

<p>CARNEGIE FORUM 305 WEST PINE STREET LODI, CALIFORNIA</p>	<p><b>AGENDA</b> <b>LODI</b> <b>PLANNING COMMISSION</b></p>	<p>REGULAR SESSION WEDNESDAY, DECEMBER 12, 2012 @ 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 – “September 12, 2012” & “October 10, 2012”
3. PUBLIC HEARINGS
  - a. Request for Planning Commission approval of a Use Permit to allow Type 21 off-Sale General Alcoholic Beverage Control license at 2355 West Kettleman Lane. (Applicant: Target Corporation. File Number: 12-U-14)
  - b. Request for Planning Commission approval of a Use Permit to allow a Type-41 On-Sale Beer and Wine Alcoholic Beverage Control License located at 121 South School Street, Suite B (applicant: Vicki Snell; File Number: 12-U-17)
  - c. Request for Planning Commission approval of a Use Permit to allow a Type 2 (Winery) and Type 42 (On-Sale Beer and wine) Alcoholic Beverage Control license at 7 North School Street. (Applicants: Peter Marks, on behalf of Six Hands Winery and Sorelle Winery, LLC; File Number: 12-U-18)
  - d. Request to amend a previously approved Use Permit 07-U-01 to increase the number of tables, expand the hours of operation and increase the number of legal cardroom games at 1800 S. Cherokee Lane. (Applicant: Chris Ray, on behalf of Wine Country Cardroom & Restaurant. File Number: 12-U-20)
  - e. Request from St Anne's Catholic Church (SACC) and School to permanently vacate Walnut Street from Pleasant Avenue to Church Street to create a park and plaza area between the church and school facilities

**NOTE:** The above item is a quasi-judicial hearing and requires disclosure of ex parte communications as set forth in Resolution No. 2006-31

4. PLANNING MATTERS/FOLLOW-UP ITEMS
  - a. Development Code Update
5. ANNOUNCEMENTS AND CORRESPONDENCE
6. ACTIONS OF THE CITY COUNCIL
  - a. Council Summary Memo
7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE
8. ART IN PUBLIC PLACES
9. COMMENTS BY THE PUBLIC (NON-AGENDA ITEMS)
10. COMMENTS BY THE PLANNING COMMISSIONERS & STAFF (NON-AGENDA ITEMS)
11. 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: (on second page)

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 2<sup>nd</sup> 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, SEPTEMBER 12, 2012**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of September 12, 2012, was called to order by Vice Chair Kirsten at 7:10 p.m.

Present: Planning Commissioners – Cummins, Hennecke, Kiser, and Vice Chair Kirsten

Absent: Planning Commissioners – Heinitz, Jones, and Chair Olson

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

2. MINUTES

“August 8, 2012”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Kiser second, approved the Minutes of August 8, 2012 as written.

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 Kirsten called for the public hearing to consider the request for Planning Commission approval of an amendment to an existing Use Permit to allow a Type-47 On-Sale General Alcoholic Beverage Control License at 10 West Oak Street. (Applicant: Ruben Larrazolo. File Number: 11-U-18a)

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

Vice Chair Kirsten stated that he has property interest within the required radius to recuse himself from this item, but it would leave the Commission without a quorum. Director Bartlam stated that Vice Chair Kirsten can stay due to the rule of necessity.

Hearing Opened to the Public

- Ruben Larrazolo, applicant, came forward to answer any questions.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Hennecke second, approved the request for an amendment to an existing Use Permit to allow a Type-47 On-Sale General Alcoholic Beverage Control License at 10 West Oak Street subject to the conditions in the resolution. The motion carried by the following vote:

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

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Vice Chair Kirsten called for the public hearing to consider the request of the Planning Commission for approval of a Use Permit to allow Lodi Christian School to operate a preschool through eighth grade private school and the site plan and architecture review (SPARC) to construct a 32,000 square-foot office/classroom building on the grounds of Temple Baptist Church located at 801 South Lower Sacramento Road. (Applicant: Steve Opp, on behalf of Temple Baptist Church. File Numbers: 12-U-12 and 12-SP-03)

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

Hearing Opened to the Public

- Steve Opp, applicant, came forward to answer questions. Mr. Opp stated his appreciation for the opportunity to bring this project before the Planning Commission. He introduced a few key supporters Doug Davis with WMB Architects, Mike Harnack with Roland Construction, Ron Hiddle with Lodi Christian School.
- Commissioner Hennecke asked if the additional student population would create any additional traffic impact. Director Bartlam stated that during the review process other City departments have the opportunity to place conditions on the project. Public Works reviewed the traffic portion and did not feel there would be any issues.
- Commissioner Cummins stated his appreciation for the project and wished them well.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Kiser second, approved the request for a Use Permit to allow Lodi Christian School to operate a preschool through eighth grade private school and the site plan and architecture review (SPARC) to construct a 32,000 square-foot office/classroom building on the grounds of Temple Baptist Church located at 801 South Lower Sacramento Road subject to the conditions in the resolution. The motion carried by the following vote:

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

- c) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Vice Chair Kirsten called for the public hearing to consider the request of the Planning Commission for approval of a Use Permit to establish a wine production facility at 1001 and 1101 East Lodi Avenue. (Applicant: Anthony Scotto, on behalf of Scotto Family Cellars: File Number: 12-U-13)

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

Commissioner Kiser stated that he would like to make sure that the waste is removed from the property in a timely manner and would like to know how the grapes are being brought to the site. Associate Planner Bereket stated that the applicant would be the better person to address those questions.

Hearing Opened to the Public

- Mike Hakem, representative for the applicant, came forward to answer questions. Mr. Hakem introduced the owner, Anthony Scotto, and the engineer on the project, Steve Pechin. In response to Commissioner Kiser’s concerns Mr. Hakem stated that there will be two half-ton trucks delivering the grapes with no cueing taking place in any public right-of-way and the applicant understands the concerns for the waste removal and will live up to the conditions.
- Commissioner Hennecke asked how long the Scotto Family has been in business. Anthony Scotto, applicant, came forward to address the question. He stated that the Family has been in the wine business for five generations and they have been in their current location since 2007.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Cummins second, approved the request for a Use Permit to establish a wine production facility at 1001 and 1101 East Lodi Avenue subject to the conditions in the resolution. The motion carried by the following vote:

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

4. PLANNING MATTERS/FOLLOW-UP ITEMS

None

5. ANNOUNCEMENTS AND CORRESPONDENCE

Director Bartlam wished Deputy City Attorney Janice Magdich a Happy Birthday.

6. ACTIONS OF THE CITY COUNCIL

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

Commissioner Cummins asked how the community is informed of the First Time Home Buyer program. Mr. Bartlam stated that there are a variety of ways. There is information available on our website and several of the lending agencies in town are aware of the program and can refer customers for assistance if needed. Staff has also met several times with the Lodi Realtors Association

7. DEVELOPMENT CODE UPDATE

- a. Staff presentation on the Draft Development Code Section 3, Landscape, Parking, Sign, and Specific Land Uses Standards.

Director Bartlam gave a PowerPoint presentation based on the staff report.

Commissioner Cummins asked if roof mounted signs will be prohibited with this new ordinance. Director Bartlam stated that our ordinance already prohibits them, so there will be no change to that part of the code.

Vice Chair Kirsten asked if like the Billboard signs other non-conforming signs are grandfathered-in. Director Bartlam stated that would be correct. Kirsten asked about surface painted signs being prohibited. Bartlam stated that they would not be prohibited.

Opened for Public Comment

- None

Closed to Public Comment

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

9. ART IN PUBLIC PLACES

Vice Chair Kirsten gave a brief report regarding the meeting that occurred today. Kirsten asked about the skate park closure since one of the art projects was supposed to be at the Kofu Park location. Director Bartlam stated that there are several users that are just not taking care of the facility. There have been several events of vandalism, littering and reports of alcohol and drug use.

10. COMMENTS BY THE PUBLIC

None

11. COMMENTS BY STAFF AND COMMISSIONERS

Commissioner Hennecke asked about the Brown Act item that the State ruled on a few weeks ago. Deputy City Attorney Magdich stated that the Council is going to continue to follow the mandates even though the State has made it clear that there will not be any repercussions if it does not. Director Bartlam stated that the State can not mandate something that they are not willing to reimburse jurisdictions for.

12. REORGANIZATION

a. Planning Commission Chair & Vice Chair

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Hennecke second, approved the nomination of Commissioner Kirsten for the 2012/13 Planning Commission Chair position. There being no other nominations the motion carried by the following vote:

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

MOTION / VOTE:

The Planning Commission, on motion of Vice Chair Kirsten, Hennecke second, approved the nomination of Commissioner Jones for the 2012/13 Planning Commission Vice Chair position. There being no other nominations the motion carried by the following vote:

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

b. Planning Commission Representatives to: SPARC & Art In Public Places

MOTION / VOTE:

The Planning Commission, on motion of Vice Chair Kirsten, Cummins second, approved the nomination of Commissioner Kiser for the 2012/13 Planning Commission representative for the Site Plan and Architectural Review Committee position. There being no other nominations the motion carried by the following vote:

Ayes: Commissioners – Cummins, Hennecke, Kiser, and Vice Chair Kirsten

Noes: Commissioners – None  
Absent: Commissioners – Heinitz, Jones, and Chair Olson

**MOTION / VOTE:**

The Planning Commission, on motion of Commissioner Cummins, Kiser second, approved the nomination of Commissioner Kirsten for the 2012/13 Planning Commission representative for the Art In Public Places Committee position. There being no other nominations the motion carried by the following vote:

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

13. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:57 p.m.

ATTEST:

Konradt Bartlam  
Planning Commission Secretary

**LODI PLANNING COMMISSION  
REGULAR COMMISSION MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, OCTOBER 10, 2012**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of October 10, 2012, was called to order by Chair Kirsten at 7:00 p.m.

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

Absent: Planning Commissioners – Hennecke

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

2. MINUTES

“September 12, 2012”

MOTION / VOTE:

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 Kirsten called for the public hearing to consider the request for Planning Commission approval of a Use Permit to allow a Type-41 on-sale beer and wine license at King Tsin restaurant located at 1040 West Kettleman Lane Suite 1-A. (Applicant: Teresa Ju; File Number: 12-U-15)

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

Hearing Opened to the Public

- Teresa Ju, applicant, came forward to answer any questions.
- Commissioner Heinitz asked if everything was going to be the same on the menu. Ms. Ju stated that the menu will remain the same.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Heinitz second, approved the request for a Use Permit to allow a Type-41 on-sale beer and wine license at King Tsin restaurant located at 1040 West Kettleman Lane Suite 1-A subject to the conditions in the resolution. The motion carried by the following vote:

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

Chair Kirsten recused himself from item 3b) because he has property interest with in 300 feet of the proposed project. Vice Chair Jones moved to the Chair's seat.

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Vice Chair Jones called for the public hearing to consider the request of the Planning Commission for approval of a Use Permit to allow a Type-41 On-Sale Beer and Wine Alcoholic Beverage Control License located at 121 South School Street, Suite A (applicant: Scott Porter; File Number: 12-U-16)

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

Hearing Opened to the Public

- Scott Porter, applicant, came forward to answer questions.
- Commissioner Kiser asked if this was his first time running a business. Mr. Porter stated that it will be his first business venture.
- Commissioner Heinritz asked Mr. Porter if he was aware that he would have to do ABC training. Mr. Porter stated that he was aware. Heinritz asked the age of the future employees. Mr. Porter stated the age will be 21 years and older if that is what is required by ABC.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Olson second, approved the request for a Use Permit to allow a Type-41 On-Sale Beer and Wine Alcoholic Beverage Control License located at 121 South School Street, Suite A subject to the conditions in the resolution. The motion carried by the following vote:

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

Chair Kirsten rejoined the Commission.

- c) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Kirsten called for the public hearing to consider the request of the Planning Commission to Recommend to the City Council for approval of the Draft Lodi Land Use and Development Code, Draft Zoning Map, and to certify the Negative Declaration

Community Development Director Konradt Bartlam gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of the project and requests the Planning Commission make the recommendation to the City Council for approval.

Commissioner Heinritz asked who is going to monitor the rules and regulations under the new design guidelines for residential. Director Bartlam stated that the guidelines are suggestive unlike standards that are required. Heinritz asked about the agricultural buffer along the west side of Lodi. Bartlam stated that the zoning map does not show that, the Planned Development map for that area shows those particulars.

Chair Kirsten asked about the North West area of town getting a cell tower in a residential neighborhood. Director Bartlam stated that the code does not allow for cell towers in the residential designations, but there are several properties that could accommodate a tower in the subject area.

Hearing Opened to the Public

- None

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Jones second, approved the request to Recommend to the City Council approval of the Draft Lodi Land Use and Development Code, Draft Zoning Map, and to certify the Negative Declaration subject to the conditions in the resolution. The motion carried by the following vote:

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

4. PLANNING MATTERS/FOLLOW-UP ITEMS

None

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

Director Bartlam stated that there has been a memo provided in the packet and staff is available to answer any questions. Mr. Bartlam added that at the Council meeting last week, October 3, 2012, the Council Voted to give Mr. Giannoni nine Growth Management Allocations rather than the twelve he was asking for.

7. DEVELOPMENT CODE UPDATE

None

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

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 7:27 p.m.

ATTEST:

Konradt Bartlam  
Planning Commission Secretary

Item 3a

**CITY OF LODI  
PLANNING COMMISSION  
Staff Report**

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**MEETING DATE:** December 12, 2012

**APPLICATION NO:** Use Permit: 12-U-14

**REQUEST:** Request for Planning Commission approval of a Use Permit to allow Type 21 off-Sale General Alcoholic Beverage Control license at 2355 West Kettleman Lane. (Applicant: Target Corporation. File Number: 12-U-14).

**LOCATION:** 2355 West Kettleman Lane  
APN: 027-410-11  
Lodi, CA 95242

**APPLICANT:** Target Corporation  
1000 Nicollet Mall, TPN-0910  
Minneapolis, CA 55403

**PROPERTY OWNER:** Target Corporation  
P. O. Box 9456  
Minneapolis, CA 55440

**RECOMMENDATION**

Staff recommends the Planning Commission approve the request Target Corporation for a Use Permit to allow Type 21 Off-Sale General Alcoholic Beverage Control (ABC) license at 2355 West Kettleman Lane, subject to the conditions in the attached resolution.

**PROJECT AREA DESCRIPTION**

**General Plan Designation:** Commercial  
**Zoning Designation:** C-S: Commercial Shopping  
**Property Size:** 9.06 acres.

**The adjacent zoning and land use characteristics:**

	ADJACENT ZONING DESIGNATIONS AND LAND USES		
	GENERAL PLAN	ZONING CLASSIFICATION	EXISTING LAND USE
<b>North</b>	Low Density Residential	R-1 - Single Family Residence	Vacant land
<b>South</b>	Commercial	C-S, Shopping Commercial	Commercial, retail
<b>East</b>	Mixed Use Corridor	R-2, Single Family Residence	Vacant Land (future home of Eden Senior Housing)
<b>West</b>	Commercial	C-S, Shopping Commercial	Commercial

**SUMMARY**

The applicant, Target Corporation, requests approval of a Use Permit to allow Type 21 Off-Sale General Alcoholic Beverage Control (ABC) licenses in an existing Target store located at 2355 West Kettleman Lane. The sale of alcohol is intended to be secondary to the operation of the retail and garden center. The display of alcohol is proposed to be contained to shelving. Surrounding uses consist of commercial shops to the west and south, and vacant land to the north and east. Sale of alcohol for on and off site

consumption is permitted at the project site with a Use Permit. As a convenience to its customers, the applicant is requesting an ABC Type 21 (Off-Sale General) license.

## **BACKGROUND**

City records indicate Target store has been in business at its current location since August of 1993 and has been a major anchor tenant for the shopping area on the north side of Kettleman Lane. The Target Shopping Center includes Target, Staples, Big 5, Coco's Restaurant, and two multi-tenant retail buildings on the east side of Tienda Dr. Adjacent to the Target Center is the Sunwest Market Place, anchored by Safeway and Marshall's. South of Kettleman Lane is the Sunwest Plaza Shopping Center. This center is anchored by Wal-Mart, J.C. Penny, Food 4 Less and Applebee's restaurant, as well as a number of smaller tenants. On its meeting of October 27, 2004, the Planning Commission approved Target Store's request for a Use Permit to allow off-sale beer and wine license (Type 20). Since their approval and presence in Lodi, the store has operated without any problems. Further, there are no pending violations.

## **ANALYSIS**

As noted, the applicants are requesting a Use Permit to allow Type 21 Off-Sale General Alcoholic Beverage Control license at an existing Target Store located at 2355 West Kettleman Lane. Target Store currently holds a Type 20 Off-sale beer and wine license. They'd like to upgrade their license to include distilled sprints (Type 21). Type 21 Off-Sale ABC license authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold. Minors are allowed on the premises. The project site is within the Commercial Shopping (C-S) zoning district. The C-S zoning district permits the sale of alcohol for on and off-site consumption with the granting of a Use Permit by the Planning Commission, 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 (ABC) primarily controls issuance based on concentration of licenses within a particular Census Tract. Census tracts are defined as small geographical areas established by local committees and approved by the Census Bureau, which contain a population segment with relatively uniform economic and social characteristics and clearly identifiable boundaries.

The subject store belongs to Census Tract 43.03. Census Tract 43.03 covers the area south of Lodi Avenue, west of Lower Sacramento Road, north of Kettleman Lane, and east of Ham Lane. According to ABC, Census Tract 43.03 contains three (3) existing on-sale licenses with three (3) on-sale licenses allowed based on the ABC criteria. One of the three off-sale license belongs to the applicant. The applicant would have to simply upgrade their existing license without affecting the existing license count. The net result will be the same. Therefore, the Planning Commission does not need to make a finding of public necessity and convenience in order to approve an additional ABC license within this census tract. However, the Commission must review whether or not

In the past, Planning staff generally supported establishments that wish to acquire an ABC off-sale license if it is determined the business would not create alcohol related problems. Staff is of the opinion approval of the applicant's request would not create additional policing problems. Strong consideration was given to the manner in which the business has been operated, the manner in which it conducts its security, and that it has not created a nuisance to the community or a burden on police services in its previous nineteen years of operation. This is mostly due to the fact that Target Store polices the parking lot and utilizes security cameras positioned at strategic locations within the store and in the parking. Sale of alcohol is not expected to change their security arrangements. Further, these alcohol display areas will be located near the center of store, away from its entrance/exit. Further, Target Stores' cash registers employ technology designed to help cashiers confirm a customer's age as part of every alcohol sales transaction.

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 Police Department does not anticipate alcohol related problems due to the manner Target Store trains its staff and its security arrangements.

In reviewing the proposal, 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 Police Department does not anticipate alcohol related problems due to the manner Target Corporation trains its staff, conducts business and its security arrangements. In reviewing the proposal, staff feels the sale of alcoholic beverages at the retail store of this size is considered an accessory use to the sale of non-alcoholic retail products, and is a service typically expected by the public. In addition, the proposal is not anticipated to have adverse impacts on neighboring land uses within the area since a retail store use is compatible with the mixed commercial uses within the area. It is anticipated that with appropriate controls and conditions in place that the business and sale of alcohol will not become an issue. The sale of alcohol will be contained within the existing building and no construction is being proposed in conjunction with this Use Permit request. The sale and service of alcohol is intended to be secondary to the retail business. 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 Saturday, December 1, 2012. Twenty-three (23) 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 request with attached or alternate conditions
- Deny the request
- Continue the request

Respectfully Submitted,

Concur,

Immanuel Bereket  
Associate Planner

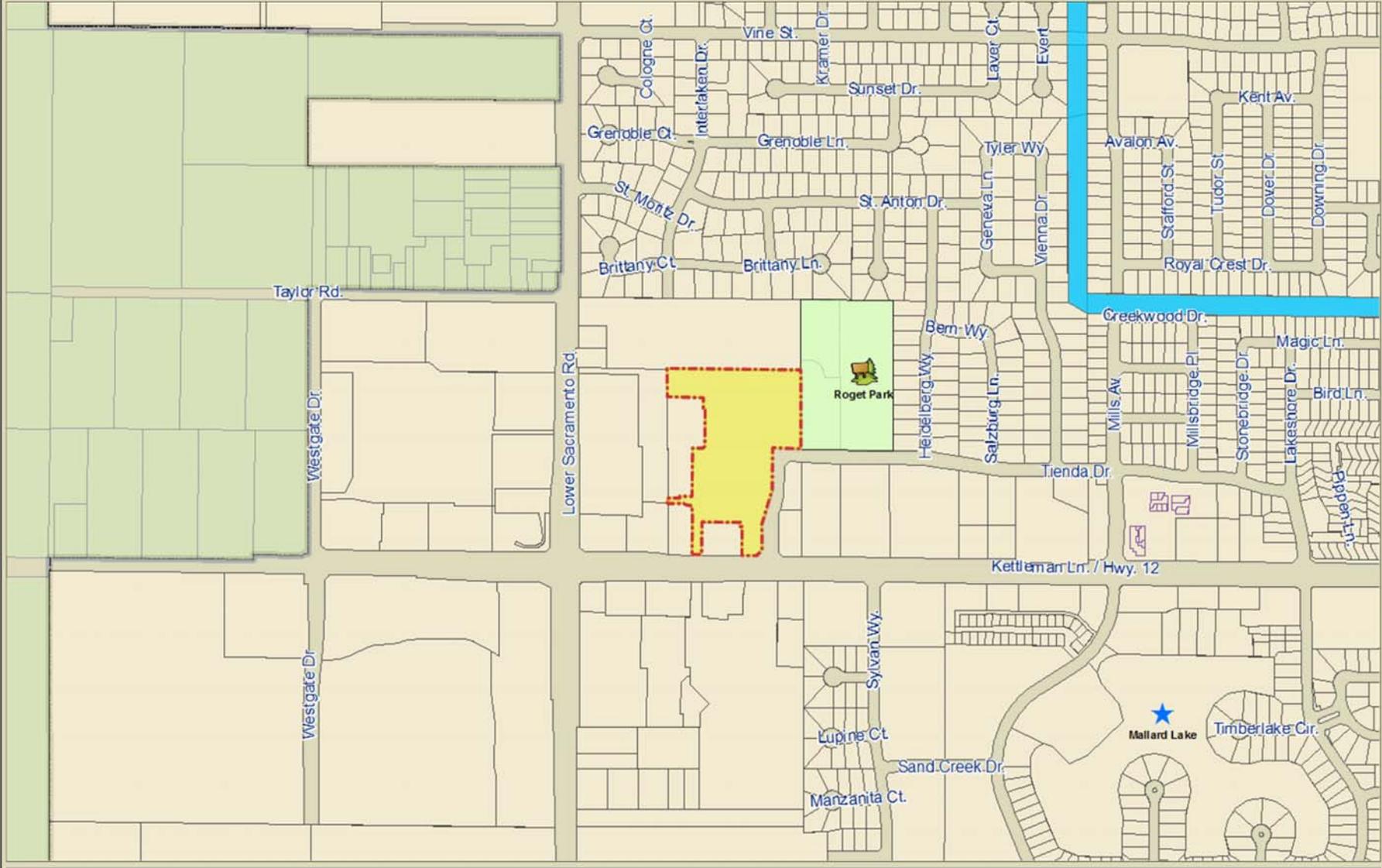
Konradt Bartlam  
Community Development Director

**ATTACHMENTS:**

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



# Vicinity Map



**Legend**

- Project Site
- Canal
- City Limits

**Map Scale**  
1:5,832



NAD\_1983\_StatePlane\_California\_III\_FIPS\_0403\_Feet  
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**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

**Notes**  
Target Store  
2355 W. Kettleman Lane  
Lodi, CA 95240



# Aerial Map



**Legend**  
Project Site

**Map Scale**  
1:2,916

**Notes**  
Target Store  
2355 W. Kettleman Lane  
Lodi, CA 95240

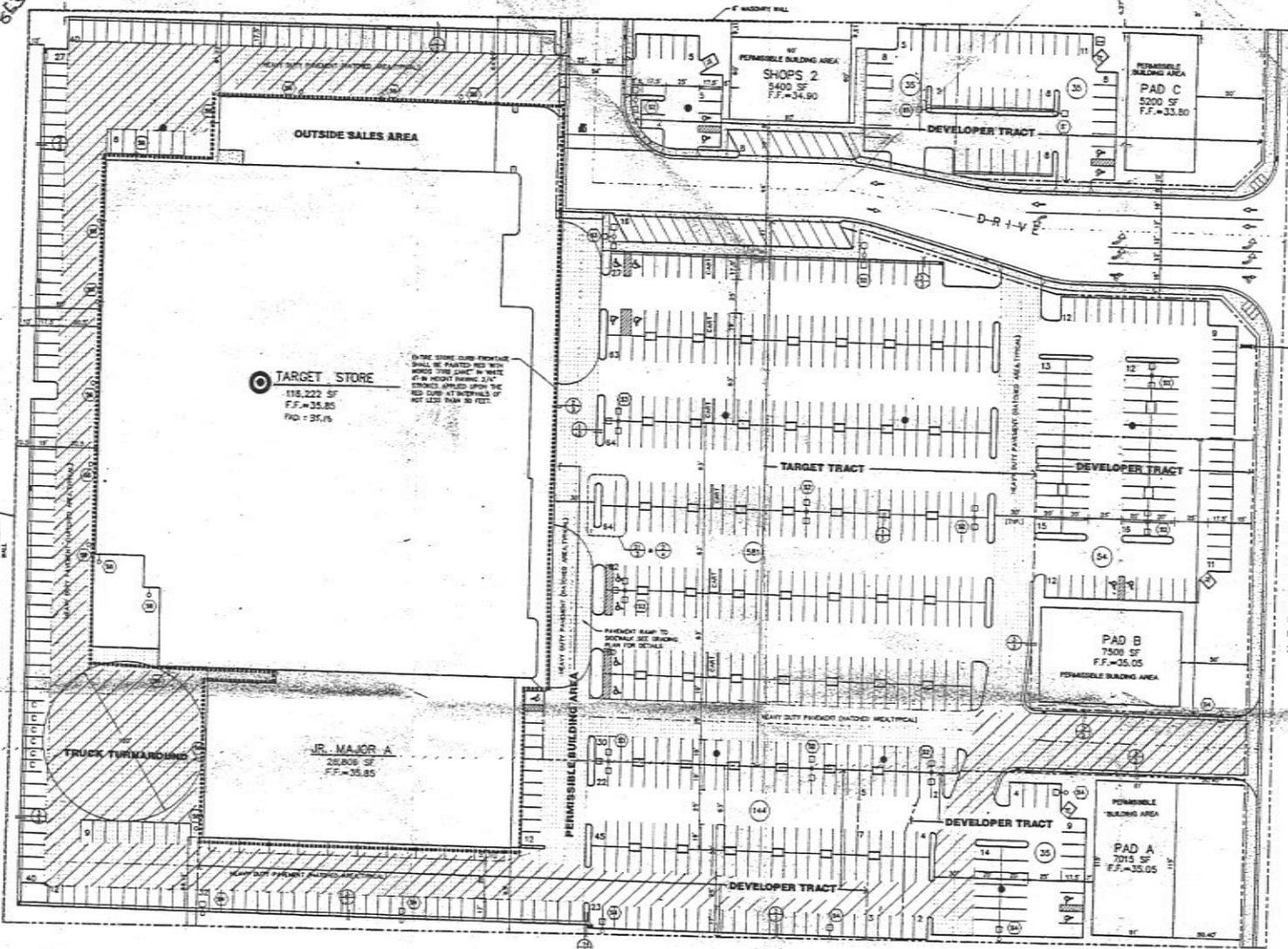
486 0 243 486Feet

NAD\_1983\_StatePlane\_California\_III\_FIPS\_0403\_Feet  
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**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

19  
Site Plan  
7-8-83



**TARGET STORE**  
118,222 SF  
F.F. = 35.85  
P.O. = 25.15

ON THE STORE CURB FRONTAGE SHALL BE PAINTED RED WITH "SHOPS TWO STORE" IN WHITE 1/2" X HEIGHT PAINTING 2 1/4" STROKES APPLIED UPON THE RED CURB AT INTERVALS OF 10' TO 12' TO MARK TO FEET.

**JR. MAJOR A**  
28,806 SF  
F.F. = 35.85

**SHOPS 2**  
5400 SF  
F.F. = 34.90

**PAD C**  
5200 SF  
F.F. = 33.80

**PAD B**  
7500 SF  
F.F. = 35.05

**PAD A**  
7015 SF  
F.F. = 35.05

**SITE SUMMARY:**

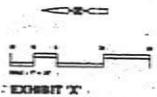
TARGET	118,222 SF
JR. MAJOR A	28,806 SF
SHOPS 2	5400 SF
PADS	18,715 SF
TOTAL	170,143 SF
PARKING PROVIDED:	
STANDARD	80 STALLS
COMPACT	8 STALLS
HANDICAP	14 STALLS
TOTAL PARKING	102 STALLS

PROPOSED TRAFFIC SIGNAL

TARGET/DEVELOPER SIGN

**SITE NOTES:**

1. ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
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10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.



