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## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt 1) Resolution Accepting Certificate of Sufficiency of Petition for the Large-Scale Retail Initiative Submitted by the Small City Preservation Committee; 2) Resolution to Place the Measure on the Ballot for the November 2, 2004, General Municipal Election; or adopt the ordinance as presented; and 3) Resolution Setting Priorities for Filing Written Arguments

**MEETING DATE:** July 21, 2004

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** That the City Council adopt 1) resolution accepting Certificate of Sufficiency of Petition for the Large-Scale Retail Initiative submitted by the Small City Preservation Committee; 2) resolution to place the measure on the ballot for the November 2, 2004, General Municipal Election; or adopt the ordinance as presented; and 3) resolution setting priorities for filing written arguments.

**BACKGROUND INFORMATION:** On April 16, 2004, the Small City Preservation Committee filed its intention to circulate a petition, which was accompanied by the text of the initiative and statement setting forth the reasons for the proposed petition (*see Exhibit A to staff report*). On June 7, 2004, the petition was filed in the City Clerk's Office and a *prima facie* check was conducted in accordance with Elections Code §9210. Subsequently, the San Joaquin County Registrar of Voters conducted a full check examination of the petition and determined the number of valid signatures to be 2,734, which was more than the 2,634 (*i.e.* 10% of the voters of the city) required signatures to qualify. The Registrar's certification of the petition is attached as an exhibit to the City Council resolution accepting the Certificate of Sufficiency. In accordance with Elections Code §9114, the City Clerk hereby certifies the results of the examination to the City Council.

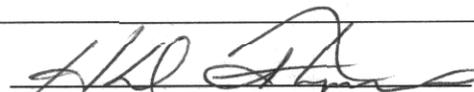
Elections Code §9215 states in part that if the initiative petition is signed by not less than 10 percent of the voters of the city, the legislative body shall do one of the following:

- (a) Adopt the ordinance, without alteration, at the regular meeting at which the certification of the petition is presented, or within 10 days after it is presented.
- (b) Submit the ordinance, without alteration, to the voters.
- (c) Order a report at the regular meeting at which the certification of the petition is presented. When the report is presented to the legislative body, the legislative body shall either adopt the ordinance within 10 days or order an election pursuant to subdivision (b).

Note: Option (c), the report on the impacts of the initiative, was directed by Council (*on June 2, 2004*) to be prepared and was addressed under Item I-2 on the July 21, 2004, City Council agenda.

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APPROVED:

  
H. Dixon Flynn, City Manager

Adopt 1) Resolution Accepting Certificate of Sufficiency of Petition for the Large-Scale Retail Initiative Submitted by the Small City Preservation Committee; 2) Resolution to Place the Measure on the Ballot for the November 2, 2004, General Municipal Election; or adopt the ordinance as presented; and 3) Resolution Setting Priorities for Filing Written Arguments

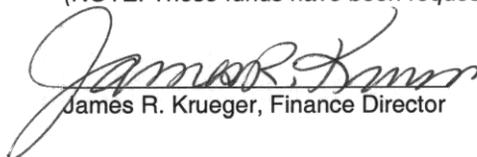
July 21, 2004

Page Two

**FUNDING:** 100102 Election.

Approximately \$5,000 will be expended for the cost of petition signature examination by the San Joaquin County Registrar of Voters and up to \$10,000 to place the measure on the November 2, 2004, ballot.

*(NOTE: These funds have been requested in the 2004-05 budget.)*

  
James R. Krueger, Finance Director

  
Susan J. Blackston  
City Clerk

SJB/jmp

Attachments

Small City Preservation Committee  
P.O. Box 730  
Woodbridge, CA 95258

April 16, 2004

Ms. Susan Blackston  
City Clerk, City of Lodi  
221 W. Pine St.  
Lodi, CA 95240

RECEIVED

2004 APR 16 AM 11:04

CITY CLERK  
CITY OF LODI

**To the Honorable Clerk of the City of Lodi:** We, the undersigned, registered and qualified voters of the City of Lodi, hereby propose an initiative measure to amend the City of Lodi's Zoning Ordinance, Lodi Municipal Code, Title 17; and General Plan. We petition you to submit this measure to the City Council for adoption without change, or for the submission to the voters of the City of Lodi at the earliest regular or special election for which it qualifies.

**NOTICE OF INTENTION TO CIRCULATE PETITION**

**NOTICE IS HEREBY GIVEN** by the persons whose names appear hereon of their intention to circulate the petition within the City of Lodi. The measure provides as follows:

**Lodi's Sensible Scale and Character Initiative**

The people of the City of Lodi do hereby ordain as follows:

**Section 1. Purpose and Findings.**

**A. Purpose.** The purpose of this Initiative is to protect and preserve the existing community character and fabric, and promote the continuation of neighborhood/community commercial centers and the downtown commercial center. Also, the purpose of this Initiative is to ensure that the purposes and principles set forth in the City of Lodi's General Plan are fully considered by establishing sensibly scaled retail development and maintenance of the City of Lodi's unique character. This action recognizes that large-scaled retail stores affecting the city shall be subject to approval by the City Council and a public vote.

**B. Findings.** The people of the City of Lodi find that regulating size and bulk of retail stores, through this initiative, promotes the welfare, economy, and quality of life of the residents of Lodi, based upon the following:

**1. Regulating Scale of Retail Stores Protects the Unique Character and Quality of Life in Lodi.**

An important component of the City of Lodi is maintaining its unique character. Lodi's small-town and rural qualities are a valuable trait of the town. Large-scale retail stores detract from the community's character and aesthetics. Large retail stores are usually located some distance away from residential neighborhoods because they require large sites, which are usually found only in zones outside of the downtown area. Large-scale retail often consists of long, plain facades, a sea of parking, and sparse landscaping.

The unique character of the City of Lodi and the quality of life enjoyed by City residents and visitors depend on the protection of the small-town and rural qualities. The protection of such attributes aids the continued viability of the city and brings mental and physical benefits from the broad protection of Lodi residents' quality of life.

## **2. Strengthening Lodi's Economy.**

It is important to have sensibly scaled retail stores in order to continue to strengthen and sensibly develop Lodi's existing economy. Lodi has a number of shopping centers providing the community with merchandise and services. Large-scale retail stores affect existing shopping centers by causing the existing stores to go out of business, thus destabilizing the shopping centers, and leaving empty, boarded-up buildings, which increase crime and blight. The surrounding area loses the merchandise and services offered by the existing businesses. Sometimes a large-scale retail company will close down an existing store, and replace it with a superstore, which also results in a large, empty store.

## **3. Ensuring Adequate Public Services for the City.**

There are negative impacts to not having sensibly scaled retail stores, including safety. Large-scale retail stores require significantly higher commitment of police, fire, and public safety resources compared to smaller neighborhood stores. Usually large-scale stores fail to provide provisions for the pedestrians entering the store. It is often dangerous even to walk from the parking lot to the entrance of the store, with cars driving and maneuvering in the very large parking area. The larger stores usually involve longer trips and generate more traffic in a concentrated area, and thus require improved street capacity in their immediate neighborhoods. The elderly, handicapped, and poor, who may not have access to larger retail stores because they are located at greater distances away from their neighborhoods due to the large land acquisition requirements of the larger retail stores.

**C. Effect of Initiative.** To achieve the above-stated purposes, this Initiative would amend the City of Lodi's Ordinance and General Plan to establish a limit on large-scale retail stores that exceed 125,000 square feet of gross floor area. Also, it would require that any large-scale retail project proposal containing commercial retail structures that exceed 125,000 square feet of gross floor area be subject to approval by the City Council and a public vote in the next general election.

Exhibits. This Initiative does not have any exhibits attached but relies upon the design standards for large-scale stores recently adopted by the City.

