



**Planning Commission Staff Report  
 Item # 1, November 20, 2025  
 Variance No. PA-2400350  
 Prepared by: Alisa Goulart**

**PROJECT SUMMARY**

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**Application Information**

**Property Owner:** Harry S. and Parminder K. Shergill, TR  
**Project Applicant:** Paul C. Koslow

**Project Site Information**

**Project Address:** 11500 North Alpine Road, Stockton  
**Project Location:** On the east side of North Alpine Road, 1,045 feet south of East Live Oak Road, Stockton.

<b>Parcel Number (APN):</b>	063-050-35	<b>Water Supply:</b>	Private
<b>General Plan Designation:</b>	A/L	<b>Sewage Disposal:</b>	Private
<b>Zoning Designation:</b>	AL-5	<b>Storm Drainage:</b>	Private
<b>Project Size:</b>	5.0 acres	<b>100-Year Flood:</b>	No (X Levee)
<b>Parcel Size:</b>	5.0 acres	<b>Williamson Act:</b>	No
<b>Community:</b>	None	<b>Supervisorial District:</b>	4

**Environmental Review Information**

**CEQA Determination:** Notice of Exemption (Attachment D)

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This project is a Variance requesting a reduced front yard setback from zero (0) feet to -13.24 feet for an existing, unpermitted open fence consisting of 3-foot-high CMU block topped by 3-foot-high wrought iron, that is located within the County right-of-way of North Alpine Road.

**Recommendation**

1. Deny the Variance based on the inability to make Findings for Variance Nos. 1, 2, 3, and 4.

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# NOTIFICATION & RESPONSES

(See Attachment B, Response Letters)

**Public Hearing Notices**

Legal ad for the public hearing published in the Stockton Record: October 31, 2025.

Number of Public Hearing notices: 105

Date of Public Hearing notice mailing: October 31, 2025.

**Referrals and Responses**

- **Early Referral Date:** May 8, 2025

- **Project Referral with Environmental Determination Date:** September 10, 2025

Agency Referrals	Early Consultation	Public Hearing
<b>County Departments</b>		
Ag Commissioner		
Assessor		
Community Development		
Building Inspection		
Fire Prevention Bureau		
Code Enforcement		
Public Works	6/11/2025	
Surveyor		
Environmental Health	5/8/2025	
Sheriff's Office		
Mosquito & Vector Control		
Supervisor: District 4		
<b>State Agencies</b>		
Fish & Wildlife, Division: 2		
Native American Heritage Commission		
<b>Federal Agencies</b>		
F.E.M.A.		
U.S. Fish & Wildlife		

Agency Referrals	Early Consultation	Public Hearing
<b>Local Agencies</b>		
C.V.F.P.B.		
SEWD		
Waterloo-Morada Fire District		
S.J.C.O.G.		
Lodi Unified School District		
SJ Air Pollution Control District		
<b>Miscellaneous</b>		
P.G.&E.	5/12/2025 5/28/2025	
United Auburn Indian Community		
SJ Farm Bureau		
CA North Valley Yokuts Tribe		
Buena Vista Tribe Rancheria		
Lodi District Grape Growers Association		
Sierra Club		

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# ANALYSIS

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## Background

On December 9, 2021, Code Enforcement Case No. EN-2100364 was opened for an unpermitted 6-foot-high solid CMU block fence constructed at the subject property. Assuming the unpermitted fence was set on the front property line, this violated fencing standards outlined in the Development Title (Section 9-400.040) as a solid fence over 4 feet high is not permitted along the front property line and must be set back a minimum of 10 feet.

On April 15, 2022, a building permit application was submitted for a modified fence consisting of 3-foot-high CMU block topped by 3-foot-high wrought iron. With the included modifications, the fence qualified as an “open fence” eligible for placement on the property line. The submitted Site Plan inaccurately depicted the fence location and property lines, showing the fence constructed on the front property line. During review of building permits, the Planning Division reviews specifics relating to the property, including address/APN, property dimensions, existing and proposed development, and setbacks, however, the Planning Division cannot confirm the precise location of property lines. As a result, the applicant is responsible for knowing and accurately depicting all property lines and easements. To minimize liability during Site Plan approval of the building permit review, the Planning Division includes the following disclaimer on all Site Plans: **“APPLICANT SHALL BE RESPONSIBLE FOR DETERMINING LOCATION OF ALL PROPERTY LINES AND EASEMENTS.”** Building Permit No. BP-2201592 was subsequently approved and issued and the permit was finalized on May 3, 2022. The enforcement case was then closed.

On May 11, 2022, the Department of Public Works (Public Works) received a complaint concerning the construction of an unpermitted fence with electrical and the filling of a drainage ditch at this location. A subsequent survey conducted by Public Works confirmed that the fence encroached into the public right-of-way along Alpine Road. The property owner was subsequently notified of these findings.

On June 10, 2022, Code Enforcement Case No. EN-2200283 was opened to include unpermitted electrical lights added to the above fence. The violation remains under enforcement.

On January 30, 2024, representatives from the Community Development Department (CDD) and Public Works met with the property owner and their representative to discuss the location of the fence and potential remedies to address the issue. A follow-up meeting was held on August 15, 2024, with CDD, Public Works, and the property owner to review the previously discussed options and to outline the necessary actions required of the property owner.

On September 3, 2024, Variance application PA-2400350 was submitted.

## Development Title Regulations

The following sections of Development Title Section 9-400.040 Fencing and Screening apply to this application:

(a)(1) - Placement. Fences and screening can be constructed anywhere on a lot.

(b)(1) - Height Limits and Required Setbacks. Table 9-400.040-B establishes height limits for closed fences, which create a solid barrier, and open fences, which have separations allowing views into the interior of the lot at a ratio of 2:1, open to closed.

Table 9-400.040-B - Permits a maximum 4-foot closed or 8-foot open fence on the front and street side property lines of a lot.

Therefore, Development Title regulations permit closed fences up to 4 feet in height along front and street-side property lines, while open fences – defined as having a minimum 2:1 open-to-closed ratio - are allowed up to 8 feet. The subject fence, as shown on the applicant’s Site Plan, may be permitted if constructed on the property line.

## **Department of Public Works**

In comments dated June 11, 2025, the Department of Public Works indicated that it was willing to issue an encroachment permit for the subject fence, subject to several conditions. These include the applicant maintaining an insurance policy naming the County as an additional insured and indemnifying the County against any liability, among other requirements.