REVISIONS

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PEI CONSULTING ENGINEERS  
1111 KETTLEMAN LANE, SUITE 100, OAKLAND, CA 94612  
TEL: (415) 764-1111  
FAX: (415) 764-1112

LODI TOWN PLAZA

DRIVING TITLE

SITE PLAN

2

8.11.7.83

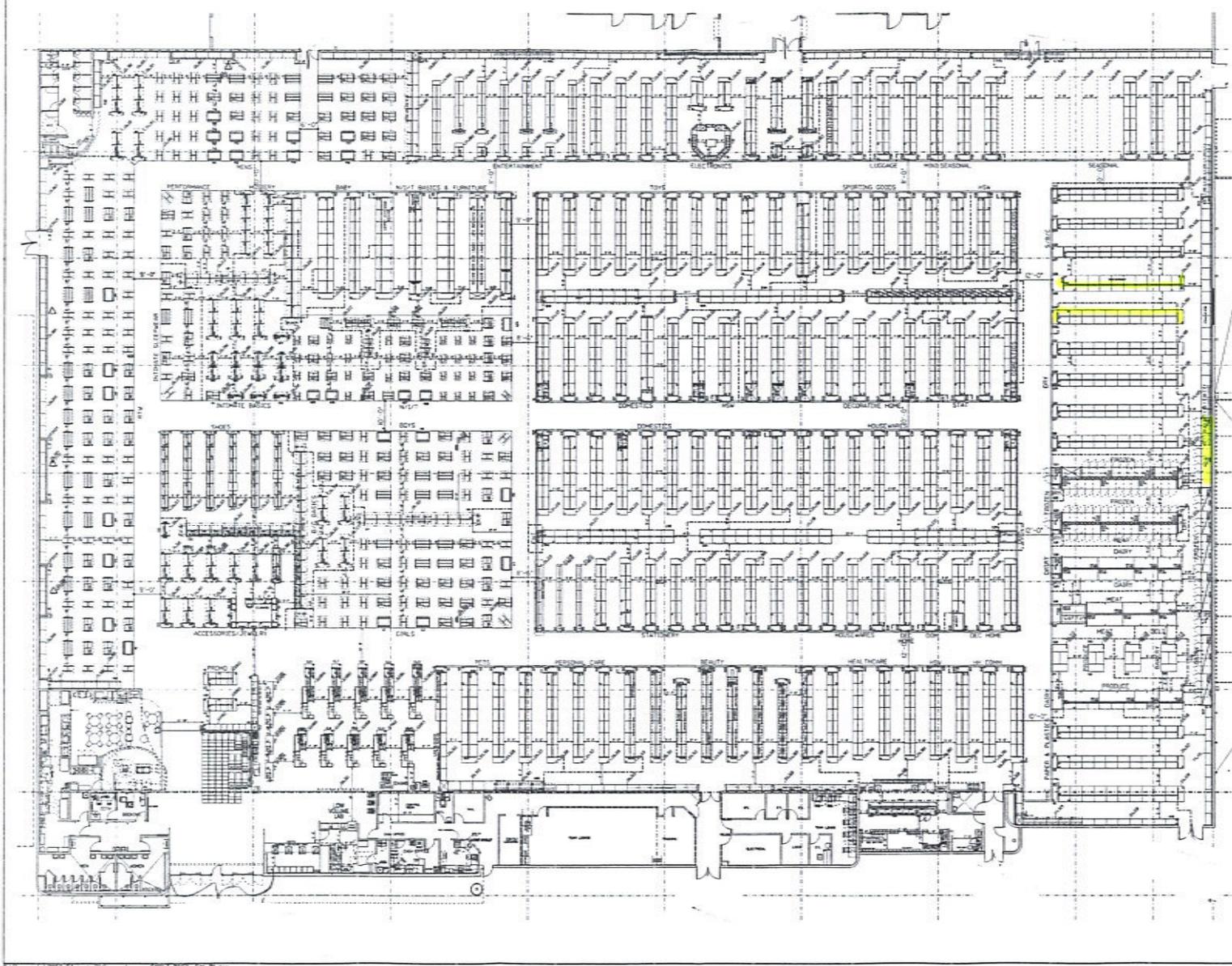
NOTICE: THIS DOCUMENT IS THE PROPERTY OF TARGET CORPORATION AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF TARGET CORPORATION. ANY VIOLATION OF THIS NOTICE IS SUBJECT TO LEGAL ACTION.

CEILING HEIGHT  
SOFTLINES CEILING:  
14'-0"  
HARDLINES CEILING:  
14'-0"  
STOCK ROOM:  
19'-3"  
SEISMIC: Yes

PROCUREMENT PUBLICATION

**TARGET**

SCALE: 1/8" = 1'-0"  
 DATE: 01-14-2011  
 DRAWN BY: A. Simpson  
 CHECKED BY: J. Smith  
 PROJECT: 2011 - Remodel MR  
 Lodi, CA  
 WORK: T-0853  
 TITLE: FIXTURE PLAN  
 PLAN TYPE: SHEET NO.  
 P193 FX1  
 PERMS



**RESOLUTION NO. P.C. 12-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI FOR THE APPROVAL OF THE REQUEST OF TARGET STORE A USE PERMIT (12-U-14) TO ALLOW TYPE 21 OFF-SALE ALCOHOLIC BEVERAGE CONTROL LICENSE AT 2355 WEST 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 site is located at 2355 West Kettleman Lane., Lodi, CA 95241 (APN: 027-410-11) and

**WHEREAS**, the project proponent is Target Corporation, 1000 Nicollet Mall, TPN-0910 Minneapolis, CA 55403; and

**WHEREAS**, the project property owner is Target Corporation, P. O. Box 9456, Minneapolis, CA 55440; and

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

**WHEREAS**, the requested Use Permit to allow the selling of beer, wine and distilled spirits for off-site consumption at the existing Target Store located at 2355 West Kettleman Lane is an enforcement action in accordance with the City of Lodi Zoning Ordinance; and

**WHEREAS**, Census Tract 43.03 in which the business is located currently is not over-concentrated with ABC licenses allowing the sale of beer, wine and distilled spirits for consumption off the license premises where sold; 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; 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 proposed use complies with all requirements as set forth for the issuance of this Use Permit, in that the site is adequate in size, shape and topography for the proposed use, consisting of an existing building. Second, the site has sufficient access to streets, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use, which is not expected to significantly increase due to the project. Third, the proposed use is deemed to be part of the General Plan and the Zoning Ordinance, as off-sales alcoholic beverage sales are permitted in the C-S (Commercial Shopping) Zone with Use Permit approval. Fourth, the proposed use, as conditioned, will not have an adverse effect upon the use, enjoyment or valuation of property in the neighborhood in that a similar off-sales use had previously compatibly existed nearby. Lastly, the proposed use will not have an adverse effect on the public health, safety, and general welfare in that security measures and the limited size of the use will limit any potential adverse effects to neighboring properties.
3. The off-sale of beer, wine and distilled spirits, in accordance with a Type 21 Alcoholic Beverage Control License and with the conditions attached herein, would be consistent and in harmony with the Commercial General Plan Land Use Designation and C-S zoning District.

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 the sale of alcohol in a major retail center is an ancillary use and operation of a retail center 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 off-premise 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 and/or developer and/or successors in interest and management 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 Dept. 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 and/or developer and/or successors in interest and management work with neighboring businesses and residents to resolve any problems that may occur.
10. The sale of alcoholic beverages at this location can meet the intent of the 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. 12-U-14 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 Use Permit 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 Use Permit 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 property owner and/or developer 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.
3. The property owner and/or developer 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.

4. If any of the following conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted; deny or further condition issuance of all future building permits; deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted; record a notice of violation on the property title; institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. No vested rights are gained by Developer or a successor in interest by the City's approval of this Use Permit (12-U-13).
5. The Use Permit shall be vested within six (6) months from the effective date of approval. A building permit for the tenant improvements allowed under this Use Permit shall have been obtained within six (6) months from the effective date of the Use Permit or the Use Permit shall expire; provided however that the Use Permit may be extended pursuant to the Lodi Municipal Code.
6. The Use Permit shall not become effective until ten (10) business days after approval, providing that the action is not appealed by the City Council or any other interested party within that 10 day period.
7. Any request for an extension of the Use Permit must be justified in writing and received by the Planning Department at least thirty (30) days prior to expiration.
8. 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.
9. The property owner and/or developer and/or successors in interest and management shall be prohibited from externally advertising or promoting beer & wine and/or distilled spirits, including but not limited to, window and wall signage.
10. No sales of alcoholic beverages shall occur between the hours of 2:00 a.m. and 6:00 a.m.
11. No single-serving containers shall be sold separately. All single-serving beer and wine containers shall be sold as part of a pack or carton.
12. Paper or plastic cups shall not be sold in quantities less than their usual customary packaging.
13. The Use Permit shall require the property owner and/or developer and/or successors in interest and management to secure an Alcoholic Beverage Control license Type 21 Off-Sale General (Package Store).
14. Prior to the issuance of a Type 21 ABC license, the property owner and/or developer 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.
15. Any changes to the interior layout of the business operation shall be subject to review and approval by the Community Development Department and shall require appropriate City permits.
16. No person who is in a state of intoxication shall be permitted within the business nor shall an intoxicated patron be sold additional alcoholic beverages. It is the responsibility of the business the property owner and/or developer and/or successors in interest and management to ensure no patron in state of intoxication is allowed into the building.
17. The property owner and/or developer and/or successors in interest and management 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.

18. The property owner and/or developer 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.
19. The property owner and/or developer 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.
20. The exterior of all the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times.
21. 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, wine and distilled spirits 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.
22. 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.
23. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

**Dated: December 12, 2012**

I certify that Resolution No. 12- was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on December 12, 2012 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:** December 12, 2012

**APPLICATION NO:** Use Permit: 12-U-17

**REQUEST:** Request for Planning Commission approval of a Use Permit to allow a Type-41 On-Sale Beer and Wine Alcoholic Beverage Control License located at 121 South School Street, Suite B (applicant: Vicki Snell; File Number: 12-U-17)

**LOCATION:** 121 South School Street, Suite B  
APN: 043-043-16  
Lodi, CA 95240

**APPLICANT:** Vicki Snell  
1109 West Locust Street  
Lodi, CA 95240

**PROPERTY OWNER:** Downtown Partners LLC  
4350 East Camelback Rd, Suite E-250  
Phoenix, AZ 85018

**RECOMMENDATION**

Staff recommends the Planning Commission approve the request of Vicki Snell for a Use Permit to allow Type-41 On-Sale Beer and Wine Alcoholic Beverage Control (ABC) license at 121 South Street, Suite B, subject to conditions in the attached resolution.

**PROJECT/AREA DESCRIPTION**

**General Plan Designation:** Downtown Mixed Use  
**Zoning Designation:** C-2, General Commercial  
**Property Size:** Restaurant is approximately 1,780 sq. ft.

The adjacent zoning and land use characteristics:

	ADJACENT ZONING DESIGNATIONS AND LAND USES		
	GENERAL PLAN	ZONING CLASSIFICATION	EXISTING LAND USE
<b>North</b>	Downtown Mixed Use	C-2, General Commercial	Various retail and restaurant uses
<b>South</b>	Downtown Mixed Use	C-2, General Commercial	Retail Store
<b>East</b>	Downtown Mixed Use	C-2, General Commercial	US Post Office
<b>West</b>	Downtown Mixed Use	C-2, General Commercial	Parking Lot

**SUMMARY**

The applicant, Vicki Snell, is requesting approval of a Use Permit to allow on-site consumption of beer and wine in conjunction with food service at a proposed restaurant located at 121 South School Street, Suite B. In addition, the applicant is requesting that the Planning Commission make a finding that the sale of alcohol at the 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 in the Downtown Business District, which permits the sale of alcohol for on- and off-site consumption with approval of a Use Permit.

## **BACKGROUND**

Available City records indicate that the building has been used for various retail type uses since its construction. The subject tenant space measures approximately 2,865 sq. ft. in area. The most recent use was a second hand store and it has been vacant since 2008. Currently, there are no outstanding City or Building Code violations. The project site is bordered by a variety of businesses on all sides. The project site is within the Downtown Parking District and, therefore, no onsite parking is required.

## **ANALYSIS**

According to the applicant, the proposed restaurant will offer lunch and dinner menu. The proposed hours of operations are Sunday -Thursday 11:00 a.m. – 9:00 p.m. and Friday - Saturday 10:00 a.m.-10:00 p.m. The proposed hours of operation are similar to other restaurants within the Downtown area. The restaurant measures approximately 8,864 square feet in size and provides seating for approximately 50-60 guests and additional 562 square feet (15-18 guests) is provided in a proposed outdoor patio area. Because the restaurant is within the Downtown Parking District, it is not required to provide onsite parking. Parking is provided at the parking structure or on nearby streets. The applicant requests a Use Permit approval to allow a Type 41 (Eating Place) ABC license, which authorizes the sale of beer and wine for consumption on 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 cannot be in excess of food sale receipts. ABC requires that restaurants with an alcohol license must operate and maintain the premise as a bona fide eating establishment.

The Municipal Code of the City of Lodi 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. The project area is located on Census Tract 42.04, which covers the area south of Lockeford Street, north of Lodi Avenue, east of Ham Lane and west of Union Pacific Rail Road Company (UPRR) rail-line. According to ABC, Census Tract 42.04 contains twenty three (23) existing ABC on- and off-sale licenses with only three (3) on- and three (3) off-sale sale licenses allowed based on the ABC criteria. Because the project area is within the downtown district, there is an existing over concentration of ABC licenses. In order to authorize additional licenses in this census tract, the Planning Commission must make a finding of public convenience and/or necessity.

While this is the highest concentration in Lodi, it would not be unexpected in a downtown location. Generally downtown districts have a high concentration of eating and drinking establishments. Many of the licenses are in conjunction with eating establishments. The City's Downtown Guidelines specifically call out drinking and eating establishments as the type of businesses that are encouraged in the Downtown area. The proposed addition of ABC license is consistent with the City's vision of making Lodi tourist destination point. The applicant's request is to sell alcohol in conjunction with operation of a bona fide eating establishment. This is consistent with the Commission's past actions. 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. The Community Development Department has determined that the applicant's request for a Use Permit can meet the criteria for the finding of public convenience.

Staff sent copies of the application to various City departments for comment and 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 on-sale beer, wine and distilled spirits application and they do not anticipate alcohol related problems. The Lodi Police Department recommends approval subject to the conditions outlined in the attached resolution. 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 license. 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 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 in the Lodi News Sentinel on December 1, 2012. Thirty-four (34) 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 request with attached or alternate conditions
- Deny the request
- Continue the request

Respectfully Submitted,

Concur,

Immanuel Bereket  
Associate Planner

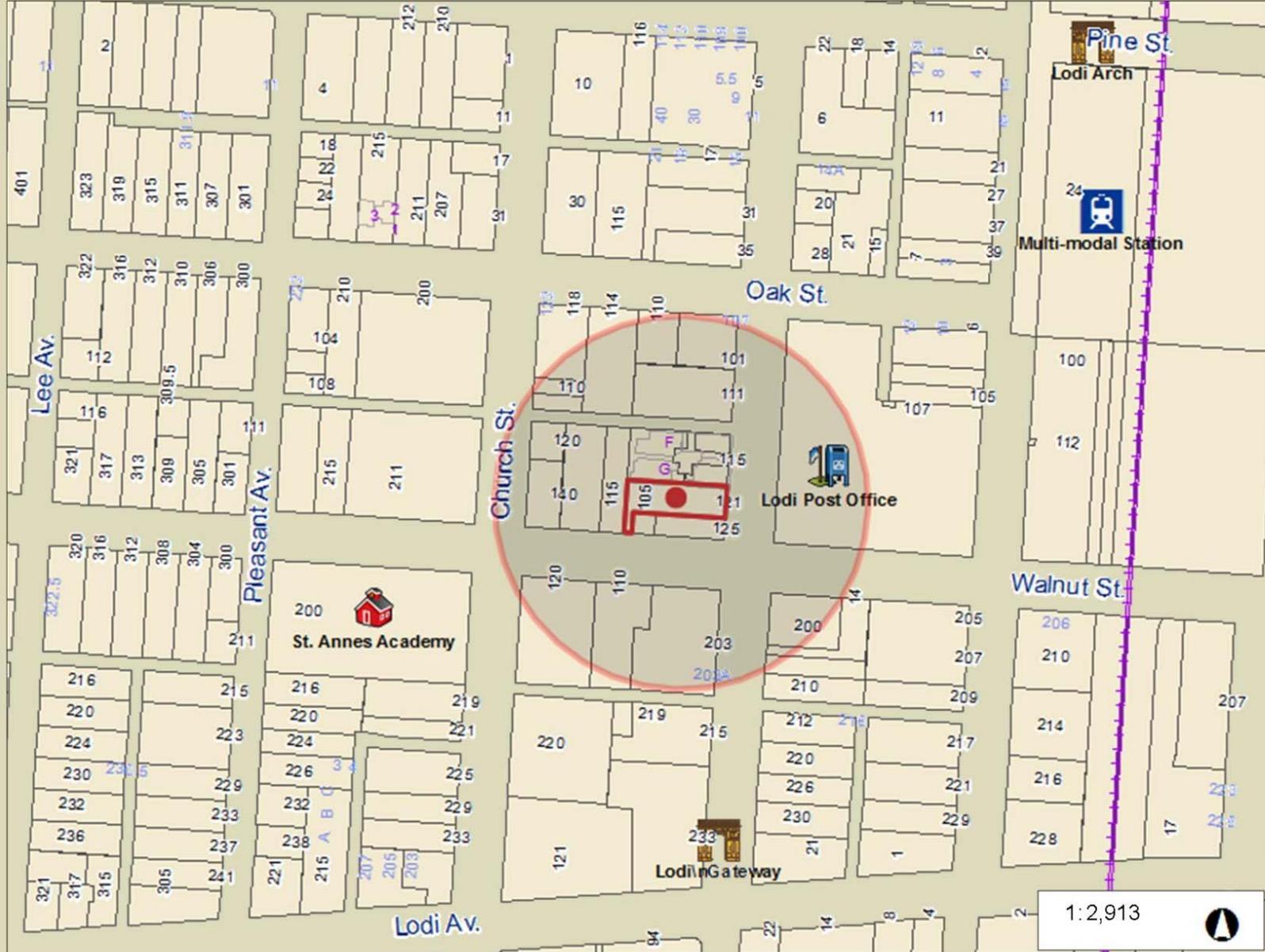
Konradt Bartlam  
Community Development Director

**ATTACHMENTS:**

- A. Vicinity Map
- B. Aerial Map
- C. Site Plan
- D. Floor Plan
- E. Menu
- F. Draft Resolution



# Vicinity Map



### Legend

**Landmarks**

- ARCH
- CITYBUILDINGS
- CITYHALL
- COURT
- DOG PARK
- FIRE STATIONS
- HIGH SCHOOLS
- HOSPITALS
- LIBRARY
- LND-MRKS
- PARKS
- POLICE
- POST OFFICE
- SCHOOLS
- SKATE PARK
- SOFTBALL
- STADIUM
- THEATRE
- TRAIN

**Address**

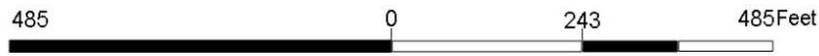
**Railroads**

**Street Names**

**Parcels 2nd Story**

**Parcels**

- PARCELS
- PARCELS\_ISLAND
- PARCELS\_OUTSIDECL



NAD\_1983\_StatePlane\_California\_III\_FIPS\_0403\_Feet  
 © City of Lodi Geographic Information Systems

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

**Notes**  
 For Reference Only



# Aerial Map



- Legend**
- Landmarks**
- ARCH
  - CITYBUILDINGS
  - CITYHALL
  - COURT
  - DOGPAK
  - FIRESTATIONS
  - HIGH SCHOOLS
  - HOSPITALS
  - LIBRARY
  - LND-MRKS
  - PARKS
  - POLICE
  - POST OFFICE
  - SCHOOLS
  - SKATEPARK
  - SOFTBALL
  - STADIUM
  - THEATRE
  - TRAIN
- Address**
- Railroads
  - Street Names
  - Parcels (Outline)
  - City Limits
- 2008 Apr 6 inch**
- Red: Band\_1
  - Green: Band\_2
  - Blue: Band\_3

**Map Scale**  
1:1,697

**Notes**  
For Reference Only.

283 0 141 283Feet

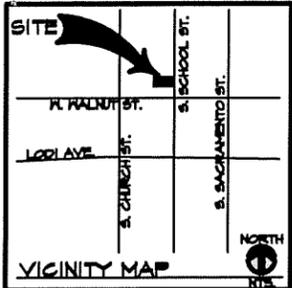
NAD\_1983\_StatePlane\_California\_III\_FIPS\_0403\_Feet  
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

# PROPOSED TENANT IMPROVEMENT FOR: SMACK PIE PIZZA

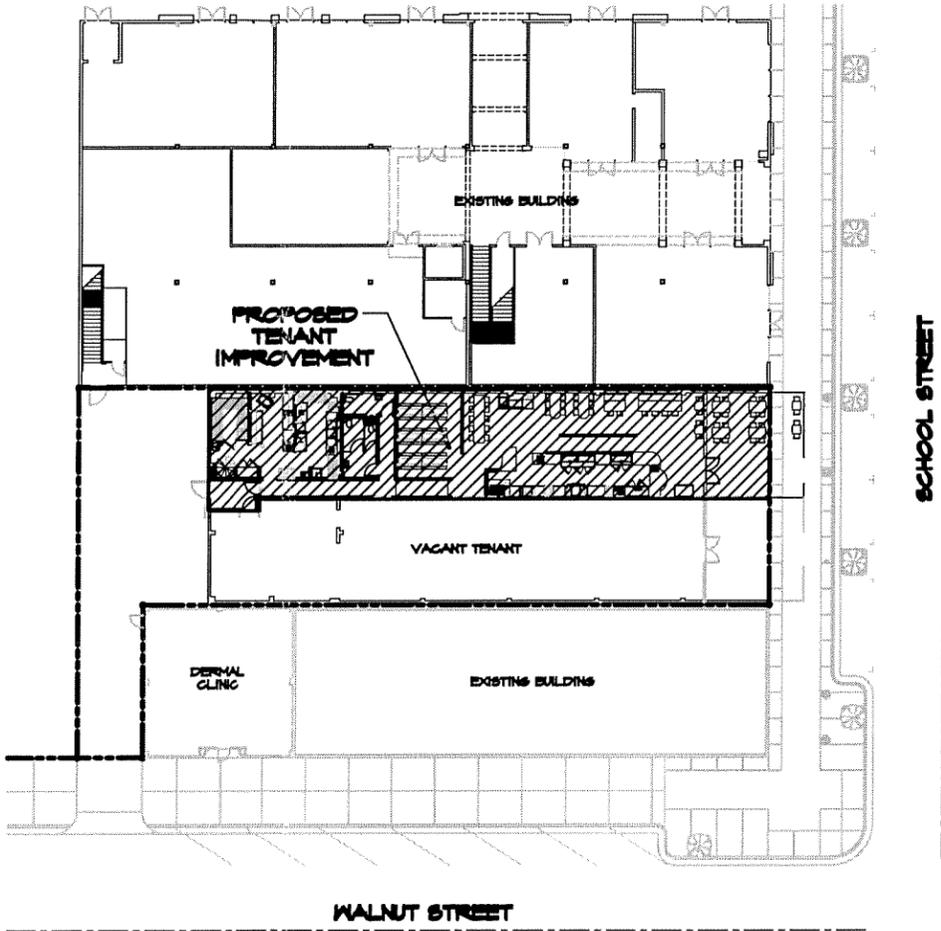
121 S. SCHOOL STREET #  
LODI, CA 95240



PROJECT DATA:	
PROJECT OWNER	SCOTT TONN
PROJECT LOCATION	121 S. SCHOOL STREET # LODI, CA.
PROJECT LESSEE	VICKI SNELL & KRISTA FLEYTE
APN	048-004-16
PROJECT DESCRIPTION	TENANT IMPROVEMENT
OCCUPANCY	A2
CONSTRUCTION TYPE	VB
STORIES	ONE
FIRE SPRINKLERS	NO
AREAS:	
EXISTING BUILDING	6,377 S.F.
TENANT SPACE	2,864 S.F.
PATIO AREA	562 S.F.
TOTAL TENANT AREA	3,426 S.F.
UTILITIES:	
WATER	PUBLIC FACILITIES
SEWER	PUBLIC FACILITIES
STORM DRAIN	PUBLIC FACILITIES

SHEET INDEX:	
CS	COVER SHEET, SITE PLAN
A1	DEMO PLAN
A2	PROPOSED FLOOR PLAN, EXTERIOR ELEVATION
DA	DISABLED ACCESS STANDARDS

CODE COMPLIANCE	
ALL WORK PERFORMED SHALL BE IN ACCORDANCE TO THE LATEST EDITION OF APPLICABLE CODES, INCLUDING BUT NOT LIMITED TO:	
<ul style="list-style-type: none"> <li>• 2010 CALIFORNIA BUILDING CODE, (CBC)</li> <li>• 2010 CALIFORNIA ELECTRICAL CODE, (CEC)</li> <li>• 2010 CALIFORNIA GREEN BUILDING CODE, (CGBC)</li> <li>• 2010 CALIFORNIA MECHANICAL CODE, (CMC)</li> <li>• 2010 CALIFORNIA PLUMBING CODE, (CPC)</li> <li>• 2010 CALIFORNIA ENERGY CODE</li> <li>• 2010 CALIFORNIA FIRE CODE</li> <li>• 2010 CALIFORNIA HISTORICAL BUILDING CODE</li> <li>• 2010 CALIFORNIA EXISTING BUILDING CODE</li> <li>• 2010 CALIFORNIA REFERENCED STANDARDS CODE</li> </ul>	



**SITE PLAN**



REVISION	

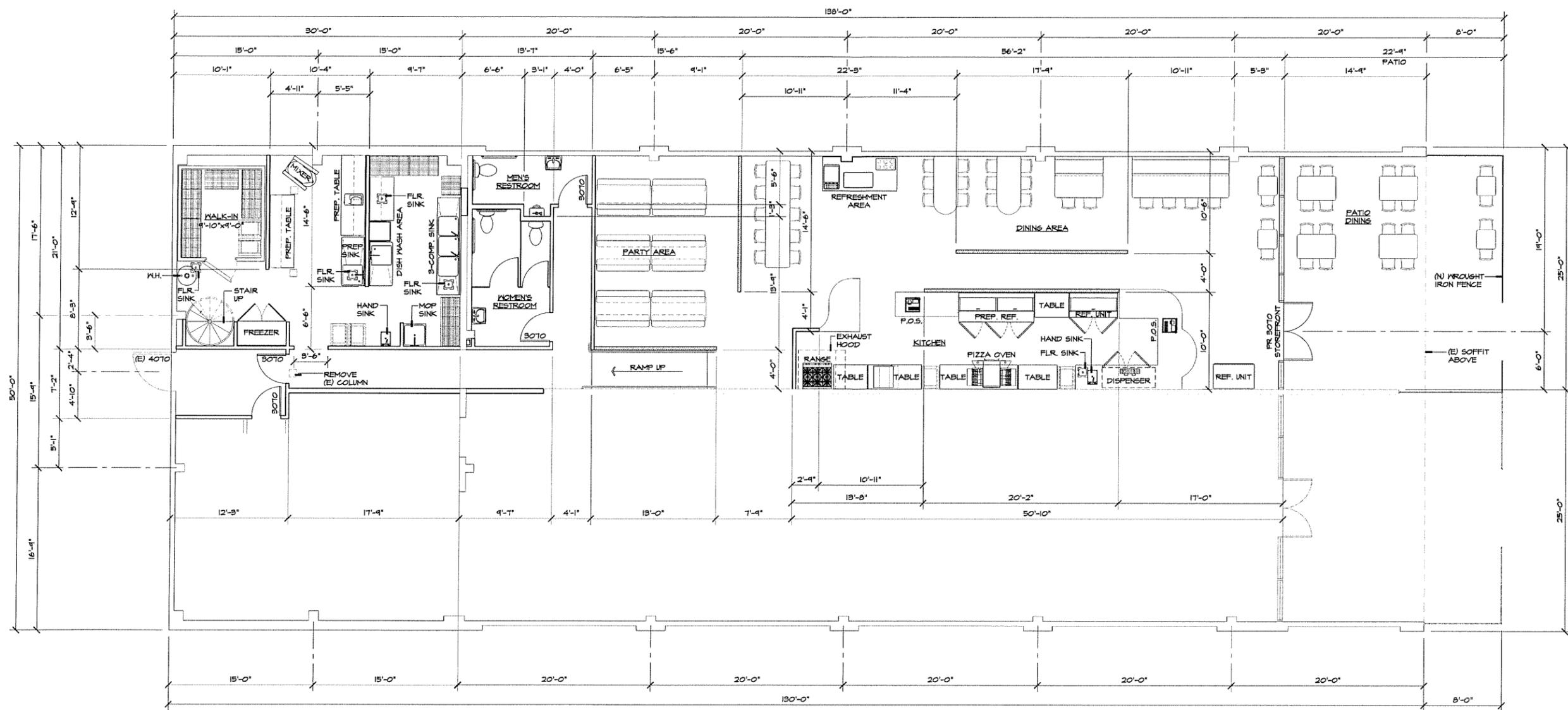
**MIKE SMITH ENGINEERING, INC.**  
 4 NORTH MAIN STREET  
 LODI, CALIFORNIA 95240  
 PHONE (209) 584-8888

TITLE:  
**COVER SHEET  
SITE PLAN**

PROJECT:  
PROPOSED TENANT IMPROVEMENT FOR  
**SMACK PIE PIZZA**  
PROJECT LOCATION:  
121 S. SCHOOL STREET #  
LODI, CA



DRAWN	DLF
CHECKED	MS
DATE	10/1/12
SCALE	AS NOTED
JOB NO.	11125
SHEET	001

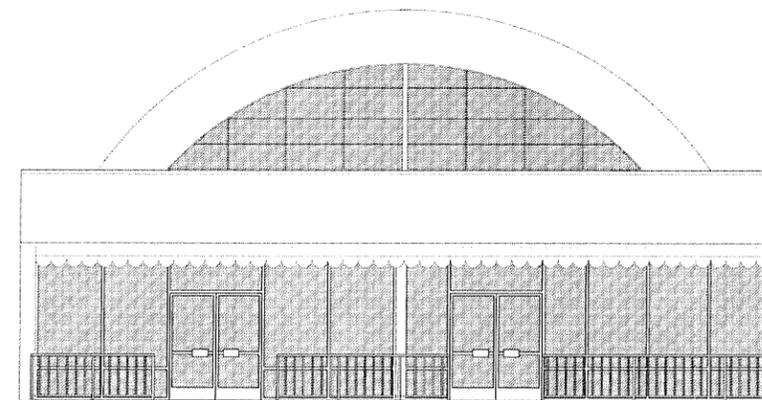


**PROPOSED FLOOR PLAN**

**WALL LEGEND:**

	(E) CONC. WALL
	(E) STUD WALL
	(N) STUD WALL
	(N) STUD HALF WALL

**NOTE:**  
1. FOR EQUIPMENT SPECIFICATIONS, SEE PLANS BY OTHERS.



**EAST  
EXTERIOR ELEVATION**

3/16" = 1'-0"

REVISIONS	BY

**MIKE SMITH  
ENGINEERING, INC.**  
4 NORTH MAIN STREET  
LODI, CALIFORNIA 95240  
PHONE (209) 334-2332

**TITLE:**  
PROPOSED FLOOR PLAN  
EXTERIOR ELEVATION

**PROJECT:**  
PROPOSED TENANT IMPROVEMENT FOR:  
**SMACK PIE PIZZA**  
PROJECT LOCATION:  
121 S. SCHOOL STREET #  
LODI, CA



DRAWN	DLF
CHECKED	MS
DATE	10/10/12
SCALE	AS NOTED
JOB NO.	11123
SHEET	

**A2**  
5 OF 5 SHEETS

## What's the Smack Down??



**Smack Pie Pizza** is a unique, fast-casual dining concept that lets you, the customer, have total control of the what ingredients you put into your mouth.

