June 22, 2004

TO: Mayor and City Council

FROM: James E. Glaser, Secretary
       City Planning Commission

SUBJECT: PUBLIC HEARING: APPEAL OF A PLANNING COMMISSION
APPROVAL OF A USE PERMIT TO ALLOW THE OFF-SALE OF BEER
AND WINE (PHASE 1) AND GENERAL ALCOHOLIC BEVERAGES
(PHASE 2) IN CONJUNCTION WITH A 207,000 SQUARE FOOT
RETAIL SUPER CENTER, LOCATED AT THE NORTHWEST CORNER
OF TRINITY PARKWAY AND CONSUMNES DRIVE (10355 TRINITY
PARKWAY) (UP15-04)

RECOMMENDATION

It is recommended that the City Council adopt a resolution:

- Resolution denying the appeal and upholding the Planning Commission's
  approval of a Use Permit (UP15-04) to allow the off-sale of beer and wine and
  general alcoholic beverages in conjunction with an approved by-right retail store
  on property located at the northwest corner of Trinity Parkway and Consumnes
  Drive (10355 Trinity Parkway).

Findings for the above-recommended action have been incorporated into the resolution,
which is attached to this newsletter.

DISCUSSION

Background

At its regular meeting of April 8, 2004, the Planning Commission considered and
approved the request of A.G. Spanos Construction, Inc. for a Use Permit (UP15-04) to
allow the off-sale of beer and wine (Phase 1) and general alcoholic beverages (Phase 2)
in conjunction with an approved by-right 207,000 square foot retail store (Wal-Mart
Super Center) at the northwest corner of Trinity Parkway and Consumnes Drive (10355
Trinity Parkway). The retail store was previously authorized by and determined to be in
compliance with the Master Development Plan (MDP1-00) for the Spanos Park West
Project.

Normally, a Planning Commission approval of a Use Permit is the final decision
necessary to grant the requested use. In this case, however, an appeal to the
Commission's decision was filed by William D. Kopper (Attorney at Law) on behalf of Rosemary Atkinson, Paul Diaz, Susan Rutherford, Larin Essex, and Stockton Citizens for Sensible Planning. The letter of appeal stated that the approval of Use Permit UP15-04 was appealed on the basis that the approval itself was unlawful, unconstitutional, and that the City has failed to comply with the California Environmental Quality Act (CEQA). The appeal letter stated the same reasoning as the letters of opposition from Mr. Kopper and from Save Mart Supermarkets received by the City on April 7, 2004; the day prior to the Planning Commission meeting. Staff from the Public Works Department, Community Development Department and the Office of the City Attorney met the following day to review the content of these letters. After consideration of the information in the letters, staff came to the conclusion that they did not constitute a basis for the Planning Commission to delay consideration of the Use Permit that is limited to a request to allow alcohol sales. City staff (including the Office of the City Attorney) has not changed its opinion on this matter. As stated above, the Spanos Park West MDP allows by-right retail uses like a Wal-Mart Super Center.

**Present Situation**

Environmental Clearance

The environmental consequences of developing the Spanos Park West Project were adequately examined in a previously-approved Supplemental Environmental Impact Report/Initial Study (SEIR3-87/IS13-00). Based on a review of those documents, the proposed project has been adequately addressed and no further environmental analysis is necessary.

Use Permit

The applicant's request is to allow the off-sale of alcoholic beverages in conjunction with an approved by-right retail store (Wal-Mart Super Center). This type of retail use is permitted by the previously approved Master Development Plan (MDP1-00) for the Spanos Park West Project and is expected to be compatible with existing and future land uses within the surrounding area. Information about the proposed Use Permit is included in the staff report to the Planning Commission, which is attached as Use Permit Exhibits 1 through 9.
PUBLIC HEARING DISCUSSION

Following staff's presentation to the Planning Commission, the applicant's representative spoke in favor of the request and pointed out that the Use Permit request was limited to that of whether or not to approve the off-sale of alcohol in conjunction with a by-right retail store (MDP1-00). The opposition's representative spoke and reiterated the arguments stated in the letter of opposition against approval of the Use Permit for the off-sale of alcohol. A member of the public spoke briefly expressing his opposition to the project based on traffic impacts. Another member of the public appeared and stated that he was neutral with regard to the Use Permit proposal.

PLANNING COMMISSION ACTION

Following the public hearing, the Planning Commission voted 5 to 1 (Lowery absent, Bruce dissenting) to approve the Use Permit request of A.G. Spanos Construction, Inc. based on the findings and subject to the conditions listed in the staff report, including the elimination of Condition No. 6.

Note: Condition No. 6 was eliminated because MDP1-00 contains a similar provision regarding the types of fencing material that are appropriate for use within the MDP project area.

Staff is also recommending two additional findings to those contained in the attached Planning Commission staff report that support the City Council's denial of the appeal and the upholding of the Planning Commission's approval of this Use Permit, as follows:

6. The Planning Commission’s approval of the Use Permit was appropriate and based upon the required findings.

7. The appeal fails to raise any valid grounds that the Use Permit for the off-sale of general alcoholic beverages in the already approved retail store should not have been granted.
PUBLIC HEARING: APPEAL OF A PLANNING COMMISSION APPROVAL OF A USE PERMIT TO ALLOW THE OFF-SALE OF BEER AND WINE (PHASE 1) AND GENERAL ALCOHOLIC BEVERAGES (PHASE 2) IN CONJUNCTION WITH A 207,000 SQUARE FOOT RETAIL SUPER CENTER, LOCATED AT THE NORTHWEST CORNER OF TRINITY PARKWAY AND CONSUMNES DRIVE (10355 TRINITY PARKWAY) (UP15-04) – PAGE 4

PUBLIC NOTIFICATION

Mailing of notice to owners of record as shown on the last equalized tax roll and addresses within 300 feet of the site at least ten (10) days prior to the public hearing [Stockton Municipal Code Section 16-089].

VOTES REQUIRED

Five (5) votes of the City Council are necessary to overrule or modify the decision of the Planning Commission approving this Use Permit request.

JAMES E. GLASER, SECRETARY
CITY PLANNING COMMISSION

APPROVED BY CITY MANAGER

JEG:cl

Attachments

cc: City Manager w/attachments
    City Attorney w/attachments
    City Clerk w/attachments

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USE PERMIT (UP15-04)
EXHIBITS 1 THROUGH 11

A.G. SPANOS CONSTRUCTION, INC.
WAL-MART SUPER CENTER
STAFF REPORT

Item E-4: PUBLIC HEARING – Use Permit
Case Nos. UP15-04, A.G. Spanos Construction, Inc.

Data: A.G. Spanos Construction, Inc., on behalf of Doucet and Associates, Inc., is requesting a Use Permit to allow the off-sale of beer and wine (Phase I) and general alcohol beverages (Phase II) in conjunction with an approved by-right retail store on property generally located at the northwest corner of Trinity Parkway and Consumnes Drive (10355 Trinity Parkway). The approximately 22.4-acre site is currently vacant, zoned M-X, Mixed Use District, and is bounded to the:

- north by a vacant parcel zoned M-X;
- east across Trinity Parkway by the Park West Place shopping center, zoned M-X;
- south across Consumnes Drive by a vacant parcel intended for an eventual public park use and an apartment complex zoned M-X; and
- west across a one-hundred foot landscaped buffer area and power line easement by single-family residences zoned R-1, Single-Family District (Zoning Map page 1). See attached exhibits.

General Plan: The General Plan designates this site for Mixed Uses.

Environmental Clearance: The environmental consequences of developing the Spanos Park West Project were adequately examined in a previously-approved Supplemental Environmental Impact Report/Initial Study (SEIR3-87/IS13-00). Based on a review of those documents, the proposed project has been adequately addressed and no further environmental analysis is necessary.

Discussion: As background, General Plan amendment (GPA3-00), rezoning (Z-4-00), Master Development Plan (MDP1-00), and Development Agreement (DA1-00) applications were recommended for approval by the Planning Commission on December 20, 2001, and approved by the City Council on January 29, 2002. The noted approvals allow for the establishment and operation of a retail store as a by-right use, subject to site plan review in order to verify consistency with the A.G. Spanos Business Park Master Development Plan. Staff conducted a site plan review on the project to assure that it is in substantial conformance with the noted Master Development (MDP1-00). However, MDP1-00 requires that a Use Permit be approved by the Planning Commission to allow the off-sale of alcoholic beverages. The proposed use is consistent with MDP1-00 and the Planning and Zoning Code subject to approval of this Use Permit.
The 138,272-square foot initial phase of the retail store will be located on the south end of the project site. The applicant has requested a Use Permit to allow the off-sale of beer and wine (Type 20 license) for Phase I of the project. However, the applicant has indicated during Phase I, the tenant will only sell wine and wine coolers, and no beer will be sold. Phase II will involve the expansion of the retail store by adding 68,888-square feet, for a total of 207,160-square feet. In conjunction with Phase II of the project, the applicant has requested the off-sale of general alcoholic beverages. The applicant has indicated that the each phase of the retail store will operate 24 hours a day, seven days a week although alcoholic beverage sales will be prohibited between 2 a.m. and 6 a.m.

With respect to parking, the overall 207,160-square foot retail store, is required by MDP1-00 (consistent with the Planning and Zoning Code) to provide a total of 822 on-site parking spaces, based upon the requirement for thirteen spaces plus one additional space for each 250 square feet of gross floor area (GFA) in excess of five thousand square feet for the retail uses. The project site will be provided with a 1,037-space parking lot, which exceeds the noted parking requirements. Access to the site will be provided by three proposed driveways on the west side of Trinity Parkway and one driveway on the north side of the Consumnes Drive.

According to SMC Section 16-086, the off-sale of beer, wine and general alcohol are considered "problem uses" and the following criteria must be considered before the uses can be approved:

1. The proposed use with respect to the proximity and type of other enumerated uses;
2. The effect of dispersal or concentration of enumerated uses in the general area;
3. The effect that the proposed use is likely to have on the neighborhood;
4. The compatibility of the proposed use with the surrounding institutional, business and residential uses with respect to noise and/or traffic and/or visual impact and other relevant factors;
5. The potential of the proposed use to create or increase loitering or vandalism in the area; and
6. The degree that traffic safety both on and off-site will be adversely affected by the proposed activity.

