PR 78-05
WALGREENS
HAMMER LANE & KELLEY DRIVE
STOCKTON, CALIFORNIA
DESIGN REVIEW

ROUTING SLIP

ROUTE TO    Building    Planning    

    √ Elias       √ Larrouy
    √ Cathcart    √ Niblock
    √ Glaser

Number with identifier (project name and address)  Interplay Vision
Development, LLC  3131 West Hammer Lane

Date submitted                  Date of meeting  5/25/05                  in   Jack
Silva Conference Room, Permit Center at 115 pm or after Site Plan Review

NOTES  □ Approved  □ Denied  Date __________________

8-31-05

APN 082 - 220 - 08  CT 3211  TZ 61  B 14  P 39  Zone CG

ODMA\RPWISE\COS CDD CDD_Library 38449 1
## A. TYPE OF DISTRICT: OFFICE USE ONLY

- Channel Area
- Downtown
- Miracle Mile
- Alpine Manor
- Gleason Park/Downtown
- Magnolia Historic
- Midtown
- Tuxedo Park
- Victory Park
- None

## B. APPLICANT

<table>
<thead>
<tr>
<th>Name</th>
<th>Interra Vision Development, LLC</th>
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<tbody>
<tr>
<td>Address</td>
<td>4921 Concordia Drive</td>
</tr>
<tr>
<td>City/Zip</td>
<td>El Dorado Hills, CA 95762</td>
</tr>
<tr>
<td>Phone</td>
<td>916-933-9547</td>
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<tr>
<td>Fax</td>
<td>916-933-9549</td>
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<tr>
<td>Email</td>
<td><a href="mailto:bkisling@interravisiondev.com">bkisling@interravisiondev.com</a></td>
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## C. PROPERTY OWNER (if different)

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<tr>
<td>Assessor's Parcel Number(s)</td>
<td>082-220-08</td>
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**Surrounding area land uses**

- **NORTH**: InShape City, Shops, Residential
- **SOUTH**: Hammer Lane, Beck Realty, Commercial
- **EAST**: Masonry Wall, Residential
- **WEST**: Colonial Plaza, I-5

Project Site Zone: C-2 General Business District

**General Plan Design**

- Commercial
- Structure Size: 13,650 SF and 7,100 SF
- Parcel Size: 2.115-acres

## F. PROJECT INFORMATION (Use reverse side or attach additional sheets if needed)

**Current use of site**: Auto Parts Shop and Rollerskating Rink

**Proposed use of site**: Walgreens and Shops

**Describe request**: The applicant proposes the removal of "Auto Parts Express" and "Hammer Skate" to be replaced with a new Walgreens and a 7100 SF shops building. The project would include a tentative Map, a Hammer Lane Precise Plan Amendment, a Use Permit and a Variance.

## G. SUBMITTAL REQUIREMENTS

- Six folded copies each:
  - Completed Application
  - Site Plan
  - Neighborhood context photos
  - Architectural colored elevations of all buildings (discretionary)
  - Delineated (enhanced) elevations (non-discretionary)
  - Construction materials/color palette for all structures

## H. SIGNATURE(S):

- **Applicant**: [Signature]
- **Property Owner (if different from applicant)**: [Signature]

**Date**: 3/31/05
January, 2005

CITY REVIEW OF STORM WATER POLLUTION PREVENTION PLANS

The City of Stockton is revising its procedure for review of Storm Water Pollution Prevention Plans (SWPPPs) for construction projects. In lieu of submitting a SWPPP, the following must be submitted to the Permit Center Attn: David Hillberry

- Transmittal letter that includes
  1. The name and phone number of the person responsible for SWPPP
  2. A listing of the post-construction best management practices that will be installed to satisfy the requirements of the Stockton Municipal Code, Section 7-859 (attached)

- Copy of a signed Notice of Intent or a Waste Discharge Identification Number (WDID #)

- Project erosion control plan(s) showing the location and details for all Best Management Practices (BMPs) that will be used

City staff will verify compliance with the Stockton Municipal Code, Section 7-859 before a grading or building permit can be issued. In addition, the City will no longer issue SWPPP numbers. This procedural change is effective immediately.

If you have any questions, please contact me at (209) 937-8436

MARK J MADISON
DIRECTOR OF MUNICIPAL UTILITIES

DAVID HILBBERRY
ASSOCIATE ENGINEER

DH

Attachment
SEC 7-859 PURPOSE

It is the purpose of this division to establish uniform requirements for the selection and incorporation of storm water quality into the planning, design, construction and maintenance of flood management projects and new developments in a manner consistent with the Federal Clean Water Act and the City of Stockton's Storm Water Management Plan. In order to implement the goals and objectives of the City of Stockton's General Plan, and to reduce pollutants in storm water discharges, the City Council has determined that a Storm Water Control Criteria Plan is needed. All projects that require municipal approval for the division of land and construction of improvements in accordance with Section 16-001 or construction in accordance with Section 14-100 shall be subject to the following requirements.

(Added by Ordinance 010-97C S — Effective July 1 1997)

SEC 7-859 1 STORM WATER QUALITY CONTROL CRITERIA PLAN

This division establishes requirements for:

A. Selection of post-construction storm water quality controls (BMPs) that reduce pollutants from new development and redevelopment to the maximum extent practicable (MEP) in a manner that is complimentary to the City's Storm Water Management Program and satisfy the requirements of the California General Construction Activities Storm Water Permit and other regulatory requirements.

B. Definition of evaluation criteria to ensure that the BMPs can be rated in a comparative manner and that the pollutant reduction credit assigned is consistent with the City's storm water management goals and objectives.

C. Definition of eligibility standards, procedures and administrative practices to ensure that storm water pollutant prevention credits (SWPPC) resulting from the implementation of the selected BMPs are real, permanent and surplus.

D. Provide an administrative mechanism for SWPPC to be created and used as required by City regulations to meet the post-construction water quality objectives of the Storm Water Management Program.

(Added by Ordinance 010-97C S — Effective July 1 1997)

SEC 7-859 2 ADMINISTRATIVE GUIDELINES

The City Council shall, by resolution, adopt Administrative Guidelines to provide procedures for the evaluation of post-construction BMPs, calculation of SWPPC, and use of SWPPC created in conformance with this ordinance.

(Added by Ordinance 010-97C S — Effective July 1 1997)
From: Jenny Liaw
To: kpauling@insite-env.com
Subject: Walgreen

Christa

Per review the site plan for the above project there are two comments as follows

1. Please comply with the handicap accessible requirements. Handicap ramps do not located in the loading zone. Please contact Elie Elias at 936-8561 in Building Division.

2. Please provide details for low wall trellis within the landscaped strip adjacent to streets.

If you have any questions please contact me.
June 13 2005

Interra Vision Development LLC
Attn Brian Kisling
4921 Concordia Drive
El Dorado Hills CA 95762

DESIGN AND SITE PLAN REVIEW COMMENTS FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF HAMMER LANE AND KELLEY DRIVE (APN 082-220-08, DR78-05)

Based upon staff's Design and Site Plan Review, the following comments are provided for your consideration

DESIGN REVIEW

- Architectural details on the south and west elevations should be incorporated into the north and east elevations of Walgreens structure. Architectural details from the west elevation should be incorporated into the north east and south walls of the proposed tenant building (Section 4 02 120 B of the Citywide Design Guidelines)

- Please restudy the roof line, creating variations in height and mass on both structures (Section 4 02 120 B of the Citywide Design Guidelines)

- Please provide design details for the delivery and trash enclosure areas

- Please review the structures horizontal plane and provide variation on the exterior walls of both buildings

- Please consider incorporating architectural design elements from the buildings into both pole and monument signs. The overall design theme should be compatible with the associated development of the shopping center (See Section 6 01 050 E 2 of the Citywide Design Guidelines)
SITE PLAN REVIEW

- Public Works Department
  - The proposed access on Hammer Lane will require a Precise Road Plan Amendment to the Hammer Lane Specific Plan
  - Access on Hammer Lane, as proposed, will require a variance to waive the minimum distance (300 feet to 250 feet) from the curb return of the nearest intersection to the nearest edge of the driveway throat
  - The north access point will be restricted to right-in and right-out turns and must have a minimum 35-foot throat extension from Kelley Drive
  - A reciprocal access and parking agreement will be required between this site and the parcel(s) to the north

- Building Division
  - Comply with all applicable building codes and handicap accessibility requirements
  - Provide distance between columns pedestrian walkway and parking overhangs on the west elevation of both structures to meet ADA requirements
  - Provide a path of travel from the proposed retail building to the Walgreens building

- Fire Department
  - Comply with all applicable Fire Code provisions

- Municipal Utilities Department
  - Provide on- and off-site utility lines and points of connection on the plan
  - A Storm Water Pollution Prevention Plan (SWPPP) will be required for the project. A copy of the above-noted requirement is attached for your reference
Planning Division

- A minimum five-foot wide landscaped strip must be installed along Kelley Drive. A landscaping plan for the landscaping and timed automatic irrigation system must be submitted prior to the issuance of a building permit.

- Utility vaults must be screened from public view and meet applicable setback requirements.

- Provide the required bike parking area, according to the provisions of Section 16-345 100 of Stockton Municipal Code. A copy of the above-noted code is attached for your reference.

- The trash enclosure must be constructed of a solid, six-foot high masonry wall on three sides and gated on the fourth side.

- The site plan should indicate the locations of existing and proposed buildings on the project site.

- Chain-link fence around the existing billboard is not allowed in the public right-of-way.

- The proposed pole sign with an electronic message sign may not be located within 300 feet of the residential zoning District on the east side of the project site. The sign will require Use Permit and Variance applications to permit the use and to reduce the minimum setback requirement from 25 to five feet from the right-of-way line and reduce the distance from 100 to 70 feet from the corner point of the intersection of Hammer Lane and Kelley Drive. A proposed monument sign in the northwest corner of the shopping center must respect a ten-foot setback from the property line.

- An eight-foot high masonry wall must be installed along the east boundary of the project site.

- The setback for the tenant building adjacent to residential zoning must be equal to the height of the building with a minimum 15-foot wide landscaping strip.

- Parking spaces and loading areas must meet the City’s Off-Street Parking and Loading Standards (Section 16-345 of the Development Code).
Please incorporate the above comments into a revised site plan and elevations and submit them to this office at your convenience. Upon receipt of the revised site plan and elevations, staff will review them for compliance with the above requirements. If you have any questions regarding this letter, you may contact Associate Planner Jenny Liaw at 937-8316.

JAMES E. GLASER, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

JEG cmf

Attachments
C Commercial, company, and nonprofit organization vehicle parking Commercial company and nonprofit organization vehicles having a gross load capacity greater than one ton or those vehicles clearly commercial in nature (e.g., tow trucks, ambulances, mini-buses) or similar vehicles shall not be allowed to park.

1. Private property On private property in residential zones except for immediate loading or unloading of goods or people or if not visible from the street and

2. Public right of way Overnight in a public right-of-way as enforced by the Police Department.

D Inoperable vehicles Inoperable, abandoned, wrecked, or dismantled vehicles or vehicle parts shall not be stored on public or private property in compliance with Section 5-200 of the Municipal Code.

16-345 100 - Bicycle Parking Requirements and Development Standards

Bicycle parking facilities in parking lots shall be provided for nonresidential uses in the following manner. These standards shall not apply to parking districts.

A Number of spaces required

1. Employee parking A minimum of one employee bicycle parking space for each 7,500 square feet of gross floor area and a minimum of one visitor/short-term parking space for each 10,000 square feet of gross floor area shall be provided.

2. Customer parking For commercial uses, a minimum of one bicycle parking space shall be provided for each 40 vehicle parking spaces.

B Bicycle parking development standards Bicycle parking areas shall be designed and provided in the following manner:

1. Parking racks Each bicycle parking space shall include a stationary parking device of a design approved by the City.

2. Parking layout
   a. Aisles Access aisles to bicycle parking spaces shall be at least five feet in width.
   b. Spaces Each bicycle space shall be a minimum of two feet in width and six feet in length and have a minimum of seven feet of overhead clearance.
   c. Relationship to structure entrances Bicycle spaces shall be conveniently located and generally within proximity to the main entrance of a structure and shall not interfere with pedestrian access.
   d. Relationship to motor vehicle parking Bicycle spaces shall be separated from motor vehicle parking spaces or aisles by a fence, wall, or curb or by at least five feet of open area marked to prohibit motor vehicle parking.

3. Signs Where bicycle parking areas are not clearly visible to approaching cyclists, signs shall be provided to indicate the locations of the facilities.
The City's Municipal Utilities Department, Stormwater Division requires owners and developers to submit and implement a Stormwater Pollution Prevention Plan (SWPPP) under California's Construction General Permit and Storm Water Quality Control Criteria Plan (SWQCCP) under City's Stormwater NPDES permit to control the pollution of storm water discharges effectively during construction and post-construction projects.

As of November 25, 2003, the City of Stockton approved and adopted SWQCCP which requires all new developments and significant redeveloped projects to comply with post-construction BMPs. This new Plan, which is also called new development standards, provides BMP control measures, including General Site Design Control Measures, Site-specific Source Control Measures and Treatment Control Measures.

Prior to the issuance of any grading or building permits for projects that will result in soil disturbance of one or more acres or for projects that have an approved tentative map after the date of adoption (Nov 25, 2003) of the SWQCCP by the City Council, and for development projects that have an approved tentative map prior to the date of adoption of the SWQCCP by the City Council, but have not obtained City Engineer's approved improvement plans with two years of adoption of the SWQCCP by the City Council, the following criteria must be met:

- Home divisions with 10 or more housing units,
- Commercial developments with impervious areas greater than 100,000 sq ft,
- Automotive repair shops with impervious areas greater than 5,000 sq ft,
- Restaurants,
- Parking lots greater than 5,000 sq ft or with 25 or more parking spaces,
- Streets and roads with one acre or more of impervious area,
- Retail gas outlets with 5,000 or more sq ft of impervious area.

Must submit the following items to the Stormwater Permit Center MUD Representative David Hillberry prior to the City of Stockton approving your project:

- Copy of your Notice of Intent filed with CWQCB (or) WDID number
- Grading Plan
- Tentative Map Approval Date
- Improvement Plan Approval Date
- Erosion Control Plan

- STORMWATER QUALITY CONTROL CRITERIA PLAN
  - General Site Design Control Measures
  - Site-specific Source Control Measures
☐ Treatment Containment Measures

☐ Treatment Containment Measures Maintenance Agreement
**ACTION REQUEST**

**SITE PLAN REVIEW**

**APPLICATION**

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<tr>
<td>Parcel Area</td>
<td>2.115 Acres</td>
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<td>Structure Area (existing/proposed)</td>
<td>20,750 S F</td>
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<td>Lot Coverage (%)</td>
<td>24%</td>
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<td>No of Employees</td>
<td>30 40</td>
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<td># of Stories/Mezzanines</td>
<td>N/A</td>
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<td>No of Parking/Handicap Spaces</td>
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<tr>
<td>Building Height</td>
<td>Walgreens (22' 4''), Shops (24')</td>
</tr>
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### E. SIGNATURE(S):

The information provided in this application is true and accurate to the best of my knowledge.

**Applicant**

**Property Owner (if different from applicant)**

**Date**

**Office Use Only**

Date filed

Date complete

File #

Fees Collected

PC date
A. TYPE OF DISTRICT: OFFICE USE ONLY

- Channel Area
- Downtown
- Miracle Mile
- Alpine Manor
- Gleason Park/Downtown
- Magnolia Historic
- Midtown
- Tuxedo Park
- Victory Park
- None

OFFICE USE ONLY

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Fax: 916-933-9549
Email: bkisling@interravisiondev.com

E. PROPERTY DESCRIPTION

Address/Location: 3131 West Hammer Lane
Assessor's Parcel Number(s): 082-220-08

Surrounding area land uses:
- **NORTH**: InShape City, Shops, Residential
- **SOUTH**: Hammer Lane, Beck Realty, Commercial
- **EAST**: Masonry Wall, Residential
- **WEST**: Colonial Plaza, 1-5

- Project Site Zone: C-2 General Business District
- General Plan Design: Commercial
- Structure Size: 13,650 SF and 7,100 SF
- Parcel Size: 2.115 acres

F. PROJECT INFORMATION (Use reverse side or attach additional sheets if needed)

Current use of site: Auto Parts Shop and Rollerskating Rink
Proposed use of site: Walgreens and Shops

- Res SF
- New construction
- Res MF (2+)
- Addition
- Commercial
- Rehabilitation
- Ind./Bus Park
- Other
- Sign

G. SUBMITTAL REQUIREMENTS

- Six folded copies each: Completed Application
- Architectural colored elevations of all buildings (discretionary)
- OR Delineated (enhanced) elevations (non-discretionary)
- Neighborhood context photos
- Construction materials/color pallet for all structures

H. SIGNATURE(S):

The information provided in this application is true and accurate to the best of my knowledge

Applicant: [Signature]
Date: 8-10-05

Property Owner (if different from applicant): [Signature]
Date:
CITY OF STOCKTON

COMMENT FOR DESIGN REVIEW (DR)

Project: Walgreens and Commercial Retail Structure

Location: 3119 West Hammer Lane

Based on staff review, the above-referenced project/plan is returned for redesign, as follows:

- Architectural details on the south and west elevations should be incorporated into the north and east elevations of the structures.
- Please restudy the roof line, creating variations in height and mass on both structures.
- Please provide designs for the delivery area, trash, and tote enclosure areas.
- Please review the horizontal plane and provide variation.

- Consider adding planters.

COMMENTS FOR SITE PLAN REVIEW

Based on staff review, the above-referenced project/plan is returned for redesign as follows:

- Site plan should indicate utilizes that are existing and proposed.
- A Storm Water Pollution Prevention Plan will be required.
- Access on Hammer Lane will require a Specific Plan Amendment to the Hammer Lane Specific Plan.
- Access on Hammer as proposed is not acceptable. Please review with Public Works Department.
- The north access point will be restricted to right-in and right-out turns and must have a minimum 35 throat extension from Kelly Drive.
- Parking spaces and loading areas must meet City of Stockton Parking and Loading Standards.
- The pole sign as indicated on the site plan must meet City of Stockton Sign Standards.
- Clarify distance between columns, pedestrian walkway, and parking overhangs on west elevations of both structures to meet ADA requirements.
- Clarify path of travel from tenant building to Walgreens structure.
A Reciprocal Access and Parking Agreement will be required between this site and the parcel(s) to the north.

Chain link fencing (around existing billboard) is not allowed in the public right-of-way.

Planner: Associate Planner, Jenny Liaw, Date: December 7, 2004
Phone No: (209) 937-8266

COMMENTS FOR SITE PLAN REVIEW (SR19-04)

Project: St. Joseph’s Parking Structure and Parking Lot in the Residential Zone
Address: the Southwest Side of California Street and Maple Street

Public Works - Gregg Meissner at 937-8270
- Relocate the proposed driveway further to the west on Maple Street and move garage’s entrance from the north to the west side of the building
- Sidewalk landings may not be located in a public right-of-way. Please contact Gregg Meissner for additional information
- Show the dimensions of parking spaces and the width of aisles
- The proposed doors of the parking garage cannot swing into a public right-of-way

Fire Department – Bill Rose at 937-8853
- Fire sprinklers will be required on the first floor of the parking garage and fire standpipes on second floor. Please contact Bill Rose regarding standpipes

Building Division - Eric Elias at 937-8561
- Provide a restroom in the parking garage if the entrance to the garage is manned and if any existing restroom is more than 300 feet from the parking structure. Please contact Eric Elias for further information.

- Comply with building code requirements for the number of handicapped and van accessible parking spaces.

- Provide handicapped parking signs within the indoor and outdoor parking areas.

Planning Division —Jenny Liaw at 937-8316

- A minimum five-foot wide landscaped strip shall be installed inside of the future property lines on both Maple and California Streets. A landscape plan with a timed automatic irrigation system shall be submitted prior to the issuance of any building permit.

- Install one minimum 15-gallon tree per five parking spaces throughout the parking lot with a timed automatic time irrigation system.

- A minimum eight-foot tall solid or masonry wall must be installed along the west property line of the parking area.

- Please add notes for "PA" and "TD".

- Provide both the first and second floor plans for the parking garage.

Municipal Utilities Department — David Hillberry at 937-8436

- Submit a storm drainage plan to Municipal Utilities Department. Please contact David Hillberry for additional information.

- Comply with the City's Storm Quality Control Criteria Plan and Storm Water Pollution Prevention Plan (SWPPP).

Planner  Associate Planner, Jenny Liaw  Date  December 7, 2004

Telephone Number  (209) 937-8266
From: Mike Niblock
To: Larrouy Richard
Date: 5/28/2005 5 45 06 PM
Subject: Re BBQ permit

Please make sure that this conforms with Development Code Interpretation 1 05 re outdoor barbecues
Thanks

>>> Richard Larrouy 05/26/05 3 36 PM >>>
By coincidence I spoke with Lane in Code Enforcement on this subject and site yesterday morning You
might check with him to discuss it and look at the Code sections that I referenced in our conversation In
case you can t find him here are the sections of the Code that we discussed

Section 16 230 090 (CG [Commercial General] Zoning District Standards ) contains the indoor use
requirement and two exceptions

Section 16 365 220 ( Outdoor Dining and Seating Areas ) discusses the circumstances under which
outdoor dining and seating may take place The determination was made here in CDD that a small
amount of outdoor cooking could be permitted under this section if it is accessory to a permitted on site
business and it otherwise complies with the requirements of this section An approved Land Development
Permit would be required in order to take advantage of this section of the Code and

Section 16 365 020 C ( Accessory Uses and Structures Other ) discusses the circumstances under
which other accessory uses and structures might be permitted You ll note that a determination is required
from the Community Development Director for this one Phil

Feel free to call me if you have any follow up questions or if you need additional information

>>> Philip Thompson 05/26/05 1 19 PM >>>
Richard would someone need a permit to operate a BBQ in the parking lot of a grocery store and run a
kitchen inside the store There is a guy leasing space at New Grand Save Market at 2318 S Airport
BBQing in the parking lot and I guess cooking food in the kitchen He does not appear to have a business
license either

CC: Smith Dianne
### MATERIAL SCHEDULE

<table>
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<tr>
<th>#</th>
<th>Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>CEMENT PLASTER</td>
<td>&quot;KELLY MOORE PAINTS&quot; KM4003-1 SIMPLY TAN</td>
</tr>
<tr>
<td>2</td>
<td>CEMENT PLASTER &amp; DOORS</td>
<td>&quot;KELLY MOORE PAINTS&quot; KM4022-2 CUSHY SUDE</td>
</tr>
<tr>
<td>3</td>
<td>CEMENT PLASTER</td>
<td>&quot;KELLY MOORE PAINTS&quot; KM4054-3 CARMEL VALLEY</td>
</tr>
<tr>
<td>4</td>
<td>FASCIA &amp; CEMENT PLASTER ACCENTS</td>
<td>&quot;KELLY MOORE PAINTS&quot; KM4022-2 CUSHY SUDE</td>
</tr>
<tr>
<td>5</td>
<td>CLAY ROOF TILES</td>
<td>&quot;EAGLE ROOFING&quot; CAMINO REAL SMC 8402 MISSION SANTA CRUZ</td>
</tr>
<tr>
<td>6</td>
<td>SPLIT FACE CMU</td>
<td>&quot;BASALITE&quot; COLOR 113</td>
</tr>
<tr>
<td>7</td>
<td>STOREFRONT</td>
<td>DARK BRONZE ANODIZED</td>
</tr>
</tbody>
</table>

---

**WALGREENS**

HAMMER LANE & KELLEY DRIVE

STOCKTON, CALIFORNIA

A04-122  03.15.05  RAS

Rauschenbach  Marvelli  Becker

2277 Watt Ave. • Second Floor • Sacramento, CA 95825
(916)488-8500  FAX(916)488-8586

FILE COPY.
# MATERIAL SCHEDULE

<table>
<thead>
<tr>
<th></th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>CEMENT PLASTER</td>
</tr>
<tr>
<td>2</td>
<td>CEMENT PLASTER</td>
</tr>
<tr>
<td>3</td>
<td>EXPOSED RAFTERS</td>
</tr>
<tr>
<td>4</td>
<td>CEMENT PLASTER</td>
</tr>
<tr>
<td>5</td>
<td>TRELLISES, ARBORS, METAL REVEAL</td>
</tr>
<tr>
<td>6</td>
<td>METAL SHEET</td>
</tr>
<tr>
<td>7</td>
<td>BRICK VENEER</td>
</tr>
<tr>
<td>8</td>
<td>ROOF TILE</td>
</tr>
<tr>
<td>9</td>
<td>STONE FRONT</td>
</tr>
</tbody>
</table>

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WALGREENS
HAMMER LANE & KELLEY DRIVE
STOCKTON, CALIFORNIA

Rauschenbach
Marvelli
Becker

2277 Watt Ave-Second Floor-Sacramento, CA 95825
(916)488-8500 FAX (916) 488-8566
Walgreens on Hammer Lane and Kelly Drive

Neighborhood Context Photos

View of project site including Hammer Skate from Kelly Drive, facing southwest

Partial View of project site including Auto Parts Express, taken along Kelly Drive facing south
Walgreens on Hammer Lane and Kelly Drive
Neighborhood Context Photos

Existing In-Shape City north of project site, view from Kelly Drive facing east

Existing uses north of project site, view from Kelly Drive facing northeast
Walgreens on Hammer Lane and Kelly Drive

Neighborhood Context Photos

View west of project site along Hammer Lane

View west of project site from Kelly Drive
Walgreens on Hammer Lane and Kelly Drive
Neighborhood Context Photos

View of eastern exterior wall of Hammer Skate and uses east of project site, facing north

View east of the project site along Hammer Lane
Walgreens on Hammer Lane and Kelly Drive
Neighborhood Context Photos

View southwest of the project site

View of northwes: corner of intersection of Hammer Lane and Kelly drive, taken from SE corner
1. Demolish 3rd floor building / building on S/W corner of the site.

where ingress and egress with the North property.

- prefer design on the interface of Hammer Lane / Kelly Drive per design guidelines

3. Landscape / Bully

4. Four side architecture of the Bully

5. Logo area adjacent driveway (Wall design issue)

individual channel letters / opaque background light facing to the letters

right line for roof top equipment.

revised

West Variation Plan – project / Recast
Special treatment on compacted.

Cut door access block to be sneered.

Right on and off.
A INTRODUCTION

1 This criteria has been established for the purpose of assuring a functional, coordinated and visually attractive sign program for the mutual benefit of all tenants. Conformance will be strictly enforced. Upon demand by landlord or the City of Stockton, any installed non-conforming or unapproved signage must be brought into conformance or be removed at the non-conforming tenant’s expense.

B SCOPE

1 This sign criteria set forth requirements for all signs attached to a tenant frontage or tenant premises building elevations including tenant identification signs, window signs and rear door entry signs.

C APPROVALS

1 All signage shall comply with the standards of this Sign Criteria. Written approval of the design, content, materials, colors, signs, details and location of the signs(s) must be obtained from the Landlord.

2 Tenant shall submit three (3) sets of signage drawings with this information to Landlord for approval prior to fabrication and installation of the signs. Hard copies shall be required, facsimile or electronic submittals shall not be accepted. Landlord’s approval may be withheld according to Landlord’s sole discretion as to any aspect or feature not otherwise specified herein. The Landlord’s approval of any sign or part of sign in no way sets a precedent for approval of future signs. Landlord’s approval of the sign shall create no liability to the Landlord for the compliance of the sign with any government regulations. Any change required at any time by any government authority shall be at Tenant’s sole cost and expense.

3 Tenant shall be responsible for obtaining and paying for all necessary approvals and permits from the City of Stockton Planning Department and Building Department and for providing Landlord with a copy.

D GENERAL REQUIREMENTS

1 Tenant shall pay for all their signs, their installation and maintenance.

2 Installation of Tenant signage shall be only by qualified, licensed sign contractors. Tenant and Tenant’s sign contractor shall be responsible, at Tenant’s sole cost and
expense, to protect, repair and/or restore any damage caused to the Shopping Center from Tenant's installation of Tenant's signage, including not limited to wall surfaces, awnings, lattices, trellises, windows, storefronts, sidewalks, curbs, landscaping, site furnishings, light pole/fixtures, banners/banner arms, etc. Any/all protruding building elements located below a Tenant sign location (i.e. awnings, trellises, etc) should be covered and protected by Tenant sign contractor prior to sign installation.

3. Installation of any sign shall be performed in a prompt and safe manner with as little disruption to business and traffic as possible with minimum inconvenience to the Landlord and other tenants.

4. Tenant shall maintain its sign in good working order and repair damaged, faded or non-operational letters at tenant's sole cost and expense. In the event Landlord notifies tenant of an existing defect and tenant fails to cure said defect within ten (10) days after notification by Landlord, Landlord may cause defect to be repaired. Tenant hereby agrees to reimburse Landlord for the cost of any such repair within ten (10) days after receipt of an invoice setting forth those costs incurred by Landlord.

5. Power will be provided from the tenant's electrical panel to a junction box at all sign locations. Power hookup shall be by Tenant. Time clock shall be provided by Tenant to turn signage on and off. Landlord will establish uniform hours of operation for illuminated Tenant signage to be complied with by Tenants.

6. All electrical signs shall bear the UL label and their installation shall comply with all local building and electrical codes.

7. All penetrations of the building structure required for sign installation shall be neatly sealed in watertight condition.

8. Upon termination or expiration of this lease, Tenant hereby agrees to remove its sign, repair any holes and/or damage to any/all building surfaces including painting and patching any/all materials affected by Tenant's signage at Tenant's sole cost and expense to the sole satisfaction of Landlord.

E. BUILDING SIGN REQUIREMENTS

1. All signs shall be individual interior illuminated dimensional letters and/or logo with five inch (5") returns. Three (3) types may be used: illuminated plastic faces, halo lighted letters or 'dual view' letters which has both lighted plastic faces and halo lighting on the wall.

2. All signs fastenings, bolts and clips shall be of hot dipped galvanized iron, stainless steel, aluminum, brass or bronze. No black iron of any type will be permitted. All penetrations to the exterior will be made behind the sign bank.
3 All sign cabinets will be constructed using aluminum, unless an alternate metal is approved by the Landlord.

4 All signs exposed to the weather shall be mounted at least " from the building to permit proper dirt and water drainage. Any building stains or fading due to the sign’s installation shall be remedied at Tenant’s sole cost and expense.

5 Sign sizes for buildings

- The maximum height of individual letters is 30”.
  - Maximum logo height: Logo may be up to thirty-three percent (33%) greater in height than the letters.
  - Maximum area: 20 square feet for each linear foot of building frontage or lease space facing a parking lot or surface street.

- The maximum size in length of sign area devoted to sign copy (lettering and logo/graphics) on any Sign Area Façade elevation shall not exceed seventy-five percent (75%) of the width of that Sign Area Façade elevation. Irregular shaped Premises whereby a Tenant’s Sign Façade at Tenant’s entry has less dimension than other Tenant’s Sign façade elevations shall be considered on a case-by-case basis by Landlord and subject to Landlord’s reasonable approval for location and sizing of signage at Tenant’s entry Sign Façade.

This is not intended to supersede the city’s sign regulations.

6 All Tenants are required to install Tenant identification signage on the Sign Area Façade elevation at the primary entry of Tenant’s Premises. See attached building elevation exhibit for potential sign locations.

7 All building signs shall be centered left to right on the fascia or tenant frontage and generally centered top to bottom. Check building elevations.

8 Vertical and diagonal oriented signs are prohibited.

9 No exposed conduit or raceways shall be permitted.

10 No flashing, moving or audible signs shall be permitted.

11 No sign of any sort will be allowed on building roofs or to project above building walls or parapets.

12 No exposed bare bulb lighting (fluorescent tubes, incandescent bulbs, or exposed neon) is prohibited. Exposed neon or LED accent lighting may be considered by Landlord on a case-by-case basis and subject to approval in writing by Landlord in Landlord’s sole and absolute discretion.
13 Signs are not may be allowed on the back of the building

F WINDOW SIGNS

1 Logos or manufacturer's decals with the hours of operation, telephone numbers, etc. shall not exceed one and one half (1½) square foot per single door entrance and shall be affixed to side window at strike side of entry door of the designated premises.

2 Hand-lettered or hand-painted signs are not allowed

G REAR ENTRY DOOR SIGNS

1 Rear entry door signs and addresses shall be upper case Helvetica medium typestyle numerals and/or letters. Materials will be Scotchal Vinyl, or equal. Color to be reflective white. Letter height shall be 3" and centered horizontally. Copy will be limited to tenant name and address. Top of sign will be 60′ from grade.

H INSURANCE

1 Tenant's sign company shall carry workmen's compensation and public liability insurance in the amount of one million dollars ($1,000,000.00) per occurrence against any damage suffered or done while engaged in the construction, erection or maintenance of signs. A certificate of insurance naming Landlord as additional insured shall be provided to Landlord prior to commencement of any work by Tenant's sign contractor.

I TEMPORARY SIGNS

Temporary Tenant signs or signage of any kind including banners, flags, A-frames, balloons, blimps, etc. are prohibited at all times and shall not be allowed unless specifically approved in writing by Landlord. Approval or disapproval of Tenant's request for temporary signs or signage shall be in Landlord's sole and absolute discretion. Any temporary signs or signage placed or installed upon the Premises or within the Shopping Center property by Tenant without the express written permission of the Landlord shall be removed by Landlord without notice to Tenant, at Tenant's sole cost and expense. Landlord shall repair any damage to the Premises or Shopping Center property caused by Tenant's unauthorized installation or placement of temporary signs or signage, all at Tenant's sole cost and expense. Tenant shall reimburse to Landlord any and all actual costs and any necessary repairs within ten (10) days of receipt of invoices and written demand for payment from Landlord to Tenant. Should Tenant not pay the reimbursement amount to Landlord within said ten (10) days, then Landlord may include said amount as additional rent pursuant to this Lease and seek any and all remedies for non-payment accordingly.
J FREESTANDING SIGNS

No freestanding sign will be allowed in this center other than the approved Walgreens pylon sign and monument sign.

Interra Vision Development, LLC
541 N Fairbanks, Suite 1890
Chicago, IL 60611
(408) 569-7907

Superior Electrical Advertising, Inc
125 N Houston Lane
Lodi, CA 95240
(209) 334-3337
Mike Rathbun
WALGREENS
HAMMER LANE & KELLEY DRIVE
STOCKTON, CALIFORNIA
WALGREENS
HAMMER LANE & KELLEY DRIVE
STOCKTON, CALIFORNIA
IS 20-05
TM 27-05
UP 76-05
V 5 05
PR 5-05
EXHIBIT 3

FINAL INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION

WALGREENS COMMERCIAL RETAIL CENTER
West Hammer Lane and Kelley Drive

Initial Study IS 20-05
Tentative Subdivision Map TM 27-05
Administrative Use Permit UP 76-05
Variance V 5-05
Precise Road Plan Amendment PR 5-05

May 1, 2006

Prepared for
City of Stockton
Community Development Department/
Planning Division
345 North El Dorado Street
Stockton, CA 95202

PC Approved 5-11-06
CC Approved 7-25-06
Resolution 06-0404

InSite environmental inc
6653 Embarcadero Drive, Suite Q
Stockton, CA 95219
209 472 8650
Fax 209 472 8654
www.insite.env.com
FINAL INITIAL STUDY/
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Stockton CA 95202

Prepared by
INSITE ENVIRONMENTAL INC
6653 Embarcadero Drive Suite Q
Stockton CA 95219
# TABLE OF CONTENTS

1.0  INTRODUCTION

2.0  SUMMARY TABLE

3.0  COMMENTS AND RESPONSES

4.0  ERRATA

**APPENDICES**

**Appendix A**  Copies Of Public Review Legal Notice And Transmittal Documents
**Appendix B**  Mitigation Agreement

**LIST OF FIGURES**

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<thead>
<tr>
<th></th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Regional Map</td>
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<tr>
<td>2</td>
<td>Street Map</td>
</tr>
<tr>
<td>3</td>
<td>USGS Map</td>
</tr>
<tr>
<td>4</td>
<td>Proposed Site Plan</td>
</tr>
<tr>
<td>5</td>
<td>Tentative Map</td>
</tr>
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</table>
10 INTRODUCTION

The proposed project involves a request for City approval for a use permit, a variance, a tentative map and a precise road plan amendment. The use permit will allow for the establishment of a retail shopping center (Walgreens Drugs store and other retail businesses) and a proposed 30-foot high pole sign with an electronic message board. The variance would allow a pole sign with an on-premise electronic message sign to be located at a five-foot instead of a 25-foot set back from the right-of-way line within 100 feet of the corner point of the intersection at Hammer Lane and Kelley Drive. Additionally, variance would allow the proposed right-in/right-out driveway to be located less than 300 feet from a signalized intersection. An amendment to the Hammer Lane Precise Road Plan is required to allow the proposed right-in/right-out driveway on Hammer Lane. The tentative map will subdivide a 2.1-acre site into two parcels.

An Initial Study and proposed Mitigated Negative Declaration for the Walgreens Commercial Retail Development project was prepared by the City of Stockton and circulated for a 20-day agency and public comment period extending from March 29, 2006 until April 17, 2006. Copies of the public review legal notices and transmittal documents are shown in Appendix A.

This Final Initial Study/Mitigated Negative Declaration, when combined with the public review draft of the Initial Study and proposed Mitigated Negative Declaration, constitutes the complete environmental review document for the Walgreens Commercial Retail Center. The Final IS/MND will be considered by the City of Stockton Planning Commission and City Council before the Commission and Council makes its decision on the project.

This Final IS/MND contains a summary of the environmental effects of the project (Section 2.0). A list of comments received and the City’s responses to the comments received are shown in Section 3.0. The Errata Section (4.0) shows revisions to the Initial Study related to the comments received as well as any other minor changes and corrections to the document identified by City Staff.
Figure 1-1
REGIONAL MAP
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, but it 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 are explained or documented as required in the subsequent sections: Section 3.0 Responses to Comments and Section 4.0 Errata.

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 IMPACTS AND MITIGATION MEASURES**

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Mitigation Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Significance Before</strong></td>
<td><strong>Mitigation Measures</strong></td>
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<tr>
<td><strong>Mitigation Measures</strong></td>
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<tr>
<td><strong>Significanse Before</strong></td>
<td><strong>Mitigation Measures</strong></td>
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</tbody>
</table>

#### 1.0 AESTHETICS

**Aesthetic Effects of Proposed Planned Development**

<table>
<thead>
<tr>
<th>PS</th>
<th>1  A minimum six to eight foot high masonry wall with landscaping and an automatic irrigation system shall be installed along the east property line of the project site</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2  The owners, developers and successors in interest (ODS) shall be responsible for the installation of landscaping and irrigation systems along the west side of the wall. The wall shall be subject to review and approval by the Community Development Director prior to the issuance of the building permit</td>
</tr>
<tr>
<td></td>
<td>3  All outdoor lighting in the commercial retail center shall be shielded to prevent glare onto excessive illumination of adjoining residential areas</td>
</tr>
</tbody>
</table>

#### 2.0 AGRICULTURE

None required

#### 3.0 AIR QUALITY

<table>
<thead>
<tr>
<th>PS</th>
<th>1  The owners, developers and/or successors in interest shall comply with all applicable requirements of SJVAPCD Regulation VIII including compliance with the following mitigation measures 2 through 10</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>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 A. The dust control measures specified in mitigations 3 through 9 shall be applied as required to maintain the VDE standard</td>
</tr>
<tr>
<td></td>
<td>3  Pre-water all land clearing, grubbing, scraping, excavation, land leveling, grading, cut, and fill</td>
</tr>
</tbody>
</table>

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*S = Significant, CS = Cumulatively Significant, PS = Potentially Significant, LS = Less than Significant, SOC Adopted = Statement of Overriding Considerations previously adopted*
<table>
<thead>
<tr>
<th>Potential Impact</th>
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<tbody>
<tr>
<td>and demolition activity</td>
<td></td>
<td>and phase earthmoving</td>
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<tr>
<td>sites and phase earthmoving</td>
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<tr>
<td>4</td>
<td>Apply water chemical/organic stabilizer/suppressant or vegetative ground cover to all disturbed areas including unpaved roads</td>
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<tr>
<td>5</td>
<td>Restrict vehicular access to the disturbance area during periods of inactivity</td>
<td></td>
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<tr>
<td>6</td>
<td>Apply water or chemical/organic stabilizers/suppressants construct wind barriers and/or cover exposed potentially dust generating materials</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>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</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Remove carryout and trickout of soil materials on a daily basis unless it extends more than 50 feet from site carryout and trickout 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</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Traffic speeds on unpaved roads shall be limited to 15 mph</td>
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</tr>
<tr>
<td>10</td>
<td>The owners, developers and/or successors in interest shall obtain a demolition permit from the City of Stockton and comply with asbestos</td>
<td></td>
</tr>
</tbody>
</table>

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SUMMARY OF IMPACTS AND MITIGATION MEASURES

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</thead>
<tbody>
<tr>
<td>emissions control requirements</td>
<td>11</td>
<td>The applicant may be subject to 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 applicant is strongly encouraged to contact the District's CEQA/ISR Department at (559) 230-5800 or <a href="mailto:ISR@valleyair.org">ISR@valleyair.org</a></td>
</tr>
</tbody>
</table>

4.0 BIOLOGICAL RESOURCES

Project Impacts on biological resources

5.0 CULTURAL RESOURCES

Project Impacts on Archaeological Resources

- If any subsurface cultural resources are encountered during construction of the commercial 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 Planning Department shall be notified, and the applicants shall be responsible for mitigation of any significant cultural resources pursuant to the CEQA Guidelines.

- 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 Planning Department shall be notified immediately. The Coroner must contact the Native American Heritage Commission if the remains have been identified as being of Native American origin. At the same time, the applicant shall retain a qualified archaeologist 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.
### TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

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<tr>
<th>Potential Impact</th>
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</thead>
<tbody>
<tr>
<td><strong>6.0 GEOLOGY AND SOILS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project impact on geological resources and soils</td>
<td>PS</td>
<td>1 The owners, developers and/or successors in interest shall have a licensed geotechnical or soils engineer prepare a soil report for the project site. The report shall identify engineering limitations of the site soils and recommend measures to ensure that improvements will not be damaged by these limitations</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 A soil report shall be submitted to the Building Division prior to the issuance of any building permit</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3 Required subdivision improvements and future commercial development shall conform to applicable specifications of the soils report</td>
</tr>
<tr>
<td><strong>7.0 HAZARDS AND HAZARDOUS MATERIAL</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project impacts on hazards and hazardous materials</td>
<td>PS</td>
<td>1 The owners, developers and/or successors in interest shall allow the currently named responsible parties a future access agreement to the subject property for possible future investigation and/or remediation activities subject to reasonable conditions. These activities may include additional soil/groundwater sampling on the subject property, the installation of additional groundwater quality investigation wells or the installation of a groundwater extraction/treatment system</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 The owners, developers and successors in interest shall cooperate as required with the Regional Water Quality Control Board (RWQCB) and/or local oversight agencies in necessary groundwater</td>
</tr>
</tbody>
</table>

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<tr>
<td></td>
<td>cleanup activities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>The owners, developers and/or successors in interest shall obtain soil testing of the project site prior to ground disturbance as required to determine that soils to be disturbed have not been contaminated by nearby leaking underground tanks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>The ODS shall demonstrate compliance with City Code Sections 7 859 7 859 1 and 7 859 2 to the Municipal Utilities Department to ensure that sufficient post construction storm water pollution prevention practices have been incorporated into the project design</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>The ODS shall submit a Storm Water Pollution Prevention Plan (SWPPP) to the Municipal Utilities Department that includes both construction stage and permanent storm water pollution prevention practices that meet the criteria established in the City of Stockton's SWQCCP. The SWPPP must be developed during the project design phase and must be submitted and approved before the start of construction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>As of November 25, 2003, project improvement plans must comply with the Stormwater Quality Control Criteria Control Plan 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 2002 0181)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| 4                | The owners, developers and successors in interest are required to participate in the Maintenance District and to create a new zone to annex its territory to the Stockton Consolidated Storm

8.0 HYDROLOGY AND WATER QUALITY

Project impacts on hydrology and water quality PS LS

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### TABLE 2-1

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</thead>
<tbody>
<tr>
<td>Drainage Maintenance Assessment District No. 2005 1. The participation and creation of maintenance zone shall be in place before the filing of a final map.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### 9.0 LAND USE AND PLANNING

**Project Impacts on Land Use and Planning**

<table>
<thead>
<tr>
<th></th>
<th>PS</th>
<th>Mitigation Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
<td>A minimum six to eight foot high masonry wall with landscaping and an automatic irrigation system shall be installed along the east property line of the project site.</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>The owners, developers and successors in interest (ODS) shall be responsible for the installation of landscaping and irrigation systems along the west side of the wall. The wall shall be subject to review and approval by the Community Development Director prior to the issuance of the building permit.</td>
</tr>
</tbody>
</table>

#### 10.0 MINERAL RESOURCES

<table>
<thead>
<tr>
<th></th>
<th>LS</th>
<th>Mitigation Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>None required</td>
<td></td>
</tr>
</tbody>
</table>

#### 11.0 NOISE

**Project Impacts on Noise**

<table>
<thead>
<tr>
<th></th>
<th>LS</th>
<th>Mitigation Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
<td>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 noise sensitive land uses and by requiring residential type mufflers where applicable.</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>The owners, developers and/or successors in interest shall prohibit idling of truck engines and require refrigeration units to be turned off on trucks and trailers during unloading.</td>
</tr>
</tbody>
</table>

*S = Significant, C/S = Cumulatively Significant, PS = Potentially Significant, LS = Less than Significant, SOC Adopted = Statement of Overriding Considerations previously adopted*
<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Mitigation Measures</th>
<th>Significance Before</th>
<th>Mitigation Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>The owners developers and/or successors in interest shall prohibit the eastern retail shop loading activities between the hours of 10:00 PM and 7:00 AM seven days a week</td>
<td></td>
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<tr>
<td>4</td>
<td>Rooftop mechanical equipment for the eastern retail building shall be designed to conform to City of Stockton daytime and nighttime noise level criteria. Conformance shall be demonstrated to the satisfaction of the Community Development Director in a noise study prepared by a qualified consultant</td>
<td></td>
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</tr>
<tr>
<td>5</td>
<td>Heating ventilation and air conditioning (HVAC) equipment for commercial use shall be located in such a way that the equipment is effectively shielded from nearby noise sensitive uses</td>
<td></td>
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</tr>
<tr>
<td>6</td>
<td>Screening or positioning HVAC exhaust fans to minimize their contribution to noise levels on residential parcels</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Screening or enclosing trash compactors by concrete block walls</td>
<td></td>
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<tr>
<td>8</td>
<td>Controlling operations to minimize deliveries, trash compaction or exterior repairs along the east boundary of the site between 10:00 PM and 7:00 AM seven days a week</td>
<td></td>
<td></td>
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<tr>
<td>9</td>
<td>The owners developers and/or successors in interest shall shield rooftop equipment with parapets orienting air intake and exhaust away from residential zone including silencers on air intake and exhaust installing mechanical equipment within equipment rooms</td>
<td></td>
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<tr>
<td>10</td>
<td>The owners developers and/or successors in interest shall design and construct a 6.8 foot high parapet</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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 IMPACTS AND MITIGATION MEASURES**

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Mitigation Measures</th>
<th>Significance Before</th>
<th>Mitigation Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>12.0 POPULATION AND HOUSING</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>LS</td>
<td>None required</td>
<td>LS</td>
</tr>
</tbody>
</table>

**13.0 PUBLIC SERVICES**

**Project Impacts on Public Services**

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Mitigation Measures</th>
<th>Significance Before</th>
<th>Mitigation Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>PS</td>
<td>1</td>
<td>LS</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The owners developers and/or successors in interest shall pay required Public Facility Fees toward construction of new fire stations and related facilities prior to issuance of construction permits.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2</td>
<td>LS</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The owners developers and/or successors in interest shall incorporate access water supply and other fire suppression and emergency access/response needs in the proposed project design.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>3</td>
<td>LS</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The owners developers and/or successors in interest shall install fire hydrants and water distribution facilities which will provide fire flows that are adequate to support the City’s existing ISO rating and that conform to adopted Building Code Fire Safety Standards for all of the uses proposed within the project area.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>4</td>
<td>LS</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The owners developers and/or successors in interest shall pay Public Facility Fees to defray capital facilities costs associated with expanding law enforcement and fire protection services.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>5</td>
<td>LS</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The owners developers and/or successors in interest shall have a licensed uniformed security guard monitor contractors’ storage yards during the construction phases of the project 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.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Mitigation Measures</th>
<th>Significance Before</th>
<th>Mitigation Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>The owners developers and/or successors in interest shall have the entire construction site fenced and inaccessible to the public after hours and on weekends and holidays until the building is occupied. The fence should be well maintained as needed during the project.</td>
<td>B</td>
<td>Bofora</td>
</tr>
<tr>
<td>7</td>
<td>The owners developers and/or successors in interest shall have the entire construction area well lighted throughout the night every night during construction so as to clearly illuminate the project area.</td>
<td>S</td>
<td>Bofora.</td>
</tr>
<tr>
<td>8</td>
<td>The proposed project shall include a well lit parking lot equipped with security cameras and recording equipment.</td>
<td>S</td>
<td>Bofora.</td>
</tr>
<tr>
<td>9</td>
<td>Project landscaping along the building exterior and parking areas shall be maintained as required to facilitate adequate visibility to support law enforcement.</td>
<td>S</td>
<td>Bofora.</td>
</tr>
</tbody>
</table>

14.0 RECREATION
Project impacts on recreation: LS None required

15.0 TRANSPORTATION AND CIRCULATION
Project impacts on transportation and circulation: LS None required

16.0 UTILITIES
Project impacts on utilities: PS 1 The ODS shall submit detailed subdivision improvement plans. These plans shall show all on and off site utilities necessary to provide water, storm, and sanitary sewer utility service. These plans shall be acceptable to the Director of Municipal Utilities and approved by the city.
TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

<table>
<thead>
<tr>
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<th>Significance Before</th>
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</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The ODS shall provide permanent rights of way for and construct all on-site and off-site storm and sanitary sewer facilities as designed and shown on the accepted improvement plans for the development. Any reimbursement costs for oversizing shall be determined in accordance with the Stockton Municipal Code.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>The ODS shall prepare a quantitative analysis of the sanitary sewer capacity in the adjoining area.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>The ODS shall pay the RTIF for all building permits obtained following the City of Stockton's adoption of the SJCOG regional Transportation Impact Fee program.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>The ODS shall comply with the City's Storm Water Pollution Prevention Program and pay all associated fees as required by the NPDES Storm Water Permit.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3.0 COMMENTS ON THE ENVIRONMENTAL DOCUMENT AND LEAD AGENCY RESPONSES TO COMMENTS

The City of Stockton received a total of three (4) comment letters from agencies regarding the Initial Study/Mitigated Negative Declaration for the Walgreens Commercial Retail Development project. The comment letters are reproduced in this section, and the agencies that submitted the comments are listed below:

1. Pacific Gas and Electric Company
2. San Joaquin Valley Air Pollution Control District
3. San Joaquin County Environmental Health Department
4. San Joaquin County Regional Transit District

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 Pacific Gas and Electric Company. The lead agency's responses are shown following each comment letter, and the responses are keyed to the comment codes described above.
Thank you for the opportunity to review the initial study and Mitigated Negative Declaration (IS/MND) for the above project at the referenced location. PG&E has the following comments to offer.

PG&E owns and operates gas and electric facilities which are located within and adjacent to the proposed project. To promote the safe and reliable maintenance and operation of utility facilities, the California Public Utilities Commission (CPUC) has mandated specific clearance requirements between utility facilities and surrounding objects or construction activities. To ensure compliance with these standards, project proponents should coordinate with PG&E early in the development of their project plans. Any proposed development plans should provide for unrestricted utility access and prevent easement encroachments that might impair the safe and reliable maintenance and operation of PG&E's facilities.

The requesting party will be responsible for the costs associated with the relocation of existing PG&E facilities to accommodate their proposed development. Because facilities relocation requires long lead times and are not always feasible, the requesting party should be encouraged to consult with PG&E as early in their planning stages as possible.

Relocations of PG&E's electric transmission and substation facilities (50,000 volts and above) could also require formal approval from the California Public Utilities Commission. If required, this approval process could take up to two years to complete. Proponents with development plans which could affect such electric transmission facilities should be referred to PG&E for additional information and assistance in the development of their project schedules.

COMMENT #1

1A

1B

1C

COMMENT #1
We would also like to note that continued development consistent with the City's General Plans will have a cumulative impact on PG&E's gas and electric systems and may require on-site and off-site additions and improvements to the facilities which supply these services. Because utility facilities are operated as an integrated system, the presence of an existing gas or electric transmission or distribution facility does not necessarily mean the facility has capacity to connect new loads.

Expansion of distribution and transmission lines and related facilities is a necessary consequence of growth and development. In addition to adding new distribution feeders, the range of electric system improvements needed to accommodate growth may include upgrading existing substation and transmission line equipment, expanding existing substations to their ultimate buildout capacity, and building new substations and interconnecting transmission lines. Comparable upgrades or additions needed to accommodate additional load on the gas system could include facilities such as regulator stations, odorizer stations, valve lots, distribution and transmission lines.

We would like to recommend that environmental documents for proposed development projects include adequate evaluation of cumulative impacts to utility systems, the utility facilities needed to serve those developments, and any potential environmental issues associated with extending utility service to the proposed project. This will assure the project's compliance with CEQA and reduce potential delays to the project schedule.

PG&E remains committed to working with the City to provide timely, reliable, and cost-effective gas and electric service to the planned area. We would also appreciate being copied on future correspondence regarding this subject as this project develops.

The California Constitution vests in the California Public Utilities Commission (CPUC) exclusive power and sole authority with respect to the regulation of privately owned or investor-owned public utilities such as PG&E. This exclusive power extends to all aspects of the location, design, construction, maintenance, and operation of public utility facilities. Nevertheless, the CPUC has provisions for regulated utilities to work closely with local governments and give due consideration to their concerns. PG&E must balance its commitment to provide due consideration to local concerns with our obligation to provide the public with a safe, reliable, cost-effective energy supply in compliance with the rules and tariffs of the CPUC.

Should you require any additional information or have any questions, please call me at (209) 942-1419.

Sincerely,

Alfred Poon
Land Agent
Stockton Land Services
External (209) 942-1419
Fax (209) 942-1485
Response to comment letter from Pacific Gas and Electric, April 14, 2006

**Response 1A** This is not a specific comment on the Walgreens Commercial Retail Center but rather a request for coordination in conjunction with new land development activities. The City encourages project applicants to coordinate with PG&E during the development of subdivision improvement plans; these plans cannot be approved until they adequately reflect the needs of the utility.

**Response 1B** Similar to the previous comment, this is not a comment on the Walgreens Retail Center but rather a statement of policy with regard to the allocation of the costs and approval requirements of relocating existing PG&E facilities. No response is necessary.

**Response 1C** This is not a comment on the IS/MND, but the comment does note the potential for formal approval from the California Public Utilities Commission. If required, this approval process could take up to two years to complete.

**Response 1D** This is not a comment on the Walgreens Retail Center but rather a discussion of potential electrical and gas utility improvements that may be required in conjunction with new development. This information has been incorporated in the utility impact discussion of the IS/MND.

**Response 1E** This is not a comment on the IS/MND but rather a discussion regarding growth and development in our community and PG&E's ongoing necessary need for providing service. No response is necessary.

**Response 1F** As noted in previous responses, the City will continue to coordinate with PG&E with regard to utility needs associated with new development projects. This consultation will include the potential for any cumulative impacts on the PG&E system. If and when PG&E identifies significant physical improvements that may be needed in conjunction with a planned development project, these improvements should be accounted for in the environmental document prepared for the project.

**Response 1G** This comment is both a statement of the utility's responsibility to the California Public Utilities Commission and a recognition of the CPUC's authority over utility-related matters. As noted in previous responses, the City will continue to coordinate with PG&E on utility-related matters. No further response is necessary.
Subject: Initial Study/Mitigated Negative Declaration for the Walgreens Commercial Retail Center on West Hammer Lane and Kelley Drive — IS 20-05 TM 24-05 UP 76-05 V 5-05 PR 5-05

Dear Ms. Law,

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above and concurs with the Air Quality discussion of the Initial Study/Mitigated Negative Declaration. Although this project would contribute to the overall decline in air quality due to construction activities in preparation of the site and ongoing traffic and other operational emissions, preliminary analysis indicates that this project alone would not generate significant air emissions. A concerted effort should be made to reduce project-related emissions as outlined below.

Based on the information provided, this project is subject to the District’s Indirect Source Review Rule (Rule 9510). This rule was adopted to reduce the impacts of growth in emissions from all new development in the San Joaquin Valley. Rule 9510 requires applicants subject to the rule to provide information that enables the District to quantify construction area and operational PM10 and NOx emissions and potentially mitigate a portion of those emissions. The rule is applicable to any applicant (any person or entity that undertakes a development project) which upon full build out for commercial uses is 2,000 square feet or more. An application must be filed with the District no later than concurrent with application with a local agency for the final discretionary approval. For more information and instruction, please contact the District’s ISR staff by phone at (559) 230-5800 or by email at ISR@valleyair.org.

The proposed project will also be subject to the following District rules. The following items are rules that have been adopted by the District to reduce emissions throughout the San Joaquin Valley and are required. This project may be subject to additional District Rules not enumerated below. To identify additional rules or regulations that apply to this project, or for further information, the applicant is strongly encouraged to contact the District’s Small Business Assistance Office at (209) 557-6446. Current District rules can be found at http://www.valleyair.org/rules/1ruleslist.htm.

Regulation VII (Fugitive PM10 Prohibitions) Rules 8011-8081 are designed to reduce PM10 emissions (predominantly dust/dirt) generated by human activity including construction and demolition activities, road construction, bulk materials storage, paved and unpaved roads, carryout and trackout, landfill operations, etc. The District’s compliance assistance bulletin for construction sites can be found at http://www.valleyair.org/busind/compliance/PMA10/Req%20VII%20CAB.pdf.

Comment #2
If a non-residential site is 1.0 to less than 5.0 acres, an owner/operator must provide written notification to the District at least 48 hours prior to his/her intent to begin any earthmoving activities as specified in Section 6.4.2 of Rule 8021. A template of the District's Construction Notification Form is available at http://www.valleymd.org/busind/comply/PM110/forms/Notification%20Form%20Final%2012.01.2012.pdf.

**Rule 3180** (Administrative Fees for Indirect Source Review) This rule requires the applicant to submit a fee in addition to an Indirect Source Review Application. The purpose of this fee is to recover the District's cost for the review and management of these applications. More information on the fee is available on the District website at http://www.valleymd.org/rules/currenrules/Rule%203180%201205.pdf.

**Rule 4002** (National Emission Standards for Hazardous Air Pollutants) In the event that any portion of an existing building will be renovated, partially demolished, or removed, the project will be subject to District Rule 4002. Prior to any demolition activity, an asbestos survey of existing structures on the project site may be required to identify the presence of any asbestos-containing building material (ACBM). Any identified ACBM having the potential for disturbance must be removed by a certified asbestos contractor in accordance with CAL-OSHA requirements. If you have any questions concerning asbestos related requirements, please contact Ms. Jan Sudomier at (209) 557-6422 or contact CAL-OSHA at (559) 454-1295. The District's Asbestos Requirements Bulletin can be found at http://valleymd.org/busind/comply/asbestosbul.htm.

**Rule 4102** (Nuisance) This rule applies to any source operation that emits or may emit air contaminants or other materials. In the event that the project or construction of the project creates a public nuisance, it could be in violation and be subject to District enforcement action.

**Rule 4601** (Architectural Coatings) This rule limits volatile organic compounds from architectural coatings by specifying architectural coatings' storage, clean up and labeling requirements.

**Rule 4641** (Cutback Slow Cure and Emulsified Asphalt, Paving and Maintenance Operations) If asphalt paving will be used, then paving operations of the project will be subject to Rule 4641. This rule applies to the manufacture and use of cutback asphalt, slow cure asphalt, and emulsified asphalt for paving and maintenance operations.

**District Permitting** This project may be subject to District permitting requirements. The specific uses for the retail building are not identified. Future tenants may be subject to District permitting requirements. Depending on the nature and complexity of the application and staff workload, permitting approval may take several months. To avoid unnecessary delays, applications should be submitted to the District as soon as the project developer has determined the scope and specific uses of the building. For further information or assistance regarding permitting, you may contact the District's Small Business Assistance Office at (209) 557-6446.

The District encourages innovation in measures to reduce air quality impacts. There are a number of features that could be incorporated into the design/operation of this project to provide additional reductions of the overall level of emissions. (Note: Some of the measures may already exist as City of Stockton development standards. Any measure selected should be implemented to the fullest extent possible.) The suggestions listed below should not be considered all-inclusive and remain options that the agency with land-use authority should consider for incorporation into the project.

- Large canopy trees should be carefully selected and located to protect the building(s) from energy-consuming environmental conditions and to shade 50% of paved areas within 15 years. Also, trees should be planted adjacent to all sidewalks thirty feet on center and at a ratio of one tree for each five parking spaces. Structural soil should be used under paved areas to improve tree growth. For information on Structural Soil see [http://www.hort.com/all.edu/hi/outreach/cso/](http://www.hort.com/all.edu/hi/outreach/cso/). For information on Tree Selection see [http://www.udel.edu/](http://www.udel.edu/) For Urban Forestry see [http://www.poolcommunities.org](http://www.poolcommunities.org) [http://www.ucfire.ucdavis.edu](http://www.ucfire.ucdavis.edu) and [http://www.loc.org/bookstore/energy/downloads/streetree_guidelines.pdf](http://www.loc.org/bookstore/energy/downloads/streetree_guidelines.pdf).

**COMMENT #2**
The Negative Declaration indicates that sidewalk will be constructed to connect the buildings in this project. These sidewalks should be designed to separate pedestrian pathways from vehicle paths and to be accommodated and appropriately sized for anticipated future pedestrian and bicycle use. The walkways should create a safe and inviting walking environment for people wishing to walk from one building to another. Walkways should also be installed to direct pedestrians from the street sidewalk to the buildings. Sidewalks should be designed for high visibility (brightly painted different color of concrete etc.) when crossing parking lots, streets and similar vehicle paths. Clearly marked and highly visible pedestrian accesses create a safer environment for both pedestrians and vehicles. Pathways through the project should be built in anticipation of future growth/development.

As many energy conserving and emission reducing features as possible should be included in the project. Energy conservation measures include both energy conservation through design and operational energy conservation. Examples include (but are not limited to):

- Increased energy efficiency (above California Title 24 Requirements) energy efficient windows (double pane and/or Low-E) lighting appliances and heating and cooling systems and programmable thermostats for all heating and cooling systems. See http://www.energy.ca.gov/title24/ and http://www.energySTAR.gov/
- Use Low and No-VOC coatings and paints. See South Coast's site for No-VOC Coatings at http://www.aqmd.gov/brochures/paintguide.html
- High albedo (reflecting) roofing materials. See http://weeb.ca.gov/coolroof/
- Cool Paving. Heat islands created by this and similar projects contribute to the reduced air quality in the valley by heating ozone precursors. See http://www.herc.edu/hercProjects/CoolHouston/ and http://ireado.ca.gov/heatisland/
- Radiant heat barrier. See http://www.energy.ca.gov/consumersinfo/refdesignsloc7.html
- Awning or other shading mechanism for windows and walkway overhangs. Utilize daylighting (natural lighting) systems such as skylights, light shelves, interior transom windows etc. See http://www.advancedbuildings.org
- Electrical outlets around the exterior of the units to encourage use of electric landscape maintenance equipment.
- Reducing the amount of single occupancy vehicle visitor traffic to and from the project (bicycle parking facilities for patrons and employees in a covered secure area reducing parking spot supply implementing parking charges).
- Employee shower and locker areas for bicycle and pedestrian commuters.

