

<p>CARNEGIE FORUM 305 WEST PINE STREET LODI, CALIFORNIA</p>	<p>AGENDA LODI PLANNING COMMISSION</p>	<p>REGULAR SESSION WEDNESDAY, MARCH 9, 2011 @ 7:00 PM</p>
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For information regarding this agenda please contact:

Kari Chadwick @ (209) 333-6711
Community Development Secretary

***NOTE:** All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the Community Development Department, located at 221 W. Pine Street, Lodi, and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the Community Development Department as soon as possible and at least 24 hours prior to the meeting date.*

1. ROLL CALL
2. MINUTES – “January 12, 2011” & “February 9, 2011”
3. PUBLIC HEARINGS
 - a. Request for Planning Commission approval of a Use Permit to allow Type 20 and Type 70 Alcoholic Beverage Control licenses at 1337 East Kettleman Lane. (Applicant: Holiday Inn Express. File Number: 11-U-02)
 - b. Request for Planning Commission approval of a Use Permit to allow Type 2, 9, 14, 17 and 20 Alcoholic Beverage Control licenses at 9 West Locust Street, Suite A. (Applicant: Jeff Hansen, on behalf of AH Wines, Inc. File Number: 11-U-03)
 - c. Request for Planning Commission approval of a Use Permit to allow a Type-41 On-Sale Beer and Wine Alcoholic Beverage Control License at 2401 West Turner Road; Suite 222. (Applicant: Masayuki Hattori. File Number: 11-U-04)
 - d. Request for Planning Commission to Make Recommendation to The City Council to Certify The Proposed Mitigated Negative Declaration 10-MND-03 as adequate Environmental Documentation for The Proposed Project (Applicant: Michael Carouba, on behalf of FFLP. File Numbers 10-MND-03)
 - e. Request for Planning Commission to make a recommendation to the City Council to annex 30-acres of land south of the City limits for Commercial Development purposes; and request to Prezone associated with the annexation. (Applicant: Michael Carouba, on behalf of FFLP. File Numbers, 10-AX-01, 10-Z-01,)
 - f. Request for a Vesting Tentative Map to divide one parcel into nine commercial lots; and Site Plan and Architecture Review of the proposed Phase I of the proposed development (Applicant: Michael Carouba, on behalf of FFLP. File Numbers 10-P-01 and 09-SP-04)

NOTE: The above items are quasi-judicial hearings and require disclosure of ex parte communications as set forth in Resolution No. 2006-31

4. PLANNING MATTERS/FOLLOW-UP ITEMS
5. ANNOUNCEMENTS AND CORRESPONDENCE

6. ACTIONS OF THE CITY COUNCIL
 - a. Council Summary Memo
7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE
8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE
9. ART IN PUBLIC PLACES
10. COMMENTS BY THE PUBLIC
11. COMMENTS BY THE PLANNING COMMISSIONERS & STAFF
12. ADJOURNMENT

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

****NOTICE:** Pursuant to Government Code §54954.3(a), public comments may be directed to the legislative body concerning any item contained on the agenda for this meeting before (in the case of a Closed Session item) or during consideration of the item.

Right of Appeal:

If you disagree with the decision of the commission, you have a right of appeal. Only persons who participated in the review process by submitting written or oral testimony, or by attending the public hearing, may appeal.

Pursuant to Lodi Municipal Code Section 17.72.110, actions of the Planning Commission may be appealed to the City Council by filing, within ten (10) business days, a written appeal with the City Clerk and payment of \$300.00 appeal fee. The appeal shall be processed in accordance with Chapter 17.88, Appeals, of the Lodi Municipal Code. Contact: City Clerk, City Hall 2nd Floor, 221 West Pine Street, Lodi, California 95240 – Phone: (209) 333-6702.

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JANUARY 12, 2011**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of January 12, 2011, was called to order by Chair Hennecke at 7:00 p.m.

Present: Planning Commissioners – Jones, Kiser, Olson and Chair Hennecke

Absent: Planning Commissioners – Cummins, Heinitz, and Kirsten

Also Present: Community Development Director Konradt Bartlam, Deputy City Attorney Janice Magdich, Associate Planner Immanuel Bereket, and Administrative Secretary Kari Chadwick

2. MINUTES

“December 8, 2010”

No Motion made because there was not a quorum of Commissioners in attendance to make the motion. Item continued to the next meeting.

3. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Hennecke called for the public hearing to consider the request of a Use Permit to allow wholesale distribution of alcoholic beverages at 847 Cluff Ave., Suite B-3. (Applicant: Alejandro Guerrero Hernandez Jr.; File Number: 10-U-17)

Associate Planner Bereket gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of the project.

Hearing Opened to the Public

- Alejandro Guerrero Hernandez Jr., applicant, came forward to answer questions.
- Commissioner Kiser asked if only tequila and beer were going to be sold. Mr. Hernandez stated that they will be distributing alcohol and other miscellaneous related items.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Vice Chair Olson, Jones second, approved the request of the Planning Commission for a Use Permit to allow wholesale distribution of alcoholic beverages at 847 Cluff Avenue, Suite B-3 subject to the conditions in the resolution. The motion carried by the following vote:

Ayes: Commissioners – Jones, Kiser, Olson and Chair Hennecke
Noes: Commissioners – None
Absent: Commissioners – Cummins, Heinitz, and Kirsten

4. PLANNING MATTERS/FOLLOW-UP ITEMS

Director Bartlam stated that staff is looking to start a Budget Strategy Committee that will consist of City Staff, a representative from each of various Boards and Commissions, Union representatives,

Continued

and Lodi citizens. It is scheduled to start in February and will be the first and third Tuesdays of each month and should last through April of this year.

Vice Chair Olson stated that she is interested and asked for what type of outcome is expected. Director Bartlam stated that the process is more for public education regarding what the City can and can not do with certain funds. There will also be discussions and feedback regarding City services.

Commissioner Jones also expressed a desire to take part, but would be a hit and miss with attendance and asked if there can be more than one representative. Director Bartlam stated that there will be one formal representative from this board, but there will be representatives for the public at large and he could fit that category.

Commissioner Olson was unanimously agreed upon to be the Planning Commission Representative.

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

Director Bartlam stated that there is a memo in the packet and staff is available to answer any questions.

Commissioner Jones asked about the Marijuana issue. Director Bartlam stated that direction has been given to the City Attorney to put together an ordinance not allowing dispensaries in the City limits.

7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE

None

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

Commissioner Kiser gave a brief report regarding the meeting held earlier this evening and passed around the information form the SPARC packet.

9. ART IN PUBLIC PLACES

None

10. COMMENTS BY THE PUBLIC

None

11. COMMENTS BY STAFF AND COMMISSIONERS

None

12. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:13 p.m.

ATTEST:

Konradt Bartlam
Planning Commission Secretary

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, FEBRUARY 9, 2011**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of February 9, 2011, was called to order by Vice Chair Olson at 7:00 p.m.

Present: Planning Commissioners – Cummins, Heinitz, Jones, Kirsten, Kiser, and Olson

Absent: Planning Commissioners – Chair Hennecke

Also Present: Community Development Director Konradt Bartlam, City Attorney Steve Schwabauer, Associate Planner Immanuel Bereket, and Administrative Secretary Kari Chadwick

2. MINUTES

“December 8, 2010”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Kiser second, approved the Minutes of December 8, 2010 as written. (Commissioners Heinitz and Jones abstained because they were not in attendance of the subject meeting)

“January 12, 2011”

No Motion made because there was not a quorum of Commissioners in attendance to make the motion. Item continued to the next meeting.

3. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Vice Chair Olson called for the public hearing to consider the request of a Use Permit to establish a warehousing and storage use for recycled materials, including California Redemption Value (CRV), cardboard, scrap metal and electronic waste at 523 North Sacramento Street (Applicant: Evergreen Recycling Center: File Number: 11-U-01)

Associate Planner Bereket gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of the project.

Commissioner Heinitz expressed his concern for the adjacent residences and asked about the issue of noise and the type of machinery that will be used that could be on the noisy side. Mr. Bereket stated that staff is not aware of the type of machinery that will be used and that might be a good question for the applicant.

Hearing Opened to the Public

- Tom Trach, applicant, came forward to answer questions.
- Commissioner Heinitz asked if Mr. Trach will have the bailing machinery and where it will be stored. Mr. Trach stated that one hundred percent of the business will be conducted inside the building and the noise should not be an issue. Staff has also regulated the noise discipline level as part of the conditions as well. Heinitz asked if the area that is designated for parking will be used for parking not storage. Mr. Trach stated that that is correct.

- Commissioner Kiser asked if Evergreen will be paying for electrical items to be disposed of. Mr. Trach stated that they will be paying for computers and then shipping them out to CEA which is out of Rancho Cordova. He also added that items that are not normally recycled under the CRV like shampoo bottles, one hundred percent juice bottles, and other second tiered plastics can be brought in for payment rather than being thrown into the trash. Kiser asked about the number of employees Evergreen will have on staff. Mr. Trach stated that they are anticipating ten, but hopefully that will increase with future plans to possibly provide a pick-up service for local businesses.
- Commissioner Jones asked if there is anything that will be done to mitigate the issue of stolen property. Mr. Trach stated that the main item of concern is copper. The company is going to be certified through Cal Recycle there will be finger printing and ID's for all employees and the employees will be required to ask for identification when items are brought in for recycling.
- Vice Chair Olson asked if the bottles will be crushed and bailed or palletized. Mr. Trach stated with the PET bottles it will be bailed in the beginning, but eventually they would like to get the machines that can shred it into raw material. Olson asked where it will be sent after it is bailed. Mr. Trach stated that it will be going to Surf and Stone. Olson stated that she has a great deal of experience with plastic recyclers and it is a very messy process and would like to see every effort made by the staff keep the mess to a minimum. Mr. Trach stated that every effort will be made to maintain the grounds on a daily basis.
- Commissioner Kirsten asked about the possibility of carts being left around. Mr. Trach stated that again every effort will be made to collect the carts and notify the appropriate stores.
- David Worfolk, property owner at 601 Sacramento Street, came forward to support the recycling center. The immediate concern that he has is the neighborhood property values which have already taken a hit for just being adjacent to a primarily commercial area. He also expressed some concern over the possibility of any rodent issues that could accompany this type of business.
- Vice Chair Olson pointed out that the property is currently vacant and asked if Mr. Worfolk would rather have the property vacant with the problems that it has had in the recent past. Mr. Worfolk stated that he would not, but would like to know that it will be occupied with a good business that will not become a negative for the surrounding area.
- Commissioner Heinitz stated that he is friends with Mr. Worfolk, but has not spoken with him regarding this issue. He also stated that with the verbiage that is in the resolution will allow the Planning Commission and/or Staff to bring the Use Permit back for changes or possibly revoke it all together if it becomes a problem for the surrounding area.
- Commissioner Kiser concurred with Commissioner Heinitz and stated that he is in the area quite-a-bit and will do his part in keeping an eye on the area.
- Mr. Worfolk stated that he would like to make sure that this location does not become a collection zone for shopping carts. Vice Chair Olson stated her appreciation for Mr. Worfolk's comments and reiterated the statement made by Commissioners that they will do their due diligence to help the neighboring residences make sure that this is a benefit to not only the City but the surrounding neighborhood as well.

Public Portion of Hearing Closed

- Director Bartlam pointed out condition #2 in the resolution states that the applicant will be responsible for liter, shopping carts, and other undesirable materials not only on their site but a 300' radius around their site.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Cummins second, approved the request of the Planning Commission for a Use Permit to establish a warehousing and storage use for recycled materials, including California Redemption Value (CRV), cardboard, scrap metal and electronic waste at 523 North Sacramento Street subject to the conditions in the resolution. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Heinitz, Jones, Kirsten, Kiser, and Olson
Noes: Commissioners – None
Absent: Commissioners – Chair Hennecke

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Vice Chair Olson called for the public hearing to consider the request for a Master Sign Program for Planned Development (PD) 39 Zoning District (Reynolds Ranch). (Applicant: Pacific Neon Sign Company, on behalf of Skinner Ranch Holdings, LP. File Number: 11-A-01)

Associate Planner Bereket gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of the project.

Commissioner Kiser stated that he understands the logic of wanting the two freeway signs, but will this be setting a precedent for other developments. Mr. Bartlam stated that because this is a planned development it is an individual application and taken on a case-by-case basis.

Commissioner Kirsten asked where in relationship to the residence are the freeway signs located. Mr. Bereket pointed out where the residence is in relation to the two freeway signs. Director Bartlam added that there is about a quarter mile between the north sign and the residence and several hundred feet to the south sign. Kirsten asked if one of the signs needed to be eliminated would the applicants keep the southern most sign. Bartlam stated that the sign contractor is here and they did height studies for visibility and would defer to them to answer the question.

Commissioner Heinitz wanted to clarify that the signs are stationary signs that are not “reader” signs. Director Bartlam stated that the signs do not move; they are stationary.

Hearing Opened to the Public

- Kim Whitney, project manager for Reynolds Ranch, came forward to answer questions and address concerns. Mr. Whitney stated that an extensive study was done to find the best location for the northern most freeway sign taking the current residential property into consideration as well as the agreement with Costco to not place a sign on their property. The southern most sign was placed as far south as they could place it. The signs have opaque backgrounds and don't produce any glaring light. Everyone involved in the project has taken every consideration to not negatively impact the surrounding area and still give the tenants proper advertising space.
- Commissioner Kirsten asked what the distance is from the southern most sign to the residential property. Commissioner Jones stated that it is 1600 feet between the two signs, so it is probably 300 feet from the southern most sign to the residence. Kirsten asked if one of the signs needed to be eliminated which one would be the preferred location. Mr. Whitney stated that if one of the signs needed to be eliminated there would probably be additional requests made to make the sign to the north higher and possibly add additional sign area.

- Commissioner Jones asked if the signs were going to maintain the same advertising. Mr. Whitney stated that the only alteration could be to the bottom panel which could possibly be split in half for additional tenant advertising.
- Ralph Cundiff, Pacific Neon representative, came forward to address signage questions. He stated that the signage between the two different freeway signs will not be identical. Mr. Cundiff added that Costco will be on one sign, Home Depot will be on both, and the additional tenants will be split between the two. The sign examples on the elevations are just to show a representation of what they will look like.
- Craig Ledbetter, Melby Drive resident, came forward to ask what signage is going to be on the corner of Reynolds Ranch Parkway and Harney Lane. Staff showed the slide with the sign that will be on that corner. Mr. Ledbetter had no objection to the sign shown.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Kiser second, approved the request of the Planning Commission for a Master Sign Program for Planned Development (PD) 39 Zoning District (Reynolds Ranch) subject to the conditions in the resolution. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Heinitz, Jones, Kirsten, Kiser, and Olson
 Noes: Commissioners – None
 Absent: Commissioners – Chair Hennecke

4. PLANNING MATTERS/FOLLOW-UP ITEMS

None

5. ANNOUNCEMENTS AND CORRESPONDENCE

Director Bartlam reminded the Commission that round two of the budget strategy group will be held next week and invited any Commissioners that would like to attend.

6. ACTIONS OF THE CITY COUNCIL

Director Bartlam stated that there is a memo in the packet and staff is available to answer any questions.

7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE

Director Bartlam stated that the final comments from the State Housing and Community Development Department have been promised by the end of the month.

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

Commissioner Kiser gave a brief report regarding the meeting held earlier this evening and passed around the information form the SPARC packet. Commissioner Kirsten asked if the Morse Karate building is a part of the Salon project. Kiser stated confirmed that it is.

9. ART IN PUBLIC PLACES

Commissioner Kirsten gave a brief report regarding the last meeting that was held. Commissioner Heinitz asked why is the choice for these types of items always in the downtown area. Kirsten stated that he isn't sure, but in this case he believes that they want to keep all the sculptures together in one place within walking distance of each other.

Continued

10. COMMENTS BY THE PUBLIC

None

11. COMMENTS BY STAFF AND COMMISSIONERS

Vice Chair Olson stated that she thought the budget strategy meeting went really well.

12. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:54p.m.

ATTEST:

Konradt Bartlam
Planning Commission Secretary

Use Permit for a Type 20 & 70 ABC License - Holiday Inn Express
@ 1337 East Kettleman Lane

Item 3a

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: March 9, 2011

APPLICATION NO: Use Permit: 11-U-02

REQUEST: Request for Planning Commission approval of a Use Permit to allow Type 20 and Type 70 Alcoholic Beverage Control licenses at 1337 East Kettleman Lane. (Applicant: Holiday Inn Express. File Number: 11-U-02).

LOCATION: 1337 East Kettleman Lane
APN: 049-310-74
Lodi, CA 95240

APPLICANT: Beth Kim, on behalf of Holiday Inn Express
1337 East Kettleman Lane
Lodi, CA 95240

PROPERTY OWNER: MLK Family Properties LLC ETA
2552 Cottonwood Drive
Lodi, CA 95242-4651

RECOMMENDATION

Staff recommends the Planning Commission approve the request of Beth Kim, on behalf of Holiday Inn Express, for a Use Permit to allow Type 20 and Type 70 Alcoholic Beverage Control (ABC) licenses at 1337 East Kettleman Lane, subject to the conditions in the attached resolution.

PROJECT AREA DESCRIPTION

General Plan Designation: Industrial
Zoning Designation: M-1, Light Industrial.
Property Size: 2 acres.

The adjacent zoning and land use characteristics:

	General Plan	Zone	Land Use
North	Industrial	M-1, Light Industrial.	Vacant land
South	AG, Agricultural Land (San Joaquin County Jurisdiction)	AG-40, Agricultural land, San Joaquin County Jurisdiction	Agricultural land
East	AG, Agricultural Land (San Joaquin County Jurisdiction)	AG-40, Agricultural land, San Joaquin County Jurisdiction	Agricultural land
West	Industrial	M-1, Light Industrial.	Car dealership

SUMMARY

The applicant, Beth Kim, on behalf of Holiday Inn Express, requests approval of a Use Permit to allow Type 20 and Type 70 Alcoholic Beverage Control (ABC) licenses at 1337 East Kettleman lane in conjunction with a hotel operation. The sale and service of alcohol is intended to be secondary to the operation of the hotel. Surrounding uses consist of commercial shops, agricultural fields and a deactivated car dealership. The project does not include the addition of bar areas or any other interior or exterior building modification. Sale of alcohol service will take place in side the hotel. No

complaints have been filed with the City's Code Enforcement Division for the subject site since its construction. A hotel use and sale of alcoholic beverages are permitted uses at this location.

BACKGROUND

City records indicate Holiday Inn Express was constructed in 2008 and has operated at this location since its completion. City records indicate that the business has no outstanding City Code violation and enforcement issues. The applicants unknowingly hosted several wine tasting events featuring local wineries. They were informed by the Department of Alcoholic Beverage Control to obtain a Use Permit and ABC license in order to feature wine tasting events.

ANALYSIS

As noted, the applicants are requesting a Use Permit to allow Type 20 and Type 70 Alcoholic Beverage Control licenses in conjunction with operation of a hotel. Type 20 Off-Sale ABC license authorizes the sale of beer and wine for consumption off the premises where sold and prohibits the sale of distilled spirits. Minors are allowed on the premises. The Type 20 license would be used in conjunction with their gift-shop and the gift-shop must be open to the public. The Type 70 On-Sale General (Hotel-Restricted) license is a restricted general license which allows for sale of beer, wine, and distilled spirits to guests of the hotel. This license is normally issued to "suite-type" hotels and motels. Alcohol sales to the general public are not permitted under a Type 70 ABC license. Holiday Inn Express proposes to restrict the sale of alcohol under the Type 70 license to the hotel's breakfast/dining area, lobby and meeting rooms adjacent to the lobby whereas the Type 20 ABC license would be active only in the gift-shop. This type of arrangement is typical for hotels and is consistent with the regulations of the Department of Alcoholic Beverage Control.

The project site is Light Industrial (M-1) zoning district, which permits a variety of industrial uses including the sale and consumption of alcoholic beverages. Under the M-1 zoning district, the applicant may sell alcohol for on and off-site consumption pursuant to §17.72.040 of the Lodi Municipal Code, which requires a Use Permit for new off-Sale and on-Sale alcohol licenses as well as changes in license type. The City established the Use Permit requirement to gain local control over whether or not a license is appropriate for a particular location. The Department of Alcoholic Beverage Control primarily controls issuance based on concentration of licenses within a particular Census Tract.

The subject hotel belongs to Census Tract 44.01. Census Tract 44.01 covers the area south of Lodi Avenue, west of Central California Traction Company (C.C.T) Line, north of Kettleman Lane, and east of Union Pacific Rail Road Company (U.P.R.R). According to ABC, Census Tract 44.01 contains 9 existing on-sale licenses with 8 on-sale licenses allowed based on the ABC criteria. In addition, the subject census tract contains 16 off-sale licenses with 8 permitted. The Planning Commission needs to make findings of public necessity in order to approve additional on- and off-sale ABC licenses in this census tract. In the past, Planning staff generally supported establishments that wish to acquire an ABC off-sale license if we determined the business would not create alcohol related problems. Staff is of the opinion approval of the applicants' request would not create additional policing problems. Staff understands that the primary reason the hotel wishes to obtain Type 20 Off-Sale license is because the hotel would like to host wine tasting events featuring local wineries and offer sales of individual bottles for consumption off-site.

Staff sent copies of the application to various City departments for review. Their comments and requirements have been incorporated into the attached resolution. Staff has contacted the Lodi Police Department for their requirement for approval of the proposed Use Permit application and they do not anticipate alcohol related problems. The Lodi Police Department recommends approval subject to the conditions outlined in the attached resolution.

The sale of alcohol will be an incidental service within the hotel. The condition of approval limiting the sale or distribution of alcohol to registered guests and their visitors and limiting the hours of alcohol service in hotel common areas between 9:00 AM to 2:00 AM daily will be in effect (Condition No. 4). Other conditions of approval include a requirement that the hotel be operated in a manner that does not adversely impact surrounding properties and control of noisy guests (Condition No. 2), and a requirement to be in conformance with the provisions of the City's Noise Ordinance (Condition No. 12). These conditions, in addition to those imposed by the State Alcoholic Beverage Control for the Type 20 (Off-Sale Beer and Wine) and Type 70 (On Sale General Restrictive Service) licenses, will effectively reduce any potential neighborhood impacts associated with the service of alcohol at the hotel, and will ensure that the operation of the hotel remains compatible with the surrounding neighborhood.

In staff's opinion, the proposed sale of alcohol for on and off-site consumption will not result in any adverse conditions. The proposed project will be contained within the existing building. No additional construction, including freestanding structures, is being proposed with this project. The sale and service of alcohol is intended to be secondary to the operation of the hotel. Staff recommends conditions of approval that will allow the City to reconsider the Use Permit if there is a significant increase in police or other public services provided to the site following the effective date of this Use Permit. Therefore, staff recommends approval the Use Permit subject to the conditions outlined in the attached resolution.

ENVIRONMENTAL ASSESSMENTS:

The project was found to be categorically exempt according to the California Environmental Quality Act, Article 19 15321 Class 21 (a) (2). The project is classified as an "Enforcement Action by Regulatory Agencies" because it is the "adoption of an administrative decision or order enforcing...the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective." No significant impacts are anticipated and no mitigation measures have been required.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published on January 15, 2010. 8 public hearing notices were sent to all property owners of record within a 300-foot radius of the subject property as required by California State Law §65091 (a) 3. No protest letter has been received at the time of this staff report was prepared.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

- Approve the request with attached or alternate conditions
- Deny the request
- Continue the request

Respectfully Submitted,

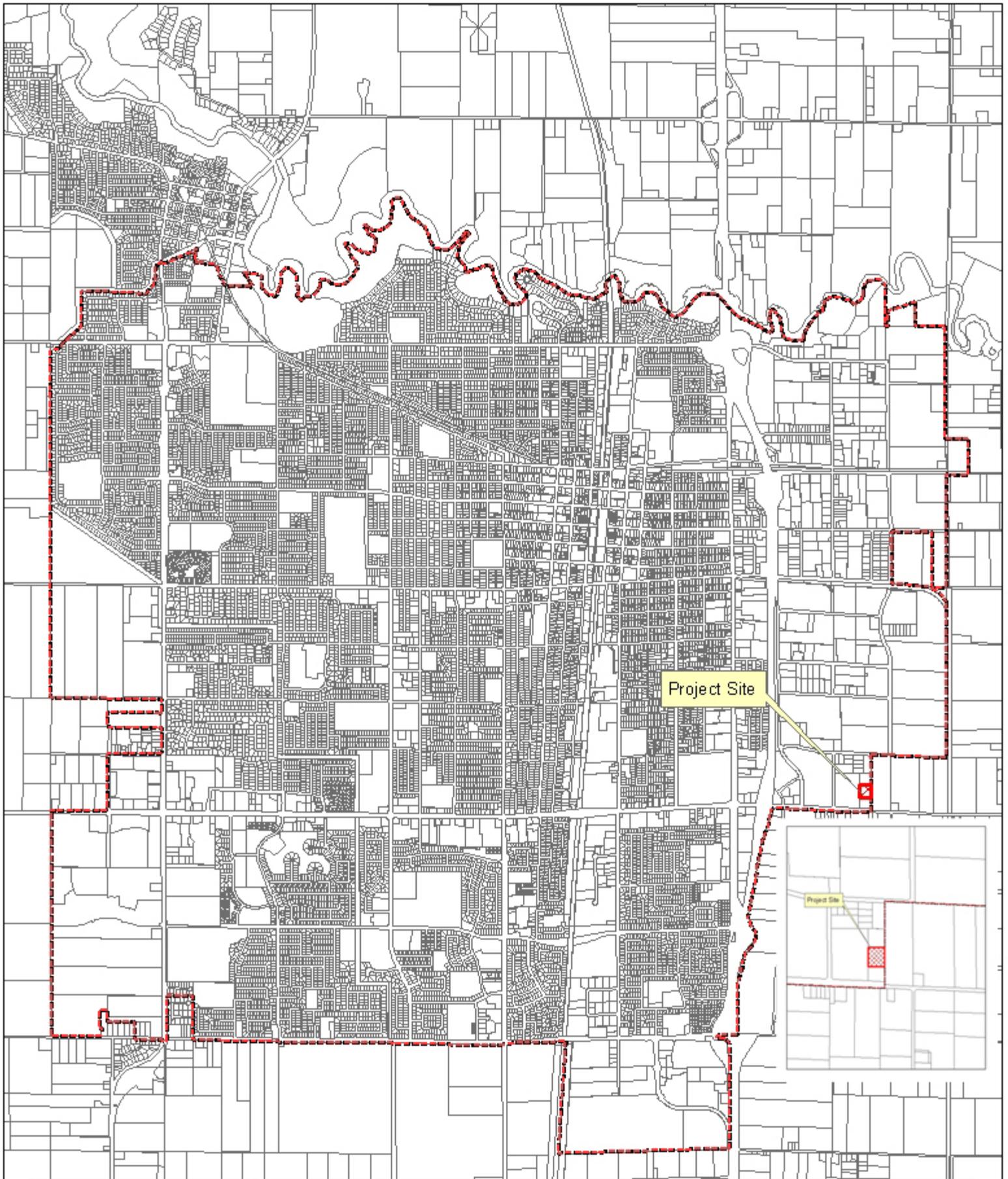
Concur,

Immanuel Bereket
Assistant Planner

Konradt Bartlam
Community Development Director

ATTACHMENTS:

1. Vicinity Map
2. Site Plan
3. Floor Plan
4. Police Department Correspondence
5. Draft Resolution



Project Site

Project Site



Holiday Inn Express
1337 East Kettleman Lane
APN: 049-310-74
Lodi, CA 95240

-  Project Site
-  City Limits



Project Site



Holiday Inn Express
 1337 East Kettleman Lane
 APN: 049-310-74
 Lodi, CA 95240

-  Project Site
-  City Limits

- GENERAL NOTES:**
1. EXTERIOR DIMENSIONS ARE FROM FACE OF THE GENERAL NOTES
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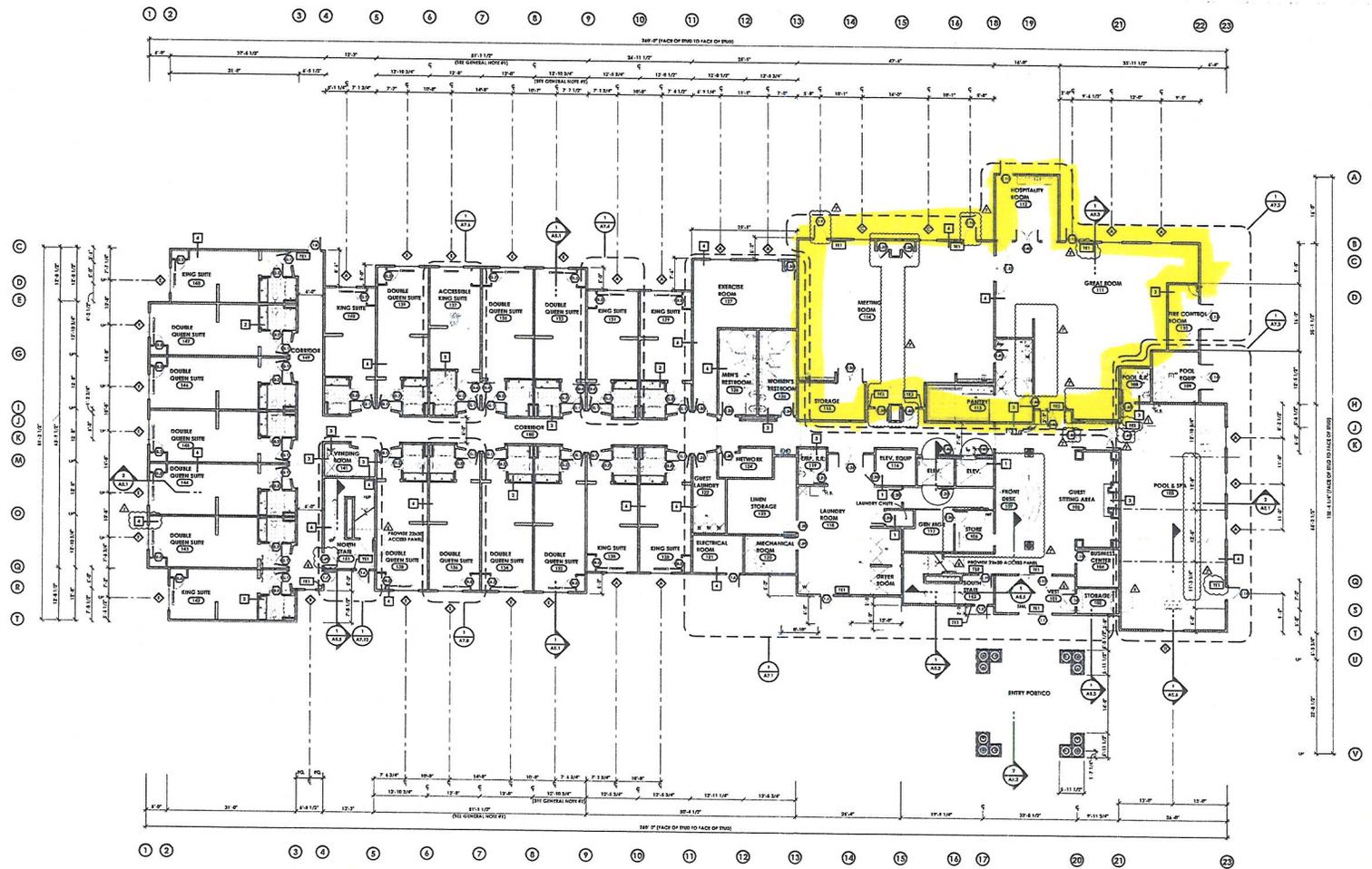
PLANNING ARCHITECTURE
api
 ARCHITECTURE PLUS INC.
 1207 13TH STREET SUITE 6
 MODESTO, CA 95354
 ph 209.577.4661
 fx 209.577.0213
 www.apicorp.com

FRANK C. BOON
 REGISTERED ARCHITECT
 NUMBER C 47000
 ARCHITECTURE

HOLIDAY INN EXPRESS
 1337 E. KETTLEBAY LANE

DATE: JANUARY 2021
 JOB NO: 07943
 DRAWN: D. SHEPHERD
 CHECKED: F. BOOTH
 SHEET:

A2.4



1 MAIN LEVEL FLOOR PLAN
 SCALE: 1/8" = 1'-0"

FLOOR AREA:
 ROOMS: 31,188 S.F.



- SYMBOL LEGEND**
- ROOM SYMBOL: SEE ROOM SCHEDULE SHEET A-2
 - WINDOW SYMBOL: SEE WINDOW SCHEDULE SHEET A-3
 - INDICATE FULLY ACCESSIBLE ROOM
 - INDICATE ROOM WITH HEARING IMPAIRMENT FEATURES
 HEARING VISUAL & SOUND ALARM INDICATING APPROACH
 ACTIVATED BY ROOM FIRE ALARM SIGNALS TO THE
 BUILDING FIRE ALARM SYSTEM
 - INDICATE HEAVY GLASS W/ EIC SECTION 11114.4.2
 11114.4.1, 11114.4.3 & 11114.4.3
 - TACTILE "NOT BUMP" SIGN: SEE SHEET 204-16.1
 - TACTILE "NOT BUMP" SIGN: SEE SHEET 204-16.1
 - TACTILE "NOT BUMP" SIGN: SEE SHEET 204-16.1
 - INDICATE WALL ASSEMBLY TYPE

RESOLUTION NO. P.C. 11-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI FOR THE APPROVAL OF THE REQUEST OF BETH KIM, ON BEHALF OF HOLIDAY INN EXPRESS, FOR A USE PERMIT TO ALLOW TYPE 20 AND TYPE 70 ALCOHOLIC BEVERAGE CONTROL (ABC) LICENSES AT 1337 EAST KETTLEMAN LANE

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Use Permit, in accordance with the Lodi Municipal Code, Section 17.72.070; and

WHEREAS, the project proponent is Beth Kim, on behalf of Holiday Inn Express, 1337 East Kettleman Lane, Lodi, CA 95240; and

WHEREAS, the project property owners are MLK Family Properties LLC ETA, 2552 Cottonwood Drive, Lodi Ca, 95242-4651; and

WHEREAS, the project area is located at 1337 Kettleman Lane, Lodi, CA 95240 (APN 049-310-74); and

WHEREAS, the property has a General Plan designation of Industrial and is zoned M-1, Light Industrial; and

WHEREAS, the requested Use Permit to allow the selling of beer, wine and distilled spirits for on-site consumption in conjunction with operation of a hotel is an enforcement action in accordance with the City of Lodi Zoning Ordinance; and

WHEREAS, Census Tract 44.01 in which the hotel is located does have an over concentration of licenses allowing on premise consumption of alcoholic beverages; and

WHEREAS, because Census Tract 44.01 has an over concentration of on-sale beer, wine alcohol licenses, the City must make a finding of necessity or public convenience in order to permit the issuance of an additional ABC license in this tract, and

WHEREAS, the State Department of Alcoholic Beverage Control has training available that clearly communicates State law concerning the sale of alcoholic beverages.

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred; and

Based upon the evidence within the staff report and project file the Planning Commission finds:

1. The project was found to be categorically exempt according to the California Environmental Quality Act, Article 19 15321 Class 21 (a) (2). The project is classified as an "Enforcement Action by Regulatory Agencies" because it is the "adoption of an administrative decision or order enforcing...the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective." No significant impacts are anticipated and no mitigation measures have been required.
2. The sale of alcoholic beverages for on- and off-premise consumption as part of a hotel is a permitted use in the Light Industrial (M-1) zoning district. The sale of alcoholic beverages for on- and off-premise consumption is a normal part of business operations and provides a convenience for customers of the business.
3. The Type 70 license is a restricted general license which allows for sale of beer, wine, and distilled spirits to guests of the hotel. Alcohol sales to the general public are not permitted under a Type 70 license. The sale of alcohol under the Type 70 license is restricted to the hotel's breakfast area, dining area, and lobby.
4. The Type 20 license allows sale of wine and beer for consumption off the premise where sold, prohibits the sale of distilled spirits, is restricted within the gift-shop and is open to the public.
5. The sale and consumption of alcohol can sometimes result in customer behavior problems that can require police intervention.

6. Steps can be taken by the project proponent to reduce the number of incidents resulting from the over-consumption of alcohol including the proper training and monitoring of employees serving alcohol; the careful screening of IDs of customers to avoid sales to under-aged individuals; limiting the number of drinks sold to individual customers to avoid over-consumption; providing properly trained on-site security to monitor customer behavior both in and outside of the establishment; and working with the Lodi Police Department to resolve any problems that may arise.
7. The proposed use can be compatible with the surrounding use and neighborhood if the business is conducted properly and if the Applicant/Operator works with neighboring businesses and residents to resolve any problems that may occur.
8. The sale of alcoholic beverages at this location can meet the intent of the General Plan and can provide a public convenience or necessity for customers of the business.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Use Permit Application No. 11-U-02 is hereby approved, subject to the following conditions:

1. The developer will defend, indemnify, and hold the City, its agents, officers, and employees harmless of any claim, action, or proceeding to attack, set aside, void, or annul this Use Permit, so long as the City promptly notifies the developer of any claim, action, or proceedings, and the City cooperates fully in defense of the action or proceedings.
2. The Applicant/Operator shall insure that the sale of alcohol does not cause any condition that will cause or result in repeated activities that are harmful to the health, peace or safety of persons residing or working in the surrounding area. This includes, but is not limited to: disturbances of the peace, illegal drug activity, public intoxication, drinking in public, harassment of people passing by, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, excessive loud noises, traffic violations or traffic safety based upon last drink statistics, curfew violations, lewd conduct, or police detention and arrests.
3. The Applicant/Operator shall operate and abide by the requirements and conditions of the State of California Department of Alcoholic Beverage Control License Type 20 and Type 70.
4. The sale of alcohol under Type 70 shall be limited to registered guests and their visitors during the hours of 9:00 AM to 2:00 AM daily will be in effect and shall be restricted to the interior of the building.
5. The sale of alcohol under Type 20 shall be limited within the designated gift-shop area, must be open to the public and shall be limited to the hours of 9:00 AM to 2:00 AM daily.
6. Starting from the effective date the business commences the sale of beer, wine and distilled spirits, this Use Permit shall be subject to a one year, and two year review by Community Development Director. If the Director determines it necessary, the Director shall forward the review to the Planning Commission to review the business's operation for compliance with the conditions of the Use Permit, and in response to any complaints thereafter. Additional reviews may be prescribed by the Community Development Director, the Police Department and/or Planning Commission as needed before, during and after the first two years of probationary period.
7. The Lodi Police Department may, at any time, request that the Planning Commission conduct a hearing on the Use Permit for the purpose of amending or adding new conditions to the Use Permit or to consider revocation of the Use Permit if the Use Permit becomes a serious policing problem.
8. The Use Permit shall require the Applicant/Operator to obtain the appropriate alcohol service license(s) from the Department of Alcoholic Beverage Control (ABC) and comply with all ABC

license requirements. Failure to comply with all ABC requirements is a ground for revoking or amending this Use Permit.

9. Prior to the issuance of a Type 20 and/or Type 70 Alcoholic Beverage Control license, the Applicant/Operator shall complete Licensee Education on Alcohol and Drugs as provided by the State Department of Alcoholic Beverage Control.
10. No person who is in a state of intoxication shall be served alcohol. It is the responsibility of the business owner/operator to ensure no patron in a state of intoxication is served additional alcohol.
11. The operator of the business shall police the area surrounding the business to prevent patrons from congregating/loitering outside the premises and to prevent excessive noise or other objectionable behavior. Noise levels shall be monitored to insure that noise shall not violate the City's Noise Ordinance Section 9.24.020 and Section 9.24.030. Noise emanating from the property shall be within the limitations prescribed by the City's Noise Ordinance and shall not create a nuisance to surrounding neighborhoods, and/or commercial establishments.
12. The exterior of all the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times.
13. The operation of the business shall comply with all applicable requirements of the Municipal Code and shall be in significant conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Community Development Director; major changes to this Use Permit shall be subject to a noticed public hearing and approval by the Planning Commission.
14. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval

Dated: March 9, 2011

I certify that Resolution No. 11- was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on March 9, 2011 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST: _____
Secretary, Planning Commission

Item 3b.

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: March 9, 2011

APPLICATION NO: Use Permit: 11-U-03

REQUEST: Request for Planning Commission approval of a Use Permit to allow Type 2, 9, 14, 17 and 20 Alcoholic Beverage Control licenses at 9 West Locust Street, Suite A. (Applicant: Jeff Hansen, on behalf of AH Wines, Inc. File Number: 11-U-03.)

LOCATION: 9 West Locust Street, Suite A
(APN: 043-025-17)
Lodi, CA 95240

APPLICANT: Jeff Hansen, on behalf of AH Wines, Inc.
2715 West Kettleman Lane, Suite 203-325
Lodi, CA 95242

PROPERTY OWNER: John D and B Gerlack TRS
2449 Vintage Oaks CT
Lodi, CA 95242-9347

RECOMMENDATION

Staff recommends that the Planning Commission conditionally approve the Use Permit request to allow the establishment of a wine tasting room, storage and retail sale of beer and wine at 9 West Locust Street Suite A, subject to the conditions in the attached resolutions.

PROJECT/AREA DESCRIPTION

General Plan Designation: Downtown Mixed Use
Zoning Designation: CM, Commercial-Industrial
Property Size: .36 Acres. (Tenant space measures 4,500 sq. ft.)

