

<p>CARNEGIE FORUM 305 WEST PINE STREET LODI, CALIFORNIA</p>	<p><b>AGENDA</b> <b>LODI</b> <b>PLANNING COMMISSION</b></p>	<p>REGULAR SESSION WEDNESDAY, OCTOBER 8, 2008 @ 7:00 PM</p>
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For information regarding this agenda please contact:

**Kari Chadwick @ (209) 333-6711**  
**Community Development Secretary**

***NOTE:** All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the Community Development Department, located at 221 W. Pine Street, Lodi, and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the Community Development Department as soon as possible and at least 24 hours prior to the meeting date.*

1. ROLL CALL
2. MINUTES – “September 10, 2008”
3. PUBLIC HEARINGS
  - a. The request of Browman Development Company and Wal-Mart Real Estate Business Trust to certify the Final Revised Environmental Impact Report (EIR-03-01) to allow construction of the Lodi Shopping Center and allow all subsequent development approvals for the center; and
 

Request of Browman Development Company and Wal-Mart Real Estate Business Trust to approve Use Permit U-02-12 to allow the construction of a commercial center in a C-S, Commercial Shopping District, and allow the sale of alcoholic beverages at the Wal-Mart Supercenter; and

Consider approval of Vesting Tentative Map 03-P-001 to create 12 parcels for the project.

Request of Browman Development Company and Wal-Mart Real Estate Business Trust for site plan and architectural approval of a new retail building to be constructed at 1600 Westgate Drive.

**NOTE: The above item is a quasi-judicial hearing and requires disclosure of ex parte communications as set forth in Resolution No. 2006-31**
4. PLANNING MATTERS/FOLLOW-UP ITEMS
5. ANNOUNCEMENTS AND CORRESPONDENCE
6. ACTIONS OF THE CITY COUNCIL
  - a. Summary Memo Attached
7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE
8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE
9. ART IN PUBLIC PLACES

## 10. COMMENTS BY THE PUBLIC

## 11. COMMENTS BY THE PLANNING COMMISSIONERS & STAFF

## 12. ADJOURNMENT

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

*\*\*NOTICE: Pursuant to Government Code §54954.3(a), public comments may be directed to the legislative body concerning any item contained on the agenda for this meeting before (in the case of a Closed Session item) or during consideration of the item.*

### Right of Appeal:

If you disagree with the decision of the commission, you have a right of appeal. Only persons who participated in the review process by submitting written or oral testimony, or by attending the public hearing, may appeal.

Pursuant to Lodi Municipal Code Section 17.72.110, actions of the Planning Commission may be appealed to the City Council by filing, within ten (10) business days, a written appeal with the City Clerk and payment of \$300.00 appeal fee. The appeal shall be processed in accordance with Chapter 17.88, Appeals, of the Lodi Municipal Code. Contact: City Clerk, City Hall 2<sup>nd</sup> Floor, 221 West Pine Street, Lodi, California 95240 – Phone: (209) 333-6702.

**LODI PLANNING COMMISSION  
REGULAR COMMISSION MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, SEPTEMBER 10, 2008**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of September 10, 2008, was called to order by Chair Kiser at 7:00 p.m.

Present: Planning Commissioners – Cummins, Heinitz, Hennecke, Kirsten, Olson, and Chair Kiser

Absent: Planning Commissioners – Mattheis

Also Present: Interim Community Development Director, Deputy City Attorney Janice Magdich, Public Works Director Wally Sandlin, Senior Planner David Morimoto, Assistant Planner Immanuel Bereket, and Administrative Secretary Kari Chadwick

2. MINUTES

“August 27, 2008”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Olson second, approved the Minutes of August 27, 2008 as written. (Commissioner Heinitz abstained because he was not in attendance at the subject meeting)

3. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Kiser called for the public hearing to consider the request for a Use Permit to allow conversion of two existing duplexes into residential condominiums located at 1273 Vienna Drive and 1248 Salzburg Lane; and
- b) Request for a Tentative Parcel Map to divide two duplexes into four residential condominiums at 1273 Vienna Drive and 1248 Salzburg Lane. (Applicant: Baumbach and Piazza, Inc. on behalf of Fred Baker. File # 08-P-01).

Assistant Planner Bereket gave a brief PowerPoint presentation based on the staff report.

Commissioner Heinitz asked if the CC&R's would allow for more units to be added at a future date. Bereket stated that the CC&R's for this application could only cover these units, no other units can be added.

Commissioner Hennecke asked about changes being subject to the current homeowners association. Bereket stated that any changes made would be subject to the homeowners association.

Hearing Opened to the Public

- Steven Pechin, representative of the applicant, came forward to answer questions.
- Commissioner Heinitz disclosed that he had talked with Mr. Pechin regarding this application.
- Commissioner Heinitz asked why these are not ½ plexes. Mr. Pechin stated that the units could not be turned into ½ plexes do to building/remodeling issues. Heinitz asked about the fire walls. Pechin stating that the walls meet the 1hr construction required for condominiums. Heinitz asked about the requirements for a ½ plex. Pechin stated his belief was that there was a 2hr requirement for a ½ plex.
- Fred Baker, Applicant, came forward to answer questions. Mr. Baker stated that he does not anticipate selling the units in the near future, but has had some interest.

*Continued*

- Commissioner Heinitz asked if Mr. Baker was going to convert the other units he owns in the neighborhood. Mr. Baker stated that possibly in the future. He added that there are large units that he is building across the street.
- Commissioner Heinitz asked why Mr. Baker was not building these units as half plexes. Mr. Baker stated that time was the issue.
- Chair Kiser asked about restrictions regarding fire sprinklers. Mr. Baker stated that the design was done with the possibility of splitting in the future.

Public Portion of Hearing Closed

- Commissioner Heinitz stated his concerns over the idea of the dwellings all along Tienda Drive being turned into condos all with separate associations.
- Commissioner Hennecke concurred by stating that he would rather see them turned into half plexes rather than being condominiumized.
- Chair Kiser concurred.

MOTION:

The Planning Commission, on motion of Chair Kiser, Heinitz second, to deny the request of the Planning Commission for a Use Permit to allow conversion of two existing duplexes into residential condominiums located at 1273 Vienna Drive and 1248 Salzburg Lane

Interim Director Bartlam stated that the units are not able to be turned into half plexes, so if by denying this application the Commission thinks they will see another application down the road for ½ plex conversion for these units understand that the zoning code won't allow it. Mr. Baker does not have any other choice in this case.

Commissioner Heinitz stated that his main objective is having a lot of little associations all along Tienda Drive, so then can't they create one homeowner association for all of the duplexes on that street? Bartlam stated that that is a possibility.

Commissioner Cummins asked if the Chair would open the hearing back up to the public.

Chair Kiser withdrew his motion, Heinitz his second.

Public Hearing re-opened to the public

- Fred Baker, Applicant, came forward to address the concerns of the Commission. Mr. Baker stated that they felt that each building could have their own association therefore governed by their own rules.
- Chair Kiser stated that Parkview Terrace was built out at different times, but all the units are still under one association. Mr. Baker stated that those units have a community center an pool area that is common area that they all support.
- Commissioner Hennecke asked how long the units have been there. Mr. Baker stated that the dwellings with this application were built in 1999, the third unit was built a couple years later, and then another unit further east was built in 2004. There is another set currently being built across the street.
- Mr. Baker stated that he would be happy to bring back all of the units under one homeowners association if that is the concern of the Commission.
- Commissioner Olson asked for clarification from her fellow Commissioners regarding their concerns with this application. Chair Kiser stated that it could be discussed once the public hearing is closed to the public.
- Steve Pechin, representative for applicant, came forward to ask if the project could move forward tonight with the condition in the CC&Rs being altered. Mr. Bartlam stated that the application will need to be altered to show all of the units. Mr. Bartlam showed the Commission with the assistance of the ariel photo in the PowerPoint the other units in question along Tienda Drive.

Public Portion of Hearing Closed

- Commissioner Olson restated her question from previously by asking why the Commission was having a problem with the different associations. Commissioner Hennecke and Heinitz explained that the association becomes more like a shell company because of lack of members. Olson stated that she doesn't have an issue with what is being presented and feels that this would then give the owners of the property more control over their own units.
- Commissioner Kirsten stated that he felt that the Commission was trying to micro-manage this project and doesn't feel much will be accomplished by putting all of the units under one association and would support the project as is tonight.
- Commissioner Hennecke asked if there was only one person living in each of the units would there be a legal association. Mr. Bartlam stated that the State regulates the rules for Homeowner Associations (HOAs), not the City.
- Commissioner Cummins stated that there are a lot of HOAs in town and asked if staff new of any issue with them. Mr. Bartlam stated that the City does not get involved with HOAs, so all the issues would be taken care of at the State level. Cummins stated that he concurs with Commissioner Kirsten in that the Commission is trying to micro-managing this project.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Cummins second, to approve the request of the Planning Commission for a Use Permit to allow conversion of two existing duplexes into residential condominiums located at 1273 Vienna Drive and 1248 Salzburg Lane. The motion failed by the following vote:

Ayes: Commissioners – Cummins, Kirsten, and Olson  
 Noes: Commissioners – Heinitz, Hennecke, and Chair Kiser  
 Absent: Commissioners – Mattheis

- Chair Kiser stated that he will support the project so long as all the units come under the same association and re-opened the public hearing to hear from the applicant.

Public Hearing re-opened to the public

- Fred Baker came forward to state that he would be in favor of coming back to the Commission combining all the units being discussed under one association.

Public Hearing closed to the public

- Commissioner Heinitz asked if this is the time for the Commission to act on the next item or does the applicant need to bring it back. Director Bartlam stated that the options for the Commission at this point are to make a motion vote to rescind the denial vote on the use permit, continue the Tentative Parcel Map item and allow the applicant to bring back a substantially different application, or you can deny the Tentative Parcel Map.

MOTION / VOTE:

The Planning Commission, on motion of Vice Chair Cummins, Heinitz second, continued the request of the Planning Commission for a Tentative Parcel Map to divide two duplexes into four residential condominiums at 1273 Vienna Drive and 1248 Salzburg Lane to a date uncertain. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Heinitz, Hennecke, Kirsten, Olson, and Chair Kiser  
 Noes: Commissioners – None  
 Absent: Commissioners – Mattheis

- c) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Kiser called for the public hearing to consider the request for Planning Commission approval of a Tentative Parcel Map to divide one parcel into three lots at 426 North Loma Drive. (Applicant: Crystal Kirst, File # 08-P-02).

*Continued*

Assistant Planner Immanuel Bereket gave a brief PowerPoint presentation based on the staff report.

Chair Kiser asked if this design meets the flag lot guidelines that were discussed at previous meetings. Mr. Bereket stated that the parcel map does meet the guidelines but the conceptual site plan does not.

Commissioner Heinitz wanted to make sure that the conceptual footprints were not written in stone. Mr. Bereket stated that they were not. Director Bartlam added that the Tentative Parcel Map is the only item being voted on tonight. The application will only be subject to the standards in place at the time that the applicant submits for a building permit. Heinitz asked if the applicant is aware of that. Bartlam stated that they are.

Director Bartlam pointed out that the Resolution under consideration tonight is provided on the Blue Sheet.

Hearing Opened to the Public

- Crystal Kirst, Applicant, came forward to answer questions. Ms. Kirst gave a brief background of the property.
- Chair Kiser stated that he feels that this will be a definite improvement.
- Commissioner Olson stated her thanks for working with staff and taking all of the Commissions concerns into account.
- Commissioner Heinitz asked Ms. Kirst if this project was going to be similar to the project on Maple and Garfield Street. Ms. Kirst stated that it was.

Public Portion of Hearing Closed

- Commissioner Kirsten stated his support for the project.

Hearing Re-Opened to the public

- Toni Taboada, neighbor, came forward to ask for clarification on the driveway easements. Director Bartlam stated that the driveway will be a 12 foot easement. Ms. Taboada asked about the square footage of the homes. Bartlam stated that the size of the dwellings are not in question tonight, but Ms. Kirst did mention that they may be approximately 1200 sq. ft. Ms. Taboada asked who would be responsible if someone backed into her fence. Bartlam stated that the person who hits the fence should be held responsible.

Public Portion of Hearing Closed

- Commissioner Heinitz stated that this application has been reviewed by all the City Departments and meets the minimum requirements. Director Bartlam concurred.

MOTION / VOTE:

The Planning Commission, on motion of Chair Kiser, Kirsten second, approved the request of the Planning Commission for a Tentative Parcel Map to divide one parcel into three lots at 426 North Loma Drive subject to the conditions in Resolution PC 08-27. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Heinitz, Hennecke, Kirsten, Olson, and Chair Kiser  
Noes: Commissioners – None  
Absent: Commissioners – Mattheis

Chair Kiser called for a five minute break (8:09).

Chair Kiser Called the meeting back to order (8:16)

*Continued*

- d) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Kiser called for the continued public hearing from August 27, 2008 to consider the recommendation for a General Plan Amendment to the City Council for Reynolds Ranch; and
- e) Consider the request for approval of a Tentative Map for Reynolds Ranch. (Applicant: San Joaquin Valley Land Co.; File #s: 08-GPA-01 & 08-P-03)

Interim Director Rad Bartlam gave a brief PowerPoint presentation based on the staff report. The project was continued from the Commission meeting two weeks ago and the concerns expressed then have been addressed in this new presentation. The area along the east side of Stockton Street has been altered to show a strip of residential which staff feels will make a nicer entry into the area. The buffer along the western edge is now shown on the map which was inadvertently left out previously. The new proposal does have an increase in traffic from the 2006 plan which the previous mitigation measures cover. There is a consensus among staff to provide the residential dwelling on the frontage road with a right and left hand turn access to their property from at the break in the median on Reynolds Ranch Parkway. It is not the intent of the applicant to decrease the amount of parkland. He will address the issue with the design of the senior housing component when it comes before the Commission so that it can be identified with that area more accurately.

Commissioner Hennecke asked why staff thinks the amendment is necessary. Mr. Bartlam stated that the condition of the current market, the fact that the Applicant has viable retail interests wanting to be there, and the additional retail in this quadrant of the City is good planning. Hennecke asked why staff has changed their mind from 2006 as to the necessity of the size of retail. Bartlam stated that with a project of this size changes are going to happen over time. Hennecke asked if as Commissioners should we be swayed by market conditions or should we be doing what we feel is right for the growth of the City. Bartlam stated that the two items are not mutually exclusive and the Commissioners should vote their conscience and what they felt was best for the City as a whole.

Commissioner Heinitz asked about the grading scale of the traffic at the time of the original application compared to now. Mr. Bartlam stated that each intersection has a different grade as shown in the tables in the traffic study, but the level of service is not going to change from the original plan to this one.

Commissioner Olson stated that she had spoken with Dale Gillespie, Applicant, prior to this meeting.

Commissioner Olson asked about the other infrastructure items. Public Works Director Sandelin stated that all of the infrastructure items were taken into consideration when looking at this new plan. Olson asked then if the original project was over planned. Sandelin stated that the staff report clearly states that the initial assumptions made on the traffic aspect of the project were purposely conservative because the users were not yet defined.

Chair Kiser, Commissioners Kirsten, Hennecke, and Cummins also disclosed that they had discussions with the applicant regarding this application.

#### Hearing Opened to the Public

- Dale Gillespie, Applicant, came forward to thank the Commission for taking another look at the application and is available to answer any questions.
- William Griffiths, Stockton Street resident, came forward to state that after the first meeting the neighbors discussed the out come and it turns out that not everyone concurred with his thoughts regarding the idea of a residential buffer on the east side of Stockton Street. Mr. Griffiths added that the neighbors felt that the whole area should have been zoned commercial.
- Commissioner Heinitz stated that he spoke with Mr. Griffiths regarding this project and how the General Plan Designation would affect the property values along Stockton Street.

*Continued*

- Melissa and Charles Katzakian came forward to present a letter and background information regarding the Morse Skinner Ranch (attached to be end of these minutes). Mrs. Katzakian feels this property is a valuable piece of Lodi's history and should be preserved. The neighborhood surrounding this area has now been torn down and is no longer a place to raise a family.
- Dennis Silber, Lodi, came forward to express his concerns. He stated that the traffic will change increasing by 79%. The original EIR states that the traffic will need significant mitigations imagine what it will be now. Mr. Silber feels that the 2006 plan should stay in place.
- Seng Heuansavath, Stockton Street resident, came forward to address the project. He would like to have had more communication with the applicant prior to this point regarding these changes. The residences should have been more involved with this project when these changes were being discussed. This project is an emotional issue for him and he does not feel he has been genuinely dealt with during this process. It is a major change for his family.
- Commissioner Kirsten asked what Mr. Heuansavath felt was a fair agreement. Mr. Heuansavath. stated that he would like to find a like for like place to raise his family. The fair market value offer isn't going to get something that is equivalent to what he currently has. Mr. Heuansavath would just like to be treated fairly and honestly.

Public Portion of Hearing Closed

- Commissioner Heinitz asked for clarification as to whether or not the parcels along Stockton Street can legally be included in the project without their consent. Interim Director Bartlam stated that Mr. Gillespie can not include them in the project, but the Commission could change the Land Use designation of the property even with out the owner's permission.
- Commissioner Hennecke stated his understanding of the Stockton Street residence frustrations and his appreciation of their coming forward to express them.
- Commissioner Cummins reminded the Commission that there is not an established greenbelt south of the City of Lodi.
- Commissioner Cummins asked to have the hearing re-opened to the public so that he could ask the applicant a question.

Hearing re-opened to the public

- Commissioner Cummins asked if there were any detailed plans drawn up for the residential area yet. Mr. Gillespie stated that the only detailed plans were for the phase II retail area.

Public Portion of Hearing Closed

- Chair Kiser stated that he still has concerns with the project.
- Commissioner Heinitz stated that he feels the location is a prime area for this project and will support it.
- Commissioner Hennecke stated that the changes from the 2006 plan are so great that he doesn't feel he can support it.
- Commissioner Cummins stated that this is going to be a regional shopping center. This will have people from many of the surrounding areas of Lodi drawn to it. Lodi can use the extra tax revenues and supports the project.
- Commissioner Olson stated that the concerns that she expressed at the previous meeting have been addressed in this new staff report and is pleased with the differences that she sees and supports the project.
- Commissioner Kirsten stated his support for the project.

*Continued*

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Cummins second, approved the request of the Planning Commission for recommendation for a General Plan Amendment to the City Council for Reynolds Ranch subject to the conditions in resolution PC 08-23; and the approval of a Tentative Map for Reynolds Ranch subject to the condition in resolution PC 08-24. The motion carried by the following vote:

- Ayes: Commissioners – Cummins, Heinitz, Kirsten, and Olson
- Noes: Commissioners – Hennecke and Chair Kiser
- Absent: Commissioners – Mattheis

4. PLANNING MATTERS/FOLLOW-UP ITEMS

None

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

Director Bartlam pointed out the summary report in the packet and stated that staff is available to answer any questions.

7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE

Interim Director Bartlam gave a brief report regarding the General Plan Alternatives and stated that the Draft Preferred Plan will be brought before the Commission at the October 8<sup>th</sup> meeting.

The Development Code will be taking a back seat for a while, due to current staffing shortages.

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

9. ART IN PUBLIC PLACES

None

10. COMMENTS BY THE PUBLIC

Pat Patrick came forward to ask about how the draft preferred plan came to be. Mr. Bartlam stated that the comments that have been received on the three alternatives were the basis of the Plan which is currently being finished.

11. COMMENTS BY STAFF AND COMMISSIONERS

None

12. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 9:23 p.m.

ATTEST:

Konradt Bartlam  
Interim Community Development Director

City of Lodi Planning Commission  
c/o City Clerk  
City Hall, 2<sup>nd</sup> Floor  
221 West Pine Street  
Lodi, CA 95240

September 10, 2008

Re: Reynolds Ranch Tentative Map and General Plan Amendment, File  
Numbers 08-GPA-01 & 08-P-03

I am writing as a citizen of the City of Lodi to let the Planning Commission know that I am very concerned about the Reynolds Ranch expansion. From what I can tell, Reynolds Ranch wants to cram a lot more commercial into an area that was supposed to be used for a specific mix of single-family homes and businesses, and without doing the proper studies to show how all that added commercial will impact the area.

The expansion would add 400,000 square feet of commercial uses and will nearly double the amount of traffic from the project. With all the added traffic will come worse air quality and more noise. The Addendum says that no new impacts would occur that weren't already in the 2006 Reynolds Ranch Environmental Impact Report. With such big changes being made, why haven't all of the impacts been studied? The public, the Planning Commission and the City Council deserve to know exactly what these changes mean before the City takes any further action on this project.

I have never fought such a matter, but I believe this potential action by the Planning Commission and City Council is so egregious and without proper study, I had to speak out. If in the long run proper studies and incorporation of the expanded project into the processing of the new General Plan show that it is in the best interest of the City, I will accept that decision. However, short of it being studied to the extent it should be, I will be doing whatever is necessary to keep it from impacting this community. The citizens of Lodi deserve the full process of the system and no short cuts should be taken in a land use decision of this magnitude.

### **The Project Is a Major Expansion**

The Reynolds Ranch project was originally studied in an environmental impact report in 2006. The new version of the project is much more intense than was studied in that EIR. The Reynolds Ranch FEIR Addendum included in the agenda packet says the new project would involve the same number of homes as the old project (1,084 units), but would have 400,000 square feet more of retail uses, and would also add a gas station, two fast-food restaurants, and a 104-room hotel. Park land would also be decreased. All of this would occur in an area currently

slated as Planned Residential Reserve.

A recent newspaper article says that the project has been changed again to include a “buffer” of low-density housing between existing homes and proposed commercial areas. Since the Addendum is dated August 19, 2008, the newest changes have received no study whatsoever. There is nothing to prove that the “buffer” would actually protect nearby residents.

### **The Addendum is Not Enough – the City Must Prepare a New EIR**

The new project would be much more intense than the one approved in 2006, but the City only did an Addendum instead of a new EIR. From what I can tell, the Addendum is not enough and has many problems that need answers.

### Infrastructure is Not in Place

The Addendum says in several places that the new project will not result in significant impacts because infrastructure plans are in place. Are those plans still valid in light of the major project changes? The Addendum doesn't say. Mitigation Measure 11.2 of the 2006 EIR says construction of a second water well might be needed. The Addendum says water demand will increase but the Planning Commission and public aren't told whether another well is needed.

Also page 13 of the Addendum says a “detailed study will need to be conducted prior to completion of the Project” to figure out whether the Century Boulevard wastewater trunk line will have capacity to handle waste water from the Project. That kind of study needs to be performed before project approval, not after.

### Land Use Conflicts

The Addendum says that the new project is consistent with the “general principles” of the General Plan. The Addendum does not explain how all that added commercial is consistent with the General Plan's Residential Reserve designation. Also, Mitigation Measure 7.1 of the original EIR says that buyers need to be notified of nearby agricultural activities. What about the seniors that will rent units in the senior living facilities? Will they be put on notice?

### Stormwater

The old project had studies about stormwater facilities. By getting rid of single-family homes and putting in a bunch more commercial, wouldn't that mean a lot more paving? Can the stormwater facilities handle all that stormwater?

Noise

The original EIR had very specific mitigation measures to reduce noise impacts. The new project will almost double traffic, but there weren't any studies to show whether those measures will still be enough to protect residents. Shouldn't more studies be done?

Traffic

The Addendum says that traffic trips will almost double from 28,300 to over 50,000 trips per day and peak hour trips will increase by nearly 1000 trips per day. Mitigation measure 3.10.2 of the original EIR required a roadway improvement phasing plan before approval of the first parcel map. The Planning Commission is now being asked to approve a parcel map, but was the phasing plan ever prepared? Will it still work given the tremendous increased in traffic proposed as part of this project? The traffic study looked at 2008 and 2030. What about all of the years in between? Will the roads be improved before the traffic comes or will there be problems before everything is built?

Air Quality

The Addendum admits that traffic will nearly double, and that significant ozone emissions would occur as a result. No new mitigation was proposed to reduce those impacts. Isn't that worse than the original EIR said? It doesn't look like air quality studies were updated to deal with the new traffic, so it is impossible to tell whether other new significant impacts would occur. This is a real problem since the new project would put more seniors who might have health problems near those emissions sources.

Hazardous Materials

The new project would involve new hazards related to the gas station. The Addendum only said the project will comply with existing laws. We always hear about leaking underground storage tanks, so accidents and leaks happen. If a leak occurred, wouldn't the City's groundwater, which it uses for drinking water, be in jeopardy?

Water Supply

The Addendum admits that water use would increase by almost 10 percent. But then the Addendum says no new study is necessary. Isn't that a big enough increase to require more study?

How can the Planning Commission approve a Tentative Map before the General Plan?

The resolution in the agenda packet says the Planning Commission will approve the tentative map before the City Council acts on the proposed General Plan Amendment. Doesn't state law requires projects to be consistent with the General Plan? More important in my opinion is that this new project be considered at the same time as the City's General Plan update. That way the plan for the whole area can be in place before individual projects are approved that might not fit with the City's overall goals and needs.

**Conclusion**

Please do not approve the new project at this time. More study needs to be done to make sure that adding over 20,000 traffic trips per day won't cause problems that can't be solved. Also The City's residents deserve the benefit of unrushed and thorough environmental study.

Very truly yours,

Marilyn Dillon  
610 S. Mills Ave.  
Lodi

9/10/2008

Dear Planning Committee/ City Leaders

I feel an obligation to be here tonight and represent the Morse/Skinner National Historical Site, It would not be right, to not share with you just a tiny glimpse of this important piece of Lodi's history. The 200 acres that Reynolds Ranch is being developed on was once the acreage that belonged to the Morse/Skinner house. The ranch was built in 1869 and according to my understanding it may be one Lodi's oldest standing structures and is nearing it's 140<sup>th</sup> anniversary.

As you may have read The Morse family originated from Lodi, Illinois If you reference our local history books and information from Wikipedia both are giving evidence that the Morse family likely had a hand in christening Lodi with its name. Today the Mickey's Grove Historical building displays 2 wagons from this family; a freight wagon and a camp wagon, the family used the camp wagon and enjoyed camping in the sierra's the wagon was used from 1898-1912 engraved in metal on the inside top was a list of some of there summer trips. It is believed that this camp wagon is the only camp wagon of this type and era displayed anywhere in California. ALSO More endearing to my heart is a diary by Mrs. Eva Morse. Written in 1859 it is a 70 pages of detailed writings about the journey from Lodi, Illinois to here where we stand today. Mr. Morse and Mr. Skinner were very active members in the community each generation of this family has played in important part in our agriculture, community growth and education contributions.

I feel This historical home is a tangible presence of Lodi's past, To be blessed with this historical value and to not incorporate this landmark into this project is a dishonor and embarrassment to our past, present, and future legacy-on a city, county, and state level .We should be running after and preserving all are history, it is a wonderful reminder to "never forget where you come from".

We have had the privilege to live in this home for 15 years, It has been a wonderful home to raise kids, be a family and gather for holidays. As much as we love our home, this historical home is Lodi's Heritage and legacy. Once Blue Shield committed in May 2006 we knew we would soon have to leave, We found comfort in doing so because this area would no longer be an area to raise a family, also Lodi would have the privilege of obtaining a piece of their history. It was a positive step in blending Lodi's history with new growth. The location of the home is a great place it helps to anchor the history in downtown with the history at the San Joaquin County Historical Museum.

We support the jobs and the retail of the Reynolds Ranch Project in 2006, if that is what Lodi wants and needs, I do not agree a family should be living in this massive retail area, especially living on the east side of this project. It affects us to the highest degree.

Over the pass two years we watched our neighborhood dwindle down to nobody around us, gone were our friendly neighbors, my children's school buddies, and the over feel you

have with a small group of country homes. There would not be anymore shared goodies for the holidays, nor more yard sales or friendly waves while riding our bikes, WE patiently have sat for the last 2 years as deals were made to secure the larger parcels of land around us, and we were suppose to be included.

As each family left for better surroundings. We sat & watched our neighbors homes being boarded up, looted by thieves and burned to the ground – We have struggled with health issues; headaches, nose bleeds, eye irritations and breathing problems; my daughter has been on a breathing treatment morning and night since the beginning of the year and carries an emergency inhaler based with steroids.

San Joaquin Valley land Co. was kind enough to put in a HVAC unit on the air conditioner; all it say's to me is "stay in the house, shut your doors and windows and come out in about 2-5 years when construction might be over." Other measures have been taken to control the dust, and the unwanted critters that have come to visit us due to the construction.

**Still I must repeat this is no place for a residence. In the middle of this retail project.** Gone for us will be every dark night, every beautiful sunset, the view of mount Diablo, the growing and harvesting of the grapes, and the *awesome* Delta breezes we all have come to enjoy.

This will be replaced by street lights, large signs of retail businesses, cement walls, and 40-50,000 Vehicles circling my home. that is a cesspool of auto emissions, sounds and smells that no family should be subject to.

Next week we have a meeting again with Mr. Gillespie, This will be the third one that we have initiated. I remain optimistic and yet pessimistic at the same time.

It is quoted as saying, "Anyone who lives in Lodi is stuck on Lodi, Not stuck in Lodi" I would like to see it come to pass that we are not stuck in retail Lodi.

Charles & Melissa Katzakian  
Morse Skinner Ranch  
National Historical Landmark  
California Historical Landmark





**Picture's taken 8-28-08 My home entrance and truck entrance for Reynolds Ranch**



**PCI construction Entrance for REYNOLDS RANCH -10-15' from my vehicle entrance and approx. 35' from my residence & front door. This is a 200+ acre project, Could have been put somewhere else. Here we both were trying to pull onto frontage rd. Regular occurrence**

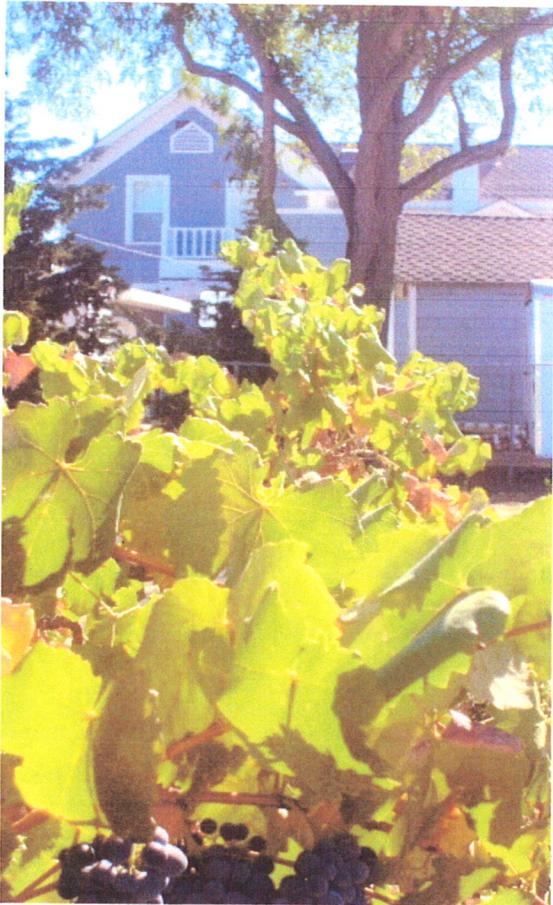


**PCI Construction entrance and storage site, loading and unloading for heavy equipment throughout all hours, eliminating this access so close to my house could have alleviated some of the dust and problems associated with this project which impacted us in many ways.**

**Morse Skinner Ranch – Historical Site**



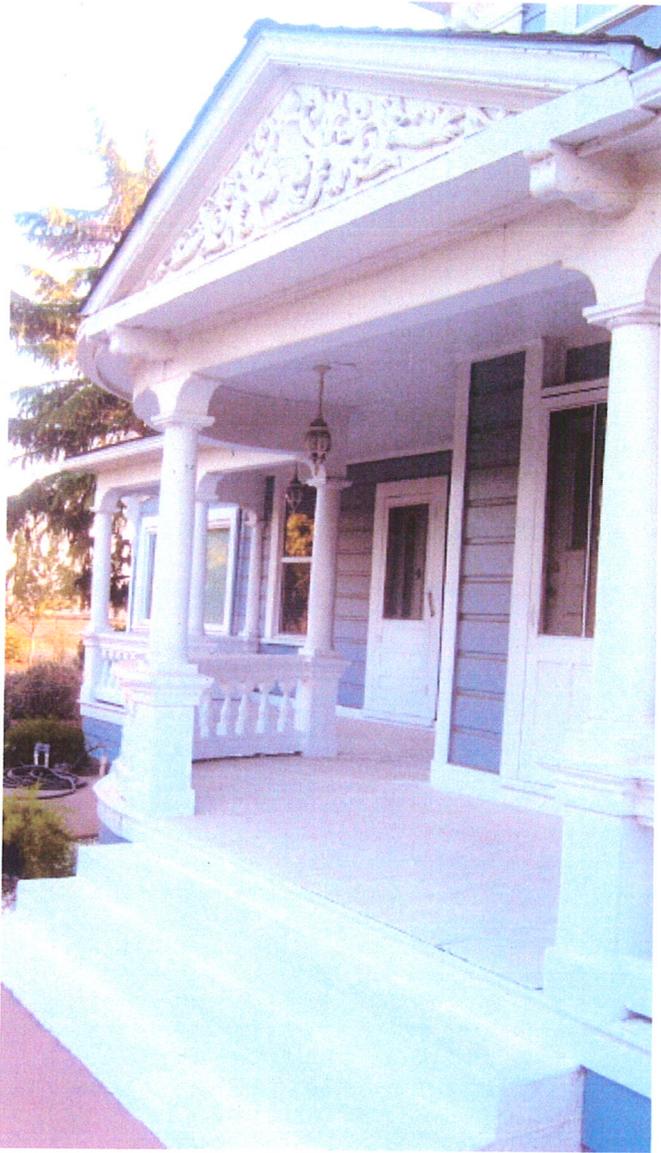
**South Side, Above**



## Morse Skinner Ranch – Historical Site



**MORSE SKINNER RANCH**  
**National Historical Landmark**  
**California Historical**  
**Landmark**





**Morse Skinner Ranch**

Home Visible from fence, all sides.

East & South phto's







*Elliott E. Morse*

Elliott E. Morse

Source: History of the New California; Its Resources and People, Volume II

## ELLIOTT E. MORSE

Elliott E. Morse, whose handsome homestead is located on Cherokee Lane about three miles from Lodi, is a native son and well known citizen of San Joaquin county, and his active career has brought him into a place among the leading men of the county, both through his able management of private affairs and through his public-spirited efforts for the upbuilding of his community. In his home estate there are a hundred and twenty acres of land, and a short distance to the south, also on Cherokee Lane, he has another ranch of one hundred and ninety acres, about sixty acres of which are planted to grapes.

Born in San Joaquin county, March 11, 1861, he was a son of Lorenzo M. and Sarah Eveline (Elliott) Morse, old settlers of the county. His father was a native of Maine and his mother of New Hampshire. These parents, accompanied by their one son, then a child, in 1859 crossed the great western plains to California, coming direct to San Joaquin county and settling near the present home of Mr. Morse. There the father remained until his death in 1899, but his wife yet survives as one of the honored pioneer women of the county, being now threescore and ten years of age. She resides with her daughter, Mrs. Richard E. Ryan, of near Lodi. Lorenzo Marion Morse was a Republican in politics, and a well known citizen of the county, whose death was much lamented. Of his children but two survive, Elliott E. and Hattie A., the latter the wife of Richard E. Ryan, a farmer near Lodi.

Reared to man's estate in San Joaquin county, where he received his education in the public schools and also in 1883 graduated from the Stockton Business College, Mr. Morse has from youth up been intimately acquainted with agricultural life, and through his earnest study and careful experience in its various departments has gained the worthy success which gives him influence and high rank among his compeers.

He was married February 14, 1888, to Miss Florence C. Heaton. She is a native of St. Catherines, province on Ontario, Canada, and at the age of nine years she accompanied her parents to this state, their home being located in what is now Glenn county, where she was reared and married. Mr. and Mrs. Morse have two children, Evelyn A. and Genevieve. For seven consecutive years Mr. Morse served as a trustee of the Live Oak school district, and during all this time he was clerk of the board. Fraternally he is affiliated with the Knights of Pythias at Lodi, and his political belief is Republican.

Source: History of the New California Its Resources and People, Volume II

The Lewis Publishing Company - 1905  
 Edited by Leigh H. Irvine

*L.M. Lorenzo M — born to Eli + Martha Richmond Morse  
 Marion*

## B. Significance

Period	Areas of Significance—Check and justify below			
<input type="checkbox"/> prehistoric	<input type="checkbox"/> archeology-prehistoric	<input type="checkbox"/> community planning	<input type="checkbox"/> landscape architecture	<input type="checkbox"/> religion
<input type="checkbox"/> 1400-1499	<input type="checkbox"/> archeology-historic	<input type="checkbox"/> conservation	<input type="checkbox"/> law	<input type="checkbox"/> science
<input type="checkbox"/> 1500-1599	<input type="checkbox"/> agriculture	<input type="checkbox"/> economics	<input type="checkbox"/> literature	<input type="checkbox"/> sculpture
<input type="checkbox"/> 1600-1699	<input checked="" type="checkbox"/> architecture	<input type="checkbox"/> education	<input type="checkbox"/> military	<input type="checkbox"/> social/
<input type="checkbox"/> 1700-1799	<input type="checkbox"/> art	<input type="checkbox"/> engineering	<input type="checkbox"/> music	<input type="checkbox"/> humanitarian
<input type="checkbox"/> 1800-1899	<input type="checkbox"/> commerce	<input type="checkbox"/> exploration-settlement	<input type="checkbox"/> philosophy	<input type="checkbox"/> theater
<input checked="" type="checkbox"/> 1900-	<input type="checkbox"/> communications	<input type="checkbox"/> industry	<input type="checkbox"/> politics-government	<input type="checkbox"/> transportation
		<input type="checkbox"/> invention		<input type="checkbox"/> other (specify)

Specific dates 1869; remod. 1912

Builder/Architect

unknown

### Statement of Significance (in one paragraph)

The Morse-Skinner Ranch house in Lodi, California, possesses historic significance due to its associations with three successive generations of a prominent pioneer Lodi family, each of which contributed substantially to the evolution of the community. This family also played a principal role in the naming of the City of Lodi. The ranch residence is additionally important as a handsome and distinctive architectural design, combining Greek Revival and Colonial Revival styles, and reflecting the major periods of its significant associations. The structure is an unusual survivor of its type and era still remaining in the Lodi area. It has retained its ranch setting, and its design integrity reflects the principal periods of significant occupation by family members.