The project site is located in Census Tract 40.02. Based upon the population in that geographic area, the State Alcoholic Beverage Control Department (ABC) has determined that two off-sale alcoholic beverage establishments are allowed in the census tract. There is one active off-sale establishment within the census tract. The applicant is proposing to secure a Type 20 license (off-sale of beer and wine) from the State Department of Alcoholic Beverage Control for Phase I, and subsequently replace it with a Type 21 license (off-sale of general alcoholic beverages) for Phase II. If approved, the applicant's request will not result in an "undue concentration."

The Police Department, the Public Works Department, other City departments, the State Department of Alcoholic Beverage Control and the neighborhood have been notified of this request. As of the writing of this staff report, no objections have been received concerning
this request. The Police Department and the Public Works Department have submitted memorandums with recommended conditions that have been incorporated into the staff report's "Proposed Conditions."

Recommendation: Approval based on the following findings:

1. The proposed use is consistent with all applicable goals, policies and standards of the City's adopted General Plan Policy Document, the site's Mixed Use General Plan Diagram designation, and MDP1-00 for the A.G. Spanos Business Park.

2. The proposed use is in compliance with the Zoning Code requirements, subject to approval of a Use Permit, and has been reviewed in accordance with Sections 16-083.B and 16-086.C of the Stockton Municipal Code and the affirmative findings required under Sections 16-086.B are hereby adopted.

3. The proposed use is expected to be compatible with the surrounding land uses and is not likely to interfere with the comfortable enjoyment of life or property in the area, subject to any applicable mitigation measures specified in SEIR3-87/IS13-00 and the previously adopted "Findings and Mitigation Monitoring and Reporting Program for the Spanos Park West Project."

4. The proposed use will not be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood or be detrimental or injurious to the health, safety, peace or general welfare of the City.

5. The environmental consequences of development within the Spanos Park West Project area have been previously considered by Supplemental Environmental Impact Report/Initial Study (SEIR3-87/IS13-00) which was certified by the Planning Commission on December 20, 2001, and the City Council on January 29, 2002, for their respective approvals. With the exception of the unavoidable or unresolved adverse effects of the project, all other potentially adverse environmental effects of the subsequent development of the area will be mitigated to an acceptable level through project design and/or by enforceable conditions of approval on associated discretionary permits.

Proposed Conditions for Use Permit No. UP15-04:

1. Comply with all applicable Federal, State, County and City codes, regulations and adopted standards and pay all applicable fees.

2. In the event that the sale of alcoholic beverages or operation of this use proves detrimental to the health, safety, peace or general welfare of the surrounding neighborhood, this Use Permit shall be subject to revocation or modification as provided in the Zoning Code.

3. The consumption of alcoholic beverages on the premises shall not be permitted.
4. The business shall post E.A.S.Y. (Eliminate Alcohol Sales to Youth) materials that are visible from outside of the business.

5. Every employee involved in the sale of alcoholic beverages shall complete L.E.A.D. training (Licensing Education of Alcohol and Drugs) through the local office of the State Department of Alcoholic Beverage Control within six (6) months of the employee’s hire date.

6. There shall be no chain-link fencing, barbed/concertina wire or similar material visible from a public right-of-way.

7. Structures and other improvements shall be constructed, installed and maintained in accordance with the site plan, floor plans, elevations, color renderings approved with MDP1-00 and with this Use Permit's conditions of approval and be maintained in a manner so as not to be blighted or deteriorated.

8. This Use Permit shall be posted in a conspicuous place and shall be immediately made available to City personnel upon inspection of the premises.

9. Pursuant to Sections 15091, 15093 of the State CEQA Guidelines, approval of this Use Permit is subject to the previously adopted CEQA findings and to the implementation of any applicable required mitigation measures and mitigation monitoring and reporting provisions, respectively, as specified in the “Findings and Mitigation Monitoring/Reporting Program for the Spanos Park West Project” (December 2001).

March 30, 2004

Note: Staff reports are prepared well in advance of the Planning Commission consideration of the proposal and reflect the staff's view based on the best available information at the time the report was formulated. Evidence submitted during the course of the public hearing may require a re-evaluation of the staff's position.

Staff Report prepared by Senior Planner David Stagnaro, AICP.

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NORTH ELEVATION

SOUTH ELEVATION

WEST ELEVATION

EAST ELEVATION

ELEVATIONS

A. G. Spanos Construction, Inc.
UP15-04

PHASE II

STOCKTON CITY PLANNING COMMISSION
FACSIMILE COVER SHEET

We are sending 33 pages (including this cover sheet).

This information is for: Planning Commission
Community Development Department/Planning
Address: City of Stockton

Telephone: Fax: (209) 937-8893

Regarding:

From: Kristin Rauh
Paralegal

Date: April 7, 2004

MESSAGE:

Please see attached comments.

CONFIDENTIALITY NOTICE: Unless otherwise indicated or obvious from the nature of the transmittal, the information contained in this facsimile message is privileged and confidential information intended for the use of the individual person or entity named above. If you, the reader of this message, are not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify the sender by telephone at our expense and return the original message to WILLIAM D. KOPPER at the above address via the U.S. Postal Service at our expense. Thank you.

IF YOU DO NOT RECEIVE ALL OF THE PAGES OR IF THEY ARE ILLEGIBLE, PLEASE CALL US AT THE ABOVE TELEPHONE NUMBER.

UPON RECEIPT, PLEASE CALL TO VERIFY TRANSMISSION: Yes ___ No ___

ORIGINAL WILL ___ WILL NOT ___ FOLLOW BY MAIL.

Copies provided to P.C. at their meeting of 04-08-04 1am
William D. Kopper
Attorney at Law
417 E Street
Davis, CA 95616
(530) 758-0757
Fax (530) 758-2844

April 6, 2004

VIA FACSIMILE (209) 937-8893
AND FIRST CLASS MAIL

Planning Commission
Community Development Department/Planning
City of Stockton
425 El Dorado Street-City Hall
Stockton, CA 95202-1997

RE: Application of A.G. Spanos Construction, Inc. to Allow the Off-Sale of
General Alcoholic Beverages in Conjunction with a 207,000 Square Foot
Wal-Mart Supercenter - Application No. UP15-04
Property Location: 10355 Trinity Parkway within the Spanos Park West
Project

Dear Members of the Planning Commission and Planning Staff:

I represent Rosemary Atkinson, Paul Diaz, Susan Rutherford, Larin Essex, and Stockton Citizens
for Sensible Planning. My clients oppose the issuance of a use permit for the proposed 207,000 square
foot Wal-Mart Supercenter. In fact, the City of Stockton has no authority to issue a building permit for the
proposed Wal-Mart Supercenter with or without an alcoholic beverage sales component. The proposed
Wal-Mart Supercenter clearly violates the provisions of the A.G. Spanos Business Park Master
Development Plan, and before any new development can occur in the A.G. Spanos Business Park Master
Plan Development area, the City must process an amendment to the Master Development Plan and conduct
full CEQA review.

As noted in Section 3.3.1 the land uses included in Figure 3.1 (Conceptual Site Plan) are only land
uses that may be considered in concept. The real land use controls are included in a combination of the
Master Plan and the Companion EIR. Section 1.3 the Master Plan states as follows:

"The Master Development Plan, and Companion EIR, provide all the
information that is required to establish a suitability of A.G. Spanos
Business Park for its intended uses, for the density and intensity of those
uses, for its consistency with the environment, and for the compatibility of
those uses with public health, welfare and safety. The City's General Plan,
Zoning Ordinance, this Master Development Plan, and the Companion
EIR provide the criteria and process for considering and implementing
development proposals."
The EIR analyzes a project that includes 1,700,000 square feet of offices and 105,000 square feet of general commercial. Additionally, the Project includes 2,501 residential units. (See Figure 4.7.C of the Draft Supplemental Environmental Impact Report (SEIR 3-87/IS 13-00; Notice of Completion and Environmental Document Transmittal Form signed by David Stagnaro September 18, 2000.)

The traffic study for the Spanos Park West Project included the traffic generated in the central portion of the Project site that had previous entitlements for single family residential uses and was not part of the 2001 Master Development plan.

As shown in the attached comments from Mr. Neal Liddicoat (and also as described in the City Traffic Model), the PM Peak Hour Traffic Generation of general commercial is approximately double that of general office use. Moreover, the traffic generation from a Wal-Mart Supercenter is significantly higher than general commercial. (See attached studies.) Because the City approved the Kitchell Commercial Development that includes 596,529 square feet of shopping center commercial space, the EIR for the Master Development Plan does not reflect the traffic that will be generated by the Project. It was impermissible for the City to approve the Kitchell Development Project on Trinity Parkway without an amendment to the Master Development Plan and CEQA environmental review. Clearly, the EIR limited commercial space and the Master Development Plan to 105,000 square feet.

The fact that the City has already allowed approximately 500,000 square feet of commercial space in the Master Development Plan area, does not authorize more commercial space. The City’s decision to allow the Kitchell Development has resulted in significant and unanticipated traffic congestion in the area of Spanos West Project. The logical conclusion after allowing the Kitchell Development is that the City must allow no more commercial space in the Spanos Park West Master Development Plan, and must reduce the amount of office space allowed by at least 500,000 square feet to compensate for the extra PM peak hour traffic generated by the retail uses. The better alternative is to complete a new traffic study that takes into account the added commercial space and develops mitigation measures to account for the unanticipated traffic. This information will allow the City a better understanding of how to amend the Master Development Plan.