**Get creative or as basic as you want.**

**Your choice of custom, made-to-order pizzas and fresh hand tossed salads are our main featured items.**

**Pizzas are cooked in under 6 minutes, allowing you to spend your time eating...not waiting!!**

## GET THE SMACK-DOWN ON PIZZA PARTIES

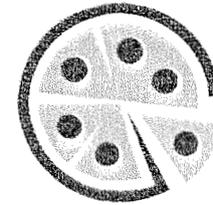
**Have your next event or party at  
SMACK PIE PIZZA**

Guests will have the unique opportunity to hand make their own **personal style pizzas.**

They will use our freshest ingredients and have a little fun with the design of it!

We always serve our signature "**Smackies**" for dessert, with our secret dipper sauce! Use of our "Party Area", balloons, and paper goods supplied.

All party guests get our cool custom tee-shirts!!



**SMACK PIE**  
Pizza

**CUSTOM-MADE SALADS  
AND PIZZAS**

**Put the SMACK back  
into your meal!**

**121 S. School St.  
Downtown Lodi  
209.365.9900**

[www.smackpiepizza.com](http://www.smackpiepizza.com)

**Outside Patio Seating**

## Signature pies and slices

**Buffalo Chicken** - traditional crust, garlic cream, spicy buffalo chicken, peppers, mozzarella and blue cheese

**Margherita** - traditional crust, herb infused oil, roma tomatoes, mozzarella, fresh basil

**Veggie Blast** - herb crust, marinara, mushrooms, kalamata olives, pepper medley, red onion, grape tomatoes, feta

**Meaty-Smack** - traditional crust, spicy red sauce, pepperoni, ham, italian sausage, bacon, salami, mozzarella,

**Tuscan** - herb crust, pesto, sundried tomatoes, roasted peppers, artichokes, kalamata olives, italian sausage, feta

**Pesto Chicken** - traditional crust, pesto, chicken, sundried tomatoes, serrano chillies, basil, mozzarella

**Smack-Daddy** - 20" full pizza **\$22-\$26**

(Serves 5-7)

**Kids**- 6" 1 topping - **\$4**

**Slices** - **\$3.50 / \$3.75 / \$4**

Slices served - 11 am - 1 pm - Lunch

Happy Hour 4:30 PM - 6:30 PM

## Build Your Own Pizza

**\$7.50 - 9" Individual Unlimited Toppings**

### Crust

traditional, wheat, gluten-free, herb

### Sauce

tomato marinara, spicy red, garlic cream, pesto, bbq sauce, herb infused olive oil

### Cheese

mozzarella blend, ricotta, cheddar, parmesan, blue cheese, organic cheddar, feta/goat cheese

### Meats

pepperoni, chicken, Italian sausage, salami, bacon, ham

### Veggies

black/green/kalamata olives, mushrooms, roma/sundried tomatoes, red/green bell peppers, serrano chillies, melon squash, zucchini, grape tomatoes, artichoke hearts, jalapeno chillies, fresh spinach, basil

### Fruits

fugi apples, bosc pears, red grapes, watermelon, lemons, limes, strawberries, blackberries, avocados

## Custom Tossed Salads



**Full tossed salad \$7.50**

(serves 2-3)

**Half tossed salad \$4**

(individual)

**Salads to go-**

**Garden side salad \$3**

**Walnut Chicken \$4.25**

**Caesar salad \$3**

Dressings - Ranch Blue Cheese Caesar  
Thousand Poppy seed wine vinaigrette

## SMACKIES

**Basket of bread sticks \$3.25**

seasonings - parmesan, butter and garlic, cilantro lime, cinnamon and sugar,

Served with dipping sauces

## beverages

Fountain sodas \$1.50

Bottled Water \$ 1

Bottled beer \$3.25

Draft beer \$ 4

Wine by the glass \$6.50

Wine by the bottle \$18-24

**RESOLUTION NO. P.C. 12-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI FOR THE APPROVAL OF THE REQUEST OF SCOTT PORTER FOR A USE PERMIT TO ALLOW A TYPE-41 ON-SALE BEER AND WINE ALCOHOLIC BEVERAGE CONTROL LICENSE LOCATED AT 121 SOUTH STREET, SUITE B**

- 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 Vicki Snell, 1109 West Locust Street, Lodi, CA; and
- WHEREAS,** the project is located at 121 South School Street, Suite B, Lodi, CA (APN: 043-043-16); and
- WHEREAS,** the property has a General Plan designation of Downtown Mixed Use and is zoned C-2, General Commercial; and
- WHEREAS,** the requested Use Permit to allow the selling of beer and wine for on-site consumption within a restaurant is an enforcement action in accordance with the City of Lodi Zoning Ordinance; and
- WHEREAS,** Census Tract 42.04 in which the proposed restaurant is to be located is over concentrated of licenses allowing on premise consumption of alcoholic beverages; and
- WHEREAS,** because Census Tract 42.04 has an over-concentration of On-sale beer and wine alcohol licenses, the Planning Commission makes a finding of necessity and/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.
- 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-2 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.
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 Downtown Mixed Use General Plan Land Use Designation and C-2 Zoning District.
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 restaurant 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 consumption is a normal part of business operations for a restaurant 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 Dept. 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 because the sale of alcohol with a restaurant operation is not associated with detrimental impacts to the community.
11. The sale of alcoholic beverages at this location can meet the intent of the C-2 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. 12-U-17 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 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, 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.

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. Use Permit Application No. 12-U-17 is granted for restaurant serving beer and wine both indoor and within an outdoor patio dining area for the property located at 121 South School Street, Suite B.
9. 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.
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 establishment 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 exterior of all the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times.
13. The applicant/project proponent and/or developer and/or successors in interest and management shall obtain annual Operational Permit issued by the Lodi Fire Department, and meet all the conditions outlined in therein. The Fire Department may be contact at the Lodi Fire Department, 25 East Pine Street, Lodi, CA 95240-2127. Phone Number (209) 333-6739.
14. Tenant Improvement plan submittal required for the project. All plan submittals shall be based on the City of Lodi Building Regulations and currently adopted 2010 California Building code.
15. 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, wine and distilled spirits 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.
16. 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.
17. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

**Dated: December 12, 2012**

I certify that Resolution No. 12- was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on December 12, 2012 by the following vote:

**AYES:** Commissioners:

**NOES:** Commissioners:

**ABSENT:** Commissioners:

**ATTEST** \_\_\_\_\_  
**Secretary, Planning Commission**

Item 3c.

**CITY OF LODI  
PLANNING COMMISSION  
Staff Report**

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**MEETING DATE:** December 12, 2012

**APPLICATION NO:** Use Permit: 12-U-18

**REQUEST:** Request for Planning Commission approval of a Use Permit to allow a Type 2 (Winery) and Type 42 (On-Sale Beer and wine) Alcoholic Beverage Control license at 7 North School Street. (Applicants: Peter Marks, on behalf of Six Hands Winery and Sorelle Winery, LLC; File Number: 12-U-18).

**LOCATION:** 7 North School Street  
APN: 043-033-08  
Lodi, CA 95240

**APPLICANT:** Peter Marks, on behalf Six Hands Winery and Sorelle Winery, LLC  
836 Alder Place  
Lodi, CA 95242-3738

**PROPERTY OWNER:** Michael and Teresa Locke Trust  
1000 West Pine Street  
Lodi, CA 95240

**RECOMMENDATION**

Staff recommends the Planning Commission approve Mr. Mark's request, on behalf Six Hands Winery and Sorelle Winery, LLC., for a Use Permit to allow a Type 2 (Winery) and Type 42 (One sale Beer and Wine) Alcoholic Beverage Control license at 7 North School Street, subject to the conditions outlined in the attached resolution.

**PROJECT/AREA DESCRIPTION**

**General Plan Designation:** DMU, Downtown Mixed Use  
**Zoning Designation:** C-2, General Commercial (Downtown Business District)  
**Property Size:** Tenant space is approximately 1,750 sq. ft.

	ADJACENT ZONING DESIGNATIONS AND LAND USES		
	GENERAL PLAN	ZONING CLASSIFICATION	EXISTING LAND USE
<b>North</b>	Downtown Mixed use	C-2, General Commercial	Mixture of retail/commercial
<b>South</b>	Downtown Mixed use	C-2, General Commercial	Mixture of retail/commercial
<b>East</b>	Downtown Mixed use	C-2, General Commercial	Mixture of retail/commercial
<b>West</b>	Downtown Mixed use	C-2, General Commercial	Mixture of retail/commercial

**SUMMARY**

The applicant, Peter Marks, on behalf Six Hands Winery and Sorelle Winery, LLC, seeks a Use Permit approval to operate a wine retail and wine tasting room at 7 North School Street. The facility plans to offer beer tasting events in the future. The facility will be located within an existing commercial tenant space in the Downtown Business District. No exterior changes to the building are proposed. However, the applicant proposes an outdoor seating area for wine tasting purposes, similar to the other wineries in the Downtown District. The applicant is not requesting signage at this time. Any future signage will be reviewed at staff level to ensure conformance with the approved sign program for the Downtown Business District. No wine production is proposed.

## **BACKGROUND**

Available City records indicate that the building has been used for various retail type uses since its construction. The subject tenant space measures approximately 1,750 sq. ft. in area. The most recent use is a clothing retail business. Currently, there are no outstanding City or Building Code violations. The project site is bordered by a variety of businesses on all sides. The project site is within the Downtown Parking District and, therefore, no onsite parking is required.

## **ANALYSIS**

The applicant, Mr. Peter Marks, on behalf Six Hands Winery and Sorelle Winery, LLC, requests approval of a Use Permit to open a wine tasting room and retail sales in an existing building located at 7 North School Street. The applicant intends to use this location to sell wine related gift items such as decanters, stemware, cork screws and the like. Wearable logo items will also be made available for purchase. A Type 2 license is required by the State Department of Alcohol Beverage Control (ABC) for the operation of a wine retail and wine tasting. The applicant also plans to hold beer tasting events as a normal part of business in the future. This portion of the business would require the applicant to secure a Type 42 On-Sale Beer and Wine license. Type 42 license authorizes the sale of beer and wine for consumption on or off the premises where sold. Food service is not required. The proposed hours of operations are Monday through Thursday from 11:00 a.m. to 9:00 p.m., Friday and Saturday from 11:00 a.m. to 10:00 p.m., and Sunday from 11:00 a.m. to 5:00 p.m. The proposed hours of operation are similar to other wine tasting rooms in Lodi.

The project site is located in a C-2 (General Commercial) Zoning District. The C-2 zoning district is designated for a variety of general commercial uses, including wineries, restaurants, bars retails businesses and the like. The proposed winery is consistent with the types of uses one would expect to find in a Downtown Business District. In the future, the applicant would like to serve wine on the sidewalk, similar to the Cellar Door and Benson Ferry Wine Tasting rooms. No crushing or making activities will occur at this location. The proposed business will be located within the City's downtown and will support and compliment other downtown businesses.

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. The Downtown Business District is located within this census tract. Because this area is within the Downtown Business District, there is an existing over concentration of ABC licenses (29 on-sale and 4 off-sale) within this Census Tract. In order to authorize additional licenses in this census tract, the Planning Commission must make a finding of public convenience and/or necessity.

While this is the highest concentration in Lodi, it would not be unexpected in a downtown location. Generally, downtown districts have a high concentration of eating and drinking establishments. Many of the licenses are in conjunction with eating establishments. The City's Downtown Guidelines specifically call out drinking and eating establishments as the type of businesses that are encouraged in the Downtown area. The proposed addition of ABC license is consistent with the City's vision of making Lodi tourist destination point.

In the past, the Planning Commission and the Planning staff have generally supported wine tasting rooms that wish to acquire an ABC on-sale license, because typically, wineries, wine production facilities and associated wine tasting rooms and retail sales of wine that serve alcohol in conjunction with wine tasting rooms do not create alcohol related problems. All of the existing similar businesses (wine tasting rooms) have not created any policing problems. The proposed business is similar to other wine tasting rooms and the proposed business is anticipated to operate in similar manner. The Community Development Department has determined that the applicant's request for a Use Permit can meet the criteria for the finding of public convenience. The Commission should review the application to ensure that sale of alcohol will not adversely affect surrounding residents, businesses,

and institutions and to ensure that any such use operates in a manner compatible with existing and future adjacent uses.

As part of the recommendation of approval, staff, working with the Police Department, has recommended operational conditions based upon the individual business plan to ensure the establishment will be compatible with the surroundings. The Police Department has reviewed and recommended operational conditions, which are incorporated into the draft resolution. The Public Works Department has reviewed the application and advised that the proposed outdoor area will require an encroachment permit. Their requirement has been incorporated into the attached draft resolution. The Community Development Department 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 the proposed establishment. Since no onsite crushing is being proposed as part of this Use Permit, there will be no wine waste to be concerned about. The proposed use is consistent with the City's vision of making Lodi a wine tasting tourist destination. We, therefore, are recommending that the Use Permit be approved, subject to 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." 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 Saturday, December 1, 2012. Thirty-six (36) public hearing notices were sent to all property owners of record within a 300-foot radius of the project site as required by California State Law §65091 (a) 3. Public notice also was mailed to interested parties who had expressed their interest of the project.

### **ALTERNATIVE PLANNING COMMISSION ACTIONS:**

- Approve with additional/different conditions
- Deny the Use Permit
- Continue the request

Respectfully Submitted,

Concur,

Immanuel Bereket  
Associate Planner

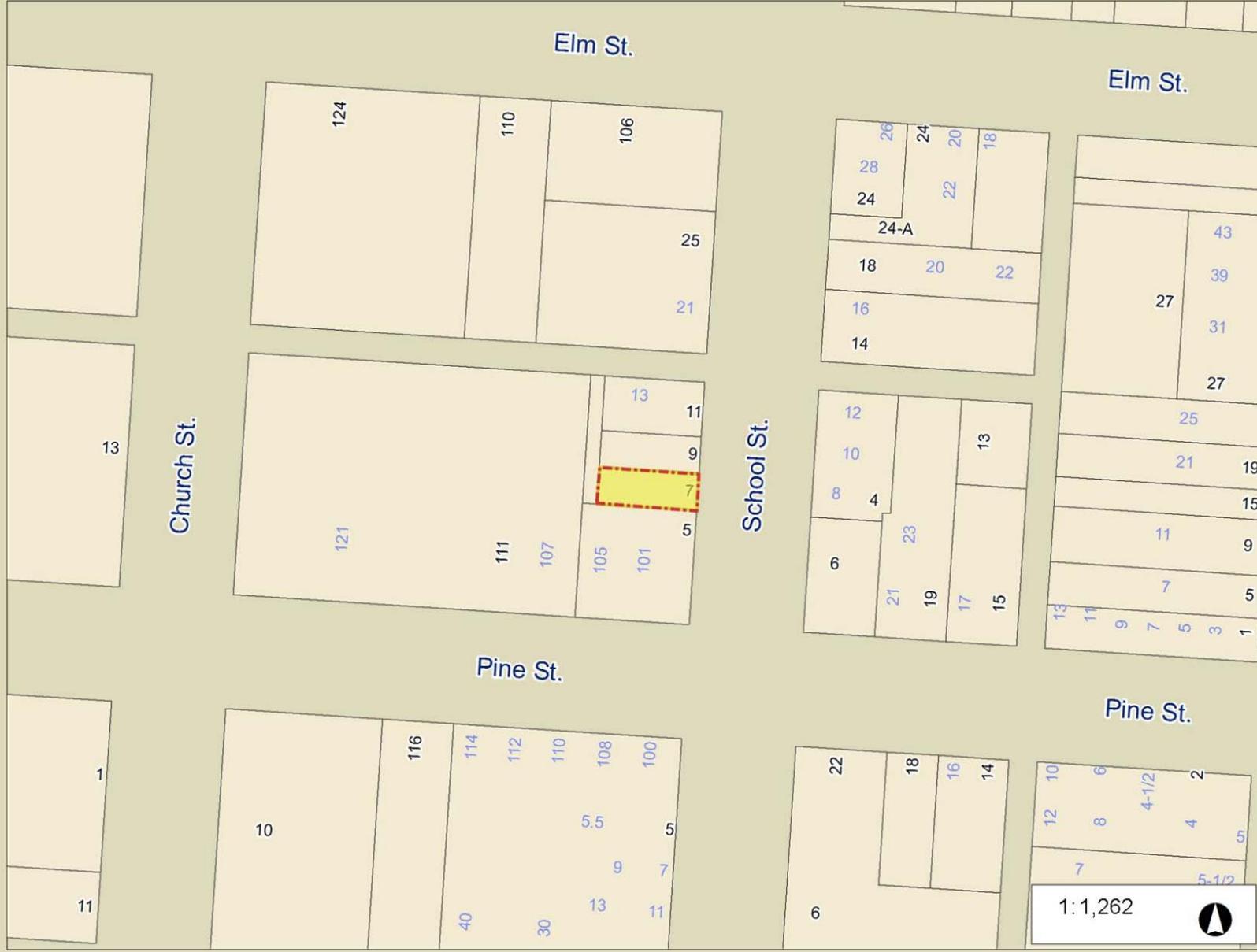
Konradt Bartlam  
Community Development Director

### **ATTACHMENTS**

1. Vicinity Map
2. Aerial Map
3. Existing and Proposed Floor Plan
4. Draft Resolution

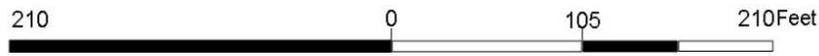


# Vicinity Map



### Legend

- Landmarks**
  - ARCH
  - CITYBUILDINGS
  - CITYHALL
  - COURT
  - DOGPARK
  - FIRESTATIONS
  - HIGH SCHOOLS
  - HOSPITALS
  - LIBRARY
  - LND-MRKS
  - PARKS
  - POLICE
  - POST OFFICE
  - SCHOOLS
  - SKATEPARK
  - SOFTBALL
  - STADIUM
  - THEATRE
  - TRAIN
- Address**
- Railroads**
- Canal**
- Street Names**
- Parks**
  - BASINS
  - PARKS
- Parcels 2nd Story**
- Parcels**



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 © City of Lodi Geographic Information Systems

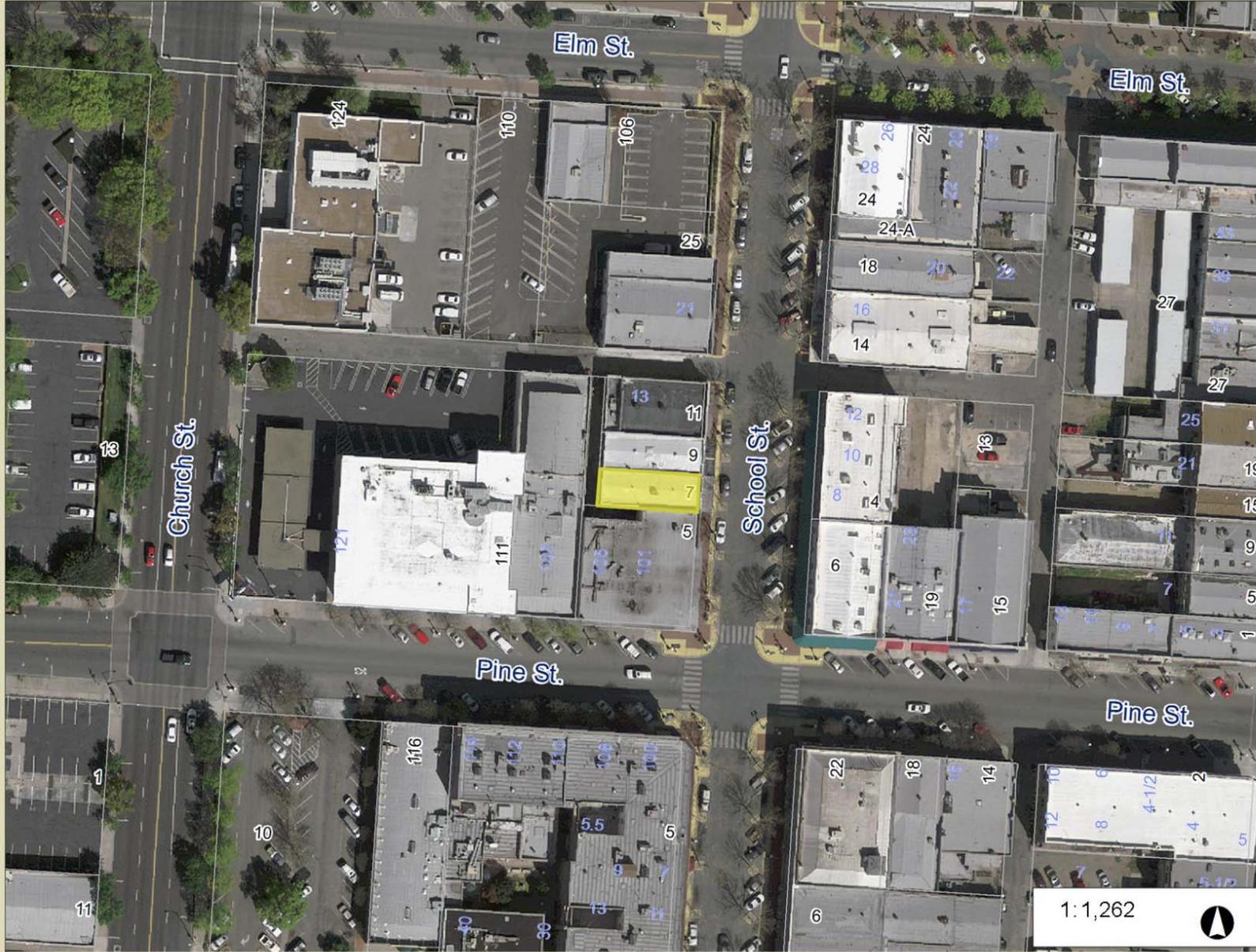
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

**Notes**  
 For Reference Only



# Aerial Map



## Legend

### Landmarks

- ARCH
- CITYBUILDINGS
- CITYHALL
- COURT
- DOGPARK
- FIRESTATIONS
- HIGH SCHOOLS
- HOSPITALS
- LIBRARY
- LND-MRKS
- PARKS
- POLICE
- POST OFFICE
- SCHOOLS
- SKATEPARK
- SOFTBALL
- STADIUM
- THEATRE
- TRAIN

### Address

- Railroads
- Street Names
- Parcels (Outline)
- City Limits
- 2008 Apr 6 inch
- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3

## Notes

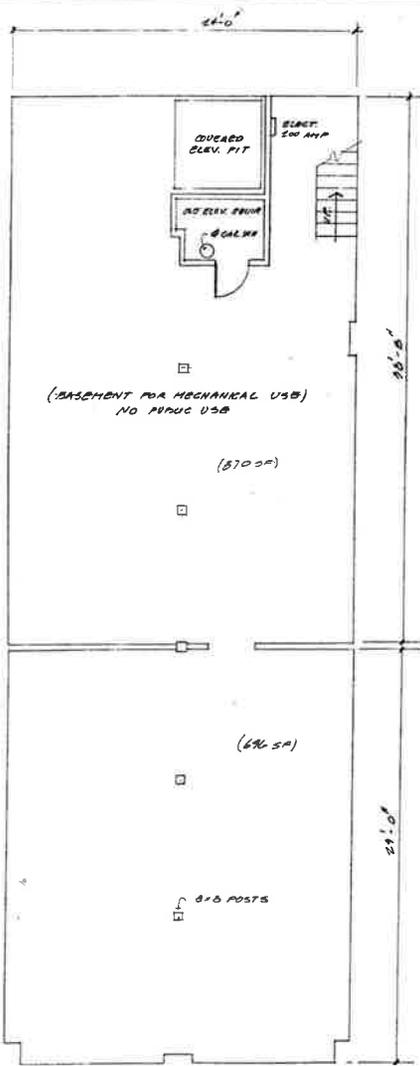
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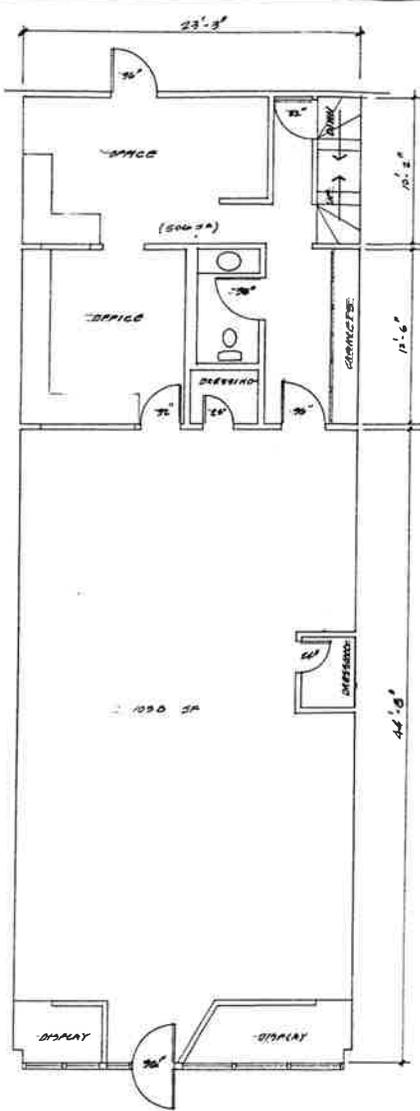
NAD\_1983\_StatePlane\_California\_III\_FIPS\_0403\_Feet  
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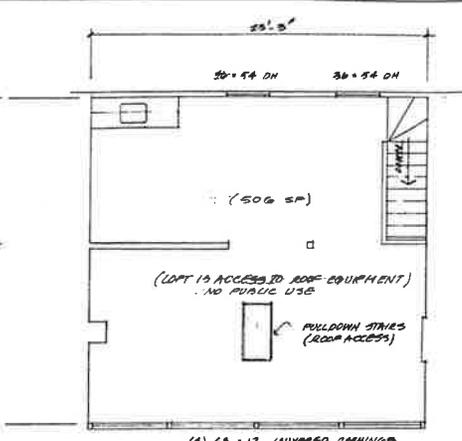
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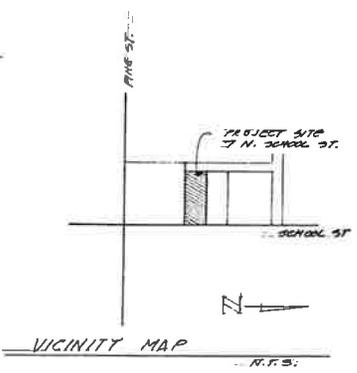
(E) BASEMENT PLAN 1/8" = 1'-0"



(E) FLOOR PLAN 1/8" = 1'-0"



(E) LOFT PLAN 1/8" = 1'-0"



- BUILDING NOTES:**
- EXISTING 200 AMP MAIN
  - NO ELECTRICAL WORK
  - NO HVAC WORK
  - NO LIGHTING (EX. AS NOTED & AS SHOWN)
  - 3" PLUMBING & 2" VENT INTO EXIST.

- GENERAL NOTES:**
- PROJECT SHALL COMPLY WITH 2010 CBC, CPC, CHC, CEC, AND ENERGY CODE.

