

# PIXLEY PARK IMPROVEMENTS

## NEGATIVE DECLARATION NO. 10-ND-01

March 4, 2010

**Lead Agency:**  
City of Lodi  
Community Development Department • Planning Division  
City Hall, 221 West Pine Street  
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Lodi, CA 95241-1910  
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DRAFT INITIAL STUDY/  
MITIGATED NEGATIVE DECLARATION

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

The initial study prepared by the City was undertaken for the purpose of determining whether the project may have a significant effect on the environment. On the basis of the initial study, Community Development Department staff has concluded that the project will not have a significant effect on the environment, and therefore has prepared a proposed Negative Declaration 10-ND-01. The initial study reflects the independent judgment of the City.

**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 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](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](http://www.lodi.gov)

**NEGATIVE DECLARATION NO. 10-ND-01**

<b>Project Title:</b> Pixley Park Improvement		<b>NAME OF PROJECT</b> <b>PROPONENT/APPLICANT:</b> City of Lodi Parks and Recreational Department 125 N. Stockton St. Lodi, CA 95240	
<b>Lead Agency:</b> <b>COMMUNITY DEVELOPMENT DEPARTMENT</b> 221 West Pine Street P. O. Box 3006 Lodi, CA 95240-1910		<b>Contact Person and Telephone No.:</b> Immanuel Bereket Assistant Planner (209)333-6711	
<b>PROJECT LOCATION/DESCRIPTION:</b> <p>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.</p> <p>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.&amp;M (+38° 12' 1948", -121°25'3486").</p>			
<b>General Plan Designation:</b> General Plan designation DBP, Detention Basin Park		<b>City Zoning Designation:</b> PQP, Public	
<b>Surrounding Land Use Designations:</b>	<b>Land Uses</b>	<b>Significant Features</b>	
<b>On-Site</b>	Vacant partially developed public park/detention basin.	The project site is graded, vacant open space. It serves at a detention basin.	
<b>North</b>	Light Industrial	Mixed commercial and industrial uses.	
<b>South</b>	Light Industrial	Commercial uses.	
<b>East</b>	Light Industrial	Commercial Uses	
<b>West</b>	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.

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Aesthetics         | <input type="checkbox"/> Agriculture Resources              | <input checked="" type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources          | <input checked="" type="checkbox"/> Cultural Resources      | <input type="checkbox"/> Geology/Soils          |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality            | <input type="checkbox"/> Land Use/Planning      |
| <input type="checkbox"/> Mineral Resources             | <input checked="" type="checkbox"/> Noise                   | <input type="checkbox"/> Population/Housing     |
| <input type="checkbox"/> Public Services               | <input type="checkbox"/> Recreation                         | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities/Service Systems     | <input type="checkbox"/> 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 <b>could not</b> have a significant effect on the environment, and a <b>NEGATIVE DECLARATION</b> 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 <b>MITIGATED NEGATIVE DECLARATION</b> will be prepared.	✓
3.	I find the proposed project <b>may have a significant effect</b> on the environment, and an <b>ENVIRONMENTAL IMPACT REPORT</b> is required.	
4.	I find that the proposed project <b>may have a “potentially significant impact” or “potentially significant unless mitigated impact”</b> 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 <b>ENVIRONMENTAL IMPACT REPORT</b> 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