### **Findings for Variance**

Pursuant to Development Title Section 9-805.010, a Variance provides a means of altering the requirements of the Title in specific instances where the strict application of those requirements would deprive a property of privileges enjoyed by other properties in the vicinity and under identical zoning, due to special circumstances applicable to the property involved.

Before approving a Variance application, the Planning Commission must affirmatively make all four (4) required findings listed below. The applicant has provided justification in support of each finding. However, the Community Development Department (CDD) has reviewed the applicant's statements and determined that none of the required findings can be made in the affirmative.

#### **Finding 1. Special Circumstances.**

*Because of the special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the regulation deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification;*

##### **Applicant Proposed Finding:**

"The existence of the concrete block wall within the right of way in favor of the County of San Joaquin does not impair or affect traffic on N. Alpine Road."

##### **CDD Comment:**

The applicant's finding does not demonstrate the existence of a special circumstance. The project site is located in the Limited Agriculture, 5-acre minimum (AL-5) zone. The AL zone permits open fences to be constructed on front property lines provided they meet specific design standards. However, the existing fence was installed approximately 13.24 feet into the public right-of-way of Alpine Road, beyond the property boundary. The improper placement of the fence constitutes an error but is not a special circumstance. Therefore, this finding cannot be made in the affirmative.

#### **Finding 2. No Detriment.**

*The Variance will not be detrimental or injurious to property or improvements in the vicinity of the subject property, or the public health, safety or general welfare;*

##### **Applicant's Proposed Finding:**

"No other property or improvements are affected in any detrimental or injured by the existence of the block wall within the right-of-way easement."

##### **CDD's Comment:**

The existing fence was constructed approximately 13.24 feet into the public right-of-way of Alpine Road, positioned approximately 18 feet from the edge of the paved roadway. If properly sited on the property line, the fence would be located approximately 31 feet from the edge of the paved roadway. Its current location within the public right-of-way may pose a potential hazard and could be detrimental or injurious to public safety. Therefore, this finding cannot be made in the affirmative.

#### **Finding 3. No Special Privileges.**

*The granting of the Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated;*

Applicant's Proposed Finding:

"Granting of the variance is conditioned upon the County of San Joaquin being named as an additional named insured on the general liability insurance policy covering the property. In the future if it is necessary to widen N. Alpine Road, then the concrete block wall is to be relocated off of the right of way easement and a Notice of Variance to be recorded with the County Recorder."

CDD's Comment:

The existing fence has been installed within the County right-of-way, 13.24 feet beyond the property line. The Development Title does not allow for the placement of private fences outside of a property boundary. As a result, granting this Variance, and allowing the fence to remain within the public right-of-way, would constitute a grant of special privilege inconsistent with the limitations placed on other properties. Although the Department of Public Works has required, as a condition of approval, that the property owner name San Joaquin County as an additional insured, this insurance requirement is a condition if the Variance is approved and does not establish that the fence does not constitute a special privilege. Subsequently, this finding cannot be made in the affirmative.

**Finding 4. Use Authorized.**

*The Variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property.*

Applicant's Proposed Finding:

"Allowing the concrete block wall to remain does not alter the zone regulation for the property."

CDD's Comment:

While fences are permitted in the AL-5 zone, the Development Title establishes specific standards regarding fence placement and height. Because the existing fence does not comply with the placement requirements, approval of this Variance would effectively authorize a use not otherwise permitted under the applicable zoning regulations. Therefore, this finding cannot be made in the affirmative.

**Neighborhood Comment**

The Community Development Department received 3 letters of opposition as well as a submittal containing of photographs, maps, and other materials related to the subject property. The primary concern raised is that Alpine Road serves as a route for agricultural equipment due to the surrounding agricultural land use, and the encroaching fence may hinder the safe passage of such equipment along the roadway.

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## RECOMMENDATION

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It is recommended that the Planning Commission:

### **Recommendation**

1. Deny the Variance based on the inability to make Findings for Variance numbers 1, 2, 3, and 4.

### **Attachments:**

Attachment A – Site Plan  
Attachment B – Agency Response Letters  
Attachment C – Opposition Submissions  
Attachment D – Environmental Document (Notice of Exemption)  
Attachment E – Findings for Variance

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**Attachment A**  
**Site Plan**

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## **Attachment B**

### **Agency Response Letters**

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COUNTY  
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**Department of Public Works**

**Fritz Buchman, Director**

**Alex Chetley, Deputy Director - Development**  
**Kristi Rhea, Deputy Director - Administration**  
**David Tolliver, Deputy Director - Operations**  
**Najee Zarif, Deputy Director - Engineering**

June 11, 2025

**M E M O R A N D U M**

**TO:** Community Development Department  
CONTACT PERSON: Alisa Goulart

SR

**FROM:** Shayan Rehman, Engineering Services Manager  
Development Services Division

**SUBJECT:** PA-2400350 (VR); A Variance application to reduce the minimum setback for an existing masonry wall as follows:  
Front Setback: Reduce from 0 feet to 13.24 feet into the public right-of-way  
Side Setback: Reduce from 0 feet to a maximum of 3.79 feet into the adjacent property to the north (APN: 063-050-58).  
This property is not under Williamson Act Contract. The Property is zoned AL-5 (Limited Agriculture, 5-acre minimum) and the General Plan designation is A/L (Limited Agriculture); located on the east side of N. Alpine Road, 1118 feet south of E. Live Oak Road, Stockton.  
(Supervisorial District 4)

**OWNER:** Harry S. & Parminder K Shergill

**APPLICANT:** Paul Kozlow

**ADDRESS:** 11500 Alpine Rd.  
Stockton, CA 95212

**APN:** 063-050-35, -58

**INFORMATION:**

The site is currently located within a Federal Emergency Management Agency Designated Flood Hazard Area designated as shaded Zone X.

Alpine Road has an existing and planned right-of-way width of 80 feet.

THESE CONDITIONS OF APPROVAL PERTAIN TO THE COUNTY RIGHT-OF-WAY AND THE FRONT SETBACK VARIANCE; THEY DO NOT APPLY OR CONSTITUTE APPROVAL BY PUBLIC WORKS FOR THE SIDE SETBACK VARIANCE.

