

<p>CARNEGIE FORUM 305 WEST PINE STREET LODI, CALIFORNIA</p>	<p>AGENDA LODI PLANNING COMMISSION</p>	<p>REGULAR SESSION WEDNESDAY, SEPTEMBER 23, 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 – “September 9, 2009”
3. PUBLIC HEARINGS
 - a. Request for Planning Commission approval of a Use Permit to allow a Type-41 On-Sale Beer and Wine Alcoholic Beverage Control License at OZ Japanese Restaurant located at 2414 West Kettleman Lane. (Applicant: Young H. Jang. File Number: 09-U-09)
 - b. Request to amend a previously approved Use Permit 07-U-01 to allow additional time for the construction of onsite parking lot at 1800 S. Cherokee Lane. (Applicant: Chris Ray, on behalf of Wine Country Cardroom & Restaurant. File Number: 07-U-01)
 - c. Request Planning Commission to certify the proposed Mitigated Negative Declaration 09-MND-02 as adequate environmental documentation for the proposed dewatering facility to be located at the White Slough. (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.

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, SEPTEMBER 9, 2009**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of September 9, 2009, was called to order by Chair Cummins at 7:00 p.m.

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

Absent: Planning Commissioners – Heinitz and Kirsten

Also Present: Community Development Director Konradt Bartlam, Deputy City Attorney Janice Magdich, Assistant Planner Immanuel Bereket, and Administrative Secretary Kari Chadwick

2. MINUTES

“August 26, 2009”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Mattheis, Olson second, approved the Minutes of August 26, 2009 as written.

3. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Kiser called for the public hearing to consider the request for a Use Permit to allow a Type 2 (Winery) Alcoholic Beverage Control License at 1220 East Victor Road. (Applicant: Donatalli Cellars LLC; File Number: 09-U-07)

Assistant Planner Bereket gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of this project subject to the conditions in the resolution.

Commissioner Olson asked about any landscaping or screening for the property. Director Bartlam stated that because of the way the property has been built out it leaves no real opportunity for screening or landscaping.

Commissioner Mattheis asked about the types of trucks and the cueing of them onto the property so that there won't be any backup on Highway 12. Director Bartlam stated that the applicant will be able to verify the number of trucks, but with the driveway being through to Mounce Street there won't be any need for the trucks to exit or cue onto Highway 12.

Hearing Opened to the Public

- Mike Donatalli, applicant, came forward to answer questions.
- Commissioner Mattheis asked how many and size of the trucks the operation will be handling at any given time. Mr. Donatalli stated there will be one to two very small flat beds at any given time.

Continued

- Vice Chair Hennecke asked if there was a chance of increasing the size of the business. Mr. Donatalli stated that if the operation was going to be increased in size it won't be at this location.
- Commissioner Olson asked how many employees the Winery has. Mr. Donatalli stated that there are no employees other than the partners. Olson asked if there would be a tasting room downtown. Mr. Donatalli stated that he would like to see his wines served downtown.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Mattheis, Kiser second approved the request of the Planning Commission for a Use Permit to allow a Type 2 (Winery) Alcoholic Beverage Control License at 1220 East Victor Road subject to the conditions in the resolution. The motion carried by the following vote:

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

4. PLANNING MATTERS/FOLLOW-UP ITEMS

None

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

Director Bartlam referenced the memo in the packet and stated that staff is available for questions.

7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE

Director Bartlam stated that the final three chapters, 3, 5, 9, and appendix A, have been handed out for the Commissions review. Chapter nine which is the noise element is incomplete because it does not have the noise contour maps in it yet. It is the intent of staff to publish the entire document on the City of Lodi web site by the end of the week.

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

Chair Kiser gave a brief report on the item that came before the committee at its meeting on September 9, 2009.

9. ART IN PUBLIC PLACES

Director Bartlam stated that the next meeting will be in two weeks.

10. COMMENTS BY THE PUBLIC

None

11. COMMENTS BY STAFF AND COMMISSIONERS

Director Bartlam stated that the Dancing Fox has started their first crush season since the approval by the Commission. He also reported on the Senior Housing Project adjacent to the Roget Park site. The project is moving forward with Eden Housing to develop the site.

Continued

12. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:25 p.m.

ATTEST:

Konradt Bartlam
Planning Commission Secretary

Item 3a.

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: September 23, 2009
APPLICATION NO: Use Permit: 09-U-09
REQUEST: Request for Planning Commission approval of a Use Permit to allow a Type-41 On-Sale Beer and Wine Alcoholic Beverage Control License at OZ Japanese Restaurant located at 2414 West Kettleman Lane. (Applicant: Young H. Jang. File Number: 09-U-09)
LOCATION: 2414 West Kettleman Lane
APN: 058-140-50
Lodi, CA 95240
APPLICANT: Young H. Jang
1179 Windjammer Drive
Stockton, CA 95209
PROPERTY OWNER: First Lodi Plaza Associate Ltd PTP
100 Swan Way Suite 206
Oakland, CA 94621

RECOMMENDATION

Staff recommends that the Planning Commission approve the request of Mr. Jang for a Use Permit to allow a Type-41 on-sale beer and wine license at 2414 West Kettleman Lane, subject to the conditions in the attached resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: NCC, Neighborhood Community Commercial.
Zoning Designation: C-S, Commercial Shopping
Property Size: 22,651 sq. ft. (Restaurant is approximately 3,200 square feet.).

The adjacent zoning and land use are as follows:

North: C-S, Commercial Shopping.
South: R-MD, Residential Medium Density.
East: C-S, Commercial Shopping
West: C-S, Commercial Shopping

SUMMARY

The applicant, Mr. Jang, is requesting approval for a Use Permit to allow an Alcoholic Beverage Control (ABC) Type-41 On-sale beer and wine license at OZ Japanese Restaurant located at 2414 West Kettleman Lane. The restaurant is located within a shopping center that contains a variety of commercial businesses such as a Wal-Mart, restaurants and various retail stores. The applicant's business is a full service restaurant that serves Japanese food.

BACKGROUND

The applicants are in the process of opening a sit-down Japanese restaurant at 2414 West Kettleman Lane. This project site was previously occupied by a pizzeria, which has been out of

business for nearly 7 months. The project site is located within a major commercial intersection. The area contains a variety of commercial businesses. To increase sales and attract customers, the applicants are requesting approval from the City to serve beer and wine at their establishment.

ANALYSIS

According to the applicant, OZ Japanese Restaurant will offer lunch and dinner menu of authentic Japanese favorites. The restaurant will be open Monday – Saturday from the hours of 11:30 a.m. to 9:00 p.m. and will be closed on Sundays. The restaurant is approximately 3,200 square feet in size and provides seating for approximately 40-45 guests. On site parking is provided in the plaza which satisfies the parking requirement. The applicants plan to open for business once they secure that ABC License. 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. 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.

Section 17.72.040 of the Lodi Municipal Code 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. ABC primarily controls issuance based on concentration of licenses within a particular Census Tract. Census Tract 43.05 covers the area south of Kettleman Lane, west of the Woodbridge Irrigation District (W.I.D) Canal, north of Harney Lane, and east of Lower Sacramento Road. According to ABC, Census Tract 43.05 contains 5 existing on-sale licenses with 4 on-sale licenses allowed based on the ABC criteria. Because this census tract is over-concentrated, the Planning Commission must make a finding of public necessity 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.

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 September 10, 2009 and 13 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).

ALTERNATIVE PLANNING COMMISSION ACTIONS:

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

Respectfully Submitted,

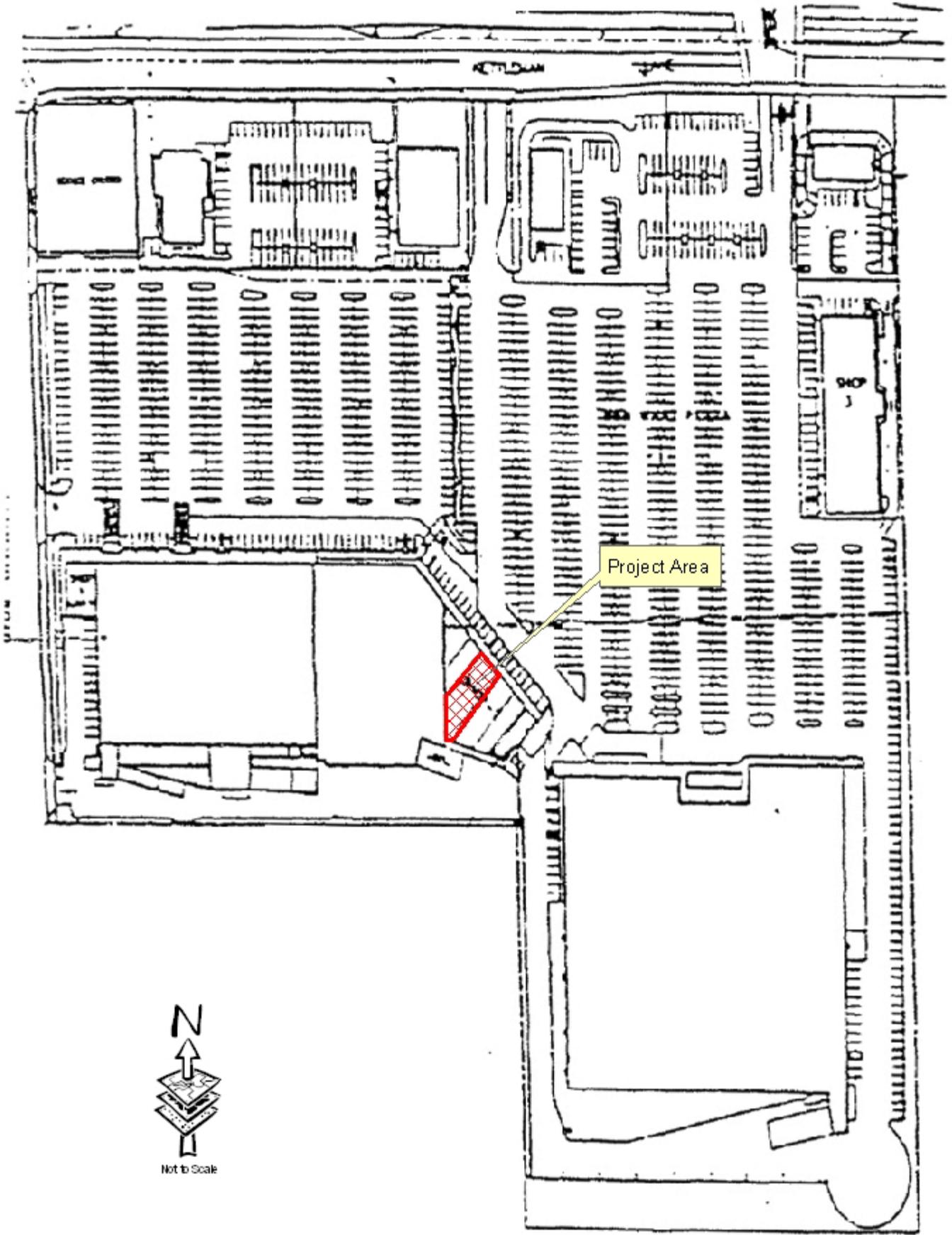
Concur,

Immanuel Bereket
Assistant Planner

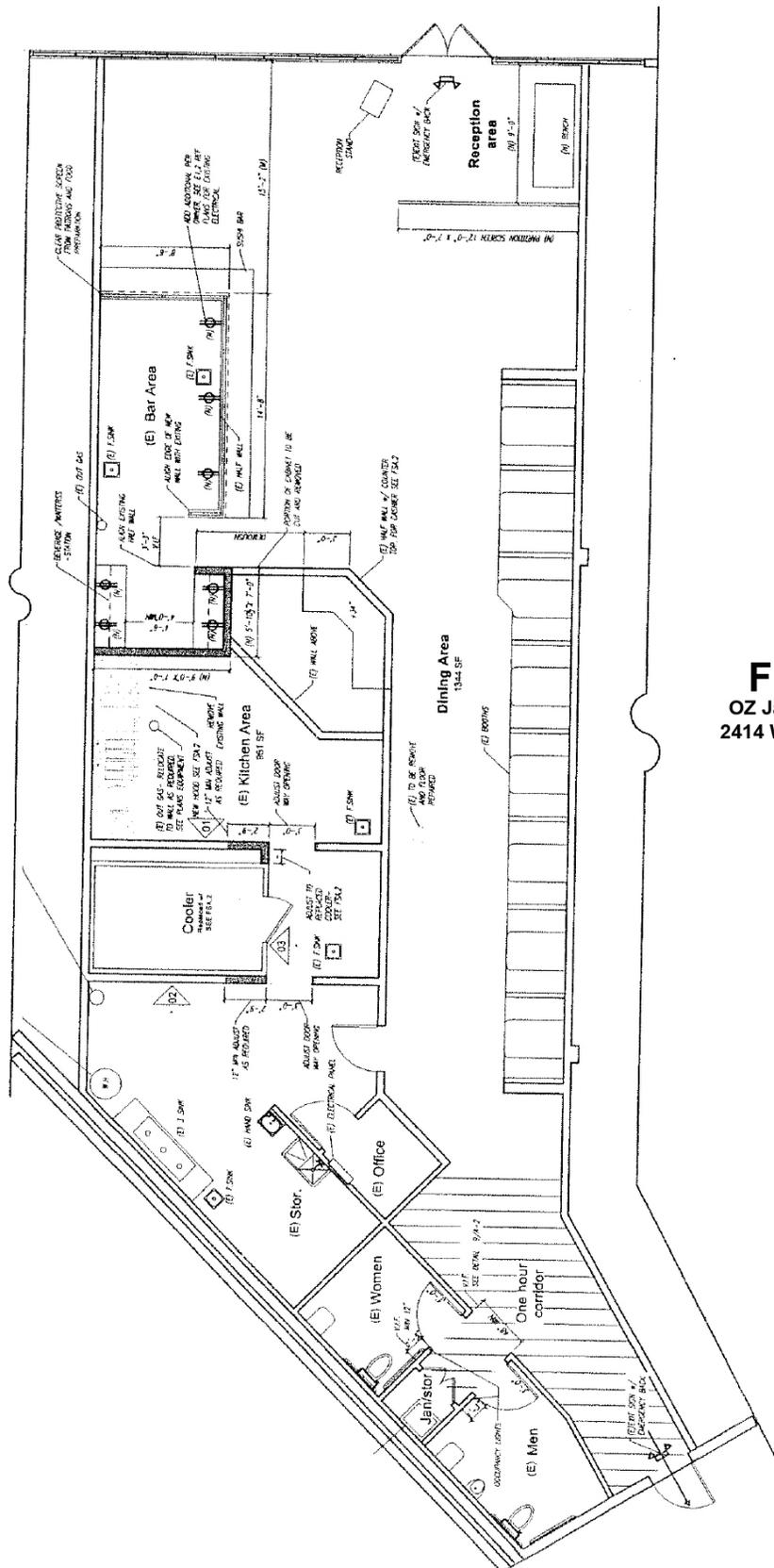
Konradt Bartlam
Community Development Director

ATTACHMENTS:

1. Site Plan
2. Floor Plan
3. Menu
4. Draft Resolution



Site Plan



Floor Plan
 OZ Japanese Restaurant
 2414 West Kettleman Lane
 Lodi, CA 95242



Sushi Sashimi

Nigiri, Roll set

Combination	Choice of 1 eel, spicy tuna, or real California roll & 5 pieces of nigiri	13.95
Assorted Nigiri	8 pieces of chef's selection of nigiri	15.95
Sushi & Sashimi	Tuna, salmon, hamachi sashimi & 7pcs nigiri	20.00
Combo		
Sashimi Tuna Set	Fresh tuna sashimi served w/ rice	16.75

Roll

California	Imitation crab, avocado roll	4.00
Spicy Tuna Roll	Tuna tartar w/ spicy sauce	5.75
Lox Roll	Cream cheese & cucumber roll topped w/ smoked salmon, capers & onion.	8.50
Nova Roll	Smoked salmon and cream cheese roll deep fried in tempura batter	7.00
Salmon Skin Roll	Roasted salmon skin & gobo root roll topped w/ 3 kinds of fish	5.75
Spicy Salmon Roll	Rolled cucumber & avocado topped with fresh salmon, tobiko & onion	9.00
Spider Roll	Deep-fried soft-shell crab, lettuce, & avocado roll topped w/ 3 kinds of fish	9.00
Golden Prawn Roll	Panko fried prawn, avocado & cucumber roll topped w/ spicy sauce	7.50
Rainbow Roll	California roll topped w/ tuna, salmon, halibut, yellow tail, and eel	10.50
Crunchy Rainbow	Prawn tempura roll topped w/ tuna, salmon, halibut, yellowtail & eel w/ teriyaki sauce	11.50

Roll

Eel Roll	Eel & cucumber roll topped w/ almonds & walnuts	5.95
Asparagus Roll	Asparagus, avocado & snow crab roll served w/ spring greens, garlic chops & house dressing	7.95

Beverage	Soft Drink	1.95
	Hot tea, Ice Tea	1.95
Beer	Kirini, Sapporo, Asahi	(S) 3.25 (L) 3.95
Wine	House Wine (Glass) 5.95 Plum Wine (Glass) 5.95	

Oz Japanese

Restaurant

2414 W Kettleman Ln

STE 2006

LODI, CA 95242-4114

Monday-Saturday

Lunch 11:30 ~ 2:00

Dinner 5:30 ~ 9:00

Appetizer

Edamame	Boiled soy beans	3.95
Spicy Sesame Chicken	Tempura chicken dipped in a spicy ginger teriyaki sauce	6.95
Parmesan Spring Roll	Parmesan cheese w/bay shrimp	4.00
Tofu Steak	Pan-fried tofu w/ shiitake mushroom, topped w/ ginger sauce	6.00
Nasu Dengaku	Cooked jumbo eggplant topped w/ miso sauce	5.50
Baked Oyster	Baked oyster w/ pesto and cheese	5.75
Mixed Tempura	Deep fried seafood and assorted veggies w/ tempura sauce	8.25
Vegetable Tempura	Seasonal vegetables w/ tempura sauce	6.25
Agedashi Tofu	Deep-fried tofu w/ dashi broth	5.50
Salmon & Mushroom in foil	Salmon filet and Japanese mushroom cooked with sake and butter	9.95
Fried Squid	Deep fried squid tossed with cilantro pesto, and ponzu	8.95
Tempura Imano	Shiitake mushroom stuffed with minced prawn and shiso	8.95
Steamed Vegetable	Steamed seasonal vegetables served in dashi broth	7.25
Asparagus Beef Wrap	Asparagus wrapped w/ thinly sliced beef in a garlic, ponzu & jalapeno sauce	10.25
Jumbo Prawn & Scallop	Breaded fried prawn & scallop served w/tonkatsu & curry sauce	12.50
5 Layer Tuna Tartar	Tuna, tofu, seaweed, unagi, & avocado w/sesame dressing	12.00
Assorted Sashimi A	Tuna, salmon, octopus, yellow tail, mackerel & white fish	10.50
Assorted Sashimi B	Tuna, Yellow Tail, Salmon Sashimi	10.50
Albacore Tataki	Seared white tuna served in ponzu	7.95
Albacore Tataki w/pesto sauce	Seared white tuna, avocado & tomato walnuts/ basil mayo	7.95
Salmon Lomi Lomi	Salmon & sliced red onion served w/ chili sesame oil	7.95
Tako Kimchee	Octopus, cucumber, & tomato in kimchee sauce	8.75

Salad

Green Salad	Mixed greens w/house dressing	4.00
	Extras: tomato, asparagus, cucumber, avocado, garlic chips	.50 each
Japanese Cole Slaw	Shredded cabbage tossed w/sesame oil & kosher salt	4.00
Seaweed Salad	Marinated seaweed w/sesame oil	4.00
Grilled Salmon Salad	Bed of spring greens topped tomato, avocado w/ dill dressing	13.50
SSS Tuna Salad	Spicy sesame seared tuna w/ponzu & spicy sesame oil	12.95
House Smoked Salmon Salad	Spring mix w/tomato,avocado,garlic chip, caper,parmesan w/salmo	12.95
Sashimi Salad	Sashimi on a bed of spring greens served w/ponzu, olive oil dressing	11.50

Something Extra

Mini Udon or Soba	Noodles served in dashi broth, topped w/ wakame, tempura bits, gr	5.00
Mini Tendon	Tempura over rice seasoned w/sweet dashi broth	5.00
Miso Soup	Tofu and wakame	1.75
Rice	Steamed rice	1.10

Lunch & Dinner

Teriyaki *served with rice and mixed green salad

Chicken	Grilled chicken thigh sautéed w/onions & mushrooms	8.95
Beef	Sliced grilled beef sautéed w/onions & mushrooms	10.25
Salmon	Sautéed 2pcs salmon filet w/onions & mushrooms	11.95
Prawn	Sautéed prawn w/onions & mushrooms	10.25
Vegetarian	Sautéed tofu and seasonal vegetables	8.95
Sesame Chicken	Tempura chicken dipped in a ginger teriyaki sauce,sesame seed	10.25

Tempura *served with rice and mixed green salad

Mixed	Shrimp and seasonal vegetables	12.50
Vegetable	Seasonal vegetables	9.50

Grilled *served with rice and mixed green salad

Saba	Mackerel seasoned with kosher salt	10.00
Salmon	Fresh salmon seasoned with kosher salt	11.95
Korean BBQ	Grilled marinated beef sautéed with onion & pepper	10.25

Panko Fried *served with rice and Japanese cole slaw

Tonkatsu	Breaded fried filet pork served with tonkatsu sauce	11.50
Chicken Katsu	Breaded fried chicken breast served with tonkatsu sauce	10.95
Seafood Mix	Breaded fried prawn, salmon & scallop served with tartar sauce	12.00
Panko Prawn	Breaded fried prawn asparagus served with tartar sauce	10.50

Donburi (Bowl)

Chicken Teriyaki Don	Grilled chicken sautéed with onion & mushroom over rice	7.50
Beef Teriyaki Don	Grilled beef sautéed w/onion & mushroom over rice	8.50
Tendon	Prawn & vegetable tempura over rice w/sweet dashi broth	9.00
Tendon Special	Jumbo prawn, shiitake, nori & vegetable tempura over rice seasoned w/sweet dashi broth	11.95
Unagi Don	Broiled unagi w/teriyaki sauce over rice	9.95
Katsu Curry	Beef curry served w/chicken katsu	10.95

Udon & Soba

House Udon or Soba	Noodles served in dashi broth, topped w/ wakame, tempura bits, onion & fish cake	8.50
Tempura Udon or Soba	Noodles served in dashi broth w/tempura on side	12.50
Curry Udon	Beef curry gravy on top Udon noodle	10.00

No personal checks. VISA, Master Card American Express accepted.

RESOLUTION NO. P.C. 09-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF YOUNG H. JANG FOR A USE PERMIT TO ALLOW ON-SALE BEER AND WINE OZ JAPANESE RESTAURANT LOCATED AT 2414 WEST 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 Young H. Jang; and

WHEREAS, the property owner is First Lodi Plaza Associate Ltd PTP., 100 Swan Way, STE 206., Oakland, CA 94621; and

WHEREAS, the property is located at 2414 West Kettleman Lane, (APN 058-140-50); and

WHEREAS, the property has a General Plan designation of Neighborhood Community Commercial and is zoned C-S, Commercial Shopping; and

WHEREAS, the Use Permit to allow the sale of beer and wine for on-site consumption within the restaurant is an enforcement action in accordance with the City of Lodi Zoning Ordinance; and

WHEREAS, Census Tract 43.05 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 43.05 has an over concentration of on-sale general alcohol licenses, the Planning Commission must make a finding of necessity 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 (ABC) has training available that clearly communicates State law concerning the sale of alcoholic beverages; and

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

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

1. The project is categorically exempt according to the California Environmental Quality Act, §15321, Class 21 (a) (2) (Enforcement Action by Regulatory Agency). The permit is being granted under adoption of an administrative decision or order enforcing the ABC license and enforcing Section 17.72.070 of the Zoning Ordinance and no significant impacts are anticipated and no mitigation measures have been required.
2. In order to comply with the State Department of Alcoholic Beverage Control, a Type-41 on-sale beer and wine license requires the sale of alcoholic beverages be secondary to food sales, which is the major activity.
3. The sale of alcoholic beverages as part of a restaurant is a convenience that does not typically create alcohol related problems.
4. The proposed use is expected to be compatible with the surrounding use and neighborhood.
5. The granting of the Use Permit is consistent with the City's General Plan and Zoning Ordinance.

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

1. The project proponent shall 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 project proponent 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, welfare or safety of persons residing or working in the surrounding area. This includes, but is not limited to: disturbances of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passerby, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, excessive loud noises (especially in the late night or early morning hours), traffic violations or traffic safety based upon last drink statistics, curfew violations, lewd conduct, or police detention and arrests.
3. The project proponent shall operate and abide by the requirements and conditions of the State of California Department of Alcoholic Beverage Control License Type-41.
4. The Type-41 License shall be limited to on-site sale and consumption of beer and wine during the hours that the restaurant is open for dining, Monday-Saturday from 11:30 a.m. to 9:00 p.m.
5. There shall be no off-sale of alcoholic beverages and the sale of food shall compose more than 50 percent of gross sales receipts.
6. Prior to the issuance of a Type-41 license, the applicant shall complete Licensee Education on Alcohol and Drugs as provided by the State Department of Alcoholic Beverage Control.
7. The conditions of the Use Permit are subject to periodical review by staff and the Planning Commission for compliance.
8. No variance from any City of Lodi adopted code, policy or specification is granted or implied by the approval of this resolution.

Dated: September 23, 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 September 23, 2009 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST: _____
Secretary, Planning Commission

Item 3b.



MEMORANDUM, City of Lodi, Community Development Department

To: Planning Commissioners
From: Konradt Bartlam
Date: September 23, 2009
Subject: Amendment to Use Permit for Wine Country Card Room

The Planning Commission will recall that a condition of approval for the most recent amendment for the Wine Country Card Room required that an expansion of the parking area be completed within 120 days from the effective date of the Resolution (Condition #18). That period began on June 6, 2009 and is set to expire on October 4, 2009. The applicants have requested that an extension of this period be granted as they have not been able to complete the design and permitting required in the time frame provided.

