

APPENDIX A

NOP and Comments Received on the NOP



NOTICE OF PREPARATION

DRAFT ENVIRONMENTAL IMPACT REPORT

TO: REVIEWING AGENCIES

**FROM: CITY OF MANTECA
Community Development Dept.
1001 W. Center Street
Manteca, CA 95337**

Subject: Notice of Preparation of a Draft Environmental Impact Report

The City of Manteca will be the Lead Agency and will prepare an environmental impact report (EIR) for the project identified below. We need to know your views as to the scope and content of the environmental information that is germane to your agency's statutory responsibilities or your interests in connection with the proposed project. Your agency will need to use the EIR when considering your permit or other approval for the project.

The project description, location, and a summary of the environmental issues to be evaluated in the EIR are contained in the attached materials.

Due to the time limits mandated by State law, your responses must be sent at the earliest possible date but not later than 30 days after receipt of this notice.

Please send your response to **Mark Meissner, Senior Planner**, at the address shown above. We will need the name for a contact person in your agency.

Project Title: Stadium Center Phase III EIR

Project Applicant: Kitchell Development Company

SCOPING MEETING: Date & Time: Wednesday, January 24th, 2007, 3 p.m.

Location: COUNCIL CHAMBERS
CITY OF MANTECA
1001 W. CENTER STREET
MANTECA, CA 95337

Date 1-4-07

Signature 

Title: Senior Planner
Telephone: (209) 239-8424
Facsimile: (209) 825-2349
Email: mmeissner@ci.manteca.ca.us

1 INTRODUCTION

In accordance with the California Environmental Quality Act (CEQA) and the State CEQA guidelines, the City of Manteca (as lead agency) will be preparing an Environmental Impact Report (EIR) to evaluate the environmental effects associated with the proposed Stadium Center Phase III project. The proposed project would be the third phase of the developing “Stadium Center” shopping center, and includes a variety of commercial uses including large retail, restaurant, and other retail within the southern portion of the City of Manteca, San Joaquin County, California (Exhibit 1). This phase is a continuation of a new gateway development area which includes the Stadium Center and “Big League Dreams” facilities. The EIR will identify any significant environmental impacts of the project, as well as recommend mitigation measures to reduce the project’s environmental impacts where feasible.

In accordance with Section 15082 of the CEQA Guidelines, the City of Manteca has prepared this Notice of Preparation to provide responsible and trustee agencies and other interested parties with information describing the project and the issue areas that will be evaluated in the EIR.

2 PROJECT LOCATION AND CURRENT USE

The project site is approximately 16 acres and is located in the southwestern portion of City of Manteca (Exhibit 1). The project site is located immediately north of State Route 120 (SR 120), approximately 3 miles west of State Route 99 (SR 99), and 3 miles east of Interstate 5 (I-5). The site is generally bounded by SR 120 to the south, residential development to the north and east, vacant land zoned for commercial development to the north, and commercial development to the west (Exhibit 2). The site is situated at the southeast corner of the intersection of Daniels Street and South Airport Way east of the Stadium I and II shopping centers.

The project site is a fallow agricultural field. Irrigation control structures run east and west along the southern border of the site, and an irrigation well and pump are located at the site’s western edge. In the past, the site was used for agricultural row crop production. In general, new residential and commercial developments are the predominant land use in the project vicinity. With adoption of the City’s General Plan (2003) and designation of the project vicinity for urban land uses, the area is experiencing an increasing number of development applications to convert agricultural lands to urban development. Low-density single-family residential subdivisions are located to the northeast and to the south, across SR 120. In addition, a shopping center is currently under construction to the west of the project site and an 11-acre shopping center is planned for the vacant parcel to the north.

The City’s General Plan, adopted in October 2003, designates the entire site for Commercial Mixed-Use (CMU) land uses. The purpose of the CMU land use designation is to accommodate a variety of uses including high-density residential, employment centers, retail, commercial, and professional offices. Surrounding land uses are Neighborhood Commercial (NC), Low Density Residential (LDR), Medium Density Residential (MDR), and General Commercial (GC). The site is zoned C-G (general commercial) and the Assessor’s Parcel Number (APN) is 222-25-03.

3 PROJECT CHARACTERISTICS

Implementation of the proposed project would result in the development of a commercial center that would accommodate an approximately 170,589 square foot Lowe’s Home Improvement Warehouse and approximately 32,000 square feet of retail space in four separate buildings (Exhibit 3). These project components would be completed in two separate phases. It is anticipated that the proposed project would compliment the overall appearance of the nearby Stadium Center I and II shopping centers to the west. The proposed project would also include a total of approximately 830 parking spaces.

PHASE 1 – LOWE’S HOME IMPROVEMENT WAREHOUSE

An approximately 141,436 square foot Lowe’s Home Improvement Warehouse and an approximately 29,153 square foot adjoining Lowe’s garden center would be developed on the eastern portion of the 16-acre site (Exhibit

3). A recessed truck well would be located at the southeast corner of the building, and a product delivery truck lane would be located along the east side of the building. Delivery trucks would periodically use the delivery lane to travel from Daniels Street to the delivery area at the truck well. Fork lifts would operate on a daily basis in the garden center in the southeastern portion of the project site adjacent to Highway 120.

A large parking area would be located in front of the Lowe's building to the west, and some additional parking spaces would be located at the back of the building to the east. The most recent site plan includes 650 parking spaces for both the Lowe's building and the garden center.

The height of the building would generally range from 32 to 37 feet. The building's highest point would be an approximately 51-foot tall tower over the main entrance. Lighting in the parking lot would consist of several 37-foot tall pole mounted lighting fixtures located throughout the parking areas. A California Department of Transportation barrier with a 4-foot high fence would run along the project site's southern boundary.

PHASE 2 – RETAIL BUILDINGS

Improvements proposed as part of Phase 2 include the development of approximately 32,000 square feet of retail space in four buildings on the western portion of the project site (Exhibit 3). The four commercial retail buildings would include a 6,000 square-foot building, a 7,000 square-foot building, a 15,000 square-foot building, and a stand-alone 4,000 square-foot building. It is anticipated that a drive-through restaurant would be developed at the 4,000 square foot site. The larger retail buildings would be designed to accommodate multi-tenant retail stores and restaurants. It is anticipated that all four buildings would compliment the overall appearance of the Stadium Center shopping centers to the west. Approximately 124 parking spaces would be located between and around the retail buildings.