The adjacent zoning and land use are as follows:

	General Plan	Zone	Land Use
North	Downtown Mixed Use	Downtown Mixed Use	Commercial uses
South	Downtown Mixed Use	Downtown Mixed Use	Commercial uses
East	Downtown Mixed Use	Downtown Mixed Use	Commercial uses
West	Downtown Mixed Use	Downtown Mixed Use	Commercial uses

SUMMARY

The applicant, Jeff Hansen, on behalf of AH Wines, Inc., requests Planning Commission approval of a Use Permit to operate a wine center in an existing vacant structure located at 9 West Locust Street, Suite A. The proposal includes a wine tasting room, wine import and export business, storage and distribution of wine to local and overseas businesses. No exterior changes are proposed. Proposed hours of operation are 8:00 a.m. to 5:30 p.m. for the storage and distribution of wine and beer. Operation hours for the wine tasting room have not been established as it is to be phased in in the future date.

BACKGROUND

The project site was most recently used as medical supply retail and wholesale distribution business. There are no outstanding code issues. Parking is provided onsite, which meets off-street parking requirements. The area surrounding the site is all zoned light industrial and is developed with a variety of commercial and light industrial uses. There is no grape crushing activity proposed in conjunction with this Use Permit.

ANALYSIS

The applicant is requesting approval of a Use Permit to allow a wine center in an existing vacant structure located at 9 West Locust Street, Suite A. The wine center includes an office, wine storage, public warehouse, retail sale and wholesale distribution center. It will eventually include a wine tasting room. No exterior changes are proposed. The proposed wine center would be open Monday through Saturday from the hours of 8:00 am to 5:30 pm. These hours could change when a wine tasting room is established in the future. The subject property and all the surrounding properties are within CM, Commercial-Industrial, zoning district, which permits a variety of industrial and commercial uses, including sale of alcohol for on and/or off site consumption. No business signage is proposed at this time; however, due to the fact that the building contains a blade sign advertising the previous business, it is expected that the applicant would request zoning approval for a sign re-face should this request be approved. The business would also require several alcohol licenses (type 2, 9, 14, 17 and 20) from the California Department of Alcoholic Beverage Control (ABC) to allow the proposed use.

Section 17.72.040 of the Lodi Municipal Code requires a Use Permit for new Off-Sale and On-Sale alcohol licenses as well as changes in license type. The City established the Use Permit requirement to gain local control over whether or not a license is appropriate for a particular location. The State Department of Alcoholic Beverage Control primarily controls issuance based on concentration of licenses within a particular Census Tract. Census Tract 42.04 covers the area south of Holly Drive, west of Sacramento Street, north of Lodi Avenue, and east of Ham Lane. Because this area is within the downtown area, there is an existing over concentration of ABC licenses (28 on-sale and 4 off-sale) within this Census Tract. Because this census tract is over concentrated, the City must make a finding of public need or convenience in order to approve an additional on-sale beer and wine license. Since Census Tract 42.04 is an area that currently exceeds the concentration of ABC license, approval of this Use Permit would require a determination that public convenience or necessity would be served by the issuance of this permit. Staff is of the opinion that the proposed project is consistent with the surrounding land uses and zoning; and with the City's policy to encourage the wine production and wine tasting industry. The intended nature of this operation does not promote excessive onsite consumption of alcohol and, therefore, staff does not expect any problems with this type of establishment. In addition, since there is no crushing being proposed as part of this Use Permit, there will be no wine waste to be concerned about.

Staff has contacted various City departments for review and approval. Their requirements for approval have been added to the attached resolution. The proposed use is consistent with the City's vision of making Lodi a wine tasting tourist destination point. The wine industry is a large part of this vision and adds a character of the City by promoting local wineries and viticulture. All of the wine making operations will take place elsewhere. The only operation related to onsite consumption is that there will eventually be a wine tasting room. The applicants would have to apply for a Tenant Improvement (TI) permit from the City for the wine tasting room in the future. It is staff's opinion that the proposed location for the winery is appropriate. The project is located in a C-M zoning district and the building offers space for the type of business the applicants propose. The business is located within the City's downtown and will support and compliment other downtown businesses. The C-M zoning district is designated for a variety of general commercial uses, including wineries.

This operation of the proposed business would be somewhat different to other wineries in that the applicant envisions is a public warehouse where retail sale and wholesale distribution could occur

concurrently. Staff believes this would be a great addition to the City. The Planning Commission and the Planning staff have generally supported these types of businesses in the past because wineries and wine tasting rooms do not generally create alcohol related problems. If problems or concerns related to the sale of alcoholic beverages occur in the future, staff and/or the Planning Commission may initiate a public hearing where the Commission would have the ability to amend conditions or revoke the Use Permit.

ENVIRONMENTAL ASSESSMENT

The project was found to be categorically exempt according to the California Environmental Quality Act, Article 19 15321 Class 21 (a) (2). The project is classified as an “Enforcement Action by Regulatory Agencies” because it is the “adoption of an administrative decision or order enforcing...the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective.” The project was also found to be categorically exempt according to the California Environmental Quality Act, Article 19 15332 Class 32 (a) (b) (c) (d) and (e). The project is classified as in-fill development meeting the conditions described therein. No significant impacts are anticipated and no mitigation measures have been required. No significant impacts are anticipated and no mitigation measures have been required.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published on February 26, 2011. 54 public hearing notices were sent for both meetings to all property owners of record within a 300-foot radius of the subject property as required by California State Law §65091 (a) 3.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

- Approve the Requests with Alternate Conditions
- Deny the Requests
- Continue the Requests

Respectfully Submitted,

Concur

Immanuel Bereket
Associate Planner

Konradt Bartlam
Community Development Director

ATTACHMENTS:

1. Vicinity Map
2. Aerial Picture
3. Site Plan
4. Floor Plan
5. Draft Resolutions



Project Site

AH Wines

9 West Locust Street, Suite A
 (APN: 043-025-17)
 Lodi, CA 95240

-  Project Site
-  City Limits





Project Site

Sacramento St.

Locust St.

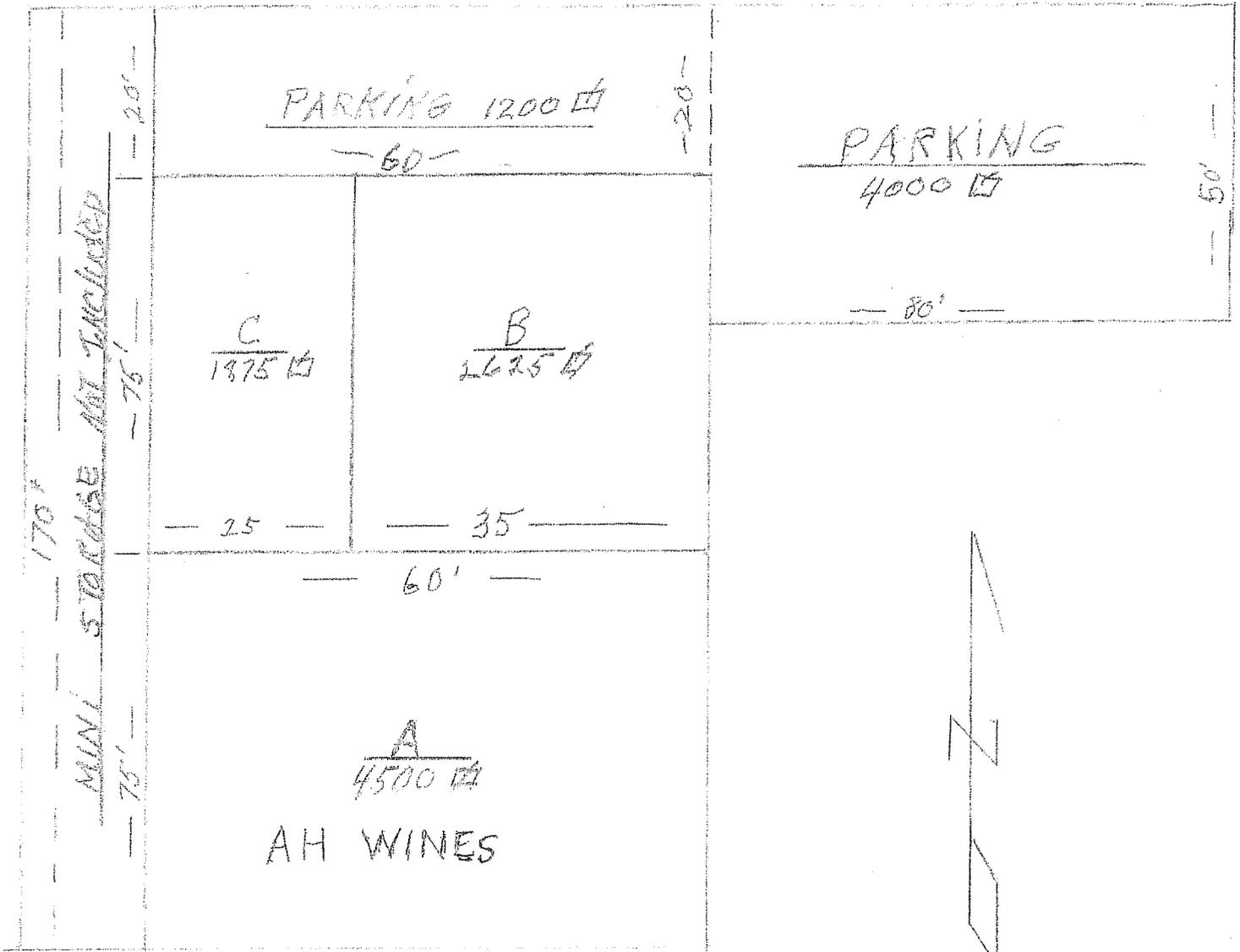


AH Wines
9 West Locust Street, Suite A
(APN: 043-025-17)
Lodi, CA 95240

-  Project Site
-  City Limits

EXHIBIT A / Site Plan

ALLEY



9 W
LOCUST STREET

← West Locust Street →

[Glass
DOORS]

[Roll-Up
DOOR]

[Glass
DOORS]

Parking
Lot

Warehouse Space

25'

26'

9'6"

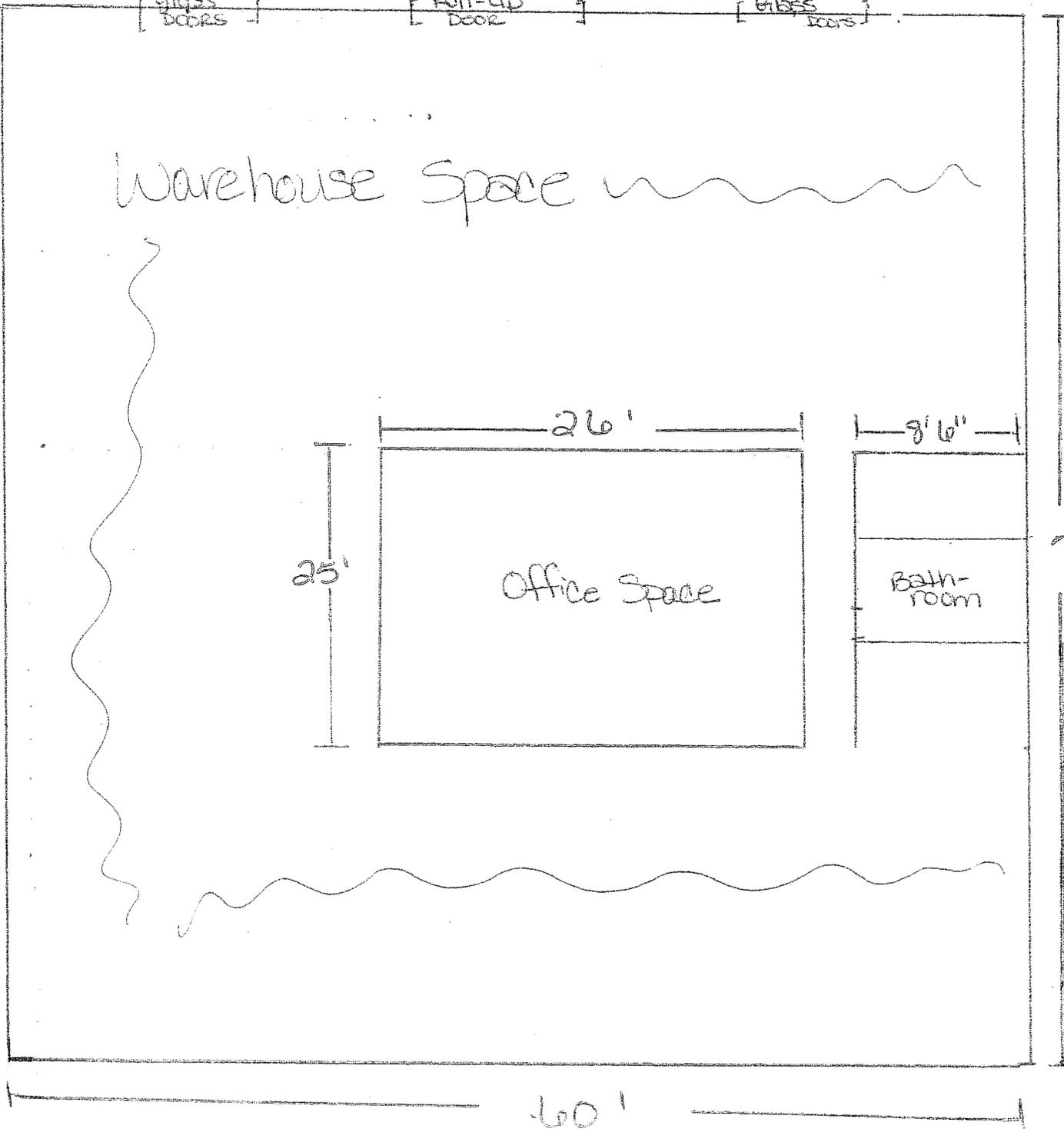
Office Space

Bath-
room

75'

60'

North Sacramento Street



RESOLUTION NO. P.C. 11-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI FOR THE APPROVAL OF THE REQUEST OF JEFF HANSEN, ON BEHALF OF AH WINES, INC. FOR A USE PERMIT TO ALLOW A STORAGE AND SALE OF BEER AND WINE LICENSE; AND A WINE TASTING ROOM AT 9 WEST LOCUST STREET.

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Use Permit, in accordance with the Lodi Municipal Code, Section 17.72.070; and

WHEREAS, the project proponent is Jeff Hansen, on behalf of AH Wines, Inc., 2715 West Kettleman Lane, Suite 203-325., Lodi CA; and

WHEREAS, the project site is at 9 West Locust Street, Suite A, Lodi, CA (APN 043-025-17); and

WHEREAS, the project site is zoned C-M, Commercial-Light Industrial and has a General Plan designation of Downtown Mixed Use; and

WHEREAS, the requested Use Permit to allow storage and sale of beer and wine for on-site and off-site consumption is an enforcement action in accordance with the City of Lodi Zoning Ordinance; and

WHEREAS, Census Tract 42.04 in which the proposed is located currently has an over concentration of licenses allowing on and off premise consumption of alcoholic beverages; and

WHEREAS, because Census Tract 42.04 has an over concentration of alcohol beverage control licenses, the planning Commission must make a finding of necessity or public convenience in order to permit the issuance of an additional Alcohol Beverage Control license in this tract; and

WHEREAS, the State Department of Alcoholic Beverage Control has training available that clearly communicates State law concerning the sale of alcoholic beverages; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

Based upon the evidence within the staff report and project file the Planning Commission finds:

1. The project was found to be categorically exempt according to the California Environmental Quality Act, Article 19 15321 Class 21 (a) (2). The project is classified as an "Enforcement Action by Regulatory Agencies" because it is the "adoption of an administrative decision or order enforcing...the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective." The project was also found to be categorically exempt according to the California Environmental Quality Act, Article 19 15332 Class 32 (a) (b) (c) (d) and (e). The project is classified as in-fill development meeting the conditions described therein. No significant impacts are anticipated and no mitigation measures have been required. No significant impacts are anticipated and no mitigation measures have been required.
2. No new impacts were identified in the public testimony that were not addressed as normal conditions of project approval.
3. The sale of alcoholic beverages for on-premise and off-site consumption as part of a wine tasting room operation is a permitted use in the C-M zoning district. The site is suitable and adequate for the proposed use and would not create negative impacts on businesses in the vicinity.
4. The proposed use is consistent with the General Plan because commercial uses such as the one proposed are permitted in accordance with Land Use Policy subject to a discretionary review.

5. The proposed use would not have a substantial adverse economic effect on nearby uses because operation of a wine tasting room in accordance with applicable laws and under the conditions of this Use Permit is anticipated to be an economic benefit to the community.
6. The sale of alcoholic beverages for on-premise and off-site consumption is a normal part of business operations and provides a convenience for customers of the business.
7. The sale and consumption of alcohol can sometimes result in customer behavior problems that can require police intervention.
8. Steps can be taken by the Applicant/Operator to reduce the number of incidents resulting from the over-consumption of alcohol including the proper training and monitoring of employees serving alcohol; the careful screening of IDs of customers to avoid sales to under-aged individuals; limiting the number of drinks sold to individual customers to avoid over-consumption; providing properly trained on-site security to monitor customer behavior both in and outside of the establishment; and working with the Lodi Police Department to resolve any problems that may arise.
9. The proposed use can be compatible with the surrounding use and neighborhood if the business is conducted properly and if the Applicant/Operator works with neighboring businesses and residents to resolve any problems that may occur.
10. The proposed use would not be detrimental to the general welfare of persons residing and working in the immediate vicinity, the neighborhood or the community at large.
11. The sale of alcoholic beverages at this location can meet the intent of the General Commercial zoning district and can provide a public convenience or necessity for customers of the business.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Use Permit Application No. 11-U-03 is hereby approved, subject to the following conditions:

1. The Applicant/Operator shall defend, indemnify, and hold the City, its agents, officers, and employees harmless of any claim, action, or proceeding to attack, set aside, void, or annul this Use Permit, so long as the City promptly notifies the developer of any claim, action, or proceedings, and the City cooperates fully in defense of the action or proceedings.
2. The Applicant/Operator shall insure that the serving of alcohol does not cause any condition that will cause or result in repeated activities that are harmful to the health, peace or safety of persons residing or working in the surrounding area. This includes, but is not limited to: disturbances of the peace, illegal drug activity, public intoxication, drinking in public, harassment of people passing by, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, excessive loud noises, traffic violations or traffic safety based upon last drink statistics, curfew violations, lewd conduct, or police detention and arrests.
3. The Applicant/Operator shall operate and abide by the requirements and conditions of the State of California Department of Alcoholic Beverage Control License Type 2, 9, 14, 17 and 20. The Type 2 License shall be limited to on-site and off-site sale and consumption of wine during the hours that the wine tasting room is open for business or as otherwise modified by the Community Development Director.
4. The Lodi Police Department may, at any time, request that the Planning Commission conduct a hearing on the Use Permit for the purpose of amending or adding new conditions to the Use Permit or to consider revocation of the Use Permit if the Use Permit becomes a serious policing problem.
5. Prior to the issuance of a Type 2, 9, 14, 17, and 20 ABC licenses, the Applicant/Operator shall complete Licensee Education on Alcohol and Drugs as provided by the State Department of Alcoholic Beverage Control.

6. Any changes to the interior layout of the business operation shall be subject to review and approval by the Planning Department and shall be subject to City review and approval.
7. No person who is in a state of intoxication shall be permitted within the wine tasting room nor shall an intoxicated patron already in the establishment be served additional alcoholic beverages. It is the responsibility of the business owner/operator to ensure no patron in a state of intoxication is allowed on to the premises.
8. The operator of the wine tasting room shall police the area surrounding the business to prevent patrons from congregating/loitering outside the premises and to prevent excessive noise or other objectionable behavior. Noise levels shall be monitored to insure that noise shall not violate the City's Noise Ordinance Section 9.24.020 and Section 9.24.030.
9. No wine crushing, wine making or similar activities shall be approved as part of this Use Permit.
10. The wine tasting operation shall be conducted in a manner that will not adversely impact neighboring properties or businesses.
11. Noise emanating from the property shall be within the limitations prescribed by the City's Noise Ordinance and shall not create a nuisance to surrounding residential neighborhoods, and/or commercial establishments.
12. The exterior of all the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times.
13. The operation of the business shall comply with all applicable requirements of the Municipal Code.
14. The tenant space was previously approved for storage and sales of pharmaceuticals (M/S-1 Occupancies). Wine sales and storage are in the same occupancy group. Should consumption of wine be allowed, the Building Department would need to verify occupant load, existing, and fixture count (restroom). If the occupant load for the wine tasting area exceeds 49, the area would change to A-2 occupancy and will require a Tenant Improvement permit.
15. Any fees due the City of Lodi for processing this project shall be paid to the City within thirty (30) calendar days of final action by the approval authority. Failure to pay such outstanding fees within the time specified shall invalidate any approval or conditional approval granted. No permits, site work, or other actions authorized by this action shall be processed by the City, nor permitted, authorized or commenced until all outstanding fees are paid to the City.
16. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

Dated: March 9, 2011

I certify that Resolution No. 11- was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on March 9, 2011 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST: _____
Secretary, Planning Commission

Use Permit for a Type 41 ABC License - Massauyki Hattori
@ 2401 West Turner Road, Suite 222 - Yume Japanese Restaurant

Item 3c.

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: March 9, 2010

APPLICATION NO: Use Permit: 11-U-04

REQUEST: Request for Planning Commission approval of a Use Permit to allow a Type-41 On-Sale Beer and Wine Alcoholic Beverage Control License at 2401 West Turner Road, Suite 222. (Applicant: Masayuki Hattori. File Number: 11-U-04)

LOCATION: 2401 W. Turner Rd, Suite 222
APN: 015-300-06
Lodi, CA 95242

APPLICANT: Masayuki Hattori
414 West Lincoln Road
Stockton, CA 95207

PROPERTY OWNER: Sang Leong
2620 Bridle Path Lane
Modesto, CA 95326

RECOMMENDATION

Staff recommends that the Planning Commission approve the request of Masayuki Hattori for a Use Permit to allow a Type-41 on-sale beer and wine license at Yume Japanese Restaurant located at 2401 W. Turner Rd, Suite 222, subject to the conditions outlined in the attached resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: Commercial
Zoning Designation: C-s Shopping Commercial.
Property Size: 3.52 acres. (Restaurant is approximately 1,500 sq. ft.).

The adjacent zoning and land use characteristics:

	General Plan	Zone	Land Use
North	High Density and Low Density Residences	R-GA: Residential Garden Apartments.	High and low density residential uses
South	High Density and Commercial	PD-1: Planned Development 1	High Density Residences
East	Commercial	R-1: Low Density Residences	Retail and commercial uses
West	Low Density	C-1, Neighborhood Commercial	Wine and Roses Resort

SUMMARY

The applicant, Mr. Masayuki Hattori, requests approval of a Use Permit to allow on-site sale of beer and wine in conjunction with operation of a new Yume Japanese Restaurant. The owner is applying for a license through the California Department of Alcoholic Beverage Control (ABC) to allow beer and wine to be served for on-site consumption. In addition, the applicant requests that the Planning Commission make a finding that the sale of alcohol at the new restaurant is a

public convenience or necessity, in accordance with the requirements of the State Department of Alcoholic Beverage Control (ABC). The restaurant is located within a shopping center that contains a variety of commercial businesses such as a Salisbury's Market, restaurants, medical offices and various retail stores. The applicant's business is a full service restaurant that serves Japanese food.

BACKGROUND

The applicant is in the process of opening a sit-down Japanese restaurant at 2401 West Turner Road, Suite 222. The project site is located within a major commercial intersection. The area contains a variety of commercial businesses and is zoned C-S (Shopping Commercial). Restaurant use is a permitted use in the C-S (Shopping Commercial) zoning district. In accordance with the requirements of the Department of Alcoholic Beverage Control, the applicant has applied for a license with Department of Alcoholic Beverage Control and must obtain a Use Permit from the City to serve alcohol. Approval of this Use Permit does not entitle the restaurant to live entertainment or a bar, but only allows beer and wine to be served in addition to the food.

ANALYSIS

According to the applicant, Yume Japanese Restaurant offers lunch and dinner menu. The restaurant will be open Monday – Saturday from the hours of 11:30 a.m. to 9:00 p.m. and will be closed on Sundays. The restaurant is approximately 1,500 square feet in size and provides seating for approximately 28 guests. Parking is provided on site, which satisfies the parking requirement for eating establishment of this size. The applicant is requesting a Use Permit approval to allow a Type 41 (Eating Place) ABC license, which authorizes the sale of beer and wine for consumption on and/or off the premise where sold. Type 41 prohibits the sale of distilled spirits and minors are allowed on the premise. In accordance with the State Department of Alcoholic Beverage Control (ABC) requirements, receipts from alcohol sale shall not be in excess of food sales receipts. ABC requires that restaurants with an alcohol license must operate and maintain the premise as a bona fide eating establishment.

The City's Municipal Code requires the approval of a Use Permit by the Planning Commission for retail businesses and restaurants which sell alcoholic beverages (LMC § 17.72.040). The City established the Use Permit requirement to gain local control over whether or not a license is appropriate for a particular location. The Department of Alcoholic Beverage Control primarily controls issuance based on concentration of licenses within a particular Census Tract. Census Tract 41.03 covers the area south of Woodbridge Road, west of Lodi Lake, north of Turner Road, and east of Davis Road. According to ABC, Census Tract 41.03 contains 10 existing on-sale beer and wine licenses with 7 on-sale licenses allowed based on the ABC criteria. Because this census tract is over concentrated, the City must make a finding of public need or convenience in order to approve an additional on-sale beer and wine license. In the past, the Planning Commission and the Planning staff have generally supported restaurants that wish to acquire an ABC on-sale license, because typically, restaurants that serve alcohol in conjunction with food sales do not create alcohol related problems.

Staff has contacted the Lodi Police Department for comment on the proposed on-sale beer and wine application and they do not anticipate alcohol related problems with the restaurant. Staff sent copies of the application to various City departments for review and comments. The Fire, Building, Public Works, and Electric Utility Departments had no comments and had no objections to the request for an alcohol license. Because the applicant's request is for a Use Permit to allow sale of alcohol in conjunction with a full service restaurant, staff does not anticipate the alcohol sales portion of the business to create any problems. This operation would be similar to other restaurants within Lodi. The Planning Commission and the Planning staff have generally supported restaurants that wish to acquire an ABC on-sale beer and wine license because

restaurants that serve beer and wine in conjunction with food sales have not created alcohol related problems. If problems or concerns related to the sale of alcoholic beverages occur in the future, staff and/or the Planning Commission may initiate a public hearing where the Commission would have the ability to amend conditions or revoke the Use Permit.

ENVIRONMENTAL ASSESSMENTS

The project was found to be Categorically Exempt according to the California Environmental Quality Act, Article 19 §15321, Class 21 (a) (2). The project is classified as an “Enforcement action by regulatory agencies” because it is the “adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective.” No significant environmental impacts are anticipated and no mitigation measures have been required.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published on February 23, 2011. 88 public hearing notices were sent to all property owners of record within a 300-foot radius of the subject property as required by California State Law §65091 (a) 3. No protest letter has been received at the time of this staff report was prepared.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

- Approve the request with attached or alternate conditions
- Deny the request
- Continue the request

Respectfully Submitted,

Concur,

Immanuel Bereket
Assistant Planner

Konradt Bartlam
Community Development Director

ATTACHMENTS:

1. Vicinity Map
2. Aerial Photo
3. Site Plan and Floor Plan
4. Menu
5. Draft Resolution



Woodbridge School

Project Site

Wine & Roses B & B

Bozant Katzakian Park

Wine & Visitor Center

General Mills

Yume Japanese Restaurant
2401 W. Turner Rd, Suite 222
APN: 015-300-06
Lodi, CA 95242

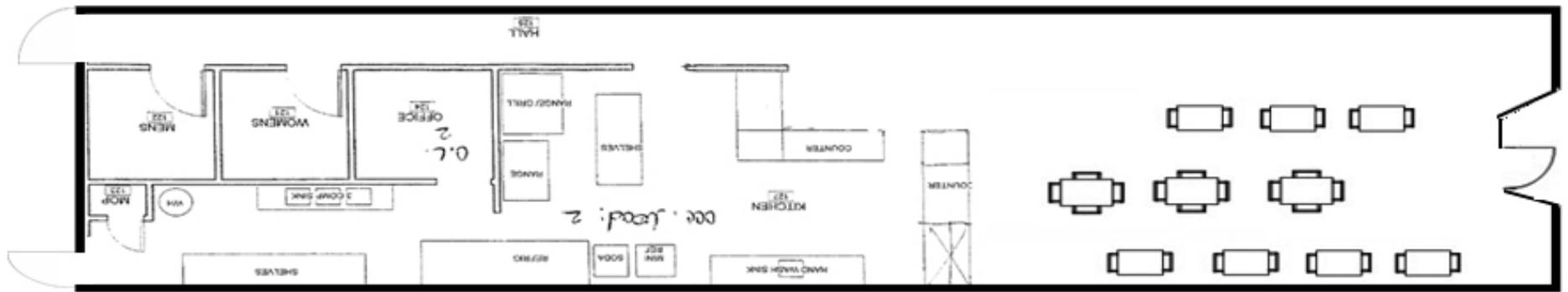




Project Site

AERIAL MAP
2401 W. Turner Rd, Suite 222
APN: 015-300-06
Lodi, CA 95242





Yume Japanese Restaurant
2401 W. Turner Rd, Suite 222
Lodi, CA 95242

APPETIZER

EDAMAME <i>Boiled & salted soy beans</i>	3.
AGEDASHI TOFU <i>Deep fried tofu served in agedashi broth</i>	5.
DEEP FRIED GYOZA <i>Japanese style pork pot-sticker - 6 pieces</i>	5.
MIXED TEMPURA <i>Deep fried seafood & vegetables served with tempura sauce</i>	8.
VEGETABLES TEMPURA <i>Deep fried vegetables served with tempura sauce</i>	6.
FRIED OYSTER <i>Deep fried breaded oysters served with tartar sauce & katsu sauce</i>	7.
SQUID VINEGAR <i>Deep fried squid served with ponzu sauce</i>	9.
ALBACORE VINEGAR <i>Seared white tuna served in ponzu sauce</i>	7.
ASSORTED SASHIMI <i>Tuna, Salmon & yellow tail</i>	9.
SPICY LOMI LOMI <i>Fresh salmon & slice onion served with chili sesame oil</i>	7.
TAKO KIMCHEE <i>Octopus, cucumbers & tomatoes tossed in kimchee sauce</i>	8.
TUNA CEVICHE <i>Chop tuna, cilantro, tomato, avocado, & onions with wonton chips</i>	10.

SALAD

GREEN SALAD <i>Mixed greens with house dressing</i>	3.
SEAWEED SALAD <i>Marinated seaweed with sesame oil</i>	4.
SPICY SEARED TUNA SALAD <i>Seared tuna with ponzu & spicy sesame oil</i>	12.
SASHIMI SALAD <i>Sashimi on mixed greens served with ponzu & olive oil dressing</i>	12.

SUSHI ROLL

ALBACORE ROLL	<i>Avocado & cucumber roll topped with seared albacore, onion & tobiko</i>	9.
ASPARAGUS ROLL	<i>Asparagus, avocado & snow crab roll</i>	7.
CALIFORNIA ROLL	<i>Avocado & imitation crab roll</i>	4.
CARTERPILAR ROLL	<i>Eel & cucumber roll topped with sliced avocado on top</i>	8.
CRUNCHY RAINBOW ROLL	<i>Tempura shrimp roll topped with assorted sashimi</i>	10.
DRAGON ROLL	<i>Tempura shrimp & avocado roll top with eel and avocado</i>	10.
EEL ROLL	<i>Barbeque eel & cucumber roll</i>	5.
GOLDEN SRHIMP ROLL	<i>Avocado, cucumber & fried shrimp roll</i>	7.
KAPPA ROLL	<i>Cucumber roll</i>	3.
LOMI LOMI ROLL	<i>Avocado & cucumber roll topped with salmon, onion & tobiko w/chili oil</i>	9.
PHILADELPHIA ROLL	<i>Cream cheese, cucumber & smoke salmon roll</i>	7.
RAINBOW ROLL	<i>California roll topped with assorted sashimi</i>	9.
SALMON TATAKI ROLL	<i>Avocado & cucumber roll topped with seared salmon, onion & tobiko</i>	9.
SNOW CRAB CALIFORNIA ROLL	<i>Cucumber, avocado & snow crab roll topped with tobiko</i>	6.
SPICY DRAGON ROLL	<i>Tempura shrimp & avocado roll topped with spicy tuna & eel</i>	9.
SPICY SALMON ROLL	<i>Avocado & cucumber roll, salmon, onion & tobiko with spicy sauce</i>	8.
SPICY TUNA ROLL	<i>Tuna with spicy sauce & cucumber roll</i>	5.
SPIDER ROLL	<i>Avocado & deep fried soft-shell crab topped with tobiko</i>	8.
TEKKA MAKI	<i>Tuna roll</i>	4.
TEMPURA ROLL	<i>Avocado & tempura shrimp roll</i>	8.
VEGETARIAN ROLL	<i>Asparagus & cucumber roll topped with avocado & tomato</i>	8.

RICE BOWL

VEGETABLE TERIYAKI BOWL <i>Seasonal vegetables</i>	6.
TOFU & MUSHROOM TERIYAKI BOWL <i>Sauteed tofu & shitake</i>	6.
CHIKEN TERIYAKI BOWL <i>Chiken sautéed with onion & mushrooms</i>	7.
BEEF TERIYAKI BOWL <i>Beef sautéed with onion & mushrooms</i>	8.
PRAWN TERIYAKI BOWL <i>Prawn sautéed with onion & mushrooms</i>	8.
UNAGI DON <i>Barbeque eel over rice</i>	

NIGIRI 2PIECES

AMA EBI <i>Sweet shrimp</i>	7.	SABA <i>Mackerel</i>	4.
EBI <i>Shrimp</i>	4.	SAKE <i>Salmon</i>	4.
HAMACHI <i>Yellow tail</i>	5.	SMOKED SALMON	4.
HOTATE <i>Scallop</i>	5.	TOBIKO <i>Fish roe</i>	4.
KANI <i>Snow crab</i>	6.	UNAGI BBQ <i>Eel</i>	5.
MAGURO <i>Tuna</i>	5.	UNI <i>Sea urchin</i>	7.

HAND ROLL

CALIFORNIA <i>Imitation crab and cucumber</i>	4.
NEGIHAMA <i>Chopped yellow tail with green onion</i>	4.
SNOW CRAB CALIFORNIA <i>Snow crab, avocado and tobiko</i>	4.
SPICY TUNA <i>Tuna with spicy sauce and cucumber</i>	4.
UNAGI BBQ <i>Eel and cucumber</i>	4.

SUSHI ENTRÉE

NIGIRIMIX <i>8 pieces of chefs choice of the day</i>	13.
NIGIRI AND ROLL COMBINATION <i>Choice of (eel, spicy tuna or California) roll & 5pcs nigiri</i>	13.
SASHIMI MIX <i>Assortment of fresh sashimi served with rice</i>	15.
TUNA SAHIMI MIX <i>Fresh tuna sashimi served with rice</i>	16.

TERIYAKI AND TEMPRA ENTRÉE

Served with rice and mixed green salad

VEGETABLE TERIYAKI <i>Seasonal vegetables</i>	7.
TOFU & MUSHROOM TERIYAKI <i>Sautéed tofu & shitake</i>	7.
CHIKEN TERIYAKI <i>Chiken sautéed with onion & mushrooms</i>	8.
BEEF TERIYAKI <i>Beef sautéed with onion & mushrooms</i>	9.
PRAWN TERIYAKI <i>Prawn sautéed with onion & mushrooms</i>	9.
SALMON TERIYAKI <i>Salmon sautéed with onion & mushrooms</i>	9.
VEGITABLE TEMPURA <i>Seasonal vegetables</i>	9.
SEAFOOD TEMPURA <i>Seasonal seafood</i>	11.
MIXED TEMPURA <i>Shrimp and seasonal vegetables</i>	9.

SIDES

MISO SOUP <i>Tofu, wakame, scallion in a miso broth</i>	2.
RICE <i>Japanese steamed rice</i>	1.

WINE *Glass/Bottle*

SAUVIGNON BLANC	Rock Rabbit	5./20.
CHARDONNAY	Lucas	7./31.
PINOT GRIGIO	La Viarte	6./25.
POUILLY-FUME	Regis Minet	7./32.
SYRAH	Rock Rabbit	5./20.
ZINFINDEL	Lucas	6.5/31.
CABERNET SAUVIGNON	Avalon	5./20.
PINOT NOIR	Mark West	6./25.
MERLOT	Frei Brothers	5./20.

SAKE *Carafe/Bottle*

OTOKOYAMA	Junmai	7.5/34.
MEIBO	Junmai Ginjo	10.5/26.
WAKATAKE	Junmai Daiginjo	15./56.
MU	Junmai Daiginjo	11.5/40.
NIGORI	Unfiltered	5./20.
FLAVORED		5./20.
SHOCHU		6./30.
HAKUTSURU	Draft	7.
HOT SAKE		Lg 6./Sm 3.

BEER

SAPPORO	Lg 6./Sm 3.5
ASAHI	Lg 6./Sm 3.5
KIRIN	Lg 6./Sm 3.5
SAPPORO LIGHT	3.5
ASAHI BLACK	3.5
SIERRA NEVADA	3.5
HEINEKEN	3.5
SAINT PAULI	3.5

Item 3c

February 25, 2011

RECEIVED

FEB 28 2011

COMMUNITY DEVELOPMENT DEPT
CITY OF LODI

Re: Public Hearing scheduled for Wednesday on March 9, 2011 at 7PM

I am unable to attend the meeting.

The proposed Use Permit is something that doesn't appear to be a problem for me.

Ethel L Farmer (owner/resident at the address shown below.

924 Rutledge Drive, Lodi, Ca 95242

A handwritten signature in cursive script, reading "Ethel L. Farmer", is written over a horizontal line.

RESOLUTION NO. P.C. 11 -

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF MASAYUKI HATTORI FOR A USE PERMIT TO ALLOW ON-SALE BEER AND WINE AT YUME JAPANESE RESTAURANT LOCATED AT 2401 W. TURNER ROAD SUITE 222.

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Use Permit, in accordance with the Lodi Municipal Code, Section 17.72.070; and

WHEREAS, the project proponent is Mr. Masayuki Hattori, 414 West Lincoln Road, Stockton, CA 95204; and

WHEREAS, the property owner is San Leong, 2620 Bridle Path Lane, Modesto, CA 95326; and

WHEREAS, the project is located at 2401 W. Turner Road Suite 222, Lodi, CA (APN 015-300-06); and

WHEREAS, the property has a General Plan designation of Neighborhood Community Commercial and is zoned C-S, Commercial Shopping; and

WHEREAS, the requested Use Permit to allow the selling of beer and wine for on-site consumption within the restaurant is an enforcement action in accordance with the City of Lodi Zoning Ordinance; and

WHEREAS, Census Tract 41.03 in which the restaurant is located does have an over concentration of licenses allowing on premise consumption of alcoholic beverages; and

WHEREAS, because Census Tract 41.03 has an over concentration of on-sale beer and wine alcohol licenses, the City must make a finding of necessity or public convenience in order to permit the issuance of an additional ABC license in this tract, and

WHEREAS, the State Department of Alcoholic Beverage Control has training available that clearly communicates State law concerning the sale of alcoholic beverages.

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred; and

Based upon the evidence within the staff report and project file the Planning Commission finds:

1. The project was found to be Categorically Exempt according to the California Environmental Quality Act, Article 19 §15321, Class 21 (a) (2). The project is classified as an “Enforcement action by regulatory agencies” because it is the “adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective.” No significant environmental impacts are anticipated and no mitigation measures have been required.
2. The sale of alcoholic beverages for on-premise consumption as part of a restaurant is a permitted use in the C-S zoning District. The site is suitable and adequate for the proposed use because establishment of a restaurant on this site would not create negative impacts on businesses, residents and instructional uses in the vicinity, and the applicant proposes to perform a tenant improvement in order to meet building code requirements.
3. The on-sale of beer and wine, in accordance with a Type 41 Alcoholic Beverage Control License and with the conditions attached herein, would be consistent and in harmony with the Commercial General Plan Land Use Designation.
4. The proposed use is consistent with the General Plan because commercial uses such as the one proposed are permitted in accordance with Land Use Policy subject to a discretionary review.
5. The sale of alcoholic beverages as part of a restaurant is required by the State Department of Alcoholic Beverage Control to be secondary to food sales requiring that the restaurant use is the major activity.

