

<p>CARNEGIE FORUM 305 WEST PINE STREET LODI, CALIFORNIA</p>	<p>AGENDA LODI PLANNING COMMISSION</p>	<p>REGULAR SESSION WEDNESDAY, OCTOBER 28, 2009 @ 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 – None
3. PUBLIC HEARINGS
 - a. Request Planning Commission to approval of a Use Permit to allow outdoor storage facility and recreational vehicle storage area in conjunction with used car lot at 222 East Kettleman Lane. (Applicant, Todd Kulberg: File # 09-U-12)
 - b. Request for Planning Commission approval of a Use Permit to allow a Type-47 On-Sale General (Eating Place) Alcoholic Beverage Control License at 317 East Kettleman Lane. (Applicant: James P. Murdaca, on behalf of Pietro’s Pizza Parlors, Inc. File Number: 09-U-13)
 - c. Request Planning Commission to certify the proposed Mitigated Negative Declaration 08-ND-01 as adequate environmental documentation for City Well No. 28 located at 2800 West Kettleman Lane. (Applicant, City of Lodi: File # 09-MND-02)
 - d. Review and comment on the comprehensive Draft General Plan

NOTE: The above items are quasi-judicial hearings and require 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
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 2nd Floor, 221 West Pine Street, Lodi, California 95240 – Phone: (209) 333-6702.

*Use Permit - Outdoor Storage in Conjunction with Used Car Lot
at 222 E. Kettleman Ln*

Item 3a.

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: October 28, 2009

APPLICATION NO: 09-U-12

REQUEST: Request for Planning Commission approval of a Use Permit to allow modular office and outdoor recreational vehicle storage area in conjunction with used car lot at 222 East Kettleman Lane. (Applicant, Todd Kulberg: File # 09-U-12).

LOCATION: 222 East Kettleman Lane
APN: 062-060-03
Lodi, CA 95240

APPLICANT: Todd Kulberg
1040 West Kettleman Lane #350
Lodi, CA 95240

PROPERTY OWNER: GFLIP III LTD PTP
P. O. Box 1210
Lodi, CA 95241

RECOMMENDATION

Staff recommends that the Planning Commission approve the request of Todd Kulberg for a Use Permit to allow outdoor recreational vehicle storage facility and installation of a modular building in conjunction with used car lot at 222 East Kettleman Lane, subject to the conditions in the attached resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: GC, General Commercial.

Zoning Designation: C-2, General Commercial.

Property Size: 3.55 acres.

The adjacent zoning and land use are as follows:

North: C-2, General Commercial. Various retail and commercial shops are located north of the project site.

South: R-2, Single Family Residences. The area south of the project area is developed with single family residences. There is a 8-foot tall CMU wall that separates the residences and the commercial uses to the north. All the residences backup into the commercial lot and maintain a 10-foot rear yard setback.

East: C-2, General Commercial. The area to the east is developed with various types of auto related businesses. The parcel immediately east of the project site was utilized until recently as used car lot.

West: C-M, Commercial Light Industrial.

SUMMARY

The applicant is requesting approval of a Use Permit to allow a modular office associated with outdoor storage facility for recreational vehicles conjunction with used car lot at 222 East Kettleman Lane. The zoning designation for the project site is C-2, General Commercial. Outdoor recreational vehicle storage yards are a common use associated with car dealerships. The project parcel was previously used by the Geweke RV as display and stacking area. However, the applicant seeks to divide the parcel into two. The front half would be used to lease spaces for storage and display purposes. The back half would be used as outdoor storage area for recreational vehicles. The Use Permit, if approved as requested, would allow the installation of outdoor modular office and outdoor storage area.

BACKGROUND

The project site is located at 222 East Kettleman Lane. The site is a vacant lot, fully paved and has a driveway. It has no landscape. It was previously used as the Geweke RV display and storage yard. The Geweke RV has been closed down since March of this year. Land uses surrounding the project site include single-family residences to the south, commercial-light industrial use to the west, and general commercial areas to the north and east.

The Geweke RV Sales business operated out of 248 East Kettleman Lane and incorporated the subject project parcel for displaying and storing of RVs for sale. The Geweke RV used the building at 248 East Kettleman Lane as their office. Available City records indicate no building of any kind had been constructed at the project parcel.

ANALYSIS

The applicant is requesting approval of a Use Permit to allow a modular office associated with outdoor storage facility for recreational vehicles in conjunction with used car lot at 222 East Kettleman Lane. The zoning designation for the project site is C-2, General Commercial. Outdoor recreational vehicle storage yards are a common use associated with car dealerships. Car dealerships are permitted uses in C-2, General Commercial zoning district; however, the Zoning Ordinance requires approval of a Use Permit so that operational characteristics of storage yards can be analyzed and restricted accordingly in order to minimize impacts to adjacent property owners. A Use Permit to allow a modular structure is limited for a period of two (2) years. Conditional Use Permits are evaluated for consistency with the City's General Plan, conformance with the City's Zoning Ordinance, and potential for impacts to the health, safety and welfare of persons who reside or work in the area.

As shown on the site plan (attachment 2), the site plan illustrates the installation of a modular office building is 374 square feet and will be located on a northeast portion of the project site. On-site parking located adjacent to the proposed modular office building consists of eleven (11) paved parking spaces, with one additional handicap parking space. The Lodi Municipal Code requires one space for every 250 square feet of an office floor area. Given the size of the modular office, under this definition two parking spaces would be required. Proposed hours of operation are Monday-Friday 9 am to 6 pm and Saturday-Sunday from 7 am to 6 pm., with a minimum of one (1) full time and one (1) part time employee on site during business hours.

The project site measures approximately 3.55 acres (154,638 sq. ft.). According to the applicant's project description, the parcel will be divided to two. The front half adjoining Kettleman Lane will be used for renting space for individuals to display sale of their private vehicles, trucks, boats etc to the public for sale by owner. The applicant intends to lease display spaces on monthly or weekend basis. According to the applicant's project description, there will be up to 250 vehicle spaces for lease. The back-half of the parcel will be used for storage of recreational vehicles, i.e., boats, RV. This area will be available for lease on monthly or yearly basis only.

It is important to note the subject Use Permit is to allow the proposed temporary modular building and to evaluate the proposed use. The Geweke RV had their office located at an adjoining parcel and used the project site for display and storage purposes. Unlike the previous use, the project proponent intends to lease spaces for storage and display purposes whereby noise levels could adversely affect the residences to the south. However, staff notes the residences to the south maintain a 10-foot setback from the northern boundary and are also screened off with noise attenuation eight feet tall masonry wall that run for the length of the boundary line between the residences and the project parcel. The setback, coupled with the noise attenuation wall, should mitigate the noise level to levels of the previous use. Further, the Geweke RV operated until 9 pm on weekdays and until 8 pm on weekend. As proposed, the business would close on or before 6 pm. Staff feels this should reduce the noise to an acceptable level. Further, staff notes the temporary structure is not predominantly positioned on the lot and does not distract from the adjacent properties. The size and location of the modular building is intended to reflect the character of the business. The scale of the structure and the modular building does not distract or change the essential character of the area. Installation of the proposed modular building will not alter the existing site access, circulation, parking, or its previous use.

Staff believes the applicant's request for a Use Permit to allow outdoor storage facility is consistent with the previous use and all applicable City regulations. The land use designation for the subject property is General Commercial (C-2). The C-2 land use designation is typically intended to provide for commercial uses that generate very limited noise, vibration, odor, dust, smoke, light, or other pollutants, and are either integrated or compatible with surrounding properties. Primary uses include retail stores, business offices, personal and professional services. Storage and warehousing are permitted uses with subject to Use Permit approval by the Planning Commission. As a use conditionally permitted by the Zoning Ordinance, the outdoor storage facility is consistent with the General Commercial land use designation.

The General Commercial (C-2) zoning district allows for outdoor storage yards upon approval of a Use Permit. The Use Permit process allows the Commission to condition the project to assure compatibility with surrounding land uses. Typical concerns related to outdoor storage include visibility of the materials or equipment and noise associated with the heavy equipment required to move the material. The outdoor storage area is completely screened off from the residences. However, it is visible from the Kettleman Lane and it needs to be visible if it is to succeed as planned. The approximately 70,700 square-foot of an area will be available for outdoor storage facility. This area will be accessed only from Kettleman Lane. The proposed location of the outdoor storage area is determined to be the most appropriate to limit disruption of site circulation and minimize impacts to the existing site design. The subject Use Permit does not allow storage of

hazardous materials as defined in Section 8.20.010 of the Lodi Municipal Code.

Staff finds that the proposed use will not be detrimental to the health, safety, or welfare of persons residing or working in the area or be detrimental to public or private property or improvements. Based on the analysis contained in this staff report and with the project conditions, the required findings can be made for the proposed Use Permit. The evaluation of the proposed project has been based on the applicable development standards within the City's Zoning Ordinance and the development standards. Staff reviewed the proposal for consistency with all applicable standards and found the project to be consistent with the requirements and guidelines in each. The previous and proposed uses are similar in nature. Further, the proposed use is consistent with all applicable City rules and regulations. Therefore, staff recommends the Planning Commission approve the applicant's request for a Use Permit subject to the conditions outlined in the attached resolution.

ENVIRONMENTAL ASSESSMENTS:

The project was found to be categorically exempt according to the California Environmental Quality Act, Article 19, Guidelines §15321, Class 21 (a) (2). The project is classified as an "Enforcement Action by Regulatory Agencies" because it is the "adoption of an administrative decision or order enforcing...the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective." No significant impacts are anticipated and no mitigation measures have been required.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was advertised on the local newspaper on October 17, 2009 and 68 public hearing notices were sent to all property owners of record within a 300-foot radius of the subject property, as required by Government Code §65091 (a) (3), on October 15, 2009.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

- Approve the Use Permit with Alternate Conditions
- Deny the Use Permit
- Continue the Request

Respectfully Submitted,

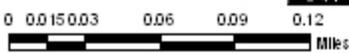
Concur,

Immanuel Bereket
Assistant Planner

Konradt Bartlam
Community Development Director

ATTACHMENTS:

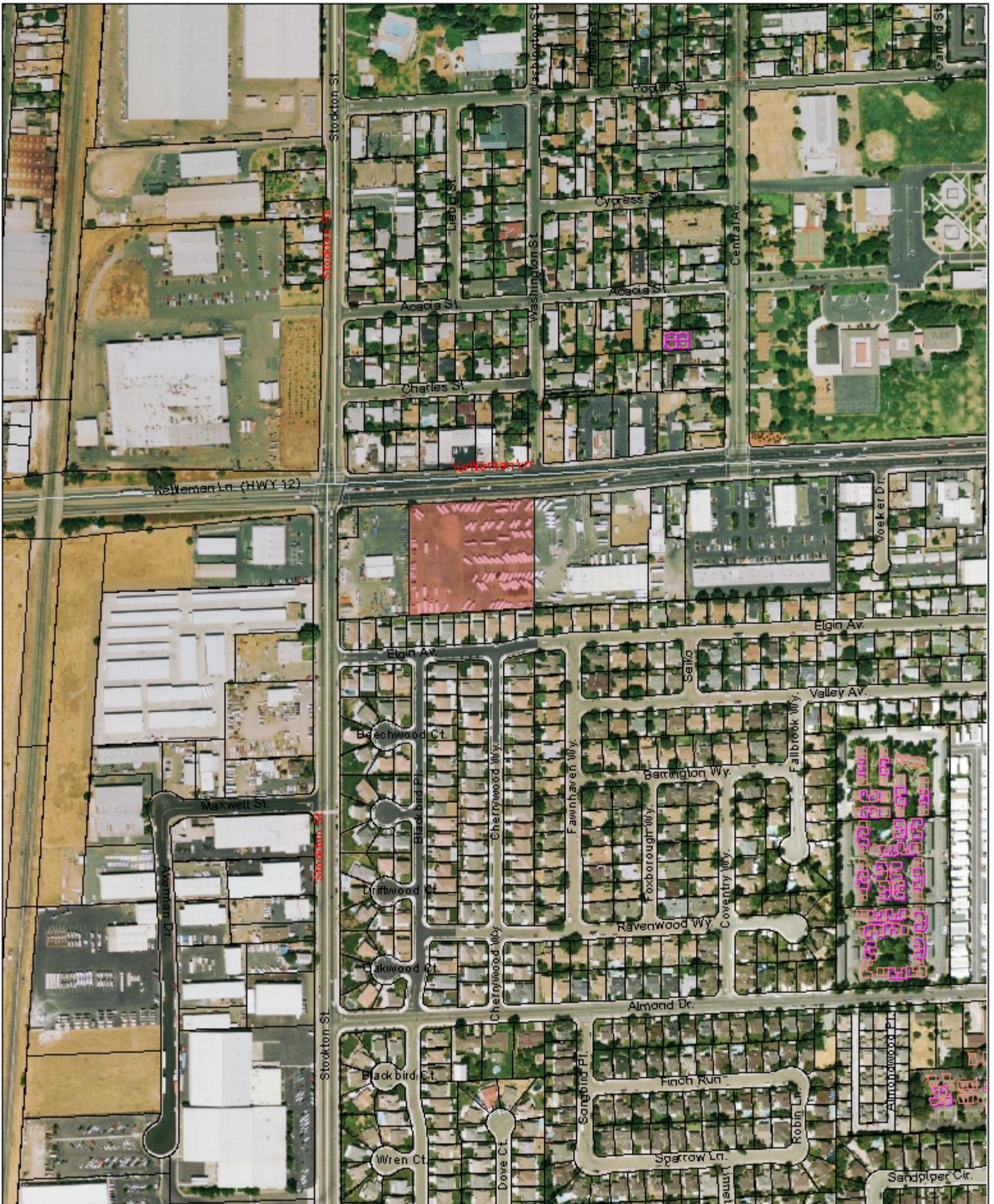
1. Vicinity Map
2. Aerial Map
3. Site Plan
4. Floor Plan
5. Applicant's Project Description
6. Draft Resolution



Vicinity Map
 222 East Kettleman Lane
 APN: 062-060-03
 Lodi, CA 95240

Legend

 Project Area



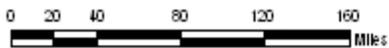
0 0.015 0.03 0.06 0.09 0.12 Miles

Aerial Map

222 East Kettleman Lane
 APN: 062-060-03
 Lodi, CA 95240

Legend

 Project Area



222 East Kettleman Lane
APN: 062-060-03
Lodi, CA 95240

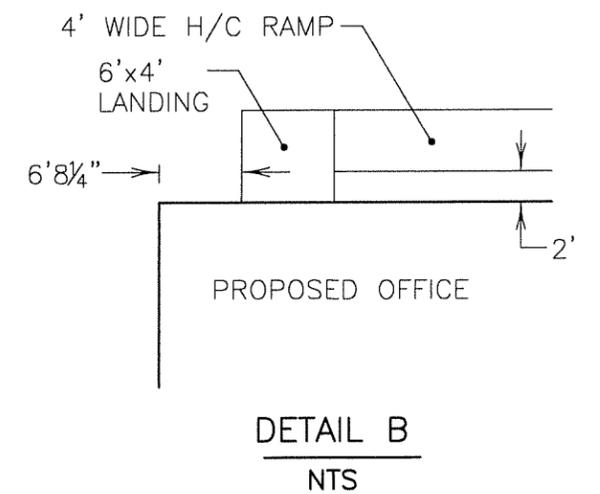
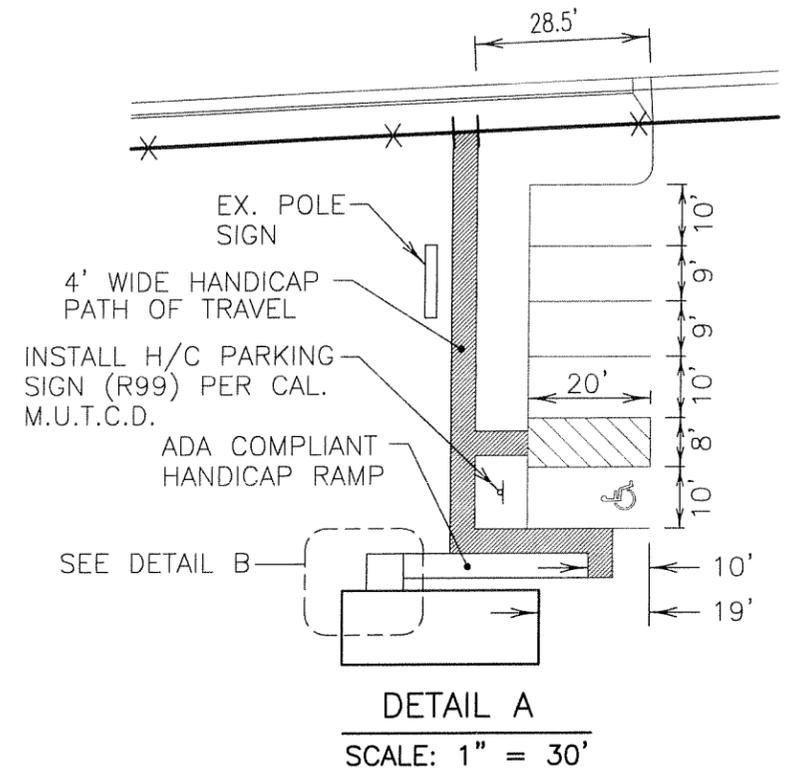
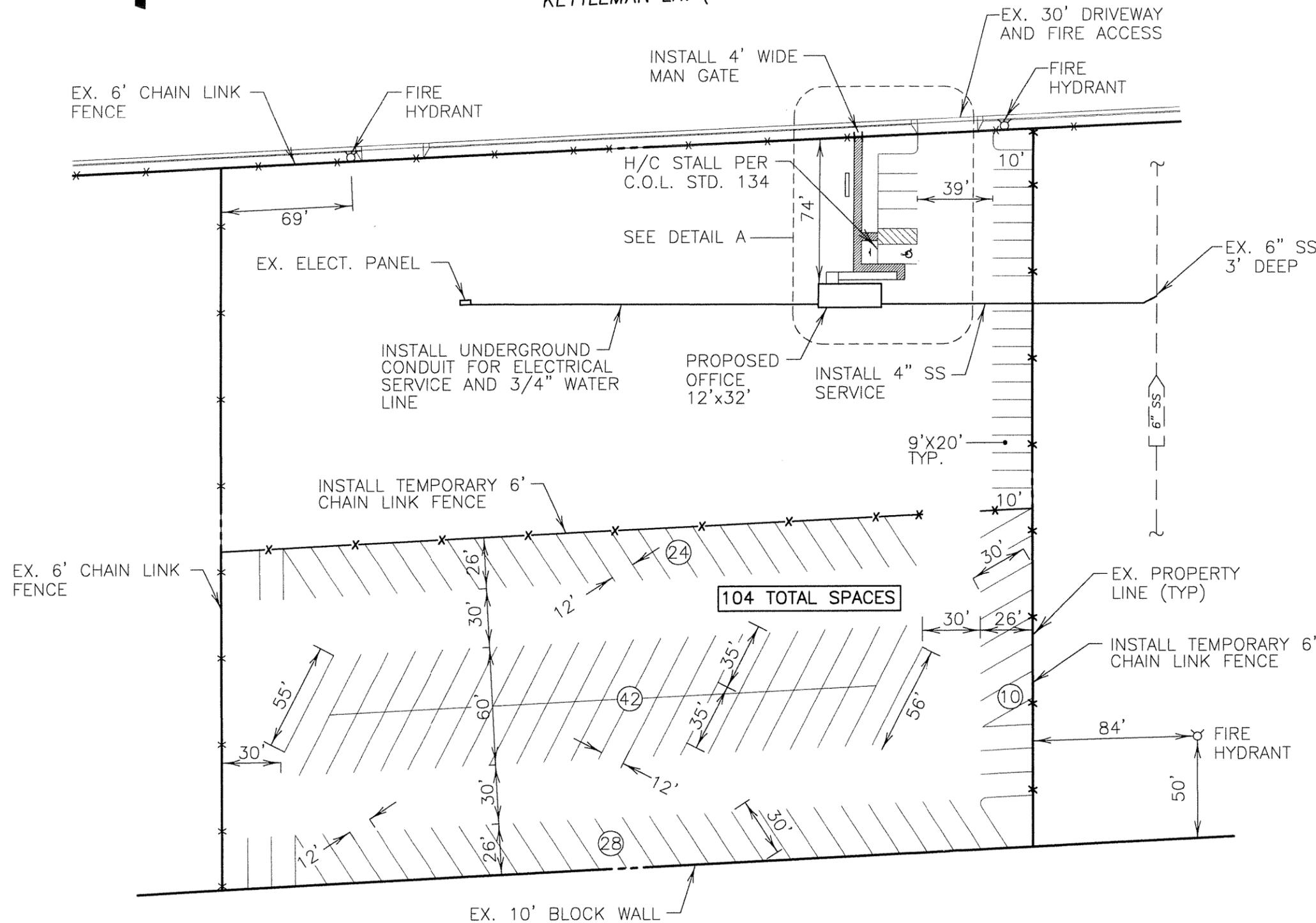
East Elevation

