EXHIBIT 2

PUBLIC REVIEW DRAFT
INITIAL STUDY / MITIGATED NEGATIVE DECLARATION

for the

MARKETPLACE AT WESTON RANCH

Neighborhood Retail Commercial
and Multi-Family Residential Development
Carolyn Weston Boulevard and Manthey Road
City of Stockton, CA

Initial Study No: IS8-08

Site A Project Numbers:
General Plan Amendment No: GPA6-08
Rezoning No: Z-6-08
Use Permit No: UP69-08
Tentative Map No: TM 15-08
Off-Sale Alcoholic Beverages (Market) No: P09-029

Site B Project Number: No. P0-047

April 30, 2009

InSite
environmental, inc.

6653 Embarcadero Drive, Suite Q
Stockton, CA 95219
209.472.8650
Fax 209.472.8654
www.insite-env.com

Prepared for:

CITY OF STOCKTON
Community Development Department
345 N. El Dorado Street
Stockton, CA 95202
(209) 937-8266

CITY OF STOCKTON
ENVIRONMENTAL DOCUMENT TRANSMITTAL LETTER

May 5, 2009

TO: (See Attached List)

FROM: Lead Agency
City of Stockton
c/o Community Development Dept.
Planning Division
345 North El Dorado Street
Stockton, CA 95202

SUBJECT: PUBLIC REVIEW OF THE INITIAL STUDY/PROPOSED MITIGATED NEGATIVE DECLARATION FOR MARKET PLACE AT WESTON RANCH AND WESTON RANCH REZONING PROJECT (IS8-08, GPA6-08, Z6-08, TM15-08, UP69-08, P09-029, P09-047)

Enclosed is a copy of the Public Notice of Intent to Adopt (NOI) for the above-named environmental document. A copy of the environmental document, with applicable attachments, is also being transmitted to each "Responsible", "Trustee", and other public agencies included on the attached list, as applicable. State agencies, however, should obtain the environmental document, with attachments, directly from the State Clearinghouse.

The remaining agencies, organizations and individuals on the attached list are receiving only this transmittal letter and the NOI. Public agencies may obtain a free copy of the above-named environmental document at the above-noted Lead Agency address. Private individuals, organizations, and corporations may purchase a copy of the environmental document for a fee of **$15.00**. If mailing is requested, please remit an additional fee of **$5.00** for postage and handling. Checks should be made payable to the City of Stockton and any written orders must identify the project title and document identification number, as noted above.

Any written comments regarding the above-named environmental document must be received at the Lead Agency address no later than **June 5, 2009 by 5:00 p.m.** If no comments are received by the date indicated, it will be assumed that the document is acceptable. Further information may be obtained by contacting Assistant Planner Tracy Chu of the Community Development Department, Planning Division at (209) 937-7567.

MICHAEL M. NIBLOCK, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

BARBARA C. BERLIN, AICP
DEPUTY DIRECTOR, PLANNING DIVISION

By: _____
Assistant Planner Tracy Chu

Date: May 5, 2009

Enclosures

BCB:TC:dr

::ODMA\GRPWISE\COS.CDD.CDD_Library:76424.1

CITY OF STOCKTON
PUBLIC NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION OR
MITIGATED NEGATIVE DECLARATION/PUBLIC MEETING
(Pursuant to Public Resources Code Sections 21092 and 21092.3 and
Cal. Code of Regulations Title 14, Sections 15072, 15073 and 15087)

The City of Stockton Community Development Department has completed, independently reviewed and analyzed the following Proposed Negative Declaration or Mitigated Negative Declaration/Initial Study:

1. **THE INITIAL STUDY/PROPOSED MITIGATED NEGATIVE DECLARATION FOR MARKET PLACE AT WESTON RANCH AND WESTON RANCH REZONING PROJECT (IS8-08/GPA6-08/Z6-08/TM15-08/UP69-08/P09-029/P09-047)** An Initial Study/Proposed Mitigated Negative Declaration (IS8-08) for property located on the north side of Carolyn Weston Boulevard, 150 feet east of McDougald Boulevard and property located on the northwest corner of Henry Long Boulevard and Manthey Road.for: 1) a Tentative Map to subdivide a 12.93-acre lot into seven parcels; 2) General Plan Amendment to amend approximately 7.6-acres of a 12.93-acre lot from High Density Residential to Commercial; 3) Rezoning application to rezone approximately 7.6-acres of a 12.93-acre lot from RH (Residential, High Density) to CG (Commercial, General); 4) Use Permit to construct a 102 unit apartment complex and 161 parking spaces and a 56, 069-square foot retail shopping center with 333 parking spaces on approximately 12.93-acre lot; 6) A Fresh and Easy retail store; and 7) General Plan Amendment from Commercial to High Density Residential and rezoning from RL (Residential, Low Density) and CG to RH, to replace the RH zoning to be rezoned in GPA006-08 and Z006-08.

A copy of the Initial Study/Proposed Negative Declaration may be reviewed and/or obtained at the following address:

Community Development Department
Planning Division
345 North El Dorado Street
Stockton, CA 95202

Any written comments on this document must be received at this same address no later than **June 5, 2009 by 5:00 p.m.** Further information may be obtained by contacting the City Planning Division at (209) 937-8266.

The Planning Commission will consider the Proposed Negative Declaration or Mitigated Negative Declaration/Expanded Initial Study at their meeting of **July 9, 2009, at 6:00 p.m.** in the Council Chambers, second floor, City Hall, 425 North El Dorado Street. Anyone wishing to be heard on the issue may appear before the City Planning Commission at the time of the public meeting.

All proceedings before the City Planning Commission are conducted in English. The City of Stockton does not furnish interpreters and if one is needed, it shall be the responsibility of the person needing one.

If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public meeting.

MICHAEL M. NIBLOCK, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

PLEASE PRINT ON: **May 5, 2009**

Bill: Community Development Department
Planning Division
425 North El Dorado Street
Stockton, CA 95202-1997
Please enclose Affidavit of Publication with invoice.

CITY OF STOCKTON

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MICHAEL M. NIBLOCK, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

AFFIDAVIT OF FILING AND POSTING

I declare that on the date stamped above, I received and posted this notice as required by California Public Resources Code Section 21092.3. Said notice will remain posted for 30 days from the filing date.

_____ _____

Signature Title

Posting Period Ending Date: _____

CITY OF STOCKTON
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MICHAEL M. NIBLOCK, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

::ODMA\GRPWISE\COS.CDD.CDD_Library:76425.1

IS8-08 Market Place at Weston Ranch

COS Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

City Attorney
Attn: Guy Petzold
City Hall

COS Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

Municipal Utilities Dept.
Murdoch/Tovar
City Hall

COS Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

Community Dev. Dept.
Administration Division
CDD

COS Envr ☑ 10 NOA ☐ NOI ☑ NOP ☐ Tech ☐

Planning Commission (10)
*** HOLD FOR LATER DISTRIBUTION ***

COS Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

Community Dev. Dept.
Building Division
CDD

COS Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

Police Dept
Attn: Bob Marconi
City Hall

COS Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

Community Dev. Dept.
Planning Division
CDD

COS Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

Public Works
S.J. Area Flood Control
City Hall

COS Envr ☑ 2 NOA ☐ NOI ☑ NOP ☐ Tech ☐

Community Dev. Dept. (2 copies)
Engineering Transportation Planning
CDD

COS Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

Public Works Dept
Admin/Engin. Attn: Giottonini
City Hall

COS Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

Fire Prevention Division
Matt Duaime

COS Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

Public Works Dept
Traffic-Engineering
City Hall

COS Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

Municipal Utilities Dept.
Mark Madison

COS Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

Revitalization Department
David Harzoff/Kitty Walker
SEB

IS8-08 Market Place at Weston Ranch

PUBLIC Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

San Joaquin Regional Transit District (SJRTD)
Planning Division
P.O. Box 201010
Stockton, CA 95201

SCHOOL Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

Manteca Unified School District
P O Box 32
Manteca, CA 95336

SJCO Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

Airport Land Use Commission
SJCOG
555 E. Weber Avenue,
Stockton, CA 95202

SJCO Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

San Joaquin County Assessor
24 South Hunter Street, Room 303
Stockton, CA 95202

SJCO Envr ☑ 2 NOA ☐ NOI ☑ NOP ☐ Tech ☐

SJ COG (2)
Proj. Dev./Habitat Plan
555 E. Weber Avenue
Stockton, CA 95202

SJCO Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

SJ Flood Control
P O Box 1810
Stockton, CA 95201

SPECIAL Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

San Joaquin Valley Air Pollution Control District
CEQA ISR
1990 E. Gettysburg Ave.
Fresno, CA 93726

STATE Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

Caltrans
District 10
P O Box 2048
Stockton, CA 95201

STATE Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

Caltrans
Planning
P O Box 942874
Sacramento, CA 94274-001

UTILITY Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

Comcast
6505 Tam O'Shanter Drive
Stockton, CA 95210

UTILITY Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

PG&E-Stockton Division
Land Department
4040 West Lane
Stockton, CA 95204

UTILITY Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

SBC
2300 East Eight Mile Road, Room 101
Stockton, CA 95210

IS8-08 Market Place at Weston Ranch

DOC COUNT

Envr **37** NOA **0** NOD **37** NO **0** Tech Ap **0**

LABEL COUNT 26

PUBLIC REVIEW DRAFT
INITIAL STUDY / MITIGATED NEGATIVE DECLARATION

for the

MARKETPLACE AT WESTON RANCH

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Use Permit No: UP69-08
Tentative Map No: TM 15-08
Off-Sale Alcoholic Beverages (Market) No: P09-029

Site B Project Number: No. P0-047

April 30, 2009

Prepared for:

CITY OF STOCKTON
Community Development Department
345 N. El Dorado Street
Stockton, CA 95202
(209) 937-8266

Prepared by:

INSITE ENVIRONMENTAL, INC.
6653 Embarcadero Drive, Suite Q
Stockton, CA 95219

TABLE OF CONTENTS

LIST OF TABLES

APPENDICES

CHAPTER 1.0
INTRODUCTION TO INITIAL STUDY

Project Brief

The Marketplace at Weston Ranch project consists of a neighborhood retail commercial center and 102 multi-family residential units on a 9.5-acre (net) vacant site located at the intersection of Carolyn Weston Boulevard and Manthey Road in the Weston Ranch development of south Stockton; primary access to the site would be from this existing full-access intersection. The commercial portion (5.5 acres) of the project, which would occupy the Carolyn Weston Boulevard frontage, would involve the development of a total of 56,069 square feet of commercial space, including a 13,969 square foot specialty grocery store, a 14,820 square foot drug store, 12,880 square feet of retail/restaurant space, and three pads accommodating one or fast food restaurants and two other businesses. The northern 4.0 acres of the site would accommodate 102 multi-family residential units in multiple structures. The project would include a total of 523 parking spaces.

The project site is presently designated and zoned for multi-family residential use. The proposed project will require a general plan amendment and rezoning in order to accommodate both the commercial and multi-family residential uses as proposed. Proposed development of the project site will also require City approval of a Planning Commission Use Permit, an Administrative Use Permit, and a Tentative Subdivision Map. In addition, and in order to preserve the City's supply of land designated for High Density Residential use, the applicant has applied for a general plan amendment and rezoning that would convert a 5.5-acre commercial site within Weston Ranch for future development of the high-density residential potential displaced by the proposed commercial development.

A detailed description of the proposed project, its location and purpose is provided in Chapter 2.0. The general location of the project and its major components is shown on Figures 2-1 through 2-5 at the end of Chapter 2.0.

Purpose of Initial Study

The California Environmental Quality Act (CEQA) requires that public agencies document and consider the potential environmental effects of government 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.

The proposed actions related to approval of the Marketplace at Weston Ranch constitute a "project" as defined by CEQA and are not CEQA-exempt. The City of Stockton has determined that the project would involve potentially significant environmental effects, but that these effects can be reduced to less than significant with the implementation of mitigation measures, and that a Mitigated Negative Declaration will be prepared for the project. This finding is documented in this Initial Study.

Scope of Initial Study

This Initial Study evaluates the project's potential to result in "significant" environmental effects as defined by CEQA in the following issue areas. Where feasible mitigation measures that would avoid or reduce significant effects are identified, the proposed mitigation measures are identified in each issue area.

Aesthetics

Agricultural Resources

Air Quality

Biological Resources

Cultural Resources

Geology and Soils

Hazards and Hazardous Materials

Hydrology and Water Quality

Land Use and Planning

Mineral Resources

Noise

Population and Housing

Public Services

Recreation

Transportation/Traffic

Utilities and Service Systems

Global Climate Change

Mandatory Findings of Significance

Environmental Evaluation Checklist Terminology

The potential environmental effects of the proposed project are evaluated in Chapter 3.0 of this document, which is the Environmental Evaluation Checklist. The potential environmental effects are summarized in Table 1-1 at the end of this chapter. The Environmental Evaluation Checklist includes a list of environmental considerations against which the project is evaluated. For each of these considerations, the agency determines whether the project would involve: 1) No Impact, 2) a Less Than Significant Impact, 3) a Less Than Significant Impact With Mitigation Incorporated, or 4) a Potentially Significant Impact.

A Potentially Significant Impact occurs when there is substantial evidence that the project would involve a substantial adverse change to the physical environment, i.e. that the environmental effect may be significant, and mitigation measures have not been defined that would reduce the impact to a less than significant level. If there are one or more Potentially Significant Impact entries in the Initial Study, an EIR is required.

A Less Than Significant Impact occurs when the project would involve some effects on the resource in question, but the project would not involve a substantial adverse change to the physical environment, and no mitigation measures are required.

An environmental effect that is Less Than Significant With Mitigation Incorporated is a potentially significant impact that can be avoided or reduced to a less than significant level with the application of mitigation measures.

A determination of No Impact is self-explanatory.

In this environmental document, those entities or persons responsible for the project application and/or its ultimate construction and operation are known as the "owners, developers and/or successors-in-interest." This is abbreviated as the "ODS" in the discussions of impacts, mitigation measures, and the related implementation monitoring requirements described in Chapter 3.0.

Initial Study Organization

Chapter 1.0, Introduction, briefly summarizes the project, the purposes of the Initial Study, the terminology used in the Initial Study, and the organization of the document. A table summarizing the potential environmental effects of the project and the mitigation measures proposed to reduce those impacts to less than significant is included at the end of the chapter.

Chapter 2.0, Project Description, describes the proposed development project, its location, background and required permits and approvals.

Chapter 3.0, the Environmental Evaluation Checklist, contains the environmental evaluation of the project in the environmental issue areas described above.

TABLE 1-1

SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
1. AESTHETICS			
Impacts on Aesthetic Resources	LS	*None required.*	
Light and Glare Impacts	PS	1. Outdoor lighting for proposed commercial areas shall be directed downward and shielded to protect adjacent residential areas from undue glare and illumination. All lighting shall conform to the requirements of the Stockton Development Code Section 16-305.060.	LS
2. AGRICULTURE			
Project Impacts on Agricultural Land and Uses	LS	None required	
3. AIR			
Effects of Project Construction on Air Quality	PS	1. The ODS shall comply with all applicable requirements of SJVAPCD Regulation VIII, including compliance with the following mitigation measures 2 through 9.	LS
		2. Visible Dust Emissions (VDE) from construction, demolition, excavation or other earthmoving activities related to the project shall be limited to 20% opacity or less, as defined in Rule 8011, Appendix C. The dust control measures specified in mitigations 3 through 9 shall be applied as required to maintain the VDE standard.	
		3. Pre-water all land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activity sites and phase earthmoving.	
		4. Apply water, chemical/organic stabilizer/ suppressant, or vegetative ground cover to all disturbed areas, including unpaved roads.	
		5. Restrict vehicular access to the disturbance area during periods of inactivity.	
		6. Apply water or chemical/organic stabilizers/ suppressants, construct wind barriers and/or cover exposed potentially dust-generating materials.	
		7. When materials are transported off-site, stabilize and cover all materials to be transported and maintain six inches of freeboard space from the top of the container.	
		8. Remove carryout and trackout of soil materials on a daily basis unless it extends more than 50 feet from site; carryout and trackout extending more than 50 feet from the site shall be removed immediately. The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden. If the project would involve more than 150 construction vehicle trips per day onto the public street, additional restrictions specified in Section 5.8 of Rule 8041 will apply.	
		9. Traffic speeds on unpaved roads shall be limited to 15 mph.	

TABLE 1-1

SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
		10. The ODS shall comply with all applicable provisions of the SJVAPCD Indirect Source Review Rule (Rule 9510), which requires the applicant to submit an application to the District when applying for the development's last discretionary approval.	
Mobile Source Emissions from Project Operations	S	1. The ODS shall comply with all applicable provisions of the SJVAPCD Indirect Source Review Rule (Rule 9510), which requires the applicant to submit an application to the District when applying for the development's last discretionary approval.	LS
Air Toxics and Odors	LS	None required	
4. BIOLOGICAL RESOURCES			
Impacts on Biological Resources	PS	1. The ODS shall mitigate for the proportionate loss of potential wildlife habitat from the project site by participation in the SJMSCP and by paying the required SJMSCP fee for Category C, Agricultural Habitat Open Spaces.	LS
		2. The ODS shall take any other actions required by the adopted SJMSCP, including the implementation of any required Incidental Take Minimization Measures (ITMMs).	
5. CULTURAL RESOURCES			
Potential Project Effects on Cultural Resources	PS	1. If any subsurface cultural resources are encountered during construction of the project, all construction activities in the vicinity of the encounter shall be halted until a qualified archaeologist can examine these materials and make a determination of their significance. The City of Stockton Community Development Department shall be notified. The ODS shall be responsible for mitigation of any significant cultural resources pursuant to the CEQA Guidelines.	LS
		2. If human remains are encountered at any time during the development of the project, all work in the vicinity of the find shall halt and the County Coroner and the Community Development Department shall be notified immediately. The Coroner must contact the Native American Heritage Commission if the remains are those of a Native American. At the same time, a qualified archaeologist and a representative from the Northern Valley Yokuts Tribe must be contacted to evaluate the archaeological implications of the finds. The CEQA Guidelines detail steps to be taken when human remains are found to be of Native American origin.	
		3. The ODS shall provide for training of field personnel in identification procedures, prior to implementing construction work. The training would take the form of a two- to four-hour seminar in which a professional archaeologist would review with equipment operators the natural and cultural history of the project area, archaeological sensitivity, the most likely location of buried cultural materials, and what kinds of cultural materials would be seen if prehistoric materials are in fact unearthed. The seminar would conclude with specific instructions on how to address such discoveries and what	

TABLE 1-1

SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
		immediate actions to take, particularly if human remains are found.	
6. GEOLOGY AND SOILS			
Project Effects on Geology and Soils	PS	1. The ODS shall submit a geotechnical or soils report to the Community Development Department, Building Division for review and approval prior to the issuance of site development plans or building permits. 2. The ODS shall be responsible for incorporation of the design and other recommendations of the geotechnical or soils report into the project plans and specifications	LS
7. HAZARDS AND HAZARDOUS MATERIALS			
Potential Hazards Effects Associated with the Project	LS	None required.	
8. HYDROLOGY AND WATER QUALITY			
Project Effects on Surface Water Features and Hydrology	LS	None required.	
Project Effects in Surface Water Quality		1. The ODS shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) for the project and file a Notice of Intent (NOI) with the State Water Resources Control Board prior to commencement of construction activity. The SWPPP shall be available on the construction site at all times. 2. Site development plans shall incorporate an Erosion Control Plan consistent with all applicable provisions of the SWPPP. 3. The ODS shall submit the SWRCB Waste Discharger's Identification Number (WDID) to the City prior to approval of development or grading plans. 4. Site development plans shall include post-construction Best Management Practices as required by Municipal Code Sections 7-859, 7-859.1 and 7-859.2 and the City of Stockton's Storm Water Quality Control Criteria Plan (SWQCCP). 5. The ODS shall establish a maintenance entity to provide annual funding for the operation, maintenance and replacement costs of the storm water post-construction treatment control measures. An agreement to participate in the subject maintenance entity shall be executed prior to issuance of a Certificate of Occupancy.	LS
Effects of the Project on Groundwater Systems	LS	None required	

TABLE 1-1

SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
9. LAND USE AND PLANNING			
Project Effects on Land Use Plan Designations and Zoning	LS	None required	
Reduction in Inventory of Lands Designated and Zoned for High Density Residential Use	LS	None required	
Land Use Conflicts Associated with the Project	LS	None required	
10. MINERAL RESOURCES			
Impact on Mineral Resources	LS	None required	
11. NOISE			
Exposure of Sensitive Land Uses to Roadway Noise	LS	None required	
Effects of Retail Commercial Noise on Nearby Residential Uses	PS	1. The proposed truck well barrier shall be 11 feet in height and shall be constructed with a sound-absorbing finish having a minimum Noise Reduction Coefficient (NRC) rating of 0.65 on the loading dock side of the barrier. Options for design of this facility are included in the j. c. brennan (2008) report. These options would include wall construction using slotted concrete masonry units. 2. Noise from mechanical equipment vents on the proposed grocery shall be reduced by silencers, acoustical louvers, building parapets or other structural elements of the building that block the line of sight between the vents and nearby multi-family residential uses. 3. Trucks utilizing the loading dock at the proposed grocery shall be required to shut down truck engines during loading activities. 4. The ODS shall notify future renters of units facing the proposed grocery of the potential for early-morning noise disturbance. 5. Facades of the apartment building nearest to the proposed grocery loading area shall be designed to maintain an interior noise level of 45 dB or less with windows closed. A mechanical ventilation system shall be provided that provides fresh air supply to each unit with requiring the operation of air conditioning or opening of windows.	
Construction Noise	PS	1. Temporary noise impacts resulting from project construction shall be minimized by restricting hours of operation by noise-generating equipment to 7:00 a.m. to 10:00 p.m. Monday through Friday, and 7:00 a.m. to 6:00 p.m. on Saturday and Sunday when such equipment is to be used near sensitive land uses, and by requiring residential type	LS

TABLE 1-1

SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
		mufflers where applicable.	
12. POPULATION AND HOUSING			
Project Effects on Population and Housing	LS	None required	
13. PUBLIC SERVICES/FACILITIES			
Project Impacts on Police Protection Services	PS	1. The ODS shall coordinate with the City of Stockton Police, Fire, Municipal Utilities, Public Works and Community Development Departments in the design of the project. Proposed improvements shall incorporate access, visibility, security and other emergency access/response needs as required to address departmental concerns.	LS
		2. The ODS shall implement construction period security measures recommended by the Police Department including: a. Ensure that during construction, a licensed, uniformed security guard must be present during the evening hours on weekdays (Monday through Friday), and 24 hours per day on weekends and holidays, when the developer is not on site. b. Fence the entire project site so that it is inaccessible to the public after hours and on weekends and holidays, and maintain the fence as required. c. Provide lighting throughout the night, every night, so as to clearly illuminate the majority of the project area. d. Provide portable video security monitors/cameras during the construction phase, along with signs advertising such monitoring, to further serve as a deterrent. e. Ensure that appliances such as stoves, microwaves, refrigerators, etc., are not installed until the day a new owner completes the final walkthrough of the residence. If installed earlier, the residence must remain securely locked after hours and on weekends/holidays. f. The ODS shall ensure that cabinetry and other valuable items be kept offsite prior to installation. Once installed, the residence must be kept securely locked.	
		3. The ODS shall implement the following post-construction period security measures recommended by the Police Department: a. Implement a mandatory Crime Free Multi-Housing program. b. Enclose residential areas with wrought-iron fencing as appropriate.	

TABLE 1-1

SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
		c. Install automatic gates to control ingress and egress. All entrance/exist gates must be Knox-Box compatible. d. Parking areas and walkways should be well-lighted and equipped with security cameras and recording equipment. e. Install low-growth vegetation around the buildings and parking areas to facilitate maximum visibility.	
Project Effects on Fire Protection Services	PS	1. The ODS shall coordinate with the City of Stockton Police, Fire, Municipal Utilities, Public Works and Community Development Departments in the design of the project. Proposed improvements shall incorporate access, visibility, security and other emergency access/response needs as required to address departmental concerns. 2. The ODS shall incorporate access, water supply and other fire suppression and emergency access/response needs in the proposed project design. 3. The ODS shall install fire hydrants and water distribution facilities which will provide fire flows which are adequate to support the City's existing ISO rating and which conform to adopted Building Code Fire Safety Standards, for all of the uses proposed within the project area.	LS
Project Effects on Schools	LS	None required.	
Project Effects on Parks and Recreation		Discussed in Section 14, Recreation.	
Project Effects on Libraries and Other Services	LS	None required.	
14. RECREATION			
Potential Project Effects of Recreation	LS	None required	
15. TRANSPORTATION/CIRCULATION			
Potential for New Traffic Impacts Associated with the Proposed Development of Site A	LS	None required	
Potential Traffic Impacts of Shopping Center Development on Carolyn Weston Boulevard Operations	PS	1. The ODS shall install a pork chop or comparable traffic control device at the proposed west access to restrict outbound movements to right turns only.	
Adequacy of Shopping Center On-Site Circulation including Truck Movements	LS	None required	

TABLE 1-1

SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
Project Effects on Transit, Bicycle and Pedestrian Facilities	LS	None required	LS
16. UTILITIES/SERVICES SYSTEMS			
Effects of the Project on Wastewater Services and Facilities	LS	None required	
Effects of the Project on Potable Water Services	LS	None required	
Effects of the Project on Storm Drainage Services	PS	1. The ODS shall perform a hydrologic and hydraulic analysis to determine if the existing Weston Ranch storm drainage infrastructure and pump station are capable of accommodating the additional runoff generated from the project. If the existing capacity is inadequate, the ODS will be required to make all necessary improvements, as required by the Stockton Municipal Code prior to the approval of building permits. 2. The ODS shall prepare and implement a Storm Water Pollution Prevention Plan and file a Notice of Intent as required by the Hydrology and Water Quality mitigation measures. 3. The project shall incorporate post-construction Best Management Practices in project plans and specifications as required by the City's Stormwater Quality Control Criteria Plan, adopted November 25, 2003, as outlined in the City's Phase 1 Stormwater NPDES permit issued by the California Water Quality Control Board, Central Valley Region (Order No. R5-2007-0173). The ODS will establish a maintenance entity acceptable to the City to provide funding for the operation, maintenance, and replacement costs of storm water Best Management Practices. 4. Prior to the issuance of a certificate of occupancy, the ODS shall establish a maintenance entity approved by the City to provide funding for the operation, maintenance, repair, and replacement of project's storm water quality management features.	LS
Effects of Project on Gas and Electric Services	LS	None required	
Telephone and Cable TV Services	LS	None required	
Solid Waste	LS	None required	

TABLE 1-1

SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
17. GLOBAL CLIMATE CHANGE			
Global Climate Change Impacts	LS	None required	

Mitgation Measure Key Code:
ODS=Owners, developers and/or successors-in-interest
S- Significant
CS=-Cumulatively Significant
PS=Potentially Significant
LS=Less than Significan
SOC Adopted=Statement of Voerriding Considerations previous adopted

CHAPTER 2.0
PROJECT DESCRIPTION

Project Brief

The Marketplace at Weston Ranch project consists of a neighborhood retail commercial center and 102 multi-family residential units on a 9.5-acre (net) vacant site located at the intersection of Carolyn Weston Boulevard and Manthey Road in the Weston Ranch development of south Stockton; primary access to the site would be from this existing full-access intersection. The commercial portion (5.5 acres) of the project, which would occupy the Carolyn Weston Boulevard frontage, would involve the development of a total of 56,069 square feet of commercial space, including a 13,969 square foot specialty grocery store, a 14,820 square foot drug store, 12,880 square feet of retail/restaurant space, and three pads accommodating one or two fast food restaurants and other businesses. The northern 4.0 acres of the site would accommodate 102 multi-family residential units in multiple structures. The project would include a total of 523 parking spaces.

The project site is presently designated and zoned for multi-family residential use. The proposed project will require a general plan amendment and rezoning in order to accommodate both the commercial and multi-family residential uses as proposed. Proposed development of the project site will also require City approval of a Planning Commission Use Permit, an Administrative Use Permit, and a Tentative Subdivision Map. In addition, and in order to preserve the City's supply of land designated for High Density Residential use, the project applicant has applied for a general plan amendment and rezoning that would convert a 5.5-acre commercial site within Weston Ranch for future development of high-density residential potential displaced by the proposed commercial development.

Project Objectives

The objective of the proposed project is to develop the project site with a neighborhood commercial center and adjacent multi-family residential project, consistent with the intensity and density limitations of the proposed general plan designations and zoning, and with the objectives and policies of the Stockton General Plan. The project objectives also include maintaining the City's existing inventory of lands designated and zoned for high-density residential use.

Project Location

The proposed commercial and residential development site, to be referred to as "Site A", consists of approximately 12.95 gross acres of vacant land located south of French Camp Slough and north of the intersection of Carolyn Weston Boulevard and Manthey Road in the southern portion of the City of Stockton, California (Figure 2-1 through 2-5). Site A is located within the Weston Ranch master-planned development, which was approved by the City of Stockton in the 1980s. The northern portion of Site A includes the French Camp Slough levee and its required setback area. The net area of the site is 9.5 acres.

The Site A address is 531, 563, 613 and 721 Carolyn Weston Boulevard. The site comprises Assessor's Parcel Number 164-220-01. Site A is shown on the Stockton West US Geological Survey 7.5-minute quadrangle map (Figure 2-3). The easternmost portion of the site is within Parcel C of the Charles M. Weber grant El Rancho del Campo de los Franceses. The site is in an area not subject to sectional survey; the site is as a whole lies within Township 1 North, Range 6 East, MDBM. The location of Site A is shown on Figures 2-1 through 2-5.

The proposed project also involves the future amendment of the Stockton General Plan and rezoning of approximately 5.5 acres located adjacent to Manthey Road to permit its future development for high-density residential development (Figures 2-1 through 2-5.1). This site will be referred to "Site B". Site B is also within the Weston Ranch development and was previously approved by the City for commercial development. The site address is 4245 and 4533 Manthey Road and comprises Assessor's Parcel Number 168-170-07. The site is within Parcel D of the Charles M. Weber grant El Rancho del Campo de los Franceses and lies within Township 1 North, Range 6 East, MDBM as shown on the Stockton West US Geological Survey 7.5-minute quadrangle map. No development of this site is proposed at this time.

Project Entitlements

The proposed project involves requests for several City approvals, which would be required to permit development of the proposed neighborhood commercial and multi-family residential uses, as shown on the proposed Site Plan (Figure 2-6). These approvals would also provide for replacement of high-density residential capacity lost to proposed commercial development.

The proposed development site, Site A, is presently designated and zoned for multi-family residential use. The existing land use designation and zoning are High Density Residential and Residential, High Density. The proposed project would amend the General Plan 2035 designation of the (southern 5.5 acres of the) project site from RH High Density Residential to Commercial. The project proposes the rezoning of the same area from Residential, High Density to CG Commercial, General. The proposed general plan amendment and rezoning are shown on Figures 2-7 and 2-8.

Development of the proposed shopping center and the multi-family residential portions of the project within their respective proposed zoning districts would require City (staff) approval of an Administrative Use Permits (Development Code Section 16-575). Approval of off-sale alcohol sales in the proposed grocery and drug stores would require Planning Commission approval of Use Permits for these uses.

The project would include a request for approval of a tentative subdivision map (Figure 2-9). The proposed tentative map would divide the proposed development site to create seven parcels that would segregate the ownership of the proposed grocery and drug stores, the commercial pads and the proposed multi-family residential site. The subdivision would permit separate tax assessment as well as conveyance of the individual ownerships if required. Easements for planned utility lines and reciprocal access would be granted as required to maintain access to all parcels.

To replace the 5.5 acres of high-density residential development capacity that would be lost to proposed commercial development, the project includes a general plan amendment and rezoning of approximately 5.5 acres of commercially-designated property located within Weston Ranch to permit its future development for high-density residential use. "Site B" is the site of the general plan amendment and rezoning, and this action is considered in this document. The applicant has agreed to complete the proposed general plan amendment and rezoning prior to filing of the Final Map and project construction. Site B is adjacent to and south of other lands designated and zoned for high-density residential purposes.

The Development Agreement would provide for an amendment of the Stockton General Plan 2035 designation of this site from Commercial to HDR High Density Residential. The existing zoning of the site, which is RL Residential, Low Density and CG Commercial, General would be changed to Residential, High Density. The proposed general plan amendment and rezoning are shown on Figures 2-8 and 2-9 (Site A) and Figures 2-11 and 2-12 (Site B). No development of Site B is proposed at this time.

Proposed Commercial Development

The commercial portion of the Marketplace at Weston Ranch project involves the development of a total of 56,069 square feet of commercial space, including a 13,969 square foot specialty grocery, a 14,820 square foot drug store, a retail strip totaling 12,880 square feet, and three pads, one or two of which would accommodate fast-food restaurants. A list of the square footage of the proposed store areas is shown in Table 2-1.

The arrangement of the proposed commercial uses is shown on the Site Plan (Figure 2-6). The proposed drug store and the specialty grocery are the principal proposed structures, which would be directly accessed from the Carolyn Weston Boulevard/Manthey Road intersection, and which would flank the primary site entry; the proposed retail strip would adjoin the grocery to the west. Pads A and B would be accessed from the site's internal circulation system as well as the proposed west driveway; Pad F would be accessed from the drugstore parking area. Proposed building elevations for the principal structures are shown in Appendix F.

TABLE 2-1
PROPOSED COMMERCIAL SPACES

Space	Use	SF
A	Pad	6,000
B	Fast Food	3,200
C	Strip Stores (11)	12,880
D	Specialty Grocery	13,969
E	Drug Store	14,820
F	Retail/Restaurant/Office	5,200
TOTAL		56,069

Development of the commercial site would not require major access improvements to the Carolyn Weston Boulevard frontage. The street section, including pavement, curbs, gutter, sidewalks and landscaping, along the project frontage is complete. The proposed west driveway would need to be constructed, and additional access improvements at the existing Manthey Road intersection may be required.

The primary access to the proposed shopping center would be constructed as the north leg of the existing Carolyn Weston/Manthey Road intersection. On-site, this access would consist of a 30-foot two-lane roadway extending north through the commercial portion of the site and also providing primary access to the multi-family residential portion of the project. Approximately 110 feet of stacking depth would be provided north of Carolyn Weston Boulevard. The project also proposes a secondary west access that would consist of a 25-foot right-in/right-out driveway located approximately 350 feet west of Manthey Road.

Internal vehicle circulation on Site A would be provided from the primary access by 25-foot aisles, that would serve proposed perpendicular parking spaces. The commercial portion of the project would provide a total of 344 spaces, which would exceed parking requirements for the proposed uses by 47 spaces. Parking calculations assume that a total of 8,000 square feet of the areas proposed for retail commercial development would be developed with restaurant uses. Excess spaces in the commercial portion of the project would benefit the residential portion of the project; reciprocal use easements would be granted over these areas as required to secure necessary parking for the residential areas.

The proposed drug store (Building E) would include a drive-through facility on the east side of the building. The proposed fast food restaurant (Building B) and Building F, which could accommodate a drive-through restaurant in combination with other commercial uses, would include single-lane drive-through aisles.

Pedestrian circulation is provided along the entire Carolyn Weston Boulevard frontage via existing curvilinear walkways combined with landscaping strips; these improvements were constructed in conjunction with the street. Interior pedestrian ways would be provided between the proposed parking areas and the proposed commercial structures as well as along the storefronts. Pedestrian access ways and gates would be provided between the proposed commercial area and the adjoining multi-family residential area.

Truck access to the loading area of the proposed grocery and drug stores would be provided from the primary access; truck turning would be provided by the hammerhead formed by the primary road north of these loading areas. The proposed grocery would include a single loading dock, depressed approximately four feet below grade, and a masonry screening wall would be constructed to an elevation of 11 feet above grade. One at-grade loading area would be provided for the drug store via a roll-up door. Delivery truck access to the other proposed stores and restaurants would be provided from the internal circulation aisles along the store frontage.

A trash compactor would be located at the northeast corner of the grocery store. The compactor would be screened from residential areas to the north.

Landscaping would be provided along the perimeter of the site in 10-foot wide (minimum) landscaping strips. Additional landscaping would be provided in proposed pedestrian ways along the driveway throats, and in the parking row end-caps and tree wells, as shown on Figure 2-10. Detailed landscaping plans would be developed at a later date; proposed landscaping materials would consist of local, drought-resistant plant species.

The Site Plan (Figure 2-6) indicates the preliminary locations of planned signage. A signage program will be developed and submitted for approval at a later date. Proposed signage will need to conform to the Stockton Development Code; no signage variances are known to be required.

Utilities in the vicinity of the shopping center site are provided by the City of Stockton; utilities are available in Carolyn Weston Boulevard and Manthey Road to serve the proposed project and will be extended onto the site in conjunction with project construction. Storm drainage from the commercial portion of the site would be collected by on-site drain inlets and collection lines and transported to one or more storm water quality treatment vaults, which would also provide for detention of storm water, prior to discharge to the City's storm drain system. The proposed vaults would be required to conform to the City's Storm Water Quality Control Criteria Plan. The applicants would be required to provide or fund a maintenance entity for the required storm water quality improvements.

Proposed Residential Development

The northern 4.0 net acres of Site A is proposed to be developed with 102 multi-family residential units in multiple two-and three-story structures located as shown on Figure 2-6. The proposed density is approximately 24 units/acre. Typical elevations for these structures are shown in Appendix F.

The residential development plan shows a total of seven residential structures. The four northern structures would include a total of 96 one, two and three-bedroom units. The three southern structures would consist of six "carriage house" units over carports.

Access to proposed residential buildings would be provided by the primary access; access would extend west along the north site boundary. Emergency vehicle circulation would be provided between Buildings C1 and C2. The area east of the primary access would be developed for recreational use and a leasing office. A total of 161 parking spaces, including required covered parking spaces, would be provided in this portion of the development.

Portions of the residential site not proposed for building or parking would be in landscaped open space and pedestrian ways. Pedestrian access would be provided to the existing pedestrian/bike trail along French Camp Slough levee.

Utility services for this portion of the project are also provided by the City of Stockton and available in Carolyn Weston Boulevard; utilities will be extended onto the site in conjunction with project construction. Storm drainage from the residential site would also

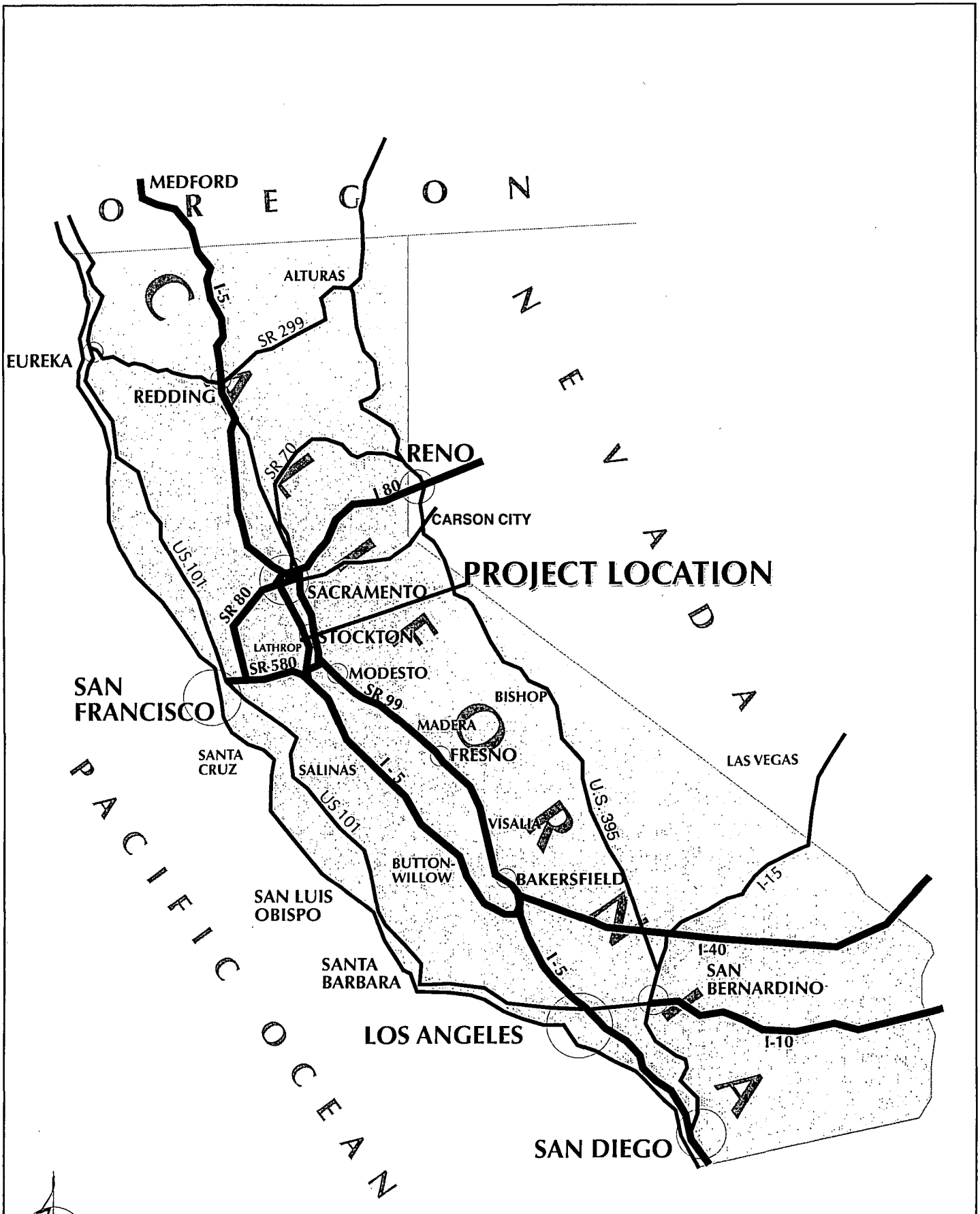
be collected and transported to one or more storm water quality treatment and detention vaults prior to discharge to the City's storm drain system.

High-density residential development potential displaced by the proposed shopping center would be replaced by a future general plan amendment and rezoning at Site B on Manthey Road. However, no development of Site B is proposed at this time.

Project Phasing

As envisioned by the project applicant, the proposed retail center would comprise the first phase of the project. The first phase of the project is expected to be complete in 2010. The second phase would involve development of the proposed multi-family residential complex. There is no projected completion date for this element of the project at present.

Residential development of Site B is not proposed at this time, and physical development of this area is not covered by this document. Future development of Site B may require additional CEQA review.



Source: INSITE ENVIRONMENTAL, INC.

Figure 2-1
REGIONAL MAP

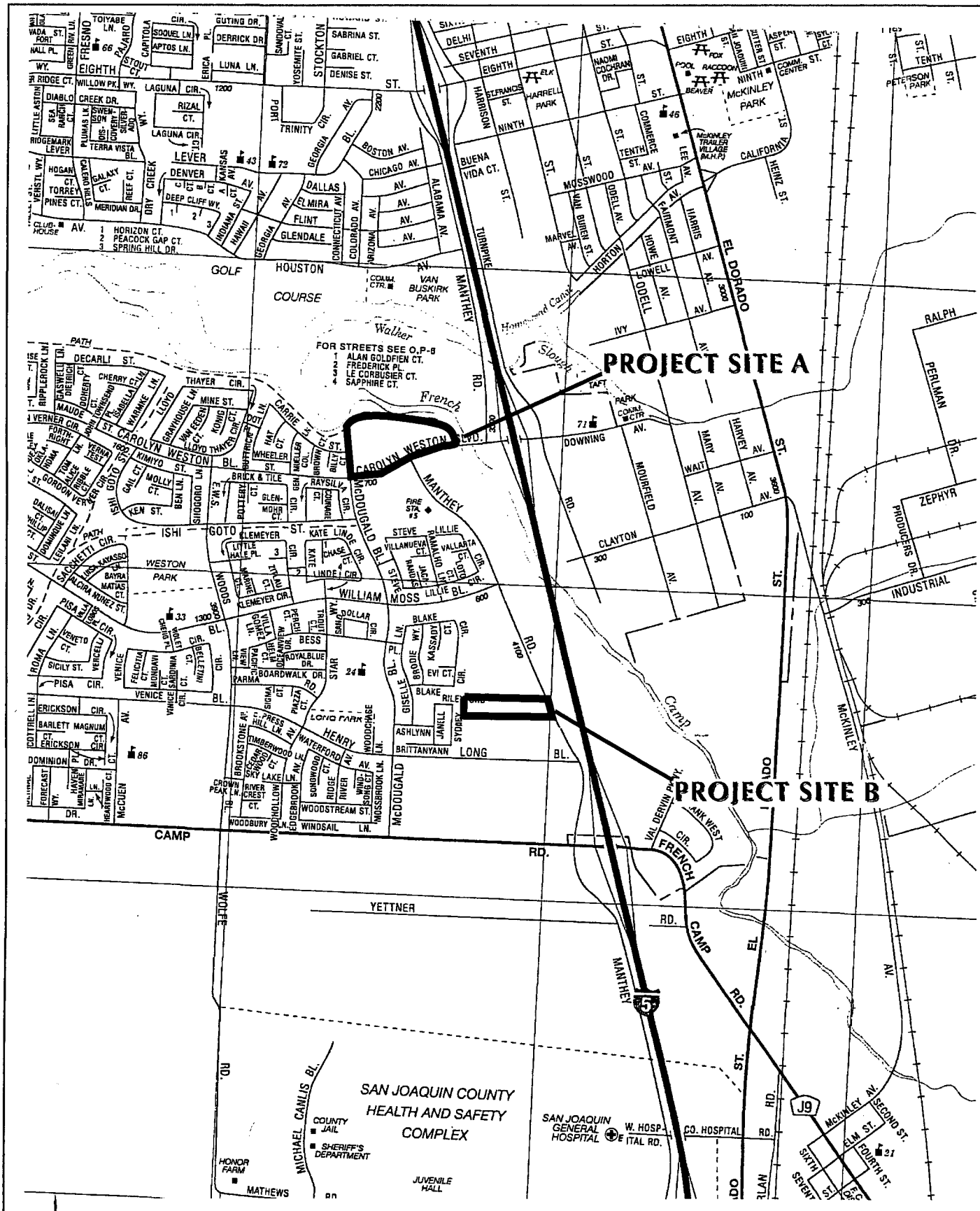
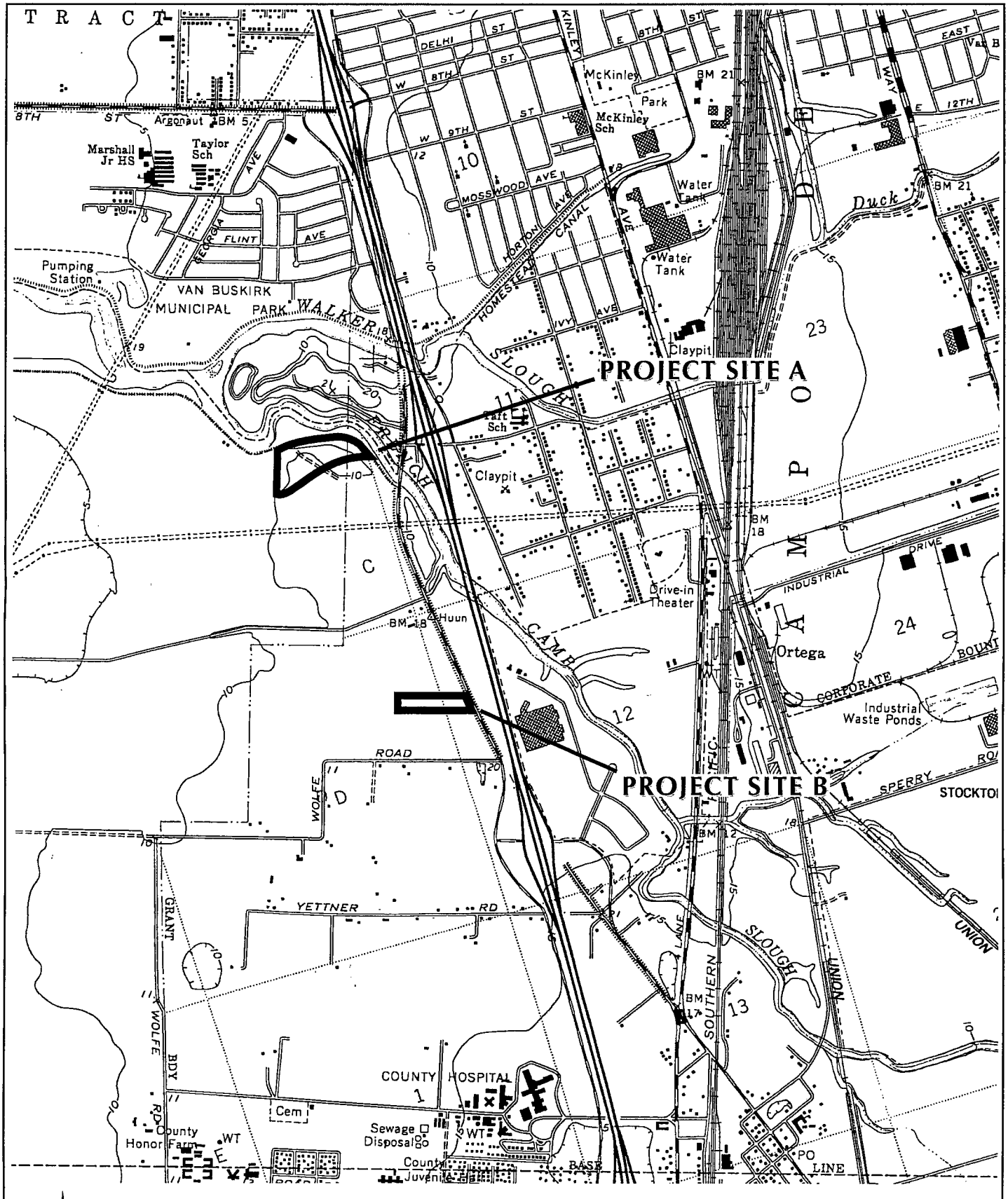


Figure 2-2
VICINITY MAP

INSITE ENVIRONMENTAL, INC.



SOURCE: US GEOLOGICAL SURVEY
STOCKTON WEST QUADRANGLE

Figure 2-3
USGS MAP

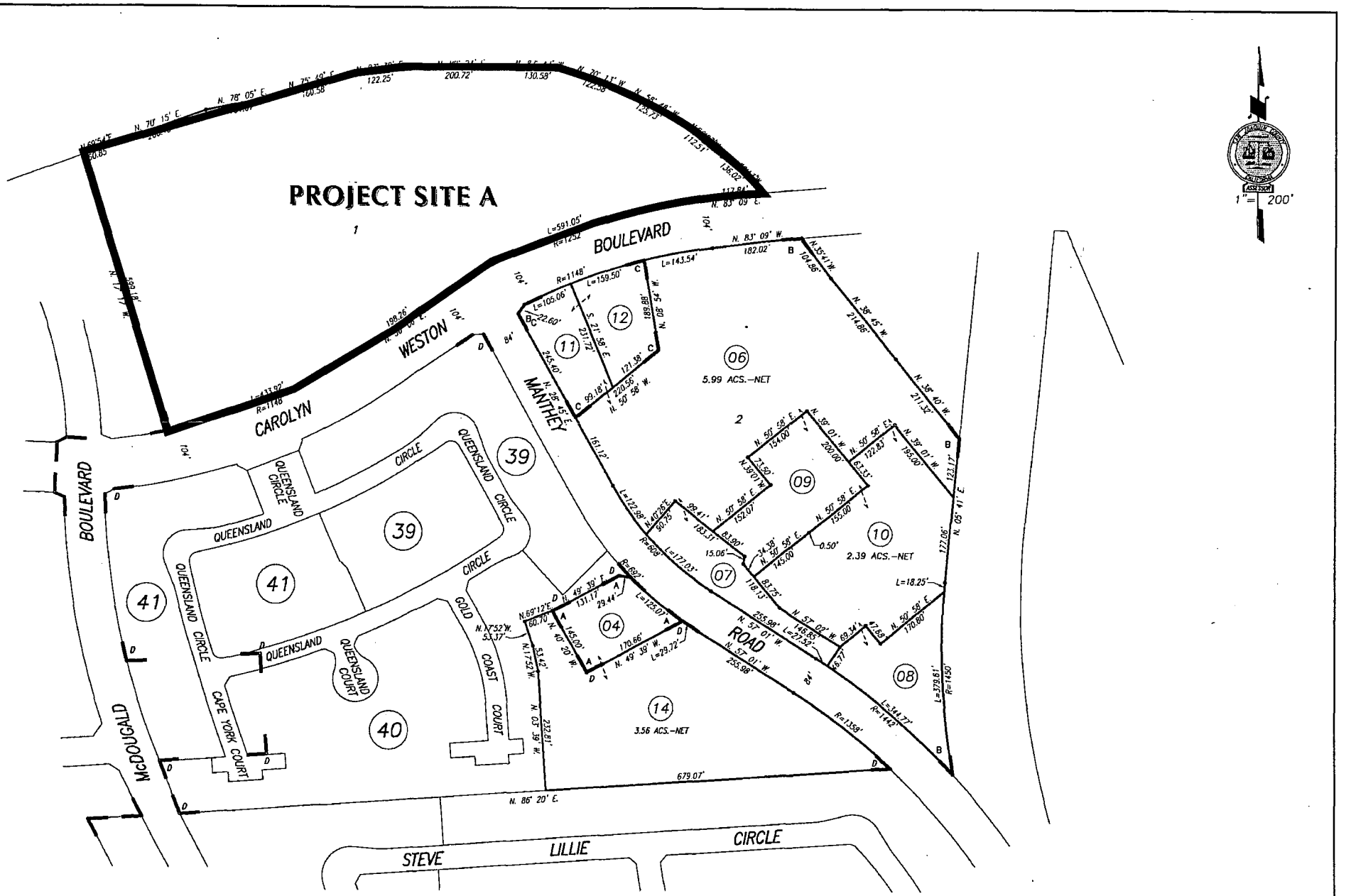
INSITE ENVIRONMENTAL, INC.

NORTH SOURCE: GOOGLE EARTH

Figure 2-4
AERIAL PHOTO

INSITE ENVIRONMENTAL, INC.

February 27, 2009

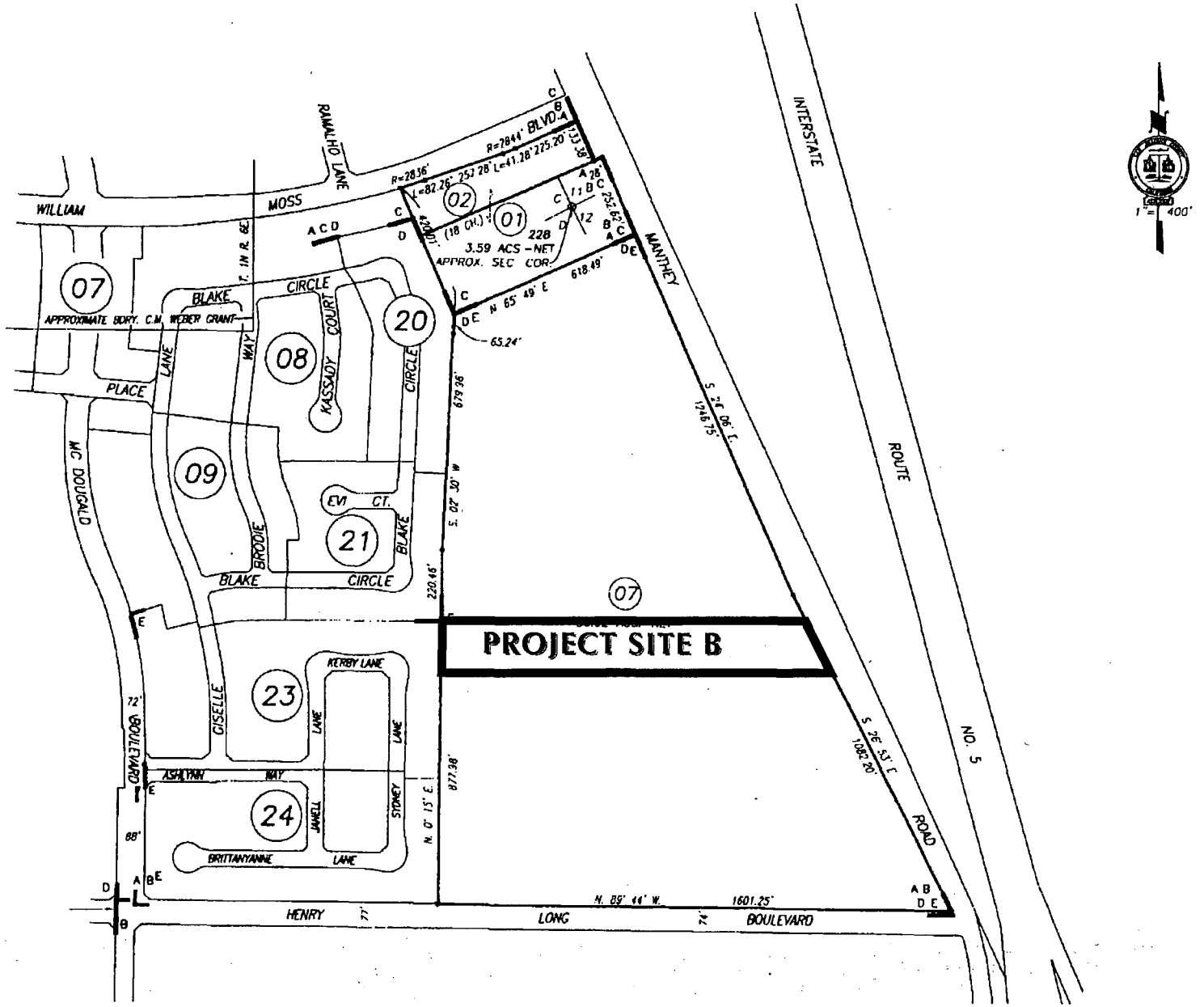


SOURCE: SAN JOAQUIN ASSESSOR'S OFFICE
BOOK 164, PAGE 223

INSITE ENVIRONMENTAL, INC.

Figure 2-5
ASSESSOR'S PARCEL MAP

February 27, 2009

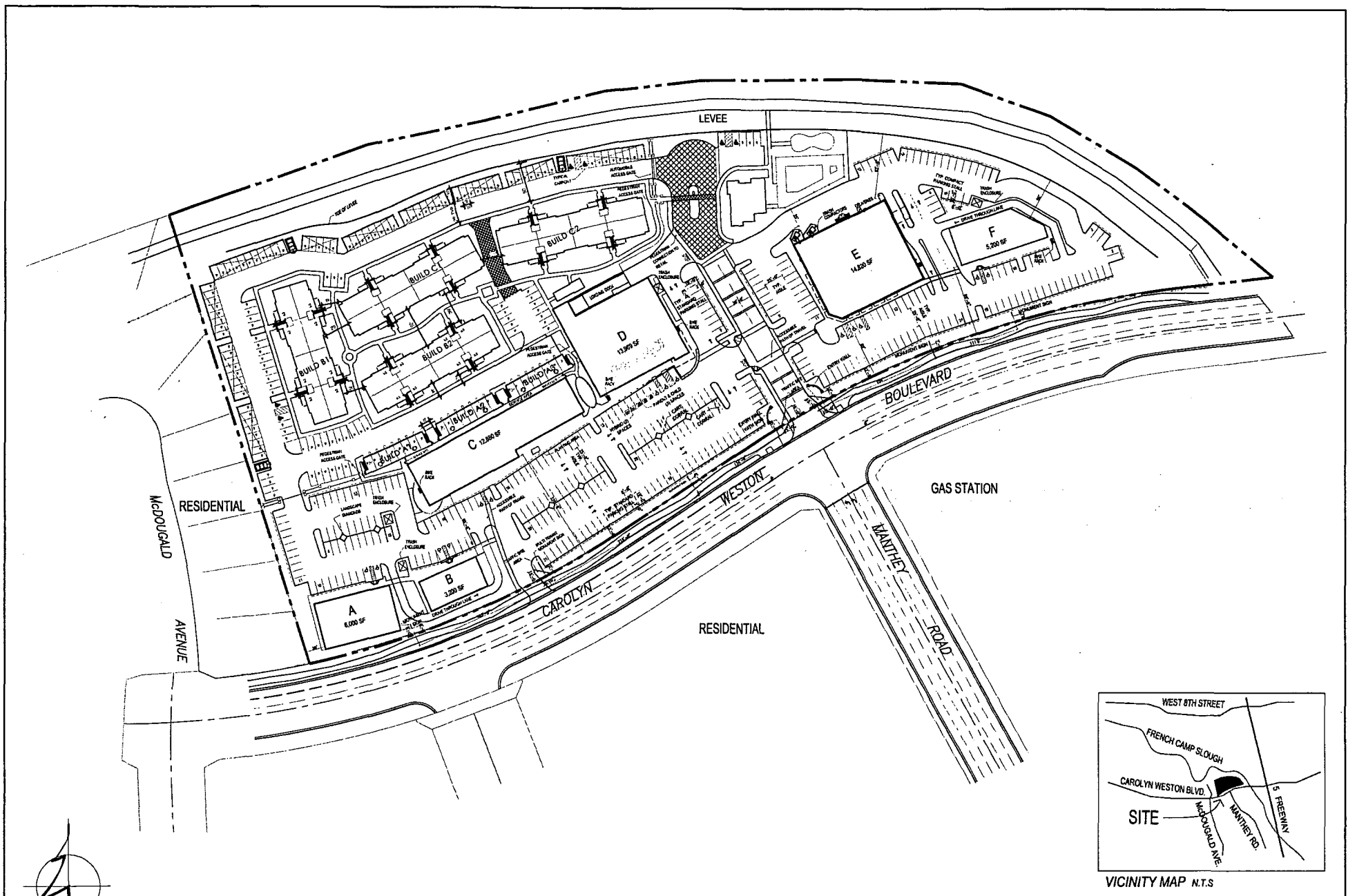


SOURCE: SAN JOAQUIN ASSESSOR'S OFFICE
BOOK 168, PAGE 17

INSITE ENVIRONMENTAL, INC.

