

PUBLIC HEARING SET  
REGARDING REQUIRE-  
MENT THAT ALL STORM  
DRAINAGE PASS THROUGH  
CITY APPROVED SAND  
AND OIL TRAPS PRIOR  
TO ENTERING CITY  
SYSTEM

CC-53(b)  
CC-176

Following receipt of a letter from the Law Offices of Rishwain, Hakeem, Ellis and LeBeouf, representing Frank Aiegre, Sr., 910 North Cluff Avenue, Lodi, appealing the Planning Commission's action requiring all storm drainage to pass through the City approved sand and oil traps prior to entering the City's storm drain system, Council, on motion of Mayor Pro Tempore Snider, Hinchman second, set the matter for Public Hearing at the Regular Council Meeting of November 4, 1987.

Law Offices of

RISHWAIN, HAKEEM, ELLIS & LEBEOUF

A Professional Corporation

2800 West March Lane  
Suite 200  
Stockton, California 95207  
209 474 2800

September 25, 1987

RECEIVED  
SEP 25 11 00 AM '87  
ALICE M. REIMCHE  
CITY CLERK  
CITY OF LODI

Robert J. Rishwain  
Michael D. Hakeem  
Albert M. Ellis  
David R. LeBeouf  
Michael R. Norton  
Renée M. Marengo  
Teresa G. Richardson  
Linda L. Lofthus  
Jeffrey A. Silvia  
Mark B. Rishwain  
Donald F. Mull  
Doris M. Powell, P.L.

Alice M. Reimche  
City Clerk  
City of Lodi  
221 W. Pine Street  
Lodi, California 95240

HAND DELIVERED

Re: Tentative Parcel Map 87P010  
Frank Alegre, Sr. - 910 N. Cluff Ave.  
04-080-61 and 62

Dear Ms. Reimche:

Please view this correspondence as our notice of complaint filed with your office concerning the above-referenced action of the Lodi City Planning Commission at its meeting of Monday, September 14, 1987.

Specifically, the Planning Commission's action is requiring all storm drainage to pass through the City approved sand and oil traps prior to entering the City's storm drain system is the subject of my client's complaint. Based on the cost that my client would sustain as a result of implementing such procedures, as well as the fact that the above-referenced tentative parcel map does not substantially effect the property in question that would be burdened by the oil traps, my client and I both strongly feel that such procedures would require undue hardship and burden on the Alegre Trucking Company.

In addition to the economic burdens imposed on my client as a result of the Planning Commission's suggestions, my client and I are also quite concerned with the fact that no other existing business has been made to comply with these rather stringent criteria. Furthermore, according to the individuals that testified on behalf of the City before the Planning Commission, this procedure for the implementation of oil traps has been unilaterally created by City staff without the input or approval of the Council. In light of these issues, several of the Planning Commissioners at the September 14, 1987 hearing recommended that the Council study the necessity of oil traps, which are to be implemented on a City wide basis.

Alice M. Reimche  
September 25, 1987  
Page Two

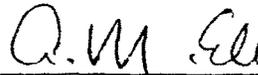
Consequently, in light of the foregoing, I would request your placing this matter on the City Council agenda pursuant to Government Code Section 66451.3.

Should you have any questions, please do not hesitate to contact my office.

Very truly yours,

RISHWAIN, HAKEEM, ELLIS & LeBEOUF  
A Professional Corporation

By:



ALBERT M. ELLIS

AME/cdz

cc: Mr. Frank Alegre, Sr.

DECLARATION OF MAILING

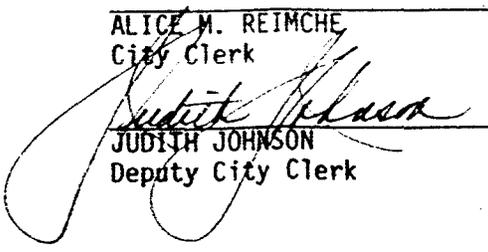
On October 16, 1987 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "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 October 16, 1987, at Lodi, California.

ALICE M. REIMCHE  
City Clerk

  
JUDITH JOHNSON  
Deputy City Clerk

DEC/01  
TXTA.02D

PUBLIC HEARING

NOTICE OF PUBLIC HEARING BY THE LODI CITY COUNCIL OF THE CITY OF LODI TO CONSIDER THE APPEAL OF MR. FRANK ALEGRE, SR., 910 NORTH CLUFF AVENUE, LODI, OF THE LODI PLANNING COMMISSION'S ACTION REQUIRING ALL STORM DRAINAGE TO PASS THROUGH THE CITY APPROVED SAND AND OIL TRAPS PRIOR TO ENTERING THE CITY'S STORM DRAIN SYSTEM.

NOTICE IS HEREBY GIVEN that on the 4th day of November, 1987, at the hour of 7:30 p.m. or as soon thereafter as the matter may be heard, the Lodi City Council will conduct a public hearing in the chambers of the Lodi City Council at 221 West Pine Street, Lodi, California, to consider the appeal of Mr. Frank Alegre, Sr., 910 North Cluff Avenue, Lodi, of the Lodi Planning Commission's action requiring all storm drainage to pass through the City approved sand and oil traps prior to entering the City's storm drain system.

