

**NOTICE OF PREPARATION AND INITIAL STUDY
OF THE ENVIRONMENTAL IMPACT REPORT**

for the:

TIDEWATER CROSSING PROJECT

Stockton, California

City of Stockton EIR File No. 2-05

■ ■ ■

Prepared for:

CITY OF STOCKTON
Community Development Department
Planning Division
345 North El Dorado Street
Stockton, CA 95202
(209) 937-8444

Prepared by:

LSA ASSOCIATES, INC.
4200 Rocklin Road, Suite 11B
Rocklin, CA 95677
Bill Mayer, Principal

December 2005

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ACRONYM LISTING

ACOE	Army Corps. Of Engineers
AG	Agriculture General
AQAP	Air Quality Attainment Plan
AU	Agricultural Urban Reserve
CDFG	California Department of Fish and Game
CLOMA	Conditional Letter of Map Revision
CO	Carbon Monoxide
EIR	Environmental Impact Report
IG	Industrial General
LAFCo	Local Agency Formation Commission
MDP	Master Development Plan
NO _x	Nitrogen Oxides
NPDES	National Pollutant Discharge Elimination System
PM ₁₀	Particulate Matters
RH	Residential High
RL	Residential Low
RM	Residential Medium
RWQCB	Regional Water Quality Control Board
SJMSCP	San Joaquin County Multi-Species Habitat Conservation and Open Space Plan
SPCMP	Spill Prevention and Counter-Measure Plan
SWPPP	Stormwater Pollution Prevention Plan
SWQCCP	Stockton Stormwater Quality Control Criteria Plan
UPRR	Union Pacific Railroad

CITY OF STOCKTON
ENVIRONMENTAL INFORMATION AND INITIAL STUDY FORM
(Pursuant to Cal. Code of Regulations, Title 14, Sections 15063-15065)

INITIAL STUDY FILE NO:	_____	<u>LEAD AGENCY</u>
EIR FILE NO:	2-05	City of Stockton
INITIAL STUDY FILING DATE:	_____	Community Development Dept.
		Planning Division
		345 North El Dorado Street
		Stockton, CA 95202
		(209) 937-8266

Note: *The purpose of this document is to describe the project, its environmental setting, any potentially significant adverse environmental impacts which may be caused by the project or which may affect the project site and/or surrounding area, and any mitigation measures which will be incorporated into the project. Please complete all applicable portions of Section A (General Information/Project Description) and as much of Section B (Project Site Characteristics) as possible. If a question is not applicable, then, respond with "N/A". After completing Sections A and B, please sign the certification following Section B and attach any supplemental documentation and exhibits as deemed necessary. The completed form and applicable fees should be filed at the above-noted Lead Agency address. PLEASE TYPE OR PRINT IN DARK INK.*

A. GENERAL INFORMATION/PROJECT DESCRIPTION (Completed by Applicant)

1. Project Title: Tidewater Crossing
2. Property Owner(s): Arnaiz Development Company, Inc.
Address: 3400 Eight Mile Road Zip 95212 Phone (209) 931-9740
3. Applicant/Proponent: Arnaiz Development Company, Inc.
Contact Person: Thomas Truskowski
Address: 3400 Eight Mile Road Zip 95212 Phone (209) 931-9740
4. Consulting Firm: LSA Associates, Inc. Contact Person: Bill Mayer
Address: 4200 Rocklin Road, Suite 11B, Rocklin, CA Zip 95677 Phone (916) 630-4600
5. Project Site Location: (see attached Figure 1)
 - a. Address (if applicable) or Geographic Location: The project site (see attached Figure 1 and 2) is generally bounded by the Stockton Metropolitan Airport to the north, State Route 99 to the east, Union Pacific Railroad to the west and East French Camp Road to the south.
 - b. Assessor's Parcel Number(s): 177-050-05; 177-050-08; 177-050-09; 177-050-25; 177-100-02; 177-100-03; 177-100-07; 177-110-04; 177-110-05; 201-020-01
 - c. Legal Description [Attach metes and bounds (bearings and dimensions) description and corresponding map(s) or list existing lots of record from recorded deed]: All that certain real property situate, lying, and being portions of Sections 14, 26, 27, 38, 39, 50, and 51 of C. M. Weber Grant, "El Rancho Del Campo De Los Franceses", and Section 5, Township 1 South, Range 7 East, Mount Diablo Base and Meridian, in San Joaquin County, California.
6. General Project Description: *(Describe the whole action, including later phases of the project and any secondary, support, or offsite features necessary for its implementation. Attach additional sheets if necessary.)*

Arnaiz Development Company, Inc. is proposing to develop an industrial/residential project on lands south of and contiguous to the Stockton Metropolitan Airport. The proposed project includes a General Plan Amendment, Master Development Plan (MDP), rezoning, Tentative Tract Map, Sphere of Influence amendment for a portion of the project (245.5 acres), Annexation and Development Agreement for approximately 878.0 acres predominately in farmland and rural residential uses. The MDP includes 352 acres of Industrial, 93.7 acres of Medium Density Residential, 11.2 acres of High Density Residential, 258.9 acres of Low Density Residential, 24.1 acres of Ranch Estate Residential, 20.7 acres of Retail/Commercial, 89 acres of Parks/Buffers, 11.6 acres of Elementary School, 10.6 acres of railroad corridor and 6.2 acres in Airport Way. A 30-50 acre flood control/detention basin is planned within the western portion of the planned industrial area to manage peak storm flows. The project is designated as Village L in the City's Draft 2035 General Plan land use diagram.

The project is generally bounded by the Stockton Metropolitan Airport to the north, Highway 99 to the east, Union Pacific Railroad to the west and East French Camp Road to the south.

For this project, the circulation and land use concept plan identifies roadways that extend through non-applicant holdings. For example, an internal collector street that extends from S. Airport Way in a southeasterly direction and into residential villages G-M. The collector road crosses through non-applicant holdings between Villages L/M and N. These offsite transportation improvements will be subject to the Subdivision Map Act. Accordingly, the Subdivision Map Act provides that if a public agency conditions a tentative map on obtaining land or constructing improvements that the subdivider does not own, the public agency must approve a final map even if the applicant fails to acquire off-site land.

7. **Applications Currently Under City Review:** General Plan Amendment, Master Development Plan, rezoning, Development Agreement, Tentative Map, Annexation, Sphere of Influence Amendment

File Number(s): _____

8. **Other permits/reviews required by the City, County, State, Federal or other agencies for project implementation:**

<u>Agency:</u>	<u>Permits/Reviews:</u>
City of Stockton	Rezoning Application
City of Stockton	Development Agreement
City of Stockton	Master Development Plan
City of Stockton	General Plan Amendment
City of Stockton	Tentative Tract Map
LAFCo	Annexation
LAFCo	Sphere of Influence Amendment (portion only) and
LAFCo	Detachments
Reclamation District	Consultation/permitting
Regional Water Quality Control Board	Water Quality Certification, NPDES Permit
California Dept. of Fish and Game	Streambed Alteration Agreement
Corps of Engineers	404 permit
Caltrans	Encroachment permit
San Joaquin County	Encroachment permit
FEMA	Flood Plain Letter of Map Revision
State Reclamation Board	Encroachment Permit
Airport Land Use Commission	Deed of Avigation and Hazard Easement

9. **Describe proposed General Plan (GP) amendments and/or rezoning/rezoning (Zoning) requests, if applicable:**
The General Plan Amendment includes re-designating 50.10 acres of Industrial to Low/Medium Residential, 348.6 acres of Agriculture to Industrial, 337.8 acres of Agriculture to Residential, 20.7 acres of Agriculture to Commercial, 11.6 acres of Agriculture to Elementary School and 89.0 acres of Agriculture to Open Space.

<u>Existing GP Designation</u>	<u>Proposed GP Designation</u>	<u>Acres</u>	<u>Existing Zoning</u>	<u>Proposed Zoning</u>	<u>Acres</u>
Industrial	Low/Medium Residential	50.1	AU-20	RL	50.1
Industrial	Industrial	3.4	Limited Industrial	IL	3.4
Agriculture	Low/Medium Density Res.	115.2	AU-20	RL	115.2
Agriculture	Rural Residential Estates	24.1	AU-20	RE	24.1
Agriculture	Low/Medium Residential	12.3	AU-20	RM	12.3
Agriculture	High Density Residential	11.2	AG-40	RH	11.2
Agriculture	Elementary School	11.6	AG-40	PF	11.6
Agriculture	Low/Medium Residential	31.3	AG-40	RM	31.3
Agriculture	Low/Medium Residential	143.7	AG-40	RL	143.7
Agriculture	Commercial	20.7	AG-40	CG	20.7
Agriculture	Industrial	348.6	AG-40	IL	348.6
Agriculture	Open Space	89.0	AG-40	PF	89.0

10. **Describe any site alterations which result from the proposed project: (Address the amount and location of grading, cuts and fills, vegetation/tree removal, alterations to drainage, removal of existing structures, etc.)**
Land uses within the project boundaries include: agricultural fields, nonnative grasslands, pasture lands, oak woodland, orchards, rural residential, and riparian areas along French Camp Slough. Implementation of the project would removed all existing agricultural and rural land uses and replace with urban development. Areas along French Camp Slough would be preserved as open space.

11. **Specific Project Description/Operational Characteristics:**

- a. **Describe Proposed Commercial, Industrial, Institutional, and Recreational Uses (all non-residential uses):**
Parcels north of French Camp Slough will be used for industrial uses. Retail/commercial uses are planned west of S. Airport Road at the UP Railroad. Areas along French Camp Slough will be preserved as open space.

(1)	<u>Proposed Land Use(s)</u>	<u>Site Zoning</u>	<u>Structure Acreage</u>	<u>Sq. Ft.</u>	<u>Required Parking per code</u>	<u>Parking Provided per code</u>
	Industrial (0.45 FAR)	I-L	158.4	6,900k		
	Open Space	P-F	N/A	N/A	N/A	N/A

- (2) Describe project phasing (*location/timing*): The project consists of the planning and approval of a Master Development Plan and does not include actual plans for construction. However, at that time, off-site and infrastructure improvements will be completed prior to initiating construction of project land uses and other project components. Construction of these components would be completed in multiple phases consistent with demand.
- (3) Days/Hours of operation: The project is composed of residential, commercial, open space, and industrial uses. It is expected that "hours of operation" will vary throughout the day. Work shifts per day: N/A
- (4) Total number of employees: N/A; Number of employees per work shift: N/A
- (5) Number of company vehicles/trucks: N/A
- (6) Estimated number of vehicle trip ends (TE) per day generated by project: Trucks 7,809 (20%) TE/Day; Passenger Vehicles, 31,237 (80%) TE/Day; Total, 39,046 TE/Day.
- (7) Estimated maximum number of TE/Day based on proposed General Plan Designation: 39,046 TE/Day, and/or Proposed Zoning: 39,046 TE/Day
- (8) Will land use-related noise produced on site exceed adopted noise standards (*i.e.: 45 Leq dB during nighttime or 55 Leq dB during daytime hours at nearest residential property line; 75 Lmax dB at nearest commercial property line; and/or 80 Lmax dB at nearest industrial property line*)? Yes X No If yes, describe sources and levels of noise: Noise from project traffic and adjacent railroad could have an effect on residential uses. The project is located adjacent to the Stockton Metropolitan Airport. A project specific noise study will be completed to determine the levels of noise on any receptors.
- (9) Other operational or design characteristics: None

b. Describe Proposed Residential Land Uses: [*Check () or specify applicable types*] Conventional 1-F X, 2-F , or 3-F X; PURD ; Condominiums ; Townhouses X Apartments ; Dormitory/Rooming/Boarding Houses ; Elderly Apartments ; Residential Care Facility ; Employee Housing ; Mobile Homes ; Motel/Hotel/B&B; Extended Stay/Single Rm. Occupancy Facilities ; Other

(1) Residential Land Use Summary:

Type of Unit	Zoning	Acreage	Proposed Units	Units/Acre	Max. Units Allowed	Max. Density
50' x 100'	RL	258.9	1,357	5.2	2252	8.7 u/ac
40' x 90'	RM	50.1	323	6.4	872	17.4 u/ac
200' X 200'	RE	24.1	19	.8	24	1 u/ac
Townhome/SFD	RM	43.6	524	12.0	759	17.4 u/ac
Multi Family	RH	11.2	269	24.0	325	29 u/ac

- (2) Describe Project Phasing: The project consists of the planning and approval of a Master Development Plan and does not include actual plans for construction. However, at that time, off-site and infrastructure improvements will be completed prior to initiating construction of project land uses and other project components. Construction of these components would be completed in multiple phases consistent with demand.
- (3) Population Projection for Proposed Project: = 7,825 persons
Projected Population Density (*Persons/Unit*): = 3.14
- (4) Student Generation Projected for Proposed Project: = 1,101 students
Projected Student Density (*K-12 Students/Unit*): = 0.897 (Single Family); 0.388 (Multi-Family)
- (5) Estimated total number of vehicle trip ends (TE) per day generated by proposed project: = 22,428
- (6) Estimated maximum number of TE/Day based on proposed General Plan Designation: 61,920 TE/Day, and/or Proposed Zoning: 61,920 TE/Day

12. Will the project generate any substantial short-term and/or long-term air quality impacts, including regional/cumulative contributions? Yes X No . If so, estimate the type and amount of emissions below (*e.g., tons per year of PM10, ROG, Nox, and CO*):
- a. Construction Emissions: 7.6 tons/year = CO; 9 tons/year = ROG; 74.7 tons/year = NOx; 39.4 tons/year = PM10

b. Stationary Source Emissions: 383.8 tons/yr = CO; 14.0 tons/yr = NOx; 100.4 tons/yr = ROG; 2.4 tons/yr = SOx; 63.3 tons/yr = PM10

c. Mobile Source Emissions: 1,230.8 tons/yr = CO; 172.5 tons/yr = NOx; 99.6 tons/yr = ROG; 0.8 tons/yr = SOx; 143.6 tons/yr = PM10

B. PROJECT SITE CHARACTERISTICS (Completed by Applicant and/or Lead Agency, as applicable):

1. Total Site Acreage (Ac.) (or) Square Footage (S.F.): _____ S.F. 878.0 Ac.

Ex. General Plan Designations	Acres	Ex. Zoning (City or County)	Acres
Agriculture	459.1	AU-20;AG-40	459.1
Industrial	3.4	Industrial Limited	3.4
Industrial	398.7	AU-20; AG-40	398.7

3. Identify and describe any specific plans, redevelopment areas, and/or other overlay districts/zones which are applicable to the project site: The project consists of developing the Tidewater Crossing Specific Plan.

4. **Identify Existing On-Site Land Uses and Structures:** _____ **Acres or Sq. Ft.:** 878.0 acres
The project site is used primarily for agricultural purposes.

5. Prior Land Uses if Vacant: Agricultural

6. Describe any on-site and adjacent utility/infrastructure improvements and right-of-ways/easements: _____

7. **Adjacent land uses, zoning and General Plan designations:**

Adjacent Uses	Zoning (City or County)	General Plan Designations
North: Airport, industrial	IG, AG-40, AU-20 (San Joaquin Co.)	Industrial/Institutional
South: Agricultural	AU-20 or AG-40	Agriculture
East: Agricultural	AG-40	Agriculture
West: Agricultural, residential	AG-40	Agriculture

8. If site contains at least ten (10) acres of undeveloped and/or cultivated agricultural land, complete the following:

- a. Is the land classified as "Prime Farmland" and/or "Farmland of Statewide Importance" (as identified on the San Joaquin County "Important Farmland Map")? Yes X No
- b. Is the site under a Williamson Act Land Conservation Contract? Yes No X
- c. If the site is under contract, has a "Notice of Non-Renewal" been filed? Yes No If yes, when will the contract expire? Date: _____

9. Describe important on-site and/or adjacent topographical and water features:

On-Site: French Camp Slough and tributaries transect the project site.

Adjacent: French Camp Slough begins northwest of the project site and travels through the project site in a southeasterly direction.

10. Describe any important on-site and/or adjacent vegetation/wildlife habitat:

On-Site: Agricultural, oak woodland, riparian and wetland habitat associated with French Camp Slough and tributaries, orchards, grasslands.

Adjacent: Land uses to the north include Stockton Metropolitan Airport. Land uses to the south and east are agricultural and rural residential. The community of French Camp is located west of the project site.

11. Describe any general and special status wildlife species known to inhabit the site or for which the site provides important habitat: Swainson's Hawk, giant garter snake, burrowing owls

12. Identify and describe any significant cultural resources on or near the site (attach a "Records Search", "Site Survey", and/or other documentation, if applicable): A cultural resources evaluation will be conducted to assess the site with regard to cultural resources.

13. Identify and describe any on-site or nearby public health and safety hazards or hazardous areas (attach a "Preliminary Site Assessment" and/or "Remediation Plan", if applicable). A government records search will be

conducted to determine the potential for hazardous materials and wastes to occur on site. The project is near the Stockton Metropolitan Airport which may present hazards.

14. **Identify and describe any potentially hazardous geologic/soil conditions:** A geotechnical report will be prepared for the project site to determine if potentially hazardous geologic or soil conditions occur on the project site.
15. Is any portion of the site subject to a 100-year flood? Yes X No ___ If so, what flood zone? A, AO, B, and C
16. **Identify and describe, below, any existing and/or projected on-site ambient noise levels which exceed adopted noise standards (plot noise contours on proposed tentative maps or on a site plan for the project, if applicable):**
- a. **Do on-site ambient noise levels from existing land uses (locally regulated noise sources) located on-site or off-site exceed adopted noise standards?** Yes X No ___ If so, describe: The Stockton Metropolitan Airport is located north of the project site. Uses associated with the airport would likely create exceedances of residential noise standards.
- b. **Does or will transportation-related noise exceed 60 dB Ldn at any exterior location or 45 dB Ldn at any interior location?** Yes X No ___. If so, describe: The potential for railroad noise (two rail lines) and vehicular noise exists along French Camp Road, Airport Way and SR-99 and on interior streets within the project could exceed the exterior noise standard.
17. **Indicate by checking () whether the following public facilities/infrastructure, utilities, and services are presently or readily available to the project site and whether the proposed project can be adequately served without substantial improvements or expansion of existing facilities and services. If new or expanded/modified facilities or services are necessary, explain below.**

	Yes	No	N/A
a. Water supply/treatment facilities	___	<u>X</u>	___
b. Wastewater collection/treatment facilities	<u>X</u>	___	___
c. Storm drainage, flood control facilities	___	<u>X</u>	___
d. Solid waste collection/disposal/recycling services	<u>X</u>	___	___
e. Energy/communication services	___	<u>X</u>	___
f. Public/private roadway and access facilities	___	<u>X</u>	___
g. Public/private parking facilities	___	<u>X</u>	___
h. Other public/private transportation services (public transit, railway, water or air transport, etc.)	___	<u>X</u>	___
i. Fire and emergency medical services	___	<u>X</u>	___
j. Police/law enforcement services	___	<u>X</u>	___
k. Parks and recreation services	___	<u>X</u>	___
l. Library services	___	<u>X</u>	___
m. General government services	___	<u>X</u>	___
n. School facilities	___	<u>X</u>	___

Explanation(s): The project site and vicinity is generally agricultural in nature. State Route 99, French Camp Road, and Airport Way are the major roadways that would serve the site, however, few other improvements exist within the project boundaries. Water, sewer, solid waste and other utilities will need to be extended to serve the proposed industrial, commercial, and residential uses. Schools, parklands, and emergency services will also need to be provided. Existing schools within the French Camp community may augment facilities for project students.

SIGNATURE (Completed by Owner or Legal Agent)

I certify, under penalty of perjury, that the foregoing is true and correct and that I am (check one):

____ Legal property owner (owner includes partner, trustee, trustor, or corporate officer)

____ Owner's legal agent, authorized project applicant, or consultant (attach proof of consent to file on owner's behalf)

(Signature)

(Date)

(Type or Print Name and Title)

C. **ENVIRONMENTAL SIGNIFICANCE CHECKLIST (Completed by Lead Agency or Authorized Consultant - - Check () Responses and Provide Supporting Documentation and References, as applicable):**

- *In completing this Checklist, the Lead Agency shall evaluate each environmental issue based on the preceding Sections A and B of this Initial Study and shall consider any applicable previously-certified or adopted environmental analysis. The decision as to whether a project may have one or more significant effects shall be based on substantial evidence in light of the whole record before the Lead Agency. All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.*
- *Following each section of this Checklist is a subsection to incorporate environmental documentation and to cite references in support of the responses for that particular environmental issue. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources the Lead Agency cites (in parentheses) at the end of each section. This subsection provides (a) the factual basis for determining whether the proposal will have a significant effect on the environment; (b) the significance criteria or threshold, if any, used to evaluate each question; and (c) the new or revised mitigation measures and/or previously-adopted measures that are incorporated by reference to avoid or mitigate potentially significant impacts. Mitigation measures from Section D, "Earlier Analyses", may be cross-referenced. In addition, background and support documentation may be appended and/or incorporated by reference, as necessary. This section is required to support a "Mitigated Negative Declaration". If an Environmental Impact Report (EIR) will be prepared, this section shall provide an "EIR Scope of Work" in order to focus on issues to be addressed in the Draft EIR*
- *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 site is not subject to flooding). A "No Impact" answer should be explained if 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).*
- *Once the lead agency has determined that a particular physical impact may occur, the checklist answers must indicate whether the impact is "Potentially Significant", "Less-than-Significant with Mitigation Incorporated", or "Less-than-Significant". "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant and mitigation measures to reduce the impact to a less-than-significant level have not been identified or agreed to by the project applicant. If there are one or more "Potentially Significant Impact" entries upon completing the Checklist, an Environmental Impact Report (EIR) is required.*
- *The "Less-than-Significant with Mitigation Incorporated" category applies when revisions in the project plans or proposals made, or agreed to, by the applicant would avoid or mitigate the effect(s) of the project to a point where, clearly, no significant adverse environmental effect would occur. The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less-than-significant level. Upon completing the Checklist, if there is no substantial evidence in light of the whole record before the Lead Agency that the project, as revised, may have a significant effect on the environment, then, a "Mitigated Negative Declaration" shall be prepared.*
- *The Checklist shall incorporate references to common or comprehensive information sources [e.g., the City's General Plan, redevelopment plans, infrastructure master plans, zoning ordinance/development code(s), and related environmental documents, etc.] for potential regional (Citywide) and cumulatively considerable impacts. In addition, any prior site-specific environmental documents and/or related studies (e.g., traffic studies, geo-technical/soils reports, etc.) should be cited and incorporated by reference, as applicable. Reference to a previously prepared or outside document should, when appropriate, include a reference to the page or pages where the statement is substantiated. Referenced documents shall be available for public review in the City of Stockton Community Development Department, Planning Division, 345 N. El Dorado St., Stockton, CA.*
- *Supporting Information Sources: A source list should be attached and other sources used and/or individuals contacted should be cited in the discussion.*

ENVIRONMENTAL SIGNIFICANCE CHECKLIST

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
--------------------------------------	--	-------------------------------------	--------------

1. AESTHETICS - Would the project:

- a. Have a substantial adverse effect on a scenic vista?
- b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings along a scenic highway?
- c. Substantially degrade the existing visual character or quality of the site and its surroundings?
- d. Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?

	√		
			√
	√		
	√		

Supporting Documentation/References Cited: Refer to attached Exhibit A, Supporting Documentation for Section C (Environmental Significance Checklist)

2. AGRICULTURAL RESOURCES - In determining whether impacts on 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. Would the project:

- 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. Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract?
- c. Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use?

√			
√			
√			

Supporting Documentation/References Cited: Refer to attached Exhibit A, Supporting Documentation for Section C (Environmental Significance Checklist)

3. AIR QUALITY - When available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- a. Conflict with or obstruct implementation of the applicable air quality plan?
- b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?
- c. 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 (including releasing emissions that exceed quantitative thresholds for ozone precursors)?

√			
√			
√			

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
--------------------------------	--	------------------------------	-----------

- d. Expose sensitive receptors to substantial pollutant concentrations?
- e. Create objectionable odors affecting a substantial number of people?

√			
	√		

Supporting Documentation/References Cited: Refer to attached Exhibit A, Supporting Documentation for Section C (Environmental Significance Checklist)

4. BIOLOGICAL RESOURCES

- Would the project:

- 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?
- b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
- c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means?
- 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?
- e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- 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?

	√		
	√		
	√		
		√	
		√	
		√	--

Supporting Documentation/References Cited: Refer to attached Exhibit A, Supporting Documentation for Section C (Environmental Significance Checklist)

5. CULTURAL RESOURCES

- Would the project:

- a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?
- b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

	√		
	√		

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
--------------------------------	--	------------------------------	-----------

- c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
- d. Disturb any human remains, including those interred outside of formal cemeteries?

	√		
		√	

Supporting Documentation/References Cited: Refer to attached Exhibit A, Supporting Documentation for Section C (Environmental Significance Checklist)

6. GEOLOGY AND SOILS

- Would the project:

- a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - (1) 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.
 - (2) Strong seismic groundshaking?
 - (3) Seismic-related ground failure, including liquefaction?
 - (4) Landslides?
- b. Result in substantial soil erosion or the loss of topsoil?
- 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 an onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?
- d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?
- e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater?

			√
			√
	√		
			√
	√		
	√		
	√		
			-√

Supporting Documentation/References Cited: Refer to attached Exhibit A, Supporting Documentation for Section C (Environmental Significance Checklist)

7. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

- a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- 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?

		√	
	√		

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
c. Emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			√	
d. Be located on a site that 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?		√		
e. Be located within an airport land use plan area or, where such a plan has not been adopted, be within two miles of a public airport or public use airport, and result in a safety hazard for people residing or working in the project area?		√		
f. Be located within the vicinity of a private airstrip and result in a safety hazard for people residing or working in the project area?				√
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?		√		
h. Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				√

Supporting Documentation/References Cited: Refer to attached Exhibit A, Supporting Documentation for Section C (Environmental Significance Checklist)

8. HYDROLOGY AND WATER QUALITY - Would the project:

a. Violate any water quality standards or waste discharge requirements?		√		
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, resulting in a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?		√		
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation onsite or offsite?		√		
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite?	√			
e. Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?		√		

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
f. Otherwise substantially degrade water quality?		√		
g. Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	√			
h. Place within a 100-year flood hazard area structures that would impede or redirect floodflows?		√		
i. Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?				√
j. Contribute to inundation by seiche, tsunami, or mudflow?				√

Supporting Documentation/References Cited: Refer to attached Exhibit A, Supporting Documentation for Section C (Environmental Significance Checklist)

9. **LAND USE AND PLANNING**
- Would the project:

a. Physically divide an established community?			√	
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	√			
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?			√	

Supporting Documentation/References Cited: Refer to attached Exhibit A, Supporting Documentation for Section C (Environmental Significance Checklist)

10. **MINERAL RESOURCES**
- Would the project:

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. Result in the loss of availability of a locally important mineral resource recovery site delineated on a general plan, specific plan, or other land use plan?				√

Supporting Documentation/References Cited: Refer to attached Exhibit A, Supporting Documentation for Section C (Environmental Significance Checklist)

11. **NOISE** - Would the project:

a. Expose persons to or generate noise levels in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies?		√		
b. Expose persons to or generate excessive groundborne vibration or groundborne noise levels?			√	

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
c. Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?		√		
d. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		√		
e. Be located within an airport land use plan area, or, where such a plan has not been adopted, within two miles of a public airport or public use airport and expose people residing or working in the project area to excessive noise levels?		√		
f. Be located in the vicinity of a private airstrip and expose people residing or working in the project area to excessive noise levels?				√

Supporting Documentation/References Cited: Refer to attached Exhibit A, Supporting Documentation for Section C (Environmental Significance Checklist)

12. POPULATION AND HOUSING

- Would the project:

a. Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	√			
b. Displace a substantial number of existing housing units, necessitating the construction of replacement housing elsewhere?			√	
c. Displace a substantial number of people, necessitating the construction of replacement housing elsewhere?			√	

Supporting Documentation/References Cited: Refer to attached Exhibit A, Supporting Documentation for Section C (Environmental Significance Checklist)

13. PUBLIC SERVICES - Would the project:

a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or a 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 following public services:

- (1) Fire protection?
- (2) Police protection?
- (3) Schools?
- (4) Parks?
- (5) Other public facilities?

		√		
		√		
		√		
√				
		√		

Supporting Documentation/References Cited: Refer to attached Exhibit A, Supporting Documentation for Section C (Environmental Significance Checklist)

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
14. RECREATION - Would the project:				
a. 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. Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?		√		

Supporting Documentation/References Cited: Refer to attached Exhibit A, Supporting Documentation for Section C (Environmental Significance Checklist)

15. TRANSPORTATION/TRAFFIC

- Would the project:

a. Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?	√			
b. Cause, either individually or cumulatively, exceedance of a level-of-service standard established by the county congestion management agency for designated roads or highways?	√			
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				√
d. Substantially increase hazards because of a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?		√		
e. Result in inadequate emergency access?			√	
f. Result in inadequate parking capacity?			√	
g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?			√	

Supporting Documentation/References Cited: Refer to attached Exhibit A, Supporting Documentation for Section C (Environmental Significance Checklist)

16. UTILITIES AND SERVICE SYSTEMS - Would the project:

a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			√	
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?		√		
c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?		√		

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or would new or expanded entitlements be needed?		√		
e. Result in a determination by the wastewater treatment provider that 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?		√		
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?		√		
g. Comply with federal, state, and local statutes and regulations related to solid waste?			√	

Supporting Documentation/References Cited: Refer to attached Exhibit A, Supporting Documentation for Section C (Environmental Significance Checklist)

17. MANDATORY FINDINGS OF SIGNIFICANCE

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

Supporting Documentation/References Cited: Refer to attached Exhibit A, Supporting Documentation for Section C (Environmental Significance Checklist)

D. EARLIER ANALYSIS (Completed by Lead Agency or Authorized Consultant):

Earlier analyses may be used where, pursuant to the tiering, Program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or Initial Study/Negative Declaration [Section 15063(c)(3)(D) of the State CEQA Guidelines]. The previously-certified or adopted environmental document(s) and any applicable adopted mitigation measures, CEQA "Findings", statements of overriding consideration, and mitigation monitoring/reporting programs are incorporated by reference, as cited below, and discussed on attached sheet(s) to identify the following:

- (a) **Earlier Analysis Used** - - Identify and state where earlier analyses are available for review.
- (b) **Impacts Adequately Addressed** - - Identify which effects from the above Checklist (Section C) 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 Incorporated," describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

- (d) CEQA Findings, Statements of Overriding Consideration, and Mitigation Monitoring/Reporting Programs - - Identify any applicable previously adopted CEQA Findings, overriding considerations, and mitigation monitoring/reporting provisions that have been relied upon and incorporated into the proposed project, pursuant to Sections 15150 (Incorporation by Reference) and 15152(f)(3) (Tiering) of the State CEQA Guidelines.

ENVIRONMENTAL ISSUE:

REFERENCES TO EARLIER ANALYSES, IMPACTS ADEQUATELY ADDRESSED, AND INCORPORATED MITIGATION AND FINDINGS:

1. AESTHETICS
2. AGRICULTURAL RESOURCES
3. AIR QUALITY
4. BIOLOGICAL RESOURCES
5. CULTURAL RESOURCES
6. GEOLOGY AND SOILS
7. HAZARDS AND HAZARDOUS MATERIALS
8. HYDROLOGY AND WATER QUALITY
9. LAND USE AND PLANNING
10. MINERAL RESOURCES
11. NOISE
12. POPULATION AND HOUSING
13. PUBLIC SERVICES
14. RECREATION
15. TRANSPORTATION/TRAFFIC
16. UTILITIES AND SERVICE SYSTEMS
17. MANDATORY FINDINGS OF SIGNIFICANCE

Refer to attached Exhibit A, Supporting Documentation for Section C.

E. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED [Completed by Lead Agency or Authorized Consultant - - Check (), as applicable]:

The environmental factors checked below would potentially be affected by this project (i.e., the project would involve at least one impact that is a "Potentially Significant Impact"), as indicated in the preceding Checklist (Section C) and the Earlier Analysis (Section D):

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Aesthetics | <input checked="" type="checkbox"/> Agricultural Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology/Soils |
| <input checked="" type="checkbox"/> Hazards and Hazardous Materials | <input checked="" type="checkbox"/> Hydrology/Water Quality | <input checked="" type="checkbox"/> Land Use/Planning |
| <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise | <input checked="" type="checkbox"/> Population/Housing |
| <input checked="" type="checkbox"/> Public Services | <input checked="" type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Transportation/Traffic |
| <input checked="" type="checkbox"/> Utilities/Service Systems | <input checked="" type="checkbox"/> Mandatory Findings of Significance | |

F. OTHER REFERENCES AND PERSONS CONSULTED (Completed by Lead Agency or Authorized Consultant):

Refer to attached Exhibit A, Supporting Documentation for Section C.

Authority: Public Resources Code Sections 21083 and 21087.
 Reference: Public Resources Code Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.3, 21093, 21094, 21151; *Sundstrom v. County of Mendocino*, 202 Cal. App. 3d 296 (1988); *Leonoff v. Board of Supervisors*, 222 Cal. App. 3d 1337(1990).

G. **DETERMINATION** [Completed by Lead Agency - -Check (), as applicable]:

On the basis of this initial evaluation and on substantial evidence in light of the whole record before the Lead Agency:

- 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, however, there will not be a significant effect in this case because revisions to the project have been made by or agreed to by the project proponent (see attached Mitigation Agreement). A MITIGATED NEGATIVE DECLARATION or an ADDENDUM to 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 (EIR), SUBSEQUENT EIR, SUPPLEMENT to an EIR, or an ADDENDUM to an EIR is required.
- I find that the proposed project MAY have an impact on the environment that is "potentially significant" or "potentially significant unless mitigated" 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 ENVIRONMENTAL IMPACT REPORT or MITIGATED NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL IMPACT REPORT or MITIGATED NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the project, nothing further is required. Specifically, the environmental documentation for the proposed project is provided by the following document(s):

- (1) Negative Declaration/Initial Study (I.S.) File No.: _____
State Clearinghouse No.: _____
- (2) Final EIR File No: _____ Title: _____
State Clearinghouse No.: _____
- (3) Other Environmental Document(s): _____

(Pursuant to the State and City Guidelines for Implementation of CEQA, the determination of the Community Development Director may be appealed to the City Planning Commission by submitting a written appeal with the applicable fee to the Community Development Department within ten (10) calendar days following this date of the determination.)

JAMES GLASER, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

By: 
(Signature of Planner)
Mark Martin, Project Manager II
(Name and Title of Planner – Typed or Printed)

Date: 12/20/05
(Date of Determination)

EXHIBIT A

SUPPORTING DOCUMENTATION FOR SECTION C (ENVIRONMENTAL SIGNIFICANCE CHECKLIST)

1. AESTHETICS

Would the project:

a. Have a substantial adverse effect on a scenic vista?

The project will not have a substantial effect on a scenic vista as there are no existing scenic vistas present in the project area.

b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings along a scenic highway?

The project will not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings along a scenic highway.

c. Substantially degrade the existing visual character or quality of the site and its surroundings?