Figure 2-5.1
ASSESSOR'S PARCEL MAP

February 27, 2009



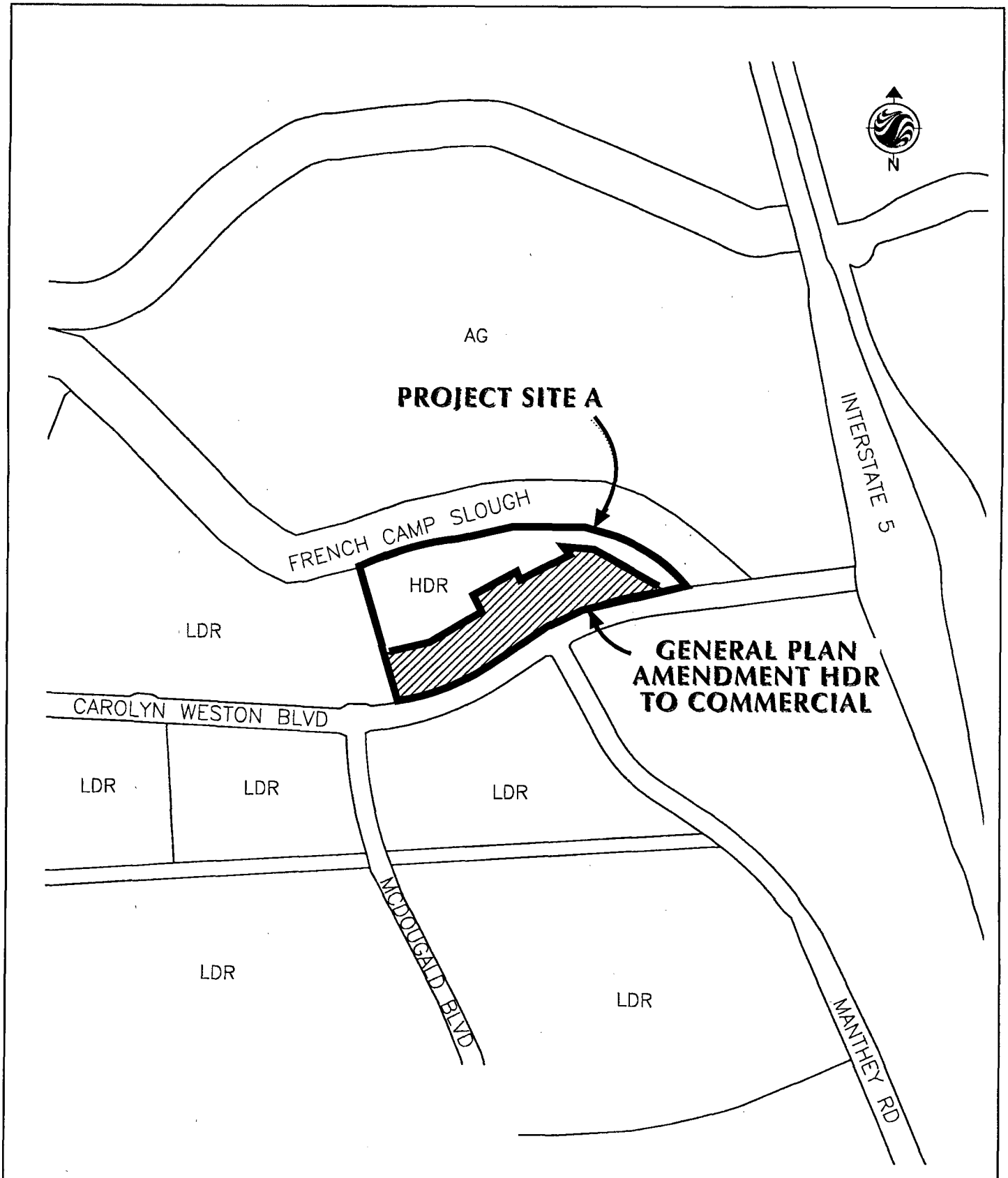
VICINITY MAP N.T.S

SOURCE: KTGY GROUP/ARCHITECTS ORANGE

Figure 2-6
SITE PLAN

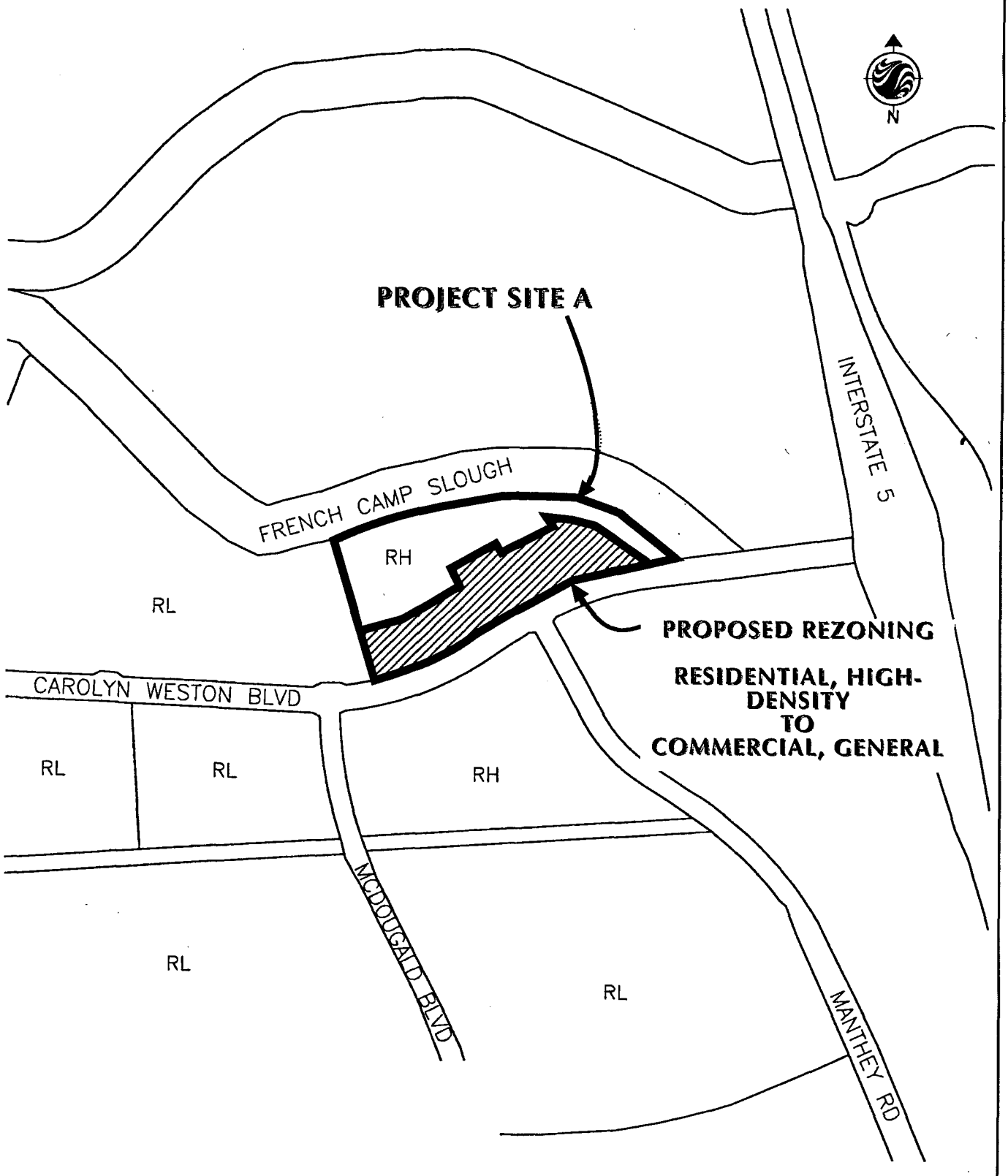
INSITE ENVIRONMENTAL, INC.

February 26, 2009



SOURCE: CITY OF STOCKTON

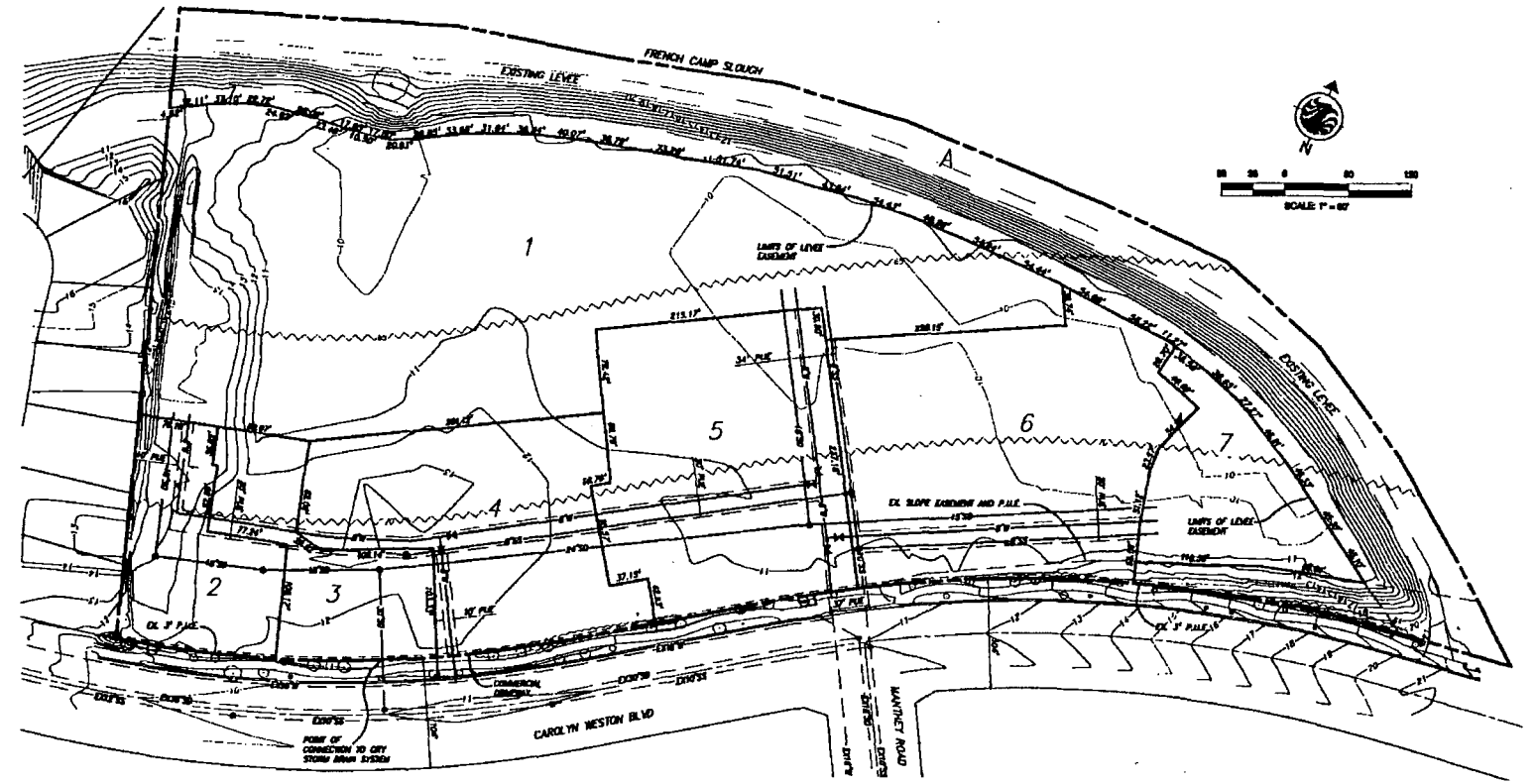
Figure 2-7
PROPOSED GENERAL PLAN AMENDMENT/SITE A

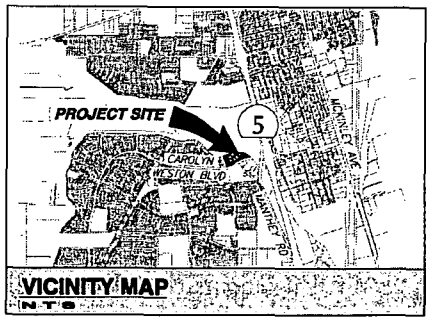


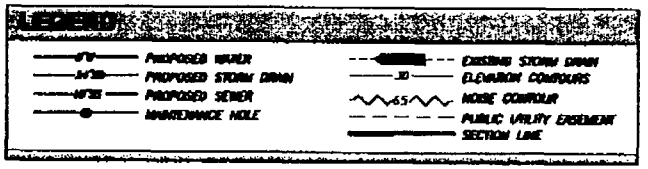
SOURCE: CITY OF STOCKTON

Figure 2-8
PROPOSED REZONING
SITE A

February 27, 2009





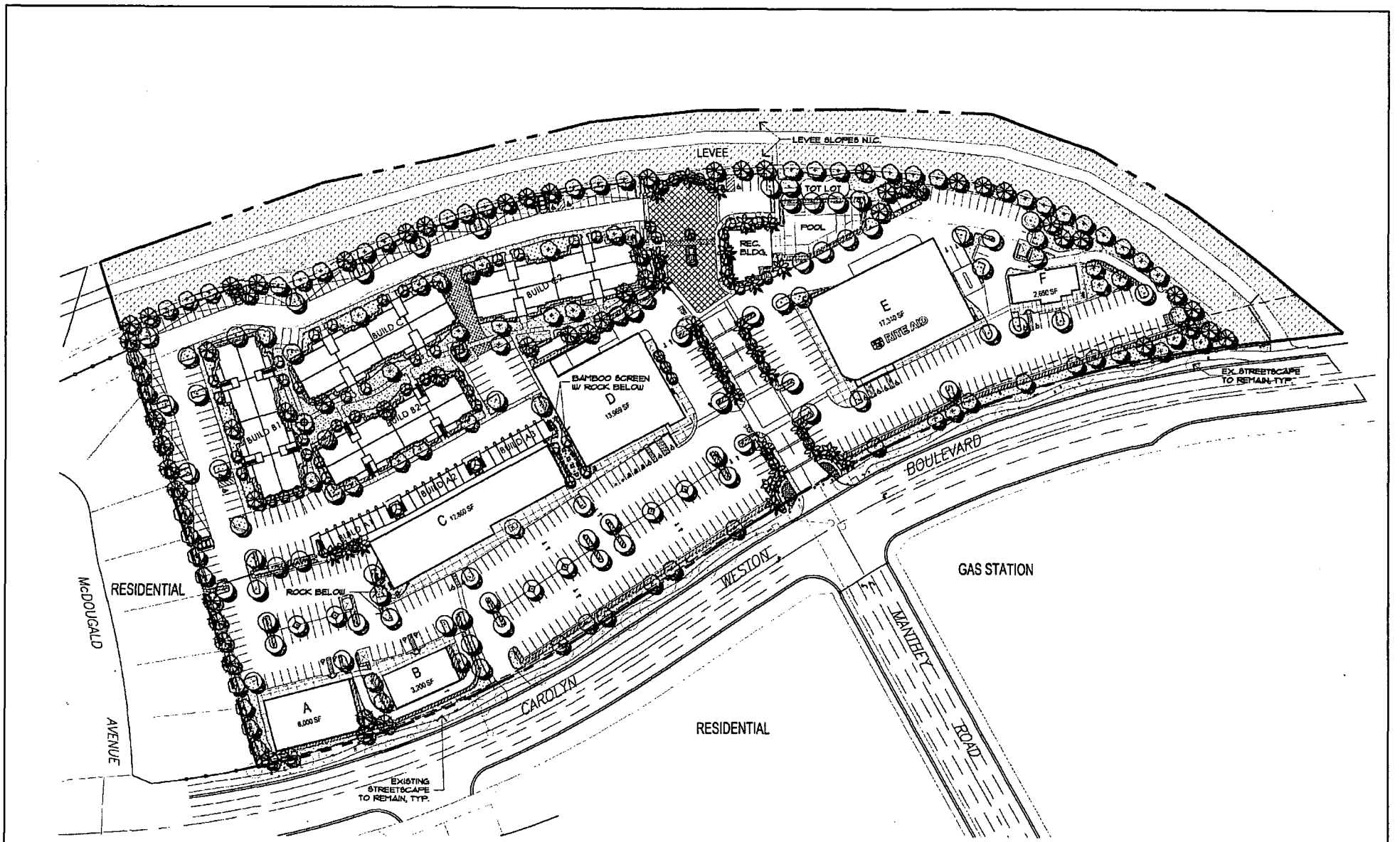


SOURCE: STANTEC

INSITE ENVIRONMENTAL, INC.

Figure 2-9
TENTATIVE MAP

April 9, 2009



SOURCE: KTGY GROUP/ARCHITECTS ORANGE

INSITE ENVIRONMENTAL, INC.

Figure 2-10.1
LANDSCAPE PLAN

February 27, 2009

TREE LEGEND

SYMBOL	BOTANICAL/COMMON NAME	SIZE	SPACING/COMMENTS
STREETSCAPE TREES:			
	EXISTING TREES		TO REMAIN. PROTECT IN PLACE
ACCENT TREES:			
	PHOENIX DACTYLIFERA DATE PALM	15' BT.	ACCENT PALM W/ DIAMOND CUT 4' PINEAPPLE. ALLOW FOR DRAINAGE SYSTEM.
	ACER RUBRUM 'RED SUNSET' RED MAPLE	24" BOX	STD. ACCENT TREE
	JACARANDA MIMOSIFOLIA JACARANDA	24" BOX	STD. ACCENT TREE
	KOELREUTERIA PANICULATA GOLDEN RAIN TREE	24" BOX	STD. ACCENT TREE
	LAGERSTROMEIA INDICA CRAPE MYRTLE	24" BOX	STD. ACCENT TREE
	PRUNUS C. 'KRAUTER VESUVIUS PURPLE-LEAF PLUM	24" BOX	STD. ACCENT TREE
ACCENT TREE SPECIMENS:			
	QUERCUS LOBATA VALLEY OAK	36" BOX	STD. ACCENT TREE
	QUERCUS AGRIFOLIA COAST LIVE OAK	36" BOX	STD. ACCENT TREE
PARKING LOT TREES:			
	ARBUTUS 'MARINA' MARINA ARBUTUS	24" BOX	STD. PARKING LOT TREE
	GELIERA PARVIFOLIA AUSTRALIAN WILLOW	24" BOX	STD. PARKING LOT TREE
	RHUS LANCEA AFRICAN SUMAC	24" BOX	STD. PARKING LOT TREE
	MAGNOLIA G. 'ST. MARY' ST. MARY MAGNOLIA	24" BOX	STD. PARKING LOT TREE
	MAGNOLIA G. 'SAMUEL SOMMER' SAMUEL SOMMER MAGNOLIA	24" BOX	STD. PARKING LOT TREE
	PISTACIA CHINENSIS CHINESE PISTACHE	24" BOX	STD. PARKING LOT TREE
SITE/PERIMETER TREES:			
	DECIDUOUS: FRAXINUS V. 'RIO GRANDE' FAN-TEX ASH	24" BOX	STD. PERIMETER TREE
	LIQUIDAMBAR STYRACIFLUA AMERICAN SWEETGUM	24" BOX	STD. PERIMETER TREE
	PLATANUS ACERIFOLIA 'YARWOOD' YARWOOD SYCAMORE	24" BOX	STD. PERIMETER TREE
	EVERGREEN: BRACHYCHITON POPULNEUS BOTTLE TREE	24" BOX	STD. PERIMETER TREE
	PINUS CANARIENSIS CANARY ISLAND PINE	24" BOX	STD. PERIMETER TREE
	PINUS ELDARICA MONDEL PINE	24" BOX	STD. PERIMETER TREE

SHRUB LEGEND

SYMBOL	BOTANICAL/COMMON NAME	SIZE	SPACING/COMMENTS
	ACCENT SHRUB: AGAPANTHUS 'MIDNIGHT BLUE' LILY-OF-THE-NILE	1 GAL	24" O.C.
	HEMEROCALLIS H. EVERGREEN YELLOW EVERGREEN YELLOW DAYLILY	5 GAL	36" O.C.
	PHORMIUM SPP. FLAX	5 GAL	36" O.C.
	SHRUBS: CALLISTEMON V. 'LITTLE JOHN' DWARF BOTTLEBRUSH	5 GAL	36" O.C.
	EUONYMUS JAPONICUS EVERGREEN EUONYMUS	5 GAL	36" O.C.
	LEPTOSPERMUM S. 'SNOW WHITE' WHITE NEW ZEALAND TEA TREE	5 GAL	36" O.C.
	LEUCOPHYLLUM F. 'FRUTESCENS' TEXAS RANGER	5 GAL	36" O.C.
	RHAPHIOLEPIS INDICA 'CLARA' INDIA HAWTHORN	5 GAL	36" O.C.
	RHAPHIOLEPIS INDICA 'ENCHANTRESS' INDIA HAWTHORN	5 GAL	36" O.C.
	SALVIA C. 'WINIFRED GILMAN' WINNIFRED GILMAN SAGE	5 GAL	36" O.C.
	SALVIA GREGGII 'FURMAN'S RED' AUTUMN SAGE	5 GAL	24" O.C.
	SCREEN HEDGE: BAMBUSA M. 'GOLDEN GODDESS' GOLDEN GODDESS BAMBOO	5 GAL	36" O.C.
	BUXUS J. 'GREEN BEAUTY' BOXWOOD	5 GAL	24" O.C.
	CARPENTERIA CALIFORNICA BUSH ANEMONE	5 GAL	36" O.C.
	ELEAGNUS PUNGENS SILVERBERRY	5 GAL	60" O.C.
	LIGUSTRUM J. 'TEXANUM' TEXAS PRIVET	5 GAL	36" O.C.
	MYRTUS COMMUNIS MYRTLE	5 GAL	36" O.C.
	PITTOSPORUM T. 'VARIEGATA' VARIEGATED TOBIRA	5 GAL	48" O.C.

GROUNDCOVER LEGEND

SYMBOL	BOTANICAL/COMMON NAME	SIZE	SPACING/COMMENTS
	ACCENT PLANTING ANNUAL COLOR DROSANTHEMUM FLORIBUNDUM ROSEA ICE PLANT	4" POTS FLATS	8" O.C. 12" O.C.
	ACACIA 'DESERT CARPET' DESERT CARPET ACACIA	1 GAL	48" O.C.
	COPROSMA REPENS MIRROR PLANT	1 GAL	36" O.C.
	COTONEASTER DAMMERI BEARBERRY COTONEASTER	1 GAL	36" O.C.
	MYOPORUM PARVIFOLIUM PROSTRATE MYOPORUM	1 GAL	30" O.C.
	ROSMARINUS OFFICINALIS 'IRENE' ROSEMARY	1 GAL	36" O.C.

SHRUB LEGEND

SYMBOL	BOTANICAL/COMMON NAME	SIZE	SPACING/COMMENTS
	ACCENT SHRUB: AGAPANTHUS 'MIDNIGHT BLUE' LILY-OF-THE-NILE	1 GAL	24" O.C.
	HEMEROCALLIS H. EVERGREEN YELLOW EVERGREEN YELLOW DAYLILY	5 GAL	36" O.C.
	PHORMIUM SPP. FLAX	5 GAL	36" O.C.
	SHRUBS: CALLISTEMON V. 'LITTLE JOHN' DWARF BOTTLEBRUSH	5 GAL	36" O.C.
	EUONYMUS JAPONICUS EVERGREEN EUONYMUS	5 GAL	36" O.C.
	LEPTOSPERMUM S. 'SNOW WHITE' WHITE NEW ZEALAND TEA TREE	5 GAL	36" O.C.
	LEUCOPHYLLUM F. 'FRUTESCENS' TEXAS RANGER	5 GAL	36" O.C.
	RHAPHIOLEPIS INDICA 'CLARA' INDIA HAWTHORN	5 GAL	36" O.C.
	RHAPHIOLEPIS INDICA 'ENCHANTRESS' INDIA HAWTHORN	5 GAL	36" O.C.
	SALVIA C. 'WINIFRED GILMAN' WINNIFRED GILMAN SAGE	5 GAL	36" O.C.
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GROUNDCOVER LEGEND

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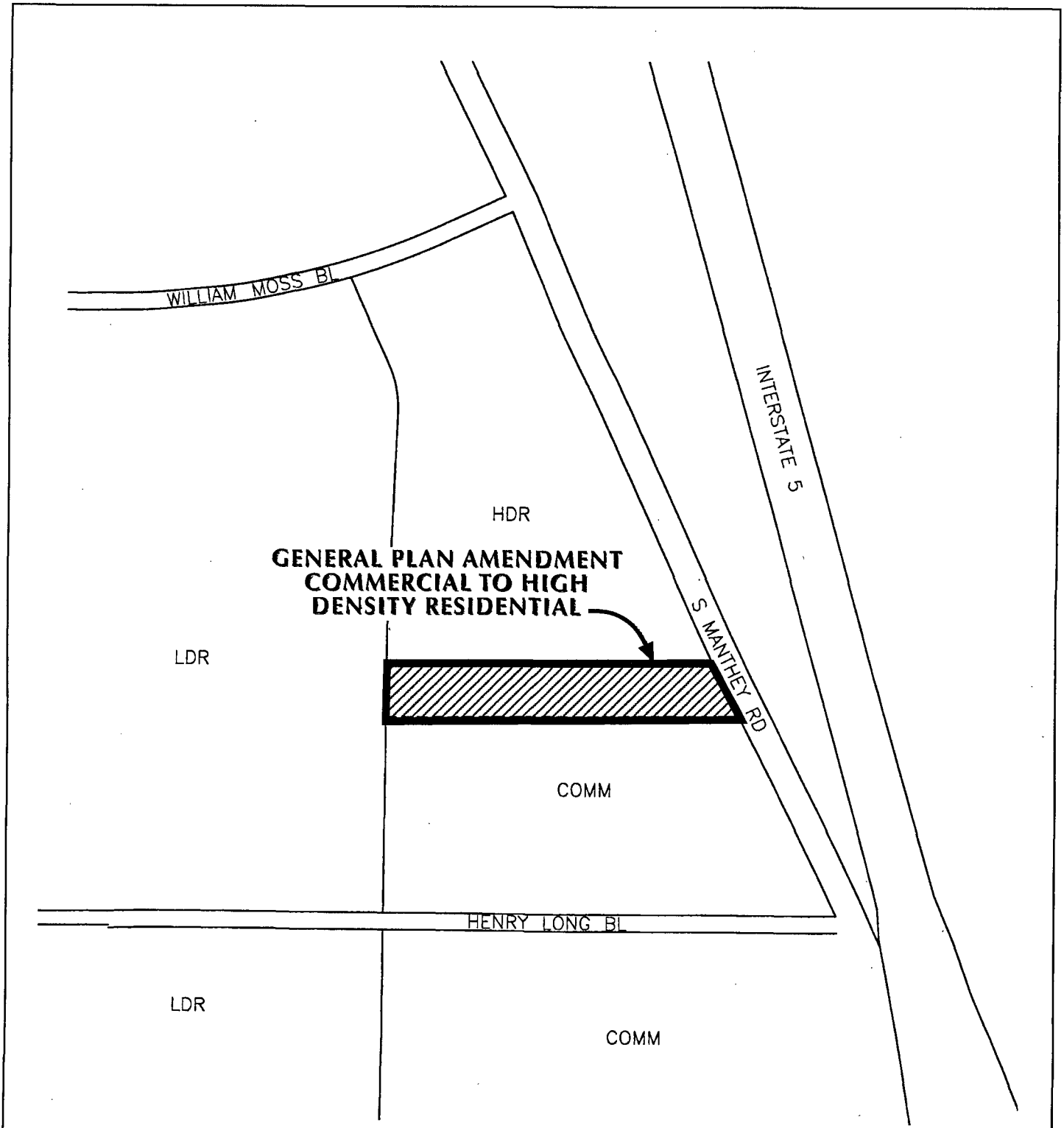
	MYOPORUM PARVIFOLIUM PROSTRATE MYOPORUM	1 GAL	30" O.C.
	ROSMARINUS OFFICINALIS 'IRENE' ROSEMARY	1 GAL	36" O.C.

SOURCE: KTGY GROUP/ARCHITECTS ORANGE

Figure 2-10.2
LEGEND/LANDSCAPE PLAN

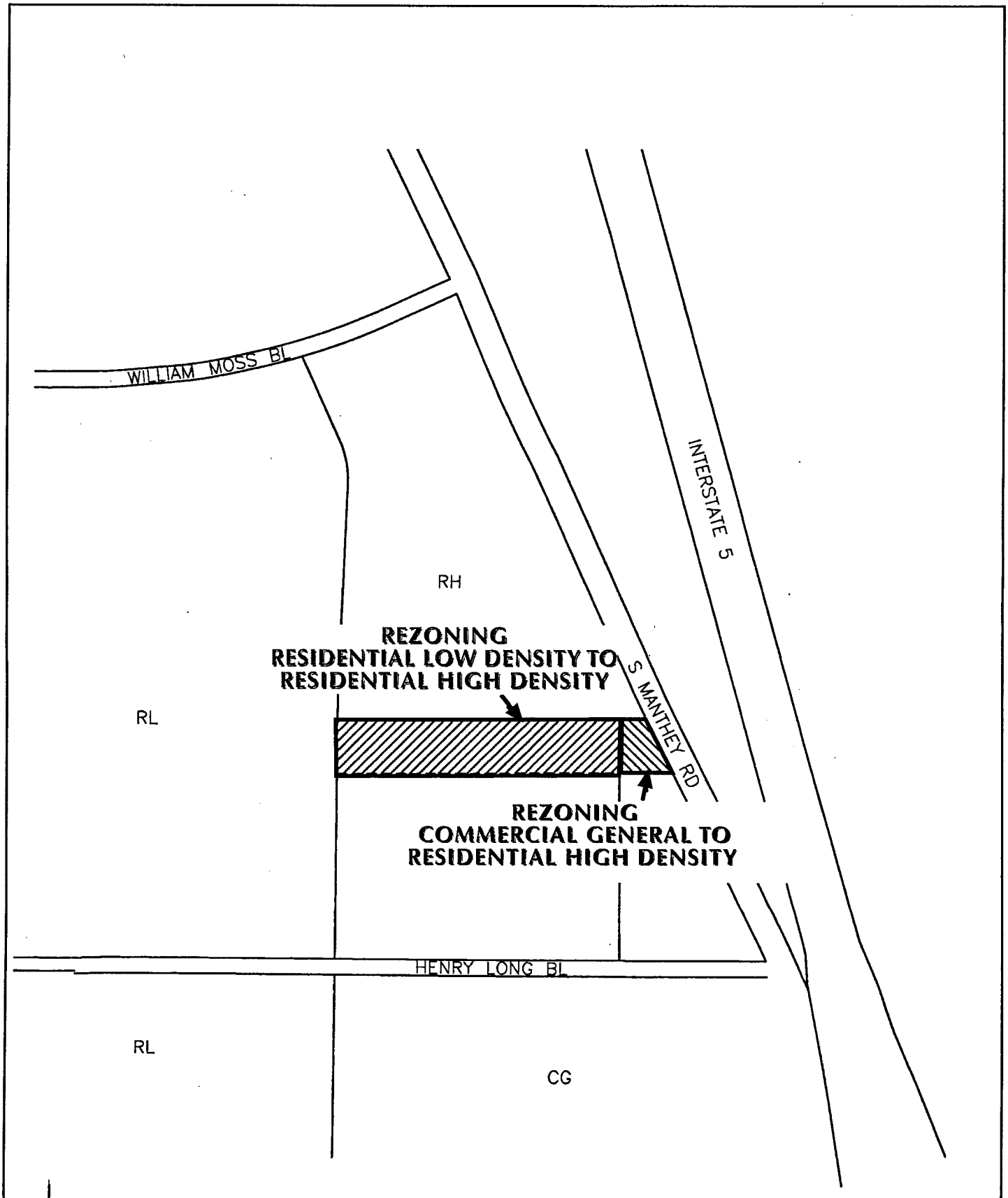


NORTH *SOURCE: STANEC*

Figure 2-11
PROPOSED GENERAL PLAN AMENDMENT/SITE B

INSITE ENVIRONMENTAL, INC.

February 27, 2009



SOURCE: STANEC

Figure 2-12
PROPOSED REZONING
SITE B

INSITE ENVIRONMENTAL, INC.

September 10, 2008

CITY OF STOCKTON
ENVIRONMENTAL INFORMATION AND INITIAL STUDY FORM
(Pursuant to Cal. Code of Regulations, Title 14, Sections 15063-15065)

INITIAL STUDY FILE NO: IS8-08

EIR FILE NO: N/A

INITIAL STUDY FILING DATE: April 30, 2009

LEAD AGENCY

City of Stockton
Community Development Dept.
Planning Division
345 North El Dorado Street
Stockton, CA 95202
(209) 937-8266

Note: ***The purpose of this document is to describe the project, its environmental setting, any potentially significant adverse environmental impacts which may be caused by the project or which may affect the project site and/or surrounding area, and any mitigation measures which will be incorporated into the project. Please complete all applicable portions of Section A (General Information/Project Description) and as much of Section B (Project Site Characteristics) as possible. If a question is not applicable, then, respond with "N/A". After completing Sections A and B, please sign the certification following Section B and attach any supplemental documentation and exhibits as deemed necessary. The completed form and applicable fees should be filed at the above-noted Lead Agency address.*** PLEASE TYPE OR PRINT IN DARK INK.

To fulfill the environmental review purposes described above, this document incorporates a prior EIR by reference, as discussed in Section D. The discussion of the project's environmental setting and environmental effects in Section C summarize the information and analysis included in the prior EIR, evaluates the adequacy of that information and analysis in meeting environmental review requirements for the proposed project and provides additional information and analysis as required to fulfill those requirements. This document is intended to provide supporting information for an Addendum to the previous EIR.

A. GENERAL INFORMATION/PROJECT DESCRIPTION *(Completed by Applicant)*

1. **Project Title:** Marketplace at Weston Ranch
2. **Property Owner:** LBL L-Suncal Weston LLC
   Address: 2392 Morse Ave., Irvine, CA **Zip** 92614 **Phone** (949) 777-4000
3. **Applicant/Proponent:** Marketplace at Weston Ranch L.L.C.
   Contact Person: Jim Righeimer
   Address: 4040 MacArthur Place, Ste. 250, Newport Beach, CA **Zip** 92660
   Phone (714) 404-7867
4. **Consulting Firm:** Stantec Consulting, Inc. **Contact Person:** Michael Persak, PE
   Address: 1016-12th Street, Modesto, CA **Zip** 95354 **Phone** (209) 521-8986
   Consulting Firm: InSite Environmental, Inc. **Contact Person:** Charlie Simpson
   Address: 6653 Embarcadero Drive, Suite Q, Stockton CA **Zip** 95219 **Phone** (209) 472-8650

5. **Project Site Location:**

   a. **Address (if applicable) or Geographic Location:**

   Site A, Proposed Development Site: The development project site, Site A, consists of 12.95 gross acres located within the Weston Ranch project, north of Carolyn Weston Boulevard. The site is shown on the Stockton West US Geological Survey 7.5-minute quadrangle map (Figure 2-3) and is located within an unsectionalized portion of Township 1 North, Range 6 East, MDBM. The site is within the Charles M. Weber Grant El Rancho del Campo de los Franceses.

   Site B, General Plan Amendment And Rezoning Site: This site is approximately 5.5 acres adjacent to and west of Manthey Road. The site address range is 4245 and 4533 Manthey Road; 4598 and 4544 McDougald; and, 799 Henry Long Blvd. and comprises Assessor's Parcel Number 168-170-07. The site is within Parcel D of the Charles M. Weber Grant El Rancho del Campo de los Franceses and lies within Township 1 North, Range 6 East, MDBM as shown on the Stockton West US Geological Survey 7.5-minute quadrangle map.

   b. **Assessor's Parcel Number(s):** 164-220-01, 168-170-07

   c. **Legal Description** ***[Attach metes and bounds (bearings and dimensions) description and corresponding map(s) or list existing lots of record from recorded deed]*:** Submitted by others

6. **General Project Description: (*Describe the whole action, including later phases of the project and any secondary, support, or offsite features necessary for its implementation. Attach additional sheets if necessary.*)**

   The proposed project is described in detail in Chapter 2.0.

7. **Applications Currently Under City Review:** **File Number(s):**

Site A Project Numbers:	
General Plan Amendment	GPA6-08
Rezoning Amendment	Z-6-08
Use Permit	UP69-08
Tentative Subdivision Map	TM15-08
Off-Sale Alcoholic Beverages (Market)	PO9-029
Site B Project Number:	PO9-047

8. **Other Permits/Reviews Required By the City, County, State, Federal Or Other Agencies For Project Implementation:**

Agency:	**Permits/Reviews:**
Building Division of the Community Development Department	Grading and Building Permits
San Joaquin Valley Air Pollution Control District	Indirect Source Rule Permit

9. Describe Proposed General Plan (GP) Amendments and/or Prezoning/Rezoning (Zoning) Requests, If Applicable:

The development project site (Site A) is presently designated by the Stockton General Plan for High Density Residential use. The site is zoned RH (Residential, High Density). The proposed project would amend the General Plan 2035 designation of the (southern 5.5 acres of the) project site from High Density Residential to Commercial. The project proposes the rezoning of the same area from Residential, High Density to Commercial, General. The proposed general plan amendment and rezoning are shown on Figures 2-7 and 2-8.

The project includes redesignation and rezoning of 5.5 acres of Site B to replace the existing high-density residential development capacity lost to proposed commercial development. The project would amend the Stockton General Plan 2035 land use designation of Site B from Commercial to HDR High Density Residential. Site B would be rezoned from RL Residential, Low Density and CG Commercial, General to Residential, High Density.

The proposed requests are discussed in more detail in Chapter 2.0.

10. Describe Any Site Alterations Which Result From The Proposed Project: (*Address the amount and location of grading, cuts and fills, vegetation/tree removal, alterations to drainage, removal of existing structures, etc.*)

Proposed commercial and residential development of Site A would require only minor access improvements to the Carolyn Weston Boulevard frontage; the street section, including pavement, curbs, gutter, sidewalks and landscaping, along the project frontage is complete. The proposed west driveway would need to be constructed, and additional access improvements at the existing Manthey Road intersection may be required. The site has been graded but would need to be re-graded to accommodate the proposed project. Site B would not be subject to any physical change.

11. Specific Project Description/Operational Characteristics:

a. Describe Proposed Commercial, Industrial, Institutional, and Recreational Uses (*all non-residential uses*):

(1) Proposed Land Use(s)	Zoning	Site Acreage	Structure Sq. Ft.	Required Parking	Parking Provided
Neighborhood Retail Center	CG	5.5	56,069	297	344

(2) Describe Project Phasing (*location/timing*):

As envisioned by the project applicant, the proposed retail center would comprise the first phase of the project. The first phase of the project is expected to be complete in 2010. The second phase would involve development of the proposed multi-family complex. There is no projected completion date for this element of the project at present.

(3) Days/Hours of Operation: Days and hours of operation will vary from business to business.

(4) Total Number of Employees: The estimated total number of employees is approximately 140.

(5) Number of Company Vehicles/Trucks: Not known.

(6) Estimated Number Of Vehicle Trip Ends (TE) Per Day Generated By Project: 3,958

(7) Estimated Maximum Number Of TE/Day Based On Proposed General Plan Designation: 3,630

(8) Will land use-related noise produced on site exceed adopted noise standards (*i.e.: 45 Leq dB during nighttime or 55 Leq dB during daytime hours at nearest residential property line; 75 Lmax dB at nearest commercial property line; and/or 80 Lmax dB at nearest industrial property line*)? Yes If Yes, Describe sources and levels of noise:

Commercial uses will be juxtaposed with proposed multi-family residential uses. Buffers between residential and commercial uses will be provided; noise reduction will be incorporated in residential facades; and notification will be provided to renters of noise potential. This will reduce noise impacts to a less than significant level. More information about noise is available in Section 11, Noise.

(9) Other operational or design characteristics: See Chapter 2.0 Project Description.

b. Describe Proposed Residential Land Uses:

The proposed project will include 102 multi-family residences in the northern portion of Site A. The residential development plan shows a total of seven residential structures. The four northern structures would include a total of eight apartments on each of three floors for a total of 96 units. The three southern structures would include a total of six "carriage house" units over 24 carports.

	Planned Development		Conventional 1-F, 2F, or 3F		Condominiums
	Extended Stay/Single Room Occupancy Facilities		Dormitory/Rooming/ Boarding Houses		Residential Care Facility
	Other		Mobile Homes		Townhouses
	Elderly Apartments		Motel/Hotel/B&B	√	Apartments
	Employee Housing				

(1) Residential Land Use Summary:

Types of Unit	Zoning	Acreage	Proposed Units	Units/Acre	Max.Unit/Max.Density
Apt	RH	4.0	102	25	29

(2) Describe Project Phasing:

This portion of the project is not scheduled but is expected to be constructed in a single phase.

(3) Population Projection for the Proposed Project: 317

Projected Population Density (Persons/Unit): 3.11

(4) Student Generation Projected for Proposed Project: 67

Projected Student Density (K-12 Student/Unit): 0.655

(5) Estimated Total Number Of Vehicle Trip Ends (TE) Per Day Generated By Proposed Project: 672

(6) Estimated Maximum Number Of TE/Day Based On General Plan Designations: 1,264

12. Will the project generate any substantial short-term and/or long-term air quality impacts, including regional/ cumulative contributions? Yes **If so, estimate the type and amount of emissions below *(e.g., tons per year of PM10, ROG, Nox, and CO)*:**

Potential air quality impacts of the project are addressed in Section C (3) Air Quality.

a. **Construction Emissions:** See Section C (3) Air Quality

b. **Stationary Source Emissions:** See Section C (3) Air Quality

c. **Mobile Source Emissions:** See Section C (3) Air Quality

B. PROJECT SITE CHARACTERISTICS (*Completed by Applicant and/or Lead Agency, as applicable*):

1. **Total Site Acreage (Ac.) (or) Square Footage (S.F.):** The development site area is 12.95 acres gross (9.5 acres net). Site B, proposed for general plan amendment and rezoning only, is 5.5 acres.

2. **Ex. General Plan Designations**	**Acres**	**Ex. Zoning (*City*)**	**Acres**
Development Site (Site A)			
High Density Residential	12.95 (9.5)	RH	12.95 (9.5)
Site B			
Commercial	5.5	RL and CG	5.5

3. **Identify and describe any specific plans, redevelopment areas, and/or other overlay districts/zones which are applicable to the project site:** N/A

4. **Identify Existing On-Site Land Uses and Structures:** **Acres or Sq. Ft.:**

The project sites are both comprised of vacant land. Site A 12.95 acres (9.5 net acres); Site B 5.5 acres

5. **Prior Land Uses if Vacant:** Agriculture

6. **Describe Any On-Site And Adjacent Utility/Infrastructure Improvements And Right-Of-Ways/Easements:**

Site A, the proposed commercial and residential development site, is bounded on the south by an existing city street, Carolyn Weston Boulevard. Utility lines are available in the existing City street right-of-way. Utility services will be extended to proposed commercial and residential land uses from these existing facilities. Site B is bounded on the east by Manthey Road. This site is served by existing City utilities.

7. **Adjacent Land Uses, Zoning And General Plan Designations:**

The following table provides information regarding surrounding land uses, zoning and general plan designations for Site A, the proposed commercial and residential development site. Comparable information for Site B is shown below.

Adjacent Uses	Zoning	General Plan Designations
North: French Camp Slough, open space, former landfill	AG-40, Agriculture Reserve (County) PF, Public Facilities (City), RH, Residential High Density (City)	High Density Residential
South: Single-family residential, retail commercial	RH Residential High Density, CG Commercial, General	Low Density Residential, Commercial

East:	French Camp Slough, former landfill	RH, Residential, High Density	Open Space
West:	Single-family residential	RL-Residential Low Density	Low Density Residential

The following table provides information regarding surrounding land uses, zoning and general plan designations for proposed Site B.

Adjacent Uses	Zoning	General Plan Designations
North: Vacant	RH (City)	High Density Residential
South: Vacant	RL, CH (City)	Commercial
East: Manthey Road, Vacant	Manthey Road, CG (City)	Manthey Road, Commercial
West: Single-family residential	RL (City)	Low Density Residential

8. If site contains at least ten (10) acres of undeveloped and/or cultivated agricultural land, complete the following:

a. Is the land classified as "Prime Farmland" and/or "Farmland Of Statewide Importance" (*as identified on the San Joaquin County "Important Farmland Map"*)?

Yes. The development project site (Site A) is classified as Urban and Built-up Land. However, Site B is designated as Prime Farmland. See Section C(2).

b. Is the site under a Williamson Act Land Conservation contract?

No. Neither of the project sites are under Williamson Act contract.

c. If the site is under contract, has a "Notice Of Non-Renewal" been filed? N/A

9. Describe important on-site and/or adjacent topographical and water features:

The development project site (Site A) is located immediately south of French Camp Slough. Flows in French Camp Slough are contained within an existing levee system. There are no surface water features on or adjacent to Site B, which is flat.

10. Describe any important on-site and/or adjacent vegetation/wildlife habitat:

Site A is located south of French Camp Slough. Other lands to the west, east and south are all urbanized. See Section C(4) Biological Resources. Site B is vacant land formerly used for agriculture. There are no trees on Site B.

11. Describe any general and special status wildlife species known to inhabit the site or for which the site provides important habitat:

French Camp Slough and adjoining riparian lands are located to the immediate north of the development project site. The proposed development site, French Camp Slough and associated riparian lands are separated by an existing levee system (Figure 2-4). There are no Waters of the U.S., wetlands or riparian areas located within Site A.

The proposed development site does provide wildlife habitat values that may be cumulatively important, such as Swainson's hawk foraging habitat. Site B also shares these characteristics. Special-status species plant and wildlife species may also utilize the French Camp Slough open space area, within the levee system. See Section C (4) Biology.

12. **Identify and describe any significant cultural resources on or near the site (*attach a "Records Search", "Site Survey", and/or other documentation, if applicable*):**

None. See Section C(5) Cultural Resources.

13. **Identify and describe any on-site or nearby public health and safety hazards or hazardous areas (*attach a "Preliminary Site Assessment" and/or "Remediation Plan", if applicable*): Hazards.**

None. See Section C(7) Hazards and Hazardous Materials.

14. **Identify and describe any potentially hazardous geologic/soil conditions:**

Soils on the project site are moderately deep and well-drained. See Section C(6) Geology & Soils.

15. **Is any portion of the site subject to a 100-year flood?** No. **If so, what flood zone.** N/A.

16. **Identify and describe, below, any existing and/or projected on-site ambient noise levels which exceed adopted noise standards (*plot noise contours on proposed tentative maps or on a site plan for the project, if applicable*):**

    a. **Do on-site ambient noise levels from existing land uses (locally regulated noise sources) located on-site or off-site exceed adopted noise standards?** No **If so, describe:**

    The proposed development site is surrounded by residential and commercial uses. Site B is adjoined by single-family residential uses, Manthey Road and vacant land; there are no substantial stationary noise sources in the vicinity. There are no industrial or other noise-generating land uses in the vicinity of either site.

    b. **Does or will transportation-related noise exceed 60 dB Ldn at any exterior location or 45 dB Ldn at any interior location?** Yes. **If so, describe:**

    The proposed development site is exposed to existing traffic noise from Carolyn Weston Boulevard. The eastern portion of Site B is adjacent to Manthey Road and exposed to noise from I-5. Existing and future noise levels on both sides would exceed City standards. See Section C (11) Noise.

17. **Indicate by checking (√) whether the following public facilities/infrastructure, utilities, and services are presently or will be readily available to the project site and whether the proposed project can be adequately served without substantial improvements or expansion of existing facilities and services. If new or expanded/modified facilities or services are necessary, explain below.**

		Yes	No	N/A
a.	Water Supply/Treatment Facilities	√		
b.	Wastewater Collection/Treatment Facilities	√		
c.	Storm Drainage, Flood Control Facilities	√		
d.	Solid Waste Collection/Disposal/Recycling Services	√		
e.	Energy/Communication Services	√		

f.	**Public/Private Roadway And Access Facilities**	√
g.	**Public/Private Parking Facilities**	√
h.	**Other Public/Private Transportation Services (public transit, railway, water or air transport, etc.)**	√
i.	**Fire And Emergency Medical Services**	√
j.	**Police/Law Enforcement Services**	√
k.	**Parks And Recreation Services**	√
l.	**Library Services**	√
m.	**General Government Services**	√
n.	**School Facilities**	√

Explanation(s): Water, wastewater collection, storm drainage, electrical, gas, phone and cable television service facilities are available to Site A, the proposed development site, and to Site B from existing facilities on the site or in adjoining street rights-of-way.

SIGNATURE (*Completed by Owner or Legal Agent*)

I certify, under penalty of perjury, that the foregoing is true and correct and that I am (*check one*):

Legal property owner (*owner includes partner, trustee, trustor, or corporate officer*)

√ **Owner's legal agent, authorized project applicant, or consultant (*attach proof of consent to file on owner's behalf*)**

Charlie Simpson, InSite Environmental

4-30-09
Date

C. ENVIRONMENTAL SIGNIFICANCE CHECKLIST

(Completed by Lead Agency or Authorized Consultant - - Check (√) Responses and Provide Supporting Documentation and References, as applicable]:)

- *In completing this Checklist, the Lead Agency shall evaluate each environmental issue based on the preceding Sections A and B of this Initial Study and shall consider any applicable previously-certified or adopted environmental analysis. The decision as to whether a project may have one or more significant effects shall be based on substantial evidence in light of the whole record before the Lead Agency. All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.*

- *Following each section of this Checklist is a subsection to incorporate environmental documentation and to cite references in support of the responses for that particular environmental issue. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources the Lead Agency cites (in parentheses) at the end of each section. This subsection provides (a) the factual basis for determining whether the proposal will have a significant effect on the environment; (b) the significance criteria or threshold, if any, used to evaluate each question; and (c) the new or revised mitigation measures and/or previously-adopted measures that are incorporated by reference to avoid or mitigate potentially significant impacts. Mitigation measures from Section D, "Earlier Analyses", may be cross-referenced. In addition, background and support documentation may be appended and/or incorporated by reference, as necessary. This section is required to support a "Mitigated Negative Declaration". If an Environmental Impact Report (EIR) will be prepared, this section shall provide an "EIR Scope of Work" in order to focus on issues to be addressed in the Draft EIR.*

- *A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project site is not subject to flooding). A "No Impact" answer should be explained if it 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).*

- *Once the lead agency has determined that a particular physical impact may occur, the checklist answers must indicate whether the impact is "Potentially Significant", "Less-than-Significant with Mitigation Incorporated", or "Less-than-Significant". "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant and mitigation measures to reduce the impact to a less-than-significant level have <u>not</u> been identified or agreed to by the project applicant. If there are one or more "Potentially Significant Impact" entries upon completing the Checklist, an Environmental Impact Report (EIR) is required.*

- *The "Less-than-Significant with Mitigation Incorporated" category applies when revisions in the project plans or proposals made, or agreed to, by the applicant would avoid or mitigate the effect(s) of the project to a point where, clearly, no significant adverse environmental effect would occur. The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less-than-significant level. Upon completing the Checklist, if there is no substantial evidence in light of the whole record before the Lead Agency that the project, as revised, may have a significant effect on the environment, then, a "Mitigated Negative Declaration" shall be prepared.*

- *The Checklist shall incorporate references to common or comprehensive information sources [e.g., the City's General Plan, redevelopment plans, infrastructure master plans, zoning ordinance/development code(s), and related environmental documents, etc.] for potential regional (Citywide) and cumulatively considerable impacts. In addition, any prior site-specific environmental documents and/or related studies (e.g., traffic studies, geo-technical/soils reports, etc.) should be cited and incorporated by reference, as applicable. Reference to a previously prepared or outside document should, when appropriate, include a reference to the page or pages where the statement is substantiated. Referenced documents shall be available for public review in the City of Stockton Community Development Department, Planning Division, 345 N. El Dorado St., Stockton, CA.*

- *Supporting Information Sources: A source list should be attached and other sources used and/or individuals contacted should be cited in the discussion.*

NOTE: All supporting information for the following checklist is provided in Section E.

1. AESTHETICS

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?				√
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings along a scenic highway?			√	
c. Substantially degrade the existing visual character or quality of the site and its surroundings?			√	
d. Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?		√		

NARRATIVE DISCUSSION:

The proposed development project site (Site A) is located north of Carolyn Weston Boulevard at its intersection with Manthey Road, within the Weston Ranch development. The project site is one of several remaining vacant parcels within the Weston Ranch project, which is for the most part built out. The site consists of one 9.5-acre (net) parcel designated for High Density Residential use; the site is zoned RH (Residential, High Density). The project site was historically been used for agricultural purposes, but has been vacant since the initial development of Weston Ranch in the late 1980s.

Views of lands surrounding the site consist primarily of urbanized land, including single-family residential uses to the west and south and commercial development to the southeast. Lands to the north consist of the French Camp Slough open space and its adjacent levee system; this area is populated by numerous large Valley oaks and cottonwood trees, which are an important aesthetic resource. This area is protected from development by its open space general plan designations and zoning.

Views onto the project site consist primarily of the vacant land that comprises the site. From the principal public vantage point, views of the site are partially screened by existing landscape plantings along Carolyn Weston Boulevard. The site's boundaries are marked by the rear-yard fences of residences to the west and the French Camp Slough levee to the north. Residences to the west, and the large oak trees within the Slough area, are backdrops to these features.

Site B, which is proposed for general plan and rezoning only, is also vacant and is bounded on the north and south by other vacant lands designated for high-density residential and commercial development. Lands west of the site are developed with single-family residential uses. Site B is visible from Manthey Road. There are no significant aesthetic resources in the vicinity.

There are no designated scenic routes or vistas located in the project area.

The night lighting setting of the project area is urban in character. Carolyn Weston Boulevard, Manthey Road and other streets in the area are lighted to City of Stockton standards. Parking areas and signage within the existing commercial development immediately southeast of the site have high-intensity lighting.

Impacts on Aesthetic Resources

Site A, the proposed development site is vacant and would be replaced with a new neighborhood commercial shopping center and an adjoining multi-family residential complex. The shopping center would include a grocery store, drug store, two fast-food restaurants and a number of smaller retail shops. The project's frontage on Carolyn Weston Boulevard would

include the existing pedestrian way and landscaping strip as well as an approximately 10-foot (minimum) landscaping area located on the commercial site.

The project would not affect any existing scenic resources; existing Valley oaks, cottonwoods and other trees located within the off-site French Camp Slough would not be impacted.

The proposed residential complex would be located to the rear of the commercial area and would consist of two- to three-story structures. Views of these structures from Carolyn Weston Boulevard would be screened by frontage landscaping and the proposed commercial structures. Entry to this area would be gained from the proposed main site entry, which would also afford views of proposed recreational facilities. Parking areas for the residential complex would be distributed largely around the site perimeter and would for the most part not be visible from public ways.

Proposed commercial and residential structures would block views of the lower portions of existing Valley oak and other trees in the French Camp Slough area for drivers and pedestrians along the western portion of Carolyn Weston Boulevard. This area would remain visible from Carolyn Weston Boulevard east of Manthey Road as the road grade rises to the French Camp Slough bridge crossing; views of this area would remain available from northbound Manthey Road, and the tops of the trees would provide a backdrop to the future foreground views of the proposed commercial structures. The site is designated and zoned for urban use. This is not considered a significant aesthetic effect.

The proposed commercial and residential uses would be designed and built to reflect community preferences as expressed in the City of Stockton design guidelines. Both elements of the proposed project would be subject to design review, and project approval would be based on its consistency with these guidelines. These guidelines would require proper design of large commercial buildings to provide façade variation and reduce building mass. The project design will need to provide treatment of the rear areas of retail stores visible to existing single-family and proposed multi-family residential areas adjacent to the commercial area. Similarly, proposed multi-family structures would be required to provide architectural interest. The residential area will include open space in conformance with the Stockton Development Code, and the grounds would be required to be landscaped and maintained to provide an attractive living environment.

The proposed land uses are expected to improve the appearance and functionality of the project site and vicinity, and proposed commercial uses would provide additional services to the surrounding residential community. As a result, the project would not result in significant aesthetic effects on views from public ways. No known scenic resources, scenic routes or scenic vistas would be affected.

The proposed commercial area would be juxtaposed with existing single-family residential uses along the western project boundary, and internally with proposed multi-family residential uses. Proposed multi-family residences would also be juxtaposed with existing single-family residential, but these two uses are considered consistent, and no significant aesthetic effect would result. The proposed commercial areas would be separated from existing single-family residences by the screening wall, landscaping and setback requirements of the Stockton Development Code. Compliance with these requirements would reduce any potential aesthetic effects to a less than significant level.

Proposed commercial development adjacent to proposed multi-family residential uses would ordinarily also be subject to the applicable Development Code requirements. These provisions would reduce potential aesthetic conflicts to a less than significant level.

The general plan amendment and rezoning at Site B would not involve any physical improvements or effects on aesthetic resources. Future development of Site B would be changed from commercial to high-density residential, which would involve a reduction in development intensity and a general reduction in potential for aesthetic effects on surrounding transportation corridors and land uses. There are no designs available for future development of this site; therefore, the potential for aesthetic impacts of this development is speculative and need not be considered under CEQA. Both commercial and high-density residential development would be subject to City Development Code requirements, including design control, which would reduce any potential aesthetic and light and glare impacts to a less than significant level.

Level of Significance: Less than significant

Mitigation Measures: None required

Light and Glare Impacts

The proposed development project at Site A would involve the installation of new lighting systems to meet the safety and security needs of the various proposed businesses and residences. The majority of the new lighting systems associated with the project would be focused in the proposed commercial parking areas immediately north of Carolyn Weston Boulevard and south of the proposed commercial structures.

Potential light and glare effects on existing single-family residences to the west would be potentially significant in that proposed parking areas and their associated lighting would extend to the west project boundary. Potential lighting impacts would be reduced by setback, separation wall and landscaping requirements required by the Development Code; in addition, a mitigation measure below requires the proper installation, shielding and aiming of these fixtures. Proposed multi-family residential areas would also be juxtaposed with the single-family residences; lighting levels within the multi-family area would be consistent with lighting levels in single-family residential areas and would not result in significant light and glare impacts.

Commercial lighting has the potential for impacts on the proposed multi-family residential development. Proposed commercial parking and signage areas would be separated from proposed residential areas by the planned commercial buildings, which would provide substantial light screening. Residential development is, in any case, expected to follow commercial development, and as a result future tenants would rent based on the then-existing condition of the site. As a result, potential light and glare impacts on the residential portion of the project are expected to be less than significant.

The project would not involve other off-site light and glare impacts. Any spill light to the north or east would illuminate open space areas. Areas to the south would be buffered from impact by the existing urban street lighting along, and the width of, the Carolyn Weston Boulevard right-of-way.

The general plan amendment and rezoning of Site B would not involve any lighting improvements. Long-term development of this site would involve new night lighting but generally at a lower level than is typically associated with commercial development. As noted above, light and glare is regulated by the Stockton Development Code, which would reduce potential light and glare impacts on surrounding properties to a less than significant level.

Level of Significance: Potentially Significant

Mitigation Measures:

1. Outdoor lighting for proposed commercial areas shall be directed downward and shielded to protect adjacent residential areas from undue glare and illumination. All lighting shall conform to the requirements of the Stockton Development Code Section 16-305.060.

Significance After Mitigation: Less than significant

Implementation: The ODS will be responsible for the design and construction of commercial area lighting systems.

Monitoring: The Community Development Department, Building Division, will be responsible for ensuring that proposed lighting systems conform to Development Code requirements.

2. AGRICULTURAL RESOURCES

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				√
b. Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract?				√
c. Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use?				√

NARRATIVE DISCUSSION:

Site A, the development project site, was formerly in agricultural use and was incorporated into the City of Stockton in the 1980s in conjunction with the initial phases of development of the Weston Ranch project. Since that time, the project site has been removed from agricultural use. The site is a vacant parcel in an area dominated by urban use; there are no other agricultural lands in the vicinity of the project site.