Construction activity mitigation measures include:

- Limit area subject to excavation grading and other construction activity at any time.
- Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use.
- Replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set).
- Require that all diesel engines be shut off when not in use to reduce emissions from idling.
- Curtail construction during periods of high ambient pollutant concentrations this may include ceasing construction activity during the peak hour of vehicular traffic on adjacent roadways and Spare the Air Days declared by the District.
- Implement activity management (e.g. rescheduling activities to reduce short term impacts).
- During the smog season (May through October) lengthen the construction period to minimize the number of vehicles and equipment operating at the same time.
- Off road trucks should be equipped with on-road engines when possible.
- Minimize obstruction of traffic on adjacent roadways.

Construction equipment may be powered by diesel engines fueled by alternative diesel fuel blends or Ultra Low Sulfur Diesel (ULSD). The California Air Resources Board (CARB) has verified specific alternative diesel fuel blends for NOx and PM emission reduction. Only fuels that have been certified by CARB should be used. Information on biodiesel can be found on CARB's website at http://www.arb.ca.gov/gas/diesel/ulsdiesel/ulsdiesel.htm and the EPA's website at http://www.epa.gov/energy/diesel.htm.
The applicant should also use CARB certified alternative fueled engines in construction equipment where practicable. Alternative fueled equipment may be powered by Compressed Natural Gas (CNG), Liquid Propane Gas (LPG), electric motors, or other CARB certified off-road technologies. To find engines certified by the CARB, see their certification website [http://www.arb.ca.gov/msprog/offroad/certifert.php](http://www.arb.ca.gov/msprog/offroad/certifert.php). For more information on any of the technologies listed above, please contact Mr. Chris Acree, Senior Air Quality Specialist, at (559) 230-5529.

- Construction equipment may be used that meets the current off-road engine emission standard (as certified by the CARB) or be re-powered with an engine that meets this standard. Tier I, Tier II, and Tier III engines have significantly less NOx and PM emissions compared to uncontrolled engines. To find engines certified by the CARB, see [http://www.arb.ca.gov/msprog/offroad/certifert.php](http://www.arb.ca.gov/msprog/offroad/certifert.php). This site lists engines by type, then manufacturer. The “Executive Order” shows what Tier the engine is certified as. Rule 9510 requires construction exhaust emissions to be reduced by 20 percent for NOx and 45 percent for PM10 when compared to the statewide fleet average or to pay an in lieu mitigation fee. For more information on heavy-duty engines, please contact Mr. Thomas Astone, Air Quality Specialist, at (559) 230-5800.

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call me at (559) 230-5818 or Mr. Dave Mitchell, Planning Manager, at (559) 230-5807 and provide the reference number at the top of this letter.

Sincerely,

Jessica R. Willis
Air Quality Specialist
Central Region

c. file

**COMMENT #2**
Response 2A. This comment repeats and affirms the findings of the EIS/MND’s air quality analysis. No further response is necessary.

Response 2B. In this comment, the APCD affirms that the project is subject to the District’s Indirect Source Review Rule (Rule 9510). The EIS/MND has already incorporated mitigation in Section C (3) Air Quality, page 10 of the EIS/MND analysis requiring ISR conformance. No further response is necessary.

Response 2C. In this comment, the District is identifying the rules that have been adopted by the district to reduce emissions and the potential places to identify additional district rules. The project is required to conform to all applicable District rules.

Response 2D. In this comment, the SJVAPCD identifies Regulation VIII requirements that would reduce construction impacts. This regulation is intended to reduce PM 10 emissions. The Walgreens Retail Commercial Center EIS/MND has identified construction impacts in Section C (3) Air Quality, and requires conformance with Regulation VIII. No further response is necessary.

Response 2E. In this comment, the SJVAPCD identifies Rule 3180, which requires a fee in addition to an Indirect Source Review Application. The project proponent will need to comply with the SJVAPCD regarding this issue.

Response 2F. In this comment, the SJVAPCD identifies Rule 4002, which requires an asbestos survey to be conducted prior to demolition activity. The EIS/MND discusses a Phase I ESA in Section C (7) of Hazards, which concluded ACMs are present on the project site. Section C (3) sets forth the appropriate mitigation. No further response is necessary.

Response 2G. Rule 4102 identifies the action taken if construction impacts create a public nuisance. The project proponents must comply with this rule. No further response is necessary.

Response 2H. Rule 4601 identifies the procedure to limit volatile organic compounds and specifies clean up and labeling requirements. The project proponents will be required to comply with this rule. No further response is necessary.

Response 2I. Rule 4641 applies to the manufacture and use of cutback asphalt, slow cure asphalt and emulsified asphalt for paving and maintenance operations. The project proponent will be responsible to comply with this rule. No further response is necessary.

Response 2J. The SJVAPCD identifies that the project may be subject to permitting requirements and future tenants may be subject to permitting as well. No further response is necessary.
Response 2K The SJVAPCD encourages innovation in reducing air quality impacts. This comment discusses this issue. The Walgreens Retail Commercial Center will cooperate with the SJVAPCD to the fullest possible extent.

Response 2L The SJVAPCD requests large canopy trees to help protect buildings from energy consuming environmental conditions. The project proponents have prepared a full Landscaping plan, which has been approved by the City of Stockton. No further response is necessary.

Response 2M Sidewalks will be provided throughout the project area, as discussed in Section C (1) Aesthetics, of the EIS/MND. These facilities will be connected to adjoining businesses and would include pathways designed separately for pedestrians.

Response 2N The APCD's recommendations include a variety of additional measures that would reduce ozone emissions by design and operational energy conservation. These recommendations will be evaluated by the project proponent and City and applied at the building permit level as appropriate.

Response 2O The EIS/MND addresses the potential impacts of project construction on air quality. With the inclusion of mitigation measures specified in the APCD's Regulation VIII, the EIS/MND indicates that construction air quality impacts would be reduced to less than significant. Some of the APCD's recommendations are met by mitigation measures included in the EIS/MND. The mitigation measures also require the submission of a dust control plan to the APCD 30 days prior to construction. This will provide the SJVAPCD an opportunity to advise the developer of additional mitigation potentials. Additional mitigation is not required under CEQA.

Response 2P The SJVAPCD Rule 9510 requires construction exhaust emissions to be reduced by 20 percent for NOx and 45 percent for PM10 when compared to the statewide fleet average, or, requires the project to pay an in lieu mitigation fee. Alternative fuel burns would provide an opportunity to reduce NOx and/or PM10 emissions. The project will be subject to these requirements. No further response is necessary.

Response 2Q The SJVAPCD indicate they are available for further discussion. No further response is necessary.
April 13 2006

Jenny Liaw  Associate Planner
City of Stockton
c/o Community Development Dept.
Planning Division
345 North El Dorado Street
Stockton, California 95202

RE  PUBLIC REVIEW OF THE INITIAL STUDY/PROPOSED MITIGATED NEGATIVE DECLARATION FOR THE WALGREENS COMMERCIAL RETAIL CENTER TENTATIVE MAP, USE PERMIT, VARIANCE, AND PRECISE ROAD PLAN AMENDMENT PROJECT (IS20-05/TM27-05/UP76-05/V5-05/PR5-05)

The San Joaquin County Environmental Health Department has reviewed the above mentioned project and has no comments.

Should you have any questions, please call Mike Huggins, Supervising R.E.H.S. R.D. I at (209) 468-3437 or Rodney Estrada, Lead Senior R.E.H.S. at (209) 468-0331.

Donna Heran, R.E.H.S. Director

Mike Huggins, Supervising R.E.H.S. R.D. I
Environmental Health Department

MH dl
Response to comment letter from the San Joaquin County Health Department

Response 3A. The San Joaquin County Health Department acknowledged receipt of the EIS/MND and has no comment on the Walgreens Retail Commercial Center project. No further response is necessary.
April 20, 2006

Ms. Jenny Liaw, Associate Planner
City of Stockton
Community Development Department
Planning Division
345 N. El Dorado Street
Stockton, CA 95202-1997

Dear Ms. Liaw

The San Joaquin Regional Transit District (RTD) appreciates the opportunity to review and comment on the Notice of Intent for Walgreens Retail Center, #1S20-05, RTD Reference #052039004-041706 042006-47

RTD staff has completed its review and concludes there is no response required.

Thank you for the opportunity to respond to this proposal. Please contact Jim Jarzab, Planning Manager at 209-948-5566, ext. 617 if you have any questions or require additional information.

Sincerely,

[Signature]

James T. Jarzab
Planning Manager

Cc: Donna Kelsey, General Manager/CEO

COMMENT #4
Response 4A  The San Joaquin County Regional Transit District acknowledged receipt of the EIS/MND and has no comment on the Walgreens Retail Commercial Center project  No further response is necessary
Chapter 40 ERRATA

This section contains corrections and additions to IS 2005 made in response to comments received on the IS/MND, as described in Section 3.0, as well as any recommended changes made by City staff. 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.

General Errata

Comments received on the IS/MND have identified minor changes to the contents of the Public Review Draft and the mitigation measures presented in the IS/MND. All of the recommended changes are reflected in underline/strikeout in this document. All changes to text are considered to have been amended in their respective locations in Sections A, B, and C of the IS/MND by their inclusion in Section 4.0 of this document.

Errata to # 6 on the Initial Study Form General Project Description. The second paragraph, third sentence is revised to read as follows:

The variance would allow a pole sign with an on-premise electronic message sign to be located at a five-to-foot instead of a 25-foot setback from the right-of-way line within 100 feet of the corner point of the intersection.

Errata to Section C (1) Aesthetics. Page nine, first paragraph, first sentence is revised to read as follows:

The proposed project will involve the installation of a new electronic message sign, which will be located five feet from the site property line along Hammer Lane.

Errata to Section 3 Air Quality. The following mitigation was added:

The applicant may be subject to 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 applicant is strongly encouraged to contact the District’s CEQA/ISR Department at (559) 230-5800 or ISR@valleyair.org.

Final Initial Study/Mitigated Negative Declaration For The Walgreens Commercial Retail Development
Errata to Section 8 Hydrology and Water Quality

Page 18, paragraph three, has been amended as follows

The proposed project, however, would be subject to the requirements of the Stockton Storm Water Management Program, including the implementation of best management practices (BMPs) as required by the Stockton Storm Water Quality Control Criteria Plan. Construction erosion control and post-construction BMPs must be incorporated into the Storm Water Pollution Prevention Plan (SWPPP) for the project, and the SWPPP is subject to the review and approval of the Department of Municipal Utilities. Must be prepared and posted at the on-site construction trailer with all BMPs needed during construction activities. Proposed improvements are addressed further in Chapter 2.0 Project Description and Section 4.16 Utilities and Service Systems. These improvements would reduce the potential water quality effects to less than significant.

Page 15, mitigation measure #2 is revised to add the word “Control’ as shown below

2. The ODS shall submit a Storm Water Pollution Prevention Plan (SWPPP) to the Municipal Utilities Department that includes both construction stage and permanent storm water pollution prevention practices that meet the criteria established in the City of Stockton’s Storm Water Quality Control Criteria Plan (SWQCCP).

Page 15, mitigation measure #3 is revised to add the acronym “SWQCCP” as shown below

3. As of November 25, 2003, project improvement plans must comply with the Stormwater Quality Control Criteria Plan (SWQCCP), 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 2002 0181).

Page 15, mitigation measure four was added

4. The owners, developers and successors in interest are required to participate in the Maintenance District and to create a new Zone to annex its territory to the Stockton Consolidated Storm Drainage Maintenance Assessment District No. 2005.1. The participation and creation of maintenance zones shall be in place before the filing of a final map.
APPENDIX A

COPIES OF PUBLIC REVIEW LEGAL NOTICE AND TRANSMITTAL DOCUMENTS
CITY OF STOCKTON
ENVIRONMENTAL DOCUMENT TRANSMITTAL LETTER

March 27, 2006

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 THE WALGREENS COMMERCIAL RETAIL CENTER TENTATIVE MAP, USE PERMIT, VARIANCE, AND PRECISE ROAD PLAN AMENDMENT PROJECT (IS20-05/TM27-05/UP76-05/V5-05/PR5-05)

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 April 17, 2006 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 Associate Planner Jenny Liaw of the Community Development Department, Planning Division at (209) 937 8316.

JAMES E. GLASER, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

By _______________________________ Date ________
Associate Planner Jenny Liaw

Enclosures

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CITY OF STOCKTON
PROPOSED NEGATIVE DECLARATION
(Public Resources Code Section 21080(c) and Cal Code of Regulations Title 14, Sections 15070-15073)

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

Contact Person	Associate Planner Jenny Liaw	Phone	(209) 937 8316

Project Title	Walgreens Commercial Retail Center Tentative Map Use Permit, Variance and Precise Road Plan

Initial Study File No	IS20-05	Discretionary Application(s) File No (s) TM27-05/UP76-05/V-5-05/PR5-05

Project Applicants	Brian Kislint Interra Vision Development, LLC, 4921 Concordia Drive El Dorado Hills, CA 95762

Project Description/Location	1) Use Permit to allow the development of a proposed retail shopping center and a proposed 30-foot high freestanding sign with an electronic message sign. 2) Precise Road Plan amendment to allow a proposed 30 foot wide right in/right-out driveway on the north side of Hammer Lane. 3) Variance to waive (a) a proposed freestanding sign with an electronic message sign to be located at 10-foot instead of 25 foot setback from the right-of-way line within 100 feet of the corner point of the intersection of Hammer Lane and Kelly Drive and (b) reduce the location of new driveway on Hammer Lane from required 300 to ± 260 feet closer to the intersection of Hammer Lane and Kelly Drive. 4) Tentative Map to subdivide a 2.1 acre site into two lots for property at 3119 and 3131 West Hammer Lane.

Date Review Period Ends	April 17, 2006 at 5 p.m.

Finding/Determination	The City of Stockton Community Development Department, Planning Division has reviewed and considered the proposed project and has prepared and/or independently reviewed and analyzed, a Proposed Negative Declaration and related Initial Study. Based on project modifications, mitigation measures, and related substantial supporting evidence presented in the Initial Study, it has been determined that the project will not have a significant effect on the environment. Therefore, approval of a Negative Declaration / Mitigated Negative Declaration is recommended for this project. A Mitigation Agreement is attached, if applicable.

Public Review	A copy of this document and the related Initial Study may be reviewed/obtained at the above-noted Lead Agency address. Any written comments on these documents must be received at that same address by the end of the review period. A public meeting to accept oral comments regarding the Mitigated Negative Declaration will be held by the Community Development Director or Planning Commission during or following the review period. Public notice of that meeting shall be posted on the public notice wall of the Community Development Department and in the official newspaper of the City of Stockton at least ten (10) calendar days prior to the meeting.

JAMES E. GLASER, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

By	March 24, 2006
Associate Planner Jenny Liaw
March 24, 2006
Date of Preparation
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. Walgreens Commercial Retail Center Use Permit, Variance, Tentative Map and Precise Road Plan (IS20-05/UP76-05/V-5-05/TM27-05/PR5-05):
   - Use Permit to allow the development of a proposed retail shopping center and a proposed 30-foot high freestanding sign with an electronic message sign.
   - Precise Road Plan amendment to allow a proposed 30-foot wide right-in/right-out driveway on the north side of Hammer Lane.
   - Variance to waive (a) a proposed freestanding sign with an electronic message sign to be located at 10 foot instead of 25-foot setback from the right-of-way line within 100 feet of the corner point of the intersection of Hammer Lane and Kelly Drive and (b) reduce the location of new driveway on Hammer Lane from required 300 to ± 260 feet closer to the intersection of Hammer-Lane and Kelly Drive.
   - Tentative Map to subdivide a 2.1 acre site into two lots for property at 3119 and 3131 West Hammer Lane.

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 April 17, 2006, 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 May 11, 2006, at 6:30 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.

JAMES E. GLASER, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT
WALGREEN COMMERCIAL RETAIL CENTER (IS20-05)
HPB OS/CA E (OS/CA M2/06/05/06)

OTHERS Envi Yes NDA No ND1 Yes NOP Yes Tech Yes

Stockton Chamber of Commerce
Frank Ferral
445 West Weber Avenue #220
Stockton CA 95203

The Record
P O Box 989
Stockton CA 95201

San Joaquin Regional Transit District (SJRTD)
1533 East Lindsay Street
Stockton CA 95205

Public Health Services
Environmental Health Division
304 E Weber Avenue 3rd Floor
Stockton CA 95202 2708

Public Works Department
Senior Civil Engineer
P O Box 1810
Stockton CA 95201

Public Works Department
Admin /Engineering
P O Box 1810
Stockton CA 95201

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

San Joaquin County Board of Supervisors
222 East Weber Ave Room 701
Stockton CA 95202

SJCO Envi Yes NDA No ND1 Yes NOP Yes Tech Yes

San Joaquin County Community Development Department
Planning Division
1810 East Hazelton Ave
Stockton CA 95205

Tax Collector
44 North San Joaquin Street
Stockton CA 95202

SJCO Envi Yes NDA No ND1 Yes NOP Yes Tech Yes

San Joaquin Valley Air Pollution Control District
Hector R Guerra
1990 E Gettysburg Ave
Fresno CA 93726

SPECIAL Envi Yes NDA No ND1 Yes NOP Yes Tech Yes

Caltrans
IGR Coordinator/District 10
P O Box 2048
Stockton CA 95201

STATE Envi Yes NDA No ND1 Yes NOP Yes Tech Yes

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

SJCO Envi Yes NDA No ND1 Yes NOP Yes Tech Yes

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**LABEL COUNT** 32
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
Walgreen's Commercial Retail Center Use Permit, Variance, Tentative Map and Precise Road

Amendment Project

Property Owner
Clohes, Sue Moore et al.

Environmental Document
Proposed Mitigated Negative Declaration/ Initial Study (IS20-05)
Draft Addendum/Initial Study for Mitigated Negative Declaration (IS)
Notice of Preparation for Draft EIR/Initial Study (EIR)
Draft Environmental Impact Report (EIR)
Draft Supplement to EIR/Initial Study (SEIR) or
Draft Addendum/Initial Study for Prior EIR (IS)

Discretionary Application(s)
UP75-05/V 5-05/TM27-05/PR5-05

Project Description/Location
1) Use Permit to allow the development of a proposed retail shopping center and a proposed 30 foot high freestanding sign with an electronic message sign, 2) Precise Road Plan amendment to allow a proposed a 30 foot wide right-in/right-out driveway on the north side of Hammer Lane, 3) Variance to waive (a) a proposed freestanding sign with an electronic message sign to be located at 10 foot instead of 25 foot setback from the right of way line within 100 foot of the corner point of the Intersection of Hammer Lane and Kelly Drive and (b) reduce the location of new driveway on Hammer Lane from required 300 to ± 260 feet closer to the intersection of Hammer Lane and Kelly Drive, and 4) Tentative Map to subdivide a 2.1-acre site into two lots for property at 3119 and 3131 West Hammer Lane.

Legal Description of Property
082 220-05

MITIGATION AGREEMENT

Pursuant to Section 15084 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 recording 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 recording of this Agreement, the property owner(s) applicant(s) 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 the 14th day of December 2005. A notarized acknowledgement form must be attached for each of the signatures provided below (except City Attorney).

APPROVED AS TO FORM

COMMUNITY DEVELOPMENT DEPARTMENT
CITY OF STOCKTON
By
Associate Planner

PROPERTY OWNER(S) NAME AND ADDRESS
(Typed or Print)

APPLICANT(S) NAME AND ADDRESS
(Typed or Print)

OFFICE OF THE CITY ATTORNEY
CITY OF STOCKTON
By
Guy D. Patzold
Deputy City Attorney

SIGNATURE OF OWNER/LEGAL AGENT

SIGNATURE OF APPLICANT/LEGAL AGENT

[Signatures]

2
State of California
County of San Joaquin
On 1-16-06 before me personally appeared

DATE

NAME(S) OF SIGNER(S)

Jessica L Dubon
Commission # 1358830
Notary Public California
Contra Costa County
My Comm Expires Jun 4 2006

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.

WITNESS my hand and official seal

OPTIONAL

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

CAPACITY CLAIMED BY SIGNER

[] INDIVIDUAL
[] CORPORATE OFFICER

TITLE(S)

[] PARTNER(S)  [ ] LIMITED
[ ] GENERAL

[] ATTORNEY IN-FACT
[] TRUSTEE(S)
[] GUARDIAN/CONSERVATOR
[ ] OTHER [AUTHORIZED]

agent of limited liability Company

SIGNER IS REPRESENTING
NAME OF PERSON(S) OR ENTITY(IES)

Integra Vision Development LLC

SIGNER(S) OTHER THAN NAMED ABOVE

N/A

12-14-05

DATE OF DOCUMENT

10

NUMBER OF PAGES

12-14-05

DATE OF DOCUMENT

0/5

DESCRIPTION OF ATTACHED DOCUMENT

Mitigation Agreement

TITLE OR TYPE OF DOCUMENT

10

NUMBER OF PAGES

12-14-05

DATE OF DOCUMENT
CALIFORNIA ALL PURPOSE ACKNOWLEDGMENT

State of California
County of SAN JOAQUIN

On 1-26-06 before me CHRISTINE L BROOKE, NOTARY PUBLIC
personally appeared DANIEL A SADY

Name and Title of Officer (e.g., Jane Doe, Notary Public)

Name(s) of Signer(s)

□ personally known to me

[ ] 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/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.

WITNESS my hand and official seal.

Signature of Notary Public

_______________________________

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 FOR PROPOSED PROJECT

Document Date: 1-24-05

Number of Pages: 2

Signer(s) Other Than Named Above: JENNY LIU, GUY PETZOLD, BRANKISLIN

Capacity(ies) Claimed by Signer

Signer's Name: DANIEL A SADY

□ Individual

□ Corporate Officer — Title(s) __________________________

□ Partner — □ Limited □ General

□ Attorney In Fact

□ Trustee

□ Guardian or Conservator

□ Other: __________________________

□ Signer is Representing: HIMSELF

Top of thumbprint
INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION

IJAMS ROAD
TENTATIVE SUBDIVISION MAP
West of the UPPR and north
of the Calaveras River

Tentative Subdivision Map TM 5-06
Initial Study IS 4-06

July 14 2006

Prepared for
City of Stockton
Community Development Department/
Planning Division
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FILE COPY
ENVIRONMENTAL SIGNIFICANCE CHECKLIST - OMAHA COURT
TENTATIVE SUBDIVISION MAP

1  AESTHETICS
   a  No impact
   b  No impact
   c  Less than significant impact
   d  Less than significant impact

Discussion

The propose project site is located in a recently-annexed area of the City of Stockton area north of the Calaveras River, west of the UPRR railroad tracks. The area east of Ijams Road is currently divided into large (0.71 to 2 acre) lots that have been used for the keeping of horses and residential uses.

Impacts on on-site aesthetic resources

Development of the project site would include the removal of existing structures, and the potential removal of trees, to be replaced with 21 new single-family homes. The new subdivision would be consistent with surrounding residential uses and would have less than a significant impact on aesthetic resources.

Light and glare impacts

The proposed project would include the installation of new street lights along Omaha Court and Ijams Road. Such lighting is considered normal for this type of subdivision and will not have a less than significant effect on the residences in the area.

Mitigation measures  None required

2  AGRICULTURAL RESOURCES
   a  No impact
   b  No impact
   c  No impact

Discussion

The project site is approximately 3.66 acres and has not been used for agricultural purposes. The project is surrounded by new and old residential uses and is located in an urbanized area of the city. There are no active Williamson Act contracts for the project site and as there is no conversion of agricultural land, the impact is less than significant.
Mitigation measures

None required

3 AIR QUALITY
   a Less than significant impact
   b Less than significant impact
   c Less than significant impact
   d Less than significant impact with mitigation incorporation
   e No impact

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 programs and regulations required by the federal Clean Air Act and the state Clean Air Act.

Construction impacts

The proposed project would involve disturbance of the site and potential for dust generation during construction activities. The SJAPCD has determined that implementation and enforcement of dust control measures set forth in their Regulation VIII will reduce construction-related air quality impacts to a less-than-significant level. Compliance with SJVAPCD's adopted Regulation VIII is required by the mitigation measures below.

Ozone precursor emissions

Residential projects of less than 152 single-family units are assumed to have a less than significant impact under the SJVAPCD's Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI).

Hazardous materials and odors

There are no hazardous materials on site that could affect sensitive receptors. The proposed project would not involve any potential for the generation of objectionable odors nor would it be exposed to significant odor sources.

Mitigation measures

1) The owners, developers and/or successors in-interest shall comply with all applicable requirements of SJVAPCD Regulation VIII, including compliance with the following mitigation measures 2 through 10.

2) Visible Dust Emissions (VDE) from construction, demolition, excavation or other earthmoving activities related to the project shall be limited to 20% opacity or
The dust control measures specified in mitigations 3 through 10 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 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 owners and developers and successors in interest shall record a deed restriction informing new tenants and/or owners of the potential for dust and odor from the adjoining property.

11) The owners, developers and/or successors-in-interest shall comply with 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.

Level of Significance After Mitigation  Less than significant

Implementation  The owners, developers, and/or successors-in-interest will be responsible for compliance with the above standards in project design and construction and operation.

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

4 BIOLOGICAL RESOURCES
The project site is located north of the Calaveras River on 3.66 acres of urbanized land. The project site is comprised of two parcels, one of which is still occupied. Various trees are located on the project site and none are identified as oak trees. There are also no wetlands or other habitats of significance near or on the project site. The proposed project site is located within the City’s Urban Service Boundary and is within Category A No Pay Zone, defined by the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJCMSHCP).

5 CULTURAL RESOURCES

Discussion

The project is located in an urbanized area of northeast Stockton. The site has been fully disturbed through previous urbanization. No prehistoric or historic features are currently recorded within or adjacent to the project area.

Impacts of cultural resources

The project would have no effect on known cultural resources. Development of any portion of the project site, however, has the potential to unearth buried and previously undiscovered cultural resources. In this case, proper treatment of any resources encountered would be necessary to avoid environmental affects. The following mitigation measures would address this potentially significant issue.

Mitigation measures

1) If any subsurface cultural resources are encountered during construction of the residential 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, and the owners, developers and/or successors-in-interest shall be responsible for mitigation of any significant cultural resources pursuant to the CEQA Guidelines.
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 have been identified as being of Native American descent. At the same time, a qualified archaeologist 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.

Significance after mitigation: Less than significant

Implementation: The owners, developers and/or successors-in-interest will be responsible for imposing cultural resource protection controls on grading and excavation contractors.

Monitoring: The Community Development Department will be responsible for approval of the archaeological monitoring area, and for review and approval of the archaeologist's recommendation if resources are encountered.

6 GEOLOGY AND SOILS

a

1. No impact
2. Less than significant impact
3. Less than significant impact
4. No impact

b. Less than significant impact
c. Less than significant impact
d. Less than significant impact with mitigation
e. No impact

Discussion

The project site is located at an elevation of about twenty feet above mean sea level with an upland section of the alluvial Central Valley derived from mixed rock sources. There are no active or potentially active faults located in the project vicinity. The site is subject to potentially intense seismic shaking. There are no other known geologic hazards that would affect the site.

Geological and soil impacts: Potentially significant effects of the project include exposure to structural damage from seismic activity that would be reduced to less than significant by Uniform Building Code implementation the City has adopted and enforces the UBC. The project would result in minor soil erosion and would be located on expansive soils, soils information will be required by the Building Division in conjunction with the issuance of building permits. The identified impacts would not be significant with the mitigation measures.
Level of significance  Potentially significant

Mitigation measures

1) The owners, developers and/or successors in interest shall have a licensed geotechnical or soils engineer prepare a soil report for the project site. The report shall identify engineering limitations of the site soils and recommend measures to ensure that improvements will not be damaged by these limitations.

2) Subdivision improvements and future residential development shall conform to applicable specifications of the soils report.

3) The soils report shall be submitted to the Building Division prior to the issuance of any building permit.

Significance after mitigation  Less than significant

Implementation  The owners, developers and/or successors-in-interest will be responsible for obtaining and submitting the soils report and conforming subdivision improvement and building designs to soils report specifications.

Monitoring  The Public Works Department and Community Development Department, Building Division will verify the adequacy of the soils report and the incorporation of specifications into improvement plans and building designs.

7  HAZARDS AND HAZARDOUS MATERIALS
   a  No impact
   b  No impact
   c  No impact
   d  No impact
   e  No impact
   f  No impact
   g  No impact
   h  No impact

Discussion

The project site is located in a predominantly residential area. There are no industrial areas, major highways or airports in the project vicinity, however, the UPRR is located adjacent to the east boundary of the project site and could be considered a hazard.

The UPRR is located adjacent to the project site. According to the Federal railroad administration, the UPRR supports 28 trips per day, some of which carry hazardous materials. Based on 2002 USDOT statistics, it is estimated that there is an approximately 4% chance of a railroad accident occurring next to the project site and
a 12% chance of hazardous materials transportation incident. City policy requires that habitable structures shall not be located within 85 feet of the UP/SP Railroad track, as required by the mitigation below.

Level of significance: Potentially significant

Mitigation measure

1) Habitable structures shall not be located within 85 feet of the east rail of the UPRR railroad tracks

Significance after mitigation: Less than significant

Implementation: The owners, developers and/or successors-in-interest will be responsible for the project design to maintain adequate railroad spacing and recordation of an 85 foot wide easement for lots X, X, X prior to recordation of the lots.

Monitoring: The Community Development Department/Building Division will verify that appropriate spacing is maintained between the railroad and habitable structures.

8 HYDROLOGY AND WATER QUALITY
   a Less than significant impact with mitigation incorporation
   b Less than significant impact
   c Less than significant impact with mitigation incorporation
   d No impact
   e Less than significant impact
   f No impact
   g No impact
   h No impact
   i Less than significant impact
   j No impact

Discussion

The project site is not located adjacent to any waterways and no waterways exist on the project site. However, the project site is located within 2,300 feet of the Calaveras River. The Calaveras River watershed is a tributary to the San Joaquin River Delta system. The project site is designated Zone X by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map, the project site is not subject to 100-year flooding.

Water quality in the Calaveras River is consistent with other Delta waters or adjacent to urban development in Stockton. The Calaveras River is maintained regularly by the San Joaquin Area Flood Control Agency for the control of aquatic weeds.
Impacts on Surface water resources

The project will involve small increases in surface runoff associated with the future development of 21 new residences on the site, increases in runoff would not contribute substantially to peak flow rates in the Calaveras River. Site runoff volumes would be moderated by use of natural drainage.

The City of Stockton Storm Water Management Plan and implementing ordinances have established regulations for local oversight of the state general permit system and more control of storm water quality impacts of new development. The Stockton Municipal Code requires projects less than one acre to implement construction Best Management Practices from October 15 through April 15 and comply with the ordinance during the remainder of the year. A Storm Water Pollution Prevention Plan must also be submitted to the Municipal Utilities Department that includes both construction stage and permanent storm-water pollution-prevention practices, including incorporation of Best Management Practices described in the City's Stormwater Quality Criteria Plan, which was implemented November 25, 2003. Compliance with applicable local requirements would avoid significant water quality impacts. These requirements are imposed by the following mitigation measures.

Level of significance: Potentially significant

Mitigation measures

1. The owners, developers and/or successors-in-interest shall demonstrate compliance with City Code Sections 7-859, 7-859.1 and 7-859.2 to the Municipal Utilities Department to ensure that sufficient post-construction storm water pollution prevention practices have been incorporated into the project design. The ODS must establish a maintenance entity acceptable to the City to provide funding for the operation, maintenance, and replacement costs of the storm water best management practices.

2. The owners, developers and/or successors-in-interest shall submit a Storm Water Pollution Prevention Plan to the Municipal Utilities Department that includes both construction stage and permanent storm water pollution prevention practices. This plan must be developed during the project design phase and submitted and approved prior to the start of construction.

3. This project comes under the requirements of the City of Stockton’s Stormwater NPDES permit (SWQCCP), as outlined in the City’s Phase 1 Stormwater NPDES permit issued by the California Water Quality Control Board, Central Valley region (Order No R5-2002-0181).

Significance after mitigation: Less than significant
Implementation  The property owners, developers and/or successors-in-interest will be responsible for compliance with applicable city requirements and for preparation and submittal of the SWPPP.

Monitoring  The Municipal Utilities Department will be responsible for assessing project compliance with City requirements and review and approval of the SWPPP prior to issuance of the Building Permit.

9 LAND USE PLANNING
   a. No impact
   b. No impact
   c. No impact
   d. No impact

Discussion

The project site is located in an urbanized area of Stockton and consists of two single-family residences, a detached garage, horse boarding facilities.

North  Single-family residential
East   UP/SR RR, single family residential
South  Single-family residential
West   Single family residential

The project site is located within the planning area of the Stockton General Plan and within the Plan’s designated Urban Service Boundary. The site is designated Low Density Residential in the Stockton General Plan and is zoned RL (Residential, Low Density) as are lands to the north, south, east and west.

Land use impacts

The proposed project involves the development of 21 new single-family residential units in the addition of Omaha Court. The proposed development is consistent with the existing general plan designation and zoning of the project site and uses in the immediate area.

10 MINERAL RESOURCES
   a. No impact
   b. No impact

Discussion

The proposed site is located in a primarily urbanized area. There are no known mineral resources associated with the project site. The proposed project would involve no known effect on mineral resources.
Level of significance Less than significant

Mitigation measures None required

11 NOISE

a. Less than significant impact with mitigation incorporation

b. No impact

c. Less than significant impact

d. Less than significant impact with mitigation incorporation

e. No impact

f. No impact

Discussion

Noise standards for the site are established in the Stockton General Plan. Table XX of the General Plan Noise Element shows that exterior transportation noise levels up to 60 dB Ldn are considered normally acceptable with levels up to 65 dB Ldn if necessary and best available noise reduction technology is incorporated into the development. However, interior noise levels should be maintained at 45 dB Ldn or below with windows and doors shut.

Railroad noise

The proposed project is located adjacent to the UPRR. A noise analysis of the UP/SP line was conducted in February 2004 by Bollard and Brennan for the Riverbend and Riverbend West projects located directly east of the project site. The analysis found that railroad noise within 473 feet of the railroad centerline would exceed the 60 dB Ldn City standard. The same analysis revealed that homes built within 220 feet of the railroad center line would still exceed 65 dB Ldn, and portions of the site within 102 feet would exceed 70 dB (see Figure 8). Predicted noise levels with the backyards of the proposed lots adjacent to the railroad right-of-way were predicted to reach approximately 70 dB. As a result, the eastern portions of the project site would be exposed to noise in excess of City residential standards (Riverbend and Riverbend West, 2004).

Construction of a noise barrier between the noise source and sensitive receptor is the most common form of mitigation for transportation noise impacts (Riverbend and Riverbend West, 2004). Bollard and Brennan performed a noise-barrier performance analysis to determine what type of sound barrier would need to be constructed to reduce noise impacts. This analysis was based on a difference in elevations of nine feet between the project site grade and the railroad grade. Elevations on the proposed Ijams Road project site, and along the adjoining railroad grade were surveyed by the project engineer, the measured difference in elevation of 9.5 feet on the project site is comparable to that assumed for the Riverbend analysis. The Riverbend analysis indicated, that a 15 foot wall or berm would be needed to reduce the noise to 60 dB Ldn within the back yard areas of the homes adjacent to the railroad. A 15-foot wall...
is not generally accepted by the City of Stockton as an adequate mitigation, however, a 10-foot barrier would reduce noise levels to the “Conditionally Acceptable” maximum of 65 dB Ldn. In order to compensate for the slightly increased difference in elevation on the project site, a wall height of 10 5 feet would be required to achieve the same standard. Conventional residential building construction will result in interior noise reduction of at least 20 dB, as a result, maintenance of the 65 dB exterior noise level would also result in maintenance of 45 dB interior noise standards.

Construction noise

Construction noise would temporarily elevate noise levels in the vicinity. The source of the noise would be significant but generally short term. Impacts would be reduced to less than significant with the mitigation measures listed below.

The proposed residential development would not be exposed to airport noise or noise caused by significant increases in traffic.

Level of significance Potentially significant

Mitigation measures

1) The owners, developers and/or successors-in-interest shall construct an approximately 10 5-foot high concrete, masonry block, precast concrete wall, or an earthen berm/wall combination along the eastern project site boundary. In addition, eight-foot high noise barrier extensions of the same materials shall be constructed 75 feet to the west along the north and south property boundaries of the subdivision from the railroad tracks. The berm/wall shall be constructed prior to occupancy of any dwelling units located within 220 feet of the railroad centerline. Barrier height shall be determined by a qualified acoustical consultant based on specific railroad and finished building site grades, using the railroad noise data identified in the Ballard and Brennan report for the project, dated February 10, 2004.

2) Two story structures proposed along the first row of houses adjacent to the railroad tracks shall be subject to additional acoustical analysis, which shall be reviewed by a qualified acoustical professional upon availability of floor plans, building elevations and construction details. Façade wall and window specifications shall provide sufficient noise attenuation to allow the City’s interior noise standard of 45 dB Ldn to be maintained.

3) 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 noise sensitive land uses, and by requiring residential type mufflers where applicable.
4) Air conditioning or other suitable mechanical ventilation shall be provided to all proposed residence to allow future residents to close windows and doors to reduce noise levels.

5) Buyers of all proposed lots within the project site shall be notified of the potential for train horn noise events, which are expected to occur during daytime and nighttime hours.

Significance after mitigation: less than significant

Implementation: The owners, developers, and/or successors-in-interest will be responsible for the barrier wall and residential noise insulation design and construction. Additionally, they will also be responsible for the management of construction contractors.

Monitoring: The Planning and Building Divisions of the Community Development Department and the Public Works Department will be responsible for ensuring that noise mitigation measures have been incorporated in improvement or building plans and are observed during construction.

12 POPULATION AND HOUSING
   a. Less than significant impact
   b. No impact
   c. No impact

Discussion

The proposed project would result in a minor increase in population. The project proposes the development of 21 single-family residences in an already urbanized area. The project at build-out would result in a maximum potential population increase of about 66 people within the subdivision, not a significant impact to the population of the city of Stockton.

The project would not involve any displacement of any existing occupied housing and is within the housing density of the Stockton General Plan.

Level of significance: Less than significant

Mitigation measures: None required

13 PUBLIC SERVICES
   a. Less than significant with mitigation incorporation
   b. Less than significant with mitigation incorporation
   c. Less than significant with mitigation incorporation
Less than significant with mitigation incorporation

Less than significant impact

Discussion

Fire protection for the project site is currently provided by the City of Stockton Fire Department. The closest fire station to the site is Station 11 located at 1211 E Swain Road, about 11 miles from the proposed site. Station 11 is equipped with one fire engine, two emergency medical technicians, an ambulance, and is staffed with four full-time personnel. Response time to the project site is three to four minutes.

Development of the proposed project would not involve any substantial addition to the responsibilities of the Stockton Fire Department. The Stockton Fire Department does not anticipate any problems serving the proposed project site. Accessibility is adequate, and the proposed structures do not involve any particular fire protection concerns. Water supply systems and hydrants adequate to serve the project are in place.

Police protection

Law enforcement for the project site will be the responsibility of the Stockton Police Department (SPD). 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.

Project construction would, through the location of construction materials and equipment on the occupied site, involve new crime opportunities during the construction period. These can be minimized by construction site security, addressed in mitigation measures below.

Schools

The proposed project is located within the Stockton Unified School District (SUSD). Children residing within the new subdivision will attend the Rio Calaveras K-8 School, and the Cesar Chavez High School. The new subdivision is estimated to generate a total of 10 students. SUSD has confirmed that sufficient capacity exists within the school system to accommodate project-related student generation.

To assist in meeting school construction costs, the SUSD collects developer fees in accordance with state law. The project will contribute to these fees in conjunction with building permit issuance. Collection of these fees will be sufficient to reduce potential schools impacts to less than significant.
Parks

Park facilities are addressed under the following Section 14 Recreation Maintenance of Facilities, Including Roads

The proposed project would not result in any substantial increase in maintenance requirements for public facilities, including roads. New traffic on existing project area roadways would be limited primarily to passenger vehicles. There would be no substantial near-term increase in heavy vehicle loading.

Level of significance: Potentially significant

Mitigation measures:

1) The owners, developers, and/or successors-in-interest shall pay required Public Facility Fees toward construction of new fire stations and related facilities prior to issuance of construction permits.

2) The owners, developers, and/or successors-in-interest shall incorporate access, water supply and other fire suppression and emergency access/response needs in the proposed project design. Said designs shall be developed in consultation with the Fire, Police and Public Works Departments, and shall address such items as the location and design of streets and cul-de-sacs, residential numbering, mapping and other measures deemed necessary to permit access of emergency vehicles and firefighting equipment, minimize response times and provide adequate evacuation routes.

3) The owners, developers, and/or successors-in-interest shall pay Public Facility Fees to defray capital facilities costs associated with expanding law enforcement and fire protection services.

4) The owners, developers, and/or successors-in-interest shall fence and monitor contractors' storage yards during the construction phases of the project to prevent theft and vandalism, and to reduce calls for assistance from the Police Department.

5) The owners, developers, and/or successors-in-interest shall adopt developer fees toward construction of new schools prior to issuance of construction permits in accordance with the rate schedule established by SUSD.

6) The ODS shall coordinate with SUSD as required to assure that adequate school facilities will be available concurrently with the project related need for such facilities consistent with General Plan Public Facilities Goal 2, Policies 7, 8 and 9.
Significance after mitigation  less than significant

Implementation  The ODS will be responsible for payment of fees and for consultation with fire, police and school agencies and for provision of construction yard security

Monitoring  The CDD will verify the consultation with fire, police and school agencies  The CDD — Building Division will verify that fees have been collected in conjunction with building permit issuance

14 RECREATION
   a  Less than significant impact
   b  Less than significant impact

Discussion

Park and recreation facilities are provide by the City of Stockton Parks and Recreation Department  The Arnold Rue Park is located approximately 1,000 feet south west of the project site adjacent Calaveras River  The S L Fong Park is located at Horsetail and Blossom Circle within 0 5 miles east of the project site  The park is seven acres and has a tot lot, tables, a group picnic area, and a multi-use court

The project will not generate sufficient new residential population to make undue demands on the park facilities in the project neighborhood  Existing park facilities within the service area of the project are heavily used by the existing surrounding neighborhoods  The project will be required to contribute Public Facility Fees for parks and recreation facilities  The Public Facility Fees will be used to enhance existing park facilities within the service radius of this project  The Parks and Recreation Department indicates that there will not be a need for any maintenance fees unless the project will include frontage improvements, walls or other common area improvements  If this is the case, the developer will be required to provide a mechanism for maintenance of any improvements made to the common area

Level of significance  Potentially significant

Mitigation measures

1) Prior to recordation of any Final Map, the ODS shall form a new zone of the Stockton Consolidated Landscape Maintenance District 96-2, and approve an assessment providing for the subdivisions proportionate share of the costs to maintain any public parks within the service area for this subdivision or serving this subdivision's  The ODS may request to annex to an existing zone of the Stockton Consolidated Landscape Maintenance District 96-2 provided the subdivision is within the service area of a park for which a zone of the Stockton Consolidated Landscape Maintenance District 96 2 has already been formed
2) Prior to recordation of any Final Map (or concurrent when forming an owner’s association), the ODS shall establish a maintenance entity acceptable to the Community Development Director, the Parks and Recreation Director and the Public Works Director to provide funding for the maintenance of, improvements including but not limited to common area landscaping, landscaping in the right-of-way, soundwalls and/or back up walls, and all “improvements” serving or for the special benefit of this subdivision and landscaped medians in roads and/or landscaped areas within or adjacent to the subdivision.

The ODS elects to provide maintenance for the improvements through a maintenance assessment district, the ODS shall form a new zone of the Stockton Consolidated Landscape Maintenance District 96-2 that includes the entire subdivision. The entire subdivision may be considered for annexation to an existing zone of the Stockton Consolidated Landscape Maintenance District 96-2, provided the type, intensity and amount of the improvements in the zone to which annexation is proposed. Formation/annexation shall result in an assessment being approved that shall be levied on all properties in the subdivision to ensure that all property owners pay their proportionate share of the costs of maintaining, in perpetuity, the improvements as described in the previous paragraph.

3) All walls shall be located on private property and a separate maintenance easement shall be recorded for such walls. Such easement shall be sufficient to allow for regular maintenance (i.e., graffiti removal) and shall include the width of the support footing as it extends from both sides of the wall.

4) The ODS shall provide all necessary utility stub-outs, including PG&E 3-phase service stubs, to designated park and/or common open space areas to the satisfaction of the City Parks and Recreation Department.

Significance after mitigation  Less than significant

Implementation The owners, developers and/or successors in interest will be responsible for payment of fees

Monitoring The Community Development Department’s Building Division will verify that required fees have been paid prior to issuance of Building Permits.

15 TRANSPORTATION/TRAFFIC
   a Less than significant impact
   b Less than significant impact
   c No impact
   d No impact
   e No impact
   f No impact
   g No impact
Discussion

The proposed project is located immediately east of Ijams Road. Traffic along Ijams Road has been reduced by the closure of McAllen Road and is not expected to be an issue in the project area.

Project impacts of traffic

The proposed project would result in approximately 221 vehicle trips per day based on a generation rate of 10.5 trips/lot/day. Approximately 10% of these would occur during peak hours. The project is not expected to result in any significant increase in daily or peak hour traffic in the project area and no significant effects on traffic operations at intersections in the area.

Project site access would be via Ijams Road and the new proposed Omaha cul-de-sac. This access will subject to the review and approval of the City of Stockton Public Works department as well as the police fire departments, or approval with conditions, as required in Section 14 Public Services.

Level of significance: Less than significant

Mitigation measures: None required

16 UTILITIES AND SERVICE SYSTEMS

a. No impact
b. Less than significant impact
c. No impact
d. Less than significant impact
e. Less than significant impact
f. Less than significant impact
g. Less than significant impact

Discussion

Sewer services

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 sewage collection systems. However, the project site is located within the service area for the City's existing Collection System No 2, and an existing 12 inch sewer line is located along Ijams Road west of the project site.

The proposed project would involve small increases in sewage generation as 21 new homes are built and occupied.
Water services

Water service will be provided by the City of Stockton. An existing 12 inch water line is located in Ijams Road, which will connect into a new line to be constructed in Omaha Court.

The proposed project is within the City of Stockton service area, the proposed line extension has been sized to adequately serve the project, and no significant impacts on water services are anticipated.

Storm drainage services

Storm drainage services on the site are currently provided via natural drainage to the Calaveras River; however, verification of storm drainage services will be required before construction of the 21-lot subdivision is underway.

Storm water quality is managed by the City of Stockton Storm Water Management Plan, which implements ordinances, which establish regulations for local oversight of the state regulations. The Stockton Municipal Code requires projects less than one acre to implement construction best management practices from October 15 through April 15 and comply with the ordinance during the remainder of the year. A Storm Water Pollution Prevention Plan must also be submitted to the Municipal Utilities Department that includes both construction stage and permanent storm water pollution-prevention practices, including incorporation of best management practices described in the city’s Stormwater Quality Criteria Plan. Compliance with applicable local requirements would avoid significant water quality impacts. See mitigation measures previously addressed in Section 8, Hydrology.

Gas and electric services

Pacific Gas and Electric (PG&E) currently provides natural gas and electric service to existing urban development in the project vicinity. 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.

The proposed project will result in small new demands for gas and electric service. Extension of gas and electrical infrastructure onto the project site would be required to serve new development. During the development process, the owners, developers and/or successors in interest must consult with 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.

Telephone and cable TV services
AT&T is the telephone service provider in the existing project vicinity. Cable television services are provided by ComCast. Existing lines are located in the project vicinity. SBC and ComCast are regulated utilities that are obligated to provide service within the city. The proposed project would involve incidental new demands for telephone and cable television service. These demands can be met by existing facilities in the area.

Solid Waste

The City's franchise hauler, Waste Management, provides solid waste collection in this area of Stockton. 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 have been approved. The proposed project would involve no substantial increase in 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 are anticipated.

Level of significance: Potentially significant

Mitigation measures

1) The ODS shall submit detailed subdivision improvement plans. These plans shall show all on- and off-site utilities necessary to provide water, storm and sanitary sewer utility service. These plans shall be acceptable to the Director of Municipal Utilities and approved by the City Engineer prior to the approval of any Parcel Map.

2) The ODS shall provide permanent rights-of-way for and construct all on-site and off-site water, storm and sanitary sewer facilities as designed and shown on the accepted improvement plans for the development. Any reimbursement costs for oversizing shall be determined in accordance with the Stockton Municipal Code.

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 Department of Public Works will be responsible for review of required infrastructure improvements.

17 OTHER ISSUES

No other issues identified.

18 MANDATORY FINDINGS OF SIGNIFICANCE
Discussions

The impacts of finding (a) regarding potential cultural resources would be reduced to Less than Significant with the mitigation measures described in Section 5. The potential environmental effects of the project would be reduced to less than significant with proposed mitigation measures.

The cumulative impacts of development within the City of Stockton, including infill projects, have been addressed in the Stockton General Plan EIR.

Other than the environmental effects reviewed in the above narrative, the proposed project would not involve any other potential adverse effects on human beings, whether directly or indirectly.
September 18, 2009

City of Stockton
Community Development Department
345 N El Dorado Street
Stockton, CA 95202

Fax # (209)937-8893

Attn Mr Michael M Niblock, Director

Dear Mr Niblock,

I filed a tentative residential subdivision map in September of 2007 for a property on Jams Road in Stockton. Since then, two years have passed but I still don't know the status of my application. The last correspondence I had from the city was a letter from you (not on the city letterhead) dated November 7, 2008 (attached herewith). Due to the current crisis in the housing market, I am not in a great hurry to proceed with construction but I would like to know at least the status of my applications.

I would appreciate some information on the file as how much can this be delayed but still be considered active. I hope that we will see the end of the current economic crisis so I can proceed with construction. I just want to make sure that my application is still active and not lost somewhere in the shuffle.

Sincerely,

Amin Mahmood
(209)477-6544

Amin Mahmood
5904 N El Dorado Street, #D
Stockton, CA 95207
November 7, 2008

Amin Mahmood
5904 N El Dorado Street #D
Stockton, CA 95207

TENTATIVE SUBDIVISION MAP APPLICATION FOR 4660 IJAMS ROAD
(APN 096-050-04)

Thank you for your inquiry regarding your submittal of an application to subdivide the above-noted property. Delays in processing of this length of time are not typical of this department and you have my sincere apologies for any adverse circumstances that you have experienced. In this case, it seems that there were some discrepancies in the application and the environmental document that had to be revised in order to be processed. The issue with the application (owner's signature) was resolved, but the issues regarding the environmental document (proper formatting, the maintenance of the soundwall) are still being resolved.

Provided these issues are resolved and the remainder of the application can be declared complete for processing, the environmental document can then start review periods first by internal departments and then by the public. The application is also routed to the various commenting agencies and reviewed by the city's Development Review Committee, who will recommend an action to the planning commission. As these actions have various timelines regarding referral and response times and the holidays will cancel two upcoming planning commission meetings, this application may not get to be heard until late February at the earliest. Again, please accept my apology and we will double our efforts to get your application processed in an expedient and timely manner.

Should you have any questions regarding the information contained in this letter, you may contact Associate Planner Jose Rubianes at 937-8310.

MICHAEL M NIBLOCK DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT
BARBARA C BERLIN, AICP
DEPUTY DIRECTOR, PLANNING DIVISION

MMN BCB

ODMAGRPWISECOS CDD CDD_Library-72129 1
IJAMS ROAD
TENTATIVE SUBDIVISION MAP
West of the UPPR and north
of the Calaveras River

Tentative Subdivision Map TM 5-06
Initial Study IS 4-06

July 14, 2006

Prepared for
City of Stockton
Community Development Department/
Planning Division
345 North El Dorado Street
Stockton CA 95202

Prepared by
INSITE ENVIRONMENTAL INC
6653 Embarcadero Drive Suite Q
Stockton CA 95219
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APPENDIX B Mitigation Agreement
APPENDIX C Podesto-Sperry Noise Study
INTRODUCTION

The following pages contain Table 1, Summary of Impacts and Mitigation Measures. The table is drawn from the Initial Study/Mitigated Negative Declaration that follows this page.

The potential environmental impacts of the proposed project are summarized in the leftmost 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.
## SUMMARY TABLE
### SUMMARY OF IMPACTS AND MITIGATION MEASURES

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Significance Before Mitigation Measures</th>
<th>Mitigation Measures</th>
<th>Significance After Mitigation Measures</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>LS</td>
<td>None required</td>
<td>LS</td>
</tr>
<tr>
<td><strong>1.0 AESTHETICS</strong></td>
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<tr>
<td>Impacts on On Site Aesthetic Resources/Light and Glares</td>
<td>LS</td>
<td>None required</td>
<td>LS</td>
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<tr>
<td><strong>2.0 AGRICULTURE</strong></td>
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<tr>
<td>Project Impacts on Agricultural Resources</td>
<td>LS</td>
<td>None required</td>
<td>LS</td>
</tr>
<tr>
<td><strong>3.0 AIR</strong></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Project Impacts due to Construction/Ozone Precursor Emissions/Hazardous Materials and Odors</td>
<td>PS</td>
<td>1 The owners, developers and/or successors in Interest shall comply with all applicable requirements of SJVAPCD Regulation VIII including compliance with the following mitigation measures 2 through 10</td>
<td>LS</td>
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<tr>
<td></td>
<td></td>
<td>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 A. The dust control measures specified in mitigations 3 through 10 shall be applied as required to maintain the VDE standard</td>
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<td></td>
<td></td>
<td>3 Pre-water all land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill and demolition activity sites and phase earthmoving</td>
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<td>4 Apply water chemical/organic stabilizers/suppressants or vegetative ground cover to all disturbed areas including unpaved roads</td>
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<td>5 Restrict vehicular access to the disturbance area during periods of inactivity</td>
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<td></td>
<td>6 Apply water or chemical/organic stabilizers/suppressants construct wind barriers and/or cover exposed potentially dust generating materials</td>
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<td>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</td>
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<td></td>
<td>8 Remove carryout and trackout of soil materials on a daily basis unless it extends more than 70 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.</td>
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<td>9 Traffic speeds on unpaved roads shall be limited to 15 mph</td>
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<td></td>
<td>10 The owners and developers and successors in Interest shall record a deed restriction informing new tenants and/or owners of the potential for dust and odor from the adjoining property</td>
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<td></td>
<td></td>
<td>11 The owners and/or successors in interest shall comply with 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</td>
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</table>

Items Court Subdivision Map IS/MND
### SUMMARY TABLE

#### SUMMARY OF IMPACTS AND MITIGATION MEASURES

<table>
<thead>
<tr>
<th>Potential Impact</th>
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<th>Significance After Mitigation Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.0 BIOLOGICAL RESOURCES</td>
<td>PS</td>
<td>1 Project improvement plans shall identify the species, location, and diameter of existing individual Valley oak (Quercus lobata) trees greater than six inches in diameter at breast height (DBH). Improvement plans shall identify all oak trees meeting the Heritage Tree definition (trunk diameter of 16 inches or greater as measured at twenty-four (24) inches above actual grade).</td>
<td>- LS</td>
</tr>
</tbody>
</table>

2. The owners, developers, and/or successors in interest shall be responsible for avoidance of impacts to Heritage Trees or mitigation of impacts as follows:

   a. The owners, developers, and/or successors in interest shall prepare and implement a plan for avoidance and/or minimization of Heritage Oak removal in consultation with the City Departments of Parks and Recreation, Public Works, and Community Development as needed.

   b. Permit shall be obtained from the City of Stockton Parks and Recreation Department for any necessary removal of a Heritage Tree pursuant to the Stockton Heritage Tree Ordinance.

   c. Grading of proposed lots that include Heritage Trees to be preserved should be designed to preserve existing grade to the drip line surrounding the Heritage Tree in order to enhance survivability.

   d. Prior to construction, temporary barriers shall be placed around the drip lines of any Heritage Trees to be preserved that are within 25 feet of any planned grading or construction activity. No storage or operation of any equipment will occur within these barriers. No construction materials or fill will be stockpiled within these barriers, and trespassing will be prohibited.

   e. If Heritage Tree removal is unavoidable, mitigation in the form of replacement plantings for trees lost shall be provided consistent with the Stockton Heritage Tree Ordinance and Mitigation Measure 3 below.

3. Replacement oak trees shall be planted on the same site as removed if at all possible; otherwise, an alternate site shall be selected by the applicant and submitted to the City Parks and Recreation Department for approval. The size of replacement trees shall be based on the original tree’s retention value (as determined by the Arborist’s Tree Assessment) as follows:

   - Retention Value: Replacement Oak Size
     - Low: One 15 gallon or two 5 gallon container size
     - Moderate: Two 15 gallon or four 5 gallon container size
     - Moderate-High: Five 15 gallon or ten 5 gallon container size
     - High: Eight 15 gallon or sixteen 5 gallon container size

4. Where possible, removal of non-heritage oak trees shall also be avoided. If avoidance is not feasible, replacement oak trees shall be planted.
### SUMMARY TABLE
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<th>Significance After Mitigation Measures</th>
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<tbody>
<tr>
<td><strong>8.0 HYDROLOGY AND WATER</strong></td>
<td>PS</td>
<td>1 The owners, developers and/or successors in interest shall demonstrate compliance with City Code Sections 7-859.7-859.1 and 7-859.2 to the Municipal Utilities Department to ensure that sufficient post-construction storm water pollution prevention practices have been incorporated into the project design. The ODS must establish a maintenance entity acceptable to the City to provide funding for the operation, maintenance, and replacement costs of the storm water best management practices.</td>
<td>LS</td>
</tr>
<tr>
<td>Project Impacts on Groundwater Quality</td>
<td></td>
<td>2 The owners, developers and/or successors in interest shall submit a Storm Water Pollution Prevention Plan to the Municipal Utilities Department that includes both construction stage and permanent storm water pollution prevention practices. This Plan must be developed during the project design phase and submitted and approved prior to the start of construction.</td>
<td></td>
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<td></td>
<td>3 This project comes under the requirements of the City of Stockton's Stormwater NPDES permit issued by the SWOCCP 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 2002-0181)</td>
<td></td>
</tr>
<tr>
<td><strong>9.0 LAND USE AND PLANNING</strong></td>
<td>PS</td>
<td>1 The owners and developers and successors in interest shall record a deed restriction informing new tenants and/or owners of the potential for dust and odor from the adjoining property.</td>
<td>LS</td>
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<tr>
<td>Impacts Associated with Proposed Changes in Land Use</td>
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<tr>
<td><strong>10 MINERAL RESOURCES</strong></td>
<td>LS</td>
<td>None required</td>
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</tr>
<tr>
<td>Project Impacts on Mineral Resources</td>
<td></td>
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<tr>
<td><strong>11.0 NOISE</strong></td>
<td>PS</td>
<td>1 The owners, developers and/or successors in interest shall construct an approximately 10.5 foot high concrete masonry block, precast concrete wall or an earthen berm/wall combination along the eastern project site boundary. In addition, eight foot high noise barrier extensions of the same materials shall be constructed 75 feet to the west along the north and south property boundaries of the subdivision from the railroad tracts. The berm/wall shall be constructed prior to occupancy of any dwelling units located within 220 feet of the railroad centerline. Barrier height shall be determined by a qualified acoustical consultant based on specific railroad and finished building site grades using the railroad noise data identified in the Ballard and Brennan report for the project, dated February 10, 2004.</td>
<td>LS</td>
</tr>
<tr>
<td>Project Impact on Noise</td>
<td></td>
<td>2 Two story structures proposed along the first row of houses adjacent to the railroad tracts shall be subject to additional acoustical analysis which shall be reviewed by a qualified acoustical professional upon availability of floor plans, building elevations and construction details. Façade wall and window specifications shall provide sufficient noise attenuation to allow the City's interior noise standard of 45 dB Ldn to be maintained.</td>
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</table>
### SUMMARY TABLE

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<tr>
<td></td>
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<td>3 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 noise-sensitive land uses and by requiring residential type mufflers where applicable.</td>
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<td>4 Air conditioning or other suitable mechanical ventilation shall be provided to all residents to close windows and doors to reduce noise levels.</td>
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<td>5 Buyers of all proposed lots within the project site shall be notified of the potential for train horn noise events which are expected to occur during daytime and nighttime hours.</td>
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<tr>
<td>12.0 POPULATION AND HOUSING</td>
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<tr>
<td>Project Effects on Population and Housing</td>
<td>LS</td>
<td>None required</td>
<td></td>
</tr>
<tr>
<td>13.0 PUBLIC SERVICES</td>
<td></td>
<td>1 The owners, developers, and/or successors in interest shall pay required Public Facility Fees toward construction of new fire stations and related facilities prior to issuance of construction permits.</td>
<td>PS</td>
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<tr>
<td></td>
<td></td>
<td>2 The owners, developers, and/or successors in interest shall incorporate access water supply and other fire suppression and emergency access/response needs in the proposed project design. Said designs shall be developed in consultation with the Fire Police and Public Works Departments and shall address such items as the location and design of streets and cul-de-sacs, residential numbering, mapping, and other measures deemed necessary to permit access of emergency vehicles and firefighting equipment, minimize response times and provide adequate evacuation routes.</td>
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<tr>
<td></td>
<td></td>
<td>3 The owners, developers, and/or successors in interest shall pay Public Facility Fees to defray capital facilities costs associated with expanding law enforcement and fire protection services.</td>
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<td>4 The owners, developers, and/or successors in interest shall fence and monitor contractors storage yards during the construction phases of the project to prevent theft and vandalism and to reduce calls for assistance from the Police Department.</td>
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<tr>
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<td>5 The owners, developers, and/or successors in interest shall pay adopted developer fees toward construction of new schools prior to issuance of construction permits in accordance with the rate schedule established by SUSD.</td>
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<td>6 The ODS shall coordinate with SUSD as required to assure that adequate school facilities will be available concurrently with the project related need for such facilities consistent with General Plan Public Facilities Goal 2 Policies 7, 8, and 9.</td>
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<tr>
<td>14 RECREATION</td>
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**Ijams Court Subdivision Map IS/MND**

Summary Table Page 5
### SUMMARY TABLE

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<tr>
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<th>Significance After Mitigation Measures</th>
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<tbody>
<tr>
<td>Project Impacts on Recreation</td>
<td>PS</td>
<td>1</td>
<td>LS</td>
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<tr>
<td></td>
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<td>Prior to recordation of any Final Map, the Owner Developer, successor in interest (ODS) shall form a new zone of the Stockton Consolidated Landscape Maintenance District 96-2 and approve an assessment providing for the subdivisions proportionate share of the costs to maintain any public parks within the service area for this subdivision or serving this subdivision. ODS may request to annex to an existing zone of the Stockton Consolidated Landscape Maintenance District 96-2 provided the subdivision is within the service area of a park for which a zone of the Stockton Consolidated Landscape Maintenance District 96-2 has already been formed.</td>
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<td>Prior to recordation of any Final Map (or concurrent when forming an owner's association), the Owner Developer, successor in interest (ODS) shall establish a maintenance entity acceptable to the Community Development Director, the Parks and Recreation Director and the Public Works Director to provide funding for the maintenance of improvements including but not limited to common area landscaping, landscaping in the right of way, soundwalls and/or back up walls and all improvements serving or for the special benefit of this subdivision and landscaped medians in roads and/or landscaped areas within or adjacent to the subdivision. If the ODS elects to provide maintenance for the improvements through a maintenance assessment district, the ODS shall form a new zone of the Stockton Consolidated Landscape Maintenance District 96-2 that includes the entire subdivision. The entire subdivision may be considered for annexation to an existing zone of the Stockton Consolidated Landscape Maintenance District 96-2 provided the type, intensity and amount of the improvements in the zone to which annexation is proposed. Formation/annexation shall result in an assessment being approved that shall be levied on all properties in the subdivision to ensure that all property owners pay their proportionate share of the costs of maintaining in perpetuity the improvements as described in the previous paragraph.</td>
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<td>All walls shall be located on private property and a separate maintenance easement shall be recorded for such walls. Such easement shall be sufficient to allow for regular maintenance (e.g., graffiti removal) and shall include the width of the support footing as it extends from both sides of the wall.</td>
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<td>The ODS shall provide all necessary utility stub-outs, including PG&amp;E 3 phase service stubs to designated park and/or common open space areas to the satisfaction of the City Parks and Recreation Department.</td>
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</table>

**15.0 TRANSPORTATION AND CIRCULATION**

<table>
<thead>
<tr>
<th>Project Impacts on Transportation and Circulation</th>
<th>Significance After Mitigation Measures</th>
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<tbody>
<tr>
<td>LS</td>
<td>None required</td>
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</table>

**16.0 UTILITIES**

<table>
<thead>
<tr>
<th>Project Effects on Sewer, Water, Storm Drainage Systems, Gas and Electric Services, Telephone and Cable TV Services, and Solid Waste</th>
<th>Significance After Mitigation Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>PS</td>
<td>LS</td>
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<tr>
<td>The ODS shall submit detailed subdivision improvement plans. These plans shall show all on and off site utilities necessary to provide water, storm and sanitary sewer utility services. These plans shall be acceptable to the Director of Municipal Utilities and approved by the City Engineer prior to the approval of any Parcel Map.</td>
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2. The ODS shall provide permanent rights-of-way for and construct all on-site and off-site water, storm and sanitary sewer facilities as designed and shown on the accepted improvement plans for the development. Any reimbursement costs for oversizing shall be determined in accordance with the Stockton Municipal Code.
### GENERAL INFORMATION/PROJECT DESCRIPTION (Completed by Applicant)

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<thead>
<tr>
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<tbody>
<tr>
<td><strong>1</strong></td>
<td>Project Title</td>
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<tr>
<td><strong>2</strong></td>
<td>Property Owner</td>
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<tr>
<td></td>
<td>Address</td>
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<tr>
<td><strong>3</strong></td>
<td>Applicant/Proponent</td>
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<tr>
<td></td>
<td>Contact Person</td>
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<td>Address</td>
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<tr>
<td><strong>4</strong></td>
<td>Consulting Firm</td>
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<td>Consulting Firm</td>
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<td><strong>5</strong></td>
<td>Project Site Location</td>
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</table>
The proposed project involves a request for city approval of a Tentative Subdivision Map creating approximately 14 parcels for single-family residential development. A vacant horse boarding business and two residential homes occupy the project area and will be demolished with the approval of the proposed project. The project site is located on 2.7 acres of urban land within the City of Stockton adjacent to and west of the Union Pacific (formerly the SPRR) Railroad (UPRR) east of and adjacent to Ijams Road north of the Calaveras River and south of Farley Drive and residential uses. The proposed project is consistent with the Stockton General Plan (Low Medium Density Residential) and is zoned RL (Residential Low Density).