TRAFFIC AND VEHICULAR ACCESS

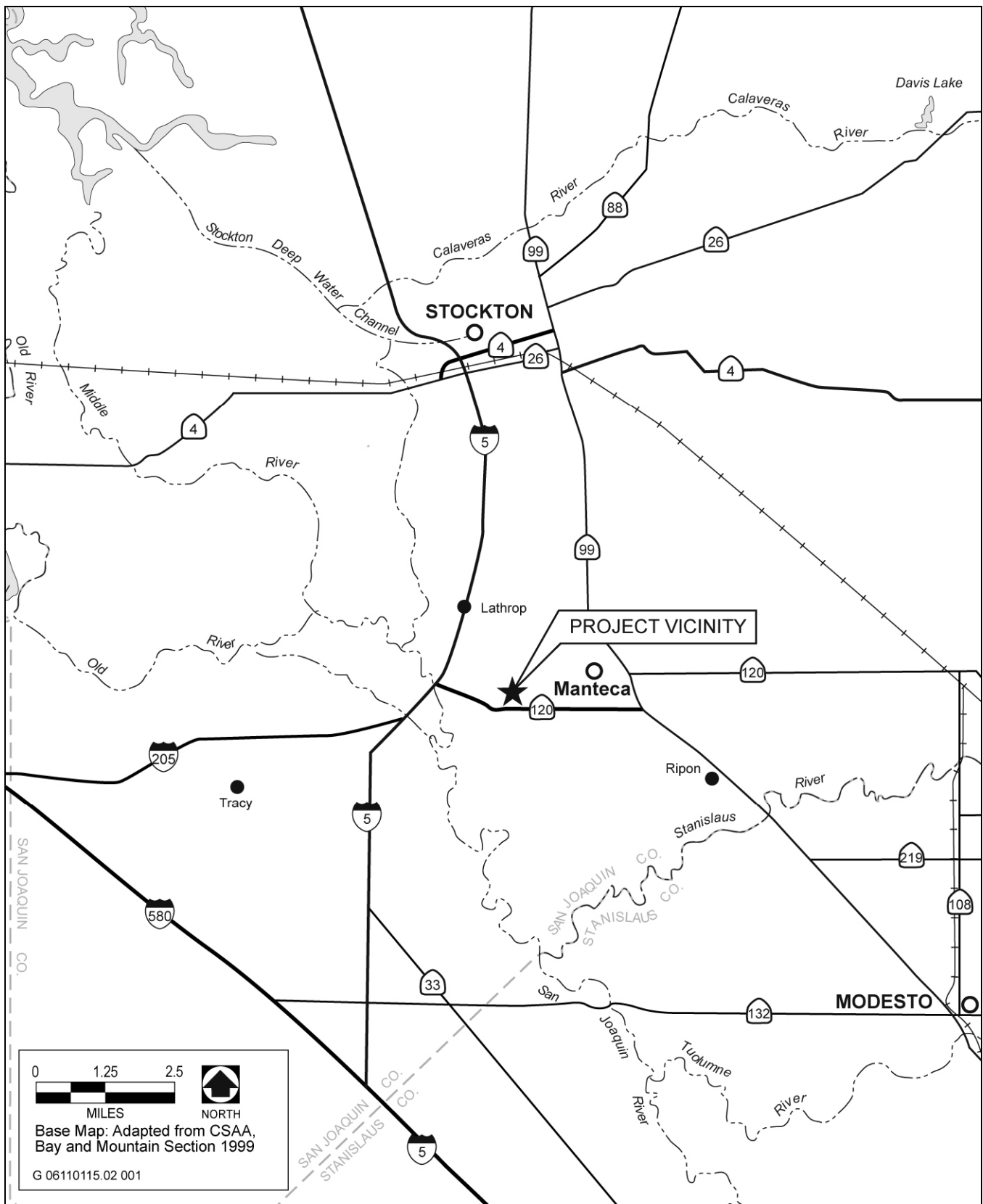
The proposed Stadium Center Phase III project would be located at the southeast corner of the intersection of Airport Way and Daniels Street (Exhibit 2). All transportation access to the project site would be from Daniels Street. Airport Way is a two-lane roadway that provides the primary north-south access in the vicinity of the proposed project. This roadway was improved as part of the Stadium Center I and II shopping center projects to the west. Daniels Street is a two-lane roadway that runs parallel to and north of SR 120 and the project site. Daniels Street extends west from Union Road to Airport Way and along the frontage of the Stadium Center I and II shopping center and Big League Dreams.

As part of the proposed project, the section of Daniels Street adjacent to the project site would be improved to provide for separate left turn lanes and bike lanes. The main entrance to the project site at Daniels Street and Fishback Road would be signalized, while the other two project site intersections on Daniels Street would be controlled by stop signs.

4 REQUESTED ENTITLEMENTS

Implementation of the Stadium Center Phase III project would require the following entitlements from the City of Manteca.

- ▶ A General Plan amendment to change the land use designation for the project site from commercial mixed-use (CMU) to general commercial (GC);
- ▶ A minor subdivision map to establish four parcels;
- ▶ Approval of a site development plan; and
- ▶ Approval of a development agreement between the City and the developer.



