

<p>CARNEGIE FORUM 305 WEST PINE STREET LODI, CALIFORNIA</p>	<p>AGENDA LODI PLANNING COMMISSION</p>	<p>REGULAR SESSION WEDNESDAY, JANUARY 9, 2013 @ 7:00 PM</p>
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For information regarding this agenda please contact:

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

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1. ROLL CALL
2. MINUTES – “September 12, 2012” & “December 12, 2012”
3. PUBLIC HEARINGS
 - a. Request for Planning Commission approval of a Use Permit to allow a Type 2 (Winery) Alcoholic Beverage Control license at 1370 East Turner Road. (Applicants: Michael McCay, on behalf of McCay Cellars; File Number: 12-U-20)
 - b. Request for a Tentative Parcel Map to divide one parcel in to two lots at 903 West Turner Road. (Applicant: Foster Advantage, Inc. File No. 12-P-02)
 - c. Request for Planning Commission approval of a Use Permit to operate a fitness facility in an existing building located at 1320 West Lockeford Street. (Applicants: Sandra Homan, on behalf of In-Shape Health Clubs, Inc.; File Number: 12-U-19)

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
5. ANNOUNCEMENTS AND CORRESPONDENCE
6. ACTIONS OF THE CITY COUNCIL
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:

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

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

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, 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, DECEMBER 12, 2012**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of December 12, 2012, was called to order by Chair Kirsten at 7:00 p.m.

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

Absent: Planning Commissioners – Cummins

Also Present: Community Development Director Konradt 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

“October 10, 2012”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Heinitz second, approved the Minutes of October 10, 2012 as written. (Commissioner Hennecke abstained because he was not in attendance of the subject 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 Type 21 off-Sale General Alcoholic Beverage Control license at 2355 West Kettleman Lane. (Applicant: Target Corporation. File Number: 12-U-14)

Associate Planner Bereket gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of project. Condition #11 should be removed from the resolution because it conflicts with the purpose of selling single serving sizes

Commissioner Heinitz asked if there will be additional training through ABC. Mr. Bereket stated that ABC does have a requirement for additional training when there are any changes in the license type.

Hearing Opened to the Public

- Beth Aboulafia, representative for Target, came forward to answer questions. Ms. Aboulafia stated that this request is being made along with a remodel of the store which now offers a full line of groceries.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Olson second, approved the request for a Use Permit to allow Type 21 off-Sale General Alcoholic Beverage Control license

at 2355 West Kettleman Lane subject to the conditions in the resolution. The motion carried by the following vote:

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

Chair Kirsten recused himself from items 3b) & 3c). 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 B (applicant: Vicki Snell; File Number: 12-U-17)

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

Hearing Opened to the Public

- Vickie Snell, applicant, came forward to answer questions.
- Commissioner Kiser asked Ms. Snell if she has been trained through ABC before. Ms Snell stated that she has not, but she along with her staff will be going through the training.
- Commissioner Olson asked Ms. Snell if she has owned a service business before. Ms. Snell stated that she has not, but her daughter who will be opening the business with her has been in the restaurant business for seven years.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Hennecke 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 B subject to the conditions in the resolution. The motion carried by the following vote:

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

Commissioner Kiser recused himself from item 3c) because he is related to the applicant of the proposed project.

- c) 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 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)

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

Hearing Opened to the Public

- Peter Marks, applicant, came forward to answer questions.

- Commissioner Heinitz asked where the wineries are located right now. Mr. Marks stated that they, Six Hands, are located in Walnut Grove and Sorelle is located at Eight Mile Road and Highway 88.
- Commissioner Olson asked if the occupancy of 47 will be to low. Mr. Marks stated that it will be more of the intimate atmosphere that they are looking for and that they feel the downtown promotes.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Heinitz, Hennecke second, approved the request for 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 subject to the conditions in the resolution. The motion carried by the following vote:

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

Chair Kirsten and Commissioner Kiser rejoined the Commission.

- d) 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 for approval 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)

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

Commissioner Kiser asked if the applicant will still need to comply with shutting down the alcohol at 2am. Mr. Bereket stated that they will be required to follow state law in regards to the sale of alcohol.

Hearing Opened to the Public

- Steven Snider, representative of the applicant, came forward to answer questions. Mr. Snider stated some concerns in the resolution; 1 – The P.O. Box address should read 2367 not 560, 2 – Condition number 12 will not be a issue once the improvements are done because this will become a solid wall, and Condition number 24 states that there should not be any speakers outside the building envelope. There is a paging system outside that was there when the building was being utilized as a restaurant that the applicant would like to keep for the purpose of paging players.
- Chair Kirsten asked Mr. Snider if they have received any complaints from neighbors regarding the speaker system. Mr. Snider stated that they have not received any complaints from the neighbors. Kirsten asked staff for clarification. Director Bartlam stated that staff has received complaints from neighbors and the condition has been geared toward insuring that the speakers are not audible outside the property line.
- Commissioner Kiser stated that walkie-talkies might cure the problem with the paging system. He then asked if this expansion is going to lead to eliminating the restaurant. Mr. Snider stated that they are in the process of rebranding and redesigning the restaurant.