## **Section 2. Zoning Ordinance and General Plan Amendments.**

Whereas, the Lodi General Plan establishes a policy framework that forms the City of Lodi's strategy for retail; and

Whereas, the Lodi General Plan and Zoning Ordinance recognize distinct types of shopping centers such as neighborhood/community commercial; general commercial; commercial shopping center; and downtown commercial; and

Whereas, the Lodi General Plan establishes policies encouraging promoting downtown Lodi as the City's social and cultural center and an economically viable retail and professional office district, it promotes locating future commercial retail in downtown Lodi and preserving the existing small-town scale and character of Lodi; and

Whereas, General Plan policies promote and encourage vital neighborhood commercial districts that are evenly distributed throughout the city so that residents are able to meet their basic daily shopping needs at neighborhood shopping centers; and

Whereas, the California Government Code also provides that in order for the ordinance to be consistent with the General Plan, the various land uses authorized by the ordinance should be compatible with the objectives, policies, general land uses, and programs specified in the General Plan; and

Whereas, the Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code) has not kept pace with the evolution of the retail sector and fails to adequately distinguish the size, scale and scope of various retail activities; and

Whereas, an emerging national trend exists toward increasing the size of retail stores and the diversity of products offered at such large-scale retail stores; and

Whereas, the establishment of large-scale retail stores in Lodi is likely to negatively impact the vitality and economic viability of the city's neighborhood community commercial and downtown commercial centers by drawing sales away from traditional retail stores located in these centers; and

Whereas, large-scale retail stores adversely affect the viability of small-scale, pedestrian-friendly neighborhood commercial areas, contributing to blight in these areas; and

Whereas, given the city's current population of 60,000, there are currently adequate retail stores to support the market for large-scale retail; and

Whereas, the proposed amendments to the Zoning Ordinance and General Plan are intended to preserve the city's existing neighborhood-serving shopping centers that are centrally located within the community; and

Whereas, this distribution of shopping and employment creates a land use pattern that reduces the need for vehicle trips and encourages walking and biking for shopping, services, and employment; and

Whereas, a significant concern with large-scale retail stores is that they combine neighborhood-serving retail in a more remote, regional-serving retail center which would result in the decline of neighborhood-serving retail stores by consolidating their activity in a single, outlying location; and

Whereas, the remote location of large-scale retail stores means that local residents are forced to drive further for basic services such as groceries, and are forced to take longer and more frequent traffic trips to the regional commercial center to satisfy basic everyday needs, increasing overall traffic and overburdening streets that were not designed to accommodate such traffic; and

Whereas, the proposed amendments to Lodi's Zoning Ordinance and General Plan, by limiting large-scale retail stores, will prevent the negative transportation and related air quality impacts that establishment of such stores is likely to have; and

Whereas, numerous local jurisdictions in the country and the State of California, taking all of the above considerations in mind, have enacted ordinances on new large retail stores over a certain size that either completely prohibit new retail stores over a certain size or require special impact studies; and

Whereas, California jurisdictions that have recently enacted such regulations to help sustain the vitality of small-scale, more pedestrian-oriented neighborhood shopping districts include the Cities of Turlock, Santa Maria, San Luis Obispo, Arroyo Grande, Oakland and Martinez; and

Whereas, a potential discount superstore would directly contravene the approach the City's General Plan established for retail; and

Whereas, the proposed regulations will place stricter controls on the establishment of, or conversion to large-scale stores and would prevent a large-scale retail store with potential negative environmental impacts from being established in Lodi, but will not itself generate environmental impacts or necessitate environmental review; and

Whereas, the adoption of these regulations does not approve any development project nor does it disturb the physical environment either directly or indirectly as the regulations modify the limitations of land use by limiting large-scale retail stores that exceed 125,000 square feet of gross floor area and require such projects be approved by the City Council and the citizens' votes in the next general election; and

Whereas, requiring voter approval of land use development of large-scale retail stores that exceed 125,000 square feet of gross floor area will ensure opportunities for full public participation in decisions affecting future land use, quality of life, and character of the City of Lodi.

**NOW, THEREFORE**, the City of Lodi hereby ordains that:

The Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code, Districts and Map) is amended by the addition of 17.06.050(D), which shall read as follows:

"Retail structures in any district established by this title shall not exceed 125,000 square feet in gross floor area unless approved by the City Council and the voters in the next general election. The City shall not submit any application for a retail structure in excess of 125,000 square feet in gross floor area to the voters if the application has not first been approved by the City Council, unless otherwise required by law. If, after compliance with the California Environmental Quality Act and any other applicable laws, the City Council approves and certifies the environmental impact report for a retail structure in excess of 125,000 square feet in gross floor area in any district established by this title, the project shall not become effective until approval by public vote in the next general election. For the purposes of this subsection, the term "gross floor area" shall include outside retail areas."

The Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code) is further amended by the addition of the following Sections 17.36.035, 17.36.036, 17.39.035, 17.39.036, 17.30.045, 17.30.046, which include but shall not be limited to these applicable districts.

The Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code) is further amended by the addition of Section 17.36.035, which shall read as follows:

"Retail structures in the C-1 district shall not exceed 125,000 square feet in gross floor area unless approved by the City Council and the voters in the next general election. The City shall not submit any application for a retail structure in excess of 125,000 square feet in gross floor area to the voters if the application has not first been approved by the City Council, unless otherwise required by law. If, after compliance with the California Environmental Quality Act and any other applicable laws, the City Council

approves and certifies the environmental impact report for a retail structure in excess of 125,000 square feet in gross floor area in any district established by this title, the project shall not become effective until approval by public vote in the next general election. For the purposes of this subsection, the term "gross floor area" shall include outside retail areas."

The Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code) is further amended by the addition of Section 17.39.035, which shall read as follows:

"Retail structures in the C-2 district shall not exceed 125,000 square feet in gross floor area unless approved by the City Council and the voters in the next general election. The City shall not submit any application for a retail structure in excess of 125,000 square feet in gross floor area to the voters if the application has not first been approved by the City Council, unless otherwise required by law. If, after compliance with the California Environmental Quality Act and any other applicable laws, the City Council approves and certifies the environmental impact report for a retail structure in excess of 125,000 square feet in gross floor area in any district established by this title, the project shall not become effective until approval by public vote in the next general election. For the purposes of this subsection, the term "gross floor area" shall include outside retail areas."

The Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code) is further amended by the addition of Section 17.30.045 which shall read as follows:

"Retail structures in the C-S district shall not exceed 125,000 square feet in gross floor area unless approved by the City Council and the voters in the next general election. The City shall not submit any application for a retail structure in excess of 125,000 square feet in gross floor area to the voters if the application has not first been approved by the City Council, unless otherwise required by law. If, after compliance with the California Environmental Quality Act and any other applicable laws, the City Council approves and certifies the environmental impact report for a retail structure in excess of 125,000 square feet in gross floor area in any district established by this title, the project shall not become effective until approval by public vote in the next general election. For the purposes of this subsection, the term "gross floor area" shall include outside retail areas."

The Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code) is further amended by the addition of Sections 17.36.036, 17.39.036, 17.30.046, and 17.06.051 which shall read as follows:

"Nothing in this Chapter shall give the City Council the authority to grant a variance from the provisions of 17.36.035, 17.39.035, 17.30.045, and 17.06.050(D) relating to the maximum size of retail structures in any district established by this title, including but not limited to the C-1, C-2, and C-S Districts."

The Lodi General Plan is amended by the addition of Policy 7 to Goal A which shall read as follows:

"The City shall promote preservation of Lodi's small-town and rural qualities by ensuring that retail structures in excess of 125,000 square feet in gross floor area in any land use designation are approved by the City Council and a public vote in the next general election."

The Lodi General Plan is further amended by the addition of Policy 6 to Goal D which shall read as follows:

"The City shall promote and support Lodi's downtown development by ensuring that retail structures

in excess of 125,000 square feet in gross floor area in any land use designation are approved by the City Council and a public vote in the next general election.”

The Lodi General Plan is further amended by the addition of Policy 7 to Goal E which shall read as follows:

“The City shall support commercial use development to provide goods and services to Lodi residents and market area by ensuring that retail structures in excess of 125,000 square feet in gross floor area in any land use designation are approved by the City Council and a public vote in the next general election.”

The City of Lodi’s General Plan is hereby amended to add the following Implementing Policy, Policy 17, to read as follows:

“The City shall prepare and implement the requirement for City Council and public voter approval of retail structures in excess of 125,000 square feet in gross floor area in any district established by Lodi’s General Plan and Zoning Ordinance.”

### **Section 3. Implementation.**

**A. Effective Date.** As provided in Elections Code section 9217, this Initiative shall take effect ten days after the date on which the election results are declared by the City Council. Upon the effective date of this Initiative, the provisions of Section 2 of this Initiative are hereby inserted into the City of Lodi’s Planning and Zoning Code and General Plan as an amendment thereof.

**B. Interim Amendments.** The City of Lodi’s Zoning Code in effect at the time the Notice of Intent to circulate this Initiative was submitted to the City of Lodi Elections Official on April 16, 2004 (“Submittal Date”), and the ordinances as amended by this Initiative, comprise an integrated, internally consistent and compatible statement of policies for the City of Lodi. In order to ensure that the City of Lodi’s Planning and Zoning remains an integrated, internally consistent and compatible statement of policies for the City as required by state law and to ensure that the actions of the voter in enacting this Initiative are given effect, any provision of the Planning and Zoning Code that is adopted between the Submittal Date and the date that the Planning and Zoning Code is amended by this measure shall, to the extent that such interim-enacted provision is inconsistent with the Planning and Zoning Code provisions adopted by Section 2 of this Initiative, be amended as soon as possible and in the manner and time required by state law to ensure consistency between the provisions adopted by this Initiative and other elements of the City’s Planning and Zoning Code.