6. The sale of alcoholic beverages as part of a restaurant is a convenience that does not typically create alcohol related problems.
7. The proposed use is expected to be compatible with the surrounding use and neighborhood.
8. The on-sale of beer and wine at their restaurant is a public convenience.
9. The sale and consumption of alcohol can sometimes result in customer behavior problems that can require police intervention.
10. Steps can be taken by the Applicant/Operator to reduce the number of incidents resulting from the over-consumption of alcohol including the proper training and monitoring of employees serving alcohol; the careful screening of IDs of customers to avoid sales to under-aged individuals; limiting the number of drinks sold to individual customers to avoid over-consumption; providing properly trained on-site security to monitor customer behavior both in and outside of the establishment; and working with the Lodi Police Department to resolve any problems that may arise.
11. The proposed use can be compatible with the surrounding use and neighborhood if the business is conducted properly and if the Applicant/Operator works with neighboring businesses and residents to resolve any problems that may occur.
12. The proposed use would not be detrimental to the general welfare of persons residing and working in the immediate vicinity, the neighborhood or the community at large because the sale of alcohol with a restaurant operation is not associated with detrimental impacts to the community.
13. The sale of alcoholic beverages at this location can meet the intent of the C-S zoning district and can provide a public convenience or necessity for customers of the business.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Use Permit Application No. 11-U-04 is hereby approved, subject to the following conditions:

1. The applicant/operator and/or successors in interest and management shall defend, indemnify, and hold the City, its agents, officers, and employees harmless of any claim, action, or proceeding to attack, set aside, void, or annul this Use Permit, so long as the City promptly notifies the developer of any claim, action, or proceedings, and the City cooperates fully in defense of the action or proceedings.
2. The Applicant/Operator and/or successors in interest and management shall insure that the sale of alcohol does not cause any condition that will cause or result in repeated activities that are harmful to the health, peace or safety of persons residing or working in the surrounding area. This includes, but is not limited to: disturbances of the peace, illegal drug activity, public intoxication, drinking in public, harassment of people passing by, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, excessive loud noises, traffic violations or traffic safety based upon last drink statistics, curfew violations, lewd conduct, or police detention and arrests.
3. The Applicant/Operator and/or successors in interest and management shall operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
4. The Applicant/Operator shall operate and abide by the requirements and conditions of the State of California Department of Alcoholic Beverage Control License Type 41. The Type 41 License shall be limited to on-site sale and consumption of beer and wine and during the hours that the restaurant is open for business or as otherwise modified by the Community Development Director.
5. The City reserves the right to periodically review the area for potential problems. If problems (on-site or within the immediate area) including, but not limited to, public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct

result from the proposed land use, the Use Permit may be subject to review and revocation by the City of Lodi after a public hearing and following the procedures outlined in the City of Lodi Municipal Code. Additional reviews may be prescribed by the Community Development Director, the Police Department and/or Planning Commission as needed during and after the first two years of probationary period. Further, starting from the effective date the business commences the sale of beer and wine, this Use Permit shall be subject to a one year, and two year review by Community Development Director. If the Director determines it necessary, the Director shall forward the review to the Planning Commission to review the business's operation for compliance with the conditions of the Use Permit, and in response to any complaints thereafter.

6. The Lodi Police Department may, at any time, request that the Planning Commission conduct a hearing on the Use Permit for the purpose of amending or adding new conditions to the Use Permit or to consider revocation of the Use Permit if the Use Permit becomes a serious policing problem.
7. The Use Permit shall require the Applicant/Operator and/or successors in interest and management to secure an ABC Type 41 license, On Sale Beer and Wine – Eating Place.
8. Prior to the issuance of a Type 41 ABC license, the Applicant/Operator and/or successors in interest and management shall complete Licensee Education on Alcohol and Drugs as provided by the State Department of Alcoholic Beverage Control.
9. The sale of alcohol shall occur only at tables when served with meals. A separate bar and/or counter for the consumption of alcohol shall be prohibited.
10. Any changes to the interior layout of the business operation shall be subject to review and approval by the Planning Department and shall require appropriate City permits.
11. No person who is in a state of intoxication shall be permitted within the restaurant nor shall an intoxicated patron already in the restaurant be served additional alcoholic beverages. It is the responsibility of the business owner/operator to ensure no patron in state of intoxication is allowed into the building.
12. The Applicant/Operator and/or successors in interest and management of the restaurant shall police the area surrounding the business to prevent patrons from congregating/loitering outside the premises and to prevent excessive noise or other objectionable behavior. Noise levels shall be monitored to insure that noise shall not violate the City's Noise Ordinance Section 9.24.020 and Section 9.24.030.
13. The operator/applicant and/or successors in interest and management shall comply with all the Municipal Codes relating to loitering, open container laws and other nuisance-related issues.
14. The operator/applicant and/or successors in interest and management shall ensure noise emanating from the property shall be within the limitations prescribed by the City's Noise Ordinance and shall not create a nuisance to surrounding residential neighborhoods, and/or commercial establishments.
15. The exterior of all the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times.
16. Approval of this Use Permit shall be subject to revocation procedures contained in Section 17.72 LMC in the event any of the terms of this approval are violated or if the sale of beer and wine is conducted or carried out in a manner so as to adversely affect the health, welfare or safety of persons residing or working in the neighborhood.
17. Any fees due the City of Lodi for processing this Project shall be paid to the City within thirty (30) calendar days of final action by the approval authority. Failure to pay such outstanding fees within the time specified shall invalidate any approval or conditional approval granted. No permits, site work, or other actions authorized by this action shall be processed by the City, nor permitted, authorized or commenced until all outstanding fees are paid to the City.

18. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

Dated: March 9, 2011

I certify that Resolution No. 11- was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on March 9, 2011 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

ATTEST _____
Secretary, Planning Commission

Item 3d.

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: March 9, 2011

APPLICATION NO: Mitigated Negative Declaration: 10-MND-03

RELATED APPLICATIONS: Vesting Tentative Parcel Map: 10-P-01
 SPARC: 10-SP-04
 Annexation: 10-AX-01
 Rezoning: 10-Z-01

REQUEST: Request for Planning Commission to make recommendation to the City Council to certify the proposed Mitigated Negative Declaration 10-MND-03 as adequate environmental documentation for the proposed project (Applicant: Michael Carouba, on behalf of FF LP. File Numbers 10-MND-03).

LOCATION: 13333 North West Lane
 (APN: 058-100-03)
 Lodi, CA 95240

APPLICANT: Michael Carouba, on behalf of FF LP
 P. O. Box 2663
 Lodi, CA 95241

PROPERTY OWNER: FF LP
 540 South Mills Avenue
 Lodi, CA 95242-3428

STAFF RECOMMENDATION

Staff recommends that the Planning Commission conduct a public hearing, review the proposed project, consider public testimony, and adopt the following resolutions:

- (1) Resolution recommending the City Council certify the proposed Mitigated Negative Declaration (SCH# 2010112055) as an adequate environmental document for the proposed project.

PROJECT/AREA DESCRIPTION

General Plan Designation

City of Lodi	Commercial	Project site is within the City's Sphere of Influence, Planning Area and City's General Plan April 2010
San Joaquin County	General Agriculture (A/G).	This is a County zoning designation that is intended to retain in agriculture those areas planned for future urban development

Zoning Designation.

City of Lodi	N/A	N/A
San Joaquin County	AG-40	AU-40, Agricultural-Urban Reserve, minimum of 20 acres.

POLICY SETTINGS:

CEQA Guidelines Section 15152 (Section 21083.3) allows a Negative Declaration to be adopted when an Environmental Impact Report (EIR) has previously been prepared for a program, policy, plan or ordinance, and a later project consistent with that program or other action will not result in any significant effects which were not examined in that previous EIR. In order to tier upon an EIR, the later project must be consistent with the general plan and zoning of the applicable city or county. The Negative Declaration must clearly state that it is being tiered upon a previous EIR, reference that EIR, and state where a copy of the EIR can be examined.

The proposed Mitigated Negative Declaration tiers of the City of Lodi General Plan 2010 and General Plan EIR 2010 (SCH#2009022075), which serve as the project's program level EIR. The proposed South Hutchins Annexation Project involves land that is incorporated into, and planned for development in Lodi's 2010 General Plan. Having been so included, all General Plan level environmental effects were of necessity, therein addressed. As a tiered document, the Initial Study/Mitigated Negative Declaration for the project relies, in part, on the General Plan 2010 and General Plan EIR 2010, for:

- 1) A discussion of general background and setting information for environmental topic areas;
- 2) Overall growth-related issues, land uses, level of service related to traffic;
- 3) Issues that were evaluated in sufficient detail in the 2010 General Plan EIR, for which there are no significant new information or changes in circumstances that would require further analysis;
- 4) Analysis of long-term cumulative impacts.

This Tiered Initial Study/Mitigated Negative Declaration analyzes the potential site-specific and localized impacts of the project. As the analysis demonstrates, there are no new significant impacts. Because there are no new significant impacts identified there are no new alternatives to the project that need be examined and therefore, the previous analysis is sufficient. Additionally, because there are no new significant impacts identified, the cumulative impacts remain the same. Thus, the information contained in this subsequent Mitigated Negative Declaration is sufficient to meet the requirements of CEQA Guidelines Section 15163.

PROJECT SITE CHARACTERISTICS

The Project site consists of one (1) parcel covering a total of approximately 30 acres (Assessors Parcel Number 058-100-03). Principal vehicular access to the site is provided along Harney Lane while regional access is provided via SR 99. An existing private drive extending south from Harney lane serves as vehicle access to an abandoned golf driving range. Other unpaved access roads occur throughout the site principally to serve existing agricultural operations on the eastern portion of the property. The existing on-site uses include a strawberry field (15 acres) planted seasonally on the eastern half of the Project site and an abandoned golf driving range (15 acres) on the western half of the Project site. Existing structures on the Project site include a strawberry stand on the northeastern corner and two freight containers. In addition, there are two temporary storage containers placed onsite. The abandoned golf driving range (15 acres) previously contained pavement and 'club house', which have been removed as of May of 2009.

The project site is located in northern San Joaquin County, within the southwest portion of the City of Lodi Planning Area, immediately south of the City's southern boundary (along Harney Lane) and west of State Route (SR) 99.

The adjacent zoning designations and land uses are as follows:

- North:** PD-4, residences varying from Low Density to High Density Residences and neighborhood (commercial) shopping, contains a variety of small stores. This area is within the City limits.
- South:** AG-40, General Agriculture (County designation). Harney Lane borders the southern most part of the limits on this part of City.
- West:** AG-40, General Agriculture (County designation). Agricultural uses are located west of the project site.
- East:** AG-40, General Agriculture (County designation). Agricultural uses are located west of the project site.

Three staff reports have been prepared for the Planning Commission's review and consideration of the project applications: Certification of the Proposed Mitigated Negative Declaration; Annexation and rezoning; and Vesting Tentative Parcel Map and SPARC.

SUMMARY

An Initial Study was prepared for this project in accordance with the California Environmental Quality Act and the CEQA Guidelines. The study revealed that the project, as proposed, could have a significant impact on the environment; however mitigation measures have been recommended by staff to reduce the possible impacts to a less-than-significant level. Staff received written comments and have responded to those comments. The comments have been incorporated into the Draft Mitigated Negative Declaration. The Draft Mitigated Negative Declaration and the Response to Comment document constitute the Final Draft Mitigated Negative Declaration, and the Planning Commission will consider the analysis and conclusions in these documents prior to taking action on the proposed project for Annexation, Prezone, Vesting Tentative Parcel Map, and Site Plan and Architecture Review and approval. The Final Draft Mitigated Negative Declaration (Draft Mitigated Negative Declaration and Response to Comments document) is attached herein as Attachment 4 and will be presented to the City Council for certification, prior to the Council taking action on these items. Therefore, staff recommends the Commission recommend the City Council adopt the attached Mitigated Negative Declaration and Mitigation Monitoring Program contained therein.

ANALYSIS

The South Hutchins Annexation Project area is located south of the current southern Lodi City limits (along Harney Lane), on the southwest corner of West Lane and Harney lane. It is within San Joaquin County. As part of the proposed project, the applicant intends to annex the 30 acre project area into the City of Lodi. Annexation of lands into the City requires review and approval by the Local Agency Formation Commission (LAFCO). LAFCO will consider applications for annexation, upon a request of the City Council. Land must be within the City's Sphere of Influence (SOI) in order to be annexed. A Sphere of Influence is a planning tool adopted and used by LAFCO to designate the future boundary and service area for a City. The proposed site project area is within the City of Lodi Sphere of Influence (adopted by LAFCO on August 24, 2004). The City's General Plan 2010 designates the project vicinity as within annexation Phase I.

In accordance with the California Environmental Quality Act and the CEQA Guidelines, the City, as the lead agency, prepared An Initial Study and Mitigated Negative Declaration and published a Notice of Availability (NOA) announcing that South Hutchins Annexation Project Draft Mitigated Negative Declaration had been prepared and is available to the public for review. The NOA was submitted to the State Clearinghouse, distributed to local agencies,

sent to interested persons, posted with the County Clerk's office, mailed all property owners of record within a 300-foot radius of the project site, posted on the site and published in the Lodi News Sentinel. The 30-day window for persons to review and comment on the draft Mitigated Negative Declaration commenced on Monday, November 29, 2010 and concluded on Thursday, December 30, 2010. During the public review period, six comments were received on the proposed Mitigated Negative Declaration [State Clearing House, State Department of Conservation, State Department of Transportation (Caltrans) District 10, San Joaquin County Council of Governments (SJCOG), Inc., San Joaquin Valley Air Pollution Control District and from Citizens for Open Government (COG)].

State Department of Conservation District 10 letter indicates that a traffic impact study (TIS) is required for this project in order to determine the proposed project's near-term and long-term impacts to State facilities. The City feels this issue has already been addressed via a previous Mitigated Negative Declaration (Harney Lane Interim improvements Project SCH#2010072040). The San Joaquin Valley Air Pollution Control District requires the applicant to prepare health risk assessment in accordance with the district's regulations, preparation of Air Impact Analysis (AIA) prior to building permit issuance and adherence to other applicable regulations. These requirements have been added into the project Mitigation Monitoring Program as well as to the SPARC conditions of approval. The San Joaquin County Council of Governments (SJCOG, Inc) notes that the project site is within a habitat zone and that appropriate steps need to be taken prior to site disturbance. These standard requirements have been noted and are part of the Mitigation Monitoring Program. State Department of Conservation notes that the project site is located within a prime farmland and recommends that the project proponent secure permanent agricultural conservation easements on land of at least equal quality and size as partial compensation for the direct loss of agricultural land. Staff notes the City's General Plan and the proposed Mitigated Negative Declaration require the applicant to secure a permanent agricultural easement on land of at least equal quality and size at a ratio of 1:1 (one lost/one secured) in northern San Joaquin Valley.

Citizens for Open Government (COG) expressed concerns related to the relationship between the Lodi General Plan and the Mitigated Negative Declaration and issues related to permanent loss of agricultural land, degradation of air quality, greenhouse gas emissions, and traffic. Staff notes that the proposed IS/Mitigated Negative Declaration tiers of the Lodi General Plan 2010 and General Plan EIR 2010, which exhaustively deal with the issues Citizens for Open Government. Transportation (Chapter 5) element of the General Plan outlines Level of Service (LOS) and lay out a set of policies that mitigate traffic impacts to levels of less than significant. Conservation (Chapter 7) element of the General Plan detailed conservation and agricultural mitigation plan, and air quality mitigation plan.

The final comment is from the State Clearinghouse, which acknowledges that the City complied with the State Clearinghouse review requirements for draft environmental documents pursuant to the California Environmental Quality Act.

In preparing the Mitigated Negative Declaration, staff independently reviewed, evaluated, and exercised judgment over the project and the project's environmental impacts. The Final Mitigated Negative Declaration (MND), attached as Exhibit 5, identifies the areas where the project may have a potential effect on the environment. All areas listed as potentially significant have been mitigated to levels that are no longer significant. Please refer to the Mitigation Monitoring Reporting Program (MMRP) attached as Exhibit 3 for a summary of all the identified mitigation measures. Based on concerns identified in the IS/Draft MND and comments received during the public review period, the following topics were identified for evaluation within the MND:

- Aesthetics
- Air Quality
- Greenhouse Gas Emissions
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hydrology and Water Quality
- Noise
- Public Services
- Transportation/traffic
- Utilities and Service Systems

Based on the analysis presented in the Tiered IS/Mitigated Negative Declaration, it was determined that this project would not result in any significant impacts that cannot be mitigated to less than significant levels or are not sufficiently addressed by the General Plan 2010 and General Plan EIR 2010. As such, project-specific mitigation measures have been proposed to address the proposed project's impacts. City staff has determined that the incorporation of Mitigation Measures and project design and/or compliance with appropriate regulations and standards would reduce environmental impacts to a less than significant level. The proposed Negative Declaration determined that project-specific and cumulative air quality and noise impacts could be mitigated to less than significant through adoption of the proposed Mitigated Negative Declaration. These mitigation measures have been included into the attached resolution as minimum requirements for approval. Based on this determination, the City is proposing that a "mitigated negative declaration" be adopted for the proposed project. The initial study contains details regarding the location and construction of the project, as well as the environmental information that was prepared as a part of the environmental review for the project.

PUBLIC HEARING NOTICE:

Legal Notice for the proposed Mitigated Negative Declaration was published on February 26, 2011. 32 public hearing notices were sent to all property owners of record within a 300-foot radius of the subject property as required by California State Law §65091 (a) 3.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

- Approve the Requests with Alternate Conditions
- Deny the Requests
- Continue the Requests

Respectfully Submitted,

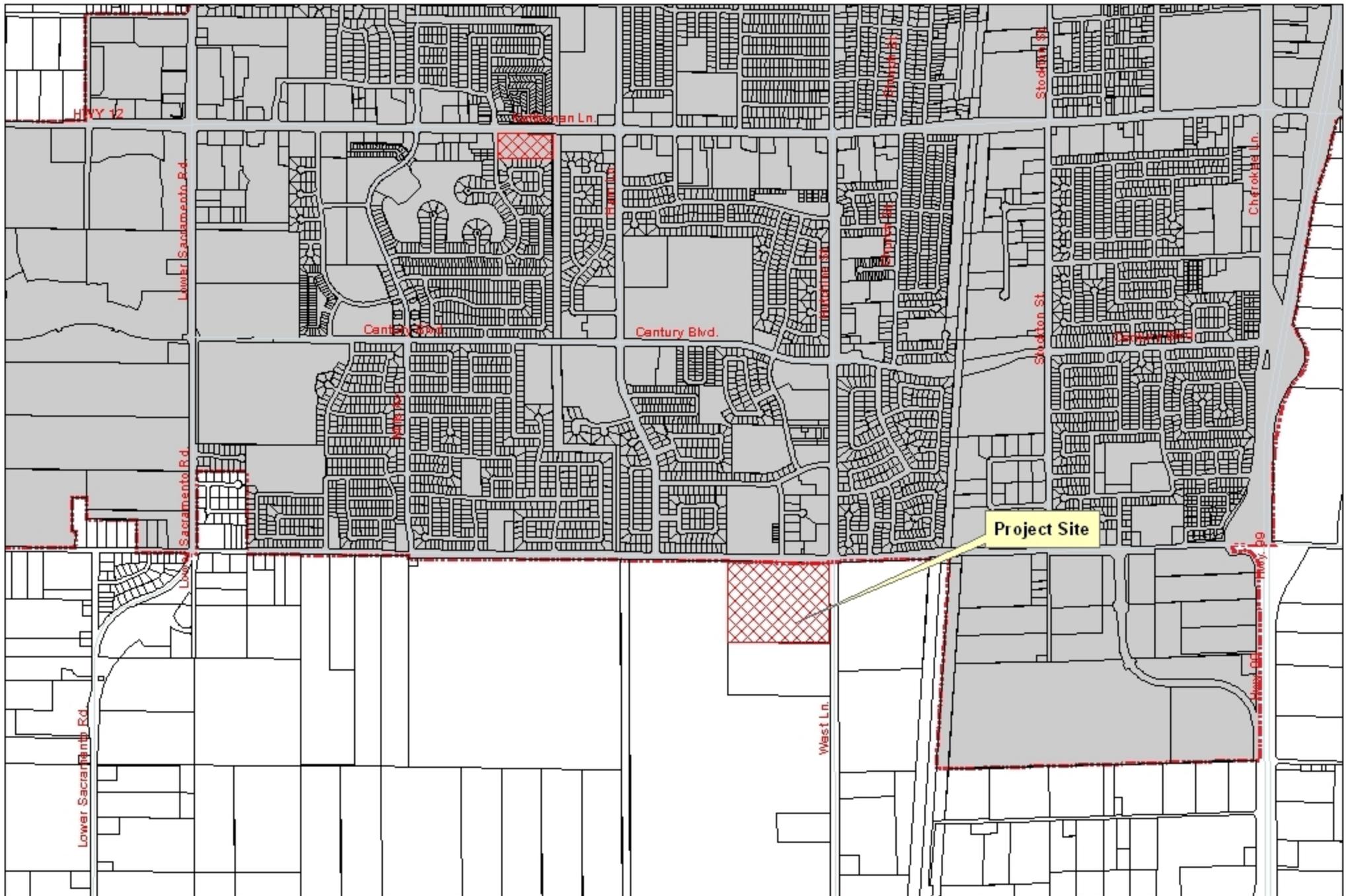
Concur

Immanuel Bereket
Associate Planner

Konradt Bartlam
Community Development Director

ATTACHMENTS:

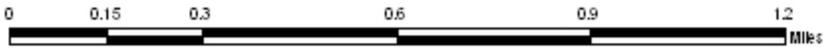
1. Aerial Map
2. Vicinity Map
3. Mitigation Monitoring Reporting Program
4. Draft Mitigated Negative Declaration
5. Final Mitigated Negative Declaration

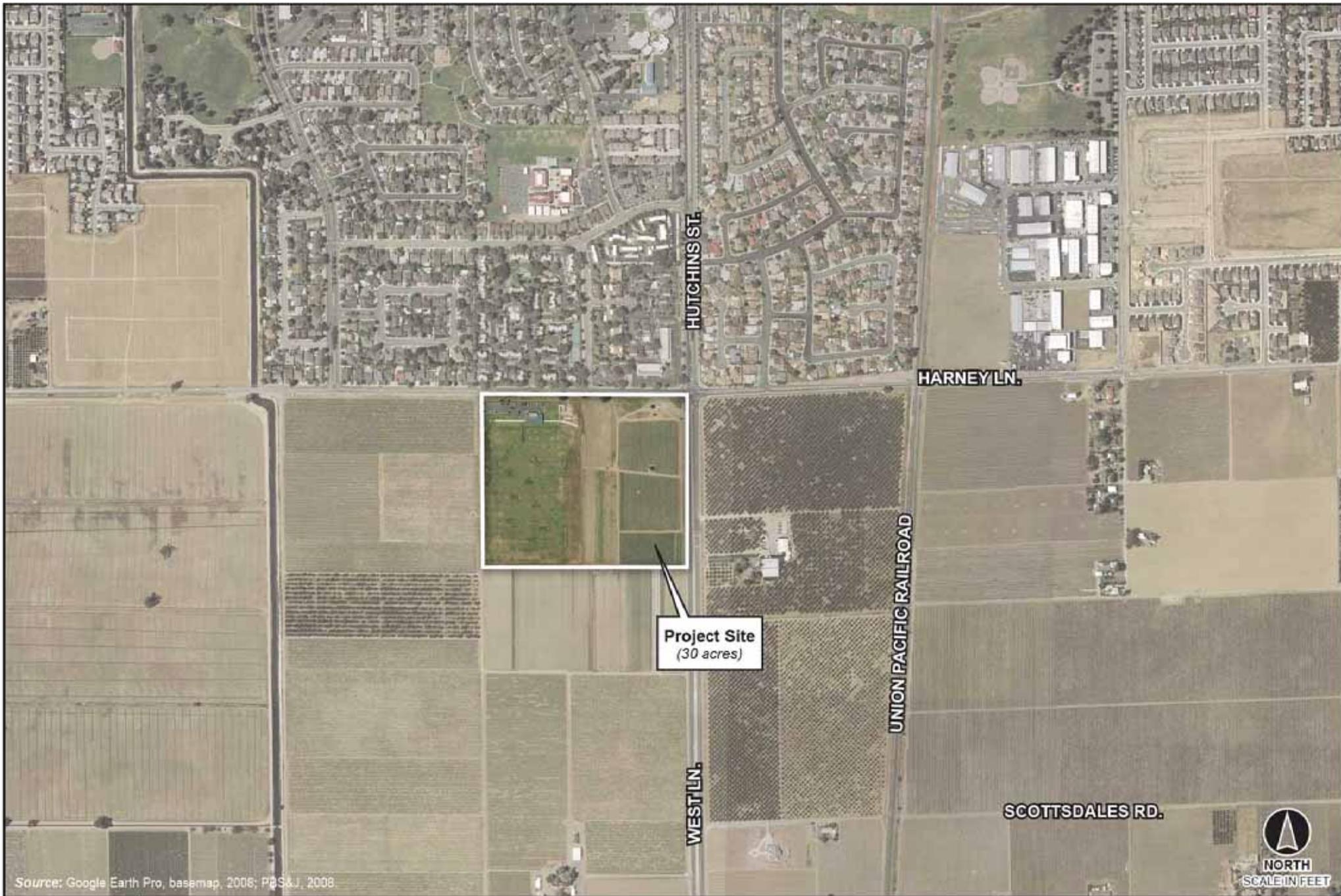


Legend:

-  Project Site
-  City Limits

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Source: Google Earth Pro, basemap, 2006; P&S&J, 2008

FIGURE 2
Site Location

**MITIGATION MONITORING AND REPORTING
PROGRAM FOR THE
SOUTH HUTCHINS ANNEXATION PROJECT**

STATE CLEARINGHOUSE #2010112055

City of Lodi
221 West Pine Street
P. O. Box 3006
Lodi, CA 95241-1910

February 2011

MITIGATION MEASURE	Initiation of Mitigation	Monitoring Frequency	Responsibility for Verification of Compliance	Performance Criteria	Date Compliance Completed
AESTHETICS					
<p>1. Pursuant to Chapter 17.81 of the Lodi Municipal Code, the applicant shall submit detailed site plan and architectural elevations for review and approval by the City of Lodi Planning Commission. The said plans shall illustrate the design details and make specific reference to those features that meet the provisions of Chapter 17.33 Planned Development District (PD) including, but not limited, to the following:</p> <ul style="list-style-type: none"> i. A building height of no more than sixty (60) feet or three (3) stories in height. Exceptions can be made for structures such as towers, spires, cupolas, chimneys, flagpoles, monuments, scenery lofts, and other similar structures and necessary mechanical appurtenances covering not more than 10 percent of the ground area covered by the structures and extending no more than 25 feet above the height limit. ii. All mechanical equipment, including all roof mounted equipment such as satellite dishes or any other communications devices, shall be fully screened from ground-level view within 150 feet of the property, from public and private property, including developed or undeveloped properties. <i>Exceptional may be made for solar equipments.</i> iii. Ground mounted mechanical equipment shall be screened by solid masonry wall with solid metal gates. iv. Outdoor refuse containers shall be located in trash enclosures, which shall be constructed of solid masonry walls with solid gates, which meet the access, size, and location standards provided by the refuse collection service, and shall comply with the following standards: <ul style="list-style-type: none"> a. Trash enclosures storing containers with a cumulative capacity of one cubic yard shall be constructed with decorative masonry walls with solid metal doors. The exterior shall be compatible with the design of the main building. b. A minimum 8 ft-by-10 ft -wide thickened concrete paving 	<p>A Minimum requirement to process the project</p>	<p>Through out application process, and once approved to ensure compliance with conditions of approval</p>	<p>City Staff</p>	<p>Conditions of approval</p>	

MITIGATION MEASURE	Initiation of Mitigation	Monitoring Frequency	Responsibility for Verification of Compliance	Performance Criteria	Date Compliance Completed
<p>section shall be provided in front the enclosure gates.</p> <p>2. The applicant shall submit a detailed landscaping plan to the Community Development Department for review and approval and make specific reference to those landscaping details that meet the provisions of the City of Lodi Public Works Department requirements including but not limited to the following:</p> <ul style="list-style-type: none"> i. The Project shall provide 1 shade tree for each 4 parking spaces, which must be planted within the parking lot end stall islands, tree wells, and perimeters planters to maximize shade on the paved areas. ii. The Project shall provide one tree for every 500 sq. ft of open space. iii. A landscape plan shall be submitted and implemented which demonstrates that 50 percent of the parking lot will be shaded within 10 years. iv. All landscaped areas adjoining parking and drive area(s) are to bordered by a 6-inch continuous vertical concrete curbing, with exceptions to allow curb breaks to comply with Stormwater Runoff Management Program. <p>3. The applicant shall submit site lighting plan to the Community Development Department as part of a SPARC application for review and approval. The said plan shall include, but not be limited to, the following design features:</p> <ul style="list-style-type: none"> i. Full-cutoff lighting fixtures to direct lighting to the specific location intended for illumination (e.g., roads, walkways, or parking lot) and to minimize stray light spillover into adjacent residential areas, sensitive biological habitat, and other light sensitive receptors; ii. Appropriate intensity of lighting to provide safety and security while minimizing light pollution and energy consumption; and shielding of direct lighting within parking areas, sensitive biological habitat, and other light-sensitive receptors through site configuration, grading, lighting design, or barriers such as earthen berms, walls, or landscaping. iii. A photometric exterior lighting plan and fixture specification 					

MITIGATION MEASURE	Initiation of Mitigation	Monitoring Frequency	Responsibility for Verification of Compliance	Performance Criteria	Date Compliance Completed
<p>shall be submitted for review and approval of the Community development Director. Said plans and specification shall address the following:</p> <ul style="list-style-type: none"> a. The plans shall demonstrate that lighting fixtures on the building and grounds shall be designed and installed so as to contain light on the subject property and not spill over onto adjacent private properties or public rights-of-way. b. The equivalent of one (1) foot-candle of illumination shall be maintained throughout the parking area. c. All parking light fixtures shall be a maximum of twenty-five 25 feet in height. d. All fixtures shall be consistent throughout the center. 					

MITIGATION MEASURE	Initiation of Mitigation	Monitoring Frequency	Responsibility for Verification of Compliance	Performance Criteria	Date Compliance Completed
AGRICULTURAL RESOURCES					
<p>1. Prior to issuance of a grading permit for any area of the Project site that includes prime agricultural soils, the affected landowner(s) shall secure agricultural conservation easement in perpetuity at rate of one 1:1 (acreage converted/easement secured) in the northern San Joaquin County area, excluding areas designated as nature or areas already secured as agricultural easements. The said easement shall be designated by the State as Prime Farmland. In addition, the location, size and terms of the easement shall be approved by the City of Lodi City Manager or designee.</p> <p>2. The applicant shall inform and notify prospective buyers in writing, prior to purchase, about existing and on-going agricultural activities in the immediate area in the form of a disclosure statement. The notifications shall disclose that the Project site is located in an agricultural area subject to ground and aerial applications of chemical and early morning or nighttime farm operations which may create noise, dust, etcetera. The language and format of such notification shall be reviewed and approved by the City Community Development Department prior to recordation of final map(s). Each disclosure statement shall be acknowledged with the signature of each prospective owner. Additionally, each prospective owner shall also be notified of the City of Lodi and the County of San Joaquin Right-to-Farm Ordinance.</p>	Prior to issuance of a building permit for site disturbance	Once, prior to issuance of a site disturbance	City Staff, Project proponent	Conditions of Approval	

MITIGATION MEASURE	Initiation of Mitigation	Monitoring Frequency	Responsibility for Verification of Compliance	Performance Criteria	Date Compliance Completed
AIR QUALITY					
1. The Project proponent shall prepared an Air Impact Assessment (AIA) study for review and approval by the San Joaquin Valley Air Pollution Control District. The said AIA shall be completed and submitted prior to issuance of any building permit for the project include grade and site clearance permits.	Prior to issuance of any building permit	Ongoing, throughout construction	Project proponent	A condition for issuance of a building permit	
2. The City shall not issue a building permit for grading, clearing or construction of the proposed Project until the applicant obtains grading and building permits from the San Joaquin Valley Air Control District.	Prior to issuance of any building permit	Ongoing, throughout construction	Project proponent	A condition for issuance of a building permit	
3. Construction of the proposed Project shall comply with all applicable regulations specified in the San Joaquin Valley Air Pollution Control District Regulation VIII (Fugitive Dust Rules), including, but not limited to, compliance with the following mitigation measures: <ul style="list-style-type: none"> i. Visible Dust Emissions (VDE) from construction, demolition, excavation or other earthmoving activities related to the Project shall be limited to 20% opacity or less, as defined in Rule 8011, Appendix A. ii. Pre-water all land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and phase earthmoving. iii. Apply water, chemical/organic stabilizer/suppressant, or vegetative ground cover to all disturbed areas, including unpaved roads. iv. Restrict vehicular access to the disturbance area during periods of inactivity. v. Apply water or chemical/organic stabilizers/suppressants, construct wind barriers and/or cover exposed potentially dust-generating materials. vi. When materials are transported off-site, stabilize and cover all materials to be transported and maintain six inches of freeboard space from the top of the container. 	Prior to issuance of any building permit	Ongoing, throughout construction	Project proponent	A condition for issuance of a building permit	

MITIGATION MEASURE	Initiation of Mitigation	Monitoring Frequency	Responsibility for Verification of Compliance	Performance Criteria	Date Compliance Completed
<p>vii. Remove carryout and trackout of soil materials on a daily basis unless it extends more than 50 feet from site; carryout and trackout extending more than 50 feet from the site shall be removed immediately. The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden. If the Project would involve more than 150 construction vehicle trips per day onto the public street, additional restrictions specified in Section 5.8 of Rule 8041 shall apply.</p> <p>viii. Traffic speeds on unpaved roads shall be limited to 15 mph.</p>					
<p>4. During construction, all grading activities shall cease during periods of high winds (i.e., greater than 30 mph). To assure compliance with this measure, grading activities are subject to periodic inspections by City staff.</p>	Ongoing, throughout construction	Ongoing, throughout construction	Project proponent, onsite project manager, contractors, etc.	A condition for issuance of a building permit	
<p>5. Construction equipment shall be kept in proper operating condition, including proper engine tuning and exhaust control systems.</p>					
<p>6. Trucks and other construction vehicles shall not park, queue and/or idle at the Project site or in the adjoining public rights-of-way before 7:00 AM or after 10 PM, in accordance with the permitted hours of construction stated in the City of Lodi Municipal Code.</p>					
<p>7. Disturbed areas designated for landscaping shall be prepared as soon as possible after completion of construction activities.</p>					
<p>8. Areas of the construction site that will remain inactive for three months or longer following clearing, grubbing and/or grading shall receive appropriate BMP treatments (e.g., revegetation, mulching, covering with tarps, etc.) to prevent fugitive dust generation.</p>					
<p>9. All exposed soil or material stockpiles that will not be used within 3 days shall be enclosed, covered, or watered twice daily, or shall be stabilized with approved nontoxic chemical soil binders at a rate to be determined by the on-site construction supervisor.</p>					
<p>10. Unpaved access roads shall be stabilized via frequent watering, non-toxic chemical stabilization, temporary paving, or equivalent measures at a rate to be determined by the on-site construction supervisor.</p>					
<p>11. Trucks transporting materials to and from the site shall allow for at least</p>					

MITIGATION MEASURE	Initiation of Mitigation	Monitoring Frequency	Responsibility for Verification of Compliance	Performance Criteria	Date Compliance Completed
two feet of freeboard (i.e., minimum vertical distance between the top of the load and the top of the trailer). Alternatively, trucks transporting materials shall be covered.					
12. Where visible soil material is tracked onto adjacent public paved roads, the paved roads shall be swept and debris shall be returned to the construction site or transported off site for disposal.					
13. Wheel washers, dirt knock-off grates/mats, or equivalent measures shall be installed within the construction site where vehicles exit unpaved roads onto paved roads.					
14. Diesel powered construction equipment shall be maintained in accordance with manufacturer's requirements, and shall be retrofitted with diesel particulate filters where available and practicable.					
15. Heavy duty diesel trucks and gasoline powered equipment shall be turned off if idling is anticipated to last for more than 5 minutes.					
16. Where feasible, the construction contractor shall use alternatively fueled construction equipment, such as electric or natural gas-powered equipment or biofuel.					
17. Heavy construction equipment shall use low NOx diesel fuel to the extent that it is readily available at the time of construction.					
18. The construction contractor shall develop a construction traffic management plan and submit it to the City for review and approval. The said plan shall include the following:					
i. Scheduling heavy-duty truck deliveries to avoid peak traffic periods					
ii. Consolidating truck deliveries					
19. The construction contractor shall maintain signage along the construction perimeter with the name and telephone number of the individual in charge of implementing the construction emissions mitigation plan, and with the telephone number of the SJVAPCD's complaint line. The contractor's representative shall maintain a log of any public complaints and corrective actions taken to resolve complaints.					
20. During grading and site preparation activities, exposed soil areas shall be stabilized via frequent watering, non-toxic chemical stabilization, or					

MITIGATION MEASURE	Initiation of Mitigation	Monitoring Frequency	Responsibility for Verification of Compliance	Performance Criteria	Date Compliance Completed
equivalent measures at a rate to be determined by the on-site construction supervisor.					
21. During windy days when fugitive dust can be observed leaving the construction site, additional applications of water shall be required at a rate to be determined by the onsite construction supervisor.					
22. Prior to issuance of a building permit, the Project proponent shall prepare and submit health risk screening analysis using Project-specific information pursuant to the requirements of the San Joaquin Valley Air Control District.					
23. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, excluding the winter season.					
24. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.					
25. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.					
26. All vehicle speeds on unpaved roads shall be limited to 15 mph.					
27. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.					
GREENHOUSE GAS EMISSIONS					
1. The proposed Projects shall be required, prior to final City approval, to implement a GHG reduction program that uses Transportation Systems Management, building design for energy conservation, water conservation techniques, solid waste reduction techniques or other green technologies to demonstrate compliance with the City's goal reduction in GHG emissions compared to normal operations.	Prior to issuance of a building permit for site grading, disturbance	Prior to issuance of a building permit for site grading, disturbance	Prior to issuance of a building permit for site grading, disturbance	Prior to issuance of a building permit for site grading, disturbance	

MITIGATION MEASURE	Initiation of Mitigation	Monitoring Frequency	Responsibility for Verification of Compliance	Performance Criteria	Date Compliance Completed
BIOLOGICAL RESOURCES					
<p>1. Swainson’s Hawk Foraging Habitat. The Project applicant shall ensure that mitigation for loss of Swainson’s hawk foraging habitat within San Joaquin County occurs through one of the following measures. Should measures b, c, or d be implemented, the Project applicant shall ensure that an appropriate number of acres (as approved by the California Department of Fish and Game [CDFG]) of agricultural land, annual grasslands, or other suitable raptor foraging habitat are preserved off site at a habitat preservation bank within San Joaquin County at a 1 to 1 (habitat lost to preserved) ratio.</p> <p>i. The Project Site is located within the boundaries of the San Joaquin County Multi-species Habitat Conservation and Open Space Plan (SJMSCP). Half of the site is an abandoned golf driving range located in a “no-pay” zone and half is within the “agricultural habitat pay zone.” As such, the Project applicant could seek coverage under the SJMSCP. Additionally, the Project applicant would be required to conduct “Incidental Take Minimization Measures,” that for this site would likely include preconstruction surveys for nesting birds.</p> <p>or</p> <p>ii. Purchase of mitigation credits at an approved CDFG mitigation bank that is within San Joaquin County.</p> <p>iii. Payment of a mitigation fee to a habitat development and management company, through a negotiated agreement between said company, the Project applicant, and CDFG. The lands must be within 10 miles of the nearest Swainson’s hawk nest (consistent with CDFG guidelines).</p> <p>iv. Purchase of conservation easements or fee title in San Joaquin County. This mitigation must occur within 10 miles of the nearest Swainson’s hawk nest, unless otherwise approved by CDFG (consistent with CDFG Guidelines).</p>	<p>Prior to issuance of a building permit for site grading, disturbance</p>	<p>Prior to issuance of a building permit for site grading, disturbance</p>	<p>Prior to issuance of a building permit for site grading, disturbance</p>	<p>Prior to issuance of a building permit for site grading, disturbance</p>	

MITIGATION MEASURE	Initiation of Mitigation	Monitoring Frequency	Responsibility for Verification of Compliance	Performance Criteria	Date Compliance Completed
<p>2. Nesting Birds. Between March 1 and September 15, the Project applicant shall have a qualified biologist conduct nest surveys no more than 30 days prior to any demolition/construction or ground disturbing activities that are within 500 feet of potential nest trees or suitable nesting habitat (i.e., trees, grassland). A pre-construction survey shall be submitted to CDFG that includes, at a minimum: (1) a description of the methodology including dates of field visits, the names of survey personnel with resumes, and a list of references cited and persons contacted; and (2) a map showing the location(s) of any bird nests observed on the Project site. If no active nests of Migratory Bird Treaty Act (MBTA) covered species are identified, then no further mitigation is required. If active nests of protected bird species are identified in the focused nest surveys, the Project applicant shall take the following steps.</p>	<p>Prior to issuance of a building permit for site grading, disturbance</p>	<p>Prior to issuance of a building permit for site grading, disturbance</p>	<p>Prior to issuance of a building permit for site grading, disturbance</p>	<p>Prior to issuance of a building permit for site grading, disturbance</p>	
<p>i. The Project applicant, in consultation with San Joaquin County and CDFG, shall delay construction in the vicinity of active nest sites during the breeding season (March 1 through September 15) while the nest is occupied with adults and/or young. A qualified biologist shall monitor any occupied nest to determine when the nest is no longer used. If the construction cannot be delayed, avoidance measures shall include the establishment of a non-disturbance buffer zone around the nest site. The size of the buffer zone shall be determined in consultation with the CDFG, but will be a minimum of 100 feet. The buffer zone shall be delineated with highly visible temporary construction fencing.</p>					
<p>ii. No intensive disturbance (e.g., heavy equipment operation associated with construction, or use of cranes) or other Project-related activities that could cause nest abandonment or forced fledging, shall be initiated within the established buffer zone of an active nest between March 1 and September 15.</p>					
<p>v. If construction activities are unavoidable within the buffer zone, the Project applicant shall retain a qualified biologist to monitor the nest site to determine if construction activities are disturbing the adult or young birds. If abandonment occurs, the biologist shall consult with CDFG or U.S. Fish and Wildlife Service (who monitor compliance with the MBTA) for the appropriate salvage measures. The Project applicant will be required to fund the full costs of the salvage measures.</p>					