## RECOMMENDATIONS:

- 1) An encroachment permit shall be required for all work within road right-of-way. (Note: Driveway encroachment permits are for flatwork only – all vertical features, including but not limited to fences, walls, private light standards, rocks, landscaping and cobbles are not allowed in the right-of-way.) (Development Title Sections 9-607.020 and 9-607.040)
- 2) Any modification to the roadside ditch shall require an encroachment permit and be designed to County Improvement Standards.
- 3) The driveway approach shall be improved in accordance with the requirements of San Joaquin County Improvement Standards Drawing No. R-17. (Development Title Section 9-607.040)
- 4) Prior to issuance of an encroachment permit, the property owner shall record a Declaration of Covenants that shall include the following statements and requirements:
  - a) Maintain, in perpetuity, insurance coverage of \$1 million (minimum) until the masonry wall is removed. The Certificate of insurance shall name San Joaquin County as additional insured. Any failure to maintain and provide written documentation to the County shall be grounds for removal or relocation of the wall and any appurtenances, at no cost to the County.
  - b) Indemnify the County from any liability associated with the masonry wall, including legal fees.
  - c) No structures shall be permitted between the property line and masonry wall.
  - d) The property owner shall relocate, at no expense to the County, the wall and any appurtenances installed, if and when made necessary by the County for use of the right-of-way, at the County's sole discretion.

SR:GM



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— COUNTY —  
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## Environmental Health Department

**Jasjit Kang, REHS, Director**

Muniappa Naidu, REHS, Assistant Director

**PROGRAM COORDINATORS**

Jeff Carruesco, REHS, RDI

Willy Ng, REHS

Steven Shih, REHS

Elena Manzo, REHS

Natalia Subbotnikova, REHS

May 8, 2025

To: San Joaquin County Community Development Department  
Attention: Alisa Goulart

From: Aaron Gooderham (209) 616-3062 *AG*  
Senior Registered Environmental Health Specialist

RE: **PA-2400350 (VR), Early Consultation, SU-2500511**  
**11500 N. Alpine Road, Stockton**

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The Environmental Health Department has the following comment: All Onsite Wastewater Treatment Systems (OWTS) must comply with San Joaquin County Local Agency Management Program (LAMP) and current OWTS standards.

1868 E. Hazelton Avenue | Stockton, California 95205 | T 209 468-3420 | F 209 464-0138 | [www.sjgov.org/ehd](http://www.sjgov.org/ehd)



May 12, 2025

**Gerry Altamirano**  
Office Assistant Specialist  
(209) 468-3121

Ref: Gas and Electric Transmission and Distribution

Dear Gerry Altamirano,

Thank you for submitting the **PA-2400350 (VR)** project plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: <https://www.pge.com/en/account/service-requests/building-and-renovation.html>.
2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.
3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team  
Land Management

### Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf>

1. **Standby Inspection:** A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.
2. **Access:** At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.
3. **Wheel Loads:** To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. **Grading:** PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.
5. **Excavating:** Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 24 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch

wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [ $24/2 + 24 + 36/2 = 54$ ] away, or be entirely dug by hand.)

Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 24 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible ( $90^\circ \pm 15^\circ$ ). All utility lines crossing the gas pipeline must have a minimum of 24 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.

11. Cathodic Protection: PG&E pipelines are protected from corrosion with an "Impressed Current" cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.

## Attachment 2 – Electric Facilities

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. Buildings and Other Structures: No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as "RESTRICTED USE AREA – NO BUILDING."
2. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
3. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&E's facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
4. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), plant only low-growing shrubs under the wire zone and only grasses within the area directly below the tower. Along the border of the transmission line right-of-way, plant only small trees no taller than 10 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
5. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
6. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.
7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.

8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 ([http://www.cpuc.ca.gov/gos/GO95/go\\_95\\_startup\\_page.html](http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html)) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.



Pacific Gas and Electric Company  
PGEPlanReview@pge.com  
Land Management  
300 Lakeside Drive  
Oakland, CA 94612

May 28, 2025

Re: Gas and Electric Transmission and Distribution

Dear Gerry Altamirano,

Thank you for providing PG&E the opportunity to review your proposed plans for PA-2400350 (VR). Our review indicates the proposed work and/or improvements do not appear to directly interfere with any of PG&E's existing facilities or land rights.

Please note, this is our preliminary review and PG&E may provide additional comments in the future as the project progresses or if additional information is provided. If there are subsequent modifications made to the design, we ask that the plans be resubmitted for review to the email address listed below.

If PG&E gas and/or electric service are needed, please submit an application through PG&E's Your Project Portal: [Sign In \(yourprojects-pge.com\)](https://yourprojects-pge.com).

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of two (2) working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

If you have any questions regarding this response, please contact me at (877) 259-8314 or [pgeplanreview@pge.com](mailto:pgeplanreview@pge.com)

Sincerely,

PG&E Plan Review Team  
Land Management



FEMA

November 12, 2025

Jennifer Jolley, Director  
San Joaquin County  
Community Development Department  
1810 East Hazelton Avenue  
Stockton, California 95205

Dear Ms. Jolley:

This is in response to your request for comments regarding Notice of Special Public Hearing, on Variance No. PA 2400350 (east side of N. Alpine Road, 1118 feet south of E. Live Oak Road, Stockton) (Supervisory District 4).

Please review the current effective Flood Insurance Rate Maps (FIRMs) for the County of San Joaquin ((Community Number 060299), Maps revised October 20, 2016, and City of Stockton (Community Number 060302), Maps revised October 16, 2009. Please note that the City of Stockton, San Joaquin County, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.
- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any *development* must not increase base flood elevation levels. **The term *development* means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

[www.fema.gov](http://www.fema.gov)

Jennifer Jolley, Director,  
Page 2  
November 12, 2025

- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at <http://www.fema.gov/business/nfip/forms.shtm>.

**Please Note:**

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The Stockton floodplain manager can be reached by calling John Schweigert, Building Official, at (209) 937-8561. The San Joaquin County floodplain manager can be reached by calling V. Venki Narasimhalu, Senior Water Resources Engineer, at (209) 953-7611.

If you have any questions or concerns, please do not hesitate to contact Gabriel Riggle at [gabriel.riggle@fema.dhs.gov](mailto:gabriel.riggle@fema.dhs.gov) of the Mitigation staff.