The project will not substantially degrade the existing visual character or quality of the site and its surroundings. However, the project will change the existing visual character of the site and surroundings, transitioning from a rural/agrarian character to an urban character. The exception occurs to the north where the project abuts the Stockton Metropolitan Airport, also a highly urbanized use. Views of the project area from the west, south and east will change due to the conversion of land from agriculture to urban uses. Potential project visual effects may occur at the rural/urban interface.

d. Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?

The project will create substantial new sources of light. After project buildout, there will be new sources of light and glare, primarily during nighttime hours, associated with the proposed residential, commercial and industrial uses. Light/glare from the light industrial land uses could be significant, especially if the uses operate on a 24-hour basis. However, the planned industry will be isolated from the existing and planned residential uses. As a result of the distance/buffers, industrial lighting should not create a light/glare impact. Glare from residential structures is not expected to be significant due to the traditional use of non-glare construction materials. The planned development will require street lighting, which will introduce a significant, persistent light source where there previously was none. This new light source may negatively impact wildlife species located within, near, or traveling through the project area.

Potential Mitigation Measure: Downcast lighting should be used where feasible.

Supporting Documentation/References Cited:

Site observations; preliminary project plans.

2. **AGRICULTURAL RESOURCES - In determining whether impacts on 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.**

Would the project:

- 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?**

As identified on the Farmland Mapping and Monitoring Program, portions of the project site are considered Prime Farmland and Farmland of Statewide Importance. Additionally, three of the four soils mapped on the project site are Prime Farmland and Farmland of Statewide Importance soils (Hollenbeck silty clay 0 to 2 percent slopes, Stockton clay 0 to 2 percent slopes, and Veritas fine sandy loam 0 to 2 percent slopes). The proposed project will convert 352 acres of Prime Farmland and 520 acres of Farmland of Statewide Importance. The conversion of Farmland to urban uses will create a net loss of agricultural land within San Joaquin County.

Potential Mitigation Measure: If the City of Stockton approves an agricultural impact/land loss policy, the project will be required to participate in the mitigation mechanisms to offset the loss of agricultural lands.

- b. **Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract?**

Currently, the project is zoned for agricultural and industrial uses under the San Joaquin County General Plan. Implementation of the proposed project includes a City of Stockton General Plan Amendment that would bring the project site under the jurisdiction of the City of Stockton. Once this entitlement is approved, the project would be consistent with the City's General Plan. Planned uses include residential and industrial uses that would eliminate agricultural uses.

The project parcel is not currently under a Williamson Act contract.

Potential Mitigation Measure: A "Right to Farm Ordinance" has been adopted by the City of Stockton. This ordinance provides that on-going farming operations are not considered a nuisance, however, it does not eliminate the actual potential for land use conflicts.

Potential residents in areas adjacent to agricultural land will be informed of possible conflicts associated with farming operations and the Right to Farm ordinance prior to purchasing homes. The developer will be required to disclose this information prior to opening of escrow.

c. Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use?

Other lands immediately surrounding the project site that remain in agricultural production are outside of the City of Stockton's jurisdiction, and are outside of the urban services boundary/sphere of influence. As a result, conversion of adjacent agricultural lands to urban uses would require the extension of the urban services boundary and a sphere of influence amendment if those lands are ultimately considered for annexation to the City of Stockton. In addition, amendments to the City's General Plan and re-zoning would be required, as well as further environmental review. While the proximity of the proposed project to adjacent agricultural lands may induce land owners to convert to urban uses, considerable effort, time and expense would be required by the adjacent landowners to facilitate the conversion. It is also somewhat speculative to assume that adjacent landowners may pursue conversion of agricultural lands to urban uses based on the direction for the Tidewater Crossing project.

Supporting Documentation/References Cited:

City of Stockton General Plan; County of San Joaquin General Plan; applicant supplied information, Department of Conservation website; San Joaquin County Soil Survey. California Geological Survey website. Soil Survey of San Joaquin County, California.

3. AIR QUALITY - When available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:

a. Conflict with or obstruct implementation of the applicable air quality plan?

The project plan would be inconsistent with the Air Quality Attainment Plan due to the change in General Plan land use from agricultural to urban.

Potential Mitigation Measure: The project should be required to support and implement the policies contained in the Air Quality Attainment Plan.

b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

The project may contribute to an existing air quality violation. The City of Stockton and San Joaquin County lie within the San Joaquin Valley Air Pollution Control District. The Air District is in non-attainment for ozone, PM₁₀ and NO_x. It is likely that stationary and mobile sources generated by the proposed project will contribute towards further non-attainment for the region. Construction equipment emissions will also temporarily exceed thresholds for air pollutants. The proposed land use mix will generate a positive jobs-to-housing ratio thus improving the regional air quality conditions accordingly.

Potential Mitigation Measure: Standard dust and NOx reducing measures will be required to minimize construction related emissions. Adhering to the AQAP control strategies should minimize the potential to aggravate the non-attainment status of ozone and PM₁₀. The applicant will also conduct an air quality analysis to determine and quantify project impacts and mitigation.

c. 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 (including releasing emissions that exceed quantitative thresholds for ozone precursors)?

The project may result in a net increase of criteria pollutants in a nonattainment area. The proposed project will introduce residential, commercial, and industrial uses creating a balanced mix of land uses and positive jobs-to-housing ratio. This could potentially reduce commute distances in the region and improve long-range air quality conditions. Nonetheless, the project will introduce a significant number of new vehicles to the area on a permanent basis. This could create conditions which exceed established thresholds for CO, ozone, and other pollutants related to vehicle exhaust emissions. Uses associated with industrial operations may introduce air pollutants to the area.

The use of construction equipment on site would increase localized vehicle exhaust emissions while grading activities would exceed the defined thresholds for dust emissions. The construction related impacts are short-term in nature. However, on a cumulative basis, when combined with other development projects, project construction would generate fugitive dust and pollutant emissions that could be significant. An air quality analysis will be prepared for the project.

Potential Mitigation Measure: The applicant will also conduct an air quality analysis to quantify project impacts and mitigation. Standard dust and NOx reducing measures will be required to minimize construction related emissions. Adhering to the AQAP control strategies should minimize the potential to aggravate the non-attainment status of ozone, PM₁₀, and other air pollutants.

d. Expose sensitive receptors to substantial pollutant concentrations?

The project may expose sensitive receptors to criteria pollutant concentrations generated by traffic sources, or from project-related land uses and/or adjacent and use point sources. Industrial uses will be located near residential uses. Light industrial uses are proposed within the project limits that should not contribute hazardous air pollutants (compared with heavy industry). Additionally, the proximity of the Stockton Metropolitan Airport may introduce air pollutants to the proposed residential uses. However, it is expected that, as a result of the frequency of air traffic, combined with the distance to residential uses, air-traffic related pollutants should not present a health hazard. Increases in criteria vehicular traffic-related pollutants are expected and could result in a health hazard for persons residing within or adjacent to the project in the future. An air quality analysis will be prepared and will identify the potential air quality impacts on sensitive receptors,

including a general health risk assessment should pollutant concentrations exceed State or federal air quality standards.

Potential Mitigation Measure: In conjunction with the EIR air quality analysis will be prepared.

e. Create objectionable odors affecting a substantial number of people?

With only light industrial uses proposed for the project, objectionable odors should not be an issue for the project.

Supporting Documentation/References Cited:

Applicant supplied information; site observations; California Air Resources Board website.

4. BIOLOGICAL RESOURCES - Would the project:

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?

The project may create adverse effects on special status species, due to the conversion of potential habitat. The project site possesses suitable habitat for Swainson's hawk, giant garter snake, and burrowing owls. Development of the site may impact suitable habitat present for these special status species.

Potential Mitigation Measure: The applicant will be required to comply with provisions of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). A Biological Resources Evaluation will be prepared to determine potential impacts and mitigation measures.

b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Although the areas along French Camp Slough and a portion of the South Fork of Little John's Creek will be designated as open space, the project may impact this riparian habitat and some oak trees. If riparian vegetation along French Camp Slough and a portion of the South Fork of Little John's Creek is removed as part of the project, a Streambed Alteration Agreement will be required by CDFG.

Potential Mitigation Measure: If necessary, temporary fencing will be erected to exclude construction vehicles from entering riparian areas along French Camp Slough and a portion of the South Fork of Little John's Creek.

c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to,

marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means?

A Biological Resources Evaluation will be prepared for the proposed project. Waters of the U.S. and potential impacts will be identified.

Potential Mitigation Measure: If the project impacts water of the U.S., the project applicant will be required to consult with the Army Corps of Engineers (ACOE) under Section 404 of the Clean Water Act. If a Section 404 permit is required, the ACOE will impose conditions or measures to mitigate impacts.

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?

The proposed project will not result in a barrier to the migration or movement of fish or wildlife species, or impede the use of native wildlife nursery sites.

e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The project site is within the mapped boundaries for lands covered by the SJMSCP. Once the project site is annexed into the city, the project applicant will be required to adhere to the provisions outlined in the habitat plan.

If Oak tree resources are affected, the applicant will be required to conform to the City's Oak Tree preservation policy and ordinance requirements.

Potential Mitigation: Address impacts to biological resources pursuant to the terms, standards and conditions outlined in the SJMSCP. Impacts to Oak trees shall be addressed pursuant to the City's Oak Tree preservation policy and ordinance requirements.

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?

The project site is within the mapped boundaries for lands covered by the San Joaquin Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). The proposed project will comply with conditions set forth in the SJMSCP for Swainson's hawk, giant garter snake, burrowing owl and other special status species. The project applicant will be required to comply with the SJMSCP fee program any other relevant City conditions and fees.

Supporting Documentation/References Cited:

San Joaquin County Multi-Species Habitat Conservation and Open Space Plan, November 2000, site observations, project plans.

5. CULTURAL RESOURCES - Would the project:

a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?

The Stockton Metropolitan Airport Master Plan states "that there were two areas where Native American artifacts were encountered at the ground surface." Due to the proximity of the airport north of the project, the potential for cultural sites to exist within the project boundary cannot be ruled out.

Potential Mitigation Measure: Should any significant cultural sites be encountered provisions will be incorporated into the project design to protect the resource from public contact. During site construction, if deposits of cultural resources are encountered, provisions should be made to halt construction activities until qualified personnel can evaluate the findings and make further recommendations.

b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

Historic archaeological resources and activities are known to have occurred in the area. An inventory and analysis of any such resources will need to occur on the project site.

Potential Mitigation Measure: A archaeological resources evaluation will be conducted on the project site to document potentially significant resources. Any significant archaeological sites should be preserved and development should avoid the resource. Provisions will be incorporated into the project design to protect any resources from public contact. During site construction, if deposits of pre-historic resources are encountered, provisions should be made to halt construction activities until qualified personnel can evaluate the findings and make further recommendations.

c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

The project is not anticipated to directly or indirectly lead to the destruction of a unique paleontological resource or site or unique geologic feature.

Potential Mitigation Measure: A records search will be conducted for paleontological resources to determine potential presence, and the need for site surveys. During site construction, if deposits of paleontological resources are encountered, provisions should be made to halt construction activities until qualified personnel can evaluate the findings and make further recommendations.

d. Disturb any human remains, including those interred outside of formal cemeteries?

There are no known or documented historical or pre-historical human remains located on the project site. A cultural resource evaluation will be prepared to assess the presence or absence of cultural resources, including human remains.

Supporting Documentation/References Cited:

Stockton Metropolitan Airport Master Plan Report, Stockton, San Joaquin County, California, December 1997.

6. GEOLOGY AND SOILS - Would the project:

a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

(1) 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.

The site does not contain any Alquist-Priolo faults or other significant fault evidence.

(2) Strong seismic groundshaking?

The site is not subject to strong seismic groundshaking or hazards.

(3) Seismic-related ground failure, including liquefaction?

The project site is comprised of the following soil types:

Hollenbeck silty clay 0 to 2 percent slope: This moderately well drained, nearly level soil is in interfan basins. It is deep to a hardpan. It formed in alluvium derived from mixed rock sources. Permeability is slow. Available water capacity is moderate. The shrink-swell potential is high. Depth to the water table is more than 6 feet, but water may be briefly perched above the hardpan. Runoff is slow, and the hazard of water erosion is slight.

Jacktone clay, 0 to 2 percent slopes: This somewhat poorly drained, nearly level soil is in basins. It is moderately deep to a hardpan. It is formed in alluvium derived from mixed rock sources. Drainage has been improved by levees and reclamation projects. Permeability is slow. Water capacity is moderate. The shrink-swell potential is high. Depth to the water table is more than 5 feet, but water may be briefly perched above hardpan. Runoff is slow, and the hazard of water erosion is slight.

Stockton clay 0 to 2 percent slopes: This somewhat poorly drained, nearly level soil is in basins. It is deep to a hardpan. It formed in alluvium derived from mixed rock sources. Drainage has been improved by levees and reclamation projects. Permeability is slow. Available water capacity is moderate. The shrink-swell potential is high. Depth to the water table is more than 5 feet, but water may be briefly perched above the hardpan. Runoff is slow, and the hazard of water erosion is slight.

Veritas fine sandy loam 0 to 2 percent slopes: This moderately well drained, nearly level soil is on low fan terraces. It is deep to a hardpan. It formed in alluvium derived from mixed rock sources. Permeability is moderately rapid. Available water capacity is moderate. Depth to the water table is more than 6 feet, but water may be briefly perched above the hardpan. Runoff is slow, and the hazard of water erosion is slight.

Potential Mitigation Measure: Geologic professionals will be required to prepare detailed geotechnical reports to determine specific design requirements for development areas. The geotechnical reports will be conducted as part of the environmental review process and will be used to determine potential impacts in the Draft EIR.

(4) Landslides?

The project is not subject to landslides since the site is nearly level. There are no physical features associated with the site that could be subject to landslide activity.

b. Result in substantial soil erosion or the loss of topsoil?

Construction of the proposed project would require grading for proposed roadways and infrastructure. These activities will create ground disturbance which may lead to erosion on unprotected graded surfaces if exposed to rainfall and surface run-off.

It should be noted that site development will eliminate the effects of wind and water erosion associated with previous agricultural operations. With an increase in paved surfaces associated with development, soil surfaces will be protected in place and should reduce sedimentation of adjacent resources.

Potential Mitigation Measure: Standard erosion control measures will be required to prevent erosion and sedimentation during construction. As a condition of the required NPDES permit, the applicant must prepare a Storm Water Pollution Prevention Plan (SWPPP).

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 an onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?

The project is not located on a geologic unit or soil that is considered unstable or would become unstable due to implementing the project. The near level topographical conditions reduce the potential stability hazards. There are no unusual geologic or geotechnical concerns that contribute to unstable earth conditions.

Potential Mitigation Measure: Geologic professionals will be required to prepare detailed geotechnical reports to determine specific design requirements for development areas.

d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

Refer to 6.a(3) above.

Potential Mitigation Measure: Geologic professionals will be required to prepare detailed geotechnical reports to determine specific design requirements for development areas.

e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater?

The project will tie into the city's sanitary sewer system, therefore septic tanks will not be required.

Supporting Documentation/References Cited:

Site observations; California Geological Survey website. Soil Survey of San Joaquin County, California.

7. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

With proposed light industry, the project should not involve routine transport, use, or disposal of hazardous materials within those uses.

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?

With proposed light industry, the project should not involve the transport, use, or disposal of hazardous materials within those uses. Therefore, the project is not expected to 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.

Any hazardous substances that may be involved with construction activities will be identified on a Spill Prevention and Counter-Measure Plan (SPCMP) developed for the project. This SPCMP will identify all hazardous substances, methods for cleanup, and measures to protect construction workers.

Potential Mitigation Measure: The SPCMP will be prepared prior to the commencement of any construction activities. The SPCMP will identify any and all hazardous materials that will be used or stored on site. The SPCMP will also identify any hazardous wastes that might be generated by the proposed project. The SPCMP will detail proper measures to handle and/or transport hazardous materials. The plan will also present procedures to contain or initiate cleanup of any spills. The phone number of the appropriate government agency will be contained on the plan in the event of any release of hazardous substances.

c. Emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Light industrial uses are planned for the project, which typically do not utilize hazardous materials or substances. Nevertheless, the planned industrial uses will be located over one-quarter mile from planned school facilities (approximately 2,400 feet). In addition, the planned elementary school will be located approximately one-quarter mile from the Union Pacific Railroad.

d. Be located on a site that 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?

The project area is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Potential Mitigation Measure: A government records search and visual site survey will be conducted to determine the presence of hazardous materials/wastes and the potential to impact the project, if any.

e. Be located within an airport land use plan area or, where such a plan has not been adopted, be within two miles of a public airport or public use airport, and result in a safety hazard for people residing or working in the project area?

The proposed project is located directly south of the Stockton Metropolitan Airport. The project will be subject to the San Joaquin Airport Land Use Plan requirements established for the airport to ensure land use compatibility, and safety for adjacent residents. For the proposed project, the land use concept avoids placement of residential land uses within the Airport Land Use Plan crash hazard zones. Residents/employees associated with the proposed project should not be exposed to airport-related hazards.

The San Joaquin County Airport Land Use Plan indicates that the proposed project lies within the airport horizontal zone and that certain land use restrictions apply. Although the project does not fall within the immediate airport zones, it lies within the Airport Areas of Influence and will be subject to restrictions for noise and potential hazards to aircraft as indicated in the plan. The owners, developers, and/or successors-in-interest will be required to sign a "Deed of Avigation and Hazard Easement" regarding aircraft overflights, restrictions, etc. The EIR will provide analysis and mitigation as required by the plan.

f. Be located within the vicinity of a private airstrip and result in a safety hazard for people residing or working in the project area?

There are no private air strips proximate to the project site.

g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The project will not impair the implementation of or physically interfere with an adopted emergency response plan or evacuation plan.

h. Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

The site is not located in a wildland fire hazardous setting.

Supporting Documentation/References Cited:

Site observations; applicant provided information; Stockton Metropolitan Airport Master Plan; San Joaquin County Airport Land Use Plan.

8. HYDROLOGY AND WATER QUALITY - Would the project:

a. Violate any water quality standards or waste discharge requirements?

The proposed project will change the existing agricultural land use to commercial, industrial, and residential uses. While this land use change will eliminate a source of agricultural pesticides and fertilizers that may have impacted water quality adjacent to the site, the landscaping associated with the proposed project would also require the use of pesticides, herbicides, and fertilizers. The potential for discharge of hazardous materials relating to industrial uses also exists. Negative impacts to water quality from these pollution sources could persist.

Construction activities will create ground disturbance that may increase erosion and sedimentation in nearby water courses. The project applicant will be required to implement standard erosion control measures to ensure that storm water runoff does not adversely impact water quality in these waterways.

The nature of the proposed development may also impact water quality in French Camp Slough, the South Fork of Little John's Creek and their tributaries. The project will add significant amounts of impervious areas, potentially increasing the amount of storm water runoff. Vehicular traffic will also increase as a result of project development. These conditions create an increased potential for hydrocarbons, sediments, heavy metals, and other pollutants to reach local waterways via storm water runoff.

Potential Mitigation Measure: This project comes under the requirements of the City of Stockton's Stormwater Quality Control Criteria Plan (SWQCCP), as outlined in the City's Phase 1 Stormwater NPDES permit issued by the California Water Quality Control Board, Central Valley Region (Order No. R5-2002-0181). The implementation of SWQCCP became effective on November 25, 2003.

As required by the Stormwater Quality Control Criteria Plan, the owners, developers, and/or successors-in-interest must establish a maintenance entity acceptable to the City to provide funding for the operation, maintenance, and replacement costs of the storm water best management practices.

The property owners, developers, and/or successors in interest shall comply with any and all requirements, and pay all associated fees, as required by the City's Storm Water Pollution Program as set forth in its NPDES Storm Water Permit.

b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, resulting in a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?

The project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge, resulting in a net deficit in aquifer volume or a lowering of the local groundwater table level. Upon project implementation, a majority of the project site will be converted to urban uses, thus increasing the site runoff and reducing infiltration into the shallow groundwater table. Nonetheless, the project site is not known as a resource to replenish or recharge deep aquifer groundwater supplies. The project design proposes to retain an open space corridor along French Camp Slough and South Fork of Little John's Creek, with the likely requirements to integrate a flood control/detention basin adjacent to the corridor. It is expected that the basin will be designed to avoid infiltration of the detained runoff into the groundwater basin.

c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation onsite or offsite?

The project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation onsite or offsite. The existing drainage pattern of the site will be altered to accommodate project development, including the construction of a flood control/detention basin to accommodate peak flood flows. Construction and operation of the project may create erosion. It is expected that erosion and siltation will be controlled through standard engineering controls and practices.

Potential Mitigation Measure: The City revised its storm water requirements in November 2003 to comply with new state standards. The project applicant will be required to conform accordingly. All storm water discharges will be subject to NPDES permit requirements as set for by the RWQCB. Compliance with construction-related NPDES permit requirements will also be required, including adherence to a storm water pollution prevention plan during construction.

The property owners, developers, and/or successors in interest shall comply with any and all requirements, and pay all associated fees, as required by the City's Storm Water Pollution Program as set forth in its NPDES Storm Water Permit.

d. Substantially alter the existing drainage pattern of the site or area, including through the course of a stream or river, or substantially increase the

rate or amount of surface runoff in a manner that would result in flooding onsite or offsite?

Upstream hydrologic conditions are known to have a substantial effect on site hydrology and drainage conditions. A floodplain hydrology report will be prepared and its findings and recommendation will be included in the EIR. The applicant is proposing to construct a 30-50 acre flood control/detention basin within the western portion of the planned industrial uses. The flood control/detention basin will be sized to accommodate peak flows during storm events, and pumped back into French Camp Slough once the peak has passed. Weir inlets will be constructed in two locations to divert peak flows into the basin. Weirs will be provided on the north and south sides of the basin to intercept flows from Weber Slough and French Camp Slough, respectively. Earth material removed from the basin will be spread throughout the project area, raising the site elevation and assisting in removing the site from the 100-year flood plain. A cut-off drain is also planned along the southern project boundary (Villages H and I) to intercept and convey flows from the east into French Camp Slough. The technical report will evaluate the planned flood control concept and potential flood-related impacts associated with upstream hydrology and removing the project site and surrounding areas from the floodplain.

Potential Mitigation Measure: A floodplain hydrology report will be prepared and its findings and recommendation will be included in the EIR. Removal of the project site and any surrounding area will require a Conditional Letter of Map Revision to be approved by FEMA.

A storm water master plan will address on-site storm water conditions and will recommend appropriate mitigation. Those measures will be discussed in the EIR.

The property owners, developers, and/or successors in interest shall comply with any and all requirements, and pay all associated fees, as required by the City's Storm Water Pollution Program as set forth in its NPDES Storm Water Permit.

e. Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

The project would contribute runoff waters that would exceed the capacity of the stormwater drainage system. The project will be required to mitigate for the additional runoff by incorporating a flood control/detention basin into the project to remove peak flood flows from the local drainages. Refer to discussion and potential mitigation measure in 8d and additional mitigation below.

The project will not provide substantial additional sources of polluted runoff. By implementing the planned development project and eliminating the widespread use of pesticides, fertilizers, insecticides, etc. associated with agricultural production, water quality conditions in the runoff should improve.

Potential Mitigation Measure: As required by the Stormwater Quality Control Criteria Plan, the owners, developers, and/or successors-in-interest must establish a

maintenance entity acceptable to the City to provide funding for the operation, maintenance, and replacement costs of the storm water best management practices.

The property owners, developers, and/or successors in interest shall comply with any and all requirements, and pay all associated fees, as required by the City's Storm Water Pollution Program as set forth in its NPDES Storm Water Permit.

f. Otherwise substantially degrade water quality?

All water quality issues are expected to be mitigated to a less than significant level.

g. Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard boundary or Flood Insurance Rate Map or other flood hazard delineation map?

Portions of the project are located within Flood Zone A, AO, B, and C. These zones are defined as follows:

A: Areas of 100-year flood; base flood elevations and flood hazard factors not determined.

A1-A3: Areas of 100-year flood; base flood elevations and flood hazard factors determined.

AO: Areas of 100-year shallow flooding where depths are between one and three feet. Average depths of inundation are shown, but no flood hazards are determined.

B: Areas between limits of the 100-year and 500-year flood; or certain areas subject to 100-year flooding with average depths less than 1 foot or where the contributing drainage area is less than 1 square mile; or areas protected by levees from the base flood.

C: Areas of minimal flooding.

As part of the development, a 30-50 acre flood control/detention basin will be incorporated into the parcel planned for industrial uses. Earth excavated from the basin will be used to raise pads elevations and remove lands from the 100-year flood zone. The EIR will identify 100-year flood areas, potential impacts associated with the proposed project and any minimization and mitigation measures required as appropriate.

Potential Mitigation Measure: A storm drain master plan will address on-site storm water conditions and will recommend appropriate mitigation. Those measures will be discussed in the EIR.

The property owners, developers, and/or successors in interest shall comply with any and all requirements, and pay all associated fees, as required by the City's Storm Water Pollution Program as set forth in its NPDES Storm Water Permit.

A floodplain/hydrology report will be completed and its findings will be included in the analysis contained in the EIR. In addition, removal of portions of the project site from the 100-year flood plain designation will require a Conditional Letter of Map Revision to be approved by FEMA.

h. Place within a 100-year flood hazard area structures that would impede or redirect floodflows?

The project proposes to modify existing levee structures with weirs to divert peak flood flows into an adjacent flood control/detention basin. Together with raising pad elevations, the future occupied portions of the project site will be removed from the 100-year flood plain.

i. Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?

See 8a and 8g.

j. Contribute to inundation by seiche, tsunami, or mudflow?

The project will not contribute to inundation by seiche, tsunami, or mudflow.

Supporting Documentation/References Cited:

Flood Insurance Rate Maps for the project site; Domenichelli & Associates Conceptual Flood Control Feasibility Report.

9. LAND USE AND PLANNING - Would the project:

a. Physically divide an established community?

The proposed project will not divide an established community. Site plan design has been laid out to accommodate local residential neighborhoods.

b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

The project Land Use Plan as currently proposed conflicts with the adopted San Joaquin County General Plan. However, the project planning area was included in the City's Urban Service Area with the adoption of the 1990 General Plan. Implementation of the proposed project will require the approval of a General Plan Amendment to the City of Stockton's General Plan, Sphere of Influence boundary amendment (for a portion), annexation, and rezoning application to meet the entitlement requirements proposed by the applicant. Amendments to the City Master Storm Drainage, Sewer and Water Plans will also be required. All amendments will be subject to the approval of the City of Stockton or LAFCO.

The EIR will analyze potential impacts on air transportation and traffic related to the adjacent airport use based upon the San Joaquin Airport Land Use Plan, the City of Stockton General Plan, and the Stockton Metropolitan Airport Special Purpose Plan.

c. Conflict with any applicable habitat conservation plan or natural community conservation plan?

The project site is covered by the San Joaquin Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). Both the County of San Joaquin and City of Stockton has adopted the SJMSCP. After annexation to the City of Stockton, the applicant will also be required to conform to the SJMSCP and any other relevant City conservation measures and fees.

Supporting Documentation/References Cited:

1990 City of Stockton General Plan; SJMSCP; information provided by applicant.

10. MINERAL RESOURCES - Would the project:

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?

The project will not result in the loss of availability of known mineral resources. The proposed project site is not known to contain important mineral resources.

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?

The proposed project will not result in the loss of any mineral resource.

Supporting Documentation/References Cited:

2010 San Joaquin County General Plan.

11. NOISE - Would the project:

a. Expose persons to or generate noise levels in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies?

It is expected that the proposed land uses will exceed standards set forth in the City's Noise Ordinance for on-site and/or off-site sensitive receptors. An overall noise assessment will be conducted for the project. In addition, temporary increases in noise are expected during construction activities.

Potential Mitigation Measure: Noise studies will be required to determine the precise noise effects on specific sensitive receptors.

Construction activities will be mitigated by limiting the hours of operation.

b. Expose persons to or generate excessive groundborne vibration or groundborne noise levels?

Although light industrial uses are proposed, generation of substantial groundborne noise events or vibrations is not expected. Likewise, none of the other proposed project uses (residential, commercial, public) have characteristics that generate noise or vibration concerns. The UPRR and Stockton Metropolitan Airport may generate groundborne noise and vibration and could affect adjacent sensitive receptors within the project limits.

Potential Mitigation Measure: The applicant will be required to prepare a noise study to identify effects on specific sensitive receptors. Any mitigation measures provided within this study will be implemented by the applicant.

c. Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Noise levels will increase over the current levels as a result of site development.

Potential Mitigation Measure: The applicant will be required to prepare a noise study to identify effects on specific sensitive receptors. Any mitigation measures provided within this study will be implemented by the applicant.

d. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

It is expected that the proposed land uses will exceed standards set forth in the City's Noise Ordinance. The predominant source of temporary or periodic noise events for the project will be from construction activity. The increase from construction will be similar to the noise generated by agricultural equipment and is not expected to be significant when compared to ambient levels. The noise increases may temporarily impact adjacent residences.

Potential Mitigation Measure: The applicant will be required to comply with City noise ordinances pertaining to construction activities, including limiting the hours of construction activities.

e. Be located within an airport land use plan area, or, where such a plan has not been adopted, within two miles of a public airport or public use airport and expose people residing or working in the project area to excessive noise levels?

The proposed project is located adjacent to the Stockton Metropolitan Airport. The applicant will be required to prepare a noise study to identify noise effects from the airport on proposed uses.

A preliminary review of the project site and airport mapping contained in the San Joaquin Airport Land Use Plan indicates that a small portion of the project (Industrial) lies within 60 and 65 dB CNEL noise contours. Detailed permitted uses are applicable and soundproofing to reduce interior levels of exterior noise to less than 45 dBs will be required. The majority of the proposed project (residential) lies within areas that are outside these noise contours.

Potential Mitigation Measure: The applicant will be required to prepare a noise study to identify effects on specific sensitive receptors. A comparison of the Airport Land Use Plan to project land uses shall be included. Any mitigation measures provided within this study will be implemented by the applicant.

f. Be located in the vicinity of a private airstrip and expose people residing or working in the project area to excessive noise levels?

The proposed project is not located within a private airport.

Supporting Documentation/References Cited:

1990 City General Plan; Stockton Metropolitan Airport Master Plan.

12. POPULATION AND HOUSING - Would the project:

a. Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?

The proposed project will add a maximum of approximately 7,825 people to the project site (3.14 persons per household). The 3.14 persons per household figure reflects the City's average household size.

Development to the north of the project site is limited by the airport. State Route 99 provides a barrier to the east. The unincorporated community of French Camp is located to the west. Lands to the south, however, may experience growth inducement due to the proximity of the proposed projects residential component. Development of project infrastructure may create a catalyst for adjacent growth.

b. Displace a substantial number of existing housing units, necessitating the construction of replacement housing elsewhere?

The project will not displace existing housing units that are not under the applicant's ownership or control and will not generate additional demand for housing. The project is intended to supplement a deficient housing market within the City. A variety of housing types are proposed to offer future residents a housing choice, including housing affordability.

c. Displace a substantial number of people, necessitating the construction of replacement housing elsewhere?

The proposed project will not result in a displacement of people. Also, refer to 12.b above.

Supporting Documentation/References Cited:

1990 City General Plan; Stockton East and Stockton West USGS Quadrangle, 2004 General Plan Background Report.

13. PUBLIC SERVICES - Would the project:

a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or a 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 following public services:

(1) Fire protection?

The project site is currently served by local fire protection districts. Upon project approval and annexation, the project area will be served by the City of Stockton Fire Department. The project will impact fire protection services due to the increased density of residential units and industrial and commercial facilities. This may impact response times and coverage provided by the City.

Potential Mitigation Measures: The financing and construction of a fire station will occur pursuant to existing city policy, procedures and standards, including funding via the Public Facilities Fees program.

(2) Police protection?

The site is currently served by the County Sheriff's Department and the California Highway Patrol. Upon project approval and annexation, the project area will be served by the City of Stockton Police Department. The project may impact police protection services including response times and coverage. The City of Stockton capital improvements budget includes funding for facility expansion and equipment purchases to accommodate projected service demands. Development impact fees exacted on new development projects for police protection services should assist in financing expanded services to the proposed project.

Potential Mitigation Measures: The property owners, developers and/or successors in interest will pay the applicable City of Stockton Public Facilities Fee.

(3) Schools?

The project site is located within the boundary of the Manteca Unified School District. Due to the size of the residential component, the project will impact schools. For planning purposes, the City estimates school sizes as follows: 800 students for an elementary school; 900 students for a middle school; and 2200-2600 students for a high school. The EIR will identify the projected number of students generated by the project, current capacities of nearby schools and the ability to accommodate new students. An on-site elementary school is proposed to accommodate elementary school-aged students. Existing schools located in French Camp may have additional capacity to accommodate project-student needs.

Potential Mitigation Measure: The applicant will be required to pay development impact fees to the school district to offset the cost for providing new facilities.

(4) Parks?

The project does impact existing parklands, as the area is largely agricultural and park lands are not present in the vicinity. The City's current adopted General Plan requires 3 acres of parkland per 1,000 individuals. However, the current General Plan update recommends park acreage dedication standards of 5 acres per 1,000 persons. This breaks down into 2 acres per 1,000 persons for neighborhood parks (5 to 15 acres in size) and 3 acres per 1,000 for community parks (over 15 acres in size). Based on the size of the residential component, the project would require 39 acres of usable park space to accommodate project-related park demand.

The increase in population generated by the proposed project may impact regional parks; these impacts will be evaluated. City standards require 5 acres per 1,000 people. The EIR will compare the population served by the regional parks to determine whether regional parklands are in excess or deficient of the County standards. City policy also includes consideration of acquiring additional land for regional parks in cooperation with San Joaquin County. The financing of open space areas and park space will occur pursuant to existing city policy, including funding via the Public Facilities Fees program.

Potential Mitigation Measure: The applicant proposes to dedicate parkland area to the City to offset parkland requirements. Also, the applicant will be required to pay fees to the City in accordance with the project park dedication requirements to be applied to local (neighborhood and community) park improvements, and in accordance with the City's regional park land policies for providing regional park land area or equivalent fees.

The City may require the financing of maintenance associated with parks, greenbelts, bike paths and landscaped areas to be addressed via the formation of a Landscape & Lighting District.

(5) Other public facilities?

Other public facilities may be impacted by the project, including available water supplies. The City will prepare a project specific water supply assessment to quantify the City's 20-year supply for this project. The water supply assessment will determine if adequate water supplies are available for the project. Wastewater requirements will be analyzed in a sewer master plan prepared specifically for the proposed project by the applicant's civil engineer.

Developer impact fees will be used to pay the fair share requirements for library services. For other governmental services, typical project exactions and taxes are expected to adequately fund their long-term maintenance.

Potential Mitigation Measure: The project applicant will be required to pay development impacts fees (as applicable) to pay for utility expansions and to reduce the burden on community library and other governmental services.

Supporting Documentation/References Cited:

1990 City General Plan; San Joaquin County website; Manteca Unified School District; Stockton Unified School District; 2004 General Plan Background Report.

14. RECREATION - Would the project:

a. 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?

The increase in population generated by the project should not increase the burden on existing neighborhood, community, and regional parks, as the area is largely agricultural and park lands are not present in the vicinity. An analysis of the project impacts on City parks will be conducted to determine if the excess park land provides on-site will offset parkland requirements. A number of on-site parks are proposed for use by project residents. These parks will remain public and will be available for use by the general public.

b. Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?

