroad were not calculated due to a lack of specific information regarding train movements along this track.*

*\*\* Distances of less than 50 feet are not included in this table.*

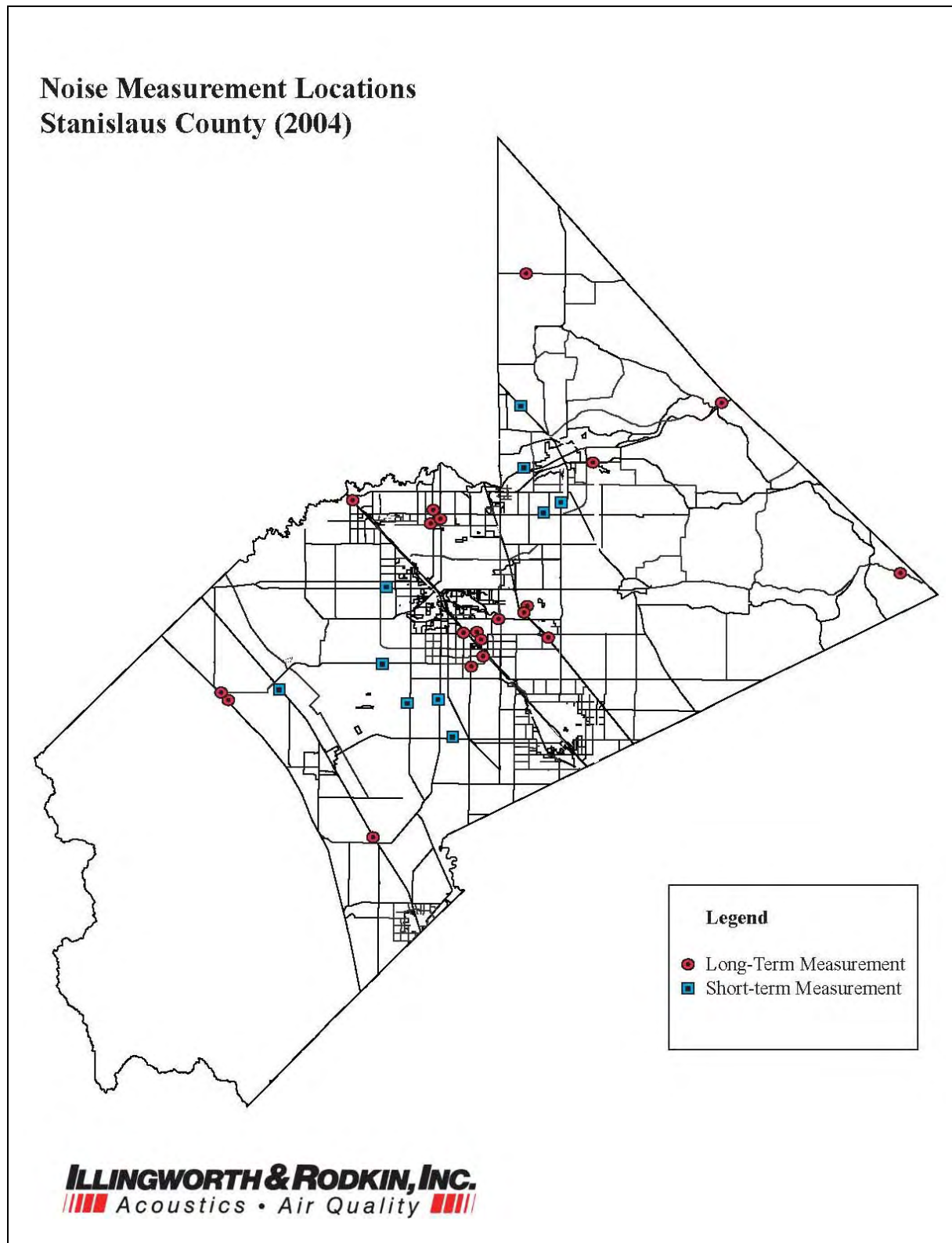
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**Figure 1: Noise Contours for Major Roadways (2030)**



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**Figure 2: Community Noise Survey Monitoring Sites**



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**Table 2: Summary of Long-Term Noise Measurements**

Site	Location	Date	Time	Daytime Noise Levels	Nighttime Noise Levels	$L_{dn}$
Long-Term Measurements				dBA	dBA	dBA
LT-1	Residential Land Use, 907 Kiernan Road ~ 60 ft from the centerline of Hwy 219 /Kiernan Road	7/20/04 to 7/21/04	11:00 am to 1:00 pm	65-68	56-65	<b>68</b>
LT-2	~50 feet from the centerline of Hwy 108, near intersection with Hwy 219	7/20/04 to 7/21/04	11:30 am to 12:30 pm	71-74	64-73	<b>76</b>
LT-3	~200 feet to center of SR 99 near lane, ~350 feet to UPRR Rail line	7/20/04 to 7/22/04	12:20 pm to 2:30 pm	72-75	69-75	<b>78</b>
LT-4	~30 feet from centerline of 132, near county line	7/20/04 to 7/21/04	12:00 pm to 4:00 pm	62-66	51-66	<b>68</b>
LT-5	~50 feet from centerline of 120, near County line	7/20/04 to 7/21/04	1:00 pm to 5:00 pm	70-73	62-72	<b>75</b>
LT-6	~45 feet from centerline of Hwy. 4	7/20/04 to 7/21/04	2:00 pm to 7:00 pm	64-67	54-67	<b>69</b>
LT-7	~30 feet from centerline of Central Ave, south of Ceres near Grayson Road	7/20/04 to 7/22/04	6:00 pm to 2:00 pm	67-70	59-69	<b>72</b>
LT-8	~65 feet from near lane of I-5	7/21/04 to 7/22/04	11:00 am to 12:00 pm	73-75	73-75	<b>80</b>
LT-9	~50 feet from centerline of SR 33, north of Crows Landing	7/21/04 to 7/22/04	11:30 am to 1:00 pm	66-70	57-69	<b>72</b>
LT-10a	~50 feet from the centerline of Santa Fe Ave., near Leedom	7/21/04 to 7/22/04	3:30 pm to 4:00 pm	68-75	62-76	<b>78</b>
LT-10b	~50 feet from the centerline of Santa Fe Avenue at Leedom	8/31/04 to 9/2/04	2:00 pm to 2:00 pm	69-75	60-74	<b>76</b>
LT-11	3831 Hatch Road, ~65 feet from centerline of Hatch Road	7/21/04 to 7/22/04	3:30 pm to 4:00 pm	68-71	62-71	<b>74</b>
LT-12	~20 feet west of SPTCo Railroad and ~105 feet west of SR 99, in Ceres	5/18/04 to 5/21/04	12:30 pm to 2:00 pm	77-81	71-79	<b>83</b>
LT-13	~30 feet from the edge of Service Road, at Service and Moffet in Ceres	5/18/04 to 5/21/04	1:00 pm to 2:00 pm	69-73	62-73	<b>75</b>
LT-14	2805 Evalee Lane ~270 feet east of SR 99, in Ceres	5/18/04 to 5/20/04	1:30 pm to 3:00 pm	66-69	60-69	<b>72</b>
LT-15	Little Orchard Mobile Home Park ~130 feet east of SR 99, in Ceres	5/18/04 to 5/20/04	2:30 pm to 3:00 pm	72-74	64-73	<b>78</b>
LT-16	~60 feet from near lane of I-5 in Westley	8/31/04 to 9/2/04	10:30 am to 10:30 am	72-74	71-75	<b>80</b>
LT-17	~150 feet from AT&SF Railroad in Hughson	8/31/04 to 9/2/04	1:00 pm to 2:00 pm	69-80	59-80	<b>81</b>
LT-18	~50 feet from the Sierra Railroad tracks east of Oakdale	8/31/04 to 9/2/04	3:00 pm to 3:00 pm	66-71	58-70	<b>72</b>
LT-19	~35 feet from the Tidewater Railroad, south of Del Rio	8/31/04 to 9/2/04	4:00 pm to 4:00 pm	63-70	43-63	<b>70</b>

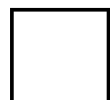
**Table 3: Summary of Short-Term Noise Measurements**

Site	Location	Date	Time	L <sub>eq</sub>	L <sub>1</sub>	L <sub>10</sub>	L <sub>50</sub>	L <sub>90</sub>
Short-Term Measurements				dB A	dBA	dBA	dBA	dBA
ST-1	~75 feet from the centerline of Maze Blvd/ Hwy. 132 at Garrison	7/20/04	12:55 pm to 1:00 pm	71	81	76	66	50
ST-2	~75 feet from the centerline of Grayson Road, east of Jennings Road	7/20/04	1:48 pm to 1:58 pm	61	75	63	45	37
ST-3	~80 feet from the centerline of Carpenter Road, at Monte Vista Avenue	7/20/04	2:22 pm to 2:32 pm	64	74	68	54	44
ST-4	~60 feet from the centerline of West Main Street, west of Blaker Road	7/20/04	3:00 pm to 3:10 pm	68	77	72	62	49
ST-5	~60 feet from the centerline of Crows Landing Road, at Zeering	7/20/04	3:33 pm to 3:43 pm	67	78	70	60	48
ST-6	~40 feet from the centerline of SR 33, south of Westley	7/21/04	10:50 am to 11:00 am	71	81	75	60	47
ST-7	~50 feet from the centerline of Albers, between Patterson and Claribel	7/21/04	5:50 pm to 6:00 pm	72	82	76	67	54
ST-8	~50 feet from the centerline of Claribel, between Albers and Hwy. 108	7/21/04	6:15 pm to 6:25 pm	69	78	74	62	50
ST-9	~60 feet from the centerline of Hwy. 108, at Orchard Ave.	7/21/04	6:40 pm to 6:50 pm	70	77	74	69	56
ST-10	~60 feet from the centerline of Valley Home Rd, at 12542 Valley Home Road	7/21/04	7:10 pm to 7:20 pm	65	76	71	52	42

**Figure 3: Land Use Compatibility for Community Noise Environments**

Land Use Category	Exterior Noise Exposure L <sub>dn</sub> or CNEL, dBA					
	55	60	65	70	75	80
Residential - Low Density Single Family, Duplex, and Mobile Homes						
Multi Family Residential			*			
Hotels and Motels						
Schools, Libraries, Museums, Hospitals, Personal Care, Meeting Halls, Churches						
Auditoriums, Concert Halls, and Amphitheaters						
Sports Arena and Outdoor Spectator Sports						
Playgrounds and Neighborhood Parks						
Golf Courses, Riding Stables, Water Recreation, and Cemeteries						
Office Buildings, Business Commercial, and Professional						
Industrial, Manufacturing, Utilities, and Agriculture						

*\* Interior noise levels shall not exceed 45 Ldn in all new residential units (single and multi family). Development sites exposed to noise levels exceeding 60 Ldn shall be analyzed following protocols in Appendix Chapter 12, Section 1208, A, Sound Transmission Control, 1998 California Building Code.*



**NORMAL ACCEPTABLE**

Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special insulation requirements.



**CONDITIONALLY ACCEPTABLE**

Specified land use may be permitted only after detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design.



**NORMALLY UNACCEPTABLE**

New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.



**CLEARLY UNACCEPTABLE**

New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies.

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## GOALS, POLICIES AND IMPLEMENTATION MEASURES

### GOAL ONE

Prevent the encroachment of incompatible land uses near known noise producing industries, railroads, airports and other sources to protect the economic base of the County.

#### POLICY ONE

It is the policy of Stanislaus County to utilize the noise exposure information contained within the General Plan to identify existing and potential noise conflicts through the Land Use Planning and Project Review processes.

#### IMPLEMENTATION MEASURE

1. Areas within Stanislaus County shall be designated as noise-impacted if exposed to existing or projected future noise levels exterior to buildings exceeding the standards in Figure 3 or the performance standards described by Table 4. Maps showing existing and projected future noise exposures exceeding 60 L<sub>dn</sub> or CNEL for the major noise sources are depicted in Figure 1, Table 1, and are included in Appendix A and B of the Technical Reference Document (2004).  
**Responsible Departments: Environmental Resources, Planning Department, Planning Commission, Board of Supervisors**

### GOAL TWO

Protect the citizens of Stanislaus County from the harmful effects of exposure to excessive noise.

#### POLICY TWO

It is the policy of Stanislaus County to develop and implement effective measures to abate and avoid excessive noise exposure in the unincorporated areas of the County by requiring that effective noise mitigation measures be incorporated into the design of new noise generating and new noise sensitive land uses.

#### IMPLEMENTATION MEASURES

1. New development of noise-sensitive land uses will not be permitted in noise-impacted areas unless effective mitigation measures are incorporated into the project design to reduce noise levels to the following levels:
  - a) For transportation noise sources such as traffic on public roadways, railroads, and airports, 60 L<sub>dn</sub> (or CNEL) or less in outdoor activity areas of single family residences,

65 L<sub>dn</sub> (or CNEL) or less in community outdoor space for multi-family residences, and 45 L<sub>dn</sub> (or CNEL) or less within noise sensitive interior spaces. Where it is not possible to reduce exterior noise due to these sources to the prescribed level using a practical application of the best available noise-reduction technology, an exterior noise level of up to 65 L<sub>dn</sub> (or CNEL) will be allowed. Under no circumstances will interior noise levels be allowed to exceed 45 L<sub>dn</sub> (or CNEL) with the windows and doors closed in residential uses.

- b) For other noise sources such as local industries or other stationary noise sources, noise levels shall not exceed the performance standards contained within Table 4.

**Responsible Departments: Environmental Resources, Planning Department, Building Inspections, Planning Commission, Board of Supervisors**

- 2. New development of industrial, commercial or other noise generating land uses will not be permitted if resulting noise levels will exceed 60 L<sub>dn</sub> (or CNEL) in noise-sensitive areas. Additionally, the development of new noise-generating land uses which are not preempted from local noise regulation will not be permitted if resulting noise levels will exceed the performance standards contained within Table 4 in areas containing residential or other noise sensitive land uses.

**Responsible Departments: Environmental Resources, Planning Department, Planning Commission, Board of Supervisors**

**TABLE 4**

**MAXIMUM ALLOWABLE NOISE EXPOSURE - STATIONARY NOISE SOURCES<sup>2</sup>**

	<b>Daytime 7 a.m. to 10 p.m.</b>	<b>Nighttime 10 p.m. to 7 a.m.</b>
<b>Hourly L<sub>eq</sub>, dBA</b>	<b>55</b>	<b>45</b>
<b>Maximum level, dBA</b>	<b>75</b>	<b>65</b>

Each of the noise level standards specified in Table 4 shall be reduced by five (5) dBA for pure tone noises, noise consisting primarily of speech or music, or for recurring impulsive noises. The standards in Table 4 should be applied at a residential or other noise-sensitive land use and not on the property of a noise-generating land use. Where measured ambient noise levels exceed the standards, the standards shall be increased to the ambient levels.

- 3. Prior to the approval of a proposed development of noise-sensitive land uses in a noise impacted area, or the development of industrial, commercial or other noise generating land use in an area containing noise-sensitive land uses, an acoustical analysis shall be required. Where required, an acoustical analysis shall:

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<sup>2</sup> As determined at the property line of the receiving land use. When determining the effectiveness of noise mitigation measures, the standards may be applied on the receptor side of noise barriers or other property line noise mitigation measures.

- a) Be the responsibility of the applicant.
- b) Be prepared by a qualified acoustical consultant experienced in the fields of environmental noise assessment and architectural acoustics.
- c) Include representative noise level measurements with sufficient sampling periods and locations to adequately describe local conditions.
- d) Include estimated noise levels in terms of  $L_{dn}$  (or CNEL) and the standards of Table 4 (if applicable) for existing and projected future (10-20 years hence) conditions, with a comparison made to the adopted policies of the Noise Element.
- e) Include recommendations for appropriate mitigation to achieve compliance with the adopted policies and standards of the Noise Element.
- f) Include estimates of noise exposure after the prescribed mitigation measures have been implemented. If compliance with the adopted standards and policies of the Noise Element will not be achieved, a rationale for acceptance of the project must be provided.

***Responsible Departments: Planning Department, Environmental Resources, Planning Commission, Board of Supervisors***

- 4. Projects which through the CEQA review process require an acoustical analysis shall include a monitoring program to specifically implement the recommended mitigation to noise impacts associated with the project.

***Responsible Departments: Planning Department, Environmental Resources, Planning Commission, Board of Supervisors***

- 5. Noise level criteria applied to land uses other than noise sensitive uses shall be consistent with the recommendations of Figure 3: Land Use Compatibility for Community Noise Environments.

***Responsible Department: Planning Department, Environmental Resources, Planning Commission, Board of Supervisors***

- 6. Stanislaus County shall enforce Sound Transmission Control Standards in the 1998 California Building Code, Appendix Chapter 12, Section 1208, and Chapter 35 of the Uniform Building Code concerning the construction of new multiple-occupancy dwellings such as hotels, apartments, and condominiums in areas where the existing or projected future noise environment exceeds 60  $L_{dn}$  or CNEL.

***Responsible Department: Building Inspection***

- 7. Replacement of noise-sensitive land uses located in noise-impacted areas which are destroyed in a disaster shall not be considered in conflict with this element if replacement occurs within one year.

***Responsible Departments: Building Inspections, Planning Department, Environmental Resources.***

### **POLICY THREE**

It is the objective of Stanislaus County to protect areas of the County where noise-sensitive land uses are located.

## IMPLEMENTATION MEASURES

1. Require the evaluation of mitigation measures for projects that would cause the  $L_{dn}$  at noise-sensitive uses to increase by 3 dBA or more and exceed the “normally acceptable” level, cause the  $L_{dn}$  at noise-sensitive uses to increase 5 dBA or more and remain “normally acceptable,” or cause new noise levels to exceed the noise ordinance limits (after adoption).  
**Responsible Departments: Environmental Resources, Planning Department, Planning Commission, Board of Supervisors**
2. In conjunction with or subsequent to a comprehensive update of the Noise Element, the County shall consider writing a community noise control ordinance based on the noise exposure information included in the research for the Noise Element. The "Model Community Noise Control Ordinance" prepared by the State Office of Noise Control should be considered for a guideline.  
**Responsible Departments: Environmental Resources, Planning Department, Planning Commission, Board of Supervisors**
3. New equipment and vehicles purchased by Stanislaus County shall comply with noise level performance standards of the industry and be kept in proper working order to reduce noise impacts.  
**Responsible Department: County Executive Office**
4. Stanislaus County should encourage the California Highway Patrol and local law enforcement officers to actively enforce existing sections of the California Vehicle Code relating to adequate vehicle mufflers<sup>3</sup>, modified exhaust systems, and vehicle stereo systems<sup>4</sup>.  
**Responsible Department: Board of Supervisors**

## POLICY FOUR

It is the objective of Stanislaus County to ensure that the Noise Element is consistent with and does not conflict with other elements of the Stanislaus County General Plan.

## IMPLEMENTATION MEASURES

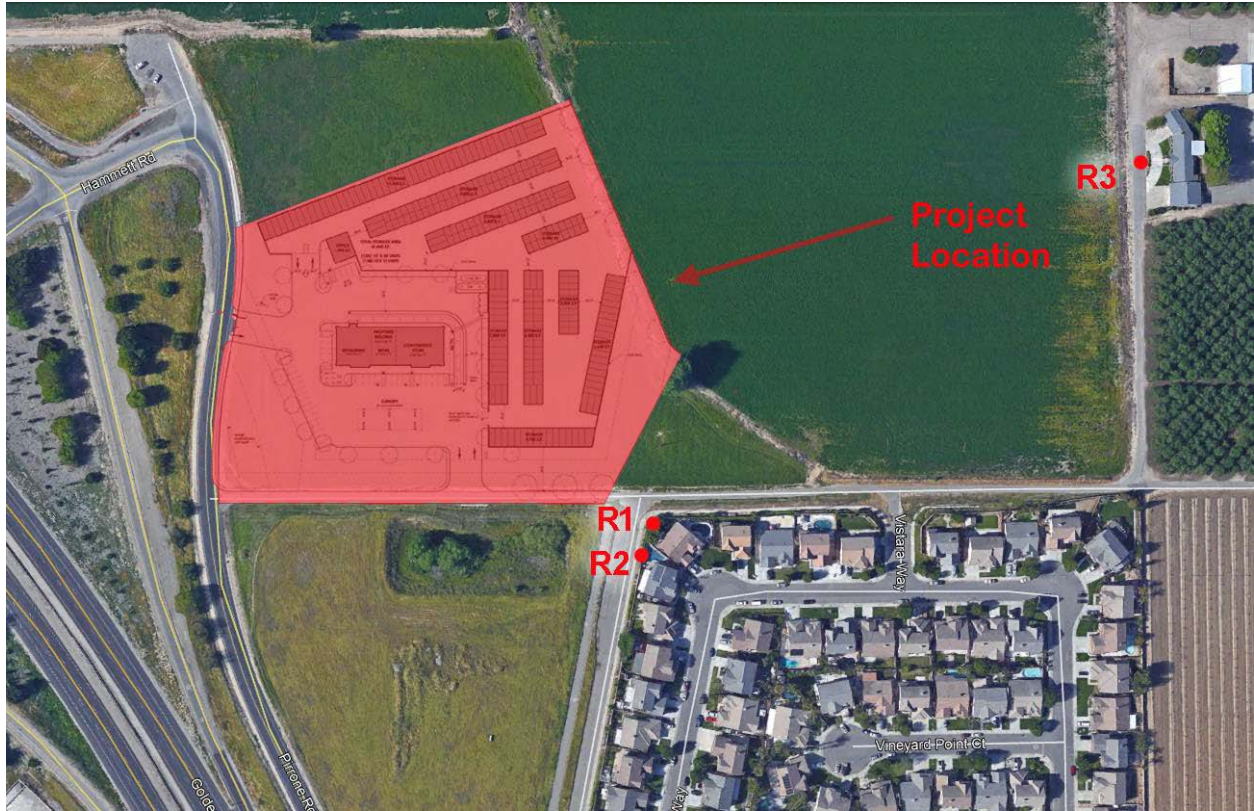
1. The Noise Element shall be reviewed and updated as necessary to remain consistent with the Land Use and Circulation Elements of the General Plan.  
**Responsible Departments: Planning Department, Department of Environmental Resources, Planning Commission, Board of Supervisors**
2. The Land Use and Circulation Elements of the General Plan shall be continually reviewed to ensure consistency with the findings and policies of the Noise Element as they relate to the prevention of future noise conflicts.  
**Responsible Department: Planning Department**

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<sup>3</sup> Section 27150 of the California Motor Vehicle Code discusses the control of excessive exhaust noise.

<sup>4</sup> Section 27007 of the California Motor Vehicle Code prohibits amplified sound which can be heard 50 or more feet from a vehicle.

**Figure A-1. Location of Sensitive Receptors (R1, R2, and R3)**



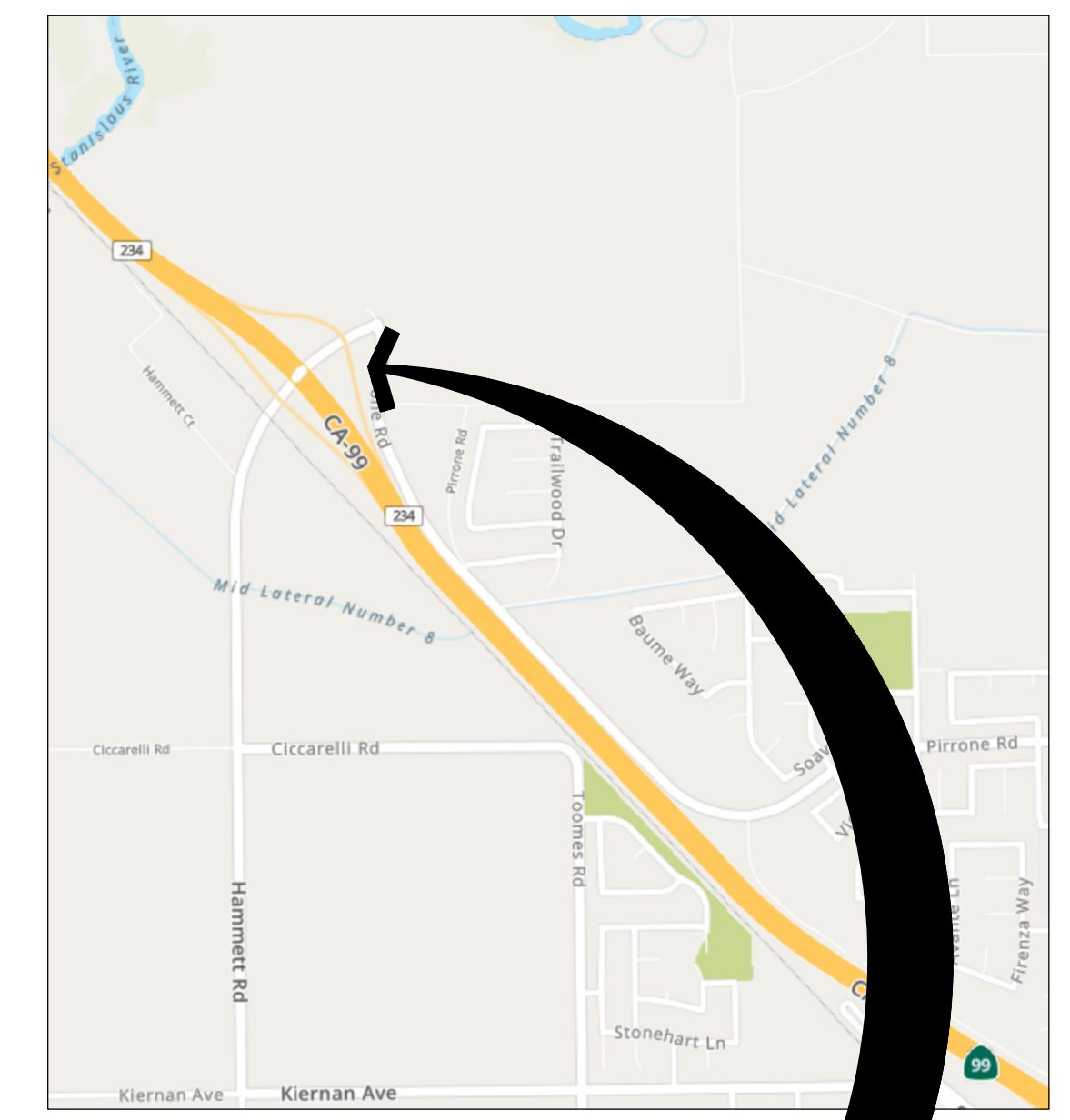
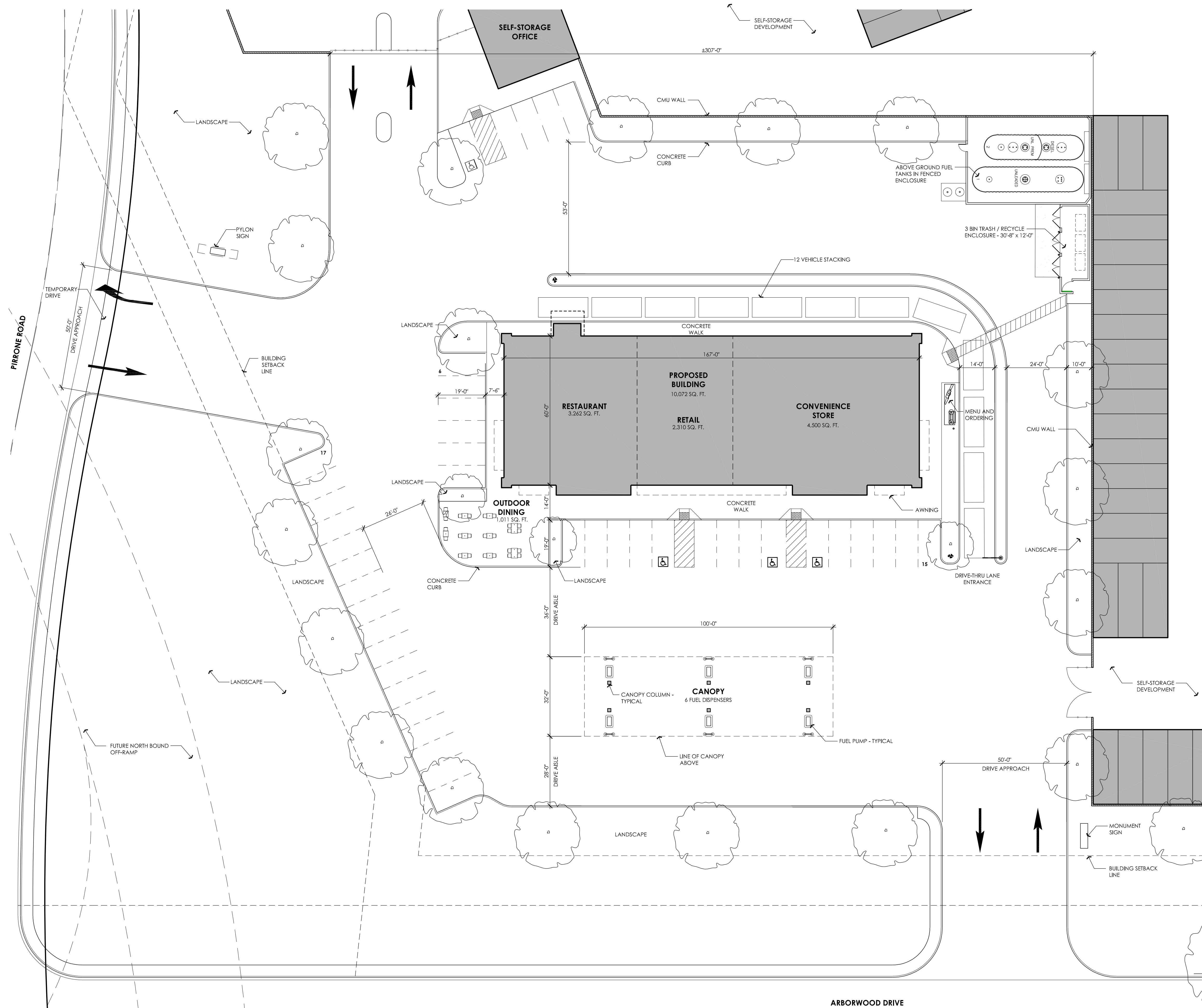
Modeling Assumptions and Results available in the April 15, 2021 Planning Commission

Agenda: [http://www.stancounty.com/planning/agenda/2021/04-15-2021/7\\_B.pdf](http://www.stancounty.com/planning/agenda/2021/04-15-2021/7_B.pdf)

Hard copies available upon request. Please contact the Planning and Community Development

Department at (209) 525-6330 or via email at [planning@stancounty.com](mailto:planning@stancounty.com).

## PROJECT DRAWINGS



**PROJECT LOCATION**

PIRRONE AND HAMMETT ROADS  
MODESTO, CA

**VICINITY MAP**

PIRRONE ROAD  
SALIDA, CA

**PROJECT TEAM**

**PROJECT CONTACT:**  
BALDEV GREWAL  
(209) 658-7987  
CONTACT: BALDEV GREWAL

**ARCHITECT:**  
API  
4335-B NORTH STAR WAY  
MODESTO, CA 95356  
(209) 577-4661  
CONTACT: RODNEY ALONZO  
rod@apiarc.com

**PROJECT DESCRIPTION**

**RETAIL DEVELOPMENT:** NEW 10,072 SQ. FT. CONVENIENCE STORE / RESTAURANT BUILDING WITH SITE DEVELOPMENT  
**STORAGE DEVELOPMENT:** 9 SELF-STORAGE UNIT BUILDINGS, 61,460 SQ. FT. TOTAL, AND 1,400 SQ. FT. OFFICE BUILDING, AND SITE DEVELOPMENT

**SITE DATA**

**JURISDICTION:** COUNTY OF STANISLAUS  
**ADDRESS:** PIRRONE AND HAMMETT ROADS  
**ASSESSORS PARCEL NUMBER:** 003-014-007  
**PROPERTY AREA:** 418,176 SQ. FT. / 9.60 AC  
**DEVELOPMENT AREA:** RETAIL - 144,154 SQ. FT. / 3.3 AC  
STORAGE - 182,531 SQ. FT. / 4.19 AC  
**BUILDING COVERAGE:** RETAIL - 10,072 SQ. FT. (.069% OF RETAIL DEVELOPMENT AREA)  
STORAGE - 62,820 SQ. FT. (.34% OF STORAGE DEVELOPMENT AREA)  
**CURRENT ZONE:** SALIDA COMMUNITY PLAN C-2  
**GENERAL PLAN:** SALIDA COMMUNITY PLAN C-2

**BUILDING DATA**

**RETAIL DEVELOPMENT AREA:** 10,072 SQ. FT.  
**BUILDING AREA:** 10,072 SQ. FT.  
**BUILDING USE:** CONVENIENCE STORE / RESTAURANT / RETAIL  
**STORIES:** 1  
**SELF-STORAGE DEVELOPMENT:** 62,820 SQ. FT.  
**BUILDING USE:** RENTED STORAGE UNITS  
**STORIES:** 1

**PARKING DATA**

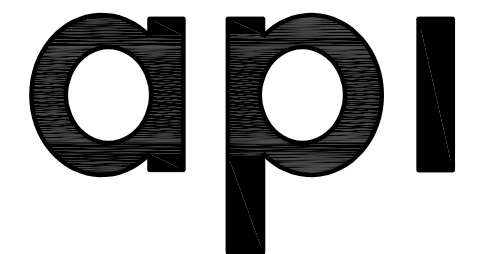
**RETAIL DEVELOPMENT**  
**PARKING REQUIRED**  
CONVENIENCE STORE - 1 STALL/300 SQ. FT.: 15 STALLS  
RETAIL - 1 STALL/300 SQ. FT.: 8 STALLS  
RESTAURANT - 1 STALL/4 SEATS: 15 STALLS  
TOTAL PARKING REQUIRED: 38 STALLS  
**PARKING PROVIDED**  
STANDARD: 35 STALLS  
ACCESSIBLE: 3 STALLS  
TOTAL PARKING PROVIDED: 38 STALLS  
**STORAGE DEVELOPMENT**  
**PARKING PROVIDED**  
OFFICE - 1 STALL/300 SQ. FT.: 5 STALLS  
TOTAL PARKING REQUIRED: 5 STALLS  
**PARKING PROVIDED**  
STANDARD: 4 STALLS  
ACCESSIBLE: 1 STALL  
TOTAL PARKING PROVIDED: 5 STALLS

**PROPOSED NEW DEVELOPMENT:**

**PIRRONE RETAIL**

**PIRRONE ROAD AND HAMMETT ROAD SALIDA, CA.**

PLANNING ARCHITECTURE



ARCHITECTURE PLUS INC.  
4335-B NORTH STAR WAY  
MODESTO, CA 95356

ph. 209.577.4661  
fx. 209.577.0213

www.apiarc.com

SHEET:

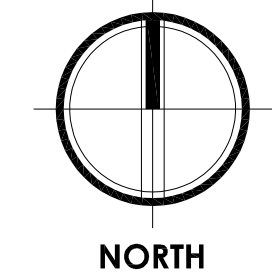
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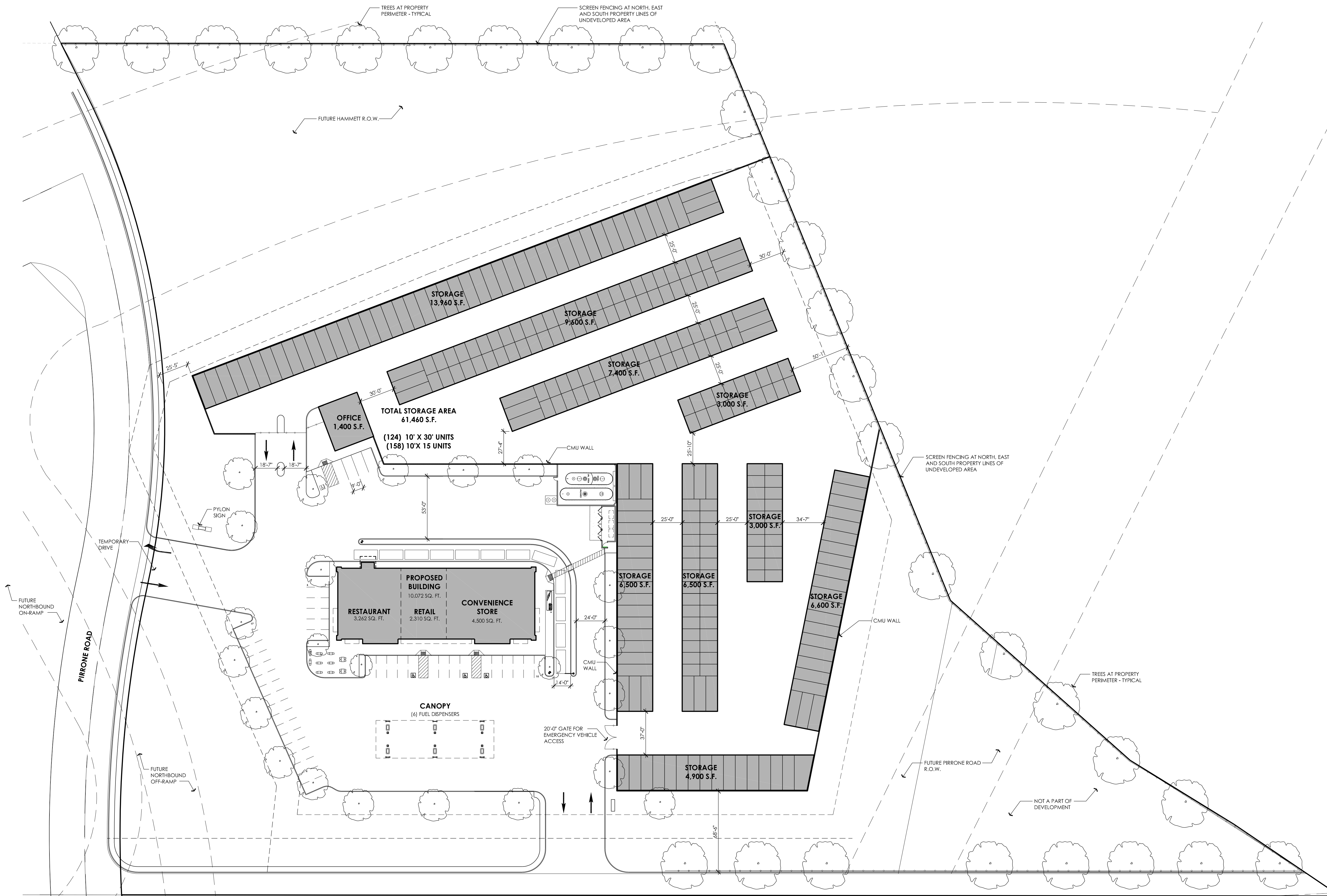
OF 2

**SITE PLAN - PROJECT AREA**

SCALE: 1" = 20'-0"

02-05-21





**PROPOSED NEW DEVELOPMENT:**  
**PIRRONE RETAIL**  
 PIRRONE ROAD AND HAMMETT ROAD  
 SALIDA, CA.

PLANNING ARCHITECTURE

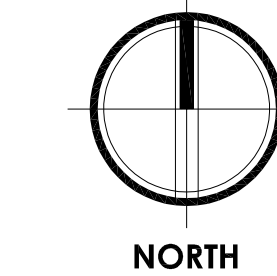


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SHEET:  
**A2**  
 OF 2

**SITE PLAN - OVERALL**  
 SCALE: 1" = 40'-0"  
 DATE: 02-05-21



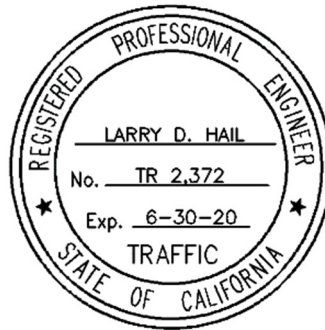
EXISTING RESIDENTIAL

# SALIDA GAS STATION & C-STORE

- Stanislaus County, California -

## “TRAFFIC IMPACT ANALYSIS”

Prepared for:  
**CAL SIERRA FINANCIAL, INC.**  
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March 9, 2020

## EXECUTIVE SUMMARY

The Traffic Impact Analysis (TIA) presents an evaluation of the potential impacts associated with the proposed Salida Gas Station & C-Store project in Stanislaus County. The project site (APN: 003-014-007) is located east of the State Route (SR) 99 / Hammett Road interchange and the existing Pirrone Road in the unincorporated area north of the Salida community. The project includes the development of a new gas station with 10 gas pumps (20 fueling positions); a convenience market (4,500 SF); a small retail space (1,500 SF) and a sit-down restaurant (4,000 SF). Project access will be provided via a full access driveway on Arborwood Drive (east of existing Pirrone Road) and a secondary right-turn-only driveway on the existing Pirrone Road (between Hammett Road and Arborwood Drive). On-site parking will be provided for +/-42 vehicles (marked spaces) plus the 20 available spaces adjacent the gas pump islands. Parking will also be available along the northerly and easterly perimeters adjacent to the grape vine buffers.