Sincerely,

**XING LIU**

Digitally signed by XING LIU  
Date: 2025.11.13 13:44:28  
-08'00'

Xing Liu, Branch Chief  
Floodplain Management and Insurance Branch

cc:

John Schweigert, Building Official, City of Stockton  
V. Venki Narasimhalu, Senior Water Resources Engineer, San Joaquin County  
Alex Acosta, State of California, Department of Water Resources, North Central Region Office,  
Anntonette Duncan, DWR NFIP Coordinator, State of California, Sacramento Headquarters Office  
Gabriel Riggle, Emergency Management Specialist, DHS/FEMA Region IX  
Jakob Crockett, Acting Environmental Officer, DHS/FEMA Region IX

[www.fema.gov](http://www.fema.gov)

**From:** [Rehman, Shayan \[PW\]](#)  
**To:** [alpineroadneighbors@gmail.com](mailto:alpineroadneighbors@gmail.com)  
**Cc:** [Cooper, Scott \[PW\]](#); [Goulart, Alisa \[CDD\]](#); [Stowers, Stephanie \[CDD\]](#)  
**Subject:** RE: 11500 Alpine Road - Wall in County Right Away  
**Date:** Tuesday, June 24, 2025 2:54:10 PM

---

Hello,

Thank you for contacting the County regarding the masonry wall at 11500 Alpine Road. I've included Alisa Goulart with the Community Development Department, who is the lead planner on the variance planning application. She can assist by providing a status update on this application and future hearing dates.

Thank you,

***Shayan Rehman, P.E., CFM***

Engineering Services Manager - Public Services  
(209) 468-3023

---

**From:** Alpine Road Neighbors <[alpineroadneighbors@gmail.com](mailto:alpineroadneighbors@gmail.com)>  
**Sent:** Tuesday, June 24, 2025 2:36 PM  
**To:** Cooper, Scott [PW] <[scooper@sjgov.org](mailto:scooper@sjgov.org)>  
**Subject:** Re: 11500 Alpine Road - Wall in County Right Away

Please forward the previous email to Mr. Shayan Rehman. Thank you

---

**From:** Alpine Road Neighbors <[alpineroadneighbors@gmail.com](mailto:alpineroadneighbors@gmail.com)>  
**Sent:** Monday, June 9, 2025 1:01 PM  
**To:** Cooper, Scott [PW] <[scooper@sjgov.org](mailto:scooper@sjgov.org)>  
**Subject:** 11500 Alpine Road - Wall in County Right Away

Mr Scott Cooper,

When is Harry Shergill removing the wall he built in the county right away at 11500 Alpine Road? This has been going on way too long. Neighbors are meeting to discuss our options against the county if he is not required to remove the wall.

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## **Attachment C**

### **Opposition Submissions**

This page intentionally left blank.

John Schallberger  
8422 Live Oak Rd  
Stockton, CA. 95212

September 20, 2025

San Joaquin County  
Community Development Department  
1810 East Hazelton Avenue  
Stockton, CA 95205

**Subject:** Opposition to Variance Request – Setback Reduction for Masonry Wall on Alpine Road

Dear Community Development Department,

I am writing to formally express my opposition to the variance application requesting a reduction in the minimum setback for the existing masonry wall that protrudes into the County right-of-way along Alpine Road.

As a local farmer who regularly moves farm equipment along Alpine Road multiple times each year, I am very concerned about the safety hazard this wall presents. Large agricultural equipment requires the full width of the roadway to operate safely, and any encroachment into the County right-of-way increases the risk of accidents for both farmers and the public. This wall creates an unnecessary obstacle and a dangerous narrowing of the available travel space.

Furthermore, this masonry wall has only been in place for a short amount of time. Its existence suggests it was built without proper permitting or County approval, since it clearly violates the required setback. Granting a variance now would not only legitimize an unsafe and noncompliant structure, but it would also set a troubling precedent for others to bypass permitting requirements and later seek after-the-fact approval.

I also believe it creates a visibility issue for vehicles pulling out of the northern residential properties. This is a safety concern for all involved.

For these reasons, I respectfully request that the County deny the variance application and require the removal or relocation of the wall to meet the proper setback requirements. This action would restore the full right-of-way to its intended purpose and protect the safety of all who use Alpine Road.

Thank you for considering my concerns on this important matter. I appreciate the County's commitment to public safety and proper land use enforcement.

Sincerely,

  
John Schallberger

John Schallberger, Sr.  
Marie Schallberger  
10799 N. Alpine Road.  
Stockton, CA 95212

September 22, 2025

San Joaquin County  
Community Development Department  
1810 East Hazelton Avenue  
Stockton, CA 95205

SUBJECT: Opposition to Variance Application #PA-2400350 (VR)

Dear Community Development Department,

We are writing to oppose the variance application PA-2400350 requesting a reduction in the minimum setback for the existing wall that protrudes into the County right-of-way along Alpine Road.

Vehicles driving Alpine Road encounter large farm equipment traffic on the roadway during Spring planting and Fall harvest. We farm on Alpine Road and Live Oak Road and continually move large farm equipment back and forth on Alpine and Live Oak Roads. We try to pull over for passing motorists, especially before and after the Bear Creek bridge. There is no way to pull over at the 11500 N. Alpine Road area because of the concrete wall encroachment into the County right-of-way. This increases the risk of accidents for both us farmers and the vehicles driving down Alpine Road.

We request that the County deny the variance application for the safety of all vehicles using Alpine Road.

Thank you,

Sincerely,



John Schallberger, Sr.  
Marie Schallberger

9/19/25

San Joaquin County – Community Development Department  
1810 E Hazelton Ave  
Stockton, CA 95205

Application #: PA-2400350 (VR)

To whom it may concern,

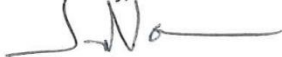
Cindy and I own the property just north of 11500 N Alpine Rd. Mr Harry Shergill installed a block wall 3.79' into our private access road. This is unacceptable, and needs to be removed immediately. There was never an agreement for Mr Shergill to encroach on our property, and he was warned multiple times during construction of the wall.