Additionally, the Master Development Plan designates Lot 17 and Lot 17A as residential. With the conversion of this land to commercial, the existing developments, and the proposed additional commercial -- a Sam’s Club and a Food-For-Less adjacent to the Kitchell development -- there will not be sufficient land for the residential development compelled by the Master Development Plan. As stated in the Project EIR: “With the requested General Plan Amendment and zone change, all of the R-3 Apartment District Zoning located west of the high-voltage power lines will be replaced by R-1 Single Family Residential District Zoning. To offset the loss of high density residential uses, the applicant is proposing 45.43 acres of high density residential uses within the M-X component. A total of 1,005 multi-family residential uses are proposed within this area. An overall Density Transfer Development Agreement (DA 3-01) has been submitted by the applicant that is intended to commit the applicant to building the minimum quantity of multi-family residential units (935 units) required by the City. The proposed Project will absorb so much residential land, that the developer will not be able to fulfill his legal commitment to the City to provide a minimum of 935 units.
The proposed Super Wal-Mart Project on Lot 17 and 17A does not comply with other provisions of the Master Development Plan, the Conceptual Site Plan shows the Wal-Mart parking extended into the utility easement. However, the Final Supplemental Environmental Impact Report (SEIR 3-87/IS 13-00) states that "the City has agreed to allow the applicant to combine open space lands under the power line easement with the adjacent (former) neighborhood park site to create a 17.65 acre community park". Furthermore, "the City has agreed to allow the applicant to dedicate the open space area under the power line easement for community park land purposes, rather than the applicant retaining this open space area in private ownership". The utility easement under the power lines is public open space area and may only be used for occasional parking, not for a private project parking lot. The City is giving away public open space to the developer.

The Project does not comply with the Master Plan Design Guidelines. Design Guideline 7.2.4(c) states that "large, unbroken expanses of parking should be avoided." The Wal-Mart includes one huge unbroken parking lot of hundreds of thousands of square feet. Moreover, the Wal-Mart Supercenter Project is not consistent with the goals of the Project. The goal is apparently "to construct a unique, quality business park/office center characterized by a multi-story office complex". Further, the goal is "to create an employment base for the City of Stockton for high technology firms with unique technology, office space, and location requirements". It is difficult to understand how locating a Wal-Mart Supercenter, which is a regional shopping center in such an office complex fits within the project goals. It appears, that the Spanos Park West Project has degenerated to a retail commercial development where the project developer is being allowed by the City under the guise of the M-X zoning to develop any retail project that the developer chooses. As is shown in this letter, the City's approach to the Wal-Mart Supercenter not only violates the law, but the City's implementation of the M-X zoning is unconstitutional.

A. Wal-Mart Supercenter Project Does Not Comply with CEQA.

Public Resources Code Section 21083.3(a) states: "If a parcel has been zoned to accommodate the particular density of development or has been designated in a community plan to accommodate a particular density of development and an Environmental Impact Report was certified for that zoning or planning action, the application of this division to the approval of any subdivision map or other project that is consistent with the zoning or community plan shall be limited to the effects upon the environment which are peculiar to the parcel or to the project which were not addressed as significant effects in the prior Environmental Impact Report, or which substantial new information shows will be more significant than described in the prior Environmental Impact Report." The cases have held that even when the only act required of the government agency is the issuance of a building permit, an agency's duty to initiate CEQA review may still be triggered. In Miller v. City of Hermosa Beach (1993) 13 Cal.App.4th 1118, 1140-1141, the Court held that a building permit for a hotel project was a discretionary action because the City exercised some discretion over traffic issues and the City had complete authority over aesthetic elements of the project. Likewise, the approval process for a building permit for a 26-story, $88 million, multi-use tower for which the City had authority to require modifications required CEQA review because of the unusual size, dimension, and location of the building. (See Friends of Westwood, Inc. v. City of Los Angeles (1987) 191 Cal.App.3d 559, 266.) In People v. Department of Housing and Community Development (1975) 45 Cal.App.3d 185, 193, CEQA review was triggered for a construction permit for a trailer park because the agency exercised some discretion in issuing the permit.
CEQA review is definitely required for the Wal-Mart Supercenter Project on Trinity Parkway. The traffic impacts of the Wal-Mart Supercenter were not addressed in the Spanos West Project Draft Supplemental Environmental Impact Report and Final Supplemental Environmental Impact Report (SEIR 3-87/IS 13-00). The traffic study in the Environmental Impact Report indicated that in the entire project area there would be only 101,000 square feet of retail development. The Kitchell Project on Trinity Parkway was 596,000 square feet of retail and exceeded the amount of retail development studied in the Supplemental EIR traffic study by almost 500,000 square feet. The traffic study indicates that the PM peak hour traffic generation from retail exceeds that of office by 100% (i.e., it is doubled). A Wal-Mart Supercenter generates 40-50% more traffic than a traditional shopping center. (See attached studies.) For these reasons, the Wal-Mart Supercenter presents environmental impacts that were not considered in the Spanos West Project Supplemental Environmental Impact Report. These project impacts need to be considered in a supplemental CEQA study.

There are other impacts of the Wal-Mart Supercenter that are not considered in the Supplemental Environmental Impact Report. The Wal-Mart stores operate 24 hours per day. The loading dock for the Wal-Mart Supercenter is very close to the neighboring residential units. It is likely that the Wal-Mart Supercenter Project will have noise impacts on the adjacent residential areas. These noise impacts should be studied in a CEQA environmental document, and the public should have an opportunity to review the environmental documents to determine whether or not the project conditions will mitigate the noise impacts. The Supplemental Environmental Impact Report for the Spanos West Project did not contemplate any retail on the scale of the Kitchell Development or the Wal-Mart Supercenter. Figure 3.5 in the Environmental Impact Report designates only very small areas of retail integrated within the office complex. Therefore, there was no study of the impacts of locating large retail developments such as a Wal-Mart Supercenter directly adjacent to residential areas. These impacts have been demonstrated to be significant in other communities. Not only has the noise impacts been found to be significant, but there are air pollution impacts related to idling diesel trucks directly adjacent to residential areas. The toxic contaminants from diesel emissions may be a significant air pollution impact that affects the adjacent residences.

Environmental review is needed for the Wal-Mart Supercenter Project because the air pollution modeling using URBEMMIS 7G model relied upon the inputs for the traffic study for the Spanos Park West Project. Since the inputs from the traffic study indicated that the Project consisted of 1,700,000 square feet of office space and 101,000 square feet of retail, the air pollution modeling does not reflect the actual air pollution impacts of the Spanos Park West Project. Because the Spanos Park West Project now includes approximately 596,000 square feet of retail, and another 207,000 square feet of retail are planned with the Wal-Mart Supercenter Project, the air pollution impacts of the Spanos West Project will be far greater than those impacts included in the Supplemental Environmental Impact Report (SEIR 3-87/IS 13-00). Additional CEQA environmental review is necessary to identify the true air pollution impacts of the Project, and develop appropriate mitigation measures.

Public Resources Code Section 21083.3 requires CEQA review of a project that has cumulative impacts that were not considered in the Environmental Impact Report. Clearly, the added traffic, air pollution impacts and noise impacts associated with the Wal-Mart Supercenter are impacts that were not considered in the Spanos Park West Project Supplemental Environmental Impact. Additionally, Wal-Mart Supercenters frequently have economic/physical impacts such as causing economic blight in the community.
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For every Wal-Mart Supercenter that is opened, the usual rule is that 2 traditional supermarkets close. Supermarkets usually anchor a shopping center with neighborhood stores. When the supermarkets close then the neighborhood stores also fail. The CEQA review for the Wal-Mart Supercenter should discuss whether or not the Wal-Mart Supercenter will create economic/physical impacts in the City of Stockton.

B. The Mixed Use Zoning as Applied Within the Spanos Park West Project Fails to Comply with the City Ordinance, Violates Due Process of Law, and Is Unconstitutional in California.

The Spanos Park West Master Development Plan does not comply with the City's Master Development Plan Ordinance. A master plan is supposed to include "the proposed land uses. The distribution, location and extent (e.g., density, intensity, etc.) of land uses proposed within the area covered by the master development plan, including open-space areas." Clearly, the Spanos West Master Plan Development does not include the location of proposed land uses. Instead, it apparently allows A.G. Spanos Construction, Inc. to build whatever it likes, wherever it likes, within the approximate 200 acre area of the Master Development Plan area.

The Spanos Park West Master Development Plan is unconstitutional. Zoning is a legislative act. A land use ordinance including the zoning ordinance can not be so vague or uncertain that a person of common intelligence and understanding must guess as to its meaning. If this occurs, due process of law is violated. A statute can not forbid or require the doing of an act in terms so vague that persons of common intelligence must necessarily guess at its meaning and differ as to its application. It must provide some standard of conduct for those whose activities are prescribed and for the agencies called upon to ascertain compliance. (Ross v. City of Rolling Hills Estate (1987) 192 Cal.App.3d 370, 375.) To the extent that the Master Development Plan Ordinance is unconstitutional, it is unconstitutional as applied with respect to the Master Development Plan for the Spanos Park West Project. The ordinance is so vague that it allows the administrative agency to approve virtually any land use within the Spanos Park West Project area.

California case law holds that due process hearing rights must be afforded the applicant and the public when land use determinations are made. In Horn v. County of Ventura (1979) 24 Cal.3d 605, 613-614, the Court held that minor land use decisions affecting a relatively few number of people such as an issuance of variances or conditional use permits are adjudicatory actions that require an agency to afford due process rights to surrounding land owners who may be affected. "It is now settled law that the property interests of adjacent land owners are at stake in a land use proceeding, and that procedural due process protections are therefore invoked." (Haysen v. Board of Zoning Adjustments (1979) 171 Cal.App.3d 400, 404; Scott v. City of Indian Wells (1972) 6 Cal.3d 541, 548-549.) The problem with the City's approach to Spanos Park West Master Development Plan, is that it includes no due process safeguards at all. Essentially, it allows the A.G. Spanos Construction, Inc. to insert in the business park any type of use it wishes. Therefore, a land owner could develop a corporate headquarters for a Fortune 500 company in the business park, and A.G. Spanos Construction, Inc. could put a grocery outlet store or a lumber store right next door. Fortune 500 company that invest in a corporate headquarters would have no say over the use that was developed next door and would have no knowledge that such a use could come in right next door since the Spanos West Master Development Plan provides A.G. Stanos
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Construction, Inc. with unfettered discretion to develop the land in any way it chooses. In this respect, it violates the tenets and purposes of the zoning laws of the City of Stockton which have derived their authority from the police power of the Constitution of the State of California.

The Wal-Mart Supercenter development cannot proceed as planned because the Spanos West Master Plan Development is unconstitutional as applied. It provides the owners of the A.G. Spanos Business Park, and secondarily the City, the authority to make zoning decisions without affording the public due process rights. Moreover, as previously explained, the ordinance is unconstitutionally vague.