The project would include the construction of a new cul-de-sac (Ijams Court) east from Ijams Road which all new residences would front onto. Sewer and storm drainage facilities to the subdivision would be provided by the City of Stockton and water service would be provided through the City of Stockton. All utilities will be located underground and are available to the project site through existing lines located along Ijams Road.

The project site is located within a newly annexed area of the City. The development of new residential subdivision within the project area has been a prominent presence in the area and is continuing. Properties to the east (Riverbend and Riverbend West Subdivisions) were approved in 2004 and are under construction presently. Newer homes are located directly west of the project site and north of Farley Road. The City recently terminated Ijams Road at the UPRR to accommodate newer subdivisions in this area.

Existing structures on the project site include two single-family homes, a detached garage, barn, horse stables, a number of horse trailers, shed structures, and a swimming pool. Demolition of these structures and/or removal of all of them will be part of the proposed project. Development of the proposed project will involve grading of the entire site and some filling. The project will include construction of an access road, utility lines, and fourteen single-family homes. The project will result in minor alterations in topography.

The project does not propose any amendments to the Stockton General Plan and will not require any zoning changes.
Types of Unit | Zoning | Acreage | Proposed Units | Units/Acre | Max Unit Allowed/Max Density
---|---|---|---|---|---
Residential | RL | 2 7 | 14 | 5 | 23/8 7

(2) Describe Project Phasing | N/A

(3) Population Projection for the Proposed Project | 44
Projected Population Density (Person/Unit) | 3 14

(4) Student Generation Projected for Proposed Project | 10
Projected Student Density (K 12 Student/Unit) | 0 711

(5) Estimated Total Number Of Vehicle Tnp Ends (TE) Per Day Generated By Proposed Project | 147

(6) Estimated Maximum Number Of TE/Day Based On Proposed General Plan Designations | 247

12 Will the project generate any substantial short term and/or long term air quality impacts including regional/cumulative contributions? No If so estimate the type and amount of emissions below (e.g. tons per year of PM10 ROG Nox and CO)

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) | 2 7 Acres

2 Ex General Plan Designations | Acres (net) | Ex. Zoning (City or County) | Acres
Low Medium Residential | 2 7 | RL Residential | Low Density | 2 7

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
Horse boarding facility and residence | 2 1
Single-Family Residence | 0 7

5 Prior Land Uses if Vacant | N/A

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

Construction of a new cul de sac (Ijams Court) will provide entrance into the new subdivision and will include other road right of way and infrastructure improvements along Ijams Road. The project will include the improvements needed to adequately serve the new subdivision. Water, sewer, and storm drainage facilities are all available along the west boundary of the project site and will be extended east up Ijams Court to provide service to new residences. Additionally, state-regulated utilities are located within the Ijams Road right of way and along the east project boundary which parallels the UPRR.

7 Adjacent Land Uses Zoning And General Plan Designations

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<tr>
<th>Adjacent Uses</th>
<th>Zoning (City)</th>
<th>General Plan Designations</th>
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<tbody>
<tr>
<td>North</td>
<td>Single Family Residential Development</td>
<td>RL (Residential Low Density)</td>
</tr>
<tr>
<td>South</td>
<td>Horse Boarding Facility and Single-Family Residential</td>
<td>RL (Residential Low Density)</td>
</tr>
<tr>
<td>East</td>
<td>Single Family Residential Development</td>
<td>RL (Residential Low Density)</td>
</tr>
<tr>
<td>West</td>
<td>Single-Family Residential</td>
<td>RL (Residential Low Density)</td>
</tr>
</tbody>
</table>
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")? N/A
b. Is the site under a Williamson Act Land Conservation contract? N/A
c. If the site is under contract, has a Notice Of Non Renewal been filed? N/A

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

On Site: None
Adjacent: None

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

On-Site: The project site operates as a horse boarding facility and residence. Although wildlife habitat is not a concern, existing oak trees on the project site have been surveyed and documented. See Section C (4) Biology Resources for additional information.
Adjacent: None

Describe any general and special status wildlife species known to inhabit the site or for which the site provides important habitat: None. See Section C (4) Biology.

Identify and describe any significant cultural resources on or near the site (attach a "Records Search", "Site Survey" and/or other documentation if applicable). Information regarding cultural resources is located in Section C (5) Cultural Resources.

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). Information regarding hazards is located in Section C (7) Hazards.

Identify and describe any potentially hazardous geologic/soil conditions: Soils located on the project site have high shrink swell potential. For additional information see Section C (6) Geology & Soils.

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

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.

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. See Section C (11) Noise.

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:

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.) ✓
Fire And Emergency Medical Services ✓
Police/Law Enforcement Services ✓
Parks And Recreation Services ✓
Library Services ✓
General Government Services ✓
School Facilities ✓

Explanation(s) Water wastewater collection and storm drain facilities and electrical gas phone and cable television services are available to the proposed project site from existing facilities on or adjacent to site.

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

Date: 7/14/06
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 not 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

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

The proposed project site is located within a newly annexed area of the City of Stockton located north of the Calaveras River west of the UPRR adjacent to the east side of Ijams Road and south of Farley Road views within these boundaries and beyond are those of single-family homes views north and along the east side of Ijams Road also include Oak Trees small front yards with little to no landscaping some chain-link fencing and large back lots with no landscaping and few trees Homes in this area are small and in relatively poor condition A curvilinear brick wall wide side walks and ornamental trees are visible from the neighboring subdivision just west of Ijams Road The project site is located directly across from the entry way into this area with newly built homes visible from the site Adjacent to the south boundary of the project site a former horse boarding facility with a residence facing Ijams Road is visible A grassy area with no landscaping few trees and a white picket fence is located along the front of the home Horse boarding facilities are located behind the house with barns corrals horse stables and sheds all visible from the project site Along the east boundary of the site the UPRR is visible located on an elevated bank approximately nine and a half feet high The railroad tracks are the only view available to the east however a new subdivision (Riverbend West) located beyond the railroad tracks is in the process of being constructed and homes in this area could be visible from the project site in the near future

The project site is comprised of two parcels the first was used as a horse boarding facility and personal residence until September of 2005 The second a neighboring lot consists of one single-family home and detached garage and has been vacant since October 2005 The horse boarding facility consists of a number of structures three horse arenas a barn stables a pool which is cracked and drained shed structures a white fence along the west property line and a single residence The facility is closed and overgrown with plants and grass The adjacent residence is derelict tarps cover the south side of the home and windows in the garage have been broken No landscaping exists in the front or the back of the property however a number of ornamental trees are located throughout the project site One Hentage Oak Tree was identified behind the home along the projects north boundary which the applicant is planning on keeping Information regarding Hentage Oak Trees can be found in Section (4) Biological Resources

Impacts on On Site Aesthetic Resources

Development of the project site would include the removal of existing structures and potential removal of trees to be replaced with 14 new single-family homes The subdivision would be accessed through a new cul de sac (Ijams Court) and would be landscaped with new shrubs and trees The new subdivision would be consistent with surrounding residential uses and would have less than a significant impact on aesthetic resources

Light and Glare Impacts

The proposed project would include the installation of new street lights along Ijams Court and Ijams Road New security lighting would be associated with each home located within Ijams Court Street lights and security lighting is considered a normal and accepted part of a subdivision and would not have a negative affect on residences in the area The project will not involve substantial light or glare impacts and is considered less than significant issue

Level Of Significance Less than significant

Mitigation Measures None required
2 **AGRICULTURAL RESOURCES** In determining whether impacts on agricultural resources are significant environmental effects lead agencies may refer to the California Agricultural Land Evaluation And Site Assessment Model (1997) prepared by the California Department Of Conservation. Would the project lead to a conversion of farmland to non-agricultural use?

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<tr>
<th>Impact Description</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>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?</td>
<td><img src="Yes" alt="Circle" /></td>
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<tr>
<td>b Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract?</td>
<td><img src="Yes" alt="Circle" /></td>
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<td>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?</td>
<td><img src="Yes" alt="Circle" /></td>
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**DISCUSSION**

The project site is approximately 2.7 acres in size and has not been used for agriculture purposes. Primarily used as a horse boarding facility and residence, the property as well as the property to the south are no longer functioning as horse boarding businesses or residences. Adjoining lands to the east have recently been annexed into the City and were approved for development in 2004 (Riverbend and Riverbend West 2004), these lands are no longer in agriculture use. The proposed project is surrounded by new and old residential use and is located in an urbanized area of the City.

According to the State Important Farmland Maps (California Department of Conservation), the project site as well as all surrounding lands have been designated as Urban and Built Up Land. There are no active Williamson Act contracts for the project site, and its soil is not considered Prime.

**Conversion of Agricultural Land**

The project would not involve the conversion of agricultural land. The project site consists of an unused horse boarding facility and a vacant residence surrounded by urbanized lands. The project would not affect other agricultural uses or induce the premature conversion of other lands to non-agricultural use. This impact is considered less than significant.

**Level Of Significance** Less than significant

**Mitigation Measures** None required

3 **AIR QUALITY** When available, significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project lead to conflict with or obstruct implementation of the applicable air quality plan?

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<tr>
<td>a Conflict with or obstruct implementation of the applicable air quality plan?</td>
<td><img src="Yes" alt="Circle" /></td>
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<tr>
<td>b Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</td>
<td><img src="Yes" alt="Circle" /></td>
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<tr>
<td>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)?</td>
<td><img src="Yes" alt="Circle" /></td>
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d. Expose sensitive receptors to substantial pollutant concentrations?

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

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**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 because concentrations of these pollutants sometimes exceed the standards. The potential impacts of the proposed project were evaluated according to SJVAPCD’s Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI).

**Construction Impacts**

The proposed project would involve disturbance of the site and potential for dust generation during construction activities. As described in the GAMAQI, the SJVAPCD has determined that implementation and enforcement of dust control measures set forth in their Regulation VIII will reduce construction-related air quality impacts to a less than significant level. Compliance with SJVAPCD’s adopted Regulation VIII is required by the mitigation measures below.

**Ozone Precursor Emissions**

Residential projects which have less than 152 single-family units (Table 5-3a) qualify for the small project analysis level (SPAL) under the GAMAQI. These projects are assumed to have less than significant impacts and need no quantification of ozone precursors. The project proposes 14 single-family homes and therefore would have a less than significant impact on ozone precursors.

**Hazardous Materials and Odors**

There are no hazardous materials on site that could affect sensitive receptors (see Section 7 Hazards below for further discussion). The proposed project would not involve any potential for the generation of objectionable odors nor would it be exposed to significant odor sources. However, slight odors may be recognizable from the neighboring property to the south where horses are kept for personal use.

**Level Of Significance**

Potentially significant

**Mitigation Measures**

1. The owners, developers, and/or successors in interest shall comply with all applicable requirements of SJVAPCD Regulation VIII including compliance with the following mitigation measures 2 through 10.

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 8311. The dust control measures specified in mitigations 3 through 10 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 owners and developers and successors in interest shall record a deed restriction informing new tenants and/or owners of the potential for dust and odor from the adjoining property.

11. The owners, developers, and/or successors in interest shall comply with 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.

Level of Significance After Mitigation: Less than significant.

Implementation: The owners, developers, and/or successors in interest will be responsible for compliance with the above standards in project design and construction.

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

4. **BIOLOGICAL RESOURCES** — Would the project...

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<tr>
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<th>Less Than Significant After Mitigation</th>
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</table>

**DISCUSSION**

The project site is located north of the Calaveras River on 2.7 acres of urbanized land. The project site is comprised of two parcels both of which were occupied until recently. The first parcel was in use as a horse boarding facility and personal residence, and the neighboring lot was used as a residence. All structures and buildings on the project site will be demolished in the near future. Although these uses have been in place, various trees are located throughout the project site. Upon review, it was noted by Gianelli Co. 2006 that one Hentage Oak Tree is located along the north boundary of the project site, which is identified in Figure 6. There are no wetlands or other habitats of significance near or on the project site.
Within the City of Stockton, native oak trees including Valley Oak (Quercus lobata), Coast Live Oak (Quercus agrifolia) and Interior Live Oak (Quercus wislizenii) are subject to City protection. Native oak trees with a trunk diameter of 16 inches or greater as measured at twenty-four (24) inches above actual grade are considered Heritage Oak Trees and are subject to special protection under the City’s Heritage Oak Ordinance. In January 2006, the Gianelli Co surveyed the project site for Heritage Oak Trees. According to the survey, one Heritage Oak Tree was identified and tagged along the northern boundary of the project site.

There is potential for other non-Heritage Oak Trees to be located on the project site. In the event that other oak trees are identified, oak tree mitigation is provided below.

In San Joaquin County, a comprehensive program was developed to assess and mitigate biological impacts on land development. The San Joaquin Multi Species Habitat Conservation Plan (SJMSHCP) is such a program. A project that complies with the Plan can be considered to have less than significant impacts on biological resources under CEQA. Participation is generally optional, as projects may choose to comply with the various statutes and regulations that apply to biological resource protection or may comply with those requirements independently without the benefit of the Plan. The SJMSHCP is to be locally implemented by the San Joaquin County Council of Governments (COG). The compliance process outlined in the Plan has been adopted by federal and state agencies with jurisdiction or trusteeship over biological resources. In addition, the SJMSHCP has been adopted by the COG, the City of Stockton, and other incorporated cities and entities in San Joaquin County.

The proposed project site is located within the City’s Urban Service Boundary and is within Category A, No Pay Zone, defined by the San Joaquin County Multi Species Habitat Conservation and Open Space Plan (SJMSHCP).

The proposed project would include the removal of almost all vegetation within the project site. The Gianelli Co surveyed the project area and located and tagged one Heritage Oak Tree that the project proponent intends to keep. The decision to keep or remove this tree or any other oak tree depends on the exact location of the tree in relation to proposed lot lines and infrastructure improvements set forth by the project. If the removal of the tree is necessary, it will need to be considered under the Heritage Oak Tree Ordinance set forth by the City of Stockton. If approved, mitigation would require replacement tree plantings as noted below.

**Level of Significance:** Potentially significant

**Mitigation Measures**

1. Project improvement plans shall identify the species, location, and diameter of existing individual Valley oak (Quercus lobata) trees greater than six inches in diameter at breast height (DBH). Improvement plans shall identify all oak trees meeting the Heritage Tree definition (trunk diameter of 16 inches or greater as measured at twenty-four (24) inches above actual grade).

2. The owners, developers, and/or successors in interest shall be responsible for avoidance of impacts to Heritage Trees or mitigation of impacts as follows:
   a. The owners, developers, and/or successors in interest shall prepare and implement a plan for avoidance and/or minimization of Heritage Oak removal in consultation with the City Departments of Parks and Recreation, Public Works, and Community Development as needed.
   b. Permit shall be obtained from the City of Stockton Parks and Recreation Department for any necessary removal of a Heritage Tree pursuant to the Stockton Heritage Tree Ordinance.
   c. Grading of proposed lots that include Heritage Trees to be preserved should be designed to preserve existing grade to the drip line surrounding the Heritage Tree in order to enhance survivability.
   d. Prior to construction, temporary barriers shall be placed around the drip lines of any Heritage Trees to be preserved that are within 25 feet of any planned grading or construction activity. No storage or operation of any equipment will occur within these barriers. No construction materials or fill will be stockpiled within these barriers, and trespassing will be prohibited.
   e. If Heritage Tree removal is unavoidable, mitigation in the form of replacement plantings for trees lost shall be provided consistent with the Stockton Heritage Tree Ordinance and Mitigation Measure 3 below.

3. Replacement oak trees shall be planted on the same site as removed if at all possible, otherwise an alternate site shall be selected by the applicant and submitted to the City Parks and Recreation Department for approval. The size of replacement trees shall be based on the original tree’s retention value (as determined by the Arborist’s Tree Assessment) as follows.
Retention Value | Replacement Oak Size
--- | ---
Low | One 15-gallon or two 5-gallon container size
Moderate | Two 15-gallon or four 5-gallon container size
Moderate-high | Five 15-gallon or ten 5-gallon container size
High | Eight 15-gallon or sixteen 5-gallon container size

4 Where possible removal of non-heritage oak trees shall also be avoided. If avoidance is not feasible, replacement oak trees shall be planted.

5 The owners, developers, and/or successors in interest shall provide the resources necessary to ensure that the newly planted trees become established in their new location. The owner/developer shall retain the services of a certified Arborist for a period of three years. Site inspections will be made by a certified Arborist once per week within the first six months of planting and once per month for the remaining thirty months. The Arborist's function will be to monitor the condition of the newly planted trees and report to the City and owner/developer any trees that are in need of attention or replacement. The owner/developer shall be responsible for purchasing and planting any trees for which replacement may be deemed necessary by the Arborist over the three-year period. Any newly planted trees in need of attention as so-deemed by the Arborist shall be properly cared for by the owner/developer until the Arborist finds that they are in satisfactory condition.

Significance After Mitigation | Less than significant
--- | ---
Implementation | The owners, developers, and/or successors in interest will be responsible for avoiding oak damage remedial pruning of existing trees if required, replacement plantings and general oak tree maintenance or for payment of fees in lieu of replanting. The City of Stockton Parks and Recreation Department will be responsible for issuance of any Heritage Oak removal permits and for replanting of oak trees if developer fees are accepted.

Monitoring | The Parks and Recreation Department, the Community Development Department Building Division, the Public Works Department, and other applicable City departments will verify that specified conditions are met before permit issuance and for field review of compliance with the conditions.

5 CULTURAL RESOURCES Would the project

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<tr>
<td>a</td>
<td>Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?</td>
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| b | Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5? | √ | |}
| c | Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | √ | |
| d | Disturb any human remains including those interred outside of formal cemeteries? | √ | |

DISCUSSION

The project is located in an urbanized area of northeast Stockton. The site has been fully disturbed through previous urbanization. The Genesis Society was retained to prepare a cultural resources record search and perform a pedestrian field survey of the project site in January 2008. Prior to fieldwork, the Genesis Society obtained information on the prehistoric ethnographic and historic context of the study area through a review of existing cultural resource records. A copy of the Genesis report is on file with the Stockton Community Development Department.

The survey included an intense level of pedestrian survey on the entire project site. The record search did not reveal any previously discovered cultural resources on the project site. The field survey encountered no cultural resources on the site. No prehistoric or historic features are currently recorded within or adjacent to the project area.

The project site has gone through a substantial amount of ground disturbance. According to the Genesis report, the project site as well as surrounding lands have been used historically for ranching and farming. In recent years, the ground was disturbed more with the construction of residences and the horse boarding facility. Construction and maintenance of Ijams Road and the UPRR...
have also contributed to the continuing ground disturbance. Although lands around the project site have been surveyed and documented as having cultural value, the project site did not reveal any sign or presence of cultural resources.

**Impacts on Cultural Resources**

The project would have no effect on known cultural resources. The Genesis Society found no prehistoric or historic resources on the project site. Development of any portion of the project site, however, has the potential to unearth buried and previously undiscovered cultural resources. In this case, proper treatment of any resources encountered would be necessary to avoid environmental affects. The following mitigation measures would address this issue.

**Level of Significance:** Potentially significant

**Mitigation Measures**

1. If any subsurface cultural resources are encountered during construction of the residential 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, and the owners, developers, and/or successors in interest shall be responsible for mitigation of any significant cultural resources pursuant to the CEQA Guidelines.

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 have been identified as being of Native American descent. At the same time, a qualified archaeologist 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.

**Significance After Mitigation:** Less than significant

**Implementation:** The owners, developers, and/or successors in interest will be responsible for imposing cultural resource protection controls on grading and excavation contractors.

**Monitoring:** The Community Development Department will be responsible for approval of the archaeological monitoring area and for review and approval of the archaeologist’s recommendations if resources are encountered.

### 6 GEOL OGY AND SOILS – Would the project

**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 Proloro 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.

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(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?

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**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?

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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?

**DISCUSSION**

The project site is located at an elevation of about twenty feet above mean sea level within an upland section of the alluvial Central Valley derived from mixed rock sources. There are no active or potentially active faults located in the project vicinity. The site is subject to potentially intense seismic shaking. There are no other known geologic hazards that would affect the site.

The project site consists of one soil unit classified by the federal Soil Conservation Service as Jacktone Clay. This soil is located on 0.2 percent slopes and is generally derived from mixed rock sources. Jacktone Clay is moderately deep, poorly drained, and has high shrink-swell potential. This soil is not Prime, however, it is generally used for irrigated crops, orchards, and vineyards.

**Geological and Soil Impacts**

Potentially significant effects of the project include exposure to structural damage from seismic activity that would be reduced to less than significant by Uniform Building Code implementation the City has adopted and enforces the UBC. The project would result in minor soil erosion and would be located on expansive soils. Soil information will be required by the Building Division in conjunction with the issuance of building permits. The identified impacts would not be significant with the mitigation measures.

Utilization of standard construction practices to control on-site soil erosion during project implementation is required by the City of Stockton's Grading and Erosion Control Ordinance. These requirements are part of the City's Storm Water Management Program and are discussed and applied to the project in Section 8 Hydrology and Water Quality.

**Level Of Significance**  Potentially significant

**Mitigation Measures**

1. The owners, developers, and/or successors in interest shall have a licensed geotechnical or soils engineer prepare a soil report for the project site. The report shall identify engineering limitations of the site soils and recommend measures to ensure that improvements will not be damaged by these limitations.

2. Subdivision improvements and future residential development shall conform to applicable specifications of the soils report.

3. The soils report shall be submitted to the Building Division prior to the issuance of any building permit.

**Implementation** The owners, developers, and/or successors in interest will be responsible for obtaining and submitting the soils report and conforming subdivision improvement and building designs to soils report specifications.

**Monitoring** The Public Works Department and Community Development Department Building Division will verify the adequacy of the soils report and the incorporation of specifications into improvement plans and building designs.

7. **HAZARDS AND HAZARDOUS MATERIALS** — Would the project

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?

\[
\begin{array}{|c|}
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\text{Yes} \\
\hline
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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?

\[
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\text{Yes} \\
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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?

\[
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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?

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\text{Yes} \\
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g Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

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\text{Yes} \\
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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?

\[
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\text{Yes} \\
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DISCUSSION

The project site is located in a predominantly residential area. There are no industrial areas, major highways or airports in the project vicinity. However, the UPRR is located adjacent to the east boundary of the project site and could be considered a hazard.

An environmental records search was performed by Environmental Data Resources Inc (EDR) in January of 2006. The records search was conducted with the intent of locating and identifying potential hazardous materials and/or hazardous waste sites within a one-mile radius of the project site. The search was conducted in accordance with the government records search requirements of ASTM Standard Practice for Environmental Site Assessments E 1527-00.

Environmental records reported by EDR (January 2006) did not identify any sites or records of contamination on the project site. Four recorded sites were located within a mile radius of the project. The closest record of a reported potential hazard was that of a licensed underground storage tank located at Weber Ranch and Associates 0.25 miles away from the project site. The licensed storage tank does not pose a threat to the proposed project. Additionally, two leaking underground storage tanks were located within a half mile of the project site: the first was located at the US Postal Service and the second at the PG&E Stockton Service Center. In both cases, clean-up was undertaken and both cases were resolved with no further action required. The last site, Kearney KPF, was listed on three databases: BEP (identifies known contaminated sites targeted for cleanup under the direction of the State of California), Toxic Pits (identifies sites suspected of containing hazardous substances where cleanup has not yet been completed), and the CORRACTS database (identifies handlers with RCRA Corrective Action Activity). This Kearney KPF site is located over 4,000 feet south of the project property and is generally known as a contained site with no future problems expected (AGE NA Engineering 2003). The site has human exposures under control and is listed as having the migration of groundwater under control. Monitoring wells within the Kearney KPF area are still tested periodically.

No sites of environmental concern were reported on the site. There are no sites identified in the record search that are expected to represent an environmental concern to residential development of the project site. The project would not involve any interference with emergency evacuation plans and is not exposed to wildland fire hazards.

The UPRR is located adjacent to the project site. According to the Federal Railroad Administration, the UPRR supports 28 trains per day, some of which carry hazardous materials. Based on the 2002 USDOT statistics, it is estimated that there is an approximately 4% chance of a railroad accident occurring next to the project site and a 1.2% chance of hazardous materials transportation incident. City policy requires that inhabitable structures shall not be located within 85 feet of the UP/SP Railroad tracks as required by the mitigation below.

Level Of Significance: Potentially significant

Mitigation Measures

1 Inhabitable structures shall not be located within 85 feet of the east rail of the UPPR railroad tracks.
Significance After Mitigation: Less than significant

Implementation: The owners, developers, and/or successors in interest will be responsible for the project design to maintain adequate railroad spacing and recording of an 85-foot-wide easement for lots 7, 8, and 9 prior to recording of the lots.

Monitoring: The Community Development Department Building Division will verify that appropriate spacing is maintained between the railroad and inhabitable structures.

8 HYDROLOGY AND WATER QUALITY

Would the project...

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<th>Violate any water quality standards or waste discharge requirements?</th>
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<th>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)?</th>
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<th>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?</th>
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<th>d</th>
<th>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?</th>
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<th>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?</th>
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<th>Otherwise substantially degrade water quality?</th>
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<th>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?</th>
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<th>Place within a 100 year flood hazard area structures that would impede or redirect flood flows?</th>
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<th>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?</th>
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<th>Contribute to inundation by seiche, tsunami, or mudflow?</th>
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DISCUSSION

The project site is not located adjacent to any waterways and no waterways exist on the project site. However, the project site is located within 1,500 feet of the Calaveras River. The Calaveras River watershed is a tributary to the San Joaquin River Delta system.

The project site is designated Zone X by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map; the project site is not subject to inundation by seiche, tsunami, or mudflow. The project site is not subject to 100 year flooding.
Water quality in the Calaveras River is consistent with other Delta waters in or adjacent to urban development in Stockton. The river is subject to algae blooms, low dissolved oxygen and relatively high temperatures, particularly during the warmer months. The Calaveras River is included on the Clean Water Action Section 303(d) list of impaired waters for pesticides, nutrients, and pathogens associated largely with urban runoff. The Calaveras River is maintained regularly by the San Joaquin Area Flood Control Agency for the control of aquatic weeds.

**Impacts on Surface Water Resources**

The project will involve small increases in surface runoff associated with the future development of 14 new residences on the site. Increases in runoff would not contribute substantially to peak flow rates in the Calaveras River. Site runoff volumes would be moderated by use of natural drainage.

The City of Stockton Storm Water Management Plan and implementing ordinances have established regulations for local oversight of the state general permit system and more control of storm water quality impacts of new development. The Stockton Municipal Code requires projects less than one acre to implement construction Best Management Practices from October 15 through April 15 and comply with the ordinance during the remainder of the year. A Storm Water Pollution Prevention Plan must also be submitted to the Municipal Utilities Department that includes both construction stage and permanent storm water pollution prevention practices, including incorporation of Best Management Practices described in the City's Stormwater Quality Criteria Plan which was implemented November 25, 2003. Compliance with applicable local requirements would avoid significant water quality impacts.

These requirements are imposed by the following mitigation measures:

**Level Of Significance** Potentially significant

**Mitigation Measures**

1. The owners, developers, and/or successors in interest shall demonstrate compliance with City Code Sections 7-859.1 and 7-859.2 to the Municipal Utilities Department to ensure that sufficient post-construction storm water pollution prevention practices have been incorporated into the project design. The ODS must establish a maintenance entity acceptable to the City to provide funding for the operation, maintenance, and replacement costs of the storm water best management practices.

2. The owners, developers, and/or successors in interest shall submit a Storm Water Pollution Prevention Plan to the Municipal Utilities Department that includes both construction stage and permanent storm water pollution prevention practices. This Plan must be developed during the project design phase and submitted and approved prior to the start of construction.

3. This project comes under the requirements of the City of Stockton's Stormwater NPDES permit issued by the (SWQCCP) 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 2002-0181).

**Significance After Mitigation** Less than significant

Implementation The property owners, developers, and/or successors in interest will be responsible for compliance with applicable city requirements and for preparation and submittal of the SWPPP.

Monitoring The Municipal Utilities Department will be responsible for assessing project compliance with City requirements and review and approval of the SWPPP prior to the issuance of a Building Permit.

9. **LAND USE AND PLANNING** — Would the project

   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?

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d. Result in land use/operational conflicts between existing and proposed on-site or off-site land uses?

DISCUSSION

The proposed project is located in an urbanized area of Stockton and consists of two single-family residences, a detached garage, horse boarding facilities which include a number of storage areas, two corrals, stables, and a pool. The project site is surrounded by existing urban residential development and other related land uses. Existing land uses immediately surrounding the site are as follows:

- North: Single family residential
- East: UP/ISR RR Single family residential
- South: Former horse building facility, Calaveras River
- West: Single family residential

The project site is located within the Planning Area of the Stockton General Plan and within the Plan's designated Urban Service Boundary. The site is designated Low Medium Density Residential in the Stockton General Plan as are lands to the north, south, east, and west.

The project site and lands to the north, south, east, and west are zoned by the City of Stockton as RL (Residential Low Density)

Land Use Impacts

The proposed project involves the removal of all buildings and structures on the project site to be replaced with the development of 14 new single-family residential units and the addition of Ijams Court. The proposed development is consistent with the existing general plan designations and zoning for the project site and will be consistent with uses in the immediate area. One Heritage Oak Tree on the project site will be maintained and kept. All other vegetation on the project site will be removed and replaced with landscaping.

The south boundary of the project site borders on an existing residence which includes a coral and horse stables. Although the new homes will be built so the backyards will face this property, some dust and odor is to be expected, and the new home owners should be notified.

Level of Significance: Potentially significant

Mitigation Measures

1. The owners and developers and successors in interest shall record a deed restriction informing new tenants and/or owners of the potential for dust and odor from the adjoining property.

Significance After Mitigation: Less than significant

Implementation: The property owners, developers, and/or successors in interest will be responsible for informing new tenants of the potential for dust and odor from the neighboring lot.

Monitoring: The Community Development Department will be responsible for ensuring that the deed restriction has been recorded prior to recordation of the final map.

10. MINERAL RESOURCES Would the project

a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?
DISCUSSION

The proposed project site is located in a primarily urbanized area. There are no known mineral resources associated with the project site. The Division of Mines and Geology Mineral Classification Map does not identify the project site as potentially containing known valuable mineral resources. The project site is 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 mineral resources.

Level of Significance Less than significant

Mitigation Measures None required

NOISE

Noise standards for the site are established in the Stockton General Plan. Table L-8 of the General Plan Noise Element shows that exterior transportation noise levels up to 60 dB Ldn are considered normally acceptable with levels up to 65 dB Ldn if necessary and best available noise reduction technology is incorporated into the development (City of Stockton 1990b). However, interior noise levels should be maintained at 45 dB Ldn or below with windows and doors shut.

Noise barriers between the source and sensitive receptor are the most common form of mitigation for transportation noise impacts (Riverbend and Riverbend West, 2004). Bollard and Brennan performed a noise barrier performance analysis to determine what type of sound barrier would need to be constructed to reduce noise impacts. This analysis was based on a difference in elevation of nine feet between the project site grade and the railroad grade. Elevations on the proposed Ijams Road project site and along the adjoining railroad grade were surveyed by the project engineer. The measured difference in elevation of 9.5 feet on the project site is comparable to that assumed for the Riverbend analysis. The Riverbend analysis indicated that a 15-foot wall or berm would be needed to reduce the noise to 60 dB Ldn within the back yard areas of the homes adjacent to the railroad. A 15-foot wall is not generally accepted by the City of Stockton as an adequate mitigation; however, a 10-foot barrier...
would reduce noise levels to the Conditionally Acceptable maximum of 65 dB Ldn. In order to compensate for the slightly increased difference in elevation on the project site, a wall height of 10.5 feet would be required to achieve the same standard. Conventional residential building construction will result in interior noise reduction of at least 20 dB as a result. Maintenance of the 65 dB exterior noise level would also result in maintenance of 45 dB interior noise standards.

**Construction Noise**

Construction noise would temporarily elevate noise levels in the vicinity. The operation of construction equipment in the vicinity of existing residences to the north, east, and west could cause disturbance of residents near the project site, particularly if construction occurs in the evening hours or at night when people typically relax and sleep. This source of noise would be significant but generally short term. Impacts would be reduced to less than significant with the mitigation measure listed below.

The proposed residential development would not be exposed to airport noise or noise caused by significant increases in traffic.

**Level Of Significance** Potentially significant

**Mitigation Measures**

1. The owners, developers, and/or successors in interest shall construct an approximately 10.5-foot high concrete masonry block, precast concrete wall, or an earthen berm/wall combination along the eastern project site boundary. In addition, eight-foot high noise barrier extensions of the same materials shall be constructed 75 feet to the west along the north and south property boundaries of the subdivision from the railroad tracts. The berm/wall shall be constructed prior to occupancy of any dwelling units located within 220 feet of the railroad centerline. Barmer height shall be determined by a qualified acoustical consultant based on specific railroad and finished building site grades using the railroad noise data identified in the Ballard and Brennan report for the project dated February 10, 2004.

2. Two-story structures proposed along the first row of houses adjacent to the railroad tracts shall be subject to additional acoustical analysis which shall be reviewed by a qualified acoustical professional upon availability of floor plans, building elevations, and construction details. Façade wall and window specifications shall provide sufficient noise attenuation to allow the City's interior noise standard of 45 dB Ldn to be maintained.

3. 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 noise-sensitive land uses and by requiring residential type mufflers where applicable.

4. Air conditioning or other suitable mechanical ventilation shall be provided to all proposed residences to allow future residents to close windows and doors to reduce noise levels.

5. Buyers of all proposed lots within the project site shall be notified of the potential for train horn noise events which are expected to occur during daytime and nighttime hours.

**Significance After Mitigation** Less than significant

**Implementation** The owners, developers, and/or successors in interest will be responsible for the barrier wall and residential noise insulation design and construction. Additionally, they will also be responsible for the management of construction contractors.

Monitoring. The Planning and Building Divisions of the Community Development Department and the Public Works Department will be responsible for ensuring that noise mitigation measures have been incorporated in improvement or building plans and are observed during construction.

12 **POPULATION AND HOUSING** -- Would the project

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)?

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
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<td></td>
<td>√</td>
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</table>

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?

DISCUSSION

The proposed project would result in a minor increase in population. According to the Department of Finance, the January 2005 population of the City of Stockton was estimated to be 279,513. The project proposed the development of 14 single-family residences in an already urbanized area. The project at build-out would result in a maximum potential population increase of about 44 people within the subdivision. While the project would add to the supply of housing, it would not result in any significant impact to the population of the City of Stockton. Population increases associated with development of the project site and other infill sites have been accounted for in the Stockton General Plan.

The project would not involve any displacement of any existing occupied housing and is well within the maximum housing density allowed by the Stockton General Plan.

Project impacts on population and housing are considered less than significant.

Level of Significance: Less than significant

Mitigation Measures: None required

13 PUBLIC SERVICES – Would the project

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:

<table>
<thead>
<tr>
<th>Public Services</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Fire protection?</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(2) Police protection?</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(3) Schools?</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>(4) Parks?</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>(5) Other public facilities?</td>
<td>✓</td>
<td></td>
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</tbody>
</table>

DISCUSSION

Fire Protection

Fire protection for the project site is currently provided by the City of Stockton Fire Department. The closest fire station to the site is Station 11 located at 1211 E. Swain Road, about 1.1 miles from the proposed site. Station 11 is equipped with one fire engine, two emergency medical technicians, an ambulance, and is staffed with four full-time personnel. Response time to the project site is three to four minutes.

Development of the proposed project would not involve any substantial addition to the responsibilities to the Stockton Fire Department. The Stockton Fire Department does not anticipate any problems serving the proposed project site. Accessibility is adequate, and the proposed structures do not involve any particular fire protection concerns. Water supply systems and hydrants adequate to serve the project are in place.
Police Protection

Law enforcement services for the project site will be the responsibility of the Stockton Police Department (SPD). 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.

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

Crime opportunities within areas of new development can be minimized by proper project design. Adequate emergency access onto the project site would be essential for responding to calls for service. These issues are addressed by the mitigation measures below.

Schools

The proposed project is located within the Stockton Unified School District (SUSD). Children residing within the new subdivision will attend the Rio Calaveras K-8th School and the Cesar Chavez High School. The new subdivision is estimated to generate a total of 10 students. SUSD has confirmed that sufficient capacity exists within the school system to accommodate project-related student generation.

To assist in meeting school construction costs, the SUSD collects developer fees in accordance with state law. The project will contribute to these fees in conjunction with building permit issuance. Collection of these fees will be sufficient to reduce potential schools impacts to less than significant.

Parks

Park facilities are addressed under the following Section 14 Recreation.

Maintenance of Facilities Including Roads

The proposed project would not result in any substantial increase in maintenance requirements for public facilities, including roads. New traffic on existing project area roadways would be limited primarily to passenger vehicles. There would be no substantial near-term increase in heavy vehicle loading.

Level of Significance: Potentially significant

Mitigation Measures

1. The owners, developers, and/or successors in interest shall pay required Public Facility Fees toward construction of new fire stations and related facilities prior to issuance of construction permits.

2. The owners, developers, and/or successors in interest shall incorporate access, water supply, and other fire suppression and emergency access/response needs in the proposed project design. Said designs shall be developed in consultation with the Fire, Police, and Public Works Departments and shall address such items as the location and design of streets and cul-de-sacs, residential numbering, mapping, and other measures deemed necessary to permit access of emergency vehicles and firefighting equipment, minimize response times, and provide adequate evacuation routes.

3. The owners, developers, and/or successors in interest shall pay Public Facility Fees to defray capital facilities costs associated with expanding law enforcement and fire protection services.

4. The owners, developers, and/or successors in interest shall fence and monitor contractor's storage yards during the construction phases of the project to prevent theft and vandalism and to reduce calls for assistance from the Police Department.

5. The owners, developers, and/or successors in interest shall pay adopted developer fees toward construction of new schools prior to issuance of construction permits in accordance with the rate schedule established by SUSD.

6. The ODS shall coordinate with SUSD as required to assure that adequate school facilities will be available concurrently with the project-related need for such facilities consistent with General Plan Public Facilities Goal 2, Policies 7, 8, and 9.
Significance After Mitigation  Less than significant

Implementation  The owners developers and/or successors in interest will be responsible for payment of fees and for consultation with fire, police and school agencies and for provision of construction yard security.

Monitoring  The Community Development Department will verify the consultation with fire, police and school agencies. The Community Development Department Building Division will verify that fees have been collected in conjunction with building permit issuance.

14 RECREATION  -- Would the project

<table>
<thead>
<tr>
<th>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?</th>
</tr>
</thead>
<tbody>
<tr>
<td>b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?</td>
</tr>
</tbody>
</table>

DISCUSSION

Park and recreation facilities are provided by the City of Stockton Parks and Recreation Department. The Arnold Rue Park is located about 800 feet south west of the project site adjacent to the Calaveras River. This park is undeveloped at this time. The S L Fong Park is located at Horsetail and Blossom Circle within 0.5 miles east of the project site. The park is seven acres and has a tot lot, tables, a group picnic area and a multi use court.

The project will not generate sufficient new residential population to make undue demands on the park facilities in the project neighborhood. Existing park facilities within the service area of the project are heavily used by the existing surrounding neighborhoods. The project will be required to contribute Public Facility Fees for parks and recreation facilities. The Public Facility Fees will be used to enhance existing park facilities within the service radius of this project. The Parks and Recreation Department indicates that there will not be a need for any maintenance fees unless the project will include frontage improvements, walls or other common area improvements. If this is the case, the developer will be required to provide a mechanism for maintenance of any improvements made to the common area.

Level Of Significance  Potentially significant

Mitigation Measures

1) Prior to recordation of any Final Map, the owner, developer and/or successor in interest (ODS) shall form a new zone of the Stockton Consolidated Landscape Maintenance District 96-2 and approve an assessment providing for the subdivisions proportionate share of the costs to maintain any public parks within the service area for this subdivision or serving this subdivision's. The ODS may request to annex to an existing zone of the Stockton Consolidated Landscape Maintenance District 96-2 provided the subdivision is within the service area of a park for which a zone of the Stockton Consolidated Landscape Maintenance District 96-2 has already been formed.

2) Prior to recordation of any Final Map (or concurrent when forming an owner's association) the ODS shall establish a maintenance entity acceptable to the Community Development Director, the Parks and Recreation Director and the Public Works Director to provide funding for the maintenance of improvements including but not limited to common area landscaping, landscaping in the right of way, soundwalls and/or back up walls and all improvements serving or for the special benefit of this subdivision and landscaped medians in roads and/or landscaped areas within or adjacent to the subdivision.

If the ODS elects to provide maintenance for the improvements through a maintenance assessment district, the ODS shall form a new zone of the Stockton Consolidated Landscape Maintenance District 96-2 that includes the entire subdivision. The entire subdivision may be considered for annexation to an existing zone of the Stockton Consolidated Landscape Maintenance District 96-2 provided the subdivision is within the service area of a park for which a zone of the Stockton Consolidated Landscape Maintenance District 96-2 has already been formed.

3) All walls shall be located on private property and a separate maintenance easement shall be recorded for such walls. Such easement shall be sufficient to allow for regular maintenance (i.e. graffiti removal) and shall include the width of the support footing as it extends from both sides of the wall.
4. The ODS shall provide all necessary utility stub-outs including PG&E 3 phase service stubs to designated park and/or common open space areas to the satisfaction of the City Parks and Recreation Department.

Significance After Mitigation: Less than significant

Implementation: The owners, developers, and/or successors in interest will be responsible for payment of fees.

Monitoring: The Community Development Department Building Division will verify that required fees have been paid prior to issuance of building permits.

15. TRANSPORTATION/TRAFFIC – Would the project:

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<thead>
<tr>
<th>Impact</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>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)?</td>
<td>✓</td>
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<tr>
<td>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?</td>
<td>✓</td>
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<tr>
<td>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?</td>
<td>✓</td>
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<tr>
<td>d. Substantially increase hazards because of a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</td>
<td>✓</td>
<td></td>
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<tr>
<td>e. Result in inadequate emergency access?</td>
<td>✓</td>
<td></td>
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<td></td>
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<tr>
<td>f. Result in inadequate parking capacity?</td>
<td>✓</td>
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<tr>
<td>g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?</td>
<td>✓</td>
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</tbody>
</table>

DISCUSSION

The proposed project is located immediately east of Ijams Road. Existing average daily traffic along Ijams Road is approximately 8,700 trips per day in 2005. However, traffic along Ijams Road has recently been reduced by the closure of McAllen Road and is expected to be much less than the 2005 level has indicated. Traffic is not expected to be an issue in the project area.

Project Impacts on Traffic

The proposed project would result in the generation of approximately 147 vehicle trips per day based on a generation rate of 10.5 trips/lot/day. Approximately 10% of these would occur during peak hours. The project is not expected to result in any significant increase in daily or peak hour traffic in the project area and no significant effects on traffic operations at intersections in the area.

Project site access would be via Ijams Road and the new proposed Ijams cul-de-sac. This access will be subject to the review and approval of the City of Stockton Public Works department as well as the police and fire departments or approval with conditions as required in Section 14 Public Services.

Level Of Significance: Less than significant

Mitigation Measures: None required
UTILITIES AND SERVICE SYSTEMS  Would the project

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact</th>
<th>Less Than Significant With regard to the provider’s existing commitments</th>
<th>No Impact</th>
</tr>
</thead>
</table>
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? |  |  | ✓ |

DISCUSSION

Sewer Services

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 sewage collection systems, however, the project site is located within the service area for the City’s existing Collection System No. 2, and an existing 12-inch sewer line is located along Ijams Road west of the project site.

The proposed project would involve small increases in sewage generation as 14 new homes are built and occupied. The City has indicated that there is sufficient capacity in the City’s Collection System No. 2 to accommodate the proposed project.

Water Services

Water service will be provided by City of Stockton. An existing 12-inch water line is located in Ijams Road, which will connect into a new line to be constructed in Ijams Court.

The proposed project is within the City of Stockton service area; the proposed line extension has been sized to adequately serve the project, and no significant impacts on water services are anticipated.

Storm Drainage Services

Storm drainage services on the site are currently provided via natural drainage to the Calaveras River, however, verification of storm drainage services will be required before construction of the 14 lot subdivision is underway.

Storm water quality is managed by the City of Stockton Storm Water Management Plan, which implements ordinances which establish regulations for local oversight of the state general permit system and more control of storm water quality impacts of new development. The Stockton Municipal Code requires projects less than one acre to implement construction best management practices from October 15 through April 15 and comply with the ordinance during the remainder of the year. A Storm Water Pollution Prevention Plan must also be submitted to the Municipal Utilities Department that includes both construction stage and permanent storm water pollution prevention practices, including incorporation of best management practices described in the city’s.
Stormwater Quality Criteria Plan: Compliance with applicable local requirements would avoid significant water quality impacts. See mitigation measures previously addressed in Section 8: Hydrology.

Gas and Electric Services

Pacific Gas and Electric Company (PG&E) currently provides natural gas and electric service to existing urban development in the project vicinity. 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.

The proposed project will result in small new demands for gas and electric service. Extension of gas and electrical infrastructure onto the project site would be required to serve new development. PG&E has indicated no concerns with extending service to the project site (S. Okamoto pers. comm.). During the development process, the owners, developers, and/or successors in interest must consult with 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.

Telephone and Cable TV Services

SBC is the telephone service provider in the existing project vicinity. Cable television services are provided by ComCast. Existing lines are located in the project vicinity. SBC and ComCast are regulated utilities that are obligated to provide service within the city. The proposed project would involve incidental new demands for telephone and cable television service. These demands can be met by existing facilities in the area.

Solid Waste

The City’s franchise hauler, Waste Management, provides solid waste collection in this area of Stockton. 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 have been approved. The proposed project would involve no substantial increase in 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: Potentially significant

Mitigation Measures

1. The ODS shall submit detailed subdivision improvement plans. These plans shall show all on- and off-site utilities necessary to provide water, storm, and sanitary sewer utility service. These plans shall be acceptable to the Director of Municipal Utilities and approved by the City Engineer prior to the approval of any Parcel Map.

2. The ODS shall provide permanent rights-of-way for and construct all on-site and off-site water, storm, and sanitary sewer facilities as designed and shown on the accepted improvement plans for the development. Any reimbursement costs for oversizing shall be determined in accordance with the Stockton Municipal Code.

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 Department of Public Works will be responsible for review and approval of required infrastructure improvements.

17 OTHER ISSUE(S): Would the project

a. Result in contribute to or substantially affect other environmental issue(s)? If so, specify below and evaluate.

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

DISCUSSION

No other issues have been identified.
MANDATORY FINDINGS OF SIGNIFICANCE

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?

DISCUSSION

Finding (a) is checked as Potentially Significant Unless Mitigated, on the basis of potential cultural resources impacts described in Section 5. These impacts would be reduced to less than significant with mitigation measures identified in those sections. The potential environmental effects of the project would be reduced to less than significant with proposed mitigation measures.

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

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. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

The proposed project would involve several potentially significant effects on the environment; however, all of these impacts would be reduced to a less than significant level with mitigation measures. As a result, there are no impacts identified in this Initial Study that are checked as Potentially Significant Impact in the foregoing checklist.
REFERENCES CITED

City of Stockton Dept of Housing and Redevelopment. 2005 Population Housing and Income Data for the City of Stockton 5/12/05

EDR Environmental Data Resources 2006 Environmental Record Search for Ijams Road January 2006

Federal Emergency Management Agency 2002 FIRM Flood Insurance Rate Map City of Stockton California Community Panel Number 05029902900 Revised April 2 2002

Gianelli Jack 2006 Tree Assessment Survey Proposed Ijams Road January 23 2006

Genesis Society 2006 Archaeological Inventory Survey Ijams Road Proposed Subdivision Project December 2005

Michael Paoli and Associates 1989a 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

Michael Paoli and Associates 1989b 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

Riverbend and Riverbend West EIS/MND 2004 Expanded Initial Study and Mitigated Negative Declaration Public Review Draft Initial Study File No IS 10 04 July 2 2004

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

USDA Soil Conservation Service 1992 Soil Survey of San Joaquin County California October 1992


PERSONS CONSULTED

Ahmed Ali SBC
Allen Dana Conti and Associates
Eck Carl City of Stockton Fire Department
Gianelli Jack Certified Consulting Arborists Gianelli Co
Hernandez Melanie Comcast Cable
Jensen Sean Archaeologist Genesis Society
Ljaw Jenny Planner City of Stockton
McDowell Mike Dept of Public Works City of Stockton
Machado Victor Parks and Recreation City of Stockton
Marconi Bob Program Manager Planning & Research Section City of Stockton Police Department
Montross George Assistant Engineer City of Stockton Public Works Department
Moore Diane Principal Moore Biological
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 IS 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 IS 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)

JAMES E GLASER DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

By Jenny Liaw  Date 7-14-06
Associate Planner
Figure 1: REGIONAL MAP

Source: INSITE ENVIRONMENTAL INC

INSITE ENVIRONMENTAL, INC
Figure 5

ASSESSOR'S PARCEL MAP
Figure 6
TENTATIVE SUBDIVISION MAP
Construct New Curb, Gutter & Sidewalk per City Standard DWG 25

TYPICAL SECTION
IJAMS COURT
N TS

Construct New Curb, Gutter & Sidewalk per City Standard DWG 25

R/W

15'

15'

60'

15'

15'

25'

25'

R/W

SOURCE CONTI AND ASSOCIATES

INSITE ENVIRONMENTAL, INC

Figure 7

TYPICAL ROAD SECTION
APPENDIX A
LEGAL DESCRIPTION
LEGAL DESCRIPTION

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS

Parcel One

A tract of land situated in the County of San Joaquin, State of California, in Section 29 of C M Weber Grant and being a portion of the 108 014 acre tract described in Parcel No One of Deed recorded in Vol 405 of Official Records, Page 410 and 411, conveyed to Carne Evelyn Sperry, and more particularly described as follows

Beginning at a point in the East line of the 40 foot roadway described in above mentioned Deed as lying East of and adjacent to the West line of the above mentioned 108 014 acre tract, said point of beginning being 40 feet East of the dividing line between the Sperry and the Weber properties and bearing South 16° 37 East 2114 8 feet along the East line of said roadway, from the North line of the above mentioned 108 014 acre tract and also bearing North 16° 37 West, 656 1 feet from the intersection of the East line of the above mentioned roadway with the North line of the W B West Road No 203, thence from above described point of beginning North 72° 23 East, 242 0 feet to an Iron pipe, thence North 16° 37 West, 180 feet to an iron pipe, thence North 73° 23 East, 476 15 feet to an iron pipe in the Westerly line right of way of Southern Pacific Railroad, thence along the said Westerly line of railroad right of way, South 4° 20' West, 962 76 feet to an iron pipe in the North line of the W B West Road No 203, thence along the North line of said Road, South 82° 57' West, 379 2 feet to an iron pipe at the intersection of the North line of said W B West Road No 203 with the East line of 40 foot roadway, thence along the East line of 40 foot roadway North 16° 37 West, 656 1 feet to an iron pipe at the beginning

Except Therefrom that certain 4 acre tract of land described in Deed to Ralph P Thierl, et ux, recorded December 24, 1945, in Vol 948 of Official Records, Page 415, San Joaquin County Records

Also Except that certain 4 acre tract of land described in Deed to Jack Shaw, et ux, recorded November 25, 1946, in Vol 1029 of Official Records, Page 49, San Joaquin County Records

Parcel Two

A portion of abandoned W B West Road No 203, in Section 29, Weber Grant, described as follows

Beginning at the Intersection of the Northerly line of said Road with the Westerly line of the right of way of the Southern Pacific Railroad Company, said point of beginning being the Southeasterly corner of the land described in the Deed to Martin J Creecy, et ux, recorded April 4, 1946, in Vol 1854 of Official Records, Page 115, San Joaquin County Records, thence South 4° 20' West, 3 feet, thence South 82° 57' West, 240 feet, thence North 4° 20' West, 3 feet, thence South 82° 57' West 240 feet, thence North 4° 20' East, 3 feet to the South line of said Creecy Land, thence North 82° 57' East, along said South line, 240 feet to the point of beginning
EXHIBIT "A" (continued)

Title No 05 53100563 A JW
Locate No CACT17739 7739-4531-0053100563

APN 096 050 09, 096 050 10
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 151284]

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: Jackson Road Tentative Map

Property Owner: Morada Property Investors

Environmental Document Proposed: Mitigated Negative Declaration/ Initial Study (IS4-06)
(Type/File No): Draft Addendum/Initial Study for Mitigated Negative Declaration (IS______)
Notice of Preparation for Draft EIR/Initial Study (EIR______/IS______)
Draft Environmental Impact Report (EIR______)
Draft Supplement to EIR/Initial Study (SEIR______/IS______)

Discretionary Application(s): TMS-06

Project Description/Location: A tentative map to subdivide a 2.7 acre site into 14 parcels, for property located on the east side of Jackson Road and approximately 950 feet north of the Calaveras River.

Legal Description of Property: Attached as Exhibit A (legal description includes metes and bounds (bearings and dimensions) or existing lots of record and corresponding map(s) for affected property).

MITIGATION AGREEMENT

Pursuant to Section 15084 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 the 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 ____ day of _________.

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 Jenny Liaw

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

Morada Property Investors
Attn Pablo A. Zeiter
P.O. Box 747
Lockeford, CA 95645

SIGNATURE OF OWNER/LEGAL AGENT

APPROVED AS TO FORM

OFFICE OF THE CITY ATTORNEY
CITY OF STOCKTON

By ________________________________
Guy D. Pacht, Deputy City Attorney

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

SIGNATURE OF APPLICANT/LEGAL AGENT
State of California
County of San Joaquin

On    before me

personally appeared

☑ personally known to me - OR -   □ proved to me on the basis of satisfactory evidence to be the person(§) whose name is/is are subscribed to the within instrument and acknowledged to me that she/he/they executed the same in her/his/her/their authorized capacity(§), and that by her/his/her/their signatures on the instrument the person(§), or the entity upon behalf of which the person(§) acted, executed the instrument.

WITNESS my hand and official seal

SIGNATURE OF NOTARY

OPTIONAL

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

CAPACITY CLAIMED BY SIGNER

☐ INDIVIDUAL
☐ CORPORATE OFFICER

□ PARTNER(S)  ☐ LIMITED
☐ GENERAL

☐ ATTORNEY IN FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER

DESCRIPTION OF ATTACHED DOCUMENT

TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

DATE OF DOCUMENT

SIGNER IS REPRESENTING

NAME OF PERSON(S) OR ENTITY(IES)

SIGNER(S) OTHER THAN NAMED ABOVE

ODMAIGRPWISE\COS CDD CDD_Library54975.2

3 Revised 03-01 01
State of California  
County of San Joaquin

On _______ before me ____________________________

personally appeared ____________________________

☑️ personally known to me - OR - ☐️

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.

WITNESS my hand and official seal

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SIGNER IS REPRESENTING

NAME OF PERSON(S) OR ENTITY(IES)

______________________________

SIGNER(S) OTHER THAN NAMED ABOVE

______________________________
APPENDIX C
PODESTO-SPERRY NOISE STUDY
Environmental Noise Assessment

Podesta - Sperry Residential Development

City of Stockton, California

Bollard & Brennan Job # 2004-023

Prepared For

InSite Environmental
6653 Embarcadero Drive Suite Q
Stockton CA 95219

Prepared By

Bollard & Brennan, Inc

Jim Brennan Vice President
Member Institute of Noise Control Engineers

February 10 2004
INTRODUCTION

The proposed Podesta Sperry residential development is located north of East Alpine Avenue, east of the Union Pacific Railroad (UPRR), and north of the Calaveras River and adjacent to the Union Pacific Railroad (UPRR) in the City of Stockton, California. UPRR train operations along the project site are considered to be a potentially significant noise source which may affect the project design. The intent of this analysis is determine the existing and potential future noise levels on the project site, and to provide mitigation measures where future noise levels on the project site are expected to exceed the City of Stockton General Plan noise level criteria. Figure 1 shows the project site.

BACKGROUND ON NOISE AND ACOUSTICAL TERMINOLOGY

Noise is often described as unwanted sound. Sound is defined as any pressure variation in air that the human ear can detect. If the pressure variations occur frequently enough (at least 20 times per second), 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, called Hertz (Hz).

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 of pressure), as a point of reference, defined as 0 dBA. Other sound pressures are then compared to the 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 dBA. Another useful aspect of the decibel scale is that changes in decibel levels correspond closely to human perception of relative loudness. Figure 2 illustrates common noise levels associated with various sources.

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 weighing the frequency response of a sound level meter by means of the standardized A-weighting network. There is a strong correlation between A-weighted sound levels (expressed as dBA) and community response to noise. 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.

---

1 For an explanation of these terms see Appendix A, Acoustical Terminology.
Figure 1
Podesta - Sperry Project Site

Noise Monitoring Site

Bollard & Brennan, Inc
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 noise environment. A common statistical tool to measure the ambient noise level is the average, or equivalent, sound level \( L_{eq} \). The \( L_{eq} \) is the foundation of the day/night average noise descriptor, \( L_{dn} \), and shows very good correlation with community response to noise.

Figure 2
Typical A Weighted Sound Levels of Common Noise Sources

<table>
<thead>
<tr>
<th>Loudness Ratio Level</th>
<th>A Weighted Sound Level (dBA)</th>
</tr>
</thead>
<tbody>
<tr>
<td>128</td>
<td>Threshold of pain</td>
</tr>
<tr>
<td>64</td>
<td>Jet aircraft take-off at 100 feet</td>
</tr>
<tr>
<td>32</td>
<td>Riveting machine at operators position</td>
</tr>
<tr>
<td>16</td>
<td>Shot-gun at 200 feet</td>
</tr>
<tr>
<td>8</td>
<td>Bulldozer at 50 feet</td>
</tr>
<tr>
<td>4</td>
<td>Diesel locomotive at 300 feet</td>
</tr>
<tr>
<td>2</td>
<td>Commercial jet aircraft interior during flight</td>
</tr>
<tr>
<td>1</td>
<td>Normal conversation speech at 5-10 feet</td>
</tr>
<tr>
<td>1/2</td>
<td>Open office background level</td>
</tr>
<tr>
<td>1/4</td>
<td>Background level within a residence</td>
</tr>
<tr>
<td>1/8</td>
<td>Soft whisper at 2 feet</td>
</tr>
<tr>
<td>1/16</td>
<td>Interior of recording studio</td>
</tr>
</tbody>
</table>
CRITERIA FOR ACCEPTABLE NOISE EXPOSURE

City of Stockton General Plan

For transportation noise sources, such as railroad line operations, the City of Stockton General Plan establishes a "Normally Acceptable" exterior noise level standard for residential uses of 60 dBA $L_{dn}$, which is applied in the outdoor activity areas. A "Conditionally Acceptable" exterior noise level standard of 70 dBA $L_{dn}$ is applied only after careful study and inclusion of protective measures as needed for intended use. However, discussions with city staff regarding Blossom Ranch/Camera and other similar projects indicate that exterior noise levels exceeding 65 dB $L_{dn}$ in the outdoor activity areas of residential uses are considered unacceptable.

The City also establishes an interior noise level criterion of 45 dB $L_{dn}$.

EXISTING AND FUTURE EXTERIOR RAILROAD NOISE

In order to quantify existing train usage, Bollard & Brennan, Inc conducted continuous noise level measurements of UPRR operations on the project site on February 5, 2004. The sound level meter was programmed to collect single event noise level data due to train passbys on the project site, as well as overall hourly noise level data. The hourly noise measurement results are shown in Figure 3. The results indicated that the typical train operation resulted in an average sound exposure level (SEL) of 100 dB at a distance of 75 feet from the railroad track centerline. Based upon the noise measurement data, approximately 30 trains per day operate along the track, with approximately 35% of the trains operating during the nighttime hours (10 p.m. to 7 a.m.) and 65% of the trains operating during the daytime hours (7 a.m. to 10 p.m.).

To determine the $L_{dn}$ value associated with the railroad operations on the project site, the following formula can be used:

$$L_{dn} = SEL + 10 \log N_{eq} - 49.4 \text{ dB},$$

where SEL is the mean measured SEL of the train events (100 dB at a distance of 75 feet), $N_{eq}$ is the sum of the daytime (7 a.m. to 10 p.m.) train events plus 10 times the number of nighttime (10 p.m. to 7 a.m.) train events, and 49.4 is ten times the logarithm of the number of seconds per day. Based upon this information, the $L_{dn}$ is predicted to be 72 dB at a distance of 75 feet. The distances to the railroad operation noise level contours are shown in Table 2. Future railroad operations data was not available. Therefore, the existing railroad operations data and analysis is used for the analysis of future railroad operations.
Based upon the project design, the residential easements are located 75 feet from the centerline of the railroad tracks; therefore the nearest outdoor activity areas are located approximately 100 feet from the centerline of the tracks. At this distance, noise levels associated with railroad operations are predicted to be approximately 75 dB Ldn.

**Future Interior Railroad Noise**

Standard residential construction (wood siding or two-coat stucco siding, STC-26 windows, door weatherstripping, exterior wall insulation, composition plywood roof, etc.), results in an exterior to interior noise reduction of about 25 dB with windows closed, and approximately 15 dB with windows open.

Worst case exterior railroad noise levels at the first row of residences are predicted to be approximately 70 dB Ldn at unshielded first floor facades. Therefore, interior railroad noise levels at unshielded first floor facades are predicted to comply with the 45 dB Ldn interior noise level criterion. In addition, this analysis will focus on achieving an exterior noise level between 60 dB and 65 dB Ldn at the outdoor activity areas. Therefore, first floor facades are expected to benefit from shielding due to barriers. The barrier analysis will be addressed later in this report.