Source: EDAW 2006

Regional Map

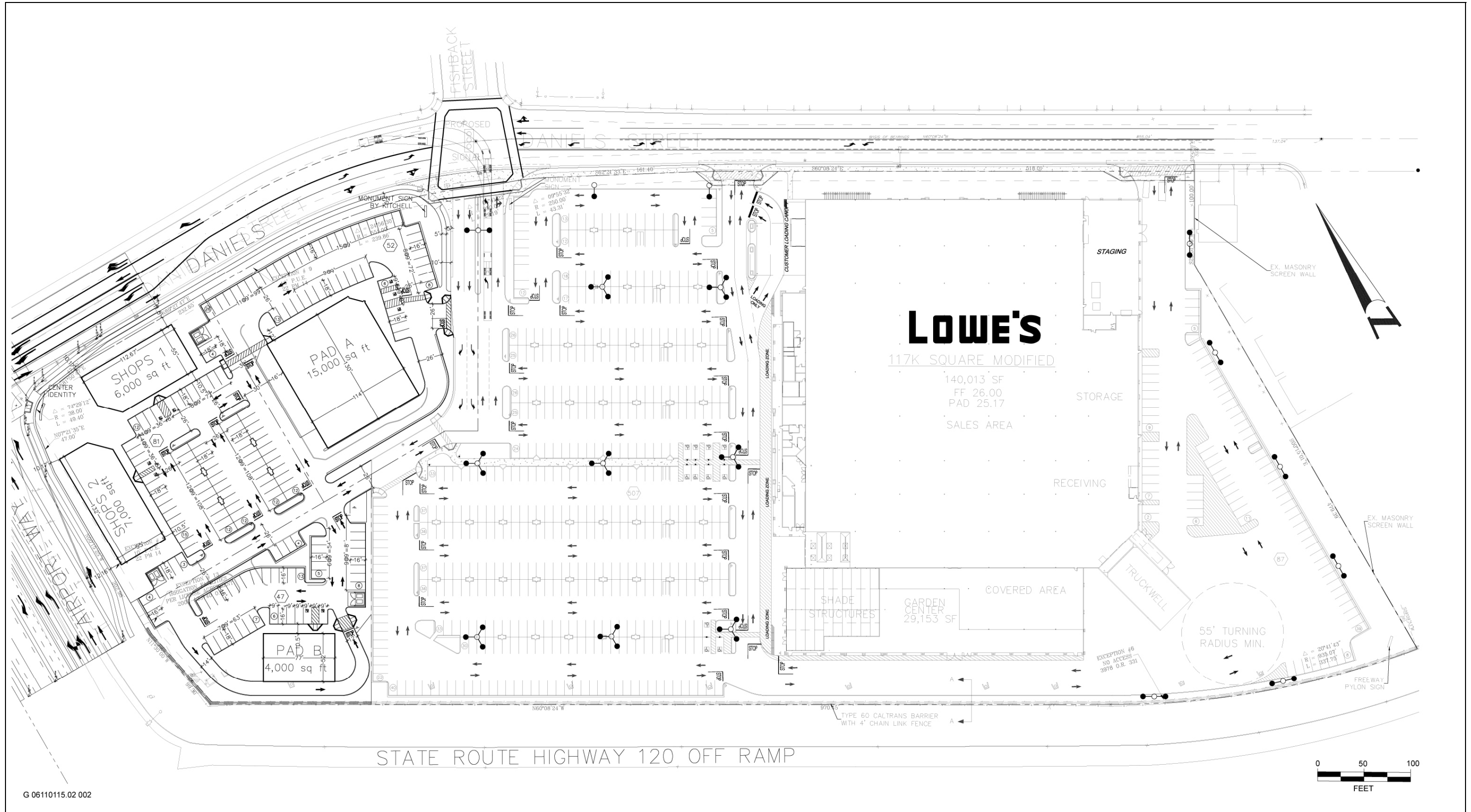
Exhibit 1



Source: City of Manteca, 2006

Project Location Map

Exhibit 2



Source: AMS Associates 2006

Site Plan

Exhibit 3

5 POTENTIAL ENVIRONMENTAL EFFECTS

The EIR will identify and describe the potential environmental impacts associated with implementation of the Stadium Center Phase III project as described below. Mitigation measures will be recommended where appropriate to reduce potentially significant and significant impacts. The following issues are proposed for analysis.

5.1 AESTHETICS

The project would change land uses on the site from fallow agricultural field to commercial development. The EIR will describe the visual changes that would occur with the project including the potential visibility of the project from surrounding areas and major viewsheds. Because the project includes wall and pole-mounted lighting, the EIR will include an assessment of lighting/glare impacts to on-site and off-site receptors. The EIR will also evaluate glare associated with vehicles exiting the site and its impacts to residences across Daniels Street.

5.2 LAND USE AND AGRICULTURAL RESOURCES

The project site is a fallow agricultural field, and is surrounded by SR 120 to the south, commercial development to the west, vacant land and residential development to the north, and residential development to the east. The EIR will evaluate the project's land use compatibility impacts with surrounding land uses, its consistency with relevant environmental plans and policies, and its effect on existing agricultural resources.

5.3 AIR QUALITY

The EIR will describe regional and local air quality in the vicinity of the project site and evaluate construction and operational impacts to air quality. The project's estimated air emissions will be quantified and compared to emissions thresholds of the San Joaquin Valley Unified Air Pollution Control District. The EIR will evaluate the construction, stationary source, mobile source, and carbon monoxide (CO) emissions that would be generated by project activities.

5.4 BIOLOGICAL RESOURCES

Botanical and wildlife surveys of the project site and surrounding area will be conducted and summarized in the EIR as appropriate. The project site lies within the area covered by the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). Therefore, habitat and species impacts will be identified and mitigated consistent with the SJMSCP.

5.5 CULTURAL RESOURCES

The EIR will include a cultural resource impact assessment for the project site and will consider historic resources in connection with existing structures on the project site. Field surveys of the project site and a literature review will be completed and summarized in the EIR. Because the proposed project would require an amendment to the City of Manteca General Plan, the City is required to comply with the requirements of Senate Bill 18 (SB-18) concerning Native American cultural resources.

5.6 GEOLOGY AND SOILS

The EIR will summarize the results of a preliminary geotechnical investigation prepared for the project site and will describe the project's potential exposure to geologic hazards (i.e., earthquakes, liquefaction, etc.). In addition, the EIR will also describe the project's potential effects on soil erosion. The project site is not located in an area of known mineral resources, nor are any expected to be encountered during project development. As such, no impacts related to mineral resources are anticipated and this issue will not be evaluated further in the EIR.

5.7 PALEONTOLOGICAL RESOURCES

The EIR will include a paleontological resources assessment for the project site. A survey and literature review related to geologic formations and recorded paleontological resources in the vicinity of the project site will be completed and summarized in the EIR.

5.8 HAZARDS AND HAZARDOUS MATERIALS

The EIR will summarize the results of a Phase 1 Environmental Site Assessment prepared for the project site. In addition, the EIR will evaluate the operational characteristics of the project to determine potential impacts related to the use of hazardous materials and potential effects to existing emergency response plans.

5.9 HYDROLOGY AND WATER QUALITY

The EIR will summarize hydrology/water quality information for the project area and describe the project's effect on alteration of drainage patterns, erosion, stormwater discharges, and flooding.

5.10 NOISE

The EIR will describe the project's construction and operational noise impacts including noise generated from proposed traffic, loading and unloading of products, delivery trucks, and fork lifts. These impacts will be compared to applicable noise thresholds.

5.11 POPULATION AND HOUSING

The EIR will evaluate the project's effect on employment, population, and housing in the local area based on projections of project employment and distribution of their residences.

5.12 PUBLIC SERVICES

The EIR will evaluate the adequacy of existing public services and the potential need for additional fire, police, public parks, other recreational facilities, and school services.

5.13 TRANSPORTATION/TRAFFIC

The EIR will evaluate the project's impact to regional and local transportation facilities based on a transportation analysis that will assess daily trips, access, and parking.