The Staff Report and Resolution are attached for background information. In summary, the applicants requested and were granted an amendment to their original Use Permit. This amendment was approved in May, 2009. The amendment allowed the applicants to do the following:

- Increase the number of tables to the State maximum allowed from eight to 11 and not more than 10 players per table.
- Expand the number of card games to those approved and defined by the State Department of Justice.
- Expand the hours of operation from 10:00 a.m. to 2:00 a.m. to new hours of 8:00 a.m. to 4:00 a.m. daily.

As a result of the expansion of tables, staff felt that the inadequate parking provided at the site needed analysis. After determining the existing deficiency and concluding the expansion would exacerbate this condition, we determined that a minimum of 60 additional parking spaces should be required. However, because the business was already in operation, it was felt a reasonable time frame should be outlined which would allow the expansion to take place prior to the parking being constructed.

It is staff understanding that the applicants have completed design of a new parking lot with nearly 90 spaces. The firm of Baumbach and Piazza are prepared to submit this plan to the City for approval. It is also our understanding that D. R. Duke Construction have been contracted to undertake the work once the City has permitted the plan. Construction should take approximately 30-45 days to complete, therefore the soonest the parking lot could be completed would be 60 days.

This item has been advertised as a Public Hearing. As such, the Planning Commission can take whatever action it deems appropriate once public input has been given.

Respectfully Submitted,

Konradt Bartlam
Community Development Director

Attachments:

Letter from Stephen C. Snider of Mullin, Sullivan & Newton, LLP dated September 3, 2009
Planning Commission Staff report dated May 27, 2009
Planning Commission Resolution dated May 27, 2009

MULLEN, SULLIVAN & NEWTON, LLP

THOMAS J. NEWTON
CRAIG RASMUSSEN
STEPHEN C. SNIDER
JAMES V. DEMERA III
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OF COUNSEL
C. M. "BUD" SULLIVAN

ROBERT H. MULLEN
1914-2009

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SEP 08 2009

COMMUNITY DEVELOPMENT DEPT
CITY OF LODI

September 3, 2009

Rad Bartlam
Community Development Director
City of Lodi
221 W. Pine Street
Lodi, CA. 95240

RE: Wine Country Cardroom & Restaurant

Dear Mr. Bartlam:

I am writing this letter on behalf of the Wine Country Cardroom & Restaurant.

Thank you very much for meeting with us on September 1, 2009. We appreciate your willingness to discuss issues as they arise.

The purpose of this letter is to request that we be put on the Planning Commission agenda for the September 23, 2009, meeting. As we discussed, Wine Country has until approximately October 6, 2009, to comply with the Planning Commission's condition that we complete our parking lot improvements. Unfortunately, completing the engineering, obtaining the necessary permits, bidding the job, and actual construction will take longer than the originally allotted 120 days. By the time of the next Planning Commission meeting, we should have all of our plans submitted to the City and be toward the end of the permitting process. I would like to report our efforts to the Planning Commission and to seek an additional period of time within which to conclude the improvements. We would like to show the Commission that we have been acting diligently toward completing the improvements.

Rad Bartlam
September 3, 2009
Page Two

If there are any questions or comments regarding this request, please feel free to call me. Since I am frequently on the road, I can best be reached at (209) 481-6596.

Thanks again for your efforts in connection with this matter.

Very truly yours,

MULLEN, SULLIVAN & NEWTON, LLP

by



STEPHEN C. SNIDER

SCS:sw

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: May 27, 2009
APPLICATION NO: Use Permit: 07-U-01
REQUEST: Request to amend a previously approved Use Permit 07-U-01 to increase the number of tables, expand the hours of operation and increase the number of legal cardroom games at 1800 S. Cherokee Lane. (Applicant: Chris Ray, on behalf of Wine Country Cardroom & Restaurant. File Number: 07-U-01).
LOCATION: 1800 S. Cherokee Lane
APN: 062-060-51
APPLICANT: Wine Country Cardroom & Restaurant, DBA.
1800 S. Cherokee Lane
Lodi, CA 95240
PROPERTY OWNER: Leon A. Croce Trust
P.O. Box: 555
Lodi, CA 95241

RECOMMENDATION

Staff recommends that Planning Commission approve the request of Chris Ray, on behalf of Wine Country Cardroom and Restaurant, to amend a previously approved Use Permit, 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: 48,352 square feet. (Approx. 6,000 sq. ft. existing building floor area)

The adjacent General Plan, zoning and existing land use are as follows:

North: C-2, general commercial. Area to the north is a car dealership and trucking company storage yard.
South: C-2, general commercial. Area to the south is a vacant commercial lot currently being used for parking.
East: C-2, general commercial. Area to the east is State Route 99.
West: C-2, general commercial. Areas to the west are residential and a variety of retail commercial establishment.

SUMMARY

The applicant's request would amend the Use Permit previously approved by the Planning Commission and upheld, upon appeal, by the City Council. The previously approved Use Permit allowed operation of a card room with eight tables and a full service restaurant and bar. The proposed amendment to the approved Use Permit would increase the number of tables, expand

the hours of operation and increase the number of legal cardroom games. The proposed expansion, if approved, would conform to all applicable City of Lodi rules and regulations.

BACKGROUND

On February 14, 2007, the Axtion Jaxson Card room, formerly located at 29 North Sacramento Street, appeared before the Planning Commission requesting to transfer their business to the old Gary's Uptown Restaurant and Lounge facility located at 1800 S. Cherokee Lane. At the Planning Commission hearing, the applicants explained that they needed a larger facility to include a full service restaurant and bar to compliment the card room. The applicants also proposed to change the name from Axtion Jaxson to Lodi Country Casino and Restaurant. After conducting a public hearing, the Planning Commission conditionally approved the Use Permit request for the proposed card room operation with a 3-2 vote (Attachment 5).

On March 1, 2007, the City Clerk's office received an appeal from Kenneth R. Owen regarding the Planning Commission approval of a Use Permit for Wine Country Casino and Restaurant. The appeal was filed in accordance with Lodi Municipal Code Section 17.72.110 by Mr. Owen and his organization, Christian Community Concern. The City Council conducted a public hearing to consider the appeal of the Planning Commission's approval of the Use Permit on April 18, 2007. At that meeting, the City Council denied the appeal of Kenneth Owen and upheld the Planning Commission's decision of February 14, 2007 to allow the operation of the proposed card room. However, the City Council limited the hours of operation from 10:00 am to 2:00 am Monday through Sunday and prohibited the use of the word 'casino' in all signage (Attachment 6).

In January 2009, the City Council directed the City Attorney's office to draft a revised card room ordinance that would expand the types of games that could be played, increase the number of players per table, increase the number of card room tables in Lodi, and expand the hours of operation for card rooms. The revised ordinance was subject to state Department of Justice approval. The amendments to the cardroom ordinance were reviewed and approved by the California Attorney General's Office. At their hearing of April 1, 2009, the City Council repealed and reenacted Lodi Municipal Code Title 5, Permits and Regulations, Chapter 5.12 Cardrooms, increasing the number of legal cardroom games to add all games approved by the California Attorney General's Bureau of Gambling Control, expanding cardroom operations hours from 16 hours a day (10 a.m. - 2 a.m.) to 20 hours a day (8 a.m. - 4 a.m.) and increasing the number of tables from 8 to 11 (Attachment 7). The Police Department indicated that they have no history of complaints or enforcement issues as the cardroom is currently operated and recommended their approval (Attachment 8).

ANALYSIS

The applicant, Wine Country Cardroom and Restaurant, has operated a card room at 1800 South Cherokee Lane since March of 2007. The business includes a full service restaurant and bar to compliment the card room. The building itself comprises of two areas. The card room is located on the north side of the building and the restaurant, along with the bar, is located on the southern half of the building (Attachment 9). The card room is separated from the restaurant and bar by a sliding wall that remains closed at all times during cardroom operation. In addition, 42" high wall was installed around the card tables to provide additional separation of the card room from the restaurant and bar. Further, the applicants have installed a double glass door for the main entrance to the card room on the north side of the building. Customers are greeted and screened by security personnel upon entering the card room. As part of their attempt to expand the number of games played, the applicant's have removed the said 42" high wall around the card tables to increase room occupancy capacity. Removal of 42" portioning wall does not require a building permit.

As previously mentioned, the City Council repealed and reenacted Lodi Municipal Code Title 5, Permits and Regulations, § 5.12 Cardrooms at their meeting of April 1, 2009. The Lodi Municipal Code increases the number of cardroom games to include all games approved by the California Attorney General's Bureau of Gambling Control; expands cardroom operable hours from 16 hours a day (10 a.m. - 2 a.m.) to 20 hours a day (8 a.m. - 4 a.m.); and increasing the number of tables from 8 to 11 (See Attachment 7). The applicant is proposing to expand the hours operation, increase the number of games played and the number of tables as permitted by Lodi Municipal Code Title 5, Permits and Regulations, § 5.12 Cardrooms. In addition, the bar will stop selling alcoholic beverages at 2:00 a.m. to comply with State and local statutes. In accordance with Section 17.39.025 of the Lodi Municipal Code, a card room business is permitted in the C-2 General Commercial district by securing a Use Permit from the Planning Commission.

Staff has contacted the Lodi Police Department for their comments regarding the proposed application. The Police Department has no concerns and recommends their approval. Similarly, the Public Works, Electrical and Utility, and the Fire Department also recommend their approval subject to the attached resolution. Staff has also contacted the Division of Gambling Control for any issues or concerns regarding the proposed application. The Division of Gambling Control requires the applicant to provide them a copy of the approved Use Permit from the City. With respect to the existing ABC license, the proposed application does not concern the alcohol license and, therefore, is not an issue as the proposed application doesn't include modifying the existing ABC Use Permit. However, it is important to note that the existing bar is a stand alone bar that serves the restaurant and the cardroom. Therefore, receipts from food sales do not need to be in excess of sale of alcoholic beverages. The sale of alcoholic beverages, however, must stop on or before 2 a.m. as required by local and state regulations.

The amendment to the Use Permit read as follows (~~changes in strikethrough~~):

1. Not more than ~~eight~~ eleven tables shall be permitted in the card room and not more than ten players shall be permitted at any one card table (Attachment 4, condition No. 3)
2. Limit the hours of operation from ~~10:00~~ 8:00 a.m. to ~~2:00~~ 4:00 a.m., Monday through Sunday (Attachment 5, condition # 2).
3. There shall be posted in the card room in letters plainly visible from all parts thereof, signs stating that "~~no game except lowball, draw poker, without variations as defined by Hoyle, pinochle, pangini, rummy, Texas Hold 'Em, and contract or auction as bridge as those games are defined~~". "no game except those games that are approved and defined by the California Department of Justice, Division of Gaming Control, shall be played in the card room". These signs shall also contain such other information relating to the regulations contained in Section 5.12.140 of the Lodi Municipal Code as the chief of police may require. (Attachment 4, condition No. 7).

Staff has determined additional conditions are necessary for this request to amend the Use Permit. The proposed additional conditions of approval are:

1. The project proponent shall provide an additional 60 onsite parking spaces. The said parking spaces shall be on an improved parking lot that meets the City's Development Standards. The said parking spaces shall be provided within 120 calendar days, commencing from effective date of this amended use permit.

With respect to parking spaces, the Lodi Municipal Code § 17.060.100 governs this topic. However, the Lodi Municipal Code is silent regarding to number of spaces required for

cardrooms. In order to calculate needed parking spaces for a cardroom, staff contacted a number of jurisdictions regarding parking requirements for cardrooms. The requirements varied from 1 space for every chair (player) to one space for every three chairs (players). Based on current demand for parking, staff feels one space per cardroom player is a reasonable requirement.

Required Parking Space Distribution		
Types of Uses	Calculations	Numbers of required
Cardroom	1 space per each player and employee	112
Restaurant and Bar	1 space per four seats	20
Employees (restaurant and bar)	1 space per employee/shift	6
Total Parking spaces required	-	138
Total Parking spaced provided	-	144

As proposed, the expanded cardroom would have 98 players, 11 dealers, 2 supervisors (1 supervisor per 5 tables) and one security staff. Thus, the applicants should be required to provide one parking space for every employee and player in the cardroom, which amounts to 112 spaces. Pursuant to L.M.C §17.060.100, applicants are also required to provide 1 space for every four seats in the restaurant (the restaurant has 78 seats). Staff has also asked that the applicants provide one space for every two employees who work in the bar and restaurant, but the applicants have provided 1 space for every employee as well. Currently, the cardroom and restaurant facility has 84 parking spaces on the premise. However, the applicants have purchased the vacant parcel located immediately to the south of the cardroom. This parcel measures 51,342 sq. ft. (1.18 acres) in area. The applicants are in the process of improving this vacant parcel to meet the increased parking space requirements and to meet the City's development standards (See Attachment 11).

The cardroom has operated without any problem since it has been open to business. The applicant has met and exceeded every condition imposed by the Planning Commission and City Council. The Police Department and Lodi Improvement Committee have both indicated that they have no history of complaints or enforcement issues as the cardroom is currently operated. Based upon the review of the proposal and the proposed amendments to the Use Permit, staff supports the request for the modifications to the card room operations and the operation of the restaurant with a bar. As the history of this use had demonstrated, the proposed amendment is compatible with the surrounding land uses in the vicinity of the project site.

ENVIRONMENTAL ASSESSMENTS:

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." The project was also found to be categorically exempt according to the California Environmental Quality Act, Article 19 15332 Class 32 (a) (b) (c) (d) and (e). The project is classified as in-fill development meeting the conditions described therein. Further, the project was found to be categorically exempt according to the California Environmental Quality Act, Article 19 15311 Class 11 (b). No significant impacts are anticipated and no mitigation measures have been required.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published on May 13, 2009 and 27 public hearing notices were sent to all property owners of record within a 300-foot radius of the subject property as

required by California State Law §65091 (a) 3. Staff also posted a copy of the public hearing notice at the project site.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

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

Respectfully Submitted,



Immanuel Bereket
Assistant Planner

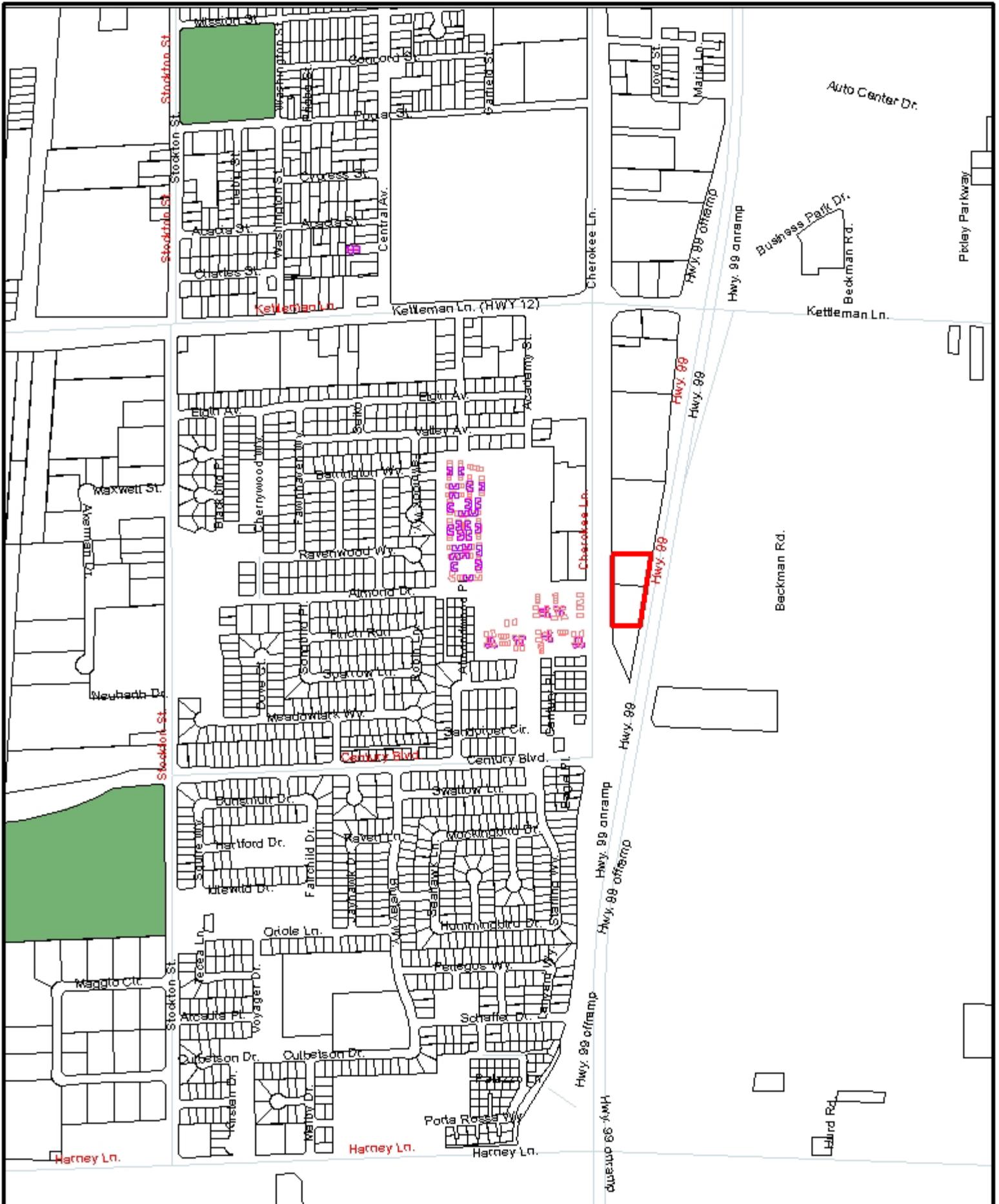
Concur,



Konradt Bartlam
Community Development Director

ATTACHMENTS:

1. Vicinity Map
2. Aerial Photograph
3. Site Plan
4. Planning Commission Resolution 07-02
5. City Council Resolution No. 2007-71
6. City of Lodi Municipal Code Title 5
7. Police Department Approval
8. Landscape and Parking Layout
9. Existing Floor Plan
10. Proposed Cardroom Floor Plan
11. Conceptual Parking Lot Development Plan
12. Draft Resolution

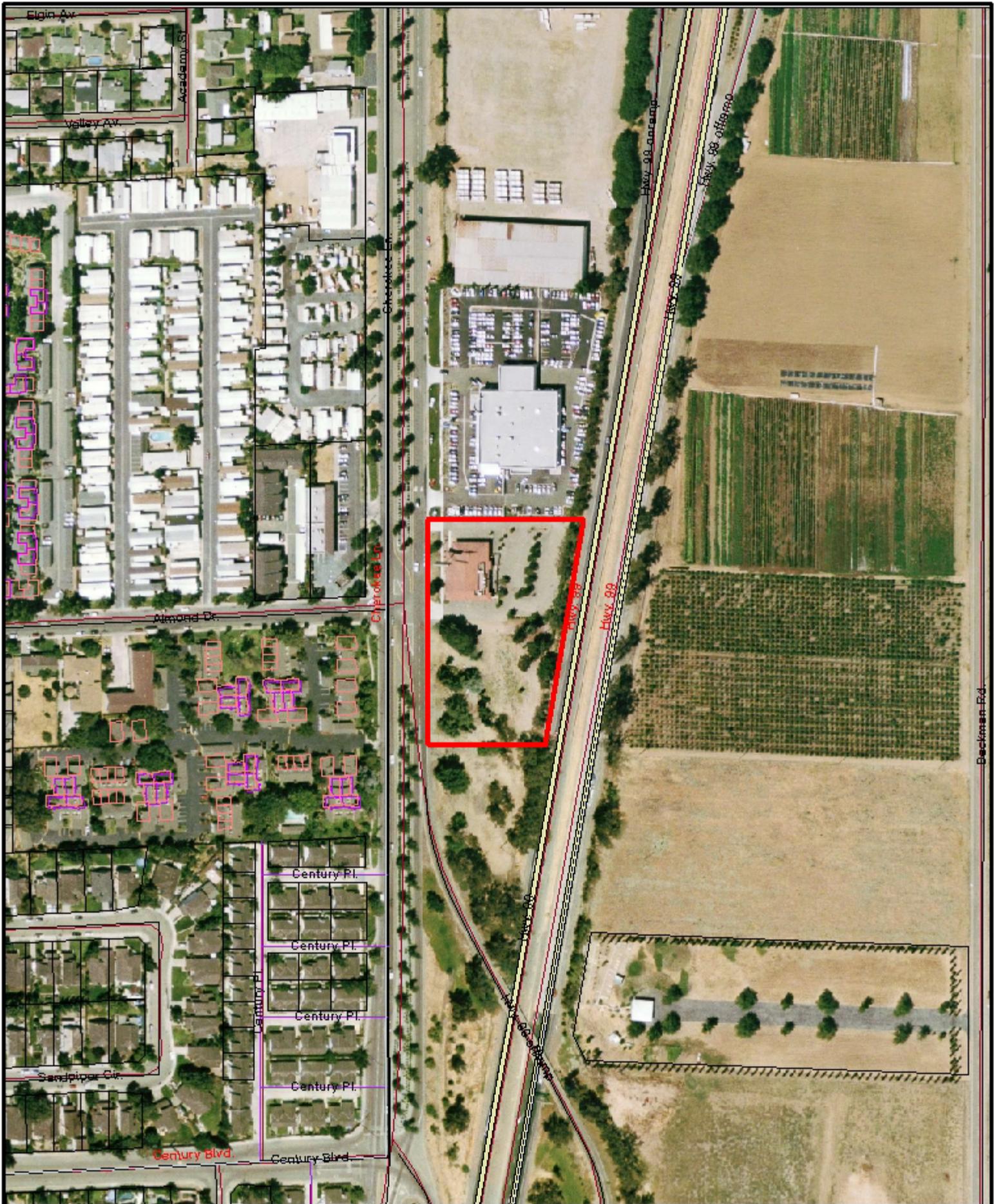


Not Scaled

Wine Country Cardroom & Restaurant
 1800 S. Cherokee Lane
 Lodi, CA 95240

Legend

Project Area

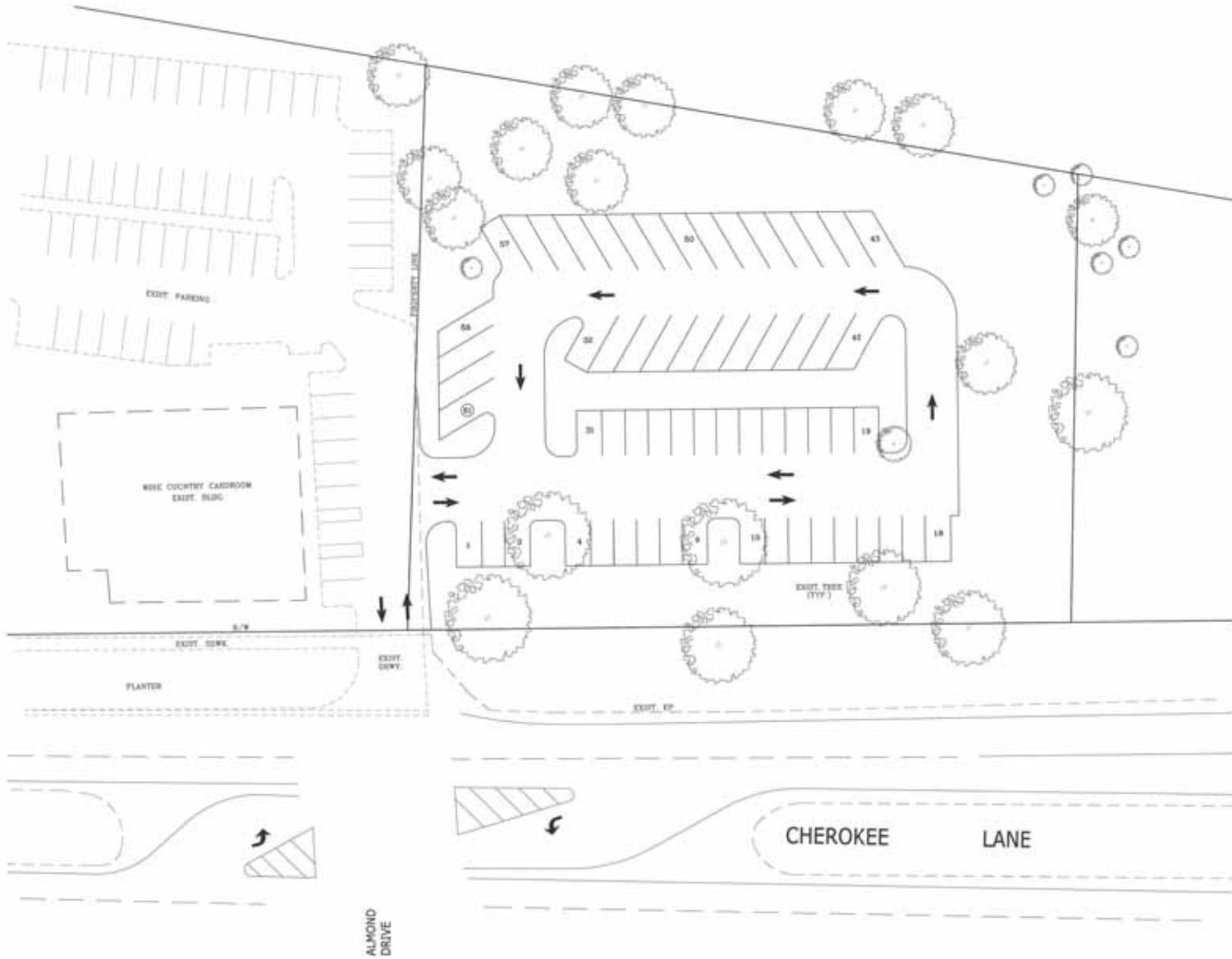


Wine Country Cardroom & Restaurant
1800 S. Cherokee Lane
Lodi, CA 95240

Legend

 Project Area





NO.	REVISIONS	DATE	BY	DRAWN	SEP	DESIGN	SEP	SCALE: 1"=20'



PREPARED IN THE OFFICE OF:
BAUMBACH & PIAZZA, INC.
 CIVIL, ARCHITECTURE & PLANNING
 www.baumpiazzainc.com
 201 368 9818
 DESIGNED UNDER THE SUPERVISION OF:
 NCE

CONCEPTUAL PLAN
 WINE COUNTRY CARDROOM PARKING EXPANSION

SHEET 1 OF 1
 JOB NO. 09020
 FILE NO.

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RESOLUTION NO. P.C. 07- 02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF WINE COUNTRY CASINO & RESTAURANT FOR A USE PERMIT TO ALLOW THE OPERATION OF A PROPOSED CARD ROOM AT 1800 S. CHEROKEE LN.

