CARNEGIE FORUM 305 WEST PINE STREET LODI, CALIFORNIA	**AGENDA** **LODI** **PLANNING COMMISSION**	REGULAR SESSION WEDNESDAY, JULY 14, 2010 @ 7:00 PM

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 – "June 23, 2010"
3. PUBLIC HEARINGS
   a. Request for Planning Commission approval of a variance to reduce the required three feet side yard setback to one foot at 1555 Vista Drive. (Applicants: Stacie Gaska; File No. 10-A-04)
   b. Request for Planning Commission approval of a variance to reduce the required three feet side yard setback to six inches at 1815 Royal Crest Drive. (Applicants: Gerald Grauman; File No. 10-A-05)
   c. Request Planning Commission to certify the proposed Negative Declaration 10-ND-01 as adequate environmental documentation for Pixley Park development plans. (Applicant: City of Lodi; File # 10-ND-01)
   d. Request Planning Commission to certify the proposed Negative Declaration 10-MND-02 as adequate environmental documentation for the proposed Westside Substation located at 2800 West Kettleman Lane. (Applicant, City of Lodi: File # 10-MND-02)

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
   a. Council Summary Memo
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* <u>*before*</u> (in the case of a Closed Session item) *or* <u>*during*</u> *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.

DRAFT

LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JUNE 23, 2010

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of June 23, 2010, was called to order by Chair Cummins at 7:00 p.m.

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

Absent: Planning Commissioners – None

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

2. MINUTES

"April 14, 2010"

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Mattheis, Kiser second, approved the Minutes of April 14, 2010 as written. (Commissioners Heinitz and Olson abstained because they were not in attendance of the subject meeting)

"May 12, 2010"

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Heinitz, Kiser second, approved the Minutes of May 12, 2010 as written. (Commissioners Kirsten and Mattheis abstained because they were not in attendance of the subject meeting)

3. PUBLIC HEARINGS

a) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Cummins called for the public hearing to consider the request of a variance to reduce the required three feet setback to two feet at 930 Virginia Avenue.

Director Bartlam introduced the item by reminding the Commission of Mr. Grauman's comments from the last meeting.

Associate Planner Bereket gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of the project.

Commissioner Heinitz asked for clarification on the method in which the City was made aware of these types of violations. He believes that there is a individual that has been turned in for a violation and is now driving around and reporting all the possible violations he can find whether they were legally done or not. Director Bartlam stated that even though the majority of the violations have been reported by the same individual it still does not take away the fact that when this project was built it was in violation of the codes in place at that time. The project is being reviewed against the codes that were in place at the time the shed was built not current codes. Heinitz stated that he thinks this is a waste of city staff time and money.

Commissioner Kirsten asked where the complaints are. Director Bartlam stated that the complaints were originated in the Community Improvement Division.

Chair Cummins asked if this is one complainant or many. Director Bartlam stated that to our knowledge it has been primarily one complainer.

Commissioner Kiser asked if there is action taken tonight on this application can it make it easier for the other applicants or does each case need to be taken separately. Director Bartlam stated that each case needs to be taken separately because they each have separate issues. There is a baseline for applications of this type, so they generally do not take the staff time that other types of applications take.

Commissioner Heinitz asked if it is true that anyone can call into Code Enforcement and file an anonymous complaint and it has to be followed up on. Director Bartlam stated that that is true.

Commissioner Olson asked if a base line can be set to give staff more leeway in these cases. Director Bartlam stated that there are situations where an Administrative Deviation process will work, but not in this case. Staff does not have the authority to grant a variance of this nature.

Commissioner Heinitz stated that there used to be a charge to the complainant to file a complaint. How does that get implemented again? Director Bartlam stated that it would have to a City Council decision. Heinitz would like to see it become more difficult for those individuals to file a complaint if it does not affect the life, limb, or heath and safety of that individual.

Commissioner Hennecke asked if this structure would have been done prior to the ordinance taking effect would the structure be grandfathered in. Director Bartlam stated that if the property owners can produce some sort of evidence showing when the structure was built then that is correct. The city does have an extensive library of aerial photos as well to help with our review. Hennecke asked what the choices are for those individuals that are found to be in violation. Bartlam stated that three options were given to Mr. Litz: one was to tear it down; second was to relocate it such that the setbacks were met; and third was to apply for a variance to make the existing structure legal. Hennecke asked what the fee is for this type of application. Bartlam stated that staff works on an hourly rate, so it will depend on the amount of time put in on each individual project.

Hearing Opened to the Public

- None

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Olson, Kirsten second, approved the request of the Planning Commission for a variance to reduce the required three feet setback to two feet at 930 Virginia Avenue subject to the conditions in the attached resolution.

Commissioner Heinitz encouraged his fellow commissioners to email the City Council Members in regards to this type of complaint system.

Vice Chair Hennecke stated his disagreement with Commissioner Heinitz. The rules are there for everyone and they should be followed. He stated that by approving this application the commission will be opening up the flood gates for of these types of applications in turn causing more work for staff.

The motion carried by the following vote:

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

Noes: Commissioners – Hennecke

Abstain: Commissioners – None

b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Cummins called for the public hearing to consider the request of Miller Starr Regalia PLC, on behalf of Walgreens Co. for a Use Permit to allow a Type-20 Off-Sale beer and wine Alcoholic Beverage Control License at 1320 West Elm Street.

Commissioner Heinitz recused himself because he has property interest within 300 feet of this project.

Associate Planner Bereket gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of the project.

Hearing Opened to the Public

- Robia Chang, representative for the applicant, came forward to answer questions.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Mattheis second, approved the request of the Planning Commission for a Use Permit to allow a Type-20 Off-Sale beer and wine Alcoholic Beverage Control License at 1320 West Elm Street subject to the condition in the attached resolution. The motion carried by the following vote:

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

Noes: Commissioners – None

Abstain: Commissioners – Heinitz

Commissioner Heinitz rejoined the Planning Commission.

c) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Cummins called for the public hearing to consider the request of Ahmad Alruosan for a Use Permit to allow a Type-20 Off-Sale beer and wine Alcoholic Beverage Control License at 225 South Cherokee Lane.

Associate Planner Bereket gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of the project.

Hearing Opened to the Public

- None

Public Portion of Hearing Closed

- Commissioner Mattheis asked if the applicant is required to have 12 parking spaces. Mr. Bereket stated that only 9 spaces are required.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Mattheis, Heinitz second, approved the request of the Planning Commission for a Use Permit to allow a Type-20 Off-Sale beer and wine Alcoholic Beverage Control License at 225 South Cherokee Lane subject to the conditions in the attached resolution. The motion carried by the following vote:

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

Noes: Commissioners – None

Abstain: Commissioners – None

d) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Cummins called for the public hearing to consider the request of Pizza Market Inc. for a Use Permit to allow a Type-41 On-Sale beer and wine (Eating Place) Alcoholic Beverage Control license at 2525 South Hutchins Street, Suite 11.

Associate Planner Bereket gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of the project.

Hearing Opened to the Public

- AJ Bhatia, applicant, came forward to answer questions.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Heinitz, Kiser second, approved the request of the Planning Commission for a Use Permit to allow a Type-41 On-Sale beer and wine (Eating Place) Alcoholic Beverage Control license at 2525 South Hutchins Street, Suite 11 subject to the conditions in the attached resolution. The motion carried by the following vote:

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

Noes: Commissioners – None

Abstain: Commissioners – None

e) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Cummins called for the public hearing to consider the request of Julio & Aracely Camberos for a Use Permit to allow a Type-41 On-Sale Beer and Wine Alcoholic Beverage Control License at located at 480 South Cherokee Lane Suite E.

Associate Planner Bereket gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of the project.

Hearing Opened to the Public

- None

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner , second, approved the request of the Planning Commission for a Use Permit to allow a Type-41 On-Sale Beer and Wine Alcoholic Beverage Control License at located at 480 South Cherokee Lane Suite E subject to the conditions in the attached resolution. The motion carried by the following vote:

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

Noes: Commissioners – None

Abstain: Commissioners – None

f) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Cummins called for the public hearing to consider the Review and Comment on the Draft Housing Element.

Director Bartlam gave a brief presentation based on the staff report.

Chair Cummins asked if there have been any public comments received. Director Bartlam stated there have not been any comments received to date.

Commissioner Heinitz asked if this will be coming before the Commission again because several people have contacted him unhappy with the document, but they are not here tonight. Director Bartlam stated that a variety of notices have gone out and there should be a few more opportunities for people to comment.

Commissioner Kirsten asked if the City qualifies for housing grants once the Housing Element is adopted. Mr. Bartlam stated that the City currently has a certified Housing Element that is in compliance with State regulations, and it is definitely helpful when applying for housing grants.

Commissioner Olson stated her frustration over the fact that the Housing Element document could be a really great resource if it was utilized to its potential, but what actually happens is it becomes a cost center for cities and a stick to be used by the state against the city. It becomes an unrealistic document based on the numbers that we are given. Bartlam stated that the document is over regulated by the state with very little room for jurisdictional policy and looks very similar to the other Housing Elements up and down the state.

Commissioner Mattheis stated his agreement with Commissioner Olson's comments. He asked if the Housing Element gave some structure for more projects for affordable housing like the senior project brought forward earlier this year and working with agencies like the LOEL Center? Director Bartlam stated that it does do some good because it will allow the City to compete at the state level for the funds. The City received $800,000 from the state for a down payment assistance program in

part because of the current document and the City is in the process of submitting a grant application to the state for owner occupied housing rehabilitation assistance. The state gives points for having a certified Housing Element. Staff has tried to take a realistic look at what our constraints are and what can be done to reduce some of those constraints. One of the items staff has looked at historically is the Impact Fee Program and how it affects the multi-family housing. With the update of the program staff feels that it will encourage or at least not penalize the developers that would like to develop multi-family housing creating a more level playing field. Mattheis asked if a project wants to qualify for the incentives that are outlined in Program 1.1: Revised Zoning Ordinance on page 4-3, do they need a piece of all of the items to apply or is it a pick and choose? Bartlam stated that it is pick and choose. Mattheis would not like to see all of the low income housing be senior. He would like to see more incentive added for the other types of affordable housing. Bartlam stated that it can be looked at.

Hearing Opened to the Public

- Anne Cerney came forward to state her approval of the document and added that it is the best one she has seen by the City of Lodi. She also added that she agrees with Commissioner Olson's statement earlier. Ms. Cerney stated that her comments will focus mostly on affordable housing. There is a provision in the government code to extend the statute of limitations for objecting to a Housing Element document if it is brought forward in support of affordable housing. She stated that you could deter people from challenging an affordable housing project by putting verbiage in that the people that sue to halt the project will have to pay the attorney fees. An inclusionary housing clause would be something that could be added. When a project is done with affordable housing involved it needs to be done thoughtfully.

Public Portion of Hearing Closed

4. PLANNING MATTERS/FOLLOW-UP ITEMS

Director Bartlam invited the Commissioners to have a look at phase one of the Lodi Avenue Street Improvements it was opened up on Monday.

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

Director Bartlam stated that staff is available to answer questions.

7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE

Director Bartlam stated that the Draft Zoning Map is getting its final review and will be the basis for the new code. Staff is gearing up for more Planning Commission action on the development code.

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

Commissioner Kiser gave a brief report regarding the Bella Terra Kiosk item that was approved today.

9. ART IN PUBLIC PLACES

Commissioner Kirsten gave a brief report regarding the interactive art project. Ten sculptures are chosen and placed according to a plan for 90 days at a cost of $22,000. There are around 150 or so sculptures to choose from.

10. COMMENTS BY THE PUBLIC

None

11. COMMENTS BY STAFF AND COMMISSIONERS

Chair Cummins congratulated Manny on his promotion to Associate Planner. He also added his thanks to the Commission for allowing him to be the Chair for the last year.

12. REORGANIZATION

a. Planning Commission Chair & Vice Chair

MOTION / VOTE:

The Planning Commission, on motion of Chair Cummins, Kirsten second, approved the nomination of Vice Chair Hennecke for the 2010/11 Planning Commission Chair position. There being no other nominations the motion carried by the following vote:

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

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Kiser second, approved the nomination of Commissioner Olson for the 2010/11 Planning Commission Vice Chair position. There being no other nominations the motion carried by the following vote:

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

Discussion ensued regarding Commissioner Mattheis not seeking reappointment and how he has graciously agreed to stay on the commission until the position is filled which should be another 45 days or so.

13. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 8:07 p.m.

ATTEST:

Konradt Bartlam
Planning Commission Secretary

Item 3a

CITY OF LODI
PLANNING COMMISSION
Staff Report

MEETING DATE:	July 14, 2010
APPLICATION NO:	10-A-04
REQUEST:	Request for Planning Commission approval of a variance to reduce the required five feet side yard setback to one foot at 1555 Vista Drive. (Applicants: Stacie Gaska; File No. 10-A-04).
LOCATION:	1555 Vista Drive (APN: 033-060-14) Lodi, CA 95242
APPLICANT:	Stacie Gaska 1555 Vista Drive Lodi, CA 95242
PROPERTY OWNER:	The same as above.

RECOMMENDATION
Staff recommends that the Planning Commission approve the request of Stacie Gaska for a variance to allow reduced side yard setbacks, subject to the condition outlined in the attached resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: Low Density Residential.

Zoning Designation: R-1, Residential Single-Family.

Property Size: 8,082 sq. ft.

The adjacent zoning and land use are as follows:

	General Plan	Zone	Existing Conditions/Use
North	Low Density Residence	R-1, Residential Single-Family.	Single Family residences
South	Low Density Residence	R-2, Residential Single-Family.	Single Family residences
East	Low Density Residence	R-2, Residential Single-Family.	Single Family residences
West	Low Density Residence	R-1, Residential Single-Family.	Single Family residences

SUMMARY

The applicant, Ms. Stacie Gaska, is requesting approval of a variance to allow a detached canopy/boat cover structure to encroach into the required 5-foot side yard setback. The canopy structure is 12 ft wide and 30 ft deep and measures approximately 360 sq. ft. the structure was built in 1992. Detached structures that measure 121 sq. ft. or more are required to maintain a 5-ft side yard setback and are subject to a building permit. The applicants request approval of a variance to educe the side yard setback to one (1) foot.

BACKROUND
The project parcel is at 1555 Vista Drive. In April 14, 2010 as a result of complaints received by the Police Department, it was found that a canopy structure existed too close to the side property line. Code Enforcement personnel issued a notice of violation. According to the applicants' records provided to the City, the canopy structure was constructed in 1992 and it has been in existence since then without any complaints from the neighbors.

ANALYSIS

The applicant, Ms. Stacie Gaska, is requesting a Variance to allow reduced side yard setbacks for an a canopy structure constructed in 1992. The subject structure has been in existence without any complaints from the neighbors since it was constructed. The property is zoned R-1, Residential Single-Family, which lists accessory structures, canopies and similar other structures as permitted structures subject to the municipal code and the building code in effect at the time. The building code in effect at the time this structure was constructed required issuance of a building permit by the City for structures of this size. Further, The R-1 zoning district requires a 5-foot side yard setback for structures 121 sq ft or more. No accessory building 121 sq. ft. or more is allowed closer than five (5) to side property line (LMC § 17.09.080). In this case, as shown on the plot plan (Attachment 3), the canopy structure measures approximately 360 sq. ft. and maintains a one foot side yard setback. The applicant requests a variance to reduce the required 5-foot setback to one (1) foot.

In their application for a Variance, the applicants indicate they spoke with City staff regarding City rules governing canopy structures. According to the applicants, they spoke with former a Building Official who advised them that canopy structures did not require a building permit as long as those structures were not attached to the main house. This advice is technically correct as the building code in effect at the time did not require setbacks from property lines. However, setbacks are requirements of the zoning ordinance. According to the Lodi Municipal Code, accessory structure of 120 sq. ft or less are required to maintain a 3-foot side and rear yard setback (LMC § 17.57.160). Structures of 121 sq ft. or above are treated as any principal structure and are required to maintain a 5-foot side yard, 20-foot front yard, and 10-foot rear yard setbacks (LMC § 17.09.080).

Per § 17.72.040 of the City's Zoning Code, a Variance allows the City to deviate from development standards in cases where the strict application of development standards to a parcel with unique physical characteristics would deprive such property of the same development rights enjoyed by other properties sharing identical zoning district classifications. To approve a variance, the Planning Commission must make specific findings. The first finding includes a demonstration that special circumstances (physical constraints) affect the ability to develop a property. These physical constraints include the size, shape, topography, location or surrounding. The Commission must find that the site constraints deprive the property of privileges enjoyed by other property owners in the vicinity. Secondly, the Commission must find that the approval of a variance will not grant a special privilege inconsistent with the limitations on other properties in the vicinity. Finally, variances cannot authorize a use or activity not otherwise authorized by the applicable zoning district. Based on the following discussion, staff believes the Commission can approve the variance.

To address the special circumstances that apply to this property, staff notes the eastern side yard setback contains a15-foot wide underground public utility easements. No structure can be permitted on this side of the parcel. The western setback, which varies from 10-ft wide and higher is the only location where this canopy can be constructed. This property constraints limit the property owner's ability construct a canopy for cover their boat and to enjoy full use of the property. Therefore, the Commission can make this finding.

To address the finding for not granting a special privilege, staff conducted a site visit of other properties in the area. Staff notes there are many properties in this area that have canopies and accessory structures within both the rear and side yard setbacks. There are also boats and RV visibly parked on the side yards and driveways. The canopy structure does not protrude beyond the southern edge of the existing home. Further, the canopy structure is sufficiently screened from adjacent properties and would not alter the character of the adjacent residential properties. In staff's opinion, the canopy structure is a good addition insofar as it is used to cover a boat that would otherwise be parked on the driveway or on the same location, but would be visible from the adjacent streets. Approval of this variance would not constitute a special privilege and would be consistent with neighboring properties. The Commission can make this finding.

As it pertains to the finding of approving a use or activity not otherwise authorized by the applicable zoning district, the R-1 zoning district allows the subject canopy structure. Further, approval of this

variance would not conflict with the General Plan and is consistent with the General Plan land use description, goals, policies and overall direction. Therefore, the Commission can make this finding also.

Staff recommends the Planning Commission approve the variance request subject to the conditions outlined in the attached resolution. In staff's opinion, the existing canopy structure is not materially detrimental to other properties in the area.

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 or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective." No significant environmental impacts are anticipated and no mitigation measures have been required.

PUBLIC HEARING NOTICE:

Legal Notice for the Variance was published on June 30, 2010. 43 public hearing notices were sent to all property owners of record within a 300-foot radius of the subject property as required by Government Code §65091 (a) 3.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

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

Respectfully Submitted,

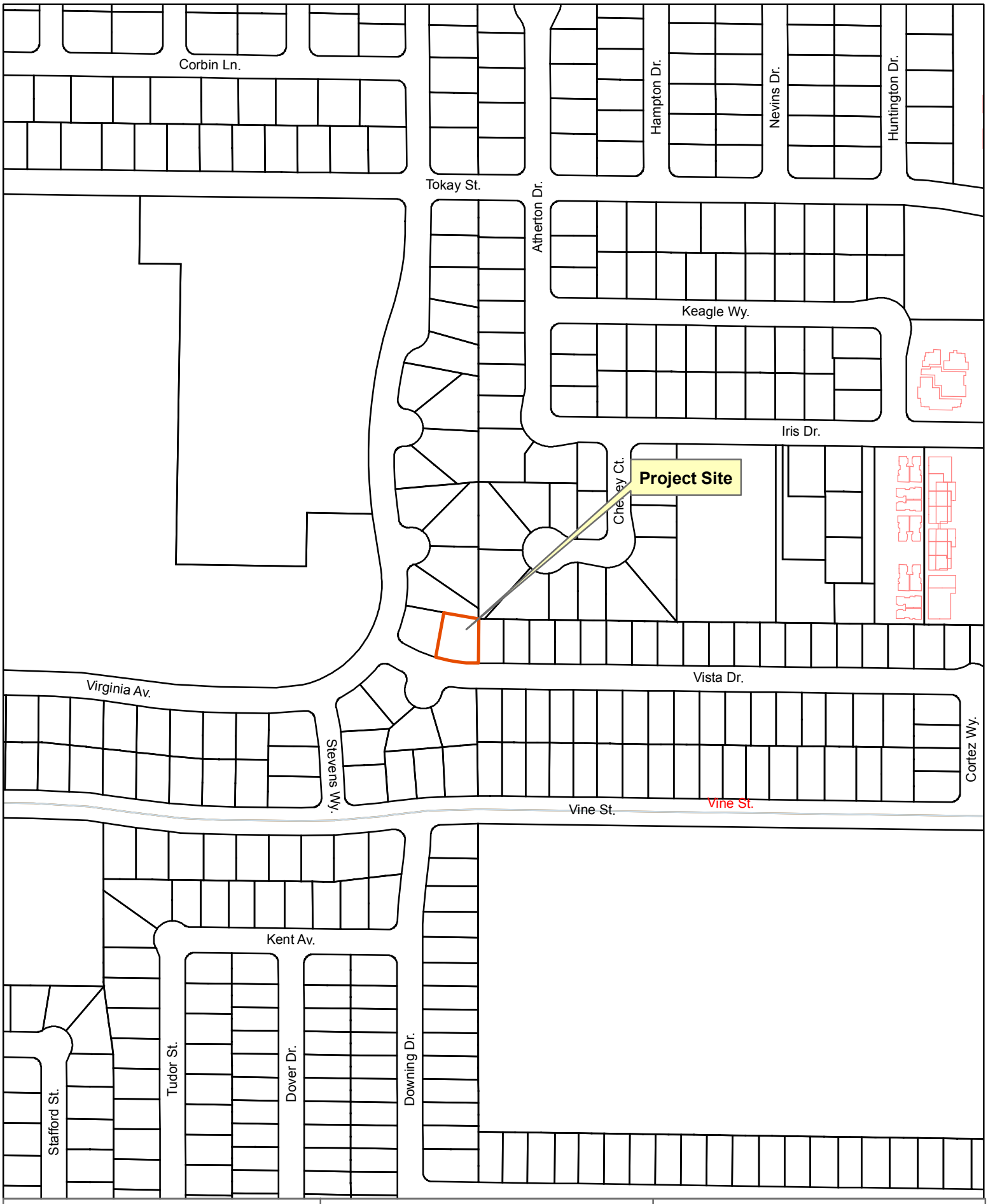
Immanuel Bereket
Associate Planner

Concur,

Konradt Bartlam
Community Development Director

ATTACHMENTS:

1. Vicinity Map
2. Aerial Photo
3. Plot Plan
4. Applicant's letter to the City
5. Draft Resolution



Vicinity Map

1555 Vista Drive
(APN: 033-060-14)
Lodi, CA 95242

Legend

Project Site

N
W E
S

ESRI

0 0.01 0.02 0.04 0.06 0.08
Miles

Aerial Photo

1555 Vista Drive
(APN: 033-060-14)
Lodi, CA 95242

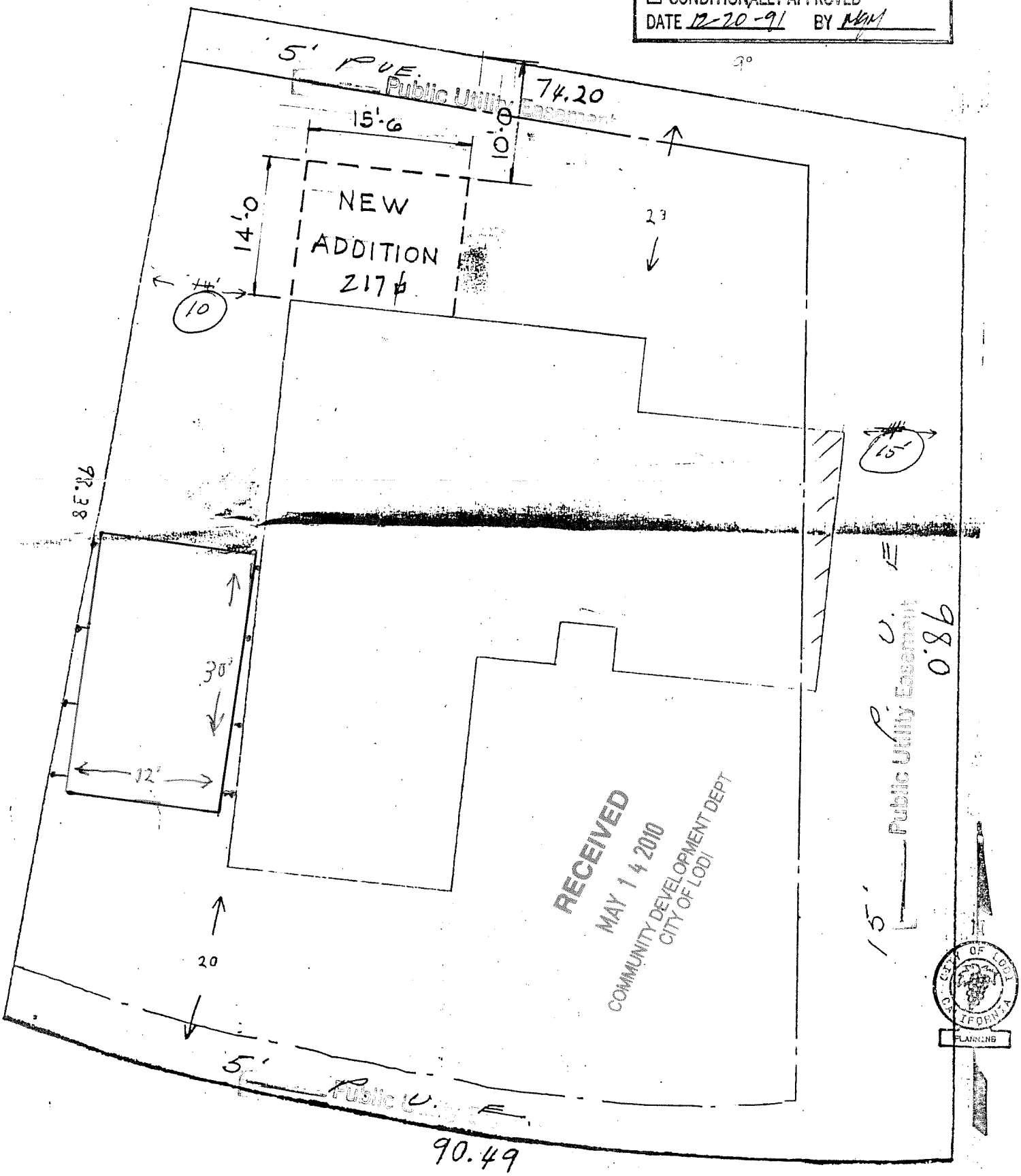
Legend

Project Site

SHT 2 OF 10

1555 W Vista Dr

CITY OF LODI
PLANNING DEPARTMENT
☑ APPROVED
☐ CONDITIONALLY APPROVED
DATE 12-20-91 BY MGM



H & H PLUMBING & CONSTRUCTION
826 VIRGINIA AVE.
LODI, CA 95242

(209) 334-1146 Lic. 587230

May 14, 2010

City of Lodi
221 W. Pine St
Lodi, CA 95241

To Whom It May Concern,

During the construction of the room addition on my daughter's property in approximately February 1992, I spoke with Roger Houston regarding a canopy cover on the west side of the property. Roger advised that it would not be a problem to erect the canopy as long as it was not attached to the house. As we were building, Jim Morris, the inspector for the room addition, looked at the canopy and stated everything looked fine to him.

I was never made aware that anything further needed to be done. As this canopy cover is for the boat I keep on my daughter's property, I am hoping the variance request will be approved.

Thank you,

Tim Haas

RECEIVED
MAY 14 2010
COMMUNITY DEVELOPMENT DEPT
CITY OF LODI

RESOLUTION NO. P.C. 10-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF STACIE GASKA FOR APPROVAL OF A VARIANCE TO REDUCE THE REQUIRED FIVE FEET SIDE YARD SETBACK TO ONE FOOT AT 1555 VISTA DRIVE

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

WHEREAS, the project proponent is Ms. Stacie Gaska, 1555 Vista Drive, Lodi, CA; and

WHEREAS, the project site is located at 1555 Vista Drive, Lodi, CA 95242 (APN: 033-060-14); and

WHEREAS, the project site is zoned R-1, Residential Singe-Family; and

WHEREAS, the project site has a General Plan designation of Low Density Residential; and

WHEREAS, the project was reviewed in conformance with the California Environmental Quality Act; and

WHEREAS, the Community Development Department studied and recommended approval of the request; and

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

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi as follows:

1. The project was found to be Categorically Exempt according to the California Environmental Quality Act, Article 19 §15321, Class 21 (a) (2). The project is classified as an "Enforcement action by regulatory agencies" because it is the "adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective." No significant environmental impacts are anticipated and no mitigation measures have been required.
2. A variance may be granted if the City finds that because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. The structure has been on the property for many years and is similar to many accessory structures located in the neighborhood. The applicant would like to keep the accessory structure as it stands. Granting the variance will not increase the size of the structure.
3. The variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.
4. Approval of the requested variance will not affect the existing land use pattern in the neighborhood where there are many residences with similar type of accessory structures.
5. The variance is not detrimental to the public welfare and will provide an affordable housing unit that will be built to current building standards;

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Variance Application Number: 10-A-04 is hereby approved, subject to the following conditions:

1. The applicant 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 approval, 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 submit appropriate plans to the Community Development Department for plan check and building permit.
3. The applicant shall comply with all requirements of Public Works Department, Fire Department and all applicable utility agencies.

Dated: July 14, 2010

I hereby certify that Planning Commission Resolution Number 10- was approved and adopted by the Planning Commission of the City of Lodi at a regular meeting held on July 14, 2010 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST:_____
Planning Commission Secretary

Item 3b.

CITY OF LODI
PLANNING COMMISSION
Staff Report

MEETING DATE: July 14, 2010

APPLICATION NO: 10-A-05

REQUEST: Request for Planning Commission approval of a variance to reduce the required three feet side yard setback to six inches at 1815 Royal Crest Drive. (Applicants: Gerald Grauman; File No. 10-A-05).

LOCATION: 1815 Royal Crest Drive
(APN: 031-030-14)
Lodi, CA 95242

APPLICANT: Gerald Grauman
1815 Royal Crest Drive
Lodi, CA 95242

PROPERTY OWNER: The same as above.

RECOMMENDATION
Staff recommends that the Planning Commission approve the request of Mr. Grauman for a variance to allow reduced side yard setbacks, subject to the condition outlined in the attached resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: Low Density Residential.

Zoning Designation: R-1, Residential Single-Family.

Property Size: 7,600 sq. ft.

The adjacent zoning and land use are as follows:

	General Plan	Zone	Existing Conditions/Use
North	Low Density Residence	R-1, Residential Single-Family.	Single Family residences
South	Low Density Residence	R-2, Residential Single-Family.	Single Family residences
East	Low Density Residence	R-2, Residential Single-Family.	Single Family residences
West	Low Density Residence	R-1, Residential Single-Family.	Single Family residences

SUMMARY
The applicant, Mr. Grauman, is requesting approval of a variance to allow an accessory structure (tool shed) to encroach into the required 3-foot side yard setback. The City of Lodi Municipal Code requires a minimum of 3-ft setback from side and rear property lines for detached structures of 120 sq. ft floor area or less. The applicant built the accessory structure in question in 2005 with less than 3-ft rear and side yard setback. The City has received thirteen (13) letters in support of the applicant's request for a variance approval.

BACKROUND
The project parcel is located at 1815 Royal Crest Drive. In April 12, 2010 as a result of complaints received by the Police Department, it was found that an accessory structure existed too close to the side property line. Code Enforcement personnel issued a notice of violation. In their application for a Variance, the applicant indicates they did not know the City's requirements applicable to accessory

structures. The structure has been in place since its construction without any complaints from the neighbors until recently.

REGULATORY SETTINGS

The applicable setback standards governing buildings and accessory structures are set forth in the Lodi Municipal Code § 17.57.160. The City originally adopted Ordinance No. 629 in December 3, 1958 to govern acquisition of future right-the ways. In addition, Ordinance No. 629 established definitions of buildings and structures, set forth procedure for the establishment of setback lines in the future and decided setback lines for buildings and accessory structures would be established at a later date (Attachment 2).

In August 1990, the City adopted Ordinance 1494 (Attachment 3), which amended Ordinance No. 629 and provided clear definition of setbacks for accessory structures. The setback requirements were set forth as:

> " Detached accessory buildings shall have a maximum size of one hundred twenty square feet. The overall height of the building shall not exceed eight (8) feet and the eave height shall not exceed seven (7) feet. No accessory building shall be closer than six (6) feet to any main building or closer than three (3) feet to any side or rear property line. (Ord. 1494 § 1, 1990; prior code § 27-13(g)."

Detached buildings over 120 sq. ft. are treated as any principal structure and are required to maintain a 5-foot side yard, 20-foot front yard, and 10-foot rear yard setbacks. The setback requirements specified in the ordinance were consistent with the Building Code in effect at that time. Accessory structures equal to or less than 120 sq. ft. do not require building permits, but are still required to maintain the setback requirements set forth hereinabove.

ANALYSIS

The applicant, Mr. Grauman, is requesting a Variance to allow reduced side yard setback for an accessory structure constructed in 2005. The accessory structure has been in existence without any complaints from the neighbors. The property is zoned R-1, Residential Single-Family, which lists accessory structures (tool sheds) as permitted structures subject to the municipal code and the building code in effect at the time. The subject single family residence is generally in conformance with development standards. However, the R-1 zoning district requires a 3-foot rear and side yard setback for structures 120 sq ft or less. No accessory building is allowed closer than three feet to any side or rear property line ((Ord. 1494 § 1, 1990; prior code § 27-13(g); 2007 CBC, Section 704.5). In this case, as shown on the plot plan (Attachment 5), the accessory structure maintains a six inches side yard setback instead of the required 3-foot side yard setback. The applicant requests a variance to reduce the required 3-foot setback to six inches.

To approve a variance, the Planning Commission must make specific findings. The first finding includes a demonstration that special circumstances (physical constraints) affect the ability to develop a property. These physical constraints include the size, shape, topography, location or surrounding. The Commission must find that the site constraints deprive the property of privileges enjoyed by other property owners in the vicinity. Secondly, the Commission must find that the approval of a variance will not grant a special privilege inconsistent with the limitations on other properties in the vicinity. Finally, variances cannot authorize a use or activity not otherwise authorized by the applicable zoning district. Based on the following discussion, staff believes the Commission can approve the variance.

To address the finding for not granting a special privilege, staff conducted a site visit of other properties in the area. Staff notes there are several properties in this area that have structures within both the rear and side yard setbacks. Most of those structures predate the City requirement governing accessory structures. The applicant's structure is similar to other structures in color, shape and size. In staff's opinion, there will be a limited impact, visual or otherwise, to neighboring properties as a result of the reduced lot sizes. The difference will be almost imperceptible. The only place the applicant could relocate the subject detached accessory structure is in his back yard. However,

because of the size of his backyard, the structure would encroach into the required rear yard setback and would still require approval of a variance. Therefore, staff concludes approval of the applicant's request for variance would be consistent with neighboring properties and would allow the applicant to enjoy a privilege that other property owners have in the surrounding vicinity. The granting of the variance would not substantially alter the character of the neighborhood and is consistent with the General Plan land use description, goals, policies and overall direction. As it pertains to the finding of approving a use or activity not otherwise authorized by the applicable zoning district, the R-1 zoning district allows the subject accessory structure. Therefore, the Commission can make this finding also.

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 or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective." No significant environmental impacts are anticipated and no mitigation measures have been required.