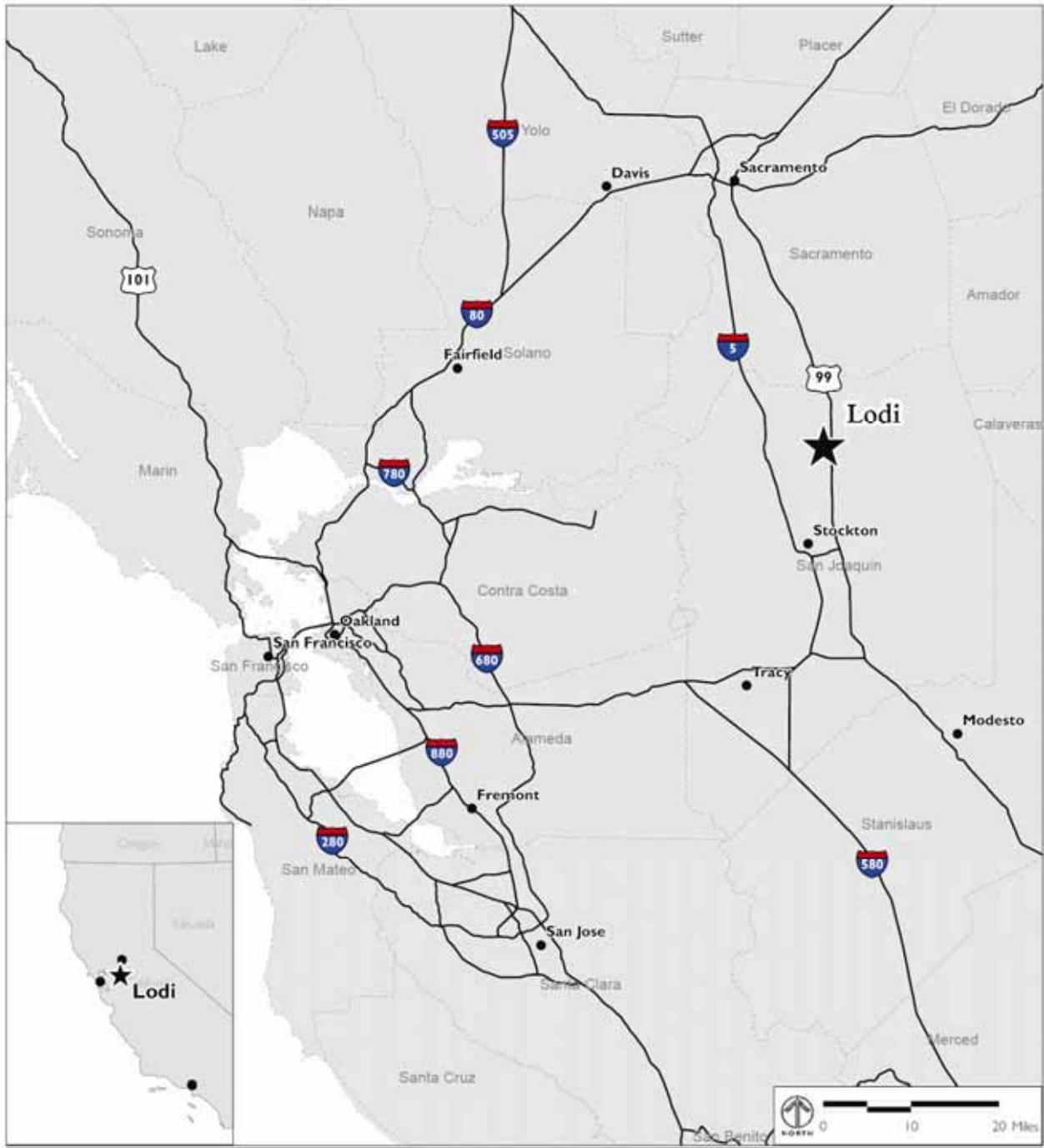
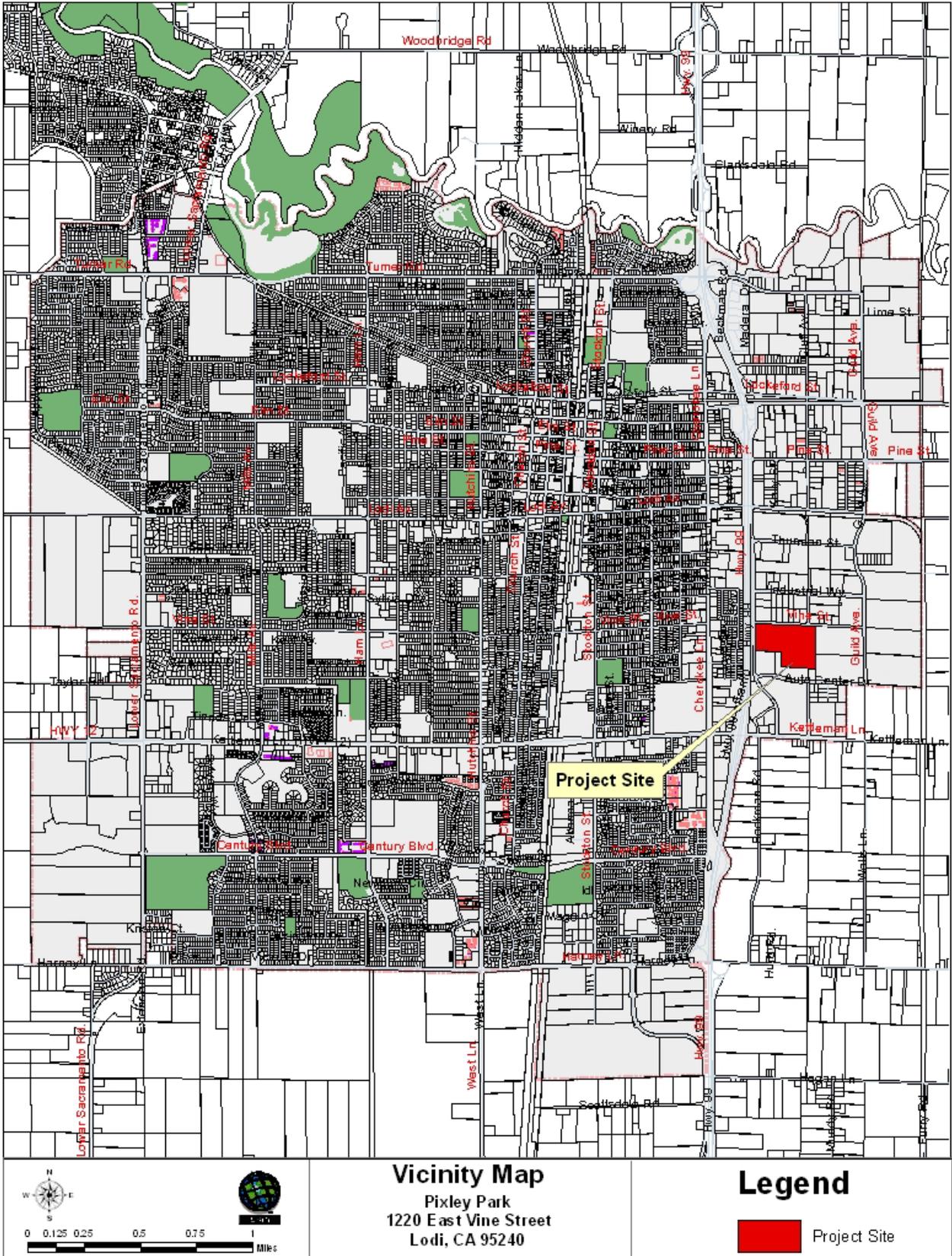