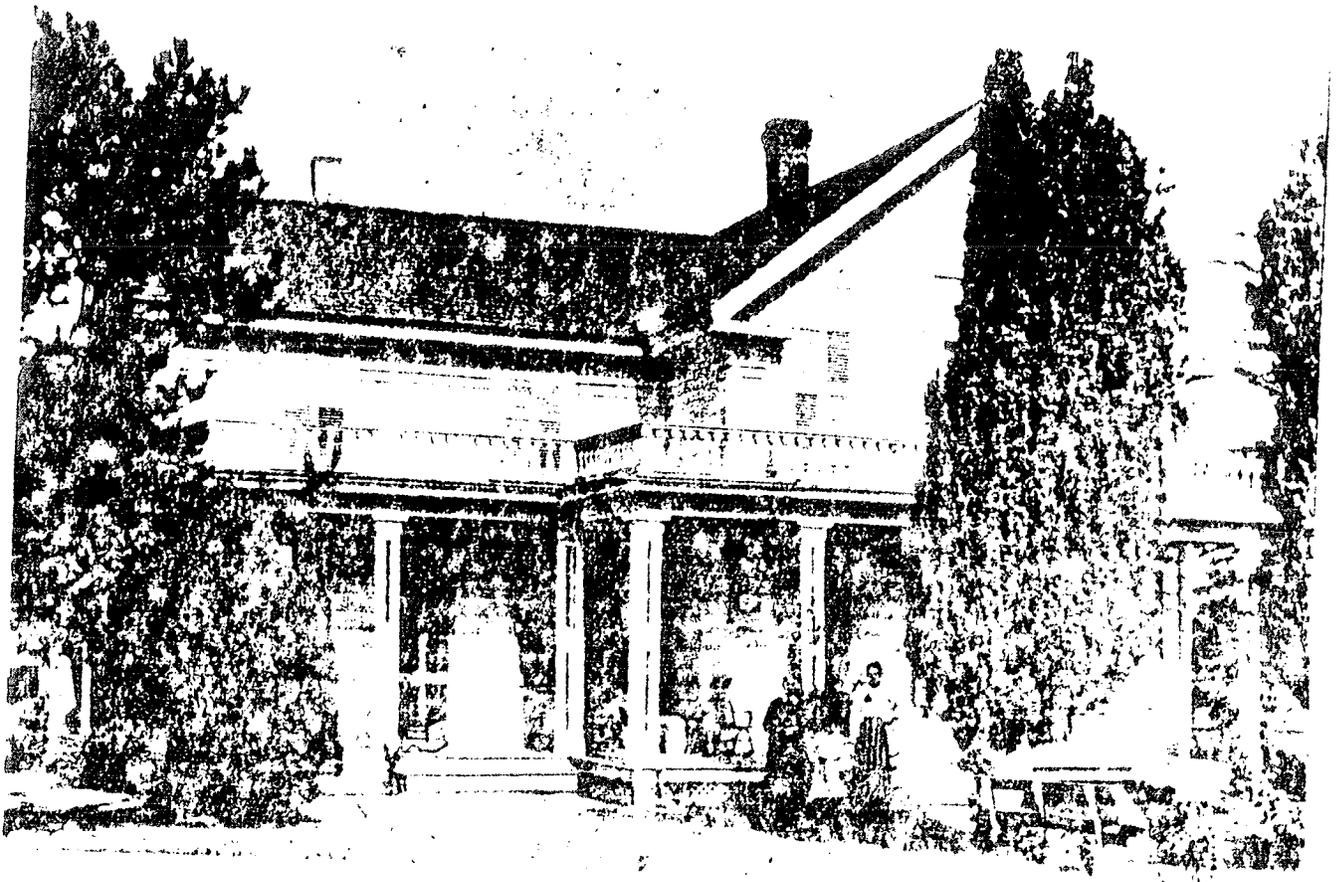
The Morse-Skinner Ranch house was built by the prominent Lodi pioneer, Lorenzo Marion Morse in 1869. Morse, born in Maine of English immigrant parents, met and married Evelin Sarah Elliot in Illinois in the 1850s. The family, and infant son Fred, traveled by ox-drawn wagons to California in 1859 with members of the Elliot family, and settled in the Lodi area where Mrs. Morse's father was waiting.

In its earliest days, Lodi was called MokeLumne Station. Due to the mail confusion between MokeLumne Station and MokeLumne Hill, it was determined to change the name of the former settlement. Lorenzo Morse's brother Charles, a U.S. Marshal and later a prominent figure in the Bay Area, called a mass meeting of townspeople to vote upon another name for the town. The name Lodi was strongly advocated by Morse family members, and particularly Charles Morse, after a town in Illinois containing many members of the Elliot and Morse families. Lodi was chosen by town members as the new name of their settlement.

L. M. Morse purchased the ranch land that was to hold his house in 1867. The house, constructed in 1869, served as the residential focus of the Morse ranch which was purchased for \$12.50 an acre. At the time of the construction of the house, the couple's second son, Edmund (E. E.) Morse, born in 1861, was eight years old.

The land, covered with live oaks and underbrush, was cleared and the family first raised grain and watermelons. Later Morse planted fruit orchards, drying and shipping the harvested apricots and peaches. Morse and son Edmund are credited for having planted, in 1892, the first Tokay grapes in Lodi on this ranch.<sup>1</sup> Lodi has since become particularly well known for this highly successful crop.

<sup>1</sup> This acreage is no longer part of the property and is not included in the nomination.



Morse-Skinner Ranch Resi-  
dence,  
13063 N. Highway 99  
Frontage Road, Lodi, CA  
Date, c. 1890s. Facade to NW  
Location of original nega-  
tive unknown. New negative,  
8579 La Riviera Dr. Sacto.  
130713

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In 1936, the interior was remodeled with the addition of a bathroom, enclosure of the screened porch, and the replacement of some downstairs doors with French doors.

Tank House (Contributor)

A two story wood frame tank house, c. 1912, stands to the west and behind the residence. The structure is almost square in floor plan and topped with a hip roof.

The small wood frame building is surfaced with wood siding and contains a ground floor door on the east elevation. The small gabled addition of wood on the north end of the tank house was added after World War II to accommodate the washer and dryer.

Garage (Non-contributor)

A one story, two car garage stands between the residence and tank house, slightly north of the latter.

The small flat-roofed building is surfaced with wood siding and was apparently constructed during the 1940s. There are windows on the east and west elevations and paired doors on the south. Modifications appear to be minor.

The property occupies a one acre portion of the original ranch which formerly also contained a stable and carriage house, demolished in the 1970s. The larger property was reduced to its present size through subdivision, primarily over the twenty five years between 1950 and 1975.

Additional features on the property include several mature deciduous and evergreen trees, a wide lawn and shrubbery. A fence separates the property from the frontage road, buffered from the parallel Highway 99 by dense planting.

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L.M. Morse's real interest, however, lay in raising pacers and trotting horses. Perhaps the best known member of his stable was the trotter Dexter Prince, out of the famous Hambletonian, purchased from Leeland Stanford and eventually sold back to him. L.M. and a partner had a harness racing track near the present Micke Grove.

Unfortunately Morse's "hobby" became a financial drain upon the family, and Morse's two sons, E.E. and Fred, farmed to offset the loss. Morse's death in 1899 left debts that had to be paid by auctioning horse colts, buggies, carts, harnesses and furniture. Upon Morse's death, his widow Eveline went to live with her married daughter, and Edmund and his family moved into the ranch house. Edmund continued to farm the original ranch, and purchased additional acreage known as the "Lower Ranch", bringing the total acreage then under cultivation approximately 66 acres.

With his college background in business, E.E. soon added financial and business activities to his agricultural concerns. He became a founder of the First National Bank of Lodi. This bank was subsequently purchased by the Bank of America, and E.E. served as a Director of the Lodi Branch throughout his life.

Further expanding his financial activities, Morse helped found the Lodi Investment Co., formed in order to construct the Hotel Lodi and Lodi Theater. He remained a Director of this company as well until his death. Morse was also a founding member of Farmer's Mutual Fire Insurance Co. of Stockton, again remaining an active Director for many years.

As a member of the Lodi Union High School Board of Trustees, Morse helped to spearhead the bond issue for a new and accredited high school which was built in 1910, and utilized continuously until about 1975.

E.E. Morse participated actively in a number of community and social groups including the Lodi Masonic Lodge, Ben Ali Shrine in Sacramento, Stockton Lodge of Scottish Rites, Knights of Pythias, and the old Mokelumne Club (Mokelumne was the town's first name).

Morse's influence in the financial field in this region was significant and his agricultural contributions, particularly the first planting of Tokay grapes, important. His participation in the community was broad, ranging from educational concerns to a wide variety of community services. E.E. Morse was an important early twentieth century figure in Lodi and contributed significantly to the financial, agricultural, and educational growth of the community, virtually until his death in 1945.

A third family member of some prominence associated with the house

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was John Carroll Skinner, husband of one of E.E. Morse's daughters. Skinner was an early twentieth century automobile dealer in Stockton. Mechanically inclined, he invented the Skinner vaporizer designed to obtain greater fuel efficiency from motor fuel consumption. Skinner was also a noted race driver, holding all of the automobile speed records for non professional racers in California c. 1915. Much of his mountain racing was done to publicize the type of cars he sold. At the time of the Corbett-Fitzsimmons prize fight, he carried the San Francisco Examiner's fight extras from San Francisco to Carson City, beating the train in a well publicized race where county sheriffs closed the roads to other traffic and crowds cheered him on.

In 1920. Skinner gave up the automobile business and moved, with his wife Evelyn (E.E. Morse's daughter) to the Morse Ranch, where he joined his father-in-law in ranching activities. He was active in the agricultural community in the ensuing years as an originator of the Tokay Marketing Agreement which set fresh market grape standards, and as a founder of the Del Rio Winery, now Guild, where he served on the Board of Directors. Additionally, he was a Rotarian, a member of the Ben Ali Shrine and active with the San Francisco Wine and Food Society. At the time of his death in 1967, he was a Director of the Lodi Branch of the Bank of America and of the Farmer's Mutual Fire Insurance Co. of Stockton, apparently following his father-in-law's lead.

Each generational member of this important Lodi family, from early ranching and agricultural innovations to later financial and educational contributions, participated significantly in the growth and evolution of the area.

The Morse-Skinner House is a handsome vernacular ranch residence whose appearance reflects the elegance, design, and character of two important architectural eras. It is an interesting example of its type and style representations, and an unusually attractive structure for its location and use as a ranch residence. The large residence is also one of the very few ranch houses of its age remaining in the area.

Essentially Greek Revival in design origins, the Residence stylistically reflects both of its two major periods of associative significance; the Greek Revival period associated with the Lodi pioneer builder of the house, and the Colonial Revival era of the early twentieth century associated with the builder's son who remodeled a portion of the house in 1912. The basic forms and proportions of the Greek Revival style of the original building are combined with the later Colonial Revival design of its porch. Though somewhat different in design approach, the two styles derive from the same architectural origins, and retain a compatibility.

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The Greek Revival style aspects of the structure are most strongly reflected in the simple forms and elegant proportions of the two principal rectangles of the residence and in such detailing characteristic of the mode as the eave returns, window types and simple moldings. The crisp lines of the building create a visual counterpoint to the curvilinear ornament of the pediment, porch columns, and the curve of the porch, the principal Colonial Revival themes utilized in the building design.

The Greek Revival style was widely utilized in California during the 1850s and 1860s. The themes were brought to the West during and just after the Gold Rush, by immigrants from the eastern and southern areas of the country, where the style had been popular since the early decades of the nineteenth century. Vernacular representatives of the style range from farm homes and churches to commercial urban structures. The mode reflected the basic forms and ornament of Greek temple architecture, often employed gabled or pedimented forms, eave returns that derive originally from pediments, and simple, refined proportions.

During the 1860s, the style gradually declined in popularity, giving way to Italianate or Second Empire modes. The construction of this Greek Revival house as late as 1869 reflects the fact that established styles tended to be retained longer in isolated or rural areas than in urban sites where new trends were more quickly adopted. The angled bay on the north elevation is more common to later Italianate design and may have been an early modification to the structure.

The Colonial Revival style evolved during the end of the nineteenth and early twentieth century, and characteristically employed such classical elements as columns, pediments, dentil courses and friezes, often embellished with formal floral ornament. The architectural return to simpler classical forms after the often excessive ornamentation of the late Victorian era reflected both a reaction to those excesses and to the grand versions of classicism represented at the Columbian Exposition of 1893 in Chicago that heralded architectural styles for the next quarter of a century. E.E. Morse's use of the mode to "modernize" the porch of the ranch house that had become his permanent home was in keeping with the era.

The Morse-Skinner Residence is an important and rare remnant of the early settlement of the Lodi region, a good example of residential ranch construction of the area, and an unusually handsome architectural representative for its location and relatively modest use.

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Bewley, Marilyn, Granddaughter of E.E. Morse, Stockton, California,  
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The Morse-Skinner Ranch house property to be designated lies along the frontage road of Highway 99, less than one mile south of Lodi. The ranch property included over 200 acres of land during the height of its operation. The residence and tank house are the only ranch buildings now remaining from the original ranch. The garage is included in the property to be designated due to its location between the buildings. The property nominated is the one acre remnant of the once larger ranch, and contains these three structures and a small garden area around them.

~~Describe the present and original (if known) physical appearance~~

The Morse-Skinner Ranch house stands on the frontage road paralleling Highway 99, less than one mile south of Lodi, California, on a one-acre remnant of a once-larger ranch. The property includes two additional structures: a water tank and a more recent non-contributing garage. The residence, built in vernacular Greek Revival style in 1869, was altered in 1912 with the addition of Colonial Revival details. Subsequent alterations are minor.

Stylistically, the residence is a vernacular representative of the Greek Revival style with Colonial Revival modifications. The Greek Revival influence is most strongly seen in the proportions and forms of the two principal gabled rectangles with their eave returns and simple detailing. The original porch was replaced by the current Colonial Revival design with its Tuscan columns and ornamented pediment.

The wood frame residence is two stories in height and roughly rectangular in form. The building is comprised essentially of two gabled rectangles. The largest one is oriented east/west and is intersected by the other rectangle which extends to the south. The gabled rectangles contain eave returns on the facades, and double hung windows of both four lights over four and two lights over two. A slatted vent occurs in the center of the front facade gable. The largest rectangle appears to have been the original house. The southern wing may have been constructed at the same time or perhaps slightly later. The wood frame building is surfaced with wide channel rustic siding. The walls of the residence were originally constructed on the ground and raised into place on a brick foundation.

An angled one-story bay projects from the north elevation on the east end. A long one-story rectangle projects from the gabled wing along the south elevation. This sun porch contains steps and an entry, flanked by a row of windows on either side.

The original porch with its paired post columns and second floor balustrade was replaced by E. E. Morse, c. 1912, with the current Colonial Revival-inspired design. This one story porch is supported by Tuscan columns and contains a balustrade of turned balusters. The entrance is marked by an ornamented pediment and dramatized by a rounded projection on its southern side.

The southern sun porch was converted from an earlier screened porch, apparently added to the residence early in E. E. Morse's occupancy. A one-story roofed addition on the northwest and a gabled extension of the sun porch to the west are connected by a small addition at the rear (west).

The interior contains a stairway with turned balusters leading to the upper floor. Decorative moldings of Greek Revival derivation enframe doors and windows. The interior framing of the angled bay is embellished with decorative brackets. Upstairs doors still contain transoms. Other detailing is simple and standard to ranch house construction of the era.

Y-3855H

**E. E. Morse and SENATOR Leland Stanford ( Stanford University )**  
Had a love for Vineyards and horse racing. Mr. Morse purchased Dexter Prince from the senator, the senator later got the horse back.

### **Wallace's American Trotting Register**

Dexter Prince, (6)b. h. foaled 1879; by Kentucky Prince, 2470; dam Lady Dexter, by Hambletonian, 10; g. d. Clara (dam of Dexter. 2:17<sup>^</sup>. Alma, 2.28%, Astoria, 2:29>£, etc.), by American Star, 14, etc. [See Lady Dexter, Vol. IV.]  
Bred by Chas. Backman, Stony Ford, N. Y.; passed to Leland Stanford, Menlo Park, Cal.; then to J. Morse, Lodi, Cal.

## **Hambletonian** From Wikipedia, the free encyclopedia

The **Hambletonian** is a United States harness racing event held annually for three-year-old trotting standardbreds. The race is named for the famous trotting horse, Hambletonian 10 (1849-1876), from whose four sons, *the lineage of virtually all American standardbred race horses can be traced. It is the most coveted North American race for trotters; among races for pacers, only the Little Brown Jug is as prestigious.*

**The Hambletonian is the first, and most prestigious event in the United States Trotting Triple Crown races.**

## Stanford University

With wife Jane, Stanford founded Leland Stanford Junior University as a memorial for their only child, Leland Stanford, Jr., who died as a teenager of typhoid in Florence, Italy while on a trip to Europe. Approximately US\$20 million (US\$400 million in 2005 dollars) initially went into the university, which held its opening exercises October 1, 1891. The wealth of the Stanford family during the late nineteenth century is estimated at approximately US\$50 million (\$US1 billion in 2005 dollars).

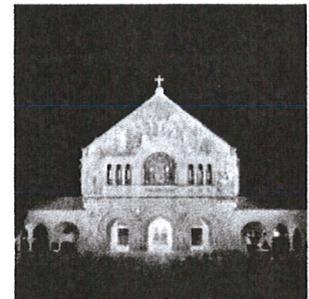
Leland Stanford died at home in Palo Alto, California on June 20, 1893, and is buried in the Stanford family mausoleum on the Stanford campus. The Memorial Church at Stanford University is also dedicated to his memory.

## Posthumous Honors

California Governor Arnold Schwarzenegger and First Lady Maria Shriver announced on May 28, 2008, that Stanford will be inducted into the California Hall of Fame, located at The California Museum for History, Women and the Arts. The induction ceremony will take place December 10 and Stanford family descendant, Tom Stanford will accept the honor in his place. [6]



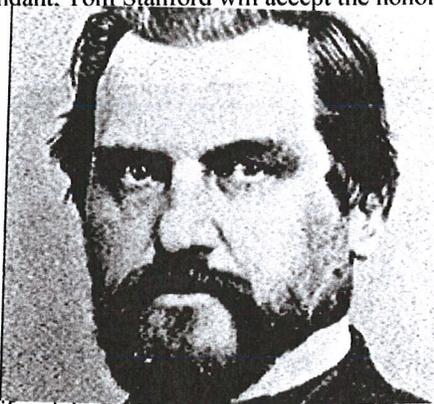
Leland Stanford in 1890<sup>[5]</sup>



The Memorial Church at Stanford

## Leland Stanford

**(1824-1893)**



One of the "Big Four" who built California's Central Pacific railroad, Leland Stanford brought a sweeping political influence to the partnership that insured this privately financed project all the advantages of public funding.

Stanford was born into a well-off farming family in Watervliet, New York. After a superb secondary education and several years of higher education, Stanford entered an elite law office to prepare for a career as an attorney, passing his bar exam in 1848. He soon moved to Wisconsin, where he began to practice his profession.

After three years in Wisconsin, Stanford and his new wife decided to move to California, where several of his brothers had already found success as merchants. Stanford joined them in 1852 and soon began making enormous sums of money by selling equipment to miners in northern California. He also became involved in politics, first as a justice of the peace, then as the unsuccessful 1857 Republican candidate for state treasurer, and in 1859 as the unsuccessful Republican gubernatorial candidate. Stanford was finally elected governor in 1861, when the Civil War split the Democratic vote, and he played a part in keeping California loyal to the Union.

During his tenure, Stanford made no attempt to separate his political office from his private business interests. With Mark Hopkins, Collis Huntington and Charles Crocker, Stanford was one of the "Big Four" planning to build the eastbound section of the transcontinental railroad, and his contribution to the partnership was to come in the form of political influence. As governor, Stanford kept this pledge, despite his responsibilities to the public, by helping to secure massive state investment and land grants for the railroad project.

When his term ended in 1863, Stanford declined to run for governor again, choosing instead to become president of the Central Pacific, a post he held until his death. He was also a major stakeholder in and longtime president of the Southern Pacific, as well as owner of many of the construction companies that did most of the actual railroad building. Later in the century, as public pressure mounted for government regulation of such monopolies, Stanford's political connections in California continued to keep his railroad business interests on track.

The immense wealth Stanford acquired from railroad building enabled him to live a lavish life. He maintained enormous vineyards and owned a large horse-raising ranch near Palo Alto. In 1884, the death of their fifteen-year-old son prompted the Stanfords to found and endow Stanford University in his memory. In 1885, Stanford distinguished himself by being arranged for the California legislature to appoint him to the United States Senate, where he served without distinction but with pleasure until his death in 1893.

# San Joaquin County Biographies

## WILLIAM H. LORENZ.

San Joaquin County will never forget the important and necessary part played by the far-sighted, experienced bankers in her development, through which she has come to take a front place among the counties of California, and prominent among the agencies that has done much for the progress in Central California the First National Bank of Lodi must be mentioned. Its success is undoubtedly due, to a great extent, to the personal attention to every detail of William H. Lorenz, the president of this thriving institution. He was born in Crawfordsville, Ind., on April 9, 1863, and there was reared and educated. In 1885 he came West to Walla Walla, Wash., and engaged in farming pursuits for two years at the end of which time he removed to Stockton and was employed by P. A. Buell & Company; later he entered the Stockton State Hospital and soon afterward assumed the supervision of that institution, where he remained for fifteen years. During the year of 1905 he settled in Lodi and helped to organize the First National Bank and became its cashier, which position he held until recently when he was elected president. The other officers are as follows: H. C. Beckman, E. E. Morse and S. H. Zimmerman, vice-presidents; Lloyd Mazzer, cashier; P. A. Ritchie, H. F. Lightfoot, D. H. Groff and C. D. Tappan, assistant cashiers. The present board of directors are: George F. McNoble, chairman, and W. H. Lorenz, president; H. C. Beckman, E. E. Morse, and S. H. Zimmerman, vice-presidents; George W. Le Moin, E. A. Covell, John C. Bewley, Otto Spenker and W. G. Micke. The First National Bank was organized with a capital of \$25,000; and now with the Central Savings Bank, under the same management, has a combined capital of \$300,000 with a surplus of \$150,000 and resources of over \$3,500,000.

Mr. Lorenz is the secretary and treasurer of the Lodi Investment Company which built and own the beautiful Lodi Hotel and the Lodi theater. In 1913 he purchased an eighty-acre vineyard near Youngstown, which he has brought to a high state of cultivation; an arch at the entrance to the property reads "Vista Del Monte Vineyard." In partnership with John C. Bewley, he recently subdivided a forty-acre tract south of Lodi into one-acre lots. Mr. Lorenz has been city treasurer of Lodi since its incorporation in 1906. Fraternally he is a member of Lodi Lodge No. 256 F. & A. M. Masons; and belongs to all branches of that order in Stockton, and to the San Francisco Consistory and Shrine; he has passed through all the chairs of the Lodi Lodge of Odd Fellows.

Mr. Lorenz's marriage united him with Hedwig Ruhl, a native daughter of California born in Stockton; she is the daughter of the late Fred Ruhl, a Stockton pioneer, whose sketch appears elsewhere in this volume. Mr. and Mrs. Lorenz are the parents of one daughter, Bernice, a graduate of the University of California in 1921. She married P. A. Ritchie of Lodi and they have a little daughter. A man of fine character, a clear thinker, broad-minded and progressive, Mr. Lorenz has a keen desire for the community's betterment, morally, educationally and commercially.

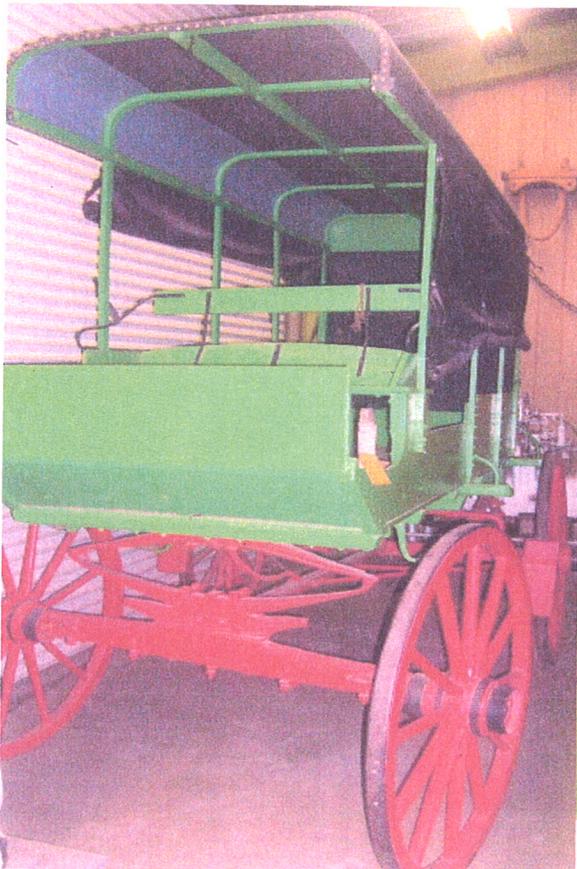
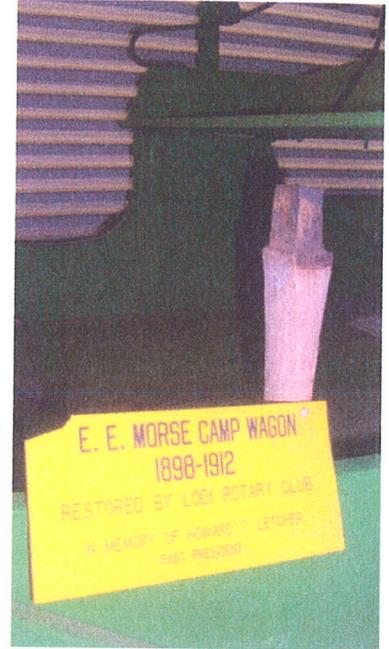
*History of San Joaquin County, California* - Los Angeles, Historic Record Co., 1923

p 499

Transcribed by Kathy Sedler.

**MICKEY'S GROVE – San Joaquin County Historical Building**

**Mickey Building - E. E. Morse 1898-1912 CAMP WAGON**





E.E. Morse "Freight Wagon"  
San Joaquin County Museum Mickey's Grove

To be refurbished by Mr. Morse  
granddaughter, one there is A place  
to display it safely

E. E. Morse Camp Wagon  
1898-1912  
Restored by Lodi Rotary Club  
in memory of Howard T. Letcher

The Camp Wagon has been restored for the museum by the Lodi Rotary Club in memory of the late Dr. Howard Letcher, past president of Rotary and also past president of the San Joaquin County Historical Society and a member of the museum board. The wagon was originally owned by Elliott E. Morse of Cherokee Lane.

Elliott E. Morse was born in the county in 1861 to Lorenzo Marion Morse and Sarah Eveline (Elliott) Morse. His father was a native of Maine and his mother of New Hampshire. In 1859 his father crossed the great western plains to California, coming directly to San Joaquin County, and settling near the old home on Cherokee Lane. Our 1885 Directory lists Lorenzo as a farmer with 905 acres at Live Oak.

Elliott (the owner of the Camp Wagon) was reared in San Joaquin County and graduated from Stockton Business College in 1883. In 1884 he married Florence Heaton. Mr. Morse served as trustee of the Live Oak School District, and during all this time he was a clerk of the board. Fraternally, he was affiliated with the Knights of Pythias at Lodi, and politically was registered as a Republican.

Mr. and Mrs. Morse had two children, Genevieve Morse Roberts and Evelyn Morse Skinner. Mr. Skinner was one of the active members of Lodi Rotary. He and Mrs. Evelyn Skinner lived at the old home just south of Harney Lane. After the passing of Mr. and Mrs. Skinner, the museum was invited to the home place and the lower ranch south on Cherokee. In May of 1968 the Camp Wagon and a Freight Wagon were received by the museum. The roof to the barn on the lower place was gone and the vehicles were rotting away.

The museum realized the importance of these items and the story each could tell of work and play. One of the museum's prime concerns and responsibilities is not only the exhibition and interpretation of artifacts, but the preservation and restoration of them.

Often the physical mementos of our history disappear quickly, consumed in onrushing and engulfing waves of important current events. And we, as people sustain a great loss. The San Joaquin County Historical Museum believes that through conservation and proper interpretation, we can instill understanding and pride in the past and a sense of belonging that is needed desperately by our young people.

We have the Camp Wagon that belonged to one of our pioneers. The museum is one of the few, if not the only, museum in California to own a Camp Wagon that can be documented. It came from almost insight of the museum.

The wagon belonged to Elliott E. Morse and his family, and, like other families, they went to the Sierras in the summer for camping trips. They did not travel in air conditioned cars over smooth roads with eating places along the way and luxurious accomodations awaiting their arrival. They went in the Camp Wagon, pulled by two horses, piled high with cooking and sleeping equipment up the steep and crooked and dusty grades. At night, Mrs. Morse made biscuits at the campfire, and then the family turned in to gaze at the stars from a bed on the ground.

The Camp Wagon, according to the granddaughter, Mrs. Ross Bewley, of Stockton, and donor of the wagon, was used for trips to Mokolumne Meadows, Yosemite, Myers Station and the southern end of Lake Tahoe from 1898 until about 1912.

Writing was found under the top, which will be preserved. The following has been written on the tin of the top by Genevieve and Evelyn as young girls:

July 1903 Parkinson family and Ernest Ferdun elevation 6500, trip fine camp on right bank of the Stanislaus whose waters rise into Kennedy Lake, lovely spot. Post family left for home

E. E. Morse family arrived at Tallac July 2, 1908 6200 ft. on 4th went as far as Tahoe Tavern and the Wallings stopped at Kirkwood.

July 6, 1910 bound for Echo Lake, warm weather, enchanting Evelyn Morse and Marion Ryan are going to Salem School now, and so on.

From A HISTORY OF THE NEW CALIFORNIA Its Resources and People  
edited by Leigh N. Irvine 1905 Vol. II page 1018

"Knowledge of kindred and the genealogies of the ancient families deserveth highest praise. Herein consisteth a part of the knowledge of man's own self. It is a great spur to look back on the worth of our line." -Lord Bacon.

Elliott H. Morse (owner of the Camp Wagon)

Elliott H. Morse, whose handsome homestead is located on Cherokee Lane about three miles from Lodi, is a native son and well known citizen of San Joaquin County, and his active career has brought him into a place among the leading men of the country, both through his able management of private affairs and through his public-spirited efforts for the upbuilding of his community. In his home estate there are a hundred and twenty acres of land, and a short distance to the south, also on Cherokee Lane, he has another ranch of one hundred and ninety acres, about sixty acres of which are planted to grapes. (the camp wagon was stored in the barn on the south piece of property just east of Hicke Grove.)

Born in San Joaquin county, March 11, 1861, he was a son of Lorenzo Marion Morse and Sarah Eveline (Elliott) Morse, old settlers of the county. His father a native of Maine and his mother of New Hampshire. In 1859 they crossed the great western plains to California, coming direct to San Joaquin county and settling near the present home of Mr. Morse. (The 1884-5 Directory lists Morse, Lorenzo H, farmer 905 acres, Live Oak)

Reared to man's estate in San Joaquin county, where he received his education in the public schools and also in 1883 graduated from the Stockton Business College, Mr. Morse has from youth up been intimately acquainted with agricultural life, and through his earnest study and careful experience in its various departments has gained the worthy success which gives him influence and high rank among his copeers.

He was married February 14, 1888, to Miss Florence C. Heaton. She is a native of St. Catherines, province of Ontario, Canada, and at the age of nine years she accompanied her parents to this state, their home being located in what is now Glenn county, where she was reared and married. Mr. and Mrs. Morse have two children, Welyn A. and Genevieve.

For seven consecutive years Mr. Morse served as a trustee of the Live Oak school district, and during all this time he was a clerk of the board. Fraternally he is affiliated with the Knights of Pythias at Lodi, and his political belief is Republican.

**THE PERSONAL ACCOUNT OF EVA S. MORSE**

**Trip across the Plains in 59' (1859)**

**Diary account of a 3000 mile trip.**

Survival, Heartache, Death, Beauty, Landscape, Sickness, Family  
and most of all hope.

4 out 70 pages

realize it, until we get there. Are now camped on Shoshonee Creek. Had to leave poor Dick today, an ox that has worked most of the time, but failed two or three days ago, we hate to leave him, he has been so kind.

20th

Camped on Shoshonee Creek, an Indian came round camp & appeared very friendly, but they are so treacherous that we cannot place much dependence upon them. Traveled until nearly dark & were just going to camp when two men that we had seen some time before, came up & gave us the unwelcome & stunning intelligence that the Indians some seven miles ahead, had that day between eleven & twelve, while they were passing through a deep ravine, attacked them & shot & as they suppose, killed two of their men & taken their stock, provisions, wagons & everything. They escaped by flight & came back here, where they camped the night before & where there was a Mormon stand just come out to sell vegetables to the emigrants. They treated them kindly, some of them eat supper & lodged with us, there were two women & one child who escaped, by all riding on a pony. Oh, it makes my blood run cold & to think too that we have got to go through the same place & through a number of hundred miles of the same wild country. But God is able & willing to save & I trust He will not leave us to be killed by those wild savages.

21st

Last night was the longest night that I ever experienced. I lay in constant fear of being aroused by a volley of bullets.

& the hideous yells of the savages. But we were not troubled with them, but the loud & wild howling of the chiotes deceived us for a number of times, but thank to God, we are all well this morning. The boys went up there & found one of the men still living & sensible, he was very thirsty & after quenching his thirst, some of them stayed there & the rest came back, got two carriages & have now returned with the corpse & wounded man. We cannot yet determine how badly he is hurt, only that his leg & arm are both broken. They both have families in Muscatine, Iowa. How sad the news must be to them. The living man says they left about sun an hour high, after setting fire to their wagons & nearly all that they did not want, but they found a few things which they brought down. Some of their cattle came back in the night & others today, numbering about thirty. They are now dressing the wounded & digging the grave. It seems very sad & lonely. The Indians left their sign of war, the red flag hung on a bush. Oh it is something I never expected to see, but our only hope is in a higher power than man, although our boys & the neighboring camps have been getting prepared for them. There are now about 75 men in all going to keep together, have turned our droves together & they think that they will not attack us as long as there is so large a company. I hope & pray they won't, but as we are about the last of emigrations, there is much more danger. One of their boys who got a flesh wound, yesterday started on a mule to go to the ravine when his mule fell & threw him, breaking his collar bone. They have just been setting it.

His sister got a shot through the skirt of her dress, another through his hat, but let us all place hope & confidence in the promises of Christ & feel that He will protect us for He is mighty. They are dressing the wounded & preparing the dead for burial, he is very much mangled & the most horrible spectacle that I ever witnessed. God grant I may never behold such another

22nd

They are now preparing to start & to go through that fearful place, but as there are 70 or 75 men of them, they apprehend no danger, but we poor weak defenceless women can't rest so easy, still they are going with their eyes open & hands ready for action, but I hope & pray - that they may not be called to action, God Almighty grant it! I have just been talking with the wounded man his courage is good, but yet he considers his recovery doubtful under the circumstances. They are going to carry him to Salt Lake as the nearest place for relief, his arm from his elbow to his shoulder seems to be completely shattered, his leg is broken. They took a ring from the dead man's finger & a lock of hair, to send to his wife. What heart-rending news!!

23rd

Have come nine miles & have got through that fearful place & it is indeed a fitting place for such a terrible deed. We have not seen a better. It is a deep ravine with very high bluffs on each side & a good many bushes on them & just at the bottom a grove of cherry trees. We saw the blackened ruins of the fine wagons & the place where the four men were sitting playing eucere

& small pools of blood near it. It was a sad & gloomy spectacle & I breathed much more free when we scaled the top, but still the road lies through good dark places for hellish deeds. We have eight on guard at night & the boys all keep their eyes & ears open & I can safely say the women too. We are now just going to start & I must postpone until tonight, if we live to see Heard more bad news ahead & some good - a number of trains have been entirely killed & others more or less killed & wounded. We also learn from the same source (some men which we met going from Salt Lake to Washington territory) that there are 350 soldiers about 9 miles from here, that have come out for the protection of the emigrants, & for exterminating the red skins with whom they have already had two or three skirmishes & killed at one time 25 of them but as we take a different road this morning, we shall not see them, as our courageous men think we are sufficiently strong to prevent an attack, but for my part, I should feel much more safe to have about 25 or 50 of them escort us until we reach a country less dangerous as we have got to go through the worst yet. Now every day the road passes through long deep canons.

24th

Soon after starting came through a canon, 4 or 5 miles long with very steep bluffs on each hand. A number of our men went to the top of them & followed along them, to be sure that there were no savages lying in ambush & when we next joined them we were on a very high hill, down which our guide says, the wagon must be let down by ropes, but we found them no worse than some

that we had been down before. For quite a distance at the foot of this, the road was just wide enough for wagons to pass, between very high bluffs, not even room enough for the drivers to walk beside their teams, some of the way, but they were obliged to climb up steep banks, some higher than their teams. Mr. Yeiser & one of his men went back to get a couple of strays & as they were returning, they met the soldiers with whom they had a talk. They advised us to keep a sharp lookout & he prepared for them (Indians) & thought we would not be attacked. They have gone to find four men which camped with us some about a week ago but stopped with a sick ox & have since been traveling alone but they, the soldiers & we feel afraid they have been killed. Traveled till near 10 o'clock to reach water, making 25 miles today & find water scarce & no feed & the stock have eaten nothing since this morning. We have camped in the same place where the Indians killed a man the 26th of last month. His name was Hall, they shot him while on evening guard & stole their cattle. His grave is near here only a few rods from camp. This is our little Freddie's birthday, he is now a two year old & a great fat boy.

25th

We almost start this morning before we are up, before it was fairly light, the tents were down, stoves put out & cattle driven up for yoking & as they had no feed, we went about 2 miles & stopped - got our breakfast & the cattle theirs, & from here we entered a 15 mile canon where a train of 12 men, 3 women & 5 children were attacked the 27th of last month by the Indians & four men instantly killed & one woman & one man wounded.

# Item 3a.

**LODI  
PLANNING COMMISSION  
Staff Report**

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**MEETING DATE:** October 8, 2008

**APPLICATION NO:** Final Revised Environmental Impact Report (EIR-03-01)  
Use Permit U-02-12,  
Vesting Tentative Map 03-P-001  
Site Plan and Architectural Review 08-SP-08

**REQUEST:** The request of Browman Development Company to certify the Final Revised Environmental Impact Report (EIR-03-01) to allow construction of the Lodi Shopping Center and allow all subsequent development approvals for the center. Additionally, to approve Use Permit U-02-12 to allow the construction of a commercial center in a C-S, Commercial Shopping District, and allow the sale of alcoholic beverages at the Wal-Mart Supercenter and Vesting Tentative Map 03-P-001 to create 12 parcels for the project. Finally, to approve the SPARC application concerning the Wal-Mart building.

**LOCATION:** 2640 West Kettleman Lane. Approximately 40 acres located at the southwest corner of west Kettleman Lane/State Route 12 and Lower Sacramento Road in west Lodi.

**APPLICANT:** Browman Development Company  
100 Swan Way, Suite 206  
Oakland, CA 94621

**PROPERTY OWNER:** Browman Development Company & Wal-Mart Real Estate  
100 Swan Way, Suite 206 Business Trust  
Oakland, CA 94621 Mail Stop 0555  
Bentonville, AR 72716-0555

**RECOMMENDATION:** Staff recommends that the Planning Commission certify the Final Revised Environmental Impact Report (FREIR) for the Lodi Shopping Center project and that the Planning Commission approve the Use Permit, Vesting Tentative Map, and SPARC requests subject to the conditions listed in the Draft Resolutions as attached.

**PROJECT/AREA DESCRIPTION**

**General Plan Designation:** NCC, Neighborhood / Community Commercial.

**Zoning Designation:** C-S, Commercial Shopping District.

**Property Size:** Approximately 40 acres, 36 acres for the shopping center development and 4 acres adjacent and southwest of the shopping center site for construction of a stormwater detention drain.