Information regarding this item may be obtained in the office of the City Clerk at 221 West Pine Street, Lodi, California. All interested persons are invited to present their views either for or against the above proposal. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein and oral statements may be made at said hearing.

If you challenge the subject matter 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 City Clerk, 221 West Pine Street, Lodi, at, or prior to, the public hearing.

Date: October 14, 1987

BY ORDER OF THE LODI CITY COUNCIL

*Alice M. Reimche*  
Alice M. Reimche  
City Clerk



October 21, 1987

Lodi City Council  
City Hall  
221 West Pine Street  
Lodi, CA 95240

Re: Turner Road-Truck Route Proposal

Dear City Council Members:

As Administrator of River Garden Retirement Home, I wish to go on record as opposing the designation of Turner Road as a truck route.

The road is congested as is and the elderly residents of this attractive retirement facility will be subjected not only to increased hazard from traffic but increased noise and exhaust pollution in their quest for a peaceful and pleasant retirement.

It additionally will cause traffic difficulties for their family members and friends who come to visit them, and for members of the River Garden staff.

Turner Road, as you know, from just west of the railroad underpass to Lower Sacramento Road, is bordered by top quality residential dwellings and Lodi Lake Park.

Certainly, under all of the circumstances, it would be vastly preferable to route trucks on any number of nearby rural roads available, such as Peltier or Acampo Roads.

There are nearly 100 residents of this facility and adjacent Gross Convalescent Hospital, and a like number of employees, who will be damaged by this proposal if enacted.

I sincerely hope that this opposition to the matter before you will not go unheeded.

Very truly yours,

  
Reverend Oscar Gross,  
Administrator

OG/sr



**GROSS CONVALESCENT HOSPITAL** 321 WEST TURNER ROAD • LODI, CA 95240 • (209) 334-3760

October 21, 1987

Lodi City Council  
City Hall  
221 West Pine Street  
Lodi, CA 95240

Re: Turner Road-Truck Route Proposal

Dear City Council Members:

Please take note of my opposition to the intention of making Turner Road a truck route.

I feel the road is congested already by normal light vehicle traffic and the added burden of large, noisy and noxious trucks will be untenable.

This is, after all, a hospital.

It is obvious that the difficulties encountered by visitors and staff in gaining egress and exit to and from this facility will be greatly enhanced if you pass this ordinance.

We are licensed for 90 residents of our convalescent hospital and 104 of the adjoining River Garden Retirement Home and a large number of Staff who will be seriously inconvenienced if this measure goes through!

With all of the options available for nearby rural truck routes, passage of this measure would be a travesty.

Surely, in view of all of these circumstances you will do the right thing and "nip this proposal in the bud".

Sincerely yours,

Paul Gross, M.A.  
Administrator

PG/sr

Law Offices of  
RISHWAIN, HAKEEM, ELLIS & LEBEOUF  
A Professional Corporation

2800 West March Lane  
Suite 200  
Stockton, California 95207  
209 474 2800

OCT 27 1987  
ALICE M. ...  
CITY OF ...  
CITY OF ...  
COPY

October 23, 1987

Robert J. Rishwain  
Michael D. Hakeem  
Albert M. Ellis  
David R. LeBeouf  
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Renee M. Marengo  
Teresa G. Richardson  
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Jeffrey A. Silvia  
Mark B. Rishwain  
Donald F. Mull  
Doris M. Powell, P.L.

Jim Schroeder  
Community Development Director  
City of Lodi  
Call Box 3006  
Lodi, California 95241

Dear Mr. Schroeder:

Please be advised that my law firm represents the Frank C. Alegre Trucking Co., Inc. relative to the hearing that has been scheduled for November 18, 1987, to discuss weight limits on the city streets of Lodi.

As you are aware, the Council voted on October 21, 1987, to refer the issue of truck routes to a future hearing following the submission to the City of an Environmental Impact Report on this issue. Consequently, in that the issue of weight limits on the streets are intergrally involved with the issue of truck routes and traffic patterns that will be the subject of the upcoming Environmental Impact Report, any such hearing on weight limits would be an attempt to circumvent the Council's decision to refer these issues for an Environmental Impact Report.

Furthermore, please be advised that my client will intend to pursue any and all remedies including litigation should the Council discuss and vote on any weight limitations for the city streets of Lodi absent the submission and discussion of a full Environmental Impact Report on these issues.

I thank you for your attention to these matters, and I will assume that the Council will defer on the issues of weight limits pending the receipt and review of the

Jim Schroeder  
October 23, 1987  
Page Two

subject Environmental Impact Report. I thank you for your consideration of these matters, and should you have any questions, please do not hesitate to contact my office.

Very truly yours,

RISHWAIN, HAKEEM, ELLIS & LeBOUF  
A Professional Corporation

By: Am Ee  
ALBERT M. ELLIS

AME/ss

cc: Alice Reimche  
Ron Stein  
Frank C. Alegre