The project will generate a total of approximately 4,612 daily trips, with 291 trips during the AM peak hour and 325 trips during the PM peak hour. However, a portion of the project trips will be internal “captured” trips (5%) which will not exit and re-enter the site. A significant portion of the trips will be “pass-by” and/or “diverted-link” trips coming from traffic already on the adjacent street system (e.g. 80-85% of gas station trips). The total trip generation estimates were adjusted to reflect the “pass-by” trips (Caltrans limits pass-by trip reduction to 15%). Based on the project location (unincorporated County), it’s anticipated that very few of the project trips will be new “single purpose” trips attracted from other local communities (e.g. Ceres, Modesto, Ripon or Manteca). A majority (if not all) of the project trips to and from SR 99 will already be on the freeway. Though pass-by trips will come from SR 99 and Pirrone Road, the SR 99 ramp intersections will experience 100% of the project external demands (the project trips still need to exit and re-enter the freeway). The actual number of pass-by trips is anticipated to be much higher than the 15%. Therefore, the number of single purpose primary trips represents a worse-case scenario.

The project trips were assigned to the study street system was based on a review of the traffic count data, the project location and the locations of other local land uses in the Salida area. It’s noted the County has conditioned the project site and the parcel south of the project site to take primary access off of Arborwood Drive. Eventually, the existing Pirrone Road on the west side of these parcels will be vacated and the New Pirrone Road will be improved and extended along the east side of these parcels to intersect a short extension of Hammett Road (east of SR 99). The project trips were also assigned to the study network assuming the future improvement of the New Pirrone Road alignment.

### Existing Conditions

The Project TIA scope was defined in consultation with County and Caltrans staff. The evaluation of potential project impacts focuses on an evaluation of peak hour operations at the SR 99 / Hammett Road interchange ramp and Pirrone Road / Arborwood Drive intersections. New traffic count data was collected to document existing conditions during the morning and afternoon commuter periods. The evaluation of existing conditions indicates average vehicle delays are currently within acceptable

limits as defined by the County (LOS C or better), except at the SR 99 Northbound Ramps intersection during the AM peak hour (LOS D). Caltrans endeavors to maintain a target LOS at the transition between LOS C and D. Therefore, average delays in the LOS D range may be considered acceptable during short peak demand periods (e.g. 15-30 minutes within the peak hour).

The existing conditions analysis also identified significant queuing during the AM peak hour on the eastbound approach of Hammett Road at the SR 99 Northbound Ramps. Observations of actual traffic operations did notice the eastbound queuing issue during the AM peak hour. Peak hour volumes at the SR 99 Northbound Ramps intersection are below the minimum 70% “peak hour” volume traffic signal warrant criteria in the 2014 California MUTCD. Peak hour volumes at the SR 99 Southbound Ramps intersection exceed the minimum 70% “peak hour” volume signal warrant criteria but are below the 100% signal warrant criteria. Therefore, the installation of traffic signal control is not recommended under existing conditions since average vehicle delays are in the LOS B-C range with the existing all-way stop control.

#### Existing Plus Project Conditions

A review of the existing plus project volumes at the Pirrone Road / Arborwood Drive intersection was conducted to determine the appropriate traffic control and required improvements. The existing plus project peak hour volumes will not exceed the minimum MUTCD signal warrant criteria. However, the AM and PM peak hour volumes will warrant the installation of an exclusive left turn only lane on the southbound approach of Pirrone Road at Arborwood Drive. An evaluation of existing plus project conditions demonstrates average vehicle delays at the Pirrone Road / Arborwood Drive intersection will be within acceptable limits (LOS C or better). However, delays on the Arborwood Drive (stop sign controlled) will be in the LOS D range during the AM peak hour. The provision of a southbound acceleration lane on Pirrone Road for the westbound left turn from Arborwood Drive would only slightly reduce delays to the LOS C range. Therefore, the installation of a southbound acceleration lane on Pirrone Road is not recommended.

Similar to the existing conditions analysis, average delays under the existing plus project scenario will remain within acceptable limits at the SR 99 Southbound Ramps intersection. However, delays at the SR 99 Northbound Ramps intersection will continue to exceed the County’s LOS C threshold during the AM peak hour. Therefore, the project will have a potentially significant impact at the SR 99 Northbound Ramps intersection during the AM peak hour. Vehicle queues (95<sup>th</sup> percentile) on the eastbound approach of Hammett Road at the SR 99 Northbound Ramps intersection will also exceed the distance between the ramps during the AM peak hour. The existing plus project volumes at both SR 99 ramp intersections will exceed the minimum 70% “peak hour” volume signal warrant criteria but only marginally satisfy the minimum 100% criteria. Therefore, the installation of signal control at the ramp intersections is not recommended under the existing plus project conditions (delays will remain in the LOS B-C range with the existing all-way stop control).

The Project TIA analysis includes an evaluation of access on the existing Pirrone Road. The average southbound speed on Pirrone Road near Arborwood Drive was recorded at +/-40 mph (85<sup>th</sup> percentile speed of 45 mph). The average northbound speed was recorded at +/-44 mph (85<sup>th</sup> percentile speed of

48 mph). Pirrone Road south of Hammett Road has a relatively level vertical alignment. There is a horizontal curve to the west on Pirrone Road south of Hammett Road followed by a short tangent section and a horizontal curve to the east. The area along Pirrone Road north of Arborwood Drive (both sides) is relatively free of fixed objects that obstruct the visibility of vehicles on Pirrone Road (southbound) or vehicles exiting Arborwood Drive (westbound). Southbound stopping sight distance on Pirrone Road is acceptable for the 85<sup>th</sup> percentile speed (45 mph) near Arborwood Drive. Corner sight distance looking north is acceptable for vehicles exiting Arborwood Drive (westbound left turn).

Field observations identified the controlling line-of-sight south of Arborwood Drive as an existing chain link fence on the east side of Pirrone Road. The northbound stopping sight distance for vehicles on Pirrone Road is adequate for +/-47 mph. However, the corner sight distance for vehicles exiting Arborwood Drive looking south is only adequate for +/-32 mph (well below the 85<sup>th</sup> percentile speed of northbound traffic, 48 mph). The southbound left turn lane improvements on the existing Pirrone Road will also require transition taper improvements south of Arborwood Drive. The existing chain link fence on the east side of Pirrone Road south of Arborwood Drive will need to be relocated east to provide acceptable corner sight distance for vehicles exiting Arborwood Drive.

#### Cumulative and Cumulative Plus Project Conditions

The Project TIA presents an evaluation of future cumulative conditions. Cumulative conditions are typically comprised of existing traffic plus traffic generated by other known future developments. The evaluation of cumulative conditions is based on future projects listed on the County's website. The list of projects selected for the cumulative analysis was developed in consultation with County staff. A majority of the cumulative projects are local light industrial or warehouse type projects. However, the Lark Landing (PLN2019-0131) parcel located south of the project site has a potential to develop various commercial and office uses (e.g. gas station, fast-food restaurant, retail space, hotel, carwash & office space). As previously stated, the County has conditioned the Lark Landing parcel to take primary access off of Arborwood Drive. Development of the Lark Landing parcel(s) would more than likely trigger the New Pirrone Road improvements. The Lark Landing property owner has some uncertainty about the scope of the future development. Therefore, due to the location of the Lark Landing parcel(s) and development potential, it was deemed reasonable to analyze the cumulative conditions "without" and "with" the possible future development of the Lark Landing parcel(s).

It's noted that long range infrastructure improvements in this portion of the County initially included a reconstruction of the SR 99 / Hammett Road interchange. Hammett Road was also to extended east with an expressway section. Caltrans had prepared various environmental documents (PSR and EIR). Caltrans recently completed extensive improvements along SR 219, east of SR 99. Caltrans staff has indicated that the SR 99 / Hammett Road interchange improvements will not be constructed in the foreseeable future. Therefore, cumulative analysis does not assume that any major improvements will be constructed by Caltrans or the County at the SR 99 / Hammett Road interchange.

The cumulative conditions analysis (without the Lark Landing development) indicates average delays at the Pirrone Road / Arborwood Drive intersection will be within acceptable limits (LOS C or better). Average delays at the SR 99 Southbound Ramps intersection will remain with acceptable limits.

However, delays at the SR 99 Northbound Ramps intersection will continue to exceed the County's LOS C threshold during the AM peak hour. Therefore, the project will have a potentially significant impact at the SR 99 Northbound Ramps intersection during the AM peak hour. Vehicle queues (95<sup>th</sup> percentile) on the eastbound Hammett Road approach at the SR 99 Northbound Ramps intersection will also exceed the distance between the ramps during the AM peak hour. The cumulative plus project volumes at both SR 99 ramp intersections will exceed the minimum 70% "peak hour" volume signal warrant criteria (MUTCD). However, the AM peak hour volumes will only marginally satisfy the minimum 100% signal warrant criteria. Therefore, the installation of signal control at the SR 99 Southbound Ramps intersection is not recommended under the cumulative plus project conditions (average delays will remain in the LOS B-C range with the existing all-way stop control).

In response to SB 743, Project TIA includes data relative to the project's Vehicle Miles Traveled (VMT) as requested by Caltrans staff. Though the County nor Caltrans have any formal VMT analysis standards or "level of significance" criterion, the LOS analysis software does produce Measures of Effectiveness (MOE) data. Unfortunately, the MOE data is only produced for the local network analyzed in the Project TIA and not a larger network including the entire County or Tri-County area. In addition, the MOE data does not account for the large percentage of project related pass-by trips (e.g. 80-85% of the trips attracted to a gas station). The potential Transportation Demand Management (TDM) strategies to reduce VMT for a gas station are somewhat limited. However, the TDM strategies to reduce the project's VMT could include implementing a rideshare program for employees and/or an incentive based program for employees to use local transit.

#### Total Cumulative Conditions

An evaluation of total cumulative traffic demands was performed assuming the future development of the Lark Landing parcel(s) and completion of the New Pirrone Road. The Lark Landing development could generate up to 16% more AM peak hour trips and 65% more PM peak hour trips than the Salida Gas Station & C-Store project. The total cumulative analysis assumes the installation of traffic signal control at the New Pirrone Road / Arborwood Drive intersection and north-south left turn lanes on New Pirrone Road at Arborwood Drive.

Average delays at the New Pirrone Road / Arborwood Drive intersection will be within acceptable limits. However, average delays at both SR 99 ramp intersections will exceed the County's LOS C threshold during the AM peak hour. The total cumulative volumes at both SR 99 ramp intersections will exceed the minimum 70% "peak hour" volume traffic signal warrant criteria. However, the total cumulative volumes will only marginally satisfy the minimum peak hour (100%) signal warrant criteria. The minor restriping of Hammett Road at the ramp intersection approaches would reduce the potential need for future signal control. As previously stated, Caltrans endeavors to maintain a target LOS at the transition between LOS C and D on State highway facilities. Therefore, average delays in the LOS D range may be considered acceptable during short peak demand periods (30-45 minutes).

#### Mitigation Measures

The evaluation of existing plus project and cumulative plus project conditions identifies a potentially significant project impact at the SR 99 Northbound Ramps intersection during the AM peak hour. The

east and westbound Hammett Road approaches have a single 20' lane at both SR 99 ramp intersections. The proposed project mitigation includes restriping the eastbound approach on Hammett Road at SR 99 Northbound Ramps intersection with one (1) through lane and an exclusive left turn only lane, which could be accomplished within the existing roadway width (40'). Average delays will be within acceptable limits with the proposed mitigation (LOS C or better) under both "plus" project scenarios. The 95<sup>th</sup> percentile queues on the eastbound approach will also be significantly reduced during the AM peak hour (eliminating existing queuing issue). The cumulative plus project volumes will exceed the minimum 70% "peak hour" volume signal warrant criteria, but not the 100% criteria. Therefore, the installation of signal control is not recommended under the cumulative plus project conditions (average delays will be in the LOS B-C range with existing all-way stop control). The potential project impact will be reduced to a level of "less than significant" under both "plus" project scenarios.

As previously stated, the analysis of total cumulative traffic demands assumes the future development of the Lark Landing parcel(s) and New Pirrone Road. The analysis demonstrates that average vehicle delays will exceed the County's LOS C threshold at the both SR 99 ramp intersections during the AM peak hour. The analysis determined that the addition of an exclusive westbound right turn only lane on Hammett Road at the SR Northbound Ramps intersection would be required to provide acceptable delays (LOS C or better). This improvement could be accomplished with a minor widening of the north side of Hammett Road east of the intersection. The total cumulative analysis was also conducted assuming the addition of an exclusive westbound left turn lane on Hammett Road at the southbound ramps. Average delays would still be in the LOS D range but may be considered acceptable by Caltrans during short peak demand periods (30-45 minutes). The future installation of traffic signal control should only be considered if it's fully demonstrated that signal control is required to maintain safe access. The evaluation of long range infrastructure improvements at the SR 99 / Hammett Road interchange was beyond the scope defined for the Project TIA.

Development projects in Stanislaus County are subject to the Regional Traffic Impact Fee (RTIF) as outlined in the Comprehensive Public Facilities Impact Fee Update Study - Administrative Draft (Sept. 15, 2017). Payment of the project's RTIF provides a fair-share contribution towards the costs associated with the future regional and local infrastructure improvements. Therefore, the project applicant shall negotiate and pay the applicable RTIF as required by Stanislaus County.

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**APPENDIX MATERIAL**

- Summary of Traffic Count Data, Traffic Count Data and Queue Data (Feb. 2020)
- HCM Level of Service (LOS) LOS Descriptions
- Synchro 10 “Level of Service” (LOS) and Measure of Effectiveness (MOE) Worksheets
- California MUTCD Traffic Signal Warrant Data and Graphs
- TRB Left Turn Lane Warrant Graph
- Pirrone Road Vehicle Speed Data
- Cumulative Projects List, Location Map and Trip Generation Estimates

## 1.0 INTRODUCTION

The Traffic Impact Analysis (TIA) presents an evaluation of the potential impacts associated with the Salida Gas Station & C-Store project in Stanislaus County. The project site (APN: 003-014-007) is located east of the State Route (SR) 99 / Hammett Road interchange and the existing Pirrone Road in the unincorporated area north of the Salida community. The project includes the development of a new gas station and convenience market, a small retail space and a sit-down restaurant. Project access will be provided via a full access driveway on Arborwood Drive, east of the existing Pirrone Road. A right-turn-only driveway will be provided on the existing Pirrone Road, between Hammett Road and Arborwood Drive. All parking associated with the project will be accommodated on-site. The general location of the project site is illustrated on Figure 1 (Project Location Map).


The Project TIA scope was defined in consultation with County and Caltrans staff. The evaluation of potential project impacts focuses on an analysis of traffic operations during the morning (AM) and afternoon (PM) commuter peak hours at the following study intersections:

- Pirrone Road / Arborwood Drive
- Hammett Road / SR 99 Northbound Ramps
- Hammett Road / SR 99 Southbound Ramps

New peak period traffic count data was collected for the Project TIA. Existing traffic operations were observed during the morning and afternoon commuter peak periods. Information regarding future development projects in the Salida Area was provided by County staff. The Project TIA includes an evaluation of access on Pirrone Road and cumulative conditions. The Project TIA was conducted according to the Caltrans guidelines, “Guide for the Preparation of Traffic Impact Studies” (December 2002).



**LEGEND**

 = Project Site



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TRAFFIC  
ENGINEERING**

**Salida Gas Station & C-Store**  
- Traffic Impact Analysis -

**FIGURE 1  
PROJECT  
LOCATION MAP**

## 2.0 EXISTING CONDITIONS

The local roadway network serving the project site includes SR 99, Hammett Road, Pirrone Road and Arborwood Drive. The following is a brief description of the local roadway network and an evaluation of existing traffic operations.

### Network Description

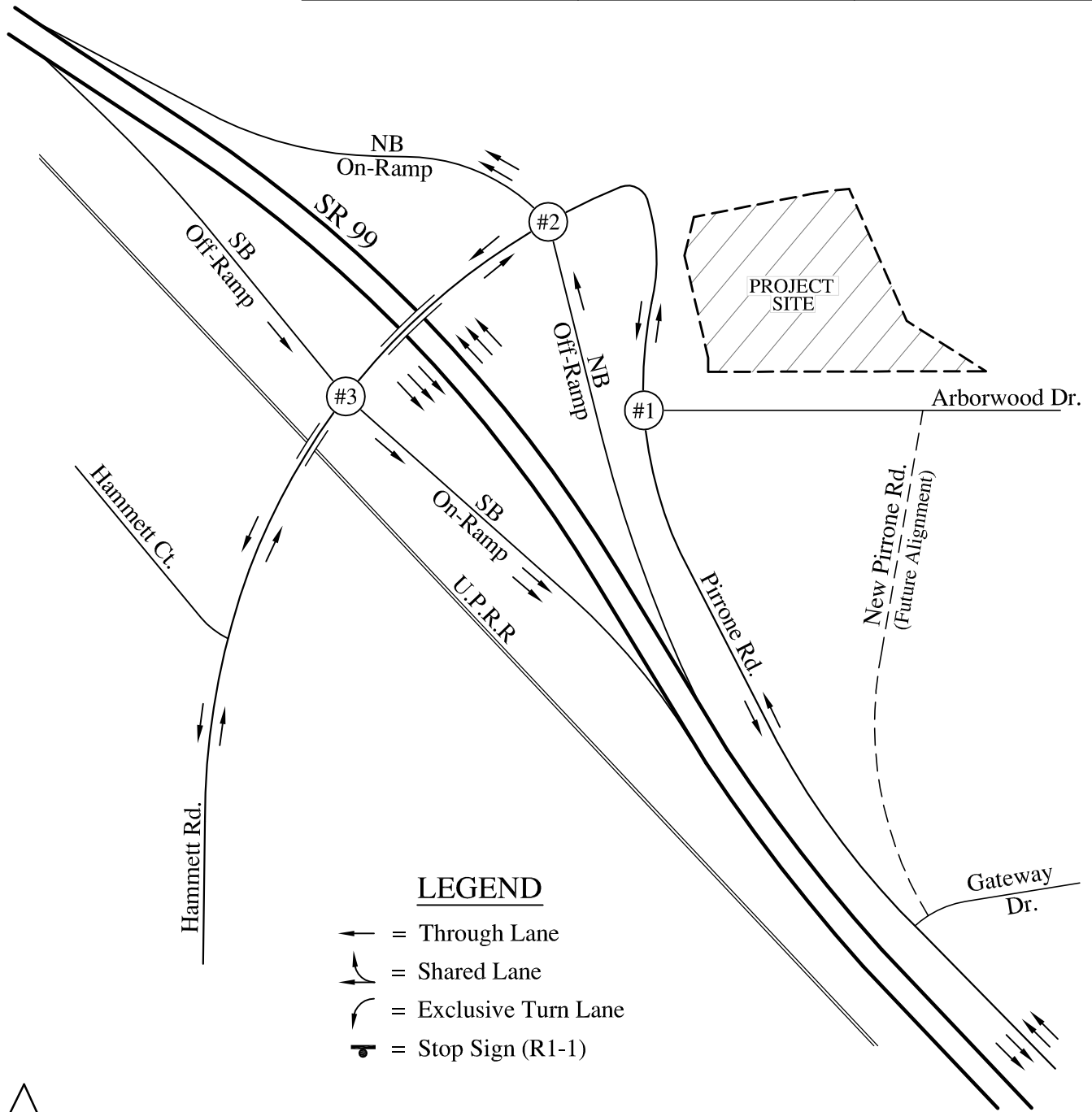
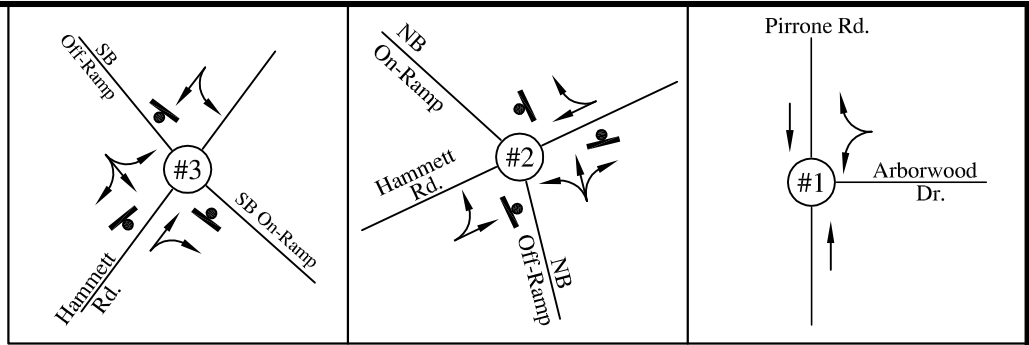
SR 99 is a north-south freeway in Stanislaus County providing regional access between Sacramento and Bakersfield. SR 99 north and south of Hammett Road has three (3) travel lanes in each direction, with a posted 65 miles-per-hour (mph) speed limit. Access to and from Hammett Road is provided via a “grade-separated” interchange. The north and southbound ramps at SR 99 / Hammett Road interchange are relatively long (northbound off-ramp +/-1,300’; northbound on-ramp +/-1,500’; southbound off-ramp +/-1,400’; & southbound on-ramp +/-1,400’). Recent improvements at the SR 99 / Hammett Road interchange included the installation of “all-way” stop control at both ramp intersections and ramp metering on both on-ramps. The approaches at both ramp intersections are striped for a single lane (shared left-through-right lane).

Hammett Road extends west from Pirrone Road and south to Beckwith Road with a single travel lane in each direction and a 55 mph speed limit. Hammett Road is classified as a minor arterial (MA) in the County’s General Plan (GP) Circulation Element (Road Circulation Diagram). Hammett Road is stop sign control with a single approach lane at the SR 99 north and southbound ramp intersections. The bridge decks over SR 99 and the Union Pacific Railroad (UPRR) both have a width of +/-40’.

Pirrone Road extends south from Hammett Road with a single travel lane in each direction and a 45 mph posted speed limit. Pirrone Road is classified as a MA in the County’s GP Circulation Element (Road Circulation Diagram). The Hammett Road-to-Pirrone Road connection is free-flowing with no traffic control (e.g. a stop sign). There are curve advisory 15 mph signs posted for both directions of travel. There is also a small paved area on the north side of Hammett Road opposite Pirrone Road, which does not have any traffic control. Pirrone Road south of Gateway Drive transitions to a 5-lane section (2 lanes in each direction with a two-way left turn lane).

Arborwood Drive is currently a single lane driveway extending east from Pirrone Road. This narrow driveway serves the Salida Sanitary District (6200 Pirrone Road) and local agricultural fields. There is no traffic control for vehicles exiting this driveway (e.g. a stop sign). There is a connection to the Vizcaya residential subdivision via Vistara Way (east of the New Pirrone Road alignment), which is currently closed.

The existing traffic control and approach lane geometrics at the study intersections are graphically illustrated on Figure 2A.



**LEGEND**

- ← = Through Lane
- ↔ = Shared Lane
- ↪ = Exclusive Turn Lane
- ⬮ = Stop Sign (R1-1)



**PINNACLE  
TRAFFIC  
ENGINEERING**

**Salida Gas Station & C-Store**  
- Traffic Impact Analysis -

**FIGURE 2A  
EXISTING  
GEOMETRICS**

## Traffic Volumes

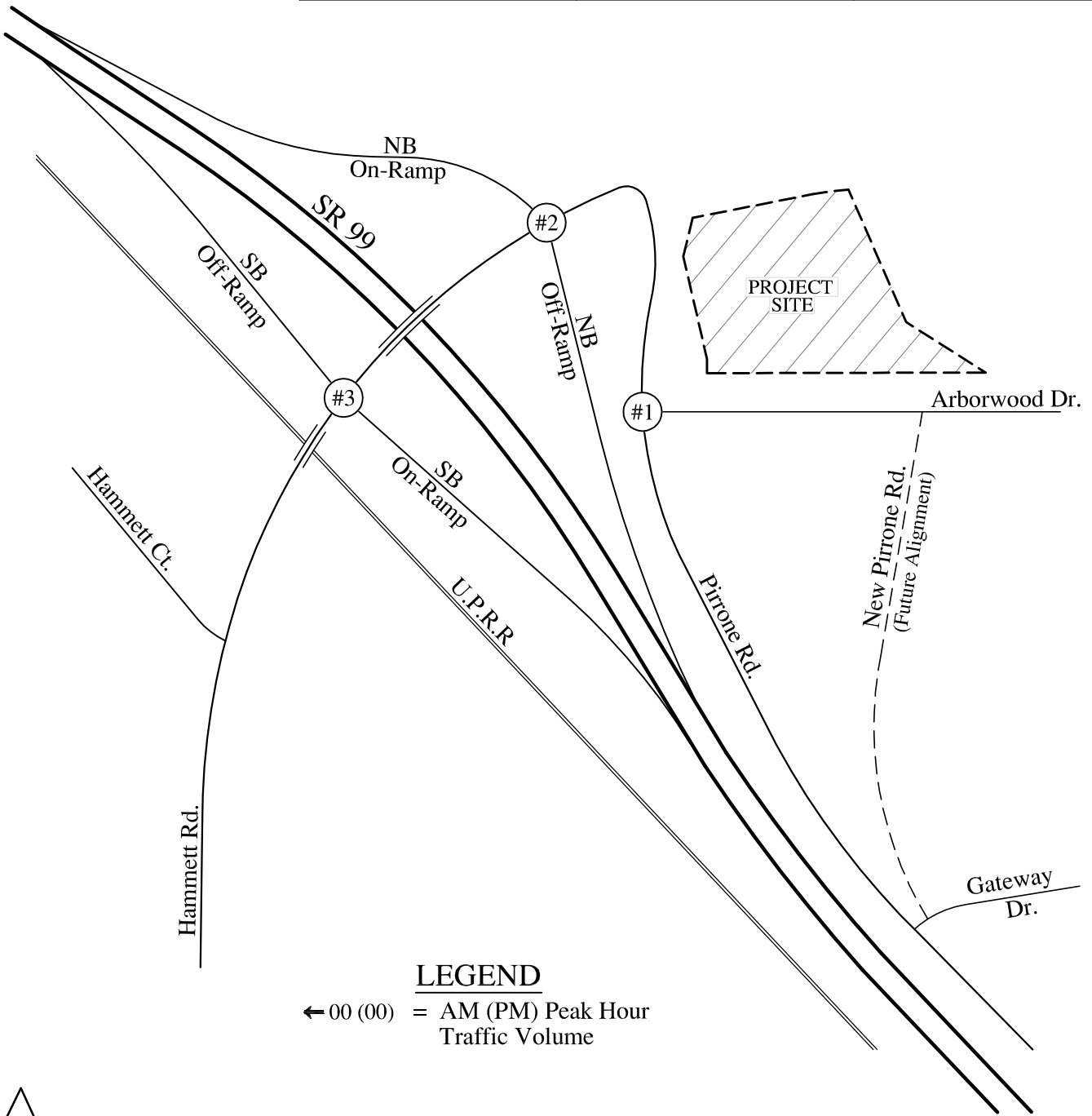
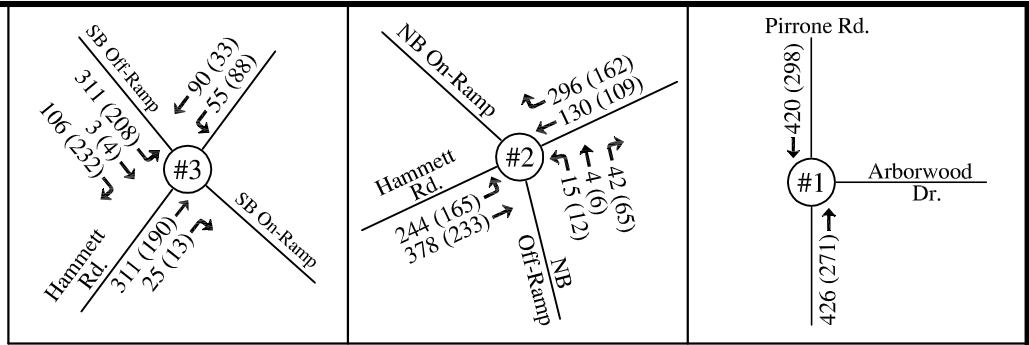
New traffic count data was collected at the study intersections to document existing conditions during the morning and afternoon commuter periods. As requested by Caltrans staff, the data was collected between 5:30 & 8:30 AM and 3:30 & 6:30 PM. The data collection also included the appropriate truck traffic data, and vehicle queue data on Hammett Road (westbound at SR 99 Northbound Ramps) and Pirrone Road (northbound at Hammett Road). The morning peak hour for both the ramp intersections occurred between 7:30 & 8:30 AM. The afternoon peak hour for the SR 99 Northbound Ramps intersection occurred between 3:30 & 4:30 PM, which was attributable to the higher westbound right turn demand entering SR 99 from Hammett Road and Pirrone Road. The other approach movements had relatively stable volumes over the 3-hour period. The short spike in demands for only 1 movement (WBRT) at an intersection is typical of the afternoon peak associated with local school traffic. The peak hour at the SR 99 Southbound Ramps intersection occurred between 4:45 & 5:45 PM.

Consultation with County staff indicated the operational analysis should focus on the peak hour within the typical afternoon commuter period for the local street system (4:00 & 6:00 PM). The afternoon peak hour for the combined volumes at both ramp intersections occurred between 4:45 & 5:45 PM. The peak hour volumes were balanced between the ramp intersections to represent actual operations. The existing AM and PM peak hour traffic volumes at the study intersections are illustrated on Figure 2B. It's noted that negligible traffic was observed using the paved area on the north side of Hammett Road (opposite Pirrone Road) and the Salida Sanitary District driveway. Copies of the traffic count data summary, raw traffic count data and queue data are included with the Appendix Material.

## Level of Service Analysis

Various "level of service" (LOS) methodologies are used to evaluate traffic operations. Operating conditions range from LOS "A" (free-flowing) to LOS "F" (forced-flow). Brief descriptions of the LOS values are included in the Appendix Material. Stanislaus County has adopted the LOS C standard as the lower limit for acceptable operations at intersections (GP Circulation Element). Caltrans endeavors to maintain a target LOS at the transition between LOS C and D on State highway facilities.

The evaluation of "peak hour" operations at the study intersections is based on analyses methodologies in the Highway Capacity Manual (HCM, 6<sup>th</sup> Edition). The methodologies evaluate operations based on vehicle "control" delay. Control delay is the principal service measure for evaluating LOS. Control delay includes the delay associated with vehicles slowing down in advance of an intersection, time spent stopped on an intersection, time spent moving up in the queue and the time needed for a vehicle to accelerate to their desired speed. Delay for "all-way" stop controlled and "signalized" intersections is evaluated for the overall peak hour as an "average." The analysis of un-signalized intersections also estimates delay for the each "critical" movement (e.g. stop sign controlled approaches and main line left turn). Table 1 presents the LOS and vehicle control delay criterion for signalized and un-signalized intersections.