Site A is mapped by the California Department of Conservation on the San Joaquin County Important Farmland Map (1998) as Urban and Built-Up Land. There are no Williamson Act contracts or agricultural zoning on the project site. The site is designated and zoned for urban development by the City of Stockton.

Similarly, Site B is within the Weston Ranch project and is vacant. While this site is mapped as Prime Farmland, it is surrounded by urbanized land and is no longer in agricultural use. There are no Williamson Act contracts on this site, which has been annexed into the City and is currently designated and zoned for commercial use by the City of Stockton.

Project Impacts on Agricultural Land and Uses

Development of the proposed shopping center and multi-family project on Site A would involve development of vacant former farmland for commercial and residential use but no effect on any existing agricultural use or value. No physical improvements to Site B are proposed; future urban development of this area will occur in accordance with market demands as it would under the existing general plan designations and zoning.

The project would have no effect on existing agriculture or any effect on agricultural use of nearby lands. Neither of the project sites are in agricultural use, and both have been dedicated to urban development. There are no Williamson Act contracts in effect for either of the project sites; the project as a whole would have no effect on Williamson Act contracts.

Level of Significance: Less than significant

Mitigation Measures: None required

3. AIR QUALITY

When available, the significance criteria established by the applicable air quality management or air pollution control district maybe relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?				√
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				√
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is a non-attainment area for an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?				√
d. Expose sensitive receptors to substantial pollutant concentrations? (Construction Impacts Only)		√		
e. Create objectionable odors affecting a substantial number of people?				√

NARRATIVE DISCUSSION:

The San Joaquin Valley Air Pollution Control District (SJVAPCD) has jurisdiction over most air quality matters in the San Joaquin Valley Air basin (SJVAB) and is responsible for implementing certain programs and regulations required by the federal Clean Air Act (CAA), and the state act (CCAA). The SJVAB is considered a non-attainment area for ozone (which is formed in the presence of sunlight from emissions of nitrogen oxides and reactive organic gases) and respirable particulate matter (PM10 and PM2.5), because concentrations of these pollutants sometimes exceed the standards.

The SJVAPCD has adopted Regulation 9510 Indirect Source Rule, which is applicable to new development. Rule 9510 requires the reduction of construction equipment emissions or payment of an in-lieu fee that would be used to purchase off-site emission reductions; required reductions amount to 20% of NOx emissions and 45% of particulate matter. Rule 9510 also requires reduction of "operations" emissions via on-site measures, if feasible, or the payment of fees; required operations reductions amount to 33% of NOx and 50% of particulate matter.

The potential impacts of the proposed project were evaluated according to SJVAPCD's Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI).

Effects of Project Construction on Air Quality

Site grading and construction of the proposed shopping center and multi-family residential project on Site A would result in emissions of dust as well as emissions of ozone precursors from the use of construction equipment, paving and the application of architectural coatings. As described in GAMAQI, the SJVAPCD has determined that implementation and enforcement of dust control measures set forth in their Regulation VIII will reduce construction-related dust emissions to a less-than-significant level. Compliance with SJVAPCD's adopted Regulation VIII is required by the mitigation measures below.

Maximum potential construction emissions for the shopping center and multi-family residential elements of the project resulting from equipment use, paving and architectural coatings were estimated for the project as a whole in tons/year using the California Air Resources Board's URBEMIS model (Appendix B):

ROG	1.51 tons
NOx	1.07 tons
PM10	1.31 tons

Potential ROG, NOx and PM10 construction emissions would not exceed the applicable significance thresholds for these pollutants. As a result, project construction would have a less than significant effect on air quality. Compliance with Regulation VIII would substantially reduce dust emissions. In addition, the application of Rule 9510 would require a reduction of 20% of NOx emissions and 45% of particulate matter; the application of Rule 9510 would either result in a substantial reduction in construction emissions or payment of a fee that would be used to offset these emissions. The net result of these requirements would be a substantial additional reduction in project-related air pollution below the thresholds of significance.

No development of Site B is proposed at this time, and as a result the project will not result in any construction air pollution. Future construction and operation of the new land development on this site will be subject to any required CEQA review as well as conformance with applicable SJVAPCD regulations and rules, including Regulation VIII and Rule 9510. These would reduce any potential impacts of future development to less than significant.

Level of Significance: Potentially significant

Mitigation Measures:

1. The ODS shall comply with all applicable requirements of SJVAPCD Regulation VIII, including compliance with the following mitigation measures 2 through 9.

2. Visible Dust Emissions (VDE) from construction, demolition, excavation or other earthmoving activities related to the project shall be limited to 20% opacity or less, as defined in Rule 8011, Appendix B. The dust control measures specified in mitigations 3 through 9 shall be applied as required to maintain the VDE standard.

3. Pre-water all land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activity sites and phase earthmoving.

4. Apply water, chemical/organic stabilizer/suppressant, or vegetative ground cover to all disturbed areas, including unpaved roads.

5. Restrict vehicular access to the disturbance area during periods of inactivity.

6. Apply water or chemical/organic stabilizers/suppressants, construct wind barriers and/or cover exposed potentially dust-generating materials.

7. When materials are transported off-site, stabilize and cover all materials to be transported and maintain six inches of freeboard space from the top of the container.

8. Remove carryout and trackout of soil materials on a daily basis unless it extends more than 50 feet from site; carryout and trackout extending more than 50 feet from the site shall be removed immediately. The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden. If the project would involve more than 150 construction vehicle trips per day onto the public street, additional restrictions specified in Section 5.8 of Rule 8041 will apply.

9. Traffic speeds on unpaved roads shall be limited to 15 mph.

10. The ODS shall comply with all applicable provisions of the SJVAPCD Indirect Source Review Rule (Rule 9510), which requires the applicant to submit an application to the District when applying for the development's last discretionary approval.

Significance After Mitigation: Less than significant

Implementation: The owners, developers, and/or successors-in-interest will be responsible for compliance with SJVAPCD Regulation VIII and Rule 9510 in project design and construction.

Monitoring: The SJVAPCD is responsible for verifying compliance with district rules during project design, construction and operation.

Mobile Source Emissions from Project Operations

GAMAQI describes a three-tier approach, based on the size of the project, for determining the appropriate level of analysis for assessing a project's generation of ozone precursor emissions. The Small Project Analysis Level (SPAL), which is the first tier, includes projects that are so small that quantification of ozone precursor emissions is not required. For the tier that includes the largest projects (e.g., general plan updates, large specific plans, and large general plan amendments), GAMAQI recommends use of travel demand models and the Direct Travel Impact Model (DTIM). The SJVAPCD recommends use of the URBEMIS model for calculating emissions for the middle tier, which includes most development projects. The proposed project is included within the middle tier.

The URBEMIS 2007 model, which was applied in this study of the proposed shopping center and multi-family residential project on Site A, uses project-specific trip generation information, along with model default vehicle fleet mix, trip length, and trip-start information; relevant assumptions utilized in the traffic study are also incorporated into the model runs; an assumed conservative pass-by rate of 25% was applied to commercial uses. The results of the URBEMIS model run are presented in Appendix B.

Development of the project would result in less than significant effects on ozone precursor emissions, with required mitigation. Unmitigated area source and vehicular (operational) ozone precursor emissions from the project as a whole would amount to 9.31 tpy of ROG and 13.88 tpy of NOx; the NOx values exceed the 10 tpy significance threshold. Particulate emissions of about 5.18 tpy would be below the level of significance.

The project site and area are presently served by pedestrian and bicycle facilities. The proposed retail uses would increase local access to shopping for residents of the project vicinity, reducing the number of trips and avoiding longer trips to more distant shopping areas. Incorporation of these "mitigation measures," which are listed in the URBEMIS model, would reduce potential ozone precursor contributions to 8.56 tpy of ROG and 12.86 tpy of NOx. NOx emissions would be reduced, but they would remain above the 10 tpy significance threshold.

The proposed project will be subject to adopted SJVAPCD rules, including Rule 9510 Indirect Source Rule (ISR), which requires either on-site reduction of ozone precursor and particulate matter emissions associated with project-generated traffic or payment of the adopted in-lieu fee. The ISR requires a reduction of 33% in (NOx) ozone precursor emissions and a 50% reduction in particulate matter emissions, to be accomplished by the project through mitigation measures identified during the application process or off-site through the fee payment. Compliance with the ISR is required by law as well as by the mitigation measures described below. Application of the ISR NOx requirement would reduce the project's NOx emissions to well below the significance threshold. ROG emissions would also be reduced by these mitigations. As a result, the project's air quality effect would be less than significant with the recommended mitigation measure.

The project does not propose any physical development of Site B and would not directly cause additional indirect source emissions. Rather, as documented in the Transportation section, the proposed general plan amendment and rezoning would

reduce the potential traffic generating characteristics of Site B, and therefore the potential future air quality effects of planned urban development of the site. This would be considered a beneficial effect.

Level of Significance: Significant

Mitigation Measures:

1. The ODS shall comply with all applicable provisions of the SJVAPCD Indirect Source Review Rule (Rule 9510), which requires the applicant to submit an application to the District when applying for the development's last discretionary approval.

Significance After Mitigation: Less than significant

Implementation: The ODS will be responsible for compliance with Rule 9510 in project design and construction.

Monitoring: The SJVAPCD is responsible for verifying compliance with district rules during project design, construction and operation.

Air Toxics and Odors

The project sites are vacant and do not include any existing on-site structures that may contain asbestos or lead-based paint. The proposed commercial and multi-family land uses on Site A include retail stores that may sell products classified as hazardous substances. These would include only commercial products packaged and labeled in accordance with applicable state and federal regulations. Future development of Site B would involve residential development as opposed to planned commercial development, which would reduce the potential for hazardous air emissions associated with future land use. The project would not involve other substantial potential sources of air toxic emissions.

The project site is not subject to any known substantial odor sources nor would it generate any substantial or unpleasant odors. These issues are considered less than significant.

Level of Significance: Less than significant

Mitigation Measures: None Required

4. BIOLOGICAL RESOURCES

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		√		
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				√
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act				√

(including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means?			
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			√
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			√
f. Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?	√		

NARRATIVE DISCUSSION:

The development project site (Site A) is located along the northern fringe of existing urban development within the Weston Ranch community; the site consists of 9.5 net acres of vacant land, which is planned for high-density residential development. The site is adjacent to existing urban residential uses on the west, and to Carolyn Weston Boulevard and existing commercial and residential uses on the south. The project site is regularly disked for weed control and contains only one tree, an ornamental species located along the north line of the site.

French Camp Slough and adjoining riparian lands are located to the immediate north of the project site; these lands are preserved as permanent open space in conjunction with the approval and annexation of the Weston Ranch project. The slough is a permanently-inundated feature that is likely a Water of the U.S. and a wetland under the jurisdiction of the U.S. Army Corps of Engineers. The riparian area is populated by numerous large Valley oaks, cottonwoods and other riparian plant species. The proposed development site, French Camp Slough and associated riparian lands are separated by an existing levee system (Figure 2-4); the levee consists of intensively-maintained upland levee slopes and a paved bicycle path located along the levee top. There are no Waters of the U.S., wetlands or riparian areas located within the site.

Site B is vacant land that is bounded on the east by Manthey Road as well as other vacant lands to the north and south; lands to the west are developed with single-family residential uses. There are no distinct habitat values associated with this site.

The proposed project sites do provide wildlife habitat values that may be cumulatively important, such as Swainson's hawk foraging habitat. Special-status species plant and wildlife species may also utilize the French Camp Slough open space area, within the levee system. To address concerns associated with development in and near habitat for special-status species, the County of San Joaquin, the incorporated cities, including Stockton, and other agencies have adopted a County-wide habitat conservation plan known as the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). The SJMSCP establishes a system for assessment of wildlife impacts associated with individual development projects and mitigation of those impacts through a uniform fee system; SJMSCP fees are used to acquire and enhance habitat preserves for use by special-status species. The proposed project sites are located within the SJMSCP coverage area and are eligible for participation in the plan. The project sites, according to the SJMSCP, are listed as being in Category C, Agricultural Habitat Open Spaces.

Project Impacts on Biological Resources

The proposed development project site (Site A) is composed of vacant land and does not provide any concentrated habitat for special-status wildlife or plant species. The project site, however, could potentially provide Swainson's hawk foraging habitat and may provide some foraging or other dispersed habitat values for other special-status species. These potential impacts would be addressed by project participation in the SJMSCP.

Site B is also composed of vacant land and does not provide any concentrated habitat for special-status wildlife or plant species. Like the development project site, Site B could provide foraging habitat or other dispersed habitat values for other special-status species. No development of this site is proposed, but such future development would be addressed by project participation in the SJMSCP.

The SJMSCP provides for mitigation of dispersed habitat values through payment of fees that are used to acquire and enhance the biological value of other lands. Participation in the SJMSCP also requires compliance with Incidental Take Minimization Measures (ITMMs) that are imposed where necessary to prevent "take" of special-status species associated with site development. Participation in the SJMSCP, including payment of fees and compliance with ITMMs, is assumed to reduce biological impacts of development to less than significant. Participation in the SJMSCP is required by the mitigation measures below.

The proposed project would involve no effects on oak trees, wetlands, riparian areas or direct impacts on other biological resources, none of which occur on either of the project sites. The proposed development site is separated from the French Camp Slough riparian area by an existing levee system. Any potential indirect effects on resources in the French Camp Slough area would be addressed by SJMSCP ITMMs.

Level of Significance: Potentially significant

Mitigation Measures:

1. The ODS shall mitigate for the proportionate loss of potential wildlife habitat from the project site by participation in the SJMSCP and by paying the required SJMSCP fee for Category C, Agricultural Habitat Open Spaces.

2. The ODS shall take any other actions required by the adopted SJMSCP, including the implementation of any required Incidental Take Minimization Measures (ITMMs).

Significance After Mitigation: Less than significant

Implementation: The ODS will be responsible for payment of applicable SJMSCP fees and the implementation of required ITMMs.

Monitoring: The Community Development Department/Building Division will verify that SJMSCP fees are paid prior to issuance of building permits and that ITMMs are implemented as required.

5. CULTURAL RESOURCES

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5				√
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?		√		
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				√

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

NARRATIVE DISCUSSION:

The cultural resources of the Weston Ranch area were documented in a thorough cultural resources investigation of the entire master plan area, including the project sites, in conjunction with the preparation of the EIR for that project (Valley Planning Consultants 1987). The investigation included pre-field research and a cultural resource survey. The survey documented one historical feature, a home constructed in the 1920s, and two archaeological sites located in the northern portion of the Weston Ranch annexation area but outside the proposed development area (i.e. Site A and the French Camp Slough area), and outside the Site B area. No historical or archaeological remains of significance were found within the area proposed for development. No prehistoric, historic or other cultural material was found on or near the proposed project site.

Pre-development land use of the project site was intensive agriculture. The site is vacant of any structures other than recent levee road and urban street improvements along its north and south boundaries. Based on the previous survey results and lack of structures on the site, it is unlikely that there are any intact prehistoric or historic archaeological sites within the surface soils on the development project site or within Site B. Previously undiscovered cultural resources could, however, be located in subsurface soils, i.e. below the "plow zone."

Potential Project Effects on Cultural Resources

Development of the proposed shopping center and multi-family residential project, and potential future development of Site B, would not result in significant impacts to any known cultural resources. No prehistoric or historic resources were identified within the project sites during the preparation of the Weston Ranch EIRs. The project would not result in a significant effect on any known archaeological or historic resources.

Development disturbance has the potential to unearth previously-undiscovered subsurface cultural resources. Significant impacts on these resources can be reduced to less than significant by requirements that would halt construction and summon a qualified archaeologist to make recommendations with the respect to any resources encountered. This potential effect was also acknowledged in the prior EIRs on the Weston Ranch project. Mitigation measures that address this issue are provided below.

Level of Significance: Potentially significant

Mitigation Measures:

1. If any subsurface cultural resources are encountered during construction of the project, all construction activities in the vicinity of the encounter shall be halted until a qualified archaeologist can examine these materials and make a determination of their significance. The City of Stockton Community Development Department shall be notified. The ODS shall be responsible for mitigation of any significant cultural resources pursuant to the CEQA Guidelines and consistent with the archaeologist's recommendations.

2. If human remains are encountered at any time during the development of the project, all work in the vicinity of the find shall halt and the County Coroner and the Community Development Department shall be notified immediately. The Coroner must contact the Native American Heritage Commission if the remains are those of a Native American. At the same time, a qualified archaeologist and a representative from the Northern Valley Yokuts Tribe must be contacted to evaluate the archaeological implications of the finds. The CEQA Guidelines detail steps to be taken when human remains are found to be of Native American origin.

3. The ODS shall provide for training of field personnel in identification procedures, prior to implementing construction work. The training would take the form of a two- to four-hour seminar in which a professional archaeologist would review with equipment operators the natural and cultural history of the project area,

archaeological sensitivity, the most likely location of buried cultural materials, and what kinds of cultural materials would be seen if prehistoric materials are in fact unearthed. The seminar would conclude with specific instructions on how to address such discoveries and what immediate actions to take, particularly if human remains are found.

Significance After Mitigation: Less than significant

Implementation: The ODS will be responsible for imposing cultural resource protection controls on, and training of, grading and excavation contractors.

Monitoring: The Community Development Department, Building Division will verify that construction worker training has occurred prior to beginning project improvements. If cultural resources are uncovered, the ODS must hire a qualified archaeologist to monitor the project and prepare a report to the Community Development Department.

6. GEOLOGY AND SOILS

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	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:				
(1) 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.				√
(2) Strong seismic ground shaking?			√	
(3) Seismic-related ground failure, including liquefaction?		√		
(4) Landslides?				√
b. Result in substantial soil erosion or the loss of topsoil?		√		
c. Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project and potentially result in an onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?		√		
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1998), creating substantial risks to life or property?		√		
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater?				√

NARRATIVE DISCUSSION:

The development project site (Site A) is located in an upland area of the San Joaquin Valley, adjacent to French Camp Slough, a tributary of the San Joaquin River and the Sacramento-San Joaquin Delta. The site is essentially flat and located at an elevation of approximately 10 feet above mean sea level and is protected from flooding by levees. Site B is similarly located, south of the development project site but still in the vicinity of French Camp Slough. Geologic materials underlying the site consist of inter-bedded clay, silt, sand, and gravel deposits that comprise the valley deposits in the area. There are no active or potentially-active faults in the site vicinity, and the project would not be exposed to fault rupture hazards.

The sites are subject to potentially intense seismic shaking. Soils in the eastern and western portions of the development site are sandy. Soils and groundwater levels in the area are in the range of 10-20 feet below the ground surface (San Joaquin County, 1999). Saturated, coarse soils have the potential to liquefy during seismic events. There are no other known geologic hazards that would affect the site.

The Soil Survey of San Joaquin County prepared by the USDA Soil Conservation Service indicates that native soils on the project site are classified as Manteca fine sandy loam, Scribner clay loam and Veritas fine sandy loam. The Veritas soils occupy the central portion of Site A and all of Site B; the Scribner clay loam is located in the western portion of the site, and the Manteca fine sandy loam is located in the easternmost portion of the site. These soils are generally moderately deep and well-drained in the central and eastern portions of the site; drainage in the western portion is poor. The clay loam soils may be considered expansive and require soil engineering. Most of the site soils are considered "prime" from an agricultural perspective.

Potential Project Effects on Geology and Soils

The geological and soil conditions of Site A are not expected to pose substantial constraints to the development of this project. Although soils could be subject to potential expansiveness or liquefaction, these concerns would be addressed in a geotechnical study or soils report required by the City. Potential effects will be avoided or mitigated through the incorporation of the report's engineering recommendations into the project, as required by the mitigation measures below.

Development of Site B is not proposed at this time; however, future development of this site would be subject to similar constraints as Site A. Soil stability issues would be resolved to a less than significant level by the mitigation measures shown below.

The project would be exposed to strong seismic shaking; potential impacts would be reduced to less than significant by required conformance with the Uniform Building Code. This conformance is required by City ordinance and does not require explicit listing as a mitigation measure.

Utilization of standard construction practices to control on-site soil erosion during project implementation is required by the City of Stockton's Storm Water Management Plan and associated ordinances. Among other things, development will need to include an Erosion Control Plan, and a Storm Water Pollution Prevention Plan will need to be prepared. These requirements, which would reduce potential erosion effects to a less than significant level, are discussed and applied to the project in Section 8 Hydrology and Water Quality.

Level of Significance: Potentially significant

Mitigation Measures:

1. The ODS shall submit a geotechnical or soils report to the Community Development Department, Building Division for review and approval prior to the issuance of site development plans or building permits.

2. The ODS shall be responsible for incorporation of the design and other recommendations of the geotechnical or soils report into the project plans and specifications.

Significance After Mitigation: Less than significant

Implementation: The ODS will be responsible for submitting the geotechnical or soils report and for conforming site and building designs to report specifications.

Monitoring: The Public Works Department and Community Development Department, Building Division will verify the adequacy of the geotechnical report and the incorporation of specifications into site and building designs.

7. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

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

NARRATIVE DISCUSSION:

An analysis of potential hazardous materials or waste concerns within Weston Ranch, including both of the project sites, was included in the Weston Ranch EIR and Supplemental EIR (Valley Planning 1988 and InSite Environmental 1998). No known contamination or contamination concerns were noted on either of the project sites in either case. The EIRs did identify two sites of concern: 1) the City of Stockton's former garden refuse disposal site located immediately north of French Camp Slough and 2) an asbestos disposal site located at 4599 Manthey Road, in the vicinity of Henry Long Boulevard. The EIRs found that the contamination of the Weston Ranch project area from the City landfill was "highly unlikely" and that contamination from the asbestos disposal site was contained.

Bureau Veritas (2008a) conducted a Phase I Environmental Site Assessment (ESA) on Site A, the proposed development site. The Phase I ESA was intended to locate and identify Recognized Environmental Conditions (RECs), which consist of

> "the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property."

The Phase 1 ESA was conducted in accordance with ASTM Standard Practice for Environmental Site Assessments, E 1527-05. Historical aerial photographs and topographic maps indicate that the project site and vicinity were vacant and unused in 1913 and in row crops by the 1950s. A water feature or low area was located on the project site, likely since filled. No areas of contamination or potential contamination were noted during the site visit conducted in conjunction with the ESA. A commercial data base search revealed the presence of contaminated or potentially contaminated sites in the vicinity of the project site but none on the site itself. Most of these records did not represent RECs as a result of their distance from the site or their location topographically down-gradient of the site.

The Food4Less gas station located immediately south of Carolyn Weston Boulevard was identified as a potential concern. However, records for this site indicate only the presence of a permitted underground storage tank (UST) with no indication of leakage.

The Phase 1 ESA identified one REC associated with the project site: the former City of Stockton landfill located approximately 600 feet north of the project site. This unlined landfill was originally operated by the City as a burn dump then later as a green waste disposal site until its closure in 2006. The site is being monitored by the Regional Water Quality Control Board (RWQCB) under a 30-year post-closure plan. The monitoring effort includes two soil vapor monitoring wells and one groundwater monitoring well located along the north line of the project site. As discussed in the ESA, the RWQCB indicates that the landfill has generated low concentrations of volatile organic compounds (VOC) in groundwater and soil vapor; the monitored levels of these substances are declining and expected to continue to decline.

Based on the recommendations of the Phase 1 ESA, Bureau Veritas (2008b) conducted a Limited Subsurface Investigation (LSI) of the portion of the site proposed for grocery store development. The purpose of this investigation was to determine whether the former landfill was influencing soil or groundwater conditions on the project site. The investigation included three 20-foot borings for soil and groundwater sampling and three step-out borings for soil vapor analysis. VOC and total petroleum hydrocarbon (TPH) levels in soils were all below laboratory reporting levels. Groundwater samples were the same, except that naphthalene was found in two samples; naphthalene levels were slightly above laboratory detention levels (0.88 ug/l) but well below the state Drinking Water Notification Level of 17 ug/l. VOCs were detected in soil vapor testing, but these levels were below the state residential screening level. Methane was not detected in the soil vapor samples. Based on this testing, the LSI indicated that "no additional environmental investigation appears warranted" with respect to the landfill.

No other RECs were identified by Bureau Veritas. Two Notable Findings were identified; these included 1) the previous use of the site for agriculture, which may have involved the use of pesticides and persistent residues, and 2) the existence of an area of concrete waste in the southern portion of the project site. Bureau Veritas indicated that pesticides are not typically at

a level that would require cleanup under state or federal regulations, and that the concrete waste did not likely involve any contamination.

A Phase I ESA was not prepared for Site B; Site B is not proposed for development at this time. Prior environmental reviews (Valley Planning, 1988 and InSite Environmental, 1998) did not identify hazards in the vicinity of Site B, with the exception of a former asbestos landfill, which is located south of Site B near Henry Long Boulevard. Site B is within the search radius of the database search conducted by Bureau Veritas for Site A; the database search revealed no environmental contamination records at Site B or its immediate vicinity.

Both Sites A and B are vacant of existing structures. There are no airports, airstrips or wildland fire sources located in the project vicinity.

Potential Hazards Effects Associated with the Project

The proposed project would involve commercial and residential development of Site A. There is no record of past hazardous material use on the site or land uses that would involve substantial hazardous material use. Based on the Limited Subsurface Investigation following a Phase I ESA reports, the one Recognized Environmental Condition – the existence of a former City landfill north of French Camp Slough – has not resulted and is not expected to result in contamination on the project site. There are no records of environmental contamination associated with Site B; future development of this site would not involve exposure to known environmental contamination risks.

Proposed commercial uses may involve the sale of commercial hazardous material products, which would be packaged, stored and merchandised in compliance with the applicable regulations. Proposed residential uses would involve the use and disposal of hazardous household products and waste materials. These are not considered to be significant potential hazards.

Neither Site A nor Site B contain structures or require demolition; as a result the project will not involve potential releases of asbestos or lead-based paint. The site is served by existing urban infrastructure and will not impact or require changes to existing emergency evacuation plans.

The project would not result in any new potential for exposure to environmental contamination hazards or hazardous materials or the need for new mitigation measures.

Level of Significance: Less than significant

Mitigation Measures: None required

8. HYDROLOGY AND WATER QUALITY

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements?				√
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, resulting in 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 that would not support existing land uses or planned uses for which permits have been granted)?			√	

c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation onsite or offsite?		√		
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 that would result in flooding onsite or offsite?				√
e. Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?				√
f. Otherwise substantially degrade water quality?				√
g. Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				√
h. Place within a 100-year flood hazard area structures that would impede or redirect flood flows?				√
i. Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?				√
j. Contribute to inundation by seiche, tsunami, or mudflow?				√

NARRATIVE DISCUSSION:

There are no surface water resources located on either Site A or B. French Camp Slough is located immediately north of Site A and east of Site B; French Camp Slough flows from southeast to northwest to join the San Joaquin River and is contained within existing levees. French Camp Slough conducts natural flows as well as irrigation water and agricultural drainage flows derived from its upstream drainages. The existing levee system along the slough is managed and maintained by Reclamation District 17.

The project sites are both located in Zone X on the Flood Insurance Rate Map (FIRM) for the City of Stockton, California (FEMA Community No. 060302, Panel No. 0035E, revised through April 2, 2002). Zone X is an area that is outside of the 100-year and 500-year flood plains. Flood insurance is not a mandatory requirement in Zone X.

The project site is underlain by alluvial groundwater resources of the San Joaquin Basin. These resources are intensively developed for agricultural and municipal water supplies in the region; portions of the City's municipal water supply are derived from groundwater. The approximate depth to groundwater in the project vicinity is approximately 10-20 feet below the ground surface (San Joaquin County Groundwater Report, 1999); the Limited Subsurface Investigation discussed in Section 7 Hazards encountered static groundwater levels at between 13-14 feet below the ground surface (Bureau Veritas 2008b).

Potential Impacts of the Project on Surface Water Features and Hydrology

The proposed project would not involve any direct impacts on French Camp Slough, and no mitigation measures are needed. French Camp Slough is located immediately to the north of the proposed development project (Site A) and is separated from

the project site by an existing levee. The slough and the surrounding riparian area were committed to open space in conjunction with the approval and annexation of Weston Ranch. French Camp Slough is located substantially east of Site B, across I-5.

Runoff from the proposed development project at Site A would be directed to the municipal storm drainage system, which drains to the San Joaquin River via an existing pump station. As discussed in Section 16 Utilities, the storm drainage is or will be made adequate to conduct runoff generated by the developed site in accordance with City standards and without flooding. The project site is located outside of the 100-year floodplain (Zone X) and would not be subject to significant flooding hazards.

The project would not involve significant effects on surface water resources or hydrology, and no mitigation measures are required.

Level of Significance: Less than significant

Mitigation Measures: None required

Project Effects in Surface Water Quality

The development of the proposed project would involve construction disturbance and the potential for erosion, discharge of sediment, and the discharge of other construction-related pollutants from the site in storm water runoff generated during the project construction process. Other construction-related pollutants may include elevated pH from runoff contact with soils stabilizers, cement, petroleum hydrocarbons and toxic materials. The project would not involve a direct storm water discharge to surface waters; storm water discharges from the site would be to the City storm drain system, which drains to an existing pump station and is discharged to the San Joaquin River.

Proposed commercial and residential uses of the site would result in the generation of urban runoff from buildings, paving and landscaped areas, and resulting contributions of urban runoff pollutants to the City's storm drainage system. These pollutants may include sediments, heavy metals, petroleum hydrocarbons, microbial pathogens, pesticides, materials toxic to aquatic life, and nutrients that may contribute to depressed dissolved oxygen levels. As with construction runoff, post-construction urban runoff would be discharged to the City storm drain system and not directly to surface waters in the project vicinity.

No development of Site B is proposed at this time, and the project would not result in any runoff or surface water quality effects. The general plan amendment and rezoning would reduce the potential intensity of future development of Site B as well as the volume and pollutant loading of runoff. This would be considered a beneficial effect. Future development would be subject to City of Stockton storm water quality controls.

The State Water Resources Control Board (SWRCB) has the responsibility under the federal Clean Water Act and National Pollutant Discharge Elimination System (NPDES) for the control of storm water quality. The state has adopted general permits for construction activity and industrial and commercial use. Additional storm water regulation is established in the NPDES area-wide municipal separate storm sewer system (MS4) permit system administered by the SWRCB, which requires affected jurisdictions, including the City of Stockton, to adopt and implement a Storm Water Management Program (SWMP).

The City of Stockton has adopted a SWMP, which is intended to minimize the potential storm water quality impacts of development, including both construction and post-construction activity. The Stockton SWMP consists of a variety of programs including controls on illicit discharges, public education, controls on City operations, and water quality monitoring. Program elements most applicable to land development include construction storm water discharge requirements and, the incorporation of post-construction Best Management Practices (BMPs) in new development. The SWMP includes additional controls on the operation of commercial businesses. The requirements of the SWMP are enforced primarily through the City's Phase 1 Storm Water NPDES permit issued by the California Water Quality Control Board, Central Valley Region (Order No. R5-2002-0181). Requirements applicable to the project are restated as mitigation measures below.

The principal SWMP control on construction storm water quality is the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP), which is required for any development project exceeding one acre in size; this is a requirement of the state general permit system and the City. The SWPPP identifies potential construction pollution sources, identifies needed construction BMPs, and specifies maintenance and monitoring activities needed to prevent exceedence of applicable water quality standards. Construction BMPs include provisions for erosion control including limitations on disturbance and temporary soil stabilization through the use of mulch, seeding, soil stabilizers, and fiber rolls and blankets. BMPs may also include filtration devices, silt fences, straw bale barriers and sediment traps or basins.

The SWPPP must be prepared prior to construction, be implemented during construction, and be available on the construction site. A Notice of Intent (NOI) describing the status of the project and SWPPP must be filed with the SWRCB, which then issues a Waste Discharger's Identification Number (WDID). The City requires that an Erosion Control Plan be incorporated into development plans or grading plans prior to approval. The City of Stockton also requires that the WDID be submitted prior to the issuance of a City grading permit. The project is required by existing City ordinance to conform to all of these requirements, which are restated in the mitigation measures below.

Post-construction elements of the SWMP are governed by City ordinances that require compliance with the City's adopted Storm Water Quality Control Criteria Plan (SWQCCP). The SWQCCP identifies a range of post-construction BMPs that must be incorporated into development plans. The BMPs include specific requirements for industrial and commercial development; the proposed project would be required to conform to the applicable requirements. Storm water from all developed areas must be treated using at least one of a set of treatment BMPs specified in the SWQCCP; these BMPs, which provide treatment for runoff from building, paving and other site development areas, include vegetated buffer strips and swales, detention basins, vaults and wetlands, and various filtration and infiltration and structures devices, among others. The proposed project would incorporate treatment vaults in the drainage design (Persak, pers. comm.). Municipal Code Sections 7-859, 7-859.1 and 7-859.2 require conformance with the SWQCCP. Developers are required to enter into an agreement for maintenance of the post-construction BMPs. These requirements are identified as mitigation measures below.

The City's storm water permit includes requirements to the effect that storm water discharges would not cause or contribute to violations of water quality standards. As a result, implementation of the storm water permit requirements, as required by the mitigation measures below, would reduce the potential storm water quality effects of the project to less than significant.

Level of Significance: Potentially significant

Mitigation Measures:

1. The ODS shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) for the project and file a Notice of Intent (NOI) with the State Water Resources Control Board prior to commencement of construction activity. The SWPPP shall be available on the construction site at all times.

2. Site development plans shall incorporate an Erosion Control Plan consistent with all applicable provisions of the SWPPP.

3. The ODS shall submit the SWRCB Waste Discharger's Identification Number (WDID) to the City prior to approval of development or grading plans.

4. Site development plans shall include post-construction Best Management Practices as required by Municipal Code Sections 7-859, 7-859.1 and 7-859.2 and the City of Stockton's Storm Water Quality Control Criteria Plan (SWQCCP).

5. The ODS shall establish a maintenance entity to provide annual funding for the operation, maintenance and replacement costs of the storm water post-construction treatment control measures. An agreement to participate in the subject maintenance entity shall be executed prior to issuance of a Certificate of Occupancy.

Significance After Mitigation: Less than significant.

Implementation: The property owners, developers and/or successors-in-interest will be responsible for design and construction of storm water quality improvements, for compliance with applicable city codes and for preparation and submittal of the Notice of Intent and SWPPP.

Monitoring: The Municipal Utilities Department will be responsible for review and approval of storm water quality improvement plans, for assessing project compliance with City codes and for review and approval of the Notice of Intent and Erosion Control Plan prior to the issuance of a Grading Permit.

Effects of the Project on Groundwater Systems

Neither the proposed commercial and residential project nor the future development of Site B would have any direct effects on groundwater resources. Existing groundwater on the project sites is more than 10 feet below the ground surface and would not be contacted in conjunction with project construction. The project site does not contain wells, and urban development within Stockton does not draw directly on groundwater.

Proposed development associated with the project and future development of Site B would result in small, indirect, proportional increases in municipal groundwater consumption and a reduction of groundwater recharge. The project would derive its water supply from the City of Stockton water system, which is supplied by a mix of surface and groundwater sources. The project site and vicinity are designated for urban uses in the Stockton General Plan, and water usage associated with the project has been anticipated in previous planning approvals. The Stockton Municipal Utilities Department prepared a Water Supply Assessment in conjunction with review and adoption of the Stockton General Plan Update 2035 in December 2007, which found that sufficient sustainable water supplies are available for the project without impacting environmental values or the current stabilization of the underlying groundwater basin (MWH 2006).

Level of Significance: Less than significant

Mitigation Measures: None required

9. LAND USE AND PLANNING

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Physically divide an established community?				√
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			√	
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?		√		
d. Result in land use/operational conflicts between existing and proposed on-site or off-site land uses?				√

NARRATIVE DISCUSSION:

The project sites are portions of the much larger (1,400-acre) Weston Ranch master plan area, which was approved by the City of Stockton and annexed in the late 1980s. Weston Ranch was predominantly agricultural at the time, supporting primarily row crops. The land use of the area has changed gradually over the years with the ongoing urbanization of the area. Weston Ranch is now predominantly built-out. Sites A and B are two of a few vacant remainder parcels within the Weston Ranch project area.

Weston Ranch and the project site are located in south Stockton within the City's planning area and Urban Service Boundary. The proposed development (Site A) site consists of 9.5 net acres of vacant land largely surrounded by existing urban development. The northern boundary of the project site is formed by the French Camp Slough levee and the slough and riparian area enclosed by this levee system. The French Camp Slough area was preserved as open space in conjunction with the approval of the Weston Ranch project. Existing land uses immediately surrounding Site A are as follows:

North: French Camp Slough levee and riparian area

East: French Camp Slough levee and riparian area, Carolyn Weston Boulevard bridge

South: Carolyn Weston Boulevard, High-Density Residential, Retail Commercial

West: Single-Family Residential

Site A and lands immediately north are designated High Density Residential in the Stockton General Plan 2035. The site is currently zoned RH High Density Residential. The 9.5 developable acres of the project have the potential to accommodate between 166 and 276 high-density residential units in the 17.5 to 29 units per acre density range of this general plan designation and zoning.

Site B, which is located in the eastern portion of Weston Ranch, is vacant and located between vacant sites to the north and south. Lands to the west are developed in single-family residential uses. The site and lands to the south are presently designated for commercial use, while lands to the north and west are designated for high-density and low-density residential use, respectively.

Project Effects on Land Use Plan Designations and Zoning

The proposed project will result in the development of a grocery/drug store-anchored neighborhood shopping center and multi-family residential development on Site A. The retail commercial portion of the proposed project is inconsistent with the existing City general plan designations and zoning for the project site, as described above. The proposed project includes a general plan amendment and rezoning proposal that would reconcile the proposed land uses and the existing general plan designations and zoning.

Level of Significance: Less than significant.

Mitigation Measures: None required

Reduction in Inventory of Lands Designated and Zoned for High Density Residential Use

The proposed project would reduce the area of land available for high-density residential use from 9.5 acres to 4.0 acres, a reduction of 5.5 acres. Based on the range of density allowable in the RH zoning district, this would equate to a potential loss of between 96 and 160 units of high-density residential capacity. This would be considered a potentially significant effect on the availability of sites within the City of Stockton for development of affordable housing.

The project applicant has proposed to amend the general plan and rezone another site (Site B) within the Weston Ranch area other properties that are designated and/or zoned for commercial development for future high-density residential development. Site B is immediately north of the approved Weston Ranch Towne Center project adjacent to Manthey Road

near Henry Long Boulevard and is adjacent to an existing vacant parcel that is presently designated for high-density residential development.

The general plan amendment and rezoning of Site B would not involve any adverse land use effects. This action would offset the reduction in high-density residential lands created by the proposed development of Site A and maintain the City's existing inventory of lands designated for high-density residential use. The action would add to an existing high-density residential parcel and involve an incidental (approximately 220 feet) increase in the boundary shared by high-density and low-density residential development. The existing supply of commercial land in the Weston Ranch area would also be equalized by this element of the project.

Level of Significance: Less than significant

Mitigation Measures: None required

Land Use Conflicts Associated with the Project

The Site A portion of the project would juxtapose proposed retail commercial development with single- and multi-family residential uses. Commercial development would be juxtaposed with existing single-family residential uses along the west line of the site and with planned multi-family residential uses across proposed lot boundaries within the proposed project site (Figure 2-6).

Juxtaposition of commercial and residential uses can result in impacts on the residential use as a result of light and glare, noise, safety and public access inherent in the use of commercial sites. Potential light and glare as well as noise issues resulting from commercial development were addressed generally in the Weston Ranch EIR, which also included a set of mitigation measures applicable to commercial development that would reduce these potential impacts to less than significant. This analysis was not applicable to the proposed development. However, the EIR's mitigation measures, which required City review of commercial site plans, special setback requirements, lighting controls and requirements for noise barrier walls between commercial and residential uses, are now incorporated in the Stockton Development Code. As applied to the proposed commercial uses, these measures would prevent potential land use conflicts between and associated impacts to both the existing and the proposed residential uses. Additional information on light and glare and noise issues is provided in Section 1 Aesthetics and Section 11 Noise.

Proposed commercial uses and existing single-family residences, which would be juxtaposed along the west property line, would be separated by a minimum eight-foot masonry wall and landscaping area that would be constructed along the portion of the property line where the two land uses abut, as required by the Development Code. Potential for impact would be further reduced as a result of the low-key nature of the proposed commercial uses in this area; proposed Building A is expected to be developed as a service business, and any loading activity associated with this use would occur during business hours from the parking area, as opposed to night-time loading in a rear area adjacent to the single-family residential uses.

Proposed commercial and multi-family residential uses would be juxtaposed in the central portion of the project site. Commercial uses along this line would consist of proposed parking areas, the rear wall of the planned commercial strip stores and the proposed grocery and drug store loading areas. Potential for conflict associated with loading activity noise would occur adjacent to the proposed grocery store, loading dock. As discussed in Section 11 Noise, however, the proposed loading dock would be depressed four feet below the ground surface and would include an 11-foot wall separating it from multi-family units to the north and west. Based on the analysis in Section 11, peak noise levels generated by this facility would exceed City noise standards, but the project would otherwise comply with noise standards. Apartment facades would be noise insulated, and future apartment residents would be provided notice of potential for noise standard exceedence; this would reduce potential noise impacts to a less than significant level. As lighting in this area would be subject to the controls discussed in Section 1 Aesthetics, the project would not result in a significant land use conflict at this location.

The rear loading area of the proposed drugstore would also be juxtaposed with portions of the residential development: the proposed clubhouse, leasing office and other recreational facilities. These facilities would not be considered noise sensitive or subject to impact from the proposed commercial development.

No development of Site B is proposed as a part of the project. Future multi-family residential development of this site can be anticipated, likely in conjunction with development of the parcel to the north. The general plan amendment and rezoning would reduce existing potential conflicts between future commercial and existing low-density land uses to the west. These would be replaced by the juxtaposition of high-density and low-density residential uses, which are considered compatible in the Stockton General Plan. The general plan amendment and rezoning of Site B would not result in significant land use conflict effects.

Level of Significance: Less than significant

Mitigation Measures: None required

10. MINERAL RESOURCES

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				√
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				√

NARRATIVE DISCUSSION:

The proposed project sites are located in a urbanized area of the City of Stockton. There are no known mineral resources associated with the project sites. The Division of Mines and Geology Mineral Classification Map does not identify the project sites as potentially containing known valuable mineral resources. The project sites are located within MRZ-1, areas with "little likelihood of containing significant deposits" of economic minerals (Jensen and Silva, 1988). The proposed project would involve no known effect on the availability of our access to mineral resources.

Level of Significance: Less than significant

Mitigation Measures: None required

11. NOISE

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Expose persons to or generate noise levels in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies?		√		

b. Expose persons to or generate excessive groundborne vibration or groundborne noise levels?				√
c. Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				√
d. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		√		
e. Be located within an airport land use plan area, or, where such a plan has not been adopted, within two miles of a public airport or public use airport and expose people residing or working in the project area to excessive noise levels?				√
f. Be located in the vicinity of a private airstrip and expose people residing or working in the project area to excessive noise levels?				√

NARRATIVE DISCUSSION:

The project site is within the Weston Ranch development, adjacent to Carolyn Weston Boulevard and approximately 900 feet west of I-5 at its closest point. The principal sources of noise in the project area include traffic noise on I-5 and local roads.

The Stockton General Plan 2035 EIR indicates based on existing and predicted traffic levels that existing and predicted 2035 noise generated by I-5 amount to 84 and 88 dBA Ldn, respectively, at 100 feet from the freeway; at the center of Site A, according to the EIR, I-5 noise is reduced to approximately 70 dB Ldn. These calculated noise levels assume no barrier attenuation of noise between the freeway and the site; I-5 noise is, however, attenuated by existing structures including the former City landfill, the French Camp Slough levee and trees and riparian vegetation in the French Camp Slough open space area. As a result, I-5 freeway noise is not distinguishable from locally-generated noise, i.e. Carolyn Weston Boulevard.

The General Plan 2035 EIR also predicted noise generated by Carolyn Weston Boulevard under existing and future conditions, which would amount to 72 dB Ldn at 100 feet from the roadway; at the north line of the site (about 250 feet), noise levels from Carolyn Weston Boulevard would be approximately 67 dB Ldn.

Site B is located approximately 500 feet west of I-5 and is exposed to noise from this source. At Site B, I-5 freeway noise would be below 65 dB. Manthey Road is also predicted to be a substantial generator of noise in the future; predicted noise levels at general plan buildout would reach approximately 69 dB at 100 feet from Manthey Road.

There is no noise-generating industry or commercial development in the vicinity of the project site. There are no railroads, airports or airstrips in the vicinity of the project site. There are no known sources of groundborne vibration or noise in the vicinity of the project.

Noise standards applicable to the project are established in the Stockton General Plan and Development Code. Under the current Development Code, Table 3-7, Ldn noise levels up to 75 dB and 65 dB Ldn are considered normally acceptable for exterior areas in commercial and residential developments, respectively; interior residential noise levels should be maintained at 45 dB Ldn or below. Land use-related noise during daytime hours must be maintained below 55 dB as an hourly average and a maximum of 75 dB. Land use related noise during nighttime hours must be maintained below 45 dB as an hourly average and a maximum of 65 dB.

Noise-sensitive land uses in the vicinity of the project include adjoining and nearby lands north and south of Carolyn Weston Boulevard that have been developed with single-family residences; these uses are protected from noise generated by existing

and future traffic on Carolyn Weston Boulevard by existing noise barrier walls. Single-family residences adjacent to the site on the west are separated from the site by existing wooden fences. Additional noise-sensitive single-family land uses are located west of Site B.

Exposure of Sensitive Land Uses to Roadway Noise

Sensitive land uses that could be exposed to noise include existing single-family residences adjacent to Carolyn Weston Boulevard, single-family residences west of Site Band proposed multi-family residences to be developed in the northern portion of the project site. No development of Site B is proposed at this time, but future development of multi-family residential units on this site would be exposed to existing and projected future noise from both I-5 and Manthey Road. The potential noise exposure of residential development within Weston Ranch was considered in the Weston Ranch EIRs; mitigation measures included in the Weston Ranch EIRs required residential projects to incorporate noise barriers or other design measures that would maintain City noise standards in outdoor use areas. These requirements would be applicable to the proposed multi-family residential development of Site A, as discussed below, and to the future development of Site B. Noise requirements are also included in the Stockton Development Code, which would be applicable to future development of Site B. These measures included the consideration of long-range future noise levels.

As discussed in Section 15 Transportation, the proposed general plan amendment, rezoning and proposed development of Site A would not result in a significant increase in anticipated traffic associated with development of the project site. As a result, the site's contribution to future roadway noise would not be subject to substantial change; existing single-family residential development adjacent to Carolyn Weston Boulevard would not be subject to significant increases in noise. The general plan amendment and rezoning of Site B, and the resulting future development of this site for multi-family residential use, would result in an incremental reduction in potential traffic and associated along Manthey Road and other roadways in the southeastern portion of Weston Ranch.

Proposed multi-family residential areas to be developed on the project site would be subject to potential roadway noise from Carolyn Weston Boulevard; the multi-family area would also be exposed to potential noise from on-site commercial development, which is addressed in a subsequent section.

Potential future noise from Carolyn Weston Boulevard would reach an estimated 67-70 dB within the area proposed for multi-family residential development, which is 2-5 dB in excess of the City's residential standard of 65 dB Ldn. Proposed residential buildings would, however, be shielded from Carolyn Weston Boulevard noise by proposed commercial structures. The placement of these structures on the site provides a near-continuous barrier to noise generated by this street and would result in a minimum of 5 dB Ldn of noise reduction at the ground level; as a result, outdoor use areas would not be exposed to noise in excess of the City's residential noise standard. The third-story units would also be within the noise shadow of the commercial structures, and noise levels at the upper floors may not exceed City standards. As a result, proposed multi-family residential units would not be subject to significant roadway noise exposure.

Proposed commercial structures would be exposed to noise from I-5 and Carolyn Weston Boulevard. These proposed land uses are not, however, considered noise sensitive. Proposed commercial structures would not be subject to significant noise exposure.

Level of Significance: Less than significant

Mitigation Measures: None required

Effects of Retail Commercial Noise on Nearby Residential Uses

The proposed project would involve the development of both commercial and multi-family residential uses on Site A. Commercial uses, in particular truck circulation areas, loading docks and HVAC systems, and parking areas, have the potential to generate noise that exceeds the City's standards for land use related noise, and noise generated by commercial uses would have the potential to impact both the existing single-family residential uses adjacent to the project on the west as

well as proposed multi-family uses to be constructed in the northern portion of the site. A technical report (Appendix D) was prepared by j. c. brennan and associates (2008) to address these concerns.

Proposed commercial Buildings A, B and C would not involve the potential for significant noise impacts on nearby residences. Proposed Building A adjoins existing single-family residential uses west of the project site. This building is sited and designed for commercial uses that would occur entirely within the planned structure; this proposed structure is not proposed to include exclusive loading areas or to accommodate a large volume of inventory or turnover. Building A would also be separated from residential uses by the eight-foot minimum masonry wall and landscaped area required by the Stockton Development Code. The j. c. brennan analysis indicates that HVAC noise from this source would be well within all of the applicable City noise standards at the nearest residential property line. As a result, Building A would not result in significant noise effects on adjoining single-family residential development. The noise wall would also shield single-family residential uses from other noise associated with the commercial area.

Proposed Building B would be a fast-food restaurant, including a drive-through facility; most activity associated with this building would be located within the structure with occasional loading activity and vehicle noise associated with the drive-through. This use as a whole would be separated from existing single-family residential development west of the site by more than 120 feet and the required masonry wall; Building A would provide further noise shielding. Even without these noise barriers, potential noise generated by the drive-through facility would be within all of the applicable City standards. Potential noise impacts on the single-family area from this use would be less than significant. Similarly, proposed multi-family residential buildings would be located more than 140 feet north of Building B; noise from this source would be shielded by the proposed carriage house units and Buildings C and D.

Building C would not involve any substantial noise contribution to either the single-family or multi-family residential areas. Activity associated with these stores would be confined to the interior, and the occasional loading activity associated with these uses would occur in the proposed parking area. This building would be more distant from the single-family area, and shielded by the required masonry wall along the property boundary. The building itself would provide shielding for the multi-family residences to the north.

Parking areas in the western portion of Site A would not involve significant effects on existing residential areas to the west. As analyzed by j. c. brennan and associates, noise generated by parking facilities would be well below all applicable City standards with the planned construction of an eight-foot masonry wall along the west site boundary.

The proposed grocery store would involve potential truck circulation and loading area noise in the vicinity of planned multi-family residential units. Large trucks approaching this loading facility would approach the residential area gate, then back into the space. Most deliveries would occur between 6:00 AM and 11:00 PM; however, the grocery expects one semi delivery between 6:00 AM and 7:00 AM daily, which would occur in the "nighttime" hours (10:00 PM – 7:00 AM) considered in noise management and modeling as well as by the City standards. As trucks approach the loading dock, the primary noise sources include air brakes and engine revving. Adjusted for distance, loading activity would generate Leq noise levels of 67 dB and Lmax levels of 91 dB. These levels would exceed City Leq noise standards.

To address potential loading activity noise, Building D, the proposed grocery, would include a depressed loading dock with an 11-foot masonry wall separating it from the multi-family residential uses to the north. The applicants also propose, as required by mitigation measures below, to require trucks in the loading dock to shut down; while at the loading dock, refrigerator units would run on battery power. The wall would provide approximately 16 dB reduction in loading dock noise levels, resulting in a mitigated noise level of 51 dB Leq and 75 dB Lmax; the wall needs to be constructed with a sound-absorbing finish as required by mitigation measures below. With this mitigation, truck circulation noise levels would comply with the City daytime standards but would exceed the nighttime standards. The proposed grocery would involve one delivery per day before 7:00 AM, which is classified as "nighttime" with respect to the Leq noise standards. Conversely, the truck approach would comply with the City's Ldn noise standard for residential uses; the truck approach would generate 48 dB Ldn, which is well below the City 60-70 Ldn standard. Therefore, the project would involve a significant noise effect with respect to one standard and a less than significant noise effect with respect to the other.

j. c. brennan considered the noise reduction options that would be appropriate to the project in the absence of specific and consistent standards. The truck approach to the loading dock would exceed the City Development Code Leq noise levels for the nighttime hour, typically once per day, a relatively low frequency of occurrence. At the same time, the project would comply with the more comprehensive Ldn standard, indicating a less than significant effect. Treatment of the noise standard exceedence would benefit only a first-floor residence, and the exceedence at the second and third floors could not be practically addressed.

J. c. brennan analyzed interior noise levels and the potential for sleep disturbance considering building noise attenuation with windows open and closed. With windows open, Leq noise levels during a truck approach would be 41 dB with an Lmax of 63 dB; with windows closed, these levels would be reduced to 31 dB and 53 dB. These levels were adjusted and compared to sleep disturbance standards and found to be well below the standards.

Although these levels are below sleep disturbance and interior noise standards, j. c. brennan recommends that renters be notified of the potential for noise disturbance and that impacted rental units be equipped with mechanical ventilation that does not require the opening of windows or the operation of air conditioning. These requirements, which are set forth in the mitigation measures below, would reduce potential loading dock activity impacts to a less than significant level.

According to the project applicant, HVAC and refrigeration equipment will be located within the store on a mezzanine platform, although intake and exhaust vents will be located on the roof. These would involve a potential noise source. Noise from these vents will need to be reduced by building parapets or another structural element of the building that blocks the line of sight between the vents and residential uses, as required by the mitigation measures below.

Loading activities for Building E would involve smaller trucks and would occur adjacent to the proposed apartment office and pool and would be substantially separated from proposed residential units. These activities would not result in significant noise impacts. Building F would accommodate a fast-foot restaurant with a drive-through. Like Building B, most activity associated with this building would be located within the structure with occasional loading activity and vehicle noise associated with the drive-through. This use is, however, distant from both single- and multi-family residential development. Building E would also provide substantial noise shielding for the multi-family units.

The proposed general plan amendment and rezoning of Site B would change the future use of this site from commercial to multi-family residential. This would reduce the existing potential for conflict between planned commercial uses of Site B and existing single-family residential uses to the west. This would be considered a beneficial effect of the project.

Similarly lands adjacent to Site B are in residential use. As a result, sensitive land uses would be exposed to potentially significant construction noise.

Level of Significance: Potentially significant

Mitigation Measures:

1. The proposed truck well barrier shall be 11 feet in height and shall be constructed with a sound-absorbing finish having a minimum Noise Reduction Coefficient (NRC) rating of 0.65 on the loading dock side of the barrier. Options for design of this facility are included in the j. c. brennan (2008) report. These options would include wall construction using slotted concrete masonry units.

2. Noise from mechanical equipment vents on the proposed grocery shall be reduced by silencers, acoustical louvers, building parapets or other structural elements of the building that block the line of sight between the vents and nearby multi-family residential uses.

3. Trucks utilizing the loading dock at the proposed grocery shall be required to shut down truck engines during loading activities.

4. The ODS shall notify future renters of units facing the proposed grocery of the potential for early-morning noise disturbance.

5. Facades of the apartment building nearest to the proposed grocery loading area shall be designed to maintain an interior noise level of 45 dB or less with windows closed. A mechanical ventilation system shall be provided that provides fresh air supply to each unit with requiring the operation of air conditioning or opening of windows.

Significance After Mitigation: Less than significant

Implementation: The ODS will be responsible for grocery store design, regulation of truck unloading operations, for design of apartment facades and for provision of notice to potential renters.

Monitoring: The Department of Community Development will be responsible for monitoring ODS compliance with these measures.

Construction Noise

The proposed project would involve potential for construction noise. Lands near Site A are predominantly in residential use.

Similarly lands adjacent to Site B are in residential use. As a result, sensitive land uses would be exposed to potentially significant construction noise. Construction noise was addressed in the previous EIR; construction noise is intermittent and temporary and is typically less than significant. Construction disturbance may become significant if construction hours extend to the evening, night or early morning hours. This is a potentially significant impact. Mitigation measures addressing this concern were included in the previous EIR; updated versions of these measures are shown below; these measures would reduce potential construction noise impacts to a less than significant level.

Level of Significance: Potentially significant

Mitigation Measures:

1. Temporary noise impacts resulting from project construction shall be minimized by restricting hours of operation by noise-generating equipment to 7:00 a.m. to 10:00 p.m. Monday through Friday, and to 7:00 a.m. to 6:00 p.m. on Saturday and Sunday when such equipment is to be used near sensitive land uses, and by requiring residential type mufflers where applicable.

Significance After Mitigation: Less than significant

Implementation: The ODS shall be responsible for imposing these requirements on construction contractors.

Monitoring: The Community Development Department, Building Division will be responsible for ensuring that noise mitigation measures have been incorporated in building plans.

12. POPULATION AND HOUSING

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?				√

b. Displace a substantial number of existing housing units, necessitating the construction of replacement housing elsewhere?				√
c. Displace a substantial number of people, necessitating the construction of replacement housing elsewhere?				√

NARRATIVE DISCUSSION:

The January 2007 population of the City of Stockton was 289,789 (Department of Finance). The project is located in an urbanized area of the City of Stockton. Site A is currently vacant but has been annexed by the City and is designated for high-density residential development. Potential residential development of the 9.5 net acres on the site would range between 166 and 276 residential units. The population potential of those units would amount to as many as 858 persons at a rate of 3.11 persons per unit. Site B is designated for commercial use and does not involve any existing residential potential.

Project Effects on Population and Housing

The proposed project would not involve any adverse impact on existing population or housing.

Site A is vacant, and proposed development would not involve effects on existing housing or population. Site B is also vacant and is not proposed for development at this time. The proposed multi-family residential project would contribute to the range of housing opportunities available in the City of Stockton. This would be considered a beneficial effect of the project.

The project would add to the supply of housing but would not result in any significant or unanticipated impact to population of the City of Stockton. The project would generate 102 residential units, which is below the range of potential housing units anticipated in association with the existing general plan designations and zoning.

As discussed in Section 9 Land Use, the general plan amendment, rezoning and development of 5.5 acres of Site for commercial use would reduce the amount of land in the City that is zoned and available for high-density residential use; the would involve a significant adverse effect on housing potential. The proposed project includes a general plan amendment and rezoning of the 5.5-acre Site B from commercial to high-density residential. This would replace the high-density residential capacity lost to the proposed commercial development of Site A. As a result, the project would involve no net effect on the City's supply of land designated and zoned for high-density residential use.

Level of Significance: Less than significant

Mitigation Measures: None required

13. PUBLIC SERVICES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or a 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 following public services:				

(1) Fire protection?	√		
(2) Police protection?	√		
(3) Schools?		√	
(4) Parks?		√	
(5) Other public facilities?			√

NARRATIVE DISCUSSION:

Law enforcement services for the Weston Ranch area are the responsibility of the Stockton Police Department (SPD); the SPD facility nearest to the site is located at 22 East Market Street in the downtown. It is SPD's policy to respond to all emergency calls within a three to five minute time period. Currently, staffing levels in the City of Stockton are determined by the City Council in consultation with the City Manager and Chief of Police. Currently there are no adopted service levels for the SPD; however, the police department is aware that as population increases a higher level of service may be required.

Fire protection services for the project site and vicinity are provided by the Stockton Fire Department. Engine Company 5, which is located at 3499 North Manthey Road would be the first response station for emergency calls; this station is located approximately 0.4 miles south of Site A and just north of Site B. Second response would be provided by Engine Company 2, located at 110 West Sonora Street. These stations each maintain four Fire Department employees on duty at all times and are each equipped with a water-carrying engine. The Department estimates that Company 5's total response time from 911 initiation is within eight minutes on 90% of calls; total response time to the project site would be less than four minutes. Emergency medical services are available from American Medical Response.

The project site is located within the Manteca Unified School District (MUSD). The nearest public schools to the site are as follows:

Elementary Schools:	Great Valley Elementary School (K-5) and Annex (6-8) August Knodt Elementary School (K-8)
High School:	Weston Ranch High School (9-12)

Parks, and recreation facilities are discussed in Section 14, Recreation, below.

The public library system in San Joaquin County is operated by the City of Stockton and funded jointly by both the City and the County. The system includes the downtown Central Library, four branch libraries that serve the City of Stockton, and other branch libraries that serve other San Joaquin County communities. The nearest library to the project site is the Weston Ranch branch library at 1453 West French Camp Road; this library is located on the campus of MUSD's New Vision Educational Center, adjacent to Weston Ranch High School. Capital costs of new library development are met through the City's Public Facilities Fee program.

Project Effects on Police Protection Services

Development of the proposed project at Site A would involve a minor addition to the responsibilities to the Stockton Police Department. The SPD indicates that sufficient staff will be available to serve the project at the time of buildout; no particular problems within the proposed project are identified in contacts with the Department. Capital costs of Police Department expansion are accounted for by the City's Public Facilities Fee program.

Project construction would, through the location of construction materials, appliances and equipment on the unoccupied site, involve new crime opportunities during the construction period. These can be minimized by employing the construction site security measures recommended by the Department and shown in the mitigation measures below.

No development of Site B is proposed. Future development of this site would be multi-family residential as opposed to commercial under the existing general plan designation.

Multi-family residential developments have involved past policing problems. These concerns have been reduced to a less than significant level through a program developed by the SPD in conjunction with multi-family housing owners and developers. This program includes the implementation of a mandatory Crime Free Multi-Housing program together with proper fencing, gate control, lighting, landscaping requirements, security cameras and security personnel. These program elements are also reflected in the mitigation measures below.