**Adjacent General Plan, Zoning and Land Use:**

**North (across W. Kettleman Ln):** General Plan; NCC, Neighborhood Community Commercial

Zoning; C-S, Commercial Shopping Center  
Land Use; The Vintner's Square Shopping Center anchored by the  
Lowe's Home Improvement store

**South:**

General Plan; LDR, Low Density Residential  
Zoning; PD, Planned Development  
Land Use; Currently Agricultural planted as a vineyard, but  
planned as the Southwest Gateway planned residential  
community

**West:**

General Plan; PQP, Public/Quasi Public & HDR, High Density  
Residential  
Zoning; PUB, Public & PD, Planned Development  
Land Use; Currently agricultural, but planned for a utility substation  
and higher density residential as part of the Southwest  
Gateway planned residential community

**East (across Lower Sacramento Rd.):**

General Plan; NCC, Neighborhood Community Commercial  
Zoning; C-S, Commercial Shopping Center  
Land Use; The Sunwest Plaza Shopping Center currently anchored  
by the existing Wal-Mart, J.C. Penny and the Food 4  
Less Grocery Store.

**BACKGROUND:**

The original Final Environmental Impact Report and the associated Lodi Shopping Center project came to the Planning Commission on December 8, 2004. At the conclusion of that meeting the Planning Commission certified the Final Environmental Impact Report (FEIR) and approved a Use Permit to allow the construction of the Lodi Shopping Center, the sale of alcoholic beverages at the Wal-Mart Supercenter and a Tentative Map to create 12 parcels.

Two appeals were filed concerning the Planning Commission's certification of the FEIR and approval of the project. The first appeal was filed by the law firm of Herum, Crabtree and Brown on behalf of Lodi First, an unincorporated association of Lodi residents, voters, property owners, and taxpayers. This appeal found fault with the FEIR. Lodi First claimed that the project was not consistent with the City's General Plan or Zoning Code and challenged the FEIR as inadequate. The second appeal was filed by the law firm of Steefel Levitt and Weiss on behalf of Wal-Mart. Wal-Mart's appeal was limited to two conditions imposed by the Planning Commission: 1) a condition requiring signed leases for at least 50% of the existing Wal-Mart building before a building permit could be issued for the Supercenter; and 2) a condition requiring the project developer to pay for a linkage study based upon the Housing Element and pay any fees based on the conclusion of the study.

The City Council considered the appeals. On February 3, 2005 the City Council certified the FEIR for the Lodi Shopping Center project. On February 16, 2005 the City Council approved the Use Permit for the construction of the Lodi Shopping Center, allowed the sale of alcoholic beverages at the Wal-Mart Supercenter, and approved the Tentative Map to create 12 parcels. The Council added to the Planning Commission's condition regarding the existing Wal-Mart building by allowing various options and expansions. The Council expanded the requirement that prior to the issuance of a building permit for the Supercenter at least 50% of the existing Wal-Mart building square footage be leased, with said leases including a minimum two-thirds of the building frontage. Two additional options were added to allow issuance of a building permit for the Supercenter if the existing building had a fully executed purchase agreement with a bona-fide retailer, or if the applicant presented a cash escrow for the purpose of demolishing the existing Wal-Mart building not later than 90 days after the opening of the Supercenter. A

new alternate condition was also added to allow Wal-Mart to be issued a building permit for the Supercenter if prior to the issuance of the Use Permit, Wal-Mart sold the existing building to a non Wal-Mart entity. The appealed condition regarding a Housing Element linkage study was retained but the developer is to receive credit for the amount paid against the final fee as adopted by the Council.

The City Council approval of the Lodi Shopping Center was challenged in court on environmental grounds. On December 19, 2005, the Superior Court of California, San Joaquin County, Stockton Branch found the EIR to be deficient with respect to cumulative urban impacts and energy impacts. The Court directed the City to void all City approvals for this project pending correction of the differences in the FEIR. On February 10, 2006 the Court ordered the City to vacate approval of the following Planning Commission and City Council resolutions approving the project:

- a) Planning Commission Resolution PC 04-64 certifying the EIR 03-01 adopted on December 8, 2004;
- b) Planning Commission Resolution PC 04-65 approving Use Permit U-02-12 and Tentative Parcel Map 03-P-001 adopted on December 8, 2004;
- c) City Council Resolution 2005-26 certifying the EIR 03-01 adopted on February 3, 2005; and
- d) City Council Resolution 2005-38 approving Use Permit U-02-12 and Tentative Parcel Map 03-P-001 adopted on February 16, 2005.

On May 3, 2006, the City Council adopted Resolution 2006-81 rescinding the above listed Planning Commission and City Council Resolutions relating to the Lodi Shopping Center. The City Council also adopted Resolution 2006-82 authorizing agreements with two consulting firms to prepare revisions to the Lodi Shopping Center EIR that was found deficient by the Superior Court.

## **PROJECT DESCRIPTION:**

### **Revisions to the Lodi Shopping Center:**

In the case of Lodi First v. City of Lodi, San Joaquin Superior Court Case No. CV025999 ("Lodi First"), the Court ordered revisions to the discussions of cumulative urban decay impacts and energy impacts. In all other respects, the Court found the EIR to be legally sufficient under CEQA. The City of Lodi decided to make revisions to three additional areas of the EIR. These are: the statement of project objectives, the discussion of agricultural resources, and the discussion of project alternatives. These areas of additional analysis were the subject of a lawsuit entitled Citizens for Open Government v. City of Lodi, San Joaquin Superior Court Case No. CV026002 ("C.O.G."). The C.O.G. case was resolved after the court's decision in Lodi First by a stipulated order of dismissal, preserving to the C.O.G. plaintiffs the right to continue to assert certain previously made claims as to the adequacy of the environmental analysis. The Revised EIR document includes only the above five (5) sections which were subject to revision or augmentation. Since the remainder of the original EIR is not subject to further review, it is staff's recommendation that the Planning Commission recertify the original EIR, as amended by the Revisions to the EIR document to cure the deficiencies identified by the Court.

The Revisions to the EIR are subject to the full administrative and public review. A Notice of Preparation (NOP) was prepared describing the legal context, a project description and a brief overview of the topics to be covered in the Revisions document. The NOP was made available to the State Clearinghouse in the office of Planning and Research for State agencies and was sent to non-state agencies and was posted and made available to the public to solicit input on the five (5) issues of concern that would be addressed in the FREIR. After a period of analysis and formulation, the DREIR was prepared. The City filed a Notice of Completion (NOC) with the State Clearinghouse and posted, published, and distributed the Notice of Availability of the DREIR. This began the public and agency review period for the

document. The length of the public review period was 52 days. During the review period, the Planning Commission held a public hearing on November 14, 2007, to receive oral and written comments on the DREIR. The City prepared formal written responses to all the comments received as well as an addendum section indicating further revisions made to the document. The revisions, comments received, and responses constitute the FREIR for the Lodi Shopping Center Project and are presented for certification.

### **Summary of Specific Impacts and Their Mitigations:**

The revisions to the EIR re-analyzed the potential for urban decay due to cumulative economic effects of competing retail projects. The REIR looked at region-wide effects of Wal-Mart Supercenters in other cities and the effects of the Reynolds Ranch commercial area. The analysis found that existing retail centers in Lodi would be subject to a reduction in sales and it is possible that one or more business closures could result and the affected properties could be subject to long-term vacancies under cumulative conditions. However, such closures and vacancies though possible were not reasonably foreseeable and if closures and long-term vacancies were to occur, they would not result in total neglect or abandonment which could lead to urban decay or physical deterioration. No urban decay or physical deterioration is foreseen to occur and that is the test for an EIR impact, therefore no impacts were identified and no mitigation measures are proposed. Nonetheless, the City has committed to aggressive code enforcement measures to ensure the abatement of any nuisance within the City and to prevent the physical deterioration of communities. In this vein, in August of 2008, the City added another member to its Community Improvement Division by hiring a new Supervising Community Improvement Officer.

The REIR analyzed the Reynolds Ranch project at approximately 640,000 square feet. As a result of the City Council's most recent approval of the Reynolds Ranch project at 750,000 square feet, the City has had the economic consultant review the potential impacts of the additional area. The memorandum from BAE is included as an attachment to this staff report. In summary, the conclusion is that "This review process has shown that even if BAE had assumed that Reynolds Ranch was to be developed with 750,000 square feet of retail space when preparing the October 2007 analysis, the conclusions and findings would not have been significantly different than they are at present". Thus, the additional space does not change the impact conclusions of the REIR. Additionally, the recent Reynolds Ranch EIR Addendum, which analyzed the impacts of the larger project, did not find any additional economic or urban decay impacts as a result of the increased project size.

The revisions to the EIR also addressed energy impacts. The analysis found no significant energy consumption impacts or impacts on energy supplies and infrastructure; therefore, no mitigation measures are proposed. The original EIR found an impact from the conversions of approximately 40 acres of prime agricultural use to urban uses, a significant and unavoidable impact. The FREIR confirms the significant and unavoidable impact on agricultural resources but adds a partial mitigation of requiring the project to obtain permanent agricultural conservation easements over 40 acres of prime farmland within 15 miles of the site. The remaining revisions to the EIR modified the project objectives and changed the alternative project location that was analyzed. The original alternative location was the Reynolds Ranch project site. As this site is subject to an active development application, a new site at the northeast quadrant of Highway 12 and Thornton Road was evaluated.

The above sections were the focus of the revisions to the EIR for the Lodi Shopping Center and modified impacts, mitigations, findings and statements of overriding considerations have been prepared as is included in the proposed resolution of certification.

### **Use Permit and Tentative Map Analysis:**

Approximately 17 years ago, the City's General Plan designated the southwest corner of West Kettleman Lane/State Route 12 and Sacramento Road for the construction of large-scale retail development. Since

that time, the centers on the other three corners have built out as envisioned. Major national retailers such as Wal-Mart, J. C. Penney, Target, and Lowe's have occupied these corners. The Lodi Shopping Center is proposed on the remaining fourth corner to be anchored by a Wal-Mart Supercenter. This type and scale of development is consistent with the activity that has occurred at the other corners.

The City's Zoning Code requires that all plot plans for projects within the C-S, Commercial Shopping District receive Planning Commission approval. Over time, this review has been done through the Use Permit process. The Zoning Code also requires use permit approval for the sale of alcoholic beverages. The applicant is requesting a Use Permit and a Vesting Tentative Map in order to divide the property into 12 lots that will correspond to the number of buildings anticipated for the project.

The proposed project includes the construction of approximately 339,966 square feet of commercial retail uses, representing a variety of retail sales and services, to be contained in 12 buildings of varying sizes. The primary uses will be a Wal-Mart Supercenter which will occupy approximately 216,710 square feet of floor area, including approximately 70,000 square feet for grocery sales, 19,889 square feet for a garden center (including outdoor fenced area), and 6,437 square feet for an auto service shop. The Wal-Mart Supercenter will not include the use of outdoor metal storage containers, and will not include a seasonal sales area in the parking lot.

A moderate sized retailer will occupy approximately 35,000 square feet on pad 12 in the southeast corner of the site. The remaining 11 buildings will range in size from 3,200 square feet to 14,788 square feet. Three of the 11 buildings will be occupied by fast food franchises, with another two buildings consisting of sit-down restaurants, and the remaining buildings occupied by such retail uses such as financial services/bank, professional/business services, and other retail sales and services.

As noted previously, additional environmental and related economic analysis has been undertaken. However, the uses and layout and design of the shopping center has remained the same as that presented to and approved by the Planning Commission in December, 2004. The Wal-Mart building is located at the southwestern corner of the site, with 11 freestanding buildings located along Kettleman Lane and Lower Sacramento Road to the north and east. In the center of the shopping center is the main parking lot. The proposed vesting tentative map includes the Wal-Mart store and all corresponding parking in the largest lot (lot 12, 18.3 acres), with each of the remaining 11 buildings on their own lot with associated parking. These other lots are generally 1± acre in size, with the smallest (lot 8) being 0.53 AC and the largest (lot 11) being 2.6 AC. Internal travel lanes, parking medians and planters are located through-out the interior. Access to the Center is mainly from Westgate Drive and Lower Sacramento Road, with right turn in and out only from Kettleman Lane. As shown on the site plan, significant public improvements are required in order to build this project, as detailed in the draft conditions in the accompanying resolution of approval. The applicant will be responsible for the construction of Westgate Drive from Kettleman Lane to the southerly project boundary as well as the frontage improvements on Kettleman Lane and Lower Sacramento Road. The applicant is also responsible for the approximately 4 acre site across Westgate Drive to be used for storm water detention, all associated project right-of-way dedications, utility easements, engineering reports and studies, and fees. An encroachment permit from CalTrans for Kettleman Lane / State Route 12 will be needed.

Additional conditions in the draft Resolution cover fire safety, outdoor storage or display of merchandise, shopping cart storage and security, exterior lighting, and a city information/welcome sign. Consistent with the prior approval by the City Council, conditions relative to re-use of the existing Wal-Mart building are proposed. Prior to the issuance of a building permit for the Supercenter, one of the following with respect to the existing Wal-Mart building shall occur: signed leases with a retailer(s) for at least 50% of the building square footage covering two-thirds of the building frontage; or a fully executed purchase agreement for the building with a retailer; or a cash escrow account in the amount to demolish the

building plus \$100,000. This escrow account shall be used by the City to demolish the existing building if the first two options have not been satisfied within 90 days after the opening date of the Supercenter. A condition is also proposed that the developer pay for a linkage study required under program 11 of the Housing Element "...a nexus study to determine whether a direct connection exists between non-residential development in Lodi that creates jobs and the need for housing affordable to lower-income workers who will fill some of those jobs." Also as in the prior City Council approval, a condition is included to incorporate all mitigation measures as specified in the FREIR.

As documented in the FREIR,  EQA environmental impact as to urban decay or physical deterioration from the Lodi Shopping Center cannot be made. The Planning Commission can, however, make a policy decision that the economic effects of the Center on the Downtown can be addressed. To this end, staff is proposing a condition to require the Lodi Shopping Center to invest money in Downtown or in the alternative, to pay a fee of \$2.00 per square foot of the gross floor area of the Supercenter to the City for Downtown investment.

The Use Permit will allow the sale of alcoholic beverages at the Supercenter. No Use Permit for alcohol for any of the freestanding buildings has been applied for or is under consideration. The tenants of these freestanding buildings are not known to staff and have not been included in this request. Any such request in the future would require a Planning Commission Hearing at that time when the specific details of the requesting business are known. The Planning Commission has previously found that the sale of alcoholic beverages is incidental to a grocery store operation and that is what is being requested by the Wal-Mart Supercenter. Staff recommends approval of this Use Permit and has included appropriate conditions in the draft resolution.

As previously discussed in the analysis, a vesting tentative map approval is requested to divide the site into 12 lots. Staff recommends approval of this action and has included vesting tentative map conditions in the draft resolution.

### **SPARC Review:**

Along with the plot plan and tentative map for the Lodi Shopping Center, preliminary elevations and colors for the Wal-Mart Supercenter have been submitted. No elevations or colors, landscaping plan, signage plan, materials, or other final plans for the rest of the Center or buildings have been submitted. This shopping center is subject to the City's Design Standards for Large Retail Establishments. The overall site layout, building footprints, parking areas, and access driveways provide the overall direction of the Center and were used by staff and the Planning Commission in the December 8, 2004 review to determine that this project complies with the Design Standards for Large Retail Establishments. As such, no further designs, layout, or changes have been proposed.

The proposed project includes the construction of a new Wal-Mart Supercenter store with a building size of approximately 216,710 square feet. The Wal-Mart building would be located on the southwestern portion of the project site, and the building entrance would face east toward Lower Sacramento Road. The Wal-Mart Supercenter building is a single story structure. The architectural theme of the building is a contemporary style and uses construction materials commonly used in commercial shopping center construction. Architectural materials such as concrete masonry block, metal awnings, and exterior plaster finish will be utilized on the exterior of the building. The major materials used for architectural treatment include fawn (brown) colored stucco, fawn (brown) cultured stone veneer, split face (light brown) block, sea-green colored smooth finish metal panels, charcoal roofing material, hallow (gunmetal gray) metal doors and cornices, and black fencing. The body of the building will be in shades of brown. The ground level will have fawn (brown) colored stucco walls with fawn colored stone veneer accent walls near key entrances and along the lower eight feet of the exterior wall. The architectural treatment features are mostly used on the north and east elevation. Also on the main entrance, a canopy type

architectural feature is proposed. The proposed main entry canopy will be clad with a brown cultured stone finish.

The west and south elevations do not feature the same detailed architectural treatment. The west (rear) elevation is a continuous wall with little architectural treatment to breakup the elevation of the building. The entire west elevation will have fawn (brown) colored stucco walls with metal doors painted to match the stucco. Cornices and accent trims are provided to break up the wall elevation. The ground level will also have cultured veneer stone elements. The midsection of the western elevation should receive further architectural treatment to add architectural interest to the wall. It is important to note that this elevation will be visible from across Westgate Drive. A condition of approval is included in the SPARC Resolution regarding additional architectural treatment for the west elevation.

The southern elevation will feature nearly identical architectural treatment as the west elevation. However, the proposed southern elevation is less of an issue. First, there will be an 8-foot tall masonry wall on the southern property line to block any view of this elevation from the project to the south. Second, unlike the western elevation, the southern elevation is not a continuous large mass elevation. Because the main axis of the building faces west (the longest elevation), the south elevation is the side of the building and is relatively small in size in comparison.

### **Circulation and Parking**

The site plan indicates six access points to three public streets. There will be three entrances/exits from Lower Sacramento Road, one from Kettleman Lane (HWY 12), and two from Westgate Drive. All three streets will have a raised center median that will restrict turning movements in some degree. The main entrance to the project parking lot is from Lower Sacramento Road and will be located near the middle of the project site. This entrance will have a traffic signal to control traffic flow and will allow both entering and exiting traffic to turn in both directions. The other access points from Lower Sacramento Road will be restricted to right turn in and right turn out movements. The direct driveway entrance from Kettleman Lane (HWY 12) will only permit a right-turn in and right-turn out traffic movement. Traffic can also access the shopping center from Kettleman Lane by way of Westgate Drive. This intersection is controlled by an existing traffic signal that will allow both right and left turning movements. The main (northern) access point from Westgate Drive will allow both right and left hand tuning movements. The southern access point will only allow right in, right out movements. Circulation to and from the site is very similar to the Vintners Square Center (Lowe's) to the north.

The main parking lot is located on the east side of the Wal-Mart building. There will be smaller parking areas to serve the free-standing commercial pads. For the Wal-Mart building, a total of 965 parking spaces are proposed (4.45/1000). A total of 434 parking spaces are required, per City code (General Retail 1/500). The proposed number of parking stalls exceeds the minimum parking requirements.

There are 12 cart corrals proposed to be distributed throughout the parking lot. These cart corrals will be screened in brown CMU wall with wooden frames to provide additional ornamentation.

### **Landscaping and Signage**

The proposed landscape plan calls for various large shade trees, smaller trees, shrubs and ground covers. A total of 478 larger shade trees will be provided within the parking lot interior, along the southern and western edges the property line, and throughout the site. This total number of trees exceeds what the City code requires.

The approval of project signage is not a part of the current review and would be subject to City of Lodi codes and requirements to ensure they complement the building architecture and landscaping of the building. Signage applications and approvals would be done separately, should the project be approved.

**PUBLIC HEARING NOTICE:**

Notice for the FREIR was published on September 27, 2008 in the Lodi New Sentinel. The item was posted at City Hall, on the City's website, and at the City of Lodi Library on September 26, 2008. 175 public hearing notices were sent out through the combination of the U.S. Postal Service and electronic mail which included all property owners of record within a 300-foot radius of the subject property as required by Government Code section 65091(a)3. Everyone who made a comment on the Draft Revisions to the EIR was sent a copy of the response to their comment, revisions to the EIR and notice of the public hearing at least 10 days before the hearing. Legal notice for the use permit and vesting tentative map consideration was given at the same time and manner as the notice for the FREIR.

**CONCLUSION:**

Staff recommends that unless significant new additional or contrary information is received during the public hearing and, based upon its review and consideration of the Draft REIR and comments received and responded to in the FREIR, and the evidence submitted to the Commission, including the evidence presented in this staff report, and oral and written evidence presented at the public hearing, the Planning Commission certify Final Revisions to Environmental Impact Report REIR-03-01, and adopt Resolution No P.C. 08-28, containing appropriate findings, mitigation, a mitigation monitoring plan, and statement of overriding considerations.

If the Planning Commission first certifies the FREIR, and based upon the evidence submitted to the Commission, including the evidence presented in this staff report, and oral and written evidence presented at the public hearing, staff recommends that the Planning Commission approve Use Permit U-02-12, Vesting Tentative Map 03-P-001 and adopt Resolution No P.C. 08-29. Additionally, staff recommends that the Planning Commission approve Site Plan and Architectural Review for the Wal-Mart building 08-SP-08, P.C. 08-30.

**ALTERNATIVE PLANNING COMMISSION ACTIONS:**

- Certify with alternative impacts, mitigation measures and adopt findings or overriding considerations
- Deny the certification
- Approve with additional/different conditions
- Deny the Use Permit/Tentative Map
- Continue the requests

Respectfully Submitted,

Konradt Bartlam  
Interim Community Development Director

**ATTACHMENTS:**

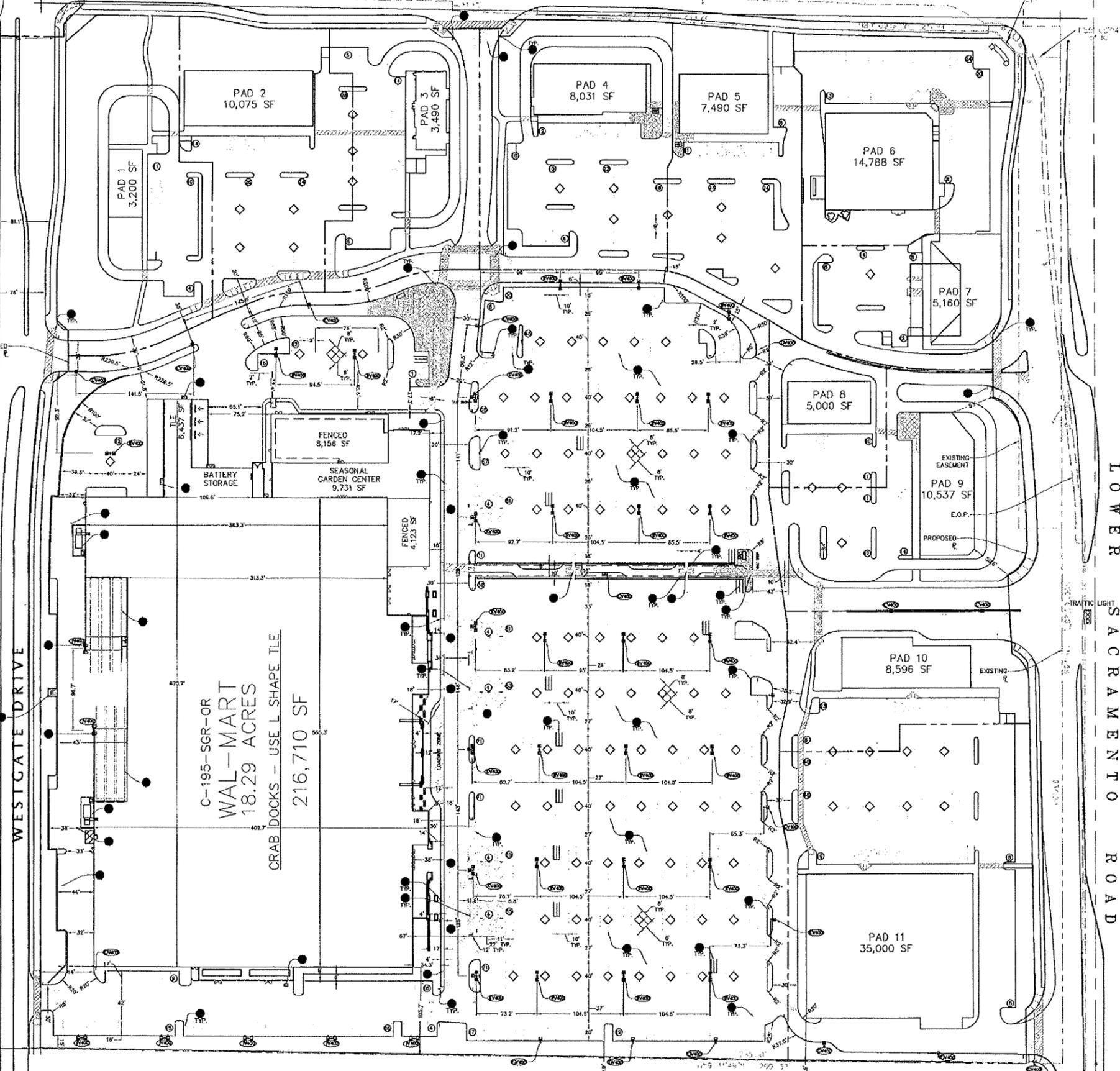
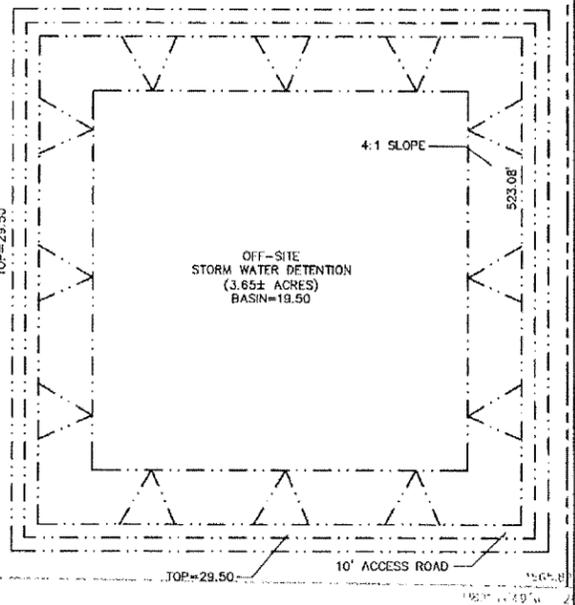
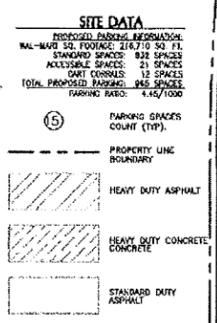
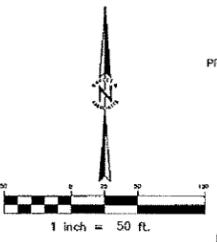
1. Vicinity Map
2. Site Plan
3. Vested Tentative Map
4. BAE Memorandum
5. Wal-Mart elevation and Hardscape Plan
6. Comment Letters
7. Draft P.C. Resolutions; PC 08-28, PC 08-29, & PC 08-30
8. FREIR – Hard Copies Previously Distributed ([http://www.lodi.gov/com\\_dev/EIRs.html](http://www.lodi.gov/com_dev/EIRs.html))

# Vicinity Map



**SITE NOTES**

- AREA STRIPED WITH 4" SYSL AT 45° @ 2'-0" O.C.
- ACCESSIBLE RAMP. SEE DETAIL 9 ON SHEET C-8.3.
- PEDESTRIAN CROSSING SIGN W10-2 AND W10-2P TYPICAL AT PEDESTRIAN CROSSWALKS AS NOTED ON PLANS. SEE DETAIL 2 ON SHEET C-8.3.
- "YIELD" PAINTED YELLOW ON PAVEMENT TYPICAL. SEE DETAIL 5 ON SHEET C-8.1.
- ENHANCED PAVEMENT AREA. SEE ARCHITECTURAL PLANS FOR DETAILS.
- ENT FORDN. SEE ARCHITECTURAL PLANS FOR EXACT SIZE, LOCATION FOR STOPS, STAIRS AND/OR RAMPS THAT MAY BE REQUIRED. RAMP PAVEMENT FLUSH WITH THE TOP OF STOOP.
- 6" PIPE BOLLARD TYPICAL UNLESS NOTED OTHERWISE. SEE DETAIL 2 ON SHEET C-8.7.
- CART CROSSING SIGN. SEE DETAIL 1 ON SHEET C-8.7 AND DETAIL 10 ON SHEET C-8.2.
- 4" WIDE x 112" LONG YELLOW PAINTED TRUCK ALIGNMENT STRIPES.
- CONCRETE COMPACTOR PAD. REFER TO ARCHITECTURAL PLAN FOR EXACT LOCATION AND SLOPE.
- ACCESSIBLE PARKING SPACE TYPICAL. SEE DETAIL SHEET FOR ACCESSIBLE PARKING SPACE SIZE, SIGN AND SYMBOL. (PAV-1 INDICATES VAN ACCESSIBLE SPACE). SEE DETAIL 3 ON SHEET C-8.1 & DETAIL 9 ON SHEET C-8.2.
- CONCRETE TRANSFORMER PAD. CONTRACTOR TO COORDINATE WITH LOCAL POWER COMPANY FOR DETAILS.
- PLACE STOP SIGN & PAINT STOP BAR & "STOP" PER DETAIL 6 ON SHEET C-8.1 AND DETAIL 1 ON SHEET C-8.2.
- PEDESTRIAN CROSSWALK. EDGE LINES PAINTED 5/8" WITH INSIDE STRIPING PAINTED 3/4" AT 2'-0" O.C. PERPENDICULAR TO EDGE LINES. SEE DETAIL 7 ON SHEET C-8.1.
- CART CORRAL. SEE DETAIL 5 ON SHEET C-8.7.
- A.D.A. SITE ENTRANCE SIGN. SEE DETAIL 5 ON SHEET C-8.2.
- 4" PAINTED YELLOW STRIPING AT 2'-0" O.C. (TYP). PERPENDICULAR TO PARKING SPACE. SEE DETAIL 8 ON SHEET C-8.2 (TYP).
- 24" CONCRETE CURB AND OUTER. SEE DETAIL 8 ON SHEET C-8.3.
- TRAFFIC FLOW ARROW. SEE DETAIL 1 SHEET C-8.1.
- CONCRETE (TYP). SEE DETAIL 7 ON SHEET C-8.3.
- MONUMENT SIGN (SEE ARCHITECTURAL PLANS).
- ASKE INDICATOR SIGNS (TYP). SEE DETAILS 9 & 11 ON SHEET C-8.2.
- CART CROSSING WITH WALK. SEE DETAIL 1 ON SHEET C-8.7.
- "NO TRUCKS" SIGN. SEE DETAIL 4 ON SHEET C-8.2.
- "TRUCK DRIVE" SIGN. SEE DETAIL 3 ON SHEET C-8.2.
- "RIGHT TURN ONLY" SIGN. SEE DETAIL 12 ON SHEET C-8.2.
- 10'x45' PALLET/PALE STORAGE AREA.
- TRUNCATED DORIES. SEE DETAIL 4 ON SHEET C-8.7.
- SAWCUT EXISTING EDGE OF PAVEMENT TO FORM A SMOOTH UNIFORM LINE. PLACE PROPOSED PAVEMENT AGAINST SAWCUT LINE & MATCH EXISTING GRADE.
- AT GRADE OVERHEAD DOOR LOCATION. SEE ARCHITECTURAL PLANS FOR EXACT SIZE AND LOCATION FOR COORDINATION WITH CIVIL PLANS.
- PLACE GREASE/OIL INTERCEPTORS. SEE ARCHITECTURAL PLANS FOR EXACT SIZE AND LOCATION.
- SEE DETAIL 1 ON SHEET C-8.1 FOR EXACT LOCATION AND SIZE OF ALL UTILITIES.
- MOUNT SECURITY CAMERA TO LIGHT POLE. SEE DETAIL 6, SHEET C-8.7.
- GRIND DOWN EXISTING STRIPING & REPLACE WITH NEW PROPOSED STRIPING.
- SEE DETAIL 5 ON SHEET C-8.1 FOR TYPICAL PARKING STALL STRIPING DETAIL.
- TRANSFORMER PAD. SEE ARCHITECTURAL PLANS FOR EXACT LOCATION.



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**WAL-MART**

SUPERCENTER #1789-03  
 KETTLEMAN LANE, HWY. 12  
 LODI, CA  
 SITE/HORIZONTAL PLAN

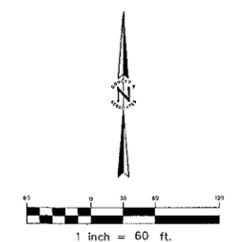
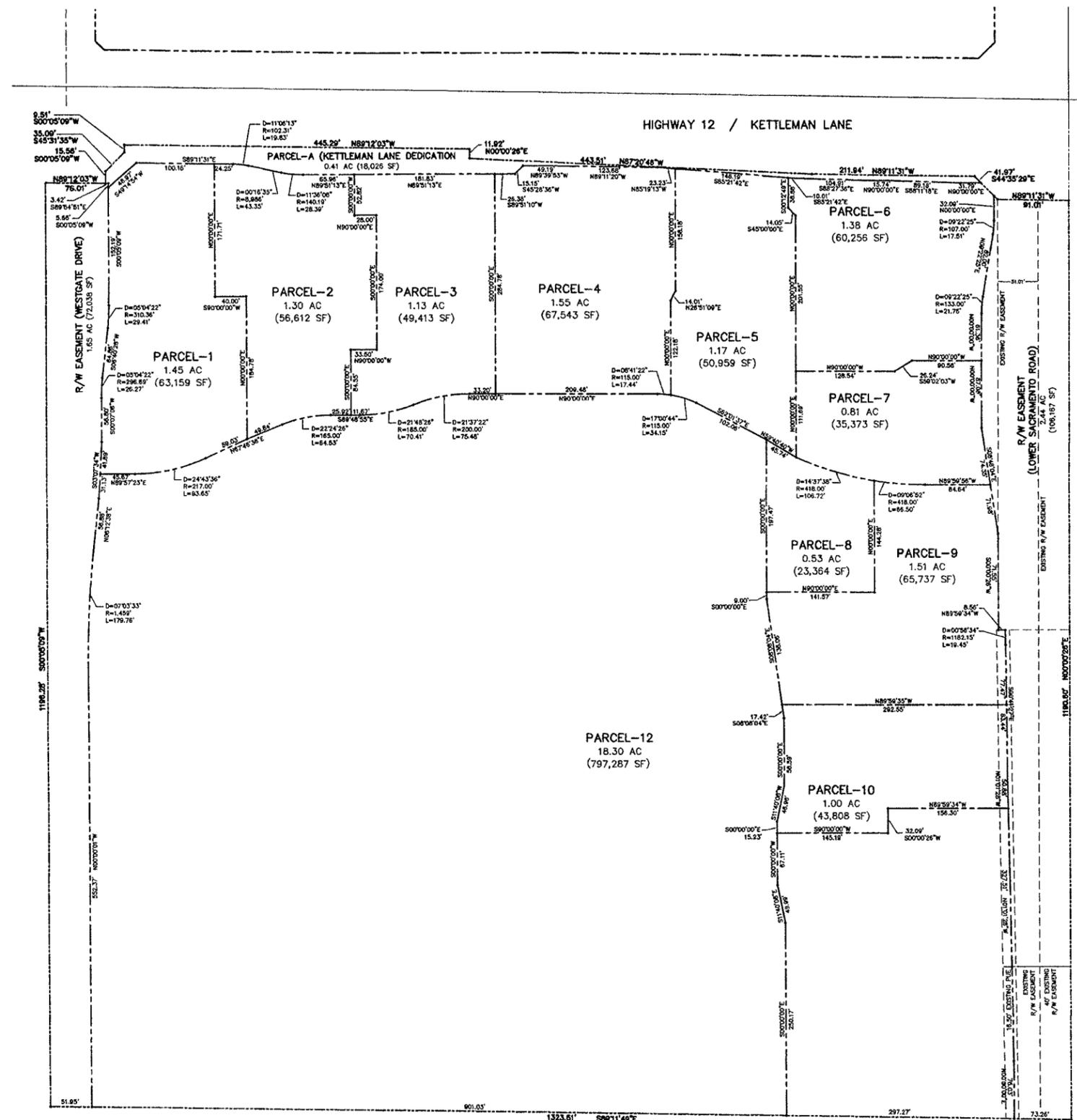
LOW REM SACRAMENTO ROAD

NO.	REVISION	DATE	DRAWN	APPROV.

Scale: 1" = 50'  
 Designed by: JF/AV  
 Drawn by: JF/AV  
 Reviewed by: SW  
 Date: Dec. 13, 2004

SHEET  
**C-2.1**  
 OF 34

Project No: 001-272



Vesting Tentative Map  
 Lot Layout  
 for  
 Lodi - III  
 APNs: 058-030-01 & 058-030-02  
 County of San Joaquin, California  
 August 15, 2008  
 Sheet 2 of 2



**DA** Doucet & Associates, Inc.  
 1025 Creekside Ridge Drive, Suite 175  
 Roseville, CA 95678-1936, Phone: (916) 780-2005 Fax: (916) 780-2015  
 www.doucetandassociates.com



**Date:** October 1, 2008

**To:** Rad Bartlam, Interim Director  
City of Lodi, Community Development

**From:** Matt Kowta, Principal

**Re:** Review of Lodi Shopping Center Economic Impact/Urban Decay Analysis

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The purpose of this memo is to provide you with my findings in regard to the validity of the conclusions from BAE's October 2007 Economic Impact/Urban Decay Analysis for Proposed Lodi Shopping Center in Lodi, CA, in light of the increase in the proposed Reynolds Ranch project size from 640,676 square feet of building area to approximately 750,000 square feet. The October 2007 Report had analyzed the potential cumulative impacts of the proposed Lodi Shopping Center along with the Reynolds Ranch project at 640,676 square feet and the City has requested that BAE review the conclusions from the 2007 report in light of the increase in the project size.

### **Potential Market Impacts of Proposed Project and Reynolds Ranch Project**

Because the project description for the Lodi Shopping Center project has not changed since the preparation of the October 2007 report, there are no impacts on most parts of the report. The Reynolds Ranch project is first considered on page 62 of the report, where it was noted that the Reynolds Ranch project was anticipated to be competitive with the Lodi Shopping Center project and would potentially contribute to cumulative impacts on other existing shopping centers in the market area. Page 63 of the October 2007 report anticipated that the Reynolds Ranch project retail component would contain 640,676 square feet of retail building area. The analysis then went on to estimate how much of the existing trade area retail sales the combined Lodi Shopping Center project and Reynolds Ranch shopping centers would need to capture in order to perform at their expected sales levels. In the October 2007 report, this sales diversion was estimated at approximately 30 percent, meaning that the new stores would divert approximately 30 percent of existing stores' estimated 2008 sales (see Table 22, page 64).

BAE staff have re-calculated Table 22 of the October 2007 report based on the 750,000 square foot project size for Reynolds Ranch, holding all other inputs and assumptions constant, and the resulting sales diversion figure is 34 percent, meaning that the combined Lodi Shopping Center and Reynolds Ranch projects would be expected to divert approximately 34 percent of estimated 2008

Bay Area Economics

sales volumes from existing market area stores. Given the margin for error for this type of analysis, where there is an attempt to predict very complex shopping behaviors in the future while acknowledging the difficulty in controlling for all other variables that may come into play, this change from 30 percent to 34 percent is not significant. Also, it should be noted that the October 2007 report explained that while the 30 percent estimate reflected the loss of existing stores' 2008 sales levels, anticipated trade area population growth during the intervening time that would be necessary for the two shopping centers to be built and fully occupied will increase available trade area demand and therefore, actual sales diversions would likely be significantly lower than these figures at the time the new stores are opened. As noted on page 73 of the October 2007 report, the analysis had factored in the slowing housing market when considering the potential growth in retail demand within the Lodi area.