LODI PARK AND SELL

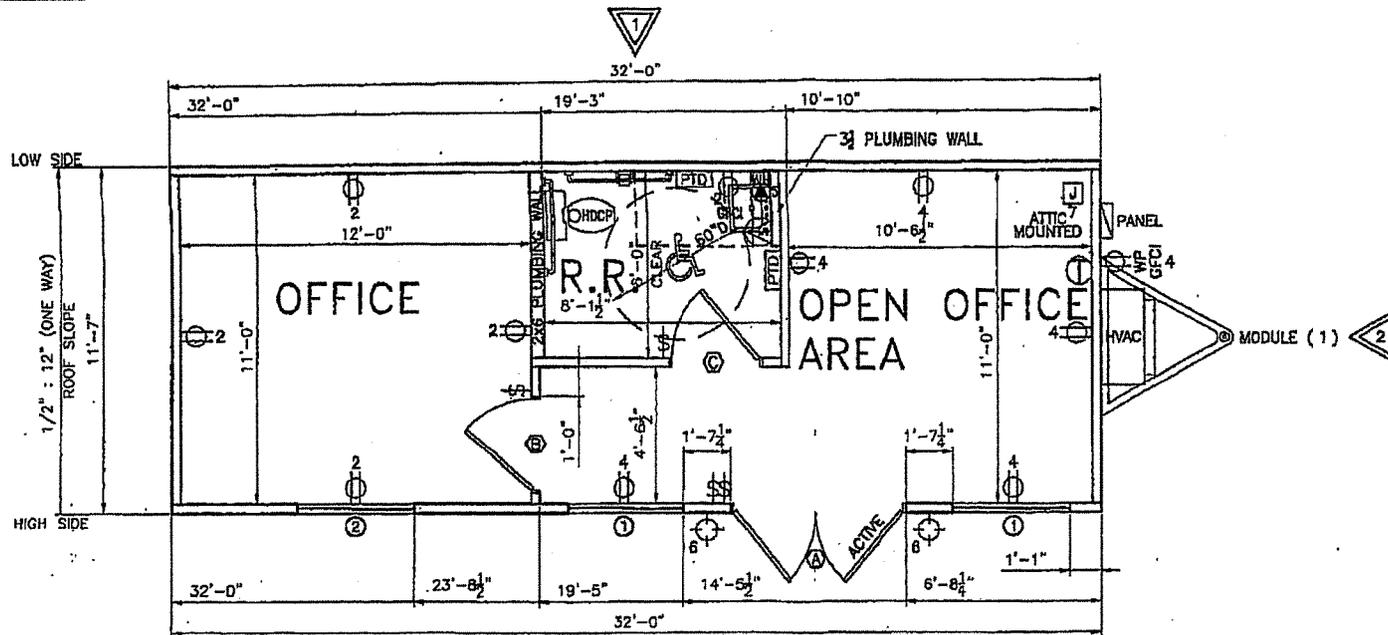
222 E. KETTLEMAN LANE
LODI, CALIFORNIA

SCALE: 1" = 60'

KETTLEMAN LN. (STATE RTE. 12)



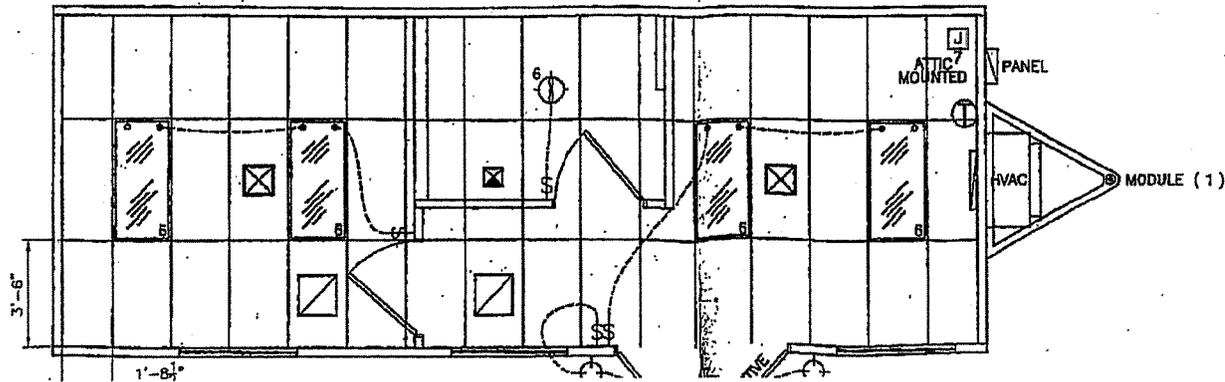
NOTE:
1. CITY OF LODI SETBACKS ARE 0' AT FRONT AND SIDES, AND 10' AT THE REAR OF THE LOT.



FLOOR PLAN

SCALE: 1/4" = 1'-0"

NOTE:
DIMENSIONS DO NOT INCLUDE WALL COVERING.
ALL DIMENSIONS ARE FROM RAW STUD TO
RAW STUD UNLESS OTHERWISE NOTED (CLEAR).



WASTE &

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AND
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FACT
C/S
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SUP

SK.1

LODI PARK AND SELL
222 E. Kettleman lane, Lodi, CA. 95240
209-327-1414

To Whom It May Concern:

This is my business plan for the property located at 222 E. Kettleman Lane, Lodi, CA.95240.

This Parcel is approximately 411 ft by 367 ft. I will be using the back 172 ft for Boat and RV Storage. Spaces to be rented on a month to month basis for the sole use of storing Vehicles such as Boats, RV's, Commercial Vehicles, Etc.

The front 195ft of this parcel will be used for renting space to Private Parties (individuals) to show their vehicles, Cars, Trucks, Boats and RV's Etc. to the public for sale by Owner. On a monthly basis. This area also includes my weekend sale which I am calling a swap meet where they can drop their Vehicles off early Saturday Morning until Sunday Evening. . Therefore offering both monthly and weekend options to my customers. With this Option I am hoping this will help the city and local Business's by keeping for sale vehicles off the public streets and Business Parking Lots.

In Order to achieve this it is important to have an office to write the contracts thus the need to have a State Approved Modular Office put into place on the property. As seen in my Plot plan I will be connecting to existing water and electrical from approximately 300 ft to the West and To the Existing sewer approximately 100 ft to the East. Both Parcels are owned by GFLIP III L.P.

My hours of operation will be Mon-Fri 9-6 Sat -Sun 7-6 I will employ myself and 1 full time and 1 part time persons. We will have employee parking provided on the Lot.

The Front half of this project should house appox. 250 Vehicles. . This property is completely fenced with existing 6ft fencing on the front and 2 sides and a 10ft block wall between the houses and the property on the back and has 11 light poles that exist. It is also equipped with a surveillance motion eye.

Sincerely


Todd Kulberg

RESOLUTION NO. P.C. 09-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI FOR THE APPROVAL OF THE REQUEST OF TODD KULBERG FOR A USE PERMIT TO ALLOW MODULAR OFFICE AND OUTDOOR RECREATIONAL VEHICLE STORAGE AREA IN CONJUNCTION WITH USED CAR LOT AT 222 EAST KETTLEMAN LANE.

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Use Permit in accordance with the Government Code and Lodi Municipal Code Chapter 17.84, Amendments; and

WHEREAS, the project proponent, Todd Kulberg, 1040 West Kettleman Lane #350 Lodi, CA 95240, has submitted an application to the City of Lodi; and

WHEREAS, the property owner is GFLIP III LTD PTP P. O. Box 1210 Lodi, CA 95241; and

WHEREAS, the property is located at 222 East Kettleman Lane (APN: 062-060-03) Lodi, CA 95240; and

WHEREAS, the property is zoned C-2, General Commercial and has a General Plan designation of GC, General Commercial; and

WHEREAS, the City of Lodi Planning Commission finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act pursuant to Article 19 15321 Class 21(a)(2) of the CEQA Guidelines because it is the “adoption of an administrative decision or order enforcing...the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective.”; and

WHEREAS, all legal prerequisites to the approval of this request have occurred.

Based upon the evidence within the staff report and project file the Planning Commission finds:

1. The project was found to be categorically exempt according to the California Environmental Quality Act, Article 19 15321 Class 21 (a) (2). The project is classified as an “Enforcement Action by Regulatory Agencies” because it is the “adoption of an administrative decision or order enforcing...the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective.” No significant impacts are anticipated and no mitigation measures have been required.
2. The use of the vacant lot at 222 East Kettleman Lane for outdoor storage and display area and installation of an associated modular office is consistent with the General Plan/ General Commercial land use designation.
3. The proposed use of the vacant lot at the subject address is compatible with the nearby existing uses and will not be detrimental to the health, safety, morals, comfort and general welfare of persons residing in the surrounding neighborhood.
4. The proposed use will not be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood or be detrimental or injurious to the health, safety, peace or general welfare of the City.

5. The project complies with zoning regulations in terms of land use and development standards. The project is conditionally permitted in the General Commercial (C-2) zoning district.
6. The project proposes no changes to the existing topography, setbacks, lot coverage, and complies with the height regulations. As conditioned the proposed facility may operated for a maximum period of two years with three six-month reviews.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Use Permit Application No. 09-U-12 is hereby approved, subject to the following conditions:

1. The project proponent will defend, indemnify, and hold the City, its agents, officers, and employees harmless of any claim, action, or proceeding to attack, set aside, void, or annul this Use Permit, so long as the City promptly notifies the developer of any claim, action, or proceedings, and the City cooperates fully in defense of the action or proceedings.
2. The temporary facility shall operate for a maximum period of two (2) years. The project shall be subject to three (3) six-month reviews by the Community Development Director from the effective date of this Use Permit to ensure compliance with these conditions of approval. If the Director determines it necessary, the Director shall forward the review to the Planning Commission to review the bar's operation for compliance with the conditions of the Use Permit, and in response to any complaints thereafter. Additional reviews may be prescribed by the Community Development Director, the Police Department and/or Planning Commission as needed during and after the first two years of operation.
3. Temporary placement of a modular structure on the subject parcel shall be subject to setback and all other zoning code requirements as stated in the condition below.
4. The applicant shall submit the location, design, and material of the trailers to the Community Development Department for review and approval prior to issuance of a Building Permit.
5. A building permit shall be required for any new construction and the appropriate submittal documents prepared by a registered engineer or licensed architect shall be submitted to the Community Development Department for complete review and approval. The construction site plan shall indicate the following:
6. Prior to any building activity on any parcel, the property owner will submit plans for review and approval and obtain any necessary Building Department Permits.
7. Upon cessation, the modular structure and associated equipments shall b removed and the site restored to its original condition.
8. The outdoor storage area/yard shall not be used to store hazardous materials as defined in § 8.20.10 of the Lodi Municipal Code.
9. Provision of all necessary Public Utility Easements, payment of Electric Utility Department charges, and installation of necessary equipment/infrastructure to provide electrical service to the properties in accordance with the Electric Department's rules and regulations.
10. The Developer to pay for Electric Utility Department changes in accordance with the Electric Department's Rules.

11. The operation of the business shall comply with all applicable requirements of the Municipal Code.
12. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

Dated: October 28, 2009

I hereby certify that Resolution No. 09- was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on October 28, 2009 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST: _____

Secretary, Planning Commission

*Use Permit - ABC License for Pietro's Restaurant
at 317 E. Kettleman Ln*

Item 3b.

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: October 28, 2009

APPLICATION NO: Use Permit: 09-U-13

REQUEST: Request for Planning Commission approval of a Use Permit to allow a Type-47 On-Sale General (Eating Place) Alcoholic Beverage Control License at 317 East Kettleman Lane. (Applicant: James P. Murdaca, on behalf of Pietro's Pizza Parlors, Inc. File Number: 09-U-13)

LOCATION: 317 East Kettleman Lane
APN: 047-270-18
Lodi, CA 95240

APPLICANT: James P. Murdaca, on behalf of Pietro's Pizza Parlors, Inc.
317 East Kettleman Lane
Lodi, CA 95240

PROPERTY OWNER: Pietro's Pizza Parlors, Inc.
317 East Kettleman Lane
Lodi, CA 95240

RECOMMENDATION

Staff recommends that the Planning Commission approve the request of James P. Murdaca, on behalf of Pietro's Pizza Parlors, Inc. for a Use Permit to allow a Type-47 On-Sale General Alcoholic Beverage License at 317 East Kettleman Lane, subject to the conditions in the attached resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: GC, General Commercial.
Zoning Designation: C-2, General Commercial.
Property Size: .51 acres. (Restaurant is approximately 3,200 square feet.).

The adjacent zoning and land use are as follows:

North: RE-1, Single Family Residence, Eastside.
South: C-2, General Commercial.
East: C-2, General Commercial.
West: C-2, General Commercial.

SUMMARY

The applicant, James P. Murdaca, on behalf of Pietro's Pizza Parlors, Inc, is requesting approval of a Use Permit to allow a Type-47 Alcoholic Beverage Control (ABC) License. Pietro's Pizza Parlors, Inc offers lunch and dinner menu. The restaurant is a permitted use at its current location. However, the applicant is requesting approval of a use permit to allow alcohol sales in conjunction with the restaurant operation.

BACKGROUND

Pietro's Pizza Parlors, Inc, is currently serving the City of Lodi with Italian cuisines and favorites. Pietro's Pizza Parlors, Inc, has been in business in the City of Lodi since the late 1950s. The project site is located East Kettleman Lane near various businesses. Since its inception, the restaurant has had beer and wine license without any problems or concerns.

ANALYSIS

According to the applicant, Pietro's Pizza Parlors, Inc offers lunch and dinner menu. The restaurant is open from the hours of 11:00 a.m. to 9:00 p.m. Tuesdays – Fridays and from 4:00 p.m. to 9:00 p.m. on Saturdays. The restaurant is closed on Sundays and Mondays. The restaurant is approximately 3,200 square feet in size and provides seating for approximately 35-40 guests. Parking is provided on site, which satisfies the parking requirement for eating establishment of this size. In accordance with the State Department of Alcoholic Beverage Control (ABC) requirements, receipts from alcohol sale shall not be in excess of food sales receipts. ABC requires that restaurants with alcohol license must operate and maintain the premise as a bona fide eating establishment.

The applicant currently holds a Type 41 ABC license, which authorizes the sale of beer and wine for consumption on or off the premise where sold. Type 41 prohibits the sale of distilled spirits. The applicants would like to upgrade their ABC License to Type 47, which authorizes the sale of beer, wine, and distilled spirits for consumption on the license premises. The Lodi Municipal Code, §17.72.040, requires a Use Permit for new Off-Sale and On-Sale alcohol licenses as well as changes in license type. The City established the Use Permit requirement to gain local control over whether or not a license is appropriate for a particular location. The Department of Alcoholic Beverage Control primarily controls issuance based on concentration of licenses within a particular Census Tract.