Level of Significance: Potentially significant

Mitigation Measures:

1. The ODS shall coordinate with the City of Stockton Police, Fire, Municipal Utilities, Public Works and Community Development Departments in the design of the project. Proposed improvements shall incorporate access, visibility, security and other emergency access/response needs as required to address departmental concerns.

2. The ODS shall implement construction period security measures recommended by the Police Department including:

    a. Ensure that during construction, a licensed, uniformed security guard must be present during the evening hours on weekdays (Monday through Friday), and 24 hours per day on weekends and holidays, when the developer is not on site.

    b. Fence the entire project site so that it is inaccessible to the public after hours and on weekends and holidays, and maintain the fence as required.

    c. Provide lighting throughout the night, every night, so as to clearly illuminate the majority of the project area.

    d. Provide portable video security monitors/cameras during the construction phase, along with signs advertising such monitoring, to further serve as a deterrent.

    e. Ensure that appliances such as stoves, microwaves, refrigerators, etc., are not installed until the day a new owner completes the final walkthrough of the residence. If installed earlier, the residence must remain securely locked after hours and on weekends/holidays.

    f. The ODS shall ensure that cabinetry and other valuable items be kept offsite prior to installation. Once installed, the residence must be kept securely locked.

3. The ODS shall implement the following post-construction period security measures recommended by the Police Department:

    a. Implement a mandatory Crime Free Multi-Housing program.

    b. Enclose residential areas with wrought-iron fencing as appropriate.

    c. Install automatic gates to control ingress and egress. All entrance/exist gates must be Knox-Box compatible.

d. Parking areas and walkways should be well-lighted and equipped with security cameras and recording equipment.

e. Install low-growth vegetation around the buildings and parking areas to facilitate maximum visibility.

Significance After Mitigation: Less than significant

Implementation: The ODS shall be responsible for coordination with public agencies, protection of construction yards, and project design and construction in accord with agency recommendations

Monitoring: The Building Division of Community Development Department shall be responsible for ensuring that agency requirements are incorporated into project plans and specifications.

Project Effects on Fire Protection Services

Development of the proposed project would involve a minor addition to the responsibilities to the Stockton Fire Department. The proposed project involves no known significant fire protection concerns (Call, pers. comm.); however, the Department has general concerns with respect to the design of the project to permit adequate fire access and water supply; through mitigations listed below, fire protection concerns would be reduced to less than significant. The project must follow California Fire Code's standard regulations regarding placement of fire hydrants, adequacy of water supply to the site, and emergency access.

No development of Site B is proposed. Future development of this site would involve multi-family residential development as opposed to commercial under the existing general plan designation. New development would be subject to City design standards. Conversion of this site from commercial to multi-family residential would not involve any significant increase in demands on the fire department.

Level of Significance: Potentially significant

Mitigation Measures:

1. The ODS shall coordinate with the City of Stockton Police, Fire, Municipal Utilities, Public Works and Community Development Departments in the design of the project. Proposed improvements shall incorporate access, visibility, security and other emergency access/response needs as required to address departmental concerns.

2. The ODS shall incorporate access, water supply and other fire suppression and emergency access/response needs in the proposed project design.

3. The ODS shall install fire hydrants and water distribution facilities which will provide fire flows which are adequate to support the City's existing ISO rating and which conform to adopted Building Code Fire Safety Standards, for all of the uses proposed within the project area.

Significance After Mitigation: Less than significant

Implementation: The ODS shall be responsible for coordination with public agencies and project design and construction in accord with agency recommendations

Monitoring: The Building Division of Community Development Department shall be responsible for ensuring that agency requirements are incorporated into project plans and specifications.

Project Effects on Schools

Development of the proposed project site would not generate any substantial new student population or demands for schools. Potential student generation associated with the proposed 102 multi-family units would amount to approximately 67 students. This would not be considered a significant effect by the MUSD (Dwyer, pers. comm.). Both the residential and commercial portions of the project would be subject to required developer fees of $2.97/SF for residential units and $0.47/SF per square foot of commercial development, respectively.

As presently designated and zoned, the project site would support up to 276 residential units generating approximately 181 students. The commercial portion of the project would, however, consume approximately 5.5 acres of the site, reducing the residential potential and the number of students that could be generated from the site. This would reduce potential future demands on the MUSD. This is not viewed as an adverse effect by the MUSD (Dwyer, pers. comm.). This reduction would, in any event, be offset by the proposed conversion of Site B from commercial to future multi-family residential development.

The project would involve no direct effects on school grounds, facilities or access. There are no existing or proposed schools in the immediate vicinity of the project site.

Level of Significance: Less than significant

Mitigation Measures: None required

Project Effects on Parks and Recreation

Parks, and recreation facilities are discussed in Section 14, Recreation, below.

Project Effects on Libraries and Other Services

Development of the project site will result in population increases and corresponding demands for library services. The need for these services have been addressed in the development of the Weston Ranch Branch Library; adequate library services are available to the project through this existing facility. The general plan amendment and rezoning of Site B would result in zero net change in the residential potential of Weston Ranch and potential demands on libraries.

The proposed project would not result in any substantial increase in maintenance requirements for public facilities, including roads. Project-related traffic would be accommodated by existing roads, as discussed in Section 15 Transportation.

Level of Significance: Less than significant

Mitigation Measures: None required

14. RECREATION

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			√	
b. Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?			√	

NARRATIVE DISCUSSION:

Parks and recreation services are provided in the project vicinity by the City of Stockton Parks and Recreation Department. The nearest accessible existing park facility is Weston Park, located about ½ mile southwest of Site A, which consists of 9.7 acres and would serve the project area; Long Park is located about 0.8 miles south of Site A along McDougald Boulevard. Both parks are planned as community park (i.e. approximately 10-acre) facilities. The project site is approximately ¼ mile south of the 20-acre Van Buskirk park and golf course; this facility, which is located north of French Camp Slough, is not directly accessible from the Weston Ranch street system.

Potential Project Effects on Parks and Recreation

Proposed commercial development would not involve any substantial demand for parks and recreation services. The proposed general plan amendment and rezoning would reduce the residential potential of the project site and its potential future demand for parks and recreation services.

The project would involve the development of 102 multi-family residential units, which would add to existing demands for parks and recreation services within the Weston Ranch community. These demands are being met by existing parks and services offered through the Parks and Recreation Department. Demands associated with the project have been anticipated in land use planning for the Weston Ranch project and would be accommodated by existing or planned facilities. The general plan amendment and rezoning of Site B would not result in any net increase in Weston Ranch demands for parks and recreation. This element of the project is intended to offset reductions in multi-family residential capacity associated with the commercial development of Site A.

The capital costs of park and recreation land and facility demands associated with the project would be met through payment of the City's Public Facilities Fees, which cover the costs of parkland acquisition and development. The project will be required to participate in maintenance costs for existing parks in the project vicinity.

The proposed multi-family development would offer residents a clubhouse and pool facility as well as on-site open space as required by the Stockton Development Code. Other outdoor recreational/open space would consist of walkways and landscaping areas.

Level of Significance: Less than significant

Mitigation Measures: None required

15. TRANSPORTATION/TRAFFIC

Would the project

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?			√	
b. Cause, either individually or cumulatively, exceedence of a level-of-service standard established by the county congestion management agency for designated roads or highways?			√	
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in				√

substantial safety risks?				
d. Substantially increase hazards because of a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				√
e. Result in inadequate emergency access?				√
f. Result in inadequate parking capacity?				√
g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				√

NARRATIVE DISCUSSION:

Regional access to the project area is provided by Interstate 5 (I-5), which is located east of the project sites. Downing Avenue makes an interchange with I-5 east of Site A; the western extension of Downing Avenue is Carolyn Weston Boulevard, which is a principal road accessing the northern portion of the Weston Ranch community. Site A fronts on Carolyn Weston Boulevard at its intersection with Manthey Road, which is a principal north-south route in Weston Ranch and lands to the north and south. The northern leg of the Carolyn Weston Boulevard/Manthey Road intersection is the primary access to the project site. Site B is adjacent to Manthey Road south of Site A. There are no rail or airport facilities in the vicinity of the project site.

Existing (2007) traffic on Carolyn Weston Boulevard as estimated by the City of Stockton amounts to approximately 19,900 trips per day, both directions. Traffic on Manthey Road amounts to approximately 7,300 trips per day. The existing Carolyn Weston/Manthey intersection is signalized. According to analysis included in the Weston Ranch Towne Center EIR, the intersection presently operates at Level of Service (LOS) B in the both the AM and PM peak hours this is well within the City of Stockton's LOS standard of LOS D.

The most recent analysis of probable future intersection operations occurred in the previously-referenced EIR; this analysis predicted future operations at the Carolyn Weston Boulevard/Manthey Road intersection under General Plan 2035 buildout conditions, assuming full buildout of all vacant properties in the area. Including the future development of the site assumed in that EIR together with the Weston Ranch Towne Center project, the Carolyn Weston Boulevard/Manthey Road intersection would operate at LOS C in the AM peak hour and LOS D in the PM peak hour. This is also within the City's adopted LOS standards.

Transit services in the City of Stockton and San Joaquin County are provided by the San Joaquin Rapid Transit District (SJRTD). The SJRTD operates three routes with headways of approximately one hour in the project vicinity, including Routes 52, 55 and 90. SJRTD indicates that there are four stops within a half mile of the project, and sidewalk access is available to the nearest stop.

The project site is served by existing bicycle and pedestrian facilities. A Class I (separate right-of-way) paved bike/ped path is located along the French Camp Slough levee adjacent to the site, as well as along the linear parks constructed along the existing electrical transmission lines the run through Weston Ranch. Class II (striped) bikeways are designated along Carolyn Weston Boulevard, and a Class III (signed) route is designated along Manthey Road. Streets at and near the project site have pedestrian sidewalks; meandering sidewalks are located along the entire project frontage on Carolyn Weston Boulevard.

Potential for New Traffic Impacts Associated with the Proposed Development of Site A

kdAnderson Transportation Engineers was retained during the preparation of this IS/MND to evaluate the potential traffic impacts of the project in comparison to traffic that would be generated from development of the project in the existing

general plan designation and zoning, and the consistency of the project with the previous traffic analysis included in the Weston Ranch Towne Center EIR. A technical memo detailing kdAnderson's analysis (kdAnderson, 2008) is shown in Appendix E.

Development of the project site with the maximum number of high-density residential units (377) would generate AM and PM peak hour traffic of 192 and 234 trips. The project would generate fewer (100) AM peak hour trips and more (292) PM peak hour trips. The increase of 58 PM peak hour trips would be less than the City's threshold for the preparation of traffic studies; as a result, this change would not result in a significant traffic effect.

The Weston Ranch Towne Center EIR evaluated the potential near-term and long-term traffic effects of a large, planned commercial development to be located at the I-5/French Camp Road interchange. The analysis of traffic effects included the Carolyn Weston Boulevard/Manthey Road intersection, among others. As discussed above, under worst-case long-term conditions, the Carolyn Weston Boulevard/Manthey Road intersection was projected to operate at LOS C in the AM peak hour and LOS D in the PM peak hour, which is within the City's adopted LOS standards.

The EIR's evaluation of traffic impacts was based on numerous assumptions, including the nature of the proposed commercial project as well as assumed buildout development of the vacant parcels within the study area. The EIR estimated that the project site would generate 510 trip-ends during the AM peak hour and 1,170 trip-ends during the PM peak hour. Trip generation associated with the proposed project would be substantially less during both the AM and PM peak hours. As a result, the project would not cause projected future traffic operations at the Carolyn Weston Boulevard/Manthey Road intersection to worsen but rather to improve. Therefore, the proposed project would have a less than significant traffic effect and would require no mitigation measures.

The project does not involve a proposal for development of Site B; however, the traffic generating potential of this site would be reduced by the general plan amendment and rezoning of this site. Traffic generated by multi-family residential development is substantially less than that generated by retail commercial development.

Level of Significance: Less than significant

Mitigation Measures: None required

Potential Traffic Impacts of Shopping Center Development on Carolyn Weston Boulevard Operations

The project proposes the use of an existing signalized access at the intersection of Carolyn Weston Boulevard and Manthey Road as the principal site access. As discussed above, this intersection would operate at an acceptable level with the proposed project under existing and future conditions. The project also proposes the development of a right-in/right-out intersection with Carolyn Weston Boulevard; this intersection is located approximately 350 feet west of the Carolyn Weston Boulevard/Manthey Road intersection. The proposed intersection spacing is consistent with City standards and would not require a variance from these standards.

The proposed western driveway may result in drivers attempting to complete left turns across the existing striped median. As a result, the City will require the installation of a "pork chop" or comparable traffic control device to restrict outbound movements to right turns only. With these improvements, the proposed right-in/right-out access would not involve significant traffic effects.

Level of Significance: Potentially significant

Mitigation Measures:

1. The ODS shall install a pork chop or comparable traffic control device at the proposed west access to restrict outbound movements to right turns only.

Significance After Mitigation: Less than significant

Implementation: The ODS will be responsible for installation of the traffic control device.

Monitoring: The Department of Public Works will be responsible for ensuring that the traffic control device is installed properly.

Adequacy of Shopping Center On-Site Circulation including Truck Movements

The proposed commercial uses will need to accommodate large truck traffic. The proposed site indicates the required truck turning radii and indicates that truck turning requirements are met with the proposed design. This element of the project would not involve any significant effects or need mitigation measures.

Level of Significance: Less than significant

Mitigation Measures: None required

Project Effects on Transit, Bicycle and Pedestrian Facilities

The proposed project is presently served by transit, bicycle and pedestrian facilities. Proposed residential and commercial uses would add incrementally to demands on these existing systems but would not result in their over-use or the need for development of additional systems. The project would not involve any significant effects or require mitigation measures in this issue area.

Level of Significance: Less than significant

Mitigation Measures: None required

16. UTILITIES AND SERVICE SYSTEMS

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				√
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				√
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			√	
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or would new or expanded entitlements be needed?				√
e. Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the				√

provider's existing commitments?			
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?		√	
g. Comply with federal, state, and local statutes and regulations related to solid waste?			√

NARRATIVE DISCUSSION:

The project sites and the Weston Ranch area are served with water, sewer and storm drainage services by the City of Stockton via community-wide systems constructed in conjunction with the initial phases of the Weston Ranch project. Electrical, gas, phone, internet and cable TV services are provided by state-regulated utilities under franchise agreements with the City.

Sewage treatment and collection services in the City of Stockton, including the project area, are provided by the City. Sewage treatment services are provided at the City's Regional Wastewater Control Facility (RWCF) located on Navy Drive in Stockton. The proposed project site is currently served by City Wastewater Collection System No. 8. A 10-inch sanitary sewer line is located in Carolyn Weston Boulevard along the entire frontage of the proposed shopping center, and a stub line extends north along the Manthey Road alignment to the Site A boundary. The Carolyn Weston line flows to larger trunk lines and a centralized pump station that conveys Weston Ranch sewage north via a force main to the vicinity of the RWCF.

Potable water service in the project area is provided by the City of Stockton. A 16-inch water main is located in Carolyn Weston Boulevard, which is networked with other large trunk lines in the area. An 8-inch stub extends north along the extension of Manthey Road to the project site boundary.

Storm drainage service in the project vicinity is provided by the City of Stockton. A 30-inch storm drain is located in Carolyn Weston Boulevard. This line joins other storm drains to flow west and south to the Weston Ranch storm drainage pump station discharging to the San Joaquin River. These lines were sized to accommodate storm drainage from multi-family development the project site.

Pacific Gas and Electric Company (PG&E) currently provides natural gas and electric service to existing development in the project vicinity. Existing lines are located within Carolyn Weston Boulevard. PG&E is a state-regulated utility that is obligated to extend electrical and gas service to existing and new development within its service area.

AT&T is the local telephone service provider in the existing project vicinity. Cable television services are provided by Comcast. Existing lines are located adjacent to the project site. AT&T and Comcast are regulated utilities that are obligated to provide service within the city.

City utility services are also available to Site B. Development of Site B may require extension of some utility lines in conjunction with future development.

Effects of the Project on Wastewater Services and Facilities

The proposed shopping center project would involve an incremental increase in sewage generation associated with proposed commercial and residential development. Potential development of the site in multi-family residential use was accounted for the review of the Weston Ranch project and its infrastructure design. Proposed commercial uses of a portion of the site would likely result in a reduction in the amount of sewage generated from the project site. As a result, the existing lines sewage collection system serving the site is sized to handle planned development. The project would not result in a significant effect on wastewater services. Overall changes in wastewater demand associated with the shopping center would be offset by corresponding changes associated with future development at Site B.

Level of Significance: Less than significant

Mitigation Measures: None required

Effects of the Project on Potable Water Services

The proposed shopping center project at Site A would involve incremental increases in potable water demand in the Weston Ranch area. Existing water lines were installed in the adjacent street in conjunction with the original development of the Weston Ranch project, and multi-family residential development of the entire was accounted for in the design of the City water system. Proposed commercial development of the majority of the site would result in an overall reduction in water demand, and sufficient water supplies are available to serve the project. Changes in water demand associated with the shopping center would be offset by corresponding changes associated with future development at Site B. No significant impacts on water services are anticipated.

Level of Significance: Less than significant

Mitigation Measures: None required

Effects of the Project on Storm Drainage Services

The proposed shopping center project would contribute new storm drainage flows to the existing Weston Ranch drainage system and pump station. This element of the proposed project would involve an incremental increase in the amount of impervious area discharging to the City storm drain system as a result of the addition of commercial development to planned high-density residential uses. As a result of current storm water quality requirements, however, the proposed project would also include storm drainage vaults, which would provide both storm water detention as well as water quality treatment. The project engineer (Persak, pers. comm.) indicates that adequate capacity exists in the City system for the proposed commercial and residential development. Nonetheless, the City will require that a hydrologic analysis be performed to determine if the existing storm drainage lines and pump station are capable of accommodating runoff generated from the project; the project will be required to make necessary storm drainage improvements if the analysis indicates that sufficient drainage capacity is not available, as required by the mitigation measures below.

Future development of Site B would involve a corresponding reduction in overall storm drainage generation associated with Weston Ranch. Storm water demands associated with Site B would be reduced as a result of changes in future land use from commercial to multi-family residential.

Storm runoff water quality is regulated by the federal Clean Water Act through the National Pollutant Discharge Elimination System (NPDES). The NPDES requirements are delegated to the California Regional Water Quality Control Boards (RWQCB); Stockton is in the jurisdiction of the Central Valley RWQCB. The state has adopted separate general permits to control storm water pollution from construction and industrial activities. The City of Stockton has adopted a Storm Water Management Plan and various implementation tools, which are permitted by the state. The City's system, the potential water quality impacts of the project, and associated mitigation measures are addressed in Section C(8) Hydrology, and below.

Level of Significance: Potentially significant

Mitigation Measures:

1. The ODS shall perform a hydrologic and hydraulic analysis to determine if the existing Weston Ranch storm drainage infrastructure and pump station are capable of accommodating the additional runoff generated from the project. If the existing capacity is inadequate, the ODS will be required to make all necessary improvements, as required by the Stockton Municipal Code prior to the approval of building permits.

2. The ODS shall prepare and implement a Storm Water Pollution Prevention Plan and file a Notice of Intent as required by the Hydrology and Water Quality mitigation measures.

3. The project shall incorporate post-construction Best Management Practices in project plans and specifications as required by the City's Stormwater Quality Control Criteria Plan, adopted November 25, 2003, as outlined in the City's Phase 1 Stormwater NPDES permit issued by the California Water Quality Control Board, Central Valley Region (Order No. R5-2007-0173). The ODS will establish a maintenance entity acceptable to the City to provide funding for the operation, maintenance, and replacement costs of storm water Best Management Practices.

4. Prior to the issuance of a certificate of occupancy, the ODS shall establish a maintenance entity approved by the City to provide funding for the operation, maintenance, repair, and replacement of project's storm water quality management features.

Significance after Mitigation: Less than significant

Implementation: The ODS will be responsible for the design and installation of required infrastructure improvements prior to the issuance of building permits.

Monitoring: The Departments of Public Works and Municipal Utilities will be responsible for review and approval of required infrastructure improvements.

Effects of the Project on Gas and Electric Services

Gas and electrical infrastructure is already available adjacent to both of the sites and would be extended in conjunction with proposed development in accordance with adopted PG&E rules. During proposed development the ODS must consult with current or future PG&E or other service providers to ensure that infrastructure is available when needed and to prevent disturbance of potential existing buried utilities. This process prevents significant impacts, and no further mitigation would be required.

Level of Significance: Less than significant

Mitigation Measures: None required

Telephone and Cable TV Services

The proposed project would involve incidental new demands for these services. These demands can be met by existing facilities in the area.

Level of Significance: Less than significant

Mitigation Measures: None required

Solid Waste

The City of Stockton is served by two franchise haulers; Stockton Scavenger and Sunrise Sanitation. The Stockton Scavenger provides solid waste collection for the project site. Solid waste is disposed of at existing private landfill facilities. There is no shortage of landfill facilities space within the County, and plans to expand existing private landfills are in play.

Both existing and future development elements of the proposed project would involve no substantial increase solid waste generation. There exists more than sufficient solid waste disposal capacity to meet the demands of anticipated growth within the City of Stockton. No concerns in this issue area are anticipated.

Level of Significance: Less than significant

Mitigation Measures: None required

17. GLOBAL CLIMATE CHANGE

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Result in a significant effect on, or a cumulatively considerable contribution to, global climate change?			√	

NARRATIVE DISCUSSION:

Global Climate Change Setting

Global climate change is a subject of increasing scientific and public dialogue and concern. A major source of global climate change is understood to be emissions of greenhouse gases (GHGs) that trap heat in the earth's atmosphere. GHGs include carbon dioxide (CO2), the most abundant GHG, as well as methane, nitrous oxide and other gases. Total worldwide emissions of GHGs in 2004 were estimated at 20,135 teragrams of CO2 equivalents (CO2e); U.S. emissions during the same year were estimated at 7,074 teragrams CO2e.

GHG emissions are associated with numerous activities, primarily those that involve the combustion of carbon-based fuels; the major sources of greenhouse gases in California include transportation (40.7%), electric power (20.5%), industrial (20.5%), agriculture and forestry (8.3%) and others (8.3%) (CEC 2006). GHG emissions in California in 2004 were estimated at 484 teragrams CO2e.

Concerns related to global climate change include the direct consequences of an altered, warmer climate but also include reduced air quality, reduced snowpack and impacts on water supply and higher-intensity storms, rising sea level and the potential impact of these changes to the built environment as well as existing ecosystems and the species that depend on them.

The Governor and the State Legislature have declared their concern with regard to global climate change and have set state agencies in motion to identify and implement strategies for the reduction of GHG emissions, primarily through AB 32 the Global Warming Solutions Act of 2006. AB 32 identifies global climate change as a "serious threat to the economic well-being, public health, natural resources and the environment of California." A project that would contribute to global climate change may have a significant effect on the environment that needs to be considered under CEQA.

Primary responsibility for AB 32 implementation is placed with the California Air Resources Board (CARB). CARB's Climate Action Team (CAT) is involved in a variety of activities oriented toward meeting the AB 32 goals of reducing GHG emissions to 2000 levels by 2010 and to 1990 levels by 2020. Reducing GHG emissions will require a broad response across the spectrum of human activity. GHG reduction strategies being explored include, among others, new industrial and emission control technologies, alternative energy generation technologies, advanced energy conservation in lighting, heating, cooling and ventilation, reduced-carbon fuels, hybrid and electric vehicles, and other methods of improving vehicle mileage.

Opportunities to reduce future GHG emissions also exist in the planning and entitlement of land development projects in the form of plans that promote use of alternative transportation modes and reduce individual vehicular travel and site and building designs that increase energy efficiency. The CAT has established a Land Use Subcommittee (LUSCAT) to explore opportunities for reducing GHG emissions associated with new land use and development. In addition, the above-described general reductions in GHG emissions (industrial emission controls, vehicle fuel efficiency) would also contribute to GHG emissions associated with new land development.

Smart Growth, "sustainable development" and "compact development" are expressions representing generally large-scale development plans that can result in indirect reductions in GHG emissions; residents and workers in new development areas where residential, commercial and job-generating land uses are thoughtfully mixed and conveniently accessed by transit and

non-vehicular transportation are believed to travel more by alternative transportation methods and less in individual vehicles. Recent studies by the Urban Land Institute (Ewing 2008) indicate that reductions of 20-40% in VMT per capita may be realized with compact development vs. sprawl.

Energy conservation and alternative energy generation can directly reduce GHG emissions associated with the use of natural gas and electricity generated by fossil fuels for lighting, water heating, and space heating and cooling. Energy conservation may be achieved through passive and active solar architecture, solar water heating, cool roofs and paving, shading of paved areas, increased ventilation, and energy efficient HVAC equipment, controls, lighting and appliances. Energy conservation is an important component of "green" building programs such as LEED and Build It Green.

Green building programs such as LEED and Build It Green provide "green" credits for elements that promote GHG reduction such as increased density, energy and water conservation and access to alternative transportation. Overall, however, the green programs are not exclusively GHG-oriented but respond to a larger agenda that also provides credit for project elements that have only a limited relationship to GHG reduction. For example, credits are available for using local building materials, reuse of existing buildings, storm water quantity and quality, indoor air quality, brownfield redevelopment and other elements that may have only a marginal relationship to energy conservation. As an example, the LEED for New Construction requires less than 10% of its minimum certification points to be derived from building energy performance improvements. In contrast, the Build It Green program requires 30 of its required 50 points (60%) to be obtained from building energy performance improvements.

Global Climate Change and CEQA

Global climate change is an issue that must be addressed under CEQA. By definition, global climate change is an issue of global significance whose importance in local land use decision-making and CEQA analysis is unclear. Efforts to define the appropriate treatment of global climate change issues in a CEQA context have been made by the California Association of Environmental Professionals (AEP 2007), the Governor's Office of Planning and Research (OPR 2008), and the California Air Pollution Control Officers Association (CAPCOA 2008). These efforts have not defined a uniform significance threshold for CEQA purposes; the Governor's OPR has asked the CARB to recommend a method for setting threshold of significance for GHG emissions, and others have suggested the need for legislative action. In its assessment, however, AEP indicates that land development projects will ordinarily have less than significant global climate change effects at a project (i.e local) level. Under CEQA, then, global climate change is a potential *cumulative* effect; "significance" test for a cumulative effect rests on whether a project makes a "cumulatively considerable contribution" to that effect.

The City of Stockton addressed the issue of global climate change and the need to reduce GHGs resulting from new land development in Policy HS-4.20 of its General Plan 2035, which was adopted in December 2007. Policy HS-4.20 requires the City to develop and adopt a more detailed policy that would be focused on GHG reductions that can be achieved through the land use planning process. The City's GHG policy would also need to be consistent with CARB's AB 32 implementation plan. After its adoption, however, the General Plan 2035 and its EIR were litigated; to prevent the California Attorney General (AG) from joining the lawsuit, City officials negotiated a Settlement Agreement that established a specific program for implementation of Policy HS-4.20.

The Settlement Agreement requires the City to prepare a Climate Action Plan (CAP), which will inventory existing, 1990 and 2020 GHG emissions, identify GHG reduction targets consistent with AB 32. The CAP would address reduction of *per capita* vehicle miles travelled (VMT), adoption of green building requirements, facilitate energy efficiency retrofit of existing structures, enable and fund a transit improvement program, balance development on the urban fringe with infill development, and monitor progress in implementation. The various CAP requirements would be developed and adopted over a period of 24 months.

The Settlement Agreement includes Section 9 Early Climate Protection Actions, which establishes requirements that will be applicable to major development projects until the City adopts the CAP. The proposed project is not a major development project, as defined, and is therefore not directly subject to Section 9. However, Section 9 provides a guideline for achieving project consistency with Policy HS-4.20, which is the global climate change policy of the General Plan 2035. By law, general plan amendments, rezonings, use permits and subdivision maps must conform to the general plan. The Settlement

Agreement establishes an interim standard for local compliance with the City's CAP and AB 32; for the purposes of this analysis, project consistency with Section 9 is assumed to represent a significance threshold for global climate change effects.

Global Climate Change Impacts

The shopping center element of the proposed project involves infill commercial and high-density residential development of 9.5 acres in an area approved for urban development and largely built out. The project includes a commitment to a future general plan amendment and rezoning of a site already designated for commercial development to offset changes to be made at the shopping center site. The project does not involve processing of a specific plan or a master development plan and does not meet any of the criteria for a project of significance under the Settlement Agreement. Therefore, the requirements of Section 9 do not apply directly to the project. The project is, however, consistent with the requirements of Section 9 and the larger goals of the Settlement Agreement and would therefore involve a less than significant effect on global climate change. The provisions of Section 9, and the consistency of the project with those provisions, are addressed below. These begin with the requirement of Subsection "a" that the City study and analyze the following numbered items.

1. *Measures necessary for the project to meet any applicable GHG reduction targets;*

AB 32 establishes general GHG reduction targets for 2010 and 2020, and the CARB Climate Action Team is developing strategies to reduce GHG emissions, including emissions associated with land development. No known specific GHG reduction targets have been defined or adopted that would apply to new land development. The City's Policy HS-4.20 requires that major projects reflect future state programs and GHG reduction targets; any such targets that are applicable to new development would be applied to future projects, including any unconstructed portions of this project.

GHG reduction targets applicable to land development are expected to include reductions in per capita VMT and advanced building energy conservation. As discussed below, the project would be consistent with VMT reduction and energy conservation specifications of Section 9.

2. *The project's VMT and measures necessary for the project to reduce its VMT;*

The VMT associated with the proposed shopping center project at Site A was predicted using CARB's URBEMIS model, as discussed in Section 3 Air Quality. The VMT associated with the project amounts to a predicted 21,500 miles annually (Appendix B). No development is proposed at Site B, and no new VMT would be generated by the project. Future development of this site would, however, involve high-density residential development, which would be located adjacent to planned commercial areas. This would tend to minimize potential VMT associated with development of this site.

The proposed shopping center project consists of a neighborhood-serving retail shopping center and high-density residential development. The project involves development of a remainder site reserved for development of high-density residential uses at the time of approval of the Weston Ranch project in the 1980s. Since then, other residential portions of Weston Ranch have been built out, and a demand for additional commercial services has developed. Weston Ranch residents must presently travel to commercial areas several miles distant to obtain services.

The proposed project would provide a nearby local neighborhood shopping center for Weston Ranch residents and residents of other areas east of I-5. The URBEMIS model identifies the potential VMT associated with the project; however, a large proportion of the VMT associated with the project would offset existing trips from project area residences that would be diverted from more distant shopping areas to shop at the proposed center. For the existing population within the market area of the shopping center, the project would produce a reduction in the existing per capita VMT, consistent with Section 9 and the VMT reduction goals of the Settlement Agreement.

The proposed high-density residential area would also result in reduced per capita VMT vs. the per capita VMT generated by the prevailing lower-density residential development in the project area. Based on trip generation standards used in the traffic study, high-density residential uses involve a 40% lower trip generation rate than the existing low-density residential development that surrounds the site. The juxtaposition of the planned 102 high-density residential units with the proposed

shopping center, and the provision of pedestrian access between the facilities, would also promote pedestrian access, avoid vehicle trips and therefore reduce per capita VMT.

The proposed project would achieve other, but less-quantifiable, reductions in VMT. The project is served with transit, which would reduce future trips by shoppers that utilize the SJRTD system. The proximity of the shopping center to the numerous existing residences in the immediate vicinity, including other high-density residential development, would facilitate increased pedestrian and bicycle use for shopping and reduce vehicle trips and VMT. Likewise, the existing bicycle trail along French Camp Slough would permit direct off-road bicycle access to the shopping center from large portions of Weston Ranch, again reducing vehicle trips and the associated VMT.

3. *Transit, especially BRT, needs of the project and project's fair share of the cost of meeting such needs;*

The project area is served by existing transit routes. The proposed shopping center would create a new transit destination.

The proposed project would not involve a significant Bus Rapid Transit (BRT) need. Proposed residential uses would add incrementally to BRT needs in the project area but would not result in a major concentration of residences or a job center that would generate BRT need. The Stockton General Plan identifies a planned BRT High routes along I-5 immediately east of the site.

No BRT needs study or service plan exists by which BRT needs can be quantified or by which fair share costs of system development can be assessed. The project could be obligated to pay such costs, if and when adopted pursuant to a nexus study.

4. *Whether project densities support transit, and, if not, what increases in project density would be necessary to support transit service, including BRT service;*

This requirement is related to residential density and is not applicable to the commercial portion of the proposed project. Development of the project site in the proposed retail commercial use would in any event provide support for the extension of transit service to the area.

The northern portion of the project is proposed for development with high-density residential units. High-density residential is the highest density class available for residential development in the City of Stockton. High-density residential, particularly in juxtaposition with the proposed neighborhood-serving retail commercial development, is consistent with land use planning models that support alternative transportation modes and lead to reduced VMT, such as compact development and Smart Growth. The general plan amendment and rezoning of Site B would also be consistent with these concepts. The residential portion of the project would support transit service.

5. *The project's estimated energy consumption, and measures to ensure that the project conserves energy and uses energy efficiently;*

The project proposes that the commercial and residential elements of the project would both exceed existing Title 24 energy conservation requirements by a minimum of 15%; this is substantially above existing requirements and consistent with LEED Silver energy conservation standards, respectively. Application of this standard to proposed buildings would produce energy efficiency that is better than the standards that were applicable in 1990 (Uniform Building Code of 1988), which exceeds the AB 32 goal for 2020.

6. *Measures to ensure that the project is consistent with a balance of growth between land within Greater Downtown Stockton and existing City limits, and land outside the existing City limits;*

The proposed project would contribute to balanced growth in the City of Stockton. The Site A project involves high-density residential development on a vacant site in an existing urban area site. The project is located within the City limits, and the proposed 102 residential units would contribute to the Settlement Agreement goal of the development of 14,000 residential

units within the City Limits. Maintenance of the high-density residential development potential of Weston Ranch via the general plan amendment and rezoning of Site B would also contribute to balanced growth within the existing City limits.

7. Measures to ensure that City services and infrastructure are in place or will be in place prior to the issuance of new entitlements for the project or will be available at the time of development; and

No measures are needed to ensure that City services and infrastructure are in place; services and infrastructure adequate to serve the site are in place now. City services were extended to the project site at the time of its annexation in the 1980s. The sites are presently served with City infrastructure, including roadways and utilities systems.

8. Measures to ensure that the project is configured to allow the entire development to be internally accessible by all modes of transportation.

This and the other requirements of Section 9 are intended to be applied to development projects of significant size. In that context, this policy would ensure that all residential neighborhoods and commercial facilities are accessible to transit, bicycle and pedestrian systems.

The proposed shopping center project involves a 9.5-acre project with separate multi-family and commercial units, both of which would be accessible to transit services via the existing perimeter streets. Bicycle access to the site is available over bike routes designated on existing streets and via a Class I bike trail located along the French Camp Slough levee. Pedestrian circulation is provided throughout the developed portions of the project area via sidewalks along all streets. Internally, the proposed commercial area would accommodate automobiles, bicycles and pedestrians. Transit service, when extended to the project area would be provided from adjoining streets.

Future development of Site B has not been designed but will need to comply with prevailing City design policies and standards in force at the time of development.

Subsections "b," "c," and "d" of Section 9 require the City to review the above studies, to consider imposing requirements on projects resulting from the studies via mitigation measures and/or conditions of approval, to conduct a public hearing, and to consider requiring the project to conform to future requirements of the CAP and its implementing documents. The City decision-makers will consider the studies and their results through their review of this IS/MND. No additional mitigation measures or changes to the project are suggested by these studies. The project would involve a less than significant effect on global climate change.

Level of Significance: Less than significant

Mitigation Measures: None required

18. MANDATORY FINDINGS OF SIGNIFICANCE:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?		√		

b. Does the project have impacts that are individually limited but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)			√	
c. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?				√

NARRATIVE DISCUSSION:

The project would involve potential biological and cultural resource impacts as described in Sections 4 and 5. These impacts would be reduced to less than significant with the mitigation measures identified in that section.

The proposed project would involve infill development. All of the potential environmental effects of the project would be reduced to less than significant with proposed mitigation measures. With mitigation, none of these impacts would be considered cumulatively considerable, either in combination with other impacts associated with the project, or when considered in conjunction with the environmental impacts of other urban development. The proposed project would involve no new cumulative impacts.

The cumulative impacts of development within the City of Stockton as a whole have been addressed in the Stockton General Plan 2035 EIR, which identified several potentially significant cumulative effects, including impacts on cultural resources, traffic, air quality, utility and service systems and other. The proposed project would involve a small contribution to some of these identified impacts. However, with mitigation, none of these impacts would be considered cumulatively considerable, either in combination with other impacts associated with the project, or when considered in conjunction with the environmental impacts of other urban development.

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

D. EARLIER ANALYSIS *(Completed by Lead Agency or Authorized Consultant):*

Earlier analyses may be used where, pursuant to tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or Initial Study/Negative Declaration [Section 15063(c)(3)(d) of the State CEQA Guidelines]. The previously-certified or adopted environmental document(s) and any applicable adopted mitigation measures, CEQA "findings", Statements of Overriding Considerations, and mitigation monitoring/reporting programs are incorporated by reference, as cited below, and discussed on attached sheet(s) to identify the following:

a. Earlier Analysis Used - - Identify earlier analyses that adequately address project impacts and that are available for review at the City Of Stockton Community Development Department, Planning Division, 345 N. El Dorado Street, Stockton CA:

City of Stockton EIR No. 4-05.	City of Stockton General Plan Update, Draft Environmental Impact Report. SCH# 2004082066. December 1, 2006.
City of Stockton EIR No. 4-05	City of Stockton General Plan Update, Final Environmental Impact Report. SCH# 2004082066. August 2007.

b. Impacts Adequately Addressed - - Identify which effects from the above checklist (Section C) were within the scope of, and adequately analyzed in, an earlier document pursuant to applicable legal standards.

See C (18) Cumulative Impacts.

c. Mitigation Measures - - For effects that are "Less Than Significant With Mitigation Incorporated," specify whether any applicable mitigation measures are incorporated or refined from the earlier document to address site-specific conditions for the project.

No mitigation measures from the earlier analysis needed to be incorporated into this Initial Study.

d. CEQA Findings, Statements Of Overriding Considerations, And Mitigation Monitoring/Reporting Programs – Indicate whether applicable previously adopted CEQA Findings, Overriding Considerations, and Mitigation Monitoring Provisions have been relied upon and incorporated into the proposed project, pursuant to Sections 15150 (incorporation by reference) and 15152(F)(3) (Tiering) of the State CEQA Guidelines.

References to previous Findings, Statements of Overriding Considerations or Mitigation Monitoring/Reporting Programs were not required.

ENVIRONMENTAL ISSUE:	Adequately Addressed by Earlier Analysis	Earlier Mitigation/Findings/ Monitoring Incorporated	N/A
1. AESTHETICS			√
2. AGRICULTURAL RESOURCES			√
3. AIR QUALITY			√
4. BIOLOGICAL RESOURCES			√
5. CULTURAL RESOURCES			√
6. GEOLOGY AND SOILS			√
7. HAZARDS AND HAZARDOUS MATERIALS			√
8. HYDROLOGY AND WATER QUALITY			√
9. LAND USE AND PLANNING			√
10. MINERAL RESOURCES			√
11. NOISE			√
12. POPULATION AND HOUSING			√
13. PUBLIC SERVICES			√
14. RECREATION			√
15. TRANSPORTATION/TRAFFIC			√
16. UTILITIES AND SERVICE SYSTEMS			√
17. OTHER ISSUE(S)			√
18. MANDATORY FINDINGS OF SIGNIFICANCE			√

E. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED [*Completed by Lead Agency or Authorized Consultant* - -Check (√), as applicable]:

The environmental factors checked below would potentially be affected by this project (i.e., the project would involve at least one impact that is a "Potentially Significant Impact"), as indicated in the preceding Checklist (Section C) and the Earlier Analysis (Section D):

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

F. REFERENCES CITED AND PERSONS CONSULTED *(Completed by Lead Agency or Authorized Consultant):*

1. REFERENCES CITED

Bureau Veritas 2008a. Bureau Veritas of North America, Inc. Phase I Environmental Site Assessment, Proposed Fresh and Easy Neighborhood Market, NWC of Carolyn Weston Boulevard and Manthey Road, Stockton, California. Bureau Veritas Project No. 99008-008073.01. March 17, 2008.

Bureau Veritas 2008b. Bureau Veritas of North America, Inc. Limited Subsurface Investigation, Proposed Fresh and Easy Neighborhood Market, NW of Carolyn Weston Boulevard and Manthey Road, Stockton, California. Bureau Veritas Project No. 99008-008073.03. August 29, 2008.

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Mintier 2007. Mintier & Associates, Matrix Design Group with ADE, ESA, Fehr & Peers Associates, RACESTUDIO, Vernazza Wolfe Associates, West Yost Associates, Final Environmental Impact Report, Stockton General Plan 2035. August 2007.

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Mintier 2007. Mintier & Associates, Matrix Design Group with ADE, ESA, Fehr & Peers Associates, RACESTUDIO, Vernazza Wolfe Associates, West Yost Associates, Goals and Policies Report. Stockton General Plan 2035. December 2007.

Paoli 1989a. Michael Paoli and Associates. Draft Environmental Impact Report City of Stockton General Plan Revision and Infrastructure/Public Facilities Master Plans. SCH# 1988072506. Prepared for the City of Stockton. August 30, 1989.

Paoli 1989b. Michael Paoli and Associates. Final Environmental Impact Report. City of Stockton General Plan Revision and Infrastructure/Public Facilities Master Plans. State Clearinghouse Number 1988072506. City of Stockton EIR File No. 4-88. December 6, 1989.

Rimpo 2007. Rimpo & Associates. Environmental Management Data. URBEMIS 9.2.4 2007.

SJVAPCD 2002. Guide For Assessing and Mitigating Air Quality Impacts (GAMAQI). January 10, 2002.

SJMSCP 2000. San Joaquin County Multi-Species Habitat and Open Space Conservation Plan. November 200. http://www.sjcog.org/Programs%20&%20Projects/Habitat_files/Habitat-Main-page.htm

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USGS 1968. US Geological Survey 7.5 minute Stockton East Quadrangle Map. 1968.

2. PERSONS CONSULTED:

Call, Ray. Chief. Administrative Planning Division. City of Stockton, Fire Department.

Cox, Mickey. Pacific Gas & Electric Co.

Dwyer, Sandy. Facilities Director. Manteca Unified School District.

Gianelli, Jack. Gianelli Co.

Jensen, Sean. The Genesis Society.

Machado, Debbie. California Water Services.

Machado, Victor. Park Facility Planner. City of Stockton, Department of Parks and Recreation

Maldonado, Robert. Pacific Gas & Electric Co.

Marconi, Bob. Planner. City of Stockton, Police Department.

Persak, Mike. Principal Engineer, Stantec.

Righeimer, Jim. SunCal Properties.

Saxelby, Luke. j. c. brennan and associates acoustical consultants.

Shijo, Wayne. Senior Transportation Planner. kdAnderson Transportation Engineers.

Simjee, Khalid. Project Manager. Evergreen Devco, Inc.

Tovar, Antonio. Engineer, Municipal Utilities District City of Stockton.

Authority: Public Resources Code Sections 21083 and 21087.

Reference: Public Resources Code Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.3, 21093, 21094, 21151; *Sundstrom v. County of Mendocino,* 202 Cal. App. 3d 296 (1988); *Leonoff v. Board of Supervisors,* 222 Cal. App. 3d 1337(1990).

G. DETERMINATION [*Completed by Lead Agency* - -Check (√), as applicable]:

On The Basis Of This Initial Evaluation And On Substantial Evidence In Light Of The Whole Record Before The Lead Agency:

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

√ I find that although the proposed project could have a significant effect on the environment, however, there will not be a significant effect in this case because revisions to the project have been made by or agreed to by the project proponent (see attached Mitigation Agreement). A MITIGATED NEGATIVE DECLARATION or an ADDENDUM to a MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT (EIR), SUBSEQUENT EIR, SUPPLEMENT to an EIR, or an ADDENDUM to an EIR is required.

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

only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier ENVIRONMENTAL IMPACT REPORT or MITIGATED NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL IMPACT REPORT or MITIGATED NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the project, nothing further is required. Specifically, the environmental documentation for the proposed project is provided by the following document(s):

(Pursuant to the State and City Guidelines for Implementation of CEQA, the determination of the Community Development Director may be appealed to the City Planning Commission by submitting a written appeal with the applicable fee to the Community Development Department within ten (10) calendar days following this date of the determination.)

MICHAEL N. NIBLOCK, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

By: _____ Date: 4/30/09
Tracy Chu, Assistant Planner

APPENDIX A
MITIGATION AGREEMENT

FREE RECORDING REQUESTED PURSUANT TO
GOVERNMENT CODE SECTION 27383, BY:

City of Stockton
c/o Community Development Department/Planning Division
345 North El Dorado Street
Stockton, CA 95202-1997

AND WHEN RECORDED MAIL TO:

City of Stockton
c/o Community Development Department/Planning Division
345 North El Dorado Street
Stockton, CA 95202-1997

CITY OF STOCKTON
MITIGATION AGREEMENT FOR PROPOSED PROJECT
[California Code of Regulations Title 14, Sections 15040(c), 15064, and 15070 or 15126.4]

Lead Agency Address: City of Stockton
c/o Community Development Department/Planning Division
345 North El Dorado Street
Stockton, CA 95202-1997

Lead Agency Phone: (209) 937-8266

Project Title: Market Place Tentative Map, Rezoning, General Plan Amendment and Use Permit Project

Property Owner: LBL L-Suncal Weston, LLC.

Environmental Document: (Type/File No.)
Proposed Mitigated Negative Declaration/ Initial Study (IS008-08);
Draft Addendum/Initial Study for Mitigated Negative Declaration (IS_____);
Notice of Preparation for Draft EIR/Initial Study (EIR_____/IS_____)

Discretionary Application(s): {Type/File No(s).} TM15-08, GPA006-08, Z006-08, UP069-08, P09-029, P09-047

Project Description/Location: 1) Tentative Map to subdivide a 12.93-acre lot into seven parcels; 2) General Plan Amendment to amend approximately 7.6-acres of a 12.93-acre lot from High Density Residential to Commercial; 3) Rezoning application to rezone approximately 7.6-acres of a 12.93-acre lot from RH (Residential, High Density) to CG (Commercial, General); 4) Use Permit to construct a 102 unit apartment complex and 161 parking spaces and a 56,069-square foot retail shopping center with 333 parking spaces on approximately 12.93-acre lot on the north side of Carolyn Weston Boulevard, approximately 150ft east of McDougald Blvd; 5) a Fresh and Easy grocery store; and 6) General Plan Amendment from Commercial to High Density Residential and rezoning from RL (Residential, Low Density) and CG to RH, to replace the RH zoning to be rezoned in GPA006-08 and Z006-08 on the northwest corner of Henry Long Boulevard and Manthey Road.

MITIGATION AGREEMENT:

Pursuant to Section 15064 of the Guidelines for the Implementation of the California Environmental Quality Act (State CEQA Guidelines), the City of Stockton (lead agency) has prepared the above-noted draft environmental document and has independently determined that there is substantial evidence, in light of the whole record before it, that the proposed project may have one or more significant effects on the environment unless those effects are avoided or mitigated to an acceptable level. Accordingly, as the property owner, applicant, or the legal representative for the above-described project/subject site, I hereby agree to make revisions to the project description, plans, or proposals by incorporating feasible mitigation measures which will avoid or reduce some or all of the potentially significant adverse environmental effects to a point where, clearly, those effects will not be significant. The applicable mitigation measures are identified in the above-referenced environmental document, and/or in a separate document, which is incorporated by this reference and attached hereto as Exhibit B.

Based on the substantial evidence in the whole record before it, the City of Stockton has determined that the project, as revised by this Mitigation Agreement, will avoid or mitigate some or all of the potentially significant adverse environmental effects (as identified in Exhibit B) to a point where, clearly, those effects will not be significant. This determination and Agreement is based on, and subject to, the following findings, terms, and conditions, as applicable:

FREE RECORDING REQUESTED PURSUANT TO
GOVERNMENT CODE SECTION 27383, BY:

City of Stockton
c/o Community Development Department/Planning Division
345 North El Dorado Street
Stockton, CA 95202-1997

AND WHEN RECORDED MAIL TO:

City of Stockton
c/o Community Development Department/Planning Division
345 North El Dorado Street
Stockton, CA 95202-1997

CITY OF STOCKTON
MITIGATION AGREEMENT FOR PROPOSED PROJECT
[California Code of Regulations Title 14, Sections 15040(c), 15064, and 15070 or 15126.4]

Lead Agency Address: City of Stockton
c/o Community Development Department/Planning Division
345 North El Dorado Street
Stockton, CA 95202-1997
Lead Agency Phone: (209) 937-8266

Project Title: Market Place Tentative Map, Rezoning, General Plan Amendment and Use Permit Project

Property Owner: LBL L-Suncal Weston, LLC.

Environmental Document: (Type/File No.)
Proposed Mitigated Negative Declaration/ Initial Study (IS008-08);
Draft Addendum/Initial Study for Mitigated Negative Declaration (IS ___);
Notice of Preparation for Draft EIR/Initial Study (EIR ___/IS ___)

Discretionary Application(s): {Type/File No(s).} TM15-08, Z006-08, GPA006-08, UP069-08, P09-047

Project Description/Location: 1) Tentative Map to subdivide a 12.93-acre lot into seven parcels; 2) General Plan Amendment to amend approximately 7.6-acres of a 12.93-acre lot from High Density Residential to Commercial; 3) Rezoning application to rezone approximately 7.6-acres of a 12.93-acre lot from RH (Residential, High Density) to CG (Commercial, General); 4) Use Permit to construct a 102 unit apartment complex and 161 parking spaces and a 56, 069-square foot retail shopping center with 333 parking spaces on approximately 12.93-acre lot on the north side of Carolyn Weston Boulevard, approximately 150ft east of McDougald Blvd; and 6) General Plan Amendment from Commercial to High Density Residential and rezoning from RL (Residential, Low Density) and CG to RH, to replace the RH zoning to be rezoned in GPA006-08 and Z006-08.

Legal Description of Property: APN: 164-220-01 AND 168-170-07

MITIGATION AGREEMENT:

Pursuant to Section 15064 of the Guidelines for the Implementation of the California Environmental Quality Act (State CEQA Guidelines), the City of Stockton (lead agency) has prepared the above-noted draft environmental document and has independently determined that there is substantial evidence, in light of the whole record before it, that the proposed project may have one or more significant effects on the environment unless those effects are avoided or mitigated to an acceptable level. Accordingly, as the property owner, applicant, or the legal representative for the above-described project/subject site, I hereby agree to make revisions to the project description, plans, or proposals by incorporating feasible mitigation measures which will avoid or reduce some or all of the potentially significant adverse environmental effects to a point where, clearly, those effects will not be significant. The applicable mitigation measures are identified in the above-referenced environmental document, and/or in a separate document, which is incorporated by this reference and attached hereto as Exhibit B.

Based on the substantial evidence in the whole record before it, the City of Stockton has determined that the project, as revised by this Mitigation Agreement, will avoid or mitigate some or all of the potentially significant adverse environmental effects (as identified in Exhibit B) to a point where, clearly, those effects will not be significant. This determination and Agreement is based on, and subject to, the following findings, terms, and conditions, as applicable:

This Agreement is binding on the property owner(s), applicant(s), and on any successors-in-interest. Therefore, they are responsible for incorporating the identified feasible mitigation or avoidance measures, and/or equivalent or more effective measures, as revisions to the project and for implementing those measures in coordination with project design, construction, and operation.

- This agreement has been executed prior to the distribution of the above-referenced environmental document for public review. However, additional mitigation measures may be required, and/or equivalent or more effective measures may be substituted, following the review of the above-referenced environmental document by the public, by responsible and trustee agencies, and/or by City of Stockton advisory and final decision-making bodies.

- Pursuant to Section 15074 or 15091 of the State CEQA Guidelines, as applicable, any project approval shall be based upon, and subject to, the adoption of related "CEQA Findings" for each significant and potentially significant environmental effect identified in the above-referenced environmental document. Furthermore, in accordance with Guidelines Section 15097, this Mitigation Agreement, and any subsequently adopted mitigation/avoidance measures, will be subject to the provisions of a related "Mitigation Monitoring and Reporting Program" which must be adopted in conjunction with the approval of the above-noted discretionary application(s) for the proposed project. The Monitoring Program shall ensure that the applicable mitigation and avoidance measures are actually implemented.

- Where applicable, in accordance with Section 15064 and/or 15152 of the State CEQA Guidelines, this Agreement incorporates any previously adopted measures designed to mitigate the significant adverse incremental or cumulatively considerable effects identified in a prior certified EIR or adopted Mitigated Negative Declaration (MND) for an earlier related project or project phase. Said measures are contained in Exhibit B, if applicable.

- Pursuant to Section 15152(f) of the State CEQA Guidelines, if the above-referenced environmental document concludes that certain significant environmental effects were adequately addressed in a prior EIR for an earlier related project or project phase and that those effects remain unavoidable and/or infeasible to mitigate, then, the proposed project may rely on a Statement of Overriding Consideration which was previously adopted in accordance with Guidelines Section 15093. Said Statement of Overriding Consideration is contained in Exhibit B, if applicable.

- Implementation of this fully executed Agreement shall be initiated following the date of its recordation at the San Joaquin County Recorder's Office. The applicable recording fee (payable to San Joaquin County) shall be submitted to the City's Community Development Department/Planning Division (CDD/PD) and the CDD//PD shall record the Agreement within five (5) calendar days after the City's final approval of the above-noted discretionary application(s). Upon recordation of this Agreement, the owners, applicants, and/or successors-in-interest may submit applications for site plan approvals, building and/or grading permits, final subdivision or parcel maps, improvement plan approvals, or other ministerial approvals to facilitate project implementation.

- In the event that all of the above-referenced discretionary application(s) for the project are withdrawn, denied, expired, terminated, or revoked, this Agreement shall be null and void.

IN WITNESS WHEREOF, the Community Development Director or his assign, representing the City of Stockton, and the applicant/owner or their legal representatives have executed this agreement on this 30 day of April 2009.

A notarized acknowledgement form must be attached for each of the signatures provided below (except City Attorney).

COMMUNITY DEVELOPMENT DEPARTMENT
CITY OF STOCKTON

By _____
ASSISTANT PLANNER, TRACY CHU

APPROVED AS TO FOR
OFFICE OF THE CITY ATTORNEY
CITY OF STOCKTON

By _____
Guy D. Petzold, Deputy City Attorney

PROPERTY OWNER(S) NAME AND ADDRESS:
(Type or Print):

LBL L-Suncal Weston, LLC
2392 Morse Avenue
Irvine, CA 92614

APPLICANT(S) NAME AND ADDRESS:
(Type or Print):

Marketplace at Weston Ranch L.L.C.
4040 MacArthur Place, Suite 250
Newport Beach, CA 92660

SIGNATURE OF OWNER/LEGAL AGENT:

_____
Bruce Elieff

SIGNATURE OF APPLICANT/LEGAL AGENT:

_____
James Righeimer

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of Orange }

On April 29th, 2009 before me, Sarah Headlee, notary public,
Date — Here Insert Name and Title of the Officer

personally appeared Bruce Elieff and James Righeimer,
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed the same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Sarah Headlee
Signature of Notary Public

SARAH HEADLEE
Commission # 1664892
Notary Public - California
Orange County
My Comm. Expires May 7, 2010

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Mitigation Agreement

Document Date: April 29th, 2009 Number of Pages: 3 including notary

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Bruce Elieff
- ☐ Individual
- ☐ Corporate Officer — Title(s): _____
- ☐ Partner — ☐ Limited ☐ General
- ☐ Attorney in Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other: _____

Signer Is Representing: LBL L-Sunset Weston LLC

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer's Name: James Righeimer
- ☐ Individual
- ☐ Corporate Officer — Title(s): _____
- ☐ Partner — ☐ Limited ☐ General
- ☐ Attorney in Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other: _____

Signer Is Representing: Marketplace at Weston Ranch L.L.C.