- 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 Wine Country Casino & Restaurant, P.O. BOX: 560, Lodi, CA 95241 and
- WHEREAS,** the property owner is Leon A. Croce Trust, 2156 P.O. BOX: 555, Lodi, CA 95241
- WHEREAS,** the property is zoned C-2, General Commercial which allows a card room business with approval of a Use Permit; and
- WHEREAS,** the property is located at 1800 S. Cherokee Lane; and
- WHEREAS,** all legal prerequisites to the adoption of this Resolution have occurred; and
- WHEREAS,** the proposed Use Permit is consistent with all zoning and General Plan standards.

Based upon the evidence in the staff report and project file, the Planning Commission of the City of Lodi makes the following findings:

1. The proposed use will be consistent with all applicable goals, policies and standards of the City's adopted General Plan Policy Document and with the site's Commercial General Plan Diagram designation.
2. The proposed use is in compliance with the City's Municipal Code requirements and the Use Permit has been reviewed in accordance with Chapter 5.12 of the Lodi Municipal Code.
3. 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.
4. 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." The project was also found to be categorically exempt according to the California Environmental Quality Act, Article 19 15332 Class 32 (a) (b) (c) (d) and (e). The project is classified as in-fill development meeting the conditions described therein. Further, the project was found to be categorically exempt according to the California Environmental Quality Act, Article 19 15311 Class 11 (b). No significant impacts are anticipated and no mitigation measures have been required.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that the Use Permit 07-U-01 is hereby approved, subject to the following conditions:

Community Development Department, Planning:

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 applicant shall secure all required Building, Fire Department, Electric Utility and Public Works Department permits and approvals, and pay all applicable fees.
 3. The applicant shall comply with applicable Federal, State, and County regulations and adopted standards. The applicant shall also comply with Chapter 5.12, Cardrooms, of the Lodi Municipal Code.
 4. Not more than eleven tables shall be permitted in the card room and not more than ten players shall be permitted at any one card table.
 5. No person under the age of twenty-one shall be permitted at the card room area, nor shall any person under the age of twenty-one be permitted to participate in any game played thereat.
 6. Card rooms may be operated seven days a week and shall not open until the hour of eight a.m. Card rooms shall close at four a.m. Such schedule of hours shall be clearly posted at the card room in order to provide adequate notice of its hours of operation.
 7. All card rooms shall be open to police inspection during all hours of operation
 8. There shall be signs posted in the card room in letters plainly visible from all parts thereof, stating that "no game except those games that are approved and defined by the California Department of Justice, Division of Gaming Control, shall be played in the card room". These signs shall also contain such other information relating to the regulations contained in Section 5.12.140 of the Lodi Municipal Code as the chief of police may require.
 9. No person who is in a state of intoxication shall be permitted in any card room.
 10. Prior to initiation of the card room facility, a video surveillance system with continuous recording capability, and approved by the Police Department, shall be in place. The video surveillance system shall cover the exterior of the premises, including the parking lot and entrance to the card room. It shall also cover any counting room, cage, safes, gaming tables, and any other location on the premises that the Police Department deems necessary.
 11. For 1 to 100 patrons, a minimum of one Police Department-approved, State-licensed, uniformed security officer shall be provided during the hours of operation.
 12. The sliding wall separating the card room from the restaurant and bar shall remain closed at all times during card room operation.
 13. Upon the discretion of the Chief of Police or a representative thereof, additional security guards may be required.
 14. All signs shall be subject to approval by the Community Development Department.
 15. Structures, landscaping, signs and other improvements, including exterior paint, shall be maintained in a manner so as not to be blighted or deteriorated.
 16. Prior to opening to the public, the applicant shall submit a detailed landscape and irrigation plan to be reviewed and approved by the Community Development Director.
 17. The operator of the card room shall police the area surrounding the building to prevent patrons from congregating/loitering outside the premises and to prevent parking and noise problems.
 18. The project proponent shall provide an additional 60 onsite parking spaces. The said parking spaces shall be in an improved parking lot that meets the City's Development

Standards. The said parking spaces shall be provided within 120 calendar days, commencing from effective date of this amended use permit. In the interim and during the construction period the applicant shall submit a parking plan to the Community Development Department outlining the actions that will be taken to satisfy the parking demand during that time.

Fire Department:

1. The City inspection notice of corrections dated 12/29/06 shall have all items corrected prior to opening to the public and receiving a Certificate of Occupancy.
2. Building Permit for Tenant Improvement (B19045) shall be approved and all items inspected prior to opening to the public.

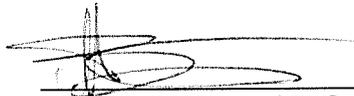
Dated: May 27, 2009

I hereby certify that Resolution 07-02 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on May 27, 2009, by the following vote:

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

Noes: Commissioners – Cummins

ATTEST:



Planning Commission Secretary

Item 3c.

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: September 23, 2009

APPLICATION NO: 09-MND-02

REQUEST: Request Planning Commission to certify the proposed Mitigated Negative Declaration 09-MND-02 as adequate environmental documentation for the proposed dewatering facility to be located at the White Slough. (Applicant, City of Lodi: File # 09-MND-02).

LOCATION: 12751 North Thornton Road
(APN: 055-130-16)

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 the Planning Commission approve the request of the City of Lodi, Public Works Department for certification of a Mitigated Negative Declaration 09-MND-02 as adequate environmental documentation for the project, subject to the attached resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: PQP, Public Quasi Public.

Zoning Designation: PUB, Public.

Property Size: Approximately 160 acres. The project area will be approximately 24,000 sq. ft.

The adjacent zoning and land use are as follows:

North: County of San Joaquin. AG-40-Irrigated agricultural land.

South: County of San Joaquin. The area immediately south of White Slough Water Pollution Control Facility is zoned AG-40 and is within the city of Stockton Sphere of Influence.

West: County of San Joaquin. AG-40-Irrigated agricultural land.

East: The area across I-5 is City owned property and is used for agricultural purposes.

SUMMARY

The City of Lodi proposes to construct a biosolids storage and dewatering facility at its White Slough Water Pollution Control Facility (WSWPCF). The City is currently facing significant

biosolids storage capacity limitations. The proposed storage and dewatering facilities are intended to increase WSWPCF's capacity. Due to the type, size and location of the project, the proposed project is subject to the California Environmental Quality Act (CEQA), which requires that projects be reviewed for their potential to create adverse environmental impacts. City staff conducted an initial environmental study and determined Mitigated Negative Declaration for the project is required.

BACKGROUND

Since 1923, the City of Lodi has been providing wastewater collection and treatment services to the community. The cornerstone of the City's program, the White Slough Water Pollution Control Facility (WSWPCF) was originally constructed in 1966. This facility replaced one of the oldest secondary treatment facilities in the Western United States. White Slough provides the City of Lodi with a means to achieve water quality standards required for the protection of the environmentally sensitive Sacramento-San Joaquin Delta.

Through the years, White Slough has been expanded and improved to meet the increasingly stringent environmental protection standards in an economically sound manner. The most recent project, completed in 1992, expanded White Slough to a capacity of 8.5 million gallons per day. The next phase of expansion is intended to satisfy the significant biosolids storage capacity limitations White Slough currently faces. The proposed biosolids storage and dewatering facilities will allow for storage of biosolids during the winter months.

ANALYSIS

As stated elsewhere, White Slough Water Pollution Control Facility (WSWPCF) is experiencing significant biosolids storage capacity limitations during winter months and the potential loss of future land application options during warm months due to permit requirements. Constructing a biosolids dewatering and storage facility will assist the City of Lodi in meeting future discharge permit requirements and provide additional biosolids handling capacities. The structure will consist of an 8-foot high platform with a steel canopy roof for the dewatering equipment and the chemical feed equipment. The dewatering equipment will consist of two skid-mounted rotary fan presses. Appurtenant facilities will include piping, pumps, and covered storage bays for the dewatered sludge. Construction of the project could commence early next year.

Due to its size and location, the proposed project is subject to the California Environmental Quality Act (CEQA) review and approval. The California Environmental Quality Act process requires that potential areas of impact be identified and a level of significance assessed. Accordingly, City staff have prepared an Initial Environmental Study and determined that the proposed project is not exempted from CEQA and a preparation of a Mitigated Negative Declaration is necessary for the project. 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 project on the loss of open spaces, agricultural land and biological resources. 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, have found that the proposed project will have impacts on loss of open space, but does not conflict with any adopted habitat conservation plan. However, White Slough and the surrounding area is known to house various sensitive species and some wildlife species.

As noted in *Section IV Biological 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 possible affect it will have on biological resources. As recorded in biological survey of the project area carried out by LSA Associates, Inc in 2007 (Attachment 6), the greater White Slough area is known to house various biological resources and species. In order for the project to proceed, the City, pursuant to SJCMSCP regulations, will arrange for a pre-construction survey of the project area regarding Incidental Take Minimization Measures to account for the loss of open space and to minimize impacts on biological resources. A biologist from the San Joaquin Council of Governments will conduct the said pre-construction survey and propose appropriate mitigation measures that will be incorporated into any building permit issuance for the project. The pre-construction survey will take place 30-calander days prior to any ground disturbance, clearance or grading per SJCMSCP regulations.

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 proposed project 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 project is activated, there would be additional loss of open space. The project area is already disturbed ground within the White Slough Water Pollution Control Facility (WSWPCF). It is currently being used for staging and aboveground equipment storage area. The City, however, will have to account for the loss of open space, even if it is a disturbed ground. Therefore, no additional mitigation measures beyond the San Joaquin County Multi-Species Conservation and Open Space Plan (SJCMSCP) are required.

The Planning Division, as required by CEQA, posted the Proposed Mitigated Negative Declaration with the San Joaquin County Clerk. Additionally, copies of the Initial Study and the proposed Mitigated Negative Declaration were sent to local agencies. Per past practices, a copy of the Initial Study and Mitigated Negative Declaration was also sent to San Joaquin County Council of Governments who had previously expressed an interest in reviewing the document. Furthermore, copies of the Initial Study and the proposed Mitigated Negative Declaration were 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. Notice of Intent to Adopt a Negative Declaration was also published on the Lodi News Sentinel on July 20, 2009. A public review and comment period for the proposed Negative Declaration commenced for a 21-day period on Thursday July 16, 2009 and ended on Tuesday August 11, 2009. The City received one (1) official correspondence regarding the proposed Mitigated Negative Declaration during this period from the San Joaquin County Council of Governments.

The San Joaquin County Council of Governments submitted a letter indicating that a pre-construction biological survey is required and that the City must not authorize ground disturbance, clearance or grading before the said pre-construction biological survey is conducted and the City signed Implement Incidental Take Minimization (ITMMs). ITMMS outline steps the City need to take in order to comply with all applicable environmental regulations. Staff did not receive any other comment from public agencies or private citizens. Thus, staff believes that the proposed Negative Declaration is an adequate environmental documentation for the proposed project. No significant impacts are anticipated and no mitigation measures have been required.

ENVIRONMENTAL ASSESSMENTS:

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 Mitigated Negative Declaration for the required 21-day period, from Thursday July 16, 2009 through Tuesday August 11, 2009. This project was found to have 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. The proposed Mitigated Negative Declaration, 09-MND-02 adequately addresses potential environmental impacts that could occur as a result of this project. Some significant impacts as related to loss of open space and biological resources are anticipated and mitigation measures have been required to reduce impacts to less-than-significant. Staff received a comment from the San Joaquin County Council of Governments outlining their requirement to approve the proposed project. Their requirements have been added to the proposed Mitigation measures as well as to the attached resolution.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published on September 10, 2009. The City of Lodi owns adjoining properties within a 300-foot radius of the subject property.

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. Site Plan
3. Proposed Mitigated Negative Declaration
4. Environmental Study Checklist
5. San Joaquin County Habitat Conservation Plan Map
6. Biological Survey Conducted by LSA Associates, Inc.
7. Comments Received
8. Draft Resolution

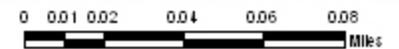


Legend

 Project Area

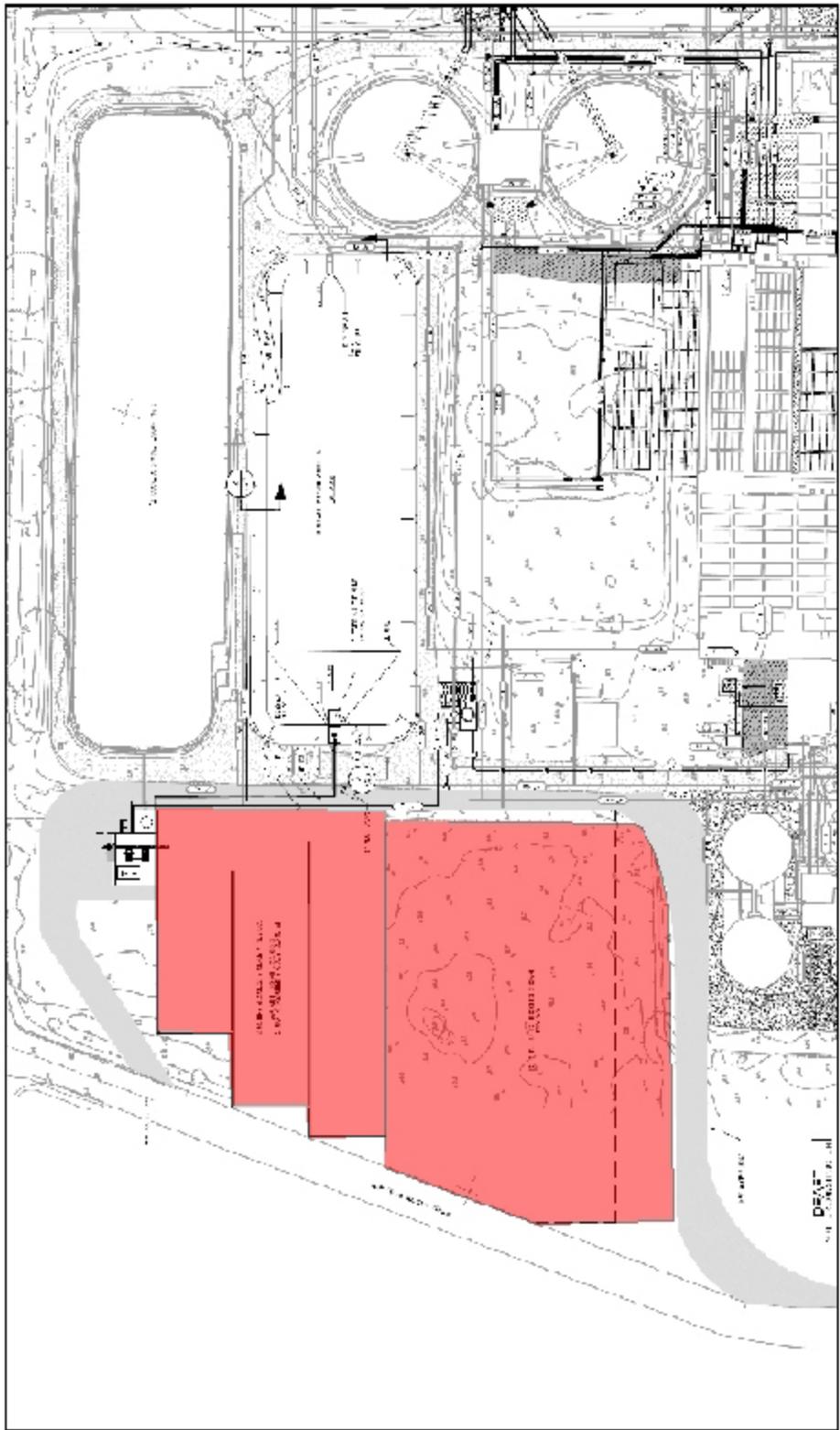
PROJECT SITE AERIAL MAP

FIGURE 4



Albers Projection
Central Meridian: -96
1st GM Parallel: 20
2nd GM Parallel: 60
Latitude of Origin: 40





SITE PLAN
 FIGURE 5

2009 JUL 17 AM 10:43

SAN JOAQUIN COUNTY

BY P. Paulsen
DEPUTY

City of Lodi

Proposed Mitigated Negative Declaration

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

File Number: 09-ND-02

Project Title: WHITE SLOUGH BIOSOLIDS DEWATERING AND STORAGE FACILITY

Project Description:

The project site is located in the City of Lodi, County of San Joaquin. The subject property is located at 12751 North Thornton Road (APN: 055-130-16). Specifically, the dewatering and storage facilities are to be located west of the digester complex and south of the sludge storage lagoons, on land that was used for the soil borrow/stockpile during the three Phase construction projects. The City intends to complete the mechanical and electrical equipping of the sludge pump station at sludge lagoon #1, construct a dewatering facility, and construct a biosolids storage facility which includes approximately two months of biosolids storage capacity.

The dewatering facility will consist of an approximately 5,000-gallon temporary storage tank for pumped sludge; two rotary fan press skids with integral sludge pumps, polymer injection and controls; and a screw conveyor for transferring dewatered solids to the storage facility. The storage facility will be a concrete slab on grade with low walls, open sided, steel-framed structure and will measure approximately 13,000 sq. ft. of covered storage and approximately 10,000 sq ft of uncovered storage area, totaling approximately 23,000 sq ft of an area.

Project Location:

The project site is located in the City of Lodi, County of San Joaquin. The project site is at Por. Sec 13, 23 & 24, T.3N, R.5E., 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 July 20, 2009 and end Wednesday August 12, 2009.

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

[Signature]
Signature

7/16/2009
Date

Konradt Bartlam
Printed Name

For

INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION
09-ND-02

WHITE SLOUGH BIOSOLIDS DEWATERING AND STORAGE FACILITY

July 20, 2009

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

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NOTICE OF AVAILABILITY

Notice is hereby given that the City of Lodi, Community Development Department, has completed an initial study and proposed a 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 Negative Declaration 09-ND-02. The initial study reflects the independent judgment of the City.

File Number: 09-ND-02

Project Title: WHITE SLOUGH BIOSOLIDS DEWATERING AND STORAGE FACILITY

PROJECT DESCRIPTION:

The project site is located in the City of Lodi, County of San Joaquin. The subject property is located at 12751 North Thornton Road (APN: 055-130-16). Specifically, the dewatering and storage facilities are to be located west of the digester complex and south of the sludge storage lagoons, on land that was used for the soil borrow/stockpile during the three Phase construction projects. The City intends to complete the mechanical and electrical equipping of the sludge pump station at sludge lagoon #1, construct a dewatering facility, and construct a biosolids storage facility which includes approximately two months of biosolids storage capacity.

The dewatering facility will consist of an approximately 5,000-gallon temporary storage tank for pumped sludge; two rotary fan press skids with integral sludge pumps, polymer injection and controls; and a screw conveyor for transferring dewatered solids to the storage facility. The storage facility will be a concrete slab on grade with low walls, open sided, steel-framed structure and will measure approximately 13,000 sq. ft. of covered storage and approximately 10,000 sq ft of uncovered storage area, totaling approximately 23,000 sq ft of an area.

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 Negative Declaration for a 21-day period, commencing on Friday July 17, 2009 through Wednesday, August 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 Department
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