The subject restaurant belongs to Census Tract 44.01. Census Tract 44.01 covers the area south of Lodi Avenue, west of Central California Traction Company (C.C.T) Line, north of Kettleman Lane, and east of Union Pacific Rail Road Company (U.P.R.R). According to ABC, Census Tract 44.01 contains 10 existing on-sale licenses with 8 on-sale licenses allowed based on the ABC criteria. One of the 10 licenses belongs to the applicants. The applicants will be required to cancel their current Type 41 License in order to upgrade to Type 41 License. The net result will be the same. However, because this census tract is over-concentrated, the Planning Commission must make a finding of public necessity and/or convenience in order to approve an additional on-sale license. In the past, the Planning Commission and the Planning staff have generally supported restaurants that wish to acquire an ABC on-sale license, because typically, restaurants that serve alcohol in conjunction with food sales do not create alcohol related problems.

Staff has contacted the Lodi Police Department for comment on the proposed on-sale beer and wine application and they do not anticipate alcohol related problems with the restaurant. Staff sent copies of the application to various City departments for comments and review. The Fire, Building, Public Works, Electric Utility Departments had no comments and had no objections to the request for an alcohol license. Because the applicant's request is for a Use Permit to allow sale of alcohol in conjunction with a full service restaurant, staff does not anticipate the alcohol sales portion of the business to create any problems. This operation would be similar to other restaurants within Lodi. The Planning Commission and the Planning staff have generally supported restaurants that wish to acquire an ABC on-sale beer and wine license because restaurants that serve beer and wine in conjunction with food sales have not created alcohol related problems. If problems or concerns related to the sale of alcoholic beverages occur in the

future, staff and/or the Planning Commission may initiate a public hearing where the Commission would have the ability to amend conditions or revoke the Use Permit.

ENVIRONMENTAL ASSESSMENTS:

The project was found to be categorically exempt according to the California Environmental Quality Act, Article 19, Guidelines §15321, Class 21 (a) (2). The project is classified as an “Enforcement Action by Regulatory Agencies” because it is the “adoption of an administrative decision or order enforcing...the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective.” No significant impacts are anticipated and no mitigation measures have been required.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was advertised on the local newspaper on October 17, 2009 and 43 public hearing notices were sent to all property owners of record within a 300-foot radius of the subject property, as required by Government Code §65091 (a) (3), on October 15, 2009.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

- Approve the Use Permit with Alternate Conditions
- Deny the Use Permit
- Continue the Request

Respectfully Submitted,

Concur,

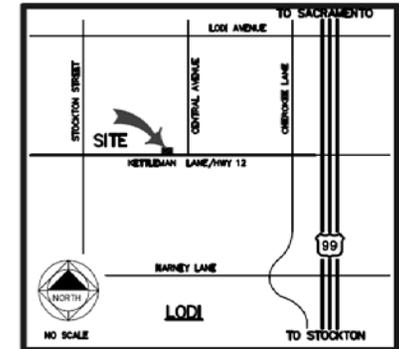
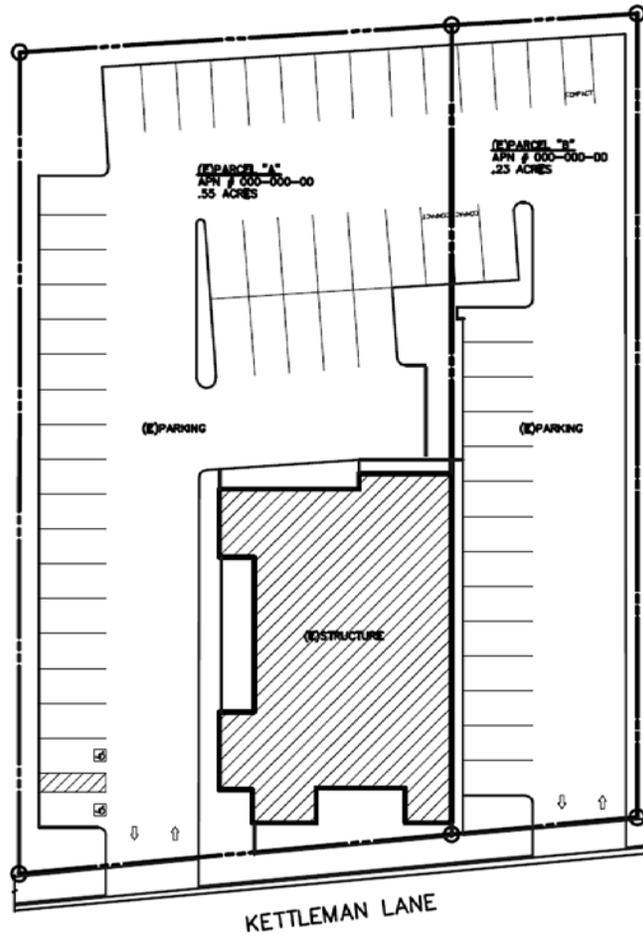
Immanuel Bereket
Assistant Planner

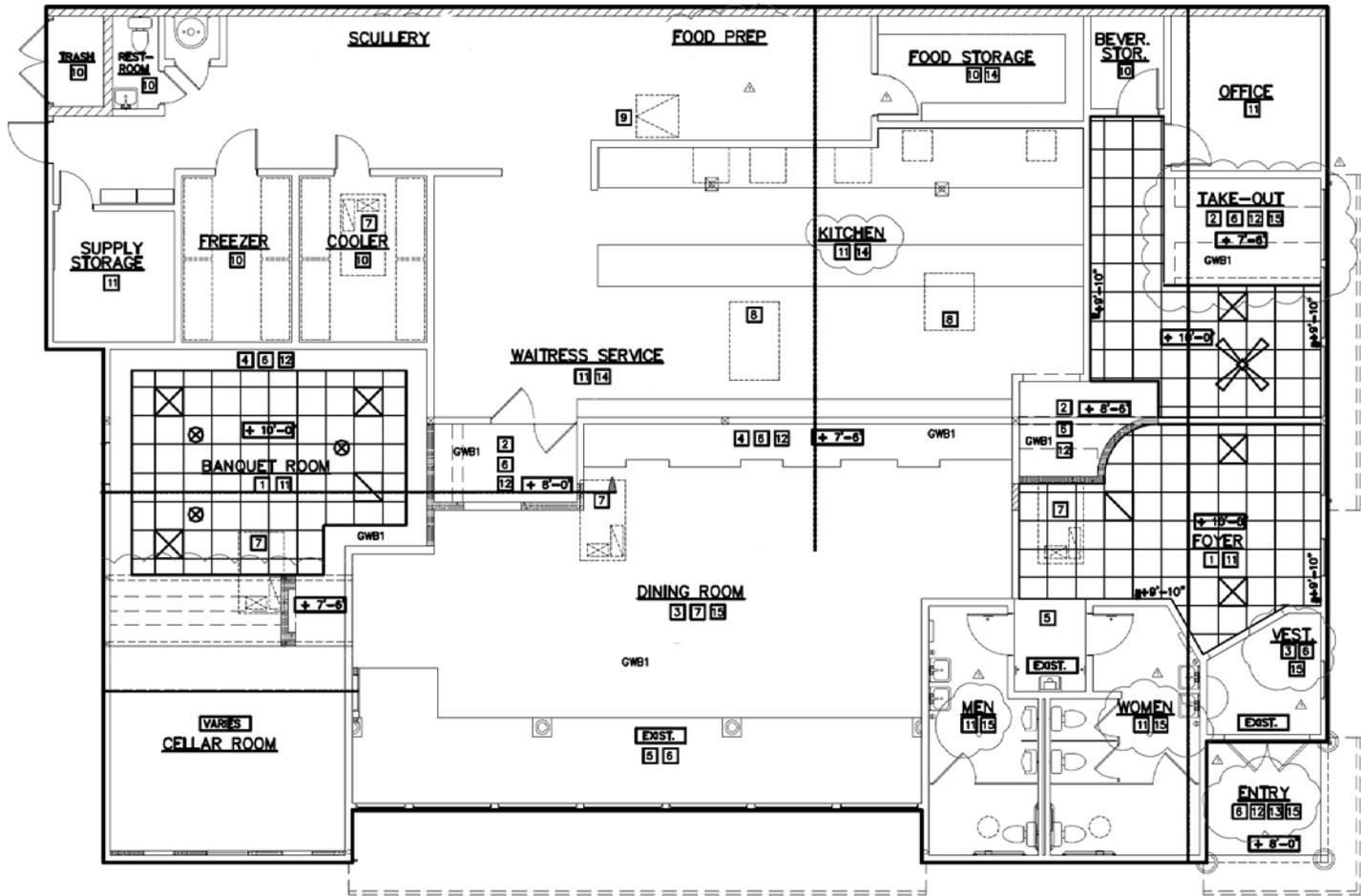
Konradt Bartlam
Community Development Director

ATTACHMENTS:

1. Site Plan
2. Floor Plan
3. Menu
4. Names and locations of existing ABC Licenses on Tract 44.01
5. Draft Resolution

PIETRO'S RESTAURANT LODI, CALIFORNIA





FLOOR PLAN

PIETRO'S RESTAURANT

LODI, CALIFORNIA



California Department of Alcoholic Beverage Control
For the County of SAN JOAQUIN - (On-Sale Licenses)
and Census Tract = 0044.01

Report as of 10/20/2009

	License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1)	340805	ACT	41	4/20/1998	3/31/2010	GOMEZ RAMIRO S 550 S CHEROKEE LN LODI, CA 95240 Census Tract: 0044.01	TAQUERIA EL RODEO NO 1		3902
2)	358585	ACT	41	10/19/1999	7/31/2010	PIETROS PIZZA PARLORS INC 317 E KETTLEMAN LN LODI, CA 95240 Census Tract: 0044.01	PIETROS OF LODI		3902
3)	387856	ACT	41	7/3/2002	6/30/2010	FLORES EFRAIN 920 S CHEROKEE LN LODI, CA 95240 Census Tract: 0044.01	CASA FLORES		3902
4)	402896	ACT	41	10/14/2003	9/30/2009	ANAYAMORALES VICTOR 600 S CENTRAL AVE LODI, CA 95240 Census Tract: 0044.01	MAR Y TIERRA	603 S CENTRAL AVE LODI, CA 95240	3902
5)	437385	ACT	48	5/2/2006	4/30/2010	ITEN JAY FRANCIS JR 104 E LODI AVE LODI, CA 95240 Census Tract: 0044.01	ROUNDHOUSE TAVERN		3902
6)	452223	ACT	47	5/31/2007	4/30/2010	LUNA NOE JUAREZ 910 S CHEROKEE LN LODI, CA 95240 Census Tract: 0044.01	LA LUNA		3902
7)	457641	ACT	41	10/17/2007	9/30/2009	HUONG GIAN INC 550 S CHEROKEE LN LODI, CA 95240-4255 Census Tract: 0044.01	HARU SUSHI BAR & ASIAN CUISINE		3902
8)	466376	ACT	41	5/29/2008	5/31/2010	G H FARD INC 550 S CHEROKEE LN LODI, CA 95240 Census Tract: 0044.01	MOUNTAIN MIKES PIZZA		3902
9)	467774	ACT	41	7/17/2008	6/30/2010	SINGH RANJIT RONY 2533 W KETTLEMAN LN LODI, CA 95242-4129 Census Tract: 0044.01	TAQUERIA SANTA CRUZ		3902
10)	478357	ACT	41	8/11/2009	7/31/2010	CHAN CINDY FUNG 550 S CHEROKEE LN LODI, CA 95240 Census Tract: 0044.01	HUA KEE CHINESE EXPRESS		3902

Calzones

Italian Sausage and Onion Calzone

With ricotta and mozzarella cheese. 8.5

Spinach and Zucchini Calzone

Fresh spinach, roasted zucchini, ricotta and mozzarella cheese. 8.5

Pizza

10" 16"

Super Special

Salami, pepperoni, mushrooms, sausage, green peppers and onions.

8.5 22.5

Jim's Special

Pesto, cheese, broiled chicken, artichoke and garlic.

8.5 22.5

Pesto Vegetarian

Fried spinach, roasted zucchini, caramelized red onions, ricotta cheese, mozzarella cheese with pesto sauce.

8.5 22.5

M&M Pizza

Try our all meat pizza with Molinari sausage, Molinari pepperoni and Molinari salami.

8.5 22.5

Vegetarian

Onion, green peppers, olives, mushrooms and fresh tomatoes.

8.5 22.5

Hawaiian

Canadian bacon and pineapple.

8. 21.

Cheese

7. 18.

One Item

7.5 19.

Pizza Toppings:

Each additional topping including extra cheese 1. 2.

Bacon, Salami, Mushroom, Fried Spinach, Italian Sausage, Pepperoni, Olive, Onion, Green Pepper, Ground Beef, Canadian Bacon, Pineapple, Artichoke, Sun Dried Tomatoes, Fresh Tomatoes, Grilled Zucchini, Roasted Red Peppers, Fresh Garlic

Pizza Topping: Grilled Chicken 2. 4.

Add soup or salad with pizza 3.

Sandwiches

Served with your choice of soup or salad or ravioli or fries.

New York Steak Sandwich with Fries 14.

Italian Sausage with Fries. Served with sauteed red onions, roasted red peppers and cheese. 11.5

Broiled Chicken 8.

Add cheese 1.

Meat Ball Sandwich with Cheese 8.5

Mr. Molinari Salami Sandwich

With cheese served hot. 8.5

1/2 Pound Hamburger 8.

Add cheese 1.

Chicken Pesto with Cheese 9.

Kids Menu

10 & Under Only Please

PIZZA HAVE IT YOUR WAY

Two toppings. 6.

SPAGHETTI

Meat, marinara or pesto sauce. 5.5

CHICKEN BURGER

With fries. 6.5

FETTUCINI

With cream sauce. 6.

NETTIE'S HOMEMADE RAVIOLI

With meat sauce. 6.

KIDS SOUP OR SALAD 2.5

KIDS DRINK YOUR CHOICE 1.5

KIDS ICE CREAM 2.

Beverages

Pietro's is proud to offer a complete selection of beverages for everyone in the family.

Non Alcoholic Drinks 2.3

Bottled Beer

Imported 4.5

Domestic 3.5

Nightly Specials

Tuesday Pasta for Two

Bring someone special to Pietro's and share a classic pasta dinner for two. Includes soup or salad and dessert. 24.

Thursday Family Pasta Night

Every Thursday Pietro's serves a traditional Italian pasta feast at old-fashioned prices, including a Family Salad, full order of Spaghetti, Lasagna, Nettie's Homemade Ravioli and Homemade Bread and Butter. 28.

Pietro's of Lodi

317 E. Kettleman, Lodi, California 95240

Phone: (209) 368-0613

www.PietrosLodi.com

Nightly specials available after 4 p.m.

Applicable Sales Tax will be added to all food and beverage items served. No smoking allowed. We are not responsible for the personal property of our guests.



Appetizers

Ciabatta Garlic Bread 4.

Antipasta

Assorted italian cold cuts, cheese, red peppers, olives and vegetables. 10.

Bruschetta

Ciabatta bread, lightly grilled and topped with fresh tomatoes, garlic, basil and olive oil. 7.5

Prosciutto de Parma with Melon 9.

Deep Fried Calamari

Classic pre-dinner specialty. 8.5

Steamed Mussels

Fresh basil, garlic and light tomato sauce. 10.

Deep Fried Mozzarella Sticks

With Marinara Dipping Sauce. 7.5

Soups & Salads

Murdaca's Minestrone Soup

With homemade bread & butter. 5.5

Soup & Salad

With chicken add 2. With antipasta add 2. With shrimp add 3.

Chopped Antipasta Salad

Diced Molinari salami, mozzarella cheese, red onions, pepperocini, white beans, kalamati olives, tossed with romaine lettuce, olive oil and red wine vinegar. 11.

Insalata di Famiglia

Family style mixed greens for four. 7.5

Mixed Green Salad

4.5

Spinach Salad

With chicken & shrimp. 13.

Chicken Salad

Your choice of mixed greens or Caesar served with homemade bread. 11.

*A 15% gratuity will be added to parties of 8 or more.
No checks accepted. Please we must request one check only.*

Pastas

*All of Pietro's pastas are served with soup or salad and our
homemade brick oven bread.*

Classic Pasta -- Your Choice Spaghetti, Penne, Angel Hair, Pappardelle

Your choice of fresh marinara, meat or pesto sauce. 11.5

Spaghetti with Meatballs

With your choice of fresh marinara or meat sauce. 12.5

Pappardelle Carbonara

In a cream sauce with pancetta, ham, peas and celery. 13.

Eggplant Lasagna

Served over spaghetti with fresh marinara sauce. 13.

Penne Primavera

With fresh seasonal vegetables in a fresh marinara sauce. 12.

Angel Hair Pomodori

Angel hair pasta tossed with fresh tomatoes, garlic and basil. 12. With chicken add 2. With shrimp add 3.

Nettie's Homemade Ravioli "Signature Dish"

With meat sauce. 12.5

Lasagna con Carne

Three cheeses layered with meat sauce and Italian spices. 13.

Gnocchi a la Pisello

Light creamy tomato sauce green peas or pesto sauce. 13.5

Fettuccini a la Romano

A subtle butter, cream and parmesan cheese sauce gives this dish its rich yet distinctive flavor. 12.
With chicken add 2. With shrimp add 3.

Fettuccini a la Mare

Lightly sauteed prawns, mussels and steamed clams in a fresh marinara sauce served on a bed of fettuccini. 17.5

Fettuccini with Steamed Clams and Garlic

With butter, olive oil and fresh basil. 14.5

Penne a la Pietro

Prawns, sun dried tomatoes, mushrooms and broccoli sauteed in garlic and olive oil, then tossed with penne. 15.

"Penne Aglio"

Sauteed chicken with mushroom, fresh spinach, crushed red pepper in a garlic olive oil sauce. 13.5

Trittico di Pasta

A combination of three of our best pastas; Nettie's ravioli, spaghetti pesto, fettuccini with cream sauce. 15.

Tortellini

Served with your choice of sauces; meat, pesto or cream. 14.

Add-on Homemade Meatballs....1. ea.

Add-on Italian Sausage....4.

or

Homemade Meatball / Italian Sausage Combo add to any pasta. 3.