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

APPENDIX B
AIR QUALITY MODELING

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Urbemis 2007 Version 9.2.4

Summary Report for Annual Emissions (Tons/Year)

File Name: C:\Documents and Settings\Administrator\Application Data\Urbemis\Version9a\Projects\1529 Weston Ranch.urb924

Project Name: 1529 Weston Ranch

Project Location: San Joaquin Valley APCD

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

CONSTRUCTION EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10 Dust	PM10 Exhaust	PM10	PM2.5 Dust	PM2.5 Exhaust	PM2.5	CO2
2009 TOTALS (tons/year unmitigated)	0.16	1.02	0.76	0.00	1.25	0.06	1.31	0.26	0.06	0.32	106.67
2009 TOTALS (tons/year mitigated)	0.16	1.02	0.76	0.00	0.09	0.06	0.15	0.02	0.06	0.08	106.67
Percent Reduction	0.00	0.00	0.00	0.00	92.95	0.00	88.54	92.89	0.00	76.20	0.00
2010 TOTALS (tons/year unmitigated)	1.51	1.07	1.41	0.00	0.00	0.07	0.08	0.00	0.07	0.07	176.57
2010 TOTALS (tons/year mitigated)	1.32	1.07	1.41	0.00	0.00	0.07	0.08	0.00	0.07	0.07	176.57
Percent Reduction	12.71	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

AREA SOURCE EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
TOTALS (tons/year, unmitigated)	1.03	0.27	2.20	0.00	0.22	0.21	329.47
TOTALS (tons/year, mitigated)	0.85	0.21	0.68	0.00	0.00	0.00	247.80
Percent Reduction	17.48	22.22	69.09	NaN	100.00	100.00	24.79

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OPERATIONAL (VEHICLE) EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
TOTALS (tons/year, unmitigated)	8.28	13.61	85.11	0.06	4.96	1.22	5,831.75
TOTALS (tons/year, mitigated)	7.71	12.65	79.02	0.06	4.62	1.12	5,415.54
Percent Reduction	6.88	7.05	7.16	0.00	6.85	8.20	7.14

SUM OF AREA SOURCE AND OPERATIONAL EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
TOTALS (tons/year, unmitigated)	9.31	13.88	87.31	0.06	5.18	1.43	6,161.22
TOTALS (tons/year, mitigated)	8.56	12.86	79.70	0.06	4.62	1.12	5,663.34
Percent Reduction	8.06	7.35	8.72	0.00	10.81	21.68	8.08

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Urbemis 2007 Version 9.2.4

Detail Report for Annual Construction Unmitigated Emissions (Tons/Year)

File Name: C:\Documents and Settings\Administrator\Application Data\Urbemis\Version9a\Projects\1529 Weston Ranch.urb924

Project Name: 1529 Weston Ranch

Project Location: San Joaquin Valley APCD

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

CONSTRUCTION EMISSION ESTIMATES (Annual Tons Per Year, Unmitigated)

	ROG	NOx	CO	SO2	PM10 Dust	PM10 Exhaust	PM10 Total	PM2.5 Dust	PM2.5 Exhaust	PM2.5 Total	CO2
2009	0.16	1.02	0.76	0.00	1.25	0.06	1.31	0.26	0.06	0.32	106.67
Fine Grading 09/01/2009-11/01/2009	0.07	0.58	0.31	0.00	1.25	0.03	1.28	0.26	0.03	0.29	51.69
Fine Grading Dust	0.00	0.00	0.00	0.00	1.25	0.00	1.25	0.26	0.00	0.26	0.00
Fine Grading Off Road Diesel	0.07	0.58	0.29	0.00	0.00	0.03	0.03	0.00	0.03	0.03	49.44
Fine Grading On Road Diesel	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fine Grading Worker Trips	0.00	0.00	0.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2.25
Asphalt 11/01/2009-12/01/2009	0.04	0.20	0.13	0.00	0.00	0.02	0.02	0.00	0.02	0.02	17.86
Paving Off-Gas	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Paving Off Road Diesel	0.03	0.19	0.10	0.00	0.00	0.02	0.02	0.00	0.01	0.01	13.99
Paving On Road Diesel	0.00	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.62
Paving Worker Trips	0.00	0.00	0.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2.25
Building 12/01/2009-06/01/2010	0.05	0.24	0.31	0.00	0.00	0.02	0.02	0.00	0.01	0.02	37.12
Building Off Road Diesel	0.04	0.20	0.13	0.00	0.00	0.01	0.01	0.00	0.01	0.01	18.64
Building Vendor Trips	0.00	0.03	0.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5.43
Building Worker Trips	0.01	0.01	0.15	0.00	0.00	0.00	0.00	0.00	0.00	0.00	13.05

2010	1.51	1.07	1.41	0.00	0.00	0.07	0.08	0.00	0.07	0.07	176.57
Building 12/01/2009-06/01/2010	0.23	1.07	1.39	0.00	0.00	0.07	0.08	0.00	0.07	0.07	174.3
Building Off Road Diesel	0.20	0.89	0.60	0.00	0.00	0.06	0.06	0.00	0.06	0.06	87.5
Building Vendor Trips	0.01	0.14	0.12	0.00	0.00	0.01	0.01	0.00	0.00	0.01	25.5
Building Worker Trips	0.02	0.04	0.67	0.00	0.00	0.00	0.00	0.00	0.00	0.00	61.2
Coating 06/01/2010-07/01/2010	1.28	0.00	0.02	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2.2
Architectural Coating	1.28	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.0
Coating Worker Trips	0.00	0.00	0.02	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2.2

Phase Assumptions

Phase: Fine Grading 9/1/2009 - 11/1/2009 - Default Fine Site Grading Description

Total Acres Disturbed: 11.38

Maximum Daily Acreage Disturbed: 2.84

Fugitive Dust Level of Detail: Default

20 lbs per acre-day

On Road Truck Travel (VMT): 0

Off-Road Equipment:

1 Graders (174 hp) operating at a 0.61 load factor for 6 hours per day

1 Rubber Tired Dozers (357 hp) operating at a 0.59 load factor for 6 hours per day

1 Tractors/Loaders/Backhoes (108 hp) operating at a 0.55 load factor for 7 hours per day

1 Water Trucks (189 hp) operating at a 0.5 load factor for 8 hours per day

Phase: Paving 11/1/2009 - 12/1/2009 - Default Paving Description

Acres to be Paved: 2.84

Off-Road Equipment:

4 Cement and Mortar Mixers (10 hp) operating at a 0.56 load factor for 6 hours per day

1 Pavers (100 hp) operating at a 0.62 load factor for 7 hours per day

1 Paving Equipment (104 hp) operating at a 0.53 load factor for 8 hours per day

1 Rollers (95 hp) operating at a 0.56 load factor for 7 hours per day

1 Tractors/Loaders/Backhoes (108 hp) operating at a 0.55 load factor for 7 hours per day

Phase: Building Construction 12/1/2009 - 6/1/2010 - Default Building Construction Description

Off-Road Equipment:

1 Cranes (399 hp) operating at a 0.43 load factor for 6 hours per day

2 Forklifts (145 hp) operating at a 0.3 load factor for 6 hours per day

1 Generator Sets (49 hp) operating at a 0.74 load factor for 8 hours per day

1 Tractors/Loaders/Backhoes (108 hp) operating at a 0.55 load factor for 8 hours per day

3 Welders (45 hp) operating at a 0.45 load factor for 8 hours per day

Phase: Architectural Coating 6/1/2010 - 7/1/2010 - Default Architectural Coating Description

Rule: Residential Interior Coatings begins 1/1/2005 ends 12/31/2040 specifies a VOC of 130

Rule: Residential Exterior Coatings begins 1/1/2005 ends 12/31/2040 specifies a VOC of 130

Rule: Nonresidential Interior Coatings begins 1/1/2005 ends 12/31/2040 specifies a VOC of 250

Rule: Nonresidential Exterior Coatings begins 1/1/2005 ends 12/31/2040 specifies a VOC of 250

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Urbemis 2007 Version 9.2.4

Detail Report for Annual Construction Mitigated Emissions (Tons/Year)

File Name: C:\Documents and Settings\Administrator\Application Data\Urbemis\Version9a\Projects\1529 Weston Ranch.urb924

Project Name: 1529 Weston Ranch

Project Location: San Joaquin Valley APCD

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

CONSTRUCTION EMISSION ESTIMATES (Annual Tons Per Year, Mitigated)

	ROG	NOx	CO	SO2	PM10 Dust	PM10 Exhaust	PM10 Total	PM2.5 Dust	PM2.5 Exhaust	PM2.5 Total	CO2
2009	0.16	1.02	0.76	0.00	0.09	0.06	0.15	0.02	0.06	0.08	106.67
Fine Grading 09/01/2009-11/01/2009	0.07	0.58	0.31	0.00	0.09	0.03	0.12	0.02	0.03	0.05	51.69
Fine Grading Dust	0.00	0.00	0.00	0.00	0.09	0.00	0.09	0.02	0.00	0.02	0.00
Fine Grading Off Road Diesel	0.07	0.58	0.29	0.00	0.00	0.03	0.03	0.00	0.03	0.03	49.44
Fine Grading On Road Diesel	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fine Grading Worker Trips	0.00	0.00	0.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2.25
Asphalt 11/01/2009-12/01/2009	0.04	0.20	0.13	0.00	0.00	0.02	0.02	0.00	0.02	0.02	17.86
Paving Off-Gas	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Paving Off Road Diesel	0.03	0.19	0.10	0.00	0.00	0.02	0.02	0.00	0.01	0.01	13.99
Paving On Road Diesel	0.00	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.62
Paving Worker Trips	0.00	0.00	0.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2.25
Building 12/01/2009-06/01/2010	0.05	0.24	0.31	0.00	0.00	0.02	0.02	0.00	0.01	0.02	37.12
Building Off Road Diesel	0.04	0.20	0.13	0.00	0.00	0.01	0.01	0.00	0.01	0.01	18.64
Building Vendor Trips	0.00	0.03	0.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5.43
Building Worker Trips	0.01	0.01	0.15	0.00	0.00	0.00	0.00	0.00	0.00	0.00	13.05

2010	1.32	1.07	1.41	0.00	0.00	0.07	0.08	0.00	0.07	0.07	176.57
Building 12/01/2009-06/01/2010	0.23	1.07	1.39	0.00	0.00	0.07	0.08	0.00	0.07	0.07	174.3
Building Off Road Diesel	0.20	0.89	0.60	0.00	0.00	0.06	0.06	0.00	0.06	0.06	87.54
Building Vendor Trips	0.01	0.14	0.12	0.00	0.00	0.01	0.01	0.00	0.00	0.01	25.5(
Building Worker Trips	0.02	0.04	0.67	0.00	0.00	0.00	0.00	0.00	0.00	0.00	61.2(
Coating 06/01/2010-07/01/2010	1.09	0.00	0.02	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2.2(
Architectural Coating	1.09	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.0(
Coating Worker Trips	0.00	0.00	0.02	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2.2(

Construction Related Mitigation Measures

The following mitigation measures apply to Phase: Fine Grading 9/1/2009 - 11/1/2009 - Default Fine Site Grading Description

For Soil Stablizing Measures, the Apply soil stabilizers to inactive areas mitigation reduces emissions by:

PM10: 84% PM25: 84%

For Soil Stablizing Measures, the Replace ground cover in disturbed areas quickly mitigation reduces emissions by:

PM10: 5% PM25: 5%

For Soil Stablizing Measures, the Water exposed surfaces 2x daily watering mitigation reduces emissions by:

PM10: 55% PM25: 55%

For Soil Stablizing Measures, the Equipment loading/unloading mitigation reduces emissions by:

PM10: 69% PM25: 69%

For Unpaved Roads Measures, the Reduce speed on unpaved roads to less than 15 mph mitigation reduces emissions by:

PM10: 44% PM25: 44%

For Unpaved Roads Measures, the Manage haul road dust 2x daily watering mitigation reduces emissions by:

PM10: 55% PM25: 55%

The following mitigation measures apply to Phase: Architectural Coating 6/1/2010 - 7/1/2010 - Default Architectural Coating Description

For Residential Architectural Coating Measures, the Residential Exterior: Use Low VOC Coatings mitigation reduces emissions by:

ROG: 15%

For Residential Architectural Coating Measures, the Residential Interior: Use Low VOC Coatings mitigation reduces emissions by:

ROG: 15%

For Nonresidential Architectural Coating Measures, the Nonresidential Exterior: Use Low VOC Coatings mitigation reduces emissions by:

ROG: 15%

For Nonresidential Architectural Coating Measures, the Nonresidential Interior: Use Low VOC Coatings mitigation reduces emissions by:

ROG: 15%

Phase Assumptions

Phase: Fine Grading 9/1/2009 - 11/1/2009 - Default Fine Site Grading Description
Total Acres Disturbed: 11.38
Maximum Daily Acreage Disturbed: 2.84
Fugitive Dust Level of Detail: Default
20 lbs per acre-day
On Road Truck Travel (VMT): 0
Off-Road Equipment:
1 Graders (174 hp) operating at a 0.61 load factor for 6 hours per day
1 Rubber Tired Dozers (357 hp) operating at a 0.59 load factor for 6 hours per day
1 Tractors/Loaders/Backhoes (108 hp) operating at a 0.55 load factor for 7 hours per day
1 Water Trucks (189 hp) operating at a 0.5 load factor for 8 hours per day

Phase: Paving 11/1/2009 - 12/1/2009 - Default Paving Description
Acres to be Paved: 2.84
Off-Road Equipment:
4 Cement and Mortar Mixers (10 hp) operating at a 0.56 load factor for 6 hours per day
1 Pavers (100 hp) operating at a 0.62 load factor for 7 hours per day
1 Paving Equipment (104 hp) operating at a 0.53 load factor for 8 hours per day
1 Rollers (95 hp) operating at a 0.56 load factor for 7 hours per day
1 Tractors/Loaders/Backhoes (108 hp) operating at a 0.55 load factor for 7 hours per day

Phase: Building Construction 12/1/2009 - 6/1/2010 - Default Building Construction Description
Off-Road Equipment:
1 Cranes (399 hp) operating at a 0.43 load factor for 6 hours per day
2 Forklifts (145 hp) operating at a 0.3 load factor for 6 hours per day
1 Generator Sets (49 hp) operating at a 0.74 load factor for 8 hours per day
1 Tractors/Loaders/Backhoes (108 hp) operating at a 0.55 load factor for 8 hours per day
3 Welders (45 hp) operating at a 0.45 load factor for 8 hours per day

Phase: Architectural Coating 6/1/2010 - 7/1/2010 - Default Architectural Coating Description
Rule: Residential Interior Coatings begins 1/1/2005 ends 12/31/2040 specifies a VOC of 130

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Rule: Nonresidential Interior Coatings begins 1/1/2005 ends 12/31/2040 specifies a VOC of 250

Rule: Nonresidential Exterior Coatings begins 1/1/2005 ends 12/31/2040 specifies a VOC of 250

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Detail Report for Annual Area Source Unmitigated Emissions (Tons/Year)

File Name: C:\Documents and Settings\Administrator\Application Data\Urbemis\Version9a\Projects\1529 Weston Ranch.urb924

Project Name: 1529 Weston Ranch

Project Location: San Joaquin Valley APCD

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

AREA SOURCE EMISSION ESTIMATES (Annual Tons Per Year, Unmitigated)

Source	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
Natural Gas	0.02	0.23	0.14	0.00	0.00	0.00	290.05
Hearth	0.15	0.03	1.36	0.00	0.22	0.21	38.16
Landscape	0.06	0.01	0.70	0.00	0.00	0.00	1.26
Consumer Products	0.67						
Architectural Coatings	0.13						
TOTALS (tons/year, unmitigated)	1.03	0.27	2.20	0.00	0.22	0.21	329.47

Area Source Changes to Defaults

Percentage of residences with wood stoves changed from 0% to 12%

Percentage of residences with natural gas fireplaces changed from 0% to 88%

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Urbemis 2007 Version 9.2.4

Detail Report for Annual Area Source Mitigated Emissions (Tons/Year)

File Name: C:\Documents and Settings\Administrator\Application Data\Urbemis\Version9a\Projects\1529 Weston Ranch.urb924

Project Name: 1529 Weston Ranch

Project Location: San Joaquin Valley APCD

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

AREA SOURCE EMISSION ESTIMATES (Annual Tons Per Year, Mitigated)

Source	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
Natural Gas	0.01	0.20	0.12	0.00	0.00	0.00	246.54
Hearth	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Landscape	0.04	0.01	0.56	0.00	0.00	0.00	1.26
Consumer Products	0.67						
Architectural Coatings	0.13						
TOTALS (tons/year, mitigated)	0.85	0.21	0.68	0.00	0.00	0.00	247.80

Area Source Mitigation Measures Selected

Mitigation Description	Percent Reduction
Residential Increase Energy Efficiency Beyond Title 24	15.00
Commercial Increase Energy Efficiency Beyond Title 24	15.00
Percent of Wood Stoves changed from: 12% to: 0%	
Percent of Gas Fireplaces changed from: 88% to: 0%	
Percent of No Hearth changed from: 0% to: 100%	

Percent of Residential Landscape Equipment that are Electrically Powered and have Electrical Outlets at the the Front and Rear of Residences	20.00
Percent of Commercial and Industrial Landscape Equipment that are Electrically Powered and have Electrical Outlets Available	20.00

Area Source Changes to Defaults

Percentage of residences with wood stoves changed from 0% to 12%

Percentage of residences with natural gas fireplaces changed from 0% to 88%

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Urbemis 2007 Version 9.2.4

Detail Report for Annual Operational Unmitigated Emissions (Tons/Year)

File Name: C:\Documents and Settings\Administrator\Application Data\Urbemis\Version9a\Projects\1529 Weston Ranch.urb924

Project Name: 1529 Weston Ranch

Project Location: San Joaquin Valley APCD

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

OPERATIONAL EMISSION ESTIMATES (Annual Tons Per Year, Unmitigated)

Source	ROG	NOX	CO	SO2	PM10	PM25	CO2
Condo/townhouse general	1.11	1.91	11.94	0.01	0.73	0.18	856.36
Fast food rest. w/ drive thru	2.50	4.22	26.30	0.02	1.54	0.38	1,807.36
Strip mall	1.05	1.67	10.44	0.01	0.60	0.15	705.61
Supermarket	1.61	2.59	16.24	0.01	0.93	0.23	1,097.56
Pharmacy/drugstore with drive through	2.01	3.22	20.19	0.01	1.16	0.28	1,364.86
TOTALS (tons/year, unmitigated)	8.28	13.61	85.11	0.06	4.96	1.22	5,831.75

Includes correction for passby trips

Includes the following double counting adjustment for internal trips:

Residential Trip % Reduction: 14.92 Nonresidential Trip % Reduction: 1.67

Analysis Year: 2010 Season: Annual

Emfac: Version : Emfac2007 V2.3 Nov 1 2006

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Summary of Land Uses

Land Use Type	Acreage	Trip Rate	Unit Type	No. Units	Total Trips	Total VMT
Condo/townhouse general	6.38	5.87	dwelling units	102.00	598.80	4,482.18
Fast food rest. w/ drive thru		704.03	1000 sq ft	3.00	2,112.08	9,466.27
Strip mall		42.22	1000 sq ft	21.43	904.82	3,689.16
Supermarket		100.53	1000 sq ft	14.00	1,407.43	5,738.41
Pharmacy/drugstore with drive through		86.69	1000 sq ft	20.19	1,750.19	7,135.94
					6,773.32	30,511.96

Vehicle Fleet Mix

Vehicle Type	Percent Type	Non-Catalyst	Catalyst	Diesel
Light Auto	42.4	1.4	98.4	0.2
Light Truck < 3750 lbs	12.1	3.3	90.1	6.6
Light Truck 3751-5750 lbs	21.1	1.4	98.1	0.5
Med Truck 5751-8500 lbs	11.9	0.8	99.2	0.0
Lite-Heavy Truck 8501-10,000 lbs	2.4	0.0	75.0	25.0
Lite-Heavy Truck 10,001-14,000 lbs	0.9	0.0	44.4	55.6
Med-Heavy Truck 14,001-33,000 lbs	1.3	7.7	15.4	76.9
Heavy-Heavy Truck 33,001-60,000 lbs	2.8	0.0	0.0	100.0
Other Bus	0.1	0.0	0.0	100.0
Urban Bus	0.0	0.0	0.0	0.0
Motorcycle	3.9	66.7	33.3	0.0
School Bus	0.1	0.0	0.0	100.0
Motor Home	1.0	0.0	90.0	10.0

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Travel Conditions

	Residential			Commercial		
	Home-Work	Home-Shop	Home-Other	Commute	Non-Work	Customer
Urban Trip Length (miles)	10.8	7.3	7.5	9.5	7.4	7.4
Rural Trip Length (miles)	16.8	7.1	7.9	14.7	6.6	6.6
Trip speeds (mph)	35.0	35.0	35.0	35.0	35.0	35.0
% of Trips - Residential	32.9	18.0	49.1			
% of Trips - Commercial (by land use)						
Fast food rest. w/ drive thru				5.0	2.5	92.5
Strip mall				2.0	1.0	97.0
Supermarket				2.0	1.0	97.0
Pharmacy/drugstore with drive through				2.0	1.0	97.0

Operational Changes to Defaults

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Urbemis 2007 Version 9.2.4

Detail Report for Annual Operational Mitigated Emissions (Tons/Year)

File Name: C:\Documents and Settings\Administrator\Application Data\Urbemis\Version9a\Projects\1529 Weston Ranch.urb924

Project Name: 1529 Weston Ranch

Project Location: San Joaquin Valley APCD

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

OPERATIONAL EMISSION ESTIMATES (Annual Tons Per Year, Mitigated)

Source	ROG	NOX	CO	SO2	PM10	PM25	CO2
Condo/townhouse general	1.04	1.78	11.08	0.01	0.68	0.16	795.24
Fast food rest. w/ drive thru	2.32	3.92	24.42	0.02	1.43	0.35	1,678.37
Strip mall	0.98	1.55	9.69	0.01	0.56	0.14	655.25
Supermarket	1.50	2.41	15.08	0.01	0.87	0.21	1,019.23
Pharmacy/drugstore with drive through	1.87	2.99	18.75	0.01	1.08	0.26	1,267.45
TOTALS (tons/year, mitigated)	7.71	12.65	79.02	0.06	4.62	1.12	5,415.54

Includes correction for passby trips

Includes the following double counting adjustment for internal trips:

Residential Trip % Reduction: 14.92 Nonresidential Trip % Reduction: 1.67

Analysis Year: 2010 Season: Annual

Emfac: Version : Emfac2007 V2.3 Nov 1 2006

Operational Mitigation Options Selected

Residential Mitigation Measures

Residential Mix of Uses Mitigation

Operational Mitigation Options Selected

Residential Mitigation Measures

Percent Reduction in Trips is 0.58% (calculated as a % of 9.57 trips/day))
Note that the above percent is applied to the 'double counting adjusted' trip rate
to get Mitigated Trips
Inputs Selected:
The number of housing units within a 1/2 mile radius of the project, plus the
number of residential units included in the project are 950.
The employment for the study area (within a 1/2 mile radius of the project) is 250.

Residential Local-Serving Retail Mitigation

Percent Reduction in Trips is 2% (calculated as a % of 9.57 trips/day)))
Note that the above percent is applied to the 'double counting adjusted' trip rate
to get Mitigated Trips
Inputs Selected:
The Presence of Local-Serving Retail checkbox was selected.

Residential Transit Service Mitigation

Percent Reduction in Trips is 0.12% (calculated as a % of 9.57 trips/day)
Note that the above percent is applied to the 'double counting adjusted' trip rate
to get Mitigated Trips

Operational Mitigation Options Selected

Residential Mitigation Measures

Inputs Selected:

The Number of Daily Weekday Buses Stopping Within 1/4 Mile of Site is 10

The Number of Daily Rail or Bus Rapid Transit Stops Within 1/2 Mile of Site is 0

The Number of Dedicated Daily Shuttle Trips is 0

Residential Pedestrian/Bicycle Friendliness Mitigation

Percent Reduction in Trips is 4.43% (calculated as a % of 9.57 trips/day)

Note that the above percent is applied to the 'double counting adjusted' trip rate

to get Mitigated Trips

Inputs Selected:

The Number of Intersections per Square Mile is 100

The Percent of Streets with Sidewalks on One Side is 0%

The Percent of Streets with Sidewalks on Both Sides is 100%

The Percent of Arterials/Collectors with Bike Lanes or where Suitable,

Direct Parallel Routes Exist is 40%

Nonresidential Mitigation Measures

Non-Residential Mix of Uses Mitigation

Percent Reduction in Trips is 0.58%

Inputs Selected:

The number of housing units within a 1/2 mile radius of the project, plus the

Nonresidential Mitigation Measures

number of residential units included in the project are 950.

The employment for the study area (within a 1/2 mile radius of the project) is 250.

Non-Residential Local-Serving Retail Mitigation

Percent Reduction in Trips is 2%

Inputs Selected:

The Presence of Local-Serving Retail checkbox was selected.

Non-Residential Transit Service Mitigation

Percent Reduction in Trips is 0.12%

Inputs Selected:

The Number of Daily Weekday Buses Stopping Within 1/4 Mile of Site is 10

The Number of Daily Rail or Bus Rapid Transit Stops Within 1/2 Mile of Site is 0

The Number of Dedicated Daily Shuttle Trips is 0

Non-Residential Pedestrian/Bicycle Friendliness Mitigation

Percent Reduction in Trips is 4.43%

Inputs Selected:

The Number of Intersections per Square Mile is 100

The Percent of Streets with Sidewalks on One Side is 0%

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Nonresidential Mitigation Measures

The Percent of Streets with Sidewalks on Both Sides is 100%

The Percent of Arterials/Collectors with Bike Lanes or where Suitable,

Direct Parallel Routes Exist is 40%

Summary of Land Uses

Land Use Type	Acreage	Trip Rate	Unit Type	No. Units	Total Trips	Total VMT
Condo/townhouse general	6.38	5.45	dwelling units	102.00	556.06	4,162.27
Fast food rest. w/ drive thru		653.78	1000 sq ft	3.00	1,961.34	8,790.64
Strip mall		39.21	1000 sq ft	21.43	840.24	3,425.85
Supermarket		93.36	1000 sq ft	14.00	1,306.98	5,328.85
Pharmacy/drugstore with drive through		80.50	1000 sq ft	20.19	1,625.27	6,626.63
					6,289.89	28,334.24

Vehicle Fleet Mix

Vehicle Type	Percent Type	Non-Catalyst	Catalyst	Diesel
Light Auto	42.4	1.4	98.4	0.2
Light Truck < 3750 lbs	12.1	3.3	90.1	6.6
Light Truck 3751-5750 lbs	21.1	1.4	98.1	0.5
Med Truck 5751-8500 lbs	11.9	0.8	99.2	0.0
Lite-Heavy Truck 8501-10,000 lbs	2.4	0.0	75.0	25.0
Lite-Heavy Truck 10,001-14,000 lbs	0.9	0.0	44.4	55.6
Med-Heavy Truck 14,001-33,000 lbs	1.3	7.7	15.4	76.9
Heavy-Heavy Truck 33,001-60,000 lbs	2.8	0.0	0.0	100.0
Other Bus	0.1	0.0	0.0	100.0

Vehicle Fleet Mix

Vehicle Type	Percent Type	Non-Catalyst	Catalyst	Diesel
Urban Bus	0.0	0.0	0.0	0.0
Motorcycle	3.9	66.7	33.3	0.0
School Bus	0.1	0.0	0.0	100.0
Motor Home	1.0	0.0	90.0	10.0

Travel Conditions

	Residential			Commercial		
	Home-Work	Home-Shop	Home-Other	Commute	Non-Work	Customer
Urban Trip Length (miles)	10.8	7.3	7.5	9.5	7.4	7.4
Rural Trip Length (miles)	16.8	7.1	7.9	14.7	6.6	6.6
Trip speeds (mph)	35.0	35.0	35.0	35.0	35.0	35.0
% of Trips - Residential	32.9	18.0	49.1			
% of Trips - Commercial (by land use)						
Fast food rest. w/ drive thru				5.0	2.5	92.5
Strip mall				2.0	1.0	97.0
Supermarket				2.0	1.0	97.0
Pharmacy/drugstore with drive through				2.0	1.0	97.0

Operational Changes to Defaults

APPENDIX C
PHASE 1 ENVIRONMENTAL SITE ASSESSMENT
SITE A

(Appendices to the report are available for review at the City of Stockton Permit Center, 345 N El Dorado Street, Stockton, CA)

1529
Hazard

March 17, 2008

Khalid Simjee
Evergreen Devco, Inc.
200 N. Maryland Avenue, Suite 201
Glendale, California 91206

Bureau Veritas Project No. 99008-008073.01

Subject: **Phase I Environmental Site Assessment**
Proposed Fresh and Easy Neighborhood Market
NWC of Carolyn Weston Boulevard and Manthey Road
Stockton, California

Dear Mr. Simjee:

Bureau Veritas North America, Inc. is pleased to present our Phase I Environmental Site Assessment report for the above-referenced subject property.

This report is certified to Evergreen Devco, Inc. and Fresh & Easy Neighborhood Market, Inc.

We appreciate the opportunity to be of service. If you have any questions, please contact the Chicago Regional office at 630.795.3200.

Sincerely,

Bureau Veritas North America, Inc.

David Matz
Project Manager
Health, Safety and Environmental Services
Chicago Regional Office

Bureau Veritas North America, Inc.
Health, Safety, and Environmental Services
3140 Finley Road
Downers Grove, IL 60515
Main: (630) 795-3200
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www.us.bureauveritas.com

Phase I Environmental Site Assessment

Proposed Fresh and Easy Neighborhood Market
NWC of Carolyn Weston Boulevard and Manthey Road
Stockton, California

March 17, 2008
Project Number: 99008-008073.01

Prepared for
Evergreen Devco, Inc.
200 N. Maryland Avenue, Suite 201
Glendale, California 91206

Bureau Veritas North America, Inc.
San Francisco Regional Office
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Pleasanton, California 94566
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EXECUTIVE SUMMARY

Evergreen Devco, Inc. retained Bureau Veritas North America, Inc. (Bureau Veritas) to conduct a Phase I Environmental Site Assessment (assessment) for the site of a Proposed Fresh and Easy Neighborhood Market located at the northwest corner of Carolyn Weston Boulevard and Manthey Road in Stockton, California (the "subject property"). The objective of the assessment was to provide an independent, professional opinion regarding *recognized environmental conditions*, as defined by ASTM, associated with the subject property. This assessment was requested in association with a real estate transaction. The planned use for the subject property is development as a Fresh and Easy Neighborhood Market.

This assessment was performed under the conditions of, and in accordance with Bureau Veritas' Proposal Number 0711.07.1041, dated October 9, 2007 and ASTM E1527-05, *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*. Any exceptions to, additions to, or deletions from the ASTM Practice are described in the report. Details of the work performed, sources of information, and findings are presented in the report. Limitations of the assessment are described in Sections 1.1 and 1.2.

The subject property includes an approximately 14,000-square foot portion of the central section of a larger 12.93-acre parcel of vacant land and is located in a commercial and residential setting. A description of the current uses and improvement at the subject property is presented in the following table:

Parcel/Street Address (including known historic addresses)	According to the San Joaquin County Assessors office, the address associated with the 12.93-acre parcel is 531 Carolyn Weston Boulevard. According to the City of Stockton, addresses also include: 563, 613, and 721 Carolyn Weston Boulevard (larger parcel), and 3399 South Manthey Road (subject property).
Owner	The subject property is owned by LBL/L-Suncal Weston LLC.
Number and Size of Buildings:	Currently the subject property consists of vacant land.
Construction Date(s):	Not applicable.
Tenants:	There currently are no tenants on the subject property.
Current Usage	The subject property consists of an undeveloped grass field located approximately 100 feet south of an earthen levee. Tall grass covered the entire subject property.

The historical research presented in this assessment has established the *obvious* uses of the subject property since 1957. In addition, information on historic uses of adjoining properties was also obtained. Refer to Section 4.0 of the report for further discussion of the history of the subject and adjoining properties.

This assessment has revealed no evidence of *recognized environmental conditions* in connection with the subject property, except for the following:

- **North Adjoining Former Landfill**

Executive Summary

(Continued)

The following Notable Findings, which are not considered to be recognized environmental conditions, were revealed during this assessment:

- **Former On-site Agricultural Use**
- **Possible On-site Fill**

Based on the results of this assessment, Bureau Veritas recommends conducting a limited subsurface investigation of the subject property to assess 1) the potential for impacts to the subsurface from the nearby landfill; 2) possible residual pesticides associated with the former onsite agricultural activities; and 3) the possible presence of contaminated fill.

1.0 INTRODUCTION

Evergreen Devco, Inc. retained Bureau Veritas North America, Inc. (Bureau Veritas) to conduct a Phase I Environmental Site Assessment (assessment) for the site of a Proposed Fresh and Easy Neighborhood Market located at the northwest corner of Carolyn Weston Boulevard and Manthey Road in Stockton, California (the "subject property"). The planned use for the subject property is development as a Fresh and Easy Neighborhood Market.

1.1 METHODOLOGY AND EXCEPTIONS

Good commercial and customary practice for conducting environmental site assessments has the goal of providing an independent, professional opinion regarding recognized environmental conditions, as defined by ASTM, associated with the subject property. The term *recognized environmental conditions* is defined as the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property. The term includes hazardous substances or petroleum products even under conditions in compliance with laws. The term is not intended to include *de minimis* conditions that generally do not present a material risk of harm to public health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. Conditions determined to be *de minimis* are not *recognized environmental conditions*. In addition, environmental conditions that in the past would have been considered a *recognized environmental condition*, but which may or may not be considered a *recognized environmental condition* currently, are identified as *Historical recognized environmental conditions* in this report.

This assessment was performed under the conditions of, and in accordance with Bureau Veritas' Proposal Number 0711.07.1041, dated October 9, 2007, and ASTM E1527-05, *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process.* The United States Environmental Protection Agency has determined that the ASTM E1527-05 standard is consistent with the requirements for conducting All Appropriate Inquiry (AAI) (40 C.F.R. Part 312) and may be used to comply with the AAI regulations. The methods and terms are as defined in the ASTM standard and AAI regulations.

The assessment included the following components:

- A review of information provided by the client. This includes that information required by the Standard with respect to "User Responsibilities" as well as other information provided (e.g., Environmental Liens, Activity and Use Limitations [AULs], Specialized Knowledge, etc.)
- A review of available information on general geology and topography of the subject property, local groundwater conditions, sources of water, power, and sewer, and proximity to ecologically sensitive receptors, such as streams, that might be impacted by recognized environmental conditions and environmental issues.
- An investigation of historical use of the subject property through reasonably ascertainable ASTM Standard Historical Sources for evidence of prior land use that could have led to recognized environmental conditions. These Standard Historical Sources may include: aerial photography, United States Geological Survey (USGS) topographic maps, fire insurance maps, local street directories, property tax files, building department records and zoning/land use records. Unless otherwise specified by the client/proposal this did not include a review of recorded land title records.
- A review of recorded land title records and judicial records for Environmental Liens or AULs and a 50 year chain-of-title, obtained by Bureau Veritas at the request of the client.

- A review of environmental records available from the property owner or site contact including regulatory agency reports, permits, registrations, and consultant reports for evidence of recognized environmental conditions and AULs.
- A review of a commercial database summary of ASTM Standard Federal, State, and Tribal regulatory agency records pertinent to the subject property and offsite facilities located within ASTM-specified search distances from the subject property.
- A review of reasonably ascertainable Federal, State, Tribal and Local environmental agency case files for on-site facilities identified in the database summary report and/or during site reconnaissance that have the potential to adversely impact the subject property. This also included interviewing the agency project managers/representatives (if available) regarding the status of the subject property (e.g., leaking underground storage tank [LUST] incident closure, etc.)
- Conducting interviews with the subject property owner or their designated Key Site Manager, Occupants and State/Local Government Officials, regarding current and previous uses of the subject property, particularly with respect to activities involving hazardous substances and petroleum products. Past owners, operators and occupants were also interviewed to the extent they were identified and their information was not likely to be duplicative. In cases of abandoned properties, where there is evidence of uncontrolled access, this included interviews with Owners/Occupants of one or more neighboring properties (subject to availability).
- Conducting an onsite reconnaissance of the subject property for visual evidence of recognized environmental conditions, including, but not limited to: existing or potential soil and water contamination, as evidenced by soil or pavement staining or discoloration, stressed vegetation, or indications of waste dumping or burial; pits, ponds, or lagoons; containers of hazardous substances or petroleum products; electrical and hydraulic equipment that may contain polychlorinated biphenyls (PCBs), such as electrical transformers and hydraulic hoists; underground and aboveground storage tanks (USTs and ASTs, respectively); etc.
- Performing a subject property line visual assessment of adjacent properties for evidence of potential offsite environmental conditions that may affect the subject property.
- Evaluation of information gathered during the assessment to reach conclusions concerning recognized environmental conditions, and development of this report.

This assessment did not include sampling or analysis of soil, groundwater or other materials.

Ms. Elizabeth Hoffman, Project Environmental Consultant from Bureau Veritas' San Francisco Regional Office, an *Environmental Professional* as defined in §312.10 of 40 CFR 312, conducted the site walkthrough portion of the assessment on February 25, 2008, and was unaccompanied. See the Table of Contents for a list of Appendices. Resumes for assessors and Environmental Professionals involved in this assessment are included in the Appendices. Photographs taken at the time of the assessment are included behind the *Photographs* Tab.

1.2 LIMITING CONDITIONS OF ASSESSMENT

Information for the assessment was obtained from sources listed in the Appendices. This information, to the extent it was relied on to form our opinion, is assumed to be correct and complete. Bureau Veritas is not responsible for the quality or content of information from these sources.

1.2.1 Unavailable Documentation

Requested documentation regarding the subject property was made available for review.

1.2.2 Lack of Access/Reconnaissance Limitations

Bureau Veritas did not encounter significant access or reconnaissance limitations at the subject property, except the following:

- The subject property was covered with tall grass.

No opinion regarding environmental conditions in areas that were not inspected can be formed. It is Bureau Veritas' opinion that the access/reconnaissance limitation(s) listed above did not likely impede an evaluation of the subject property with respect to *recognized environmental conditions,* as the records reviewed and interviews performed during this assessment do not suggest that ground surface features are likely present.

1.2.3 Data Gaps

The ASTM Standard requires that the report identify the following: 1) *obvious* uses of the subject property since 1940 or first development, whichever is *earlier:* and 2) significant "data gaps" which affect the ability of the Environmental Professional to identify *recognized environmental conditions.* The report is also to include information on the sources consulted to address the data gaps.

Historical subject property ownership and/or use information was obtained for the time period, 1957 to present. Data failure, a type of data gap as defined by ASTM, prevented Bureau Veritas from establishing the history of *obvious* uses of the subject property since 1940 or first development, whichever is *earlier.* It is Bureau Veritas' opinion that this data failure is not a significant data gap because the subject property was in use for agriculture in 1957, and there is no indication of other types of development prior to that time except for a landfill to the north. The subject property is known to have been undeveloped in 1913. No significant data gaps (or other data gaps warranting discussion) were encountered during this assessment.

1.3 RELIANCE

The information and opinions rendered in this report are exclusively for use by Evergreen Devco, Inc. and Fresh & Easy Neighborhood Market, Inc. Bureau Veritas will not distribute or publish this report without consent except as required by law or court order. The information and opinions expressed in this report are given in response to a limited assignment and should be considered and implemented only in light of that assignment. The services provided by Bureau Veritas in completing this project were consistent with normal standards of the profession. No other warranty, expressed or implied, is made.

2.0 USER PROVIDED INFORMATION

ASTM E 1527-05 defines "User" as the party seeking to use Practice E 1527 to complete an environmental site assessment of the subject property. Bureau Veritas understands that Evergreen Devco, Inc. is the User as defined by ASTM E 1527-05. ASTM 1527-05 specifies that certain tasks associated with identifying potential *recognized environmental conditions* at the subject property should be performed by the User and provided to the Environmental Professional (i.e., User Responsibilities). Accordingly, Bureau Veritas provided a User Questionnaire to Evergreen Devco, Inc. requesting specific information (see Appendices).

The User Questionnaire included requests for information on the following: environmental liens and AULs that are filed or recorded against the subject property; "specialized knowledge" of the User; relationship of the purchase price to the fair market value of the subject property if it were not contaminated; commonly know or reasonable ascertainable information; the degree of obviousness of the presence of likely presence of contamination at the subject property, and the ability to detect the contamination by

appropriate investigation; proceedings involving the subject property; the reason for performing the Phase I ESA and other information/documents (e.g., site plan, ALTA survey, etc., see Appendices).

Based on Bureau Veritas' review of the User provided information, no readily apparent evidence of potential *recognized environmental conditions* at the subject property was noted. According to the User questionnaire, there are no environmental liens, AULs, or historic hazardous material usage associated with the subject property.

3.0 SUBJECT PROPERTY DESCRIPTION

3.1 LOCATION

The subject property is located at the northwest corner of Carolyn Weston Boulevard and Manthey Road in Stockton, San Joaquin County, California (Figures 1 and 2, Figures Tab). The subject property includes an approximately 14,000-square foot portion in the south-central portion of a larger 12.93-acre parcel identified as APN 164-220-01. It is bounded by the following streets: Carolyn Weston Boulevard (south) and the intersection of Carolyn Weston Boulevard and Manthey Road (southeast).

3.2 CURRENT USE OF SUBJECT PROPERTY

A description of the current uses and improvement at the subject property is presented in the following table:

Parcel/Street Address (including known historic addresses)	According to the San Joaquin County Assessors office, the address associated with the 12.93-acre parcel is 531 Carolyn Weston Boulevard. According to the City of Stockton, addresses also include: 563, 613, and 721 Carolyn Weston Boulevard (larger parcel), and 3399 South Manthey Road (subject property).
Owner	The subject property is owned by LBL/L-Suncal Weston LLC.
Number and Size of Buildings:	Currently the subject property consists of vacant land.
Construction Date(s):	Not applicable.
Tenants:	There currently are no tenants on the subject property.
Current Usage	The subject property consists of an undeveloped grass field located approximately 100 feet south of an earthen levee. Tall grass covered the subject property and larger parcel

3.3 CURRENT USES OF ADJOINING/NEARBY PROPERTIES

The area surrounding the subject property consists of commercial and residential development. Adjoining and nearby properties were observed (from the subject property or from public access areas) for evidence of potential *recognized environmental conditions* and their potential to pose an environmental concern to the subject property (Figure 2, Figures Tab). The uses and features of adjoining properties are described below (by relative compass direction):

North		
Company/Facility Name	**Address**	**Type/Relevant Observations (if any)**
Vacant land followed by an earthen levee; a seasonal waterway (French Camp Slough) is beyond, immediately followed by the French Camp Landfill. Two soil vapor monitoring wells and one groundwater level piezometer well were noted in the north and northwest portions of the larger parcel.	Not applicable	Landfill/potential subsurface impact with respect to groundwater and vapor.

East		
Company/Facility Name	**Address**	**Type/Relevant Observations (if any)**
Vacant land followed by earthen levee/French Camp Slough; State Highway 5 is located beyond.	Not applicable	Vacant land, slough/None

Southeast		
Company/Facility Name	**Address**	**Type/Relevant Observations (if any)**
Carolyn Weston Boulevard followed by a multi-tenant shopping center and filling station	3408 Manthey Road (filling station); various addresses (shopping center)	Shopping center/None Filling station/Potential for subsurface impact.

Southwest		
Company/Facility Name	**Address**	**Type/Relevant Observations (if any)**
Single-family residences	Various addresses	Residential/None

West		
Company/Facility Name	**Address**	**Type/Relevant Observations (if any)**
Single-family residences	Various addresses	Residential/None

Two soil vapor monitoring wells and one groundwater level monitoring well were observed on the northern and northwestern portion of the larger 12.93-acre parcel, north of the subject property.

Information regarding historical or other documented uses of nearby properties that may pose an environmental concern to the subject property is discussed in Sections 4.0 and 6.0, respectively.

3.4 PHYSICAL SETTING

The "physical setting" of the subject property was assessed through a review of the following: USGS Topographic Map, visual observations at the subject and nearby properties, and available additional documentation (e.g., soil survey, geotechnical reports, previous Phase II assessment, interviews with local personnel, etc.). General information on the topography, surface water, soils, bedrock and groundwater in the vicinity of the subject property is as follows:

Soil Type	Veritas fine sandy loam (EDR, 2008). Also, according to a nearby release site located at the "California Stop" filling station at 2224 Manthey Road, Stockton, California (approximately 2/3-mile north of the subject property), nearby soil consists of moist, brown, fine-grained material (silt, clayey silt, silty clay, and sandy silt).
Bedrock (Type and Depth)	Bedrock type not identified; however, depth to bedrock is expected to be greater than 300 feet bgs, based on interviews with Regional Water Quality Control Board staff
Nearby Surface Water/Drainage Features	French Camp Slough is located approximately 200 feet north of subject property.
Estimated Depth Shallow Groundwater:	Approximately 10 feet bgs based on 2007 Groundwater Monitoring Report for a groundwater piezometer well (MW-5) located in the northwest corner of the larger parcel and associated with the French Camp Landfill (see Section 6.0).
Estimated Shallow Groundwater Flow Direction	Southeast, based on 2007 Groundwater Monitoring Report for the northern adjoining French Camp Landfill site.

The subsurface conditions under the subject property are interpreted from available data and may vary. Estimated groundwater flow direction is based on topography and nearby water features unless otherwise noted. Topography is not always a reliable basis for predicting groundwater flow direction. The local groundwater gradient under the subject property may be influenced naturally by zones of higher or lower permeability, or artificially by nearby pumping or recharge, and may deviate from the regional trend.

4.0 HISTORICAL REVIEW

The following Sections detail Bureau Veritas' review of available historical and related information. This includes a review of ASTM Standard Historical Sources, Agency file records/personnel interviews and other documents. The historical summary also incorporates information obtained from interviews and other components of the assessment process. Copies of selected relevant documents and supporting information are included in the applicable appendices.

4.1 SUMMARY OF HISTORICAL REVIEW

The historical research presented in this assessment has established the *obvious* uses of the subject property since 1913. In addition, information on historic uses of adjoining properties was also obtained.

A chronological summary of the historic use of the subject and adjoining/nearby properties is presented below. Please refer to Section 1.2.3 for a summary of significant data gaps (if any).

Time Period	Use
Subject Property	
1913	Vacant land with a small water body located on the larger parcel on or very near to the subject property boundary. No additional records were available between the 1913 topographic map and the 1957 aerial photograph.
1957 to circa 1982	Orchards and row crops
1993 to the present	Vacant land

Adjacent/Nearby Property	Time Period	Use
North	1913	Vacant
	1957-present	French Camp Slough followed by the French Camp landfill.
East	1913	French Camp Slough followed by Lower French Camp road.
	1957 to circa 1982	French Camp Slough followed by a portion of the French Camp Landfill.
	1998 to the present	Residences
South	1913	Vacant
	1957-1987	Row crops or orchards
	1998	Residences (southwest); vacant (south)
	1998-2002	Residences (southwest); vacant (south); multi-tenant commercial development (southeast)
	2007 to the present	Residences (southwest); vacant (south)
West	1913	Vacant
	1957-1982	Row crops or orchards
	1998-present	Residences (west and southwest)

4.2 AERIAL PHOTOGRAPHS

Aerial photographs, including the subject and adjoining properties, were obtained from EDR and Terraserver. Aerial photographs reviewed included the following dates: 1957, 1963, 1970, 1982, 1993, 1998, 2002, and 2007. Key findings noted during this review are as follows:

- The subject property and vicinity were developed with row crops by 1957 to at least 1970, and with orchards in at least 1982, and were no longer visible by 1993, since which time the subject property appears to have been vacant.

- Portions of the northern adjoining property across the earthen levee and French Camp Slough waterway appear to have been graded resembling a possible landfill in 1957. At that time several small structures were present on that site. The structures were no longer present by 1982.
- Neither Carolyn Weston Boulevard nor Manthey Road was present until approximately 1993 (graded).
- Residences were present on the properties adjoining the larger parcel to the west and southwest by 1993.
- Portions of the current shopping center were present to the southeast by 2002 (beyond Carolyn Weston Boulevard); the apparent current structures, including the filling station, were present at that site by 2007.

4.3 USGS TOPOGRAPHIC MAPS

Historic topographic maps for the subject property and vicinity were obtained from EDR. The subject property is located on the Stockton West, California Quadrangle. Topographic maps reviewed included the following dates: 1913, 1952, 1968, 1978, and 1987. Key findings noted during this review are as follows:

- The 1913 topographic map shows the subject property and larger parcel as vacant land with a small water body within its border. Due to the scale of the map, it is not possible to ascertain the exact boundaries of the water body. This map depicts the northern adjoining property as the French Camp Slough; the remaining adjoining properties appear to be vacant land with a few rural-type residences depicted.
- The 1952, 1968, 1978, and 1987 topographic maps do not indicate development on the subject property and adjoining properties. However, there is a small unimproved road depicted running diagonally across the northern portion of the larger parcel in the 1952, 1968, 1976, and 1987 topographic maps.

4.4 FIRE INSURANCE MAPS

Fire insurance maps covering the subject property and adjoining properties were requested from EDR. Fire insurance maps were not available for the subject or adjoining properties (EDR, 2008). A copy of the EDR "No Coverage" letter is included in the Appendices.

4.5 CITY DIRECTORIES

City Directories for the subject and adjoining properties were obtained from EDR and the City of Stockton Public Library (copies not available). City Directories reviewed included approximate 5-year intervals between 1906 and 2003. Key findings noted during this review are as follows:

- The subject property was not listed in the city directories reviewed.
- The southeastern filling station property was listed as Gas for Less (3408 South Manthey Road) in 2003.
- The remaining listings consisted primarily of residential listings beginning in 1996.

4.6 PROPERTY TAX AND OWNERSHIP RECORDS

4.6.1 San Joaquin County Office of the Assessor

The local assessor's office was contacted on February 25, 2008 to obtain the Property Tax files for the subject property. The current owner of the subject property is as presented in the table in Section 3.2. The property tax files did not have any relevant information regarding historical use or potential *recognized environmental conditions* at the subject property.

4.6.2 Review of Recorded Land Title Records

As part of this assessment, Bureau Veritas obtained reasonably ascertainable recorded land title records and lien records that are filed under federal, state, tribal, or local law. Nationwide Environmental Title Research was subcontracted to conduct a 50-year chain-of-title search for the subject property. A review of environmental liens and AULs for the subject property was obtained by EDR.

According to the chain-of-title search/Environmental Lien Report, no records of environmental liens or AULs were identified.

The chain-of-title report indicated that the entire larger parcel has had several owners since 1943. None of the listings suggested uses of environmental concern.

4.7 AGENCY CONTACTS

Bureau Veritas contacted various government offices to request files on the subject property. File information was requested with respect to historic use and various environmental related issues, such as: permits, use of or complaints/spills/ violations involving hazardous substance and petroleum products, USTs, ASTs, etc. This request included various local government offices as noted below. In addition, State/Tribal/Federal Agencies were also contacted if the subject property either currently includes, or historically included based on available data, facilities that would be expected to be regulated by these agencies. If files were available an agency file review was performed. Records were requested for all known addresses that may pertain to the subject property. Therefore, some records may pertain to other areas of the parcel of which the subject property is a portion.

In addition, interviews were also conducted with available agency personnel. Interviews requested relevant personal knowledge regarding the past history of use of, and/or potential *recognized environmental conditions* associated with, the subject property. Copies of Freedom of Information Act request (as required) and response forms and/or selected relevant documents obtained from the Agencies are included in the Appendices.

Agency/Department (Records) & Contact (Interview)	Familiar with Subject Property (Years)	Relevant Records or Personal Knowledge
City of Stockton, Building and Planning Department	Not Applicable	Yes, see below
Tracy Chu and Ms. Kristina Acosta	No	None
City of Stockton, Fire Department	Not Applicable	None
Julie Lorch	No	None

Agency/Department (Records) & Contact (Interview)	Familiar with Subject Property (Years)	Relevant Records or Personal Knowledge
San Joaquin County Environmental Health Department	Not Applicable	No subject property records.
Diane Martinez	No	None
Regional Water Quality Control Board	Not Applicable	None
Mr. Ross Atkinson, Case Worker	10 (northern property)	Relevant records and personal knowledge of northern landfill site – see Section 6.0.
Department of Toxic Substances Control	Not Applicable	No subject property records.
Amy Ly	No	None

The City of Stockton, Building and Planning Department did not have any relevant files or personal knowledge regarding the past history of use of, and/or potential *recognized environmental conditions* associated with, the subject property except the following:

- 1992 Building Department electrical permit for 3399 Manthey Road – use and tenant not indicated. Building department staff had no knowledge of the purpose of this permit – but suggested it may have been for sign lighting purposes.

Records on file with the Regional Water Quality Control Board are discussed in Section 6.0.

4.8 PREVIOUS ENVIRONMENTAL REPORTS OR OTHER DOCUMENTS

Bureau Veritas made requests to the client and the current property owner/site contact regarding the presence of previous environmental reports (e.g., previous Phase I or Phase II ESA) or other relevant documents (e.g., geotechnical report, MSDS, etc.) for the subject property.

No previous environmental reports or other relevant documents were available for review during this assessment.

5.0 INTERVIEWS

Bureau Veritas interviewed owners, operators, occupants, and others as noted in the table below. The purpose of the interview was to obtain additional information related to the current and past operations at the subject and/or adjoining properties that may result in *recognized environmental conditions.*

This included interviews with the current property Owner and/or their "Key Site Manager" and major Occupants. The "Key Site Manager" is that individual designated by the Property Owner that possesses good knowledge of the uses and physical characteristics of the subject property. Past owners, operators and occupants were also interviewed if 1) they were identified, 2) contact information was obtained, and 3) the information obtained was not likely to be duplicative. Information (if any) obtained from interviews with local Agency personnel is included in Section 4.7. In addition, in the event the subject property currently appears "abandoned" with evidence of potentially unauthorized uses or uncontrolled access, one or more owners/occupants of adjoining properties were interviewed.

In order to assist in the interview process, a questionnaire has been developed. This questionnaire was completed by the person Interviewed and/or supplemented with follow up questions by the *Environmental Professional* (see appendices).

Name & Relationship to Property	Associated with Subject Property (Years)	Relevant Personal Knowledge
Mr. Jim Righeimer, Subject Property Owner	9	Current and previous use of subject property – lack of utilities to site.
Mr. Ross Atkinson, Regional Water Quality Control Board (RWQCB)	10	Caseworker for northern landfill (see Section 6.0)

The personnel contacted, and/or their designated representative(s), did not have any relevant personal knowledge regarding the past history of use of, and/or potential *recognized environmental conditions* associated with, the subject property except the following:

- Mr. Righeimer confirmed that the subject property has been vacant for approximately 14 years and was used only for agriculture purposes prior to that time. He also confirmed that there are no utilities connected to the subject property.

6.0 STANDARD ENVIRONMENTAL RECORD SOURCES, FEDERAL, STATE, AND LOCAL

Available government database information prepared by EDR was reviewed to evaluate both the subject property and any listed sites within ASTM-recommended search distances. Federal, state, tribal, and local databases reviewed are included in the appendices.

The regulatory database report also included an Unmappable Sites Section. Unmappable sites are sites that cannot be plotted with confidence, but can be located by zip code or city name. In general, a site cannot be geocoded due to inaccurate or missing information in the environmental database record provided by its applicable agency. Unmappable sites that were identified by Bureau Veritas are included, as applicable, within the following paragraphs.

The subject property was not identified in the regulatory databases reviewed.

The database review identified one or more adjoining and/or nearby facilities within the specified search distances from the subject property. It is Bureau Veritas' opinion that most of these sites present no environmental concern relative to the subject property because: 1) they only hold an operating permit (which does not imply a release), 2) require "No Further Action" by the appropriate regulatory agency, and/or 3) based upon Bureau Veritas' review, are considered to be too distant and/or topographically down-gradient or cross-gradient relative to the subject property to reasonably be expected to affect it. The following adjoining facilities and/or other nearby facilities of potential concern were noted:

Offsite Property	Database	Orientation from Subject Site	Comments
French Camp landfill	SWF LF WMUDS SWAT	Approximately 1,000 feet north, upgradient	See below
Food 4 Less Gas Center 3408 Manthey Road	UST	Approximately 150 feet southeast; downgradient	No – UST database listing does not indicate a release has occurred and based on hydraulic gradient.

The following site that appeared to pose a potential environmental concern to the subject property was evaluated in greater detail:

Bureau Veritas obtained the most recent quarterly groundwater monitoring report available for the French Camp landfill, "*San Joaquin County, California, Water Quality Monitoring Report, Third Quarter 2007, French Camp Landfill, WDID # 5S39S015679,*" dated October 2007, prepared by GeoLogic Associates. This landfill closed in 2006, and is located approximately 1,000 feet north of the subject property. According to this report, low concentrations of dichlorodifluoromethane (Freon 12) were detected in soil vapor in samples collected from two soil vapor monitoring wells (SGP-4A and SGP-5A) located on the northern and northwestern portion of the larger 12.93-acre parcel; the maximum concentration detected was 0.78 parts per billion. A monitoring well observed on the northwestern portion of the larger parcel (MW-5) is reportedly a piezometer groundwater level monitoring well, and not used for groundwater quality monitoring purposes. Trace concentrations of volatile organic compounds (VOCs) including trichlorofluoromethane (TCFM) and 1,2,-Dichloroethane (1,2-DCA) were reportedly detected in groundwater monitoring wells located on the landfill property. Portions of this report are included in Appendix H.

In addition, Bureau Veritas interviewed Mr. Ross Atkinson, caseworker with the RWQCB for the landfill site. According to Mr. Atkinson, the landfill started in the late 1920s or early 1930s, is unlined, and was closed in 2006. The types of waste reportedly received in the early years of the landfill consisted of municipal wastes, and the common practice during this early time period was to burn the waste, sometimes using waste oil to assist in the combustion process. More recent types of waste reportedly consisted of green wastes (*e.g.,* lawn and yard waste). Mr. Atkinson indicated that the RWQCB expects the current low concentrations of VOCs in groundwater and soil vapor to continue to decline; however, in the event that an increase is detected during the ongoing monitoring associated with the inactive landfill (at a minimum will continue through a 30 year post-closure monitoring program, which is a standard process for landfill closure), the RWQCB may require remediation efforts such as a soil vapor or groundwater extraction system. The monitoring began in 2005. Mr. Atkinson indicated that the French Camp Slough water way appears to have acted as a barrier to the spread of the currently detected low concentrations of groundwater contamination; however it may not act as a barrier to the spread of soil vapor issues.

No other adjoining and/or nearby facilities were listed that, in Bureau Veritas' opinion, present an environmental concern to the subject property, based on distance, surface topography, and/or regulatory status.

7.0 SITE RECONNAISSANCE

7.1 GENERAL OBSERVATIONS

The subject property was assessed on foot. At the time of the walkthrough, the subject property consisted of grass-covered vacant land. A small pile of concrete debris was observed in the central portion of the subject property. Observations regarding specific issues, such as hazardous substances, USTs, ASTs, etc. are discussed in specific sections below.

Mr. Righeimer, subject property owner representative, indicated that no utilities are present at the subject property.

7.2 HAZARDOUS SUBSTANCES AND PETROLEUM PRODUCTS (OTHER THAN UST/AST)

The subject property was assessed for signs of use, storage, or disposal of hazardous substances and/or petroleum products. The assessment consisted of noting evidence (e.g., drums, unusual vegetation patterns, staining, etc.) indicating that hazardous substances and/or petroleum products are currently or were previously located on the subject property. For purposes of this assessment, this does not include use/storage of small quantities of typical janitorial and maintenance materials (if any), unless considered relevant.

Property uses where these types of materials are typically found include: vehicle service bays, vehicle repair operations, auto body shops and related activities (e.g., solvents, cleaners, degreasers, lubricants, paints, antifreeze, etc.); dry cleaners, rug cleaners, steam laundries, Laundromats with self serve dry cleaning machines (e.g., chlorinated solvents, Naphtha, mineral spirits, etc.); and other industrial/commercial operations. A summary of visual observations and/or historical information on the use, storage, or disposal of hazardous substances and/or petroleum products is presented in the table below:

Evidence of Hazardous Substances and Petroleum Products	Historically Present (Y/N)	Currently Present (Y/N)
Hazardous Substances, other than in UST/AST	N	N
Petroleum Products, other than in UST/AST	N	N
Drums or Unidentified Substance Containers	N	N
Stained Soil/Pavement or other Evidence of Spills/Releases	N	N
Unnaturally Stressed Vegetation	N	N
Air Emissions (stacks, hoods, other point sources)	N	N
Oil/Gas Production or Exploration	N	N
Railroad Spur	N	N
Vehicle Service Bays, Vehicle Repair Operations, Auto Body Shops and Related Activities	N	N
Dry Cleaners, Rug Cleaners, Steam Laundries, etc.	N	N

Evidence of Hazardous Substances and Petroleum Products	Historically Present (Y/N)	Currently Present (Y/N)
Other Industrial or Related Operations	N	N

Note: Please refer to Section 7.3 for a discussion of USTs, ASTs and Lifts (if any), please refer to Section 7.4 for a discussion of wastes (if any), and please see below for further information on items checked yes.

No visual evidence was observed, and/or no historical information was obtained, to indicate the current and/or potential past presence of the above noted features.

7.3 STORAGE TANKS

7.3.1 Underground Storage Tanks

The subject property was assessed for evidence of USTs. The assessment consisted of noting evidence (e.g., fill ports, vent piping, dispensing equipment, pavement variations, etc.) indicating that USTs are currently or were previously located on the subject property.

No visual evidence was observed, and/or no historical information was obtained, to indicate the current and/or potential past presence of UST(s) at the subject property.

7.3.2 Aboveground Storage Tanks

The subject property was assessed for evidence of ASTs. The assessment included noting evidence (e.g., concrete foundations or saddles, pedestals or steel support structures, etc.) indicating that ASTs were previously located on the subject property.

No visual evidence was observed, and/or no historical information was obtained, to indicate the current and/or potential past presence of AST(s) at the subject property.

7.3.3 In-Ground Hydraulic Equipment

The subject property was assessed for evidence of in-ground hydraulic equipment (e.g., hydraulic elevators or lifts that have hydraulic fluid-containing reservoirs or jacks below ground surface) or other types of hydraulic equipment. Hydraulic fluid in equipment installed in 1978 or before may contain PCBs.

No visual evidence was observed, and/or no historical information was obtained, to indicate the current and/or potential past presence of in-ground hydraulic equipment at the subject property.

7.4 WASTES

The subject property was assessed for evidence suggesting the generation or disposal of "wastes" onsite (e.g., drums, dumpsters, debris piles, etc.). Observations suggesting the presence of wastes onsite (if any) are presented below. This includes observations/information suggesting the placement of significant quantities of "fill" materials onsite, but does not include the generation of non-hazardous solid waste(s) from routine operations that would not be expected to represent an environmental concern.

No visual evidence was observed to indicate the current and/or potential past presence of "wastes" at the subject property except for one mound of concrete debris observed in the southern portion of the subject property; the origin of this material is not known. Also, a body of water was depicted possibly within the

subject property boundaries on a 1913 topographic map. It is possible that this area was filled in with material/fill brought from an unknown off-site source.

7.5 POLYCHLORINATED BIPHENYLS (PCBs)

The subject property was assessed for the presence of liquid-cooled electrical units (i.e., transformers, and capacitors), and major sources of hydraulic fluid (i.e., elevators and lifts). Such units are notable because they may be potential PCB sources. Potential PCB-containing in-ground hydraulic equipment (if any) was discussed in section 7.3.3.

No visual evidence was observed, and/or no historical information was obtained, to indicate the current and/or potential past presence of transformers, capacitors, or other potential PCB sources at the subject property.

7.6 WASTE WATER AND STORM WATER DISCHARGE

The subject property was assessed for evidence of waste or process water discharges (if any) and storm water discharges. This included noting evidence such as hatches, manholes, patches on the floor slabs clean out access points, etc. For purposes of this assessment, this generally includes other than domestic waste water from sinks and toilets. In addition, properly functioning septic systems used strictly for residential and most commercial operations generally do not represent a cause for concern. Exceptions can include those instances where hazardous substances/petroleum products may be discharged through the system (e.g., spent solvents at an auto repair facility).

Wastewater is not generated on the subject property.

The storm water runoff from the subject property flows via sheet flow from the property to storm drains located in the adjoining street or infiltrates into the ground through the dirt surface. The storm drains are connected to the municipal storm drain system. Additional relevant observations (if any) are presented below:

Evidence of Waste Water & Discharge Features	Historically Present (Y/N)	Currently Present (Y/N)
Oil/Water Separators, Clarifiers, Sumps and Trench Drains	N	N
Septic Systems	N	N
Pools of Liquid (i.e., likely to contain hazardous substances or petroleum products)	N	N
Pits, Ponds, or Lagoons (i.e., associated with waste disposal or treatment)	N	N
Industrial or Other Process Discharge Sources	N	N

No visual evidence was observed, and/or no historical information was obtained, to indicate the current and/or potential past presence of the above noted features or discharges sources.

7.7 WELLS

The subject property was assessed for evidence of wells (e.g., dry, irrigation, injection, abandoned, monitor, supply).

No visual evidence was observed, and/or no historical information was obtained, to indicate the current and/or potential past presence of wells at the subject property, except the following associated with the offsite landfill located north of the subject property (see Figure 2 for location of these features):

- Two soil vapor monitoring wells (SGP-4A and SGP-5A) located on the northern and northwestern portion of the larger 12.93-acre parcel.
- One piezometer groundwater level monitoring well (MW-5) in the northwestern corner of the larger 12.93-acre parcel.

See Section 6.0 for a discussion of these wells.