The project will provide approximately 89 acres of parks and buffers. These areas will be incorporated into the overall site plan and are not expected to adversely effect the physical environment.

Supporting Documentation/References Cited:

1990 City General Plan; applicant provided information.

15. TRANSPORTATION/TRAFFIC - Would the project:

a. Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?

The increase in population generated by the project's residential component and business-related traffic due to the project's commercial and industrial component will increase traffic in the project vicinity. This proposal was anticipated by the City's General Plan update as Village L (Specific Plan). A traffic analysis will be prepared for the project that examines local and regional traffic conditions with and without the project.

If determined to be a feasible component of the project, the traffic analysis will analyze the extension of Dixon Road across the active California National Guard taxiway at the airport and the future access to highway 99 via Dixon Road.

Potential Mitigation Measure: In conjunction with the technical traffic study, future mitigation requirements (e.g., roadway improvements) will be proposed to reduce the project and cumulative contributions towards traffic impacts in the vicinity.

b. Cause, either individually or cumulatively, exceedance of a level-of-service standard established by the county congestion management agency for designated roads or highways?

A technical traffic study will be prepared for the project that examines the regional traffic conditions with and without the project scenarios for future year horizons for both the current General Plan, as well as for the ongoing General Plan Update program.

Potential Mitigation Measure: The Traffic Study will produce mitigation measures which will be addressed by the applicant when recording a final map. These mitigation measures will be incorporated by reference into the Development Agreement. These mitigation measures may include payment of fair share fees to the City of Stockton towards roadway improvements.

c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

The proposed project will not result in alterations to waterborne, rail, or air traffic patterns.

d. Substantially increase hazards because of a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The project does not include design features that create hazardous conditions. New access points will be created and traffic will increase as a result of the project. A traffic impact study will be prepared to determine the significance. While the project will likely create new access points along French Camp Road and South Airport Way, the circulation system will conform to City standards that will prevent hazardous conditions and ensure traffic safety. It should be noted that a potential conflict could occur with adjacent agricultural operations. Passenger and service vehicles may conflict with farm equipment being transported along adjacent public roads. This impact can be mitigated to a less than significant level through roadway geometrics and signage.

Other considerations that will be included in the EIR analysis are the proposed collector from Airport Way to the school on portions of private land and impacts relating to the air traffic and airport ground circulation.

e. Result in inadequate emergency access?

Site development is expected to enhance local circulation access due to the implementation of new circulation facilities. Access to both SR-99 and I-5 should improve with project implementation.

f. Result in inadequate parking capacity?

The project will not require parking beyond the facilities planned to serve the project. Adequate parking will be provided for residential, commercial and industrial uses. The City of Stockton Design Guidelines and City ordinances will be used to determine adequate levels of parking.

g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

Compliance with adopted policies, plans, and programs supporting alternative transportation will be further evaluated in the technical traffic study to determine potential impacts

Supporting Documentation/References Cited:

City of Stockton Citywide Design Guidelines; site observations

16. UTILITIES AND SERVICE SYSTEMS - Would the project:

a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

The project will tie into the City's sanitary sewer system. Project wastewater treatment requirements will be consistent with the City's Sewer Master Plan, which includes provisions to expand the City's treatment plant. The City must comply with RWQCB wastewater discharge requirements. The proposed project is not expected to create exceedances of these requirements.

b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Existing and proposed wastewater conveyance facilities should accommodate proposed project demand. Sewage generated by the proposed project is not expected to burden the capabilities of the wastewater treatment plan due to the City's ability to meet increasing demand by expanding the treatment plant in modular components. The applicant will be required to provide a fair share in expanding waste water facilities as needed.

Approval of the Tentative Map for the proposed project will require amendments to the City's Sewer Master Plan. A sewer master plan is being prepared by the applicant's civil engineer for the proposed project that will amend the City's Plan.

The City will prepare a project specific water supply assessment to quantify the City's 20-year supply for this project. The water supply assessment will determine if adequate water supplies are available for the project.

Potential Mitigation Measure: The applicant will be required to pay connection fees, as applicable at the time of approval, and capital improvement fees for water and wastewater service.

c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

The project's storm drainage system will be designed to capture storm water runoff and accommodate peak storm water events. Storm water from the project will be conveyed to the City's storm drainage system.

Potential Mitigation Measure: The applicant will prepare a storm water master plan to identify a strategy for managing site runoff.

d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or would new or expanded entitlements be needed?

The City will prepare a project specific water supply assessment to quantify the City's 20-year supply for this project. The water supply assessment will determine if adequate water supplies are available for the project.

e. Result in a determination by the wastewater treatment provider that 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?

The City's wastewater treatment plant has been designed to accommodate phased increases in capacity treatment. As a result, the project wastewater demand is not expected to significantly impact wastewater treatment capacity.

Potential Mitigation Measure: The applicant will be required to pay connection fees, as applicable at the time of approval, and capital improvement fees for water and wastewater service.

f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

Four solid waste landfills are located within San Joaquin County and could service the proposed project. These facilities include: Austin Road/Forward Landfill, Foothill Sanitary Landfill, Forward, Inc., and North County Sanitary Landfill. These landfills have estimated closure dates of 2053, 2054, 2006, and 2035, respectively. Based on these estimated closure dates and available capacities, it is not expected that the proposed project will exceed capacities of County landfills. Additionally, continued implementation of the City's adopted Source Reduction and Recycling Element (March 1992) will ensure that contribution of solid waste materials to the landfills will not accelerate the depletion of remaining landfill capacity.

Potential Mitigation Measure: The Master Development Plan should identify techniques for reducing solid waste generation, including various waste reduction and recycling measures.

g. Comply with federal, state, and local statutes and regulations related to solid waste?

The project is expected to adhere to the typical management strategies for achieving waste reduction objectives, thus complying with federal, state, and local agency regulations.

Supporting Documentation/References Cited:

California Integrated Waste Management Board Website.

17. MANDATORY FINDINGS OF SIGNIFICANCE

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

The site is not considered overly sensitive to biological resources due to the graded condition and long-term agricultural productivity occurring on the site. Nonetheless, impacts to biological special status species and wetlands may occur with project implementation. A biological assessment will be performed to determine the presence of special status species and wetland resources. Similarly, as a result of long term agricultural production and subsequent grading, cultural resource sensitivity is considered low. A cultural resource study will be performed to determine the presence/absence of cultural resources.

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.)

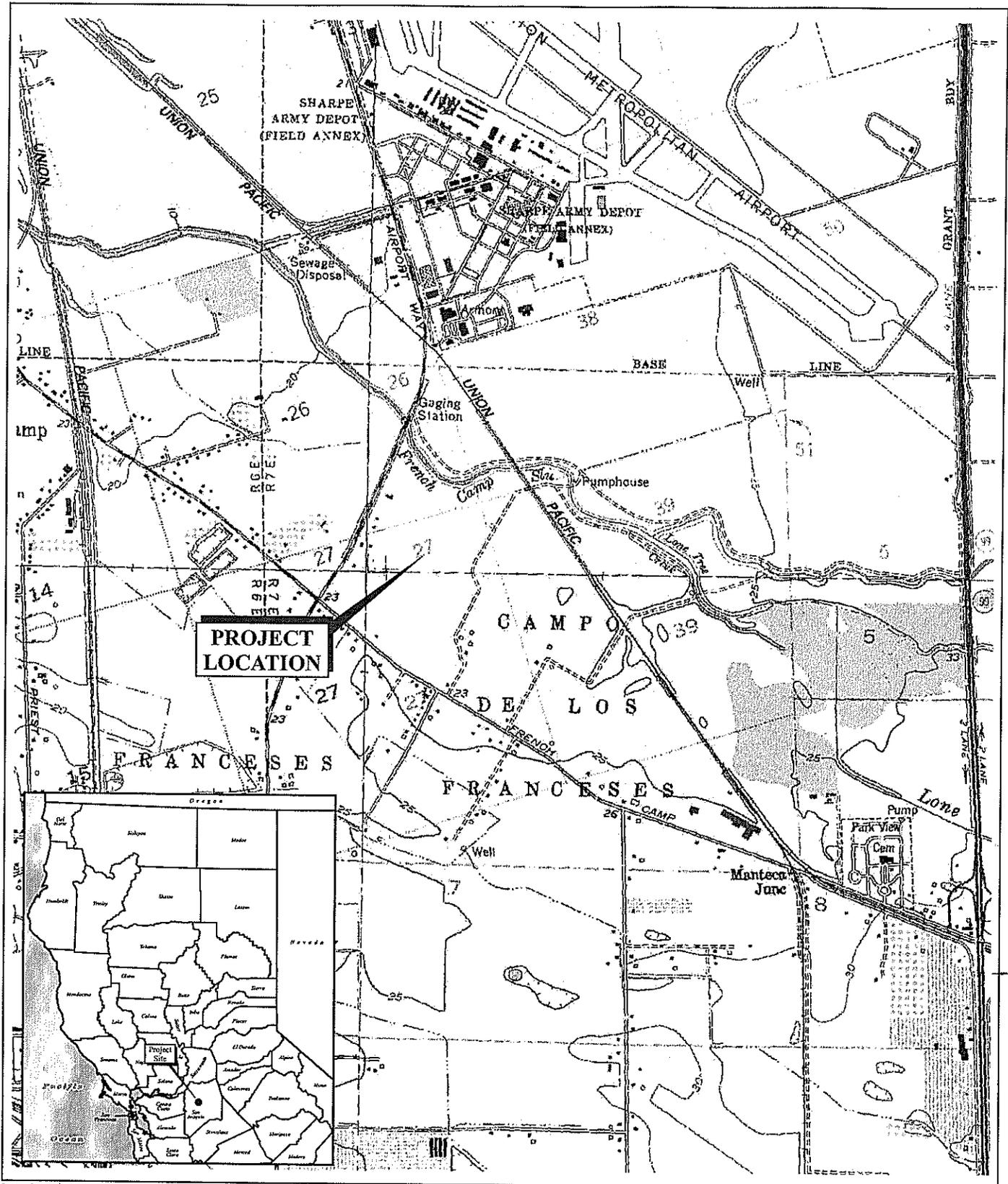
The proposed project will create cumulative impacts. During construction, temporary air quality impacts are expected. Likewise, project implementation will create exceedances of air pollutants thresholds, thereby creating regional air quality issues. Other potentially significant impacts include the loss of agricultural lands, conversion of open space to urban uses, increases in traffic, and adequacy of surface and ground water supplies to serve the project.

c. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

The project is expected to provide enhanced services and facilities for this region of South Stockton. Although, the project is not anticipated to have adverse effects on human beings, either directly or indirectly, a more detailed analysis will be prepared in the EIR and impacts will be determined along with appropriate mitigation measures where feasible.

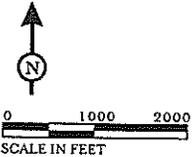
Supporting Documentation/References Cited:

Applicant provided materials.



LSA

FIGURE I



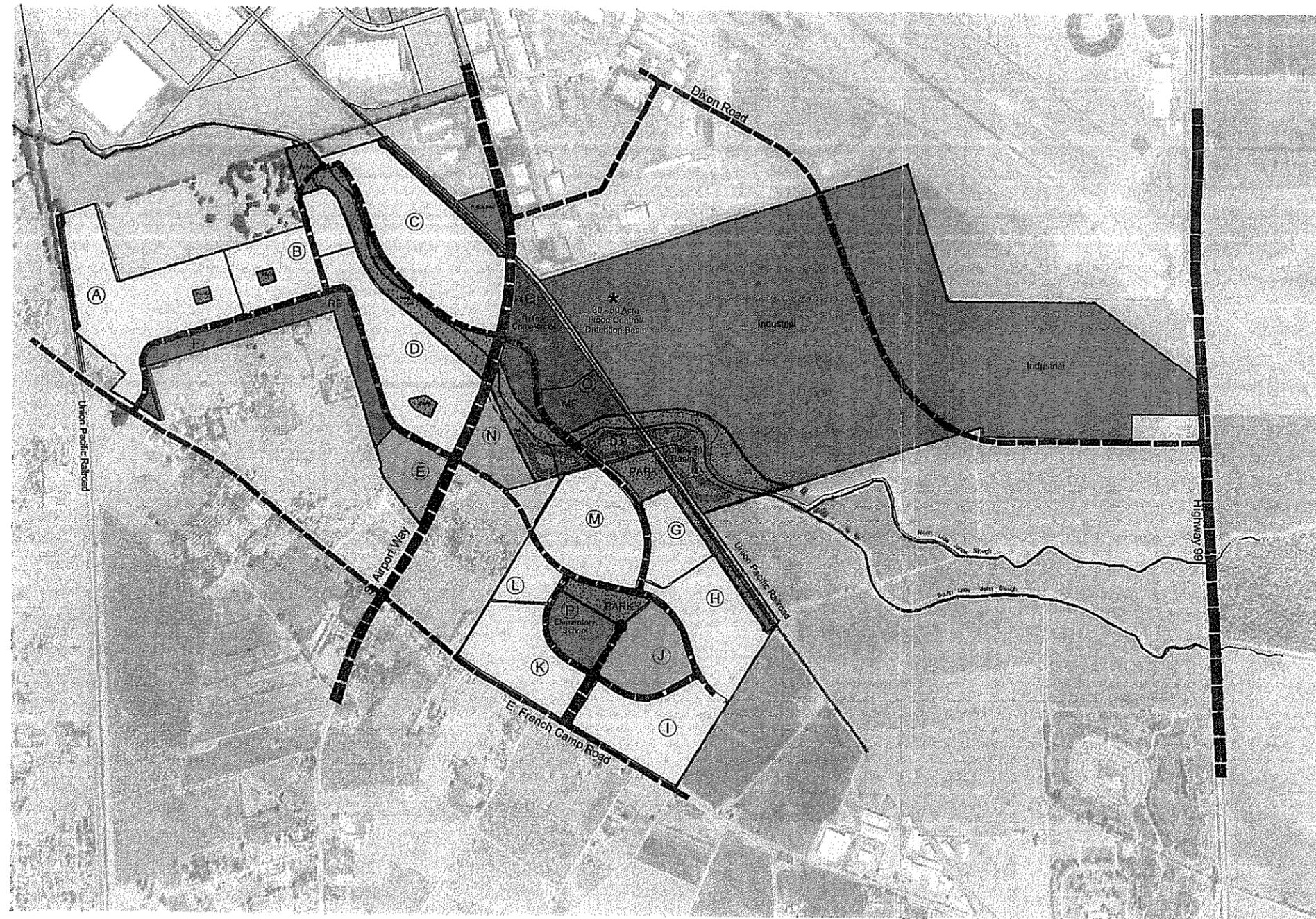
SOURCE: USGS 7.5' QUAD, 1988
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Tidewater Crossing
 Project Location

Tidewater Crossing

Stockton, California

Land Use Diagram



Site Information

Site Use	Lot Size	Acres	# Units	Density (du/ac.)
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West Neighborhood

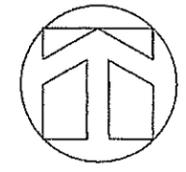
Ⓐ	LDR	49.4 ac.	265	5.4
Ⓑ	LDR	25.5 ac.	148	5.8
Ⓒ	MDR	50.1 ac.	323	6.5
Ⓓ	LDR	40.3 ac.	209	5.2
Ⓔ	MDR	12.3 ac.	148	12.0
Ⓕ	RE	24.1 ac.	19	0.7
Total Residential		201.7 ac.	1112	5.5
Industrial		3.4 ac.		
Parks/Buffers		26.8 ac.		
Railroad		2.6 ac.		
Airport Way		3.1 ac.		
Sub Total		35.9 ac.		
Totals		237.6 ac.		

East Neighborhood

Ⓖ	LDR	13.9 ac.	61	4.4
Ⓗ	LDR	28.1 ac.	157	5.6
Ⓙ	LDR	32.0 ac.	162	5.1
Ⓚ	MDR	19.8 ac.	238	12.0
Ⓛ	LDR	27.7 ac.	140	5.1
Ⓜ	LDR	9.5 ac.	50	5.3
Ⓝ	LDR	32.5 ac.	165	5.1
Ⓟ	MDR	11.5 ac.	138	12.0
Ⓠ	HDR	11.2 ac.	269	24.0
Total Residential		186.2 ac.	1380	7.4
Ⓡ Elementary School		11.6 ac.		
Ⓢ Retail / Commercial		20.7 ac.		
Parks/Det. Basins/Buffers		62.2 ac.		
Railroad		8.0 ac.		
Airport Way		3.1 ac.		
Sub Total		105.6 ac.		
Industrial		348.6 ac.		
TOTAL		640.4 ac.		
GRAND TOTAL		878.0 ac.	2492	

Note: The above totals do not include land uses outside the Master Plan area.

Land Planner
 Randall Planning & Design, Inc.
 1475 N. Broadway Suite 290
 Walnut Creek, California 94596



September 30, 2005

RESPONSES TO NOTICE OF PREPARATION COMMENTS

U.S. ARMY CORPS OF ENGINEERS

Comment Summary

The Army Corps of Engineers notes that there is Water of the United States on the project site. These waters include French Camp Slough, north and south forks of the South Fork of Little John's Creek, and other potential jurisdictional waters and requests preparation of wetland delineation.

In addition, the Corps requests an analysis to address a range of alternatives that avoids impacts to wetlands or other waters of the United States and to make an effort to avoid impacts including, but not limited to, implementation of buffers.

The Corps suggests a minimum 50-foot buffer on both sides of French Camp Slough, Little John's Creek, and other waters on the project site should be established between these waters and proposed development park, residential and commercial areas.

Response to Comment

The preparation of a wetland delineation for the project will be included in the DEIR as a mitigation measure. Additionally, when drafting the range of project alternatives consideration will be given to the avoidance or minimization of impact to wetlands and waters of the United States.

The project currently proposes an open space buffer along French Camp Slough. Where possible, the buffer extends 50-feet beyond the center line of the slough. If it is demonstrated that these waters cannot be avoided, mitigation plans will be developed to compensate for the unavoidable losses. Additional alternative analysis would be conducted in the event that an individual 404 permit is required.

Please refer to the Tidewater Crossing EIR for this analysis.

SAN JOAQUIN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

Comment Summary

The Community Development Department indicates that the EIR should include mitigation measures to address the loss of agricultural land and the possible conflicts with existing agricultural operations on neighboring properties.

Additional analysis was requested as it relates to project development constraints and the Stockton Metropolitan Airport's continued operation and expansion.

A request was also made to keep an area of open space available for the preservation of riparian habitat and to maintain water quality. Concern over adequate mitigation measures for areas of concern and determination of oak tree impacts were also noted.

Response to Comment

Agricultural lands will be converted to urban uses. This will likely be considered as a significant impact and mitigation measures will be required, if available for implementation. The existing General Plan (1990) has policies pertaining to agricultural land preservation, but does not establish a framework for implementation.

The 2035 General Plan Update has goals and policies supporting the creation of a permanent agricultural/open space buffer along the ultimate northern edge of the Urban Service Area and the implementation of an Agricultural Conservation Program (ACP) for the protection and conservation of agricultural lands. The ACP would include the collection of an agricultural mitigation fee for acreage converted from agricultural to urban use, outside of the Enterprise Zone, Free Trade Zone, or Redevelopment Area, taking into consideration all fees collected for agricultural loss.

If the project is approved consistent with the 2035 General Plan Update, the policies required by the City of Stockton for the loss of agricultural land will be implemented.

The project proponent is subject to the regulations and processes imposed by the San Joaquin County Airport Land Use Commission. The Commission is responsible for issuing the Deed of Avigation and Hazard Easement.

The EIR will address riparian habitat and oak tree woodland impacts along with appropriate mitigation measures and open space elements contained within the project site.

SAN JOAQUIN COUNTY PUBLIC WORKS

Comment Summary

Comments regarding dedication of rights-of-way, maintenance responsibilities, impacts to County roadways, design and traffic engineering centered on specific requirements and mitigation measures.

Response to Comment

Transportation Planning

1. The Airport Way Specific Plan has not been adopted by the City and therefore, does not apply to this project.
2. The City of Stockton will require annexation of the entire roadway giving the City full maintenance responsibility.

3. For roadway improvements that occur outside of the applicant's holdings, the City will require the applicant to acquire the right-of-way subsequent to approval of Tentative Maps (as a condition of the Tentative Map), and prior to Final Map approval.
4. The City will not assume responsibility for maintaining improvements that remain within the County.
5. Comment noted. The potential impacts to airport traffic due to the extension of C.E. Dixon Road will be discussed in the EIR.
6. The interchange is not planned as a component of the project. The interchange is a future facility that is being considered as a component of the 2035 General Plan Update. It is likely that the applicant will pay a proportionate share for the facility if it is approved in the 2035 General Plan Update.
7. Impacts will be identified to County and City facilities within the study area in terms of peak hour trips added by the project. This information can be used to develop fair share cost allocation for related mitigation measures.
8. The project shall pay all required Regional Transportation Impact Fees (RTIF) according to the findings contained in the traffic analysis and fair share allocations.
9. The traffic impact study shall include the existing and proposed intersections indicated.
10. Impacts to critical intersections along the road segments listed will be examined, with the exception of Airport Way/Roth Road; the initial discussions and analysis determined that the study area did not indicate a high probability of significant impact at this intersection. Regarding the intersections with the Union Pacific Railroad, standard intersection analysis techniques are not appropriate. The traffic study will report volumes added at these locations.
11. Impacts to critical intersections along the road segments listed will be examined, with the exception of the Roth Road segment. The initial discussions and analysis to determine the study area did not indicate a high probability of significant impact on this segment.
12. /13. Impacts at the Interstate 5 interchanges with Mathews Road and French Camp Road will be addressed, as will impacts at the intersection of Mathews Road-Ash Street/El Dorado Street, the critical gateway intersection for the Interstate 5/El Dorado Street interchange.
14. The traffic study will include the City of Stockton's mandated interim scenario, reflecting Existing Plus Approved Projects on the existing/committed roadway network. Mitigation measures will be developed for this interim scenario.

SAN JOAQUIN COUNCIL OF GOVERNMENTS

Comment Summary

The Council of Governments noted that the proposed project is within the Stockton Airport Area of Influence and indicates the project is subject to the San Joaquin County Airport Land Use Plan (ALUP) requirements, including development standards, Caltrans reviews and noise mitigation measures.

Response to Comment

The EIR will contain analysis of the proposed project in conjunction with the ALUP requirements. An assessment of the flight patterns and operations will also be included to determine the airports effects. A review of the Caltrans and California Department of Education guidelines for school sitings will be conducted. Final project permits will be subject to appropriate agency reviews and approvals, which includes Caltrans Aeronautics and San Joaquin County Airport Land Use Commission. In addition, the noise analysis prepared for the project will address existing and future aircraft noise of project sensitive receptors.

SJCOG, INC.

Comment Summary

The commenter noted that the proposed development project is subject to the San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP) and requested steps to satisfy the applicable requirements.

Response to Comment

The project applicant will comply with the SJMSCP and will follow the steps outlined in the comment letter.

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

Comment Summary

The District indicated that the project would exacerbate air quality non-attainment and requested an Air Quality Impact Assessment (AQIA) and a Traffic Impact Study (TIS). In addition, the district recommends using the URBEMIS 2002 model to calculate project area and operational emissions and to identify mitigation measures that reduce impacts.

The District provides specific recommendations for the air quality analysis contained in the EIR along with regulations and rules pertaining to air quality analysis and provides mitigation measures for the reduction of impacts including entering into an agreement to provide funding for additional reductions in emissions.

Response to Comment

An Air Quality Impact Assessment and Traffic Impact Analysis will be prepared to analyze regulations, current air quality, project related emissions, applicable rules and regulations, impacts and mitigation measures.

A risk assessment will also be conducted to determine potential health concerns due to exhaust from railroad and airport operations.

Please refer to Section 4.2 in the Tidewater Crossing EIR.

CALIFORNIA DEPARTMENT OF TRANSPORTATION

Comment Summary #1 (January 4, 2006)

The Department requests that a Traffic Impact Analysis be prepared according to *Caltrans Guide for the Preparation of Traffic Impact Studies*. In addition, concerns over the LOS at transitions to the State highway, Encroachment Permit, cumulative traffic impacts, lighting, pedestrian and bicycle modes of transportation and circulation.

Response to Comment

A Traffic Impact Analysis will be prepared for the proposed project and an analysis will be included in the EIR. Please refer to Section 4.7 in the EIR. The ILV method recommended is not specified in the *Caltrans Guide for the Preparation of Traffic Impact Studies*, and is not included in the latest version of the *Highway Capacity Manual*. In addition, the ILV does not calculate LOS needed for determining the significance of impacts and as a result will not be used as recommended.

Previous experience with microsimulation software indicates that this type of software is useful in design-level studies, but does not contribute substantially to planning-level studies conducted for CEQA documents. Industry standard analysis procedure (e.g., use of the *Highway Capacity Manual 2000* methods) are adequate for identification of project-related impacts. Therefore, use of microsimulation software is not recommended.

The Tidewater Crossing project contains elements such as open space and greenways adjacent to the sloughs onsite. Additional design elements relating to alternative modes of transportation will be discussed in the EIR. Professional planning consultants have developed a project design that incorporates elements intended to improve pedestrian and bicycle mobility.

Comment Summary #2 (January 17, 2006)

The Department indicates that the proposed project may be located in areas that are “very high risk” as identified in the *Caltrans Airport Land Use Planning Handbook* and request that a thorough analysis of land use compatibility and has concerns over the proximity of the school site in relation to the airport.

Additional information is given regarding noise levels and establishing appropriate noise level thresholds for communities. Caltrans requested a thorough analysis be contained in the DEIR of aircraft, roadways and railway line noise impacts as well as safety and land use concerns.

Response to Comment

The EIR will analyze the proposed project in relation to the airport. The San Joaquin County Airport Land Use Plan (ALUP), Caltrans Airport Land Use Planning Handbook and input from the Airport Land Use Commission will be used to discuss land use, noise impacts and potential land use compatibility issues. In addition, a noise analysis will be conducted to evaluate the forecasts for airport operations contained in the adopted Airport Master Plan document and the Federal Aviation Administration will be consulted regarding flight patterns and potential conflicts with the proposed development.

The California Department of Education's Guidelines for School Sites will be evaluated relative to the proposed school location. Submittal to Caltrans, Division of Aeronautics will be completed as required by the California Department of Education Code.

It is not anticipated that proposed project will attract or sustain hazardous wildlife populations near the airport. A detention basin will be constructed near the southern boundary of the airport to temporarily detain peak flood waters. Due to the temporary nature of the basin operation, it is not expected to attract bird or wildlife that could cause wildlife-aircraft collisions. This condition will be analyzed in the EIR.

The project proposes industrial uses adjacent to the airport that are intended to enhance airport operations and growth opportunities rather than impeded them. Further discussion regarding land use compatibility and industrial uses will be included in the EIR.

California Department of Conservation

Comment Summary

The commenter notes that the project will convert prime and statewide important farmland and requests that a mitigation strategy be implemented in cooperation with the City of Stockton. Suggested mitigation mechanisms are presented and adherence to policy related to agricultural land conversion is recommended.

Response to Comment

The EIR will discuss impacts and potential mitigation measures for farmland impacts in conjunction with the City's current policies and plans on farmland protection.

Agricultural lands will be converted to urban uses. This will likely be considered a significant impact and mitigation measures will be required, if available for implementation. The existing General Plan (1990) has policies pertaining to agricultural land preservation, but does not establish a framework for implementation.

The 2035 General Plan Update has goals and policies supporting the creation of a permanent agricultural/open space buffer along the ultimate northern edge of the Urban Service Area and the implementation of an Agricultural Conservation Program (ACP) for the protection and conservation of agricultural lands. The ACP would include the collection of an agricultural mitigation fee for acreage converted from agricultural to urban use, outside of the Enterprise Zone, Free Trade Zone, or Redevelopment Area, taking into consideration all fees collected for agricultural loss.

If the project is approved consistent with the 2035 General Plan Update, the policies required by the City of Stockton for the loss of agricultural land will be implemented.

Stockton Metropolitan Airport

Comment Summary

The Stockton Metropolitan Airport has significant concern in regard to the Tidewater Crossing development due to noise concerns caused from aircraft traffic and the proximity of the residential land uses, including a school, being proposed.

Examples of other residential land use conflicts and the potential losses of airport revenues due to restricted operations are indicated. Concerns over the extension of C.E. Dixon Road across the active National Guard heliport pad are expressed and requests to include a number of airport related issues in the analysis are given.

Response to Comment

The project will be compared to the information presented in the San Joaquin County Airport Land Use Plan (ALUP). As proposed, the project residential uses are outside of the 60 CNEL noise contour. Also the project uses are not located within the approach zones.

The EIR will contain an analysis of the proposed project in conjunction with the ALUP requirements. An assessment of the flight patterns and operations will also be included to determine the airports effects. A review of the Caltrans and California Department of Education guidelines for school sitings will be conducted. Final project permits will be subject to appropriate agency reviews and approvals, which includes Caltrans Aeronautics and San Joaquin County Land Use Commission. In addition, the noise analysis will address existing and future aircraft noise on project sensitive receptors based upon the forecasts for types of aircraft traffic.

The extension of C.E. Dixon Road through the airport and into the proposed project will be addressed in the EIR. Several options for managing conflict and minimizing safety hazards will be investigated. Alternative alignments will also be reviewed to comply with CEQA.

1. There is no policy framework that would support the consideration of no residential uses within two miles of the runway. The location of the residential uses within the proposed project is consistent with existing policy as it applies to airport noise and safety in the San Joaquin County Airport Land Use Plan.

2. The noise study will examine previous forecast for airport operations predicted in the adopted Airport Master Plan document (December 1997). In addition, the noise study will consider the potential noise impacts on sensitive receptors, including various attenuation requirements (e.g. curfews) as required.

The preparation of noise contours created by aircraft operating at the Airport is the responsibility of the San Joaquin Airport Land Use Commission. There is an established process for the preparation of such a noise study, involving many agencies including the Federal Aviation Administration (FAA). However, the EIR will include discussion of existing noise contours, relevant FAA guidance and potential impacts.

3. An assessment of economic impacts regarding Airport operations would be based upon hypothetical circumstances. Information obtained from FAA regarding curfews indicates that when a project is built within airport zones the onus is upon the development to notify residents of potential aircraft noise and to pursue the Deed of Avigation Easement. The residential portion of the development lies outside of the noise contours of the airport and the additional information from FAA indicates that aircraft noise operations have been decreasing steadily due to engine design enhancements to address these issues. Nevertheless, discussion of hours of operation and potential impacts will be discussed in the EIR.

4. The consulting team has retained a qualified professional in the area of airport land uses and operations to provide input and direction on analysis contained in the EIR.

5. A complete map of the development and the proximity to the airport will be included in the EIR as requested and will be used to discuss issues related to noise and safety.

Aircraft Owners and Pilots Association

Comment Summary

The Aircraft Owners and Pilots Association states concerns over the residential and school portion of the project and its close proximity to the Stockton Metropolitan Airport indicating that noise and over-flights should be adequately addressed in the EIR.

The letter notes that the City should seek input from the Federal Aviation Administration regarding land use compatibility.

Response to Comment

The EIR will include a noise impact study in relation to aircraft noise and overflights and the planned residential portion of the project site. Caltrans Airport Land Use Planning Handbook, January 2002 will be used in conjunction with the analysis contained in the EIR.

In addition, the California Department of Education's Guidelines for School Sites will be evaluated relative to the proposed school location. Submittal to Caltrans, Division of Aeronautics will be completed as required by the California Department of Education Code for review and approval of the school site.

Initial input from FAA has been received regarding flight patterns and airport operations. Additional input will be received from FAA in conjunction with the EIR analysis.

California Army National Guard

Comment Summary

The National Guard notes that they are opposed to the extension of C.E. Dixon Road through the California National Guard taxiway located on property leased from the Stockton Metropolitan Airport.

Response to Comment

The extension of C.E. Dixon Road will be addressed in the EIR. Several options for managing conflict and minimizing safety hazards will be investigated.

Alternative alignments will also be reviewed to comply with CEQA in the EIR and address other options for enhancing security and safety for the California National Guard operations.

California Pilots Association

Comment Summary

The California Pilots Association expresses concern over the proposed project due to the residential and school site portions and the potential impacts to the airport operations.

The California Department of Transportation *Airport Land Use Handbook* is recommended for analyzing the proposed development and its compatibility with the adjacent airport. It is requested that the EIR thoroughly analyze the impacts of aircraft noise, safety and overflights on the residential and school development.

Response to Comment

The EIR will analyze the proposed project in relation to the airport. The San Joaquin County Airport Land Use Plan (ALUP), Caltrans Airport Land Use Planning Handbook and input from the Airport Land Use Commission will be used to discuss land use, noise impacts and potential land use compatibility issues. In addition, the noise analysis will address existing and future aircraft noise of project sensitive receptors.

The Federal Aviation Administration will be consulted regarding flight patterns and potential conflicts with the proposed development.

The California Department of Education's Guidelines for School Sites will be evaluated relative to the proposed school location. Submittal to Caltrans, Division of Aeronautics will be completed as required by the California Department of Education Code.

Ellen Carter, French Camp, CA

Comment Summary

Commenter notes that they are opposed to the proposed project and cites flooding, fire district, airport traffic, water quality, pollution and crime as concerns.

Response to Comment

The EIR will analyze various aspects of the proposed project and will discuss all project related impacts and include appropriate mitigation measures. Please refer to the appropriate sections in the EIR for further information. When the Draft EIR is completed a notice will be published to notify the public of the availability of the document for review.

Manteca Unified School District

Comment Summary

The School District notes that the proposed project will have a significant impact on the existing schools in Manteca and that the current proposed school site of 11.6 acres is not adequate for a school site and recommends 20 acres for a K-8 elementary school.

In addition, criteria for selecting a school site was attached that outlines procedures and implementation measures for the districts approval process.

Response to Comment

The EIR will contain analysis of the school site in relation to the procedures and policies outlined in the attachment (School Site Selection and Approval Guide). Based upon the MUSD letter, the applicant has re-designed a portion of the project and has increased the size of the school site to 19.4 acres.

The information regarding school site location will be submitted to Caltrans, Division of Aeronautics as indicated in the California Education Code and School Site Guidelines prior to the approval from the Manteca Unified School District.

Environmental Health Department

Comment Summary

The commenter requests that as a part of the development of the project, septic systems and wells, be destroyed and/or abandoned as appropriate under permit and inspection of the Environmental Health Department.

Response to Comment

These are standard provisions and the applicant will adhere to these requests as indicated.

Campaign for Common Ground

Comment Summary

The commenter indicates that the boundaries of the project leave out parcels that are not under applicant control and that the EIR must study these prior to annexation. Analysis is requested for potential land use conflicts between housing and public facilities, and the Stockton Airport. In addition, a request to assess the project's consistency with the existing and draft General Plan flood policies is indicated.

Reference is made to three EIRs that are being prepared by other applicants in the area and the need to study cumulative impacts of all these plans. The commenter states that the initial study should be revised due to potential mitigation measures outlined that include future evaluations and analysis which may not be agreed to by the applicant.