**SCOPE:**  
REPLACE (E) RESTROOM WITH ADA APPROVED RESTROOMS, ADD COUNTERS AND CABINETRY.

**DESCRIPTION OF USE:**  
NINE DINING

**OCCUPANCY GROUP:** B

**CONSTRUCTION TYPE:** V-D

**SPRINKLERS:** NO

**STORIES:** (5) LOFT, GROUND FLOOR, BASEMENT

**FLOOR AREAS:**  
LOFT: 506 SF  
GROUND FLOOR: 1544 SF  
BASEMENT: 1566 SF

**OCCUPANT LOAD:**  
BUILDING CODE = 40, PLUMBING CODE = 17

**DESIGNER:**  
J. ROOPE STAFFORD  
801 S. MIKE AV.  
LODI, CA 93262  
209.768.8882

JOB 12-08



**RESOLUTION NO. P.C. 12-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF PETER MARKS, ON BEHALF OF SIX HANDS WINERY AND SORELLE WINERY, LLC., FOR A USE PERMIT TO ALLOW A TYPE 2 (WINERY) AND TYPE 42 (ON-SALE BEER AND WINE) AND WINE ALCOHOLIC BEVERAGE CONTROL LICENSE AT 7 NORTH SCHOOL 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 Peter Marks, on behalf of Six Hands Winery and Sorelle Winery, LLC., 836 Alder Place Lodi, CA 95242-3738

**WHEREAS**, the project is located at 7 North School Street, Lodi, CA 95240 (APN: 043-033-08); and

**WHEREAS**, the property has a General Plan designation of Downtown Mixed Use and is zoned C-2, General Commercial and is within the Downtown Business District as well as the Downtown Parking District; and

**WHEREAS**, the project parcel is owned by Michael and Teresa Locke Trust, 1000 West Pine Street Lodi, CA 95240; and

**WHEREAS**, the requested Use Permit to allow Type 2 on-site wine tasting and retail sales, and Type 42 On-Sale Beer and Wine, which would authorize the sale and onsite consumption of beer and wine at the existing vacant building located at 7 North School Street, and the request is an enforcement action in accordance with the City of Lodi Zoning Ordinance; and

**WHEREAS**, Census Tract 42.04 in which the business is located currently is over-concentrated with ABC licenses allowing the sale of beer, wine and distilled spirits for consumption on- and off- the license premises where sold; and

**WHEREAS**, because Census Tract 42.04 has an over-concentration of On-sale beer and wine alcohol licenses, the Planning Commission makes a finding of necessity and/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**, pursuant to City of Lodi Zoning Ordinance § 17.72.110, this resolution becomes effective ten (10) business days from its adoption in the absence of the filing of an appeal; and

**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." 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. The proposed use complies with all requirements as set forth for the issuance of this Use Permit, in that the site is adequate in size, shape and topography for the proposed use, consisting of an existing building. Second, the site has sufficient access to streets, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use, which is not expected to significantly increase due to the project. Third, the proposed use is deemed to be part of the General Plan and the Zoning Ordinance, as on- and off-sales alcoholic beverage sales are permitted in the C-2 (General Commercial) Zone with Use Permit approval. Fourth, the proposed use, as conditioned, will

not have an adverse effect upon the use, enjoyment or valuation of property in the neighborhood in that a similar off-sales use had previously compatibly existed nearby. Lastly, the proposed use will not have an adverse effect on the public health, safety, and general welfare in that security measures and the limited size of the use will limit any potential adverse effects to neighboring properties.

3. The off-sale of beer, wine and distilled spirits, in accordance with a Type 2 Alcoholic Beverage Control License, on-sale of beer and wine in accordance with a Type 42 Alcoholic Beverage Control license, and with the conditions attached herein, would be consistent and in harmony with the Commercial General Plan Land Use Designation and C-2 zoning District.
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 and consumption of alcohol can sometimes result in customer behavior problems that can require police intervention.
6. 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 staff 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 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 wine tasting operation is not typically associated with detrimental impacts to the community.
9. The proposed use is consistent with the City's vision of making Lodi a wine tasting tourist destination point.
10. The wine tasting room will add to the character of the City by promoting local wineries and viticulture.

**NOW, THEREFORE, BE IT DETERMINED AND RESOLVED** by the Planning Commission of the City of Lodi that Use Permit Application No. 12-U-018 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. The property owner and/or developer and/or successors in interest and management 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 property owner and/or developer 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 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. 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 wine, this Use Permit shall be subject to a one year, and two year review by the 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 Use Permit shall be vested within six (6) months from the effective date of approval. A building permit for the tenant improvements allowed under this Use Permit shall have been obtained within six (6) months from the effective date of the Use Permit or the Use Permit shall expire; provided however that the Use Permit may be extended pursuant to the Lodi Municipal Code.
7. The project proponent/applicant/operator and/or developer and/or successors in interest and management shall operate and abide by the requirements and conditions of the State of California Department of Alcoholic Beverage Control Licenses Type 2 and Type 42.
8. Prior to the issuance of a Type-2 and Type 42 licenses, the project proponent/applicant/operator and/or developer 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. That applicants shall be allowed to use the wine tasting space for various events such as wine dinners catered by outside vendors, private mixers, wine tasting and parties for organizations and businesses who want to rent space, and to host feature wine tasting events that may include educational components.
9. All temporary and permanent signage proposed in connection with the wine making and wine tasting operation shall be reviewed and approved by the Community Development Department.
10. The wine tasting operation shall be conducted in a manner that will not adversely impact neighboring properties or businesses.
11. No wine crushing and/or making operations shall occur at this site.
11. The subject site shall be maintained in a sanitary, litter-free, graffiti-free, and respectable appearance. Any damage or vandalism sustained to the property shall be repaired within a maximum of fourteen (14) days.
12. The project proponent/applicant/operator and/or developer and/or successors in interest and management shall obtain a Downtown Encroachment Permit from the Public Works Department for the proposed outdoor seating.
13. Due to change of use and/or occupancy of the building, the applicant shall submit complete and adequate Tenant Improvement plans to the Building Division for review and approval. The said plans shall be based on the City of Lodi Building Regulations and currently adopted 2010 California Building Code.
14. The applicant/project proponent and/or developer and/or successors in interest and management shall obtain annual Operational Permit issued by the Lodi Fire Department, and meet all the conditions outlined in therein. The Fire Department may be contact at the Lodi Fire Department, 25 East Pine Street, Lodi, CA 95240-2127. Phone Number (209) 333-6739.
15. 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, wine and distilled spirits 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.

16. 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.
17. All project design and construction shall be in full compliance with the Americans with Disabilities Act (ADA). Project compliance with ADA standards is the developer's responsibility.
18. No variance from any City of Lodi adopted code, policy or specification is granted or implied by the approval of this resolution.

**Dated: December 12, 2012**

I certify that Resolution No. 12-18 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on December 12, 2012 by the following vote:

**AYES:** Commissioners:

**NOES:** Commissioners:

**ABSENT:** Commissioners:

**ATTEST** \_\_\_\_\_  
Secretary, Planning Commission

Item 3d.

**CITY OF LODI  
PLANNING COMMISSION  
Staff Report**

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**MEETING DATE:** December 12, 2012

**APPLICATION NO:** Use Permit: 12-U-20

**REQUEST:** Request to amend a previously approved Use Permit 07-U-01 to increase the number of tables, expand the hours of operation and increase the number of legal cardroom games at 1800 S. Cherokee Lane. (Applicant: Chris Ray, on behalf of Wine Country Cardroom & Restaurant. File Number: 12-U-20).

**LOCATION:** 1800 S. Cherokee Lane  
APN: 062-060-51

**APPLICANT:** Wine Country Cardroom & Restaurant, DBA.  
1800 S. Cherokee Lane  
Lodi, CA 95240

**PROPERTY OWNER:** Leon A. Croce Trust  
P.O. Box: 555  
Lodi, CA 95241

**RECOMMENDATION**

Staff recommends that Planning Commission approve the request of Chris Ray, on behalf of Wine Country Cardroom and Restaurant, to amend a previously approved Use Permit, subject to the conditions in the attached resolution.

**PROJECT/AREA DESCRIPTION**

**General Plan Designation:** Commercial

**Zoning Designation:** C-2, General Commercial

**Property Size:** 48,352 square feet. (Approx. 6,000 sq. ft. existing building floor area)

The adjacent General Plan, zoning and existing land use are as follows:

	ADJACENT ZONING DESIGNATIONS AND LAND USES		
	GENERAL PLAN	ZONING CLASSIFICATION	EXISTING LAND USE
<b>North</b>	Commercial	C-2: General Commercial	Car dealership
<b>South</b>	Commercial	C-2: General Commercial	Surface Parking
<b>East</b>	Mixed Use Corridor	C-2: General Commercial	State Route 99
<b>West</b>	Commercial	C-2: General Commercial	Retail/Commercial

**SUMMARY**

The applicant's request would amend the Use Permit previously approved by the Planning Commission. The previously approved Use Permit allowed operation of a card room with eleven tables and a full service restaurant and bar. The proposed amendment to the approved Use Permit would increase number of tables allowed, change hours of operation, increase cardroom total footprint, expand the number of legal cardroom games and allow the cardroom to provide credit services consistent with applicable State laws and regulations. The proposed expansion, if approved, would conform to all applicable Federal, State and City of Lodi rules and regulations.

**BACKGROUND**

On February 14, 2007, the Axtion Jaxson Card room, formerly located at 29 North Sacramento Street, appeared before the Planning Commission requesting to transfer their business to the old Gary's Uptown Restaurant and Lounge facility located at 1800 S. Cherokee Lane. At the Planning Commission hearing, the applicants explained that they needed a larger facility to include a full service restaurant and bar to compliment the card room. The applicants also proposed to change the name from Axtion Jaxson to Lodi Country Casino and Restaurant. After conducting a public hearing, the Planning Commission conditionally approved the Use Permit request for the proposed cardroom operation.

On March 1, 2007, the City Clerk's office received an appeal from Kenneth R. Owen regarding the Planning Commission approval of a Use Permit for Wine Country Casino and Restaurant. The appeal was filed in accordance with Lodi Municipal Code Section 17.72.110 by Mr. Owen and his organization, Christian Community Concern. The City Council conducted a public hearing to consider the appeal of the Planning Commission's approval of the Use Permit on April 18, 2007. At that meeting, the City Council denied the appeal of Kenneth Owen and upheld the Planning Commission's decision of February 14, 2007 to allow the operation of the proposed card room. However, the City Council limited the hours of operation from 10:00 am to 2:00 am Monday through Sunday and prohibited the use of the word 'casino' in all signage.

In January 2009, the City Council directed the City Attorney's office to draft a revised cardroom ordinance that would expand the types of games that could be played, increase the number of players per table, increase the number of card room tables in Lodi, and expand the hours of operation for card rooms. The revised ordinance was subject to state Department of Justice approval. The amendments to the cardroom ordinance were reviewed and approved by the California Attorney General's Office. At their hearing of April 1, 2009, the City Council repealed and reenacted Lodi Municipal Code Title 5, Permits and Regulations, Chapter 5.12 Cardrooms, increasing the number of legal cardroom games to add all games approved by the California Attorney General's Bureau of Gambling Control, expanding cardroom operations hours from 16 hours a day (10 a.m. - 2 a.m.) to 20 hours a day (8 a.m. - 4 a.m.) and increasing the number of tables from 8 to 11.

In May 2008, the applicant appeared before the Planning Commission requesting to amend their existing Use Permit consistent with the City's revised Cardroom Ordinance. The Planning Commission approved their request. As part of the condition of approval, the applicant was mandated to provide additional parking space commensurate with the expanded cardroom. The applicant purchased adjacent lot and developed it as surface parking.

At their meeting of February 1, 2012, the City Council directed the City Attorney's staff to pursue amending the City's Cardroom Ordinance. Following that meeting, the City Attorney's office submitted to the State Attorney General's office for their review the following revisions: 1) Cap Card Room License Fee at \$20,000 on the first \$240,000 of monthly gross revenue the permittee received from cardroom operations, and 4.5% of monthly gross revenue in excess of \$240,000; 2) Allow the cashing of checks and issuance of credit to the extent permitted by State law; 3) Allow two additional tables; 4) Eliminate limits on players per table; 5) Eliminate specific daily hourly operation limits in favor of a maximum limit of 140 hours per week; and 6) Allow gaming in any rooms with an exterior unlocked door (instead of the current main entrance requirement). On August 7, 2012, the State Attorney General's office approved the City's request to amend the Cardroom Ordinance.

## **ANALYSIS**

The applicant, Wine Country Cardroom and Restaurant, has operated successfully at 1800 South Cherokee Lane since March of 2007. The business includes a full service restaurant and bar to compliment the card room. The restaurant portion of the business is clearly demarcated from the cardroom operation and has its own egress/ingress points separate from the cardroom. The card room is located on the north side of the building and the restaurant, along with the bar, is located on the southern half of the building (Attachment 4). The card room is separated from the restaurant and bar by a sliding wall that remains closed at all times during cardroom operation. There is a double glass door for the main entrance to the card room on the north side of the building. Customers are

greeted and screened by security personnel upon entering the card room. The applicant is requesting to expand the card room's overall footprint, change hours of operation, allow all games permitted by the state and cashing checks or extend credits to players in compliance with California Gambling Law and Regulations. Their latest request is in response to their success and queries from the card room's patrons.

As previously mentioned, the City Council repealed and reenacted Lodi Municipal Code Title 5, Permits and Regulations, § 5.12 Cardrooms at their meeting of September 19, 2012. The Lodi Municipal Code increases the number of cardroom games to include all games approved by the California Attorney General's Bureau of Gambling Control; changes cardroom operable hours from 20 hours a day (8 a.m. – 4 a.m.) to 20 hours a day (9:00 a.m. – 5:00 a.m.); allow cashing of bank checks or extensions of credit to players in compliance with the California Gambling Law and Regulations; and increase number of tables allowed in the City from eleven (11) to thirteen (13). In accordance with Section 17.39.025 of the Lodi Municipal Code, a card room business is permitted in the C-2 General Commercial district by securing a Use Permit from the Planning Commission.

Staff has contacted the Lodi Police Department for their comments regarding the proposed application. The Police Department has no concerns and recommends their approval. Similarly, the Public Works, Electrical and Utility, and the Fire Department also recommend their approval subject to the attached resolution. With respect to the existing ABC license, the proposed application does not concern the alcohol license and, therefore, is not an issue as the proposed application doesn't include modifying the existing ABC Use Permit.

The amendment to the Use Permit are marked in read as follows (changes in ~~strike through~~) and additions are underlined:

1. Not more than ~~eleven~~ thirteen tables shall be permitted in the card room. ~~and not more than ten players shall be permitted at any one card table~~ (Attachment 6, condition No. 3)
2. Limit the hours of operation from ~~9:00 8:00~~ a.m. to 5:00 4:00 a.m., Monday through Sunday (Attachment 6, condition # 6).
3. There shall be posted in the card room in letters plainly visible from all parts thereof, signs stating that ~~“no game except those games that are approved and defined by the California Department of Justice, Division of Gaming Control, shall be played in the card room”~~ “No games except those by and as defined by the California Office of the Attorney General, Bureau of Gambling Control, shall be played in the cardroom”. These signs shall also contain such other information relating to the regulations contained in Section 5.12.140 of the Lodi Municipal Code as the chief of police may require (Attachment 6, condition No. 8).
4. All signs shall be subject to approval by the Community Development Department. All signage shall be in full compliance with the City of Lodi Sign Ordinance and conditions of approval. A detailed sign package shall be submitted to the Community Development Department for review and approval of all replacement, alteration or instillation of all business signs associated with the cardroom. (Attachment 6, condition No. 14).
5. ~~The City inspection notice of corrections dated 12/29/06 shall have all items corrected prior to opening to the public and receiving a Certificate of Occupancy.~~ The applicant/project proponent and/or developer and/or successors in interest and management shall obtain an annual Operational Permit issued by the Lodi Fire Department, and meet all the conditions outlined in therein. The Fire Department may be contact at the Lodi Fire Department, 25 East Pine Street, Lodi, CA 95240-2127. Phone Number (209) 333-6739 (Attachment 6, condition No. 19).

Expansion of the cardroom footprint involves construction of partition to clearly demarcate the cardroom from the rest of the restaurant floor plan. Expansion of cardroom floor plan is accomplished by reducing the size of restaurant dining room. As illustrated on the proposed floor plan (Attachment 5), the applicants propose to reduce the size of the dining room roughly in half.

This will allow expansion of the cardroom floor area. In recognition of the proposed interior alteration, staff has added the following conditions:

1. The applicant shall submit complete and adequate Tenant Improvement plans to the Building Division for review and approval. The said plans shall be based on the City of Lodi Building Regulations and currently adopted 2010 California Building Code.
2. 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.
3. The applicant/project proponent and/or property owner and/or developer and/or successors in interest and management shall be responsible for the control of noise generated by the subject facility including, but not limited to, noise generated by patrons and employees. All noise generated by the proposed use shall comply with the provisions of Chapter 9.24 and other applicable noise control requirements. The use of sirens, outside paging, amplified instrument or use of outdoor speakers shall not be used.
4. No sirens, outside paging, amplified instrument or use of outdoor speakers shall be permitted outside of the building envelope.

With respect to parking spaces, the applicants fulfilled a requirement that they provide additional parking stalls to accommodate the expansion they successfully sought in 2009. In March of 2010, the applicants installed surface parking on adjacent parcel. The parking facility provides 144 standard parking stalls. Staff has monitored the available parking at the business. The Planning Department has received no complaints regarding parking since the parking expansion was completed in 2010. Staff believes that current parking capacity is adequate to accommodate any increase in parking demand that would be generated by the proposed expansion.

The cardroom has operated without any problem since it has been open to business. The applicant has met every condition imposed by the Planning Commission and City Council. The Police Department and Lodi Improvement Committee have both indicated that they have no history of complaints or enforcement issues as the cardroom is currently operated. Based upon the review of the proposal and the proposed amendments to the Use Permit, staff supports the request for the modifications to the card room operations and the operation of the restaurant with a bar. As the history of this use had demonstrated, the proposed amendment is compatible with the surrounding land uses in the vicinity of the project site. Live entertainment has not been proposed, is not part of this application, and has not been approved as part of this amendment to Conditional Use Permit 2007-02. If live entertainment is requested in the future an amendment to the Conditional Use Permit and approval by the Planning Commission is required.

#### **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." 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. Further, the project was found to be categorically exempt according to the California Environmental Quality Act, Article 19 15311 Class 11 (b). No significant impacts are anticipated and no mitigation measures have been required.

#### **PUBLIC HEARING NOTICE:**

Legal Notice for the Use Permit was published on December 1, 2012. 27 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. Staff also posted a copy of the public hearing notice at the project site.

**ALTERNATIVE PLANNING COMMISSION ACTIONS:**

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

Respectfully Submitted,

Concur,

Immanuel Bereket  
Associate Planner

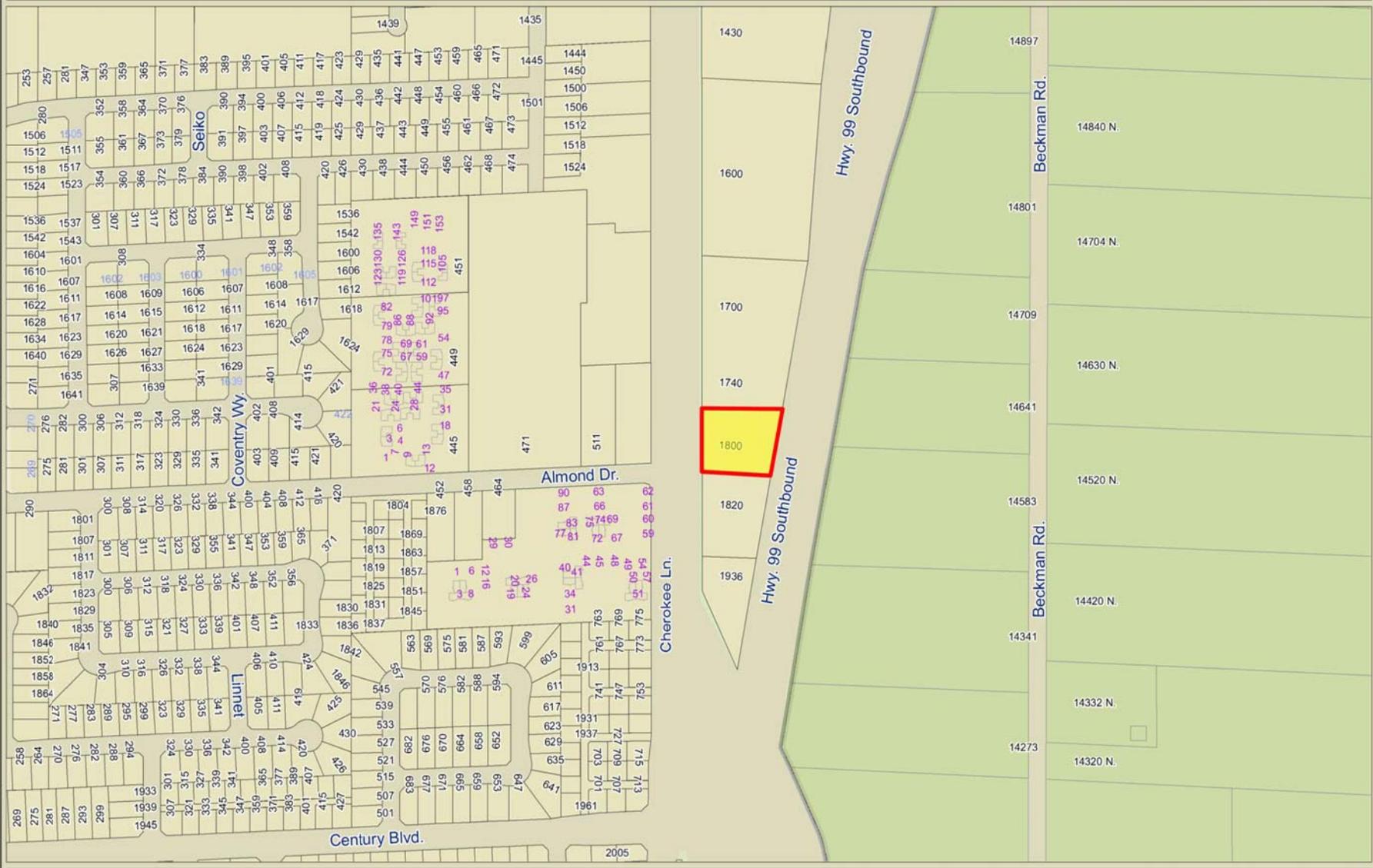
Konradt Bartlam  
Community Development Director

**ATTACHMENTS:**

1. Vicinity Map
2. Aerial Photograph
3. Site Plan
4. Existing Floor Plan
5. Proposed Cardroom Floor Plan
6. Planning Commission Resolution 2007-02
7. City of Lodi Municipal Code Title 5
8. Draft Planning Commission Resolution



# Vicinity Map



**Legend**

- Parcels 2nd Story Parcels
- Parcels Outside CL
- City Limits
- Project Site

**Map Scale**  
1:3,602



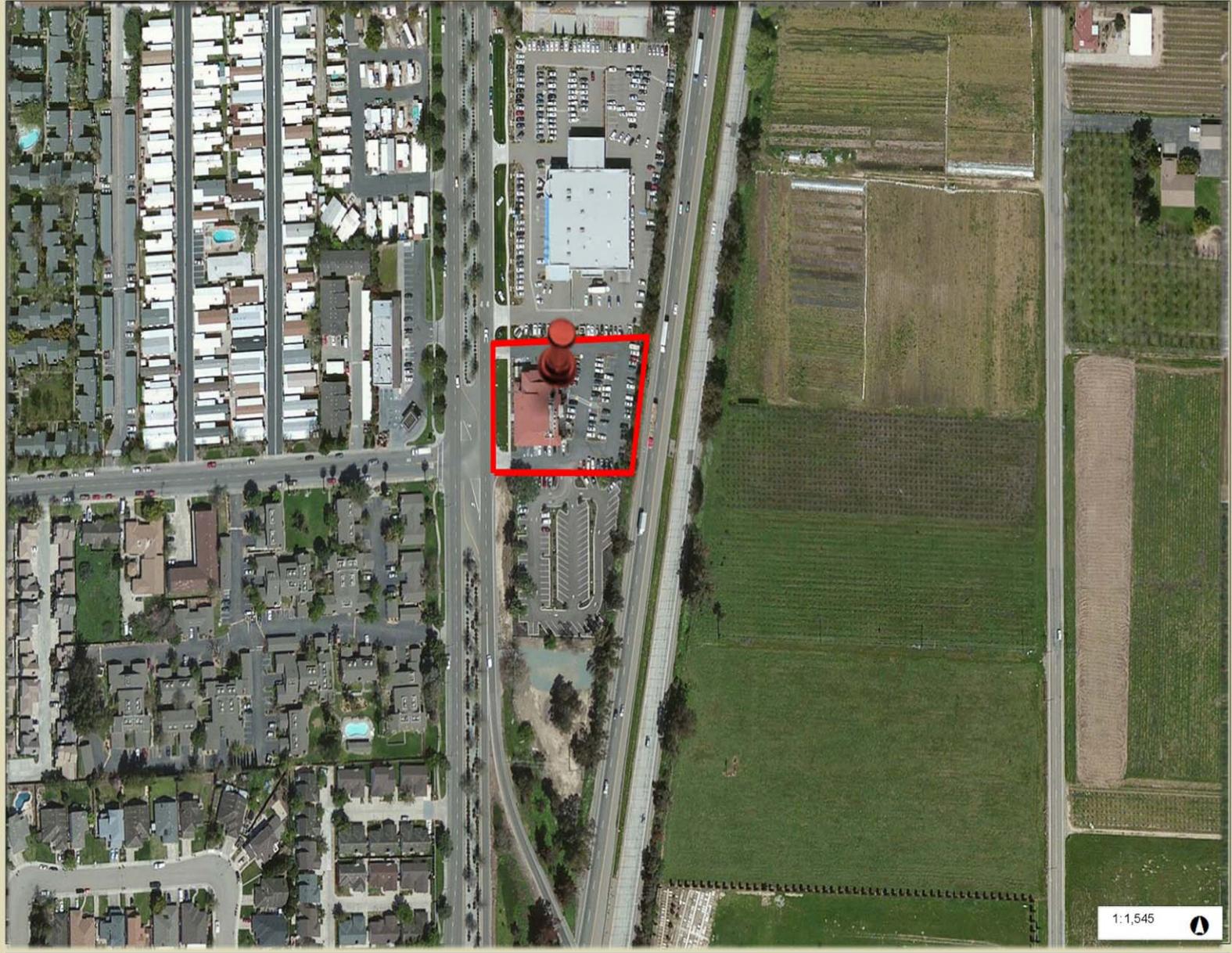
NAD\_1983\_StatePlane\_California\_III\_FIPS\_0403\_Feet  
© City of Lodi Geographic Information Systems

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**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

**Notes**  
For Reference Only



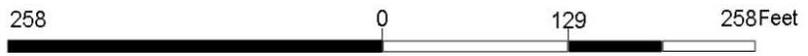
# Aerial Map



### Legend

 Project Site

1:1,545 



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© City of Lodi Geographic Information Systems

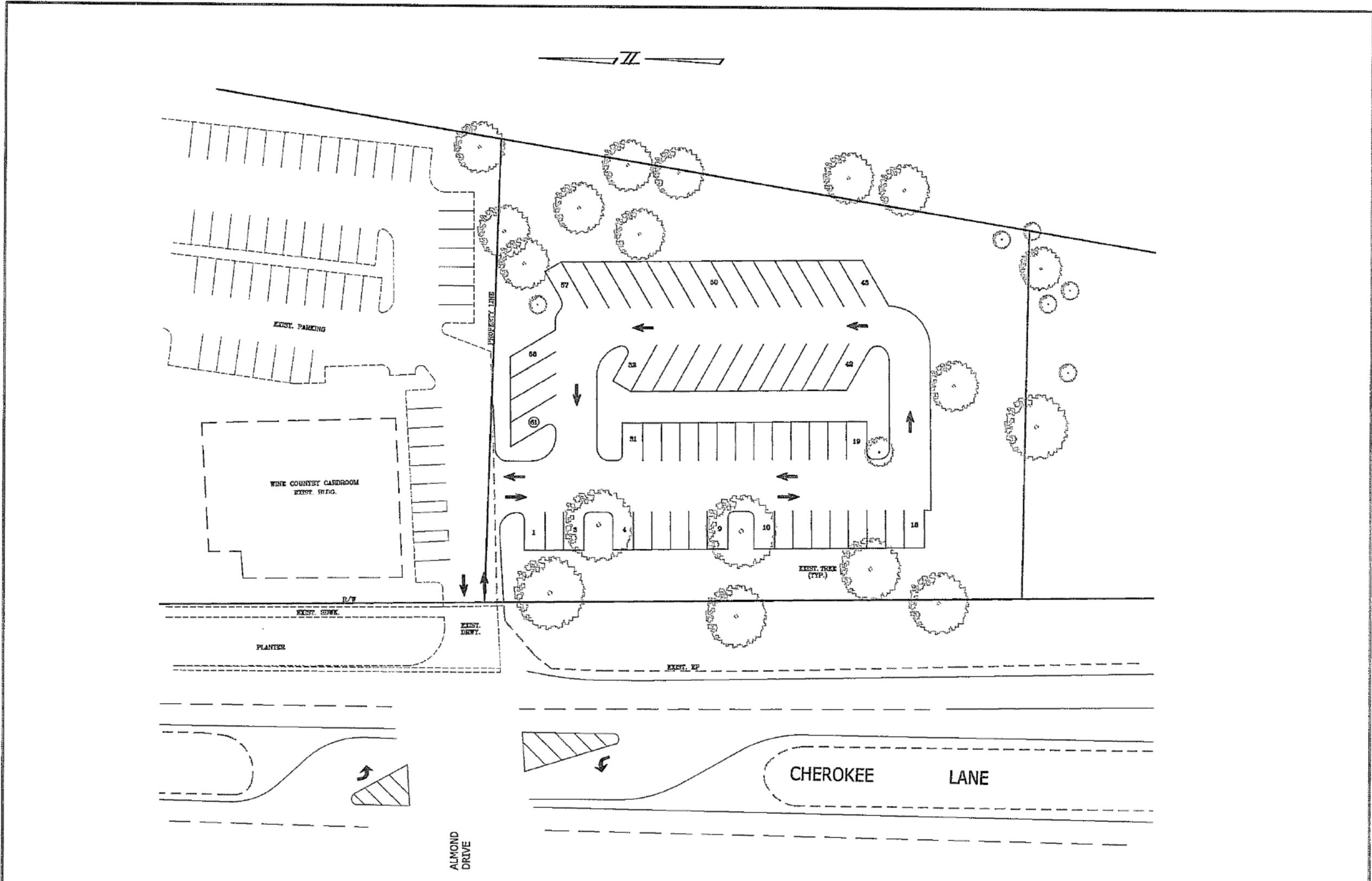
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

### Notes

For Reference Only.