MITIGATION MEASURE	Initiation of Mitigation	Monitoring Frequency	Responsibility for Verification of Compliance	Performance Criteria	Date Compliance Completed
<p>3. Burrowing Owl. The Project proponent shall hire a qualified biologist to conduct a pre-construction burrowing owl survey. If nesting owls are found, no disturbance shall be allowed within 160-feet of the active nest burrow between February 1 and August 31. Outside the nesting season, and/or upon confirmation by the qualified biologist, and in consultation with California Department of Fish and Game, that all young have fledged and left an active nest, burrowing owls present in the burrow shall be excluded from the burrow(s) by a qualified biologist through a passive relocation as outlined in the California Burrowing Owl Consortium's April 1993 Burrowing Owl Survey Protocol and Mitigation Guidelines. Once the burrows have been cleared, they must be hand-excavated and collapsed prior to Project construction.</p>	<p>Prior to issuance of a building permit for site grading, disturbance</p>	<p>Prior to issuance of a building permit for site grading, disturbance</p>	<p>Prior to issuance of a building permit for site grading, disturbance</p>	<p>Prior to issuance of a building permit for site grading, disturbance</p>	
<p>4. Pre-Construction Survey. The Project proponent shall contact the San Joaquin County Council of Governments, Habitat Division, to schedule a pre-construction biological resources inventory survey. The said reconstruction biological resources inventory survey shall occur 30-days prior to issuance of a building permit. They City shall not issue a building permit for grading, clearing, staging or any form of permit that would allow site disturbance. The City shall only issue a building permit after it receives a signed ITMM from the San Joaquin County Council of Governments, Habitat Division authoring site disturbance.</p>	<p>Prior to issuance of a building permit for site grading, disturbance</p>	<p>Prior to issuance of a building permit for site grading, disturbance</p>	<p>Prior to issuance of a building permit for site grading, disturbance</p>	<p>Prior to issuance of a building permit for site grading, disturbance</p>	
CULTURAL RESOURCES					
<p>1. If evidence of an archaeological site or other suspected historical resource as defined in CEQA Guidelines section 15064.5, including midden, that could conceal material remains (e.g., worked stone, fired clay vessels, faunal bone, hearths, storage pits, or burials) are discovered during Project-related earth-moving activities, all ground-disturbing activity within 100 feet of the resources shall be halted and the City of Lodi shall notified within 24 hours of the discovery. The Project applicant shall hire a qualified archaeologist to assess the significance of the find. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-L) forms and filed with the Central California Information Center. If the resource is a historical resource or unique archaeological resource which cannot be avoided, a qualified archaeologist shall prepare a data recovery plan, which makes provision for adequately recovering the scientifically consequential information from and about the resource.</p>	<p>Ongoing through construction</p>	<p>Ongoing through construction</p>	<p>Project proponent, onsite construction manager, construction workers</p>	<p>Condition of approvals</p>	

MITIGATION MEASURE	Initiation of Mitigation	Monitoring Frequency	Responsibility for Verification of Compliance	Performance Criteria	Date Compliance Completed
<p>2. Should paleontological resources be identified on the Project site during any ground disturbing activities related to the Project, all ground disturbing activities within 100 feet of the discovery shall cease and the City of Lodi shall be notified within 24 hours of the discovery. The Project applicant shall retain a qualified paleontologist to provide an evaluation of the find and to prescribe mitigation measures to reduce impacts to a less-than-significant level. In considering any suggested mitigation proposed by the consulting paleontologist, the Project applicant shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, Project design, costs, specific plan policies and land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the Project site while mitigation for paleontological resources is carried out.</p> <p>3. If human remains (including disarticulated or cremated remains) are discovered at any Project construction sites during any phase of construction, all ground-disturbing activity within 100 feet of the resources shall be halted and the City of Lodi and the San Joaquin County coroner shall be notified immediately. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The Project applicant shall retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains. The Project applicant will be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of state law, as set forth in CEQA Guidelines section 15064.5(e) and Public Resources Code section 5097.98. The Project applicant shall implement approved mitigation before the resumption of ground-disturbing activities within 100 feet of where the remains were discovered.</p>					

MITIGATION MEASURE	Initiation of Mitigation	Monitoring Frequency	Responsibility for Verification of Compliance	Performance Criteria	Date Compliance Completed
GEOLOGY AND SOIL					
<ol style="list-style-type: none"> 1. Each Project's conditions of approval shall require the Project be designed according to the most recent California Building Code and UBC Seismic Zone 3 requirements, applicable local codes, and be in accordance with the generally accepted standard for geotechnical practice for seismic design in Northern California. 2. Prior to the approval of grading plans, the Project applicant shall perform design-level geotechnical investigations and incorporate all recommendations into the Project construction documents and grading plans. 3. Prior to issuance of a grading or development permits, the Project proponent(s) shall obtain a National Pollutant Discharge Elimination System (NPDES) permit from the California Water Resources Control Board and a copy of the permit shall be provided to the City prior to or along with the first building permit submitted for the Project. 4. Prior to issuance of grading or development permits, applicant(s) shall retain a qualified geologic/geotechnical consultant to prepare detailed, design-level geotechnical investigations including an appropriate number of borings, test pits, trenches and laboratory testing to address final Project design issues. Such geotechnical reports shall be appropriately detailed to address final Project construction requirements and should conform to applicable San Joaquin County and City of Lodi standards. Where appropriate, specific measures shall be depicted on plans prepared by the geotechnical engineer of record or on plan sheets included with final grading plans to reduce any soil hazards to an acceptable level, including the potential for landslides, shrink-swell potential, liquefaction, differential settlement and other similar hazards. 	Prior to issuance of a building permit, during permitting process	During permitting process	City staff	Standard condition for building permit issuance	

MITIGATION MEASURE	Initiation of Mitigation	Monitoring Frequency	Responsibility for Verification of Compliance	Performance Criteria	Date Compliance Completed
HYDROLOGY AND WATER QUALITY					
<p>1. Prior to issuance of a grading or development permits, to the satisfaction of the City of Lodi Public Works Department, the Project proponent shall provide a private retention basin either onsite on adjacent properties to serve the proposed annexation Project. The said retention basin shall be designed with the following criteria:</p> <ul style="list-style-type: none"> i. A 48-hour, 100-year storm, total rainfall of 4.3 inches capacity shall be provided; ii. Fencing shall be provided around the basin greater than 3 feet in depth; iii. Adequate all weather access shall be provided; iv. Any additional requirements placed as a condition of approval shall be incorporated into the design. <p>2. To the satisfaction of the City of Lodi Public Works Department, as part of the design process, a detailed drainage master plan shall be developed to identify collection and storage facilities, phasing and other appurtenances needed to insure that the system meets the requirements of the City drainage system.</p> <p>3. To the satisfaction of the City of Lodi Public Works Department, the proposed retention basin shall include no outflow facility to help manage nuisance flows. Other water quality control features shall be incorporated into the Project design to improve water quality to the satisfaction of the City of Lodi Public Works Department.</p> <p>4. The Project proponent shall prepare a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential impacts to surface water quality through the construction period of the Project. The SWPPP must be maintained on-site and made available to City inspectors and/or RWQCB staff upon request. The SWPPP shall include specific and detailed BMPs designed to mitigate construction-related pollutants. At minimum, BMPs shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with storm water. The SWPPP shall specify properly designed centralized storage</p>	Prior to issuance of a building permit	During permitting processes	City staff	Condition of approval	

MITIGATION MEASURE	Initiation of Mitigation	Monitoring Frequency	Responsibility for Verification of Compliance	Performance Criteria	Date Compliance Completed
areas that keep these materials out of the rain.					
NOISE					
<ol style="list-style-type: none"> 1. Construction activities shall be limited to the hours of 7:00 a.m. to 10:00 p.m. Monday through Sunday, consistent with the City's Ordinance. 2. All noise-producing Project equipment and vehicles using internal combustion engines shall be equipped with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition that meet or exceed original factory specification. Mobile or fixed "package" equipment (e.g., arc-welders, air compressors) must be equipped with shrouds and noise control features that are readily available for that type of equipment. 3. All mobile and fixed noise-producing equipment used on the Project that is regulated for noise output by a local, state, or federal agency shall comply with such regulation while in the course of Project activity. 	Prior to construction begins	Ongoing	construction manager, onsite manager, project proponent	Compliance with the City's Noise Ordinance	
<ol style="list-style-type: none"> 4. Electrically powered equipment shall be used instead of pneumatic or internal combustion-powered equipment, where feasible. 5. Mobile noise-generating equipment and machinery shall be shut off when not in use. 6. Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors. 7. Construction site and access road speed limits shall be established and enforced during the construction period. 8. The use of noise-producing signals, including horns, whistles, alarms, and bells, will be for safety warning purposes only. 9. A site-specific noise study shall be performed for future individual land use proposals within the Project area by a qualified acoustic specialist. If measured noise levels exceed applicable City of Lodi standards, then noise reduction 					

MITIGATION MEASURE	Initiation of Mitigation	Monitoring Frequency	Responsibility for Verification of Compliance	Performance Criteria	Date Compliance Completed
<p>measures shall be incorporated into the individual Project design to ensure consistency with the general plan noise standards. Noise reduction measures could include, but would not be limited to, noise barriers and site orientation for outdoor spaces and sound rated building constructions for indoor spaces. In addition the acoustic report shall demonstrate how noise from the Project will conform to the noise level requirements for stationary noise sources as outlined in City's General Plan and other applicable noise standards.</p>					
PUBLIC SERVICES					
<p>1. The Project shall pay all applicable impact fees according to the rules and regulations in effect at the time of development of each phase.</p>	<p>Prior to issuance of a building permit for each phase</p>	<p>Ongoing through phases</p>	<p>City staff and project proponent</p>		
TRANSPORTATION/TRAFFIC					
<p>1. The Project shall be subject to Development Impact fees as outlined in City's Municipal Code Section 15.64.030.</p> <p>2. The Project proponent shall pay for a transit study to determine whether or not modifications to the existing transit services are required.</p> <p>3. The project proponent shall install bus turnout improvements as required by the Transportation Manager.</p>	<p>Prior to issuance of a building permit for each phase</p>	<p>Prior to issuance of a building permit for each phase</p>	<p>City staff</p>		

MITIGATION MEASURE	Initiation of Mitigation	Monitoring Frequency	Responsibility for Verification of Compliance	Performance Criteria	Date Compliance Completed
UTILITIES AND SERVICE SYSTEMS					
<ol style="list-style-type: none"> 1. Extend a sanitary sewer to the Project area that can provide adequate capacity to serve future development. Sewer improvement plans shall be designed to City of Lodi engineering standards. The applicant shall obtain any permits and clearances from appropriate biological resource agencies that may be required, including any CEQA determinations. 2. To the satisfaction of the City of Lodi Public Works Department, a detailed engineering analysis for the development of a stormwater collection system that will serve the Project shall be prepared. Said analysis shall include sizing of the pipe network and sizing of the retention basin. 3. Prior to building permit issuance, the applicant shall submit landscape and irrigation plans for the common open space areas for the review and approval of the Community Development Director. Said plans shall incorporate, at a minimum, the following water-conservation measures: Extensive use of native plant materials; Low water-demand plants; Minimum use of lawn or, when used, installation of warm season grasses; Grouped plants of similar water demand to reduce over-irrigation of low water demand plants; Extensive use of mulch in all landscaped areas to improve the soil's water-holding capacity; Drip irrigation, soil moisture sensors, and automatic irrigation systems. 					

**DRAFT
INITIAL STUDY / MITIGATED NEGATIVE
DECLARATION**

SOUTH HUTCHINS STREET ANNEXATION



Lead Agency:
City of Lodi
Community Development Department • Planning Division
City Hall, 221 West Pine Street
P.O. Box 3006
Lodi, CA 95241-1910
(209)333-6711
(209)333-6842 (Fax)
www.lodi.gov

Draft Initial Study / Mitigated Negative Declaration
for the South Hutchins Street Annexation Project
is available for viewing at:

- City Hall
- Lodi Public Library
- City of Lodi Environmental Document Web
Page: http://www.lodi.gov/com_dev/EIRs.html

**FINAL
INITIAL STUDY / MITIGATED NEGATIVE
DECLARATION**

SOUTH HUTCHINS STREET ANNEXATION

State Clearinghouse # 2010112055

February 2011

Lead Agency:
City of Lodi
Community Development Department • Planning Division
City Hall, 221 West Pine Street
P.O. Box 3006
Lodi, CA 95241-1910
(209)333-6711
(209)333-6842 (Fax)
www.lodi.gov

MITIGATED NEGATIVE DECLARATION

PROJECT TITLE: South Hutchins Annexation Project

LEAD AGENCY: City of Lodi

FILE NUMBER: 10-MND-06

PROJECT DESCRIPTION: The project site is located within the southwest portion of the City of Lodi Planning Area, immediately south of the City's southern boundary (along Harney Lane) and west of State Route (SR) 99. The project site is located in northern San Joaquin County, in the northern portion of California's Central Valley. Geographically, the project site lies between the Sierra Nevada Mountains to the east and San Francisco Bay to the west. From a regional perspective, the project site is located approximately 34 miles south of Sacramento, 6.5 miles north of Stockton, and 90 miles east of San Francisco.

The Project site is located adjacent to the southern boundary of the City of Lodi in San Joaquin County. The project site consists of one (1) parcel covering a total of approximately 30 acres (Assessors Parcel Number 058-100-03). The 30-acre Project site is bound by Harney Lane to the north, West Lane to the east, and agricultural fields to the south and west. The Project's southern boundary lies approximately 1,025 feet to the south of Harney Lane while the Project's western boundary lies about 1,230 feet to the west of the West Lane. While the project site is located outside the City of Lodi's jurisdictional boundary, it is within the City's Sphere of Influence. The project site has been given a land use designation in the City's General Plan, and the goals and policies of the General Plan are applicable. The current General Plan designation for the project site is Commercial.

The project proposes a mix of retail and office uses including the entire infrastructure needed to support future development of the site. The proposed project would include the following land uses: a retail center, a restaurant and medical office uses. Implementation of the proposed Project would result in the development of up to 103,350 square feet of commercial/retail use, including a 5,000 square foot bank, 6,400 square feet of restaurant space, and 179,200 square feet of office space, including a 68,000 square foot medical office building with a laboratory (3,000 square feet). In total, implementation of the proposed project would result in the development of up to 103,350 square feet of commercial/retail use, 6,400 square feet of restaurant use, and 179,200 square feet of office space, including 3,000 square feet of laboratory space.

The proposed Project would also provide a total of 1,501 parking spaces, 147 more parking spaces than is required by the parking regulations set forth in the Lodi Municipal Code. Of these spaces, 517 stalls would be provided for the retail component, 80 stalls would be provided for the restaurant component, and 904 stalls would be provided for the office component.

Principal vehicular access to the site is provided along Harney Lane while regional access is provided via SR 99. An existing private drive extending south from Harney Road serves as vehicle access to an abandoned golf driving range. Other unpaved access roads occur throughout the site principally to serve existing agricultural operations on the eastern portion of the property.

PUBLIC REVIEW PERIOD: The Draft Initial Study/Mitigated Negative Declaration (IS/MND) was submitted to the State Clearinghouse # 2010112055 on **Monday, November 29, 2010** for a 30-day public review period ending on **Thursday, December 30, 2010**. Copies of the Initial Study and the proposed Mitigated Negative Declaration are on file and available for review at the following locations:

- **Community Development Department**, 221 West Pine Street, Lodi, CA 95240
- **Lodi Public Library**, 201 West Locust Street, Lodi, CA 95240
- **Public Works Department**, 221 West Pine Street, Lodi, CA 95240
- **Online** on the City's website: http://www.lodi.gov/com_dev/EIRs.html

FINDINGS: An initial study (IS) has been prepared to assess the Project's potential effects on the environment and the significance of those effects. Using the results of the IS, the South Hutchins Annexation would not have any significant effects on the environment once mitigation measures are implemented. This conclusion is supported by the following proposed findings:

- The South Hutchins Annexation Project would result in no impacts to forest resources, mineral resources, population/housing, public services and land use/planning.
- The South Hutchins Annexation Project would result in less-than-significant impacts to greenhouse gas emissions, and geology and soils.
- Mitigation would be implemented to reduce potentially significant impacts to less than significant for aesthetics (potential impacts related to visual character/quality of the site and light/glare), agricultural resources (potential impacts related to permanent loss of Prime Farmland) air quality (potential impacts related to short-term construction emissions), biological resources (potential impacts to Swainson's hawk and other raptors and migratory birds; and local policies/ordinances protecting trees), cultural resources (potential to disturb or damage undiscovered subsurface cultural or paleontological resources or human remains during construction), hazards and hazardous materials (potential spills of hazardous substances during construction), hydrology and water quality (potential soil erosion and spills of hazardous substances during construction), noise (impacts during construction and operation), and transportation (potential conflicts with traffic in the Project area during construction) and utilities and service systems (potential impacts related to wastewater generated and expansion and/or construction of new storm water drainage facilities)
- Although there are no known cultural resources that might be disturbed, mitigation is included to address the potential for discovering archaeological, paleontological, and/or human remains during the construction.
- The South Hutchins Annexation would not substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, reduce the number or restrict the range of a special-status species, or eliminate important examples of California history or prehistory.

- The South Hutchins Annexation project would not achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- The South Hutchins Annexation project would not have environmental effects that are individually limited but cumulatively considerable.
- No substantial evidence exists that the South Hutchins Annexation project would have a significant negative or adverse effect on the environment.
- The South Hutchins Annexation project incorporates all applicable mitigation measures, as listed below and described in the IS.

SUMMARY TABLE

The following pages contain Summary of Impacts and Mitigation Measures, which presents the potential environmental effects of the project and the mitigation measures proposed to reduce those effects to less than significant.

The Summary of Impacts and Mitigation Measures is drawn from the Public Review Draft IS/MND that was circulated for public review. The table has been revised as necessary to respond to any comments submitted by agencies and the public. Changes to the table, if any, are shown in underline (additions) and strikeout (deletions). These changes, if any, are explained or documented as required in Section 3.0, Responses to Comments.

The potential environmental impacts of the proposed project are summarized in the first column. The level of significance of the impact is indicated in the second column, mitigation measures proposed to minimize the impacts are shown in the third column, and the significance of the impact, after mitigation measures are applied, is shown in the fourth column.

SUMMARY OF IMPACTS AND MITIGATION MEASURES

Potential Impacts	Significance Before Significance After	Mitigation Measures	Significance after Mitigation
<p>1.0 AESTHETICS</p> <p>Overall Aesthetic Effects of Project Construction and Operation</p>	<p>LS</p>	<ol style="list-style-type: none"> 1. A building height of no more than sixty (60) feet or three (3) stories in height. Exceptions can be made for structures such as towers, spires, cupolas, chimneys, flagpoles, monuments, scenery lofts, and other similar structures and necessary mechanical appurtenances covering not more than 10 percent of the ground area covered by the structures and extending no more than 25 feet above the height limit. 2. All mechanical equipment, including all roof mounted equipment such as satellite dishes or any other communications devices, shall be fully screened from ground-level view within 150 feet of the property, from public and private property, including developed or undeveloped properties. <i>Exceptional may be made for solar equipments.</i> 3. Ground mounted mechanical equipment shall be screened by solid masonry wall with solid metal gates. 4. Outdoor refuse containers shall be located in trash enclosures, which shall be constructed of solid masonry walls with solid gates, which meet the access, size, and location standards provided by the refuse collection service, and shall comply with the following standards: <ol style="list-style-type: none"> a. Trash enclosures storing containers with a cumulative capacity of one cubic yard shall be constructed with decorative masonry walls with solid metal doors. The exterior shall be compatible with the design of the main building. b. A minimum 8 ft-by-10 ft -wide thickened concrete paving section shall be provided in front the enclosure gates. 	<p>LS</p>

S = Significant

CS =
Cumulatively
Significant

PS = Potentially
Significant

LS = Less than
Significant

	<p>5. The applicant shall submit a detailed landscaping plan to the Community Development Department for review and approval and make specific reference to those landscaping details that meet the provisions of the City of Lodi Public Works Department requirements including but not limited to the following:</p> <ul style="list-style-type: none"> a. The Project shall provide 1 shade tree for each 4 parking spaces, which must be planted within the parking lot end stall islands, tree wells, and perimeters planters to maximize shade on the paved areas. b. The Project shall provide one tree for every 500 sq. ft of open space. c. A landscape plan shall be submitted and implemented which demonstrates that 50 percent of the parking lot will be shaded within 10 years. d. All landscaped areas adjoining parking and drive area(s) are to bordered by a 6-inch continuous vertical concrete curbing, with exceptions to allow curb breaks to comply with Stormwater Runoff Management Program. <p>6. The applicant shall submit site lighting plan to the Community Development Department as part of a SPARC application for review and approval. The said plan shall include, but not be limited to, the following design features:</p> <ul style="list-style-type: none"> a. Full-cutoff lighting fixtures to direct lighting to the specific location intended for illumination (e.g., roads, walkways, or parking lot) and to minimize stray light spillover into adjacent residential areas, sensitive biological habitat, and other light sensitive receptors; b. Appropriate intensity of lighting to provide safety and security while minimizing light pollution and energy consumption; and shielding of direct lighting within parking areas, sensitive biological habitat, and other light-sensitive receptors through site configuration, grading, lighting design, or barriers such as earthen berms, walls, or 	
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		<p>landscaping.</p> <p>c. A photometric exterior lighting plan and fixture specification shall be submitted for review and approval of the Community development Director. Said plans and specification shall address the following:</p> <p>i. The plans shall demonstrate that lighting fixtures on the building and grounds shall be designed and installed so as to contain light on the subject property and not spill over onto adjacent private properties or public rights-of-way.</p> <p>ii. The equivalent of one (1) foot-candle of illumination shall be maintained throughout the parking area.</p> <p>iii. All parking light fixtures shall be a maximum of twenty-five 25 feet in height.</p> <p>iv. All fixtures shall be consistent throughout the center.</p>	
<p>2.0 AGRICULTURAL RESOURCES</p> <p>Impacts on Agriculture and/or Williamson Act Contracts</p>	LS	<p>1. Prior to issuance of a grading permit for any area of the Project site that includes prime agricultural soils, the affected landowner(s) shall secure agricultural conservation easement in perpetuity at rate of one 1:1 (acreage converted/easement secured) in the northern San Joaquin County area, excluding areas designated as nature or areas already secured as agricultural easements. The said easement shall be designated by the State as Prime Farmland. In addition, the location, size and terms of the easement shall be approved by the City of Lodi City Manager or designee.</p> <p>2. The applicant shall inform and notify prospective buyers in writing, prior to purchase, about existing and on-going agricultural activities in the immediate area in the form of a disclosure statement. The notifications shall disclose that the Project site is located in an agricultural area subject to ground and aerial applications of chemical and early morning or nighttime farm operations which may create noise, dust, etcetera. The language and format of such notification shall be reviewed and approved by the City Community Development</p>	LS

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		Department prior to recordation of final map(s). Each disclosure statement shall be acknowledged with the signature of each prospective owner. Additionally, each prospective owner shall also be notified of the City of Lodi and the County of San Joaquin Right-to-Farm Ordinance.	
3.0 AIR QUALITY Impacts on air quality due to project construction and operation	LS	<ol style="list-style-type: none"> 1. The Project proponent shall prepared an Air Impact Assessment (AIA) study for review and approval by the San Joaquin Valley Air Pollution Control District. The said AIA shall be completed and submitted prior to issuance of any building permit for the project include grade and site clearance permits. 2. The City shall not issue a building permit for grading, clearing or construction of the proposed Project until the applicant obtains grading and building permits from the San Joaquin Valley Air Control District. 3. Construction of the proposed Project shall comply with all applicable regulations specified in the San Joaquin Valley Air Pollution Control District Regulation VIII (Fugitive Dust Rules). 4. During construction, all grading activities shall cease during periods of high winds (i.e., greater than 30 mph). To assure compliance with this measure, grading activities are subject to periodic inspections by City staff. 5. Construction equipment shall be kept in proper operating condition, including proper engine tuning and exhaust control systems. 6. Trucks and other construction vehicles shall not park, queue and/or idle at the Project site or in the adjoining public rights-of-way before 7:00 AM or after 10 PM, in accordance with the permitted hours of construction stated in the City of Lodi Municipal Code. 7. Disturbed areas designated for landscaping shall be prepared as 	LS

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		<p>soon as possible after completion of construction activities.</p> <ol style="list-style-type: none"> 8. Areas of the construction site that will remain inactive for three months or longer following clearing, grubbing and/or grading shall receive appropriate BMP treatments (e.g., revegetation, mulching, covering with tarps, etc.) to prevent fugitive dust generation. 9. All exposed soil or material stockpiles that will not be used within 3 days shall be enclosed, covered, or watered twice daily, or shall be stabilized with approved nontoxic chemical soil binders at a rate to be determined by the on-site construction supervisor. 10. Unpaved access roads shall be stabilized via frequent watering, non-toxic chemical stabilization, temporary paving, or equivalent measures at a rate to be determined by the on-site construction supervisor. 11. Trucks transporting materials to and from the site shall allow for at least two feet of freeboard (i.e., minimum vertical distance between the top of the load and the top of the trailer). Alternatively, trucks transporting materials shall be covered. 12. Where visible soil material is tracked onto adjacent public paved roads, the paved roads shall be swept and debris shall be returned to the construction site or transported off site for disposal. 13. Wheel washers, dirt knock-off grates/mats, or equivalent measures shall be installed within the construction site where vehicles exit unpaved roads onto paved roads. 14. Diesel powered construction equipment shall be maintained in accordance with manufacturer's requirements, and shall be retrofitted with diesel particulate filters where available and practicable. 15. Heavy duty diesel trucks and gasoline powered equipment shall be turned off if idling is anticipated to last for more than 5 minutes. 	
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		<p>16. Where feasible, the construction contractor shall use alternatively fueled construction equipment, such as electric or natural gas-powered equipment or biofuel.</p> <p>17. During grading and site preparation activities, exposed soil areas shall be stabilized via frequent watering, non-toxic chemical stabilization, or equivalent measures at a rate to be determined by the on-site construction supervisor.</p> <p>18. During windy days when fugitive dust can be observed leaving the construction site, additional applications of water shall be required at a rate to be determined by the onsite construction supervisor.</p> <p>19. Prior to issuance of a building permit, the Project proponent shall prepare and submit health risk screening analysis using Project-specific information pursuant to the requirements of the San Joaquin Valley Air Control District.</p> <p>20. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, excluding the winter season.</p> <p>21. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</p>	
<p>4.0 GREENHOUSE GAS EMISSION</p> <p>Significant or cumulatively considerable contributions to global climate change</p>	LS	<p>1. The proposed Projects shall be required, prior to final City approval, to implement a GHG reduction program that uses Transportation Systems Management, building design for energy conservation, water conservation techniques, solid waste reduction techniques or other green technologies to demonstrate compliance with the City's goal reduction in GHG emissions compared to normal operations.</p>	LS
<p>5.0 BIOLOGICAL RESOURCES</p> <p>Project Impacts on General Biological Resource vales and on Special-Status Species</p>	PS	<p>1. The project proponent shall obtain coverage of the project by the San Joaquin County Multi-Species Habitat Conservation Plan (SJMSCP) by implementing the required Incidental Take Minimization Measures (ITMMs) specified by the SJCOG in its letter of November 30, 2010.</p>	LS

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PS = Potentially Significant
LS = Less than Significant

		<p>2. The Project proponent shall contact the San Joaquin County Council of Governments, Habitat Division, to schedule a pre-construction biological resources inventory survey. The said reconstruction biological resources inventory survey shall occur 30-days prior to issuance of a building permit. The City shall not issue a building permit for grading, clearing, staging or any form of permit that would allow site disturbance. The City shall only issue a building permit after it receives a signed ITMM from the San Joaquin County Council of Governments, Habitat Division authoring site disturbance.</p>	
<p>6.0 CULTURAL RESOURCES</p> <p>Project impacts on Archaeological and Historical Resources</p>	<p>LS</p>	<p>1. If evidence of an archaeological site or other suspected historical resource as defined in CEQA Guidelines section 15064.5, including midden, that could conceal material remains (e.g., worked stone, fired clay vessels, faunal bone, hearths, storage pits, or burials) are discovered during Project-related earth-moving activities, all ground-disturbing activity within 100 feet of the resources shall be halted and the City of Lodi shall notified within 24 hours of the discovery. The Project applicant shall hire a qualified archaeologist to assess the significance of the find. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-L) forms and filed with the Central California Information Center. If the resource is a historical resource or unique archaeological resource which cannot be avoided, a qualified archaeologist shall prepare a data recovery plan, which makes provision for adequately recovering the scientifically consequential information from and about the resource.</p> <p>2. Should paleontological resources be identified on the Project site during any ground disturbing activities related to the Project, all ground disturbing activities within 100 feet of the discovery shall cease and the City of Lodi shall be notified within 24 hours of the discovery. The Project applicant shall retain a qualified paleontologist to provide an evaluation of the find and to prescribe mitigation measures to reduce impacts to a less-than-significant level. In considering any suggested mitigation proposed by the consulting paleontologist, the Project applicant shall determine whether avoidance is necessary and</p>	<p>LS</p>

S = Significant

CS = Cumulatively Significant

PS = Potentially Significant

LS = Less than Significant

		<p>feasible in light of factors such as the nature of the find, Project design, costs, specific plan policies and land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the Project site while mitigation for paleontological resources is carried out.</p> <p>3. If human remains (including disarticulated or cremated remains) are discovered at any Project construction sites during any phase of construction, all ground-disturbing activity within 100 feet of the resources shall be halted and the City of Lodi and the San Joaquin County coroner shall be notified immediately. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The Project applicant shall retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains. The Project applicant will be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of state law, as set forth in CEQA Guidelines section 15064.5(e) and Public Resources Code section 5097.98. The Project applicant shall implement approved mitigation before the resumption of ground-disturbing activities within 100 feet of where the remains were discovered.</p>	
<p>7.0 GEOLOGY AND SOILS</p> <p>Exposure of New Development to Geologic Hazards and Soil Constraints</p>	<p>LS</p>	<p>1. Each Project's conditions of approval shall require the Project be designed according to the most recent California Building Code and UBC Seismic Zone 3 requirements, applicable local codes, and be in accordance with the generally accepted standard for geotechnical practice for seismic design in Northern California.</p> <p>2. Prior to the approval of grading plans, the Project applicant shall perform design-level geotechnical investigations and</p>	<p>LS</p>

S = Significant

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LS = Less than Significant

		<p>incorporate all recommendations into the Project construction documents and grading plans.</p> <p>3. Prior to issuance of a grading or development permits, the Project proponent(s) shall obtain a National Pollutant Discharge Elimination System (NPDES) permit from the California Water Resources Control Board and a copy of the permit shall be provided to the City prior to or along with the first building permit submitted for the Project.</p> <p>4. Prior to issuance of grading or development permits, applicant(s) shall retain a qualified geologic/geotechnical consultant to prepare detailed, design-level geotechnical investigations including an appropriate number of borings, test pits, trenches and laboratory testing to address final Project design issues. Such geotechnical reports shall be appropriately detailed to address final Project construction requirements and should conform to applicable San Joaquin County and City of Lodi standards. Where appropriate, specific measures shall be depicted on plans prepared by the geotechnical engineer of record or on plan sheets included with final grading plans to reduce any soil hazards to an acceptable level, including the potential for landslides, shrink-swell potential, liquefaction, differential settlement and other similar hazards.</p>	
<p>8.0 HAZARDS AND HAZARDOUS MATERIAL</p> <p>Exposure of Construction Workers to Environmental Contamination Associated with Adjacent or Nearby Land Uses</p>	LS	None Required	LS
<p>9.0 HAZARDS AND HAZARDOUS MATERIAL</p> <p>Project Effects on or Exposure to Flooding, direct Effects of the Project on Surface Waters, Project Impacts on Surface Water Quality</p>	PS	<p>1. Prior to issuance of a grading or development permits, to the satisfaction of the City of Lodi Public Works Department, the Project proponent shall provide a private retention basin either onsite on adjacent properties to serve the proposed annexation Project.</p> <p>2. To the satisfaction of the City of Lodi Public Works Department, as part of the design process, a detailed drainage</p>	LS

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		<p>master plan shall be developed to identify collection and storage facilities, phasing and other appurtenances needed to insure that the system meets the requirements of the City drainage system.</p> <p>3. The Project proponent shall prepare a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential impacts to surface water quality through the construction period of the Project. The SWPPP must be maintained on-site and made available to City inspectors and/or RWQCB staff upon request. The SWPPP shall include specific and detailed BMPs designed to mitigate construction-related pollutants. At minimum, BMPs shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with storm water. The SWPPP shall specify properly designed centralized storage areas that keep these materials out of the rain.</p>	
<p>10.0 LAND USE AND PLANNING</p> <p>Project impacts on land use.</p>	LS	None Required	LS
<p>11.0 MINERAL RESOURCES</p> <p>Project impacts on mineral resources</p>	LS	None Required	LS
<p>12.0 NOISE</p> <p>Noise Associated with construction and operation of Project.</p>	LS	<p>1. Construction activities shall be limited to the hours of 7:00 a.m. to 10:00 p.m. Monday through Sunday, consistent with the City's Ordinance.</p> <p>2. All noise-producing Project equipment and vehicles using internal combustion engines shall be equipped with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition that meet or exceed original factory specification. Mobile or fixed "package" equipment (e.g., arc-welders, air compressors) must be equipped with shrouds and noise control features that are readily available for that type of equipment.</p> <p>3. All mobile and fixed noise-producing equipment used on the</p>	LS

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		<p>Project that is regulated for noise output by a local, state, or federal agency shall comply with such regulation while in the course of Project activity.</p> <ol style="list-style-type: none"> 4. Electrically powered equipment shall be used instead of pneumatic or internal combustion-powered equipment, where feasible. 5. Mobile noise-generating equipment and machinery shall be shut off when not in use. 6. Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors. 7. Construction site and access road speed limits shall be established and enforced during the construction period. 8. The use of noise-producing signals, including horns, whistles, alarms, and bells, will be for safety warning purposes only. 9. A site-specific noise study shall be performed for future individual land use proposals within the Project area by a qualified acoustic specialist. If measured noise levels exceed applicable City of Lodi standards, then noise reduction measures shall be incorporated into the individual Project design to ensure consistency with the general plan noise standards. Noise reduction measures could include, but would not be limited to, noise barriers and site orientation for outdoor spaces and sound rated building constructions for indoor spaces. In addition the acoustic report shall demonstrate how noise from the Project will conform to the noise level requirements for stationary noise sources as outlined in City's General Plan and other applicable noise standards. 	
<p>13.0 POPULATION AND HOUSING</p> <p>Project impacts on population and housing</p>	LS	None Required	LS

S = Significant

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LS = Less than Significant

<p>14.0 POPULATION AND HOUSING</p> <p>Project Impacts on population and housing</p>	<p>LS</p>	<p>1. The Project shall pay all applicable impact fees according to the rules and regulations in effect at the time of development of each phase.</p>	<p>LS</p>
<p>15.0 RECREATION</p> <p>Project Impacts on public parks and recreational facilities</p>	<p>LS</p>	<p>None Required</p>	<p>LS</p>
<p>16.0 TRANSPORTATION/TRAFFIC</p> <p>Project Impacts on transportation facilities and traffic</p>	<p>PS</p>	<p>1. The Project shall be subject to Development Impact fees as outlined in City's Municipal Code Section 15.64.030.</p> <p>2. The Project proponent shall pay for a transit study to determine whether or not modifications to the existing transit services are required.</p> <p>3. The project proponent shall install bus turnout improvements as required by the Transportation Manager.</p>	<p>LS</p>
<p>17.0 UTILITIES AND SERVICES SYSTEMS</p> <p>Project Impacts on Police and Protection Services, utility services</p>	<p>PS</p>	<p>1. Extend a sanitary sewer to the Project area that can provide adequate capacity to serve future development. Sewer improvement plans shall be designed to City of Lodi engineering standards. The applicant shall obtain any permits and clearances from appropriate biological resource agencies that may be required, including any CEQA determinations.</p> <p>2. To the satisfaction of the City of Lodi Public Works Department, a detailed engineering analysis for the development of a stormwater collection system that will serve the Project shall be prepared. Said analysis shall include sizing of the pipe network and sizing of the retention basin.</p> <p>3. Prior to building permit issuance, the applicant shall submit landscape and irrigation plans for the common open space areas for the review and approval of the Community Development Director. Said plans shall incorporate, at a</p>	<p>LS</p>

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LS = Less than Significant

		<p>minimum, the following water-conservation measures: Extensive use of native plant materials; Low water-demand plants; Minimum use of lawn or, when used, installation of warm season grasses; Grouped plants of similar water demand to reduce over-irrigation of low water demand plants; Extensive use of mulch in all landscaped areas to improve the soil's water-holding capacity; Drip irrigation, soil moisture sensors, and automatic irrigation systems.</p>	
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COMMENTS ON THE ENVIRONMENTAL DOCUMENT AND LEAD AGENCY RESPONSES TO COMMENTS

The City of Lodi received a total of six (6) comment letters from agencies and private/civic groups regarding the Initial Study/Mitigated Negative Declaration for the South Hutchins Annexation project. The comment letters are reproduced in this section, and the agencies and the civic group that submitted the comments are listed below.

1. Governor's Office of Planning and Research
2. California Department of Transportation (Caltrans)
3. California Department of Conservation
4. San Joaquin Valley Air Pollution Control District
5. San Joaquin Council of Governments (SJCOG Inc.)
6. Osha Meserve, on behalf of Citizens for Open Government

On the following pages, each of the comment letters received is followed by the Lead Agency's response to the comments. Each commenter is assigned a code number above, and each substantive comment within each comment letter is assigned a letter code. Thus, each comment has a unique code made up of the commenter number and the comment letter code. For example, comment "1A" is the first comment made by the Governor's Office of Planning and Research. The lead agency's responses are shown following each comment letter, and the responses are keyed to the comment codes described above.

COMMENT #1



Arnold Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Cathleen Cox
Acting Director

December 31, 2010

RECEIVED

JAN 04 2011

COMMUNITY DEVELOPMENT DEPT
CITY OF LODI

Immanuel Bereket
City of Lodi
221 West Pine Street
Lodi, CA 95240

Subject: South Hutchins Annexation Project
SCH#: 2010112055

Dear Immanuel Bereket:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on December 30, 2010, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

1A

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

COMMENT #1

**Document Details Report
State Clearinghouse Data Base**

SCH# 2010112055
Project Title South Hutchins Annexation Project
Lead Agency Lodi, City of

Type MND Mitigated Negative Declaration
Description NOTE: Extended Review per lead.

The project proposes a retail center, a restaurant, and an office park with infrastructure required to support future development of the site. In total, implementation of the proposed project would result in the development of up to 103,350 square feet of commercial/retail use, including a 5,000 square foot bank, 6,400 square feet of restaurant space, and 179,200 square feet of office space, including a 68,000 square foot medical office building with a laboratory (3,000 square feet). The proposed project would also provide a total of 1,554 parking spaces, 495 more parking spaces than is required by the parking regulations set forth in the Lodi Municipal Code. Of these spaces, 576 stalls would be provided for the retail component, 80 stalls would be provided for the restaurant component, and 898 stalls would be provided for the office component.

Lead Agency Contact

Name Immanuel Bereket
Agency City of Lodi
Phone (209) 333-6711 **Fax**
email
Address 221 West Pine Street
City Lodi **State** CA **Zip** 95240

Project Location

County San Joaquin
City Lodi
Region
Lat / Long 38° 6' 1.66" N / 121° 15' W
Cross Streets 13333 N. West Lane. Cross Streets: Harney Lane and Hutchins Street
Parcel No. 058-100-03
Township 3N **Range** 6E **Section** 23 **Base** MDB&M

1A

Proximity to:

Highways SRT 99 and Hwy 12
Airports
Railways UPRR; CCT
Waterways
Schools Beckman and Century
Land Use

Project Issues

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 2; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 10; Regional Water Quality Control Bd., Region 5 (Sacramento); Department of Toxic Substances Control; Native American Heritage Commission; Other Agency(ies); Department of Conservation

Date Received 11/22/2010 **Start of Review** 11/22/2010 **End of Review** 12/30/2010

Note: Blanks in data fields result from insufficient information provided by lead agency.

Response to Comment Letter #1 from Governor's Office of Planning and Research, December 31, 2010

Response 1A:

This comment letter documents the close of the review period for the submit IS/MND. The letter includes no comment on the IS/MND and requires no response.