PUBLIC HEARING NOTICE:

Legal Notice for the Variance was published on June 30, 2010. 49 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. The City has received thirteen (13) letters in support of the variance request.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

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

Respectfully Submitted,	Concur,
Immanuel Bereket Associate Planner	Konradt Bartlam Community Development Director

ATTACHMENTS:

1. Vicinity Map
2. Aerial Photo
3. City Ordinances No. 629 (1958)
4. City Ordinances No. 1494 (1999)
5. Plot Plan
6. Comments/Letters
7. Draft Resolution

N
W E
S

0 0.015 0.03 0.06 0.09 0.12 Miles

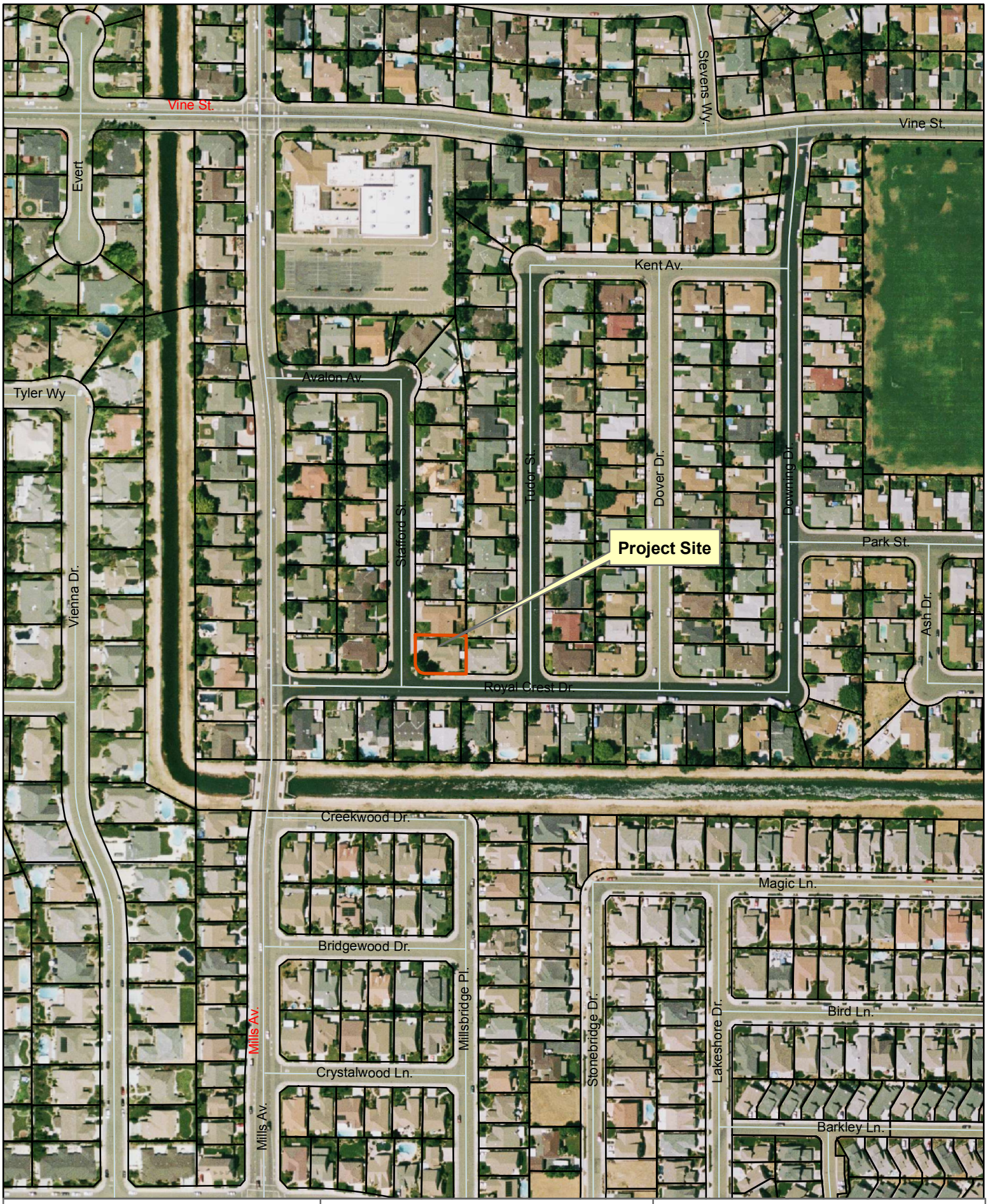
ESRI

Vicinity Map

1815 Royal Crest Drive
(APN: 031-030-14)
Lodi, CA 95242

Legend

Project Site



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ESRI

Aerial Photo

1815 Royal Crest Drive
(APN: 031-030-14)
Lodi, CA 95242

Legend

Project Site

ORIGINAL

ORDINANCE NO. 629

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF SETBACK LINES AND PROHIBITING THE ERECTION OF BUILDINGS AND STRUCTURES WITHIN THE SET-BACK AREA

The City Council of the City of Lodi does ordain as follows:

Section 1. Purpose and Authority

This ordinance is adopted to promote the public health, safety and general welfare by providing for the establishment of setback lines to protect the future rights-of-way for existing and planned streets. The specific setback lines which are provided for in this ordinance are hereby designated precise plans as authorized in Section 65601 of the Government Code.,

Section 2. Definitions

For the purpose of this ordinance, the following words shall have the meaning indicated.

1. Building - any structure having a roof supported by columns or walls.
2. Setback Line - a line parallel to the future centerline of a atreet and designating the future right-of-way line of the street.
3. Setback Area - the area lying between setback lines established on each side of a street or planned street and including the full width of the future right-of-way.

4. Structure - anything constructed or erected which requires permanent location on the ground or which is attached to something requiring permanent location on the ground.

Section 3. Procedure for the Establishment of Setback Lines

1. When the Planning Commission or the City Council determines that a setback line is desirable and necessary Pa the public interest, either body may initiate proceedings by declaring its intention to establish a specific setback line.

2. The Planning Commission shall then hold at least one public hearing on the proposed setback line and shell make a recommendation and report to the City Council. Notice of the hearing shall be published at least 10 days prior to the hearing.

3. Upon receipt of the recommendation and report from the Planning Commission, the City Council shall hold a public hearing and may adopt an ordinance establishing the setback line. Notice of the hearing shall be published at least 10 days prior to the hearing.

4. If the City Council propoees a change in the setback line recommended by the Planning Commission, the change shall be referred ta the Planning Commission for a report before tho ordinanae is adoptad.

5. During the period between the declaration of intention to establish a setback line and the effective date of an ordinance establishing the setback line, no building permit shall be issued for the erection of a building or structure in the proposed setback area.

Section 4. Applicability of Setback Lines

1. After the adoption of a specific setback line on an existing or planned street, no building or structure or addition thereto shell be erected closer to the centerline of the street than the setback line so established, except as otherwise provided in this ordinance.

2, Exemptions from the Setback Line

1. Cornices. eaves, canopies, and similar architectural features of a building when conforming to Section 6 of this ordinance.

2. Uncovered terraces and paved areas.

3. Fences and walls not exceeding 42 inches in height.

4. Signs supported back of the setback line when conforming to Section 6 of this ordinance.

5. Public street improvements and utility structures.

Seation 5. Encroachments

After a report from the Planning Commission, the City Council may permit the erection of a building or structure within the setback area if tho following requirements are met.

1. The strict application of the ordinance will result in unnecessary hardship to the property owner amounting fa practical confiscation of the property.

2. The intent of the ordinance to preserve future rights-of-way from obstructions will be observed through the imposition of conditions necessary to protect the public welfare and safety. The conditions may include a recorded agreement from the property owner to remove the onaroachnent at no expense to the City or State agency at such time that it becomes necessary te widen the street.

Section 6, Effect on Zoning and Building Requirements

Where s setback line hae been established on a street, all applicable zoning yard reqairsments and building code requirements shall be measured from the setback line and shall be based, where applicable, on the future curb line of the street..

Seation 7. Specific Setback Lines

1. All setback lines previously adopted and now in effect in tho City of Lodi are hereby continued,

2. All setback lines adopted in the future shall be established in accordance with the provisions of this ordinance.

Section 8. Enactment

This ordinance shall be published once in the Lodi News-Sentinel and shall be in full force and take effect thirty (30) days from and after its passage and approval.

Approved this 3rd day of December, 1958.

Mayor of the City of Lodi

Attest:

BEATRICE GARIBALDI
City Clerk

I, BEATRICE GARIBALDI, City Clerk of the City of Lodi and ex officio Clerk of the City Council, do hereby certify that Ordinance No. 629 was introduced at a regular meeting of the City Council held November 19, 1958, and was thereafter passed, adopted and ordered to print at a regular meeting held December 3, 1958, by the following vote:

AYES: Councilmen - Brown, Culbertson, Mitchell, Robinson and Katzakian

NOES: Councilmen - None

ABSENT: Councilmen - None

I further certify that Ordinance No. 629 was approved and signed by the Mayor on the date of its passage and that the same has been published pursuant to law.

BEATRICE GARIBALDI
City Clerk

ORDINANCE NO. 1494

AN ORDINANCE OF THE LODI CITY COUNCIL
AMENDING LODI MUNICIPAL CODE SECTION 17.57.160 - ACCESSORY BUILDINGS

==========

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Lodi Municipal Code Section 17.57.160 is hereby amended by adding thereto a new subsection D to read as follows:

D. "Detached accessory buildings shall have a maximum size of 120 square feet. The overall height of the building shall not exceed eight (8) feet and the eave height shall not exceed seven (7) feet. No accessory building shall be closer than six (6) feet to any main building or closer than three (3) feet to any side or rear property line."

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this 1st day of August

John R Snider

JOHN R. SNIDER
Mayor

Attest:

Jennifer M. Perrin
JENNIFER M. PERRIN
Deputy City Clerk

for ALICE M. REIMCHE
City Clerk

==========

State of California
County of San Joaquin, ss.

i, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No.1494 was introduced at a regular meeting of the City Council of the City of Lodi held July 11, 1990 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held August i, 1990 by the following vote:

Ayes:	Council Members -	Hinchman, Olson, Pinkerton, Reid and Snider (Mayor)
Woes:	Council Members -	None
Absent:	Council Members -	None
Abstain:	Council Members -	None

I further certify that Ordinance No. 1494 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

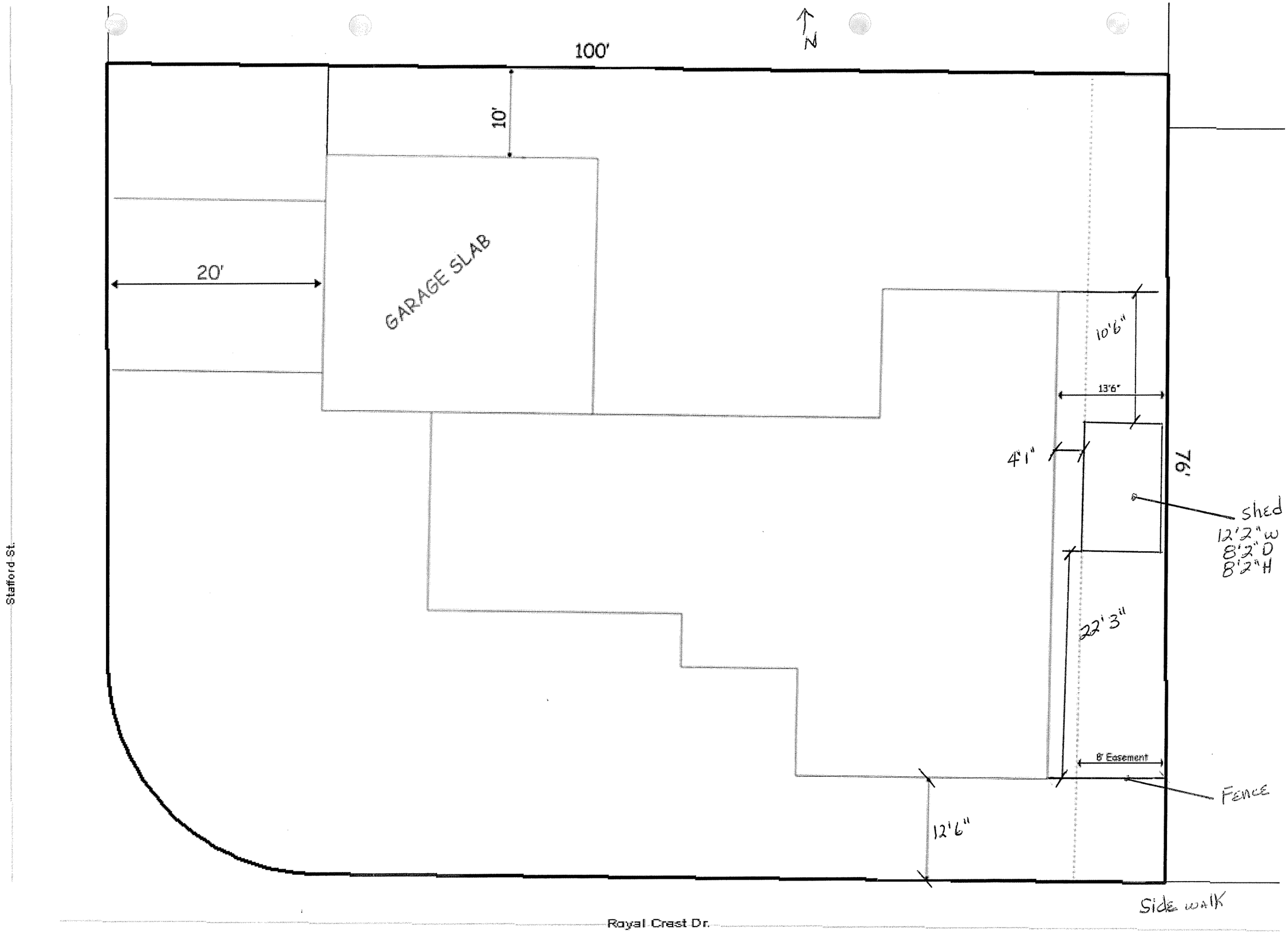
Jennifer M. Perrin
JENNIFER M. PERRIN
Deputy City Clerk

for ALICE M. REIMCHE
City Clerk

Approved as to Form

B W McNatt

BOBBY W. McNATT
City Attorney


N
100'
10'
20'
GARAGE SLAB
10'6"
13'6"
4'1"
76'
shed
12'2"w
8'2"D
8'2"H
22'3"
8' Easement
FENCE
12'6"
Side walk
Stafford St.
Royal Crest Dr.

RECEIVED

JUN 11 2010

COMMUNITY DEVELOPMENT DEPT
CITY OF LODI

Kari J. Chadwick
Administrative Secretary
Community Development
221 West Pine Street
P. O. Box 3006
Lodi, California 95241-1910

PETITION FOR APPROVAL OF VARIANCE TO KEEP BACKYARD SHED IN IT'S EXISTING LOCATION ON BEHALF OF MR. GERALD L. AND CARLA L. GRAUMAN, 1815 ROYAL CREST DRIVE, LODI, CALIFORNIA, 95242 (ASSESSOR'S PARCEL NUMBER: 031-030-14)

The undersigned, who live in the area of 1815 Royal Crest Drive, believe that the variance request submitted by Mr. Gerald L. Grauman, to allow him to keep his backyard shed in it's existing location should be approved because:

Mr. Grauman cannot meet the City of Lodi's requirements because of the unique size of his side yards and backyard.

Mr. Grauman's home sits on a corner lot with a large front yard. It has narrow side yards and a very limited backyard. The owner erected the shed at its present location in August 2005, almost five (5) years ago.

The shed, though not readily visible from the street, is aesthetically pleasant and enhances the appearance of the property and thereby the appearance of the entire neighborhood.

PRINT NAME: Katie Huipe

SIGNATURE: Katie Huipe

ADDRESS: 1112 Stafford St.
Lodi CA 95242

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PRINT NAME: Barbara Peck

SIGNATURE: Barbara Peck

ADDRESS: 1812 Royal Crest Dr.
Lodi, CA. 95242

6-7-10

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PRINT NAME: HECTOR HUIPE

SIGNATURE: [illegible]

ADDRESS: 1112 STAFFORD ST

LODI CA 95242

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PRINT NAME: Gary Ricci

SIGNATURE: Gary Ricci

ADDRESS: 1800 Royal Crest Dr.
Lodi Cal 95242

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PRINT NAME: Benjamin W. Gaudie

SIGNATURE: Benjamin W. Gaudie

ADDRESS: 1950 Royal Crest Drive
Lodi, CA 95242

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PRINT NAME: HILDA W. NICHOLAS

SIGNATURE: Hilda W. Nicholas

ADDRESS: 1803 ROYAL CREST DR
Lodi CA 95242

RECEIVED

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PRINT NAME: Mark Enfante

SIGNATURE: [illegible]

ADDRESS: 1111 Stafford St
Lodi, CA 95242

RECEIVED

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CITY OF LODI

Kari J. Chadwick
Administrative Secretary
Community Development
221 West Pine Street
P. O. Box 3006
Lodi, California 95241-1910

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PRINT NAME: James E Peck

SIGNATURE: James E. Peck

ADDRESS: 1812 Royal Crest Drive
Lodi, CA. 95242 6/7/10

RECEIVED

JUN 11 2010

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CITY OF LODI

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Administrative Secretary
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PRINT NAME: Pedro Enfante

SIGNATURE: [illegible]

ADDRESS: 1111 Stafford St
Lodi CA 95242

RECEIVED

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Mr. Grauman cannot meet the City of Lodi's requirements because of the unique size of his side yards and backyard.

Mr. Grauman's home sits on a corner lot with a large front yard. It has narrow side yards and a very limited backyard. The owner erected the shed at its present location in August 2005, almost five (5) years ago.

The shed, though not readily visible from the street, is aesthetically pleasant and enhances the appearance of the property and thereby the appearance of the entire neighborhood.

PRINT NAME: Helen Sublaban

SIGNATURE: Helen Sublaban

ADDRESS: 1906 Royal Crest Dr
Lodi Ca 95242

RECEIVED

JUN 11 2010

COMMUNITY DEVELOPMENT DEPT
CITY OF LODI

Kari J. Chadwick
Administrative Secretary
Community Development
221 West Pine Street
P. O. Box 3006
Lodi, California 95241-1910

PETITION FOR APPROVAL OF VARIANCE TO KEEP BACKYARD SHED IN IT'S EXISTING LOCATION ON BEHALF OF MR. GERALD L. AND CARLA L. GRAUMAN, 1815 ROYAL CREST DRIVE, LODI, CALIFORNIA, 95242 (ASSESSOR'S PARCEL NUMBER: 031-030-14)

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PRINT NAME: SHIRLEY R LODI

SIGNATURE: Shirley R. Lodi

ADDRESS: 1800 ROYAL CREST DR.

LODI, CA 95242

Kari J. Chadwick
Administrative Secretary
Community Development
221 West Pine Street
P. O. Box 3006
Lodi, California 95241-1910

RECEIVED
JUN 11 2010
COMMUNITY DEVELOPMENT DEPT
CITY OF LODI

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The shed, though not readily visible from the street, is aesthetically pleasant and enhances the appearance of the property and thereby the appearance of the entire neighborhood.

PRINT NAME: Megan M Goudie

SIGNATURE: Megan Goudie

ADDRESS: 1900 Royal Crest Dr
Lodi CA 95242

RECEIVED
JUN 11 2010
COMMUNITY DEVELOPMENT DEPT
CITY OF LODI

Kari J. Chadwick
Administrative Secretary
Community Development
221 West Pine Street
P. O. Box 3006
Lodi, California 95241-1910

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PRINT NAME: NANCY ENFANTE

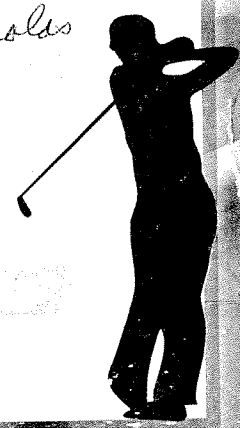
SIGNATURE: Nancy Enfante

ADDRESS: 1111 STAFFORD ST.
Lodi CA 95242

Hilda W. Nicholas

Dear Sir
I live next to the
1815 Royal Crest House
my fence next to the building
does not bother my family
and I.
My address is 1803 Royal Crest Dr.
Hopefully, the extra will not
make a hard working retired man
move anything.
At the this time I'm unable
to attend the public Hearing.
Wed. 7/14/10

Best Wishes
Hilda W. Nicholas



RECEIVED
JUL 07 2010
COMMUNITY DEVELOPMENT DEPT
CITY OF LODI

C125.5HC09-FPG

RESOLUTION NO. P.C. 10-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF GERALD GRAUMAN FOR APPROVAL OF A VARIANCE TO REDUCE THE REQUIRED THREE FEET SIDE YARD SETBACK TO SIX INCHES 1815 ROYAL CREST DRIVE

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

WHEREAS, the project proponent is Mr. Gerald Grauman, 1815 Royal Crest Drive, Lodi, CA; and

WHEREAS, the project site is located at 1815 Royal Crest Drive, Lodi, CA 95242 (APN: 031-030-14); and

WHEREAS, the project site is zoned R-1, Residential Singe-Family; and

WHEREAS, the project site has a General Plan designation of Low Density Residential; and

WHEREAS, the project was reviewed in conformance with the California Environmental Quality Act; and

WHEREAS, the Community Development Department studied and recommended approval of the request; and

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

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi as follows:

1. The project was found to be Categorically Exempt according to the California Environmental Quality Act, Article 19 §15321, Class 21 (a) (2). The project is classified as an "Enforcement action by regulatory agencies" because it is the "adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective." No significant environmental impacts are anticipated and no mitigation measures have been required.
2. A variance may be granted if the City finds that because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. The structure has been on the property for many years and is similar to many accessory structures located in the neighborhood. The applicant would like to keep the accessory structure as it stands. Granting the variance will not increase the size of the structure.
3. The variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.
4. Approval of the requested variance will not affect the existing land use pattern in the neighborhood where there are many residences with similar type of accessory structures.
5. The variance is not detrimental to the public welfare and will provide an affordable housing unit that will be built to current building standards;

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Variance Application Number: 10-A-05 is hereby approved, subject to the following conditions:

1. The applicant 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 approval, 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 submit appropriate plans to the Community Development Department for plan check and building permit.
3. The applicant shall comply with all requirements of Public Works Department, Fire Department and all applicable utility agencies.

Dated: July 14, 2010

I hereby certify that Planning Commission Resolution Number 10- was approved and adopted by the Planning Commission of the City of Lodi at a regular meeting held on July 14, 2010 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST:_____
Planning Commission Secretary

Item 3c.

CITY OF LODI
PLANNING COMMISSION
Staff Report

MEETING DATE:	July 14, 2010
APPLICATION NO:	10-ND-01
REQUEST:	Request Planning Commission to certify the proposed Negative Declaration 10-ND-01 as adequate environmental documentation for Pixley Park development plans. (Applicant: City of Lodi; File # 10-ND-01).
LOCATION:	1220 East Vine Street (APN: 049-310-36) Lodi, CA 95240
APPLICANT:	City of Lodi, Parks and Recreational Department 125 N. Stockton Street Lodi, CA 95240

RECOMMENDATION :
Staff recommends the Planning Commission approve the request of the City of Lodi, Parks and Recreational Department for certification of the proposed Negative Declaration 10-MND-01 as adequate environmental documentation for the project described as Pixley Park Development, subject to the attached resolution.

PROJECT AREA DESCRIPTION
General Plan Designation: Open Space.
Zoning Designation: PUB, Public.
Property Size: 27 acres.

The adjacent zoning and land use are as follows:

North: M-1, Light Industrial.
South: County of San Joaquin. AU Zone, (Agriculture-Urban Reserve).
East: M-1, Light Industrial.
West: M-1, Light Industrial.

SUMMARY
The proposed project involves the development of the approximately 27-acre site of partially developed park land with recreational amenities suitable for both active and passive recreational use located in the City of Lodi. The project site is currently used as a public park, known as Pixley Park. The proposed project would involve development of the park with recreational and supporting elements, including: multi-purpose game courts; a multipurpose sports field; picnic and play areas; nature interpretive area and outdoor classroom. The City has prepared a Mitigated Negative Declaration for the project pursuant to the California Environmental Quality Act (CEQA) and is subject to consideration by the Planning Commission. Based on the findings of the Initial Study/Mitigated Negative Declaration, staff recommends the Planning Commission certify the proposed Mitigated Negative Declaration as adequate environmental document for the project.

BACKGROUND

The City of Lodi Parks and Recreational Department manages Pixley Park located on the eastern part of the City limits. Pixley Park is passive, mostly undeveloped park that serves also as a detention basin. The western portion of the park was annexed into the City in 1960 and the basin was annexed in 1990. The parcels had an AU-20, Agricultural Urban Reserve land use designation while under the jurisdiction of San Joaquin County. Upon annexation, the adjacent parcels were assigned LI, Light Industrial General Plan designation and zoned M-1, Light Industrial. There were no firm plans for the development of the park area at the time of annexation.

ANALYSIS

On March 4, 2010, the City, as the lead agency, published a Notice of Availability (NOA) announcing that a draft Mitigated Negative Declaration for Pixley Park Improvements had been prepared and was available to the public for review. The draft Initial Study/Mitigated Negative Declaration was submitted to the State Clearinghouse, distributed to local agencies, sent to interested persons, posted with the County Clerk's office, mailed all property owners of record within a 300-foot radius of the project site, posted on the site and published in the Lodi News Sentinel. The 30-day window for persons to review and comment on the draft Mitigated Negative Declaration commenced on March 4, 2010 and concluded on April 5, 2010. During the public review period, three comments were received on the proposed Mitigated Negative Declaration (State Clearing House, San Joaquin Valley Air Pollution Control District and San Joaquin County Council of Government, Inc). The Initial Study found the following areas could be adversely impacted: aesthetics, air quality, biological resources, cultural resources and noise.

As stated in the Project Description, Pixley Park Improvement project involves the development of the approximately 27-acre site of a partially developed park with recreational amenities suitable for both active and passive recreational uses. The project site is vacant, graded park that also serves as a detention basin. The proposed project would involve development of the park with recreational and supporting elements, including: multi-purpose game courts; a multipurpose sports field; picnic and play areas; nature interpretive area and outdoor classroom; scenic viewpoint improvements; and supporting infrastructure (e.g., extension of utilities, storm pump station, landscaping and implementation of irrigation system to prevent erosion). In addition, the proposed project would include the construction and operation group concessions, water fountains, general park lighting, parking lot, sports lighting, restrooms near the sports field and play area and a trail system. Primary access to the project site would be from Auto Drive Center; however, there would also be access from Vine Street.

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, biological resources and agricultural land. The primary purpose of a CEQA review with regard to open space and agricultural land is whether a project will, in any way, diminish or disturb habitat or resources or conflict with an adopted Habitat Conservation Plan. Staff, with the assistance of representatives of the San Joaquin County Council of Governments, has found that the development of Pixley Park would not have impact on loss of open space, nor does not conflict with any adopted habitat conservation plan. EIR/EIS prepared for the San Joaquin county Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), dated November 15, 2000, identified the project site as urban land having little or no environmental value. This classification was assigned to the project site primarily because it has been annexed into the City in 1991 and mitigation measures were implemented to account for loss of open space and biological resources at that time.

However, SJCOG staff still felt that a biological survey should be performed prior to commencement of construction activities. A condition has been added to ensure the project's full compliance with the SJOCG's requirement for the project.

During the public review period, three comments were received on the proposed Mitigated Negative Declaration (State Clearing House, San Joaquin Valley Air Pollution Control District and San Joaquin County Council of Government, Inc). The Initial Study found the following areas could be adversely impacted: aesthetics, air quality, biological resources and cultural resources. The letter received from the State Clearinghouse acknowledges that the State Clearinghouse review requirements for draft environmental documents, pursuant of the California Environmental Quality Act, have been fulfilled. No response or mitigation measures are necessary. The San Joaquin Valley Air Pollution Control District notifies the City the project may be subject to the District's rules. The District's standard rules and requirements apply for new construction and site disturbance. In this case, the project is subject to San Joaquin Valley Air Pollution Control District review and approval. The San Joaquin County Council of Governments (SJCOG. Inc) notifies the City that the project site is in conflict with the county wide adopted Habitat Conservation Plan and a mitigation measure is required to address loss of open space. SJCOG's requirements have been added into the project mitigation measures as well as to the Planning Commission resolution.

Thus, staff believes that the proposed Mitigated Negative Declaration is an adequate environmental documentation for the proposed project. In conclusion, staff believes that the proposed project, subject to the conditions in the attached resolution, meets the requirements of the Zoning Ordinance. Staff recommends the Planning Commission certify the proposed Mitigated Negative Declaration as adequate environmental documentation for the project described as Pixley Park Improvement project.

ENVIRONMENTAL ASSESSMENTS:
The California Environmental Quality Act requires that projects be reviewed for their potential to create environmental impacts. The process requires that potential areas of impact be identified and a level of significance assessed. Staff prepared an Initial Study to review and assess impacts. Staff sent the proposed Negative Declaration to various agencies for review, published, and posted our intent to issue a Negative Declaration for the required 30-day period, beginning on Thursday, March 4, 2010 and ending on Monday, April 5, 2010. Copies of the document are available for review at the following locations: Community Development Department, 221 West Pine Street, Lodi, CA 95240; Lodi Public Library, 201 West Locust Street, Lodi, CA 95240; Department of Parks and Recreations, 125 N. Stockton St., Lodi, CA 95240; and available for review on the internet at the following web address: http://www.lodi.gov/com_dev/EIRs.html

At the conclusion of the 30-day review period, three comments were received on the proposed Mitigated Negative Declaration (State Clearing House, San Joaquin Valley Air Pollution Control District and San Joaquin County Council of Government, Inc). At the conclusion of the public review period, written comments were responded to and incorporated in the Final MND.

PUBLIC HEARING NOTICE:
Legal Notice for the Use Permit was published on June 30, 2010. 18 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. No protest letter has been received.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

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

Respectfully Submitted,

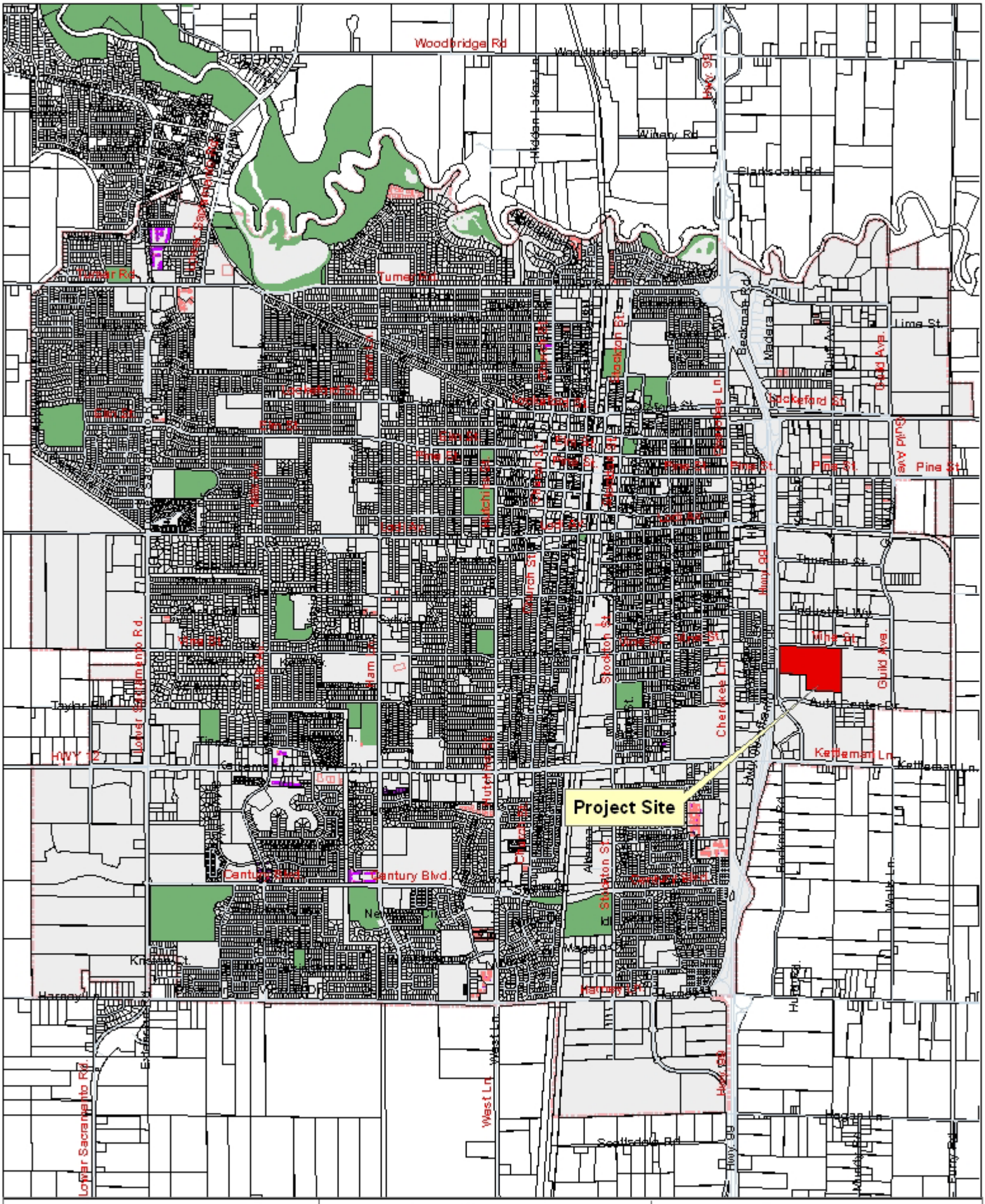
Immanuel Bereket
Associate Planner

Concur,

Konradt Bartlam
Community Development Director

ATTACHMENTS:

1. Aerial Map
2. Vicinity Map
3. Site Plan
4. Final IS/MND
5. Draft Initial Study/Mitigated Negative Declaration
6. Draft Resolution



Vicinity Map

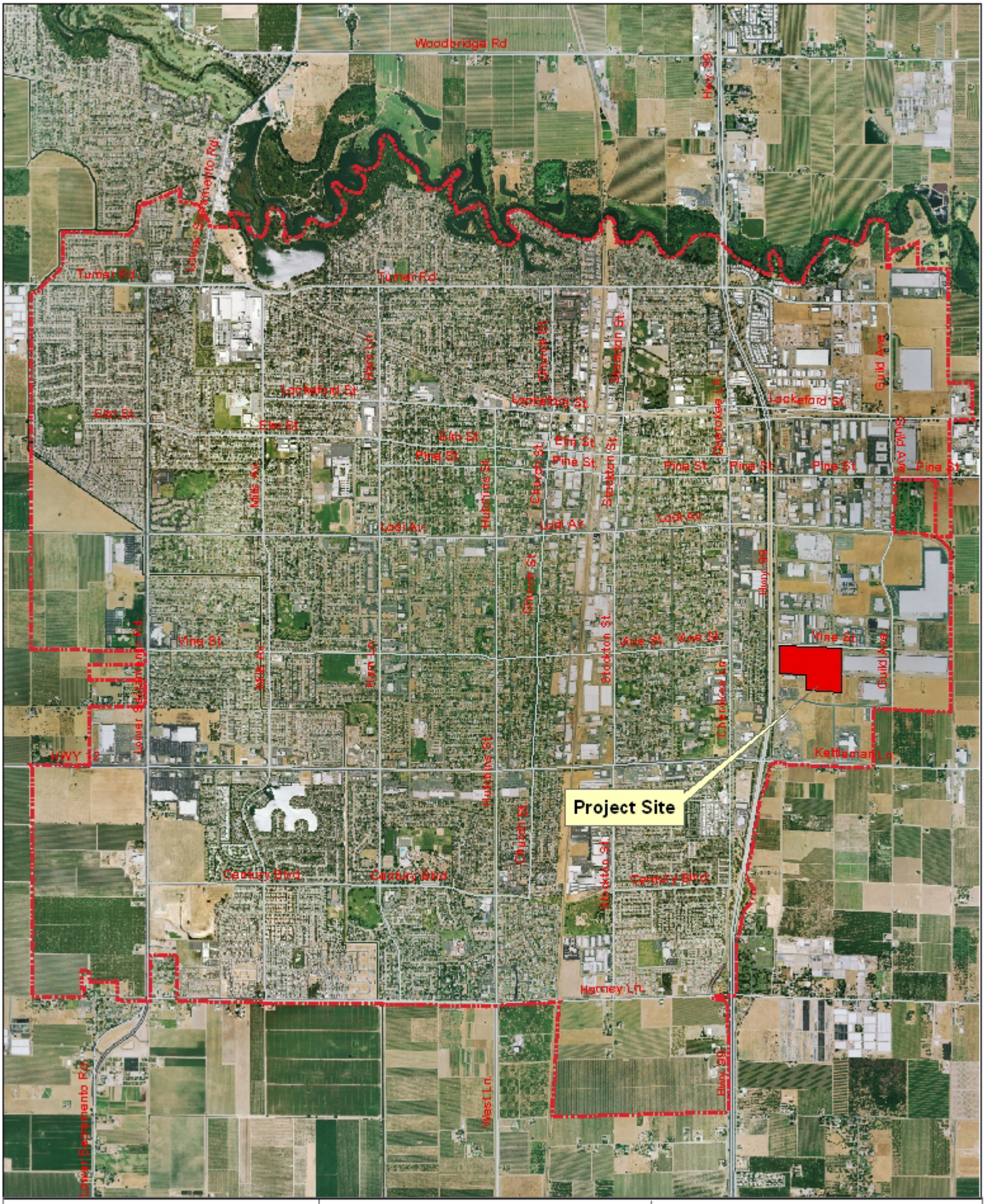
Pixley Park
1220 East Vine Street
Lodi, CA 95240

N
W E
S

0 0.125 0.25 0.5 0.75 1 Miles

Legend

Project Site



Aerial Map

Pixley Park
1220 East Vine Street
Lodi, CA 95240

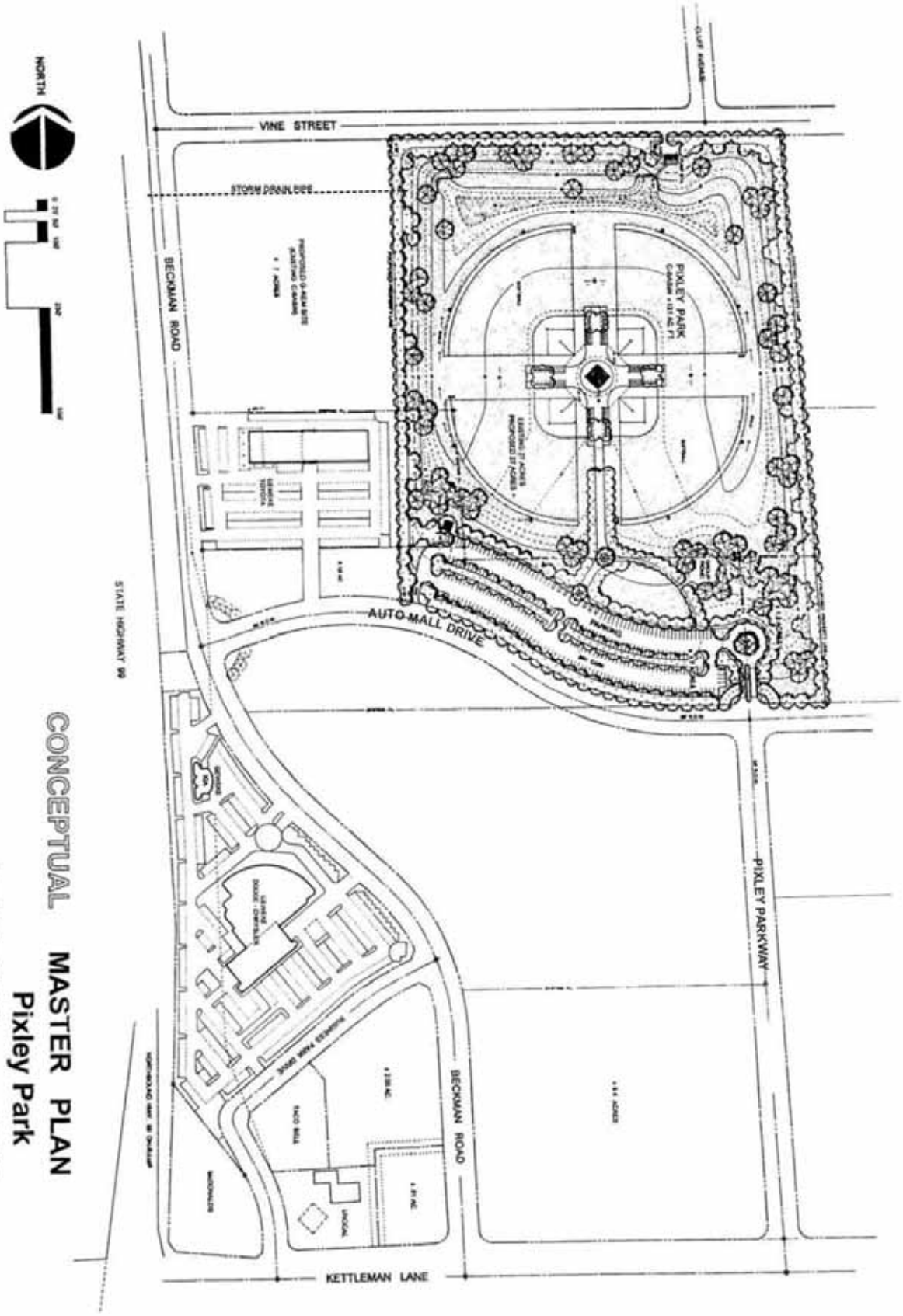
Legend

Project Site

CITY OF LODI

PUBLIC WORKS DEPARTMENT

EXHIBIT



CONCEPTUAL

MASTER PLAN

Pixley Park

City of Lodi California

July 2003

Lawrence A. Norostrom, ASLA Landscape Architect

City of Lodi

Pixley Park Improvements

Final Initial Study / Mitigated Negative Declaration

SCH Number: 2010032010

June 2010

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Chapter 2

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MITIGATED NEGATIVE DECLARATION

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

FILE NUMBER: 10-MND-01

PROJECT TITLE: Pixley Park Improvement

PROJECT DESCRIPTION:
The proposed project involves the development of the approximately 27-acre site of partially developed park land with recreational amenities suitable for both active and passive recreational use located in the City of Lodi. The project site, known as Pixley Park, is vacant, graded park that also serves as a detention basin. The proposed project would involve development of the park with recreational and supporting elements, including: multi-purpose game courts; a multipurpose sports field; picnic and play areas; nature interpretive area and outdoor classroom; scenic viewpoint improvements; and supporting infrastructure (e.g., extension of utilities, storm pump station, landscaping and implementation of irrigation system to prevent erosion). In addition, the proposed project would include the construction and operation group concessions, water fountains, general park lighting, parking lot, sports lighting, restrooms near the sports field and play area and a trail system. Primary access to the project site would be from Auto Drive Center; however, there would also be access from Vine Street.