5.14 UTILITIES AND SERVICE SYSTEMS

The EIR will analyze the current capacity of the City's water and wastewater systems and the project's impact on these systems. The EIR will describe the existing gas and electrical facilities within the project vicinity, and provide an impact analysis of utility construction. The EIR will also describe the existing solid waste facilities that serve the site.



Arnold Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Cynthia Bryant
Director

Notice of Preparation

January 5, 2007

To: Reviewing Agencies

Re: Stadium Center Phase III
SCH# 2007012018

Attached for your review and comment is the Notice of Preparation (NOP) for the Stadium Center Phase III draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Mark Meissner
City of Manteca
1001 W. Center Street
Manteca, CA 95337

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Senior Planner, State Clearinghouse

Attachments
cc: Lead Agency

RECEIVED

RECEIVED JAN 09 2007

Community Development Department

**Document Details Report
State Clearinghouse Data Base**

SCH# 2007012018
Project Title Stadium Center Phase III
Lead Agency Manteca, City of

Type NOP Notice of Preparation
Description Implementation of the proposed project would result in the development of a commercial center that would accommodate an approximately 170,589 square foot Lowe's Home Improvement Warehouse and approximately 32,000 square feet of retail space in four separate buildings. These project components would be completed in two separate phases. It is anticipated that the proposed project would compliment the overall appearance of the nearby Stadium Center I and II shopping centers to the west. The proposed project would also include a total of approximately 830 parking spaces.

Lead Agency Contact

Name Mark Meissner
Agency City of Manteca
Phone (209) 329-8424
email
Address 1001 W. Center Street
City Manteca
State CA **Zip** 95337
Fax

Project Location

County San Joaquin
City Manteca
Region
Cross Streets State Route 120 and South Airport Way
Parcel No. 222-25-03
Township 2S **Range** 7E **Section** 6 **Base** MtDiablo

Proximity to:

Highways SR 120
Airports
Railways Union Pacific
Waterways San Joaquin River
Schools Sierra High
Land Use Fallow Agricultural/General Commercial/Commercial Mixed Use

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Public Services; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Coastal Zone; Noise

Reviewing Agencies Resources Agency; Department of Conservation; Office of Historic Preservation; Department of Parks and Recreation; Reclamation Board; Department of Water Resources; Department of Fish and Game, Region 2; Department of Health Services; Office of Emergency Services; Native American Heritage Commission; California Highway Patrol; Caltrans, District 10; Department of Toxic Substances Control; Regional Water Quality Control Bd., Region 5 (Sacramento)

Date Received 01/05/2007 **Start of Review** 01/05/2007 **End of Review** 02/05/2007

Regional Water Quality Control Board (RWQCB)

- Resources Agency
- Resources Agency
Nadell Gayou
- Dept. of Boating & Waterways
David Johnson
- California Coastal Commission
Elizabeth A. Fuchs
- Colorado River Board
Gerald R. Zimmerman
- Dept. of Conservation
Roseanne Taylor
- California Energy Commission
Paul Richins
- Dept. of Forestry & Fire Protection
Allen Robertson
- Office of Historic Preservation
Wayne Donaldson
- Dept of Parks & Recreation
Environmental Stewardship Section
- Reclamation Board
DeeDee Jones
- S.F. Bay Conservation & Dev't. Comm.
Steve McAdam
- Dept. of Water Resources
Resources Agency
Nadell Gayou
- Conservancy
- Fish and Game
- Dept. of Fish & Game
Scott Flint
Environmental Services Division
- Fish & Game Region 1
Donald Koch
- Fish & Game Region 2
Banky Curtis
- Fish & Game Region 3
Robert Floerke
- Fish & Game Region 4
Julie Vance
- Fish & Game Region 5
Don Chadwick
Habitat Conservation Program
- Fish & Game Region 6
Gabrina Gatchel
Habitat Conservation Program
- Fish & Game Region 6 I/IM
Gabrina Gatchel
Inyo/Mono. Habitat Conservation Program
- Dept. of Fish & Game M
George Isaac
Marine Region
- Other Departments
- Food & Agriculture
Steve Shaffer
Dept. of Food and Agriculture
- Dept. of General Services
Public School Construction
- Dept. of General Services
Robert Sleppy
Environmental Services Section
- Dept. of Health Services
Veronica Malloy
Dept. of Health/Drinking Water
- Independent Commissions, Boards
- Delta Protection Commission
Debby Eddy
- Office of Emergency Services
Dennis Castrillo
- Governor's Office of Planning & Research
State Clearinghouse
- Native American Heritage Comm.
Debbie Treadway
- Public Utilities Commission
Ken Lewis
- State Lands Commission
Jean Sarino
- Tahoe Regional Planning Agency (TRPA)
Cherry Jacques
- Business, Trans. & Housing
- Caltrans - Division of Aeronautics
Sandy Hesnard
- Caltrans - Planning
Terri Pencovic
- California Highway Patrol
Shirley Kelly
Office of Special Projects
- Housing & Community Development
Lisa Nichols
Housing Policy Division
- Dept. of Transportation
- Caltrans, District 1
Rex Jackman
- Caltrans, District 2
Marcelino Gonzalez
- Caltrans, District 3
Jeff Pulverman
- Caltrans, District 4
Tim Sable
- Caltrans, District 5
David Murray
- Caltrans, District 6
Marc Birnbaum
- Caltrans, District 7
Cheryl J. Powell
- Caltrans, District 8
Dan Kopulsky
- Caltrans, District 9
Gayle Rosander
- Caltrans, District 10
Tom Dumas
- Caltrans, District 11
Mario Orso
- Caltrans, District 12
Bob Joseph
- Cal EPA
- Air Resources Board
- Airport Projects
Jim Lerner
- Transportation Projects
Ravi Ramalingam
- Industrial Projects
Mike Tollstrup
- California Integrated Waste Management Board
Sue O'Leary
- State Water Resources Control Board
Jim Hockenberry
Division of Financial Assistance
- State Water Resources Control Board
Student Intern, 401 Water Quality Certification Unit
Division of Water Quality
- State Water Resources Control Board
Steven Herrera
Division of Water Rights
- Dept. of Toxic Substances Control
CEQA Tracking Center
- Department of Pesticide Regulation
- RWQCB 1
Cathleen Hudson
North Coast Region (1)
- RWQCB 2
Environmental Document Coordinator
San Francisco Bay Region (2)
- RWQCB 3
Central Coast Region (3)
- RWQCB 4
Teresa Rodgers
Los Angeles Region (4)
- RWQCB 5S
Central Valley Region (5)
- RWQCB 5F
Central Valley Region (5)
Fresno Branch Office
- RWQCB 5R
Central Valley Region (5)
Redding Branch Office
- RWQCB 6
Lahontan Region (6)
- RWQCB 6V
Lahontan Region (6)
Victorville Branch Office
- RWQCB 7
Colorado River Basin Region (7)
- RWQCB 8
Santa Ana Region (8)
- RWQCB 9
San Diego Region (9)
- Other