8.0 NON-ASTM ISSUES

The scope of services for this assessment did not include an evaluation of any "Non-ASTM" issues (e.g., asbestos-containing building materials, radon, lead-based paint, lead in drinking water, wetlands, etc.)

9.0 FINDINGS AND OPINIONS

This section presents a summary of available information on known or suspected *recognized environmental conditions, historical recognized environmental conditions* and *de minimis conditions* (if any) at the subject property. It also includes Bureau Veritas' opinion and rationale for concluding that a condition is, or is not, currently a *recognized environmental condition.* Based on a review of the information presented in this assessment, Bureau Veritas presents the following relevant findings and opinions:

- **North Adjoining Former Landfill** – An inactive landfill is present immediately north of the parcel of which the subject property is a portion, and approximately 1,000 feet north of the subject property's northernmost boundary. The landfill is unlined and accepted municipal waste beginning in the 1920s or 30s, and later accepted landscape waste, until 2006, when it became inactive. The landfill is in post-closure monitoring mode, which is a standard 30-year process for landfill closure. Low concentrations of Freon 12 have been detected in soil vapor at monitoring points approximately 50 and 100 feet from the subject property; the maximum concentration detected was 0.78 parts per billion. The RWQCB expects the current low concentrations of VOCs in groundwater and soil vapor to continue to decline; however it is known to be difficult to predict the future behavior of landfill leachate and soil vapor. Mr. Atkinson indicated that the French Camp Slough water way appeared to be acting as a barrier to the spread of the currently detected low concentrations of groundwater contamination; however it may not act as a barrier to the spread of soil vapor issues. Therefore, it appears the subsurface vapors from the landfill have the potential to eventually migrate to the subject property and therefore, this finding is considered a *recognized environmental condition.*
- **Former On-site Agricultural Use -** The subject property was developed with row crops or orchards from at least 1957 through 1982. Although not documented at the subject property, agricultural chemicals (e.g., pesticides, metal compounds) may have been applied to the subject property. Therefore, residual agricultural chemicals may be present in the near surface soil. As these residual concentrations are not typically at levels that would require cleanup by a regulatory agency, this finding is not a *recognized environmental condition.* However, these residual agricultural chemicals

can control the offsite disposal of soil, and may present a health risk to construction workers during future development activities; therefore, this finding represents a Notable Finding.

- **Possible On-site Fill** – A 1913 topographic map depicts a small water body on the larger 12.93-acre parcel of land of which the subject property is a portion. It is unclear from the map of this water body was located on the subject property. The water body may have been filled in with soil or other material imported from an unknown source. It is Bureau Veritas' opinion that since the subject property and larger parcel were developed with row crops and/or orchards since at least 1957, and considering the time elapsed since the fill may have been imported, as well as no indication that contaminated fill has been placed, this finding does not represent a *recognized environmental condition.* However, this finding represents a Notable Finding due to the unknown nature of possible imported fill.
- **Filling Station Located Southeast of Subject Property (3408 Manthey Road)** – The Gas 4 Less filling station is located approximately 100 feet southeast of the subject property was listed in the UST database in the EDR report. This database does not identify that a release has occurred. Furthermore, this gas station is in a hydraulically downgradient direction. Therefore, this finding does not represent a *recognized environmental condition.*

10.0 CONCLUSIONS AND RECOMMENDATIONS

Bureau Veritas has performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM E 1527-05 for the site of a Proposed Fresh and Easy Neighborhood Market located at the northwest corner of Carolyn Weston Boulevard and Manthey Road in Stockton, California, the subject property. Any exceptions to, or deletions from, this practice are described in Sections 1.1 and 1.2 of this report.

This assessment has revealed no evidence of *recognized environmental conditions* in connection with the subject property, except for the following:

- **North Adjoining Former Landfill**

The following Notable Findings, which are not considered to be recognized environmental conditions, were revealed during this assessment:

- **Former On-site Agricultural Use**
- **Possible On-site Fill**

Based on the results of this assessment, Bureau Veritas recommends conducting a limited subsurface investigation of the subject property to assess the potential for impacts to the subsurface from the nearby landfill.

11.0

SIGNATURES

Certification of both Environmental Professionals signing below:

I declare that, to the best of my professional knowledge and belief, I meet the definition of Environmental Professional as defined in §312.10 of 40 CFR 312. I have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. I have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.

This report was prepared by:

Elizabeth D. Hoffman
Project Environmental Consultant
Health, Safety and Environmental Services
San Francisco Regional Office
Bureau Veritas North America, Inc.

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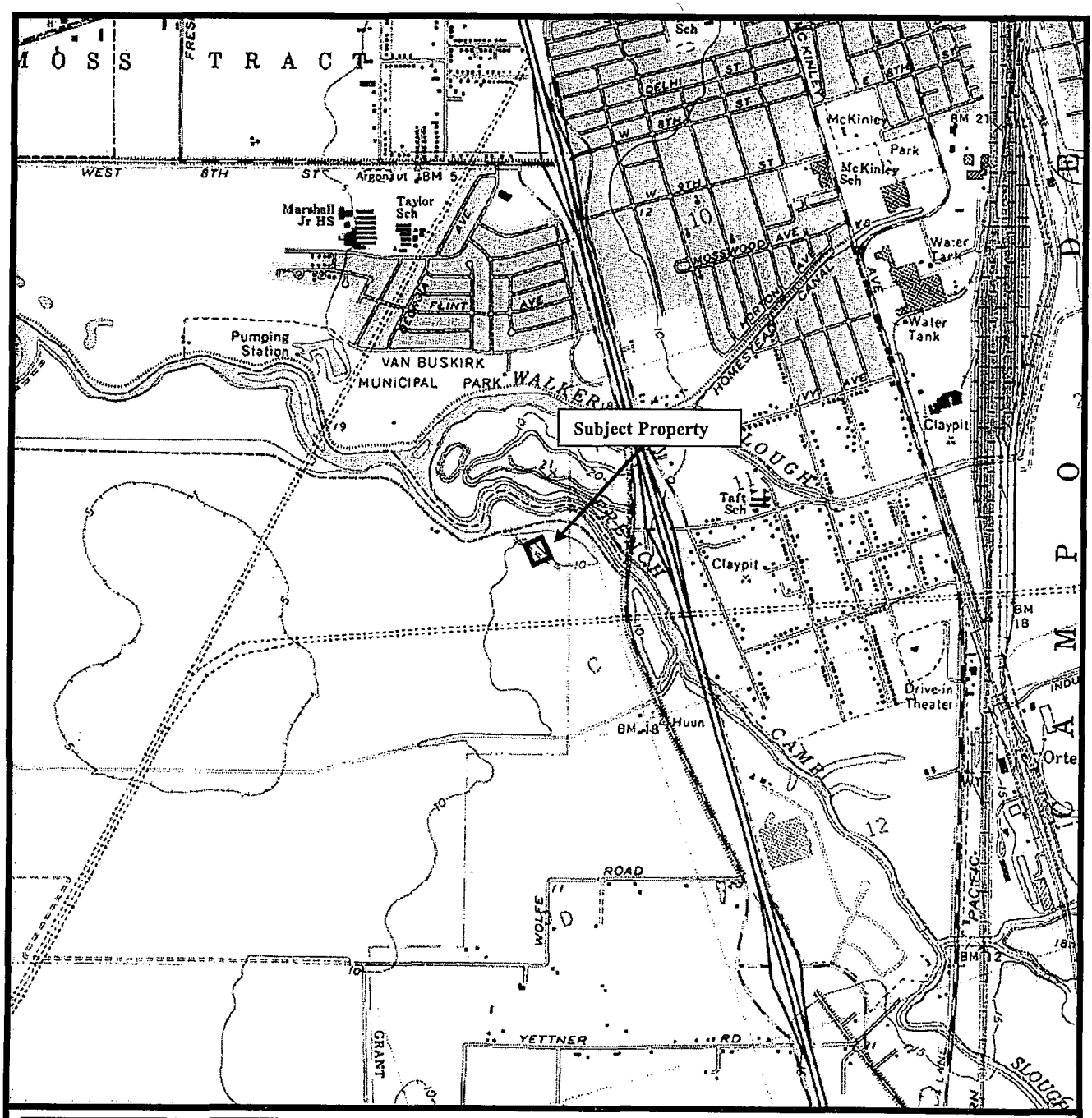
March 17, 2008

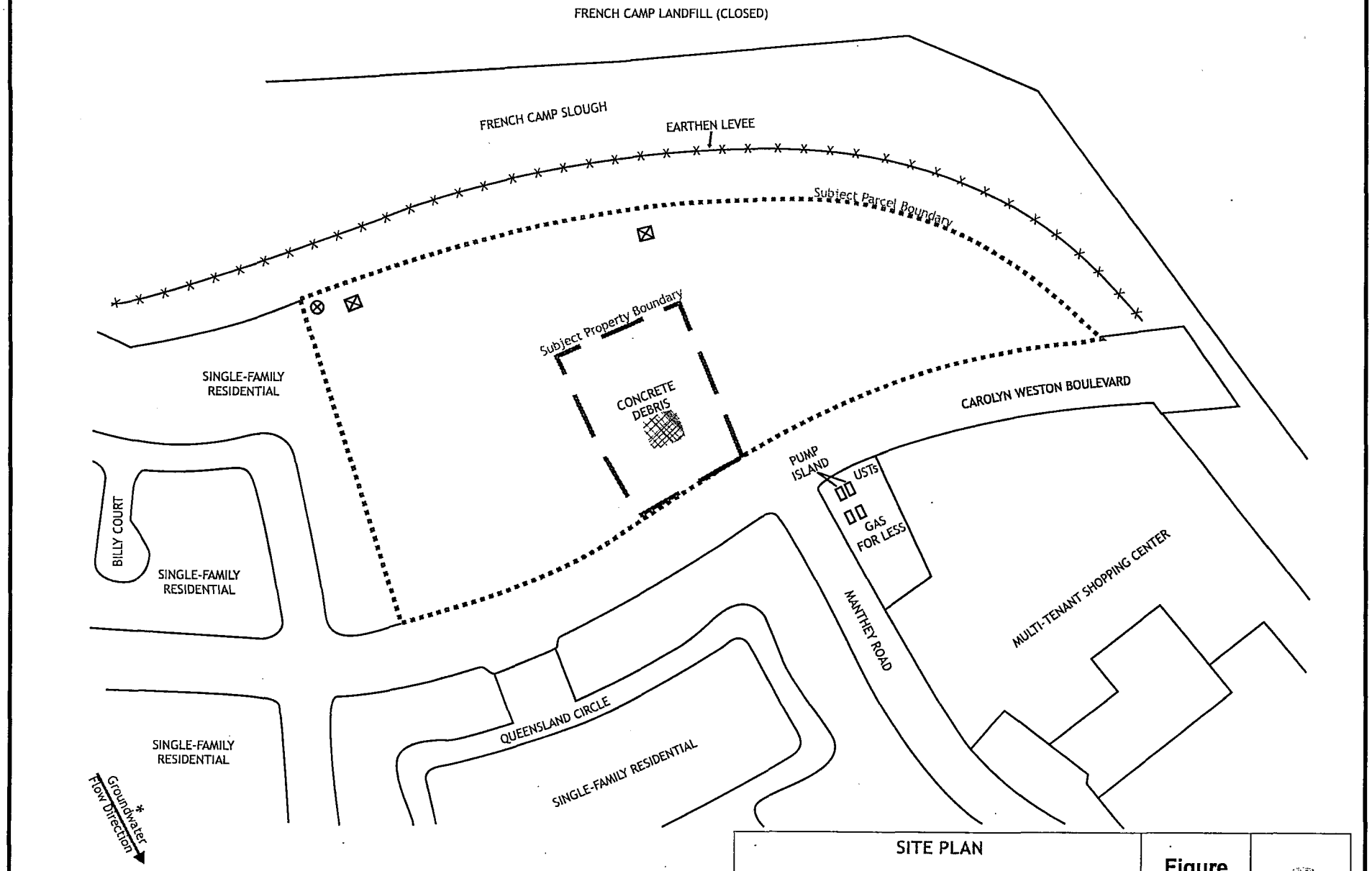
Phase I Environmental Site Assessment
Proposed Fresh and Easy Neighborhood Market
Carolyn Weston Boulevard and Manthey Road
Stockton, California

Bureau Veritas Project No. 99008-008073.01

FIGURES



N ↑	DRAWN BY: Terry Hatlelid	SITE VICINITY MAP		FIGURE 1
	CHECKED BY: Beth Hoffman	PROPOSED FRESH & EASY NEIGHBORHOOD MARKET NWC CAROLYN WESTON & MANTHEY STOCKTON, CALIFORNIA	BUREAU VERITAS	
	DATE: February 25, 2008			
	SCALE: 1:24000	SOURCE: 1987 USGS 7.5 MINUTE SERIES TOPOGRAPHIC MAP STOCKTON WEST QUADRANGLE		
	Bureau Veritas Project # 99008-0008073.01			



REFERENCE:
Field Notes: February 25, 2008
TerraServer: 2007

Approximate Scale: 1"=70'

⊠ Soil Vapor Monitoring Well
⊗ Groundwater Level Monitoring Well
*= Based on 2008 San Joaquin County Assessors Map

SITE PLAN

Proposed Fresh and Easy Neighborhood Market
NWC Carolyn Weston Boulevard & Manthey Road

Project No:99008-008073.01

Figure 2

BUREAU VERITAS

APPENDIX D
NOISE ANALYSIS

Environmental Noise Assessment

Marketplace at Weston Ranch

City of Stockton, California

Job # 2008-218

Prepared For:

InSite Environmental, Inc.

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Stockton, CA 95219

Attn: Mr. Charlie Simpson

Prepared By:

j.c. brennan & associates, Inc.

Luke Saxelby
Senior Consultant
Member, Institute of Noise Control Engineering

December 2, 2008

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consultants in acoustics

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INTRODUCTION

The proposed Marketplace at Weston Ranch commercial and residential project is located at the intersection of Man they Road and Carolyn Weston Boulevard, in the City of Stockton, California. The project includes a 13,969 square foot Fresh & Easy grocery store, a 17,272 square foot Rite-Aid with drive-through pharmacy service, two fast-food type drive-through pads, and two commercial retail pads. Multi-family residential apartments are also proposed to be located on the project site, north of the proposed commercial uses. The project site is bordered by existing single family residential uses to the west of the project site and single family residences to the south of the site, across Carolyn Weston Boulevard. The project location and site plan are shown on Figure 1.

The purposes of this noise analysis are to evaluate noise impacts of the proposed commercial uses at the existing and proposed noise-sensitive uses. This analysis specifically focuses on noise generated by delivery truck passages, parking lot circulation, drive-through operation and HVAC mechanical equipment. Where project-related noise levels are predicted to exceed the City of Stockton standards, noise reduction measures are evaluated.

BACKGROUND ON NOISE AND ACOUSTICAL TERMINOLOGY [1]

Fundamentals of Acoustics

Acoustics is the science of sound. Sound may be thought of as mechanical energy of a vibrating object transmitted by pressure waves through a medium to human (or animal) ears. If the pressure variations occur frequently enough (at least 20 times per second), then they can be heard and are called sound. The number of pressure variations per second is called the frequency of sound, and is expressed as cycles per second or Hertz (Hz).

Noise is a subjective reaction to different types of sounds. Noise is typically defined as (airborne) sound that is loud, unpleasant, unexpected or undesired, and may therefore be classified as a more specific group of sounds. Perceptions of sound and noise are highly subjective. Often, someone's music is described as noise by another.

Measuring sound directly in terms of pressure would require a very large and awkward range of numbers. To avoid this, the decibel scale was devised. The decibel scale uses the hearing threshold (20 micropascals), as a point of reference, defined as 0 dB. Other sound pressures are then compared to this reference pressure, and the logarithm is taken to keep the numbers in a practical range. The decibel scale allows a million-fold increase in pressure to be expressed as 120 dB, and changes in levels (dB) correspond closely to human perception of relative loudness.

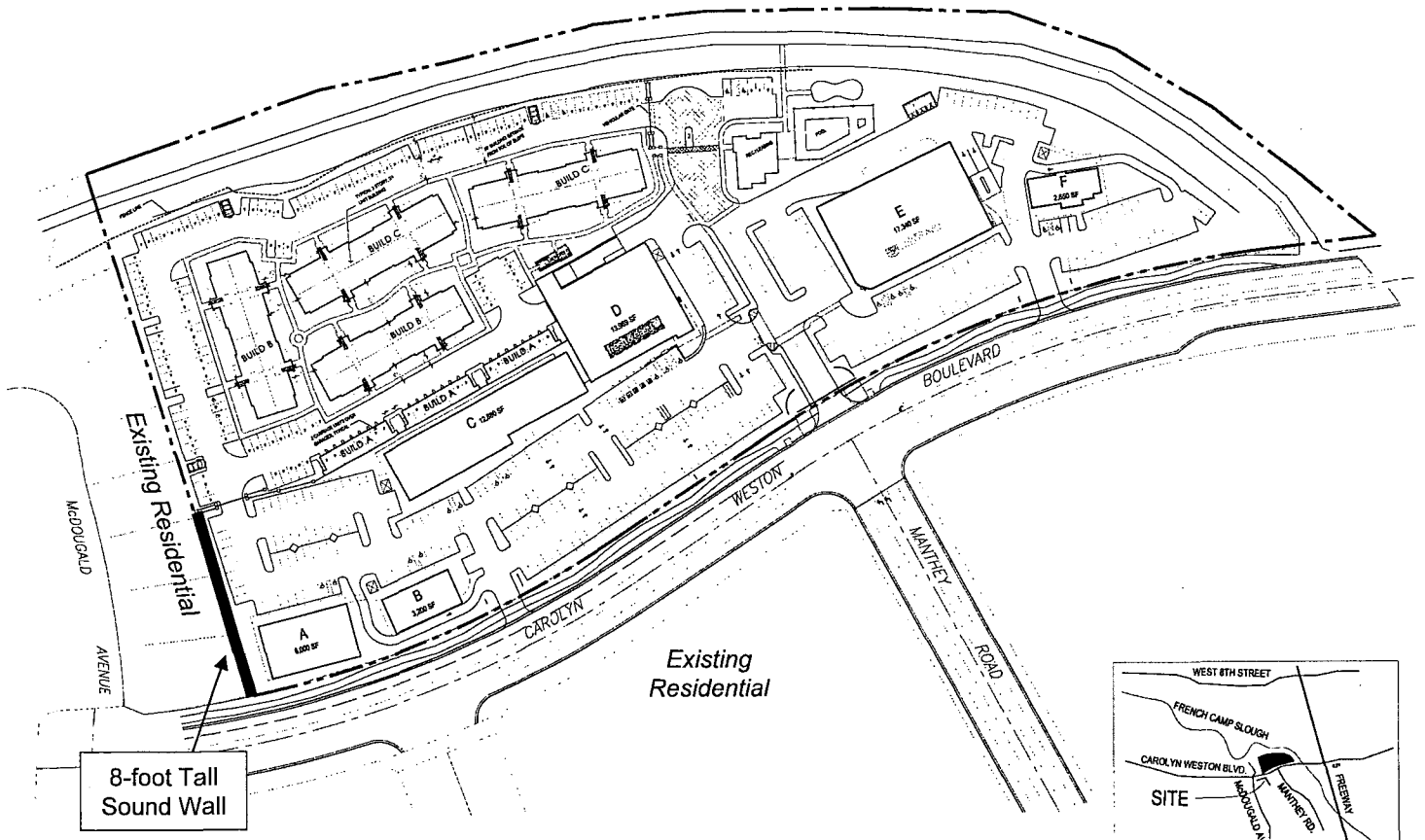
The perceived loudness of sounds is dependent upon many factors, including sound pressure level and frequency content. However, within the usual range of environmental noise levels, perception of loudness is relatively predictable, and can be approximated by A-weighted sound levels.

[1] For an explanation of these terms, see Appendix A: "Acoustical Terminology"

Figure 1

Marketplace at Weston Ranch – City of Stockton, California

Vicinity Map and Site Plan



RESIDENTIAL SUMMARY

SITE SUMMARY

SITE AREA:	5.83 AC
DWELLING UNITS:	102
NET DENSITY:	17.5 DU/AC

UNIT SUMMARY

1 BEDROOM (658 & 771 S.F.)	=	72 UNITS (72%)
2 BEDROOM (743 S.F.)	=	64 UNITS (63%)
3 BEDROOM (1,210 S.F.)	=	16 UNITS (16%)
TOTAL		102 UNITS

PARKING SUMMARY

TYPE	# OF UNITS	REQUIRED
1 BEDROOM	72	1.5 / UNIT = 33
2 BEDROOM	64	1.5 / UNIT = 96
3 BEDROOM	16	1.5 / UNIT = 24
GUEST		0.25 / UNIT = 26
TOTAL SPACES		179

TOTAL SPACES REQUIRED = 179
TOTAL SPACES PROVIDED = 181
(INCLUDES: 6 ACCESSIBLE SPACES)

COMMERCIAL SUMMARY

SITE AREA	331,329 SF (INCLUDES LEVEE AREA)
TOTAL COMMERCIAL BUILDING AREA)	58,039 SF 16.9% COVERAGE
RETAIL AREA	10,890 SF
1 STALL/ 250 SF =	44 STALLS
DRIVE THROUGH	5,850 SF
1 STALL/ 1,000 SF =	58.5 STALLS
RESTAURANT	8,000 SF
1 STALL/ 1,000 SF =	80 STALLS
OUTDOOR DINING AREA	500 SF
1 STALL/ 1,000 SF =	5 STALLS
MARKET	13,989 SF
1 STALL/ 250 SF =	56 STALLS
DRUG STORE	17,340 SF
1 STALL/ 250 SF =	69.4 STALLS
TOTAL BUILDING AREA	56,549 SF
TOTAL PARKING REQUIRED	213 STALLS
TOTAL PROVIDED PARKING (INCLUDES 17 ACCESSIBLE STALLS)	336 STALLS

VICINITY MAP N.T.S

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RESIDENTIAL ARCHITECT: KTGY GROUP

COMMERCIAL ARCHITECT: ARCHITECTS ORANGE

2007-071 09.26.08

MARKETPLACE at WESTON RANCH *STOCKTON, CALIFORNIA*

SITE PLAN

WESTON RANCH LLC

Source: Architects Orange, 2007

: Future Sound Wall Location

j.c. brennan & associates
consultants in acoustics

There is a strong correlation between A-weighted sound levels (expressed as dBA) and the way the human ear perceives sound. For this reason, the A-weighted sound level has become the standard tool of environmental noise assessment. All noise levels reported in this section are in terms of A-weighted levels, but are expressed as dB, unless otherwise noted.

The decibel scale is logarithmic, not linear. In other words, two sound levels 10 dB apart differ in acoustic energy by a factor of 10. When the standard logarithmic decibel is A-weighted, an increase of 10 dBA is generally perceived as a doubling in loudness. For example, a 70 dBA sound is half as loud as an 80 dBA sound, and twice as loud as a 60 dBA sound.

Community noise is commonly described in terms of the ambient noise level, which is defined as the all-encompassing noise level associated with a given environment. A common statistical tool to measure the ambient noise level is the average, or equivalent, sound level (L_{eq}), which corresponds to a steady-state A-weighted sound level containing the same total energy as a time varying signal over a given time period (usually one hour). The L_{eq} is the foundation of the composite noise descriptor, L_{dn}, and shows very good correlation with community response to noise.

The day/night average level (L_{dn}) is based upon the average noise level over a 24-hour day, with a +10 decibel weighting applied to noise occurring during nighttime (10:00 p.m. to 7:00 a.m.) hours. The nighttime penalty is based upon the assumption that people react to nighttime noise exposures as though they were twice as loud as daytime exposures. Because L_{dn} represents a 24-hour average, it tends to disguise short-term variations in the noise environment.

Table 1 lists several examples of the noise levels associated with common noise sources.

Effects of Noise on People

The effects of noise on people can be placed in three categories:

- Subjective effects of annoyance, nuisance, and dissatisfaction
- Interference with activities such as speech, sleep, and learning
- Physiological effects such as hearing loss or sudden startling

Environmental noise typically produces effects in the first two categories. Workers in industrial plants can experience noise in the last category. There is no completely satisfactory way to measure the subjective effects of noise or the corresponding reactions of annoyance and dissatisfaction. A wide variation in individual thresholds of annoyance exists and different tolerances to noise tend to develop based on an individual's past experiences with noise.

Thus, an important way of predicting a human reaction to a new noise environment is the way it compares to the existing environment to which one has adapted: the so-called ambient noise level. In general, the more a new noise exceeds the previously-existing ambient noise level, the less acceptable the new noise will be judged by those hearing it.

Table 1 Typical Noise Levels		
Common Outdoor Activities	**Noise Level (dBA)**	**Common Indoor Activities**
	--110--	Rock Band
Jet Fly-over at 300 m (1,000 ft)	--100--	
Gas Lawn Mower at 1 m (3 ft)	--90--	
Diesel Truck at 15 m (50 ft), at 80 km/hr (50 mph)	--80--	Food Blender at 1 m (3 ft) Garbage Disposal at 1 m (3 ft)
Noisy Urban Area, Daytime Gas Lawn Mower, 30 m (100 ft)	--70--	Vacuum Cleaner at 3 m (10 ft)
Commercial Area Heavy Traffic at 90 m (300 ft)	--60--	Normal Speech at 1 m (3 ft)
Quiet Urban Daytime	--50--	Large Business Office Dishwasher in Next Room
Quiet Urban Nighttime	--40--	Theater, Large Conference Room (Background)
Quiet Suburban Nighttime	--30--	Library
Quiet Rural Nighttime	--20--	Bedroom at Night, Concert Hall (Background)
	--10--	Broadcast/Recording Studio
Lowest Threshold of Human Hearing	--0--	Lowest Threshold of Human Hearing

Source:Caltrans, Technical Noise Supplement, Traffic Noise Analysis Protocol. October 1998.

With regard to increases in A-weighted noise level, the following relationships occur:

- Except in carefully controlled laboratory experiments, a change of 1 dBA cannot be perceived;
- Outside of the laboratory, a 3 dBA change is considered a just-perceivable difference;
- A change in level of at least 5 dBA is required before any noticeable change in human response would be expected; and
- A 10 dBA change is subjectively heard as approximately a doubling in loudness, and can cause an adverse response.

Stationary point sources of noise – including stationary mobile sources such as idling vehicles – attenuate (lessen) at a rate of approximately 6 dB per doubling of distance from the source, depending on environmental conditions (i.e. atmospheric conditions and either vegetative or manufactured noise barriers, etc.). Widely distributed noises, such as a large industrial facility spread over many acres, or a street with moving vehicles, would typically attenuate at a lower rate.

CRITERIA FOR ACCEPTABLE NOISE EXPOSURE

General Plan Noise Element:

The City of Stockton adopted the 2035 General Plan on December 11, 2007. The specific Policies which relate to this project are provided below.

HS-2.1 Sensitive Receptors
The City shall prohibit the development of new commercial, industrial, or other noise-generating land uses adjacent to existing residential uses, and other sensitive noise receptors such as schools, health care facilities, libraries, and churches if noise levels are expected to exceed 70 dBA Community Noise Equivalent (CNEL) (decibels on A-weighted scale CNEL) measured at the property line of the noise sensitive land use.

HS-2.2 Noise Compatibility Guidelines
The City shall allow the development of noise sensitive land uses (which include, but are not limited to, residential neighborhoods, schools, and hospitals) only in areas where existing or projected noise levels are "acceptable" according to Table HS-11.1 (Table 2 of this report) "Land Use Compatibility for Community Noise Environments." Noise mitigation measures may be required to reduce noise in outdoor activity areas and interior spaces to achieve these levels.

HS-2.11 Limiting Construction Activities
The City shall limit construction activities to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday. No construction shall occur on Sundays or national holidays without a written permit from the city.

HS-2.12 Sound Attenuation Features
The City shall require sound attenuation features such as walls, berming, heavy landscaping between commercial, industrial, and residential uses to reduce noise and vibration impacts.

HS-2.13 Noise Buffering
The City shall require noise buffering or construction treatments (additional insulation, double paned glass, etc.) in new development that includes noise sensitive uses located near major streets, highways, the airport, railroad tracks, or other significant noise sources.

HS-2.14 State Noise Insulation Standards
The City shall enforce the State Noise Insulation Standards (California Administrative Code, Title 24) and Chapter 35 of the Uniform Building Code.

HS-2.17 Commercial Uses
The City shall require that noise produced by commercial uses not exceed 75 dB Ldn/CNEL at the nearest property line.

Table 2
(Table 11-1 of the Stockton General Plan)

Land Use Type	Noise Levels (Ldn)						
	0-55	56-60	61-65	66-70	71-75	75-80	>81
Residential					■	■	■
Hotels, Motels						■	■
Schools, Libraries, Churches, Hospitals, Extended Care Facilities					■	■	■
Auditoriums, Concert Halls, Amphitheaters					■	■	■
Sports Arenas, Outdoor Spectator Sports						■	■
Playgrounds, Neighborhood Parks					■	■	■
Golf Courses, Riding Stables, Water Recreation, Cemeteries							■
Office Buildings, Business Commercial and Professional						■	■
Mining, Industrial, Manufacturing, Utilities, Agriculture							■

	Normally Acceptable. Specified land use is satisfactory, based on the assumption that any buildings involved are of normal, conventional construction, without any special noise insulation requirements.
	Conditionally Acceptable. New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed insulation features have been included in the design.
■	**Unacceptable.** New construction or development should not be undertaken.

If existing noise standards are currently exceeded, a proposed project shall not incrementally increase noise levels by more than 3 dBA

Based upon the City of Stockton General Plan Noise Element Policy HS-2.1 outlined above, it would appear that new commercial uses could generate noise levels of up to 70 dB CNEL at existing residential uses. However, new residential uses adjacent to commercial developments would need to comply with the noise level guidelines shown in Table 2 above, as outlined in Policy HS-2.2. This policy would establish an acceptable exterior noise environment of 60-70 dB Ldn.

City of Stockton Municipal Code:

The City of Stockton Municipal Code Chapter 16, Development Code contains performance standards for new developments, shown in Table 3. Noise generated from the proposed project is considered stationary noise, therefore the following standards would apply to the project.

Table 3
Exterior Hourly Noise Level Standards for Stationary Noise Sources
City of Stockton General Plan

Noise Level Descriptor	Maximum Acceptable Noise Level	
	Daytime (7 am - 10 pm)	Nighttime (10 pm - 7 am)
Hourly Leq, dBA	55	45
Maximum Level (Lmax), dBA	75	65

** Each of the noise level standards specified above shall be reduced by five dBA for simple tone, noise consisting primarily of speech or music, or recurring impulsive noises.*
Source: City of Stockton General Plan Noise Element, Table 1

PROJECT NOISE GENERATION AND POTENTIAL NOISE IMPACTS

Noise impacts due to the proposed project were evaluated relative to the applicable City of Stockton noise standards. Noise generated by project-related activities was quantified through the application of accepted noise modeling techniques.

Truck Circulation Noise

Truck activities at the proposed Fresh & Easy store are expected to include one semi each morning, before 7:00 am. Additionally, several other delivery trucks, including semis may occur during daytime hours (7:00 a.m. – 10:00 p.m.). j.c. brennan & associates, Inc. assumed that peak hour loading dock activities could include one semi truck and one medium sized delivery truck.

Based on j.c. brennan & associates, Inc. data for heavy truck passages, the sound exposure level (SEL) at a reference distance of 50 feet is approximately 88 dB, and a maximum (Lmax) noise level of 75 dB. Typical medium truck arrivals and departures are approximately 84 dB SEL and 73 dB Lmax at 50 feet. Based upon the data described above, the following formula can be utilized to determine the hourly noise level due to the truck traffic passbys.

$$L_{eq} = 88 + 10 * (\log N_{eq}) - 35.6, \text{ dB where:}$$

88 is the mean sound exposure level (SEL) for a heavy truck arrival and departure (84 for medium trucks), and 10 * (log N_{eq}) is 10 times the logarithm of the number of truck arrivals and departures during an hour, and 35.6 is 10 times the logarithm of the number seconds in an hour.

Based upon the above formula, the hourly Leq generated during the hour of truck activity with one heavy truck arrival/departure and one medium truck arrival/departure, would be

approximately 54 dB Leq and 75 dB Lmax at a distance of 50 feet. The approximate distance from the center of the truck route to the proposed multi-family residential uses to the north is 40 feet. Therefore, the hourly average value at the nearest residential uses to the north is predicted to be 56 dB Leq, and the maximum noise level would be 78 dB Lmax. These values would exceed the City of Stockton Development Code standards of 55 dB Leq and 75 dB Lmax during daytime hours. The predicted noise levels would also exceed the Development Code nighttime standards of 45 dB Leq and 65 dB Lmax. Therefore, noise reduction options will be discussed below.

The predicted peak hour truck circulation noise level of 56 dB Leq must be converted to Ldn for comparison to the City of Stockton General Plan Noise Element standards. Assuming two busy hours of daytime loading dock activities and one nighttime semi truck passby, the predicted truck circulation Ldn would conservatively be 53 dB Ldn. This value would comply with the City of Stockton 60-70 dB Ldn standard for residential uses adjacent to commercial uses. Therefore, no additional noise reduction measures would be required under the General Plan Noise Element.

Loading Dock Operations

According to the project applicant, loading dock activities may occur in the pre-7:00 a.m. hour, at approximately 6:00 a.m. It is our understanding that trucks will not be idled at the loading dock, the dock will be depressed approximately 4 feet, and that an 11-foot tall screen wall will be incorporated into the loading dock design. Also, Fresh & Easy refrigeration trucks will run on batteries versus diesel or gasoline powered engines, and semis will be sealed to the dock using a weather tight compression seal.

Loading dock operations typically generate noise levels of approximately 59 dB Leq and 83 dB Lmax at a distance of 120 feet from the loading dock. The primary noise source associated with loading dock areas is typically heavy trucks stopping (air brakes), backing into the loading areas as necessary, and pulling out of the loading docks (revving engines) and fork lifts. The nearest proposed multi-family residential uses are located approximately 50 feet from proposed loading dock. Adjusting for distance, the loading dock is predicted to generate noise levels of 67 dB Leq and 91 dB Lmax at the proposed residential uses. However, these noise levels do not account for shielding from the proposed 11-foot tall loading dock screen wall.

In order to estimate the noise reduction provided by the loading dock screen wall, j.c. brennan & associates, Inc. performed a barrier insertion loss calculation. The results of the analysis are provided in Appendix B. The analysis indicates that the 11-foot tall barrier, and a 4-foot depressed loading dock would combine to provide a 16 dB reduction in overall loading dock noise levels at the adjacent residential uses.

The 11 foot tall truck well barrier should be constructed with a sound absorbing finish having a minimum Noise Reduction Coefficient (NRC) rating of 0.75 on the south side (loading dock side) of the barrier. Appropriate treatments could include sound absorbing masonry blocks, absorptive finishes, or acoustical panels. The treatment should cover approximately 90% of the vertical surface area of the barrier to be effective.

Based upon the proposed loading dock design, predicted property line noise levels at the adjacent multi-family residential uses are predicted to be 51 dB Leq and 75 dB Lmax. These values would comply with the City of Stockton Development Code standards of 55 dB Leq and 75 dB Lmax during daytime hours. However, the predicted noise levels would exceed the City's nighttime standards of 45 dB Leq and 65 dB Lmax. Therefore, noise reduction options will be discussed below.

The predicted peak hour loading dock noise level of 51 dB Leq must be converted to Ldn for comparison to the City of Stockton General Plan Noise Element standards. Assuming two busy hours of daytime loading dock activities and one nighttime semi truck in the loading dock, the predicted loading dock Ldn would be 48 dB Ldn. This value would comply with the City of Stockton 60-70 dB Ldn standard for residential uses adjacent to commercial uses. Therefore, no additional noise reduction measures would be required under the General Plan Noise Element.

Loading Dock and Truck Circulation Noise Reduction Options:

The City of Stockton Development Code (Chapter 16-340 of the City Municipal Code) establishes exterior noise limits which are typically applied at the property line of the noise sensitive residential land use. There are no interior noise standards applicable to noise generated from loading docks or truck circulation at residential uses.

The adjacent planned residential uses include multi-family residential receivers at first, second, and third floor elevations. Property line noise barriers are only effective for reducing noise levels at first floor locations. Therefore, noise from truck circulation cannot practically be reduced at elevated second and third floor locations. Therefore, inclusion of noise barriers in the project design would provide little benefit to the project overall.

The degree of noise exposure resulting from truck circulation and loading dock activities at the adjacent residential uses is not extreme. However, the potential for sleep disturbance and annoyance at interior spaces does exist and should be considered.

With windows in the open position modern construction typically provides a 15 dB exterior-to-interior noise level reduction. With windows in the closed position a 25 dB noise reduction can be expected.

For loading dock or truck circulation noise as discussed above, modern construction practices are predicted to reduce interior noise levels to approximately 41 dB Leq and 63 dB Lmax with windows open. With windows in the closed position, interior noise levels of approximately 31 dB Leq and 53 dB Lmax are predicted.

Based upon published information on sleep disturbance, L50 noise levels between 25-50 dBA are considered acceptable for sleep, depending on the nature of the surroundings, e.g., country vs. urban areas. Truck circulation and loading dock noise levels are typically 5 dB lower than Leq noise levels. Therefore, the predicted L50 noise levels associated with the proposed project are predicted to be 26-36 dB L50. Truck circulation and loading dock noise levels of 26-36 dB L50 are considered to be acceptable noise levels for sleep.

Activities associated with truck circulation and loading docks consist of air-brakes, truck passbys, and other various activities and can be more noticeable then steady noise sources. Therefore, to minimize the risk of annoyance and sleep disturbance to adjacent residences, renter notification should be employed. Additionally, mechanical ventilation should allow for the introduction of fresh air without the requirement of windows being in the open position or air-conditioning running. This would apply for the residential units with a direct line-of-site to the loading dock or truck circulation route.

Parking Lot Circulation Noise Generation

West Commercial Parking Area:

Based on the project site plan, the west commercial parking lot is located adjacent to existing residential uses to the west. The site plan indicates approximately 67 stalls in this parking area. This analysis assumes that all 67 stalls could fill or empty during a peak hour of use.

The center of the west parking lot is located approximately 120 feet from the existing single-family residential property line to the west. For the purposes of this analysis, this distance will be considered the focal point where parking activity noise is generated.

As a means of determining the noise levels due to parking lot activities j.c. brennan & associates, Inc. utilized noise level data collected for parking lots. A typical SEL due to automobile arrivals and departures, including car doors slamming and people conversing is approximately 71 dB, with a maximum level of 63 dB Lmax, at a distance of 50 feet. Based upon the estimated PM peak hour trips and the reference SEL measurements, the parking lot Leq noise level can be determined using the following formula:

$$\text{Peak Hour Leq} = 71 + 10 * \log(67) - 35.6, \text{dB}$$

71 is the mean sound exposure levels (SEL) for an automobile arrival or departure, and 10 * log(67) is 10 times the logarithm of the number of automobile and departures per hour, and 35.6 is 10 times the logarithm of the number seconds in an hour.

Based upon the calculation above, the predicted noise level due to parking lot activities is 54 dB Leq at a reference distance of 50 feet. The distance from the center of the parking lot to the west property line, adjacent to the nearest residences, is approximately 120 feet. Therefore, the peak hour Leq at the nearest residential property lines due to parking lot activities is estimated to be 46 dB. However, this noise level does not account for the 8-foot tall property line sound wall required by the Stockton Development code. The affects of the 8-foot tall barrier will be analyzed below.

The distance between the closest parking spaces and the closest residences will be approximately 20 feet. Due to this reduced distance, the calculated maximum noise level from activities at these parking spaces is predicted to be 71 dB Lmax. However, this noise level does not account for the 8-foot tall property line sound wall required by the Stockton Development Code. The affects of the 8-foot tall barrier will be analyzed below.

In order to quantify the noise reduction provided by the required 8-foot tall property line noise barrier, a detailed barrier analysis was conducted. Based upon the above levels, an 8-foot tall sound barrier is predicted to reduce peak hour parking lot noise to 38 dB Leq and 62 dB Lmax. These levels would comply with the City of Stockton 45 dB Leq and 65 dB Lmax nighttime exterior noise level standards. Therefore, no additional noise reduction measures would be required. The complete results of the barrier analysis are provided in Appendix B.

The predicted peak hour parking lot noise level of 38 dB Leq must be converted to Ldn for comparison to the City of Stockton General Plan Noise Element standards. Assuming 6:00 a.m. to 11:00 p.m. busy hours of parking lot activities, the predicted parking lot Ldn would be 40 dB Ldn. This value would comply with the City of Stockton 60-70 dB Ldn standard for residential uses adjacent to commercial uses. Therefore, no additional noise reduction measures would be required under the General Plan Noise Element.

Drive-Through Operations

To quantify the noise emissions of the drive through lane from retail Pad B at residential uses to the south, j.c. brennan & associates utilized noise level data collected for vehicle passages, and speaker usage, at various similar drive through lanes in the Sacramento Area. Table 4 summarizes reference noise levels.

Table 4
Drive Through Lane / Speaker Reference Noise Levels
Weston Ranch Mixed Use – City of Stockton, California

Noise Source	Reference Distance	Reference Noise Levels	
		Hourly Leq	Lmax
Drive Through Speaker	25 Feet	50 dB	65 dB
Vehicles In Drive Through Lane		55 dB	65 dB

Source: j.c. brennan & associates, Inc.

The backyards of the nearest existing single-family residential uses to the south are located approximately 120 feet from the proposed drive through lane and approximately 130 feet from the drive-through speaker. Using these distances, the hourly noise levels from the drive through speaker would be 36 dB Leq and 51 dB Lmax at the existing single-family residential uses to the south. Car movement noise through the proposed drive-through is predicted to be 41 dB Leq and 51 dB Lmax at the nearest existing residential uses to the south. The combined drive through speaker and vehicle noise level is predicted to be 42 dB Leq. These levels would comply with the City of Stockton 45 dB Leq and 65 dB Lmax nighttime exterior noise level standards. Therefore, no additional noise reduction measures would be required.

The predicted drive through noise level of 42 dB Leq must be converted to Ldn for comparison to the City of Stockton General Plan Noise Element standards. Assuming 24-hours of drive through operations, the predicted drive through Ldn would be 48 dB Ldn. This value would

comply with the City of Stockton 60-70 dB Ldn standard for residential uses adjacent to commercial uses. Therefore, no additional noise reduction measures would be required under the General Plan Noise Element.

Mechanical Equipment Noise

Pad A Retail HVAC

It is expected that each of the retail shops will have packaged roof-top HVAC units which will provide approximately one ton of cooling per 500 sf. of retail space. Based upon this estimate, the cooling capacity for Pad A was calculated to be 12 tons. Noise levels for the roof-top HVAC units were calculated based upon typical manufacturer data for packaged HVAC units.

Manufacturer data states that the Air-Conditioning and Refrigeration Institute (ARI) sound power rating for a 12 ton unit would likely be 88 dB for a modern HVAC unit. The hourly average noise level for the HVAC unit is predicted to be 53 dB Leq at the existing single-family residential uses to the west, without consideration of shielding by the rooftops or parapets.

Assuming a 3 foot tall building parapet, noise levels would be predicted to be reduced by 16 dB at the residential property line. Therefore, the retail Pad A HVAC equipment is predicted to generate noise levels of 37 dB Leq at the nearest single-family residential uses to the west. This level would comply with the City of Stockton 45 dB Leq nighttime exterior noise level standard. Therefore, no additional noise reduction measures would be required. Appendix B shows the results of the building parapet barrier calculations.

The predicted HVAC noise level of 37 dB Leq must be converted to Ldn for comparison to the City of Stockton General Plan Noise Element standards. Assuming 24-hours of HVAC operations, the predicted HVAC Ldn would be 43 dB Ldn. This value would comply with the City of Stockton 60-70 dB Ldn standard for residential uses adjacent to commercial uses. Therefore, no additional noise reduction measures would be required under the General Plan Noise Element.

Fresh & Easy HVAC

According to the project applicant, no HVAC units, condensers, or other refrigeration equipment will be located on the Fresh & Easy roof-top. The project will include a mezzanine platform which will house the mechanical HVAC and refrigeration equipment. Air intake and exhaust will occur on the roof through roof mounted vents over the mezzanine mechanical room. However, noise from these vents will be reduced by building parapets or another structural element of the building that blocks the line of sight between the vents and residential uses. Therefore, noise levels associated with HVAC mechanical equipment are expected to comply with the City's General Plan standards and Development Code standards at the nearest residential uses.

CONCLUSIONS

In order to comply with the City of Stockton General Plan Noise Element noise standards, no noise reduction measures would be required for the proposed project.

The following noise reduction measures should be considered to minimize noise impacts in consideration of the City of Stockton Development Code standards:

- The 11 foot tall truck well barrier should be constructed with a sound absorbing finish having a minimum Noise Reduction Coefficient (NRC) rating of 0.65 on the south side (loading dock side) of the barrier. Appropriate treatments could include sound absorbing masonry blocks, absorptive finishes, or acoustical panels. The treatment should cover approximately 90% of the vertical surface area of the barrier to be effective. An example of an appropriate acoustical block is attached to this report.

- In order to minimize the risk of sleep disturbance to residents adjacent to loading dock and truck circulation routes, renter notification should be employed at the proposed multi-family residential uses.

- Mechanical ventilation should allow for the introduction of fresh air without the requirement of windows being in the open position or air-conditioning running. This would apply for the proposed residential units with a direct line-of-site to the Fresh & Easy loading dock or truck circulation route.

- The HVAC / mechanical mezzanine room should not have any untreated openings or vents facing the proposed residential uses. Any such openings should be fitted with acoustically rated louvers or silencers to reduce mechanical noise.

These conclusions are based on the site plan provided by the project applicant, the assumptions stated in this report, noise reduction data for standard residential dwellings and for typical STC rated window data. j.c. brennan & associates, Inc., is not responsible for degradation in acoustic performance of the residential construction due to poor construction practices, failure to comply with applicable building code requirements, or for failure to adhere to standard building practices.

Appendix A
Acoustical Terminology

Acoustics	The science of sound.
Ambient Noise	The distinctive acoustical characteristics of a given space consisting of all noise sources audible at that location. In many cases, the term ambient is used to describe an existing or pre-project condition such as the setting in an environmental noise study.
Attenuation	The reduction of an acoustic signal.
A-Weighting	A frequency-response adjustment of a sound level meter that conditions the output signal to approximate human response.
Decibel or dB	Fundamental unit of sound, A Bell is defined as the logarithm of the ratio of the sound pressure squared over the reference pressure squared. A Decibel is one-tenth of a Bell.
CNEL	Community Noise Equivalent Level. Defined as the 24-hour average noise level with noise occurring during evening hours (7 - 10 p.m.) weighted by a factor of three and nighttime hours weighted by a factor of 10 prior to averaging.
Frequency	The measure of the rapidity of alterations of a periodic signal, expressed in cycles per second or hertz.
Ldn	Day/Night Average Sound Level. Similar to CNEL but with no evening weighting.
Leq	Equivalent or energy-averaged sound level.
Lmax	The highest root-mean-square (RMS) sound level measured over a given period of time.
L(n)	The sound level exceeded a described percentile over a measurement period. For instance, an hourly L50 is the sound level exceeded 50% of the time during the one hour period.
Loudness	A subjective term for the sensation of the magnitude of sound.
Noise	Unwanted sound.
Peak Noise	The level corresponding to the highest (not RMS) sound pressure measured over a given period of time. This term is often confused with the "Maximum" level, which is the highest RMS level.
RT_{60}	The time it takes reverberant sound to decay by 60 dB once the source has been removed.
Sabin	The unit of sound absorption. One square foot of material absorbing 100% of incident sound has an absorption of 1 sabin.
SEL	A rating, in decibels, of a discrete event, such as an aircraft flyover or train passby, that compresses the total sound energy into a one-second event.
Threshold of Hearing	The lowest sound that can be perceived by the human auditory system, generally considered to be 0 dB for persons with perfect hearing.
Threshold of Pain	Approximately 120 dB above the threshold of hearing.
Impulsive	Sound of short duration, usually less than one second, with an abrupt onset and rapid decay.
Simple Tone	Any sound which can be judged as audible as a single pitch or set of single pitches.

Appendix B-1

Barrier Insertion Loss Calculation

Project Information:

Job Number: 2008-218
Project Name: Weston Ranch
Location(s): 1

Noise Level Data:

Source Description: Loading
Source Noise Level, dBA: 91
Source Frequency (Hz): 800
Source Height (ft): 1 Loading Dock Depressed 4'

Site Geometry:

Receiver Description: Nearest Façade
Source to Barrier Distance (C_1): 10
Barrier to Receiver Distance (C_2): 40

Pad/Ground Elevation at Receiver: 0
Receiver Elevation[1]: 5
Base of Barrier Elevation: 0
Starting Barrier Height 6

Barrier Effectiveness:

Top of Barrier Elevation (ft)	Barrier Height (ft)	Insertion Loss, dB	Noise Level, dB	Barrier Breaks Line of Site to Source?
6	6	-11	80	Yes
7	7	-13	78	Yes
8	8	-14	77	Yes
9	9	-15	76	Yes
10	10	-15	76	Yes
11	11	-16	75	Yes
12	12	-16	75	Yes
13	13	-17	74	Yes
14	14	-17	74	Yes
15	15	-17	74	Yes
16	16	-17	74	Yes

Notes: 1.Standard receiver elevation is five feet above grade/pad elevations at the receiver location(s)

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Appendix B-2

Barrier Insertion Loss Calculation

Project Information:

Job Number: 2008-218
Project Name: Weston Ranch
Location(s): Pad A parapet

Noise Level Data:

Source Description: Packaged HVAC
Source Noise Level, dBA: 53
Source Frequency (Hz): 1000
Source Height (ft): 28

Site Geometry:

Receiver Description: Nearest SFR Property Line
Source to Barrier Distance (C_1): 25
Barrier to Receiver Distance (C_2): 25

Pad/Ground Elevation at Receiver: 0
Receiver Elevation[1]: 5
Base of Barrier Elevation: 25
Starting Barrier Height 3

Barrier Effectiveness:

Top of Barrier Elevation (ft)	Barrier Height (ft)	Insertion Loss, dB	Noise Level, dB	Barrier Breaks Line of Site to Source?
28	3	-16	37	Yes
29	4	-17	36	Yes
30	5	-17	36	Yes
31	6	-17	36	Yes
32	7	-17	36	Yes
33	8	-17	36	Yes
34	9	-17	36	Yes
35	10	-17	36	Yes
36	11	-17	36	Yes
37	12	-18	35	Yes
38	13	-18	35	Yes

Notes: 1.Standard receiver elevation is five feet above grade/pad elevations at the receiver location(s)

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Appendix B-3

Barrier Insertion Loss Calculation

Project Information:

Job Number: 2008-218
Project Name: Weston Ranch
Location(s): West Parking Lot

Noise Level Data:

Source Description: Parking Lot
Source Noise Level, dBA: 71
Source Frequency (Hz): 500
Source Height (ft): 4

Site Geometry:

Receiver Description: Nearest SFR Property Line
Source to Barrier Distance (C_1): 20
Barrier to Receiver Distance (C_2): 10

Pad/Ground Elevation at Receiver: 0
Receiver Elevation[1]: 5
Base of Barrier Elevation: 0
Starting Barrier Height 6

Barrier Effectiveness:

Top of Barrier Elevation (ft)	Barrier Height (ft)	Insertion Loss, dB	Noise Level, dB	Barrier Breaks Line of Site to Source?
6	6	-6	65	Yes
7	7	-8	63	Yes
8	8	-9	62	Yes
9	9	-11	60	Yes
10	10	-12	59	Yes
11	11	-13	58	Yes
12	12	-14	57	Yes
13	13	-15	56	Yes
14	14	-15	56	Yes
15	15	-16	55	Yes
16	16	-16	55	Yes

Notes: 1.Standard receiver elevation is five feet above grade/pad elevations at the receiver location(s)

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Appendix B-4

Barrier Insertion Loss Calculation

Project Information:

Job Number: 2008-218
Project Name: Weston Ranch
Location(s): West Parking Lot

Noise Level Data:

Source Description: Parking Lot
Source Noise Level, dBA: 46
Source Frequency (Hz): 500
Source Height (ft): 4

Site Geometry:

Receiver Description: Nearest SFR Property Line
Source to Barrier Distance (C_1): 120
Barrier to Receiver Distance (C_2): 10

Pad/Ground Elevation at Receiver: 0
Receiver Elevation[1]: 5
Base of Barrier Elevation: 0
Starting Barrier Height 6

Barrier Effectiveness:

Top of Barrier Elevation (ft)	Barrier Height (ft)	Insertion Loss, dB	Noise Level, dB	Barrier Breaks Line of Site to Source?
6	6	-6	41	Yes
7	7	-7	39	Yes
8	8	-8	38	Yes
9	9	-10	36	Yes
10	10	-11	36	Yes
11	11	-12	35	Yes
12	12	-13	34	Yes
13	13	-13	33	Yes
14	14	-14	32	Yes
15	15	-15	31	Yes
16	16	-15	31	Yes

Notes: 1.Standard receiver elevation is five feet above grade/pad elevations at the receiver location(s)

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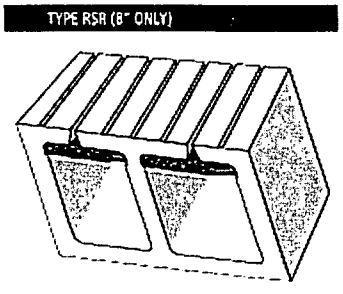
All Categories > Soundblox > Type RSR > Item # 8-RSR

Item # 8-RSR

Split-Rib Units; wider slots flaring inward, incombustible fibrous fillers with metal speta in cavities. Graffiti resistant and attractive, these Soundblox units also offer sound diffusion properties.



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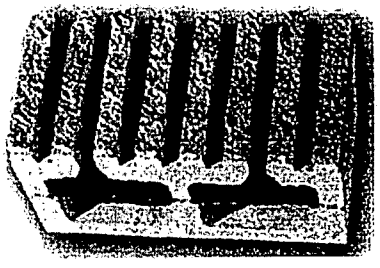

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Sound Absorption Coefficients

Size	Type	Exposed Slots/ Cavities	Frequency - Hertz						
			125	250	500	1000	2000	4000	NRC
8"	RSR	2/2	0.61	0.81	0.57	0.55	0.66	0.64	0.65

The above sound absorption data was determined by tests conducted at Geiger and Hamme Acoustical Laboratory in strict compliance with ASTM C423 specifications. Actual installed performance may vary.

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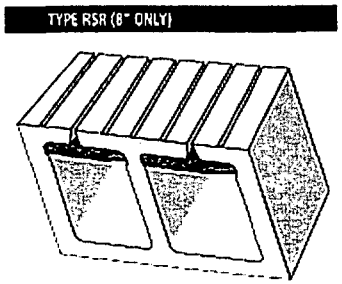
All Categories > Soundblox > Type RSR > Item # 8-RSR

Item # 8-RSR

Split-Rib Units; wider slots flaring inward, incombustible fibrous fillers with metal speta in cavities. Graffiti resistant and attractive, these Soundblox units also offer sound diffusion properties.



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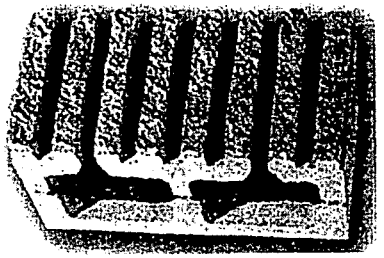

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Specifications

Size	16" x 8" x 8"
Type	RSR
Exposed Slots	2

Cavities	2
Scope	Sound absorptive concrete masonry units shall be used to construct exterior and interior walls or partitions as shown on the plans and/or indicated in the Schedule of Finishes.
Material	All sound absorptive masonry units shall be SOUNDBLOX made on standard block machines using molds furnished or approved by The Proudfoot Company, Inc., Monroe, Connecticut. They shall be made of carefully prepared aggregate and shall meet the current ASTM
Material	All sound absorptive masonry units shall be SOUNDBLOX made on standard block machines using molds furnished or approved by The Proudfoot Company, Inc., Monroe, Connecticut. They shall be made of carefully prepared aggregate and shall meet the current ASTM C-90 or ASTM C-129 requirements as appropriate. Carefully controlled use of the SOUNDBLOX molds shall be employed so all units have one end of the cavities tightly closed. Slots and edges shall be straight and clean. Where Types a RSC, RSC/RF or RSR SOUNDBLOX units are called for, filler elements as supplied by The Proudfoot Company, Inc., shall be installed in the cavities of the blocks at the block plant. The fillers shall be of specially fabricated incombustible fibrous material, cut accurately to size and installed as recommended. The fillers shall have metal septa laminated to one side of the fibrous material and shall be installed with the septa facing away from the slots. Where 8" Type Q units are called for, they shall have a bare (without fibrous material) metal septum as furnished by The Proudfoot Company, Inc., installed in each cavity in the recommended manner at the block plant.
Sizes and Types	SOUNDBLOX Type RSR are available in 8" thickness only. Type RSC is available in 4", 6", 8" and 12" thicknesses.
Installation	SOUNDBLOX units shall be installed by the General Contractor (or Masonry Contractor) using only mechanics skilled in the laying of masonry blocks. All necessary cutting on the job site shall be performed with power tools in such a manner as to provide straight and true edges. No chipped or broken blocks shall be used. SOUNDBLOX units shall be laid in running bond (or stack bond) with the open ends of the cavities facing downward, and shall be seated in a full horizontal bed of mortar. The slots shall be exposed to the area where the sound absorption is desired as indicated on the plans. Care shall be taken to ensure that the slots are kept free of mortar or debris above the mortar joints. Lines shall be straight and true and the SOUNDBLOX workmanship shall otherwise conform to all requirements of the General Specifications for masonry work.
Fire Endurance	Fire testing in accordance with ASTM E-119 requirements show fire endurance ratings of up to 3 hours plus for load-bearing walls built of SOUNDBLOX units. Specific details are available upon request.
Code Acceptance	SOUNDBLOX units are approved for use in rein forced masonry construction wherever ordinary hollow concrete masonry units are permitted. This applies to seismic zones as defined under the Uniform Building Code, with 90% of the shear value of ordinary hollow concrete masonry units allowed for the SOUNDBLOX units. (See City of Los Angeles Dept. of Building and Safety Research Report No. RR23609.)

Print Back

APPENDIX E
TRAFFIC ANALYSIS

KD Anderson & Associates, Inc.
Transportation Engineers

October 28, 2008

Mr. Charlie Simpson, Principal
InSite Environmental
6653 Embarcadero Drive, Suite Q
Stockton, CA 95219

Subject: ***Marketplace at Weston Ranch***

Dear Mr. Simpson:

On behalf of KD Anderson & Associates, I am pleased to submit this letter report presenting the results of a screening-level traffic study of the proposed change in land use designation for a site in the Weston Ranch area. The proposed change in land use is referred to as the "Marketplace at Weston Ranch".

Project Understanding

The following is a description of our understanding of the proposed Marketplace at Weston Ranch project:

- The proposed project involves a triangular-shaped 13-acre site located north of the current "T" intersection of Carolyn Weston Boulevard and Manthey Road.
- The project site is zoned R3, which would yield 377 multiple-family dwelling units (MFDUs) at maximum density.
- The applicants propose to develop the project site with 102 MFDUs and 55,959 square feet of retail commercial uses including a Fresh and Easy, bank, Rite Aid, and Jack in the Box.
- Primary access to the project site would be via a new north leg at the intersection of Carolyn Weston Boulevard and Manthey Road. Access would also include a right-in/right-out driveway on Carolyn Weston Boulevard west of Manthey Road.

Introduction

This letter report presents a screening-level traffic assessment of the proposed change in land use designations. This approach is consistent with methods described in the *City of Stockton Transportation Impact Analysis Guidelines*. This approach was approved by Mr. Mike McDowell of the City of Stockton Community Development Department during a July 23, 2008 meeting.

This letter report presents the following:

- A comparison of trip generation estimates with the current zoning designation, and with the land uses as proposed.
- A summary of the traffic analysis presented in the December 2006 *Weston Ranch Towne Center Project Draft Environmental Impact Report* (DEIR).

Trip Generation

KDA has prepared estimates of project-related trip generation with two different land use assumptions.

- The enclosed **Table 1** and **Table 2** present an estimate of trip generation associated with land use on the project site assuming the current zoning designation. As noted earlier in this letter report, the project site is zoned R3, which would yield 377 MFDUs at maximum density.
- The enclosed **Table 3** and **Table 4** present a trip generation estimate assuming the project as proposed. As noted earlier in this letter report, the proposed project includes 102 MFDUs and 55,959 square feet of retail commercial uses.

The trip generation estimates in both **Table 1** and **Table 2** were prepared using the Institute of Transportation Engineers (ITE) document, *Trip Generation 7th edition.*

As specified in the *City of Stockton Traffic Impact Analysis Guidelines*, the p.m. peak hour trip generation estimate for retail commercial uses have been adjusted to reflect pass-by trips according to procedures described in the ITE document *Trip Generation Handbook.* The calculation of the p.m. peak hour pass-by trip adjustment of 46.19% is shown in **Table 5.**

While the *Trip Generation Handbook* presents an estimate of the pass-by trip adjustment for the p.m. peak hour, it does not address pass-by trip adjustments for the a.m. peak hour. For the a.m. peak hour, a pass-by adjustment of 15% from the Caltrans document *Guide for the Preparation of Traffic Impact Studies* was applied. The 15% value is considered to be a conservatively low estimated value.