The road was built around 2001, and was designed to meet minimum width required by the fire department. The wall encroachment is a problem for several reasons:

- 1) The 3 neighbors to the north have owned and maintained the private access road for almost 25 years. Permission was never given to encroach into our property.
- 2) Cindy and I own a large RV trailer. It was already challenging to back my RV trailer into my driveway. Losing almost 4' makes it very difficult. The front of my truck comes within inches of hitting the block wall when backing in our driveway.
- 3) We have several parties a year. Our driveway is not big enough for all the cars, so people park along the private access road. The parked cars make the access road non-compliant with the fire department's minimum width requirement.

Please notify me of the San Joaquin County Planning Commission hearing date.

Sincerely,



Joseph & Cynthia Novara  
11564 N Alpine Rd  
Stockton, CA 95212  
(209) 403-7495

The following pages were submitted from a neighbor.





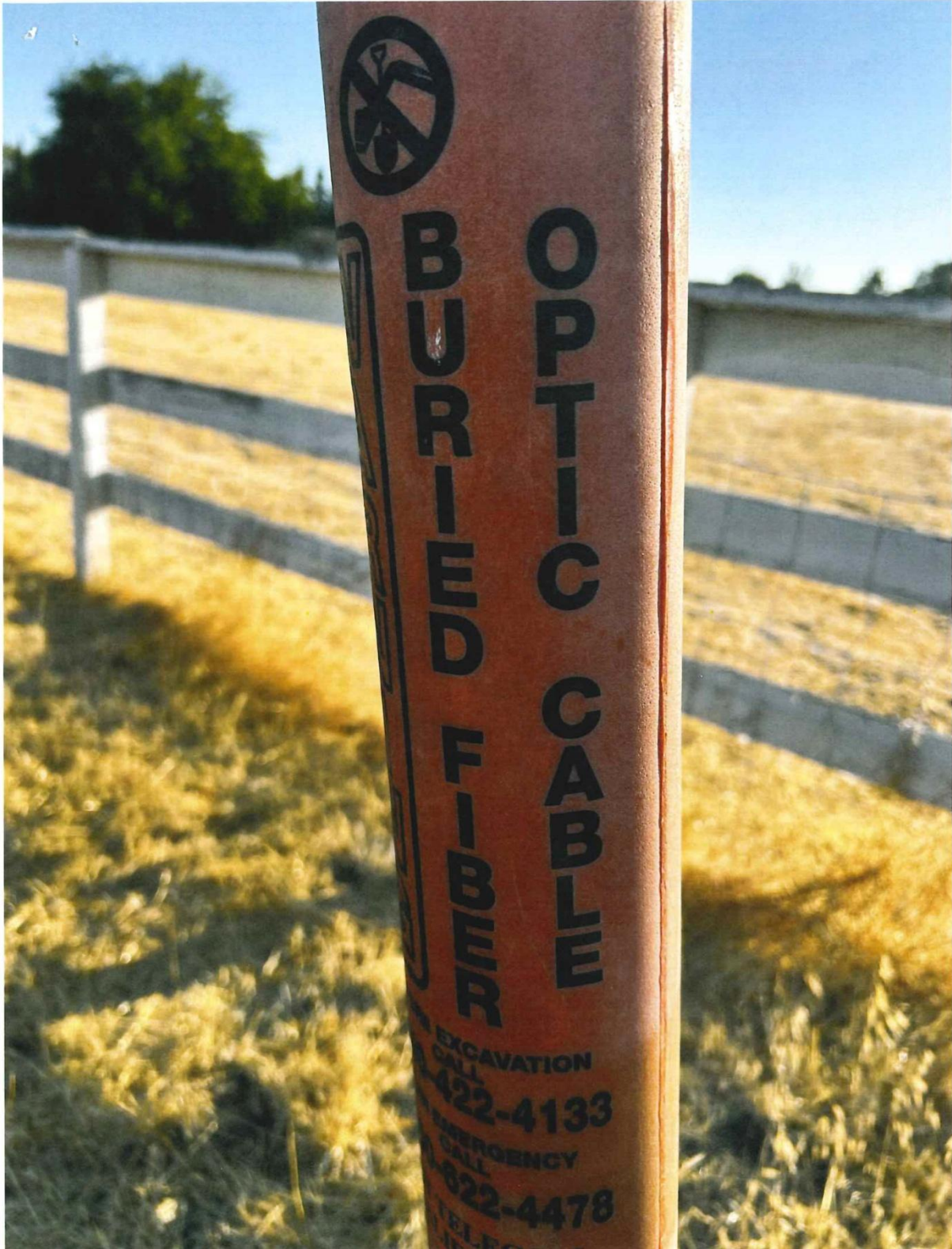




#4

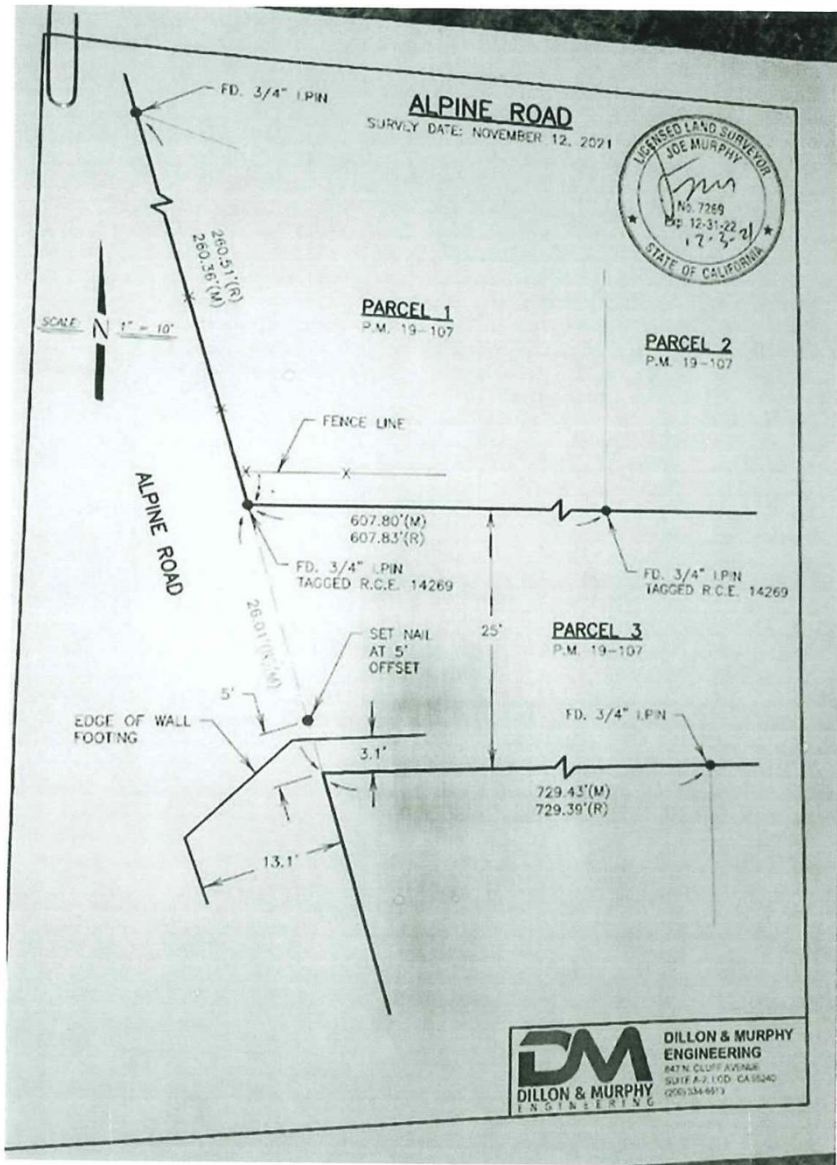








#5







# Community Development Department

At this site, anyone may research Building permit records dating back to 1992, Planning activities to 2019, Code Enforcement to 2010, and Business Licenses to 2000.

11500 alpine rd  Permit/En/BI Activites  SEARCH

Total Results: 7

Pages: 1

BP-2203885  Addresses **11500 N ALPINE RD, STOCKTON** Accessories Permit  Status **COR/REQ** ^

**Balance \$ 1544.32 PAY FULL**

Description

**REPLACE DETACHED GARAGE W/STOREAGE & WORKSHOP AND ELECTRICAL FOR LIGHTS AND PLUGS ACCESSORY TO SFR**

Type BLDRES: Residential Permit  
 Sub Type ACCESS: Accessories Permit  
 Addresses 11500 N ALPINE RD, STOCKTON  
 Parcels 06305035  
 Status COR/REQ  
 Valuation \$ 114720.00

People

Applicant DAVID MIRAFLOR

Dates

Initialized 08/25/2022  
 Issued  
 To Expire 02/21/2023  
 Last Inspection