Entrees

All entrees come with soup or salad, and spaghetti or ravioli or fries or veggies.

Chicken Entrees

full order 19., half order 14.

Chicken Florentine

Sauteed with mushrooms, artichokes in a light cream sauce.

Chicken Parmigiana

Breaded chicken breast topped with fresh marinara sauce and mozzarella cheese baked.

Chicken Piccata

Sauteed chicken with garlic, capers in a lemon wine sauce.

Broiled Chicken

With our special marinade.

Chicken Scaloppine

Sauteed with mushrooms, fresh marinara sauce and wine.

Veal Entrees

full order 21., half order 16.

Veal Parmigiana

Baked with fresh sauce and cheese.

Veal a la Pietros

Rolled veal with cheese, italian salami sauteed with mushrooms in tomato wine sauce.

Veal Scaloppine

Sauteed with mushrooms, fresh marinara sauce and wine.

Veal Piccata

Sauteed veal with garlic, capers in a lemon wine sauce.

Steak and Seafood

Shrimp Scampi

Sauteed with mushrooms and garlic in a lemon wine sauce. full 19., half 15.

Calamari Steak

Lightly breaded and grilled, finished with a lemon-wine sauce and topped with parmesan. full 18., half 14.

New York Steak

Broiled with sauteed mushrooms. 28.

Pietro's Wine List

Pietro's House White and Red

Custom blended by our friends at Peltier Station
Glass 4. 1/2 Carafe 10. Full Carafe 18.

Chardonnay

	Glass	½ Bottle	Bottle
Michael-David, 7 Heavenly Chards			18.
Lucas	10.	20.	30.
Van Ruitten	6.	12.	18.
LangeTwins			20.
3 Girls			16.
Watts Winery			20.
Jesse's Grove			24.

Other White Wines

White Zinfandel,			
Woodbridge Robert Mondavi	5.	10.	15.
Sauvignon Blanc, Peirano Estate	6.	12.	18.
Pinot Grigio, Vio Con Brio Estate	7.	14.	21.
Verdelho Elegante, E2 Family Winery	7.	14.	21.

Cabernet Sauvignon

D'Art Winery			32.
Mettler Winery			27.
LangeTwins	7.	14.	21.
Reserve, Grady Family Vineyards			
goes great with pasta or pizza.			20.
Onus Winery			36.

Merlot

Ironstone			16.
Woodbridge Robert Mondavi			16.
Maley Brothers			16.
Akin Estates			24.
Berghold Vineyards	9.	18.	30.
LangeTwins			20.

Zinfandel

Van Ruitten Vineyards "California's Best Zinfandel"			
"Old Vine Zinfandel - 2007 - Lodi Appellation"			24.
Michael-David, 7 Deadly Zins	8.	16.	24.
Abundance Vineyards, Old Vine Zin	8.	16.	24.
Lucas ZinStar			30.
OZV, Old Vine Zin	6.	12.	18.
Jessie's Grove, Earth, ZIN, Fire			20.
Heritage Oak, Estate Grown			22.
Benson Ferry Vineyards,			
Old Vine**Silver Medal - California State Fair			18.
Klinker Brick Winery, Klinker Brick Old Vine	8.	16.	24.
Campus Oaks, Old Vine Zin			20.
Michael-David, Lust - *90 Points Robert Parker			69.
Klinker Brick Winery, The Old Ghost			45.
Peirano Estate Vineyards, Old Vine, Heritage			18.

Pietro's Wine List

Other Red Wines

	Glass	½ Bottle	Bottle
Cabernet Franc/Syrah, Berghold Winery			28.
Fusion Red, Borra Vineyards			27.
*Gold - San Francisco Chronicle Wine Competition			
Barbera, St. Amant - This begs for pizza!			24.
Cab-Shiraz, Van Ruiten Vineyards			18.
El Matador-Tempranillo, Ripken Vineyards			28.
Petite Sirah, Peltier Station			28.
Petite Sirah—Petite Petit, Michael-David			27.
*2008 California State Fair, GOLD, "Best of Class Lodi"			
Abundantly Rich Red, Abundance Vineyards			20.
Sangiovese "Amorous", Macchia Winery	8.	16.	26.
Pinot Noir, Harlow Ridge			15.
Tempranillo, Bokisch Vineyards			26.
"Great Friends"-			
Carignane Reserve, Grands Amis			30.

Italian Wines

Monrosso Chianti, Tuscany	6.	12.	18.
Chianti Classico Riserva Monsanto			30.

***91 Points, Wine Spectator**

.....Corkage Fee...\$10.....

Beers

Budweiser Lite	Birra Moretti
Coors Lite	Corona
Budweiser	Sierra Nevada
Miller Lite	Peroni
	Heiniken
Above Beers are all 3.5	Above Beers are all 4.5

Water

Pellegrino (1 litre)	5.
Aqua Panna	5.

*Applicable Sales Tax will be added to all food and beverage items served.
No smoking allowed. We are not responsible for the personal
property of our guests.*

Pietro's Lunch Menu ala Carte

Pasta & Pizza

Angel Hair Pomodori

Angel hair pasta tossed with fresh tomatoes, garlic and basil. 8.5
With chicken add 2. With shrimp add 3.

Nettie's Homemade Ravioli "Signature Dish"

With meat sauce. 9.5

Fettuccini Romano

Fettuccini noodle with your choice of cream sauce
or pesto sauce. 9.
With chicken add 2. With shrimp add 3.

Spaghetti with Meatball

With your choice of fresh marinara or meat sauce. 8.

Lasagna con Carne

Three cheeses layered with meat sauce and Italian spices. 9.

Pappardelle Carbonara

In a cream sauce with pancetta, ham, peas and celery. 9.5

Eggplant Lasagna

Served over spaghetti with fresh marinara sauce. 9.

10" Personal Pizza

With two toppings or your choice. 7.5

Entrees

Served with spaghetti or vegetables or fries or ravioli.

Chicken Parmigiana

Breaded chicken breast topped with fresh marinara sauce and
mozzarella cheese baked. 10.

Chicken Scaloppine

Sauteed with mushrooms, fresh marinara sauce and wine. 10.

Broiled Chicken

With our special marinade. 10.

New York Steak Sandwich 11.5

Calamari Steak

Lightly breaded and grilled, finished with a lemon-wine sauce
and topped with parmesan. 10.5

Veal Parmigiana

Baked with fresh sauce and cheese. 11.5

Filet of Sole

Delicate white fish sauteed in white wine and garlic. 11.

(Add soup or salad to above - 3.)

Pietro's Dessert Menu

Spumone Ice Cream with Biscotti

End your meal on a sweet note.

Try our Italian ice cream with chocolate, vanilla,
strawberry and pistachio. 4.

Tiramisu

This features homemade ladyfingers soaked
in espresso, layered with sweetened marscarpone
cheese, then gently topped with chocolate. 5.5

Cannoli

*One of the best known Italian pastries in the world
from Sicily is this delicate homemade speciality.*

An Italian style "crepe" filled with fresh ricotta
and marscarpone cheese, chocolate chips and
pistachiosdelizioso. 5.5

Caffe Americano with Biscotti

American Coffee with "twice baked" Italian cookie. 2.5

Espresso with Biscotti

Italian Coffee with "twice baked" Italian cookie. 3.

Cappuccino with Biscotti

Italian coffee with frothy steamed milk and
Italian cookie. 3.5
(when available)

Caffe Latte with Biscotti

Italian coffee with steamed milk and
Italian cookie. 3.5
(when available)

Take Out

One Half Dozen Biscotti 8.

One Dozen Biscotti 15.

One Half Dozen Cannoli 15.

One Dozen Cannoli 25.

*Applicable Sales Tax will be added to all food and beverage items served.
No smoking allowed. We are not responsible for the personal
property of our guests.*

RESOLUTION NO. P.C. 09-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI FOR THE APPROVAL OF THE REQUEST OF JAMES P. MURDACA, ON BEHALF OF PIETRO'S PIZZA PARLORS, INC FOR A USE PERMIT TO ALLOW FOR AN ON-SALE BEER, WINE AND DISTILLED SPIRITS ALCOHOLIC BEVERAGE CONTROL LICENSE AT 317 EAST KETTLEMAN LANE

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Use Permit, in accordance with the Lodi Municipal Code, Section 17.72.070; and

WHEREAS, the project proponent is James P. Murdaca, on behalf of Pietro's Pizza Parlors, Inc., 317 East Kettleman Lane t, Lodi CA 95240; and

WHEREAS, the property has a General Plan designation of GC, General Commercial and is zoned C-2, General Commercial; and

WHEREAS, the project area is located at 317 East Kettleman Lane, Lodi, CA 95240 (APN 047-270-18); and

WHEREAS, the requested use permit to allow the selling of beer, wine and distilled spirits for on-site consumption within a restaurant is an enforcement action in accordance with the City of Lodi Zoning Ordinance; and

WHEREAS, Census Tract 44.01 in which the restaurant is located currently has an over concentration of licenses allowing on premise consumption of alcoholic beverages; and

WHEREAS, because Census Tract 44.01 has an over concentration of on-sale general alcohol licenses, the planning Commission must make a finding of necessity and/or public convenience in order to permit the issuance of an additional Alcohol Beverage Control license in this tract; and

WHEREAS, the State Department of Alcoholic Beverage Control has training available that clearly communicates State law concerning the sale of alcoholic beverages.

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred; and

Based upon the evidence within the staff report and project file the Planning Commission finds:

1. The project was found to be categorically exempt according to the California Environmental Quality Act, Article 19 15321 Class 21 (a) (2). The project is classified as an "Enforcement Action by Regulatory Agencies" because it is the "adoption of an administrative decision or order enforcing...the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective." No significant impacts are anticipated and no mitigation measures have been required.
2. The sale of alcoholic beverages for on-premise consumption as part of a restaurant is a permitted use in the General Commercial zoning District.
3. The sale of alcoholic beverages for on-premise consumption is a normal part of business operations and provides a convenience for customers of the business.
4. The sale and consumption of alcohol can sometimes result in customer behavior problems that can require police intervention.
5. Steps can be taken by the Applicant/Operator to reduce the number of incidents resulting from the over-consumption of alcohol including the proper training and monitoring of employees serving alcohol; the careful screening of IDs of customers to avoid sales to under-aged individuals; limiting the number of drinks sold to individual customers to avoid over-consumption;

providing properly trained on-site security to monitor customer behavior both in and outside of the establishment; and working with the Lodi Police Dept. to resolve any problems that may arise.

6. The proposed use can be compatible with the surrounding use and neighborhood if the business is conducted properly and if the Applicant/Operator works with neighboring businesses and residents to resolve any problems that may occur.
7. The sale of alcoholic beverages at this location can meet the intent of the General Commercial zoning district and can provide a public convenience or necessity for customers of the business.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Use Permit Application No. 09-U-13 is hereby approved, subject to the following conditions:

1. The developer will defend, indemnify, and hold the City, its agents, officers, and employees harmless of any claim, action, or proceeding to attack, set aside, void, or annul this Use Permit, so long as the City promptly notifies the developer of any claim, action, or proceedings, and the City cooperates fully in defense of the action or proceedings.
2. The Applicant/Operator shall insure that the serving of alcohol does not cause any condition that will cause or 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 intoxication, drinking in public, harassment of people passing by, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, excessive loud noises, traffic violations or traffic safety based upon last drink statistics, curfew violations, lewd conduct, or police detention and arrests.
3. The Applicant/Operator shall operate and abide by the requirements and conditions of the State of California Department of Alcoholic Beverage Control License Type 47. The Type 47 License shall be limited to on-site sale and consumption of beer, wine and liquor (distilled spirits) during the hours that the restaurant is open for business or as otherwise modified by the Community Development Director.
4. Starting from the date the restaurant begins the sale of beer, wine and distilled spirits, this Use Permit shall be subject to a one year, and two year review by Community Development Director. If the Director determines it necessary, the Director shall forward the review to the Planning Commission to review the restaurant's operation for compliance with the conditions of the Use Permit, and in response to any complaints thereafter. Additional reviews may be prescribed by the Community Development Director, the Police Department and/or Planning Commission as needed during and after the first two years of operation.
5. The Lodi Police Department may, at any time, request that the Planning Commission conduct a hearing on the Use Permit for the purpose of amending or adding new conditions to the Use Permit or to consider revocation of the Use Permit if the Use Permit becomes a serious policing problem.
6. The Use Permit shall require the Applicant/Operator to secure an ABC Type 47 license, On Sale General – Eating Place.
7. Prior to the issuance of a Type 47 ABC license, the Applicant/Operator shall complete Licensee Education on Alcohol and Drugs as provided by the State Department of Alcoholic Beverage Control.
8. Any changes to the interior layout of the business operation shall be subject to review and approval by the Planning Department and will require appropriate City permits.
10. No person who is in a state of intoxication shall be permitted within the restaurant nor shall an intoxicated patron already in the bar be served additional alcoholic beverages. It is the

responsibility of the business owner/operator to ensure no patron in state of intoxication is allowed into the building.

11. The operator of the restaurant shall police the area surrounding the business to prevent patrons from congregating/loitering outside the premises and to prevent excessive noise or other objectionable behavior. Noise levels shall be monitored to insure that noise shall not violate the City's Noise Ordinance Section 9.24.020 and Section 9.24.030.
12. Noise emanating from the property shall be within the limitations prescribed by the City's Noise Ordinance and shall not create a nuisance to surrounding residential neighborhoods, and/or commercial establishments.
13. The exterior of all the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times.
14. The operation of the business shall comply with all applicable requirements of the Municipal Code.
15. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

Dated: October 28, 2009

I certify that Resolution No. 09- was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on October 28, 2009 by the following vote:

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

ATTEST: _____
Secretary, Planning Commission

Item 3c.

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: October 28, 2009

APPLICATION NO: 08-ND-01

REQUEST: Request Planning Commission to certify the proposed Mitigated Negative Declaration 08-ND-01 as adequate environmental documentation for City Well No. 28 located at 2800 West Kettleman Lane. (Applicant, City of Lodi: File # 08-ND-01).

LOCATION: 2800 West Kettleman Lane
(APN: 058-030-10)

APPLICANT: City of Lodi
Public Works Department
221 West Pine Street
Lodi, CA 95241-1910

PROPERTY OWNERS: City of Lodi
221 West Pine Street
Lodi, CA 95241-1910

RECOMMENDATION :

Staff recommends that the Planning Commission approves the request of the City of Lodi, Public Works Department for certification of a Negative Declaration 08-ND-02 as adequate environmental documentation for the project described as City of Lodi Water Well Number 28, subject to the attached resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: PQP, Public Quasi Public.

Zoning Designation: PUB, Public.

PROPERTY SIZE: 10,000 sq. ft.

The adjacent zoning and land use are as follows:

North: County of San Joaquin. AU Zone, (Agriculture-Urban Reserve).

South: PD 41- City of Lodi- Planned Development 41. This is a recently annexed subdivision consisting of Low and Medium Density residences.

West: PD 41- City of Lodi- Planned Development 41. This is a recently annexed subdivision consisting of Low Density and Medium Density residences.

East: C-S, City of Lodi- Commercial Shopping. Immediately to the east of the project site is the proposed Lodi Shopping Center.

SUMMARY

The proposed project is the construction of a municipal well within an approximately 10,000 sq. ft. area of a City owned property, located in the westerly portion of the City of Lodi. The project site is located on a City property within the earmarked for a future substation. The City well has been constructed but has not been activated. A Mitigated Negative Declaration has been prepared pursuant to the California Environmental Quality Act (CEQA) and is subject to consideration by the Planning Commission.

BACKGROUND

In the recent past, the Community Development Department did not find that a full initial study and negative declaration was required for water wells. Staff would typically find water wells to be an exempt project and process a Notice of Exemption under the classification of an expansion to an existing public water distribution facility. However, the State Department of Health Services who is in charge of certifying new water wells has taken a more conservative approach and has recently made the processing of an initial study and negative declaration in compliance with the California Environmental Quality Act a requirement of their approval.

ANALYSIS

The City of Lodi Well Number 28 is located at 2800 West Kettleman Lane (State Route 12), which is the southwest corner of Kettleman Lane and Westgate Drive. Adjacent to the well site is a proposed location for a future City-owned electrical substation. The City has constructed a gravel pack well to a depth of 503 feet with a grout seal to 255 feet. There is a conductor casing with grout to the depth of 50 feet. The casing for the well is blank to the depth of 260 feet and perforated from 260 feet to 503 feet.

At this point, the water well has been constructed as a stand-alone facility but has not yet discharged water to City water mains. The new well will be part of the Lodi water supply system. In the future, the City envisions constructing a water tank/booster station and, in a separate action, an electric utility substation commencing in the year 2012. The construction will be linked to the timing of commercial and residential development of adjacent parcels to the south and north of the well site. At the moment, the well site includes the well, water piping, storm drain piping, an electrical panel, fencing (100' x 100') and an access driveway off of Highway 12. The proposed Mitigated Negative Declaration covers only the well and the well site, which measures 10,000 sq. ft. in area and not the entire 4.1 acres of land that includes the future electrical utility substation.

The City of Lodi Well Number 28 was constructed with the assumption that it was exempted from California Environmental Quality Act (CEQA) regulations. City staff filed a Notice of Exemption under Categorical Exemption Section 15303, Class 3 New or Conversion of Small Structures. This exemption allows for the construction of small structures and facilities and may include water utility extensions. In the recent past, it was assumed, and approved by state agencies, that water wells were projects exempt from CEQA review either by statute or by virtue of falling under a category that has been determined to be exempt from CEQA by the Secretary of Resources. Other domestic water well projects within the City were constructed and approved pursuant to categorical exemption provisions and did not require Initial Study or Negative Declaration. However, the State Department of Health has determined that municipal water wells not to be exempted any more and an environmental study is required to bring a well in-line.

There is nothing environmentally different about this well from those installed in the past. The design and construction of the City of Lodi Well Number 28 is identical to past wells. The action has been brought to the Planning Commission for review and certification of the attached Mitigated Negative Declaration because of the requirements of the State Department of Health.

