

1.0 INTRODUCTION

1.1 BACKGROUND

The California Environmental Quality Act (CEQA) requires public agencies to consider the physical effects that a proposed project may have on the environment if it is approved and constructed. The public agency with the principle responsibility for carrying out or approving a project is the “lead agency”. CEQA requires the lead agency to prepare an Environmental Impact Report (EIR) if there is substantial evidence, in light of the whole record, that a project may have a significant effect on the environment. A significant effect is defined in CEQA as a substantial and adverse physical change in the environment.

The City of Lodi is the lead agency for the proposed Vintner’s Square Shopping Center Project. The proposed project would develop a retail shopping center in the City of Lodi. The 28.27-acre shopping center site is located at the northwest corner of North Lower Sacramento Road and Kettleman Lane (Highway 12). Approximately 297,403 square feet of retail space would be constructed with the proposed project. Lowe’s Home Improvement Warehouse and WinCo Foods are the two tenants that would anchor the shopping center. Additional building pads would also be constructed for smaller retail stores and restaurants, including at least one fast-food style restaurant with a drive-through. The proposed project would require the City’s approval of a General Plan Amendment, a Property Rezone, a Tentative Parcel Map, and a Use Permit. Section 2.0, *Project Description*, provides a detailed description of the proposed Vintner’s Square Shopping Center Project.

The development application for the proposed project was filed with the City of Lodi in December of 2001. The initial environmental review of the application (the Initial Study) concluded that the proposed project would not result in significant environmental effects with the implementation of mitigation measures. The Initial Study concluded that a Mitigated Negative Declaration (MND)¹ should be prepared to complete the environmental review process for the proposed project. However, the City of Lodi received substantial public comments suggesting that the proposed project could result in significant environmental effects. Due to these comments and other controversies surrounding the proposed project, the City determined that an EIR should be prepared for the project.

This EIR has been prepared to analyze the environmental effects of the Vintner’s Square Shopping Center Project. This EIR has been prepared pursuant to the CEQA (Public Resources Code §§ 21000-21178) and the State CEQA Guidelines (California Code of Regulations Title 14, Chapter 3).

¹ An MND is a written declaration that concludes that a project would not result in significant environmental effects with the implementation of mitigation measures.

1.2 PURPOSE

According to Section 15121 of the State CEQA Guidelines, an EIR is an informational document that is written to inform public agency decision-makers and the public of the significant environmental effects of a proposed project. The purpose of an EIR is to:

- ❖ Analyze the environmental effects of a proposed project,
- ❖ Indicate mitigation measures to avoid or minimize the potentially significant environmental effects of a proposed project, and
- ❖ Identify alternatives to the project that would avoid or substantially lessen the significant effects of the project.

Environmental effects that are addressed in the EIR include the significant, adverse effects of the project across a full spectrum of environmental topics (see Table of Contents for Section 3.0 which identifies the environmental issues evaluated herein); growth-inducing effects of the project; and significant cumulative effects of past, present, and reasonably anticipated future projects.

It is not the purpose of an EIR to recommend either approval or denial of a project. Rather, the purpose of an EIR is to provide relevant information that will assist decision-makers in their decision to approve or deny the project. The lead agency may choose to approve a project that would result in significant environmental effects that cannot be mitigated. If this occurs, the lead agency is required to prepare a "Statement of Overriding Considerations" pursuant to Section 15093 of the State CEQA Guidelines.

1.3 SCOPE OF THE EIR

As provided for in §§ 15063 and 15126 of the State CEQA Guidelines, the focus of this EIR is limited to specific issues and concerns identified by the City of Lodi as causing potentially significant effects on the environment. To determine the scope of this EIR, the City of Lodi prepared and distributed a Notice of Preparation (NOP) for the proposed project. A NOP is a document that describes the proposed project, the project location, and the probable environmental effects of the project. The purpose of the NOP is to solicit comments from public agencies and interested parties, and to identify issues that should be considered in the EIR. The NOP identified the following list of issues proposed to be addressed in the EIR:

- ❖ Land Use and Planning
- ❖ Transportation and Traffic
- ❖ Air Quality
- ❖ Noise
- ❖ Secondary Socioeconomic Effects
- ❖ Cultural Resources
- ❖ Aesthetics / Visual Resources
- ❖ Biological Resources