**C. Other City Ordinances and Policies.** The City of Lodi is hereby authorized to amend the Planning and Zoning Code, other ordinances, the General Plan, and policies affected by this Initiative as soon as possible and in the manner and time required by any applicable state law to ensure consistency between goals, objectives and policies adopted in Section 2 of this Initiative and other elements of the City’s Planning and Zoning Code, General Plan, all community and specific plans, and other City ordinances and policies.

### **Section 4. Exemptions for Certain Projects.**

This Initiative shall not apply to any of the following: (1) any project that has obtained as of the effective date of the Initiative a vested right pursuant to state or local law; (2) any land that, under state or federal law, is

beyond the power of the local voters to affect by the initiative power reserved to the people via the California Constitution.

**Section 5. Elections.**

Except for the renewal or repeal of this Article, any direct or indirect costs to the City of Lodi caused by the elections mandated by this Article shall be borne by the applicants for the large-scale development project in excess of 125,000 square feet, unless otherwise prohibited by state law.

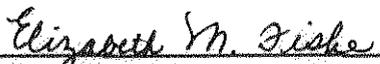
Elections mandated by this Article shall be consolidated with other elections, whenever feasible. Different proposals may appear on the same ballot at the same election provided that each separate proposal affecting a discrete property or development project shall be submitted to the voters as a separate measure.

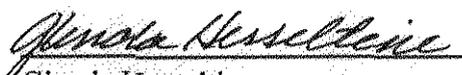
**Section 6. Severability and Interpretation.**

This Initiative shall be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Initiative. The voters hereby declare that this Initiative, and each section, sub-section, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more sections, sub-sections, sentences, clauses, phrases, parts, or portions are declared invalid or unconstitutional. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this Initiative that can be given effect without the invalid application. This Initiative shall be broadly construed in order to achieve the purposes stated in this Initiative.

**Section 7. Amendment or Repeal.**

Except as otherwise provided herein, this Initiative may be amended or repealed only by the voters of the City of Lodi.

  
Elizabeth M. Fiske  
727 S. Lee Ave.  
Lodi, CA 95240

  
Glenda Hesseltine  
727 Brandywine Dr.  
Lodi, CA 95240

  
Walter Pruss  
2421 Diablo Dr.  
Lodi, CA 95242

July 21, 2004

## **ITEM I-3**

### **CITY CLERK'S NOTE – EXPLANATION OF "BLUE SHEETS"**

City Attorney Schwabauer has amended the question on the draft resolution to place the Large-Scale Retail Initiative on the ballot. The amended language is identified in bold text.

In addition, Mr. Schwabauer has determined that ALL seven (7) sections of the document submitted by the Small City Preservation Committee on April 16, 2004, with its Notice of Intention to Circulate Petition, be included in Exhibit A (*text of proposed ordinance*) to the resolution placing the measure on the ballot and the resolution setting priorities for filing written arguments.

The attached resolutions have been amended accordingly.

RESOLUTION NO. 2004-147

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI,  
CALIFORNIA, ACCEPTING CERTIFICATE OF SUFFICIENCY OF  
PETITION FOR LARGE-SCALE RETAIL INITIATIVE

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WHEREAS, on June 7, 2004, the City Clerk's Office received an initiative petition from the Small City Preservation Committee regarding large-scale retail establishments; and

WHEREAS, said petition must contain 2,634 valid signatures, which is 10% of the voters in the City of Lodi as last officially reported by the county elections office to the Secretary of State; and

WHEREAS, the San Joaquin County Registrar of Voters has conducted an examination of the petition and determined it to be sufficient. In accordance with Elections Code §9114, the City Clerk hereby certifies the results of the examination to the City Council as set forth in the attached Certificate of Sufficiency of Petition (marked Exhibit A).

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby accepts the Certificate of Sufficiency for the initiative petition submitted by the Small City Preservation Committee regarding large-scale retail establishments.

Dated: July 21, 2004

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I hereby certify that Resolution No. 2004-147 was passed and adopted by the City Council of the City of Lodi in a regular meeting held July 21, 2004, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hitchcock, Land, and  
Mayor Hansen

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Howard

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON  
City Clerk



SAN JOAQUIN COUNTY  
REGISTRAR OF VOTERS

212 NORTH SAN JOAQUIN STREET  
PO BOX 810  
STOCKTON, CALIFORNIA 95201  
FAX: (209) 468-2889  
INTERNET: [www.co.san-joaquin.ca.us](http://www.co.san-joaquin.ca.us)

DEBORAH S. HENCH  
REGISTRAR OF VOTERS  
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[dhench@co.san-joaquin.ca.us](mailto:dhench@co.san-joaquin.ca.us)

AUSTIN G. ERDMAN  
ASST. REGISTRAR OF VOTERS  
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[aerdman@co.san-joaquin.ca.us](mailto:aerdman@co.san-joaquin.ca.us)  
REGISTRATION  
468-2890  
BUSINESS AND FINANCIAL DISCLOSURE  
468-8942  
CANDIDATE SERVICES  
468-3191  
PRECINCT OPERATIONS  
468-2892

EXHIBIT A

July 7, 2004

Susan Blackston  
City Clerk  
City of Lodi  
PO Box 3006  
Lodi, CA 95241-1910

RECEIVED

JUL 9 - 2004

City Clerk  
City of Lodi

Dear Ms. Blackston:

The Registrar of Voters has certified the verification of signatures on the Large-Scale Retail Initiative Petition (City of Lodi), delivered to our office on June 8, 2004.

I hereby confirm the verification of the above named petition is as follows:

Number of signatures filed:	3,474
Number of signatures verified:	3,474
Number of signatures found sufficient:	2,734

Based upon the full check, the number of valid signatures is 2,734, which is more than the 2,634 required signatures to qualify. Therefore, the petition is certified as sufficient.

Very truly yours,

DEBORAH S. HENCH  
Registrar of Voters

DSH:hc



# Petition Result Breakdown

City of Lodi/Retail

Large-scale Retail Initiative Pet. (City of Lodi)

Raw Count	3,474		
Sample Size	3,474	Percent of	Percent of
Sigs Checked	3,474	Sigs Checked	Sample Size
Sigs Not Checked	0		0.0 %
Sigs Valid	2,734	78.7 %	78.7 %
Sigs Invalid	740	21.3 %	21.3 %
Duplicated	56	2.0 %	1.6 %
Non-duplicate Invalids	684	20.0 %	19.7 %

Result Abbr	Name		
Approved	Approved	2,734	78.7 %
NotReg	Not Registered	344	9.9 %
OutOfDist	Out of District	186	5.4 %
Duplicate	Signed more than once	56	1.6 %
Withdrawn	Withdrawn	1	0.0 %
RegLate	Registered Late	12	0.3 %
RegDiffAdd	Registered at a Different Ad	114	3.3 %
CantIdentfy	Cannot Identify	4	0.1 %
MultAdd	More than One Address Giv	2	0.1 %
NoResAdd	No Residence Address Give	1	0.0 %
NoSig	No Signature	4	0.1 %
PrintedSig	Printed Signature	3	0.1 %
SigNoMatch	Signatures Don't Match	12	0.3 %
Blank	Blank(no sig/no address)	1	0.0 %

RESOLUTION NO. 2004-148

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 2, 2004, FOR THE SUBMISSION OF A PROPOSED ORDINANCE

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WHEREAS, pursuant to authority provided by statute, a petition has been filed with the legislative body of the City of Lodi, California, signed by more than 10 percent of the number of registered voters of the City to submit a proposed ordinance relating to Large-Scale Retail Initiative; and

WHEREAS, the San Joaquin County Registrar of Voters examined the records of registration and ascertained that the petition is signed by the requisite number of voters, and has so certified; and

WHEREAS, the City Council has not voted in favor of the adoption of the ordinance; and

WHEREAS, the City Council is authorized and directed by statute to submit the proposed ordinance to the voters.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the laws of the State of California relating to general law cities, there is called and ordered to be held in the City of Lodi, California, on Tuesday, November 2, 2004, a General Municipal Election for the purpose of submitting the following proposed ordinance:

Shall the ordinance prohibiting the construction of new, rebuilt, or expanded retail structures in excess of 125,000 square feet (including outside retail sales areas) unless approved by the City Council and a majority of the voters voting at a city wide election be adopted?	Yes
	No

SECTION 2. That the text of the ordinance submitted to the voters is attached as Exhibit A.