# SITE PLAN



NO.	REVISIONS	DATE	BY	DRAWN	SEP	DESIGN	SEP

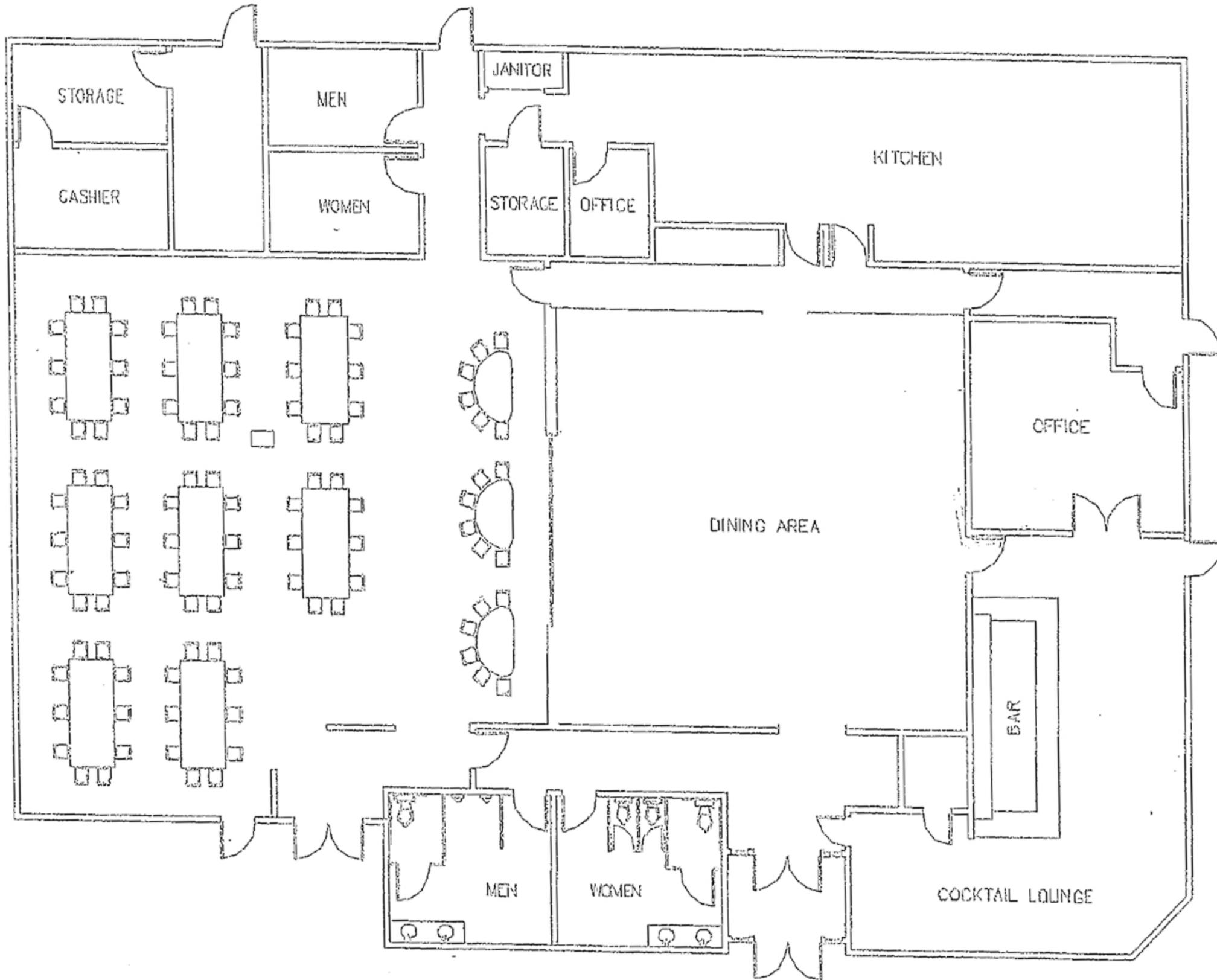
PREPARED IN THE OFFICE OF:  
**BAUMBACH & PIAZZA, INC.**  
 CIVIL ENGINEERS • SURVEYORS  
 www.bpaengineers.net 323 W. Elm St.  
 209.369.6518 Lodi, CA 95240  
 DESIGNED UNDER THE SUPERVISION OF:  
 RCE

CONCEPTUAL PLAN  
 WINE COUNTRY CARDROOM PARKING EXPANSION

SHEET	1	OF	1
JOB NO.	09020		
FILE NO.			

21/7/2010 12:23 PM C:\projects\09020\09020.dwg 04/19/10 12:24 PM RCE/SEP-2010

# EXISTING FLOOR PLAN



REVISIONS:


DESIGNED BY  
**WINE COUNTRY CASINO  
 AND RESTAURANT**  
 PREPARED BY: [Signature]



**WINE COUNTRY CASINO  
 AND RESTAURANT**  
 1800 S. CHEROKEE LANE  
 LODI, CA. 95240

SHEET TITLE:  
**FLOOR PLAN**  
 DATE: 03-26-08  
 SCALE: 1/16" = 1'  
 SHEET NO.  
**A1.01**





AMENDED RESOLUTION NO. P.C. 07- 02

AN AMENDED RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF WINE COUNTRY CASINO & RESTAURANT FOR A USE PERMIT TO ALLOW THE OPERATION OF A PROPOSED CARD ROOM AT 1800 S. CHEROKEE LN.

- 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 Wine Country Casino & Restaurant, P.O. BOX: 560, Lodi, CA 95241 and
- WHEREAS,** the property owner is Leon A. Croce Trust, 2156 P.O. BOX: 555, Lodi, CA 95241
- WHEREAS,** the property is zoned C-2, General Commercial which allows a card room business with approval of a Use Permit; and
- WHEREAS,** the property is located at 1800 S. Cherokee Lane; and
- WHEREAS,** all legal prerequisites to the adoption of this Resolution have occurred; and
- WHEREAS,** the proposed Use Permit is consistent with all zoning and General Plan standards.

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 proposed use will be consistent with all applicable goals, policies and standards of the City's adopted General Plan Policy Document and with the site's Commercial General Plan Diagram designation.
2. The proposed use is in compliance with the City's Municipal Code requirements and the Use Permit has been reviewed in accordance with Chapter 5.12 of the Lodi Municipal Code.
3. The proposed use will not be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood or be detrimental or injurious to the health, safety, peace or general welfare of the City.
4. 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. Further, the project was found to be categorically exempt according to the California Environmental Quality Act, Article 19 15311 Class 11 (b). No significant impacts are anticipated and no mitigation measures have been required.

**NOW, THEREFORE, BE IT DETERMINED AND RESOLVED** by the Planning Commission of the City of Lodi that the Use Permit 07-U-01 is hereby approved, subject to the following conditions:

Community Development Department, Planning:

1. The project proponent 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 shall secure all required Building, Fire Department, Electric Utility and Public Works Department permits and approvals, and pay all applicable fees.
3. The applicant shall comply with applicable Federal, State, and County regulations and adopted standards. The applicant shall also comply with Chapter 5.12, Cardrooms, of the Lodi Municipal Code.
4. Not more than eleven tables shall be permitted in the card room and not more than ten players shall be permitted at any one card table.
5. No person under the age of twenty-one shall be permitted at the card room area, nor shall any person under the age of twenty-one be permitted to participate in any game played thereat.
6. Card rooms may be operated seven days a week and shall not open until the hour of eight a.m. Card rooms shall close at four a.m. Such schedule of hours shall be clearly posted at the card room in order to provide adequate notice of its hours of operation.
7. All card rooms shall be open to police inspection during all hours of operation.
8. There shall be signs posted in the card room in letters plainly visible from all parts thereof, stating that "no game except those games that are approved and defined by the California Department of Justice, Division of Gaming Control, shall be played in the card room". These signs shall also contain such other information relating to the regulations contained in Section 5.12.140 of the Lodi Municipal Code as the chief of police may require.
9. No person who is in a state of intoxication shall be permitted in any card room.
10. Prior to initiation of the card room facility, a video surveillance system with continuous recording capability, and approved by the Police Department, shall be in place. The video surveillance system shall cover the exterior of the premises, including the parking lot and entrance to the card room. It shall also cover any counting room, cage, safes, gaming tables, and any other location on the premises that the Police Department deems necessary.
11. For 1 to 100 patrons, a minimum of one Police Department-approved, State-licensed, uniformed security officer shall be provided during the hours of operation.
12. The sliding wall separating the card room from the restaurant and bar shall remain closed at all times during card room operation.
13. Upon the discretion of the Chief of Police or a representative thereof, additional security guards may be required.
14. All signs shall be subject to approval by the Community Development Department.
15. Structures, landscaping, signs and other improvements, including exterior paint, shall be maintained in a manner so as not to be blighted or deteriorated.
16. Prior to opening to the public, the applicant shall submit a detailed landscape and irrigation plan to be reviewed and approved by the Community Development Director.
17. The operator of the card room shall police the area surrounding the building to prevent patrons from congregating/loitering outside the premises and to prevent parking and noise problems.

18. The project proponent shall provide a minimum of an additional 60 onsite parking spaces. The said parking spaces shall be in an improved parking lot that meets the City's Development Standards. The said parking spaces shall be provided by January 31, 2010. The applicant shall submit a parking plan to the Community Development Department outlining the actions that will be taken to satisfy the parking demand during the construction period.

Fire Department:

1. The City inspection notice of corrections dated 12/29/06 shall have all items corrected prior to opening to the public and receiving a Certificate of Occupancy.
2. Building Permit for Tenant Improvement (B19045) shall be approved and all items inspected prior to opening to the public.

Dated: September 23, 2009

I hereby certify that Amended Resolution 07-02 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on September 23, 2009, by the following vote:

Ayes: Commissioners – Heinritz, Hennecke, Kiser, Kirsten, Olson, Mattheis,  
and Chair Cummins

Noes: Commissioners –

ATTEST:



\_\_\_\_\_  
Planning Commission Secretary

ORDINANCE NO. 1864

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING  
CHAPTER 5.12 – CARDROOMS – BY REPEALING AND REENACTING  
SECTIONS 5.12.140, “RULES AND REGULATIONS,” AND 5.12.170,  
“GROSS REVENUE PERMIT FEES,” IN THEIR ENTIRETY

---

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Lodi Municipal Code Section 5.12.140, “Rules and Regulations,” is hereby repealed and reenacted to read as follows:

5.12.140 Rules and Regulations.

It is unlawful to operate a cardroom in violation of any of the following regulations and rules:

- A. Not more than one cardroom shall be located at any one address.
- B. Only those games approved by and as defined by the California Office of the Attorney General, Bureau of Gambling Control, shall be played in any cardroom.
- C. Not more than thirteen tables shall be permitted in any cardroom. No more than thirteen tables shall be permitted to operate within the city.
- D. No gambling establishment may be located in any zone which has not been specifically approved for such a business. Additionally, none may be located near any of the unsuitable areas, as specified in Business and Professions Code Section 19852(a)(3).
- E. No person under the age of twenty-one shall be permitted at any cardtable, nor shall any person under the age of twenty-one be permitted to participate in any game played thereat.
- F. Cardrooms may be operated seven days a week and shall not open until the hour of nine a.m. Cardrooms shall close no later than five a.m. A cardroom shall adopt a schedule of hours of operation before it shall be allowed to operate. Such schedule of hours shall be clearly posted at the cardroom in order to provide adequate notice of its hours of operation.
- G. All cardrooms shall be open to police inspection during all hours of operation.
- H. Only table stakes shall be permitted.
- I. The cashing of bank checks for players or extensions of credit to players shall be in full compliance with the California Gambling Law and Regulations. No cardroom shall extend credit or cash checks for players in a manner not authorized by State law.
- J. Each cardtable shall have assigned to it a person whose duty shall be to supervise the game to see to it that it is played strictly in accordance with the terms of this chapter and with the provisions of the penal code of the state. This person may have more than one table under his supervision. He shall not, however, participate in the game.

K. There shall be posted in every cardroom in letters plainly visible from all parts thereof, signs stating that only games approved by and as defined by the California ~~Officer~~ the Attorney General, Bureau of Gambling Control, shall be played in the cardroom. These signs shall also contain such other information relating to the regulations contained in this chapter as the Chief of Police may require.

L. No person who is in a state of intoxication shall be permitted in any cardroom.

M. The sale, purchase, transfer, assignment, or pledge of any property, or of any document evidencing title to the same, is prohibited in any cardroom.

N. The operator or his employees shall not loan money to any person on any ring, watch, or other article of personal property for the purpose of securing tokens, chips, or other representatives of money as an ante.

O. No skills shall engage in card games. This prohibition shall not apply to house players, provided they wear a badge in a conspicuous place, which badge identifies them as employees of the licensee.

P. Patron Security and Safety. Each cardroom license shall be responsible and liable for its patrons' safety and security in and around the cardroom establishment. Before it shall be allowed to operate, each cardroom shall adopt a plan, to be approved by the city, to provide for the safety and security of its patrons.

SECTION 2. Lodi Municipal Code Section 5.12.170, "Gross Revenue Permit Fees," is hereby repealed and reenacted to read as follows:

5.12.170 Gross Revenue Permit Fees.

A. In addition to the permit fees previously prescribed each permittee permitted pursuant to the provisions of this article shall pay to the city a monthly fee equal to \$20,000.00 on the first \$240,000.00 of monthly gross revenue the permittee received from cardroom operations, and 4.5 % of monthly gross revenue in excess of \$240,000.00. Such payment shall be made to the city not later than fifteen days after the end of each month during which such gross revenues on which it was computed were received by the permittee.

B. Each permittee shall file with the Finance Department before the 15<sup>th</sup> day following the end of each month a statement, under oath, showing the true and correct amount of gross revenue derived from the card game business permitted by the permit issued to the permittee for the preceding month. Such statement shall be accompanied by the payment of the correct amount of permit fee due and owing in accordance with the provisions of subsection (a) of this section, and such sums correctly reflecting the monthly fees payable for the preceding month shall be accepted by the city, subject, however, to the right of the city to audit the matters reported in the statement to determine the accuracy of the figures contained therein and whether or not the correct amount payable to the city has been paid.

A signed declaration shall be attached to the statement or included therein, which shall be in substantially the same form:

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

SECTION 3. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 5. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 6. This ordinance shall be published pursuant to law and shall become effective 30 days from the date of passage and adoption.

SECTION 7. The amended Schedules referenced above shall be effective on applicable electric utility billings prepared by the City of Lodi on or after January 1, 2012, or the first date allowable under State law.

Approved this 3<sup>rd</sup> day of October, 2012

  
\_\_\_\_\_  
JOANNE L. MOUNCE  
MAYOR

ATTEST:



RANDI JOHL  
City Clerk  
State of California  
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1864 was introduced at a regular meeting of the City Council of the City of Lodi held September 19, 2012, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held October 3, 2012, by the following vote:

AYES: COUNCIL MEMBERS - Hansen, Johnson, Katzakian, Nakanishi,  
and Mayor Mounce

NOES: COUNCIL MEMBERS - None

ABSENT: COUNCIL MEMBERS - None

ABSTAIN: COUNCIL MEMBERS - None

I further certify that Ordinance No. 1864 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.



RANDI JOHL  
City Clerk

Approved to Form:



D. STEPHEN SCHWABAUER  
City Attorney

**AMENDED RESOLUTION NO. P.C. 07- 02A**

**AN AMENDED RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI  
APPROVING THE REQUEST OF WINE COUNTRY CASINO & RESTAURANT FOR A USE  
PERMIT TO ALLOW THE OPERATION OF A PROPOSED CARD ROOM AT 1800 S.  
CHEROKEE LN.**

- 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 Wine Country Casino & Restaurant, P.O. BOX: 560, Lodi, CA 95241 and
- WHEREAS,** the property owner is Leon A. Croce Trust, 2156 P.O. BOX: 555, Lodi, CA 95241
- WHEREAS,** the property is zoned C-2, General Commercial which allows a card room business with approval of a Use Permit; and
- WHEREAS,** the property is located at 1800 S. Cherokee Lane; and
- WHEREAS,** all legal prerequisites to the adoption of this Resolution have occurred; and
- WHEREAS,** the proposed Use Permit is consistent with all zoning and General Plan standards.

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 proposed use will be consistent with all applicable goals, policies and standards of the City's adopted General Plan Policy Document and with the site's Commercial General Plan Diagram designation.
2. The proposed use is in compliance with the City's Municipal Code requirements and the Use Permit has been reviewed in accordance with Chapter 5.12 of the Lodi Municipal Code.
3. The proposed use will not be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood or be detrimental or injurious to the health, safety, peace or general welfare of the City.
4. 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. Further, the project was found to be categorically exempt according to the California Environmental Quality Act, Article 19 15311 Class 11 (b). No significant impacts are anticipated and no mitigation measures have been required.

**NOW, THEREFORE, BE IT DETERMINED AND RESOLVED** by the Planning Commission of the City of Lodi that the Use Permit 07-U-02 is hereby approved, subject to the following conditions:

1. The project proponent 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 shall secure all required Building, Fire Department, Electric Utility and Public Works Department permits and approvals, and pay all applicable fees.

3. The applicant shall comply with applicable Federal, State, and County regulations and adopted standards. The applicant shall also comply with Chapter 5.12, Cardrooms, of the Lodi Municipal Code.
4. Not more than ~~eleven~~ thirteen tables shall be permitted in the card room ~~and not more than ten players shall be permitted at any one card table.~~
5. No person under the age of twenty-one shall be permitted at the card room area, nor shall any person under the age of twenty-one be permitted to participate in any game played thereat.
6. Card rooms may be operated seven days a week and shall not open until the hour of nine (9) ~~eight~~ a.m. Card rooms shall close at five (5) ~~four~~ a.m. Such schedule of hours shall be clearly posted at the card room in order to provide adequate notice of its hours of operation.
7. All card rooms shall be open to police inspection during all hours of operation
8. There shall be posted in the card room in letters plainly visible from all parts thereof, signs stating that ~~“no game except those games that are approved and defined by the California Department of Justice, Division of Gaming Control, shall be played in the card room”~~ “Only those games approved by and as defined by the California Office of the Attorney General, Bureau of Gambling Control, shall be played in the cardroom”. These signs shall also contain such other information relating to the regulations contained in Section 5.12.140 of the Lodi Municipal Code as the chief of police may require.
9. No person who is in a state of intoxication shall be permitted in any card room.
10. Prior to initiation of the card room facility, a video surveillance system with continuous recording capability, and approved by the Police Department, shall be in place. The video surveillance system shall cover the exterior of the premises, including the parking lot and entrance to the card room. It shall also cover any counting room, cage, safes, gaming tables, and any other location on the premises that the Police Department deems necessary.
11. For 1 to 100 patrons, a minimum of one Police Department-approved, State-licensed, uniformed security officer shall be provided during the hours of operation.
12. The sliding wall separating the card room from the restaurant and bar shall remain closed at all times during card room operation.
13. Upon the discretion of the Chief of Police or a representative thereof, additional security guards may be required.
14. ~~All signs shall be subject to approval by the Community Development Department. All signage shall be in full compliance with the City of Lodi Sign Ordinance, conditions of approval. A detailed sign package shall be submitted to the Community Development Department for review and approval of all replacement, alteration or instillation of all business signs associated with the cardroom.~~
15. Structures, landscaping, signs and other improvements, including exterior paint, shall be maintained in a manner so as not to be blighted or deteriorated.
16. Prior to opening to the public, the applicant shall submit a detailed landscape and irrigation plan to be reviewed and approved by the Community Development Director.
17. The operator of the card room shall police the area surrounding the building to prevent patrons from congregating/loitering outside the premises and to prevent parking and noise problems.
18. The project proponent shall provide a minimum of an additional 60 onsite parking spaces. The said parking spaces shall be in an improved parking lot that meets the City's Development Standards. The said parking spaces shall be provided by January 31, 2010. The applicant shall submit a parking plan to the Community Development Department

outlining the actions that will be taken to satisfy the parking demand during the construction period.

19. ~~The City inspection notice of corrections dated 12/29/06 shall have all items corrected prior to opening to the public and receiving a Certificate of Occupancy.~~ The applicant/project proponent and/or developer and/or successors in interest and management shall obtain an annual Operational Permit issued by the Lodi Fire Department, and meet all the conditions outlined in therein. The Fire Department may be contact at the Lodi Fire Department, 25 East Pine Street, Lodi, CA 95240-2127. Phone Number (209) 333-6739.
20. ~~Building Permit for Tenant Improvement (B19045) shall be approved and all items inspected prior to opening to the public.~~
21. The applicant shall submit complete and adequate Tenant Improvement plans to the Building Division for review and approval. The said plans shall be based on the City of Lodi Building Regulations and currently adopted 2010 California Building Code.
22. 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.
23. The applicant/project proponent and/or property owner and/or developer and/or successors in interest and management shall be responsible for the control of noise generated by the subject facility including, but not limited to, noise generated by patrons and employees. All noise generated by the proposed use shall comply with the provisions of Chapter 9.24 and other applicable noise control requirements.
24. Use of sirens, outside paging, amplified instrument or use of outdoor speakers shall be strictly prohibited outside of the building envelop.

**Dated: December 12, 2012**

I certify that Resolution No. 07-02A was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on December 12, 2012 by the following vote:

**AYES:** Commissioners:

**NOES:** Commissioners:

**ABSENT:** Commissioners:

**ATTEST** \_\_\_\_\_  
**Secretary, Planning Commission**

Item 3e

**CITY OF LODI  
PLANNING COMMISSION  
Staff Report**

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**MEETING DATE:** December 12, 2012

**APPLICATION NO:** Not Applicable.

**REQUEST:** Request from St Anne's Catholic Church (SACC) and School to permanently vacate Walnut Street from Pleasant Avenue to Church Street to create a park and plaza area between the church and school facilities.

**APPLICANT:** Pastor of St. Anne Church  
200 South Pleasant Avenue  
Lodi, CA 95240

**SUMMARY**

A petition has been filed by St. Anne's Catholic Church and School to permanently vacate Walnut Street from Pleasant Avenue to Church Street. Walnut Street travels in the east-west direction between Church Street and Pleasant Avenue. Currently, the church is located on the north side of Walnut Street and the school is located on the south side of the street. The primary reason for the street vacation is to improve pedestrian safety by eliminating the vehicle traffic on Walnut Street and to create a park and plaza area between the church and school facilities. The church intends to incorporate a park like setting, including walking paths, fountain(s), sitting areas, landscaping, and vehicular access points to church parking lots located north side of Walnut Street as illustrated on Attachment 1.

**RECOMMENDATION**

Staff recommends that the Planning Commission adopt the attached resolution finding that the vacation of the portion of Walnut Street as described below is consistent with the General Plan and does not conflict with policies and goals of the General Plan.

**REGULATORY SETTINGS**

This item is being brought to the Planning Commission for review and comment as required by the City Code and the State Streets and Highway Code. Street vacation petitions must first be reviewed by the Planning Commission before they are brought to the City Council for consideration. The City Council is required by State Statute and City ordinance to review the vacation of any street or public right-of-way only after the location, character, extent and effect have been considered by the Planning Commission with reference to the General Plan goals and policies. The City Council must hold a public hearing after Planning Commission referral.

**ANALYSIS**

Currently, Walnut Street is a two-lane local residential street with a traffic signal located at the east end (Church Street) of the proposed project area. At the west end of the proposed project, the intersecting north-south street, Pleasant Avenue is a one lane one way northbound street. The church contains two parking facilities (see Attachment 2 Aerial Maps). The parking facilities are accessed from Walnut Street. The western parking lot is diagonal parking with cars entering from Walnut Street and existing on to an adjacent alley. The eastern parking lot is adjacent to Church Street and is accessible from both Walnut Street and the alley. The majority of the students attending the St Anne's school are dropped off on Pleasant Avenue south of Walnut Street at the main school entrance located at the southeast corner of Pleasant Avenue and Walnut Street. The street vacation totals 320± linear feet of roadway.

As part of the review process, Traffic/Parking Impact analysis for the proposed Walnut Street closure was conducted by KD Anderson & Associates, Inc. The scope of the traffic analysis included vehicle

and pedestrian circulation, parking study, collision review, passenger loading and off-loading evaluation for Walnut Street and Level of Service (LOS) for surrounding roadway segments and the following intersections: 1) Lodi Avenue and Pleasant Avenue; 2) Lodi Avenue and Church Street; 3) Walnut Street and Pleasant Avenue; 4) Walnut Street and Church Street; 5) Oak Street and Pleasant Avenue; 6) Oak Street and Church Street.

Existing Conditions:

Level-Of-Service (LOS) ratings, typically from A (best) to F (worst), are widely used in transportation Planning to evaluate operating conditions of a particular road facility, identify problems and potential solutions. The City of Lodi General Plan 2010 establishes LOS E as the minimum acceptable condition for intersections and roadway segments. The **Table 1** below establishes existing intersection level of services.

Table 1: Existing Intersection Levels of Service

INTERSECTION	CONTROL	PEAK HOUR (2:45 TO 3:45 P.M.)		TRAFFIC SIGNAL WARRANTED?
		AVERAGE DELAY (SEC/VEH)	LEVEL OF SERVICE	
Pleasant Avenue/Oak Street	NB Stop	9.3	A	No
Church Street/ Oak Street	Signal	9.4	A	n.a
Walnut Street/Pleasant Avenue	NB Stop	9.5	A	No
	Manual	7.4	A	No
Church Street/Walnut Street	Signal	6.1	A	n.a.
Lodi Avenue/Pleasant Avenue	NB Stop	17.2	C	No
Lodi Avenue/Church Street	Signal	18.1	B	n.a.
n/a is not applicable				

Source: Traffic/Parking Impact Analysis for Walnut Street Closure. November 2012. Prepared by KD Anderson and Associates, Inc.

As indicated above, the existing LOS for nearby intersections meets and exceeds the City’s policy of LOS E. This is due to the fact that the volume of traffic at study area intersections is relatively low in comparison to the overall capacity for each intersection or intersection approach. Further, the City’s General Plan 2010 established general planning level thresholds that can serve as an indication of the Levels of Service on segments of Arterial and Collector streets. **Table 2** identifies the maximum daily volume associated with the City’s minimum LOS E standard, as well as the current Level of Service on each facility. As shown, the existing volumes are indicative of very good traffic operations (i.e., LOS A).

Table 2: Existing Roadway Segment Levels of Service

STREET	FROM	TO	24-HR VOLUME	LOSE THRESHOLD	LOS
Oak Street	Pleasant Avenue	Church Street	1,240	5,000	A
Walnut Street	Pleasant Avenue	Church Street	1,210	5,000	A
Lodi Avenue	Pleasant Avenue	Church Street	14,390	31,500	A

Source: Traffic/Parking Impact Analysis for Walnut Street Closure. November 2012. Prepared by KD Anderson and Associates, Inc.

As illustrated above, all street segments analyzed operate at free flow condition, accompanied by traffic volumes below road capacity and with uninterrupted flow speeds controlled by speed limits. As the City grows and the associated volumes of traffic on its streets increase, the existing road facilities will accommodate future increase without compromising level of services.

Future Conditions With Walnut Street Closure:

The change in daily traffic volume associated with the proposed project has been estimated by comparing peak hour volumes on roadway segments with and without the project and applying the

relative change to the current daily volumes. As shown in Tables 3 below, (and on tables 10 and 12 in the attached traffic study), the volume on Oak Street between Pleasant Avenue and Church Street is likely to increase by roughly 36% as result of Walnut Street closure.

Table 3: Existing Intersection Levels of Service

INTERSECTION	CONTROL	EXISTING PLUS PROJECT		
		PEAK HOUR (2:45 TO 3:45 P.M.)		TRAFFIC SIGNAL WARRANTED
		AVERAGE DELAY (SEC/VEH)	LEVEL OF SERVICE	
Pleasant Avenue/Oak Street	NB Stop	9.8	A	No
Church Street/ Oak Street	Signal	9.5	A	n.a.
Walnut Street/Pleasant Avenue	NB Stop			No
	Manual	7.9	A	No
Church Street/Walnut Street	Signal	4.1	A	n.a.
Lodi Avenue/Pleasant Avenue	NB Stop	18.6	C	No
Lodi Avenue/Church Street	Signal	18.0	B	n.a.

Source: Traffic/Parking Impact Analysis for Walnut Street Closure. November 2012. Prepared by KD Anderson and Associates, Inc.

However, the resulting daily volume would remain within the threshold established by the City's LOS E service for two lane residential streets. Further, the volume of traffic on Lodi Avenue is likely to increase. The incremental increase on Lodi Avenue represents less than 3% of the current volume, and the resulting volumes would be well within the City's LOS E. The volume on Walnut Street between Pleasant Avenue and Church Street would be reduced to zero with the street closure. However, roughly 200 vehicles per day could use the roadway linking the Walnut Street / Pleasant Avenue intersection with the western St. Anne's Church parking lot. The number of vehicles on the remnant of Walnut Street between the eastern parking lot and Church Street would vary based on the option selected, but could be relatively minimal during the peak hour as illustrated in the attached traffic study.

Parking:

To assess the effects of a Walnut Street closure on parking an area-wide inventory of available parking spaces was conducted as part of the traffic study analysis. The results of the inventory and parking utilization survey are noted in Table 8 of the traffic study. St. Anne's Church has two parking lots on the north side of Walnut Street between Pleasant Avenue and Church Street. The western lot has 25 spaces, and the eastern lot has 28 spaces. City owned parking facility is located on the east side of Church Street between an alley and Walnut Street and contains 61 parking spaces. Excluding the unmarked spaces on St. Anne's hard courts, there are roughly 369 onsite and street parking spaces.