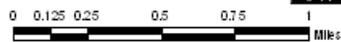
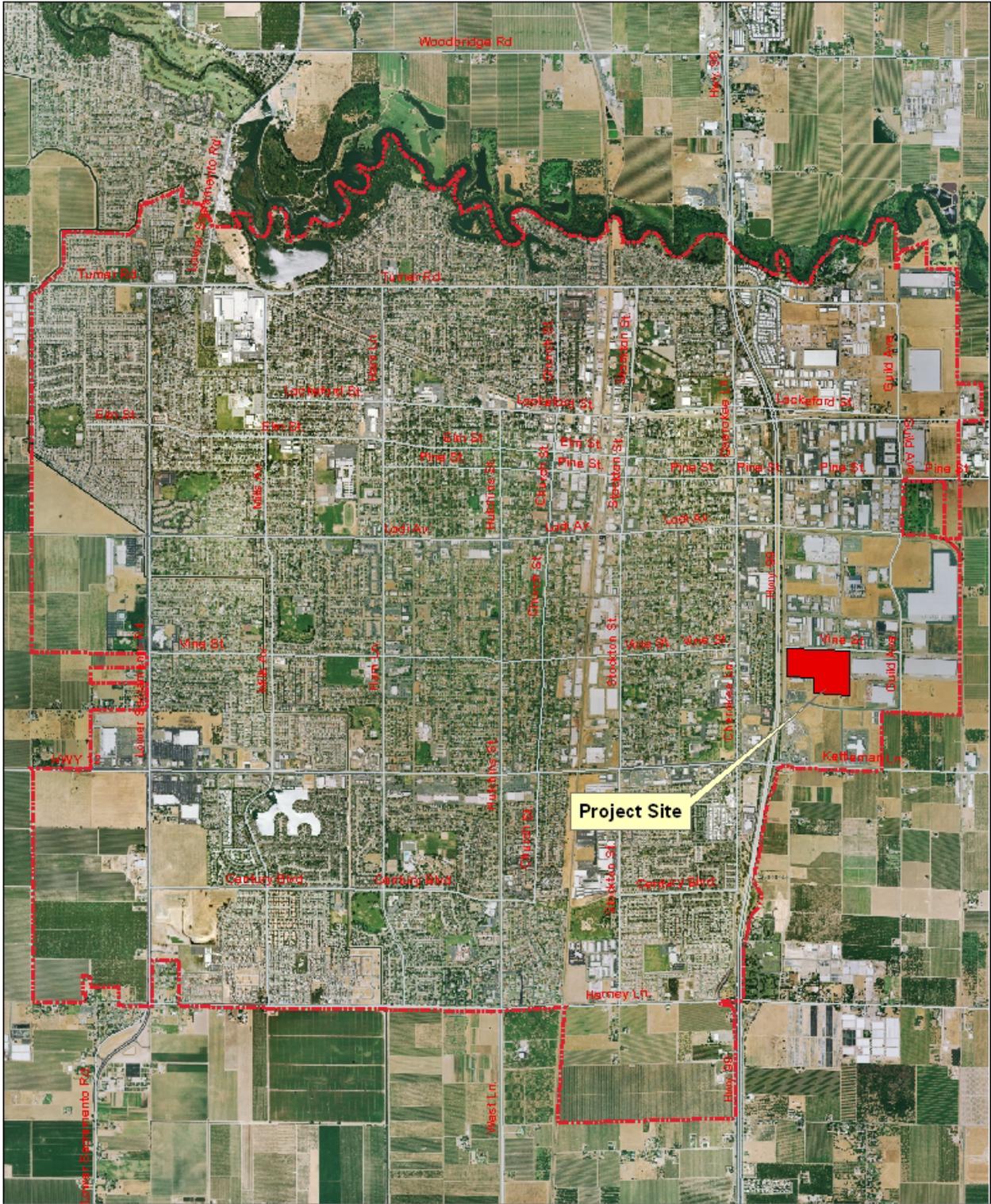