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

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Signature

Date

Konradt Bartlam
Printed Name

For

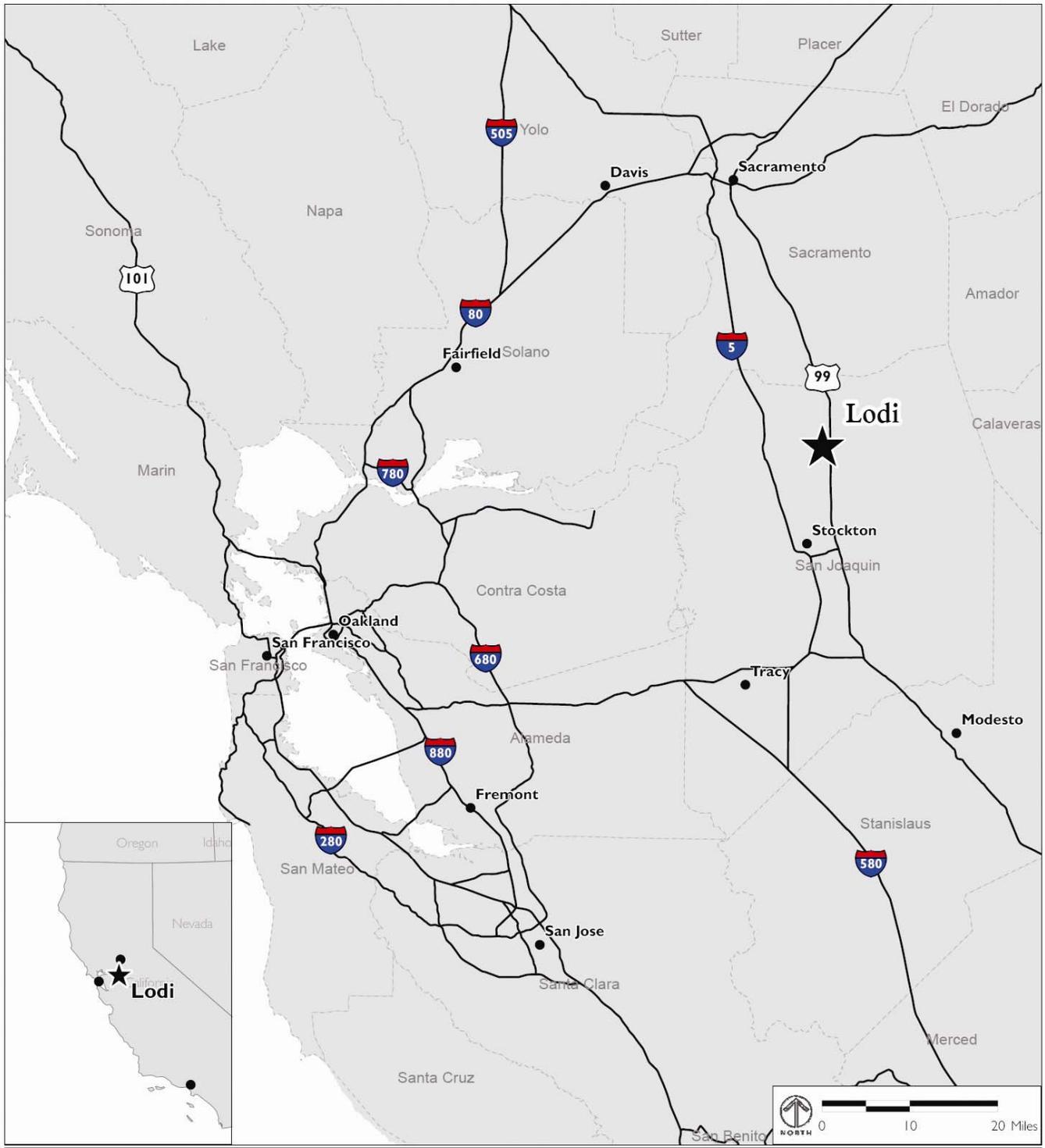


FIGURE I-1
 REGIONAL LOCATION MAP, CITY OF LODI

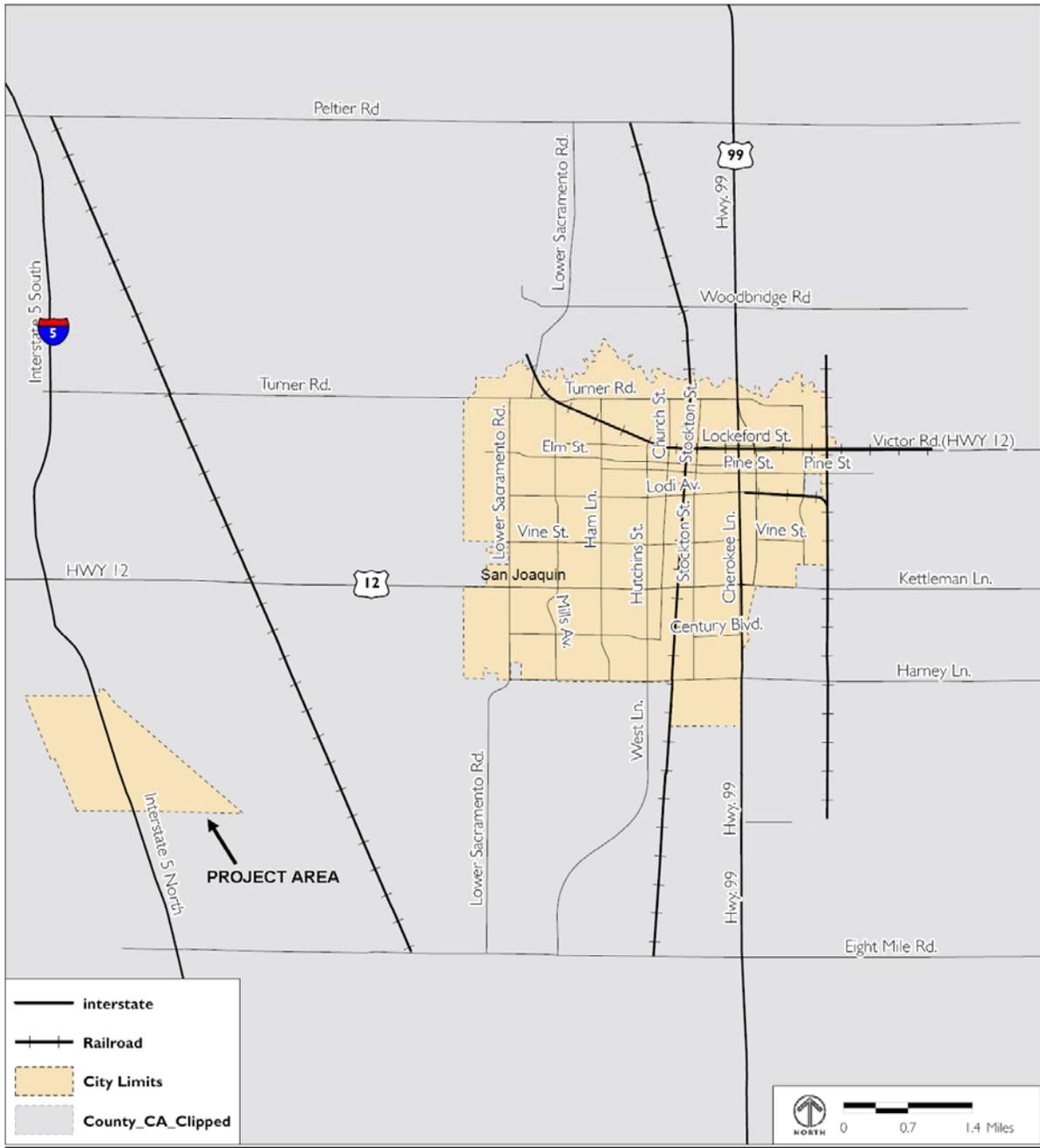


FIGURE - 2
 LOCAL LOCATION MAP, CITY OF LODI

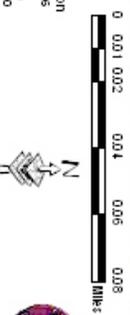


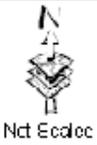
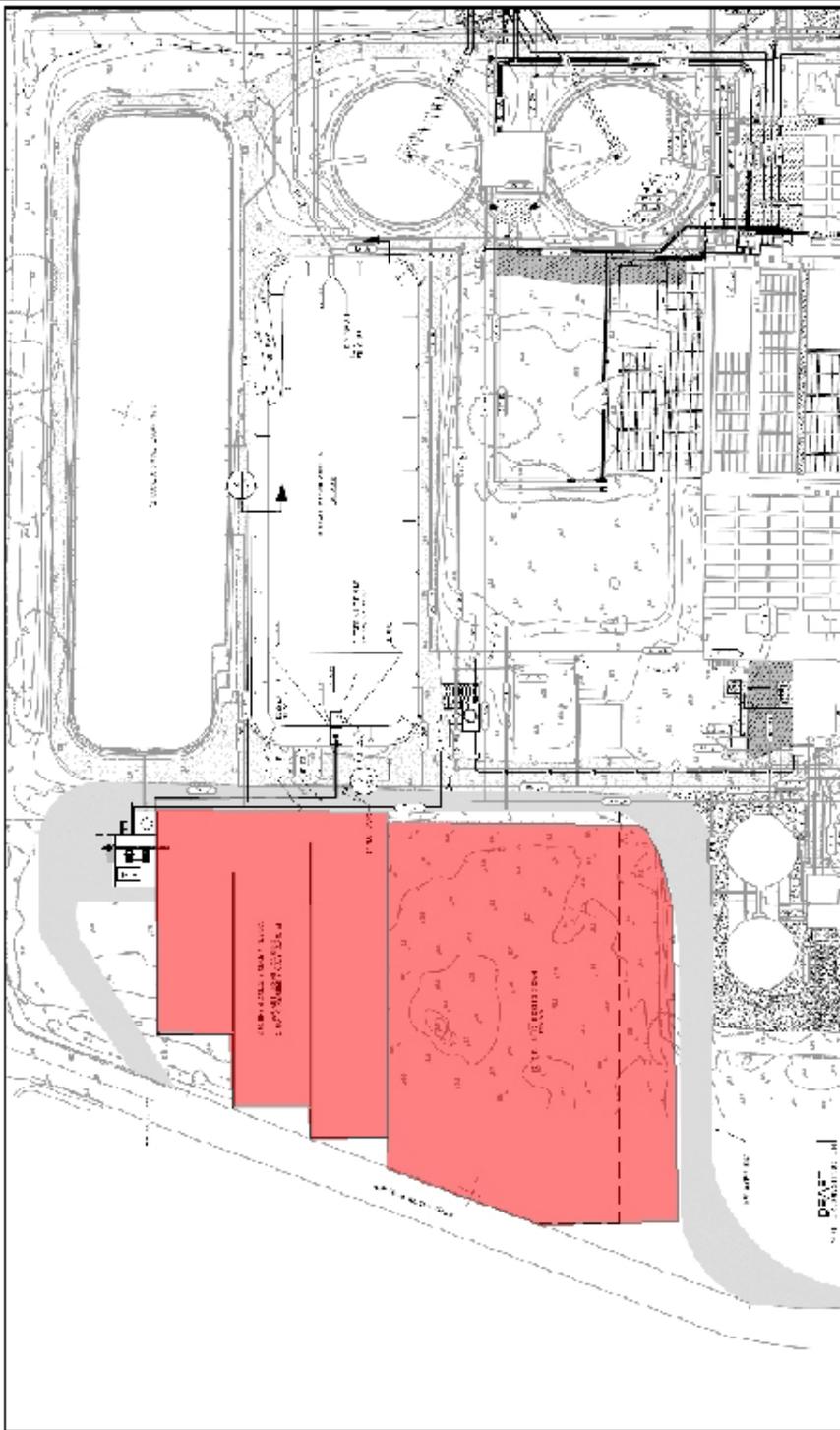


Legend
Project Area

PROJECT SITE AERIAL MAP
FIGURE 4

Alberta Project
Central District
Wastewater
Treatment
Plant





SITE PLAN
FIGURE 5

Legend

Project Area



City of Lodi
Community Development Department • Planning Division
 221 West Pine Street
 P. O. Box 3006
 Lodi, CA 95240-1910
 (209)333-6711
 (209)333-6842 Fax
www.lodi.gov

NEGATIVE DECLARATION NO. 09-ND-05

<p><u>PROJECT TITLE:</u> White Slough Biosolids Dewatering Facility</p>	<p><u>REFERENCE APPLICATION NUMBERS:</u> 09-ND-02</p>
<p><u>LEAD AGENCY:</u> City of Lodi Public Works Department 221 West Pine Street Lodi, CA 95240-1910</p>	<p><u>CONTACT PERSON AND TELEPHONE NO.:</u> Immanuel Bereket Gary Wiman Planning Division Public Works Dept. (209)333-6711 (209)333-6706</p>
<p><u>PROJECT DESCRIPTION / LOCATION:</u> The project site is located in the City of Lodi, County of San Joaquin. The project site is at Por. Sec 13, 23 & 24, T.3N, R.5E., M.D.B.&M. , 12751 North Thornton Road (APN: 055-130-16). The project site is zoned PUB-Public and has a General Plan designation DBP-, Drainage Basin Park.</p> <p>Specifically, the dewatering and storage facilities are to be located west of the digester complex and south of the sludge storage lagoons, on land that was used for the soil borrow/stockpile during the three Phase construction projects. City intends to complete the mechanical and electrical equipping of the sludge pump station at sludge lagoon #1, construct a dewatering facility, and construct a biosolids storage facility which includes approximately two months of biosolids storage capacity.</p> <p>The dewatering facility will consist of an approximately 5,000-gallon temporary storage tank for pumped sludge; two rotary fan press skids with integral sludge pumps, polymer injection and controls; and a screw conveyor for transferring dewatered solids to the storage facility.</p> <p>The storage facility will be a concrete slab on grade with low walls, open sided, steel-framed structure and will measure approximately 13,000 sq. ft. of covered storage and approximately 10,000 sq ft of uncovered storage area, totaling approximately 23,000 sq ft of an area.</p>	
<p><u>PROJECT PROPONENT AND ADDRESS:</u> City of Lodi, Public Works Department 221 West Pine Street Lodi, CA 95240</p>	
<p><u>PUBLIC AGENCIES WITH APPROVAL AUTHORITY:</u> City of Lodi Community Development Department – Planning Division</p>	
<p><u>GENERAL PLAN DESIGNATION:</u> PQP, Public Quasi Public</p>	<p><u>CITY ZONING DESIGNATION:</u> PUB, Public</p>
<p><u>SURROUNDING LAND USE DESIGNATIONS:</u> North: AG-40, Irrigated Field Crops South: AG-40, Irrigated Field Crops East: AG-40, Irrigated Field Crops</p>	

ENVIRONMENTAL IMPACTS:

Identify the potential for significant adverse impacts below. Note mitigation measures, if available, for significant adverse impacts.

I. AESTHETICS

Environmental Setting:

The project area is one of agricultural fields with scattered agricultural and open land. The visual character is rural, with Interstate 5 running north to south, adjacent to the project site. On a clear day, the Coast Range and Mount Diablo can be seen in the distance to the west

The City of Lodi White Slough Water Pollution Control Facility (hereafter WPCF) is viewed mainly by motorists traveling south on Interstate 5. A row of eucalyptus and conifer trees perpendicular to Interstate 5 is the most visible feature of the project site from a distance. As motorists near the facility, the treatment ponds and facility structures come into view. A greenscape buffer, consisting of more eucalyptus and conifer trees and grass, partially obscures the view of the facility as motorists pass. The WPCF features nighttime lighting for the 24-hour operation of the facility is currently present on the site. (City of Lodi 1988)

Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				✓
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				✓
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			✓	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			✓	

DISCUSSION:

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

Interstate 5 is not designated as a scenic highway, and no scenic vistas would be impacted as a result of the proposed project. The area is already developed with a WPCF structures. There would be no impact.

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

The proposed project would not damage any scenic resources, as the proposed project is not located within the vicinity of a state scenic highway and the site is developed with minimal scenic value. There would be no impact.

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

Although the proposed project includes construction of a storage facility that will be on a concrete slab on grade with low walls that will measure approximately 13,000 sq. ft. in area, the proposed project, however, would not have an adverse effect on the existing visual character or quality of the site and its surroundings. These proposed dewatering facilities would be screened by existing greenscape buffers (i.e., northern and eastern screening with eucalyptus and conifer trees), but could be potentially visible from Interstate 5. However, these structures are designed to blend with the existing buildings, with no major departure in architectural design, resulting in less-than-significant visual impact.

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

As previously described, the existing White Slough WPCF currently includes nighttime lighting facilities for 24-hour operation of the plant. Construction of the proposed improvements may require minimal additional nighttime lighting facilities. As proposed, nighttime lighting facilities would not significantly impact the existing nighttime lighting environment, potential impacts on surrounding residences and motorists on Interstate 5 are considered less-than-significant.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

The project would not result in significant aesthetic impacts.

II. AGRICULTURAL RESOURCES

Environmental Setting:

Lands surrounding the White Slough WPCF project area are generally used for agricultural uses. Pasture lands are located to the north, south and west of the project site. Interstate 5 is located to the east of the project site. Residences in proximity to the project area vicinity are associated with agricultural uses.

Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 non-agricultural use?				✓
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				✓
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?				✓

DISCUSSION:

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 and is currently confined within the White Slough WPCF boundaries. The area is zoned “public” and no impact would occur.

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

The proposed project would be constructed on already-disturbed land contained within the existing White Slough WPCF boundaries (Figure 5: Site Plan) 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.

Environmental Setting:

The project is located in the northern part of the San Joaquin Valley Air Basin and 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. Air quality and the amount of a given pollutant in the atmosphere are determined by the amount of pollutant released and the atmosphere’s ability to transport and dilute the pollutant. The major determinants of transport and dilution are wind, atmospheric stability, terrain and for photochemical pollutants, sunlight.

The Federal Clean Air Act and the California Clean Air Act of 1988 require that the State Air Resources Board, based on air quality monitoring data, designate portions of the state where the federal or state ambient air quality standards are not met as “non-attainment areas. Because of the differences between the national and state data standards, the designation of nonattainment areas is different under the federal and state legislation. Under the California Clean Air Act, the San Joaquin Valley is considered a non-attainment area for ozone and PM10 (fine particulate matter less than 10 microns in diameter). The Federal Clean Air Act (FCA) and the California Clean Air Act (CCA) require areas that are designated non-attainment to reduce emissions until air quality standards are met.

Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?				✓
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			✓	
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)?			✓	
d) Expose sensitive receptors to substantial pollutant concentrations?			✓	
e) Create objectionable odors affecting a substantial number of people?			✓	

DISCUSSION:

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

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. 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 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 PM2.5.

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

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

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:

- 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. There are no sensitive receptors in proximity to the project site. The nearest homes are approximately 4,000 feet to the north and east. Because of the distance between the project and the nearest homes and the fact that prevailing winds carry emissions away from these receptors, construction-period impacts on sensitive receptors would be less-than-significant.

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

No increases in potential odor impacts are anticipated. There are no residential areas or other sensitive receptors within 4,000 feet (approximately $\frac{3}{4}$ mile) of the site. In addition, improvements to the White Slough Treatment Plant may slightly decrease odors and adverse impacts would be less-than-significant.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

Air quality impacts would be less-than-significant.

IV. BIOLOGICAL RESOURCES

Environmental Setting:

In order to develop lists of special-status plants and wildlife potentially occurring on the project area, previous environmental documents for the White Slough WPCF and the existing General Plan EIR were reviewed.

Vegetation

Ground disturbance and construction activities would take place within the existing developed area. Most of these areas are either graveled or paved (i.e., asphalt or concrete). The plants growing in the affected areas were ruderal and mostly non-native and included; nettle (*Urtica dioica*), nightshade (*Solanum* sp.), Mexican tea (*Chenopodium ambrosioides*), perennial mustard (*Hirschfeldia incana*), clover (*Trifolium* sp.), filaree (*Erodium* sp.), Italian ryegrass (*Lolium multiflorum*), fireweed (*Epilobium brachycarpum*), Italian thistle (*Lolium multiflorum*), Russian thistle (*Salsola tragus*), yellow starthistle (*Centaurea solstitialis*), milk thistle (*Silybum marianum*), bindweed (*Convolvulus arvensis*), perennial pepperweed (*Lepidium latifolium*), and germinating annual grasses and forbs, sow thistle (*Sonchus oleraceus*), cudweed (*Gnaphalium* sp), yellow cress (*Rorippa curvisiliqua*), wild radish (*Raphanus sativus*), and stick-seed buttercup (*Ranunculus muricatus*).²

Trees on-site included some young willows (*Salix* sp.) occurred around the edge of storage ponds, Casuarina trees (*Casuarina equisetifolia*). A number of landscape trees are planted around the control building and the adjoining parking lot. These include golden raintree (*Koelreuteria paniculata*), eucalyptus (*Eucalyptus* sp.), birch (*Betula* sp.), crape myrtle (*Laegerstroemia indica*), sweet gum (*Liquidambar styraciflua*), pine (*Pinus* sp.), ornamental pear (*Pyrus calleryana*), and Chinese pistache (*Pistachia chinensis*).³

Wildlife

The predominant wildlife species, as recorded on a study carried out by *May and Associates 2003*, found the project area included species such as scrub jays (*Aphelocoma coerulescens*), American crow (*Corvus brachyrhynchos*), mourning dove (*Zenaida macroura*), vernal pool tadpole shrimp (*Lepidurus packardi*), giant garter snake (*Thamnophis gigas*), western pond turtle (*Clemmys marmorata marmorata*), California black rail (*Laterallus jamaicensis coturniculus*), Swainson's hawk (*Buteo swainsoni*), Western burrowing owl (*Athene cunicularia hypugea*), and Sacramento splittail (*Pogonichthys macrolepidotus*) were found to occur within a five mile radius of the WPCF. These species require either vernal pools, or their associated grassland or elderberry shrubs, neither of which are present at the WPCF.⁴ Another species identified in the *May and Associates* were the California red-legged frog (*Rana aurora draytonii*) (CRLF).⁵

The closest area of designated critical habitat is in Alameda County. Critical habitat for California tiger salamander (*Ambystoma californiense*) is also not present in the vicinity of the WPCF. The closest designated critical habitat is in the eastern part of Sacramento and San Joaquin counties. Foothill yellow-legged frog (*Rana boylei*) requires natural creeks or

² Robison, R., *Biological Report for the White Slough WPCF Project Area*. December 2006.

³ *Ibid.*

⁴ May and Associates. *Biological Survey for the White Slough Water Pollution Control Facility*. January 2003.

⁵ *Ibid.*

rivers and therefore would be unlikely within the Improvement area. Similarly, the vegetated freshwater channels supporting fish and amphibians are not present within the project area.

Sensitive Species

There are suitable nest trees (Eucalyptus) for Swainson’s hawk around the project area according to study carried out by LSA Associates, Inc in May of 2007. Although the general vicinity is known to support nesting Swainson’s hawk, there are no known occurrences of nesting Swainson’s hawk within the project area or closer than two miles from the project area.⁶ Birds potentially using the White Slough WPCF Improvements area could be either transients or could use the trees in the area for roosting or nesting. In order to determine whether any special-status bird species could be impacted by project construction, the City of Lodi will notify SJCOG, Inc. and schedule a pre-construction survey, to be performed by an SJMSCP biologist, to determine applicable Incidental Take Minimization Measures in accordance with rules and regulations of SJCOG Habitat Conservation Plan.⁷

Wetlands and “Waters of the U.S.”

There are no wetlands or “other waters of the U.S.” within or adjacent to the areas proposed for the project. The only aquatic areas within the project area are constructed, actively managed, unvegetated, wastewater storage ponds.

Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?		✓		
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?				✓

⁶ *Ibid.*

⁷ LSA Associates, Inc. *Preconstruction Surveys at the White Slough Water Pollution Control Facility (WPCF), City of Lodi.* May 2007.

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

DISCUSSION:

- 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?*

The only special-status species with potential to occur within or adjacent to the project area are nesting Swainson’s hawk and the western pond turtle. While suitable nest trees do not occur within any of the areas proposed for improvement, there are suitable nest trees near the project and Swainson’s hawks are known to nest in the general vicinity. Due to the proximity, the following mitigation measure must be implemented to reduce impacts to Swainson’s hawks and western pond turtles to a less-than-significant level.

MITIGATION MEASURE

- Prior to *any* site disturbance (ground or vegetation disturbance), the City shall notify SJCOG, Inc. and schedule a pre-construction survey, to be performed by an SJMSCP biologist, to determine applicable Incidental Take Minimization Measures. The City of Lodi shall not authorize any form of site disturbance until it receives an AGREEMENT TO IMPLEMENT ITMMS from SJCOG, INC.
 - A pre-construction survey shall be conducted no less than 30-days prior to the initiation of construction activities by the SJCOG, Inc.
- 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.⁸ The proposed project would not result in the removal of any heritage trees. Thus, no impact would result.

⁸ City of Lodi. *City of Lodi General Plan Policy Document*. Prepared by Jones and Stokes Associates, Inc., April 1991. Page 7.4-7.6

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 (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 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 B 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 commencement of any 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., nesting Swainson's hawk and western pond turtle) to a less-than-significant level.

V. CULTURAL RESOURCES

Environmental Setting:

PMC, a private consultant, on behalf of the city, conducted archaeological and historical investigation on the general White Slough WPCF area in connection to planned expansions. These investigations included: a records search conducted by the Central California Information Center at California State University, Stanislaus on December, 5, 2006; a sacred lands search completed by the Native American Heritage Commission on December 15, 2006; consultation with the Native American community; pedestrian surface survey of the APE for the project area; and completion of a report documenting the results of investigations that includes management recommendations for any significant cultural resources (e.g., prehistoric sites, historic sites, historic buildings, or isolated artifacts) within the project area.

Archaeological and historical investigations for the project did not identify any cultural resources within the project APE and determined that the APE is previously disturbed by construction and expansion of the White Slough WPCF. These investigations are adequate to identify cultural resources that would typically occur in the area and no additional investigations are necessary prior to project implementation. It is not anticipated that implementation of the project, as currently proposed, would likely impact any historical resources or unique archaeological resources and implementation of the project does not require any special mitigation measures for the protection of cultural resources.⁹

Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of an historical resource as defined in Section 15064.5?			✓	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?			✓	
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			✓	
d) Disturb any human remains, including those interred outside of formal cemeteries?			✓	

DISCUSSION:

⁹ PMC. 2006. Archaeological and Historical Investigations for the White Slough WPCF Improvements Project. December 2006.

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

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

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 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?*

No paleontological resources or unique geologic features have been identified within the project area, and no impacts are anticipated. However, if during construction any paleontological resources or unique geologic features are uncovered, work will be halted until a qualified expert can evaluate the situation and recommend mitigation measures.

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

No human remains, including those interred outside of formal cemeteries, were previously recorded or observed on the project site. If during construction, human remains are discovered, work will be halted until a qualified expert can evaluate the situation and recommend mitigation measures. Mitigation is proposed for unanticipated discoveries of cultural resources during project construction. This mitigation would be incorporated into Project Plans and Specifications.

MITIGATION MEASURE

- **Cultural Resources MM-1-** Once construction is underway, if a previously unrecorded archaeological resources is discovered, all work must stop in the immediate vicinity of the find and the resource must be documented, evaluated and an appropriate mitigation implemented, if required. The project proponent must inform City of Lodi Community Development department of this fact.
- **Cultural Resources MM-2 -** In the event that human remains are discovered, all work in the immediate vicinity must cease and the coroner must be notified in accordance with California State law.

FINDINGS

Implementation of the above mitigation measure would reduce potential impacts to cultural resources to a less-than-significant level.

VI. GEOLOGY AND SOILS

Environmental Setting:

No faults are known to cross through the project area. However, as with much of California, the Lodi area is subject to earthquake damage (City of Lodi 1990). Soils at the project site are divided between clay loams and sandy loams (City of Lodi 1988).

Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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.				✓
ii) Strong seismic ground shaking?				✓
iii) Seismic-related ground failure, including liquefaction?				✓
iv) Landslides?				✓
b) Result in substantial soil erosion or the loss of topsoil?			✓	
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 reading, subsidence, liquefaction or collapse?				✓
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?			✓	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal				✓

systems where sewers are not available for the disposal of wastewater?				
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DISCUSSION:

- 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.*

According to the City's *General Plan*, no earthquake faults underlie the City of Lodi. Given that recognized faults neither cross the site nor are adjacent to it, no impact is anticipated.

- ii) *Strong seismic ground shaking?*

The project site is not located in seismically active ground or near seismically active area. The site is not located within a State of California Seismic Hazard Zone for fault rupture, landslides, compressible soils, or dike failure flooding hazards. No impact is anticipated.

- iii) *Seismic-related ground failure, including liquefaction?*

Liquefaction is a phenomenon in which loose, saturated granular materials experience a sudden loss of shear strength during seismic shaking. Effects of soil liquefaction include sand boils, differential settlement, lateral spread and slope failure. The site is generally flat and no impact is anticipated.

- iv) *Landslides?*

The subject property, as well as the area surrounding the project site, is relatively flat. There is no potential for landslide hazard impacts. The topography of the site is generally level and would not involve significant changes as a result of proposed improvements. No impacts.

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

Appropriate fill material would be used for all proposed improvements. The potential for soil erosion would be reduced to a less-than-significant level through the implementation of appropriate BMPs.

- 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?*

Based on the recent developments in the area and past EIRs for projects within the vicinity of the project, soils within the proposed improvement area have a low shrink-swell potential. Therefore, the potential for expansive soils is less-than-significant.

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 proposed project would be served by the City of Lodi wastewater system. Therefore, there would be no related impact to septic tanks or alternative wastewater disposal systems. No impact would occur.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

The project would result in less-than-significant hazard impacts.

VII. HAZARDS AND HAZARDOUS MATERIALS

Environmental Setting:

Several chemicals that could be considered hazardous materials are currently used for treatment at the White Slough WPCF. These chemicals include chlorine and sulfur dioxide gas. A release of these chemicals into the environment could pose a threat to human health and safety. Diesel fuel, waste oil, lubricants and oils, and latex paint are also used, however, they are used in small quantities and represent minimal concern. The discharge of effluent into Dredger Cut could potentially pose health problems related to bacterial contamination of recreationists and heavy metal accumulation in fish.

Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			✓	
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?			✓	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				✓
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?			✓	
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?				
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				✓
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				✓
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?				✓

DISCUSSION:

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

Chlorine and sulfur dioxide gasses are currently used for treatment at the White Slough WPCF. Small quantities of diesel fuel, waste oil, lubricants and oils, and latex paint are also used at the White Slough WPCF. Less than significant impact is expected from routine use of these chemicals.

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 use and storage of existing hazardous materials at the White Slough WPCF is regulated by the San Joaquin County Department of Environmental Health Services. To comply with Chapter 6.95 of the California Health and Safety Code, the City of Lodi must detail the operating and storage procedures involving acutely hazardous materials (AHMs), including chlorine in a Hazardous Materials Management Plan (HMMP). A hazard assessment of the White Slough WPCF, including a discussion of the consequences of the release of AHMs into the environment and management practices for the storage and use of AHMs is required in the HMMP. The HMMP include specifications concerning the proper handling and storage of potentially hazardous materials, as well as proper procedures for cleaning up and reporting of spills. Additionally, in the event hazardous or contaminated materials are encountered in proposed improvement areas, the Contractor would stop work immediately, contact the

Engineer and schedule operations to work elsewhere on the site if possible. Proper implementation of the HMMP would reduce any risk to less than significant.

- 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 proposed project would not be located within one-quarter mile of an existing or proposed school. No impact would result.

- 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?*

According to the State Department of Toxic Substances Control's *EnviroStor* database and the State Water Resources Control Board *GeoTracker* database, the project site is not included on a list of hazardous materials sites. As a result, the proposed project would not create a significant hazard to the public or the environment. There would be less than significant impact associated with the project.

The City would be responsible for handling and removal of hazardous material or may request that the Contractor be made available, through contract change order, to provide additional services as needed for the completion of the work. Additional services may consist of retaining subcontractors who possess a California license for hazardous substance removal and remedial actions.

Implementation of these special environmental provisions as part of the proposed project would ensure that the risk of accidental explosion or release of hazardous substances, the creation of any health hazard or potential health hazard, or the exposure of people to existing sources of potential health hazards as a result of construction activities and facility operations 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 result in a safety hazard for people residing or working in the project area?*

The project site is not located within an airport land use plan, nor within two miles of a public airport. Therefore, the project would not result in a safety hazardous for people residing or working in the project area. There would be no impact.

- 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 project site is not located within the vicinity of an active private airstrip. There would be no impact.

- g) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

The City of Lodi's Emergency Plan is based on San Joaquin County's Emergency Plan. The City and County Plans represent a comprehensive disaster preparedness program for the area. The proposed project would not impair implementation of, nor physically interfere with the City or County's adopted emergency response plan or emergency

evacuation plans, as no major streets or emergency routes would be affected as a result of the proposed project. No impact would result.

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 project would not increase fire hazards in the project area, as no flammable materials are proposed with improvements. No impact would result.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

The project would result in less-than-significant hazard impacts.

Environmental Setting:

Surface Water

The City’s White Slough WPCF is located on the eastern edge of the Sacramento-San Joaquin Delta waterway system. The sloughs and canals in this area generally drain southward and westward into the San Joaquin River, approximately 25 miles upstream from its confluence with the Sacramento River (City of Lodi 1988). The White Slough discharges effluent into Dredger Cut, a man-made channel that connects to both White Slough and Bishop Cut. These waterways, in turn, are connected to the San Joaquin River by Disappointment Slough, Fourteen Mile Slough, and Honker Cut. Dredger Cut is a manmade channel which was constructed in the early 1900s to provide drainage for agricultural lands in the area. Dredger Cut, White Slough, and other Delta channels are normally dominated by tidal flows (West Yost 2001).