DEPARTMENT OF TRANSPORTATION
P.O. BOX 2048 STOCKTON, CA 95201
(1976 E. CHARTER WAY/1976 E. DR. MARTIN
LUTHER KING JR. BLVD. 95205)
TTY: California Relay Service (800) 735-2929
PHONE (209) 941-1921
FAX (209) 948-7194



*Flex your power!
Be energy efficient!*

November 29, 2010

10-SJ-99 –PM 29.3
SCH#2010112055
South Hutchins
Annexation Project

Immanuel Bereket
City of Lodi
Planning Division
221 West Pine Street
Lodi, CA 95241-1910

Dear Mr. Bereket:

The California Department of Transportation (Department) appreciates the opportunity to have reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed South Hutchins Annexation Project. The 30-acre Project site is located along Harney Lane and west of State Route (SR) 99. The Department has the following comments:

2A

Please prepare and submit for the Department's review and comment a traffic impact study (TIS). A TIS is necessary to determine this proposed project's near-term and long-term impacts to Stat facilities – both existing and proposed – and to propose appropriate mitigation measures. The Department recommends that the study be prepared in accordance with the Caltrans Guide for the Preparation of Traffic Impact Studies, dated December 2002 (Guide). Please use Synchro/Sim traffic version 7.0 to provide detailed traffic operations analyses.

The following interchange and ramp intersection including frontage roads need to be evaluated.

- SR 99/Harney Lane

If you have any questions or would like to discuss our comments in more detail, please contact Kathy Selsor at (209) 948-7190 (e-mail: kathy_selsor@dot.ca.gov) or me at (209) 941-1921.

Sincerely,

TOM DUMAS, CHIEF
OFFICE OF METROPOLITAN PLANNING

c: SMorgan State Clearinghouse

"Caltrans improves mobility across California"

**Response to Comment Letter #2 from California Department of Transportation,
dated November 29, 2010**

Response 2A:

CITY COUNCIL
BOB JOHNSON, Mayor
JOANNE MOUNCE,
Mayor Pro Tempore
LARRY D. HANSEN
PHIL KATZAKIAN
ALAN NAKANISHI

CITY OF LODI
Community Development Department
CITY HALL, 221 WEST PINE STREET
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6714 – Building
(209) 333-6711 – Planning & Neighborhood Services
(209) 333-8842 - Fax
www.lodi.gov

KONRADT BARTLAM
City Manager
RANDI JOHL, City Clerk
D. STEPHEN SCHWABAUER
City Attorney

December 28, 2010

Mr. Tom Dumas
California Department of Transportation, District 10
P. O. Box 2058
Stockton, CA 95201

RE: South Hutchins Annexation Project SCH # 2010112055

Dear Mr. Dumas:

Thank you for your comments regarding the South Hutchins Annexation Project. Your interest is appreciated and it is hoped that this response will help to answer your questions.

Comment: Your comments indicate that a traffic impact study (TIS) is required for this project in order to determine the proposed project's near-term and long-term impacts to State facilities. Specifically, a TIS is needed to evaluate the proposed project's impact on interchange and ramps at the intersection of State Route 99 and Harney Lane.

Response: ICF International, on behalf of the City of Lodi, prepared and published a Draft Initial Study/Mitigated Negative Declaration for the Harney Lane Interim Improvements Project (SCH#2010072040). This project would improve the Harney Lane interchange to maintain the level of service (LOS) at level D or better and assure acceptable operating conditions of the interchange until and beyond 2016. The City will shortly be receiving the encroachment permit from Caltrans to begin the construction of the Harney Lane Interim Improvements Project. The South Hutchins Annexation Project will be required to pay for their fair share of the estimated \$1.4 million improvements based on their impact to the Harney Lane/State Route 99 interchange.

If you have any questions regarding this letter, or if you'd like to discuss this matter, please feel free to contact me at the address or phone number listed above. The City would appreciate a prompt response concerning this matter.

Sincerely,


Konradt Bartlam
Community Development Director



DEPARTMENT OF CONSERVATION

Managing California's Working Lands

DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0650 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEBSITE conservation.ca.gov

December 29, 2010

VIA FACSIMILE: 209-333-6842

Manny Bereket, Assistant Planner
Community Development Department
City of Lodi
City Hall, 221 West Pine Street
P.O. Box 3006
Lodi, CA 95241-1910

Subject: City of Lodi South Hutchins Annexation Project Mitigated Negative Declaration

Dear Mr. Bereket:

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Mitigated Negative Declaration (MND) for the referenced project. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the project's potential impacts on agricultural land and resources.

3A

Project Description

The purpose of the South Hutchins Annexation project is the development of a retail center, restaurant, and a medical office. The 30-acre project is located in the City of Lodi and is bordered by Harney Lane to the north, West Lane to the east, and agricultural fields to the south and west. The project site is not under a Williamson Act contract. However, implementation of the project would conflict with the site's current zoning designation. Additionally, implementation of the project would convert 30 acres of Prime Farmland to non-agricultural uses. Both the zoning conflict and conversion have been categorized as having a potentially significant impact to agricultural resources. Therefore, the Division recommends that any subsequent CEQA document address the following items to provide a comprehensive discussion of potential impacts of the project on agricultural land and activities:

The Department of Conservation's mission is to balance today's needs with tomorrow's challenges and foster intelligent, sustainable, and efficient use of California's energy, land, and mineral resources.

Manny Bereket, Assistant Planner
December 29, 2010
Page 2 of 3

Agricultural Setting of the Project

- Location and extent of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and other types of farmland in and adjacent to the project area.
- Current and past agricultural use of the project area. Please include data on the types of crops grown, and crop yields and farm gate sales values.

To help describe the full agricultural resource value of the soils on the site, the Department recommends the use of economic multipliers to assess the total contribution of the site's potential or actual agricultural production to the local, regional and state economies. Two sources of economic multipliers can be found at the University of California Cooperative Extension Service and the United States Department of Agriculture (USDA).

Project Impacts on Agricultural Land

- Type, amount, and location of farmland conversion resulting directly and indirectly from project implementation and growth inducement, respectively.
- Impacts on current and future agricultural operations; e.g., land-use conflicts, increases in land values and taxes, vandalism, etc.
- Incremental project impacts leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from past, current, and likely projects in the future.

3A

Under California Code of Regulations §15064.7, impacts on agricultural resources may also be both quantified and qualified by use of established thresholds of significance. As such, the Division has developed a California version of the USDA Land Evaluation and Site Assessment (LESA) Model. The California LESA model is a semi-quantitative rating system for establishing the environmental significance of project-specific impacts on farmland. The model may also be used to rate the relative value of alternative project sites. The LESA Model is available on the Division's website at:

http://www.consrv.ca.gov/DLRP/gh_les.htm

Mitigation Measures

The loss of agricultural land represents a permanent reduction in the State's agricultural land resources. As such, the Department recommends the use of permanent agricultural conservation easements on land of at least equal quality and size as partial compensation for the direct loss of agricultural land. If growth inducing or cumulative agricultural impacts are involved, the Department recommends that this ratio of

Manny Bereket, Assistant Planner
December 29, 2010
Page 3 of 3

conservation easements to lost agricultural land be increased. Conservation easements will protect a portion of those remaining land resources and lessen project impacts in accordance with CEQA Guideline §15370. The Department highlights this measure because of its acceptance and use by lead agencies as an appropriate mitigation measure under CEQA, and because it follows an established rationale similar to that for wildlife habitat mitigation.

Mitigation via agricultural conservation easements can be implemented by at least two alternative approaches: the outright purchase of easements, or the donation of mitigation fees to a local, regional or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements. The conversion of agricultural land should be deemed an impact of at least regional significance. Hence, the search for replacement lands can be conducted regionally or statewide, and need not be limited strictly to lands within the project's surrounding area.

The Department also has available a listing of approximately 30 "conservation tools" that have been used to conserve or mitigate project impacts on agricultural land. This compilation report may be requested from the Division at the address or phone number below. General information about agricultural conservation easements, the Williamson Act, and provisions noted above is available on the Department's website:

3A

<http://www.conservation.ca.gov/dlrp/index.htm>

Of course, the use of conservation easements is only one form of mitigation that should be considered. Any other feasible mitigation measures should also be considered.

Thank you for giving us the opportunity to comment on this MND. If you have questions regarding our comments, or require technical assistance or information on agricultural land conservation, please contact Elliott Lum, Environmental Planner, at 801 K Street, MS 18-01, Sacramento, CA 95814; phone: (916) 324-0869; email: Elliott.Lum@conservation.ca.gov.

Sincerely,



Dan Otis
Program Manager
Williamson Act Program

cc: State Clearinghouse

**Response to Comment Letter #3 from California Department of Conservation,
dated December 29, 2010**

Response 3A:

This comment is noted. The IS/Mitigated Negative Declaration requires the project proponent to secure prime agricultural conservation easement in perpetuity at rate of one 1:1 (acreage converted/easement secured) in the northern San Joaquin County area, excluding areas designated as nature or areas already secured as agricultural easements. The said easement shall be designated by the State as Prime Farmland. In addition, the location, size and terms of the easement shall be approved by the City of Lodi City Manager or designee.



December 29, 2010

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JAN 03 2011

COMMUNITY DEVELOPMENT DEPT
CITY OF LODI

Community Development Director
City of Lodi
P.O. Box 3006
Lodi, California 95241

Project: South Hutchins Annexation Project

District CEQA Reference No: 20080832

To Whom It May Concern:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Draft Mitigated Negative Declaration for the South Hutchins Annexation Project located in Lodi, California. The District offers the following comments:

District Comments

- 1) The District recommends the discussion on page 51 of the Draft Mitigated Negative Declaration (MND) be amended to reflect the District's current attainment status. More information on the District's current attainment status can be found on the District's website at: <http://www.valleyair.org/aqinfo/attainment.htm>.
- 2) The MND (page 52) indicates "the proposed project would result in substantial construction activities." The District recommends feasible mitigation of construction exhaust emissions include use of construction equipment meeting, at a minimum, Tier II emission standards, as set forth in §2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 Code of Federal Regulations. The District recommends incorporating, as a condition of project approval, a requirement that off-road construction equipment used on site achieve fleet average emissions equal to or less than the Tier II emissions standard of 4.8 g/hp-hr NOx. This can be achieved through any combination of uncontrolled engines and engines complying with Tier II and above engine standards.

4A

4B

Seyed Sadredin
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95358-8718
Tel: (209) 557-8400 FAX: (209) 557-8475

Central Region (Main Office)
1900 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5500 FAX: 661-392-5585

www.valleyair.org www.healthyliving.com

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3) The MND (page 61) indicates the SJVAPCD adopted guidance for addressing GHG emissions requires projects to "employ a 2% reduction in GHG emissions, consistent with AB 32 emission reduction targets." The Draft MND should be amended to reflect the SJVAPCD adopted 29% reduction in GHG emissions, consistent with AB 32 emission reduction targets.

4C

4) Based on information provided to the District, the proposed project would equal or exceed 2,000 square feet of commercial space. Therefore, the District concludes that the proposed project is subject to District Rule 9510 (Indirect Source Review).

District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. If approval of the subject project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit, be made a condition of project approval. Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>.

4D

5) The proposed project may require District permits. Prior to the start of construction the project proponent should contact the District's Small Business Assistance Office at (559) 230-5888 to determine if an Authority to Construct (ATC) is required.

4E

6) The proposed project may be subject to the following District rules: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

4F

7) The District recommends that a copy of the District's comments be provided to the project proponent.

4G

The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call Mark Montelongo at (559) 230-5905.

Sincerely,

David Warner
Director of Permit Services



per. Arnaud Marjollet
Permit Services Manager

DW: mm

Response to Comment Letter #4 from San Joaquin Valley Air Pollution Control District (“District”), December 29, 2010.

Response 4A:

Comment noted. The San Joaquin Valley is designated non-attainment of state and federal health based air quality standards for ozone and respirable particulate matter (PM). Under the federal classification scheme, the San Joaquin Valley is classified ~~serious non-attainment~~ Attainment for both the PM₁₀ (particulate matter less than 10 micrometers in diameter) standard and the 8-hour ozone standard is classified as Nonattainment/Extreme.

The rest of the air quality attainment status has not changed since the preparation of the Initial Study/Mitigated Negative Declaration.

Response 4B:

Comment noted. A condition has been added to project approvals, which reads as follows:

All off-road construction equipment used on site shall achieve fleet average emissions equal to or less than the Tier II emissions standard of 4.6/ghp-hr NO_x.

Response 4C:

Comment noted and correction made below:
Climate Change Threshold

The SJVAPCD adopted guidance for addressing GHG emission on December 17, 2009. No numerical thresholds have been established, but Projects will be required to employ a ~~2%~~ 29% reduction in GHG emissions, consistent with AB 32 emission reduction targets.

Response 4D:

This comment is noted. The Proposed Project would exceed 2,000 square feet of commercial space. Therefore, District Rule 9510 (Indirect Source Review) applies to the project. As conditioned, the project proponent is required to prepare and submit an Air Impact Assessment to the the District prior to issuance of a building permit, and to pay any applicable offsite mitigation fees before issuance of the first building permit. The City will not issue until it receives written approval from the District to issue a permit for the project.

Response 4E:

Comment noted and the applicant has been provided with a copy of the District’s comments and their contact information.

Response 4F:

Comment noted.

Response 4G:

Comment noted and the applicant has been provided with a copy of the District’s comments and their contact information.



SJCOG, Inc.

500 East Weber Avenue • Stockton, CA 95202 • (209) 235-6600 • FAX (209) 235-0438

San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)

SJMSCP RESPONSE TO LOCAL JURISDICTION (RTLJ)
ADVISORY AGENCY NOTICE TO SJCOG, Inc.

RECEIVED

DEC 02 2010

COMMUNITY DEVELOPMENT DEPT
CITY OF LODI

To: Konrad Bartlam, Community Development Director, City of Lodi
From: Kimberly Juarez, SJCOG, Inc.
Date: November 30, 2010

Local Jurisdiction Project Title: South Hutchins Annexation Project

Assessor Parcel Number(s): 158-100-03

Local Jurisdiction Project Number: 10-MND-05

Total Acres to be converted from Open Space Use: 30 acres

Habitat Types to be Disturbed: Urban/Agricultural Habitat Land

Species Impact Findings: Findings to be determined by SJMSCP biologist.

Dear Mr. Bartlam:

SJCOG, Inc. has reviewed application South Hutchins Annexation Project. This project consists of a Notice of Availability for a mix of retail and office uses including the entire infrastructure needed to support future development of the site. The proposed project would include the following land uses: a retail center, a restaurant and medical office uses. Implementation of the proposed project would result in the development of up to 103,350 square feet of commercial/retail use, including a 5,000 square foot bank, 6,400 square feet of restaurant space, and 179,200 square feet of office space, including a 68,000 square foot medical office building with a laboratory (3,000 square feet). The proposed project would also provide a total of 1,501 parking spaces. This project is located by Harney Lane to the north, West Lane to the east, and agricultural field to the south and west.

City of Lodi is a signatory to San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). Participation in the SJMSCP satisfies requirements of both the state and federal endangered species acts, and ensures that the impacts are mitigated below a level of significance in compliance with the California Environmental Quality Act (CEQA). The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measure are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP. Although participation in the SJMSCP is voluntary, Local Jurisdiction/Lead Agencies should be aware that if project applicants choose against participating in the SJMSCP, they will be required to provide alternative mitigation in an amount and kind equal to that provided in the SJMSCP.

5A

This Project is subject to the SJMSCP. This can be up to a 30 day process and it is recommended that the project applicant contact SJMSCP staff as early as possible. It is also recommended that the project applicant obtain an information package. <http://www.sjco.org>

Please contact SJMSCP staff regarding completing the following steps to satisfy SJMSCP requirements:

- Schedule a SJMSCP Biologist to perform a pre-construction survey **prior to any ground disturbance**
- Sign and Return Incidental Take Minimization Measures to SJMSCP staff (given to project applicant after pre-construction survey is completed)
- Pay appropriate fee based on SJMSCP findings. **Fees shall be paid in the amount in effect at the time of issuance of Building Permit**
- Receive your Certificate of Payment and release the required permit

5B

It should be noted that if this project has any potential impacts to waters of the United States (pursuant to Section 404 Clean Water Act), it would require the project to seek voluntary coverage through the unmapped process under the SJMSCP which could take up to 90 days. It may be prudent to obtain a preliminary wetlands map from a qualified consultant. If waters of the United States are confirmed on the project site, the Corps and the Regional Water

2 | S J C O G , I n c .

Quality Control Board (RWQCB) would have regulatory authority over those mapped areas [pursuant to Section 404 and 401 of the Clean Water Act respectively] and permits would be required from each of these resource agencies prior to grading the project site.

If you have any questions, please call (209) 235-0600.

3 | S J C O G , I n c .



S J C O G , I n c .

San Joaquin County Multi-Species Habitat Conservation & Open Space Plan

555 East Weber Avenue • Stockton, CA 95202 • (209) 235-0600 • FAX (209) 235-0438

SJMSCP HOLD

TO: Local Jurisdiction: Community Development Department, Planning Department, Building Department, Engineering Department, Survey Department, Transportation Department,
Other:

FROM: Kimberly Juarez, SJCOG, Inc.

**DO NOT AUTHORIZE SITE DISTURBANCE
DO NOT ISSUE A BUILDING PERMIT
DO NOT ISSUE _____ FOR THIS PROJECT**

The landowner/developer for this site has requested coverage pursuant to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). In accordance with that agreement, the Applicant has agreed to:

- 1) Implement Incidental Take Minimization Measures (ITMMs) PRIOR to site disturbance. Do not authorize site disturbance until receipt of a signed Agreement to Incidental Take Minimization Measures (ITMMs) AND verification that all applicable ITMMs have been implemented.
- 2) Pay SJMSCP fees. Fees shall be paid in the amount in effect at the time of issuance of Building Permit (see also Appendix). Do not issue a Use Permit until receipt of a Certificate of Payment or Verification of Payment to the Local Jurisdiction (e.g., Receipt) AND verification that all applicable ITMMs have been implemented prior to ground disturbance.

5C

Project Title: South Hutchins Annexation Project

Landowner: _____

Applicant: _____

Assessor Parcel #: 158-100-03

T _____, R _____, Section(s): _____

Local Jurisdiction Contact: Konradt Barlam

The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measures are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP.

Response to Comment Letter #5 from San Joaquin County Council of Government (SJCOG, Inc), dated November 30, 2010.

Response 5A:

This comment is noted. The Project proponent plans to participate and seek coverage in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). The City has informed the applicant of the process and has conditioned project approval that no building permit is to be issued until appropriate Incidental Take and Minimization Measures are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP.

Response to Comment 5B:

This comment is noted. Project approvals require the applicants to contact SJCOG for preconstruction biological survey at least 30 days prior to building permit issuance. The City will not issue a building permit for the project until it receives a signed Incidental Take and Minimization Measures letter from SJCOG, Inc.

Response to Comment 5C:

This comment is noted. The City will implement Incidental Take Minimization Measures disturbance and pay SJMSCP fees prior to ground disturbance.

SOLURI MESERVE
A Law Corporation

1822 21st Street, Suite 202
Sacramento, California 95811
916.455.7300 (telephone)
916.244.7300 (facsimile)
www.semlawyers.com

December 29, 2010

Via Facsimile (209) 333-6807
Via Email kchadwick@lodi.gov, ibereket@lodi.gov

Mr. Rad Bartlam
Interim Community Development Director
City of Lodi
221 W. Pine Street
Lodi, CA 95240

Re: Comments on Mitigated Negative Declaration for
South Hutchins Annexation Project

Dear Mr. Bartlam:

This firm represents Citizens for Open Government (“COG”), which has been working to preserve farmland and improve the quality of development in the Lodi area for many years. In particular, COG has worked with the City and developers to ensure that mitigation (primarily in the form of conservation easements) is provided when agricultural land is developed. COG also has a strong interest in the creation of a community separator that remains in agricultural use. Such a separator would preserve the quality of life for residents of Lodi as well as promote the continuing productivity and viability of farming in the area.

COG is concerned that the South Hutchins Annexation Project (“Project”) is yet another significant incursion into the undeveloped land between the City and Stockton. Moreover, the Draft Initial Study/Mitigated Negative Declaration (“MND”) prepared for the Project does not adequately disclose or mitigate the potentially significant impacts of the Project. As a result, a full Environmental Impact Report (“EIR”) must be prepared prior to approval of the Project in order to comply with the California Environmental Quality Act (“CEQA”). (Pub. Resources Code, § 21000 et seq.; Cal. Code Regs., tit. 14, § 15000 et seq. [“CEQA Guidelines”].)

As discussed in detail below, the potential adverse environmental effects of the Project have not been adequately considered or evaluated and in some cases have been misapprehended or overlooked altogether. Use of a negative declaration is improper in

Mr. Rad Bartlam
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this case because substantial evidence supports a fair argument that the proposed project may have an adverse impact on the environment. As a result, the MND for the proposed project fails to comply with CEQA.

I. CEQA Requires an EIR Whenever a “Fair Argument” Can Be Made that a Significant Impact Will Occur Because of a Project

Under CEQA, an EIR is required whenever substantial evidence supports a “fair argument” that a proposed project may have a significant effect on the environment, even where other evidence supports a contrary conclusion. (See, e.g., *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 74 [*No Oil I*].) This “fair argument” standard creates a “low threshold” for requiring the preparation of an EIR. (*Citizens Action to Serve All Students v. Thornley* (1990) 222 Cal.App.3d 491, 504.) Thus, a project need not have an “important or momentous effect of semi-permanent duration” to require an EIR. (*No Oil I, supra*, 13 Cal.3d at 87.) Rather, an agency must prepare an EIR “whenever it perceives some substantial evidence that a project may have a significant effect environmentally.” (*Id.* at p. 85.) An EIR is required *even if* a different conclusion may also be supported by evidence.

A decision by the City to not prepare an EIR, but instead to approve the proposed project based on an EA/MND that concludes the project has no potential adverse environmental impacts, can therefore only be adequate if “clearly no significant effect on the environment would occur and there is no substantial evidence in light of the whole record” that such impacts may occur as a result of project approval, taking into account the proposed mitigation measures. (Pub. Resources Code, § 21080, subd. (c); CEQA Guidelines, § 15064, subd. (f)(2).) To lawfully approve the project based on the MND, the City must approve mitigation measures sufficient to reduce potentially significant impacts “to a point where clearly no significant effects would occur.” (CEQA Guidelines, § 15070, subd. (b)(1).)

A lead agency may satisfy its CEQA obligations by preparing a MND instead of an EIR if: (1) revisions in the project would mitigate the effects of the proposed project to a point “where clearly no significant effects on the environment will occur, and (2) there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment.” (Pub. Resources Code, § 21064.5.) The City must also adopt a legally adequate mitigation monitoring or reporting program in compliance with CEQA. (CEQA Guidelines, § 15074, subd. (d).) To comply with CEQA “[t]he reporting or monitoring program shall be designed to ensure compliance during project implementation.” (Pub. Resources Code, § 21081.6, subd. (a)(1); CEQA Guidelines, §§ 15074, subd. (d), 15097, subd. (a).) The City may not

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simply rely on a “summary” that merely relists the various mitigation measures in the absence of a discussion of implementation or evidence that the measures will be enforced. (MND, pp. 190-200.)

Furthermore, an agency will not be allowed to hide behind its own failure to gather relevant data. Specifically, “deficiencies in the record [such as a deficient initial study] may actually enlarge the scope of fair argument by lending a logical plausibility to a wider range of inferences.” (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311.) For example, in *Sundstrom* the court held that the absence of information explaining why no alternative sludge disposal site is available “permits the reasonable inference that sludge disposal presents a material environmental impact.” (*Ibid.*)

In this case, the lack of data or other substantial evidence to support the conclusions of the MND gives rise to a strong inference that the proposed project has potential adverse environmental effects. Moreover, as discussed below, there is ample evidence in the record supporting a fair argument that the project may have a significant effect on the environment. For these reasons, an EIR must be prepared.

II. Substantial Evidence Supports a Fair Argument that the Project may have a Significant Impact on the Environment

An EIR is required because the evidence as a whole contains a fair argument that the proposed project may result in significant impacts to human health and the environment.

A. The Project Will Result in Potentially Significant Agricultural Impacts

The MND acknowledges that the Project would result in the loss of approximately 30 acres of Prime Farmland on the edge of the currently developed City core, which would then lead to conflicts between urban and rural land uses. (MND, p. 36.) To partially mitigate this impact, Mitigation Measure AG 1 would require that the Project proponent secure conservation easements at a 1:1 ratio. (MND, p. 40.) The MND then concludes that even with implementation of Mitigation Measure AG 1, conversion of Prime Farmland to non-agricultural uses would result in a significant and unavoidable impact. There are several problems with this analysis.

If a significant impact will result from the Project, an EIR must be prepared. (Pub. Resources Code, § 21080, subd. (c); CEQA Guidelines, § 15064, subd. (f)(2).) Here, the MND explicitly admits that a significant impact would result from the Project. To the extent the MND attempts to rely on General Plan policies and the General Plan EIR to

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excuse preparation of an EIR for this Project, that approach is impermissible. In particular, the tiering provisions of Public Resources Code section 21083.3 are inapplicable where, as here, the parcel is not even within the City's jurisdiction, there are peculiar Project effects that have not been analyzed, and all feasible mitigation is not incorporated into the Project.

Moreover, the mitigation provided for conversion of Prime Farmland to non-agricultural uses is inadequate. At a minimum, a conservation easement measure must specify that: (1) the replacement farmland be threatened by development and within a reasonable distance from the Project, or otherwise meet the easement selection criteria of the Central Valley Farmland Trust (attached as Exhibit 1); and (2) an adequate endowment be provided to manage the easement in perpetuity.

Mitigation Measure AG 2 is also inadequate to reduce conflicts between ongoing agricultural operations and uses that would occur within the Project site. Mitigation Measure AG 2 simply requires disclosure to buyers about ongoing agricultural activities. A much more effective mitigation measure would be a requirement to include buffers within the Project site to ensure that surrounding agricultural activities can continue without interference. Indeed, the Lodi General Plan itself includes Policy C-P5, which directly addresses this issue:

Ensure that urban development does not constrain agricultural practices or adversely affect the economic viability of adjacent agricultural practices.
Use appropriate buffers consistent with the recommendations of the San Joaquin County Department of Agriculture (typically no less than 150 feet) and limit incompatible uses (such as schools and hospitals) near agriculture.

(MND, pp. 36-37, bold added.) Thus, the City's own General Plan policies require inclusion of buffers to protect ongoing agricultural uses. Moreover, the City's General Plan counsels specifically against siting of medical facilities – such as those proposed here – near ongoing agricultural operations.

An EIR must be prepared to analyze the admittedly significant impacts associated with conversion of Prime Farmland by the Project. Moreover, adequate mitigation for these impacts must be provided. COG is willing to work with the City and the Project proponent to correct these deficiencies.

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B. The Project Will Result in Potentially Significant Air Quality Impacts

Air quality impacts of the Project are also potentially significant. Without even bothering to quantify air quality emissions from construction or operation, the MND concludes that air quality impacts will be less than significant. Analysis of Project-specific emissions – at least through use of readily available models – is necessary to make such a determination. (See CEQA Guidelines, § 15151.) Moreover, the fact that the local Air District does not require quantification of emissions does not excuse noncompliance with the minimum public disclosure requirements of CEQA.

Mitigation Measure AIR 1 acknowledges that:

Parcel Maps, Prezoning designation, future Conditional Use Permits, Site Plan Review, and Planned Development Review **must be evaluated to ensure compliance with air quality standards, including construction, area source, and operational emissions.**

(MND, p. 52, bold added.) This “mitigation measure” impermissibly defers not only the formulation of mitigation for the Project but also the substantive analysis of potentially significant impacts. This analysis must be conducted *before* not *after* Project approval.

C. The Project Will Result in Potentially Significant Greenhouse Gas Impacts

Greenhouse Gas (“GHG”) emissions would also result in significant and unavoidable impacts. While Mitigation Measure GHG 1 requires implementation of a GHG reduction program, the measure does not include an enforceable performance standard as required by CEQA. (CEQA Guidelines, § 15126.4, subd. (a)(1)(B).) Nevertheless, the MND concludes that the Project’s GHG impact would be less than significant. In order to properly address GHG emissions, use of the Attorney General’s Guidance for Addressing Climate Change at the Local Level (available at http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf) is suggested. This document includes numerous measures to reduce GHG emissions at the project level. Moreover, Project buildings should be certified by the LEED (Leadership in Energy and Environmental Design) system developed by the U.S. Green Building Council or other equivalent green building rating system to reduce energy use and GHG emissions. (See General Plan Policy CD-P40 (“implement green building and construction guidelines and/or standards, appropriate to the Lodi context”).)

Mr. Rad Bartlam
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Page 6

D. The Project Will Result in Potentially Significant Traffic Impacts

The MND's analysis of traffic and circulation is inadequate and relies on assumptions and methodologies that work in conjunction to understate the proposed Project's significant impacts on traffic and circulation. Just a few of the deficiencies include:

- The MND does not include a traffic study detailing the baseline traffic assumptions, affected intersections, and trips that would be allocable to the Project and cumulative conditions. (MND, p. 168.)
- The traffic generation assumptions in the MND appear to rely in part on unsupported high pass-by assumptions to reduce the number of trips assumed to be generated by the Project. (MND, p. 167.)
- The MND illogically assumes that patient trips would be reduced by: (1) use of public transit that, in fact, does not serve the site and is actually ½ mile away; and (2) patients being dropped off by others who are also driving. (MND, p. 168.)
- There is no information in the MND supporting the finding that a Regional Traffic Study is not required. (MND, p. 169.) For example, the Project would generate 1,512 peak PM hour vehicle trips. (MND, Table 16-1.) When a 20 percent distribution is assigned to these trips (Table 16-3), it appears that 302 vehicles travelling northbound along Highway 99, which is approximately twice the threshold for preparing a Regional Traffic Analysis.
- The conceptual site plan does not appear to conform to General Plan Policy CD-P5 (configure parking areas to balance a vital pedestrian environment with automobile convenience). In particular, the planned buildings would not be located along the street with parking in the rear.

The mitigation provided for the potentially significant impacts of the Project is also deficient. It is not clear that Mitigation Measure TRANS 1, requiring payment of impact fees (MND, p. 170), would in fact reduce cumulative traffic impacts to less than significant levels in conformance with CEQA Guidelines, section 15130, subdivision (a)(3). *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1188-1189, identified the information required for a "fair share" mitigation measure:

- (i) An identification of the required improvement;
- (ii) An estimate of the cost of the required improvement;

Mr. Rad Bartlam
December 29, 2010
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- (iii) Sufficient information to determine how much the project would pay towards the improvement; and
- (iv) The fees must be part of a reasonable, enforceable plan or program sufficiently tied to the actual mitigation of the impacts at issue.

In contravention to *Anderson First*, the MND fails to include any of this information. The MND simply mentions “intersection and roadway improvements in the Project’s area, including widening Harney Lane, and construction of two arterial streets along the southern and western borders of the Project site.” (MND, p. 169.)

Mitigation Measure TRANS 2 would not reduce impacts associated with the Project’s potentially significant conflicts with adopted policies, plans and programs supporting alternative transportation. (MND, p. 171.) Mitigation Measure TRANS 2 simply requires the Project proponent to pay for a transit study, and does not actually require the Project proponent to pay for any transit improvements. Moreover, feasible mitigation for the design of the Project was not considered and should be required. Potential mitigation measures include; (1) pedestrian enhancing infrastructure such as sidewalks and pedestrian paths, direct pedestrian connections, street trees to shade sidewalks, pedestrian safety designs/infrastructure, street lighting and/or pedestrian signalization and signage; (2) bicycle enhancing infrastructure such as bikeways/paths connecting to a bikeway system as well as secure bike parking.

Both Mitigation Measure TRANS 1 and TRANS 2 also impermissibly defer formulation of mitigation to a future date after completion of the environmental review period. Under *Communities for a Better Environment et al., v. City of Richmond et al.* (2010) 184 Cal.App.4th 70, 95 (*CBE*) and other applicable authority, such an approach to mitigation violates CEQA. Specifically, the *CBE* court struck down the decision to defer development of a Greenhouse Gas mitigation plan until after project approval. (*Ibid.*) Studies regarding the traffic and related impacts of the Project must therefore be analyzed within the environmental document, and not deferred to a later date.

As described above, the MND’s traffic study is flawed and does not support a finding that the Project will have less than significant traffic impacts, at both the Project- and cumulative level. To the contrary, the record as a whole establishes that the proposed project will result in significant traffic impacts thereby necessitating preparation of an EIR and EIS. (CEQA Guidelines, § 15074, subd. (b) (negative declaration appropriate “only if . . . there is no substantial evidence that the project will have a significant effect on the environment”).)

* * *

Mr. Rad Bartlam
December 29, 2010
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Thank you for considering these comments. Please feel free to contact me if you have any questions or I can provide any further information that would assist the City in its consideration of this important Project.

Very truly yours,

SOLURI MESERVE
A Law Corporation

By: 
Osha R. Meserve

ORM/mrc

cc: Ann Cerney, Citizens for Open Government, acerney@inreach.com

Central Valley Farmland Trust

Guidelines for the Selection of Agricultural Conservation Easements

1. Soils: Farmland evaluated by the California Department of Conservation Farmland Mapping and Monitoring Program as being “Prime farmland” or “Farmland of Statewide Significance” will receive the highest priority. The Central Valley Farmland Trust might also consider farmland designated as property that has significant value to the regional agricultural industry regardless of soil characteristics.
2. Water: The property has a dependable and sustainable supply of high quality water for irrigation.
3. The property is agriculturally viable:
 - a. The land is large enough to sustain commercial agricultural production.
 - b. The property is not substantially surrounded by urban development such that its continued agricultural viability is threatened.
4. Urbanization pressure. The property may be subject to urbanization pressure within the foreseeable future.
5. Consistent with Community plans and goals. Existing community goals, plans, and political boundaries are compatible with permanent agricultural use of the property:
 - a. The property is currently zoned for agriculture.
 - b. The property is outside the primary sphere of influence of a city or a community service district.
 - c. An agricultural easement on the property would have the potential to have a long term impact on urban growth in the area and encourage growth on less productive farmland.

Date of Adoption: _____

Date of Last Revision: May 27, 2005

Response to Comment Letter #6 from Osha Meserve, on behalf of Citizens for Open Government, dated December 29, 2010.

CITY HALL
221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6701
(209) 333-6807 FAX

**CITY OF LODI
CITY ATTORNEY'S OFFICE**



D. STEPHEN SCHWABAUER
City Attorney
JANICE D. MAGDICH
Deputy City Attorney

March 3, 2011

Ms. Osha Meserve
Soluri Meserve
1822 21st Street, Suite 202
Sacramento, California 95811

Re: Comments on Mitigated Negative Declaration
South Hutchins Annexation

Dear Ms. Meserve:

Thank you for your comments on the South Hutchins Initial Study and Draft Mitigated Negative Declaration ("IS/ND"). Your concerns seem to primarily focus on a belief that the IS/ND fails to establish a connection between the Lodi General Plan, which serves as the projects program level EIR, and the IS/ND. I trust this introduction and specific comments will help clarify the document.

As you know, the proposed South Hutchins Annexation Project includes land that is incorporated into, and planned for development in Lodi's 2010 General Plan. Having been so included, all General Plan level environmental effects were of necessity, therein addressed. The General Plan EIR identifies itself as a program EIR as authorized by CEQA Guideline Section 15168. Subsection 15168(b) notes the advantages of program EIR's to include: (3) Avoid duplicative reconsideration of basic policy considerations...[and] (5) allow reduction in paperwork. In short, a program EIR reduces the environmental consequences of environmental review itself by avoiding multiple EIR's (section 15168(c)), simplifying later environmental review (section 15168(d) and allowing the City to consider broader programmatic issues at an early stage in the planning process. Section 15168(b)(10)-(4).

The relationship between Lodi's certified program EIR and this subsequent document are explained in subsection 15168(c). The Initial Study is prepared to determine whether any of the CEQA Guideline section 15162 conditions are present. In addition, subsection 15168(d) explains that "a program EIR can be used to simplify the task of preparing environmental documents on later parts of the program." As such, broader environmental issues evaluated in Lodi's certified Program EIR need not be repeated. This rule is especially applicable to your comments about loss of agricultural land which are addressed at length in the program level General Plan documents.

Comment: AGRICULTURAL LAND CONVERSION. Your comments indicate that the project will convert agricultural land to urban uses.

March 3, 2011
Re: South Hutchins Annexation IS/ND
Page 2

Response: As discussed above, the conversion of the project specific land was considered exhaustively in the Program Level General Plan EIR. Chapter 7 of the General Plan lays out a detailed conservation and mitigation plan and lays the CEQA foundation for all of the conclusions and requirements in the IS/ND. Indeed, the General Plan EIR Agricultural land conversion mitigations are fully applied to this project. As such, the General Plan EIR's program level analysis need not (and indeed for the resource based reasons discussed above should not) be repeated in the IS/ND.

Comment: AIR QUALITY. As discussed above, the air quality impacts of the project development were considered exhaustively in the Program Level General Plan EIR. Chapter 7 of the General Plan lays out a detailed Air Quality mitigation plan and lays the CEQA foundation for all of the conclusions and requirements in the IS/ND. Indeed, the San Joaquin Valley Air Pollution Control District standards are fully considered and applied to this project and were imposed on the project. In sum, program level analysis need not (and indeed for the resource based reasons discussed above should not) be repeated in the IS/ND.

Comment: GREENHOUSE GAS EMISSIONS. Your comment suggests that there will be unavoidable green house gas impacts associated with the project and that the project requirements will be unenforceable

Response: Your letter cites no evidence or facts to establish a significant environmental effect. As such, no rebuttal is offered here, other than the observation that the Program Level General Plan and IS/ND fully address the issue. Moreover, contrary to your assertions, the City is fully confident in its ability to enforce its imposed mitigation measures and to assess its mitigation measures as fully laid out in Chapter 7 of its certified General Plan.

Comment: TRAFFIC. Your comment suggests that the methodology of the traffic study was flawed. However, a dispute over methodology does not support a CEQA claim, where, as here, the Agency uses a reasonable methodology. (*Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383.) As indicated in the attached responses of the City's traffic engineer and public works director, the traffic study was prepared using industry standard assumptions approve by the Institute of Transportation Engineers Recommended Practice, Trip Generation Handbook and Caltrans staff's longstanding previous practice. As such, the City is satisfied that its traffic study supports the documents conclusions.

Sincerely,



D. STEPHEN SCHWABAUER
City Attorney

DSS/pn

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CITY COUNCIL
BOB JOHNSON, Mayor
JOANNE MOUNCE,
Mayor Pro Tempore
LARRY D. HANSEN
PHIL KATZAKIAN
ALAN NAKANISHI

CITY OF LODI
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KONRADT BARTLAM
City Manager
RANDI JOHL,
City Clerk
D. STEPHEN SCHWABAUER,
City Attorney
F. WALLY SANDELIN,
Public Works Director

March 1, 2011

Attention: Steve Schwabauer

Subject: Comments on Mitigated Negative Declaration – Traffic/Transit
South Hutchins Annexation

As requested, the Public Works Department has responded to the comments from Osha Meserve for item "D. The Project Will Result in Potentially Significant Traffic Impacts". The responses to the comments are described below.

Pg 6 - Item "D" (first bullet):

- The MND did in fact rely on a detailed traffic study from the April 2010 General Plan. The projected traffic generation of this project conformed to the April 2010 GP land use assumptions and no projects have materialized which would change those assumptions. This project is fully supported by the April 2010 program level GP Traffic Study.

Pg 6 - Item "D" (second bullet):

- The pass-by assumptions are based on the Institute of Transportation Engineers Recommended Practice, Trip Generation Handbook. The MND included Table 16-2 on page 167, showing the Restaurant, Bank and Shopping Center categories pass-by percentages of 43, 47 and 34 percent, respectively. However, to provide a more conservative analysis, the AM-PM Peak Hour Trip Generation was based on a pass-by percentage of 25 percent, based on Caltrans staff's recommendations on previous projects.

Pg 6 - Item "D" (third bullet):

- The MND did not assume any reduction in Medical-Office and General Office Building trip generations. See Table 16-2 on page 167 for results.

Pg 6 - Item "D" (forth bullet):

- ICF International, on behalf of the City of Lodi, prepared and published a Draft Initial Study/Mitigated Negative Declaration for the Harney Lane Interim Improvements Project (SCH#2010072040). This project would improve the Harney Lane interchange to maintain the level of service (LOS) at level D or better and assure acceptable operating conditions of the interchange until and beyond 2016. The City has received the encroachment permit from Caltrans and begun construction of the Harney Lane Interim Improvements Project. The South Hutchins Annexation Project will be required to pay for their fair share of the estimated \$1.4 million improvements based on their impact to the Harney Lane/State Route 99 interchange.

Pg 6 - Item "D" (fifth bullet):

- The project is sufficient in each of these aspects of the parking areas as specified in the GP Policy CD-P5.
 - GP Policy CD-P5 - Parking areas should be:
 - "Located in locations less visible from the sidewalk-behind buildings and away from the street edge."
 - "Sized and located to take advantage of shared parking opportunities."
 - "Accommodating to pedestrians and bicycle traffic with pedestrian-only pathways through parking areas."

Pg 6- Item "D" (second paragraph)

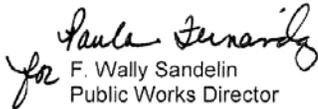
- You indicated that the development impact fee is not quantified. This is incorrect; the City of Lodi's impact fee program is fully delineated in a detailed fee program entitled "City of Lodi Development Impact Fee Study" prepared for the city by Nolte and Associates and Angus McDonald & Associates, dated August, 1991, a copy of which is on file with the city clerk.

Pg 7- Item "D" (second paragraph) - Response to including "feasible mitigation for the design of the Project was not considered and should be required.".