Second floor facades are predicted to be exposed to railroad noise levels approximately 2 to 3 dB higher (73 dB Ldn). This is due to the fact that second floor facades will not benefit from shielding due to barriers, and will not benefit from excess ground attenuation. To judge compliance with the 45 dB Ldn interior traffic noise standard for second floor facades, it is necessary to determine the noise reduction provided by the building facade. This may be calculated by assuming a generalized A-weighted noise frequency spectrum, determining the composite transmission loss and resulting noise level in the receiving room, then correcting for room absorption and calculating the overall noise level in the room. The unavailability of floor plans and facade construction details for second floor rooms preclude an analysis of the depth described above. Therefore, a detailed analysis of interior noise levels at second floor rooms will need to be conducted when floor plans, building elevations and construction details are available.

---

Table 2

<table>
<thead>
<tr>
<th>Distance to Noise Contours*</th>
<th>Predicted L_{dn} at Nearest Outdoor Activity Areas (100 feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>60 dB L_{dn}</td>
<td>65 dB L_{dn}</td>
</tr>
<tr>
<td>473 feet</td>
<td>220 feet</td>
</tr>
</tbody>
</table>

*Predicted distances to noise level contours are from the railroad track centerline.
Figure 3
Continuous Hourly Measured Noise Levels
Podesta Sperry Residential Development
Thursday February 5, 2004

Ldn = 72.2 dB

Sound Level, dBA

Hour of Day

Bollard & Brennan, Inc
Mechanical ventilation would be required to allow occupants to close windows and doors for the appropriate acoustical isolation.

MITIGATION

Based upon the analysis, the proposed project will be exposed to railroad noise levels which exceed the City of Stockton General Plan exterior and interior noise level criteria.

Exterior Noise Mitigation Measures

Bollard & Brennan, Inc. used a noise barrier performance analysis methodology to determine the insertion loss and resulting noise level provided by different barrier heights at the first row of lots affected by UPRR railroad noise levels. Specifically, the barrier analysis was performed at representative outdoor activity areas along this row of residences to determine the barrier height required to achieve the exterior noise level criteria ranging from 60 dB to 65 dB L_{da}. Based upon the site elevations provided by the project engineer, the railroad bed ranges between 7 feet and 10 feet above the existing ground elevation. The barrier analysis is predicated upon an assumption that the building pads are 9 feet below the railroad bed elevation.

The results of this analysis indicate that a noise barrier 15 feet tall, relative to the building pad elevations, would be required to reduce exterior noise levels in the outdoor activity areas to 60 dB L_{da}. Noise barriers of this size are generally not considered acceptable or feasible, therefore a noise barrier analysis was performed to determine the barrier height required to achieve the "Conditionally Acceptable" maximum criterion of 65 dB L_{da} as indicated by the city staff. The results of this analysis are shown in Table 3. A complete listing of inputs is located in Appendix B.

<table>
<thead>
<tr>
<th>Location</th>
<th>Railroad Noise Level Without Barrier</th>
<th>Barrier Height</th>
<th>Resulting Noise Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Easement (75 feet from RR centerline)</td>
<td>70 dB L_{da}</td>
<td>10 feet</td>
<td>64.5 dB L_{da}</td>
</tr>
<tr>
<td></td>
<td></td>
<td>11 feet</td>
<td>63.6 dB L_{da}</td>
</tr>
<tr>
<td></td>
<td></td>
<td>12 feet</td>
<td>62.7 dB L_{da}</td>
</tr>
<tr>
<td></td>
<td></td>
<td>13 feet</td>
<td>61.5 dB L_{da}</td>
</tr>
<tr>
<td></td>
<td></td>
<td>14 feet</td>
<td>60.8 dB L_{da}</td>
</tr>
<tr>
<td></td>
<td></td>
<td>15 feet</td>
<td>59.9 dB L_{da}</td>
</tr>
</tbody>
</table>

Noise reduction from barriers are only at first floor receivers |
Barrier Heights relative to pad elevations
Mechanical ventilation would be required to allow occupants to close windows and doors for the appropriate acoustical isolation

**MITIGATION**

Based upon the analysis, the proposed project will be exposed to railroad noise levels which exceed the City of Stockton General Plan exterior and interior noise level criteria.

**Exterior Noise Mitigation Measures**

Bollard & Brennan, Inc used a noise barrier performance analysis methodology to determine the insertion loss and resulting noise level provided by different barrier heights at the first row of lots affected by UPRR railroad noise levels. Specifically, the barrier analysis was performed at representative outdoor activity areas along this row of residences to determine the barrier height required to achieve the exterior noise level criteria ranging from 60 dB to 65 dB L_{dn}. Based upon the site elevations provided by the project engineer, the railroad bed ranges between 7 feet and 10 feet above the existing ground elevation. The barrier analysis is predicated upon an assumption that the building pads are 9 feet below the railroad bed elevation.

The results of this analysis indicate that a noise barrier 15 feet tall, relative to the building pad elevations, would be required to reduce exterior noise levels in the outdoor activity areas to 60 dB L_{dn}. Noise barriers of this size are generally not considered acceptable or feasible, therefore a noise barrier analysis was performed to determine the barrier height required to achieve the "Conditionally Acceptable" maximum criterion of 65 dB L_{dn} as indicated by the city staff. The results of this analysis are shown in Table 3. A complete listing of inputs is located in Appendix B.

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</tr>
<tr>
<td></td>
<td></td>
<td>15 feet</td>
<td>59.9 dB L_{dn}</td>
</tr>
</tbody>
</table>

Noise reduction from barriers are only at first floor receivers
Barrier Heights relative to pad elevations
Based upon the analysis in order to comply with the 'Conditionally Acceptable' noise level standard of 65 dB L_{dn}, a property line barrier height of 10 feet would be required at the first row of residential lots facing the railroad track.

The barrier would be required to return to the east on the north and south ends of the subdivision. The barrier which returns on the north and south ends of the subdivision is required to be 8-feet in height, and needs to return 75 feet.

Barriers should be constructed of concrete, masonry block, precast concrete, or earthen berm. Wood is not recommended due to eventual warping and shrinking of materials which results in openings and cracks which compromise the barrier longevity. Other prefabricated barriers may be used. However, they should be reviewed by an acoustical consultant.

**Interior Noise Mitigation Measures**

Second floor facades are predicted to be exposed to railroad noise levels approximately 2 to 3 dB higher (73 dB L_{dn}). This is due to the fact that second floor facades will not benefit from shielding due to barriers, and will not benefit from excess ground attenuation. A detailed analysis of interior noise levels at second floor rooms of the first row of residences will need to be conducted when floor plans, building elevations and construction details are available.

**CONCLUSIONS**

The Podesta - Sperry project is expected to comply with the City of Stockton noise level criteria, provided that the following measures are included in the project design:

1. In order to comply with the 'Conditionally Acceptable' noise level standard of 65 dB L_{dn}, a property line barrier height of 10 feet would be required at the first row of residential lots facing the railroad track.

2. The barrier would be required to return to the east on the north and south ends of the subdivision. The barrier which returns on the north and south ends of the subdivision is required to be 8-feet in height, and needs to return 75 feet.

3. Barriers should be constructed of concrete, masonry block, precast concrete, or earthen berm. Wood is not recommended due to eventual warping and shrinking of materials which results in openings and cracks which compromise the barrier longevity. Other prefabricated barriers may be used. However, they should be reviewed by an acoustical consultant.

4. A detailed analysis of interior noise levels at second floor rooms of the first row of residences.
will need to be conducted when floor plans, building elevations and construction details are available
# Appendix A

## Acoustical Terminology

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acoustics</td>
<td>The science of sound</td>
</tr>
<tr>
<td>Ambient Noise</td>
<td>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.</td>
</tr>
<tr>
<td>Attenuation</td>
<td>The reduction of an acoustic signal.</td>
</tr>
<tr>
<td>A-Weighting</td>
<td>A frequency response adjustment of a sound level meter that conditions the output signal to approximate human response.</td>
</tr>
<tr>
<td>Decibel or dB</td>
<td>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.</td>
</tr>
<tr>
<td>CNEL</td>
<td>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.</td>
</tr>
<tr>
<td>Frequency</td>
<td>The measure of the rapidity of alterations of a periodic signal expressed in cycles per second or hertz.</td>
</tr>
<tr>
<td>$L_{dn}$</td>
<td>Day/Night Average Sound Level Similar to CNEL but with no evening weighting.</td>
</tr>
<tr>
<td>$L_{eq}$</td>
<td>Equivalent or energy averaged sound level.</td>
</tr>
<tr>
<td>$L_{max}$</td>
<td>The highest root mean square (RMS) sound level measured over a given period of time</td>
</tr>
<tr>
<td>$L(n)$</td>
<td>The sound level exceeded a described percentile over a measurement period. For instance, an hourly $L_{50}$ is the sound level exceeded 50% of the time during the one hour period.</td>
</tr>
<tr>
<td>Loudness</td>
<td>A subjective term for the sensation of the magnitude of sound.</td>
</tr>
<tr>
<td>Noise</td>
<td>Unwanted sound.</td>
</tr>
<tr>
<td>Peak Noise</td>
<td>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.</td>
</tr>
<tr>
<td>$RT_{60}$</td>
<td>The time it takes reverberant sound to decay by 60 dB once the source has been removed.</td>
</tr>
<tr>
<td>Sabin</td>
<td>The unit of sound absorption. One square foot of material absorbing 100% of incident sound has an absorption of 1 sabin.</td>
</tr>
<tr>
<td>Threshold of Hearing</td>
<td>The lowest sound that can be perceived by the human auditory system, generally considered to be 0 dB for persons with perfect hearing.</td>
</tr>
<tr>
<td>Threshold of Pain</td>
<td>Approximately 120 dB above the threshold of hearing.</td>
</tr>
<tr>
<td>Impulsive</td>
<td>Sound of short duration, usually less than one second, with an abrupt onset and rapid decay.</td>
</tr>
<tr>
<td>Simple Tone</td>
<td>Any sound which can be judged as audible as a single pitch or set of single pitches.</td>
</tr>
</tbody>
</table>
Appendix B

Insertion Loss Calculation Spreadsheet
Infinite Barrier

<table>
<thead>
<tr>
<th>Job Number</th>
<th>Description</th>
<th>Source Noise level (dBA)</th>
<th>Source Frequency (Hz)</th>
<th>Source Height (ft)</th>
<th>Receiver Height(ft)</th>
<th>C1 (Source to barrier Distance (ft))</th>
<th>C2 (Barrier to Receiver Distance (ft))</th>
<th>Range of Barrier Heights</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004-023</td>
<td>Railroad to East</td>
<td>70</td>
<td>500</td>
<td>19</td>
<td>5</td>
<td>75</td>
<td>25</td>
<td>10 - 20</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Barrier Heights (ft)</th>
<th>Insertion Loss(dB)</th>
<th>Noise Level (dB)</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>-5.5</td>
<td>64.5</td>
</tr>
<tr>
<td>11</td>
<td>-6.4</td>
<td>63.6</td>
</tr>
<tr>
<td>12</td>
<td>-7.3</td>
<td>62.7</td>
</tr>
<tr>
<td>13</td>
<td>-8.5</td>
<td>61.5</td>
</tr>
<tr>
<td>14</td>
<td>-9.2</td>
<td>60.8</td>
</tr>
<tr>
<td>15</td>
<td>-10.1</td>
<td>59.9</td>
</tr>
<tr>
<td>16</td>
<td>-10.9</td>
<td>59.1</td>
</tr>
<tr>
<td>17</td>
<td>-11.6</td>
<td>58.4</td>
</tr>
<tr>
<td>18</td>
<td>-12.2</td>
<td>57.8</td>
</tr>
<tr>
<td>19</td>
<td>-12.8</td>
<td>57.2</td>
</tr>
<tr>
<td>20</td>
<td>-13.4</td>
<td>56.6</td>
</tr>
</tbody>
</table>
UNIVERSAL PLANNING APPLICATION

The City of Stockton Planning Division has designed this application in order to obtain important information about your proposed project that will help us in expediting the application process. Please complete all relevant sections providing as much detail as possible regarding the scope of your proposal.

Questions regarding the application can be directed to the Planning Division from 8:00 am - Noon and 1:00pm - 5:00 p.m. weekdays at (209) 937-8256 or you can visit either public counter at 345 N. El Dorado Street, Stockton, CA, 95202 to speak to a current planner on duty.

Project Name (Optional): Walgreens

Subject SITE Information

Site address or location of property: NEC Hammer Lane and Kelley Drive
Assessor's Parcel Number(s): 082-220-08
Total property size in acres (Gross/Net): 2.1 acres
Square feet if less than 1 acre: 
Lot dimensions: +/- 246' x 380'

APPLICANT Information

Other Contact

Contact name: Mark Marvelli
Company name: RMB Architects
Mailing address: 2277 Watt Avenue, 2nd Floor
City: Sacramento
Phone: 916-488-8500
Email Address: mjm@rmbarchitects.com

OWNERS Information (If different from Applicant)

Applicant

Primary Contact: Brian Kisling
Company name: Interna Development Partners, LLC
Mailing address: 950 Glenn Drive, Suite 100
City: Folsom
Phone: 916-293-3000
Email Address: bkisling@interradp.com

Fields In grey for Office use:

Date Filed: _____________________ Intake by: _____________________
Project Number: _____________________
PLANNING ENTITLEMENT(S) REQUESTED (check all that apply)

- Administrative Exception/Waiver (SMC 16.112)
- Airport Land Use Commission Review (SMC 16.188.040)
- Annexation (SMC 16.216.070)
- Appeal to Planning Commission (SMC 16.100)
- Certificate of Appropriateness (SMC 16.220.060)
- Child Care Center (SMC 16.80.100)
- Condominium Conversion (SMC 16.196)
- Density Bonus (SMC 16.40)
- Design Review (SMC 16.120)
- Development Agreement (SMC 16.128)
- Environmental Review (SMC 16.88.040)
- General Plan Amendment (SMC 16.116)
- Home Occupation Permit (SMC 16.132)
- Interpretation (SMC 16.08)
- Land Development Permit (SMC 16-136)
- Large-Family Child Care (SMC 16.80.100)
- Master Development Plan/Amendment (SMC 16.140)
- Planned Development (SMC 16.144)
- Pre-Application Meeting (SMC 16.84.030)
- Precise Road Plan/Amendment (SMC 16.148)
- Rezone/Rezone (SMC 16.118)
- Site Plan Review (SMC 16.152)
- Specific Plan/Amendment (SMC 16.158)
- Street Name Change (SMC 16.160)
- Temporary Activity Permit (SMC 16.164)
- Tentative Map(s) (SMC 16.168) (Checklist)
- Tentative Map(s) Vesting (SMC 16.186.080)
- Time Extension (SMC 16.96)
- Use Permit(s) (SMC 16.168)
- Variance (SMC 16.172)
- Waiver (SMC 16.176)
- Zoning Compliance Letter (SMC 16.40.080)

NOTES: ___________________________________________________________

______________________________________________________________

ZONING, GENERAL PLAN AND LAND USE INFORMATION

EXISTING Zoning (Z), General Plan (GP), and Land Use (LU) Designations

<table>
<thead>
<tr>
<th>e.g.</th>
<th>RL</th>
<th>LDR</th>
<th>retail, residential, office, etc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. (Z)</td>
<td>(GP)</td>
<td>(LU)</td>
<td></td>
</tr>
<tr>
<td>2. (Z)</td>
<td>(GP)</td>
<td>(LU)</td>
<td></td>
</tr>
<tr>
<td>3. (Z)</td>
<td>(GP)</td>
<td>(LU)</td>
<td></td>
</tr>
</tbody>
</table>

PROPOSED Zoning (Z), General Plan (GP), and Land Use (LU) Designations

☐ Check if no change proposed

<table>
<thead>
<tr>
<th>e.g.</th>
<th>RL</th>
<th>LDR</th>
<th>retail, residential, office, etc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. (Z)</td>
<td>(GP)</td>
<td>(LU)</td>
<td></td>
</tr>
<tr>
<td>2. (Z)</td>
<td>(GP)</td>
<td>(LU)</td>
<td></td>
</tr>
<tr>
<td>3. (Z)</td>
<td>(GP)</td>
<td>(LU)</td>
<td></td>
</tr>
</tbody>
</table>
ZONING (Z) AND LAND USE (LU) ADJACENT TO SITE

<table>
<thead>
<tr>
<th>Direction</th>
<th>Z</th>
<th>LU</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td></td>
<td></td>
</tr>
<tr>
<td>South</td>
<td></td>
<td></td>
</tr>
<tr>
<td>East</td>
<td></td>
<td></td>
</tr>
<tr>
<td>West</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Within Master Development Plan, Specific Plan or Planned Development Area?
- [ ] YES
- [ ] NO

If yes, list plan name and/or entitlement number.

SITE CHARACTERISTICS

Are there any structures on the project site?
- [ ] YES
- [ ] NO

Proposed use of existing structure(s)
- None

Are any structures to be demolished?
- Yes, 2 existing structures

Year(s) Constructed: 1980’s/1970’s

Existing and Proposed Signs? (dimensions, location, type)
- No existing signs
- Proposed signs are shown in the drawings attached to this application.

SUBDIVISIONS

Existing Number of Lots: 
Proposed Number of Lots: 

PARKING

Total number of on-site parking spaces:
- Existing N/A
- Required 55
- Proposed 108*

*50 STALLS FOR EXCLUSIVE USE OF ADJACENT IN-SHAPE CITY

RESIDENTIAL PROJECTS

EXISTING

- Dwelling Units: 
- Residence (SF): 
- Garage (SF): 
- Other (SF): 

PROPOSED

- Dwelling Units: 
- Gross Density Per Acre: 
- Net Density Per Acre: (Number of units/acre not counting public right-of-way and easements)

- Total Residential Lots: 
- Lot Coverage: (First floor covered structures divided by lot area)
- Building Height: 

Size of proposed structure(s) (Identify separately):

- Residence (gross SF) 
- Garage (gross SF) 
- Other (gross SF) 

Building Footprint (SF) (Include all covered structures: patios, porches, sheds, detached garages, etc.)
**NON-RESIDENTIAL PROJECTS**

Type of use(s) proposed: Walgreens pharmacy

Hours of operation: 7 am to 10 pm. Possible future expansion to 24 hours

Number of Seats: N/A

Alcohol Sales? YES ✔ NO

Describe: Beer and wine in 70 sf of sales area.

Number of Employees per shift: 10

Delivery Loading times and days: 6 am to 10 pm Mon-Fri, occasional Saturday deliveries

Live performances? YES ✔ NO

Describe: If Yes, describe performance type and hours of live performances.

Gross Square Footage of the following areas:

<table>
<thead>
<tr>
<th>EXISTING / PROPOSED</th>
<th>EXISTING / PROPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Warehouse:</td>
<td>Restaurant/Bar:</td>
</tr>
<tr>
<td></td>
<td>1,275</td>
</tr>
<tr>
<td>Office:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>170</td>
</tr>
<tr>
<td>Storage:</td>
<td>Activity Area:</td>
</tr>
<tr>
<td></td>
<td>1,430</td>
</tr>
<tr>
<td>Sales:</td>
<td>Other:</td>
</tr>
<tr>
<td></td>
<td>9,350</td>
</tr>
<tr>
<td></td>
<td>Other:</td>
</tr>
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<td></td>
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</tr>
</tbody>
</table>

**STATEMENT OF INTENT/PROJECT DESCRIPTION**

Your Statement of Intent will provide Planning staff with a clear vision of what you are proposing to do. Answer in complete sentences in the space below or on a separate attachment. The description of your project should include ALL the entitlements being requested for your project (i.e., Rezone, Tentative Map, Special Permit, Variance, Design Review, Preservation, etc.). Provide as much detail as possible regarding all the characteristics of your project so that staff may provide the best feedback on required approvals and fees. Explain the reasons why you are applying for this project.

Please refer to attached document.
Project Description

The project consists of a 13,650 square foot Walgreen’s drug store on one of two parcels totaling 2.1 acres. Parcel A will contain only parking for the exclusive use of the adjacent In-Shape fitness center. Parcel B will contain the Walgreen’s building with sufficient on-parcel parking to meet the City zoning code.

The Entitlement application is for a Use Permit for liquor sales. Walgreen’s will sell only beer and wine and the area of the store devoted to liquor sales is 70 square feet.

The building entry is located on the southwest corner of the building and is oriented to the signalized intersection. A pedestrian access from the intersection is provided directly to the main building entrance. Parking, separated from the public ways by landscape planters, is conveniently located adjacent to the building. The trash and recycle enclosures are screened from the both public streets by walls and landscaping. The service doors for product delivery (north elevation) do not face either public street. Additionally, drive up pharmacy windows are placed on the east side of the building which are not facing either public street and are also buffered by adjacent landscaping.

A minimum separation in excess of 75 feet to/between all on- and off-site signs is provided. Signs are designed to compliment the building architecture in color and materials.

The building architecture for the Walgreen’s is a non-prototypical design. The building is architecturally compatible with the adjacent buildings and will ‘raise the bar’ for design in the vicinity of the building. The building consists of a blend of vertical parapet walls with some sloped roof gables for accent. The horizontal lines of the parapet vary a minimum of three levels on each elevation. Additionally, variations of materials and massing occur in the use of masonry wainscoting, linear glazing, metal window canopies, and built up plaster cornices. The masonry pilasters at the windows are furred so that they protrude from the remainder of the face of the building. A combination of this furring, and the shed canopies offer depth relief to the building which also serves to reduce building mass. The corner entry tower with its metal gable roof strongly defines the pedestrian entry. With the combination of varied building materials, textures, colors, heights, and depths the proposed building is well articulated and fits well in its surroundings. The building provides a building of mass and scale well oriented to the pedestrian level.
LETTER OF AGENCY

If the applicant is not the owner of record of the subject site, a Letter of Agency from the owner or the owner’s authorized representative must be submitted which grants the applicant permission to submit an application for the requested entitlement(s).

Date: ____________________

To: City of Stockton
Community Development Department
Planning Division
345 N. El Dorado Street
Stockton, CA 95202

I, the undersigned legal owner of record, hereby grant permission to:

Applicant: ___________________________ Phone: ___________________________
Applicant’s Address: ______________________________________________________

<table>
<thead>
<tr>
<th>Property to apply for the following entitlement(s):</th>
<th>Property Owner</th>
<th>Property Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Exception/Waiver</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Airport Land Use Commission Review</td>
<td></td>
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<tr>
<td>Annexation</td>
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<tr>
<td>Appeal to Planning Commission</td>
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<td>Certificate of Appropriateness</td>
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<td>Child Care Centers</td>
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<tr>
<td>Condo Conversion</td>
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<tr>
<td>Density Bonus</td>
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<tr>
<td>Design Review</td>
<td></td>
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<tr>
<td>Development Agreement</td>
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<tr>
<td>Environmental Review (EIR, etc.)</td>
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<tr>
<td>General Plan Amendment</td>
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<tr>
<td>Home Occupation Permit</td>
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<tr>
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<td>Land Development Permit</td>
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<td>Large-Family Child Care</td>
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<td>Master Development Plan/Amendment</td>
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<tr>
<td>Precise Road Plan/Amendment</td>
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<tr>
<td>Rezone/Prezone</td>
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<tr>
<td>Site Plan Review</td>
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<td>Specific Plan/Amendment</td>
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<tr>
<td>Street Name Change</td>
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<tr>
<td>Temporary Activity Permit</td>
<td></td>
<td></td>
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<tr>
<td>Tentative Map(s)</td>
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<td></td>
</tr>
<tr>
<td>Tentative Map(s) - Vesting</td>
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<tr>
<td>Time Extension</td>
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<tr>
<td>Use Permit(s)</td>
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<tr>
<td>Variance</td>
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<tr>
<td>Waiver</td>
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<tr>
<td>Zoning Compliance Letter</td>
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</tbody>
</table>

The subject property located at: NEC Hammer Lane and Kelley Drive

Assessor’s Parcel Number: 082-220-08

Printed Name of Owner of Record: ____________________________________________________
Address of Owner of Record: _______________________________________________________
Signature or Owner of Record: X (must be original signature)

REV 10-19-09
CAMPAIGN CONTRIBUTION DISCLOSURE NOTICE

If the applicant and/or property owner of the subject site has made a financial contribution to a Planning Commissioner within the past twelve (12) months, a signed disclosure of that contribution may be required in compliance with California Government Code Section 84308.

INDEMNIFICATION (REQUIRED)

As part of this application, applicant and real party in interest, if different, agrees to defend, indemnify, hold harmless, and release the City of Stockton, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of the above, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney’s fees, or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent passive or active negligence on the part of the City of Stockton, its agents, officers, attorneys, or employees.

Executed at: ________________________

(City/State)

Brian Kesling
Hammerd Kelley Partners

Applicant’s Name—Clearly typed or handwritten

____________________________

 Applicant’s Signature

Project Manager

Title

Dated: _________________________

Brian Kesling

Real Party In Interest—Clearly typed or handwritten

Dan Sady

Owner

Title

APPLICATION SIGNATURES (REQUIRED)

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this application to the best of my ability and that the facts, statements and information presented are true and correct to the best of my knowledge and belief.

Brian Kesling
Hammerd Kelley Partners

Applicant’s Name—Clearly typed or handwritten

____________________________

Applicant’s Signature

Project Manager

Title

Dan Sady

Property Owner’s Name—Clearly typed or handwritten

____________________________

Property Owner’s Signature

Owner

Title

* Real Party in Interest may be different than a listed property owner. If property is held by a trust, the real party in interest would be one or more individuals who benefit from the trust. In such a case, the actual beneficiary or real party in interest must sign instead of property trustee.
## Regional Congestion Management Program
### Land Use Analysis Screening Form

This form is intended to assist with compliance with the State (CMP Legislation), Federal (SAFETEA-LU), and Local (Measure K Ordinance). As the County's designated Congestion Management Agency for San Joaquin County, the Council of Governments (SJCOC) is requesting that all jurisdictions with land use authority fill out the information requested in this form and submit to SJCOC within 10 days of application submittal. Discretionary projects that meet the following criteria will go through an expedited screening review by SJCOC staff:

- **Residential development** proposing 125 or more new units
- **Office/service** development proposing 30,000 sq. ft. or more or subdividing 10 acres or more
- **Industrial development** proposing 100,000 sq. ft. or more or subdividing 10 acres or more
- **Any Retail development**

If SJCOC determines (through ITE factors) that the project will produce 125 or more peak hour trips, the project will be subject to further review to ensure compliance with the CMA's Regional Congestion Management Program (RCMP) - "Land Use Impact Analysis Program". Detailed description of the review process can be found in the *RCMP Implementation Handbook* which has been supplied to each jurisdiction and is also available online at [www.sjcog.org](http://www.sjcog.org).

### Lead Agency: City of Stockton

<table>
<thead>
<tr>
<th>Contact Person: Brian Kailing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact Phone: (916) 293-300</td>
</tr>
<tr>
<td>Project Address: NEC Hammer Lane and Kelley Drive</td>
</tr>
</tbody>
</table>

**Number of Proposed Single-Family Residential Units:** [Units]  
**Number of Proposed Multi-Family Residential Units:** [Units]  
**Area of Proposed Retail Use:** 13,650 sq. ft.  
**Area of Proposed Office/Service Use:** [sq. ft.]  
**Area of Proposed Industrial Use:** [sq. ft.]  

To ensure that this section of the form is used universally by all jurisdictions, a list of land use categories based on the North American Industry Classification System (NAICS) is attached for reference.

Is this project relying on an existing approved Environmental Document (EIR, ND or MND)? Yes

If yes, please provide the approved project number(s):

When complete, please place a copy of the form in the project file and email to RCMP@sjcog.org.

COG staff will make every effort to provide initial comments within 10 working days. If you have any questions, comments, or concerns please contact Laura Brunn at (209) 468-3913 or email brunn@sjcog.org.

Thank you for your cooperation. Your assistance helps preserve greatly needed improvement funds.
RCMP LAND USE CATEGORY SUMMARY

RESIDENTIAL

Single-Family Dwelling

A single family dwelling is defined as a residence designed for or occupied exclusively as a residence for one family; including a vacation home or seasonal dwelling and is located on one parcel.

Multi-Family Dwelling

Multi-family dwellings are defined as single structures designed for and/or constructed to contain two (2) or more dwelling units which share common walls (i.e., rowhouse, townhouse, duplex, triplex, quadruplex, condominium, apartment complex). When an existing single-family dwelling is converted into two (2) or more dwellings, it will be reclassified and subject to the multi-family dwelling regional fee. As a planned development containing two (2) or more residences, mobile homes parks are considered multi-family dwellings. A “commercial apartment” dwelling located within a commercial building is classified as a multi-family dwelling.

NON-RESIDENTIAL

Retail

Sector comprises establishments engaged in retailing merchandise, generally without transformation and rendering services incidental to the sale of merchandise—fixed point of sale location. NAICS Sectors 44 & 45 represents the retail industry. Examples of retail businesses include:

- Garden material and garden supply dealers
- Food and beverage stores (i.e., grocery stores, specialty food stores, beer/wine/liquor stores)
- Health and personal care stores
- Gasoline stations
- Motor vehicle and parts dealers
- Furniture and home furnishing stores
- Electronics and appliance stores
- Clothing and clothing accessories stores
- Sporting goods, hobby, book and music stores
- General merchandise stores
- Miscellaneous store retailers
- Non-store retailers such as electronic shopping and mail-order houses, direct selling establishments

Office/Service

Sector comprises finance, insurance, real estate professional, scientific and technical services, research and development, administrative & support services, education, health care and social assistance and other such as repair & maintenance, personal & laundry, and religious centers, including churches. NAICS Sectors 51 – 72, 81 & 92 represents the office industry. Examples of office related businesses include:

- Publishing industries, except Internet
- Motion picture and sound recording industries
- Broadcasting, except Internet
- Internet publishing and broadcasting
- Telecommunications
- Internet Service Providers, search portals, and data processing
- Other information services such as libraries and archives, news syndicates
- Monetary authorities such as banks, credit unions, credit card issuing services, sales financing, mortgage and non-mortgage loan brokers
- Securities, commodity contracts, investments
- Insurance carriers and related activities
- Funds, trusts, and other financial vehicles
- Real estate
- Rental and leasing activities
- Lessors of non-financial intangible assets
- Professional and technical services such as legal, accounting, engineering, design, consulting, research and development, advertising services
- Management of companies and enterprises
- Administrative and support services such as employment, business support (i.e., call centers, collection agencies), travel arrangement and reservation services, services to buildings and dwellings (i.e., janitorial, landscaping, pest control, carpet cleaning)
- Waste management and remediation services
- Educational services
- Health care and social assistance
- Hospitals
- Nursing and residential care facilities
- Social assistance (i.e., child/youth services, services for the elderly and persons with disabilities, shelters, food banks, vocational rehabilitation services, day care)
- Art, entertainment, and recreation
- Museums, historical sites, zoos, and parks
- Amusements, gambling, and recreation
- Accommodation and food services (i.e., traveler accommodations such as hotels and motels, bed-and-breakfast inns, RV parks, rooming and boarding houses)
- Food services and drinking places (i.e., caterers, mobile food services, drinking places of alcoholic beverages, and full service restaurants)

Industrial

RTIF land use category of industrial is includes Manufacturing establishments engaged in the mechanical, physical, or chemical transformation of components into products to include construction engaged in buildings and other structures. The industrial land use category also includes Transportation, Logistics, and Warehousing establishments engaged in wholesaling merchandise, generally without transformation and rendering services incidental to the sale of merchandise including industries providing transportation of passengers and cargo, warehousing and storage of goods, scenic and sightseeing transportation. The NAICS Sectors 21, 22, 23, 31 through 33, 42, 48 & 49 represents the industrial land use category. Examples of industrial related businesses include:

- Mining
- Support activities for mining
- Utilities (i.e., power generation and supply, natural gas distribution, water treatment plants)
- Construction of buildings
- Heavy and civil engineering construction
- Specialty trade contractors such as roofing, sheet rock, framing contractors
- Building and equipment contractors
- Building finishing contractors
- Other specialty trades such as residential and non-residential site preparations
- Food manufacturing (i.e., animal, flour, rice, breakfast cereal, dairy products, bakeries, nuts)
- Beverage and tobacco product manufacturing
- Textile and textile product mills
- Apparel manufacturing
- Leather and applied product manufacturing
- Wood product manufacturing
- Paper Manufacturing
- Printing and related support activities
- Petroleum and coal products manufacturing
- Chemical manufacturing
- Plastics and rubber products manufacturing
- Nonmetallic mineral product manufacturing (i.e., glass, cement & concrete, clay, lime/gypsum)
- Primary metal manufacturing
- Fabricated metal product manufacturing
- Machinery manufacturing
- Computer and electronic product manufacturing
- Electrical equipment and appliance manufacturing
- Transportation equipment manufacturing
- Furniture and related product manufacturing
- Miscellaneous manufacturing (i.e., medical equipment, jewelry, sporting goods, signage)
- Merchant wholesalers of durable and non-durable goods (i.e., motor vehicles and parts, furniture, lumber, paper, clothing, petroleum bulk stations and terminals)
- Electronic markets and agents and brokers
- Air, rail, water, truck, pipeline, scenic/sightseeing transportation
- Transit and ground passenger transportation
- Support activities for transportation
- Postal services
- Couriers and messengers
- Warehousing and storage
SJCOG, Inc.
San Joaquin County Multi-Species Habitat Conservation & Open Space Plan

555 East Weber Avenue • Stockton, CA 95202 • (209) 468-5913 • FAX (209) 468-1084

SJMSC Application/Review Form.
The SJMSC Application/Review Form (reverse side) should be completed and submitted for all activities that are subject to the SJMSC and are seeking coverage under the SJMSC.
- All activities with NO potential to impact biological resources and NO ground disturbance, or which are not required to pay a SJMSC Fee as identified on the compensation maps are not subject to the SJMSC and the review form need not be completed.
- All activities that MAY have a potential to impact biological resources, or projects required to pay a SJMSC fee must complete the Review Form and submit to SJCOG.

WHAT IS THE SJMSC?
The San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSC) provides coverage for impacts to biological resources pursuant to the California Environmental Quality Act (CEQA), the California Endangered Species Act (CESA) and Federal Endangered Species Act (FESA) and is approved and authorized by the California Department of Fish and Game and the United States Fish and Wildlife Service. Pursuant to these authorizations, applications submitted to this Jurisdiction are forwarded to the San Joaquin County Council of Governments, Inc. for accounting and reporting purposes and to guide those participating in the Plan to comply with the provisions of the SJMSC.

ARE MY ACTIVITIES SUBJECT TO THE SJMSC?
Below is a general description of the types of activities subject to the SJMSC. If subject to the SJMSC, participation in the SJMSC is voluntary. For activities that are subject to the SJMSC, if the applicant elects to "opt-out" of SJMSC coverage the applicant shall complete the SJMSC Review Form and work with the Local Jurisdiction and the Permitting Agencies (California Department of Fish and Game and the U.S. Fish and Wildlife Service) to establish alternative measures for mitigating impacts to biological resources.

Not Subject to SJMSC
All activities with NO potential to impact biological resources and NO ground disturbance or which are NOT required to pay a SJMSC Fee as identified on the compensation maps are not subject to the SJMSC and the review form need not be completed. These include but are not limited to:

- Alcohol Sales Permit
- Boarding Up Windows and Doors
- Code Enforcement
- Housing Code Violations Repair Permit
- Minor Variance
- Commercial Awning/Canopy
- Government Building Remodel/Mechanical Miscellaneous Mechanical Operation/Repair/Maintenance Remodel Permit Remodel Permit Reroof Permit Storage Tanks Tenant Improvement Deferred Submittal Demolition: Commercial/Residential Elevation Master Plan

**F WITHIN EXISTING APPROVED SUBDIVISION

May be Subject to SJMSC
All activities that MAY have the potential to impact a biological resource, or projects required to pay a SJMSC fee must complete the Review Form and submit it to SJCOG. These activities include but are not limited to:

- All New Residential/Commercial/Industrial Construction (i.e., Multi Unit Dwellings/Manufactured Home/Motel)
- All Unmapped/Undeveloped Projects
- Bankruptcy/Abandonment Basins Construction/Repair
- Blanket Utility Encroachment Permit Commercial/Industrial Additions
- Entitlements Including But Not Limited To: Conditional Use Permits Subdivision Map
- Site Development/Improvements Tentative Parcel Map
- Government Building New Addition

**OUTSIDE APPROVED SUBDIVISION

All Activities or Projects subject to the SJMSC that have NOT undergone review by SJCOG, Inc., completed biological assessment, and paid applicable SJMSC Fees will not receive SJMSC coverage.
S J C O G, Inc.
San Joaquin County Multi-Species Habitat Conservation & Open Space Plan
55 East Weber Avenue • Stockton, CA 95202 • (209) 468-3913 • FAX (209) 468-1064

SJMSCP REVIEW FORM (SRF)
Complete, Sign and Submit with all Applications

Applicant Name: Interna Development Partners, LLC

Address: 850 Glann Drive, Suite 100
Folsom
CA 95630

Phone/Fax: 916-293-300 EXT FAX 916-705-1419

E-Mail: bitaling@internado.com

Local Jurisdiction or Lead Agency/Permittee (check one):
- Escalon
- Stockton
- SJAFC
- Lathrop
- Tracy
- SSJD
- Lodi
- San Joaquin County
- SEWD
- Manteca
- SJCOG
- EBMUD
- Ripon
- Caltrans
- Other:

Local Jurisdiction/Lead Agency Contact: TBD

Project Title: Walgreens

(par相邻的Notice/Advisory agency notice)

Project Description:
Demolition of 2 existing structures, site work, landscaping and construction associated with new 13,850 sf Walgreens pharmacy with drive up window.

Current Site Use: 2 vacant buildings on site

Project Location: NEC Hammer Lane and Kelley Drive

Assessor Parcel #: 062-220-08

Total Acres: 2.1 acres

Is an Army Corp. 404 Permit required? Y ☐ N ☐

A. ALL APPLICANTS, check ONE of the following:

1. ☐ I, we, DECLARE COVERAGE pursuant to the SJMSCP. I, we, understand that declining coverage pursuant to the SJMSCP will require undertaking negotiations with the Local Jurisdiction and Permitting Agencies to avoid potential significant adverse impacts to biological resources where such impacts may occur. I, we, verify that the information contained in this application is true and correct.

2. ☐ I, we, REQUEST COVERAGE pursuant to the SJMSCP. I, we, understand that this project may be subject to Habitat Technical Advisory Committee review and approval to gain coverage pursuant to the SJMSCP and that signing this form constitutes authorization for SJCOG, Inc. representatives to enter the subject property for the purposes of assessing biological resources and compliance with the SJMSCP. I, we, verify that the information contained in this application is true and correct.

Applicant Signature
Printed Name
Date

Landowner Signature (if different from applicant)
Printed Name
Date

B. ALL APPLICANTS: Attach the following information (including those opting OUT of the SJMSCP)

☐ This form, signed
☐ Location Map(s) and Map(s) or Site Plan(s)

FOR LOCAL JURISDICTION USE ONLY:

LOCAL JURISDICTION: Attach the following information (including those opting OUT of the SJMSCP)

☐ This form, signed
☐ Location Map(s) and Map(s) or Site Plan(s)

Prior Agreement Projects Only. Include:
- Copy of Biological Resources Analysis identifying approved mitigation measures for the project from approved or certified environmental document
- File-Stamped/Dated Copy of Notice of Determination or Completion approving environmental analysis

Submit to:
SJCOG, Inc.
Attn: Habitat Conservation Planning Division
55 East Weber Ave.
Stockton, CA 95204-2904
(209) 468-2613 www.sjcoa.org

REV 10-16-09
LETTER OF TRANSMITTAL

DATE: 6/18/2010

TO: Interra Development Partners

ATTN: Brian Kisling

WE TRANSMIT:
☐ with herewith ☐ under separate cover
☐ mail ☐ messenger ☐ overnight express

FOR YOUR:
☐ approval ☐ review and comment ☐ record
☐ use ☐ information ☐ submittal

THE FOLLOWING:
☐ drawings ☐ submittals ☐ originals
☐ specifications ☐ copy of letter ☐ other

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COMMENTS:
Good Day Brian—This information, along with your check, and the full size color elevations, are for submittal to the City of Stockton. I also have one copy of everything clipped together separately for your records.

COPY TO: File

RAUSCHENBACH MARVELLI BECKER
architects

BY: Jennifer Krauter

Letter of Transmittal
Page 1 of 3
UNIVERSAL PLANNING APPLICATION

The City of Stockton Planning Division has designed this application in order to obtain important information about your proposed project that will help us in expediting the application process. Please complete all relevant sections providing as much detail as possible regarding the scope of your proposal.

Questions regarding the application can be directed to the Planning Division from 8:00 am - Noon and 1:00pm - 5:00 p.m. weekdays at (209) 937-8266 or you can visit either public counter at 345 N. El Dorado Street, Stockton, CA, 95202 to speak to a current planner on duty.

Project Name (Optional): Walgreens

Subject SITE Information

Site address or location of property: NEC Hammer Lane and Kelley Drive
Assessor's Parcel Number(s): 082-220-08
Total property size in acres (Gross/Net): 2.1 acres
Square feet if less than 1 acre: 
Lot dimensions: +/- 246' x 380'

APPLICANT Information

Contact name: Mark Marvelli
Company name: RMB Architects
Mailing address: 2277 Watt Avenue, 2nd Floor
Sacramento, CA 95825
Phone: 916-488-8500 Ext: 3015 Fax: 916-488-8566
Email Address: mjm@rmbarchitects.com

Other Contact

OWNER Information (If different from Applicant)

Applicant Primary Contact: Brian Kisling
Company name: Hammer & Kelley Partners, LLC
Mailing address: 950 Glenn Drive, Suite 100
Folsom, CA 95630
Phone: 916-293-3001 Ext: Fax: 705-1419
Email Address: bkisling@interradp.com

Fields in grey for Office use:

Date Filed: Intake by:
Project Number:

REV 10-19-09
White/Peterman Properties, Inc.
1000 E. 80th Place
Suite 700N
Merrillville, IN 46410

City of Stockton
Four Thousand One Hundred Eleven and 73/100

PAY TO THE ORDER OF: City of Stockton
Stockton, CA

Application to Amend Conditional Use Permit Fees

AMOUNT **4,111.73

04/12/2010

\[ P^\circ - 213 \]

[Authorized Signature]
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Please present this receipt to the cashier with full payment.
Item E-4: PUBLIC HEARING – Use Permit
Case No. P10-213, Sue Moore Clowes, et al.

Data: The property owner, Sue Moore Clowes, et al., on behalf of the applicant Hammer and Kelley Partners, LLC, is requesting a Use Permit to supercede the previously-approved Use Permit for the subject site by modifying the approved site plan to eliminate the second retail building pad that was included on the site plan and to permit the off-sale of beer and wine in a proposed drug store at 3131 West Hammer Lane. The subject Use Permit does not seek to modify any other elements of the approved project and site plan, which also included a free-standing pole sign with an electronic message board. The planned store is to be located on an approximately 2.1-acre site, which is currently occupied by two commercial buildings that will be demolished as a part of the development of the subject site. The property is zoned CG (Commercial General) and is bounded to the:

- north by a fitness center and cell tower zoned CG;
- east by duplexes, triplexes and an apartment complex zoned RH (Residential, High-Density);
- south across Hammer Lane by office buildings and single-family residences zoned CO (Commercial, Office) and RL (Residential, Low Density), respectively; and
- west across Kelly Drive by a shopping center containing a variety of retail and service uses zoned CG (see attached exhibits).

General Plan: The General Plan designates this site for Commercial uses.

Environmental Clearance: The project is categorically exempt under the California Environmental Quality Act (CEQA) (Section 10.32, Class 32, of the City of Stockton Guidelines for the Implementation of CEQA and Section 15332, Class 32, of the State CEQA Guidelines).
Discussion: The previous Use Permit for this site (UP76-05), which was approved by the Planning Commission on May 11, 2006, authorized the construction of a retail shopping center comprised of two buildings: a 13,650-foot main building and a 6,000 square-foot secondary building. It also authorized an electronic message board on a planned freestanding pole sign near the southwest corner of the subject site. Because the current development plan for the subject site is for a single building, the site plan for the previously-approved Use Permit for a retail shopping center is no longer applicable and will be superseded in the event the subject Use Permit is approved. For the Planning Commission’s information, the portion of the subject site that had been shown for the 6,000-square foot retail building is now being designated as a parking area that will be used by the northerly-adjacent fitness center. Because a portion of the subject site will be used for parking for the fitness center, the subject site and the northerly-adjacent parcel are deemed to be an integrated center. For that reason a reciprocal access agreement is being required as a recommended condition of approval. In addition to the Use Permit that was approved in 2006, the previously-approved project also consisted of a Precise Road Plan Amendment (approved by the City Council in July of 2006) for a driveway on Hammer Lane, a Variance to facilitate the placement of the noted driveway and a freestanding pole sign, with an electronic message board, on Hammer Lane and a Tentative Map to subdivide the subject site into two parcels. An Initial Study/Mitigated Negative Declaration was also processed for the project. Staff has made the determination that both the Variance and the Precise Road Plan applications are still valid and that new applications are not required in order to permit the construction of a driveway and the placement of a freestanding pole sign in the same locations on Hammer Lane, as had previously been approved. Because the approved Tentative Parcel Map is still valid, due to a one-year time extension that was approved by staff and two automatic time extensions that were subsequently approved by the State, no action is required to be taken by the Planning Commission.

The subject Use Permit application is to supercede the previously-approved Use Permit for the subject site (UP76-05) by modifying the previous site plan to eliminate the 6,000-square foot retail pad that had been approved and to permit the off-sale of beer and wine in the proposed drug store on the subject site. As shown on Exhibit 5, the proposed drug store (Walgreens Drug Store) will be located in the western/central portion of the project site. The size of the structure is the same as was previously approved: 13,650 square feet. The planned 30-foot high freestanding sign, with an electronic message board, will be located in the same location as was approved by the Planning Commission in May of 2006 (Exhibits 5 and 8). The sign will be 88 square feet in size per face, with a 40-square foot electronic message board per face. The pole sign and electronic message board complied with all applicable provisions of the Development Code at the time it was originally approved, with the exception of the requirement that the electronic message board be subject to a 25-foot setback within 100 feet of the intersection of Hammer Lane and Kelley Drive (Stockton Municipal Code Section 16.76.100.D.2.b). As noted, the previously-approved Variance application is still valid and the applicant was not required to submit a new application. In addition, two planned monument signs (both seven feet in height and 34 and 48 square feet per face) will be located near the northwest and
southeast corners of the site, respectively (Exhibits 5 and 8). The former will advertise the drug store, while the latter will advertise both the drug store and the adjacent fitness center in this integrated shopping center. Both of these signs comply with applicable requirements of the Development Code and were included in the previous development proposal for the subject site.

The drug store is planned to be open 24 hours a day, seven days a week; although alcohol sales are prohibited by State law between the hours of 2:00 a.m. to 6:00 a.m. With respect to parking, the proposed retail store is required to have a total of 55 on-site parking spaces, based upon one space per 250 square feet of gross floor area. The site will be provided with a 58-space parking lot, which exceeds the City’s parking requirements. Access to the site will be provided by a proposed 30-foot wide right-turn in/right-turn out driveway on the north side of Hammer Lane and the existing 35-foot driveway along Kelley Drive located in the northwest corner of the project site (Exhibit 5).

Development Code Section 16.80.040 requires a minimum separation of 300 feet between an establishment with the off-sale of alcoholic beverages and a school. The proposed drug store is located approximately 2,300 feet away from the two nearest schools, Wagner Holt Elementary School (Lodi Unified School District) and John R. Williams Elementary School (Lincoln Unified School District). Staff is not aware of any County-operated "One Schools" within the vicinity of the proposed drug store. Therefore, the proposed use is not expected to have an adverse impact on students attending the noted schools.

The project site is located within Census Tract 32.11. Based upon the population in that geographic area, the State Department of Alcoholic Beverage Control (ABC) has determined that six off-sale alcoholic beverage establishments are allowed in the census tract. Currently, there are three off-sale establishments within the census tract; thus the addition of the proposed use will not create an over-concentration of off-sale alcohol licenses in the area and the Planning Commission is not required to make a finding of Public Convenience and Necessity.

The off-sale of alcoholic beverages is considered a problem use, thereby requiring additional findings for approval (Development Code Sections 16.80.270 and 16.168.050.B). These findings, which deal with the effect of the use on nearby uses and the potential for increased deterioration and blight, have been made in the affirmative and are included in the staff report's proposed findings (No. 8).

In accordance with the Design Review provisions contained in Chapter 16.120 of the Stockton Municipal Code (SMC), the Architectural Review Committee has reviewed the proposed elevations and architectural treatments for the proposed structure and signs and found them to be in compliance with applicable provisions of the Citywide Design Guidelines.
The Police Department, the Engineering Section, other City departments, the State Department of Alcoholic Beverage Control and the surrounding neighborhood have been notified of this request. In addition, notices and/or referrals regarding the proposed use have been provided to both Lodi and Lincoln Unified School Districts' administrative offices, as well as to the principals of the Wagner Holt and John R. Williams Elementary Schools. As of the writing of this staff report, no objections have been received concerning this request.

Recommendation: Approval based on the following findings:

1. The proposal is categorically exempt under the California Environmental Quality Act (CEQA) (Section 10.32, Class 32, of the City of Stockton Guidelines for the Implementation of CEQA and Section 15332, Class 32, of the State CEQA Guidelines).

2. The off-sale of beer and wine within a drug store is allowed within the CG (Commercial, General) zoning district, subject to the approval of a Use Permit and compliance with all other applicable provisions of the Development Code.

3. The subject use is not expected to adversely affect the integrity or character of the CG-zoned area in which it is located or the surrounding neighborhood.

4. The subject use is expected to be consistent with the general land uses, objectives, policies and programs of the General Plan and will not increase or encourage the deterioration or blighting in the area.

5. The subject site is physically suitable for the type and density/intensity of use being proposed, including the provision of services (e.g., sanitation and water), public access and the absence of physical constraints (e.g., earth movement, flooding, etc.).

6. The establishment, maintenance or operation of the proposed use is not expected to endanger, jeopardize or otherwise constitute a hazard to the public convenience, health, interest, safety or general welfare of persons residing or working in the neighborhood of the proposed use.

7. The design, location, size and operating characteristics of the subject drug store with the off-sale of beer and wine are expected to be compatible with existing and future land uses in the vicinity of the shopping center.
8. The required general findings and findings for problem uses (Development Code Sections 16.60.270 and 16.168.050.B) are hereby made in the affirmative. Specifically, the use is not likely to interfere with the comfortable enjoyment of life or property in the area, it will not encourage deterioration or blight in the area and will not be contrary to any program for improvement or redevelopment of the area.

Proposed Conditions for Use Permit No. P10-213:

1. Comply with all applicable Federal, State, County and City codes, regulations and adopted standards and pay all applicable fees.

2. In the event that the sale of alcoholic beverages or operation of this use prove detrimental to the health, safety, peace or general welfare of the surrounding neighborhood, this Use Permit shall be subject to revocation or modification as provided in the Development Code.

3. The consumption of alcoholic beverages on the premises shall not be permitted and signs stating the same shall be posted.

4. Every employee involved in the sale of alcoholic beverages shall complete L.E.A.D. training (Licensing Education of Alcohol and Drugs) through the local office of the State Department of Alcoholic Beverage Control within six months of the employee’s hire date. ABC also maintains an approved list of other Responsible Beverage Service trainer courses which may be substituted for the L.E.A.D. training condition.

5. Store windows shall be left unobstructed to allow interior surveillance of the premises during operating hours.

6. “No Loitering” signs shall be posted on the exterior of the business in accordance with the Stockton Municipal Code.

7. All pay phones shall be restricted to outgoing calls only and located inside the business.

8. The operator of the store shall monitor the area surrounding the store to prevent patrons from congregating outside the premises and to prevent parking and noise problems.

9. Prior to the initiation of the subject alcohol sales use, a video surveillance system with at least a seven-day continuous recording capability shall be in place and archived for at least 30 days. The video surveillance system shall cover the exterior of the premises, including the parking lot and the entrances to the building.
10. Comply with all conditions and requirements of the Hammer Lane Precise Road Plan Amendment (PR5-05) prior to installation of the proposed Hammer Lane Driveway. Further, the owner/applicant shall dedicate and improve Hammer Lane within the limits of the project as needed to comply with the adopted Hammer Lane Precise Road Plan. Full frontage improvements including, but not limited to, curb, gutter, sidewalk, driveway installation, handicap ramp replacement, pavement widening and street lighting, shall be installed per City of Stockton Standards prior to the occupancy of any structure on this site.

11. To ensure appropriate access rights to and from Hammer Lane and Kelley Drive and provide for suitable circulation and shared on-site parking areas, the subject parcel and the adjacent parcel (APN 082-220-18) shall enter into a reciprocal access agreement. Said agreement shall be in place and shall be recorded at the San Joaquin County Recorder's Office prior to issuance of any building permits.

12. The existing site driveway on Kelley Drive shall be replaced with a City Standard commercial Type 38 driveway per City Standards. Further the owner/applicant shall be responsible for the design and construction of a raised median in Kelley Drive beginning at Hammer Lane and extending northerly for a distance of approximately 225 feet to preclude left turns in/out of the proposed Kelley Drive access. Said design for the left turn restriction shall be prepared per City Standards and subject to the review and approval of the City Engineer prior to installation.

13. All signs shall be subject to approval by the Community Development Director or Planning Commission.

14. This Use Permit shall be posted in a conspicuous place and shall be immediately made available to City personnel upon inspection of the premises.

15. This Use Permit shall supersede the previously-approved Use Permit (UP76-05) for the subject site.

August 31, 2010

Note: Staff reports are prepared well in advance of the Planning Commission consideration of the proposal and reflect the staff's view based on the best available information at the time the report was formulated. Evidence submitted during the course of the public hearing may require a re-evaluation of the staff's position.

This staff report was prepared by Associate Planner Jose Rubianes.
Richard Larrouy - RE: preliminary review - Walgreens site plan (Hammer and Kelley)

From: "Brian Kisling" <bkisling@Interradp.com>
To: "Richard Larrouy" <Richard.Larrouy@ci.stockton.ca.us>
Date: 5/10/2010 3:52 PM
Subject: RE: preliminary review - Walgreens site plan (Hammer and Kelley)
CC: "Gary Cathcart" <Gary.Cathcart@ci.stockton.ca.us>, "Gregg Meissner" <Gregg.Meissner@ci.stockton.ca.us>, "Michael McDowell" <Michael.McDowell@ci.stockton.ca.us>, "Phil Simon" <Phil.Simon@ci.stockton.ca.us>, "Matt Chambers" <mchambers@whitepeterman.com>, "Tom Gamsjaeger" <tgamjaeger@interradp.com>, "Ted Timm" <ttimm@ltglegal.com>, "dan sady" <dsady@sbcglobal.net>
Attachments: A04122el 05-10-10.pdf; D1.pdf; A04122 SP1 05-10-10.pdf; City of Stockton Fire Dept..htm

Richard

Attached please find revised site plan and elevations in response to your comments of April 30, 2010. Please see below for my written responses, in CAPS.

When we spoke last you were going to gather some comments from the architectural review committee. Can you please update me on the status of their review? Also, I am looking forward to receiving confirmation that we are able to submit a formal application. We are anxious to obtain discretionary approvals.

Please call me if you have any questions.

INTERRA DEVELOPMENT PARTNERS, LLC

Brian Kisling

950 Glenn Drive, Suite 100

Folsom, CA 95630

Direct: (916) 293-3001

Cellular: (916) 705-1419

Fax: (916) 293-3099

Email: bxisling@interradp.com
Good afternoon, Brian. Yes, I can talk today (It’s taken all day to draft this response; however, I will be in the office for another half-hour or so); but in the mean time, here are the preliminary comments from this week’s meeting of the Site Plan Review Committee:

the area on the east side of the proposed structure, just south of the drive-thru window, appears likely to have the potential for significant turning and movement conflicts - thought should be given to reconfiguring traffic/circulation aisles and/or relocating the drive-thru window;

AFTER MY MEETING WITH MIKE MCDOWELL LAST WEEK, THE SITE PLAN HAS BEEN REVISED TO RELIEVE THIS CONFLICT BY GOING BACK TO A DOUBLE DRIVE-THROUGH, AS DEPICTED ON THE ORIGINAL APPROVED SITE PLAN. THIS WILL PROVIDE THE REQUIRED 100 FEET OF STACKING FOR THE DRIVE-THROUGH.

please provide additional narrative information/details on the site plan regarding how loading/unloading will occur on the north side of the structure - the site plan shows what appear to be two parking areas for trucks which conflict with through traffic and two trash compactors (?)

DELIVERY TRUCKS WILL PARK ALONG SIDE THE ROLL-UP DOOR ON THE NORTH ELEVATION. MERCHANDIZE WILL BE ROLLED INTO THE STORE ON A CONVEYOR SYSTEM. DELIVERY TRUCKS WILL NOT ENCROACH INTO THE DRIVEWAY AISLE WHEN MAKING DELIVERIES. THE TWO TRASH COMPACTORS ARE LABELLED ON THE SITE PLAN ATTACHED.

will the business be served by only the single, small roll-up door shown on the north elevation?

YES, PER THE DISCUSSION ABOVE.

is the small enclosed area on the east end of the north side of the structure an equipment room?

THE SMALL ENCLOSED AREA ON THE NORTH SIDE OF THE BUILDING IS A TOTE STORAGE AREA. THESE ARE SMALL BINS IN WHICH MERCHANDIZE IS DELIVERED TO THE STORE. WHEN EMPTY, THEY ARE STORED OUTSIDE.

where are you proposing to place the required trash enclosure?

THE TRASH COMPACTORS ARE LABELLED ON THE SITE PLAN.

revise the site plan to show the required 100-foot stacking distance for the proposed drive-thru;

SEE DISCUSSION ABOVE. THE SITE PLAN HAS BEEN REVISED TO INCLUDE A DOUBLE DRIVE-THROUGH.

the Fire Department has requested that the site plan be revised to show turning radii - this information is necessary to confirm whether fire apparatus/vehicles will be able to circulate on the site;

THE FIRE DEPARTMENT HAS REVIEWED THE REVISED SITE PLAN ATTACHED, AND FINDS IT ACCEPTABLE. SEE ATTACHED EMAIL CORRESPONDENCE FROM RMB ARCHITECTS.
please provide a floor plan in order to assist with our review of the site plan;

SEE ATTACHED FLOOR PLAN

the site plan should locate both existing and proposed pole and monument signs on the subject parcel and adjacent parcels to confirm that the Code’s minimum separation of 75 feet between signs is met;

THE IN-SHAPE POLE SIGN ON KELLEY DRIVE IS LOCATED 65 FEET NORTH OF THE NORTHERN PROPERTY LINE ON THE HAMMER AND KELLEY PROPERTY.

the parking area in the southeast corner of the site must be modified to show a three-foot deep back-up area;

SEE THE SITE PLAN

I’ll provide preliminary comments regarding the proposed architectural treatments after seeing your next site plan;

the Engineering Division of this department may provide additional comments regarding driveway locations and access to/from the site after reviewing documents from the previously-approved entitlements for this project;

PURSUANT TO MY DISCUSSION WITH MIKE MCDOWELL, TWO PARKING SPACES HAVE BEEN RELOCATED ON THE IN-SHAPE PARKING LOT AREA TO REDUCE TRAFFIC CONFLICTS. IN ADDITION, WE HAVE CONFIRMED THAT THE DRIVEWAY LOCATIONS ARE CONSISTENT WITH THE STANDING APPROVALS, AND WITH THE APPROVED IMPROVEMENT PLANS.

and, finally, these comments are only preliminary. Additional and/or revised comments could result following staff’s further review of the project.

Richard Larrouy, Planning Manager
City of Stockton, Permit Center
Community Development Department
phone: (209) 957-8627
fax: (209) 957-8683
e-mail: richard.larrouy@ci.stockton.ca.us
www.stocktongov.com

>>> "Brian Kisling" <bksling@interradp.com> 4/30/2010 10:57 AM >>>

Richard

Do you have time to talk today? Time is of the essence. We need to have all permits in hand by February per the settlement agreement. I want to submit the application(s) as soon as possible.

INTERRA DEVELOPMENT PARTNERS, LLC

Brian Kisling

950 Glenn Drive, Suite 100
Good afternoon, Brian. Yes, I did receive the plans and I've tentatively scheduled them to be considered at tomorrow afternoon's Site Plan Review Committee meeting. I'll talk to you after the meeting to let you know how it went. Thank you, Brian.

Richard Larouy, Planning Manager
City of Stockton, Permit Center
Community Development Department
phone: (209) 937-6627
fax: (209) 937-6893
e-mail: richard.larouy@ci.stockton.ca.us
www.stocktongov.com

>>> "Brian Kisling" <bkisling@interradp.com> 4/27/2010 1:40 PM >>>
Thanks...

INTERRA DEVELOPMENT PARTNERS, LLC
Brian Kisling
950 Glenn Drive, Suite 100
Folsom, CA 95630

Direct: (916) 293-3001
Cellular: (916) 705-1419
Fax: (916) 293-3099
Email: bkisling@interradp.com

-----Original Message-----
From: Gregg Meissner [mailto:Gregg.Meissner@ci.stockton.ca.us]
Sent: April 27, 2010 12:56 PM
To: Brian Kisling
Cc: Richard Larrouy
Subject: Re: Hammer and Kelley

Yes, we did receive it and Richard is addressing it.

Gregg S. Meissner
City of Stockton - Community Development Department
Deputy Director-
Planning and Engineering Services

www.stocktongov.com
gregg.meissner@ci.stockton.ca.us
(209) 937-8270

>>> "Brian Kisling" <bkisling@interradp.com> 4/27/2010 11:38 AM >>>
Reminder to check your email for the letter from RMB. It would have
come from me in a forwarded email.

INTERRA DEVELOPMENT PARTNERS, LLC

Brian Kisling
950 Glenn Drive, Suite 100
Folsom, CA 95630

Direct: (916) 293-3001
Cellular: (916) 705-1419
Fax: (916) 293-3099

Email: bkisling@interradp.com
Sorry for the delay in getting this information to you, Brian. I spoke with Jose about your request and he thought he had gotten the missing page to you some time ago. I've scanned and attached the entire Use Permit, rather than just the second page.

I noticed that the Use Permit will expire on September 9, 2011. If you haven't already submitted a building permit or don't expect to have one submitted by that date, you should consider submitting a formal request for a time extension. The application, which currently costs $1,747.62, should be submitted to the Planning Division at least one (preferably two) month before the expiration date.

Please call or send me an e-mail to either Associate Planner Jose Rubianes or me if you have any questions or need more information. Thank you, Brian.

Richard Larrouy, Planning Manager
City of Stockton, Permit Center
Community Development Department
phone: (209) 937-8627
fax: (209) 937-8893
e-mail: richard.larrouy@ci.stockton.ca.us
www.stocktongov.com

Brian Kisling
4921 Concordia Drive
El Dorado Hills, CA 95762
Phone: (916) 705-1419
Email: Brian@prosperityretail.com

From: Brian Kisling [mailto:Brian@prosperityretail.com]
Sent: Thursday, April 07, 2011 9:29 AM
To: Richard.larrouy@cl.stockton.ca.us
Subject: Hammer and Kelley

Richard
I just noticed that Use Permit No. P10-213 that was mailed to me for the Walgreens at Hammer and Kelley does not have page 2. Can you send me page two ASAP?

Brian Kisling
4921 Concordia Drive
El Dorado Hills, CA  95762
Phone:  (916) 705-1419
Email:  Brian@prosperityretail.com
To be clear, the access agreement with the parcel to the north will grant access over what is now the Hammer Skate property benefitting the current In-Shape property. It will not be reciprocal.

INTERRA DEVELOPMENT PARTNERS, LLC

Brian Kisling

Cellular: (916) 705-1419

Email: bkisling@interradp.com

From: Jose Rubianes [mailto:Jose.Rubianes@ci.stockton.ca.us]
Sent: September 08, 2010 04:42 PM
To: Richard Larrouy; Brian Kisling
Cc: dansady@aol.com; Tom Gamsjaeger; mchambers@whitepeterman.com
Subject: Re: Walgreens at Hammer and Kelley

Hello,

We discussed the issue regarding the Hammer Lane this morning and there doesn't seem to be a reason to add a condition restricting the sign to In-Shape's exclusive use as it will be on their property (once the map records) and therefore under their control as far as the businesses within the integrated center they want to include on the sign.