Response to Comment

As indicated in the letter, the EIR will review additional properties adjacent to the project to determine the extent of City annexation. Land use issues will be analyzed in the EIR with regard to housing, public facilities and the Stockton Airport. The project's consistency with both the 1990 and 2035 General Plan will be reviewed. Annexation alternatives will be evaluated in the EIR to address reorganization or boundary options. Alternatives will also be investigated that examine different land use configurations. These alternatives will consider the potential conflicts associated with the adjacent airport uses.

Flood control strategies have been integrated into the proposed project that will provide protection for project uses, without shifting the flood control burden downstream.

Cumulative traffic impacts will be investigated in the EIR that include traffic forecasts from existing plus approved projects, as well as cumulative conditions.

It is anticipated, based upon preliminary environmental review, that the proposed project will not have significant impacts due to implementation of mitigation measures contained in both preliminary reviews and later studies. It is the applicant's desire to implement appropriate mitigation measures to avoid significant impacts where feasible, hence the "Less than Significant with Mitigation Measures" has been checked. Environmental issue areas on page 15 of the Initial Study have been "checked" in light of the projects potential to impact those issue areas. These "checked" issue areas may or may not correlate to the significance of an issue area discussed in the Initial Study.

Pacific Gas and Electric Company

Comment Summary

PG&E indicates that a new electric transmission line and electric substation will be required to serve the proposed project. In addition, gas service and maintenance requirements are listed. Additional requests include coordination with PG&E to ensure that the project applicant implements the requirements associated with the proposed project.

The requests that the environmental document include an evaluation of cumulative impacts of the utility systems, the utility facilities necessary to serve those developments and any potential environmental issues associated with extending utility service to the proposed project.

Comment Response

The requirements for PG&E services for the proposed project will be implemented as requested for gas and electric service. The applicant will coordinate with PG&E to ensure infrastructure and service requirements are identified for the proposed project, including relocation of existing infrastructure if necessary.

Analysis regarding PG&E thresholds for service on a cumulative scale will be addressed as it relates to the proposed project with information obtained from PG&E. The project applicant will provide improvements as it relates to the demand generated by the proposed project.

French Camp-McKinley Fire District

Comment Summary

The letter indicates that the current traffic on French Camp Road and surrounding roadways interfere with their ability to respond in a timely manner and the proposed project would contribute to this condition.

The commentor also notes that the area contains significant burial grounds and one of the last oak groves in existence along French Camp Slough. Reference is made regarding the proximity to the Stockton Metropolitan Airport, railroad crossings, San Joaquin County Hazard Waste disposal site and flood areas.

Comment Response

A traffic analysis will be prepared as a part of the proposed project and impacts identified will be mitigated to the extent feasible through roadway and intersection improvements and applicable mitigation fees.

A cultural and paleontological resource study was conducted on the project site and surrounding area. Please refer to response below regarding results of that study.

Other areas of concern such as flooding and airport related impacts will be discussed in the EIR and where applicable impacts that are identified will be mitigated to the extent feasible.

Evelyn Prouty, in association with French Camp Municipal Advisory Council (MAC)

Comment Summary

The letter submitted indicates that the project area contains one of the largest Native American burial grounds in California and provides background information obtained from various sources to support this conclusion. Reference is also made to the area flooding.

Comment Response

Cultural studies were conducted on the project site and surrounding area. The results indicate the presence of historic and prehistoric resources. Additional boundary definition and absence/presence testing was conducted on a recorded site. No evidence of the site was identified. Mitigation measures will be included in the EIR to address other cultural resources.

Additionally, improvements are being proposed to remove the areas from the floodplain via fill, detention facilities and bypass channels.

French Camp Municipal Advisory Council

Comment Summary

The commentor indicates that the project was opposed due to its effect on historical resources, traffic, Native American burial grounds, crime, and fire services. Additionally, concerns over the location relative to the Stockton Metropolitan Airport, the hazard waste disposal facility and flood plain were expressed.

Comment Response

Studies conducted include cultural resource evaluation, traffic impacts and land use analysis to identify potential impacts to the areas of concerns raised. The results of these studies will be included in the EIR and analysis will identify the impacts to resources or other areas of concern with regard to the project.

Please refer to the appropriate sections in the EIR for detailed information regarding impacts and mitigation measures for the proposed project.

ATTN: Jim Glaser

MAR 21 11 30 AM '09

**INFORMATION TO BE INCLUDED IN THE
TIDEWATER CROSSING SUBDIVISION
ENVIRONMENTAL IMPACT REPORT**

Submitted at the request
of French Camp MAC

By Evelyn Prouty
209-982-0339

cc: Cultural Heritage Board
cc: The Stockton Record
cc: S.J.Co. Board of Supervisors

Before completing the Environmental Impact Report for **Tidewater Crossing** subdivision, I would like to suggest the following information be included.

Nearly 1,000 homes planned for the western portion of the subdivision (west of Airport Way) would be constructed on one of the largest Native American burial grounds in California.

FACT: Large numbers of Native Americans lived along the French Camp Slough during the 1820s to 1840s when members of the Hudson Bay Company used that area as an outpost. The trappers supplied the Indians with meat and damaged pelts, which resulted in that area becoming a large Native American settlement. The Salmon family, which farmed all that acreage from the early 1850s until 1970 dug up hundreds of bones, most of which were donated to French Camp School.

FACT: Burial grounds are found from what is now the town of French Camp, all the way along French Camp Slough to beyond Austin Road. Residents in the area, who have been aware of these many burial grounds have always kept the fact secret to avoid vandalism and trespassing.

FACT: The western portion of the proposed subdivision would include a portion of Hudson Bay Company's slaughterhouse. Another portion of that slaughterhouse is currently the northeastern corner of the French Camp School playground. For 150 years, students at French Camp School have discovered animal bones, arrowheads and human bones buried on the school yard and across the railroad tracks. Will new homeowners find the same?

FACT: The Hudson Bay Company records, currently at Winnipeg, Canada, show as many as 500 trappers resided in that area (The Tidewater Crossing subdivision) for nearly 30 years. Imagine what archeological finds, yet uncovered, will be buried under new houses.

FACT: The village that became French Camp was once a major shipping center. Pelts were loaded on barges, near what is now the French Camp slough and McKinley Avenue, and shipped to San Francisco. From there, the pelts went to London where they were used in the making of clothing and hats. This proposed subdivision would not only cover all existing evidence of our great valley's history, circa 1830, but it would eliminate the community of French Camp, San Joaquin County's oldest settlement.

FACT: Why was French Camp chosen as a campground? To quote information from Hudson Bay Company records, "the country a little way to the Westward of us is a continuation of swampy lakes of bulrushes all under water and along this fork (the French Camp Slough) are also a number of lakes." They are referring to what is now the Delta.

FACT: The French Camp Slough is untamed. It has, and will continue, to flood surrounding lands, depending on snowfall and rainy weather. In the 1950s it flooded to within a few yards of French Camp Road and in the 1930s, only the elevation of that same road prevented it from flooding farther.

Perhaps some day San Joaquin County may rediscover its roots and wish to honor the fur trappers and Native Americans who first settled this area. Instead of having a park filled with native oaks, children will have to stand in a subdivision and attempt to visualize oak groves, a rambling slough and the many animals that once occupied that area.

The above documented information came from

"John Work's California Expedition, 1832-1833"

Documents received from the Hudson's Bay Company, Winnipeg, Canada

The Stockton Daily Mail newspaper

The Stockton Record

The Wilbur Salmon family

History of San Joaquin County, 1879

And from my own research,

Evelyn Prouty

Author "Manteca, Selected Chapters from its History"

Currently President of Manteca Historical Society

~~DIS/AM~~

Campaign for Common Ground

March 3, 2006

Mark Martin, Project Manager
City of Stockton
Community Development Department
Planning Division
345 North El Dorado Street
Stockton, CA 95202

RECEIVED
CITY OF STOCKTON

MAR 06 2006

PERMIT CENTER
PLANNING DIVISION

RE: Tidewater/Arnaiz Notice of Preparation (NOP)

Mark:

Campaign for Common Ground (CCG) has the following comments on the Tidewater/Arnaiz Notice of Preparation (NOP).

The boundaries of the project must be amended to form a more logical area to be studied. The current project boundary leaves out large parcels along E. French Camp Road near Airport Way. Even if the applicant does not control these lands, the City must initiate an EIR study of contiguous parcels that form a logical pattern of development that would be proposed for annexation into the City.

The EIR must analyze specific alternatives that significantly reduce potential land use conflicts between planned housing and public facilities, and the Stockton Airport. These alternatives could include reducing the amount of housing planned, and/or relocating planned housing away from airport safety zones, e.g., proposing less housing and more non-housing uses in the project. Also, the EIR must ensure that public facilities such as schools are not placed in airport safety zones or in locations that may be subject to risk.

The EIR must assess the project's consistency with existing and draft General Plan flood policies, including the relevant policies that CCG has proposed to be included in the 2035 plan.

Most importantly, each of the three EIRs that are proceeding (Grupe, Arnaiz, Verner) must study the cumulative impacts of all the master development plans that are being processed concurrently to amend the 1990 plan (these three plus River Run/Western Pacific, plus all other applications), and what the cumulative results may be on the draft updated plan.

Finally, the Initial Study appears to be internally inconsistent and should be revised. The checked conclusions about environmental significance are very different from the conclusions of the two other NOPs (Grupe and Verner). The consultant who prepared this NOP appears to be confused as to how to discriminate between a finding of "Less than Significant with Mitigation Incorporated" and "Potentially Significant Impact."

All of the environmental topics are checked for further study in the EIR (Section E, page 15), yet the discussion under many of the topics indicate that all issues are "Less than Significant with Mitigation Incorporated," which is inconsistent. In addition, there is no indication that the "potential mitigation measures" that are identified in Attachment A have been agreed to by the developer, which is the stated basis for a finding of "Less than Significant with Mitigation Incorporated" (fifth bullet, page 6).

For example, biological impacts related to the Swainson's Hawk (4 a, b) are checked "Less than Significant with Mitigation Incorporated" and the "potential mitigation measures" that are identified in Attachment A include "A Biological Resources Evaluation....prepared to determine potential impacts and mitigation measures." These issues should be checked "Potentially Significant Impact" (as was done for the other two NOPs) since we do not know what measures may be required by a future study that has not yet been completed and the applicant has not agreed in writing to even prepare the study and implement its recommended mitigation measures.

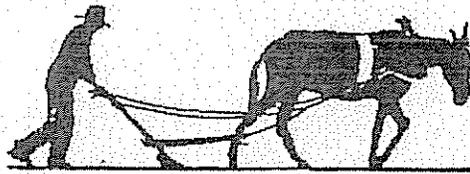
We recommend the City staff exert careful review and more stringent quality control over documents prepared by this consultant.

Sincerely,

A handwritten signature in black ink that reads "Trevor Atkinson". The signature is written in a cursive style with a long horizontal line extending from the start of the name.

Trevor Atkinson
For Campaign for Common Ground

COPY TO ELMH
SUPERVISOR



FRENCH CAMP MUNICIPAL ADVISORY COUNCIL

P.O. Box 681, French Camp, California, 95231

Chairperson William H. Smith
Vice Chairperson Ellen Carter
Secretary Connie Moll
Treasure Herbert McKinley

John Blanco
Carol Eheler
Robert Cooblall

March 28, 2006

To: Supervisor Steve Gutierrez 1st District

From: William H. Smith, Chairperson French Camp MAC

Re: French Camp MAC and Community opposition to Tidewater and River Run Annexation and Subdivision

On Monday March 21st the French Camp MAC held a meeting at the French Camp Fire Station. The MAC voted to oppose the Tidewater Project because of its effect on French Camps Historical significance and existence, plus traffic, a large native American Burial Ground, increased crime, proximity to Stockton Metro Airport, commercial, private and military, rotary and fixed wing activities, fuel farms, exotic metal processing, prime agriculture land, hazard waste disposal facility and possible flooding as flood control is an earthen dam in Farmington? This area would be over 5 miles from the nearest Stockton Fire Station.

On Monday March 21st the French Camp MAC held a meeting at the French Camp Fire Station. The MAC voted to oppose the River Run Project because of increased traffic, both Wolf, Howard and Manthey are now congested commuter routes with Manthey both in the County and the City now being used for parking and unofficial used car lot. This area is prime agriculture land, is the site of a working gas field and is in a known flood plane. With flood waters in the past reaching to within a quarter mile of Highway I-5 and over ten feet deep at the River. It would be irresponsible to put people and property in a known Flood Plane.

RECEIVED

MAR 29 2006

BOARD OF SUPERVISORS

Cc:
S. J. Co. Board of Supervisors
City of Stockton, Jim Glasser
LAFCO, Bruce Baracco
Airport Director, Barry Rondinella
Operation Chief, Mike Brooks
Montezuma Fire District
French Camp Fire District
French Camp Chamber of Commerce

FRENCH CAMP-McKINLEY FIRE DISTRICT

P.O. BOX 790 FRENCH CAMP, CA. 95231
Bus. Phone (209) 982-0592 Fax (209) 982-4485

Board of Directors
William H. Smith Chairman
Albert Pagnucci Vice Chairman
Henry C. Long
Douglas Beckwith
Bobbie M. Pico

Fire Chief
Richard S. Rallos

March 28, 2006

To: City of Stockton, Jim Glasser

From: William H. Smith, Chairperson French Camp FD

Re: French Camp Fire District opposition to Tidewater Annexation
and Subdivision.

The Board of Directors of the French Camp Fire Protection District voted unanimously to oppose the Tidewater Project because of the following. Traffic on French Camp Road fed by Highways 99, Union road and Airport Way on the East and Highway I-5, Howard, Wolf, Manthey and Harlan Road on the West, together with 3 railroad crossings are already effecting our ability to respond in a timely manner, it should also be noted that Stockton Fire Station 3 is over 5 miles from part of this project. The area is primary Agriculture land, contains significant Indian Burial Grounds, one of the last Oak Groves in existence along French Camp Slough. It is in close proximity to the Stockton Metro Airport, 2 railroad Crossings, 2 congested Highways and in fact would be under the down wind approach for rotary and fixed wing aircraft, Private, Commercial and Military, several Fuel Farms above ground, industrial processing, San Joaquin County Hazard Waste disposal site and possible flooding under some conditions. Considering all the risks this area should have the lowest residency possible. We have included information on several Aircraft incidents as Aircraft do not always crash on public land. As Pan Am Flight 759, there is no reason for Aircraft departing airfields to plough through 3 suburban blocks and kill 8 residents. Simply because there is no place to safely crash land.

When planning subdivisions all known risks should be taken into account, including Aircraft incidents

Cc:
S. J. Co. Board of Supervisors
LAFCO, Bruce Baracco
Airport Director, Barry Rondinella
Montezuma Fire District
French Camp Chamber of Commerce
French Camp MAC



AIRCRAFT OWNERS AND PILOTS ASSOCIATION

421 Aviation Way • Frederick, MD 21701-4798
Telephone (301) 695-2000 • Fax (301) 695-2375
www.aopa.org

RECEIVED
CITY OF STOCKTON

January 23, 2006

JAN 26 2006

City of Stockton
Community Development Department
Planning Division
Attention: Mr. Mark Martin
345 North El Dorado Street
Stockton, California 95202

PERMIT CENTER
PLANNING DIVISION

Subject: Notice of Intent for Tidewater Crossing

Dear Mr. Martin:

The Aircraft Owners and Pilots Association (AOPA) represents the general aviation interests of 406,000 members, more than two-thirds of the nation's pilots, including more than 50,000 in California. On behalf of our membership, AOPA is committed to ensuring the future viability and development of general aviation airports and their facilities as part of a national transportation system.

We are writing to express the Association's concerns regarding the proposed development known as Tidewater Crossing immediately adjacent to the Stockton Metropolitan Airport. We believe that, if approved, the residential and school elements of the development could potentially have a significant impact on the Stockton Metropolitan Airport. As a national organization with more than 66 years of aviation experience, AOPA has been involved in numerous proposals to build residential developments and schools near public-use airports. Our vast experience has shown that residential development and schools in close proximity to an airport creates poor public policy and we strongly encourage the City to carefully examine this proposal in the Environmental Impact Report (EIR).

Specifically, the EIR must thoroughly analyze the impacts of aircraft noise and overflights on the residential and school development, as specified in the State of California's *Airport Land Use Planning Handbook*, January 2002. In addition, the EIR must contain an analysis of the school site as required by Section 17215 of the California Education Code.

AOPA has long advocated for compatible development in and around airports. The County of San Joaquin, by accepting federal funds for the development of the airport, has assured the Federal Aviation Administration that, "It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft." If

Mr. Mark Martin

Page 2

January 23, 2006

it has not already done so, the City should seek input from the Federal Aviation Administration regarding the compatibility of the proposed development.

We believe the City should explore a more "airport friendly" and compatible use of the land as an alternative to the residential and school elements of the proposal. The EIR should analyze the impacts of alternatives that are compatible with the airport.

Thank you for your consideration of AOPA's comments on the Notice of Intent. If we can be of further assistance at this time, please contact our staff at 301-695-2200.

Sincerely,



Bill Dunn
Vice President
Airports

cc:

Mr. Barry Rondinella, Airport Manager, Stockton Metropolitan Airport
Ms. Mary Frederick, Chief, California Division of Aeronautics
Mr. John Pfeifer, AOPA California Regional Representative

TIDEWATER CR.

From: "Ouimet, Mark T CPT (RET) NGCA" <mark.ouimet@us.army.mil>
To: <bill.mayer@lsa-assoc.com>
Date: 1/27/2006 10:43:47 AM
Subject: Tidewater Crossing Project

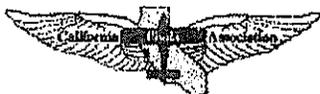
Mr. Mayer-

After reviewing the Environmental Impact Report pertaining to the Tidewater Crossing Project, prepared by LSA Associates, Inc., the California National Guard (CNG) has a concern as to the impact to our flight facility operations at the Stockton Airport. Item #15 of Exhibit A "Transportation/Traffic" at the bottom of page #38 and top of page #39 reads "If determined to be a feasible component of the project, the traffic analysis will analyze the extension of Dixon Road across the active California National Guard taxiway at the airport and the future access to highway 99 via Dixon Road." The CNG is vehemently opposed to the extension of Dixon Road through our taxiway which is on land leased to the California National Guard through an Airport Use Agreement with the Stockton Airport. The proposal will detrimentally affect our air operations and create unneeded aviation safety issues for the CNG. If further information is required, I can be reached at (916)854-3788.

Mark T. Ouimet
Captain (Ret)
Chief, Real Property Manager
California Army National Guard

CC: <james.glaser@ci.stockton.ca.us>

RECEIVED
JAN 2 2006
PEPPER



RECEIVED *California Pilots Association*
CITY OF STOCKTON

January 20, 2005

JAN 23 2006

City of Stockton
Community Development Department
Planning Division
Attention: Mr. Mark Martin
345 North El Dorado Street
Stockton, California 95202

PERMIT CENTER
PLANNING DIVISION

Subject: Notice of Intent for Tidewater Crossing

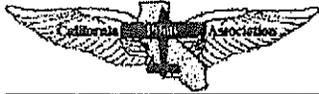
Dear Mr. Martin:

The California Pilots Association (CalPilots) is a statewide pilot and aviation enthusiast organization. Our goal, since 1946, has been to promote and protect one of California's most important transportation infrastructure assets, its airports. Our organization and its membership stand committed to that goal.

We are writing to express our association's concerns regarding the proposed development known as Tidewater Crossing adjacent to the Stockton Metropolitan Airport. We are concerned that, if approved, the residential and school elements of the development could potentially have a significant impact on the Stockton Metropolitan Airport. As a statewide organization with more than 40 years of aviation experience, CalPilots has been involved in numerous proposals to build residential developments and schools near public use airports. Past experience has shown that residential development and schools in close proximity to an airport is poor public policy, and we strongly encourage the City to carefully examine this proposal in the Environmental Impact Report (EIR).

The California Department of Transportation document, *The Airport Land Use Handbook* (<http://www.dot.ca.gov/hq/planning/aeronaut/htmlfile/landuse.php>) should be used to guide development around airports. Unfortunately, this guide is often overlooked when development around airports is considered which is regrettable, because as history has shown, crowding airports with homes, and in this case a school, typically brings controversy and additional costs to the city. After the developer has made his money and moved on, the city is left trying to resolve costly noise and safety issues which did not have to occur.

The EIR must thoroughly analyze the impacts of aircraft noise, safety, and over flights on the residential and school development, as specified in the State of California's *Airport Land Use Planning Handbook*, January 2002. Additionally, a review of the instrument approach procedures for the airport is paramount to the decision to be made here. Finally, the EIR must contain an analysis of the school site as required by Section 17215 of the California Education Code.



California Pilots Association

CalPilots stands with the Aircraft Owners and Pilots Association (AOPA) concerning this proposal. We believe the City should explore a more "airport friendly" and safer compatible use of the land as an alternative to the residential and school elements of the proposal. A comprehensive EIR should analyze the impacts of alternatives that are compatible with the airport which would benefit all concerned.

Thank you for your consideration of CalPilot's comments on the Notice of Intent. If we can be of further assistance at this time, please contact us at 800-319-5285.

Sincerely,

Ed Rosiak
President
California Pilots Association

cc:

Mr. Barry Rondinella, Airport Manager, Stockton Metropolitan Airport
Ms. Mary Frederick, Chief, California Division of Aeronautics
Mr. John Pfeifer, AOPA California Regional Representative

DEPARTMENT OF TRANSPORTATION

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



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January 4, 2006

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PERMIT CENTER
PLANNING DIVISION

**10-SJ-5-PM 21.4
SCH 2005122101 NOP
Tidewater Crossing**

Mark Martin
City of Stockton
Community Development Department
Planning Division
425 North El Dorado Street
Stockton, CA 95202-1997

Dear Mr. Martin:

The California Department of Transportation (Department) appreciates the opportunity to have reviewed the Notice of Preparation (NOP) for the Draft Environmental Impact for the proposed 2,223 dwelling units, 6.9 million square feet of industrial floor space and 226,000 square feet of commercial floor space to be located south of the Stockton Metropolitan airport, east of the Union Pacific Rail Road, west of State Route 99 (SR-99) and north of French Camp Road approximately 1.0 mile east from Interstate 5 (I-5) and the I-5/Mathews Road interchange. The Department has the following comments:

- A traffic impact study (TIS) is necessary to determine this proposed project's near-term and long-term impacts to State facilities – both existing and proposed – and to propose appropriate mitigation measures. The Department recommends that the study be prepared in accordance with the *Caltrans Guide for the Preparation of Traffic Impact Studies*, dated December 2002 (Guide). The Guide is available online at the following web address: http://www.dot.ca.gov/hq/tpp/planning_tools/tools.htm. Minimum contents of the TIS are listed in Appendix "A" of the TIS guide. All State owned signalized intersections affected by this project should be analyzed using the intersecting lane vehicle (ILV) procedure from the Department's Highway Design Manual, Topic 406, page 400-21.

Mr. Martin
January 4, 2006
Page 2

- The Department endeavors to maintain a target level of service (LOS) at the transition between LOS C and LOS D on State highway facilities, including intersections (see Appendix "C-3" of the TIS guide). If an intersection is currently below LOS "C," any increase in delay from project-generated traffic should be analyzed and mitigated. The LOS for operating State highway facilities is based upon measures of effectiveness (MOE) (see Appendix "C-2" of the Guide). If an existing State highway facility is operating at less than this target LOS, the existing MOE should be maintained.
- To avoid delay during the Department's review of the TIS, please provide in an electronic format the traffic microsimulation software files (both input and output) that were used to develop the TIS.
- The Department recommends that the Lead Agency encourage the developer to submit a scope of work for conducting the TIS prior to circulating the local development application for comment in order to expedite the Department's review. The Department is available to discuss assumptions, data requirements, study scenarios, and analysis methodologies prior to beginning the TIS. This will help insure that a quality TIS is prepared.
- An Encroachment Permit will be required for work (if any) done within the Department's right of way. This work is subject to the California Environmental Quality Act. Therefore, additional biological, archaeological, or other environmental studies may be required as part of the encroachment permits application. A qualified professional must conduct any such studies undertaken to satisfy the Department's environmental review responsibilities. Ground disturbing activities to the site prior to completion and/or approval of required environmental documents may affect the Department's ability to issue a permit for the project. Furthermore, if engineering plans or drawings will be part of your permit application, they should be prepared in standard units.
- This proposed development may not create a major impact on SR-99 when considered by itself. However, when combined with the cumulative impacts of other existing and proposed development in this area, the resulting traffic will contribute to the significant congestion forecasted to the SR-99 mainline and at the interchange of SR-99/ French Camp Road as well as the I-5 mainline and at the interchange of I-5/Mathews Road. Therefore, the Department recommends the collection of impact fees on a "Fair Share" basis for future improvements to these facilities.

Mr. Martin
January 4, 2006
Page 3

- All lighting (including reflected sunlight) within this project should be placed and/or shielded so as not to be hazardous to vehicles traveling on State facilities.

- Paths, greenways, and other passive recreational uses such as linear parks can also increase mobility and are an appropriate fit along local rivers, creeks, and canyons, provided they are constructed in an environmentally conscientious manner. Continuity and connectivity are important considerations that may necessitate coordination with adjoining jurisdictions.

- In lieu of reliance on the automobile for every trip, the Department supports the concept of a local circulation system which is pedestrian-, bicycle-, and transit-friendly in order to enable residents to choose alternative modes of transportation. Also, a mixture of land uses creates opportunities to substitute walking for driving. Improved transit accommodation through the provision of park and ride facilities, signal prioritization, or other enhancements can also improve mobility.

- Given the importance of mobility options, the project should provide an assessment of how various transportation options will be incorporated into the site. Specifically, pedestrian and bicycle access to and through the subject site should be provided, and Transportation Demand Management strategies such as carpool and vanpool formation and parking addressed as well. The manner in which land is developed can have a profound effect on the viability of alternative transportation options. Compact, mixed-use "village" centers designed at a human (pedestrian / bicycle) scale enable residents and visitors to achieve a high level of mobility. The Department encourages the applicant to incorporate design features and siting which encourage walking and bicycling, vastly expanded public transit options, accessibility for children, the elderly, and persons with disabilities, and transit priority measures to make travel times competitive with the automobile.

Mr. Martin
January 4, 2006
Page 4

If you have any questions or would like to discuss our comments in more detail, please contact Dan Brewer at (209) 948-7142 (e-mail: dan.brewer@dot.ca.gov) or me at (209) 941-1921.

Sincerely,

A handwritten signature in black ink that reads "Tom Dumas for". The signature is written in a cursive, somewhat stylized font.

TOM DUMAS, Chief
Office of Intermodal Planning

c: SMorgan CA Office of Planning and Research

January 23, 2005

City of Stockton

Community Development Dept.

Attn: Mark Martin:

This letter is in regards to the Tidewater Crossing Project that is being planned out here in our town of French Camp.

I'm totally against this.

What about flooding, Fire District, Airport traffic, pollution, crime?

Again we have a developer who appears to have much

financial gain and not the consideration of those who

live in the town of French Camp. If we wanted to live

in a city we would not have put our lifestyle in our

special town of French Camp.

Weston Ranch is an example of Stockton sprawl. On the weekend it looks like downtown Oakland.

We have enough problems here without bringing in latch-key kids and crime.

One of my many concerns is the water quality. Many of the people here are seniors and cannot afford to hook up to ~~xxxx~~ sewer and water. Please keep this in mind.

Ellen Carter


700 Dudley Road French Camp, Calif. 209-982-5415

P.S. many people in French were not notified of this plan kind of slick I would say.

AS/MM

and

MEMORANDUM

January 5, 2006

TO: Mark Martin, Project Manager

FROM: Antonio S. Tovar, Associate Civil Engineer

SUBJECT: **PUBLIC REVIEW OF THE NOTICE OF PREPARATION / INITIAL STUDY FOR THE TIDEWATER CROSSING MASTER DEVELOPMENT PLAN PROJECT (EIR2-05).**

We have reviewed the subject matter per your request. In summary, this is acceptable, subject to the following comment:

- 1. Exhibit A - Supporting Documentation for Section 10 (Environmental Significance Checklist) #16 Utilities and Service Systems. Add the following: Approval of the Tentative Map for the proposed project will require amendments to the City's Water Master Plan.

Please incorporate the above comment. If you have any questions, please call me at x-8790.

Antonio S. Tovar
ANTONIO S. TOVAR
ASSOCIATE CIVIL ENGINEER

AST:at

DSS MM

111

MEMORANDUM

RECEIVED

JAN 03 2006

CITY OF STOCKTON
PERMITTING DEPARTMENT

January 3, 2006

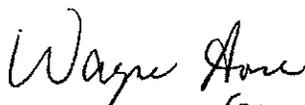
TO: James E. Glaser, Director, Community Development Department

ATTN: Mark Martin, Project Manager II

FROM: Mark W. Herder, Chief of Police

SUBJECT: PUBLIC REVIEW OF THE NOTICE OF PREPARATION/INITIAL STUDY FOR THE TIDEWATER CROSSING MASTER DEVELOPMENT PLAN PROJECT (EIR2-05)

The Police Department has reviewed the above-referenced document concerning the Tidewater Crossing Community, a 878-acre project consisting of 352 acres of industrial, 93.7 acres of medium density residential, 11.2 acres of high density residential, 258.9 acres of low density residential, 24.1 acres of ranch estate residential, 20.7 acres of retail/commercial, 89 acres of parks/buffers, 11.6 acres of elementary school campus, 10.6 acres of railroad corridor and 6.2 acres on Airport Way for a projected residential population of 7,825 persons. The project is generally bounded by the Stockton Metropolitan Airport to the north, Highway 99 to the east, Union Pacific Railroad to the west, and East French Camp Road to the south. The Police Department has no comments concerning this project other than those provided to you in the memorandum dated November 1, 2005 (copy attached).



MARK W. HERDER *for*
CHIEF OF POLICE

MWH/BM/pkh

COPY

MEMORANDUM

November 1, 2005

TO: James E. Glaser, Director, Community Development Department
ATTN: Mark Martin, Project Manager II
FROM: Mark W. Herder, Chief of Police
SUBJECT: **PRELIMINARY STAFF REVIEW OF THE MASTER DEVELOPMENT
PLAN FOR THE TIDEWATER CROSSING COMMUNITY
(EIR2-05/DA1-05/A-05-1/MDP2-05/GPA1-05/Z-1-05)**

The Police Department has reviewed the above-referenced document concerning the Tidewater Crossing Community, a 878-acre project consisting of 12 acres for elementary schools; 352 acres for industrial development; 89 acres for parks, buffers, and basins; 11 acres of railroad; and 288 acres for approximately 2,492 residential units for the project site bounded by the Stockton Metropolitan Airport to the north, Highway 99 to the east, Union Pacific Railroad to the west, and East French Camp Road to the south. The Police Department has the following comments:

- A licensed, uniformed security guard must be present in construction areas during the evening hours on weekdays (Monday through Friday), and 24 hours per day on weekends and holidays, when the developer is not on site. Construction areas must be well lighted throughout the night, every night, so as to clearly illuminate the majority of the lots and the entire street within project areas.
- Concerning residential construction sites: the areas must be fenced and inaccessible to the public after hours, and on weekends and holidays until residents begin occupying the new homes. The fences should be well maintained as needed during the project. Appliances, such as stoves, microwaves, refrigerators, etc., should not be installed until the day a new owner completes the final walkthrough of the residence. If installed earlier, the residence must remain securely locked after hours and on weekends/holidays. Cabinetry and other valuable items should be kept offsite prior to installation. Once installed, the residence must be securely locked.
- Concerning commercial areas: parking lots should be well lighted and equipped with security cameras and recording equipment once construction is complete. Low growth vegetation should be employed around building exteriors and parking areas to facilitate maximum visibility.

Wayne Herder

MARK W. HERDER *for*
CHIEF OF POLICE

MWH/BM/pkh

11/1/05

MUSD

MANTECA UNIFIED SCHOOL DISTRICT

Sandy Dwyer, Administrator of Facilities Planning

January 18, 2006

City of Stockton
Community Development Department
Planning Division
345 North El Dorado Street
Stockton, CA 95202

Subject: Response to Notice of Preparation and Initial Study of the Environmental Impact Report for the Tidewater Crossing Project.

Of particular concern to Manteca Unified are the dwelling units/zoned without allocating the appropriate amount of land for school facilities. The proposed project will have a significant impact on the existing schools in Manteca.

After calculating the figures provided it is apparent that the projected residential units and the student generation projected for the proposed project of 1,101 students will place an additional demand on Manteca Unified to build an additional K-8 Elementary School.

To accommodate the growth in the District, it is imperative the developers generating the increase plot a parcel of land, approximately 20 acres for a K-8 elementary school not 11.6 acres as indicated in the Notice of Preparation and Initial Study. This information must be taken into consideration by the City of Stockton and reflected in their Environmental Impact Report.

I recommend the enclosed criteria required in the School Site Selection and Approval Guide prepared by the School Facilities Planning Division, California Department of Education, be considered by the City of Stockton.

Sincerely,
MANTECA UNIFIED SCHOOL DISTRICT


SANDY DWYER,
Administrator of Facilities Planning

Enclosure

P.O. Box 32
Manteca, CA 95336
2901 East Louise Avenue, Lathrop

Phone (209) 825-3200, x-758
Fax (209) 825-3295
sdwyer@sjcoe.net



School Site Selection and Approval Guide

Prepared by
School Facilities Planning Division
California Department of Education

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Introduction

Selecting the most appropriate site for a school is an important consideration for a school district and the school community. The location, size, and shape of a school site can materially affect the educational program opportunities for students. Because program needs differ, school districts must carefully develop selection criteria that take into account the requirements of the local school program in mind. The selection must be based not only on current needs but also on projected needs. It is not a simple task. The primary purpose of this guide is to help school districts make the wisest selection possible.

Purpose

This document has been designed to help school districts (1) select school sites that provide both a safe and supportive environment for the instructional program and the learning process; and (2) gain state approval for selected sites. To help in the selection process, the guide includes a set of selection criteria that have proven helpful to site selection teams. The guide also contains information about safety factors that should be considered when evaluating potential school sites and about the procedures school districts must follow to gain approval from the Department for new sites and for additions of land areas to existing sites.

The Role of the California Department of Education

Education Code Section 17521 and the *California Code of Regulations (CCR)*, Title 5, sections 14001 through 141 outline the powers and duties of the Department regarding school sites and the construction of school buildings. Districts seeking state funding must comply with the *Education Code* and Title 5 sections cited above. Site approval from the Department must be granted before the State Allocation Board will apportion funds. Districts using local funds are encouraged to seek the Department's approval for the benefits that such outside, objective reviews provide to school district and the community.

Selecting the Proper Site

When a school district decides to select a new school site, two basic questions must be addressed: (1) Who will be responsible for the school site selection process? (2) What criteria will be considered in selecting the site? This guide contains information that school districts can use to answer those questions.

Determining Who Will Select the Site

A key decision the school district must make is whether the site will be selected by district staff or through a selection team process. The Department suggests that a selection team recommend a site or sites to the local board of education. For that reason, the information provided in this guide is directed to team members but is equally applicable to district staff. If the school district establishes a site selection team, the team should include community members, teachers, administrators, public officials, and the architect selected by the school district to design the project. Community members should include people with and without children in the district. A consultant from the Department is available to advise the district on the formation of the team. Some school districts include a school board member as part of the team. By following this selection process, the committee may become somewhat large but should produce a better school site as a result. Once the composition of the selection team is determined, one of its first tasks will be to establish site selection criteria.