CONCLUSION

The proposed approval of the Wal-Mart Supercenter by a building permit or by means of a Conditional Use Permit without accompanying review under the California Environmental Quality Act violates the laws of the State of California. The California Environmental Quality Act requires that CEQA review be conducted for the Wal-Mart Supercenter Project. The review should include a traffic study, a noise study, and an air pollution study. Also, the City should require an economic study to determine if the Wal-Mart Supercenter Project will have economic impacts leading to blight. The Project should be redesigned so that it does not impinge upon the public open space area that is part of the Spanos West Project.

Prior to considering and approving the proposed Wal-Mart Supercenter Project, the City needs to amend the Master Development Plan so that it is more precise and complies with the California Constitution. A zoning ordinance can not provide unfettered discretion to the property owner to build whatever the property owner chooses. Such unfettered discretion renders the ordinance vague and violates the purposes of the zoning ordinance. It also violates due process of law by not allowing property owners information about the type of development that can occur adjacent to their property. Also, adjacent property owners are deprived of the right to a hearing and due process of law with respect to proposed developments.

One of the primary reasons that the Master Development Plan must be amended is that the EIR considered a Project with only 101,000 square feet of retail development. However, the Kitchell Project already added 596,00 square feet of retail into the Spanos Park West Master Plan Area, and now the Wal-Mart is planned to add another 207,000 square feet.

Sincerely,

WILLIAM D. KOPPER

WDK:kgr
April 7, 2004

Mr. William D. Kopper  
Attorney at Law  
417 E Street  
Davis, California 95616

Subject: Proposed Super Wal-Mart in Spanos Park West – Stockton, California  
(MRO Project No. 20409.00)

Dear Mr. Kopper:

As requested, MRO Engineers, Inc. has completed a review of the traffic impact analysis completed with respect to the proposed Super Wal-Mart to be constructed in the Spanos Park West development in Stockton, California. The Spanos Park West project was the subject of a September 2001 Draft Supplemental Environmental Impact Report (DSEIR) prepared by LSA Associates, which incorporated a traffic impact analysis prepared by Rajappan & Meyer, Consulting Engineers, Inc.

The City of Stockton is currently processing a Use Permit application to allow the sales of beer and wine in Phase I of the Super Wal-Mart store and liquor in Phase II of the store. This application has raised questions as to the ongoing validity of the environmental documentation approved by the City for the Spanos Park West project. In particular, it appears that the amount of retail development substantially exceeds the amount included in that approval. This letter report presents the results of our review of the DSEIR traffic impact analysis within the context of the subsequent development actions taken by the City of Stockton and the developers of Spanos Park West.

Background

According to the traffic impact analysis incorporated into the DSEIR, Spanos Park West was to include the following land uses:

- General Office – 1,700,000 square feet (SF);
- General Commercial – 105,000 SF;
- Single-family residential – 1,101 dwelling units (DU);
- Multi-family residential – 1,400 DU;
- Elementary/Junior high school – 63,000 SF; and
- Hotel – 109 rooms.

The DSEIR traffic impact analysis conducted by Rajappan & Meyer addressed the potential impacts of the proposed Spanos Park West project at selected intersections in the vicinity of the project site. That analysis was based on AM and PM peak-hour trip generation estimates for the land use plan delineated above. Table 1 summarizes that estimate, which was derived using trip rates taken from the Stockton City-Wide Traffic Model.

193
Table 1

<table>
<thead>
<tr>
<th>Land Use Type</th>
<th>Am Pt/Hr</th>
<th>Pm Pt/Hr</th>
<th>Total Pt/Hr</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Office</td>
<td>3,434</td>
<td>2,890</td>
<td>6,324</td>
</tr>
<tr>
<td>General Commercial</td>
<td>418</td>
<td>213</td>
<td>631</td>
</tr>
<tr>
<td>Single-Family Residential</td>
<td>1,101</td>
<td>540</td>
<td>1,641</td>
</tr>
<tr>
<td>Multi-Family Residential</td>
<td>924</td>
<td>294</td>
<td>1,218</td>
</tr>
<tr>
<td>Elementary/Junior High School</td>
<td>3,810</td>
<td>5,868</td>
<td>9,678</td>
</tr>
<tr>
<td>Hotel</td>
<td>109</td>
<td>31</td>
<td>140</td>
</tr>
<tr>
<td>TOTAL</td>
<td>5,608</td>
<td>3,148</td>
<td>8,756</td>
</tr>
</tbody>
</table>


As shown, the overall project was estimated to generate over 5,300 AM peak hour trips and over 5,800 PM peak hour trips. Within those totals, the General Office use was, by far, the largest generator of traffic, accounting for approximately 60 - 65 percent of the total in each case. Conversely, the General Commercial (i.e., retail) component of the project was assumed to generate relatively few trips – 123 in the AM peak hour (two percent of the total) and 418 in the PM peak hour (seven percent of the total).

Recent Land Use Plan Changes

Since the DSEIR traffic analysis was completed, certain changes to the Spanos Park West land use plan have apparently occurred. For example, a retail center totaling almost 600,000 SF is under development in the northeast corner of the overall Spanos Park West site. Bounded by I-5 to the east and Eight Mile Road to the north, the Kitchell retail project alone (at 596,529 SF) is over five times larger than the retail component of the approved Spanos Park development, as addressed in the DSEIR traffic analysis.

In addition, plans are in the works for development of a Super Wal-Mart store. Phase I of which will total 138,272 SF. That project envisions a second phase, which would expand the store to an unknown size, although Super Wal-Marts often exceed 200,000 SF. Phase I alone, when combined with the Kitchell project, would expand the retail development in the Spanos Park West project to almost 735,000 SF, seven times the originally-approved amount.

Kitchell Retail Project Trip Generation

Table 2 summarizes the incremental AM and PM peak trip generation associated with the Kitchell development, using trip rates from the City’s traffic model (as used in the DSEIR). That development will generate 575 more AM peak hour trips than was considered in the DSEIR traffic analysis. In the PM peak hour, the Kitchell project generates over 1,950 more trips than the previously-considered retail component.
**Super Wal-Mart Trip Generation – Institute of Transportation Engineers Rates**

This does not yet account for the Super Wal-Mart project, however. That proposed retail store will generate a substantially higher rate of traffic than would a more typical retail facility. The proposed Super Wal-Mart is what the Institute of Transportation Engineers (ITE) refers to as a “free-standing discount superstore.”

Attachment A contains an excerpt from the ITE *Trip Generation* manual (Seventh Edition, 2003) with the definition of such a land use. Application of the ITE *Trip Generation* manual’s peak-hour trip rates for Phase I of the proposed discount superstore is summarized in Table 3.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Area</th>
<th>In</th>
<th>Out</th>
<th>PM AM</th>
<th>PM PM</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stockton Super Wal-Mart – Phase I</td>
<td>138,272 SF</td>
<td>130</td>
<td>124</td>
<td>254</td>
<td>262</td>
<td>273</td>
</tr>
</tbody>
</table>

Notes:

In the AM peak hour, Phase I alone of the Super Wal-Mart store will generate more than twice as much traffic as the DSEIR analysis assumed for the entire “General Commercial” portion of the project in that time period (i.e., 254 trips vs. 123 trips). In the PM peak hour, the difference is less pronounced, although the proposed discount superstore’s trip generation estimate is still 117 trips greater the General Commercial land use that was analyzed in the DSEIR.

**Super Wal-Mart Trip Generation – Non-ITE Rates**

The average trip generation rates for discount superstores presented in the ITE manual, and reflected in Table 3, are based on studies at a limited number of locations, with those studies primarily conducted in the southern central United States in the 1990s. Since those counts were conducted, additional discount superstores have been built throughout the country, and in July and October 2003, PM peak hour driveway traffic counts were conducted at five free-standing Super Wal-Mart stores located in Texas and Oklahoma. The results of those counts, which were documented in an unpublished study, are shown in the table below.
Super stores, March 2004), suggest that an even higher PM peak hour trip generation rate might apply to these facilities.

Table 4 summarizes the results of the recent counts at the five free-standing discount superstores, as adapted from the report referenced above. As shown, the overall average PM peak hour trip generation rate for the five study locations was 5.79 trips per 1,000 SF, with individual results ranging from 4.38 trips per 1,000 SF to 7.04 trips per 1,000 SF. This compares to the ITE rate of 3.87 trips per 1,000 SF (and a range of 2.48 – 5.21 trips per 1,000 SF) for the ten locations included in that document.

<table>
<thead>
<tr>
<th>Size</th>
<th>Percent</th>
<th>Inbound</th>
<th>Total</th>
<th>Outbound</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>199,361 SF</td>
<td>61%</td>
<td>39%</td>
<td>1,383</td>
<td>6.94</td>
</tr>
<tr>
<td>2</td>
<td>198,556 SF</td>
<td>50%</td>
<td>50%</td>
<td>1,001</td>
<td>5.04</td>
</tr>
<tr>
<td>3</td>
<td>193,441 SF</td>
<td>52%</td>
<td>48%</td>
<td>1,361</td>
<td>7.04</td>
</tr>
<tr>
<td>4</td>
<td>198,441 SF</td>
<td>48%</td>
<td>52%</td>
<td>869</td>
<td>4.38</td>
</tr>
<tr>
<td>5</td>
<td>221,441 SF</td>
<td>50%</td>
<td>50%</td>
<td>1,239</td>
<td>5.60</td>
</tr>
<tr>
<td>Overall</td>
<td></td>
<td>52%</td>
<td>48%</td>
<td></td>
<td>5.79</td>
</tr>
</tbody>
</table>

Notes:
2. Five free-standing Super Wal-Mart locations in Texas and Oklahoma.

The results of applying this recent non-ITE trip generation information to the proposed Stockton Super Wal-Mart store for the PM peak hour are illustrated in Table 5. The recently-derived Super Wal-Mart trip generation rates result in a substantially higher estimate of PM peak hour retail trip generation compared to the estimate used in the DSEIR traffic analysis. In fact, the estimate shown in Table 5 is somewhat higher than the estimate using the ITE “Free-Standing Discount Superstore” trip rate (as shown in Table 3). Specifically, the recent (non-ITE) trip rates indicate that Phase I of the Stockton Super Wal-Mart would generate about 800 PM peak hour trips, over 380 more retail trips than were analyzed in the DSEIR traffic analysis.