Pursuant to the State Department of Health's requirements, staff processed an initial study to determine environmental impact, if any, the well may cause. Based upon the Initial Study prepared by staff, a Mitigated Negative Declaration has been prepared for City of Lodi Water Well Number 28.

In order to prepare the Initial Study, Planning Division staff contacted representatives of the San Joaquin County Council of Governments who oversee the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJCMSCP) for assistance in answering questions related to the potential impacts of the well on the loss of open spaces and agricultural land. The primary purpose of a CEQA review with regard to open space and agricultural land is whether a project will, in any way, diminish or disturb habitat or resources or conflict with an adopted Habitat Conservation Plan. Staff, with the assistance of representatives of the San Joaquin County Council of Governments, has found that the City of Lodi Water Well Number 28 will have impact on loss of open space, but does not conflict with any adopted habitat conservation plan.

As noted in *Section II Agricultural Resources* and *Section XVII Mandatory Findings of Significance of the Negative Declaration*, the project site is within City of Lodi limits, but falls within the San Joaquin County Multi-Species Conservation and Open Space Plan (SJCMSCP). As part of San Joaquin County Multi-Species Conservation and Open Space Plan, the project will be required to account for the affect it will have on loss of open space. The City of Lodi Water Well Number 28 encroaches into open space, resulting in loss of open space by 10,000 sq. ft in area. The City, pursuant to SJCMSCP regulations, will arrange for a post-construction survey of the parcel regarding Incidental Take Minimization Measures to account for the loss of open space and pay appropriate mitigation fees. Payment of habitat fee will ensure compliance with adopted habitat conservation plans. In regards to loss of open space, the purpose of the CEQA process is to evaluate the potential physical impacts on the environment that could result from a project, policy, or program. The construction of the well does not conflict with the county wide adopted habitat conservation plan. Furthermore, CEQA determinations are based upon a preponderance of the evidence at hand. There is no evidence that, if the proposed well is activated, there would be additional loss of open space due to the well. Therefore, no need for mitigation measures beyond the said fee.

The proposed project is not expected to result in any significant environmental impacts that have not been mitigated to an acceptable level through project design and/or compliance with appropriate regulations and standards. Based on this determination, the City is proposing that a "mitigated negative declaration" be adopted for the proposed project. The initial study contains details regarding the location and construction of the project, as well as the environmental information that was prepared as a part of the environmental review for the project. This was distributed for public review and comment through the State Clearinghouse and to other agencies and departments and a notice was mailed to affected property owners and published in the Lodi Sentinel regarding this project and the intent to adopt a negative declaration. No comments were received.

Thus, staff believes that the proposed Mitigated Negative Declaration is an adequate environmental documentation for the proposed project. Staff recommends the Planning Commission certify the proposed Mitigated Negative Declaration as adequate environmental documentation for the project described as City of Lodi Water Well Number 28.

ENVIRONMENTAL ASSESSMENTS:

The California Environmental Quality Act requires that projects be reviewed for their potential to create environmental impacts. The process requires that potential areas of impact be identified and a level of significance assessed. Staff prepared an Initial Study to review and assess impacts. Staff sent the proposed Mitigated Negative Declaration to various agencies for review, published, and posted our intent to issue a Negative Declaration for the required 30-day period, from Wednesday September 9th, 2009 through Thursday October 8th, 2009. This project was found to have no impacts that could be found significant if not mitigated via normal conditions of future development. In conclusion, Staff finds that the proposed project meets these requirements and is therefore exempt from further review under CEQA. A Mitigated Negative Declaration, 08-ND-01 adequately addresses potential environmental impacts that could occur as a result of this project. No significant impacts are anticipated and no mitigation measures have been required. Staff received no comments.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was advertised on the local newspaper on October 17, 2009 and 7 public hearing notices were sent to all property owners of record within a 300-foot radius of the subject property, as required by Government Code §65091 (a) (3), on October 15, 2009.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

- Approve the Request with Alternate Conditions
- Deny the Request
- Continue the Request

Respectfully Submitted,

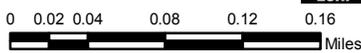
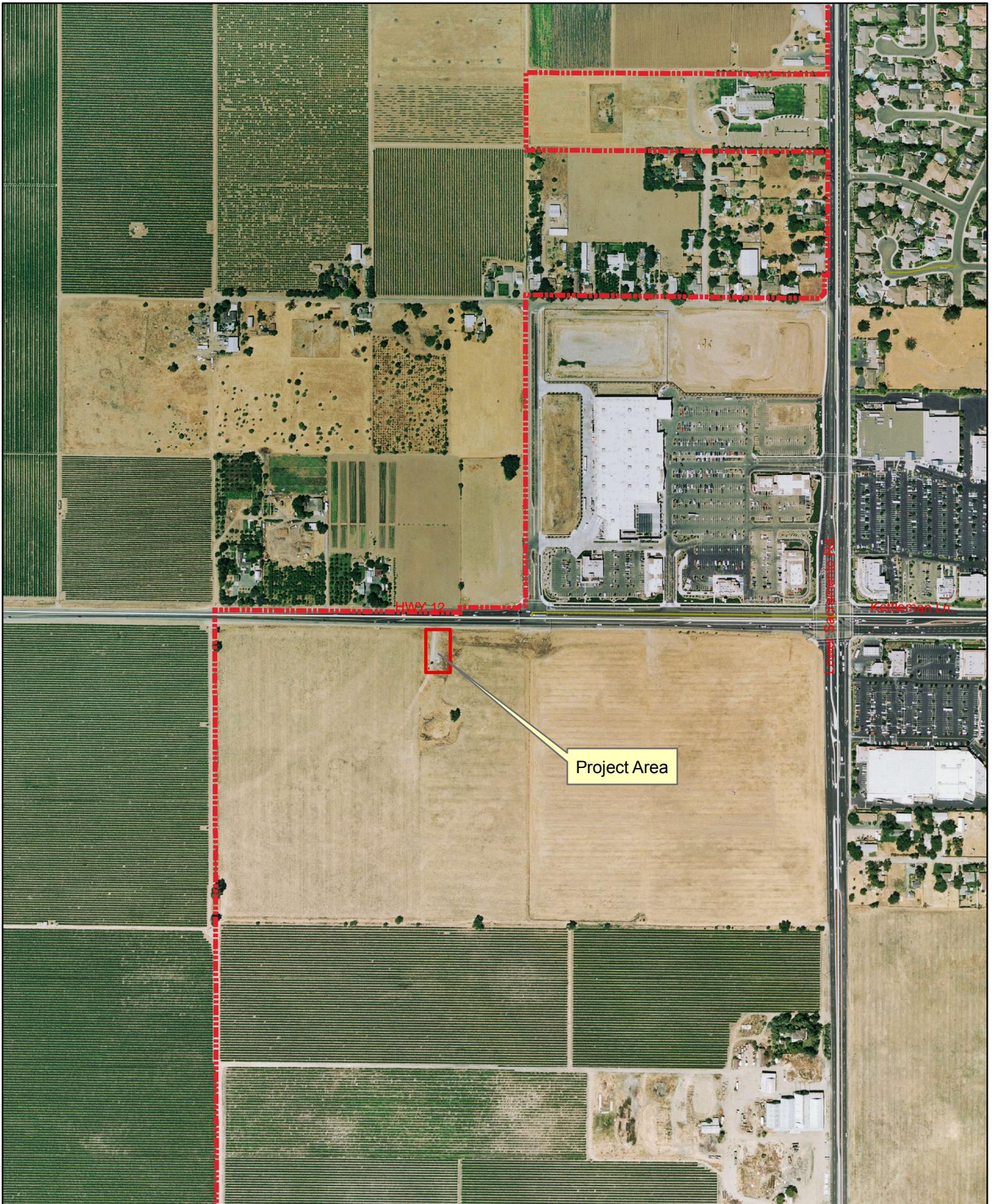
Concur,

Immanuel Bereket
Assistant Planner

Konradt Bartlam
Community Development Director

ATTACHMENTS:

1. Aerial Map
2. Proposed Negative Declaration
3. Initial Study
4. State Clearinghouse Letter
5. Draft Resolution



Project Site Aerial Map
City of Lodi Municipal Well No. 28
2800 West Kettleman Lane (STR 12)
Lodi, CA 95240

Legend

-  Well No 28
-  City Limits

City of Lodi

Proposed Mitigated Negative Declaration
DEPUTY

Prepared pursuant to City of Lodi Environmental Guidelines, §§ 1.7 (c), 5.5

File Number: ND 08-01

Project Title: City of Lodi Municipal Well No. 28

Project Description:

Well No. 28 is a 503-foot deep; gravel enveloped water well located at 2800 West Kettleman Lane (State Route 12). Adjacent to the well site is the site for a future City-owned electrical substation. The City has constructed a gravel pack well to a depth of 503 feet with a grout seal to 255 feet. There is a conductor casing with grout to the depth of 50 feet. The casing for the well is blank to the depth of 260 feet and perforated from 260 feet to 503 feet.

At this point, the water well has been constructed as a stand-alone facility but has not yet discharged water to City mains. The new well will be part of the Lodi water supply system. In the future, the City envisions constructing tank/booster station and a substation commencing in the year 2012; and construction will be linked to timing of commercial and residential development of adjacent parcels to the south and north of the well site. At the moment, the well site includes the well, water piping, storm drainage piping, electrical panel, fencing (100' x 100') and access off Highway 12 has been built. The proposed Negative Declaration covers the well and the well site (100' x 100').

Project Location:

The project site is located in the City of Lodi, County of San Joaquin. The project site is at Por. W. 1/2 Sec 15 T.3N, R.6E, M.D.B.&M. The project site is zoned PUB-Public and has a General Plan designation DBP-, Drainage Basin Park.

Name of Project Proponent/Applicant:

City of Lodi Public Works Department

221 West Pine Street
Lodi, CA 95240

A copy of the Initial Study ("Environmental Information Form" and "Environment Checklist") documenting the reasons to support the adoption of a Mitigated Negative Declaration is available at the City of Lodi Community Development Department located at 221 West Pine Street, Lodi, CA 95240 and City of Lodi website at www.lodi.gov.

Mitigation measures are are not included in the project to avoid potentially significant effects on the environment.

The public review on the proposed Mitigated Negative Declaration will commence on Monday September 7, 2009 and end Monday, October 12, 2009.

The City will provide additional public notices when the public hearings have been scheduled to consider approval of the Negative Declaration.



Signature

9/3/2009

Date

Konradt Bartlam

Printed Name

For

INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION
08-ND-01

CITY OF LODI MUNICIPAL WATER WELL No. 28

State Clearing House Number: 2009092022

September 4, 2009

Prepared for:
City of Lodi
Community Development Department
City Hall, 221 West Pine Street
P.O. Box 3006
Lodi, CA 95241-1910

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INTRODUCTION TO INITIAL STUDY

Well No. 28 is a 503-foot deep; gravel enveloped water well located at 2800 West Kettleman Lane (State Route 12). Adjacent to the well site is the site for a future City-owned electrical substation. The City has constructed a gravel pack well to a depth of 503 feet with a grout seal to 255 feet. There is a conductor casing with grout to the depth of 50 feet. The casing for the well is blank to the depth of 260 feet and perforated from 260 feet to 503 feet.

At this point, the water well has been constructed as a stand-alone facility but has not yet discharged water to City mains. The new well will be part of the Lodi water supply system. In the future, the City envisions constructing tank/booster station and a substation commencing in the year 2012; and construction will be linked to timing of commercial and residential development of adjacent parcels to the south and north of the well site. At the moment, the well site includes the well, water piping, storm drain piping, electrical panel, fencing (100' x 100') and access off Highway 12 has been built. The proposed Mitigated Negative Declaration covers the well and the well site (100' x 100'). The well was constructed with the assumption that it was exempted from California Environmental Quality Act (CEQA) regulations. However, a well is not exempted and an environmental study is required to bring the well in-line. Hence, the proposed Negative Declaration, which attests that there will be no adverse environmental impact.

PURPOSE OF INITIAL STUDY

The California Environmental Quality Act (CEQA) requires that public agencies document and consider the potential environmental effects of any agency actions that meet CEQA's definition of a "project;" briefly summarized, a "project" is an action that has the potential to result in direct or indirect physical changes in the environment. A project includes the agency's direct activities as well as activities that involve public agency approvals or funding. Guidelines for an agency's implementation of CEQA are found in the "CEQA Guidelines" (Title 14, Chapter 3 of the California Code of Regulations).

Provided that a project is not found to be exempt from CEQA, the first step in the agency's evaluation of the potential environmental effects of the project is the preparation of an Initial Study. The purpose of an Initial Study is to determine whether the project would involve "significant" environmental effects as defined by CEQA and to describe feasible mitigation measures that would be necessary to avoid the significant effects or reduce them to a less than significant level. In the event that the Initial Study does not identify significant effects, or identifies mitigation measures that would reduce all of the significant effects of the project to a less than significant level, the agency may prepare a Negative Declaration. If this is not the case, the agency must prepare an Environmental Impact Report (EIR); the agency may also decide to proceed directly with the preparation of an EIR without preparation of an Initial Study. Construction completion of a new well requires the preparation and adoption of an Initial Study/Negative Declaration. Negative Declaration 08-ND-01 was prepared and circulated for review on this project and no significant environmental impacts will result from the proposed project.

NOTICE OF AVAILABILITY

Notice is hereby given that the City of Lodi, Community Development Department, has completed an initial study and proposed a Mitigated Negative Declaration pursuant to the California Environmental Quality Act for the project described below.

The initial study prepared by the City was undertaken for the purpose of determining whether the project may have a significant effect on the environment. On the basis of the initial study, Community Development Department staff has concluded that the project will not have a significant effect on the environment, and therefore has prepared a proposed Mitigated Negative Declaration 08-01. The initial study reflects the independent judgment of the City.

File Number: 08-ND-01

Project Title: City of Lodi Municipal Well No. 28

PROJECT DESCRIPTION: Well No. 28 is a 503-foot deep; gravel enveloped water well located at 2800 West Kettleman Lane (State Route 12). Adjacent to the well site is the site for a future City-owned electrical substation. The City has constructed a gravel pack well to a depth of 503 feet with a grout seal to 255 feet. There is a conductor casing with grout to the depth of 50 feet. The casing for the well is blank to the depth of 260 feet and perforated from 260 feet to 503 feet.

At this point, the water well has been constructed as a stand-alone facility but has not yet discharged water to City mains. The new well will be part of the Lodi water supply system. In the future, the City envisions constructing tank/booster station and a substation commencing in the year 2012; and construction will be linked to timing of commercial and residential development of adjacent parcels to the south and north of the well site. At the moment, the well site includes the well, water piping, storm drain piping, electrical panel, fencing (100' x 100') and access off Highway 12 has been built. The proposed Negative Declaration covers the well and the well site (100' x 100'). The well was constructed with the assumption that it was exempted from California Environmental Quality Act (CEQA) regulations. However, a well is not exempted and an environmental study is required to bring the well in-line. Hence, the proposed Negative Declaration, which attests that there will be no adverse environmental impact.

Copies of the Initial Study and the proposed Mitigated Negative Declaration are on file and available for review at the following locations: 1) Lodi City Hall, Community Development Department located at 221 West Pine Street, Lodi, CA 95240; 2) Lodi Public Library, 201 West Locust Street, Lodi, CA 95240; and 3) City of Lodi website at www.lodi.gov. The City will receive comment on the Initial Study and proposed Mitigated Negative Declaration for a 30-day period, commencing on Monday September 7, 2009 through Monday, October 12, 2009. Any person wishing to comment on the Initial Study and proposed Negative Declaration must submit such comments in writing to the City of Lodi at the following address:

Community Development Director
City of Lodi
P. O. Box 3006
Lodi, CA 95241

The City will provide additional public notices when the public hearings have been scheduled to consider approval of the Negative Declaration.

Signature

Date

Konradt Bartlam

Printed Name

For

Prepared pursuant to City of Lodi Environmental Guidelines, §§ 1.7 (c), 5.5

File Number: ND 08-01

Project Title: City of Lodi Municipal Well No. 28

Project Description:

Well No. 28 is a 503-foot deep; gravel enveloped water well located at 2800 West Kettleman Lane (State Route 12). Adjacent to the well site is the site for a future City-owned electrical substation. The City has constructed a gravel pack well to a depth of 503 feet with a grout seal to 255 feet. There is a conductor casing with grout to the depth of 50 feet. The casing for the well is blank to the depth of 260 feet and perforated from 260 feet to 503 feet.

At this point, the water well has been constructed as a stand-alone facility but has not yet discharged water to City mains. The new well will be part of the Lodi water supply system. In the future, the City envisions constructing tank/booster station and a substation commencing in the year 2012; and construction will be linked to timing of commercial and residential development of adjacent parcels to the south and north of the well site. At the moment, the well site includes the well, water piping, storm drainage piping, electrical panel, fencing (100' x 100') and access off Highway 12 has been built. The proposed Negative Declaration covers the well and the well site (100' x 100').

Project Location:

The project site is located in the City of Lodi, County of San Joaquin. The project site is at Por. W. ½ Sec 15 T.3N, R.6E, M.D.B.&M. The project site is zoned PUB-Public and has a General Plan designation DBP-, Drainage Basin Park.

Name of Project Proponent/Applicant: City of Lodi Public Works Department
221 West Pine Street
Lodi, CA 95240

A copy of the Initial Study (“Environmental Information Form” and “Environment Checklist”) documenting the reasons to support the adoption of a Mitigated Negative Declaration is available at the City of Lodi Community Development Department located at 221 West Pine Street, Lodi, CA 95240 and City of Lodi website at www.lodi.gov.

Mitigation measures are are not included in the project to avoid potentially significant effects on the environment.

The public review on the proposed Mitigated Negative Declaration will commence on Monday September 7, 2009 and end Monday, October 12, 2009.

The City will provide additional public notices when the public hearings have been scheduled to consider approval of the Negative Declaration.