Developing Site Selection Criteria

School site selection is affected by many factors, including health and safety, location, size, and cost. Those persons responsible for the school site selection will have to evaluate both the present characteristics and the possible future characteristics of a site and its surrounding property. Because the site selection team often is unable to locate a site that meets all the criteria agreed on, it should set priorities and be prepared to make certain compromises. In addition, the team must weigh those site characteristics that may adversely affect the choice. Careful assessment takes time, but the importance of each decision justifies the attention. A public comment period should be incorporated into the process to receive information and support from the broader community for both the primary alternatives and recommended site or sites.

Screening and Ranking Criteria

To help focus and manage the site selection process, the Department developed screening and ranking procedures. The procedures were created on the basis of the following criteria, which are listed in the general order of importance.

1. Safety
2. Location
3. Environment
4. Soils
5. Topography
6. Size and Shape
7. Accessibility
8. Public Services
9. Utilities
10. Cost
11. Availability
12. Public Acceptance

An explanation of these criteria is in Appendix A, Site Selection Process. Appendix A also contains three work sheets created on the basis of a screening and ranking procedure developed by School Facilities Planning Division (SF staff).

The first work sheet, *Site Selection Criteria*, outlines the 12 major criteria listed above, with several secondary criteria listed as subtopics. The secondary criteria have been designed to help the selection team define more clearly factors that must be considered and understand better the types of data needed in the selection and acquisition of school site. After considering both the primary and secondary criteria, the site selection team should be able to rank sites in order of acceptability by completing the next two work sheets, *Site Selection Evaluation* and the *Compare Evaluation of Candidate Sites*.

Although the criteria contained in *Site Selection Criteria* are not the only ones a site selection team should consider, team might find those criteria useful when explaining to school boards and other interested entities how the selection process was accomplished. School districts purchasing the site with state funds will find the criteria helpful in screening available sites and in identifying at least three acceptable sites. Districts not applying for state funds are required by *Education Code* Section 17251 to review a specific number of sites. However, the California Environmental Quality Act requires that alternative sites be reviewed in the Environmental Impact Report (EIR). Prudence suggests that identifying alternative sites is a desirable procedure, and the Department recommends it.

Recommended Resources

School administrators, members of school boards, site selection teams, and other persons involved in facilities planning may find the following documents useful:

School Site Analysis and Development (2000). Available from the California Department of Education, School Facilities Planning Division, 1430 N Street, Suite 1201, Sacramento, CA 95814.

The Guide for Planning Educational Facilities (1995). Available from the Council of Educational Facility Planners International, 9180 E. Desert Cove Drive, Suite 104, Scottsdale, AZ 85260.

School Site Analysis and Development contains information the school site selection team can use to evaluate potential site and determine whether it meets the needs of the particular school. The site standards in the book based on historical school facilities funding programs. School planners should modify the requirements to fit current local educational program requirements.

The Department also recommends that the team select a site on the basis of the school district's facility master plan that reflects the district's demographics, potential growth rates, and capacities at existing school sites. In addition, many cities and counties have designated future school sites on general plan land use maps that the team should review.

Impacted Sites

The Department's recommendations for site size can be found in *School Site Analysis and Development*. A ratio of square feet between buildings and developed grounds is incorporated in all the tables. Unfortunately, in many cases, particularly in urban settings, sites must be smaller than the acreage that appears in the charts. Although open space on a school campus is desirable for athletic fields, free play, parking, emergency access, foot traffic circulation, supervision, aesthetics, the district often cannot feasibly acquire enough land. Using eminent domain to condemn property is possible; however, displacing families to gain land for a school is a difficult decision for many school districts to make. In such cases the Department may approve an amount of acreage less than the recommended site size. Policies related to urban impacted areas are being developed. All other site selection procedures outlined in this book should be followed for these sites.

Careful planning on undersized sites must take place to provide the students at that school an appropriate educational program. Educational specifications must be examined carefully to ensure that all aspects of the program can be placed within the bounds of a small site. The school district may consider building multilevel complexes with underground parking to maximize the useable acreage on the site. Off-site issues, such as traffic congestion, should also be addressed in the planning process.

Evaluating Safety Factors

Safety is the first consideration in the selection of school sites. Certain health and safety requirements are governed

state regulations and the policies of the Department. In selecting a school site, the selection team should consider the following factors: (1) proximity to airports; (2) proximity to high-voltage power transmission lines; (3) presence of and hazardous substances; (4) hazardous air emissions and facilities within a quarter mile; (5) other health hazards; (6) proximity to railroads; (7) proximity to high-pressure natural gas lines, gasoline lines, pressurized sewer lines, or pressure water pipelines; (8) proximity to propane tanks; (9) noise; (10) proximity to major roadways; (11) results of geological studies and soils analyses; (12) condition of traffic and school bus safety; (13) safe routes to school; and safety issues for joint-use projects.

Proximity to Airports

The responsibilities of the school district, the California Department of Education, and the Department of Transportation (DOT), Aeronautics Program, Office of Airports, concerning the school site's proximity to runways are contained in *Education Code Section 17215* (as amended by Assembly Bill (AB) 747, Chapter 837, Statutes of 1999). (See *Code of Regulations, Title 5, Section 14011(k)*.)

As a part of the site selection prescreening process, the school district should determine the proximity of the site to runways. Both the Department and DOT have maps identifying airport locations. If the site is within two nautical miles of an existing airport runway or a potential runway included in an airport master plan, as measured by direct air line, the part of the runway that is nearest to the school site, the following procedures must be followed before the site can be approved:

1. The governing board of the school district, including any district governed by a city board of education, shall give the Department written notice of the proposed acquisition and shall submit any information that is required by the Department. The Department will notify the DOT Aeronautics Program, Office of Airports.
2. The Division of Aeronautics shall investigate the proposed site and, within 30 working days after receipt of notice, shall submit to the local governing board a written report and its recommendations concerning acquisition of the site. As a part of the investigation, the Aeronautics Program shall give notice to the owner and operator of the airport, who shall be granted the opportunity to comment on the proposed school site.
3. The governing board of the school district shall not acquire title to the property until the report of the Aeronautics Program has been received. If the report favors the acquisition of the property for a school site in addition to a present school site, the governing board shall hold a public hearing on the matter before acquiring the site.
4. If the report does not favor the acquisition of the property for a school site or an addition to a present school site, the governing board may not acquire title to the property. If the report does not favor acquisition of a present school site, no state funds or local funds shall be apportioned or expended for the acquisition of that site, construction of any school building on that site, or the expansion of any existing site to include that site.
5. The requirements noted above do not apply to sites acquired before January 1, 1966, or to any additional extensions to those sites.

Proximity to High-Voltage Power Transmission Lines

Electric power transmission lines maintained by power companies may or may not be hazardous to human health. Research continues on the effects of electromagnetic fields (EMF) on human beings. However, school districts should be cautious about the health and safety aspects relating to overhead transmission lines. School districts should take a conservative approach when reviewing sites situated near easements for power transmission lines.

In consultation with the State Department of Health Services (DHS) and electric power companies, the Department established the following limits for locating any part of a school site property line near the edge of easements for high-voltage power transmission lines:

1. 100 feet from the edge of an easement for a 50-133kV (kilo volts) line
2. 150 feet from the edge of an easement for a 220-230kV line
3. 350 feet from the edge of an easement for a 500-550kV line

These figures represent kV strengths of transmission lines used by utility companies in January 1993. Utility companies report that strengths for distribution lines are below 50kV.

The Department of Health Services completed a multiyear study of EMFs in schools. Results of the study were published at the end of 2000. The limits noted above for locating school sites near EMF-producing lines were amended on the basis of the findings of the study.

When evaluating a potential site situated near a power line easement, the site selection team should ask the following questions:

1. Is it necessary for the school district to acquire a site near the easement?
2. Are other options available?
3. Has the school district contacted and discussed with the utility company any plans to (a) increase the voltage of the transmission lines; or (b) build other towers on the easement?
4. Is the line a transmission or distribution line?

Each site will be evaluated according to its own potential hazards by the Department consultant. (See *CCR, Title 5, Section 14010(c)*.)

Presence of Toxic and Hazardous Substances

The presence of potentially toxic or hazardous substances on or in the vicinity of a prospective school site is a concern relating to the safety of students, staff, and the public. Persons responsible for site evaluation should give special consideration to the following hazards:

1. Landfill areas on or adjacent to the site
2. Proximity of the site to current or former dump areas, chemical plants, oil fields, refineries, fuel storage facilities, nuclear generating plants, abandoned farms and dairies, and agricultural areas where pesticides and fertilizers have been heavily used
3. Naturally occurring hazardous materials, such as asbestos, oil, and gas

Education Code sections 17071.13, 17072.13, 17210, 17210.1, 17213.1-3, and 17268 became effective January 1, 2000. Together they established requirements for assessments and approvals regarding toxic and hazardous materials that school districts must follow before receiving final site approval from the Department and funds under the School Facilities Program. (A summary of those requirements is noted below.) The school district may submit materials documenting compliance with the toxic and hazardous substances requirements before submitting the balance of the site approval package documents required by the Department. A local educational agency (LEA) may elect not to pursue a proposed site at any time during the process. Refer to SFPD Advisory 00-01 and SFPD Form 4.01* for further information. (See *CCR, Title 5, Section 14011(j)*.)

A summary of the requirements is as follows:

- Current and historic uses on and near the proposed school site shall be investigated by a qualified consultant who prepares a Phase I Environmental Site Assessment (paper/database, site review, and inter-site investigation) conducted according to the American Society of Testing and Materials standards (ASTM E-1527-00).
- If the Phase I review concludes that no further investigation is required, two copies of the Phase I assessment and payment for review by the Department of Toxic Substances Control (DTSC) shall be submitted to the Department. The Department will transmit the payment and the Phase I assessment to DTSC for its review and determination. If DTSC concurs with the Phase I assessment, it will issue a determination letter stating that "no further action" is required related to hazardous materials.
- If the Phase I review concludes that further investigation is needed or DTSC requires it, the LEA shall enter into an agreement with DTSC and hire a qualified consultant to complete a Preliminary Endangerment Assessment (PEA) under DTSC oversight and review. The PEA includes the sampling of soils and risk assessment to determine whether a release of hazardous material has occurred, there is a threat of release, or a naturally occurring hazardous material poses a significant health risk. The LEA will then submit the PEA to DTSC. If hazardous materials are identified, or if they do not pose a significant health risk, DTSC will approve the PEA and issue a determination letter stating that "no further action" is required.
- If required by DTSC because of health risks associated with hazardous materials are identified in the PEA, the LEA shall prepare and implement a Response Action (cleanup, removal, or remediation of hazardous materials) under DTSC oversight and approval. DTSC will issue a certification letter when the Response Action is completed. When a Response Action is required for a site, the LEA must obtain a Contingent Site Approval from the Department before the acquisition and implementation of the Response Action to ensure that the site meets all other requirements for Department approval.

Hazardous Air Emissions and Facilities Within A Quarter Mile

(See *Education Code* Section 17213(b) and *Public Resources Code* Section 21151.8(a)(2).)

The LEA shall consult with the administering agency and the local air pollution control district or air quality management district to identify facilities within a quarter mile of the proposed site that might reasonably be anticipated to have hazardous air emissions or handle hazardous materials, substances, or wastes and shall provide written notification of those findings.

The LEA shall make the finding either that no such facilities were identified or that they do exist but that the health risks do not or will not constitute an actual or potential endangerment of public health at the site or that corrective measures will be taken that will result in emissions mitigation to levels that will not constitute endangerment. In the final instance, the LEA should make an additional finding that emissions will have been mitigated before occupancy of the school.

These written findings, as adopted by the LEA governing board, must be submitted to the Department as a part of the site approval package. Often this information is included in the Phase I site assessment and in the adopted California Environmental Quality Act (CEQA) document. (See *CCR, Title 5, Section 14011(i)*.)

Other Health Hazards

(See *Education Code* Section 17213(a) and *Public Resources Code* Section 21151.8(a)(1); see also *CCR, Title 5, Section 14011(h)*.)

The LEA shall include in an environmental impact report or a negative declaration the information needed to determine that the proposed site is not any of the following type:

1. The site of a current or former hazardous waste disposal site or a solid waste disposal site unless, if the site was a former solid waste disposal site, the LEA governing board concludes that the wastes have been removed.
2. A hazardous substance release site identified by the Department of Health Services (now maintained by DTSC).
3. The site of one or more pipelines, situated underground or aboveground, which carry hazardous substances, materials, or wastes, unless the pipeline is used only to supply natural gas to that school or neighborhood.

These written determinations, as adopted by the LEA governing board, must be submitted to the Department as a part of the site approval package. Often this information is included in the Phase I site assessment and in the adopted CEQA document.

Other factors to consider are as follows:

- If the proposed land has been designated a border zone property by the Department of Toxic Substances Control (DTSC), then a school may not be located on the site without a specific variance in writing by DTSC. Contact DTSC, Site Mitigation, (916) 255-3745. See *Health and Safety Code* Section 25220.
- From a nuisance standpoint the site selection committee should also consider whether a site is located near a stockyard, fertilizer plant, soil-processing operation, auto dismantling facility, sewer treatment plant, or other potentially hazardous facility.

Proximity to Railroads

When evaluating a site near railroad tracks, a study should be conducted to answer the following questions (See *CCR, Title 5, Section 14010(d)*):

1. What is the distance from the track easement to the site?
2. Are the tracks mainline or spur?
3. What kinds of cargo are carried?
4. What is the frequency of rail traffic, and how does the rail traffic schedule relate to the school time schedule?
5. Is the proposed site near a grade, curve, bridge, signal, or other track feature?
6. What is the need for sound and safety barriers?
7. If pedestrians or vehicles must cross the tracks, are there adequate safeguards at the crossing?
8. Are there high-pressure gas lines near the tracks that might rupture in the event of derailment?

While most railroads have detailed instructions for handling hazardous materials, no setback distance between rail tracks and schools is defined in law. However, the *California Code of Regulations, Title 5, Section 14010* established the following regulations pertaining to proximity to railroads:

If the proposed site is within 1,500 feet of a railroad track easement, a safety study shall be done by a competent professional trained in assessing cargo manifests, frequency, speed, and schedule of railroad traffic, grade, curves, type and condition of track, need for sound or safety barriers, need for pedestrian and vehicle safeguards at railroad crossing, presence of high pressure gas lines near the tracks that could rupture in the event of a derailment, preparation of an evacuation plan. In addition to the analysis, possible and reasonable mitigation measures must be identified.

The National Transportation Safety Board has called for a uniform standard separation of at least 100 feet between hazardous materials storage and production facilities and mainline railroad tracks. Hazardous materials author have evacuated homes within a radius of 1,500 feet to 2,500 feet of railroad accidents when toxic gas and explosions were involved.

Additional information may be obtained from the following organizations:

1. California Public Utilities Commission (CPUC) (Web site www.cpuc.ca.gov) has three regional offices providing railroad information.

Sacramento (Fresno and counties north)
Contact: Robert (Buzz) Webb
(916) 327-3131

San Francisco (bay and coastal counties)
Contact: George Elsmore
(415) 703-2665

Los Angeles (counties south of Fresno)
Contact: Tom Hunt
(213) 576-7089

2. Operation Life Savers, which provides educational materials regarding railroad safety information:

Contact: Eric Jacobsen
(530) 367-3918 (telephone)
(530) 367-3053 (fax)

3. The U.S. Government has statutory authority regarding railroads and works collaboratively with the CPUC.

Federal Railroad Administration
650 Capitol Mall, Room 7007
Sacramento, CA
Contact Al Settje
(916) 498-6540

4. Refer to Public Utilities Commission General Order No. 161, Rule 4, regarding the ability of local emergency response agencies (fire department or other public agency with responsibility for responding to an emergency) to obtain a list of hazardous materials transported on the rail line in question for the most recent prior two month period. Main line railroads have risk management offices:

Union Pacific (St. Louis)
(800) 892-1283

Burlington Northern Santa Fe (Fort Worth)
(817) 234-2350

Amtrak (Oakland)
(800) 683-4114

Caltrain (San Jose)
(408) 291-5660

Metrolink (Los Angeles)
(909) 593-6973

Emergency Response Plan. There are approximately thirty-three short line railroads, not mainline, around the state. School districts should have information about them (e.g. name of rails, owner, operation, location, and dispatch office). In addition, school districts should identify the mile post crossing nearest the school and keep on file with the school's emergency response plan.

Proximity to Pressurized Gas, Gasoline, or Sewer Pipeline

Education Code Section 17213 prohibits the acquisition of a school site by a school district if the site "contains on more pipelines, situated underground or aboveground, which carries hazardous substances, acutely hazardous materials, or hazardous wastes, unless the pipeline is a natural gas line which is used only to supply natural gas to school or neighborhood." *Public Resources Code* Section 21151.8 uses the same language with reference to approval of environmental impact reports or negative declarations. (See *CCR, Title 5, Section 14010(h).*)

Proximity to High-Pressure Water Pipelines, Reservoirs, Water Storage Tanks

Large, buried pipelines are commonly used for delivery of water. The ground surfaces over these buried pipelines are covered with roadways or green belts or remain undeveloped, and the general public is unaware of their existence. Designs of such pipelines include a wide margin of safety for the operating water pressures within the pipe, but severe earthquake, damage by an adjacent construction activity, or highly corrosive conditions surrounding soils can contribute to leakage or even failure of the pipe. A sudden rupturing of a high-pressure pipeline can result in the release of a large volume of water at the point of failure and fragments of concrete pipe being hurled throughout the immediate area. Subsequent flooding of the immediate area and along the path of drainage to lower ground levels might occur.

To ensure the protection of students, faculty, and school property if the proposed school site is within 1,500 feet of an easement of an aboveground or underground pipeline that can pose a safety hazard, the school district should obtain the following information from the pipeline owner or operator:

1. The pipeline alignment, size, type of pipe, depth of cover
2. Operating water pressures in pipelines near the proposed school site
3. Estimated volume of water that might be released from the pipeline should a rupture occur on the site
4. Owner's assessment of the structural condition of the pipeline (Periodic reassessment would be appropriate as long as both the pipeline and the school remain operational.)

School districts should determine from topographic maps and in consultation with appropriate local officials the general direction that water released from the pipeline would drain. If site selection must involve such pipelines, districts should seek to (1) avoid or minimize students use of ground surfaces above or in close proximity to the buried pipeline; (2) locate facilities safely or provide safeguards to preclude flooding in the event of a pipeline failure; and (3) prepare and implement emergency response plans for the safety of students and faculty in the event of pipeline failure and flooding.

Proximity to Propane Tanks

A propane tank explosion is known as a boiling liquid evaporative explosion (BLEVE). The school district should address the safety issues of locating a propane tank on or near a school site by answering the following questions:

1. How many tanks are on the site now and how many might there be in the future?
2. How far away would the tanks be stored from the school boundaries?
3. What is the capacity of the tanks?

Once the answers to these questions are established, the district should contact the following state agencies for assistance in evaluating the school's level of safety in the event of explosions and nonexplosive fires:

- State Fire Marshal, (916) 445-8200; Hazardous Materials Division, (916) 445-8477
- Public Utilities Commission, Natural Gas Safety Branch, (415) 703-1353
- California Department of Industrial Relations, (510) 622-3052
- Local Fire Marshal

Noise

Noise is unwanted or harmful sound; sound that is too loud is distracting or, worse, injurious.

The loudness of sound is measured in decibels. Each decibel level equates to the amount of acoustical energy necessary to produce that level of sound. The decibel scale is exponential. A person's whisper may be measure a decibels. The sound measured at 30 decibels is ten times as loud as the 20 decibel whisper.

The normal range of conversation is between 34 and 66 decibels. Between 70 and 90 decibels, sound is distracting and presents an obstacle to conversation, thinking, or learning. Above 90 decibels, sound can cause permanent hearing loss. The California Department of Transportation considers sound at 50 decibels in the vicinity of schools to be the point at which it will take corrective action for noise generated by freeways. (See *Streets and Highway Code* sections 216 and 216.1.)

If the school district is considering a potential school site near a freeway or other source of noise, it should hire an acoustical engineer to determine the level of sound that location is subjected to and to assist in designing the school should that site be chosen. The American Speech-Language-Hearing Association (ASLHA) guidelines recommend that classroom sounds dissipate in 0.4 seconds or less (and not reverberate) and that background noise not rise at 30 decibels.

Proximity to Major Roadways

The *California Code of Regulations, Title 5, Section 14010(e)*, states: "The site shall not be adjacent to a roadway or freeway that any site-related traffic and sound level studies have determined will have safety problems or sound levels which adversely affect the educational program."

Trucks traveling on public roads - including interstate freeways, state highways, and local roads - often contain same hazardous materials that railcars on railroads contain. Although the quantities of materials being carried on trucks are smaller for a double trailer or tanker in comparison to a railcar, trucks have a greater incidence of accidents, spills, and explosions than do railcars. Moreover, the protective enclosures of a truck are not as strong as are those of a railcar.

When evaluating a site near a major roadway, a school district needs to ask questions similar to those used when evaluating risk from rail lines:

1. What is the distance from the near edge of the roadway right-of-way to the site?
2. How heavy is the traffic flow?
3. How many trucks carrying freight use the roadway during the time students and staff are present?
4. Is a safety or sound barrier necessary?
5. How will students coming across the highway get to school safely?

The California Highway Patrol (CHP) maintains records of traffic flow, traffic accidents, and roadway accidents involving hazardous materials. The CHP Commercial Vehicles Section (916-445-1865) maintains records on traffic flow and accidents involving hazardous materials. The CHP Safety Net Section (916-375-2838) maintains records on traffic accidents.

County road departments are also a good source for traffic flow and accident information in the local area. The school district may wish to consult the city or county general plan "Noise Element" to help evaluate school sites near major roadways.

Like railroad setbacks, highway setbacks from schools are not established in law. However, experience and practice indicate that distances of at least 2,500 feet are advisable when explosives are carried and at least 1,500 feet when gasoline, diesel, propane, chlorine, oxygen, pesticides, and other combustible or poisonous gases are transported.

the absence of specific, legally defined setback distances for schools, the Department reviews each case individual

Results of Geological Studies and Soils Analysis

Education Code sections 17212 and 17212.5 require that a geological study and a soils analyses provide assessment of the potential for earthquake or other geological hazard damage if the prospective school site is loc (1) within the boundaries of any Alquist-Priolo special studies zone; or (2) within an area designated as geologi hazardous in the safety element of the local general plan, as provided in *Government Code* Section 65302(g). Bec California is seismically active and new faults are being discovered, Department policy is that all proposed school have geological studies and soils analyses completed.

Any geological study must be conducted according to provisions contained in *Education Code* Section 17212.5, w states that "no school building shall be constructed, reconstructed, or relocated on the trace of a geological fault a which surface rupture can be reasonably expected to occur within the life of the school building." (See *CCR, Tit Section 14011(g)*).

Earthquakes, Liquefaction, and Landslides. Alquist-Priolo Earthquake Fault Zone maps delineate active fault and earthquake fault zone boundaries (previously known as Special Study Zones). For further information on tl maps, contact the California Department of Conservation (CDC), Division of Mines and Geology (DMG), at (916) 9672 or see the Web site at www.consrv.ca.gov/cgs. These maps are important because the *California Coo Regulations, Title 5, Section 14010(f)*, specifies that new school sites may not contain an active earthquake fault or trace.

School districts may also wish to refer to Seismic Hazard Zone maps, also prepared by CDC, which address hazards of liquefaction and earthquake induced landslides. For further information, contacts DMG at (916) 323-856 www.consrv.ca.gov/cgs. These maps are important because the *California Code of Regulations, Title 5, Section 14010(i)*, requires that new school sites not be subject to moderate-to-high liquefaction or landslides.

Copies of either of these types of hazard maps for specific communities may be purchased from BPS Reprogra Services, 149 Second Street, San Francisco, CA 94105; (415) 512-6550.

The *California Building Code* contains descriptions of areas in the state that are divided into seismic zones III o These zone designations will affect the structural safety design requirements of the Division of the State Archi Eventually, these zone designations may be affected if a new code is adopted.

Areas Subject to Flooding and Inundation. The *California Code of Regulations (CCR), Title 5, Section 1401* requires that new school sites are not to be within an area of flood or dam inundation unless the cost of mitigating impact is reasonable. The overflowing or failure of nearby rivers, streams, dams, levees, detention/retention ba flood control channels, water supply aqueducts, irrigation canals, and areas subject to flash flooding and surface ri is cause for concern. Potential damage may be mitigated by elevating the site above flood levels, creating or imprc the levees and drainage infrastructure, and establishing emergency notification and evacuation procedures. / condition of final site approval, the Department consultant may require a hydrologic study or other mean confirmation that the site will not be subject to flooding or a report of proposed mitigation measures, including estim costs, or both.

The district should consult the local city or county general plan, responsible flood control agencies, and Flood Insur Rate Maps (FIRM), which are available from the Federal Emergency Management Agency (FEMA). These official n delineate flood hazard areas, such as the 100-year flood plan. Copies of flood maps are available for a nominal Contact the following agency for a copy of the current flood map for a specific community: Map Service Center (M P.O. Box 1038, Jessup, MD 20794-1038; (800) 358-9616; Web site www.fema.gov/nfip/readmap.htm.

The Governor's Office of Emergency Services (OES) publishes maps that provide the best estimate of where v would flow if dams were to experience failure. Contact OES at www.oes.ca.gov for further information.

See Appendix H for factors to be included in geological hazard reports.

Traffic and School Bus Safety Conditions

The school facility should be situated so that students can enter and depart the buildings and grounds safely. As number of schools providing child care and extended day classes increases, schools need to ensure the safe flo

buses and other traffic through designated areas of the school grounds. When analyzing potential school sites, selection team should consider a number of safety factors. The size and shape of the site will affect the traffic flow the placement of pickup and drop-off points for parents.

When designing pickup and drop-off points, the team should remember that the separation of bus traffic from all other traffic is of paramount importance. Roads servicing the area must be of sufficient paved width when the point at which the bus loads and unloads pupils is off the main thoroughfare. The need for left turn lanes must be determined. Driveway openings must conform to local ordinances or regulations. When analyzing potential school sites for traffic and bus safety, site selection teams should use the evaluation checklist contained in Appendix B. Department consultants can help in evaluating issues of ingress and egress.

Safe Routes to School

The national Walk Our Children to School Day was established in 1997 by the Partnership for a Walkable America, a national alliance of public and private organizations committed to making walking safer. Because the physical environment greatly affects how many residents can and will walk, a Walkability Checklist is provided in Appendix B. An excerpt from the National Safety Council's checklist, which can be accessed at www.nsc.org/walkable.htm, shows that a growing number of communities are implementing measures to make their environments safer for walking.

The Department recommends that the site selection committee walk the area surrounding each proposed school site. If there are unsatisfactory walking routes for a proposed site, the school district should consider another site or work with the city or county to have safe walking routes installed before opening the school.

Federal Highway Administration (FHWA) funds may be available to help make school access safer for pedestrians and bicyclists. Assembly Bill 1475 (Chapter 663, Statutes of 1999) directs FHWA safety funds to a new program entitled Safe Routes to Schools. This program will sunset January 1, 2005.

The California Department of Transportation (DOT) has the responsibility to distribute the Safe Routes to School program guidelines. Additional information may be obtained at the following Internet addresses:

DOT Home Page: www.dot.ca.gov
Local Programs: www.dot.ca.gov/hq/LocalPrograms
Traffic Operations: www.dot.ca.gov/hq/traffops

Safety Studies for Joint-Use Sites

Many school districts plan schools for use in conjunction with park districts, library districts, or other governmental entities. Such cooperative planning is encouraged and may result in recreational and educational areas suitable for use by both students and community members. Special care must be taken to ensure that both the students and community members can use the site without compromising the safety and security of the school. Particular attention should be given to placing public parking areas and toilets away from classrooms and student play areas.

Choosing Appropriate Sites for Joint-Use Facilities

Frequently, school districts agree to cooperate with a local governmental entity, recreation district, or possibly an adjacent school district when planning a new facility, such as a new library, technology center, performing arts center, swimming pool, gymnasium, multipurpose room, or sports complex. Likewise, a commercial or industrial complex may be jointly planned to include a school.

More efforts at saving dollars and acreage will occur as funding and space become scarce resources. The construction and land costs saved may be significant. In some cases, the costs may increase because of joint use, but the benefits to communities may offset the increased expenses. By providing combined and expanded resources and services within a single facility, the school district fosters enhanced community activities.

Agreements must be crafted between the school districts and other appropriate entities regarding site acquisition, mutually acceptable arrangements for space, staffing, maintenance, materials acquisition, and other matters relating to the administration and operation of the joint-use facility. In some cases the shared community facility is also shared between school sites, such as a middle and a high school. In those cases, careful planning must take place about what can and what cannot be shared. In many school districts, more than one facility is used jointly with the community. Fields, theaters, classrooms, and virtually the entire campus become available for joint use. The school is no longer

seen as a separate, stand-alone entity.

Examples of Successful Joint-Use or Strategic Alliance Projects in California

Facility	Location
Community Performing Arts Complex	Elk Grove Unified School District, Sacramento City/County Library
Softball Complex	Clovis Unified School District, City of Clovis
Park and Aquatics Center	Roseville Joint Union High School District, City of Roseville
Field Areas	Woodland Joint Unified School District, City of Woodland
Theater and Gymnasiums	Poway Unified School District, Cities of Poway and San Diego
Gymnasium/Fitness Center	Lodi Unified School District, City of Lodi
Technology Center	San Diego County Office of Education
Medical Magnet School/Hospital	Los Angeles Unified School District and Compton Unified School District, King Drew Medical Magnet High School
High School/Community College Campus	San Diego City Unified School District, San Diego City College
On-site School/Business Entity	Santa Rosa Elementary School District, Hewlett Packard
Senior Center/District Office	Carlsbad Unified School District, Carlsbad Senior Center
Multipurpose Room, Kitchen, Platform	Pauma Elementary School District, Non-profit Foundation, HUD
Library/Media Center, Eastlake High	Sweetwater Union High School District, City of Chula Vista

When planning the acquisition of a site for a joint-use facility, the school district must consider many issues as follow

- Safety and security
- Access, day and night year-round, including access by public transportation
- Location, as a prominent landmark that encourages community use
- Appropriate size, including adequate space for buildings, grounds, and convenient, plentiful parking

Observing California Environmental Quality Act (CEQA) Requirements

The California Environmental Quality Act (CEQA) is located in the *Public Resources Code* Section 21000 et seq.; CEQA guidelines are found in the *California Code of Regulations, Title 14, Section 15000 et seq.* Enacted in 1968, CEQA was primarily intended for use by public agencies in considering the potential environmental implications of actions when approving projects. The Act establishes a duty for public agencies, including school districts, to analyze, avoid, mitigate, or where feasible, minimize foreseeable environmental damage.

Lead Agency

The lead agency is the single agency responsible for determining the type of environmental analysis CEQA requires and for approving and carrying out the project. The local educational agency (LEA) (i.e., school district or county office of education) is the lead agency under CEQA for school facility construction projects and land acquisition.

One of the requirements for the final site approval by the Department is the LEA's completion of the CEQA process before site acquisition. Although the Department will review adopted CEQA documents as a part of its site approval process,

process, the Department is not responsible for ensuring that the LEA properly followed all CEQA requirements or challenging LEA decisions under CEQA. In most cases the LEA will be required to produce and adopt a negative declaration or an environmental impact report (EIR) for site acquisitions. This CEQA document will also encompass the proposed school construction project.

CEQA Documents Needed for Final Department Approval

As a part of the Department's final site approval process, the LEA must submit a copy of the following documents to School Facilities Planning Division in its site approval package (see Appendix D, SFPD 4.01*):

- LEA-certified final EIR or adopted negative declaration (including the Initial Study/Environmental Checklist)
- Stamped Notice of Completion (NOC) or comment-period closure letter from the Governor's Office of Planning and Research (OPR), State Clearinghouse (SCH)
- Stamped Notice of Determination (NOD) filed with the County Clerk

The Department recommends that the DTSC review and approval process be completed before completing the CEQA process. However, if a Preliminary Endangerment Assessment is required, the LEA should coordinate with DTSC while completing the CEQA and public participation process.

For further information on CEQA, contact the Governor's Office of Planning and Research, State Clearinghouse 1400 Tenth Street, Room 222, Sacramento, CA 95814; mailing address: P.O. Box 3044, Sacramento, CA 95812-3044; telephone: (916) 445-0813; Web site: www.opr.ca.gov/. To view or download CEQA or its guidelines, go to <http://ceres.ca.gov/ceqa/>.

Recognizing Land-Use Issues

Several local, regional, and statewide land-use issues must be considered when evaluating and selecting a school site. Many of these issues are considered a part of the school district's compliance with CEQA.

Cities and counties have the responsibility to adopt local ordinances, policies, plans, and zoning maps regarding allowed and prohibited land uses. General plans may also contain the jurisdiction's preferred approximate location for future school sites. While plan coordination is advisable and notification is required before acquisition, school districts retain the authority to overrule local zoning and general plan land-use designations for schools if specified procedures are followed. (See *Government Code* sections 53094, 65402(a), and 65403 and *Public Resources Code* Section 21151.2.)

The California Coastal Commission is a statewide land-use planning agency that a school district may have to coordinate with when selecting school sites. This agency is responsible for planning and regulating development along California's coastal zone, which may extend up to five miles inland. (See *Public Resources Code* Section 30000 et seq. *California Code of Regulations, Title 14*, sections 13001-13666.4.)

State law also encourages public agencies, including school districts, to avoid acquiring land that is designated in a general plan and zoned for agricultural use or sites that fall under Williamson Act agricultural preserves and contracts. Should agricultural land acquisition be necessary, however, districts will need to follow the procedures described in *Education Code* Section 39006 (repealed in 1996, replaced in 1998) and *Government Code* Section 51290 et seq.).

Obtaining Site Approval

After deciding on a site or sites, the school district site selection team should proceed as follows:

Schedule a site visit with the Department consultant.

If the site is to be purchased with state funds, Department approval is required before state funds can be apportioned. Provide the Department consultant with maps of three approvable sites for review purposes. The consultant will evaluate the sites and provide the district a written evaluation of the site(s) on SFPD Form 4.0, Initial School Site Evaluation (Appendix C). The consultant will indicate which sites are approvable and will rank the sites relative to each other. The consultant will also provide the district three forms required for final approval of the site:

SFPD 4.01, School Site Approval Procedures (Appendix D)

SFPD 4.02, School Site Report (Appendix E)

SFPD 4.03, School Site Certification (Appendix F)

The Department will issue a Final Site Approval Letter (Appendix G) valid for five years.

If the site is to be purchased with funds other than state funds and the school district will not seek state reimbursement at a future date, the district can voluntarily ask the Department to review the site to confirm its suitability as a school site. The district should follow the same procedures outlined above.

Request that the Department arrange an investigation of the site in accordance with *Education Code* Section 17012 (amended in 1999 by Assembly Bill 747) by the Department of Transportation, Aeronautics Program, Office of Airports, if the site is within two nautical miles of an airport runway.