<table>
<thead>
<tr>
<th>Super Wal-Mart Trip Generation Estimates Using Super Wal-Mart Trip Generation Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td>-----</td>
</tr>
<tr>
<td>Stockton Super Wal-Mart – Phase I</td>
</tr>
</tbody>
</table>

Notes:
Conclusion

The City of Stockton currently has the opportunity, in conjunction with the requested Use Permit for beer, wine, and liquor sales at the Super Wal-Mart store, to evaluate the possibility that the modified Spanos Park West project may have additional significant impacts on the environment beyond those identified in the DSEIR. Such an evaluation should be undertaken, as the failure to consider these issues could lead to unacceptable levels of traffic congestion and degradation of intersection level of service in the vicinity of the project.

We hope this information is useful. If you have questions concerning any of the items presented here or would like to discuss them further, please feel free to contact me at (916) 783-3838.

Sincerely,

MRO ENGINEERS, INC.

Neal K. Liddicoat, P.E.
Senior Traffic Engineer
ATTACHMENT A

"Free-Standing Discount Superstore" Definition
Land Use: 813
Free-Standing Discount Superstore

Description

The discount superstores in this category are similar to the free-standing discount stores described in Land Use 815, with the exception that they also contain a full service grocery department under the same roof that shares entrances and exits with the discount store area. The stores usually offer a variety of customer services, centralized cashiering and a wide range of products. They typically maintain long store hours 7 days a week. The stores included in this land use are often the only ones on the site, but they can also be found in mutual operation with a related or unrelated garden center and/or service station. They also are sometimes found as separate parcels within a retail complex with their own dedicated parking area. Free-standing discount store (Land Use 815) is a related use.

Additional Data

Peak hours of the generator—
The weekday a.m. peak hour was between 10:00 a.m. and 11:00 a.m. The weekday p.m. peak hour varied between 12:00 p.m. and 3:00 p.m. The Saturday and Sunday peak hours varied between 12:00 p.m. and 3:00 p.m.

The sites were surveyed in the 1990s and 2000 throughout the United States.

To assist in the future analysis of this land use, it is important to collect and include information on the presence of garden centers and/or service stations in trip generation data submissions.

Source Numbers

354, 522
Mr. Liddicoat has 24 years experience in the analysis of a broad range of traffic engineering, parking, and transportation planning issues, for both public and private sector clients. He has been responsible for traffic engineering for many new roadway facilities. In addition, he has prepared the traffic analysis for inclusion in Project Study Reports for new roadways and freeway interchanges.

State Route 65/Sunset Boulevard Interchange, Placer County, CA – Project Engineer for the traffic operations study evaluating existing and future changes in traffic expected as a result of the proposed SR65/Sunset Boulevard Interchange. Both daily and peak hour traffic operations analyses were conducted, as was an analysis of the traffic impacts to the SR65 mainline. Coordination with Caltrans District 3 was required.

Chestnut Avenue Grade Separation, Fresno County, CA – Senior Design Engineer for the traffic operations study for the design of the 4-span, 434 foot long grade separation structure on Chestnut Avenue crossing over Golden State Boulevard and the Union Pacific Railroad tracks. The project included extensive utility relocation and coordination with Union Pacific Railroad.

Exposition Boulevard Extension Traffic Analysis, Sacramento, CA – Project Engineer for analysis of traffic operations caused by the extension of Exposition Boulevard, under the railroad tracks, to connect to SR 160 in the City of Sacramento. The near-term and long-term “with” and “without” traffic conditions were examined. Coordination with Caltrans District 3 was required on this project.

State Route 65/Whitney Boulevard Interchange, Placer County, CA – Project Manager for detailed traffic operations analysis addressing freeway interchange improvements in southern Placer County. The analysis included consideration of both near-term and future traffic impacts of the proposed project. Because of the project’s potential impact to SR65, close coordination with Caltrans District 3 was necessary.

Skyline Road Project Study Report, Lassen County, CA – Project Manager for the completion of traffic analyses associated with the construction of a new loop roadway around Susanville in Lassen County. Based on estimates of future traffic volumes, the analysis identified the number of roadway lanes needed to serve both short-term and long-term traffic demands.

Foothill Boulevard at Stemmer Creek, San Luis Obispo, CA – Project Engineer for the traffic operations portion of this fast-track PS&E Package for the replacement of two-4 meter diameter CMP culverts. The replacement structure is a 41 foot long and 78 foot wide, single-span, precast, prestressed concrete voided slab bridge.

Additional Projects Include:
- Elk Grove Boulevard Master Plan, Elk Grove
- CSUS Bicycle/Pedestrian Study, Sacramento
- Twin Cities Road Traffic Operations Study, Galt
- Intermodal Facility Project Study, San Diego
- Loomis General Plan, Loomis
- Leisure Town Road Traffic Operations, Vacaville
- Kelly/I-5 West Traffic Impact Analysis, Sacramento
- Downtown Pedestrian Studies, Los Angeles
TRIP GENERATION STUDY

Free Standing Discount Superstore

This Trip Generation Study has been prepared for the purpose of analyzing traffic conditions related to five (5) Free Standing Discount Superstores.

1.0 INTRODUCTION

Trip generation for traffic impact analyses is typically conducted using trip generation rates published by the Institute of Traffic Engineers (ITE). In the case of a Free Standing Discount Superstore, the published trip generation rates are based on surveys during the 1990s throughout the southern central United States. It is believed these surveys may be inaccurate for analyzing traffic generation at Discount Superstores because (1) stores surveys averaged 154,000 square feet during the 1990 surveys and today’s Discount Superstores average closer to 200,000 square feet (202,000 for purposes of this study) and (2), sales have probably increased at Discount Superstores over the past decade resulting in higher traffic volumes.

The current ITE category used for a Free Standing Discount Superstore is:

- Land Use: 813 – Free Standing Discount Superstore

This category is generally described as a free-standing store with off-street parking. They usually have a variety of customer services, centralized cashiering, a wide range of products, and include a grocery store. The stores typically maintain long hours seven days a week and are often the only ones on the site, but can also be found in mutual operation with an unrelated garden center, service station, restaurant, or other retail store(s). Typically, the discount superstore will maintain their own dedicated parking.

Table 1-1 depicts the ITE published average daily weekday rate of traffic and PM peak hour rate of adjacent street traffic for a Free-Standing Discount Superstore per 1,000 square feet gross floor area.
Table 1-1
Free-Standing Discount Superstore ITE Trip Generation

<table>
<thead>
<tr>
<th>Average Rate</th>
<th>Weekday Entering</th>
<th>Exiting</th>
<th>PM Peak Hour of Adjacent Traffic</th>
</tr>
</thead>
<tbody>
<tr>
<td>46.96</td>
<td>50 %</td>
<td>50 %</td>
<td>3.82</td>
</tr>
<tr>
<td>49 %</td>
<td></td>
<td>51 %</td>
<td>Entering</td>
</tr>
</tbody>
</table>

1.1 METHODOLOGY

Since the currently accepted and utilized trip generation rate for the Free Standing Discount Superstore is in question, this study looks at five (5) stores that fit the ITE definition in the states of Oklahoma and Texas to estimate their peak hour trip generation.

The site selection process is described in detail in Chapter 2 but is generally overviewed below. Field review of all locations included a sketch level drawing of the site plan, including the driveways to be counted at each location. Each building’s square footage was attained and calculated by site plans obtained from each local jurisdiction in which the superstore was located, by a measuring wheel during field review, or by contact with the store. The square footage of the garden center and tire and lube shop was not available at all locations. Based on the average square footage of known locations, the square footage of the garden center and tire and lube shop has been estimated at 10,559 square feet. These sites are referenced in Chapter 2.

Staff was positioned at the driveway openings and traffic counts at each of the facilities described in Chapter 2 were conducted on two typical weekdays (Tuesday, Wednesday and/or Thursday) from 4:00 PM – 6:00 PM. It should be noted that no inclement weather occurred during the traffic counts. Appendix A contains a summary of all counts that were conducted. The peak hour of traffic from 4:30 – 5:30 PM was used for analysis in Chapter 3.
2.0 SITE SELECTION

As defined in the Institute of Traffic Engineers Trip Generation Book, 6th Edition, Free Standing Discount Superstore locations were chosen for study that had dedicated parking, provided general merchandise and a grocery store, and operated seven days a week. A description of each location is described below including the type of services (in addition to general merchandise) provided at that Superstore location and a typical site plan has been included as Figure 2.1.

1. Garden Center/Grocery/Pharmacy/Photo Center/Portrait Studio/Tire & Lube
The building totals 199,361 (210,945 with the garden center and tire and lube shop) square feet and is currently on the site with no other developments. Six (6) driveways were counted for the analysis.

2. Garden Center/Gas Station/Grocery/Pharmacy/Photo Center/Portrait Studio/Tire & Lube
The Superstore site totals 209,115 square feet with the garden center and tire and lube shop. On average, the square footage for a garden center and tire and lube shop is 10,559 square feet as previously discussed, therefore the building has been estimated at 198,556. The building has a driveway entrance from a gas station located at the southwest corner of the property. For analysis purposes the traffic entering in and out of the driveway connecting the gas station and Superstore parking lot was counted. A total of four (4) driveways were counted for analysis.

3. Garden Center/Gas Station/Grocery/McDonald's/Pharmacy/Photo Center/Portrait Studio/Tire & Lube
The building totals 204,000 square feet with the garden center and tire and lube shop. On average the square footage for a garden center and tire and lube shop is 10,559 square feet as previously discussed, therefore the building has been estimated at 193,441 and has an additional 4-pump gas station of 225 square feet. For purposes of this study the gas station's square footage has not been included in the analysis. There are six (6) driveway entrances to the parking lot that were counted for the analysis.

4. Garden Center/Grocery/McDonald's/Pharmacy/Photo Center/Portrait Studio/Tire & Lube/Vision Center
The Superstore site totals 209,000 square feet with the garden center and tire and lube shop. On average the square footage for a garden center and tire and lube shop is 10,559 square feet as previously discussed, therefore the building has been estimated at 198,441 and four (4) driveways were counted for analysis.