Condition no. 5 regarding the windows is a standard condition we get from the Police Department. It looks like in Walgreens' case, the windows are so high up, interior surveillance from Police or security personnel would not be possible anyway. The Development Code allows up to 35 percent of windows to be covered by signs. As long as the signs don't go over that percentage, we should be OK.

Condition no. 11 originally read to require an access and parking agreement. The parking requirement for Walgreens is satisfied by the number of spaces provided on that parcel so a parking agreement is not required, but our engineering section is still requiring an access agreement. If you're already going to have one then the condition will be satisfied.

Hopefully this clears up your questions. I have not received any letters or calls in opposition to the project so that and the fact that your item is the last on the agenda are in your favor as far as maybe getting a quick decision out of the commission. If you have any other questions, I'll be here until 5:30 today and back at 7:30 tomorrow.

Thanks
Jose Rublanes  
Associate Planner  
Community Development Department  
Planning Division  
jose.rublanes@ci.stockton.ca.us

>>> "Brian Kisling <bkisling@interradp.com> 9/8/2010 1:58 PM >>>

Jose and Richard:

Two issues have come up with regard to the conditions of approval:

1. What is the purpose and intent of Condition No. 5 related to windows being required to be left unobstructed?
2. With regard to Condition No. 11, there will be reciprocal access between the new parking lot parcel to the east and the Walgreens parcel. There will be an access easement granted to the parcel to the north over the Walgreens parcel and over the new parking lot parcel. There will not be any reciprocal parking easements between any of the parcels. Please confirm that this is the intent of Condition No. 11.

INTERRA DEVELOPMENT PARTNERS, LLC

Brian Kisling

Cellular: (916) 705-1419

Email: bkisling@interradp.com
Jose Rubianes - FW: Staff Report for Hammer and Kelley

From: "Brian Kisling"
To: "Jose Rubianes", "Richard Larrouy"
Date: 9/7/2010 20:45
Subject: FW: Staff Report for Hammer and Kelley
Attachments:

I have one comment which I did not see in the draft that was sent to me...my apologies:
1. The monument sign on Hammer Lane will be for the exclusive use of In-Shape.
-
--- not required ---

Thanks. See you on Thursday.

INTERA DEVELOPMENT PARTNERS, LLC
Brian Kisling
Cellular: (916) 705-1419

Email: bkisling@interradp.com

---

From: Jennifer Krauter [mailto:j.krauter@rmbarchitects.com]
Sent: September 07, 2010 02:05 PM
To: Brian Kisling
Cc: Mark Marvelli
Subject: Staff Report for Hammer and Kelley

Good Day Brian,
Attached is the staff report for Hammer and Kelley. It looks very straightforward.

Please pay special attention to draft conditions 10, 11 and 12, to be sure that the scope of work is consistent with your expectations.

I will see you at Thursday's hearing.

Thank you,

Jennifer Krauter, LEED AP
Project Designer

Rauschenbach Marvelli Becker
architects + engineers
2277 Watt Avenue • 2nd Floor
Sacramento, CA 95825
916.488.8500 x 3055
916.488.8586 - fax
j.krauter@rmbarchitects.com
www.rmbarchitects.com

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Attached is the proposed declaration of covenants between the Walgreens parcel and the future parking lot parcel. Also attached is an easement agreement between Walgreens the In Shape parcel and the parking lot parcel. Both will be recorded as a condition of the settlement agreement. This will address the condition of approval discussed today regarding easements between the parcels.

INTERRA DEVELOPMENT PARTNERS, LLC
Brian Kisling
950 Glenn Drive, Suite 100
Folsom, CA  95630

Direct:  (916) 293-3001
Cellular:  (916) 705-1419
Fax:  (916) 293-3099

Email: bksipling@interradp.com
EXHIBIT "D"
DECLARATION

Recording Requested by and
When Recorded Return to:

Timm & Garfinkel, LLC
770 Lake Cook Road, Suite 150
Deerfield, Illinois 60015

This Space For Recorder's Use Only

DECLARATION OF
EASEMENTS & RESTRICTIVE COVENANTS

This Declaration of Easement & Restrictive Covenants ("Declaration") is executed by
INTERRA-VISION (STOCKTON, CALIFORNIA), LLC, a California limited liability company
("Declarant") on or about ________________, 2009.

BACKGROUND

A. Declarant is the owner of that certain real property situated in the City of Stockton,
   County of San Joaquin, State of California, more particularly described on Exhibit "A"
   attached hereto and incorporated herein by this reference, which real property is made up
   of two (2) parcels, legally described on Exhibit "A", indicated on the Site Plan attached
   hereto as Exhibit "B", and referred to herein individually as Parcel "B" and Parcel "A",
   respectively, and collectively as the "Parcels".

B. Declarant intends to develop Parcel B for use by Walgreen Co., an Illinois corporation
   ("Walgreens") and Parcel A as a parking lot and upon completion of such development,
   Declarant intends to transfer ownership of Parcel A to In-Shape Health Clubs, Inc., a
   California corporation ("ISHC") for use as additional parking for ISHC’s business
   operations on the real property adjacent to the Parcels commonly known as 7920 Kelley
   Drive, Stockton, California, 95209, or such other uses as ISHC shall determine (the
   "Adjacent Parcel").

OPERATIVE TERMS

1. Recitals. The recitals set forth above are incorporated into this Agreement for all
   purposes.

2. Grant of Easements. Subject to any express conditions, limitations or
   reservations contained herein, Declarant hereby declares that the Parcel A, and all owners
   and permittees of Parcel A, as applicable, shall be benefited and burdened by the following
   nonexclusive, perpetual easements which are hereby imposed upon Parcel B and all present
   and future owners and permittees of Parcels B: an easement in favor of Parcel A for reasonable
   access, ingress and egress over all paved driveways, roadways and walkways as presently or
hereafter constructed and constituting a part of the common areas of Parcel B, including, without limitation, the driveway connecting Parcel A to Hammer Lane, so as to provide for the passage of motor vehicles and pedestrians across portions of the common area of Parcel B intended for such purposes, to and from all abutting streets or rights of way furnishing access to Parcel A.

3. No Rights in Public; No Implied Easements. Nothing contained herein shall be construed as creating any rights in the general public or as dedicating for public use any portion of any Parcel. No easements, except those expressly set forth in Paragraph 2, shall be implied by this Declaration; in that regard, and without limiting the foregoing, no easements for parking, drainage or utilities are granted or implied. The parking areas within Parcel B shall be for the exclusive use of the permittees of Parcel B, such permittees’ customers, employees, invitees, successors, assigns and sublessees and the parking areas within Parcel A shall be for the exclusive use of the permittees of Parcel A, and such permittees’ customers, employees, invitees, successors, assigns and sublessees. The Owner of a Parcel and their respective permittees shall have the right hereunder to erect and/or remove signage, from time to time, adjacent to such exclusive spaces indicating such parking exclusivity, and are hereby authorized to enforce such exclusive parking right through towing and other legal means.

4. Restrictions. Each Parcel shall be used for lawful purposes in conformance with all restrictions imposed by all applicable governmental laws, ordinances, codes, and regulations, and no use or operation shall be made, conducted or permitted on or with respect to all or any portion of a Parcel which is illegal. In addition to the foregoing, throughout the term of this Declaration, it is expressly agreed that neither all nor any portion of any Parcel shall be used, directly or indirectly, for purposes of a adult book store, adult theatre, adult amusement facility, any facility selling or displaying pornographic materials or having such displays, auction house, flea market, massage or tattoo parlor (other than a therapeutic massage), the outdoor housing or raising of animals, any industrial use (including, without limitation, any manufacturing, smelting, rendering, brewing, refining, chemical manufacturing or processing, or other manufacturing uses), any mining or mineral exploration or development, a carnival, amusement park or circus, off track betting establishment, bingo hall, any use involving the use, storage, disposal or handling of hazardous materials or underground storage tanks (except as may be incidental to a use otherwise permitted herein, and then only in strict accordance with all applicable environmental laws), any use which may materially or adversely affect the water and sewer services supplied to another Parcel, any facility for the sale of paraphernalia for use with illicit drugs, or any use which creates a nuisance.

A. Additional Parcel A Restrictions. So long as the Adjacent Parcel, bearing Assessor’s Parcel Number 082-220-18, commonly known as 7920 Kelly Drive, Stockton, CA 95209, continues to be used as a health club, it is expressly agreed that no buildings or structures of any kind, including kiosks or kiosks shall be constructed on Parcel A and Parcel A shall be used solely for surface parking and for no other use ("Parcel A Restriction"). Notwithstanding the foregoing, if Walgreens, its successors or assigns shall discontinue operating its business on Parcel B for a period in excess of twelve (12) continuous months (so long as such discontinuance is not due to remodeling, fire, casualty, repairs, strike, temporary loss of licenses, or other causes beyond...
Walgreen's control and reconstruction of the building and other improvements, as applicable, and continuance of Walgreen's business operations on Parcel B is contemplated upon cure of the event causing such discontinuance within a reasonable time period), then the Parcel A Restriction shall be waived and terminated. No building on Parcel A may be constructed in a manner that would block the line of sight shown on the Site Plan.

B. Additional Parcel B Restrictions. In addition to the foregoing, throughout the term of this Declaration, neither all nor any portion of Parcel B shall be used, directly or indirectly, for the operation of a health and fitness center or for the following uses: an indoor jogging track, gymnasiums, swimming pools (indoor and outdoor), whirlpools, saunas, steam rooms, aerobics and/or floor exercise, pilates, personal training, tanning, free weights, exercise machinery and equipment, massage, physical therapy and rehabilitative services, chiropractic care, child nursery facilities, or a day spa. (“Parcel B Restriction”). Notwithstanding the foregoing, if In-Shape Health Clubs, Inc., its successors or assigns (“ISHC”) shall discontinue operating a health club business on the Adjacent Parcel, for a period in excess of twelve (12) continuous months (so long as such discontinuance is not due to remodeling, fire, casualty, repairs, strike, temporary loss of licenses, or other causes beyond ISHC’s control and reconstruction of the building and other improvements, as applicable, and continuance of ISHC’s business operations on the IHSC Parcel is contemplated upon cure of the event causing such discontinuance within a reasonable time period), then the Parcel B Restriction shall be waived and terminated.

5. Compliance With Laws and Regulations - Indemnification. The parties covenant and agree, with respect to their own property, to comply with all laws, rules, regulations and requirements of all public authorities, and to indemnify, defend and hold each other harmless against all claims, demands, loss, damage, liabilities and expenses and all suits, actions and judgments (including, but not limited to, costs and attorney’s fees) arising out of, or in any way related to, a party’s failure to maintain their respective properties in a safe condition. Each party shall give the other party prompt and timely notice of any claim made or suit or action commenced against the other party which in any way would result in indemnification under this Agreement.

6. Maintenance. Following the completion of construction of improvements on a parcel, each owner of a Parcel, at its sole cost and expense, shall maintain the common area on its parcel in good condition and repair, including, but not limited to the following (i) maintaining and repairing the surfaces in a level, smooth and evenly covered condition with the type of surfacing material and striping originally installed or such substitute therefor as shall in all respects be equal in quality, use and durability; (ii) removing all papers, debris, filth and refuse and washing or thoroughly sweeping the area to the extent reasonably necessary to keep the area in a neat, clean and orderly condition, and free of snow and ice; and (iii) placing, keeping in repair and replacing any necessary appropriate directional signs, markers and lines; maintaining any perimeter walls (it being understood that such perimeter walls are walls other than the walls of buildings) in a good condition and state of repair.
7. **Default.** If there is a failure by either party to perform, fulfill or observe any agreement contained within this Agreement, to be performed, fulfilled or observed by it, continuing for thirty (30) days, including the obstruction of the easements granted herein, in each case after written notice, the other party may, at its election, cure such failure or breach on behalf of the defaulting party. Any amount which the party so electing shall expend for such purpose, or which shall otherwise be due by either party to the other, shall be paid to the party to whom due on demand, without contest, upon delivery of its invoice, together with interest at the lower of (i) the rate of ten percent (10%) per annum, or (ii) the maximum rate permissible from time to time under applicable law, from the date of the expenditure or the date when it shall have become due to the date of payment in full. In addition to the right to cure any party shall have the right to seek damages against a defaulting party, to obtain injunctive relief or specific performance, or to avail itself of any other right or remedy at law or under this Declaration. The provisions of this paragraph shall be in all respects subject and subordinate to the lien of any mortgages or deeds of trust at any time or from time to time on the land of the defaulting party and the rights of the holder or holders of any mortgages or deeds of trust.

8. **Covenants Running With the Land.** The rights contained within this Easement Agreement shall run with the land and inure to and be for the benefit of the a party, as applicable, their successors and assigns, and the tenants, subtenants, licensees, concessionaires, mortgagees in possession, customers and business invitees of such persons.

9. **Notices.** Except for those notices which must be personally delivered, all notices to be given under this Agreement shall be in writing and sent by (a) e-mail, and (b) by certified mail, return receipt requested, in which case notice shall be deemed delivered three (3) business days after deposit, postage prepaid in the United States Mail, (c) a nationally recognized overnight courier, in which case notice shall be deemed delivered one (1) business day after deposit with the courier, or (2) telecopy or similar means if a copy of the notice is also sent by United States Certified Mail, in which case notice shall be deemed delivered on transmittal by telecopier or other similar means, provided that a transmission report is generated by reflecting the accurate transmission of the notices, as follows:

Any notice or demand to the owner of Parcel A may be given to:

**ISHC**
c/o Morton Rothbard and
c/o Paul Rothbard
1016 E. Bianchi Rd., Ste. A-1
Stockton, CA 95210
mortonrothbard@cox.net
prothbard@inshapeclubs.com

Dennis Shore
Brown, Hall, Shore & McKinley
3031 W. March Ln., Ste 230 W
any notice or demand to the owner of Parcel B may be given to:

**INTERRA**
Tom Gamsjaeger
737 North Michigan Ave., Ste. 1050
Chicago, IL 60611
TGamsjaeger@interradp.com

Timm & Garfinkel
770 Lake Cook Rd., Ste. 150
Deerfield, IL 60015
TTimm@ltg/legal.com

sAid addresses may be changed from time to time by notice given in accordance with the provisions of this paragraph.

10. **Governing Law.** This Declaration shall be governed and enforced by, and construed in accordance with the laws of the State of California.

11. **Attorneys’ Fees.** In the event that suit is brought for the enforcement of this Declaration or as a result of any alleged default thereof, the successful party or parties to such suit shall be entitled to be paid reasonable attorneys’ fees and costs by the losing party or parties, and any judgment or decree rendered shall include an award therefor.

12. **Lender Protection.** This Declaration, and the rights, privileges, covenants, agreements and easements hereunder with respect to each party and all parcels, shall be superior and senior to any lien placed upon any Parcel, including the lien of any mortgage or deed of trust. Notwithstanding the foregoing, no breach hereof shall defeat, render invalid, diminish or impair the lien of any mortgage or deed of trust made in good faith and for value, but all of the covenants and restrictions, easements and conditions and other provisions, terms and conditions contained in this Declaration shall be binding upon and effective against any person or entity (including any mortgagee or beneficiary under a deed of trust) who acquires title to any Parcel or any portion thereof by foreclosure, trustee’s sale, deed in lieu of foreclosure or otherwise.
IN WITNESS WHEREOF, Declarant has executed this Declaration as of the date above.

DECLARANT:

INTERRA-VISION (STOCKTON, CA), L.L.C.

By: _____________________________

Its: _____________________________

By: _____________________________

Its: _____________________________
STATE OF ILLINOIS

COUNTY OF ________________

Before me, ______________________, a Notary Public, on this day personally appeared ______________________, a Member of INTERRA-VISION (STOCKTON, CA), L.L.C., a California limited liability company, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed and delivered the foregoing instrument for the purposes and consideration therein expressed, and as the act of said limited liability company.

Given under my hand and notarial seal this ____ day of _____________, 2009.

My commission expires:

______________________________

Notary Public

STATE OF ILLINOIS

COUNTY OF ________________

Before me, ______________________, a Notary Public, on this day personally appeared ______________________, a Member of INTERRA-VISION (STOCKTON, CA), L.L.C., a California limited liability company, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed and delivered the foregoing instrument for the purposes and consideration therein expressed, and as the act of said limited liability company.

Given under my hand and notarial seal this ____ day of _____________, 2009.

My commission expires:

______________________________

Notary Public
EXHIBIT "A"
LEGAL DESCRIPTION OF PARCELS B & A

PARCEL "B"

BEING A PORTION OF THE NORTH HALF OF SECTION 18, TOWNSHIP 2 NORTH, RANGE 6 EAST, MOUNT DIABLO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

A PORTION OF THAT CERTAIN 2.115 ACRE PARCEL OF LAND DESIGNATED PARCEL C AS SHOWN UPON THAT CERTAIN PARCEL MAP FILED FOR RECORD JULY 13, 1976 IN BOOK 3 OF PARCEL MAPS, PAGE 48, SAN JOAQUIN COUNTY RECORDS, ALSO DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT BEARING SOUTH 86°19'33" EAST 8.31 FEET FROM THE NORTHWEST CORNER OF SAID PARCEL C, SAID POINT LYING ALSO ON THE EASTERLY LINE OF KELLEY DRIVE; THENCE LEAVING SAID EASTERLY LINE, NORTH 86°19'33" EAST, ALONG THE NORTHERLY LINE OF SAID PARCEL C, 219.67 FEET; THENCE LEAVING SAID NORTHERLY LINE, SOUTH 00°53'45" WEST 23.09 FEET; THENCE SOUTH 89°06'15" EAST 34.50 FEET; THENCE SOUTH 00°53'45" WEST 87.76 FEET; THENCE SOUTH 89°06'15" EAST 46.00 FEET; THENCE SOUTH 00°53'45" WEST 114.43 FEET; THENCE SOUTH 39°01'55" EAST 10.50 FEET TO THE PROPOSED NORTHERLY RIGHT OF WAY LINE FOR HAMMER LANE; THENCE ALONG SAID NORTHERLY LINE, NORTH 89°08'30" WEST 56.23 FEET; THENCE NORTH 88°08'40" WEST 193.30 FEET, TO A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 44.68 FEET; THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 11°12'54", AN ARC LENGTH OF 8.75 FEET (CHORD BEARS NORTH 76°39'12" WEST, 8.73 FEET); THENCE NORTH 43°16'52" WEST 40.39 FEET TO SAID EAST LINE OF KELLEY DRIVE; THENCE NORTHERLY ALONG SAID EAST LINE, ON A CURVE TO THE LEFT, HAVING A RADIUS OF 1124.60 FEET THROUGH A CENTRAL ANGLE OF 9°19'40", AN ARC DISTANCE OF 183.08 FEET TO THE POINT OF BEGINNING.
PARCEL "A"

BEING A PORTION OF THE NORTH HALF OF SECTION 18, TOWNSHIP 2 NORTH, RANGE 6 EAST, MOUNT DIABLO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

A PORTION OF THAT CERTAIN 2.115 ACRE PARCEL OF LAND DESIGNATED PARCEL C AS SHOWN UPON THAT CERTAIN PARCEL MAP FILED FOR RECORD JULY 13, 1976 IN BOOK 3 OF PARCEL MAPS, PAGE 48, SAN JOAQUIN COUNTY RECORDS, ALSO DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL C; THENCE SOUTH 00°53'45" WEST ALONG THE EAST LINE OF SAID PARCEL C, 246.25 FEET TO THE EXISTING NORTHERLY RIGHT OF WAY OF HAMMER LANE; THENCE LEAVING SAID LINE ON THE PROPOSED NORTHERLY RIGHT OF WAY OF HAMMER LANE, ON THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 23.62 FEET AND A CENTRAL ANGLE OF 4°30'18", AN ARC LENGTH OF 1.86 FEET (CHORD BEARS NORTH 80°02'34" WEST 1.86 FEET); THENCE NORTH 77°49'49" WEST 55.24 FEET; TO A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 35.50 FEET; THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 11°18'41", AN ARC LENGTH OF 7.01 FEET (CHORD BEARS NORTH 83°29'10" WEST 7.01 FEET); THENCE NORTH 89°08'30" WEST 29.29 FEET; THENCE NORTH 39°01'55" WEST 10.50 FEET; THENCE NORTH 00°53'45" EAST 114.43 FEET; THENCE NORTH 89°06'15" WEST 46.00 FEET; THENCE NORTH 00°53'45" EAST 87.76 FEET; THENCE NORTH 89°06'15" WEST 34.50 FEET; THENCE NORTH 00°53'45" EAST 23.09 FEET TO THE NORTHERLY LINE OF SAID PARCEL C; THENCE ALONG SAID LINE, NORTH 86°19'33" EAST 14.55 FEET; THENCE SOUTH 89°06'15" EAST 165.00 FEET TO THE POINT OF BEGINNING.
EXHIBIT “E”
ACCESS EASEMENT

Recording Requested by and
When Recorded Return to:

Timm & Garfinkel, LLC
770 Lake Cook Road, Suite 150
Deerfield, Illinois 60015

ACCESS EASEMENT AGREEMENT

This Access Easement Agreement (the "Agreement") is executed by GAYLE M. BAVA,
TRUSTEE of the GAYLE M. BAVA 1993 TRUST and Vernon Bava, a married individual
dealing in his sole and separate property residing in Stockton, California and IN-SHAPE
HEALTH CLUBS, INC., a California corporation (collectively, “Bava”) and INTERRA-VISION
(STOCKTON, CALIFORNIA), LLC, a California limited liability company (“Interra”). Bava and
Interra are sometimes referred to as a “Party” or collectively, the “Parties”.

BACKGROUND

A. Bava is the owner of that certain real property situated in the City of Stockton, County of
San Joaquin, State of California, more particularly described on Exhibit "A" attached hereto and
incorporated herein by this reference (the "Bava Parcel").

B. Interra is the owner of that certain real property situated in the City of Stockton, County
of San Joaquin, State of California, more particularly described on Exhibit "B" attached hereto
and incorporated herein by this reference (the “Hammer Parcel").

C. The Bava Parcel and the Hammer Parcel are adjacent as indicated on the Site Plan
attached hereto as Exhibit “C”. The Bava Parcel and the Hammer Parcel are sometimes
collectively referred to as the “Parcels” and individually referred to as a “Parcel.”

D. Interra intends to develop the Hammer Parcel for use by Walgreen Co., an Illinois
corporation (“Walgreens”).

E. Interra has agreed to provide an easement in favor of the Bava Parcel across the Hammer
Parcel as set forth herein.

OPERATIVE TERMS

1. Recitals. The recitals set forth above are incorporated into this Agreement for all
purposes.

EXHIBIT E

ORIGINAL
2. **Grant of Easement.** Subject to any express conditions, limitations or reservations contained herein, Interra hereby declares that the Bava Parcel, and all owners and permittees of the Bava Parcel, as applicable, shall be benefited by the following nonexclusive, perpetual easement which are hereby imposed upon the Hammer Parcel and all present and future owners and permittees of the Hammer Parcel: an easement on and over that certain drive aisle located on the Hammer Parcel as shown on the Site Plan attached hereto as Exhibit "C" ("Driveway") for purposes of pedestrian and vehicular ingress and egress between the Hammer Parcel and the Bava Parcel and the public roadway adjacent thereto, namely Hammer Lane. This grant shall not entitle any Party to any parking rights on the other Party’s Parcel or otherwise encumber any portion of the Hammer Parcel other than the Driveway as actually constructed by Interra and located within the Hammer Parcel.

3. **Compliance With Laws and Regulations - Indemnification.** Interra covenants and agrees, with respect to the Hammer Parcel, to comply with all laws, rules, regulations and requirements of all public authorities, and to indemnify, defend and hold Bava harmless against all claims, demands, loss, damage, liabilities and expenses and all suits, actions and judgments (including, but not limited to, costs and attorney’s fees) arising out of, or in any way related to, Interra’s failure to maintain its property in accordance with applicable law.

4. **Maintenance.** Interra shall, at its sole cost and expense, maintain the common area on the Hammer Parcel in good condition and repair, including, but not limited to the following (i) maintaining and repairing the surfaces in a level, smooth and evenly covered condition with the type of surfacing material and striping originally installed or such substitute therefor as shall in all respects be equal in quality, use and durability; (ii) removing all papers, debris, filth and refuse and washing or thoroughly sweeping the area to the extent reasonably necessary to keep the area in a neat, clean and orderly condition, and free of snow and ice; and (iii) placing, keeping in repair and replacing any necessary appropriate directional signs, markers and lines; maintaining any perimeter walls (it being understood that such perimeter walls are walls other than the walls of buildings) in a good condition and state of repair.

5. **Default.** If there is a failure by either party to perform, fulfill or observe any agreement contained within this Agreement, to be performed, fulfilled or observed by it, continuing for thirty (30) days, including the obstruction of the easements granted herein, in each case after written notice, the other party may, at its election, cure such failure or breach on behalf of the defaulting party. Any amount which the party so electing shall expend for such purpose, or which shall otherwise be due by either party to the other, shall be paid to the party to whom due on demand, without contest, upon delivery of its invoice, together with interest at the lower of (i) the rate of ten percent (10%) per annum, or (ii) the maximum rate permissible from time to time under applicable law, from the date of the expenditure or the date when it shall have become due to the date of payment in full. In addition to the right to cure any party shall have the right to seek damages against a defaulting party, to obtain injunctive relief or specific performance, or to avail itself of any other right or remedy at law or under this Agreement. The provisions of this paragraph shall be in all respects subject and subordinate to the lien of any mortgages or deeds of trust at any time or from time to time on the land of the defaulting party and the rights of the holder or holders of any
mortgages or deeds of trust.

6. **Covenants Running With the Land.** The rights contained within this Easement Agreement shall run with the land and inure to and be for the benefit of the a party, as applicable, their successors and assigns, and the tenants, subtenants, licensees, concessionaires, mortgagees in possession, customers and business invitees of such persons.

7. **Notices.** Except for those notices which must be personally delivered, all notices to be given under this Agreement shall be in writing and sent by (a) e-mail, and (b) by certified mail, return receipt requested, in which case notice shall be deemed delivered three (3) business days after deposit, postage prepaid in the United States Mail, (c) a nationally recognized overnight courier, in which case notice shall be deemed delivered one (1) business day after deposit with the courier, or (2) teletype or similar means if a copy of the notice is also sent by United States Certified Mail, in which case notice shall be deemed delivered on transmittal by teletypewriter or other similar means, provided that a transmission report is generated by reflecting the accurate transmission of the notices, as follows:

Any notice or demand to the owner of the Bava Parcel may be given at:

GAYLE M. BAVA, TRUSTEE of the GAYLE M. BAVA 1993 TRUST and Vernon Bava
c/o Jason Harrel, Esq.
Calone Law Group
1810 Grand Canal Blvd., Ste. 6
Stockton, CA 95207
jwh@calonelawgroup.com

Copy to:

ISHC
c/o Morton Rothbard and
c/o Paul Rothbard
1016 E. Bianchi Rd., Ste. A-1
Stockton, CA 95210
mortrothbard@cox.net
prothbard@inshapeclubs.com

Dennis Shore, Esq.
Brown, Hall, Shore & McKinley
3031 W. March Ln., Ste 230 W
Stockton, CA 95219
dshore@bhsmeck.com

Scott Rishwain, Esq.
Rishwain & Rishwain
2800 W. March Ln., Ste. 220

(00073649.6)

**EXHIBIT E**

ORIGINAL
Stockton, CA 95219
scott@rishwain.com

Any notice or demand to the owner of Hammer Parcel may be given to:

INTERRA
Tom Gamsjaeger
737 North Michigan Ave., Ste. 1050
Chicago, IL 60611
tgamsjaeger@interradp.com

Timm & Garfinkel
770 Lake Cook Rd., Ste. 150
Deerfield, IL 60015
ttimm@ltglegal.com

Said addresses may be changed from time to time by notice given in accordance with the provisions of this paragraph.

8. **Governing Law.** This Agreement shall be governed and enforced by, and construed in accordance with the laws of the State of California.

9. **Attorneys’ Fees.** In the event that suit is brought for the enforcement of this Agreement or as a result of any alleged default thereof, the successful party or parties to such suit shall be entitled to be paid reasonable attorneys’ fees and costs by the losing party or parties, and any judgment or decree rendered shall include an award therefor.

10. **Lender Protection.** This Agreement, and the rights, privileges, covenants, agreements and easements hereunder with respect to each party and all parcels, shall be superior and senior to any lien placed upon any Parcel, including the lien of any mortgage or deed of trust. Notwithstanding the foregoing, no breach hereof shall defeat, render invalid, diminish or impair the lien of any mortgage or deed of trust made in good faith and for value, but all of the covenants and restrictions, easements and conditions and other provisions, terms and conditions contained in this Agreement shall be binding upon and effective against any person or entity (including any mortgagee or beneficiary under a deed of trust) who acquires title to any Parcel or any portion thereof by foreclosure, trustee’s sale, deed in lieu of foreclosure or otherwise.

**IN WITNESS WHEREOF** the Parties have caused this Agreement to be signed on the day and year first written above.

**GAYLE M. BAVA 1993 TRUST**

{00073494.6}

EXHIBIT E

ORIGINAL
By: GAYLE M. BAVA,
Its: Trustee

VERNON BAVA

IN-SHAPE HEALTH CLUBS, INC.

By: __________________________
Its: __________________________

INTERRA-VISION (STOCKTON, CA), L.L.C.

By: __________________________
Its: __________________________

By: __________________________
Its: __________________________
STATE OF CALIFORNIA  
COUNTY OF SAN JOAQUIN  

On this _____ day of __________, 2009, before me _______________ a Notary Public in and for said state, personally appeared GAYLE M. BAVA, TRUSTEE, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

________________________________________
Notary Public

________________________________________
Signature of Notary Public

STATE OF ____________)  
COUNTY OF ____________) ss:

On this _____ day of __________, 2009, before me _______________ a Notary Public in and for said state, personally appeared VERNON BAVA, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

________________________________________
Signature of Notary Public

STATE OF ____________)  
COUNTY OF ____________) ss:

On this _____ day of __________, 2009, before me _______________ a Notary Public in and for said state, personally appeared _______________, _______________,  
__________________ In-Shape Health Clubs, Inc., a California corporation, known to me to be the persons who executed the within document on behalf of said limited liability company and acknowledged to me that they executed the same for the purposes therein stated.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year last above written.

________________________________________
Notary Public

EXHIBIT E

ORIGINAL
STATE OF ILLINOIS
COUNTY OF ______________

Before me, __________________________, a Notary Public, on this day personally appeared
__________________________, a Member of INTERRA-VISION (STOCKTON, CA), L.L.C., a
California limited liability company, known to me to be the person whose name is subscribed to
the foregoing instrument, and acknowledged that he executed and delivered the foregoing
instrument for the purposes and consideration therein expressed, and as the act of said limited
liability company.

Given under my hand and notarial seal this ___ day of ____________, 2009.

My commission expires:

__________________________
Notary Public

STATE OF ILLINOIS
COUNTY OF ______________

Before me, __________________________, a Notary Public, on this day personally appeared
__________________________, a Member of INTERRA-VISION (STOCKTON, CA), L.L.C., a
California limited liability company, known to me to be the person whose name is subscribed to
the foregoing instrument, and acknowledged that he executed and delivered the foregoing
instrument for the purposes and consideration therein expressed, and as the act of said limited
liability company.

Given under my hand and notarial seal this ___ day of ____________, 2009.

My commission expires:

__________________________
Notary Public

EXHIBIT E
□ ORIGINAL
EXHIBIT "A"
Legal Description of the Bava Parcel

All that certain real property situated in the City of Stockton, County of San Joaquin, State of California, described as follows:

PARCEL ONE:


PARCEL TWO:

A Non-Exclusive Easement for all rights of a pedestrian path over a strip of land 7 feet wide North of and adjacent to the North line of said Parcel B and extending 155 feet West of the Northeast corner of said Parcel B

APN: 082-220-18
EXHIBIT “B”
Legal Description of the Hammer Parcel

BEING A PORTION OF THE NORTH HALF OF SECTION 18, TOWNSHIP 2 NORTH, RANGE 6 EAST, MOUNT DIABLO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

A PORTION OF THAT CERTAIN 2.115 ACRE PARCEL OF LAND DESIGNATED PARCEL C AS SHOWN UPON THAT CERTAIN PARCEL MAP FILED FOR RECORD JULY 13, 1976 IN BOOK 3 OF PARCEL MAPS, PAGE 48, SAN JOAQUIN COUNTY RECORDS, ALSO DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT BEARING SOUTH 86°19'33" EAST 8.31 FEET FROM THE NORTHWEST CORNER OF SAID PARCEL C, SAID POINT LYING ALSO ON THE EASTERLY LINE OF KELLEY DRIVE; THENCE LEAVING SAID EASTERLY LINE, NORTH 86°19'33" EAST, ALONG THE NORTHERLY LINE OF SAID PARCEL C, 219.67 FEET; THENCE LEAVING SAID NORTHERLY LINE, SOUTH 00°53'45" WEST 23.09 FEET; THENCE SOUTH 89°06'15" EAST 34.50 FEET; THENCE SOUTH 00°53'45" WEST 87.76 FEET; THENCE SOUTH 89°06'15" EAST 46.00 FEET; THENCE SOUTH 00°53'45" WEST 114.43 FEET; THENCE SOUTH 39°01'55" EAST 10.50 FEET TO THE PROPOSED NORTHERLY RIGHT OF WAY LINE FOR HAMMER LANE; THENCE ALONG SAID NORTHERLY LINE, NORTH 89°08'30" WEST 56.23 FEET; THENCE NORTH 88°08'40" WEST 193.30 FEET, TO A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 44.68 FEET; THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 11°12'54", AN ARC LENGTH OF 8.75 FEET (CHORD BEARS NORTH 76°39'12" WEST, 8.73 FEET); THENCE NORTH 43°16'52" WEST 40.39 FEET TO SAID EAST LINE OF KELLEY DRIVE; THENCE NORTHERLY ALONG SAID EAST LINE, ON A CURVE TO THE LEFT, HAVING A RADIUS OF 1124.60 FEET THROUGH A CENTRAL ANGLE OF 9°19'40", AN ARC DISTANCE OF 183.08 FEET TO THE POINT OF BEGINNING.
Hello,

Some questions have come up regarding the application and the previous approval from 2006 regarding the status of the subdivision, the proposed monument sign on Hammer Lane, and our engineering section's request for a reciprocal access agreement. Please call me at 209-937-8266 so we can discuss these issues.

Thanks

Jose Rubianes
Associate Planner
Community Development Department
Planning Division
jose.rubianes@ci.stockton.ca.us

[Handwritten notes:]
- driveway replacement on Kelly
- replaced monument sign on Kelley
- map conditions for Kelley
- sub stanched conference? OK!
- imp plans HHR done (? dedication?)!
- signs on appel df approval
- 25 years (recently renewed, while litigation?)
- condition may go away
APPLICATION REFERRAL

P10-213

Comments Due By: Thursday, August 05, 2010

CITY OF STOCKTON
COMMUNITY DEVELOPMENT DEPARTMENT/PLANNING
425 N. El Dorado Street - City Hall (Mailing) (209) 937-8266
345 N. El Dorado Street - Permit Center (Physical) (209) 937-8893 Fax
Stockton, CA 95202-1997
CDD@ci.stockton.ca.us

Referral Date: July 22, 2011

PROJECT INFORMATION

PROJECT NAME
Hammer Lane and Kelley Drive

Brief Project Description
Use Permit for a drug store with the off-sale of beer and wine

APN
082-220-08

ADDRESS
3131 W Hammer Ln

LOCATION

OWNER/APPLICANT
Walgreens/Walgreens

GENERAL PLAN

ZONING

PROPOSED ENTITLEMENTS

Entitlement(s) Description
Use Permit Use Permit for a drug store with the off-sale of beer and wine

REFERRED TO

City of Stockton
☐ City Attorney/Petzold
☐ Deputy City Manager
☐ City Clerk
☒ CDD-Building/Elias
☒ Fire Prevention, Chief/Fire Marsh
☐ Econ Dev, Kitty Walker
☒ Neighborhood Services/Lemos
☒ MUD/Hogan
☒ CDD-Parks/Machado
☒ Police/Planning
☒ Police/Vice
☐ Public Works/Admin/CIP
☒ CDD-Eng/McDowell
☐ Other
☐ Other

SJ County
☐ Building/Planning/PW
☐ Public Health Services
☐ Envir Health Services
☐ SJC Office of Education
☐ SJCOG
☐ SJC Airport Land Use Comm.
☐ Other
☐ Other

School Districts
☐ Linden
☐ Manteca
☐ Lincoln
☒ Stockton
☐ Lodi
☐ Other

Special Districts
☐ Special SJVAPCD
☐ Special SJRTD
☐ Special CentralParkingDist
☐ Special Downtown Alliance
☐ Other
☐ Other

Other
☐ Other
☐ Other
☐ Other
☐ Other

State of California
☒ SOC ABC
☐ SOC CaltransD10
☐ Reciam. District #
☐ Other

☑ We have reviewed the above-noted application and have no comments regarding this proposal.

☐ We have comments (See attached response).

Signature of Reviewer:

Signature of Reviewer: Eric

Date: 7/27/10
UNIVERSAL PLANNING APPLICATION

The City of Stockton Planning Division has designed this application in order to obtain important information about your proposed project that will help us in expediting the application process. Please complete all relevant sections providing as much detail as possible regarding the scope of your proposal.

Questions regarding the application can be directed to the Planning Division from 8:00 am - Noon and 1:00pm - 5:00 p.m. weekdays at (209) 937-6266 or you can visit either public counter at 346 N. El Dorado Street, Stockton, CA, 95202 to speak to a current planner on duty.

Project Name (Optional): Walgreens

Subject SITE Information

Site address or location of property: NEC Hammer Lane and Kelley Drive
Assessor's Parcel Number(s): 082-220-08
Total property size in acres (Gross/Net): 2.1 acres
Square feet if less than 1 acre: 
Lot dimensions: +/- 248' x 380'

APPLICANT Information

Contact name: Mark Marvelli
Company name: RMB Architects
Mailing address: 2277 Watt Avenue, 2nd Floor
City: Sacramento
State: CA
Zip: 95825
Phone: 916-486-8500
Ext: 3015
Fax: 916-486-8566
Email Address: mjm@rmbarchitects.com

OWNER Information (If different from Applicant)

Primary Contact: Brian Kisling
Company name: Inter Development Partners, LLC
Mailing address: 950 Glenn Drive, Suite 100
City: Folsom
State: CA
Zip: 95630
Phone: 916-293-3001
Ext: 
Fax: 705-1419
Email Address: bakisling@interradp.com

Fields in grey for Office use:

Date Filed: Intake by: 
Project Number: 

REV 10-19-06 1 of 12
Project Description

The project consists of a 13,650 square foot Walgreen’s drug store on one of two parcels totaling 2.1 acres. Parcel A will contain only parking for the exclusive use of the adjacent In-Shape fitness center. Parcel B will contain the Walgreen’s building with sufficient on-parcel parking to meet the City zoning code.

The Entitlement application is for a Use Permit for liquor sales. Walgreen’s will sell only beer and wine and the area of the store devoted to liquor sales is 70 square feet.

The building entry is located on the southwest corner of the building and is oriented to the signalized intersection. A pedestrian access from the intersection is provided directly to the main building entrance. Parking, separated from the public ways by landscape planters, is conveniently located adjacent to the building. The trash and recycle enclosures are screened from the both public streets by walls and landscaping. The service doors for product delivery (north elevation) do not face either public street. Additionally, drive up pharmacy windows are placed on the east side of the building which are not facing either public street and are also buffered by adjacent landscaping.

A minimum separation in excess of 75 feet to/between all on- and off-site signs is provided. Signs are designed to compliment the building architecture in color and materials.

The building architecture for the Walgreen’s is a non-prototypical design. The building is architecturally compatible with the adjacent buildings and will ‘raise the bar’ for design in the vicinity of the building. The building consists of a blend of vertical parapet walls with some sloped roof gables for accent. The horizontal lines of the parapet vary a minimum of three levels on each elevation. Additionally, variations of materials and massing occur in the use of masonry wainscoting, linear glazing, metal window canopies, and built up plaster cornices. The masonry pilasters at the windows are furred so that they protrude from the remainder of the face of the building. A combination of this furring, and the shed canopies offer depth relief to the building which also serves to reduce building mass. The corner entry tower with its metal gable roof strongly defines the pedestrian entry. With the combination of varied building materials, textures, colors, heights, and depths the proposed building is well articulated and fits well in its surroundings. The building provides a building of mass and scale well oriented to the pedestrian level.
**Application Referral**

**P10-213**

Comments Due By: Thursday, August 05, 2010

**CITY OF STOCKTON**
**COMMUNITY DEVELOPMENT DEPARTMENT/PLANNING**

425 N. El Dorado Street - City Hall (Mailing)
345 N. El Dorado Street - Permit Center (Physical)
Stockton, CA 95202-1997

CDD@ci.stockton.ca.us

Referral Date: July 22, 2010

---

**PROJECT INFORMATION**

**PROJECT NAME**

Hammer Lane and Kelley Drive

Use Permit for a drug store with the off-sale of beer and wine

**APN**

082-220-08

**ADDRESS**

3131 W Hammer Ln

**LOCATION**

**OWNER/APPLICANT**

Walgreens/Walgreens

**GENERAL PLAN**

**ZONING**

---

**PROPOSED ENTITLEMENTS**

<table>
<thead>
<tr>
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**REFERRED TO**

- City of Stockton
- SJ County
  - Building/Planning/PW
  - Public Health Services
  - Envir Health Services
  - SJCo Office of Education
  - SJCo Airport Land Use Comm.
- MUD/Hogan
- CDD-Parks/Machado
- Police/Planning
- Police/Vice
- Public Works/Admin/CIP
- CDD-Eng/McDowell
- Other

- Special Districts
  - Special SJ/VAPCD
  - Special SJRTD
  - Special Central Parking Dist
  - Special Downtown Alliance
  - Other

- School Districts
  - Linden
  - Manteca
  - Lincoln
  - Stockton
  - Lodi

- State of California
  - SOC ABC
  - SOC Caltrans D10
  - Reclam. District #
  - Other

---

We have reviewed the above-noted application and have no comments regarding this proposal.

We have comments (See attached response).

**Signature of Reviewer**

**Date**

7-22-10
PROJECT INFORMATION

PROJECT NAME: Hammer Lane and Kelley Drive

Brief Project Description: Use Permit for a drug store with the off-sale of beer and wine

APN: 082-220-08
ADDRESS: 3131 W Hammer Ln
LOCATION:
OWNER/APPLICANT: Walgreens/Walgreens
GENERAL PLAN:
ZONING:

PROPOSED ENTITLEMENTS

Entitlement(s) Description
Use Permit Use Permit for a drug store with the off-sale of beer and wine

REFERRED TO

City of Stockton
- City Attorney/Petzold
- Deputy City Manager
- City Clerk
- CDD-Building/Elias
- Fire Prevention, Chief/Fire Marshal
- Econ Dev, Kitty Walker
- Neighborhood Services/Lamos
- MUD/Hogan
- CDD-Parks/Machado
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- SOC CaltransD10
- Reclam. District #
- Other

We have reviewed the above-noted application and have no comments regarding this proposal.

We have comments (See attached response).

[Signature]

DATE: 7-27-10
# Application Referral

**P10-213**

**Comments Due By:**

Thursday, August 05, 2010

**Referral Date:**

July 22, 2010

**Project Information**

- **Project Name:** Hammer Lane and Kelley Drive
- **Description:** Use Permit for a drug store with the off-sale of beer and wine
- **APN:** 082-220-08
- **Address:** 3131 W Hammer Ln
- **Owner/Applicant:** Walgreens/Walgreens
- **City Contact:** Jose Rublanes
  - **Associate Planner**
  - **(209) 937-8310**
  - Jose.Rublanes@ci.stockton.ca.us

**Proposed Entitlements**

- **Entitlement(s):** Use Permit
- **Description:** Use Permit for a drug store with the off-sale of beer and wine

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**State of California**

- ☑ SOC ABC
- ☑ SOC CaltransD10
- ☑ Reclam. District #
- ☑ Other

- ☑ Other

**We have reviewed the above-noted application and have no comments regarding this proposal.**

**We have comments:** (See attached response).

**Signature of Reviewer:**

[Signature]

**Date:** 07/29/10
MEMORANDUM

August 11, 2010

TO: Jose Rubianes, Associate Planner  
Community Development Department/Planning

FROM: John Wotila, Associate Engineer  
Municipal Utilities Department/Engineering

SUBJECT: ID 2875 – USE PERMIT – UP10-213 3131 W HAMMER LN

We have reviewed the subject matter per your request, and offer the following comment:

1. The owner shall prepare an engineer's report demonstrating sufficient hydraulic capacity of the existing public sanitary and storm sewer systems for the Municipal Utilities Department to review. It will be the owner's responsibility to install any and all public improvements necessary to comply with all City of Stockton Standard Plans and Specifications.

Please incorporate the above comment. If you have any questions, please feel free to contact John Wotila at 209-837-8436.

MARK J. MADISON  
DIRECTOR OF MUNICIPAL UTILITIES

[Signature]

JOHN WOTILA  
ASSOCIATE ENGINEER

MJM:JW:cla
MEMORANDUM

July 29, 2010

TO: Michael Niblock, Director
    Community Development Department

ATTN: Jose Rubianes, Associate Planner
    Community Development Department

FROM: Blair Ulring
    Chief Of Police

SUBJECT: USE PERMIT REVIEW – #P10-213, 3131 W. HAMMER LANE
         (WALGREENS)

The Stockton Police Department has received your request for comment on the above-described use permit. We hope the following requested information will assist you with your findings.

1. The alcohol census information via A.B.C. for off sale licenses within tract 32.11 is 6 allowed. There are currently 3 existing.

2. Calls for service at 3131 W. Hammer Lane from 07/29/09 to 07/29/10 were 0.

If you have any questions or need additional information, please contact Officer Mike Dixon at 937-8422.

BLAIR ULRING
CHIEF OF POLICE

RICK SALSEDO, CAPTAIN
INVESTIGATIONS/DIVISION

BU:RS:JC:MD:wm

::ODMA/GRPWISE/COS.PD.PD_Library.320494.1
ARCHITECTURAL REVIEW

Planner: Larrouy / Rubianes / Brucker

Applicant: Walgreens

Address: Hammer Ln & Kelley Dr.

Date of meeting: 7/7/10

Place and Time: Jack Sillya Conference Room, Permit Center at 1:15 pm.

NOTES: ☑ Approved ☐ Denied Date:

- Check signs (height, location, integrated center)
- Roof toy or screen? no cutaway!
- roof plan (verify corner pieces)
- Pilasters (5th els), jump out!
- Cable on toe second (not "lean to")
- G G1, trim color (green) in drive through front

APN _______ — __________ CT _______ TZ _______ B _______ P _______ Zone ______

::ODMA/GRPWISE/COS.CDD.CDD.Library;38481
MEMORANDUM

August 4, 2010

TO: Jose Rubianes, Associate Planner

FROM: Michael McDowell, Planning Manager

SUBJECT: REQUEST FOR COMMENTS ON A USE PERMIT FOR A DRUG STORE AND OFF-SALE OF BEER AND WINE LOCATED AT 3131 W. HAMMER LANE (082-220-08) P10-213

Engineering staff reviewed the subject Use Permit and offer the following comments:

1. Comply with all conditions and requirements of Hammer Lane Precise Road Plan Amendment (PR5-05) prior to installation of the proposed Hammer Lane Driveway. Further, the owner/applicant shall dedicate and improve Hammer Lane within the limits of the project as needed to comply with the adopted Hammer Lane Precise Road Plan. Full frontage improvements including but not limited to, curb, gutter, sidewalk, driveway installation, handicap ramp replacement, pavement widening and street lighting, shall be installed per City of Stockton Standards prior to the occupancy of any structures on this site.

2. To ensure appropriate access rights to and from Hammer Lane and Kelley Drive and provide for suitable circulation and shared on-site parking areas, the subject parcel and the adjacent parcel (APN 082-220-18) shall enter into a reciprocal access and parking agreement. Said agreement shall be in place and shall be recorded at the San Joaquin County Recorder’s office prior to issuance of any building permits.

3. The existing site driveway on Kelley Drive shall be replaced with a City Standard commercial Type 38 driveway per City Standards. Further the owner/applicant shall be responsible for the design and construction of a raised median in Kelley Drive beginning at Hammer Lane and extending northerly for a distance of approximately 225 feet to preclude left turns in/out of the proposed Kelley Drive access. Said design for the left turn restriction shall be prepared per City Standards and subject to the review and approval of the City Engineer prior to installation.

It is also recommended that the following SMC information be forwarded to the ODS:

1. Per Stockton Municipal Code (SMC) Section 16.76.060, any proposed signs shall be not be located within a non-buildable public utilities easement or in the public right of way. Further, sign placement shall not be located in the traffic sight area, per SMC Section 16.36.140.

2. Per Stockton Municipal Code (SMC) Section 16.72.110, any existing hazardous cracked, raised or otherwise damaged curb, gutter and sidewalk that is proposed to remain along Kelley Drive shall be removed and replaced prior to occupancy of any structures on this site.
Jose Rubianes
Page 2 of 2
August 4, 2010

Thank you for the opportunity to comment on this application.

[Signature]

MICHAEL McDOWELL
PLANNING MANAGER

MPM:sis

emc: Gregg S. Meissner, Deputy Director, Planning & Engineering Services Division
      Johnny Chang, Associate Civil Engineer
cc: Planning & Engineering Files
**PROJECT INFORMATION**

**PROJECT NAME**  
Hammer Lane and Kelley Drive

**Brief Project Description**  
Use Permit for a drug store with the off-sale of beer and wine

**APN**  
082-220-08

**ADDRESS**  
3131 W Hammer Ln

**LOCATION**

**OWNER/APPLICANT**  
Walgreens/Walgreens

**GENERAL PLAN ZONING**

**PROPOSED ENTITLEMENTS**

<table>
<thead>
<tr>
<th>Entitlement(s)</th>
<th>Description</th>
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<tr>
<td>Use Permit</td>
<td>Use Permit for a drug store with the off-sale of beer and wine</td>
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**REFERRED TO**

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<th>SJ County</th>
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<td>Special CentralParkingDist</td>
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<td>SJCo Office of Education</td>
<td>Special Downtown Alliance</td>
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**State of California**

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We have reviewed the above-noted application and have no comments regarding this proposal.

We have comments (See attached response).

**SIGNATURE OF REVIEWER**

**DATE**

8/4/10
USE PERMIT NO. P10-213
(SUPERSEDES USE PERMIT UP76-05)

DATE APPROVED: September 9, 2010

ISSUED TO: Sue Moore Clowes, et al.
Attn: Daniel A. Sady
812 Daisy Avenue
Lodi, CA 95240

DESCRIPTION OF USE: Supercede the previously-approved Use Permit (UP76-05) for the subject site by modifying the approved site plan to eliminate the second retail building pad that was included on the site plan and to permit the off-sale of beer and wine in a proposed drug store

PROPERTY LOCATION: 3131 West Hammer Lane

PROPERTY ZONED: CG
APN: 082-220-08 CT: 32.11 TZ: 01 BL: 14 PA: 34

CONDITIONS OF APPROVAL:

1. Comply with all applicable Federal, State, County and City codes, regulations and adopted standards and pay all applicable fees.

2. In the event that the sale of alcoholic beverages or operation of this use proves detrimental to the health, safety, peace or general welfare of the surrounding neighborhood, this Use Permit shall be subject to revocation or modification as provided in the Development Code.

3. The consumption of alcoholic beverages on the premises shall not be permitted and signs stating the same shall be posted.

4. Every employee involved in the sale of alcoholic beverages shall complete L.E.A.D. training ( Licensing Education of Alcohol and Drugs) through the local office of the State Department of Alcoholic Beverage Control (ABC) within six months of the employee’s hire date. ABC also maintains an approved list of other Responsible Beverage Service trainer courses which may be substituted for the L.E.A.D. training condition.
5. Store windows shall be left unobstructed to allow interior surveillance of the premises during operating hours.

6. "No Loitering" signs shall be posted on the exterior of the business in accordance with the Stockton Municipal Code.

7. All pay phones shall be located inside the business and restricted to outgoing calls only.

8. The operator of the store shall monitor the area surrounding the store to prevent patrons from congregating outside the premises and to prevent parking and noise problems.

9. Prior to the initiation of the subject alcohol sales use, a video surveillance system with at least a seven-day continuous recording capability shall be in place and archived for at least 30 days. The video surveillance system shall cover the exterior of the premises, including the parking lot and the entrances to the building.

10. Comply with all conditions and requirements of the Hammer Lane Precise Road Plan Amendment (PR5-05) prior to installation of the proposed Hammer Lane Driveway. Further, the owner/applicant shall dedicate and improve Hammer Lane within the limits of the project as needed to comply with the adopted Hammer Lane Precise Road Plan. Full frontage improvements, including, but not limited to, curb, gutter, sidewalk, driveway installation, handicap ramp replacement, pavement widening and street lighting, shall be installed per City of Stockton Standards prior to the occupancy of any structure on this site.

11. To ensure appropriate access rights to and from Hammer Lane and Kelley Drive and provide for suitable circulation and shared on-site parking areas, the subject parcel and the adjacent parcel (APN 082-220-18) shall enter into a reciprocal access agreement. Said agreement shall be in place and shall be recorded at the San Joaquin County Recorder's Office prior to issuance of any building permits.

12. The existing site driveway on Kelley Drive shall be replaced with a City Standard commercial Type 38 driveway per City Standards. Further the owner/applicant shall be responsible for the design and construction of a raised median on Kelley Drive beginning at Hammer Lane and extending northerly for a distance of approximately 225 feet to preclude left turns in/out of the proposed Kelley Drive access. Said design for the left turn restriction shall be prepared per City Standards and subject to the review and approval of the City Engineer prior to installation.

13. All signs shall be subject to approval by the Community Development Director or Planning Commission.

14. This Use Permit shall be posted in a conspicuous place and shall be immediately made available to City personnel upon inspection of the premises.
15. This Use Permit shall supersede the previously-approved Use Permit (UP76-05) for the subject site.

The approved use is required to comply with applicable provisions of the Stockton Municipal Code (SMC), including, but not limited to, the following:

1. Structures and other improvements, including paint, landscaping and irrigation systems, shall be maintained in a manner so as not to be blighted or deteriorated (SMC Section 8.36.040).

2. Any graffiti on the property must be removed within 48 hours (SMC Section 8.24.050).

cc: Hammer and Kelley Partners, LLC  RMB Architects
    Attn: Brian Kisling  Attn: Mark Marvelli
    950 Glenn Drive  2277 Watt Avenue, 2nd Floor
    Folsom, CA 95630  Sacramento, CA 95825
SIGNAGE

Sue Moore Clowes, et al.

P10-213

PERMIT NO. P10-213
Pt. Apprvd 9-9-10
DATE ISSUED: 9-9-10
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
345 NORTH EL DORADO STREET
STOCKTON, CA 95202-1997
CITY OF STOCKTON
NOTICE OF EXEMPTION

TO: COUNTY CLERK
COUNTY OF SAN JOAQUIN
6 South El Dorado Street, 2nd Floor
Stockton, CA 95202

FROM: Lead Agency
City of Stockton
c/o Community Development Dept.
Planning Division
425 North El Dorado Street
Stockton, CA 95202-1997

NOTICE OF EXEMPTION PURSUANT TO PUBLIC RESOURCES CODE SECTION 21152(B) AND CALIFORNIA CODE OF REGULATIONS TITLE 14, SECTION 15062

PROJECT DATA
Project Title: Dan Sady, Use Permit
CEQA Exemption File No.: CE42-10
Applicant: Hammer & Kelley Partners, LLC
Project Description/Location: Use Permit to allow a 13,650-square foot drug store with the off-sale of beer and wine, located at the northeast corner of Hammer Lane and Kelley Drive (P10-213).

DETERMINATION/FINDING OF EXEMPTION
The above-described activity/project is exempt from the environmental assessment requirements of the California Environmental Quality Act (CEQA) pursuant to the following section(s) of the State CEQA Guidelines (California Code of Regulations, Title 14):

____ The activity is not a "project" as defined in Section 15378.
____ The activity is exempt under the "general rule" that CEQA applies only to projects which have the potential for causing significant environmental effects, as specified in Section 15061(B)(3).
____ The project has been granted a "Statutory Exemption" under Article 18 and, specifically, by Section(s):

X The project has been granted a "Categorical Exemption" under Article 19 and, specifically, by Section(s) 15332, Class 32.

BASIS FOR FINDING OF EXEMPTION
____ The activity does not qualify as a project and/or clearly could not have a significant effect on the environment and, therefore, CEQA does not apply.

X The activity constitutes a discretionary project under the City's jurisdiction and qualifies as a project which has been determined not to have a significant effect on the environment and, therefore, is exempt from the provisions of CEQA under the above-noted statutory or categorical exemption(s).

MICHAEL M. NIBLOCK, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

__________________________
DATE OF PREPARATION
July 6, 2010

By ________________________________
ASSOCIATE PLANNER JOSE RUBIANES

__________________________
DATE OF FINAL APPROVAL
September 21, 2010

/\w

AFFIDAVIT OF FILING AND POSTING

I declare that on the date stamped above, I received and posted this notice or included it on a list of such notices which was posted as required by California Public Resources Code Section 21152(B). Said notice or list of notices will remain posted for 35 days from the filing date.

Signature

Title

Posting Period Ending Date
CASE(S): ITEM E-1 – P10-126 ALI AWNALLAH (JBR)  
ITEM E-2 – P09-160 FAYE SPANOS, TRUST (JL)  
ITEM E-3 – P10-211 SHIVA RENTAL LLC, ET AL. (JBR)  
ITEM E-4 – P10-213 SUE MOORE CLOWES, ET AL. (JBR)

AFFIDAVIT OF MAILING

STATE OF CALIFORNIA  
COUNTY OF SAN JOAQUIN  

Fran Watson declares:

That she is at all times herein mentioned as an employee of the City of Stockton, County of San Joaquin, State of California.

That on September 2, 2010, she deposited in the United States mail facilities in the City of Stockton, County of San Joaquin, State of California, a copy of the agenda and/or staff report for the Planning Commission regular meeting of September 9, 2010 with the postage thereon prepaid; addressed to each of the following named persons to wit:

SEE ATTACHED LIST

That said persons on the attached list are the owners, applicants, subdividers and/or engineers or representatives of the property and that this material was sent pursuant to State Code and/or City policy.

Dated: September 2, 2010

__________________________________________
I certify (or declare), under penalty of perjury, that the foregoing is true and correct.

Fran Watson
Ali Awnallah
211 West Century Boulevard
Lodi, CA 95240
(E-1 – P10-126)

Nagib Awnallah
P. O. Box 222
Acampo, CA 95220
(E-1 – P10-126)

Faye Spanos Trust, et al.
Attn: Karen Garrett
10100 Trinity Parkway 5th Floor
Stockton, CA 95219
(E-2 – P09-160)

LSA Associates, Inc.
Attn: Kelly Jackson
4200 Rocklin Road, Suite 11 B
Rocklin, CA 95677
(E-2 – P09-160)

MVE-Civil Solutions
Attn: Evin Lang
10100 Trinity Parkway, Suite 440
Stockton, CA 95219
(E-2 – P09-160)

Herum Crabtree Attorneys
Attn: Steven A. Herum
2291 West March Lane, Suite B100
Stockton, CA 95207
(E-2 – P09-160)

AECOM
Attn: Anh Thai
2020 L Street, Suite 400
Sacramento, CA 95811
(E-2 – P09-160)

Goodwin Consulting Group
Attn: Dave Freudenberger
555 University Avenue, Suite 280
Sacramento, CA 95825
(E-2 – P09-160)

Shiva Rental LLC, et al.
10908 St. Moritz Circle
Stockton, CA 95209
(E-3 – P10-211)

Shiva Rental LLC, et al.
Attn: Arun Ray Patel
9120 Thornton Road, No. 397
Stockton, CA 95209
(E-3 – P10-211)

Sue Moore Clowes, et al.
812 Daisy Avenue
Lodi, CA 95240
(E-4 – P10-213)

RMB Architects
Attn: Mark Marvell
2277 Watt Avenue, 2nd Floor
Sacramento, CA 95825
(E-4 – P10-213)

Hammer & Kelley Partners, LLC
Attn: Brian Kising
950 Glenn Drive, Suite 100
Folsom, CA 95630
(E-4 – P10-213)
CASE NAME: SUE MOORE CLOWES, ET AL. PH: 9-9-10
CASE NUMBER: P10-213
NO. OF NAMES: 141
PLANNER: JOSE RUBIANES

DECLARATION OF MAILING

STATE OF CALIFORNIA
COUNTY OF SAN JOAQUIN

Fran Watson declares:

That she is at all times herein mentioned as an employee of the City of Stockton, County of San Joaquin, State of California.

That on the 26th day of August, she deposited in the United States mail facilities in the City of Stockton, County of San Joaquin, State of California, a true copy of the notice hereto attached, with the postage thereon prepaid, addressed to each of the following named persons:

See attached list:

That said persons are the owners of real property as shown on the San Joaquin County's latest equalized assessment roll within a radius of 300-feet of the exterior boundaries of the parcel involved in the application; and that this notice was sent pursuant to the provisions of Division 16-420.030 of the Stockton Municipal Code.

That the said notices were mailed at least ten (10) days prior to the time appointed for the public hearing before the Planning Commission of the City of Stockton.

Dated: August 26, 2010

I declare that the foregoing is true and correct.

[Signature]

::ODMA\GRPW\COS.CDD.CDD_Library.48565.1
CITY OF STOCKTON
PLANNING COMMISSION
NOTICE OF PUBLIC HEARING

DATE/TIME OF MEETING: SEPTEMBER 9, 2010 at 6:00 P.M.
or as soon thereafter as the matter can be heard

PLACE OF MEETING: Council Chambers, Second Floor, City
Hall, 425 North El Dorado Street, Stockton

FILE NUMBER(S): P10-213

SUBJECT: Public hearing regarding the request of Sue Moore
Clowes, et al., for a Use Permit to supersede a previously-
approved Use Permit (UP76-05) to allow the off-sale of beer
and wine in a proposed drug store at 3131 West Hammer Lane.

Further information may be obtained by contacting Associate
Planner Jose Rublanes at (209) 937-8310.

Proceedings before the City Planning Commission are conducted in English. The City does not furnish interpreters. If one is needed, it shall be the responsibility of the person needing one. Anyone wishing to be heard on the issue may appear before the Planning Commission at the time of the Public Hearing. It deserves to be noted that the legal requirement of Public Notice does not guarantee notice to all persons residing in or otherwise using property in the general vicinity of the property in question. Accordingly, each recipient of this notice is respectfully requested to bring this notice promptly to the attention of others whom the recipient feels would be interested in or affected by this proposal in order that all persons may be given an opportunity to be heard on the issue. 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 Hearing. DATE OF MAILING: AUGUST 26, 2010.
CITY OF STOCKTON
PLANNING COMMISSION
NOTICE OF PUBLIC HEARING

DATE/TIME OF MEETING: SEPTEMBER 9, 2010 at 6:00 P.M.
or as soon thereafter as the matter can be heard

PLACE OF MEETING: Council Chambers, Second Floor, City
Hall, 425 North El Dorado Street, Stockton

FILE NUMBER(S): P10-213

SUBJECT: Public hearing regarding the request of Sue Moore
Clowes, et al., for a Use Permit to supercede a previously-
approved Use Permit (UP76-05) to allow the off-sale of beer
and wine in a proposed drug store at 3131 West Hammer Lane.

Further information may be obtained by contacting Associate
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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 Hearing. DATE OF MAILING: AUGUST 26, 2010.
CITY OF STOCKTON
PLANNING COMMISSION
NOTICE OF PUBLIC HEARING

DATE/TIME OF MEETING: SEPTEMBER 8, 2010 at 6:00 P.M. or as soon thereafter as the matter can be heard

PLACE OF MEETING: Council Chambers, Second Floor, City Hall, 425 North El Dorado Street, Stockton

FILE NUMBER(S): P10-213

SUBJECT: Public hearing regarding the request of Daniel Sady for a Use Permit for the off-sale of beer and wine at 3131 West Hammer Lane.