**LEGEND**  
 ← 00 (00) = AM (PM) Peak Hour Traffic Volume



**PINNACLE  
 TRAFFIC  
 ENGINEERING**

**Salida Gas Station & C-Store**  
 - Traffic Impact Analysis -

**FIGURE 2B  
 EXISTING  
 TRAFFIC VOLUMES**

Table 1 - LOS and Vehicle Control Delay Criterion

LOS Value	Intersection Control Type	
	Signalized Control	Two-Way & All-Way Stop Sign Control
	Control Delay per Vehicle (seconds / vehicle)	
A	< or = 10.0	< or = 10.0
B	10.1 – 20.0	10.1 – 15.0
C	20.1 – 35.0	15.1 – 25.0
D	35.1 – 55.0	25.1 – 35.0
E	55.1 – 80.0	35.1 – 50.0
F	> 80.0	> 50.0

Again, it's noted that average vehicle delays are reported when evaluating unsignalized intersections. Some agencies also review the delays on the stop sign controlled approaches for analysis purposes (e.g. use highest delay on a stop sign controlled approach). When side street approach delays near the LOS D-F range many agencies require an evaluation of the traffic signal warrants to determine if traffic control improvements may be appropriate. The installation of traffic signal control at a stop sign controlled intersection will typically reduce vehicle delays on the side street approaches (stop controlled) but will increase delays on the main street approaches. However, the benefits associated with traffic signal control may also address existing safety issues.

The Synchro 10 software was used to perform the intersection LOS analysis (HCM, 6<sup>th</sup> Edition). The existing peak hour factors (PHF) and actual truck traffic percentages were also used to accurately model current operations (represents peak 15-minute flow conditions). The results of the existing intersection LOS analysis are presented in Table 2, with copies of the Synchro 10 worksheets included with the Appendix Material.

Table 2 - Existing Intersection LOS Analysis

Study Intersection	Average Delay - LOS	
	AM Peak Hour	PM Peak Hour
SR 99 NB Ramps / Hammett Rd.	33.7 - D	10.8 - B
SR 99 SB Ramps / Hammett Rd.	20.2 - C	12.4 - B

The data in Table 2 indicates average vehicle delays are currently within acceptable limits as defined by the County (LOS C or better), except at the SR 99 Northbound Ramps intersection during the AM peak hour (LOS D). As previously noted, Caltrans endeavors to maintain a target LOS at the transition between LOS C and D. Therefore, vehicle delays in the LOS D range may be considered acceptable during short peak demand periods (e.g. 15-30 minutes within the peak hour).

The Synchro 10 analysis also estimates vehicle queues on each approach at the ramp intersections. The LOS analysis estimates significant queuing during the AM peak hour on the eastbound approach of Hammett Road at the SR 99 Northbound Ramps (95<sup>th</sup> percentile queue of 16 vehicles, +/-400'). There is approximately 570' between the north and southbound ramp intersections on Hammett Road. The Synchro 10 analysis did not identify any other significant queuing on the other approaches. The actual vehicle queue data on Hammett Road (westbound at SR 99 Northbound Ramps) and Pirrone Road (northbound at Hammett Road) documented maximum queues of seven (7) vehicles during the morning period (8:00 & 8:15 AM) and the (10) vehicles during the afternoon period (3:45 PM). A nine (9) vehicle queue was also observed around 5:15 PM.

Traffic volumes at the SR 99 Northbound Ramps intersection are below the minimum 70% "peak hour" volume traffic signal warrant criteria in the 2014 California Manual on Uniform Traffic Control Devices (MUTCD, Warrant #3). The AM and PM peak hour volumes at the SR 99 Southbound Ramps intersection currently exceed the minimum 70% "peak hour" volume traffic signal warrant criteria. However, the AM and PM peak hour volumes are below the 100% warrant criteria. The installation of traffic signal control at the SR 99 Southbound Ramps intersection is not recommended under existing conditions since average vehicle delays are in the LOS B-C range with the existing all-way stop control.

### **Observations of Peak Period Operations**

Traffic operations were observed during the morning and afternoon commuter peak periods. Overall peak period operations were relatively good at both ramp intersections. However, significant queuing was observed during the AM peak hour on the eastbound Hammett Road approach at the northbound ramps during peak demand periods (15-20 minutes). During the AM peak hour the eastbound queue backed up between the north and southbound ramp intersections a couple of times.

### 3.0 PROJECT CONDITIONS

The following is a brief description of the proposed project, an estimate of the project trip generation quantities, an assignment of project trips to the study street system and an evaluation of the potential impacts on existing operations.

#### Description

The project includes the development of a new gas station with 10 gas pumps (20 fueling positions); a convenience market (4,500 SF); a small retail space (1,500 SF) and a sit-down restaurant (4,000 SF). Project access will be provided via a full access driveway on Arborwood Drive, east of the existing Pirrone Road. The project will also construct improvements on Arborwood Drive to allow two-way travel between Pirrone Road and the project driveway. A right-turn-only driveway will be provided on the existing Pirrone Road (between Hammett Road and Arborwood Drive). On-site parking will be provided for +/-42 vehicles (marked spaces) plus the 20 available spaces adjacent the gas pump islands. Parking will also be available along the northerly and easterly perimeters adjacent to the grape vine buffers. A copy of the project site plan is provided on Figure 3.

#### Project Trip Generation Estimates

The project trip generation estimates have been derived using data in the Institute of Transportation Engineers (ITE) Trip Generation Manual (10<sup>th</sup> Edition) and Trip Generation Handbook (3<sup>rd</sup> Edition). The applicable ITE trip generation rates are provided in Table 3. It's noted that the land use description for ITE category #945 (Gasoline/Service Station with Convenience Markets) states the stations may also have ancillary facilities (e.g. a car wash).

Table 3 - Applicable ITE Trip Generation Rates

Land Use Category	Trip Generation Rate				
	AM Pk. Hr.		PM Pk. Hr.		Daily
	In	Out	In	Out	
ITE #820 - General Retail (a)	0.58	0.36	1.83	1.98	37.75
ITE #932 - High Turnover Sit Down Restaurant (a)	5.47	4.47	6.06	3.71	112.18
ITE #945 - Service Station w/ Conv. Market (b)	6.36	6.11	7.13	6.86	205.36

(a) Number of vehicle trips per 1,000 SF

(b) Number of vehicle trips per fueling position

Mixed-use developments will have some interaction between the uses, which are considered internal “captured” trips. These trips are internal to the project site and do not exit and then re-enter the site. Caltrans allows a 5% percent reduction to account for internal “captured” trips (95% of the total project trips will be external to the site).

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**Proposed Site Plan**  
 Pirron Road

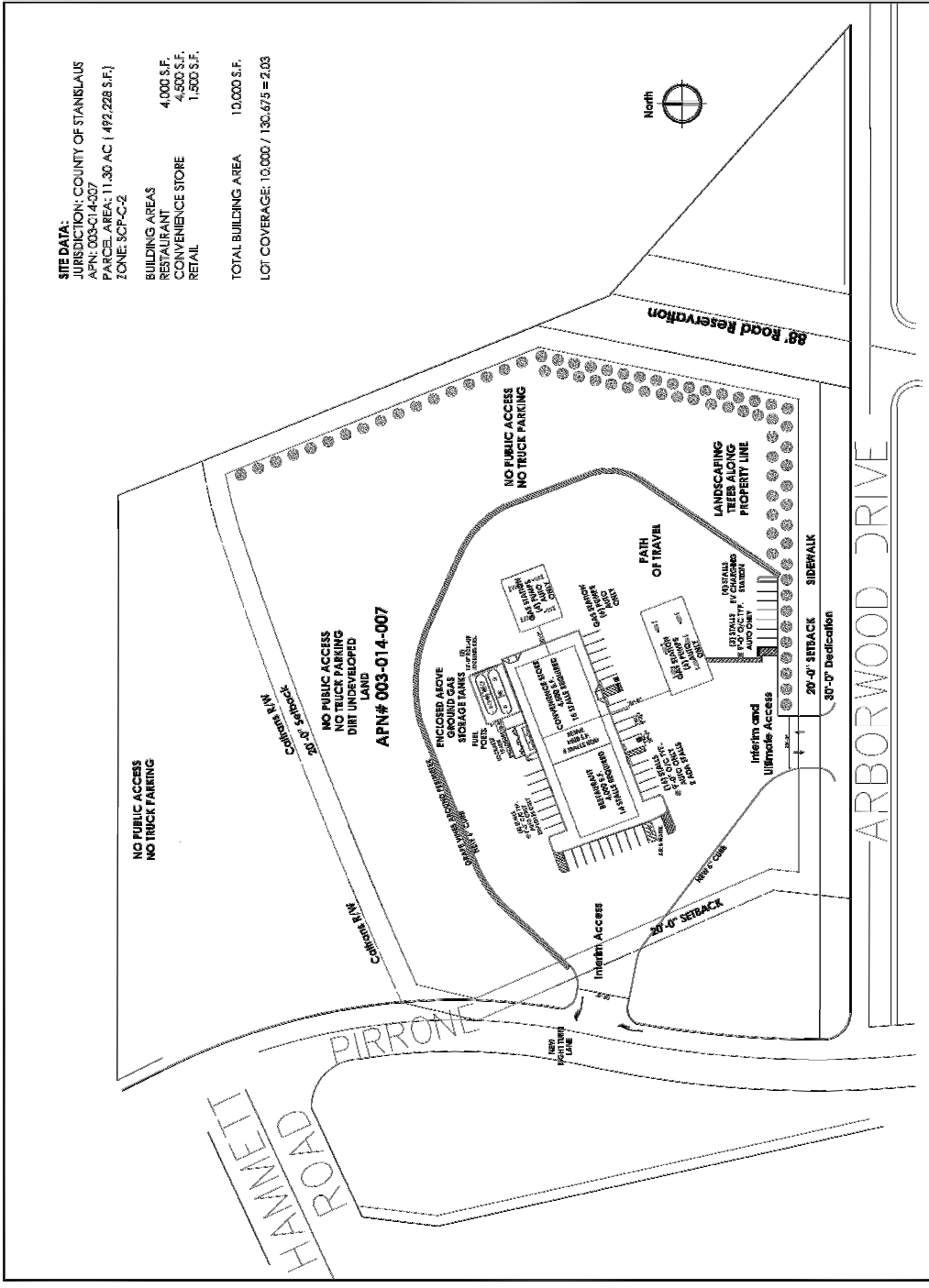
DATE: 08/20/2017
BY: [Signature]
CHECKED: [Signature]
SCALE: AS SHOWN
PROJECT: 17-00000000000000000000
SHEET: 12 OF 16

**SPI 0**  
 SHEET 12 OF 16  
 DATE: 08/20/17

**SITE DATA:**  
 JURISDICTION: COUNTY OF STANISLAUS  
 APN: 003-014-007  
 PARCEL AREA: 11.30 AC ( 492,228 S.F.)  
 ZONE: SFC-C-2

**BUILDING AREAS**  
 RESTAURANT: 4,000 S.F.  
 CONVENIENCE STORE: 4,500 S.F.  
 RETAIL: 1,500 S.F.

**TOTAL BUILDING AREA:** 10,000 S.F.  
**LOT COVERAGE:** 10,000 / 130,675 = 2.03



Data in the ITE Trip Generation Handbook demonstrates a significant portion of retail related trips are “pass-by” and/or “diverted-link” trips coming from traffic already on the adjacent street system (80-85% of the trips attracted to a gas station). Based on the project location (unincorporated County), it’s anticipated that very few of the project trips will be new “single purpose” trips attracted from other local communities (e.g. Ceres, Modesto, Ripon or Manteca). Therefore, the majority (if not all) of project trips to and from SR 99 will already be on the freeway. Though the pass-by trips will come from SR 99 and Pirrone Road, the SR 99 ramp intersections will experience 100% of the project external demands (the trips still need to exit and re-enter the freeway). Caltrans limits the pass-by trip reduction to 15%. The project trip generation estimates are presented in Table 4.

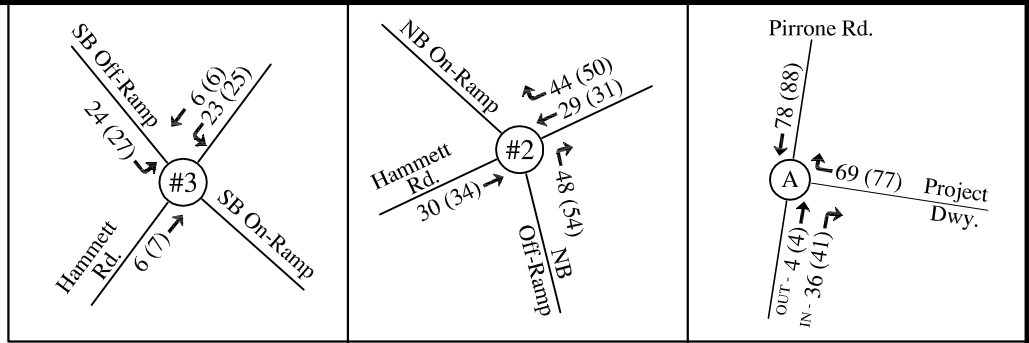
Table 4 - Project Trip Generation Estimates

Land Use	Number of Vehicle Trips				
	AM Pk. Hr.		PM Pk. Hr.		Daily
	In	Out	In	Out	
Retail (1,500 SF)	1	1	3	3	56
Sit Down Restaurant (4,000 SF)	22	18	24	15	448
Service Station with Conv. Market (20 F.P.)	127	122	143	137	4,108
<b>Total Project Site Trips:</b>	<b>150</b>	<b>141</b>	<b>170</b>	<b>155</b>	<b>4,612</b>
<b>External Project Demands (95% of Total):</b>	<b>143</b>	<b>134</b>	<b>162</b>	<b>147</b>	<b>4,382</b>
<b>Project Pass-By Trips (15%):</b>	<b>-23</b>	<b>-21</b>	<b>-26</b>	<b>-23</b>	<b>-692</b>
<b>Project “Primary” (Single Purpose) Trips:</b>	<b>120</b>	<b>113</b>	<b>136</b>	<b>124</b>	<b>3,690</b>

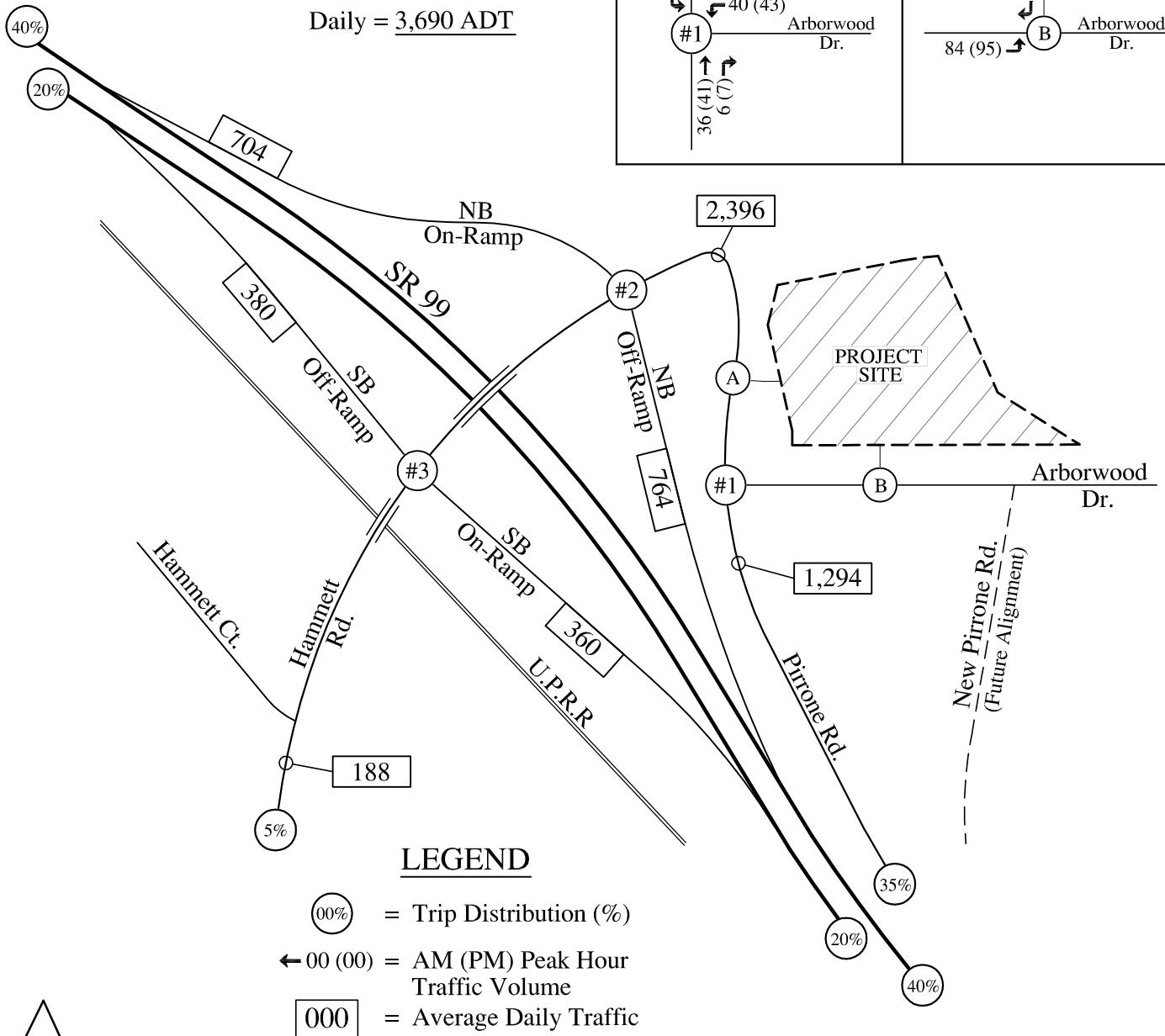
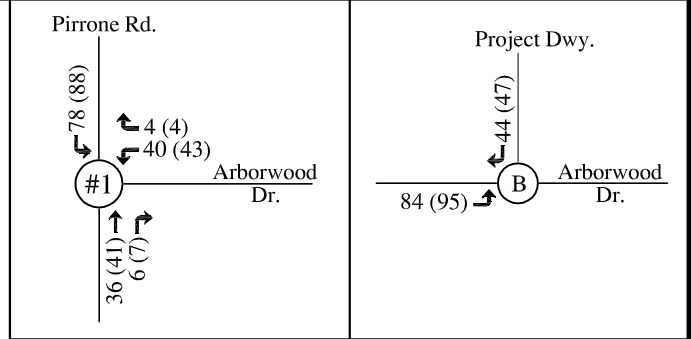
The data in Table 4 indicates the project will generate approximately 4,612 daily trips, with 291 trips during the AM peak hour (150 in & 141 out) and 325 trips during the PM peak hour (170 in & 155 out). The external demands are estimated at 95% of the total project trips (277 AM peak hour trips & 309 PM peak hour trips). The actual number of project related pass-by trips is anticipated to be much higher than the 15% allowed by Caltrans. Therefore, the number of primary and external trips in Table 4 represents a worse-case scenario.

### Project Traffic Volumes

The assignment of project trips to the study street system was based on a review of the traffic count data and the locations of other local land uses in the Salida area. Based on the project location (east side of SR 99), it’s anticipated that more trips will come from the SR 99 northbound lanes than the southbound lanes. Project trips are expected to exit SR 99 from one direction and then continue their trip in the same direction after visiting the project site (e.g. exit NB off-ramp & re-enter NB on-ramp). The trip assignment percentages and project “primary” trips are illustrated on Figure 4A. The project “pass-by” and “external” trips (95% of the total) are shown on Figures 4B and 4C, respectively.



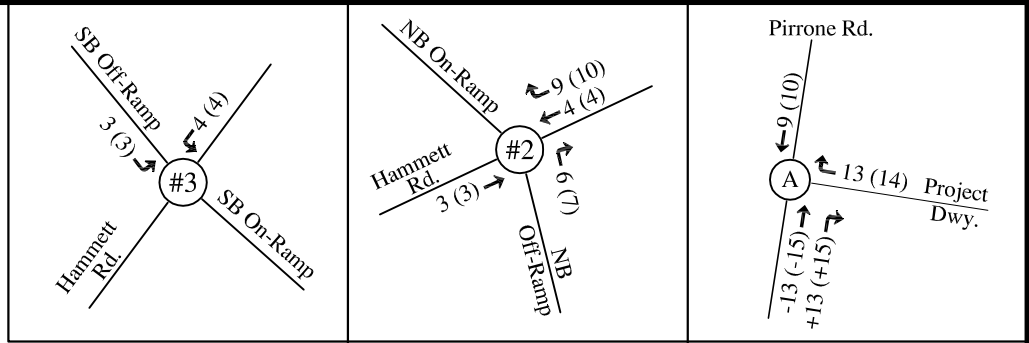
Project Trip Generation (Primary Trips)  
 AM Peak Hour = 120 In & 113 Out  
 PM Peak Hour = 136 In & 124 Out  
 Daily = 3,690 ADT



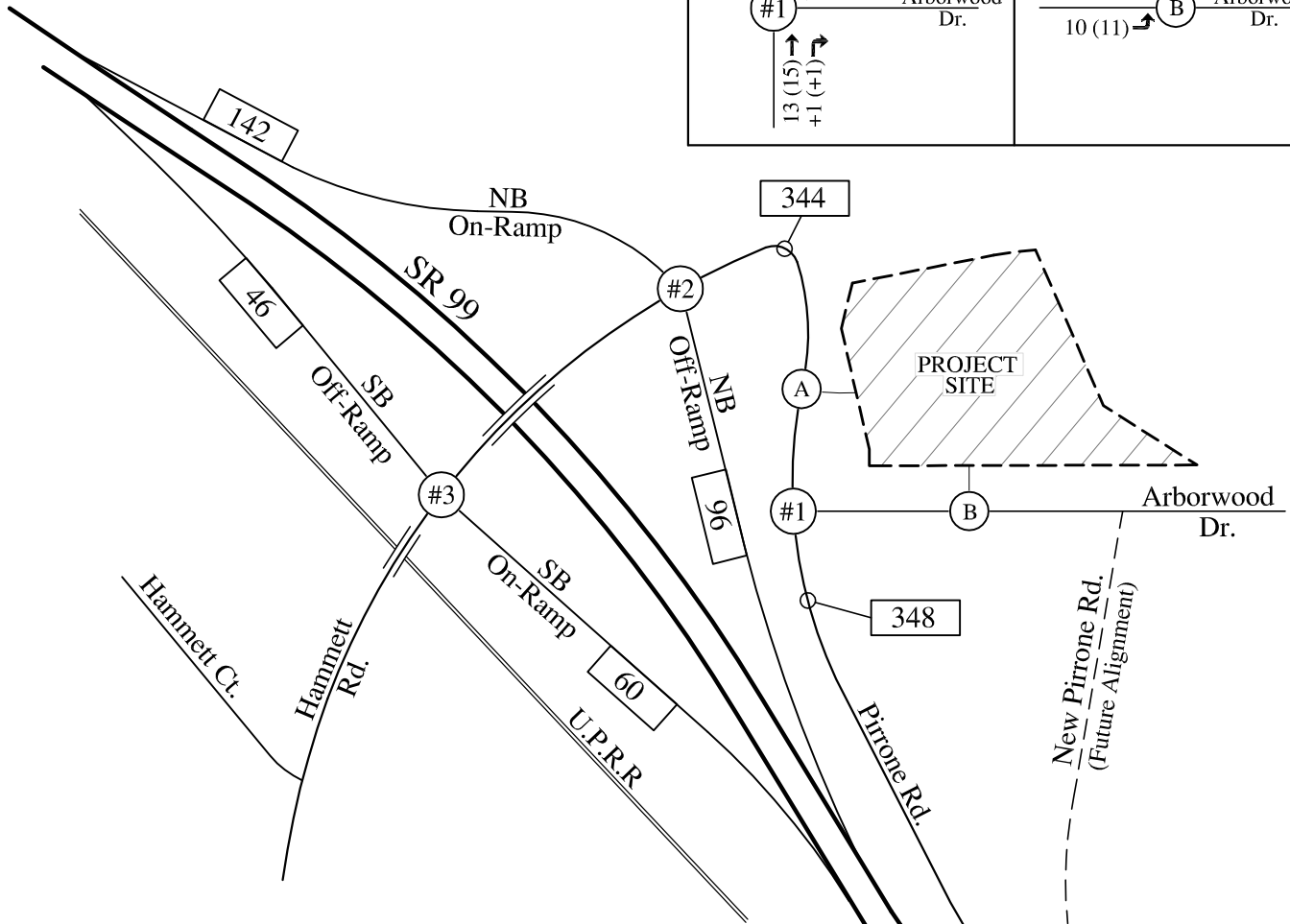
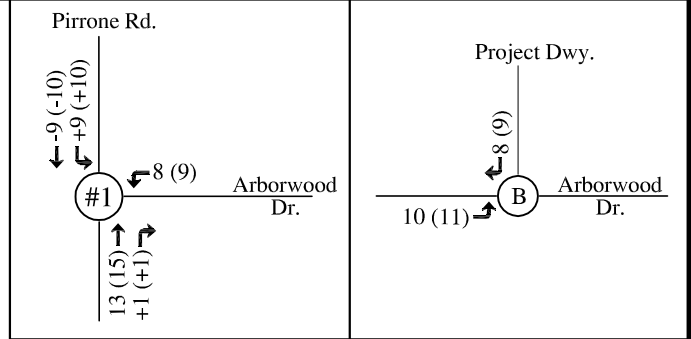
**LEGEND**

- 00% = Trip Distribution (%)
- ← 00 (00) = AM (PM) Peak Hour Traffic Volume
- 000 = Average Daily Traffic





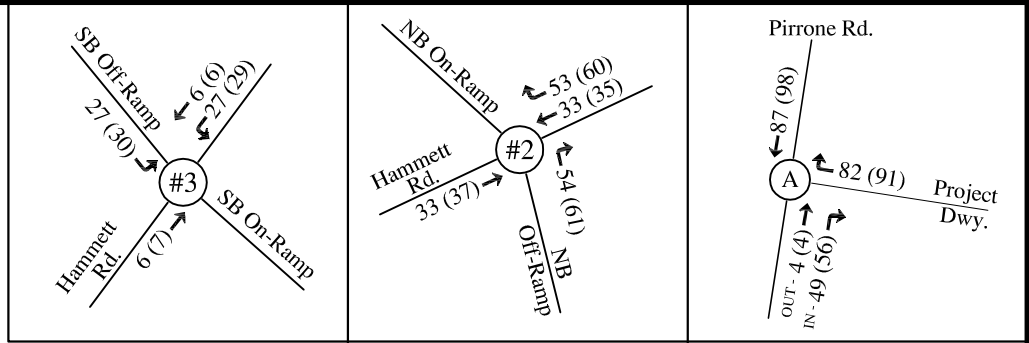
Project Trip Generation (Pass-By Trips)  
 AM Peak Hour = 23 In & 21 Out  
 PM Peak Hour = 26 In & 23 Out  
 Daily = 692 ADT



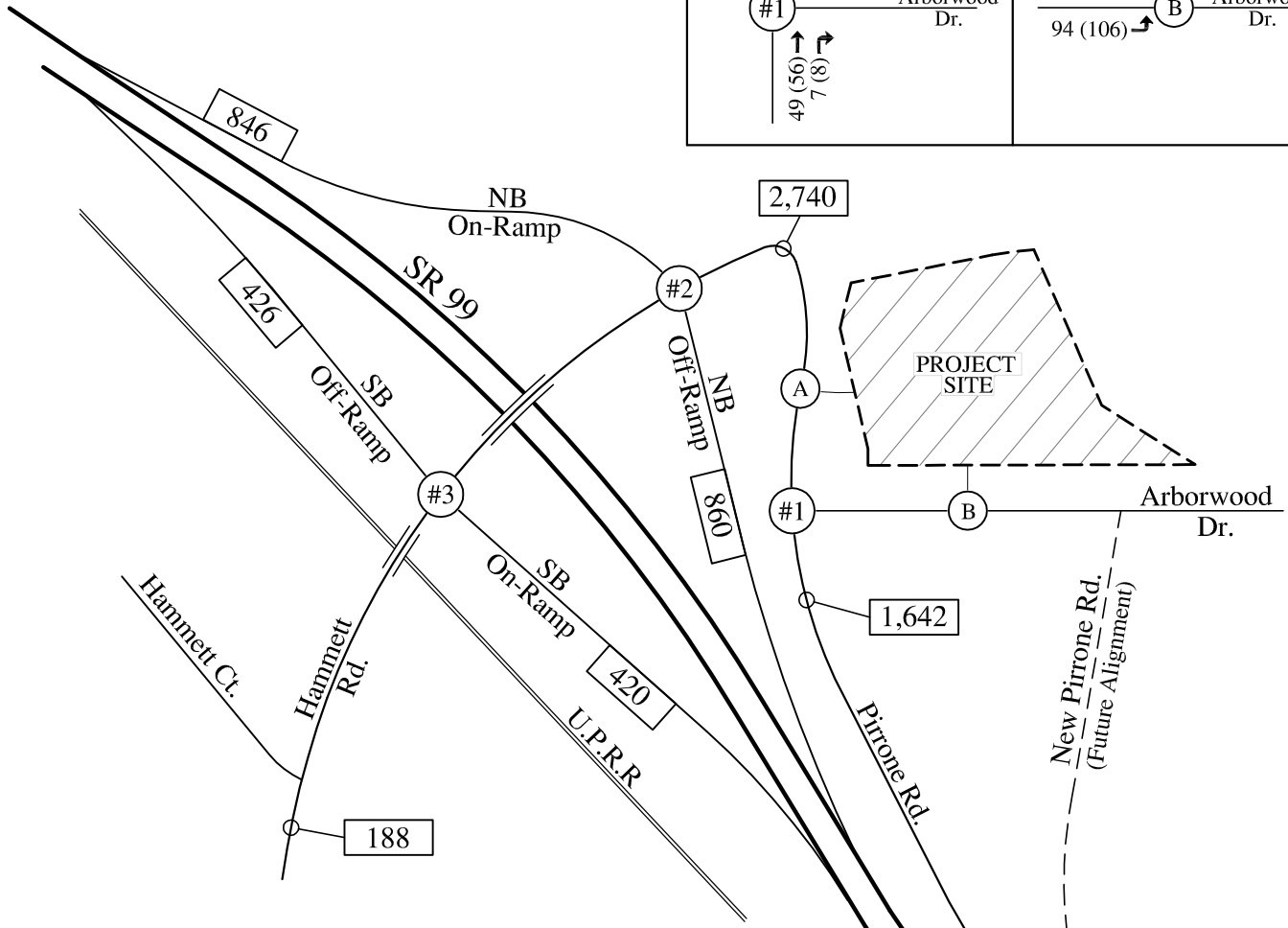
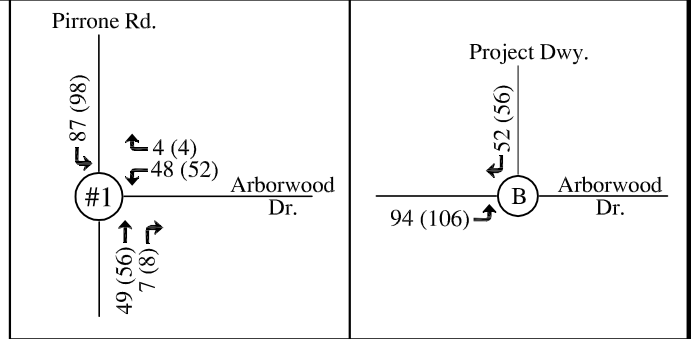
**LEGEND**

← 00 (00) = AM (PM) Peak Hour Traffic Volume  
 [000] = Average Daily Traffic





Project Trip Generation (External Trips)  
 AM Peak Hour = 143 In & 134 Out  
 PM Peak Hour = 162 In & 147 Out  
 Daily = 4,382 ADT



**LEGEND**

← 00 (00) = AM (PM) Peak Hour Traffic Volume  
 [000] = Average Daily Traffic



It's noted the County has conditioned the project site and the parcel south of the project site to take primary access off of Arborwood Drive. Eventually, the existing Pirrone Road on the west side of these parcels will be vacated and the New Pirrone Road will be improved and extended along the east side of these parcels to intersect a short extension of Hammett Road (east of the existing Pirrone Road). County staff has indicated there could be an interim condition where the existing Pirrone Road is used north of Arborwood Drive and the New Pirrone Road is used south of Arborwood Drive. However, traffic signal control would more than likely be required on Arborwood Drive to accommodate access for these parcels. The external project trips on Figure 4C were redistributed assuming the future improvement of the New Pirrone Road alignment. The project "external" trips associated with the New Pirrone Road alignment are illustrated on Figure 4D. A discussion and an evaluation of this access scenario are presented under cumulative conditions.

### **Existing Plus Project Traffic Volumes**

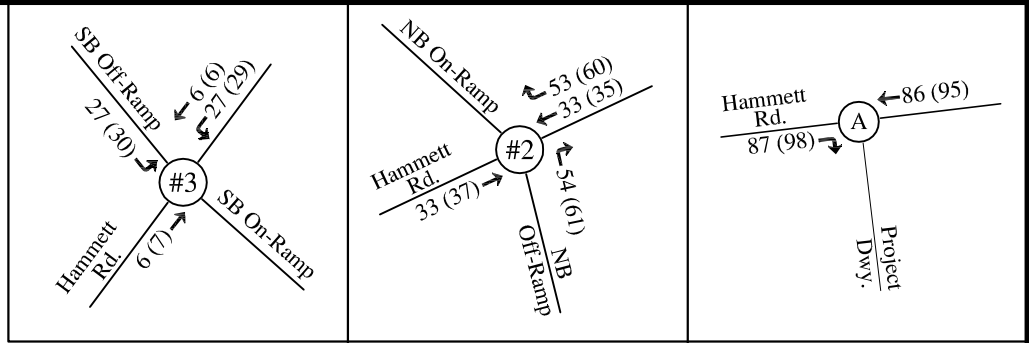
As previously stated, the project conditions analysis presents an evaluation of the potential impacts on existing operations. The existing peak hour traffic volumes on Figure 2B were combined with the project "external" trips on Figure 4C to derive the existing plus project traffic volumes. The existing plus project traffic volumes are illustrated on Figure 5.