For further information on requirements for purchasing sites with state funds or with funds other than state funds, see *Education Code* sections 17211 and 17251(a) and (b) and *California Code of Regulations, Title 5, Section 14012*. For information regarding the section Presence of Toxic and Hazardous Substances, under Evaluating Safety Factors, for what must be done regarding a Phase I Environmental Site Assessment.

Many statutes and regulations other than those of the Department and the State Allocation Board, Office of Planning and School Construction, apply to the purchase and use of land for a school. School districts should confer with the Department, the State Allocation Board, the county office of education superintendent, or both, before acquiring property.

For additional information regarding any changes in issues relating to school site selection, school districts should contact the School Facilities Planning Division (SFPD) at (916) 322-2470 or refer to the SFPD Web site at www.cde.ca.gov/ls/fa/index.asp.

Appendix

Appendix A Site Selection Process

When a school district is planning to acquire a site for a school, it must take various factors into consideration. The School Facilities Planning Division has developed three work sheets to assist the district in assessing potential sites and making preliminary selections. The work sheets, which are included in this appendix, outline a set of 12 primary criteria governing school site selection and consists of three components: Site Selection Criteria, Site Selection Evaluation, and Comparative Evaluation of Candidate Sites. These components allow for a comprehensive examination of sites to determine strengths and weaknesses (Site Selection Criteria); a ranking of each site (Site Selection Evaluation); finally, a comparison of sites by the rating factors and total scoring (Comparative Evaluation of Candidate Sites). The criteria are consistent with the *California Education Code*, *California Code of Regulations, Title 5*, *California Planning and Resources Code*, and the California Department of Education policies and guidelines.

Although these standards are not the sole criteria to be considered by a school district's site selection committee, the committee may find them useful in evaluating various sites, identifying at least three acceptable sites from which a choice can be made, and, eventually, explaining the site selection process to interested entities.

Each primary element listed on the Site Selection Criteria work sheet contains secondary measures that provide the committee the opportunity to apply a specific set of guidelines to each potential site and aid in the analysis of a site. The secondary criteria may also be used by the committee to understand better the types of data needed in identification, selection, and final acquisition of a school site. After considering both primary and secondary standards on the work sheet, the committee should rank the sites in order of acceptability by completing the second and third work sheets.

Part 1. [Site Selection Criteria](#) (PDF; 19.5KB; 3pp.)

Part 2. [Site Selections Evaluation](#) (PDF; 13.8KB; 1p.)

Part 3. [Comparative Evaluation of Candidate Sites](#) (PDF; 11.3KB; 1pp.)

Appendix B
 Evaluation Checklist for School Bus Driveways (PDF; 21.6KB; 1p.)

Appendix C
 SFPD 4.0 Initial School Site Evaluation PDF (73KB; 3pp.; Jul-2004) | DOC (287KB; 3pp.; Jul-2004)

Appendix D
 SFPD 4.01 School Site Approval Procedures PDF (39KB; 3pp.; Sep-2004) | DOC (231KB; 3pp.; Sep-2004)

Appendix E
 SFPD 4.02 School Site Report PDF (87KB; 4pp.; Jul-2004) | DOC (258KB; 4pp.; Jul-2004)

Appendix F
 SFPD 4.03 School Site Certification PDF (65KB; 1p.; Jul-2004) | DOC (217KB; 1p.; Jul-2004)

Appendix G
Factors to Be Included in a Geological and Environmental Hazards Report

- I. Site Description
 - A. Location of site identified by street name, lot number(s), or other descriptors that are site specific.
 - B. Description of site reconnaissance, including the vegetation (describe type), and previous site usage
- II. Geological
 - A. Seismic and Fault Hazard
 1. Whether the site is in Alquist-Priolo zone; whether it is situated on or near a pressure riser geological fault, or fault trace that may rupture during the life of the school building; and what student risk factor is.
 2. Locations and potential for ground shaking of nearby faults or fault traces. Discussion of inspection and reconnaissance.
 3. Subsurface conditions determined by exploration and literature review.
 - B. Liquefaction Subsidence or Expansive Potential
 1. Discussion of subsoil condition relative to ground water and the potential for liquefaction.
 2. Mitigating factors.
 - C. Dam or Flood Inundation and Street Flooding
 1. Location of the site in relation to flood zones and dam inundation areas.
 2. If the site is in a flood zone, give year, type, and potential hazard.
 3. Potential for sheet flooding, street flooding, and dam or flood inundation.
 - D. Slope Stability
 1. If located on or near a slope.
 2. Discuss potential for instability and landslides.
 - E. Mitigations
 1. Discuss mitigations and potential development of the site as it relates to student safety and use.
- III. Environmental (Where applicable)
 - A. Health Hazards
 1. Describe the mitigation, if on or near a hazardous or solid waste disposal, to ensure that wastes have been removed before acquisition.
 2. Discuss soils sample and underground water sample test results and, if toxics are present, the cleanup procedures.
 3. Address the presence of asbestos if serpentine rock is present.
 4. Identify facilities within one-quarter mile of the site that may emit hazardous air emissions. Provide air emissions test results and an analysis of the potential hazard to students and staff. (written findings required).
 - B. High-Pressure Pipelines and Electric Transmission Lines
 1. Identify proximity to all high-pressure gas lines, fuel transmission lines, pressurized sewer lines and high-pressure water pipelines within 1,500 feet of the proposed site; and identify supply lines other than gas lines to the site or neighborhood.
 2. Identify all utility easements on or adjacent to the site and the kV capacity of the easement.

Appendix H
References to Codes

Code sections may be found on the Web at www.leginfo.ca.gov/calaw.html. Click on the code you want and enter the number.

Education Code

Education Code references pertaining to site selection can also be found at the School Facilities Planning Division www.cde.ca.gov/ls/fa/sf/codes.asp.

Code Section	Subject
17072.12	Assistance in site development and acquisition
17072.13	Evaluation of hazardous materials at a site
17210	Definitions in environmental assessment of school sites
17210.1	Application of state act; hazardous materials; risk assessments; compliance with other laws
17211	Public hearing for evaluation before acquisition in accordance with site selection standards
17212	Investigation of prospective school site; inclusion of geological engineering studies
17212.5	Geological and soils engineering studies
17213	Approval of site acquisition; hazardous air emissions; findings (See also <i>Public Resources Code</i> Section 21151.8.)
17213.1	Environmental assessment of proposed school site; preliminary endangerment assessment; costs; liability
17213.2	Hazardous materials present at school site; response action
17213.3	Education Department; monitoring performance of Toxic Substance Control Department; reports on amount of fees and charges
17215	Site near airport; requirements as amended by Assembly Bill 727
17217	Manner of acquisition; school site on property contiguous to district
17251	Power and duties concerning buildings and sites
35275	New school planning and design

Additional regulations for school sites and plans are set forth in the *California Code of Regulations, Title 5.*

Public Resources Code

Code Section	Subject
21151.2	School site proposed acquisition or addition; notice to planning commission; investigation; report
21151.4	Construction or alteration of facility within one-quarter mile of school; reasonable anticipation of air emission or handling of hazardous or acutely hazardous material; approval of environmental impact report or negative declaration
21151.8	School site acquisition or construction; approval or environmental impact report or negative declaratic conditions <i>(Note: Public Resources Code Section 21151.8 is similar to Education Code Section 1721. School districts must comply with both.)</i>

Health and Safety Code

Code Section	Subject
25220 - 25240	Land use

Appendix I
[Walkability Checklist \(PDF; 11.9KB; 2pp.\)](#)

Questions: Fred Yeager | fyeaager@cde.ca.gov | 916-327-7
 Download Free Reac

California Department of Education
 1430 N Street
 Sacramento, CA 95814

[Contact Us](#) | [Web Policy](#) | [Feedback](#)

Last Modified: Tuesday, October 25, 2005



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

January 27, 2006

Regulatory Branch (200600057)

Mark Martin
City of Stockton
Community Development Department
Planning Division
345 North El Dorado Street
Stockton, California 95202

Dear Mr. Martin:

We are responding to your December 27, 2005, Notice of Completion on the Tidewater Crossing project. This project is located at Latitude 121° 14' 37.5", Longitude 037° 52' 24.0", Township 1 South, Range 7 East, near Stockton, in San Joaquin County, California. Your identification number is 2-05.

The Corps of Engineers' jurisdiction within the study area is under the authority of Section 404 of the Clean Water Act for the discharge of dredged or fill material into waters of the United States. Waters of the United States include French Camp Slough, Lone Tree Creek, South Fork of Little John's Creek, but are not limited to, rivers, perennial or intermittent streams, lakes, ponds, wetlands, vernal pools, marshes, wet meadows, and seeps. Project features that result in the discharge of dredged or fill material into waters of the United States will require Department of the Army authorization prior to starting work.

To ascertain the extent of waters on the project site, the applicant should prepare a wetland delineation, in accordance with the "Minimum Standards for Acceptance of Preliminary Wetland Delineations", under "Jurisdiction" on our website at the address below, and submit it to this office for verification. A list of consultants that prepare wetland delineations and permit application documents is also available on our website at the same location.

The range of alternatives considered for this project should include alternatives that avoid impacts to wetlands or other waters of the United States. Every effort should be made to avoid project features which require the discharge of dredged or fill material into waters of the United States. As part of the initial planning stage, the project should be designed to avoid direct and indirect impacts on aquatic resources. A minimum 50-foot buffers on both sides of the French Camp Slough, Little John's Creek, and other waters on the project site should be established between these waters and proposed development

park, residential and commercial areas. Establishing and maintaining these buffers will help minimized adverse impacts of the project on aquatic functions, including habitat for aquatic organisms, moderation of water temperature changes, local water quality, and flood control and attenuation. In the event it can be clearly demonstrated there are no practicable alternatives to filling waters of the United States, mitigation plans should be developed to compensate for the unavoidable losses resulting from project implementation.

Please refer to identification number 200600057 in any correspondence concerning this project. If you have any questions, please contact Mr. Peck Ha at our Delta Office, 1325 J Street, Room 1480, Sacramento, California 95814-2922, email peck.ha@usace.army.mil, or telephone 916-557-6617. You may also use our website: www.spk.usace.army.mil/regulatory.html.

Sincerely,



Michael Finan
Chief, Delta Office

Copy furnished:

Thomas Truskowski, Arnaiz Development Company, Inc., 3400 Eight Mile Road,
Stockton, California 95212
Bill Mayer, LSA Associates, Inc., 4200 Rocklin Road, Suite 11B, Rocklin, California
95677



**Pacific Gas and
Electric Company.**

Carol Ackerson
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E-mail: cxak@pge.com

March 10, 2006

Mark Martin
City of Stockton
Community Development Dept.
Planning Division
345 N El Dorado St.
Stockton, CA 95202

RECEIVED

MAR 13 2006

CITY OF STOCKTON
PERMIT CENTER

**RE: Notice of Preparation of Draft Environmental Impact Report (DEIR)
For Tidewater Crossing Project**

Dear Mr. Martin,

Thank you for the opportunity to comment on this Notice of Preparation of Draft Environmental Impact Report (DEIR) for the Tidewater Crossing Project. PG&E has the following comments to offer:

Generally, PG&E owns and operates gas and electric facilities which are located within and adjacent to the proposed project. To promote the safe and reliable maintenance and operation of utility facilities, the California Public Utilities Commission (CPUC) has mandated specific clearance requirements between utility facilities and surrounding objects or construction activities. To ensure compliance with these standards, project proponents should coordinate with PG&E early in the development of their project plans. Any proposed development plans should provide for unrestricted utility access and prevent easement encroachments that might impair the safe and reliable maintenance and operation of PG&E's facilities.

The following is a brief description of Pacific Gas and Electric Company's (PG&E) facilities required to serve this project or proposed to be constructed through the project boundaries.

PG&E ELECTRIC SERVICE REQUIREMENTS

To serve the large amount of new electric demand created by the proposed Tidewater Crossing project, a new electric transmission line and electric substation will need to be constructed within the project area, as well as all of the associated distribution feeders throughout the project. The following will be required as part of the overall project development:

- PG&E will tap into PG&E's existing Tesla-Stockton Cogen Junction 115 kilovolt (KV) electric transmission line located at Sperry and McKinley or near French Camp Rd and Lombard St.

- A new 115KV double-circuit tubular steel overhead transmission pole line would be constructed within a 50 foot wide dedicated electric transmission right-of-way (R/W), running either; Southeast along the French Camp Rd from near Lombard St. and then north into the planned business/industrial area or southeast from Sperry and McKinley parallel to the UPRR right of way into the planned business/industrial area. It is possible to use less than a 50 foot easement if the transmission line is parallel to and contiguous with a roadway.
- This tubular steel pole line will support two sets of overhead transmission wires as well as two sets of overhead distribution wires. The steel poles will be approximately 100 foot tall. 24-hour all-weather access to the pole line will be required for maintenance and operations.
- Also within the electric transmission R/W, provisions will be made to allow for the installation of underground electric distribution lines as required.
- A five acre (rectangular in shape) parcel will be required within the planned business/industrial area in the south-west portion of the project for the installation of an electric substation. The proposed location is west of Highway 99 and north of the proposed water/drainage canal on a corner lot. The substation will convert the 115 KV transmission voltage down to either a 21 KV or 12 KV distribution voltage level.
- The electric substation site will require year-round, 24-hour, all-weather access. Moreover, roadway access to the site will need to accommodate very large trucks and cranes with a large turning radius.
- Along all roadways throughout the entire project, 15-foot-wide public utility easements will be required on both sides of each road for the installation of gas and electric distribution feeders along with other utilities as required.

PG&E GAS SERVICE REQUIREMENTS

- Along all roadways throughout the entire project, 15-foot-wide public utility easements will be required on both sides of each road for the installation of gas and electric distribution feeders along with other utilities as required.
- Above ground features include vertical pipeline markers as well as valve frame and covers which are at the ground surface level.
- All gas facilities will require 24-hour all-weather access for maintenance and operations.

Future analysis will also include studies indicating the need for any potential upgrades or additions to accommodate additional load on the gas system including facilities such as regulator stations, odorizer stations, valve lots, and distribution and transmission lines.

The process of permit requirements for Utility Companies can add delays for development projects. Therefore we recommend the developer contact all of the utility companies to discuss the permit requirements of this development.

The developers will be responsible for the costs associated with the relocation of existing PG&E facilities to accommodate their proposed development. Because facilities relocation's require long lead times and are not always feasible, the developers should be encouraged to consult with PG&E as early in their planning stages as possible.

Continued development consistent with City of Stockton's General Plans will have a cumulative impact on PG&E's gas and electric systems and may require on-site and off-site additions and improvements to the facilities which supply these services. Because utility facilities are operated as an integrated system, the presence of an existing gas or electric transmission or distribution facility does not necessarily mean the facility has capacity to connect new loads.

It is recommended that environmental documents for proposed development projects include adequate evaluation of cumulative impacts of utility systems, the utility facilities necessary to serve those developments and any potential environmental issues associated with extending utility service to the proposed project. This will assure the project's compliance with CEQA and reduce potential delays to the project schedule.

The California Constitution vests in the California Public Utilities Commission (CPUC) exclusive power and sole authority with respect to the regulation of privately owned or investor owned public utilities such as PG&E. This exclusive power extends to all aspects of the location, design, construction, maintenance and operation of public utility facilities. Nevertheless, the CPUC has provisions for regulated utilities to work closely with local governments and give due consideration to their concerns. PG&E must balance our commitment to provide due consideration to local concerns with our obligation to provide the public with a safe, reliable, cost-effective energy supply in compliance with the rules and tariffs of the CPUC.

PG&E remains committed to working with the City of Stockton to provide timely, reliable and cost effective gas and electric service to the planned area. We would also appreciate being copied on future correspondence regarding this subject as this project develops.

Again, thank you for the opportunity to make comments on this preparation of the Draft Environmental Impact Report (DEIR) for the Tidewater Crossing Project. If you, the developer or anyone has any questions or concerns please contact me at (209) 942-1784.

Sincerely,

A handwritten signature in cursive script that reads "Carol Ackerson".

Carol Ackerson
Land Agent

DEPARTMENT OF TRANSPORTATION
DIVISION OF AERONAUTICS – M.S.#40
1120 N STREET
P. O. BOX 942873
SACRAMENTO, CA 94273-0001
PHONE (916) 654-4959
FAX (916) 653-9531
TTY (916) 651-6827



*Flex your power!
Be energy efficient!*

January 17, 2006

Mr. Mark Martin
City of Stockton
Community Development Department
345 N. El Dorado Street
Stockton, CA 95202

Dear Mr. Martin:

Re: City of Stockton's Notice of Preparation of a Draft Environmental Impact Report for Tidewater Crossing Master Development Plan Project; SCH# 2005122101

The California Department of Transportation (Caltrans), Division of Aeronautics (Division), reviewed the above-referenced document with respect to airport-related noise and safety impacts and regional aviation land use planning issues pursuant to the California Environmental Quality Act (CEQA). The Division has technical expertise in the areas of airport operations safety, noise and airport land use compatibility. We are a funding agency for airport projects and we have permit authority for public and special use airports and heliports. The following comments are offered for your consideration.

The proposal is for a "General Plan Amendment, Master Development Plan (MDP), rezoning, Tentative Tract Map, Sphere of Influence amendment for a portion of the project (245.5 acres), Annexation and Development Agreement for approximately 878.0 acres predominately in farmland and rural residential uses. The MDP includes 352 acres of Industrial, 93.7 acres of Medium Density Residential, 11.2 acres of High Density Residential, 258.9 acres of Low Density Residential, 24.1 acres of Ranch Estate Residential, 20.7 acres of Retail/Commercial, 89 acres of Parks/Buffers, 11.6 acres of Elementary School, 10.6 acres of railroad corridor and 6.2 acres in Airport Way. A 30-50 acre flood control/detention basin is planned within the western portion of the planned industrial area to manage peak storm flows. The project is designated as Village L in the City's Draft 2035 General Plan land use diagram."

As stated in the Notice of Preparation (NOP), the project site is located immediately adjacent to the Stockton Metropolitan Airport. Stockton is an active airport with 231 based aircraft and approximately 75,000 annual operations. Many business and corporate aircraft use the airport. It is a valuable air cargo airport serving the entire region. Although it does not currently have commercial passenger service, there are plans to restart service in the near future. The National Guard, based at Stockton Metropolitan Airport, uses the heliport located just southwest of Runway 11R-29L in the vicinity of the project site. As depicted in the Federal Aviation Regulation (FAR) Part 150 Airport Noise Compatibility Program generated flight track maps, the project site is beneath the designated traffic pattern for Runway 11R-29L and National Guard flight tracks. The site is within an area subject to fixed-wing aircraft overflight and army helicopter overflight.

Protecting people and property on the ground from the potential consequences of near-airport aircraft accidents is a fundamental land use compatibility-planning objective. While the chance of an aircraft injuring someone on the ground is historically quite low, an aircraft accident is a high consequence event. To protect people and property on the ground from the risks of near-airport aircraft accidents,

"Caltrans improves mobility across California"

some form of restrictions on land use are essential. The two principal methods for reducing the risk of injury and property damage on the ground are to limit the number of persons in an area and to limit the area covered by occupied structures. The potential severity of an off-airport aircraft accident is highly dependent upon the nature of the land use at the accident site.

The Caltrans Airport Land Use Planning Handbook (Handbook) identifies six different airport safety zones based on risk levels. They are the Runway Protection Zone (RPZ), Inner Approach/Departure Zone, Inner Turning Zone, Outer Approach/Departure Zone, Sideline Safety Zone and Traffic Pattern Zone. It appears that portions of the project site appear to be within all six airport safety zones. The RPZ is the most critical of the airport safety zones, considered to be at "very high risk" due its proximity to the end of the runway. The Handbook generally recommends prohibiting all new structures within the RPZ. Just beyond the RPZ is the Inner Approach/Departure Zone, which is considered to be at "substantial risk". The RPZ together with the inner safety zones encompass 30 to 50 percent of the near-airport aircraft accident sites. The Handbook recommends against "children's schools" within all the safety zones. Tables 9B and 9C of the Handbook provide "basic compatibility qualities" of the various safety zones. This must be thoroughly addressed in the Draft Environmental Impact Report (DEIR).

Please note, in accordance with CEQA, Public Resources Code Section 21096, the Handbook must be utilized as a resource in the preparation of environmental documents for projects within an airport land use compatibility plan boundaries or if such a plan has not been adopted, within two miles of an airport. The Handbook is a resource that should be applied to all public use airports and is available on-line at <http://www.dot.ca.gov/hq/planning/aeronaut/>.

Due to its proximity to the airport, the project site will be subject to aircraft overflights and subsequent aircraft-related noise impacts. Federal and State regulations regarding aircraft noise do not establish mandatory criteria for evaluating the compatibility of proposed land use development around airports (with the exception of the 65 decibel (dB) Community Noise Equivalent Level (CNEL) "worst case" threshold established in the State Noise Standards for the designated "noise problem" airports). And since communities vary greatly in size and character from urban to rural, the level of noise deemed acceptable in one community is not necessarily the same for another community. For most airports in California, 65 dB CNEL is considered too high a noise level to be appropriate as a standard for land use compatibility planning. This is particularly the case for evaluating new development in the vicinity of the airport. The 60 dB CNEL, or even 55 dB CNEL, may be more suitable for new development around most airports. For a further discussion of how to establish an appropriate noise level for a particular community, please refer to Chapter 7 of the Caltrans Handbook.

Consideration should be given to cumulative noise impacts associated with the project site's proximity to roadways and railway lines. Sound insulation, buyer notification and avigation easements are typical noise mitigation measures. These measures, however, do not change exterior aircraft noise levels. It is likely that some future homeowners and tenants will be annoyed by aircraft noise in this area. Noise mitigation measures are not a substitute for good land use compatibility planning for new development. A thorough airport-related noise analysis with existing and projected airport noise contour maps must be included in the DEIR.

Public Utilities Code, Section 21659 "Hazards Near Airports Prohibited" prohibits structural hazards near airports. In accordance with FAR Part 77 "Objects Affecting Navigable Airspace" a Notice of

Proposed Construction or Alteration (Form 7460-1) may be required by the Federal Aviation Administration (FAA). Form 7460-1 is available at <http://forms.faa.gov/forms/7460-1.pdf>. For further technical information, please refer to the FAA's web site at http://www.faa.gov/aso/aso500/-obst_eval.htm. Please note, the FAA also requires submission of a completed Form 7460-2 Part 1 at least 48 hours prior to starting the actual construction (<http://forms.faa.gov/forms/7460-2.pdf>).

Education Code, Section 17215 requires a school site investigation by the Division of Aeronautics prior to acquisition of land for a proposed school site located within two miles of an airport runway. Our recommendations are submitted to the State Department of Education for use in determining acceptability of the site. The Division's school site evaluation criteria is available on-line at <http://www.dot.ca.gov/hq/planning/aeronaut/htmlfile/regulations.php>. This should be a consideration prior to designating residential uses in the vicinity of an airport.

Section 11010 of the Business and Professions Code and Sections 1102.6, 1103.4, and 1353 of the Civil Code (<http://www.leginfo.ca.gov/calaw.html>) address buyer notification requirements for lands around airports. Any person who intends to offer land for sale or lease within an *airport influence area* is required to disclose that fact to the person buying the property.

Land use practices that attract or sustain hazardous wildlife populations on or near airports can significantly increase the potential for wildlife-aircraft collisions. The Federal Aviation Administration (FAA) recommends that landfills, wastewater treatment facilities, surface mining, wetlands and other uses that have the potential to attract wildlife, be restricted in the vicinity of an airport. FAA Advisory Circular (AC) 150/5200-33A entitled "Hazardous Wildlife Attractants on or Near Airports" and AC 150/5200-34 entitled "Construction or Establishment of Landfills Near Public Airports" address these issues. These advisory circulars can be accessed at http://www.faa.gov/arp/150acs.cfm#Airport_Safety. For further technical information, please refer to the FAA's web site at http://wildlife-mitigation.tc.faa.gov/public_html/index.html. For additional information concerning wildlife damage management, you may wish to contact the United States Department of Agriculture, Wildlife Services, at (916) 979-2675.

Government Code Section 25302.3 (a) requires general plans, specific plans and amendments shall be consistent with the adopted airport land use plans adopted or amended pursuant to Section 21675 of the Public Utilities Code. In accordance with Public Utilities Code (PUC) Section 21676, General Plans Amendments must be consistent with the adopted airport land use compatibility plans developed by the Airport Land Use Commission (ALUC). This requirement is necessary to ensure that land uses and land use densities are appropriate, given the nature of airport operations. The proposal should be submitted to the San Joaquin County Airport Land Use Commission (ALUC) for a consistency determination.

The proposal should also be coordinated with airport staff to ensure that the proposal will be compatible with future as well as existing airport operations. It also seems prudent for the school district to ensure as far as possible the future compatibility of the proposed school with the neighboring airport.

Aviation plays a significant role in California's transportation system. This role includes the movement of people and goods within and beyond our state's network of over 250 airports. Aviation contributes nearly 9 percent of both total state employment (1.7 million jobs) and total state output (\$110.7 billion) annually. These benefits were identified in a recent study, "Aviation in California: Benefits to Our Economy and Way of Life," prepared for the Division of Aeronautics which is available at

Mr. Mark Martin
January 17, 2006
Page 4

<http://www.dot.ca.gov/hq/planning/aeronaut/>. Aviation improves mobility, generates tax revenue, saves lives through emergency response, medical and fire fighting services, annually transports air cargo valued at over \$170 billion and generates over \$14 billion in tourist dollars, which in turn improves our economy and quality-of-life.

The protection of airports from incompatible land use encroachment is vital to California's economic future. Stockton Metropolitan Airport is an economic asset that should be protected through effective airport land use compatibility planning and awareness. Although the need for compatible and safe land uses near airports in California is both a local and a State issue, airport staff, airport land use commissions and airport land use compatibility plans are key to protecting an airport and the people residing and working in the vicinity of an airport. Consideration given to the issue of compatible land uses in the vicinity of an airport should help to relieve future conflicts between airports and their neighbors.

Airport-related noise, safety and land use concerns should be thoroughly addressed in the DEIR. The Division is available to meet with the City, the applicant and airport staff to further discuss this matter.

These comments reflect the areas of concern to the Division of Aeronautics with respect to airport-related noise and safety impacts and regional airport land use planning issues. We advise you to contact our District 10-Stockton Office at (209) 948-7543 concerning surface transportation issues.

Thank you for the opportunity to review and comment on this proposal. We look forward to reviewing the DEIR. If you have any questions, please call me at (916) 654-5314.

Sincerely,

Original Signed by

SANDY HESNARD
Aviation Environmental Specialist

c: State Clearinghouse, San Joaquin County ALUC, Stockton Metropolitan Airport



COUNTY OF SAN JOAQUIN
DEPARTMENT OF AVIATION

Barry A. Rondinella, CAE
Airport Director

January 19, 2006

City of Stockton
c/o Community Development Department
Planning Division
345 North El Dorado Street
Stockton, CA 95202

Subject: Public Review of the Tidewater Crossing Master Development Plan
Project (EIR 2-05)

Gentlemen:

Thank you for the opportunity to comment on the subject project. The Stockton Metropolitan Airport has significant concern with the proposed development. This development proposes to position 7,825 residents along with a school with a projected 1,101 K-12 students below the downwind portion of the traffic pattern for runway 29L/11R and will be subject to over flight of aircraft at 1,000 feet or less. In fact, aircraft, including loud, large jets, arriving on several instrument approaches could be as low as 500 feet above these proposed homes. The Notice of Preparation and Initial Study of the Environmental Impact Report (NOPI) for the project states on page 5 that "The project is near the Stockton Metropolitan Airport which may present hazards" and "Uses associated with the airport would likely create exceedances of residential noise standards". Based on these statements, the problems other airports such as San Jose, Mather and Fresno are experiencing with nearby residential uses, and the fact that air cargo and other nighttime operations are growing at Stockton Metro, I believe it is prudent to oppose this development.

If the proposed development occurs it is likely the residents, in time, will seek to modify the operations of, curfew, or close the Airport. One of the reasons the Airport has been able to attract the cargo and corporate jet business it has is the lack of noise issues. A number of \$20,000,000 to \$40,000,000 corporate jets call Stockton home because San Jose has a noise curfew in place that prohibits late night operations and Stockton does not. UPS Supply Chain Solutions, Inc. (formerly Emery Worldwide) moved its entire Northern California operation to Stockton Metro, in part, because Mather is being choked by residential uses. It is anticipated Stockton Metro will be the beneficiary of more air cargo business from Mather as a result of operating limitations that will be put in place due to complaints by residents living around the Airport. Fresno Airport is spending \$1,000,000 each year mitigating noise issues due to the proximity of residential uses to the Airport. Many other airports in the state and across the country are being threatened by nearby residential uses.

Avigation Easements and noise insulation of the homes will not be effective in preventing noise complaints. Avigation Easements cannot be legally enforced if sound levels exceed 65 CNEL and insulation only works when all doors and windows are closed. Outdoor property use or an open window act contrary to the purpose of noise insulation. Moreover, many residential complaints are actually spawned from safety concerns relative to airplanes flying overhead and are couched as noise issues. Residents that buy houses near airports often sue the airport sponsor, in this case San Joaquin County, for property taking while others seek redress by packing Board Chambers to make public comments until a Board acts to limit the aircraft using the Airport.

Restricting or closing the Airport will likely cost hundreds of jobs and millions of dollars. According to a recent economic impact report the Airport directly creates 1500 jobs and approximately \$246,000,000 annually in total local economic impact. These numbers are projected to post sizable gains as more air cargo, international airline passenger service and corporate jets operate from the airport. The Tidewater Crossing Project jeopardizes all of these efforts.

Studies demonstrate most aircraft accidents occur as aircraft are arriving or departing an airport. The fact the proposed housing project *and school site* are below the traffic pattern increases odds of an aircraft experiencing an emergency that results in injury, loss of property, or even loss of life.

The proposed project envisions extending C. E. Dixon Street to provide vehicle circulation. This extension is neither safe nor feasible because it bisects a portion of the Airport that would separate several aviation tenants from the runway/taxiway system and would cross two active taxiways including one that is the only taxiway between the National Guard Base and the Airport's runways. The development of this proposed road would create traffic conflicts between aircraft and automobiles and would impact property rights of leaseholders on the Airport.

In order to adequately study the impacts of this project, the EIR must address the following to be adequate and therefore valid:

- 1) Project Alternatives including no residential uses within two miles of any runway.
- 2) Preparation of Noise Contours created by aircraft operating at the Airport currently and based on future conditions including expected

City of Stockton-Community Development Department
Subject: Public Review of the Tidewater Crossing
Master Development Plan Project (EIR 2-05)

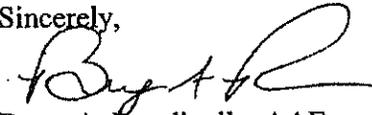
January 19, 2006
Page 3

dramatic increases of large, loud corporate jet, air cargo and airline activity after midnight.

- 3) Assessment of economic impact to the Airport and the community if modifications to aircraft operations at the Airport, a curfew in regard to hours of operation and/or types of aircraft operating at the Airport, or Airport closure occur as a result of the project.
- 4) Inclusion of a qualified aviation specialist with training and experience relating to airport/residential conflicts on the EIR consultant's staff, if one is not currently engaged.
- 5) Clear identification of the Airport property boundary to illustrate the proximity of the proposed project to the Airport.

Thank you, once again for the opportunity to comment on the project NOPI.

Sincerely,



Barry A. Rondinella, AAE
Airport Director

c: Manuel Lopez, County Administrator
Board of Supervisors
County Aviation Advisory Committee
City of Stockton-Planning Commission

MEMORANDUM

To: Board of Supervisors

From: *BAR* Barry A. Rondinella, Airport Director

Subject: Tidewater Crossing Project – Residential Development
Contiguous to the Stockton Metropolitan Airport

Recommendation: Receive and file.

Date: January 19, 2006

A residential development with a projected population of 7,825 along with a school with a projected 1,101 K-12 students is being proposed to the west of, and contiguous to the Stockton Metropolitan Airport. The proposed site is below the downwind portion of the traffic pattern for runway 29L/11R and will be subject to over flight of aircraft at 1,000 feet or less. In fact, aircraft, including loud, large jets arriving on some instrument approaches could be as low as 500 feet above these proposed homes. The Notice of Preparation and Initial Study of the Environmental Impact Report (NOPI) for the project states on page 5 that “The project is near the Stockton Metropolitan Airport which may present hazards” and “Uses associated with the airport would likely create exceedances of residential noise standards”. Based on these statements, the problems other airports such as San Jose, Mather and Fresno are experiencing with nearby residential uses, and the fact that air cargo and other nighttime operations are growing at Stockton Metro, I believe it is prudent to oppose this development.

If the proposed development occurs it is likely the residents, in time, will seek to modify the operations of, curfew, or close the Airport. One of the reasons the Airport has been able to attract the cargo and corporate jet business it has is the lack of noise issues. A number of \$20,000,000 to \$40,000,000 corporate jets call Stockton home because San Jose has a noise curfew in place that prohibits late night operations and Stockton does not. UPS Supply Chain Solutions, Inc. (formerly Emery Worldwide) moved its entire Northern California operation to Stockton Metro, in part, because Mather is being choked by residential uses. It is anticipated Stockton Metro will be the beneficiary of more air cargo business from Mather as a result of operating limitations that will be put in place due to complaints by residents living around the Airport. Fresno Airport is spending \$1,000,000 each year mitigating noise issues due to the proximity of residential uses to the Airport. Many other airports in the state and across the country are being threatened by nearby residential uses.

Avigation Easements and noise insulation of the homes will not be effective in preventing noise complaints. Avigation Easements cannot be legally enforced if sound levels exceed 65 CNEL and insulation only works when all doors and windows are closed. Outdoor property use or an open window act contrary to the purpose of noise insulation. Moreover, many residential complaints are actually spawned from safety concerns relative to airplanes flying overhead and are couched as noise issues. Residents that buy houses near airports often sue the airport sponsor, in this case San Joaquin County, for property taking while others seek redress by packing Board Chambers to make public comments until a Board acts to limit the aircraft using the Airport.

Restricting or closing the Airport will likely cost hundreds of jobs and millions of dollars. According to a recent economic impact report, the Stockton Metropolitan Airport directly creates 1500 jobs and approximately \$246,000,000 annually in total local economic impact. These numbers are projected to post sizable gains as more air cargo, international airline passenger service and corporate jets operate from the airport. The Tidewater Crossing Project jeopardizes all of these efforts.

Studies demonstrate most aircraft accidents occur as aircraft are arriving or departing an airport. The fact the proposed housing project *and school site* are below the traffic pattern increases odds of an aircraft experiencing an emergency that results in injury, loss of property, or even loss of life.

The County has contractually promised to protect the Airport from incompatible land uses five times over the past five years. Each time the County receives a grant from the FAA it agrees to a list of assurances. FAA grant assurance Number 21, Compatible Land Use states "It (the County) will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft." If the FAA were to find the County to not be in compliance with this assurance, it could withhold future funding for the development of the Airport. Based on the foregoing information and the contractual agreement between the

FAA and the County, it would be appropriated to oppose the housing and school elements of the proposal and/or the annexation of the property.