As shown in **Table 2** and **Table 4**, the net change in project-related trip generation would be a reduction of 92 trips in the a.m. peak hour, and an increase of 58 trips in the p.m. peak hour. Section 2 of the *City of Stockton Traffic Impact Analysis Guidelines* presents a screening threshold for determining when a project would require a full traffic impact analysis. The screening threshold is 100 or more vehicle trips during the a.m. peak hour or p.m. peak hour. The proposed Marketplace at Weston Ranch project would not exceed the City of Stockton threshold.

KDA

Comparison with Weston Ranch Towne Center Project DEIR

One of the study intersections in the *Weston Ranch Towne Center Project DEIR* is the intersection of Carolyn Weston Boulevard and Manthey Road. The following is a summary of the results of the DEIR traffic analysis of this intersection, and comparison of volumes assumed in the DEIR traffic analysis to volumes that would be associated with proposed project trip generation levels. Also presented below is a summary of the *Weston Ranch Towne Center Project DEIR* analysis of off-site intersections.

Enclosed is **Figure E-5A** from the *Weston Ranch Towne Center Project DEIR*. This figure shows volumes under the 2035 Cumulative With Project scenario. Intersection 2 shown in **Figure E-5A** is the intersection of Carolyn Weston Boulevard and Manthey Road. The north leg of Intersection 2 would be the primary access to the Marketplace at Weston Ranch site. The following are the total volumes on the north leg of Intersection 2:

- during the a.m. peak hour, the inbound volume would be 280;
- during the a.m. peak hour, the outbound volume would be 230;
- during the p.m. peak hour, the inbound volume would be 590; and
- during the p.m. peak hour, the outbound volume would be 580.

All of these volumes from the *Weston Ranch Towne Center Project DEIR* are higher than both the unadjusted and pass-by-adjusted trip generation estimates for the proposed Marketplace at Weston Ranch project shown in **Table 4**. That is, the land uses for the project site assumed in the *Weston Ranch Towne Center Project DEIR* were assumed to generate more vehicle trips than the Marketplace at Weston Ranch project as proposed. Therefore, the traffic analysis presented in the *Weston Ranch Towne Center Project DEIR* may be considered to account for the project site land uses as proposed.

The enclosed **Table 6** presents excerpts from the traffic analysis presented in the *Weston Ranch Towne Center Project DEIR*. This table shows levels of service (LOS) under the 2035 Cumulative With Project scenario at the following five the *Weston Ranch Towne Center Project DEIR* study intersections:

- McDougald Boulevard & Carolyn Weston Boulevard,
- Manthey Road & Carolyn Weston Boulevard,
- I-5 Southbound Ramps & Downing Avenue,
- I-5 Northbound Ramps & Downing Avenue, and
- Manthey Road & William Moss Boulevard.

These are the five intersections analyzed in the *Weston Ranch Towne Center Project DEIR* most likely to be affected by land use changes on the Marketplace at Weston Ranch site.

KDA

As shown in **Table 6,** all five intersections would operate at acceptable LOS D or better under 2035 Cumulative With Project conditions. Because the traffic analysis presented in the *Weston Ranch Towne Center Project DEIR* may be considered to account for the project site land uses as proposed, all five intersections would operate at acceptable LOS with the Marketplace at Weston Ranch project as proposed.

Closing

KD Anderson & Associates appreciates this opportunity to provide traffic analysis services to InSite Environmental on the Marketplace at Weston Ranch project. If you have any questions regarding this letter, please call me at 916/660-1555 or 916/205-7032 (cell).

Sincerely,

KD Anderson & Associates, Inc.

Wayne Shijo
Project Manager

enclosures

KDA

Table 1. Multiple Family Dwelling Units Trip Generation Rates

Land Use Category and ITE Land Use Code	Independent Variable	Vehicle Trip Rates					
		AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Apartment (ITE Land Use Code 220)	Dwelling Units	0.10	0.41	0.51	0.40	0.22	0.62

Source: Institute of Transportation Engineers, 2003.
Notes: Totals may not equal the sum of the components due to rounding.

Table 2. Trip Generation Estimates at Current R-3 Zoning Designation

Land Use Category	Amount of Land Use	Vehicle Trips Generated					
		AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Apartment (ITE Land Use Code 220)	377 Dwelling Units	38	155	192	151	83	234

Source: Institute of Transportation Engineers, 2003.
Notes: Totals may not equal the sum of the components due to rounding.

Table 3. Trip Generation Rates - Marketplace at Weston Ranch Proposed Land Uses

Land Use Category and ITE Land Use Code	Independent Variable	Vehicle Trip Rates					
		AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Apartment (ITE Land Use Code 220)	Dwelling Units	0.10	0.41	0.51	0.40	0.22	0.62
Shopping Center (ITE Lane Use Code 820)	1,000 Sq. Ft	0.63	0.40	1.03	3.66	3.97	7.63

Source: Institute of Transportation Engineers, 2003.
Notes: Totals may not equal the sum of the components due to rounding.
ITE *Trip Generation* equations, rather than average rates, are used for Shopping Center uses, when indicated by statistical confidence.

Table 4. Trip Generation Estimates - Marketplace at Weston Ranch Proposed Land Uses

Land Use Category	Amount of Land Use	Vehicle Trips Generated					
		AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Apartment (ITE Land Use Code 220)	100 Dwelling Units	10	41	51	40	22	62
Shopping Center (ITE Lane Use Code 820)	55.959 1,000 Sq Ft.	35	22	58	205	222	427
Sub-Total		45	63	109	245	244	489
Pass-By Trips		-5	-3	-9	-95	-103	-197
TOTAL		40	60	100	150	141	292

Source: Institute of Transportation Engineers, 2003.
PM peak hour pass-by percentage is from the ITE *Trip Generation Handbook*.
AM peak hour pass-by percentage is from the Caltrans *Guide for the Preparation of Traffic Impact Studies*.
Notes: Totals may not equal the sum of the components due to rounding.

Table 5. Shopping Center Pass-By Percentage
Weekday, p.m. peak period
Percentage versus 1,000 square feet gross leasable area

Equation: Ln(T) = -0.29 LN(X) + 5.00

T = Average Pass-By-Trip Percentage
X = 1,000 Square Feet Gross Leasable Area

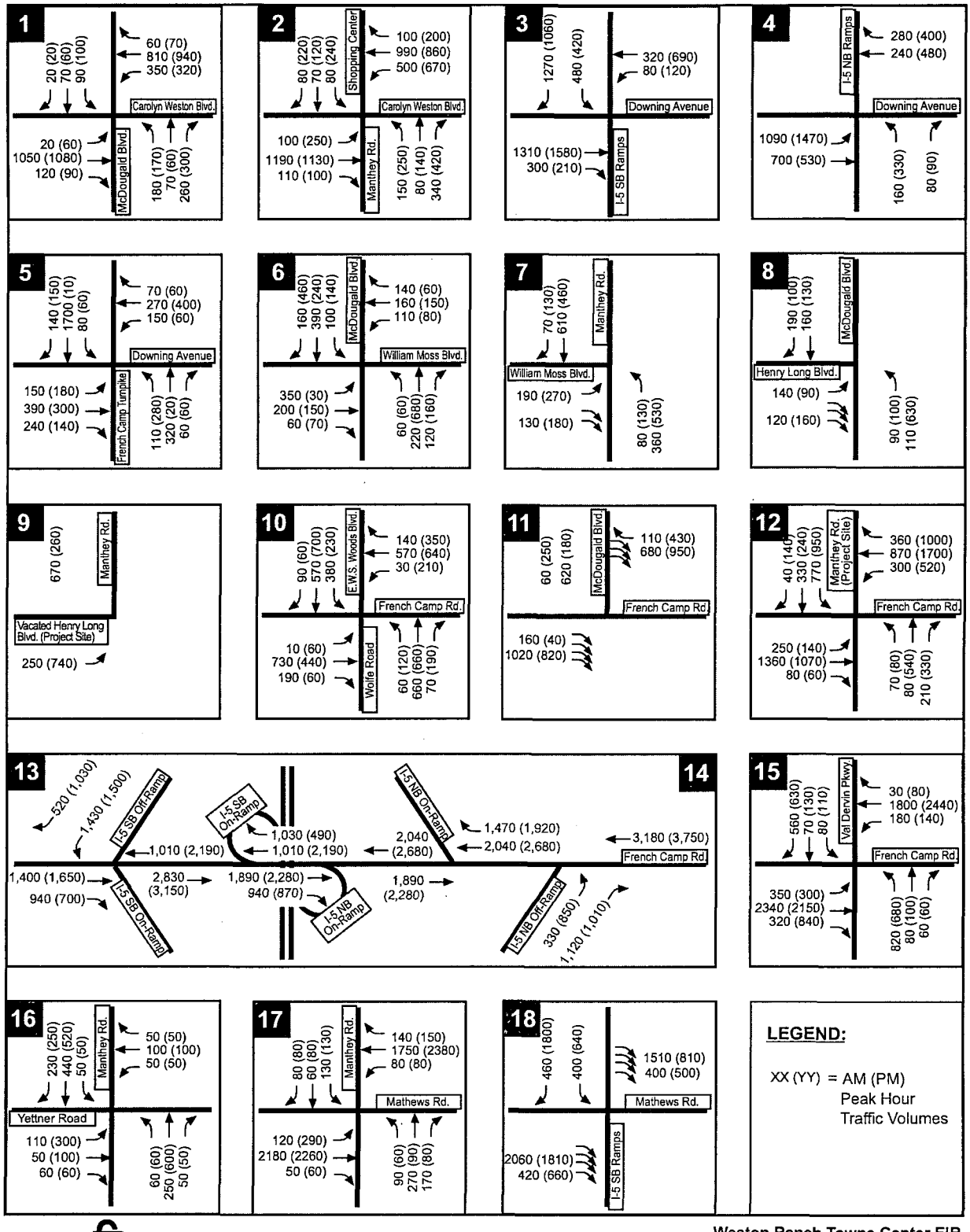
1,000 Square Feet =	55.959 KSF
Average Pass-By-Trip Percentage =	46.19 %

Source: Institute of Transportation Engineers, *Trip Generation Handbook* Figure 5.5

Table 6. Excerpts from Weston Ranch Town Center EIR Traffic Analysis - Future 2035 Plus Project Intersection Level of Service

Study Intersections	Inters. Control	AM Peak Hour		PM Peak Hour	
		Level of Service	Delay in Seconds	Level of Service	Delay in Seconds
1 McDougald Boulevard / Carolyn Weston	Signal	D	42	D	42
2 Manthey Road / Carolyn Weston Boulevard	Signal	C	33	D	45
3 I-5 Southbound Ramps / Downing Avenue	Signal	C	22	C	24
4 I-5 Northbound Ramps / Downing Avenue	Signal	B	16	D	43
7 Manthey Road / William Moss Boulevard	Signal	B	13	B	16

Source: Weston Ranch Town Center Project Draft EIR, Appendix E, Table E-3.



Weston Ranch Towne Center EIR

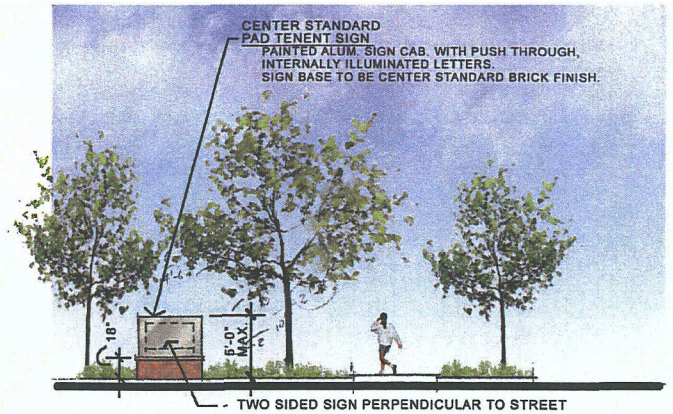
FEHR & PEERS
TRANSPORTATION CONSULTANTS

2035 CUMULATIVE WITH PROJECT PEAK HOUR TRAFFIC VOLUMES

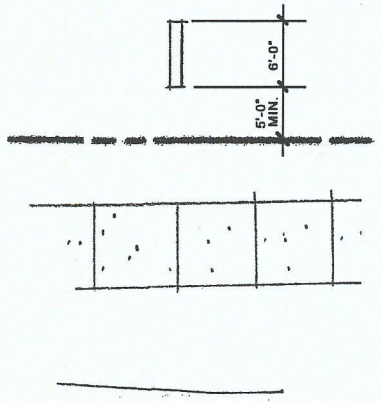
September 2006
Graphics\September 2006\E-5A

FIGURE E-5A

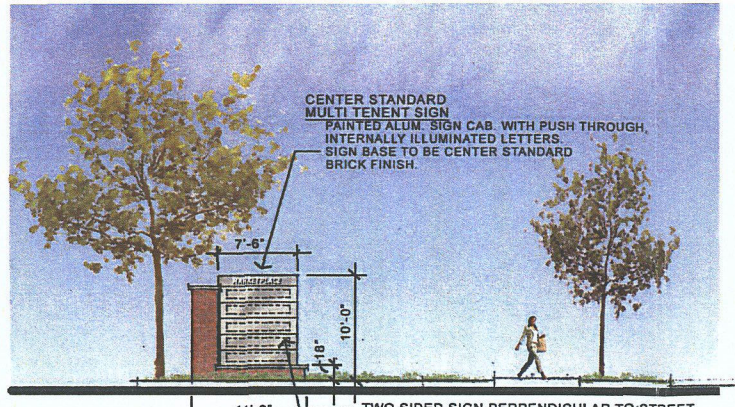
APPENDIX F
BUILDING ELEVATIONS AND SIGNAGE



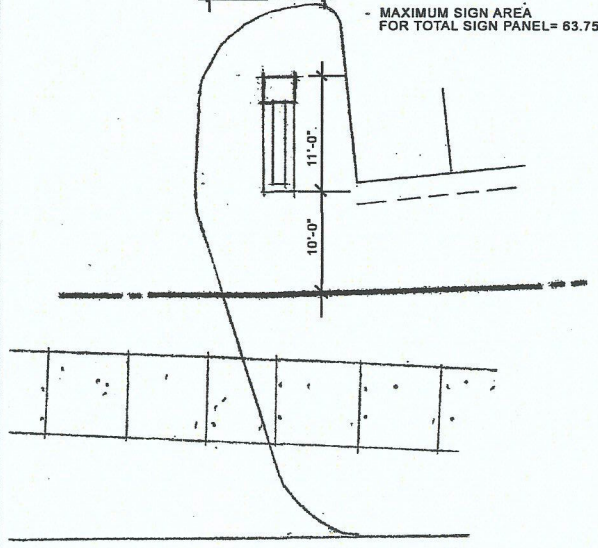
- TWO SIDED SIGN PERPENDICULAR TO STREET
- MAXIMUM SIGN AREA FOR EACH PAD TENENT SIGN PANEL = 21 SF PER SIDE



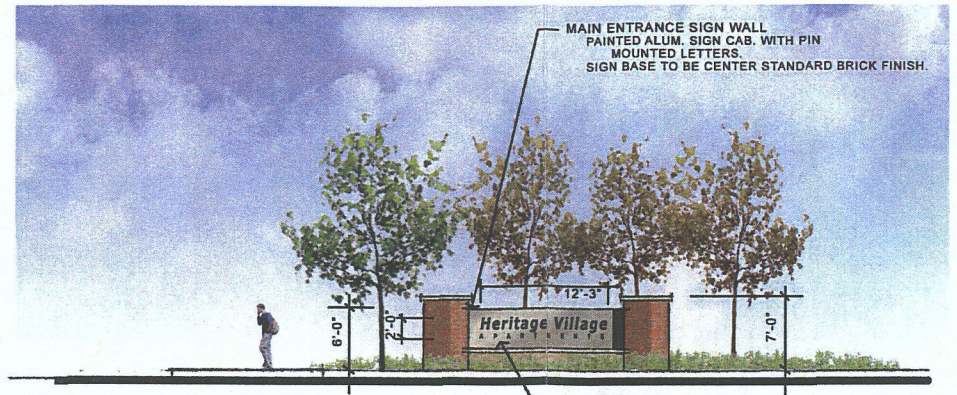
TYP. PAD TENANT SIGN



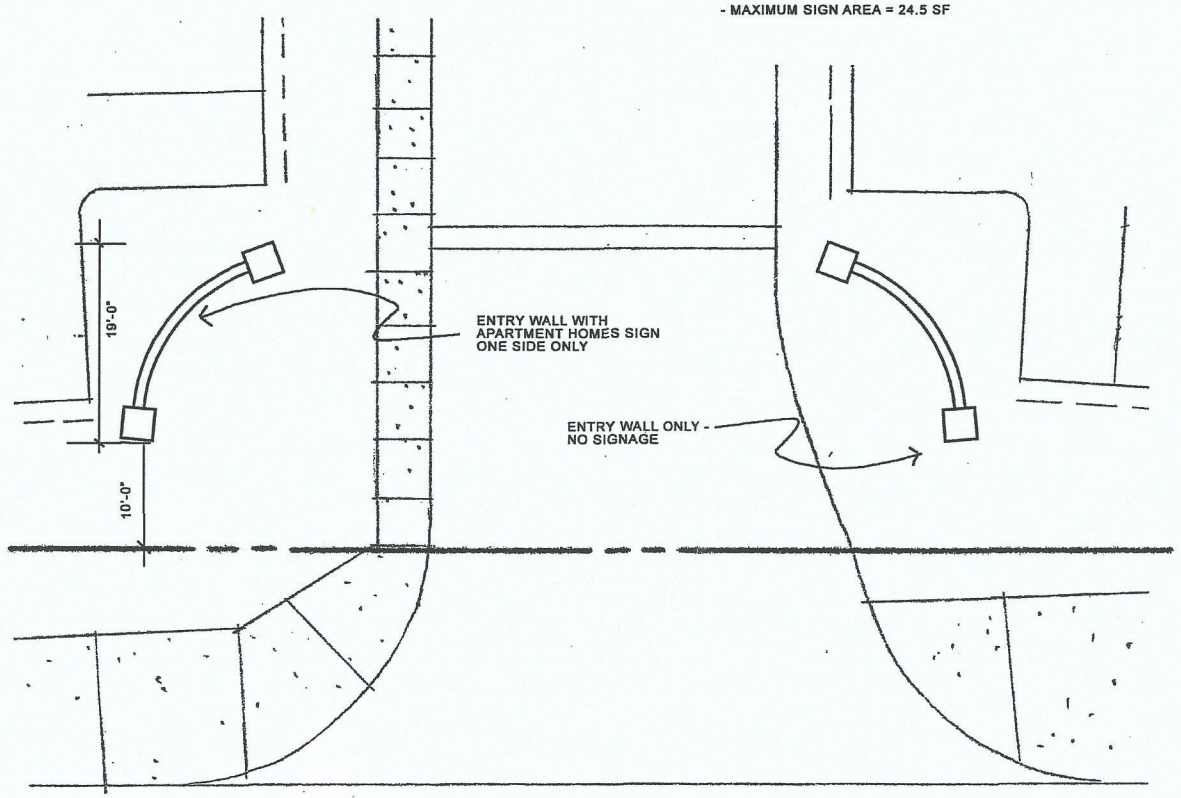
- TWO SIDED SIGN PERPENDICULAR TO STREET
- MAXIMUM SIGN AREA FOR TOTAL SIGN PANEL= 63.75 SF PER SIDE



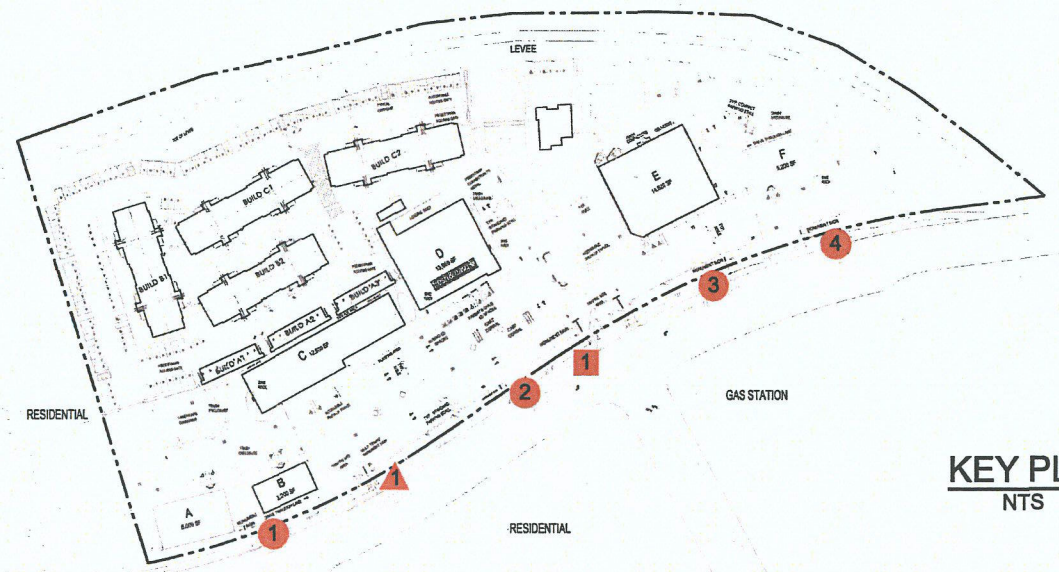
MULTI - TENANT SIGN



- SIGN LETTERS ON ONE SIDE OF ENTRANCE WALL
- SIGNAGE LIMITED TO PROJECT IDENTIFICATION ONLY
- MAXIMUM SIGN AREA = 24.5 SF



MAIN ENTRANCE WALL SIGN



KEY PLAN
NTS

NOTES;

1.0 THIS SITE SIGNAGE COMPRHENSIVE PLAN ESTABLISHES REQUIREMENTS FOR DESIGN FOR ALL SITE SIGNAGE WITHIN THE MARKETPLACE AT WESTON RANCH PROJECT. THE OBJECTIVE IS TO CREATE A COHESIVE AND HIGH QUALITY DESIGN FOR ALL SITE SIGNAGE.

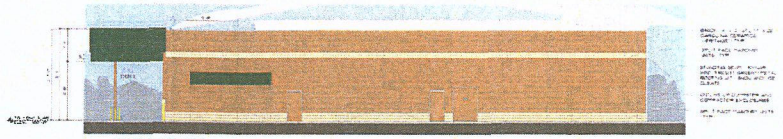
2.0 PROJECT RELATED SIGNS INCLUDING TENANT WALL SIGNS WHICH ARE NOT SPECIFIED HERE SHALL COMPLY WITH CITY OF STOCKTON SIGN STANANDS AS SPECIFIED IN CODE SECTION, DIV. 16-360 (AUGUST 2004) WITH THE FOLLOWING EXCEPTIONS:

2.1 ALL BUILDING WALL SIGNS SHALL BE INDIVIDUALLY CONSTRUCTED LETTERS AND INTERNALLY ILLUMINATED LETTERS

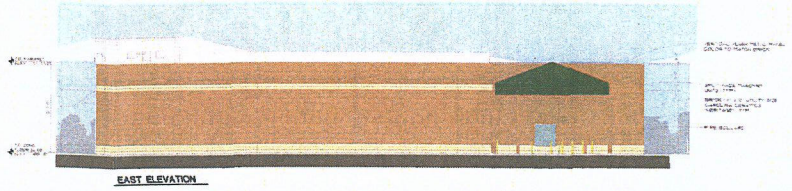
SCALE: 1/8"=1'-0"
0 2' 4' 8' 16'

2007-071 02.26.09

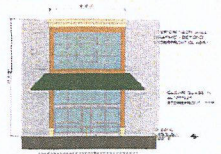
MARKETPLACE at WESTON RANCH STOCKTON, CALIFORNIA COMPREHENSIVE SITE SIGNAGE PLAN



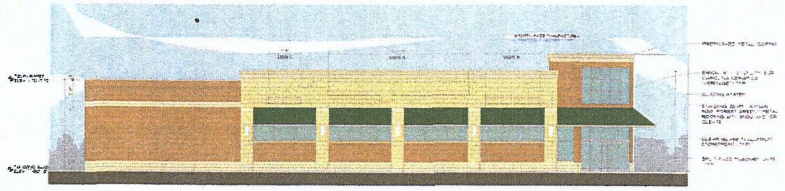
NORTH ELEVATION



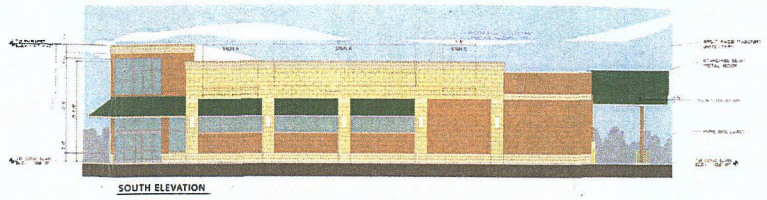
EAST ELEVATION



ENTRY ELEVATION



WEST ELEVATION



SOUTH ELEVATION

Sign Area Calculations:

SOUTH ELEVATION

SIGN B	CHANNEL LETTER SIGN 60" x 12'-0"	62 SF
SIGN C	CHANNEL LETTER SIGN 30" x 7'-0"	16 SF
SIGN A	CHANNEL LETTER SIGN 12" x 10' LENGTH	97.4 SF
SIGN D	60" x 31'-0"	0.0 SF
PROVIDED NORTH SIDE SIGN AREA		330.00 SF

WEST ELEVATION

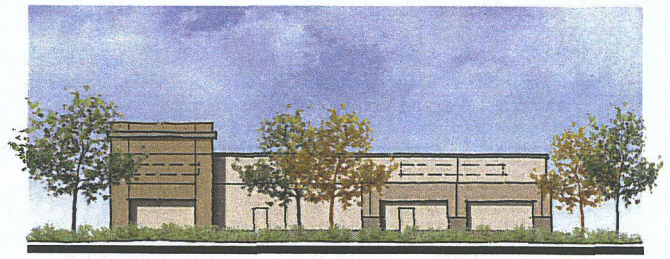
SIGN B	CHANNEL LETTER SIGN	62 SF
SIGN C	CHANNEL LETTER SIGN	16 SF
SIGN A	CHANNEL LETTER SIGN	97.4 SF
PROVIDED WEST SIDE SIGN AREA		330.00 SF

NORTH ELEVATION

SIGN E	60" x 1'-6"	22 SF
PROVIDED NORTH SIDE SIGN AREA		11 SF
TOTAL BUILDING SIGN AREA		330.00 SF

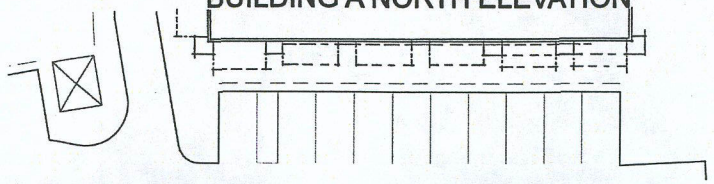
BUILDING E ELEVATIONS

BUILDING A EAST ELEVATION



BUILDING A SOUTH ELEVATION

BUILDING A NORTH ELEVATION



BUILDING A WEST ELEVATION

TYPICAL DRIVE THROUGH

LEFT SIDE

REAR

FRONT

RIGHT

SCALE: 1/16"=1'-0"

0 4' 8' 16' 32'

2007-071 02.23.09

MARKETPLACE at WESTON RANCH

ELEVATION 2

FINAL
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

for the

MARKETPLACE AT WESTON RANCH

Neighborhood Retail Commercial
And Multi-Family Residential Development
Carolyn Weston Boulevard and Manthey Road
City of Stockton, CA

Initial Study No: IS8-08

Site A Project Numbers:
General Plan Amendment No: GPA6-08
Rezoning No: Z-6-08
Use Permit No: UP69-08
Tentative Map No: TM 15-08
Off-Sale Alcoholic Beverages (Market) No: P09-029

Site B Project Number: No. P0-047

July 17, 2009

Prepared for:

CITY OF STOCKTON
Community Development Department
345 N. El Dorado Street
Stockton, CA 95202
(209) 937-8266

FINAL
INITIAL STUDY / MITIGATED NEGATIVE DECLARATION

for the

MARKETPLACE AT WESTON RANCH

Neighborhood Retail Commercial
and Multi-Family Residential Development
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July 17, 2009

Prepared for:

CITY OF STOCKTON
Community Development Department
345 N. El Dorado Street
Stockton, CA 95202
(209) 937-8266

Prepared by:

INSITE ENVIRONMENTAL, INC.
6653 Embarcadero Drive, Suite Q
Stockton, CA 95219

TABLE OF CONTENTS

1.0 INTRODUCTION

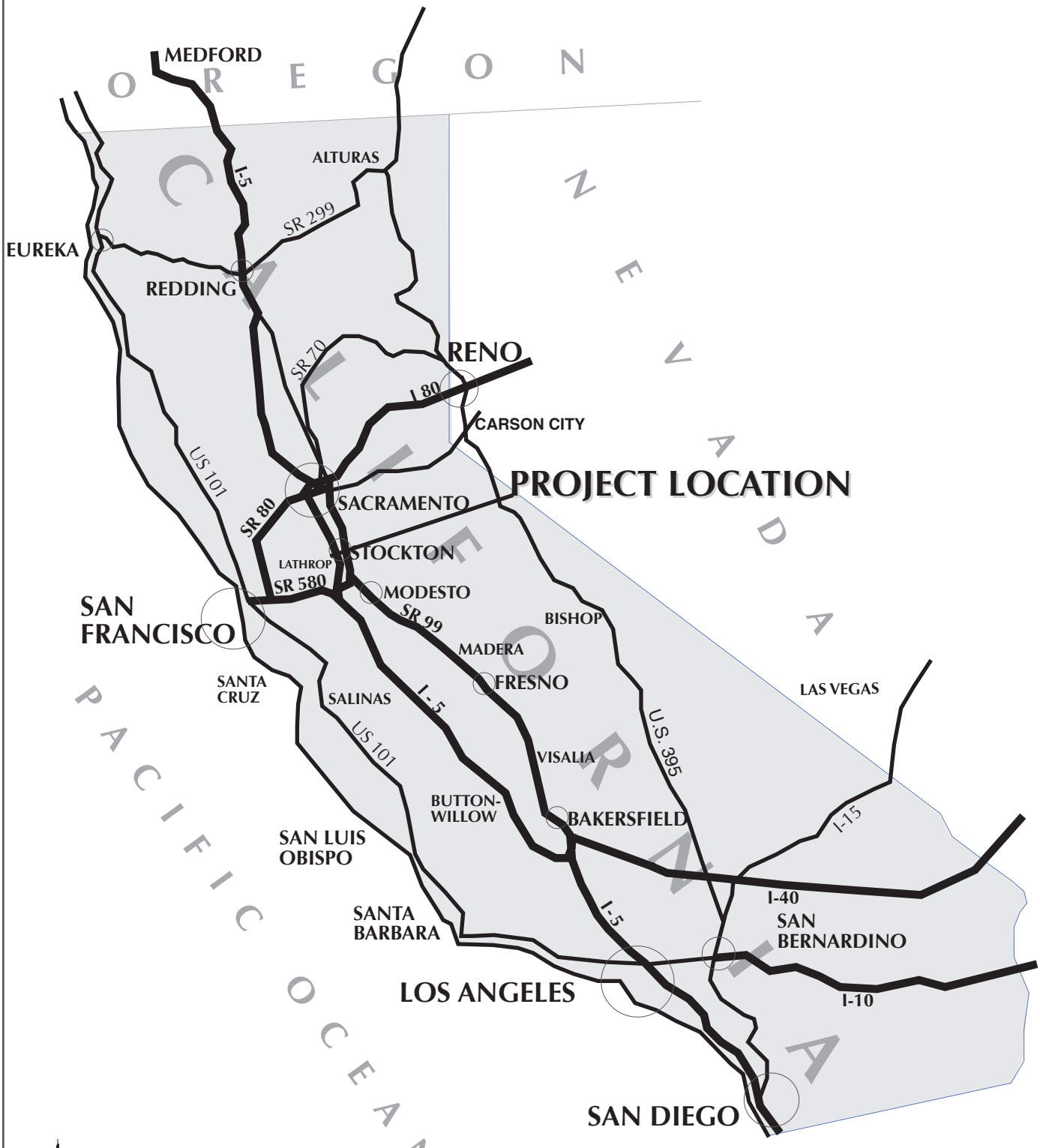
The Marketplace at Weston Ranch project consists of a neighborhood retail commercial center and 102 multi-family residential units on a 9.5-acre (net) vacant site located at the intersection of Carolyn Weston Boulevard and Manthey Road in the Weston Ranch development of south Stockton; primary access to the site would be from this existing full-access intersection. The commercial portion (5.5 acres) of the project, which would occupy the Carolyn Weston Boulevard frontage, would involve the development of a total of 56,069 square feet of commercial space, including a 13,969 square foot specialty grocery store, a 14,820 square foot drug store, 12,880 square feet of retail/restaurant space, and three pads accommodating one or two fast food restaurants and other businesses. The northern 4.0 acres of the site would accommodate 102 multi-family residential units in multiple structures. The project would include approximately 523 parking spaces.

The objective of the proposed project is to develop the project site with a neighborhood commercial center and adjacent multi-family residential project, consistent with the intensity and density limitations of the proposed general plan designations and zoning, and with the objectives and policies of the Stockton General Plan. The project objectives also include maintaining the City's existing inventory of lands designated and zoned for high-density residential use.

The IS/MND was initially circulated for agency and public review from May 5, 2009 to June 5, 2009. Comments were received on the IS/MND, and these have been considered by the City of Stockton Department of Community Development and are reflected in this Final IS/MND. After the initial public review process, there was a defect in the noticing, requiring a second public review period from June to July, 2009. No comments were received during the 2nd public review period. The comments received and responses to all comments are shown in Chapter 3.0 of the Final IS/MND.

This Final Initial Study/Mitigated Negative Declaration (IS/MND), when combined with the Public Review Draft of the IS/MND, constitutes the complete environmental review document for the Marketplace at Weston Ranch. The Final IS/MND will be considered by the City of Stockton Planning Commission and City Council before the Commission and Council make their respective decisions on the project.

This Final IS/MND contains a summary of the environmental effects of the project (Section 2.0), which is drawn from the Public Review Draft of the IS/MND. A list of comments received during the public review periods and the City of Stockton Community Development Department responses to the comments received are shown in Section 3.0. As shown in Section 3.0 and Section 4.0 Errata, the Project Description has been revised to reflect the recommendations of Reclamation District 17, which had concerns regarding the levees providing flood protection to the project site and the Weston Ranch area. There are no other revisions to the Initial Study.



Source: INSITE ENVIRONMENTAL, INC.

Figure 1-1
REGIONAL MAP

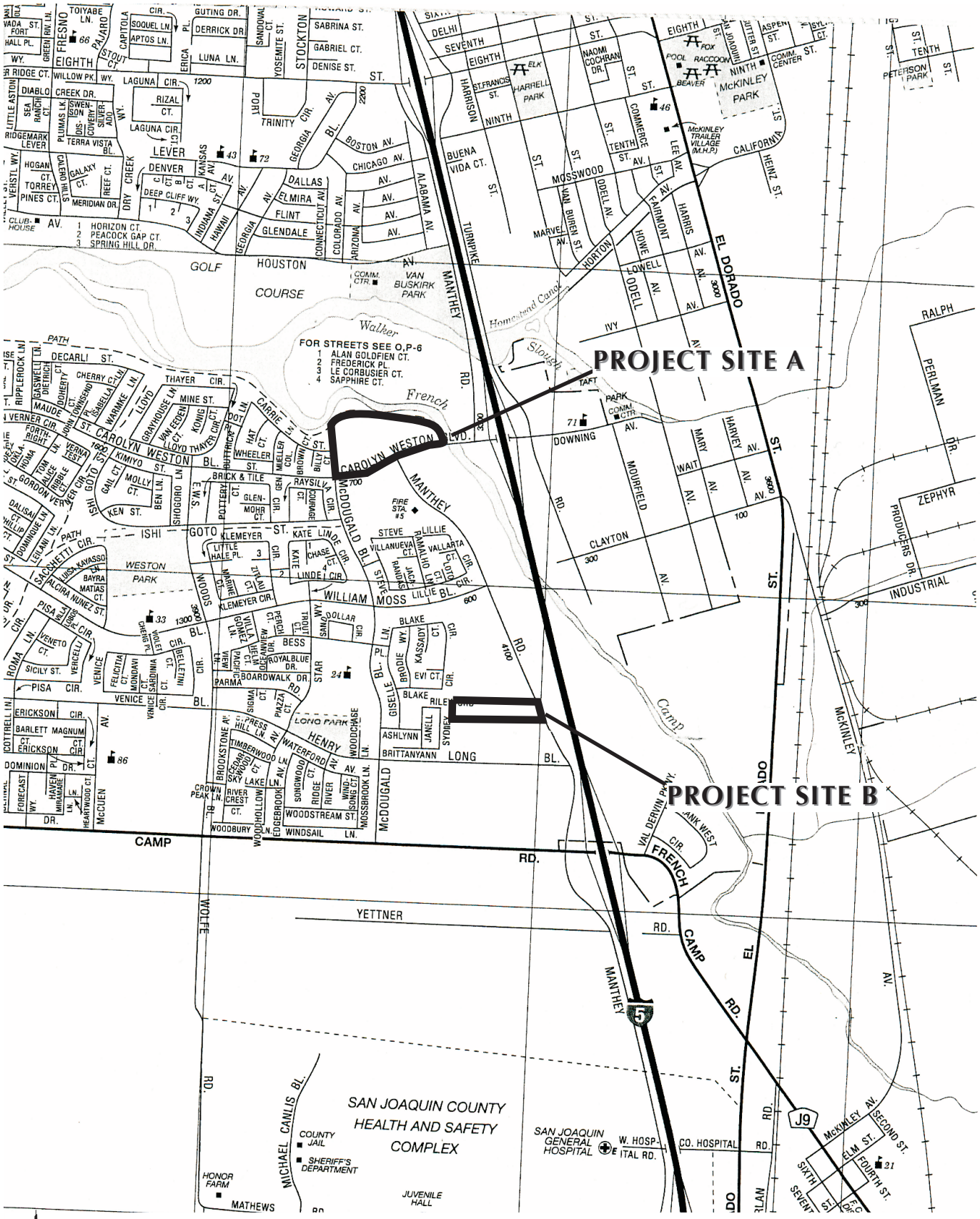
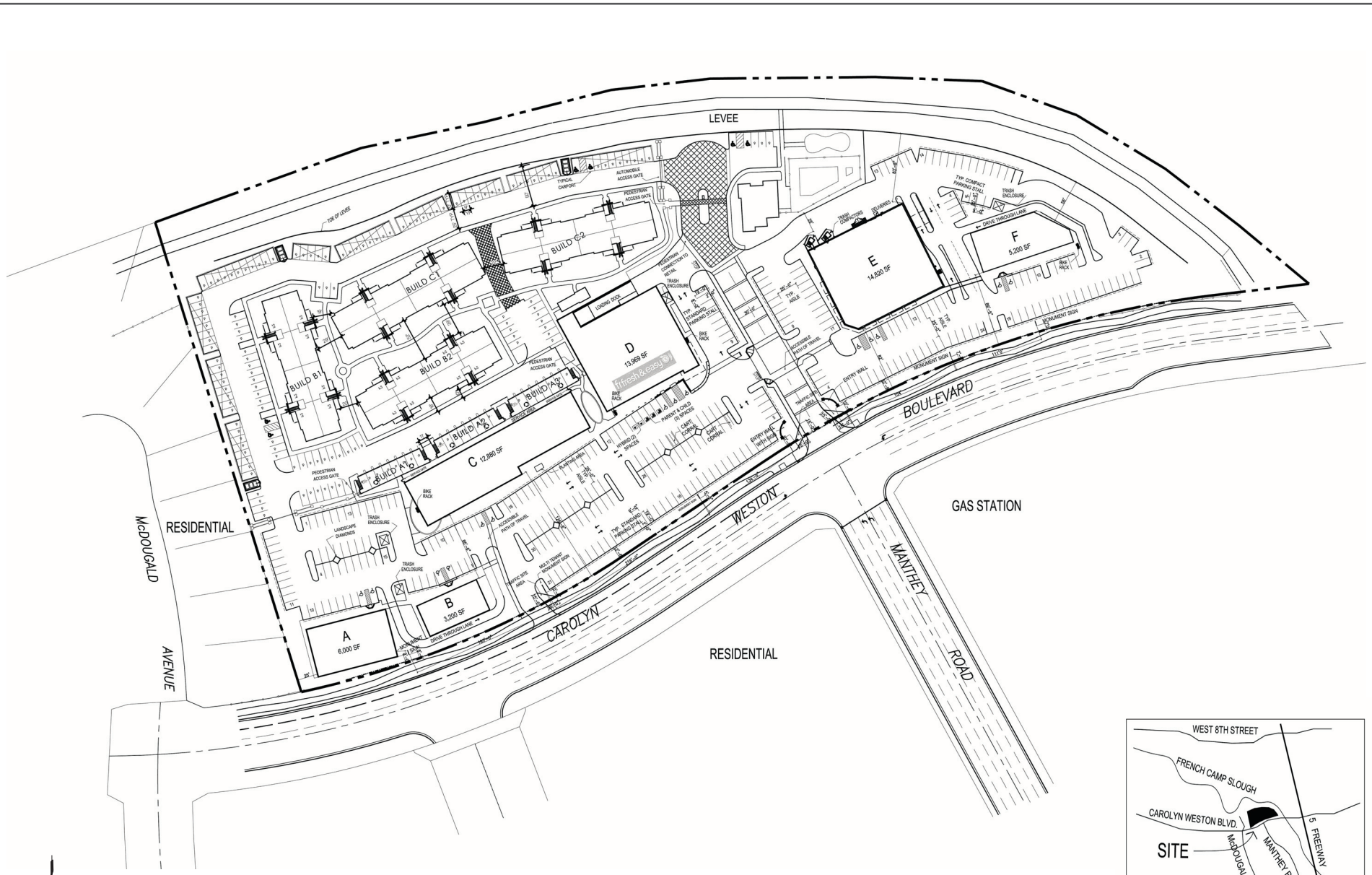


Figure 1-2
VICINITY MAP

INSITE ENVIRONMENTAL, INC.



VICINITY MAP N.T.S

NORTH

SOURCE: KTGY GROUP/ARCHITECTS ORANGE

Figure 1-3
SITE PLAN

INSITE ENVIRONMENTAL, INC.

February 26, 2009

2.0 SUMMARY TABLE

The following pages contain Table 2-1, Summary of Impacts and Mitigation Measures. The table is drawn from the Initial Study/Mitigated Negative Declaration that was circulated for public review. The table has been revised as necessary to respond to any comments submitted by agencies and the public. Changes to the table are shown in underline (additions) and ~~strikeout~~ (deletions). These changes, if any, are explained or documented as required in Section 3.0, Responses to Comments.

The potential environmental impacts of the proposed project are summarized in the first column of this table. The level of significance of the impact is indicated in the second column, mitigation measures proposed to minimize the impacts are shown in the third column, and the significance of the impact, after mitigation measures are applied, is shown in the fourth column.

TABLE 2-1

SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
1. AESTHETICS			
Impacts on Aesthetic Resources	LS	None required.	
Light and Glare Impacts	PS	1. Outdoor lighting for proposed commercial areas shall be directed downward and shielded to protect adjacent residential areas from undue glare and illumination. All lighting shall conform to the requirements of the Stockton Development Code Section 16-305.060.	LS
2. AGRICULTURE			
Project Impacts on Agricultural Land and Uses	LS	None required	
3. AIR			
Effects of Project Construction on Air Quality	PS	1. The ODS shall comply with all applicable requirements of SJVAPCD Regulation VIII, including compliance with the following mitigation measures 2 through 9. 2. Visible Dust Emissions (VDE) from construction, demolition, excavation or other earthmoving activities related to the project shall be limited to 20% opacity or less, as defined in Rule 8011, Appendix C. The dust control measures specified in mitigations 3 through 9 shall be applied as required to maintain the VDE standard. 3. Pre-water all land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activity sites and phase earthmoving. 4. Apply water, chemical/organic stabilizer/ suppressant, or vegetative ground cover to all disturbed areas, including unpaved roads. 5. Restrict vehicular access to the disturbance area during periods of inactivity. 6. Apply water or chemical/organic stabilizers/ suppressants, construct wind barriers and/or cover exposed potentially dust-generating materials. 7. When materials are transported off-site, stabilize and cover all materials to be transported and maintain six inches of freeboard space from the top of the container. 8. Remove carryout and trackout of soil materials on a daily basis unless it extends more than 50 feet from site; carryout and trackout extending more than 50 feet from the site shall be removed immediately. The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden. If the project would involve more than 150 construction vehicle trips per day onto the public street, additional restrictions specified in Section 5.8 of Rule 8041 will apply.	LS

Mitigation Measure Key Code: ODS=Owners, developers and/or successors in interest S=Significant CS=Cumulatively Significant PS=Potentially Significant LS=Less than Significant
SOC Adopted=Statement of Overriding Considerations previously adopted

TABLE 2-1

SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
		9. Traffic speeds on unpaved roads shall be limited to 15 mph.	
		10. The ODS shall comply with all applicable provisions of the SJVAPCD Indirect Source Review Rule (Rule 9510), which requires the applicant to submit an application to the District when applying for the development's last discretionary approval.	
Mobile Source Emissions from Project Operations	S	1. The ODS shall comply with all applicable provisions of the SJVAPCD Indirect Source Review Rule (Rule 9510), which requires the applicant to submit an application to the District when applying for the development's last discretionary approval.	LS
Air Toxics and Odors	LS	None required	
4. BIOLOGICAL RESOURCES			
Impacts on Biological Resources	PS	1. The ODS shall mitigate for the proportionate loss of potential wildlife habitat from the project site by participation in the SJMSCP and by paying the required SJMSCP fee for Category C, Agricultural Habitat Open Spaces.	LS
		2. The ODS shall take any other actions required by the adopted SJMSCP, including the implementation of any required Incidental Take Minimization Measures (ITMMs).	
5. CULTURAL RESOURCES			
Potential Project Effects on Cultural Resources	PS	1. If any subsurface cultural resources are encountered during construction of the project, all construction activities in the vicinity of the encounter shall be halted until a qualified archaeologist can examine these materials and make a determination of their significance. The City of Stockton Community Development Department shall be notified. The ODS shall be responsible for mitigation of any significant cultural resources pursuant to the CEQA Guidelines.	LS
		2. If human remains are encountered at any time during the development of the project, all work in the vicinity of the find shall halt and the County Coroner and the Community Development Department shall be notified immediately. The Coroner must contact the Native American Heritage Commission if the remains are those of a Native American. At the same time, a qualified archaeologist and a representative from the Northern Valley Yokuts Tribe must be contacted to evaluate the archaeological implications of the finds. The CEQA Guidelines detail steps to be taken when human remains are found to be of Native American origin.	
		3. The ODS shall provide for training of field personnel in identification procedures, prior to implementing construction work. The training would take the form of a two- to four-hour seminar in which a professional archaeologist would review with equipment operators the natural and cultural history of the project area, archaeological sensitivity,	

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TABLE 2-1

SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
		the most likely location of buried cultural materials, and what kinds of cultural materials would be seen if prehistoric materials are in fact unearthed. The seminar would conclude with specific instructions on how to address such discoveries and what immediate actions to take, particularly if human remains are found.	
6. GEOLOGY AND SOILS			
Project Effects on Geology and Soils	PS	1. The ODS shall submit a geotechnical or soils report to the Community Development Department, Building Division for review and approval prior to the issuance of site development plans or building permits. 2. The ODS shall be responsible for incorporation of the design and other recommendations of the geotechnical or soils report into the project plans and specifications	LS
7. HAZARDS AND HAZARDOUS MATERIALS			
Potential Hazards Effects Associated with the Project	LS	None required.	
8. HYDROLOGY AND WATER QUALITY			
Project Effects on Surface Water Features and Hydrology	LS	None required.	
Project Effects in Surface Water Quality		1. The ODS shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) for the project and file a Notice of Intent (NOI) with the State Water Resources Control Board prior to commencement of construction activity. The SWPPP shall be available on the construction site at all times. 2. Site development plans shall incorporate an Erosion Control Plan consistent with all applicable provisions of the SWPPP. 3. The ODS shall submit the SWRCB Waste Discharger's Identification Number (WDID) to the City prior to approval of development or grading plans. 4. Site development plans shall include post-construction Best Management Practices as required by Municipal Code Sections 7-859, 7-859.1 and 7-859.2 and the City of Stockton's Storm Water Quality Control Criteria Plan (SWQCCP). 5. The ODS shall establish a maintenance entity to provide annual funding for the operation, maintenance and replacement costs of the storm water post-construction treatment control measures. An agreement to participate in the subject maintenance	LS

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TABLE 2-1

SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
		entity shall be executed prior to issuance of a Certificate of Occupancy.	
Effects of the Project on Groundwater Systems	LS	None required	
9. LAND USE AND PLANNING			
Project Effects on Land Use Plan Designations and Zoning	LS	None required	
Reduction in Inventory of Lands Designated and Zoned for High Density Residential Use	LS	None required	
Land Use Conflicts Associated with the Project	LS	None required	
10. MINERAL RESOURCES			
Impact on Mineral Resources	LS	None required	
11. NOISE			
Exposure of Sensitive Land Uses to Roadway Noise	LS	None required	
Effects of Retail Commercial Noise on Nearby Residential Uses	PS	1. The proposed truck well barrier shall be 11 feet in height and shall be constructed with a sound-absorbing finish having a minimum Noise Reduction Coefficient (NRC) rating of 0.65 on the loading dock side of the barrier. Options for design of this facility are included in the j. c. brennan (2008) report. These options would include wall construction using slotted concrete masonry units. 2. Noise from mechanical equipment vents on the proposed grocery shall be reduced by silencers, acoustical louvers, building parapets or other structural elements of the building that block the line of sight between the vents and nearby multi-family residential uses. 3. Trucks utilizing the loading dock at the proposed grocery shall be required to shut down truck engines during loading activities. 4. The ODS shall notify future renters of units facing the proposed grocery of the potential for early-morning noise disturbance.	

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TABLE 2-1

SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
		5. Facades of the apartment building nearest to the proposed grocery loading area shall be designed to maintain an interior noise level of 45 dB or less with windows closed. A mechanical ventilation system shall be provided that provides fresh air supply to each unit with requiring the operation of air conditioning or opening of windows.	
Construction Noise	PS	1. Temporary noise impacts resulting from project construction shall be minimized by restricting hours of operation by noise-generating equipment to 7:00 a.m. to 10:00 p.m. Monday through Friday, and 7:00 a.m. to 6:00 p.m. on Saturday and Sunday when such equipment is to be used near sensitive land uses, and by requiring residential type mufflers where applicable.	LS
12. POPULATION AND HOUSING			
Project Effects on Population and Housing	LS	None required	
13. PUBLIC SERVICES/FACILITIES			
Project Impacts on Police Protection Services	PS	1. The ODS shall coordinate with the City of Stockton Police, Fire, Municipal Utilities, Public Works and Community Development Departments in the design of the project. Proposed improvements shall incorporate access, visibility, security and other emergency access/response needs as required to address departmental concerns. 2. The ODS shall implement construction period security measures recommended by the Police Department including: a. Ensure that during construction, a licensed, uniformed security guard must be present during the evening hours on weekdays (Monday through Friday), and 24 hours per day on weekends and holidays, when the developer is not on site. b. Fence the entire project site so that it is inaccessible to the public after hours and on weekends and holidays, and maintain the fence as required. c. Provide lighting throughout the night, every night, so as to clearly illuminate the majority of the project area. d. Provide portable video security monitors/cameras during the construction phase, along with signs advertising such monitoring, to further serve as a deterrent.	LS

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TABLE 2-1

SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
		e. Ensure that appliances such as stoves, microwaves, refrigerators, etc., are not installed until the day a new owner completes the final walkthrough of the residence. If installed earlier, the residence must remain securely locked after hours and on weekends/holidays. f. The ODS shall ensure that cabinetry and other valuable items be kept offsite prior to installation. Once installed, the residence must be kept securely locked. 3. The ODS shall implement the following post-construction period security measures recommended by the Police Department: a. Implement a mandatory Crime Free Multi-Housing program. b. Enclose residential areas with wrought-iron fencing as appropriate. c. Install automatic gates to control ingress and egress. All entrance/exist gates must be Knox-Box compatible. d. Parking areas and walkways should be well-lighted and equipped with security cameras and recording equipment. e. Install low-growth vegetation around the buildings and parking areas to facilitate maximum visibility.	
Project Effects on Fire Protection Services	PS	1. The ODS shall coordinate with the City of Stockton Police, Fire, Municipal Utilities, Public Works and Community Development Departments in the design of the project. Proposed improvements shall incorporate access, visibility, security and other emergency access/response needs as required to address departmental concerns. 2. The ODS shall incorporate access, water supply and other fire suppression and emergency access/response needs in the proposed project design. 3. The ODS shall install fire hydrants and water distribution facilities which will provide fire flows which are adequate to support the City's existing ISO rating and which conform to adopted Building Code Fire Safety Standards, for all of the uses proposed within the project area.	LS
Project Effects on Schools	LS	None required.	
Project Effects on Parks and Recreation		Discussed in Section 14, Recreation.	
Project Effects on Libraries and Other Services	LS	None required.	

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TABLE 2-1

SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
14. RECREATION			
Potential Project Effects of Recreation	LS	None required	
15. TRANSPORTATION/CIRCULATION			
Potential for New Traffic Impacts Associated with the Proposed Development of Site A	LS	None required	
Potential Traffic Impacts of Shopping Center Development on Carolyn Weston Boulevard Operations	PS	1. The ODS shall install a pork chop or comparable traffic control device at the proposed west access to restrict outbound movements to right turns only.	
Adequacy of Shopping Center On-Site Circulation including Truck Movements	LS	None required	
Project Effects on Transit, Bicycle and Pedestrian Facilities	LS	None required	LS
16. UTILITIES/SERVICES SYSTEMS			
Effects of the Project on Wastewater Services and Facilities	LS	None required	
Effects of the Project on Potable Water Services	LS	None required	
Effects of the Project on Storm Drainage Services	PS	1. The ODS shall perform a hydrologic and hydraulic analysis to determine if the existing Weston Ranch storm drainage infrastructure and pump station are capable of accommodating the additional runoff generated from the project. If the existing capacity is inadequate, the ODS will be required to make all necessary improvements, as required by the Stockton Municipal Code prior to the approval of building permits. 2. The ODS shall prepare and implement a Storm Water Pollution Prevention Plan and file a Notice of Intent as required by the Hydrology and Water Quality mitigation measures. 3. The project shall incorporate post-construction Best Management Practices in project plans and specifications as required by the City's Stormwater Quality Control Criteria Plan, adopted November 25, 2003, as outlined in the City's Phase 1 Stormwater NPDES permit issued by the California Water Quality Control Board, Central Valley Region (Order No. R5-2007-0173). The ODS will establish a maintenance entity acceptable to	LS

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TABLE 2-1

SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
		the City to provide funding for the operation, maintenance, and replacement costs of storm water Best Management Practices. 4. Prior to the issuance of a certificate of occupancy, the ODS shall establish a maintenance entity approved by the City to provide funding for the operation, maintenance, repair, and replacement of project's storm water quality management features.	
Effects of Project on Gas and Electric Services	LS	None required	
Telephone and Cable TV Services	LS	None required	
Solid Waste	LS	None required	
17. GLOBAL CLIMATE CHANGE			
Global Climate Change Impacts	LS	None required	

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3.0 COMMENTS ON THE ENVIRONMENTAL DOCUMENT AND LEAD AGENCY RESPONSES TO COMMENTS

The City of Stockton received two (2) comment letters from agencies regarding the Initial Study/Mitigated Negative Declaration for the Marketplace at Weston Ranch project. The comment letters are reproduced in this section, and the agencies that submitted the comments are listed below.

1. San Joaquin Valley Air Pollution Control District, dated May 19, 2009
2. Kjeldsen, Sinnock & Neudeck for Reclamation District 17, dated May 19, 2009

On the following pages, each of the comment letters received is followed by the Lead Agency's response to the comments. Each commenter is assigned a code number above, and each substantive comment within each comment letter is assigned a letter code. Thus, each comment has a unique code made up of the commenter number and the comment letter code. For example, comment "1A" is the first comment made by the San Joaquin Valley Air Pollution Control District. The lead agency's responses are shown following each comment letter, and the responses are keyed to the comment codes described above.

San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

May 19, 2009

Tracy Chu
City of Stockton
Community Development Dept.
Planning Division
345 North El Dorado Street
Stockton, CA 95202

Project: The Initial Study/Proposed Mitigated Negative Declaration for the Market Place at Weston Ranch & Weston Ranch Rezoning Project (IS8-08/GPA6-08/Z6-08/TM15-08/UP69-08/P09-029/P09-047)

District Reference No: 20090298

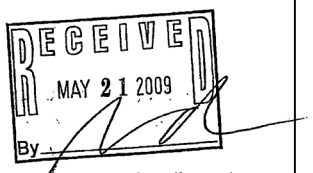
Dear Ms. Chu:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above and finds:

1. The project is expected to have a less than significant impact on air quality. The District strongly recommends all mitigation measures be made conditions of approval to avoid any potentially significant effects. 1A

2. The proposed project would be subject to District Rule 9510 (Indirect Source Review) because upon full build-out the project would include or exceed any one of the following: 1B

   - 2,000 square feet of commercial space;
   - 25,000 square feet of light industrial space;
   - 100,000 square feet of heavy industrial space;
   - 20,000 square feet of medical office space;
   - 39,000 square feet of general office space; or
   - 50 dwelling units.



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

Seyed Sadredin
Executive Director/Air Pollution Control Officer

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

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

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

COMMENT #1

District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than seeking final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. Information about how to comply with District Rule 9510 can be found online at: http://www.valleyair.org/ISR/ISRHome.htm. If approval of the subject project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees, be made a condition of the project's approval

1B

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

1C

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

1D

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

Sincerely,

Dave Warner
Director of Permits Services

David McDonough for,

Arnaud Marjollet
Permit Services Manager

DW: dm

Cc: File

COMMENT #1

Response to Comment Letter #1 from San Joaquin Valley Air Pollution Control District, Dated May 18, 2009

Response 1A: This comment refers to and concurs with the findings of the IS/MND with respect to air quality. No response is required.

Response 1B: This comment indicates that the project would be subject to APCD Rule 9510 (Indirect Source Review). The criteria noted in the letter and specified in the subject rule would apply to the proposed project. The proposed project is subject to Rule 9510 requirements, which was noted in the Public Review Draft IS/MND. Conformance to Rule 9510 is required by proposed mitigation measures in the IS/MND.

Response 1C: This comment indicates that the project may be subject to other district rules including Regulation VIII, Rule 4102 and Rule 4601, among others. The applicability of APCD rules to the proposed project was considered in the Public Review Draft IS/MND, and conformance with these rules is required as mitigation.

Response 1D: This comment suggests that other APCD rules and regulations may apply to the project and refers the City to the APCD offices for further information. The City of Stockton intends to comply with all applicable air quality requirements and will consult with the APCD as required.

KJELDSEN, SINNOCK & NEUDECK, INC.
CONSULTING ENGINEERS & LAND SURVEYORS

KENNETH L. KJELDSEN
STEPHEN K. SINNOCK
CHRISTOPHER H. NEUDECK

711 N. PERSHING AVENUE
POST OFFICE BOX 844
STOCKTON, CALIFORNIA 95201-0844

TELEPHONE 946-0268
FAX NO. 946-0296
AREA CODE 209

856.011

May 19, 2009

Mr. Michael M. Niblock
Director

Ms. Barbara C. Berlin, AICP
Deputy Director, Planning Division

City of Stockton
Community Development Department
345 North El Dorado Street
Stockton, CA 95202

Re: Reclamation District No. 17 (RD 17)
Market Place at Weston Ranch (Project)
Comments on
Initial Study/Mitigated Negative Declaration

Dear Mr. Niblock & Ms. Berlin:

These comments are being submitted on behalf of RD 17 relative to the subject Initial Study/Mitigated Negative Declaration. In August of 2008, RD 17 met with Mike Persak with Stantec, the Project's engineer to review the proposed Project. In our meeting with Mike Persak we raised important planning issues which include the impacts associated with seepage through and under the levee, together with high ground water within the proposed developed areas particularly during high-water events. RD 17 requires that this seepage and high groundwater to be addressed in any plan that includes development along RD 17's levee. 2A

During the 1997 flood event seepage occurred along RD 17's levee in the project area when high water occurred in the waterways adjoining RD 17's levees. The District, the State and the U.S. Army Corps of Engineers repaired the seepage areas of concern either during or immediately after the flood event; however, a new more stringent approach to seepage is desired. In June of 2007 the California Department of Water Resources (DWR) wrote the City of Lathrop taking exception to RD 17's continued FEMA accreditation and even the granting of Provisional Accreditation based on seepage concerns.