SECTION 3. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 4. That the City Clerk is authorized, instructed, and directed to procure and furnish any and all official ballots, notices, printed matter, and all supplies, equipment, and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 5. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, except as provided in §14401 of the Elections Code of the State of California.

SECTION 6. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 7. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election, in time, form, and manner as required by law.

SECTION 8. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

Dated: July 21, 2004

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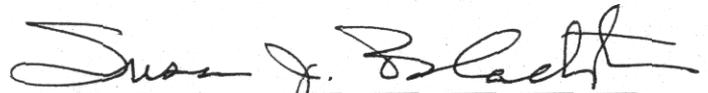
I hereby certify that Resolution No. 2004-148 was passed and adopted by the City Council of the City of Lodi in a regular meeting held July 21, 2004, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hitchcock, Land, and  
Mayor Hansen

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Howard

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON  
City Clerk

# EXHIBIT A

## LARGE-SCALE RETAIL INITIATIVE (Text of Proposed Ordinance)

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### SECTION 1. Purpose and Findings.

A. **Purpose.** The purpose of this Initiative is to protect and preserve the existing community character and fabric, and promote the continuation of neighborhood/community commercial centers and the downtown commercial center. Also, the purpose of this Initiative is to ensure that the purposes and principles set forth in the City of Lodi's General Plan are fully considered by establishing sensibly scaled retail development and maintenance of the City of Lodi's unique character. This action recognizes that large-scaled retail stores affecting the city shall be subject to approval by the City Council and a public vote.

B. **Findings.** The people of the City of Lodi find that regulating size and bulk of retail stores, through this Initiative, promotes the welfare, economy, and quality of life of the residents of Lodi, based upon the following:

1. **Regulating Scale of Retail Stores Protects the Unique Character and Quality of Life in Lodi.**

An important component of the City of Lodi is maintaining its unique character. Lodi's small-town and rural qualities are a valuable trait of the town. Large-scale retail stores detract from the community's character and aesthetics. Large retail stores are usually located some distance away from residential neighborhoods because they require large sites, which are usually found only in zones outside of the downtown area. Large-scale retail often consists of long, plain facades, a sea of parking, and sparse landscaping.

The unique character of the City of Lodi and the quality of life enjoyed by City residents and visitors depend on the protection of the small-town and rural qualities. The protection of such attributes aids the continued viability of the city and brings mental and physical benefits from the broad protection of Lodi residents' quality of life.

2. **Strengthening Lodi's Economy.**

It is important to have sensibly scaled retail stores in order to continue to strengthen and sensibly develop Lodi's existing economy. Lodi has a number of shopping centers providing the community with merchandise and services. Large-scale retail stores affect existing shopping centers by causing the existing stores to go out of business, thus destabilizing the shopping centers, and leaving empty, boarded-up buildings, which increase crime and blight. The surrounding area loses the merchandise and services offered by the existing businesses. Sometimes a large-scale retail company will close down an existing store, and replace it with a superstore, which also results in a large, empty store.

3. **Ensuring Adequate Public Services for the City.**

There are negative impacts to not having sensibly scaled retail stores, including safety. Large-scale retail stores require significantly higher commitment of police, fire, and public safety resources compared to smaller neighborhood stores.

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Usually large-scale stores fail to provide provisions for the pedestrians entering the store. It is often dangerous even to walk from the parking lot to the entrance of the store, with cars driving and maneuvering in the very large parking area. The larger stores usually involve longer trips and generate more traffic in a concentrated area, and thus require improved street capacity in their immediate neighborhoods. The elderly, handicapped, and poor, who may not have access to larger retail stores because they are located at greater distances away from their neighborhoods due to the large land acquisition requirements of the larger retail stores.

C. **Effect of Initiative.** To achieve the above-stated purposes, this Initiative would amend the City of Lodi's Ordinance and General Plan to establish a limit on large-scale retail stores that exceed 125,000 square feet of gross floor area. Also, it would require that any large-scale retail project proposal containing commercial retail structures that exceed 125,000 square feet of gross floor area be subject to approval by the City Council and a public vote in the next general election.

Exhibits. This Initiative does not have any exhibits attached, but relies upon the design standards for large-scale stores recently adopted by the City.

## SECTION 2. Zoning Ordinance and General Plan Amendments

WHEREAS, the Lodi General Plan establishes a policy framework that forms the City of Lodi's strategy for retail; and

WHEREAS, the Lodi General Plan and Zoning Ordinance recognize distinct types of shopping centers such as neighborhood/community commercial; general commercial; commercial shopping center; and downtown commercial; and

WHEREAS, the Lodi General Plan establishes policies encouraging promoting downtown Lodi as the City's social and cultural center and an economically viable retail and professional office district, it promotes locating future commercial retail in downtown Lodi and preserving the existing small-town scale and character of Lodi; and

WHEREAS, General Plan policies promote and encourage vital neighborhood commercial districts that are evenly distributed throughout the city so that residents are able to meet their basic daily shopping needs at neighborhood shopping centers; and

WHEREAS, the California Government Code also provides that in order for the ordinance to be consistent with the General Plan, the various land uses authorized by the ordinance should be compatible with the objectives, policies, general land uses, and programs specified in the General Plan; and

WHEREAS, the Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code) has not kept pace with the evolution of the retail sector and fails to adequately distinguish the size, scale, and scope of various retail activities; and

WHEREAS, an emerging national trend exists toward increasing the size of retail stores and the diversity of products offered at such large-scale retail stores; and

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WHEREAS, the establishment of large-scale retail stores in Lodi is likely to negatively impact the vitality and economic viability of the city's neighborhood community commercial and downtown commercial centers by drawing sales away from traditional retail stores located in these centers; and

WHEREAS, large-scale retail stores adversely affect the viability of small-scale, pedestrian-friendly neighborhood commercial areas, contributing to blight in these areas; and

WHEREAS, given the city's current population of 60,000, there are currently adequate retail stores to support the market for large-scale retail; and

WHEREAS, the proposed amendments to the Zoning Ordinance and General Plan are intended to preserve the city's existing neighborhood-serving shopping centers that are centrally located within the community; and

WHEREAS, this distribution of shopping and employment creates a land use pattern that reduces the need for vehicle trips and encourages walking and biking for shopping, services, and employment; and

WHEREAS, significant concern with large-scale retail stores is that they combine neighborhood-serving retail in a more remote, regional-serving retail center, which would result in the decline of neighborhood-serving retail stores by consolidating their activity in a single, outlying location; and

WHEREAS, the remote location of large-scale retail stores means that local residents are forced to drive further for basic services such as groceries, and are forced to take longer and more frequent traffic trips to the regional commercial center to satisfy basic everyday needs, increasing overall traffic and overburdening streets that were not designed to accommodate such traffic; and

WHEREAS, the proposed amendments to Lodi's Zoning Ordinance and General Plan, by limiting large-scale retail stores, will prevent the negative transportation and related air quality impacts that establishment of such stores is likely to have; and

WHEREAS, numerous local jurisdictions in the country and the State of California, taking all of the above considerations in mind, have enacted ordinances on new large retail stores over a certain size that either completely prohibit new retail stores over a certain size or require special impact studies; and

WHEREAS, California jurisdictions that have recently enacted such regulations to help sustain the vitality of small-scale, more pedestrian-oriented neighborhood shopping districts include the cities of Turlock, Santa Maria, San Luis Obispo, Arroyo Grande, Oakland, and Martinez; and

WHEREAS, a potential discount superstore would directly contravene the approach the city's General Plan established for retail; and

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WHEREAS, the proposed regulations will place stricter controls on the establishment of, or conversion to large-scale stores and would prevent a large-scale retail store with potential negative environmental impacts from being established in Lodi, but will not itself generate environmental impacts or necessitate environmental review; and

WHEREAS, the adoption of these regulations does not approve any development project nor does it disturb the physical environment either directly or indirectly as the regulations modify the limitations of land use by limiting large-scale retail stores that exceed 125,000 square feet of gross floor area and require such projects be approved by the City Council and the citizens' votes in the next general election; and

WHEREAS, requiring voter approval of land use development of large-scale retail stores that exceed 125,000 square feet of gross floor area will ensure opportunities for full public participation in decisions affecting future land use, quality of life, and character of the City of Lodi.