The conceptual plan suggests that both church parking lots will retain access to Walnut Street and to the one-way alley linking Pleasant Avenue and Church Street. Access to the Walnut Street / Pleasant Street intersection is accomplished by linking the western parking lot with a new school drop-off & loading area adjoining the intersection. The conceptual plan also illustrates access to St. Anne's eastern parking lot would be maintained via a remnant of Walnut Street adjoining the Church Street intersection, and vehicles using the parking lot could continue to use the signal.

This plan accommodates the turning requirements of automobiles, and would be adequate for limousines and hearses that accompany church activities. The paths for larger single unit trucks that may need to access the church parking lot (i.e., garbage trucks) are acceptable for vehicles arriving from northbound Church Street or westbound Walnut Street, but there isn't room for a truck to turn from

southbound Church Street into the parking lot due to the short distance from the existing driveway to Church Street. The plan does accommodate u-turns from and to Church Street; however, u-turns would not be possible if motorists elected to use this area as a school drop-off & loading area, as any waiting vehicles would reduce the available turning radius. The traffic study suggests three options to better accommodate on-site turn-arounds and efficient drop off-pick up area. The Church is required to submit development plan to the City for review and approval. However, the conceptual plan submitted appears to function without imposing hardship on adjacent residential streets and public parking spaces.

The application was circulated to local utility providers and they have reviewed the vacation proposal and recommend approval. The Planning Commission's task is to consider the request at a public meeting and forward a recommendation to Council on the right-of-way vacation proposal.

**ENVIRONMENTAL ASSESSMENTS:**

This project is exempt from environmental review under State CEQA Guidelines Section 15305, which applies to minor alterations in land use limitations; Section 15316, which applies to transfer of ownership of land in order to create parks; Section 15311, which applies to accessory structures including small parking lots; and Section 15061(b)(3), the general rule that CEQA does not apply to projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

**PUBLIC HEARING NOTICE:**

Legal Notice for the Walnut Street vacation request was advertised on December 1, 2012. Fifty-six (56) public hearing notices were sent to all property owners of record within a 300-foot radius of the subject property as required by Government Code §65091 (a) (3).

**ALTERNATIVE PLANNING COMMISSION ACTIONS:**

- Approve the Use Permit with Alternate Conditions
- Deny the Use Permit
- Continue the Request

Respectfully Submitted,

Concur,

Immanuel Bereket  
Associate Planner

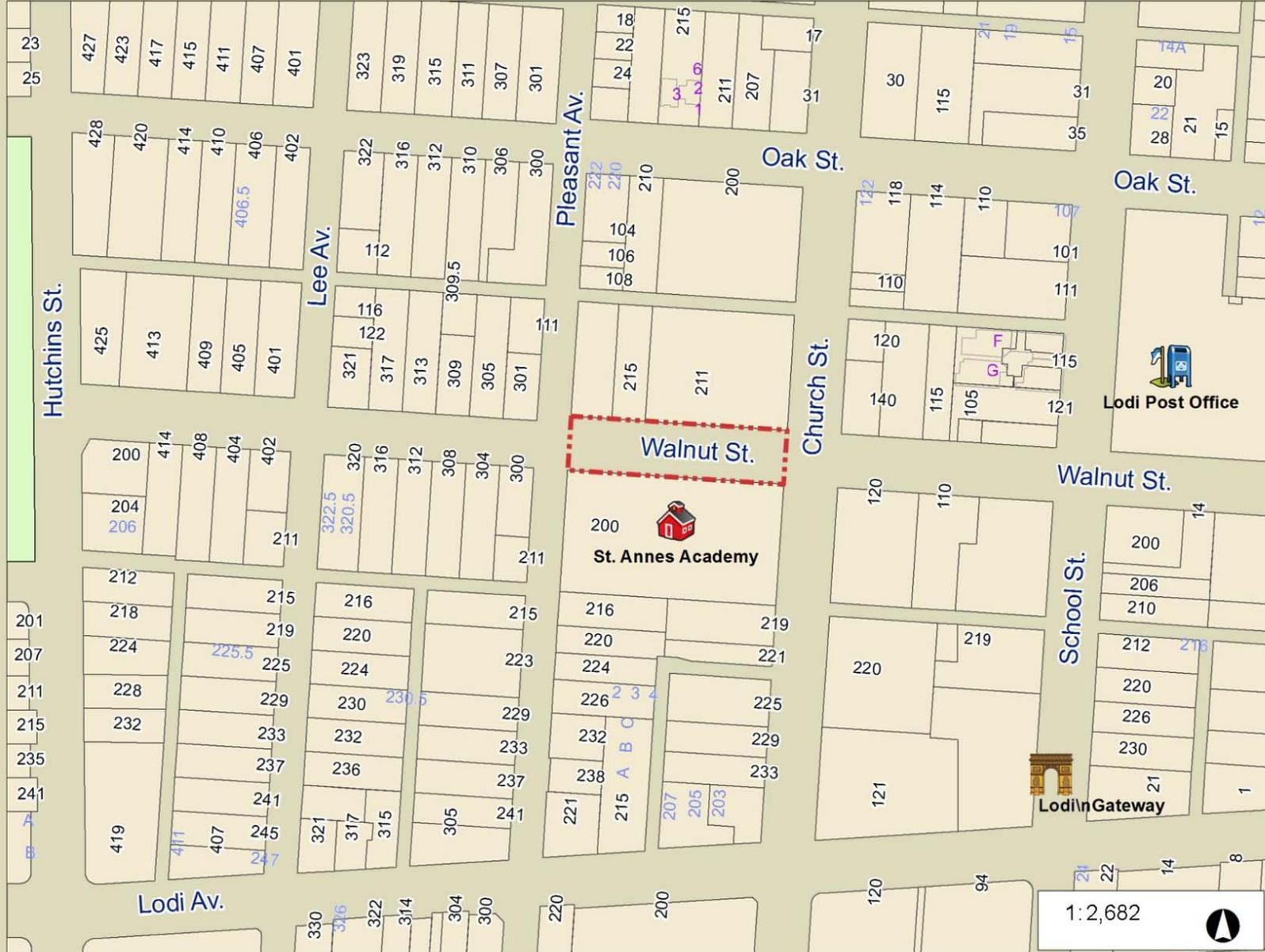
Konradt Bartlam  
Community Development Director

**ATTACHMENTS:**

1. Project Limits Map
2. Aerial Map
3. Proposed Plan
4. Traffic Study
5. Comment Letters
6. Draft Resolution



# Project Limits Map



## Legend

### Landmarks

- ARCH
- CITYBUILDINGS
- CITYHALL
- COURT
- DOGPARK
- FIRESTATIONS
- HIGH SCHOOLS
- HOSPITALS
- LIBRARY
- LND-MRKS
- PARKS
- POLICE
- POST OFFICE
- SCHOOLS
- SKATEPARK
- SOFTBALL
- STADIUM
- THEATRE
- TRAIN

### Address

Railroads

Canal

Street Names

Parks

BASINS

PARKS

Parcels 2nd Story

Parcels

1:2,682



NAD\_1983\_StatePlane\_California\_III\_FIPS\_0403\_Feet  
 © City of Lodi Geographic Information Systems

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

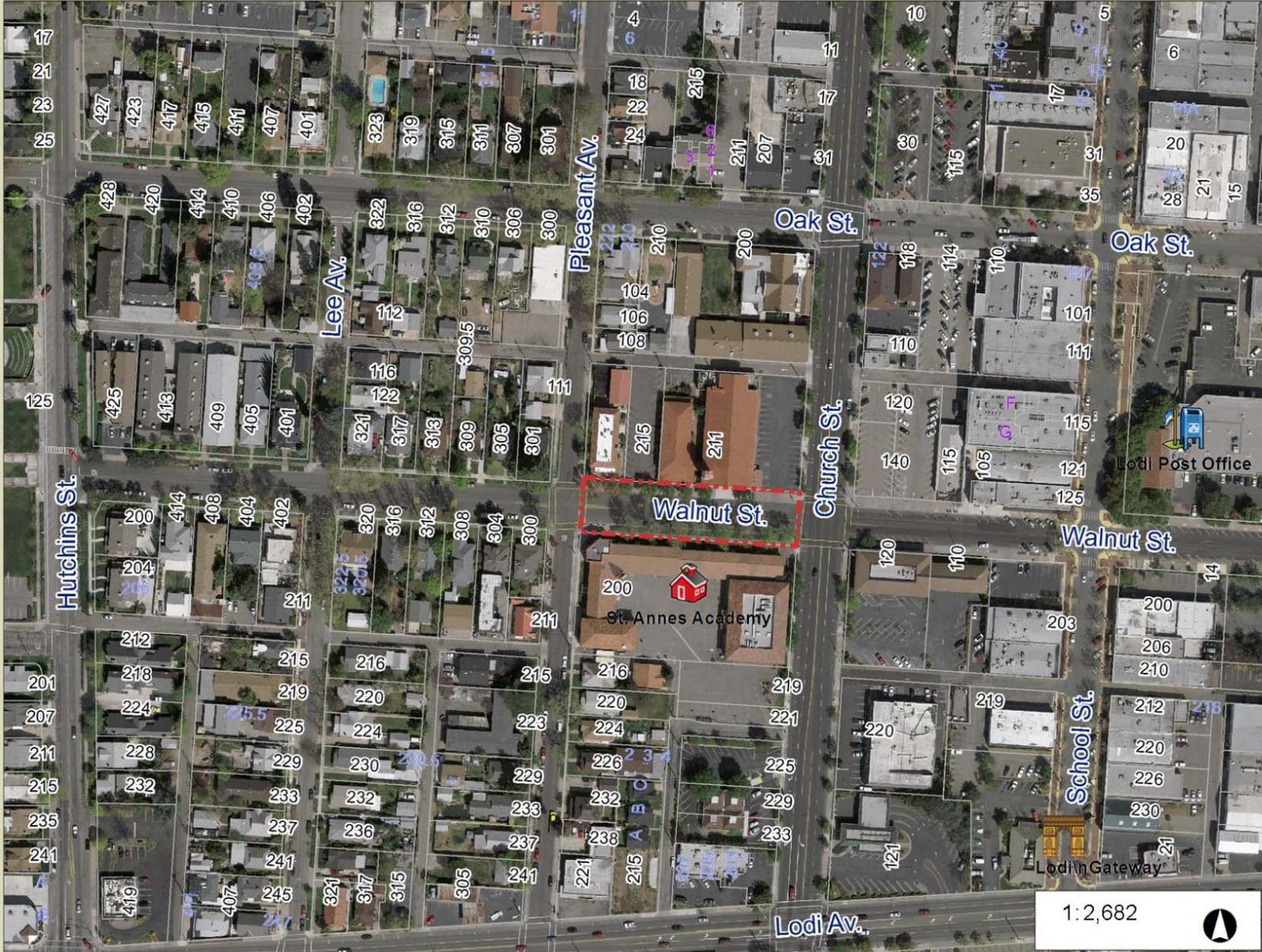
THIS MAP IS NOT TO BE USED FOR NAVIGATION

## Notes

For Reference Only



# Aerial Map



### Legend

- Landmarks**
  - ARCH
  - CITYBUILDINGS
  - CITYHALL
  - COURT
  - DOG PARK
  - FIRE STATIONS
  - HIGH SCHOOLS
  - HOSPITALS
  - LIBRARY
  - LND-MRKS
  - PARKS
  - POLICE
  - POST OFFICE
  - SCHOOLS
  - SKATEPARK
  - SOFTBALL
  - STADIUM
  - THEATRE
  - TRAIN
- Address**
- Railroads**
- Street Names**
- Parcels (Outline)**
- City Limits**
- 2008 Apr 6 inch
- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3

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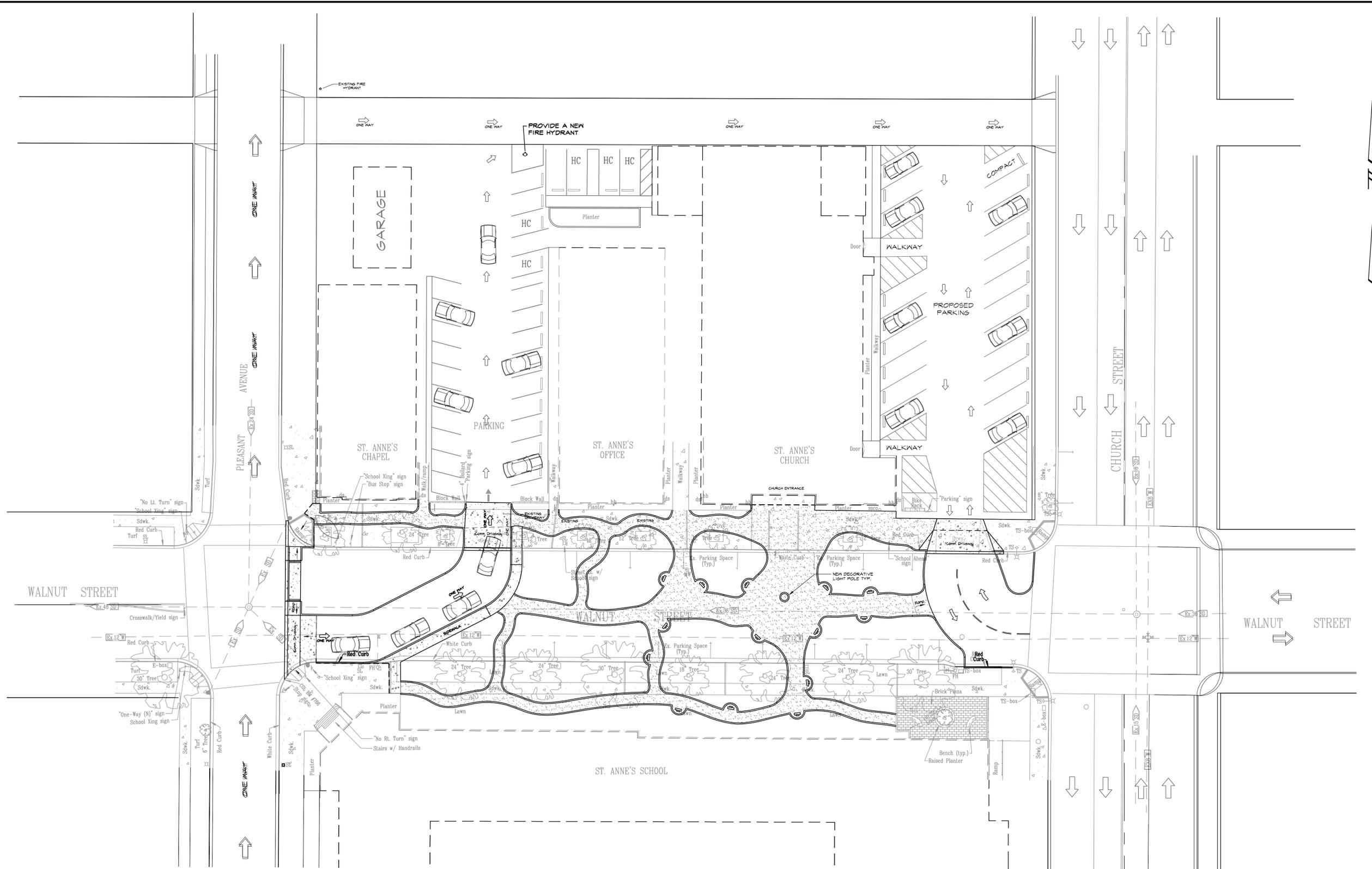



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 © City of Lodi Geographic Information Systems

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

**Notes**  
 For Reference Only



NO.	REVISIONS	DATE	BY	DRAWN	DESIGN	NOT TO SCALE
1	REVISED AISLE-WAYS & PARKING	12/3/12	B&P	SEP	SEP	
				APPROVED BY		
				RCE NO.	DATE	

PREPARED IN THE OFFICE OF:  
**BAUMBACH & PIAZZA, INC.**  
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 www.bpengineers.net 323 W. Elm St.  
 209.368.6618 Lodi, CA 95240  
 DESIGNED UNDER THE SUPERVISION OF:  
 RCE

**REVISED-ST. ANNE'S PLAZA SITE PLAN**  
 WALNUT STREET between PLEASANT AVE. & CHURCH ST.  
 ST. ANNE'S CHURCH & SCHOOL

SHEET	1	OF	1
JOB NO.	12-022		
FILE NO.	G-1416		

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**TRAFFIC / PARKING IMPACT ANALYSIS**

**FOR**

**WALNUT STREET CLOSURE**

Lodi, CA

Prepared For:

**Parkland Construction Inc.**

P.O. Box 1597  
Lodi, CA 95241

Prepared By:

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(916) 660-1555

December 4, 2012

5048-01

*Walnut Street Closure 12-4-12.rpt*



*KD Anderson & Associates, Inc.*

Transportation Engineers

**TRAFFIC / PARKING IMPACT ANALYSIS FOR  
WALNUT STREET CLOSURE  
Lodi, CA**

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December 4, 2012

*KDA*

## **EXECUTIVE SUMMARY**

St. Anne's Church and School propose to abandon the section of Walnut Street between Pleasant Avenue and Church Street in order to develop a pedestrian plaza linking the two facilities. This analysis quantifies the effects of the street closure on parking and circulation and presents recommendations for efficiently handling vehicular circulation, loading and parking during the critical periods before and after the school day at St. Anne's School.

Figure E1 presents the revised project site plan which incorporates the recommendations made in this report.

### **Effects on Parking**

**Relationship to Existing Supply.** There are 16 parking spaces along the portion of Walnut Street between Pleasant Street and Church Street. These spaces are a portion of the 245 on-street spaces that area available on Oak Street, Walnut Street, Pleasant Avenue and Church Street in the area of St Anne's Church. Another 51 spaces exist today in St. Anne's Church parking lots, 61 spaces are available in the City's lot on the north east corner of Church Street and Walnut Street and space for 21 vehicles on the School's hardcourts, for a total of 369 spaces..

Today these spaces are moderately used on weekdays, with 123 spaces occupied at 8:00 a.m. and 163 spaces occupied at 3:00 p.m. At that time 12 to 13 vehicles parked on Walnut Street between Pleasant Avenue and Church Street. There are enough empty spaces to accommodate the relocated demand.

**Effect on School Drop-Off & Loading.** The vehicles using Walnut Street for drop off and loading today will need to stop elsewhere when the street is abandoned. This demand (i.e., 12 to 16 vehicles at one time) will move to empty spaces on the on the south end of Pleasant Avenue (eight empty spaces), on Pleasant Avenue north of Walnut (eight empty spaces) and on Walnut Street between Lee Street and Pleasant Avenue (eight empty spaces). In general, the available parking supply within one block could accommodate the relocated vehicles, but the distances that parents and students are required to walk to the school would increase from about ½ block walked today to about 1 block with the closure.

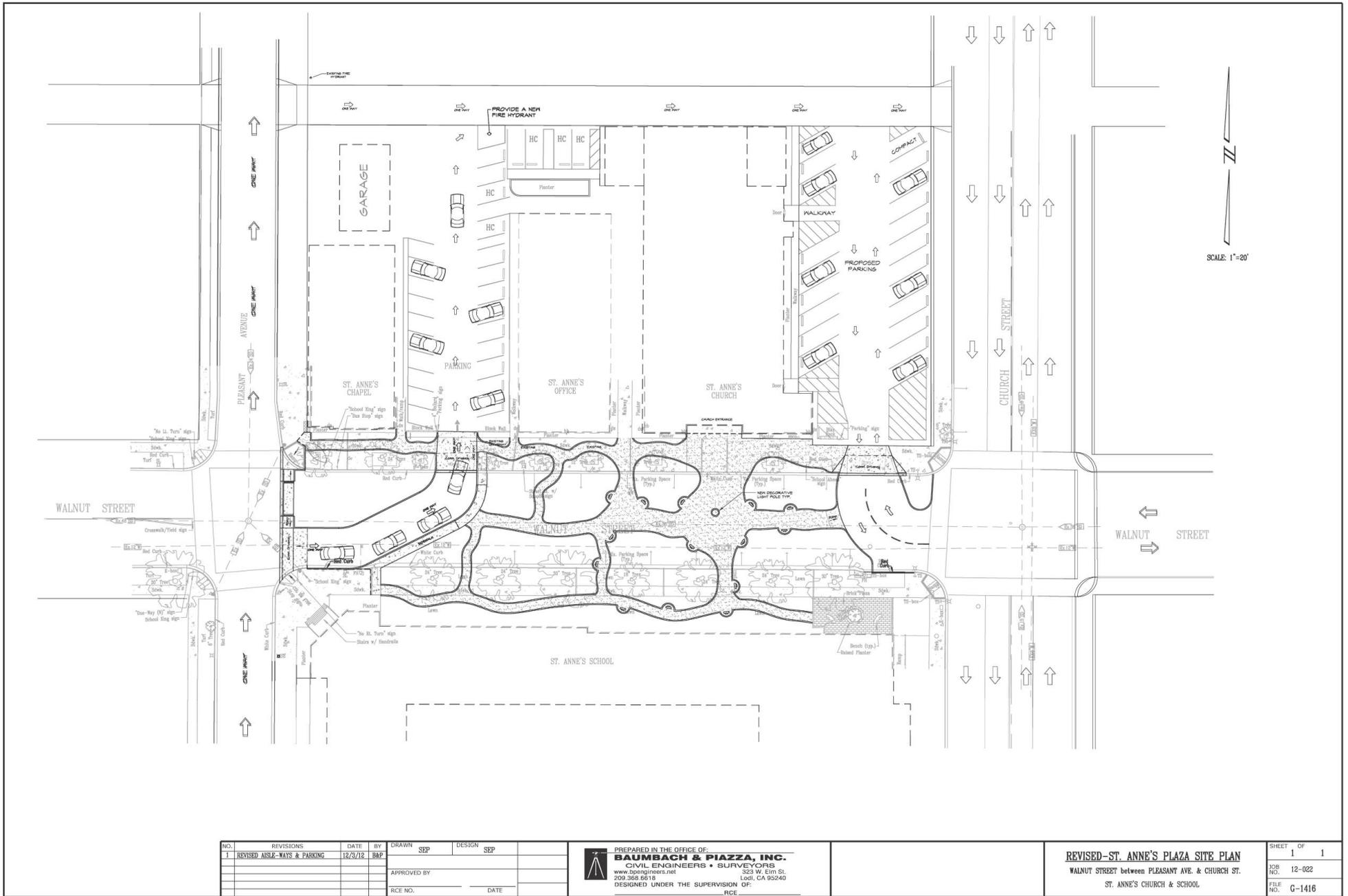
Changes to the preliminary plan have been recommended to provide additional drop-off and loading opportunities and minimize the use of on-street parking in adjoining neighborhoods. A direct connection from the Walnut Street / Pleasant Avenue intersection into the Church's western parking lot is proposed, and this connection will include a new drop-off area. Extending the existing Pleasant Avenue loading zone to add the east side of Pleasant Avenue along the Church frontage has been suggested.

**Effects on Traffic Circulation.** The impacts of abandoning Walnut Street have been evaluated based on current and long term future intersection and roadway Levels of Service. Today the six intersections adjoining the study area all operate with Levels of Service that satisfy the City of Lodi's minimum standard. Closing Walnut Street will redistribute a portion of the 243 trips made to or from St. Anne's School in the afternoon peak hour, but resulting Levels of Service

will not be appreciably different from those occurring today. Similarly, the daily traffic volume on streets affected by the closure may increase slightly but the operating Level of Service will remain LOS A.

The effects of closing Walnut Street have also been evaluated within the context of long term traffic conditions based on information in the City of Lodi General Plan Update EIR. Background traffic volumes in this area will increase slightly in the future, but operating Levels of Service will be similar to those occurring today and will not change as a result of the project.

The project will change the character of the Walnut Street intersections with Pleasant Avenue and with Church Street, and improvements to facilitate circulation for all transportation modes have been identified. An all-way stop is proposed at the Pleasant Avenue intersection and a standard commercial driveway will connect the intersection with the new link to the church's parking lot. A two-way connection from the eastern church parking lot to the Walnut Street / Church Street intersection is recommended, and the parking lot will be re-stripped for diagonal parking to minimize traffic at the signal. Loading will be prohibited near the intersection, and the traffic signal will be modified to accommodate the new connection.



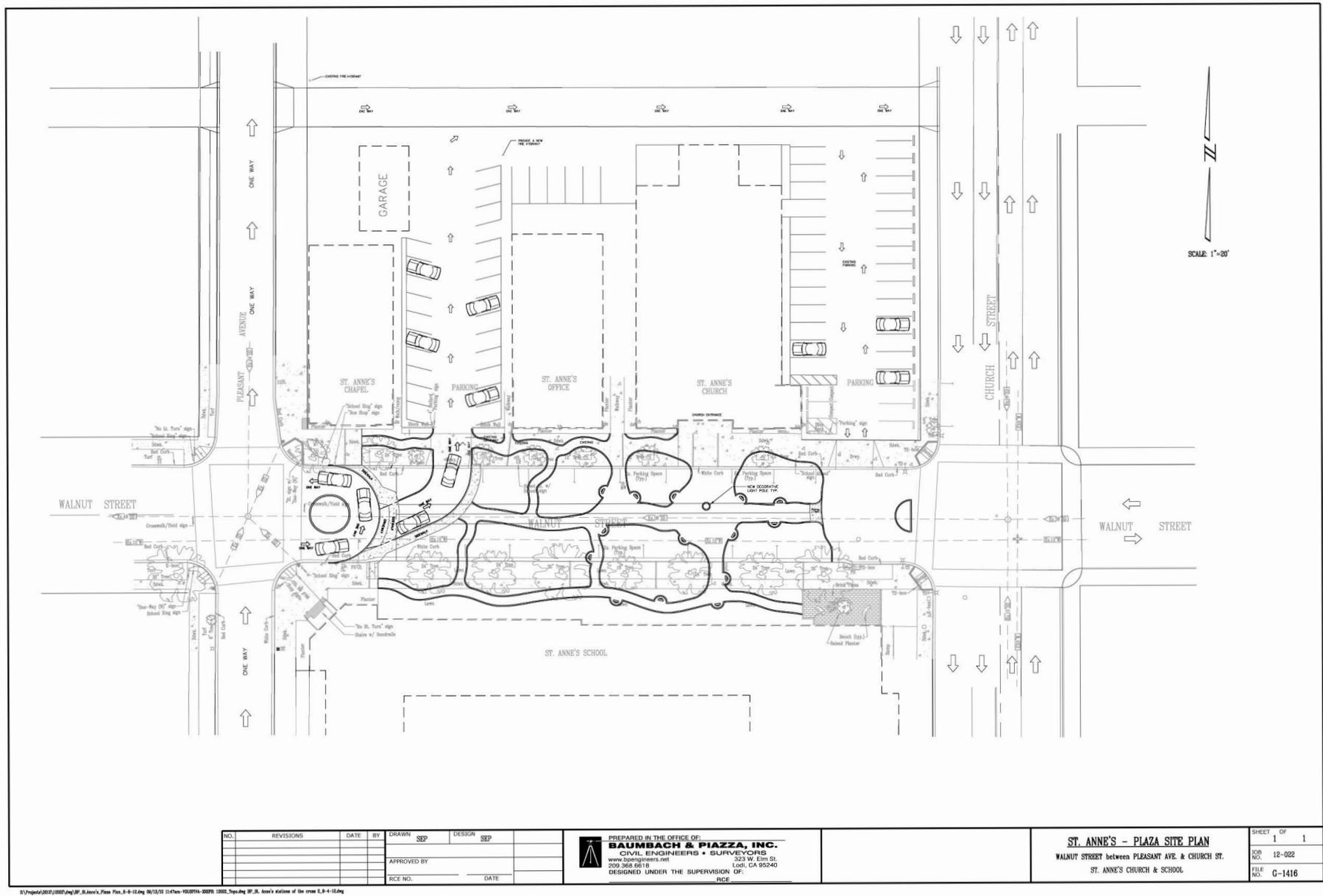
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## INTRODUCTION

St. Anne's Church and School propose to abandon the section of Walnut Street between Pleasant Avenue and Church Street in order to develop a pedestrian plaza linking the two facilities. Figure 1 presents the preliminary plan that is the subject of this analysis. The City of Lodi has reviewed the preliminary plan for the project and requested evaluation of the effects of the project on vehicular circulation and parking in the surrounding area.

The report which follows:

- Summarizes information regarding existing traffic and parking conditions near the project site.
- Quantifies the effects of the street closure on parking and circulation.
- Presents recommendations for finalizing the plan to efficiently handle vehicular circulation, loading and parking during the critical periods before and after the school day at St. Anne's School.



## EXISTING SETTING / BACKGROUND INFORMATION

### Circulation System

St. Anne's Church and St. Anne's School sit north and south of Walnut Street between Pleasant Avenue and Church Street in downtown Lodi. Access to the church and school is provided by arterial streets such as Lodi Avenue, Church Street and Pine Street. In the City's downtown grid street system, local residential streets such as Pleasant Avenue, Walnut Street and Oak Street link the site with the City's arterial street system, and local alleys provide secondary access to individual parking areas. A one-way alley (westbound) separates St Anne's church from the Methodist Church on Oak Street. This alley provides access to St. Anne's two parking lots. A similar alley (one-way westbound) extends west from Church Street along St Anne's School's southern border before turning south to Lodi Avenue.

The extent to which changes in local travel patterns created by closing Walnut Street may affect the quality of traffic operations is based on consideration of the Level of Service occurring at key intersections. In addition, daily traffic volumes occurring on individual roadway segments can be used to assess the effects of the project on the general Level of Service on roadways.

### Existing Conditions

**Daily Traffic Volumes.** To determine the project's effect on adjacent streets, new 24-hour traffic counts were conducted on the east-west streets that are most likely to be affected by closing Walnut Street. Counts were conducted on Oak Street, Walnut Street and Lodi Avenue on Thursday October 25, 2012, and the results are summarized in Table 1.