Page 65 of the October 2007 report indicated that the “construction of Reynolds Ranch, in combination with the Lodi Shopping Center or even alone, could lead to an oversupply of retail space in the Lodi area” and then continued with some discussion of the potential impacts on different sectors of the retail marketplace. Page 68 of the October 2007 report assumed that potential tenants for Reynolds Ranch would include a warehouse club, home improvement center, major apparel retailer, and perhaps a major electronics outlet. Based on information published by CB Richard Ellis in its 2008 Central Valley Market Outlook for retail, which can be found on the CBRE web site

(<http://www.cbre.com/USA/US/CA/Stockton/Property/centralvalleymarketoutlook.htm?pageid=7>), a Costco and Home Depot are the anticipated anchors for the project. The major project anchors play a large role in dictating the trade area that the project will serve, and the types of competitive impacts that the project will have in the marketplace.

Page 68 of the October 2007 report continues:

*“In summary, the cumulative impacts of Reynolds Ranch in addition to the proposed Lodi Shopping Center may lead to substantial cannibalization of retail sales from existing outlets in Lodi and the Trade Area, putting some existing businesses at increased risk of closure. While the tenant mix for Reynolds Ranch is unconfirmed, potential tenants for such a region-serving center include a warehouse club, a home improvement center, a major apparel retailer, and perhaps a major electronics outlet. Outlets competing in these categories would be at the most additional risk. One center with substantial additional risk is the Cherokee Shopping Center, with Orchard Supply Hardware, already impacted by Lowe’s, facing possible additional competition, and Kmart, a poor-performing store at risk of closure from the Lodi Shopping Center alone. At Vineyard Shopping Center, Mervyn’s and Ace Hardware confront the potential for strong new competition. Sunwest Plaza, where the existing Wal-Mart is slated to close when the Supercenter opens, would have increased risk*

*of closure for the JC Penney store if a large apparel retailer locates at Reynolds Ranch. Throughout Lodi, vacant spaces would face more difficulty in re-tenanting as nearly one million square feet of retail space is added to the area's real estate inventory. Outside the Trade Area, the analysis indicates that the impacts of the Lodi Shopping Center in combination with Reynolds Ranch would not be substantial."*

These basic conclusions remain unchanged given the expanded size of the Reynolds Ranch project, given the finding that the capture rate of sales from existing retailers would increase from 30 percent to 34 percent of current market area sales with the assumption about the expanded Reynolds Ranch project, albeit the magnitude of the potential impacts would be slightly larger. Considering the margin for error in this type of complex analysis, BAE would not reach different conclusions based on these two different estimates of sales diversion, as they are of the same order of magnitude. In other words, in preparing the October 2007 report, BAE would have reached the same conclusions about the potential cumulative impacts of the proposed project and the Reynolds Ranch project, had the finding at the time been that the diversion of sales from existing stores would have been 34 percent of the 2008 sales levels instead of 30 percent.

### **Potential for Urban Decay from Cumulative Impacts**

Given that the change in the size of the center has apparently not substantially altered the proposed tenant mix of the center, BAE's assessment of which other shopping centers and types of retailers would be most likely to be affected by the cumulative effects of the proposed project and the Reynolds Ranch project would not change significantly. Thus, the portion of the urban decay analysis on page 73 of the October 2007 report, which deals with the potential negative economic impacts of the cumulative impacts of the Lodi Shopping Center and the Reynolds Ranch project, would not change significantly. This portion of the report stated:

*"There is one reasonably foreseeable project, Reynolds Ranch that cumulatively could result in additional impacts in Lodi and the Trade Area. The Proposed Project and Reynolds Ranch combined would add nearly one million square feet to Lodi's retail inventory. Potential store closures under a cumulative scenario include the supermarket (either Safeway or S-Mart) and Kmart as mentioned under Proposed Project-only impacts, as well as one of the two hardware stores (OSH and Ace) and JC Penney or Mervyns. The particular impacts will depend in large part on the tenant mix of Reynolds Ranch. With any tenant mix at Reynolds Ranch, the addition of this large amount of retail space will make re-tenanting of any closed spaces more difficult. The existing Wal-Mart space would be particularly hard to re-tenant, especially if the JC Penney closed, leaving Food 4 Less as the only remaining major tenant of Sunwest Plaza; however, this center is relatively new, and will be in close proximity to the new Supercenter, and the existing Target, Lowe's and other regional retail draws, and may attract tenants from some of the other centers. The Cherokee*

*Retail Center could face the loss of both anchor tenants due to the increased competition, and the Vineyard Shopping Center could lose its largest tenant, Mervyns, along with Ace Hardware. These centers would all face more limited prospects for re-tenanting with the additional competition from newer and higher-quality space available, especially in Reynolds Ranch.”*

Again, given that the likely anchor tenants of the Reynolds Ranch project have not changed from the assumptions used in the October 2007 report, due to the change in project size, our assessment of potentially affected stores and shopping centers would not change and, furthermore, the approximate magnitude of the impact on other retail facilities is not of a sufficient magnitude to compel BAE to make a different judgment about the potential severity of the impacts.

In evaluating the actual risk that cumulative impacts from the proposed Lodi Shopping Center project would lead to urban decay and physical deterioration, BAE considered the City of Lodi’s intent to enforce local regulations that are intended to prevent neglected or derelict properties from creating blighting conditions within the community, observing that the City has adopted a number of regulatory policies that signal that the City will take aggressive action to abate conditions on private property that may lead to blighting conditions. Considering this, the October 2007 report stated on page 75:

*“the cumulative impacts resulting from the Lodi Shopping Center in combination with the Reynolds Ranch retail center, a project approximately twice as large as the Lodi Shopping Center, could result in the closure of additional existing retail outlets in Lodi, and make it more difficult to re-lease vacated space due to the large addition to the inventory in the relatively slow-growing Lodi area. As a result, some existing shopping centers could be subject to long-term vacancies. In the case of the largest potential vacant space, the existing Wal-Mart at Sunwest Plaza, the proposed development agreement would require demolition of the space if it is not re-tenanted in a relatively short period of time. However, even with the potential closure of the JC Penney in this center, Sunwest Plaza is unlikely to be subject to long-term vacancies since it is relatively new, and will be in close proximity to the new Supercenter, and the existing Target, Lowe’s and other regional retail draws, and thus may attract tenants from some of the other centers in Lodi. For other centers, an oversupply of retail space could result in difficulties re-tenanting vacant retail space in a reasonable period of time, and the vacant space could then be at risk of entering a cycle of long-term vacancies, secondary business closures, the inability to re-tenant existing stores, and the eventual possibility of physical deterioration or urban decay.*

*The actual potential for physical deterioration to occur at a specific property will be largely dependent on the commitment from the property owner to maintain the property, which*

would be more challenging in the case of multiple ownership or control. However, in the event of an owner's failure to maintain vacated properties in a condition suitable for releasing, it will be incumbent on the City of Lodi to prevent such conditions from occurring through active and aggressive enforcement of its Code provisions relating to the abatement of public nuisances due to lack of property maintenance and management. The City of Lodi has demonstrated its commitment to preventing physical deterioration of commercial properties within the City through its successful revitalization efforts in Downtown, which involved a multi-faceted long-term program including large expenditures of City funds. Per Resolution No. 2006-39, passed in March 2006, as noted above, the City Council was emphatic in its direction to staff to proactively enforce compliance with its building codes. If conditions warrant, staff is prepared to apply the receivership provisions of the California Health and Safety Code to ensure that the corrective action is taken. As such, it is fully expected that the City will continue to be aggressive in the enforcement of its nuisance ordinances relating to building maintenance. Based on its past performance and policy commitments, it is reasonable to expect that the City will not allow any commercial properties which may become vacant under cumulative conditions to deteriorate physically. Therefore, while there is a remote possibility that certain properties such as the Vineyard Shopping Center and Cherokee Retail Center could be subject to a causal chain ultimately resulting in urban decay under cumulative conditions, such outcomes are considered highly unlikely given that the City can be counted on to take aggressive action to prevent such conditions from occurring.

*In conclusion, the limited project definition available for the revised Reynolds Ranch project precludes the preparation of a definitive analysis of potential urban decay impacts under cumulative conditions at this time. However, given the City's commitment to preventing the physical deterioration of commercial properties, even under assumptions of reasonable worst-case conditions, as discussed above, it is expected that the cumulative economic effects of the Lodi Shopping Center, when combined with the economic effects of an expanded Reynolds Ranch project, would result in a less-than-significant cumulative urban decay impact."*

The change in the project description does not provide any additional information that would cause BAE to change these conclusions. This presumes that the City of Lodi remains confident in its ability and commitment to effectively use its powers to enforce its regulations to prevent blighting conditions from developing, even if the result of the increased size of the Reynolds Ranch project is a greater need for enforcement and possibly action to abate buildings that may become vacant and in disrepair due to the cumulative impacts of the Lodi Shopping Center as proposed and the Reynolds Ranch retail facility at its larger size.

## **Conclusion**

Based on the preceding assessment of the October 2007 report and the impact of the change in the Reynolds Ranch project size on that analysis, there would be no benefit to conducting further analysis of the potential cumulative impacts of the proposed Lodi Shopping Center and the Reynolds Ranch shopping center, because the conclusions are unlikely to change. This review process has shown that even if BAE had assumed that Reynolds Ranch was to be developed with 750,000 square feet of retail space when preparing the October 2007 analysis, the conclusions and findings would not have been significantly different than what is reflected in the October 2007 report. Only if the City of Lodi is not confident that it can effectively enforce its “anti-blight” regulations in the face of a somewhat greater quantity of space at risk of becoming vacant as compared to what was determined in the October 2007 report would a revision of that report be in order.



EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION

Elevations

Project No:	NCA WME: 02-0206	REVISIONS
Scale:	Reference Details	
Issue Date:	December 7, 2004	
Prepared By:	Lucetus Design	
Checked By:	PLR	
DC:	WAP	

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**WAL\*MART**

Lodi, California  
Store No. 1789-03





**Perspective 1**  
View Looking Northwest

Project No:	NCAWME-02-0206	REVISIONS
Scale:	Reference Details	
Issue Date:	December 7, 2004	
Prepared By:	Lucius Design	
Checked By:	PTB	
ADC:	WAP	

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**WAL★MART**

Lodi, California  
Store No. 1789-03



william parrish  
design development  
consultants, inc.

1000 lakes drive, suite 405  
west covina, ca 91790  
p. 626.917.6888  
f. 626.917.6888  
w. www.wp2dc.com



**Perspective 2**

View Looking Northwest

Project No:	NCA WMT-02-0206	REVISIONS
Scale:	Reference Details	
Issue Date:	December 7, 2004	
Prepared By:	Lucrinas Design	
Checked By:	PLR	
SDC:	WAP	

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**WALMART**

Lodi, California  
Store No. 1789-03



william parrish  
design development  
consultants, inc.

1000 lakes drive, suite 405  
west cosina, ca 91790  
p. 626.917.6800  
f. 626.917.6000  
w. www.wp2dc.com



**Perspective 3**

View Looking Southwest

Project No:	NCA WME-02-0206	REVISIONS
Client:	Reference Details	
Issue Date:	December 7, 2004	
Prepared By:	Lucustus Design	
Checked By:	PLR	
DC:	WAP	

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**WAL★MART**

Lodi, California  
Store No. 1789-03



william parrish  
design development  
consultants, inc.

1000 lakes drive, suite 405  
west covina, ca 91790  
p. 626.917.6000  
f. 626.917.6000  
w. www.wp2dc.com



Perspective 4

View Looking Southwest

Project No:	NCAWMT-02-0206	REVISIONS
Client:	Reference Details	
Issue Date:	December 7, 2004	
Prepared By:	Lucatus Design	
Checked By:	PLR	
DC:	WAP	

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**WALMART**

Lodi, California  
Store No. 1789-03



william parrish  
design development  
consultants, inc.

1000 Lakes Drive, Suite 405  
West Covina, CA 91790  
P. 626.917.6800  
F. 626.917.6800  
W. www.wp2dc.com



**Perspective 5**  
View Looking Southwest

Project No:	NCA WMT-02-0206	REVISIONS
Scale:	Reference Details	
Issue Date:	December 7, 2004	
Prepared By:	Lucitus Design	
Checked By:	PLR	
SDC:	WAP	

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**WALMART**

Lodi, California  
Store No. 1789-03



william parrish  
design development  
consultants, inc.

1000 lakes drive, suite 405  
west covina, ca 91790  
p. 626.917.6800  
f. 626.917.6808  
w. www.wp2dc.com



**Perspective 6**  
View Looking Southeast

Project No:	NCA WME-02-0206	REVISIONS
Scale:	Reference Details	
Issue Date:	December 7, 2004	
Prepared By:	Lucitus-Design	
Checked By:	PLR	
ADC:	WAP	

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**WAL★MART**  
Lodi, California  
Store No. 1789-03



william parrish  
design development  
consultants, inc.

1000 lakes drive, suite 405  
west covina, ca 91790  
p. 626.917.6800  
f. 626.917.6808  
w. www.wp2dc.com

KETTLEMAN ROAD HIGHWAY 12



**SUGGESTED PLANT LIST**

TREES:	COUNT
SEQUOIA SEMPERVIRENS SAGELE COAST REDWOOD	87
LIRIODENDRON TULIPIFERA TULIP TREE	26
PYRUS CALLERYANA ARISTOCRAT FLOWERING PEAR TREE	73
CELTIS OCCIDENTALIS HACKBERRY	68
LASERSTROEMIA TUBICARORA AND MUXBARRIE GRAPE MYRTLE	97
FRAXINUS RATYWOOD RAYWOOD ASH	40
PLATANUS RACEMOSA BLOODGOOD BYCAMORE	1
MALLUS PRINAEFRRE CRABAPPLE	63
PODOCARPUS GRACILIOR FERN PINE	25
<b>ALL 1/2 GALLON SIZE TOTAL COUNT:</b>	<b>475</b>

**SHRUBS AND ACCENTS:**

- PITTOSPORUM TOBRA VARSATA  
VARISATED TOBRA
- LIGUSTRUM JAPONICUM TEXANUM  
JAPANESE PRIVET
- RHAPHOLEPS JACK EVANS  
PINK INDIA HAWTHORNE
- RHAPHOLEPS CLARA  
WHITE INDIA HAWTHORNE
- PLUMBAGO AURICULATA  
CAPE PLUMBAGO
- PRUNUS CAROLINIANA COMPACTA  
DWARF CAROLINA LAUREL CHERRY
- ESCALONIA TERRE  
DWARF ESCALLONIA
- BUXUS JAPONICA GREEN BEAUTY  
JAPANESE BOXWOOD
- PHOTNIA FRASER  
RED PHOTNIA
- PHORUM TENAX RUBRUM  
RED FLAX
- DISTIS BICOLOR  
YELLOW BUTTERFLY RB
- PHORUM TENAX PINK STRIPE  
PINK STRIPE FLAX FLAX
- AGAPANTHUS AFRICANUS WHITE  
LILY OF THE NILE
- HEMEROCALLIS YELLOW EVERGREEN  
DAYLILY

**GROUND COVERS:**

- COPROBMA KRKI  
PROSTRATE COPROBMA
- TRACHELOSPERMUM JASMINODES  
STAR JASMINE
- GAZANIA MTSUWA YELLOW  
YELLOW GAZANIA
- LANTANA PURPLE  
YELLOW LANTANA
- SOD LAWN

NOTE THAT THIS PLAN IS CONCEPTUAL IN NATURE, NOT ALL SHRUBS OR PLANTINGS MAY BE SHOWN, TREES SPECIES AND COUNT IS REPRESENTATIVE OF WHAT WILL BE SHOWN ON THE CONSTRUCTION DOCUMENTS.  
 ALL PLANTERS SHALL BE PLANTED WITH GROUND COVERS OR SHRUBBERY GROUPINGS.  
 ALL PLANTERS ARE TO BE MULCHED WITH A 2" LAYER OF BARK MULCH.  
 THE IRRIGATION SYSTEM SHALL BE AN AUTOMATIC UNDERGROUND TYPE USING LOW VOLUME, MULTI-OUTLET DRIP BUBBLERS WITH 1/4" TUBING TO EACH INDIVIDUAL PLANT, OR IN-LINE DRIP TUBING AND POPUP, LOW VOLUME SPRAY HEADS.  
 ALL LANDSCAPING SHALL BE IN COMPLIANCE WITH THE CITY OF LODI'S WATER USE LANDSCAPING GUIDELINES.

**JAMES FERGUSON CLABAUGH**  
 LANDSCAPE ARCHITECT  
 4536 SHAWN LANE  
 VACAVILLE, CA 95688  
 PHONE/ FAX: 707-449-3916

These drawings are the instrument of the service and shall not be used, in part or in whole, for any work not specifically contracted with James Clabaugh Landscape Architect. Copyright 2004.

**LODI SHOPPING CENTER**  
 LOWER SACRAMENTO ROAD  
 AND  
 KETTLEMAN ROAD  
 LODI, CALIFORNIA

Scale	1" = 60'	REVISIONS
Date	7/15/05	No. Date
Job No.		
Designed by	J.C.	
Drawn by	J.C.	

**PRELIMINARY LANDSCAPE PLAN**

Sheet No.  
**PL-1**  
 of 1

**SITE PLAN**  
 SCALE: 1" = 60' - 0"

# Comment Letters

## Kari Chadwick

---

**From:** Caroline Byerly [carolinebyerly@mac.com]  
**Sent:** Thursday, August 28, 2008 3:01 PM  
**To:** Peter Pirnejad  
**Subject:** Say No to Wal-Mart

From:  
Caroline Byerly

It seems that after years of debate, Wal-Mart has again decided it wants a new store in Lodi. The Stockton Record tells us that there are 20 Wal-Mart's within 40 miles of downtown Stockton. And Wal-Mart admits that its current store on West Kettleman is doing fine. Do we really need another Wal-Mart in Lodi?

Another supercenter will further endanger Lodi's own local businesses -- which, unlike Wal-Mart, treat their employees with respect and reinvest their profits in our community. The company has an infamous record of dodging its state and local taxes, as well as bringing excessive noise and traffic and lowering the property values for nearby residents.

Finally, Lodi residents don't want the environmental damage that a new supercenter brings. If the city of Lodi is sitting on a draft version of the final Wal-Mart environmental report, I strongly urge you to make it public. This is not a private document, and the public should be given full access to such reports.

Communities across the country have been standing up to Wal-Mart and winning -- now it's our turn to settle this debate once and for all.

Thank you.

## Kari Chadwick

---

**From:** kathy small [kathyinmotown@webtv.net]  
**Sent:** Thursday, August 28, 2008 2:46 PM  
**To:** Peter Pirnejad  
**Subject:** Say No to Wal-Mart

From:  
kathy small

It seems that after years of debate, Wal-Mart has again decided it wants a new store in Lodi. The Stockton Record tells us that there are 20 Wal-Mart's within 40 miles of downtown Stockton. And Wal-Mart admits that its current store on West Kettleman is doing fine. Do we really need another Wal-Mart in Lodi?

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Communities across the country have been standing up to Wal-Mart and winning -- now it's our turn to settle this debate once and for all.

Thank you.

## Kari Chadwick

---

**From:** Laura-Marie Taylor [veralinnyumsweet@yahoo.com]  
**Sent:** Thursday, August 28, 2008 2:44 PM  
**To:** Peter Pirnejad  
**Subject:** Say No to Wal-Mart

From:  
Laura-Marie Taylor

If the city of Lodi is sitting on a draft version of the final Wal-Mart environmental report, I strongly urge you to make it public. This is not a private document, and the public should be given full access to such reports.

Thank you.

## Kari Chadwick

---

**From:** nina muenzenberg [karlheinz@frontiernet.net]  
**Sent:** Thursday, August 28, 2008 2:38 PM  
**To:** Peter Pirnejad  
**Subject:** Say No to Wal-Mart

From:  
nina muenzenberg

It seems that after years of debate, Wal-Mart has again decided it wants a new store in Lodi. The Stockton Record tells us that there are 20 Wal-Mart's within 40 miles of downtown Stockton. And Wal-Mart admits that its current store on West Kettleman is doing fine. Do we really need another Wal-Mart in Lodi?

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Finally, Lodi residents don't want the environmental damage that a new supercenter brings. If the city of Lodi is sitting on a draft version of the final Wal-Mart environmental report, I strongly urge you to make it public. This is not a private document, and the public should be given full access to such reports.

Communities across the country have been standing up to Wal-Mart and winning -- now it's our turn to settle this debate once and for all.

Thank you.

## Kari Chadwick

---

**From:** John Sheckles [thebossjohn@clearwire.net]  
**Sent:** Thursday, August 28, 2008 2:24 PM  
**To:** Peter Pirnejad  
**Subject:** Say No to Wal-Mart

From:  
John Sheckles

It seems that after years of debate, Wal-Mart has again decided it wants a new store in Lodi. The Stockton Record tells us that there are 20 Wal-Mart's within 40 miles of downtown Stockton. And Wal-Mart admits that its current store on West Kettleman is doing fine. Do we really need another Wal-Mart in Lodi?

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Communities across the country have been standing up to Wal-Mart and winning -- now it's our turn to settle this debate once and for all.

Thank you.

## Kari Chadwick

---

**From:** Sara Schiappa [italiana\_bella\_una@sbcglobal.net]  
**Sent:** Thursday, August 28, 2008 1:56 PM  
**To:** Peter Pirnejad  
**Subject:** Say No to Wal-Mart

From:  
Sara Schiappa

It seems that after years of debate, Wal-Mart has again decided it wants a new store in Lodi. The Stockton Record tells us that there are 20 Wal-Mart's within 40 miles of downtown Stockton. And Wal-Mart admits that its current store on West Kettleman is doing fine. Do we really need another Wal-Mart in Lodi?

Another supercenter will further endanger Lodi's own local businesses -- which, unlike Wal-Mart, treat their employees with respect and reinvest their profits in our community. The company has an infamous record of dodging its state and local taxes, as well as bringing excessive noise and traffic and lowering the property values for nearby residents.

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Communities across the country have been standing up to Wal-Mart and winning -- now it's our turn to settle this debate once and for all.

Thank you.

**Kari Chadwick**

---

**Subject:** Say No to Wal-Mart

-----Original Message-----

From: Niaree Hopelian [mailto:nhopelian@seiu1000.org]  
Sent: Thursday, August 28, 2008 12:49 PM  
To: Peter Pirnejad  
Subject: Say No to Wal-Mart

From:  
Niaree Hopelian

It seems that after years of debate, Wal-Mart has again decided it wants a new store in Lodi. The Stockton Record tells us that there are 20 Wal-Mart's within 40 miles of downtown Stockton. And Wal-Mart admits that its current store on West Kettleman is doing fine. Do we really need another Wal-Mart in Lodi?

Another supercenter will further endanger Lodi's own local businesses -- which, unlike Wal-Mart, treat their employees with respect and reinvest their profits in our community. The company has an infamous record of dodging its state and local taxes, as well as bringing excessive noise and traffic and lowering the property values for nearby residents.

Finally, Lodi residents don't want the environmental damage that a new supercenter brings. If the city of Lodi is sitting on a draft version of the final Wal-Mart environmental report, I strongly urge you to make it public. This is not a private document, and the public should be given full access to such reports.

Communities across the country have been standing up to Wal-Mart and winning -- now it's our turn to settle this debate once and for all.

Thank you.

## Kari Chadwick

---

**From:** Robert Neil [bobbyneil1@yahoo.com]  
**Sent:** Thursday, August 28, 2008 1:54 PM  
**To:** Peter Pirnejad  
**Subject:** Say No to Wal-Mart

From:  
Robert Neil

It seems that after years of debate, Wal-Mart has again decided it wants a new store in Lodi. The Stockton Record tells us that there are 20 Wal-Mart's within 40 miles of downtown Stockton. And Wal-Mart admits that its current store on West Kettleman is doing fine. Do we really need another Wal-Mart in Lodi?

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Finally, Lodi residents don't want the environmental damage that a new supercenter brings. If the city of Lodi is sitting on a draft version of the final Wal-Mart environmental report, I strongly urge you to make it public. This is not a private document, and the public should be given full access to such reports.

Communities across the country have been standing up to Wal-Mart and winning -- now it's our turn to settle this debate once and for all.

Thank you.

## Kari Chadwick

---

**From:** Kathy Cridge [cridgema@gmail.com]  
**Sent:** Thursday, August 28, 2008 1:53 PM  
**To:** Peter Pirnejad  
**Subject:** Say No to Wal-Mart

From:  
Kathy Cridge

It seems that after years of debate, Wal-Mart has again decided it wants a new store in Lodi. The Stockton Record tells us that there are 20 Wal-Mart's within 40 miles of downtown Stockton. And Wal-Mart admits that its current store on West Kettleman is doing fine. Do we really need another Wal-Mart in Lodi?

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Finally, Lodi residents don't want the environmental damage that a new supercenter brings. If the city of Lodi is sitting on a draft version of the final Wal-Mart environmental report, I strongly urge you to make it public. This is not a private document, and the public should be given full access to such reports.

Communities across the country have been standing up to Wal-Mart and winning -- now it's our turn to settle this debate once and for all.

Thank you.

## Kari Chadwick

---

**From:** Maria Crandall [fcrandall@csus.edu]  
**Sent:** Thursday, August 28, 2008 1:41 PM  
**To:** Peter Pirnejad  
**Subject:** Say No to Wal-Mart

From:  
Maria Crandall

Just for the record, my sister and her neighbors were able to dissuade Wal-Mart from building a store on Sheldon Road in Elk Grove. Why Wal-Mart wants a store in Lodi when they already have 20 Wal-Mart's within 40 miles of downtown Stockton is puzzling. If the store on West Kettleman is doing fine. do we really need another Wal-Mart in Lodi?

The economy is in a slump and it's not getting any better. It is a well-known fact that Wal-Mart endangers Lodi's own local businesses -- which, unlike Wal-Mart, treat their employees with respect and reinvest their profits in our community. The company has an infamous record of dodging its state and local taxes, as well as bringing excessive noise and traffic and lowering the property values for nearby residents. What will a closed and abandoned supercenter do to Lodi's physical environment?

Do Lodi residents really want the environmental damage that a new supercenter brings? If the city of Lodi is sitting on a draft version of the final Wal-Mart environmental report, I strongly urge you to make it public. This is not a private document, and the public should be given full access to such reports.

The Sheldon area community beat back Wal-Mart as have other communities across the country. Now it's Lodi's turn to settle this debate once and for all.

Thank you.

## Kari Chadwick

---

**From:** Karl Costenbader [jkerry@competent.com]  
**Sent:** Thursday, August 28, 2008 1:23 PM  
**To:** Peter Pirnejad  
**Subject:** Say No to Wal-Mart

From:  
Karl Costenbader

It seems that after years of debate, Wal-Mart has again decided it wants a new store in Lodi. The Stockton Record tells us that there are 20 Wal-Mart's within 40 miles of downtown Stockton. And Wal-Mart admits that its current store on West Kettleman is doing fine. Do we really need another Wal-Mart in Lodi?

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Finally, Lodi residents don't want the environmental damage that a new supercenter brings. If the city of Lodi is sitting on a draft version of the final Wal-Mart environmental report, I strongly urge you to make it public. This is not a private document, and the public should be given full access to such reports.

Communities across the country have been standing up to Wal-Mart and winning -- now it's our turn to settle this debate once and for all.

Thank you.

## Kari Chadwick

---

**From:** Sarah Hafer [charityh@comcast.net]  
**Sent:** Thursday, August 28, 2008 1:15 PM  
**To:** Peter Pirnejad  
**Subject:** Say No to Wal-Mart

From:  
Sarah Hafer

It seems that after years of debate, Wal-Mart has again decided it wants a new store in Lodi. The Stockton Record tells us that there are 20 Wal-Mart's within 40 miles of downtown Stockton. And Wal-Mart admits that its current store on West Kettleman is doing fine. Do we really need another Wal-Mart in Lodi?

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Communities across the country have been standing up to Wal-Mart and winning -- now it's our turn to settle this debate once and for all.

Thank you.

## Kari Chadwick

---

**From:** dorena goding [dorenah@yahoo.com]  
**Sent:** Thursday, August 28, 2008 3:23 PM  
**To:** Peter Pirnejad  
**Subject:** STOP WAL MART! SUPPORT THE LOCAL BUSINESSES!

From:  
dorena goding

It seems that after years of debate, Wal-Mart has again decided it wants a new store in Lodi. The Stockton Record tells us that there are 20 Wal-Mart's within 40 miles of downtown Stockton. And Wal-Mart admits that its current store on West Kettleman is doing fine. Do we really need another Wal-Mart in Lodi?

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Thank you.

## Kari Chadwick

---

**From:** Kathryn Starring-Rogers [kaystarring@hotmail.com]  
**Sent:** Thursday, August 28, 2008 6:44 PM  
**To:** Peter Pirnejad  
**Subject:** Say No to Wal-Mart

From:  
Kathryn Starring-Rogers

It seems that after years of debate, Wal-Mart has again decided it wants a new store in Lodi. The Stockton Record tells us that there are 20 Wal-Mart's within 40 miles of downtown Stockton. And Wal-Mart admits that its current store on West Kettleman is doing fine. Do we really need another Wal-Mart in Lodi?

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Communities across the country have been standing up to Wal-Mart and winning -- now it's our turn to settle this debate once and for all.

Thank you.

## Kari Chadwick

---

**From:** Elizabeth Burk [dzymzlzy@hotmail.com]  
**Sent:** Thursday, August 28, 2008 4:37 PM  
**To:** Peter Pirnejad  
**Subject:** Say No to Wal-Mart

From:  
Elizabeth Burk

It seems that after years of debate, Wal-Mart has again decided it wants a new store in Lodi. The Stockton Record tells us that there are 20 Wal-Mart's within 40 miles of downtown Stockton. And Wal-Mart admits that its current store on West Kettleman is doing fine. Do we really need another Wal-Mart in Lodi?

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Communities across the country have been standing up to Wal-Mart and winning -- now it's our turn to settle this debate once and for all.

Thank you.

## Kari Chadwick

---

**From:** Sharon Parks [sharonparks@msn.com]  
**Sent:** Thursday, August 28, 2008 4:20 PM  
**To:** Peter Pirnejad  
**Subject:** Say No to Wal-Mart

From:  
Sharon Parks

It seems that after years of debate, Wal-Mart has again decided it wants a new store in Lodi. The Stockton Record tells us that there are 20 Wal-Mart's within 40 miles of downtown Stockton. And Wal-Mart admits that its current store on West Kettleman is doing fine. Do we really need another Wal-Mart in Lodi?

Another supercenter will further endanger Lodi's own local businesses -- which, unlike Wal-Mart, treat their employees with respect and reinvest their profits in our community. The company has an infamous record of dodging its state and local taxes, as well as bringing excessive noise and traffic and lowering the property values for nearby residents.

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Communities across the country have been standing up to Wal-Mart and winning -- now it's our turn to settle this debate once and for all.

Thank you.

## Kari Chadwick

---

**From:** Gary Lo [cheesypuff357@hotmail.com]  
**Sent:** Thursday, August 28, 2008 3:34 PM  
**To:** Peter Pirnejad  
**Subject:** Please listen to me

From:  
Gary Lo

As being a former Lodi Resident, I already heard complaints of the current walmart on kettleman raping the community apart. Lodi prides itself with being pro small business and the local economy will be sucked dry if a new walmart is built. please consider the GDP of lodi and how that money will filter out of the pockets of local residents and be put in the pockets of big corporate business. be graceful. don't let it happen

Previous Lodi Resident,  
Gary Lo

## Kari Chadwick

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**From:** Danny DeTora [mizuno53@hotmail.com]  
**Sent:** Thursday, August 28, 2008 3:14 PM  
**To:** Peter Pirnejad  
**Subject:** Say No to Wal-Mart

From:  
Danny DeTora

It seems that after years of debate, Wal-Mart has again decided it wants a new store in Lodi. The Stockton Record tells us that there are 20 Wal-Mart's within 40 miles of downtown Stockton. And Wal-Mart admits that its current store on West Kettleman is doing fine. Do we really need another Wal-Mart in Lodi?

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Thank you.

## Kari Chadwick

---

**From:** Gary Watkins [wasterix@aol.com]  
**Sent:** Thursday, August 28, 2008 10:09 PM  
**To:** Peter Pirnejad  
**Subject:** Say No to Wal-Mart

From:  
Gary Watkins

It seems that after years of debate, Wal-Mart has again decided it wants a new store in Lodi. The Stockton Record tells us that there are 20 Wal-Mart's within 40 miles of downtown Stockton. And Wal-Mart admits that its current store on West Kettleman is doing fine. Do we really need another Wal-Mart in Lodi?

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## Kari Chadwick

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**From:** Debbie Egan [cactusflowers@sbcglobal.net]  
**Sent:** Thursday, August 28, 2008 9:15 PM  
**To:** Peter Pirnejad  
**Subject:** Say No to Wal-Mart

From:  
Debbie Egan

Cities always think that if WalMart comes in, the city will get thousands of dollars in tax revenue. but this is not true. WalMart uses loopholes to send the money out of the area! Check out the movie: WalMart - the high cost of low price (2005). its a documentary.

It seems that after years of debate, Wal-Mart has again decided it wants a new store in Lodi. The Stockton Record tells us that there are 20 Wal-Mart's within 40 miles of downtown Stockton. And Wal-Mart admits that its current store on West Kettleman is doing fine. Do we really need another Wal-Mart in Lodi?

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Thank you.

## Kari Chadwick

---

**From:** Lema Perkins [QuietStorm\_3@msn.com]  
**Sent:** Friday, August 29, 2008 5:17 AM  
**To:** Peter Pirnejad  
**Subject:** Say No to Wal-Mart

From:  
Lema Perkins

It seems that after years of debate, Wal-Mart has again decided it wants a new store in Lodi. The Stockton Record tells us that there are 20 Wal-Mart's within 40 miles of downtown Stockton. And Wal-Mart admits that its current store on West Kettleman is doing fine. Do we really need another Wal-Mart in Lodi?

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Thank you.

## Kari Chadwick

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**From:** Dennis Ledden [jcs5779@sbcglobal.net]  
**Sent:** Friday, August 29, 2008 5:18 AM  
**To:** Peter Pirnejad  
**Subject:** Say No to Wal-Mart

From:  
Dennis Ledden

It seems that after years of debate, Wal-Mart has again decided it wants a new store in Lodi. The Stockton Record tells us that there are 20 Wal-Mart's within 40 miles of downtown Stockton. And Wal-Mart admits that its current store on West Kettleman is doing fine. Do we really need another Wal-Mart in Lodi?

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Thank you.

## Kari Chadwick

---

**From:** Kirk Walser [scannerbuddy@comcast.net]  
**Sent:** Friday, August 29, 2008 7:00 AM  
**To:** Peter Pirnejad  
**Subject:** Say No to Wal-Mart

From:  
Kirk Walser

It seems that after years of debate, Wal-Mart has again decided it wants a new store in Lodi. The Stockton Record tells us that there are 20 Wal-Mart's within 40 miles of downtown Stockton. And Wal-Mart admits that its current store on West Kettleman is doing fine. Do we really need another Wal-Mart in Lodi?

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Thank you.

## Kari Chadwick

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**From:** Ronald Peterson [rcp95240@yahoo.com]  
**Sent:** Friday, August 29, 2008 9:20 AM  
**To:** Peter Pirnejad  
**Subject:** Say No to Wal-Mart

From:  
Ronald Peterson

It seems that after years of debate, Wal-Mart has again decided it wants a new store in Lodi. The Stockton Record tells us that there are 20 Wal-Mart's within 40 miles of downtown Stockton. And Wal-Mart admits that its current store on West Kettleman is doing fine. Do we really need another Wal-Mart in Lodi?

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Thank you.

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

<b>ATTENTION:</b>  <b>Immanuel Bereket</b>		<b>FROM:</b>  <b>Kathy Selsor</b>  <b>Department of Transportation</b> <b>1976 East Charter Way</b> <b>Stockton, CA 95205</b>	
<b>UNIT/COMPANY:</b>  Planning Division		<b>DATE:</b>  8/28/08	<b>TOTAL PAGES (Including Cover Page)</b>
		<b>FAX # (Include Area Code)</b>  (209) 948-7194	<b>ATSS FAX</b>  8-423-7194
<b>DISTRICT/CITY</b>  City of Lodi 221 West Pine Street Lodi, CA 95241-1910		<b>PHONE # (&amp; Area Code)</b>  (209) 948-7190	<b>ATSS</b>  8-423-7190
<b>PHONE # (&amp; Area Code)</b>  (209) 333-6711	<b>FAX # (&amp; Area Code)</b>  (209) 333-6842	<b>ORIGINAL DISPOSITION:</b> Destroy <input type="checkbox"/> Return <input type="checkbox"/> Call for Pickup <input type="checkbox"/>	

**COMMENTS:**

**SJ-12-PM15.1**  
**RFEIR**  
**SCH# 2003042113**  
**Lodi Shopping Center**

**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!*

August 28, 2008

**10-SJ-12-PM 15.1  
SCH#2003042113  
Lodi Shopping  
Center**

Immanuel Bereket  
City of Lodi  
Planning Division  
221 West Pine Street  
Lodi, CA 95241-1910

Dear Mr. Bereket:

The California Department of Transportation (Department) appreciates the opportunity to have reviewed the Final Revised Environmental Impact Report (FREIR) for the proposed Lodi Shopping Center located at the south west corner of Lower Sacramento and Kettleman/State Route 12 (SR 12) in the City of Lodi. The comments made for the Site Plan in a letter dated August 26, 2008 have not been addressed and still remain valid. In order to ensure the Site Plan has adequate right of way dedication for future improvements on SR 12 and Westgate Drive please address the following comments.

Provide the striping plan for SR 12 west of the intersection of Westgate Drive and SR 12/Lower Sacramento Road.

Provide typical cross sections to show future dual left-turn lane at Westbound SR 12 to Southbound Westgate Drive.

Provide the ultimate plan for SR 12/Westgate Drive

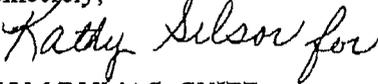
Provide truck off tracking analysis for the following movements at the intersection of SR 12/Westgate Drive:

- Eastbound SR 12 right turn
- Westbound SR 12 left turn to Westgate Drive
- Westgate Drive northbound to eastbound and westbound SR 12
- Site Plan needs to show Caltrans Right of Way (R/W) and ultimate R/W
- All signals should be coordinated
- All work within the State Right of Way will require an Encroachment permit.

Mr. Bereket  
August 28, 2008  
Page 2

If you have any questions or would like to discuss our comments in more detail, please contact Kathy Selsor at 948-7190 (e-mail [Kathy\\_selsor@dot.ca.gov](mailto:Kathy_selsor@dot.ca.gov)) or me at 941-1921.

Sincerely,

Handwritten signature of Kathy Selsor in cursive script.