NOW, THEREFORE, the City of Lodi hereby ordains that: The Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code, Districts and Map) is amended by the addition of 17.06.050(D), which shall read as follows:

Retail structures in any district established by this title shall not exceed 125,000 square feet in gross floor area unless approved by the City Council and the voters in the next general election. The City shall not submit any application for a retail structure in excess of 125,000 square feet in gross floor area to the voters if the application has not first been approved by the City Council, unless otherwise required by law. If, after compliance with the California Environmental Quality Act and any other applicable laws, the City Council approves and certifies the environmental impact report for a retail structure in excess of 125,000 square feet in gross floor area in any district established by this title, the project shall not become effective until approval by public vote in the next general election. For the purposes of this subsection, the term "gross floor area" shall include outside retail areas.

The Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code) is further amended by the addition of the following Sections 17.36.035, 17.36.036, 17.39.035, 17.39.036, 17.30.045, 17.30.046, which include but shall not be limited to these applicable districts.

The Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code) is further amended by the addition of Section 17.36.035, which shall read as follows:

Retail structures in the C-1 district shall not exceed 125,000 square feet in gross floor area unless approved by the City Council and the voters in the next general election. The City shall not submit any application for a retail structure in excess of 125,000 square feet in gross floor area to the voters if the application has not first been approved by the City Council, unless otherwise required by law. If, after compliance with the California Environmental Quality Act and any other applicable laws, the City Council approves and certifies the environmental impact report for a retail structure in excess of 125,000 square feet in gross floor area in any district established by this title, the project shall not become effective until approval by public vote in the next general election. For the purposes of this subsection, the term "gross floor area" shall include outside retail areas.

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The Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code) is further amended by the addition of Section 17.39.035, which shall read as follows:

Retail structures in the C-2 district shall not exceed 125,000 square feet in gross floor area unless approved by the City Council and the voters in the next general election. The City shall not submit any application for a retail structure in excess of 125,000 square feet in gross floor area to the voters if the application has not first been approved by the City Council, unless otherwise required by law. If, after compliance with the California Environmental Quality Act and any other applicable laws, the City Council approves and certifies the environmental impact report for a retail structure in excess of 125,000 square feet in gross floor area in any district established by this title, the project shall not become effective until approval by public vote in the next general election. For the purposes of this subsection, the term "gross floor area" shall include outside retail areas.

The Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code) is further amended by the addition of Section 17.30.045, which shall read as follows:

Retail structures in the C-S district shall not exceed 125,000 square feet in gross floor area unless approved by the City Council and the voters in the next general election. The City shall not submit any application for a retail structure in excess of 125,000 square feet in gross floor area to the voters if the application has not first been approved by the City Council, unless otherwise required by law. If, after compliance with the California Environmental Quality Act and any other applicable laws, the City Council approves and certifies the environmental impact report for a retail structure in excess of 125,000 square feet in gross floor area in any district established by this title, the project shall not become effective until approval by public vote in the next general election. For the purposes of this subsection, the term "gross floor area" shall include outside retail areas.

The Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code) is further amended by the addition of Sections 17.36.036, 17.39.036, 17.30.046, and 17.06.051, which shall read as follows:

Nothing in this Chapter shall give the City Council the authority to grant a variance from the provisions of 17.36.035, 17.39.035, 17.30.045, and 17.06.050(D) relating to the maximum size of retail structures in any district established by this title, including but not limited to the C-1, C-2, and C-S Districts.

The Lodi General Plan is amended by the addition of Policy 7 to Goal A, which shall read as follows:

The City shall promote preservation of Lodi's small-town and rural qualities by ensuring that retail structures in excess of 125,000 square feet in gross floor area in any land use designation are approved by the City Council and a public vote in the next general election.

The Lodi General Plan is further amended by the addition of Policy 6 to Goal D, which shall read as follows:

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The City shall promote and support Lodi's downtown development by ensuring that retail structures in excess of 125,000 square feet in gross floor area in any land use designation are approved by the City Council and a public vote in the next general election.

The Lodi General Plan is further amended by the addition of Policy 7 to Goal E, which shall read as follows:

The City shall support commercial use development to provide goods and services to Lodi residents and market area by ensuring that retail structures in excess of 125,000 square feet in gross floor area in any land use designation are approved by the City Council and a public vote in the next general election.

The City of Lodi's General Plan is hereby amended to add the following implementing Policy, Policy 17, to read as follows:

The City shall prepare and implement the requirement for City Council and public voter approval of retail structures in excess of 125,000 square feet in gross floor area in any district established by Lodi's General Plan and Zoning Ordinance.

## SECTION 3. Implementation.

A. **Effective Date.** As provided in Elections Code section 9217, this Initiative shall take effect ten days after the date on which the election results are declared by the City Council. Upon the effective date of this Initiative, the provisions of Section 2 of this Initiative are hereby inserted into the City of Lodi's Planning and Zoning Code and General Plan as an amendment thereof.

B. **Interim Amendments.** The City of Lodi's Zoning Code in effect at the time the Notice of Intent to circulate this Initiative was submitted to the City of Lodi Elections Official on April 16, 2004 ("Submittal Date"), and the ordinances as amended by this Initiative, *comprise an integrated, internally consistent, and compatible statement of policies for the City of Lodi. In order to ensure that the City of Lodi's Planning and Zoning remains an integrated, internally consistent, and compatible statement of policies for the City as required by state law and to ensure that the actions of the voter in enacting this Initiative are given effect, any provision of the Planning and Zoning Code that is adopted between the Submittal Date and the date that the Planning and Zoning Code is amended by this measure shall, to the extent that such interim-enacted provision is inconsistent with the Planning and Zoning Code provisions adopted by Section 2 of this Initiative, be amended as soon as possible and in the manner and time required by state law to ensure consistency between the provisions adopted by this Initiative and other elements of the City's Planning and Zoning Code.*

C. **Other City Ordinances and Policies.** The City of Lodi is hereby authorized to amend the Planning and Zoning Code, other ordinances, the General Plan, and policies affected by this Initiative as soon as possible and in the manner and time required by any applicable state law to ensure consistency between goals, objectives, and policies adopted in Section 2 of this Initiative and other elements of the City's Planning and Zoning Code, General Plan, all community and specific plans, and other City ordinances and policies.

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## SECTION 4. Exemptions for Certain Projects.

This Initiative shall not apply to any of the following: (1) any project that has obtained as of the effective date of the Initiative a vested right pursuant to state or local law; (2) any land that, under state or federal law, is beyond the power of the local voters to affect by the initiative power reserved to the people via the California Constitution.

## SECTION 5. Elections.

Except for the renewal or repeal of this Article, any direct or indirect costs to the City of Lodi caused by the elections mandated by this Article shall be borne by the applicants for the large-scale development project in excess of 125,000 square feet, unless otherwise prohibited by state law.

Elections mandated by this Article shall be consolidated with other elections, whenever feasible. Different proposals may appear on the same ballot at the same election provided that each separate proposal affecting a discrete property or development project shall be submitted to the voters as a separate measure.

## SECTION 6. Severability and Interpretation.

This Initiative shall be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Initiative. The voters hereby declare that this Initiative, and each section, sub-section, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more sections, sub-sections, sentences, clauses, phrases, parts, or portions are declared invalid or unconstitutional. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this Initiative that can be given effect without the invalid application. This Initiative shall be broadly construed in order to achieve the purpose stated in this Initiative.

## SECTION 7. Amendment or Repeal.

Except as otherwise provided herein, this Initiative may be amended or repealed only by the voters of the City of Lodi.

RESOLUTION NO. 2004-149

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA, SETTING PRIORITIES FOR FILING (A) WRITTEN ARGUMENT(S) REGARDING A CITY MEASURE AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS

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WHEREAS, a General Municipal Election is to be held in the City of Lodi, California, on Tuesday, November 2, 2004, at which there will be submitted to the voters the Large-Scale Retail Initiative (text of the proposed ordinance attached as Exhibit A).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. That the City Council authorizes all members of the City Council to file (a) written argument(s) In Favor of or Against City measure, accompanied by the printed name(s) and signature(s) of the person(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California and to change the argument until and including the date fixed by the City Clerk, after which no arguments for or against the City measure may be submitted to the City Clerk.

SECTION 2. That the City Council directs the City Clerk to transmit a copy of the measure to the City Attorney who shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments.

SECTION 3. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

Dated: July 21, 2004

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I hereby certify that Resolution No. 2004-149 was passed and adopted by the City Council of the City of Lodi in a regular meeting held July 21, 2004, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hitchcock, Land, and  
Mayor Hansen

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Howard

ABSTAIN: COUNCIL MEMBERS – None

  
SUSAN J. BLACKSTON  
City Clerk

# EXHIBIT A

## LARGE-SCALE RETAIL INITIATIVE (Text of Proposed Ordinance)

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### SECTION 1. Purpose and Findings.