**TABLE 1  
DAILY TRAFFIC VOLUME COUNT RESULTS**

Street	From	to	24-hr Volume
Oak Street	Pleasant Avenue	Church Street	1,240
Walnut Street	Pleasant Avenue	Church Street	1,210
Lodi Avenue	Pleasant Avenue	Church Street	14,390

**Peak Hour Traffic Volumes.** This analysis is intended to address the operation of the study area street system during the highest volume hour of the day. According to City staff, in this area of Lodi the highest volume hour generally occurs in the late afternoon when schools are dismissed, rather than in early evening hours when commuters are returning home. Review of the daily traffic volume counts conducted on Lodi Avenue for this analysis indicated that the highest volume hour was noon to 1:00 p.m., followed closely by 3:00 to 4:00 p.m. Because St.

Anne's school generates minimal traffic during the noon hour, this analysis focuses on conditions occurring later in the afternoon.

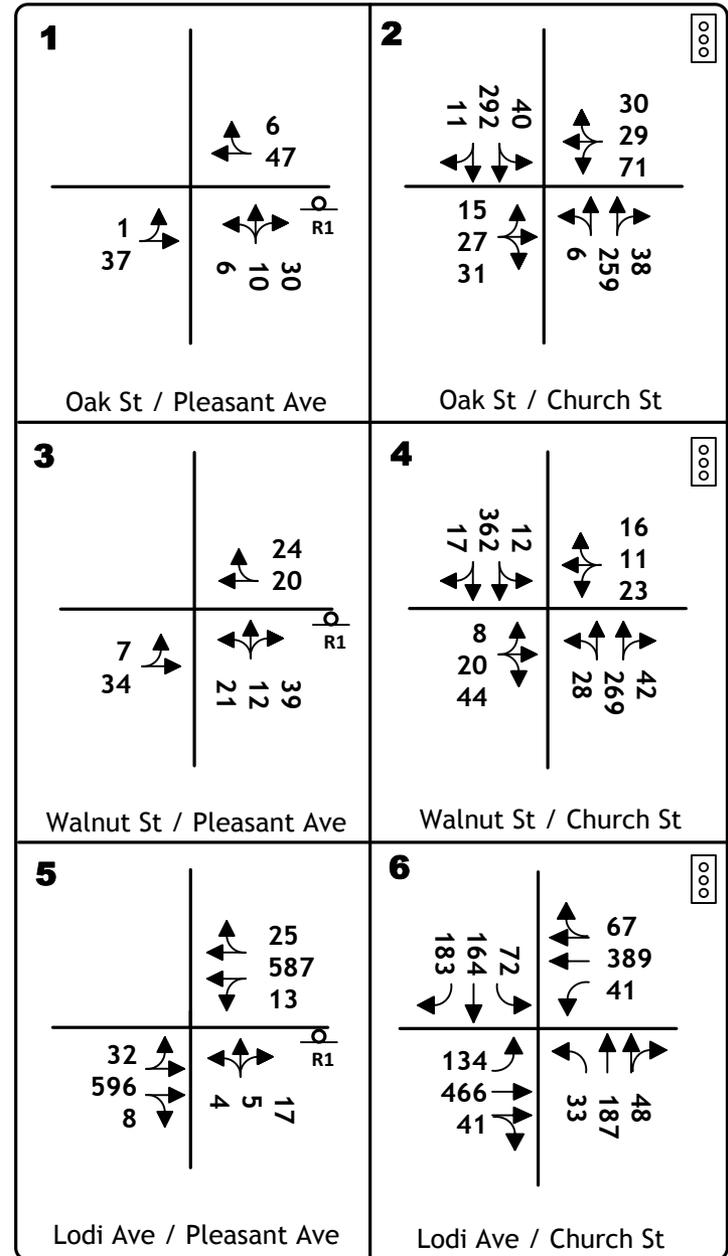
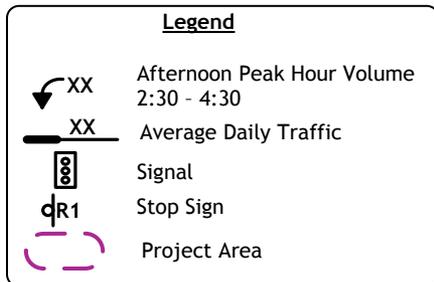
Intersection turning movement counts were conducted at six intersections on streets that could be affected by the Walnut Street closure. These counts were conducted in 15 minute intervals from 2:30 p.m. to 4:30 p.m., and the highest four consecutive 15 minute periods was identified as the peak hour, which was generally 2:45 to 3:45 p.m. Figure 2 presents these hourly traffic volumes, along with a schematic representation of the current geometric configuration of each intersection and current traffic controls.

**Level of Service Analysis.** Level of Service (LOS) is a quantitative measure of the quality of traffic flow through intersections, on roadway segments or on mainline freeways. Under Level of Service analysis, a letter grade (i.e., A to F) is determined for each facility, with LOS A representing good conditions with little delay and LOS F conditions often indicating severe congestion and long delays. The City of Lodi makes use of the procedures contained in the 2000 Highway Capacity Manual (2000 HCM) to evaluate the operation of intersections, and employs daily traffic volume thresholds presented in the General Plan EIR to suggest the quality of traffic flow on roadway segments. Level of Service E is the City's minimum standard.

**Peak Hour Intersection Level of Service.** At intersections Level of Service can be determined for specific movements or for the intersection as a whole, depending on the type of traffic control provided. An overall Level of Service representing average conditions for all motorists is disclosed at signalized intersections. At locations controlled by side street stop signs, individual Levels of Service can be determined for those movements which must yield the right of way.

An additional measure of the quality of traffic flow at un-signalized intersections is the degree to which observed traffic volumes reach the level that may satisfy warrants for a traffic signal.

Intersection Levels of Service were calculated using the peak hour intersection turning movement volumes presented earlier. The results are presented in Table 2. For those intersections on Pleasant Avenue controlled by stop signs, the typical reported Levels of Service are indicative of conditions for those motorists stopped on northbound Pleasant Avenue. However, during the peak 15 minutes immediately before and after the school day, the Pleasant Avenue / Walnut Street is controlled manually by an adult crossing guard. At that time the intersection operates similarly to an all-way stop. An alternative Level of Service has been indicated for that intersection during that time period using the methodology applicable to all-way stop controls.



EXISTING TRAFFIC VOLUMES AND LANE CONFIGURATIONS

**TABLE 2  
EXISTING INTERSECTION LEVELS OF SERVICE**

Intersection	Control	Peak Hour (2:45 to 3:45 p.m.)		Traffic Signal Warranted?
		Average Delay (sec/veh)	Level of Service	
Pleasant Avenue / Oak Street	NB Stop	9.3	A	No
Church Street / Oak Street	Signal	9.4	A	n.a.
Walnut Street / Pleasant Avenue	NB Stop	9.5	A	No
	Controlled by Crossing Guard	7.4	A	No
Church Street / Walnut Street	Signal	6.1	A	n.a.
Lodi Avenue / Pleasant Avenue	NB Stop	17.2	C	No
Lodi Avenue / Church Street	Signal	18.1	B	n.a.
n.a. is not applicable				

As indicated in Table 2, the traffic volume at study area intersections is relatively low in comparison to the overall capacity for each intersection or intersection approach, and the Level of Service identified for each location is very good. The City of Lodi General Plan establishes LOS E as the minimum acceptable condition for intersections and roadway segments, and the results of these LOS calculations meet that standard at each intersection.

While the study area intersections are operating at Levels of Service that are acceptable, there are short periods of congestion at intersections immediately adjoining St. Anne’s school. For roughly 10 minutes in the morning and in the afternoon motorists wait briefly while the adult crossing guard directs pedestrians to cross the streets at the Walnut Street / Pleasant Avenue intersection.

**Roadway Segment Level of Service.** The City of Lodi has also established general Level of Service thresholds for Arterial and Collector streets. Table 3 identifies the maximum daily volume associated with the City’s minimum LOS E standard, as well as the current daily volume and Level of Service on each facility. As shown, the existing volumes are indicative of very good traffic operations (i.e., LOS A).

**TABLE 3  
EXISTING ROADWAY SEGMENT LEVEL OF SERVICE**

Street	from	to	24-hr Volume	Maximum LOS Capacity Threshold	LOS
Oak Street	Pleasant Avenue	Church Street	1,240	5,000	A
Walnut Street	Pleasant Avenue	Church Street	1,210	5,000	A
Lodi Avenue	Pleasant Avenue	Church Street	14,390	31,500	A

**Future Traffic Conditions Without Project**

**Future Growth Rates.** As the City of Lodi continues to grow, the volume of traffic on its streets may change as new development occurs and the circulation system expands. The extent to which conditions in the area of the proposed project may change has been estimated based on information contained in the City of Lodi General Plan EIR. Table 4 identifies current and long term daily traffic volumes presented in the GP EIR, as well as the resulting growth factor forecast for each street.

**TABLE 4  
FUTURE BACKGROUND TRAFFIC VOLUMES**

Street	from	to	24-hr Volume		Calculated Growth Factor
			Current	Future	
Pine Street	Hutchins Street	Church Street	3,965	4,300	1.08
	Church Street	Sacramento St	4,752	5,200	1.09
Church Street	Pine Street	Lodi Avenue	7,701	8,700	1.10
	Lodi Avenue	Tokay Avenue	7,234	7,600	1.05
Lodi Avenue	Hutchins Street	Church Street	15,499	19,700	1.27
	Church Street	Sacramento St	14,549	18,300	1.26

Source: City of Lodi General Plan EIR

As shown, projected traffic volume increases on the streets in the area of the proposed project are relatively minor, and the resulting growth factors are low. Based on this information a growth rate of 1.10 has been assumed for Church Street and for local residential streets near the project. A growth rate of 1.27 has been applied to existing volumes on Lodi Avenue.

**Future Daily Traffic Volumes and Level of Service.** Table 5 identifies resulting daily traffic volume forecasts on study area streets, as well as identified Levels of Service. As indicated, projected volumes will continue to meet minimum City of Lodi standards if the project does not proceed.

**TABLE 5  
FUTURE ROADWAY SEGMENT LEVEL OF SERVICE**

Street	from	to	24-hr Volume		Maximum LOS Capacity Threshold	LOS
			2012	Future		
Oak Street	Pleasant Avenue	Church Street	1,240	1,370	5,000	A
Walnut Street	Pleasant Avenue	Church Street	1,210	1,330	5,000	A
Lodi Avenue	Pleasant Avenue	Church Street	14,390	18,275	31,500	A

**Future Intersection Levels of Service.** Future background traffic volumes were identified by applying identified growth factors to current approach volumes and balancing the results using the procedures outlined in *Transportation Research Board's (TRB's) NCHRP report 255, Highway Data for Urbanized Area Project Planning and Design*. Project peak hour intersection turning movements at study intersections are shown in Figure 3, and these volumes have been used to calculate the future background Levels of Service shown in Table 6. The GP EIR indicates that no major improvements are anticipated in this area. The existing intersection geometry is assumed to remain the same at these intersections.

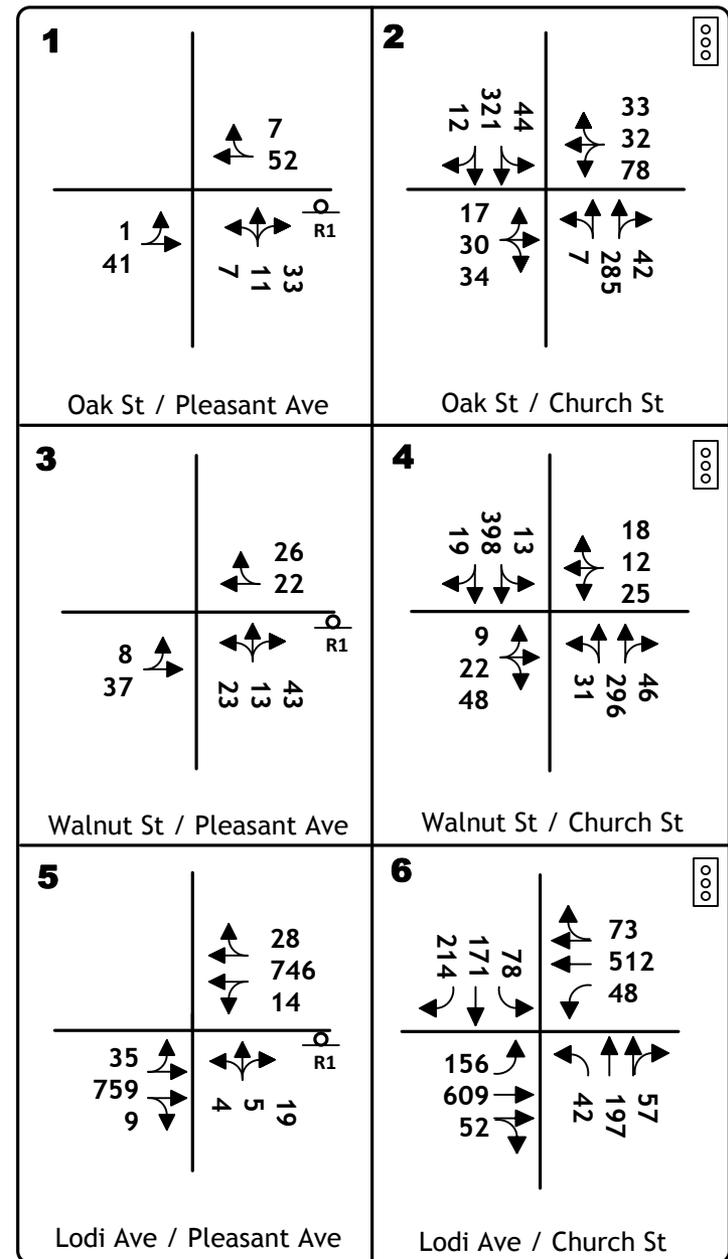
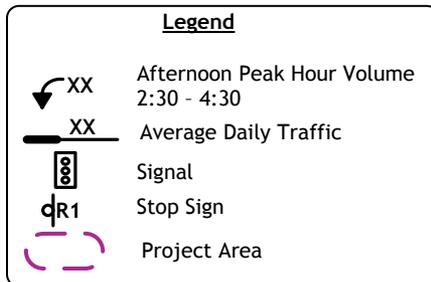
As noted in Table 6, future Levels of Service will be similar to current conditions at study area intersections due to limited anticipated growth. The length of delays for motorists waiting to turn at the Lodi Avenue / Pleasant Avenue intersection increases, primarily due to the increased volume on Lodi Avenue, but the resulting Level of Service will remain LOS C.

**TABLE 6  
FUTURE BACKGROUND INTERSECTION LEVELS OF SERVICE**

Intersection	Control	Peak Hour (2:45 to 3:45 p.m.)		Traffic Signal Warranted?
		Average Delay (sec/veh)	Level of Service	
Pleasant Avenue / Oak Street	NB Stop	9.4	A	No
Church Street / Oak Street	Signal	9.5	A	n.a.
Walnut Street / Pleasant Avenue	NB Stop	9.5	A	No
	Controlled by Crossing Guard	7.5	A	No
Church Street / Walnut Street	Signal	6.2	A	n.a.
Lodi Avenue / Pleasant Avenue	NB Stop	23.0	C	No
Lodi Avenue / Church Street	Signal	18.3	B	n.a.
n.a. is not applicable				

**Collision History**

The City of Lodi provided a summary of the traffic collisions reported in the study area from 2009 through October 2012. Three collisions were reported over that time period. Of that total two occurred at the Church Street / Walnut Street intersection, and each involved “failure to yield the right of way”. One collision on Walnut Street east of Pleasant Avenue involved an eastbound vehicle striking a parked car. This collision history does not indicate a high accident frequency but does indicate the need to consider the project’s possible impact to the operation of the Church Street / Walnut Street intersection.



FUTURE BACKGROUND  
TRAFFIC VOLUMES AND LANE CONFIGURATIONS

## Existing Travel Patterns of St. Anne's School Parents

**Directionality.** The general afternoon travel pattern around St Anne's School was identified through review of the peak hour intersection count data and observation of the drop-off & loading activity near the school. The school generates about 250 trips (inbound and outbound) in the afternoon from 2:45 to 3:15 p.m. As shown in Table 7, roughly 1/3 used Pleasant Avenue to reach the school, and about 1/4 arrived from the east and from the west on Walnut Street. Travel patterns for outbound motorists were similar, but a slightly greater share of parents traveled eastbound on Walnut Street to reach Church Street.

**TABLE 7  
AFTERNOON PEAK PERIOD TRAVEL PATTERNS**

<b>Direction</b>	<b>Route</b>	<b>Volume</b>	<b>%</b>
arriving	Northbound on Pleasant Avenue	42	34%
	Eastbound on Walnut Street	28	23%
	Westbound on Walnut Street	32	26%
	Rear drop off & loading	20	16%
	Total	122	100%
leaving	Northbound on Pleasant Avenue	40	33%
	Eastbound on Walnut Street	39	32%
	Westbound on Walnut Street	22	18%
	Rear drop-off & loading	20	17%
	Total	121	100%

**Queuing.** The extent to which parent vehicles queue at local intersections and in advance of loading areas is important to the City of Lodi. We observed that in both the morning and afternoon many parents elected to park their vehicles and walk with their child to the school entrance. Fewer parents elected to stop along the curb on Pleasant Avenue and Walnut Street and simply drop-off or pick up a waiting child. As a result, the length of queue created on northbound Pleasant Avenue at the Walnut Street stop sign was not as great as may have been expected (3-4 vehicles). This queue occurred when the adult crossing guard stopped all traffic for pedestrians, and the queue dissipated quickly.

## Parking Inventory / Utilization Survey

To assess the effects of a Walnut Street closure on parking, an area-wide inventory of available parking spaces was conducted, and the use of these spaces was identified through an occupancy survey.

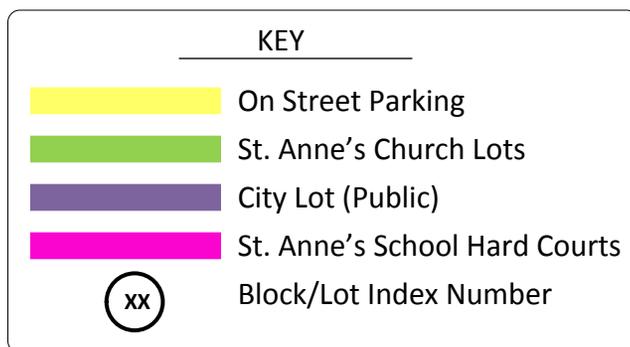
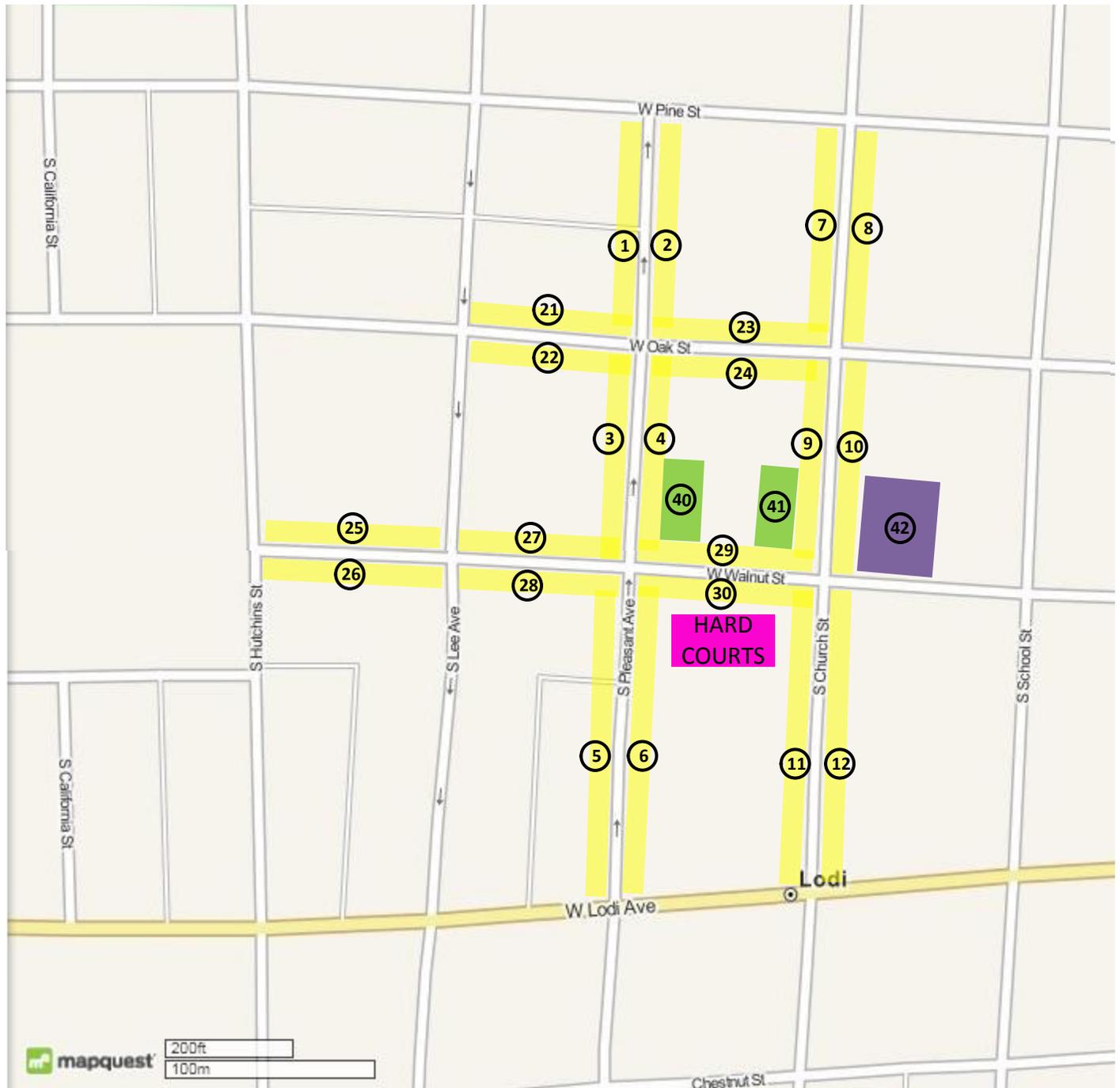
**Parking Inventory.** The parking study area limits were identified by City of Lodi staff and are shown in Figure 4. As shown, each block was numbered and the number of parking spaces on each block was identified. The results of both the inventory and utilization survey are noted in Table 8.

The survey included the curb of streets adjoining the subject section of Walnut Street as well as adjoining parking lots owned by St. Anne's Church and the City's public lot at the northeast corner of Church Street / Walnut Street. The City of Lodi has marked the limits of legal parking spaces on the pavement in most areas, but the consultant estimated the number of parking spaces in unmarked area based on general application of City parking space standards. As shown, today there are sixteen (16) marked parking spaces on the two sides of Walnut Street between Pleasant Avenue and Church Street. There are a total of 245 on-street parking spaces within the study area, including space for six (6) vehicles in the loading zone striped on the east side of Pleasant Avenue adjoining St. Anne's School.

St. Anne's Church has two parking lots on the north side of Walnut Street between Pleasant Avenue and Church Street. The western lot has 25 spaces, and the eastern lot has 28 spaces. St. Anne's School has a rear hard court area that is accessed via the alley linking Church Street and Lodi Avenue. The hard courts are not marked for parking, but the area is opened in the afternoon for waiting parents. The number of vehicles that can be accommodated on the hard courts was estimated by a school volunteer who directs traffic in this area. The volunteer indicated that 21 vehicles have been accommodated concurrently on the hard courts when the school day ends in the afternoon.

The City of Lodi maintains many public parking lots in the downtown area. The lot immediately adjoining the east side of Church Street between the alley and Walnut Street contains 61 parking spaces.

Excluding the unmarked spaces on St. Anne's hard courts, there are roughly 369 parking spaces in our study area.



**TABLE 8  
PARKING INVENTORY / OCCUPANCY SURVEY RESULTS**

Area	Street	Location	Side	Spaces	Vehicles					
					7:25 am	7:45 am	8:05 am	2:40 pm	3:00 pm	3:30 pm
1	Pleasant Ave	Pine St to Oak St	West	10	1	0	0	3	3	1
2			East	11	2	0	0	4	4	2
3		Oak St to Walnut St	West	11	1	3	6	4	7	1
4			East	9	2	2	5	4	5	4
5		Walnut St to Lodi Ave	West	18	14	13	13	11	10	13
6			East	16	2	6	10	9	12	8
7	Church St	Pine St to Oak St	West	9	0	1	0	2	2	3
8			East	11	0	0	0	7	7	6
9		Oak St to Walnut St	West	13	0	0	7	1	0	0
10			East	11	0	0	0	2	2	3
11		Walnut St to Lodi Ave	West	11	1	2	1	6	6	7
12			East	3	0	0	0	2	3	3
21	Oak Street	Lee Ave to Pleasant Ave	North	13	3	3	3	1	1	1
22			South	12	2	2	2	3	2	1
23		Pleasant Ave to Church St	North	10	1	1	1	0	0	0
24			South	16	2	2	2	4	3	3
25	Walnut St	Hutchins St to Lee Ave	North	11	2	2	2	5	4	4
26			South	11	5	5	5	5	6	6
27		Lee St to Pleasant Ave	North	11	1	5	5	3	5	3
28			South	12	5	3	4	7	10	3
29		Pleasant Ave to Church St	North	6	3	4	6*	4	5	1
30			South	10	1	3	7*	5	7	3
<i>Total on-street</i>				245	48	57	79	92	104	76
40	Church Lots	North of Walnut Ave	West	25	4	10	16**	9	16	7
41			East	38	2	5	27**	1	4	1
42	City Lot	NE corner of Walnut St & Church St		61	1	1	1	24	26	30
<i>Total Lots</i>				124	7	6	44	34	44	38
42	School Hard Courts	West of Church St		Unk	-	-	-	0	13	0
<i>Total Spaces</i>				369	55	63	123	126	163	114

\* greatest number of vehicles totaled 16, including cars stopped in red zones.  
 \*\* Parking for Mass starting at 8:00 a.m. Monday thru Friday

**Utilization Survey Results.** The number of vehicles using the study area parking supply was determined through observations conducted during the afternoon of Thursday October 25<sup>th</sup> and the morning of Friday October 26<sup>th</sup>. This utilization survey was conducted to determine how these parking spaces are used during times when parents are transporting students to and from St. Anne's School, as well as during the time when school travel is not occurring.

Use of on street parking is light in the period before the day begins at St. Anne's School. School doors open at 7:45 and the first bell rings at 8:00 a.m. As shown, parking utilization was first observed at 7:25 a.m., and 55 vehicles were parked in the study area at that time. Of these vehicles, fourteen (14) were already parked on the west side of Pleasant Avenue between Walnut Street and Lodi Avenue. 63 vehicles were observed when the school doors opened at 7:45 a.m. The greatest number of vehicles was observed at 8:05 a.m. as some stragglers were still arriving for school and parishioners had arrived at St. Anne's Church for 8:00 a.m. mass.

In the morning, the maximum number of stopped vehicles on Walnut Street between Pleasant Avenue and Church Street at one time totaled sixteen (16). This total included vehicles parked in "no parking" zones and parked in the short loading zone adjoining the school entrance.

The total number of observed vehicles was greater in the afternoon, primarily because of use of the public parking lot. The St. Anne's school day ends at 3:00 p.m. At 2:40 p.m. a total of 126 stopped vehicles were observed. This total included a few parents who arrived early to wait for students. As the school day ended, the total had increased to 163 vehicles, including 13 vehicles waiting on the hard courts. By 3:30 p.m. most students had been picked up, but a few parent vehicles remained. Some school staff had also left by 3:30. A total of 114 vehicles were counted at that time.

This analysis does not address conditions associated with Mass on Sundays. It is recognized that both on-street and off-street parking is already heavily used when Lodi's churches hold Sunday services. The 16 spaces lost on Walnut Street by the abandonment would represent roughly 4% of the 369 spaces in the study area that are available to St Anne's and the adjoining Methodist Church on Oak Street.

**School Parent Parking Demands.** Most St. Anne's School parents elect to park near the school and walk to meet their student at the school's entrance at the corner of Pleasant Avenue and Walnut Street. The number of parent vehicles accumulated as the school day ends can be calculated by comparing the number of parked vehicles observed before, during and after the 15 minute period at the end of the school day. While parents come and go, a maximum of 45 to 50 parent vehicles are gathered near St. Anne's School at one time during the peak 15 minute period. This demand appears to be split between the block of Walnut Street that may be closed (8 vehicles), the portion of Walnut Street west of Pleasant (9 parent vehicles), Pleasant Avenue south of Walnut Street (6 parent vehicles), Pleasant Avenue north of Walnut (7 parent vehicles), the church lots (12 parent vehicles) and the school's hard courts (13 parent vehicles). This total does not include staff members' vehicles that are assumed to be part of the background observations.

**Parking at Bank of the West.** As part of this assessment, the consultant briefly observed the use of other parking areas in the vicinity of the study area to determine whether any other locations may be affected by school drop-off and loading activities. The Bank of the West lies immediately adjacent to St. Anne' School. The bank's parking lot has direct access to Church Street and to the alley that also serves the school's hard court area. When asked, bank staff reported that there were occasions when motorists picking up students elected to park in the bank lot and walk to the school. Bank staff suggested that this conclusion was based on the absence of customers in the bank on occasions when some of their parking was occupied by vehicles that clearly were not bank staff. The consultant observed the use of this parking area during the afternoon at the end of the school day when occupancy data was collected. While there were vehicles in the bank lot, the consultant did not notice any parents walking from these vehicles to the school.