- ❖ Hydrology and Water Quality
- ❖ Public Services
- ❖ Public Utilities
- ❖ Soils and Geology
- ❖ Hazards and Hazardous Materials
- ❖ Cumulative Impacts

A public notice was distributed on August 31, 2002 to Trustee Agencies², Responsible Agencies³, local and regional government agencies, and members of the public. This public notice was made available with the Initial Study for a 30-day public review and concluded that the City intended to adopt an MND for the project. The public agencies and members of the public had the opportunity to respond to the public notice in order to identify issues, or additional subjects that should be considered in the MND. A copy of this public notice and the comments raised by public agencies and members of the public are included in Appendix C of the EIR.

As described earlier herein, public controversy and public comments prompted the City to determine that an EIR should be prepared on the project. A second public notice, i.e., a Notice of Preparation (NOP) of an EIR was sent to Trustee and Responsible Agencies, members of the public and others; this NOP was also received by the State Clearinghouse on December 20, 2002 for a 30-day public review ending on January 21, 2003. The issues identified for inclusion in the EIR are incorporated into this EIR.

1.4 EFFECTS FOUND NOT TO BE SIGNIFICANT

Through the Initial Study and NOP scoping process, the City has determined that the following environmental issues will be excluded from further analysis in this EIR:

- ❖ **Public Services:** *schools, parks, and other public facilities:* The proposed project would not involve the construction of new residential units and would not result in substantial changes to the population of the City or County. Therefore, the demand for new schools, parks or other public services due to implementation of the project would not be altered beyond existing conditions. No impacts to these public services would occur as a result of the proposed project.
- ❖ **Recreation:** The proposed project would not involve the construction of new residential units and would not, therefore, result in substantial addition to the population of the City or County. The employment opportunities of the proposed project could be filled by **local** residents and would not require the in-migration of new labor, as may result in the creation of a new technology service requiring special and not readily available skills. Therefore, the project would not increase the use of existing parks or recreation facilities and would not require the

²A Trustee Agency is a federal, state, or local government agency that is responsible for natural resources that may be affected by the proposed project.

³A Responsible Agency is a federal, state, or local government agency (other than the lead agency) that is involved in funding or approving a portion of the proposed project.

construction of new or expansion of existing recreational facilities resulting from a new population associated with the project. Therefore, no impacts related to parks and recreation would occur as a result of the proposed project.

- ❖ **Mineral Resources:** According to the City of Lodi General Plan Update Background Report, there are no known mineral resources of local or statewide importance in the City of Lodi. Therefore, no impacts would occur as a result of the proposed project.
- ❖ **Odors:** A qualitative assessment of the odors that would be generated due to project construction and implementation indicates that substantial and adverse odors would not be generated. While construction equipment may generate odors due to the use of construction equipment, these would be limited in duration (grading and construction). Some one-time construction-related odors may result from the application of paints and glues but would not be on-going. The commercial uses proposed (e.g., Lowe's, some fast food restaurants) may emit occasional odors (e.g., at the landscaping facilities of Lowe's, and cooking aromas at the restaurants). However, landscape odors would be minimal since fertilizers, etc. would be in enclosed bags. Fast-food aromas would result from pad sites that are furthest from approved G-REM homes and other sensitive receptors. Consequently, odors would not be a substantial and adverse effect of the project.

1.5 ENVIRONMENTAL REVIEW PROCESS

This Draft EIR, with an accompanying Notice of Completion ("NOC"), will be circulated to the State Clearinghouse, responsible agencies, trustee agencies, other government agencies, and interested members of the public for a 45-day review period. The review period for this Draft EIR will begin on March 3, 2003 and end on April 17, 2003. During the review period, public agencies and members of the public may provide written comments on the analysis and content of the EIR. All written comments on the Draft EIR must be mailed to the City of Lodi by 5:00 p.m. on April 14, 2003. Comments must be sent to the following address:

City of Lodi
Community Development Department
P.O. Box 3006
221 West Pine Street
Lodi, CA 95240
Attention: J.D. Hightower, City Planner

Any comments received on this Draft EIR during the 45-day public review period will be responded to in writing by the City of Lodi. The Draft EIR; a list of persons, organizations, and public agencies that commented on the DEIR; comments received; and written responses to those comments will collectively compose the Final EIR. The Final EIR will be made available to, at a minimum, the Responsible Agencies that provided written comments on the Draft EIR for a period of at least 10 days

prior to any public hearing during which the lead agency will take action⁴ to certify the EIR. Pursuant to § 15090(a) of the State CEQA Guidelines, the Final EIR must be certified before the lead agency can take action on the project.