- The MND requires the project proponent to pay for a transit study to determine the required modifications to the existing transit service. After the transit study is completed, with City Council's approval, City staff will amend the Short Range Transit Plan (SRTP). Based on the **GP, T-P27**, the City will ensure the project proponent provides the needed transit facilities to serve the development and provide all needed facilities and/or contribute a fair share for improvements not covered by other funding sources.
- Based on **GP, T-P33**, City will require the new development to provide transit improvements where appropriate and feasible, including direct pedestrian access to transit stops, bus turnouts and shelters, and local streets with adequate width to accommodate buses.

If you have any questions about this letter, or if you'd like to discuss this matter, please don't hesitate to contact me at the address or phone number listed above. The City would appreciate prompt response concerning this matter.

Sincerely,


F. Wally Sandelin
Public Works Director

Staff-Initiated Text Changes to Draft IS

The following corrections have been made to the Draft Initial Study/Mitigated Negative Declaration text. These staff-initiated text changes update information presented in the Draft IS. These changes do not alter any of the analysis or conclusions presented in the Draft IS. Text deletions are shown with ~~striketrough~~, and additions are shown with underline.

Page 21:

1.13 - PUBLIC ACTIONS AND APPROVALS REQUIRED

This ~~Environmental Impact Report~~ Mitigated Negative Declaration will be used by the following jurisdictions and agencies when deciding whether to grant the following discretionary actions:

- City of Lodi: Annexation/Pre-Zone Change/Tentative Parcel Map and Site Plan and Architecture Review and Approval
- City of Lodi: Development Plan and Infrastructure Master Plan approval
- LAFCO: Annexation approval (Municipal Plan of Services, County of San Joaquin Detachment, etc.).

CEQA Guidelines Section 15152 (Section 21083.3) allows a Negative Declaration to be adopted when an Environmental Impact Report (EIR) has previously been prepared for a program, policy, plan or ordinance, and a later project consistent with that program or other action will not result in any significant effects which were not examined in that previous EIR. In order to tier upon an EIR, the later project must be consistent with the general plan and zoning of the applicable City or county. The Negative Declaration must clearly state that it is being tiered upon a previous EIR, reference that EIR, and state where a copy of the EIR can be examined.

This section of the Guidelines applies equally to a mitigated Negative Declaration. Of course, any potential significant effects that were not examined in the previous EIR must be avoided or completely mitigated if a mitigated Negative Declaration is to be adopted.

Findings -- In addition to the findings required of a mitigated Negative Declaration pursuant to Sections 21080 and 21064.5, Office of Planning and Research recommends that the Lead Agency find that:

1. The project is consistent with the program, policy, plan or ordinance for which the previous EIR was prepared;
2. The project is consistent with the general plan and zoning of the applicable city or county; and
3. The project, as revised or mitigated, will not result in any significant effects which were not examined in the previous EIR.

The proposed Mitigated Negative Declaration tiers of the City of Lodi General Plan 2010 and General Plan EIR 2010, which serve as the project's program level EIR. The proposed South

Hutchins Annexation Project includes land that is incorporated into, and planned for development in Lodi's 2010 General Plan. Having been so included, all General Plan level environmental effects were of necessity, therein addressed. Mitigation measures required by the General Plan apply to this project. The proposed Mitigated Negative Declaration supplements the previous General Plan EIR with the necessary information, in the form of additional mitigation measures to fully address any negative environmental impacts that could occur due to the project. As a tiered document, the Initial Study/Mitigated Negative Declaration for the project relies, in part, on the General Plan 2010 and General Plan EIR 2010, for:

- 1) A discussion of general background and setting information for environmental topic areas;
- 2) Overall growth-related issues, land uses, level of service related to traffic;
- 3) Issues that were evaluated in sufficient detail in the 2010 General Plan EIR, for which there are no significant new information or changes in circumstances that would require further analysis;
- 4) Analysis of long-term cumulative impacts.

This Tiered Initial Study (IS) analyzes the potential site-specific and localized impacts of the project. As the analysis demonstrates, there are no new significant impacts. Because there are no new significant impacts identified there are no new alternatives to the project that need be examined and therefore, the previous alternatives analysis is sufficient. Additionally, because there are no new significant impacts identified, and there are no new projects in the area of this project, the cumulative impacts remain the same. Thus, the information contained in this Subsequent Mitigated Negative Declaration is sufficient to meet the requirements of CEQA Guidelines Section 15163.

IMPACTS AND MITIGATION MEASURES

Based on the analysis presented in the Tiered IS/Mitigated Negative Declaration, it was determined that this project would not result in any significant impacts that cannot be mitigated to less than significant levels or are not sufficiently addressed by the General Plan 2010 and General Plan EIR 2010. As such, project-specific mitigation measures are have been proposed to address the proposed project's impacts.

P.C. RESOLUTION NO. 11 -

A RESOLUTION OF THE CITY OF LODI PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL ADOPT ENVIRONMENTAL ANALYSIS FOR THE SOUTH HUTCHINS ANNEXATION PROJECT, FOR WHICH AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION WAS PREPARED IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, in July of 2010, the City of Lodi received an application from Michael Carouba, on behalf of Fink LL., to annex, develop, subdivide 30-acre land and related development plans as shown on the submitted project plans and materials, located at 13333 N. West Lane, (APN: 058-100-03) Lodi CA; and

WHEREAS, Michael Carouba, on behalf of Fink LL., (referred to as “applicant”), has presented substantial evidence which supports the application; and

WHEREAS, the South Hutchins Annexation project analyzed under the Initial Study/Mitigated Negative Declaration consisted of a Annexation, Rezoning, Vesting Tentative Parcel Map, Site Plan and Architecture Review for Phase I of the proposed development, which consists of 103,350 square feet of commercial/retail use, 6,400 square feet of restaurant use, and 179,200 square feet of general and medical office space, and 3,000 square feet of laboratory space; and

WHEREAS, the City prepared and adopted a General Plan 2010 and General Plan EIR 2010 (SCH#2009022075); and

WHEREAS, the proposed Initial Study/Mitigated Negative Declaration tiers of off the General Plan 2010 and General Plan EIR 2010, which serve as the project’s program level EIR;

WHEREAS, the General Plan 2010 and General Plan EIR 2010 are available for public review at the Community Development Department, 221 West Pine Street, Lodi, CA 95240; and

WHEREAS, the proposed tiered Initial Study/Mitigated Negative Declaration analyzes the potential site-specific and localized impacts of the project; and

WHEREAS, the application is a “project” pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, prior to the adoption of this Resolution, the Community Development Department of the City of Lodi prepared an Initial Study and adopted a Mitigated Negative Declaration for the South Hutchins Annexation (Planning File No. 10-MND-03) in accordance with the requirements of the California Environmental Quality Act of 1970, as amended, together with state and local guidelines implementing CEQA (collectively, “CEQA”); and

WHEREAS, a Mitigated Negative Declaration was prepared pursuant to Section 15162 of CEQA; and

WHEREAS, the Mitigated Negative Declaration was prepared and circulated for a 30-day review period (November 29, 2010 through Thursday, December 30, 2010) and was made available for public review at the following locations:

1. **Community Development Department**, 221 West Pine Street, Lodi, CA 95240
2. **Lodi Public Library**, 201 West Locust Street, Lodi, CA 95240
3. **Public Works Department**, 221 West Pine Street, Lodi, CA 95240
4. Online at www.lodi.gov/com_dev/EIRS.html

WHEREAS, the Notice of Availability and proposed Mitigated Negative Declaration was published in the Lodi News Sentinel on November 22, 2010; and

WHEREAS, the project, as mitigated, is determined to not have a significant impact on the environment based upon the results of the environmental assessment; and

WHEREAS, the Initial Study/Mitigated Negative Declaration concluded that implementation of the Project could result in a number of significant effects on the environment and identified mitigation measures that would reduce the significant effects to a less-than-significant level; and

WHEREAS, in connection with the approval of a project involving the preparation of an initial study/mitigated negative declaration that identifies one or more significant environmental effects, CEQA requires the decision-making body of the lead agency to incorporate feasible mitigation measures that would reduce those significant environment effects to a less-than-significant level; and

WHEREAS, whenever a lead agency approves a project requiring the implementation of measures to mitigate or avoid significant effects on the environment, CEQA also requires a lead agency to adopt a Mitigation Monitoring and Reporting Program to ensure compliance with the mitigation measures during project implementation; and

WHEREAS, the City of Lodi is the lead agency on the Project, and the City Council is the decision-making body for the proposed Project; and

WHEREAS, the Planning Commission of the City reviewed the Initial Study/Mitigated Negative Declaration and found it prepared in compliance with CEQA on March 9, 2011; and

WHEREAS, the Planning Commission has reviewed and considered the Initial Study/Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program for the Project and recommends the City Council certify the proposed Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; and

NOW, THEREFORE, BE IT FOUND that the Planning Commission of the City of Lodi as follows: THAT THE Planning Commission does hereby make the following findings:

1. It has independently reviewed and analyzed the Initial Study/Mitigated Negative Declaration and other information in the record and has considered the information contained therein, prior to acting upon or approving the Project,
2. The Initial Study/Mitigated Negative Declaration prepared for the Project has been completed in compliance with CEQA and is also consistent with state and local guidelines implementing CEQA,
3. The Initial Study/Mitigated Negative Declaration represents the independent judgment and analysis of the City as lead agency for the Project, and
4. That on the basis of the whole record before the Commission, there is no substantial evidence that the Project will have a significant effect on the environment.
5. The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plants or animal community, reduce the number or restrict the range of a rare or endangered plant or animals or eliminate important examples of the major periods of California history or prehistory, because no evidence has been found to indicate to this end. The project area has not been identified as being habitat for any rare or endangered flora or fauna.
6. No new impacts were identified in the public testimonies that were not addressed as normal conditions of project approval in the Initial Study/Mitigated Negative Declaration.
7. That Mitigated Negative Declaration 10-MND-03 and its supporting documentation are located at the office of the Community Development Director, 221 West Pine Street, Lodi, CA.

NOW, THEREFORE, BE IT DETERMINED, AND RESOLVED, that the Lodi Planning Commission hereby recommends the City Council certify the proposed Mitigated Negative Declaration (10-MND-03) and the associated Mitigation Monitoring and Reporting Program as adequate environmental documentation for the proposed project:

1. The property owner and/or developer and/or successors in interest and management shall, at their sole expense, defend, indemnify and hold harmless the City of Lodi, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include, but is not limited to, any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Lodi shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.
2. Prior to any ground disturbance, property owner and/or developer and/or successors in interest and management shall notify the San Joaquin County Council of Governments (SJCOG, Inc) of their intention to disturb the land, and shall schedule a pre-ground disturbance survey, to be performed by SJMSCP biologist, to determine applicable Incidental Take Minimization Measures (ITMMS). The City shall not authorize any form of site disturbance until it receives an Agreement to Implement ITMMS from SJCOG, Inc.
3. The City shall not issue a building permit for the proposed project until the San Joaquin County Council of Governments determine what, if any, Incidental Take Minimization Measures (ITMMS) apply to the project and until the San Joaquin County Council of Governments verifies all applicable ITMMS have been fully and faithfully implemented.
4. All mitigation measures detailed in the attached Mitigation Monitoring and Reporting Program (MMRP), which mitigate or avoid the most significant environmental impacts for the project site, as identified in the attached MMRP shall be made conditions of approval of development of the proposed project.
5. Failure to comply with any part or portion of the attached Mitigation Monitoring and Reporting Program, conditions of approval and/or monitoring or reporting requirements shall result in a written notice of violation from the City to the applicant at which time the City may order that all or a portion of pre-construction, construction, post-construction activity or project implementation must cease until compliance is reached.
6. Contractors and construction personnel involved in any form of ground disturbance (i.e., trenching, grading, etc.) shall be advised of the possibility of encountering subsurface cultural resources or human remains. If such resources are encountered or suspected, work within 100 feet of the discovery shall be halted immediately and the City of Lodi Planning Department shall be notified. In accordance to CCR Section 15064 (f) and PRC Section 21083.2(i), a qualified professional archaeologist shall be consulted, who shall assess any discoveries and develop appropriate management recommendations for treatment of the resource. If bone is encountered and appears to be human, California Law requires that potentially destructive construction work is halted and the San Joaquin County Coroner is contacted. If the coroner determines the human remains are of Native American origin, the coroner must contact the Native American Heritage Commission. The Native American Heritage Commission will attempt to identify the most likely descendant(s), and recommendations will be developed for the proper treatment and disposition of the remains in accordance with CCR Section 15064.5(e) and PRC Section 5097.98. A note to this effect shall be included on all construction plans and specifications.

7. A Notice of Determination (NOD) shall be filed with the County Clerk within 5-working days following certification of the proposed Mitigated Negative Declaration. Appropriate Department of Fish and Game fees shall be filed.
8. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

Dated: March 9, 2011

I hereby certify that Resolution No. 11- was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on March 9, 2011, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

ATTEST: _____

Secretary, Planning Commission

EXHIBITS:

1. Final Mitigated Negative Declaration
2. Mitigation Monitoring and Reporting Program
3. Draft Mitigated Negative Declaration

Item 3e

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: March 9, 2011

APPLICATION NO: Annexation: 10-AX-01
Prezoning: 10-Z-01

RELATED APPLICATIONS: Mitigated Negative Declaration: 10-MND-03
Vesting Tentative Parcel Map: 10-P-01
SPARC: 10-SP-04

REQUEST: Request for Planning Commission to make a recommendation to the City Council to annex 30-acres of land south of the City limits for Commercial Development purposes; and request to Prezone associated with the annexation. (Applicant: Michael Carouba, on behalf of FFLP. File Numbers, 10-AX-01 and 10-Z-01).

LOCATION: 13333 North West Lane
(APN: 058-100-03)
Lodi, CA 95240

APPLICANT: Michael Carouba, on behalf of FF LP
P. O. Box 2663
Lodi, CA 95241

PROPERTY OWNER: FF LP
540 South Mills Avenue
Lodi, CA 95242-3428

STAFF RECOMMENDATION

Staff recommends that the Planning Commission conduct a public hearing, review the proposed project, consider public testimony, and adopt the following resolutions:

- (1) Resolution recommending that the City Council adopt a resolution of application to the San Joaquin Local Agency Formation Commission (LAFCO) to annex approximately 30 acres of property located on the southwest corner of North West Lane and Harney Lane to the City of Lodi, and simultaneously detach the property from the Woodbridge Fire Protection District;
- (2) Resolution recommending the City Council approve the request of Michael Carouba, on behalf of FF LP, for prezoning of 30 acres located on the souththwest corner of North West Lane and Harney Lane to Planned Development (PD) 43; and

PROJECT/AREA DESCRIPTION

General Plan Designation

City of Lodi	Commercial	Project site is within the City's Sphere of Influence, Planning Area and City's General Plan April 2010
San Joaquin County	General Agriculture (A/G).	This is a County zoning designation that is intended to retain in agriculture those areas planned for future urban development

Zoning Designation.

City of Lodi	N/A	N/A
San Joaquin County	AG-40	AU-40, Agricultural-Urban Reserve, minimum of 20 acres.

PROJECT SITE CHARACTERISTICS

The Project site consists of one (1) parcel covering a total of approximately 30 acres (Assessors Parcel Number 058-100-03). Principal vehicular access to the site is provided along Harney Lane while regional access is provided via SR 99. An existing private drive extending south from Harney lane serves as vehicle access to an abandoned golf driving range. Other unpaved access roads occur throughout the site principally to serve existing agricultural operations on the eastern portion of the property. The existing on-site uses include a strawberry field (15 acres) planted seasonally on the eastern half of the Project site and an abandoned golf driving range (15 acres) on the western half of the Project site. Existing structures on the Project site include a strawberry stand on the northeastern corner and two freight containers. In addition, there are two temporary storage containers placed onsite. The abandoned golf driving range (15 acres) previously contained pavement and ‘club house’, which have been removed as of May of 2009.

The project site is located in northern San Joaquin County, within the southwest portion of the City of Lodi Planning Area, immediately south of the City’s southern boundary (along Harney Lane) and west of State Route (SR) 99.

The adjacent zoning designations and land uses are as follows:

- North:** PD-4, residences varying from Low Density to High Density Residences and neighborhood (commercial) shopping, contains a variety of small stores. This area is within the City limits.
- South:** AG-40, General Agriculture (County designation). Harney Lane borders the southern most part of the limits on this part of City.
- West:** AG-40, General Agriculture (County designation). Agricultural uses are located west of the project site.
- East:** AG-40, General Agriculture (County designation). Agricultural uses are located west of the project site.

SUMMARY

The proposed project would annex 30 acres of farm land from San Joaquin County into the City of Lodi, which could accommodate development of commercial retail, medical and general offices. A breakdown of the project is provided in Table A and the land use plan is included as Attachment 3. To implement the proposed project, the applicant has submitted applications for certification of a Mitigated Negative Declaration, Annexation, Rezoning, Vesting Tentative Parcel Map and Site Plan and Architecture Review (SPARC). The City’s General Plan Priority Map classifies the site in Phase I for annexation (see Attachment 4). This staff report and attached resolutions deal with Annexation and Rezoning elements of the project. A separate staff report for Vesting Tentative Parcel Map and Site Plan and Architecture Review (SPARC) has been prepared.

Table A: Project Land Uses

Land Uses	Area (sq .ft.)
Retail	71,100
Major retail store	27,250
Smaller accessory commercial stores	5,000
Bank	71,100
Total	103,350
Restaurant	6,400 (240 seats)
Total	6,400
Office	
Office	111,200
Medical Office with laboratory	68,000
Total	179,200

While the project site is located outside the City of Lodi’s jurisdictional boundary, it is within the City’s Sphere of Influence. The project site has been given a land use designation in the City’s General Plan 2010, and the goals and policies of the General Plan are applicable. The current General Plan designation for the project site is Commercial. The Commercial land use designation is applied to commercial retail and office uses. Detailed plans for development within the project area (including proposed setbacks, height, and architectural design of the proposed structures) are part of the applicant’s request.

PROJECT DESCRIPTION

The project, if approved, could accommodate development of a retail center, a restaurant, an office park, and related infrastructure. Implementation of the proposed project would result in the development of up to 103,350 square feet of commercial/retail use, including a 5,000 square foot bank, 6,400 square feet of restaurant space, and 179,200 square feet of office space, including a 68,000 square foot medical office building with a laboratory (3,000 square feet). The proposed Project, if approved, would also provide a total of 1,501 parking spaces, 147 more parking spaces than is required by the parking regulations set forth in the Lodi Municipal Code.

Infrastructure. The South Hutchins Annexation Project land use plan includes a proposed street network and retention basin system to accommodate development of the proposed uses. At this stage of the project, the street network and basin design of the project reflect the City standards and the direction that has been provided by City Engineering staff. The Public Works Department has reviewed the plans, and recommends that an Infrastructure Master Plan (Water, Recycled Water, and Sewer) be prepared by the applicant prior to approval of final development plans.

The project requires the following discretionary actions:

- City of Lodi: Annexation/Pre-Zone Change/Tentative Parcel Map and Site Plan and Architecture Review and Approval (SPARC)
- Annexation approval (Municipal Plan of Services, County of San Joaquin Detachment, etc.)

BACKGROUND

The Community Development Department originally received an application for annexation and general plan amendment for the South Hutchins Annexation Project in December 2007. Following

preliminary work, the applicant was advised to withdraw his application until the City completed its General Plan update process. The City's concern was that the General Plan and associated land use analysis should be done as part of a City wide document (General Plan) as opposed to a project level analysis, which may or may not be in synch with the General Plan Environmental Analysis, the General Plan document itself and land use patterns. The applicant stated his intention to proceed with the application because he had prospective tenants with whom he had entered agreement and he couldn't withdraw his application. Per the applicant's request to process his application, the City determined that an Environmental Impact Report (EIR) would be the appropriate CEQA analysis for this project, and that action on the development applications (annexation, general plan amendment, planned development rezone, tentative parcel map and SPARC approvals) would all be subject to simultaneous review by the Planning Commission for recommendation to the City Council.

The City released a Request for Proposal (RFP) and hired a PBS&J consulting firm and commenced to process the application. In August of 2009, the applicant informed the City of his desire to postpone the project due to termination of his contract with his prospective tenants; however, he stated his desire to continue with the project once the City completed updating its General Plan, which occurred in April of 2010.

In August of 2010, the applicant submitted revised applications for Annexation, Planned Development Prezone, and SPARC. Upon review of the applications and the materials submitted in support of the applications, it was determined a Mitigated Negative Declaration would be the appropriate CEQA analysis for this project. Because most of the land use and infrastructure analyses (water, wastewater, circulation, land uses, and traffic) related to the project site and this project in particular have been completed by the General Plan 2010 and General Plan EIR 2010, it was determined Mitigated Negative Declaration would be CEQA analysis for this project to address project-specific concerns related to environmental issues. Staff also determined that a Tentative Parcel Map was required for the project and that action on the development applications would all be subject to simultaneous review by the Planning Commission for recommendation to the City Council.

ANALYSIS

Annexation

The South Hutchins Annexation Project area is located south of the current southern Lodi City limit (along Harney Lane), on the southwest corner of West Lane and Harney lane. It is within San Joaquin County. As part of the proposed project, the applicant intends to annex the 30 acre project area into the City of Lodi. Annexation of lands into the City requires review and approval by the Local Agency Formation Commission (LAFCO). LAFCO will consider applications for annexation, upon a request of the City Council.

Lands must be within the City's Sphere of Influence (SOI) in order to be annexed. A Sphere of Influence is a planning tool adopted and used by LAFCO to designate the future boundary and service area for a City. The proposed side project area is within the City of Lodi Sphere of Influence (latest adopted by LAFCO on January 2008-Attachment 3). The City's General Plan 2010 designates the project vicinity as within annexation Phase I (Attachment 4). In addition, the General Plan designates the project area as Commercial and the proposed development is consistent with the Commercial land use designation of the General Plan, which encourages a variety of commercial, medical and professional office uses within a cohesive development plan. The General Plan anticipated development of the areas designated Commercial within the lifetime of the current plan, by 2030.

The project area to be annexed is within the SOI, consistent with the General Plan designation, and would provide for contiguous urban growth, and a logical extension of public services; therefore, staff recommends the Planning Commission recommend that the City Council request LAFCO approval of the South Hutchins Annexation project area.

Prezoning

Properties must have a City zoning code designation prior to annexation. Upon annexation, the proposed City of Lodi designation of Planned Development would supercede the County designations, and development will be subject to the development standards and regulations of the City. The South Hutchins Annexation project includes a request for a pre-zoning designation to change the zone from the County zone of AG-40 to a City zone of Planned Development (PD), with underlying uses as indicated on the South Hutchins Annexation project land use plan.

Pursuant to the State of California Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, annexing cities are required to prezone land. The City proposes a Planned Development (PD) Zone that would designate the project area with City of Lodi zoning classification. In accordance with State law, zoning designations must be consistent with General Plan designations. The proposed PD Zone would be consistent with the existing General Plan designation of Commercial because the proposed development (medical and professional offices, retail stores, bank and restaurant uses) are consistent with land uses permitted under the City's General Plan designations.

A PD zone is intended to allow deviations from standard zoning requirements in an effort to create a development pattern specifically designed for a project site that allows a more desirable and efficient use of land. In accordance with Municipal Code Section 17.33, a PD zone is intended to accommodate various types of development, including residential developments, public, quasi-public, commercial, retail, office, schools, and open space. Prior to the approval of any PD zone, a development plan must be reviewed and recommended for approval by the Planning Commission. Once approved, the project site must be developed in accordance with the development plan (See discussion on the next staff report under SPARC).

In accordance with City standards and requirements, the City proposes a Planned Development 43 zoning district for the annexation project. The proposed Planned Development 43 (PD) zone would allow for the development of 179,200 sq. ft. of general and medical offices, 103,350 sq. ft. of commercial (retail) spaces, 6,400 sq. ft. of office space, and related infrastructure as per the South Hutchins Annexation development plan. The proposed development project would provide well designed commercial and office space that would employ up to 1,125 persons. Basic development standards for the proposed PD-43 zoning district have been outlined in the attached solution. These standards relate to setback, bulk, landscaping requirements, parking ratio etc. Staff feels the proposed project, as conditioned, would be a great addition to the City and recommends approval of the proposed rezoning to Planned Development with the implementation of the South Hutchins Annexation project development plan.

ENVIRONMENTAL ASSESSMENT

A Mitigated Negative Declaration was prepared for this project. In preparing the Mitigated Negative Declaration, staff independently reviewed, evaluated, and exercised judgment over the project and the project's environmental impacts. The Final Mitigated Negative Declaration (MND) identifies the areas where the project may have a potential effect on the environment and recommends Mitigation Monitoring and Reporting Program.

In accordance with CEQA, the Draft MND was circulated to responsible agencies as well as the State Clearinghouse for review. Also, the Draft MND was available for public review (it has been available at City Hall, at the Library, and on the City website. Notices were posted and published on November 22, 2010. The required 30 day review period for this project commenced on Monday, November 29, 2010 and concluded on Thursday, December 30, 2010. A total of six comments were received. At the conclusion of the public review period, all written comments were responded to and incorporated in the Final MND.

PUBLIC HEARING NOTICE:

Legal Notice for the proposed project was published on February 26, 2011. 32 public hearing notices were sent for both meetings to all property owners of record within a 300-foot radius of the subject property as required by California State Law §65091 (a) 3.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

- Approve the Requests with Alternate Conditions
- Deny the Requests
- Continue the Requests

Respectfully Submitted,

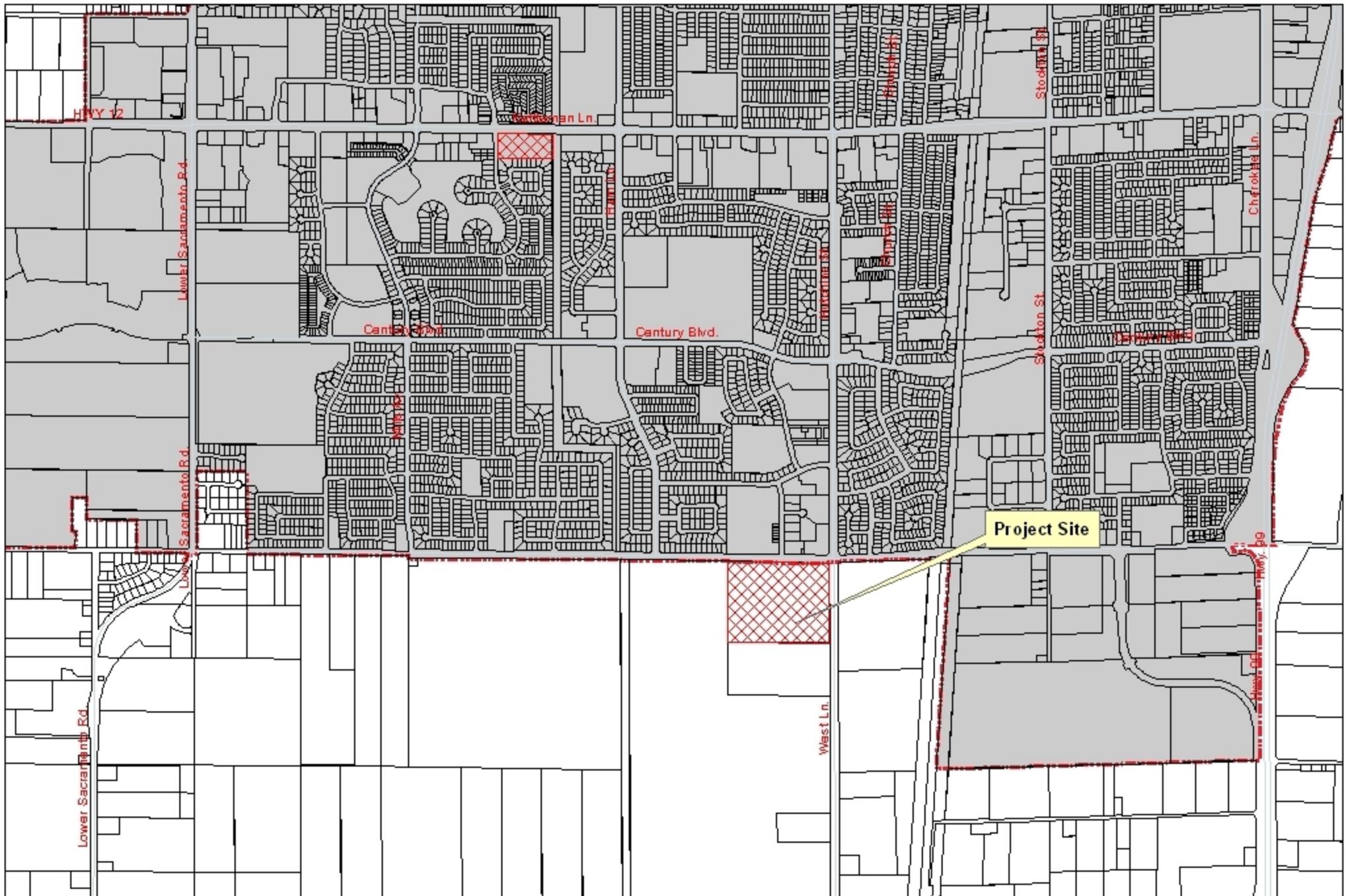
Concur

Immanuel Bereket
Associate Planner

Konradt Bartlam
Community Development Director

ATTACHMENTS:

1. Lodi Sphere of Influence
2. General Plan Map
3. General Plan Annexation Priority Map
4. Draft Resolutions

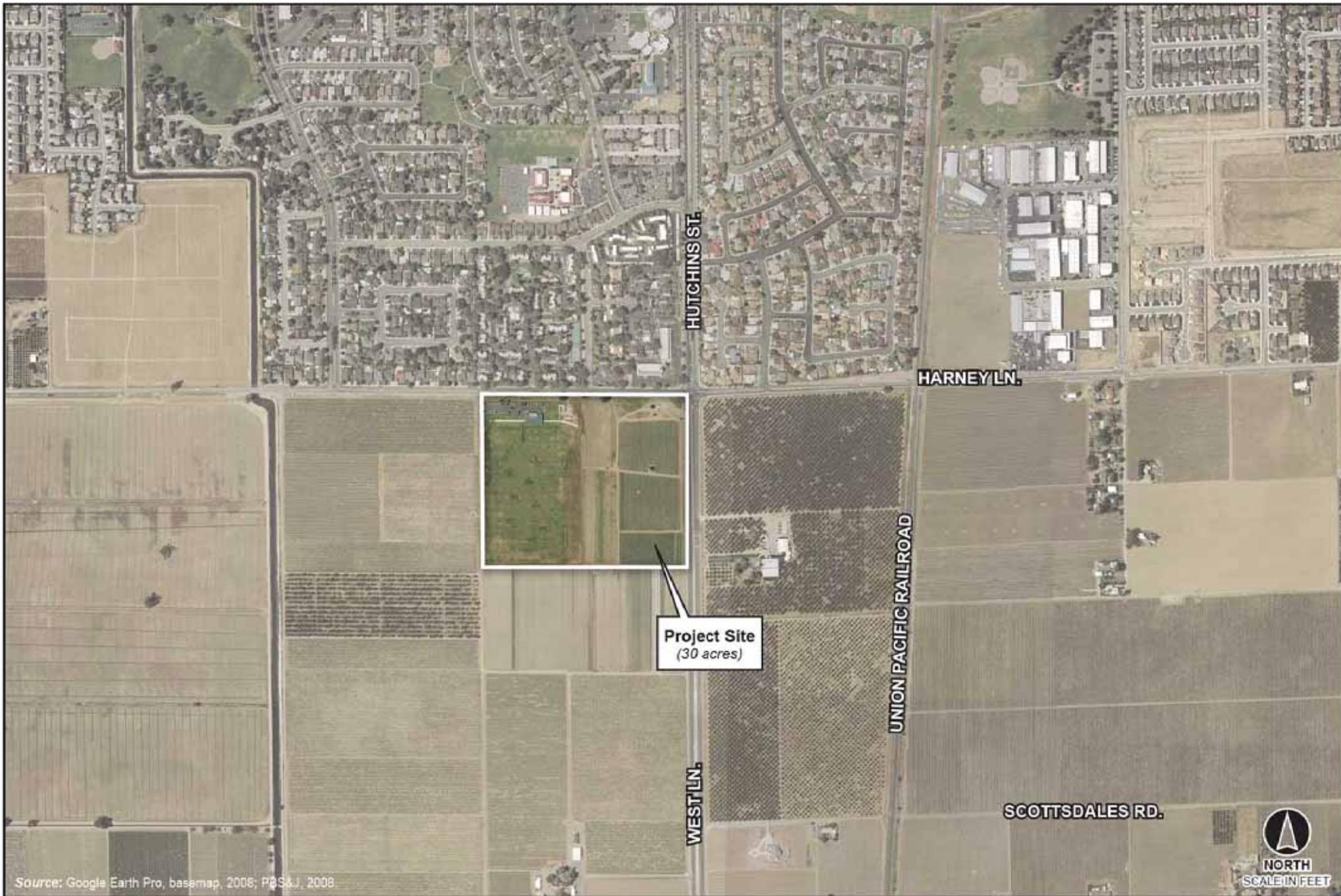


Legend:

-  Project Site
-  City Limits

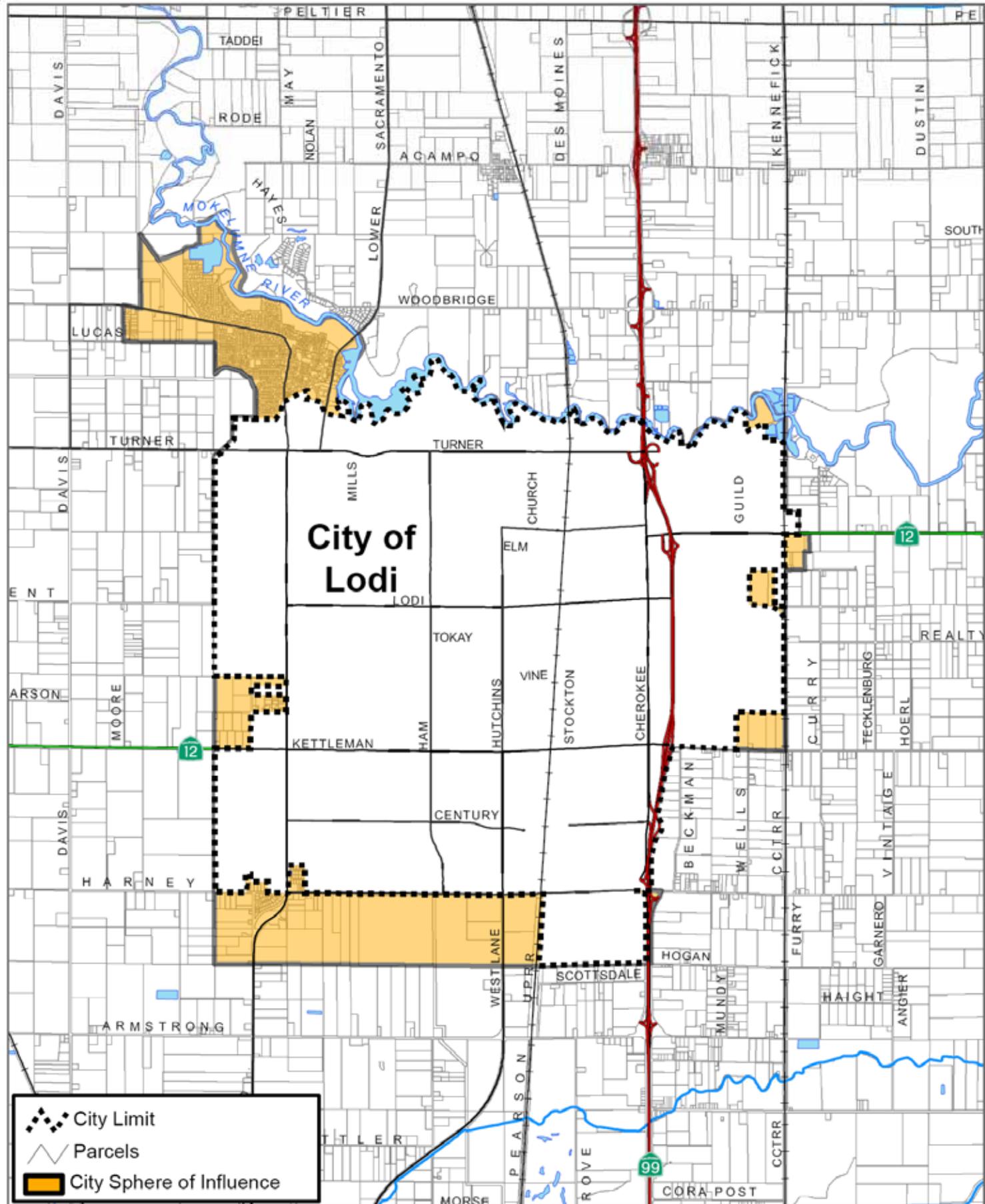
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Source: Google Earth Pro, basemap, 2006; P&S&J, 2008

FIGURE 2
Site Location



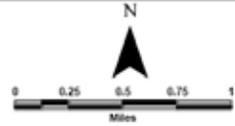
-  City Limit
-  Parcels
-  City Sphere of Influence



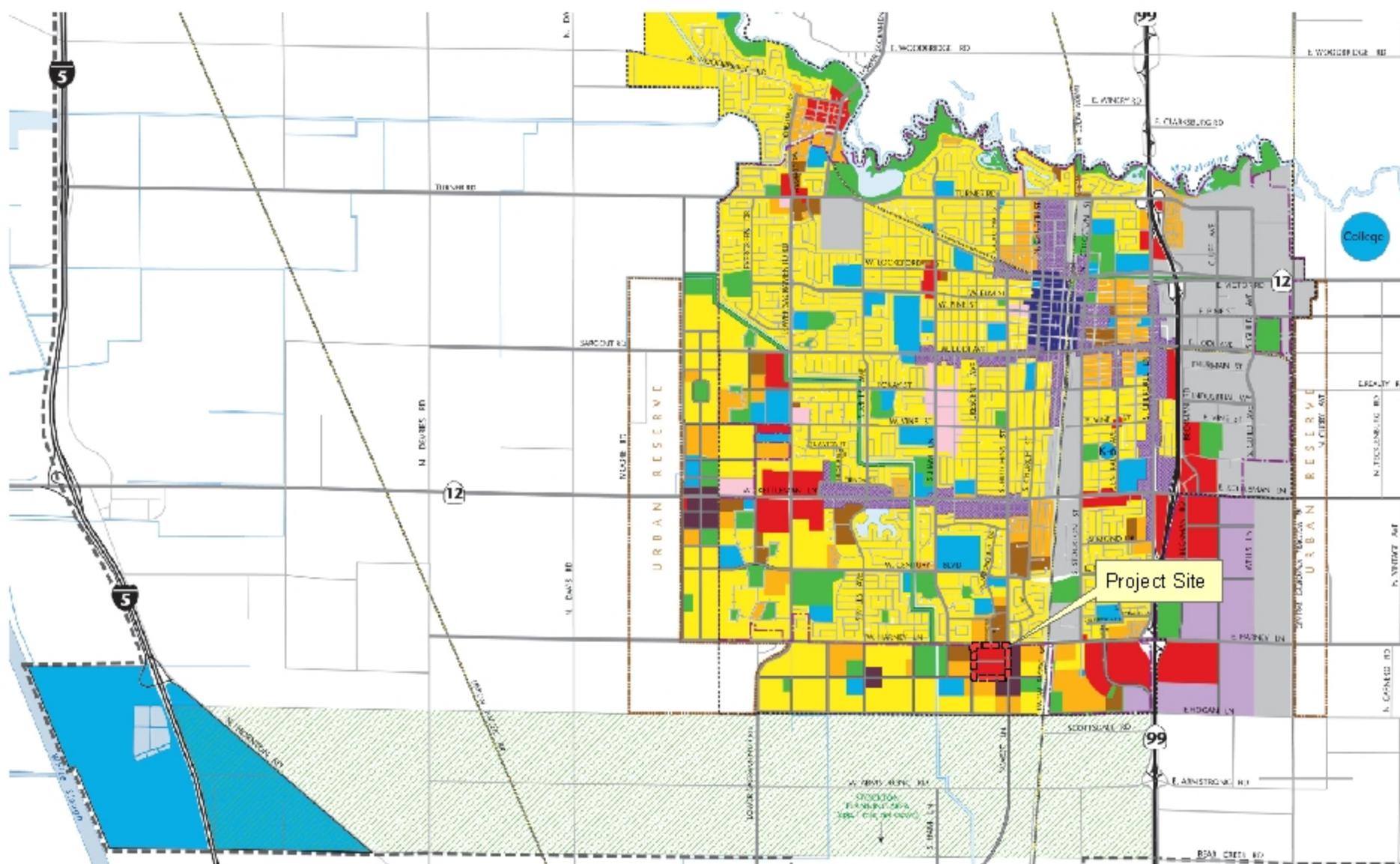
LODI SPHERE of INFLUENCE

San Joaquin County Geographic Information Systems
 1810 East Hazelton Avenue, Stockton, CA 95205

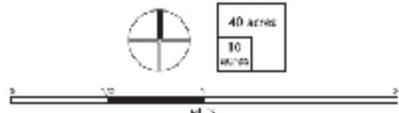
The information on this map is based on the most current information available to San Joaquin County Geographic Information Systems. The County of San Joaquin does not warrant its accuracy, completeness, or suitability for any particular purpose. The information on this map is not intended to replace engineering, financial or primary records research.