Further information may be obtained by contacting Associate Planner Jose Rublanes at (209) 937-8310.

Proceedings before the City Planning Commission are conducted in English. The City does not furnish interpreters. If one is needed, it shall be responsibility of the person needing one. Anyone wishing to be heard on the issue may appear before the Planning Commission at the time of Public Hearing. It deserves to be noted that the legal requirement of Public Notice does not guarantee notice to all persons residing in or other using property in the general vicinity of the property in question. Accordingly, each recipient of this notice is respectfully requested to bring this to the attention of others whom the recipient feels would be interested in or affected by this proposal in order that all persons may be given opportunity to be heard on the issue. If you challenge the proposed action in court, you may be limited to raising only those issues you or some 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 Hearing. DATE OF MAILING: AUGUST 26, 2010.
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<td>HAMMER &amp; KELLEY PARTNERS, LLC</td>
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<td>BECK DEV CO INC</td>
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<tr>
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<td>CESENA DELIA</td>
<td>2745 WINSLOW WAY</td>
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PHOTOGRAPHS OF SURROUNDING NEIGHBORHOOD

Existing Building on Subject Parcel

Existing Building on Subject Parcel

Walgreens Stockton: Hammer and Kelley

PID-213
Tenant at NWC of Hammer and Kelley

Tenant at SWC of Hammer and Kelley

Walgreens Stockton: Hammer and Kelley
Tenant at SEC of Hammer and Kelley

Residences along Hammer Lane Frontage Road

Walgreens Stockton: Hammer and Kelley

5
Multi-Family Residential immediately east of Subject Parcel
**APPLICATION FOR PERMIT**

CITY OF STOCKTON
COMMUNITY DEVELOPMENT DEPARTMENT
CITY HALL
425 N. EL DORADO STREET, (209) 937-8561
STOCKTON, CA 95202-1997, FAX (209) 937-8893

**APPLICANT TO COMPLETE THIS PORTION**

<table>
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<tr>
<th>JOBSITE ADDRESS</th>
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<td>HAMMER WAYNE PARTNERS LLC</td>
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<td>125 N. HOUSTON LANE</td>
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**JOB DESCRIPTION**

- (1) Double Faced Illuminated
- 4' x 12' Monument Sign

**STORM WATER REQ.**

- WOOF
- SWPPP

**AREA DETERMINATION**

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**ONLY THE OWNER OF THE PROPERTY OR A LICENSED CONTRACTOR MAY TAKE OUT BUILDING PERMITS.**

**OWNERS-BUILDERS** must submit the following at time of issuance:
- A completed and signed "Owner-Builders Access Form" and an "Authorization" form if other than the owner applies.

**CONTRACTORS** must submit the following at time of issuance:
- Current license numbers and a worker's compensation insurance certification.
- A waiver form if the contractor is not subject to worker's compensation laws.
- A completed "Authorized to Sign" form if other than the contractor applies.

**VALUATION:** $8,000

**PLANNING PROCESS DOES NOT BEGIN UNTIL SUBMITTED PACKAGE IS COMPLETE.**

- Zoning:
- Planner:
- Related Case No.:
- Notes: P10-213
- Approved:
- 07-14-11

**Only six months from approval date.**
New aluminum brake formed edge painted to match Dutch Beige #373 Sherwin. Cap to have a light lacquer finish.

1-1/8" deep Dutch Beige aluminum double head cap assembly countersunk to matching CMU block base and column.

Cabinet and 2" returns painted white.

3/16" white acrylic with blue #0205-38 vinyl to match PMS #251 blue.

Sign illuminated with fluorescent lamps.

NOTE: CMU block base, column, and footing provided by others. Not in S.E.A. contract.
MINUTES
PLANNING COMMISSION
SEPTEMBER 9, 2010

CITY HALL
CITY COUNCIL CHAMBERS
STOCKTON, CALIFORNIA

A. PLEDGE TO THE FLAG 5:59 PM

B. ROLL CALL 6:00 PM

Roll Call 6:00 PM
Present:
Commissioner Davis
Commissioner Hatch
Commissioner Kontos
Commissioner Smith
Commissioner Surritt
Vice Chair Fant
Chair Fugazi

C. CONSENT ITEMS D-1 6:00 PM

D. MINUTES 6:00 PM

CONSENT  D-1) Approval of minutes for the meeting of July 22nd and August 12, 2010 6:00 PM

LINK TO 2010-09-09 PC Agenda Item D-1 Staff Report (PDF)

Motion: Approve the minutes for the meeting of July 22nd and August 12, 2010

Moved by: Commissioner Hatch, seconded by Vice Chair Fant.
Commissioner Kontos was absent from the meeting of July 22, 2010, therefore, he recused himself from voting on the approval of the July 22 minutes.

Vote: Motion carried 7-0

Yes: Commissioner Davis, Commissioner Hatch, Commissioner Kontos, Commissioner Smith, Commissioner Surritt, Vice Chair Fant, and Chair Fugazi.

E. PUBLIC HEARINGS/ENVIRONMENTAL ASSESSMENTS 6:01 PM
E-1) Continued public hearing regarding the request of Ali Awnallah, for a Use Permit to allow the off-sale of general alcoholic beverages in a proposed liquor store at 1978 East Mariposa Road (P10-126). 6:02 PM

LINK TO 2010-09-09 PC Agenda Item E-1 Staff Report (PDF)

This item was continued from the meeting of July 22, 2010 and opened by Chair Fugazzi at 6:09 p.m.

Planning Manager Richard Larrouy summarized the staff report with the aid of a PowerPoint presentation (filed) and responded to Commissioners' comments and questions.

LINK TO 2010 09-09 PC Agenda Item E-1 PPS (PDF)

Chair Fugazi called for the applicant.

Ali Awnallah, applicant appeared in order to respond to questions.

No one else wished to be heard, therefore, the public hearing was declared closed.

Motion: Approve the request of Ali Awnallah, for a Use Permit allowing the off-sale of general alcoholic beverages in a proposed liquor store at 1978 East Mariposa Road (P10-126) along with the following conditions:
1) authorize a 1-year deferred improvement agreement for the eight-foot tall solid masonry wall;
2) the location of the driveway may be finalized when plans are finalized; and
3) the window advertising can be worked out with the Police Department.

Moved by: Commissioner Surratt, seconded by Commissioner Davis.

Vote: Motion carried 7-0
Yes: Commissioner Davis, Commissioner Hatch, Commissioner Kontos, Commissioner Smith, Commissioner Surritt, Vice Chair Fant, and Chair Fugazi.

E-2) Public hearing regarding the request of Faye Spanos, Trust, et al., for the Delta Cove project located west of the future extension of Trinity Parkway, south of Bear Creek, north and east of Mosher Slough:

a) Approval of Addendum/Initial Study to previously-certified Final Environmental Impact Report (FEIR11-05);
b) General Plan Amendment to amend portions of the project area from Low and Medium Density Residential, Open Space, Parks and Recreation to Low, Medium, and High Density Residential, Commercial, Open Space, Parks and Recreation designations;
c) Rezoning of portions of RL (Residential, Low Density), RM (Residential, Medium Density), OS (Open Space), and PF (Public Facilities) to RL (Residential, Low Density), RM (Residential, Medium Density), RH (Residential, High Density), CN (Commercial, Neighborhood), OS (Open Space) and PF (Public Facilities);
d) Planned Development Permit to allow the development of single-family, two-family, multi-family residential, a commercial retail center and a proposed elementary school with open space, parks and green belts and a waiver to allow a minor arterial street crossing the central portion of the project site; and
e) Vesting Tentative Map to subdivide a ±360-acre site into 51 large lots for the purpose of sale (P09-160). 6:27 PM

LINK TO 2010-09-09 PC Agenda Item E-2 Staff Report (PDF)

The public hearing was declared open and the Affidavit of Mailing was filed.

Commissioner Christopher Kontos stepped down due to a conflict of interest.

Planning Manager David Stagnaro summarized the staff report with the aid of a PowerPoint presentation (filed) and responded to Commissioners’ comments and questions. He also presented a corrected page 43 of the Delta Cove, Table 4.1 Land Use Summary (filed).
Chair Fugazi called for the applicant.

Steve Herum, attorney, spoke on behalf of the applicant and presented a Powerpoint presentation entitled "Delta Cove, Stockton, CA, Planned Development Amendment PD 3-08, 08-26-10" (filed).

Dave Nelson spoke about the wetlands.

No one else wished to be heard.

Kevin Kauffman submitted a card with the comment that he supports the project, but wanted approval conditioned on the applicant’s commitment to facilitate the resolution of the flood hazard zone threat to Trinity Parkway (filed).

The public hearing was declared closed.

Motion: Approve the request of Faye Spanos, Trust, et al., for the Delta Cove project located west of the future extension of Trinity Parkway, south of Bear Creek, north and east of Mosher Slough:

a) Approval of Addendum/Initial Study to previously-certified Final Environmental Impact Report (FEIR11-05);
b) General Plan Amendment to amend portions of the project area from Low and Medium Density Residential, Open Space, Parks and Recreation to Low, Medium, and High Density Residential, Commercial, Open Space, Parks and Recreation designations;
c) Rezoning of portions of RL (Residential, Low Density), RM (Residential, Medium Density), OS (Open Space), and PF (Public...
Facilities) to RL (Residential, Low Density), RM (Residential, Medium Density), RH (Residential, High Density), CN (Commercial, Neighborhood), OS (Open Space) and PF (Public Facilities); and

d) Planned Development Permit to allow the development of single-family, two-family, multi-family residential, a commercial retail center and a proposed elementary school with open space, parks and green belts and a waiver to allow a minor arterial street crossing the central portion of the project site; and

e) Vesting Tentative Map to subdivide a ±360-acre site into 51 large lots for the purpose of sale (P09-160).

Moved by: Vice Chair Fant, seconded by Commissioner Surritt.

Vote: Motion carried 6-0

Yes: Commissioner Davis, Commissioner Hatch, Commissioner Smith, Commissioner Surritt, Vice Chair Fant, and Chair Fugazi. Recuse: Commissioner Kontos.

Commissioner Kontos returned to the dais.

E-3) Public hearing regarding the request of Shiva Rental LLC, et al., for a Use Permit application to allow the off-sale of general alcoholic beverages in a proposed liquor store within an existing shopping center at 537 West Harding Way (P10-211). 7:51 PM

LINK TO 2010-09-09 PC Agenda Item E-3 Staff Report (PDF)

Chair Christina Fugazi stepped down due to a conflict of interest.

The public hearing was declared open by Vice-Chair Fant and the Affidavit of Mailing was filed.

Planning Manager Richard Larrouy summarized the staff report with the aid of a PowerPoint presentation (filed) and responded to Commissioners’ comments and questions.

LINK TO 2010 09-09 PC Agenda Item E-3 PPS (PDF)

Vice Chair Fant called for the applicant.
Mr. Kendall Bates, represented the owner, Shiva Rental LLC, and the applicant, Mr. Ray Patel. Mr. Bates urged approval of the project and submitted 1) a petition and 2) a letter from Kimberly Scott, 528 West Walnut Street, in support of the proposed off-sale of general alcoholic beverages in the proposed liquor store within the shopping center (filed).

LINK TO 2010-09-09 PC Agenda Item E-3 Filed Kendall Bates (PDF)

The following spoke in favor of the Use Permit:

Kimberly Scott

The following spoke in opposition to the Use Permit:

Teresa Chen spoke in opposition to the proposal and submitted a letter dated September 9, 2010 from Yi-Po Anthony Wu, MD, MPH, Inc., to the Planning Commission in opposition to the use (filed).

LINK TO 2010-09-09 PC Agenda Item E-3 Filed Teresa Chen (PDF)

Mary Ellege

Ezekiel Cruz

Debby Bird

Shu-Chuan Wang

Anthony Wu

Robert Seitz
Rebuttal

Mr. Patel spoke on rebuttal and addressed the concerns raised by the opponents.

No one else wished to be heard, therefore, the public hearing was declared closed.

Motion: Amend the proposal and approving an application to Shiva Rental LLC, et al, for a mini market which limits the liquor sales to 15% of the floor space within an existing shopping center at 537 West Harding Way subject to the same conditions that were proposed on the original proposal allowing the off-sale of general alcoholic beverages at this location (P10-211).

Moved by: Commissioner Kontos, seconded by Commissioner Hatch.

Vote: Motion carried 5-1

Yes: Commissioner Davis, Commissioner Hatch, Commissioner Kontos, Commissioner Smith, and Vice Chair Fant.
No: Commissioner Surritt.
Recuse: Chair Fugazi.

Commissioner Surritt and Vice Chair Fant left the dais.

Chair Fugazi returned to the dais.

E-4) Public hearing regarding the request of Sue Moore Clowes, et al, for a Use Permit to supersede a previously-approved Use Permit (UP76-05) to allow the off-sale of beer and wine in a proposed drug store at 3131 West Hammer Lane (P10-213). 8:56 PM
Commissioner Surritt and Vice Chair Fant left the dais.

LINK TO 2010-09-09 PC Agenda Item E-4 Staff Report (PDF)

The public hearing was declared open and the Affidavit of Mailing was filed.
Planning Manager Richard Larrouy summarized the staff report with the aid of a PowerPoint presentation (filed) and responded to Commissioners' comments and questions.

LINK TO 2010 09-09 PC Agenda Item E-4 PPS (PDF)

Vice Chair Fant and Commissioner Surritt returned to the dais.

Chair Fugazi called for the applicant.

Brian Kissling, applicant appeared in order to respond to questions.

Robert Farrens spoke neutrally on the proposal.

No one else wished to be heard, therefore, the public hearing was declared closed.

Motion: Approve the request of Sue Moore Clowes, et al, for a Use Permit superseding a previously-approved Use Permit (UP76-05) allowing the off-sale of beer and wine in a proposed drug store at 3131 West Hammer Lane (P10-213).

Moved by: Vice Chair Fant, seconded by Chair Fugazi.

Vote: Motion carried 7-0

Yes: Commissioner Davis, Commissioner Hatch, Commissioner Kontos, Commissioner Smith, Commissioner Surritt, Vice Chair Fant, and Chair Fugazi.

F. OTHER BUSINESS 9:17 PM

None

G. COMMUNICATION 9:17 PM

None
H. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT 9:17 PM

Deputy Director Gregg Meissner indicated that the first consultant report as a result of the settlement agreement was given to the Climate Action Plan Advisory Committee.

Deputy City Attorney Guy Petzold announced that the Medical Cannabis Ordinance was approved. Applications will be accepted through November 29. The Council will appoint a selection committee to review, select, and rank the applications. The top three will be forthcoming to the Planning Commission for consideration.

I. COMMISSIONERS' SUGGESTION 9:20 PM

Commissioner Surritt showed pictures of and requested that Code Enforcement go out to: 1) WalGreen's storage containers and neighborhood in vicinity of Harding and Center—the loading and off loading areas need clean up, 2) Fremont and Aurora Streets looking east also need clean up, and an encampment.

LINK TO 2010-09-09 PC Agenda Item 1 Filed Commissioner Surritt (PDF)

Commissioner Smith complained about off I-5, east on March Lane towards shopping center and the problem with hitting the median; staff to follow up with Public Works to resolve this issue with the installation of reflectors as a possibility.

J. AUDIENCE PARTICIPATION 9:27 PM

K. COMMISSIONERS' RESPONSE 9:27 PM

L. ADJOURNMENT 9:27 PM

______________________________
MICHAEL M. NIBLOCK
SECRETARY
PLANNING COMMISSION
USE PERMIT NO UP76-05

DATE APPROVED May 11, 2006

ISSUED TO Sue Moore, Clowes, et al
3119 West Hammer Lane
Stockton, CA 95209

DESCRIPTION OF USE Allow the development of a proposed retail shopping center and a proposed 30-foot high freestanding sign with an electronic message sign

PROPERTY LOCATION 3119 and 3131 West Hammer Lane

PROPERTY ZONED CG APN 082-220-08 CT 32 11 TZ 01 BL 14 PA 34

CONDITIONS OF APPROVAL

NOTE THIS PERMIT IS ISSUED PURSUANT TO THE PROVISIONS OF PART II, CHAPTER 16 SMC AND IS SUBJECT TO THE CONDITIONS OF APPROVAL AND ATTACHED DEVELOPMENT PLAN. USE OR CONSTRUCTION MUST BE COMMENCED WITHIN ONE YEAR AFTER THE DATE OF APPROVAL OR AN EXTENSION MUST BE GRANTED AS PROVIDED IN THIS CHAPTER. OTHERWISE, THIS PERMIT SHALL BE NULL AND VOID. THIS PERMIT IS SUBJECT TO REVOCATION AND/OR MODIFICATIONS AS PROVIDED IN THIS CHAPTER.

1. Comply with all applicable Federal, State, County and City codes, regulations and adopted standards and pay all applicable fees.

2. In the event that the uses prove detrimental to the health, safety, peace or general welfare of the surrounding neighborhood, this Use Permit shall be subject to revocation or modification as provided in the Zoning Code.

3. Pursuant to Section 15074 of the State CEQA Guidelines, the project shall be subject to all applicable mitigation measures identified in the City-adopted Initial Study/Mitigated Negative Declaration/IS20-05 and the "Findings and Mitigation Monitoring/Reporting Program for the Walgreens Commercial Retail Center Project."

4. Any graffiti on the property shall be removed within twenty-four (24) hours.

5. The trash enclosure shall be installed out of public view and be constructed with solid, six-foot high solid walls on three sides and gated on the fourth side with an opaque material. The design of the trash enclosure shall be approved by the Community Development Director and it shall be installed prior to the initiation of the approved use.
6. All signs shall be subject to approval by the Community Development Director or Planning Commission.

7. There shall be no chain-link fencing, barbed/concertina wire or similar material visible from a public right-of-way.

8. All landscaped areas on the site shall comply with applicable requirements of the Stockton Municipal Code. Landscaping and irrigation plans shall be submitted to the Community Development Department, Planning Division, for review and approval by the Community Development Director and the City Landscape Architect prior to the issuance of any building permits. Landscaped areas, including a timed/automatic irrigation system, shall be installed prior to the initiation of the approved use and be maintained by the property owner(s) and/or business operator(s).

9. Structures and other improvements shall be constructed, installed and maintained in accordance with the approved site plan, floor plans, elevations, color rendering and conditions of approval and be maintained in a manner so as not to be blighted or deteriorated.

10. The monument sign on Hammer Lane shall not be installed until the recordation of the Parcel Map.

11. Any change to the exterior elevations of the commercial buildings shall be subject to architectural design review and approval by the Architectural Review Committee prior to the issuance of any building permit in the subject site.

12. A Precise Road Plan Amendment application (PR5-05) must be approved by the City of Stockton prior to the installation of the proposed Hammer Lane driveway. Further, the owner/developer shall dedicate and improve Hammer Lane within the limits of the project as needed to comply with the adopted Hammer Lane Precise Road Plan. Full frontage improvements including, but not limited to, curb, gutter, sidewalks, driveway installation, pavement widening and street lighting, shall be installed per City of Stockton standards prior to the occupancy of any structures on this site.

13. The existing Kelley Drive access serving the site shall be abandoned (removed) and replaced with curb, gutter and sidewalk per City standards. Further, to ensure appropriate access rights to/from Hammer Lane and Kelley Drive, as well as to provide suitable circulation for the shared on-site parking areas, the subject parcel and the adjacent parcel (APN 082-220-18) shall enter into a reciprocal access and parking agreement. Said agreement shall be in place and shall be recorded at the San Joaquin County Recorder's Office prior to issuance of any building permits.

14. The proposed pole sign shall be located such that it does not encroach into the public right-of-way or a public utility easement.
The existing off-premise sign at the southeast corner of the project site shall be removed at the time that the current lease agreement for the sign expires. The property owner shall notify the City’s Community Development Director at least 30 days prior to the expiration of the agreement.

cc Interra-Vision Development, LLC
4921 Concordia Drive
El Dorado Hills, CA 95762

Michael Hakeem
3414 Brookside Road, Suite 100
Stockton, CA 95219-1751

Siegfried Engineering, Inc
Lex Carrales
4045 Coronado Avenue
Stockton, CA 95204

Daniel A Sady
812 Daisy Avenue
Lodi, CA 95240
EXHIBIT 4

SITE PLAN

Sue Moore Clowes, et al
UP76-05 & V-5-05

PROPOSED MONUMENT SIGN
PROPOSED FREE STANDING SIGN

MONUMENT SIGN

WALGREENS 13,650

STOCKTON CITY PLANNING COMMISSION

COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
345 NORTH EL DORADO STREET
STOCKTON CA 95202 1997
EAST ELEVATION

SOUTH ELEVATION

WEST ELEVATION

NORTH ELEVATION

WALGREENS

ELEVATION
Sue Moore Clowes, et al
UP76-05 & V-5-05

STOCKTON CITY PLANNING COMMISSION

COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
311 NORTH EL DORADO STREET
Stockton, CA 95202 1997
ELEVATION

Sue Moore Clowes, et al
UP76-05 & V-5-05

EXHIBIT 5 Page 2

SOUTH ELEVATION

WEST ELEVATION

NORTH ELEVATION

SHOPS

PERMIT NO UP76-05
P & C Approved 5-11-06

COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
R 10 NORTHELDORADO STREET
STOCKTON, CA 95202 1997

STOCKTON CITY PLANNING COMMISSION
EXHIBIT 6

MONUMENT SIGN ELEVATION

MONUMENT SIGN ELEVATION

PYLON SIGN ELEVATION

ELEVATION

Sue Moore Clowes, et al
UP76-05 & V-5-05

STOCKTON CITY PLANNING COMMISSION

CITY OF STOCKTON

STOCKTON, CA 95202 1997
May 11, 2006

Edward J. Chavez
Stockton City Mayor
426 El Dorado Street
Stockton CA 95206

Dear Mayor Chavez and council members

Thank you for taking the time to read this important letter.

In behalf of the Hammer Skating Club, we are aware that there will soon be a decision made regarding zoning and street access for a project located at the Hammer Skating Rink site to come before you. Since this will adversely affect us, we would like to bring some important information to your attention you may not be aware of concerning the Skating Center. This information will help you better understand the problems outlined for the families, teens, churches, athletes, and public and private school fund raising groups.

Twenty-five hundred skaters including families, private parties, tiny tots, teens, youth classes, church groups, competitive skaters (including World Champions), proficiency test classes, and civic organizations pass through these doors each week.

The question is, where are all of these dedicated skaters going to skate? Some of these skaters have skated at the West Lane Skating Rink during the 1960’s, and are now bringing their own children to learn to skate and enjoy the recreational aspects of Roller Skating. To have this many children in the community forced to drop out of a sport that has evolved from mothers and fathers down to their children will certainly take its toll on our community. What is going to take the place of this important aspect of their lives for these kids, not to mention the 20+ employees loss of employment? With eighty percent of the clientele Latino or low to medium income, roller skating gives these families an affordable means of recreation they can participate in that can lead to World Championships, travel around the United States and possibly the World that they may have never had the opportunity to obtain on their own.

In addition, public schools have fund raising programs held at Hammer Skate to help fund special school projects. Churches depend on Hammer Skate to bring their congregations to a facility that helps spread camaraderie through their youth groups.
As you can see, Hammer Skate is an important element of the community. Without the skating rink, the impact on our youth could be irreversible. If a family or individual child takes up skating, they would not be happy in a youth center that deals with a different element of recreation. Overall, we think you can understand the problems that will occur if the rink closes and there is not another facility to house this viable sport.

We would be grateful to you, as the Mayor of Stockton, if there can be city involvement in a suitable skating facility. Any 20,000 square foot building, even an empty warehouse can be turned into a great rink, and maybe the owners of Hammer Skate could help with the use of the rink equipment which does not bring much money on the open market and will be of no use to anyone else.

We know that the City will want to do something to assist in this important need for the community of Stockton. Those of us at the Hammer Skating Club would be happy to assist you in evaluating the essentials for this project and offer you the services that could help all of us achieve this new goal.

If you have questions, please feel free to contact us.

Sincerely,

Wanda Marshall
Hammer Skating Club Spokesperson
(209) 833-9119
wmarshal@pacific.edu

Handed out at PC meeting of May 11, 2006
Dear City Council,

I am writing concerning the closure of Hammer Skate. I see this as a serious issue for Stockton. This is one safe place for teenagers to be on a Friday and Saturday night. Stockton does not have enough for youth to do in a city this size. Closing the miniature golf & water slides also cut a recreational need in Stockton.

My children all learned to skate at Hammer Skate. It has a nice floor with a very nice quality for birthday parties and family nights.

My family attends family skate nights. It is a clean wholesome way to enjoy some fun.

Our city can not afford to loose another recreational need. We have high crime and one way to curb the trend is to have things for juvenile youth to do. If you have never seen the parking lot on Friday or Saturday night you should know the youth of this town do have something to do that is constructive.

Sincerely,

Sue Bahn-Roberts, Concerned parent & Stockton resident
STATE OF CALIFORNIA
COUNTY OF SAN JOAQUIN

Rhonda L. Walkowski, declares

That she is at all times herein mentioned as an employee of the City of Stockton, County of San Joaquin, State of California

That on MAY 5, 2006, she deposited in the United States mail facilities in the City of Stockton, County of San Joaquin, State of California, a copy of the agenda and/or staff report for the Planning Commission regular meeting of MAY 11, 2006 with the postage thereon prepaid, addressed to each of the following named persons to wit

SEE ATTACHED LIST

That said persons on the attached list have requested to be notified of the Public Hearing(s) on the General Plan update

Dated MAY 5, 2006

I certify (or declare), under penalty or perjury, that the foregoing is true and correct

Rhonda L. Walkowski
MAILING LIST – PC MEETING OF MAY 11, 2006

Olivia L. DeVore  
2525 Beverly Place  
Stockton, CA  95204  
(Item E 2 – HOPI-06)

Michael Hakeem  
3414 Brookside Road, Suite 100  
Stockton, CA  95219 1751  
(Item E 3 – IS20-05/PR5 05/TM27-05/UP76 05/V 5 05)

Interra Vision Development, LLC  
Brian Kissling  
4921 Concordia Drive  
El Dorado Hills, CA  95762  
(Item E 3 – IS20-05/PR5 05/TM27-05/UP76 05/V 5-05)

Daniel A. Sady  
812 Daisy Avenue  
Lodi, CA  95240  
(Item E-3 – IS20 05/PR5 05/TM27-05/UP76-05/V-5 05)

Siegfried Engineering, Inc  
Attn: Lex Corrales  
4045 Coronado Avenue  
Stockton, CA  95204  
(Item E-3 – IS20-05/PR5-05/TM27 05/UP76 05/V-5-05)

ODMA\GRPWISE\COS CDD CDD_Library 53857 1
 Items E-3 (d) and (e)  PUBLIC HEARING — Use Permit and Variance  
Case Nos  UP76-05 and V-5-05  Sue Moore Clowes, et al

Data  Sue Moore Clowes, et al on behalf of Brian Kisling, has submitted the following Use Permit and Variance applications

- Use Permit to allow the development of a proposed retail shopping center and a proposed 30-foot high freestanding sign with an electronic message sign, and

- Variance to 1) reduce the minimum street side setback for a proposed freestanding sign with an electronic message board within 100 feet of the corner point of an intersection from 25 to five feet and 2) reduce the minimum distance between the street corner of Hammer Lane and Kelley Drive and a proposed driveway from 300 to 250 feet

The property is located at the northeast corner of Kelly Drive and Hammer Lane. The site is approximately 2.1 acres in size and is occupied by two commercial buildings. The property is zoned CG (Commercial General) and is bounded to the

- north by a fitness center zoned CG
- east by duplexes, triplexes and an apartment zoned RH (Residential High-Density)
- south across Hammer Lane by office buildings and single-family residences zoned CO (Commercial Office) and RL (Residential Low Density) and
- west across Kelly Drive by a variety of retail uses (see attached exhibits)

General Plan  The General Plan designates this site for Commercial uses. The proposed development is consistent with the site’s Commercial General Plan designation, as well as with applicable goals and policies of the City’s General Plan Policy Document regarding the location of commercial uses.
Environmental Clearance

An Initial Study/Proposed Mitigated Negative Declaration (IS20-05) has been prepared and must be reviewed and approved prior to approval of any project applications. The "Findings and Mitigation Monitoring/Reporting Program for the Walgreens Commercial Retail Center Project" ("Finding") must also be adopted to ensure the implementation of all applicable mitigation measures necessary to clearly reduce any potentially significant impacts to "less-than-significant" levels [See Item E-3 (a) on this same agenda.]

Discussion

The applicant is proposing to purchase the property to develop a new shopping center. The project site contains two retail stores which will be demolished with the development of the new shopping center. As shown on Exhibit 4, the proposed main retail building (Walgreen Drug Store) will be 13,650 square feet in size and will be located on the western/central portion of the project site. The other retail building will be 6,000 square feet in size and located on the east side of the subject site. A proposed 30-foot high freestanding sign with an electronic message board will be constructed at the southwest corner of the shopping center (Exhibits 4 and 6). The sign will be 88 square feet in size per face with a 25-square foot electronic message board per face. In addition, two proposed monument signs (seven feet in height and 48 square feet per face) will be located in the northwest and southeast sides of the site (Exhibits 4 and 6).

With respect to parking, the proposed shopping center is required to have a total of 79 parking spaces based upon one space per 250 square feet of gross floor area. The site will be provided with a 105-space parking lot which exceeds the City’s parking requirements. An eight-foot high masonry wall with a 20-foot wide landscaped strip will be installed along the east boundary of the project site. Access to the site will be provided by a proposed 30-foot wide right-turn in/right-turn out driveway on the north side of Hammer Lane. The site’s other existing driveway located in the northwest corner of the project site will be removed under an agreement between the applicant and the northerly-adjacent property owner. Access to the subject site from Kelly Drive will then be served by an existing common full-access driveway located in the center of the western boundary of the northerly-adjacent parcel (Exhibit 4).

In accordance with the Design Review provisions of Section 16-515 of the Stockton Municipal Code, the Architectural Review Committee (ARC) has reviewed the proposed elevations and architectural treatments for the proposed structures and found them to be in compliance with applicable provisions of the Citywide Design Guidelines. The ARC therefore recommends that the Planning Commission make the required Findings contained in Section 16-515 060 (see Use Permit Finding No 5).

With respect to the Variance application, the proposed 30-foot tall freestanding sign with an electronic message component, would be installed near the
southwest corner of the project site. In accordance with Section 16-360 100 D 2 b of the Stockton Municipal Code (SMC), an electronic message sign near an intersection must respect a 25-foot setback from the right-of-way line within 100 feet of the corner point of the major arterial intersection, unless the bottom of the sign is a minimum height of 25 feet from top to curb. Since the electronic message board is only 20 feet from the top of the curb, the applicant is requesting to reduce the minimum street side setback from 25 to five feet. He has indicated that his request would provide better visibility for customers traveling on Hammer Lane (Exhibit 7). The other requested variance is to reduce the minimum distance between the street intersection of Hammer Lane/Kelley Drive and the proposed driveway from 300 to 250 feet. In accordance with Section 16-310 030 C 3 b of the SMC, driveways must be located a minimum of 300 feet from the curb return of the nearest intersection to the nearest edge of the driveway throat if only right turns are allowed into the driveway. Due to the size of the lot and the placement of the two proposed commercial buildings, the proposed right-turn in/right-turn out driveway on Hammer Lane could not meet the above-noted requirement, thus resulting in the variance request.

According to SMC Section 16-580 050 A, the Planning Commission may only grant variances if all of the following findings of fact can be made:

1. Special Circumstances: There are special circumstances applicable to the property (e.g., location, shape, size, surroundings or topography) so that the strict or literal interpretation and enforcement of this Development Code denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts.

2. Exceptional Circumstances: There are exceptional or extraordinary circumstances or conditions applicable to the property involved or the intended use of the property that do not apply generally to other properties classified in the same zoning district.

3. Physically Suitable: The subject site would be physically suitable for the proposed variances, and

4. Granting the Variance would:
   a. Be necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district and denied to the property owner for which the variance is sought.
   b. Be consistent with the general land use objectives, policies, and programs of the General Plan, any applicable Specific Plan, Precise Road Plan, or Master Development Plan, and the intent of this Development Code.
c. Not constitute a granting of special privilege inconsistent with the limitations on other properties classified in the same zoning district

d. Not authorize a use or activity which is not otherwise expressly authorized by the zoning district regulations governing the subject property,

e. Not be detrimental to the public convenience, health interest, safety or general welfare of the City or materially injurious to properties or improvements in the vicinity and

f. Be in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City’s CEQA Guidelines

In order to act on the applicant’s request, the Planning Commission must determine that there are special and exceptional circumstances related to the site, that it is physically suitable for the proposed variances and the physical circumstance applicable to this site deprives it of privileges granted to other similarly-zoned property in the area of the subject parcel. In addition, the variances may not represent a granting of special privilege inconsistent with limitations placed upon other property in the vicinity and zone in which the subject parcel is located.

Based upon a review of the proposal, staff is recommending that the variance application be approved for the following reasons:

Setback of the freestanding sign with the electronic message board:

- The size of the electronic message board is relatively small (25 square feet per face), approximately one-fourth of the overall sign area. Also, the message sign would not be constantly flashing and moving. As a result, reducing the setback of the proposed sign from 25 to five feet would not result in a distraction to drivers traveling on Hammer Lane.

- The freestanding sign otherwise complies with applicable Code requirements related to the size and height of the sign. Without the electronic message board, the sign could be installed anywhere on Hammer Lane with only a five-foot setback from the right-of-way subject to approval of a Land Development Permit.

Reduction of the minimum distance between the street corner and the proposed driveway to less than 300 feet.
Due to the size of the lot, installing the driveway 300 feet from the street intersection of Hammer Lane and Kelly Drive could adversely affect the traffic sight distance and cause vehicular stacking on Hammer Lane.

The Traffic Impact Analysis that was prepared for the Walgreens project and reviewed by the Public Works Department concluded that the proposed point of access would not significantly degrade existing traffic operations in the vicinity of the subject site. In addition, as part of the required mitigation measures for the project, a 12-foot wide right-turn lane along the entire project site frontage on Hammer Lane will be constructed to accommodate the new driveway.

City departments, the Police Department, the Public Works Department and the surrounding neighborhood have been notified of the requested Use Permit and Variance applications. As of the writing of this staff report, no objections have been received concerning the request. The Public Works Department submitted proposed conditions of approval for both applications, which have been incorporated in the staff report.

Recommendation for V-5-05 Approval based upon the following findings:

1. There are special circumstances applicable to the property (setback of the pole sign with the electronic message board and the location of the driveway), so that the strict or literal interpretation and enforcement of this Development Code would deny the property owner of privileges enjoyed by other property owners in the vicinity and under identical zoning districts.

2. There are exceptional or extraordinary circumstances or conditions (setback of the pole sign with the electronic message board and the location of the driveway) applicable to the subject property that do not apply to other similarly-zoned properties in the vicinity of the project site.

3. The subject site is physically suitable for the proposed improvements subject to the granting of the requested Variance application.

4. Granting the variance would:
   
   a. be necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district and denied to the property owner for which the variance is sought.
b be consistent with the general land uses, objectives, policies, and programs of the General Plan Precise Road Plan and the intent of this Development Code

c not constitute a granting of special privilege inconsistent with the limitations on other nearby properties located in the same zoning district

d not authorize a use or activity which is not otherwise expressly authorized by the zoning district regulations governing the subject property

e not be detrimental to the public convenience, health, interest, safety or general welfare of the City or materially injurious to properties or improvements in the vicinity and

f be in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines

Proposed Conditions for V-5-05

1 Comply with all applicable Federal State County and City codes regulations and adopted standards and pay all applicable fees

2 The proposed pole sign shall be located such that it does not encroach into the public right-of-way, a public utility easement or within the Traffic Sight Area as identified in Section 16-310 140 of the SMC

3 A Precise Road Plan Amendment application (PR5-05) must be approved by the City of Stockton prior to the installation of the proposed Hammer Lane driveway

4 The approved variance must be initiated within twelve months of the date of approval by the submittal of a building permit application and then diligently pursued until completion of construction or the variance will be null and void

Recommendation for UP76-05 Approval based upon the following findings

1 The proposed use will be consistent with all applicable goals, policies and standards of the City’s adopted General Plan Policy Document and with the site’s proposed Commercial General Plan Diagram designation
2 The proposed use is in compliance with the Zoning Code requirements and the Use Permit has been reviewed in accordance with Section 16-365 310 of the Stockton Municipal Code

3 The proposed use is expected to be compatible with the surrounding land uses and is not likely to interfere with the comfortable enjoyment of life or property in the area

4 The proposed use will not be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood or be detrimental or injurious to the health, safety, peace or general welfare of the City

5 The proposed elevations and architectural treatment for the proposed structures have been reviewed against applicable provisions of the Citywide Design Guidelines and the Findings contained in Stockton Municipal Code Section 16-515 060 are hereby adopted

6 An Initial Study/Final Mitigated Negative Declaration (IS20-05) has been prepared and approved for the project. The "Findings and Mitigation Monitoring/Reporting Program for the Walgreens Commercial Retail Center Project" has been adopted to ensure the implementation of all applicable mitigation measures necessary to clearly reduce any potentially significant impacts to a "less-than-significant" level

Proposed Conditions for UP76-05

1 Comply with all applicable Federal State County and City codes regulations and adopted standards and pay all applicable fees

2 In the event that the uses prove detrimental to the health, safety, peace or general welfare of the surrounding neighborhood, this Use Permit shall be subject to revocation or modification as provided in the Zoning Code

3 Pursuant to Section 15074 of the State CEQA Guidelines, the project shall be subject to all applicable mitigation measures identified in the City-adopted Initial Study/Mitigated Negative Declaration/(IS20-05) and the Findings and Mitigation Monitoring/Reporting Program for the Walgreens Commercial Retail Center Project.

4 Any graffiti on the property shall be removed within twenty-four (24) hours

5 The trash enclosure shall be installed out of public view and be constructed with solid six-foot high solid walls on three sides and gated on the fourth side with an opaque material. The design of the trash
enclosure shall be approved by the Community Development Director and it shall be installed prior to the initiation of the approved use

6 All signs shall be subject to approval by the Community Development Director or Planning Commission

7 There shall be no chain-link fencing, barbed/concertina wire or similar material visible from a public right-of-way

8 All landscaped areas on the site shall comply with applicable requirements of the Stockton Municipal Code. Landscaping and irrigation plans shall be submitted to the Community Development Department Planning Division, for review and approval by the Community Development Director and the City Landscape Architect prior to the issuance of any building permits. Landscaped areas, including a timed/automatic irrigation system, shall be installed prior to the initiation of the approved use and be maintained by the property owner(s) and/or business operator(s)

9 Structures and other improvements shall be constructed, installed and maintained in accordance with the approved site plan, floor plans, elevations, color rendering and conditions of approval and be maintained in a manner so as not to be blighted or deteriorated

10 The monument sign on Hammer Lane shall not be installed until the recordation of the Parcel Map

11 Any change to the exterior elevations of the commercial buildings shall be subject to architectural design review and approval by the Architectural Review Committee prior to the issuance of any building permit in the subject site

12 A Precise Road Plan Amendment application (PR5-05) must be approved by the City of Stockton prior to the installation of the proposed Hammer Lane driveway. Further, the owner/developer shall dedicate and improve Hammer Lane within the limits of the project as needed to comply with the adopted Hammer Lane Precise Road Plan. Full frontage improvements, including, but not limited to curb, gutter, sidewalks, driveway installation, pavement widening and street lighting shall be installed per City of Stockton standards prior to the occupancy of any structures on this site

13 The existing Kelley Drive access serving the site shall be abandoned (removed) and replaced with curb, gutter, and sidewalk per City standards. Further, to ensure appropriate access rights to/from Hammer Lane and Kelley Drive, as well as to provide suitable circulation for the shared on-site parking areas, the subject parcel and the adjacent parcel (APN 082-220-18) shall enter into a reciprocal access and parking agreement. Said
agreement shall be in place and shall be recorded at the San Joaquin County Recorder's Office prior to issuance of any building permits.

14 The proposed pole sign shall be located such that it does not encroach into the public right-of-way or a public utility easement.

15 The existing off-premise sign at the southeast corner of the project site shall be removed at the time that the current lease agreement for the sign expires. The property owner shall notify the City's Community Development Director at least 30 days prior to the expiration of the agreement.

May 4, 2006

Note: Staff reports are prepared well in advance of the Planning Commission consideration of the proposal and reflect the staff's view based on the best available information at the time the report was formulated. Evidence submitted during the course of the public hearing may require a re-evaluation of the staff's position.

Staff report prepared by Associate Planner Jenny Liaw.
Reduce street side setback for the proposed pole sign with an electronic message board from 25' to 5'

Reduce the location of driveway near the intersection of Hammer Ln and Kelley Dr from 300 to 250

Sue Moore Clowes, et al
V-5-05

SITE PLAN

STOCKTON CITY PLANNING COMMISSION
The following project has been filed with this Department and is being referred for your review and comment:

**APPLICATION NUMBER**: UP76 05  □ New  □ Review  □ Extension

**PROPERTY OWNER**: Sue Moore Clowes etal

**APPLICANT**: Sue Moore Clowes etal

**PROJECT DESCRIPTION**: A Use Permit to allow the development of a proposed retail shopping center and a proposed 30-foot high freestanding sign with an electronic message

**PROJECT ZONING DESIGNATION**: CG

**GENERAL PLAN DESIGNATION**: Commercial, General

**PROPERTY LOCATION/ADDRESS**: 3119 and 3131 West Hammer Lane

**APN**: 082 220 08

**ENVIRONMENTAL ASSESSMENT**: /fw

We have reviewed the above noted application and have no comments regarding this proposal.

We have comments (see attached response)
TO
- COS Attorney/Petzold
- COS Manager/Palmer
- COS City Clerk
- COS Building/Elias
- COS Fire Prevention/Rose
- COS HRD/Walker
- COS PD/Neighborhood Serv/Daly
- COS MUD/Deimler
- COS Parks & Rec/Machado
- COS Police/Praegitzer
- COS PW Tech Eng
- COS PW Dev Services/McDowell
- COS PW Corp Yard/MacKay

Contact Person: Janny Law, Associate Planner
Phone: (209) 937 8316

The following project has been filed with this Department and is being referred for your review and comment.

APPLICATION NUMBER: UP76-05

PROPERTY OWNER: Sue Moore Clowes, etal

APPLICANT: Sue Moore Clowes, etal

PROJECT DESCRIPTION: A Use Permit to allow the development of a proposed retail shopping center and a proposed 30 foot high freestanding sign with an electronic message.

PROJECT ZONING DESIGNATION: CG

GENERAL PLAN DESIGNATION: Commercial General

PROPERTY LOCATION/ADDRESS: 3119 and 3131 West Hammer Lane

APN: 082 220-08

ENVIRONMENTAL ASSESSMENT

- We have reviewed the above noted application and have no comments regarding this proposal

- We have comments (see attached response)

SIGNATURE OF REVIEWER: [Signature]

DATE: 12-15-05
MEMORANDUM

March 7, 2006

TO: James E. Glaser, Community Development Director
    Attn: Jenny Liaw, Associate Planner

FROM: Gregg S. Meissner, Development Services Manager

SUBJECT: A USE PERMIT TO ALLOW THE DEVELOPMENT OF A PROPOSED RETAIL SHOPPING CENTER AND A PROPOSED 30-FOOT HIGH FREESTANDING SIGN WITH AN ELECTRONIC MESSAGE 3119 AND 3131 WEST HAMMER LANE (APN 082-220-08) (UP76-05)

The Public Works Department staff has reviewed the subject request. Based on our review, standard Public Works conditions and conformance to the City of Stockton Standard Specifications and Plans is recommended. In addition, the following conditions are recommended:

1. A precise road plan amendment shall be approved by the City of Stockton prior to the installation of the proposed Hammer Lane driveway. Further, the owner/developer shall dedicate and improve Hammer Lane within the limits of the project as needed to comply with the adopted Hammer Lane Precise Road Plan. Full frontage improvements, including but not limited to curb gutter, sidewalks, driveway installation, pavement widening, and street lighting, shall be installed per City of Stockton standards prior to occupancy of any structures on this site.

2. The existing Kelley Drive access serving the site shall be abandoned (removed) and replaced with curb gutter and sidewalk per City standards. Further, to ensure appropriate access rights to/from Hammer Lane and Kelley Drive as well as to provide suitable circulation for the shared on-site parking areas, the subject parcel and the adjacent parcel (APN 082-220-18) shall enter into a reciprocal access and parking agreement. Said agreement shall be in place and shall be recorded at the San Joaquin County Recorder’s office prior to issuance of any building permit.

3. The proposed pole sign shall be located such that it does not encroach into the public right-of-way or a public utility easement.

Thank you for the opportunity to comment on this application.

JAMES B. GIOTTONINI
PUBLIC WORKS DIRECTOR

GREGG S. MEISSNER
DEVELOPMENT SERVICES MANAGER

GSM DM

ODMA\GRPW\COS\PW\PW_Library 86190 1 Usepmts 05 UP76 05 (3119/3131 W Hammer Lane)
The following project has been filed with this Department and is being referred for your review and comment.

APPLICATION NUMBER: UP76 05
PROPERTY OWNER: Sue Moore Clowes, etal
APPLICANT: Sue Moore Clowes, etal
PROJECT DESCRIPTION: A Use Permit to allow the development of a proposed retail shopping center and a proposed 30 foot high freestanding sign with an electronic message
PROJECT ZONING DESIGNATION: CG
GENERAL PLAN DESIGNATION: Commercial, General
PROPERTY LOCATION/ADDRESS: 3119 and 3131 West Hammer Lane
APN: 082 220 08

ENVIRONMENTAL ASSESSMENT:

We have reviewed the above noted application and have no comments regarding this proposal.

We have comments (see attached response)

SIGNATURE OF REVIEWER

DATE: Dec 20, 2005
STATE OF CALIFORNIA

COUNTY OF SAN JOAQUIN

_Fran Watson_ declares

That she is at all times herein mentioned as an employee of the City of Stockton County of San Joaquin State of California

That on the _28th_ day of _April_ 2006 she deposited in the United States mail facilities in the City of Stockton, County of San Joaquin, State of California a true copy of the notice hereto attached with the postage thereon prepaid addressed to each of the following named persons

See attached list

That said persons are the owners of the property located within a 300-foot radius of property hereby affected the names of said owners having been secured from the last municipal equalized San Joaquin County assessment roll, and that this notice was sent pursuant to the provisions of Section 16-109 3 of the Stockton Municipal Code

That the said notices were mailed at least ten (10) days prior to the time appointed for the public hearing before the Planning Commission of the City of Stockton

Dated _April 28, 2006_

I declare that the foregoing is true and correct

_Fran Watson_ (Signature)
CITY OF STOCKTON
PLANNING COMMISSION
NOTICE OF PUBLIC HEARING

DATE/TIME OF MEETING MAY 11, 2006 at 6 30 p m or as soon thereafter as the matter can be heard

PLACE OF MEETING Council Chambers Second Floor City Hall 425 North El Dorado Street Stockton

FILE NUMBERS IS20-05, PR5-05, TM27-05, UP76 05 AND V 5 05

SUBJECT Public hearing regarding the request of Sue Moore Clowes et al for a) Approval of an Initial Study Proposed Mitigated Negative Declaration b) An amendment to the Hammer Lane Precise Road Plan to allow a right in/right out only driveway on the north side of Hammer Lane east of Kelley Drive c) Tentative Map to subdivide a 2 1-acre site into two parcels d) Use Permit to allow the development of a proposed retail shopping center and a proposed 30 foot high freestanding pole sign with an electronic message sign at the northeast corner of Hammer Lane and Kelley Drive and e) a variance to 1) reduce the minimum street side setback for a proposed freestanding sign with an electronic message board within 100 feet of the corner point of an intersection from 25 to five feet and 2) reduce the minimum separation for a proposed driveway near the intersection of Hammer Lane and Kelley Drive from 300 to 250 feet

Further information may be obtained by contacting Associate Planner Jenny Llaw at (209) 937-8316

Proceedings before the City Planning Commission are conducted in English. The City does not furnish interpreters. If one is needed, it shall be the responsibility of the person needing one. Anyone wishing to be heard on the issue may appear before the Planning Commission at the time of the Public Hearing. It deserves to be noted that the legal requirement of Public Notice does not guarantee notice to all persons residing in or otherwise using property in the general vicinity of the property in question. Accordingly, each recipient of this notice is respectfully requested to bring this notice promptly to the attention of others whom the recipient feels would be interested in or affected by this proposal in order that all persons may be given an opportunity to be heard on the issue. 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 Hearing. DATE OF MAILING APRIL 28 2006
<table>
<thead>
<tr>
<th>APN</th>
<th>NAME</th>
<th>ADDRESS</th>
<th>CITYSTATEZIP</th>
</tr>
</thead>
<tbody>
<tr>
<td>APN 8224042</td>
<td>AYZENBERG MICHAEL ETAL</td>
<td>29251 STONEBROOK LN HAYWARD CA 94544</td>
<td></td>
</tr>
<tr>
<td>APN 8225044</td>
<td>BASHO SURINDER M &amp; S</td>
<td>218 DEL CASA DR MILL VALLEY CA 94941</td>
<td></td>
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<td>(209) 948-7142</td>
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<td>(209) 937-8893</td>
<td>Destroy</td>
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</tbody>
</table>

**COMMENTS**

SJ-5-PM32 7
TM27-05
Walgreens
December 19, 2005

Jenny Liaw
City of Stockton
Community Development Department
Planning Division
425 North El Dorado Street
Stockton, CA 95202 1997

Dear Ms. Liaw

Lynn O'Connor is no longer the Inter-Governmental Review (IGR) Coordinator for local development projects within the City of Stockton. To insure that your correspondence arrives in a timely manner please change your contact information for materials being mailed to the IGR Branch as follows:

Caltrans-District 10
IGR Coordinator
Transportation Planning Division
P.O. Box 2048
Stockton, CA 95201

The California Department of Transportation (Department) appreciates the opportunity to have reviewed the Non-Vesting Tentative Parcel Map for the proposed Walgreen's of undefined square footage to be located at 3119 and 3131 West Hammer Lane approximately 400 feet from Interstate 5 (I-5) and the I-5/Hammer Lane interchange. The Department has the following comments:

- The Department is unable to provide comments regarding the traffic impacts of this local development project to the State Highway System until a site plan that clearly indicates the square footage of all proposed building pads is provided for this project. When a site plan is made available additional comments will be provided by the Department regarding these impacts.

Caltrans improving mobility across California
Additionally, the site plan should indicate the change in usable commercial square footage from the original buildings (to be demolished) to the new building(s) that is being proposed.

If you have any questions or would like to discuss our comments in more detail, please contact Dan Brewer at (209) 948-7142 (e-mail dan.brewer@dot.ca.gov) or me at (209) 941-1921.

Sincerely,

TOM DUMAS, Chief
Office of Intermodal Planning
WALGREENS
HAMILLE LANE & KELLEY DRIVE
STOCKTON CALIFORNIA

PR5-15
April 28, 2005

Krista Pauling
InSite
6653 Embarcadero Drive, Suite Q
Stockton, CA 95219

Re Power of Attorney
Walgreens – Hammer & Kelley
Stockton, CA

Dear Krista,

Enclosed is a Power of Attorney, executed in counter-part by all the owners
Please call if you have any questions

Regards,
INTERRA VISION DEVELOPMENT

Brian Kisling

cc Mike Hakeem
POWER OF ATTORNEY

X  SUE MOORE CLOWES
X  EDWARD COOPER CLOWES
X  NANCY CLOWES LEONHARDT
X  STEVE CLOWES
X  CYNTHIA CLOWES MOSES
X  DANIEL A SADY
X  SUSAN D SADY
X  MABEL H DELUCCHI
X  RONALD M DELUCCHI
X  ANITA J DELUCCHI
X  HELEN HARR
X  CLARK D FREGIEN
SPECIAL POWER OF ATTORNEY

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We, the Owners, hereby grant a Special Power of Attorney to Daniel A Sady for the limited purpose of preparing, submitting and processing land use zoning and subdivision applications in order to obtain all approvals and permits from the City of Stockton, and other governmental authorities, necessary for the proposed redevelopment of the Property

This Special Power of Attorney may be executed in multiple counterparts, each of which shall be deemed an original, but all of which, together, shall constitute one and the same instrument

IN WITNESS WHEREOF, the Owners have executed this Special Power of Attorney as of the date first above written

Owners

SUE MOORE CLOWES, as to an undivided 1/3rd of an undivided 1/5th interest, and EDWARD COOPER CLOWES, as to an undivided 1/3rd of an undivided 1/5th interest, and NANCY CLOWES LEONHARDT, as to an undivided 1/9th of an undivided 1/5th interest, and STEVE CLOWES, as to an undivided 1/9th of an undivided 1/5th interest and CYNTHIA CLOWES MOSES, as to an undivided 1/9th of an undivided 1/5th interest, and DANIEL A SADY and SUSAN D SADY Trustees of the Daniel A Sady and Susan D Sady Revocable Trust dated December 20, 1996, as to an undivided 1/5th interest, and MABEL H DELUCCHI Trustee of the Emil Delucchi 1999 Marital Trust, as to an undivided 1/10th interest, and RONALD M DELUCCHI and ANITA J DELUCCHI, husband and wife, as Community Property, as to an undivided 1/10th interest, and HELEN HARR, Trustee of the Jerry Harr Bypass Trust established under the Jerry and Helen Harr 1996 Family Trust, dated December 30, 1996, as to an undivided 1/5th interest, and CLARK D FREGIEN, a married man, as to an undivided 1/5th interest

By ______________________________
SUE MOORE CLOWES

By ______________________________
EDWARD COOPER CLOWES
By NANCY CLOWES LEONHARDT

By STEVE CLOWES

By CYNTHIA CLOWES MOSES

By DANIEL A SADY and SUSAN D SADY, Trustees of the Daniel A Sady and Susan D Sady Revocable Trust, dated December 20, 1996

By DANIEL A SADY, Trustee

By SUSAN D SADY, Trustee

By MABEL H DELUCCHI, Trustee of the Emil Delucchi 1999 Marital Trust

By MABEL H DELUCCHI, Trustee

By RONALD M DELUCCHI and ANITA J DELUCCHI, husband and wife as Community Property

By RONALD M DELUCCHI

By ANITA J DELUCCHI

By HELEN HARR, Trustee of the Jerry Harr Bypass Trust, established under the Jerry and Helen Harr 1996 Family Trust, dated December 30, 1996

By HELEN HARR, Trustee

By CLARK D FREGIEN

Page 2 of 2
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We, the Owners, hereby grant a Special Power of Attorney to Daruel A Sady for the limited purpose of preparing, submitting and processing land use zoning and subdivision applications in order to obtain all approvals and permits from the City of Stockton and other governmental authorities, necessary for the proposed redevelopment of the Property

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NANCY CLOWES LEONHARDT, as to an undivided 1/9th of an undivided 1/5th interest, and
STEVE CLOWES, as to an undivided 1/9th of an undivided 1/5th interest, and
CYNTHIA CLOWES MOSES, as to an undivided 1/9th of an undivided 1/5th interest, and
DANIEL A SADY and SUSAN D SADY, Trustees of the Daniel A Sady and Susan D Sady Revocable Trust, dated December 20, 1996, as to an undivided 1/5th interest, and
MABEL H DELUCCHI, Trustee of the Emil Delucchi 1999 Marital Trust, as to an undivided 1/10th interest, and
RONALD M DELUCCHI and ANITA J DELUCCHI, husband and wife, as Community Property, as to an undivided 1/10th interest, and
HELEN HARR, Trustee of the Jerry Harr Bypass Trust, established under the Jerry and Helen Harr 1996 Family Trust, dated December 30, 1996, as to an undivided 1/5th interest, and
CLARK D FREGIEN, a married man, as to an undivided 1/5th interest

By

SUE MOORE CLOWES

By

EDWARD COOPER CLOWES
IN WITNESS WHEREOF, Seller and Buyer have executed this Amendment as of the date first above written

BUYER Interra-Vision Holdings, LLC, an Illinois limited liability company

By ____________________________
       Tom Gamsjaeger
       Its Manager

SELLER SUE MOORE CLOWES, as to an undivided 1/3rd of an undivided 1/5th interest and EDWARD COOPER CLOWES, as to an undivided 1/3rd of an undivided 1/5th interest, and NANCY CLOWES LEONHARDT, as to an undivided 1/9th of an undivided 1/5th interest, and STEVE CLOWES, as to an undivided 1/9th of an undivided 1/5th interest, and CYNTHIA CLOWES MOSES, as to an undivided 1/9th of an undivided 1/5th interest, and DANIEL A SADY and SUSAN D SADY, Trustees of the Daniel A Sady and Susan D Sady Revocable Trust, dated December 20, 1996, as to an undivided 1/5th interest, and MABEL H DELUCCHI, Trustee of the Emil Delucchi 1999 Marital Trust, as to an undivided 1/10th interest, and RONALD M DELUCCHI and ANITA J DELUCCHI, husband and wife, as Community Property, as to an undivided 1/10th interest, and HELEN HARR, Trustee of the Jerry Harr Bypass Trust, established under the Jerry and Helen Harr 1996 Family Trust, dated December 30, 1996, as to an undivided 1/5th interest, and CLARK D FREGIEN, a married man, as to an undivided 1/5th interest

By ____________________________
       SUE MOORE CLOWES

By ____________________________
       EDWARD COOPER CLOWES

By ____________________________
       NANCY CLOWES LEONHARDT

By ____________________________
       STEVE CLOWES

By ____________________________
       CYNTHIA CLOWES MOSES

[Seller's signatures continued on next page]
By NANCY CLOWES LEONHARDT

By STEVE CLOWES

By CYNTHIA CLOWES MOSES

By DANIEL A SADY and SUSAN D SADY, Trustees of the Daniel A Sady and Susan D Sady Revocable Trust, dated December 20, 1996

By DANIEL A SADY, Trustee

By SUSAN D SADY, Trustee

By MABEL H DELUCCHI, Trustee of the Emil Delucchi 1999 Marital Trust

By MABEL H DELUCCHI, Trustee

By RONALD M DELUCCHI and ANITA J DELUCCHI, husband and wife, as Community Property

By RONALD M DELUCCHI

By ANITA J DELUCCHI

By HELEN HARR, Trustee of the Jerry Harr Bypass Trust, established under the Jerry and Helen Harr 1996 Family Trust, dated December 30, 1996

By HELEN HARR, Trustee

By CLARK D FREGIEN
SPECIAL POWER OF ATTORNEY

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We, the Owners, hereby grant a Special Power of Attorney to Daniel A. Sady for the limited purpose of preparing, submitting and processing land use zoning and subdivision applications in order to obtain all approvals and permits from the City of Stockton, and other governmental authorities, necessary for the proposed redevelopment of the Property

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Owners

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By

SUE MOORE CLOWES

By

EDWARD COOPER CLOWES
By NANCY CLOWES LEONHARDT

By STEVE CLOWES

By CYNTHIA CLOWES MOSES

By DANIEL A SADY and SUSAN D SADY, Trustees of the Daniel A Sady and Susan D Sady Revocable Trust dated December 20, 1996

By DANIEL A SADY, Trustee

By SUSAN D SADY, Trustee

By MABEL H DELUCCHI, Trustee of the Emil Delucchi 1999 Marital Trust

By MABEL H DELUCCHI, Trustee

By RONALD M DELUCCHI and ANITA J DELUCCHI, husband and wife, as Co-Trustees of the Delucchi Family Trust dated January 6, 1993

By RONALD M DELUCCHI

By ANITA J DELUCCHI

By HELEN HARR, Trustee of the Jerry Harr Bypass Trust, established under the Jerry and Helen Harr 1996 Family Trust, dated December 30, 1996

By HELEN HARR, Trustee

By CLARK D FREGIEN
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HELEN HARR, Trustee of the Jerry Harr Bypass Trust, established under the Jerry and Helen Harr 1996 Family Trust, dated December 30, 1996, as to an undivided 1/5th interest, and
CLARK D FREGIEN, a married man as to an undivided 1/5th interest.

By

SUE MOORE CLOWES

By

EDWARD COOPER CLOWES
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This Special Power of Attorney may be executed in multiple counterparts, each of which shall be valid and binding.

By

NANCY CLOWES LEONHARDT

STEVE CLOWES

CYNTHIA CLOWES MOSES

DANIEL A SADY and SUSAN D SADY, Trustees of the Daniel A Sady and Susan D Sady Revocable Trust, dated December 20, 1996

DANIEL A SADY, Trustee

SUSAN D SADY, Trustee

MABEL H DELUCCHI, Trustee of the Emil Delucchi 1999 Marital Trust

MABEL H DELUCCHI, Trustee

RONALD M DELUCCHI and ANITA J DELUCCHI, husband and wife, as Community Property

RONALD M DELUCCHI

ANITA J DELUCCHI

HELEN HARR, Trustee of the Jerry Harr Bypass Trust, established under the Jerry and Helen Harr 1996 Family Trust, dated December 30, 1996

HELEN HARR, Trustee

CLARK D FREGEN

Page 2 of 2
By NANCY CLOWES LEONHARDT

By STEVE CLOWES

By CYNTHIA CLOWES MOSES

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By SUSAN D SADY, Trustee

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By MABEL H DELUCCHI, Trustee

By RONALD M DELUCCHI and ANITA J DELUCCHI, husband and wife as
Community Property

By RONALD M DELUCCHI

By ANITA J DELUCCHI

By HELEN HARR, Trustee of the Jerry Harr Bypass Trust, established under the
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By HELEN HARR, Trustee

By CLARK D FRENIEN
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CLARK D. FREGIEN, a married man, as to an undivided 1/5th interest.

By

SUE MOORE CLOWES

By

EDWARD COOPER CLOWES
By NANCY CLOWES LEONHARDT

By STEVE CLOWES

By CYNTHIA CLOWES MOSES

By DANIEL A SADY and SUSAN D SADY, Trustees of the Daniel A Sady and Susan D Sady Revocable Trust, dated December 20, 1996

By DANIEL A SADY, Trustee

By SUSAN D SADY, Trustee

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By MABEL H DELUCCHI, Trustee

By RONALD M DELUCCHI and ANITA J DELUCCHI, husband and wife, as Community Property

By RONALD M DELUCCHI

By ANITA J DELUCCHI

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By

SUE MOORE CLOWES

By

EDWARD COOPER CLOWES
By NANCY CLOWES LEONHARDT

By STEVE CLOWES

By CYNTHIA CLOWES MOSES

By DANIEL A SADY and SUSAN D SADY, Trustees of the Daniel A Sady and Susan D Sady Revocable Trust, dated December 20 1996

By DANIEL A SADY Trustee

By SUSAN D SADY Trustee

By MABEL H DELUCCHI, Trustee of the Emil Delucchi 1999 Marital Trust

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By RONALD M DELUCCHI and ANITA J DELUCCHI husband and wife as Community Property

By RONALD M DELUCCHI

By ANITA J DELUCCHI

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NANCY CLOWES LEONHARDT, as to an undivided 1/9 th of an undivided 1/5 th interest, and
STEVE CLOWES as to an undivided 1/9 th of an undivided 1/5 th interest, and
CYNTHIA CLOWES MOSES, as to an undivided 1/9 th of an undivided 1/5 th interest and DANIEL A SADY and SUSAN D SADY, Trustees of the Daniel A Sady and Susan D Sady Revocable Trust, dated December 20, 1996, as to an undivided 1/5 th interest, and
MABEL H DELUCCHI, Trustee of the Emil Delucchi 1999 Marital Trust, as to an undivided 1/10 th interest, and
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By

SUE MOORE CLOWES

By

EDWARD COOPER CLOWES
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IN WITNESS WHEREOF, the Owners have executed this Special Power of Attorney as of the date first above written.