5. Garden Center/Gas Station/Grocery/Pharmacy/Photo Center/Portrait Studio/Tire & Lube/Vision Center
Free Standing Discount Superstore - Trip Generation Study

The Superstore totals 233,000 square feet with the garden center and tire and lube shop. On average the square footage for a garden center and tire and lube shop is 10.55 square feet as previously discussed, therefore the building has been estimated at 221,441. Five (5) driveways were counted including the driveway entrance between the two parking areas.
Typical Free Standing Discount Superstore Site Plan

Figure 2-1

Legend

1 Count Location
3.0 TRIP GENERATION ANALYSIS

Trip generation was conducted by utilizing the average peak hour (4:30 - 5:30 PM) counts and the square footage of each Free Standing Discount Superstore to determine the trips per 1,000 square feet during the PM Peak Hour. Further, the average traffic turning in and out of the Superstore driveways were each divided by total traffic to determine the PM Peak Hour In and Out percentages.

The two days of traffic counts in Appendix A have been summarized for each of the five (5) locations and the average rate for PM Peak Hour traffic and the In and Out percentages calculated in Table 3-1.

Table 3-1
Trip Generation

<table>
<thead>
<tr>
<th>Site</th>
<th>In</th>
<th>In %</th>
<th>Out</th>
<th>Out %</th>
<th>Total Traffic</th>
<th>1,000 Square Feet</th>
<th>Trip Generation Rate (Trips per 1,000 Sq. ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>694</td>
<td>50.2%</td>
<td>689</td>
<td>49.9%</td>
<td>1382</td>
<td>199.36</td>
<td>6.93</td>
</tr>
<tr>
<td>2</td>
<td>496</td>
<td>49.6%</td>
<td>505</td>
<td>50.4%</td>
<td>1001</td>
<td>198.56</td>
<td>5.04</td>
</tr>
<tr>
<td>3</td>
<td>705</td>
<td>51.8%</td>
<td>656</td>
<td>48.2%</td>
<td>1361</td>
<td>193.44</td>
<td>7.04</td>
</tr>
<tr>
<td>4</td>
<td>418</td>
<td>48.2%</td>
<td>451</td>
<td>52.0%</td>
<td>868</td>
<td>198.44</td>
<td>4.37</td>
</tr>
<tr>
<td>5</td>
<td>615</td>
<td>49.6%</td>
<td>624</td>
<td>50.4%</td>
<td>1239</td>
<td>221.44</td>
<td>5.80</td>
</tr>
<tr>
<td>Average</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1170</td>
<td>202.25</td>
<td></td>
</tr>
</tbody>
</table>
4.0 RECOMMENDATIONS

Trip generation rates for the Free Standing Discount Superstore in Tables 3-1 and 3-3 were compared to the PM peak hour rate of adjacent street traffic for a Free-Standing Discount Superstore in Table 1-1, the currently accepted ITE Trip Generation. Table 4-1 Summarizes the ITE rate and the average rate for the analyzed Free Standing Discount Superstore stand-alone PM Peak Hour of Adjacent Traffic.

<table>
<thead>
<tr>
<th></th>
<th>In</th>
<th>Out</th>
<th>Average Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>ITE Trip Generation</td>
<td>46</td>
<td>51</td>
<td>3.82</td>
</tr>
<tr>
<td>Study Average</td>
<td>49.9</td>
<td>50.2</td>
<td>5.80</td>
</tr>
</tbody>
</table>

Since all sites studied concluded higher trip generation rates for the PM Peak Hour, the Study Rate displayed in Table 4-1 of 5.80 should be the preferred choice when calculating trip generation for a Free Standing Discount Superstore that qualifies under the definition of this study.
Appendix A
Traffic Counts
Site #1 - 7/30/03

<table>
<thead>
<tr>
<th>Time</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>In</td>
<td>Out</td>
<td>In</td>
<td>Out</td>
<td>In</td>
<td>Out</td>
</tr>
<tr>
<td>16:00</td>
<td>60</td>
<td>15</td>
<td>24</td>
<td>46</td>
<td>50</td>
<td>49</td>
</tr>
<tr>
<td>16:15</td>
<td>71</td>
<td>14</td>
<td>17</td>
<td>40</td>
<td>63</td>
<td>69</td>
</tr>
<tr>
<td>16:30</td>
<td>65</td>
<td>22</td>
<td>18</td>
<td>54</td>
<td>57</td>
<td>44</td>
</tr>
<tr>
<td>16:45</td>
<td>64</td>
<td>13</td>
<td>16</td>
<td>47</td>
<td>64</td>
<td>63</td>
</tr>
<tr>
<td>17:00</td>
<td>65</td>
<td>21</td>
<td>13</td>
<td>48</td>
<td>53</td>
<td>75</td>
</tr>
<tr>
<td>17:15</td>
<td>81</td>
<td>15</td>
<td>9</td>
<td>40</td>
<td>63</td>
<td>75</td>
</tr>
<tr>
<td>17:30</td>
<td>69</td>
<td>38</td>
<td>13</td>
<td>42</td>
<td>66</td>
<td>68</td>
</tr>
<tr>
<td>17:45</td>
<td>78</td>
<td>23</td>
<td>16</td>
<td>45</td>
<td>66</td>
<td>65</td>
</tr>
<tr>
<td>Total</td>
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<td>161</td>
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Total In/Out: 1355
Peak Hour Total: 1322
Peak Hour In/Out: 672
Peak Hour In/Out %: 50.8% 49.2%

Site #1 - 10/29/03

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Total In/Out: 1494
Peak Hour Total: 1442
Peak Hour In/Out: 715
Peak Hour In/Out %: 49.6% 50.4%

Average Peak Hour: 1,382
Average In/Out: 694/689
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Total: 385 222 147 267 359 372 30 34

Total In/Out: 921 895

Peak Hour Total: 973

Peak Hour In/Out: 484 489

Peak Hour In/Out %: 49.7% 50.3%

### Site #2 - 10/29/03

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Total: 397 235 187 280 401 458 47 44

Total In/Out: 1032 1017

Peak Hour Total: 1028

Peak Hour In/Out: 508 520

Peak Hour In/Out %: 49.4% 50.6%

Average Peak Hour: 1,001  
Average In/Out: 496/505
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Total: 2443
Total In/Out: 1254
Peak Hour Total: 1255
Peak Hour In/Out: 651
Peak Hour In/Out %: 51.9% 48.1%

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### Site #3 - 10/29/03

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Total: 2909
Total In/Out: 1493
Peak Hour Total: 1467
Peak Hour In/Out: 759
Peak Hour In/Out %: 51.7% 48.3%

Average Peak Hour: 1,361
Average In/Out: 705/656
Free Standing Discount Superstore - Trip Generation Study

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Total
- In/Out: 1787
- Peak Hour Total: 833
- Peak Hour In/Out: 438
- Peak Hour In/Out %: 49.2% 50.8%

### Site #4 - 10/28/03

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Total
- In/Out: 1707
- Peak Hour Total: 848
- Peak Hour In/Out: 397
- Peak Hour In/Out %: 47.0% 53.0%

Average Peak Hour: 868
Average In/Out: 418/451
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Total: 2374  
Total In/Out: 1216/1158  
Peak Hour Total: 1176  
Peak Hour In/Out: 606/570  
Peak Hour In/Out %: 51.5/48.5%

### Site #5 - 10/28/03

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<td>62</td>
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<td>5</td>
<td>55</td>
<td>66</td>
<td>17</td>
<td>8</td>
<td>10</td>
</tr>
</tbody>
</table>

Total: 2504  
Total in/Out: 1306/1298  
Peak Hour Total: 1301  
Peak Hour In/Out: 624/677  
Peak Hour In/Out %: 48.0/52.0%

Average Peak Hour: 1,239  
Average In/Out: 615/624
Trip Generation Characteristics of Free-Standing Discount Superstores

Stacey Stewart Kurz, VRPA Technologies, Inc.
Georgivena Vivian, VRPA Technologies, Inc.

In the past decade there has been an insurgence in the number of proposed free-standing discount superstores throughout the country. These stores have continued to gain in popularity because of their convenience, combining general retail merchandise, full service grocery departments, and other specialty shops such as pharmacies and photo processing at discount rates. Due to this popularity, many localities have a growing concern over the impact these stores have on their communities and infrastructure system. Regarding traffic impacts, an important issue has been raised concerning the correlation between the average size of the store and the trip generation rate, specifically:

- Should the size of the store affect the trip generation rate that is used or should the average rate be used for all stores?

This feature provides a summary of a trip generation study prepared for a major discount superstore company located throughout the United States.

CURRENT TRIP GENERATION DATA
The Institute of Transportation Engineers' (ITE) Trip Generation manual is typically used to estimate the number of site-generated trips associated with a given land use. The land use most commonly employed to study large general retailers with a full service grocery department is free-standing discount superstore (ITE Land Use Code 813). In addition, data for shopping centers (ITE Land Use Code 820) is sometimes used to evaluate the transportation impacts of discount superstores when they are part of a larger shopping center development.

ITE Land Use Code 813 characterizes free-standing discount superstores as "free-standing stores offering a variety of customer services, centralized cashiering, a wide range of products and a full service grocery department under the same roof. Discount Superstores typically maintain long store hours 7 days a week and can also be found in mutual operation with a related or unrelated garden center and/or service station."

The currently accepted ITE trip generation rates for p.m. peak hour of adjacent traffic are displayed for the two identified land uses in Table 1. The rate is based on ten stores surveyed during the early 1990's and 2000 ranging in size from 120,000 – 220,000 square feet with the average p.m. peak hour of adjacent traffic at 161,000 square feet.

DATA COLLECTION
In order to look further at this issue, driveway count data was collected at five large (approximately 200,000 square feet) stores from the same company that qualified under the free-standing discount superstore classification. Site selection and data collection at the study sites included:

- Sites were chosen that were stand alone locations and did not contain any other unrelated retail stores. Efforts were further made to select as few sites containing a related gas service station as possible (notes have been made in Table 2 where this occurred). All locations contained a related garden center. Square footages for the garden center, tire and lube and gas service station were not used in the calculations seen in Table 2.
- PM manual traffic counts were taken during the hours of 4 PM – 6 PM on two typical weekdays (July 2003 and October 2003). It was determined that the peak hour of adjacent traffic occurred between 4:30 and 5:30 p.m.
- Contact with local agencies was made to attain site plans and/or assessor information for store size.