Signature

Date

Konradt Bartlam

Printed Name

For

1. Project Title:

City of Lodi Municipal Well No. 28

2. Lead Agency Name and Address:

City of Lodi Community Development Department
221 West Pine Street
P. O. Box 3006
Lodi, CA 95241

3. Contact Person and Phone Number:

Immanuel Bereket, Assistant Planner
Phone: (209)333-6711

4. Project Location:

The project site is located in the City of Lodi, County of San Joaquin. The project site is within the City's 4.10-acre land ear marked for the project. The well site is 100' x 100'. The project site is east and north of a residential subdivision, west of a proposed commercial development and south of existing vineyards. The area is relatively flat with no unusall or extraordinary topographic features. The project site is located in the City of Lodi, County of San Joaquin. The project site is at Por. W. ½ Sec 15 T.3N, R.6E, M.D.B.&M. The project site is zoned PUB-Public and has a General Plan designation DBP-, Drainage Basin Park.

5. Project Sponsor's Name and Address:

City of Lodi Community Development Department
221 West Pine Street
P. O. Box 3006
Lodi, CA 95241

6. General Plan Designation:

PQP, Public Quasi/Public

7. Zoning:

PUB, Public.

8. Project Description:

Well No. 28 is a 503-foot deep; gravel enveloped water well located at 2800 West Kettleman Lane (State Route 12). Adjacent to the well site is the site for a future City-owned electrical substation. The City has constructed a gravel pack well to a depth of 503 feet with a grout seal to 255 feet. There is a conductor casing with grout to the depth of 50 feet. The casing for the well is blank to the depth of 260 feet and perforated from 260 feet to 503 feet.

At this point, the water well has been constructed as a stand-alone facility but has yet to be connected to City mains. The new well will be part of the Lodi water supply system. In the future, the City envisions constructing a tank/booster station and a substation commencing in the year 2012, and construction will be linked to timing of commercial and residential development of adjacent parcels to the south and north of the well site. At the moment, a temporary well site configuration just including the well, piping, electrical panel, fencing (100' x 100') and access off Highway 12 has been built. The proposed Negative Declaration covers the well and the well site (100' x 100').

The well was constructed with the assumption that it was exempted from California Environmental Quality Act (CEQA) regulations. However, a well is not exempted and an environmental study is required to bring the well in-line. Hence, the proposed Negative Declaration, which attests that there will be no environmental impact.

9. Surrounding Land Uses and Setting:

- North: AU-20, Urban Reserve, San Joaquin County. The area north of Kettleman Lane (State Route 12) is generally zoned for Urban Development has a General Plan Designation of PR, Planned Residential.
- South: The area immediate south of the project site is zoned PD, Planned Development and was recently annexed into the City with General Plan designation of PR, Planned Residential.
- East: The area immediate east of the project area is zoned C-S, Commercial Shopping and is expected to be developed into commercial use varying in sizes and types.
- West: The area immediate west of the project site is zoned PD, Planned Development and was recently annexed into the City with General Plan designation of PR, Planned Residential.

10. Other agencies whose approval is required:

Regional Water Quality Board

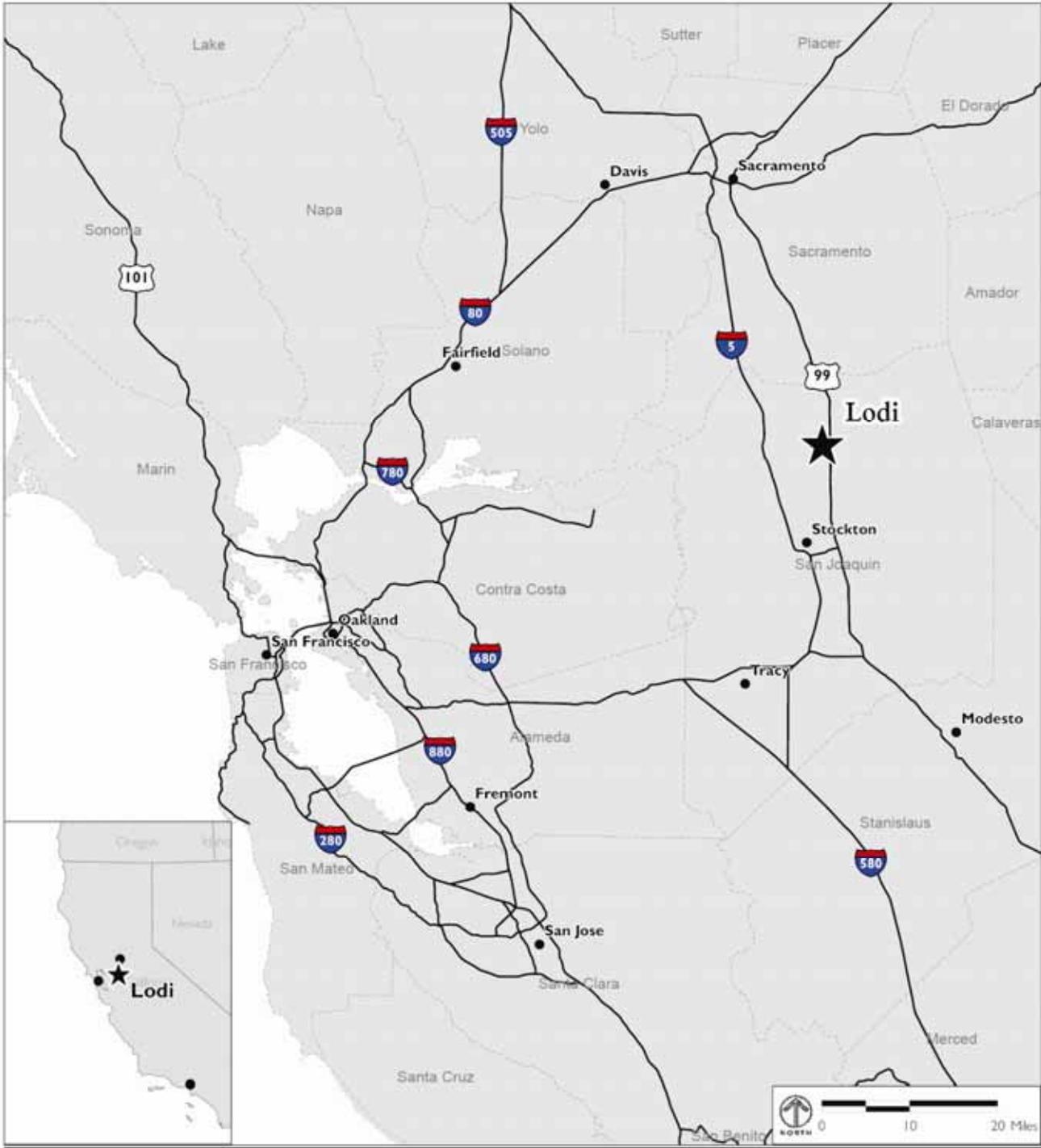
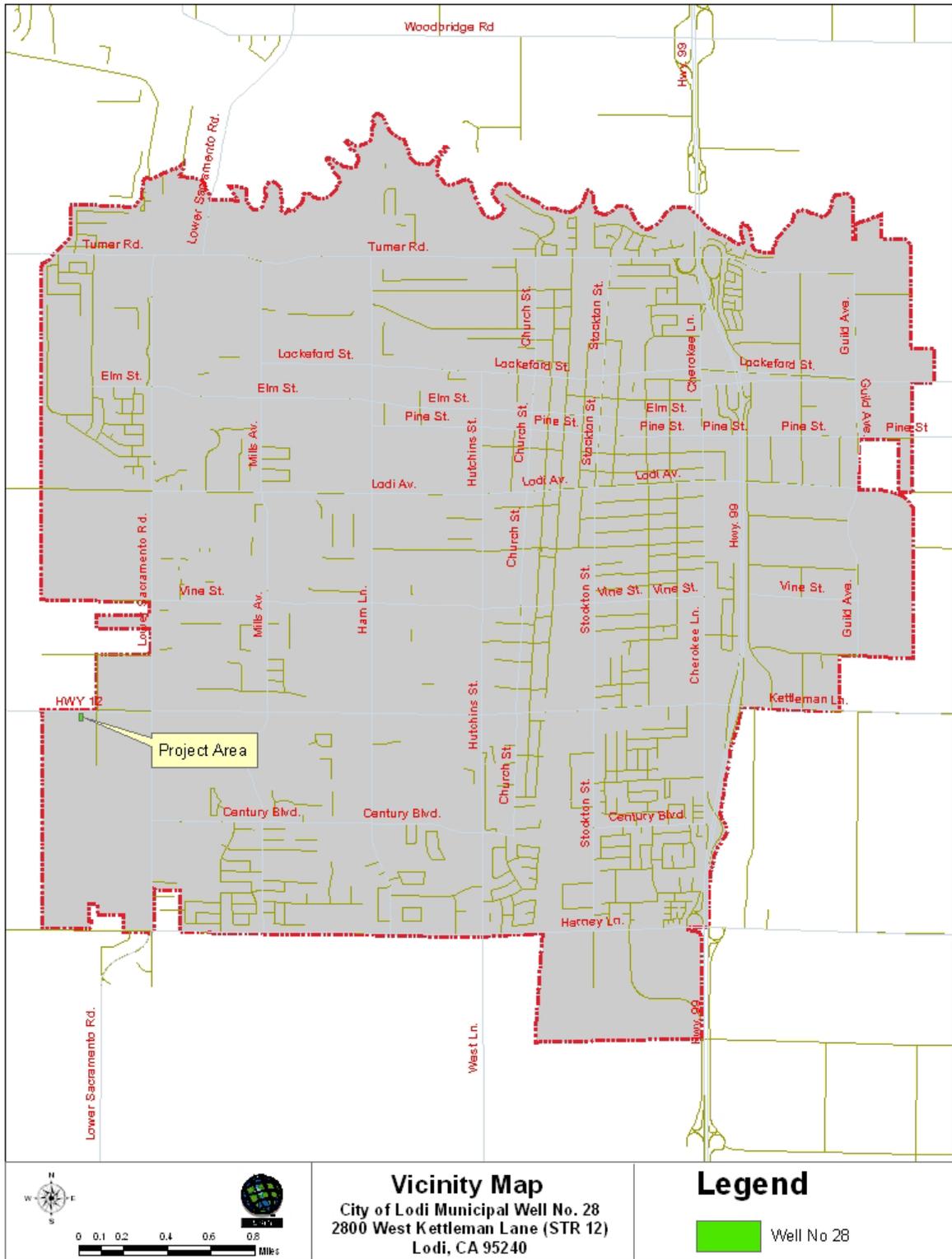
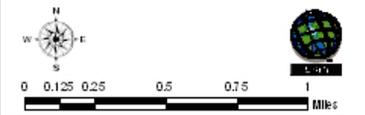
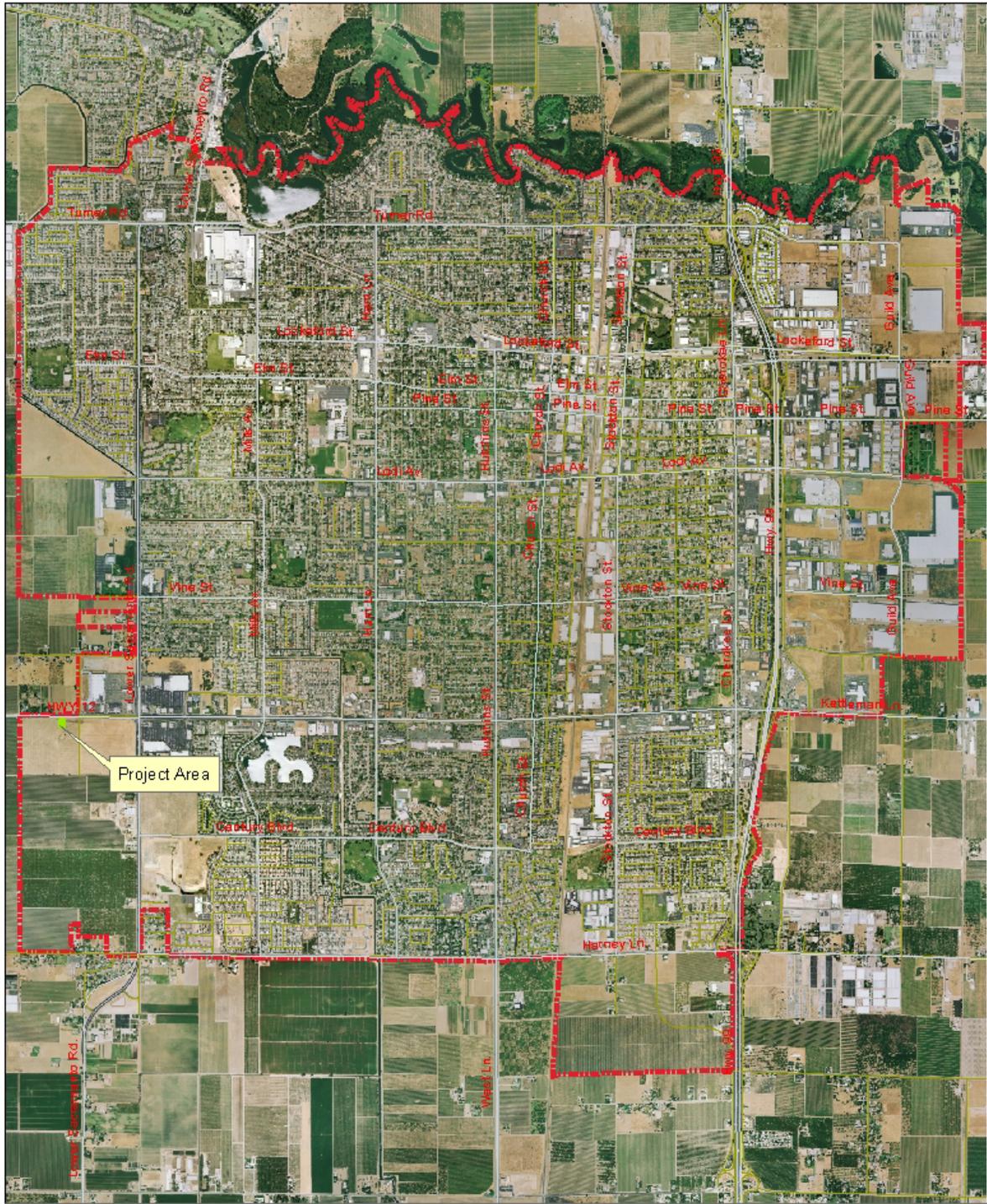


FIGURE I-1
 REGIONAL LOCATION MAP, CITY OF LODI





City of Lodi Aerial Map
 City of Lodi Municipal Well No. 28
 2800 West Kettleman Lane (STR 12)
 Lodi, CA 95240

Legend

- Well No 28
- City Limits



Project Site Aerial Map
 City of Lodi Municipal Well No. 28
 2800 West Kettleman Lane (STR 12)
 Lodi, CA 95240

Legend

-  Well No 28
-  City Limits

Environmental Factors Potentially Affected:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

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

Determination

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Project Planner

Date

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
--------------------------------------	--	------------------------------------	--------------

I. AESTHETICS. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

a) *Have a substantial adverse effect on a scenic vista?*

The well has been constructed, but does not charge water into the City system. The project site is within an area slated for commercial and residential development. The adjacent areas of the project site itself are not considered a scenic vista nor are there any scenic highways in the vicinity of the site. No impact is anticipated from placing the well on-line.

b) *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?*

The project site is not near a State scenic highway. The water well will not have a demonstrable adverse aesthetic effect due to the combination of the decorative sound wall and landscaping that will be placed around the perimeter of the well site. No impact is anticipated from placing the well in-line.

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

The project site is within an open area slated for commercial and residential development. The adjacent area is currently open space and none are considered scenic; the well will not degrade the existing visual character or quality of the site and its surroundings. No impact is anticipated from placing the well on-line.

d) *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

The well is not expected to have a continuous demand for exterior lighting. There may be occasional lights at the well for emergency repairs. Because of the random and infrequent nature of the need for light at the well site, no long- term impact will result from this project. No impact is anticipated.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

The project would not result in significant aesthetic impacts.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
--	---	---	---	----------------------

II. AGRICULTURAL RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to a non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

a) *Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to a non-agricultural use?*

The project site is not zoned for agricultural purposes. The well has already being constructed. The project area is zoned PUB, Public. Therefore, no impact would occur.

b) *Conflict with existing zoning for agricultural use, or a Williamson Act contract?*

The well site is on already disturbed land and would not impact Prime Farmlands or lands designated under the Williamson Act. The site is not zoned for agricultural production and would not affect agricultural operations. Therefore, the proposed project would not affect agricultural resources. No impact would result.

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

The project site is not zoned for agricultural purposes, and the proposed project would not involve changes that could result in the conversion of farmland to a non-agricultural use. No impact would result.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

The project would not result in adverse impacts to agricultural resources.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

The project site is within the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD), which regulates air quality in the San Joaquin Valley. The SJVAPCD has prepared and implements specific plans to meet the applicable laws, regulations and programs, including the 1991 Air Quality Attainment Plan (AQAP). In addition, the SJVAPCD has developed the Guide for Assessing and Mitigating Air Quality Impacts (Guide) to help lead agencies in the evaluating the significance of air quality impacts.

In formulating its compliance strategies, the San Joaquin Valley Air Pollution Control District (SJVAPCD) relies on planned land uses established by local general plans. When a project proposes to change planned uses assumed in an adopted plan by requesting a General Plan Amendment, as this project does, the project may depart from the assumption used to formulate the plans of the SJVAPCD in such way that cumulative results of incremental change may hamper or prevent the SJVAPCD from achieving its goals. Land use patterns influence transportation needs, and motor vehicles are the primary source of air pollution. As stated in the Guide, projects proposed in jurisdictions with general plans that are consistent with the SJVAPCD's AQAP and projects that conform to those general plans would not create significant cumulative air quality impacts. The proposed project conforms to the City and County General Plans and would not conflict with the applicable clean air plan. No impacts would occur.