### **Level of Significance Criterion**

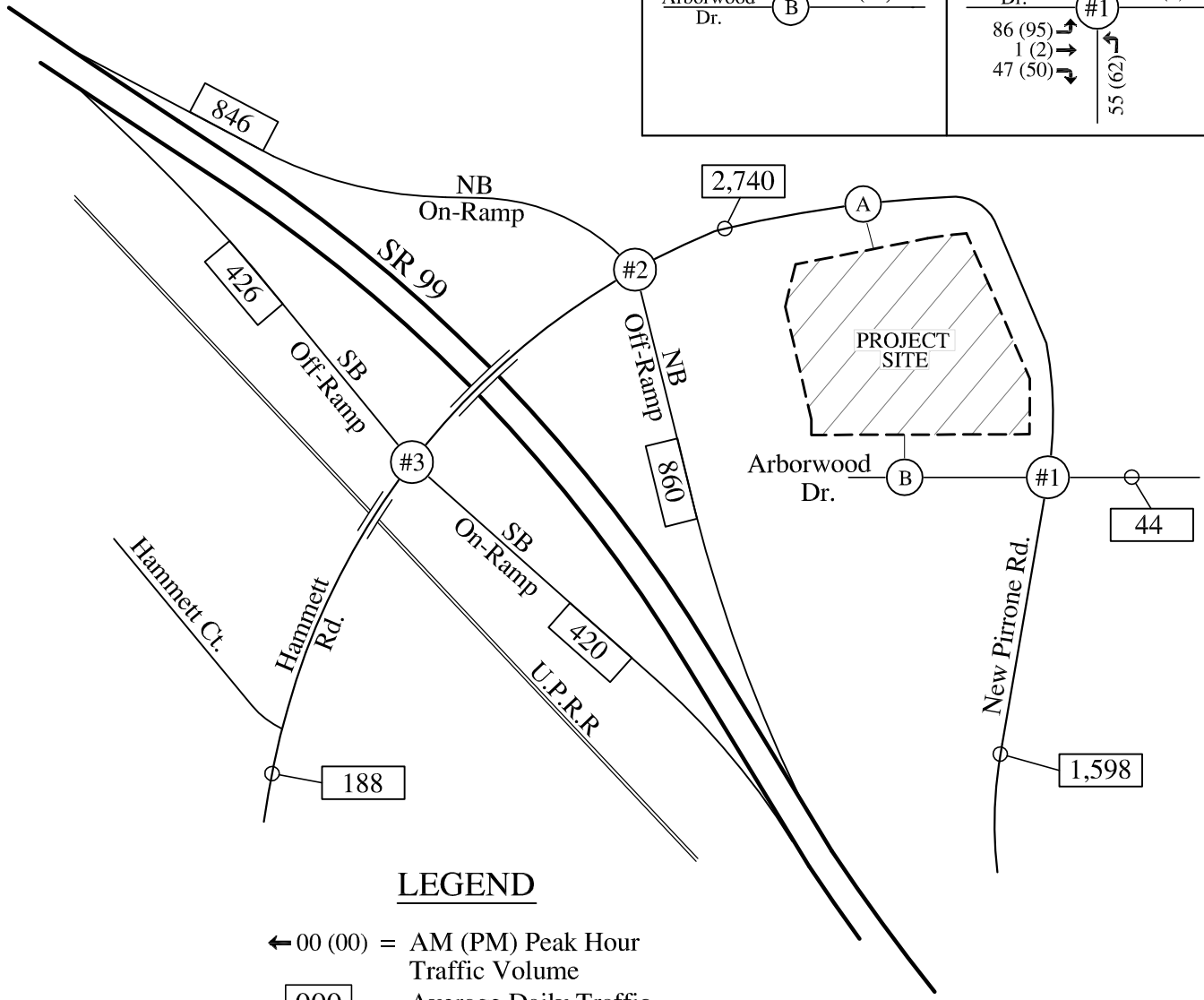
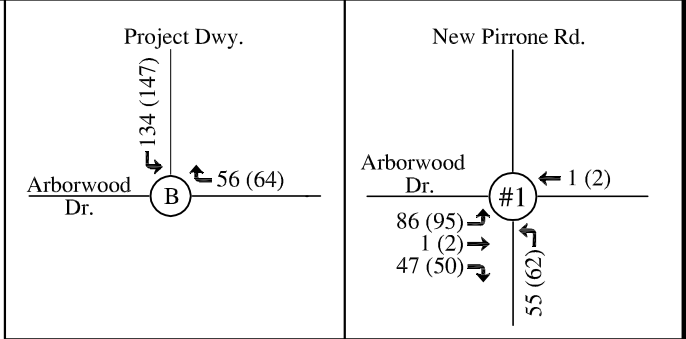
The evaluation of potential project impacts is based on standard "level of significance" criterion. A traffic impact is considered potentially significant if it renders an unacceptable LOS or worsens an already unacceptable condition. At an unsignalized intersection, a traffic impact may be considered "adverse but not significant" if the LOS standard is exceeded but traffic conditions do not satisfy the minimum traffic signal warrants. Under this condition, several options are available to reduce delays on the stop sign controlled approaches (e.g. add a turn lane, add an acceleration lane or add two-way left turn lanes). As previously stated, the installation of signal control will typically reduce delays on the side street approaches (stop controlled) but increase delays on the main street approaches. If the installation of traffic signal control is not warranted the project impact would be considered "adverse but not significant."

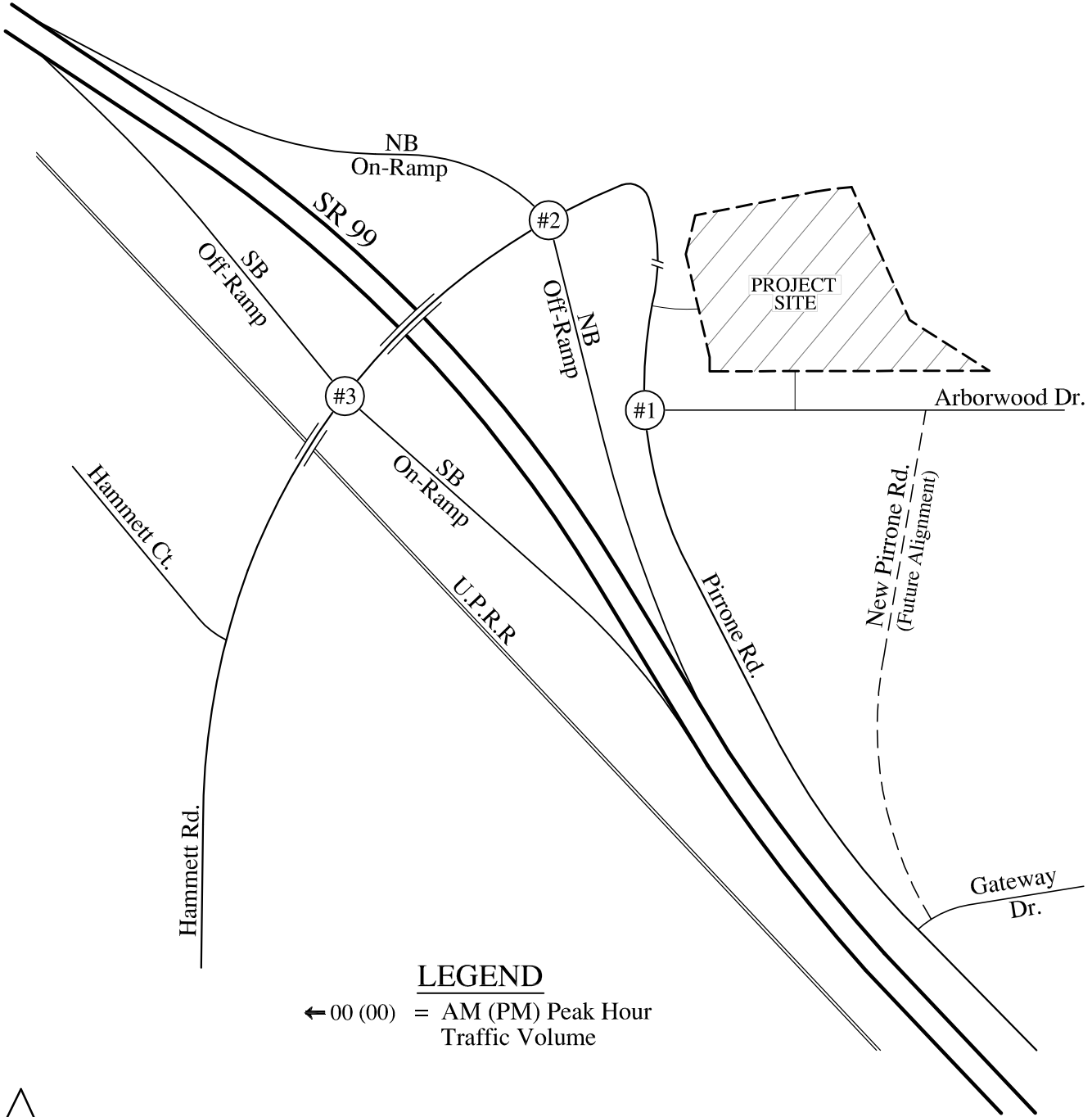
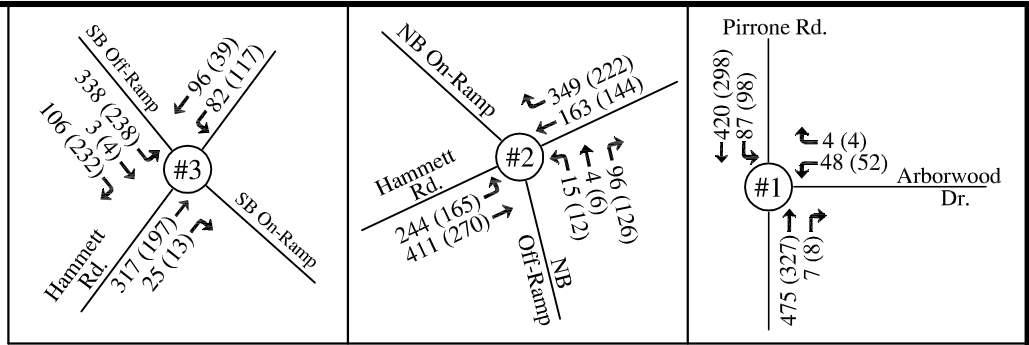
### **Level of Service Analysis**

Similar to the existing conditions analysis, the existing plus project volumes (Figure 5) were evaluated using the Synchro 10 software. A review of the existing plus project volumes at the Pirrone Road / Arborwood Drive intersection was conducted to determine the appropriate traffic control and required improvements. The existing plus project volumes will not exceed the minimum 70% "peak hour" volume traffic signal warrant criteria in the MUTCD (Warrant #3). Therefore, Arborwood Drive will be stop sign controlled on the westbound approach at the existing Pirrone Road. The AM and PM peak hour volumes at the Pirrone Road / Arborwood Drive intersection will warrant the installation of



Project Trip Generation (External Trips)  
 AM Peak Hour = 143 In & 134 Out  
 PM Peak Hour = 162 In & 147 Out  
 Daily = 4,382 ADT





**LEGEND**  
 ← 00 (00) = AM (PM) Peak Hour Traffic Volume



**PINNACLE  
 TRAFFIC  
 ENGINEERING**

**Salida Gas Station & C-Store**  
 - Traffic Impact Analysis -

**FIGURE 5  
 EXISTING  
 PLUS PROJECT  
 TRAFFIC VOLUMES**

an exclusive left turn only lane on the southbound approach of Pirrone Road at Arborwood Drive. Copies of the traffic signal and left turn lane warrants are included with the Appendix Material. The results of the existing plus project LOS analysis are presented in Table 5. The existing delay and LOS data are also provided for comparison purposes. Table 5 includes the identification of potentially significance project-specific impacts. Copies of the Synchro 10 worksheets are included with the Appendix Material.

Table 5 - Existing Plus Project Intersection LOS Analysis

Study Intersection	Peak Hour	Average Delay - LOS		Project Impact
		Existing	Existing Plus Project	
Pirrone Rd. (E) / Arborwood Dr. WB Approach (a) -  WB Approach (a) -	AM	N/A	2.3 - A (34.1 - D)	No
	PM	N/A	2.4 - A (19.1 - C)	No
SR 99 NB Ramps / Hammett Rd.	AM	33.7 - D	> 50.0 - F	Yes
	PM	10.8 - B	12.9 - B	No
SR 99 SB Ramps / Hammett Rd.	AM	20.2 - C	24.6 - C	No
	PM	12.4 - B	14.1 - B	No

(a) Highest stop controlled approach delay in parenthesis

The data in Table 5 indicates average delays at the Pirrone Road / Arborwood Drive intersection will be within acceptable limits (LOS C or better) provided the southbound left turn lane improvements are constructed in conjunction with the project development. However, delays on the Arborwood Drive stop sign controlled approach will be in the LOS D range during the AM peak hour. The provision of a southbound acceleration lane on Pirrone Road for the westbound left turn from Arborwood Drive would only slightly reduce delays to the LOS C range. Therefore, the installation of a southbound acceleration lane on Pirrone Road is not recommended under this scenario.

Similar to the existing conditions analysis, average delays at the SR 99 Southbound Ramps intersection will remain with acceptable limits. However, delays at the SR 99 Northbound Ramps intersection will continue to exceed the County’s LOS C threshold during the AM peak hour. Therefore, the project traffic will have a potentially significant impact at the SR 99 Northbound Ramps intersection during the AM peak hour.

The existing plus project analysis estimates a 95<sup>th</sup> percentile queue of +/-24 vehicles (600’) on the eastbound approach of Hammett Road at the SR 99 Northbound Ramps intersection during the AM peak hour. This will exceed the 570’ distance between the north and southbound ramp intersections. The Synchro 10 analysis did not identify any other significant queuing on the other approaches at either ramp intersection. The existing plus project volumes at both SR 99 ramp intersections will exceed the minimum 70% “peak hour” volume signal warrant criteria (MUTCD). However, the AM

peak hour volumes will only marginally satisfy the minimum 100% signal warrant criteria. Therefore, the installation of signal control at the SR 99 Southbound Ramps intersection is not recommended under the existing plus project conditions since average delays will in the LOS B-C range with the existing all-way stop control. Copies of the traffic signal warrant graphs are included with the Appendix Material.

### **Access on Pirrone Road**

As stated in the Introduction, the Project TIA analysis includes an evaluation of access on Pirrone Road. A sample of vehicle speeds on Pirrone Road was recorded adjacent to Arborwood Drive under “free-flowing” conditions. The data indicates the average speed of southbound vehicles is +/-40 mph, while the average speed of northbound vehicles is +/-44 mph. The data also demonstrates that the 85<sup>th</sup> percentile southbound speed is 45 mph and the 85<sup>th</sup> percentile northbound speed is 48 mph. A copy of the vehicle speed data is included with the Appendix Material.

The evaluation of access on Pirrone Road also includes a review of sight distance at Arborwood Drive. The Caltrans sight distance criterion are described in the Highway Design Manual (HDM, Table 201.1 for stopping sight distance and Table 405.1A for corner sight distance). Stopping sight distance is the minimum distance required by a driver to bring a vehicle to a complete stop after an object on the road has become visible (Table 201.1). Corner sight distance is the minimum time required for a waiting vehicle (e.g. on a side street) to either cross all lanes of through traffic or cross the near lanes and turn left or right without requiring the through traffic on the main road to radically alter their speed.

Pirrone Road south of Hammett Road has a relatively level vertical alignment. There is a horizontal curve to the west on Pirrone Road south of Hammett Road (R=520' & L=240') followed by a short tangent section (80') and a horizontal curve to the east (R=1,040' & L=640'). The area along Pirrone Road between Hammett Road and Arborwood Drive (both sides) is relatively free of fixed objects that obstruct the visibility of vehicles on Pirrone Road (southbound) or vehicles exiting Arborwood Drive (westbound). Therefore, southbound stopping sight distance on Pirrone Road is acceptable for the 85<sup>th</sup> percentile speed (45 mph) near Arborwood Drive. Vehicles coming south on Pirrone Road from Hammett Road (transition curve) can be seen from Arborwood Drive. Therefore, the corner sight distance looking north is acceptable for vehicles exiting Arborwood Drive (e.g. westbound left turn).

Field observations identified the controlling line-of-sight south of Arborwood Drive as an existing chain link fence on the east side of Pirrone Road (around the parcel south of the project site). The northbound stopping sight distance on Pirrone Road was measured by a placing portable delineator near the shoulder stripe at Arborwood Drive. The northbound stopping sight distance for vehicles on Pirrone Road was measured at +/-390' near Arborwood Drive (adequate for +/-47 mph). The corner sight distance for vehicles exiting Arborwood Drive looking south was measured by a placing portable delineator at a 30' setback from the existing northbound shoulder stripe. This accounts for a 15' setback for the intersection improvements (e.g. new curb returns) plus a 15' setback from the future stop limit line location (per the Caltrans HDM standard). The corner sight distance for vehicles exiting

Arborwood Drive looking south was measured at +/-350', which is only adequate for +/-32 mph (well below the 85<sup>th</sup> percentile speed of northbound traffic, 48 mph).

As discussed under the LOS analysis, a southbound left turn lane will be warranted on Pirrone Road at Arborwood Drive. The left turn lane improvement will also require transition taper improvements on Pirrone Road south of Arborwood Drive. The existing chain link fence on the east side of Pirrone Road south of Arborwood Drive will need to be relocated east to accommodate the southbound left turn lane improvements. The existing fence should be relocated to provide a minimum corner sight distance adequate for at least 50 mph (550').

#### 4.0 CUMULATIVE CONDITIONS

The Project TIA scope includes an evaluation of future cumulative conditions. Cumulative conditions are typically comprised of existing traffic plus traffic generated by other known future developments (approved & pending). Cumulative conditions can also be evaluated using traffic model data obtained from the local agencies and/or metropolitan planning organizations (MPO, such as StanCOG), when available. Consultation with County staff indicated that the existing Tri-County forecast model does not produce detailed intersection data which could be used for the cumulative analysis. Therefore, the evaluation of cumulative conditions is based on future projects listed on the County's website as Active Planning Projects (EIR, Initial Study, CEQA Exempt and Early Consultation). The list of projects selected for the cumulative analysis was developed in consultation with County staff.

The County records identified seven (7) local projects that have a potential to add peak hour trips to Pirrone Road and the SR 99 / Hammett Road interchange. A list of the cumulative projects and a map showing the general locations of the cumulative projects are included with the Appendix Material. The trip generation estimates associated with the cumulative projects were derived using trip rate data in the ITE Trip Generation Manual (10<sup>th</sup> Edition). A copy of the cumulative projects trip generation estimates is also included with the Appendix Material. A majority of the cumulative projects are light industrial or warehouse type projects. However, the Lark Landing (PLN2019-0131) parcel is located on the 8.02 acre parcel just south of the project site and Arborwood Drive. The Planning Department application for the Lark Landing parcel includes a General Plan Amendment (GPA), Rezone and Tentative Subdivision Map. The GPA / Rezone would change the parcel from a commercial to a "Planned Development" zone. The Tentative Subdivision Map would create nine (9) smaller parcels. County staff has indicated the application approval may potentially provide development entitlements for the various proposed uses on the nine (9) smaller parcels (e.g. gas station, fast-food restaurant, retail space, hotel, carwash and office space).

As previously discussed (Page 15), the County has conditioned the project site and the parcel south of the project site (Lark Landing) to take primary access off of Arborwood Drive. Upon the development of the Lark Landing parcel(s) the existing Pirrone Road will be vacated and the New Pirrone Road improved and extended along the east side of both parcels to intersect an extension of Hammett Road. County staff has indicated there may be a short-term interim condition that uses the existing Pirrone Road on the west side of the project site and New Pirrone Road south of Arborwood Drive. However, development of the Lark Landing parcel(s) would more than likely trigger the New Pirrone Road improvements. Discussions with the project applicant indicates the Lark Landing property owner has some uncertainty about the scope of the future development. Due to the location of the Lark Landing parcel(s) and development potential, it was deemed reasonable to analyze the cumulative conditions "without" and "with" the possible future development of the Lark Landing parcel(s).

## **Future Roadway Network**

It's noted that long range infrastructure improvements in this portion of the County initially included a reconstruction of the SR 99 / Hammett Road interchange. Hammett Road was also to extended east with an expressway section. Caltrans had prepared the various environmental documents, including a Project Study Report (PSR) and an Environmental Impact Report (EIR). Caltrans recently completed extensive improvements along SR 219, east of SR 99. Discussions with Caltrans staff indicated that the SR 99 / Hammett Road interchange improvements will not be constructed in the foreseeable future. Therefore, the analysis of cumulative conditions does not assume that any major improvements will be constructed by Caltrans or the County at the SR 99 / Hammett Road interchange.

## **Cumulative Base-Line Traffic Volumes (No Project)**

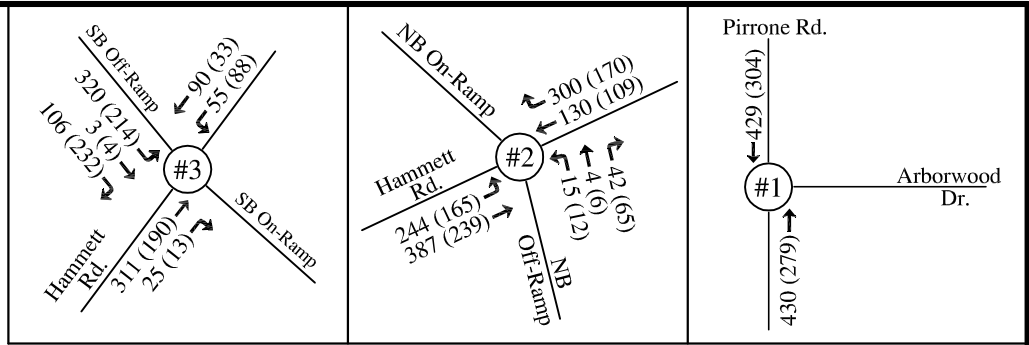
The trips associated with the applicable cumulative projects (without Lark Landing) were assigned to the study intersections based on the project locations and types of use. The cumulative project trips were then added to the existing traffic volumes (Figures 2B). The cumulative base-line traffic volumes “without” the Larking Landing development and New Pirrone Road are shown on Figure 6A.

## **Cumulative Plus Project Traffic Volumes**

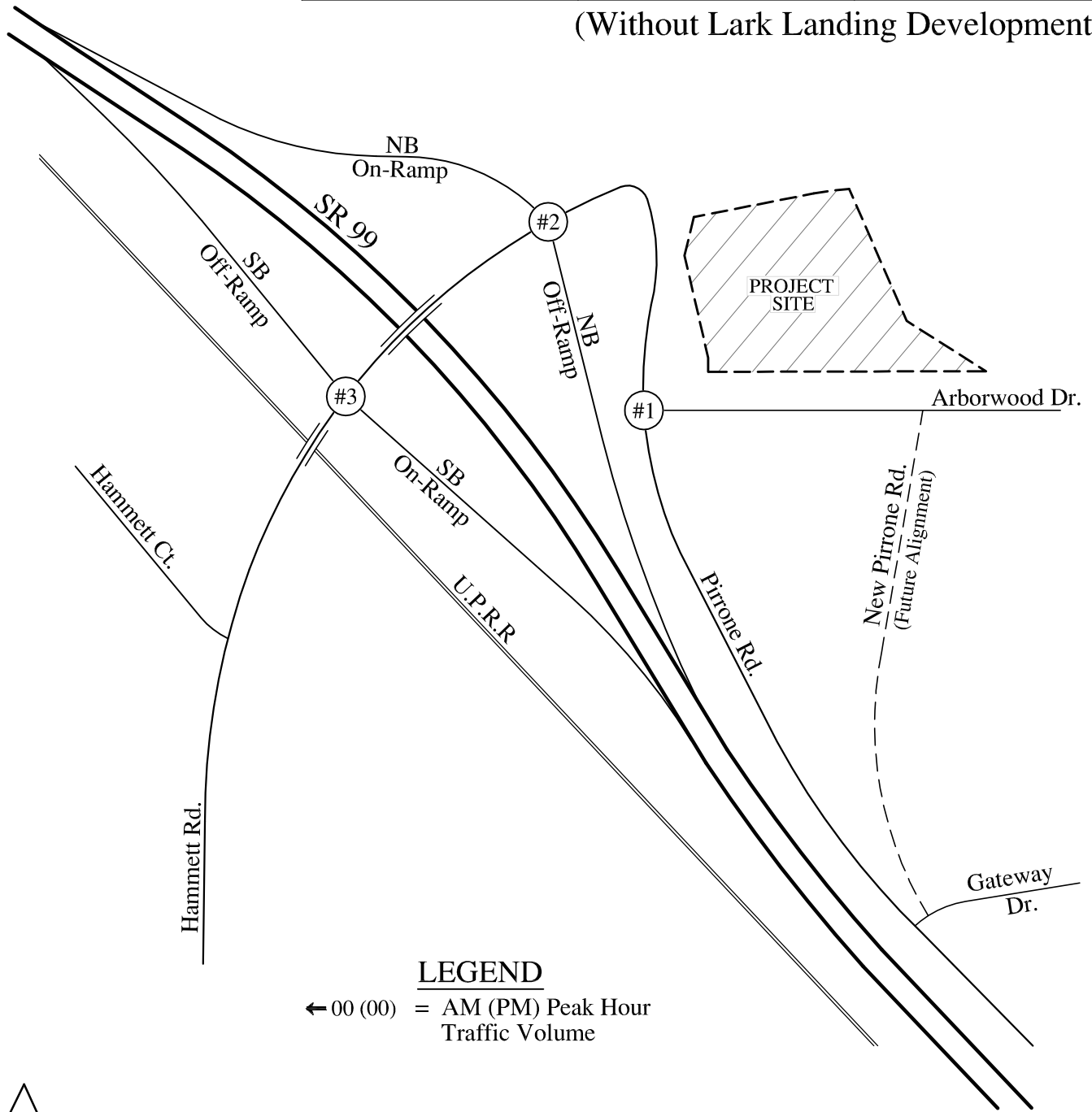
To evaluate the potential impacts associated with the proposed project the cumulative conditions were analyzed with the addition of the project peak hour trips. The cumulative plus project traffic volumes (without development of the Lark Landing parcels) were derived by adding the project external trips (Figure 4C) to the cumulative base-line volumes on Figure 6A. The cumulative plus project traffic volumes for the “without” Lark Landing development scenario are illustrated on Figure 6B.

## **Level of Service Analysis**

Similar to the analysis conducted for the existing and project conditions, the peak hour LOS operations were evaluated at the study intersections using the Synchro 10 software. The cumulative analysis was conducted both the “without” and “with” the project traffic volumes (Salida Gas Station & C-Store). Primary project access will be provided via the main driveway on Arborwood Drive with secondary access (right turns only) provided on the existing Pirrone Road. The cumulative plus project volumes (Figure 6B) will not exceed the minimum 70% “peak hour” volume signal warrant criteria. Therefore, Arborwood Drive will be stop sign controlled at the existing Pirrone Road. As documented under the existing plus project conditions, the volumes at the Pirrone Road / Arborwood Drive intersection will warrant the installation of a left turn lane on the southbound approach of Pirrone Road. The results of the cumulative base-line and cumulative plus project LOS analysis for the “without” Lark Landing development scenario are presented in Table 6. Copies of the Synchro 10 worksheets are included with the Appendix Material.



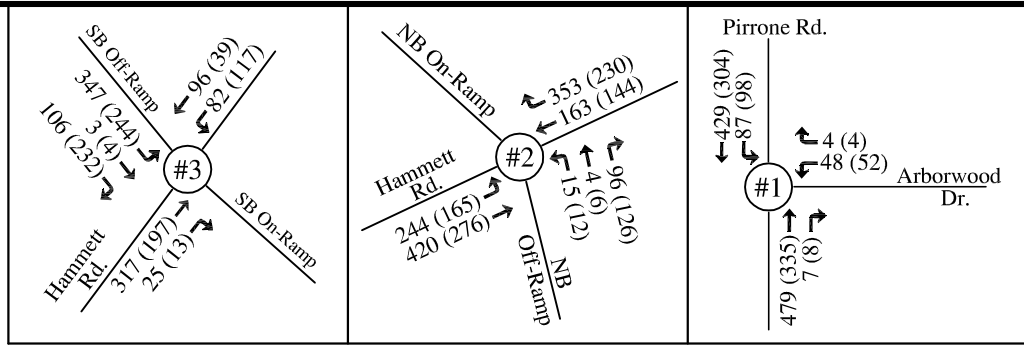
(Without Lark Landing Development)



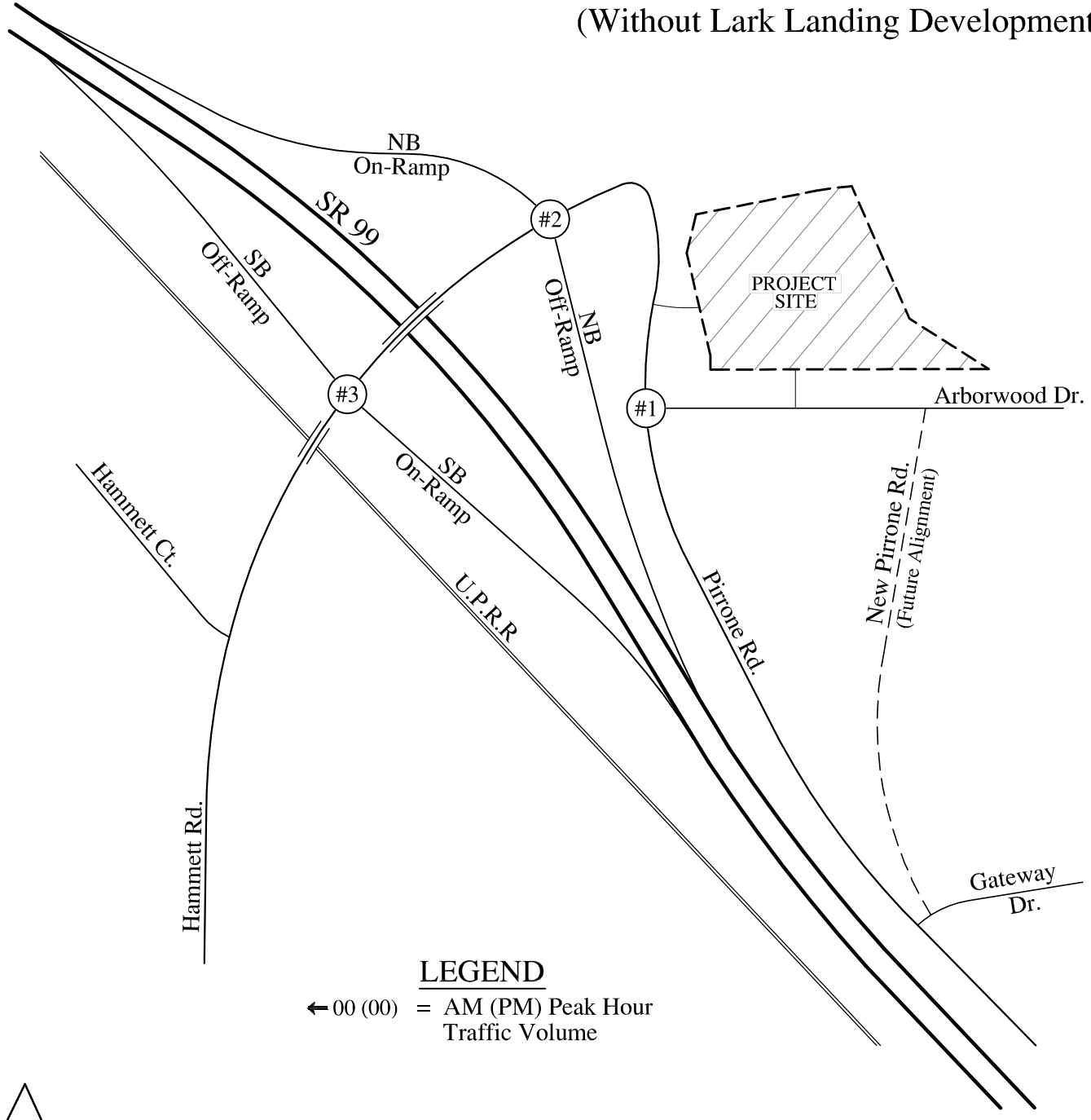
**LEGEND**

← 00 (00) = AM (PM) Peak Hour Traffic Volume





(Without Lark Landing Development)



**LEGEND**  
 ← 00 (00) = AM (PM) Peak Hour Traffic Volume



Table 6 - Cumulative Base-Line and Cumulative Plus Project  
Intersection LOS Analysis (Without Lark Landing Development)

Study Intersection	Peak Hour	Average Delay - LOS		Project Impact
		Cumulative Base-Line	Cumulative Plus Project	
Pirrone Rd. (E) / Arborwood Dr. WB Approach (a) -	AM	N/A	2.3 - A (34.4 - D)	No
	PM	N/A	2.4 - A (19.5 - C)	No
SR 99 NB Ramps / Hammett Rd.	AM	33.8 - D	> 50.0 - F	Yes
	PM	11.0 - B	13.1 - B	No
SR 99 SB Ramps / Hammett Rd.	AM	20.3 - C	24.8 - C	No
	PM	12.6 - B	14.4 - B	No

(a) Highest stop controlled approach delay in parenthesis

The data in Table 6 indicates average delays at the Pirrone Road / Arborwood Drive intersection will be within acceptable limits (LOS C or better). However, delays on the Arborwood Drive stop sign controlled approach will be in the LOS D range during the AM peak hour. The provision of a southbound acceleration lane on Pirrone Road for the westbound left turn movement from Arborwood Drive would not significantly reduce delays. As previously noted, the LOS analysis represents peak 15-minute flow conditions and delays in the LOS D range may be considered acceptable during short peak demand periods. Therefore, the installation of a southbound acceleration lane on Pirrone Road is not recommended under the cumulative scenario.

Similar to the existing and project conditions analysis, average delays at the SR 99 Southbound Ramps intersection will remain with acceptable limits. However, delays at the SR 99 Northbound Ramps intersection will continue to exceed the County's LOS C threshold during the AM peak hour. Therefore, the project traffic will have a potentially significant impact at the SR 99 Northbound Ramps intersection during the AM peak hour.

The cumulative plus project analysis estimates a 95<sup>th</sup> percentile queue of +/-24 vehicles (600') on the eastbound approach of Hammett Road at the SR 99 Northbound Ramps intersection (AM peak hour), exceeding the 570' between the ramp intersections. The cumulative plus project volumes at both SR 99 ramp intersections will exceed the minimum 70% "peak hour" volume signal warrant criteria (MUTCD). However, the AM peak hour volumes will only marginally satisfy the minimum 100% signal warrant criteria. Therefore, the installation of signal control at the SR 99 Southbound Ramps intersection is not recommended under the cumulative plus project conditions since average delays will be in the LOS B-C range with the existing all-way stop control. Copies of the traffic signal warrant graphs are included with the Appendix Material.

## **Cumulative Vehicle Miles Traveled (VMT)**

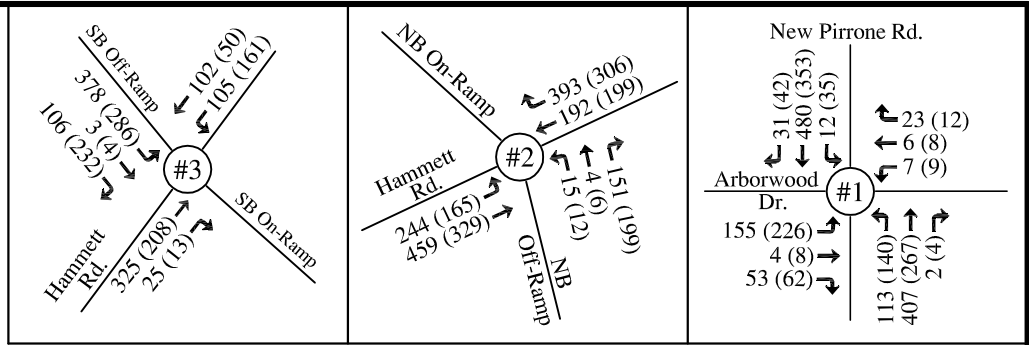
In response to SB 743, Caltrans staff has requested the Project TIA include an estimate of the VMT. Though the County nor Caltrans have any formal VMT analysis standards or “level of significance” criterion, the Synchro 10 software does produce various Measures of Effectiveness (MOE) data for the study network. The MOE includes total travel time, distance traveled and related emissions (CO, NOx & VOC) data. The MOE data was produced for the “cumulative base-line” and “cumulative plus project” scenarios (copies in the Appendix Material). Unfortunately, the MOE data is only provided for the local network analyzed in the Project TIA and not a larger network including the entire County or Tri-County area. The MOE data indicates the project would increase emissions by 50-55% during the peak hours. However, the MOE data does not account for the large percentage of project related pass-by trips (e.g. 80-85% of the trips attracted to a gas station). Therefore, the MOE data is not very useful in addressing VMT related to a specific project. Typically, the VMT analysis is used to develop Transportation Demand Management (TDM) strategies to reduce a project’s VMT. The potential TDM strategies to reduce VMT for a gas station are somewhat limited. However, the TDM strategies to reduce the project’s VMT could include implementing a rideshare program for employees and/or an incentive based program for employees to use local transit.