TRAFFIC COUNT ANALYSIS
Data from the two collected days were averaged together and the p.m. peak hour trip generation rate was calculated, reference Table 2.

COMPARISON TO TRIP GENERATION DATA
Table 3 provides a side-by-side comparison of the trip generation rates provided in the ITE Trip Generation Manual and the average results obtained from the field studies.

CONCLUSIONS
The purpose of this study was to collect additional data from large discount superstores that are approximately 200,000 square feet in size. The study showed a significantly higher trip generation rate than that of the standard ITE free-standing discount superstore. Traffic engineers wishing to prepare a conservative traffic analysis may wish to adopt the higher trip generation rate indicated in this study of large free-standing discount stores that in the range of 200,000 square feet.

The data presented in this study should be added to the ITE's database of free-standing discount superstores, thereby broadening the database available for estimating the transportation impacts of modern discount superstores. The transportation community would benefit from additional studies of discount superstores to update the category further. It is critical in doing so that the characteristics of each store are documented, such as the presence of related gas stations, tire and lube departments and garden centers.
<table>
<thead>
<tr>
<th></th>
<th>ITE Free-Standing Discount Superstore (Land Use Code 813)</th>
<th>ITE Shopping Center (Land Use Code 820)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Studies</td>
<td>10</td>
<td>407</td>
</tr>
<tr>
<td>Average 1,000 Sq. Feet Gross Floor Area</td>
<td>161</td>
<td>379</td>
</tr>
<tr>
<td>Peak Hour of Adjacent Street Traffic, PM Peak</td>
<td>3.87</td>
<td>3.75</td>
</tr>
</tbody>
</table>
# Table 2. Summary of driveway data collected

<table>
<thead>
<tr>
<th>Number</th>
<th>Location</th>
<th>RE-SPA</th>
<th>Site Area</th>
<th>PSPI</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Oklahoma City, OK</td>
<td>199,361</td>
<td>1383</td>
<td>6.94</td>
</tr>
<tr>
<td>2</td>
<td>Edmond, OK&lt;sup&gt;(1)&lt;/sup&gt;</td>
<td>198,556</td>
<td>1001</td>
<td>5.04</td>
</tr>
<tr>
<td>3</td>
<td>Moore, OK&lt;sup&gt;(2)&lt;/sup&gt;</td>
<td>193,441</td>
<td>1361</td>
<td>7.04</td>
</tr>
<tr>
<td>4</td>
<td>Bedford, TX</td>
<td>198,441</td>
<td>869</td>
<td>4.38</td>
</tr>
<tr>
<td>5</td>
<td>Mesquite, TX</td>
<td>221,441</td>
<td>1239</td>
<td>5.60</td>
</tr>
<tr>
<td>Average</td>
<td></td>
<td>202,256</td>
<td>1157.4</td>
<td>6.00</td>
</tr>
</tbody>
</table>

<sup>(1)</sup> Site contains a related gas station but is not located within the parking lot of the store. The driveway connecting the store parking lot and service station was counted.

<sup>(2)</sup> Site contains a gas station that shares common entrances. The square footage of the service station was not included in the analysis.
### Table 3. Comparison of average PM peak period traffic

<table>
<thead>
<tr>
<th></th>
<th>ITE Free-Standing Discount Superstore (Land Use Code 813)</th>
<th>Field data</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Studies</td>
<td>10</td>
<td>5</td>
</tr>
<tr>
<td>Average 1,000 Sq. Feet Gross Floor Area</td>
<td>161</td>
<td>202.25</td>
</tr>
<tr>
<td>Peak Hour of Adjacent Street Traffic, PM Peak</td>
<td>3.87</td>
<td>5.80</td>
</tr>
</tbody>
</table>
Abstract:

In the past decade there has been an insurgenge in the number of proposed free-standing discount superstores throughout the country. These stores have continued to gain in popularity because of their convenience, combining general retail merchandise, full service grocery departments, and other specialty shops such as pharmacies and photo processing at discount rates. The purpose of this study was to collect additional data from large discount superstores that are approximately 200,000 square feet in size. The study showed a significantly higher trip generation rate than that of the standard ITE free-standing discount superstore.

Keywords:

Discount superstores
Free-standing discount superstores
Trip generation rates
Land use 813
Shopping centers
April 7, 2004

VIA U.S. MAIL & FACSIMILE (209) 937-8893

Mr. David Stagnaro
Acting Senior Planner
City of Stockton
Community Development Department
Planning Division
345 North El Dorado Street
Stockton, CA 95202-1997

RE: Proposed Wal-Mart Supercenter – Application for Liquor License Permit
Spanos Park West – Stockton, CA

Dear Mr. Stagnaro:

Thank you for providing us with the information we requested in connection with the background and planned expansion of the commercial project in the Spanos Park West Project. Although the application before the Planning Commission is to approve the issuance of a liquor license permit for a proposed Wal-Mart Supercenter in Spanos Park West, we believe that substantial more study needs to be undertaken before this project is allowed to proceed.

At the time the project was submitted for approval, the accompanying Environmental Impact Report analyzed the impacts based upon the following assumptions concerning the development of the project.

<table>
<thead>
<tr>
<th>Use</th>
<th>Building Size</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>2,514 Units</td>
<td>361.5</td>
</tr>
<tr>
<td>Office</td>
<td>1,700,000 Sq. Ft.</td>
<td>92.12</td>
</tr>
<tr>
<td>Shopping/Commercial</td>
<td>101,000 Sq. Ft.</td>
<td>13</td>
</tr>
<tr>
<td>Mini Storage</td>
<td>4,000 Sq. Ft.</td>
<td>4.1</td>
</tr>
<tr>
<td>Hotel</td>
<td>400 Units</td>
<td>5.3</td>
</tr>
<tr>
<td>School - Park</td>
<td>—</td>
<td>18</td>
</tr>
<tr>
<td>Linear - Park</td>
<td>—</td>
<td>10</td>
</tr>
</tbody>
</table>

The project has now dramatically changed from that envisioned at the time the project was approved and an EIR was completed to measure the resulting impacts. The "new" project already consists of 597,000 square feet of existing retail, with a Phase II component totaling 17 acres or an approximate 185,000 square feet of additional retail. By approving a Wal-Mart Supercenter of 207,000 square feet (with probably another 15,000 square feet devoted to nursery sales) the combined commercial in the Park West Development will total almost one million square feet. We have also heard negotiations are underway to add a Sam's Club to this project, which would add an additional 150,000 square feet to the commercial component.

Traffic data shows that commercial development draws substantially more traffic than office/business park.

Since the traffic analysis done for this project anticipated only 101,000 square feet of commercial, it is clear the traffic impacts of the "new" development have greatly exceeded those contained in the EIR. It is Save Mart's opinion, that before any further commercial projects are approved at this location, a new EIR needs to be completed to evaluate the potential impacts, and to make sure the project as it is

Copies provided to P.C. at their meeting of 04-08-04.
presently being developed, is in compliance with the terms of the Master Development Plan entered into between the City of Stockton and AG Spanos.

At the time of its approval, the Park West Development Plan had to demonstrate it was consistent with the City’s General Plan. The City of Stockton’s General Plan sets forth certain objectives, policies and goals. These include: developments that reduce air pollutants; mixed use projects that can accommodate a variety of land uses; varied residential densities appropriately distributed; compatible integration of commercial and residential uses; street and highway systems which promote safety and vehicular access with a minimum of delay; adequate open-space and recreational facilities; and projects that protect residential development from exposure to excessive noise. Many of these objectives, goals and policies are at variance with the “new” development, and are therefore inconsistent with the General Plan.

The Spanos Park West Project was to provide a minimum of 935 multi-family housing units within the M-X component of the Spanos Park West. With most of the land in the Spanos Park West project being gobbled up by commercial, it is questionable whether enough land remains to complete the minimum multi-family component. The Spanos Park West plan also specifies that large, unbroken expanses of parking should be avoided. Clearly a project which provides parking for more than 1,100 cars does not meet this objective. Moreover, this field of parking extends into the utility easement area with minimal landscaping set backs from Cosumnes Drive. Finally, the Development Agreement stipulates that commercial uses should be served from streets connecting with Trinity Parkway, and not from the Parkway itself. The only driveway off the Parkway is one on Cosumnes Drive, which driveway is for truck access.

Given all the above, it is evident that the “new” proposed development is no longer substantially consistent with the Master Development Plan. The Development Agreement states that "if subsequent development proposals deviate from the Master Development Plan, an additional EIR, a supplemental EIR, or an addendum to the Project EIR may be required, to the extent that the specific details of the proposal disclose facts or conditions that were not available when the Master Development Plan was adopted, or the EIR certified."

Given the foregoing, the City is required to prepare and certify a new EIR before further approvals are granted for commercial development at this location. Since I will not be able to attend the Planning Commission hearing on Thursday, April 8, 2004 please provide a copy of this letter to the Planning Commission members.

Very truly yours,

Jim Watt
Vice President of Real Estate

JW/as
April 7, 2004

Mr. William D. Kopper
Attorney at Law
417 E Street
Davis, California 95616

Subject: Proposed Super Wal-Mart in Spanos Park West – Stockton, California
(MRO Project No. 20409.00)

Dear Mr. Kopper:

As requested, MRO Engineers, Inc. has completed a review of the traffic impact analysis completed with respect to the proposed Super Wal-Mart to be constructed in the Spanos Park West development in Stockton, California. The Spanos Park West project was the subject of a September 2001 Draft Supplemental Environmental Impact Report (DSEIR) prepared by LSA Associates, which incorporated a traffic impact analysis prepared by Rajappan & Meyer, Consulting Engineers, Inc.

The City of Stockton is currently processing a Use Permit application to allow the sales of beer and wine in Phase I of the Super Wal-Mart store and liquor in Phase II of the store. This application has raised questions as to the ongoing validity of the environmental documentation approved by the City for the Spanos Park West project. In particular, it appears that the amount of retail development substantially exceeds the amount included in that approval. This letter report presents the results of our review of the DSEIR traffic impact analysis within the context of the subsequent development actions taken by the City of Stockton and the developers of Spanos Park West.