Flooding

Lands west of Interstate 5 in the vicinity of the White Slough WPCF and the neighboring areas are located within the 100-year floodplain of the Sacramento-San Joaquin Delta (City of Lodi 1991a). The 100-year flood elevation is estimated to be eight feet above mean sea level, compared to ground elevations of three feet near the peripheral canal ponds and seven feet near Interstate 5. Thus, floodwaters are about five feet deep on the western edge of the effluent-irrigated fields diminishing to about one foot deep near the treatment works. Since they are not protected by levees, the lowermost fields are inundated by floods more frequently than the recurrence of the 100-year flood (City of Lodi 1988).

Groundwater

The groundwater table is moderately shallow under much of the project site. Based on testing executed by Kleinfelder and Associates, groundwater was encountered at depths of between approximately 5½ and 10½ feet, but was not generally encountered in the ten-foot deep borings. Groundwater was noted in monitoring wells around the White Slough in 1989 at depths of seven to 14 feet. Fluctuations in groundwater depth were anticipated to be the result of local irrigation practices (Kleinfelder 1999).

Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?			✓	
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)?				
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?			✓	
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.				✓
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?			✓	
f) Otherwise substantially degrade water 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?				✓
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				✓
I) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				✓
j) Inundation by seiche, tsunami, or mudflow?				✓

DISCUSSION:

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

Implementation of the proposed project would result in an increase of impervious surface. Construction related activities have the potential to impact water quality. The release of sediments, fuel, oil, grease, solvents, concrete wash and other chemicals used in construction activities could impact water quality if allowed to enter Dredger Cut. Operations related activities associated with proposed improvements would not impact water quality. The spill prevention plan currently in place for the White Slough WPCF would continue to be implemented. The City would employ BMPs before, during and after construction. The potential for construction related water quality impacts, specifically into Dredger Cut, would be reduced to a less-than-significant level through implementation of appropriate BMPs and the City's spill prevention plan.

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)*

The amount of groundwater available for public water supplies would not be impacted by the proposed project. Impacts to groundwater are expected to be less-than-significant.

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 proposed project would not result in substantial changes to the amount of impervious surfaces. Specifically, the total increase in impervious area amounts to approximately 13,000 sq. ft. of covered storage area and 10,000 sq. ft. of uncovered storage area. This addition of impervious surface would not result in significant changes in runoff and absorption rates at the site. Currently runoff from the site drains to adjacent agricultural land owned by the City of Lodi, and back to storage ponds. All runoff at the White Slough WPCF Treatment Plant is contained and treated on the site. This would continue with the proposed project. Impacts are expected to be less-than-significant.

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.*

See discussion VIII c. Impacts are expected to be less-than-significant.

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?*

See discussion VIII c. Impacts are expected to be less-than-significant.

f) *Otherwise substantially degrade water quality?*

No change in water quality is expected from the proposed project. Currently runoff from the site drains to adjacent agricultural land owned by the City of Lodi, and back to storage ponds. All runoff at the White Slough WPCF is contained and treated on the site. This would continue with the proposed project. Impacts are expected to be less-than-significant.

- 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 proposed project would not significantly increase the exposure of people and/or property to the risk of injury and damage in the event of a 100-year flood. No impact would occur.

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

The project is not located within a 100-year flood hazard zone. No impact would result.

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

The project site is not located within the vicinity of a levee, dam, or a dam inundation area. As such, no impact would result.

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

Given the substantial distance of the site from San Francisco Bay and the Pacific Ocean, seiche and tsunami waves would not be a threat to the site. The proposed project site is flat and does not have any steep slopes or hillsides that would be susceptible to mudflows or landslides. Therefore, no impact would occur.

FINDINGS

The proposed project would result in less-than-significant impacts to water quality.

IX. LAND USE AND PLANNING

Environmental Setting:

The City’s White Slough WPCF is located in San Joaquin County, but is owned and annexed to the city as a noncontiguous part of the City of Lodi. The White Slough WPCF is within the City of Lodi’s Sphere of Influence, which was established by the City in 2004. City of Lodi Zoning and General Plan designations for the project site are “Public.” San Joaquin County General Plan and Zoning apply to the surrounding lands and are designated as agricultural lands.

Delta farms are located to the west, and Lodi vineyards are located to the northeast. The general area is used for farming. The White Slough WPCF and the City’s effluent-irrigated lands are surrounded by pasture lands to the north, south, and west of the project site (City of Lodi 1992). Interstate 5 is located to the east of the project site. The surrounding area is rural and sparsely populated. Residences in proximity to the project area vicinity are associated with agricultural uses (City of Lodi 1988). The closest residences are approximately 4,000 feet north and east of the project area (City of Lodi 1992).

Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Physically divide an established community?				✓
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?				✓
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				✓

DISCUSSION:

a) Physically divide an established community?

The proposed project would not disrupt or divide the physical arrangement of an established community, as project improvements are proposed within the existing White Slough WPCF. No impact would occur.

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 proposed project would not conflict with existing general plan designation or zoning, conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project, or be incompatible with existing land use in the vicinity, as uses at the site would not change as a result of the proposed project. Existing uses are in compliance with general plan designations, zoning, and applicable environmental plans and policies. No impact would occur.

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

The City of Lodi adopted the SJCM SHCP in 2001. The conservation plan was developed to minimize and mitigate impacts to plant and wildlife habitat resulting from the loss of open space. Since the proposed project is within the existing White Slough WPCF, it will not have an effect on the City of Lodi habitat conservation plan or natural community conservation plan. Pursuant to the SJCM SHCP, the proposed project would be subject to a Development Fee, which would pay for the preservation of lands used to mitigate the cumulative impacts related to new development, including but not limited to acquisition, enhancement, restoration, maintenance and/or operation of habitat/open space conservation lands. The payment of this fee would ensure the proposed project's compliance with the SJCM SHCP. No impact would result.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

The proposed project would not result in impacts to land uses and planning.

X MINERAL RESOURCES

Environmental Setting:

The project area is not identified as containing locally or regionally important mineral resources recovery. The site is not currently in a state of being used for mining of resources that would be of value to the region or state. No record exists of gravel or other mineral resource extraction on the project site (City of Lodi 1990).

Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?				✓
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?				✓

DISCUSSION:

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 property and surrounding area are not known to contain regionally and/or state valued mineral resources. Therefore, implementation of the proposed project would not result in an impact to mineral resources.

b) *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?*

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. No impact is anticipated.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

The project would not result in impacts to mineral resources.

XI. NOISE

Environmental Setting:

The City of Lodi’s General Plan contains policies and goals which pertain to desired noise levels for various land uses located within the City. Noise is defined as unwanted sound. Sound levels are usually measured and expressed in decibels (dB) with zero dB being the threshold of hearing. Decibel levels range from zero to 140. Typical examples of decibel levels would be a low decibel level of 50 dB for light traffic to a high decibel level of 120 dB for a jet takeoff at 200 feet. The White Slough WPCF is located in an agricultural area west of Interstate 5. Freeway traffic represents the dominant noise source in the project vicinity. Existing noise levels in the project area are expected to exceed 65 decibel (dB), which is deemed excessively noisy per the City of Lodi General Plan (City of Lodi 1990).

Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?			✓	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			✓	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			✓	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			✓	
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?				✓
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?				✓

DISCUSSION:

- 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 proposed project would not include operational features that would result in a significant increase in noise levels. Pumps and other mechanical equipment associated with proposed the project would generate noise levels of approximately 60-75 dBA at 50 feet. Noise from these equipment would not be noticeable at locations off the project site. In addition, the project site is located in rural area. The proposed project's anticipated noise levels would be imperceptible compared to the existing ambient noise levels currently generated by the I-5 traffic noise levels. Therefore, operation related noise would not pose a significant noise impact and would not expose people to severe noise levels. Impacts would be less than significant. Construction noise is addressed in Checklist Item XI.d., below.

- b) *Exposure of persons to or generation of excessive groundborne vibration or groundborne 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 proposed project would not involve any operations that would generate excessive ground borne vibrations or ground borne noise levels. There would no impact.

- 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., above. The project would not result in a significant permanent increase in noise levels and, therefore, would not create a permanent increase in ambient noise levels in the vicinity of the project site.

- d) *A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*

Temporary increases in noise levels would occur during construction activities. Generally, noise levels at construction sites can vary from 65 dBA to a maximum of nearly 90 dBA at a distance of 50 feet when heavy equipment is used. Construction activity would also produce a temporary increase in truck traffic in the project vicinity. Construction noise would be intermittent, and noise levels would vary depending on the type of construction activity. As the closest residences are approximately 4,000 feet north and east of the White Slough wastewater treatment facility, distance attenuation would reduce construction activity noise to less than 55 dBA at these residences (City of Lodi 1988). Therefore, construction noise would not pose a significant noise impact and would not expose people to severe noise levels. Less-than-significant impacts would result.

- 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 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 occur.

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?*

There are no active private airstrips within the City of Lodi. Therefore, no impact would occur.

MITIGATION MEASURE

No mitigation is required.

FINDINGS

The proposed project would result in less-than-significant noise impacts.

XII. POPULATION AND HOUSING

Environmental Setting:

No housing exists within the White Slough WPCF. The closest residences are approximately 4,000 feet north and east of the project area (City of Lodi 1988). The surrounding area is rural and sparsely populated. Residences in proximity to the project area vicinity are associated with agricultural uses (City of Lodi 1988).

Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 and other infrastructure)?				✓
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				✓
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				✓

DISCUSSION:

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 and other infrastructure)?*

The proposed project does not include the construction of residential units, nor require the extension of roads or other infrastructure that would directly or indirectly induce substantial population growth. No impact is anticipated.

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

The proposed project does not affect existing housing or create a demand for additional housing. No impact is anticipated.

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

The proposed project would not alter the location, distribution, density or growth rate of the human population of the area. The project would not affect existing housing or create a demand for additional housing, as the proposed Phase 3 improvements would not result in increased capacity of the facility, or the need for additional employees. There is no existing housing within the project site. Therefore, no impacts to population and housing would occur.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

The proposed project would result in no impacts to population and housing.

XIII. PUBLIC SERVICES

Setting:

The proposed project is located within the City of Lodi, who provides fire, police, and emergency services. The Lodi Fire Department responds to all fires, hazardous materials spills, and medical emergencies in the project area. It is the Fire Department’s goal to not exceed four minutes for the “first response” and six minutes for the “second response” times.

Would the project result in:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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:				
a) Fire Protection?				✓
b) Police protection?				✓
c) Schools?				✓
d) Parks?				✓
e) Other public facilities?				✓

DISCUSSION:

a) Fire Protection?

The proposed project would not result in impacts to the existing fire protections services or the need for any new fire protection facilities. No additional maintenance provisions would be required as a result of the proposed project. No impacts to population and housing would occur.

b) Police Protection?

The proposed project would not result in impacts to the existing police protections services or the need for any new police protection facilities. No additional maintenance provisions would be required as a result of the proposed project. No impacts to population and housing would occur.

c) Schools?

The proposed project would not result in effects to existing schools, or the need for any new school facilities. No additional maintenance provisions would be required as a result of the proposed project. No impacts would occur.

d) Parks?

The proposed project would not contribute to the demand on existing parks, nor require the dedication of additional parkland. No impact would result.

e) Parks?

Issues related to the provision of other public services have not been identified. Therefore, no impact would result.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

The proposed project would not result in impacts to public services.

Environmental Setting:

The area surrounding the White Slough provides fishing opportunities via the peripheral canal ponds, Dredger Cut, and White Slough. The rural character of the area contributes to this type of recreation.

Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?				✓
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?				✓

DISCUSSION:

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?*

The proposed project would not increase the demand for recreational facilities, as the proposed project is not increasing the capacity of the facility, or the need for additional employees or housing. No impact would occur.

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?*

The proposed improvements would not be visible to fishing areas in the peripheral canal ponds, Dredger Cut, or White Slough. Proposed aeration improvements would further protect fish in Dredger Cut, thus enhancing fishing opportunities. No impact would occur.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

The proposed project would not result in impacts to recreational resources.

XV. TRANSPORTATION/CIRCULATION

Environmental Setting:

The White Slough WPCF project area is located west of Interstate 5, south of the State Route 12 interchange at the North Interstate 5 Frontage Road/Thornton Road undercrossing (City of Lodi 1988).

Interstate 5 is a six-lane, divided, grade-separated freeway. It runs parallel to State Route 99, and together they provide regional access to Stockton and Sacramento. Interchanges on Interstate 5 are at State Route 12 to the north, and at Eight Mile Road to the south of the White Slough WPCF (City of Lodi 1988). State Route 12 is a two-lane major east-west facility that crosses Interstate 5 just north of the project site. State Route 12 provides access to Fairfield, Lodi, and eastern San Joaquin County (City of Lodi 1988). Thornton Road is a two-lane, rural roadway that generally runs parallel to and on the east side of Interstate 5. It is a rural country road. The North Interstate 5 Frontage Road runs east-west from Thornton Road, crosses under Interstate 5, and turns north just past the White Slough WPCF entrance. On the east side of Interstate 5, a grid pattern of rural, two-lane roads serves the agricultural community west of Lodi. (City of Lodi 1988)

Both Interstate 5 and State Route 12 are minimally congested at times. Traffic on the North Interstate 5 Frontage Road is mostly limited to vehicles entering or exiting the White Slough WPCF or accessing peripheral ponds or Delta slough waterways. This roadway operates well below its daily capacity. The roadways of the local grid serving agricultural properties carry relatively little traffic (City of Lodi 1988). Limited Parking is present on the White Slough WPCF site.

Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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)?			✓	
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				✓
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?				✓
d) Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?				✓
e) Result in inadequate emergency access?				✓

f) Result in inadequate parking capacity?				✓
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				✓

DISCUSSION:

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)?*

Temporary traffic increase would occur due to construction-related traffic (i.e., employee commuting, material hauling, etc.). Potential impacts would be short-term and would be considered less-than-significant.

b) *Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency or designated roads or highways?*

San Joaquin County Council of Governments has a congestion management agency. This is countywide agency that is responsible for developing the Congestion Management Program and coordinating and monitoring its implementation. The Congestion Management Program is required of every urban locale in the State of California. Congestion Management Agencies use the Congestion Management Program to set performance standards for roads and public transit and to explain how cities will attempt to meet these standards. No congestion management agency designated roads or highways would be affected by the proposed project. There would be no impact.

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?*

The proposed project would not have any impact on air traffic patterns since the project 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)?*

The proposed project would not create sharp turns or other safety hazards for vehicles or pedestrians. During construction and operation of the project, it is not anticipated that the blockage of any lanes or residential properties would occur. No impact is anticipated.

e) *Result in inadequate emergency access?*

Emergency access would not be impeded during construction. No impact is anticipated.

f) *Result in inadequate parking capacity?*

Parking for the White Slough WPCF is provided on-site and would not be impacted by the proposed project. All construction parking would occur on-site and would be short-term in nature. No impact is anticipated.

g) *Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?*

The proposed project would not create barriers to alternative modes of transportation and would not conflict with adopted policies, plans or programs supporting alternative transportation. No impact is anticipated.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

The project would not result in significant impacts to transportation or circulation.

XVI. UTILITIES AND SERVICE SYSTEMS

Environmental Setting:

The project area is located within a major utility corridor connecting northern and southern California. Three major power transmission lines pass through the facility. The White Slough WPCF uses electricity to drive the treatment process. The City of Lodi and the majority of the

area surrounding Lodi rely on groundwater as their source of domestic water supply. The City provides water to its customers from a series of 26 wells drawing on 150 foot to 400 foot deep aquifers. A “safe yield” of approximately 15,000 acre-feet per year (AFY) has been estimated for the aquifer serving as the source of the City water supply based on water balance calculations (City of Lodi 2006).

Stormwater runoff from the White Slough WPCF drains to surrounding agricultural land owned by the City of Lodi, and back to storage ponds. Solid waste in the City of Lodi is collected under contract with Central Valley Waste, and deposited at the Harney Lane Sanitary Landfill. The landfill is owned and operated by San Joaquin County (City of Lodi 1988).

Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the Central Coast Region of the Regional Water Quality Control Board?				✓
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?				✓
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?				✓
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				✓
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?				✓
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				✓
g) Comply with federal, state, and local statutes and regulations related to solid waste?				✓

DISCUSSION:

a) *Exceed wastewater treatment requirements of the Central Coast Region of the Regional Water Quality Control Board?*

The proposed project would not exceed any requirements of the Central Valley Regional Water Quality Control Board. No impact would result.

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 proposed project would not impact local or regional water supplies. Additional water supply would not be necessary to accommodate the proposed project. The proposed project would not increase demand on wastewater treatment. No impact would result.

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 proposed project would not result in impacts to storm water drainage patterns. The existing system of draining storm waters to surrounding City owned agricultural land would continue with the proposed project. A storm water system would be installed with proposed improvements to convey runoff into the existing drainage system.

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

The proposed project would not impact local or regional water supplies. Additional water supply would not be necessary to accommodate the proposed project. No impacts would result.

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 proposed project would not increase demand on wastewater treatment. No impact would result.

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

The proposed project would not require any new landfill capacity. No impact would occur.

g) *Comply with federal, State, and local statutes and regulations related to solid waste?*

The proposed project would comply with federal, state, and local statutes related to solid waste. No solid waste regulatory impacts would occur as a result of the project.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

The proposed project would result in no impacts to utilities and service systems.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

Does the project:	Potentially Significant Impact	Less than significant with Mitigation	Less Than Significant Impact	No Impact
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		Incorporated		
a) 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?			✓	
b) 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)?			✓	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			✓	

MANDATORY FINDINGS OF SIGNIFICANCE DISCUSSION

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?*

The proposed project could result in impacts to biological resources and cultural resources. However, the following mitigation measures would be implemented to reduce these impacts to less-than-significant levels.

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 commencement of any 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) 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 project would 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?*

The proposed project would not have significant environmental effects that would cause direct or indirect adverse effects to human beings.

REFERENCES

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8. City of Lodi. *2005 Urban Water Management Plan: Final Report*. Prepared by RMC, March 2006.
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11. LSA Associates, Inc. *Preconstruction Surveys at the White Slough Water Pollution Control Facility (WPCF), City of Lodi*. May 2007.
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14. State Department of Toxic Substances Control, *EnviroStor*:
<http://www.envirostor.dtsc.ca.gov/public/>
15. State Water Resources Control Board, *GeoTracker*:
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16. West Yost Associates. 2001. *City of Lodi Wastewater Master Plan*. January 2001.
17. West Yost Associates. Memo including summary of proposed improvements at the White Slough WPCF. January 2003.
18. West Yost Associates. Joint City of Stockton, City of Lodi Effluent Disposal and Reuse Study. October 2004.
19. West Yost Associates. 2006. Memo including summary of proposed Phase 3 improvements 2007 at the White Slough WPCF. September 2006.

MEMORANDUM

DATE: May 18, 2007

TO: Gary Wiman, City Of Lodi

FROM: Laura Belt, LSA Associates, Inc.

SUBJECT: Results of Preconstruction Surveys at the White Slough Water Pollution Control Facility (WPCF), City of Lodi

This memo presents the results of the preconstruction surveys conducted by LSA Associates, Inc.(LSA) at the White Slough WPCF hereafter, "project site" for the City of Lodi. The preconstruction surveys were conducted by LSA Biologist Laura Belt on April 24 and 25, 2007, to determine if Swainson's hawk, western burrowing owl, or other birds were nesting within the project site and/or the proposed construction limits. The preconstruction survey also focused on determining the presence/absence of Pacific pond turtle. Results of the preconstruction survey are described below.

The project site consists of treatment processing units that are proposed to be improved, and the creation of additional units to accommodate current treatment processing needs. Prior to the preconstruction survey, grading activities had been conducted at the proposed staging and construction areas. In addition, during the course of conducting the survey, concrete was being excavated associated with improvements to the aeration basins. Grubbing of a fallow field south of sludge lagoon No. 1 also began during the course of conducting the survey.

SWAINSON'S HAWK AND OTHER RAPTORS

LSA biologist Laura Belt conducted a protocol survey for Swainson's hawk including a 0.25 mile area surrounding the project site, as per California Department of Fish and Game Protocol (*Survey Protocol for Swainson's Hawk*, May 1994). The project site was surveyed by walking. Properties located outside of the project site limits were surveyed by driving public roads. All trees that would provide suitable nesting sites for Swainson's hawk and other raptors were visually surveyed and any observations of Swainson's hawks or other raptors were noted, and their behavior documented.

Results

Four Swainson's hawks were observed in a stand of trees located along the eastern boundary of the project site, south of the west entrance gate. During the course of the survey, two Swainson's hawks were observed flying from the stand of trees east, across Interstate 5, to forage in alfalfa fields. The two remaining Swainson's hawks were observed carrying twigs, then dropping them from the trees onto the ground. The two remaining Swainson's hawks remained in the stand of trees during the survey, flying from tree to tree when approached.

One Swainson's hawk was observed in the stand of trees located along the western boundary of the project site, west of the western sludge lagoon. When approached, the hawk flew southwest to forage in alfalfa fields.

One red-tailed hawk was observed foraging in the nonnative grassland located just north of the project site.

No Swainson's hawks or other raptors were observed nesting or exhibiting distinctive nesting behaviors, and no suitable nests were observed in either of the two stands of trees on the project site or within 0.25 mile surrounding the project site.

Recommendations

Although no Swainson's hawks or other raptors were observed nesting in or adjacent to the project site, Swainson's hawks and other raptors could still nest in the project site during construction. Since grading activities began on April 2, 2007, approximately 250 feet from the two stands of trees, it is likely that the noise produced from those activities has not dissuaded the Swainson's hawks from utilizing the project site.

LSA recommends that the 250-foot avoidance area be maintained and that no construction activities occur within 250 feet of the two stands of trees.

WESTERN BURROWING OWL

LSA biologist Laura Belt conducted a protocol survey for Western burrowing owls on the project site and a 500-foot radius surrounding the project site, as per California Department of Fish and Game Protocol (*Burrowing Owl Survey Protocol and Mitigation Guidelines*, April 1993). The project site and vicinity were surveyed by walking. All burrows suitable for burrowing owls, (i.e.; burrows measuring 4 inches in diameter or larger), were surveyed and mapped. California ground squirrels or sign of the presence of ground squirrels (e.g., scat or seed casings) was also noted.

Results

Suitable burrowing burrows were observed in the field of exposed dirt and ruderal vegetation located near the southern limits of the Project Site. California ground squirrels and signs of the presence of the squirrels (e.g., seed casings and scat at the burrow entrance), were also noted. Some potential signs of the presence of burrowing owl near the burrows was also observed (e.g., white wash), however, grading activities of the site occurred the following morning before a definitive determination of the presence of burrowing owls could be made.

More than 50 suitable burrows were also observed along the dirt slopes of sludge lagoon No. 1 and the adjacent equalization pond. During the course of the survey, no burrowing owls or sign of the presence of burrowing owls were observed here, within the project site or adjacent areas.

Recommendations

No recommendations are warranted.

NESTING BIRDS

LSA biologist Laura Belt conducted a survey for nesting birds in the project site and adjacent areas by walking. All trees, shrubs, dirt and gravel areas were surveyed for nesting birds, and their behavior documented.

Results

Several birds including Brewer's blackbirds, western kingbirds, house finch, golden-crowned sparrows, and swallows were observed exhibiting nesting behavior. These observations included males displaying and bringing nesting materials to females. Active nest building was also observed by swallows that were creating mud nests under the pump station of the irrigation equalization pond.

No signs of nesting were observed within the construction limits of the project site.

Recommendations

No recommendations are warranted.

PACIFIC POND TURTLE

LSA biologist Laura Belt conducted a survey for Pacific pond turtles on the project site. All suitable bodies of water (i.e.; ponds) were visually observed from a distance and surveyed by walking the perimeter of the ponds.

Results

A turtle was observed briefly in the east irrigation equalization pond, however the turtle was not visible long enough to determine if it was a red-eared slider or Pacific pond turtle. No other turtles were observed during the course of the survey. Personal communications with site personnel revealed that Pacific pond turtles occur at the project site and have been observed in the west irrigation equalization pond. The east equalization pond that is proposed to be filled exhibited areas of ponding, and Pacific pond turtles could occur here.

Recommendations

During removal of the remaining water in the west equalization pond, LSA recommends that screens be placed on the pumps hoses, in order to avoid inadvertently trapping any Pacific pond turtles, in the event they be present in the pond during this activity. If Pacific pond turtles are encountered during the course of this activity, LSA recommends that the turtles be relocated to the adjacent irrigation equalization ponds.

If you have any questions or need additional information, please do not hesitate to call, 916-630-4600.



S J C O G, Inc.

555 East Weber Avenue • Stockton, CA 95202 • (209) 468-3913 • FAX (209) 468-1084

San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)

SJMSCP RESPONSE TO LOCAL JURISDICTION (RTLJ) ADVISORY AGENCY NOTICE TO SJCOG, Inc.

RECEIVED

AUG 05 2009

COMMUNITY DEVELOPMENT DEF
CITY OF LODI

To: Immanuel Bereket, City of Lodi Planning Division
Gary Wiman, City of Lodi Public Works Department

From: Anne-Marie Poggio-Castillou, Regional Habitat Planner, SJCOG, Inc.

Date: August 3, 2009

Local Jurisdiction Project Title: IS/ Neg Dec White Slough Biosolids Dewatering and Storage Facility

Local Jurisdiction Project Number: 09-ND-02

Assessor Parcel Number(s): 055-130-16

Total Acres to be converted from Open Space Use: Undetermined

Habitat Types to be Disturbed: Urban Habitat Land

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

Gentlemen:

SJCOG, Inc. has reviewed application 09-ND-02 for the White Slough Biosolids Dewatering Facility. This project consists of the construction of a dewatering and storage facility. The City intends to complete the mechanical and electrical equipping of the sludge pump station at sludge lagoon #1, construct a dewatering facility, and construct a biosolids storage facility which includes approximately two months of biosolids storage capacity.

The dewatering facility will consist of an approximately 5,000-gallon temporary storage tank for pumped sludge; two rotary fan press skids with integral sludge pumps, polymer injection and controls; and a screw conveyor for transferring dewatered solids to the storage facility. The storage facility will be a concrete slab on grade with low walls, open sided, steel-framed structure and will measure approximately 13,000 sq. ft. of covered storage and approximately 10,000 sq ft of uncovered storage area, totaling approximately 23,000 sq ft of an area.