## **Total Cumulative Traffic Demands**

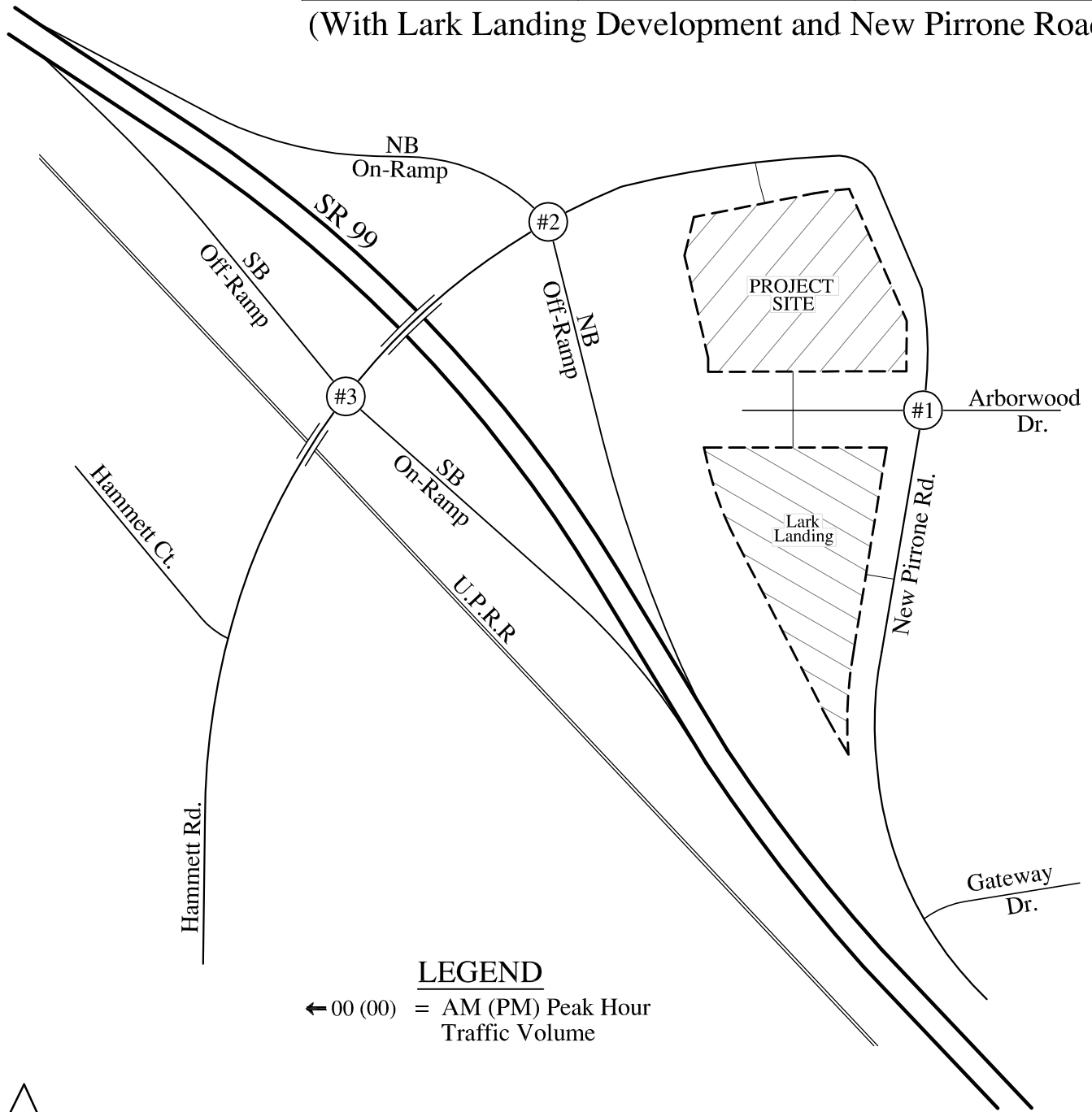
As previously discussed (Page 21), due to the location of the Lark Landing parcel(s) and uncertainty of the development potential a separate analysis was performed assuming the future development of these parcels and the completion of the New Pirrone Road. The cumulative projects trip generation estimates (included with Appendix Material) indicate the Lark Landing development could generate up to 16% more AM peak hour trips and 65% more PM peak hour trips than the proposed Salida Gas Station & C-Store project. The trips generated by the Lark Landing parcel(s) were assigned to the study intersections using distribution percentages similar to the proposed project. It was also assumed that the Lark Landing site would have a right-turn-only driveway on New Pirrone Road (no left turn turns). The cumulative plus project volumes (Figure 6B) were then combined with the Lark Landing trips to represent the total cumulative traffic demands. The New Pirrone Road / Arborwood Drive intersection would allow traffic to and from the existing Vizcaya residential subdivision via Vistara Way, which is currently closed. The total cumulative traffic volumes for the “with” Lark Landing development scenario are shown on Figure 7.

## **Level of Service Analysis**

The LOS analysis again conducted using the Synchro 10 software. The total cumulative analysis was conducted assuming the project trips (Figure 4C) and Lark Landing trips will use Arborwood Drive for access to the New Pirrone Road intersection. The total cumulative demands at the New Pirrone Road / Arborwood Drive intersection (Figure 7) will exceed the minimum 70% and 100% (marginally) “peak hour” volume signal warrant criteria. Therefore, the analysis assumes the installation of traffic



(With Lark Landing Development and New Pirrone Road)



**LEGEND**  
 ← 00 (00) = AM (PM) Peak Hour Traffic Volume



signal control to provide safe access. The analysis also assumes the provision of north-south left turn lanes on New Pirrone Road at Arborwood Drive. The results of the total cumulative LOS analysis for the “with” Lark Landing development scenario are presented in Table 7. Copies of the Synchro 10 worksheets are included with the Appendix Material.

Table 7 - Total Cumulative Intersection LOS Analysis  
(With Lark Landing Development)

Study Intersection	Average Delay - LOS	
	AM Peak Hour	PM Peak Hour
New Pirrone Rd. / Arborwood Dr.	10.4 - B	12.9 - B
SR 99 NB Ramps / Hammett Rd.	> 50.0 - F	20.4 - C
SR 99 SB Ramps / Hammett Rd.	32.8 - D	17.9 - C

Average vehicle delays will be within acceptable limits (LOS C or better) at the New Pirrone Road / Arborwood Drive intersection provided the traffic signal improvements are constructed with the development of the Lark Landing parcel(s) and New Pirrone Road improvements. Average delays at both SR 99 ramp intersections will exceed the County’s LOS C threshold during the AM peak hour.

The total cumulative LOS analysis estimates a 95<sup>th</sup> percentile queue of +/-32 vehicles (800’) on the eastbound approach of Hammett Road at the SR 99 Northbound Ramps intersection (AM peak hour), exceeding the 570’ between the ramp intersections. The total cumulative volumes at both SR 99 ramp intersections will exceed the minimum 70% “peak hour” volume signal warrant criteria (MUTCD). However, the total cumulative volumes will only marginally satisfy the minimum peak hour (100%) signal warrant criteria at the both ramps intersections (depending on number of lanes on Hammett Road and the off ramps). The minor restriping of Hammett Road at the ramp intersection approaches would reduce the potential need for future traffic signal control at both ramp intersections. Also, as stated under the existing conditions analysis Caltrans endeavors to maintain a target LOS at the transition between LOS C and D on State highway facilities. Therefore, average delays in the LOS D range may be considered acceptable during short peak demand periods (30-45 minutes).

**Micro-Simulation Model**

A micro-simulation model was developed using the total cumulative peak hour traffic volumes and SimTraffic 10 software. The SimTraffic micro-simulation model was run several times to calibrate (seed) the network. The overall peak hour operations appear to work relatively well without significant delays or queuing at the SR 99 ramp intersections. The SimTraffic micro-simulation model did not replicate the eastbound queuing issue on Hammett Road at the SR 99 Northbound ramps intersection during the AM peak hour (95<sup>th</sup> percentile queue of +/-32 vehicles). Copies of the SimTraffic model data and videos are available upon request.

## 5.0 MITIGATION MEASURES

The following is an overview of the project impacts analysis and proposed mitigation measures.

### Existing Plus Project Conditions

The analysis of existing conditions estimated average vehicle delays in the LOS D range during the AM peak hour at the SR 99 Northbound Ramps / Hammett Road intersection. The LOS analysis also estimated vehicle queues on the eastbound approach of Hammett Road at the SR 99 Northbound Ramps of 16 vehicles (95<sup>th</sup> percentile queue). Observations of actual traffic operations during the AM peak hour did notice significant eastbound queuing on Hammett Road during peak demand periods (15-20 minutes), which backed up between the north and southbound ramp intersections a couple of times. The analysis of existing plus project conditions did identify a potentially significant project impact at the SR 99 Northbound Ramps intersection during the AM peak hour.

As noted under the total cumulative analysis, the minor restriping of Hammett Road at the ramp intersection approaches would reduce the potential need for future traffic signal control. The restriping would also reduce delays at these “all-way” stop sign controlled intersections. Field measurements recorded a 40’ width on the Hammett Road bridge decks over SR 99 and the UPRR. Currently, the east and westbound approaches have a single 20’ lane at both SR 99 ramp intersections. The proposed project mitigation includes restriping the eastbound approach on Hammett Road at SR 99 Northbound Ramps intersection with one (1) through lane (14’) and an exclusive left turn only lane (12’). This will result in one (1) westbound through lane (14’) west of the intersection. The results of the existing plus project LOS analysis reflecting the proposed mitigation are presented in Table 8. Copies of the Synchro 10 worksheets are included with the Appendix Material.

Table 8 - Existing Plus Project Intersection LOS Analysis Mitigated

Study Intersection	Peak Hour	Average Delay - LOS	
		Without Mitigation	With Mitigation
SR 99 NB Ramps / Hammett Rd.	AM	> 50.0 - F	22.0 - C
	PM	12.9 - B	11.2 - B

Average delays will be within acceptable limits with the proposed mitigation (LOS C or better). A review of the LOS worksheet indicates the 95<sup>th</sup> percentile queues on the eastbound approach will also be significantly reduced during the AM peak hour (3 vehicles in the left turn lane and 7 vehicles in the through lane). The existing plus project volumes will exceed the minimum 70% “peak hour” volume signal warrant criteria, but not the minimum 100% signal warrant criteria. Therefore, the installation of signal control is not recommended under the existing plus project conditions since average delays will in the LOS B-C range with the existing all-way stop control. The potential project impact will be reduced to a level of “less than significant” under the existing plus project scenario.

Cumulative Plus Project Conditions

The analysis of cumulative conditions estimated average delays in the LOS F range during the AM peak hour at the SR 99 Northbound Ramps intersection. The analysis also estimated queues on the eastbound approach of Hammett Road at the SR 99 Northbound Ramps of 24 vehicles (95<sup>th</sup> percentile queue) during the AM peak hour. The cumulative plus project conditions analysis did identify a potentially significant project impact at the SR 99 Northbound Ramps intersection during the AM peak hour.

As discussed under the existing plus project mitigations, the minor restriping of Hammett Road at the ramp intersection approaches would delays at these “all-way” stop sign controlled intersections. The cumulative plus project analysis was performed using the Hammett Road restriping mitigations proposed for the existing plus project scenario (provide exclusive left turn only lane on the eastbound approach at the SR 99 Northbound Ramps intersection). The results of the cumulative plus project LOS analysis reflecting the proposed mitigation are presented in Table 9.

Table 9 - Cumulative Plus Project Intersection LOS Analysis Mitigated  
(Without Lark Landing Development)

Study Intersection	Peak Hour	Average Delay - LOS	
		Without Mitigation	With Mitigation
SR 99 NB Ramps / Hammett Rd.	AM	> 50.0 - F	22.0 - C
	PM	13.1 - B	11.3 - B

Similar to the existing plus project mitigation, average vehicle delays will be within acceptable limits with the proposed mitigation (LOS C or better). The 95<sup>th</sup> percentile queues on the eastbound approach will also be significantly reduced during the AM peak hour (3 vehicles in the left turn lane and 7 vehicles in the through lane). The cumulative plus project volumes will exceed the minimum 70% “peak hour” volume signal warrant criteria, but not the 100% criteria. Therefore, the installation of signal control is not recommended under the cumulative plus project conditions since average delays will be in the LOS B-C range with the existing all-way stop control. The potential project impact will be reduced to a level of “less than significant” under the cumulative plus project scenario.

Total Cumulative Traffic Conditions

The analysis of total cumulative traffic demands assumes the future development of the Lark Landing parcel(s), which will include the completion of New Pirrone Road and extension of Hammett Road east of SR 99. Due to the potential trip generation and uncertainty of the Lark Landing development, a separate analysis was performed to identify if additional improvements will be required at the SR 99 / Hammett Road interchange to accommodate future peak hour traffic demands. The analysis of total cumulative demands demonstrates that average delays will exceed the County’s LOS C threshold at the both ramp intersections during the AM peak hour.

The total cumulative analysis was again performed assuming the mitigation improvements proposed under the existing and cumulative plus project conditions at the SR 99 Northbound Ramps intersection. The analysis determined that the addition of an exclusive westbound right turn only lane would be required to provide delays within the LOS C range (24.2 seconds / vehicle). This improvement could be accomplished with a minor widening of the north side of Hammett Road east of the intersection.

Similar to the mitigation discussion for the SR 99 Northbound Ramps intersection, the westbound approach at the SR 99 Southbound Ramps intersection could be restriped to provide an exclusive left turn only lane within the existing roadway width. Average delays would still be in the LOS D range (31.1 seconds / vehicle) but may be considered acceptable by Caltrans during short peak demand periods (30-45 minutes). The future installation of traffic signal control should only be considered if it's fully demonstrated that signal control is required to maintain safe access. The evaluation of long range infrastructure improvements at the SR 99 / Hammett Road interchange was beyond the scope defined for the Project TIA.

### **Regional Transportation Impact Fee (RTIF)**

Development projects in Stanislaus County are subject to the RTIF as outlined in the Comprehensive Public Facilities Impact Fee Update Study - Administrative Draft (Sept. 15, 2017). Payment of the project's RTIF provides a fair-share contribution towards the costs associated with the future regional and local infrastructure improvements. Therefore, the project applicant shall negotiate and pay the applicable RTIF as required by Stanislaus County.

## END ##

**APPENDIX MATERIAL**

- Summary of Traffic Count Data, Traffic Count Data and Queue Data (Feb. 2020)\*
- HCM Level of Service (LOS) LOS Descriptions
- Synchro 10 “Level of Service” (LOS) and Measure of Effectiveness (MOE) Worksheets\*
- California MUTCD Traffic Signal Warrant Data and Graphs\*
- TRB Left Turn Lane Warrant Graph\*
- Pirrone Road Vehicle Speed Data\*
- Cumulative Projects List, Location Map and Trip Generation Estimates

Appendices available in the April 15, 2021 Planning Commission Agenda: [http://  
www.stancounty.com/planning/agenda/2021/04-15-2021/7\\_B.pdf](http://www.stancounty.com/planning/agenda/2021/04-15-2021/7_B.pdf)

Hard copies available upon request. Please contact the Planning and Community Development Department at (209) 525-6330 or via email at [planning@stancounty.com](mailto:planning@stancounty.com).

**PINNACLE TRAFFIC ENGINEERING**

9452 Telephone Road, #440  
Ventura, California 93004  
(805) 644-9260 • PinnacleTE.com

January 22, 2021

Mr. Paul Grewal  
Cal Sierra Financial, Inc.  
2807 G Street, Ste. B  
Merced, CA 95340

RE: Pirrone Retail Project (PLN2019-0079); Stanislaus County, California  
Supplemental Trip Generation Analysis

Dear Mr. Grewal,

Pinnacle Traffic Engineering (PTE) is pleased to submit a Supplemental Trip Generation Analysis for your project in Salida. The supplemental analysis presents an estimate of the project trip generation quantities associated with the current design. PTE prepared the Traffic Impact Analysis (TIA) for the original project (dated March 9, 2020). The TIA includes a detailed evaluation of the project impacts on Pirrone Road and at the State Route (SR) 99 / Hammett Road interchange. The TIA identified the potentially significant project impacts and proposed the appropriate mitigation measures to reduce the impacts to a level of “less than significant.” The current project design indicates the proposed uses have been modified since the publication of the TIA (a copy of the current site plan is attached). Since several of the project components have changed, County staff requested a supplemental analysis to evaluate the “net” change in trip generation as compared to the trips analyzed in the project TIA. The previous and current project uses are summarized in Table 1.

Table 1 - Previous and Current Proposed Project Uses

<b><u>Previous Project Uses (Analyzed in Initial TIA)</u></b>	
Retail Space	1,500 SF
Sit Down Restaurant	4,000 SF
Service Station with Convenience Market (10 Pump Islands)	20 F.P. (a)
<b><u>Current Proposed Project Uses</u></b>	
Retail Space	2,310 SF
Fast-Food Restaurant with Drive-Thru	3,250 SF
Service Station with Convenience Market (6 Pump Islands)	12 F.P. (a)
Mini-Warehouse (Rentable Storage Space)	61,460 SF

(a) F.P. = Number of fueling positions (2 fueling positions per pump)

The main modifications include the addition of a mini-warehouse (storage) use, reducing the number of gas pump islands (fueling positions), and changing the sit down restaurant to a fast-food restaurant with a drive-thru. The area for the retail space was also increased slightly.

Project Trip Generation Estimates

The trip generation estimates associated with the current project uses were derived using data in the Institute of Transportation Engineers (ITE) Trip Generation Manual (10<sup>th</sup> Edition). The applicable ITE trip generation rates are presented in Table 2.

Table 2 - Applicable ITE Trip Generation Rates

Land Use Category	Trip Generation Rates				
	AM Peak Hour		PM Peak Hour		Daily
	In	Out	In	Out	
ITE #151 - Mini Warehouse (a)	0.06	0.05	0.10	0.09	1.65
ITE #820 - General Retail (b)	0.58	0.36	1.83	1.98	37.75
ITE #934 - Fast-food Restaurant w/ D.T. (b)	20.50	19.69	16.99	15.68	470.95
ITE #945 - Service Station w/ Conv. Market (c)	6.36	6.11	7.13	6.86	205.36

- (a) Number of vehicles per “Net” rentable storage area
- (b) Number of vehicle trips per 1,000 SF
- (c) Number of vehicle trips per fueling position

Similar to the methodology used in the TIA, a 5% percent reduction to account for internal “captured” trips was applied to the total project trip generation (95% of the total trips will be external to the site). As allowed by Caltrans, a 15% trip reduction was also applied to the commercial related trips (retail, restaurant & service station) to account for “pass-by” and “diverted-link” trips. The trip generation estimates associated with the current project uses are presented in Table 3.

Table 3 - Project Trip Generation Estimates

Land Use	Number of Vehicle Trips				
	AM Pk. Hr.		PM Pk. Hr.		Daily
	In	Out	In	Out	
Retail (2,310 SF)	1	1	4	5	88
Fast-Food Restaurant w/ D.T. (3,250 SF)	67	64	55	51	1,530
Service Station with Conv. Market (12 F.P.)	76	73	86	82	2,464
Mini Warehouse-Storage (61,460 SF)	4	3	6	6	102
<b>Total Project Site Trips:</b>	<b>148</b>	<b>141</b>	<b>151</b>	<b>144</b>	<b>4,184</b>
<b>External Project Demands (95% of Total):</b>	<b>141</b>	<b>134</b>	<b>143</b>	<b>137</b>	<b>3,974</b>
<b>Project Pass-By Trips (15%):</b>	<b>-22</b>	<b>-21</b>	<b>-22</b>	<b>-21</b>	<b>-612</b>
<b>Project “Primary” (Single Purpose) Trips:</b>	<b>119</b>	<b>113</b>	<b>121</b>	<b>116</b>	<b>3,362</b>

Table 3 indicates the current project uses will generate approximately 4,184 daily trips, with 289 trips during the AM peak hour (148 in & 141 out) and 295 trips during the PM peak hour (151 in & 144 out). It’s noted that the actual number of related pass-by trips is anticipated to be much higher than the 15%, as documented in the ITE Trip Generation Handbook.

To evaluate the “net” change in trip generation associated with the current proposed uses the project trip estimates in Table 3 were compared with the project trip generation estimates in the March 2020 TIA (Table 4, Page 11). A comparison of the project trip generation estimates and a summary of the “net” changes are displayed in Table 4.

Table 4 - Trip Generation Comparison and Summary of “Net” Changes

Project Component	Number of Vehicle Trips		
	AM Peak Hour	PM Peak Hour	Daily
<b>Previous Project Design Evaluated in March 2020 TIA</b>			
Total Project Trips:	291	325	4,612
Project New “Primary” Trips:	233	260	3,690
<b>Current Proposed Project Uses (January 2021)</b>			
Total Project Trips:	289	295	4,184
Project New “Primary” Trips:	232	237	3,362
<b>“Net” Change in Trip Generation (May 2016 vs. June 2017)</b>			
Total Project Trips:	-0.7%	-9.2%	-9.3%
Project New “Primary” Trips:	-0.4%	-8.9%	-8.9%

The data in Table 4 demonstrates the current proposed project uses will generate fewer peak hour and daily trips than analyzed in the March 2020 TIA. The number of AM peak hour trips is essentially the same, with a reduction of about 9% during the PM peak hour and on a daily basis.

As previously stated, the March 2020 TIA identified the potentially significant impacts and proposed the appropriate mitigation measures to reduce the impacts to a level of “less than significant.” Based on the data presented in the Supplemental Trip Generation Analysis, the current proposed project uses will not change the conclusions in the March 2020 TIA.

Please contact my office with any questions or comments regarding the Supplemental Trip Generation Analysis.

Pinnacle Traffic Engineering

Larry D. Hail, CE, TE  
 President



Attachment: Current Project Site Plan (January x, 2021)



**DEPARTMENT OF PUBLIC WORKS**

*David A. Leamon, PE, MPA  
Public Works Director*

*Chris Brady, PE  
Deputy Director - Design/Survey/Fleet Maintenance*

*Frederic Clark, PE, LS  
Deputy Director - Development/Traffic*

*Collin Yerzy, PE, QSD/P  
Deputy Director – Construction Administration/Operations*

*Tracie Madison  
Senior Business and Finance Manager*

[www.stancounty.com/publicworks](http://www.stancounty.com/publicworks)

February 25, 2021

**Subject: Cal-Sierra Financial / APN: 003-014-007 / PLN2019-0079**

Dear Ms. Doud,

The proposed retail project, Cal Sierra Financial, located on Assessor's Parcel Number 003-014-007 (PLN2019-0079), has modified its proposed uses from service station (20 pumps), a convenience market (4,500sqft), small retail (1,500sqft) and a sit-down restaurant (4,000sqft), to retail (2,310sqft), fast food w/drive-thru (3,250sqft), service station (6 pumps), convenience market (4,500sqft) and a mini-storage facility (61,460sqft) w/associated office space (1,400sqft).

A Traffic Impact Analysis (TIA) Report was originally prepared dated March 9, 2020 for this project and a supplement to the TIA was prepared to reflect the modifications listed above. The supplemental TIA concluded a net reduction of 8.9% PM Peak Hour trip ends with the project modifications.

Senate Bill 743 (SB743) requires that the transportation impacts under the California Environmental Quality Act (CEQA) be evaluated using Vehicle Miles Traveled (VMT) as a metric. The project's proposal preceded the implementation of SB743 on July 1, 2020.

However, to address any concerns regarding the project's potential VMT impacts, a September 11, 2020 letter was sent from myself to the applicant, Mr. Paul Grewal, stating that the proposed project fit the description of locally-serving retail in the State of California Office of Planning and Research (OPR) VMT guidelines and therefore is presumed to create a less than significant transportation impact.

Based on the proposed use modifications, and the supplemental TIA showing a net decrease in traffic, the project is still considered to be locally-serving retail and should be considered to create a less than significant transportation impact.

If you have any questions or concerns, please don't hesitate to contact me.

Sincerely,

Andrew Malizia, PE  
Senior Civil Engineer  
Stanislaus County Public Works



**DEPARTMENT OF PUBLIC WORKS**

*David A. Leamon, PE, MPA  
Public Works Director*

*Chris Brady, PE  
Deputy Director - Design/Survey/Fleet Maintenance*

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Deputy Director - Development/Traffic*

*Collin Yerzy, PE, QSD/P  
Deputy Director – Construction Administration/Operations*

*Tracie Madison  
Senior Business and Finance Manager*

[www.stancounty.com/publicworks](http://www.stancounty.com/publicworks)

September 11, 2020

**Subject: Cal-Sierra Financial / APN: 003-014-007**

Dear Mr. Grewal,

Your proposed retail project, located on Assessor's Parcel Number 003-014-007, includes a gasoline fueling station (20 pumps), a convenience market (4,500sqft), small retail (1,500sqft) and a sit-down restaurant (4,000sqft). The proposed site has been planned commercial development since the late 1980's and the uses proposed are consistent with the originally approved uses. A Traffic Impact Analysis (TIA) Report was prepared dated March 9, 2020 for this project.

Senate Bill 743 (SB743) requires that the transportation impacts under the California Environmental Quality Act (CEQA) evaluate impacts by using Vehicle Miles Traveled (VMT) as a metric. The project's proposal preceded the implementation of SB743 on July 1, 2020.

Stanislaus County has currently not adopted any significance thresholds for VMT, and projects are treated on a case-by-case basis for evaluation under CEQA.

However, the State of California - Office of Planning and Research (OPR) has issued guidelines regarding VMT significance under CEQA. One of the guidelines, presented in the December 2018 document Technical Advisory on Evaluating Transportation Impacts in CEQA states that locally-serving retail would generally redistribute trips from other local uses, rather than generate new trips.

The proposed project fits this description of locally-serving retail and therefore is presumed to create a less than significant transportation impact.

Sincerely,

Andrew Malizia, PE  
Senior Civil Engineer  
Stanislaus County Public Works

**Stanislaus County**  
Planning and Community Development

---

**Amended Mitigation Monitoring and Reporting Program**

Adapted from CEQA Guidelines APPENDIX G Environmental Checklist Form, Final Text, January 1, 2020  
Amendments consisting of additions are reflected in bold text and deletions in strikeout text.

**May 28, 2021(as updated on July 7, 2021)**

- |  |  |
|--|--|
| 1. Project title and location:   | General Plan Amendment and Rezone Application<br>No. PLN2019-0079 – Cal Sierra Financial, Inc.<br><br>Pirrone Road, on the east side of the Pirrone Road<br>and Hammett Road intersection, east of Highway<br>99, in the Community of Salida. APN: 003-014-007 |
| 2. Project Applicant name and address:   | Baldev Grewal, dba Cal Sierra Financial, Inc.<br>2807 G St.<br>Merced, CA 95340  |
| 3. Person Responsible for Implementing<br>Mitigation Program (Applicant Representative): | Baldev Grewal, dba Cal Sierra Financial, Inc.  |
| 4. Contact person at County:   | Kristin Doud, Principal Planner<br>(209) 525-6330  |

**MITIGATION MEASURES AND MONITORING PROGRAM:**

List all Mitigation Measures by topic as identified in the Mitigated Negative Declaration and complete the form for each measure.

**I. AESTHETICS**

- No.1. Prior to issuance of any building permit, a photometric lighting plan shall be submitted for review and approval by the Planning Department. 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). The height of the lighting fixtures shall not exceed 20 feet above grade.

- |   |  |
|---|--|
| Who Implements the Measure:             | Developer  |
| When should the measure be implemented: | Prior to issuance of a building permit                             |
| When should it be completed:            | Prior to issuance of a building permit                             |
| Who verifies compliance:                | Stanislaus County Planning and Community<br>Development Department |
| Other Responsible Agencies:             | None   |

**III. AIR QUALITY**

No.2. All off-road diesel construction equipment greater than 25 horsepower and operating at the site for more than 20 hours shall, at a minimum, meet U.S. EPA Tier 3 engine standards with Level 3 particulate filtration. Use of equipment with U.S. EPA Tier 4 engine standards would meet this requirement. Optionally, the applicant could develop and implement a plan that would achieve a 44-percent reduction in on and near-site DPM emissions.

Who Implements the Measure: Applicant/Developer  
When should the measure be implemented: Prior to construction  
When should it be completed: End of construction  
Who verifies compliance: San Joaquin Valley Air Pollution Control District  
Other Responsible Agencies: Stanislaus County Planning and Community Development Department

**IV. BIOLOGICAL RESOURCES**

No. 3 If ground disturbing activity or construction commences between March 1 and September 15, pre-construction surveys for nesting Swainson’s hawks (SWHA) shall be conducted by a qualified biologist. SWHA surveys shall be conducted a maximum of 10 days prior to the onset of grading or construction activities, within ~~0.25~~ **0.5** miles of the project site area, in accordance with survey methods developed by the Swainson’s Hawk Technical Advisory Committee (SWHA TAC, 2000).

If active SWHA nests are found, a qualified biologist, in consultation with CDFW, shall determine the need (if any) for temporal restrictions on construction, including but not limited to a minimum no-disturbance buffer of 0.5 miles to be maintained around active nests prior to and during any ground-disturbing activities until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. If take cannot be avoided, take authorization through the issuance of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

Who Implements the Measure: Applicant/Developer  
When should the measure be implemented: Prior to and during any ground-disturbing activity  
When should it be completed: After construction is completed or as otherwise recommended by a qualified biologist and/or CDFW  
Who verifies compliance: Stanislaus County Planning and Community Development Department  
Other Responsible Agencies: None

No. 4 If ground disturbing activity or construction commences between February 1 and August 31, pre-construction surveys for burrowing owls (BUOW) on the site shall be conducted by a qualified biologist. Surveys shall be conducted in accordance with “*Burrowing Owl Survey Protocol and Mitigation Guidelines*” (CBOC 1993) and CDFW’s *Staff Report on Burrowing Owl Mitigation*” (CDFG 2012), which requires three or more surveillance surveys are conducted during daylight with each visit occurring at least three weeks apart during the peak breeding season (April 15 to July 15), when BUOW are most detectable.

If occupied BUOW burrows are found a qualified biologist, in consultation with CDFW, shall determine the need (if any) for temporal restrictions on construction, including but not limited to maintaining no-disturbance buffers, as outlined in the “*Staff Report on Burrowing Owl Mitigation*” (CDFG 2012), prior to and during any ground-disturbing activities.

Who Implements the Measure: Applicant/Developer

When should the measure be implemented: Prior to and during any ground-disturbing activity

When should it be completed: After construction is completed or as otherwise recommended by a qualified biologist and/or CDFW

Who verifies compliance: Stanislaus County Planning and Community Development Department

Other Responsible Agencies: None

No. 5 If vegetation removal or construction commences during the general avian nesting season, between March 1 and July 31, a pre-construction survey for nesting birds on the site, which are protected by the Migratory Bird Treaty Act of 1918, shall be conducted by a qualified biologist. If active nests are found, work in the vicinity of the nest shall be delayed until the young fledge.

Who Implements the Measure: Applicant/Developer

When should the measure be implemented: Prior to and during any ground-disturbing activity or vegetation removal

When should it be completed: After construction is completed or as otherwise recommended by a qualified biologist and/or CDFW

Who verifies compliance: Stanislaus County Planning and Community Development Department

Other Responsible Agencies: None

**V. CULTURAL RESOURCES AND XVIII. TRIBAL CULTURAL RESOURCES**

No.6. 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 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.

Who Implements the Measure: Applicant  
When should the measure be implemented: During construction  
When should it be completed: End of construction  
Who verifies compliance: Stanislaus County Planning and Community Development Department  
Other Responsible Agencies: Qualified Archeologist, if applicable

**XIII. NOISE**

No.7. Prior to issuance of a building permit, the final engineering design should be reviewed by a qualified acoustical consultant and evidence of compliance with the County's noise standards shall be provided.

Who Implements the Measure: Applicant  
When should the measure be implemented: Prior to issuance of a building permit  
When should it be completed: Prior to issuance of a building permit  
Who verifies compliance: Qualified Acoustical Consultant  
Other Responsible Agencies: Stanislaus County Planning and Community Development Department

I, the undersigned, do hereby certify that I understand and agree to be responsible for implementing the Mitigation Program for the above listed project.

**Signature on file**  
\_\_\_\_\_  
Person Responsible for Implementing  
Mitigation Program

**7/7/2021**  
\_\_\_\_\_  
Date



## MITIGATED NEGATIVE DECLARATION

**NAME OF PROJECT:** General Plan Amendment and Rezone Application No. PLN2019-0079 – Cal Sierra Financial, Inc.

**LOCATION OF PROJECT:** Pirrone Road, on the east side of the Pirrone Road and Hammet Road intersection, east of Highway 99, in the Community of Salida.  
APN: 003-014-007

**PROJECT DEVELOPER:** Baldev Grewal, dba Cal Sierra Financial, Inc.

**DESCRIPTION OF PROJECT:** This is a request to amend the general plan and zoning designation of a 9.6-acre site, from Commercial and Salida Community Plan General Commercial (SCP C-2) to Planned Development, to allow for development of a convenience store/community market, gas station, restaurant, retail building, and mini-storage facility to be developed on approximately 4 acres of the site.

Based upon the Initial Study, dated **May 28, 2021 (as updated on July 7, 2021)**, 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 aforementioned findings are contingent upon the following mitigation measures (if indicated) which shall be incorporated into this project:

### I. AESTHETICS

- No.1 Prior to issuance of any building permit, a photometric lighting plan shall be submitted for review and approval by the Planning Department. 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). The height of the lighting fixtures shall not exceed 20 feet above grade.

### III. AIR QUALITY

- No.2 All off-road diesel construction equipment greater than 25 horsepower and operating at the site for more than 20 hours shall at a minimum meet U.S. EPA Tier 3 engine standards with Level 3 particulate filtration. Use of equipment with U.S. EPA Tier 4 engine standards would

meet this requirement. Optionally, the applicant could develop and implement a plan that would achieve a 44-percent reduction in on- and near-site DPM emissions.

#### IV. BIOLOGICAL RESOURCES

- No. 3 If ground disturbing activity or construction commences between March 1 and September 15, pre-construction surveys for nesting Swainson's hawks (SWHA) shall be conducted by a qualified biologist. SWHA surveys shall be conducted a maximum of 10 days prior to the onset of grading or construction activities, within 0.5 miles of the project site area, in accordance with survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000).

If active SWHA nests are found, a qualified biologist, in consultation with CDFW, shall determine the need (if any) for temporal restrictions on construction, including but not limited to a minimum no-disturbance buffer of 0.5 miles to be maintained around active nests prior to and during any ground-disturbing activities until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. If take cannot be avoided, take authorization through the issuance of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

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If occupied BUOW burrows are found a qualified biologist, in consultation with CDFW, shall determine the need (if any) for temporal restrictions on construction, including but not limited to maintaining no-disturbance buffers, as outlined in the "*Staff Report on Burrowing Owl Mitigation*" (CDFG 2012), prior to and during any ground-disturbing activities.

- No. 5 If vegetation removal or construction commences during the general avian nesting season, between March 1 and July 31, a pre-construction survey for nesting birds on the site, which are protected by the Migratory Bird Treaty Act of 1918, shall be conducted by a qualified biologist. If active nests are found, work in the vicinity of the nest shall be delayed until the young fledge.

#### V. CULTURAL RESOURCES AND XVIII. TRIBAL CULTURAL RESOURCES

- No.6 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 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.



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**XIII. NOISE**

No.7 Prior to issuance of a building permit, the final engineering design should be reviewed by a qualified acoustical consultant and evidence of compliance with the County's noise standards shall be provided.

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, Principal Planner

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

OFFICE OF THE DISTRICT 10 DIRECTOR  
P.O. BOX 2048 | STOCKTON, CA 95201  
(209) 948-7943 | FAX (209) 948-7179 TTY 711  
[www.dot.ca.gov](http://www.dot.ca.gov)

April 5, 2021

**10-STA-99 PM 24.2**  
**Cal Sierra Financial, Inc.**  
**Initial Study**  
**SCH# 2019090225**

Ms. Kristin Doud  
Principal Planner  
Stanislaus County, Planning & Community Development  
1010 10th St, Suite 3400  
Modesto, CA 95354

Dear Ms. Doud:

Thank you for the opportunity to review the above-referenced document, the Cal Sierra Financial, Inc Initial Study (IS). The Department has the following comments:

As stated in our previous letter (July 15, 2020), the Department does not agree with mitigation measures, including intersection restriping, and widening at the SR-99/Hammett on/off-ramps. The existing width of pavement for the east and westbound Hammett Road approaches is a 12-foot lane with an 8-foot shoulder for both eastbound and westbound Hammett Road on the Overcrossing bridge structure. To add an eastbound left-turn lane across the bridge, the structure will need to be widened to accommodate three (3) lanes: a westbound thru lane, an eastbound thru lane and the proposed eastbound left-turn lane. Three 12-foot lanes with two 8-foot shoulders, for a total width of 52 feet wide structure. According to the Caltrans Highway Design Manual (HDM), the minimum width of a travelled lane is 12 feet and the minimum shoulder is 8 feet. This mitigation is infeasible without major construction and funding. The Department would not approve of this mitigation without it being approved as a design exception.