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



*Flex your power!
Be energy efficient!*

January 10, 2007

**10-SJ-120-PM3.3
SCH 2007012018 (NOP)
Stadium Center Phase III (Lowes)**

Mark Meissner
City of Manteca
Community Development Department
1001 West Center Street
Manteca, CA 95337

Dear Mr. Meissner:

The California Department of Transportation (Department) appreciates the opportunity to have reviewed the Notice of Preparation application for the proposed Phase 1 – 170,589 square foot (SF) Lowes with 650 parking spaces, and Phase 2 – 28,000 SF of (3) retail buildings and 4,000 SF fast food restaurant with 124 parking spaces. Entitlements that the developer will request from the City of Manteca (City) include a General Plan Amendment (from commercial mixed-use to general commercial), a Minor Subdivision (for 4 parcels), a Site Development Plan, and a Development Agreement. This project is to be located between and adjacent to Daniel Street and the State Route 120 (SR-120) westbound off ramp at the SR-120/Airport Road interchange. The Department has the following comment(s):

Traffic Study

- 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 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.

Mr. Meissner
January 10, 2007
Page 2

- 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.
- A Proposed Project Only with Select Zone Analysis - Trip generation and assignment for build-out of general plan – is required to provide a complete review of this project.
- The traffic microsimulation software files (both input and output) that will be used to develop the traffic impact study are required in an electronic format. The Department requires this information to provide a complete the review of the proposed project.
- 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 400-20.
- 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.

Fair Share Impact Fee

- This proposed development should pay a "traffic impact mitigation fee". The cumulative impacts of this and other existing and proposed land use development, in this area, will contribute to the degradation of the level of service on the State Highway System. This degradation will eventually require improvements to accommodate the increase in traffic volumes to the SR-120 mainline, as well as the associated intersections mentioned above. Therefore, the Department recommends that the City collect a transportation impact mitigation fee on a "fair share" basis from the developer to hold until the fee can be contributed towards the local portion of funding for future improvements to these State Highway facilities.

Mr. Meissner

January 10, 2007

Page 3

Site Plan

- Please provide the Department with all site plan changes to any improvements proposed for this property when they are submitted to the City. Additional comments may be provided by the Department regarding the impacts created by changes to the proposed development.

Drainage

- During site design, it must be determined if grading would divert drainage from this proposed project and result in increased runoff to existing State facilities. This will not be allowed.

Lighting

- During site design, 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.

Signs

- Any sign advertising a business not "on premise" will require an Outdoor Advertising Display Permit. Information regarding the Department's regulation of outdoor advertising may be found online at <http://www.dot.ca.gov/hq/oda>.

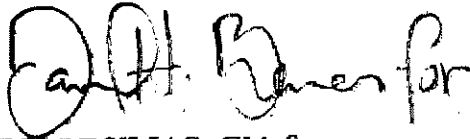
Encroachment

- 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.

Mr. Meissner
January 10, 2007
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 State Clearinghouse

STATE OF CALIFORNIA
FACSIMILE COVER
 10-2A-0049 (NEW 10/92)

ATTENTION: Mark Meissner		FROM: Dan Brewer Department of Transportation 1976 East Charter Way Stockton, CA 95205	
UNIT/COMPANY: City of Manteca Community Development Department 1001 West Center Street Manteca, CA 95337		DATE: January 10, 2007	TOTAL PAGES (Including Cover Page) 5
		FAX # (Include Area Code) (209) 948-7194	ATSS FAX 8-423-7194
DISTRICT/CITY		PHONE # (& Area Code) (209) 948-7142	ATSS 8-423-7142
PHONE # (& Area Code) (209) 239-8427	FAX # (& Area Code) (209) 825-2349	ORIGINAL DISPOSITION: Destroy <input type="checkbox"/> Return <input type="checkbox"/> Call for Pickup <input type="checkbox"/>	

COMMENTS:

10-SJ-120-PM3.3
SCH 2007012018 (NOP)
Stadium Center Phase III (Lowes)

ENVIRONMENTAL HEALTH DEPARTMENT SAN JOAQUIN COUNTY



Donna K. Heran, R.E.H.S.
Director
Laurie A. Cotulla, R.E.H.S.
Assistant Director

304 East Weber Avenue, Third Floor
Stockton, California 95202-2708
Telephone: (209) 468-3420
Fax: (209) 464-0138
Website: www.sjgov.org/ehd/

Program Coordinators
Carl Borgman, R.E.H.S.
Mike Huggins, R.E.H.S., R.D.I.
Margaret Lagorio, R.E.H.S.
Robert McClellon, R.E.H.S.
Jeff Carruesco, R.E.H.S.
Kasey Foley, R.E.H.S.

January 11, 2007

Mark Meissner, Senior Planner
City of Manteca
Community Development Department
1001 West Center Street
Manteca, California 95337

RE: STADIUM CENTER PHASE III EIR

The San Joaquin County Environmental Health Department has the following comments in regards to the Draft EIR:

- 1) Destroy any abandoned well(s) under permit and inspection by the Environmental Health Department as required by (San Joaquin County Development Title, Section 9-1115.5(e).

Should you have any questions or need further assistance please call Steven Shih, Lead Senior R.E.H.S., at (209) 468-9850.

Donna Heran, R.E.H.S., Director

Mike Huggins, Program Coordinator, R.E.H.S., R.D.I.
Environmental Health Department

MH:tl

RECEIVED

JAN 08 2007

ENVIRONMENT HEALTH
PERMIT/SERVICES



*1/10/07
Site visit by TR (LAW)
see map: irrigation
wall still exists.
No other structures
observed. JD*

NOTICE OF PREPARATION

DRAFT ENVIRONMENTAL IMPACT REPORT

TO: REVIEWING AGENCIES

**FROM: CITY OF MANTECA
Community Development Dept.
1001 W. Center Street
Manteca, CA 95337**

Subject: Notice of Preparation of a Draft Environmental Impact Report

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The project description, location, and a summary of the environmental issues to be evaluated in the EIR are contained in the attached materials.

Due to the time limits mandated by State law, your responses must be sent at the earliest possible date but not later than 30 days after receipt of this notice.