PROJECT LOCATION:
The proposed project is located at 1220 East Vine Street, Lodi, CA. The project site is located in the eastern portion of the City – north of Auto Center Drive, south of Vine Street, east of Beckman Road and west of Guild Avenue. State Highway 99 is located east of the site across Beckman Road, and State Route 12 (Victor Road) is located approximately 0.9 mile to the north.

PUBLIC REVIEW PERIOD:
The Draft Initial Study/Mitigated Negative Declaration (IS/MND) was submitted to the State Clearinghouse (SCH # 2010032010) on **Thursday, March 4, 2010** for a 30-day public review period ending on **Monday, April 5, 2010**. During the public review period, the Draft IS/MND was available for review at the City of Lodi **Community Development Department**, 221 West Pine Street, Lodi, CA 95240; **Lodi Public Library**, 201 West Locust Street, Lodi, CA 95240; and **Department of Parks and recreations,** 125 N. Stockton St., , Lodi, CA 95240. The Draft IS/MND was also available on the City's website,

http://www.lodi.gov/com_dev/EIRs.html

FINDINGS:
An initial study (IS) has been prepared to assess the proposed Pixley Park Improvement project's potential effects on the environment and the significance of those effects. Based on the findings of the IS, the Pixley Park Development would not have any significant effects on the environment once mitigation measures are implemented. This conclusion is supported by the following proposed findings:

- The Pixley Park Development would result in no impacts to agriculture and forest resources, geology and soul, hazardous materials, hydrology and water, land use and planning, mineral resources, population and housing, public services, recreation transportation and circulation, greenhouse gas emission and utilities services and systems.
- The Pixley Park Improvement project would result in less-than-significant impacts to greenhouse gas emissions.
- Mitigation would be implemented to reduce potentially significant impacts to less than significant for aesthetics (potential impacts related to visual character/quality of the site and light/glare), air quality (potential impacts related to short-term construction emissions), biological resources (potential impacts to loss of opens space, and local policies/ordinances protecting open space) noise (construction and post-construction), and cultural resources (potential to disturb or damage undiscovered subsurface cultural or paleontological resources or human remains during construction),
- Although there are no known cultural resources that might be disturbed, mitigation is included to address the potential for discovering archaeological, paleontological, and/or human remains during the construction.
- The Pixley Park Development incorporates all applicable mitigation measures, as listed below and described in the IS.

The following mitigation measures will be implemented as part of the Pixley Park Development to avoid or minimize potential environmental impacts. Implementation of these mitigation measures would reduce the potential environmental impacts of the Westside Substation to less than significant.

<INSERT The Monitoring Program Table>

<INSERT The Monitoring Program Table>

Environmental Review Process

The Draft IS/MND for the Pixley Park Improvement Substation was submitted to the State Clearinghouse (SCH # 2010032010) on March 4, 2010 for a 30-day public and agency review and comment, which ended on April 5, 2010. The Draft IS/MND was prepared in accordance with the requirements of the California Environmental Quality Act (CEQA) Statutes (Public Resources Code [PRC] Sections 21000 et seq.) and the CEQA Guidelines (Title 14, Section 15000 et seq. of the California Code of Regulations). The City of Lodi is the lead agency for CEQA compliance.

In accordance with the CEQA Statutes (PRC Section 21092) and Section 15072 of the CEQA Guidelines, public notice of the Draft IS/MND was provided by the City of Lodi through publication of an announcement in the Lodi Sentinel on March 4, 2010. In accordance with Section 15105(b) of the CEQA Guidelines, the City provided a 30-day public review period for the Draft IS/MND, beginning on Thursday, March 4, 2010 and ending on Monday, April 5, 2010.

The public notice published in the Lodi Sentinel included details on how to obtain copies of the Draft IS/MND. Additional notification methods were also used, including: mailing copies of the Draft IS/MND to various agencies and individuals; posting the Notice of Availability (NOA) at the Project site; and mailing the NOA to property owners of record within a 300-foot radius of the Project site. The NOA included information on how to obtain copies of the Draft IS/MND and how to provide comments on the document.

The City received three comment letters on the Draft IS/MND during the 30-day public and agency comment period. These three comment letters are addressed in Chapter 3 of this document. This Final IS/MND has been prepared to respond to the comments received by the City that address environmental issues related to the Draft IS/MND, in accordance with the CEQA Guidelines.

This document consists of the following chapters:

- Chapter 1 – Introduction. Chapter 1 describes the purpose of this Final IS/MND, provides an overview of the public review process, summarizes the Project, and provides the anticipated Project timeline.
- Chapter 2 – Written Comments and Responses. This chapter reproduces the comment letters received by the City of Lodi on the Draft IS/MND and provides responses to those comments.

No modifications to the Draft IS/MND were made in response to the comments received. Therefore, the impact conclusions and mitigation measures stated in the Draft IS/MND remain the same.

This document and the Draft IS/MND together constitute the Final IS/MND for the Westside Substation. The Draft IS/MND is hereby incorporated into this document by reference.

Chapter 1 - Introduction

Purpose of the Final Initial Study

This document has been prepared to accompany the Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the City of Westside Substation. The Draft IS/MND identified the environmental impacts associated with the construction and operation of the Westside Substation and recommended mitigation measures to reduce impacts. The statutes and guidelines of the California Environmental Quality Act (CEQA) require the Lead Agency to consult with public agencies having jurisdiction over a proposed project and to provide public and other interested parties with an opportunity to comment on a Draft IS/MND. This document responds to environmental issues raised in the comments on the Draft IS/MND.

Project Description

The proposed project involves the development of the approximately 27-acre site of partially developed park land with recreational amenities suitable for both active and passive recreational use located in the City of Lodi. The project site, known as Pixley Park, is vacant, graded park that also serves as a detention basin. The proposed project would involve development of the park with recreational and supporting elements, including: multi-purpose game courts; a multipurpose sports field; picnic and play areas; nature interpretive area and outdoor classroom; scenic viewpoint improvements; and supporting infrastructure (e.g., extension of utilities, storm pump station, landscaping and implementation of irrigation system to prevent erosion). In addition, the proposed project would include the construction and operation group concessions, water fountains, general park lighting, parking lot, sports lighting, restrooms near the sports field and play area and a trail system. Primary access to the project site would be from Auto Drive Center; however, there would also be access from Vine Street.

PROJECT LOCATION:

The proposed project is located at 1220 East Vine Street, Lodi, CA. The project site is located in the eastern portion of the City – north of Auto Center Drive, south of Vine Street, east of Beckman Road and west of Guild Avenue. State Highway 99 is located east of the site across Beckman Road, and State Route 12 (Victor Road) is located approximately 0.9 mile to the north.

Timeline for Project Implementation

The Lodi City Planning Commission is expected to make a decision on certifying the MND at its meeting on July 14, 2010. Assuming that the MND is certified, construction is anticipated to commence Spring of 2011.

Chapter 2 - Written Comments and Responses

The City received three comment letters on the Draft IS/MND during the public and agency comment period. The following table lists the commenters and the dates of the letters. Each letter and individual comment has been assigned a letter/number designation for cross-referencing.

Also included at the end of this chapter is a letter from the State Clearinghouse. The letter acknowledges that the City of Lodi has complied with the State Clearinghouse draft environmental document review requirements, and indicates that no state agencies submitted comments through the State Clearinghouse by the close of the comment period on June 7, 2010. All comment letters received are addressed in this Final IS/MND.

List of Commenters/Letters			
Designation	**Commenter**	**Date of Letter**	**Comment Numbers**
A	San Joaquin Valley Air Pollution Control District	April 7, 2010	A-1, A-2, A-3
B	San Joaquin Council of Governments (SJCOG Inc.)	April 26, 2010	B-1, B-2, B-3, B-4, B-5
C	State Clearinghouse	May 5, 2010	C-1

San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

HEALTHY AIR LIVING™

April 2, 2010

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APR 0 5 2010
COMMUNITY DEVELOPMENT DEPT
CITY OF LODI

Konradt Bartlam
City of Lodi
P. O. Box 3006
Lodi, Ca 95241

Project: Pixley Park Improvements Negative Declaration No. 10-ND-01
District California Environmental Quality Act (CEQA) Reference No: 20100173

Dear Konradt Bartlam:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of Negative Declaration for Pixley Park Improvement, in Lodi, CA. The District offers the following comments:

District Comments

1) Based on information provided to the District, project specific emissions of criteria pollutants are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 ton/year ROG, and 15 tons/year PM10. Therefore, the District concludes that project specific criteria pollutant emissions would have no significant adverse impact on air quality. A-1

2) Based on information provided to the District, the proposed project would exceed 20,000 square feet of recreational area. Therefore, the District concludes that the proposed project is subject to District Rule 9510 (Indirect Source Review).

District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. If approval of the subject project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510, including payment of all A-2

Seyed Sadredin
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5500 FAX: 661-392-5585

www.valleyair.org www.healthyairliving.com

applicable fees before issuance of the first building permit, be made a condition of project approval. Information about how to comply with District Rule 9510 can be found online at: http://www.valleyair.org/ISR/ISRHome.htm. A-2 cont

3) The proposed project may be subject to the following District rules: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). A-3

The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call Debbie Johnson at (559) 230-5817.

Sincerely,

David Warner
Director of Permit Services

Debbie Johnson
for Arnaud Marjollet
Permit Services Manager

DW:dj

File

Responses to Comment Letter A from
San Joaquin Valley Air Pollution Control District

Response to Comment A-1:

This comment is noted.

Response to Comment A-2:

This comment is noted. The Proposed Project will exceed 9,000 square feet, and therefore, may be subject to District Rule 9510 (Indirect Source Review), which fulfills emission reduction commitments in the PM10 and Ozone Attainment Plans. The mitigated baseline for projects is below 2 tons per year NOx and below 2 tons per year of PM10.

As described on pages 19 through 21 of the IS/MND, various controls will be used to mitigate Project construction and operation emissions. If Rule 9510 is applicable to the Westside Substation, an Air Impact Assessment will be submitted to the District no later than applying for building permit approval, and to pay any applicable offsite mitigation fees before issuance of the first building permit.

Response to Comment A-3:

This comment is noted. As described on pages19 through 21of the IS/MND, various controls will be used to mitigate fugitive PM10 emissions. The Westside Substation will not renovate, partially demolish, or remove any existing buildings. The project site is currently vacant land.

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
MAR 11 2010
COMMUNITY DEVELOPMENT DEPT
CITY OF LODI

To: Immanuel Bereket, City of Lodi Community Development Department

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

Date: March 9, 2010

Local Jurisdiction Project Title: Pixley Park Improvements

Assessor Parcel Number(s): 049-310-37 **Local Jurisdiction Project Number:** 10-ND-01

Total Acres to be converted from Open Space Use: 27 acres

Habitat Types to be Disturbed: Urban Habitat Land

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

Dear Mr Bereket:

SJCOG, Inc. has reviewed application for the Pixley Park Improvements. According to the Negative Declaration NO 10-ND-01 this project includes:

> The development of the approximately 27-acre site of partially developed park land with recreational amenities suitable for both active and passive recreational use located in the City of Lodi. The project site, known as Pixley Park, is vacant, graded park that also serves as a detention basin. The proposed project would involve development of the park with recreational and supporting elements, including: multipurpose game courts; a multipurpose sports field; picnic and play areas; nature interpretive area and outdoor classroom; scenic viewpoint improvements; and supporting infrastructure (e.g., extension of utilities, storm pump station, landscaping and implementation of irrigation system to prevent erosion). In addition, the proposed project would include the construction and operation group concessions, water fountains, general park lighting, parking lot, sports lighting, restrooms near the sports field and play area and a trail system. Primary access to the project site would be from Auto Drive Center; however, there would also be access from Vine Street.

The project is located in the eastern portion of the City of Lodi, north of Auto Center Drive, south of Vine Street, east of Beckman Road and west of Guild Avenue. The physical address is 1220 East Vine Street, Lodi CA.

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. B-1

This Project is subject to the SJMSCP. This can be up to a 30 day process and it is recommended that the project applicant contact SJMSCP staff as early as possible. It is also recommended that the project applicant obtain an information package. http://www.sjcog.org

Please contact SJMSCP staff regarding completing the following steps to satisfy SJMSCP requirements: B-2

- Schedule a SJMSCP Biologist to perform a pre-construction survey ***prior to any ground disturbance***
- Sign and Return Incidental Take Minimization Measures to SJMSCP staff (given to project applicant after pre-construction survey is completed)
- Pay appropriate fee based on SJMSCP findings. **Fees shall be paid in the amount in effect at the time of issuance of Building Permit**

S J C O G, Inc.

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 B-3

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.** B-4

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.** B-5

Project Title: City of Pixley Park Improvements

Landowner: _____

Applicant: _____

Assessor Parcel #s: 049-310-37

T _____, R_____, Section(s): _____

Local Jurisdiction Contact: Immanuel Bereket

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.

Responses to Comment Letter B from SJCOG Inc.

Response to Comment B-1:

This comment is noted. The City plans to participate in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). The City is in the process of preparing the SJMSCP review form. The City will ensure that the appropriate Incidental Take and Minimization Measures are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP.

Response to Comment B-2:

This comment is noted. As a matter of clarification and information, the following information is provided. Conditions of project approvals require notification of SJCOG for biological inventory survey. The project site is located in Category A, No Pay Zone, Exempt under the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (HCP).

Response to Comment B-3:

This comment is noted. A condition of approval requires notification of SJCOG at least 30 days prior to issuance of a building permit. The condition reads as follows:

> 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, 30 days prior to issuance of building permit for site disturbance, 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.

Response to Comment B-4:

This comment is noted. The City will implement Incidental Take Minimization Measures disturbance and prior to ground disturbance.

Response to Comment B-5:

The project site is classified as Category A, No Pay Zone, Exempt under the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (HCP). The proposed project is consistent with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSHCP), as amended, as reflected in the conditions of project approval for this proposal. Pursuant to the Final EIR/EIS for the San Joaquin county

Multi-Species Habitat Conservation and Open Space Plan (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.

STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT

ARNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

April 8, 2010

RECEIVED
APR 2 . 2010
COMMUNITY DEVELOPMENT DEPT
CITY OF LODI

Immanuel Bereket
City of Lodi
221 West Pine Street
Lodi, CA 95241

Subject: Pixley Park Improvement
SCH#: 2010032010

Dear Immanuel Bereket:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on April 5, 2010, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

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

Sincerely,

Scott Morgan
Acting Director, State Clearinghouse

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Bas

SCH# 2010032010
Project Title Pixley Park Improvement
Lead Agency Lodi, City of

Type **MND** Mitigated Negative Declaration

Description The proposed project involves the development of the approximately 27-acre site of partially developed park land with recreational amenities suitable for both active and passive recreations use located in the City of Lodi. The project site, known as Pixley Park, is vacant, graded park that also serves as a detention basin. The proposed project would involve development of the park with recreational and supporting elements, including; multi-purpose game courts; a multipurpose sports field; picnic and play areas; nature interpretive area and outdoor classroom; scenic viewpoint improvements; and supporting infrastructure (e.g., extension of utilities, storm pump station, landscaping and implementation of irrigation system to prevent erosion).

Lead Agency Contact

Name Immanuel Bereket
Agency City of Lodi
Phone (209) 333-6711 **Fax**
email
Address 221 West Pine Street
City Lodi **State** CA **Zip** 95241

Project Location

County San Joaquin
City Lodi
Region
Lat / Long 38° 12' 19.48" N / 121° 25' 34.86" W
Cross Streets Vine Street/Auto Drive Center
Parcel No. 049-310-37
Township 3N **Range** 7E **Section** 7 **Base** MDB&M

Proximity to:

Highways Hwy 99
Airports
Railways Central CA Traction CO.
Waterways
Schools 7th Day Adventist Elem
Land Use Zoning: PQP, Public
General Plan: DBP, Detention Basin Park

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Noise

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 3; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 4; Regional Water Quality Control Bd., Region 5 (Sacramento); Native American Heritage Commission

Date Received 03/04/2010 **Start of Review** 03/04/2010 **End of Review** 04/05/2010

Note: Blanks in data fields result from insufficient information provided by lead agency.

Responses to Comment Letter C from State Clearinghouse

Response to Comment C:

This comment is noted. The letter acknowledges that the State Clearinghouse review requirements for draft environmental document have been fulfilled. No response is necessary.

PIXLEY PARK IMPROVEMENTS

MITIGATED NEGATIVE DECLARATION NO. 10-ND-01

SCH Number: 2010032010

March 4, 2010

Lead Agency:
City of Lodi
Community Development Department • Planning Division
City Hall, 221 West Pine Street
P.O. Box 3006
Lodi, CA 95241-1910
(209)333-6711
(209)333-6842 (Fax)
www.lodi.gov

FINAL
INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION

PIXLEY PARK IMPROVEMENTS

MARCH 4, 2010

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

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INTRODUCTION TO INITIAL STUDY

The proposed project involves the construction and operation of a storm drain basin that also serves as community park with active and passive recreational uses at the site, located east of State Highway 99, north of Kettleman Lane and South of Victor Road in the City of Lodi. Details regarding the project objectives, location, environmental setting, project design and operations, and construction process are included in this chapter.

The objectives for building and operating the proposed project include:

- Meet the stated needs of the community by providing youth sports fields, trails, playgrounds, multipurpose parks, and native plantings;
- Increase safety and security of the immediate project area by removing the blight currently on site and visually enhance the surrounding area; and
- Provide educational and recreational opportunities for the general neighborhood.
- Provide 100-year storm flooding protection for the drainage shed area.

PURPOSE OF INITIAL STUDY

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

Provided that a project is not found to be exempt from CEQA, the first step in the agency's evaluation of the potential environmental effects of the project is the preparation of an Initial Study. The purpose of an Initial Study is to determine whether the project would involve "significant" environmental effects as defined by CEQA and to describe feasible mitigation measures that would be necessary to avoid the significant effects or reduce them to a less than significant level. In the event that the Initial Study does not identify significant effects, or identifies mitigation measures that would reduce all of the significant effects of the project to a less than significant level, the agency may prepare a Negative Declaration. If this is not the case, the agency must prepare an Environmental Impact Report (EIR); the agency may also decide to proceed directly with the preparation of an EIR without preparation of an Initial Study. Construction and completion of the proposed project requires the preparation and adoption of an Initial Study/Negative Declaration, if necessary Environmental Impact Report. The proposed Negative Declaration 10-ND-01 was prepared and circulated for review on this project and no significant environmental impacts will result from the proposed project.

NOTICE OF AVAILABILITY

Notice is herby 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 10-ND-01. The initial study reflects the independent judgment of the City.

FILE NUMBER: 10-MND-01

PROJECT TITLE: Pixley Park Improvement

PROJECT DESCRIPTION:
The proposed project involves the development of the approximately 27-acre site of partially developed park land with recreational amenities suitable for both active and passive recreational use located in the City of Lodi. The project site, known as Pixley Park, is vacant, graded park that also serves as a detention basin. The proposed project would involve development of the park with recreational and supporting elements, including: multi-purpose game courts; a multipurpose sports field; picnic and play areas; nature interpretive area and outdoor classroom; scenic viewpoint improvements; and supporting infrastructure (e.g., extension of utilities, storm pump station, landscaping and implementation of irrigation system to prevent erosion). In addition, the proposed project would include the construction and operation group concessions, water fountains, general park lighting, parking lot, sports lighting, restrooms near the sports field and play area and a trail system. Primary access to the project site would be from Auto Drive Center; however, there would also be access from Vine Street.

PROJECT LOCATION:
The proposed project is located at 1220 East Vine Street, Lodi, CA. The project site is located in the eastern portion of the City – north of Auto Center Drive, south of Vine Street, east of Beckman Road and west of Guild Avenue. State Highway 99 is located east of the site across Beckman Road, and State Route 12 (Victor Road) is located approximately 0.9 mile to the north.

PUBLIC REVIEW PERIOD:
The proposed Negative Declaration will be circulated for a 30-day public review period, beginning on **Thursday, March 4, 2010** and ending on **Monday, April 5, 2010**. Copies of the document are available for review at the following locations:

- **Community Development Department**, 221 West Pine Street, Lodi, CA 95240
- **Lodi Public Library**, 201 West Locust Street, Lodi, CA 95240
- **Department of Parks and Recreations,** 125 N. Stockton St., Lodi, CA 95240

The Mitigated Negative Declaration is also available for review on the internet at the following web address: http://www.lodi.gov/com_dev/EIRs.html

Any person wishing to comment on the Initial Study and proposed Negative Declaration must submit such comments in writing **no later than 5:00 PM on Monday, April 5, 2010** to the City of Lodi at the following address:

Community Development Director
City of Lodi

P. O. Box 3006
Lodi, CA 95241

Facsimiles at (209) 333-6842 will also be accepted up to the comment deadline (please mail the original). For further information, contact Immanuel Bereket, Assistant Planner, at (209)333-6711.

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

The City will provide additional public notices when the public hearings have been scheduled to consider approval of the proposed Mitigated Negative Declaration and the other entitlements for the project.

_____ _____
Signature Date

Konradt Bartlam_ _____

PROPOSED MITIGATED NEGATIVE DECLARATION

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

FILE NUMBER: 10-ND-01

PROJECT TITLE: Pixley Park Improvement

PROJECT DESCRIPTION:
The proposed project involves the development of the approximately 27-acre site of partially developed park land with recreational amenities suitable for both active and passive recreational use located in the City of Lodi. The project site, known as Pixley Park, is vacant, graded park that also serves as a detention basin. The proposed project would involve development of the park with recreational and supporting elements, including: multi-purpose game courts; a multipurpose sports field; picnic and play areas; nature interpretive area and outdoor classroom; scenic viewpoint improvements; and supporting infrastructure (e.g., extension of utilities, storm pump station, landscaping and implementation of irrigation system to prevent erosion). In addition, the proposed project would include the construction and operation group concessions, water fountains, general park lighting, parking lot, sports lighting, restrooms near the sports field and play area and a trail system. Primary access to the project site would be from Auto Drive Center; however, there would also be access from Vine Street.

PROJECT LOCATION:
The project site has a physical address of 1220 East Vine Street and is located in the City of Lodi, County of San Joaquin and is located at PR. SEC. 7, T.3N. R7E., M.D.B.&M (+38° 12’ 1948”, -121°25’3486”).

NAME OF PROJECT PROPONENT/APPLICANT:
City of Lodi Parks and Recreational Department
125 N. Stockton St.
Lodi, CA 95240

A copy of the Initial Study (“Environmental Information Form” and “Environment Checklist”) documenting the reasons to support the adoption of a Negative Declaration is available at the City of Lodi Community Development Department.

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

The public review on the proposed Negative Declaration will commence on **Thursday March 4, 2010** and end at 5:00 p.m. on **Monday, April 5, 2010**.

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

CITY OF LODI

COMMUNITY DEVELOPMENT DEPARTMENT

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. 10-ND-01

Project Title: Pixley Park Improvement	**NAME OF PROJECT PROPONENT/APPLICANT:** City of Lodi Parks and Recreational Department 125 N. Stockton St. Lodi, CA 95240
Lead Agency: **COMMUNITY DEVELOPMENT DEPARTMENT** 221 West Pine Street P. O. Box 3006 Lodi, CA 95240-1910	**Contact Person and Telephone No.:** Immanuel Bereket Assistant Planner (209)333-6711

PROJECT LOCATION/DESCRIPTION:

The proposed project involves the development of the approximately 27-acre site of partially developed park land with recreational amenities suitable for both active and passive recreational use located in the City of Lodi. The project site, known as Pixley Park, is vacant, graded park that also serves as a detention basin. The proposed project would involve development of the park with recreational and supporting elements, including: multi-purpose game courts; a multipurpose sports field; picnic and play areas; nature interpretive area and outdoor classroom; scenic viewpoint improvements; and supporting infrastructure (e.g., extension of utilities, storm pump station, landscaping and implementation of irrigation system to prevent erosion). In addition, the proposed project would include the construction and operation group concessions, water fountains, general park lighting, parking lot, sports lighting, restrooms near the sports field and play area and a trail system. Primary access to the project site would be from Auto Drive Center; however, there would also be access from Vine Street.

The project site has a physical address of 1220 East Vine Street and is located in the City of Lodi, County of San Joaquin and is located at PR. SEC. 7, T.3N. R7E., M.D.B.&M (+38° 12’ 1948”, -121°25’3486”).

General Plan Designation: General Plan designation DBP, Detention Basin Park	**City Zoning Designation:** PQP, Public

Surrounding Land Use Designations:	**Land Uses**	**Significant Features**
On-Site	Vacant partially developed public park/detention basin.	The project site is graded, vacant open space. It serves at a detention basin.
North	Light Industrial	Mixed commercial and industrial uses.
South	Light Industrial	Commercial uses.
East	Light Industrial	Commercial Uses

West	State Highway 99 and Single Family residences	State Highway runs north south

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

☒	Aesthetics	☐	Agriculture Resources	☒	Air Quality
☐	Biological Resources	☒	Cultural Resources	☐	Geology/Soils
☐	Hazards & Hazardous Materials	☐	Hydrology/Water Quality	☐	Land Use/Planning
☐	Mineral Resources	☒	Noise	☐	Population/Housing
☐	Public Services	☐	Recreation	☐	Transportation/Traffic
☐	Utilities/Service Systems	☐	Mandatory Findings of Significance		

ENVIRONMENTAL EFFECTS/INITIAL STUDY CHECKLIST

This section documents the screening process used to identify and focus upon environmental impacts that could result from this project. The Initial Study Checklist below follows closely the form prepared by the Governor's Office of Planning and Research and was used in conjunction with the City's *CEQA Thresholds Guide* and other sources to screen and focus upon potential environmental impacts resulting from this project. Impacts are separated into the following categories:

No Impact. This category applies when a project would not create an impact in the specific environmental issue area. A "No Impact" finding does not require an explanation when the finding is adequately supported by the cited information sources (e.g., exposure to a tsunami is clearly not a risk for projects not near the coast). A finding of "No Impact" is explained where the finding is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

Less Than Significant Impact. This category is identified when the project would result in impacts below the threshold of significance, and would therefore be less than significant impacts.

Less Than Significant After Mitigation. This category applies where the incorporation of mitigation measures would reduce a "Potentially Significant Impact" to a "Less Than Significant Impact." The mitigation measures are described briefly along with a brief explanation of how they would reduce the effect to a less than significant level. Mitigation measures from earlier analyses may be incorporated by reference. There are no such impacts for the proposed project.

Potentially Significant Impact. This category is applicable if there is substantial evidence that a significant adverse effect might occur, and no feasible mitigation measures could be identified to reduce impacts to a less than significant level. If there are one or more "Potentially Significant Impact" entries when the determination is made, an Environmental Impact Report (EIR) is required. There are no such impacts for the proposed project.

Sources of information that adequately support findings of no impact are referenced following each question. All sources so referenced are available for review at the offices of the Community Development Department, Planning Division, 221 West Pine Street, Lodi, California 95241. Answers to other questions (as well as answers of "no impact" that need further explanation) are discussed following each question.