The Department agrees with payment of the applicable Regional Traffic Impact Fee (RTIF), to pay a fair-share contribution towards the costs associated with the future regional and local infrastructure improvements including: the SR 99/Hammett Rd Intersection Reconstruction project, SR 99 mainline improvements (as well as the associated intersections and on-/off-ramps), and possible future signalization of the current All-Way Stop Control (AWSC) at the northbound and southbound on-/off-ramps. The Department would like to review and discuss any proposed mitigation measures, including calculations for fair share and regional fee programs.

Caltrans recommends a Complete Streets approach to planning this development and the surrounding area that promotes bicycle and pedestrian connectivity between the project site, the Army Corps Park Ripon River Crossing bicycle and pedestrian paths, and the local residential area. Sidewalks, pedestrian crossings, bike paths, and parking facilities should be included.

We request that the County continue to coordinate and consult with the Department to identify and address potential cumulative transportation impacts that may occur near this geographical location. This will assist us in ensuring that traffic safety and quality standards are maintained for the traveling public on state transportation facilities. We look forward to working with the County as this project progresses through the CEQA review process. Please forward any revisions and future plans for review to the Caltrans District 10-Transportation Planning Division, Attention IGR Coordinator. If you have any questions, please contact Steven Martinez at (209) 942-6092 (email: [steven.r.martinez@dot.ca.gov](mailto:steven.r.martinez@dot.ca.gov)) or me at (209) 941-1921. We look forward to continuing to work with you in a cooperative manner.

Sincerely,

*Steven R. Martinez for*

TOM DUMAS, Chief  
Office of Metropolitan Planning

**From:** [Debby Schneider](#)  
**To:** [Erica Inacio](#); [REDACTED]  
**Cc:** [Angela Freitas](#); [Kristin Doud](#)  
**Subject:** Re: Salida MAC - Projects  
**Date:** Wednesday, April 8, 2020 11:05:37 AM

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Thank you for the information. The Salida MAC Board members have each weighed in individually on where we are with the Cal-Sierra Financial proposal. The Salida MAC Board is unanimously opposed to this project moving forward.

First and foremost, the majority of the residents of the Vizcaya neighborhood do not want a gas station and mini mart directly behind their homes. In general, MAC Board sees no positive benefit in turning the Hammett exit into a hub of gas stations, mini marts, fast food restaurants, mini storage and several other possibilities that have been brought up.

Second, we believe this developer will say or do anything to get his gas station built. In his amended proposal he mentioned 24 hour security at the site. When pressed at the March 10 meeting he clearly stated he was talking about his employees. This is alarming on a number of levels; one being a complete lack of concern for his employees. At the March 10 meeting when he saw the room definitely was not with him on this, he quickly changed his tune and said he would be willing to negotiate security on a short term basis. In his original proposal he talked about the high end juices and coffees he planned to serve in his specialty market. In his amended proposal he mentions a 7/11 which looks to be a dressed up version of what he originally proposed. The developer then put out there he was reaching out to Black Bear Diner and iHop. This is ludicrous. There is already a Black Bear Diner and an iHop 3 exits south of this site. Again, he is trying to make this development parcel sound like something other than a typical gas station/mini mart located too close to homes.

The MAC Board, and the residents of Vizcaya who we represent, are not opposed to development on that land. It seems that our time might be more well spent talking about what kind of development we would like to see at Hammett & Pirrone so we don't find ourselves opposing each developer who comes in with a slightly different version of the Cal-Sierra proposal.

A formal letter with the MAC's position will follow shortly.

Thank you,  
Debby

-----Original Message-----

From: Erica Inacio [REDACTED]  
To: John Martin [REDACTED]; Debby Schneider [REDACTED]  
Cc: Angela Freitas <ANGELA@stancounty.com>; Kristin Doud <Doudk@stancounty.com>  
Sent: Fri, Apr 3, 2020 11:09 am  
Subject: Salida MAC - Projects

Good morning John and Debby.

I sincerely hope all is well and that you are all being safe.

I just wanted to let you know that I checked in with planning regarding the two projects that are currently in the queue for Salida.

1. Cal Sierra Financial – Planning is preparing the initial study and will be sending it to the MAC for review for a period of 30 days. The project will then be scheduled for a

Planning Commission hearing and then for Board of Supervisors consideration. It is approximately 60 days out before it goes to the Board for approval.

2. Lark Landing -it is on hold pending several environmental studies requested. We will receive an update on the estimated schedule for that project once it comes off hold and the studies are complete.

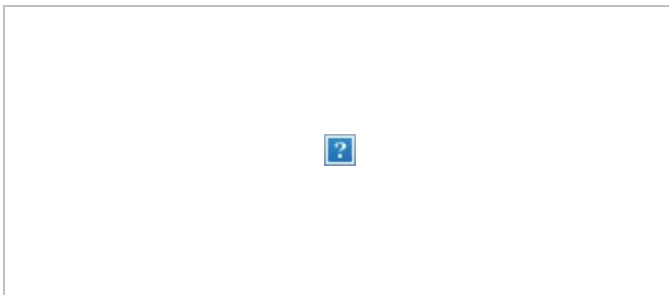
No new applications have been received.

Planning will do their best to accommodate our schedule but if necessary, we will hold a special meeting via skype – we can figure this out later.

Just wanted to provide you with an update.

Again, if there are any questions, feel free to send them my way.

Thank you!!!





# SALIDA MUNICIPAL ADVISORY COUNCIL

October 10, 2019

RE: GENERAL PLAN AMENDMENT AND REZONE APPLICATION NO. PLN2019-0079-CAL SIERRA FINANCIAL, INC.

TO: Department of Planning and Community Development

Kristin Olsen, Supervisor, District 1

Vito Chiesa, Supervisor, District 2

Terry Withrow, Supervisor, District 3

Tom Berryhill, Supervisor, District 4

Jim DeMartini, Supervisor, District 5

During the past two weeks the Salida Municipal Advisory Council has received over 100 letters from concerned Salida residents regarding the above mentioned development project. The vast majority of the public comments oppose a truck stop/travel plaza at the Pirrone Road/Hammet intersection. There were six responses in favor of the project.

The following are just some of the numerous objections Salida residents have expressed:

- The close proximity to the Vizcaya residential neighborhood with no buffer zone including but not limited to the safety of nearby neighborhoods, noise, lighting and pollution associated with a 24/7 truck stop and fueling station.
- The increased crime commonly associated with truck stops and surrounding areas. **(SEE APPENDIX "A")**.
- The lack of law enforcement in Salida to deal with the crime commonly associated with truck stops and surrounding areas. **(SEE APPENDIX "A")**.
- Four above ground, high capacity fuel storage tanks in close proximity to the Vizcaya residential neighborhood.
- The increased traffic, safety and wear on the existing two lane Hammet Road overpass with no upgrades planned to the overpass except three STOP signs. **(SEE APPENDIX "A")**.

The Salida Municipal Advisory Council would like to go on record and emphatically state we are not against development in Salida. In fact, we welcome new development and ask that our county leaders proceed with a *long term* view as far as planning, considering what is beneficial to both Salida and Stanislaus County. A truck stop/travel plaza on some of the last prime, shovel ready land in northern Stanislaus County does not meet our vision for the future of Salida or Stanislaus County.

The fact that the Salida Community Plan was forced upon us 12 years ago with no opportunity to vote on the plan still stings. The community of Salida had no input into our future back then. That is why we now must do our best to protect Salida's future and work together with the county on how we want our

community to develop from this time onward. Our goal is to have the kind of development that will bring jobs that provide livable wages to Salida and Stanislaus County residents. A truck stop/travel plaza offering 18 minimum wage jobs does not meet that criteria. We can and should do better for our residents and tax paying citizens. There is no turning back once we enter into a piecemeal project planning phase.

It is the unanimous decision of the Salida Municipal Advisory Council that the rezone application/Cal Sierra project will not be advantageous to Salida's long term future. We fully understand the county will benefit from the revenue this project would generate. The numerous problems and concerns this project raises for the residents of the Vizcaya subdivision and other nearby neighborhoods (**See APPENDIX "A"**) must be our first priority. The negative impact a truck stop/travel plaza will have on these resident's quality of life far outweighs any benefits to the county in our opinion. In other words, the county would benefit financially and the residents of Salida would be left to suffer the consequences.

The Salida Municipal Advisory Council is unanimous in our opposition to this project.

Sincerely,

John Martin, Chair

Leng Power, Vice Chair

Debby Schneider, Secretary

Karen Gorne

Brad Johnson

## APPENDIX "A"

Currently, there are three nearby truck stop travel plazas, all at the Jack Tone Road interchange, less than 3 miles from the proposed Cal Sierra site on Pirrone Road (Flying J; Loves; Jimco). The following information was provided by the Ripon Police Department:

### 2019 Incidents Requiring Ripon Police Department Response As of October 7, 2019

Flying J	728	Avg. 70 calls/month
Loves	450	Avg. 45 calls/month
Jimco	0 reported	Fueling station only

### The Three T's of Truck Stops

**Travelers** – Those traveling through an area. Will stop for fuel, food and move on.

**Transients** – Those looking for a place to stay. They have nowhere else to go. They appear/arrive after hitchhiking, driving themselves in old RV's, vans and station wagons or being dumped by other agencies and communities. These vehicles breakdown and are abandoned. The transients are uncooperative and won't leave. Ripon PD responds daily to shoplifting calls, panhandling calls, trespassing calls, physical altercation calls.

**Truckers** – There are new flows of long distance truckers daily in and out of the Ripon truck stops. There are never enough marked/approved parking spaces for the truckers who want to stay. Some truckers stay up to 3 days waiting to pick up a new load. Flying J poses a particular problem. There is a dirt area fronting the 99 freeway, behind Flying J. This is a marked NO PARKING area. On October 7, 2019 there were approximately 30 trucks in the NO PARKING area. Ripon has put up NO PARKING signs and K Rails to keep truckers out of this area. The truckers tear down the NO PARKING signs. They drive their trucks and back their trailers into the K Rails to move and/or crush them so they have access to this area. Ripon PD can spend up to 2-3 hours per day writing out parking citations. The truckers are fine with it because a parking citation is cheaper than the fine for going over their hours and cheaper than a motel room. Most truckers are from out of state and it's difficult to collect/enforce out of state citations. There is no penalty to the truckers for not paying the parking citations. There are numerous on site vehicle accidents. Trucks back into trucks/trailers. The reports and investigations take a large portion of the daily Ripon PD resources which is **2 – 3 (sometimes 4) officers per shift**. There are numerous "load" thefts where trailers are stolen. These theft investigations take even more resources. The Ripon PD gets welfare check requests from the trucking companies in the Midwest and back east. The companies GPS shows the driver at one of the Ripon truck stop locations but the driver has not reported in for 3 days. Ripon PD has found several dead truckers in their trucks. There are physical altercations between the truckers. Transients have been run over by the trucks. All this involves other resources such as fire department, ambulance and coroner visits. Trailer loads of unmarked hazardous materials have been abandoned at the truck stops. Ripon PD has to assign resources to stay with the material until it can be identified. More resources. Trucks break down blocking lanes on Jack Tone overpass, causing major traffic issues.

The largest percentage of criminal activity in Ripon takes place at the truck stops. This includes prostitution, drug issues, runaways and suspected sex trafficking. It is difficult to make arrests in what may involve runaways and sex trafficking because the victims will not speak up. The arrests for prostitution are mostly found to be out-of-town prostitutes coming from Stockton and Oakland.

Noise – While the Jack Tone truck stop area does have a fairly large buffer between it and residential neighborhoods it has not stopped noise complaints from residents and local farmers. When there are no available/approved parking spaces at the truck stops and the overflow areas are already filled with illegally parked trucks, truckers have ventured out to the residential neighborhood areas and local orchards to park their trucks. They turn the truck off but leave the refrigeration units on which creates noise pollution and complaints from both residents and farmers.

Damage to the Jack Tone overpass and nearby roads – These roads were repaved 5 years ago and they are now completely torn up with huge potholes and ruts.

**From:** [John Martin](#)  
**To:** [Planning](#); [Buck Condit](#); [Vito Chiesa](#); [Terrance Withrow](#); [Mani Grewal](#); [Channcce Condit](#)  
**Cc:** [John Martin](#)  
**Subject:** Salida Gas Station  
**Date:** Thursday, April 1, 2021 4:34:09 PM

**\*\*\* WARNING:** This message originated from outside of Stanislaus County. DO NOT click links or open attachments unless you recognize the sender and know the content is safe \*\*\*

Afternoon Stanislaus county planning and Stanislaus county supervisors,

I dont know how many times this gas station proposal needs to be discussed. The community has spoken out many times at the Salida MAC that this is not good development for Salida. The Vizcaya residents understand growth however it needs to be good growth for the community. The proposal has been talked about like twice at the Salida MAC and the developer also had a town hall meeting at the Salida library and all three times the residents spoke very loudly they are against this proposal. The comments were heard loud and clear by MAC members and our county Supervisor. Each time the developer was told NO he came back with some sort of changes all in hopes of getting the residents to approve and again the residents said no. Fast forward to present and he has now stated he will not allow vagrants and loitering and will have 24 hour security patrolling the area. The developer had a deaf ear when county sheriff reported the burglaries at the storage business just south of this proposed development . There are homeless in the Stanislaus river just to the north and homeless folks who live under the trees across the street from this proposed development. They (he) cannot stop loitering or vagrancy. Now the developer has taken any mention of truck stop out and added HYDROGEN. Excuse me does anyone understand the characteristics of hydrogen? I do and its not a good fit for Salida and it is not on the CEQA report. Another last minute add on by the developer that cannot be allowed to happen. Hydrogen is known to leak due to its high pressure and if something did happen you wouldn't need to worry about the catch basin. I would also like it to be known to all the Stanislaus county Supervisors i have never witnessed a MAC meeting ran by County staff. Here is how the Salida MAC meeting went 3/23/21 The panning department lead and the public works director who i believe his initials are DL did noting but promote this development. A stop sign with camera was to be set up out front of the entrance to Vizcaya to monitor traffic as there were several bad accidents. Public works boss man said he would get one out there and it has yet to happen. Public works is only concerned about the catch basin and not the residents...how sad. County planning did all most all of the Q & A for the developer which is wrong. The developer should be able to address all the questions. The entire MAC meeting was engulfed about why the residents of Salida should support this project. Why is no one listening to the residents? Is that not the job of the MAC? This was a great example of a County planning meeting and not a MAC meeting. The only real support we the residents of Salida have is our District three Supervisor Terry Withrow. On another note about the storage of Hydrogen which again is not in the CEQA report, do you and or this developer know about the 12" high pressure gas line running along Pirrone road. I saw the paint on the ground, and markers. So now just set back with your eyes closed and imagine if the Hydrogen storage let go and destroys Vizcaya and then causes the gas line to rupture, on my the damage it would cause. With Hydrogen not on the CEQA report this project should be denied immediately and ended. No further action, its over. Stand tall and advise the developer we are done with his constant lies and lip service. I thank you all for taking time out of your busy day to hopefully read this lengthy email to the end. I along with my fellow residents of Salida and especially the Vizcaya subdivision residents strongly request a no vote on this project. We also ask you Stanislaus County District 3 Supervisor Terry Withrow stand with us. You are our vote and voice! We reject this development!!!

Thank you  
 John Martin  
 Vizcaya resident

**From:** [Meredith Berry](#)  
**To:** [Terrance Withrow](#)  
**Cc:** [Meredith Berry](#)  
**Subject:** Cal Sierra Development Pirrone Road, Salida  
**Date:** Wednesday, March 24, 2021 6:27:26 AM

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Supervisor Withrow,  
For 19 years I've enjoyed the farmland that surrounds my home in the Vizcaya neighborhood. And for that many years I've anticipated progress; that time has arrived.

If development is to happen then the best choice is a developer that considers the impact on the surrounding area while still making sound business decisions. I believe Cal Sierra is that Developer.

I have reviewed the impact studies, listened to neighborhood concerns, and spoke directly with the developer. Nothing will be perfect in a residential/commercial mix but I'm satisfied the current plan for development was thought out, revised with care, and worthy of consideration. Therefore, I hope the County will have a positive response to this plan.

Sincerely,  
Meredith Berry

Meredith Berry

**From:** [Sharon](#)  
**To:** [Planning](#)  
**Subject:** Re: Stanislaus County - CEQA Referral Initial Study & NOI - PLN2019-0079 - Please respond by April 5, 2021  
**Date:** Friday, March 19, 2021 9:12:10 AM

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Not all of Salida is against this project. We love what you are doing and look forward to this wonderful addition to our town.

Get [Outlook for Android](#)

**From:** [centralvalleyhornets](#)  
**To:** [Terrance Withrow](#); [Mani Grewal](#); [Chance Condit](#)  
**Subject:** vizcaya new development project  
**Date:** Friday, March 26, 2021 4:53:41 PM

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I am a Vizcaya resident that will back up directly to this project and would be the most affected by it. I am proud to say I am in favor of this project. Most of the emails you are getting are based on non facts and most people do not read the impact reports. This project is one Salida needs to bring jobs and more revenue to our district. Please pass this so we can move forward.

Mike Estrada

Sent from my Sprint Samsung Galaxy Note8.

April 2, 2021

Dear Stanislaus County Planning:

There are several items that need addressing in the CEQA Negative Declaration document for proposed Salida Gas Station and C-store PLN-2019-0079

**Post-2030 Greenhouse Gas Emissions**

2030 is only nine years away and the project estimates it will have an output of 1.58 million gallons of gasoline provided by **156 trucks per year but does not include in the calculation the additional truck traffic of supplies, goods, and food delivered to the proposed businesses, let alone automobile traffic**. The CEQA negative declaration for the project does not include offsets or any other measures to mitigate air-quality impacts to meet requirements for post-2030 GHG emissions.

**Stanislaus County does NOT have any existing hydrogen fueling stations**

The applicant stated at the Salida Municipal Advisory Council (MAC) meeting on Tuesday, March 23, 2021 that they plan to add **hydrogen fueling tanks** to the project and nowhere is this cited in the CEQA referral. The word “hydrogen” appears only four times in the document and it pertains mostly to “hydrogen sulfide” as a “criteria pollutant” in the California Ambient Air Quality Standards. As hydrogen sulfide is a criteria pollutant, then the CEQA document needs to address this. As there is a complete lack of information regarding hydrogen fueling tanks in the document, there's no way to know if there will be steam methane reformers at the site which would trigger a CEQA review. Additionally, the project should not qualify for a CEQA exemption because it's **not being added to an existing station or structure and is being sited near a residential neighborhood**.

A gas station sited by residential homes may be in violation of GOAL 6 of the 2015 Stanislaus County General Plan which states: **“Policy 19: The County will strive to accurately determine and fairly mitigate the local and regional air quality impacts of proposed projects. Policy 20: The County shall strive to reduce motor vehicle emissions by reducing vehicle trips and vehicle miles traveled and increasing average vehicle ridership. Minimizing public exposure to pollutants that create a public nuisance, such as unpleasant odors.”**

Also not included in the CEQA referral but was stated at the Salida MAC meeting by Mr. Acosta is the promise of “3 to 4 security guards”. What is the duration of time of this amount of security? Limited or indefinite? Will 3 or 4 security guards be there 24 hours a day? Will the “3 to 4 security guards” be protecting and patrolling the gas station or the mini-storage or both businesses? The community, especially the Vizcaya neighborhood is concerned about the potential of burglaries of the storage units and the criminal element attracted to gas stations. Our community has already suffered the heartbreaking impact of a gas station robbery when 29 yr-old Randeep Singh was murdered at the Quik Stop gas station on Sisk Rd in 2007. This needs to be added to inform our community and to hold the applicant accountable if it is not followed through on. The Stanislaus County Board of Supervisors has also agreed to “steer growth to the cities”. Non-agricultural related piecemeal growth in the county only causes more issues for already strained law enforcement coverage.

The noise study should be re-conducted because the study was conducted at PEAK HOUR during the day. Noise during the day is legal. The study needs to be conducted at NIGHT and at a gas station when the 24-hour nature of the business is a nuisance to the bordering homes. (Page 9 of the noise study). Constant noise from a gas station in the middle of the night (e.g. car door slams, alarms, brakes, loud stereos, etc.) violate

Stanislaus County Board of Supervisors policy 10.46.020: ***“Findings and policy. The Stanislaus County board of supervisors hereby finds that every person is entitled to an environment in which the noise is not detrimental to his or her life, health, and enjoyment or property; that the peace, health, safety, and welfare of its citizens require protection from disturbing, excessive, offensive and loud noises from any and all sources in the unincorporated areas of the county; and the establishment of maximum permissible noise levels will further the public health, safety, welfare and peace and quiet of county inhabitants. In order to control unnecessary, excessive and annoying noise in the county, it is hereby declared to be the policy of the county to prohibit such noise generated from or by all sources as specified in this chapter. It shall be the policy of the county to maintain quiet in areas that exhibit low noise levels and to implement programs aimed to reduce noise in those areas within the county where noise levels are above acceptable values.”***

Stanislaus County Public Works Senior Civil Engineer Andrew Malizia's letter calls the proposed gas station, “locally serving retail” which is to the contrary. The vast majority of traffic to the site would be non-local travelers from Highway 99. This gas station is not local or convenient for the community of Salida which is already served by five other gas stations; two off of Kiernan and Hwy 99 and the other three at Pelandale and Hwy 99. Residents would have to backtrack over a mile to Hammett to get gas there while the majority of the population utilizes the stations closest to their homes.

**Farmland Mitigation:**

No Farmland Mitigation is cited in the CEQA document and needs to be addressed. The Planning Department can't have it both ways; if they are saying that it was a “drafting error” that these parcels were included in the 2007 Salida Community Plan, then there is no precedent protection and these parcels are subject to Stanislaus County's Farmland Mitigation policy. The parcels were farmed for alfalfa at the time of their listing in 2017 and thus, prime Hanford Sandy Loam will be lost when developed.

I request that the CEQA Negative Declaration for the Salida Gas Station and C-Store PLN-2019-0079 be revised to include these important omissions and clarifications as a Mitigated Negative Declaration.

Sincerely,  
 Katherine Borges  
 Former Stanislaus Planning Commissioner and Salida resident

**From:** [Mary Stephenson](#)  
**To:** [Planning](#)  
**Subject:** Re: Stanislaus County - CEQA Referral Initial Study & NOI - PLN2019-0079 - Please respond by April 5, 2021  
**Date:** Tuesday, March 16, 2021 10:49:04 AM

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Area should be rezoned for more homes. I am very unhappy with plans that are now being considered. I do not want a convenience store, gas station or mini storage units in my backyard. We already have all of those things within one exit from here. People need homes and there is a huge shortage of those! Does it even matter what we think? It seems people who have control are going to just do what will make them the most profit! This has nothing to do with what's best for this area.

On Thu, Mar 4, 2021 at 8:51 AM Mary Stephenson wrote:

----- Forwarded message -----

**From:** **Planning** <[planning@stancounty.com](mailto:planning@stancounty.com)>  
**Date:** Wed, Mar 3, 2021 at 9:32 AM  
**Subject:** Stanislaus County - CEQA Referral Initial Study & NOI - PLN2019-0079 - Please respond by April 5, 2021  
**To:**  
**CC:** Kristin Doud <[Doudk@stancounty.com](mailto:Doudk@stancounty.com)>, Jennifer Akin, Arcelia Garcia

Good Morning,

The CEQA 30-Day Referral Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration for **General Plan Amendment and Rezone Application No. PLN2019-0079 – Cal Sierra Financial, Inc.** can now be viewed online at the following link:

<http://www.stancounty.com/planning/pl/act-projects.shtm>

Please respond by **April 5, 2021**.

A Public Hearing Date has been set for April 15, 2021.

**From:** [Kristin Doud](#)  
**To:** [Nici C](#)  
**Subject:** RE: Proposed Gas Station  
**Date:** Wednesday, March 31, 2021 3:56:00 PM

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Niki – Supervisor Withrow forwarded me your inquiry. The Initial Study that was circulated for the project does not specify what type of fuel will be provided at the project site; just the number of pumps and canopies proposed. There is no specified end user; so depending on who ends up operating out of the site the project may or may not include diesel fuel, hydrogen fuel, or even an electric charging station. Any form of fuel will be required to meet the permitting standards of the Hazardous Materials Division of the Stanislaus County Department of Environmental Resources and all Fire standards. I did ask the Haz Mat Division about hydrogen fuel and they indicated that they would regulate it, like above ground and underground fuel storage, and they added that they don't think it would require more stringent requirements than gasoline or diesel fuel; but they currently do not have any such fueling station in Stanislaus County. Please let me know if you have any further questions.

Thank you.

Kristin Doud  
Principal Planner

Stanislaus County Planning and Community Development  
1010 10<sup>th</sup> Street Suite 3400  
Modesto, CA 95354  
(209) 525-6330  
[doudk@stancounty.com](mailto:doudk@stancounty.com)

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

<https://www.surveymonkey.com/r/XPSYXS6?sm=T2D5Y53C3BLngomyEqkWLg%3d%3d>

Begin forwarded message:

**From:** Niki C  
**Date:** March 29, 2021 at 9:42:46 PM PDT  
**To:** [withrowt@stancounty.com](mailto:withrowt@stancounty.com) **Subject:**  
**Proposed Gas Station**

Hello,

It's me again. I am curious as to how to hydrogen part got snuck into the conversation at the MAC mtg. yet it isn't mentioned in the plan. Kristin Doud said that only things in the plan could be approved and if they wanted to change anything they would have to go through this entire process again.

Does the hydrogen not have to be considered when the studies are done? Is

the hydrogen going to be made there or is it only being stored for use? Does the fire dept. already have a plan if this does go through? They are supposed to. I would really like answers to these questions. Also, if they can throw hydrogen out there like that when it isn't written into the plan, how can they tell us there won't be diesel pumps?

Thank you.

To: Stanislaus County Board of Supervisors, Stanislaus County Planning Commission  
 From: William Parks, MARCH 26, 2021  
 Re: May 23, 2021 MAC Meeting, Action Item 'a', PLN2019-0079

- As a resident of the Viscaya development, I am concerned about the potential approval (PLN2019-0079) of the rezoning and development based on the following:
  - Traffic increase and noise during evening and day hours
  - I question the thought that "university" students and workers in the area will take advantage of a potential "lunch" spot.
  - The need for a storage facility, gas and diesel station
    - There are a number of gas and diesel stations within a short distance of the proposed project, the vast majority of traffic to the site may likely be non-local travelers on freeway 99.
    - There is a significant vacancy of the storage units a short distance from the proposed project.
  - Security
    - There is no mention regarding the number of security personnel on the proposed site or how personnel would monitor the site.
    - There is no mention of future potential site usage, such as large vehicle parking in the proposed vacant area of the site.
    - The impact on Stanislaus Sheriff department has not been addressed.
    - *I have concerns that this area will be developed in the future for large vehicle parking.*
  - The loss of an agricultural area
  - During the May 23, 2021 Salida Mac meeting the developer/representative stated that hydrogen fueling tanks would be present- nowhere is this cited in the CFQA referral.

I clearly understand and appreciate the financial interests of the Salida Fire Dist., the Salida Sanitary Dist., and Stanislaus County regarding the proposed plan for development by Cal Sierra Financial and the rezoning of this parcel.

I strongly recommend that the Stanislaus County Planning Commission and the Stanislaus County Board of Supervisors not approve this proposal to rezone this parcel to accommodate the proposed development.

(William Parks, [REDACTED])

MARCH 26, 2021 [REDACTED]

**From:** [Erica Inacio](#)  
**To:** [Bob Elliott](#); [jhill\\_81@yahoo.com](#); [nouleng@gmail.com](#); [Martini1213@yahoo.com](#)  
**Cc:** [Terrance Withrow](#); [Jennifer Pimentel](#); [Thomas Boze](#)  
**Subject:** RE: Last nights presentation.  
**Date:** Wednesday, March 24, 2021 12:27:40 PM

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Good afternoon, Bob.

I appreciate your email, but please note that communication such as this is not allowed as it could be a violation of the Brown Act. Discussions or recommendations with the majority of the MAC needs to happen in a public setting.

I would encourage you to send your feedback regarding the project directly to Kristin Doud since there will not be another MAC meeting prior to the Board of Supervisors hearing this item.

As far as the policy, please make the recommendation at the MAC meeting and we can make sure it gets to Kristin and the Team.  
I did want to let you know that when projects fall within the MAC's boundaries, the general email for the MAC is sent information on the project. It is then the responsibility of the Secretary to the MAC to pass it on to the rest of the members, but as a resident of Salida and if the project is close to your resident, you will receive notification.

Thank you.

Erica May Inacio  
[REDACTED]

---

**From:** Bob Elliott  
**Sent:** Wednesday, March 24, 2021 10:09 AM  
**To** [REDACTED]; Erica Inacio  
[REDACTED]  
**Cc:** Terrance Withrow <WITHROWT@stancounty.com>  
**Subject:** Last nights presentation.

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Hello all.

A few thoughts, a question, and comments about last nights Salida MAC meeting.

I wish I would have thought about it last night, but I think knowing what Cal Sierra Financial has done with other developments would be useful information when making a decision on how they will perform on the project at hand. Specifically, the "upscale" feel, and security. In all honestly, they should include that in their presentation.

Would anyone be opposed if we asked for locations of other projects they have completed? That way we

could report back to the community as to how they have followed through and maintained other projects.

Also, I am not sure that the Viscaya / Salida community members are separating the project as currently proposed from the previously proposed "truck-stop" project. Those last night may have a better idea, but the folks making comments on social media certainly were not separating. So, to point at the previously packed and apparently vehemently opposed crowds, may not be a true barometer, of the current project. Personally, I do not want to be swayed by a vocal minority, until I know the majority has been properly educated, and had ample time to submit their voices. With that being said, I walked the project area this morning, and that project would change the feel of that parcel, but a road in their back yard could change that in a few years anyway.

And, along those lines, can we put a policy in place that if a neighborhood is notified of a pending project such as this, that the MAC members are also informed with the same notification. It would be great to have seen what was put in the hands, or mailboxes, of our constituents in that area.

The reason I am seemingly in favor, but not fulling committing, to this project, is that I am weighing the greater good for the county, and the Salida Community,(Fire Dept Funding!, Storm drainage, a few jobs, and tax/fee assessments) versus the trouble that could occur in the Viscaya neighborhood, and the noise and views for some properties.

Best Wishes,

Bob Elliott

**From:** [Niki C](#)  
**To:** [Planning](#)  
**Subject:** Re: PLN2019-0079-Cal Sierra Financial Inc. Initial Study  
**Date:** Monday, April 5, 2021 10:16:09 PM

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Dear Planning Department,

As a resident of the Vizcaya neighborhood in Salida, CA, I have an issue with this application being approved. The document states that traffic will be negatively impacted by this project, if approved. There is no solution for the traffic in the near future. We only have one way into and out of our neighborhood and this may cause us to be stuck, either in or out, for long periods of time. This have a negative impact on our quality of life that we have a normal expectation of.

On top of the traffic there is the matter of noise. A gas station will draw people off the freeway at 2:00AM for gas. People that don't live in the area and don't care for the neighborhood. People that may be blasting music while driving to and from the gas station, and even while filling up. The noise studies didn't cover anything like this. I don't feel like the real issues were adequately addressed.

Thank you,  
Suzanne Rosebrough

[Sent from Yahoo Mail on Android](#)

**From:** [Casey Randell](#)  
**To:** [Kristin Doud](#); [Jennifer Akin](#); [Arcelia Garcia](#)  
**Subject:** Stanislaus County - CEQA Referral Initial Study & NOI - PLN2019-0079  
**Date:** Monday, April 5, 2021 10:07:17 PM

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To whom it may concern,

The addition of a gas station to our area, which can only be accessed by a two-lane road, is not feasible.

The narrow view of traffic upon exiting Vizcaya is dangerous enough as is, resulting in several car crashes each year. My vehicle was totaled at the entrance to Vizcaya, as well as my next-door neighbor's vehicle. What Pirrone needs is higher visibility and regulated traffic flow for the welfare of Salida residents.

The proposed business to be built is not one that will attract those on bikes, nor public transportation. Rather, it is a gas station, whose profit is dependent on actual vehicles in the highest amount possible. The gas station will, literally, attract vehicles and produce the highest traffic increase any establishment could-- an estimated 70% as we are now aware.

To build a gas station at this location on Pirrone is illogical and inconsiderate—especially with the inadequate road in existence. Please, do not subject Vizcaya residents to more traffic dangers.

**From:** [January Patel](#)  
**To:** [Planning](#)  
**Cc:** [Kristin Doud](#); [Jennifer Akin](#); [Arcelia Garcia](#)  
**Subject:** Re: Stanislaus County - CEQA Referral Initial Study & NOI - PLN2019-0079 - Please respond by April 5, 2021  
**Date:** Monday, April 5, 2021 9:52:30 PM

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The concerns of the Vizcaya neighborhood and other Salida residents remain the same, mainly:

\*An increase in air, noise, and light pollution

\*70% increase in traffic as stated by the study

\*Increased incidence of crime and decline of safety; we have minimal law enforcement in Salida. The security guards at the gas station are not equipped to handle the influx of criminal elements and security issues that will more than likely affect our residences

Respectfully,

January Patel, RN

Sent from my iPhone

On Mar 3, 2021, at 9:32 AM, Planning <[planning@stancounty.com](mailto:planning@stancounty.com)> wrote:

Good Morning,

The CEQA 30-Day Referral Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration for **General Plan Amendment and Rezone Application No. PLN2019-0079 – Cal Sierra Financial, Inc.** can now be viewed online at the following link:

<http://www.stancounty.com/planning/pl/act-projects.shtm>

Please respond by **April 5, 2021**.

A Public Hearing Date has been set for April 15, 2021.

Thank you,

Arcelia Garcia

# *Salida Commercial Project*

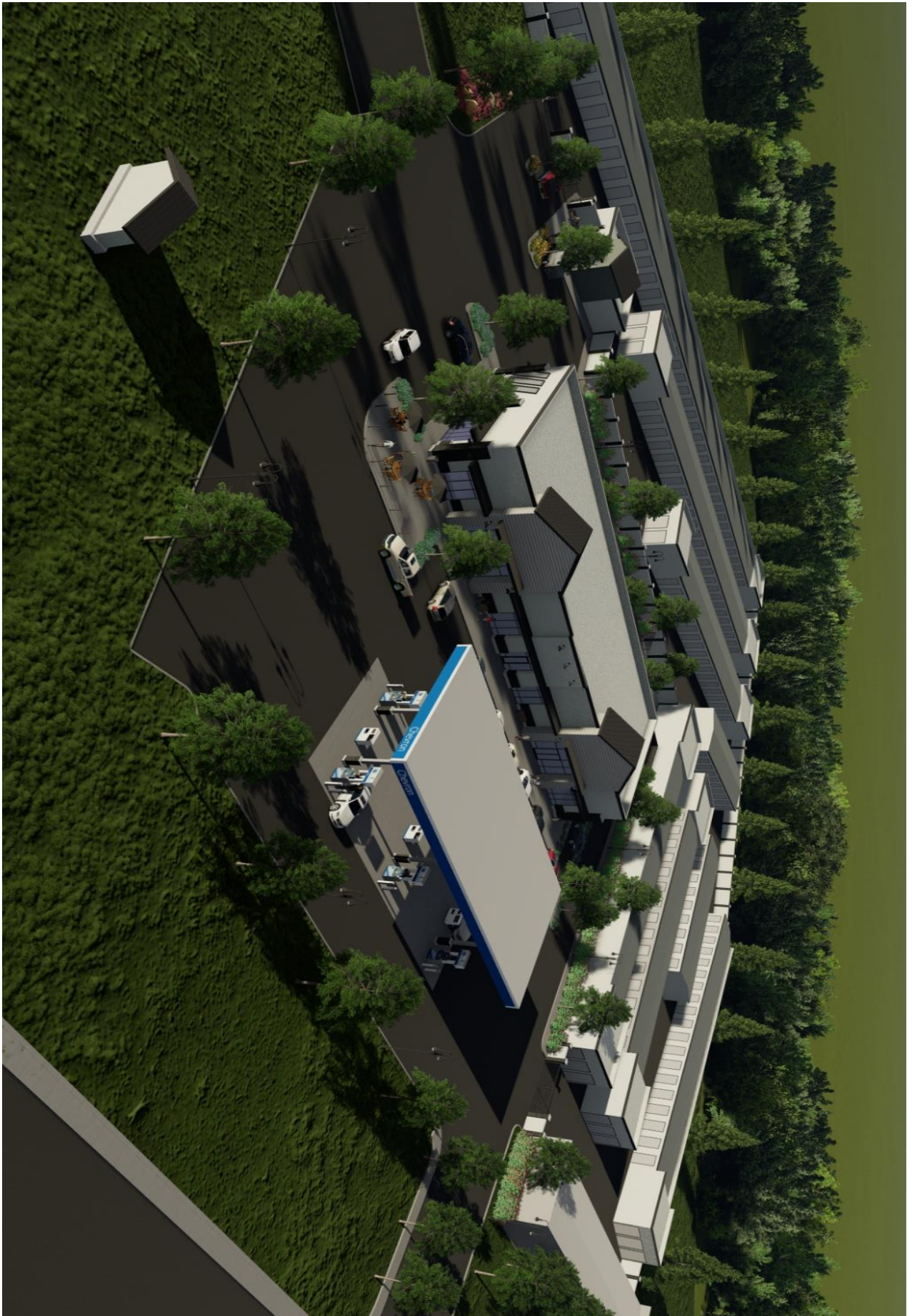
## *Pirrone Road - Salida*

### **Fact Sheet – March 2021**

- 1) Cal Sierra Financial Inc. has submitted an Application for a General Plan Amendment and Rezone to Planned Development to the Stanislaus County Community Development Department. The existing General Plan designation for the site is Commercial, and the existing zoning for the site is Salida Community Plan General Commercial (SCP C-2).
- 2) The Proposed Project includes the following uses:
  - a. 61,460 square feet of mini storage with 1,400 square feet of office space.
  - b. 4,500 square feet convenience store / community market space
  - c. 3,250 square feet of restaurant space with a drive thru and outdoor dining area. (i.e. Panda Express, Panera, etc.)
  - d. 2,310 square feet of retail space
  - e. Service station with four (4) gasoline pumps and an additional two (2) hydrogen fuel pumps, which will be the first Hydrogen pump station in Stanislaus County. An Electrical Vehicle Charging Station will also be located on the site.