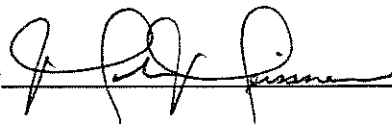
Please send your response to **Mark Meissner, Senior Planner**, at the address shown above. We will need the name for a contact person in your agency.

Project Title: Stadium Center Phase III EIR

Project Applicant: Kitchell Development Company

SCOPING MEETING: Date & Time: Wednesday, January 24th, 2007, 3 p.m.

Location: COUNCIL CHAMBERS
CITY OF MANTECA
1001 W. CENTER STREET
MANTECA, CA 95337

Date 1-4-07 Signature 

Title: Senior Planner
Telephone: (209) 239-8424
Facsimile: (209) 825-2349
Email: mmeissner@ci.manteca.ca.us

*TAMI:
22-03*

DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 942360001
(916) 653-5791



January 17, 2007

Mark Meissner
City of Manteca
1001 West Center Street
Manteca, California 95337

Stadium Center Phase III
State Clearinghouse (SCH) Number: 2007012018

The project corresponding to the subject SCH identification number has come to our attention. The limited project description suggests your project may be an encroachment on the State Adopted Plan of Flood Control. You may refer to the California Code of Regulations, Title 23 and Designated Floodway maps at <http://recbd.ca.gov/>. Please be advised that your county office also has copies of the Board's designated floodways for your review. If indeed your project encroaches on an adopted food control plan, you will need to obtain an encroachment permit from the Reclamation Board prior to initiating any activities. The attached Fact Sheet explains the permitting process. Please note that the permitting process may take as much as 45 to 60 days to process. Also note that a condition of the permit requires the securing all of the appropriate additional permits before initiating work. This information is provided so that you may plan accordingly.

If after careful evaluation, it is your assessment that your project is not within the authority of the Reclamation Board, you may disregard this notice. For further information, please contact me at (916) 574-1249.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Huitt".

Christopher Huitt
Staff Environmental Scientist
Floodway Protection Section

cc: Governor's Office of Planning and Research
State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, CA 95814

Encroachment Permits Fact Sheet

Basis for Authority

State law (Water Code Sections 8534, 8608, 8609, and 8710 – 8723) tasks the Reclamation Board with enforcing appropriate standards for the construction, maintenance, and protection of adopted flood control plans. Regulations implementing these directives are found in California Code of Regulations (CCR) Title 23, Division 1.

Area of Reclamation Board Jurisdiction

The adopted plan of flood control under the jurisdiction and authority of the Reclamation Board includes the Sacramento and San Joaquin Rivers and their tributaries and distributaries and the designated floodways.

Streams regulated by the Reclamation Board can be found in Title 23 Section 112. Information on designated floodways can be found on the Reclamation Board's website at http://recbd.ca.gov/designated_floodway/ and CCR Title 23 Sections 101 - 107.

Regulatory Process

The Reclamation Board ensures the integrity of the flood control system through a permit process (Water Code Section 8710). A permit must be obtained prior to initiating any activity, including excavation and construction, removal or planting of landscaping within floodways, levees, and 10 feet landward of the landside levee toes. Additionally, activities located outside of the adopted plan of flood control but which may foreseeable interfere with the functioning or operation of the plan of flood control is also subject to a permit of the Reclamation Board.

Details regarding the permitting process and the regulations can be found on the Reclamation Board's website at <http://recbd.ca.gov/> under "Frequently Asked Questions" and "Regulations," respectively. The application form and the accompanying environmental questionnaire can be found on the Reclamation Board's website at <http://recbd.ca.gov/forms.cfm>.

Application Review Process

Applications when deemed complete will undergo technical and environmental review by Reclamation Board and/or Department of Water Resources staff.

Technical Review

A technical review is conducted of the application to ensure consistency with the regulatory standards designed to ensure the function and structural integrity of the adopted plan of flood control for the protection of public welfare and safety. Standards and permitted uses of designated floodways are found in CCR Title 23 Sections 107 and Article 8 (Sections 111 to 137). The permit contains 12 standard conditions and additional special conditions may be placed on the permit as the situation warrants. Special conditions, for example, may include mitigation for the hydraulic impacts of the project by reducing or eliminating the additional flood risk to third parties that may caused by the project.

Additional information may be requested in support of the technical review of

your application pursuant to CCR Title 23 Section 8(b)(4). This information may include but not limited to geotechnical exploration, soil testing, hydraulic or sediment transport studies, and other analyses may be required at any time prior to a determination on the application.

Environmental Review

A determination on an encroachment application is a discretionary action by the Reclamation Board and its staff and subject to the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code 21000 et seq.). Additional environmental considerations are placed on the issuance of the encroachment permit by Water Code Section 8608 and the corresponding implementing regulations (California Code of Regulations – CCR Title 23 Sections 10 and 16).

In most cases, the Reclamation Board will be assuming the role of a “responsible agency” within the meaning of CEQA. In these situations, the application must include a certified CEQA document by the “lead agency” [CCR Title 23 Section 8(b)(2)]. We emphasize that such a document must include within its project description and environmental assessment of the activities for which are being considered under the permit.

Encroachment applications will also undergo a review by an interagency Environmental Review Committee (ERC) pursuant to CCR Title 23 Section 10. Review of your application will be facilitated by providing as much additional environmental information as pertinent and available to the applicant at the time of submission of the encroachment application.

These additional documentations may include the following documentation:

- California Department of Fish and Game Streambed Alteration Notification (<http://www.dfg.ca.gov/1600/>),
- Clean Water Act Section 404 applications, and Rivers and Harbors Section 10 application (US Army Corp of Engineers),
- Clean Water Act Section 401 Water Quality Certification, and
- corresponding determinations by the respective regulatory agencies to the aforementioned applications, including Biological Opinions, if available at the time of submission of your application.

The submission of this information, if pertinent to your application, will expedite review and prevent overlapping requirements. This information should be made available as a supplement to your application as it becomes available. Transmittal information should reference the application number provided by the Reclamation Board.

In some limited situations, such as for minor projects, there may be no other agency with approval authority over the project, other than the encroachment permit by Reclamation Board. In these limited instances, the Reclamation Board

may choose to serve as the "lead agency" within the meaning of CEQA and in most cases the projects are of such a nature that a categorical or statutory exemption will apply. The Reclamation Board cannot invest staff resources to prepare complex environmental documentation.

Additional information may be requested in support of the environmental review of your application pursuant to CCR Title 23 Section 8(b)(4). This information may include biological surveys or other environmental surveys and may be required at anytime prior to a determination on the application.



S J C O G, Inc.