Owners

SUE MOORE CLOWES, as to an undivided 1/3rd of an undivided 1/5th interest, and EDWARD COOPER CLOWES, as to an undivided 1/3rd of an undivided 1/5th interest, and NANCY CLOWES LEONHARDT, as to an undivided 1/9th of an undivided 1/5th interest, and STEVE CLOWES, as to an undivided 1/9th of an undivided 1/5th interest, and CYNTHIA CLOWES MOSES, as to an undivided 1/9th of an undivided 1/5th interest, and DANIEL A SADY and SUSAN D SADY, Trustees of the Daniel A Sady and Susan D Sady Revocable Trust, dated December 20, 1996, as to an undivided 1/10th interest, and MABEL H DELUCCHI, Trustee of the Emil Delucchi 1999 Marital Trust as to an undivided 1/10th interest, and RONALD M DELUCCHI and ANITA J DELUCCHI, husband and wife, as Community Property, as to an undivided 1/10th interest, and HELEN HARR, Trustee of the Jerry Harr Bypass Trust, established under the Jerry and Helen Harr 1996 Family Trust, dated December 30, 1996, as to an undivided 1/5th interest, and CLARK D PREGIEN, a married man, as to an undivided 1/5th interest.

By

SUE MOORE CLOWES

By

EDWARD COOPER CLOWES
WALGREENS CENTER
HAMMER LANE & KELLEY DRIVE, STOCKTON, CA

MASTER SIGN PROGRAM
FOR MULTI TENANT BUILDING ONLY

A  INTRODUCTION

1 This criteria has been established for the purpose of assuring a functional, coordinated and visually attractive sign program for the mutual benefit of all tenants. Conformance will be strictly enforced. Upon demand by landlord or the City of Stockton, any installed non-conforming or unapproved signage must be brought into conformance or be removed at the non conforming tenant's expense.

B  SCOPE

1 This sign criteria set forth requirements for all signs attached to a tenant frontage or tenant premises building elevations including tenant identification signs, window signs and rear door entry signs.

C  APPROVALS

1 All signage shall comply with the standards of this Sign Criteria. Written approval of the design, content, materials, colors signs, details and location of the signs(s) must be obtained from the Landlord.

2 Tenant shall submit three (3) sets of signage drawings with this information to Landlord for approval prior to fabrication and installation of the signs. Hard copies shall be required, facsimile or electronic submittals shall not be accepted. Landlord's approval may be withheld according to Landlord's sole discretion as to any aspect or feature not otherwise specified herein. The Landlord’s approval of any sign or part of sign, in no way sets a precedent for approval of future signs. Landlord's approval of the sign shall create no liability to the Landlord for the compliance of the sign with any government regulations. Any change required at any time by any government authority shall be at Tenant’s sole cost and expense.

3 Tenant shall be responsible for obtaining and paying for all necessary approvals and permits from the City of Stockton Planning Department and Building Department and for providing Landlord with a copy.

D  GENERAL REQUIREMENTS

1 Tenant shall pay for all their signs, their installation and maintenance.

2 Installation of Tenant signage shall be only by qualified, licensed sign contractors. Tenant and Tenant’s sign contractor shall be responsible, at Tenant’s sole cost and
expense, to protect, repair and/or restore any damage caused to the Shopping Center from Tenant's installation of Tenant's signage including not limited to wall surfaces, awnings, lattices, trellises, windows, storefronts, sidewalks, curbs, landscaping, site furnishings, light pole/fixtures, banners/banner arms, etc. Any/all protruding building elements located below a Tenant sign location (e.g., awnings, trellises, etc.) should be covered and protected by Tenant sign contractor prior to sign installation.

3. Installation of any sign shall be performed in a prompt and safe manner with as little disruption to business and traffic as possible with minimum inconvenience to the Landlord and other tenants.

4. Tenant shall maintain its sign in good working order and repair damaged, faded or non-operational letters at tenant’s sole cost and expense. In the event Landlord notifies tenant of an existing defect and tenant fails to cure said defect within ten (10) days after notification by Landlord, Landlord may cause defect to be repaired. Tenant hereby agrees to reimburse Landlord for the cost of any such repair within ten (10) days after receipt of an invoice setting forth those costs incurred by Landlord.

5. Power will be provided from the tenant’s electrical panel to a junction box at all sign locations. Power hookup shall be by Tenant. Time clock shall be provided by Tenant to turn signage on and off. Landlord will establish uniform hours of operation for illuminated Tenant signage to be complied with by Tenants.

6. All electrical signs shall bear the UL label and their installation shall comply with all local building and electrical codes.

7. All penetrations of the building structure required for sign installation shall be neatly sealed in watertight condition.

8. Upon termination or expiration of this lease, Tenant hereby agrees to remove its sign, repair any holes and/or damage to any/all building surfaces including painting and patching any/all materials affected by Tenant’s signage at Tenant’s sole cost and expense to the sole satisfaction of Landlord.

E BUILDING SIGN REQUIREMENTS

1. All signs shall be individual interior illuminated dimensional letters and/or logo with five inch (5”) returns. Three (3) types may be used: Illuminated plastic faces, halo lighted letters or ‘dual view’ letters which has both lighted plastic faces and halo lighting on the wall.

2. All signs, fastenings, bolts and clips shall be of hot dipped galvanized iron, stainless steel, aluminum, brass or bronze. No black iron of any type will be permitted. All penetrations to the exterior will be made behind the sign bank.
3 All sign cabinets will be constructed using aluminum unless an alternate metal is approved by the Landlord.

4 All signs exposed to the weather shall be mounted at least 15" from the building to permit proper dirt and water drainage. Any building stains or fading due to the sign's installation shall be remedied at Tenant's sole cost and expense.

5 Sign sizes for buildings:
   - The maximum height of individual letters is 30".
     Maximum logo height: Logo may be up to thirty-three percent (33%) greater in height than the letters.
     Maximum area: 20 square feet for each linear foot of building frontage or lease space facing a parking lot or surface street.
   - The maximum size in length of sign area devoted to sign copy (lettering and logo/graphics) on any Sign Area Façade elevation shall not exceed seventy-five percent (75%) of the width of that Sign Area Façade elevation. Irregular shaped Premises whereby a Tenant’s Sign Façade at Tenant’s entry has less dimension than other Tenant’s Sign façade elevations shall be considered on a case-by-case basis by Landlord and subject to Landlord’s reasonable approval for location and sizing of signage at Tenant’s entry Sign Façade.
   - This is not intended to supersede the city’s sign regulations.

6 All Tenants are required to install Tenant identification signage on the Sign Area Façade elevation at the primary entry of Tenant’s Premises. See attached building elevation exhibit for potential sign locations.

7 All building signs shall be centered left to right on the fascia or tenant frontage and generally centered top to bottom. Check building elevations.

8 Vertical and diagonal oriented signs are prohibited.

9 No exposed conduit or raceways shall be permitted.

10 No flashing, moving or audible signs shall be permitted.

11 No sign of any sort will be allowed on building roofs or to project above building walls or parapets.

12 No exposed bare bulb lighting (fluorescent tubes, incandescent bulbs, or exposed neon) is prohibited. Exposed neon or LED accent lighting may be considered by Landlord on a case-by-case basis and subject to approval in writing by Landlord in Landlord's sole and absolute discretion.
13 Signs are not may be allowed on the back of the building

F WINDOW SIGNS

1 Logos or manufacturer's decals with the hours of operation, telephone numbers, etc shall not exceed one and one-half (1½) square foot per single door entrance and shall be affixed to side window at strike side of entry door of the designated premises.

2 Hand lettered or hand painted signs are not allowed.

G REAR ENTRY DOOR SIGNS

1 Rear entry door signs and addresses shall be upper case Helvetica medium typestyle numerals and/or letters. Materials will be Scotchal Vinyl or equal. Color to be reflective white. Letter height shall be 3 and centered horizontally. Copy will be limited to tenant name and address. Top of sign will be 6'-0' from grade.

H INSURANCE

1 Tenant's sign company shall carry workmen's compensation and public liability insurance in the amount of one million dollars ($1,000,000.00) per occurrence against any damage suffered or done while engaged in the construction, erection or maintenance of signs. A certificate of insurance naming Landlord as additional insured shall be provided to Landlord prior to commencement of any work by Tenant's sign contractor.

I TEMPORARY SIGNS

Temporary Tenant signs or signage of any kind including banners, flags, A-frames, balloons, blimps, etc are prohibited at all times and shall not be allowed unless specifically approved in writing by Landlord. Approval or disapproval of Tenant's request for temporary signs or signage shall be in Landlord's sole and absolute discretion. Any temporary signs or signage placed or installed upon the Premises or within the Shopping Center property by Tenant without the express written permission of the Landlord shall be removed by Landlord, without notice to Tenant, at Tenant's sole cost and expense. Landlord shall repair any damage to the Premises or Shopping Center property caused by Tenant's unauthorized installation or placement of temporary signs or signage, all at Tenant's sole cost and expense. Tenant shall reimburse to Landlord any and all actual costs and any necessary repairs within ten (10) days of receipt of invoices and written demand for payment from Landlord to Tenant. Should Tenant not pay the reimbursement amount to Landlord within said ten (10) days, then Landlord may include said amount as additional rent pursuant to this Lease and seek any and all remedies for non-payment accordingly.
J  FREESTANDING SIGNS

No freestanding sign will be allowed in this center other than the approved Walgreens pylon sign and monument sign

Interra Vision Development, LLC
541 N Fairbanks, Suite 1890
Chicago, IL  60611
(408) 569-7907

Superior Electrical Advertising, Inc
125 N Houston Lane
Lodi, CA  95240
(209) 334-3337
Mike Rathbun
The following project has been filed with this Department and is being referred for your review and comment.

APPLICATION NUMBER: UP76 05

PROPERTY OWNER: Sue Moore Clowes, et al

APPLICANT: Sue Moore Clowes, et al

PROJECT DESCRIPTION: A Use Permit to allow the development of a proposed retail shopping center and a proposed 30 foot high freestanding sign with an electronic message

PROJECT ZONING DESIGNATION: CG

GENERAL PLAN DESIGNATION: Commercial, General

PROPERTY LOCATION/ADDRESS: 3119 and 3131 West Hammer Lane

APN: 082 220 08

ENVIROMENTAL ASSESSMENT:

☐ We have reviewed the above noted application and have no comments regarding this proposal

☐ We have comments (see attached response)

SIGNATURE OF REVIEWER

DATE
USE PERMIT APPLICATION  
CITY OF STOCKTON

Property owner(s) ___________________________  Daniel A. Sady  
(NAME)

812 Daisy Avenue, Lodi CA 95240  209 327-9819  
(ADDRESS AND PHONE NUMBER)

Applicant (if different than property owner)  _______________  Brian Kisling  
(NAME, ADDRESS AND PHONE NUMBER)

Address or general location of site  The project is located on 2.115 acres of commercial land on the north corner of Hammer Lane and Kelley Drive, parcel number 082-220 08

Legal description of (3) above  Attachment A

Zoning of property  _______________  C2

Approximate size of property  2.115 acres

Present use of property  Hammer Skate and Auto Parts Shop

Use requested  13,650 S.F. Walgreens and 7,100 S.F. Small Shops Building

School district (residential projects only)  N/A

If this is a residential project and is within a school district in which conditions of overcrowding have been designated by the City Council, answer question 10

In accordance with the provisions of the “School Facilities Dedication Ordinance” as outlined in the Stockton Municipal Code, Chapter 8, Part VII and in compliance with said ordinance the undersigned prefers to

_____ a  dedicate land for interim school facilities, or

X  b  pay a fee in lieu of dedication as established by the City Council, or

_____ c  a combination of both

The Planning Commission may approve a Use Permit for a residential project without requiring the payment of fees or the dedication of land if the Planning Commission finds specific overriding fiscal, economic, social or environmental factors which would benefit the community as a whole

(over)
This application is a request for three use permits, a commercial center over 20 acres, an on-premise pole sign and an on-premise electronic sign.

Include the following when application is returned:

1. Two (2) copies of completed application form
2. Application fee $1,584.00
3. Initial Study and fee Located on environmental form
4. A L U C fee N/A
5. Copies of plot plan folded to 8 1/2" by 11"
6. Copies of elevation plan folded to 8 1/2" by 11"
7. One copy of 8 1/2" by 11" reduction of plot and elevation plans
8. Other

NOTE: All plans and drawings submitted shall be drawn to scale and shall include a date and north point. In addition, the plot plan shall show lot boundaries, buildings on lot, parking lot, driveways, landscaping, etc.
LEGAL DESCRIPTION

THAT CERTAIN REAL PROPERTY SITUATED IN THE STATE OF CALIFORNIA COUNTY OF SAN JOAQUIN CITY OF STOCKTON DESCRIBED AS FOLLOWS

PARCEL ONE

A PORTION OF THE NORTH HALF OF SECTION 18 TOWNSHIP 2 NORTH RANGE 6 EAST MOUNT DIABLO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS

PARCEL C AS SHOWN ON THAT CERTAIN PARCEL MAP FILED FOR RECORD JULY 13 1976 IN BOOK 3 OF PARCEL MAPS PAGE 48 SAN JOAQUIN COUNTY RECORDS

PARCEL TWO

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATED LYING AND BEING IN SECTION 18 TOWNSHIP 2 NORTH RANGE 6 EAST MOUNT DIABLO BASE AND MERIDIAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGINNING AT THE NORTHWEST CORNER OF THAT CERTAIN 2 115 ACRE PARCEL OF LAND DESIGNATED PARCEL C UPON THAT CERTAIN PARCEL MAP FILED FOR RECORD JULY 13 1976 IN BOOK 3 OF PARCEL MAPS PAGE 48 SAN JOAQUIN COUNTY RECORDS THENCE SOUTH 12° 01 35 EAST ALONG THE WEST LINE OF SAID PARCEL C 53 33 FEET THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 10 FEET (LONG CHORD BEARS SOUTH 42° 02 39 5 WEST 15 06 FEET) AN ARC DISTANCE OF 17 06 FEET TO THE EAST LINE OF KELLEY DRIVE THENCE NORTHERLY ALONG THE PROJECTION OF SAID EAST LINE ON A CURVE TO THE LEFT HAVING A RADIUS OF 1124 60 FEET (LONG CHORD BEARS NORTH 08° 26 07 WEST 63 50 FEET) AN ARC DISTANCE OF 63 51 FEET TO THE WESTERLY PROLONGATION OF THE NORTH LINE OF SAID PARCEL C THENCE NORTH 86° 20 04 EAST ALONG SAID WESTERLY PROLONGATION 8 31 FEET TO THE HEREINBEFORE MENTIONED POINT OF BEGINNING
DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

I, ________________ Daniel A Sady _____________________________, owner of the property proposed for ________________________________ (name)

I, ________________ ______________________________________, applicant for the ________________________________ (name)

_______________________________________________________ Walgreens, Hammer Lane and Kelly Drive IS/ND (type and number of permit)

on oath declare that

(Please check appropriate statement and complete)

Owner  Applicant

/  

I have not made any campaign contributions in the amount of $250 or more to any member of the Planning Commission within the past 12 months

/  

I have made a campaign contribution for (local) (State) (federal) election of $_____________________________ to ____________________________ within the last 12 months (name of Commissioner)

I understand that Government Code Section 84308 requires this disclosure and I make this disclosure in compliance therewith. Further I hereby declare that I shall not make any campaign contributions of $250 or more to any member of the Planning Commission while my application is pending or within 3 months after a decision thereon by the Planning Commission.

I am informed and believe that to do so would be a violation of State law.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Stockton California this 21 day of May 2005

Owner

Applicant
### City of Stockton

**CUSTOMER RECEIPT**

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<td>USE PERM CD-ALL OTHER AD</td>
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**Total tendered**: $17747.18

**Total payment**: $17747.18

**Trans date**: 8/22/05  Time: 11:20:48

**BUSINESS HOURS** 9 AM - NOON, 1
## Application Type

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<td>Administrative Determinations/Exceptions/Waivers</td>
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<td>Minor Chg to/Detr of Sub Conform W/appd Prol Pins</td>
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<td>Interpretation or Appeal of CD Director Decision</td>
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<td>Street Name Change</td>
<td>VJ $2,391.00</td>
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<tr>
<td>Airport Land Use Commission Review</td>
<td>HG $107.00</td>
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<tr>
<td>Public Convenience and Necessity Letter</td>
<td>HH $107.00</td>
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## Environmental Assessment (CD/SC)

| Notice of Exemption                                                            | VX $107.00 |
| Neg Dec/Is local                                                              | VK $850.00 |
| Neg Dec/Expanded IS/Mitigation Agreement                                       | VL $850 + 25% of contract |
| Addendum to EIR or ND/EIS                                                      | VN $850 + 25% of contract |
| Environmental Impact Report                                                    | VP $850 + 25% of contract |
| Mit Mon / Neg Dec/IS local (PC)                                                | VS $850 + 25% of contract |
| Mit Mon / Neg Dec/IS (SCH)                                                     | VY $850 + 25% of contract |
| Mit Mon / EIR                                                                  | VU $850 + 25% of contract |
| Notice of Determination                                                        | HJ $107.00 |

## Code/Plan Adoption & Amendments

| Amend Municipal Cde                                                             | V2 $4,484.00 |
| Estab Of Design Rev Overlay Dist & Hist Pres Dist                             | TY $4,484.00 |
| Adopt/Amend Specific/Prise Roadway Plan                                        | WA $5,315.00 |
| Adopt/Amend Land Use Specific Plan                                            | WD $10,829.00|
| Amend General Plan                                                             | V8 $5,315.00 |
| Adopt Master Development Plan (MX Zone)                                       | WC $10,829.00|
| Major Amendment to Maste Plan                                                 | WE $5,315.00 |
| Minor Amendment to Maste Plan                                                 | WF $1,595.00 |
| Specif Plan/Master Plan Consultant Services                                   | HK $50,000 dep plus ac cost |

## Miscellaneous Fees

| Xerox copies                                                                    | 6B $1/1st pg/$ 25 admi pg |
| Preprinted Documents                                                            | 6B Refer to Doc Fees |
| Large Maps-General Plan Zoning, etc (each page)                                | 6B $12.70 |
| Audio Tapes (each tape)                                                        | 6B $3.20 |
| Notary Fee                                                                     | 6B $10.00 |

## Date

| Date | 8-22-05 |

## Planner

| Planner | AUP, Vanace |

## Applicant

| Applicant | Neil Kall | Check Number | 2298 |

## Project Description

| Project Description | Precise Plan 15 |

## Project Location

| Project Location | N/E Kallor |

## Payment

| Payment | #1174718 |

PLEASE COMPLETE ALL THAT APPLY ABOVE
# Planning Receipt

**CITY OF STOCKTON**

**APPLYING TYPE** | **FEE**
---|---
4 lots or less | SR $3,189.00
over 4 lots, Base Fee + | SY $4,252.00
each additional lot over 4 | SY $107.00
Minor TM Amendment | S2 $1,595.00
Time Extension Tent Map | TB $797.00
Condo Conversion | TF $3,189.00

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Annexation under 20 acres w/City Serv Plan | A3 $2,593.00
Annexation 20-100 acres w/City Serv Plan | A3 $5,185.00
Annexation over 100 acres w/City Serv Plan | A3 $7,778.00
Sphere of Influence Amend (w/Annex/City Serv Plan) | HL $1,556.00
Sphere of Influence Amend (w/Municipal Serv Rev) | HL $5,185.00
Out of Agency Service (Main Utility Lines) | HL $519.00
Williamson Act Cancellation Contract | UE $988.00

**Address List & Label Preparation (min. chg. 1/2 hr.)** | **6B** | **$45/HR**

**Rezoning/Prezoning** | **UJ** | **$3,721.00**
**Development Agreement Application** | **UK** | **$4,784.00**
**Zoning Compliance** | **UL** | **$107.00**

**Large Family Child Care Home** | **UM** | US $532.00
**Child Care Centers Pre-School** | **UN** | US $2,391.00
**All other Commission Use Permits** | **TM** | US $1,584.00
**All other Administrative Use Permits** | **UY** | US $797.00
**Time Extension Request for Use Permit** | **VA** | US $1,063.00
**Live Entertainment** | **VB** | US $745.00
**Secondhand Store** | **VR** | US $3,189.00

**Home Occupation Permits** | **VJ** | **$500.00**

**Staff review of site or development plan** | **VE** | **$745.00**
**Communication Facility (minor)** | **UH** | **$745.00**
**Billboard Cap and Replace Review** | **UX** | **$745.00**
**Review of Secondary Dwelling Unit Plan** | **TQ** | **$745.00**
**Staff Design Review of Non Discretionary Projects** | **HF** | **$259.00**
**Staff Design Review Signs** | **TS** | **$129.00**

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**PLANNING RECEIPT**

**FY2005-06**

**EFFECTIVE AUGUST 6, 2005**
AGENDA ITEM: E-3 IS20-05, PR5-05, TM27-05, UP76-05, V-5-05
DATE: May 11, 2006

PROJECT: Approval of an Initial Study/Proposed Negative Declaration (IS20-05), An amendment to the Hammer Lane Precise Road Plan to allow a right-in/right-out only driveway on the north side of Hammer Lane, east of Kelley Drive (PR5-05), Tentative Map to subdivide a 2 1-acre site into two parcels (TM27-05), Use Permit to allow the development of a proposed retail shopping center and a proposed 30-foot high free-standing pole sign with an electronic message sign at the northeast corner of Hammer Lane and Kelley Drive (UP76-05), and A Variance to 1) reduce the minimum street side setback for a proposed freestanding sign with an electronic message board within 100 feet of the corner point of an intersection from 25 to five feet, 2) reduce the minimum distance between the street corner of Hammer Lane and Kelley Drive and a proposed driveway from 300 to 250 feet (V-5-05)

APPLICANT: Sue Moore Clowes, et al
PRESENTER: Associate Planner Jenny Liaw
November 30, 2007

HAND DELIVERED
City of Stockton Planning Commission
c/o Mike Niblock, Secretary
Community Development Department
345 N El Dorado Street
Stockton, California 95202

RE  Conditional Use Permit UP - 1 - 76-05, Hammer Lane and Kelley Drive

Dear Mr Niblock

This firm represents In Shape Health Clubs, Inc. As you may know, my client has filed an appeal to the Planning Commission of the administrative amendment to the above use permit. The appeal was made to preserve my client’s rights upon its discovery of the action on November 19, 2007. The purpose of this letter is to inform the City of Stockton of the conduct of the developer, the nature of our appeal and to hopefully informally resolve the issues consistent with the stated desires of the City of Stockton.

As you may recall, on May 11, 2006, the Planning Commission approved the Conditional Use Permit UP76 05 (the “CUP”) for the Walgreens on Hammer Lane and Kelley Drive. The Site Plan provided for a right turn in and out on Hammer Lane, that the existing Kelley Drive access would be removed and that access to Kelley Drive would be provided from the In Shape Property through a reciprocal access agreement. Condition No 13 on the CUP provided that the developer would enter into a Reciprocal Access and Parking Agreement (the “Reciprocal Agreement”) with my client.

Prior to and following the May 11, 2006 Planning Commission decision, the parties commenced with negotiations on the Reciprocal Agreement. Specifically, in the summer of 2006 the parties had agreed in principal to most of the material terms and conditions with respect to the Reciprocal Agreement.

Nevertheless, for reasons unknown at that time to my client, negotiations abruptly stopped. Strangely, multiple inquiries from my client to the developer via e mail were not returned. In fact, based on my review of a string of e-mails between the parties as of August 18, 2006, the parties were in the process of setting up a meeting or conference call to resolve all issues. That meeting never materialized and following that date all further inquiries by my client, including one as late of December 16, 2006 went unreturned. Finally, on or about March 9, 2007, a fence was erected by the developer disrupting the orderly traffic flow between the contiguous...
properties and litigation ensued between the parties. At this time, a court decision is pending on that litigation.

Unfortunately, until recently, my client was unaware as to what happened at the City that would allow the developer to abandon its negotiations on the Reciprocal Agreement, modify the site plan significantly and ultimately erect a fence between the two contiguous parcels. On Tuesday November 6, 2007, I spoke with Gregg Meissner about the change to the site plan. He informed me that, although public works prefers the original site plan, the City can't force two parties to enter into a private agreement.

On November 10, 2007, I examined the file at the City Planning Department and discovered the true reasons for the breakdown in negotiations. Specifically, in September of 2006, without notice to my client, an administrative amendment to the CUP was approved. This amendment specifically modified Condition No 13 to allow for the developer to reconfigure its circulation plan if the parties were not able to reach an agreement. The amendment to the CUP without notice to interested parties was justified as a "minor change" pursuant to the Stockton Municipal Code. Specifically, the City amended Condition No 13 to give the developer an "out" if the parties were unable to come to an agreement on the terms of the Reciprocal Agreement and further allowed the developer a significant modification to its site plan.

This administrative amendment is the subject of our appeal. The change made to the condition was not a minor change and was significantly detrimental to the shopping center and to my client's property and business. A "minor" change is defined in Division 16-460 030A1d of the Stockton Municipal Code and does not include a change that "involved a feature of the project that was specifically addressed or was a basis for conditions of approval for the subject project or that was a specific consideration by the review authority and the approval of the application." Further, under Division 16-460 030A1d of the Stockton Municipal Code, "minor changes do not include a request to change or modify a condition of approval." The modification was specific to Condition No 13. Accordingly, the change to the CUP was a major change and, as such, required public hearing which would have provided my client with notice and an opportunity to address its concerns to the Planning Commission.

Nevertheless, even though the change was not proper, we feel that the developer has failed to satisfy Condition No 13, as amended. Frankly, once the developer received that amendment, the developer had no incentive to complete negotiations with my client and all communication abruptly ceased. Certainly, the amended condition would implicitly require that the developer at least continue to attempt to negotiate and exhaust all efforts before taking it upon itself, with no call to my client or the City, to unilaterally declare that an agreement can't be reached, and to thereafter modify its site plan and erect a fence. In failing to proceed in good faith, the developer was in violation of Condition No 13, as modified.
In addition, our review of the file further shows that the City was misled as to the negotiations that had been taking place between the parties. The fact of the matter is my client was negotiating and had been continuing to negotiate in good faith until the process was abruptly halted by the developer. The attorney for the developer, Mike Hakeem, wrote you a letter on August 22, 2006 stating that an agreement had “failed to materialize.” While it may be true that a “signed” agreement had not been entered into, as of August 22, 2006, my client had spent a substantial amount of time on that agreement and the majority of the material terms had been agreed upon. By that time, the parties were far along in the process and were trying to schedule a meeting to resolve the remaining issue. Had my client received a call or notice from the City of Stockton, the client would have had the opportunity to convey to the City that not only were negotiations still ongoing but that the material terms were substantially agreed upon with the exception of one minor item.

We feel that the City was misled by the developer which resulted in the unnecessary action of the administrative amendment to the CUP which effectively denied my client an opportunity to be heard as to the adverse effect that the amendment would have on the adjoining property. More importantly, given Public Works’ preference for the original site plan, the developer has circumvented the City’s preferred result for the development.

Lastly, our review of the file indicates that the CUP has expired without an extension. As such, the City has the ability to informally remedy this situation by reinstating the original site plan and request that the parties continue to negotiate the remaining issue on the Reciprocal Agreement. This result would be fair and equitable and would mitigate the substantial damage that my client is now experiencing to its business at the site.

I would like the opportunity to meet with you in the near future to discuss our alternatives and what can be done to remedy this error.

Please contact me after you have had an opportunity to review the foregoing.

Very truly yours,

RISHWAIN & RISHWAIN
A Professional Law Corporation

By __________________________

SCOTT D RISHWAIN

SDR/ml
November 29, 2007

HAND-DELIVERED
City of Stockton Planning Commission
c/o Mike Niblock, Secretary
Community Development Department
345 N El Dorado Street
Stockton, CA 95202

RE APPEAL OF USE PERMIT NO UP76-05 (Administrative Amendment)

Dear Honorable Members of the Stockton Planning Commission

NOTICE OF APPEAL

Pursuant to section 16-450 et seq. of the Stockton Municipal Code, In Shape Health Clubs, Inc ("In-Shape"), hereby appeals the Administrative Amendment to Use Permit No UP76-05 issued on or about September 25, 2006, by the Director of the Community Development Department without notice or hearing. As an occupant of the real property located at 7920 Kelley Drive, Stockton, California (APN 082 220 18), In Shape is an interested party

GROUND FOR APPEAL

In Shape asserts the following grounds for appeal of the Administrative Amendment to Use Permit No UP76-05

- The amendment of Use Permit No UP76-05 does not qualify as a minor change in accordance with Stockton Municipal Code section 16-460 030A 1 b, as the change involved a feature of the project that was a basis for the findings of the original application approval.

- The amendment of Use Permit No UP76-05 does not qualify as a minor change in accordance with Stockton Municipal Code section 16-460 030A 1 d, as the change involves a feature of the project that was specifically addressed by, and was a specific consideration of the Review Authority in the approval of the original conditions of said Use Permit.

- The amendment of Use Permit No UP76-05 does not qualify as a minor change in accordance with Stockton Municipal Code section 16-460 030A 1 d, as that
section specifically establishes that “minor changes do not include request(s) to change or modify a condition of approval”

- The amendment of Use Permit No. UP76-05 was made without the necessary positive findings of fact by the Director, as required by Stockton Municipal Code section 16-460 040C 1 b.

- The positive findings of fact required by Stockton Municipal Code section 16-460 040C 1 b, necessary for the approval of the amendment of Use Permit No. UP76-05, cannot be made, as the change to the use would have a substantial adverse effect on adjoining properties.

- The positive findings of fact required by Stockton Municipal Code section 16-460 040C 1 b, necessary for the approval of the amendment of Use Permit No. UP76-05, cannot be made, as the change to the use would result in a change to the project that was a basis for the findings of the original application approval.

- The positive findings of fact required by Stockton Municipal Code section 16-460 040C 1 b, necessary for the approval of the amendment of Use Permit No. UP76-05, cannot be made, as the change to the use would result in a change to the project involving a feature of the project that was specifically addressed by, and was a specific consideration of the Review Authority in the approval of, the original conditions of said Use Permit.

- The amendment of Use Permit No. UP76-05 was a major change, as defined by Stockton Municipal Code section 16-460 030B, requiring compliance with the procedures set forth in section 16-460-040C 2.

- The amendment of Use Permit No. UP76-05 was a modification of the conditions of an approved project, requiring compliance with Stockton Municipal Code section 16-460-010 et seq.

- The director processed the Administrative Amendment to Use Permit No. UP76-05 without notice to interested parties that a requested amendment was being considered or had been approved, denying interested parties an opportunity to be heard, object, or seek redress of potentially adverse actions, in deprivation of due process rights.
REQUEST FOR NOTICE

In-Shape requests that all future notices regarding this Appeal and Use Permit No. UP76-05 be directed in writing to its undersigned counsel of record herein.

FILING FEE

Enclosed herewith is the filing fee for this appeal in the sum of $395.00.

REQUEST FOR PLACEMENT ON AGENDA

Pursuant to Stockton Municipal Code section 16.450.040C1, In-Shape requests that this Appeal be placed as an agenda item on the next available Planning Commission agenda.

Respectfully submitted,

RISHWAIN & RISHWAIN,
A Professional Law Corporation

By

Scott D. Rishwain, attorneys for
Appellant, In Shape Health Clubs, Inc

SDR/enclosure
From: Rhonda Walkowski
To: Barbara Berlin, Conference_Room/Jack_Silva, Guy Petzold, Jenny Law,
Date: 12/5/2007
Time: 11:00 AM 12:00 PM
Subject: RE UP76-05, Walgreens at Hammer and Kelley Drives
Place: Permit Center Conference Room
Attachments: AR M455N_20071130_160753 pdf

CC: Rhonda Walkowski

Meet to discuss the approved Use Permit for the Walgreens on Hammer Lane and Kelley Drives

Two Letters from attorney Scott Rushwain representing In Shape City are attached for your review for discussion during the meeting (one attachment)
USE PERMIT NO. UP76-05
(ADMINISTRATIVE AMENDMENT)

DATE APPROVED: May 11, 2006

ISSUED TO: Sue Moore, Clowes, et al
3119 West Hammer Lane
Stockton, CA 95209

DESCRIPTION OF USE: Allow the development of a proposed retail shopping center and a proposed 30-foot high freestanding sign with an electronic message sign.

PROPERTY LOCATION: 3119 and 3131 West Hammer Lane

PROPERTY ZONED: CG
APN: 082-220-08
CT: 32 11
TZ: 01
BL: 14
PA: 34

CONDITIONS OF APPROVAL:

NOTE: THIS PERMIT IS ISSUED PURSUANT TO THE PROVISIONS OF PART II, CHAPTER 16, SMC, AND IS SUBJECT TO THE CONDITIONS OF APPROVAL AND ATTACHED DEVELOPMENT PLAN. USE OR CONSTRUCTION MUST BE COMMENCED WITHIN ONE YEAR AFTER THE DATE OF APPROVAL OR AN EXTENSION MUST BE GRANTED AS PROVIDED IN THIS CHAPTER. OTHERWISE, THIS PERMIT SHALL BE NULL AND VOID. THIS PERMIT IS SUBJECT TO REVOCATION AND/OR MODIFICATIONS AS PROVIDED IN THIS CHAPTER.

1. Comply with all applicable Federal, State, County and City codes, regulations and adopted standards and pay all applicable fees.

2. In the event that the uses prove detrimental to the health, safety, peace or general welfare of the surrounding neighborhood, this Use Permit shall be subject to revocation or modification as provided in the Zoning Code.

3. Pursuant to Section 15074 of the State CEQA Guidelines, the project shall be subject to all applicable mitigation measures identified in the City-adopted Initial Study/Mitigated Negative Declaration/IS20-05 and the “Findings and Mitigation Monitoring/Reporting Program for the Walgreens Commercial Retail Center Project.”

4. Any graffiti on the property shall be removed within twenty-four (24) hours.

5. The trash enclosure shall be installed out of public view and be constructed with solid, six-foot high solid walls on three sides and gated on the fourth side with an opaque material. The design of the trash enclosure shall be approved by the Community Development Director and it shall be installed prior to the initiation of the approved use.
6 All signs shall be subject to approval by the Community Development Director or Planning Commission

7 There shall be no chain-link fencing, barbed/concertina wire or similar material visible from a public right-of-way

8 All landscaped areas on the site shall comply with applicable requirements of the Stockton Municipal Code. Landscaping and irrigation plans shall be submitted to the Community Development Department, Planning Division, for review and approval by the Community Development Director and the City Landscape Architect prior to the issuance of any building permits. Landscaped areas, including a timed/automatic irrigation system, shall be installed prior to the initiation of the approved use and be maintained by the property owner(s) and/or business operator(s).

9 Structures and other improvements shall be constructed, installed and maintained in accordance with the approved site plan, floor plans, elevations, color rendering and conditions of approval and be maintained in a manner so as not to be blighted or deteriorated.

10 The monument sign on Hammer Lane shall not be installed until the recordation of the Parcel Map.

11 Any change to the exterior elevations of the commercial buildings shall be subject to architectural design review and approval by the Architectural Review Committee prior to the issuance of any building permit in the subject site.

12 A Precise Road Plan Amendment application (PR5-05) must be approved by the City of Stockton prior to the installation of the proposed Hammer Lane driveway. Further, the owner/developer shall dedicate and improve Hammer Lane within the limits of the project as needed to comply with the adopted Hammer Lane Precise Road Plan. Full frontage improvements including, but not limited to, curb, gutter, sidewalks, driveway installation, pavement widening and street lighting, shall be installed per City of Stockton standards prior to the occupancy of any structures on this site.

13 The existing Kelley Drive access serving the site shall be abandoned (removed) and replaced with curb, gutter and sidewalk per City standards. Further, to ensure appropriate access rights to/from Hammer Lane and Kelley Drive, as well as to provide suitable circulation for the shared on-site parking areas, the subject parcel and the adjacent parcel (APN 082-220-18) shall enter into a reciprocal access and parking agreement. Said agreement shall be in place and shall be recorded at the San Joaquin County Recorder’s Office prior to issuance of any building permits. If the property owner is not able to enter into the reciprocal access and parking agreement with the adjacent property, the existing driveway on Kelley Drive may be retained. The proposed driveway on Kelley Drive may be retained.
Drive shall be a commercial type driveway not to exceed 30 feet in width. Further, the owner/developer shall be responsible for the design and construction of a raised median in Kelley Drive, beginning at Hammer Lane and extending northerly for a distance of approximately 225 feet, to preclude left turns in-out of the proposed Kelley Drive access. Said left-turn restriction shall be reviewed and approved by the Public Works Department prior to implementation.

14 The proposed pole sign shall be located such that it does not encroach into the public right-of-way or a public utility easement.

15 The existing off-premise sign at the southeast corner of the project site shall be removed at the time that the current lease agreement for the sign expires. The property owner shall notify the City's Community Development Director at least 30 days prior to the expiration of the agreement.

cc Interra-Vision Development, LLC  4921 Concordia Drive  El Dorado Hills, CA 95762
Michael Hakeem  3414 Brookside Road, Suite 100  Stockton, CA 95219-1751
Siegfried Engineering, Inc Lex Corrages  4045 Coronado Avenue  Stockton, CA 95204
Daniel A Sady  812 Daisy Avenue  Lodi, CA 95240

Note In accordance with Section 16.460.040(c) of the Stockton Municipal Code, the Community Development Director has administratively approved this minor modification to the previously approved Use Permit. The Use Permit has been administratively amended to modify Condition of approval No 13.

APPROVED [Signature]  DATE ISSUED September 25, 2006

cc PUBLIC WORKS-TECH PLANNING BUSINESS LICENSE FILE COPY

NOTICE To protest the imposition of any development fee dedication reservation or other exaction imposed on your project, you must file written notice with the City Clerk's office within 90 days after approval of the project or imposition of the fees, dedications, reservations or other exactions stating that the required payment is tendered or will be tendered when due, or that any conditions which have been imposed are provided for or satisfied under protest along with a statement of the factual elements of the dispute and the legal theory forming the basis for the protest.
MEMORANDUM

September 12, 2006

TO               Christine Tien  Interim Community Development Director

               Attn  Jenny Law  Associate Planner

FROM             Gregg S Meissner  Development Services Manager

SUBJECT AMENDMENT TO AN APPROVED USE PERMIT TO MODIFY CONDITION NO
               13 TO ALLOW A RIGHT-TURN IN AND OUT DRIVEWAY ON KELLEY DRIVE
               3119 & 3131 W. HAMMER LANE (APN 082 220-08) (UP76-05) (REVISED)

The Public Works Department staff has reviewed the subject request. Public Works can
support the request for the proposed right-turn in and out driveway subject to the following
condition:

1. The proposed driveway on Kelley Drive shall be a commercial type driveway not to
   exceed 30 in width. Further, the owner/developer shall be responsible for the
design and construction of a raised median in Kelley Drive beginning at Hammer
Lane and extending northerly for a distance of approximately 225 feet to preclude
left turns in-out of the proposed Kelley Drive access. Said left-turn restriction shall
be reviewed and approved by the Public Works Department prior to implementation.

Thank you for the opportunity to comment on this application.

JAMES B. Giottonini
PUBLIC WORKS DIRECTOR

GREGG S. MEISSNER
DEVELOPMENT SERVICES MANAGER

GSM DM
The Community Development Director can approve this Minor Change pursuant to SMC sec 16 460 040(C) A sentence should be added to the end of condition #13 as follows

If the property owner is not able to enter into the reciprocal access and parking agreement with the adjacent property owner, the existing Kelley Drive access can remain so long as it is a right turn in and out only.

As directed by Associate Planner Jenny Liaw, I am emailing you a copy of the referral regarding the UP76 05 amendment. I have also sent you the original with attachments.

Thanks
APPLICATION REFERRAL

REFERRAL MAILED September 12, 2006 COMMENTS DUE September 22, 2006

TO

☒ COS Attorney/Petzold ☐ SJ Building
☒ COS Manager/Tien ☐ SJ Planning
☒ COS City Clerk ☐ SJ Public Works
☒ COS Building/Elias ☐ SJ Public Health Services
☒ COS Fire Prevention/Rose ☐ SJ Env Health Services
☒ COS HRD/Walker ☐ SJ Office of Education
☒ COS PD/Neighborhood Serv/Daly ☐ SJ Council of Governments
☒ COS MUD/Tovar ☐ SJ COG/ALUC
☒ COS Parks & Rec/Machado ☐ Lincoln Unified District
☒ COS Police/Tatum ☐ Lodi Unified District
☒ COS PW Tech Eng/Murdoch ☐ Manteca Unified District
☒ COS PW Dev Services/McDowell ☐ Stockton Unified District
☒ COS PW Corp Yard/MacKay

Contact Person Jenny Liaw Associate Planner
Phone (209) 937-8316

The following project has been filed with this Department and is being referred for your review and comment.

APPLICATION NUMBER ☒ UP76-05 ☐ New ☐ Review ☒ Amendment

PROPERTY OWNER Sue Moore Clowes et al
APPLICANT Michael Hakeem

PROJECT DESCRIPTION Amendment to an approved Use Permit to modify Condition No. 13 to allow a right turn in and out driveway on Kelley Drive.

PROJECT ZONING DESIGNATION CG Commercial General
GENERAL PLAN DESIGNATION Commercial
PROPERTY LOCATION/ADDRESS Northeast corner of Kelley Drive and Hammer Lane (3119 and 3131 West Hammer Lane)
APN 082 220-08
ENVIRONMENTAL ASSESSMENT Previously approved IS20 05

☐ We have reviewed the above noted application and have no comments regarding this proposal
☐ We have comments (see attached response)

ERIC CHIEN
SIGNATURE OF REVIEWER

SEP 13, 2006

CITY OF STOCKTON
PERMIT CENTER/PLANNING DIVISION
TO
COS Attorney/Petzold
COS Manager/Tien
COS City Clerk
COS Building/Elias
COS Fire Prevention/Rose
COS HRD/Walker
COS PD/Neighborhood Serv/Daly
COS MUD/Tovar
COS Parks & Rec/Machado
COS Police/Tatum
COS PW Tech Eng/Murdoch
COS PW Dev Services/McDowell
COS PW-Corp Yard/MacKay

Contact Person Jenny Liaw, Associate Planner
Phone (209) 937-8316

The following project has been filed with this Department and is being referred for your review and comment:

APPLICATION NUMBER UP76-05
PROPERTY OWNER Sue Moore Clowes, et al
APPLICANT Michael Hakeem
PROJECT DESCRIPTION Amendment to an approved Use Permit to modify Condition No. 13 to allow a right turn in and out driveway on Kelley Drive
PROJECT ZONING DESIGNATION CG Commercial, General
GENERAL PLAN DESIGNATION Commercial
PROPERTY LOCATION/ADDRESS Northeast corner of Kelley Drive and Hammer Lane (3119 and 3131 West Hammer Lane)
APN 082 220-08
ENVIRONMENTAL ASSESSMENT Previously approved IS20 05

We have reviewed the above noted application and have no comments regarding this proposal.

We have comments (see attached response)

Signature of Reviewer

Date 9-12-06
The following project has been filed with this Department and is being referred for your review and comment:

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☐ We have reviewed the above noted application and have no comments regarding this proposal
☐ We have comments (see attached response)

SIGNATURE OF REVIEWER:

DATE: Sept 18, 2006
The following project has been filed with this Department and is being referred for your review and comment.

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We have reviewed the above noted application and have no comments regarding this proposal.

We have comments (see attached response)

SIGNATURE OF REVIEWER

DATE

FILE COPY
USE PERMIT NO UP76-05

DATE APPROVED May 11, 2006

ISSUED TO Sue Moore, Clowes, et al
3119 West Hammer Lane
Stockton, CA 95209

DESCRIPTION OF USE Allow the development of a proposed retail shopping center and a proposed 30-foot high freestanding sign with an electronic message sign

PROPERTY LOCATION 3119 and 3131 West Hammer Lane

PROPERTY ZONED CG APN 082-220-08 CT 32 11 TZ 01 BL 14 PA 34

CONDITIONS OF APPROVAL

NOTE THIS PERMIT IS ISSUED PURSUANT TO THE PROVISIONS OF PART II CHAPTER 16 SMC AND IS SUBJECT TO THE CONDITIONS OF APPROVAL AND ATTACHED DEVELOPMENT PLAN USE OR CONSTRUCTION MUST BE COMMENCED WITHIN ONE YEAR AFTER THE DATE OF APPROVAL OR AN EXTENSION MUST BE GRANTED AS PROVIDED IN THIS CHAPTER OTHERWISE THIS PERMIT SHALL BE NULL AND VOID THIS PERMIT IS SUBJECT TO REVOCATION AND/OR MODIFICATIONS AS PROVIDED IN THIS CHAPTER

1 Comply with all applicable Federal, State, County and City codes, regulations and adopted standards and pay all applicable fees

2 In the event that the uses prove detrimental to the health, safety, peace or general welfare of the surrounding neighborhood, this Use Permit shall be subject to revocation or modification as provided in the Zoning Code

3 Pursuant to Section 15074 of the State CEQA Guidelines, the project shall be subject to all applicable mitigation measures identified in the City-adopted Initial Study/Mitigated Negative Declaration/(IS20-05) and the “Findings and Mitigation Monitoring/Reporting Program for the Walgreens Commercial Retail Center Project”

4 Any graffiti on the property shall be removed within twenty-four (24) hours

5 The trash enclosure shall be installed out of public view and be constructed with solid, six-foot high solid walls on three sides and gated on the fourth side with an opaque material. The design of the trash enclosure shall be approved by the Community Development Director and it shall be installed prior to the initiation of the approved use
All signs shall be subject to approval by the Community Development Director or Planning Commission.

There shall be no chain-link fencing, barbed/concertina wire or similar material visible from a public right-of-way.

All landscaped areas on the site shall comply with applicable requirements of the Stockton Municipal Code. Landscaping and irrigation plans shall be submitted to the Community Development Department, Planning Division, for review and approval by the Community Development Director and the City Landscape Architect prior to the issuance of any building permits. Landscaped areas, including a timed/automatic irrigation system, shall be installed prior to the initiation of the approved use and be maintained by the property owner(s) and/or business operator(s).

Structures and other improvements shall be constructed, installed and maintained in accordance with the approved site plan, floor plans, elevations, color rendering and conditions of approval and be maintained in a manner so as not to be blighted or deteriorated.

The monument sign on Hammer Lane shall not be installed until the recordation of the Parcel Map.

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The existing Kelley Drive access serving the site shall be abandoned (removed) and replaced with curb, gutter and sidewalk per City standards. Further, to ensure appropriate access rights to/from Hammer Lane and Kelley Drive, as well as to provide suitable circulation for the shared on-site parking areas, the subject parcel and the adjacent parcel (APN 082-220-18) shall enter into a reciprocal access and parking agreement. Said agreement shall be in place and shall be recorded at the San Joaquin County Recorder's Office prior to issuance of any building permits.

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15 The existing off-premise sign at the southeast corner of the project site shall be removed at the time that the current lease agreement for the sign expires. The property owner shall notify the City's Community Development Director at least 30 days prior to the expiration of the agreement.

cc Interra-Vision Development, LLC
4921 Concordia Drive
El Dorado Hills, CA 95762

Michael Hakeem
3414 Brookside Road, Suite 100
Stockton, CA 95219-1751

Siegfried Engineering, Inc
Lex Corragles
4045 Coronado Avenue
Stockton, CA 95204

Daniel A. Sady
812 Daisy Avenue
Lodi, CA 95240

NOTICE To protest the imposition of any development fee, dedication, reservation or other exaction imposed on your project, you must file written notice with the City Clerk's office within 90 days after approval of the project or imposition of the fees, dedications, reservations or other exactions stating that the required payment is tendered or will be tendered when due or that any conditions which have been imposed are provided for or satisfied under protest along with a statement of the factual elements of the dispute and the legal theory forming the basis for the protest.

DATE ISSUED: May 30, 2006
August 22, 2006

HAND DELIVERED

MIKE NIBLOCK
COMMUNITY DEVELOPMENT DEPT
CITY OF STOCKTON
345 N El Dorado
Stockton, CA 95202

RE: WAGGREENS CONDITIONAL USE PERMIT (UP76 05) & TENTATIVE MAP (TM27 05) HAMMER LANE AND KELLEY DRIVE

Dear Mr. Niblock,

As a follow up to our most recent office conference in connection with the above matter, this correspondence will confirm that the shared access rights with In Shape City have not materialized. As such, we respectively request an administrative amendment to the Conditional Use Permit and Tentative Map as set forth with the attached Exhibit reflecting a right in/right out only on Hammer Lane and a right in/right out only on Kelley Drive. I have enclosed the required filing fee check in the amount of $771.00. If further information is desired, please do not hesitate to call.

Very truly yours,

HAKEEM, ELLIS & MARENGO
A Professional Corporation

By

MDH em
Enclosure

cc Gregg Meissner w/encl
Guy Petzold w/encl
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**BUSINESS HOURS 9 AM - NOON, 1 PM - 5 PM**

*City of Stockton*

**CUSTOMER RECEIPT**

Batch ID MJcUS

Receipt no 1J431

9/11/06 01
Pay to the Order of City of Stockton

Seven Hundred Seventy One and 00/100

City of Stockton
345 N. El Dorado St
Stockton, CA 95202

Albany Bank
## APPLICATION TYPE

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<td>Neg Dec/Expanded IS/Mitigation Agreement</td>
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<td>$881 + 25% of contract</td>
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<td>Addendum to EIR or ND/EIS</td>
<td>VN</td>
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<tr>
<td>Mit Mon / Neg Dec/IS local (PC)</td>
<td>VS</td>
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<td>Mit Mon / Neg Dec/IS (SCH)</td>
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<td>Notice of Determination</td>
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### Code/Plan Adoption and Amendments

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<tr>
<th>Item</th>
<th>Code</th>
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<tbody>
<tr>
<td>Amend Municipal Code</td>
<td>V2</td>
<td>$4,620.00</td>
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<tr>
<td>Estab Of Design Rev Overlay Dist &amp; Hist Pres Dist</td>
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<td>Major Amendment to Precise Plan</td>
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<td>Minor Amendment to Precise Plan</td>
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<td>Adopt Land Use Specific Plan</td>
<td>WD</td>
<td>$11,001.00</td>
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<tr>
<td>Major Amendment to Specific Plan</td>
<td>WD</td>
<td>$5,496.00</td>
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<td>Minor Amendment to Specific Plan</td>
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<td>Amend General Plan</td>
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<tr>
<td>Adopt Master Development Plan (MX Zone)</td>
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<tr>
<td>Major Amendment to Master Plan</td>
<td>WE</td>
<td>$5,501.00</td>
</tr>
<tr>
<td>Minor Amendment to Master Plan</td>
<td>WF</td>
<td>$1,651.00</td>
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<tr>
<td>Specif Plan/Master Plan Consultant Services</td>
<td>HK</td>
<td>$75,000 + deposit plus act cost plus 25% of contract</td>
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### MISCELLANEOUS FEES

<table>
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<tr>
<td>Preprinted Documents</td>
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<td>Large Maps General/Plan Zoning etc (each page)</td>
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<td>Street Number Change</td>
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<td>Notary Fee</td>
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**DATE:** 9-11-06

**PROJECT DESCRIPTION:** to modify offload Use Permit condition

**APPLICANT:** [Signature]

**PROJECT LOCATION:** [Signature]

**PAYMENT:** $9,500.00

**PLEASE COMPLETE AND ROUTE TO CASHIER**
## PLANNING RECEIPT
**FY2006 07**
**EFFECTIVE JULY 24 2006**

### APPLICATION TYPE

#### Tentative Maps (CD Sch)

<table>
<thead>
<tr>
<th>APPLICATION TYPE</th>
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<tbody>
<tr>
<td>4 lots or less</td>
<td>SR</td>
<td>$3,301.00</td>
</tr>
<tr>
<td>over 4 lots Base Fee +</td>
<td>SY</td>
<td>$4,401.00</td>
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<td>each additional lot over 4</td>
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<td>Minor TM Amendment</td>
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<td>Time Extension Tent Map</td>
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<td>Condo Conversion</td>
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<tr>
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#### Annexation Filing (CD Sch)

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<td>Annexation 20 100 acres w/City Serv Plan</td>
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<td>Annexation over 100 acres w/City Serv Plan</td>
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#### Historic Preservation District Designation/Changes

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<tr>
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<th>APPLICATION TYPE</th>
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<tr>
<td>Rezoning/Prezoning</td>
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<td>Development Agreement Application</td>
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#### Use Permits (CD Sch)

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<td>Child Care Centers Pre School</td>
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<tr>
<td>All other Commission Use Permits</td>
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<td>All other Administrative Use Permits</td>
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<td>Time Extension Request for Use Permit</td>
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<td>Temporary Activity Permits</td>
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<td>Time Extension for Temporary Activity Permit</td>
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<td>Live Entertainment</td>
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#### Home Occupation Permits

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<td>Communication Facility (Minor)</td>
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<tr>
<td>Billboard Cap and Replace Review</td>
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<td>Review of Secondary Dwelling Unit Plan</td>
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<td>Staff Design Review of Non Discretionary Projects</td>
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<tr>
<td>Staff Design Review Signs</td>
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Page 1
SITE PLAN

Sue Moore Clowes, et al.
UP76-05 & V-5-05

PROPOSED MONUMENT SIGN
PROPOSED FREE STANDING SIGN
PROPOSED MONUMENT SIGN

HAMMER LANE

WALGREENS 13,650

SHOPS 6,000 SF

EXISTING BLDG.
IN-SHAPE CITY

CITY OF STOCKTON

STOCKTON CITY PLANNING COMMISSION
Sue Moore Clowes, et al.
UP76-05 & V-5-05

STOCKTON CITY PLANNING COMMISSION
Reduce street side setback for the proposed pole sign with an electronic message board from 25' to 5'.

Electronic message signs are allowed in this area.

SITE PLAN
Sue Moore Clowes, et al.
V-5-05

STOCKTON CITY PLANNING COMMISSION
Reduce the location of driveway near the intersection of Hammer Ln and Kelley Dr from 300’ to 250’.
EXISTING SHARED COMMON DRIVEWAY

EXISTING DRIVEWAY TO BE REMOVED

PROPOSED 30' WIDE RIGHT TURN IN / RIGHT TURN OUT DRIVEWAY
EXHIBIT 4

SITE PLAN

Sue Moore Clowes, et al.

UP76-05 & V-5-05

STOCKTON CITY PLANNING COMMISSION
EXISTING
SHARED
COMMON
DRIVEWAY

EXISTING
DRIVEWAY
TO BE
REMOVED

PROPOSED
30' WIDE RIGHT TURN IN /
RIGHT TURN OUT
DRIVEWAY
Reduce the location of driveway near the intersection of Hammer Ln and Kelley Dr from 300’ to 250’.
Electronic message signs are allowed in this area.

Reduce street side setback for the proposed pole sign with an electronic message board from 25' to 5'.

SITE PLAN
Sue Moore Clowes, et al.
V-5-05

STOCKTON CITY PLANNING COMMISSION
USE PERMIT NO UP76-05
(ADMINISTRATIVE AMENDMENT)

DATE APPROVED May 11, 2006
ISSUED TO Sue Moore, Clowes, et al
3119 West Hammer Lane
Stockton, CA 95209

DESCRIPTION OF USE Allow the development of a proposed retail shopping center and a proposed 30-foot high freestanding sign with an electronic message sign

PROPERTY LOCATION 3119 and 3131-West Hammer Lane

PROPERTY ZONED CG APN 082-220-08 CT 32 11 TZ 01 BL 14 PA 34

CONDITIONS OF APPROVAL

NOTE THIS PERMIT IS ISSUED PURSUANT TO THE PROVISIONS OF PART II, CHAPTER 16 SMC AND IS SUBJECT TO THE CONDITIONS OF APPROVAL AND ATTACHED DEVELOPMENT PLAN USE OR CONSTRUCTION MUST BE COMMENCED WITHIN ONE YEAR AFTER THE DATE OF APPROVAL OR AN EXTENSION MUST BE GRANTED AS PROVIDED IN THIS CHAPTER OTHERWISE THIS PERMIT SHALL BE NULL AND VOID THIS PERMIT IS SUBJECT TO REVOCATION AND/OR MODIFICATIONS AS PROVIDED IN THIS CHAPTER

1 Comply with all applicable Federal, State, County and City codes, regulations and adopted standards and pay all applicable fees

2 In the event that the uses prove detrimental to the health, safety, peace or general welfare of the surrounding neighborhood, this Use Permit shall be subject to revocation or modification as provided in the Zoning Code

3 Pursuant to Section 15074 of the State CEQA Guidelines, the project shall be subject to all applicable mitigation measures identified in the City-adopted Initial Study/Mitigated Negative Declaration/(IS20-05) and the “Findings and Mitigation Monitoring/Reporting Program for the Walgreens Commercial Retail Center Project ”

4 Any graffiti on the property shall be removed within twenty-four (24) hours

5 The trash enclosure shall be installed out of public view and be constructed with solid, six-foot high solid walls on three sides and gated on the fourth side with an opaque material The design of the trash enclosure shall be approved by the Community Development Director and it shall be installed prior to the initiation of the approved use
6 All signs shall be subject to approval by the Community Development Director or Planning Commission.

7 There shall be no chain-link fencing, barbed/concertina wire or similar material visible from a public right-of-way.

8 All landscaped areas on the site shall comply with applicable requirements of the Stockton Municipal Code. Landscaping and irrigation plans shall be submitted to the Community Development Department, Planning Division, for review and approval by the Community Development Director and the City Landscape Architect prior to the issuance of any building permits. Landscaped areas, including a timed/automatic irrigation system, shall be installed prior to the initiation of the approved use and be maintained by the property owner(s) and/or business operator(s).

9 Structures and other improvements shall be constructed, installed and maintained in accordance with the approved site plan, floor plans, elevations, color rendering and conditions of approval and be maintained in a manner so as not to be blighted or deteriorated.

10 The monument sign on Hammer Lane shall not be installed until the recordation of the Parcel Map.

11 Any change to the exterior elevations of the commercial buildings shall be subject to architectural design review and approval by the Architectural Review Committee prior to the issuance of any building permit in the subject site.

12 A Precise Road Plan Amendment application (PR5-05) must be approved by the City of Stockton prior to the installation of the proposed Hammer Lane driveway. Further, the owner/developer shall dedicate and improve Hammer Lane within the limits of the project as needed to comply with the adopted Hammer Lane Precise Road Plan. Full frontage improvements including, but not limited to, curb, gutter, sidewalks, driveway installation, pavement widening and street lighting, shall be installed per City of Stockton standards prior to the occupancy of any structures on this site.

13 The existing Kelley Drive access serving the site shall be abandoned (removed) and replaced with curb, gutter and sidewalk per City standards. Further, to ensure appropriate access rights to/from Hammer Lane and Kelley Drive, as well as to provide suitable circulation for the shared on-site parking areas, the subject parcel and the adjacent parcel (APN 082-220-18) shall enter into a reciprocal access and parking agreement. Said agreement shall be in place and shall be recorded at the San Joaquin County Recorder's Office prior to issuance of any building permits. If the property owner is not able to enter into the reciprocal access and parking agreement with the adjacent property, the existing driveway on Kelley Drive may be retained. The proposed driveway on Kelley...
Drive shall be a commercial type driveway not to exceed 30 feet in width. Further, the owner/developer shall be responsible for the design and construction of a raised median in Kelley Drive, beginning at Hammer Lane and extending northerly for a distance of approximately 225 feet, to preclude left turns in-out of the proposed Kelley Drive access. Said left-turn restriction shall be reviewed and approved by the Public Works Department prior to implementation.

14 The proposed pole sign shall be located such that it does not encroach into the public right-of-way or a public utility easement.

15 The existing off-premise sign at the southeast corner of the project site shall be removed at the time that the current lease agreement for the sign expires. The property owner shall notify the City’s Community Development Director at least 30 days prior to the expiration of the agreement.

cc Interra-Vision Development, LLC
4921 Concordia Drive
El Dorado Hills, CA 95762

Siegfried Engineering, Inc
Lex Corragles
4045 Coronado Avenue
Stockton, CA 95204

Michael Hakeem
3414 Brookside Road, Suite 100
Stockton, CA 95219-1751

Daniel A. Sady
812 Daisy Avenue
Lodi, CA 95240

Note In accordance with Section 16-460 040(c) of the Stockton Municipal Code, the Community Development Director has administratively approved these minor modification to the previously approved Use Permit. The Use Permit has been administratively amended to modify Condition of approval No. 13.

APPROVED ___________________________ DATE ISSUED September 25, 2006

cc PUBLIC WORKS TECH PLANNING BUSINESS LICENSE FILE COPY

MMN JL cmf

NOTICE To protest the imposition of any development fee dedication reservation or other exaction imposed on your project, you must file written notice with the City Clerk’s office within 90 days after approval of the project or imposition of the fees, dedications, reservations or other exactions stating that the required payment is tendered or will be tendered when due or that any conditions which have been imposed are provided for or satisfied under protest along with a statement of the factual elements of the dispute and the legal theory forming the basis for the protest.

ODMA\GRPWISE\COS CDD CDD_Library 56459 1
EXHIBIT 4

SITE PLAN
Sue Moore Clowes, et al
UP76-05 & V-5-05

STOCKTON CITY PLANNING COMMISSION
EXISTING SHARED COMMON DRIVEWAY

EXISTING DRIVEWAY TO BE REMOVED

PROPOSED 30' WIDE RIGHT TURN IN / RIGHT TURN OUT DRIVEWAY
NOTICE OF DETERMINATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 21152 AND CAL CODE OF REGULATIONS, TITLE 14, SECTIONS 15075, 15091, 15093, 15094, AND/OR 15096

Project Title: Walgreens Commercial Retail Center Use Permit

City of Stockton EIR and/or IS File No(s): IS20-05

Discretionary Application(s) File No (s): Administrative Ammendment of UP76 05

Project Applicant: Brian Kislint, Interra Vision Development, LLC, 4921 Concordia Drive, El Dorado Hills, CA 95762

Project Description/Location: 1) Use Permit to allow the development of a proposed retail shopping center and a proposed 30 foot high freestanding sign with an electronic message sign for property at 3119 and 3131 West Hammer Lane

DETERMINATIONS

This is to advise that the City of Stockton, as a Lead Agency under the California Environmental Quality Act (CEQA), approved the above described project/action May 11, 2006, and has made the following determinations regarding the project:

1. The project (☐ will) (☒ will not) have a significant effect on the environment.

☐ An environmental impact report was prepared and certified for this project pursuant to the provisions of CEQA.

☒ A Negative Declaration was prepared and adopted for this project pursuant to the provisions of CEQA.

3. Findings (☐ were) (☒ were not) made pursuant to Cal Code of Regulations Title 14, Section 15061 EIR (15074 Neg Dec) and Mitigation measures (☐ were) (☐ were not) incorporated as part of the approval of the project.

4. Mitigation Monitoring and Reporting Program (☐ was) (☐ was not) adopted for this project.

5. Statement of Overriding Considerations (☐ was) (☒ was not) adopted for this project.

6. Pursuant to Cal Code of Regulations Title 14 Sections 753.5(a) or 753.5(c):

☒ California Department of Fish and Game (CDFG) fees are required as applicable, and will be filed with this Notice of Determination (NOD) or

☐ This project is exempt from the CDFG fees and a Certificate of Fee Exemption has been prepared and will be filed with this NOD.

☒ CDFG Fees were filed with a prior NOD for this project/proposal (see attached receipt).

This is to certify that the environmental documentation and determinations for the project/action and any related mitigation measures monitoring provisions, findings and statements of overriding consideration have been adopted on the basis of the whole record before the City and reflect the City’s independent judgment and analysis. The environmental review record and record of project approval may be examined at the above-noted Lead Agency address.

CHRISTINE TIEN
INTERIM DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

By Senior Planner Jenny Liaw

Date October 25, 2006

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 21152(c). Said notice will remain posted for 30 days from the filing date.