To address this seepage impact, a landside berm needs to be constructed at the toe of the levee. The dimension of such a toe berm is set forth in the attached RD 17 "Levee Setback Standard". RD 17 requests that the Project understand this requirement and plan their grading plan to reflect these recommendations. 2B

RD 17 strongly recommends that improvements along its levees the subdivision be laid out where the land use adjacent to the toe berm is a singly loaded street. RD 17 recognizes that

application of this recommendation of placing a singly loaded street in this situation is not practical. In August of 2008 when RD 17 met with Mike Persak on this project we explored a number of alternatives related to the required setback and berm configuration including placement of parking lots over the berm area. It is important that the improvements contemplated in this Project be set far enough back from the toe of the levee so as to not be impacted from future seepage from the levee and provide separation from present and future levee improvements as well as operation, maintenance and floodfights. RD 17's seepage toe berm does not cut off seepage but is designed to safely convey the seepage water into the Projects storm drainage system. 2B

In addition to seepage water traveling through the levee and affecting improvements in the proposed Project, RD 17 suggests that the Project evaluate, and if necessary construct improvements to mitigate the potential for high groundwater. During the 1997 flood ground in the general vicinity of this project had standing water near the levee resulting from rising groundwater, seepage, inadequate drainage or a combination of such causes. This project is in an area underlain by sands which contain groundwater affected by flooded upstream areas and areas to the east. As the upgradient groundwater rises, the groundwater beneath the project could also rise to the surface and cause surface flooding. This surface flooding could lead to the failure of the public work's system of streets, curbs and gutters and utilities as well as impact the residential foundations and homes in the area. Typical storm drainage systems will not necessarily control this problem. The developer should evaluate and if necessary, install an adequate subsurface drainage system in order to eliminate this impact. 2C

RD 17 requires an easement over the berm area along this project. The levee easement should extend a minimum of ten (10) feet beyond the landside toe of the berm. RD 17 is willing to take the area in fee if that is what the City of Stockton prefers. As briefly discussed above the berm area can be used for open space provided no trees or significant structures are placed on the levee or berm area. 2D

If you have any questions regarding the enclosed, please call me. Thank you in advance for your anticipated cooperation in this matter.

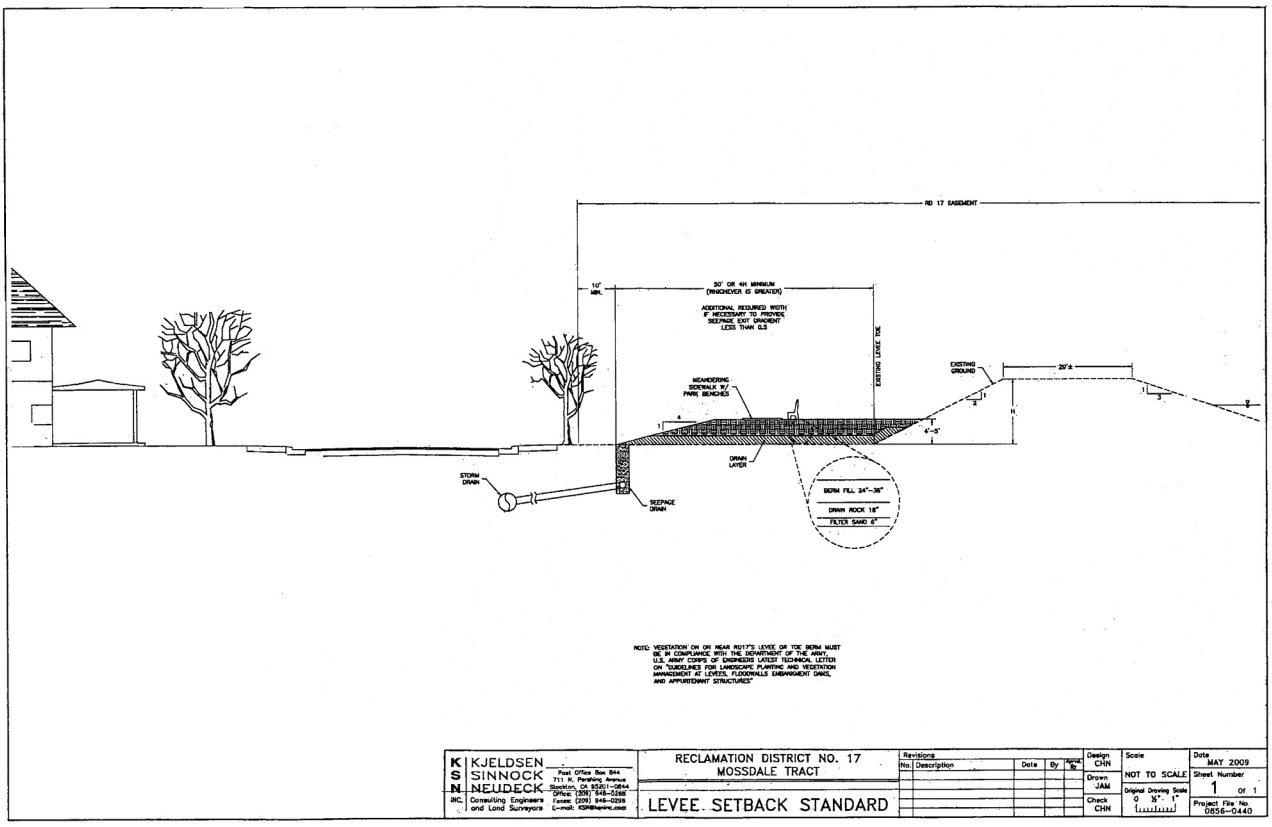
Sincerely,

KJELDSEN, SINNOCK & NEUDECK, INC.

Christopher H. Neudeck
RD 17 – Engineer

Enclosure
cc: Trustees/w/encl.)
Dante John Nomellini (w/encl.)
Joe Tootle, Engeo (w/encl.)

COMMENT #2


RD 17 EASEMENT
10' MIN.
50' OR 4H MINIMUM (WHICHEVER IS GREATER)
ADDITIONAL REQUIRED WIDTH IF NECESSARY TO PROVIDE SEEPAGE EXIT GRADIENT LESS THAN 0.5
EXISTING LEVEE TOE
EXISTING GROUND
20' ±
MEANDERING SIDEWALK W/ PARK BENCHES
DRAIN LAYER
STORM DRAIN
SEEPAGE DRAIN
BERM FILL 24"-36"
DRAIN ROCK 18"
FILTER SAND 6"
NOTE: VEGETATION ON OR NEAR RD17'S LEVEE OR TOE BERM MUST BE IN COMPLIANCE WITH THE DEPARTMENT OF THE ARMY, U.S. ARMY CORPS OF ENGINEERS LATEST TECHNICAL LETTER ON "GUIDELINES FOR LANDSCAPE PLANTING AND VEGETATION MANAGEMENT AT LEVEES, FLOODWALLS EMBANKMENT DAMS, AND APPURTENANT STRUCTURES"
KJELDSEN SINNOCK NEUDECK INC.
Consulting Engineers and Land Surveyors
RECLAMATION DISTRICT NO. 17
MOSSDALE TRACT
LEVEE SETBACK STANDARD
Revisions
No. Description Date By Appvd
Design CHN
Drawn JAM
Check CHN
Scale NOT TO SCALE
Original Drawing Scale 0 ½" 1"
Date MAY 2009
Sheet Number 1 Of 1
Project File No. 0856-0440

COMMENT #2

Response to Comment Letter #2 from Reclamation District #17 (RD17), dated May 19, 2009

Response 2A: This portion of the comment letter introduces the concerns of the commentor, Reclamation District 17 (RD 17). These concerns are discussed in more detail in the following paragraphs, and the City's detailed responses are provided in response.

Response 2B: This comment indicates that the District's levees, which include the levee along the north boundary of Site A are potentially subject to seepage and that a landside berm needs to be incorporated into the grading plans for the project. The District attached its recommended schematic design for such a berm.

The City, applicant and project engineer have discussed the application of the District's typical recommended design to the project site. The applicant has agreed to incorporate a landside berm meeting the District's requirements into the project prior to its consideration by the Planning Commission; drawings reflecting this change will be presented to the Commission. The IS/MND Project Description has been revised to reflect this change via Section 4.0 Errata.

Response 2C: San Joaquin County groundwater data for the project area indicates that groundwater levels are in the range of 10-20 feet below the ground surface. Monitoring data for the former City landfill across French Camp Slough, including data from a monitoring well on the project site, show monitored groundwater levels at about 10 feet below the ground surface. The project engineer indicates that groundwater problems in Weston Ranch have been associated with lower-elevation lands in the vicinity of the San Joaquin River as opposed to lands adjacent to French Camp Slough, and the RD 17 engineer indicates that the project vicinity is not a high-seepage area. Additional groundwater investigation will occur in conjunction with the required geotechnical study of the project site. The IS/MND requires that the geotechnical study's recommendations be incorporated in site improvement plans.

Response 2D: Dedication of the required easement or land area will be required of the proposed project as a condition of City approval of the tentative subdivision map.

4.0 ERRATA

This section contains corrections and additions to the Marketplace at Weston Ranch Public Review Draft IS/MND (IS 8-08) made in response to comments received on the IS/MND, as described in Section 3.0, and made independently by City of Stockton. Corrections and additions are listed below in the order they would appear in the revised Initial Study/Mitigated Negative Declaration. The corrections contained in this Final IS/MND are not considered significant changes that alter the overall conclusions of the environmental analysis.

Comments received on the IS/MND have identified minor typographical errors in the narrative discussion presented in the Public Review Draft of the IS/MND. All of the recommended corrections are reflected in underline/~~strikeout.~~

Errata to Chapter 2.0 Project Description

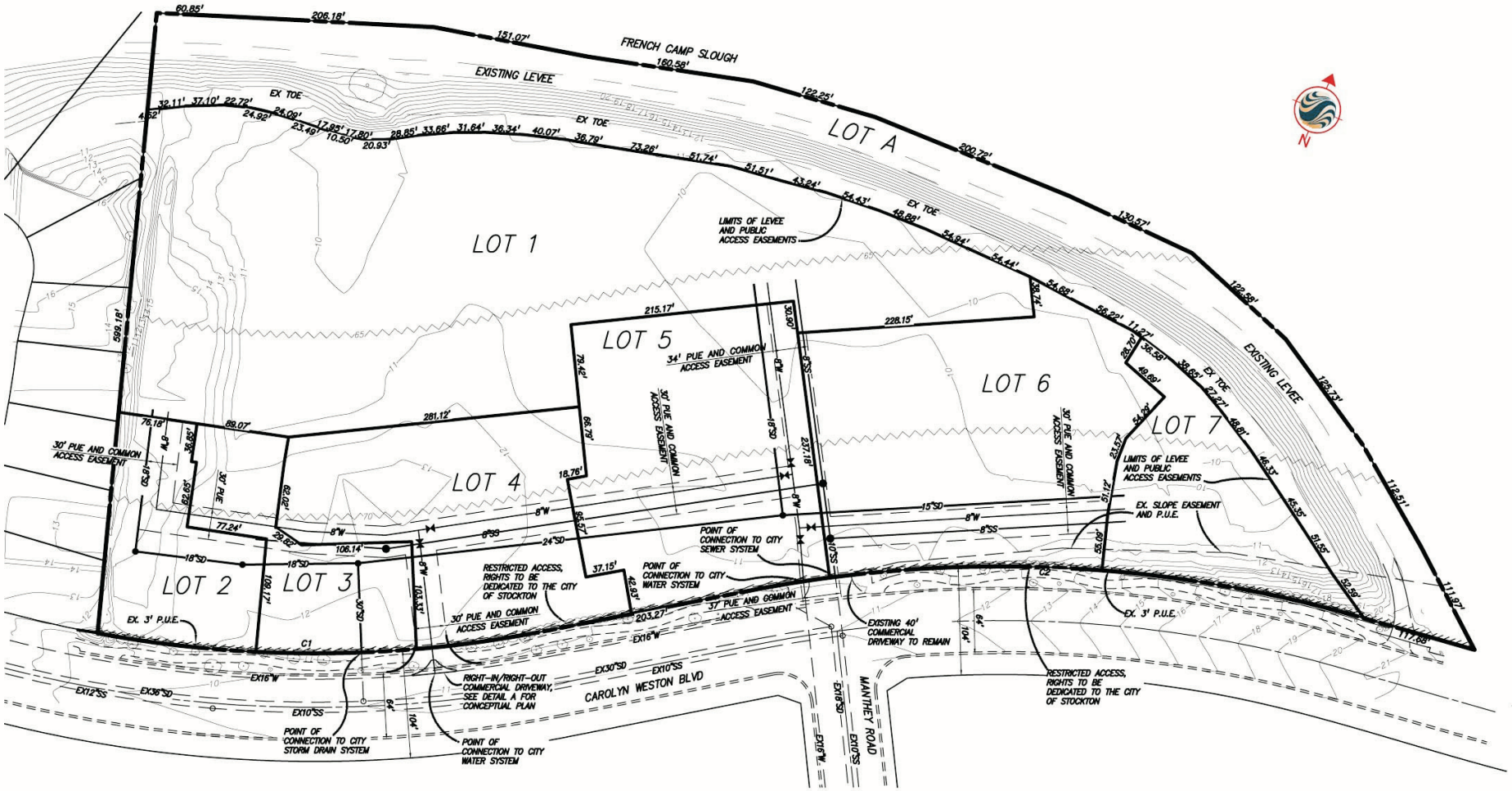
The Project Description in Chapter 2.0 is amended to incorporate a revised Tentative Map, which is shown on the following page.

The Project Description is revised to note that site development will include construction of a landside berm along the exiting RD 17 levee. The berm will be a minimum of 50 feet in width and 3-4 feet in thickness, as determined by the RD 17 engineer. Uncovered parking will be permitted on top of the berm, but no covered parking or trees will be allowed on the berm. As a result, covered parking requirements will need to be met in other proposed parking areas on the residential site. Drawings illustrating these changes will be presented to the Planning Commission.

Errata to Chapter 3.0 Environmental Significance Checklist

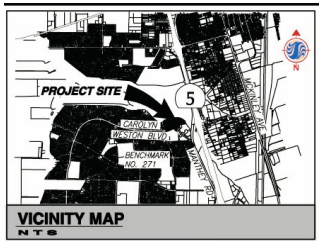
On page 3-35, the following sentence is amended in the fifth paragraph (third sentence) of the Narrative Discussion under *Effects of Retail Commercial Noise on Nearby Residential Uses*:

> "Most deliveries would occur between 6:00 AM and 11:00 PM; however, the grocery store typically expects one semi delivery between 6:00 AM and 7:00 AM daily, which would occur in the "nighttime" hours (10:00 PM – 7:00 AM) considered in noise management and modeling as well as by the City standards."

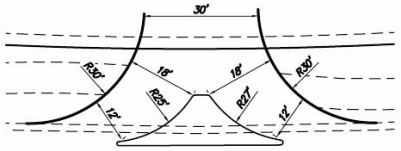


LEGEND

8"W — PROPOSED WATER	EX16"W — EXISTING WATER
24"SD — PROPOSED STORM DRAIN	EX24"SD — EXISTING STORM DRAIN
10"SS — PROPOSED SEWER	EX10"SS — EXISTING SEWER
MAINTENANCE HOLE	30 — ELEVATION CONTOURS
WATER VALVE	65 — NOISE CONTOUR
PROPOSED LOT LINE	PUBLIC UTILITY EASEMENT
PROJECT BOUNDARY	CENTERLINE
RESTRICTED ACCESS	EXISTING CURB AND GUTTER
	EXISTING TREE



VICINITY MAP
NTS



SOURCE: STANTEC

INSITE ENVIRONMENTAL, INC.

REVISED TENTATIVE MAP

June 15, 2009

On page 3-35 the following sentence in the sixth paragraph (second sentence) of the Narrative Discussion under *Effects of Retail Commercial Noise on Nearby Residential Uses* is amended as follows:

> "The applicant~~s~~ also propose<u>s</u>, as required by mitigation measures below, to require trucks in the loading dock to shut <u>off their engines</u>; while at the loading dock, refrigerator units <u>however,</u> would <u>continue to</u> run on ~~battery power~~ <u>separate gas engines</u>."

The above condition was considered in the noise analysis reported in the IS/MND but was not reported in the test.

APPENDIX A
PUBLIC REVIEW TRANSMITTAL DOCUMENTS

Tracy

CITY OF STOCKTON
ENVIRONMENTAL DOCUMENT TRANSMITTAL LETTER

May 5, 2009

COS Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

Community Dev. Dept.
Administration Division
CDD

OM: Lead Agency
City of Stockton
c/o Community Development Dept.
Planning Division
345 North El Dorado Street
Stockton, CA 95202

SUBJECT: PUBLIC REVIEW OF THE INITIAL STUDY/PROPOSED MITIGATED NEGATIVE DECLARATION FOR MARKET PLACE AT WESTON RANCH AND WESTON RANCH REZONING PROJECT (IS8-08, GPA6-08, Z6-08, TM15-08, UP69-08, P09-029, P09-047)

Enclosed is a copy of the Public Notice of Intent to Adopt (NOI) for the above-named environmental document. A copy of the environmental document, with applicable attachments, is also being transmitted to each "Responsible", "Trustee", and other public agencies included on the attached list, as applicable. State agencies, however, should obtain the environmental document, with attachments, directly from the State Clearinghouse.

The remaining agencies, organizations and individuals on the attached list are receiving only this transmittal letter and the NOI. Public agencies may obtain a free copy of the above-named environmental document at the above-noted Lead Agency address. Private individuals, organizations, and corporations may purchase a copy of the environmental document for a fee of **$15.00**. If mailing is requested, please remit an additional fee of **$5.00** for postage and handling. Checks should be made payable to the City of Stockton and any written orders must identify the project title and document identification number, as noted above.

Any written comments regarding the above-named environmental document must be received at the Lead Agency address no later than **June 5, 2009 by 5:00 p.m.** If no comments are received by the date indicated, it will be assumed that the document is acceptable. Further information may be obtained by contacting Assistant Planner Tracy Chu of the Community Development Department, Planning Division at (209) 937-7567.

MICHAEL M. NIBLOCK, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

BARBARA C. BERLIN, AICP
DEPUTY DIRECTOR, PLANNING DIVISION

By: Tracy Chu
Assistant Planner Tracy Chu

Date: May 5, 2009

Enclosures

BCB:TC:dr

::ODMA\GRPWISE\COS.CDD.CDD_Library:76424.1

ASSESSOR RECORDER
COUNTY CLERK
KE[illegible]
2009 JUN 12 PM 2:38
SAN JOAQUIN COUNTY
BY P Paulsen
DEPUTY

CITY OF STOCKTON
PUBLIC NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION/PUBLIC MEETING
(Pursuant to Public Resources Code Sections 21092 and 21092.3 and Cal. Code of Regulations Title 14, Sections 15072, 15073 and 15087)

The City of Stockton Community Development Department has completed, independently reviewed and analyzed the following Proposed Negative Declaration or Mitigated Negative Declaration/Initial Study:

1. **THE INITIAL STUDY/PROPOSED MITIGATED NEGATIVE DECLARATION FOR MARKET PLACE AT WESTON RANCH AND WESTON RANCH REZONING PROJECT (IS8-08/GPA6-08/Z6-08/TM15-08/UP69-08/P09-029/P09-047)** An Initial Study/Proposed Mitigated Negative Declaration (IS8-08) for property located on the north side of Carolyn Weston Boulevard, 150 feet east of McDougald Boulevard and property located on the northwest corner of Henry Long Boulevard and Manthey Road.for: 1) a Tentative Map to subdivide a 12.93-acre lot into seven parcels; 2) General Plan Amendment to amend approximately 7.6-acres of a 12.93-acre lot from High Density Residential to Commercial; 3) Rezoning application to rezone approximately 7.6-acres of a 12.93-acre lot from RH (Residential, High Density) to CG (Commercial, General); 4) Use Permit to construct a 102 unit apartment complex and 161 parking spaces and a 56, 069-square foot retail shopping center with 333 parking spaces on approximately 12.93-acre lot; 6) A Fresh and Easy retail store; and 7) General Plan Amendment from Commercial to High Density Residential and rezoning from RL (Residential, Low Density) and CG to RH, to replace the RH zoning to be rezoned in GPA006-08 and Z006-08.

A copy of the Proposed Negative Declaration/Initial Study may be reviewed and/or obtained at the following address:

Community Development Department
Planning Division
345 North El Dorado Street
Stockton, CA 95202

Any written comments on this document must be received at this same address no later than **June 11, 2009 by 5:00 p.m.** Further information may be obtained by contacting the City Planning Division at (209) 937-8266.

The Planning Commission will consider the Proposed Negative Declaration or Mitigated Negative Declaration/Expanded Initial Study at their meeting of **July 23, 2009 at 6:00 p.m.** in the Council Chambers, second floor, City Hall, 425 North El Dorado Street. Anyone wishing to be heard on the issue may appear before the City Planning Commission at the time of the public meeting.

All proceedings before the City Planning Commission are conducted in English. The City of Stockton does not furnish interpreters and if one is needed, it shall be the responsibility of the person needing one.

If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public meeting.

MICHAEL M. NIBLOCK, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

AFFIDAVIT OF FILING AND POSTING

I declare that on the date stamped above, I received and posted this notice as required by California Public Resources Code Section 21092.3. Said notice will remain posted for 30 days from the filing date.

P Paulsen
Signature

DEPUTY COUNTY CLERK
Title

Posting Period Ending Date: 7/12/09

CITY OF STOCKTON
PUBLIC NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION/PUBLIC MEETING
(Pursuant to Public Resources Code Sections 21092 and 21092.3 and Cal. Code of Regulations Title 14, Sections 15072, 15073 and 15087)

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A copy of the Initial Study/Proposed Negative Declaration may be reviewed and/or obtained at the following address:

Community Development Department
Planning Division
345 North El Dorado Street
Stockton, CA 95202

Any written comments on this document must be received at this same address no later than June 11, 2009, by 5:00 p.m. Further information may be obtained by contacting the City Planning Division at (209) 937-8286.

The Planning Commission will consider the Proposed Negative Declaration or Mitigated Negative Declaration/ Expanded Initial Study at their meeting of July 23, 2009, at 6:00 p.m. in the Council Chambers, second floor, City Hall, 425 North El Dorado Street. Anyone wishing to be heard on the issue may appear before the City Planning Commission at the time of the public meeting.

All proceedings before the City Planning Commission are conducted in English. The City of Stockton does not furnish interpreters and if one is needed, it shall be the responsibility of the person needing one.

If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public meeting.

MICHAEL M. NIBLOCK, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

#763425 6/16/09

#373.52

Tracy

CITY OF STOCKTON
ENVIRONMENTAL DOCUMENT TRANSMITTAL LETTER

May 5, 2009

COS Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

Community Dev. Dept.
Administration Division
CDD

OM: Lead Agency
City of Stockton
c/o Community Development Dept.
Planning Division
345 North El Dorado Street
Stockton, CA 95202

SUBJECT: PUBLIC REVIEW OF THE INITIAL STUDY/PROPOSED MITIGATED NEGATIVE DECLARATION FOR MARKET PLACE AT WESTON RANCH AND WESTON RANCH REZONING PROJECT (IS8-08, GPA6-08, Z6-08, TM15-08, UP69-08, P09-029, P09-047)

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MICHAEL M. NIBLOCK, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

BARBARA C. BERLIN, AICP
DEPUTY DIRECTOR, PLANNING DIVISION

By: Tracy Chu
Assistant Planner Tracy Chu

Date: May 5, 2009

Enclosures

BCB:TC:dr

::ODMA\GRPWISE\COS.CDD.CDD_Library:76424.1

IS8-08 Market Place at Weston Ranch

Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

Central Valley Flood Protection Board
3310 El Camino Avenue, Rm LL40
Sacramento, CA 95821

COS Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

Fire Prevention Division
Matt Duaime

Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

Reclamation District 17
1812 Burnside Way
Stockton, CA 95207

COS Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

Municipal Utilities Dept.
Murdoch/Tovar
City Hall

COS Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

City Attorney
Attn: Guy Petzold
City Hall

COS Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

Municipal Utilities Dept.
Mark Madison

COS Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

Community Dev. Dept.
Administration Division
CDD

COS Envr ☑ 10 NOA ☐ NOI ☑ 10 NOP ☐ Tech ☐

Planning Commission (10)
*** HOLD FOR LATER DISTRIBUTION ***

COS Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

Community Dev. Dept.
Building Division
CDD

COS Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

Police Dept
Attn: Bob Marconi
City Hall

COS Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

Community Dev. Dept.
Planning Division
CDD

COS Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

Public Works
S.J. Area Flood Control
City Hall

COS Envr ☑ 2 NOA ☐ NOI ☑ 2 NOP ☐ Tech ☐

Community Dev. Dept. (2 copies)
Engineering Transportation Planning
CDD

COS Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

Public Works Dept
Admin/Engin. Attn: Giottonini
City Hall

IS8-08 Market Place at Weston Ranch

COS Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

Public Works Dept
Traffic-Engineering
City Hall

COS Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

Revitalization Department
David Harzoff/Kitty Walker
SEB

PUBLIC Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

San Joaquin Regional Transit District (SJRTD)
Planning Division
P.O. Box 201010
Stockton, CA 95201

SCHOOL Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

Manteca Unified School District
P O Box 32
Manteca, CA 95336

SJCO Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

Airport Land Use Commission
SJCOG
555 E. Weber Avenue,
Stockton, CA 95202

SJCO Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

San Joaquin County Assessor
24 South Hunter Street, Room 303
Stockton, CA 95202

SJCO Envr ☑ 2 NOA ☐ NOI ☑ 2 NOP ☐ Tech ☐

SJ COG (2)
Proj. Dev./Habitat Plan
555 E. Weber Avenue
Stockton, CA 95202

SJCO Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

SJ Flood Control
P O Box 1810
Stockton, CA 95201

SPECIAL Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

San Joaquin Valley Air Pollution Control District
CEQA ISR
1990 E. Gettysburg Ave.
Fresno, CA 93726

STATE Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

Caltrans
District 10
P O Box 2048
Stockton, CA 95201

STATE Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

Caltrans
Planning
P O Box 942874
Sacramento, CA 94274-001

UTILITY Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

Comcast
6505 Tam O'Shanter Drive
Stockton, CA 95210

UTILITY Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

PG&E-Stockton Division
Land Department
4040 West Lane
Stockton, CA 95204

UTILITY Envr ☑ NOA ☐ NOI ☑ NOP ☐ Tech ☐

SBC
2300 East Eight Mile Road, Room 101
Stockton, CA 95210

IS8-08 Market Place at Weston Ranch

DOC COUNT

Envr **39** NOA **0** NOI **39** NO **0** Tech Ap **0**

LABEL COUNT 28

EXHIBIT 4

CEQA FINDINGS AND MITIGATION MONITORING REPORT PROGRAM

for the

MARKETPLACE AT WESTON RANCH

Neighborhood Retail Commercial
and Multi-Family Residential Development
Carolyn Weston Boulevard and Manthey Road
City of Stockton, CA

Initial Study No: IS8-08

Site A Project Numbers:
General Plan Amendment No: GPA6-08
Rezoning No: Z-6-08
Use Permit No: UP69-08
Tentative Map No: TM 15-08
Off-Sale Alcoholic Beverages (Market) No: P09-029

Site B Project Number: No. P0-047

July 17, 2009

InSite
environmental, inc.

6653 Embarcadero Drive, Suite Q
Stockton, CA 95219
209.472.8650
Fax 209.472.8654
www.insite-env.com

Prepared for:

CITY OF STOCKTON
Community Development Department
345 N. El Dorado Street
Stockton, CA 95202
(209) 937-8266

CEQA FINDINGS AND MITIGATION MONITORING REPORT PROGRAM

for the

MARKETPLACE AT WESTON RANCH

Neighborhood Retail Commercial
and Multi-Family Residential Development
Carolyn Weston Boulevard and Manthey Road
City of Stockton, CA

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Use Permit No: UP69-08
Tentative Map No: TM 15-08
Off-Sale Alcoholic Beverages (Market) No: P09-029

Site B Project Number: No. P0-047

July 17, 2009

Prepared for:

CITY OF STOCKTON
Community Development Department
345 N. El Dorado Street
Stockton, CA 95202
(209) 937-8266

Prepared by:

INSITE ENVIRONMENTAL, INC.
6653 Embarcadero Drive, Suite Q
Stockton, CA 95219

1.0 INTRODUCTION

This document describes the Mitigation Monitoring/Reporting Program (MMRP) for the Marketplace at Weston Ranch project. The primary source document for the project findings and MMRP is the adopted Initial Study/Mitigated Negative Declaration for the Marketplace at Weston Ranch (the IS/MND).

The project consists of a neighborhood retail commercial center and 102 multi-family residential units on a 9.5-acre (net) vacant site located at the intersection of Carolyn Weston Boulevard and Manthey Road in the Weston Ranch development of south Stockton; primary access to the site would be from this existing full-access intersection. The commercial portion (5.5 acres) of the project, which would occupy the Carolyn Weston Boulevard frontage, would involve the development of a total of 56,069 square feet of commercial space, including a 13,969 square foot specialty grocery store, a 14,820 square foot drug store, 12,880 square feet of retail/restaurant space, and three pads accommodating one or fast food restaurants and two other businesses. The northern 4.0 acres of the site would accommodate 102 multi-family residential units in multiple structures. The project includes approximately 523 parking spaces.

When referenced as such, the IS/MND includes the Final IS/MND (July 17, 2009), the Public Review Draft of the IS/MND (April 30, 2009), any documents adopted by the City Council in conjunction with the IS/MND, and documents which have been incorporated into those documents by reference.

1.1 CEQA REVIEW OF PROPOSED PROJECT

As the proposed project involves the potential to result in significant environmental effects as defined by CEQA, an IS/MND was prepared by consultants, subject to the independent review and approval of the City of Stockton Community Development Department and staff. The IS/MND identified significant and/or potentially significant environmental effects that could occur in conjunction with the proposed project. The IS/MND identified mitigation measures that would reduce the significant or potentially significant environmental effects to a "less than significant" level.

The IS/MND was initially circulated for agency and public review from May 5, 2009 to June 5, 2009. Comments were received on the IS/MND, and these have been considered by the City of Stockton Department of Community Development. After the initial public review process, there was a defect in the noticing requiring a second public review period in June and July, 2009. No new comments were received during the 2nd public review period. The comments and responses to all comments received are shown in Chapter 3.0 of the Final IS/MND.

1.2 CEQA REQUIREMENTS REGARDING MITIGATION MONITORING AND REPORTING

To ensure that mitigation measures included in a Mitigated Negative Declaration are actually implemented, CEQA requires the adoption of a mitigation monitoring or reporting program (CEQA Guidelines Section 15074). Specifically, the Guidelines require that the lead agency:

> " . . . adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to mitigate or avoid significant environmental effects."

These requirements are met collectively by the Mitigation Monitoring table shown in Section 2.0 of this document. The table lists all of the potential environmental effects of the project that were identified in the IS/MND, identifies all of the mitigation measures which address these effects, and identifies the entities that would be responsible for implementing, and monitoring implementation of, the mitigation measures. The table also sets forth the City's findings relative to each of the significant effects identified as well as the rationale in support of each of the findings. All of the environmental effects of the proposed project have been mitigated to a less than significant level.

1.3 ORGANIZATION OF THIS DOCUMENT

This document is divided into two chapters. Chapter 1.0 is this Introduction, which provides background information and CEQA requirements related to the project. Chapter 2.0 presents the Mitigation Monitoring/Reporting Program in the form of a table. The table lists all mitigation measures applicable to the project, identifies implementation responsibilities, describes the level to which each impact will be reduced, sets forth the City's findings under CEQA, and establishes the rationale for each finding.

2.0 MITIGATION MONITORING TABLE

The following table summarizes the environmental effects that could result from approval of the proposed project. The table identifies 1) each environmental effect and its significance prior to mitigation, 2) how each significant environmental effect would be mitigated, 3) the responsibility for implementation of each mitigation measure, 4) the responsibility for monitoring of the mitigation measures, if the project is approved, 5) the level of significance of each impact after mitigation and the City's finding with respect to each effect, and 6) the rationale in support of each finding. All of the environmental effects have been reduced to NS, or "not significant", by mitigation measures.

The table follows the same sequence as the impact analysis in the IS/MND. Reporting actions required to ensure that the mitigation measures are implemented are described in Chapter 3.0.

CITY OF STOCKTON
CEQA FINDINGS AND MITIGATION MONITORING/REPORTING PROGRAM
(PURSUANT TO CALIFORNIA PUBLIC RESOURCES CODE SECTIONS 21081 AND 21081.6)

PROJECT DATA

INITIAL STUDY FILE NO.: IS 8-08

Property Owner(s): LBL L-Suncal Weston LLC

Project Applicants: Marketplace at Weston Ranch L.L.C.
Address: 4040 MacArthur Place, Ste. 250, Newport Beach, CA 92660

Project Title: Marketplace at Weston Ranch

The project consists of a neighborhood retail commercial center and 102 multi-family residential units on a 9.5-acre (net) vacant site located at the intersection of Carolyn Weston Boulevard and Manthey Road in the Weston Ranch development of south Stockton; primary access to the site would be from this existing full-access intersection. The commercial portion (5.5 acres) of the project, which would occupy the Carolyn Weston Boulevard frontage, would involve the development of a total of 56,069 square feet of commercial space, including a 13,969 square foot specialty grocery store, a 14,820 square foot drug store, 12,880 square feet of retail/restaurant space, and three pads accommodating one or two fast food restaurants and other businesses. The northern 4.0 acres of the site would accommodate 102 multi-family residential units in multiple structures. The project would include approximately 523 parking spaces.

KEY

1. The impacts are shaded and followed by related mitigation measures, implementation and monitoring provisions, and findings.

2. Abbreviations: N/A = (Not Applicable); COS = (City of Stockton); ODS = (Owners, Developers and/or Successors-in- Interest); CDD = (Community Development Department); CD-P = (Community Development-Planning Division);CD-B = (Community Development-Building Division); PW = (Public Works Department); CM = (City Manager); CA = (City Attorney); P&R = (Parks and Recreation Department); HR = (Housing and Redevelopment Department); MUD = (Municipal Utilities Department); FD = (Fire Department); PD = (Police Department); PC = (Planning Commission); CC = (City Council); SJC = (San Joaquin County); ALUC = (Airport Land Use Commission).

FINDINGS AND LEVEL OF SIGNIFICANCE AFTER MITIGATION

Findings for significant and potentially significant impacts identified in the Final EIR or Negative Declaration/Initial Study are listed as follows:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect identified in the Final EIR or Negative Declaration/Initial Study, or

2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the City of Stockton. Such changes have been adopted by such other agency, or can and should be adopted by such other agency, or

3. The City of Stockton has previously adopted findings of specific economic, social, or other considerations which make infeasible the mitigation measures and project alternatives identified in the Final EIR or Negative Declaration/Initial Study.

The level of significance (LS) of each impact after mitigation is listed as: SU= (significant and unavoidable), PS=(potentially significant), or NS=(not significant). The basis for the Findings is provided in applicable sections of the Final EIR, Negative Declaration/Initial Study, or previously adopted Findings or Statement of Overriding Considerations, as referenced in the last (fourth) column on the following pages under "Rationale."

LEAD AGENCY:

CITY OF STOCKTON
Community Development Department
345 N. El Dorado St., Stockton, CA 95202
(209) 937-8266

Adam Brucker, Associate Planner **DATE (FINDINGS/MONITORING PROGRAM ADOPTED)**

IMPACT/MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY AND TIMING/SCHEDULE	MONITORING/REPORTING RESPONSIBILITY AND TIMING	FINDINGS/LS AFTER MITIGATION
1 AESTHETICS			
Impacts on Aesthetic Resources. There are no significant or potentially significant impacts in this issue area.			
Light and Glare Impacts. There are no significant or potentially significant impacts in this issue area.			
1. Outdoor lighting for proposed commercial areas shall be directed downward and shielded to protect adjacent residential areas from undue glare and illumination. All lighting shall conform to the requirements of the Stockton Development Code Section 16-305.060.	The ODS will be responsible for the design and construction of commercial area lighting systems.	The Community Development Department, Building Division, will be responsible for ensuring that proposed lighting systems conform to Development Code requirements.	1, NS Rationale: IS/MND Pages 3-10 through 3-12
2 AGRICULTURE RESOURCES			
There are no significant or potentially significant impacts in this issue area.			
3 AIR QUALITY			
Effects of Project Construction on Air Quality. This is a potentially significant impact.			
1. The ODS shall comply with all applicable requirements of SJVAPCD Regulation VIII, including compliance with the following mitigation measures 2 through 9. 2. Visible Dust Emissions (VDE) from construction, demolition, excavation or other earthmoving activities related to the project shall be limited to 20% opacity or less, as defined in Rule 8011, Appendix B. The dust control measures specified in mitigations 3 through 9 shall be applied as required to maintain the VDE standard. 3. Pre-water all land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activity sites and phase earthmoving. 4. Apply water, chemical/organic stabilizer/suppressant, or vegetative ground cover to all disturbed areas, including unpaved roads. 5. Restrict vehicular access to the disturbance area during periods of inactivity. 6. Apply water or chemical/organic stabilizers/suppressants, construct wind barriers and/or cover exposed potentially dust-generating materials.	The project engineer will be responsible for inclusion of the mitigated standards in project plans and specification.	The SJVAPCD will, as applicable, verify compliance with district rules during project design, construction and operation.	1, NS Rationale: IS/MND Pages 3-14 through 3-17

IMPACT/MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY AND TIMING/SCHEDULE	MONITORING/REPORTING RESPONSIBILITY AND TIMING	FINDINGS/LS AFTER MITIGATION
7. When materials are transported off-site, stabilize and cover all materials to be transported and maintain six inches of freeboard space from the top of the container. 8. Remove carryout and trackout of soil materials on a daily basis unless it extends more than 50 feet from site; carryout and trackout extending more than 50 feet from the site shall be removed immediately. The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden. If the project would involve more than 150 construction vehicle trips per day onto the public street, additional restrictions specified in Section 5.8 of Rule 8041 will apply. 9. Traffic speeds on unpaved roads shall be limited to 15 mph. 10. The ODS shall comply with all applicable provisions of the SJVAPCD Indirect Source Review Rule (Rule 9510), which requires the applicant to submit an application to the District when applying for the development's last discretionary approval.	The owners, developers, and/or successors-in-interest will be responsible for compliance with SJVAPCD Regulation VIII and Rule 9510 in project design and construction.	The SJVAPCD is responsible for verifying compliance with district rules during project design, construction and operation.	
Mobile Source Emissions from Project Operations. This is a significant issue.			
1. The ODS shall comply with all applicable provisions of the SJVAPCD Indirect Source Review Rule (Rule 9510), which requires the applicant to submit an application to the District when applying for the development's last discretionary approval.	The ODS will be responsible for compliance with Rule 9510 in project design and construction.	The SJVAPCD is responsible for verifying compliance with district rules during project design, construction and operation	1, NS Rationale: IS/MND Pages 3-17 through 3-19
Air Toxics and Odors. There are no significant or potentially significant impacts in this issue area.			
4 BIOLOGICAL RESOURCES			
Project Impacts on Biological Resource Resources. This is a potentially significant issue.			
1. The ODS shall mitigate for the proportionate loss of potential wildlife habitat from the project site by participation in the SJMSCP and by paying the required SJMSCP fee for Category C, Agricultural Habitat Open Spaces. 2. The ODS shall take any other actions required by the adopted SJMSCP, including the implementation of any required Incidental Take Minimization Measures (ITMMs).	The ODS will be responsible for payment of applicable SJMSCP fees and the implementation of required ITMMs.	The Community Development Department/Building Division will verify that SJMSCP fees are paid prior to issuance of building permits and that ITMMs are implemented as required.	1, NS Rationale: IS/MND Pages 3-14 through 3-17

IMPACT/MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY AND TIMING/SCHEDULE	MONITORING/REPORTING RESPONSIBILITY AND TIMING	FINDINGS/LS AFTER MITIGATION
5 CULTURAL RESOURCES			
Potential Project Effects on Cultural Resources. This is a potentially significant issue.			
1. If any subsurface cultural resources are encountered during construction of the project, all construction activities in the vicinity of the encounter shall be halted until a qualified archaeologist can examine these materials and make a determination of their significance. The City of Stockton Community Development Department shall be notified. The ODS shall be responsible for mitigation of any significant cultural resources pursuant to the CEQA Guidelines and consistent with the archaeologist's recommendations. 2. If human remains are encountered at any time during the development of the project, all work in the vicinity of the find shall halt and the County Coroner and the Community Development Department shall be notified immediately. The Coroner must contact the Native American Heritage Commission if the remains are those of a Native American. At the same time, a qualified archaeologist and a representative from the Northern Valley Yokuts Tribe must be contacted to evaluate the archaeological implications of the finds. The CEQA Guidelines detail steps to be taken when human remains are found to be of Native American origin. 3. The ODS shall provide for training of field personnel in identification procedures, prior to implementing construction work. The training would take the form of a two- to four-hour seminar in which a professional archaeologist would review with equipment operators the natural and cultural history of the project area, archaeological sensitivity, the most likely location of buried cultural materials, and what kinds of cultural materials would be seen if prehistoric materials are in fact unearthed. The seminar would conclude with specific instructions on how to address such discoveries and what immediate actions to take, particularly if human remains are found	The ODS will be responsible for imposing cultural resource protection controls on, and training of, grading and excavation contractors.	The Community Development Department, Building Division will verify that construction worker training has occurred prior to beginning project improvements. If cultural resources are uncovered, the ODS must hire a qualified archaeologist to monitor the project and prepare a report to the Community Development Department.	1, NS Rationale: IS/MND Pages 3-19 through 3-21
6 GEOLOGY AND SOILS			
Potential Project Effects on Geology and Soils. This is a potentially significant issue.			
1. The ODS shall submit a geotechnical or soils report to the Community Development Department, Building Division for review and approval prior to the issuance of site development plans or building permits.	The ODS will be responsible for submitting the geotechnical or soils report and for conforming site and building designs to report specifications.	The Public Works Department and Community Development Department, Building Division will verify the adequacy of the geotechnical report and the incorporation of specifications into site and building designs.	1, NS Rationale: IS/MND Pages 3-21 through 3-23

IMPACT/MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY AND TIMING/SCHEDULE	MONITORING/REPORTING RESPONSIBILITY AND TIMING	FINDINGS/LS AFTER MITIGATION
2. The ODS shall be responsible for incorporation of the design and other recommendations of the geotechnical or soils report into the project plans and specifications.			
7 HAZARDS AND HAZARDOUS MATERIALS			
Potential Hazards Effects Associated with the Project. There are no significant or potentially significant impacts in this issue area..			
1. The contractor shall prepare and implement a hazardous materials spill plan for the project. The spill plan shall identify the level of worker training and supplies of spill containment and cleanup materials needed to respond to potential hazardous materials spills that could occur in conjunction with the project.	The Contractor shall obtain permission from the Stockton Metropolitan Airport to construct the portion of the proposed project located within the Runway Safety Zone. The Contractor shall abide by all permit conditions imposed by the airport.	The Contractor will be responsible for obtaining permission to construct the project across the Runway Safety Zone.	1, NS Rationale: IS/MND Pages 3-38 through 3-41
8 HYDROLOGY AND WATER QUALITY			
Potential Impacts of the Project on Surface Water Features and Hydrology. There are no significant or potentially significant impacts in this issue area.			
Project Impacts on Surface Water Quality. This is a potentially significant issue.			
1. The ODS shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) for the project and file a Notice of Intent (NOI) with the State Water Resources Control Board prior to commencement of construction activity. The SWPPP shall be available on the construction site at all times. 2, Site development plans shall incorporate an Erosion Control Plan consistent with all applicable provisions of the SWPPP. 3. The ODS shall submit the SWRCB Waste Discharger's Identification Number (WDID) to the City prior to approval of development or grading plans. 4. Site development plans shall include post-construction Best Management Practices as required by Municipal Code Sections 7-859, 7-859.1 and 7-859.2 and the City of Stockton's Storm Water Quality Control Criteria Plan (SWQCCP). 5. The ODS shall establish a maintenance entity to provide annual funding for the operation, maintenance and replacement costs of the storm water post-construction treatment control measures. An agreement to participate in the subject maintenance entity shall be executed prior to issuance of a Certificate of Occupancy.	The property owners, developers and/or successors-in-interest will be responsible for design and construction of storm water quality improvements, for compliance with applicable city codes and for preparation and submittal of the Notice of Intent and SWPPP.	The Municipal Utilities Department will be responsible for review and approval of storm water quality improvement plans, for assessing project compliance with City codes and for review and approval of the Notice of Intent and Erosion Control Plan prior to the issuance of a Grading Permit.	1, NS Rationale: IS/MND Pages 3-25 through 3-29

IMPACT/MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY AND TIMING/SCHEDULE	MONITORING/REPORTING RESPONSIBILITY AND TIMING	FINDINGS/LS AFTER MITIGATION
Effects of the Project on Groundwater Systems. There are no significant or potentially significant impacts in this issue area.			
9 LAND USE AND PLANNING			
Project Impacts on Land Use Plan Designations and Zoning. There are no significant or potentially significant impacts in this issue area.			
Reduction in Inventory of Lands Designated and Zoned for High Density Residential Use. There are no significant or potentially significant impacts in this issue area.			
Land Use Conflicts Associated with the Project. There are no significant or potentially significant impacts in this issue area.			
10 MINERAL RESOURCES			
Project Impacts on Mineral Resources. There are no significant or potentially significant impacts in this issue area.			
11 NOISE			
Exposure of Sensitive Land Uses to Roadway Noise. There are no significant or potentially impacts in this issue area.			
Effects of Retail Commercial Noise on Nearby Residential Uses. This is a potentially significant issue.			
1. The proposed truck well barrier shall be 11 feet in height and shall be constructed with a sound-absorbing finish having a minimum Noise Reduction Coefficient (NRC) rating of 0.65 on the loading dock side of the barrier. Options for design of this facility are included in the j. c. brennan (2008) report. These options would include wall construction using slotted concrete masonry units. 2. Noise from mechanical equipment vents on the proposed grocery shall be reduced by silencers, acoustical louvers, building parapets or other structural elements of the building that block the line of sight between the vents and nearby multi-family residential uses.. 3. Trucks utilizing the loading dock at the proposed grocery shall be required to shut down truck engines during loading activities. 4. The ODS shall notify future renters of units facing the proposed grocery of the potential for early-morning noise disturbance. 5. Facades of the apartment building nearest to the proposed grocery loading area shall be designed to maintain an interior noise level of 45 dB or less with windows closed. A mechanical ventilation system shall be provided that provides fresh air supply to each unit with requiring the operation of air conditioning or opening of windows.	The ODS will be responsible for grocery store design, regulation of truck unloading operations, for design of apartment facades and for provision of notice to potential renters.	The Department of Community Development will be responsible for monitoring ODS compliance with these measures	1, NS Rationale: IS/MND Pages 3-22 through 3-37

IMPACT/MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY AND TIMING/SCHEDULE	MONITORING/REPORTING RESPONSIBILITY AND TIMING	FINDINGS/LS AFTER MITIGATION
Construction Noise. This is a potentially significant issue.			
1. Temporary noise impacts resulting from project construction shall be minimized by restricting hours of operation by noise-generating equipment to 7:00 a.m. to 10:00 p.m. Monday through Friday, and to 7:00 a.m. to 6:00 p.m. on Saturday and Sunday when such equipment is to be used near sensitive land uses, and by requiring residential type mufflers where applicable.	The ODS shall be responsible for imposing these requirements on construction contractors.	The Community Development Department, Building Division will be responsible for ensuring that noise mitigation measures have been incorporated in building plans.	1, NS Rationale: IS/MND Pages 3-22 through 3-37
12 POPULATION AND HOUSING			
There are no significant or potentially significant impacts in this issue area.			
13 PUBLIC SERVICES/FACILITIES			
Project impacts on Police Protection Services. This is a potentially significant impact			
1. The ODS shall coordinate with the City of Stockton Police, Fire, Municipal Utilities, Public Works and Community Development Departments in the design of the project. Proposed improvements shall incorporate access, visibility, security and other emergency access/response needs as required to address departmental concerns. 2. The ODS shall implement construction period security measures recommended by the Police Department including: a. Ensure that during construction, a licensed, uniformed security guard must be present during the evening hours on weekdays (Monday through Friday), and 24 hours per day on weekends and holidays, when the developer is not on site. b. Fence the entire project site so that it is inaccessible to the public after hours and on weekends and holidays, and maintain the fence as required. c. Provide lighting throughout the night, every night, so as to clearly illuminate the majority of the project area. d. Provide portable video security monitors/cameras during the construction phase, along with signs advertising such monitoring, to further serve as a deterrent. e. Ensure that appliances such as stoves, microwaves, refrigerators, etc., are not installed until the day a new owner completes the final walkthrough of the residence. If installed earlier, the residence must remain securely locked after hours and on weekends/holidays.	The ODS shall be responsible for coordination with public agencies, protection of construction yards, and project design and construction in accord with agency recommendations	The Building Division of Community Development Department shall be responsible for ensuring that agency requirements are incorporated into project plans and specifications.	1, NS Rationale: IS/MND, Pages 3-38 through 3-42

IMPACT/MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY AND TIMING/SCHEDULE	MONITORING/REPORTING RESPONSIBILITY AND TIMING	FINDINGS/LS AFTER MITIGATION
f. The ODS shall ensure that cabinetry and other valuable items be kept offsite prior to installation. Once installed, the residence must be kept securely locked. 3. The ODS shall implement the following post-construction period security measures recommended by the Police Department: a. Implement a mandatory Crime Free Multi-Housing program. b. Enclose residential areas with wrought-iron fencing as appropriate. c. Install automatic gates to control ingress and egress. All entrance/exist gates must be Knox-Box compatible. d. Parking areas and walkways should be well-lighted and equipped with security cameras and recording equipment. e. Install low-growth vegetation around the buildings and parking areas to facilitate maximum visibility			
Project Effects on Fire Protection Services. There are no significant or potentially significant impacts in this issue area.			
1. The ODS shall coordinate with the City of Stockton Police, Fire, Municipal Utilities, Public Works and Community Development Departments in the design of the project. Proposed improvements shall incorporate access, visibility, security and other emergency access/response needs as required to address departmental concerns. 2. The ODS shall incorporate access, water supply and other fire suppression and emergency access/response needs in the proposed project design. 3. The ODS shall install fire hydrants and water distribution facilities which will provide fire flows which are adequate to support the City's existing ISO rating and which conform to adopted Building Code Fire Safety Standards, for all of the uses proposed within the project area	The ODS shall be responsible for coordination with public agencies and project design and construction in accord with agency recommendations	The Building Division of Community Development Department shall be responsible for ensuring that agency requirements are incorporated into project plans and specifications.	1, NS Rationale: IS/MND, Pages 3-38 through 3-42
Project Impacts on Schools. There are no significant or potentially significant impacts in this issue area.			
Project Impacts on Parks and Recreation. Park and recreation facilities are discussed in Section 14, Recreation, below.			
Project Effects on Libraries and Other Services. There are no significant or potentially significant impacts in this issue area.			
14 RECREATION			
There are no significant or potentially significant impacts in this issue area			

IMPACT/MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY AND TIMING/SCHEDULE	MONITORING/REPORTING RESPONSIBILITY AND TIMING	FINDINGS/LS AFTER MITIGATION
15 TRANSPORTATION/CIRCULATION			
Potential for New Traffic Impacts Associated with the Proposed Development of Site A. There are no significant or potentially significant impacts in this issue area.			
Potential Traffic Impacts of Shopping Center Development on Carolyn Weston Boulevard Operations. This is a potentially significant issue.			
1. The ODS shall install a pork chop or comparable traffic control device at the proposed west access to restrict outbound movements to right turns only.	The ODS will be responsible for installation of the traffic control device.	The Department of Public Works will be responsible for ensuring that the traffic control device is installed properly.	1, NS Rationale: IS/MND Pages 3-43 through 3-46
Adequacy of Shopping Center On-Site Circulation including Truck Movements. There are no significant or potentially significant impacts in this issue area.			
Project Effects on Transit, Bicycle and Pedestrian Facilities. There are no significant or potentially significant impacts in this issue area.			
16 UTILITIES/ SERVICES SYSTEMS			
Effects of the Project on Wastewater Services and Facilities. There are no significant or potentially significant impacts on this issue area.			
Effects of the Project on Potable Water Services. There are no significant or potentially significant impacts in this issue area.			
Effects of the Project on Storm Drainage Services. This is a potentially significant impact.			
1. The ODS shall perform a hydrologic and hydraulic analysis to determine if the existing Weston Ranch storm drainage infrastructure and pump station are capable of accommodating the additional runoff generated from the project. If the existing capacity is inadequate, the ODS will be required to make all necessary improvements, as required by the Stockton Municipal Code prior to the approval of building permits. 2. The ODS shall prepare and implement a Storm Water Pollution Prevention Plan and file a Notice of Intent as required by the Hydrology and Water Quality mitigation measures. 3. The project shall incorporate post-construction Best Management Practices in project plans and specifications as required by the City's Stormwater Quality Control Criteria Plan, adopted November 25, 2003, as outlined in the City's Phase 1 Stormwater NPDES permit issued by the California Water Quality Control Board, Central Valley Region (Order No. R5-2007-0173). The ODS will establish a maintenance entity acceptable to the City to provide funding for the operation, maintenance, and replacement costs of storm water Best Management Practices.	The ODS will be responsible for the design and installation of required infrastructure improvements prior to the issuance of building permits	The Departments of Public Works and Municipal Utilities will be responsible for review and approval of required infrastructure improvements.	1, NS Rationale: IS/MND Pages 3-46 through 3-49

IMPACT/MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY AND TIMING/SCHEDULE	MONITORING/REPORTING RESPONSIBILITY AND TIMING	FINDINGS/LS AFTER MITIGATION
4. Prior to the issuance of a certificate of occupancy, the ODS shall establish a maintenance entity approved by the City to provide funding for the operation, maintenance, repair, and replacement of project's storm water quality management features.			
Effects of the Project on Gas and Electric Services. There are no significant or potentially significant impacts on this issue area.			
Telephone and Cable TV Services. There are no significant or potentially significant impacts on this issue area.			
Solid Waste. There are no significant or potentially significant impacts on this issue area.			
17 GLOBAL CLIMATE CHANGE			
There are no significant or potentially significant impacts on this issue area.			
18 MANDATORY FINDINGS OF SIGNIFICANCE			
There are no significant findings.			

3.0 MITIGATION REPORTING PROGRAM

This section describes the mitigation reporting program established for the above-described project pursuant to Section 21081.6 of the Public Resources Code. This program consists of the following steps:

a. The Community Development Department shall utilize the above-listed Mitigation Implementation and Monitoring Program (Section I) as a checklist of mitigation measures to be implemented for the project. Implementation of the applicable measures shall be included as a condition of all applicable discretionary approvals, improvement plans and/or construction permits.

b. The project applicant (i.e.: owner, developer, originating City department, or other responsible agency, as applicable) and/or successors-in-interest shall file a written report with the Community Development Department which will monitor the implementation of required mitigation measures. Similarly, any public agency having jurisdiction over natural resources affected by the project shall monitor and report upon the implementation of any mitigation measures incorporated at their request. Such written report(s) shall be submitted to the Community Development Department approximately once every twelve (12) months following approval of improvement plans and/or construction permits. The written report shall briefly state the status in implementing each adopted mitigation measure.

c. The Community Development Department shall review the monitoring report(s) and determine whether there is any unusual and substantial delay in, or obstacle to, implementing the adopted mitigation measures. In reviewing the timeliness of implementation, the Community Development Department shall consider any timetable for the project and the required mitigation measures provided by the applicant and/or other responsible agency, as applicable. The Community Development Department and other City Departments may, to the extent deemed necessary, use scheduled inspections to monitor mitigation implementation.

d. The result of the Community Development Department's review of the annual report(s) will be provided to the applicant in writing within thirty (30) calendar days after receipt of the annual report. If the Community Development Department determines that a required mitigation measure is not being properly implemented, it shall consult with the applicant and, if possible, agree upon additional actions to be taken to implement the mitigation measures.

   The Community Development Department shall be limited to imposing reasonable actions as permitted by law which will implement the required mitigation measures. Any decision of the Planning Department related to the annual monitoring report may be appealed to the City PC and/or CC, as

applicable, within ten (10) calendar days following said written determination.

e. Such monitoring and reporting shall continue until the Community Development Department, in consultation with the other applicable City departments, determines that compliance has been fully achieved or, for ongoing measures (e.g., maintenance of facilities), determines that existing enforcement procedures relating to conditions of approval will provide adequate verification of compliance.

Memorandum of Clarification to Initial Study/Mitigated Negative Declaration Marketplace at Weston Ranch

For clarification, the following language is written into the record regarding minor revisions to the Project Description evaluated in the Initial Study/Mitigated Negative Declaration for the Marketplace at Weston Ranch:

Minor modifications to the boundaries of Site A and Site B have been made to increase the overall acreage on Site A and Site B from 5.5 acres to 5.8 acres. No new impacts associated with these minor modifications at both sites are anticipated because the adjustment will not result in additional square footage of commercial or residential uses beyond that evaluated in the Initial Study/Mitigated Negative Declaration for the Marketplace at Weston Ranch.

APPENDIX B: TIA INITIAL ASSESSMENT (FORM 1)

SECTION 1: PROJECT AND APPLICANT INFORMATION *(TO BE COMPLETED BY APPLICANT)*

PROJECT TITLE	PROJECT LOCATION	APPLICATION NO.
McDonald' Reastaurant	ECR	
APPLICANT	APPLICANT CONTACT	APPLICANT PHONE
McDonald's USA LLC	Hala Ibrahim/PMDG	925 222 1673

SECTION 2: APPLICATION TYPE AND PROJECT DESCRIPTION *(TO BE COMPLETED BY APPLICANT)*

TYPE OF APPLICATION	(check)		(check)
ZONING		AMENDMENT TO DEVELOPMENT APPROVAL	
TENTATIVE MAP		NEW DEVELOPMENT / CONSTRUCTION	X
USE PERMIT		OTHER:	

PROJECT DESCRIPTION (please attach a site plan):
Construct new building, new trash enclosure, new double drive thru, new landscapeing and parking lot.

PROPOSED LAND USE	(check)	Answer the corresponding question regarding the proposed project:	**Yes**	**No**
RESIDENTIAL		Is the proposed residential project greater than 10 single family or 15 multi-family dwelling units?		
COMMERCIAL	X	Is the proposed commercial project building larger than 1,500 sq. ft.?	Yes	
		Does the proposed commercial project have a fast-food restaurant?	Yes	
		Does the project have a drive-through window?	Yes	
OFFICE		Is the proposed office project building larger than 10,000 sq. ft.?		
INDUSTRIAL		Is the proposed industrial project building larger than 15,000 sq. ft.?		
OTHER: (please describe)				

TRAFFIC GENERATION (AVERAGE WEEKDAY)

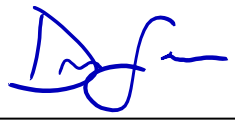
ITE Land Use Code	Size	Unit Name (e.g. sq ft, apts)
ITE 934	4,380 Sq.Ft.	McDonalds

Total Vehicle trips 2,063 Vehicle trips per day

Peak Hour Trips	A.M. Peak Hour	P.M. Peak Hour
* New vehicle trips	176 Vehicle trips per hour	143 Vehicle trips per hour
* Pass-by vehicle trips	87 Vehicle trips per hour	72 Vehicle trips per hour
* Total vehicle trips	89 Vehicle trips per hour	71 Vehicle trips per hour
Total trips IN	36 Vehicle trips per hour	39 Vehicle trips per hour
Total trips OUT	53 Vehicle trips per hour	32 Vehicle trips per hour

Will the project generate new or additional truck traffic? ____ Yes _X_ No

Submitted by:



Signature of Applicant

9.8.22
Date

REMAINING SECTIONS TO BE COMPLETED BY CITY

SECTION 3: TRANSPORTATION IMPACT EVALUATION

Transportation / Circulation Could the proposed project:	**NO**	**MAYBE**	**YES**
Cause a substantial increase in traffic (110 peak hour trips) in relation to the existing traffic load and capacity of the street system?			
Cause any public or private street intersection to function below level of service specified in the City of Stockton General Plan?			
Pose a potential vehicle safety hazard (i.e. change in the mix, volume or speed of traffic that would create an inconsistency with the existing design of the transportation network.)			
Pose a potential traffic hazard to pedestrians or bicyclists?			
Disrupt or interfere with truck, passenger vehicle, transit, bicycle or pedestrian access to surrounding uses?			

SECTION 4: DETERMINATION

On the basis of this initial assessment for significance:

I have determined that a Transportation Impact Analysis on the proposed project____WILL NOT BE required.

I have determined that a Transportation Impact Analysis on the proposed project____WILL BE required as part of an environmental document.

_____ _____

Public Works Department Date