**CHECK OR REQUEST INSPECTIONS**

Fees

Fees \$ 2293.45  
 Paid \$ 749.13  
 Balance \$ 1544.32 **PAY FULL**

EN-2200283  Addresses 11500 N ALPINE RD, STOCKTON Enforcement  Status **OPN/NOI** ^

<https://www.sjgov.org/commdev/cgi-bin/cdyn.exe?str=11500+alpine+rd&grp=main&htm=results&typ=apd>

1/3

Description

Building without permits, non-permitted Garage/Shop in rear property with electrical, (Non-Permitted Electrical lights Added to permitted masonry wall/fence)

Type ENFORCE: Jan 31,2022 Fee Update  
Sub Type ENFORCE: Enforcement  
Addresses 11500 N ALPINE RD, STOCKTON  
Parcels 06305035  
Status OPN/NOI  
Valuation \$ 0.00

Dates

Initialized 07/08/2022  
First Notice Sent 07/08/2022  
Final Notice Sent 08/17/2022

BP-2201592

Addresses 11500 N ALPINE RD, STOCKTON

Addition Remodel

Status FINAL ^

Description

CMU BLOCK WALL W/WROUGHT IRON FENCING, GATES, AND PILLARS AT SFR (EN-2100364)

Type BLDRES: Residential Permit  
Sub Type ADDN/REM: Addition Remodel  
Addresses 11500 N ALPINE RD, STOCKTON  
Parcels 06305035  
Status FINAL  
Valuation \$ 0.00

People

Applicant SHERGILL HARRY S & PARMINDER K

Dates

Initialized 04/15/2022  
Issued 04/15/2022  
To Expire 04/15/2023  
Last Inspection 05/03/2022: Approved (Building Permit Final)

CHECK OR REQUEST INSPECTIONS

Fees

Fees \$ 3464.00  
Paid \$ 3464.00

Balance \$ 0.00

EN-2100364 [Addresses 11500 N ALPINE RD, STOCKTON](#) Enforcement Status CLOSED ^

Description

Building without permits (sound wall with electrical); Building within required setbacks (minimum 30 feet from front property line & 10 feet from side property line required)

Type ENFORCE: Enforcement Activity  
 Sub Type ENFORCE: Enforcement  
 Addresses 11500 N ALPINE RD, STOCKTON  
 Parcels 06305035  
 Status CLOSED  
 Valuation \$ 0.00

Dates

Initialized 12/09/2021  
 First Notice Sent 12/09/2021  
 Final Notice Sent 01/24/2022

EN-2000232 [Addresses 11500 N ALPINE RD, STOCKTON](#) Weed Abatement Status CLOSED v