DETERMINATION:
On the basis of this initial evaluation:

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

_____ _____
Project Planner Date

_____ _____
Community Development Director Date

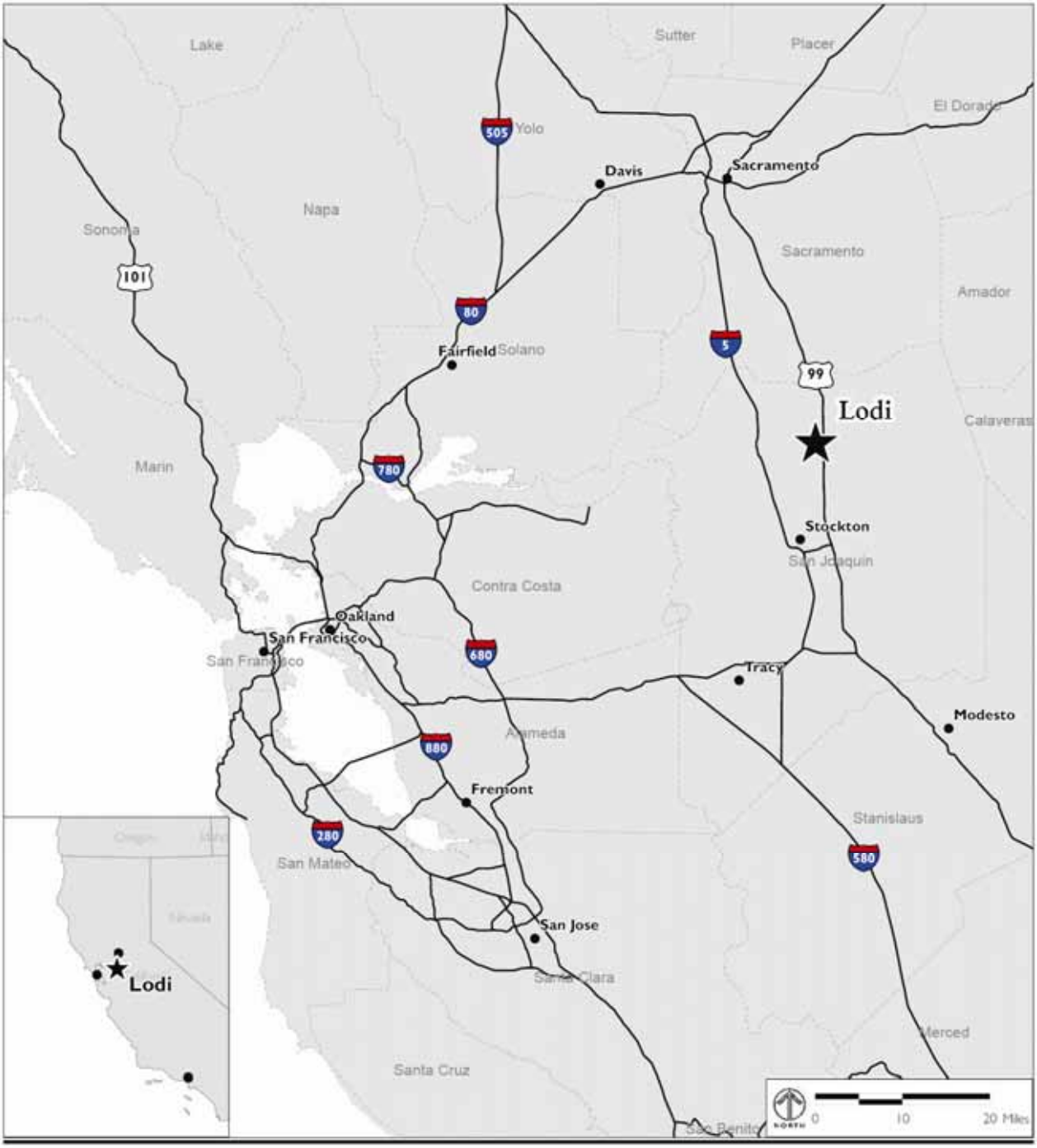
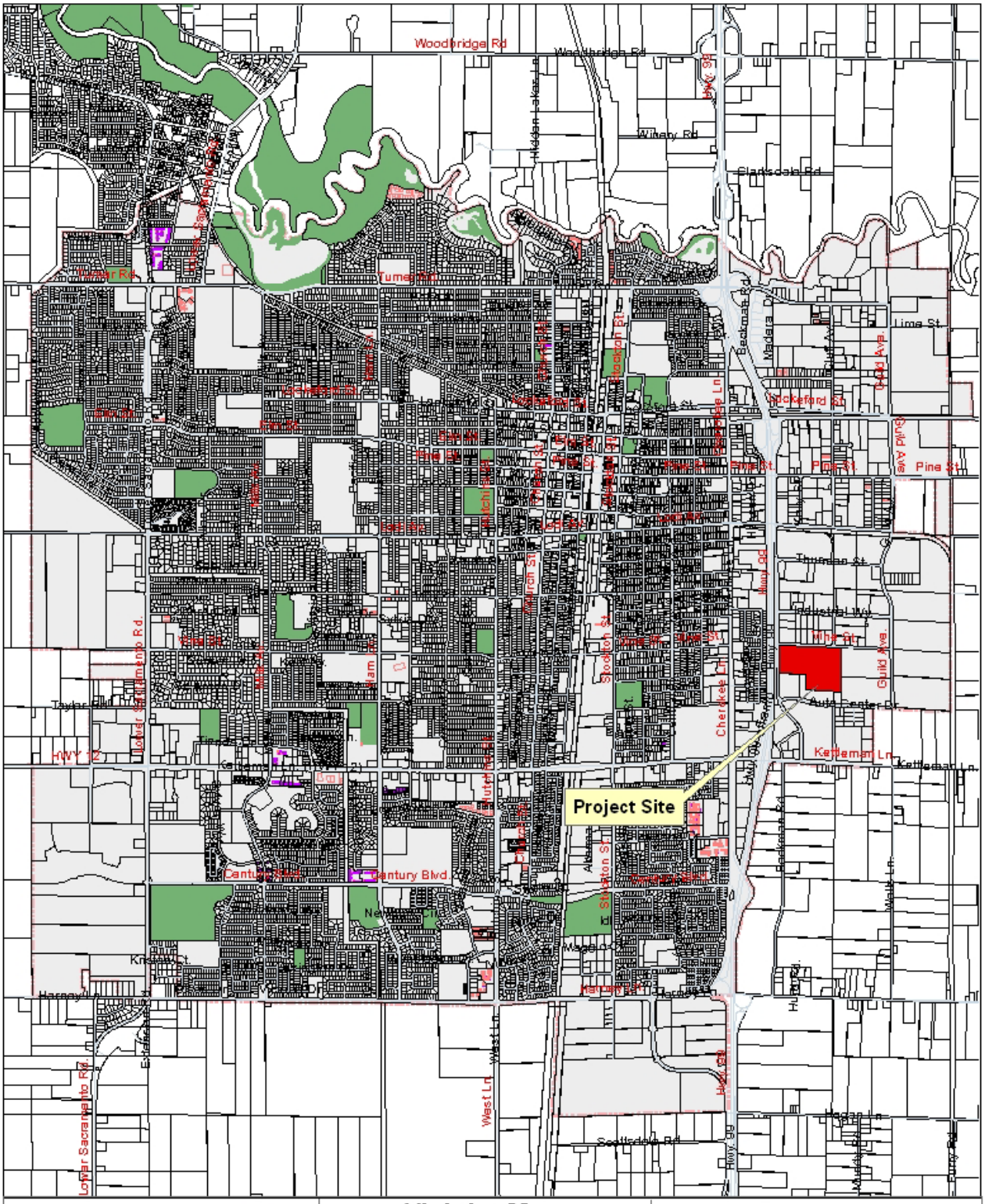


FIGURE 1-1
REGIONAL LOCATION MAP, CITY OF LODI

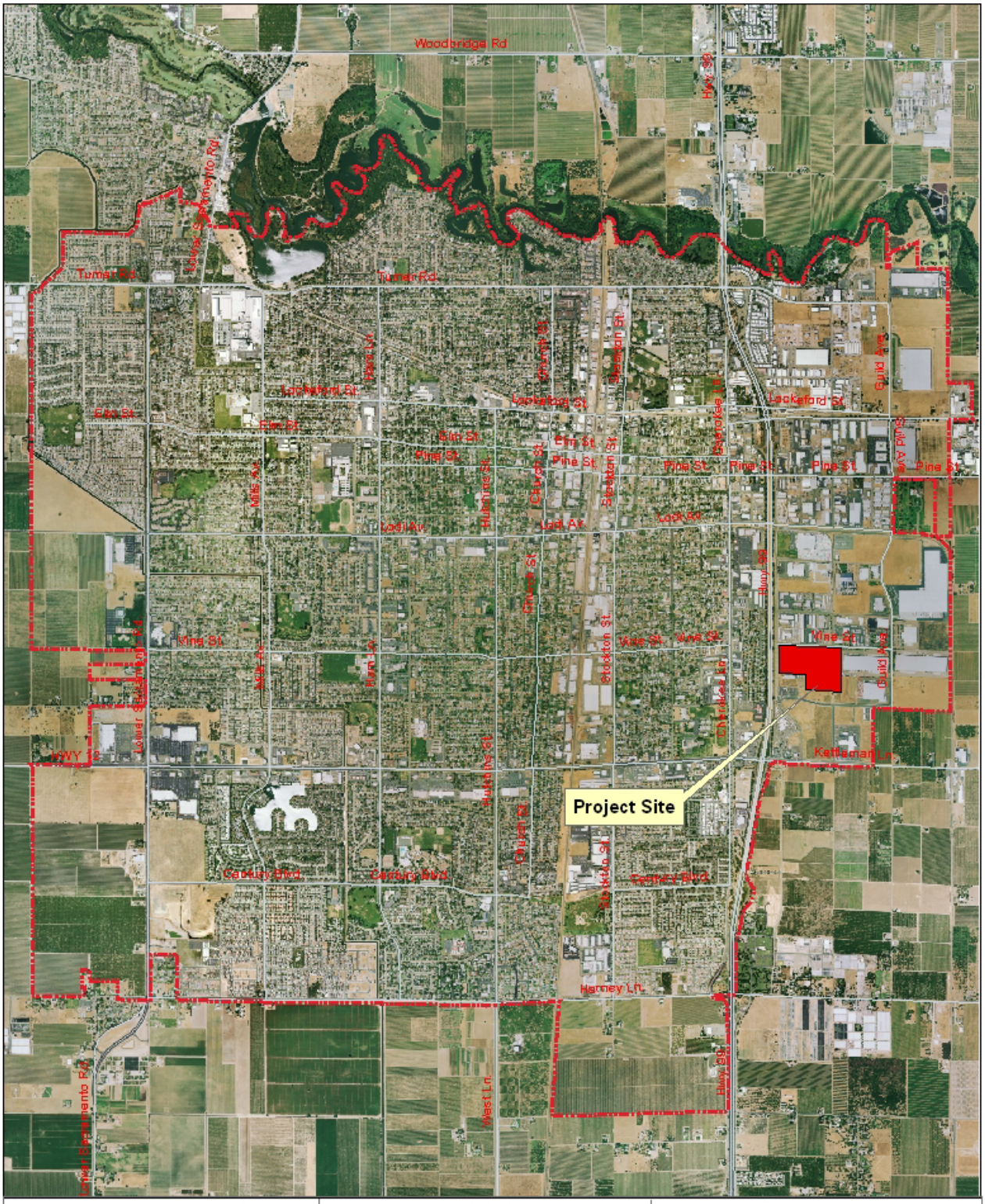


Vicinity Map

Pixley Park
1220 East Vine Street
Lodi, CA 95240

Legend

Project Site


Project Site
Wooderidge Rd
Turner Rd
Lockeford St
Elm St
Pine St
Lodi Av
Vine St
Kettleman Ln
Harney Ln
Hwy 99
Stockton St
Church St
Guild Ave
Mills Ave
Lower Sacramento Rd
West Ln
Cherokee Ln
Hutchins St
Ham Ln
Lock St
Cluff Av
Century Blvd
HWY 12
Legend
Project Site
Aerial Map
Pixley Park
1220 East Vine Street
Lodi, CA 95240
0 0.125 0.25 0.5 0.75 1
Miles

N
W E
S

0 0.01 0.02 0.04 0.06 0.08
Miles

Aerial Map
Pixley Park
1220 East Vine Street
Lodi, CA 95240

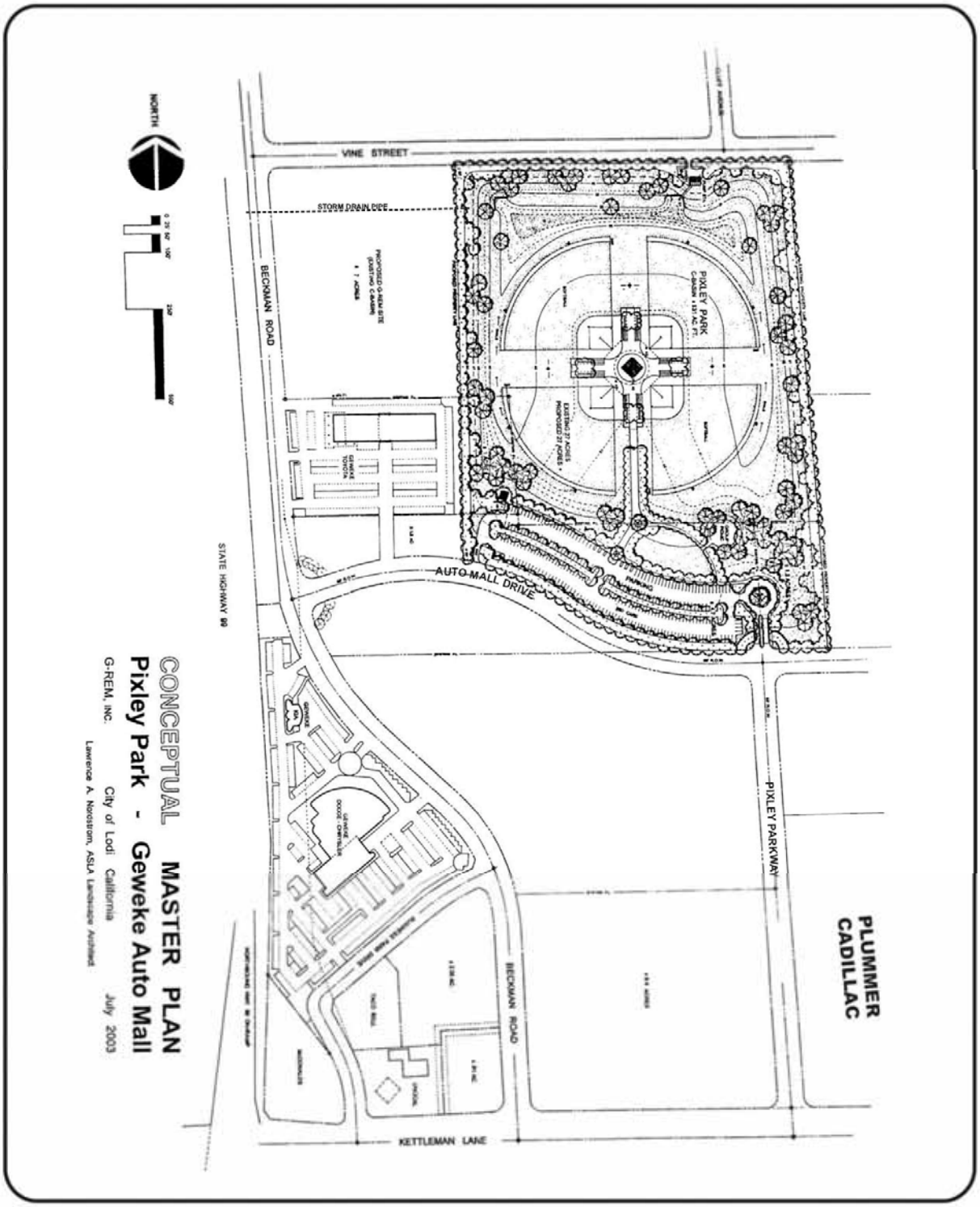
Legend

Project Site

CITY OF LODI

PUBLIC WORKS DEPARTMENT

EXHIBIT



MITIGATION MEASURES

AESTHETICS

1. Prior to issuance of a building permit, the project proponent shall submit site lighting to the Community Development Department for review and approval. The plan shall include, but not be limited to, the following design features:
   i. Full-cutoff lighting fixtures to direct lighting to the specific location intended for illumination (e.g., roads, walkways, or recreation fields) and to minimize stray light spillover into adjacent residential areas, sensitive biological habitat, and other light sensitive receptors;
   ii. Appropriate intensity of lighting to provide safety and security while minimizing light pollution and energy consumption; and shielding of direct lighting within parking areas, sensitive biological habitat, and other light-sensitive receptors through site configuration, grading, lighting design, or barriers such as earthen berms, walls, or landscaping.
   iii. A photometric exterior lighting plan and fixture specification shall be submitted for review and approval of the Community development Director. Said plans and specification shall address the following:
      a. The plans shall demonstrate that lighting fixtures on the building and grounds shall be designed and installed so as to contain light on the subject property and not spill over onto adjacent private properties or public rights-of-way.
      b. The equivalent of one (1) foot-candle of illumination shall be maintained throughout the parking area.
      c. All parking light fixtures shall be a maximum of twenty-five 25 feet in height.
      d. All fixtures shall be consistent throughout the center.

AIR QUALITY

2. The City shall not issue a building permit for grading, clearing or construction of the proposed project until the applicant obtains grading and building permits the San Joaquin Valley Air Control District.
3. Construction of the proposed project shall comply with all applicable regulations specified in the San Joaquin Valley Air Pollution Control District Regulation VIII.
4. During construction, all grading activities shall cease during periods of high winds (i.e., greater than 30 mph). To assure compliance with this measure, grading activities are subject to periodic inspections by City staff.
5. Construction equipment shall be kept in proper operating condition, including proper engine tuning and exhaust control systems.

BIOLOGICAL RESOURCES

6. The City shall participate in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSHCP).

CULTURAL RESOURCES

7. If paleontological materials (e.g., fossils, bone, shell) are discovered below surface during the construction of the project, work will be halted. A qualified paleontologist will be contacted to determine the significance of the find prior to any construction work resuming and measures to mitigate potential impacts on fossil resources.

NOISE

8. All noise-producing project equipment and vehicles using internal combustion engines shall be equipped with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition that meet or exceed original factory specification. Mobile or fixed

"package" equipment (e.g., arc-welders, air compressors) will be equipped with shrouds and noise control features that are readily available for that type of equipment.

9. All mobile and fixed noise-producing equipment used on the project that is regulated for noise output by a local, state, or federal agency shall comply with such regulation while in the course of project activity.
10. Electrically powered equipment shall be used instead of pneumatic or internal combustion–powered equipment, where feasible.
11. Mobile noise-generating equipment and machinery shall be shut off when not in use.
12. Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors.
13. Construction site and access road speed limits shall be established and enforced during the construction period.
14. Construction operations shall not occur between 10:00 p.m. and 7:00 a.m. or between 6:00 p.m. and 8:00 a.m. on Saturday or federal holiday, or at any time on Sunday. Noise producing project activity will comply with local noise control regulations affecting construction activity or obtain exemptions therefrom.
15. The use of noise-producing signals, including horns, whistles, alarms, and bells, will be for safety warning purposes only.

1. AESTHETICS: 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. **Less-than-Significant Impact.** The view of the area surrounding the project site is within industrial and commercial development. The visual character is urban development, with State Highway 99 running north to south, west of the project site. There are no private or public roads within the project area that are designated as "All American Road" under the Federal Highway Administration's National Scenic Byways Program. All roads nationally designated are considered part of America's Byways collection and must possess at least one of these six intrinsic qualities: historic, cultural, natural, scenic, recreational, and/or archaeological. To receive an All-American Road designation, a road must possess multiple intrinsic qualities that are nationally significant and contain one-of-a-kind features that do not exist elsewhere. The road must also be considered a "destination unto itself," and must provide an exceptional travel experience. All the roads within the project vicinity are mostly City roadways and have no scenic value.

The proposed project would not affect a scenic vista. The project site comprises 27 acres of City owned undeveloped park land characterized by minimal vegetation and shrubs, with gentle to steep topography caused by grading. The park will be dual purpose: Detention basin and Public Park with soft ball fields and passive parks. The site is visible from properties in the immediate vicinity of the site, which include various types of commercial and industrial uses and motorists on the State Highway 99. The site provides limited scenic qualities from these receptors, but does not represent a scenic vista as the site is limited in size and visibility from off-site areas. The part of the park that is proposed for active recreation would be largely unnoticeable in the context of existing development along Beckman Road and Pixley Parkway.

Project implementation would not obstruct any scenic views. As stated above, there are no officially designated scenic views or vista points. The project would be located in an urbanized area along commercial and industrial streets. No scenic vistas exist on or close to the project site. These findings are based on a review of the California Scenic Highway Mapping System (California Department of Transportation 2007). The facilities proposed as part of the park would not block existing views. Therefore, the proposed project would not have a substantial adverse effect on a scenic vista.

b. **Less-than-Significant Impact.** The project site does not consist of any rock outcroppings that are of significant visual quality, and construction of the project would not displace any such resources. The

park does not have mature trees. Construction plans call for plantings of large trees and implementation of extensive landscaping. No tress would be damaged or removed during construction or implementation of the proposed project. There are no historic buildings on-site or within the project area that would be affected by the proposed project. There are no significant rock outcroppings or historic buildings on-site, no view from a scenic highway would be diminished, and no existing trees would be damaged or removed; therefore, a less than- significant impact would occur.

c. **Less-than-Significant Impact.** The site and surroundings would be visually altered during the construction and operation as grading and dirt removal is required for the project completion. However, adverse impacts on visual quality would be highly insignificant since completion of the park would enhance its overall appearance. Therefore, construction impacts would be less than significant.

   Construction and operation of the park would result in a neutral to positive change to the visual character of the site. The existing environment surrounding the project area is characterized by industrial, commercial development and by vacant industrial land. The project site is currently vacant open space. The proposed passive park, softball fields and other park amenities would be accompanied by additional visually pleasing amenities, such as trails, picnic areas, and landscaping, which would act to increase the aesthetic value of the park and the mix of neighborhood uses. Therefore, the project would not constitute a significant degradation of the visual character or quality of the site and its surroundings. Impacts would be considered less than significant.

d. **Less-than-Significant Impact. Most of** the existing light and glare in the vicinity of the project site are produced by the surrounding commercial and industrial uses and street lighting. Cars traveling on State Highway 99 produce glares that can be observed onsite. Compared to existing conditions (vacant parcel), the proposed project would introduce new sources of nighttime lighting in the surrounding area. The lighting sources would be from sports field lightings, general park lightings and parking lot lightings. Any onsite lighting proposed in association with the project would be subject to the requirements of the City of Lodi Municipal Code § 9.18.100. Therefore, impacts associated with lighting would be less than significant with proper incorporation of the following mitigation measures.

MITIGATION MEASURES

MM AE-1: Prior to issuance of a building permit, the project proponent shall submit site lighting to the Community Development Department for review and approval. The plan shall include, but not be limited to, the following design features:

iv. Full-cutoff lighting fixtures to direct lighting to the specific location intended for illumination (e.g., roads, walkways, or recreation fields) and to minimize stray light spillover into adjacent residential areas, sensitive biological habitat, and other light sensitive receptors;

v. Appropriate intensity of lighting to provide safety and security while minimizing light pollution and energy consumption; and shielding of direct lighting within parking areas, sensitive biological habitat, and other light-sensitive receptors through site configuration, grading, lighting design, or barriers such as earthen berms, walls, or landscaping.

vi. A photometric exterior lighting plan and fixture specification shall be submitted for review and approval of the Community development Director. Said plans and specification shall address the following:

   a. The plans shall demonstrate that lighting fixtures on the building and grounds shall be designed and installed so as to contain light on the subject property and not spill over onto adjacent private properties or public rights-of-way.

   b. The equivalent of one (1) foot-candle of illumination shall be maintained throughout the parking area.

   c. All parking light fixtures shall be a maximum of twenty-five 25 feet in height.

d. All fixtures shall be consistent throughout the center.

FINDINGS

The project would not result in significant aesthetic impacts with implementation of the above mitigation measures.

Sources

City of Lodi. 1990. *City of Lodi General Plan Final Environmental Impact Report SCH NO. 89020206*. Prepared by Jones and Stokes Associates, Inc., April 1990.

California, State of, Department of Transportation. San Joaquin County Officially Designated State Scenic Highways and Historic Parkways. 2009. Available online at http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm

2. AGRICULTURAL RESOURCES: 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) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
(d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
(e) 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

In determining whether impacts on agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation.

Although historically used for agricultural purposes, the project site is not currently in agricultural use. The San Joaquin County Important Farmland Map (2006) indicates that project site soils are considered "urban and built-up" land; the site is surrounded on all sides by "urban and built-up" land. There are no active Williamson Act contracts for the project site (*San Joaquin County Important Farmland 2006*).

a. **No Impact.** The California Department of Conservation's Farmland Mapping and Monitoring Program identifies the project site and the surrounding land as "area not mapped"; thus, the project site is not designated as Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or Farmland of Local Importance (California Department of Conservation 2004-2006). The *San Joaquin County Important Farmland Map* published in 2006 establishes the project site as urban use and developed urban setting with no agricultural uses on or surrounding the site. Therefore, the project would not convert any farmland to a non-agricultural use and would have no effect on farmland or any propeorty subject to a Williamson Act contract.

b. **No Impact.** The project site is zoned for PQP, Park under the Lodi Municipal Zoning Code and is not zoned for agricultural use. The Williamson Act applies to parcels consisting of least 20 acres of Prime Farmland or at least 40 acres of farmland not designated as Prime Farmland. The project site is not located within a Prime Farmland designation, nor does it consist of more than 40 acres of farmland. Therefore, the site is not eligible to be placed under a Williamson Act Contract and no impacts would occur.

c. **No Impact.** According to the State Department of Conservation, Division of Land Resources Protection, the project site is designated as "Urban and built-Up" or "Other Land," neither of which is considered Farmland. No farmland exists on or in the immediate vicinity of the project site. Therefore, no impact related to the conversion of farmland to non-agricultural use would occur.

d. **No Impact.** The project site is currently vacant with limited vegetation. There are no trees of any kind or size. Therefore, no impact would occur.

e. **No Impact.** The proposed project would not disrupt or damage the operation or productivity of any areas designated as farmland. The proposed project is located near commercial and industrial uses, and roads. The project site is not located near or adjacent to any areas that are actively farmed; therefore, no farmland could be affected by land use changes on the project site. No impacts would occur.

MITIGATION MEASURES:
No mitigation measures required.

FINDINGS
No significant impact is anticipated.

Sources:
California Department of Conservation (CDC), Div. of Land Resources Protection. 1997. California Agricultural Land Evaluation and Site Assessment Model.

_____. Farmland Mapping and Monitoring Program (2004-2006).

California, State of, Department of Conservation, Division of Land Resource Protection. *San Joaquin County Important Farmland 2006.* Available online at http://redirect.conservation.ca.gov/DLRP/fmmp/county_info_results.asp

San Joaquin County. San Joaquin County Important Farmland 2006

3. AIR QUALITY : 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:
The federal Clean Air Act requires each state to identify areas where the ambient air quality violates federal standards. States are required to develop, adopt, and implement a State Implementation Plan (SIP) to achieve, maintain, and enforce federal Ambient Air Quality Standards (AAQS) in these non-attainment areas. The California Air Resources Board (CARB) is responsible for compiling and submitting the SIP to the USEPA. Local districts are responsible for preparing the portion of the SIP applicable within their boundaries.

The project is located in the northern part of the San Joaquin Valley Air Basin and 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. 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 nonattainment to reduce emissions until air quality standards are met.

Operational Thresholds
The SJVAPCD's thresholds of significance, as indicated in their *Guide for Assessing and Mitigating Air Quality Impacts* (San Joaquin Valley Air Pollution Control District 2002) and through consultation with SJVAPCD staff, are summarized here. A project would have a significant impact if:

- project implementation would produce emissions increases greater than 10 tonsl/ear ROG.
- project implementation would produce emissions increases greater than 10 tons/year NOx.

- project implementation would produce emissions increases greater than 15 tons/year PM10.
- project-related emissions of CO would exceed NAAQS or CAAQS.

The proposed project entails development of a public park both for active and passive recreational uses. Therefore, the proposed project would not affect vehicle miles traveled (VMT) or traffic speeds in the project area. As a result, there would be no operational emissions associated with the proposed project, the operational thresholds described above are not exceeded, and there is no impact. Impacts related to construction activity are discussed below.

a. **Less Than Significant.** The project site is located within the San Joaquin Valley Air Pollution Control District (SJVAPCD). The SJVAPCD is required, pursuant to the Federal Clean Air Act, to reduce emissions of criteria pollutants for which the Basin is in nonattainment (i.e., particulate matter equal to or less than 10 [PM10]). As such, the project would be subject to the SJVAPCD's Air Quality Management Plan (AQMP). The AQMP contains a comprehensive list of pollution control strategies directed at reducing emissions and achieving ambient air quality standards. These strategies are developed, in part, based on regional population, housing, and employment projections.

   In formulating its compliance strategies, the 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 SJVUAPCD in such way that cumulative results of incremental change may hamper or prevent the SJVUAPCD 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.

   The proposed project would involve the development of a park for both active and passive recreational uses. The physical changes to the environment proposed by the project would involve minor site grading and the development of park facilities. It would not result in an increase in either population or the number of new permanent employees in the area. The project is consistent with both the City of Lodi General Plan land use designation and zoning.

   Because the project is consistent with the local general plan and the Regional Growth Management Plan, pursuant to SJVAPCD guidelines, the proposed project is considered consistent with the region's AQMP. As such, proposed project–related emissions are accounted for in the AQMP, which is crafted to bring the Basin into attainment for all criteria pollutants. No impacts would occur, and no mitigation measures are necessary.

b. **Less-than-Significant Impact.** As discussed in Response IIIa, the project site is located within the San Joaquin Valley Air Pollution Control District. State and federal air quality standards are often exceeded in many parts of the District. Implementation of the proposed project would result in the widening and improvement of Pixley Park. Temporary construction emissions would result from grubbing/land clearing, grading/excavation, drainage/utilities/subgrade construction, and paving activities. Pollutant emissions would vary daily, depending on the level of activity, specific operations, and prevailing weather.

   With respect to the proposed project, construction activities are expected to extend over a period of approximately 24 months. Construction activities during this period would consist of constructing the active recreational facilities such as the softball fields, sports lighting, general park lighting, parking lot, group concessions, irrigation, turf, trees and a basin detention area.

   The SJVAPCD has established methods to quantify air emissions significance thresholds associated with construction activities such as air pollutant emissions generated by operation of on-site construction equipment; fugitive dust emissions related to grading and site work activities; and mobile

(tailpipe) emissions from construction worker vehicles and haul/delivery truck trips. Emissions would vary from day to day, depending on the level of activity, the specific type of construction activity occurring, and, for fugitive dust, prevailing weather conditions. According to the district's ***Guide for Assessing and Mitigating Air Quality Impacts*** 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.

When quantifying mass emissions for localized analysis, only emissions that occur on-site are considered. Consistent with the SJVAPCD guidelines, emissions related to off-site delivery/haul truck activity and employee trips are not considered in the evaluation of localized impacts. As such, localized impacts that may result from air pollutant emissions during the construction phases would be less than significant.

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.

Compliance with SJVAPCD's adopted Regulation VIII is required by the mitigation measures below. The SJVAPCD Rule 9510 Indirect Source Review was adopted December 15, 2005 and took effect March 1, 2006. The purpose of Rule 9510 is to reduce emissions of NOx and PM10 from both the construction and operation of new development in the San Joaquin Valley. The rule applies to development projects that include minimum of: 50 residential units, 2,000 square feet (SF) of commercial space, 25,000 SF of industrial space, 20,000 SF of medical office space, 39,000 SF of general office space, 9,000 SF of educational space, 10,000 SF of government space, 20,000 SF of recreational space or 9,000 SF of uncategorized space.

c. **Less Than Significant.** The San Joaquin Valley Air Pollution Control District's approach for assessing cumulative impacts is based on the Air Quality Management Plan (AQMP) forecasts of attainment of ambient air quality standards in accordance with the requirements of the Federal and State Clean Air Acts. As discussed earlier in 3a, the proposed project would be consistent with the AQMP, which is intended to bring the district into attainment for all criteria pollutants.1 Further, as indicated in item 3(b) above, construction and operational emissions of the project would not exceed the SJVAPCD's thresholds of significance for criteria pollutants. For those emissions generated during construction, the minor generation of criteria pollutants would be temporary and short-term in nature. As such, cumulative impacts would be less than significant.

1. CEQA Guidelines Section 15064(h)(3) states "A lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program which provides specific requirements that will avoid or substantially lessen the cumulative problem (e.g. water quality control plan, air quality plan, integrated waste management plan) within the geographic area in which the project is located. Such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency."

d. **Less-than-Significant Impact.** Construction activities are anticipated to involve the operation of diesel-powered equipment. In October 2000, the ARB identified diesel exhaust as a Toxic Air Contaminant (TAC). The SJVAPCD does not consider construction equipment diesel-related cancer risks to be an issue because of the short-term nature of construction activities (Guerra pers. comm.). Cancer health risks associated with exposures to diesel exhaust typically are associated with chronic exposure, in which a 70-year exposure period often is assumed. Although elevated cancer rates can result from exposure periods of less than 70 years, acute exposure (i.e., exposure periods of 2 to **3** years) to diesel exhaust typically is not anticipated to result in the concentrations necessary to constitute a health risk. Health impacts associated with exposure to diesel exhaust from project construction are not anticipated to be significant because construction activities will be well below the 70-year exposure period; therefore, construction of the project is not anticipated to results in an elevated cancer risk to exposed persons. Consequently, this impact is less than significant.

e. **Less-than-Significant Impact.** According to the *San Joaquin Valley Air Pollution Control District Guide,* land uses associated with odor complaints typically include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. The proposed project does not include any uses identified by the SJVAPCD as being associated with odors and therefore would not produce objectionable odors.

MITIGATION MEASURES

MM AQ-1: The City shall not issue a building permit for grading, clearing or construction of the proposed project until the applicant obtains grading and building permits the San Joaquin Valley Air Control District.

MM AQ-2: Construction of the proposed project shall comply with all applicable regulations specified in the San Joaquin Valley Air Pollution Control District Regulation VIII.

MM AQ-3: During construction, all grading activities shall cease during periods of high winds (i.e., greater than 30 mph). To assure compliance with this measure, grading activities are subject to periodic inspections by City staff.

MM AQ-4: Construction equipment shall be kept in proper operating condition, including proper engine tuning and exhaust control systems.

FINDINGS

Implementation of the mitigation measures described in the Air Quality section would reduce impacts to air quality less than significant.

Sources:

California Air Resources Board, *Air Quality and Land Use Handbook: A Community Health Perspective,* April 2005.

City of Lodi. 1991a. *City of Lodi General Plan Policy Document.* Prepared by Jones and Stokes Associates, Inc., April 1991.

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

4. GREENHOUSE GAS EMISSIONS: Would the project	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
(b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Discussion:
Global climate change is a problem caused by combined worldwide greenhouse gas emissions (GHGs), and mitigating global climate change will require worldwide solutions. GHGs play a critical role in the earth's radiation budget by trapping infrared radiation emitted from the earth's surface, which otherwise could have escaped to space. Prominent GHGs contributing to this process include water vapor, carbon dioxide (CO2), nitrous oxide (N2O), methane (CH4), O3, and certain hydro- and fluorocarbons. This phenomenon, known as the *greenhouse effect* keeps the earth's atmosphere near the surface warmer than it would be otherwise and allows successful habitation by humans and other forms of life. Increases in these gases lead to more absorption of radiation and warm the lower atmosphere further, thereby increasing evaporation rates and temperatures near the surface. Emissions of GHGs in excess of natural ambient concentrations are thought to be responsible for the enhancement of the greenhouse effect leading to what is termed *global warming*, a trend of unnatural warming of the earth's natural climate. Climate change is a global problem, and GHGs are global pollutants, unlike criteria air pollutants (such as ozone precursors) and toxic air contaminants (TACs), which are pollutants of regional and local concern.

Climate Change Thresholds
The SJVAPCD adopted guidance for addressing GHG emissions on December 17, 2009. No numerical thresholds have been established, but projects will be required to employ a 29% reduction in GHG emissions, consistent with AB 32 emission reduction targets. At this time, best performance standards (BPS) have not been fully identified or established for construction projects.

a. **Less Than Significant.** As stated above, there are no existing methodologies that address the significance of greenhouse gases (GHGs), a cumulative impact issue, emitted from an individual development project and other sources. When dealing with air quality issues related to operation emissions, thresholds are usually compared to the net change in emissions compared to baseline conditions (normally existing conditions with no project). There are currently no health-based standards that measure the threat GHGs, including CO2, pose on human health. CO2 is generally a global pollutant and ordinarily poses an indirect threat to human health because CO2 production, among other things, contributes to climate change. The proposed project involves improvement of an existing park.

   In comparison to existing conditions, implementation of the proposed improvements would increase vehicle emissions generated by mobile source as well as emissions generated by stationary sources, including natural gas and electricity consumption, and emissions generated from the use of consumer products. The amounts of GHG emissions that would result from development and operations of the proposed project are negligible. The proposed project's amount of emissions, without considering other cumulative global emissions, would be insufficient to cause climate change. The proposed project would be consistent with the state's goals of reducing GHG emissions to 1990 levels by 2020. As such, the proposed project's contribution to climate change/worldwide GHG emissions would be less than significant.

b. **Less-than-Significant Impact.** As stated previously, implementation of the proposed project would not conflict with an applicable regional or local plans, policies or regulations adopted for the purpose of reducing the emissions of greenhouse gases. The proposed project would be consistent with the state's goals of reducing GHG emissions to 1990 levels by 2020. As such, the proposed project's contribution to climate change/worldwide GHG emissions would be less than significant.

MITIGATION MEASURES:
No mitigation measures required.

FINDINGS
No significant impact is anticipated.

Sources

California Air Resources Board (CARB), *Air Quality and Land Use Handbook: A Community Health Perspective*, 2005.

California Air Resources Board (CARB), *Ambient Air Quality Standards*, last updated February, 2007.

San Joaquin Valley Air Pollution Control District (SJVAPCD), *Guide for Assessing and Mitigating Air Quality Impacts, Technical Document: Information for Preparing Air Quality Sections in EIRs,* Adopted August 20, 1998; January 10, 2002 revision.

San Joaquin Valley Air Pollution Control District (SJVAPCD), *District Air Quality Plans and Related Reports, Particulate Matter, and Ozone*, 2003.

San Joaquin Valley Air Pollution Control District (SJVAPCD), *Ambient Air Quality Standards and Valley Attainment Status,* 2005.

5. BIOLOGICAL RESOURCES *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?	☐	☐	☒	☐
(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?	☐	☐	☐	☒

Regulatory Setting

Federal Endangered Species Act (ESA)

The ESA protects fish and wildlife species and their habitats that have been identified by US Fish and Wildlife Services (USFWS) or the National Marine Fisheries Service (NMFS) as threatened or endangered. *Endangered* refers to species, subspecies, or distinct population segments that are in danger of extinction through all or a significant portion of their range. *Threatened* refers to species, subspecies, or distinct population segments that are likely to become endangered in the near future. In general, NMFS is responsible for protection of federally listed marine species and anadromous fishes, whereas other listed species are under USFWS jurisdiction. Provisions of Sections 9 and 10 of the ESA may be relevant to the project; these are summarized below.

Section 9: Prohibitions

Section 9 of the ESA prohibits the take of any fish or wildlife species listed under the ESA as endangered. Take of threatened species is also prohibited under Section 9, unless otherwise authorized by federal regulations.1 *Take* is defined by the ESA as intending "[to] harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." *Harm* is defined as "any act that kills or injures the species, including significant habitat modification." In addition, Section 9 prohibits removing, digging up, cutting, and maliciously damaging or destroying federally listed plants on sites under federal jurisdiction.

Section 10: Nonfederal Actions
In cases where a nonfederal entity is undertaking an action that does not have federal funding or require federal authorization, the take of listed species must be permitted by USFWS through the Section 10 process. If the proposed project would result in the incidental take of a listed species, the applicant first must obtain an incidental take permit under ESA Section 10. To receive an incidental take permit, the nonfederal entity is required to prepare a habitat conservation plan that describes project impacts and specifies conservation measures that avoid, minimize, and mitigate the project's impact on listed species and their habitat.

The proposed project would be a covered activity within the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) area. The SJMSCP, in accordance with ESA Section 10 (a)(l)(B) provides compensation for conversion of open space to non-open space uses that affect plant, fish, and wildlife species covered by the plan (San Joaquin Council of Governments 2000).

Federal Clean Water Act
The federal Clean Water Act (CWA) was enacted as an amendment to the federal Water Pollution Control Act of 1972, which outlined the basic structure for regulating discharges of pollutants to waters of the United States. The CWA serves as the primary federal law protecting the quality of the nation's surface waters, including lakes, rivers, and coastal wetlands. The Federal CWA is administered by the EPA and the USACE. USACE is responsible for regulating the discharge of fill material into waters of the United States (including lakes, rivers, streams, and their tributaries) and wetlands. Wetlands are defined for regulatory purposes as areas that are "inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions"(Environmenta1 Laboratory 1987:13).