The project is located in the City of Lodi, County of San Joaquin. The subject property is located at 12751 North Thornton Road. Specifically, the dewatering and storage facilities are to be located west of the digester complex and south of the sludge storage lagoons, on land that was used for the soil borrow/stockpile during the three Phase construction projects.

It is important to note that White Slough is considered potential habitat for Giant Garter Snake (GGS) and may require time restrains and buffer requirements (See SJMSCP Measures for GGS). The project may request a reduction in buffer through a case-by-case review by Habitat Technical Advisory Committee and the SJCOG Inc. Board. Additional mitigation may be required by permitting agency if the project is with the set back area. Also, the SJMSCP requires mitigation for all impacts temporary and/or permanent. Both impacts are considered to be equal.

The City of Lodi is a signatory to San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). Participation in the SJMSCP satisfies requirements of both the state and federal endangered species acts, and ensures that the impacts are mitigated below a level of significance in compliance with the California Environmental Quality Act (CEQA). The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measure are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP. Although participation in the SJMSCP is voluntary, Local Jurisdiction/Lead Agencies should be aware that if project applicants choose against participating in the SJMSCP, they will be required to provide alternative mitigation in an amount and kind equal to that provided in the SJMSCP.

S J C O G , I n c .

San Joaquin County Multi-Species Habitat Conservation & Open Space Plan

555 East Weber Avenue • Stockton, CA 95202 • (209) 468-3913 • FAX (209) 468-1084

SJMSCP HOLD

TO: Local Jurisdiction: Community Development Department, Planning Department, Building Department, Engineering Department, Survey Department, Transportation Department,
Other: _____

FROM: Anne-Marie Poggio-Castillou, Regional Habitat Planner, SJCOG, Inc.

**DO NOT AUTHORIZE SITE DISTURBANCE
DO NOT ISSUE A BUILDING PERMIT
DO NOT ISSUE _____ FOR THIS PROJECT**

The landowner/developer for this site has requested coverage pursuant to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). In accordance with that agreement, the Applicant has agreed to:

- 1) Implement Incidental Take Minimization Measures (ITMMs) PRIOR to site disturbance. Do not authorize site disturbance **until receipt of a signed Agreement to Incidental Take Minimization Measures (ITMMs) AND verification that all applicable ITMMs have been implemented.**
- 2) Pay SJMSCP fees. Fees shall be paid in the amount in effect at the time of issuance of Building Permit (see also Appendix). Do not issue a Use Permit **until receipt of a Certificate of Payment or Verification of Payment to the Local Jurisdiction (e.g., Receipt) AND verification that all applicable ITMMs have been implemented prior to ground disturbance.**

Project Title: 09-ND-02: White Slough Biosolids Dewatering and Storage facility

Landowner: City of Lodi

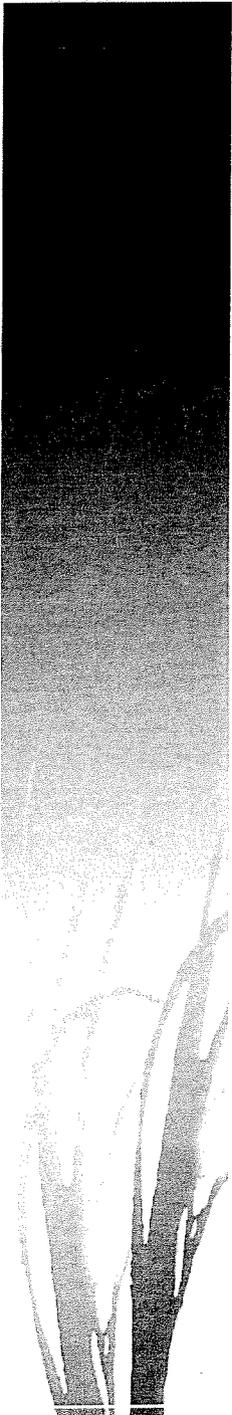
Applicant: City of Lodi

Assessor Parcel #s: 055-130-16

T _____, R _____, Section(s): _____

Local Jurisdiction Contact: Immanuel Bereket, City of Lodi Planning Division
Gary Wiman, City of Lodi Public Works Department

The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measures are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP.



RESOLUTION NO. P.C. 09-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI
CERTIFYING MITIGATED NEGATIVE DECLARATION 09-MND-02 AS ADEQUATE
ENVIRONMENTAL DOCUMENTATION FOR THE PROPOSED DEWATERING FACILITY
TO BE LOCATED AT THE WHITE SLOUGH WATER POLLUTION CONTROL FACILITY**

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 12751 North Thornton Road, Lodi CA (APN: 055-130-16) and

WHEREAS, the project site is zoned PUB, Public and has a General Plan designation of PQP, Public Quasi Public; and

WHEREAS, White Slough Water Pollution Control Facility is experiencing significant biosolids storage capacity limitations during winter months and the potential loss of future land application options during warm months due to permit requirements. The proposed biosolids storage and dewatering facilities will allow for removal of biosolids during periods when they cannot be land applied; and

WHEREAS, constructing a biosolids dewatering and storage facility will assist the City of Lodi in meeting future discharge permit requirements and provide additional biosolids handling capacities; and

WHEREAS, the Community Dev. Department prepared an Initial Study/Mitigated 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 Mitigated Negative Declaration (09-MND-02) were circulated and published and posted for a 21-day period on Thursday July 16, 2009 and ended on Tuesday August 11, 2009; and

WHEREAS, Notice of Intent to Adopt a Negative Declaration was published on the Lodi News Sentinel on July 20, 2009; and

WHEREAS, the project, as mitigated, is determined to not have a significant impact on the environment based upon the results of the environmental assessment; 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/Mitigated Negative Declaration (09-MND-02), 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. Construction of the proposed dewatering and storage facilities will not result in significant physical change in the environment and in that the project site to be disturbed measures approximately 23,000 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 09-MND-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 proposed project are properly planned thus limiting the potential to degrade environmental quality.
8. That the construction and operation of the proposed project will not directly or indirectly cause substantial adverse impacts to the environment.
9. The proposed project 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 proposed project will be consistent with all applicable goals, policies and standards of the City's adopted General Plan Policy Document.
11. The proposed project is consistent with the City's General Plan and Zoning Ordinance.

NOW, THEREFORE, BE IT DETERMINED, AND RESOLVED, by the Planning Commission of the City of Lodi that Mitigated Negative Declaration (09-MND-02) is hereby approved, subject to the following conditions, which are required for the subject project per City codes and standards unless noted otherwise:

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 immediately following approval of the project. Appropriate Department of Fish and Game fees shall be filed.

Dated: September 23, 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 September 23, 2009 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST: _____

Secretary, Planning Commission

Item 3d.



MEMORANDUM, City of Lodi, Community Development Department

To: Planning Commissioners
From: Konradt Bartlam
Date: September 23, 2009
Subject: Review and Comment on the Comprehensive Draft General Plan

Recommended Action: Receive public comment and provide direction on the Draft General Plan.

Background: In May, 2006, the City entered into an agreement with the consulting firm of Dyett & Bhatia to prepare the update to the General Plan. The firm and their sub-consultants have been working diligently on this program since that time. Work that has been completed includes the following activities:

Public Participation

- Workshops and Meetings with interested public
- Workshops specifically with the Planning Commission and City Council
- Stakeholder interviews and neighborhood meetings
- Presentations to service clubs and community organizations
- Newsletters
- A mail-in survey sent to all residential addresses in the City
- Comments via e-mail, and
- The project web-site

Products

- Working Paper #1: Land Use, Transportation, Environment and Infrastructure
- Working Paper #2: Urban Design and Livability
- Working Paper #3: Growth and Economic Development Strategy
- Working Paper #4: Greenbelt Conservation Strategies
- Sketch Plan Report indentifying alternative land use scenarios
- Preferred Land Use Plan, and
- Draft General Plan

The Draft General Plan was distributed to the Planning Commission in two segments. The first at the August 26th meeting included the Introduction, Land Use, Community Design & Livability, Parks, Recreation & Open Space, Conservation and Safety chapters. At the Commission's last meeting on September 9th, the remaining chapters of the Draft general Plan were distributed including Growth Management & Infrastructure, Transportation, Noise and the Implementation Appendix. The one chapter that has not been completed and will be on a separate review program is the Housing Element. Further, the Noise Contour exhibit has not been included in the Noise Element, but will be added prior to any formal Commission action on the Plan. The entire Plan as described has been made available on the web-site with notification being made by both newspaper and to the mailing list of interested parties.

With this first scheduled Public Hearing, it is staff's intent to receive any public comment including Planning Commission comment on the document presented. It is not our intent for the Commission to take any formal action other than provide direction regarding any questions or changes that may arise. Along with this Draft General Plan an Environmental Impact Report (EIR) is being prepared. This document is not completed as yet, but will be finished in draft form following this first hearing and will be part of subsequent Planning Commission reviews. The Draft EIR may recommend changes to the policies presented or suggest new policies altogether.

I have attached the complete list of the 51 Guiding Policies and 248 Implementing Policies in this document. Within this attachment, I have highlighted those Policies which I believe are the most significant. This is not meant to take anything away from the balance of the Policies presented as we feel they all are representative of the beliefs of the community as to how Lodi should be guided in the future. The Commission should note that many of the Policies call for follow up implementation measures which will involve significant staff time and/or financial resources. One of the priorities which staff is proposing is the necessity to create a conforming Zoning Map as soon as possible. It is my intent to have this available for the Planning Commissions review and action along with the final Draft General Plan.

Respectfully Submitted,

Konradt Bartlam
Community Development Director

Attachment:

Chapter 2: Land Use Policies

For policies relating to phasing and growth management, see Chapter 3: Growth Management and Infrastructure. For policies relating to urban design and community character, see Chapter 4: Community Design and Livability.

2.1 GUIDING POLICIES

- LU-G1 Create a balanced and sustainable land use pattern that provides for a diversity of uses and satisfies existing and future needs.
- LU-G2 Encourage development of downtown as a mixed-use activity center with a range of commercial, residential, and civic uses.
- LU-G3 Promote revitalization of key commercial spines of the community with focused, mixed-use development.
- LU-G4 Foster development of walkable new neighborhoods, with a mix of uses and diversity of housing types.
- LU-G5 Maintain land use patterns that maximize residents' access to parks, open space, and neighborhood shopping centers.
- LU-G6 Ensure the continued economic sustainability of the community and fiscal health of the City government.
- LU-G7 Strengthen the City's economic base and provide employment opportunities for residents to achieve a more balanced jobs/housing ratio.

2.2 IMPLEMENTING POLICIES

USE CLASSIFICATIONS AND LAND USE PROGRAM

- LU-G1 Update the City's Zoning Ordinance and Subdivision Regulations contained in the Municipal Code for consistency with the General Plan, including the General Plan Diagram.

Zoning changes that will need to be made include:

Establishment of new base districts, consistent with the land use classifications in the General Plan, such as for mixed-use centers, corridors and downtown; and

New development regulations that reflect policy direction contained throughout the General Plan (e.g. parking standards).

- LU-G2 Require sites designated for mixed-use development—downtown, corridors, and in new neighborhood centers—to be developed with a variety of residential and non-residential uses, in accordance with the General Plan designation.

- LU-G3 Do not allow development at less than the minimum density prescribed by each residential land use category.
- LU-G4 Maintain the highest development intensities downtown, and in mixed-use corridors and centers, with adequate transition to Low-Density Residential neighborhoods.
- LU-G5 Land Use Pattern
- LU-G6 Maintain a centralized economic development and land information system to continually monitor land use availability, ensuring sufficient land for appropriate use designations, development intensities and locations.
- LU-G7 Locate new medium- and high-density development adjacent to parks or other open space, in order to maximize residents' access to recreational uses; or adjacent to mixed-use centers or neighborhood commercial developments, to maximize access to services.
- LU-G8 Encourage new neighborhood commercial facilities and supermarkets in locations that maximize accessibility to all residential areas.
- LU-G9 Permit child-care centers in all districts except Industrial.
- Regulations would also need to be in accordance with criteria for family day care homes established in Chapter 3.4 and Chapter 3.6, Division 2 of the California Health and Safety Code.
- LU-G10 Focus new business park growth in the southeast portion of the city and new industrial growth along the two railroad lines, as shown in the Land Use Diagram.
- LU-G11 Allow employee-serving amenities and services such as restaurants, cafes, dry cleaners, and other complementary uses in Business Park areas.
- LU-G12 Promote clustering of industrial uses into areas that have common needs and are compatible in order to maximize their efficiency. Work closely with industry contacts to identify specific needs to be addressed through development standards.
- LU-G13 Prioritize economic development activities on potential growth industries that are appropriate for Lodi, including retail and tourism, as well as office/industrial users in need of large parcels.
- LU-G14 Continue to publish a handbook and/or fact sheets of permitting procedures and fees for new and existing businesses.
- LU-G15 Partner with business and community groups to proactively pursue companies and industries and to implement economic development programs.

- LU-G16 Continue efforts to locate a hotel in conjunction with or in proximity to Hutchins Street Square.
- LU-G17 Downtown
- LU-G18 Promote downtown as the center of tourism, business, social, and civic life by directing high intensity office uses, government, and entertainment uses to locate downtown.
- LU-G19 Establish land use regulations and development standards in the Zoning Code to reinforce Downtown’s assets and traditional development pattern. These should include:
- Extending the Downtown Mixed Use classification to parcels along Main Street on the Eastside to improve connectivity, while retaining the respective identities of downtown and the Eastside.
 - Maximum set-backs or build-to lines for development in areas designated Downtown Mixed Use.
 - Requiring retail, eating and drinking establishments, or other similar active uses—except for sites designated Public—at the ground level. Alleyway corners shall be “wrapped” with retail uses as well.
- LU-G20 Encourage medium- and high-density residential development in downtown by permitting residential uses at upper levels; and east and northwest of downtown, as depicted on the Land Use Diagram, by identifying vacant and underutilized sites that are appropriate for redevelopment.
- LU-G21 Maintain parking regulations for downtown that are lower than elsewhere in the city, reflecting its position as a pedestrian- and transit-friendly center.
- LU-G22 Expand the Downtown Parking District to include the Downtown Mixed Use area in order to consolidate parking areas. Require all development within these boundaries to either meet the established off-street parking requirements or contribute an appropriate share to the Downtown Parking District.
- LU-G23 Mixed Use Corridors
- LU-G24 Allow an appropriate range of single uses or mixed-use development, with use requirements/mixes as follows:
- Kettleman Lane. Allow any mix of uses as permitted within the Mixed Use Corridor classification. Ensure that residential uses are sited at upper levels or, if at ground level, then not directly facing the highly trafficked Kettleman Lane.
 - Cherokee Lane. Require that any new development/redevelopment of sites with Mixed Use designation south of Tokay Street to devote at least one-quarter of the built-up area to commercial or business park uses, while allowing the full spectrum of single or mixed-uses permitted within the designation.

- LU-G25 Lodi and Central Avenues. Require any development or redevelopment of sites to have active uses—retail, restaurants, cafe, and personal service establishments—fronting the streets at the ground level. A range of compatible uses, such as residential or office, may be located at upper levels and in portions not fronting the streets.
- LU-G26 Existing Neighborhoods
- LU-G27 Promote infill development that maintains the scale and character of established neighborhoods.
- LU-G28 Establish bulk and Floor Area Ratio standards for older residential neighborhoods surrounding Downtown to preserve their character.
- LU-G29 New Neighborhoods
- LU-G30 Guide new residential development into compact neighborhoods with a defined Mixed-Use Center, including public open space, a school or other community facilities, and neighborhood commercial development.
- LU-G31 Require a centrally located Mixed-Use Center within each new residential neighborhood: one west of Lower Sacramento Road and two south of Harney Lane, as shown on the Land Use Diagram. Centers should serve as a focal point for the surrounding neighborhood, be pedestrian-oriented and encourage a mix of uses to serve local needs.
- LU-G32 Require a master or specific plan in areas with a Mixed-Use Center and adjacent complementary uses, as a condition of subdivision approval. Uses should include neighborhood commercial, civic and institutional uses, parks, plazas, and open space—consistent with Land Use Diagram (unless any of these uses are found infeasible and/or alternative locations are available to carry out mixed-use policies). Streets should adhere to the pattern depicted on the Land Use Diagram.
- LU-G33 Provide for a full range of housing types and prices within new neighborhoods, including minimum requirements for small-lot single family homes, townhouses, duplexes, triplexes, and multi-family housing.

Chapter 3: Growth Management and Infrastructure Policies

3.1 GUIDING POLICES

Please refer to Chapter 4: Community Design and Livability for additional policies regarding Lodi's urban form.

- LU-G1 Ensure contiguous, paced, and orderly growth by identifying phases for development. Allow development in subsequent phases only once thresholds of reasonable development in prior phases have been achieved.
- LU-G2 Provide infrastructure—including water, sewer, stormwater, and solid waste/recycling systems—that is designed and timed to be consistent with projected capacity requirements and development phasing.
- LU-G3 Promote conservation of resources in order to reduce the load on existing and planned infrastructure capacity, and to preserve existing environmental resources.
- LU-G4 Provide public facilities—including police and fire services, schools, and libraries commensurate with the needs of the existing and future population.
- LU-G5 Support efforts to provide superior public and private educational opportunities for all segments of the population.

3.2 IMPLEMENTING POLICIES

GROWTH MANAGEMENT

Please refer to Chapter 7: Conservation for policies regarding agricultural preservation and Chapter 8: Safety for policies regarding stormwater management.

- LU-G1 Define Lodi's southern boundary and establish limits on development to the south through the establishment the Armstrong Road Agricultural/Cluster Study Area. Cooperate with San Joaquin County, the San Joaquin County Local Agency Formation Commission and property owners to ensure maintenance of this area as a separator from the City of Stockton.
- LU-G2 Target new growth into identified areas, extending south, west, and southeast. Ensure contiguous development by requiring development to conform to phasing described in Figure 3-1. Enforce phasing through permitting and infrastructure provision.
Development may not extend to Phase 2 until Phase 1 has reached 75% of development potential, and development may not extend to Phase 3 until Phase 2 has reached 75% of development potential.

LU-G3 Use the Growth Management Allocation Ordinance as a mechanism to even out the pace, diversity, and direction of growth. Update the Growth Management Allocation Ordinance to reflect phasing and desired housing mix. Because unused allocations carry over, as of 2007, 3,268 additional permits were available. Therefore, the Growth Management Allocation Ordinance will not restrict growth, but simply even out any market extremes.

LU-G4 Update allocation of units by density to ensure that development density occurs as recommended in Chapter 2: Land Use. For instance, approved permits should be allocated to provide 45.4% of permits for low density, 27.3% medium density, and 27.3% high density/ mixed use housing during phase 1. This represents a shift towards slightly more medium and high density housing in Lodi.

LU-G5 Update impact fee system to balance the need to sufficiently fund needed facilities and services without penalizing multifamily housing or infill development.

LU-G6 Annex areas outside the existing sphere of influence to conform with development needs for Phase 1, Phase 2, and Phase 3. Subsequent phases shall be annexed as current phases reach development thresholds.

LU-G7 Infrastructure

LU-G8 Ensure that public facilities and infrastructure—including water supply, sewer, and stormwater facilities—are designed to meet projected capacity requirements to avoid the need for future replacement and upsizing, pursuant to the General Plan and relevant master planning.

LU-G9 Coordinate extension of sewer service, water service, and stormwater facilities into new growth areas concurrent with development phasing. Decline requests for extension of water and sewer lines beyond the city limit prior to the relevant development phase and approve development plans and water system extension only when a dependable and adequate water supply for the development is assured.

LU-G10 Develop new facilities and rehabilitate existing facilities as needed to serve existing development and expected development, in accordance with the General Plan and relevant infrastructure master plans.

LU-G11 Prepare master plan documents as necessary during the planning period to address the infrastructure needs of existing and projected growth, and to determine appropriate infrastructure provision for each phase. Existing master plan documents should be used until new master plans are developed, and updates should occur as follows:

- A sanitary sewer system master plan should be undertaken soon after General Plan adoption. In particular, this master plan should address how to best provide sewer service for the growth on the east side of the city and

for infill development, and to determine if additional wastewater flows will need to be diverted into the proposed South Wastewater Trunk Line.

- A citywide stormwater master plan should be prepared soon after General Plan adoption to confirm or revise existing planning studies.
- A White Slough Water Pollution Control Facility master plan should be completed during the early stages of Phase 1, most likely in 2013 or 2014.
- A recycled water master plan was prepared in May 2008 and is current as of 2009. It may be appropriate to update this document when the next WSWPCF master plan is prepared, in 2013 or 2014, to evaluate the feasibility of constructing a scalping plant to provide recycled water for use within the city.
- A potable water supply and distribution master plan is not urgently needed, as of 2009. Future planning should be completed as necessary.
- The Urban Water Management Plan should be updated on a five year basis in compliance with State of California mandated requirements. Future plans should be developed in 2010, 2015, 2020, 2025, and 2030.

WATER CONSERVATION

LU-G1 Require water conservation in both City operations and private development to minimize the need for the development of new water sources and facilities. To the extent practicable, promote water conservation and reduced water demand by:

- Requiring the installation of non-potable water infrastructure for irrigation of landscaped areas over one acre of new landscape acreage, where feasible. Conditions of approval shall require connection and use of nonpotable water supplies when available at the site.
- Encouraging water-conserving landscaping, including the use of drought-tolerant and native plants, xeriscaping, use of evapotranspiration water systems, and other conservation measures.
- Encouraging retrofitting of existing development with water-efficient plumbing fixtures, such as ultra low-flow toilets, waterless urinals, low-flow sinks and showerheads, and water-efficient dishwashers and washing machines.

LU-G2 Support on-site gray water and rainwater harvesting systems for households and businesses.

- The City should develop a strategy for the legal, effective, and safe implementation of gray water and rainwater harvesting systems, including amendment of the Building Code as appropriate to permit gray water and provision of technical assistance and educational programming to help residents implement gray water and rainwater harvesting strategies.

LU-G3 Continue to implement the Water Meter Retrofit Program (consistent with State requirements as indicated in AB 2572), whereby all existing non-metered

connections would be retrofitted with a water meter. This program is expected to be completed in 2013.

- LU-G4 Require water meters in all new and rehabilitated development.
- LU-G5 Monitor water usage and conservation rates due to installed meters, to ensure water demand assumptions are correct. If actual usage and conservation rates vary from planning assumptions, reassess requirements for future water resources.
- LU-G6 Potable Water Supply
- LU-G7 Cooperate with Northeastern San Joaquin County Groundwater Banking Authority, other member water agencies, and the Woodbridge Irrigation District to retain surface water rights and groundwater supply.
- LU-G8 Recycled Water
- LU-G9 Explore a program of complete wastewater reclamation and reuse at the White Slough Water Pollution Control Facility.
- LU-G10 Encourage the use of tertiary treated wastewater for irrigation of agricultural lands, large landscaped areas, and recreation/open space areas within close proximity to the White Slough Water Pollution Control Facility.
- LU-G11 Solid Waste Management and Recycling
- LU-G12 Continue to improve waste diversion rates through recycling and resource conservation measures. Support waste reduction and recycling programs through public education.

PUBLIC FACILITIES

Please refer to Chapter 8: Safety for policies regarding fire and police staffing and emergency services.

- LU-G1 Locate additional schools to fill any existing gaps in capacity and meet the needs of existing and new residents. Provide needed facilities concurrent with phased development.
- LU-G2 Locate any additional library branches to ensure all neighborhoods are served, in particular in the Eastside neighborhood and in proposed mixed use centers.
- LU-G3 Develop a Fire and Police Services Master Plan that would establish thresholds and requirements for fire and police facilities, staffing, and building features. The Fire and Police Services Master Plan should consider the following:
 - Typical nature and type of calls for service;

- Fire prevention and mitigation measures, such as sprinklers, fire retardant materials, and alarms;
- Appropriate measures for determining adequate levels of service; and
- Locations and requirements for additional facilities and staffing.

LU-G4 Maintain sufficient fire and police personnel and facilities to ensure maintenance of acceptable levels of service. Provide needed facilities concurrent with phased development.

Chapter 4: Community Design and Livability Policies

4.1 GUIDING POLICIES

- LU-G1 Enhance Lodi's identity and livability by maintaining a compact urban form, with clear edges and delineation between urban and rural uses.
- LU-G2 Promote downtown as the symbolic center of the city, with a greater mix of uses, and building types, and an expanded extent that embraces the Eastside. Promote downtown as a tourist destination.
- LU-G3 Respect and maintain Lodi's small-town character, its existing neighborhoods, the historic downtown, and historic buildings.
- LU-G4 Structure new neighborhoods to promote walkability, and ensure they are integrated with the surrounding urban fabric.
- LU-G5 Foster a well connected street network that enhances accessibility to jobs, services, parks, schools, and shopping, particularly at the scale of pedestrians and bicyclists.
- LU-G6 Foster redevelopment of key corridors as vital spines, with nodes of mixed-use, higher intensity, pedestrian- and bicycle-friendly development.
- LU-G7 Promote a mix of uses, densities, and building typologies in new development.
- LU-G8 Promote sustainable development practices and conservation of resources to reduce environmental impact and ensure long-term sustainability.
- LU-G9 Encourage green building and construction in new development and renovations

4.2 IMPLEMENTING POLICIES

CITYWIDE POLICIES

- CD-P1 Incentivize infill housing—within the Downtown Mixed Use district and along Mixed Use Corridors—through the development review, permitting and fee processes.
- CD-P2 Ensure that Zoning and Subdivision ordinances include measures that guide infill development to be compatible with the scale, character and identity of adjacent development.
- CD-P3 Ensure that the Zoning Ordinance includes measures to promote fine-grain development along retail and mixed-use streets, using horizontal and vertical building articulation that engages pedestrians and breaks up building mass.

CD-P4 Ensure that the Zoning Ordinance includes measures to promote durable and high quality building materials and high standards of construction for longevity and reduced maintenance costs over time, especially for buildings in high-pedestrian activity areas, such as downtown, along Mixed Use Corridors, and in Mixed Use Centers.