Background

According to the traffic impact analysis incorporated into the DSEIR, Spanos Park West was to include the following land uses:

- General Office – 1,700,000 square feet (SF);
- General Commercial – 105,000 SF;
- Single-family residential – 1,101 dwelling units (DU);
- Multi-family residential – 1,400 DU;
- Elementary/Junior high school – 63,000 SF; and
- Hotel – 109 rooms.

The DSEIR traffic impact analysis conducted by Rajappan & Meyer addressed the potential impacts of the proposed Spanos Park West project at selected intersections in the vicinity of the project site. That analysis was based on AM and PM peak-hour trip generation estimates for the land use plan delineated above. Table 1 summarizes that estimate, which was derived using trip rates taken from the Stockton City-Wide Traffic Model.
As shown, the overall project was estimated to generate over 5,300 AM peak hour trips and over 5,800 PM peak hour trips. Within those totals, the General Office use was, by far, the largest generator of traffic, accounting for approximately 60 - 65 percent of the total in each case. Conversely, the General Commercial (i.e., retail) component of the project was assumed to generate relatively few trips — 123 in the AM peak hour (two percent of the total) and 418 in the PM peak hour (seven percent of the total).

**Recent Land Use Plan Changes**

Since the DSEIR traffic analysis was completed, certain changes to the Spanos Park West land use plan have apparently occurred. For example, a retail center totaling almost 600,000 SF is under development in the northeast corner of the overall Spanos Park West site. Bounded by I-5 to the east and Eight Mile Road to the north, the Kitchell retail project alone (at 596,529 SF) is over five times larger than the retail component of the approved Spanos Park development, as addressed in the DSEIR traffic analysis.

In addition, plans are in the works for development of a Super Wal-Mart store, Phase 1 of which will total 138,272 SF. That project also envisions a second phase, which would expand the store to a total of 207,160 SF. Phase 1 alone, when combined with the Kitchell project, would expand the retail development in the Spanos Park West project to almost 735,000 SF, seven times the originally-approved amount. Full development of the Super Wal-Mart store would increase the total retail development to well over 800,000 SF.

**Kitchell Retail Project Trip Generation**

Table 2 summarizes the incremental AM and PM peak trip generation associated with the Kitchell development, using trip rates from the City’s traffic model (as used in the DSEIR). That development will generate 575 more AM peak hour trips than were considered in the DSEIR traffic analysis. In PM peak hour, the Kitchell project generates over 1,950 more trips than the previously-considered retail component.
Table 2

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Size</th>
<th>AM Peak Hour</th>
<th>PM Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>In</td>
<td>Out</td>
</tr>
<tr>
<td>Kitchell Retail Project</td>
<td>596,529 SF</td>
<td>489</td>
<td>209</td>
</tr>
<tr>
<td>DSEIR General Commercial</td>
<td>105,000 SF</td>
<td>86</td>
<td>37</td>
</tr>
<tr>
<td>Net Increase</td>
<td>491,529 SF</td>
<td>403</td>
<td>172</td>
</tr>
</tbody>
</table>

Notes:

Super Wal-Mart Trip Generation – Institute of Transportation Engineers Rates

This does not yet account for the Super Wal-Mart project, however. That proposed retail store will generate a substantially higher rate of traffic than would a more typical retail facility. The proposed Super Wal-Mart is what the Institute of Transportation Engineers (ITE) refers to as a “free-standing discount superstore.” Attachment A contains an excerpt from the ITE Trip Generation manual (Seventh Edition, 2003) with the definition of such a land use. Application of the ITE Trip Generation manual’s peak-hour trip rates for Phase I of the proposed discount superstore is summarized in Table 3.

Table 3

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Size</th>
<th>AM Peak Hour Trips</th>
<th>PM Peak Hour Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>In</td>
<td>Out</td>
</tr>
<tr>
<td>Stockton Super Wal-Mart – Phase 1</td>
<td>138,272 SF</td>
<td>130</td>
<td>124</td>
</tr>
<tr>
<td>Stockton Super Wal-Mart – Phase 2</td>
<td>68,888 SF</td>
<td>64</td>
<td>62</td>
</tr>
<tr>
<td>TOTAL</td>
<td>207,160 SF</td>
<td>194</td>
<td>186</td>
</tr>
</tbody>
</table>

Notes:

In the AM peak hour, Phase 1 alone of the Super Wal-Mart store will generate more than twice as much retail traffic as the DSEIR analysis assumed for the entire “General Commercial” portion of the project in that time period (i.e., 254 trips vs. 123 trips). In the PM peak hour, the difference is less pronounced, although the proposed discount superstore’s trip generation estimate is still 117 trips greater the General Commercial land use that was analyzed in the DSEIR.

Buildout of the Super Wal-Mart store will obviously have an even greater impact. The total AM peak hour trip generation for the ultimate store size would be over three times the volume of retail traffic evaluated in the DSEIR. In the PM peak hour, the expanded Super Wal-Mart would generate almost twice as much retail traffic as was considered in the environmental documentation.
Super Wal-Mart Trip Generation – Non-ITE Rates

The average trip generation rates for discount superstores presented in the ITE manual, and reflected in Table 3, are based on studies at a limited number of locations, with those studies primarily conducted in the southern central United States in the 1990s. Since those counts were conducted, additional discount superstores have been built throughout the country, and in July and October 2003, PM peak hour driveway traffic counts were conducted at five free-standing Super Wal-Mart stores located in Texas and Oklahoma. The results of those counts, which were documented in an unpublished study (Reference: VRPA Technologies, Inc., Trip Generation Characteristics of Free-Standing Discount Superstores, March 2004), suggest that an even higher PM peak hour trip generation rate might apply to these facilities.

Table 4 summarizes the results of the recent counts at the five free-standing discount superstores, as adapted from the report referenced above. As shown, the overall average PM peak hour trip generation rate for the five study locations was 5.79 trips per 1,000 SF, with individual results ranging from 4.38 trips per 1,000 SF to 7.04 trips per 1,000 SF. This compares to the ITE rate of 3.87 trips per 1,000 SF (and a range of 2.48 – 5.21 trips per 1,000 SF) for the ten locations included in that document.

<table>
<thead>
<tr>
<th>Site</th>
<th>Size</th>
<th>PM Peak Hour Trips</th>
<th>Total Trip Generation Rate (Trips/1,000 Sq. Ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Inbound Percentage</td>
<td>Outbound Percentage</td>
</tr>
<tr>
<td>1</td>
<td>199,361 SF</td>
<td>61%</td>
<td>39%</td>
</tr>
<tr>
<td>2</td>
<td>198,556 SF</td>
<td>50%</td>
<td>50%</td>
</tr>
<tr>
<td>3</td>
<td>193,441 SF</td>
<td>52%</td>
<td>48%</td>
</tr>
<tr>
<td>4</td>
<td>198,441 SF</td>
<td>48%</td>
<td>52%</td>
</tr>
<tr>
<td>5</td>
<td>221,441 SF</td>
<td>50%</td>
<td>50%</td>
</tr>
<tr>
<td>Overall</td>
<td>52%</td>
<td>48%</td>
<td></td>
</tr>
</tbody>
</table>

Notes:
2. Five free-standing Super Wal-Mart locations in Texas and Oklahoma.

The results of applying this recent non-ITE trip generation information to the proposed Stockton Super Wal-Mart store for the PM peak hour are illustrated in Table 5. The recently-derived Super Wal-Mart trip generation rates result in a substantially higher estimate of PM peak hour retail trip generation compared to the estimate used in the DSEIR traffic analysis. In fact, the estimates shown in Table 5 are somewhat higher than the estimate using the ITE “Free-Standing Discount Superstore” trip rate (as shown in Table 3).

Specifically, the recent (non-ITE) trip rates indicate that Phase 1 of the Stockton Super Wal-Mart would generate about 800 PM peak hour trips, over 380 more retail trips than were analyzed in the DSEIR traffic analysis. With full buildout of the Super Wal-Mart store, the total PM peak hour trip generation is expected to increase to 1,200 trips, thereby nearly tripling the volume of retail traffic evaluated in the environmental analysis.
Furthermore, the combination of the Super Wal-Mart store with the ongoing Kitchell retail development (and its 2,374 PM peak hour trips) would result in a total of 3,574 retail-generated PM peak hour trips. This represents greater than a 750 percent increase in retail trips, compared to the retail development considered in the DSEIR.

Conclusion

The City of Stockton currently has the opportunity, in conjunction with the requested Use Permit for beer, wine, and liquor sales at the Super Wal-Mart store, to evaluate the possibility that the modified Spanos Park West project may have additional significant impacts on the environment beyond those identified in the DSEIR. Such an evaluation should be undertaken, as the failure to consider these issues could lead to unacceptable levels of traffic congestion and degradation of intersection level of service in the vicinity of the project.

We hope this information is useful. If you have questions concerning any of the items presented here or would like to discuss them further, please feel free to contact me at (916) 783-3838.

Sincerely,

MRO ENGINEERS, INC.

[Signature]

Neal K. Liddicoat, P.E.
Senior Traffic Engineer
ATTACHMENT A

“Free-Standing Discount Superstore” Definition
Land Use: 813
Free-Standing Discount Superstore

Description

The discount superstores in this category are similar to the free-standing discount stores described in Land Use 815, with the exception that they also contain a full service grocery department under the same roof that shares entrances and exits with the discount store area. The stores usually offer a variety of customer services, centralized cashiering and a wide range of products. They typically maintain long store hours 7 days a week. The stores included in this land use are often the only ones on the site, but they can also be found in mutual operation with a related or unrelated garden center and/or service station. They also are sometimes found as separate parcels within a retail complex with their own dedicated parking area. Free-standing discount store (Land Use 815) is a related use.

Additional Data

Peak hours of the generator—
The weekday a.m. peak hour was between 10:00 a.m. and 11:00 a.m. The weekday p.m. peak hour varied between 12:00 p.m. and 3:00 p.m. The Saturday and Sunday peak hours varied between 12:00 p.m. and 3:00 p.m.

The sites were surveyed in the 1990s and 2000 throughout the United States.

To assist in the future analysis of this land use, it is important to collect and include information on the presence of garden centers and/or service stations in trip generation data submissions.

Source Numbers

354, 522