FIGURE 1-1  
REGIONAL LOCATION MAP, CITY OF LODI





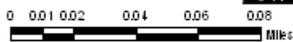
**Aerial Map**  
 Pixley Park  
 1220 East Vine Street  
 Lodi, CA 95240

**Legend**

 Project Site



Project Site



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

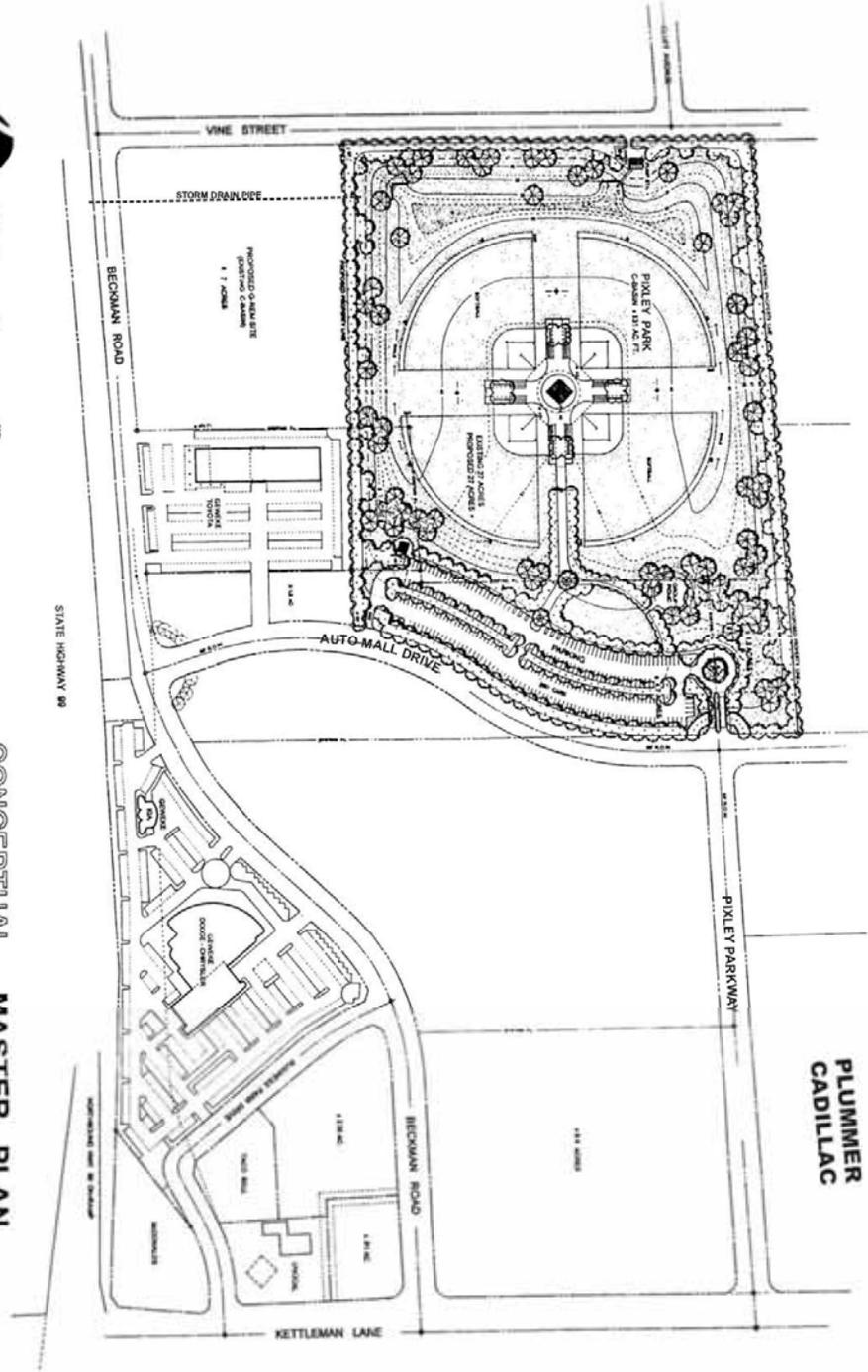
**Legend**

 Project Site



**CITY OF LODI**  
PUBLICWORKSDEPARTMENT

**EXHIBIT**



**PLUMMER  
CADILLAC**

**CONCEPTUAL MASTER PLAN**  
**Pixley Park - Geweke Auto Mall**  
G-REM, INC. City of Lodi California  
Lawrence A. Newton, ASLA, Landscape Architect  
July 2003

## 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.

### CULTURAL RESOURCES

6. 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

7. 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.
8. 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.
9. Electrically powered equipment shall be used instead of pneumatic or internal combustion-powered equipment, where feasible.

10. Mobile noise-generating equipment and machinery shall be shut off when not in use.
11. Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors.
12. Construction site and access road speed limits shall be established and enforced during the construction period.
13. 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.
14. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## 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 residential 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 a commercial and industrial streets. No scenic vistas exist on or close to the project site. 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 trees 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 state-designated scenic highways are located near the proposed project. These findings are based on a review of the California Scenic Highway Mapping System (California Department of Transportation 2007).

Construction and implementation of the proposed project would not require any changes to nearby streets. The proposed project would enhance the visual quality of the natural environment nearby streets by providing natural vegetation and park amenities such as multipurpose playing fields and sports courts.

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, impacts on visual quality would be limited 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 and 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.** The major sources of light and glare in the vicinity of the site are surrounding commercial and industrial properties, street lighting, and headlights from vehicles traveling along State highway 99 at night. 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. In accordance with Lodi Municipal Code Sec. 9.18.100, the project would be required to minimize glare impacts. In addition, pursuant to mitigation measure described below, an exterior lighting plan would be completed and implemented for the proposed project. The following mitigation measures shall be required to reduce the light and glare impacts of the project to less-than-significant levels:

## 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](http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm)

2. <b>AGRICULTURAL RESOURCES:</b> 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) 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))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**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 2006). Furthermore, the project site is located in an existing 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.
- 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 and 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.

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](http://redirect.conservation.ca.gov/DLRP/fmmp/county_info_results.asp)

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>3. AIR QUALITY :</b> would the project				
(a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**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 tons/year 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 NO<sub>x</sub> and PM<sub>10</sub> 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.<sup>1</sup> 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.