The discharge of dredged or fill material into waters of the United States is subject to permitting under CWA Section 404. Certification from the applicable Regional Water Quality Control Board (RWQCB) is also required when a proposed activity may result in discharge into navigable waters, pursuant to CWA Section 401 and EPA's Section 404(b)(1) guidelines. On june 5,2007, the EPA and the U.S. Department of the Army issued a memorandum titled Clean Water Act Jurisdiction Following the U.S. Supreme Court's Decision in *Rapanos* v. *United States* & *Carabell* v, *United States* that states that the agencies will assert jurisdiction over the following categories of water bodies: traditional navigable waters (TNWs), wetlands adjacent to TNWs, nonnavigable tributaries of TNWs that are relatively permanent, and wetlands that abut such tributaries (U.S. Environmental Protection Agency and U.S. Department of the Army 2007).

Presidential Executive Order 13186: Federal Migratory Bird Treaty Act
The MBTA (16 *U.S. Government Code* 703-7111 prohibits the take of any migratory bird or any part, nest, or eggs of any such bird. Under the act, *take* is defined as the action of or attempt to "pursue, hunt, shoot, capture, collect, or kill." This act applies to all persons and agencies in the United States, including f3deral agencies.

Executive Order CEO) 13186 for conservation of migratory birds (January 11,2001) requires that any project with federal involvement address impacts of federal actions on migratory birds. The order is designed to assist federal agencies in their efforts to comply with the MBTA and does not constitute any legal authorization to take migratory birds. The order also requires federal agencies to work with USFWS to develop a memorandum of understanding (MOU). Protocols developed under the MOU must promote the conservation of migratory bird populations through the following means.

- Avoid and minimize, to the extent practicable, adverse impacts on migratory bird resources when conducting agency actions.
- Restore and enhance habitat of migratory birds, as practicable.
- Prevent or abate the pollution or detrimental alteration of the environment for the benefit of migratory birds, as practicable.

State Regulations
California Environmental Quality Act
CEQA is the regulatory framework by which California public agencies identify and mitigate significant environmental impacts. A project normally is considered to result in a significant environmental impact on

biological resources if it substantially affects a rare or endangered species or the habitat of that species; substantially interferes with the movement of resident or migratory fish or wildlife; or substantially diminishes habitat for fish, wildlife, or plants.

The State CEQA Guidelines define rare, threatened, or endangered species as those listed under CESA and ESA, as well as any other species that meets the criteria of the resource agencies or local agencies (e.g., CDFG-designated species of special concern, CNPS-listed species). The State CEQA Guidelines stipulate that the lead agency preparing an environmental impact report must consult with and receive written findings from CDFG concerning project impacts on species that are listed as endangered or threatened. The effects of a proposed project on these resources are important in determining whether the project has significant environmental impacts under CEQA.

California Endangered Species Act

California implemented CESA in 1984. The act prohibits the take of endangered and threatened species; however, habitat destruction is not included in the state's definition of take. Under CESA, take is defined as an activity that would directly or indirectly kill an individual of a species, but the definition does not include harm or harass. Section 2090 requires state agencies to comply with endangered species protection and recovery and to promote conservation of these species. CDFG administers the act and may authorize take through Section 2081 agreements (except for species designated as fully protected). Regarding rare plant species, CESA defers to the CNPPA of 1977, which prohibits importing, taking, and selling rare and endangered plants. State-listed plants are protected mainly in cases where state agencies are involved in projects under CEQA. In these cases, plants listed as rare under the CNPPA are not protected under CESA but can be protected under CEQA.

California Fish and Game Code

Fully Protected Species

The California Fish and Game Code provides protection from take for a variety of species, referred to as fully protected species. Section 5050 lists fully protected amphibians and reptiles. Section 3515 prohibits take of fully protected fish species. Fully protected birds are listed in Section 35 11, and fully protected mammals are listed in Section 4700. The California Fish and Game Code defines take as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." Except for take related to scientific research, all take of fully protected species is prohibited.

Sections 3503 and 3503.5

Section 3503 of the California Fish and Game Code prohibits the destruction of bird nests or eggs.
Section 3503.5 prohibits the killing of raptor species and the destruction of raptor nests or eggs.

California Native Plant Protection Act

The CNPPA prohibits importation of rare and endangered plants into California, and take or sale of rare and endangered plants. CESA defers to CNPPA, which ensures that state-listed plant species are protected when state agencies are involved in projects subject to CEQA. In this case, plants listed as rare under CNPPA are not protected under CESA, but rather under CEQA.

Porter-Cologne Water Quality Control Act

Section 13260 of the California Water Code requires "any person discharging waste, or proposing to discharge waste, in any region that could affect the waters of the state to file a report of discharge (an application for waste discharge requirements [WDRs])." Under the Porter-Cologne Water Quality Control Act definition, the term *waters* of *the state* is defined as "any surface water or groundwater, including saline waters, within the boundaries of the state." Although all waters of the United States that are within the borders of California are also waters of the state, the converse is not true-in California, waters of the United States represent a subset of waters of the state. Therefore, the State of California retains authority to regulate discharges of waste into any waters of the state, regardless of whether USACE has concurrent jurisdiction under CWA Section 404. If USACE determines a wetland or other water (e.g., drainage ditch) is not subject to regulation under CWA Section 404, water quality certification under CWA Section 401 is not required. However, the RWQCB may impose WDRs if fill material would be placed into waters of the state. In accordance with a preliminary jurisdictional determination approach, the seasonal wetlands and drainage ditches in the study area were interpreted to fall within the scope of USACE jurisdiction.

Local Regulations

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

The key purposed of the SJMSCP is to provide a strategy for balancing the need to conserve Open Space and the need to convert open space to other uses while protecting the region's agricultural economy; preserving landowner's property rights; providing for the long-term management of plant, fish and wildlife species, especially special-status species; providing and maintaining multiple-use open spaces which contribute to the quality of life of the residents; and accommodating a growing population while minimizing costs to project proponents and society. The SJMSCP addresses 97 species over more than 1,400 square miles. It encompasses all of the county except for federally owned lands and area encompassing those projects not covered by the SJMSCP listed in Section 8.2.2. The SJMSCP provides compensation for the conversion of open space.

The SJMSCP provides compensation for the Conversion of Open Space to non-Open Space uses which affect the plant, fish and wildlife species covered by the Plan. The SJMSCP compensates for Conversions of Open Space for the following activities: urban development, mining, expansion of existing urban boundaries, non-agricultural activities occurring outside of urban boundaries, levee maintenance undertaken by the San Joaquin Area Flood Control Agency, transportation projects, school expansions, non-federal flood control projects, new parks and trails, maintenance of existing facilities for non-federal irrigation district projects, utility installation, maintenance activities, managing Preserves, and similar public agency projects.

Discussion

a. **Less-than-Significant Impact.** The biotic resources of the project site consist of grasslands, weeds, shrubs, and groundcovers. The project site has been disturbed through clearing activities over the years. Although previously used for agricultural purposes, the project site has not been in active use for several years. Lands to the north, south, east and west are urbanized and built-up. According to the City's General Plan EIR, there are no known special-status species with potential to occur within or adjacent to the project area. The San Joaquin County Multi- Species Habitat Conservation and Open Space Plan categorizes the project area as urban land, having no biological, no agricultural, no riparian habitat or other sensitive natural community resources value.

   Further, the proposed project is consistent with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSHCP), as amended, as reflected in the conditions of project approval for this proposal. Pursuant to the Final EIR/EIS for the San Joaquin county Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), dated November 15, 2000, and certified by the San Joaquin Council of Governments on December 7, 2000, implementation of the SJMSCP is expected to reduce impacts to biological resources resulting from the proposed project to a level of less-than–significant. That document is hereby incorporated by reference and is available for review during regular business hours at the San Joaquin Council of Governments (555 East Webber Avenue/Stockton, CA 95202) or online at: www.sjcog.org. According to the SJCOG HCP, the project area is classified as Category A, which is disturbed urban land that has no wetlands, biological resources. Therefore, less than significant impact is anticipated.

b. **Less-than-Significant Impact.** No riparian habitat or sensitive natural communities exist on or immediately adjacent to the project site. Therefore, the proposed project would have no impact on any riparian habitat or sensitive natural community. The proposed project site is located within the City's Urban Service Boundary and is within CAT A (No-Pay) zone, as defined by the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSHCP). Less than significant impact would occur.

c. **No impact.** 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. **Less-than-Significant Impact.** The project site is connected to other undeveloped lands in Elysian Park, but outside of that area occurs as an isolated fragment surrounded by urban development. Therefore, the project site would not be considered to be a part of a regional wildlife corridor that would facilitate movement of wildlife species from one area to another. It does support daily movement of

some species from breeding, roosting, and nesting sites and provides some stopover habitat for migratory bird species.

e. **e. Less-than-Significant Impact.** The proposed project may potentially result in the removal of oak and walnut trees that are protected by Los Angeles Municipal Code. The ordinance covers oak and walnut trees 4 inches or more in diameter at 4.5 feet above ground (DBH). In addition, construction may occur within the drip line of several oak and walnut trees. Implementation of mitigation measure BIO-4 as described above would mitigate potential impacts on oaks to less-than-significant levels.

f. **No Impact.** The site is not part of any habitat conservation plan or Natural Communities Conservation Plan area.

MITIGATION MEASURES:
The City shall participate in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSHCP).

FINDINGS
No significant impact is anticipated.

Sources:
City of Lodi. 1991b. *Final Environmental Impact Report for the City of Lodi General Plan*. Prepared by Jones and Stokes Associates, Inc., April 1991.

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

United States Environmental Protection Agency. Region 9: Cleanup in the Pacific Southwest, Cleanup Sites in California. Available online (http://www.epa.gov/region09/cleanup/california.html)

United States, Department of the Interior, Fish & Wildlife Service. National Wetlands Inventory. Wetlands Mapper, January 5, 2009. Available online at http://www.fws.gov/wetlands/data/Mapper.html.

6. **CULTURAL RESOURCES:** *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 a historical resource as defined in §15064.5?	☐	☐	☒	☒
(b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §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?	☐	☐	☐	☒

Regulatory Setting

California Environmental Quality Act

CEQA requires that public agencies (in this case, the City) that finance or approve public or private projects must assess the effects of the project on cultural resources. Cultural resources are defined as buildings, sites, structures, or objects, each of which may have historical, architectural, archaeological, cultural, or scientific importance. CEQA requires that if a project would result in significant effects on important cultural resources, alternative plans or mitigation measures must be considered; only significant cultural resources, however, need to be addressed. Therefore, prior to the development of mitigation measures, the importance of cultural resources must be determined. The steps that are normally taken in a cultural resources investigation for CEQA compliance are:

- identify cultural resources;
- evaluate the significance of resources;
- evaluate the impacts of a project on significant cultural resources; and
- develop and implement measures to mitigate the impacts of the project only on significant resources, namely historical resources and unique archaeological resources.

The State CEQA Guidelines define three ways that a cultural resource may qualify as a historical resource for the purposes of CEQA review:

1. if the resource is listed in or determined eligible for listing in the CRHR;
2. if the resource is included in a local register of historical resources, as defined in Public Resources Code (PRC) 5020.1(k), or is identified as significant in an historical resource survey meeting the requirements of PRC 5024.1Cg) unless the preponderance of evidence demonstrates that it is not historically or culturally significant; or
3. the lead agency determines the resource to be significant as supported by substantial evidence in light of the whole record (14 California Code of Regulations [CCR] 15064.5[a]).

A cultural resource may be eligible for inclusion in the California Register of Historical Resources (CRHR) if it:

- is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- is associated with the lives of persons important in our past;
- embodies the distinctive characteristics of a type, period, region, or method of construction, represents the work of an important creative individual, or possesses high artistic values; or has yielded, or may be likely to yield, information important in prehistory or history.

In addition, CEQA distinguishes between two classes of archaeological resources: archaeological resources that meet the definition of a historical resource as above, and "unique archaeological resources." An archaeological resource is considered unique if it:

- is associated with an event or person of recognized significance in California or American history or of recognized scientific importance in prehistory;
- can provide information, that is of demonstrable pubic interest and is useful in addressing scientifically consequential and reasonable research questions; or
- has a special or particular quality such as oldest, best example, largest, or last surviving example of its kind (PRC 21083.2).

Lodi General Plan
The Conservation Element of the Lodi Draft General Plan addresses cultural resources with the following goals.

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.

The following policies are pertinent to the proposed project.

C-P14: In the event that archaeological/paleontological resources are discovered during site excavation, the City shall required 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 archaeologist/paleontologist make recommendations for measures necessary to protect any site determined to contain or constitute a historical resource, a unique archaeological resource, or a unique paleontological resource or to undertake data recovery, excavation, analysis, and curation of archaeological/paleontological materials. City staff shall consider such recommendations and implement them where they are feasible in light of project design as previously allowed by the City.

C-PIS: 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.

Policies C-PI6 through C-P21 address the preservation, maintenance, recording, and evaluation of historic buildings, structures, and districts.

Discussion

a. **Less-than-Significant Impact**. There are no known historically or culturally significant structures, objects, or buildings associated with the site, as defined in Section 15064.5. The site has been previously developed, however the previous buildings have been demolished. The project site has been disturbed by extensive grading and clearing and essentially is an undeveloped vacant property. Given the extent of the ground disturbance, the proposed project would not cause substantial adverse effects on historical resources, and impacts are considered less than significant.

b. **Less-than-Significant Impact.** Review of previous EIRs for the project area indicate that no cultural resources have been identified within the project area, and no cultural resources have been recorded. The project is located in a heavily disturbed urban area and was deemed to have a low sensitivity for

cultural resources. Should any potentially important cultural deposits be encountered during construction, per standard public works construction practice, work would be temporarily diverted from the vicinity of the find until a qualified archaeologist can identify and evaluate the find, conduct any appropriate assessment, and make recommendations as needed to protect the resource or mitigate impacts. Therefore, impacts are anticipated to be less than significant.

c. **Less-than-Significant Impact.** There are no known paleontological resources located in the proposed project area, but it is possible that buried previously unfound paleontological materials are present. Disturbance or destruction of these resources may result from ground-disturbing activities associated with project-related construction. The City or its construction contractor will comply with Lodi General Plan policy C-P14, to respond to unanticipated discoveries. Therefore, this impact is less than significant.

d. **Less-than-Significant Impact.** No known human remains are present within the proposed project area. However, it is possible that construction activities would result in the discovery of human remains. The City or its construction contractor will comply with Lodi General Plan policy C-P15, in case of the discovered of human remains. Therefore, this impact is less than significant.

MITIGATION MEASURES:

MM CR-1: If paleontological materials (e.g., fossils, bone, shell) are discovered below surface during the construction of the project, work will be halted. A qualified paleontologist will be contacted to determine the significance of the find prior to any construction work resuming and measures to mitigate potential impacts on fossil resources.

FINDINGS

Implementation of the mitigation measures described in the Cultural Resources section would reduce impacts to air quality less than significant.

Sources:

City of Lodi. 1990. *Final Environmental Impact Report for the City of Lodi Draft General Plan*. Prepared by Jones and Stokes Associates, Inc., April 1990.

_____. 1991a. *City of Lodi General Plan Policy Document.* Prepared by Jones and Stokes Associates, Inc., April 1991.

_____. *Final Lodi General Plan.* Prepared by Dyett & Bhatia, Inc., April 2010

7. **GEOLOGY AND SOILS** *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 spreading, 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 waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒

Regulatory Setting

Alquist-Priolo Earthquake Fault Zoning Act

California's Alquist-Priolo Earthquake Fault Zoning Act (Alquist-Priolo Act) (PRC 2621 et seq.), enacted in 1972 as the Alquist-Priolo Special Studies Zones Act and renamed in 1994, is intended to reduce the risk to life and property from surface fault rupture during earthquakes. The Alquist- Priolo Act prohibits the location of most types of structures intended for human occupancy across the traces of active faults and strictly regulates construction in the corridors along active faults (Earthquake Fault Zones). It also defines criteria for identifying active faults, giving legal weight to terms such as active, and establishes a process for reviewing building proposals in and adjacent to Earthquake Fault Zones.

Under the Alquist-Priolo Act, faults are zoned, and construction along or across them is strictly regulated if they are "sufficiently active" and "well-defined." A fault is considered sufficiently active if one or more of its segments or strands show evidence of surface displacement during Holocene time (defined for purposes of the act as referring to approximately the last 11,000 years). A fault is considered well-defined if its trace can be clearly identified by a trained geologist at the ground surface or in the shallow subsurface, using standard professional techniques, criteria, and judgment (Hart and Bryant 1997).

Seismic Hazard Mapping Act

Like the Alquist-Priolo Act, the Seismic Hazards Mapping Act of 1990 (PRC Section 2690-2699.6) is intended to reduce damage resulting from earthquakes. Whereas the Alquist-Priolo Act addresses surface fault rupture, the Seismic Hazards Mapping Act addresses other earthquake-related hazards, including strong groundshaking, liquefaction, and seismically induced landslides. Its provisions are similar in concept to those of the Alquist-

Priolo Act: the state is charged with identifying and mapping areas at risk of strong groundshaking, liquefaction, landslides, and other corollary hazards, and cities and counties are required to regulate development within mapped Seismic Hazard Zones.

Under the Seismic Hazards Mapping Act, permit review is the primary mechanism for local regulation of development. Specifically, cities and counties are prohibited from issuing development permits for sites within Seismic Hazard Zones until appropriate site-specific geologic or geotechnical investigations have been carried out, and measures to reduce potential damage have been incorporated into the development plans.

Lodi General Plan

The Conservation Element and the Safety Element of the Draft General Plan includes a number of policies related to geology, seismicity, and soils.

C-G2: Maintain the quality of the Planning Area's soil resources and reduce erosion to protect agricultural productivity.

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, gracing, 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.

S-G-2: Prevent loss of lives, injury, illness, and property damage due to flooding, hazardous materials, seismic and geological hazards, and fire.

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-P18: Require soils reports for new projects and use the information to determine appropriate permitting requirements, if deemed necessary.

Discussion

a1. **No Impact.** The project would not expose people or structures to potential substantial adverse effects involving surface rupture. Ground surface rupturing along fault lines is an important seismic consideration for properties in California. The purpose of the Alquist- Priolo Earthquake Fault Zoning Act is to mitigate the hazard of surface faulting by preventing the construction of buildings used for human occupancy over an area with known faults. The site is not located within an Alquist-Priolo Special Study Zone Area (City of Los Angeles 2008a). Thus, the potential for ground surface rupture affecting the site is considered low, and impacts would be less than significant.

a2. **No Impact.** The potential severity of ground shaking depends on many factors, including distance from the originating fault, the earthquake magnitude, and the nature of the earth materials below the project site. Although implementation of the proposed park improvements has the potential to result in the exposure of people and structures to strong ground shaking during a seismic event, this exposure is no greater than exposure present in other areas throughout the City. In addition, the proposed buildings are required to comply with the California Building Code (CBC) minimum standards for good engineering and construction practices would reduce potential seismic impacts. Therefore, no impact would occur.

a3. **No Impact.** The proposed project would not be located on any unstable soil or geologic units prone to slumping lateral spreading, subsidence, liquefaction, or collapse. There would be no impact.

a4. **No Impact.** The proposed project would not be located on any unstable soil or geologic units prone to landslide, slumping, lateral spreading, subsidence, or collapse. There would be no impact.

b. **No Impact.** The proposed project would involve improvement of an existing park. To accomplish this, construction plans include grading and clearing. These activities would occur primarily in areas that are already cleared and graded, or that have been previously disturbed by agriculture-related grading and tilling activities. It is not anticipated that the project would require any significant amount of grading. Therefore, the erosion and loss of topsoil as a result of the project would be considered less than significant.

c. **No Impact.** According to the California Department of Mines and Geology, the project site is not located in a liquefaction area (historic occurrence of liquefaction, or local geological, geotechnical and groundwater conditions indicate a potential for permanent ground displacement). Therefore, implementation of the proposed project would not expose people and/or structures to potential substantial adverse effects due to soil instability including the risk of loss, injury, or death. In addition, compliance with CBC and implementation of recommendations in the site-specific geotechnical investigation would reduce hazards associated with unstable soils to below a level of significance.

d. **No Impact.** Soils on the project area consist of the Tokay Fine Sandy Loam and Tokay-Urban mapping units. Both soil types are very deep and well-drained. The shrink-swell potential of these soils is not high; the site is not designated as "expansive" on the San Joaquin County Expansive Soils Map 1999. The project is not expected to result in significant impacts to people or structures because the California Building Code includes provisions for construction on expansive soils. These provisions (proper fill selection, moisture control, and compaction during construction) can prevent these soils from causing significant damage. Therefore, compliance with the CBC requirements would ensure that impacts related to expansive soils would be less than significant.

e. **No Impact.** The project would tie into existing sewers, avoiding the need to use septic tanks or alternative wastewater disposal systems. No impacts would occur.

MITIGATION MEASURES:
No mitigation measures required.

FINDINGS
No significant impact is anticipated.

Sources:
California Geological Survey (CGS), Probabilistic Seismic Hazards Mapping Ground Motion Page, http://redirect.conservation.ca.gov/cgs/rghm/psha/pshamap.asp, accessed February 25, 2010.

City of Lodi. 1991a. *City of Lodi General Plan Policy Document.* Prepared by Jones and Stokes Associates, Inc., April 1991.

8. HAZARDS AND HAZARDOUS MATERIALS: *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 reasonable 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 complied 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?	☐	☐	☒	☐

Regulatory Setting

The California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) is authorized by the United States Environmental Protection Agency (EPA) to enforce and implement federal hazardous materials laws and regulations, including disposal and transportation of hazardous materials. The Porter-Cologne Water Quality Control Act allows the State Water Resources Control Board [State Water Board) and the RWQCB to accept implementation and responsibility for the Clean Water Act. The Hazardous Waste Control Act of 1977, and recent amendments to its implementing regulations, has given the Department of Health Services (DHS) the lead role in administering the Resource Conservation and Recovery Act (RCRA) program.

State and Federal Occupational Safety and Health Administration Regulations

Pursuant to the Occupational Safety and Health Act of 1970, the federal Occupational Safety and Health Administration (OSHA) has adopted numerous regulations pertaining to worker safety, contained in the Code of Federal Regulations Title 29 (29 CFR). These regulations set the standards for safe work practices and work places, including standards relating to the handling of hazardous materials. California OSHA (Cal/OSHA) regulations are generally more stringent than federal OSHA regulations and are detailed in Title 8 of the CCR.

Lodi General Plan

The Lodi General Plan Safety Element provides guiding and implementing policies regarding hazards and hazardous materials.

S-G2: Prevent loss of lives, injury, illness, and property damage due to flooding, hazardous materials, seismic and geological hazards.

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 I1 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.

Discussion

a. No Impact. Implementation of the proposed project would not create any significant hazards to the public through the routine transport, use, storage, or disposal of hazardous substances. The project involves development of an 18-acre park for community use. Typically, park uses do not generate, store, dispose of, or transport quantities of hazardous substances. Recreational activities associated with the proposed project would not expose park users or the surrounding communities to any health hazards. Therefore, no impacts would occur.

b. Less-than-Significant Impact. Operation of the project as a recreational resource would not result in the reasonably foreseeable upset or release of any hazardous materials. Construction equipment that would be used to build the proposed project has the potential to release oils, greases, solvents, and other finishing materials through accidental spills. Spill or upset of these materials would have the potential to affect surrounding land uses, but federal, state, and local controls have been enacted to reduce the effects of potential hazardous materials spills. The Lodi Fire Department enforces city, state, and federal hazardous materials regulations for Lodi. City regulations include spill mitigation and containment and securing of hazardous materials containers to prevent spills. Compliance with these requirements is mandatory as standard permitting conditions and would minimize the potential for the accidental release or upset of hazardous materials, helping to ensure public safety. The operation of parks and associated structures, such as the community building, generally are not associated with the use or storage of large amounts of hazardous substances, and the proposed project would not use or store large amounts of hazardous substances. Therefore, an upset of those types of materials would not be reasonably foreseeable. The construction and operation of the proposed project would result in less-than-significant impacts with respect to the creation of significant hazards to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

c. Less-than-Significant Impact. The project is not located within 0.41 mile of a school. Further, the proposed project is a park and during construction and operation would not use, emit, or handle acutely hazardous materials. The proposed project would require the use of some materials such as oils, greases, and fuels for the generation and maintenance of equipment during construction. Additionally, the operation of the new park may require some solvents, cleaners, and fertilizers to maintain landscaping. However, none of the materials would be used in quantities that would pose a threat to human health and safety and all would be used and stored in accordance with regulations of the Lodi Fire Department. Furthermore, none of these materials would be considered acutely hazardous. Therefore, impacts would be less than significant.

d. No Impact. The project site is not located on a Superfund or other NPL site and therefore would not result in a significant hazard to the public or the environment through exposure to such sites. There would be no impact.

e. **No Impact.** There are no private or pubic airports within the project site. THe project site is not part of any airport land use plan nor within an Airport Hazard Zone. Therefore, there would be no impacts from local airports.

f. **No Impact**. The nearest private airstrip is located approximately 7 miles southwest of the proposed project site. The project is not within any airport land-use plan or safety zone. Therefore, there would be no impact.

g. **No Impact**. The proposed project would not impair or physically affect any adopted emergency response plan or evacuation plan. The proposed project would not require the closure of any public or private streets or roadways and would not impede access of emergency vehicles to the project or any surrounding areas. Further, the project would provide all required emergency access in accordance with the requirements of the Lodi Fire Department. Therefore, no impacts on emergency response would occur.

h. **Less-than-Significant**. The project site is located within an urbanized setting. The proposed project would not increase fire hazards in the project area, as no flammable materials are proposed with improvements. No increased fire hazard related to areas with flammable grass, brush and trees is expected. Standard park maintenance procedures include provisions for brush clearing and irrigation methods to ensure that the susceptibility of the site to wildland fires would be kept at a minimal risk. With these maintenance provisions in place, the impact from wildland fires on people and structures would be considered less than significant.

MITIGATION MEASURES
No mitigation is required.

FINDINGS
Less-than-significant impact is anticipated.

Sources:
California Geological Survey (CGS), Probabilistic Seismic Hazards Mapping Ground Motion Page, http://redirect.conservation.ca.gov/cgs/rghm/psha/pshamap.asp, accessed February 25, 2010.

City of Lodi. *City of Lodi General Plan Policy Document.* Prepared by Jones and Stokes Associates, Inc., April 1991.

9. HYDROLOGY AND WATER QUALITY *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 a 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 storm water 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?	☐	☐	☐	☒

Regulatory Setting

Federal

Clean Water Act

Important applicable sections of the federal CWA (33 USC 1251-1376) include:

- Sections 303 and 304 provide water quality standards, criteria, and guidelines.
- Section 401 requires an applicant for any federal permit that proposes an activity that may result in a discharge to waters of the United States to obtain certification from the state that the discharge will comply with other provisions of CWA. Certification is provided by the RWQCB.

- Section 402 establishes the National Pollutant Discharge Elimination System (NPDES), a permitting system for the discharge of any pollutant (except for dredged or fill material) into waters of the United States. This permit program is administered by the Central Valley RWQCB. The proposed project would have a footprint greater than 1 acre. As a result, an NPDES General Construction Permit will need to be obtained prior to any construction activities. One requirement for an NPDES permit is the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) that provides BMPs to prevent the discharge of pollutants and sediments into receiving waters.
- Section 404 establishes permit programs for the discharge of dredged or fill material into waters of the United States. This permit program is administered by the U.S. Army Corps of Engineers.

State

Porter-Cologne Water Quality Act
The State of California's Porter-Cologne Water Quality Control Act (California Water Code, Section 13000 et seq.) provides the basis for water quality regulation in California. The act requires a Report of Waste Discharge (ROWD) for any discharge of waste [liquid, solid, or otherwise) to land or surface waters that may impair a beneficial use of surface or groundwater of the state. Based on the report, the RWQCBs issue waste discharge requirements to minimize the effect of the discharge.

Report of Waste Discharge
The ROWD is pursuant to California Water Code Section 13260. Section 13260 states that persons discharging or proposing to discharge waste that could affect the quality of the waters of the state, other than into a community sewer system, must file an ROWD containing information that may be required by the appropriate RWQCB. HCC is filing an Amended ROWD in accordance with the Settlement Agreement from March 2006, Order No. R5-2006-0025.

Local
Lodi General Plan
Environmental Checklist
The Safety Element of the Lodi General Plan addresses flooding and water quality issues.

S-G2: Prevent loss of lives, injury, illness, and property damage due to flooding, hazardous materials, seismic and geologic hazards and fire.

S-PI: Continue to participate in the National Flood Insurance Program and ensure that local regulations are in full compliance with standards adopted by FEMA.

Discussion

a. **Less-than-Significant Impact.** The proposed project could result in the release of small amounts of vehicle and equipment fluids during construction and a slight increase in impervious surfaces and therefore in a slight increase in runoff. The project would not violate any water quality standards or waste discharge requirements or substantially degrade water quality. Any potential impacts would be less than significant because the project would have to comply with the requirements of the NPDES General Permit, which include the preparation and implementation of a SWPPP. Measures in the SWPPP would include those listed below.
    - Equipment will be inspected regularly (daily) during construction, and any leaks found will be repaired immediately.
    - Refueling of vehicles and equipment will be in a designated, contained area.
    - Drip pans that are in use will be covered during rainfall to prevent washout of pollutants.
    - Monitoring will verify that BMPs are implemented and all equipment/controls are kept in good working order.
    - Sediment barriers, sedimentation basins, and site contouring will be used to minimize runoff of sediments.

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

b. **Less-than-Significant Impact.** The impact of the proposed park improvements project would be minimal in terms of adverse effects on groundwater resources. The project does not contain elements that either add to or draw from groundwater. Therefore, there is no impact.

c. **Less-than-Significant Impact.** The proposed project would not directly affect the flow of a river or stream. The project would include some grading to enable construction of the project. These activities would minimally alter the existing drainage pattern of the site by creating approximately 0.6 acre of impervious surfaces. The majority of post-construction runoff from the site would be absorbed into the detention. Therefore, impacts from erosion, either on-site or off-site would be less than significant.

d. **Less-than-Significant Impact.** The proposed project would not directly affect the flow course of a river or stream. The proposed project would retain all drainage on site and so would not increase the amount of sedimentation either on or off site. The impacts associated with the alteration of drainages are considered to be less than significant.

e. **Less-than-Significant Impact**. As discussed above, the project would include BMPs required by the City and would comply with NPDES requirements. Therefore, increased runoff would not exceed the capacity of existing storm drain systems. Furthermore, the project would be recreational in nature and would not contain any uses that would result in significant polluted runoff. Any potential contamination from chemicals used to maintain landscaped areas would be minimal in nature and would not result in significant amounts of polluted storm water runoff. Impacts to storm water, therefore, would be less than significant.

f. **Less-than-Significant Impact**. The proposed project would not substantially degrade water quality. The project includes elements for passive and active recreational uses and is not expected to use large amounts of water, other than for landscaping and restroom facilities. The amount of landscape to be irrigated on-site is less than 2.6 acres and would have negligible impacts on water quality. Additionally, as part of the project, the development would measures that would comply with SUSMP to ensure impacts on water quality would be minimal. Therefore, impacts to water quality would be less than significant.

g. **No Impact**. **No Impact.** According to FEMA guidelines, the 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. Areas of Special Flood Hazard are zoned A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

   The project site is zoned X according to FEMA guidelines. Zone X are areas of 0.2% annual chance flood; areas of 1% chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood. The project is not located within an area mapped by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) as a 100-year flood hazard area. The project site has 0.2% annual chance of flood.. No impact is anticipated.

h. **No Impact**. According to the City's General Plan Safety Element, the proposed project site is not located within a 100-year flood hazard area. The FEMA Flood Insurance Rate Map (FIRM), Number 06077C030F, dated October 16, 2009, indicates that the project site is located in Flood Zone X. Areas zoned X are outside of the 100-year flood zone area. The purpose of the project is to supply water to the City of Lodi. As such, flood flows would not be affected. Therefore, no impact would occur.

i. **No Impact.** According to the City's General Plan Safety Element, the proposed project site is not located within a 100-year flood hazard area. The FEMA Flood Insurance Rate Map (FIRM), Number 06077C030F, dated October 16, 2009, indicates that the project site is located in Flood Zone X. Areas zoned X are outside of the 100-year flood zone area. The purpose of the project is to supply water to the City of Lodi. As such, flood flows would not be affected. Therefore, no impact would occur.

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

MITIGATION MEASURES
No mitigation is required.

FINDINGS
Less-than-significant impact is anticipated.

Sources
City of Lodi. 1991a. City of Lodi General Plan Policy Document. Prepared by Jones and Stokes Associates, Inc., April 1991.

Federal Emergency Management Agency, Flood Insurance Rate Map, Map No. 06077C0306F, October 19, 2009.

10. LAND USE AND PLANNING: *Would the project:*	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	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. **No Impact.** The proposed project would not physically divide an established community. The proposed project would be located in a vacant area that is designated Open Space by the General Plan. The surrounding land uses consist of commercial and industrial uses. The project is expected to serve the local community and would represent a beneficial recreational resource that will unite the community rather than divide it. No impacts would occur.

b. **No Impact.** The proposed project is an allowable use. All construction activities would occur within the park, which is already disturbed by clearing and grading activities. The city of Lodi General Plan outlines guiding goals and policies that serve to avoid or mitigate environmental effects of projects within the city. The proposed project would comply with all General Plan policies, as they relate to park improvements projects.

c. **No Impact.** The proposed project would be a covered activity within the plan area of the SJMSCP. The SJMSCP, in accordance with ESA section 10 [a)(1)(B) provides compensation for conversion of open space to non-open space uses that affect plant, fish, and wildlife species covered by the plan [San Joaquin Council of Governments 2000). The proposed project site is located in a highly urbanized area of the campus and is not in or adjacent to any habitat conservation or natural community conservation areas. The SJMSCP categories the project site as urban disturbed land, exempt no pay zone. The city of Lodi is signatory to the said plan and would compensate for any impacts on habitat for species covered by the plan through the SJMSCP (see Biology discussion). Therefore, no impacts would occur.

MITIGATION MEASURES
No mitigation is required.

FINDINGS
Less-than-significant impact is anticipated.

Sources
City of Lodi. 1991a. City of Lodi General Plan Policy Document. Prepared by Jones and Stokes Associates, Inc., April 1991.

11. **MINERAL RESOURCES:** *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. **No Impact.** According to the Division of Mines and Geology 1994 Mineral Land Classification Map, the project site and surrounding areas are located within a mineral resource zone classified as MRZ-3. The MRZ-3 zone is defined as "areas containing mineral deposits, the significance of which cannot be evaluated from available data" (California Department of Conservation, Division of Mines and Geology 1994). However, the project site is surrounded by land uses that are not compatible with pit mining (commercial, residential, and roads) all of which would preclude it from being developed as a mine, even if there is indeed an extractable mineral resource present. Therefore, no impacts associated with the loss of a mineral resource would occur.

b. **No Impact.** The site is not delineated in the City of Lodi General Plan as containing a locally important mineral resource. There are no significant known deposits of minerals on the site. No mining operations are located within the vicinity of the site. All structures will be constructed in compliance with Title 24 of the California Building Code, which requires use of energy efficient equipment and fixtures. In addition, landscaping and irrigation plans will be reviewed to ensure implementation of water efficient measures and the use of drought tolerant plant materials.

MITIGATION MEASURES
No mitigation is required.

FINDINGS
Less-than-significant impact is anticipated.

Sources
City of Lodi. 1991a. City of Lodi General Plan Policy Document. Prepared by Jones and Stokes Associates, Inc., April 1991.

12. NOISE : 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. **Less-than-Significant Impact.** Although, sensitive receptors in the area would be exposed to temporary increases in noise from construction activities, City of Lodi noise standards would not be exceeded. The construction and operational noise impacts and required mitigation measures are discussed below.

Short-Term (Construction) Impacts

Short-term noise levels will be temporarily increased during the grading and construction phases of the project, as a result of the operation of vehicles and construction equipment. Increased noise levels at the site have the potential to affect the surrounding land uses. Residences are generally considered as sensitive receptors. Residential property is located to the west of the project site, across State Highway 99. Compliance with the City's construction and noise ordinances will mitigate the temporary increase in noise to a level of insignificance. Mitigation measures include restricting excavation, grading and other construction activities to daytime hours when construction activities causes the noise level at the property line to exceed the ambient noise levels by more than five decibels.