I will be responding to the NOPI and drafting a letter to SJCOG, in its capacity as the Airport Land Use Commission, to further express these concerns.

c: Manuel Lopez, County Administrator



AIRCRAFT OWNERS AND PILOTS ASSOCIATION

421 Aviation Way • Frederick, MD 21701-4798
Telephone (301) 695-2000 • Fax (301) 695-2375
www.aopa.org

January 23, 2006

City of Stockton
Community Development Department
Planning Division
Attention: Mr. Mark Martin
345 North El Dorado Street
Stockton, California 95202

Subject: Notice of Intent for Tidewater Crossing

Dear Mr. Martin:

The Aircraft Owners and Pilots Association (AOPA) represents the general aviation interests of 406,000 members, more than two-thirds of the nation's pilots, including more than 50,000 in California. On behalf of our membership, AOPA is committed to ensuring the future viability and development of general aviation airports and their facilities as part of a national transportation system.

We are writing to express the Association's concerns regarding the proposed development known as Tidewater Crossing immediately adjacent to the Stockton Metropolitan Airport. We believe that, if approved, the residential and school elements of the development could potentially have a significant impact on the Stockton Metropolitan Airport. As a national organization with more than 66 years of aviation experience, AOPA has been involved in numerous proposals to build residential developments and schools near public-use airports. Our vast experience has shown that residential development and schools in close proximity to an airport creates poor public policy and we strongly encourage the City to carefully examine this proposal in the Environmental Impact Report (EIR).

Specifically, the EIR must thoroughly analyze the impacts of aircraft noise and overflights on the residential and school development, as specified in the State of California's *Airport Land Use Planning Handbook*, January 2002. In addition, the EIR must contain an analysis of the school site as required by Section 17215 of the California Education Code.

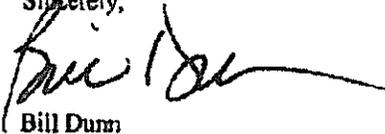
AOPA has long advocated for compatible development in and around airports. The County of San Joaquin, by accepting federal funds for the development of the airport, has assured the Federal Aviation Administration that, "It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft." If

Mr. Mark Martin
Page 2
January 23, 2006

it has not already done so, the City should seek input from the Federal Aviation Administration regarding the compatibility of the proposed development. We believe the City should explore a more "airport friendly" and compatible use of the land as an alternative to the residential and school elements of the proposal. The EIR should analyze the impacts of alternatives that are compatible with the airport.

Thank you for your consideration of AOPA's comments on the Notice of Intent. If we can be of further assistance at this time, please contact our staff at 301-695-2200.

Sincerely,



Bill Durn
Vice President
Airports

cc:

Mr. Barry Rondinella, Airport Manager, Stockton Metropolitan Airport
Ms. Mary Frederick, Chief, California Division of Aeronautics
Mr. John Pfeifer, AOPA California Regional Representative

DJS/MM
1/20

1/20

MM



**SAN JOAQUIN COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT**

1810 E. HAZELTON AVE., STOCKTON, CA 95205-6232
PHONE: 209/468-3121 FAX: 209/468-3163

January 12, 2006

City of Stockton
Community Development Department
Planning Division
345 N. El Dorado Street
Stockton, CA 95202
Attn: Mark Martin

Dear Mr. Martin:

SUBJECT: TIDEWATER CROSSING MASTER DEVELOPMENT PLAN PROJECT

Thank you for the opportunity to review the Notice of Preparation and Initial Study for the above referenced project. The San Joaquin County Community Development Department has reviewed the Notice of Preparation and Initial Study and offers the following comments:

The proposed project is currently located in the unincorporated portion of San Joaquin County. The project area contains approximately 854 acres of land currently zoned for agricultural use. There are no Williamson Act contracts on these properties. Of the total acres zoned for agricultural usage, all are classified as Prime Farmland or Farmland of Statewide Importance. All of the acreage in the Tidewater Crossing Project is proposed for alternative land uses, primarily residential uses, industrial uses, and commercial uses. The Community Development Department is requesting that mitigation measures be included in the EIR to address the loss of agricultural land and the possible conflicts with existing agricultural operations on neighboring properties.

The EIR should also include a discussion of how the Tidewater Crossing Project may impact the Stockton Metropolitan Airport. All parcels in the proposed project are located either in the airport's outer approach zone or transitional zone. The City of Stockton should contact the Stockton Metropolitan Airport and the San Joaquin County Air Land Use Commission to discuss development constraints which may apply to this project, as well as potential impacts to the continued and expanded operation of the airport as a result of additional residential development in close proximity to the airport.

Little John's Creek and French Camp Slough flow through the project area. Riparian habitat exists along the banks of both these waterways. An area of open space should be maintained to provide nesting and foraging habitat and for the protection of water quality. Mitigation

measures should be included in the EIR to address preservation of riparian habitat and protection of waterway quality.

The Initial Study indicates that oak woodland areas occur within the project area. The EIR should address whether the oak trees in question qualify as heritage oak trees (trees with a minimum trunk diameter of 32 inches measured at a height of 4 ½ feet about the average ground elevation of the tree) or historical trees (trees or groups of trees given special recognition due to their size, age or history). Mitigation measures should be included in the EIR to address preservation of oak trees within the project site.

Please forward a copy of the draft EIR and final EIR to the San Joaquin Community Development Department when completed.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kathy Allen', with a long horizontal line extending to the right.

Kathy Allen
Associate Planner

Cc: Air Land Use Commission
Stockton Metropolitan Airport

ENVIRONMENTAL HEALTH DEPARTMENT SAN JOAQUIN COUNTY



Donna K. Heran, R.E.H.S.
Director
Al Olson, R.E.H.S.
Program Manager
Laurie A. Cotulla, R.E.H.S.
Program Manager

304 East Weber Avenue, Third Floor
Stockton, California 95202-2708
Telephone: (209) 468-3420
Fax: (209) 464-0138
Website: www.sjgov.org/ehd/

Unit Supervisors
Carl Borgman, R.E.H.S.
Mike Huggins, R.E.H.S., R.D.I.
Douglas W. Wilson, R.E.H.S.
Margaret Lagorio, R.E.H.S.
Robert McClellon, R.E.H.S.
Jeff Carruesco, R.E.H.S.

January 23, 2006

RECEIVED
CITY OF STOCKTON

Mark Martin Project Manager II
Lead Agency
City of Stockton
c/o Community Development Dept.
Planning Division
345 North El Dorado Street
Stockton, California 95202

JAN 24 2006
PERMIT CENTER
PLANNING DIVISION

**SUBJECT: PUBLIC REVIEW OF THE NOTICE OF PREPARATION/INITIAL STUDY
FOR THE TIDEWATER CROSSING MASTER DEVELOPMENT PLAN
PROJECT**

The San Joaquin County Environmental Health Department has comments on the above project pertaining to the following sections:

SECTION 6(e), 16 (b)

The existing homes are being served by on site sewage disposal systems. The Environmental Health Department recommends that as part of developing these properties, the septic systems be destroyed under permit and inspection by the Environmental Health Department.

SECTION 8(b), 13a(5), 16 b, d

The existing homes and agricultural parcels are being served by individual wells for domestic and irrigation purposes. The Environmental Health Department recommends that a part of developing these properties, the wells be destroyed under permit and inspection by the Environmental Health Department.

Should you have any questions, please call Mike Huggins, Supervising R.E.H.S., R.D.I. at (209) 468-3437 or Rodney Estrada, Lead Senior R.E.H.S., at (209) 468-0331.

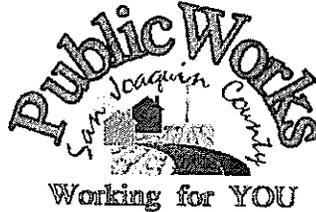
Donna Heran, R.E.H.S., Director

Mike Huggins, Supervising R.E.H.S., R.D.I.
Environmental Health Department

MH: ul



THOMAS R. FLINN
DIRECTOR



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DEPUTY DIRECTOR

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BUSINESS ADMINISTRATOR

RECEIVED
CITY OF STOCKTON

JAN 26 2006

PERMIT CENTER
PLANNING DIVISION

January 24, 2006

Mr. Mark Martin,
Project Manager II
City of Stockton
Community Development Department
Planning Division
345 North El Dorado Street
Stockton, California 95202

SUBJECT: TIDEWATER CROSSING MASTER DEVELOPMENT PLAN PROJECT

Dear Mr. Martin:

The San Joaquin County Department of Public Works has reviewed the above mentioned document and offers the following comments:

From Transportation Planning:

1. The County has an adopted specific plan for Airport Way, which requires a 210-foot right-of-way. The project shall dedicate rights-of-way, as required, where its frontage is adjacent to Airport Way.
2. As part of the annexation, the City of Stockton (City) shall assume jurisdiction and maintenance responsibility of the entire roadway rights-of-way where the project limits are adjacent to current County roadways.
3. No tentative or final maps shall be approved until all necessary rights-of-way are acquired by the developer, including those needed for the internal collector street, which extends from South Airport Way in a southeasterly direction and into residential villages G-M, the extension of Dixon Road and proposed interchange at State Highway Route 99 (Highway 99), and any other rights-of-way needed for the project.
4. If any project-related improvements will be located within the unincorporated County, the City shall enter into a cooperative agreement with the County specifying the maintenance of such improvements. Maintenance shall be the sole responsibility of the City.
5. The Notice of Preparation (NOP) indicates, on pages 13 and 39, that there will be no impact to air traffic patterns. However, the document states, also on page 39, that the traffic analysis will include the extension of Dixon Road across the active California National Guard taxiway. If the project has the potential to require alteration of the taxiway for aircraft, it may potentially impact air traffic. Please resolve as the statements contained in the document appear to be in conflict.
6. The NOP references a new interchange at Highway 99 and Dixon Road. All planning, engineering, construction, and maintenance costs for any new interchange at Dixon Road and Highway 99 shall be the responsibility of the developer(s) and the City.
7. The project's fair share costs for specific impacts to County roadways shall be identified in the project's traffic analysis study and shall be collected by the City. All impacts to County roadways shall be mitigated to the County's Level of Service (LOS) standard and the County's requirements.

8. The project shall be required to pay Regional Transportation Impact Fees (RTIF) to the City of Stockton.
9. The project traffic impact study shall include all existing and proposed intersections between Airport Way/Arch Road, and Arch Road/Highway 99, inclusively.

From Design Engineering:

10. The project will have potentially significant impacts to French Camp Road, Airport Way, and Roth Road. The traffic study shall address impacts to the following intersections:
 - a. Highway 99/French Camp Road interchange.
 - b. Airport Way/French Camp Road.
 - c. Airport Way/Roth Road.
 - d. El Dorado Street/French Camp Road.
 - e. Union Pacific intersections with Roth Road, French Camp Road, and Ash Street.
11. The traffic study shall also address the following road segments:
 - a. French Camp Road from the future Sperry Road intersection to Highway 99.
 - b. Airport Way from French Camp Road to Roth Road.
 - c. Roth Road from Interstate 5 to Airport Way.

From Traffic Engineering:

12. The traffic study shall address the impacts to the Interstate 5 interchanges at Mathews Road, El Dorado Street, and French Camp Road.
13. Any roadway system that is a route to Interstate 5 or State Highway Route 99 access ramps, such as French Camp Road to Ash Street to Mathews Road, or Airport Way to Roth Road to Lathrop Road, must be addressed in the traffic study.
14. In addition to the impacts associated with project traffic, the timing of other projects in the vicinity must be addressed. For example, address how the interim traffic impacts are mitigated until ultimate construction is completed on the Arch/Sperry Extension to Interstate 5. Limitations should be placed on the number of permits issued until mitigation measures are completed to trigger additional residential/commercial/industrial construction.

Thank you for the opportunity to comment. Should you have any questions or need further information, please contact me at 468-8494.

Sincerely,


ANDREA VALLEJO
Assistant Planner

AV:to
TP-6A079-T1

- c: Peter D. Martin, Senior Civil Engineer
Thomas K. Okamoto, Senior Civil Engineer
Michael C. Selling, Senior Civil Engineer
Dwayne B. Sabiniano, Engineering Assistant II

DBB/MM

RECEIVED

JAN 09 2006



S J C O G , I n c .

555 East Weber Avenue • Stockton, CA 95202 • (209) 468-3913 • FAX (209) 468-1084

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

SJMSCP RESPONSE TO LEAD AGENCY ADVISORY AGENCY NOTICE TO SJCOG, Inc.

To: Mark Martin, City of Stockton Community Development Department
From: Erin Sickler, SJCOG, Inc.
Date: December 29, 2005
Re: Lead Agency Project Title: Tidewater Crossing Master Development Plan Project
Lead Agency Project Number: EIR2-05
Assessor Parcel Number(s): 177-050-05, 177-050-08, 177-050-09, 177-050-25, 177-100-02, 177-100-03, 177-100-07, 177-110-04, 177-110-05, 201-020-01

Total Acres to be converted from Open Space Use: 878 acres

Habitat Types to be Disturbed: Agricultural Land

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

Dear Mr. Martin:

SJCOG, Inc. has reviewed EIR2-05 this project involves the development of an industrial/residential project on lands south of and contiguous to the Stockton Metropolitan Airport. The proposed project includes a general Plan amendment, Master Development Plan, pre-zoning, tentative Tract Map, Sphere of Influence amendment for a portion of the project 1245.5 acres annexation and development agreement for approximately 878 acres predominantly in farmland and rural residential uses. This project is generally bounded by the Stockton Metropolitan Airport to the north, Highway 99 to the east. Union Pacific Railroad to the west and East French Camp Road to the south.

The City of Stockton is a signatory to San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). Participation in the SJMSCP satisfies requirements of both the state and federal endangered species acts, and ensures that the impacts are mitigated below a level of significance in compliance with the California Environmental Quality Act (CEQA). Although participation in the SJMSCP is voluntary, lead agents should be aware that if project applicants choose against participating in the SJMSCP, they will be required to provide alternative mitigation in an amount and kind equal to that provided in the SJMSCP.

Please see back...

This Project is subject to the SJMSCP. Please contact SJMSCP staff regarding completing the following steps to satisfy SJMSCP requirements:

- Schedule a SJMSCP Biologist to perform a pre-construction survey ***prior to any ground disturbance***
- Sign and Return Incidental Take Minimization Measures to SJMSCP staff (given to project applicant after pre-construction survey is completed)
- Pay appropriate fee based on SJMSCP findings
- Receive your Certificate of Payment and release the required permit

If you have any questions, please call (209) 468-3913.



SAN JOAQUIN COUNCIL OF GOVERNMENTS

555 E. Weber Avenue • Stockton, California 95202

209.468.3913 • 209.468.1084 (fax)

www.sjco.org

January 18, 2006

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DIRECTOR

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ESCALON,
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MANTECA,
RIPON,
STOCKTON,
TRACY,
AND
THE COUNTY OF
SAN JOAQUIN

Mr. Mark Martin
City of Stockton
Community Development Department
Planning Division
345 North El Dorado Street
Stockton, CA 95202

Dear Mr Martin:

The proposed Tidewater development (EIR2-05) is within the Stockton Airport Area of Influence. The San Joaquin County Airport Land Use Plan (ALUP) requires that any residential development in this area file a Deed of Avigation and Hazard Easement.

It is also within the Horizontal Surface. The ALUP states of this zone:

"The standards regarding non-reflective material, transmissions, and visual distractions to pilots which apply to other zones also apply to these zones." Please refer to the ALUP for these standards.

"Proposed schools that are to be located within 2 miles radius of an airport must undergo a review by Caltrans Division of Aeronautics, and the Department of Education." The Department of Education has final approval.

The proposed development does not fall within the noise contours of the existing ALUP. These contours were developed in 1991, and may not reflect the current operations at the Stockton Airport. Interior noise within residences must be mitigated to 45 decibels.

Please contact Kim Kloeb at (209) 468-3913 with any questions.

Sincerely,


ANDREW T. CHESLEY
Executive Director

cc: Rick Tutt, Chairman, San Joaquin County Airport Advisory Committee
Barry Rodinella, Stockton Airport

DJS/KMM



San Joaquin Valley Air Pollution Control District

January 24, 2006

Reference No. C200501900

Mark Martin
City of Stockton
Community Development Dept.
Planning Division
345 North El Dorado Street
Stockton, Ca 95202

Subject: Notice Of Preparation – Tidewater Crossing Master Development Plan Project (EIR2-05)

Dear Mr. Martin:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above and offers the following comments:

The entire San Joaquin Valley Air Basin (SJVAB) is designated non-attainment for ozone and particulate matter (PM10 and PM2.5). This project will contribute to the overall decline in air quality due to construction activities in preparation of the site, and ongoing traffic and other operational emissions. The project will make it more difficult to meet mandated emission reductions and air quality standards. A concerted effort should be made to reduce project-related emissions as outlined below:

Preliminary analysis indicated that the potential emissions from this project exceed the District's Thresholds of Significance for adverse air quality impacts. These thresholds are 10 tons per year for either of the following two ozone precursor emissions: reactive organic gases (ROG) or oxides of nitrogen (NOx). The District recommends the preparation of a full Air Quality Impact Assessment (AQIA) and a Traffic Impact Study (TIS) to determine impacts when projects are of this size, unless an analysis has been accomplished for a recent previous approval such as a general plan amendment or zone change. If a previously prepared analysis will be used, please provide a copy to the District for review.

The District recommends using the URBEMIS 2002 Version 8.7 program to calculate project area and operational emissions and to identify mitigation measures that reduce impacts. URBEMIS can be downloaded from www.urbemis.com or the South Coast Air Quality Management District's website at <http://www.aqmd.gov/ceqa/urbemis.htm>. The City of Stockton or its consultant is encouraged to consult with District staff for assistance in determining appropriate methodology and model inputs.

With the adoption of District Rule 9510 (Indirect Source Review) on December 15, 2005, the District will be requiring projects subject to the rule to quantify indirect, area source, and construction emissions. The District has not typically recommended quantifying emissions from construction activities, but now will require quantification of construction exhaust emissions. The District still considers that the fugitive dust PM10 emissions generated during construction activities are reduced to levels considered less-than-significant through compliance with Regulation VIII Fugitive Dust Rules and does not require quantification.

The District recommends that the air quality section of the EIR have four main components:

1. **Description of the regulatory environment and existing air quality conditions impacting the area.**
This section should be concise and contain information that is pertinent to analysis of the project. The

District has several sources of information available to assist with the existing air quality and regulatory environment section of the EIR. The District's *Guide for Assessing and Mitigating Air Quality Impacts, 2002 Revision (GAMAQI)* contains discussions regarding the existing air quality conditions and trends of the SJVAB, including those pollutants of particular concern: ozone, PM10, and carbon monoxide. In addition, it provides an overview of the regulatory environment governing air quality at the federal, state, and regional levels. The most recent air quality data for the District is available at the California Air Resources Board (CARB) website at <http://www.arb.ca.gov/html/age&m.htm>. The air quality section of EPA's Region 9 (which includes information on the SJVAB) can be found at <http://www.epa.gov/region09/air/index.html>. Lastly, this section should clearly describe the air pollution regulatory authority of the District and ARB for the various emission sources at the project site.

- 2. Estimates of existing emissions and projected pollutant emissions related to the increase in project source emissions and vehicle use, along with an analysis of the effects of these increases.** The AQIA prepared for the EIR should include the methodology, model assumptions, inputs and results for pollutant emissions. The cumulative impact analyses should consider current existing and planned development both within the project area and in surrounding areas. The EIR needs to address the short-term and long term, local and regional adverse air quality impacts associated with the operation of construction equipment (ROG, NOx, CO, and PM10) and emissions generated from stationary, area and mobile sources. The EIR should identify the components and phases of the project. The EIR should provide emissions projections for the project at the build out of each phase (including ongoing emissions from each previous phase). Additionally, the EIR should quantify emissions that are individually small but cumulatively significant sources of pollution. URBEMIS 2002 Version 8.7 may be used to quantify these emissions.

Ozone Precursors- The District recommends using the URBEMIS 2002 Version 8.7 program to calculate project area and operational emissions and to identify mitigation measures that reduce impacts. URBEMIS can be downloaded from www.urbemis.com or the South Coast Air Quality Management District's website at <http://www.aqmd.gov/ceqa/urbemis.html>. The City of Stockton or its consultant is encouraged to consult with District staff for assistance in determining appropriate methodology and model inputs.

Hazardous Air Pollutants (HAPs)- The proposed project should be analyzed to see if it is considered near a location of sensitive receptors and if HAPs are a concern. The District's thresholds of significance for HAPs are the probability of contracting cancer for the Maximally Exposed Individual (MEI) exceeds 10 in one million or ground level concentrations of non-carcinogenic toxic air contaminants would result in a Hazard Index greater than 1 for the MEI. On page 43 of the GAMAQI, the District addresses and defines sensitive receptors with respect to CEQA. If the project is near sensitive receptors and HAPs is a concern the project developer should perform a Health Risk Assessment (HRA). The location of sensitive receptors should be explained in terms that demonstrate the relationship between the project site and potential air quality impacts (e.g., proximity, topography, or upwind and downwind location). The District recommends **Hot Spots Analysis and Reporting Program (HARP)** for HAPs analysis. The project's analysis should include a discussion of the toxic risk associated with the proposed project, including project equipment, operations, and vehicles (the ARB has designated diesel particulate emissions as a toxic air contaminant). The project consultant should contact the District to verify the appropriate thresholds to use, as well as review the proposed modeling approach before modeling begins. For more information on HRAs, please contact Mr. Leland Villalvazo, Supervising Air Quality Specialist, at (559) 230-6000.

Carbon Monoxide Hotspot Analysis- Results of the traffic study should be used to identify intersections and corridors requiring carbon monoxide (CO) hot spot analysis. Initial CO screening may be conducted using a protocol developed by the Institute of Transportation Studies at University of California Davis entitled Transportation Project-Level Carbon Monoxide Protocol. Locations that are predicted by the local traffic model to experience high levels of traffic congestion and are identified by the initial screening should be modeled using the dispersion model CALINE4.

- 3. Identify and discuss all existing District regulations that apply to the project.** The EIR should identify and discuss all existing District regulations that apply to the project. It would be appropriate to

discuss proposed rules that are being developed that would apply to the proposed project. Current rules and regulations are available on the District's website at <http://www.valleyair.org/rules/1ruleslist.htm>. District rules and regulations are periodically revised, and new regulations are promulgated. The District strongly advises the City of Stockton or its consultant to contact the District for any rule updates and new rules when the project development begins. Current District rules and regulations applicable to the proposed project are requirements.

This project may be subject to the permitting requirements of the District and require a Permit to Operate (PTO). Any equipment subject to the District's PTO requirements must obtain an Authority to Construct (ATC) from the District. Construction of equipment, which requires an ATC, and intimately related appurtenances such as foundations and utility hookups for the equipment, cannot begin until an ATC is obtained. Construction of equipment not requiring a District permit is not subject to this ATC requirement. Depending upon the nature and complexity of the application and staff workload, ATC approval can take several months. To avoid unnecessary delays, applications should be submitted to the District as soon as the project developer has determined the scope and specific uses of the project. For further information, the applicant should contact the District's Small Business Assistance Office at (559) 230-5888, or our Permit Services Section at (559) 230-6000.

Based on the information provided, the proposed project will be subject to the following District rules. The following items are rules that have been adopted by the District to reduce emissions throughout the San Joaquin Valley, and are required. This project may be subject to additional District Rules not enumerated below. To identify additional rules or regulations that apply to this project, or for further information, the City of Stockton or its consultant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found at <http://www.valleyair.org/rules/1ruleslist.htm>.

Regulation VIII (Fugitive PM10 Prohibitions) Rules 8011-8081 are designed to reduce PM10 emissions (predominantly dust/dirt) generated by human activity, including construction and demolition activities, road construction, bulk materials storage, paved and unpaved roads, carryout and track out, landfill operations, etc. The District's compliance assistance bulletin for construction sites can be found at <http://www.valleyair.org/busind/comply/PM10/Reg%20VIII%20CAB.pdf>.

If a non-residential project is 5.0 or more acres in area or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials on at least three days, a Dust Control Plan must be submitted as specified in Section 6.3.1 of Rule 8021. Construction activities shall not commence until the District has approved the Dust Control Plan. A template of the District's Dust Control Plan is available at <http://www.valleyair.org/busind/comply/PM10/forms/DCP-Form%20-%2012-01-2005.doc>.

If a non-residential site is 1.0 to less than 5.0 acres, an owner/operator must provide written notification to the District at least 48 hours prior to his/her intent to begin any earthmoving activities as specified in Section 6.4.2 of Rule 8021. A template of the District's Construction Notification Form is available at <http://www.valleyair.org/busind/comply/PM10/forms/Notification%20Form%20Final%2012.01.2005.doc>.

If a residential project is 10.0 or more acres in area or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials on at least three days, a Dust Control Plan must be submitted as specified in Section 6.3.1 of Rule 8021. Construction activities shall not commence until the District has approved the Dust Control Plan. A template of the District's Dust Control Plan is available at <http://www.valleyair.org/busind/comply/PM10/forms/DCP-Form%20-%2012-01-2005.doc>.

If a residential site is 1.0 to less than 10.0 acres, an owner/operator must provide written notification to the District at least 48 hours prior to his/her intent to begin any earthmoving activities as specified in Section 6.4.1 of Rule 8021. A template of the District's Construction Notification Form is available at <http://www.valleyair.org/busind/comply/PM10/forms/Notification%20Form%20Final%2012.01.2005.doc>.

Rule 2201 (New and Modified Stationary Source Review Rule) This rule applies to all new stationary sources and all modifications of existing stationary sources which are subject to the District permit requirements and after construction emit or may emit one or more affected pollutant. The applicant must

contact the District's Small Business Assistance Office at (559) 230-5888 to receive additional information/instructions.

Rule 3135 (Dust Control Plan Fee) This rule requires the applicant to submit a fee in addition to a Dust Control Plan. The purpose of this fee is to recover the District's cost for reviewing these plans and conducting compliance inspections. More information on the fee is available at <http://www.valleyair.org/rules/currnrules/Rule%203135%201005.pdf>.

Rule 4002 (National Emission Standards for Hazardous Air Pollutants) In the event that any portion of an existing building will be renovated, partially demolished or removed, the project will be subject to District Rule 4002. Prior to any demolition activity, an asbestos survey of existing structures on the project site may be required to identify the presence of any asbestos containing building material (ACBM). Any identified ACBM having the potential for disturbance must be removed by a certified asbestos contractor in accordance with CAL-OSHA requirements. If you have any questions concerning asbestos related requirements, please contact Mr. Brian Dodds at (559) 230-5962 or CAL-OSHA at (559) 454-1295. The District's Asbestos Requirements Bulletin can be found at <http://valleyair.org/busind/comply/asbestosbultn.htm>.

Rule 4101 (Visible Emissions) This rule prohibits emissions of visible air contaminants to the atmosphere and applies to any source operation that emits or may emit air contaminants. The applicant must contact the District's Small Business Assistance Office at (559) 230-5888 to receive additional information/instructions.

Rule 4102 (Nuisance) This rule applies to any source operation that emits or may emit air contaminants or other materials. In the event that the project or construction of the project creates a public nuisance, it could be in violation and be subject to District enforcement action.

Rule 4103 (Open Burning) This rule regulates the use of open burning and specifies the types of materials that may be open burned. Agricultural material shall not be burned when the land use is converting from agriculture to non-agricultural purposes (e.g., commercial, industrial, institutional, or residential uses). Section 5.1 of this rule prohibits the burning of trees and other vegetative (non-agricultural) material whenever the land is being developed for non-agricultural purposes. In the event that the project applicant burned or burns agricultural material, it would be in violation of Rule 4103 and be subject to District enforcement action.

Rule 4601 (Architectural Coatings) This rule limits volatile organic compounds from architectural coatings by specifying architectural coatings storage, clean up and labeling requirements.

Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations) If asphalt paving will be used, then paving operations of this project will be subject to Rule 4641. This rule applies to the manufacture and use of cutback asphalt, slow cure asphalt and emulsified asphalt for paving and maintenance operations.

Rule 4901 (Wood Burning Fireplaces and Wood Burning Heaters) This rule limits PM10 and PM2.5 emissions from residential development. Construction plans for residential developments may be affected by section 5.3, specifically:

§5.3 Limitations on Wood Burning Fireplaces or Wood Burning Heaters in New Residential Developments.
Beginning January 1, 2004,

- 5.3.1 No person shall install a wood burning fireplace in a new residential development with a density greater than two (2) dwelling units per acre.
- 5.3.2 No person shall install more than two (2) EPA Phase II Certified wood burning heaters per acre in any new residential development with a density equal to or greater than three (3) dwelling units per acre.
- 5.3.3 No person shall install more than one (1) wood burning fireplace or wood burning heater per dwelling unit in any new residential development with a density equal to or less than two (2) dwelling units per acre.

More information about Rule 4901 can be found on our website at www.valleyair.org. For compliance assistance, please contact Mr. Wayne Clarke, Air Quality Compliance Manager, at (559) 230-5968.

Rule 4902 (Residential Water Heaters) This rule limits emissions of NOx from residential developments.

Rule 9510 (Indirect Source Review) This rule requires the applicants of certain development projects to submit an application to the District when applying for the development's last discretionary approval. The rule requires developers to mitigate emissions at the project site to the extent feasible and to pay a mitigation fee to the District for a percentage of the remaining emissions. The ISR rule becomes effective March 1, 2006. Projects that have not received a final discretionary approval by March 1, 2006 must submit an ISR application by March 31, 2006.

4. **Identify and discuss all feasible measures that will reduce air quality impacts generated by the project.** "Feasible" means "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors: (California Code of Regulations (CCR § 15364)). The California Environmental Quality Act (CEQA) requires that EIRs "describe measures which could minimize significant adverse impacts" (CCR §15126(c)). Additionally, the CCR requires that "a public agency should not approve a project as proposed if there are feasible alternatives or mitigation measures that would substantially lessen any significant effects that the project would have on the environment " (CCR § 15021(a)(2)). For each potential adverse impact, mitigation measures should be identified to reduce impacts below air quality threshold levels of significance. Therefore, the EIR should identify which mitigation measures will be included in the project, and how each mitigation measure will be implemented. The reduction of air quality impacts from implementation of mitigation measures should be quantified to the extent possible. If a measure cannot be quantified a qualitative discussion should be provided explaining the benefits of the proposed mitigation measure. The EIR should discuss how project design modifications could reduce project impacts.

Mitigation measures are emission reduction measures beyond those required in Section 3, above. This section should provide an analysis of existing mass transit/bicycle access to or near the site, and discuss if additional infrastructure will be needed. The section should identify which mitigation measures will be included in the project, and how each mitigation measure will be implemented. Site design, equipment alternatives, construction and operational measures that would reduce emissions should be identified. It should also analyze opportunities to mitigate urban heat island effects. The reduction of air quality impacts from implementation of mitigation measures should be quantified when possible. The EIR should discuss how the project design would encourage alternative transportation (including car pool parking), pedestrian and bicycle access/infrastructure, smart growth design, energy efficient project and building design, reduce urban heat island impacts, and include business programs that further reduce air pollution in the valley (such as carpooling). Mitigation measures must be included in the EIR that reduce the emissions of reactive organic gases, nitrogen oxides, and PM10 to the fullest extent possible. Site design and building construction measures that would reduce air quality impacts should be included. The Districts GAMAQI describes these features. The current GAMAQI can be found at http://www.valleyair.org/transportation/ceqa_guidance_documents.htm. The Local Government Commission (LGC) website, <http://www.lgc.org>, contains valuable information and resources on subjects from street design to energy efficiency. The use of the principles of the document *Landscape of Choice* is encouraged to reduce air quality impacts. *Landscape of Choice* can be found at <http://www.farmlandinfo.org/fic/ft/fresno.pdf>.

The District encourages innovation in measures to reduce air quality impacts. There are a number of features that could be incorporated into the design/operation of this project to provide additional reductions of the overall level of emissions. (Note: Some of the measures may already exist as City of Stockton development standards. Any measure selected should be implemented to the fullest extent possible.) The suggestions listed below should not be considered all-inclusive and remain options that the agency with the land-use authority should consider for incorporation into the project.

- Trees should be carefully selected and located to protect the buildings from energy consuming environmental conditions, and to shade paved areas. Trees should be selected to shade paved areas that will shade 50% of the area within 15 years. Also, large canopy shade trees should be planted adjacent to all sidewalks thirty foot on center and at a ratio of one tree for each five parking spaces. Structural soil should be used under paved areas to improve tree growth. For more

information on structural soil see <http://www.hort.cornell.edu/uhi/outreach/csc/>. For more information on tree selection see <http://www.ufei.org/>. For more information on urban forestry see <http://www.coolcommunities.org/>, and <http://wcufrre.ucdavis.edu/>, and http://www.lgc.org/bookstore/energy/downloads/sjv_tree_guidelines.pdf.