January 7, 2008 GIS-ent



- | | | |
|--|--|--|
|  Low Density Residential |  Mixed Use Corridor |  Open Space |
|  Medium Density Residential |  Business Park |  Armstrong Road Agricultural Cluster Study Area |
|  High Density Residential |  Office |  Urban Reserve |
|  Commercial |  Public/Quasi-Public |  Sphere of Influence (2008) |
|  Downtown Mixed Use |  College/School (Placeholder) |  City Limits (2008) |
|  Mixed Use Center |  Industrial | |



P.C. RESOLUTION NO. 11 -

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI
RECOMMENDING APPROVAL TO THE LODI CITY COUNCIL OF THE REQUEST OF
MICHAEL CAROUBA, ON BEHALF OF FINK LL., TO ANNEX 30 ACRES OF LAND INTO
THE CORPORATE LIMITS OF THE CITY OF LODI**

WHEREAS, in July of 2010, the City of Lodi received an application from Michael Carouba, on behalf of Fink LL., to annex, develop, subdivide 30-acre land and related development plans as shown on the submitted project plans and materials, located at 13333 N. West Lane, (APN: 058-100-03) Lodi CA; and

WHEREAS, Michael Carouba, on behalf of Fink LL., (referred to as “applicant”), P. O. Box 2663, Lodi, CA 95241, has presented substantial evidence which supports the application; and

WHEREAS, the property owner is FF LP, 540 Mills Avenue, Lodi, CA 95242-3428; and

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested rezoning/development plan in accordance with the Government Code and Lodi Municipal Code § 17.33.080, amendments; and

WHEREAS, the affected property is located within the San Joaquin County Jurisdiction and described as follows:

APN	Site Address	Property Owner
058-100-03	13333 North West Lane	FF LP

WHEREAS, the City must designate a “pre-zone” zoning designation prior to requesting annexation of lands from the County; and

WHEREAS, the property is currently zoned San Joaquin County Zoning: AU-40 (Agriculture, Urban Reserve); and

WHEREAS, the City of Lodi General Plan 2010 designates the project site Commercial; and

WHEREAS, the Planning Commission did consider and recommend City Council certification of a Mitigated Negative Declaration (10-MND-03) and adoption of an accompanying Mitigation Monitoring and Reporting Program; and

WHEREAS, the request is to change the zoning of the property to City of Lodi Zone: Planned Development 43 (PD-43); and

WHEREAS, the proposed Development Plan is consistent with all zoning and General Plan standards as amended; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred; and

Based upon the evidence in the staff report and project file, the Planning Commission of the City of Lodi makes the following findings:

1. A Mitigated Negative Declaration (10-MND-03) and Mitigation Monitoring and Reporting Program for this project was recommended for the City Council by Planning Commission.
2. The required public hearing by the Planning Commission was duly advertised and held in a manner prescribed by law.

3. The project site is entirely within the City's Sphere of Influence and the City's General Plan 2010 designates the project area as Commercial. The General Plan classifies the project area Priority Phase I for annexation to the City corporate limits.
4. It is found that the requested annexation does not conflict with adopted and proposed plans or policies of the General Plan.
5. It is further found that the parcel in the area proposed to be annexed is physically suitable for the development of the proposed project.
6. The proposed design and improvement of the site is consistent with all applicable standards adopted by the City in that the project, as conditioned, will conform to adopted standards and improvements mandated by the City of Lodi Public Works Department Standards and Specifications, Zoning Ordinance as well as all other applicable standards.
7. The size, shape and topography of the site are physically suitable for the proposed commercial development.
8. The site is suitable for the type of development proposed by the project in that the site can be served by all public utilities and creates design solutions for storm water, traffic and air quality issues.
9. The design of the proposed project and type of improvements are not likely to cause serious public health problems in that all public improvements will be built per City standards and all private improvements will be built per the California Building Code.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED, that the Planning Commission of the City of Lodi hereby recommends approval of this Annexation (10-AX-01) to the City Council.

Dated: March 9, 2011

I hereby certify that Resolution No. 11- was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on March 9, 2011, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

ATTEST: _____

Secretary, Planning Commission

P.C. RESOLUTION NO. 11 -

A RESOLUTION OF THE CITY OF LODI PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL ADOPT THE PROPOSED PLANNED DEVELOPMENT ZONING DISTRICT 43 STANDARDS FOR THE SOUTH HUTCHINS ANNEXATION

- WHEREAS**, in July of 2010, the City of Lodi received an application from Michael Carouba, on behalf of Fink LL., to annex, develop, subdivide 30-acre land and related development plans as shown on the submitted project plans and materials, located at 13333 N. West Lane, (APN: 058-100-03) Lodi CA; and
- WHEREAS**, Michael Carouba, on behalf of Fink LL., (referred to as “applicant”), P. O. Box 2663, Lodi, CA 95241, has presented substantial evidence which supports the application; and
- WHEREAS**, the property owner is FF LP, 540 Mills Avenue, Lodi, CA 95242-3428; and
- WHEREAS**, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested rezoning/development plan in accordance with the Government Code and Lodi Municipal Code § 17.33.080, amendments; and
- WHEREAS**, the project area is located 13333 North West Lane (APN: 058-100-03), in San Joaquin County, but within the City’s Sphere of Influence and Planning Area; and
- WHEREAS**, the City must designate a “pre-zone” zoning designation prior to requesting annexation of lands from the County; and
- WHEREAS**, the property is currently zoned San Joaquin County Zoning: AU-40 (Agriculture, Urban Reserve); and
- WHEREAS**, the project site has a General Plan land use designation of Commercial and is zoned Ag-40, Urban Reserve by the San Joaquin County; and
- WHEREAS**, the request is to change the zoning of the property to City of Lodi Zone: Planned Development 43 (PD-43); and
- WHEREAS**, the proposed Development Plan is consistent with all zoning and General Plan standards as amended; and
- WHEREAS**, the applicant has submitted applications which consist of requests for Annexation, Prezoning, Vesting Tentative Parcel Map, and Site Plan and Architecture Review for Phase I of the proposed development; and
- WHEREAS**, the South Hutchins Annexation Phase I development plan required by Lodi Municipal Code Chapter 17.33 P-D Planned Development District, consists of 68,000 square feet of medical facility, parking lot, and associated onsite and offsite improvements; and
- WHEREAS**, as required by the Planned Development Zoning Designation, future developments and construction plans shall be reviewed and approved by the Planning Commission and, if necessary, by Site Plan and Architectural Review Committee prior to the issuance of a building permit; and
- WHEREAS**, the Community Development Department prepared an Initial Study for the project, consistent with the California Environmental Quality Act (CEQA), as amended that showed no significant impact to the environment; and
- WHEREAS**, the Mitigated Negative Declaration was prepared and circulated for a 30-day review period (November 29, 2010 through Thursday, December 30, 2010) and was made available for public review at the following locations:

1. **Community Development Department**, 221 West Pine Street, Lodi, CA 95240
2. **Lodi Public Library**, 201 West Locust Street, Lodi, CA 95240
3. **Public Works Department**, 221 West Pine Street, Lodi, CA 95240
4. Online at www.lodi.gov/com_dev/EIRS.html

WHEREAS, the Planning Commission did consider and recommend certification of a Mitigated Negative Declaration (10-MND-03); and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred; and

Based upon the evidence in the staff report and project file, the Planning Commission of the City of Lodi makes the following findings:

1. The required public hearing by the Planning Commission was duly advertised and held in a manner prescribed by law.
2. The proposed Development Plan will be consistent with all applicable goals, policies and standards of the City's adopted General Plan Policy Document.
3. It is found that the requested Rezoning and Zoning of the project parcel to Planned Development 43 (PD-43) Zoning District does not conflict with adopted plans or policies of the General Plan and will serve sound planning practice.
4. It is further found that the project parcel of the proposed Planned Development 43 (PD-43) Zoning District is physically suitable for the development of the proposed project.
5. The proposed design and improvement of the site is consistent with all applicable standards adopted by the City in that the project, as conditioned, will conform to adopted standards and improvements mandated by the City of Lodi Public Works Department Standards and Specifications, Zoning Ordinance as well as all other applicable standards.
6. The size, shape and topography of the site are physically suitable for the proposed commercial development.
7. The site is suitable for the type of development proposed by the project in that the site can be served by all public utilities and creates design solutions for storm water, traffic and air quality issues.
8. The design of the proposed project and type of improvements are not likely to cause serious public health problems in that all public improvements will be built per City standards and all private improvements will be built per the California Building Code.

NOW, THEREFORE, BE IT DETERMINED and RESOLVED, by the Planning Commission of the City of Lodi hereby recommends adoption of the re-zone of the entire 30 acres of the South Hutchins Annexation to Planned Development 43 (PD-43), subject to the following development conditions and standards for the proposed PD-43 Zoning District:

1. The property owner and/or developer and/or successors in interest and management shall, at their sole expense, defend, indemnify and hold harmless the City of Lodi, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include, but is not limited to, any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Lodi shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.
2. Approval granted herein authorizes the development, construction and operation of a parcel identified as Phase I development, the associated onsite retention basin, and all onsite and off site improvements required by the accompanying Vesting Tentative Parcel Map.

3. An approval granted by the Planning Commission does not constitute a building permit or authorization to begin any construction. An appropriate permit issued by the Division of Building and Safety must be obtained prior to construction, enlargement, relocation, conversion, or demolition of any building or structure within the City.
4. All mitigation measures for the project identified in the Mitigation Monitoring and Reporting Program and Final Mitigated Negative Declaration, are hereby incorporated into this recommendation of approval.
5. The project shall adhere to the following minimum setback standards:
 - a. Buildings shall be located at least 15 feet away from northern property line(s).
 - b. Buildings shall be located at least 20 feet away from eastern property line(s).
 - c. Buildings shall be located at least 20 feet away from southern property line(s).
 - d. Buildings shall be located at least 20 feet away from western property line(s).
6. All buildings shall be limited to a maximum height of sixty (60) feet or three stories in height.
7. The property owner and/or developer and/or successors in interest and management shall submit a detailed Master Sign Program to establish sign criteria for the proposed PD-43 zoning district. The said Master Sign Program shall be subject to review and approval by the Planning Commission.
8. Final exterior materials and colors shall be consistent with what is shown on the SPARC plans and be approved by the Community Development Director prior to issuance of building permit.
9. Unless expressly changed by the terms of this resolution, the project shall be subject to all conditions, exactions, terms, and entitlements imposed on related applications Mitigated Negative Declaration 10-MND-03, Vesting Tentative Parcel Map 10-P-01, SPARC 10-SP-04, and Annexation 10-AX-01.
10. All applicable state statutes, and local ordinances, including all applicable Building and Fire Code requirements for hazardous materials shall apply to the project. In an event of a conflict, the strictest law or regulation shall apply.

Dated: March 9, 2011

I hereby certify that Resolution No. 11- was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on March 9, 2011, by the following vote:

AYES: Commissioners:
NOES: Commissioners:
ABSENT: Commissioners:
ABSTAIN: Commissioners:

ATTEST: _____

Secretary, Planning Commission

Item 3f

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: March 9, 2011

APPLICATION NO: Vesting Tentative Parcel Map: 10-P-01
SPARC: 10-SP-04

RELATED APPLICATIONS: Mitigated Negative Declaration: 10-MND-03
Annexation: 10-AX-01
Prezoning: 10-Z-01

REQUEST: Request for a Vesting Tentative Map to divide one parcel into nine commercial lots; and Site Plan and Architecture Review of the proposed Phase I of the proposed development (Applicant: Michael Carouba, on behalf of FFLP. File Numbers 10-P-01 and 09-SP-04)

LOCATION: 13333 North West Lane
(APN: 058-100-03)
Lodi, CA 95240

APPLICANT: Michael Carouba, on behalf of FF LP
P. O. Box 2663
Lodi, CA 95241

PROPERTY OWNER: FF LP
540 South Mills Avenue
Lodi, CA 95242-3428

STAFF RECOMMENDATION

Staff recommends that the Planning Commission conduct a public hearing, review the proposed project, consider public testimony, and adopt the following resolutions:

- (1) Approve a Vesting Tentative Map, based on findings, and subject to conditions.
- (2) Approve the site plan and architecture of the proposed Phase I development, subject to the conditions listed in the attached resolution.

PROJECT DESCRIPTION

The proposed project is phased project. Phase I would see development of a medical facility, associated parking lot, and related infrastructure. Consistent with the City's requirements for a vesting map, the applicant is concurrently processing an application for architectural review of proposed development plans for the medical facility, and related infrastructure to be constructed on lots with the boundaries of the map. The project would return to the Planning Commission for future development plan review. Public infrastructure improvements covered by this Vesting Tentative Parcel Map application include the installation of street frontages along the southern and western boundaries, dedication for widening of Harney Lane; installation of bicycle and pedestrian path of travel and utilities necessary to provide service to the site.

PROJECT/AREA DESCRIPTION

The adjacent zoning designations and land uses are as follows:

North: PD-4, residences varying from Low Density to High Density Residences and neighborhood (commercial) shopping, contains a variety of small stores. This area is within the City limits.

- South:** AG-40, General Agriculture (County designation). Harney Lane borders the southern most part of the limits on this part of City.
- West:** AG-40, General Agriculture (County designation). Agricultural uses are located west of the project site.
- East:** AG-40, General Agriculture (County designation). Agricultural uses are located west of the project site.

SUMMARY

The application proposes Vesting Tentative Parcel Map (VTPM) to subdivide the single parcel into 9 various sized lots for the development of the proposed project. The project site is vacant and is within Lodi's Sphere of Influence. The development site is bounded on the north by Harney Lane, and on the east by West Lane, and to the south and west by the San Joaquin County. Public infrastructure improvements covered by this Vesting Tentative Parcel Map application include installation of street frontages along the southern and western boundaries, dedication for widening of Harney Lane; installation of bicycle and pedestrian path of travel and utilities necessary to provide service to the site. The project includes onsite retention basin, onsite parking and landscaping including the area around the site perimeter designated for drainage. As conditioned, the Vesting Tentative Map application can be found consistent with the City's General Plan and other applicable City plans and policies. Therefore, staff is recommending approval of the entitlements now before the Planning Commission as a recommendation to the City Council.

BACKGROUND

The City has received applications for a Vesting Tentative Map and architectural review as part of Rezoning and Annexation project, which, if approved, would allow the development of 289,950 square-foot medical and commercial buildings. The Planning Commission will be reviewing a Vesting Tentative Map and architectural review.

The subject site is a relatively flat 30-acre vacant parcel in the San Joaquin County jurisdiction. It is within the City's Sphere of Influence. The project site has been given a land use designation in the City's General Plan 2010, and the goals and policies of the General Plan are applicable. The current General Plan designation for the project site is Commercial. The Commercial land use designation is applied to commercial retail and office uses. Detailed plans for development within the project area (including proposed setbacks, height, and architectural design of the proposed structures) are part of the applicant's Site Plan and Architecture Review request. Upon review and approval, these standards will become binding standards for the Planned Development (PD-43) zone.

ANALYSIS

The application proposes Parcel Map to subdivide the single parcel into 9 various sized lots for the development of the proposed project. The project site is vacant and is within Lodi's Sphere of Influence and Urban Growth Boundary. The development site is bounded on the north by Harney Lane, and on the east by West Lane, and to the south and west by the San Joaquin County. The proposed parcel map submitted by the applicant has been submitted as a vesting map. Approval of a vesting tentative map confers a "vested right" to develop in substantial compliance with the ordinances, policies and standards in effect when the application is approved per Chapter 16.10 (Vesting Tentative Map) of the City's Subdivision regulations and Sections 66474.2 and 66498.1 of the California Government Code (Subdivision Map Act).

As illustrated, the proposed Vesting Tentative Parcel Map would subdivide a 30-acre site into 8 lots. The eight lots range in size between 1.5 and 5.88 acres. The City's Municipal Code

requires that all commercial parcels, including offices, to be sufficient in size so as to provide the setback areas, landscape, onsite parking and required easements. As proposed, the parcels meet the minimum lot size standard as well as meet dimensional and frontage standards contained in the Subdivision Regulations. Parcel 1, the largest lot at 5.88 acres, is slated for future development of medical office with an attached laboratory. Parcel No. 3 contains a large area on the southwest side of the property noted as a detention basin easement. Parcel 1, which is located at the southeast corner, is the only parcel currently under review for development.

Project Phasing

As illustrated in their phasing plan, the project is currently proposed to be completed in four phases of development. In an effort to work with the applicant on coordination of phasing the physical improvements, staff has outlined a minimum improvements required for Phase I development. Installation street improvements per City Standards, including, but not limited to, curb, gutter, sidewalk, streetlights, and street pavement must occur prior to completion of Phase I. In addition, roadways along southerly and westerly boundaries must occur prior to issuance of a Certificate of Occupancy for the Phase I building. Installation of these improvements would provide adequate access to the site, onsite parking and other essential needs for the building to function. The project must also make dedication for Harney Lane widening and install associated improvements. In addition, the project must also construct the onsite retention basin prior to issuance of a certificate of occupancy for the first building. All future development phases will be subject to review and approval by the Planning Commission.

Access and Circulation

The proposed subdivision provides several egress/ingress points along Harney Lane, West Lane and the new roads. These access points are dispersed at appropriate distance to provide maximum access to and from the site as well as not to interfere with local traffic. There will be a new traffic signal installed at West Lane and the new southerly road. These access points have been deemed sufficient.

The City has developed a Circulation Master Plan for future development along its southern boundaries (Attachment 2). The Circulation Master Plan requires the project to provide road accesses along the western and southern boundaries (Attachment 1). The proposed Vesting Tentative Parcel Map shows construction of roads on southerly and westerly boundaries of the project site. Construction of these two roads are requirements of Phase I development. Project plans show the development of the collector roads consistent with the Circulation Master Plan. The Circulation Master Plan includes a variable street section for the Commercial Collector depending on the need for a center turn lane. For this subdivision, a center turn lane on the new westerly and southerly roads is not required until the development of the adjacent properties in the future at which time the street section would include two 12 foot travel lanes, two 6 foot bike lanes and one 12 foot center turn lane.

Drainage and Utilities

The proposed subdivision includes onsite retention basin and dedication for public utility easements throughout the parameters of the site. The 12-ft dedications for utility easement has been reviewed by Electric Utility Department and have conditionally approved the project as proposed. In addition, the proposed retention basin appears sufficient for the project. However, its construction would have to meet the City's minimum requirements for 100-year flood event.

The proposed Vesting Tentative Parcel Map lot layout is shown in Attachment 1. The evaluation of this proposed Vesting Tentative Parcel Map has been based upon the

applicable development standards within the City's General Plan and the City's Subdivision Ordinance. Staff's determination for recommending approval are based on the standards and guidelines as set forth in those documents.

1. The proposed map substantially conforms to the zoning regulations/development plan.

Staff believes that the vesting tentative map's design and improvements closely follow applicable development standards. The proposed Vesting Tentative Parcel Map makes dedications for street widening, utilities, drainages and other required dedications. The timing and installation of these dedications are addressed in conditions of approval. Therefore, this finding can be made. The map is also consistent with the rezoning and pre-zoning of the property, which are simultaneous applications for this project.

2. The subdivision, together with its design and improvement, is consistent with the General Plan.

As proposed, the subdivision is compatible with the objectives, policies, land uses, and programs specified in both the General Plan, the Municipal Code, Circulation Master Plan and Harney Lane Specific Plan. Therefore, this finding can be made.

3. The subdivision is physically suitable for the type and density of development.

The City adopted its General Plan in April of 2010. The General Plan designates the project site as Commercial, which allows for medical and professional offices, retail, restaurant and other similar uses. The proposed uses and density are consistent with the General Plan and physically suitable for the site. In addition, conditions have been added to the approved Planned Development zoning district, and mitigation measures are included in the accompanying Mitigated Negative Declaration Monitoring Program to help minimize impacts on surrounding uses. The site is predominately flat and currently uses for agricultural purposes.

4. The design of the subdivision or type of improvements is not likely to cause serious public health problems.

The subdivision is designed to be served by the City's utilities and by the City's sewer treatment plant. As conditioned, the project will pay its fair share for impacts related to utilities, sewer capacity, traffic impacts and other fees applicable to new developments.

The General Plan designates the property for Commercial uses. Subdivision of the property does not change this designation. The resulting parcels generally appear appropriate for such uses as commercial and medical offices, retail uses, banks and restaurant, which are commercial activities and uses. In addition, the Municipal Code does not specify a minimum lot size requirement for commercial properties. All commercial properties are required to provide onsite parking, as this project does. Therefore, all nine lots are consistent with lot size standards. The subdivision appears to be consistent with General Plan policies. As conditioned, it can be developed with commercial, without significant environmental effects. The map should be approved.

Architectural Review:

The current site plan and architecture review is limited to the medical facility. Future phases must be reviewed and approved by the Site Plan and Architecture Committee and/or the Planning Commission. This review is restricted to a three-story 65,000 sq. ft medical office

building with an associated lab of 3,000 sq. ft. on a 5.88 acre parcel. As illustrated, the parcel will have two frontages (along West Lane and a new road along the southern boundary).

The proposed site layout maintains a minimum of 31-ft setback for the proposed building along West Lane and 20-ft setback along the southern property line. It places the parking in the front, between the structure and the roadway. Around the east side of the site, there is an access driveway proposed, along with additional parking. The trash enclosure and loading/unloading area are proposed to be located to the rear of the building, at the southern end of the site.

The proposed architecture for the building is modern design. The building is three stories high with an arched portico that leads to a covered front entryway. A recessed tower element extends upward from the second story located at the center of the building. A large outdoor terrace is provided on the second story and false balconies are located on the third story overlooking the terrace. The exterior building finish proposed is smooth trowel red-colored stucco. The roof material is a medium brown clay tile. The window frames are dark brown with dusty blue-colored shutters. As an accent, bands of decorative glazed tile run horizontally in between stories and on the tower element.

The arched portico, second story terrace, and recessed tower element provide depth to the building. The colors and materials enhance the building's character. Architectural treatment utilized on the front of the building is carried to the sides and rear of the building. The main entrance for the structure is proposed to be placed along the building's east elevation; this entrance would be delineated with a large overhead canopy that is proposed to extend out into the parking area and provide a covered shelter for people entering and exiting their vehicles. There is another public access door proposed along the north elevation; however, the applicant states that this would be primarily used for exiting, not entering the building.

Off-Street Parking Requirements: In accordance with the City of Lodi Municipal Code (LMC) section 17.60.100, the parking requirement specified for a medical services office is one space per 200 square feet of floor area. The proposed building is 68,000 square feet, which would require 340 total spaces (5/1000). The project applicant has proposed 453 parking spaces on-site, which exceeds by 113 spaces above the requirement; therefore, the project is in compliance with LMC section 17.60.100 (B). In addition, the site plan and building design are conditioned to meet minimum mandatory requirements for nonresidential California Green Building Standards Code for planning and design, energy efficiency, water efficiency and conservation, material conservation, and resource efficiency. The City's Green Building Standards also require onsite bicycle parking, and permanent parking designations for low-emitting fuel efficient vehicles and carpool/can pool vehicles.

Landscaping

The applicant is dressing the area around the building and in the parking lot with landscaping. The landscape plan will be reviewed by the Planning Division Staff and a Landscape Maintenance Agreement will be required for the project. Most of the site landscaping has been proposed around the south and west sides of the building and around those perimeters. Landscaping is also proposed along the north side of the building and along the property frontage adjacent to Harney Lane. Total landscaping coverage proposed for the site is approximately 41 percent.

The applicant is not requesting review of signage by the Planning Commission at this time. If signage is proposed for individual tenants in the future, a sign program would be required. A Condition of Approval is included requiring Planning Commission review of a master sign program for the project.

ENVIRONMENTAL ASSESSMENT

A Mitigated Negative Declaration was prepared for this project. In preparing the Mitigated Negative Declaration, staff independently reviewed, evaluated, and exercised judgment over the project and the project's environmental impacts. The Final Mitigated Negative Declaration (MND) identifies the areas where the project may have a potential effect on the environment and recommends Mitigation Monitoring and Reporting Program.

In accordance with CEQA, the Draft MND was circulated to responsible agencies as well as the State Clearinghouse for review. Also, the Draft MND was available for public review (it has been available at City Hall, at the Library, and on the City website. Notices were posted and published on November 22, 2010. The required 30 day review period for this project commenced on Monday, November 29, 2010 and concluded on Thursday, December 30, 2010. A total of six comments were received. At the conclusion of the public review period, all written comments were responded to and incorporated in the Final MND.

PUBLIC HEARING NOTICE:

Legal Notice for the proposed project was published on February 26, 2011. 32 public hearing notices were sent for both meetings to all property owners of record within a 300-foot radius of the subject property as required by California State Law §65091 (a) 3.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

- Approve the Requests with Alternate Conditions
- Deny the Requests
- Continue the Requests

Respectfully Submitted,

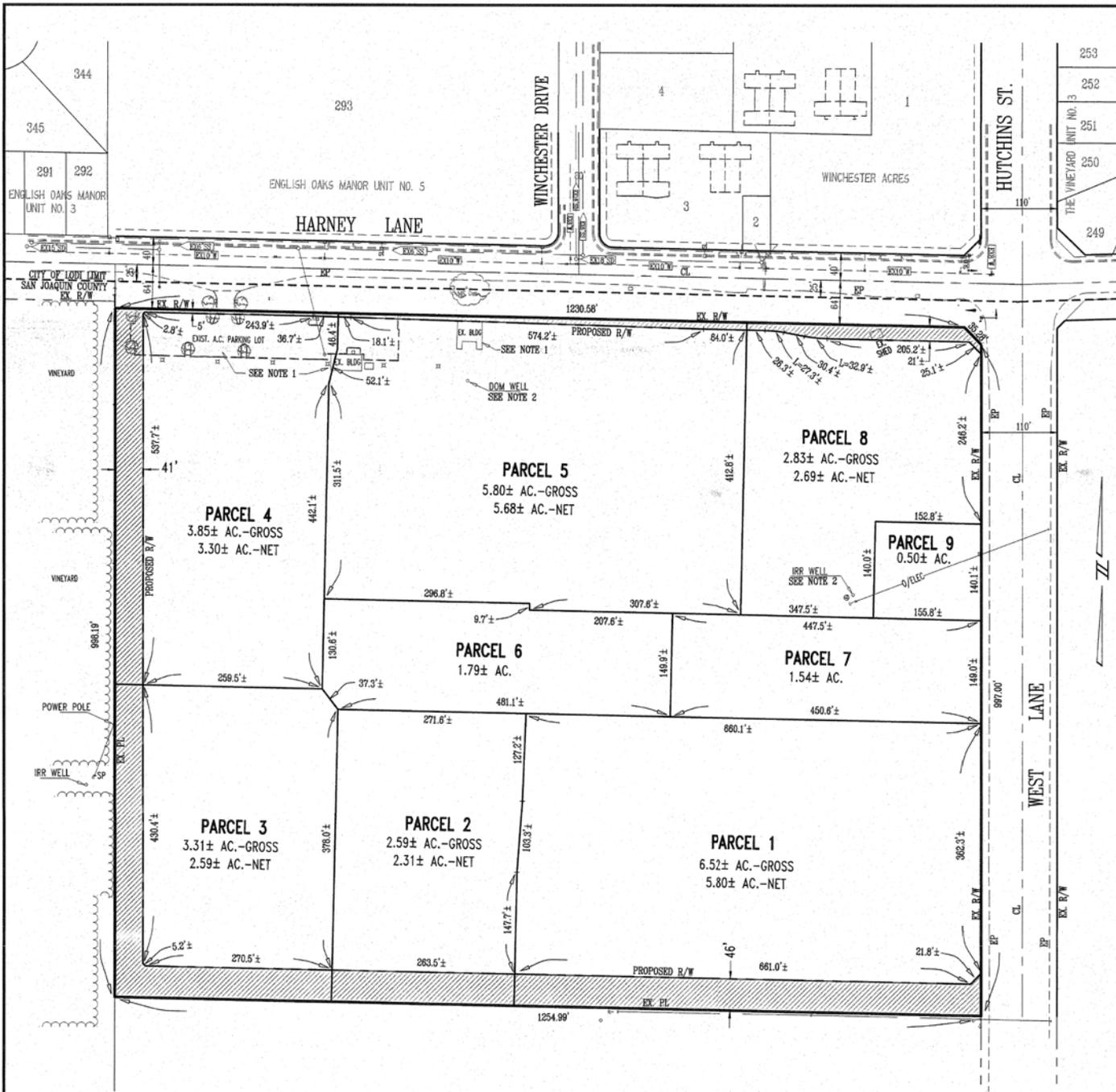
Concur

Immanuel Bereket
Associate Planner

Konradt Bartlam
Community Development Director

ATTACHMENTS:

- 1.Vesting Tentative Parcel Map
- 2.Site Plan
- 3.Phasing Plan
- 4.Master Circulation Master Plan
- 5.Elevations
- 6.Landscape Plan
- 7.Draft Resolutions



VESTING TENTATIVE PARCEL MAP

A PORTION OF THE NORTHEAST QUARTER OF SECTION 23, T.3N., R.6E., M.D.B.& M., SAN JOAQUIN COUNTY, CALIFORNIA

SEPTEMBER, 2010 SCALE: 1"=100'

OWNER:
 CARL FINK
 540 S. MILLS AVE.
 LODI, CA 95240
 (209) 368-6815

I AM THE OWNER OF RECORD AND CONSENT TO THE FILING OF THIS TENTATIVE MAP.
 CARL FINK DATE 9/23/10

APPLICANT:
 MICHAEL CAROUBA
 103 APPLEWOOD DR.
 LODI, CA 95242
 (209) 327-7700

MAP PREPARED BY:
 BAUMBACH AND PIAZZA, INC.
 323 WEST ELM STREET
 LODI, CALIFORNIA
 (209) 368-6818

PROJECT DESCRIPTION:
 CREATE NINE (9) PARCELS FROM ONE (1) EXISTING PARCEL.

UTILITY AND FACILITIES:
 WATER - CITY OF LODI
 SEWAGE - CITY OF LODI
 STORM DRAINAGE - CITY OF LODI
 ELECTRICITY - CITY OF LODI
 GAS - PG&E
 TELEPHONE - ATT

FLOOD INFORMATION:
 NOT SUBJECT TO 100 YEAR FLOOD.

ASSESSOR PARCEL NUMBER:
 APN: 058-100-03

SITUS ADDRESS:
 13333 N. WEST LANE
 LODI, CA 95240

CURRENT ZONING:
 AG-40

CURRENT GENERAL PLAN DESIGNATION:
 COMMERCIAL

LEGEND

C.	CENTERLINE	8"SS	EXISTING SANITARY SEWER
R/W	RIGHT OF WAY	12"SD	EXISTING STORM DRAIN
PL	PROPERTY LINE	6"W	EXISTING WATER LINE
P.U.E.	PUBLIC UTILITY EASEMENT	W	WATER VALVE
MAP	MAPS & PLATS	FH	FIRE HYDRANT
MP	PARCEL MAP	SL	STREET LIGHT
RS	RECORD OF SURVEY	RD	PROPOSED ROADWAY DEDICATION
EX. OR EXIST.	EXISTING		
AC.	ACRES		

NOTES

- EXISTING FACILITIES TO BE REMOVED AT TIME OF DEVELOPMENT.
- EXISTING WELLS TO BE ABANDONED AT TIME OF DEVELOPMENT.



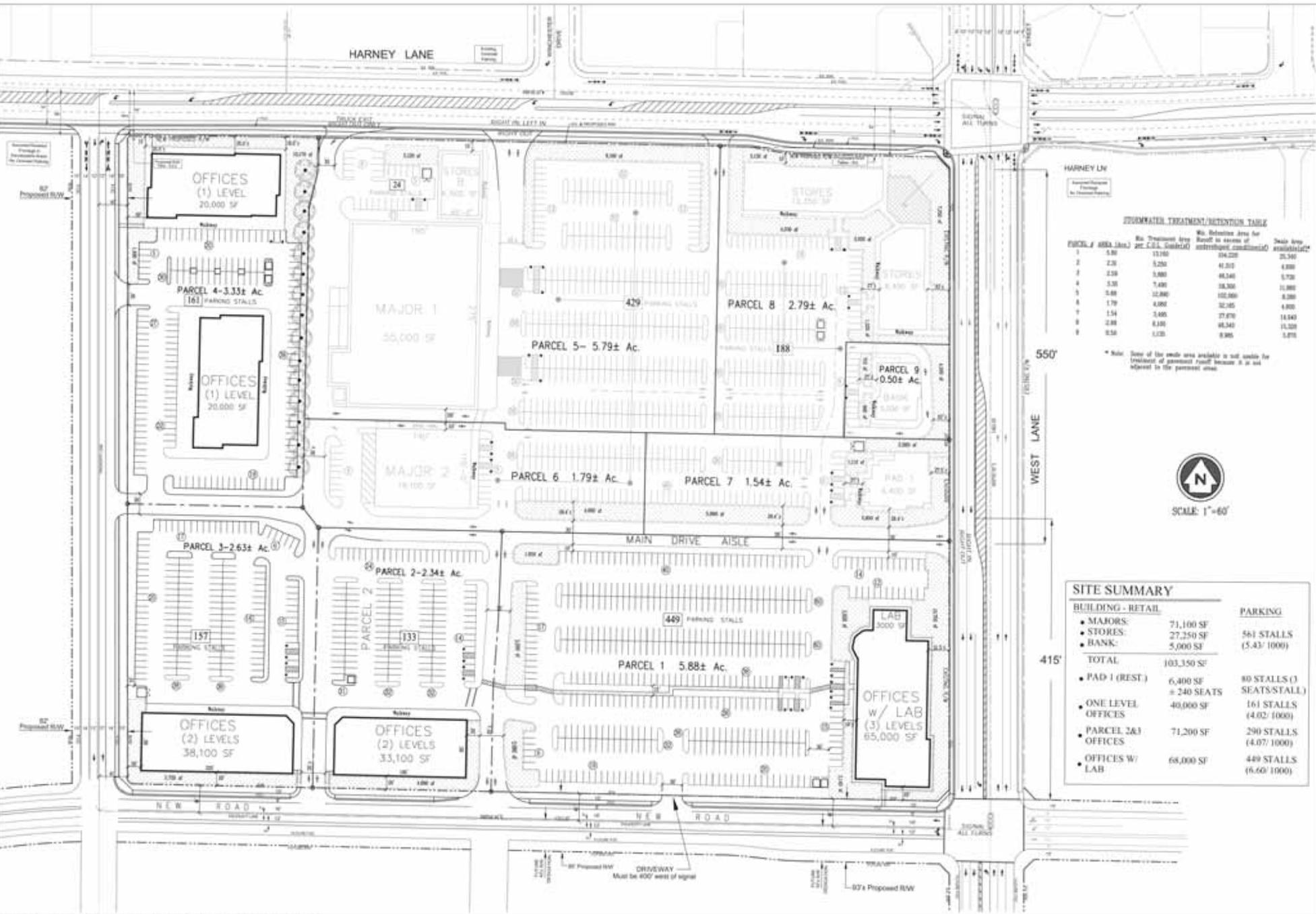
VICINITY MAP
NO SCALE

SHEET OF 1 1
 JOB NO. 06071
 FILE NO.

VESTING TENTATIVE PARCEL MAP

PREPARED IN THE OFFICE OF
BAUMBACH & PIAZZA, INC.
 CIVIL ENGINEERS • SURVEYORS
 www.bpaengineers.net
 323 W. Elm St.
 Lodi, CA 95240
 209.368.6818

DESIGN: S.E.P. DRAWN BY: S.E.P.
 APPROVED BY:
 EXP. DATE:



SEWERAGE TREATMENT/RETENTION TABLE

PARCEL #	Area (Ac.)	No. Treatment Area (sq. ft.)	No. Retention Area (sq. ft.)	Scale (sq. ft./acre)
1	5.88	13,160	104,228	20,340
2	2.34	5,250	41,215	4,880
3	2.63	5,980	48,340	5,720
4	3.33	7,490	59,920	7,180
5	2.80	6,320	50,560	6,080
6	1.79	4,000	32,000	3,800
7	1.54	3,400	27,170	3,240
8	2.79	6,150	49,240	5,820
9	0.50	1,120	9,000	1,070

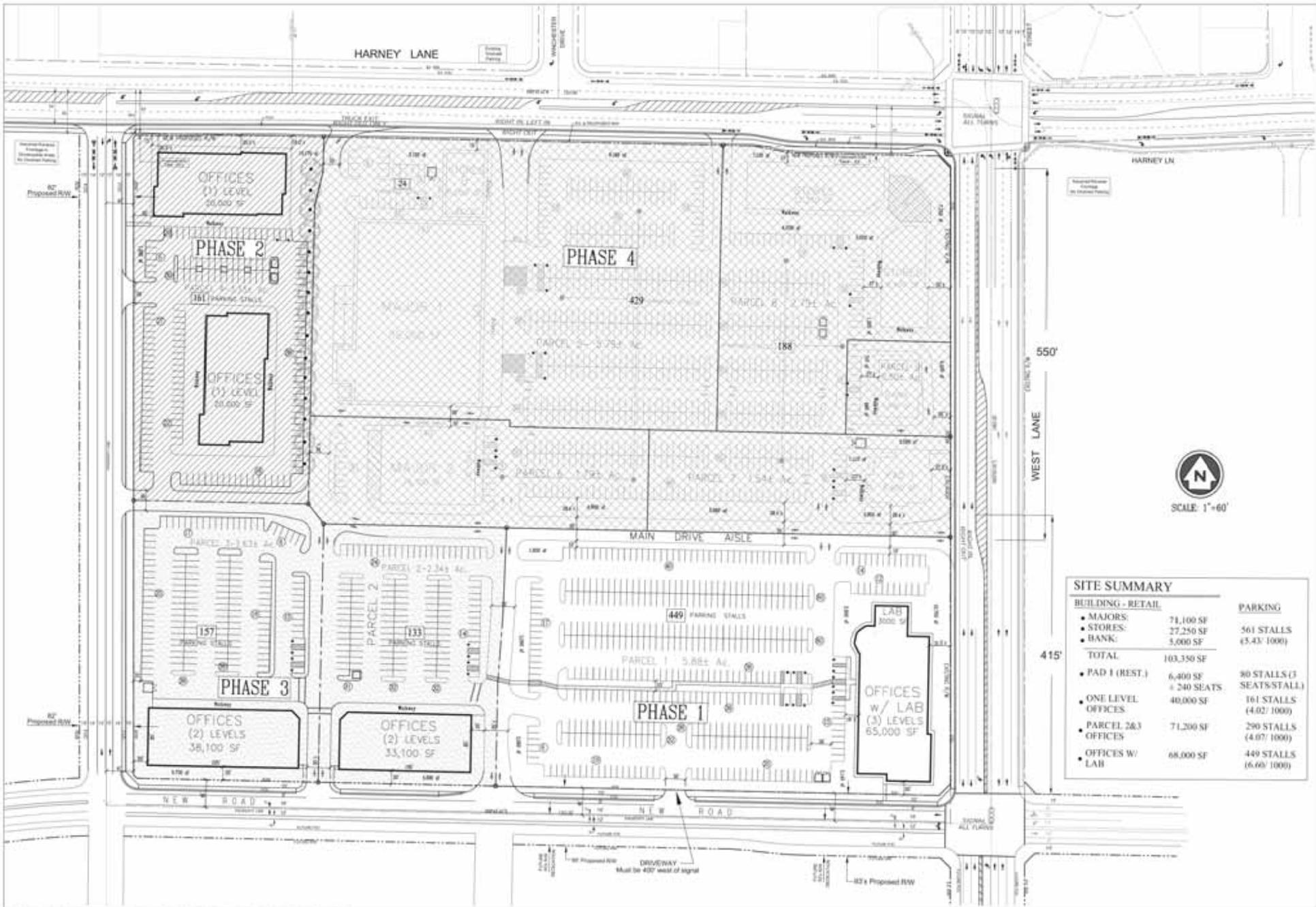
* Note: Some of the available area is not available for treatment of stormwater because it is not adjacent to the parcel area.