CD-P5 Configure parking areas to balance a vital pedestrian environment with automobile convenience. Parking areas should be:

- Located in locations less visible from the sidewalk—behind buildings and away from the street edge, especially along Mixed Use Corridors and Centers, and principal downtown streets. Where a lot faces two streets, parking lots should be accessible by side road.
- Sized and located to take advantage of shared parking opportunities.
- Accommodating to pedestrians and bicycle traffic with pedestrian-only pathways through parking areas.
- Landscaped to achieve fifty percent (50%) shade coverage at tree maturity. Architectural elements such as trellises and awnings may also contribute to shade coverage.
- Buffered from adjacent uses and pedestrians through the use of low walls and hedges.

DOWNTOWN

CD-P6 Update downtown regulations in the Zoning Ordinance:

- Establish a Downtown District to encompass the area shown as Downtown Mixed Use in the Land Use Diagram (Chapter 2, Figure 2-1).
- Require active uses—such as retail, eating and drinking establishments—at the ground level for the area shown in Figure 4-5.
- Update allowable uses to permit residential uses on upper levels on all streets in downtown.

CD-P7 Extend downtown streetscape treatment to embrace the entire area where ground-level retail is required, especially streetscape treatment for streets east of the railroad in the Downtown Mixed Use district. The elements should be consistent with the existing downtown streetscape, but should identify the eastern section as a unique area within downtown.

CD-P8 Require active uses or pedestrian oriented design in alleyways located in the downtown area to establish retail and pedestrian connections, particularly where alleyways connect retail streets (such as between School Street and Sacramento Street) or retail to parking (such as between School Street and Church Street).

- Other pedestrian oriented design may include pedestrian only walkways, high quality paving, landscaping, lighting, seating, or other similar features.

CD-P9 Continue to use the Eastside Mobility and Access Plan as a means of connecting downtown and the Eastside neighborhood.

CD-P10 Incentivize rehabilitation and adaptive reuse of buildings, especially east of the railroad, particularly on Main and Stockton streets in the Downtown Mixed Use district, through development review, permitting and fee processes.

MIXED USE CORRIDORS

CD-P11 Establish development standards in the Zoning Ordinance for Mixed Use Corridors that create a pedestrian-scaled environment:

- Require a minimum percentage of the frontage of sites along Lodi and Central avenues to be devoted to active uses. Ensure that depth and height of the provided space is adequate to accommodate a variety of tenants and provide flexibility for the future.
- Maintain a consistent building base/streetwall along majority of site frontage along all Mixed Use Corridors except Kettleman and Cherokee lanes, with minimum height ranging from 15 to 25 feet, depending on the scale and character of the corridor, with taller streetwall along wider corridors.
- Along Sacramento Street, and Lodi and Central avenues, require new development to be built to the street edge, with parking located in the rear.
- Require buildings to be finely articulated and visually engaging.
- For properties located at key intersections—on particular the intersections of Lodi Avenue and Central Avenue, Lodi Avenue and School Street, and Lodi Avenue and Sacramento Street—require appropriate design features, including: buildings that punctuate the corner with design elements and/or projects that provide additional public or pedestrian amenities (such as the inclusion of plazas).

CD-P12 Provide incentives, through the development review, permitting and fee processes, to redevelop underutilized commercial properties located within the Mixed Use Corridors.

CD-P13 To provide development flexibility, consider incorporating overall development intensity measures (such as floor area ratio) for all non-residential and residential uses, rather than regulating density/intensity separately.

CD-P14 Minimize pavement widths (curb-to-curb) along Mixed Use Corridors to prioritize pedestrian and bicycle movement, while ensuring adequate street width for traffic flow.

CD-P15 Improve or maintain streetscapes, along Mixed Use Corridors. Streetscape improvements could be implemented through a city streetscape program. Amenities may include:

- Street trees

- Wide sidewalks
 - Special paving
 - Street lighting
 - Seating
 - Info kiosks, particularly in the downtown area
 - Open bus stop shelters
 - Bicycle racks
- CD-P16 Provide continuous street trees along the curb, between the vehicle roadway and the sidewalk, unless this is physically impossible due to constraints such as underground utility lines. Minimize curb cuts to emphasize continuous unbroken curb lengths.
- CD-P17 Develop a wayfinding and signage scheme along the city’s major corridors and streets that utilizes public art and street elements, such as banners and light fixtures. The scheme should reinforce the City’s identity and linkages to downtown. Include Kettleman Lane, Lodi Avenue, Cherokee Lane, Sacramento Street, Central Avenue, and Stockton Street in the wayfinding scheme.
- CD-P18 Require active uses at the ground floor on Lodi and Central avenues within their Mixed Use Corridor designations, as noted shown in Figures 4-8 and 4-9, respectively.

STREETS, CONNECTIVITY, AND ACCESSIBILITY

Refer to Chapter 5: Transportation for policies related to transportation infrastructure, including for pedestrians and bicycles.

- CD-P19 Develop requirements for street trees in all new growth areas that maximize shade to minimize urban heat island impacts.
- Require all subdivisions in new growth areas to prepare a street plan demonstrating maximum connection to existing streets, specifically incorporating streets shown in Figure 4-4 and intermediate street connections. Ensure that new development on the west side enables expansion of the street grid for future growth, beyond this General Plan horizon.
 - Existing and emerging development at the City’s edges has not been designed to enable future extensions, producing disconnected neighborhoods.
- CD-P20 Prohibit gated development, and avoid cul-de-sacs. Where cul-de-sacs are provided, require pedestrian and bicycle connection at the terminus of the cul-de-sac to adjacent street.
- CD-P21 Limit maximum block lengths in new neighborhoods to 600 feet, with pedestrian/bicycle connection no more than 400 feet apart (where resulting from connection at end of cul-de-sac), and 400 feet between through streets along Neighborhood Mixed Use Centers.

CD-P22 Encourage alternatives to soundwalls and permit new soundwalls only where alternatives are not feasible, such as along Highway 99 and the railroad tracks.

- While soundwalls can limit sound to development immediately adjacent to traffic, much of the sound is simply reflected to development further away, resulting in increase in ambient noise levels. Moreover, soundwalls are disruptive to neighborhood character and connectivity. Alternative designs could include frontage roads, dense vegetation, and ensuring sufficient insulation in residential units that would potentially be impacted by the noise.

CD-P23 Create smooth transitions between neighborhoods and across the railroad with pedestrian paths and/or uniform streetscape design.

CD-P24 Use bike lanes, trails, or linear parks to improve connectivity throughout the city and in particular between housing located south of Kettleman and amenities located north of Kettleman, as shown in Figure 4-7. These pathways should employ easy and safe crossings and connect to destinations such as downtown, shopping centers, parks, and/or schools.

CD-P25 Increase public art throughout Lodi. Encourage the placement of art in locations that are interactive and accessible to the public. Develop a funding strategy to ensure adequate support of arts and cultural programs.

NEW RESIDENTIAL NEIGHBORHOODS

CD-P26 Focus new growth, which is not accommodated through infill development of existing neighborhoods, in easily-accessible and pedestrian friendly neighborhoods that include neighborhood-oriented commercial, public services such as schools and parks, and residential uses.

CD-P27 Require new development to connect with nearby uses and neighborhoods; include paths to connect to the rest of the city; exhibit architectural variety and visual interest; conform to scale requirements; and relate housing to public streets.

CD-P28 Minimize the visual impact of automobiles in residential areas.

Methods include reducing garage frontage, minimizing curb cuts, setting garages and parking areas back from houses, locating garages at rear or along alleyways, and providing narrow roads.

MIXED USE CENTERS

CD-P29 Require all development at sites designated Mixed Use Center to provide a mix of commercial uses, while allowing residential uses, to create a “node,” typically centered around a plaza, or “a main street,” with a minimum of 10 percent (10%) of the land area devoted to non-residential land uses, to create pedestrian vitality in the core area. Allow a range of other supportive commercial uses, such as medical, dental, and real-estate offices, as well as community facilities.

CD-P30 Require each core to have at least one plaza or other satisfactory gathering space along the main street that enables gathering and promotes a sense of neighborhood identity.

CD-P31 Integrate new Mixed Use Centers into the city's existing fabric and proposed new development. Provide a network of streets and connections that expands circulation opportunities for pedestrians and bicyclists and ensures connections by multiple modes between the new centers, and existing neighborhoods.

Update Subdivision ordinance to require:

- Master plans for new development that show publicly accessible parks, and a connected street grid.
- Blocks that do not exceed 600 feet in length unless additional pedestrian connections or public space is included.
- Street trees on public streets.
- Sidewalks on public streets.

CD-P32 In order to use less energy and reduce light pollution, ensure that lighting associated with new development or facilities (including street lighting, recreational facilities, and parking) shall be designed to prevent artificial lighting from illuminating adjacent residential neighborhoods and/or natural areas at a level greater than one foot candle above ambient conditions.

CD-P33 Require that any office uses in Mixed Use Centers front along the street edge with minimal setbacks; locate parking in the rear or underground; provide plazas and other open space amenities for employees; provide street landscaping; and provide pedestrian connections where appropriate.

CD-P34 Minimize curb cuts to expand pedestrian space and increase the supply of curbside parking.

Methods include requiring abutting new developments to share a single access point from the road and allowing only one curb cut per parcel.

NEW OFFICE DEVELOPMENT

CD-P35 Require new office development to be designed to address not just automobile access, but also potential for transit access, and allowing lunchtime pedestrian access to adjacent uses. Locate new office development along the street edge, with the main entrance facing the street. Parking should not be located between the street and building.

CD-P36 Include pedestrian paths that provide internal access on all site plans. Pedestrian paths should access the sidewalk, main building entrances, and parking areas.

CD-P37 Provide landscaped setbacks between all parking areas and buildings, and at the edges of parking areas.

SITE PLANNING AND GREEN BUILDING

Refer to Chapter 7: Conservation for related energy and climate change policies and Chapter 8: Safety for related stormwater management policies.

CD-P38 Promote location and siting of buildings that minimizes energy use by features such as enhancing use of daylight, minimizing summer solar gain, and use of ventilating breezes.

CD-P39 Design any City-owned buildings or City-owned buildings that are proposed for new construction, major renovation to meet the standards set by LEED™ or equivalent.

CD-P40 Prepare, or incorporate by reference, and implement green building and construction guidelines and/or standards, appropriate to the Lodi context, to ensure high level of energy efficiency and reduction of environmental impacts associated with construction and operations of buildings. Ensure that these guidelines/standards:

- Require documentation demonstrating that building designs meet minimum performance targets, but allow flexibility in the methods used.
- Exceed California's 2005 Title 24 regulation standards for building energy efficiency, if feasible.
- Reduce resource or environmental impacts, using cost-effective and well-proven design and construction strategies.
- Reduce waste and energy consumption during demolition and construction.
- Identify street standards, such as street tree requirements, appropriate landscaping practices, and acceptable materials.
- Incorporate sustainable maintenance standards and procedures.
- Promote incorporation of energy conservation and weatherization features in existing structures.
- These guidelines could be developed directly from the LEED (Leadership in Energy and Environmental Design) system developed by the U.S. Green Building Council, the California-based Build It Green GreenPoint rating system, or an equivalent green building program.

Chapter 5: Transportation Policies

Strategies related to transportation infrastructure financing can be found in Appendix A: Implementation.

5.1 GUIDING POLICIES

- T-G1 Plan, develop, and maintain a comprehensive, coordinated transportation system to ensure the safe, efficient, and convenient movement of people and goods.
- T-G2 Maintain and update street standards that provide for the design, construction, operation, and maintenance of City streets based on a “complete streets” concept that enables safe, comfortable, and attractive access for pedestrians, bicyclists, motorists, and transit users of all ages and abilities, in a form that is compatible with and complementary to adjacent land uses.
- T-G3 Develop neighborhood streets that encourage walking, biking, and outdoor activity through sound engineering and urban design principles that limit potential speeding.
- T-G4 Provide for safe and convenient pedestrian, bicycle, and transit circulation.
- T-G5 Ensure the adequate provision of both on-street and off-street parking, taking into account the effect of parking management techniques on urban design, economic vitality, and walkability.
- T-G6 Improve railroad crossings to minimize safety hazards and allow for additional capacity improvements.
- T-G7 Provide efficient and direct circulation for local truck traffic, with minimal disruption to residential neighborhoods.
- T-G8 Encourage reduction in vehicle miles traveled as part of a strategy to reduce greenhouse gas emissions.

5.2 IMPLEMENTING POLICIES

CIRCULATION SYSTEM

- T-P1 Ensure consistency between the timing of new development and the provision of transportation infrastructure needed to serve that development. Regularly monitor traffic volumes on city streets and, prior to issuance of building permits, ensure that there is a funded plan for the developer to provide all necessary transportation improvements at the appropriate phase of development so as to minimize transportation impacts.
- T-P2 Review new development proposals for consistency with the Transportation Element and the Capital Improvements Program. Ensure that new projects

provide needed facilities to serve developments, and provide all needed facilities and/or contribute a fair share to the City’s transportation impact fee.

- T-P3 Work collaboratively with San Joaquin County, San Joaquin Council of Governments, and Caltrans to successfully implement transportation improvements in the vicinity of Lodi.
- T-P4 Maintain and update a Capital Improvements Program so that identified improvements are appropriately prioritized and constructed in a timely manner.
- T-P5 Update the local transportation impact fee program, consistent with General Plan projections and planned transportation improvements.
- T-P6 Coordinate with the San Joaquin Council of Governments and actively participate in regional transportation planning efforts to ensure that the City’s interests are reflected in regional goals and priorities.
- T-P7 Continue to work with the San Joaquin Council of Governments on regional transportation funding issues, including the update of regional transportation impact fees.

ROADWAY NETWORK

T-P8 Strive to maintain applicable Level of Service (LOS) standards. The Regional Congestion Management Program defines LOS D on its network. The General Plan establishes an LOS D on city streets and at intersections. Exceptions to this LOS D policy may be allowed by the City Council in areas, such as downtown, where allowing a lower LOS would result in clear public benefits, subject to findings that achieving LOS D would:

- Be technologically or economically infeasible, or
- Compromise the City’s ability to support other important policy priorities, such as:
 - Enhancing the urban design characteristics that contribute to pedestrian comfort and convenience;
 - Preserving and enhancing an economically vibrant downtown area;
 - Avoiding adverse impacts to alternate modes of transportation;
 - Preserving the existing character of the community;
 - Preserving agricultural land or open space; or
 - Preserving scenic roadways/highways.

T-P9 Design streets in new developments in configurations that generally match and extend the grid pattern of existing city streets. This is intended to disperse traffic and provide multiple connections to arterial streets. Require dedication, widening, extension, and construction of public streets in accordance with the

City’s street standards. Major street improvements shall be completed as abutting lands develop or redevelop. In currently developed areas, the City may determine that improvements necessary to meet City standards are either infeasible or undesirable.

T-P10 Maintain, and update as needed, roadway design standards to manage vehicle speeds and traffic volumes.

T-P11 Limit street right-of-way dimensions where necessary to maintain desired neighborhood character. Consider allowing narrower street rights-of-way and pavement widths for local streets in new residential subdivisions.

T-P12 Implement traffic calming measures to slow traffic on local and collector residential streets and prioritize these measures over congestion management. Include roundabouts, corner bulb-outs, traffic circles, and other traffic calming devices among these measures.

PEDESTRIAN FACILITIES

Policies describing street connectivity related to urban design can be found in Chapter 4: Community Design and Livability.

T-P13 Foster walkable streets through streetscape improvements, continuous sidewalks on both sides of streets, and encouraging pedestrian access wherever feasible. Update the Subdivision Ordinance to include requirements for sidewalks, street trees, and lighting. Where sidewalks do not exist within existing developments, and are desired, explore a program to provide sidewalks by reducing the curb-to-curb road width, in cases where safety and traffic flow are not compromised.

T-P14 To maintain walkability and pedestrian safety, consider roadway width and roadway design features such as islands, pedestrian refuges, pedestrian count-down signals, and other such mechanisms. This policy applies to new roadway construction as well as existing roadways where pedestrian safety issues may occur due to roadway design or width.

T-P15 In new development areas, include pedestrian connections to public transit systems, commercial centers, schools, employment centers, community centers, parks, senior centers and residences, and high-density residential areas.

T-P16 Work cooperatively with the Lodi Unified School District on a “safe routes to schools” program that aims to provide a network of safe, convenient, and comfortable pedestrian routes from residential areas to schools. Improvements may include expanded sidewalks, shade trees, bus stops, and connections to the extended street, bike, and transit network.

BICYCLE FACILITIES

- T-P17 Use the City's Bike Master Plan as a comprehensive method for implementing bicycle circulation, safety, and facilities development. Update the Plan for consistency with Figure 5-2, which defines bike route connections in new development areas.
- T-P18 Coordinate the connection of local bikeways and trails to regional bikeways identified in the San Joaquin County Bicycle Transportation Plan.
- T-P19 Require the placement of bicycle racks or lockers at park-and-ride facilities.
- T-P20 Establish standards requiring new commercial and mixed-use developments (of sizes exceeding certain minimum thresholds) to provide shaded and convenient bicycle racks, as appropriate. When such facilities are required, use specifications provided in Caltrans' Design Manual, Section 1000, or other appropriate standards.

PUBLIC TRANSIT SERVICES

- T-P21 Implement the City's Short Range Transit Plan and the San Joaquin Council of Government's Regional Transit Systems Plan, using the most cost effective methods available and based upon professional analysis.
- T-P22 Review new development proposals for consistency with the Short Range Transit Plan. Ensure new projects provide needed transit facilities to serve developments and provide all needed facilities and/or contribute a fair share for improvements not covered by other funding sources.
- T-P23 Continue to support the efficient operation of the Lodi Station, and to explore opportunities to expand the multi-modal transportation services provided there.
- T-P24 Encourage continued commuter rail service in Lodi by cooperating with Amtrak and supporting transit-oriented development and improvements around Lodi Station.
- T-P25 Encourage ridership on public transit systems through marketing and promotional efforts. Provide information to residents and employees on transit services available for both local and regional trips.
- T-P26 Maintain transit performance measures sufficient to meet State requirements.
- T-P27 Coordinate transit services and transfers between the various transit operators serving Lodi.
- T-P28 Require new development to provide transit improvements where appropriate and feasible, including direct pedestrian access to transit stops, bus turnouts and shelters, and local streets with adequate width to accommodate buses.

- T-P29 Continue to actively support and manage the Lodi Grapeline bus service, and to expand public transit services when justified by new demand.
- T-P30 Require community care facilities and senior housing projects with more than 25 units to provide accessible transportation services for the convenience of residents.
- T-P31 Coordinate with the California Public Utilities Commission to implement future railroad crossing improvements.
- T-P32 Require a commitment of funding for railroad crossing protection devices from private development requiring new railroad spurs.
- T-P33 Continue the ongoing comprehensive program to improve the condition and safety of existing railroad crossings by upgrading surface conditions and installing signs and signals where warranted.

PARKING

Policies related to the design of parking lots and structures and their relationship to the street and buildings are provided in Chapter 4: Community Design and Livability. Off-street parking regulations and a program for an expanded Downtown Parking District are described in Chapter 2: Land Use.

- T-P34 Review and update parking standards periodically, and require new developments to provide an adequate number of off-street parking spaces in accordance with those parking standards. The parking standards will allow shared parking facilities whenever possible to reduce the number of new parking stalls required. Consideration will also be given to parking reductions for mixed-use projects or projects that have agreed to implement sustainable and enforceable trip reduction methods.
- T-P35 Consider replacement of on-street parking in commercial areas that will be lost to additional turn lanes at intersections, with an equal number of off-street spaces within the same vicinity, where feasible.
- T-P36 Continue to implement existing preferential residential parking programs such as in the Eastside residential neighborhood, in the vicinity of the PCP Cannery, and adjacent to high schools. Consider expanding the preferential residential parking program to other neighborhoods only where parking intrusion from adjacent uses clearly undermines the neighborhood's quality of life after all other options are deemed unsuccessful.
- T-P37 Improve parking opportunities in the downtown area and along Lodi Avenue (between downtown and Cherokee Lane) by examining rear or vacant lots and other underutilized areas for potential off-street parking. In addition, expand the Downtown Parking District to encompass the entire Downtown Mixed Use area shown in the Land Use Diagram (Figure 2-1).

- T-P38 Consider development of local park-and-ride facilities, particularly in conjunction with future rail and bus services, if the demand for such facilities is warranted and economically feasible.
- T-P39 Provide park and ride facilities designed to accommodate public transit, van and car pool users.

GOODS MOVEMENT

- T-P40 Maintain design standards for industrial streets that incorporate heavier loads associated with truck operations and larger turning radii to facilitate truck movements. Consider requiring developments using commercial vehicles with large turning radii to provide needed intersection improvements along direct routes from development to freeway access points.
- T-P41 Ensure adequate truck access to off-street loading areas in commercial areas.
- T-P42 Encourage regional freight movement on freeways and other appropriate routes; evaluate and implement vehicle weight limits as appropriate on arterial, collector, and local roadways to mitigate truck traffic impacts in the community.

TRANSPORTATION DEMAND MANAGEMENT

- T-P43 Promote ridesharing and cooperate with regional travel demand management programs to reduce peak-hour traffic congestion and help reduce regional vehicle miles traveled.
- T-P44 Promote employment opportunities within Lodi to reduce commuting to areas outside of Lodi.
- T-P45 Reduce the total vehicle miles of travel per household by making efficient use of existing transportation facilities and by providing for more direct routes for pedestrians and bicyclists through the implementation of “smart growth” and sustainable planning principles.

Chapter 6: Parks, Recreation, and Open Space Policies

For stormwater management policies, see Chapter 8: Safety.

6.1 GUIDING POLICIES

- P-G1 Provide and maintain park and recreation facilities for the entire community.
- P-G2 Protect natural resource areas, native vegetation, scenic areas, open space areas, and parks from encroachment or destruction.
- P-G3 Improve connectivity between parks and recreation facilities.
- P-G4 Expand non-vehicular paths and trails and bikeways.

6.2 IMPLEMENTING POLICIES

- P-P1 Acquire and develop additional neighborhood and community parks to serve existing and future needs.
- P-P2 Provide open space to meet recreation and storm drainage needs, at a ratio of eight acres of open space per 1,000 new residents. At least four acres must be constructed for park and recreation uses only. Drainage basins should be constructed as distinct facilities, as opposed to dual-functioning park and drainage basin facilities.
- P-P3 Pursue the development of park and recreation facilities within a quarter-mile walking distance of all residences.
- P-P4 Ensure that parks are visible and accessible from the street, welcoming the surrounding neighborhood and citywide users.
- P-P5 Update the City's Open Space and Recreation Master Plan, as necessary to:
 - Arrange a distribution of open spaces across all neighborhoods in the city;
 - Ensure that parks are visible and accessible from the street, to the surrounding neighborhood, and citywide users; and
 - Provide a variety of open spaces and facilities to serve the needs of the community, ensuring a balance between indoor and outdoor organized sports and other recreation needs, including passive and leisure activities.
- P-P6 Continue working with the Lodi Unified School District to share use of school and City park and recreation facilities through a mutually beneficial joint use agreement.

- P-P7 Work with developers of proposed development projects to provide parks and trails, as well as linkages to existing parks and trails.
- P-P8 Coordinate with the Woodbridge Irrigation District to develop a recreation trail for walking, jogging, and biking along the canal right-of-way, as shown in Figure 6-1.
- P-P9 Support improvements along the Mokelumne River in consultation and cooperation with the County and with creek restoration and design professionals.
- P-P10 Improve accessibility to the Mokelumne River and Lodi Lake Wilderness Area with walking and biking trails. Site park use and new facilities and trails in Lodi Lake Park such that they will not degrade or destroy riparian or sensitive habitat areas.
- P-P11 Encourage the planting of native trees, shrubs, and grasslands in order to preserve the visual integrity of the landscape, provide habitat conditions suitable for native vegetation, and ensure the maximum number and variety of well-adapted plants are maintained.
- P-P12 Encourage retention of mature trees and woodlands to the maximum extent possible. The City shall regulate the removal of trees that are defined as "heritage trees."
- P-P13 Identify and discourage the removal of significant trees on private and public property by establishing a tree inventory and tree management ordinance. Where removal is required, the City shall require a two-for-one replacement or transplantation.
- P-P14 Review infrastructure needs for existing and new recreational facilities, and where appropriate, identify required improvements in the City's Capital Improvement Program.
- P-P15 Renovate the Grape Bowl in order to increase use and revenue generation.
- P-P16 Ensure safety of users and security of facilities through lighting, signage, fencing, and landscaping, as appropriate and feasible.
- P-P17 Continue to provide parks and recreation services to all residents within the Lodi Unified School District service area north of Eight Mile Road. Expand visitor and non-resident fee-based programs to ensure that non-residents pay their share of park maintenance and improvement costs.
- P-P18 Promote the use of the City's existing and planned Special Use park and recreation facilities for both local resident use and for visitor attractions, such as athletic tournaments.

- P-P19 Require master planned residential communities to dedicate parkland consistent with General Plan standards. In-lieu fees will only be acceptable where an exemption from providing a neighborhood park facility would not adversely affect local residents because an existing park is nearby.

- P-P20 Address park dedication and new development impact fees as part of the Zoning Ordinance and Subdivision Regulations Update, to ensure compliance with the General Plan park and open space standard.

Chapter 7: Conservation Policies

7.1 GUIDING POLICIES

- C-G1 Promote preservation and economic viability of agricultural land surrounding Lodi.
- C-G2 Maintain the quality of the Planning Area’s soil resources and reduce erosion to protect agricultural productivity.
- C-G3 Protect sensitive wildlife species and their habitats.
- C-G4 Protect, restore and enhance local watercourses and associated plant, wildlife, and fish species, particularly in the Mokelumne River and floodplain areas.
- C-G5 Encourage the identification, protection, and enhancement of archaeological resources.
- C-G6 Preserve and enhance districts, sites, and structures that serve as significant, visible connections to Lodi’s social, cultural, economic, and architectural history.
- C-G7 Promote community awareness and appreciation of Lodi’s history, culture and architecture.
- C-G8 Protect and improve water quality in the Mokelumne River, Lodi Lake, and major drainage ways.
- C-G9 Conserve energy and reduce per capita energy consumption.
- C-G10 Reduce greenhouse gas emissions by 15% over 2008 levels by 2020, to slow the negative impacts of global climate change.
- C-G11 Support land use, transportation management, infrastructure, and environmental planning programs that reduce vehicle emissions and improve air quality.
- C-G12 Minimize the adverse effects of construction related air quality emissions and Toxic Air Contaminants on human health.