Following Final EIR certification but prior to the public agency taking action on the the project, the lead agency will prepare a Mitigation Monitoring and Reporting Program. Before approving (or conditionally approving) the project, , the City of Lodi must prepare CEQA findings, in accordance with § 15091 State CEQA Guidelines, including a brief explanation of the rationale for each finding for each significant environmental impact identified for the proposed project. If significant environmental impacts that cannot be reduced to a less than significant level are identified for the project, the lead agency must prepare a Statement of Overriding Considerations pursuant to § 15093 of the State CEQA Guidelines. Certification of the Final EIR, and approval of the CEQA findings, Mitigation Monitoring and Reporting Program, and the Statement of Overriding Considerations may be considered during one final public hearing. The certification of the Final EIR must be the first in this sequence of approvals.

1.6 RELATED REFERENCES

In preparation of this EIR, field research has been conducted, modeling has been prepared, communications have been held with knowledgeable experts in specific subject areas, and existing, publicly available documents have been reviewed, as described within each EIR section. Documents commonly relied upon and referenced in this EIR are listed below. Also please refer to Section 10.0, References Cited and Personal Communication of this EIR for additional resources uses in the environmental evaluation:

- ❖ City of Lodi. Apr. 1991. City of Lodi General Plan Policy Document. Prepared by Jones & Stokes Associates.
- ❖ City of Lodi. Jan. 15, 1998. City of Lodi General Plan Update Background Report. Prepared by Jones & Stokes Associates, Inc., J. Laurence Minter Associates, Pepper Associates, TJKM Transportation Consultants.
- ❖ City of Lodi. Jan. 26, 2001. City of Lodi Westside Facilities Master Plan. January 26, 2001.
- ❖ City of Lodi. Jan. 2002. Lodi Municipal Code.

1.7 TERMINOLOGY USED IN THE EIR

The EIR includes the following terminology to denote the level of significance of environmental impacts due to the proposed project:

- ❖ **Less than Significant Impact:** Project would not result in a substantial and adverse change in the physical conditions that exist in the area affected by the

⁴ After certification of the EIR, the City of Lodi will make the determination of whether to approve, disapprove, or conditionally approve the project. This determination is referred to as “taking action” on a project.

project. Project may result in an adverse change, but not substantial in light of the project conditions, project setting, or other factors. Mitigation measures are not required, but may be recommended.

- ❖ **Beneficial Impact:** Project would result in a positive contribution or improvement to the physical conditions that exist in the area affected by the project.
- ❖ **Significant Impact.** Project would result in both a substantial and adverse change in the physical conditions that exist in the area affected by the proposed project. According to § 21082.2(a) of CEQA, the lead agency shall determine whether a project may have a significant effect on the environment based on substantial evidence in light of the whole record. Mitigation measures or alternatives to the project or its location must be provided in an attempt to reduce the magnitude of the significant impact.
- ❖ **Potentially Significant Impact:** The project would result in a significant impact if certain events were to occur, but the occurrence of the events cannot be predicted with certainty. For example, if the project grading were to uncover archaeological resources but the certainty of those resources cannot be determined before grading actually occurs, a potentially significant impact would result. Potentially significant impacts are treated as a significant impact in that mitigation measures or alternatives to the project or its location must be provided in an attempt to reduce the magnitude of the significant impact.
- ❖ **Significant and Unavoidable Impact:** Project would result in a significant impact that cannot be mitigated to a less than significant level. A project can be approved in the face of one or more significant and unavoidable impacts but only after the lead agency prepares a Statement of Overriding Considerations, in accordance with Public Resources Code 21081(b) and Section 15093 of the State CEQA Guidelines, which specifies the project benefits that would outweigh the significant environmental impacts.