SCALE: 1"=60'

SITE SUMMARY

BUILDING - RETAIL		PARKING	
• MAJORS:	71,100 SF		
• STORES:	27,250 SF	561 STALLS	
• BANK:	5,000 SF	(5.43' / 1000)	
TOTAL	103,350 SF		
• PAD 1 (REST.)	6,400 SF	80 STALLS (3 SEATS/STALL)	
• ONE LEVEL OFFICES	40,000 SF	161 STALLS (4.02' / 1000)	
• PARCEL 2&3 OFFICES	71,200 SF	290 STALLS (4.07' / 1000)	
• OFFICES W/ LAB	68,000 SF	449 STALLS (6.60' / 1000)	



SITE SUMMARY		
BUILDING - RETAIL		PARKING
• MAJORS:	71,100 SF	561 STALLS
• STORES:	27,250 SF	(5.43/ 1000)
• BANK:	5,000 SF	
TOTAL	103,350 SF	
• PAD 1 (REST.)	6,400 SF	80 STALLS (3 SEATS/STALL)
• ONE LEVEL OFFICES	40,000 SF	161 STALLS (4.02/ 1000)
• PARCEL 2&3 OFFICES	71,200 SF	290 STALLS (4.07/ 1000)
• OFFICES W/ LAB	68,000 SF	449 STALLS (6.60/ 1000)

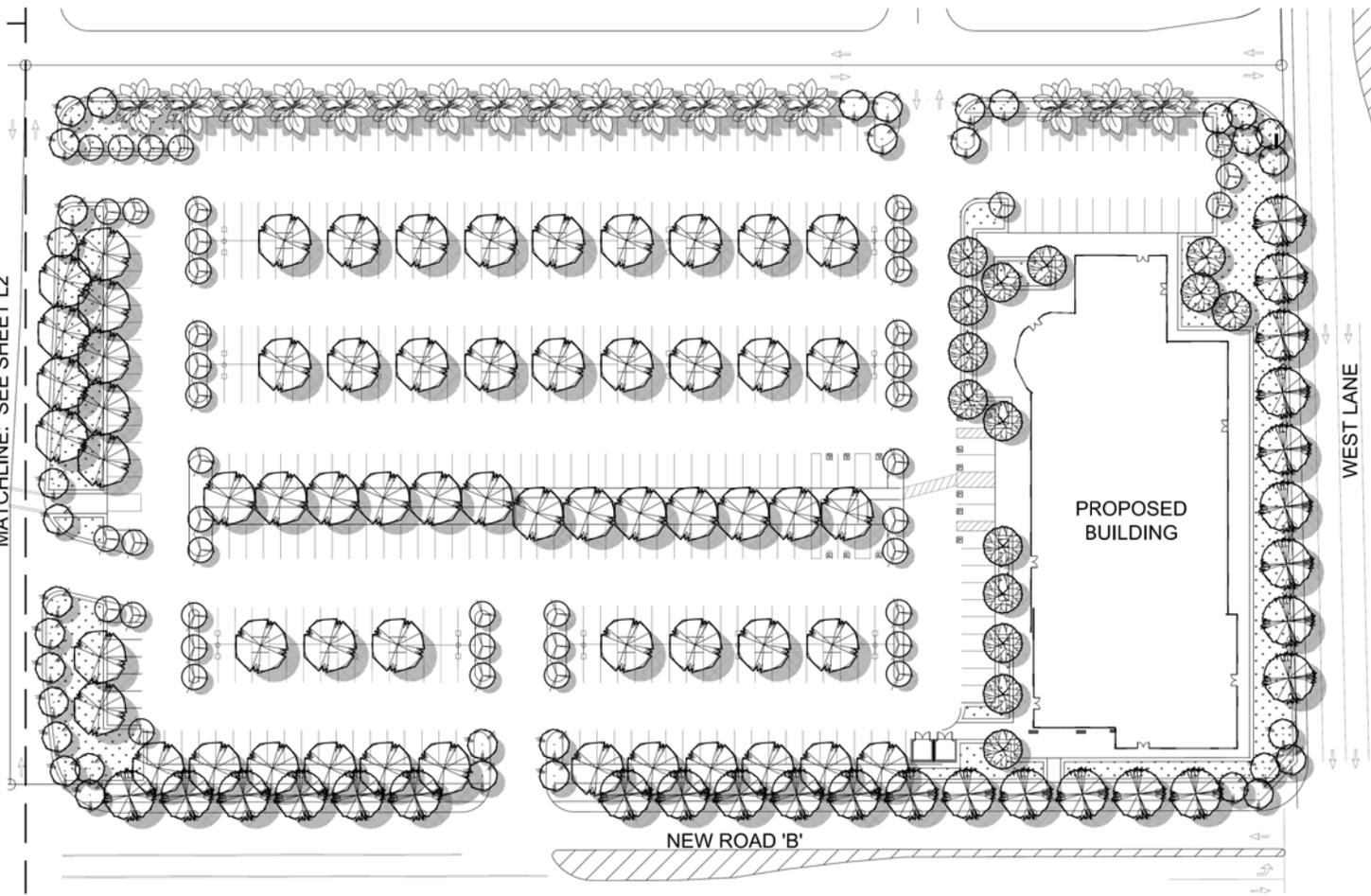


View to Three Story Offices

West Lane Offices

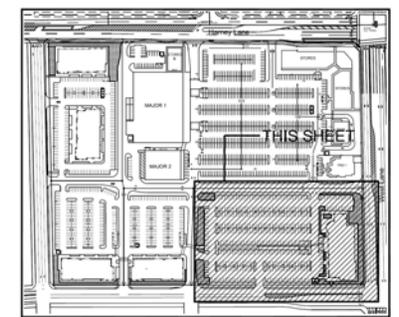
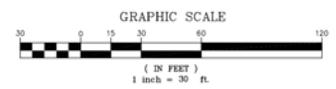
Lodi, California

MATCHLINE: SEE SHEET L2



PRELIMINARY PLANT LIST:
(THIS SHEET ONLY)

- STREET TREE:**
 - FRAXINUS AMERICANA 'AUTUMN PURPLE' (WHITE ASH) ALONG NEW ROAD 'B'
 - QUERCUS SUBER (CORK OAK) ALONG WEST LANE
- PARKING LOT CANOPY TREE:**
 - QUERCUS COCCINEA (SCARLET OAK)
 - PLATANUS ACERIFOLIA 'COLUMBIA' (LONDON PLANE) ALTERNATING ROWS IN PARKING LOT AISLES
- MAIN DRIVE AISLE ACCENT TREE:**
 - PHOENIX DACTYLIFERA (DATE PALM) LINING PRIMARY DRIVE AISLE
- SECONDARY CANOPY TREE:**
 - GELERA PARVIFOLIA (AUSTRALIAN WILLOW) AT PROPOSED BUILDING
- PRIMARY ACCENT TREE:**
 - MALUS FLORIBUNDA 'HARVEST GOLD' (FLOWERING CRABAPPLE) AT PROJECT ENTRY POINTS
- PARKING LOT ACCENT TREE:**
 - LAGERSTROEMIA 'TUSCARORA' (CRAPE MYRTLE) ALONG PARKING LOT AISLE END PLANTERS
- DETENTION BASIN:**
 - BROADLEAF SHRUBS COMPLIANT WITH THE SAN JOAQUIN VALLEY WATER RESOURCE BOARD



KEY MAP

RESOLUTION NO. P.C. 11 -

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI RECOMMENDING THE CITY COUNCIL APPROVE A VESTING TENTATIVE PARCEL MAP FOR THE SOUTH HUTCHINS ANNEXATION PROJECT

WHEREAS, in July of 2010, the City of Lodi received an application from Michael Carouba, on behalf of Fink LL., to annex, develop, subdivide 30-acre land and related development plans as shown on the submitted project plans and materials, located at 13333 N. West Lane, (APN: 058-100-03) Lodi CA; and

WHEREAS, Michael Carouba, on behalf of Fink LL., (referred to as “applicant”), P. O. Box 2663, Lodi, CA 95241, has presented substantial evidence which supports the application; and

WHEREAS, the property owner is FF LP, 540 Mills Avenue, Lodi, CA 95242-3428; and

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested rezoning/development plan in accordance with the Government Code and Lodi Municipal Code § 17.33.080, amendments; and

WHEREAS, the project area is located 13333 North West Lane (APN: 058-100-03), in San Joaquin County, but within the City’s Sphere of Influence and Planning Area; and

WHEREAS, the City General Plan 2010 designates the project site as Commercial and is zoned Ag-40, Urban Reserve by the San Joaquin County; and

WHEREAS, the Community Development Department of the City of Lodi prepared an Initial Study and adopted a Mitigated Negative Declaration for the South Hutchins Annexation (Planning File No. 10-MND-03) in accordance with the requirements of the California Environmental Quality Act of 1970, as amended, together with state and local guidelines implementing CEQA (collectively, “CEQA”); and

WHEREAS, the Mitigated Negative Declaration was prepared and circulated for a 30-day review period (November 29, 2010 through Thursday, December 30, 2010) and was made available for public review at the following locations:

1. **Community Development Department**, 221 West Pine Street, Lodi, CA 95240
2. **Lodi Public Library**, 201 West Locust Street, Lodi, CA 95240
3. **Public Works Department**, 221 West Pine Street, Lodi, CA 95240
4. Online at www.lodi.gov/com_dev/EIRS.html

WHEREAS, the Notice of Availability and proposed Mitigated Negative Declaration was published on the Lodi News Sentinel on **November 22, 2010**; and

WHEREAS, all legal prerequisites to the approval of this request have occurred.

NOW, THEREFORE, BE IT FOUND, as follows, by the Planning Commission of the City of Lodi, based on the entirety of the record before it, which includes without limitation, the Mitigated Negative Declaration, Annexation, Rezoning, Vesting Tentative Parcel Map, and site plan and architectural review:

1. The Planning Commission has considered the Mitigated Negative Declaration and recommended to the City Council that it be certified.
2. The required public hearing by the Planning Commission was duly advertised and held in a manner prescribed by law.
3. The proposed Vesting Tentative Parcel Map is consistent with the City’s General Plan and is conditioned to conform to the standards and improvements mandated by the City of Lodi’s Public Works Department Standards and Specifications; and Zoning Ordinance.
4. The size, shape and topography of the site are physically suitable for the proposed commercial development in that the site is generally flat with no unusual or extraordinary topographic features.

5. The site is suitable for the proposed density of 9 lots.
6. The proposed Vesting Tentative Parcel Map does not conflict with easements, acquired by the public at large, for access through or use of property within the proposed map.
7. The proposed Vesting Tentative Parcel Map can be served by all public utilities.
8. The proposed Vesting Tentative Parcel Map complies with the requirements of Chapter 16.08 of the Lodi Municipal Code regulating Tentative Maps.
9. None of the mandatory findings for tentative map denial within the State Subdivision Map Act, § 66474 apply to this proposal.

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi recommends the City Council approve the proposed Vesting Tentative Map Number 10-P-01, subject to the following conditions:

Community Development Department, Planning:

1. The property owner and/or developer and/or successors in interest and management shall, at their sole expense, defend, indemnify and hold harmless the City of Lodi, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include, but is not limited to, any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Lodi shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.
2. The Vesting Tentative Map shall expire within 24 months of Planning Commission approval or a time extension must be granted by the Planning Commission.
3. The Final Map shall be in substantial conformance to the approved Vesting Tentative Map, as conditioned, and that any future development shall be consistent with applicable sections of the Municipal Code.
4. A reciprocal agreement for ingress, egress, and parking shall be executed between all parcels and shall be recorded concurrently with the Vesting Tentative Parcel Map. Applicable agreements, easements and/or deed restrictions for access, use and maintenance of shared or private facilities shall be subject to Community Development Department review and approval prior to recordation.
5. Construction on the new parcels shall be subject to setback, lot coverage, parking and all other development standards prescribed in the Planned Development (PD) 43 zoning district.
6. Unless expressly changed by the terms of this resolution, the project shall continue to be subject to all conditions, exactions, terms, and entitlements previously imposed and generally including but not limited to Development Conditions and standards imposed on related applications Mitigated Negative Declaration 10-MND-03, Vesting Tentative Parcel Map 10-P-01, SPARC 10-SP-04, Annexation 10-AX-01, and Prezoning10-Z-01.
7. The applicant shall submit appropriate plans to the Community Development Department for plan check and building permit. The plans shall include architectural features such as the colors, elevation, materials including all other elements approved by the Planning Commission. Any modifications to these plans must be approved by the Department of Community Development staff prior to the changes on the working drawings or in the field. Changes considered substantial by the Planning staff must be reviewed by the Planning Commission.
8. Project construction and operation shall comply with all the mitigation measures in the Mitigation Monitoring Reporting Program (MMRP) and a copy of the MMRP shall be kept on the job site at all times.
9. Any fees due the City of Lodi for processing this Project shall be paid to the City within thirty (30) calendar days of final action by the approval authority. Failure to pay such outstanding fees within the

time specified shall invalidate any approval or conditional approval granted. No permits, site work, or other actions authorized by this action shall be processed by the City, nor permitted, authorized or commenced until all outstanding fees are paid to the City.

Public Works Department:

10. Dedication of street right-of-way as shown on the tentative map with the following changes/additions:
 - a. Dedication of street easement (57.5 feet) along the south property line (see Attachment 1).
 - b. Dedication of street easement (53.5 feet) along the west property line (see Attachment 1).
 - c. Dedication of the street easement (21 feet) along the north property line should be reduced to 9 feet. The ultimate width of the west leg of the Hutchins Street and Harney Lane intersection should be 113 feet.
11. Dedication of public utility easements as required by the various utility companies and the City of Lodi.
12. Payment of the following:
 - a. Filing and processing fees and charges for services performed by City forces per the Public Works Fee and Service Charge Schedule.
13. Engineering and preparation of improvement plans and estimate per City Public Improvement Design Standards for all public improvements for all parcels. Plans to include:
 - a. Detailed utility master plans and design calculations for all phases of the development. Master plans shall include off-site areas as appropriate. Developer's engineer shall work with Public Works Department staff to establish reasonable master plan area boundaries.
 - b. The developer will modify the Harney Lane lift station as needed to later serve the area south of Harney Lane at the time of development per the November 19, 1992 agreement between the City and Marian Fry, Felix Costa, Carl Fink, Vera Perrin, William Beckman and Charles Beckman (see Attachment 2), section 1. (d). The developer must install three (3) - 15 horsepower with a pump capacity of 1,000 cfs each as specified in the 1992 South Lodi Sanitary Sewer Study for "The Harney Lane Lift Station Service Area."
 - c. Current soils report. If the soils report was not issued within the past three (3) years, provide an updated soils report from a licensed geotechnical engineer.
 - d. Grading, drainage and erosion control plan.
 - e. Copy of Notice of Intent for NPDES permit, including storm water pollution prevention plan (SWPPP).
 - f. All utilities, including street lights and electrical, gas, telephone and cable television facilities.
 - g. Undergrounding of existing overhead utilities, excluding transmission lines.
 - h. Modification of a traffic signal at the Harney Lane/Hutchins Street intersection.
 - i. Traffic striping for Harney Lane, Road "A", Road "B" and Hutchins Street/West Lane.
14. Abandonment/removal of wells, septic systems and underground tanks in conformance with applicable City and County requirements and codes upon development of each parcel.
15. Design and installation of public improvements to be in accordance with City master plans and the detailed utility master plans referenced in Item 4.a) above.

NOTE: The developer may be eligible for reimbursement from others for the cost of certain improvements. It is the developer's responsibility to request reimbursement and submit the appropriate information per the Lodi Municipal Code (LMC) §16.40.
16. Installation of all public utilities and street improvements in conformance with City of Lodi master plans and design standards and specifications, including, but not limited to, the following:
 - a. Harney Lane west of the Harney Lane and Hutchins Street intersection:

- i. Street improvements will be installed during the development of Parcel 5, 6, 7, 8, or 9 or during Phase 4 of the project.
 - ii. Installation of the ultimate improvements including curb, gutter, sidewalk, roadway widening, street lights, striped medians and landscaping and irrigation systems in the parkway.
 - iii. The extension/installation of all public utilities along the frontage of the subject property. All utilities must be underground.
- b. Hutchins Street/West Lane south of the Harney Lane and Hutchins Street intersection:
- i. Street improvements will be installed during the development of Parcel 1 or during Phase 1 of the project.
 - ii. Provide a study of Hutchins Street/West Lane to determine if the structural section has been built to City standards. If the structural section is found to be inadequate then half of the street width must be replaced.
 - iii. Installation of curb, gutter, sidewalk, and street lights along the eastside of the project, median modification, signalized intersection at Road "A" and landscaping and irrigation systems in the median.
 - iv. Provide storm drain laterals for the east side of Hutchins St/West Ln.
 - v. The extension/installation of the wastewater public main to the median in Hutchins Street/West Lane.
- c. Road "A" along the south side of the project:
- i. 730-feet of street improvements will be installed during the development of Parcel 1 or during Phase 1 of the project. The additional 580-feet of street improvements will be installed during the development of Parcel 4 or during Phase 2 of the project.
 - ii. The right-of-way and lane configuration for Road "A" shall be consistent with the South Hutchins Traffic Circulation Master Plan (see Attachment 3). Improvements to the south side of Road "A" shall extend to and include the installation of curb and gutter. Acquisition of street and public utility easements from the adjoining property may be necessary to allow this construction and shall be the responsibility of the developer or, if not feasible, the road alignment shall be shifted northward.
- d. Road "B" along the west side of the project:
- i. Street improvements will be installed during the development of Parcel 4 or during Phase 2 of the project.
 - ii. The right-of-way and lane configuration for Road "B" shall be consistent with the South Hutchins Traffic Circulation Master Plan. Improvements to the west side of Road "B" shall extend to and include the installation of curb and gutter. Acquisition of street and public utility easements from the adjoining property may be necessary to allow this construction and shall be the responsibility of the developer.
 - iii. A traffic study must be provided to determine the Harney Lane Capacity improvements at the Road "B" and Harney Lane intersection.
- e. Harney Lane and Hutchins Street Intersection:
- i. Street improvements will be installed during the development of Parcel 1 or during Phase 1 of the project.
 - ii. Installation of curb, gutter, sidewalk, curb return, roadway widening, signal modification / relocation and street lights.
 - iii. Per the 2006 Reynolds Ranch Environmental Impact Report, widen Harney Lane at Harney Lane/Hutchins Street to provide an additional lane in both directions. The

Reynolds Ranch project will be required to install these improvements during their next phase of their project. However, the requirement will apply to both the South Hutchins Annexation project and the Reynolds Ranch project depending on which project is built first.

- iv. Acquire street right-of-way from the south east corner property for roadway widening and relocation of the street signal.
17. Acquisition of street right-of-way, public utility easements and/or construction easements outside the limits of the map to allow the installation of required improvements on Harney Lane, Road "A", Road "B" and Hutchins Street/West Lane.
18. Install bus turnout improvements as required by the Transportation Manager.
19. The project must annex into the Consolidated Landscape Maintenance Assessment District No. 2003-1.
20. All project design and construction shall be in compliance with the Americans with Disabilities Act (ADA). Project compliance with ADA standards is the owner's responsibility.
21. Submit parcel map per City and County requirements including the following:
 - a. Preliminary title report.
 - b. Standard note regarding requirements to be met at subsequent date.
 - c. Final Map Guarantee
22. Payment of the following:
 - a. Filing and processing fees and charges for services performed by City forces per the Public Works Fee and Service Charge Schedule.
 - b. Development Impact Mitigation Fees per the Public Works Fee and Service Charge Schedule prior to occupancy. Fees will be set at the time of Vesting Map approval.
 - c. Wastewater Capacity Impact Fee prior to occupancy.
 - d. County Facilities Fees at the time of building permit issuance.
 - e. Regional Transportation Impact Fee (RTIF) at the time of building permit issuance.
 - f. Storm water compliance inspection fee prior to building permit issuance or commencement of construction operations, whichever occurs first.
 - g. Fair share of the estimated \$1.4 million Harney Lane Interim Improvements Project based on projects impact to the Harney Lane/State Route 99 interchange. A consultant will be hired by the City at the applicant's expense to determine the fair share amount.

NOTE: The above fees are subject to periodic adjustment as provided by the implementing ordinance/resolution. The fee charged will be that in effect at the time of collection indicated above.
23. In order to assist the City of Lodi in providing an adequate water supply, the Owner/Developer on behalf of itself, its successors and assigns, shall enter into an agreement with the City that the City of Lodi be appointed as its agent for the exercise of any and all overlying water rights appurtenant to the proposed project, and that the City may charge fees for the delivery of such water in accordance with City rate policies. In addition, the agreement shall assign all appropriative or prescriptive rights to the City. The agreement will establish conditions and covenants running with the land for all lots in the subdivision and provide deed provisions to be included in each conveyance.

Electric Utility Department:

24. Existing and proposed utilities are not shown on the site plan. Public utility easements are required for all onsite existing and/or future facilities.

25. The developer shall prepare legal description for easements and submit to the Lodi Electric Department, Engineering Division, in accordance with rules and regulations of the Electric Utility Department.
26. The project proponent shall install street lights at the sole expense of the developer in accordance with the rules and regulations of the Electric Utility Department.
27. The Developer shall prepare and submit complete set of plans including Electric Drawings and Load Calculations. Please contact the Lodi Electric Utility Department for location of easements and requirements.
28. The Developer to pay for Electric Utility Department changes in accordance with the Electric Department's Rules.

Dated: March 9, 2011

I hereby certify that Resolution No. 11- was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on March 9, 2011, by the following vote:

AYES:	Commissioners:
NOES:	Commissioners:
ABSENT:	Commissioners:
ABSTAIN:	Commissioners:

ATTEST: _____
Secretary, Planning Commission

P.C. RESOLUTION NO. 11 -

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI FOR THE APPROVAL OF THE REQUEST OF MICHAEL CAROUBA, ON BEHALF OF FINK LL FOR A SPARC REVIEW OF THE PROPOSED PHASE I DEVELOPMENT OF THE PROPOSED SOUTH HUTCHINS ANNEXATION

WHEREAS, in July of 2010, the City of Lodi received an application from Michael Carouba, on behalf of Fink LL., to annex, develop, subdivide 30-acre land and related development plans as shown on the submitted project plans and materials, located at 13333 N. West Lane, (APN: 058-100-03) Lodi CA; and

WHEREAS, Michael Carouba, on behalf of Fink LL., (referred to as “applicant”), P. O. Box 2663, Lodi, CA 95241, has presented substantial evidence which supports the application; and

WHEREAS, the property owner is FF LP, 540 Mills Avenue, Lodi, CA 95242-3428; and

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested rezoning/development plan in accordance with the Government Code and Lodi Municipal Code § 17.33.080, amendments; and

WHEREAS, the project area is located 13333 North West Lane (APN: 058-100-03), in San Joaquin County, but within the City’s Sphere of Influence and Planning Area; and

WHEREAS, the City must designate a “pre-zone” zoning designation prior to requesting annexation of lands from the County; and

WHEREAS, the property is currently zoned San Joaquin County Zoning: AU-40 (Agriculture, Urban Reserve, Minimum 20 Acres); and

WHEREAS, the request is to change the zoning of the property to City of Lodi Zone: Planned Development 43 (PD-43); and

WHEREAS, the proposed Development Plan is consistent with all zoning and General Plan standards as amended; and

WHEREAS, the applicant has submitted applications which consist of requests for Annexation, Prezoning, Vesting Tentative Parcel Map, and Site Plan and Architecture Review for Phase I of the proposed development; and

WHEREAS, the South Hutchins Annexation Phase I development plan required by Lodi Municipal Code Chapter 17.33 P-D Planned Development District, consists of 68,000 square feet of medical facility, parking lot, and associated onsite and offsite improvements; and

WHEREAS, as required by the Planned Development Zoning Designation, future developments and construction plans shall be reviewed and approved by the Planning Commission and, if necessary, by Site Plan and Architectural Review Committee prior to the issuance of a building permit; and

WHEREAS, the Community Development Department prepared an Initial Study for the project, consistent with the California Environmental Quality Act (CEQA), as amended that showed no significant impact to the environment; and

WHEREAS, the Mitigated Negative Declaration was prepared and circulated for a 30-day review period (November 29, 2010 through Thursday, December 30, 2010) and was made available for public review at the following locations:

1. **Community Development Department**, 221 West Pine Street, Lodi, CA 95240
2. **Lodi Public Library**, 201 West Locust Street, Lodi, CA 95240
3. **Public Works Department**, 221 West Pine Street, Lodi, CA 95240
4. Online at www.lodi.gov/com_dev/EIRS.html

WHEREAS, the Planning Commission did consider and recommend certification of a Mitigated Negative Declaration (10-MND-03); and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred; and

Based upon the evidence in the staff report and project file, the Planning Commission of the City of Lodi makes the following findings:

1. The required public hearing by the Planning Commission was duly advertised and held in a manner prescribed by law.
2. The proposed Development Plan will be consistent with all applicable goals, policies and standards of the City's adopted General Plan Policy Document.
3. It is found that the requested Rezoning and Zoning of the project parcel to Planned Development 43 (PD-43) Zoning District does not conflict with adopted plans or policies of the General Plan and will serve sound planning practice.
4. It is further found that the project parcel of the proposed Planned Development 43 (PD-43) Zoning District is physically suitable for the development of the proposed project.
5. The proposed design and improvement of the site is consistent with all applicable standards adopted by the City in that the project, as conditioned, will conform to adopted standards and improvements mandated by the City of Lodi Public Works Department Standards and Specifications, Zoning Ordinance as well as all other applicable standards.
6. The size, shape and topography of the site are physically suitable for the proposed commercial development.
7. The site is suitable for the type of development proposed by the project in that the site can be served by all public utilities and creates design solutions for storm water, traffic and air quality issues.
8. The design of the proposed project and type of improvements are not likely to cause serious public health problems in that all public improvements will be built per City standards and all private improvements will be built per the California Building Code.

NOW, THEREFORE, BE IT DETERMINED and RESOLVED, by the Planning Commission of the City of Lodi that SPARC Application No. 10-SP-01 is hereby approved, subject to the following conditions:

1. The property owner and/or developer and/or successors in interest and management shall, at their sole expense, defend, indemnify and hold harmless the City of Lodi, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include, but is not limited to, any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Lodi shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.
2. No outside storage of material, crates, boxes, etc. shall be permitted anywhere on site, except within the trash enclosure areas as permitted by fire codes. No material shall be stacked higher than the height of any trash enclosure screen wall and gate.
3. No outdoor storage or display of merchandise shall be permitted at the project site unless a specific plan for such display is approved by Planning Commission and/or SPARC. At no time shall outdoor storage or display be allowed within the parking area, drive aisle or required sidewalks of the center.
4. All storage of cardboard bales and pallets shall be contained within the area designated for such use. No storage of cardboard or pallets shall be visible from the public right of way.

5. The project proponent shall take reasonable necessary steps to assure the orderly conduct of employees, patrons and visitors on the premises to the degree that surrounding residents and commercial uses would not be bothered. Loitering is not permitted.
6. A minimum of two trash receptacles shall be placed at the customer entry to the proposed medical facility. Trash receptacles shall be a decorative, pre-cast concrete or metal type with a self-closing metal lid. Design of the receptacles shall be submitted with the building permit application to the Community Development Department for review and approval.
7. Trash enclosures shall be designed to accommodate separate facilities for trash and recyclable materials. Trash enclosures having connections to the wastewater system shall install a sand/grease trap conforming to Standard Plan 205 and shall be covered.
8. All refuse enclosures shall be constructed of CMU walls, shall have solid metal doors and must comply with the City's Stormwater Run-Off Management Program.
9. The owner shall maintain in good repair all building exteriors, walls, lighting, trash enclosure, drainage facilities, driveways and parking areas. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within 48 hours of occurrence.
10. The applicant shall submit appropriate plans to the Community Development Department for plan check and building permit. The final plans shall include the architectural features such as the approved colors, the building elevations including the cornice, trim caps, and curbed canopy, and other elements approved by the Planning Commission. Any significant alteration to the building elevations as approved by the Planning Commission shall require approval by the Planning Commission.
11. The finished building shall be consistent with the plans approved by the Planning Commission and as conditioned herein in Attachment 2.
12. All buildings shall comply with the requirements of Planned Development 43 zoning district and meet setback, landscape, parking lot and other requirements.
13. Approval granted herein authorizes the development, construction and operation of a parcel identified as Phase I development, the associated onsite retention basin, and all onsite and off site improvements required by the accompanying Vesting Tentative Parcel Map.
14. A reciprocal agreement for ingress, egress, and parking shall be executed between all parcels. Applicable agreements, easements and/or deed restrictions for access, use and maintenance of shared or private facilities shall be subject to Community Development Department approval.
15. A final color palette shall be submitted with the building permit application and shall be in substantial conformance with colors and materials approved by the Lodi Planning Commission.
16. The proposed building must comply with all Planning Commission requirements; as well as the requirements of the Community Development, the Public Works, the Electric Utility and the Fire Departments; and all other utility agencies.
17. All signage shall be in compliance with a detailed Sign Program that shall be submitted to the City and shall be reviewed and approved by the Planning Commission. Said program shall require all building mounted signs to be indirectly lit individual channel letters, uniform in size, shape and design, where feasible.
18. Any bollards installed shall be decorative in style. Plain concrete bollards or concrete filled steel pipe bollards shall be strictly prohibited.
19. Hardscape items, including tables, benches/seats, trashcans, bike racks, drinking fountains, etc. shall be uniform for all stores throughout the shopping center
20. All roof mechanical equipment and any satellite dish equipment shall be fully screened from ground-level view within 150 feet of the property.

21. All two-way drive isles shall be a minimum of 24'ft wide and shall be identified and marked as Fire Lanes.
22. A photometric exterior lighting plan and fixture specification shall be submitted for review and approval of the Community Development Director prior to the issuance of any building permit. Said plans and specification shall address the following:
 - a. All project lighting shall be confined to the premises. No spillover beyond the property line is permitted.
 - b. The equivalent of one (1) foot-candle of illumination shall be maintained throughout the parking area.
 - c. All parking light fixtures shall be a maximum of twenty-five 25 feet in height.
 - d. All fixtures shall be consistent throughout the center.
23. Exterior lighting fixtures on the face of the buildings shall be consistent with the theme of the center. No wallpacks or other floodlights shall be permitted. All building mounted lighting shall have a 90-degree horizontal flat cut-off lens unless the fixture is for decorative purposes.
24. The applicant shall submit a landscaping and irrigation plan to the Community Development Department for review and approval. Landscaping materials indicated on the conceptual landscape and irrigation plan may be changed per the review of the Community Development Director or designee but shall not be reduced in amount.
25. The applicant shall select and note on all plans common tree species for the parking lot and perimeter areas from the list of large trees as identified in the Local Government Commission's "Tree Guidelines for the San Joaquin Valley".
26. All landscaped areas shall be kept free from weeds and debris, maintained in a healthy growing condition and shall receive regular pruning, fertilizing, mowing, and trimming. Unhealthy, dead, or damaged plant materials shall be removed and replaced promptly.
27. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.
28. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
29. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.
30. When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.
31. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
32. Per the San Joaquin Valley Air Pollution Control District, all off-road construction equipment used on site shall achieve fleet average emissions equal to or less than the Tier II emissions standard of 4.6/ghp-hr NOx.
33. All applicable state statutes, and local ordinances, including all applicable Building and Fire Code requirements for hazardous materials shall apply to the project. In an event of a conflict, the strictest law or regulation shall apply.

34. The project shall meet the nonresidential mandatory requirements of Chapter 5 of the 2010 California Green Building Standards Code for planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and environmental quality. In particular, please note the requirements for bicycle parking and changing rooms per 2010 CGBSC, Section 5.106.4 and parking for low-emitting, fuel-efficient and carpool/van pool vehicles per 2010 CGBSC, Section 5.106.5.2.

Community Development Department, Building:

35. Fire rated construction of walls and protection of openings shall be provided where required due to construction type, occupancy and location on property or proximity to other structures. 2010 CBC, Sections 702, 705.3, 705.8 and Tables 601, 602, 705.8
36. All entrances and exterior ground floor exit doors to buildings and facilities shall be made accessible to persons with disabilities. Such entrances shall be connected by an accessible route (complying with 2010 CBC Section 1114B.1.2) to public transportation stops, to accessible parking and passenger loading zones and to public streets or sidewalks. All accessible routes are also required to comply with detectable warnings at hazardous vehicular areas 2010 CBC Section 1133B.8.5. 2010 CBC, Section 1133B.1.1.1.1
37. An accessible route of travel complying with 2010 CBC, Section 1114B.1.1 shall be provided between buildings and accessible site facilities, accessible elements, and accessible spaces that are on the same site. 2010 CBC, Section 1127.B.1.
38. Walkways and sidewalks along the accessible routes of travel shall (1) be continuously accessible, (2) have maximum 1/2" changes in elevation, (3) be minimum 48" in width, (4) have a maximum 1/4" per foot side slope, and (5) where necessary to change elevation at a slope exceeding 5% (i.e., 1:20) shall have ramps complying with 2010 CBC, Section 1133B.5. 2010 CBC Section 1133B.7. Where a walk crosses or adjoins a vehicular way, and the walking surfaces are not separated by curbs, railings or other elements between the pedestrian areas and vehicular areas, the boundary between the areas shall be defined by a continuous detectable warning which is 36" wide, complying with 2010 CBC, Section 1121B.3.1, Item 8(a).
39. Number of accessible parking spaces shall be provided as specified in 2010 CBC, Table 11B-6.
40. Multistory buildings shall provide access to all levels, including mezzanines, by ramp or passenger elevator complying with 2010 CBC, Section 1116B. 2010 CBC, Section 1103B.
41. Professional medical and dental offices, where required by 2010 CBC Section 1109B.2, shall have at least one accessible entrance that is protected from the weather by a canopy or a roof overhang. Such entrances shall incorporate a passenger loading zone. The passenger loading zone shall provide an access aisle at least 60" wide and 20' long adjacent to and parallel to the vehicle pull-up space per 2010 CBC, Section 1131B.2. , 1105B. 3.2 and 1109B.
42. Professional medical and dental offices regulated by OSHPD requirements shall meet all OSHPD requirements.

Public Works Department Comments:

43. The site must conform to the Stormwater Development Standards Plan (DSP) requirements. The SPARC site plans must show how the DSP will be implemented. The DSP Worksheet must be provided before the issuance of the Building Permit.
44. Engineering and preparation of improvement plans and estimate per City Public Improvement Design Standards for all public improvements for all parcels. Plans to include:
 - a. Detailed utility master plans and design calculations for all phases of the development. Master plans shall include off-site areas as appropriate. Developer's engineer shall work with Public Works Department staff to establish reasonable master plan area boundaries.

- b. The developer will modify the Harney Lane lift station as needed to later serve the area south of Harney Lane at the time of development per the November 19, 1992 agreement between the City and Marian Fry, Felix Costa, Carl Fink, Vera Perrin, William Beckman and Charles Beckman (see Attachment 2), section 1. (d). The developer must install three (3) - 15 horsepower with a pump capacity of 1,000 cfs each as specified in the 1992 South Lodi Sanitary Sewer Study for "The Harney Lane Lift Station Service Area."
 - c. Current soils report. If the soils report was not issued within the past three (3) years, provide an updated soils report from a licensed geotechnical engineer.
 - d. Grading, drainage and erosion control plan.
 - e. Copy of Notice of Intent for NPDES permit, including storm water pollution prevention plan (SWPPP).
 - f. All utilities, including street lights and electrical, gas, telephone and cable television facilities.
 - g. Undergrounding of existing overhead utilities, excluding transmission lines.
 - h. Modification of a traffic signal at the Harney Lane/Hutchins Street intersection.
 - i. Traffic striping for Harney Lane, Road "A" and Hutchins Street/West Lane.
45. A complete plan check submittal package including all the items listed above plus engineering plan check fees is required to initiate the Public Works Department plan review process for the engineered improvement plans.
46. Installation of all public utilities and street improvements in conformance with City of Lodi master plans and design standards and specifications, including, but not limited to, the following:
- a. Hutchins Street/West Lane south of the Harney Lane and Hutchins Street intersection:
 - i. Street improvements will be installed during the development of Parcel 1 or during Phase 1 of the project.
 - ii. Provide a study of Hutchins Street/West Lane to determine if the structural section has been built to City standards. If the structural section is found to be inadequate then half of the street width must be replaced.
 - iii. Installation of curb, gutter, sidewalk, and street lights along the eastside of the project, median modification, signalized intersection at Road "A" and landscaping and irrigation systems in the median.
 - iv. Provide storm drain laterals for the east side of Hutchins St/West Ln.
 - v. The extension/installation of the wastewater public main to the median in Hutchins Street/West Lane.
 - b. Road "A" along the south side of the project:
 - i. 730-feet of street improvements will be installed during the development of Parcel 1 or during Phase 1 of the project. The additional 580-feet of street improvements will be installed during the development of Parcel 4 or during Phase 2 of the project.
 - ii. The right-of-way and lane configuration for Road "A" shall be consistent with the South Hutchins Traffic Circulation Master Plan (see Attachment 3). Improvements to the south side of Road "A" shall extend to and include the installation of curb and gutter. Acquisition of street and public utility easements from the adjoining property may be necessary to allow this construction and shall be the responsibility of the developer or, if not feasible, the road alignment shall be shifted northward.
 - c. Harney Lane and Hutchins Street Intersection:

- i. Street improvements will be installed during the development of Parcel 1 or during Phase 1 of the project.
 - ii. Installation of curb, gutter, sidewalk, curb return, roadway widening, signal modification / relocation and street lights.
 - iii. Per the 2006 Reynolds Ranch Environmental Impact Report, widen Harney Lane at Harney Lane/Hutchins Street to provide an additional lane in both directions. The Reynolds Ranch project will be required to install these improvements during their next phase of their project. However, the requirement will apply to both the South Hutchins Annexation project and the Reynolds Ranch project depending on which project is built first.
 - iv. Acquire street right-of-way from the south east corner property for roadway widening and relocation of the street signal.
47. Acquisition of street right-of-way, public utility easements and/or construction easements outside the limits of the map to allow the installation of required improvements on Harney Lane, Road "A", Road "B" and Hutchins Street/West Lane.
48. Install bus turnout improvements as required by the Transportation Manager.
49. Phase 1 must include the full driveway and aisle widths of both the eastern and southern entrance/exit.
50. Provide Private Access/Maintenance Agreements for the entrances/exits that are shared between parcels.
51. The project must annex into the Consolidated Landscape Maintenance Assessment District No. 2003-1.
52. Driveway entrances/exits into the project site shall be California Long truck compliant. Provide a truck route study for the onsite and offsite improvements using the CA Long truck. Show truck turning movements at all entrances and exits.
53. The nearest wastewater main is located 650-feet west of the Woodbridge Irrigation District Canal. This project will require an extension of the wastewater main of approximately 2,500-feet to the subject parcel.
54. An onsite water plan will need to be submitted to determine the need for an onsite public watermain.
55. A stormwater plan must be submitted to determine where the stormwater will discharge to.
56. All project design and construction shall be in compliance with the Americans with Disabilities Act (ADA). Project compliance with ADA standards is the developer's responsibility.
57. Payment of the following fees shall apply to the project:
 - a. Filing and processing fees and charges for services performed by City forces per the Public Works Fee and Service Charge Schedule.
 - b. Development Impact Mitigation Fees per the Public Works Fee and Service Charge Schedule prior to occupancy. Fees will be set at the time of Vesting Map approval.
 - c. Wastewater Capacity Impact Fee prior to occupancy.
 - d. County Facilities Fees at the time of building permit issuance.
 - e. Regional Transportation Impact Fee (RTIF) at the time of building permit issuance.
 - f. Storm water compliance inspection fee prior to building permit issuance or commencement of construction operations, whichever occurs first.

- g. Fair share of the estimated \$1.4 million Harney Lane Interim Improvements Project based on projects impact to the Harney Lane/State Route 99 interchange. A consultant will be hired by the City at the applicant's expense to determine the fair share amount.

NOTE: The above fees are subject to periodic adjustment as provided by the implementing ordinance/resolution. The fee charged will be that in effect at the time of collection indicated above.

58. An Improvement Agreement issued by the Public Works Department is required for the following work:

- a. All work along the Harney Lane and West Lane/Hutchins Street right-of-way or in any public utility easement including, but not limited to, street widenings, traffic signal installations and upgrades, street lights, landscaping, and connection to the public water, wastewater, and storm drain mains.

59. Additional comments and conditions will be provided in conjunction with the approval of a building permit for this project.

Electric Utility Department:

60. Public Utility Easements are required for all on-site existing and/or future primary facilities/parcel. The project proponent shall prepare and submit legal description for easements for review and approval. Said legal description shall be submitted to the Lodi Electric Department, Electric Engineering Section.

61. The applicant shall submit load calculations and Electric drawings to Electric Utility as part of a building permit process. Load calculations and Electric drawings are needed for service equipment location, PUE requirements, and service sizing. Should the load calculations and Electric drawings require a change of site plan, the Planning Department shall forward the site plan to the Planning Commission for review and approval.

62. The Developer shall pay for Electric Utility Department charges in accordance with the Electric Department's Rules and Regulations.

Dated: March 9, 2011

I hereby certify that Resolution No. 11- was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on March 9, 2011, by the following vote:

AYES:	Commissioners:
NOES:	Commissioners:
ABSENT:	Commissioners:
ABSTAIN:	Commissioners:

ATTEST: _____

Secretary, Planning Commission

EXHIBITS:

- 1. Phasing Plan
- 2. Proposed Elevations for Phase I
- 3. Site Plan
- 4. Landscape Plan

Item 6a.



MEMORANDUM, City of Lodi, Community Development Department

To: City of Lodi Planning Commissioners
From: Rad Bartlam, Community Development Director
Date: Planning Commission Meeting of 03/09/2011
Subject: Past meetings of the City Council and other meetings pertinent to the Planning Commission

In an effort to inform the Planning Commissioners of past meetings of the Council and other pertinent items staff has prepared the following list of titles.

If you have any questions, please feel free to contact the Planning Department or visit the City of Lodi website at: <http://www.lodi.gov/city-council/AgendaPage.html> to view Staff Reports and Minutes from the corresponding meeting date.

Date	Meeting	Title
February 15, 2011	Shirtsleeve	Provide Direction to City Attorney Regarding Drafting Ordinance Prohibiting Smoking Near Entrances, Windows, and Air Inlets to Private Buildings (CA)
February 16, 2011	Regular	Appointments to the Lodi Improvement Committee and Site Plan and Architectural Review Committee (CLK)
		Approve Contract and Art Pieces as Proposed by the Art Advisory Board for the Seward Johnson Sculpture Exhibit for Display in Downtown Lodi from April 2011 through Mid-July 2011 and Appropriating Funds (COM)
		Approve Implementation of a Standard City-Wide 9/80 Work Schedule for City Offices (CM)
March 2, 2011	Regular	Authorize City Manager to Execute Partial Assignment and Assumption of the Reynolds Ranch Development Agreement from San Joaquin Valley Land Company, LLC to Skinner Ranch Holdings, LP (CA)