

November 26, 2018

BY ELECTRONIC MAIL

Honorable Chairman Quaresma and Honorable Members of the Manteca G-PAC  
Manteca City Hall  
1001 W. Center Street  
Manteca, CA 953376

Re: Delicato Vineyards/City of Manteca General Plan Update

Dear Chairman Quaresma and Honorable Members of the Manteca G-PAC:

As you know, this office represents the Indelicato family concerning the General Plan update and the Plan's impact to the family's winery operation.

As we explained at the November 5 G-PAC meeting the potential scope of a land use conflict between the winery and incompatible uses extends to the outer reaches of the Indelicato land holdings. This is because many of the outlining lands are part of the regulated water discharge and application permit issued by the Regional Water Quality Board and, therefore, it is important to create a buffer area between the integrated winery operation and housing. Otherwise the new General Plan will create an inherent land use conflict.

In addition, as we pointed out at the November G-PAC meeting, the Family recently went through a major amendment to the Use Permit through San Joaquin County. The process and public hearings were subject to public notice and neither the property owners nor the City of Manteca, who each received written notice of the project, expressed any concern with the proposed winery operation expansion.

To continue this vital discussion, in this letter we emphasize several public documents confirming the legitimate and central public policy concerning the protection of existing agricultural processing uses from intrusive and conflicting residential uses.

To start with the G-PAC Draft Land Use Alternatives Report (November 2018), distributed at your November 5 meeting, addresses this question. The report acknowledges that:

"[i]ndustrial, agricultural, and other land uses may include components that conflict with residential and other sensitive land uses."

(Land Use Alternatives Report at 2-6.)

Accordingly the report explains:

**"The land use map alternatives were developed with the intent of focusing...and ensuring long-term agricultural and open space uses continue along the City's northern, eastern and southern boundaries."**

(Page 2-1; bolding added.) Thus an overarching intent when determining General Plan Designations for selected properties involves ensuring continued long term agricultural uses such as the Delicato Family Winery. As we indicated to you an adequate and effective buffer area is essential to attaining this policy intent.

To amplify this overarching intent the Report explains as page 2-1:

**"General Plan policies will continue to include policies...to provide for buffers and transitional between residential and other sensitive uses...and other uses that may involve noise, air quality, odor, and traffic impacts."**

(Land Use Alternatives Report at 2-1; bolding added.)

This statement is important in two ways. First, it confirms an intent to promote a policy providing for "buffers and transitional" zones between the winery use and proposed residential uses. This policy statement coheres precisely with our statement and request at the November G-PAC meeting. Second, the policy statement acknowledges and advances an important implementation measure contained in the *current* General Plan. The Manteca General Plan (October 6, 2003) Air Quality Implementation measure AQ-I-15 states:

The developer of a sensitive air pollution receptor shall submit documentation that **the project design includes appropriate buffering** (e.g., setbacks, landscaping) **to separate the use from... other sources of...odor.**

Manteca General Plan page 10-7 (bolding added).

Manteca General Plan policy RC-P-25 makes the same important point:

**"The City shall ensure, in approving urban development near existing agricultural lands, that such development will not unnecessarily constrain agricultural practices or adversely affect the economic viability of nearby agricultural operations."**

Manteca General Plan at 8-10 (bolding added).

Indeed, other policies in the current General Plan provide guidance in this matter. For instance General Plan policy Resource Conservation policy RC-P-21 states:

In approving urban development near existing agricultural lands, **the City shall take actions so that such development will not unnecessarily constrain agricultural practices or adversely affect the viability of nearby agricultural operations.**

Manteca General Plan at 8-10 (bolding added). Thus, General Plan policy AQ-P-3 requires the City to **"Segregate and provide buffers between land uses"** to avoid land use conflicts from odors and other aspects of industrial and processing operations. Manteca General Plan at 10-4.

The draft Economic Development Goals, Policies, and Implementation Measures document, distributed at the November 5 meeting, further confirms the need for a buffer area to protect an existing business.<sup>1</sup> General Plan Goal ED-2 "encourage(s) the retention and expansion of the City's existing businesses". Thus policy ED-P-15 "encourage(s) local business to remain in Manteca" while policy ED-P-22 recommends Manteca "encourage the continuation of agricultural uses".

Finally, we respectfully call to your attention the Land Use Change Request filed by the Marchesotti/Zottarelli/M&E Almond interests. In answering question number twelve—"How is the request compatible with the surrounding area?"—the question was answered in a manner highlighting a potential land use conflict with the Delicato Winery. Rather than baldly state that no conflict exists with non-residential uses the answer provided confirms a present and existing land use conflict. The question was answered by the General Plan change proponent and discloses that a land use conflict already exists:

**"The Del Webb community already speaks out against their industrial neighbor".**

(Bolding added.) Thus, in answering the question of whether the request contributes to or causes a direct land use conflict between residential and non-residential uses, the proponent unconditionally acknowledged a conflict is inherent without adequate buffering and mitigation.

The Indelicato family appreciates this opportunity to comment on the proposed Manteca General Plan update. As this letter underscores current policies and proposed new policies promoting buffers to lessen or mitigate land use conflicts between existing agricultural processing uses and proposed residential uses. Indeed,

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<sup>1</sup> At the November 5 meeting Delicato explained that the winery operation is responsible for 440 direct full time family wage jobs and countless indirect jobs in the area. Delicato is the largest private employer in the Manteca area.

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even General Plan designation change advocates have observed and acknowledged the existence of this pervasive conflicts. We respectfully request a non-residential buffer area, perhaps with an industrial designation wrap around the current Indelicato family property, all which is used in the wine processing operation.

Very truly yours,

A handwritten signature in black ink that reads "Steven A. Herum". The signature is written in a cursive, slightly slanted style.

STEVEN A. HERUM  
Attorney-at-Law

SAH:lac

cc: Client  
Mr. Bill Filios