TOM DUMAS, CHIEF  
OFFICE OF METROPOLITAN PLANNING

**RECEIVED**

**AUG 29 2008**

**COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI**



**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:** Immanuel Bereket, City of Lodi Community Development Department  
**From:** Anne-Marie Poggio-Castillou, SJCOG, Inc.  
**Date:** August 26, 2008  
**Re:** **Lead Agency Project Title:** Lodi Shopping Center (Super Wal-Mart) Tentative Map  
**Lead Agency Project Number:** 08-SP-08, 08-U-11  
**Assessor Parcel Number(s):** 058-030-01 and 058-030-02 (058-030-09 Basin)

**Total Acres to be converted from Open Space Use:** approximately 40 acres

**Habitat Types to be Disturbed:** Agriculture

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

---

Dear Mr. Bereket:

SJCOG, Inc. has reviewed application for the Tentative Map for the Lodi Shopping Center (Super Wal-Mart). This project involves the construction of approximately 339,966 square feet of commercial retail uses, representing a variety of retail sales and services, to be contained in 13 buildings of varying sizes. The primary user will be Wal-Mart which will occupy which will approximately 226,868 square feet. The project is located at the southwest corner of West Kettleman Lane and South Sacramento Road. The project site is located entirely within the incorporated boundary of the City of Lodi.

The SJMSCP is requesting a revision on section E3 of the Draft EIR (Biological Resources). This section states that no mitigation is required. This project is subject to a site visit by a SJMSCP Biologist to perform a pre-construction survey prior to any ground disturbance. The project will also have to sign and return Incidental Take Minimization Measures to SJMSCP staff. This project will also have to pay current fees 30 prior to pulling permits.

The Tentative Map also shows approximately 4 acres adjacent and southwest of the shopping center site for construction of a storm water detention basin. The four acres will need to be addressed as to its part in the project or if it is a part of the Southwest Gateway Project.

The City of Lodi 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

If you have any questions, please call (209) 468-3913.

## Kari Chadwick

---

**From:** Jeff Hood  
**Sent:** Friday, August 29, 2008 10:20 AM  
**To:** Randi Johi; Kari Chadwick  
**Subject:** FW: Say No to Wal-Mart

-----Original Message-----

**From:** Mary Hamlett [mailto:MaryHamlett@hotmail.com]  
**Sent:** Friday, August 29, 2008 10:19 AM  
**To:** Jeff Hood  
**Subject:** Say No to Wal-Mart

**From:**  
Mary Hamlett

It seems that after years of debate, Wal-Mart has again decided it wants a new store in Lodi. The Stockton Record tells us that there are 20 Wal-Mart's within 40 miles of downtown Stockton. And Wal-Mart admits that its current store on West Kettleman is doing fine. Do we really need another Wal-Mart in Lodi?

Another supercenter will further endanger Lodi's own local businesses -- which, unlike Wal-Mart, treat their employees with respect and reinvest their profits in our community. The company has an infamous record of dodging its state and local taxes, as well as bringing excessive noise and traffic and lowering the property values for nearby residents.

Finally, Lodi residents don't want the environmental damage that a new supercenter brings. If the city of Lodi is sitting on a draft version of the final Wal-Mart environmental report, I strongly urge you to make it public. This is not a private document, and the public should be given full access to such reports.

Communities across the country have been standing up to Wal-Mart and winning -- now it's our turn to settle this debate once and for all.

I am most concerned that the report and talks are not open and public. People should be informed of the process as it is happening and have a chance to comment on anything happening that is of concern to them.

Thank you.

## Kari Chadwick

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**From:** Mike McLaughlin [mmclaughlin@iaff4577.org]  
**Sent:** Saturday, August 30, 2008 9:34 PM  
**To:** Peter Pirnejad  
**Subject:** Say No to Wal-Mart

From:  
Mike McLaughlin

Please don't let Wal Mart build another Supercenter.

## Kari Chadwick

---

**From:** Christina Graybill [tbill@infostations.com]  
**Sent:** Saturday, August 30, 2008 4:46 AM  
**To:** Peter Pirnejad  
**Subject:** Say No to Wal-Mart

From:  
Christina Graybill

It seems that after years of debate, Wal-Mart has again decided it wants a new store in Lodi. The Stockton Record tells us that there are 20 Wal-Mart's within 40 miles of downtown Stockton. And Wal-Mart admits that its current store on West Kettleman is doing fine. Do we really need another Wal-Mart in Lodi? Wal-Mart ISN'T the kind of SUSTAINABLE development Lodi needs.

Another supercenter will further endanger Lodi's own local businesses -- which, unlike Wal-Mart, treat their employees with respect and reinvest their profits in our community. Wal-Mart Company has an infamous record of dodging its state and local taxes, as well as bringing excessive noise and traffic and lowering the property values for nearby residents.

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## Kari Chadwick

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**From:** Candy Bowman [canbowring@yahoo.com]  
**Sent:** Sunday, August 31, 2008 8:41 AM  
**To:** Peter Pirnejad  
**Subject:** Say No to Wal-Mart

From:  
Candy Bowman

It seems that after years of debate, Wal-Mart has again decided it wants a new store in Lodi. The Stockton Record tells us that there are 20 Wal-Mart's within 40 miles of downtown Stockton. And Wal-Mart admits that its current store on West Kettleman is doing fine. Do we really need another Wal-Mart in Lodi?

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## Kari Chadwick

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**From:** Michelle Johnston [mishj@zapcom.net]  
**Sent:** Sunday, August 31, 2008 10:47 AM  
**To:** Peter Pirnejad  
**Subject:** Say No to Wal-Mart

From:  
Michelle Johnston

It seems that after years of debate, Wal-Mart has again decided it wants a new store in Lodi. The Stockton Record tells us that there are 20 Wal-Mart's within 40 miles of downtown Stockton. And Wal-Mart admits that its current store on West Kettleman is doing fine. Do we really need another Wal-Mart in Lodi?

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Thank you.

## Kari Chadwick

---

**From:** Jeff Hood  
**Sent:** Monday, September 08, 2008 8:36 AM  
**To:** Randi Johl; Kari Chadwick  
**Subject:** FW: Say No to Wal-Mart

-----Original Message-----

**From:** Jean Wilbourn [mailto:c1lctr55@sbcglobal.net]  
**Sent:** Sunday, September 07, 2008 7:48 PM  
**To:** Jeff Hood  
**Subject:** Say No to Wal-Mart

**From:**  
Jean Wilbourn

It seems that after years of debate, Wal-Mart has again decided it wants a new store in Lodi. The Stockton Record tells us that there are 20 Wal-Mart's within 40 miles of downtown Stockton. And Wal-Mart admits that its current store on West Kettleman is doing fine. Do we really need another Wal-Mart in Lodi?

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Thank you.

**Kari Chadwick**

---

**Subject:** Say No to Wal-Mart

-----Original Message-----

From: Bob Sipe [mailto:bobsipe@netzero.com]

Sent: Thursday, August 28, 2008 1:01 PM

To: Peter Pirnejad

Subject: Say No to Wal-Mart

From:

Bob Sipe

It seems that after years of debate, Wal-Mart has again decided it wants a new store in Lodi. The Stockton Record tells us that there are 20 Wal-Mart's within 40 miles of downtown Stockton. And Wal-Mart admits that its current store on West Kettleman is doing fine. Do we really need another Wal-Mart in Lodi?

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Thank you.

**Kari Chadwick**

---

**Subject:** Say No to Wal-Mart

-----Original Message-----

From: David Smith [mailto:davidsmith2007@gmail.com]  
Sent: Thursday, August 28, 2008 12:58 PM  
To: Peter Pirnejad  
Subject: Say No to Wal-Mart

From:  
David Smith

No Walmart in LODI!!

Another supercenter will further endanger Lodi's own local businesses -- which, unlike Wal-Mart, treat their employees with respect and reinvest their profits in our community. The company has an infamous record of dodging its state and local taxes, as well as bringing excessive noise and traffic and lowering the property values for nearby residents.

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Thank you.

**Kari Chadwick**

---

**Subject:** Poison Toys & Lead Paint in downtown Lodi

-----Original Message-----

From: Stephanie Conrad [mailto:stephfran2fish@sbcglobal.net]

Sent: Thursday, August 28, 2008 1:13 PM

To: Peter Pirnejad

Subject: Poison Toys & Lead Paint in downtown Lodi

From:

Stephanie Conrad

Brought to you by the City Council and Walmart Corporation.

Just say no to poison toys.

S. Conrad

Sacramento, CA.

## Kari Chadwick

---

**Subject:** Say No to Wal-Mart

-----Original Message-----

From: Jessica Garcia [mailto:jgarcia@sei1000.org]  
Sent: Thursday, August 28, 2008 1:13 PM  
To: Peter Pirnejad  
Subject: Say No to Wal-Mart

From:  
Jessica Garcia

It seems that after years of debate, Wal-Mart has again decided it wants a new store in Lodi. The Stockton Record tells us that there are 20 Wal-Mart's within 40 miles of downtown Stockton. And Wal-Mart admits that its current store on West Kettleman is doing fine. Do we really need another Wal-Mart in Lodi?

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Thank you.

**Kari Chadwick**


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**From:** Mark Anaforian [mjanaforian@sbcglobal.net]  
**Sent:** Wednesday, August 27, 2008 2:51 PM  
**To:** Kari Chadwick  
**Subject:** Re: Lodi Shopping Center Final Revised Environmental Impact Report

Kari

With respect to your findings your reasoning is completely wrong. On my first point addressed by the committee you state that while other stores would initially experience slower sales, an increase in population would resolve the problem. Has the board noticed the real estate market lately? People cannot pay their existing mortgages, as evidenced by all the foreclosures in this part of California, let alone afford a new house. You are putting your hopes on the market turning around a lot quicker than most experts expect. What qualifications does the board have in predicting future home sales? On top of the above stated comment, how big does Lodi want to be? I for one do not want this community to turn into our neighbors to the south.

The second point you addressed was about the vacancy of the existing Wal-Mart. You first said that finding a tenant should not be a problem. Who? A store that size with it's enormous square footage can only accommodate a certain type of store. You also say that if the store is not rented out in 90 days it will be demolished. I'm sure the existing tenants would be thrilled with trucks, bulldozers and loud noises while trying to conduct business.

As evidenced by this report it seems the board 'bending over backwards' to accommodate this project. Where is the loyalty to the existing businesses in Lodi? They represent your tax base and should be treated as a valuable asset to the city.

So build your supercenter and watch as everything I warned you about come true. I deal with retail chains throughout California and have seen this in numerous cities. I would say it will give me great pleasure to say 'I told you so', but it won't because people will have lost their jobs as a result of your decision.

Thank You,  
 Mark Anaforian

--- On Tue, 8/26/08, Kari Chadwick <kchadwick@lodi.gov> wrote:

From: Kari Chadwick <kchadwick@lodi.gov>  
 Subject: Lodi Shopping Center Final Revised Environmental Impact Report  
 To:  
 Date: Tuesday, August 26, 2008, 3:06 PM

Please let this message serve as notification that the Final Revised Environmental Impact Report has been posted to the City of Lodi Web page and is ready for viewing. Should you encounter any difficulties, please do not hesitate to contact our office.

[http://www.lodi.gov/com\\_dev/EIRs.html](http://www.lodi.gov/com_dev/EIRs.html)

Thank you,

**Kari Chadwick**  
 Administrative Secretary  
 Community Development Department  
 (209) 333-6711



SAN JOAQUIN COUNCIL OF GOVERNMENTS

555 E. Weber Ave. Stockton, CA 95202

(209)468-3913

[www.sjco.org](http://www.sjco.org)

**RECEIVED**

SEP 15 2008

COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI

DATE: September 12, 2008

TO: Mr. Immanuel Bereket or Responsible Planning Staff

RE: **Super Wal-Mart Proposal: File No. 08-SP-08, 08-U-11, 08-P-04**

Dear Mr. Bereket:

On August 20, 2008 SJCOG received notification from the City of Lodi of a project that is proposing to construct approx. 227,000 sq. ft. retail center on the southwest corner of Lower Sacramento Rd. and SR 12. As the County's designated Congestion Management Agency, SJCOG is required to analyze and comment on future land uses that may impact roadways located within the RCMP network. The *Land Use Analysis Process* was adopted as part of the 2007 Regional Congestion Management Plan and is also mandated by state CMP Legislation (Section 65089). The relevant portions from the RCMP, State Legislation, along with an exhibit of the RCMP Roadway Network are attached to this correspondence.

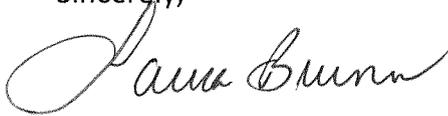
Trip generation rates were estimated using ITE methodology. This methodology showed that the project would generate over 800 p.m. peak-hour trips. These trips were distributed (modeled) to evaluate the effect on the CMP roadway network. Results of the distribution show that the project will create degradation in the level of service that exceeds the LOS standards within the RCMP on the following two roadways:

1. Lower Sacramento Rd. – Turner Rd. to Harney Ln.
2. State Rte. 12 – Davis Rd. to South Hutchins St.

As the project proceeds with the review process, SJCOG recommends that these potential impacts be analyzed within the project's Traffic Impact Analysis and accompanying environmental document. The analysis should contain a section that specifically addresses requirements and standards of the RCMP and State CMP Legislation and measures that will be appropriate for mitigating any impacts considered significant. SJCOG is currently in the process of developing measures that will be considered as acceptable mitigation.

Thank you for forwarding the project information to this office for review. Please feel free to call me with any questions or comments you may have at (209) 468-3913.

Sincerely,

A handwritten signature in cursive script that reads "Laura Brunn".

Laura Brunn  
SJCOG Associate Regional Planner

cc: Dana Cowell, Deputy Director  
Mike Swearingen, Senior Regional Planner

**Attachments:**

Map Exhibit - 1 page

RCMP Excerpt - 6 pages

California Code, Section 65089 - 3 pages



## **CHAPTER 5 Land Use Impact Analysis Program**

### **5.1 Introduction**

The Land Use Analysis Program focuses on the relationship between transportation and land use with a focus on the regional transportation impacts of local land use decisions. While most cities consider the effect that a new development will have on local roads and streets, the impact that new development may have on state highways or principal arterials in other jurisdictions is largely ignored. Ideally, the California Environmental Quality Act (CEQA) review takes into account the regional impacts of a given project; however, this is not always the case. As such, state statute<sup>1</sup> requires that CMP's evaluate the impacts of land use decisions made by local jurisdictions on the regional transportation system.

The RCMP's Land Use Analysis Program considers how local land use decisions affect travel on the RCMP transportation network. This program also provides a framework for addressing these impacts, either through the local planning process or ultimately through the RCMP Deficiency Plan Program.

### **5.2 Factors in the Design of the Land Use Analysis Program**

When designing the most appropriate Land Use Analysis Program for San Joaquin a number of factors were given consideration, namely existing legislation, the goals of the program and the challenges facing the RCMP.

**Legislation.** CMP legislation states that the performance measures defined in the RCMP should be used, to the extent possible, to determine the impact of local land use decisions on the transportation system. The program must also include an estimate of the costs associated with mitigating the impacts, excluding the costs of mitigating the impacts of interregional travel. Finally, the program shall provide credit for local public and private contributions to improvements to the regional transportation system.

**Goals.** Drawing upon CMP legislation, Federal SAFETEA-LU legislation, and Measure K, the following goals for the Land Use Analysis Program were identified:

- To provide information that is useful to local jurisdictions.
- To facilitate inter-jurisdictional cooperation in analyzing and mitigating the impact of land use decisions, when necessary.
- To adopt programs that strive to keep the increase in VMT to an annual rate that is equal or less than the population increase.

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<sup>1</sup> California Government Code 65089(b)(4)

- To adopt programs that promotes travel by alternate modes.
- To support and plan for improved heavy passenger rail and regional bus connections with the Bay Area and Sacramento.
- To identify local land use decisions that have a significant impact on the RCMP system and to establish a process for mitigating these impacts.
- To ensure that new development contributes a fair share and provides transportation improvements at the time of new construction.

Local governments are required to be aware of any significant traffic impacts that a proposed project may create before the approval decision. Knowing what the transportation impacts are at this early stage gives the jurisdiction the opportunity to develop appropriate mitigation and fee measures with the applicant.

### **5.3 Regional Traffic Model**

The regional traffic model is an integral component of the Land Use Analysis Program, and its maintenance is a requirement of both the State CMP legislation and the Measure K Ordinance. One of the major functions of the model is to project the traffic impacts of potential and actual land use decisions on the regional transportation system. The regional traffic model is also used to project the future levels of traffic on the RCMP system, to predict where performance standards may not be met. These traffic volume projections are designed to give SJCOG and local governments a vision of the regional traffic congestion that will occur if no additional action is taken.

#### Regional Traffic Model Details

One of the functions of SJCOG is to develop and update projections of future traffic conditions for all major roadways in San Joaquin County. SJCOG staff accomplishes this through the use of this computerized traffic model. The model uses a three-tiered forecasting process: trip generation, trip distribution, and trip assignment. First, the model projects the numbers of trips that will be produced and attracted for each land use, based on the assumed future land use conditions. Per California Code Section 65089.4, this figure cannot include interregional trips. Second, the model uses a standard gravity equation to assign an origin and destination traffic zone for each trip. Finally, the model assigns each trip to a specific route between its origin and destination.

The model is run in-house on SJCOG's personal computers, using the TP+ Traffic Forecasting Program. The model is calibrated on 2005 base conditions. This calibration means that the model replicates actual 2005 traffic patterns within specific tolerance levels.

SJCOG’s model evaluates interregional trips involving San Joaquin County, Stanislaus County, the Sacramento region, the entire Bay Area, Calaveras County, and Amador County. Average daily traffic (present and future) for all major roadways is dynamically represented between and within San Joaquin County and all of these regions. The model relies on the following five land use variables to forecast traffic:

- Number of Single Family Households
- Number of Multi-Family Households
- Number of Retail Employees
- Number of Service Employees
- Number of Other Employees

#### **5.4 Review of Proposed Land Use Projects**

The 2007 renewal of the Measure K Ordinance stipulates that SJCOG will “review all environmental documents and/or development applications for residential, commercial, retail, and industrial development in San Joaquin County generating **125 or more peak hour trips**, based on ITE factors. Specific projects excluded as part of the cause of a deficiency include those cited in Government Code Section 65089.4 such as high-density residential and mixed use projects within ¼ mile of a fixed rail passenger station and low-income and very low income housing.

SJCOG will comment on each of these developments as to their impact on the region’s congestion management system and recommend the appropriate measures to address the impacts new development will have on the existing transportation system. It should be noted that SJCOG’s ability to comment should not be interpreted as an authority to reject development applications.

For the purpose of the RCMP, the review of development applications will include all new projects that are subject to California Environmental Quality Act (CEQA) review. These projects require the judgment or deliberation by a jurisdiction’s policy decision-making body prior to approving or disapproving the land use activity. This is distinguished from other types of projects where the lead public agency or body is only responsible for determining whether there has been conformity with applicable statutes, ordinances, or regulations. The traffic impacts of these types of projects will be captured through updates traffic counts and analysis of the effects on the CMS per section 1.3 of this document.

In order to capture developments subject to review by the CMA, SJCOG has developed a simple single-page development questionnaire that is intended to be completed by the permitting jurisdiction at the time of application submittal. This form found in **Appendix D** solicits simple descriptive information for any project above a minimum size that wouldn’t generate the required threshold of trips. The forms are transmitted to SJCOG where a simple trip generation

computation is performed to determine if the threshold has been met.

For projects meeting the trip generation threshold, SJCOG prepares a comment letter addressing the impact these trips may have on regional transportation systems. As required within Measure K, if the subject project is located on or near a State highway, SJCOG will seek further comment from Caltrans.

The following items are considered during the preparation of the comment letter:

- ✓ Potential impact on the RCMP transportation network;
- ✓ Possible alternative modal infrastructure improvements that should be supported; and,
- ✓ Possible TDM programs that the project may participate in.

Regarding SJCOG's review of General Plan updates and revisions; since revised general plans set the stage for development over a 20 year period, it is important to consider their impact on the regional transportation system. Currently, SJCOG as the CMA receives proposed general plan updates and amendments. Under this Land Use Analysis Program, SJCOG will review these documents and provide comments regarding the impact that the proposed land use designations will have on the regional system, if approved.

### **5.5 Use of Development Impact Information**

State law places responsibility for the Land Use Analysis Program on local jurisdictions, since they retain the power to approve or deny project applications. SJCOG can assist cities and the County in determining regional traffic impacts, but the Lead Agency is responsible for determining how to mitigate these impacts and what the cost will be to do so. SJCOG encourages local agencies to require development projects to cover the costs of mitigating transportation impacts, but the decision to do so rests with the city or County.

#### Mitigation

Local jurisdictions are responsible for determining the types of mitigations that will be used to address regional traffic impacts. These mitigations are left to the local jurisdiction's discretion, but SJCOG will provide support and coordination to determine the best strategy(s) as needed. A toolbox of possible mitigation measures is identified in Section 7.

#### Inter-Jurisdictional Impacts

A regional analysis based on local land use decisions will often involve more than one jurisdiction. For example, a large project approved by City A (Lead Agency) may affect traffic on a nearby

principal arterial in City B (affected city). The RCMP places the responsibility for addressing the significant traffic impacts with the approving jurisdiction. However, SJCOG also recognizes that City A will need to work with City B in order to properly mitigate the traffic impacts on the affected segment. It is the preference of SJCOG that the Lead Agency work with any affected jurisdiction to arrive at a mutually agreeable plan for addressing the inter-jurisdictional impacts of a given project. If a dispute arises, or at the request of either party, SJCOG will assist both localities in preparing a mitigation plan that meets the requirements of this land use program.

### **5.6 Local and Regional Traffic Impact Fees**

Per Measure K, this Land Use Impact Program is intended to ensure that “new development contributes a fair share and provides transportation improvements at the time of new construction.” Meanwhile, State CMP legislation also expects that the Land Use Program will provide “credit for local public and private contributions to improvements to regional transportation systems,” in order to prevent developers from paying twice for the same improvements to the regional transportation system. All jurisdictions developed and adopted a Local Traffic Fee program soon after the Measure K Transportation Sales Tax program began implementation.

In addition, Measure K’s Ordinance and Local Transportation Improvement Program stated the following:

*“It is an objective of the Local Transportation Authority that a program of Regional Traffic Mitigation fees, assessments, or other mitigations, as appropriate, to fund regional and sub-regional transportation projects, be developed and implemented in San Joaquin County by January 1, 1993.”*

The rationale for a regional fee is that it would capture the impact of each development that local governments approve rather than just capturing the impact of large general plan amendments. While the impact of certain projects will be small, their cumulative effect could be significant. Also, large projects developed under existing General Plans will also have an effect on the regional transportation system.

Another advantage of the regional fee approach to impact mitigations is that the requirement for equity in the project approval process would be met. All projects must be treated equally with respect to project approval conditions. Because a regional fee would apply to all projects, regardless of size, each project would pay its proportionate share of the costs.

In addition, State law requires that there be a direct relationship (nexus) between a project’s impact and the required fees or mitigations. Another advantage of a regional fee over the analysis

## **Congestion Management Plan**

San Joaquin Council of Governments

of General Plan Amendments is that the fee can be linked directly to a project proposal. As such, the analysis would be more specific, the mitigation would be clearly defined (the fee), and the time lag between the project approval and the adoption of a mitigation would be reduced. The legal nexus between the project and the condition would be clearly established.

Finally, mitigating impacts outside of one's jurisdiction can be a difficult process. A regional fee whose revenues are used to fund a set of regional projects would obviate the need to work out mitigation agreements for each project with an inter-jurisdictional impact. Each project's proportionate share of the costs of mitigations would be determined by the fee, based on the projected trip ends.

All jurisdictions adopted and began implementation of the RTIF program by July 1, 2006. To ensure that the RTIF is being assessed and applied toward regional traffic mitigation projects that were identified in the development of the fee, SJCOG monitors the local jurisdictions' collection and disbursement of the fee. This monitoring will be accomplished through SJCOG's annual audit process of local agency transportation funds.

65088.5. **Congestion management** programs, if prepared by county transportation commissions and transportation authorities created pursuant to Division 12 (commencing with Section 130000) of the Public Utilities Code, shall be used by the regional transportation planning agency to meet federal requirements for a **congestion management** system, and shall be incorporated into the **congestion management** system.

65089. (a) A **congestion management** program shall be developed, adopted, and updated biennially, consistent with the schedule for adopting and updating the regional transportation improvement program, for every county that includes an urbanized area, and shall include every city and the county. The program shall be adopted at a noticed public hearing of the agency. The program shall be developed in consultation with, and with the cooperation of, the transportation planning agency, regional transportation providers, local governments, the department, and the air pollution control district or the air quality **management** district, either by the county transportation commission, or by another public agency, as designated by resolutions adopted by the county board of supervisors and the city councils of a majority of the cities representing a majority of the population in the incorporated area of the county.

(b) The program shall contain all of the following elements:

(1) (A) Traffic level of service standards established for a system of highways and roadways designated by the agency. The highway and roadway system shall include at a minimum all state highways and principal arterials. No highway or roadway designated as a part of the system shall be removed from the system. All new state highways and principal arterials shall be designated as part of the system, except when it is within an infill opportunity zone. Level of service (LOS) shall be measured by Circular 212, by the most recent version of the Highway Capacity Manual, or by a uniform methodology adopted by the agency that is consistent with the Highway Capacity Manual. The determination as to whether an alternative method is consistent with the Highway Capacity Manual shall be made by the regional agency, except that the department instead shall make this determination if either (i) the regional agency is also the agency, as those terms are defined in Section 65088.1, or (ii) the department is responsible for preparing the regional transportation improvement plan for the county.

(B) In no case shall the LOS standards established be below the level of service E or the current level, whichever is farthest from level of service A except when the area is in an infill opportunity zone. When the level of service on a segment or at an intersection fails to attain the established level of service standard outside an infill opportunity zone, a deficiency plan shall be adopted pursuant to Section 65089.4.

(2) A performance element that includes performance measures to evaluate current and future multimodal system performance for the movement of people and goods. At a minimum, these performance measures shall incorporate highway and roadway system performance, and measures established for the frequency and routing of public transit, and for the coordination of transit service provided by separate operators. These performance measures shall support mobility, air quality, land use, and economic objectives, and shall be used in the development of the capital improvement program

required pursuant to paragraph (5), deficiency plans required pursuant to Section 65089.4, and the land use analysis program required pursuant to paragraph (4).

(3) A travel demand element that promotes alternative transportation methods, including, but not limited to, carpools, vanpools, transit, bicycles, and park-and-ride lots; improvements in the balance between jobs and housing; and other strategies, including, but not limited to, flexible work hours, telecommuting, and parking management programs. The agency shall consider parking cash-out programs during the development and update of the travel demand element.

(4) A program to analyze the impacts of land use decisions made by local jurisdictions on regional transportation systems, including an estimate of the costs associated with mitigating those impacts. This program shall measure, to the extent possible, the impact to the transportation system using the performance measures described in paragraph (2). In no case shall the program include an estimate of the costs of mitigating the impacts of interregional travel. The program shall provide credit for local public and private contributions to improvements to regional transportation systems. However, in the case of toll road facilities, credit shall only be allowed for local public and private contributions which are unreimbursed from toll revenues or other state or federal sources. The agency shall calculate the amount of the credit to be provided. The program defined under this section may require implementation through the requirements and analysis of the California Environmental Quality Act, in order to avoid duplication.

(5) A seven-year capital improvement program, developed using the performance measures described in paragraph (2) to determine effective projects that maintain or improve the performance of the multimodal system for the movement of people and goods, to mitigate regional transportation impacts identified pursuant to paragraph (4).

The program shall conform to transportation-related vehicle emission air quality mitigation measures, and include any project that will increase the capacity of the multimodal system. It is the intent of the Legislature that, when roadway projects are identified in the program, consideration be given for maintaining bicycle access and safety at a level comparable to that which existed prior to the improvement or alteration. The capital improvement program may also include safety, maintenance, and rehabilitation projects that do not enhance the capacity of the system but are necessary to preserve the investment in existing facilities.

(c) The agency, in consultation with the regional agency, cities, and the county, shall develop a uniform data base on traffic impacts for use in a countywide transportation computer model and shall approve transportation computer models of specific areas within the county that will be used by local jurisdictions to determine the quantitative impacts of development on the circulation system that are based on the countywide model and standardized modeling assumptions and conventions. The computer models shall be consistent with the modeling methodology adopted by the regional planning agency. The data bases used in the models shall be consistent with the data bases used by the regional planning agency. Where the regional agency has jurisdiction over two or more counties, the data bases used by the agency shall be consistent with the data bases used by the regional agency.

(d) (1) The city or county in which a commercial development will implement a parking cash-out program that is included in a congestion management program pursuant to subdivision (b), or in a deficiency plan pursuant to Section 65089.4, shall grant to that development an

appropriate reduction in the parking requirements otherwise in effect for new commercial development.

(2) At the request of an existing commercial development that has implemented a parking cash-out program, the city or county shall grant an appropriate reduction in the parking requirements otherwise applicable based on the demonstrated reduced need for parking, and the space no longer needed for parking purposes may be used for other appropriate purposes.

(e) Pursuant to the federal Intermodal Surface Transportation Efficiency Act of 1991 and regulations adopted pursuant to the act, the department shall submit a request to the Federal Highway Administration Division Administrator to accept the **congestion management** program in lieu of development of a new **congestion management** system otherwise required by the act.

65089.1. (a) For purposes of this section, "plan" means a trip reduction plan or a related or similar proposal submitted by an employer to a local public agency for adoption or approval that is designed to facilitate employee ridesharing, the use of public transit, and other means of travel that do not employ a single-occupant vehicle.

(b) An agency may require an employer to provide rideshare data bases; an emergency ride program; a preferential parking program; a transportation information program; a parking cash-out program, as defined in subdivision (f) of Section 65088.1; a public transit subsidy in an amount to be determined by the employer; bicycle parking areas; and other noncash value programs which encourage or facilitate the use of alternatives to driving alone. An employer may offer, but no agency shall require an employer to offer, cash, prizes, or items with cash value to employees to encourage participation in a trip reduction program as a condition of approving a plan.

(c) Employers shall provide employees reasonable notice of the content of a proposed plan and shall provide the employees an opportunity to comment prior to submittal of the plan to the agency for adoption.

(d) Each agency shall modify existing programs to conform to this section not later than June 30, 1995. Any plan adopted by an agency prior to January 1, 1994, shall remain in effect until adoption by the agency of a modified plan pursuant to this section.

(e) Employers may include disincentives in their plans that do not create a widespread and substantial disproportionate impact on ethnic or racial minorities, women, or low-income or disabled employees.

(f) This section shall not be interpreted to relieve any employer of the responsibility to prepare a plan that conforms with trip reduction goals specified in Division 26 (commencing with Section 39000) of the Health and Safety Code, or the Clean Air Act (42 U.S.C. Sec. 7401 et seq.).

(g) This section only applies to agencies and employers within the South Coast Air Quality **Management** District.

65089.2. (a) **Congestion management** programs shall be submitted to the regional agency. The regional agency shall evaluate the consistency between the program and the regional transportation plans

RECEIVED

SEP 25 2008

COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI

Lodi Counsel &  
Planning Commission

I Vote No to a Lodi  
Super Center for Wal-Mart.

I'm happy with what we  
have and don't like the  
Super Center in Stockton.

We have ample grocery and  
auto facilities and we  
don't need the traffic  
congestion that a Super Center  
would bring.

Thank you for leaving my  
No Supercenter Vote!

James D. Libert  
324 Dianne Dr. Lodi

Sept 23, 2008

To: Planning Commission,  
Lodi, Calif.

Please vote "no" for me at  
meeting about getting a new Wal-  
mart. The one we have is just  
great & just the right size.

Sincerely  
Mrs. Betty Libert  
821 Dianna Dr.  
Lodi, Calif 95240

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SEP 25 2008

COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI

*A note from...*

Mr. & Mrs. Jack Fiori

*Lodi Planning Comm.*

*We both vote*

*No to Walmart*

*supercenter.*

*(Unable to attend  
meeting)*

*Jack V. Fiori*

*Jack V. Fiori*

*Delores G. Fiori*

*Delores G. Fiori*

**RECEIVED**

SEP 26 2008

COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI

HELPING KIDS DEFY THE ODDS



September 26, 2008

Community Development Director  
P.O. Box 3006  
Lodi, Ca 95241-1910

**RECEIVED**  
SEP 29 2008  
COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI

Ladies and Gentlemen of the Planning Commission,

Unfortunately this Wal-mart Project "dialogue" seems to have to go on and on.

The document circulating in local mail from "Lodi Residents for Community Preservation" is quite frustrating to me and keeps rehashing old ground whose points were clearly rejected by the voters in Lodi and also have been diligently reviewed in the Revised EIR by paid 3<sup>rd</sup> party professionals. Yet the locals keep getting badgered by this constant mantra of resisting change, with a lot of self serving rhetoric.

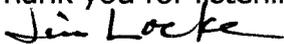
I have lived in Lodi since 1967 and find the downtown area a better place to dine, recreate, and shop than it ever has been in the past. Please keep in mind the fact that those who don't like Wal-mart can take their business elsewhere, and stop whining. I would prefer to avoid rehashing old issues such as the waste of traveling to Holman and Hammer Lane in Stockton, turning our backs on improved tax revenues for the City of Lodi, and not providing additional opportunities for Lodi residents to have better access to competitively priced every days commodity needs "here at home".

I have confidence that you will again make the right decisions and provide an affirmative go ahead for the Wal-mart Supercenter complex. I embrace useful change and in the 41 years that I have been a resident of Lodi I have witnessed a lot of very positive change. People that reject "constructive change" are deluding themselves and living in fantasy land.

The Lodi-News-Sentinel had an item in last Saturday's edition, about the rescheduling of the expected Planning commission meeting on the 24<sup>th</sup>, which is now rescheduled for the 8<sup>th</sup> of October. I was expecting to attend the meeting on the 24<sup>th</sup>, to try to get my \$.25 worth in but now that it is re-scheduled to a time when I will be out of town participating in some "Senior Games" in St. George, Utah, from 10/5 to 10/18/08, I will not be able to be present at the scheduled meeting on October 8<sup>th</sup>.

I would greatly appreciate your entering this message into the records of your meeting and deliberations.

Thank you for listening, sincerely,



Jim Locke  
511 Willow Glen Drive  
Lodi, Ca 95240-0511  
368-9009

**Kari Chadwick**

---

**From:** myra mortenson [myralodi@sbcglobal.net]  
**Sent:** Monday, September 29, 2008 4:43 PM  
**To:** Kari Chadwick  
**Subject:** comment for planning commission

Lodi does not need a Walmart Supercenter. Please vote NO.

Fred Mortenson

Growth has hurt Lodi's small community feel for several decades

Stockton's Walmart Super Center is only 15 minutes away, let the traffic stay down there!

09/29/2008

## Kari Chadwick

---

**From:** Nancy Watts [nawatts@sbcglobal.net]  
**Sent:** Wednesday, October 01, 2008 8:14 AM  
**To:** Randi Johl  
**Subject:** NO to Wal-Mart Supercenter

TO: City Clerk, Mayor and City Council of Lodi,

I urge a NO vote by our city council on approval of the Wal-Mart Supercenter! Their one page ad in today's paper cites \$ statistics that in no way reflect the economic impact on locally owned and operated businesses. Is your decision based on \$'s or sense? IT isn't always about \$'s, but quality of life.

We do have a Wal-Mart presently that offer's local households their services. WE DO NOT NEED MORE. The article states, "In every community where Wal-Mart opens its doors, local shoppers benefit ...." Perhaps, but take a look across the country at small town America where the entry of Wal-Mart into the retail mkt. has dried up downtowns and closed local businesses.

Your decision reaches far into the heart of our community where we should be supporting local businesses, giving them opportunities to grow and thrive, not take away those opportunities.

My second major objection concerns their businesses practices and intimidation of manufacturers and suppliers. Seeing large plants standing vacant in middle America, because Wal-Mart made demands that economically could only be met in China ... they are not for America and the American worker. Wal-Mart is for Wal-Mart! Wal-Mart is not for Lodi. It is Wal-Mart greed. Other cities have stood their ground against Wal-Mart ... it is time Lodi did the same!

(Just an additional note ... what would happen to the existing building? They would be required to lease it? Another box store? What happens if the tenant fails? How long would Wal-Mart be responsible for it.)

I urge a NO VOTE on the Lodi Wal-Mart Supercenter!

Sincerely, Nancy Watts

## Kari Chadwick

---

**From:** Mike Boggus [mboggus@sunmaid.com]  
**Sent:** Wednesday, October 01, 2008 10:01 AM  
**To:** Randi Johl  
**Subject:** Wal-Mart

Just a note to state that I am for allowing Wal-Mart to proceed with their proposed new location at Lower Sac & Kettleman. I don't understand why Lodi would risk losing this new source of taxes? It is a no brainer – if the new location goes in then everyone (including) my wife that leaves Lodi to shop in Stockton for cheaper prices will return to shopping in Lodi.

I am a resident in Lodi and live at 1142 Bridgetowne Drive, 95242.

Mike Boggus  
Director of Sales & Marketing - Licensing  
Sun-Maid Growers of California  
7273 Murray Drive, Suite 18  
Stockton, CA 95210-3386  
Direct Telephone: 1-209-472-8445  
Cell Phone: 1-209-482-3484  
Facsimile: 1-209-472-8448  
Email: [mboggus@sunmaid.com](mailto:mboggus@sunmaid.com)  
Web: [www.sunmaid.com](http://www.sunmaid.com)

**Kari Chadwick**

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**From:** Doris Osburn [doris612@att.net]  
**Sent:** Wednesday, October 01, 2008 10:02 AM  
**To:** Randi Johl  
**Subject:** Wal-Mart

10/1/08

To whom it may concern.

**My Husband and I wish to put in our thoughts on the new Wal-Mart . we wish for it to be built. it would be a much needed service to the low income and senior citizens of Lodi and surrounding areas. We do most of our shopping at Wal-Mart and we got to Lodi or Elk Grove to do this On some occasions we have gone to Stockton which has a very nice store and has every thing one could want with out going to far from home in this age of high gas prices. Since Galt does not have any stores in which to purchase most of our needs .we have to go out of town which means Lodi Elk Grove Sacramento or Stockton. And as for it closing stores in down town that wont happen as stores up town don't sell what Wal-Mart does and Wal-Mart has already been there for several years and the uptown stores are still there. Thank you for you letting me send in our input in this matter.**

**Doris & Leoland Osburn 21 Ramon Drive Galt,Ca 95632**

10/01/2008

**Kari Chadwick**

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**From:** evelyn\_gannon@att.net

**Sent:** Wednesday, October 01, 2008 12:38 PM

**To:** Randi Johl; Susan Hitchcock; Bob Johnson; JoAnne Mounce; Phil Katzakian; Larry Hansen

**Subject:** Re: Walmart

Why is there a HOLD UP on this project when the voters of Lodi have voted and passed the building of WalMart here in Lodi?