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 Meissner, City of Manteca Community Development Department
From: Erin Sickler, SJCOG, Inc.
Date: January 25, 2007
Re: **Lead Agency Project Title:** Stadium Center Phase III
Lead Agency Project Number: NOP for Draft EIR
Assessor Parcel Number(s): 177-050-10

Total Acres to be converted from Open Space Use: ± 16 acres

Habitat Types to be Disturbed: Agricultural Land

Species Impact Findings: Findings to be determined by SJMSCP biologist.

Dear Mr. Meissner:

SJCOG, Inc. has reviewed the Notice of Preparation for the Stadium Center EIR Phase III project. It is suggested that this project participate in the SJMSCP. The language stated in 5.4 is consistent with SJMSCP requirements. This project is located immediately north of State Route 120 at the southeast corner of the intersection of Daniels and South Airport Way. Please contact staff when necessary to complete the following conditions.

San Joaquin County 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.

This Project is subject to the SJMSCP. This can be up to a 30 day process and it is recommended that the project applicant contact SJMSCP staff as early as possible.

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



Land Services, 4040 West Lane, Stockton, CA 95204

February 2, 2007

City of Manteca
c/o Community Development Dept.
Planning Division
1001 West Center Street
Manteca, CA 95337
Attn: Mark Meissner

RECEIVED

FEB 06 2007

Community Development Department

RE: Draft Environmental Impact Report (DEIR)
For: Stadium Center Phase III EIR project
Loc: Daniels Street at S. Airport Way, Manteca
PG&E File : WL 615- 40618523, 40138970

Dear Mr. Meissner,

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

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 requesting party 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 requesting party should be encouraged to consult with PG&E as early in their planning stages as possible.

Relocations of PG&E's electric transmission and substation facilities (50,000 volts and above) could also require formal approval from the California Public Utilities Commission. If required, this approval process could take up to two years to complete. Proponents with development plans which could affect such electric transmission facilities should be referred to PG&E for additional information and assistance in the development of their project schedules.

We would also like to note that continued development consistent with the City'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.

Expansion of distribution and transmission lines and related facilities is a necessary consequence of growth and development. In addition to adding new distribution feeders, the range of electric system improvements needed to accommodate growth may include upgrading existing substation and transmission line equipment, expanding existing substations to their ultimate buildout capacity, and building new substations and interconnecting transmission lines. Comparable upgrades or additions needed to accommodate additional load on the gas system could include facilities such as regulator stations, odorizer stations, valve lots, distribution and transmission lines.

We would like to recommend that environmental documents for proposed development projects include adequate evaluation of cumulative impacts to utility systems, the utility facilities needed 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.

PG&E remains committed to working with the City 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.

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.

Should you require any additional information or have any questions, please call me at (209) 942-1419.

Sincerely,



Alfred Poon

Land Agent

Land Rights Protection

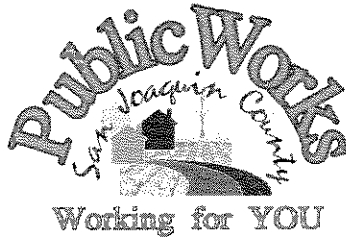
Northern Area

External: (209) 942-1419

Fax: (209) 942-1485



THOMAS R. FLINN
DIRECTOR



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THOMAS M. GAU
CHIEF DEPUTY DIRECTOR

MANUEL SOLORIO
DEPUTY DIRECTOR

STEVEN WINKLER
DEPUTY DIRECTOR

ROGER JANES
BUSINESS ADMINISTRATOR

February 6, 2007

RECEIVED FEB 07 2007

Mr. Mark Meissner
City of Manteca
1001 West Center Street
Manteca, California 95337

SUBJECT: NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE STADIUM CENTER PHASE III

Dear Mr. Meissner:

The San Joaquin County Department of Public Works has reviewed the above mentioned document and has the following comments:

- 1) The project shall be subject to the recently-adopted Regional Transportation Impact Fee. The City of Manteca shall collect this fee from the applicants.
- 2) The County is interested in reviewing the Traffic and Circulation impact analysis that will be prepared as part of this DEIR. The traffic impact analysis should consider any County roadway facilities that may be impacted by the project and identify adequate mitigation. Specifically, the County is interested in whether the project will impact the following County facilities:
 - a. Airport Way (from Louise Avenue to Union Pacific Railroad)
 - b. Airport Way/Louise Avenue intersection (north leg)
 - c. Airport Way/Lathrop Road intersection (west and north legs)
 - d. Airport Way/Woodward Avenue intersection (west and south legs)

Should it be determined that mitigation is necessary, the City of Manteca should require either the full provision of mitigation, or the collection of the proposed project's fair share.

- 3) The Draft Environmental Impact Report should include an operational analysis of STAA trucks going to and coming from Lowe's via State Highway Route 120 and all roadways serving as an access route.
- 4) Short-term impacts due to construction should be addressed and all proposed traffic control plans should be routed to County Public Works for review and approval.

Thank you for the opportunity to comment. Should you have any questions or need additional information, please contact me at avallejo@sjgov.org or 468-8494.

Sincerely,

ANDREA VALLEJO
Associate Planner

AV:to
TP-7B011-T1

- c: Thomas K. Okamoto, Traffic Engineer
Michael C. Selling, Senior Civil Engineer
Adam Brucker, Senior Transportation Planner
Dwayne B. Sabiniano, Engineering Assistant II

February 7, 2007

Mark Meissner
City of Manteca
Community Development Department
1001 West Center Street
Manteca, CA 95337

Project: Stadium Center Phase III

Subject: CEQA comments regarding the NOP for the DEIR for the Lowe's Home Improvement Warehouse and four retail buildings to be located at the southeast corner of Daniels Street and South Airport Way

District Reference No: 200700025

Dear Mr. Meissner:

The San Joaquin Valley Air Basin is currently designated as serious non-attainment for Ozone and non-attainment (no classification) for PM2.5. On October 30, 2006, the US EPA found that the San Joaquin Valley had attained the PM10 standard. The US EPA based its determination upon monitoring data demonstrating that the ambient air quality had met the requirements for attainment. The US EPA's finding does not change the District's classification as a serious PM10 non-attainment to attainment area. However, re-designation from serious non-attainment to attainment requires additional documentation and will occur at some future date.

The District recommends that the air quality section of the EIR have four main components:

1. **A 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 San Joaquin Valley Air Basin (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 GAMAQI provides air monitoring data and other relevant information for PM-10 and other pollutants. The most recent air quality data for the District is Available on the California Air Resources Board (ARB) 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>. Additionally, this section should also contain a discussion regarding growth projections that the City of Manteca provided to the District (through the San Joaquin COG) for inclusion in the Ozone and PM10 Attainment Plans and any impacts this project will have on Federal Conformity for San Joaquin County and the SJVAB. Lastly, this section should clearly describe the air pollution regulatory authority of the District and ARB for the various emission sources at the Stadium Center Phase III complex.