- b) *Violate any air quality standard or contribute substantially to an existing or projected air quality violation?*

The White Slough WPCF is within the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD), which regulates air quality in the San Joaquin Valley. According to the district's ***Guide for Assessing and Mitigating Air Quality Impacts***¹ projects proposed in jurisdiction with general plans that are consistent with the SJVAPCD's Air Quality Attainment Plan (AQAP) and projects that conform to those general plans would not create significant cumulative air quality impacts.

Further, The EPA designated the entire San Joaquin Valley as non-attainment for two pollutants: ozone and particle matter. On April 24, 2004, the EPA reclassified the San Joaquin Valley ozone non-attainment area from its previous severe status to "extreme" at the request of the San Joaquin Air Pollution Control District Board. On December 17, 2004, EPA took action to designate attainment and non-attainment areas under the more protective national air quality standards for fine particles or PM_{2.5}.

Levels of PM₁₀ in the San Joaquin Valley currently exceed California Clean Air Act standards; therefore, the area is considered a non-attainment area for this pollutant relative to the State standards. PM₁₀ levels monitored at the Stockton-Hazelton Street ambient air quality monitoring station, the closest monitoring station with PM₁₀ data, exceeded the State's standard at three times per year in 2003 and 2004. The standard was exceeded ten times in 2002. No exceedances of the State or federal CO standards have been recorded at any of the region's monitoring stations in the last three years. The San Joaquin Valley is currently considered a maintenance area for State and federal CO standards.

The District adopted an Ozone Attainment Demonstration Plan (2004) and a PM₁₀ Attainment Demonstration Plan (2003). In addition, to meet California Clean Air Act requirements, the District adopted the California Clean Air Act Triennial Progress Report and Plan Revision 1997-1999, adopted in 2001 to address the California ozone standard. A broad range of actions to improve air quality are set forth in the adopted plans to reduce CO, O₃ precursor emissions, and particulate matter. Generally, the State standards for these pollutants are more stringent than the national standards. Each district plan is to achieve a 5 percent annual reduction average 3 consecutive 3-year periods, in district-wide emissions of each non-attainment pollutant or its precursors. Air quality standards are exceeded primarily during meteorological conditions conducive to high pollution levels, such as cold, windless winter nights or hot, sunny summer afternoons.

The SJVAPCD significance threshold for construction dust impacts is based on the appropriateness of construction dust controls. The SJVAPCD regulates construction emissions through its Regulation VIII. Regulation VIII does not require any formal dust control plans or permits, but violations of the requirements of Regulation VIII are subject to enforcement action. The provisions of Regulation VIII pertaining to construction activities require:

¹ San Joaquin Valley Air Pollution Control District, Guide for Assessing and Mitigating Air Quality Impacts. (Fresno, CA 2002) 38.

- Effective dust suppression for land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill and demolition activities.
- Effective stabilization of all disturbed areas of a construction site, including storage piles, not used for seven or more days.
- Control of fugitive dust from on-site unpaved roads and off-site unpaved access roads.
- Removal of accumulations of mud or dirt at the end of the work day or once every 24 hours from public paved roads, shoulders and access ways adjacent to the site.

Construction activities would temporarily affect local air quality, causing a temporary increase in particulate dust and other pollutants, however this impact is less-than-significant.

- c) *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?*

See discussion under Check List Item III.a. and III.b. above. For any project that does not individually have operational air quality impacts, the determination of a significant cumulative impact should be based on the evaluation of the project's consistency with the general plan and the general plan with regional air quality plan. The proposed project is consistent with the City and County General Plans, and there would be a less-than-significant cumulative air quality impact.

- d) *Expose sensitive receptors to substantial pollutant concentrations?*

The SJVAPCD defines sensitive receptors as facilities that house or attract children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants. Hospitals, schools, convalescent facilities, and residential areas are examples of sensitive receptors. The water well or its operation will not be detrimental to those defined as sensitive receptors. Less than significant impact is anticipated.

- e) *Create objectionable odors affecting a substantial number of people?*

No increase in potential odor impacts are anticipated.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

Air quality impacts would be less-than-significant.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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IV. BIOLOGICAL RESOURCES. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) Through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or State habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

a) *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

No impact to biological resources are expected as a result of the project. The proposed project is consistent with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), as amended, as reflected in the conditions of project approval for this proposal. Pursuant to the Final EIR/EIS for the San Joaquin county Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), dated November 15, 2000, and certified by the San Joaquin Council of Governments on December 7, 2000, implementation of the SJMSCP is expected to reduce impacts to biological resources resulting from the proposed project to a level of less-than-significant. That document is hereby incorporated by reference and is available for review

during regular business hours at the San Joaquin Council of Governments (555 East Webber Avenue/Stockton, CA 95202) or online at: www.sjcog.org.

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

The project area does not contain any riparian habitat or other sensitive natural communities. No impact would result.

- c) *Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) Through direct removal, filling, hydrological interruption, or other means?*

The project area does not contain any protected wetlands, vernal pools or waters regulated by Section 404 of the Clean Water Act. No impact would result.

- d) *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

The proposed project is not located within any known wildlife dispersal migration corridors. In addition, ground disturbance and construction activities would take place within the existing developed area of the White Slough WPCF. No impact would occur.

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

There are no locally designated natural communities within or adjacent to the project area, and the proposed project would not result in the removal of any heritage trees. Further, the City of Lodi General Plan (Conservation Element) includes goals and policies intended to protect sensitive native vegetation and wildlife habitats. Goals E, Policy 2 in the General Plan Conservation element refers to the City of Lodi's regulation of "heritage tree" removal. 2 The proposed project would not result in the removal of any heritage trees. Thus, no impact would result

- f) *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or State habitat conservation plan?*

The SJCMShCP was developed to minimize and mitigate impacts to plant and wildlife resulting from the loss of open space projected to occur in San Joaquin County between 2001 and 2051. The City of Lodi adopted the SJCMShCP in 2001, and projects under the jurisdiction of the City can seek coverage under the plan. The proposed project is consistent with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSHCP), as amended, as reflected in the conditions of project approval for this proposal. Pursuant to the Final EIR/EIS for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSHCP), dated November 15, 2000, and certified by the San Joaquin Council of Governments on December 7, 2000, implementation of the SJMSHCP is expected to reduce impacts to biological resources resulting from the proposed project to a level of less-than-significant. That document is hereby incorporated by reference and is available for review during regular

2 City of Lodi. *City of Lodi General Plan Policy Document*. Prepared by Jones and Stokes Associates, Inc., April 1991.
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business hours at the San Joaquin Council of Governments (555 E. Weber Avenue, Stockton, CA 95202) or online at: www.sicoq.org.

The proposed project falls under falls within a natural land habitat Pay Zone C as described in SJMSCP and, therefore, is subject to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). The San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) governs loss of open space in the county. The City of Lodi is a participant in the said habitat conservation plan. Pursuant to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), an application for evaluation of the project site with respect to SJMSCP requirements will be submitted to the San Joaquin Council of Governments (SJCOG) 30-days prior to any further clearing, grading or construction activities on the project site. With the implementation of the said plan, less than significant impact is anticipated.

FINDINGS

Implementation of the above mitigation measure would reduce potential impacts to biological resources (i.e. loss of open space) to a less-than-significant level.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in ' 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to ' 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) *Cause a substantial adverse change in the significance of a historical resource as defined in ' 15064.5?*

The well site has been constructed and no paleontological resources were discovered through the boring activity. Therefore no impacts to paleontological resources will result from placing the well on-line.

b) *Cause a substantial adverse change in the significance of an archaeological resource pursuant to ' 15064.5?*

No archaeological resources have been identified within the project area, and no impacts are anticipated. However, if during next phase of construction any archaeological objects are uncovered, work will be halted until a qualified expert can evaluate the situation and recommend mitigation measures.

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

The well site has been constructed and no paleontological resources or unique geological feature were discovered through the boring activity. Therefore, no impacts to paleontological resources or geological features will result from placing the well on-line.

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

The well site has been constructed and no human remains, including interred outside of formal cemeteries were found. Therefore, no impacts to any human remains will result from placing the well on-line.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

Air quality impacts would be less-than-significant.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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VI. GEOLOGY AND SOILS. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iv) Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42;

The well site has been constructed and no faults were found in the project area. Therefore, no impact is anticipated from placing the well on-line.

ii) Strong seismic ground shaking;

The well site has been constructed and no fault lines were discovered. No impact is anticipated from placing the well on-line.

iii) Seismic-related ground failure, including liquefaction;

The well site has been constructed and the project area is not a liquefaction area. No impact will result from placing the well on-line.

iv) Landslides?

The well site has been constructed and the project site is flat in topography. No impact will result from placing the well on-line.

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

The well has been constructed. Aside from drilling the hole for the well, there was not a substantial amount of excavation or grading required for the well. No impact is anticipated from placing the well functional.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

The well site has been constructed and the site is not a geologic unit or of soil that is unstable. Therefore, no impact will result from placing the well on-line.

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

The well site has been constructed and it is not located on expansive soil. Therefore, no impact will result from placing the well on-line.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

The well site has been constructed and no septic tanks or alternative waste water disposal facilities are located on the project site. Therefore, no impact will result from placing the well on-line.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

Air quality impacts would be less-than-significant.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
VII. HAZARDS AND HAZARDOUS MATERIALS.				
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

The well has been constructed. No significant hazard to the public or the environment occurred. Other than maintenance repairs, no routine transport, use, or disposal of hazardous materials is anticipated. No impact is anticipated.

- b) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*
The well has been constructed. No hazardous material to the public or the environment took place. No impact is anticipated from placing the well in-line.
- c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*
The well has been constructed. There was no emission of any hazardous material occurred. No impact is anticipated from placing the well in-line.
- d) *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*
The well has been constructed. The project site is not included on a list of hazardous materials site. No impact is anticipated.
- e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?*
The well has been constructed. The project site is not located near an airport, air strip landing, or land designated for a use thereof. No impact is anticipated.
- f) *For a project located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?*
The well has been constructed. The project is not located within the vicinity of a private airstrip. No impact is anticipated.
- g) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*
The proposed water well will not interfere with an emergency response plan or emergency evacuation plan. By increasing overall system efficiency, the well will help provide emergency water flows and thereby provide a positive impact to emergency response in the area. No impact is anticipated from bringing the well in-line.
- h) *Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*
The proposed public potable water well will not expose people to existing sources of potential health hazards. The water sample report from the proposed well site has shown that the water from the well is not an existing source of potential health hazards. No impact is anticipated.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

Air quality impacts would be less-than-significant.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
VIII. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding of as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) *Violate any water quality standards or waste discharge requirements?*

A significant impact may occur if the proposed project discharges water that does not meet the water quality standards set by agencies that regulate surface water quality and water discharge into stormwater drainage systems

During the next phase of the project, the project would comply with applicable stormwater management requirements for pollution prevention. Construction practices would include erosion control, spill prevention and control, solid and hazardous waste management, and dust control to reduce the discharge of pollutants from construction areas to the stormwater system. No impacts related to potential discharges into stormwater drainage systems or changes in water quality would occur.

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

Groundwater is the primary source of municipal water for the City of Lodi. The project site overlies the Eastern San Joaquin Groundwater Basin, which is a part of the Central Valley Groundwater Basin. With a combined capacity of 50.7 million gallons per day (mgd), groundwater from 26 wells is the primary source of water supply for the City of Lodi.¹ The supply of groundwater in the basin is contained in the Mehrten formation and overlying younger aquifer units below the City. The aquifer underlying Lodi is largely unconfined. Groundwater is encountered nearest to the surface in the northwestern portion of Lodi near Woodbridge at approximately 20 feet and is encountered at greater depths in areas located in the southeast, at approximately 60 feet below ground surface. Primary sources of recharge to the aquifer underlying Lodi include seepage from the Mokelumne River, deep percolation of rainfall, regional sources including the Delta and along the Sierra mountain-front, and percolation of irrigation water particularly in the areas to the west which receive surface water from the WID.²

Dibromochloropropane (DBCP) contamination is the most significant groundwater quality problem in the area. DBCP was used by area farmers to kill nematodes in vineyards. DBCP was banned in California in 1977, but is still present in trace levels in some groundwater. Eleven of Lodi's active wells have no detectable DBCP and six wells have filters to remove DBCP. The levels of DBCP found in the City's drinking water supplied by the wells are in compliance with US EPA and the State of California Department of Health Services.³ The Mokelumne River is the only source of above-ground water in the community. Water drawn from the Mokelumne River provides irrigation for agricultural lands in and around the City, as well as for recreational uses and freshwater habitat. Water quality tests have indicated that the levels of fecal coliform are above the maximum concentration levels allowed by the State for drinking water. This surface water is not currently used for human consumption in Lodi, but the City has recently secured a long-term contract for approximately 6,000 acre-feet of water from the Mokelumne River for municipal use. In May 2003, the City of Lodi contracted with the Woodbridge Irrigation District (WID) to provide an additional 6,000 acre-feet per year of untreated surface water for 40 years. The City is currently examining its options for developing this water supply, which may include groundwater recharge or a water treatment plant.⁴

Bringing Well No. 28 to line will provide water to the area approximately 1,000 feet of distance from the site. This proposed coverage area will not result in substantial depletion of groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. The City's decision to build a water treatment facility to supplement the City's groundwater supply will ensure the City's ability to provide water to its citizens without further depleting the groundwater table. Therefore, no impact is anticipated.

- c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?*

The subject area does not contain a stream or river, nor is it located in proximity to a stream or river. No impact is anticipated.

- d) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?*

The subject area does not contain a stream or river, nor is it located in proximity to a stream or river. No impact is anticipated.

- e) *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*

The project does not directly or indirectly create or contribute runoff water. No impact is anticipated.

- f) *Otherwise substantially degrade water quality?*

No, this well is drawing water from the aquifers below 170' and this well is cycled with the other city wells to minimize any impact on groundwater quality.

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

The project site is not located within an area mapped by the Federal Emergency Management Agency (FEMA) and Flood Insurance Rate Maps (FIRM) as a 100-year flood hazard area. Therefore, no impacts would occur as a result of the proposed project.

- h) *Place within a 100-year flood hazard area structures which would impede or redirect flood flows?*

The Well will not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of levee or dam.

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

The entire City of Lodi is located within an inundation area. The levee system along the Mokelumne River is of sufficient height to protect the City from the 100-year flood flow; however, the majority of Central Valley would be inundated during the 500-year flood event. The well will not directly or indirectly expose people or structures to risk of loss, injury or death involving flooding.

j) *Inundation by seiche, tsunami, or mudflow?*

A seiche is the tide-like rise and drop of water in a closed body of water caused by earthquake-induced seismic shaking or strong winds. A tsunami is a series of large waves generated by a strong offshore earthquake or volcanic eruption. Given the substantial distance of the site from San Francisco Bay or the Pacific Ocean, tsunami waves would not be a threat to the site. There is no large land of water on or within the vicinity of the site, resulting in no seiche hazard. The subject area is flat and does not have any steep slopes or hillsides that would be susceptible to mudflows or landslides. Therefore, no impact would occur.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

Air quality impacts would be less-than-significant.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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IX. LAND USE AND PLANNING. Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

a) *Physically divide an established community?*

The proposed well would not physically divide an established community. The project is within an existing designated site that does not disrupt or divide an established community. No impact is anticipated.

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

The well will not have an effect on land use in the area. The general plan designation is PQP, Public/Quasi Public and the zoning is PUB, Public. The well is consistent with these designations.

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

The City of Lodi adopted the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJCMSHCP) in 2001. The conservation plan was developed to mitigate impacts to plant and wildlife habitat resulting from the loss of open space. Pursuant to the SJCMSHCP, the proposed site for the well falls within open space or agricultural preserve land and, is therefore, subject to loss of open space mitigation fee.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

Air quality impacts would be less-than-significant.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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X. MINERAL RESOURCES. Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- a) *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?*

According to the City's General Plan, the subject site and surrounding area are not known to contain regionally and/or state valued mineral resources. Therefore, no impact is anticipated.

- b) *Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

The subject property has not been historically used for mineral extraction. In addition, the City's General Plan does not identify the project site as a locally important mineral resource recovery site. There would be no impact.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

Air quality impacts would be less-than-significant.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
XI. NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) *Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

The project will not expose people to severe noise levels. The electrical motor needed to run the pump will generate some noise, but not beyond the thresholds set by the Noise Element of the General Plan. Additionally a sound attenuation wall will eventually be incorporated into the design of the well site. Therefore, less than significant impact is expected.

b) *Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?*

Ground borne vibrations occur when a vibration source causes soil particles to move or vibrate. Sources of ground borne vibrations include natural events (earthquakes, volcanic eruptions, sea waves, landslides, etc.) and human created events (explosions, operation of heavy machinery and heavy trucks, etc.). The above ground motor will generate some noise; however, this will be reduced by using a low rpm motor and the planned 8' high decorative concrete masonry wall around the entire well site. Therefore, less than significant impact is expected.

- c) *A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?*
 Refer to Checklist Item, XI.a and b. above. The proposed well will not result in a significant increase in noise levels and, therefore, would not create a substantial permanent increase in ambient noise levels in the vicinity of the project site. Impacts would be less than significant.
- d) *A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*
 Refer to Checklist Item, XI.a, b and c. above. The proposed well will not result in a significant temporary or periodic increase in noise levels and, therefore, would not create a substantial temporary or periodic increase in ambient noise levels in the vicinity of the project site. Impacts would be less than significant.
- e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*
 The well is not located within an airport land use plan, or within two miles of a public airport or public use airport. No impact would result.
- f) *For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?*
 The project site is not located within an airport land use plan, or within two miles of a public airport or public use airport. No impact would result.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

Air quality impacts would be less-than-significant.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
XII. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

The well will not have an impact on population and housing because it is designed to serve an area 1,000 feet mile around the well site, which is already being developed for commercial and residential purposes. No impact is anticipated.

b) *Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?*

The well is within an existing Public Quasi/Public Land which does not permit the construction of residential or commercial property. No residences will be displaced. No impact is anticipated.

c) *Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*

See discussion under Checklist Item XII.b., above. No impact is anticipated.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

Air quality impacts would be less-than-significant.

	Potentially Significant Unless Mitigation Incorporated	Potentially Significant Less Than Significant Impact	No Impact
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XIII. PUBLIC SERVICES.