Evelyn Gannon  
dammad

10/01/2008

**Kari Chadwick**

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**From:** Dorothy Washburn [dotwash@sbcglobal.net]  
**Sent:** Wednesday, October 01, 2008 10:43 AM  
**To:** Randi Johl  
**Subject:** walmart super center

Cityclerk and city leaders:

My husband and I fully support a Wal Mart Supercenter in Lodi. We shop at Wal Mart and frequently shop at the Stockton Wal Mart on Hammer Lane.

We have other friends and neighbors in Lockeford who shop at Wal Mart and are in favor of the supercenter.

Dorothy and Richard Washburn  
18573 Milford Drive  
Lockeford,CA 95237

**Kari Chadwick**

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**From:** Carol Linde [clinde@sbcglobal.net]  
**Sent:** Wednesday, October 01, 2008 2:42 PM  
**To:** Randi Johl  
**Subject:** Please!

Planning Commission:

I'm writing to tell you please let us have the Wal-Mart we approved by vote along time ago.

Wal-Mart needs this store and so doe we. The current store is grossly inadequate. The isles are so narrow that one can barely pass another with a cart. I understand the need for them to make them narrow because they desperately need the room . This should be one stipulation in the new store. Please tell them to give us wider isles.

All the arguments about this store hurting downtown are ridiculous. The people who shop downtown do not shop at Wal-Mart. Those of us who can't afford to shop downtown need a store like Wal-Mart and these days there are probably more of us then previously.

Thank you,  
Carol A. Linde

**Kari Chadwick**

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**From:** Ginny Perry [ginnylue@comcast.net]  
**Sent:** Wednesday, October 01, 2008 3:21 PM  
**To:** Randi Johl  
**Subject:** Wal-Mart Supercenter

In response to the ad in today's Lodi News-Sentinel, Wednesday, October 1st, I want my voice heard:

**OUR CITY NEEDS THE TAX REVENUE FROM A WAL-MART  
SUPERCENTER ASAP!**

Thank you,

Virginia Perry  
303 Tioga Dr.  
Lodi, CA 95242

10/01/2008

**Kari Chadwick**

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**From:** wilona perry [wilonaf@att.net]  
**Sent:** Wednesday, October 01, 2008 4:29 PM  
**To:** Randi Johl  
**Subject:** RE: Walmart

I saw an ad in today paper to e-mail you if we were in favor of the new Super Walmart. I am e-mailing you to let you and anyone else who might care, that we are **not in favor** of a new Super Walmart. Thank you, Robert & Wilona Perry, 2401 Woodlake Ct. Lodi, CA 95243.

10/01/2008

**Kari Chadwick**

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**From:** Sue McCombs [osmccombs@sbcglobal.net]  
**Sent:** Wednesday, October 01, 2008 7:52 PM  
**To:** Kari Chadwick  
**Subject:** PLANNING COMMISSION

Lodi Planning Commission:

We overwhelmingly support the plans for a new Wal Mart in Lodi. The current Wal Mart obviously is too small and congested for the increased population in Lodi now. It's a shame that this has dragged on for years and we really hope that this will be approved now and not delayed again.

After seeing the Reynolds Ranch project approval of double the commercial area that was approved in the original plan, we do not see how there could be a problem with this approval and it would take a major amount of rationalizing to the public if not approved.

Olen and Suzanne McCombs  
363 S. Sunset Dr.  
Lodi

**Kari Chadwick**

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**From:** ANTHONY AND SHANNA MEDEIROS [anthnshanna@verizon.net]

**Sent:** Wednesday, October 01, 2008 6:05 PM

**To:** Randi Johl

**Subject:** Walmart

NO ON WALMART! THEY ARE RUINING THE ECONOMY JUST LIKE WALL STREET!

10/02/2008

**Kari Chadwick**

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**From:** Ted McBrayer [tedmcbrayer@yahoo.com]  
**Sent:** Thursday, October 02, 2008 5:23 AM  
**To:** Randi Johl  
**Subject:** Walmart Supercenter

Please approve the Wal-Mart Supercenter!!!! PLEASE APPROVE THE WALMART SUPERCENTER!!!!!!!

Sincerely,  
Ted and Lynda McBrayer  
6 Robin Court  
Lodi

10/02/2008

**Kari Chadwick**

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**From:** LARRY NITSCHKE [lazylc@sbcglobal.net]  
**Sent:** Thursday, October 02, 2008 2:05 AM  
**To:** Randi Johl  
**Subject:** Wall Mart



Planning commissioners:

This e-mail is about the meeting on Oct 8th on the new Wall Mart store. I am very much in favor of it being built. My reasons being that it will provide more jobs even for those who are disabled or senior citizens, as you well know our city could surly use some of the tax money they could bring in.

Now to the planning committee it has been discussed about a possibility of building up to 7000 houses in that area, there would more than likely be an average of two cars per household, I doubt Wall Mart will generate that much traffic a day probably less than half. There will be senior citizens riding the buses out to Wall Mart where they will be able to make most of if not all their purchases in one stop. My other remark I would like to make is having read a number of letters against Wall-Mart and that it will hurt downtown HOW? I don't think they are planing on putting in restaurant's, bars, wine tasting rooms or a theater. Lodi First and others need to get a life and let those who voted FOR and passed Wall Mart to be built here enjoy what Wall-Mart can do for the city of Lodi. Maybe some people will get their groceries there but I feel people will still purchase most at their regular grocery store and buy forgotten or quick purchases while shopping there.

Thank you;  
Cheryl Nitschke

**Kari Chadwick**

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**From:** Virginia Denner [jnnym1@sbcglobal.net]  
**Sent:** Wednesday, October 01, 2008 11:17 PM  
**To:** Randi Johl  
**Subject:** Wal-Mart Super Center

Of all the things that the city of Lodi has done to this community, building a super center Wal-Mart probably puts the icing on the cake. Have you taken a look at the Wal-Mart that is already here? The store and parking lot are never clean. The bathrooms are dirty and never seem to be working properly. Security forget it. The guy that drives around in his little car with the yellow light on top wouldn't scare anyone away. So if the Wal-Mart Super Center is built does this mean that the mess will go away? Will Wal-Mart guarantee that their store will be clean and the parking lot kept clear of trash and people doing drugs? Will Wal-Mart guarantee that their store will be maintained in the proper manner? I use to like shopping at Wal-Mart because their prices are lower, but not at the expense of shopping in a dirty store. I want to shop in a clean well kept store like Target.

**Kari Chadwick**

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**From:** reformedgranny@att.net  
**Sent:** Wednesday, October 01, 2008 9:00 PM  
**To:** Randi Johl  
**Subject:** WalMart

Dear Commissioners:

I am unable to attend the meeting on Wednesday, October 8th, but want you to know that I am all for the Supercenter. I believe that it would be very good for the community. As far as the small businesses being hurt--most of the people that shop at those businesses probably never step foot in a WalMart.

Thank you.

Darlene Ward  
1390 W. Lockeford St. #3  
Lodi, CA 95242

10/02/2008

**Kari Chadwick**

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**From:** Tom Roehrich [tomroehrich@hotmail.com]  
**Sent:** Wednesday, October 01, 2008 8:47 PM  
**To:** Randi Johl  
**Subject:** Please Let Us Have the Supercenter

It was unanimous six years ago and still is now. The people of Lodi want a Wal-Mart Supercenter. I for one am tired of having to drive to Stockton's Supercenter for my groceries. Although it is cheaper to go there, it is inconvenient. Let's keep the money in Lodi. Please vote yes on the Supercenter!!

Thank you  
Tom Roehrich

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**Kari Chadwick**

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**From:** Wanda Van Santen [jwvans5@softcom.net]  
**Sent:** Wednesday, October 01, 2008 7:46 PM  
**To:** Randi Johl  
**Subject:** For WalMart Supercenter!

Dear Joann Mounce,

The is in about the WalMart Supercenter and I hope that it gets approved by the city council. I hope that you support this as well! Thanks, Wanda Van Santen

10/02/2008

**Kari Chadwick**

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**From:** John Costa [johnlcosta@yahoo.com]  
**Sent:** Wednesday, October 01, 2008 7:24 PM  
**To:** Randi Johl  
**Subject:** Walmart

Im against a super walmart in lodi. When i drive by the one in Stocton , Im struck by the moonscape like apperance . I cant help but think that this kind of entity in our small town may would crater our emerging economy as a turist destination. walmart is a preditor and inconsistant with livable lovable lodi. REGARDS J.Costa.

## Kari Chadwick

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**From:** Alan Goldberg [agoldberg45@comcast.net]  
**Sent:** Wednesday, October 01, 2008 7:21 PM  
**To:** Randi Johl  
**Subject:** Wal-Mart Planning Commission on 10/8

Planning Commissioners:

Please approve the Wal-Mart Super Center! I can think of no viable reason against not doing so.

The SW corner of Kettleman and Lower Sac is slated for retail, the center should create more jobs, and we'll get more sales revenue in Lodi.

Furthermore, our poorer citizens, as well as all others, will have access to lower priced merchandise thereby improving their standard of living. Traffic might increase some, but then we have an extremely large existing intersection which is currently under-utilized.

Don't let all citizens of Lodi be held hostage by a small number of special interest groups.

Thank you.

Alan M. Goldberg  
912 Evert Court  
Lodi  
333-1045

**Kari Chadwick**

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**From:** Wally Emery [wally@wallyemery.com]  
**Sent:** Wednesday, October 01, 2008 6:43 PM  
**To:** Randi Johl  
**Subject:** wal mart

I want a lodi Wal mart supercenter.  
Wally Emery

**Kari Chadwick**

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**From:** Pegi [pegi-poo@comcast.net]  
**Sent:** Wednesday, October 01, 2008 6:43 PM  
**To:** Randi Johl  
**Subject:** walmart

- I cannot get to the meeting tonight, however I do hope we get a supercenter in Lodi.
- Pegi Morgan
- 2001 carmel cir
- Lodi,ca95242

**Kari Chadwick**

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**From:** Dale Hughes [ddh1968@softcom.net]  
**Sent:** Thursday, October 02, 2008 7:36 AM  
**To:** Randi Johl  
**Subject:** Approve Wal-Mart

We would enjoy having a Wal-Mart Supercenter in Lodi. It was voted on and approved several years ago by 2/3 majority of Lodi residents. Let the store be built!

**Kari Chadwick**

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**From:** demars [demars1@comcast.net]  
**Sent:** Thursday, October 02, 2008 1:15 PM  
**To:** Kari Chadwick  
**Subject:** Vote FOR Walmart Supercenter

I WANT a Wal-Mart Supercenter in Lodi.

Please count my YES vote.

Jennie G. DeMars

2663 Alder Glen Dr.

Lodi, CA 95242

Phone # 334-5434

**RESOLUTION NO. P.C. 08-28**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI,  
CERTIFYING THE FINAL REVISED ENVIRONMENTAL IMPACT REPORT (EIR-03-01)  
RELATING TO THE LODI SHOPPING CENTER;  
STATE CLEARINGHOUSE NO. 2003042113**

=====

**WHEREAS,** an application was filed by Browman Development Company for a commercial shopping center at 2640 W. Kettleman Lane more particularly described as Assessor's Parcel numbers 058-030-08 and 058-030-02, and a portion of 058-030-09; and

**WHEREAS,** the Community Development Director made a determination that the project may have a potentially significant impact on the environment and ordered the preparation of an Environmental Impact Report (EIR); and

**WHEREAS,** the Notice of Preparation (NOP) of the Draft EIR was prepared and distributed to reviewing agencies on April 14, 2003; and

**WHEREAS,** the Draft Environmental Impact Report (DEIR) was released on August 5, 2004, for circulation; and

**WHEREAS,** the Planning Commission of the City of Lodi, after ten (10) days published notice held a study session and public hearing on September 9, 2004. Public comments on the DEIR were taken at this hearing; and

**WHEREAS,** a Final EIR (FEIR) responding to all public comments on the DEIR submitted prior to the expiration of the comment period was prepared and released to the public and commenting agencies on November 22, 2004; and

**WHEREAS,** the Planning Commission of the City of Lodi, after ten (10) days published notice held a public hearing before said Commission on December 8, 2004; and

**WHEREAS,** the Planning Commission of the City of Lodi reviewed and certified the Final Environmental Impact Report prepared for the project; and

**WHEREAS,** that certification and approval was appealed to the Lodi City Council; and

**WHEREAS,** the Lodi City Council, on appeal, reviewed and certified the FEIR prepared for the project (Resolution No. 2005-26, February 3, 2005); and

**WHEREAS,** the Lodi City Council rescinded the certification of the FEIR on May 3, 2006, pursuant to Superior Court Order of December 19, 2005, which order directed revisions to be made to the EIR; and

**WHEREAS,** in response to the Court Order, the City prepared a Notice of Preparation (NOP) of the Revisions to the Environmental Impact Report (REIR) and distributed it to reviewing agencies on September 25, 2006; and

**WHEREAS,** the Draft Revisions to the Environmental Impact Report (DREIR) was released and circulated on October 17, 2007, for public comment and review; and

**WHEREAS**, the Planning Commission of the City of Lodi, after ten (10) days published notice held a study session and public hearing on November 14, 2007. Public comments on the DREIR were received at this hearing; and

**WHEREAS**, a Final Revisions to the EIR (FREIR) responding to all public comments on the DREIR submitted prior to the expiration of the comment period was prepared and released to the public and commenting agencies on August 26, 2008; and

**WHEREAS**, the Planning Commission of the City of Lodi, after ten (10) days published notice held a public hearing before said Commission on September 24, 2008; and

**WHEREAS**, the California Environmental Quality Act (CEQA) requires that, in connection with the approval of a project for which an EIR has been prepared which identifies one or more significant effects, the decision-making agency make certain findings regarding those effects;

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED**, as follows:

1. The foregoing recitals are true and correct and incorporated herein by reference.
2. THAT THE PLANNING COMMISSION hereby finds that full and fair public hearings have been held on the Revisions to the Environmental Impact Report and the Planning Commission having considered all comments received thereon, said Revisions to the Environmental Impact Report is hereby determined to be adequate and complete; and said Revisions to the Environmental Impact Report is hereby incorporated herein by reference.
3. THAT THE PLANNING COMMISSION hereby determines, in connection with the recommended approval of the proposed Use Permit and Tentative Map applications for the Lodi Shopping Center, that the Final Revisions to the Environmental Impact Report (FREIR) for those actions has been prepared in compliance with the California Environmental Quality Act (CEQA) and the state and local environmental guidelines and regulations, that it has independently reviewed and analyzed the information contained therein, including the written comments received during the Draft REIR review period and the oral comments received at the public hearings, and that the Final REIR represents the independent judgment of the City of Lodi as Lead Agency for the project.
4. THAT THE PLANNING COMMISSION does hereby find and recognize that the Final REIR contains additions, clarifications, modifications and other information in its responses to comments on the Draft REIR and also incorporates text changes to the Draft REIR based on information obtained from the City since the Draft REIR was issued. The Planning Commission does hereby find and determine that such changes and additional information are not significant new information as that term is defined under the provisions of the California Environmental Quality Act because such changes and additional information do not indicate that any new significant environmental impacts not already evaluated would result from the project and they do not reflect any substantial increase in the severity of any environmental impact; no feasible mitigation measures considerably different from those previously analyzed in the Draft REIR have been proposed that would either lessen a significant environmental impact of the project or result in a new, substantial environmental impact; no feasible alternatives considerably different from those analyzed in the Draft REIR have been proposed that would lessen the significant environmental impacts of the project; and the Draft REIR was adequate. Accordingly, the Planning Commission hereby finds and determines that recirculation of the Final REIR for further public review and comment is not warranted; and

5. THAT THE PLANNING COMMISSION does hereby make the following findings with respect to the significant effects on the environment resulting from the project, as identified in the hereinbefore mentioned Final REIR, with the stipulation that (i) all information in these findings is intended as a summary of the full administrative record supporting the Final REIR, which full administrative record is available for review through the Director of Community Development at his office in City Hall at 221 West Pine Street, Lodi, 95241, and (ii) any mitigation measures and/or alternatives that were suggested by the commentators on the Draft REIR and were not adopted as part of the Final REIR are hereby expressly rejected for the reasons stated in the responses to comments set forth in the Final REIR and elsewhere on the record.

## **I. AGRICULTURAL RESOURCES**

### **A. LOSS OF PRIME AGRICULTURAL LAND**

1. **Impact:** The project would convert approximately 40 acres of prime agricultural land to urban uses. As stated in the City's General Plan, no feasible mitigation is available which would reduce this impact to a less-than-significant level except an outright prohibition of all development on prime agricultural lands. (Significant and Unavoidable Impact)
2. **Mitigation:** The applicant shall obtain a permanent agricultural conservation easement over 40 acres of prime farmland within 15 miles of the project site. The agricultural conservation easement shall consist of a single parcel of land of at least 40 acres. This easement shall be located in San Joaquin County (excluding the Delta Primary Zone as currently defined by State law) and shall be in current agricultural use or will be into that use as a result of the conservation easement transaction being put into agricultural production. The lands subject to the easement shall be placed under permanent restrictions on land use to ensure its continued agricultural production capacity by limiting non-farm development and other uses that are inconsistent with commercial agriculture. The easements shall be held by the City or a qualified entity (i.e., land trust) approved by the City. The applicant shall pay a fee (in an amount to be determined by the City) for the purpose of establishing an endowment to provide for adequate administration, monitoring, and maintenance of the easement in perpetuity.
3. **Finding:** The acquisition of an off-site agricultural conservation easement would provide partial mitigation for the loss of prime farmland resulting from the project, but it would not reduce the impact to a less-than-significant level. There are no feasible mitigation measures available that would avoid the significant loss of agricultural land if the project is implemented. Specific economic, legal, social, technological or other considerations make mitigation of this impact infeasible. In particular, mitigation is infeasible because it is not possible to re-create prime farmland on other lands that do not consist of prime agricultural soils. This impact, therefore, remains significant and unavoidable.
4. **Facts in Support of Finding:** The following facts indicate that the identified impact is significant and unavoidable.

As discussed in the Draft REIR and Final REIR, there are no feasible measures that would reduce the impact of loss of prime agricultural land resulting from the project to a less-than-significant level. The project's significant and unavoidable impacts to agricultural resources could be avoided by denying the project or requiring a

substantially reduced project, which would prevent the conversion of all or a major portion of the site to urban uses. However, this action would not meet the objective of the applicant or the City of Lodi of developing the site for a commercial retail shopping plaza in conformance with the General Plan and zoning designations applicable to the site. In addition, denial of the project would not constitute a “feasible mitigation,” and therefore would not be required under Section 15126.4 of the state CEQA Guidelines.

Although project-specific impacts to prime farmland cannot be feasibly mitigated to less-than-significant levels, the City has minimized and substantially lessened the significant effects of the proposed project on prime agricultural land through the requirement that an off-site agricultural conservation easement be acquired by the project applicant. The City has also generally minimized the significant effects of development on prime agricultural land through the policies of its adopted General Plan. A principal purpose of the City’s General Plan regulatory scheme is to minimize the impact on prime agricultural land resulting from the City’s urban expansion. The City of Lodi is recognized for its compact growth pattern and clearly defined urban boundaries, its emphasis on infill development, and its deliberate and considered approach to urban expansion to accommodate housing and other long-term development needs. These guiding principles serve to minimize and forestall conversion of agricultural lands within the City’s growth boundaries.

The General Plan policies related to agricultural preservation and protection are intended, and have been successful, in maintaining the productivity of prime agricultural land surrounding the City by controlling urban expansion in a manner which has the least impact on prime agricultural lands. In addition to maintaining compact and defined urban growth boundaries, agricultural preservation and protection is primarily accomplished through the City’s Growth Management Plan for Residential Development, which limits housing development to a growth rate of two percent per year, and which gives priority to proposed residential developments with the least impact on agricultural land, in accordance with General Plan policy.

The General Plan implementation program includes a directive to “identify and designate an agricultural and open space greenbelt around the urbanized area of the City” (Land Use and Growth Management Implementation Program 10). This buffer zone is intended to provide a well-defined edge to the urban area, and to minimize conflicts at the urban-agricultural interface by providing a transition zone separating urban from agricultural uses, and to remove uncertainty for agricultural operations near the urban fringe. The greenbelt will perform an important function in minimizing urban-agricultural conflicts and promote the preservation of prime agricultural land beyond the greenbelt; however, it will not constitute mitigation for loss of farmland since it cannot itself replace land lost to development. The City is continuing to study the implementation of a greenbelt area between Stockton and Lodi, and is committed to the implementation of such a greenbelt.

In summary, the City of Lodi has applied feasible mitigation measures for loss of prime agricultural land at the project site through the required acquisition of off-site agricultural conservation easements, and also through its extensive efforts to avoid the loss of prime farmland through its careful planning of urban areas. Nevertheless, the City recognizes that there is no feasible mitigation available to reduce this impact on the project site to a less-than-significant level and, therefore, the impact remains significant and unavoidable. These facts support the City’s finding.

5. **Statement of Overriding Considerations:** The following is a summary of the benefits that the Planning Commission has found to outweigh the significant unavoidable impacts of the project, the full discussion of which can be found in the “Statement of Overriding Considerations” at the end of this document. The project is expected to provide substantial revenue for the City of Lodi General Fund through increased sales tax and property tax, and will generate employment opportunities for Lodi residents. The project will cause vital municipal infrastructure improvements to be implemented in the project vicinity, and development impact fees paid by the applicant will help fund the project’s proportionate share of contributions towards public services throughout the City of Lodi. The project will implement adopted City plans and policies by accomplishing the City of Lodi’s long-term development plans for commercial use at the project site, consistent with City’s growth control measures prioritizing in-fill development within the existing City boundaries. The project will reflect a high quality of design, through the on-site implementation of the City’s Design Guidelines for Large Commercial Establishments, which will be particularly important at this visually prominent western gateway into the City.

## **II. GEOLOGY AND SOILS**

### **A. SEISMIC HAZARD FROM GROUND SHAKING**

1. **Impact:** Strong ground shaking occurring on the site during a major earthquake event could cause severe damage to project buildings and structures. (Significant Impact)
2. **Mitigation:** Structural damage to buildings resulting from ground shaking shall be minimized by following the requirements of the Uniform Building Code, and implementing the recommendations of the project geotechnical engineer.
3. **Finding:** The above feasible mitigation measure, which has been required in, or incorporated into, the project, will avoid or substantially lessen the significant environmental impact described above to a less-than-significant level.
4. **Facts in Support of Finding:** The following facts indicate that the identified impact will be reduced to a less-than-significant level.

All portions of the project will be designed and constructed in accordance with the Uniform Building Code guidelines for Seismic Zone 3 to avoid or minimize potential damage from seismic shaking at the site. Conformance with these requirements will be ensured by the Building Division through its routine inspection and permitting functions. These facts support the City’s findings.

### **B. SEISMICALLY-INDUCED GROUND SETTLEMENTS**

1. **Impact:** There is a potential for seismically-induced ground settlements at the site, which could result in damage to project foundations and structures. (Significant Impact)
2. **Mitigation:** If subsequent design-level geotechnical studies indicate unacceptable levels of potential seismic settlement, available measures to reduce the effects of such settlements would include replacement of near-surface soils with engineered fill, or supporting structures on quasi-rigid foundations, as recommended by the project geotechnical engineer.

3. **Finding:** The above feasible mitigation measure, which has been required in, or incorporated into, the project, will avoid or substantially lessen the significant environmental impact described above to a less-than-significant level.
4. **Facts in Support of Finding:** The following facts indicate that the identified impact will be reduced to a less-than-significant level.

As part of the mitigation for this impact, geotechnical investigations will be completed prior to the approval of building permits for specific buildings, and these buildings will be designed in conformance with the geotechnical report's recommendations to reduce this potential hazard. Implementation of the recommendations will be ensured by the Public Works Department and Building Division through their routine inspection and permitting functions. These facts support the City's findings.

#### C. STORMWATER BASIN BANK INSTABILITY

1. **Impact:** There is a potential for bank instability along the banks of the proposed basin. (Significant Impact)
2. **Mitigation:** Design-level geotechnical studies shall investigate the potential of bank instability at the proposed basin and recommend appropriate setbacks, if warranted.
3. **Finding:** The above feasible mitigation measure, which has been required in, or incorporated into, the project, will avoid or substantially lessen the significant environmental impact described above to a less-than-significant level.
4. **Facts in Support of Finding:** The following facts indicate that the identified impact will be reduced to a less-than-significant level.

As part of the mitigation for this impact, geotechnical investigations will be completed along with the design-level improvement plans for the stormwater basin, and the Public Works Director will ensure that the basin is constructed in conformance with the geotechnical report's recommendations to reduce this potential hazard. These facts support the City's findings.

#### D. SOIL CONSOLIDATION AND COLLAPSE

1. **Impact:** Soils present on the site are subject to moisture-induced collapse, which could result in damage to structures. (Significant Impact)
2. **Mitigation:** The effects of soil consolidation and collapse can be mitigated by placing shallow spread foundations on a uniform thickness of engineered fill; specific measures shall be specified by an engineering geologist, as appropriate, in response to localized conditions.
3. **Finding:** The above feasible mitigation measure, which has been required in, or incorporated into, the project, will avoid or substantially lessen the significant environmental impact described above to a less-than-significant level.
4. **Facts in Support of Finding:** The following facts indicate that the identified impact will be reduced to a less-than-significant level.

As part of the mitigation for this impact, geotechnical investigations will be completed prior to the approval of building permits for specific buildings, and the Public Works Department and Building Division will ensure that these buildings are be designed in conformance with the geotechnical report's recommendations to reduce this potential hazard. These facts support the City's finding.

**E. EXPANSIVE SOILS**

1. **Impact:** There is a low, but not necessarily insignificant, potential for soils expansion at the site, which could result in differential subgrade movements and cracking of foundations. (Significant Impact)
2. **Mitigation:** The potential damage from soils expansion would be reduced by placement of non-expansive engineered fill below foundation slabs, or other measures as recommended by the geotechnical engineer.
3. **Finding:** The above feasible mitigation measure, which has been required in, or incorporated into, the project, will avoid or substantially lessen the significant environmental impact described above to a less-than-significant level.
4. **Facts in Support of Finding:** The following facts indicate that the identified impact will be reduced to a less-than-significant level.

As part of the mitigation for this impact, geotechnical investigations will be completed prior to the approval of building permits for specific buildings, and the Public Works Department and Building Division will ensure that these buildings are be designed in conformance with the geotechnical report's recommendations to reduce this potential hazard. These facts support the City's finding.

**F. SOIL CORROSIVITY**

1. **Impact:** The corrosion potential of the on-site soils could result in damage to buried utilities and foundation systems. (Significant Impact)
2. **Mitigation:** The potential damage from soil corrosivity can be mitigated by using corrosion-resistant materials for buried utilities and systems; specific measures shall be specified by an engineering geologist as appropriate in response to localized conditions.
3. **Finding:** The above feasible mitigation measure, which has been required in, or incorporated into, the project, will avoid or substantially lessen the significant environmental impact described above to a less-than-significant level.
4. **Facts in Support of Finding:** The following facts indicate that the identified impact will be reduced to a less-than-significant level.

As part of the mitigation for this impact, geotechnical investigations will be completed prior to the City's approval specific buried utilities and foundation systems for buildings, and these features will be designed in conformance with the geotechnical report's recommendations to reduce this potential hazard. These facts support the City's finding.

**III. HYDROLOGY AND WATER QUALITY**

A. EROSION AND SEDIMENTATION DURING CONSTRUCTION

1. **Impact:** During grading and construction, erosion of exposed soils and pollutants from equipment may result in water quality impacts to downstream water bodies. (Significant Impact)
  
2. **Mitigation:** A comprehensive erosion control and water pollution prevention program shall be implemented during grading and construction. Typical measures required by the City of Lodi to be implemented during the grading and construction phase include the following:
  - Schedule earthwork to occur primarily during the dry season to prevent most runoff erosion.
  - Stabilize exposed soils by the end of October in any given year by revegetating disturbed areas or applying hydromulch with tetra-foam or other adhesive material.
  - Convey runoff from areas of exposed soils to temporary siltation basins to provide for settling of eroded sediments.
  - Protect drainages and storm drain inlets from sedimentation with berms or filtration barriers, such as filter fabric fences or rock bags or filter screens.
  - Apply water to exposed soils and on-site dirt roads regularly during the dry season to prevent wind erosion.
  - Stabilize stockpiles of topsoil and fill material by watering daily, or by the use of chemical agents.
  - Install gravel construction entrances to reduce tracking of sediment onto adjoining streets.
  - Sweep on-site paved surfaces and surrounding streets regularly with a wet sweeper to collect sediment before it is washed into the storm drains or channels.
  - Store all construction equipment and material in designated areas away from waterways and storm drain inlets. Surround construction staging areas with earthen berms or dikes.
  - Wash and maintain equipment and vehicles in a separate bermed area, with runoff directed to a lined retention basin.
  - Collect construction waste daily and deposit in covered dumpsters.
  - After construction is completed, clean all drainage culverts of accumulated sediment and debris.

The project also is required to comply with NPDES permit requirements, file a Notice of Intent with the Regional Water Quality Control Board and prepare a Storm Water Pollution Prevention Plan.

3. **Finding:** The above feasible mitigation measures, which have been required in, or incorporated into, the project, will avoid or substantially lessen the significant environmental impact described above to a less-than-significant level.

4. **Facts in Support of Finding:** The following facts indicate that the identified impact will be reduced to a less-than-significant level.

The above mitigation measures are derived from Best Management Practices (BMPs) recommended by the Regional Water Quality Control Board, and are to be included in the Storm Water Pollution Prevention Plan (SWPPP) to be prepared and implemented by the project proponent in conformance with the state's General Permit for Discharges of Storm Water Associated with Construction Activity. In addition, the project grading plans will conform to the drainage and erosion control standards of the City of Lodi, and will be incorporated into the project Improvement Plans to be approved by the City. Implementation of the erosion control measures will be monitored and enforced by City grading inspectors. These facts support the City's finding.

#### B. WATER QUALITY IMPACTS FROM NON-POINT POLLUTANTS

1. **Impact:** The project would generate urban nonpoint contaminants which may be carried in stormwater runoff from paved surfaces to downstream water bodies. (Significant Impact)
2. **Mitigation:** The project shall include stormwater controls to reduce nonpoint source pollutant loads.
3. **Finding:** The above feasible mitigation measure, which has been required in, or incorporated into, the project, will avoid or substantially lessen the significant environmental impact described above to a less-than-significant level.
4. **Facts in Support of Finding:** The following facts indicate that the identified impact will be reduced to a less-than-significant level.

In January 2003, the City adopted a Stormwater Management Plan (SMP) to implement the provisions of its Phase II NPDES stormwater permit issued by the State Water Resources Control Board. The SMP contains a comprehensive program for the reduction of surface water pollution. The project includes feasible structural BMPs (Best Management Practices) such as vegetated swales and a stormwater basin. Much of the stormwater runoff generated in the northern and southern portions of the site will be conveyed to vegetated swales or bioswales which will provide partial filtering of pollutants and sediments. This partially treated runoff, along with all other parking lot and roof runoff from the project will be conveyed to the 3.65-acre stormwater basin planned adjacent to the southwest corner of the site. The basin would serve as a settling pond where suspended sediments and urban pollutants would settle out prior to discharge of the collected stormwater into the City's storm drain system, thereby reducing potential surface water quality impacts to drainages and water bodies. The pump intake for the basin will be located two feet above the bottom to provide for accumulation of sediments which would be cleaned out on a regular basis.

Non-structural BMPs typically required by the City include the implementation of regular maintenance activities (e.g., damp sweeping of paved areas; inspection and cleaning of storm drain inlets; litter control) at the site to prevent soil, grease, and litter from accumulating on the project site and contaminating surface runoff. Stormwater catch basins will be required to be stenciled to discourage illegal

dumping. In the landscaped areas, chemicals and irrigation water will be required to be applied at rates specified by the project landscape architect to minimize potential for contaminated runoff. Additional BMPs, as identified from a set of model practices developed by the state, may be required as appropriate at the time of Improvement Plan approval. These facts support the City's finding.

#### **IV. BIOLOGICAL RESOURCES**

##### **A. LOSS OF HABITAT FOR SPECIAL-STATUS SPECIES**

1. **Impact:** The project would result in the loss of approximately 40 acres of foraging habitat for three protected bird species, and could result in the loss of breeding habitat for two protected bird species. (Significant Impact)
2. **Mitigation:** In accordance with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) and City of Lodi requirements, the project proponent will pay the applicable in-lieu mitigation fees to compensate for loss of open space and habitat resulting from development of the project site, and will ensure the completion of preconstruction surveys for Swainson's hawks, burrowing owls, and California horned larks, as well as the implementation of specified measures if any of these species are found on the site.
3. **Finding:** The above feasible mitigation measures, which have been required in, or incorporated into, the project, will avoid or substantially lessen the significant environmental impact described above to a less-than-significant level.
4. **Facts in Support of Finding:** The following facts indicate that the identified impact will be reduced to a less-than-significant level.

The in-lieu mitigation fees prescribed under the SJMSCP vary depending on the location of the site, its designation under the SJMSCP, and annual adjustments. The project site is covered by two designations or pay zones under the SJMSCP. The 20.5-acre eastern portion of the shopping center site, is designated "Multi-Purpose Open Space Lands," where in-lieu fees are currently \$6,165 per acre (2008). The 19.5-acre western portion of the site, which includes the proposed stormwater basin, is designated "Agricultural Habitat and Natural Lands," where in-lieu fees are currently \$12,329 per acre (2008). The compliance with the provisions of the SJMSCP, along with the prescribed preconstruction surveys and any required follow-up measures prescribed at that time, would fully mitigate the small reduction in foraging habitat resulting from development of the project site. These facts support the City's finding.

##### **B. IMPACTS TO BURROWING OWLS AND RAPTORS**

1. **Impact:** The project could adversely affect any burrowing owls that may occupy the site prior to construction, and could also adversely affect any tree-nesting raptor that may establish nests in trees along the project boundaries prior to construction. (Significant Impact)
2. **Mitigation:** The following measures shall be implemented to ensure that raptors (hawks and owls) are not disturbed during the breeding season:
  - If ground disturbance is to occur during the breeding season (February 1 to August 31), a qualified ornithologist shall conduct a pre-construction survey for

nesting raptors (including both tree- and ground-nesting raptors) on site within 30 days of the onset of ground disturbance. These surveys will be based on the accepted protocols (e.g., as for the burrowing owl) for the target species. If a nesting raptor is detected, then the ornithologist will, in consultation with CDFG, determine an appropriate disturbance-free zone (usually a minimum of 250 feet) around the tree that contains the nest or the burrow in which the owl is nesting. The actual size of the buffer would depend on species, topography, and type of construction activity that would occur in the vicinity of the nest. The setback area must be temporarily fenced, and construction equipment and workers shall not enter the enclosed setback area until the conclusion of the breeding season. Once the raptor abandons its nest and all young have fledged, construction can begin within the boundaries of the buffer.

- If ground disturbance is to occur during the non-breeding season (September 1 to January 31), a qualified ornithologist will conduct pre-construction surveys for burrowing owls only. (Pre-construction surveys during the non-breeding season are not necessary for tree nesting raptors since these species would be expected to abandon their nests voluntarily during construction.) If burrowing owls are detected during the non-breeding season, they can be passively relocated by placing one-way doors in the burrows and leaving them in place for a minimum of three days. Once it has been determined that owls have vacated the site, the burrows can be collapsed and ground disturbance can proceed.
3. **Finding:** The above feasible mitigation measures, which have been required in, or incorporated into, the project, will avoid or substantially lessen the significant environmental impact described above to a less-than-significant level.
  4. **Facts in Support of Finding:** The following facts indicate that the identified impact will be reduced to a less-than-significant level.

While none of these species are currently on the project site, this mitigation measure is included as a contingency to be implemented in the event nesting occurs prior to construction. As specified in the Mitigation Monitoring and Reporting Program attached to this document, the Community Development Director will ensure that the pre-construction surveys are undertaken and that a report of the survey findings is submitted to the City prior to the approval of the project Improvement Plans. If any of the species are found on-site during the surveys, the Public Works Director will ensure that the required setback zones are established. No grading or construction in the vicinity of the nests would be permitted until the project biologist is satisfied that impacts to the species are mitigated or avoided. Relocation of burrowing owls would be allowed to occur only under the direction of the California Department of Fish and Game. These facts support the City's finding.

## **V. CULTURAL RESOURCES**

### **A. IMPACTS TO CULTURAL RESOURCES**

1. **Impact:** It is possible that previously undiscovered cultural materials may be buried on the site which could be adversely affected by grading and construction for the project. (Significant Impact)
2. **Mitigation:** Implementation of the following measures will mitigate any potential impacts to cultural resources:

- In the event that prehistoric or historic archaeological materials are exposed or discovered during site clearing, grading or subsurface construction, work within a 25-foot radius of the find shall be halted and a qualified professional archaeologist contacted for further review and recommendations. Potential recommendations could include evaluation, collection, recordation, and analysis of any significant cultural materials followed by a professional report.
  - In the event that fossils are exposed during site clearing, grading or subsurface construction, work within a 25-foot radius of the find shall be halted and a qualified professional paleontologist contacted for further review and recommendations. Potential recommendations could include evaluation, collection, recordation, and analysis of any significant paleontological materials followed by a professional report.
  - If human remains are discovered, the San Joaquin County Coroner shall be notified. The Coroner would determine whether or not the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he will notify the Native American Heritage Commission, who would identify a most likely descendant to make recommendations to the land owner for dealing with the human remains and any associated grave goods, as provided in Public Resources Code Section 5097.98.
3. **Finding:** The above feasible mitigation measures, which have been required in, or incorporated into, the project, will avoid or substantially lessen the significant environmental impact described above to a less-than-significant level.
4. **Facts in Support of Finding:** The following facts indicate that the identified impact will be reduced to a less-than-significant level.

While the detailed site reconnaissance by Basin Research Associates indicated that there is no evidence to suggest that cultural resources may be buried on site, the mitigation measure is a standard contingency that is applied in all but the least archaeologically sensitive areas. In the unlikely event artifacts are encountered during grading or excavation, the Public Works Director will enforce any required work stoppages, and the Community Development Director will contact the project archaeologist and will ensure that the archaeologist's recommendations are implemented. These facts support the City's finding.

## **VI. TRAFFIC AND CIRCULATION**

### **A. NEAR TERM PLUS PROJECT UNSIGNALIZED INTERSECTION OPERATIONS**

1. **Impact:** The addition of project-generated traffic would exacerbate LOS F operations at the intersection of Lower Sacramento Road / Harney Lane during both a.m. and p.m. peak hour conditions. (Significant Impact)
2. **Mitigation:** The project shall contribute its fair share cost to the installation of a traffic signal at Lower Sacramento Road and Harney Lane.
3. **Finding:** The above feasible mitigation measure, which has been required in, or incorporated into, the project, will avoid or substantially lessen the significant environmental impact described above to a less-than-significant level.

4. **Facts in Support of Finding:** The following facts indicate that the identified impact will be reduced to a less-than-significant level.

The traffic report prepared by Fehr & Peers Associates calculated that with the above mitigation in place, the level of service at the affected intersection would rise to Level of Service C and thus meet the service standards of the City of Lodi. These facts support the City's finding.