MITIGATION MEASURES:

MM N-1: All noise-producing project equipment and vehicles using internal combustion engines shall be equipped with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition that meet or exceed original factory specification. Mobile or fixed "package" equipment (e.g., arc-welders, air compressors) will be equipped with shrouds and noise control features that are readily available for that type of equipment.

MM N-2. All mobile and fixed noise-producing equipment used on the project that is regulated for noise output by a local, state, or federal agency shall comply with such regulation while in the course of project activity.

MM N-3. Electrically powered equipment shall be used instead of pneumatic or internal combustion–powered equipment, where feasible.

MM N-4. Mobile noise-generating equipment and machinery shall be shut off when not in use.

MM N-5. Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors.

MM N-6. Construction site and access road speed limits shall be established and enforced during the construction period.

MM N-7. Construction operations shall not occur between 10:00 p.m. and 7:00 a.m. or between 6:00 p.m. and 8:00 a.m. on Saturday or federal holiday, or at any time on Sunday. Noise producing project activity will comply with local noise control regulations affecting construction activity or obtain exemptions therefrom.

MM N-8. The use of noise-producing signals, including horns, whistles, alarms, and bells, will be for safety warning purposes only.

Long Term (Operational) Phase:
Operationally, the site is not anticipated to generate a significant increase in ambient noise levels in the project vicinity, as public parks developments are generally not associated with the production of significant noise levels. However, the proposed project would increase traffic volumes to some extent on the surrounding street networks. Recreational activities generally would take place during evenings and on weekends, and thereby, would not affect peak-hour traffic volumes. Therefore, the proposed project is not expected to significantly increase noise levels due to traffic. Impacts from operations would be less than significant.

The proposed project would introduce new sensitive receptors to the area in the form of park users. Current noise sources in the area include State Highway 5 immediately to the west of the project site and the commercial/industrial uses around the site. These two noise sources likely would dominate the noise environment on the project site. Therefore, long term noise impacts are anticipated to be less than significant.

b. **Less-than-Significant Impact.** Construction activities associated with grading and excavation may result in some minor amount of ground vibration. Vibration from construction activity is typically below human perception when the activity is more than about 50 feet from receiver. Additionally, vibration from these activities would be short-term and would end when construction is completed. Because construction activity would not involve high impact activities, such as pile driving, this impact is considered less than significant.

c. **Less-than-Significant Impact.** Noise associated with recreational activities at the project site would primarily be generated by traffic. However, increases in traffic volumes associated with the proposed project would be relatively small and would not cause a significant increase in noise levels. Impacts would be less than significant.

d. **Less-than-Significant with Mitigation Incorporated.** As stated above, the construction of the proposed project would result in a temporary increase in noise levels. These levels would be readily audible at the closest sensitive receptors but would not exceed City standards with the incorporation of mitigation measures discussed above. Therefore, impacts from construction would be less than significant.

e. **No Impact.** The proposed project is not located within a 2-mile radius of an airport or within an airport land use plan areas. No noise impacts related to air traffic would occur.

f. **No Impact.** As stated above, the proposed project is not located within the vicinity of an airstrip, private or public. No impacts would occur.

FINDINGS
Implementation of the above mentioned mitigation measures would reduce impacts to less than significant.

Source:

City of Lodi. 1990. *City of Lodi General Plan Final Environmental Impact Report SCH NO. 89020206*. Prepared by Jones and Stokes Associates, Inc., April 1990.

_____. 1991a. *City of Lodi General Plan Policy Document.* Prepared by Jones and Stokes Associates, Inc., April 1991.

13. POPULATION AND HOUSING: *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 or 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. **No Impact.** The project would not facilitate direct or indirect future growth in the area. The project site is a vacant parcel within a highly developed urban area, and involves the development of a park and associated recreational amenities. The project would not involve the development of new housing or extend roadways or infrastructure that might result in direct or indirect population growth to the area. The project is designed to accommodate the existing and projected recreational demands of the existing population. Therefore, the proposed project would have no impact on population growth.

b. **No Impact.** The proposed project would not displace any housing and would not necessitate the construction of replacement housing elsewhere. No impact would occur.

c. **No Impact.** The proposed project does not contain any residences and would not displace any people. Therefore, no impact would occur.

MITIGATION MEASURES
No mitigation is required.

FINDINGS
Less-than-significant impact is anticipated.

14. PUBLIC SERVICES: *Would the project:*	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Would the project result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire Protection?	☐	☐	☒	☐
ii) Police Protection?	☐	☐	☒	☐
iii) Schools?	☐	☐	☐	☒
iv) Parks?	☐	☐	☐	☒
v) Other public facilities?	☐	☐	☐	☒

Discussion

a1. Less-than-Significant Impact. The proposed project would not result in significant impacts on fire protective services. The proposed project would result in the construction of an 27-acre park, including multi-purpose courts and fields, picnic areas, and a community building. The project would be used by the surrounding community as a gathering place for a variety of non-programmed activities. The proposed project is not located in a high wildfire hazard area and would be constructed in accordance with all applicable fire codes set forth by the Lodi Fire Department. Prior to final plan approval, the Lodi Fire Department would verify that the proposed project has been designed to conform to code. Therefore, the proposed project would not be considered a fire hazard and would not exceed the capacity of the Lodi Fire Department to serve the site or other areas with existing fire protection services and resources. Less-than-significant impacts would occur.

a2. Less-than-Significant Impact. Development of the proposed project would occur within a vacant open space area that has been designed to provide park space. The proposed project would increase opportunities for social interaction among community members, thereby increasing community cohesion and involvement. These types of projects generally are not associated with increased criminal activity, and increased demand for police protection at the park is not expected. The development and enhancement of this site is expected to increase community use. Therefore, less than significant impact is anticipated.

a3. No Impact. The proposed project would not increase the population or result in the construction of new housing. The proposed project would result in the construction of a 27-acre park on vacant land, and as such, would not increase demand on local schools or affect any school operations. The proposed project would create outdoor educational opportunities. No impacts would occur.

a4. No Impact. The proposed project involves developing a park on a vacant piece of land. As such, it would not affect any existing parks, but instead enhance community use of new park space. The proposed project would develop 5 acres for active and passive recreational use, including multipurpose courts and field, trails, and the community building. The community building would increase opportunities for social interaction among community members. The building could be used as a gathering place for activities, including classes, games, and other social events. Therefore, the project would increase opportunities for passive and active recreational activities on a vacant undeveloped site.

Therefore, the project would be considered a benefit in terms of providing recreational space for the local communities, and no impacts on parks would occur.

a5. No Impact. Because of the nature and intent of the proposed project, no impacts on libraries, senior centers, or other public facilities are anticipated. The project is intended to benefit members of the community and could be used as a gathering place for non-programmed activities, including recreation, games, and other social events. Therefore, the project would not increase the demand placed on other public facilities, and no impacts would occur.

MITIGATION MEASURES
No mitigation is required.

FINDINGS
Less-than-significant impact is anticipated.

15. **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. **No Impact.** The increased demand for or use of existing parks generally is associated with the increase of housing or population in an area. The proposed project consists of Public Park and recreational amenities and would not include residential uses that could increase the use of existing parks or recreational facilities. The proposed project would likely reduce or relieve the burden on existing community park and recreational facilities in the general vicinity by helping to satisfy recreational demand. Therefore, the proposed project would have no impacts on recreational facilities.

b. **Less-than-Significant Impact.** The proposed project would directly increase the overall accessibility of recreational facilities available to members of the public. Potential adverse impacts associated with the site preparation and construction of the proposed park and recreational facilities, including but not limited to grading and/or trenching are analyzed and discussed in the pertinent resource sections of this checklist (e.g. cultural resources, air quality, noise, etc). Construction and operation impacts related to other resource areas were all found to be less than significant or could be mitigated to a level of less than significance. Therefore, the proposed project would not include the construction or expansion of recreational facilities that might have an adverse physical effect on the environment and impacts would be less than significant.

MITIGATION MEASURES
No mitigation is required.

FINDINGS
Less-than-significant impact is anticipated.

16. TRANSPORTATION/CIRCULATION: *Would the project:*	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?	☐	☐	☒	☐
(b) Cause, either individually or cumulatively, exceedance of 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 regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☒	☐

LOS is a measure of traffic operating conditions that ranges from LOS A (free-flow conditions) to LOS F (over-capacity conditions).

Discussion

a. **Less-than-Significant Impact.** The City of Lodi Public Works Department does not expect that activities facilitated by project implementation would substantially affect existing traffic volume. Activities generally would take place during evenings and on weekends and would not generally affect peak-hour traffic volumes, which are generally during the commuting hours of 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. on weekdays. Additionally, activities associated with projects similar to the one proposed generally generate only small numbers of trips at a given time. A Major Highway Class II, such as Kettleman Lane, can accommodate small increases in the number of vehicular trips. Furthermore, the local and collector street network leading to the project site could accommodate off-peak trips and weekend trips associated with travel to the outlook. Impacts on traffic volumes and flow would be less than significant.

b. **Less-than-Significant Impact**. The area to the north of the project site is industrial, and the remaining area surrounding the proposed project is commercial uses. The designed capacities of Kettleman Lane, Beckman Rd, and Pixley Parkway are adequate to carry the traffic volumes that are generally present in the area, in addition to the small trip-number increase. The proposed project generally would result in additional trips in the area during the mid-weekday hours, on the weekday evenings, and on weekends and not during peak traffic hours; therefore, the local and collector streets would be able to absorb any trips to the upper level of the project site. Impacts would be less than significant.

c. **No Impact.** The proposed project would not cause an increase in air traffic levels or create a physical impediment that would necessitate an alteration of flight patterns. No impact would occur.

d. **No Impact.** The project would not alter the shape of any of the adjacent roads. Impacts would be less than significant.

e. **No Impact.** The proposed project would not result in impacts on emergency access. Construction or operation of the project would not affect streets or otherwise affect emergency access routes. The project would be designed to incorporate all required Lodi Fire Department standards to ensure that its implementation would not result in hazardous design features or inadequate emergency access to the site or areas surrounding the site.

f. **Less-than-Significant Impact.** The project would provide parking on-site. There would be approximately twenty standard parking spaces, two ADA parking spaces, and one maintenance truck space. In addition, on-street parking is available along Pixley Parkway. The City of Lodi Parking Code does not have specific parking requirements for parks and open space areas. Impacts would be less than significant.

g. **Less-than-Significant Impact.** The proposed project would not conflict with any adopted policies, plans, or programs supporting alternative transportation. The proposed project would provide adequate bicycle racks for park users, and bus transit is available. Therefore, impacts would be less than significant.

MITIGATION MEASURES
No mitigation is required.

FINDINGS
Less-than-significant impact is anticipated.

17. UTILITIES AND SERVICE SYSTEMS: *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 applicable Regional Water Quality Control Board?	☐	☐	☐	☒
(b) Require or result in the construction of new water or wastewater treatment or collection 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 insufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐
(g) Comply with federal, state, and local statutes and regulations related to solid wastes.	☐	☐	☐	☒

Regulatory Setting
Lodi General Plan
The Lodi General Plan Growth Management and Infrastructure Element addresses utilities and service systems. It includes the following pertinent policy.

- GM-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.

Both underground and aboveground utilities are located in the project area. Underground utilities are located primarily on the western side of State Route 99 and include gas and electric facilities operated by the City and PG&E. The City operates aboveground lines in the project area.

Discussion

a. **No Impact.** Sewage treatment and collection services in the City of Lodi, including the project area, are provided by the White Slough Pollution Control Facility (WSWPCF) and operated by the City of Lodi Public Works Department.

   The project site is currently vacant and does not generate any wastewater. Implementation of the proposed project would slightly increase the generation of domestic wastewater from day-to-day operations. Upon implementation, the wastewater facilities associated with the park facilities would tie

into existing wastewater/sewer lines and would adhere to all wastewater treatment requirements specified by the Regional Water Quality Control Board and the Bureau of Sanitation so that no impacts would occur.

b. **Less-than-Significant Impact.** The City of Lodi Public Works Department provides wastewater treatment for the City of Lodi. Wastewater in the City of Lodi is treated at the White Slough Water Pollution Control Facility (WSWPCF). The facility has been expanded to a design capacity of 8.5 million gallons (mgd) per day. However, the facility has permits to operate at 7.0 mgd per day. The WSWPCF currently treats approximately 6.2 mgd per day, which means the facility has a net surplus capacity of 0.8 mgd per day ("permitted" capacity).

   The proposed project would result in construction of restrooms to accommodate park users and drinking fountains. This would be the only element of the proposed project that would generate wastewater at the site. An additional contribution wastewater flow to the existing facilities would be considered negligible in relation to existing flows and overall remaining capacities. Therefore, the project contribution of wastewater would be less than significant.

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

   The proposed project would result in the construction of impermeable surfaces, which include the trails, parking spaces, concession stands and restrooms. The majority of increased runoff from rain events would be absorbed into the surrounding grass areas, with the remainder flowing to the detention basin. Off-site flow would be minimal and extremely negligible in terms of overall drainage facilities that serve the project site. The project would include design elements that reduce water runoff from the site. Therefore, the project would not contribute significant volumes of stormwater flows such that the capacity of existing drainage facilities would be exceeded. Impacts would be less than significant.

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

   The project site would increase the demand for potable water needed to serve the park, including restroom facilities. Additionally, approximately 2.4 acres of land would require irrigation. The approximate 2.4 acres of land would be irrigated by sprinklers. The water demand generated by the proposed park would be negligible. As noted in the proposed General Plan EIR and the 1991 City of Lodi General Plan FEIR, the City would have access to adequate water supplies and wastewater treatment capacity to serve anticipated population growth. Water services would be provided by the City through its existing supply. Therefore, the proposed project would not require new or expanded water or wastewater facilities and effects to water treatment facilities would be less than significant.

e. **Less-than-Significant Impact.** As discussed above, the project would generate a negligible amount of wastewater, and the increased demand would be considered less than significant.

f. **Less-than-Significant Impact.** Solid waste management and disposal within the City of Lodi is provided by the Central Valley Waste Services. Solid waste is transported to a Transfer Station and Buy-Back Recycling Center. Waste is then deposited at the North County Landfill, which is owned and operated by San Joaquin County. The North County Landfill is a Class III facility that is permitted to accept 825 tons of solid waste per day. On average, the landfill receives 400 tons per day, and has a remaining lifetime capacity of approximately 6.0 million tons, which would equate to approximately 30 years.

The site currently generates no solid waste since it is vacant. The proposed project would therefore result in a slight increase in domestic municipal solid waste generation. The project would comply with AB 939, which requires cities to divert 50% of solid waste to recycling programs and away from landfills. The project would be served by one of the many county landfills with remaining capacity. The project's contribution would be extremely negligible in terms of the remaining capacity of available landfills; therefore, impacts would be less than significant.

g. **No Impact.** Central Valley Waste Services provides solid waste collection in Lodi. Solid waste is disposed of at existing private landfill facilities. There is no shortage of landfill facilities space. The proposed project would comply with all regulations related to solid waste, such as the California Integrated Waste Management Act and city recycling programs; therefore, no impacts would occur.

MITIGATION MEASURES
No mitigation is required.

FINDINGS
Utilities and Services impacts would be less-than-significant.

18. MANDATORY FINDINGS OF SIGNIFICANCE: Would the project	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(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?	☐	☐	☒	☐
(b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects?)	☐	☐	☒	☐
(c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

Discussion

a. **Less-than-Significant with Mitigation Incorporated.** An urban environment that is largely developed with a mixed use of residential and commercial surrounds the proposed project. The project site is currently vacant disturbed land with ruderal vegetation and trees. The project does not have the potential to degrade the quality of the environment in terms of fishery or sensitive terrestrial habitat, or substantially damage an area containing any sensitive animal or plant communities. The site does not contain any rare or endangered species and does not contain any habitat that would be used as a wildlife corridor. Any potential short-term increases in potential effects to the environment during construction are mitigated to a less than significant level, as described throughout the Initial Study.

The project site does contain elements of California's history and prehistory. No demolition or removal of any historic structures is proposed. However, given the historic and prehistoric context of the area, construction of the proposed project could potentially affect unknown buried resources in the park. Implementation of Mitigation Measures CR-1 (identified previously) would minimize potential impacts on cultural resources. 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. **Less than Significant with Mitigation.** In accordance with *CEQA Guidelines* Section 15183, the environmental analysis in this Initial Study was conducted to determine if there were any project-specific effects that are peculiar to the project or its site. No project specific significant effects peculiar to the project or its site were identified that could not be mitigated to a less than significant level. The proposed project would contribute to environmental effects in the areas of aesthetic resources (e.g., introduction of lighting sources), temporary increases in construction-generated dust and noise, temporary increase in sedimentation and water quality effects during construction, and operational traffic and circulation impacts. Mitigation measures incorporated herein mitigate any potential

contribution to cumulative impacts associated with these environmental issues. Therefore, the proposed project does not have impacts that are individually limited, but cumulatively considerable.

c. **No Impact.** The proposed project would provide a park with amenities, which would add recreational benefit to residents in the surrounding community. The project would be a beneficial use for the area and would not consist of any use or any activities that would negatively affect any persons in the vicinity. Additionally, other issue areas associated with the project have been analyzed in accordance with CEQA Guidelines and found to pose either no impact or a less-than-significant impact. In other words, the project would not result in any environmental effects that would cause substantial adverse environmental effects on human beings directly or indirectly. Therefore, no impacts would occur.

Reference:

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_____. *Draft Lodi General Plan.* Prepared by Dyett & Bhatia, Inc., August 2009

Federal Emergency Management Agency, Flood Insurance Rate Map, Map No. 06077C0306F, October 19, 2009.

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

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RESOLUTION NO. P.C. 10-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI CERTIFYING MITIGATED NEGATIVE DECLARATION 10-MND-02 AS ADEQUATE ENVIRONMENTAL DOCUMENTATION FOR THE PROPOSED PIXLELY PARK IMPROVEMENTS LOCATED AT 2800 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 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, Parks and Recreational Department, 125 North Stockton Street, CA 95240; and

WHEREAS, the property owner is City of Lodi, 221 West Pine Street, CA 95242; and

WHEREAS, the property is located at 1220 East Vine Street (APN: 049-310-36) and

WHEREAS, the project site is zoned PUB, Public and have a General Plan designation of Open Space; and

WHEREAS, Pixley Park is part of the City of Lodi public parks and development of the park is intended to meet future demands; and

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

WHEREAS, the Initial Study and Negative Declaration (10-MND-01) were circulated and published and posted for a 30-day period, beginning on Thursday, March 4, 2010 and ending on Monday, April 5, 2010 and three comments were received on the proposed Mitigated Negative Declaration (State Clearing House, San Joaquin Valley Air Pollution Control District and San Joaquin County Council of Government, Inc); and

WHEREAS, Notice of Intent to Adopt a Negative Declaration was published on the Lodi News Sentinel on March 4, 2010; and

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

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

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

NOW, THEREFORE, BE IT FOUND that the Planning Commission of the City of Lodi incorporates the staff report and attachments, Initial Study/Negative Declaration (10-MND-01), and written comments to Initial Study/Negative Declaration, on this matter, and make the following findings:

1. The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animals or eliminate important examples of the major periods of California history or prehistory, because no evidence has been found to indicate to

this end. The project area has not been identified as being habitat for any rare or endangered flora or fauna.

2. No new impacts were identified in the public testimonies that were not addressed as normal conditions of project approval in the Initial Study.
3. The proposed Westside Substation will not result in significant physical change in the environment 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 Mitigated Negative Declaration 10-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 Westside Substation are properly planned thus limiting the potential to degrade environmental quality.
8. The proposed Pixley Park Improvement 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.
9. The Pixley Park Improvement will be consistent with all applicable goals, policies and standards of the City's adopted General Plan Policy Document.
10. The Pixley Park Improvement is consistent with the City of Lodi General Plan and Municipal Code.

NOW, THEREFORE, BE IT DETERMINED, AND RESOLVED, that the Lodi Planning Commission hereby certifies Mitigated Negative Declaration (10-MND-01) as an adequate environmental documentation for the proposed project.

1. Prior to any ground disturbance, the City of Lodi Public Works Department shall notify the San Joaquin County Council of Governments (SJCOG, Inc), and shall schedule a pre-ground disturbance survey, 30 days prior to issuance of building permit for site disturbance, 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. 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.
3. A Notice of Determination (NOD) shall be filed with the County Clerk within 5-working days following approval of the project. Appropriate Department of Fish and Game fees shall be filed.
4. The City shall submit an application to the San Joaquin Valley Air Pollution Control District for review and approval of the project prior to issuance of a building permit. This would ensure the project’s compliance with the standards and requirements of the San Joaquin Valley Air Pollution Control District.
5. The project shall be required to comply with standards developed by the SJVAPCD. These requirements include, but not limited to, dust control, proper handling and transportation of construction waste, and proper emission control on construction vehicles.

6. 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.
7. The project shall be subject to issuance of a building permit.
8. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

Dated: July 14, 2010

I hereby certify that Resolution No. 10- was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on July 14, 2010 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST: _____
Secretary, Planning Commission

Item 3d.

CITY OF LODI
PLANNING COMMISSION
Staff Report

MEETING DATE:	July 14, 2010
APPLICATION NO:	08-MND-02
REQUEST:	Request Planning Commission to certify the proposed Mitigated Negative Declaration 10-MND-02 as adequate environmental documentation for the proposed Westside Substation located at 2800 West Kettleman Lane. (Applicant, City of Lodi: File # 10-MND-02).
LOCATION:	2800 West Kettleman Lane (APN: 058-030-10) Lodi, CA 95242
APPLICANT:	City of Lodi Electric Utility Department 1331 South Ham Lane Lodi, CA 95242

RECOMMENDATION:
Staff recommends the Planning Commission approve the request of the City of Lodi, Electric Utility Department for certification of the proposed Negative Declaration 08-ND-02 as adequate environmental documentation for the project described as Westside Substation, subject to the attached resolution.

PROJECT AREA DESCRIPTION
General Plan Designation: PQP, Pubic/Quasi Public
Zoning Designation: PUB, Public.
Property Size: Approximately 4 acres.

The adjacent zoning and land use characteristics:

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

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

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

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

SUMMARY
The proposed project consists of construction of a substation at the western area of the City limits. Due to anticipated electrical demands, the City of Lodi Electric Utility Department (EUD) is planning to construct a fifth substation, informally known as the Westside Substation. The substation facility will provide load serving capacity to planned development projects and reduce existing electrical loads from the Henning Substation. It will be constructed on approximately 4-acre site owned by the City located on the south side of Kettleman Lane and approximately 1,100 feet west of Lower Sacramento Road. The City has prepared a Mitigated Negative Declaration for the project pursuant to the California

Environmental Quality Act (CEQA) and is subject to consideration by the Planning Commission. Based on the findings of the Initial Study/Mitigated Negative Declaration, staff recommends the Planning Commission certify the proposed Mitigated Negative Declaration as adequate environmental document for the project.

BACKGROUND

The City of Lodi Electric Utility Department (EUD) is planning to construct a fifth substation at the western area of the City limits. The location of the new Westside Substation provides a strategic site for power system interconnection within the City of Lodi boundaries. The existing 60kV loop will be split into two lines and will terminate in the substation. One line that will be extended along Kettleman Lane will be called 60kV Henning-Westside Line. The other line that will be routed through Taylor Road and Westgate Drive will be called 60kV McLane-Westside Line. The other planned 60kV line from the Industrial Substation traversing via Harney Lane through Lower Sacramento Road will also terminate in the substation and will be designated 60kV Industrial-Westside Line. A double-circuit, 60kV line which is presently under environmental impact assessment by InSite Environmental, Inc. and emanating from the west could also connect to Westside Substation.

Several previous environmental studies have reviewed the project site. The most recent project level environmental document was prepared for the City Well No. 28, which is located within the project site. The Mitigated Negative Declaration prepared for the well found the project site to contain no biological resources. A mitigation measure, however, was required because the entire project site is classified as an Open Space by the San Joaquin County Multi-Species Conservation and Open Space Plan (SJCMSCP). A mitigation measure was required to mitigate the loss of opens space. The Planning Commission reviewed and certified the Negative Declaration for the well site. Preparation of an environmental document is required because the proposed Westside Substation is separate project from the well.

ANALYSIS

On April 3, 2010, the City, as the lead agency, published a Notice of Availability (NOA) announcing that the draft Mitigated Negative Declaration for Westside Substation had been prepared and was available to the public for review. The draft Initial Study/Mitigated Negative Declaration was submitted to the State Clearinghouse, distributed to local agencies, sent to interested persons, posted with the County Clerk's office, mailed all property owners of record within a 300-foot radius of the project site, posted on the site and published in the Lodi News Sentinel. The 30-day window for persons to review and comment on the draft Mitigated Negative Declaration commenced on April 4, 2010 and concluded on May 5, 2010. During the public review period, three comments were received on the proposed Mitigated Negative Declaration (State Clearing House, San Joaquin Valley Air Pollution Control District and San Joaquin County Council of Government, Inc). The Initial Study found the following areas could be adversely impacted: aesthetics, air quality, biological resources and cultural resources.

As stated in the Project Description, the project involves construction of a substation on the western part of the City limits along Kettleman Lane. When fully built out, the area surrounding the project site would include commercial, residential and open space. In order to reduce impacts to the aesthesis of the area, City staff has determined the project site, including the City Well No. 28, must be screened by a minimum ten foot high decorative masonry wall. Further, setback areas adjacent to Kettleman Lane and Westgate Drive shall be landscaped with a combination of trees, shrubs and groundcover. Landscape and irrigation plans shall be submitted to the Community Development Director for review and approval. In order to mitigate impacts to air quality, the project is subject to review and approval by the San Joaquin Valley Air Pollution Control District. The District would ensure the project complies with standards developed by the SJVAPCD. These requirements include, but not limited to, dust control, proper handling and transportation of construction waste, and proper emission control on construction vehicles.

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

As noted in § 4 *Biological Resources* and § *18 Mandatory Findings of Significance of the Mitigated 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 is subject to adhere to the requirements of the SJCMSCP. The proposed Westside Substation encroaches into open space, resulting in loss of open space by approximately 4 acres in area. The City, pursuant to SJCMSCP regulations, will arrange for a pre-construction survey of the project site for purposes of Incidental Take Minimization Measures to account for the loss of open space and pay appropriate mitigation fees. Payment of habitat mitigation fee would ensure compliance with adopted habitat conservation plans. In regards to loss of open space, the purpose of the CEQA process is to evaluate the potential physical impacts on the environment that could result from a project, policy, or program. The construction of the proposed Westside Substation 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 were to be constructed, there would be additional loss of open space or adverse environmental impacts. Therefore, staff has determined there is no need for mitigation measures beyond the said fee.

In preparing the Mitigated Negative Declaration, staff independently reviewed, evaluated, and exercised judgment over the project and the project's environmental impacts. The Final Mitigated Negative Declaration (MND), attached as Exhibit 4, identifies the areas where the project may have a potential effect on the environment. As discussed, the only area where there is a conflict in policy, a mitigation measure has been incorporated to reduce the impacts to no longer significant. The other area for potential impacts to unknown cultural resources or human remains is the Cultural Resources section. However, this area is usually addressed by the standard requirements that effectively reduce the impacts to levels of insignificant. In the event that cultural resources or human remains are discovered during construction activities, standard construction requirements would reduce impacts to unknown cultural resources or human remains to a less than significant level.

A total of three comments were received on the proposed Mitigated Negative Declaration (State Clearing House, San Joaquin Valley Air Pollution Control District and San Joaquin County Council of Government, Inc).The letter received from the State Clearinghouse acknowledges that the State Clearinghouse review requirements for draft environmental documents, pursuant of the California Environmental Quality Act, have been fulfilled. No response or mitigation measures are necessary. The San Joaquin Valley Air Pollution Control District notifies the City the project may be subject to the District's rules. The District's standard rules and requirements apply for new construction and site disturbance. In this case, the project is subject to San Joaquin Valley Air Pollution Control District review and approval. The San Joaquin County Council of Governments (SJCOG. Inc) notifies the City that the project site is in conflict with the county wide adopted Habitat Conservation Plan and a mitigation measure is required to address loss of open space. SJCOG's requirements have been added into the project mitigation measures as well as to the Planning Commission resolution.

Thus, staff believes that the proposed Mitigated Negative Declaration is an adequate environmental documentation for the proposed project. In conclusion, staff believes that the proposed project, subject to the conditions in the attached resolution, meets the requirements of the Zoning Ordinance. Staff

recommends the Planning Commission certify the proposed Mitigated Negative Declaration as adequate environmental documentation for the project described as Westside Substation.

ENVIRONMENTAL ASSESSMENTS:
A Mitigated Negative Declaration was prepared for this project. In preparing the Mitigated Negative Declaration, staff independently reviewed, evaluated, and exercised judgment over the project and the project's environmental impacts. The Final Mitigated Negative Declaration (MND), attached as Exhibit E, identifies the areas where the project may have a potential effect on the environment. All areas listed as potentially significant have been mitigated to levels that are no longer significant. The areas of impact include (1) Aesthetics, (3) Air Quality, (4) Biological Resources and (5) Cultural Resources.

In accordance with CEQA, the Draft MND was circulated to responsible agencies as well as the State Clearinghouse for review. Also, the Draft MND was available for public review (it has been available at City Hall, at the Library, and on the City website. The required 30-day window for persons to review and comment on the draft Mitigated Negative Declaration commenced on April 3, 2010 and concluded on May 4, 2010. During the public review period, three comments were received on the proposed Mitigated Negative Declaration (State Clearing House, San Joaquin Valley Air Pollution Control District and San Joaquin County Council of Government, Inc). At the conclusion of the public review period, written comments were responded to and incorporated in the Final MND.

PUBLIC HEARING NOTICE:
Legal Notice for the Use Permit was published on June 30, 2010. 8 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. No protest letter has been received.

ALTERNATIVE PLANNING COMMISSION ACTIONS:
- Approve the Request with Alternate Conditions
- Deny the Request
- Continue the Request

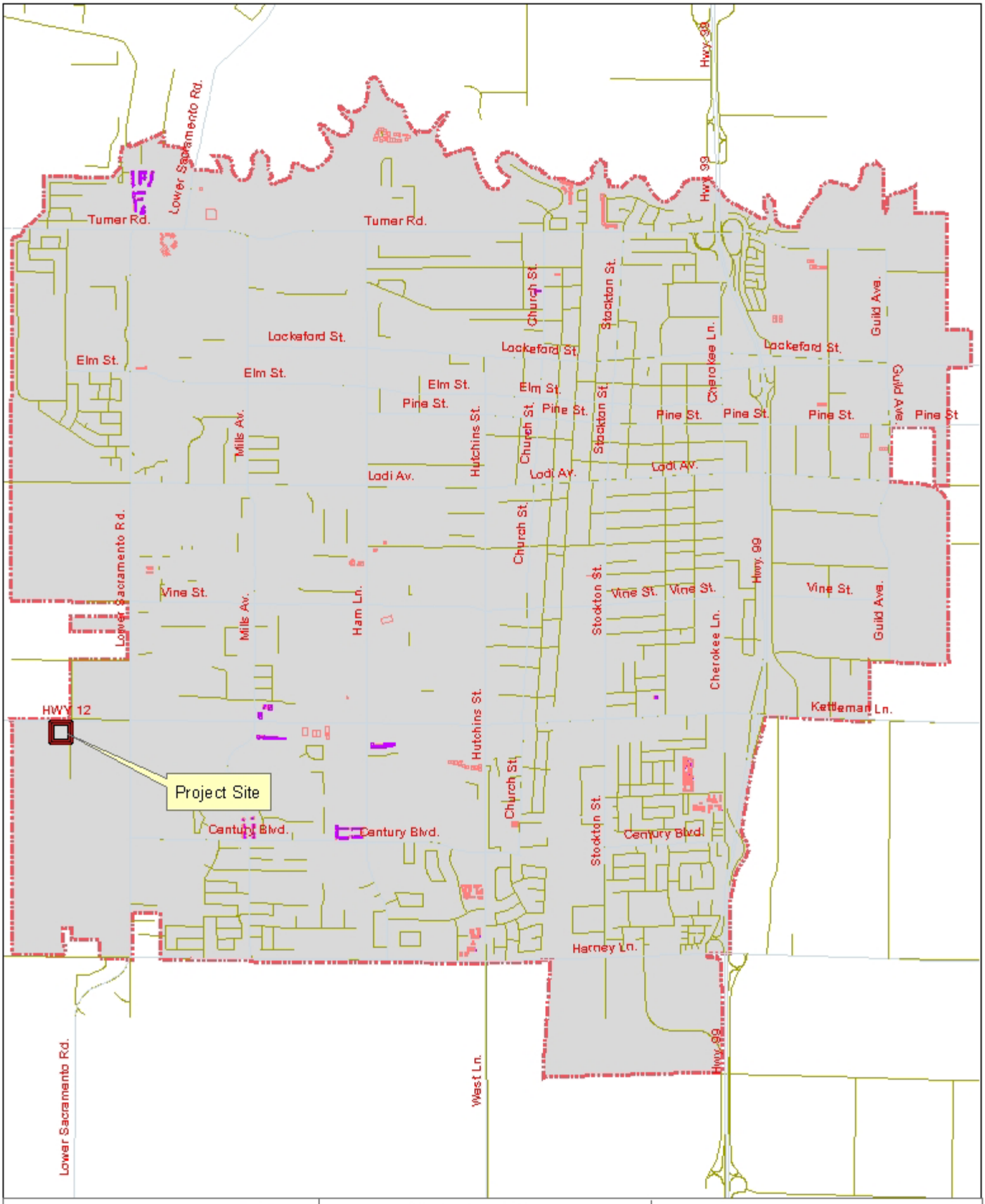
Respectfully Submitted,

Immanuel Bereket
Associate Planner

Concur,

Konradt Bartlam
Community Development Director

ATTACHMENTS:
1. Aerial Map
2. Vicinity Map
3. Final Mitigated Negative Declaration
4. Draft Initial Study/Mitigated Negative Declaration
5. Draft Resolution



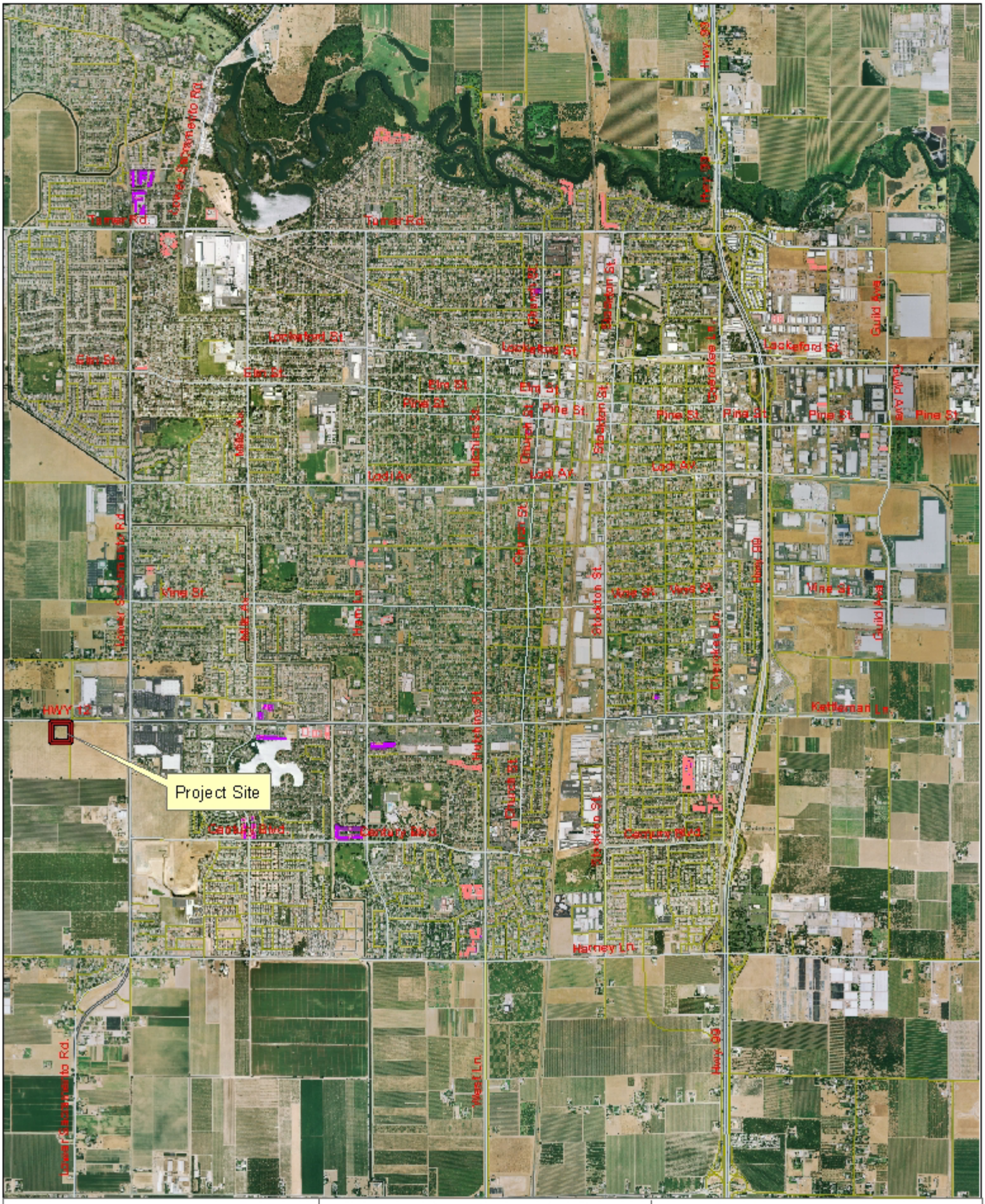
0 0.125 0.25 0.5 0.75 1 Miles

Vicinity Map

City of Lodi Westside Substation
2800 West Kettleman Lane
Lodi, CA 95240

Legend

Substation Site



City of Lodi Aerial Map

City of Lodi Westside Substation
2800 West Kettleman Lane
Lodi, CA 95240

Substation Site

City Limits

0 0.125 0.25 0.5 0.75 1 Miles

City of Lodi

Westside Substation

Final Initial Study / Mitigated Negative Declaration

SCH Number: 2010042007

June 2010

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MITIGATED NEGATIVE DECLARATION

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

FILE NUMBER: 10-MND-02

PROJECT TITLE: City of Lodi Westside Substation

PROJECT DESCRIPTION: The City of Lodi Electric Utility Department (EUD) is planning to construct a fifth substation at the western area of the City limits. The working name for this planned facility is the Westside Substation. The substation facility will provide load serving capacity to planned development projects and to reduce existing electrical loads from the Henning Substation. Westside Substation will be required for continued reliable electric service to new and existing customers. It will be constructed on approximately 4-acre site owned by the City located on the south side of Kettleman Lane and approximately 1,100 feet west of Lower Sacramento Road.