### **3) We are not building a truck stop.**

- 4) The 2021 Project was redesigned to address community concerns. Changes made to the Project from its original plan includes:
  - a. Mini storage and masonry wall on the east side of the site to create a buffer between the commercial area and the Vizcaya Neighborhood to the east.
  - b. The Market is smaller in size to create a community market type feel.
  - c. The number of gas pumps has decreased from ten (10) pumps to six (6) pumps.
  - d. Highly amenitized Landscaping and shielded lighting to shine directly on the project site.
  - e. Regional storm drainage basin to serve the Vizcaya Neighborhood and Project Site.
- 5) The County has released, for Public Review, an Initial Study for the Project, which shows all Project details as well as the Technical Reports to support the claims presented in the Initial Study. The Initial Study can be found at:  
[http://www.stancounty.com/planning/pl/act-proj/PLN2019-0079\\_30\\_Day.pdf](http://www.stancounty.com/planning/pl/act-proj/PLN2019-0079_30_Day.pdf)
- 6) For additional information please contact Roman Acosta, J.B. Anderson Land Use Planning at 209-599-8377, or [Roman@jbandersonplanning.com](mailto:Roman@jbandersonplanning.com).





April 15, 2021

MEMO TO: Stanislaus County Planning Commission  
FROM: Department of Planning and Community Development  
SUBJECT: **GENERAL PLAN AMENDMENT AND REZONE APPLICATION NO. PLN2019-0079 – CAL SIERRA FINANCIAL, INC.**

A late response letter was received from the California Department of Fish and Wildlife (CDFW) which requests that the project be evaluated for potential impacts to special-status species including, but not limited to, the State threatened Swainson's hawk (*Buteoswainsoni*), and the State species of special concern burrowing owl (*Athenecunicularia*). In accordance with Section 15073.5 of the CEQA Guidelines, the Initial Study prepared for the project must be amended to address potential impacts to Biological Resources and recirculated. Accordingly, staff recommends that the Planning Commission indefinitely continue the public hearing for the project. Both the Planning Commission and Board of Supervisors public hearings for the project will be rescheduled following recirculation of the amended environmental document.

The subject project was initially referred to CDFW on September 10, 2019 as part of the Early Consultation process. The project was again referred to CDFW as part of a second Early Consultation referral on January 24, 2020. The 30-day public comment period for the project's Initial Study ended on April 5, 2021. CDFW has acknowledged in their response letter that the comment has been sent after close of the public comment period. Despite the lateness of the response, the County must address the comments as part of the project's environmental assessment.

### **RECOMMENDATION**

Staff recommends the Planning Commission approve an indefinite continuance of General Plan Amendment and Rezone Application No. PLN2019-0079 – Cal Sierra Financial, Inc.

Attachment:

Exhibit 1 - Response Letter Received from the California Department of Fish and Wildlife, dated April 12, 2021



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Central Region  
1234 East Shaw Avenue  
Fresno, California 93710  
(559) 243-4005  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



Governor’s Office of Planning & Research

**Apr 12 2021**

April 9, 2021

**STATE CLEARINGHOUSE**

Kristin Doud, Principal Planner  
Stanislaus County Department of Planning and Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, California 95354  
doudk@stancounty.com

**Subject: General Plan Amendment and Rezone Application No. PLN2019-0079 – Cal  
Sierra Financial, Inc. (Project)  
Mitigated Negative Declaration (MND)  
State Clearinghouse No. 2019090255**

Dear Ms. Doud:

The California Department of Fish and Wildlife (CDFW) received a Mitigated Negative Declaration from the Stanislaus County Department of Planning and Community Development for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code.

While the comment period may have ended, CDFW would appreciate if you will still consider our comments.

**CDFW ROLE**

CDFW is California’s **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish and G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically

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<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The “CEQA Guidelines” are found in Title 14 of the California Code of Regulations, commencing with section 15000.

*Conserving California’s Wildlife Since 1870*

Kristin Doud  
Stanislaus County Department of Planning and Community Development  
April 9, 2021  
Page 2

sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & Game Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

**Nesting Birds:** CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include, sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

## PROJECT DESCRIPTION SUMMARY

**Proponent:** Baldev Grewal, dba Cal Sierra Financial, Inc.

**Objective:** The Project proposes to amend the general plan and zoning designation of a 9.6-acre site, from Commercial and Salida Community Plan General Commercial to Planned Development, to allow for development of a convenience store/community market, gas station, restaurant, retail building, and mini-storage facility to be developed on approximately four acres of the site. The Project proposes the following uses:

- 2,310 square feet of retail space
- 3,250 square feet of fast-food restaurant space with drive-thru and outdoor dining area
- Service station with six pumps
- Two above-ground gasoline storage tanks
- 4,500 square feet of convenience market space
- 61,460 square feet of mini storage with 1,400 square feet of office space

**Location:** The Project site is located on the east side of the Pirrone Road and Hammett Road intersection, east of Highway 99, in the Community of Salida.

**Timeframe:** Unspecified.

Kristin Doud  
 Stanislaus County Department of Planning and Community Development  
 April 9, 2021  
 Page 3

## COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist Stanislaus County Department of Planning and Community Development in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

Currently, the Mitigated Negative Declaration (MND) indicates that the Project's impacts would be less than significant described in the MND. CDFW is concerned regarding potential impacts to special-status species including, but not limited to, the State threatened Swainson's hawk (*Buteo swainsoni*), and the State species of special concern burrowing owl (*Athene cunicularia*).

If significant environmental impacts will occur as a result of Project implementation and cannot be mitigated to less than significant levels, an MND would not be appropriate. Further, when an MND is prepared, mitigation measures must be specific, clearly defined, and cannot be deferred to a future time. Preparation of a species-specific mitigation plan following determination that a project activity will have a direct impact on special-status plant and wildlife species would be deferring mitigation to a future time. When an Environmental Impact Review (EIR) is prepared, the specifics of mitigation measures may be deferred, provided the lead agency commits to mitigation and establishes performance standards for implementation. Regardless of whether an MND or EIR is prepared, CDFW recommends that the CEQA document provide quantifiable and enforceable measures, as needed, that will reduce impacts to less than significant levels.

### I. Environmental Setting and Related Impact

**Would the Project 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 CDFW or the United States Fish and Wildlife Service (USFWS)?**

#### COMMENT 1: Swainson's Hawk (SWHA)

**Issue:** The Project site has SWHA foraging habitat, and SWHA have the potential to nest near the Project site. The proposed Project will involve ground-disturbing activities near large trees that may serve as potential nest sites.

**Specific impacts:** Without appropriate avoidance and minimization measures for SWHA, potential significant impacts that may result from Project activities include: nest abandonment, loss of nest trees, permanent loss of foraging habitat that would reduce nesting success (loss or reduced health or vigor of eggs or young), and direct mortality. Any take of SWHA without appropriate incidental take authorization would be a violation of Fish and Game Code.

Kristin Doud  
Stanislaus County Department of Planning and Community Development  
April 9, 2021  
Page 4

**Evidence impact is potentially significant:** SWHA exhibit high nest-site fidelity year after year and lack of suitable nesting habitat in the San Joaquin Valley limits their local distribution and abundance (CDFW 2016). Approval of the Project will lead to ground-disturbing activities that will involve noise, groundwork, and movement of workers that could affect nests and has the potential to result in nest abandonment, significantly impacting local nesting SWHA.

**Recommended Potentially Feasible Mitigation Measure(s)**

Because suitable nesting and foraging habitat for SWHA is present throughout and adjacent to the Project site, CDFW recommends conducting the following evaluation of the Project site, editing the MND to include the following measures specific to SWHA, and that these measures be made conditions of approval for the Project.

**Recommended Mitigation Measure 1: SWHA Surveys**

To evaluate potential impacts, CDFW recommends that a qualified wildlife biologist conduct surveys for nesting SWHA following the survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000) prior to project implementation. The survey protocol includes early season surveys to assist the project proponent in implementing necessary avoidance and minimization measures, and in identifying active nest sites prior to initiating ground-disturbing activities.

**Recommended Mitigation Measure 2: No-disturbance Buffer**

If ground-disturbing activities are to take place during the normal bird breeding season (March 1 through September 15), CDFW recommends that additional pre-activity surveys for active nests be conducted by a qualified biologist no more than 10 days prior to the start of Project implementation. CDFW recommends a minimum no-disturbance buffer of 0.5 mile be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

**Recommended Mitigation Measure 3: SWHA Foraging Habitat Mitigation**

The Project proposed development in suitable foraging habitat. CDFW recommend compensation for the loss of Swainson's hawk foraging habitat as described in the Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (CDFG, 1994) to reduce impacts to foraging habitat to less than significant. The Staff Report recommends that mitigation for habitat loss occur within a minimum distance of 10 miles from known nest sites. CDFW has the following recommendations based on the Staff Report:

- For projects within 1 mile of an active nest tree, a minimum of one acre of habitat management (HM) land for each acre of development is advised.
- For projects within 5 miles of an active nest but greater than 1 mile, a minimum of 0.75 acres of HM land for each acre of development is advised.

Kristin Doud  
Stanislaus County Department of Planning and Community Development  
April 9, 2021  
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- For projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree, a minimum of 0.5 acres of HM land for each acre of development is advised.

#### **Recommended Mitigation Measure 4: SWHA Take Authorization**

CDFW recommends that in the event an active SWHA nest is detected during surveys, consultation with CDFW is warranted to discuss how to implement the project and avoid take. If take cannot be avoided, take authorization through the issuance of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

#### **COMMENT 2: Burrowing Owl (BUOW)**

**Issue:** BUOW has the potential to occur within the vicinity of the Project site. BUOW have been documented near the Project site (CDFW 2021). BUOW inhabit open grassland or adjacent canal banks, ROWs, vacant lots, etc. containing small mammal burrows, a requisite habitat feature used by BUOW for nesting and cover. Based on aerial photography potential habitat appears to occur both within and bordering the Project site.

**Specific impact:** Potentially significant direct impacts associated with subsequent activities and development include burrow collapse, inadvertent entrapment, nest abandonment, reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals.

**Evidence impact is potentially significant:** BUOW rely on burrow habitat year round for their survival and reproduction. Habitat loss and degradation are considered the greatest threats to BUOW in California's Central Valley (Gervais et al. 2008). The Project site consists of undeveloped land. Therefore, subsequent ground-disturbing activities associated with the Project have the potential to significantly impact local BUOW populations. In addition, and as described in CDFW's "*Staff Report on Burrowing Owl Mitigation*" (CDFG 2012), excluding and/or evicting BUOW from their burrows is considered a potentially significant impact under CEQA.

#### **Recommended Potentially Feasible Mitigation Measure(s) (Regarding Environmental Setting and Related Impact)**

To evaluate potential impacts to BUOW, CDFW recommends conducting the following evaluation of the subject parcel and implementing the following mitigation measures.

#### **Recommended Mitigation Measure 5: BUOW Surveys**

CDFW recommends assessing presence/absence of BUOW by having a qualified biologist conduct surveys following the California Burrowing Owl Consortium's

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Stanislaus County Department of Planning and Community Development  
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“*Burrowing Owl Survey Protocol and Mitigation Guidelines*” (CBOC 1993) and CDFW’s *Staff Report on Burrowing Owl Mitigation*” (CDFG 2012). Specifically, CBOC and CDFW’s Staff Report suggest three or more surveillance surveys conducted during daylight with each visit occurring at least three weeks apart during the peak breeding season (April 15 to July 15), when BUOW are most detectable.

### **Recommended Mitigation Measure 6: BUOW Avoidance**

CDFW recommends no-disturbance buffers, as outlined in the “*Staff Report on Burrowing Owl Mitigation*” (CDFG 2012), be implemented prior to and during any ground-disturbing activities. Specifically, CDFW’s Staff Report recommends that impacts to occupied burrows be avoided in accordance with the following table unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting sites	April 1-Aug 15	200 m*	500 m	500 m
Nesting sites	Aug 16-Oct 15	200 m	200 m	500 m
Nesting sites	Oct 16-Mar 31	50 m	100 m	500 m

\* meters (m)

### **Recommended Mitigation Measure 7: BUOW Passive Relocation and Mitigation**

If BUOW are found within these recommended buffers and avoidance is not possible, it is important to note that according to the Staff Report (CDFG 2012), exclusion is not a take avoidance, minimization, or mitigation method and is considered a potentially significant impact under CEQA. However, if necessary, CDFW recommends that burrow exclusion be conducted by qualified biologists and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. CDFW recommends replacement of occupied burrows with artificial burrows at a ratio of 1 burrow collapsed to 1 artificial burrow constructed (1:1) as mitigation for the potentially significant impact of evicting BUOW. BUOW may attempt to colonize or re-colonize an area that will be impacted; thus, CDFW recommends ongoing surveillance, at a rate that is sufficient to detect BUOW if they return.

## **II. Editorial Comments and/or Suggestions**

**Nesting birds:** CDFW encourages that Project implementation occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the breeding season (February through mid-September), the Project applicant is

Kristin Doud  
Stanislaus County Department of Planning and Community Development  
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responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above. To evaluate Project-related impacts on nesting birds, CDFW recommends that a qualified wildlife biologist conduct pre-activity surveys for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the Project site to identify nests and determine their status. A sufficient area means any area potentially affected by the Project. In addition to direct impacts (i.e. nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, CDFW recommends that a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is compelling biological or ecological reason to do so, such as when the construction area would be concealed from a nest site by topography. CDFW recommends that a qualified wildlife biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

## **ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special status species and natural communities detected during Project surveys to CNDDDB. The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

## **FILING FEES**

If it is determined that the Project has the potential to impact biological resources, an assessment of filing fees will be necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental

Kristin Doud  
Stanislaus County Department of Planning and Community Development  
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review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CDFW appreciates the opportunity to comment on the Project to assist Stanislaus County Department of Planning and Community Development in identifying and mitigating the Project's impacts on biological resources.

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). If you have any questions, please contact Jim Vang, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 243-4014 extension 254, or by electronic mail at [Jim.Vang@wildlife.ca.gov](mailto:Jim.Vang@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
Julie A. Vance  
Regional Manager

Kristin Doud  
Stanislaus County Department of Planning and Community Development  
April 9, 2021  
Page 9

## LITERATURE CITED

- California Burrowing Owl Consortium. 1993. Burrowing owl survey protocol and mitigation guidelines. April 1993.
- California Department of Fish and Game (CDFG). 1994. Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo Swainsoni*) in the Central Valley of California. California Department of Fish and Game.
- CDFG, 2012. Staff Report on Burrowing Owl Mitigation. California Department of Fish and Game.
- CDFW. 2016. Five Year Status Review for Swainson's Hawk (*Buteo swainsoni*). California Department of Fish and Wildlife. April 11, 2016.
- Gervais, J.A., D.D. Rosenberg, and L.A. Comrack. Burrowing Owl (*Athene cunicularia*) in Shuford, W.D. and T. Gardali, editors. 2008. California Bird Species of Special Concern: A ranked assessment of species, subspecies, and distinct populations of birds of immediate conservation concern in California. Studies of Western Birds 1. Western Field Ornithologists, Camarillo, California, and California Department of Fish and Game, Sacramento, California, USA.
- Swainson's Hawk Technical Advisory Committee (SWHA TAC). 2000. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. Swainson's Hawk Technical Advisory Committee, May 31, 2000.

**Attachment 1**

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM  
(MMRP)**

**PROJECT: General Plan Amendment and Rezone Application No.  
PLN2019-0079 – Cal Sierra Financial, Inc.**

**SCH No.: 2019090255**

<b>RECOMMENDED MITIGATION MEASURE</b>	<b>STATUS/DATE/INITIALS</b>
<i>Before Disturbing Soil or Vegetation</i>	
Mitigation Measure 1: SWHA Surveys	
Mitigation Measure 3: SWHA Foraging Habitat Mitigation	
Mitigation Measure 4: SWHA Take Authorization	
Mitigation Measure 5: BUOW Surveys	
Mitigation Measure 7: BUOW Passive Relocation and Mitigation	
<i>During Construction</i>	
Mitigation Measure 2: SWHA No-disturbance Buffer	
Mitigation Measure 6: BUOW Avoidance	

**From:** [Debby Schneider](#)  
**To:** [Planning](#); [Buck Condit](#); [Vito Chiesa](#); [Terrance Withrow](#); [Mani Grewal](#); [conditc2stancounty.com@aol.com](mailto:conditc2stancounty.com@aol.com)  
**Subject:** PLN2019-0079 Cal Sierra Financial Proposal Salida Gas Station  
**Date:** Tuesday, April 13, 2021 9:07:33 AM

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**\*\*\* WARNING:** This message originated from outside of **Stanislaus County**. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe **\*\*\***

As a 25 year resident of Salida and a past Salida MAC member I am writing to you with a request that you think very carefully about giving this project the go-ahead to move forward. You may have already received letters from the community of Salida. In the coming days you will see petitions signed by hundreds of Salida residents, many of them like myself who do not live in the Vizcaya subdivision. As someone who has walked neighborhoods in Salida and talked with my neighbors and fellow community members I feel confident the majority of residents do not want this gas station in that location on Pirrone Road.

For the record, let me state I am not anti-development. In fact, I welcome development in Salida.

However, my vision for development is the kind of businesses that will provide good paying jobs for our community, things like a business park, small medical facility or office buildings. As I walked Salida neighborhoods recently talking about the proposed gas station this was also the vision of my neighbors.

The most common reaction from community members has been, "Why do we need another gas station in Salida?" and "Why should the last parcels of shovel ready land with Hwy 99 frontage be turned into another typical Hwy 99 exit with gas stations, self storage and 7elevens. Doesn't Salida deserve better?" Yes, Salida, as the largest unincorporated community in Stanislaus County, does deserve better.

We deserve to have a say in the future of our community. But our "say," our wants and needs are tenuous at best because as an unincorporated community we are totally at the mercy of the County and the decisions you all make for us. I completely understand the tax revenue generated by this proposed project and how that will benefit Stanislaus County. The question Salida citizens are asking is how will this project benefit Salida? It won't. The County will reap all the monetary benefits and Salida will be left to deal with the headaches this project will bring to our community, particularly the Vizcaya subdivision which sits right next to the proposed development.

If you haven't already, you will soon hear the many valid concerns from Salida residents about increased traffic, noise, lighting, smell, crime, hydrogen charging stations, etc. My ask is that you think this through responsibly and understand the decisions you make in allowing this project to move forward will directly affect the nearly 14,000 citizens of Salida. Would you want a gas station in your backyard?

Thank you for taking the time to read this.

Respectfully,

Debby Schneider  
Salida Resident and Past Salida MAC Member  
4100 Orchard Hills Drive  
Salida, CA. 95368  
209-552-5748

**From:** [Adriana Medina](#)  
**To:** [Planning](#); [Buck Condit](#); [Vito Chiesa](#); [withrowt@stancouny.com](mailto:withrowt@stancouny.com); [Mani Grewal](#); [Chance Condit](#)  
**Subject:** Development Project  
**Date:** Monday, April 12, 2021 6:40:30 PM

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Good evening,

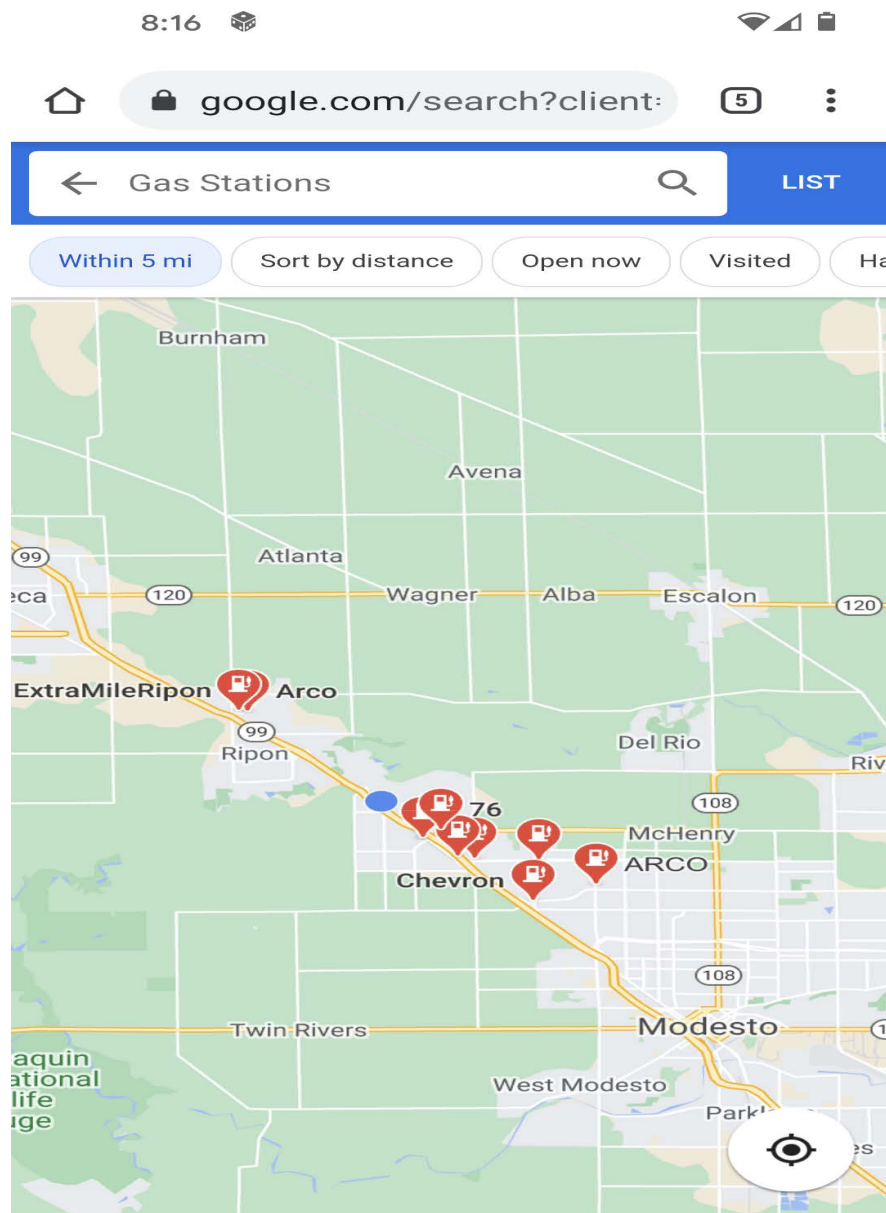
My name is Adriana Medina and I am a current resident of the Vizcaya Neighborhood. I have lived here for going on 17 years and I am more than happy with how things are around my neighborhood. In all the years of living here, my family and I have never had a problem and we feel very safe here. As a young mother of a four year old, I am not at all happy with the idea of this project. It would bring a lot of traffic and even crime. I would no longer feel safe in my quiet little neighborhood. It makes no sense to me why we would need another gas station or storage unit when there is one up the road. Ask yourself if you would like all of that being built in front of your quiet neighborhood. Most of you I'm sure would say no. This is just another money grab and I think its very selfish. Build somewhere else but not in front of our neighborhood. I hope you all consider all the people in this neighborhood before making a decision.

Adriana Medina

**From:** [Niki C](#)  
**To:** [Planning](#); [Terrance Withrow](#); [Buck Condit](#); [Vito Chiesa](#); [Mani Grewal](#); [Chance Condit](#)  
**Subject:** Re: PLN2019-0079 - Cal Sierra Financial, Inc.  
**Date:** Saturday, April 10, 2021 8:18:42 PM  
**Attachments:** [Screenshot\\_20210410-201614.png](#)

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Last thing, this picture shows all of the gas stations within 5 miles of Vizcaya (the blue dot on the map). Within 5 miles!!! We are not in need of a gas station. It makes no sense. The air quality is awful already, why add more smog? It would be one thing if there weren't other gas stations around, but this isn't needed. Not only is it not needed, but it is a nuisance.



[Sent from Yahoo Mail on Android](#)

On Sat, Apr 10, 2021 at 8:12 PM, Niki C  
<a1densmom@yahoo.com> wrote:

I forgot to include the link to the article about Petaluma, CA and how they are banning all NEW gas stations. You don't have to follow my link, a simple internet search will lead you right to the information.

<https://www.google.com/amp/s/www.businessinsider.com/petaluma-california-bans-new-gas-stations-climate-electric-vehicles-2021-3%3famp>

[Sent from Yahoo Mail on Android](#)

On Sat, Apr 10, 2021 at 6:59 PM, Niki C  
<a1densmom@yahoo.com> wrote:

April 1, 2021

Attn: Planning Department and Board of Supervisors for Stanislaus County

My name is Suzanne Rosebrough. I am a resident of the Vizcaya neighborhood in Salida, CA. I bought my house 3 years ago and I wish I never bought here. That isn't a good feeling. I have loved this neighborhood and I have felt safe in this neighborhood. Me and my husband are even in the process of opening a very small business here in Salida. I have three children. I do not want a gas station so close to my children. We already live in an area with incredibly poor air quality. The traffic and idling cars will cause more smog right next to us. It is bad enough that we live next to a highway with no wall. I would rather try to sell my house (before property values go down) than live next to a gas station.

I don't feel like the residents of Vizcaya are being properly considered here. It isn't fair to open a 24/7 station right here. Besides the toxins and smog, there is the light pollution, the large sign (which will be hideous), the traffic, the noise- imagine people pulling into the gas station all night- some may even be blasting music. All which negatively impacts our quality of life here.

California is working hard on banning gas reliant vehicles. New gas stations don't make sense. Petaluma, CA supervisors just out a ban on all new gas stations and more towns and cities will hopefully follow. Salida deserves to be a town full of something more than gas stations and storage facilities.

Then there is the large "probably." This is probably going to attract more homeless. There is a river right there (which I won't walk to anymore because of the homeless there already). There are lots of trees and brush to hide in and live in. If this is approved there will now be food, drinks, cigarettes, and alcohol so close they will no longer have to walk very far to get those things. This will attract more homeless. Along with homeless comes crime. We have all seen the tent cities set up and we all know that nothing can really be done about them. We all know there is crime and we have all seen how law enforcement can't do anything about it (not blaming them- their hands are tied). Why would we want to attract crime and homelessness to our area?

Vizcaya is also kind of an island. We are very alone right here. I am worried about people passing

through on the 99 stopping for gas just to see the nice houses that are easy to access right off the highway that are completely alone. Why bring it to their attention? We don't have a police force and the sheriff is already spread too thin. If law enforcement can't stop crime and keep the homeless off of property, how can a security guard?

One of the sheriff deputies brought up the burglary calls at the storage facilities in Salida at the last MAC meeting. I looked into it further and saw that between 12/07/20 and 01/12/21 there were 5 burglaries at the storage facility at 5524 Pirrone Rd., Salida, CA. Storage facilities are known for that. Now there will be storage right next to our neighborhood.

I have yet to meet anyone, besides Mike Estrada, in my neighborhood that wants this project to go forward. I think it's been made known that it isn't wanted. At the last in person MAC meeting- and the in person forum with Baldev Grewal- there was a packed room full of people saying that they didn't want this to go forward. This was specifically about the gas station- not the truck stop as that had already been dropped. We are not against development we are against irresponsible development. Many in this neighborhood were told that there were going to be homes and a school bordering the neighborhood and they never would have bought had they know that something like this could be put here.

The developers have spewed out lie after lie just to try to get the community to not protest so they could get this approved. Even at the MAC meeting on March 23, 2021, Ramon Acosta changed it from 1 security guard to 2 or 3. Today he sent me an email answering some questions that I asked him and he said that there will be security at the storage after hours only. So, it changed again. They say a lot but never put it into writing and when they do they change it again.

I plead with you to listen to the community and to deny this project. Salida deserves better than a 24/7 gas station. My neighborhood the quality of life that they expected to have when they bought their homes.

I do want to point out that I have tried, repeatedly, to find out which gas stations and convenience stores "Paul" Baldev Grewal's company H & S Retail Management manages, as I think that would give the community a good idea of how he takes care of his businesses, but he refuses to let me know the locations.

Thank you for your time,

Suzanne Rosebrough & Family

5506 Gateway Drive

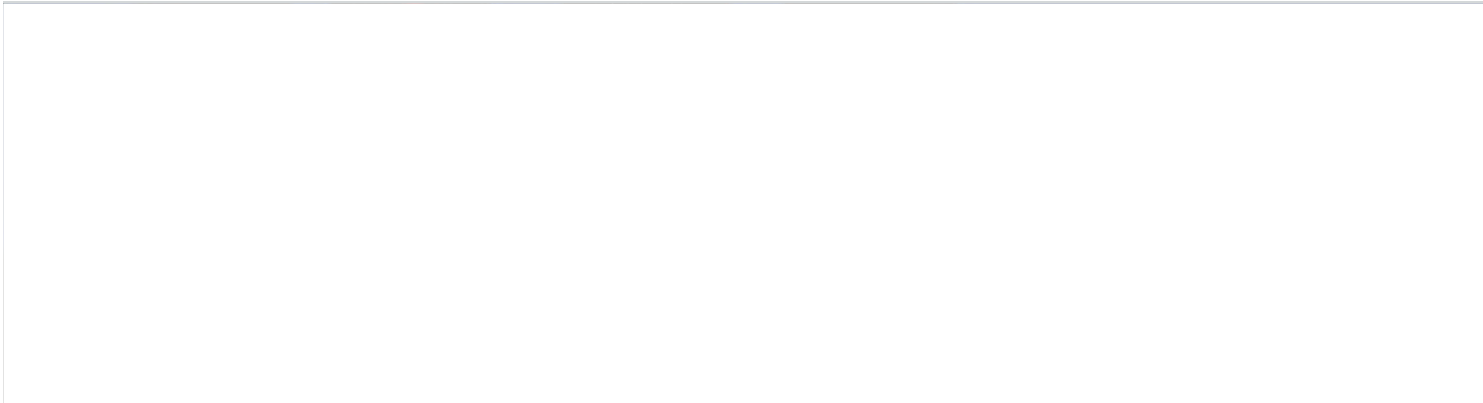
Salida, CA 95368

US MARKETS CLOSED

▲ DOW -0.16%

▲ S&P 500 -0.02%

▲ NASDAQ 100 -0.36%



HOME > TRANSPORTATION

# A California city just voted to ban new gas stations as the state eyes an all-electric future

Tim Levin Mar 2, 2021, 11:58 AM



**Petaluma, California, outlawed the construction of new gas pumps and streamlined the process for building alternative-fuel stations.** Carlos Jasso/Reuters

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**Petaluma, California, finalized an amendment to ban the construction of new gas stations on Monday.**

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**The Petaluma City Council also moved to streamline the process for building EV charging stations.**

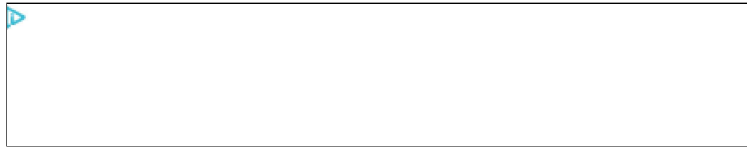
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**The small city aims to be carbon-neutral by 2030.**

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Petaluma, California, on Monday became the first US city to ban the construction of new gas pumps and stations, as a global push toward electric vehicles accelerates.

On February 22, the Petaluma City Council unanimously approved a bill that is meant to prohibit new gas pumps and support efforts to add EV charging plugs and other alternative-fuel stations, local outlet The Press Democrat [reported](#). The council [finalized](#) the new zoning rules on Monday.

The changes mean that the small Sonoma County city's 16 existing gas stations can operate as usual, but they won't be able to add new pumps. They may be allowed to add EV charging plugs, however.

In the bill, the council said Petaluma doesn't need any more gas stations since there are already multiple within a five-minute drive from every residence and planned residential area. It expects the



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"An inventory of current and approved gas stations shows they are, based on proximity, adequate to serve existing and planned residents dependent upon internal combustion engines. Prohibiting new gas stations serves the public interest by preventing new sources of pollution that adversely impact environmental and human health," the [bill](#) reads.

The new amendment codifies a moratorium on gas-station construction that was in effect in Petaluma since May 2019.

The move is part of Petaluma's [plan to achieve carbon neutrality by 2030](#), and the city hopes it will help California achieve its goal of having 5 million zero-emission vehicles on the road by that year.

The news comes amid tightening restrictions on the sale of gas-powered vehicles around the globe. California Gov. Gavin Newsom announced in September that the state would [ban sales](#) of new gas and diesel vehicles by 2035. In November, UK Prime Minister Boris Johnson [announced](#) plans to prohibit sales of combustion-engine vehicles by 2030, a decade earlier than expected.

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NEWSLETTER

**Start your day with the biggest stories in tech. Sign up for 10 Things**

**From:** [Karen Gorne](#)  
**To:** [Planning](#); [Kristin Doud](#); [Vito Chiesa](#); [Mani Grewal](#); [Chance Condit](#); [Terrance Withrow](#); [Jennifer Pimentel](#); [Kristin Olsen](#)  
**Subject:** General Plan Amendment for Cal Sierra financial Inc/ Proposed gas station  
**Date:** Wednesday, June 30, 2021 10:06:50 PM

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**\*\*\* WARNING:** This message originated from outside of **Stanislaus County**. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe **\*\*\***

June 30, 2021

Re: General Plan Amendment and Rezone Application No. PLN2019-0079-Cal Sierra Financial Inc.

Stanislaus County Planning and Board of Supervisors,

I was on the Salida Mac for 9 years. My term ended in 2020. As I sit here trying to come up with yet another letter trying to get you to understand where Salida is coming from and why we appose any development from Cal Sierra Financial I have to tell you I am completely exhausted.

My job as a Mac board member was to tell my Supervisor what the Salida residents wanted. That is it, That is the job of a Mac member. We repeatedly went to the residents of Salida with first the Truck stop and now a gas station and it has been overwhelmingly rejected by Salida. Not just by the Vizcaya neighborhood who will have this in their backyard but we literally walked the streets of our own neighborhoods on the opposite ends of Salida for weeks talking to residents and having them sign a petition against it for the people of Vizcaya. This is not just about one neighborhood. The people in this town stand behind each other 100%.