**B. CUMULATIVE PLUS PROJECT ACCESS CONDITIONS AT SIGNALIZED ACCESS DRIVE PROPOSED ALONG LOWER SACRAMENTO ROAD FRONTAGE**

1. **Impact:** During the p.m. peak hour, the eastbound left-turn queue length of 250 feet (average queue) to 375 feet (95<sup>th</sup> Percentile queue) of exiting vehicles would extend west to the internal intersection located south of Pad 10. (Significant Impact)
2. **Mitigation:** Modify the project site plan to provide dual eastbound left-turn movements out of the project site onto northbound Lower Sacramento Road, consisting of a 150-foot left-turn pocket and a full travel lane back to the internal project site intersection. In the eastbound direction, a left-turn pocket and a full travel lane back to the signalized intersection will provide adequate capacity for inbound traffic. In addition, STOP signs shall be installed on all approaches at the on-site intersections adjacent to Pads 10 and 11, except the westbound approaches to provide continuous traffic flow into the project site and eliminate the potential for backups onto Lower Sacramento Road. On the Food 4 Less approach, a 100-foot left-turn pocket will be provided at the signalized intersection.
3. **Finding:** The above feasible mitigation measures, which have been required in, or incorporated into, the project, will avoid or substantially lessen the significant environmental impact described above to a less-than-significant level.
4. **Facts in Support of Finding:** The following facts indicate that the identified impact will be reduced to a less-than-significant level.

The traffic report prepared by Fehr & Peers Associates indicates that with the above mitigations in place, the potential for traffic conflicts at this intersection would be eliminated. These facts support the City's finding.

**C. CUMULATIVE PLUS PROJECT ACCESS CONDITIONS AT NORTHERN UNSIGNALIZED ACCESS DRIVE PROPOSED ALONG LOWER SACRAMENTO ROAD**

1. **Impact:** The addition of a northbound left-turn lane under Access Alternative B would result in Level of Service F conditions at this unsignalized intersection. (This condition does not occur under Access Alternative A where no northbound left-turn movement would occur.) In addition, a non-standard 60-foot back-to-back taper is provided between the northbound left-turn lane (Alternative B) at the northern unsignalized access drive and the southbound left-turn lane at the signalized project entrance. (Significant Impact)
2. **Mitigation:** The following mitigations shall be implemented:
  - a. Extend a third southbound travel lane on Lower Sacramento Road from its current planned terminus at the signalized project driveway to the southern boundary of the project site;

- b. Construct a 100-foot southbound right-turn lane at the signalized project driveway;
  - c. Extend the southbound left-turn pocket by 100 feet;
  - d. Extend the taper from 60 feet to a City standard 120-foot taper;
  - e. Eliminate the northbound left-turn lane into the northern driveway.
3. **Finding:** The above feasible mitigation measures, which have been required in, or incorporated into, the project, will avoid or substantially lessen the significant environmental impact described above to a less-than-significant level.
  4. **Facts in Support of Finding:** The following facts indicate that the identified impact will be reduced to a less-than-significant level.

The traffic report prepared by Fehr & Peers Associates indicates that with the above mitigations in place, the potential for traffic conflicts at this intersection would be eliminated. These facts support the City's finding.

#### D. INADEQUATE LEFT-TURN LANE TAPER ON WESTGATE DRIVE

1. **Impact:** On Westgate Drive, a non-City standard 64-foot back-to-back taper is proposed between the northbound left-turn lane at W. Kettleman Lane and the southbound left-turn lane at the northern project driveway. (Significant Impact)
2. **Mitigation:** The project site plan shall be modified to move the north project driveway on Westgate Drive south by 25 feet in order to accommodate the required 90-foot taper length.
3. **Finding:** The above feasible mitigation measure, which has been required in, or incorporated into, the project, will avoid or substantially lessen the significant environmental impact described above to a less-than-significant level.
4. **Facts in Support of Finding:** The following facts indicate that the identified impact will be reduced to a less-than-significant level.

The traffic report prepared by Fehr & Peers Associates indicates that with the above mitigation in place, the potential for traffic conflicts arising from inadequate queuing capacity on Westgate Drive would be eliminated. These facts support the City's finding.

#### E. INADEQUATE LEFT-TURN LANE TAPER ON LOWER SACRAMENTO ROAD

1. **Impact:** On Lower Sacramento Road, a non-City standard 70-foot back-to-back taper is proposed between the dual northbound left-turn lanes at W. Kettleman Lane and the southbound left-turn lane at the middle Food 4 Less Driveway. (Significant Impact)
2. **Mitigation:** The project site plan shall be modified to extend the northbound left-turn pocket to 250 feet, and to extend the taper from 70 feet to a City standard 120-foot taper.

3. **Finding:** The above feasible mitigation measure, which has been required in, or incorporated into, the project, will avoid or substantially lessen the significant environmental impact described above to a less-than-significant level.
4. **Facts in Support of Finding:** The following facts indicate that the identified impact will be reduced to a less-than-significant level.

While the traffic report by Fehr & Peers indicated that mitigation for this impact would need to be achieved through closure of the southbound left-turn lane at the middle Food 4 Less Driveway, the applicant instead proposes to provide additional roadway right-of-way along the project frontage on Lower Sacramento Road to accommodate side-by-side left-turn lanes (instead of the back-to-back turn pockets as originally proposed). This would allow the mitigation to be implemented as specified while also maintaining the existing southbound left turn. Fehr & Peers Associates has reviewed the proposed roadway configuration and concurs that it would serve as adequate mitigation for the deficiencies noted in the EIR traffic impact report. Therefore, Fehr & Peers Associates concludes that with the above mitigation in place, the potential for traffic conflicts at this intersection would be eliminated. These facts support the City's finding.

#### F. PUBLIC TRANSIT SERVICE

1. **Impact:** Development of the project would create a demand for increased public transit service above that which is currently provided or planned. (Significant Impact)
2. **Mitigation:** The project applicant shall work with and provide fair share funding to the City of Lodi Grapeline Service and the San Joaquin Regional Transit District to expand transit service to the project.
3. **Finding:** The above feasible mitigation measure, which has been required in, or incorporated into, the project, will avoid or substantially lessen the significant environmental impact described above to a less-than-significant level.
4. **Facts in Support of Finding:** The following facts indicate that the identified impact will be reduced to a less-than-significant level.

The traffic report prepared by Fehr & Peers Associates indicates that with the above mitigation in place, the additional demand for transit service generated by the project would not exceed the capacity of the transit system. These facts support the City's finding.

#### G. PUBLIC TRANSIT STOP

1. **Impact:** Development of the project would create an unmet demand for public transit service which would not be met by the single transit stop proposed for the northwest portion of the project. (Significant Impact)
2. **Mitigation:** Modify the project site plan to: 1) provide a bus bay and passenger shelter at the proposed transit stop; and 2) include a second transit stop and passenger shelter in the eastern portion of the project near Lower Sacramento Road.

3. **Finding:** The above feasible mitigation measures, which have been required in, or incorporated into, the project, will avoid or substantially lessen the significant environmental impact described above to a less-than-significant level.
4. **Facts in Support of Finding:** The following facts indicate that the identified impact will be reduced to a less-than-significant level.

The traffic report prepared by Fehr & Peers Associates indicates that with the above mitigations in place, the transit service to the site would be adequate to meet ridership demand and would be provided in a manner which is convenient to transit riders, and which avoids traffic and circulation conflicts or congestion. These facts support the City's finding.

#### H. PEDESTRIAN FACILITIES

1. **Impact:** Development of the project would create an unmet demand for pedestrian facilities along West Kettleman Lane, Lower Sacramento Road and Westgate Drive, and internally between the different areas of the project site. (Significant Impact)
2. **Mitigation:** Pedestrian walkways and crosswalks shall be provided to serve Pads 8, 9, and 12 in order to complete the internal pedestrian circulation system.
3. **Finding:** The above feasible mitigation measure, which has been required in, or incorporated into, the project, will avoid or substantially lessen the significant environmental impact described above to a less-than-significant level.
4. **Facts in Support of Finding:** The following facts indicate that the identified impact will be reduced to a less-than-significant level.

The traffic report prepared by Fehr & Peers Associates indicates that with the above mitigations in place, the pedestrian facilities provided in the project would be adequate to meet demand and provide for safe pedestrian movement throughout the project. These facts support the City's finding.

### VII. NOISE

#### A. NOISE FROM PROJECT ACTIVITY

1. **Impact:** Noise generated by activity associated with the project would elevate off-site noise levels at existing and future residences in the vicinity. (Significant Impact)
2. **Mitigation:** The following noise mitigations are identified as appropriate for the various types of project activities, to reduce project noise at both existing and planned future adjacent development:

Rooftop Mechanical Equipment. To ensure that the potential noise impact of mechanical equipment is reduced to less-than-significant levels, the applicant shall submit engineering and acoustical specifications for project mechanical equipment, for review prior to issuance of building permits for each retail building, demonstrating that the equipment design (types, location, enclosure specifications), combined with any parapets and/or screen walls, will not result in noise levels exceeding 45 dBA (L<sub>eq</sub>-hour) for any residential yards.

Parking Lot Cleaning. To assure compliance with the City of Lodi Noise Regulations regarding occasional excessive noise, leaf blowing in the southeast corner of the project site shall be limited to operating during the hours of 7:00 a.m. to 10:00 p.m.

3. **Finding:** The above feasible mitigation measures, which have been required in, or incorporated into, the project, will avoid or substantially lessen the significant environmental impact described above to a less-than-significant level.
4. **Facts in Support of Finding:** The following facts indicate that the identified impact will be reduced to a less-than-significant level.

The City of Lodi Building Official will require demonstration of compliance with noise specifications for rooftop mechanical equipment in conjunction with each individual building permit required for the project. The enforcement of the City Noise Regulations with respect to leaf blower noise will be the responsibility of the Community Development Director, who may enforce the noise restrictions with or without a citizen complaint from a nearby resident. These facts support the City's finding.

#### B. NOISE FROM STORMWATER BASIN PUMP

1. **Impact:** Occasional pumping of water from the stormwater basin would generate noise at the planned future residential areas to the south and west of the basin. (Significant Impact)
2. **Mitigation:** The following measures shall be implemented to mitigate potential noise generated by the stormwater basin pump:
  - 1) The pump shall be located as far as is feasible from the nearest future planned residential development. In addition, the pump facility shall be designed so that noise levels do not exceed 45 dBA at the nearest residential property lines. The pump may need to be enclosed to meet this noise level. Plans and specifications for the pump facility shall be included in the Improvement Plans for the project and reviewed for compliance with this noise criterion.
  - 2) In order to avoid creating a noise nuisance during nighttime hours, pump operations shall be restricted to the hours of 7 a.m. to 10 p.m., except under emergency conditions (e.g., when the basin needs to be emptied immediately to accommodate flows from an imminent storm).
3. **Finding:** The above feasible mitigation measures, which have been required in, or incorporated into, the project, will avoid or substantially lessen the significant environmental impact described above to a less-than-significant level.
4. **Facts in Support of Finding:** The following facts indicate that the identified impact will be reduced to a less-than significant level.

The City of Lodi Public Works Director will require demonstration of compliance with noise specifications for the basin pump in conjunction with the Improvement Plans for the project. The enforcement of the City Noise Regulations with respect to the hours of pump operation will be the responsibility of the Community Development Director, who may enforce the noise restrictions with or without a citizen complaint from a nearby resident. These facts support the City's finding.

C. CONSTRUCTION NOISE

1. **Impact:** Noise levels would be temporarily elevated during grading and construction. (Significant Impact)
2. **Mitigation:** Short-term construction noise impacts shall be reduced through implementation of the following measures:

Construction Scheduling. The applicant/contractor shall limit noise-generating construction activities to daytime, weekday, (non-holiday) hours of 7:00 a.m. to 6:00 p.m.

Construction Equipment Mufflers and Maintenance. The applicant/contractor shall properly muffle and maintain all construction equipment powered by internal combustion engines.

Idling Prohibitions. The applicant/contractor shall prohibit unnecessary idling of internal combustion engines.

Equipment Location and Shielding. The applicant/contractor shall locate all stationary noise-generating construction equipment such as air compressors as far as practicable from existing nearby residences. Acoustically shield such equipment as required to achieve continuous noise levels of 55 dBA or lower at the property line.

Quiet Equipment Selection. The applicant/contractor shall select quiet construction equipment, particularly air compressors, whenever possible. Fit motorized equipment with proper mufflers in good working order.

Notification. The applicant/contractor shall notify neighbors located adjacent to, and across the major roadways from, the project site of the construction schedule in writing.

Noise Disturbance Coordinator. The applicant/contractor shall designate a “noise disturbance coordinator” who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would notify the City, determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and would institute reasonable measures to correct the problem. Applicant/contractor shall conspicuously post a telephone number for the disturbance coordinator at the construction site, and include it in the notice sent to neighboring property owners regarding construction schedule. All complaints and remedial actions shall be reported to the City of Lodi by the noise disturbance coordinator.

3. **Finding:** The above feasible mitigation measures, which have been required in, or incorporated into, the project, will avoid or substantially lessen the significant environmental impact described above to a less-than-significant level.
4. **Facts in Support of Finding:** The following facts indicate that the identified impact will be reduced to a less-than-significant level.

Each phase of grading and construction will be required to implement the above noise control measures and other measures which may be required by the City of

Lodi. The construction noise control measures will be required to be included as part of the General Notes on the project Improvement Plans, which must be approved by the City Public Works Department prior to commencement of grading. Although there are noise sensitive uses such as residential neighborhoods in the vicinity of the project site, most existing dwellings would be at least 200 feet away from the nearest grading and construction activity. This distance separation from the noise sources and the effective implementation of the above mitigation measures by the contractors, as monitored and enforced by City Public Works Department and Building Division, would reduce the noise levels from this temporary source to acceptable levels. These facts support the City's finding.

## **VIII. AIR QUALITY**

### **A. CONSTRUCTION EMISSIONS**

1. **Impact:** Construction and grading for the project would generate dust and exhaust emissions that could adversely affect local and regional air quality. (Significant Impact)
2. **Mitigation:** Dust control measures, in addition to those described in the FEIR, shall be implemented to reduce PM<sub>10</sub> emissions during grading and construction, as required by the City of Lodi and the San Joaquin Valley Air Pollution Control District (Air District).
3. **Finding:** The above feasible mitigation measures, which have been required in, or incorporated into, the project, will avoid or substantially lessen the significant environmental impact described above to a less-than-significant level.
4. **Facts in Support of Finding:** The following facts indicate that the identified impact will be reduced to a less-than-significant level.

Each phase of grading and construction will be required to implement the dust control measures specified in the San Joaquin Valley Air Pollution Control District's Regulation VIII, as well as additional practices itemized in the FEIR and as otherwise required by the City of Lodi. The dust control measures will be required to be included as part of the General Notes on the project Improvement Plans, which must be approved by the City Public Works Department prior to commencement of grading. The Public Works Department will monitor and enforce the dust suppression requirements as part of their site inspection duties. Violations of the requirements of Regulation VIII are also subject to enforcement action by the Air District. Violations are indicated by the generation of visible dust clouds and/or generation of complaints. These facts support the City's finding.

### **B. REGIONAL AIR QUALITY**

1. **Impact:** Emissions from project-generated traffic would result in air pollutant emissions affecting the entire air basin. (Significant Impact)
2. **Mitigation:** Project design measures shall be implemented to reduce project area source emissions, and a Transportation Demand Management (TDM) plan should be implemented to reduce project traffic and resulting air emissions, including those measures described in the FEIR; however, these measures would not reduce the impact to a less-than-significant level.

3. **Finding:** While the implementation of specified design measures and a TDM plan in conjunction with the project would reduce the level of the air quality impact, the impact would not be reduced to less-than-significant level. Therefore, the impact is significant and unavoidable.
4. **Facts in Support of Finding:** The following facts indicate that the identified impact is significant and unavoidable.

Due to the large size of the project and the very low thresholds for significance established by the Air District for the emission of Reactive Organic Gases, Nitrogen Oxides, and fine Particulate Matter, the air quality report by Donald Ballanti concluded that the project would exceed the significance thresholds established for these pollutants. In addition, large commercial shopping centers attract high volumes of personal vehicles, and transportation alternatives such as public transit, carpooling, and bicycling have limited effectiveness in reducing automobile traffic generated by this type of project. Thus, although the City will require the implementation of selected Transportation Demand Management measures, as appropriate, it is estimated by Donald Ballanti that such measures would reduce project-generated traffic by no more than five percent. The small reduction in associated emissions would not reduce overall regional air quality impacts to less-than-significant levels. These facts support the City's finding.

5. **Statement of Overriding Considerations:** The following is a summary of the benefits that the Planning Commission has found to outweigh the significant unavoidable impacts of the project, the full discussion of which can be found in the "Statement of Overriding Considerations" at the end of this document. The project is expected to provide substantial revenues for the City of Lodi General Fund through increased sales tax and property tax, and will generate employment opportunities for City residents. The project will implement vital municipal infrastructure improvements in the project vicinity, and impact fees paid by the project will help fund it's pro-rata share of public services throughout the City of Lodi. The project will implement adopted City plans and policies by accomplishing the City of Lodi long-term development plans for commercial use at the project site. The project will reflect a high quality of design, through the on-site implementation of the City's Design Guidelines for Large Commercial Establishments, which will be particularly important at this visually prominent western gateway into the City.

#### C. RESTAURANT ODORS

1. **Impact:** The restaurant uses in the project could release cooking exhausts which could result in noticeable odors beyond project boundaries. (Significant Impact)
2. **Mitigation:** All restaurant uses within the project shall locate kitchen exhaust vents in accordance with accepted engineering practice and shall install exhaust filtration systems or other accepted methods of odor reduction.
3. **Finding:** The above feasible mitigation measures, which have been required in, or incorporated into, the project, will avoid or substantially lessen the significant environmental impact described above to a less-than-significant level.
4. **Facts in Support of Finding:** The following facts indicate that the identified impact will be reduced to a less-than-significant level.

While the nature and location of restaurants within the project has not been determined, this mitigation requirement will ensure that cooking odors from any on-site restaurants will not result in annoyance or nuisance conditions. The Building Official will ensure that the required equipment is included on the plans, and will ensure that the equipment is properly installed and functioning. These facts support the City's finding.

## **IX. CUMULATIVE IMPACTS**

### **A. AGRICULTURAL LAND CONVERSION**

1. **Impact:** The conversion of prime agricultural land at the project site, combined with the agricultural conversion associated with other foreseeable projects in the area, would result in a cumulatively substantial impact to agricultural resources. (Significant Impact)
2. **Mitigation:** The applicant shall obtain a permanent Agricultural Conservation Easement over 40 acres of prime farmland within 15 miles of the project site. The agricultural conservation easement shall consist of a single parcel of land of at least 40 acres. This easement shall be located in San Joaquin County (excluding the Delta Primary Zone as currently defined by State law) and shall be in current agricultural use or will as a result of the conservation easement transaction be put into agricultural production. The lands subject to the easement shall be placed under permanent restrictions on land use to ensure its continued agricultural production capacity by limiting non-farm development and other uses that are inconsistent with commercial agriculture. The easements shall be held by the City or a qualified entity (i.e., land trust) approved by the City. The applicant shall pay a fee (in an amount to be determined by the City) for the purpose of establishing an endowment to provide for adequate administration, monitoring, and maintenance of the easement in perpetuity.
3. **Finding:** It is the City's current practice to require development projects to acquire off-site conservation easements to off-set the loss of prime farmland. The acquisition of an off-site agricultural conservation easement would provide partial mitigation for the cumulative loss of prime farmland resulting from development projects, but it would not reduce the impact to a less-than-significant level. As with the project-specific agricultural impacts, there is no feasible mitigation measure available that would reduce or avoid the significant cumulative loss of agricultural land resulting from development of the proposed project and other foreseeable projects in the area. Specific economic, legal, social, technological or other considerations make mitigation of this impact infeasible. In particular, mitigation is infeasible because it is not possible to re-create prime farmland on other lands that do not consist of prime agricultural soils. This impact therefore remains significant and unavoidable.
4. **Facts in Support of Finding:** The following facts indicate that the identified impact is significant and unavoidable.

As discussed in the Draft REIR and Final REIR, there are no feasible measures that would reduce the impact of loss of prime agricultural land to a less-than-significant level. Although impacts to prime farmland cannot be feasibly mitigated to less-than-significant levels, the City has in fact minimized and substantially lessened the significant effects of development on prime agricultural land through requirements that an off-site agricultural conservation easement be acquired by project applicants.

The City has also generally minimized the significant effects of development on prime agricultural land through the policies of its adopted General Plan. A principal purpose of the City's General Plan regulatory scheme is to minimize the impact on prime agricultural land resulting from the City's urban expansion. The City of Lodi is recognized for its compact growth pattern and clearly defined urban boundaries, its emphasis on infill development, and its deliberate and considered approach to urban expansion to accommodate housing and other long-term development needs. These guiding principles serve to minimize and forestall conversion of agricultural lands within the City's growth boundaries.

The General Plan policies related to agricultural preservation and protection are intended, and have been successful, in maintaining the productivity of prime agricultural land surrounding the City by controlling urban expansion in a manner which has the least impact on prime agricultural lands. In addition to maintaining compact and defined urban growth boundaries, agricultural preservation and protection are primarily accomplished through the City's Growth Management Plan for Residential Development, which limits housing development to a growth rate of two percent per year, and which gives priority to proposed residential developments with the least impact on agricultural land, in accordance with General Plan policy.

The General Plan implementation program includes a directive to "identify and designate an agricultural and open space greenbelt around the urbanized area of the City" (Land Use and Growth Management Implementation Program 10). This buffer zone is intended to provide a well-defined edge to the urban area, and to minimize conflicts at the urban-agricultural interface by providing a transition zone separating urban from agricultural uses, and to remove uncertainty for agricultural operations near the urban fringe. The greenbelt will perform an important function in minimizing urban-agricultural conflicts and promote the preservation of prime agricultural land beyond the greenbelt; however, it will not constitute mitigation for loss of farmland since it cannot itself replace land lost to development. In addition, the City is continuing to study the implementation of a greenbelt area between Stockton and Lodi, and is committed to the implementation of such a greenbelt.

In summary, the City of Lodi has applied feasible mitigation measures for loss of prime agricultural land at the cumulative project sites through the required acquisition of off-site agricultural conservation easements, and also through its extensive efforts to avoid the loss of prime farmland through its careful planning of urban areas within its boundaries. Nevertheless, the City recognizes that there is no feasible mitigation available to reduce this impact to a less-than-significant level on a project-specific or cumulative basis and, therefore, the impact remains cumulatively significant and unavoidable. These facts support the City's finding.

5. **Statement of Overriding Considerations:** The following is a summary of the benefits that the Planning Commission has found to outweigh the significant unavoidable impacts of the project, the full discussion of which can be found in the "Statement of Overriding Considerations" at the end of this document. The project is expected to provide substantial revenues for the City of Lodi General Fund through increased sales tax and property tax, and will generate employment opportunities for Lodi residents. The project will cause vital municipal infrastructure improvements to be implemented in the project vicinity, and development impact fees paid by the applicant will help fund the project's proportionate share of contributions towards public services throughout the City of Lodi. The project will implement adopted City plans and policies by accomplishing the City of Lodi's long-

term development plans for commercial use at the project site, consistent with the City's growth control measures prioritizing in-fill development within the existing City boundaries. The project will reflect a high quality of design, through the on-site implementation of the City's Design Guidelines for Large Commercial Establishments, which will be particularly important at this visually prominent western gateway into the City.

**B. REGIONAL AIR QUALITY IMPACTS**

1. **Impact:** Emissions from project-generated traffic, combined with the emissions of other foreseeable projects in the area, would result in air pollutant emissions affecting the entire air basin. (Significant Cumulative Impact)
2. **Mitigation:** For the proposed project, design measures shall be implemented to reduce project area source emissions, and a Transportation Demand Management (TDM) plan should be implemented to reduce project traffic and resulting air emissions. However, these measures would not reduce the impact to a less-than-significant level, either on a project-specific basis or on a cumulative basis.
3. **Finding:** While the implementation of specified design measures and a TDM plan in conjunction with the project would reduce the level of the air quality impact, the impact would not be reduced to less-than-significant level. This impact would be exacerbated by emissions from other foreseeable projects in the area. Therefore, the cumulative impact is significant and unavoidable.
4. **Facts in Support of Finding:** The following facts indicate that the identified impact is significant and unavoidable.

Due to the large size of the project and the very low thresholds for significance established by the Air District for the emission of Reactive Organic Gases, Nitrogen Oxides, and fine Particulate Matter, the air quality report by environmental consultant, Donald Ballanti, concluded that the project would far exceed the significance thresholds established for these pollutants. In addition, large commercial shopping centers attract high volumes of personal vehicles, and transportation alternatives such as public transit, carpooling, and bicycling have limited effectiveness in reducing automobile traffic generated by this type of project. Thus, although the City will require the implementation of selected Transportation Demand Management measures, as appropriate, it is estimated by Donald Ballanti that such measures would reduce project-generated traffic by no more than five percent. The small reduction in associated emissions would not reduce overall regional air quality impacts resulting from the proposed project to less-than-significant levels. Other foreseeable projects in the area may be more suitable for the implementation of TDM measures to reduce emissions on an individual project basis; however, the cumulative impact would not be reduced to a less-than-significant level. These facts support the City's finding.

5. **Statement of Overriding Considerations:** The following is a summary of the benefits that the Planning Commission has found to outweigh the significant unavoidable impacts of the project, the full discussion of which can be found in the "Statement of Overriding Considerations" at the end of this document. The project is expected to provide substantial revenues for the City of Lodi General Fund through increased sales tax and property tax, and will generate employment opportunities for City residents. The project will implement vital municipal infrastructure

improvements in the project vicinity, and impact fees paid by the project will help fund its pro-rata share of public services throughout the City of Lodi. The project will implement adopted City plans and policies by accomplishing the City of Lodi's long-term development plans for commercial use at the project site, consistent with City's growth control measures prioritizing in-fill development within the existing City boundaries. The project will reflect a high quality of design, through the on-site implementation of the City's Design Guidelines for Large Commercial Establishments, which will be particularly important at this visually prominent western gateway into the City.

## **FINDINGS CONCERNING ALTERNATIVES**

Under CEQA, an EIR must describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. Even if a project alternative will avoid or substantially lessen any of the significant environmental effects of the project, the decision-makers may reject the alternative if they determine that specific considerations make the alternative infeasible. The findings with respect to the alternatives identified in the Final REIR are described below.

### **I. NO PROJECT ALTERNATIVE**

- A. **Description of the Alternative:** The No Project alternative consists of not building on the project site and possibly resuming agricultural cultivation of the property for oats, hay, or row crops.
- B. **Comparison to the Project:** The No Project alternative would avoid some of the significant unmitigable effects of the proposed project, such as conversion of prime farmland and regional air quality impacts. For all other areas of concern, the differences in impacts between the No Project alternative and the proposed project would not be significant because the project impacts could be reduced to less-than-significant levels through feasible mitigation measures. On balance, the No Project alternative would be superior to the proposed project because it would not result in the significant unavoidable impacts to agricultural resources and air quality which are associated with the proposed project, and because it would result in little or no impact in the other impact categories.
- C. **Finding:** This alternative is hereby rejected for the reasons set forth below.

The substantial revenues for the City of Lodi General Fund through increased sales tax and property tax that would be generated by the project would be lost, as would the employment opportunities for City residents created by the project. The vital municipal infrastructure improvements that would be constructed by the project would be foregone, as would the development impact fees paid by the applicant which would help fund the project's proportionate share of contributions towards vital public services throughout the City of Lodi. Unlike the proposed project, the No Project alternative would not implement adopted City plans and policies by accomplishing the City of Lodi long-term development plans for commercial use at the project site, consistent with City's growth control measures prioritizing in-fill development within the existing City boundaries, or the objective of meeting unmet retail demand from existing and future residents of Lodi. The No Project alternative also would not implement the high quality of design reflected in the proposed project for this visually prominent western gateway into the City. For the reasons mentioned above, because the No Project alternative would not meet the

project objectives, and because the No Project alternative would not provide the same benefits as the proposed project, it is not a feasible alternative.

## II. REDUCED PROJECT SIZE ALTERNATIVE

- A. **Description of the Alternative:** This alternative would consist of a substantially reduced project site of approximately 24 acres, including about 22 gross acres for retail development and 2 acres for the stormwater basin. This would represent approximately 60 percent of the proposed project size of 40 acres. This alternative would include the Wal-Mart Supercenter, as proposed, but would not include any of the ancillary retail pads proposed in the project.
- B. **Comparison to the Project:** The Reduced Project Size alternative would result in a slight reduction in the levels of impact associated with the proposed project in several topic areas, although these impacts would be mitigated to less-than-significant levels under the proposed project. For the two significant and unavoidable impacts associated with the proposed project – impacts to agricultural resources and regional air quality – the Reduced Project Size alternative would lessen these impacts but would not avoid them or reduce them to less-than-significant levels. Thus, although the Reduced Project Size alternative would be slightly superior to the proposed project, it would not achieve the CEQA objective of avoiding the significant impacts associated with the project.
- C. **Finding:** This alternative is hereby rejected for the reasons set forth below.

The revenues for the City of Lodi General Fund that would be generated by the project would be substantially reduced, as would the number of employment opportunities for City residents created by the project. This alternative would not complete the vital municipal infrastructure improvements that would be constructed by the project, and would substantially reduce the development impact fees paid by the applicant to help fund the project's proportionate share of contributions towards vital public services throughout the City of Lodi. This alternative would lessen the City's ability to implement adopted City plans and policies for accomplishing long-term development plans for commercial use at the project site. This alternative would also compromise the City's ability to implement the high quality of design reflected in the proposed project for this visually prominent western gateway into the City and for these reasons is not a feasible alternative. For the reasons mentioned above, because the Reduced Project alternative would not meet the project objectives, and because the Reduced Project alternative would not provide the same benefits as the proposed project, it is not a feasible alternative.

## III. ALTERNATIVE PROJECT LOCATION

- A. **Description of the Alternative:** An alternative project site was identified in the unincorporated area of San Joaquin County known as Flag City, consisting of approximately 36 gross acres in the northeast quadrant of Highway 12 and Thornton Road, just east of I-5. To allow direct comparison, it was assumed that a 36-acre portion of the lands at this location would be developed with roughly the same land use configuration and intensity as the proposed project.
- B. **Comparison to the Project:** The impacts associated with development of the Flag City site would be somewhat greater than for the proposed project site. Although the impacts for many categories would be similar for both project locations, development of the Flag City site would result in negative effects in terms of land use policy, and the resulting

potential for growth inducement, which would not occur with the proposed project site. Traffic impacts would be greater for the Flag City site, as would impacts to utilities and public services, although these impacts would be less than significant or could be fully mitigated. More importantly, the alternative project site would result in the same significant and unavoidable impacts to agricultural resources and air quality as are associated with the proposed project. Therefore, the alternative site would not lessen or avoid the significant and unavoidable impacts of the project.

C. **Finding:** This alternative is hereby rejected for the reasons set forth below.

The alternative project site is not environmentally superior to the proposed project site. In addition, due to its location outside the City of Lodi, the alternative site would not provide the benefits associated with the proposed project including increased municipal revenues and development impact fees for providing services, creation of employment opportunities for Lodi residents, meeting unmet retail demand from existing and future Lodi residents, construction of the project's proportionate share of vital municipal infrastructure improvements, and the opportunity to implement City goals and policies with respect to the commercial development of the project site (consistent with City's growth control measures prioritizing in-fill development within the existing City boundaries), and the chance to provide a high quality development at the western gateway to the City. For the reasons listed above, this alternative is infeasible.

#### ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Of the three project alternatives considered, only the No Project alternative would avoid or substantially lessen the significant impacts of the project. The significant and unavoidable impacts to agricultural resources and air quality associated with the proposed project would both be avoided by the No Project alternative. Since all other project impacts are either less than significant or can be reduced to less-than-significant levels through the implementation of feasible mitigation measures, the No Project alternative would not offer substantial reductions in impact levels under the other impact categories. Therefore, the No Project alternative would represent the environmentally superior alternative to the proposed project. The No Project alternative was not selected because it would not meet the applicant's objective of developing the site for shopping center uses; nor would it meet the City's goals of enhancing its revenue base, creating jobs, providing vital municipal infrastructure, and implementing the City's policy objective of developing the site with commercial retail uses.

CEQA Guidelines Section 15126.6(e)(2), require that if the environmentally superior alternative is the No Project alternative, the EIR shall also identify an environmentally superior alternative from among the other alternatives. The Reduced Project Size alternative was found to result in the same significant and unavoidable impacts to agricultural resources and air quality as the proposed project. However, it would result in slightly lower levels of impact in several impact categories, although these impacts would all be reduced to less-than-significant levels in conjunction with the proposed project. Therefore, the Reduced Project Size alternative represents the environmentally superior alternative. The Reduced Project Size alternative was not selected because it would not entirely fulfill the project objective of developing the proposed project site with a regional shopping center in conformance with the City of Lodi General Plan and zoning regulations, and because it would be substantially less effective than the proposed project in fulfilling the project objective of meeting unmet retail demand from existing and future residents of Lodi. It also would be substantially less effective than the proposed project in fulfilling the City's objective of enhancing its fiscal resources through increased sales tax and property tax revenues, or in meeting the objectives of creating new jobs, and providing a pro-rata share of vital municipal infrastructure.

In conclusion, there are no alternatives to the project which could feasibly attain most of the basic objectives of the project, but also avoid or reduce the significant impacts associated with the proposed project to less-than-significant levels.

## **MITIGATION MONITORING PROGRAM**

Attached to this resolution and incorporated and adopted as part thereof, is the Mitigation Monitoring and Reporting Program for the Lodi Shopping Center. The Program identifies the mitigation measures to be implemented in conjunction with the project, and designates responsibility for the implementation and monitoring of the mitigation measures, as well as the required timing of their implementation.

## **STATEMENT OF OVERRIDING CONSIDERATIONS**

Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Sections 15091-15093, the Planning Commission of the City of Lodi hereby adopts and makes the following Statement of Overriding Considerations regarding the remaining significant and unavoidable impacts of the project and the anticipated economic, social and other benefits of the project.

### **A. Significant Unavoidable Impacts**

With respect to the foregoing findings and in recognition of those facts which are included in the record, the Planning Commission has determined that the project would result in significant unavoidable impacts to prime agricultural land and regional air quality. While mitigation measures have been identified which will reduce these impacts, they cannot be mitigated to a less-than-significant level by feasible changes or alterations to the project.

### **B. Overriding Considerations**

The Planning Commission specifically adopts and makes this Statement of Overriding Considerations that this project has eliminated or substantially lessened all significant effects on the environment where feasible, and finds that the remaining significant, unavoidable impacts of the project are acceptable in light of environmental, economic, social or other considerations set forth herein because the benefits of the project outweigh the significant and adverse effects of the project.

The Planning Commission has considered the EIR, the public record of proceedings on the proposed project and other written materials presented to the City, as well as oral and written testimony received, and does hereby determine that implementation of the project as specifically provided in the project documents would result in the following substantial public benefits:

1. Project Will Generate City Taxes. The sales generated by the Lodi Shopping Center will generate additional sales tax and property tax revenues for the City, which would otherwise not be generated by the undeveloped site. These revenues go to the City's General Fund which is the primary funding source for the construction, operation and maintenance of a number of essential City services, programs and facilities including fire and police services, recreation programs, transit operations, library services, public infrastructure such as water and sanitary sewer service, and administrative functions, among other things.

2. Project Creates Employment Opportunities for City Residents. The Lodi Shopping Center project will generate both temporary construction jobs as well as hundreds of permanent full-time and part-time jobs. The vast majority of the permanent jobs will not require special skills and therefore could be filled by existing local residents. Thus, with the exception of a very few management positions which will likely be filled by transferees from other localities, no specially-skilled workers would need to be “imported” from outside the City. Consequently, it is expected that City residents would benefit from added employment opportunities offered by the Lodi Shopping Center.
3. Project Will Implement Vital Municipal Infrastructure Improvements. Through the development of the project, a number of public infrastructure projects will be constructed on the project site and the project vicinity. As described on page 15 of the Draft EIR, the project will construct planned roadway improvements along the portions of Lower Sacramento Road and State Route 12/Kettleman Lane that front the project site, and as well as Westgate Drive to its full design width along the western project boundary. This is an economic benefit of the project in that these improvements would otherwise not be made without approval and implementation of the project. The project will also be conditioned to pay impact fees to the City in accordance with City’s adopted Development Impact Fee program, which can be applied toward it’s pro-rata share of municipal improvements such as water, sewer, storm drainage, and streets, as well as police, fire, parks and recreation, and general City government. These are vital municipal improvements necessary to the function of the City and the quality of life for City residents, providing another economic benefit as well as social benefit of the project.
4. Project Implements Adopted City Plans. The project is situated within Lodi City limits and has been planned for commercial development in the current City of Lodi General Plan since its adoption in 1991. Therefore, the project implements adopted City plans and policies by accomplishing the City of Lodi long-term development plans for commercial use at the project site, consistent with City’s growth control measures prioritizing in-fill development within the existing City boundaries. In addition, the project completes the development of the “Four Corners” area by providing a large-scale retail center on the last remaining undeveloped site at the Lower Sacramento Road/Kettleman Lane intersection consistent with the goals and policies of the City’s General Plan and Zoning Ordinance.
5. Creates High Quality Design at Western Gateway to the City. The Lodi Shopping Center has been designed in conformance with the City’s Design Standards for Large Retail Establishments which will ensure a consistent high quality of design throughout the project site. This is a particularly important consideration given the project’s visually prominent location at the western gateway to the City, and will effectively implement the General Plan goal and policies which call for the establishment of identifiable, visually appealing, and memorable entrances along the principal roads into the City.

The Planning Commission has weighed the above economic and social benefits of the proposed project against its unavoidable environmental risks and adverse environmental effects identified in the EIR and hereby determines that those benefits outweigh the risks and adverse environmental effects and, therefore, further determines that these risks and adverse environmental effects are acceptable.

6. The Final Environmental Impact Report for the Lodi Shopping Center project was completed in compliance with CEQA, has been reviewed and considered by the

Planning Commission and represents the Planning Commission's independent judgment and analysis.

7. The Final Environmental Impact Report for the Lodi Shopping Center project, as amended by the Final Revisions to the Environmental Impact Report, is hereby certified pursuant to the California Environmental Quality Act. All feasible mitigation measures for the project identified in the Environmental Impact Report and accompanying studies are hereby incorporated into this resolution.