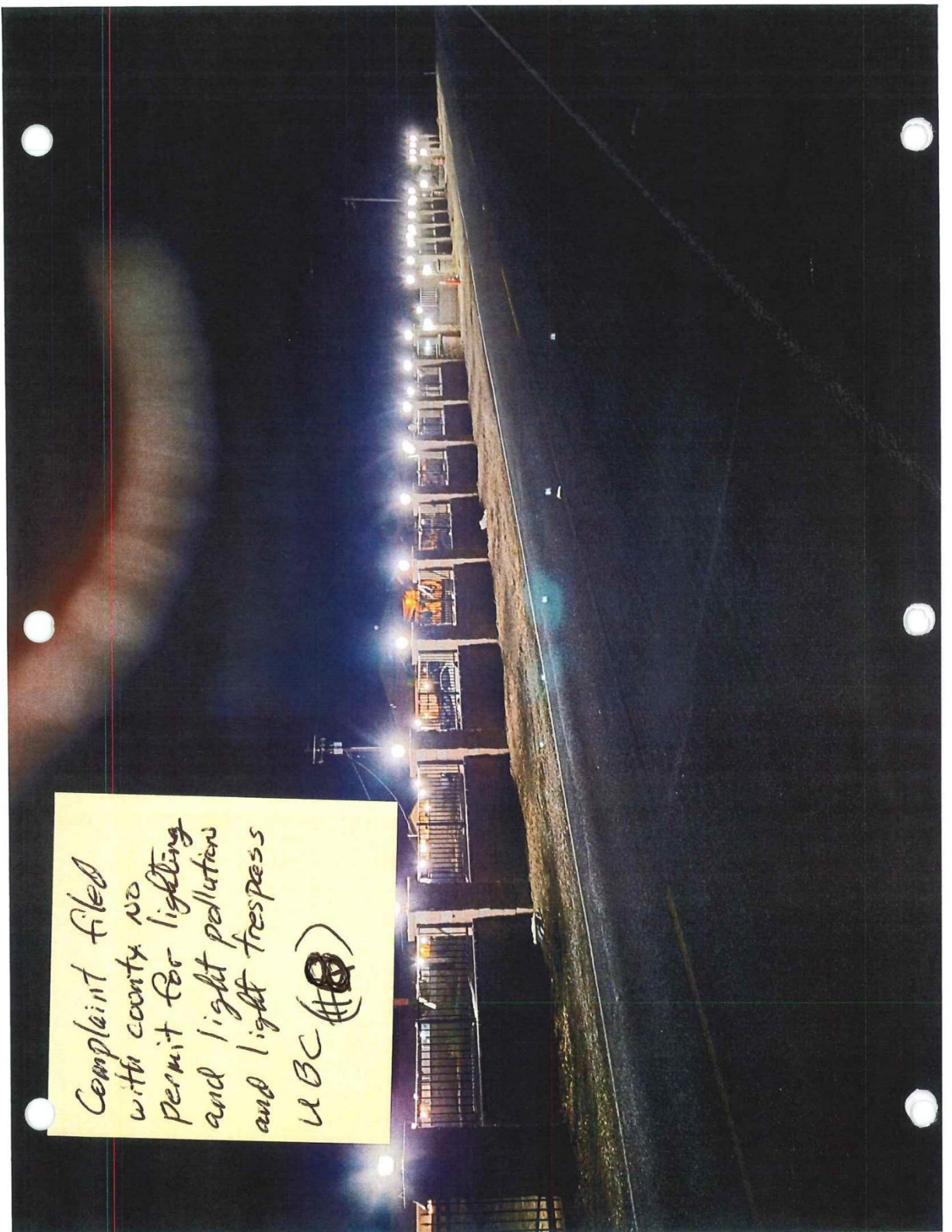
BP-0203808 [Addresses 11500 N ALPINE RD, STOCKTON](#) Heat/Air Status FINAL v

BP-9801946 [Addresses 11500 N ALPINE RD, STOCKTON](#) Reroof Permit (CVT) Status FINAL v

Total Results: 7

Pages: 1

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9/19/25

San Joaquin County – Community Development Department  
1810 E Hazelton Ave  
Stockton, CA 95205

Application #: PA-2400350 (VR)

To whom it may concern,

Cindy and I own the property just north of 11500 N Alpine Rd. Mr Harry Shergill installed a block wall 3.79' into our private access road. This is unacceptable, and needs to be removed immediately. There was never an agreement for Mr Shergill to encroach on our property, and he was warned multiple times during construction of the wall.

The road was built around 2001, and was designed to meet minimum width required by the fire department. The wall encroachment is a problem for several reasons:

- 1) The 3 neighbors to the north have owned and maintained the private access road for almost 25 years. Permission was never given to encroach into our property.
- 2) Cindy and I own a large RV trailer. It was already challenging to back my RV trailer into my driveway. Losing almost 4' makes it very difficult. The front of my truck comes within inches of hitting the block wall when backing in our driveway.
- 3) We have several parties a year. Our driveway is not big enough for all the cars, so people park along the private access road. The parked cars make the access road non-compliant with the fire department's minimum width requirement.

Please notify me of the San Joaquin County Planning Commission hearing date.

Sincerely,



Joseph & Cynthia Novara  
11564 N Alpine Rd  
Stockton, CA 95212  
(209) 403-7495



John Schallberger, Sr.  
Marie Schallberger  
10799 N. Alpine Road.  
Stockton, CA 95212

September 22, 2025

San Joaquin County  
Community Development Department  
1810 East Hazelton Avenue  
Stockton, CA 95205

SUBJECT: Opposition to Variance Application #PA-2400350 (VR)

Dear Community Development Department,

We are writing to oppose the variance application PA-2400350 requesting a reduction in the minimum setback for the existing wall that protrudes into the County right-of-way along Alpine Road.

Vehicles driving Alpine Road encounter large farm equipment traffic on the roadway during Spring planting and Fall harvest. We farm on Alpine Road and Live Oak Road and continually move large farm equipment back and forth on Alpine and Live Oak Roads. We try to pull over for passing motorists, especially before and after the Bear Creek bridge. There is no way to pull over at the 11500 N. Alpine Road area because of the concrete wall encroachment into the County right-of-way. This increases the risk of accidents for both us farmers and the vehicles driving down Alpine Road.

We request that the County deny the variance application for the safety of all vehicles using Alpine Road.

Thank you,

Sincerely,



John Schallberger, Sr.  
Marie Schallberger

Thank you for allowing me to speak about this matter,

My neighbors and I filed a lawsuit on this matter with the San Joaquin County Court system. MR. Shergil is asking you today to give him a variance to the north on our **private property**. Will our lawsuit be bypassed?