A. **Purpose.** The purpose of this Initiative is to protect and preserve the existing community character and fabric, and promote the continuation of neighborhood/community commercial centers and the downtown commercial center. Also, the purpose of this Initiative is to ensure that the purposes and principles set forth in the City of Lodi's General Plan are fully considered by establishing sensibly scaled retail development and maintenance of the City of Lodi's unique character. This action recognizes that large-scaled retail stores affecting the city shall be subject to approval by the City Council and a public vote.

B. **Findings.** The people of the City of Lodi find that regulating size and bulk of retail stores, through this Initiative, promotes the welfare, economy, and quality of life of the residents of Lodi, based upon the following:

1. **Regulating Scale of Retail Stores Protects the Unique Character and Quality of Life in Lodi.**

An important component of the City of Lodi is maintaining its unique character. Lodi's small-town and rural qualities are a valuable trait of the town. Large-scale retail stores detract from the community's character and aesthetics. Large retail stores are usually located some distance away from residential neighborhoods because they require large sites, which are usually found only in zones outside of the downtown area. Large-scale retail often consists of long, plain facades, a sea of parking, and sparse landscaping.

The unique character of the City of Lodi and the quality of life enjoyed by City residents and visitors depend on the protection of the small-town and rural qualities. The protection of such attributes aids the continued viability of the city and brings mental and physical benefits from the broad protection of Lodi residents' quality of life.

2. **Strengthening Lodi's Economy.**

It is important to have sensibly scaled retail stores in order to continue to strengthen and sensibly develop Lodi's existing economy. Lodi has a number of shopping centers providing the community with merchandise and services. Large-scale retail stores affect existing shopping centers by causing the existing stores to go out of business, thus destabilizing the shopping centers, and leaving empty, boarded-up buildings, which increase crime and blight. The surrounding area loses the merchandise and services offered by the existing businesses. Sometimes a large-scale retail company will close down an existing store, and replace it with a superstore, which also results in a large, empty store.

3. **Ensuring Adequate Public Services for the City.**

There are negative impacts to not having sensibly scaled retail stores, including safety. Large-scale retail stores require significantly higher commitment of police, fire, and public safety resources compared to smaller neighborhood stores.

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C. **Effect of Initiative.** To achieve the above-stated purposes, this Initiative would amend the City of Lodi's Ordinance and General Plan to establish a limit on large-scale retail stores that exceed 125,000 square feet of gross floor area. Also, it would require that any large-scale retail project proposal containing commercial retail structures that exceed 125,000 square feet of gross floor area be subject to approval by the City Council and a public vote in the next general election.

Exhibits. This Initiative does not have any exhibits attached, but relies upon the design standards for large-scale stores recently adopted by the City.

## SECTION 2. Zoning Ordinance and General Plan Amendments

WHEREAS, the Lodi General Plan establishes a policy framework that forms the City of Lodi's strategy for retail; and

WHEREAS, the Lodi General Plan and Zoning Ordinance recognize distinct types of shopping centers such as neighborhood/community commercial; general commercial; commercial shopping center; and downtown commercial; and

WHEREAS, the Lodi General Plan establishes policies encouraging promoting downtown Lodi as the City's social and cultural center and an economically viable retail and professional office district, it promotes locating future commercial retail in downtown Lodi and preserving the existing small-town scale and character of Lodi; and

WHEREAS, General Plan policies promote and encourage vital neighborhood commercial districts that are evenly distributed throughout the city so that residents are able to meet their basic daily shopping needs at neighborhood shopping centers; and

WHEREAS, the California Government Code also provides that in order for the ordinance to be consistent with the General Plan, the various land uses authorized by the ordinance should be compatible with the objectives, policies, general land uses, and programs specified in the General Plan; and

WHEREAS, the Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code) has not kept pace with the evolution of the retail sector and fails to adequately distinguish the size, scale, and scope of various retail activities; and

WHEREAS, an emerging national trend exists toward increasing the size of retail stores and the diversity of products offered at such large-scale retail stores; and

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WHEREAS, the establishment of large-scale retail stores in Lodi is likely to negatively impact the vitality and economic viability of the city's neighborhood community commercial and downtown commercial centers by drawing sales away from traditional retail stores located in these centers; and

WHEREAS, large-scale retail stores adversely affect the viability of small-scale, pedestrian-friendly neighborhood commercial areas, contributing to blight in these areas; and

WHEREAS, given the city's current population of 60,000, there are currently adequate retail stores to support the market for large-scale retail; and

WHEREAS, the proposed amendments to the Zoning Ordinance and General Plan are intended to preserve the city's existing neighborhood-serving shopping centers that are centrally located within the community; and

WHEREAS, this *distribution of shopping and employment creates a land use pattern* that reduces the need for vehicle trips and encourages walking and biking for shopping, services, and employment; and

WHEREAS, significant concern with large-scale retail stores is that they combine neighborhood-serving retail in a more remote, regional-serving retail center, which would result in the decline of neighborhood-serving retail stores by consolidating their activity in a single, outlying location; and

WHEREAS, the *remote location of large-scale retail stores means that local residents are forced to drive further for basic services such as groceries, and are forced to take longer and more frequent traffic trips to the regional commercial center to satisfy basic everyday needs, increasing overall traffic and overburdening streets that were not designed to accommodate such traffic;* and

WHEREAS, the proposed amendments to Lodi's Zoning Ordinance and General Plan, by **limiting large-scale retail stores, will prevent the negative transportation and related air quality impacts that establishment of such stores is likely to have;** and

WHEREAS, numerous local jurisdictions in the country and the State of California, taking all of the above considerations in mind, have enacted ordinances on new large retail stores over a certain size that either completely prohibit new retail stores over a certain size or require special impact studies; and

WHEREAS, California jurisdictions that have recently enacted such regulations to help sustain the vitality of small-scale, more pedestrian-oriented neighborhood shopping districts include the cities of Turlock, Santa Maria, San Luis Obispo, Arroyo Grande, Oakland, and Martinez; and

WHEREAS, a potential discount superstore would directly contravene the approach the city's General Plan established for retail; and

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WHEREAS, the proposed regulations will place stricter controls on the establishment of, or conversion to large-scale stores and would prevent a large-scale retail store with potential negative environmental impacts from being established in Lodi, but will not itself generate environmental impacts or necessitate environmental review; and

WHEREAS, the adoption of these regulations does not approve any development project nor does it disturb the physical environment either directly or indirectly as the regulations modify the limitations of land use by limiting large-scale retail stores that exceed 125,000 square feet of gross floor area and require such projects be approved by the City Council and the citizens' votes in the next general election; and

WHEREAS, requiring voter approval of land use development of large-scale retail stores that exceed 125,000 square feet of gross floor area will ensure opportunities for full public participation in decisions affecting future land use, quality of life, and character of the City of Lodi.

NOW, THEREFORE, the City of Lodi hereby ordains that: The Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code, Districts and Map) is amended by the addition of 17.06.050(D), which shall read as follows:

Retail structures in any district established by this title shall not exceed 125,000 square feet in gross floor area unless approved by the City Council and the voters in the next general election. The City shall not submit any application for a retail structure in excess of 125,000 square feet in gross floor area to the voters if the application has not first been approved by the City Council, unless otherwise required by law. If, after compliance with the California Environmental Quality Act and any other applicable laws, the City Council approves and certifies the environmental impact report for a retail structure in excess of 125,000 square feet in gross floor area in any district established by this title, the project shall not become effective until approval by public vote in the next general election. For the purposes of this subsection, the term "gross floor area" shall include outside retail areas.

The Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code) is further amended by the addition of the following Sections 17.36.035, 17.36.036, 17.39.035, 17.39.036, 17.30.045, 17.30.046, which include but shall not be limited to these applicable districts.

The Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code) is further amended by the addition of Section 17.36.035, which shall read as follows:

Retail structures in the C-1 district shall not exceed 125,000 square feet in gross floor area unless approved by the City Council and the voters in the next general election. The City shall not submit any application for a retail structure in excess of 125,000 square feet in gross floor area to the voters if the application has not first been approved by the City Council, unless otherwise required by law. If, after compliance with the California Environmental Quality Act and any other applicable laws, the City Council approves and certifies the environmental impact report for a retail structure in excess of 125,000 square feet in gross floor area in any district established by this title, the project shall not become effective until approval by public vote in the next general election. For the purposes of this subsection, the term "gross floor area" shall include outside retail areas.