- 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 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 (reactive organic gases, nitrogen oxides, carbon monoxide, and PM10) and emission generated from stationary 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). The most current version of the URBEMIS model may be used to quantify these emissions.

Ozone Precursors – The District recommends using the regional transportation model to quantify mobile source emissions, but in some cases it may be possible to use the most current URBEMIS program to calculate project area and operational emissions. San Joaquin County may be able to provide assistance with the regional transportation model. The District recommends using the most current URBEMIS program to calculate project area and operational emissions and to identify mitigation measures that reduce impacts. URBEMIS can be downloaded from <http://www.urbemis.com/> or the South Coast Air Quality Management District's website at <http://www.aqmd.gov/ceqa/urbemis.html>. If the analysis reveals that the emissions generated by this project will exceed the District's thresholds, this project may significantly impact the ambient air quality if not sufficiently mitigated. The project applicant or consultant is encouraged to consult with District staff for assistance in determining appropriate methodology and model inputs.

Toxic Air Pollutants – The air analysis should discuss any District or State regulations for identifying and reducing toxic pollutants and should describe how the City of Manteca would address future projects with sensitive receptors near existing sources that emit toxic pollutants and the citing of new sources of toxic pollutants in the plan area. Potential sources that emit toxic pollutants include project operations, and vehicles (the ARB has designated diesel particulate emissions as a toxic air contaminant). If the project is near sensitive receptors the District should be contacted to determine if the project developer should perform a Health Risk Assessment (HRA). An HRA should include a discussion of the toxic risk associated with the proposed project, including project equipment, operations, and vehicles. The GAMAQI defines the significance levels for toxic impacts as a cancer risk greater than 10 in a million and/or a hazard index (HI) of 1.0 or greater for chronic non-carcinogenic or acute risks.

HRA guidelines promulgated by the California Office of Environmental Health Hazard Assessment (OEHHA) and OEHHA toxicity criteria must be used. In addition, the applicant should also refer to the District's "Guidance for Air Dispersion Modeling" document found on the District's web page for additional guidance.

The District recommends use of the latest version of the Hot Spots Analysis and Reporting Program (HARP) released by ARB for an HRA because it is the only software that is compliant with the OEHHA guidelines.

The project consultant should contact the District to review the proposed modeling approach before modeling begins. For more information on HAPs analyses, please contact Mr. Leland Villalvazo, Supervising Air Quality Specialist, at (559) 230-6000 or hramodeler@valleyair.org.

Carbon Monoxide Hotspot Analysis – Results of the traffic study should be used to identify intersections and corridors with high levels of congestion that may result in a carbon monoxide (CO) hot spot. CO hot spots should be screened 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 CO Protocol to experience high levels of CO should be modeled using the most current CALINE dispersion model. The procedure for using the current EMFAC model to calculate emission factors to be used in the CALINE modeling can be downloaded at the Caltrans Division of Environmental Analysis site <http://www.dot.ca.gov/hq/env/air/pages/calinesw.htm>.

Odor Analysis – The proposed project should be analyzed to see if it is considered near a location of sensitive receptors (including residences) and if odor is a concern. The procedure outlined in the GAMAQI includes the following:

- Identify the location of sensitive receptors (including residences).
- Compare the distance to the nearest sensitive receptor to the distances in Table 4.2 of the GAMAQI. If the sensitive receptors are further away than the distances given in Table 4.2, no further analysis is required. The results should be documented in the EIR.

- Obtain any odor complaints against the facility or similar facilities from the local District office and the county's environmental health department.
- Review the complaints to determine the location of complainants relative to the facility.
- Identify any sensitive receptors at similar distances.
- Determine if emissions of odoriferous compounds will increase or decrease with implementation of the project.
- Draw any reasonable conclusions as to the probability that the project will generate odor complaints based on this analysis of complaint history.

Note that the emission of odiferous compounds should be mitigated as much as feasible if it is anticipated that the project will have a significant impact. For more information on odor impact analyses, please contact Mr. Leland Villalvazo, Supervising Air Quality Specialist, at (559) 230-6000, or hramodeler@valleyair.org.

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 Manteca 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.

The District does not consider compliance with District regulations to be mitigation. As such, emissions reductions as a result of compliance with District regulations should be considered as part of the project. Mitigation measures are those measures taken to lower emissions above and beyond what is required by compliance with District rules. The District believes this distinction is important because mitigation measures will require the preparation of a mitigation monitoring program that provides the schedule for implementation and the enforcement mechanism. The project will be subject to the following District rules:

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 www.valleyair.org/busind/comply/PM10/Reg VIII CAB.pdf.

Rule 2010 (Permits Required) This rule applies to any person who plans to or does operate, construct, alter, or replace any source operation, which may emit air contaminants or may reduce the emission of air contaminants. This project, or portions thereof, may be subject to District permitting requirements. If District permits are required, permit applications should be submitted to the District as soon as possible to avoid delays in the project. For further information or

assistance regarding permitting, the District's Small Business Assistance Office can be reached at (209) 557-6446.

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 4601 (Architectural Coatings) This rule limits volatile organic compounds from architectural coatings by specifying architectural coatings storage, clean up and labeling requirements and applies to any person who supplies, sells, offers for sale, applies, or solicits the application of any architectural coating.

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 9510 (Indirect Source Review) This rule was adopted to reduce the impacts of growth in emissions from all new development in the San Joaquin Valley. Rule 9510 requires applicants subject to the rule to provide information that enables the District to quantify construction, area and operational PM10 and NOx emissions, and potentially mitigate a portion of those emissions. Rule 9510 requires construction exhaust emissions to be reduced by 20 percent for NOx and 45 percent for PM10 when compared to the statewide fleet average or to pay an in lieu mitigation fee. The rule is applicable to any applicant (any person or entity that undertakes a development project), which upon full build out for retail/commercial uses is 2,000 square feet or more. An application must be filed with the District no later than concurrent with application with a local agency for the final discretionary approval. For more information and instruction, please contact the District's ISR staff by phone at (559) 230-5800 or by email at ISR@valleyair.org.

- 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)). 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. 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.

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call Jessica Willis at (559) 230-5818 and provide the reference number at the top of this letter.

Sincerely,

David Warner
Director of Permits Services

Arnaud Marjollet
Permit Services Manager

DW:jrw

cc: File