- If transit service is available to the project site, improvements should be made to encourage its use. If transit service is not currently available, but is planned for the area in the future, easements should be reserved to provide for future improvements such as bus turnouts, loading areas, route signs and shade structures. Appropriations made to facilitate public or mass transit will help mitigate trips generated by the project. Direct pedestrian access to the main entrance of the project from existing or potential public transit stops and provide appropriately designed sidewalks. Such access should consist of paved walkways or ramps and should be physically separated from parking areas and vehicle access routes.
- Multi-story parking facilities should be considered instead of open parking lots to reduce exposed concrete surface. Alternatively, parking may be incorporated into the structure by building parking as the first floor or as a basement level. Large expanses of exposed concrete in parking lots exacerbate the "heat island" effect as well as widen the distance patrons and employees must cross. "Heat islands" created by this and similar projects contribute to the reduced air quality in the valley by heating ozone precursors.
- The District encourages the applicant and fleet operators using the facility to take advantage of the District's Heavy-Duty Engine program to reduce project emissions. The Heavy Duty program provides incentives for the replacement of older diesel engines with new, cleaner, fuel-efficient diesel engines. The program also provides incentives for the re-power of older, heavy-duty trucks with cleaner diesel engines or alternative fuel engines. New alternative fuel heavy-duty trucks also qualify. For more information regarding this program contact the District at (559) 230-5858 or visit our website at <http://www.valleyair.org/transportation/heavydutyidx.htm>.
- Sidewalks and bikeways should be installed throughout as much of the project as possible to encourage walking and bicycling. Connections to nearby public uses and commercial areas should be made as direct as possible to promote walking for some trips. Pedestrian and bike-oriented design reduces motor vehicle usage and their effects on air quality. Sidewalks and bikeways should be designed to separate pedestrian and bicycle pathways from vehicle paths. Sidewalks and bikeways should be designed to be accommodating and appropriately sized for anticipated future pedestrian and bicycle use. Such pathways should be easy to navigate, designed to facilitate pedestrian movement through the project, and create a safe environment for all potential users (pedestrian, bicycle and disabled) from obstacles and automobiles. Pedestrian walkways should be created to connect all buildings throughout the project. The walkways should create a safe and inviting walking environment for people wishing to walk from one building to another. Walkways should be installed to direct pedestrians from the street sidewalk to the building(s). Safe and convenient pathways should be provided for pedestrian movement in large parking lots. Sidewalks should be designed for high visibility (brightly painted, different color of concrete, etc.) when crossing parking lots, streets and similar vehicle paths. Clearly marked and highly visible pedestrian accesses create a safer environment for both pedestrians and vehicles. Pathways through the project should be built in anticipation of future growth/development.
- As many energy conserving and emission reducing features as possible should be included in the project. Energy conservation measures include both energy conservation through design and operational energy conservation. Examples include (but are not limited to): increased energy efficiency (above California Title 24 Requirements, see <http://www.energy.ca.gov/title24/>), energy efficient windows (double pane and/or Low-E), use Low and No-VOC coatings and paints (see South Coast's site for No-VOC Coatings at <http://www.aqmd.gov/prdas/brochures/paintguide.html>), high-albedo (reflecting) roofing material (see <http://eetd.lbl.gov/coolroof/>), cool paving as "Heat islands" created by this and similar projects contribute to the reduced air quality in the valley by heating ozone precursors (see <http://www.harc.edu/harc/Projects/CoolHouston/> and <http://eande.lbl.gov/heatisland/>) radiant heat barrier (see <http://www.eere.energy.gov/consumerinfo/refbriefs/bc7.html>), energy efficient lighting, appliances, heating and cooling systems (see <http://www.energystar.gov/>), install

solar water-heating system(s)), install photovoltaic cells, programmable thermostat(s) for all heating and cooling systems, awnings or other shading mechanism for windows, walkway overhangs, utilize daylighting (natural lighting) systems such as skylights, light shelves, interior transom windows, etc. (see <http://www.advancedbuildings.org>), utilize passive solar cooling and heating designs (e.g. natural convection, thermal flywheels, see http://www.eere.energy.gov/RE/solar_passive.html), electrical outlets around the exterior of the unit(s) to encourage use of electric landscape maintenance equipment, on-site employee cafeterias or eating areas, low or non-polluting landscape maintenance equipment (e.g. electric lawn mowers, reel mowers, leaf vacuums, electric trimmers and edgers, etc.), exits to adjoining streets should be designed to reduce time to re-enter traffic from the project site (more information can be found at: <http://www.consumerenergycenter.org/index.html>, <http://www.sustainable.doe.gov/>, <http://www.igc.org>, and <http://www.ciwmb.ca.gov/GreenBuilding/>)

- The applicant/tenant(s) should implement measures to reduce the amount of single occupancy vehicle employee traffic to and from the project area that further reduce air pollution in the valley. This could include such provisions as encouraging employees to rideshare or carpool to the project site through preferential parking spaces for employees who participate in carpooling or vanpooling, incorporating a compressed workweek schedule, guaranteed ride home, carpool matching programs, shower/changing facilities, providing free transit passes, providing an alternative-transit information center, and having a dedicated employee transportation coordinator. Check out the "Spare the Air" section of our website www.valleyair.org.
- The applicant should implement measures to reduce the amount of single occupancy vehicle visitor traffic to and from the project area that further reduce air pollution in the valley. This could include reducing the parking spot supply, implementing a parking charge, including sufficient bicycle-parking facilities in a covered secure area (at least one space per 20 vehicle parking spaces).
- The project should include as many clean alternative energy features as possible to promote energy self-sufficiency. Examples include (but are not limited to): photovoltaic cells, solar thermal electricity systems, small wind turbines, etc. Rebate and incentive programs are offered for alternative energy equipment. More information can be found at <http://www.dsireusa.org/>, <http://rredc.nrel.gov/>, and <http://www.energy.ca.gov/renewables/>.
- Idle reduction technologies save fuel and reduce diesel emissions from idling trucks and construction equipment. The applicant should incorporate idle reduction strategies that reduce the main propulsion engine idling time through alternative technologies. U.S. Environmental Protection Agency's website <http://www.epa.gov/otaq/smartway/idlingtechnologies.htm> contains examples of such technologies can be found on the. Idle reduction mitigation measures include: the applicant/tenant(s) should require that all diesel engines be shut off when not in use on the premises to reduce emissions from idling; if Truck Refrigeration Units (TRU's) will be utilized, provide an alternative energy source for the TRU to allow diesel engines to be completely turned off; and electrify truck-parking areas to allow trucks with sleeper cabs to use electric heating and cooling to eliminate the need to idle their diesel engines.
- Construction activity mitigation measures include: limit area subject to excavation, grading, and other construction activity at any one time, limit the hours of operation of heavy duty equipment and/or the amount of equipment in use, replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set), curtail construction during periods of high ambient pollutant concentrations (this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways, and "Spare the Air Days" declared by the District), implement activity management (e.g. rescheduling activities to reduce short-term impacts), during the smog season (May through October) lengthen the construction period to minimize the number of vehicles and equipment operating at the same time, off-road trucks should be equipped with on-road engines when possible, and minimize obstruction of traffic on adjacent roadways.
- The applicant should use diesel equipment fueled by alternative diesel fuel blends or Ultra Low Sulfur Diesel (ULSD). The CARB has verified specific alternative diesel fuel blends for NOx and PM emission reduction. Only fuels that have been certified by CARB should be used. Information on biodiesel can be found on CARB's website at <http://www.arb.ca.gov/fuels/diesel/ulsdiesel/>

[altdiesel.htm](#) and the EPA's website at <http://www.epa.gov/oms/models/biodsl.htm>. The applicant should also use CARB certified alternative fueled engines in construction equipment where practicable. Alternative fueled equipment may be powered by Compressed Natural Gas (CNG), Liquid Propane Gas (LPG), electric motors, or other ARB certified off-road technologies. To find engines certified by the CARB, see their certification website <http://www.arb.ca.gov/msprog/offroad/cert/cert.php>. For more information on any of the technologies listed above, please contact Mr. Chris Acree, Senior Air Quality Specialist, at (559) 230-5829.

- Construction equipment should have engines that meet the current off-road engine emission standard (as certified by CARB), or be re-powered with an engine that meets this standard. Tier I, Tier II and Tier III engines have significantly less NOx and PM emissions compared to uncontrolled engines. To find engines certified by CARB, see <http://www.arb.ca.gov/msprog/offroad/cert/cert.php>. This site lists engines by type, then manufacturer. The "Executive Order" shows what Tier the engine is certified as. Rule 9510 requires construction exhaust emissions to be reduced by 20% for NOx and 45% for PM10 when compared to the statewide fleet average or to pay an in-lieu mitigation fee. For more information on heavy-duty engines, please contact Mr. Thomas Astone, Air Quality Specialist, at (559) 230-5800.

In addition to the above measures, the District has entered into voluntary Air Quality Mitigation Agreements (Mitigation Agreement) with several developers as an alternative approach to further reducing air quality impacts. These agreements require the District and the applicant to quantify operational emissions, and identify on-site mitigation to reduce the proposed project's net impact on air quality. The developer commits to providing funding on a per-ton of emissions basis to the District to purchase emission reductions through its grant and incentive programs to fully mitigate the net emissions. The District commits to reduce the net emissions and to manage and monitor the emission reduction projects over time. The reductions would be over and above the reductions required by Rule 9510. The District asks that developers interested in a Mitigation Agreement meet with District staff to discuss the specifics of the project and the contract. District staff is available to meet with project proponents to discuss Mitigation Agreements for specific projects. For more information, or questions concerning this topic, please call Mr. Dave Mitchell, Planning Manager, at (559) 230-5807.

Thank you for the opportunity to comment. District staff is available to meet with you to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call me at (559) 230-5820 or Mr. Dave Mitchell, Planning Manager, at (559) 230-5807 and provide the reference number at the top of this letter.

Sincerely,



Jessica R. Willis
Air Quality Specialist
Central Region

c: file

DEPARTMENT OF TRANSPORTATION

DIVISION OF AERONAUTICS – M.S.#40

1120 N STREET

P. O. BOX 942873

SACRAMENTO, CA 94273-0001

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PERMIT CENTER
PLANNING DIVISIONFlex your power!
Be energy efficient!

January 17, 2006

Mr. Mark Martin
City of Stockton
Community Development Department
345 N. El Dorado Street
Stockton, CA 95202

Dear Mr. Martin:

Re: City of Stockton's Notice of Preparation of a Draft Environmental Impact Report for Tidewater Crossing Master Development Plan Project; SCH# 2005122101

The California Department of Transportation (Caltrans), Division of Aeronautics (Division), reviewed the above-referenced document with respect to airport-related noise and safety impacts and regional aviation land use planning issues pursuant to the California Environmental Quality Act (CEQA). The Division has technical expertise in the areas of airport operations safety, noise and airport land use compatibility. We are a funding agency for airport projects and we have permit authority for public and special use airports and heliports. The following comments are offered for your consideration.

The proposal is for a "General Plan Amendment, Master Development Plan (MDP), rezoning, Tentative Tract Map, Sphere of Influence amendment for a portion of the project (245.5 acres), Annexation and Development Agreement for approximately 878.0 acres predominately in farmland and rural residential uses. The MDP includes 352 acres of Industrial, 93.7 acres of Medium Density Residential, 11.2 acres of High Density Residential, 258.9 acres of Low Density Residential, 24.1 acres of Ranch Estate Residential, 20.7 acres of Retail/Commercial, 89 acres of Parks/Buffers, 11.6 acres of Elementary School, 10.6 acres of railroad corridor and 6.2 acres in Airport Way. A 30-50 acre flood control/detention basin is planned within the western portion of the planned industrial area to manage peak storm flows. The project is designated as Village L in the City's Draft 2035 General Plan land use diagram."

As stated in the Notice of Preparation (NOP), the project site is located immediately adjacent to the Stockton Metropolitan Airport. Stockton is an active airport with 231 based aircraft and approximately 75,000 annual operations. Many business and corporate aircraft use the airport. It is a valuable air cargo airport serving the entire region. Although it does not currently have commercial passenger service, there are plans to restart service in the near future. The National Guard, based at Stockton Metropolitan Airport, uses the heliport located just southwest of Runway 11R-29L in the vicinity of the project site. As depicted in the Federal Aviation Regulation (FAR) Part 150 Airport Noise Compatibility Program generated flight track maps, the project site is beneath the designated traffic pattern for Runway 11R-29L and National Guard flight tracks. The site is within an area subject to fixed-wing aircraft overflight and army helicopter overflight.

Protecting people and property on the ground from the potential consequences of near-airport aircraft accidents is a fundamental land use compatibility-planning objective. While the chance of an aircraft injuring someone on the ground is historically quite low, an aircraft accident is a high consequence event. To protect people and property on the ground from the risks of near-airport aircraft accidents,

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some form of restrictions on land use are essential. The two principal methods for reducing the risk of injury and property damage on the ground are to limit the number of persons in an area and to limit the area covered by occupied structures. The potential severity of an off-airport aircraft accident is highly dependent upon the nature of the land use at the accident site.

The Caltrans Airport Land Use Planning Handbook (Handbook) identifies six different airport safety zones based on risk levels. They are the Runway Protection Zone (RPZ), Inner Approach/Departure Zone, Inner Turning Zone, Outer Approach/Departure Zone, Sideline Safety Zone and Traffic Pattern Zone. It appears that portions of the project site appear to be within all six airport safety zones. The RPZ is the most critical of the airport safety zones, considered to be at "very high risk" due its proximity to the end of the runway. The Handbook generally recommends prohibiting all new structures within the RPZ. Just beyond the RPZ is the Inner Approach/Departure Zone, which is considered to be at "substantial risk". The RPZ together with the inner safety zones encompass 30 to 50 percent of the near-airport aircraft accident sites. The Handbook recommends against "children's schools" within all the safety zones. Tables 9B and 9C of the Handbook provide "basic compatibility qualities" of the various safety zones. This must be thoroughly addressed in the Draft Environmental Impact Report (DEIR).

Please note, in accordance with CEQA, Public Resources Code Section 21096, the Handbook must be utilized as a resource in the preparation of environmental documents for projects within an airport land use compatibility plan boundaries or if such a plan has not been adopted, within two miles of an airport. The Handbook is a resource that should be applied to all public use airports and is available on-line at <http://www.dot.ca.gov/hq/planning/aeronaut/>.

Due to its proximity to the airport, the project site will be subject to aircraft overflights and subsequent aircraft-related noise impacts. Federal and State regulations regarding aircraft noise do not establish mandatory criteria for evaluating the compatibility of proposed land use development around airports (with the exception of the 65 decibel (dB) Community Noise Equivalent Level (CNEL) "worst case" threshold established in the State Noise Standards for the designated "noise problem" airports). And since communities vary greatly in size and character from urban to rural, the level of noise deemed acceptable in one community is not necessarily the same for another community. For most airports in California, 65 dB CNEL is considered too high a noise level to be appropriate as a standard for land use compatibility planning. This is particularly the case for evaluating new development in the vicinity of the airport. The 60 dB CNEL, or even 55 dB CNEL, may be more suitable for new development around most airports. For a further discussion of how to establish an appropriate noise level for a particular community, please refer to Chapter 7 of the Caltrans Handbook.

Consideration should be given to cumulative noise impacts associated with the project site's proximity to roadways and railway lines. Sound insulation, buyer notification and avigation easements are typical noise mitigation measures. These measures, however, do not change exterior aircraft noise levels. It is likely that some future homeowners and tenants will be annoyed by aircraft noise in this area. Noise mitigation measures are not a substitute for good land use compatibility planning for new development. A thorough airport-related noise analysis with existing and projected airport noise contour maps must be included in the DEIR.

Public Utilities Code, Section 21659 "Hazards Near Airports Prohibited" prohibits structural hazards near airports. In accordance with FAR Part 77 "Objects Affecting Navigable Airspace" a Notice of

Mr. Mark Martin
January 17, 2006
Page 3

Proposed Construction or Alteration (Form 7460-1) may be required by the Federal Aviation Administration (FAA). Form 7460-1 is available at <http://forms.faa.gov/forms/7460-1.pdf>. For further technical information, please refer to the FAA's web site at http://www.faa.gov/aso/aso500/-obst_eval.htm. Please note, the FAA also requires submission of a completed Form 7460-2 Part 1 at least 48 hours prior to starting the actual construction (<http://forms.faa.gov/forms/7460-2.pdf>).

Education Code, Section 17215 requires a school site investigation by the Division of Aeronautics prior to acquisition of land for a proposed school site located within two miles of an airport runway. Our recommendations are submitted to the State Department of Education for use in determining acceptability of the site. The Division's school site evaluation criteria is available on-line at <http://www.dot.ca.gov/hq/planning/aeronaut/htmlfile/regulations.php>. This should be a consideration prior to designating residential uses in the vicinity of an airport.

Section 11010 of the Business and Professions Code and Sections 1102.6, 1103.4, and 1353 of the Civil Code (<http://www.leginfo.ca.gov/calaw.html>) address buyer notification requirements for lands around airports. Any person who intends to offer land for sale or lease within an *airport influence area* is required to disclose that fact to the person buying the property.

Land use practices that attract or sustain hazardous wildlife populations on or near airports can significantly increase the potential for wildlife-aircraft collisions. The Federal Aviation Administration (FAA) recommends that landfills, wastewater treatment facilities, surface mining, wetlands and other uses that have the potential to attract wildlife, be restricted in the vicinity of an airport. FAA Advisory Circular (AC) 150/5200-33A entitled "Hazardous Wildlife Attractants on or Near Airports" and AC 150/5200-34 entitled "Construction or Establishment of Landfills Near Public Airports" address these issues. These advisory circulars can be accessed at http://www.faa.gov/arp/150acs.cfm#Airport_Safety. For further technical information, please refer to the FAA's web site at http://wildlife-mitigation.tc.faa.gov/public_html/index.html. For additional information concerning wildlife damage management, you may wish to contact the United States Department of Agriculture, Wildlife Services, at (916) 979-2675.

Government Code Section 25302.3 (a) requires general plans, specific plans and amendments shall be consistent with the adopted airport land use plans adopted or amended pursuant to Section 21675 of the Public Utilities Code. In accordance with Public Utilities Code (PUC) Section 21676, General Plans Amendments must be consistent with the adopted airport land use compatibility plans developed by the Airport Land Use Commission (ALUC). This requirement is necessary to ensure that land uses and land use densities are appropriate, given the nature of airport operations. The proposal should be submitted to the San Joaquin County Airport Land Use Commission (ALUC) for a consistency determination.

The proposal should also be coordinated with airport staff to ensure that the proposal will be compatible with future as well as existing airport operations. It also seems prudent for the school district to ensure as far as possible the future compatibility of the proposed school with the neighboring airport.

Aviation plays a significant role in California's transportation system. This role includes the movement of people and goods within and beyond our state's network of over 250 airports. Aviation contributes nearly 9 percent of both total state employment (1.7 million jobs) and total state output (\$110.7 billion) annually. These benefits were identified in a recent study, "Aviation in California: Benefits to Our Economy and Way of Life," prepared for the Division of Aeronautics which is available at

"Caltrans improves mobility across California"

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January 17, 2006
Page 4

<http://www.dot.ca.gov/hq/planning/aeronaut/>. Aviation improves mobility, generates tax revenue, saves lives through emergency response, medical and fire fighting services, annually transports air cargo valued at over \$170 billion and generates over \$14 billion in tourist dollars, which in turn improves our economy and quality-of-life.

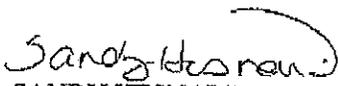
The protection of airports from incompatible land use encroachment is vital to California's economic future. Stockton Metropolitan Airport is an economic asset that should be protected through effective airport land use compatibility planning and awareness. Although the need for compatible and safe land uses near airports in California is both a local and a State issue, airport staff, airport land use commissions and airport land use compatibility plans are key to protecting an airport and the people residing and working in the vicinity of an airport. Consideration given to the issue of compatible land uses in the vicinity of an airport should help to relieve future conflicts between airports and their neighbors.

Airport-related noise, safety and land use concerns should be thoroughly addressed in the DEIR. The Division is available to meet with the City, the applicant and airport staff to further discuss this matter.

These comments reflect the areas of concern to the Division of Aeronautics with respect to airport-related noise and safety impacts and regional airport land use planning issues. We advise you to contact our District 10-Stockton Office at (209) 948-7543 concerning surface transportation issues.

Thank you for the opportunity to review and comment on this proposal. We look forward to reviewing the DEIR. If you have any questions, please call me at (916) 654-5314.

Sincerely,


SANDY HESNARD
Aviation Environmental Specialist

c: State Clearinghouse, San Joaquin County ALUC, Stockton Metropolitan Airport



DEPARTMENT OF CONSERVATION

DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEB SITE conservation.ca.gov

January 18, 2006

Mark Martin, Project Manager II
 Stockton Community Development Department
 345 North El Dorado Street
 Stockton, CA 95212

Subject: Notice of Preparation (NOP) of a Draft Environmental Impact Report
 (DEIR) for the Tidewater Crossing Master Development Plan
SCH# 2005122101

Dear Mr. Martin:

The Department of Conservation's Division of Land Resource Protection (Division) monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. The Division has reviewed the above NOP and offers the following recommendations for the DEIR with respect to the project's potential impacts on agricultural land.

The proposed project involves development of 388 acres for residential purposes, 352 acres for industrial purposes, and additional acreage for related uses. The project also involves approvals for a general plan amendment, a master development plan, rezoning, a tentative tract map, sphere of influence change, annexation and a development agreement.

The NOP notes that the project will result in conversion of 352 acres of Prime Farmland and 520 acres of Farmland of Statewide Importance. The potential mitigation measure for these impacts notes that the project will be required to participate in the mitigation mechanism proposed by an agricultural impact/land loss policy, if such a policy is approved.

The Division recommends that the mitigation measure be revised to show a more proactive approach to mitigation. Since the project is not the first or sole Stockton project proposing annexation or conversion of agricultural land, the city should be actively researching and developing an agricultural land loss mitigation policy, mechanisms to implement the policy, and a timeframe for implementation.

*The Department of Conservation's mission is to protect Californians and their environment by:
 protecting lives and property from earthquakes and landslides; Ensuring safe mining and oil and gas drilling;
 Conserving California's farmland; and Saving energy and resources through recycling.*

Mark Martin, Project Manager II
January 18, 2006
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The Division recommends that the purchase of agricultural conservation easements on land of at least equal quality and size be considered as partial compensation for the direct loss of agricultural land, as well as for the mitigation of growth inducing and cumulative impacts on agricultural land. We highlight this measure because of its growing acceptance and use by lead agencies as mitigation under the California Environmental Quality Act. Mitigation using conservation easements can be implemented by at least two alternative approaches: the outright purchase of conservation easements tied to the project, or via the donation of mitigation fees to a local, regional or statewide organization or agency, including land trusts and conservancies, whose purpose includes the purchase, holding and maintenance of agricultural conservation easements. Whatever the approach, the conversion of agricultural land should be deemed an impact of at least regional significance and the search for mitigation lands conducted regionally, and not limited strictly to lands within the Stockton area.

Information about conservation easements is available on the Division's website, or by contacting the Division at the address and phone number listed below. The Division's website address is

<http://www.conservation.ca.gov/DLRP/>

Of course, the use of conservation easements is only one form of mitigation that should be considered. The following mitigation measures could also be considered:

- Increasing home density or clustering residential units to allow a greater portion of the development site to remain in agricultural production.
- Protecting nearby farmland from *premature* conversion through the use of less than permanent long-term restrictions on use such as 20-year Farmland Security Zone contracts (Government Code Section 51296) or 10-year Williamson Act contracts (Government Code Section 51200 et seq.).
- Establishing buffers such as setbacks, berms, greenbelts, and open space areas to separate farmland from incompatible urban uses.
- Investing in the commercial viability of the remaining agricultural land in the project area through a mitigation bank which invests in agricultural infrastructure, water supplies and marketing.

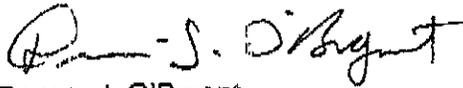
The Department believes that the most effective approach to farmland conservation and impact mitigation is one that is integrated with general plan policies. For example, the measures suggested above could be most effectively applied as part of a comprehensive agricultural land conservation element in the City's general plan.

Mark Martin, Project Manager II
January 18, 2006
Page 3 of 3

Mitigation policies could then be applied systematically toward larger goals of sustaining an agricultural land resource base, and economy. Within the context of a general plan mitigation strategy, other measures could be considered, such as the use of transfer of development credits, mitigation banking, and economic incentives for continuing agricultural uses.

Thank you for the opportunity to comment on the NOP. If you have questions on our comments, or require technical assistance or information on agricultural land conservation, please contact the Division at 801 K Street, MS 18-01, Sacramento, California 95814; or, phone (916) 324-0850.

Sincerely,



Dennis J. O'Bryant
Acting Assistant Director

cc: San Joaquin County RCD
3422 W Hammer Lane, Suite A
Stockton, CA 95219



COUNTY OF SAN JOAQUIN
DEPARTMENT OF AVIATION

Barry A. Rondinella, CAE
Airport Director

January 19, 2006

City of Stockton
c/o Community Development Department
Planning Division
345 North El Dorado Street
Stockton, CA 95202

Subject: Public Review of the Tidewater Crossing Master Development Plan
Project (EIR 2-05)

Gentlemen:

Thank you for the opportunity to comment on the subject project. The Stockton Metropolitan Airport has significant concern with the proposed development. This development proposes to position 7,825 residents along with a school with a projected 1,101 K-12 students below the downwind portion of the traffic pattern for runway 29L/11R and will be subject to over flight of aircraft at 1,000 feet or less. In fact, aircraft, including loud, large jets, arriving on several instrument approaches could be as low as 500 feet above these proposed homes. The Notice of Preparation and Initial Study of the Environmental Impact Report (NOPI) for the project states on page 5 that "The project is near the Stockton Metropolitan Airport which may present hazards" and "Uses associated with the airport would likely create exceedances of residential noise standards". Based on these statements, the problems other airports such as San Jose, Mather and Fresno are experiencing with nearby residential uses, and the fact that air cargo and other nighttime operations are growing at Stockton Metro, I believe it is prudent to oppose this development.

If the proposed development occurs it is likely the residents, in time, will seek to modify the operations of, curfew, or close the Airport. One of the reasons the Airport has been able to attract the cargo and corporate jet business it has is the lack of noise issues. A number of \$20,000,000 to \$40,000,000 corporate jets call Stockton home because San Jose has a noise curfew in place that prohibits late night operations and Stockton does not. UPS Supply Chain Solutions, Inc. (formerly Emery Worldwide) moved its entire Northern California operation to Stockton Metro, in part, because Mather is being choked by residential uses. It is anticipated Stockton Metro will be the beneficiary of more air cargo business from Mather as a result of operating limitations that will be put in place due to complaints by residents living around the Airport. Fresno Airport is spending \$1,000,000 each year mitigating noise issues due to the proximity of residential uses to the Airport. Many other airports in the state and across the country are being threatened by nearby residential uses.

Avigation Easements and noise insulation of the homes will not be effective in preventing noise complaints. Avigation Easements cannot be legally enforced if sound levels exceed 65 CNEL and insulation only works when all doors and windows are closed. Outdoor property use or an open window act contrary to the purpose of noise insulation. Moreover, many residential complaints are actually spawned from safety concerns relative to airplanes flying overhead and are couched as noise issues. Residents that buy houses near airports often sue the airport sponsor, in this case San Joaquin County, for property taking while others seek redress by packing Board Chambers to make public comments until a Board acts to limit the aircraft using the Airport.

Restricting or closing the Airport will likely cost hundreds of jobs and millions of dollars. According to a recent economic impact report the Airport directly creates 1500 jobs and approximately \$246,000,000 annually in total local economic impact. These numbers are projected to post sizable gains as more air cargo, international airline passenger service and corporate jets operate from the airport. The Tidewater Crossing Project jeopardizes all of these efforts.

Studies demonstrate most aircraft accidents occur as aircraft are arriving or departing an airport. The fact the proposed housing project *and school site* are below the traffic pattern increases odds of an aircraft experiencing an emergency that results in injury, loss of property, or even loss of life.

The proposed project envisions extending C. E. Dixon Street to provide vehicle circulation. This extension is neither safe nor feasible because it bisects a portion of the Airport that would separate several aviation tenants from the runway/taxiway system and would cross two active taxiways including one that is the only taxiway between the National Guard Base and the Airport's runways. The development of this proposed road would create traffic conflicts between aircraft and automobiles and would impact property rights of leaseholders on the Airport.

In order to adequately study the impacts of this project, the EIR must address the following to be adequate and therefore valid:

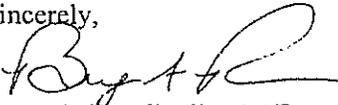
- 1) Project Alternatives including no residential uses within two miles of any runway.
- 2) Preparation of Noise Contours created by aircraft operating at the Airport currently and based on future conditions including expected

dramatic increases of large, loud corporate jet, air cargo and airline activity after midnight.

- 3) Assessment of economic impact to the Airport and the community if modifications to aircraft operations at the Airport, a curfew in regard to hours of operation and/or types of aircraft operating at the Airport, or Airport closure occur as a result of the project.
- 4) Inclusion of a qualified aviation specialist with training and experience relating to airport/residential conflicts on the EIR consultant's staff, if one is not currently engaged.
- 5) Clear identification of the Airport property boundary to illustrate the proximity of the proposed project to the Airport.

Thank you, once again for the opportunity to comment on the project NOPI.

Sincerely,



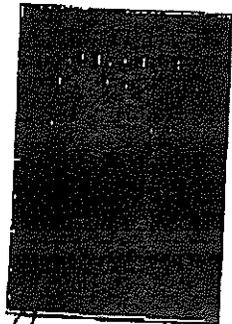
Barry A. Rondinella, AAE
Airport Director

c: Manuel Lopez, County Administrator
Board of Supervisors
County Aviation Advisory Committee
City of Stockton-Planning Commission



JACK O'CONNELL
State Superintendent of Public Instruction

2



December 18, 2006

Catherine E. Nichols-Washer, Superintendent
MANTECA UNIFIED SCHOOL DISTRICT
2901 East Louise Avenue
P.O. Box 32
Manteca, CA 95336-0032

C. M. Dodge
Jetta

**SUBJECT: MANTECA UNIFIED SCHOOL DISTRICT
SAN JOAQUIN COUNTY
PROPOSED NEW ELEMENTARY SCHOOL SITE**

Dear Superintendent:

In accordance with Education Code Section 17215, the California Department of Transportation, Division of Aeronautics has investigated a 20-acre site for an elementary/middle school. The proposed sites is located at French Camp and Dudley Roads in French Camp, California. It is within two miles of the Stockton Metropolitan Airport runway.

The Department of Transportation does not object to the school district's acquisition of the proposed sites for instructional purposes for elementary school students. As you review, the investigation results, you will note that the Department is in no way guaranteeing the safety of this site. Carefully review and consider all comments rendered by the Department in making a final determination. See attached investigation results.

If this site is not acquired by December 13, 2011, a re-evaluation of this site will be required.

If you have further questions, please feel free to contact me at (916) 324-8989 or by e-mail at ppenn@cde.ca.gov.

Sincerely,

Patricia Penn

Patricia Jones Penn, Ed.D., Consultant
School Facilities Planning Division
Telephone: (916) 324-8989
Fax: (916) 327-3954
E-mail: ppenn@cde.ca.gov

Attachment

Copy to: Sandy Dwyer



DEPARTMENT OF TRANSPORTATION
 DIVISION OF AERONAUTICS M.S. #40
 1430 N STREET - ROOM 3300
 P.O. BOX 942873
 SACRAMENTO, CA 94273-0001
 (916) 654-4959
 FAX (916) 653-9531
 TTY (916) 651-6827

December 14, 2006

RECEIVED

DEC 18 2006

Ms. Patricia Penn, Field Representative
 School Facilities Planning Division
 1430 N Street
 Sacramento, CA 95814-5901

SCHOOL FACILITIES PLANNING

Dear Ms. Penn:

In response to your request of October 30, 2006 and Section 17215 of the Education Code, the California Department of Transportation (Department), Division of Aeronautics, has analyzed the proposed K-12 Dudley Road school site and the proposed Tidewater Crossing school site located 3,500 and 4,000 feet southwest of Runway 11R-29L at the Stockton Metropolitan Airport.

Our analysis consisted of a review of the Stockton Metropolitan Airport Master Plan, instrument approach procedures, our files, and other publications relating to aircraft operations at the Stockton Metropolitan Airport. We also conducted a flight review of the sites. The San Joaquin County Airport Land Use Commission and the airport's management were given an opportunity to comment and no comments were received.

On December 5, 2006, we conducted a flight inspection of the Stockton Metropolitan Airport. Although our flight inspection revealed the sites could experience overflight by aircraft arriving or departing the airport, our investigation did not reveal any condition that would create an undue hazard. The Department cannot guarantee the safety of these, or any, sites. However, based upon our evaluation of existing conditions and planned development, these sites are considered to provide the level of safety suitable for a school site.

If either of these sites are not acquired by December 13, 2011, another site evaluation by the Department will be required.

Sincerely,

DANIEL R. GARGAS
 Aviation Safety Officer

DEPARTMENT OF TRANSPORTATION
 DIVISION OF AERONAUTICS M.S. #40
 1120 N STREET - ROOM 3300
 P.O. BOX 942873
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RECEIVED

April 6, 2007

APR 09 2007

Ms. Patricia Penn, Field Representative
 School Facilities Planning Division
 1430 N Street
 Sacramento, CA 95814-5901

SCHOOL FACILITIES PLANNING

Dear Ms. Penn:

In response to your request of October 30, 2006, and Section 17215 of the Education Code, the California Department of Transportation (Department), Division of Aeronautics, has reevaluated the proposed K-12 Dudley Road school site and the proposed Tidewater Crossing school site located 3,500 and 4,000 feet southwest of Runway 11R-29L at the Stockton Metropolitan Airport.

Our analysis consisted of a review of the Stockton Metropolitan instrument approach procedures, our files, and other publications relating to aircraft operations at the Stockton Metropolitan Airport. We also conducted a flight review of the site. The San Joaquin County Airport Land Use Commission and the airport's management were given an opportunity to comment and their comments were considered.

The Dudley Road site is in the Traffic Pattern Zone (Zone 6) as defined by our Airport Land-use Planning Handbook. The Tidewater Crossing site is just outside of Zone 6. This guideline recommends school sites located in Zone 6 should be avoided. Both sites will experience numerous overflights of aircraft in the general vicinity. This noise could be disruptive for non-sound-proofed classrooms. We should also point out that outdoor activities might be subject to disruption during an individual aircraft over-flight noise event. For these reasons we strongly recommend the school district grant an aviation easement to the Stockton Metropolitan Airport and sound attenuate all school structures. On March 21, 2007, we conducted a flight inspection of the Stockton Metropolitan Airport. Although our flight inspection revealed the sites could experience overflight by aircraft arriving or departing the airport, our investigation did not reveal any condition that would create an undue hazard. While there is generally a low risk of an accident occurring at the proposed site, the potential consequences of any accident would be severe. The Department cannot guarantee the safety of these, or any, site. However, based upon our evaluation of existing conditions and planned development, both sites are considered to provide the level of safety suitable for a school site.

If these sites are not acquired by April 6, 2012, another site evaluation by the Department will be required.

Sincerely,

DANIEL R. GARGAS
 Aviation Safety Officer

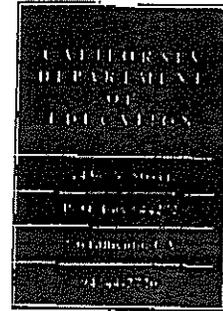
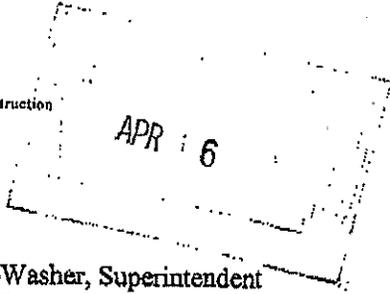
c: Barry Rondinella, Manager, Stockton Metropolitan Airport

"Caltrans improves mobility across California"



JACK O'CONNELL
State Superintendent of Public Instruction

April 10, 2007



Catherine E. Nichols-Washer, Superintendent
MANTECA UNIFIED SCHOOL DISTRICT
2901 East Louise Avenue
P.O. Box 32
Manteca, CA 95336-0032

C. Felts
M. Dodge

**SUBJECT: MANTECA UNIFIED SCHOOL DISTRICT
SAN JOAQUIN COUNTY
PROPOSED NEW ELEMENTARY SCHOOL SITE**

Dear Superintendent:

In accordance with Education Code Section 17215, the California Department of Transportation, Division of Aeronautics has investigated the Dudley Road and the Tidewater Crossing sites located within two miles of the Stockton Metropolitan Airport runway.

Although the Department of Transportation flight inspection did reveal that sites could experience overflight by aircraft arriving or departing the airport, the investigation did not reveal any condition that would create undue hazard. As you review the investigation results, you will note that the Department is in no way guaranteeing the safety of this site. Carefully review and consider all comments rendered by the Department in making a final determination. See attached investigation results.

If this site is not acquired by April 6, 2012, a re-evaluation of this site will be required.

If you have further questions, please feel free to contact me at (916) 324-8989 or by e-mail at Ppenn@cde.ca.gov.

Sincerely,

Patricia Jones Penn, Ed.D., Consultant
School Facilities Planning Division
Telephone: (916) 324-8989
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