My name is Thomas Krause I built my home at 11512 North Alpine road 24 years ago. Not that long ago Mr. Shergil bought 11500 North Alpine Road. He immediately tore down a barn with no demolition permit and soon built a larger 40 x 60-foot permanent building where that barn had been! **After** it was **completed** the county found out that **no permit** was obtained **prior** to that construction, so **no inspections** were done during construction. SJ County saw this new building after our complaint to code enforcement about the new block wall fence that was being built 4 feet onto **our property** and 13 feet **into the public right of way** along Alpine Road, again **without a permit**. Permits were later <sup>obtained</sup> ~~granted~~ after construction was completed. SJ County also then saw that the county maintained ditch was filled in with a 330 foot long 24-inch pipe along Alpine Road. **Again without obtaining a permit**. In constructing the new wall 5 Heritage oak trees were cut down without permission **in the public right of way**. A USA digging permit was never obtained for digging before construction, the new fence crosses AT&T's buried fiber optics cable in 6 places, 2 end walls, and 4 entry walls. Mr. Shergil never knew his workers almost hit these cables which would have caused a HUGE and very expensive problem. **See pictures (#1 & 2)** Do you see the pattern here, only after being caught and construction was already completed were applications filled out, no inspections or permission were granted before or during construction, then forgiveness was asked for after! The County assessor was informed only after all the new construction was found. There are many different and flagrant **MAJOR VIOLATIONS committed by Mr. Shergill!!**

One day when I returned home from working for the Federal Government where I was employed. I was shocked by the trenching for the new wall being dug about 4 feet into **my driveway!** I approached Mr. Shergill who told me I was wrong, and he showed me his **county map 18-151 and a plot plan** he had. **(See #3 to6)** I showed him on his own map that it said "**FENCE ON LINE**" I then showed him that the existing fence line was almost 4 feet from where they had trenched and maps I had showing the 30 foot right of way along Alpine road. He insisted he was correct, and I was wrong, and wouldn't stop! My neighbor took a picture **(#7)** showing that old existing fence and the newly dug trench for his new block wall fence. I took a survey measuring wheel to check the county map measurements 729.4 feet from the **existing monument pins**, the wall is longer by 13 feet than the measurements on his own **PLOT PLAN, Mr. Shergill's and his workers didn't follow his own plot plan and the County maps in his possession at that time!** This proves this was deliberate and no mere accident. A licensed contractor would have never made such ignorant mistakes as proceeding on major projects with no permits, and not following dimensions on legal maps and the drawings made specifically for that job. Please note this block wall also obstructs the vision when entering Alpine Road looking south since it is so much closer to the road. Mr. Shergil has also planted new trees and bushes in the right of way, making it difficult to see the fast-moving traffic coming down Alpine Road. See Picture **(#8)** If this Variance is approved you now have notice, if there is ever an accident due to this wall blocking normal vision of traffic, San Joaquin County will also be sued for approving this variance.

Thank You

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**Attachment D**  
**Environmental Document**  
**(Notice of Exemption)**

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**Jennifer Jolley**, Director

**Eric Merlo**, Assistant Director

**Tim Burns**, Code Enforcement Chief

**Corinne King**, Deputy Director of Planning

**Jeff Niemeyer**, Deputy Director of Building Inspection

**NOTICE OF EXEMPTION**

TO:  Office of Planning & Research  
 P. O. Box 3044, Room 212  
 Sacramento, CA 95812-3044

FROM: San Joaquin County  
 Community Development Department  
 1810 East Hazelton Avenue  
 Stockton, CA 95205

County Clerk, County of San Joaquin

**Project Title:** Variance No. PA-2400350

**Project Location - Specific:** The project site is located on the east side of N. Alpine Road, 1118 feet south of E. Live Oak Road, Stockton. (APN/Address: 063-050-35 / 11500 N. Alpine Rd., Stockton) (Supervisorial District: 4)

**Project Location – City:** Stockton

**Project Location – County:** San Joaquin County

**Project Description:** Variance application to request a reduced front yard setback from zero (0) feet to -13.24 feet for an existing, unpermitted open fence consisting of 3-foot-high CMU block topped by 3-foot-high wrought iron, that is located within the County right-of-way of North Alpine Road.

The Property is zoned AL-5 (Limited Agriculture, 5-acre minimum) and the General Plan designation is A/L (Limited Agriculture).

**Project Proponent(s):** Harry S. & Parminder K Shergill / Paul Kozlow

**Name of Public Agency Approving Project:** San Joaquin County Planning Commission

**Name of Person or Agency Carrying Out Project:** Alisa Goulart, Associate Planner  
 San Joaquin County Community Development Department

**Exemption Status:**  
 General Exemptions. (15061 (b)(3))

**Exemption Reason:**  
 This project is exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines section 15061(b)(3). Section 15061(b)(3) states that "CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." There is no possibility that this project may have a significant effect on the environment and, therefore, the project is not subject to CEQA.

**Lead Agency Contact Person:**  
 Alisa Goulart Phone: (209) 468-0222 Fax: (209) 468-3163 Email: alisa.goulart@sjgov.org

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: Gerardo Altamirano Title: Deputy County Clerk

Signed by Lead Agency

Date Received for filing at OPR: \_\_\_\_\_

*Authority cited: Sections 21083 and 21110, Public Resources Code.  
 Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.*

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## **Attachment E**

### **Findings for Variance**

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## FINDINGS FOR VARIANCE

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### PA-2400350 (VR) SHERGILL / KOSLOW

1. Special Circumstances. Because of the special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the regulation deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification.
  - **This finding cannot be made because there are no special circumstances applicable to this property that could result in deprivation of privileges. The Limited Agriculture zoning allows for an open fence that meets specific design criteria to be placed on the front property line. There are no circumstances that prevented the fence from being placed on the property line. Instead, the existing fence was installed outside of the property line, approximately 9.5 feet into the right-of-way of Alpine Road. An error in the placement of the fence does not constitute a special circumstance. As a result, this finding cannot be made in the affirmative.**
2. No Detriment. The Variance will not be detrimental or injurious to property or improvements in the vicinity of the subject property, or the public health, safety or general welfare.
  - **This finding cannot be made because the existing fence was installed within the public right-of-way for Alpine Road, 18 feet from the edge of the paved roadway. If correctly sited, the fence would be 27 feet from the edge of the paved roadway. In its current location, the fence may be detrimental or injurious to public safety by serving as a hazard for roadway traffic. As a result, this finding cannot be made in the affirmative.**
3. No Special Privileges. The granting of the Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.
  - **This finding cannot be made because the existing fence has been installed within the County right-of-way, 9.5 feet beyond the front property line. The Development Title does not allow for the placement of private fences outside of a property boundary. As a result, granting this Variance, and allowing the fence to remain within the public right-of-way, would constitute a grant of special privilege inconsistent with the limitations placed on other properties. Subsequently, this finding cannot be made in the affirmative.**
4. Use Authorized. The Variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property.
  - **A fence is an activity permitted in the AL-5 zone, however the Development Title defines specific requirements on placement and height of fences. As the fence does not meet the requirements for placement, this Variance would authorize a use not otherwise permitted by the regulations governing the property. As a result, this finding cannot be made in the affirmative.**