The location of the new Westside Substation provides a strategic site for power system interconnection within the City of Lodi boundaries. The existing 60kV loop will be split into two lines and will terminate in the substation. One line that will be extended along Kettleman Lane will be called 60kV Henning-Westside Line. The other line that will be routed through Taylor Road and Westgate Drive will be called 60kV McLane-Westside Line. The other planned 60kV line from the Industrial Substation traversing via Harney Lane through Lower Sacramento Road will also terminate in the substation and will be designated 60kV Industrial-Westside Line. A double-circuit, 60kV line which is presently under environmental impact assessment by InSite Environmental, Inc. and emanating from the west will also connect to Westside Substation.

The new Westside Substation will be 60kV/12kV station, unmanned, outdoor-open type, low-profile, and will be constructed approximately two (2) feet below existing grade. The substation will consist of:

- Five bays of take-off steel structures to terminate the incoming 60kV lines from Henning, McLane, Industrial and the double-circuit from the west including four steel towers set inside the facility;
- Two bays of take-off structures for the 60kV feeders providing power to two 60kV/12kV power transformers including metering devices, instruments and fuses;
- 60kV bus arranged in a double bus-double breaker bus configuration complete with the required number of power circuit breakers, disconnect switches, instrument transformers, surge arresters, structures, insulators, aluminum bus, and appurtenances;
- Two completely assembled 60kV/12kV power transformers including all monitoring devices, surge arresters, nitrogen systems, control panels, bushings, instrument transformers, oil containment structure and other accessories;
- 12kV bus arranged in a main and transfer bus configuration complete with the required number of power circuit breakers, disconnect switches, instrument transformers, surge arresters, structures, insulators, aluminum bus, and appurtenances;
- Two station service transformers with fuses, cables, conduits and other materials and supplies;
- Eight 12kV distribution feeders complete with conduits, cables, terminators, surge arresters, disconnect switches and other materials and supplies;
- Vaults, covers, ducts and other underground and equipment, materials and supplies;
- One 70'x30' and 10-foot high pre-fabricated control building complete with fire alarm systems, switchboard, remote terminal unit, fiber optic interface, battery room, rest room, communication room, storage space, office and plans, documents and manuals area;

- A 10-foot high perimeter block wall with landscaping, security camera and alarm systems, double-swing iron gate, access driveway, man-gate, drainage system, water & sewer system, gravel-finish and black-top finish areas inside the facility and internal paved driveway around the switchyard to access power equipment for maintenance, additional installation and/or replacement;
- Internal chain-link fence separating the water facility installation from the electrical switchyard area;
- Adequately designed ground grid systems in accordance with IEEE Standard 80.

The Draft Initial Study/Mitigated Negative Declaration (IS/MND) was submitted to the State Clearinghouse (SCH # 2010052016) on April 5, 2010 for a 30-day public review period ending on May 4, 2010. During the public review period, the Draft IS/MND was available for review at the City of Lodi **Community Development Department**, 221 West Pine Street, Lodi, CA 95240; **Lodi Public Library**, 201 West Locust Street, Lodi, CA 95240; **Electric Utility Department,** 1331 South Ham Lane., Lodi, CA 95242. The Draft IS/MND was also available on the City's website,
http://www.lodi.gov/com_dev/EIRs.html

FINDINGS: An initial study (IS) has been prepared to assess the proposed Westside Substation's potential effects on the environment and the significance of those effects. Based on the findings of the IS, the Westside Substation would not have any significant effects on the environment once mitigation measures are implemented. This conclusion is supported by the following proposed findings:

- The Westside Substation would result in no impacts to agriculture and forest resources, geology and soul, hazardous materials, hydrology and water, land use and planning, mineral resources, noise, population and housing, public services, recreation transportation and circulation, and utilities services and systems.
- The Westside Substation would result in less-than-significant impacts to greenhouse gas emissions.
- Mitigation would be implemented to reduce potentially significant impacts to less than significant for aesthetics (potential impacts related to visual character/quality of the site and light/glare), air quality (potential impacts related to short-term construction emissions), biological resources (potential impacts to loss of opens space, and local policies/ordinances protecting open space), and cultural resources (potential to disturb or damage undiscovered subsurface cultural or paleontological resources or human remains during construction),
- Although there are no known cultural resources that might be disturbed, mitigation is included to address the potential for discovering archaeological, paleontological, and/or human remains during the construction.
- The Westside Substation would not substantially 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, reduce the number or restrict the range of a special-status species, or eliminate important examples of California history or prehistory.
- The Westside Substation would not achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- The Westside Substation would not have environmental effects that are individually limited but cumulatively considerable.
- No substantial evidence exists that the Westside Substation would have a significant negative or adverse effect on the environment.
- The Westside Substation incorporates all applicable mitigation measures, as listed below and described in the IS.

The following mitigation measures will be implemented as part of the Westside Substation to avoid or minimize potential environmental impacts. Implementation of these mitigation measures would reduce the potential environmental impacts of the Westside Substation to less than significant.

<INSERT The Monitoring Program Table>

<INSERT The Monitoring Program Table>

Environmental Review Process

The Draft IS/MND for the Westside Substation was submitted to the State Clearinghouse (SCH # 2010052016) on April 4, 2010 for a 30-day public and agency review and comment, which ended on May 5, 2010. The Draft IS/MND was prepared in accordance with the requirements of the California Environmental Quality Act (CEQA) Statutes (Public Resources Code [PRC] Sections 21000 et seq.) and the CEQA Guidelines (Title 14, Section 15000 et seq. of the California Code of Regulations). The City of Lodi is the lead agency for CEQA compliance.

In accordance with the CEQA Statutes (PRC Section 21092) and Section 15072 of the CEQA Guidelines, public notice of the Draft IS/MND was provided by the City of Lodi through publication of an announcement in the Lodi Sentinel on April 3, 2010. In accordance with Section 15105(b) of the CEQA Guidelines, the City provided a 30-day public review period for the Draft IS/MND, commenced on April 4, 2010 and ended on May 5, 2010.

The public notice published in the Lodi Sentinel included details on how to obtain copies of the Draft IS/MND. Additional notification methods were also used, including: mailing copies of the Draft IS/MND to various agencies and individuals; posting the Notice of Availability (NOA) at the Project site; and mailing the NOA to property owners of record within a 300-foot radius of the Project site. The NOA included information on how to obtain copies of the Draft IS/MND and how to provide comments on the document.

The City received three comment letters on the Draft IS/MND during the 30-day public and agency comment period. These three comment letters are addressed in Chapter 2 of this document. This Final IS/MND has been prepared to respond to the comments received by the City that address environmental issues related to the Draft IS/MND, in accordance with the CEQA Guidelines.

This document consists of the following chapters:

- Chapter 1 – Introduction. Chapter 1 describes the purpose of this Final IS/MND, provides an overview of the public review process, summarizes the Project, and provides the anticipated Project timeline.
- Chapter 2 – Written Comments and Responses. This chapter reproduces the comment letters received by the City of Lodi on the Draft IS/MND and provides responses to those comments.

No modifications to the Draft IS/MND were made in response to the comments received. Therefore, the impact conclusions and mitigation measures stated in the Draft IS/MND remain the same.

This document and the Draft IS/MND together constitute the Final IS/MND for the Westside Substation. The Draft IS/MND is hereby incorporated into this document by reference.

Chapter 1 - Introduction

Purpose of the Final Initial Study

This document has been prepared to accompany the Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the City of Westside Substation. The Draft IS/MND identified the environmental impacts associated with the construction and operation of the Westside Substation and recommended mitigation measures to reduce impacts. The statutes and guidelines of the California Environmental Quality Act (CEQA) require the Lead Agency to consult with public agencies having jurisdiction over a proposed project and to provide public and other interested parties with an opportunity to comment on a Draft IS/MND. This document responds to environmental issues raised in the comments on the Draft IS/MND.

Project Description

The City of Lodi Electric Utility Department (EUD) is planning to construct a fifth substation at the western area of the City limits. The working name for this planned facility is the Westside Substation. The substation facility will provide load serving capacity to planned development projects and to reduce existing electrical loads from the Henning Substation. Westside Substation will be required for continued reliable electric service to new and existing customers. It will be constructed on approximately 4-acre site owned by the City located on the south side of Kettleman Lane and approximately 1,100 feet west of Lower Sacramento Road.

The location of the new Westside Substation provides a strategic site for power system interconnection within the City of Lodi boundaries. The existing 60kV loop will be split into two lines and will terminate in the substation. One line that will be extended along Kettleman Lane will be called 60kV Henning-Westside Line. The other line that will be routed through Taylor Road and Westgate Drive will be called 60kV McLane-Westside Line. The other planned 60kV line from the Industrial Substation traversing via Harney Lane through Lower Sacramento Road will also terminate in the substation and will be designated 60kV Industrial-Westside Line. A double-circuit, 60kV line which is presently under environmental impact assessment by InSite Environmental, Inc. and emanating from the west will also connect to Westside Substation.

The new Westside Substation will be 60kV/12kV station, unmanned, outdoor-open type, low-profile, and will be constructed approximately two (2) feet below existing grade. The substation will consist of:

- Five bays of take-off steel structures to terminate the incoming 60kV lines from Henning, McLane, Industrial and the double-circuit from the west including four steel towers set inside the facility;
- Two bays of take-off structures for the 60kV feeders providing power to two 60kV/12kV power transformers including metering devices, instruments and fuses;
- 60kV bus arranged in a double bus-double breaker bus configuration complete with the required number of power circuit breakers, disconnect switches, instrument transformers, surge arresters, structures, insulators, aluminum bus, and appurtenances;
- Two completely assembled 60kV/12kV power transformers including all monitoring devices, surge arresters, nitrogen systems, control panels, bushings, instrument transformers, oil containment structure and other accessories;

- 12kV bus arranged in a main and transfer bus configuration complete with the required number of power circuit breakers, disconnect switches, instrument transformers, surge arresters, structures, insulators, aluminum bus, and appurtenances;
- Two station service transformers with fuses, cables, conduits and other materials and supplies;
- Eight 12kV distribution feeders complete with conduits, cables, terminators, surge arresters, disconnect switches and other materials and supplies;
- Vaults, covers, ducts and other underground and equipment, materials and supplies;
- One 70'x30' and 10-foot high pre-fabricated control building complete with fire alarm systems, switchboard, remote terminal unit, fiber optic interface, battery room, rest room, communication room, storage space, office and plans, documents and manuals area;
- A 10-foot high perimeter block wall with landscaping, security camera and alarm systems, double-swing iron gate, access driveway, man-gate, drainage system, water & sewer system, gravel-finish and black-top finish areas inside the facility and internal paved driveway around the switchyard to access power equipment for maintenance, additional installation and/or replacement;
- Internal chain-link fence separating the water facility installation from the electrical switchyard area;
- Adequately designed ground grid systems in accordance with IEEE Standard 80.

Project Location:

The City proposes to construct the proposed Westside Substation on four acres of city-owned property on the western part of the City limits. The precise project location is at Por. W. ½ Sec 15 T.3N, R.6E, M.D.B.&M. The project site is zoned PUB-Public and has a General Plan designation DBP-, Drainage Basin Park. It has a physical address of 2800 West Kettleman Lane, Lodi, CA 95242.

Timeline for Project Implementation

The Lodi City Planning Commission is expected to make a decision on certifying the MND at its meeting on July 14, 2010. Assuming that the MND is certified, construction is anticipated to commence Spring of 2011.

Chapter 2 - Written Comments and Responses

The City received three comment letters on the Draft IS/MND during the public and agency comment period. The following table lists the commenters and the dates of the letters. Each letter and individual comment has been assigned a letter/number designation for cross-referencing.

Also included at the end of this chapter is a letter from the State Clearinghouse. The letter acknowledges that the City of Lodi has complied with the State Clearinghouse draft environmental document review requirements, and indicates that no state agencies submitted comments through the State Clearinghouse by the close of the comment period on June 7, 2010. All comment letters received are addressed in this Final IS/MND.

List of Commenters/Letters			
Designation	**Commenter**	**Date of Letter**	**Comment Numbers**
A	San Joaquin Valley Air Pollution Control District	April 7, 2010	A-1, A-2, A-3, A-4
B	San Joaquin Council of Governments (SJCOG Inc.)	April 26, 2010	B-1, B-2, B-3, B-4
C	State Clearinghouse	May 5, 2010	C-1

San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

HEALTHY AIR LIVING

April 7, 2010

RECEIVED
APR 09 2010
COMMUNITY DEVELOPMENT DEPT
CITY OF LODI

Konradt Bartlam
City of Lodi
Planning Department
P.O. Box 3006
Lodi, CA 95241

Project: City of Lodi Westside Substation (10-ND-02)

District CEQA Reference No: 20100183

Dear Mr. Bartlam:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of constructing a fifth substation, located at the western area of the city limits, in Lodi, CA. The District offers the following comments:

1. Based on information provided to the District, project specific emissions of criteria pollutants are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 ton/year ROG, and 15 tons/year PM10. Therefore, the District concludes that project specific criteria pollutant emissions would have no significant adverse impact on air quality. A-1

2. The District has reviewed the information provided and has determined that the primary functions of this project may be subject to District Rule 2201 (New and Modified Stationary Source Review Rule) or District Rule 2010 (Permits Required). Therefore, pursuant to District Rule 9510, Section 4.4.3, the requirements of Rule 9510 may not apply to the above referenced project. A-2

   District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. If approval of the subject project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit, be made a condition of A-2

Seyed Sadredin
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5500 FAX: 661-392-5585

www.valleyair.org www.healthyairliving.com

Printed on recycled paper.

project approval. Information about how to comply with District Rule 9510 can be found online at: http://www.valleyair.org/ISR/ISRHome.htm. A-2 cont.

3. The proposed project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm. A-3

4. The District recommends that a copy of the District's comments be provided to the project proponent. A-4

If you have any questions or require further information, please call David McDonough, at (559) 230-5920.

Sincerely,

David Warner
Director of Permit Services

For, Arnaud Marjollet
Permit Services Manager

DW: dm

Cc: File

Responses to Comment Letter A from
San Joaquin Valley Air Pollution Control District

Response to Comment A-1:

This comment is noted.

Response to Comment A-2:

This comment is noted. The Proposed Project will exceed 9,000 square feet, and therefore, may be subject to District Rule 9510 (Indirect Source Review), which fulfills emission reduction commitments in the PM_{10} and Ozone Attainment Plans. The mitigated baseline for projects is below 2 tons per year NO_x and below 2 tons per year of PM_{10}.

As described on pages 19 through 21 of the IS/MND, various controls will be used to mitigate Project construction and operation emissions. If Rule 9510 is applicable to the Westside Substation, an Air Impact Assessment will be submitted to the District no later than applying for building permit approval, and to pay any applicable offsite mitigation fees before issuance of the first building permit.

Response to Comment A-3:

This comment is noted. As described on pages19 through 21of the IS/MND, various controls will be used to mitigate fugitive PM_{10} emissions. The Westside Substation will not renovate, partially demolish, or remove any existing buildings. The project site is currently vacant land.

Response to Comment A-4:

This comment is noted.

S J C O G, Inc.

555 East Weber Avenue • Stockton, CA 95202 • (209) 235-0600 • FAX (209) 235-0438

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

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

To: City of Lodi Community Development Director

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

Date: April 26, 2010

Local Jurisdiction Project Title: City of Lodi Westside Substation

Local Jurisdiction Project Number: 10-ND-02

Total Acres to be converted from Open Space Use: 4± acres

Habitat Types to be Disturbed: Multi-Purpose Habitat Land

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

RECEIVED
APR 2 0 2010
COMMUNITY DEVELOPMENT DEPT
CITY OF LODI

SJCOG, Inc. has reviewed application for the City of Lodi Westside Substation Project. According to the Initial Study/Mitigated Negative Declaration, this project consists of the City of Lodi Electric Utility Department (EUD) planning to construct a fifth substation at the western area of the City limits. The working name for this planned facility is the Westside Substation. The substation facility will provide load serving capacity to plan development projects and to reduce existing electrical loads from the Henning Substation. Westside Substation will be required for continued reliable electric service to new and existing customers. It will be constructed on approximately 4-acre site owned by the City located on the south side of Kettleman Lane and approximately 1,100 feet west of Lower Sacramento Road. The location of the new Westside Substation provides a strategic site for power system interconnection within the City of Lodi boundaries. The existing 60kV loop will be split into two lines and will terminate in the substation. One line that will be extended along Kettleman Lane will be called 60kV Henning-Westside Line. The other line that will be routed through Taylor Road and Westgate Drive will be called 60kV McLane Westside Line. The other planned 60kV line from the Industrial Substation traversing via Harney Lane through Lower Sacramento Road will also terminate in the substation and will be designated 60kV Industrial Westside Line. A double-circuit, 60kV line which is presently under environmental impact assessment by InSite Environmental, Inc. and emanating from the west will also connect to Westside Substation.

The project site is located in the City of Lodi, County of San Joaquin. The project site is within the City's 4.10acre land ear marked for the project. The substation will share the site with City Water Well #28. The project site is east and north of a residential subdivision, west of a proposed commercial development and south of existing vineyards. The project site is located in the City of Lodi, County of San Joaquin.

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. B- 1

This Project is subject to the SJMSCP. This can be up to a 30 day process and it is recommended that the project applicant contact SJMSCP staff as early as possible. It is also recommended that the project applicant obtain an information package. http://www.sjcog.org

Please contact SJMSCP staff regarding completing the following steps to satisfy SJMSCP requirements:

- Schedule a SJMSCP Biologist to perform a pre-construction survey ***prior to any ground disturbance***
- Sign and Return Incidental Take Minimization Measures to SJMSCP staff (given to project applicant after pre-construction survey is completed)
- Pay appropriate fee based on SJMSCP findings. **Fees shall be paid in the amount in effect at the time of issuance of Building Permit**
- Receive your Certificate of Payment and release the required permit

B -2

It should be noted that if this project has any potential impacts to waters of the United States [pursuant to Section 404 Clean Water Act], it would require the project to seek voluntary coverage through the unmapped process under the SJMSCP which could take up to 90 days. It may be prudent to obtain a preliminary wetlands map from a qualified consultant. If waters of the United States are confirmed on the project site, the Corps and the Regional Water Quality Control Board (RWQCB) would have regulatory authority over those mapped areas [pursuant to Section 404 and 401 of the Clean Water Act respectively] and permits would be required from each of these resource agencies prior to grading the project site.

If you have any questions, please call (209) 235-0600.

SJCOG, Inc.

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

555 East Weber Avenue • Stockton, CA 95202 •(209) 235-0600 • FAX (209) 235-0438

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.** B - 3

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.** B - 4

Project Title: City of Lodi Westside Substation

Landowner: _____

Applicant: _____

Assessor Parcel #s: _____

T _____, R_____, Section(s): _____

Local Jurisdiction Contact: City of Lodi Community Development 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.

Responses to Comment Letter B from SJCOG Inc.

Response to Comment B-1:

This comment is noted. The City plans to participate in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). The City is in the process of preparing the SJMSCP review form. The City will ensure that the appropriate Incidental Take and Minimization Measures are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP.

Response to Comment B-2:

This comment is noted.

Response to Comment B-3:

This comment is noted. The City will implement Incidental Take Minimization Measures disturbance and pay SJMSCP fees prior to ground disturbance.

Response to Comment B-4:

This comment is noted. The City will implement Incidental Take Minimization Measures disturbance and pay SJMSCP fees prior to ground disturbance.

STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT

ARNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

May 5, 2010

RECEIVED
MAY 12 2010
COMMUNITY DEVELOPMENT DEPT
CITY OF LODI

Konradt Bartlam
City of Lodi
P.O. Box 3006
221 West Pine Street
Lodi, CA 95240

Subject: City of Lodi Westside Substation
SCH#: 2010042007

Dear Konradt Bartlam:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. The review period closed on May 4, 2010, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

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

Sincerely,

Scott Morgan
Acting Director, State Clearinghouse

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3(
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH#	**2010042007**
Project Title	City of Lodi Westside Substation
Lead Agency	Lodi, City of

Type	**Neg** Negative Declaration
Description	The City of Lodi Electric Utility Department (EUD) is planning to construct a fifth substation at the western area of the City limits. The working name for this planned facility is the Westside Substation. The substation facility will provide load serving capacity to planned development projects and to reduce existing electrical loads from the Henning Substation. Westside Substation will be required for continued reliable electric service to new and existing customers. It will be constructed on approximately 4-acre site owned by the City located on the south side of Kettleman Lane and approximately 1,100 feet west of Lower Sacramento Road.

Lead Agency Contact

Name	Konradt Bartlam		
Agency	City of Lodi		
Phone	(209) 333-6711	***Fax***	
email			
Address	P.O. Box 3006 221 West Pine Street		
City	Lodi	***State*** CA	***Zip*** 95240

Project Location

County	San Joaquin			
City	Lodi			
Region				
Lat / Long	38° 11.4' 28.4" N / 121° 31.4' 25.4" W			
Cross Streets	Kettleman Lane (HWY 12) and Westgate Drive			
Parcel No.	058-030-10			
Township	3N	***Range*** 6E	***Section*** 15	***Base*** MDB&M

Proximity to:

Highways	Hwy 12
Airports	
Railways	
Waterways	
Schools	
Land Use	Land Use: Vacant / Zoning: PUB, Public / General Plan Designation: PQP, Public Quasi/Public.

Project Issues	Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Noise
Reviewing Agencies	Resources Agency; Department of Conservation; Department of Fish and Game, Region 2; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 10; Regional Water Quality Control Bd., Region 5 (Sacramento); California Energy Commission; Native American Heritage Commission; Public Utilities Commission

Date Received 04/05/2010 ***Start of Review*** 04/05/2010 ***End of Review*** 05/04/2010

Note: Blanks in data fields result from insufficient information provided by lead agency.

Responses to Comment Letter C from State Clearinghouse

Response to Comment C:

This comment is noted. The letter acknowledges that the State Clearinghouse review requirements for draft environmental document have been fulfilled. No response is necessary.

INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION
10-MND-02

CITY OF LODI WESTSIDE SUBSTATION

State Clearing House Number: 2010042007

APRIL 1, 2010

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

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INTRODUCTION TO INITIAL STUDY

The City of Lodi Electric Utility Department is proposing to construct a substation on approximately four acres owned by the City at the southwest corner of Kettleman Lane (Hwy. 12) and Westgate Drive. The substation facility will provide load serving capacity to planned development projects and to reduce existing electrical loads from the Henning Substation. Westside Substation will be required for continued reliable electric service to new and existing customers.

PURPOSE OF INITIAL STUDY

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

Provided that a project is not found to be exempt from CEQA, the first step in the agency's evaluation of the potential environmental effects of the project is the preparation of an Initial Study. The purpose of an Initial Study is to determine whether the project would involve "significant" environmental effects as defined by CEQA and to describe feasible mitigation measures that would be necessary to avoid the significant effects or reduce them to a less than significant level. In the event that the Initial Study does not identify significant effects, or identifies mitigation measures that would reduce all of the significant effects of the project to a less than significant level, the agency may prepare a Negative Declaration. If this is not the case, the agency must prepare an Environmental Impact Report (EIR); the agency may also decide to proceed directly with the preparation of an EIR without preparation of an Initial Study. Construction completion of a new well requires the preparation and adoption of an Initial Study/Negative Declaration. Negative Declaration 10-ND-02 was prepared and circulated for review on this project and no significant environmental impacts will result from the proposed project.

NOTICE OF AVAILABILITY

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

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

File Number: 10-ND-02

Project Title: City of Lodi Westside Substation

PROJECT DESCRIPTION: The City of Lodi Electric Utility Department (EUD) is planning to construct a fifth substation at the western area of the City limits. The working name for this planned facility is the Westside Substation. The substation facility will provide load serving capacity to planned development projects and to reduce existing electrical loads from the Henning Substation. Westside Substation will be required for continued reliable electric service to new and existing customers. It will be constructed on approximately 4-acre site owned by the City located on the south side of Kettleman Lane and approximately 1,100 feet west of Lower Sacramento Road.

The location of the new Westside Substation provides a strategic site for power system interconnection within the City of Lodi boundaries. The existing 60kV loop will be split into two lines and will terminate in the substation. One line that will be extended along Kettleman Lane will be called 60kV Henning-Westside Line. The other line that will be routed through Taylor Road and Westgate Drive will be called 60kV McLane-Westside Line. The other planned 60kV line from the Industrial Substation traversing via Harney Lane through Lower Sacramento Road will also terminate in the substation and will be designated 60kV Industrial-Westside Line. A double-circuit, 60kV line which is presently under environmental impact assessment by InSite Environmental, Inc. and emanating from the west will also connect to Westside Substation.

The new Westside Substation will be 60kV/12kV station, unmanned, outdoor-open type, low-profile, and will be constructed approximately two (2) feet below existing grade. The substation will consist of:

- Five bays of take-off steel structures to terminate the incoming 60kV lines from Henning, McLane, Industrial and the double-circuit from the west including four steel towers set inside the facility;
- Two bays of take-off structures for the 60kV feeders providing power to two 60kV/12kV power transformers including metering devices, instruments and fuses;
- 60kV bus arranged in a double bus-double breaker bus configuration complete with the required number of power circuit breakers, disconnect switches, instrument transformers, surge arresters, structures, insulators, aluminum bus, and appurtenances;
- Two completely assembled 60kV/12kV power transformers including all monitoring devices, surge arresters, nitrogen systems, control panels, bushings, instrument transformers, oil containment structure and other accessories;
- 12kV bus arranged in a main and transfer bus configuration complete with the required number of power circuit breakers, disconnect switches, instrument transformers, surge arresters, structures, insulators, aluminum bus, and appurtenances;
- Two station service transformers with fuses, cables, conduits and other materials and supplies;

- Eight 12kV distribution feeders complete with conduits, cables, terminators, surge arresters, disconnect switches and other materials and supplies;
- Vaults, covers, ducts and other underground and equipment, materials and supplies;
- One 70'x30' and 10-foot high pre-fabricated control building complete with fire alarm systems, switchboard, remote terminal unit, fiber optic interface, battery room, rest room, communication room, storage space, office and plans, documents and manuals area;
- A 10-foot high perimeter block wall with landscaping, security camera and alarm systems, double-swing iron gate, access driveway, man-gate, drainage system, water & sewer system, gravel-finish and black-top finish areas inside the facility and internal paved driveway around the switchyard to access power equipment for maintenance, additional installation and/or replacement;
- Internal chain-link fence separating the water facility installation from the electrical switchyard area;
- Adequately designed ground grid systems in accordance with IEEE Standard 80.

Above description is the complete build-out of the entire Westside Substation facility. Exhibits 1 and 2 shows the Substation Layout and the Substation Isometric View respectively.

PUBLIC REVIEW PERIOD: The City will receive comment on the Initial Study and proposed Mitigated Negative Declaration for a 30-day period, commencing on **Thursday, April 1, 2010** through **Friday, April 30, 2010.** Copies of the Initial Study and the proposed Mitigated Negative Declaration are on file and available for review at the following locations:

- **Community Development Department**, 221 West Pine Street, Lodi, CA 95240
- **Lodi Public Library**, 201 West Locust Street, Lodi, CA 95240
- **Electric Utility Department,** 1331 South Ham Lane., Lodi, CA 95242

The Mitigated Negative Declaration is also avaiabl for review on the internet at the following web address: www.lodi.gov/com_dev/EIRS.html.

Any person wishing to comment on the Initial Study and proposed Negative Declaration must submit such comments in writing **no later than 5:00 PM on Monday, April 30, 2010** to the City of Lodi at the following address:

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

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

_____	_____
Signature	Date
Konradt Bartlam _____	_____
Printed Name	For

PROPOSED MITIGATED NEGATIVE DECLARATION

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

File Number: 10-ND-02

Project Title: City of Lodi Westside Substation

Project Description:
The City of Lodi Electric Utility Department (EUD) is planning to construct a fifth substation at the western area of the City limits. The working name for this planned facility is the Westside Substation. The substation facility will provide load serving capacity to planned development projects and to reduce existing electrical loads from the Henning Substation. Westside Substation will be required for continued reliable electric service to new and existing customers. It will be constructed on approximately 4-acre site owned by the City located on the south side of Kettleman Lane and approximately 1,100 feet west of Lower Sacramento Road.

The location of the new Westside Substation provides a strategic site for power system interconnection within the City of Lodi boundaries. The existing 60kV loop will be split into two lines and will terminate in the substation. One line that will be extended along Kettleman Lane will be called 60kV Henning-Westside Line. The other line that will be routed through Taylor Road and Westgate Drive will be called 60kV McLane-Westside Line. The other planned 60kV line from the Industrial Substation traversing via Harney Lane through Lower Sacramento Road will also terminate in the substation and will be designated 60kV Industrial-Westside Line. A double-circuit, 60kV line which is presently under environmental impact assessment by InSite Environmental, Inc. and emanating from the west will also connect to Westside Substation.

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- One 70'x30' and 10-foot high pre-fabricated control building complete with fire alarm systems, switchboard, remote terminal unit, fiber optic interface, battery room, rest room, communication room, storage space, office and plans, documents and manuals area;
- A 10-foot high perimeter block wall with landscaping, security camera and alarm systems, double-swing iron gate, access driveway, man-gate, drainage system, water & sewer system, gravel-finish and black-top

finish areas inside the facility and internal paved driveway around the switchyard to access power equipment for maintenance, additional installation and/or replacement;

- Internal chain-link fence separating the water facility installation from the electrical switchyard area;
- Adequately designed ground grid systems in accordance with IEEE Standard 80.

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

Name of Project Proponent/Applicant:
City of Lodi Electric Utility Department
1331 S. Ham Lane
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 **Thursday, April 1, 2010** and end **Friday, April 30, 2010**.

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

_____	_____
Signature	Date
Konradt Bartlam_____	_____
Printed Name	For

1. Project Title:
City of Lodi Westside Substation

2. Lead Agency Name and Address:

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

3. Contact Person and Phone Number:

Konradt Bartlam, Community Development Director
Phone: (209) 333-6711

4. Project Location:

The project site is located in the City of Lodi, County of San Joaquin. The project site is within the City's 4.10-acre land ear marked for the project. The substation will share the site with City Water Well #28. The project site is east and north of a residential subdivision, west of a proposed commercial development and south of existing vineyards. The area is relatively flat with no unusal or extraordinary topographic features. The project site is located in the City of Lodi, County of San Joaquin. The project site is at Por. W. ½ Sec 15 T.3N, R.6E, M.D.B.&M. The project site is zoned PUB-Public and has a General Plan designation DBP-, Drainage Basin Park. (38.114284,-121.314254)

5. Project Sponsor's Name and Address:

City of Lodi Electric Utility Department
1331 S. Ham Lane
P. O. Box 3006
Lodi, CA 95241

6. General Plan Designation:

PQP, Public Quasi/Public

7. Zoning:

PUB, Public.

8. Project Description:

The City of Lodi Electric Utility Department (EUD) is planning to construct a fifth substation at the western area of the City limits. The working name for this planned facility is the Westside Substation. The substation facility will provide load serving capacity to planned development projects and to reduce existing electrical loads from the Henning Substation. Westside Substation will be required for continued reliable electric service to new and existing customers. It will be constructed on approximately 4-acre site owned by the City located on the south side of Kettleman Lane and approximately 1,100 feet west of Lower Sacramento Road.

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- Eight 12kV distribution feeders complete with conduits, cables, terminators, surge arresters, disconnect switches and other materials and supplies;
- Vaults, covers, ducts and other underground and equipment, materials and supplies;
- One 70'x30' and 10-foot high pre-fabricated control building complete with fire alarm systems, switchboard, remote terminal unit, fiber optic interface, battery room, rest room, communication room, storage space, office and plans, documents and manuals area;
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- Internal chain-link fence separating the water facility installation from the electrical switchyard area;
- Adequately designed ground grid systems in accordance with IEEE Standard 80.

9. Surrounding Land Uses and Setting:

North: AU-20, Urban Reserve, San Joaquin County. The area north of Kettleman Lane (State Route 12) is generally zoned for Urban Development has a General Plan Designation of PR, Planned Residential.

South: The area immediate south of the project site is zoned PD, Planned Development and was recently annexed into the City with General Plan designation of PR, Planned Residential.

East: The area immediate east of the project area is zoned C-S, Commercial Shopping and is expected to be developed into commercial use varying in sizes and types.

West: The area immediate west of the project site is zoned PD, Planned Development and was recently annexed into the City with General Plan designation of PR, Planned Residential.

