

Supercenter gets its day in court Judge has 89 days to issue a ruling

Jeff Hood, Lodi Bureau Chief
Stockton Record, Thursday, Nov 10, 2005

STOCKTON -- Plans to build a Wal-Mart Supercenter in Lodi on a parcel zoned for neighborhood shopping troubled San Joaquin County Superior Court Judge Elizabeth Humphreys on Wednesday.

The 226,866-square-foot store, proposed for Lower Sacramento Road at Kettleman Lane, is expected to draw customers from Rio Vista to Jackson and from Galt to Stockton.

"The word 'neighborhood' causes me great concern," Humphreys said in one of her few comments during a three-hour trial to decide if Wal-Mart and developer Darryl Browman followed state law in studying the environmental effects of a Supercenter-anchored shopping center. "You can't ignore that geography when something like that comes before you. The whole concept of neighborhood in that location -- I'm having trouble making it fit."

Attorney Jonathan Hobbs said previous court decisions have largely given cities flexibility in interpreting their zoning ordinances. He added that even though the Supercenter would be a regional shopping draw, it would still serve the neighborhood.

He declined, however, Humphrey's invitation to define the meaning of "neighborhood."

Other than questioning the consistency of a Supercenter on property zoned for neighborhood shopping, Humphreys had little to say during the hearing. She did not issue a ruling and has 89 days to do so under state law.

The trial was the result of a lawsuit filed by Lodi First, a group of largely anonymous members represented by Stockton attorney Steve Herum. If Humphreys rules in Wal-Mart's favor, construction on the store could begin barring appeals by Lodi First. If Lodi First prevails, then the environmental report could be voided, requiring a second study and city approvals before the store could be built.

Herum made several references in court Wednesday to a Bakersfield case he won against Wal-Mart last year in a state appellate court, saying the world's largest retailer made several of the same missteps in Lodi.

Lodi First alleged Wal-Mart failed to adequately study the health effects of [reduced air quality](#), the lost of farmland, urban decay caused by closing stores unable to compete with Wal-Mart, the cumulative effects of other future stores in the region and demands on energy.

Browman Development attorney Jim Moose says there are few similarities between Lodi and the Bakersfield case cited by Herum. He said potential factors Wal-Mart ignored in Bakersfield were addressed in the Lodi study.

Wal-Mart attorney Art Friedman declined to comment.

Martinez refinery leak causes a chemical cloud One employee was injured by the accident

From Wire Reports
Tri-Valley Herald, Wed. Nov. 9, 2005

MARTINEZ - A chemical cloud that leaked from the Shell refinery in Martinez Tuesday night drifted over nearby Pacheco Boulevard, leaving visible drops of oil on cars before dissipating.

The leak was reported at about 8:30 p.m. in one of the plants processor units, said Randy Sawyer of Contra Costa Health Services. It released a chemical cloud that rose upward but stayed mostly within the plant, Sawyer said.

Sawyer said that the processor unit had been shut down, but that fumes from hot oil on the ground are preventing workers from identifying and isolating the faulty equipment.

An employee who was burned by hot oil in the accident was taken by ground ambulance to Doctors Medical Center in San Pablo, Sawyer said.

Contra Costa Health Services issued a health advisory for the area surrounding the plant, but did not give a shelter-in-place order, Sawyer said.

The exact chemical makeup of the cloud was unknown Tuesday night, but Sawyer said it was probably some kind of fuel gas, which is similar to natural gas. The gas might have hydrogen sulfide mixed in with it, said Sawyer. That would cause it to smell like rotten eggs.