7.2 IMPLEMENTING POLICIES

AGRICULTURAL AND SOIL RESOURCES

- C-P1 Work with San Joaquin County and the City of Stockton to maintain land surrounding Lodi in agricultural use. Encourage the continuation of Flag City as a small freeway-oriented commercial node, with no residential uses.

- C-P2 Work with San Joaquin County and relevant land owners to ensure economic viability of grape growing, winemaking, and supporting industries, to ensure the preservation of viable agricultural land use.
- C-P3 Support the continuation of agricultural uses on lands designated for urban uses until urban development is imminent.
- C-P4 Encourage San Joaquin County to conserve agricultural soils, preserve agricultural land surrounding the City and promote the continuation of existing agricultural operations, by supporting the county's economic programs.
- C-P5 Ensure that urban development does not constrain agricultural practices or adversely affect the economic viability of adjacent agricultural practices. Use appropriate buffers consistent with the recommendations of the San Joaquin County Department of Agriculture (typically no less than 150 feet) and limit incompatible uses (such as schools and hospitals) near agriculture.
- C-P6 Require new development to implement measures that minimize soil erosion from wind and water related to construction and urban development. Measures may include:
- Construction techniques that utilize site preparation, grading, and best management practices that provide erosion control and prevent soil contamination.
 - Tree rows or other windbreaks shall be used within buffers on the edge of urban development and in other areas as appropriate to reduce soil erosion.
- C-P7 Maintain the City's Right-to-Farm Ordinance, and update as necessary, to protect agricultural land from nuisance suits brought by surrounding landowners.
- C-P8 Adopt an agricultural conservation program (ACP) establishing a mitigation fee to protect and conserve agricultural lands:
- The ACP shall include the collection of an agricultural mitigation fee for acreage converted from agricultural to urban use, taking into consideration all fees collected for agricultural loss (i.e., AB1600). The mitigation fee collected shall fund agricultural conservation easements, fee title acquisition, and research, the funding of agricultural education and local marketing programs, other capital improvement projects that clearly benefit agriculture (e.g., groundwater recharge projects) and administrative fees through an appropriate entity ("Administrative Entity") pursuant to an administrative agreement.
 - The conservation easements and fee title acquisition of conservation lands shall be used for lands determined to be of statewide significance (Prime or other Important Farmlands), or sensitive and necessary for the preservation of agricultural land, including land that may be part of a community

separator as part of a comprehensive program to establish community separators.

- The ACP shall encourage that conservation easement locations are prioritized as shown in Figure 7-5:
 - A. the Armstrong Road Agricultural/Cluster Study area east of Lower Sacramento Road;
 - B. the Armstrong Road Agricultural/Cluster Study area west of Lower Sacramento Road;
 - C. elsewhere in the Planning Area, one mile east and west of the Urban Reserve boundaries respectively; and
 - D. outside the Planning Area, elsewhere in San Joaquin County.
- The mitigation fees collected by the City shall be transferred to a farmland trust or other qualifying entity, which will arrange the purchase of conservation easements. The City shall encourage the Trust or other qualifying entity to pursue a variety of funding sources (grants, donations, taxes, or other funds) to fund implementation of the ACP.

BIOLOGICAL RESOURCES

- C-P9 Support the protection, preservation, restoration, and enhancement of habitats of State or federally-listed rare, threatened, endangered and/or other sensitive and special status species, and favor enhancement of contiguous areas over small segmented remainder parcels.
- C-P10 Continue to coordinate with the San Joaquin Council of Governments and comply with the terms of the Multi Species Habitat Conservation and Open Space Plan to protect critical habitat areas that support endangered species and other special status species.
- C-P11 Work with other agencies to ensure that the spread of invasive/noxious plant species do not occur in the Planning Area. Support efforts to eradicate invasive and noxious weeds and vegetation on public and private property.
- C-P12 Protect the river channel, pond and marsh, and riparian vegetation and wildlife communities and habitats in the Mokelumne River and floodplain areas. Prohibit any activity that will disturb bottom sediments containing zinc deposits in Mokelumne River, because such disturbance could cause fish kills. Prohibit activities that could disturb anadromous fish in the Mokelumne River during periods of migration and spawning.
- C-P13 Support the protection, restoration, expansion, and management of wetland and riparian plant communities along the Mokelumne River for passive recreation, groundwater recharge, and wildlife habitat.
- C-P14 Explore the purchase of or establishment of a joint agreement for open space preservation and habitat enhancement in the Woodbridge Irrigation District's property located north of the Mokelumne River. Ensure the open space

preservation and enhancement of this property, while exploring opportunities for public access.

- C-P15 Site new development to maximize the protection of native tree species and sensitive plants and wildlife habitat. Minimize impacts to protect mature trees, Swainson's hawk, vernal pool tadpole shrimp, and any threatened, endangered or other sensitive species when approving new development. Mitigate any loss.
- C-P16 Work with the California Department of Fish and Game in identifying an area or areas suitable for Swainson's hawk and burrowing owl habitat. Preserve land through a mitigation land bank to mitigate impacts on existing habitat for these species. Establish a mechanism for developer funding for the acquisition and management of lands in the mitigation bank.

CULTURAL RESOURCES

- C-P17 For future development projects on previously un-surveyed lands, require a project applicant to have a qualified archeologist conduct the following activities: (1) conduct a record search at the Central California Information Center at the California State University, Stanislaus, and other appropriate historical repositories, (2) conduct field surveys where appropriate and required by law, and (3) prepare technical reports, where appropriate, meeting California Office of Historic Preservation Standards (Archeological Resource Management Reports).
- C-P18 In the event that archaeological/paleontological resources are discovered during site excavation, the City shall require that grading and construction work on the project site be suspended until the significance of the features can be determined by a qualified archaeologist/paleontologist. The City will require that a qualified archeologist/paleontologist make recommendations for measures necessary to protect any site determined to contain or constitute an historical resource, a unique archaeological resource, or a unique paleontological resource or to undertake data recovery, excavation, analysis, and curation of archaeological/paleontologist materials. City staff shall consider such recommendations and implement them where they are feasible in light of project design as previously approved by the City.
- C-P19 If any human remains are discovered or recognized in any location on the project site, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
- The San Joaquin County Coroner/Sheriff has been informed and has determined that no investigation of the cause of death is required; and
 - If the remains are of Native American origin: (1) the descendants of the deceased Native Americans have made a timely recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section

5097.98, or (2) The Native American Heritage Commission was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission.

HISTORIC RESOURCES

C-P20 Encourage the preservation, maintenance, and adaptive reuse of existing historic buildings by developing incentives for owners of historically-significant buildings to improve their properties.

C-P21 Require that, prior to the demolition of a historic structure, developers offer the structure for relocation by interested parties.

C-P22 Require that environmental review consistent with the California Environmental Quality Act be conducted on demolition permit applications for buildings designated as, or potentially eligible for designation as, historic structures.

C-P23 Conduct a comprehensive survey of historic resources in Lodi, including consideration of potentially eligible historic resources. Update Figure 7-3 upon completion of the survey.

- Designate a structure as historic if it:

- Exemplifies or reflects special elements of the city's cultural, architectural, aesthetic, social, economic, political, artistic, and/or engineering heritage;
- Is identified with persons, businesses, or events significant to local, State, or National history;
- Embodies distinctive characteristics of style, type, period, or method of construction or is a valuable example of the use of indigenous materials or craftsmanship;
- Represents the notable work of a builder, designer, engineer, or architect; and/or
- Is unique in location or has a singular physical characteristic that represents a familiar visual feature of a neighborhood, community, or the city.

- Designate a district as historic if it:

- Is a geographically definable area possessing a concentration or continuity of sites, buildings, structures, or objects as unified by past events or aesthetically by plan or physical development; or
- Identifies relevant key neighborhoods either as historic districts or merit districts. Designate accordingly if 50% of property owners in the proposed district agree to the designation.
- An "Historic District" means any area containing a concentration of improvements that has a special character, architectural importance, his-

torical interest, or aesthetic value, which possesses integrity of location, design, setting, materials, workmanship, feeling, and association or which represents one or more architectural periods or styles typical to the history of Lodi.

- A “Merit District” recognizes a district’s history but does not provide for a regulatory structure at this time. The structures of these districts may not be architecturally significant, but the role that these neighborhoods have played in the city’s development, the cultural and economic conditions that resulted in the construction of these neighborhoods and the stories surrounding them make them an important part of the city’s history for which they should be acknowledged and celebrated.

C-P24 Follow preservation standards outlined in the current Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, for structures listed on the National Register of Historic Places or California Register of Historical Resources.

C-P25 Coordinate historic preservation efforts with other agencies and organizations, including the Lodi Historical Society, San Joaquin County Historical Society and other historical organizations.

HYDROLOGY AND WATER QUALITY

See Chapter 3: Growth Management and Chapter 6: Parks, Recreation, and Open Space for water-related policies that address water supply and conservation; and riparian areas within open spaces, respectively.

C-P26 Monitor water quality regularly to ensure that safe drinking water standards are met and maintained in accordance with State and EPA regulations and take necessary measures to prevent contamination. Comply with the requirements of the Clean Water Act with the intent of minimizing the discharge of pollutants to surface waters.

C-P27 Monitor the water quality of the Mokelumne River and Lodi Lake, in coordination with San Joaquin County, to determine when the coliform bacterial standard for contact recreation and the maximum concentration levels of priority pollutants, established by the California Department of Health Services, are exceeded. Monitor the presence of pollutants and variables that could cause harm to fish, wildlife, and plant species in the Mokelumne River and Lodi Lake. Post signs at areas used by water recreationists warning users of health risks whenever the coliform bacteria standard for contact recreation is exceeded. Require new industrial development to not adversely affect water quality in the Mokelumne River or in the area’s groundwater basin. Control use of potential water contaminants through inventorying hazardous materials used in City and industrial operations.

C-P28 Regularly monitor water quality in municipal wells for evidence of contamination from dibromochloropropane (DBCP), saltwater intrusion, and

other toxic substances that could pose a health hazard to the domestic water supply. Close or treat municipal wells that exceed the action level for DBCP.

- C-P29 Minimize storm sewer pollution of the Mokelumne River and other waterways by maintaining an effective street sweeping and cleaning program.
- C-P30 Require, as part of watershed drainage plans, Best Management Practices, to reduce pollutants to the maximum extent practicable.
- C-P31 Require all new development and redevelopment projects to comply with the post-construction Best Management Practices (BMPs) called for in the Stormwater Quality Control Criteria Plan, as outlined in the City's Phase 1 Stormwater NPDES permit issued by the California Water Quality Control Board, Central Valley Region. Require that owners, developers, and/or successors-in-interest to establish a maintenance entity acceptable to the City to provide funding for the operation, maintenance, and replacement costs of all post-construction BMPs.
- C-P32 Require, as part of the City's Storm Water NPDES Permit and ordinances, the implementation of a Grading Plan, Erosion Control Plan, and Pollution Prevention Plan during the construction of any new development and redevelopment projects, to the maximum extent feasible.
- C-P33 Require use of stormwater management techniques to improve water quality and reduce impact on municipal water treatment facilities.
- C-P34 Protect groundwater resources by working with the county to prevent septic systems in unincorporated portions of the county that are in the General Plan Land Use Diagram, on parcels less than two acres.
- C-P35 Reduce the use of pesticides, insecticides, herbicides, or other toxic chemical substances by households and farmers by providing education and incentives.

ENERGY AND CLIMATE CHANGE

- C-P36 Prepare and adopt a comprehensive climate action plan (CAP). The CAP should include the following provisions:
 - An inventory of citywide greenhouse gas emissions,
 - Emissions targets that apply at reasonable intervals through the life of the CAP,
 - Enforceable greenhouse gas emissions control measures,
 - A monitoring and reporting program to ensure targets are met, and
 - Mechanisms to allow for revision of the CAP, as necessary.
- C-P37 Promote incorporation of energy conservation and weatherization features into existing structures. Update the Zoning Ordinance and make local amendments to the California Building Code, as needed, to allow for the

implementation of green building, green construction, and energy efficiency measures.

- C-P38 Encourage the development of energy efficient buildings and communities. All new development, including major rehabilitation, renovation, and redevelopment projects, shall incorporate energy conservation and green building practices to the maximum extent feasible and as appropriate to the project proposed. Such practices include, but are not limited to: building orientation and shading, landscaping, and the use of active and passive solar heating and water systems. The City may implement this policy by adopting and enforcing a Green Building Ordinance.
- C-P39 Reduce energy consumption within City government facilities and motor fleets.
- C-P40 Encourage the use of passive and active solar devices such as solar collectors, solar cells, and solar heating systems into the design of local buildings. Promote voluntary participation in incentive programs to increase the use of solar photovoltaic systems in new and existing residential, commercial, institutional, and public buildings.
- C-P41 Work with the California Energy Commission and other public and non-profit agencies to promote the use of programs that encourage developers to surpass Title 24 Energy Efficiency standards by utilizing renewable energy systems and more efficient practices that conserve energy, including, but not limited to natural gas, hydrogen or electrical vehicles. Offer incentives such as density bonus, expedited process, fee reduction/waiver to property owners and developers who exceed California Title 24 energy efficiency standards.
- C-P42 Develop, adopt, and implement a heat island mitigation plan to reduce carbon dioxide emissions, smog, and the energy required to cool buildings. This plan should contain requirements and incentives for the use of cool roofs, cool pavements, and strategic shade tree placement, all of which may result in as much as 6-8 F temperature decrease from existing conditions.
- C-P43 Encourage the planting of shade trees along all City streets and residential lots (but, particularly in areas that currently lack street trees) to reduce radiation heating and greenhouse gases. Develop a tree planting informational packet to help future residents understand their options for planting trees.
- C-P44 Promote public education energy conservation programs that strive to reduce the consumption of natural or human-made energy sources.
- C-P45 Post and distribute hard-copy and electronic information on currently available weatherization and energy conservation programs.

AIR QUALITY

See Chapter 2: Land Use, Chapter 4: Community Design and Livability, and Chapter 5: Transportation for related policies that seek to improve air quality and reduce emissions through land use, transportation, and urban design strategies.

- C-P46 Require all construction equipment to be maintained and tuned to meet appropriate EPA and CARB emission requirements and when new emission control devices or operational modifications are found to be effective, such devices or operational modifications are to be required on construction equipment.
- C-P47 Continue to require mitigation measures as a condition of obtaining permits to minimize dust and air emissions impacts from construction.
- C-P48 Require contractors to implement dust suppression measures during excavation, grading, and site preparation activities. Techniques may include, but are not limited to:
- Site watering or application of dust suppressants;
 - Phasing or extension of grading operations;
 - Covering of stockpiles;
 - Suspension of grading activities during high wind periods (typically winds greater than 25 miles per hour); and
 - Revegetation of graded areas.
- C-P49 Cooperate with other local, regional, and State agencies in developing and implementing air quality plans to achieve State and Federal Ambient Air Quality Standards and address cross-jurisdictional and regional transportation and air quality issues.
- C-P50 Use the San Joaquin Valley Air Pollution Control District's (SJVAPCD) Guide for Assessing and Mitigating Air Quality Impacts for determining and mitigating project air quality impacts and related thresholds of significance for use in environmental documents. The City shall consult with the SJVAPCD during CEQA review for projects that require air quality impact analysis and ensure that the SJVAPCD is on the distribution list for all CEQA documents.
- C-P51 Support recommendations to reduce air pollutants found in the San Joaquin Valley Air Pollution Control District (SJVAPCD) local attainment plans and use its regulatory authority to mitigate "point" sources of air pollution (e.g., factories, power plants, etc.).
- C-P52 Ensure that air quality impacts identified during the project-level CEQA review process are fairly and consistently mitigated. Require projects to comply with the City's adopted air quality impact assessment and mitigation process, and to provide specific mitigation measures as outlined in policies of Chapter 5: Circulation.

- C-P53 Assess air quality mitigation fees for all new development, with the fees to be used to fund air quality programs.
- C-P54 Require the use of natural gas or the installation of low-emission, EPA-certified fireplace inserts in all open hearth fireplaces in new homes. Promote the use of natural gas over wood products in space heating devices and fireplaces in all existing and new homes. Follow the guidelines set forth in San Joaquin Valley Air Pollution Control District's Rule 4901.
- C-P55 Review, support, and require implementation (as applicable) of San Joaquin Valley Air Pollution Control District guidance and recommendations (including those identified in the Guide for Assessing and Mitigating Air Quality Impacts) in regards to several key issues including:
- Environmental Assessment;
 - Air Quality Mitigation Agreements;
 - Integrated Planning;
 - Air Quality Education;
 - Congestion Management/Transportation Control Measures;
 - Toxic and Hazardous Pollutant Emissions;
 - Fugitive Dust and PM10 Emissions; and
 - Energy Conservation and Alternative Fuels.
- C-P56 Require new sensitive uses proposed to be located within 500 feet of high volume traffic routes where daily vehicle counts exceed 100,000, to use an HVAC system with filtration to reduce/mitigate infiltration of vehicle emissions as warranted by exposure analysis.
- C-P57 Require industrial development adjacent to residential areas to provide buffers and institute setback intended to ensure land use compatibility in regards to potential Toxic Air Contaminant exposure.

Chapter 8: Safety Policies

8.1 GUIDING POLICIES

- S-G1 Ensure a high level of public health and safety.
- S-G2 Prevent loss of lives, injury, illness, and property damage due to flooding, hazardous materials, seismic and geological hazards, and fire.
- S-G3 Protect the public from disasters and provide guidance and response in the event a disaster or emergency.
- S-G4 Minimize vulnerability of infrastructure and water supply and distribution systems.

8.2 IMPLEMENTING POLICIES

FLOODING AND DRAINAGE

- S-P1 Continue to participate in the National Flood Insurance Program and ensure that local regulations are in full compliance with standards adopted by FEMA.
- S-P2 Cooperate with appropriate local, State, and federal agencies to address local and regional flood issues and dam failure hazards.
- S-P3 Require adequate natural floodway design to assure flood control in areas where stream channels have been modified and to foster stream enhancement, improved water quality, recreational opportunities, and groundwater recharge.
- S-P4 Prohibit new development, except for public uses incidental to open space development, within Zone A (100-year flood zone), as shown on Figure 8-1.
- S-P5 Site critical emergency response facilities—such as hospitals, fire stations, police offices, substations, emergency operations centers and other emergency service facilities and utilities—to minimize exposure to flooding and other hazards.
- S-P6 Update Zoning Ordinance and development review process as needed to reduce peak-hour stormwater flow and increase groundwater recharge. These may include provisions for:
 - Constructing parking areas and parking islands without curbs and gutters, to allow stormwater sheet flow into vegetated areas.
 - Grading that lengthens flow paths and increases runoff travel time to reduce the peak flow rate.
 - Installing cisterns or sub-surface retention facilities to capture rainwater for use in irrigation and non-potable uses.

- S-P7 Update City street design standards to allow for expanded stormwater management techniques. These may include:
- Canopy trees to absorb rainwater and slow water flow.
 - Directing runoff into or across vegetated areas to help filter runoff and encourage groundwater recharge.
 - Disconnecting impervious areas from the storm drain network and maintain natural drainage divides to keep flow paths dispersed.
 - Providing naturally vegetated areas in close proximity to parking areas, buildings, and other impervious expanses to slow runoff, filter out pollutants, and facilitate infiltration.
 - Directing stormwater into vegetated areas or into water collection devices.
 - Using devices such as bioretention cells, vegetated swales, infiltration trenches and dry wells to increase storage volume and facilitate infiltration.
 - Diverting water away from storm drains using correctional drainage techniques.

HAZARDOUS MATERIALS AND OPERATIONS

- S-P8 Require that all fuel and chemical storage tanks are appropriately constructed; include spill containment areas to prevent seismic damage, leakage, fire and explosion; and are structurally or spatially separated from sensitive land uses, such as residential neighborhoods, schools, hospitals and places of public assembly.
- S-P9 Ensure compatibility between hazardous material users and surrounding land use through the development review process. Separate hazardous waste facilities from incompatible uses including, but not limited to, schools, daycares, hospitals, public gathering areas, and high-density residential housing through development standards and the review process.
- S-P10 Consider the potential for the production, use, storage, and transport of hazardous materials in approving new development. Provide for reasonable controls on such hazardous materials. Ensure that the proponents of applicable new development projects address hazardous materials concerns through the preparation of Phase I or Phase II hazardous materials studies, as necessary, for each identified site as part of the design phase for each project. Require projects to implement federal or State cleanup standards outlined in the studies during construction.
- S-P11 Regulate the production, use, storage, and transport of hazardous materials to protect the health of Lodi residents. Cooperate with the County and Lodi Fire Department in the identification of hazardous material users, development of an inspection process, and implementation of the City's Hazardous Waste Management and Hazardous Materials Area plans. Require, as appropriate, a hazardous materials inventory for project sites, including an assessment of materials and operations for any development applications, as a component of

the development environmental review process or business license review/building permit review.

- S-P12 Work with waste disposal service provider(s) to educate the public as to the types of household hazardous wastes and the proper methods of disposal and shall continue to provide opportunities for residents to conveniently dispose of household hazardous waste.
- S-P13 Continue to follow the County Comprehensive Airport Land Use Plan for guidelines on land use compatability near airports, land use restrictions, and to ensure public safety.
- S-P14 Support grade-separated railroad crossings, where feasible, and other appropriate measures adjacent to railroad tracks to ensure the safety of the community.
- S-P15 Continue to mark underground utilities and abide by federal safe-digging practices during construction.

SEISMIC AND GEOLOGIC HAZARDS

- S-P16 Ensure that all public facilities, such as buildings, water tanks, underground utilities, and berms, are structurally sound and able to withstand seismic activity.
- S-P17 For buildings identified as seismically unsafe, prohibit a change in use to a higher occupancy or more intensive use until an engineering evaluation of the structure has been conducted and structural deficiencies corrected consistent with City building codes.
- S-P18 Require soils reports for new projects and use the information to determine appropriate permitting requirements, if deemed necessary.
- S-P19 Require that geotechnical investigations be prepared for all proposed critical structures (such as police stations, fire stations, emergency equipment, storage buildings, water towers, wastewater lift stations, electrical substations, fuel storage facilities, large public assembly buildings, designated emergency shelters, and buildings three or more stories high) before construction or approval of building permits, if deemed necessary. The investigation shall include estimation of the maximum credible earthquake, maximum ground acceleration, duration, and the potential for ground failure because of liquefaction or differential settling.
- S-P20 Require new development to include grading and erosion control plans prepared by a qualified engineer or land surveyor.

FIRE HAZARDS

- S-P21 Maintain a vegetation management program to ensure clearing of dry brush areas. Conduct management activities in a manner consistent with all applicable environmental regulations.

EMERGENCY MANAGEMENT

Policies related to police and fire facilities are addressed in Chapter 3: Growth Management and Infrastructure.

- S-P22 Coordinate with local, State, and Federal agencies to establish, maintain, and test a coordinated emergency response system that addresses a variety of hazardous and threatening situations. Conduct periodic emergency response exercises to test the effectiveness of City emergency response procedures. Develop and implement public information programs concerning disaster response and emergency preparedness and develop mutual aid agreements and communication links with surrounding communities for assistance during times of emergency.
- S-P23 Maintain and periodically update the City's Emergency Preparedness Plan, including review of County and State emergency response procedures that must be coordinated with City procedures.
- S-P24 Ensure that major access and evacuation corridors are available and unobstructed in case of major emergency or disaster. Continue to identify appropriate road standards, including minimum road widths and turnouts to provide adequate emergency access and evacuation routes.
- S-P25 Continue to use the San Joaquin County Hazard Mitigation Plan to reduce hazard risk and coordinate with the County on its update and implementation, consistent with the Federal Emergency Management Agency and the Disaster Act of 2000.

Chapter 9: Noise Policies

9.1 GUIDING POLICIES

N-G1 Protect humans, the natural environment, and property from manmade hazards due to excessive noise exposure.

N-G2 Protect sensitive uses, including schools, hospitals, and senior care facilities, from excessive noise.

9.2 IMPLEMENTING POLICIES

N-P1 Control and mitigate noise at the source where feasible, as opposed to at the receptor end.

N-P2 Encourage the control of noise through site design, building design, landscaping, hours of operation, and other techniques for new development deemed to be noise generators.

N-P3 Use the noise and land use compatibility matrix (Table 9-2) and allowable noise exposure levels (Table 9-3) as review criteria for all new land uses. Incorporate noise attenuation measures for all projects that have noise exposure levels of “conditionally acceptable” and higher. These may include:

- Facades constructed with substantial weight and insulation;
- Sound-rated windows in habitable rooms;
- Sound-rated doors in all exterior entries;
- Active cancellation;
- Acoustic baffling of vents for chimneys, fans and gable ends;
- Ventilation system affording comfort under closed-window conditions; and
- Double doors and heavy roofs with ceilings of two layers of gypsum board on resilient channels to meet the highest noise level reduction requirements.

N-P4 Discourage noise sensitive uses such as residences, hospitals, schools, libraries, and rest homes from locating in areas with noise levels above 65db. Conversely, do not permit new uses likely to produce high levels of noise (above 65db) from locating in or adjacent to areas with existing or planned noise-sensitive uses.

N-P5 Noise sensitive uses, such as residences, hospitals, schools, libraries, and rest homes, proposed in areas that have noise exposure levels of “conditionally acceptable” and higher must complete an acoustical study, prepared by a professional acoustic engineer. This study should specify the appropriate noise mitigation features to be included in the design and construction of these uses, to achieve interior noise levels consistent with Table 9-3.

- N-P6 Require developers of potentially noise-generating new developments to mitigate the noise impacts on adjacent properties as a condition of permit approval. This should be achieved through appropriate means, such as:
- Dampening or actively canceling noise sources;
 - Increasing setbacks for noise sources from adjacent dwellings;
 - Using soundproofing materials and double-glazed windows;
 - Screening and controlling noise sources, such as parking and loading facilities, outdoor activities, and mechanical equipment;
 - Using open space, building orientation and design, landscaping and running water to mask sounds; and
 - Controlling hours of operation, including deliveries and trash pickup.
- N-P7 Develop and implement noise reduction measures when undertaking improvements, extensions, or design changes to City streets where feasible and appropriate.
- N-P8 Encourage transit agencies and rail companies to develop and apply noise reduction technologies for their vehicles to reduce the noise and vibration impacts of bus and rail traffic.
- N-P9 Coordinate with the California Public Utilities Commission and other pertinent agencies and stakeholders to determine the feasibility of development a railroad “quiet zone” in downtown, which would prohibit trains from sounding their horns.
- N-P10 Restrict the use of sound walls as a noise attenuation method.