Dated: October 8, 2008

I hereby certify that Resolution No. P.C. 08-28 was passed and adopted by the Planning Commission of the City of Lodi at their meeting held on October 8, 2008, by the following vote:

AYES:	Commissioners:
NOES:	Commissioners:
ABSENT:	Commissioners:
ABSTAIN:	Commissioners:

ATTEST: \_\_\_\_\_  
Secretary, Planning Commission

**RESOLUTION NO. P.C. 08-29**

**A RESOLUTION OF THE LODI PLANNING COMMISSION APPROVING USE PERMIT FILE NO. U-02-12, TO ALLOW THE CONSTRUCTION OF A COMMERCIAL SHOPPING CENTER IN THE C-S ZONE AND SALE OF ALCOHOLIC BEVERAGES AT THE WAL-MART SUPERCENTER, AND TENTATIVE PARCEL MAP 03-P-001, TO CREATE 12 PARCELS FOR THE PROJECT RELATING TO THE LODI SHOPPING CENTER**

=====  
**WHEREAS,** an application was filed by Browman Development Company for a commercial shopping center at 2640 W. Kettleman Lane more particularly described as Assessor's Parcel Numbers 058-030-08 and 058-030-02 and portion of 058-030-09; and

**WHEREAS,** the application is for the following approvals: Use Permits for the construction of commercial structures as required by the C-S Commercial Shopping District and for the sale of alcoholic beverages, as well as a Tentative Map to create 12 parcels for the project; and

**WHEREAS,** the Planning Commission of the City of Lodi has reviewed and considered the Final Revised Environmental Impact Report (FREIR) prepared for the Lodi Shopping Center and certified the FREIR with appropriate findings, by Resolution 08-28, which is incorporated here in by reference; and

**WHEREAS,** the Planning Commission of the City of Lodi, after more than ten (10) days published notice, held a public hearing before said Commission on September 24, 2008; and

**WHEREAS,** the project is consistent with all elements of the General Plan. In particular, the following Goals and Policies:

- A. Land Use and Growth Management Element, Goal E, "To provide adequate land and support for the development of commercial uses providing goods and services to Lodi residents and Lodi's market share."
- B. Land Use and Growth Management Element, Goal E, Policy 7, "In approving new commercial projects, the City shall seek to ensure that such projects reflect the City's concern for achieving and maintaining high quality."
- C. Land Use and Growth Management Element, Goal E, Policy 3, "The City shall encourage new large-scale commercial centers to be located along major arterials and at the intersections of major arterials and freeways."
- D. Housing Element, Goal C, "To ensure the provision of adequate public facilities and services to support existing and future residential development".
- E. Circulation Element, Goal G, "To encourage a reduction in regional vehicle miles traveled."
- F. Circulation Element, Goal A, Policy 1, "The City shall strive to maintain Level of Service C on local streets and intersections. The acceptable level of service goal will be consistent with financial resources available and the limits of technical feasibility."

- G. Noise Element, Goal A, "To ensure that City residents are protected from excessive noise."
- H. Conservation Element, Goal C, Policy 1, "The City shall ensure, in approving urban development near existing agricultural lands, that such development will not constrain agricultural practices or adversely affect the economic viability of adjacent agricultural practices."
- I. Health and Safety Element, Goals A, B, C, and D, "To prevent loss of lives, injury and property damage due to flooding." To prevent loss of lives, injury, and property damage due to the collapse of buildings and critical facilities and to prevent disruption of essential services in the event of an earthquake. To prevent loss of lives, injury, and property damage due to urban fires. To prevent crime and promote the personal security of Lodi residents.
- J. Urban Design and Cultural resources, Goal C, "To maintain and enhance the aesthetic quality of major streets and public/civic areas."

**WHEREAS,** the design and improvement of the site is consistent with all applicable standards adopted by the City. Specifically, the project has met the requirements of the Lodi Zoning Ordinance with particular emphasis on the standards for large retail establishments; and

**WHEREAS,** the design of the proposed project and type of improvements are not likely to cause public health or safety problems in that all improvements will be constructed to the City of Lodi standards; and

**WHEREAS,** these findings, as well as the findings made within Resolution No. P.C. 08-28 certifying Final Environmental Impact Report EIR-03-01, are supported by substantial evidence in the record of this proceeding and before this body.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED** as follows:

- 1. The foregoing recitals are true and correct and incorporated herein by reference.
- 2. Said Tentative Map complies with the requirements of the City Subdivision Ordinance, and the Subdivision Map Act.
- 3. Said Site Plan complies with the requirements of the Commercial Shopping (C-S) Zoning District.
- 4. The submitted plans, including site plot plan and architectural elevations for the major anchor building, for the project is approved subject to the following conditions.
  - A. The approval of the Use Permit expires within 24 months from the date of this Resolution. Should any litigation be filed regarding this project, the time limit shown shall be tolled during the pendency of the litigation. Final Map conforming to this conditionally approved Tentative Map shall be filed with the City Council in time so that the Council may approve said map before its expiration, unless prior to that date, the Planning Commission or City Council subsequently grants a time extension for the filing of the final map, as provided for in the City's Subdivision Ordinance and the Subdivision Map Act. It is the developer's responsibility to track the expiration date.

Failure to request an extension will result in a refilling of the Tentative Map and new review processing of the map.

- B. Prior to submittal of any further plan check or within 90 days of the approval of this project, whichever occurs first, the applicant shall sign a notarized affidavit stating that "I (we), \_\_\_\_\_, the owner(s) or the owner's representative have read, understand, and agree to implement all mitigation measures identified in the Final Environmental Impact Report for the Lodi Shopping Center and the conditions of the Planning Commission approving U-02-12 and 03-P-001." Immediately following this statement will appear a signature block for the owner or the owner's representative, which shall be signed. Signature blocks for the Community Development Director and City Engineer shall also appear on this page. The affidavit shall be approved by the City prior to any improvement plan or final map submittal.
- C. Prior to issuance of any building permit on the site, each building shall be reviewed by the Site Plan and Architectural Review Committee for consistency with this resolution as well as all applicable standards of the City.
- D. All applications for Site Plan and Architectural Review Committee consideration shall comply with the following conditions:
  - 1. All buildings shall meet the required setbacks for the C-S zoning district. All buildings shall implement building elements and materials illustrated on the submitted elevation or otherwise consistent with the architectural theme presented on the submitted elevation of the major tenant building.
  - 2. Submit a construction landscape plan consistent with the submitted conceptual landscape plan. The applicant shall also insure that the overall ratio of trees, including perimeter landscaping is equal to one tree for every four parking spaces. Further, said plan shall demonstrate that the City's requirement for parking lot shading is met.
  - 3. The applicant shall select and note on all plans common tree species for the parking lot and perimeter areas from the list of large trees as identified in the Local Government Commission's "Tree Guidelines for the San Joaquin Valley".
  - 4. All drive-through eating facilities shall have a "double service window" configuration and pullout lane to minimize auto emissions.
  - 5. Cart corrals shall to be provided in the parking lot adjacent to Wal-Mart and distributed evenly throughout the lots rather than concentrated along the main drive aisle. In addition, a cart corral shall be provided as close as possible to the two bus stop/shelters provided on-site. Further, cart corrals shall be permanent with a design that is consistent with the theme of the center. Portable metal corrals shall be prohibited. The shopping carts shall be equipped with a wheel locking system that prevents the carts from being rolled off the site.
  - 6. Trash enclosures shall be designed to accommodate separate facilities for trash and recyclable materials. Trash enclosures having connections to the wastewater system shall install a sand/grease trap conforming to Standard Plan 205 and shall be covered.

7. Hardscape items, including tables, benches/seats, trashcans, bike racks, drinking fountains, etc. shall be uniform for all stores throughout the shopping center.
  8. All signage shall be in compliance with a detailed Sign Program that shall be submitted to SPARC for review and approval with the first building plan review.
  9. Said program shall require all signs to be individual channel letter at the standards provided by the zoning ordinance.
  10. Any bollards installed in a storefront location shall be decorative in style and consistent with the theme of the shopping center. Plain concrete bollards, or concrete filled steel pipe bollards shall not be permitted.
  11. A City information/welcome sign shall be provided onsite adjacent to Kettleman Lane near its intersection with Lower Sacramento Road. Said sign shall be a video messaging sign and shall be installed by Developer and operated and maintained by City.
- E. All landscaped area shall be kept free from weeds and debris, maintained in a healthy growing condition and shall receive regular pruning, fertilizing, mowing, and trimming. Unhealthy, dead, or damaged plant materials shall be removed and replaced within 30 days following written notice from the Community Development Director.
- F. The following items are conditions of approval for the vesting tentative parcel map, all to be accomplished prior to, or concurrent with, final parcel map filing unless noted otherwise:
1. The traffic impact study for the project was completed in 2004 prior to approval of the Southwest Gateway Project (Lodi Annexation). Based on information contained in the traffic study performed by Fehr & Peers in December 2005 as part of the Environmental Impact Report for the Lodi Annexation, the cumulative plus project condition has significantly changed. Required right-of-way dedications along Kettleman Lane shall be approved by Caltrans as part of their encroachment permit process for construction of the Kettleman Lane street improvements. Subsequent to that, the required Westgate Drive lane geometry, transitions, turn pocket configurations and right-of-way can be determined by the City and are subject to review by Caltrans. The project site plan cannot be approved until the required right-of-way dedications have been determined.

**The following items are conditions of approval for the vesting tentative parcel map, all to be accomplished prior to, or concurrent with, final parcel map filing unless noted otherwise:**

2. Dedication of street right-of-way as shown on the parcel map with the following changes/additions:
  - a) Street right-of-way dedications on Westgate Drive shall be in conformance with the lane geometries, transitions and turn pocket configurations resulting from Item #1 above and City-required landscaped median, parkway and sidewalk improvements. The northerly project driveway must align with the proposed public street to be constructed along the north boundary of the Southwest Gateway project (south boundary of the future substation). The Westgate Drive right-of-way shall be sufficient to maintain two southbound through lanes from Kettleman Lane to the northerly project

driveway. In addition, the right-of-way shall be configured to accommodate a pedestrian/bicycle/utility corridor having a width of 50 feet measured from the west face of curb. The dedications shall be to the approval of the Public Works Department and Caltrans. The south leg of Westgate Drive must be in alignment through the intersection at Kettleman Lane and shall comply with Caltrans STAA turning movement requirements. Acquisition of any additional right-of-way from adjacent parcels to the west is the responsibility of the developer and must be accomplished prior to recordation of any final parcel map. In the event the developer is unable to acquire the additional right-of-way from adjacent property owners, the project site plan and proposed parcel boundaries shall be modified to provide the required street right-of-way dedications within the boundaries of the map.

- b) Right-of-way dedications on Lower Sacramento Road and Kettleman Lane shall be in conformance with the lane geometries resulting from Item #1 above and City of Lodi street geometric requirements for this project and to the approval of the Public Works Department and Caltrans. Right-of-way dedications on Kettleman Lane shall be made to Caltrans in conformance with their requirements. Separate parcels shall be created for Caltrans dedications. It should be anticipated that Caltrans will require street widening improvements west of the project boundary. Acquisition of any right-of-way necessary to meet Caltrans requirements shall be the responsibility of the developer.
  - c) Lower Sacramento Road is an established STAA route and turning movements to and from the roadway into private driveways and intersecting streets are required to demonstrate that accommodation has been made for the truck turning movement in conformance with Public Works requirements. At the signalized intersection and the driveway immediately north, the right-of-way dedications and driveway design shall provide for 60-foot radius truck turning movements as set forth in the Caltrans Highway Design Manual.
  - d) The right-of-way dedication and driveway design at the south project driveway on Lower Sacramento Road shall accommodate and be in conformance with the California Semitrailer wheel track (18m/60ft radius) turning template.
  - e) Right-of-way dedications at all proposed project driveway locations shall be sufficient to accommodate the handicap ramps and public sidewalks at the crosswalk locations. In addition, the right-of-way dedication at the proposed traffic signal location on Lower Sacramento Road shall be sufficient to allow installation of the traffic signal improvements within the public right-of-way.
3. Dedication of public utility easements as required by the various utility companies and the City of Lodi, including, but not limited to, the following:
- a) An existing public utility easement (PUE) lies adjacent to the current west right-of-way line of Westgate Drive. If compliance with the right-of-way dedication requirements for Westgate Drive listed above requires relocation of the existing PUE, acquisition of the new PUE from the adjacent parcels to the west shall be the responsibility of the developer and must be

accomplished prior to recordation of any final parcel map and/or approval of public improvements plans.

- b) A PUE along the southerly property line sufficient to accommodate the installation of electric utility overhead transmission lines and underground conduit bank outside proposed landscape areas, and the extension of water, wastewater and industrial waste transmission lines between Lower Sacramento Road and Westgate Drive. We anticipate the required PUE along the south project boundary will be on the order of 65 to 75 feet. It may be possible to reduce the width of the PUE by realigning some of the pipes through the shopping center site. The actual alignment and width will be to the approval of the Public Works Department and City of Lodi Electric Utility.
- c) A PUE at the proposed signalized project driveway to accommodate the installation of traffic signal loops.
- d) A PUE at the existing southerly Sunwest Plaza (Food 4 Less) driveway to accommodate the installation of traffic signal loops. Acquisition of the PUE is the responsibility of the developer and must be accomplished prior to recordation of any final parcel map.

- 4. Provide a private access easement providing a clear path of travel for pedestrian traffic from the public right-of-way to all parcels within the boundaries of the map in conformance with ADA requirements. The private access easement shall be shown on the map and shall be recorded by separate instrument concurrently with the final parcel map.
- 5. In order to assist the City in providing an adequate water supply, the property owner is required to enter into an agreement with the City that the City of Lodi be appointed as its agent for the exercise of any and all overlying water rights appurtenant to the proposed Lodi Shopping Center, and that the City may charge fees for the delivery of such water in accordance with City rate policies. The agreement establishes conditions and covenants running with the land for all lots in the parcel map and provides deed provisions to be included in each conveyance.

Submit final map per City requirements including the following:

- a) Preliminary title report.
- b) Standard note regarding requirements to be met at subsequent date.

- 6. Payment of the following:

- a) Filing and processing fees and charges for services performed by City forces per the Public Works Fee and Service Charge Schedule.

- G. The following items are conditions of approval for the vesting tentative parcel map and use permit that will be deferred until the time of development:

- 1. Engineering and preparation of improvement plans and estimate per City Public Improvement Design Standards for all public improvements for all parcels at the time of development of the first parcel. Plans to include:

- a) Detailed utility master plans and design calculations for all phases of the development, including the proposed temporary storm drainage detention basin. Detailed utility master plans have not been developed for the area between Kettleman Lane on the north, Harney Lane on the south, Lower Sacramento Road on the east and the current General Plan boundary on the west. The project site is at the upstream boundary of the storm drain and wastewater utilities for this area. The developer's engineer shall provide a detailed drainage master plan, including engineering calculations, for the entire area as well as all phases of the proposed project. The developer's engineer shall prepare and submit a work plan/scope for master plan preparation for approval by the City Engineer prior to start of master plan work. Master plans need to be coordinated with the Southwest Gateway development. City staff will assist in the master planning process to the extent practicable. Should City staff be unable to meet developer's schedule, developer shall have the option to pay the City to contract for supplemental outside consultant services to expedite review and approval of the master planning work.
- b) Current soils report. If the soils report was not issued within the past three (3) years, provide an updated soils report from a licensed geotechnical engineer.
- c) Grading, drainage and erosion control plan.
- d) Copy of Notice of Intent for NPDES permit, including storm water pollution prevention plan (SWPPP).
- e) All utilities, including street lights and electrical, gas, telephone and cable television facilities.
- f) Landscaping and irrigation plans for street medians and parkway areas in the public right-of-way.
- g) Undergrounding of existing overhead utilities, excluding transmission lines.
- h) Installation of the proposed traffic signal at the main project driveway on Lower Sacramento Road. The traffic signal shall be designed to operate as an eight phase signal.
- i) Modification of the existing southerly Sunwest Plaza (Food 4 Less) driveway to construct a driveway sufficient to accommodate STAA trucks.
- j) Installation/modification of the traffic signal at the Kettleman Lane/Westgate Drive intersection as required by the project.
- k) Traffic striping for Lower Sacramento Road, Westgate Drive and Kettleman Lane.

A complete plan check submittal package, including all the items listed above plus the Map/Improvement Plan Submittal cover letter, Improvement Plan Checklist and engineering plan check fees, is required to initiate the Public Works Department plan review process for the engineered improvement plans.

- 2. There is limited wastewater capacity in the wastewater main in Lower Sacramento Road. The area of the shopping center site containing the proposed Walmart store lies outside the service area for the Lower Sacramento Road wastewater line. Developer shall perform a capacity analysis using

approved flow monitoring protocols to assess the viability of utilizing the Lower Sacramento Road wastewater line on an interim basis. Wastewater facilities outside the Lower Sacramento Road service area shall be designed to allow future connection to the wastewater main in Westgate Drive. If the capacity analysis indicates that interim capacity in the Lower Sacramento Road wastewater line is not available, master plan wastewater facilities shall be constructed to serve the project.

3. Installation of all public utilities and street improvements in conformance with City of Lodi master plans and design standards and specifications, including, but not limited to, the following:
  - a) Installation of all curb, gutter, sidewalk, traffic signal and appurtenant facilities, traffic control or other regulatory/street signs, street lights, medians and landscaping and irrigation systems in Westgate Drive, Kettleman Lane and Lower Sacramento Road.
  - b) All improvements on Kettleman Lane shall be in conformance with City of Lodi and Caltrans requirements and require a Caltrans encroachment permit. The Caltrans encroachment permit submittal package shall include a terminal access route application for STAA trucks. Additional right-of-way acquisition outside the limits of the map may be required and shall be the responsibility of the developer. Design and construction staking for the Kettleman Lane improvements will be performed by the City at the Developer's expense.
  - c) Street improvements in Westgate Drive shall be in conformance with the lane geometries, transitions and turn pocket configurations resulting from Item #1 above and landscaped median, parkway and sidewalk improvements required by the City. The northerly project driveway must align with the proposed public street to be constructed along the north boundary of the Southwest Gateway project (south boundary of the future substation). Improvements on Westgate Drive shall extend to and include the installation of the westerly curb and gutter. Acquisition of construction easements from the adjoining property may be necessary to allow this construction and shall be the responsibility of the developer. Street improvements for Westgate Drive shall be constructed from the signalized intersection on Kettleman Lane to the south boundary of the parcel map.
  - d) Modification of the existing southerly Sunwest Plaza (Food 4 Less) driveway to construct a driveway sufficient to accommodate STAA trucks. Acquisition of additional right-of-way and construction easements from the adjacent property to the south (APN # 058-140-04) may be necessary to accomplish this work and shall be the responsibility of the developer.
  - e) The extension/installation of all public utilities, including, but not limited to, the extension/installation of master plan water, wastewater, storm drainage and recycled water mains to the south end of Westgate Drive, the extension of water, wastewater and industrial waste transmission lines through the shopping center site from Lower Sacramento Road to Westgate Drive and the installation of recycled water main in Lower Sacramento Road and Westgate Drive from Kettleman Lane to the south project boundary. The developer's engineer shall work with Public Works Department staff to resolve public utility design issues.

- f) Relocation of existing utilities, as necessary, and undergrounding of existing overhead lines, excluding electric (64 kv) transmission lines.
- g) Project design and construction shall be in compliance with applicable terms and conditions of the City's Stormwater Management Plan (SMP) approved by the City Council on March 5, 2003, and shall employ the Best Management Practices (BMPs) identified in the SMP.
  - i) The City is in the process of adopting Stormwater Development Standards for new projects in conformance with the conditions of the City's Stormwater Discharge Permit. *The design of projects containing more than 5,000 square feet of impervious area, retail gasoline outlets and trash enclosures is significantly affected by these Standards.* Projects receiving building permits issued after the date of adoption of these Standards are required to comply with the requirements of the Standards.
  - ii) State-mandated construction site inspections to assure compliance with the City of Lodi Storm Discharge Permit are required. The fee for the inspections is the responsibility of the developer and must be paid prior to commencement of site grading and/or construction operations.
  - iii) If bioswales are to be used, they need to be clearly delineated and detailed on the site plan and the landscape plan. Most trees are not compatible with bioswales.

All public improvements to be installed under the terms of an improvement agreement to be approved by the City Council prior to development of the first parcel.

- 4. The proposed temporary storm drainage basin shall be designed in conformance with City of Lodi Design Standards §3.700 and must be approved by the City Council. Acquisition of property to accommodate the construction of the temporary drainage basin is the responsibility of the developer. All drainage improvements shall be designed for future connection to permanent public drainage facilities when they become available.
- 5. A Caltrans encroachment permit is required for all work in the Kettleman Lane right-of-way, including landscape and irrigation improvements in the median and parkway along the site frontage. Based on past experience, Caltrans will not allow landscape and irrigation improvements within their right-of-way unless the City enters into an agreement with Caltrans covering maintenance responsibilities for those improvements. The City is willing to execute such an agreement, however, the developer will be required to execute a similar landscape maintenance agreement with the City assuming the city's responsibilities for the landscape and irrigation improvements in the parkways.
- 6. Design and installation of public improvements to be in accordance with City master plans and the detailed utility master plans as previously referenced above.

Note that the developer may be eligible for reimbursement from others for the cost of certain improvements. It is the developer's responsibility to request reimbursement and submit the appropriate information per the Lodi Municipal Code (LMC) §16.40

7. All project design and construction shall be in compliance with the Americans with Disabilities Act (ADA). Project compliance with ADA standards is the developer's responsibility.
8. The following improvements shall be constructed with the development of the first parcel zoned for commercial development:
  - a) Installation of all street improvements on Lower Sacramento Road, Kettleman Lane and Westgate Drive. Street improvements for Lower Sacramento Road and Westgate Drive shall be constructed from the signalized intersections on Kettleman Lane to the south boundary of the parcel map. Street improvements along the frontages of Parcels 1, 12 and "A" shall extend to and include the installation of the westerly curb and gutter.
  - b) Modification of the existing southerly Sunwest Plaza (Food 4 Less) driveway to widen the driveway to the south as shown on the site plan and construct a driveway return sufficient to accommodate STAA trucks.
  - c) The extension/installation of all public utilities necessary to serve the commercial development and/or required as a condition of development.
  - d) Temporary storm drainage detention basin to serve the project.
9. Acquisition of street right-of-way, public utility easements and/or construction easements outside the limits of the map to allow the installation of required improvements on Kettleman Lane, Lower Sacramento Road and Westgate Drive.
10. All property dedicated to the City of Lodi shall be free and clear of all liens and encumbrances and without cost to the City of Lodi and free and clear of environmental hazards, hazardous materials or hazardous waste. Developer shall prepare and submit a hazardous materials report and shall indemnify the City against any and all hazardous materials and/or ground water contamination for all property/easements dedicated to the City.
11. Abandonment/removal of wells, septic systems and underground tanks in conformance with applicable City and County requirements and codes prior to approval of public improvement plans.
12. The Developer shall provide for a prorated share of the on-going maintenance costs of median landscape improvements in Kettleman Lane, Lower Sacramento Road and Westgate Drive by annexation to the Lodi Consolidated Landscape and Maintenance District 2003-1 prior to acceptance of the public improvements. All costs associated with annexation to the District shall be the Developer's responsibility.

Payment of the following:

- a) Filing and processing fees and charges for services performed by City forces per the Public Works Fee and Service Charge Schedule.
- b) Development Impact Mitigation Fees per the Public Works Fee and Service Charge Schedule at the time of building permit issuance.
- c) Wastewater capacity impact fee at the time of building permit issuance.
- d) County Facilities Fees at the time of building permit issuance.

- e) Regional Transportation Impact Fee (RTIF) at the time of building permit issuance.
- f) Water Capacity Impact Fee at the time of building permit issuance.
- g) Stormwater compliance inspection fee prior to commencement of site grading and/or construction operations.
- h) Reimbursement fees per existing agreements:
  - i. Reimbursement Agreement RA-02-02. The reimbursement fee for 2008 is \$38,296.24. The fee is adjusted annually on January 1. The fee to be paid will be that in effect at the time of payment. The fee shall be paid prior to approval of the public improvement plans.
  - ii. Resolution No. 2007-52 establishing an area of benefit and reimbursable costs for Lower Sacramento Road (Kettleman Lane to Harney Lane) improvements. The reimbursement fee for 2008 is \$86,956.08. The fee is adjusted annually on January 1. The fee to be paid will be that in effect at the time of payment. The fee shall be paid prior to approval of the public improvement plans.
  - iii. The developer of the Vintner's Square Shopping Center has submitted a request for reimbursement in conformance with LMC 16.40 Reimbursements for Construction covering public improvements in Kettleman Lane and Westgate Drive constructed with that development which benefit the Lodi Shopping Center project. We anticipate that the Reimbursement Agreement will be presented to the City Council for approval in the near future. Any reimbursement fees approved by the City Council that affect the Lodi Shopping Center site will have to be paid prior to approval of the public improvement plans.
- i) City adopted a policy pursuant to which property developed will pay the actual costs of capital improvements necessary to extend utility services to a development and a substation impact fee. This Policy is reflected in Resolution 2007-22. Landowner acknowledges that the policy applies to the Project. Developer will pay the City upon application for its building permits and pay the fee at the amount in effect at the time the fee is collected.

The above fees are subject to periodic adjustment as provided by the implementing ordinance/resolution. The fee charged will be that in effect at the time of collection indicated above.

- 13. Obtain the following permits:
  - a) San Joaquin County well/septic abandonment permit.
  - b) Caltrans Encroachment Permit for work in Caltrans right-of-way.
- 14. The City will participate in the cost of the following improvements in conformance with LMC §16.40 Reimbursements for Construction:
  - a) Master plan storm drain lines.
  - b) Master plan water mains.
  - c) Master plan reclaimed water mains
  - d) Industrial waste

Please note that construction of master plan wastewater facilities to serve the project site is not included in the City's Development Impact Mitigation Fee Program and is not subject to impact mitigation fee credits for sewer facilities or reimbursement by the City.

- H. Install fire hydrants at locations approved by the Fire Marshal.
- I. Shopping carts shall be stored inside the buildings or stored in a cart storage area adjacent to the entrance of the building.
- J. No outdoor storage or display of merchandise shall be permitted at the project unless a specific plan for such display is approved by SPARC. At no time shall outdoor storage or display be allowed within the parking area, drive aisle or required sidewalks of the center.
- K. Vending machines, video games, amusement games, children's rides, recycling machines, vendor carts or similar items shall be prohibited in the outside area of all storefronts. The storefront placement of public telephones, drinking fountains and ATM machines shall be permitted subject to the review and approval of the Community Development Director.
- L. All storage of cardboard bales and pallets shall be contained within the area designated at the rear of the Wal-Mart building for such use. No storage of cardboard or pallets may exceed the height of the masonry enclosure at any time.
- M. The loading area shown in front of the Wal-Mart building shall be stripped and posted with "NO PARKING – LOADING ONLY" signs to the satisfaction of the Community Development Director.
- N. A photometric exterior lighting plan and fixture specification shall be submitted for review and approval of the Community development Director prior to the issuance of any building permit. Said plans and specification shall address the following:
  - 1. All project lighting shall be confined to the premises. No spillover beyond the property line is permitted.
  - 2. The equivalent of one (1) foot-candle of illumination shall be maintained throughout the parking area.
- O. Exterior lighting fixtures on the face of the buildings shall be consistent with the theme of the center. No wallpacks or other floodlights shall be permitted. All building mounted lighting shall have a 90-degree horizontal flat cut-off lens unless the fixture is for decorative purposes.
- P. All parking light fixtures shall be a maximum of 25 feet in height. All fixtures shall be consistent throughout the center.
- Q. All construction activity shall be limited to the hours of 7:00 a.m. to 6:00 p.m. Monday through Saturday. No exterior construction activity is permitted on Sundays or legal holidays.
- R. Prior to the issuance of a building permit for the new Wal-Mart Supercenter, the applicant shall ensure one of the following with respect to the existing Wal-Mart building located at 2350 West Kettleman Lane ("Building"):
  - a) The owner of the Building shall have entered into signed lease(s) with bona-fide tenant(s) for at least 50% of the Building square footage (not including the

fenced, outdoor garden center). The signed lease(s) required hereunder shall include a lease(s) with a bona-fide retailer(s) or restaurant for a minimum of two-thirds of the Building frontage (not including the fenced, outdoor garden center); or

- b) The owner of the Building shall have entered into a fully executed purchase agreement for the Building with a bona-fide retailer; or
- c) The Applicant shall present to the City a cash escrow account, subject to the approval of the City Attorney, which account shall be for the purpose of securing applicant's obligation to demolish the Building not later than 90 days after the opening to the general public of the new Wal-Mart Supercenter (the "Opening Date"). The amount of the deposit shall be equal to the City estimated reasonable costs to demolish the Building (based on a licensed contractor estimate) plus \$100,000. The escrow account shall be paid to City in the event that Option (a), (b) or (c) is not satisfied within 90 days of the Opening Date. If Option (a), (b) or (c) is satisfied within 90 days after the Opening Date, the cash in the escrow account shall be refunded in full to the Applicant.

If the Applicant does not satisfy this condition under Option (a), (b) or (c) within 90 days after the Opening Date, the City shall use the funds to demolish the Building with any balance reverting to the City as compensation for its expense and inconvenience incurred to demolish the Building. The owner of the Building shall present evidence that any lender on the Building consents to the demolition in a form subject to the approval of the City Attorney. This condition shall be recorded against the property as a deed restriction, which runs with the land. Applicant and Wal-Mart agree to enter into any agreements that are necessary in order to implement this condition.

- S. No materials within the garden or seasonal sales area shall be stored higher than the screen provided.
- T. Wal-Mart shall operate and abide by the conditions of the State of California Alcoholic Beverage Control license Type 21, off sale-general.
- U. Wal-Mart shall insure that the sale of beer and wine does not cause any condition that will result in repeated activities that are harmful to the health, peace or safety of persons residing or working in the surrounding area. This includes, but is not limited to: disturbances of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passerby, assaults, batteries, acts of vandalism, loitering, illegal parking, excessive or loud noise, traffic violations, lewd conduct, or police detention and arrests.
- V. This Use Permit is subject to periodic review to monitor potential problems associated to the sale of alcoholic beverages.
- W. Prior to the issuance of a Type 21 license by the State of California Alcoholic Beverage Control Department, the management of the Wal-Mart store shall complete the Licensee Education on Alcohol and Drugs (LEAD) as provided by the State Alcoholic Beverage Control Department. In the event that Wal-Mart has training that is equivalent to the LEAD program, such documentation shall be submitted to the Community Development Director for review and approval.

- X. The project shall incorporate all mitigation measures as specified in the adopted Final Revised Environmental Impact Report EIR-03-01 for the project.
- Y. The submitted Use Permit, Tentative Map and associated plot plan are hereby approved subject to the conditions set forth in this resolution.
- Z. No variance from any City of Lodi adopted code; policy or specification is granted or implied by the approval of this Resolution.
- AA. The sliding gates that are shown in the rear of the Wal-Mart building shall have a knock box system at each gate for Fire Department access.
- BB. Buildings, which are fire sprinkled, shall have Fire Department connections within 50 feet of a fire hydrant, subject to the Fire Marshall's approval.
- CC. Fire lanes shall be identified per Lodi Municipal Code 10.40.100 and marked in locations specified by the Fire Marshall. All fire lanes shall be a minimum of 24-foot-wide.
- DD. The water supply for the project shall meet the requirements for fire hydrants and fire sprinkler demand and system approved by the Fire Marshall.
- EE. Developer shall pay for the linkage study that the City is required to do based on Program 11 of the recently adopted Housing Element of the General Plan. The developer shall receive a credit for the amount paid against the final fee as adopted by the City Council.
- FF. Wal-Mart shall provide proof of sale, to a non Wal-Mart related entity, of the existing Wal-Mart property located at 2350 W. Kettleman Lane prior to the issuance of the building permit for the new Wal-Mart Supercenter without condition on the right of purchaser to lease or sell the existing Wal-Mart building.
- GG. Wal- Mart shall not allow overnight camping of any type (i. e. campers, recreational vehicles, tents) within the parking lot or site.
- HH. To address the economic affects of the Lodi Shopping Center on the Downtown, the developer shall investment in a building and/or capital improvements within the Downtown area, as defined by the Community Development Director, but no smaller than the area described in the June 1997 Downtown Development Standards and Guidelines plus the Pine Street Corridor extending to Washington. Investment shall be defined as construction, rehabilitation, acquisition, tenant improvements and other improvements. The developer may make improvements to commercial buildings or property it owns or rents independently or in partnership with others, or to commercial property owned by others in partnership with owners and/or tenants. The downtown investment must be made no later than five years from the issuance of the first building permit. The total aggregate value of the resulting capital improvements must exceed \$680,000.

As an alternative to satisfying this condition the developer may pay a fee of two dollars (\$2.00) per gross square foot of commercial retail development. The funds provided pursuant to this section may only be used by the city to make improvements or provide loans in the subject downtown area.

Dated: October 8, 2008

I hereby certify that Resolution No. 08-29 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on October 8, 2008, by the following vote:

AYES:           Commissioners:  
NOES:           Commissioners:  
ABSENT:        Commissioners:  
ABSTAIN:       Commissioners:

ATTEST: \_\_\_\_\_  
Secretary, Planning Commission

**RESOLUTION NO. P.C. 08-30**

**A RESOLUTION OF THE LODI PLANNING COMMISSION APPROVING THE REQUEST OF BROWMAN DEVELOPMENT COMPANY FOR ARCHITECTURAL APPROVAL OF A NEW COMMERCIAL BUILDING TO BE CONSTRUCTED AT 2640 W. KETTLEMAN LANE (WALMART)**

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**WHEREAS**, an application was filed by Browman Development Company for a commercial shopping center at 2640 W. Kettleman Lane more particularly described as Assessor’s Parcel Numbers 058-030-08 and 058-030-02 and portion of 058-030-09; and

**WHEREAS**, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Architectural Approval, in accordance with the Lodi Municipal Code, Section 17.72.070; and

**WHEREAS**, the project proponent is Browman Development Company; and

**WHEREAS**, the project is consistent with all elements of the General Plan. In particular, the following Goals and Policies:

- A. Land Use and Growth Management Element, Goal E, “To provide adequate land and support for the development of commercial uses providing goods and services to Lodi residents and Lodi’s market share.”
- B. Land Use and Growth Management Element, Goal E, Policy 7, “In approving new commercial projects, the City shall seek to ensure that such projects reflect the City’s concern for achieving and maintaining high quality.”
- C. Land Use and Growth Management Element, Goal E, Policy 3, “The City shall encourage new large-scale commercial centers to be located along major arterials and at the intersections of major arterials and freeways.”
- D. Housing Element, Goal C, “To ensure the provision of adequate public facilities and services to support existing and future residential development”.
- E. Circulation Element, Goal G, “To encourage a reduction in regional vehicle miles traveled.”
- F. Circulation Element, Goal A, Policy 1, “The City shall strive to maintain Level of Service C on local streets and intersections. The acceptable level of service goal will be consistent with financial resources available and the limits of technical feasibility.”
- G. Noise Element, Goal A, “To ensure that City residents are protected from excessive noise.”
- H. Conservation Element, Goal C, Policy 1, “The City shall ensure, in approving urban development near existing agricultural lands, that such development will not constrain agricultural practices or adversely affect the economic viability of adjacent agricultural practices.”
- I. Health and Safety Element, Goals A, B, C, and D, “To prevent loss of lives, injury and property damage due to flooding.” To prevent loss of lives, injury, and property damage due to the collapse of buildings and critical facilities and to prevent disruption of essential services in the event of an earthquake. To

prevent loss of lives, injury, and property damage due to urban fires. To prevent crime and promote the personal security of Lodi residents.

- J. Urban Design and Cultural resources, Goal C, "To maintain and enhance the aesthetic quality of major streets and public/civic areas."

**WHEREAS,** the design and improvement of the site is consistent with all applicable standards adopted by the City. Specifically, the project has met the requirements of the Lodi Zoning Ordinance with particular emphasis on the standards for large retail establishments; and

**WHEREAS,** approval of the requested architectural drawings will allow the construction of a commercial building that will comply with the City's Zoning Ordinance and Building Code regulations.

**WHEREAS,** the design of the proposed project and type of improvements are not likely to cause public health or safety problems in that all improvements will be constructed to the City of Lodi standards; and

**WHEREAS,** these findings, as well as the findings made within Resolution No. P.C. 08-28 certifying Final Environmental Impact Report EIR-03-01, are supported by substantial evidence in the record of this proceeding and before this body.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED** as follows:

1. The foregoing recitals are true and correct and incorporated herein by reference.
2. Said Site Plan complies with the requirements of the Commercial Shopping (C-S) Zoning District.
3. The submitted plans, including site plot plan and architectural elevations for the major anchor building, for the project is approved subject to the following conditions:
  - a. All conditions contained in Use Permit Resolution No. P.C. 08-29 shall apply to this approval.
  - b. The proposed building shall comply with all zoning and building code regulations.
  - c. The finished building shall be consistent with the plans approved by the Planning Commission.
  - d. The applicant shall submit appropriate plans to the Community Development Department for plan check and building permit. The final plans shall include the architectural features such as the approved colors, the building elevations including the cornice, trim caps, and curbed canopy, and other elements approved by the Planning Commission. Any significant alteration to the building elevations as approved by the Planning Commission shall require approval by the Planning Commission. Signage shall be individual letters.
  - e. Further architectural treatment shall occur on the west elevation. Such treatment shall result in a visual break in the elevation.
  - f. The proposed building must comply with all Planning Commission requirements; as well as the requirements of the Community Development, the Public Works, the Electric Utility and the Fire Departments; and all other utility agencies.
  - g. No variance from any City of Lodi adopted code, policy or specification is granted or implied by the approval of this resolution.

- h. The Developer shall pay for Electric Utility Department charges in accordance with the Electric Department's Rules and Regulations.
- i. The applicant shall submit load calculations and Electric drawings to Electric Utility as part of a building permit process. Load calculations and Electric drawings are needed for service equipment location, PUE requirements, and service sizing. Should the load calculations and Electric drawings require a change of site plan, the Planning Department shall forward the site plan to the Planning Commission for review and approval.
- j. This resolution does not constitute a complete plan check. Complete plan check shall be completed during building permit process.

Dated: October 8, 2008

I hereby certify that Resolution No. PC 08-30 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on October 8, 2008, by the following vote:

AYES:	Commissioners:
NOES:	Commissioners:
ABSENT:	Commissioners:
ABSTAIN:	Commissioners:

ATTEST: \_\_\_\_\_  
Secretary, Planning Commission

# Item 6a.



**MEMORANDUM, City of Lodi, Community Development Department**

**To:** City of Lodi Planning Commissioners  
**From:** Rad Bartlam, Interim Community Development Director  
**Date:** Planning Commission Meeting of 10/08/08  
**Subject:** Past meetings of the City Council and other meetings pertinent to the Planning Commission

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In an effort to inform the Planning Commissioners of past meetings of the Council and other pertinent items staff has prepared the following list of titles.

If you have any questions, please feel free to contact the Planning Department or visit the City of Lodi website at: <http://www.lodi.gov/city-council/AgendaPage.html> to view Staff Reports and Minutes from the corresponding meeting date.

Date	Meeting	Title
September 16, 2008	SHIRTSLEEVE	Redevelopment Programs
September 17, 2008	REGULAR	Public Hearing to consider and Approve a General Plan Amendment for Reynolds Ranch
		Resolution Approving Boundaries of the Targeted Employment Area for the San Joaquin County Enterprise Zone
October 1, 2008	REGULAR	International Conflict Resolution Day
		Adopt Resolution Opposing California Ballot Initiative Proposition 7 (Solar & Clean Energy Act of 2008)
		Adopt Resolution Establishing Guidelines for the Residential Paint Up/Fix Up Program
		Adopt Resolution Approving Impact Mitigation Fee Program Annual Report for Fiscal Year 2007/08
		Adopt Resolution Approving Allocating Start-Up Funds to Project Lodi Art's Sidewalk Mosaic Medallion Design Competition (\$5000)
		Provide Direction with Regard to Request from Council Member Hitchcock to Terminate General Plan Contracts