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The Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code) is further amended by the addition of Section 17.39.035, which shall read as follows:

*Retail structures in the C-2 district shall not exceed 125,000 square feet in gross floor area unless approved by the City Council and the voters in the next general election. The City shall not submit any application for a retail structure in excess of 125,000 square feet in gross floor area to the voters if the application has not first been approved by the City Council, unless otherwise required by law. If, after compliance with the California Environmental Quality Act and any other applicable laws, the City Council approves and certifies the environmental impact report for a retail structure in excess of 125,000 square feet in gross floor area in any district established by this title, the project shall not become effective until approval by public vote in the next general election. For the purposes of this subsection, the term "gross floor area" shall include outside retail areas.*

The Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code) is further amended by the addition of Section 17.30.045, which shall read as follows:

*Retail structures in the C-S district shall not exceed 125,000 square feet in gross floor area unless approved by the City Council and the voters in the next general election. The City shall not submit any application for a retail structure in excess of 125,000 square feet in gross floor area to the voters if the application has not first been approved by the City Council, unless otherwise required by law. If, after compliance with the California Environmental Quality Act and any other applicable laws, the City Council approves and certifies the environmental impact report for a retail structure in excess of 125,000 square feet in gross floor area in any district established by this title, the project shall not become effective until approval by public vote in the next general election. For the purposes of this subsection, the term "gross floor area" shall include outside retail areas.*

The Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code) is further amended by the addition of Sections 17.36.036, 17.39.036, 17.30.046, and 17.06.051, which shall read as follows:

*Nothing in this Chapter shall give the City Council the authority to grant a variance from the provisions of 17.36.035, 17.39.035, 17.30.045, and 17.06.050(D) relating to the maximum size of retail structures in any district established by this title, including but not limited to the C-1, C-2, and C-S Districts.*

The Lodi General Plan is amended by the addition of Policy 7 to Goal A, which shall read as follows:

*The City shall promote preservation of Lodi's small-town and rural qualities by ensuring that retail structures in excess of 125,000 square feet in gross floor area in any land use designation are approved by the City Council and a public vote in the next general election.*

The Lodi General Plan is further amended by the addition of Policy 6 to Goal D, which shall read as follows:

# EXHIBIT A

LARGE-SCALE RETAIL INITIATIVE  
(Text of Proposed Ordinance)  
Page 6 of 7

The City shall promote and support Lodi's downtown development by ensuring that retail structures in excess of 125,000 square feet in gross floor area in any land use designation are approved by the City Council and a public vote in the next general election.

The Lodi General Plan is further amended by the addition of Policy 7 to Goal E, which shall read as follows:

The City shall support commercial use development to provide goods and services to Lodi residents and market area by ensuring that retail structures in excess of 125,000 square feet in gross floor area in any land use designation are approved by the City Council and a public vote in the next general election.

The City of Lodi's General Plan is hereby amended to add the following implementing Policy, Policy 17, to read as follows:

The City shall prepare and implement the requirement for City Council and public voter approval of retail structures in excess of 125,000 square feet in gross floor area in any district established by Lodi's General Plan and Zoning Ordinance.

## SECTION 3. Implementation.

A. **Effective Date.** As provided in Elections Code section 9217, this Initiative shall take effect ten days after the date on which the election results are declared by the City Council. Upon the effective date of this Initiative, the provisions of Section 2 of this Initiative are hereby inserted into the City of Lodi's Planning and Zoning Code and General Plan as an amendment thereof.

B. **Interim Amendments.** The City of Lodi's Zoning Code in effect at the time the Notice of Intent to circulate this Initiative was submitted to the City of Lodi Elections Official on April 16, 2004 ("Submittal Date"), and the ordinances as amended by this Initiative, comprise an integrated, internally consistent, and compatible statement of policies for the City of Lodi. In order to ensure that the City of Lodi's Planning and Zoning remains an integrated, internally consistent, and compatible statement of policies for the City as required by state law and to ensure that the actions of the voter in enacting this Initiative are given effect, any provision of the Planning and Zoning Code that is adopted between the Submittal Date and the date that the Planning and Zoning Code is amended by this measure shall, to the extent that such interim-enacted provision is inconsistent with the Planning and Zoning Code provisions adopted by Section 2 of this Initiative, be amended as soon as possible and in the manner and time required by state law to ensure consistency between the provisions adopted by this Initiative and other elements of the City's Planning and Zoning Code.

C. **Other City Ordinances and Policies.** The City of Lodi is hereby authorized to amend the Planning and Zoning Code, other ordinances, the General Plan, and policies affected by this Initiative as soon as possible and in the manner and time required by any applicable state law to ensure consistency between goals, objectives, and policies adopted in Section 2 of this Initiative and other elements of the City's Planning and Zoning Code, General Plan, all community and specific plans, and other City ordinances and policies.

# EXHIBIT A

LARGE-SCALE RETAIL INITIATIVE  
(Text of Proposed Ordinance)  
Page 7 of 7

## SECTION 4. Exemptions for Certain Projects.

This Initiative shall not apply to any of the following: (1) any project that has obtained as of the effective date of the Initiative a vested right pursuant to state or local law; (2) any land that, under state or federal law, is beyond the power of the local voters to affect by the initiative power reserved to the people via the California Constitution.

## SECTION 5. Elections.

Except for the renewal or repeal of this Article, any direct or indirect costs to the City of Lodi caused by the elections mandated by this Article shall be borne by the applicants for the large-scale development project in excess of 125,000 square feet, unless otherwise prohibited by state law.

Elections mandated by this Article shall be consolidated with other elections, whenever feasible. Different proposals may appear on the same ballot at the same election provided that each separate proposal affecting a discrete property or development project shall be submitted to the voters as a separate measure.

## SECTION 6. Severability and Interpretation.

This Initiative shall be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Initiative. The voters hereby declare that this Initiative, and each section, sub-section, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more sections, sub-sections, sentences, clauses, phrases, parts, or portions are declared invalid or unconstitutional. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this Initiative that can be given effect without the invalid application. This Initiative shall be broadly construed in order to achieve the purpose stated in this Initiative.

## SECTION 7. Amendment or Repeal.

Except as otherwise provided herein, this Initiative may be amended or repealed only by the voters of the City of Lodi.

CITY COUNCIL

LARRY D. HANSEN, Mayor  
JOHN BECKMAN,  
Mayor Pro Tempore  
SUSAN HITCHCOCK  
EMILY HOWARD  
KEITH LAND

# CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
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(209) 333-6702  
FAX (209) 333-6807  
cityclrk@lodi.gov

H. DIXON FLYNN  
City Manager  
SUSAN J. BLACKSTON  
City Clerk  
D. STEPHEN SCHWABAUER  
City Attorney

July 22, 2004

Deborah Hench  
Registrar of Voters  
P.O. Box 810  
Stockton, CA 95201

**RE: NOVEMBER 2, 2004, GENERAL MUNICIPAL ELECTION – MEASURE  
RELATING TO THE LARGE-SCALE RETAIL INITIATIVE**

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Attached please find certified copies of the following resolutions pertaining to the November 2, 2004, General Municipal Election, which were adopted by the Lodi City Council at its July 21, 2004, regular meeting:

- Resolution of the City Council of the City of Lodi, California, accepting Certificate of Sufficiency of Petition for Large-Scale Retail Initiative;
- Resolution of the City Council of the City of Lodi, California, calling and giving notice of the holding of a General Municipal Election on Tuesday, November 2, 2004, for the submission of a proposed ordinance; and
- Resolution of the City Council of the City of Lodi, California, setting priorities for filing (a) written argument(s) regarding a city measure and directing the City Attorney to prepare an impartial analysis.

Should you have any questions regarding this matter, please feel free to give me a call.

Sincerely,



Susan J. Blackston  
City Clerk

JMP

Enclosures

cc: San Joaquin County Board of Supervisors (+ encl.)

bcc: Elizabeth M. Fiske



## DECLARATION OF MAILING

### LETTER REGARDING NOTICE OF ELECTION FOR MEASURE RELATING TO THE LARGE-SCALE RETAIL INITIATIVE

On July 22, 2004, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a letter regarding Notice of Election for Measure relating to the Large-Scale Retail Initiative, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

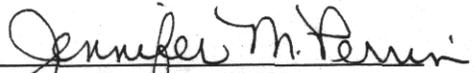
Executed on July 22, 2004, at Lodi, California.