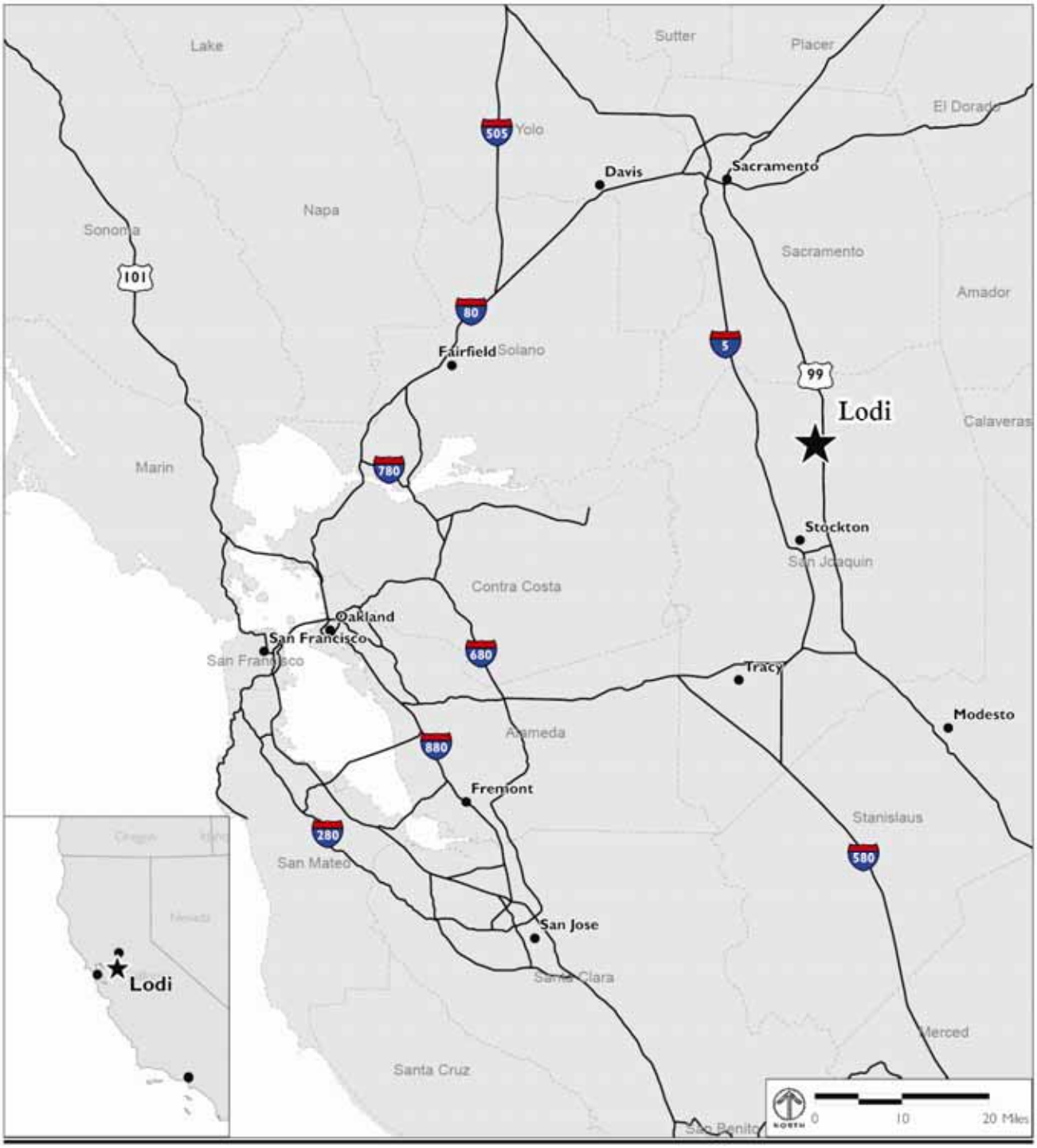
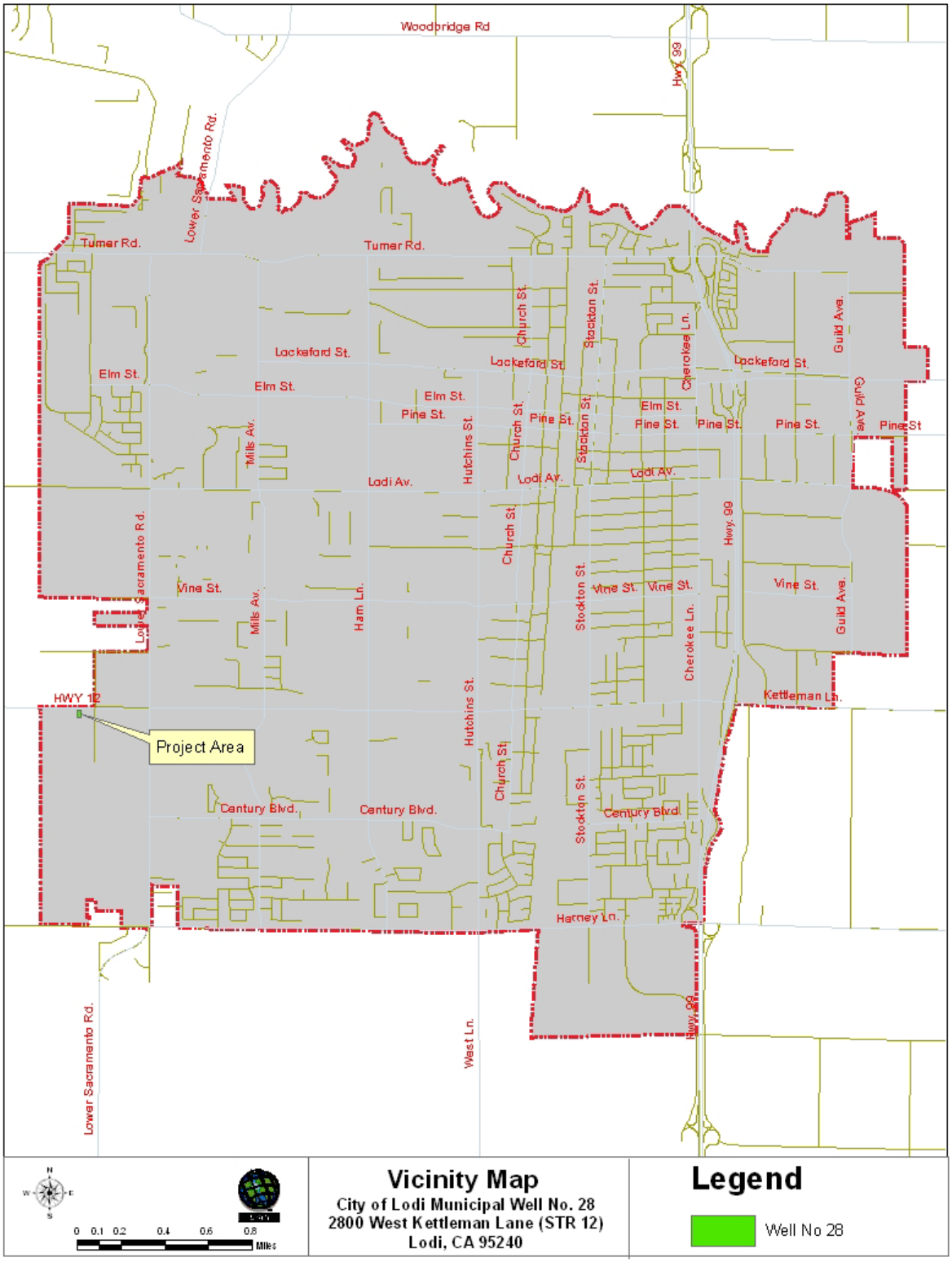
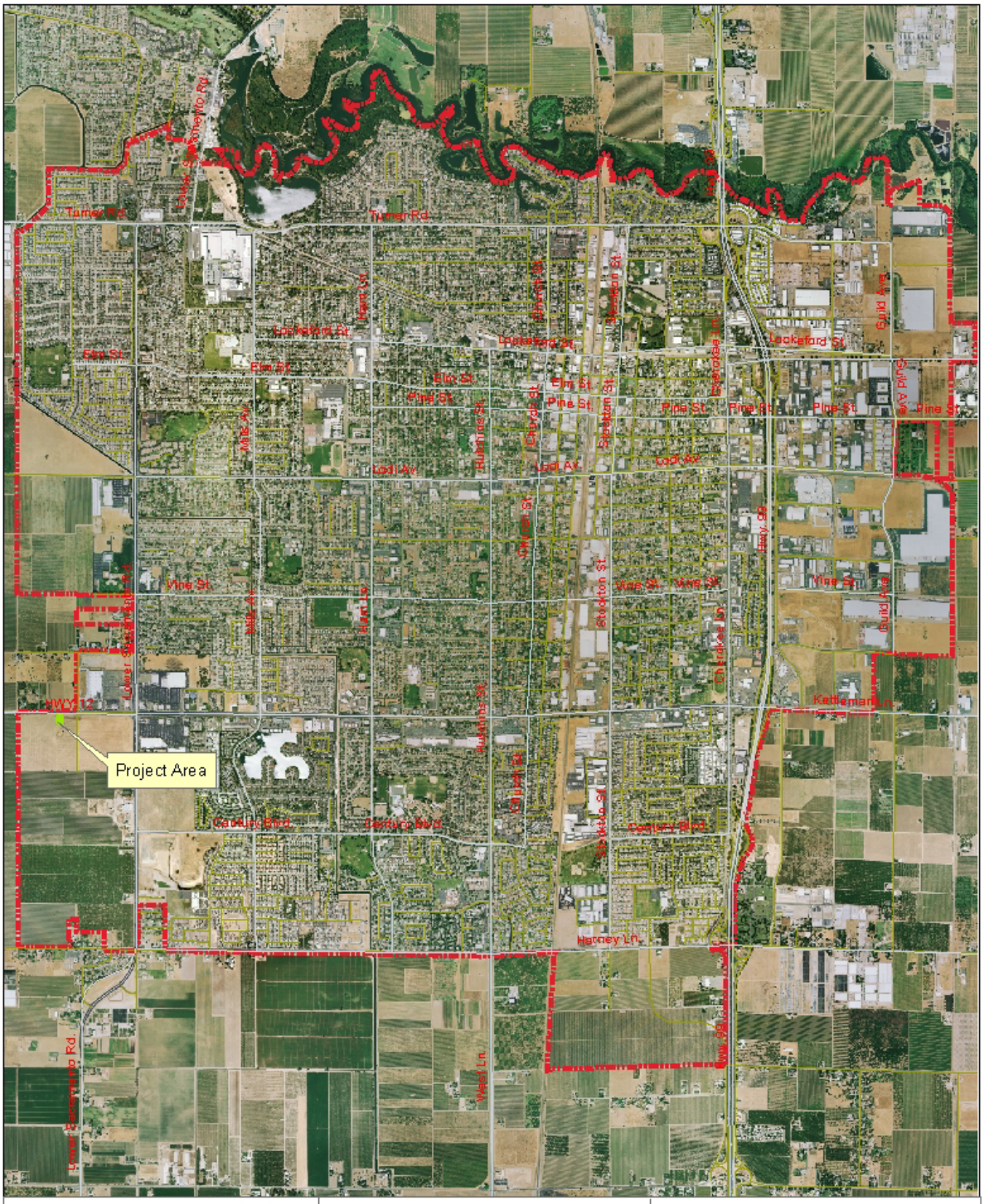


FIGURE 1-1
REGIONAL LOCATION MAP, CITY OF LODI


Woodbridge Rd
Hwy 99
Lower Sacramento Rd.
Turner Rd.
Turner Rd.
Lockeford St.
Lockeford St.
Lockeford St.
Elm St.
Elm St.
Elm St.
Elm St.
Pine St.
Pine St.
Pine St.
Pine St.
Pine St.
Pine St.
Pine St
Lodi Av.
Lodi Av.
Lodi Av.
Vine St.
Vine St.
Vine St.
Vine St.
Kettleman Ln.
HWY 12
Project Area
Century Blvd.
Century Blvd.
Century Blvd.
Harney Ln.
West Ln.
Church St.
Stockton St.
Cherokee Ln.
Guild Ave.
Mills Av.
Ham Ln.
Hutchins St.
0 0.1 0.2 0.4 0.6 0.8 Miles
Vicinity Map
City of Lodi Municipal Well No. 28
2800 West Kettleman Lane (STR 12)
Lodi, CA 95240
Legend
Well No 28



0 0.125 0.25 0.5 0.75 1 Miles

City of Lodi Aerial Map

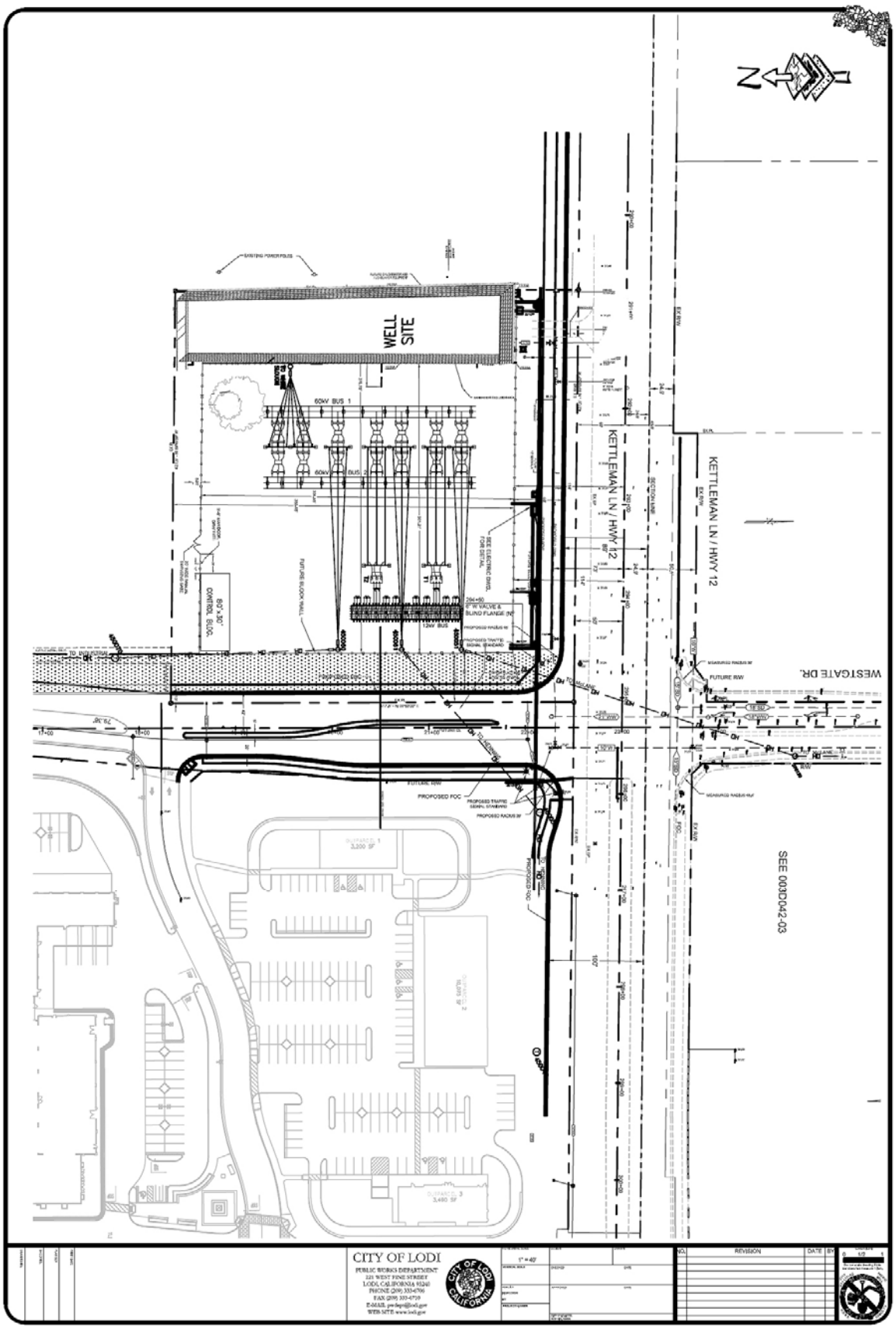
City of Lodi Municipal Well No. 28
2800 West Kettleman Lane (STR 12)
Lodi, CA 95240

Legend

Well No 28

City Limits

Project Area
0 0.02 0.04 0.08 0.12 0.16
Miles
Project Site Aerial Map
City of Lodi Municipal Well No. 28
2800 West Kettleman Lane (STR 12)
Lodi, CA 95240
Legend
Well No 28
City Limits


WELL SITE
60kV BUS 1
60kV BUS 2
12kV BUS
69'x30' CONTROL BLDG.
KETTLEMAN LN / HWY 12
WESTGATE DR.
PROPOSED FOC
SEE 003D042-03
CITY OF LODI
PUBLIC WORKS DEPARTMENT
221 WEST PINE STREET
LODI, CALIFORNIA 95240
PHONE (209) 333-6706
FAX (209) 333-6710
E-MAIL: pwdept@lodi.gov
WEB SITE: www.lodi.gov
CITY OF LODI CALIFORNIA
1" = 40'
REVISION
DATE
BY

Environmental Factors Potentially Affected:

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

X Aesthetics	❒ Agricultural Resources	X Air Quality
X Biological Resources	X Cultural Resources	❒ Geology/Soils
❒ Hazards & Hazardous Materials	❒ Hydrology/Water Quality	❒ Land Use/Planning
❒ Mineral Resources	❒ Recreation	❒ Population/Housing
❒ Public Services	❒ Noise	❒ Transportation/Traffic
❒ Utilities/Service Systems	❒ Greenhouse Gas Emissions	

Determination

On the basis of this initial evaluation:

❒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☑ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

❒ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

❒ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

❒ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

_____ _____

Project Planner Date

_____ _____

Community Development Director Date

1. AESTHETICS: 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?	☐	☒	☐	☐

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

The project site is within an area slated for commercial and residential development. The adjacent areas of the project site itself are not considered a scenic vista nor are there any scenic highways in the vicinity of the site. No impact is anticipated from constructing the substation at this location.

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

The project site is not near a State scenic highway. The substation will not have a demonstrable adverse aesthetic effect due to the combination of the decorative sound wall and landscaping that will be placed around the perimeter of the site. Further, the entire substation site will be lower than existing grade in order to fully screen the equipment. No impact is anticipated from constructing the substation at this location.

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

The project site is within an open area slated for commercial and residential development. The adjacent area is currently open space and none are considered scenic. The electrical equipment will be low profile transformers and circuit breakers. The setback areas will be landscaped with trees, shrubs and groundcover.

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

The substation will be lit. Lighting will be similar to existing substations located elsewhere in the City. The lights will be required to not spill onto adjacent properties in order to minimize nighttime light and glare.

With the proposed mitigation measures, the construction of the new substation will have less than significant impact on aesthetics.

MITIGATION MEASURES

The project shall be screened by a minimum ten foot high decorative masonry wall. Further, setback areas adjacent to Kettleman Lane and Westgate Drive shall be landscaped with a combination of trees, shrubs and groundcover. Landscape and irrigation plans shall be submitted to the Community Development Director for review and approval.

FINDINGS

With the proposed mitigation measures, the construction of the new substation will have less than significant impact on aesthetics.

2. AGRICULTURAL RESOURCES: 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?	☐	☐	☐	☒

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

The project site is not zoned for agricultural purposes. The project area is zoned PUB, Public. Therefore, no impact would occur.

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

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

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

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

MITIGATION MEASURES

No mitigation is required.

FINDINGS

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

3. AIR QUALITY : 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?	☐	☐	☐	☒

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

The project site is within the jurisdiction of the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD), which regulates air quality in the San Joaquin Valley. The SJVUAPCD 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 SJVUAPCD 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 SJVUAPCD 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 SJVUAPCD in such way that cumulative results of incremental change may hamper or prevent the SJVUAPCD 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 SJVUAPCD'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 project site is within the within the jurisdiction of the SJVUAPCD, 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

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

consistent with the SJVUAPCD'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 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 SJVUAPCD significance threshold for construction dust impacts is based on the appropriateness of construction dust controls. The SJVUAPCD 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 SJVUAPCD defines sensitive receptors as facilities that house or attract children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants. Hospitals, schools, convalescent facilities, and residential areas are examples of sensitive receptors. The water well or its operation will not be detrimental to those defined as sensitive receptors. Less than significant impact is anticipated.

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

No increase in potential odor impacts are anticipated.

MITIGATION MEASURES

The contractor shall be required to comply with standards developed by the SJVAPCD. These requirements include dust control, proper handling and transportation of construction waste, and proper emission control on construction vehicles.

FINDINGS

Implementation of the above mitigation measure would reduce potential impacts to Air Quality Resources to a less-than-significant level.

4. BIOLOGICAL RESOURCES *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?	☐	☐	☐	☒
(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?	☐	☐	☐	☒

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

No impact to biological resources are expected as a result of the project. The proposed project is consistent with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), as amended, as reflected in the conditions of project approval for this proposal. Pursuant to the Final EIR/EIS for the San Joaquin county Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), dated November 15, 2000, and certified by the San Joaquin Council of Governments on December 7, 2000, implementation of the SJMSCP is expected to reduce impacts to biological resources resulting from the proposed project to a level of less-than–significant. That document is hereby incorporated by reference and is available for review during regular business hours at the San Joaquin Council of Governments (555 East Webber Avenue/Stockton, CA 95202) or online at: www.sjcog.org.

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

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

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

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

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

The proposed project is not located within any known wildlife dispersal migration corridors.

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

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

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

The SJCMSHCP was developed to minimize and mitigate impacts to plant and wildlife resulting from the loss of open space projected to occur in San Joaquin County between 2001 and 2051. The City of Lodi adopted the SJCMSHCP in 2001, and projects under the jurisdiction of the City can seek coverage under the plan. The proposed project is consistent with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (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: ww.sicoq.orq.

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

MITIGATION MEASURES

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

FINDINGS

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

5. **CULTURAL RESOURCES:** *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 a historical resource as defined in §15064.5?	☐	☐	☒	☐
(b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §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?	☐	☐	☐	☒

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

The adjacent well site has been constructed and no paleontological resources were discovered through the boring activity. Therefore no impacts to paleontological resources will result from constructing the substation project.

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?

The adjacent well site has been constructed and no paleontological resources or unique geological feature were discovered through the boring activity. Therefore no impacts to paleontological resources will result from constructing the substation project.

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

The adjacent well site has been constructed and no human remains, including interred outside of formal cemeteries were found. Therefore no impacts to paleontological resources will result from constructing the substation project.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

Cultural Resource impacts would be less-than-significant.

6. GEOLOGY AND SOILS *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 spreading, 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 waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

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

The adjacent well site has been constructed and no faults were found in the project area. Therefore, no impact is anticipated from constructing the substation project.

ii) Strong seismic ground shaking;

The adjacent well site has been constructed and no fault lines were discovered. Therefore, no impact is anticipated from constructing the substation project.

iii) Seismic-related ground failure, including liquefaction;

The adjacent well site has been constructed and the project area is not a liquefaction area. Therefore, no impact is anticipated from constructing the substation project.

iv) Landslides?

The adjacent well site has been constructed and the project site is flat in topography. Therefore, no impact is anticipated from constructing the substation project.

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

The project anticipates the grading of the site and lowering grade approximately two feet. Therefore, no impact is anticipated from constructing the substation project.

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

The site is not a geologic unit or of soil that is unstable. Therefore, no impact is anticipated from constructing the substation project.

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

The area is not known to have expansive soils. Construction in the area has not uncovered any unusual soils. Therefore, no impact is anticipated from constructing the substation project.

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 project will not require wastewater services. Therefore, no impact is anticipated from constructing the substation project.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

Geology and Soils impacts would be less-than-significant.

7. HAZARDS AND HAZARDOUS MATERIALS: *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 reasonable 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 complied 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?	☐	☐	☐	☒

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

The project will not involve the use or production of any hazardous waste material. There will be transformer oil used for cooling and insulation purposes. The transformer oil is contained within the equipment and will not enter the atmosphere or soil. No impact is anticipated.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

The project will not involve the use or production of any hazardous waste material. There will be transformer oil used for cooling and insulation purposes. The transformer oil is contained within the equipment and will not enter the atmosphere or soil. No impact is anticipated.

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 project will not involve the use or production of any hazardous waste material. There will be transformer oil used for cooling and insulation purposes. The transformer oil is contained within the equipment and will not enter the atmosphere or soil. There are no schools existing or proposed within one-quarter mile. No impact is anticipated.

d) *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

The project site is not included on a list of hazardous materials site. No impact is anticipated.

e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?*

The project site is not located near an airport, air strip landing, or land designated for a use thereof. No impact is anticipated.

f) *For a project located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?*

The project is not located within the vicinity of a private airstrip. No impact is anticipated.

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

The proposed project will not interfere with an 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?*

The proposed project existing sources of potential health hazards. No impact is anticipated.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

Hazards and Hazardous Materials impacts would be less-than-significant.

8. HYDROLOGY AND WATER QUALITY *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 a 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 storm water 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?	☐	☐	☐	☒

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

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

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

The project will not entail the use of any groundwater. Therefore, no impact is anticipated.

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

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

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

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

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

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

f) *Otherwise substantially degrade water quality?*

The project will not entail the use of any water. Therefore, no impact is anticipated.

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

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

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

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

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

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

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

A seiche is the tide-like rise and drop of water in a closed body of water caused by earthquake-induced seismic shaking or strong winds. A tsunami is a series of large waves generated by a

strong offshore earthquake or volcanic eruption. Given the substantial distance of the site from San Francisco Bay or the Pacific Ocean, tsunami waves would not be a threat to the site. There is no large land of water on or within the vicinity of the site, resulting in no seiche hazard. The subject area is flat and does not have any steep slopes or hillsides that would be susceptible to mudflows or landslides. Therefore, no impact would occur.

MITIGATION MEASURES
No mitigation is required.

FINDINGS
Hydrology and Water Quality impacts would be less-than-significant.

9. LAND USE AND PLANNING: *Would the project:*	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	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?	☐	☐	☐	☒

a) Physically divide an established community?

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

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

The project will not have an effect on land use in the area. The general plan designation is PQP, Public/Quasi Public and the zoning is PUB, Public. The site has been designated for this use since annexation of the property into the City limits.

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

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

MITIGATION MEASURES

No mitigation is required.

FINDINGS

Land Use and Planning impacts would be less-than-significant.

10. MINERAL RESOURCES: *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?	☐	☐	☐	☒

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

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

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

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

MITIGATION MEASURES

No mitigation is required.

FINDINGS

Air quality impacts would be less-than-significant.

11. NOISE : 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?	☐	☐	☐	☒

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

The project will not expose people to severe noise levels. There will be short term construction related noise from equipment, but not beyond the thresholds set by the Noise Element of the General Plan. Additionally a sound attenuation wall will eventually be incorporated into the design of the pproject site. Therefore, less than significant impact is expected.

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

Ground borne vibrations occur when a vibration source causes soil particles to move or vibrate. Sources of ground borne vibrations include natural events (earthquakes, volcanic eruptions, sea waves, landslides, etc.) and human created events (explosions, operation of heavy machinery and heavy trucks, etc.). The planned 10' high decorative concrete masonry wall around the entire site will lessen any noise exposure from ground borne noise.. Therefore, less than significant impact is expected.

c) *A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?*

The proposed transformers at the facility will generate operational noise. Operation and cooling fans may also emit noticeable noise within the substation enclosure. The proposed perimeter wall will attenuate any noise to acceptable General Plan standards even with all noise emitters running at full capacity. Impacts would be less than significant.

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

The proposed project will not result in a significant temporary or periodic increase in noise levels and, therefore, would not create a substantial temporary or periodic increase in ambient noise levels in the vicinity of the project site. Impacts would be less than significant.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

The substation site is not located within an airport land use plan, or within two miles of a public airport or public use airport. No impact would result.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

The project site is not located within an airport land use plan, or within two miles of a public airport or public use airport. No impact would result.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

Air quality impacts would be less-than-significant.

12. POPULATION AND HOUSING: *Would the project:*	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Induce substantial population growt h in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or 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?	☐	☐	☐	☒

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

The project may induce population growth, but not beyond that planned within the General Plan. The substation is designed to accommodate anticipated growth within this area of the City. No significant impact is anticipated.

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

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

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

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

MITIGATION MEASURES

No mitigation is required.

FINDINGS

Air quality impacts would be less-than-significant.

13. PUBLIC SERVICES: *Would the project:*	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Would the project result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire Protection?	☐	☐	☐	☒
ii) Police Protection?	☐	☐	☐	☒
iii) Schools?	☐	☐	☐	☒
iv) Parks?	☐	☐	☐	☒
v) Other public facilities?	☐	☐	☐	☒

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

I. Fire protection?

The construction of the proposed substation will not impact Fire Services. The project will be constructed pursuant to all applicable standards, thus minimizing potential adverse service calls to the site. Thus the project will not have a negative impact on fire protection service.

II. *Police protection?*

The substation is not expected to generate any additional police service calls to the area. The construction of the project is seen as accommodating existing residents and the provision for reliable electrical service. Therefore, the project will not adversely impact police protection to the area.

III. *Schools?*

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

IV. *Parks*

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

V. *Other public facilities?*

While the construction of a new substation will require maintenance, the construction of the project is seen as preventive maintenance for the overall electrical delivery system. No new public facilities are necessary to service the site. Therefore, no impacts associated with maintenance of public facilities are seen as a result of this project.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

Public Service impacts would be less-than-significant.

14. 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?	☐	☐	☐	☒

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 will not create additional demand for existing neighborhood or regional parks or other recreational facilities as no new residential units are proposed. No impact would result.

b) 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 substation will not include the construction or expansion of recreational facilities, nor would it require the construction or expansion of recreational facilities. Therefore, no impact would occur.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

Recreation impacts would be less-than-significant.

15. TRANSPORTATION/CIRCULATION: *Would the project:*	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?	☐	☐	☐	☒
(b) Cause, either individually or cumulatively, exceedance of 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 regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☒

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)?

There will be no impact to the area in regard to traffic impacts because the substation project is not a destination for any reason other than maintenance.

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

Refer to XV.a. The project is not in conflict with any county congestion management program or with designated roads or highways. No impact will occur as result of the creation of an overlay zone.

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 substation would not have any impact on air traffic patterns because the project site is not located near an airport. No related impacts would occur as a result of the proposed project.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

There are no roadway features necessary to access this site; it is an existing public property that is readily accessible. No impact is anticipated.

e) Result in inadequate emergency access?

The site has direct access to a public street (Westgate Drive). No impact is anticipated.

f) Result in inadequate parking capacity?

The substation will not result in an inadequate parking capacity since project is not a destination for any reason other than maintenance. No impact is anticipated.

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

There will be no impact to the area in regard to alternative transportation because the site is not a destination for any reason other than maintenance. No impact is anticipated.

MITIGATION MEASURES

No mitigation is required.

FINDINGS

Transportation/Traffic impacts would be less-than-significant.

16. UTILITIES AND SERVICE SYSTEMS: *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 applicable Regional Water Quality Control Board?	☐	☐	☐	☒
(b) Require or result in the construction of new water or wastewater treatment or collection 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 insufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
(g) Comply with federal, state, and local statutes and regulations related to solid wastes.	☐	☐	☐	☒

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

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

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

The City of Lodi Public Works Department provides wastewater treatment for the City of Lodi. Wastewater in the City of Lodi is treated at the White Slough Water Pollution Control Facility (WSWPCF). The facility has been expanded to a design capacity of 8.5 million gallons (mgd) per day. However, the facility has permits to operate at 7.0 mgd per day. The WSWPCF currently treats approximately 6.2 mgd per day, which means the facility has a net surplus capacity of 0.8 mgd per day ("permitted" capacity). The facility's design capacity could accommodate an additional 2.3 mgd per day.

The substation will not require additional expansion than already planned by the City. Therefore, no impact is anticipated.

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

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

The substation site will discharge to the storm drain system when it is constructed. Once construction is completed, there will be negligible increase in stormwater which will be accommodated with existing/planned facilities. Therefore, the impact will be less than significant.

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

The substation project will not require any water resources. Therefore, no impact is anticipated.

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?*

Given the substation will not result in additional wastewater flow, no impact is anticipated.

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

Solid waste management and disposal within the City of Lodi is provided by the Central Valley Waste Services. Solid waste is transported to a Transfer Station and Buy-Back Recycling Center. Waste is then deposited at the North County Landfill, which is owned and operated by San Joaquin County. The North County Landfill is a Class III facility that is permitted to accept 825 tons of solid waste per day. On average, the landfill receives 400 tons per day, and has a remaining lifetime capacity of approximately 6.0 million tons, which would equate to approximately 30 years.

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

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

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

MITIGATION MEASURES

No mitigation is required.

FINDINGS

Utilities and Services impacts would be less-than-significant.

17. GREENHOUSE GAS EMISSIONS: Would the project	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
(b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

a) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*
The project will not directly generate greenhouse gases. There will be indirect emissions as a result of construction related activities such as emissions from equipment exhaust.

b) *Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*
The substation project does not conflict with any applicable plan, policy or regulation.

MITIGATION MEASURES
No mitigation is required.

FINDINGS
Greenhouse Gas Emissions impacts would be less-than-significant.

18. MANDATORY FINDINGS OF SIGNIFICANCE: Would the project	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(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?	☐	☐	☒	☐
(b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects?)	☐	☐	☐	☒
(c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

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?

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

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

MITIGATION MEASURE (BIOLOGICAL RESOURCES)

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

activities on the project site. With the implementation of the said plan, less than significant impact is anticipated.

MITIGATION MEASURE (CULTURAL RESOURCES)

1. Contractors and construction personnel involved in any form of ground disturbance (i.e., trenching, grading, etc.) shall be advised of the possibility of encountering subsurface cultural resources or human remains. If such resources are encountered or suspected, work within 100 feet of the discovery shall be halted immediately and the City of Lodi Planning Department shall be notified. In accordance to CCR Section 15064 (f) and PRC Section 21083.2(i), a qualified professional archaeologist shall be consulted, who shall assess any discoveries and develop appropriate management recommendations for treatment of the resource.

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

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

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

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

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

RESOLUTION NO. P.C. 10-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI CERTIFYING MITIGATED NEGATIVE DECLARATION 10-MND-02 AS ADEQUATE ENVIRONMENTAL DOCUMENTATION FOR THE PROPOSED WESTSIDE SUBSTATION LOCATED AT 2800 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 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, Electric Utility Department, 1321 South Ham Lane, CA 95242; and

WHEREAS, the property owner is City of Lodi, Electric Utility Department, 1321 South Ham Lane, CA 95242; and

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

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

WHEREAS, Westside Substation will be part of the City of Lodi electric supply system and is intended to meet future demands; and

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

WHEREAS, the Initial Study and Negative Declaration (10-MND-02) were circulated and published and posted for a 30-day period between on April 3, 2010 through May 4, 2010 and three comments were received on the proposed Mitigated Negative Declaration (State Clearing House, San Joaquin Valley Air Pollution Control District and San Joaquin County Council of Government, Inc); and

WHEREAS, Notice of Intent to Adopt a Negative Declaration was published on the Lodi News Sentinel on April 3, 2010; and

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

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

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

NOW, THEREFORE, BE IT FOUND that the Planning Commission of the City of Lodi incorporates the staff report and attachments, Initial Study/Negative Declaration (10-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. The proposed Westside Substation will not result in significant physical change in the environment 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 Mitigated Negative Declaration 10-MND-02 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 Westside Substation are properly planned thus limiting the potential to degrade environmental quality.
8. The proposed Westside Substation 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.
9. The City of Lodi Westside Substation will be consistent with all applicable goals, policies and standards of the City's adopted General Plan Policy Document.
10. The City of Lodi Westside Substation is consistent with the City of Lodi General Plan and Municipal Code.

NOW, THEREFORE, BE IT DETERMINED, AND RESOLVED, that the Lodi Planning Commission hereby certifies Mitigated Negative Declaration (10-MND-02) as an adequate environmental documentation for the proposed project.

1. Prior to any ground disturbance, the City of Lodi Public Works Department shall notify the San Joaquin County Council of Governments (SJCOG, Inc), and shall schedule a pre-ground disturbance survey, to be performed by an SJMSCP biologist, to determine applicable Incidental Take Minimization Measures (ITMMS). The City shall not authorize any form of site disturbance until it receives an Agreement to Implement ITMMS from SJCOG, Inc.
2. The City shall not issue a building permit for the proposed project until the San Joaquin County Council of Governments determine what, if any, Incidental Take Minimization Measures (ITMMS) apply to the project and until the San Joaquin County Council of Governments verifies all applicable ITMMs have been fully and faithfully implemented.
3. The City shall pay applicable fee due to loss of open space to the San Joaquin County Multi-Species Habitat Conservation Plan prior to issuance of building permit for grading, ground disturbance or clearance.
4. All mitigation measures, which mitigate or avoid the most significant environmental impacts for the project site, as identified in the Mitigated Negative Declaration shall be made conditions of approval of development of the proposed project.
5. A Notice of Determination (NOD) shall be filed with the County Clerk within 5-working days following approval of the project. Appropriate Department of Fish and Game fees shall be filed.
6. The City shall submit an application to the San Joaquin Valley Air Pollution Control District for review and approval of the project prior to issuance of a building permit. This would ensure the

project's compliance with the standards and requirements of the San Joaquin Valley Air Pollution Control District.

7. The project shall be required to comply with standards developed by the SJVAPCD. These requirements include, but not limited to, dust control, proper handling and transportation of construction waste, and proper emission control on construction vehicles.
8. The project shall be screened by a minimum ten foot high decorative masonry wall. Further, setback areas adjacent to Kettleman Lane and Westgate Drive shall be landscaped with a combination of trees, shrubs and groundcover. Landscape and irrigation plans shall be submitted to the Community Development Director for review and approval.
9. 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.
10. The project shall be subject to issuance of a building permit.
11. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

Dated: July 14, 2010

I hereby certify that Resolution No. 10- was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on July 14, 2010 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST: _____
Secretary, Planning Commission

Item 6a.

MEMORANDUM, City of Lodi, Community Development Department

To: City of Lodi Planning Commissioners

From: Rad Bartlam, Community Development Director

Date: Planning Commission Meeting of 7/14/2010

Subject: Past meetings of the City Council and other meetings pertinent to the Planning Commission

In an effort to inform the Planning Commissioners of past meetings of the Council and other pertinent items staff has prepared the following list of titles.

If you have any questions, please feel free to contact the Planning Department or visit the City of Lodi website at: http://www.lodi.gov/city-council/AgendaPage.html to view Staff Reports and Minutes from the corresponding meeting date.

Date	Meeting	Title
July 7, 2010	Regular	Set Public Hearing for July 21, 2010, to Consider the Certification of the Final Mitigated Negative Declaration for the Surface Water Treatment Facility (CD)
		Adopt Resolution Approving Fiscal Year 2010/11 Facility Use Rates for Parks and Recreation and Labor Rates for the Fire Department, Public Works Engineering Division, and Community Development Department and Authorizing the City Manager to Approve Annual Rate Revisions (CM)