- 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.).

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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."

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 result 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

## Regulatory Setting

### Federal Endangered Species Act

The ESA protects fish and wildlife species and their habitats that have been identified by 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. *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)(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).

## **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"(Environmental 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 federal agencies.

Executive Order (EO) 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 3511, 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](http://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:**

No mitigation measures required.

**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: <i>Would the project:</i>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## 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 public 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 Draft 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**

- 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.
- 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.

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

7. <b>GEOLOGY AND SOILS</b> <i>Would the project:</i>	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## 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, grading, and best management practices that provide erosion control and prevent soil contamination.
- Tree rows or other windbreaks shall be used within buffers on the edge of urban development and in other areas as appropriate to reduce soil erosion.

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.

<b>8. HAZARDS AND HAZARDOUS MATERIALS:</b> <i>Would the project:</i>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### 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 II hazardous materials studies, as necessary, for each identified site as part of the design phase for each project. Require projects to implement federal or State cleanup standards outlined in the studies during construction.

### 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 public 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in a substantial erosion or siltation on- or off-site.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**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

- 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: <i>Would the project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### 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: <i>Would the project:</i>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**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: <i>Would the project:</i>	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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**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.

<b>14. PUBLIC SERVICES:</b> <i>Would the project:</i>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**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.

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>15. RECREATION:</b> <i>Would the project</i>				
(a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Substantially increase hazards due to a design feature (e. g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Require or result in the construction of new water or wastewater treatment or collection facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(f) Be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(g) Comply with federal, state, and local statutes and regulations related to solid wastes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**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**

- 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects?)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**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.

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