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- | | | | | |
|------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| I). Fire protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| II). Police protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| III). Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| IV). Parks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| V). Other public facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

I. Fire protection?

The construction of the proposed water well will have a positive impact to fire protection by providing uniform pressure for fire flows in the area. The well will be construction pursuant to all applicable construction standards, thus minimizing potential adverse service calls to the well. Thus the project will not have a negative impact on fire protection service.

II. Police protection?

The water well is not expected to generate any additional police service calls to the area. The construction of the well is seen as accommodating existing residents and is not growth inducing. Therefore, the project will not adversely impact police protection to the area.

III. Schools?

The water well is not expected to generate any additional demand for school facilities in the area. School facilities generally measure level of service based on students generated by new development. The construction of the well is seen as accommodating existing and proposed residential development and is not growth inducing. Therefore, the project will not adversely impact school facilities in the area.

IV. Parks

The well would not contribute to the demand on existing parks, nor require the dedication of additional parkland as no new residential units are proposed. No impact would result.

V. Other public facilities?

While the construction of a new well will require maintenance, the construction of the well is seen as preventive maintenance for the overall water delivery system. By allowing a better maintenance of pressure, the new well is expected to lower overall maintenance cost of the water delivery system in Lodi. No new public facilities are necessary to service the well site. Therefore, no impacts associated with maintenance of public facilities are seen as a result of this project.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

Air quality impacts would be less-than-significant.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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XIV. RECREATION.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| a) <i>Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</i>
The proposed well will not create additional demand for existing neighborhood or regional parks or other recreational facilities as no new residential units are proposed. No impact would result. | | | | |
| b) <i>Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?</i>
The proposed well will not include the construction or expansion of recreational facilities, nor would it require the construction or expansion of recreational facilities. Therefore, no impact would occur. | | | | |

MITIGATION MEASURES

No mitigation is required.

FINDINGS

Air quality impacts would be less-than-significant.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
XV. TRANSPORTATION/TRAFFIC. Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency or designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a) <i>Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?</i> There will be no impact to the area in regard to traffic impacts because the well site is not a destination for any reason other than maintenance.				
b) <i>Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency or designated roads or highways?</i> Refer to XV.a. The location of the well is not in conflict with any country congestion management agency or with designated roads or highways. No impact will occur as result of the creation of an overlay zone.				
c) <i>Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?</i> The well would not have any impact on air traffic patterns because the project site is not located near an airport. No related impacts would occur as a result of the proposed project.				

- d) *Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*
There are no roadway features necessary to access this well site; it is in an existing public property that is readily accessible. No impact is anticipated.
- e) *Result in inadequate emergency access?*
The well site does not block access to the park or structures within the vicinity. No impact is anticipated.
- f) *Result in inadequate parking capacity?*
The well will not result in an inadequate parking capacity since well site is not a destination for any reason other than maintenance. No impact is anticipated.
- g) *Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?*
There will be no impact to the area in regard to alternative transportation because the well site is not a destination for any reason other than maintenance. No impact is anticipated.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

Air quality impacts would be less-than-significant.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project=s projected demand in addition to the provider=s existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project=s solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, State, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Sewage treatment and collection services in the City of Lodi, including the project area, are provided by the White Slough Pollution Control Facility (WSWPCF) and operated by the City of Lodi Public Works Department. The well itself will not generate wastewater on its own. Therefore, no impact is anticipated.

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

The City of Lodi Public Works Department provides wastewater treatment for the City of Lodi. Wastewater in the City of Lodi is treated at the White Slough Water Pollution Control Facility (WSWPCF). The facility has been expanded to a design capacity of 8.5 million gallons (mgd) per day. However, the facility has permits to operate at 7.0 mgd per day. The WSWPCF currently

treats approximately 6.2 mgd per day, which means the facility has a net surplus capacity of 0.8 mgd per day (“permitted” capacity). The facility’s design capacity could accommodate an additional 2.3 mgd per day.

The well will not require additional expansion than already planned by the City. The City has adequate water to serve the area but has decided to build a new water treatment facility to supplement future water requirements. Therefore, no impact is anticipated.

- c) *Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

The City of Lodi owns and maintains a variety of storm water facilities, including storm drain lines, pump stations, inlet catch basins, drainage ditches, and retention and detention facilities. City storm water is discharged to the Mokelumne River and the Woodbridge Irrigation Canal.

The well will discharge to the storm drain system when it starts up. The site will drain to the storm system during start up process. Once the well has been brought on-line, the well will cease to drain into the drain system. Therefore, the impact will be less than significant.

- d) *Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?*

The City of Lodi Water Utility supplies and distributes potable water, as well as recycled water to the City and to some areas outside the City’s jurisdiction. According to the City’s Urban Water Management Plan (UWMP), the City currently has a net surplus in water supply given the City’s current water entitlements and current water demand. In addition, year 2030 projections show the City with a net surplus in water supply. The UWMP analyzed future growth within the City based on land use assumptions depicted in the City’s General Plan. The proposed overlay zone would not deviate from those land use assumptions; therefore, sufficient water supplies would be available and impacts would be less than significant.

- e) *Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?*

The City of Lodi Public Works Department provides wastewater treatment for the City of Lodi. Wastewater in the City of Lodi is treated at the White Slough Water Pollution Control Facility (WSWPCF). The facility has been expanded to a design capacity of 8.5 million gallons (mgd) per day. However, the facility has permits to operate at 7.0 mgd per day. The WSWPCF currently treats approximately 6.2 mgd per day, which means the facility has a net surplus capacity of 0.8 mgd per day (“permitted” capacity). The facility’s design capacity could accommodate an additional 2.3 mgd per day. The proposed overlay zone would result in a small increase in demand on wastewater treatment. However, given WSWPCF’s capacity to treat additional wastewater flow, and given the well will not result in additional wastewater flow, no impact is anticipated.

- f) *Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?*

Solid waste management and disposal within the City of Lodi is provided by the Central Valley Waste Services. Solid waste is transported to a Transfer Station and Buy-Back Recycling

Center. Waste is then deposited at the North County Landfill, which is owned and operated by San Joaquin County. The North County Landfill is a Class III facility that is permitted to accept 825 tons of solid waste per day. On average, the landfill receives 400 tons per day, and has a remaining lifetime capacity of approximately 6.0 million tons, which would equate to approximately 30 years.

The proposed well will not generate an increase in the amount of solid waste. However, the North County Landfill has sufficient capacity to accommodate the proposed project’s solid waste needs. Given the well isn’t expected to result in wastewater or solid waste, no impact is anticipated.

- g) *Comply with federal, State, and local statutes and regulations related to solid waste?*
 Central Valley Waste Services provides solid waste collection in Lodi. Solid waste is disposed of at existing private landfill facilities. There is no shortage of landfill facilities space. The proposed well will not conflict with federal, State, and local statutes and regulations related to solid waste. No concerns in this issue area are anticipated.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

Air quality impacts would be less-than-significant.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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XVII. MANDATORY FINDINGS OF SIGNIFICANCE.

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

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a) <i>Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?</i>				

As documented in this Initial Study, the well will not have impacts on biological and cultural resources. Construction of the well will not result in the loss of open space habitat (row and field crops) and associated wildlife; will not threaten a plant or animal community; will not reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.

The well falls within an agricultural open space area and would result in a loss of agricultural open space. The San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) governs loss of open space in the county. The City will have to pay all applicable mitigation fees for the loss of agricultural open space. With the participation in the said program, the loss of open space will be less than significant impact.

MITIGATION MEASURE (BIOLOGICAL RESOURCES)

1. The proposed project falls under falls within a natural land habitat as described in SJMSCP and, therefore, is subject to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). The San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) governs loss of open space in the county. The City of Lodi is a participant in the said habitat conservation plan. Pursuant to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), an application for evaluation of the project site with respect to SJMSCP requirements will be submitted to the San Joaquin Council of Governments (SJCOG) 30 days prior to any further clearing, grading or construction activities on the project site. With the implementation of the said plan, less than significant impact is anticipated.

MITIGATION MEASURE (CULTURAL RESOURCES)

1. Contractors and construction personnel involved in any form of ground disturbance (i.e., trenching, grading, etc.) shall be advised of the possibility of encountering subsurface cultural resources or human remains. If such resources are encountered or suspected, work within 100 feet of the discovery shall be halted immediately and the City of Lodi Planning Department shall

be notified. In accordance to CCR Section 15064 (f) and PRC Section 21083.2(i), a qualified professional archaeologist shall be consulted, who shall assess any discoveries and develop appropriate management recommendations for treatment of the resource.

If bone is encountered and appears to be human, California Law requires that potentially destructive construction work is halted and the San Joaquin County Coroner is contacted. If the coroner determines the human remains are of Native American origin, the coroner must contact the Native American Heritage Commission. The Native American Heritage Commission will attempt to identify the most likely descendant(s), and recommendations will be developed for the proper treatment and disposition of the remains in accordance with CCR Section 15064.5(e) and PRC Section 5097.98. A note to this effect shall be included on all construction plans and specifications.

- b) *Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)*

When project impacts are considered along with, or in combination with other past, current, and probable future project impacts, the proposed municipal water well will not add substantially to cumulative effects. Impacts would be less than significant.

- c) *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

Other than the environmental effects reviewed in the above narrative, the well would not involve any other potential adverse effects on human beings, either directly or indirectly.

¹ City of Lodi, 2006. Draft Urban Water Management Plan.

² Schlumberger Water Services, 2005. Water Availability Assessment, Lodi Westside Annexation. March 30.

³ City of Lodi, 2006. Annual Water Quality Report for 2005, April.

⁴ West Yost & Associates, 2005. City of Lodi, Full Surface Water Implementation Study.

REFERENCES:

Black and Veatch. City of Lodi Stormwater Management Program. January 2003.

Crawford Multari & Clark Associates. 2003. City of Lodi Zoning and Subdivision Ordinance.

September 2003.

Jones and Stokes Associates, Inc. 1990. City of Lodi General Plan Background Report. January 1990.

Lodi, City of. Municipal Code.

Lodi, City of. Technical Memorandum No.1 Full Surface Water Implementation Study. May 23, 2005.

LSA. 2006. Lodi Annexation Environmental Impact Report, State Clearinghouse No. 2005092096. April 2006.

San Joaquin Valley Air Pollution Control District. 2002. Guide For Assessing and Mitigating Air Quality Impacts (GAMAQI). January 10, 2002.

PERSONS CONSULTED:

Sandelin, Wally, City Engineer. City of Lodi.



STATE OF CALIFORNIA
 GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
 STATE CLEARINGHOUSE AND PLANNING UNIT



ARNOLD SCHWARZENEGGER
 GOVERNOR

CYNTHIA BRYANT
 DIRECTOR

October 13, 2009

RECEIVED
 OCT 21 2009
 COMMUNITY DEVELOPMENT DEPT
 CITY OF LODI

Immanuel Bereket
 City of Lodi Community Development Department
 221 West Pine Street
 Lodi, CA 95240

Subject: City of Lodi Municipal Water Well No. 28
 SCH#: 2009092022

Dear Immanuel Bereket:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on October 8, 2009, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

for: Scott Morgan
 Acting Director, State Clearinghouse

**Document Details Report
State Clearinghouse Data Base**

SCH# 2009092022
Project Title City of Lodi Municipal Water Well No. 28
Lead Agency Lodi, City of

Type MND Mitigated Negative Declaration
Description Well No. 28 is a 503 ft deep, gravel enveloped water well located at 2800 West Kettleman Lane (SR 12). Adjacent to the well site is the site for a future City-owned electrical substation. The City has constructed a gravel pack well to a depth of 503 ft with a grout seal to 255 ft. There is a conductor casing with grout to the depth of 50 ft. The casing for the well is blank to the depth of 260 ft and perforated from 260 ft to 503 ft. At this point, the water well has been constructed as a stand-alone facility but has yet to be connected to city mains. The new well will be part of the Lodi water supply system. In the future, the City envisions constructing a tank/booster station and a substation commencing in the year 2012, and construction will be linked to timing of commercial and residential development of adjacent parcels.

Lead Agency Contact

Name Immanuel Bereket
Agency City of Lodi Community Development Department
Phone (209) 333-6711 **Fax**
email
Address 221 West Pine Street
City Lodi **State** CA **Zip** 95240

Project Location

County San Joaquin
City Lodi
Region
Lat / Long 38° 6' 51" N / 121° 18' 39" W
Cross Streets Kettleman Lane (Hwy 12)
Parcel No. 043-112-11
Township 3N **Range** 6E **Section** 15 **Base** MDB&M

Proximity to:

Highways 12
Airports
Railways
Waterways
Schools
Land Use Z: PUB, Public
GP: PQP, Public Quasi/Public

Project Issues Agricultural Land; Archaeologic-Historic; Biological Resources; Flood Plain/Flooding; Landuse; Water Quality; Water Supply

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

Date Received 09/09/2009 **Start of Review** 09/09/2009 **End of Review** 10/08/2009

RESOLUTION NO. P.C. 09-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI
CERTIFYING NEGATIVE DECLARATION 08-ND-01 AS ADEQUATE ENVIRONMENTAL
DOCUMENTATION FOR CITY WELL NUMBER 28.**

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested General Plan Amendment, Zoning designation change and Development Plan in accordance with the Government Code and Lodi Municipal Code Chapter 17.84, Amendments; and

WHEREAS, the project proponent is City of Lodi Public Works Department, 221 West Pine Street Lodi, CA 95241; and

WHEREAS, the property owner is City of Lodi 221 West Pine Street Lodi, CA 95241; and

WHEREAS, the property is located at 2800 West Kettleman Lane (APN: 058-030-10) and

WHEREAS, the properties are zoned PUB, Public and have a General Plan designation of PQP, Public Quasi Public; and

WHEREAS, Well No. 28 will be part of the City of Lodi water supply system and is intended to meet future water demands; and

WHEREAS, the Community Development Department prepared an Initial Study/Negative Declaration for the project, consistent with the California Environmental Quality Act (CEQA), as amended that showed no significant impact to the environment; and

WHEREAS, the Initial Study and Negative Declaration (08-ND-01) were circulated and published and posted for a 30-day period between Wednesday September 9th, 2009 through Thursday October 8th, 2009 and no comments were received from the public and other agencies; and

WHEREAS, Notice of Intent to Adopt a Negative Declaration was published on the Lodi News Sentinel on September 12, 2009; and

WHEREAS, the Initial Study/Mitigated Negative Declaration for the project, consistent with the California Environmental Quality Act (CEQA), as amended, found no significant impact to the environment would occur as a result of the project; and

WHEREAS, the proposed Mitigated Negative Declaration utilizes relevant information from the 1991 General Plan Environmental Impact Report, and relies on the General Plan Environmental Impact Report findings of fact and statement of overriding considerations where applicable; and

WHEREAS, all legal prerequisites to the approval of this request have occurred.

NOW, THEREFORE, BE IT FOUND that the Planning Commission of the City of Lodi incorporates the staff report and attachments, Initial Study/Negative Declaration (08-ND-01), and written comments to Initial Study/Negative Declaration, on this matter, and make the following findings:

1. The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animals or eliminate important examples of the major periods of California history or prehistory, because no evidence has been found to indicate to this end. The project area has not been identified as being habitat for any rare or endangered flora or fauna.
2. No new impacts were identified in the public testimonies that were not addressed as normal conditions of project approval in the Initial Study.
3. Bringing the well in-line will not result in significant physical change in the environment and in that the site measures only 10,000 sq. ft and will not significantly alter the impervious surface.
4. The Mitigated Negative Declaration has been prepared in compliance with CEQA, the State CEQA Guidelines, and applicable local regulations and as amended/revised is determined to be complete and final.
5. That Negative Declaration 08-ND-01 and its supporting documentation are located at the office of the Community Development Director, 221 West Pine Street, Lodi, CA.
6. That the Planning Commission has reviewed and considered the information contained in said Mitigated Negative Declaration.
7. That the designs of the City of Lodi Well Number 28 are properly planned thus limiting the potential to degrade environmental quality.
8. That the activation and operation of the City of Lodi Well Number 28 will not directly or indirectly cause substantial adverse impacts to the environment.
9. The City of Lodi Well Number 28 will not be detrimental to the health, morals, comfort or welfare of persons residing or working in the neighborhood, or to property or improvements in the neighborhood, or will not be contrary to the general public welfare.
10. The City of Lodi Well Number 28 will be consistent with all applicable goals, policies and standards of the City's adopted General Plan Policy Document.
11. The City of Lodi Well Number 28 is consistent with the City of Lodi General Plan and Municipal Code.

NOW, THEREFORE, BE IT DETERMINED, AND RESOLVED, that the Lodi Planning Commission hereby certifies Negative Declaration (08-ND-01) as an adequate environmental documentation for the proposed project.

1. Prior to any ground disturbance, the City of Lodi Public Works Department shall notify the San Joaquin County Council of Governments (SJCOG, Inc), and shall schedule a pre-ground disturbance survey, to be performed by an SJMSCP biologist, to determine applicable Incidental Take Minimization Measures (ITMMS). The City shall not authorize any form of site disturbance until it receives an Agreement to Implement ITMMS from SJCOG, Inc.
2. The City shall not issue a building permit for the proposed project until the San Joaquin County Council of Governments determine what, if any, Incidental Take

Minimization Measures (ITMMS) apply to the project and until the San Joaquin County Council of Governments verifies all applicable ITMMs have been fully and faithfully implemented.

3. The City shall pay applicable fee due to loss of open space to the San Joaquin County Multi-Species Habitat Conservation Plan prior to issuance of building permit for grading, ground disturbance or clearance.
4. All mitigation measures, which mitigate or avoid the most significant environmental impacts for the project site, as identified in the Mitigated Negative Declaration shall be made conditions of approval of development of the proposed project.
5. A Notice of Determination (NOD) shall be filed with the County Clerk within 5-working days following approval of the project. Appropriate Department of Fish and Game fees shall be filed.

Dated: October 28, 2009

I hereby certify that Resolution No. 09- was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on October 28, 2009 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST:

Secretary, Planning Commission

Item 3d.