ORDERED BY:

**SUSAN BLACKSTON**  
CITY CLERK, CITY OF LODI

ORDERED BY:

\_\_\_\_\_  
JACQUELINE L. TAYLOR  
DEPUTY CITY CLERK

  
\_\_\_\_\_  
JENNIFER M. PERRIN  
DEPUTY CITY CLERK

\_\_\_\_\_  
PATRICIA OCHOA  
ADMINISTRATIVE CLERK

CITY COUNCIL

LARRY D. HANSEN, Mayor  
JOHN BECKMAN,  
Mayor Pro Tempore  
SUSAN HITCHCOCK  
EMILY HOWARD  
KEITH LAND

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City Manager

SUSAN J. BLACKSTON  
City Clerk

D. STEPHEN SCHWABAUER  
City Attorney

July 22, 2004

**EXHIBIT A**

Interested Parties

**RE: NOTICE OF ELECTION FOR MEASURE RELATING TO THE LARGE-SCALE RETAIL INITIATIVE**

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The Lodi City Council, at its meeting on July 21, 2004, adopted Resolution No. 2004-148 ordering that a measure be submitted to the voters at the November 2, 2004 General Municipal Election relating to the Large-Scale Retail Initiative.

Enclosed for informational purposes is a copy of the Notice of Election for the measure which includes the following information:

- Deadline for filing arguments (not exceeding 300 words) – **August 4, 2004**
- Deadline for filing rebuttal arguments (not exceeding 250 words) – **August 16, 2004**

Arguments must be filed in the City Clerk's Office on or before the deadlines established, during normal office hours.

Also enclosed is the "Form of Statement to be Filed by Author of Argument", which must accompany any argument filed in the City Clerk's Office. Should you have any questions, please feel free to contact my office.

Sincerely,



Susan J. Blackston  
City Clerk

Enclosures



**NOTICE OF ELECTION  
FOR MEASURE RELATING TO THE LARGE-SCALE RETAIL INITIATIVE**

NOTICE IS HEREBY GIVEN that a General Municipal Election will be held in the City of Lodi, California, on Tuesday, November 2, 2004, for the following Measure.

Shall the ordinance prohibiting the construction of new, rebuilt, or expanded retail structures in excess of 125,000 square feet (including outside retail sales areas) unless approved by the City Council and a majority of the voters voting at a city wide election be adopted?	Yes
	No

NOTE: The full text of the initiative is available for public examination in the City Clerk's Office.

**LARGE-SCALE RETAIL INITIATIVE  
(Summary prepared by City Attorney)**

The Large-Scale Retail Initiative is a land use initiative containing amendments to the Lodi General Plan and the Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code). The Initiative would amend the Lodi Zoning Ordinance to impose a maximum size limitation of 125,000 square feet in gross floor area on retail structures within any zoning district in the City of Lodi. The Initiative defines the term "gross floor area" to include outside retail areas. The Initiative also adds twenty-one recitals to the Zoning Ordinance.

Under the Initiative, proposals for retail structures in excess of the size limitations would be subject to both review and approval by the City Council and approval by the voters at a general election. In considering the proposed project, the City Council would be required to comply with the California Environmental Quality Act (CEQA) and any other applicable law. If approved by the City Council, the proposed project would then be submitted to the voters at a general election. The Initiative also adds provisions to the Lodi General Plan requiring compliance with and concerning implementation of this approval process. The Initiative prohibits the City Council from granting variances to the size limitations.

Costs incurred by the City in conducting an election held for the purpose of approving a proposed retail structure in excess of the size limitations established by the Initiative would be borne by the applicant for the project unless prohibited by law. The Initiative states that such elections shall be consolidated with other elections if feasible, and permits multiple proposals on a single ballot so long as each proposal affecting a discrete property or development project is listed as a separate measure.

The Initiative directs that any amendments to the Lodi Planning and Zoning Code adopted after April 16, 2004, that are inconsistent with the Zoning Ordinance amendments contained in the Initiative be amended as soon as possible to be consistent with the Initiative. The Initiative also authorizes the City Council to amend the Lodi General Plan, the Zoning Ordinance, other City ordinances, and City policies to ensure consistency with the goals, objectives, and policies of the Initiative.

The Initiative states that it does not apply to: (1) projects that have obtained vested rights under state or local law; and (2) land that is not subject to the local initiative power. The Initiative states that it shall be interpreted broadly to achieve the purposes stated in the Initiative, and also that it shall be interpreted to be consistent with state and federal law.

(The polls will be open between the hours of 7:00 a.m. and 8:00 p.m.)

NOTICE TO VOTERS OF DATE AFTER WHICH NO ARGUMENT FOR OR AGAINST  
CITY MEASURE MAY BE SUBMITTED TO THE CITY CLERK

NOTICE IS FURTHER GIVEN that pursuant to Article 4, Chapter 3, Division 9 of the Elections Code of the State of California, the legislative body of the City of Lodi, or any member or members thereof authorized by the body, or any individual voter or bona fide association of citizens, or any combination of voters and association, may file a written argument, not to exceed 300 words in length, **accompanied by the printed name(s) and signature(s) of the person(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers**, for or against the City measure.

NOTICE IS FURTHER GIVEN that, based upon the time reasonably necessary to prepare and print the arguments and sample ballots for the election, the City Clerk has fixed **August 4, 2004, during normal office hours, as posted**, as the date prior to the election after which no arguments for or against the City measure may be submitted to the City Clerk for printing and distribution to the voters as provided in Article 4. Arguments shall be submitted to the City Clerk, **accompanied by the printed name(s) and signature(s) of the person(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers**, at City Hall, 221 West Pine Street ~ 2<sup>nd</sup> floor, Lodi, California, 95240. Arguments may be changed or withdrawn until and including the date fixed by the City Clerk.

NOTICE IS FURTHER GIVEN that the City Council had determined that rebuttal arguments not to exceed 250 words in length, as submitted by the authors of the opposing direct arguments, may be filed with the City Clerk, **accompanied by the printed name(s) and signature(s) of the person(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers**. The deadline for submitting rebuttal arguments is **August 16, 2004**, at 5:00 p.m.

NOTICE IS FURTHER GIVEN that any ordinance, impartial analysis, or direct argument filed under the authority of the Elections Code will be available for public examination in the City Clerk's Office for not less than ten (10) calendar days from the deadline for filing arguments and analysis. Any rebuttal argument filed under the authority of the Elections Code will be available for public examination in the City Clerk's Office for not less than ten (10) calendar days from the deadline for filing rebuttal arguments.

Susan J. Blackston  
City Clerk  
City of Lodi, California

Dated: July 22, 2004

**FORM OF STATEMENT TO BE FILED BY  
AUTHOR OF ARGUMENT**

All arguments concerning measures filed pursuant to Elections Code Chapter 3 - Municipal Elections, Division 9 - Measures Submitted to the Voters, Article 4 - Arguments Concerning City Measures, shall be accompanied by the following form statement, to be signed by each proponent and by each author, if different, of the argument:

The undersigned proponent(s) or author(s) of the

\_\_\_\_\_ (primary/rebuttal)

argument \_\_\_\_\_ (in favor of/against)

ballot proposition \_\_\_\_\_ (name or number)

at the \_\_\_\_\_ General Municipal Election  
(title of election, e.g., primary, general, special)

election for the \_\_\_\_\_ City of Lodi  
(Jurisdiction)

to be held on \_\_\_\_\_ November 2, 2004 \_\_\_\_\_ hereby state  
(date)

that such argument is true and correct to the best of \_\_\_\_\_  
(his/her/their)

knowledge and belief.

\_\_\_\_\_  
(Legislative Body or Committee, if applicable)

ALL AUTHORS MUST PRINT HIS/HER NAME, SIGN, AND DATE THIS FORM

Signed	Date
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Submitted herewith is the PRIMARY ARGUMENT \_\_\_\_\_ or REBUTTAL \_\_\_\_\_

\_\_\_\_\_ Measure \_\_\_\_\_  
(In Favor of, Against) (name or number)

Arguments in support of or in opposition to the proposed laws are the opinions of the authors.

TEXT:

Submitted by: \_\_\_\_\_  
(Legislative Body or committee name, if applicable)

ALL AUTHORS MUST PRINT HIS/HER NAME AND SIGN THIS FORM

\_\_\_\_\_  
(Print Name/Sign/Date)

**MAILING LIST**

---

**MAILED ON JULY 22, 2004**

The Small City Preservation Committee  
P.O. Box 730  
Woodbridge, CA 95258

Elizabeth M. Fiske  
727 S. Lee Avenue  
Lodi, CA 95240

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Chamber of Commerce  
35 S. School Street  
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