## PROJECT IMPACTS

The purpose of this assessment is to identify an applicable traffic and parking strategy that will support abandonment of the segment of Walnut Street between Pleasant Avenue and Church Street. The preliminary project proposal includes using this area as a pedestrian plaza connecting St. Anne's Church and St. Anne's School. While a preliminary concept for this street closure has been offered, the City of Lodi has asked that this assessment identify an optional solution that will satisfy the following goals:

1. Identify an applicable strategy for access to St. Anne Church's two Walnut Street parking lots;
2. Identify an effective plan for drop-off and loading St. Anne/s School students with the road closed;
3. Identify workable traffic control strategies that do not worsen peak period traffic flow in the area around the abandonment while meeting City of Lodi Level of Service standards.

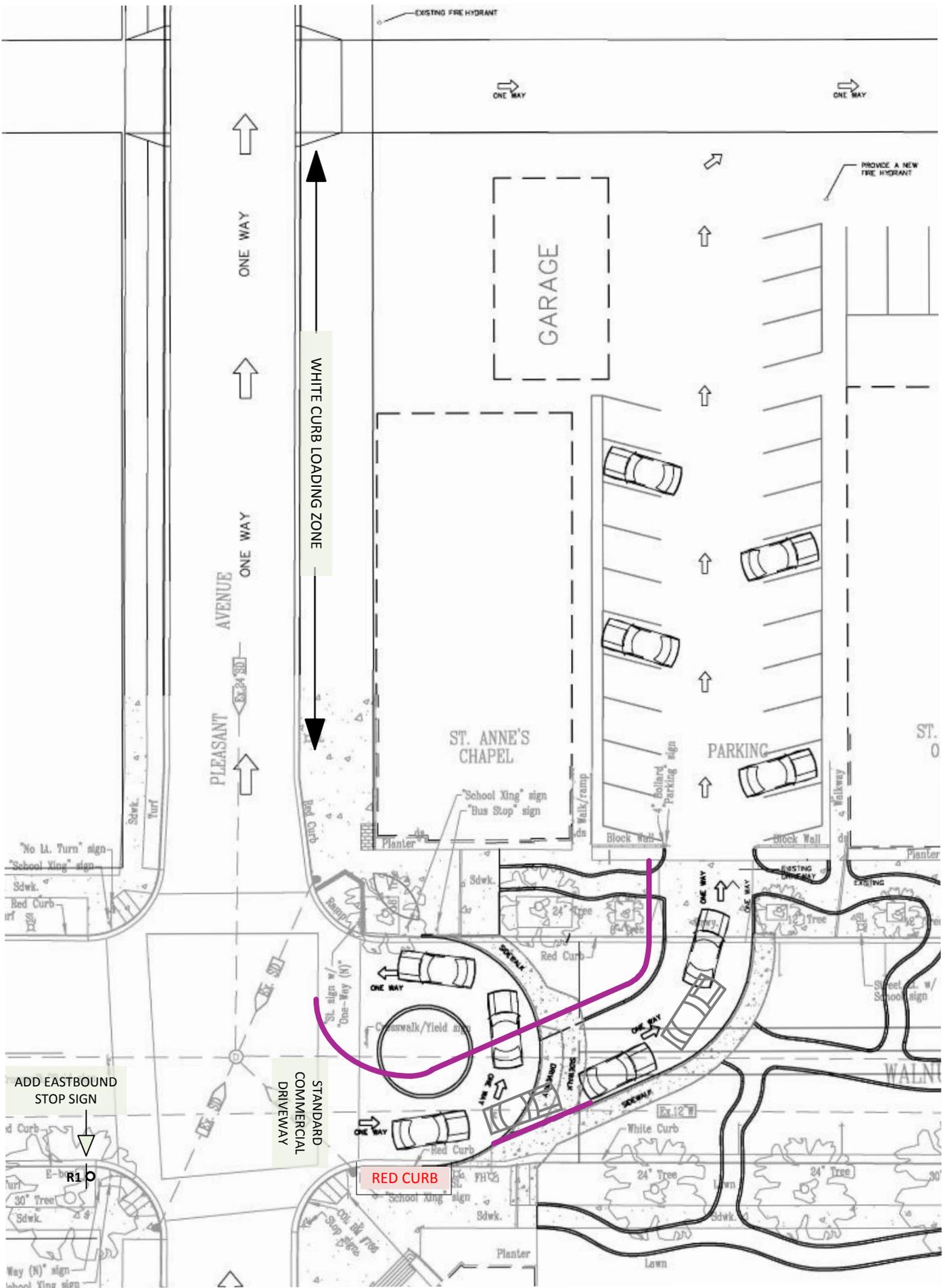
### **Plan for Access to St. Anne's Church Parking Lots**

The conceptual plan suggests that both church parking lots will retain access to Walnut Street and to the one-way (westbound) alley linking Pleasant Avenue and Church Street. We evaluated the applicability of each connection.

**Western Parking Lot.** In the preliminary plan access from the Walnut Street / Pleasant Street intersection was accomplished by linking the western parking lot with a new school / drop-off & loading area adjoining the intersection. Access to the parking lot needs to be maintained, however, this short loading & drop area is not recommended as it is likely to become congested during peak periods before and after school.

A direct "inbound only" connection from the intersection to the parking lot is recommended instead, as shown in Figure 5. This treatment would include a standard commercial driveway on Pleasant Avenue as well as signing indicating that the parking lot is available to the public.

**Eastern Parking Lot.** The conceptual plan suggests that full access to St. Anne's eastern parking lot would be maintained via a remnant of Walnut Street adjoining the Church Street intersection, and vehicles using the parking lot could continue to use the signal. Our review revealed the plan accommodates turning requirements of automobiles, limousines and hearses that accompany church activities. The paths for larger single unit trucks that may need to access the church parking lot (i.e., garbage trucks) are acceptable for vehicles arriving from northbound Church Street or westbound Walnut Street. There is not room for a truck to turn from southbound Church Street into the parking lot due to the short distance from the existing driveway to Church Street. The plan does accommodate u-turns from and to Church Street; however, u-turns would not be possible if motorists elected to use this area as a school drop-off & loading area, as any waiting vehicles would reduce the available turning radii.



Based on this review, we recommend the plan be modified to eliminate the possibility of vehicles stopping in the remnant of Walnut Street. The consultant did not observe frequent parent use of the eastern lot, but any stopping could create problems near the traffic signal. Two options for modifying the plan have been identified.

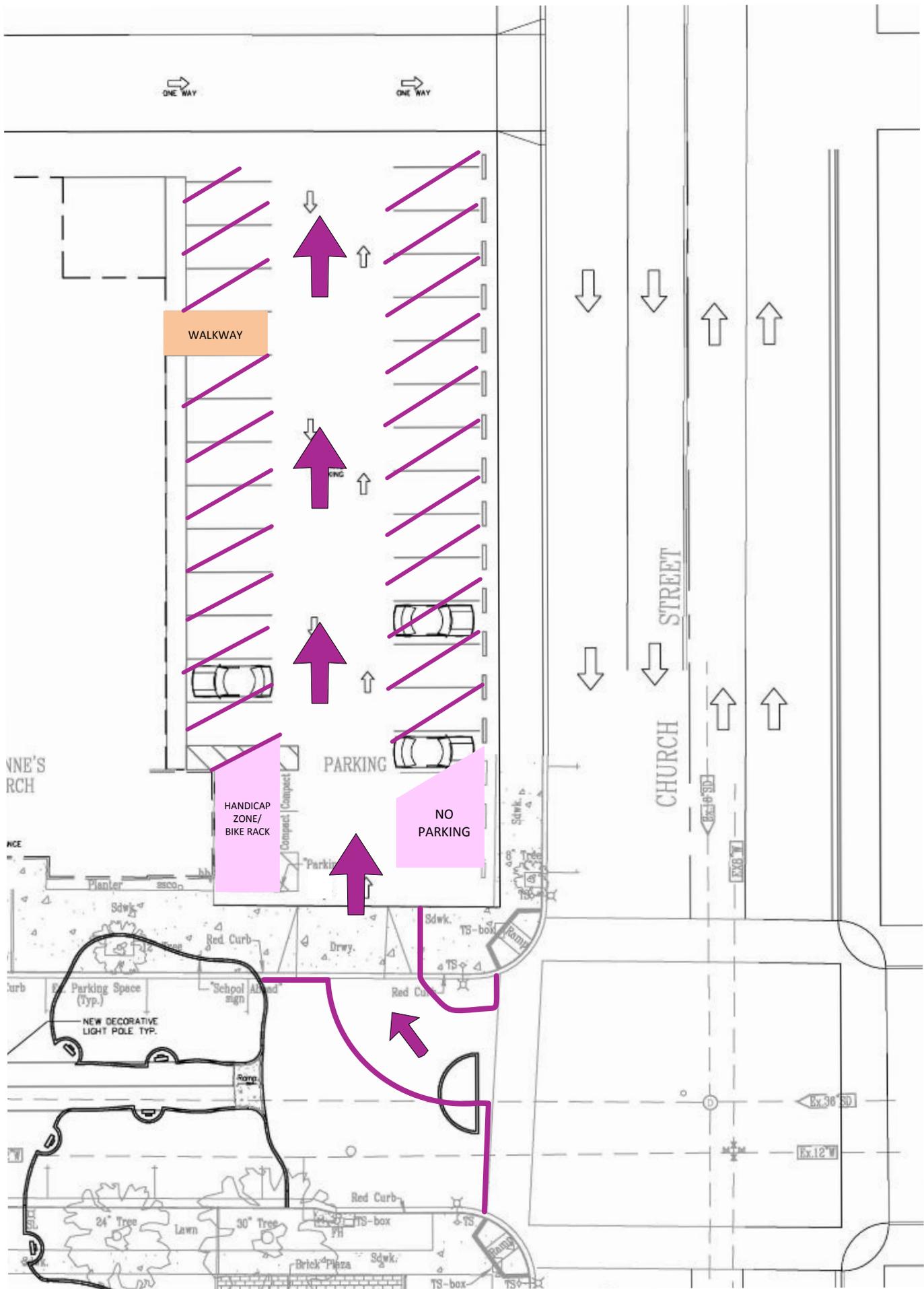
**Option 1. Create a direct two-way connection from the intersection into the parking lot with no u-turn or drop-off & loading.** Under this option, the plan would be modified to create separate inbound and outbound lanes that provide the width needed to accommodate large passenger vehicles but not necessarily trucks. As noted in Figure 6, two-way travel would remain through the parking lot, allowing both access and egress from both the alley and the signalized intersection. Diagonal parking is recommended to equalize the use of both access points and to reduce the possibility of delays to arriving vehicles that might result in queues that extend back to the traffic signal. The change to diagonal parking would result in the loss of 18 parking spaces. A standard commercial driveway would be constructed, and the connection between Church Street and the church parking lot would be signed and marked “no stopping”. Some minor modifications to the existing traffic signal would be required to maintain vehicle detection on the new connection.

No change to the orientation of the alley would be needed (i.e., westbound one-way).

**Option 2: Provide one-way inbound access to the parking lot.** Travel through the eastern parking lot could be made one-way (i.e., inbound from Walnut Street and out to the alley) to further reduce the possibility of vehicles stopping near the Church Street signal. This option would also reduce the paved area and increase the available area for the pedestrian plaza, as shown in Figure 7. Additional modifications to the existing traffic signal system at Church Street and Walnut Avenue would be needed. To eliminate the possibility of “wrong way” travel towards the signal the church parking area should be reconfigured to provide diagonal parking. Restriping to diagonal parking would reduce the number of parking spaces from 32 to 22 (loss of 10 spaces).

Under this option all of the parking lot traffic would exit onto the alley. Motorists may find the parking lot more convenient if the flow in the one-way alley was reversed to eastbound travel in order to exit onto Church Street. Changing the direction of travel in the alley would result in left side parking in the two parking spaces on the north side of the alley along the Methodist Church.





## **Plan for Accommodating St. Anne's School Drop-off and Loading**

The vehicles using Walnut Street for drop off and loading today will need to be relocated elsewhere when Walnut Street is abandoned. The vehicles observed on this segment (i.e., up to 16 vehicles along the street in the a.m. and 12 in the afternoon) appear to include 4 long term parkers and 12 to 8 parent vehicles.

Overall, the supply of empty parking spaces in the study area is substantial, and theoretically there would be no problem accommodating the relocated vehicles. The school's main entrance is on the northwest corner of Pleasant Avenue and Walnut Street. This is the destination – origin for nearly all of the foot traffic to and from the school. Today, the longest distance walked between vehicles and the school entrance is about ½ a block. There are many empty on-street spaces existing on blocks that are further from the entrance such as Oak Street and Church Street. However, as a practical matter, there is a limit to the distance that parents, students and staff will be willing to walk from parking to school before they decide to instead wait in queue for an empty space.

If Walnut Street is closed and no specific action was taken to direct drop-off and loading to specific locations then relocated vehicles would likely move to empty spaces on the streets adjoining the Pleasant Avenue / Walnut Street intersection. We identified empty parking spaces during peak periods within one block of the intersection. There were eight empty spaces on the south end of Pleasant Avenue south of Walnut Street, eight empty spaces on the north end of Pleasant Avenue between Walnut and Oak Street and eight empty spaces on the west end of Walnut Street between Lee Street and Pleasant Avenue. In general, the available parking supply within one block could accommodate the relocated vehicles, but the distances that parents and students are required to walk to the school would increase from about ½ block walked today to about 1 block. Parents may object to the extra distance, particularly on rainy days, possibly resulting in more parents choosing to wait for a closer space than current practice.

Based on these considerations, it would be beneficial to identify additional drop-off & pick up opportunities, as noted in the options that follow.

**Option 1: Widen the connection between the Pleasant Avenue / Walnut Street intersection and the western church parking lot to provide a drop-off & loading area.** The one way connection between street and lot should be made wide enough to allow parents to park while other motorists continue to travel through the church parking lot to the alley. A lane width of 20 feet would accommodate loading (8') and a normal travel lane (12'). The area immediately adjoining the Walnut Street / Pleasant Avenue intersection should be designated a no parking zone. The remainder of the new route to the parking lot would be roughly 100 feet long and could accommodate 4-5 vehicles.

**Option 2: Promote use of St. Anne's Church Parking lots.** The extent to which greater use could be made of the church parking lots was considered. Today, some parents were observed parking in the western lot, and its proximity to the school entrance makes this location an attractive option. Some school staff was observed parking there as well. The long term parking on Walnut Street today might be relocated to the church lots, but in the morning many of those

spaces are used by persons attending Mass. After Mass, the eastern lot empties for most of the day. Although more than 70% of the spaces in these lots are filled at 8:00, there is room for the 4 vehicles we observed parking “long term” on Walnut Street. Posting signs designating the parking lots for “Parent Use” could encourage use of the church parking lots.

**Option 3: Expand Drop-Off Loading Zone on Pleasant Avenue.** The curb on the east side of Pleasant Avenue along the school frontage is designated a loading area for drop-off and pick up. This zone is 140 feet long. Many parents elected to park in this area for short periods of time, but we did not observe that use of this area created queues of vehicles waiting for a vacant space. A similar loading zone could be striped on the east side of Pleasant Avenue north of Walnut Street towards the alley. While this area is already used by parents, this marking could increase the rate at which parking in this area turns over and prompt some parents to use the spaces north of the alley if they intended to stay longer.

### **Effect of Street Closure on Traffic Flow and Levels of Service**

**Approach.** The effect of closing Walnut Street while maintaining parking lot access as noted and providing new drop-off & loading opportunities has been assessed by redistributing current traffic volumes and recalculating the operating Level of Service at intersections and on roadway segments. A two step process was undertaken to redistribute the traffic now using Walnut Street. First, the routes of vehicles turning onto and off of Walnut Street between Pleasant Avenue and Church Street were identified, and these trips were deleted from current volumes. These trips were subsequently re-assigned to the study street system assuming the majority of the trips were destined for the area adjoining St. Anne’s School. A limited number of school trips were assumed to be oriented to the eastern parking lot. This process would yield a conservative (i.e., “worst case”) assessment since some background traffic using Walnut Street during the peak hour is simply passing St. Anne’s school without stopping and could be diverted to other streets without necessarily returning to the study area.

**Traffic Volume Forecasts.** Figure 8 identifies projected traffic volumes under “Year 2012 Plus Project” and “Long Term Plus Project” conditions. Comparison of existing and projected traffic volumes reveals that closing Walnut Street may eliminate trips on that facility, and the volume of traffic on Pleasant Avenue and on Walnut Street west of Pleasant Avenue could increase during the hours before and after the school day.

**Intersection Levels of Service.** Tables 9 and 11 compare current peak hour Levels of Service at study intersections with and without the project. As shown, because the change in volume study intersections is relatively small, project Levels of Service with and without the project are similar. Minimum City of Lodi standards for Level of service will continue to be satisfied.

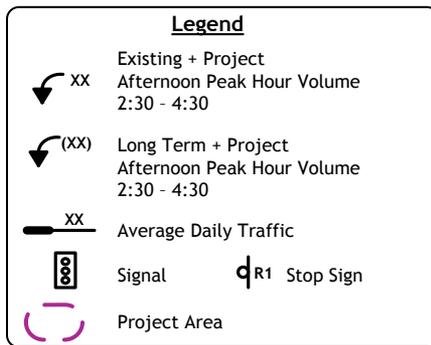
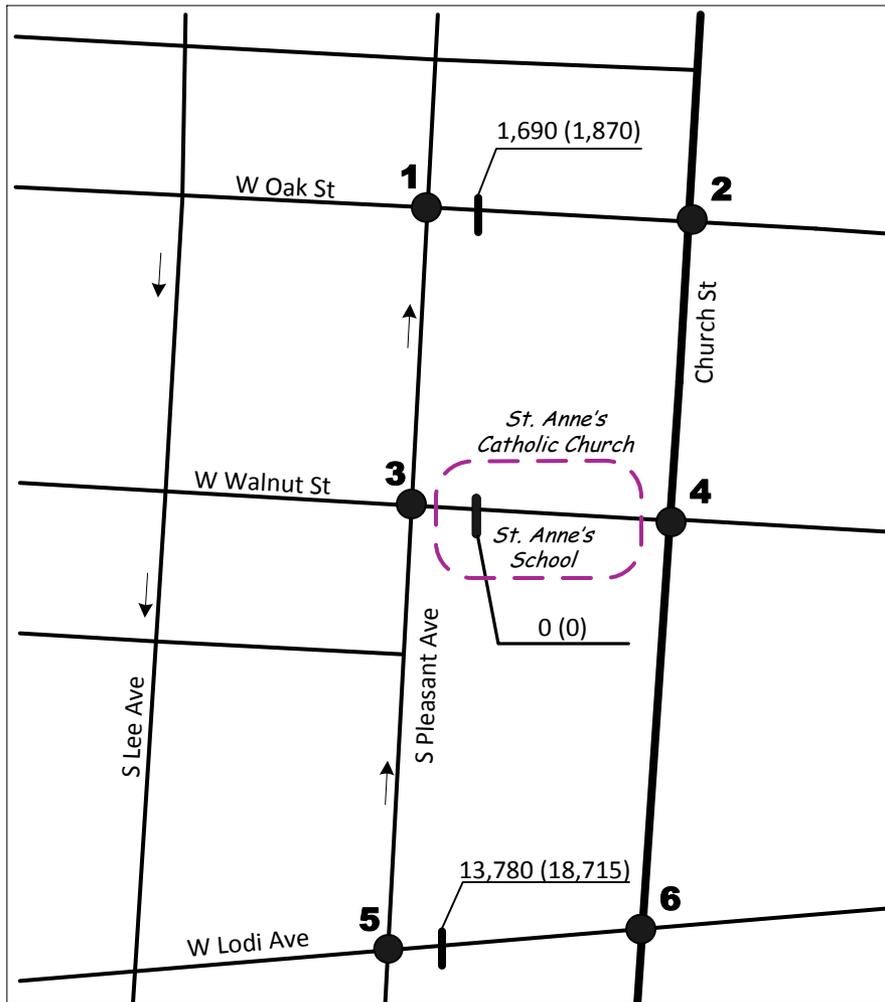
The location which would be most affected by the change is the Pleasant Avenue / Walnut Street intersection. At this intersection the total entering volume during the peak hour will drop slightly from 157 vehicles per hour (vph) to 139 vph. The volume on northbound Pleasant Avenue approaching Walnut Street could increase from 71 vph to 97 vph.

With the closure of Walnut Street the City of Lodi will want to consider alternative traffic controls at the Walnut Street / Pleasant Avenue intersection. An all-way stop would be the logical choice for this intersection. The adult crossing guard now directing traffic and pedestrians before and after school will still be needed as the number of pedestrians using the intersection will increase.

**Roadway Segment Level of Service.** The change in daily traffic volume associated with the proposed project has been estimated by comparing peak hour volumes on roadway segments with and without the project and applying the relative change to the current daily volumes. As shown in Tables 10 and 12, the volume on Oak Street between Pleasant Avenue and Church Street is likely to increase by roughly 36%. However, the resulting daily volume remains well within the threshold established by the City of Lodi for two lane residential streets, and LOS A will remain.

Similarly, the volume of traffic on Lodi Avenue is likely to increase. However, the incremental change in this location represents less than 3% of the current volume, and the resulting volumes are indicative of LOS A.

The volume on Walnut Street between Pleasant Avenue and Church Street would be reduced to zero with the project. However, roughly 200 vehicles per day could use the roadway linking the Walnut Street / Pleasant Avenue intersection with the western St. Anne's Church parking lot. The number of vehicles on the connection from the eastern parking lot to Church Street would vary based on the nature of activities at St. Anne's Church, but could be relatively minimal during the afternoon peak hour investigated for this study.



<p><b>1</b></p> <p>Oak St / Pleasant Ave</p>	<p><b>2</b></p> <p>Oak St / Church St</p>
<p><b>3</b></p> <p>Walnut St / Pleasant Ave</p>	<p><b>4</b></p> <p>Walnut St / Church St</p>
<p><b>5</b></p> <p>Lodi Ave / Pleasant Ave</p>	<p><b>6</b></p> <p>Lodi Ave / Church St</p>

**PLUS PROJECT**  
**TRAFFIC VOLUMES AND LANE CONFIGURATIONS**

**TABLE 9  
EXISTING PLUS PROJECT INTERSECTION LEVELS OF SERVICE**

Intersection	Control	Existing			Existing Plus Project		
		Peak Hour (2:45 to 3:45 p.m.)		Traffic Signal Warranted?	Peak Hour (2:45 to 3:45 p.m.)		Traffic Signal Warranted?
		Average Delay (sec/veh)	Level of Service		Average Delay (sec/veh)	Level of Service	
Pleasant Ave / Oak Street	NB Stop	9.3	A	No	9.8	A	No
Church Street / Oak Street	Signal	9.4	A	n.a.	9.5	A	n.a.
Walnut Street / Pleasant Avenue	NB Stop	9.5	A	No			No
	Manual	7.4	A	No	7.9	A	No
Church Street / Walnut Street	Signal	6.1	A	n.a.	4.1	A	n.a.
Lodi Avenue / Pleasant Avenue	NB Stop	17.2	C	No	18.5	C	No
Lodi Avenue / Church Street	Signal	18.1	B	n.a.	18.0	B	n.a.
n.a. is not applicable							

**TABLE 10  
EXISTING PLUS PROJECT ROADWAY SEGMENT LEVEL OF SERVICE**

Street	from	To	LOS D Threshold	Existing		Existing Plus Project			LOS
				24-hr Volume	LOS	24 hr Volume			
						Incremental Change	Total	Percent Change	
Oak Street	Pleasant Avenue	Church Street	5,000	1,240	A	+450	1,690	+36%	A
Walnut Street	Pleasant Avenue	Church Street	5,000	1,210	A	-1,210	0	-	A
Lodi Avenue	Pleasant Avenue	Church Street	31,500	14,390	A	+390	13,780	+3%	A

**TABLE 11  
FUTURE PLUS PROJECT INTERSECTION LEVELS OF SERVICE**

Intersection	control	Existing			Existing Plus Project		
		Peak Hour (2:45 to 3:45 p.m.)		Traffic Signal Warranted?	Peak Hour (2:45 to 3:45 p.m.)		Traffic Signal Warranted?
		Average Delay (sec/veh)	Level of service		Average Delay (sec/veh)	LOS	
Pleasant Ave / Oak Street	NB Stop	9.4	A	No	9.9	A	No
Church Street / Oak Street	Signal	9.5	A	n.a.	9.6	A	n.a.
Walnut Street / Pleasant Avenue	NB Stop	9.5	A	No			No
	Manual	7.5	A	No	8.0	A	No
Church Street / Walnut Street	Signal	6.2	A	n.a.	4.1	A	n.a.
Lodi Avenue / Pleasant Avenue	NB Stop	23.	C	No	25.4	C	No
Lodi Avenue / Church Street	Signal	18.3	B	n.a.	18.2	B	n.a.
n.a. is not applicable							

**TABLE 12  
FUTURE PLUS PROJECT ROADWAY SEGMENT LEVEL OF SERVICE**

Street	from	to	LOS D Threshold	Existing		Existing Plus Project			LOS
				24-hr Volume	LOS	24-hr Volume			
						Incremental Change	Total	Percent Change	
Oak Street	Pleasant Avenue	Church Street	5,000	1,370	A	+500	1,870	+36%	A
Walnut Street	Pleasant Avenue	Church Street	5,000	1,330	A	-1,330	0	-	A
Lodi Avenue	Pleasant Avenue	Church Street	31,500	18,275	A	+440	18,715	+2%	A

**APPENDIX**

**(under separate cover)**

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COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI

Fluetsch & Fluetsch  
Attorneys at Law

115 W. Walnut St., Ste. 3  
Lodi, California 95240  
Tel. (209) 367-8888  
Fax: (209) 367-8884  
[kfluetsch@me.com](mailto:kfluetsch@me.com)

3 December 2012

Community Development Director  
P.O. Box 3006  
Lodi, CA 95241-1910

RE: St. Anne's Request for Permit

Dear Director:

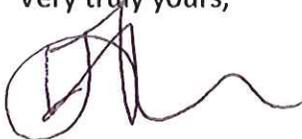
We are not able to attend the public hearing on the request by St. Anne's to create a park and plaza area between the church and the school, and for a use permit.

As you can see from our street address, our business is located directly across the street from the proposed plaza. We are also owners of the building at 115 W. Walnut. We have consulted our tenants, and we have given long thought to the proposed plaza. **We are unanimous in our support for the creation of the park and the plaza, and for the use permit.** We believe that the creation of a park and plaza at that location will beautify this area of downtown.

We also know that closing Walnut street between the church and the school is also in the best interests of the safety of the students. The students often cross the street going to and from the church. We have observed, on many, many occasions, drivers who do not heed the cross-walk laws, or even stop when a person is holding a stop sign in the middle of the cross-walk. It is simply a miracle that no student has been struck by a careless driver coming down Walnut Street.

Thank you for your careful attention to this matter.

Very truly yours,



Kristina L. Fluetsch

**RESOLUTION NO. P.C. 12-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI THAT DETERMINES THAT THE POSSIBLE VACATION OF WALNUT STREET FROM PLEASANT AVENUE TO CHURCH STREET WILL BE IN CONFORMITY WITH THE CITY'S GENERAL PLAN**

**WHEREAS**, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested determination, in accordance with the California Government Code Section 65402.(a); and

**WHEREAS**, the project proponent is Pastor of St. Anne Church, 200 South Pleasant Avenue, Lodi, CA 95240; and

**WHEREAS**, the property owner is the City of Lodi, P.O. BOX 3006, Lodi, CA 95241; and

**WHEREAS**, the project limited are portions of Walnut Street between Pleasant Avenue and Church Street in order to create a plaza area between; and

**WHEREAS**, the future use of the property will be consistent with the development standards of the adopted General Plan and will be subject to Zoning regulations; 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 proposed street vacation is exempt from environmental review under State CEQA Guidelines Section 15305, which applies to minor alterations in land use limitations; Section 15316, which applies to transfer of ownership of land in order to create parks; Section 15311, which applies to accessory structures including small parking lots; and Section 15061(b)(3), the general rule that CEQA does not apply to projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
2. The possible vacation of City-owned property will be consistent with all applicable goals, policies and standards of the City's adopted General Plan Policy Document.
3. The proposed street vacation will not be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood or be detrimental or injurious to the health, safety, peace or general welfare of the City.
4. The subject properties and easements are no longer needed for a municipal purpose and the sale and private use of the property will provide infill opportunities and return land to the tax roll.

**NOW, THEREFORE, BE IT DETERMINED AND RESOLVED** by the Planning Commission of the City of Lodi that the possible street vacation proposal has been determined to be in conformity with the City's adopted General Plan.

**Dated: December 12, 2012**

I certify that Resolution No. 12- was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on December 12, 2012 by the following vote:

**AYES:** Commissioners:

**NOES:** Commissioners:

**ABSENT:** Commissioners:

**ATTEST** \_\_\_\_\_  
**Secretary, Planning Commission**

# 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 12/12/2012  
**Subject:** Past meetings of the City Council and other meetings pertinent to the Planning Commission

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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
October 17, 2012	Regular	Adopt Resolution Authorizing the City Manager to Execute a Contract for the Phase 3 Grape Bowl Improvement Project with Diede Construction, Inc., of Woodbridge (\$1,327,000), and Professional Services Agreement for Grape Bowl Lighting Improvements with Musco Lighting, of Oskaloosa, Iowa (\$42,693), and to Approve an Inter-Fund Loan Agreement (\$675,000) and Appropriating Funds (\$1,364,032) (PW)
November 7, 2012	Regular	Adopt Uncodified Interim Urgency Ordinance to Establish a Moratorium on 1) the Outdoor Cultivation of Medical Marijuana within the City of Lodi and 2) the Indoor Cultivation of Medical Marijuana that Creates a Public Nuisance (CA)
December 5, 2012	Regular	Reorganization of the City Council