Signature

Posting Period Ending Date 11/24/06

FILE COPY
STATE OF CALIFORNIA THE RESOURCES AGENCY
DEPARTMENT OF FISH AND GAME
ENVIRONMENTAL FILING FEE CASH RECEIPT

Lead Agency: San Joaquin Council of Government
Project Title: San Joaquin C. Hudson Senior Habitat Conservancy
Project Applicant Name: San Joaquin C.O.G.
Project Applicant Address: 1500 S. Alvarado St., Stockton, CA 95202

Project Applicant (check appropriate box): Local Public Agency [☑] School District [×] Other Special District [x]
State Agency [x] Private Entity [x]

CHECK APPLICABLE FEES:

- Environmental Impact Report [☑] $850.00 $850.00
- Negative Declaration [ ] $1,250.00 $1,250.00
- Application Fee Water Diversion (State Water Resources Control Board Only) [ ] $850.00 $850.00
- Projects Subject to Certified Regulatory Programs [ ] $550.00 $550.00
- County Administrative Fee [ ] $25.00 $25.00
- Project that is exempt from fees [ ]

TOTAL RECEIVED $850.00

Signature and title of person receiving payment: Pat Paulsen, Dep. County Clerk

FIRST COPY PROJECT APPLICANT SECOND COPY DFG/FADE THIRD COPY LEAD AGENCY FOURTH COPY-COUNTY STATE AGENCY OF FILING

IS20-05

DECEMBER 12, 2012
NOTICE OF DETERMINATION

SUBJECT NOTICE OF DETERMINATION PURSUANT TO PUBLIC RESOURCES CODE, SECTION 21152 AND CAL CODE OF REGULATIONS, TITLE 14, SECTIONS 15075, 15091, 15093, 15094, AND/OR 15096(i)

Project Title Walgreens Commercial Retail Center Use Permit

City of Stockton EIR and/or IS File No(s) IS20-05 SCH No N/A

Discretionary Application(s) File No(s) Administrative Amendment of UP76-05 Project Applicant Brian Kislint, Interra Vision Development, LLC, 4921 Concordia Drive, El Dorado Hills, CA 95762

Project Description/Location 1) Use Permit to allow the development of a proposed retail shopping center and a proposed 30 foot high freestanding sign with an electronic message sign for property at 3119 and 3131 West Hammer Lane

DETERMINATIONS

This is to advise that the City of Stockton, as a Lead Agency, under the California Environmental Quality Act (CEQA), approved the above described project/action May 11, 2006, and has made the following determinations regarding the project

1 The project (□ will) ☒ will not) have a significant effect on the environment.
2 □ An environmental impact report was prepared and certified for this project/pursuant to the provisions of CEQA. ☒ A Negative Declaration was prepared and adopted for this project pursuant to the provisions of CEQA
3 Findings (□ were) ☒ were not made pursuant to Cal Code of Regulations, Title 14, Section 15091 EIR), (□ 15074 Neg Dec) and Mitigation measures (□ were) ☒ were not) incorporated as part of the approval of the project
4 Mitigation Monitoring and Reporting Program (□ was) ☒ was not) adopted for this project.
5 Statement of Overriding Considerations (□ was) ☒ was not) adopted for this project
6 Pursuant to Cal Code of Regulations Title 14 Sections 753 5(a) or 753 5(c)
   □ California Department of Fish and Game (CDFG) fees are required as applicable, and will be filed with this Notice of Determination (NOD) or
   □ This project is exempt from the CDFG fees and a Certificate of Fee Exemption has been prepared and will be filed with this NOD
   ☒ CDFG Fees were filed with a prior NOD for this project/proposal (see attached receipt)

This is to certify that the environmental documentation and determinations for the project/action and any related mitigation measures, monitoring provisions findings and statements of overriding consideration have been adopted on the basis of the whole record before the City and reflect the City's independent judgment and analysis. The environmental review record and record of project approval may be examined at the above noted Lead Agency address

CHRISTINE TIEN INTERIM DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

By Senior Planner Jenny Liaw Date October 16, 2006

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 21152(c). Said notice will remain posted for 30 days from the filing date.

Signature Date October 16, 2006

Posting Period Ending Date 11-25-06

FILE COPY

Wanted to applicant on 2-1-07 /cl
### Environmental Filing Fee Cash Receipt

**Lead Agency**: San Joaquin Council of Governments  
**Document No**: 12/12/13

**County/State Agency of Filing**: San Joaquin  
**Project Title**: San Joaquin Co. Multi Species Habitat Creation-Open Space  
**Phone Number**: 209-468-2913

**Project Applicant Name**: San Joaquin C.O.G.  
**Project Applicant Address**: 638 McLeod St. #400 Modesto, 95352

**CHECK APPLICABLE FEES**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tr>
<td>Environmental Impact Report</td>
<td>$850.00</td>
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<tr>
<td>Negative Declaration</td>
<td>$1,250.00</td>
</tr>
<tr>
<td>Application Fee Water Diversion (State Water Resources Control Board Only)</td>
<td>$250.00</td>
</tr>
<tr>
<td>Projects Subject to Certified Regulatory Programs</td>
<td>$850.00</td>
</tr>
<tr>
<td>County Administrative Fee</td>
<td>$25.00</td>
</tr>
</tbody>
</table>

**TOTAL RECEIVED**: $8,750.00

**Signature and title of person receiving payment**: Pat Sadowski, Deputy County Clerk
TO          County Clerk  
San Joaquin County  
Office of Planning and Research  
P O Box 3044  
Sacramento, CA 95812 3044

FROM        Lead Agency  
City of Stockton  
c/o Community Development Department  
Planning Division  
425 North El Dorado Street  
Stockton, CA 95202 1997  
Contact Person Senior Planner Jenny Liaw  
Phone (209) 937 8316

SUBJECT: NOTICE OF DETERMINATION PURSUANT TO PUBLIC RESOURCES CODE, SECTION 21152 AND CAL CODE OF REGULATIONS, TITLE 14, SECTIONS 15075, 15091, 15093, 15094, AND/OR 15096(1)

Project Title Walgreens Commercial Retail Center Use Permit  
City of Stockton EIR and/or IS File No(s) 05  
Discretionary Application(s) File No(s) Administrative Amendment of UP76-05  
Project Applicant Brian Kislint  
Interarea Vision Development, LLC, 4921 Concordia Drive, El Dorado, CA 95762  
Project Description/Location 1) Use Permit to allow the development of a proposed retail shopping center and a proposed 30 foot high freestanding sign with an electronic message sign for property at 3119 and 3131 West Hammer Lane

DETERMINATIONS This is to advise that the City of Stockton, as a Lead Agency under the California Environmental Quality Act (CEQA), approved the above-described project/action May 11, 2006, and has made the following determinations regarding the project:

1. The project (☐ will) (☒ will not) have a significant effect on the environment.
2. An environmental impact report was prepared and certified for this project pursuant to the provisions of CEQA.
3. Findings (☐ were) (☒ were not) made pursuant to Cal Code of Regulations, Title 14, Section 15091 EIR (☐ 15074 Neg Dec) and Mitigation measures (☐ were) (☒ were not) incorporated as part of the approval of the project.
4. Mitigation Monitoring and Reporting Program (☐ was) (☐ was not) adopted for this project.
5. Statement of Overriding Considerations (☐ was) (☒ was not) adopted for this project.
6. Pursuant to Cal Code of Regulations, Title 14 Sections 753 5(a) or 763 6(c)
   ☐ California Department of Fish and Game (CDFG) fees are required as applicable and will be filed with this Notice of Determination (NOD) or
   ☒ This project is exempt from the CDFG fees and a Certificate of Fee Exemption has been prepared and will be filed with this NOD.
   ☐ CDFG Fees were filed with a prior NOD for this project/proposal (see attached receipt)

This is to certify that the environmental documentation and determinations for the project/action and any related mitigation measures, monitoring provisions, findings of overriding consideration have been adopted on the basis of the whole record before the City and reflect the City's independent judgment and analysis. The environmental review record and record of project approval may be examined at the above-noted Lead Agency address.

CHRISTINE TIEN, INTERIM DIRECTOR  
COMMUNITY DEVELOPMENT DEPARTMENT  
By __________________________  
Senior Planner Jenny Liaw  
Date October 25, 2006

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 21152(c) Said notice will remain posted for 30 days from the filing date.

Signature __________________________  
Posting Period Ending Date 11/29/06  
Title DEPUTY COUNTY CLERK  
ODMAIGRPWISE:COS CDD_CDD_Library 568811
STATE OF CALIFORNIA THE RESOURCES AGENCY
DEPARTMENT OF FISH AND GAME
ENVIRONMENTAL FILING FEE CASH RECEIPT
DFG 732.5e (E-9)

Lead Agency: San Joaquin Council of Governments
Document No: 1S20-05

County/State Agency of Filing: San Joaquin
Project Title: San Joaquin C. Wastewater Habitat Conservation Plan
Project Applicant Name: San Joaquin C. O.G.
Project Applicant Address: 25 S. Colorado St. Ste 400 Stockton 95202

Project Applicant (check appropriate box): Local Public Agency [], School District [], Other Special District [], State Agency [], Private Entity [],

CHECK APPLICABLE FEES
( ) Environmental Impact Report $350.00 $ 350.00
( ) Negative Declaration $1,250.00 $ 1,250.00
( ) Application Fee Water Diversion (State Water Resources Control Board Only) $850.00 $ 850.00
( ) Projects Subject to Certified Regulatory Programs $850.00 $ 850.00
( ) County Administrative Fee $25.00 $ 25.00
( ) Project that is exempt from fees

TOTAL RECEIVED $ 875.00

Signature and title of person receiving payment: Pat Paulsen, Dep. County Clerk

FIRST COPY—PROJECT APPLICANT SECOND COPY—DFG/FGAB THIRD COPY—LEAD AGENCY FOURTH COPY—COUNTY/STATE AGENCY OF FILING

RECEIVED
DEC 12, 2020
NOTICE OF DETERMINATION

TO: County Clerk
San Joaquin County

FROM: Head Agency
City of Stockton
c/o Community Development Department
Planning Division
425 North El Dorado Street
Stockton CA 95202 1997

Contact Person: Associate Planner Jenny Liaw

SUBJECT: NOTICE OF DETERMINATION PURSUANT TO PUBLIC RESOURCES CODE, SECTION 21152 AND CAL CODE OF REGULATIONS, TITLE 14, SECTIONS 15075, 15091, 15093, 15094, AND/OR 15096(I)

Project Title: Walgreens Commercial Retail Center Use Permit, Variance and Tentative Map Project
City of Stockton EIR and/or IS File No(s): IS20 05
Discretionary Application(s) File No(s): UP76 05/V 5-05/TM27 05
Project Applicant: Brian Kisfint, Interra Vision Development, LLC, 4921 Concordia Drive, El Dorado Hills, CA 95762

DETERMINATIONS
This is to advise that the City of Stockton, as a Lead Agency under the California Environmental Quality Act (CEQA) approved the above described project/action May 11, 2006 and has made the following determinations regarding the project:

1. The project will not have a significant effect on the environment.
2. An environmental impact report was prepared and certified for this project pursuant to the provisions of CEQA.
3. A Negative Declaration was prepared and adopted for this project pursuant to the provisions of CEQA.
4. Findings were made pursuant to Cal Code of Regulations Title 14 Section 15091 EIR (15074 Neg Dec) and Mitigation measures were incorporated as part of the approval of the project.
5. Mitigation Monitoring and Reporting Program was adopted for this project.
6. Statement of Overriding Considerations was adopted for this project.

Pursuant to Cal Code of Regulations, Title 14 Sections 763 6(a) or 753 5(c), California Department of Fish and Game (CDFG) fees are required as applicable and will be filed with this Notice of Determination (NOD) or

This is to certify that the environmental documentation and determinations for the project/action and any related mitigation measures have been adopted on the basis of the whole record before the City and reflect the City's Independent judgment and analysis. The environmental review record and record of project approval may be examined at the above-noted address.

JAMES E GLASER DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

Date: May 16, 2006

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 21152(o). Said notice will remain posted for 30 days from the filing date.

Signature: Date: May 16, 2006

Deputy County Clerk

Posting Period Ending Date: May 16, 2006
<table>
<thead>
<tr>
<th>Item</th>
<th>Fee</th>
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<td>Environmental impact Report</td>
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<td>Negative Declaration</td>
<td>$1,250.00</td>
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<td>$850.00</td>
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<tr>
<td>County Administrative Fee</td>
<td>$25.00</td>
</tr>
</tbody>
</table>

**TOTAL RECEIVED**  $850.00
The Community Development Director can approve this Minor Change pursuant to SMC sec 16 460 040(C). A sentence should be added to the end of condition #13 as follows:

If the property owner is not able to enter into the reciprocal access and parking agreement with the adjacent property owner, the existing Kelley Drive access can remain so long as it is a right turn in and out only.

As directed by Associate Planner Jenny Liaw, I am emailing you a copy of the referral regarding the UP76 05 amendment. I have also sent you the original with attachments.

Thanks
## ACCESS DATA ENTRY FORM

### For office use only

<table>
<thead>
<tr>
<th>Date Filed</th>
<th>ALUC Fee</th>
<th>DFG Fee</th>
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### Related Case(s)

- 5-20-01
- 1-29-01
- Use Code(s)
- D15-01

### Overlay District(s)

(see reverse side for code list)

### PROPERTY OWNER

See Moore Flowers, et al

### APPLICANT

Michael Hurum

### PROJECT ADDRESS

3119 and 3131 West Hammer Lane

### APN

052-220-00 CT 32112 01 BL 114 PA 38

### ENVIRONMENTAL CLEARANCE

(Complete attached Environmental Compliance Form)

### IS/ND or EIR No

- or previously cleared by: 5-20-01

### Categorical Exemption

- No Project
- No Impact
- Categorical (Sec __________ )
- Statutory (Sec __________ )

Check One

- PUBLIC HEARING
- 14 DAY NOTIFICATION
- TEMPORARY USE PERMIT

### PH Date

- DFC Date

- (UP 7-6-05)

### Comments and/or Special Instructions

### Design Review Date

### PART B—PROJECT DESCRIPTION

(please print, type or attach computer copy—do not use pencil)

Amendment to an approved Use Permit to modify condition No. 13 to allow a right-turn on and out driveway on Kelly Drive, to project located on the northeast corner of Kelly Drive and Hammer Lane (3119 and 3131 West Hammer Lane)

### PARTS C AND D—TECH/CLERICAL—GRAPHICS AND NOTIFICATION INFORMATION

#### TECH SECTION

- Zoning Map
- Vicinity Map
- Land Use Map
- Site Plan
- Floor Plan
- Elevation/Rendering
- Gen Plan Map

Other Maps/Exhibits

#### Notices

(Ph notices other than what appears on Assessor's roll)

#### CLERICAL SECTION

Notice prepared ___________ Notice to Techs ___________ Prepared by ___________

Date Notice Mailed ___________ Appeal Period Ends ___________ Date Appealed (If applicable) ___________

Notes/Comments ___________

ACCESS ___________

ODMAIGRPWISECOS CDD CDD_Library 29054 1 Revised 8-25-03
ENVIRONMENTAL COMPLIANCE

ALL APPROPRIATE AREAS OF THIS FORM SHOULD BE COMPLETED BY THE PLANNER

Environmental Information Form Completed ______(Y/N)

CEQA Exemption Section No ____________ Previous IS/ND or EIR No 15 07-07
New IS/EIR No

Preliminary Environmental Determination(✓)
- ☐ Neg Dec
- ☐ Mitigated Neg Dec
- ☐ Addendum to IS/ND or EIR
- ☐ Project EIR
- ☐ Program EIR
- ☐ Supplemental EIR
- ☐ Mitigation Agreement
- ☐ NEPA Dec
- ☐ DFG Fees
- ☐ Collected
- ☐ Exempt
- ☐ Previously Paid
- ☐ Wildlife/Habitat Mitigation
- ☐ Exempt
- ☐ City H/OS Fee
- ☐ SJMC Fee
- ☐ Other

COMMENTS

FILE NO 6-01

Rev 10/29/03
ACCESS DATA ENTRY FORM

Date Filed: 10-4-05 Fee: $154.00 ALUC Fee: $0 DFG Fee: $0
Related Case(s): 1520-05 TM 2705 V5-05 Use Code(s): SHP OTR
Overlay District(s): PR 5-05 (see reverse side for code list)

PROPERTY OWNER: See Moore, et al
APPLICANT: 319 and 313 West Hammer Lane
APN: 082-230-08 CT 2211 TZ 01 BL 14 PA 39

ENVIRONMENTAL CLEARANCE: (Complete attached Environmental Compliance Form)
IS/ND or EIR No: 15 20-05 or previously cleared by

Categorical Exemption
- No Project
- No Impact
- Categorical (Sec ___)
- Statutory (Sec ___)

Check One
- PUBLIC HEARING
- 14 DAY NOTIFICATION
- TEMPORARY USE PERMIT

PH Date: 1/26/03 DRC Date: Jan 6, 2006

Comments and/or Special Instructions

Design Review Date

PART B—PROJECT DESCRIPTION (Please print, type or attach computer copy—do not use pencil)

A Use Permit to allow the development of a proposed retail shopping center and a proposed 30-foot high pole freestanding sign with an electronic message board at 3119 and 3131 West Hammer Lane

PARTS C AND D—TECH/CLERICAL—GRAPHICS AND NOTIFICATION INFORMATION

TECH SECTION
- Zoning Map
- Vicinity Map
- Site Plan
- Floor Plan
- Elevation/Rendering
- Gen Plan Map

Other Maps/Exhibits

Notices (PH notices other than what appears on Assessor's roll)

CLERICAL SECTION

Notice prepared: _________ Notice to Techs: _________ Prepared by: _________
Date Notice Mailed: _________ Appeal Period Ends: _________ Date Appealed (if applicable): _________
Notes/comments: _________

ODMAIGRPWIEICOS CDD CDD Library 29064.1 Revised 8 25-03
STATE OF CALIFORNIA
COUNTY OF SAN JOAQUIN

THE UNDERSIGNED SAYS

I am a citizen of the United States and a resident of San Joaquin County. I am over the age of 18 years and not a part to or interested in the above entitled matter. I am the principal clerk of the printer of THE RECORD, a newspaper of general publication printed and published daily in the City of Stockton, County of San Joaquin and which newspaper has been adjudged a newspaper of general circulation in the City of Stockton and the County of San Joaquin by the Superior Court of the County of San Joaquin, State of California under the date of February 26, 1952. File No. 52857, San Joaquin County Records, that the notice of which the annexed is a printed copy (set in type not smaller than non-pall text) has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates,

To wit: March 27
All in the year 2006
I declare under penalty of perjury that the foregoing is true and correct
Executed on 3/28/2006
In Stockton California

Sandra Johansen
<table>
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<tr>
<th>CITY AGENCIES</th>
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<td>SJ Valley Unified APCD</td>
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<td>City Manager/Storey</td>
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<td>City Clerk</td>
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<td>McKinley</td>
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<td>West End Redevelopment</td>
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<th>SCHOOL DISTRICTS</th>
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<td>Reclamation District #</td>
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Referral sent: 12/15/05
Comments due: 12/29/05
Prepared by: [Signature]
ALL APPROPRIATE AREAS OF THIS FORM SHOULD BE COMPLETED BY THE PLANNER

Environmental Information Form Completed [Y/N]

CEQA Exemption Section No  Previous IS/ND or EIR No  
New IS/EIR No  5 22-25

Preliminary Environmental Determination (√)

☐ Neg Dec  ☑ Mitigated Neg Dec  ☐ Addendum to IS/ND or EIR  ☐ Project EIR

☐ Program EIR  ☐ Supplemental EIR  ☐ Mitigation Agreement  ☐ NEPA Dec

DFG Fees  ☐ Collected  ☐ Exempt  ☐ Previously Paid

Wildlife/Habitat Mitigation  ☐ Exempt  ☐ City H/OS Fee  ☐ SJMC Fee

☐ Other

COMMENTS
V5-05
IS 20-05
UP 74-05
TM 27-05
PR 5-05
CITY OF STOCKTON
NOTICE OF DETERMINATION

TO County Clerk
San Joaquin County
San Joaquin County

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

Contact Person: Associate Planner Jenny Liaw
Phone: (209) 937-8316

SUBJECT NOTICE OF DETERMINATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 21152 AND CAL CODE OF REGULATIONS, TITLE 14, SECTIONS 15075, 15091, 15093, 15094, AND/OR 15096(i)

Project Title: Walgreens Commercial Retail Center Use Permit, Variance and Tentative Map Project
City of Stockton EIR and/or IS File No(s): IS20-05
Discretionary Application(s) File No(s): UP76 05/5 05/TM27-05
Project Applicant: Brian Kislint, Interra Vision Development, LLC, 4921 Concordia Drive, El Dorado Hills, CA 95762

DETERMINATIONS
This is to advise that the City of Stockton, as a Lead Agency under the California Environmental Quality Act (CEQA), approved the above-described project/action May 11, 2006, and has made the following determinations regarding the project:

1. The project (☑ will) (☐ will not) have a significant effect on the environment.
2. ☐ An environmental impact report was prepared and certified for this project pursuant to the provisions of CEQA.
   ☑ A Negative Declaration was prepared and adopted for this project pursuant to the provisions of CEQA.
3. ☐ Findings (☐ were) (☐ were not) made pursuant to Cal Code of Regulations, Title 14 Section (☐ 15091 EIR) (☐ 15074 Neg Dec) and Mitigation measures (☐ were) (☐ were not) incorporated as part of the approval of the project.
4. ☑ Mitigation Monitoring and Reporting Program (☐ was) (☐ was not) adopted for this project.
5. ☐ Statement of Overriding Considerations (☐ was) (☐ was not) adopted for this project.
6. ☐ Pursuant to Cal Code of Regulations Title 14, Sections 753 5(a) or 753 5(c)
   ☑ California Department of Fish and Game (CDFG) fees are required as applicable and will be filed with this Notice of Determination (NOD) or
   ☐ This project is exempt from the CDFG fees and a Certificate of Fee Exemption has been prepared and will be filed with this NOD.
   ☑ CDFG Fees were filed with a prior NOD for this project/proposal (see attached receipt).

This is to certify that the environmental documentation and determinations for the project/action and any related mitigation measures monitoring provisions findings and statements of overriding consideration have been adopted on the basis of the whole record before the City and reflect the City's independent judgment and analysis. The environmental review record and record of project approval may be examined at the above-noted Lead Agency address.

JAMES E. GLASER DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT
By: Jenny Law

Date: May 16, 2006

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 21152(c). Said notice will remain posted for 30 days from the filing date.

Signature: [Signature]
Posting Period Ending Date: [Date]

Mailed copies to applicant: [Address]
Lead Agency: San Joaquin County of Government
Document No: 49279
Project Title: San Joaquin A, C, B, Inc. / Lower Morgan
Project Applicant Name: San Joaquin A, C, B, Inc.
Phone Number: 201-425-3513
Project Applicant Address: 6 S 3rd St, Stockton 95202

CHECK APPLICABLE FEES

- Environmental Impact Report: $850.00
- Negative Declaration: $1,220.00
- Application Fee Water Diversion (State Water Resources Control Board Only): $850.00
- Projects Subject to Certified Regulatory Review: $650.00
- County Administrative Fee: $25.00

TOTAL RECEIVED: $8,150.00

Signature and title of person receiving payment: [Signature]

Mailed copies to applicant 5-16-06 cm
ACCESS DATA ENTRY FORM

Planner LC Review (Initial) Sen Planner MN Deputy Director

Date Filed 10-4-05 Fee $2391.00 ALUC Fee No DFG Fee No
Related Case(s) 1572-05 Use Code(s) (see reverse side for code list)
Overlay District(s) PR-10

PROPERTY OWNER - Sue Moore Davies et al

APPLICANT

PROJECT ADDRESS 3119 and 3131 West Hammer Lane
APN 082-220-05 CT 3211 TZ 01 BL 1V PA SK

ENVIRONMENTAL CLEARANCE (Complete attached Environmental Compliance Form)

IS/ND or EIR No 1572-05 or previously cleared by

Categorical Exemption

Check One ☑ PUBLIC HEARING ☑ 14-DAY NOTIFICATION ☑ TEMPORARY USE PERMIT

PH Date Feb 24 Jan 14 2006 DRC Date

Comments and/or Special Instructions

Design Review Date

PART B—PROJECT DESCRIPTION (Please print, type or attach computer copy—do not use pencil)

A request of variance to waive 1) a proposed freestanding sign with an electronic message board to be located at 10-foot instead of 25-foot setback from the right-of-way line within 100 feet of the corner point of the intersection 2) to reduce the location of new

PARTS C AND D—TECH/CLERICAL GRAPHICS AND NOTIFICATION INFORMATION

TECH SECTION

Drive Way on Hammer Lane from required 300 to 250 feet closer to the intersection of Hammer Lane/Kelly Drive

Zoning Map Vicinity Map Land Use Map Site Plan Floor Plan Elevation/Rendering Gen Plan

Other Maps/Exhibits

Notices (PH notices other than what appears on Assessor's roll) ACCESS 12-14-05

CLERICAL SECTION

Notice prepared Notice to Techs Prepared by

Date Notice Mailed Appeal Period Ends Date Appealed (If applicable)

Notes/comments

ODMAGRPWISEICOS CDD CDD_Library 29064 1 Revised 8-25-03
STATE OF CALIFORNIA  
COUNTY OF SAN JOAQUIN  

THE UNDERSIGNED SAYS

I am a citizen of the United States and a resident of San Joaquin County. I am over the age of 18 years and not a part to or interested in the above entitled matter. I am the principal clerk of the printer of THE RECORD, a newspaper of general publication, printed and published daily in the City of Stockton, County of San Joaquin and which newspaper has been adjudged a newspaper of general circulation in the City of Stockton and the County of San Joaquin by the Superior Court of the County of San Joaquin, State of California, under the date of February 26, 1952, File No. 52857, San Joaquin County Records, that the notice of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates:

To wit: March 27
All in the year 2006
I declare under penalty of perjury that the foregoing is true and correct.

Executed on 3/28/2006
In Stockton, California.

Sandra Johansen
### CITY AGENCIES
- City Attorney
- City Manager/Storey
- City Clerk
- CDD/Building/Elias
- Fire Prevention/Rose
- HRD/Pinkerton
- HRD/Neighborhood Services/Daly
- MUD/Murdoch
- Parks & Rec/Machado
- Police/Praegitzer
- PW/Dev Services/Meissner (2 copies)
- PW/Corp Yard/MacKay
- Other

### COUNTY AGENCIES
- SJ/Building Planning, Public Works
- SJ/Public Health Services
- SJ/Env Health Services
- SJ Office of Education
- SJ Council of Governments
- SJCOG/ALUC

### SCHOOL DISTRICTS
- Lincoln Unified School District
- Lodi Unified School District
- Manteca Unified School District
- Stockton Unified School District

### STATE OF CALIFORNIA AGENCIES
- Alcoholic Beverage Control
- CalTrans District 10
- Reclamation District #

### SPECIAL DISTRICTS
- SJ Valley Unified APCD
- SMART
- Central Parking District
- Downtown Stockton Alliance

### OVERLAY DISTRICTS
- Airport
- Channel Area
- Channel Head
- Doctor's Row
- Eastland
- Enterprise Zone
- Gleason Park
- Limited Architectural Control District
- Magrovia Historic District
- McKinley
- West End Redevelopment
- Other

### OTHER AGENCIES

### AGENDA/STAFF REPORTS (OTHER THAN PROPERTY OWNER/APPLICANT)

Referral sent: 12/15/05
Comments due: 12/29/05
Prepared by: [Signature]
ENVIRONMENTAL COMPLIANCE

ALL APPROPRIATE AREAS OF THIS FORM SHOULD BE COMPLETED BY THE PLANNER

Environmental Information Form Completed (Y/N)

CEQA Exemption Section No Previous IS/ND or EIR No
New IS/EIR No

Preliminary Environmental Determination(✓)

☐ Neg Dec ☑ Mitigated Neg Dec ☐ Addendum to IS/ND or EIR ☐ Project EIR

☐ Program EIR ☐ Supplemental EIR ☐ Mitigation Agreement ☐ NEPA Dec

DFG Fees ☐ Collected ☐ Exempt ☐ Previously Paid

Wildlife/Habitat Mitigation ☑ Exempt ☐ City H/OS Fee ☐ SJMC Fee

☐ Other

COMMENTS
**Specifications**

**Scope of Work:**
- Manufacture & Install one (1) double-faced internally illuminated Pylon Display w/ double-face full color electronic message unit.

- Fabricated aluminum roof painted to match building.
- Internally-illuminated aluminum cabinet w/ acrylic faces.
- Fabricated aluminum pole covers w/ tamper resistant finish & color change.
- Fabricated aluminum side panels w/ tamper resistant finish & color change.
- LED non-illuminated graphics attached to base.
- Sign to match building (by others).

---

**Pylon Elevation**

**Scale:** 1/4" = 1'-0"
MONUMENT SIGN ELEVATION

SPECIFICATIONS

Scope of Work: Manufacture & install one (1) double-face, internally illuminated display.

Fabricated aluminum roof painted to match building.

FINISH:
- Non-illuminated graphic attached to brick.
- Internally illuminated aluminum cabinet w/ acrylic faces.
- Brick to match building (by others).

Scale: 1" = 1'-0"
MONUMENT SIGN ELEVATION

SPECIFICATIONS

Scope of Work: Manufacture & Install one (1) double-sided, internally illuminated display.

Details:
- fabricated aluminum rooftop, fascia to match building
- internally illuminated aluminum cabinet w/ acrylic faces
- LED non-illuminated graphics attached to fascia
- brick to match building (by others)

Design & Fabrication
Superior Sign Company
1700 West Anaheim Street
Long Beach, CA 90813

Phone: 562.468.2988
Fax: 562.468.1857
www.supersigns.com
superior@supersigns.com

Project: Walgreens

Address:
19010 Valley View Drive
Sherman Oaks, CA 91423

Account Manager
Mike Yacht

Designer
Alvin Ball

Scope
AS NOTED

Design No.
02-06-0307-00

Date:
9-2-2005

Rev.
A-0

Reference:
12-9-2005 AM Sign C
**SOUTH ELEVATION**

**EAST ELEVATION**

**NORTH ELEVATION**

**WEST ELEVATION**

---

**SQUARE FOOTAGE**

<p>| | | | |</p>
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<td>A</td>
<td>One (1) B/F Pylon Sign</td>
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<td>One (1) B/F Measurement Sign</td>
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<td>C</td>
<td>One (1) Channel Letter set</td>
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<td>H</td>
<td>One (1) Channel Letter set</td>
<td>= 19.2 Sq.Ft.</td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL SQUARE FOOTAGE**

Building Signs: 191.88
MATERIAL SCHEDULE

1. Cement Planter: Kelly Moore
   610-305-1 Simply Tan
2. Cement Planter & Doors: Kelly Moore
   610-305-2 "Candy Suede"
3. General Planter: Kelly Moore
   610-305-4 "Cereal Valley"
4. Fence & Cement Planter Access: Kelly Moore
   610-302-2 "Candy Suede"
5. Gray Roof Tiles: Eagle Roofing Canino Red
   Spectrum Redwood Santa Cruz
6. Split Face: Beallite
   Color 113
7. Steelcoat: Back
   Bronze Anodized

Signs to be mounted at the locations on building elevations plane as noted by the words 'TENANT'. Refer to Master Sign Program for details.
2 10' Setback Sign A

SITE PLAN
SCALE: 1" = 40'

10' Sign setback from property line

WALGREENS

10' Sign setback from property line

HALLER LANE

KELLY DRIVE

10' Sign setback from property line

308

New Property Line

East Property Line

TENANT SHOPS

10' Sign setback from property line

10' Setback Sign A
VARIANCE NO V-5-05

DATE APPROVED: May 11, 2006

ISSUED TO: Sue Moore Clowes, et al
3119 West Hammer Lane
Stockton, CA 95209

DESCRIPTION OF USE:
1) Reduce the minimum street side setback for a proposed freestanding sign with an electronic message board within 100 feet of the corner point of an intersection from 25 to five feet, and
2) reduce the minimum distance between the street corner of Hammer Lane and Kelley Drive and a proposed driveway from 300 to 250 feet

PROPERTY LOCATION: 3119 and 3131 West Hammer Lane

PROPERTY ZONED: CG APN 082-220-08 CT 32 11 TZ 01 BL 14 PA 34

CONDITIONS OF APPROVAL:

1. Comply with all applicable Federal, State, County and City codes, regulations and adopted standards and pay all applicable fees

2. The proposed pole sign shall be located such that it does not encroach into the public right-of-way, a public utility easement or within the Traffic Sight Area as identified in Section 16-310 140 of the SMC

3. A Precise Road Plan Amendment application (PR5-05) must be approved by the City of Stockton prior to the installation of the proposed Hammer Lane driveway

4. The approved variance must be initiated within twelve months of the date of approval by the submittal of a building permit application and then diligently pursued until completion of construction or the variance will be null and void
Sue Moore Clones, et al
V 5-05

cc Interra-Vision Development, LLC
4921 Concordia Drive
El Dorado Hills, CA 95762

Siegfried Engineering, Inc
Lex Corragles
4045 Coronado Avenue
Stockton, CA 95204

Michael Hakeem
3414 Brookside Road, Suite 100
Stockton, CA 95219-1751

Daniel A Sady
812 Daisy Avenue
Lodi, CA 95240

NOTICE To protest the imposition of any development fee dedication reservation or other exaction imposed on your project, you must file written notice with the City Clerk's office within 90 days after approval of the project or imposition of the fees dedications reservations or other exactions stating that the required payment is tendered or will be tendered when due or that any conditions which have been imposed are provided for or satisfied under protest, along with a statement of the factual elements of the dispute and the legal theory forming the basis for the protest.
CHAPTER 16
DEVELOPMENT CODE

Electronic message signs are allowed in this area.

Reduce street side setback for the proposed pole sign with an electronic message board from 25 to 5.

Reduce the location of driveway near the intersection of Hammer Ln and Kelley Dr from 300 to 250.

FIGURE 3-17
SIGN EXCLUSION AREA

SITE PLAN
Sue Moore Clowes, et al
V-5-05

STOCKTON CITY PLANNING COMMISSION
AFFIDAVIT OF MAILING

STATE OF CALIFORNIA
COUNTY OF SAN JOAQUIN

Rhonda L. Walkowski, declares

That she is at all times herein mentioned as an employee of the City of Stockton, County of San Joaquin, State of California

That on MAY 5, 2006, she deposited in the United States mail facilities in the City of Stockton, County of San Joaquin, State of California, a copy of the agenda and/or staff report for the Planning Commission regular meeting of MAY 11, 2006 with the postage thereon prepaid, addressed to each of the following named persons to wit

SEE ATTACHED LIST

That said persons on the attached list have requested to be notified of the Public Hearing(s) on the General Plan update

Dated MAY 5, 2006

I certify (or declare), under penalty or perjury, that the foregoing is true and correct.

Rhonda L. Walkowski

ODMA\GRPWISE\COS CDD CDD_Library 53886 1
MAILING LIST — PC MEETING OF MAY 11, 2006

Olivia L. DeVore
2525 Beverly Place
Stockton, CA 95204
(Item E-2 — HOPI-06)

Michael Hakeem
3414 Brookside Road, Suite 100
Stockton, CA 95219-1751
(Item E-3 — IS20-05/PR5-05/TM27-05/UP76-05/V-5-05)

Interra Vision Development, LLC
Brian Kissling
4921 Concordia Drive
El Dorado Hills, CA 95762
(Item E-3 — IS20 05/PR5 05/TM27 05/UP76 05/V 5-05)

Daniel A. Sady
812 Daisy Avenue
Lodi, CA 95240
(Item E-3 — IS20 05/PR5-05/TM27-05/UP76 05/V 5 05)

Siegfried Engineering, Inc
Attn: Lex Corrales
4045 Coronado Avenue
Stockton, CA 95204
(Item E-3 — IS20-05/PR5-05/TM27 05/UP76-05/V-5-05)

ODMA\GRPWISE\COS CDD CDD_Library 53857 1
STAFF REPORT

May 11, 2006

Items E-3 (d) and (e) PUBLIC HEARING – Use Permit and Variance
Case Nos UP76-05 and V-5-05 Sue Moore Clowes et al

Data Sue Moore Clowes et al on behalf of Brian Kisling has submitted the following Use Permit and Variance applications

• Use Permit to allow the development of a proposed retail shopping center and a proposed 30-foot high freestanding sign with an electronic message sign and

• Variance to 1) reduce the minimum street side setback for a proposed freestanding sign with an electronic message board within 100 feet of the corner point of an intersection from 25 to five feet and 2) reduce the minimum distance between the street corner of Hammer Lane and Kelley Drive and a proposed driveway from 300 to 250 feet

The property is located at the northeast corner of Kelly Drive and Hammer Lane. The site is approximately 2.1 acres in size and is occupied by two commercial buildings. The property is zoned CG (Commercial General) and is bounded to the

• north by a fitness center zoned CG

• east by duplexes, triplexes and an apartment zoned RH (Residential, High-Density)

• south across Hammer Lane by office buildings and single-family residences zoned CO (Commercial, Office) and RL (Residential, Low Density), and

• west across Kelly Drive by a variety of retail uses (see attached exhibits)

General Plan The General Plan designates this site for Commercial uses. The proposed development is consistent with the site’s Commercial General Plan designation as well as with applicable goals and policies of the City’s General Plan Policy Document regarding the location of commercial uses.
Environmental Clearance  An Initial Study/Proposed Mitigated Negative Declaration (IS20-05) has been prepared and must be reviewed and approved prior to approval of any project applications. The "Findings and Mitigation Monitoring/Reporting Program for the Walgreens Commercial Retail Center Project" (Finding) must also be adopted to ensure the implementation of all applicable mitigation measures necessary to clearly reduce any potentially significant Impacts to "less-than-significant levels." [See Item E-3 (a) on this same agenda.]

Discussion  The applicant is proposing to purchase the property to develop a new shopping center. The project site contains two retail stores which will be demolished with the development of the new shopping center. As shown on Exhibit 4, the proposed main retail building (Walgreen Drug Store) will be 13,650 square feet in size and will be located on the western-central portion of the project site. The other retail building will be 6,000 square feet in size and located on the east side of the subject site. A proposed 30-foot high freestanding sign with an electronic message board will be constructed at the southwest corner of the shopping center (Exhibits 4 and 6). The sign will be 88 square feet in size per face, with a 25-square foot electronic message board per face. In addition, two proposed monument signs (seven feet in height and 48 square feet per face) will be located in the northwest and southeast sides of the site (Exhibits 4 and 6).

With respect to parking, the proposed shopping center is required to have a total of 79 parking spaces based upon one space per 250 square feet of gross floor area. The site will be provided with a 105-space parking lot which exceeds the City's parking requirements. An eight-foot high masonry wall with a 20-foot wide landscaped strip will be installed along the east boundary of the project site. Access to the site will be provided by a proposed 30-foot wide right-turn-in/right-turn-out driveway on the north side of Hammer Lane. The site's other existing driveway, located in the northwest corner of the project site, will be removed under an agreement between the applicant and the northerly-adjacent property owner. Access to the subject site from Kelly Drive will then be served by an existing common full-access driveway located in the center of the western boundary of the northerly-adjacent parcel (Exhibit 4).

In accordance with the Design Review provisions of Section 16-515 of the Stockton Municipal Code, the Architectural Review Committee (ARC) has reviewed the proposed elevations and architectural treatments for the proposed structures and found them to be in compliance with applicable provisions of the Citywide Design Guidelines. The ARC, therefore, recommends that the Planning Commission make the required Findings contained in Section 16-515.060 (see Use Permit Finding No. 5).

With respect to the Variance application, the proposed 30-foot tall freestanding sign with an electronic message component would be installed near the
southwest corner of the project site. In accordance with Section 16-360 100 D 2 b of the Stockton Municipal Code (SMC) an electronic message sign near an intersection must respect a 25-foot setback from the right-of-way line within 100 feet of the corner point of the major arterial intersection unless the bottom of the sign is a minimum height of 25 feet from top to curb. Since the electronic message board is only 20 feet from the top of the curb, the applicant is requesting to reduce the minimum street side setback from 25 to five feet. He has indicated that his request would provide better visibility for customers traveling on Hammer Lane (Exhibit 7). The other requested variance is to reduce the minimum distance between the street intersection of Hammer Lane/Kelley Drive and the proposed driveway from 300 to 250 feet. In accordance with Section 16-310 030 C 3 b of the SMC driveways must be located a minimum of 300 feet from the curb return of the nearest intersection to the nearest edge of the driveway throat if only right turns are allowed into the driveway. Due to the size of the lot and the placement of the two proposed commercial buildings, the proposed right-turn in/right-turn out driveway on Hammer Lane could not meet the above-noted requirement, thus resulting in the variance request.

According to SMC Section 16-580 050 A, the Planning Commission may only grant variances if all of the following findings of fact can be made:

1. **Special Circumstances** There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, or topography) so that the strict or literal interpretation and enforcement of this Development Code denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts.

2. **Exceptional Circumstances** There are exceptional or extraordinary circumstances or conditions applicable to the property involved or the intended use of the property that do not apply generally to other properties classified in the same zoning district.

3. **Physically Suitable** The subject site would be physically suitable for the proposed variances, and

4. **Granting the Variance would**
   a. Be necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district and denied to the property owner for which the variance is sought.
   b. Be consistent with the general land uses, objectives, policies, and programs of the General Plan, any applicable Specific Plan, Precise Road Plan or Master Development Plan, and the intent of this Development Code.
c Not constitute a granting of special privilege inconsistent with the limitations on other properties classified in the same zoning district

d Not authorize a use or activity which is not otherwise expressly authorized by the zoning district regulations governing the subject property,

e Not be detrimental to the public convenience health interest, safety or general welfare of the City or materially injurious to properties or improvements in the vicinity, and

f Be in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines

In order to act on the applicant's request, the Planning Commission must determine that there are special and exceptional circumstances related to the site that it is physically suitable for the proposed variances and the physical circumstance applicable to this site deprives it of privileges granted to other similarly-zoned property in the area of the subject parcel. In addition, the variances may not represent a granting of special privilege inconsistent with limitations placed upon other property in the vicinity and zone in which the subject parcel is located.

Based upon a review of the proposal staff is recommending that the variance application be approved for the following reasons:

Setback of the freestanding sign with the electronic message board

- The size of the electronic message board is relatively small (25 square feet per face) approximately one-fourth of the overall sign area. Also, the message sign would not be constantly flashing and moving. As a result, reducing the setback of the proposed sign from 25 to five feet would not result in a distraction to drivers traveling on Hammer Lane.

- The freestanding sign otherwise complies with applicable Code requirements related to the size and height of the sign. Without the electronic message board, the sign could be installed anywhere on Hammer Lane with only a five-foot setback from the right-of-way, subject to approval of a Land Development Permit.

Reduction of the minimum distance between the street corner and the proposed driveway to less than 300 feet.
- Due to the size of the lot, installing the driveway 300 feet from the street intersection of Hammer Lane and Kelly Drive could adversely affect the traffic sight distance and cause vehicular stacking on Hammer Lane.

- The Traffic Impact Analysis that was prepared for the Walgreens project and reviewed by the Public Works Department, concluded that the proposed point of access would not significantly degrade existing traffic operations in the vicinity of the subject site. In addition, as part of the required mitigation measures for the project, a 12-foot wide right-turn lane along the entire project site frontage on Hammer Lane will be constructed to accommodate the new driveway.

City departments, the Police Department, the Public Works Department and the surrounding neighborhood have been notified of the requested Use Permit and Variance applications. As of the writing of this staff report, no objections have been received concerning the request. The Public Works Department submitted proposed conditions of approval for both applications which have been incorporated in the staff report.

Recommendation for V-5-05 Approval based upon the following findings

1. There are special circumstances applicable to the property (setback of the pole sign with the electronic message board and the location of the driveway), so that the strict or literal interpretation and enforcement of this Development Code would deny the property owner of privileges enjoyed by other property owners in the vicinity and under identical zoning districts.

2. There are exceptional or extraordinary circumstances or conditions (setback of the pole sign with the electronic message board and the location of the driveway) applicable to the subject property that do not apply to other similarly-zoned properties in the vicinity of the project site.

3. The subject site is physically suitable for the proposed improvements, subject to the granting of the requested Variance application.

4. Granting the variance would

   a. be necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district and denied to the property owner for which the variance is sought,
be consistent with the general land use objectives, policies, and programs of the General Plan, Precise Road Plan and the intent of this Development Code

not constitute a granting of special privilege inconsistent with the limitations on other nearby properties located in the same zoning district

not authorize a use or activity which is not otherwise expressly authorized by the zoning district regulations governing the subject property

not be detrimental to the public convenience, health, interest, safety or general welfare of the City or materially injurious to properties or improvements in the vicinity and

be in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines

Proposed Conditions for V-5-05

1. Comply with all applicable Federal, State, County and City codes, regulations and adopted standards and pay all applicable fees

2. The proposed pole sign shall be located such that it does not encroach into the public right-of-way, a public utility easement or within the Traffic Sight Area as identified in Section 16-310 140 of the SMC

3. A Precise Road Plan Amendment application (PR5-05) must be approved by the City of Stockton prior to the installation of the proposed Hammer Lane driveway

4. The approved variance must be initiated within twelve months of the date of approval by the submittal of a building permit application and then diligently pursued until completion of construction or the variance will be null and void

Recommendation for UP76-05 Approval based upon the following findings

1. The proposed use will be consistent with all applicable goals, policies and standards of the City's adopted General Plan Policy Document and with the site's proposed Commercial General Plan Diagram designation
The proposed use is in compliance with the Zoning Code requirements and the Use Permit has been reviewed in accordance with Section 16-365 310 of the Stockton Municipal Code.

The proposed use is expected to be compatible with the surrounding land uses and is not likely to interfere with the comfortable enjoyment of life or property in the area.

The proposed use will not be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood or be detrimental or injurious to the health, safety, peace or general welfare of the City.

The proposed elevations and architectural treatment for the proposed structures have been reviewed against applicable provisions of the Citywide Design Guidelines and the Findings contained in Stockton Municipal Code Section 16-515 060 are hereby adopted.

An Initial Study/Final Mitigated Negative Declaration (IS20-05) has been prepared and approved for the project. The “Findings and Mitigation Monitoring/Reporting Program for the Walgreens Commercial Retail Center Project” has been adopted to ensure the implementation of all applicable mitigation measures necessary to clearly reduce any potentially significant impacts to a “less-than-significant” level.

Proposed Conditions for UP76-05

1. Comply with all applicable Federal, State, County and City codes, regulations and adopted standards and pay all applicable fees.

2. In the event that the uses prove detrimental to the health, safety, peace or general welfare of the surrounding neighborhood, this Use Permit shall be subject to revocation or modification as provided in the Zoning Code.

3. Pursuant to Section 15074 of the State CEQA Guidelines, the project shall be subject to all applicable mitigation measures identified in the City-adopted Initial Study/Mitigated Negative Declaration/(IS20-05) and the “Findings and Mitigation Monitoring/Reporting Program for the Walgreens Commercial Retail Center Project.”

4. Any graffiti on the property shall be removed within twenty-four (24) hours.

5. The trash enclosure shall be installed out of public view and be constructed with solid, six-foot high solid walls on three sides and gated on the fourth side with an opaque material. The design of the trash enclosure...
enclosure shall be approved by the Community Development Director and it shall be installed prior to the initiation of the approved use

6. All signs shall be subject to approval by the Community Development Director or Planning Commission.

7. There shall be no chain-link fencing, barbed/concertina wire or similar material visible from a public right-of-way.

8. All landscaped areas on the site shall comply with applicable requirements of the Stockton Municipal Code. Landscaping and irrigation plans shall be submitted to the Community Development Department, Planning Division for review and approval by the Community Development Director and the City Landscape Architect prior to the issuance of any building permits. Landscaped areas including a timed/automatic irrigation system, shall be installed prior to the initiation of the approved use and be maintained by the property owner(s) and/or business operator(s).

9. Structures and other improvements shall be constructed, installed and maintained in accordance with the approved site plan, floor plans, elevations, color rendering, and conditions of approval and be maintained in a manner so as not to be blighted or deteriorated.

10. The monument sign on Hammer Lane shall not be installed until the recordation of the Parcel Map.

11. Any change to the exterior elevations of the commercial buildings shall be subject to architectural design review and approval by the Architectural Review Committee prior to the issuance of any building permit in the subject site.

12. A Precise Road Plan Amendment application (PR5-05) must be approved by the City of Stockton prior to the installation of the proposed Hammer Lane driveway. Further, the owner/developer shall dedicate and improve Hammer Lane within the limits of the project as needed to comply with the adopted Hammer Lane Precise Road Plan. Full frontage improvements including but not limited to, curb gutter sidewalks, driveway installation, pavement widening and street lighting shall be installed per City of Stockton standards prior to the occupancy of any structures on this site.

13. The existing Kelley Drive access serving the site shall be abandoned (removed) and replaced with curb gutter and sidewalk per City standards. Further, to ensure appropriate access rights to/from Hammer Lane and Kelley Drive, as well as to provide suitable circulation for the shared on-site parking areas, the subject parcel and the adjacent parcel (APN 082-220-18) shall enter into a reciprocal access and parking agreement. Said
agreement shall be in place and shall be recorded at the San Joaquin County Recorder’s Office prior to issuance of any building permits.

14 The proposed pole sign shall be located such that it does not encroach into the public right-of-way or a public utility easement.

15 The existing off-premise sign at the southeast corner of the project site shall be removed at the time that the current lease agreement for the sign expires. The property owner shall notify the City’s Community Development Director at least 30 days prior to the expiration of the agreement.

May 4, 2006

Note: Staff reports are prepared well in advance of the Planning Commission consideration of the proposal and reflect the staff’s view based on the best available information at the time the report was formulated. Evidence submitted during the course of the public hearing may require a re-evaluation of the staff’s position.

Staff report prepared by Associate Planner Jenny Liaw.
Sue Moore Clowes, et al.
UP76-05, V-5-05

STOCKTON CITY PLANNING COMMISSION
SITE PLAN

Sue Moore Clowes, et al
UP76-05 & V-5-05

STOCKTON CITY PLANNING COMMISSION
Monument Sign Elevation

Walgreens
Open 24 Hours
Pharmacy

Pylon Sign Elevation

Sue Moore Clowes, et al
UP76-05 & V-5-05

Stockton City Planning Commission
Electronic message signs are allowed in this area.

Reduce the location of driveway near the intersection of Hammer Ln and Kelley Dr from 300 to 250.

Reduce street side setback for the proposed pole sign with an electronic message board from 25' to 5.

SITE PLAN

Sue Moore Clowes, et al

V-5-05

STOCKTON CITY PLANNING COMMISSION
STATE OF CALIFORNIA

COUNTY OF SAN JOAQUIN

Fran Watson declares

That she is at all times herein mentioned as an employee of the City of Stockton, County of San Joaquin, State of California.

That on the 28th day of April 2006 she deposited in the United States mail facilities in the City of Stockton County of San Joaquin State of California, a true copy of the notice hereto attached with the postage thereon prepaid addressed to each of the following named persons:

See attached list.

That said persons are the owners of the property located within a 300-foot radius of property hereby affected, the names of said owners having been secured from the last municipal equalized San Joaquin County assessment roll and that this notice was sent pursuant to the provisions of Section 16-109.3 of the Stockton Municipal Code.

That the said notices were mailed at least ten (10) days prior to the time appointed for the public hearing before the Planning Commission of the City of Stockton.

Dated April 28, 2006

I declare that the foregoing is true and correct.

(Signature)
CITY OF STOCKTON
PLANNING COMMISSION
NOTICE OF PUBLIC HEARING

DATE/TIME OF MEETING MAY 11, 2006 at 6:30 p.m. or as soon thereafter as the matter can be heard

PLACE OF MEETING Council Chambers Second Floor City Hall 425 North El Dorado Street Stockton

FILE NUMBERS 1S20 05, PR5 05, TM27-05, UP76 05 AND V 5-05

SUBJECT Public hearing regarding the request of Sue Moore Clowes et al for a) Approval of an Initial Study-Proposed Mitigated Negative Declaration b) An amendment to the Hammer Lane Precise Road Plan to allow a right in/right out only driveway on the north side of Hammer Lane east of Kelley Drive c) Tentative Map to subdivide a 2 1-acre site into two parcels d) Use Permit to allow the development of a proposed retail shopping center and a proposed 30 foot high freestanding pole sign with an electronic message sign at the northeast corner of Hammer Lane and Kelley Drive and e) a variance to 1) reduce the minimum street side setback for a proposed freestanding sign with an electronic message board within 100 feet of the corner point of an intersection from 25 to five feet and 2) reduce the minimum separation for a proposed driveway near the intersection of Hammer Lane and Kelley Drive from 300 to 250 feet

Further information may be obtained by contacting Associate Planner Jenny Liaw at (209) 937-8316

Proceedings before the City Planning Commission are conducted in English. The City does not furnish interpreters. If one is needed it shall be the responsibility of the person needing one. Anyone wishing to be heard on the issue may appear before the Planning Commission at the time of the Public Hearing. It deserves to be noted that the legal requirement of Public Notice does not guarantee notice to all persons residing in or otherwise using property in the general vicinity of the property in question. Accordingly each recipient of this notice is respectfully requested to bring this notice promptly to the attention of others whom the recipient feels would be interested in or affected by this proposal in order that all persons may be given an opportunity to be heard on the issue. 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 Hearing.

DATE OF MAILING APRIL 28 2006
<table>
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<tr>
<th>APN</th>
<th>NAME</th>
<th>ADDRESS</th>
<th>CITYSTATEZIP</th>
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<tbody>
<tr>
<td>APN 8224042</td>
<td>AYZENBERG MICHAEL ETAL</td>
<td>29251 STONEBROOK LN</td>
<td>HAYWARD CA 94544</td>
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<tr>
<td>APN 8225044</td>
<td>BASIO SURINDER M &amp; S</td>
<td>218 DEL CASA DR</td>
<td>MILL VALLEY CA 94941</td>
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<tr>
<td>APN 8222018</td>
<td>BAVA GAYLE M TR ETAL</td>
<td>5706 PINTAIL CT</td>
<td>STOCKTON CA 95209</td>
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<tr>
<td>APN 8240011</td>
<td>BECK DEV CO INC</td>
<td>3114 W HAMMER LN</td>
<td>STOCKTON CA 95209</td>
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<td>APN 8232001</td>
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MEMORANDUM

December 21 2005

TO James E Glaser  Community Development Director
Attn Jenny Liaw  Associate Planner

FROM Gregg S Meissner  Development Services Manager

SUBJECT A VARIANCE TO WAIVE, 1) A PROPOSED FREESTANDING SIGN WITH AN ELECTRONIC MESSAGE BOARD TO BE LOCATED AT 10-FOOT INSTEAD OF 25-FOOT SETBACK FROM THE RIGHT-OF-WAY LINE WITHIN 100 FEET OF THE CORNER POINT OF THE INTERSECTION, 2) TO REDUCE THE LOCATION OF THE NEW RIGHT-IN/RIGHT-OUT DRIVEWAY ON HAMMER LANE FROM THE REQUIRED 300 TO 200 FEET CLOSER TO THE INTERSECTION OF HAMMER LANE AND KELLEY DRIVE 3119 AND 3131 WEST HAMMER LANE (APN 082-220-08) (V-5-05)

The Public Works Department staff has reviewed the subject request. Based on our review standard Public Works conditions and conformance to the City of Stockton Standard Specifications and Plans is recommended. In addition, the following conditions are recommended:

1. The proposed pole sign shall be located such that it does not encroach into the public right-of-way, a public utility easement, or within the Traffic Sight Area as identified in Sec 16-310 140 of the SMC.

2. A precise road plan amendment shall be approved by the City of Stockton prior to the installation of the proposed Hammer Lane driveway.

Thank you for the opportunity to comment on this application.

JAMES B GIOTTONINI
PUBLIC WORKS DIRECTOR

GREGG S MEISSNER
DEVELOPMENT SERVICES MANAGER

GSM DM

ODMA\GRPWISExCOS PW_PW_Library 86213 1 Usepmts 05  V 5-05 (3119 and 3131 W Hammer Lane)
The following project has been filed with this Department and is being referred for your review and comment

<table>
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<th>V 5-05</th>
<th>New</th>
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<td>3119 and 3131 West Hammer Lane</td>
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<tr>
<td>APN</td>
<td>082 220 08</td>
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We have reviewed the above noted application and have no comments regarding this proposal

We have comments (see attached response)
The following project has been filed with this Department and is being referred for your review and comment.

**APPLICATION NUMBER** V 5 05

**PROPERTY OWNER** Sue Moore Clowes, etal

**APPLICANT** Sue Moore Clowes, etal

**PROJECT DESCRIPTION**
A Variance to waive, 1) a proposed freestanding sign with an electronic message board to be located at 10 foot instead of 25 foot setback from the right of way line within 100 feet of the corner point of the intersection 2) to reduce the location of new right in/right out driveway on Hammer Lane from the required 300 to 200 feet closer to the intersection of Hammer Lane and Kelly Drive

**PROJECT ZONING DESIGNATION** CG

**GENERAL PLAN DESIGNATION** Commercial, General

**PROPERTY LOCATION/ADDRESS** 3119 and 3131 West Hammer Lane

**APN** 082 220 08

**ENVIRONMENTAL ASSESSMENT**

- [x] We have reviewed the above-noted application and have no comments regarding this proposal
- [ ] We have comments (see attached response)

**SIGNATURE OF REVIEWER**

**DATE** 12-15-05
The following project has been filed with this Department and is being referred for your review and comment.

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<td>APN</td>
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We have reviewed the above noted application and have no comments regarding this proposal.
November 23, 2005

Mike Curry
Johnson United Inc
5200 Pentecost Drive
Modesto CA 95356

PRELIMINARY DESIGN REVIEW COMMENTS FOR A VARIANCE APPLICATION TO CONSTRUCT A PROPOSED PYLON SIGN AT 1120 EAST HAMMER LANE (APN 094-030-43, V-6-05, DR151-05)

As part of the processing of the above Variance application, the proposed sign was reviewed at the Design Review meeting on October 26, 2005. The requested Variance application was submitted in order to exceed the maximum number of pylon signs on the site, to increase the size of the proposed pole sign from 150 to 175 square feet per face, and to reduce the minimum 75-foot separation between freestanding signs within a shopping center. Staff will not support the Variance application because the shopping center already has an existing identification pylon sign and several monument signs along the frontage of Hammer Lane. Therefore, staff will advise the Planning Commission that approval of an additional pylon sign within the shopping center would result in the granting of a special privilege which is inconsistent with the City's sign requirements for integrated shopping centers. For your information, the design of the proposed sign is also inconsistent with Section 6.01.050 of the City's Design Guidelines, specifically the number of poles supporting the sign.

As an alternative to the Variance application, an additional monument sign that is seven feet in height with a maximum of 50 square feet per face and has a ten-foot setback from the street side property line would be permitted as a by-right use for each separate building pad within the shopping center, subject to an approved Design Review application. Should you wish to withdraw the Variance application, a Request for Refund form has been attached to this letter. Upon receiving the completed form, staff will refund the Variance application fee, minus the Design Review fee of $259.00.
Should you have any questions regarding the above-noted requirements, you may contact Associate Planner Jenny Liaw at (209) 937-8316.

JAMES E. GLASER DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

JEG cmf

Attachment

cc  99 Cent Only Stores Corp
    Attn: Norm Plotkin
    4000 Union Pacific Avenue
    Los Angeles, CA 90023-3202
TO

- COS Attorney/Petzold
- COS Manager/Palmer
- COS City Clerk
- COS Building/Elias
- COS Fire Prevention/Rose
- COS HRD/Walker
- COS PD/Neighborhood Serv/Daly
- COS MUD/Deimler
- COS Parks & Rec/Machado
- COS Police/Praegitzer
- COS PW Tech Eng
- COS PW Dev Services/McDowell
- COS PW Corp Yard/MacKay

Contact Person: Jenny Liaw Associate Planner
Phone: (209) 937-8316

The following project has been filed with this Department and is being referred for your review and comment:

APPLICATION NUMBER: V 5 05

PROPERTY OWNER: Sue Moore Clowes, etal
APPLICANT: Sue Moore Clowes, etal
PROJECT DESCRIPTION: A Variance to waive, 1) a proposed freestanding sign with an electronic message board to be located at 10 foot instead of 25 foot setback from the right of way line within 100 feet of the corner point of the intersection, 2) to reduce the location of new right in/right out driveway on Hammer Lane from the required 300 to 200 feet closer to the intersection of Hammer Lane and Kelly Drive

PROJECT ZONING DESIGNATION: CG
GENERAL PLAN DESIGNATION: Commercial, General
PROPERTY LOCATION/ADDRESS: 3119 and 3131 West Hammer Lane
APN: 082 220 08

ENVIRONMENTAL ASSESSMENT:

☐ We have reviewed the above noted application and have no comments regarding this proposal
☐ We have comments (see attached response)

SIGNATURE OF REVIEWER: [Signature]
DATE: [Date]
APPLICATION FOR Variance
CITY OF STOCKTON

1 Property owner(s) Interra-Vision Development LLC 4921 Concordia Drive, El Dorado Hills CA 95762
   (NAME ADDRESS AND PHONE NUMBER)
   916-933-9547

2 Street address or general location of property 3131 West Hammer Lane, Stockton CA 95209
   The property is located adjacent to the north side of Hammer Lane and the east side of Kelly Drive

3 Legal description of property referred to in (2) above see attachment

4 Zoning of property 
   Date property acquired by owner(s) Tentatively November 1 2005

It is requested that the following variance be permitted on the above described property

Variance(s) requested To reduce the setback from 25' to 10' for the proposed new pole sign that
includes an electronic message unit

Reason(s) Under the code, the proposed pole sign with the electronic message unit meets all
the requirements for size, height, setback from a residential zone and the type of business it will
be located at Due to the traffic flow needed in the parking area, pedestrian walkway at the

Signature of property owner(s)

Date 8/10/05

Include the following as indicated when application is returned

1 Two (2) copies of completed application form
2 Application fee $2,391.00
3 6 copies of plot plan
4 6 copies of elevation plan
5 1 one copy of 8-1/2' by 11'' reduction of plot and elevation plans
6 other
LEGAL DESCRIPTION

THAT CERTAIN REAL PROPERTY SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SAN JOAQUIN, CITY OF STOCKTON, DESCRIBED AS FOLLOWS

PARCEL ONE

A PORTION OF THE NORTH HALF OF SECTION 18, TOWNSHIP 2 NORTH, RANGE 6 EAST, MOUNT DIABLO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS

PARCEL C, AS SHOWN ON THAT CERTAIN PARCEL MAP FILED FOR RECORD JULY 13, 1976 IN BOOK 3 OF PARCEL MAPS, PAGE 48, SAN JOAQUIN COUNTY RECORDS

PARCEL TWO

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE LYING AND BEING IN SECTION 18, TOWNSHIP 2 NORTH, RANGE 6 EAST, MOUNT DIABLO BASE AND MERIDIAN, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGINNING AT THE NORTHWEST CORNER OF THAT CERTAIN 2.115 ACRE PARCEL OF LAND DESIGNATED PARCEL C UPON THAT CERTAIN PARCEL MAP FILED FOR RECORD JULY 13, 1976 IN BOOK 3 OF PARCEL MAPS, PAGE 48, SAN JOAQUIN COUNTY RECORDS, THENCE SOUTH 12° 01' 35" EAST ALONG THE WEST LINE OF SAID PARCEL C 53.33 FEET, THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 17.06 FEET TO THE EAST LINE OF KELLEY DRIVE, THENCE NORTHERLY ALONG THE PROJECTION OF SAID EAST LINE ON A CURVE TO THE LEFT HAVING A RADIUS OF 1124.60 FEET (LONG CHORD BEARS NORTH 08° 26' 07" WEST, 63.50 FEET) AN ARC DISTANCE OF 63.51 FEET TO THE WESTERLY PROLONGATION OF THE NORTH LINE OF SAID PARCEL C, THENCE NORTH 86° 20' 04" EAST ALONG SAID WESTERLY PROLONGATION 831 FEET TO THE HEREINBEFORE MENTIONED POINT OF BEGINNING.
Reason(s) – continued

corner parking space requirements, there is not sufficient room to place the front edge of the sign 25' back from the property line.

The attached are (2) site plans.

Sign “A” located with the 25' setback and sign “A” located with a 10' setback.