Paul Grewal has repeatedly lied, called people on the phone harassing them. Accused the Mac of lying and being misleading, If this does get approved and moves forward I guarantee you it will end up not being even close to what he claims it to be.

The Mac wrote a letter apposing this gas station/ Truck stop back in 2019. The citizens came out to the developers town hall and it was overwhelmingly rejected the noise and traffic and danger that will come due to this gas station far out ways any pro's there might be. Salida has repeatedly said no. Yet no one is listening. I was their voice but you are our voice. Salida is absolutely not against development but we should not have to settle for yet another gas station that will not benefit anyone but the county and the developer.

I am again asking you as a resident of Salida for over 30 years to please listen to us. To please be our voice and vote against this development.

Thank You  
Karen Gorne

June 29, 2021

RE: **GENERAL PLAN AMENDMENT** AND REZONE APPLICATION NO. PLN2019-0079  
– CAL SIERRA FINANCIAL, INC.

Dear Stanislaus County Planning, Commission, and Board of Supervisors,

On Saturday, April 3, 2021, I met with the applicant, Baldev “Paul” Grewal and we discussed the project with ideas for it to be approved with four points -

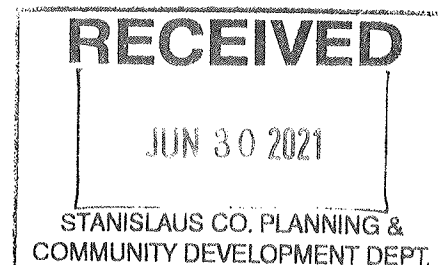
1. **Close at night** – Mr. Grewal was amendable to closing the convenience store at night but he asked if the pumps could stay on. I replied he needed to speak with the neighbors about that; it depends on the amount of noise being open at night would generate.
2. **Safety (crime, hydrogen)** – At previous meetings, security guards have been proposed but not detailed out as to whether the security would only be for the storage or for the convenience store too. The Salida community is worried about transients and criminal elements being attracted to the store as well as the storage facility. In addition, it was only announced in March 2021 that a hydrogen fueling station would be added and the community has not been educated on the safety or dangers of having a hydrogen station next to a residential neighborhood. An explosion at a hydrogen fuel facility in June 2019 shut down supplies to the entire San Francisco Bay Area. Also, in June 2019, a hydrogen refueling station exploded in Sandvika, Norway causing injuries to two nearby persons who were not using the fueling station at the time.
3. **Community Services District (CSD)** – As promised in other Stanislaus County unincorporated communities (eg: Keyes, Hickman) revenue from the project is supposed to go back to the community directly. The developer was agreeable to this at the time we spoke and it is the desire of the majority of the Salida community.
4. **Put it in writing** – None of the above has been put into writing to my knowledge nor has been shared with the Salida community.

In the intervening time since the last project comment period, an endangered/threatened species has been found near the project site, Swainson's Hawk. Moore Biologics, who was hired by the project applicant, missed this special status species and disregarded the dormancy of other special status species including the California Tiger Salamander, Vernal Pool Fairy Shrimp, Vernal Pool Tadpole Shrimp, and Conservancy Fairy Shrimp.

With respect to the proximity of the Stanislaus River, the fact that at least one of the special status species are present, and the potential environmental impacts generated by a fueling station, shouldn't this **GENERAL PLAN AMMENDMENT** trigger an Environmental Impact Report as opposed to a Mitigated Negative Declaration? At the very least, a second site visit by a qualified biologist (preferably from CDFW and/or US Army Corps of Engineers) should be conducted in the fall of 2021 to see if other special status species are present before any construction commences.

Mr. Grewal needs to communicate with the Salida Community and build something agreeable and conducive to the human beings and special status species that call Salida home.

Sincerely,  
Katherine Borges  
Salida resident and former Stanislaus County Planning Commissioner 2014-2018



TO: Kristin Doud, Principal Planner, Planning and Community Development

FROM: Leonard Powell, Salida resident.

SUBJECT: STANISLAUS COUNTY CEQA REFERRAL RESPONSE FORM

GENERAL PLAN AMENDMENT AND REZONE APPLICATION NO. PLN2019- 0079 – CAL SIERRA FINANCIAL, INC.

Based on my review of this proposed project, it is my position the above described project: **May** have a significant effect on the environment, and an EIR is required.

Listed below are specific impacts which support my determination:

1. X. HYDROLOGY AND WATER QUALITY -- The project would potentially substantially alter the existing drainage pattern of the site or area, by relocating a temporary storm drainage basin and placing it within the roadway dedication area reserved for the future Hammett Road Interchange improvement project with no plans whatsoever to permanently remove it from that roadway dedication area. The Hammett Road Interchange improvement project will certainly occur, and staff cannot predict when, nor can they dictate the State to address it should the State proceed to make those roadway improvements. Without proper engineering, funding, and commitment from the developer of this project, the temporary storm drainage basin will, at best be a burden, and at worst, and environmental hazard if it gets into conflict with roadway development. There is certainly a possibility that if it is not properly funded, relocated, and permanently relocated in a safe manner, it may increase the rate of amount of surface runoff in a manner which would result in flooding on- or off- site, or 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. The staff report states this will be addressed through future development, but there is no guarantee that development will occur to address this problem before the Hammett Road Interchange improvement project will occur. We cannot count future development to occur, but we can be certain that the future Hammett Road Interchange improvement project will, foreseeably adversely impacting the temporary storm drainage basin in its way. Since staff relies on mere speculation by “kicking the can down the road” on this project, development is clearly not paying its way, resulting in the clear finding that there is a POTENTIAL significant environmental impact, triggering the need for an EIR.
2. XI. LAND USE AND PLANNING -- The project amounts to unlawful rezoning and resulting development, which WILL HAVE a significant environmental impact on land use and planning because it will be detrimental to the goals and methods of comprehensive development of the Salida Community Plan by bypassing the required EIR and thwarting its defined comprehensive community plan, triggering the need for an EIR. Under the Salida Community Plan, piecemeal or spot zoning such as is proposed by this project is simply not allowed.

3. XVII. TRANSPORTATION -- Since this is an individual project and not part of the comprehensive Salida Community Plan, the project would not meet the area and regional transportation planning needs as envisioned by the Salida Community Plan's intent to be comprehensive. Not for roads, transit needs, bike lanes, EV charger infrastructure, or pedestrian connections to community resources. Once built out, transportation elements are not easily changed. But especially since this proposed project places a temporary storm drainage basin within the roadway dedication area reserved for the future Hammett Road Interchange improvement project with no definite and certain plans to make any permanent further improvements to this basing obstructing the right-of-way, it could not be clearer that that there this project WILL HAVE a significant environmental impact, triggering the need for an EIR.
  
4. XXI. MANDATORY FINDINGS OF SIGNIFICANCE — Since this proposed project lacks a full EIR and a comprehensive development scheme as required by the Salida Initiative, it clearly has an incremental adverse affect on the goal of the Initiative's land and community development scheme. Since this "lone wolf" piecemeal approach to development is the opposite of the goals stated in the text stated in the Salida Initiative, it's adverse effects are not limited to just this project, but impact the entire community that will then needs to develop, adapt, and accommodate it. Since another similar project (Lark Landing) has been considered on nearby parcels similarly situated, it may also have a considerable cumulative effect on thwarting the Salida Community Plan, as County Planning staff and County Supervisors appear ready to green-light development projects by bypassing comprehensive community plans whenever they present themselves.

Listed below are possible mitigation measures for the above-listed impacts:

1. Keep the project and land associated with PLN2019-0079 in the Salida Community Plan as described and required by Salida Community Plan, with all of its requirements and provisions (including a required EIR) while requiring it to construct a safe and permanent storm drainage basin before any other development is allowed, rather than temporarily relocating it, and do not allow it to place any such infrastructure within the roadway dedication area reserved for the future Hammett Road Interchange improvement project, or the project should not develop at all.
  
2. Keep the project and land associated with PLN2019-0079 in the Salida Community Plan as described and required by Salida Community Plan, with all of its requirements and provisions (including a required EIR), or the project should not develop at all. The required EIR can address the impacts of the project.
  
3. Keep the project and land associated with PLN2019-0079 in the Salida Community Plan as described and required by Salida Community Plan, with all of its requirements and provisions (including a required EIR), or the project should not develop at all. The required EIR can address the impacts of the project.

4. Keep the project and land associated with PLN2019-0079 in the Salida Community Plan as described and required by Salida Community Plan, with all of its requirements and provisions (including a required EIR), or the project should not develop at all. The required EIR can address the impacts of the project.

In addition, I have the following comments.

This Stanislaus County CEQA Referral Initial Study And Notice of Intent to Adopt a Mitigated Negative Declaration regarding the General Plan Amendment and Rezone Application No. PLN2019-0079 – Cal Sierra Financial, INC. inaccurately and inappropriately recommends the preparation of a Mitigated Negative Declaration (MND) by stating “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.” However, this is not the case, because the “Initial Study And Notice” contains several errors, omissions, misclassifications, and presumes facts without a sufficiently rational basis. I briefly describe these below. My descriptions below show that the “Potentially Significant Impact” box should have been checked in several instances because there is substantial evidence that an effect may be significant. Since there are one or more instances where “Potentially Significant Impact” is the proper determination, an EIR is required - not a MND.

There is also an overarching concern over the fundamental legality of this project. The Salida Area Planning Roadway Improvement, Economic Development and Salida Area Farmland Protection and Planning Initiative, (AKA “Salida Initiative”) was created by the power of the people via a citizen voter initiative to enact legislation through an election. After the Salida Initiative became law in 2007, California Election Code section 9125 then applied, which states:

*“No ordinance proposed by initiative petition and adopted either by the board of supervisors without submission to the voters or adopted by the voters shall be repealed or amended except by a vote of the people, unless provision is otherwise made in the original ordinance. In all other respects, an ordinance proposed by initiative petition and adopted shall have the same force and effect as any ordinance adopted by the board of supervisors.”*

Contrary to the clear mandate of California Election Code section 9125, the “Initial Study And Notice” wrongfully asserts that the affected parcel (APN 003-014-007) should be eligible for rezoning in this application because it was “mistakenly included” in the Salida Initiative via a “draftspersons error.” Research shows that County Staff came to this conclusion by looking to another nearby parcel under the same Salida Initiative restrictions under a different development project (PLN2019-0131, APN 136-037-001, “Lark Landing”) and opined:

*“The request to amend the General Plan and Community Plan designation of Commercial to Planned Development also includes a request to correct a draftsman’s error that occurred when the Salida Community Plan map was amended in 2007. The project site was part of*

*the prior Salida Community Plan and, as such, the current designations were established in error with the adoption of the 2007 Salida Initiative”.*

This staff statement and finding has no relevance, is nonsensical, and according to the mandate of California Election Code, is simply illegal. Besides the black letter law clearly prohibiting the rezoning of the parcels affected by the Salida Initiative in this manner, the argument that a parcel was already included in a prior community plan and previously had a different zoning designation that would preclude the parcel from being included in a new community plan and zoning designation is simply wrong, amounting to a clear end run around the law, and must not be allowed in any case.

Parcel #003-014-007 was clearly included by description and illustration in Exhibit B-1 the Salida Initiative, was approved by the voters and the Stanislaus County Board of Superiors as the new law of the land. It is meaningless for somebody to speak up years later and claim that their parcel was included in the Salida Initiative in error. Any errors would have needed to be corrected in the early drafting stages, not years later. Nobody except the citizen voters can repeal or amend the Salida Initiative, except for the minor instances listed in the Salida Initiative. This attempt to correct a “draftspersons error” is not allowed by the language of the Initiative. Not by the Stanislaus County Supervisors, not by County staff, and not by the property owners or developers. For reference, the Initial Study And Notice asserts this erroneous “draftspersons error” claim in the document’s Issues numbered II (Agriculture and Forest Resources), XI (Land Use and Planning), and XXII (Mandatory Findings of Significance), in addition to its overall “Description of the Project” (CEQA Initial Study, page 1, item #8)

Response prepared by:

Leonard Powell, Salida homeowner. June 30, 2021.

TO: Kristin Doud, Principal Planner, Planning and Community Development

FROM: Marcie Powell, Salida resident.

SUBJECT: STANISLAUS COUNTY CEQA REFERRAL RESPONSE FORM

GENERAL PLAN AMENDMENT AND REZONE APPLICATION NO.  
PLN2019- 0079 – CAL SIERRA FINANCIAL, INC.

In 2007, a petition (called County of Stanislaus Salida Area Plan, Road Improvement, Economic Development and Farmland Protection Initiative) was circulated. I spent a lot of time asking questions to the paid petition signature gatherers. One of them wanted to get rid of me so they gave me an unsigned copy of the Initiative that was being signed by the registered voters of Stanislaus County. I still have exactly what was circulated and asked to be signed by the residents of Stanislaus County. In this petition on page 31 (Exhibit D-2: Existing Salida Resident Development Portion Map) it clearly shows the Vizcaya residential homes located on what had previously been zoned commercial. The very next page 32 (Exhibit E-1: Amended Zoning Map For Amended Area) clearly shows the area as being rezoned to SCP- C2.

This was not a draftsman error; this was planning for a more restrictive zoning next to residential housing. And this is what was presented to the citizens of Stanislaus County to sign. It was then presented to the Board of Supervisors which of course I'm sure read this document thoroughly before they adopted it. I am confident that our Board of Supervisors in 2007 studied these very easy to understand maps located on page 31 and 32 of the original petition.

Furthermore, since these exhibits (maps) were so perfectly, clearly, and easily understood; located back to back, and clearly reflected the changes, that registered voters also understood them before signing the petition.

Thus, only the electorate is lawfully able to vote to modify or repeal the Stanislaus Salida Area Plan, Road Improvement, Economic Development and Farmland Protection Initiative.

**From:** [Katherine Borges](#)  
**To:** [Planning](#)  
**Subject:** Salida MAC vote split on PLN2019-0079  
**Date:** Thursday, July 1, 2021 1:25:20 PM

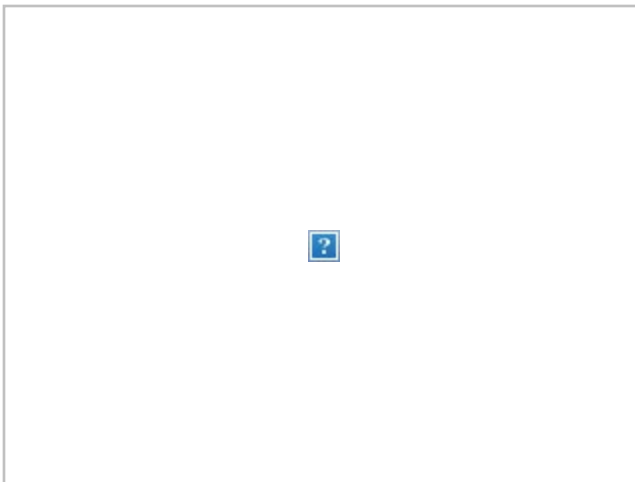
**\*\*\* WARNING:** This message originated from outside of **Stanislaus County**. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe **\*\*\***

Dear Stanislaus County Planning Commissioners,

As a former chairperson of Salida MAC and former member of the Planning Commission, I think you should know the reasons why the vote split at Salida MAC over the Cal-Sierra Project PLN2019-0079. A newly-elected member of Salida MAC passed away before taking office and her replacement has a conflict of his own as detailed below. So as of today, July 1, 2021, the Salida MAC has not brought the project back to be voted on again. I don't know if the links will hyperlink correctly in this e-mail, but there's a link below to my blog and the sources are backed with meeting recordings or other sources to confirm what I have shared.

At the Tuesday, March 23, 2021 vote conducted at the Salida Municipal Advisory Council meeting regarding the [Salida Gas Station Project](#) bordering the Vizcaya neighborhood; MAC members were conflicted and in more ways than one.

A straw-poll vote of those attending the meeting, Salida MAC member, [John Martin](#), **made a motion to not approve the gas station** and Vice-chair Brad Johnson seconded the motion.



New MAC board member, Bob Elliott, who was sworn into office in January 2021, voted against the motion saying, *"I'm going to vote nay because I just think there's some information that the public has that may not be totally correct and that's the basis of some of the comments."* Mr. Elliott never specifies what the "some information" is. When he joined the Salida MAC in January he gave a [brief introduction of himself saying his occupation was "sales for a software company."](#) Mr. Elliott does not announce his new job as of

March 1st is in [real estate for the very same company handling the sale of the land for the gas station](#).

Salida MAC Chair, Leng Nou, also voted nay, *"...only because there was strong opposition we heard at previous community meetings, and whether it's because of noticing, I don't know but I know that we have community members here tonight with five no's as opposed to a roomful before."*

Now why Salida MAC can vote "yes" on the [CSA tax annexation with a majority of ten people in favor](#) and she votes "no" with a majority of five voting against and many more than that at all the previous meetings is questionable. There weren't any

Salida residents who attended the meeting that voted for the project in the straw poll vote. And as to the low turnout of residents at the meeting, there were several issues that impeded attendance like no meeting notice was sent to the Salida MAC e-mail list, two different agendas circulated and the one posted on Facebook did not contain a hyperlink to the meeting, and the county switched platforms from Zoom to Microsoft Teams.

Considering that Bob Elliott is now employed with the real estate company handling the land sale for the Salida Gas Station, that should have conflicted him out of the vote. Should Leng Nou also have been conflicted out of voting because she is an employee of Stanislaus County?

John Martin points out that the county really seems to be [pitching for this project](#) because they will get "75% off" the land price for a drainage basin. Stanislaus County Public Works Director, Dave Leamon tries to explain his stance, but it does sound like a pitch in his [comments about the basin](#).

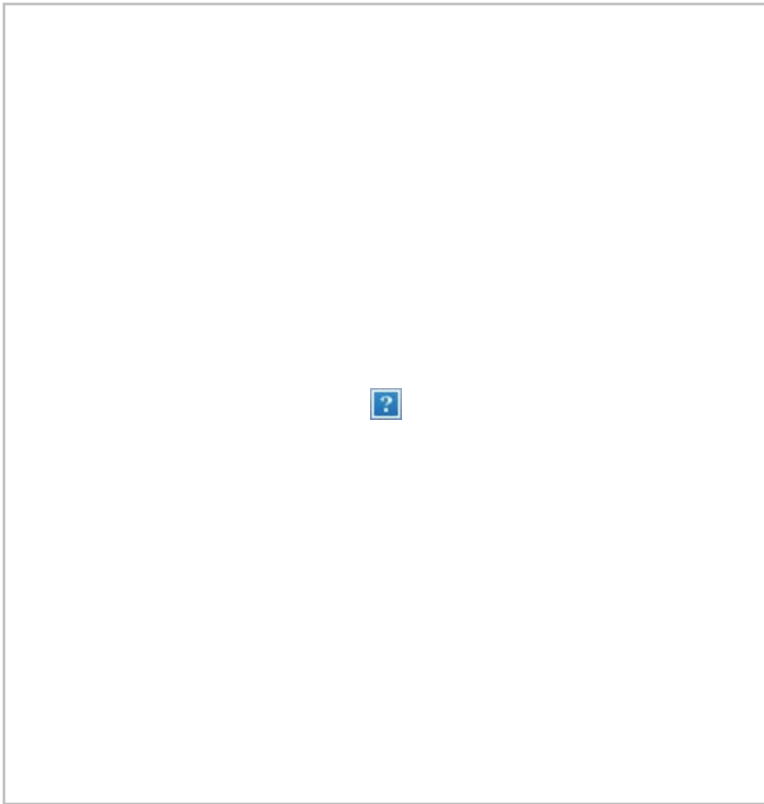
Salida MAC is an advisory board and so is the Stanislaus County Planning Commission. Our [county supervisor](#) is the only one who has a binding vote on this issue. The Salida MAC vote unfortunately split, and if occupational bias was involved, this advisory vote should be reviewed by county counsel. Salida MAC board members are elected to represent the community and not their employers.

## [A Conflicted MAC Part 2](#)

On April 6, 2021, I wrote "[A Conflicted MAC](#)" about how Salida Municipal Advisory Council board members had voted **AGAINST** our community by supporting the gas station planned within 500 ft of the Vizcaya neighborhood. To briefly recap that post, Salida MAC Chair, Leng Nou is employed by Stanislaus County and Stanislaus County stands to gain a drainage basin at a 200% discount off the price if the project is approved. And new Salida MAC board member, Bob Elliott, became employed as of March 1, 2021 at the very same real estate company handling the transaction of the land. Both voted in favor of the project at the March 2021 Salida MAC meeting. Their votes benefit their employers and are the opposite of what the majority of the community has expressed at that meeting and past ones.

With the passing of new Salida MAC board member, [Debbie Nutt](#), her vacancy was filled by the appointment of Tom Burns to the Salida MAC council. Tom Burns has served on the Salida MAC board previously and also served on the Salida Fire Protection District board.

It will be interesting to see how Tom votes on the gas station re-vote slated for the Tuesday, June 22, 2021 in-person Salida MAC meeting. Tom also brings a conflict-of-



Patrick and Tom Burns at April 27, 2021 Salida MAC meeting.

interest with him to the table: his son, Patrick, is Chief Engineer of Salida Fire. Patrick has said at a previous Salida MAC meeting that the [gas station project is worth the equivalent of 5,000 homes in tax revenue to Salida Fire Dept.](#) Incidentally, Patrick mentions in the recording that the Salida Fire Dept has been in the red, but I have heard they are now back in the black. This is

difficult to verify since the fire board has canceled their last two meetings. Anyhow, I point this out because putting the Fire Dept in the black is not a justification for voting in favor of all development. Development needs to be conducive to nearby neighborhoods.

Patrick is a Salida resident and I have always thought it admirable that he doesn't cast a vote in the community poll vote the MAC conducts because as a Salida resident, he has the right to vote. I assume he doesn't because of the conflict-of-interest. But will his father do the same?

The purpose of the MAC is to **represent the community**, and not their employers or their family members' employers. This is stated in [Government Code section 31010](#): "...a municipal advisory council may **represent the community** to any state, county, city, special district or school district, agency or commission, or any other organization on any matter concerning the community."

<http://salidaannex.blogspot.com/2021/06/>

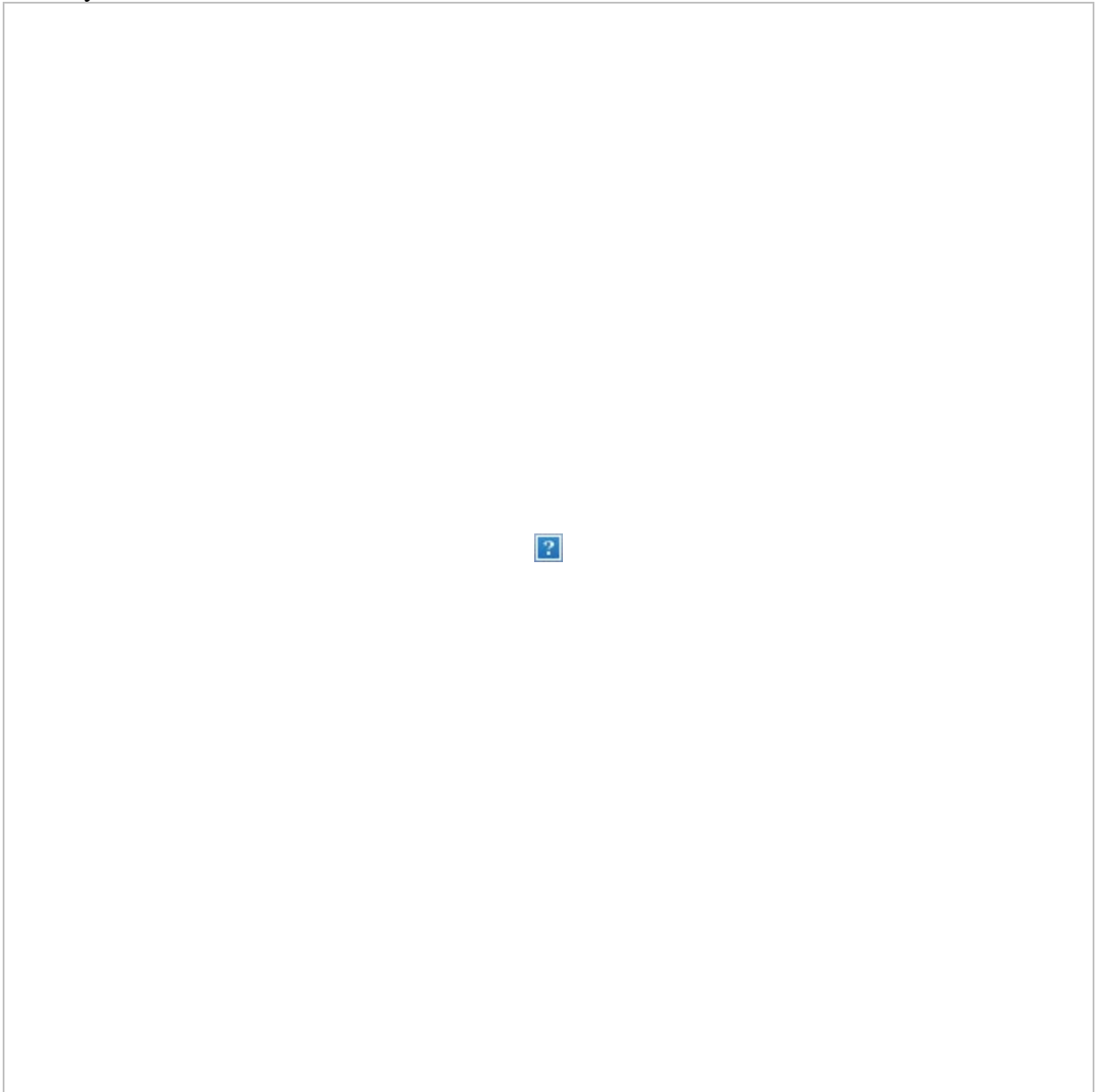
Compiled by Katherine Borges

**From:** [Niki C](#)  
**To:** [Planning](#); [Terrance Withrow](#)  
**Subject:** Another page of signatures against Cal-Sierra  
**Date:** Thursday, July 8, 2021 10:23:12 AM

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Thank you.



[Sent from Yahoo Mail on Android](#)

# PETITION AGAINST CAL SIERRA PROJECT

We, the undersigned, are AGAINST the proposed 24-hour gas station, mini-storage and fast food businesses (PLN2019-0079) proposed to be built bordering the Vizcaya neighborhood. We support this Salida neighborhood and vote "NO" on allowing this development that will cause all sorts of issues for Vizcaya.

PRINT NAME	SIGNATURE	ADDRESS	PHONE	E-MAIL	VIZCAYA RESIDENT?
LARRY N. DANIELS	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	NO
PAULA L. DANIELS	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	No
KEVIN DANIELS	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	No
Jason Goesman	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	NO
Peter Sanford	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	NO
Matt McDougall	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	No
Duncan McDougall	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	No
Allison McDougall	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	NO
Linda McDougall	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	no
Karen Sanford	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	NO
Joe Leahy	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	NO
Donald Hill	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	NO



California Wildlife Foundation/California Oaks, 201 University Avenue, Berth H-43 Berkeley, CA 94710, (510) 763-0282

June 29, 2021

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

RE: General Plan Amendment and Rezone Application No. PLN2019-0079 – Cal Sierra Financial, Inc.

Mitigated Negative Declaration (MND) State Clearinghouse No. 2019090255

Submitted via email: [doudk@stancounty.com](mailto:doudk@stancounty.com)

Dear Ms. Doud:

The California Oaks program of California Wildlife Foundation (CWF/CO) works to conserve oak ecosystems because of their critical role in sequestering carbon, maintaining healthy watersheds, providing wildlife habitat, and sustaining cultural values. Katherine Borges reached out to CWF/CO with concerns about the proposed project impacts on a coast live oak tree that provides Swainson's hawk foraging habitat, to communicate that the site assessment was conducted during a time of year when Burrowing owl and California tiger salamander are dormant and, because the protocol identified by California Department of Fish and Wildlife for conducting Burrowing owl surveys was not followed. The California Wildlife Habitat Relationship information system identifies Swainson's hawk as an oak-dependent species.

CWF/CO reviewed the Notice of Intent to Adopt a Mitigated Negative Declaration (MND) Application and found a number of deficiencies, as discussed below.

**Swainson's hawk (*Buteo swainsoni*)**

The April 9 letter by California Department of Fish and Wildlife (CDFW) recommended a mitigation measure for project impacts on foraging habitat for Swainson's hawk, a state threatened species (pages 3 and 4):

**Recommended Mitigation Measure 3: SWHA Foraging Habitat Mitigation**

The Project proposed development in suitable foraging habitat. CDFW recommend compensation for the loss of Swainson's hawk foraging habitat as described in the Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (CDFG, 1994) to reduce impacts to foraging habitat to less than significant. The Staff Report recommends that mitigation for habitat loss occur within a minimum distance of 10 miles from known nest sites. CDFW has the following recommendations based on the Staff Report:

- For projects within 1 mile of an active nest tree, a minimum of one acre of habitat management (HM) land for each acre of development is advised.

- For projects within 5 miles of an active nest but greater than 1 mile, a minimum of 0.75 acres of HM land for each acre of development is advised.
- For projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree, a minimum of 0.5 acres of HM land for each acre of development is advised.

The report by Moore noted (page 18):

The site is within the nesting range of Swainson's hawks and the CNDDDB (2021) contains a few records of nesting Swainson's hawks in the greater project vicinity (Attachment B). The nearest occurrence of nesting Swainson's hawks in the CNDDDB (2021) search area is along the Stanislaus River approximately 1 mile west of the site.

Moore scanned distant trees for nests and hawks during the May visit, reporting neither. Ms. Borges shared the photo below taken on June 5, 2021 by Daniel Harris, an amateur ornithologist, of a Swainson's hawk foraging on an oak at or proximate to the site:



Mitigation Measure 3 recommended by CDFW and stated above should be included as a condition for project approval.

**Burrowing owl (*Athene cunicularia*)**

Another deficiency of the Notice of Intent to Adopt a MND is that CDFW's recommendation below (page 6) was not followed since only one surveillance survey was conducted:

CBOC and CDFW's Staff Report suggest three or more surveillance surveys conducted during daylight with each visit occurring at least three weeks apart during the peak breeding season (April 15 to July 15), when BUOW are most detectable.

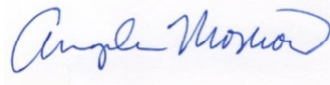
Two additional surveys should be conducted as a condition of project approval.

It is confounding that the County of Stanislaus is advancing rezoning and an amendment to the General Plan for a project that, as currently proposed, poses harm to special status species. The coast live oak on the site is valuable habitat that Stanislaus County should keep standing.

Sincerely,



Janet Cobb  
Executive Officer  
California Wildlife Foundation



Angela Moskow  
Manager  
California Oaks Coalition

cc: Katherine Borges

Jim Vang, Environmental Scientist, California Department of Fish and Wildlife,  
Jim.Vang@wildlife.ca.gov

# MOORE BIOLOGICAL CONSULTANTS

July 7, 2021

Mr. John Anderson  
J.B. Anderson Land Use Planning  
139 S. Stockton Avenue  
Ripon, CA 95366

Subject: "CAL SIERRA 9+/- ACRE PARCEL", STANISLAUS COUNTY,  
CALIFORNIA: REVIEW OF COMMENT LETTER

Dear John:

Thank you for asking Moore Biological Consultants to assist with this project. As you are aware, we prepared a biological assessment dated May 21, 2021. At your request, I reviewed the June 29, 2021 comment letter from the California Wildlife Foundation/California Oaks regarding biology. I have a few comments regarding the comments in that letter.

First, the site is not in the range of California tiger salamander (*Ambystoma californiense*).

Second, burrowing owl (*Athene cunicularia*) does not become "dormant". The field survey of the site was conducted during the early morning of May 5, 2021, which is during the heart of the burrowing owl nesting season. Burrowing owls are easy to detect and no burrowing owls were observed. The intensively cultivated field is routinely disked and mowed, lacks burrows, and provides very poor quality habitat. There are also no occurrences of this species in California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database in the search area that encompasses approximately 240 square miles surrounding the project site. There is no need for further for additional surveys of such poor quality potential habitat for burrowing owl.

Most importantly, our May 21, 2021 biological assessment acknowledges that the site is in the range of Swainson's hawk (*Buteo swainsoni*), large trees along the edges of the site are suitable for nesting by Swainson's hawks, and that the site provides suitable foraging habitat for Swainson's hawks. However, we believe use of the site by foraging Swainson's hawks is minimal. In summary, the May 21, 2021 biological assessment concluded "due to the size of the site, proximity to Highway 99 and developed areas, and distance from preferred nesting habitat along the Stanislaus River, it is unlikely Swainson's hawks forage in the site on an intensive basis".

We understand that CDFW's 1994 Staff Report regarding Mitigation for Impacts to Swainson's Hawks (*Buteo Swainsoni*) in the Central Valley of California recommends the provision of compensatory mitigation for the permanent loss of potential Swainson's hawk foraging habitat. However, that permanent loss of habitat would have to be identified as a potentially significant impact by the California Environmental Quality Act Lead Agency. We expect the County will concur with our opinion that it is unlikely Swainson's hawks forage in the site on an intensive basis and that no mitigation is required.

We hope this information is useful. Please call me at (209) 745-1159 with any questions.

Sincerely,



Diane S. Moore, M.S.  
Principal Biologist

## References and Literature Consulted

CDFG (California Department of Fish and Game). 1994. Staff Report regarding Mitigation for Impacts to Swainson's Hawks (*Buteo Swainsoni*) in the Central Valley of California. November.

**SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS**

**PROJECT: GENERAL PLAN AMENDMENT & REZONE APPLICATION NO. PLN2019-0079 – CAL SIERRA FINANCIAL, INC.**

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			X		X			X
CA DEPT OF CONSERV, DIV OF GEO ENERGY MANAGEMENT				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
CITY OF: MODESTO	X	X	X	X				X		X	X	
COOPERATIVE EXTENSION	X	X	X		X							
COUNTY OF SAN JOAQUIN	X	X	X		X							
FIRE PROTECTION DIST: SALIDA	X	X	X	X				X		X	X	
IRRIGATION DISTRICT: MODESTO	X	X	X									
MODESTO CITY SCHOOLS				X				X		X	X	
MOSQUITO DISTRICT: EASTSIDE	X	X	X		X							
MUNICIPAL ADVISORY COUNCIL: SALIDA	X	X	X	X				X		X		X
MT VALLEY EMERGENCY MEDICAL	X	X	X		X							
PACIFIC GAS & ELECTRIC	X	X	X		X							
RAILROAD: UNION PACIFIC	X	X	X		X							
SALIDA SANITARY	X	X	X		X			X		X	X	
SAN JOAQUIN VALLEY APCD	X	X	X		X			X		X	X	
SCHOOL DISTRICT 1: SALIDA UNION	X	X	X	X				X		X	X	
SCHOOL DISTRICT 2: MODESTO UNION	X	X	X		X							
STAN CO AG COMMISSIONER	X	X	X	X				X		X		X
STAN CO BUILDING PERMITS DIVISION	X	X	X	X				X		X	X	
STAN CO CEO	X	X	X		X							
STAN CO DER	X	X	X	X				X		X	X	
STAN CO ERC	X	X	X	X				X		X		X
STAN CO HAZARDOUS MATERIALS	X	X	X	X				X		X	X	
STAN CO PUBLIC WORKS	X	X	X	X				X		X	X	
STAN CO SHERIFF	X	X	X		X			X		X	X	
STAN CO SUPERVISOR DIST 4: BERRYHILL	X	X	X		X							
STAN COUNTY COUNSEL	X	X	X		X							
StanCOG	X	X	X		X							
STANISLAUS FIRE PREVENTION BUREAU	X	X	X		X							
STANISLAUS LAFCO	X	X	X	X				X		X	X	
SURROUNDING LAND OWNERS		X	X	X								
TELEPHONE COMPANY: AT&T	X	X	X		X							
TRIBAL CONTACTS (CA Government Code §65352.3)	X		X		X							

**EXHIBIT Q**