- Commissioner Olson asked what the bar hours are. Mr. Snider stated that the bar is open from the time that the cardroom opens until 2 am. Olson asked what the restaurant hours are. Snider stated that the restaurant hours are 8 am to 2 am. Olson asked why we are being asked to add an hour on either end. Mr. Snider stated that that is when poker players like to play. He added that this isn't a typical bar setting. It isn't a rowdy setting.
- Commissioner Hennecke asked what type of paging is done. Mr. Snider stated that it is for the players are waiting for a table or out taking a break. Hennecke suggested that maybe using the type of pagers that light up will alleviate the problem.
- Commissioner Heinitz stated his appreciation for the benefit that the establishment has brought to Lodi.
- Chair Kirsten stated his agreement with Commissioner Heinitz's sentiments.

Public Portion of Hearing Closed

- Commissioner Hennecke asked if there are any special conditions for the cardroom in regards to the ratio of food services verses alcohol. Mr. Bartlam stated that is no difference in the ratio.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Heinitz, Kiser second, approved the 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 subject to the conditions in the resolution. The motion carried by the following vote:

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

Chair Kirsten recused himself from item 3e) because he has property interest within the sphere of influence of the proposed project. Vice Chair Jones moved to the Chair's seat.

- e) 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 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.

Community Development Director Konradt Bartlam gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of the project and the Planning Commission will need to make the finding for vacating, closing, Walnut Street and forward the recommendation on to the City Council.

Commissioner Heinitz stated that he studied the traffic and spoke to the neighbors and he thought that Pleasant Avenue and Lee Avenue could be brought back to a two-way traffic with parking only on one side. Heinitz asked if the plaza will be open to everyone twenty four hours a day seven days a week. Mr. Bartlam stated that the commission could put that as a condition if that is their wish. Heinitz would like to see a condition that requires the employees to not park on Pleasant or on Walnut. He would like to see a cueing plan for the pick-up and drop-off of students.

Commissioner Kiser stated that he has a few of the same concerns as Commissioner Heinitz.

Commissioner Hennecke stated his concern about routing all the traffic through that narrow alleyway on the north side of the project.

Commissioner Olson asked if this will change the timing of the light on Church Street. Mr. Bartlam stated that it could be based on the triggering that is in the street. Olson asked if the ownership of the property will transfer to St. Anne's. Mr. Bartlam stated that the church will have to purchase the property. Olson stated that the maintenance of the property will then fall to the church. Bartlam confirmed that to be correct.

Commissioner Kiser asked if there will be a signal or stop sign at Pleasant and Walnut. Mr. Bartlam stated that there will not be a signal at that intersection.

Commissioners Olson, Kiser, Hennecke, and Jones stated that they had conversations with the applicant regarding the project.

Hearing Opened to the Public

- Father Brandon Ware, Pastor at St. Anne's, came forward to answer questions. Pastor stated that he has seen this done in other cities and the positive effect it has had on the community.
- Commissioner Kiser asked if Pastor Ware would be willing to agree to the conditions mentioned earlier by the Commissioners. Pastor Ware stated that he is willing to agree to the plaza never being closed to the community, but would need to be stepped through the other conditions at a little slower pace. Kiser asked if the church and school would be willing to go along with the condition of requiring employees to park in the parking lots and not on the streets. Pastor Ware stated that that sounds reasonable.
- Commissioner Olson is looking forward to watching this proposal grow, but would like to have some reassurance that the maintenance of the area will be taken care of by the Church. Pastor Ware stated that the church will be taking care of and maintaining the plaza. Olson encouraged Pastor Ware to create a maintenance fund for the plaza.
- Commissioner Heinitz asked about the funeral cueing that currently happens on Walnut Street. Pastor Ware showed on the plans what the thought was for cueing in cases of a funeral.
- Commissioner Hennecke asked if the parking lot on the east side of the church is mostly church parking and the parking lot on the west of the church is mainly for staff. Pastor Ware stated that the parking lot to the east is shared with the Methodist Church to the north and the parking lot to the west is for staff.
- Dan Phillips, Walnut Street resident, came forward to oppose the project. Mr. Phillips is concerned that the downtown will turn into a parking lot for the church. Even tonight the streets are packed with cars. It makes it difficult to get the leaves picked up by the City because there isn't a day that the church staff doesn't park in front of his house. He is concerned about the Fire Department getting to his house in a timely manner in the case of an emergency. Mr. Phillips read a letter written by his wife.
- Addison Beach, Walnut Street resident, came forward to express concerns about the project. Mr. Beach stated that his driveway is constantly blocked. He has concerns with the security at night, will this be a place for the homeless to hang out when it isn't being supervised. He would like to see permit parking for in front of his house. Commissioner Olson asked for clarification that the problem parkers are from the church and school. Mr. Beach stated that it is from the school and church. Commissioner Heinitz asked if there had been any outreach by the church. Mr. Beach stated that they did have an outreach BBQ.
- Sharon Simmons, Pleasant Avenue resident, came forward to express concerns about the project. Ms. Simmons stated that she has many of the same concerns. She suggested that the church demolish the house that they own across the street from her home to create additional parking for the project. Vice Chair Jones asked if Ms. Simmons is in support of the project. Ms. Simmons stated that she would support the project if the parking concern

would be addressed. Commissioner Hennecke asked if Ms. Simmons would be in support of taking Pleasant back to two-way traffic. Ms. Simmons stated that she would not be in support of that idea.

- Gerald Hanning, Hutchins Street resident, came forward to oppose the project, but would be okay with the project if it was left open to foot traffic. He suggested that the applicant try closing the street off for a trial-run and see how it works.
- Dale Stephens, Pleasant Avenue resident, came forward to oppose the project. Parking is a major issue. There is no parking in front of his house up until 9 pm and later. There used to be parking in the back of the church on the playground at one time. Unless there is something done with the parking Mr. Steven's can not support the project. Commissioner Olson asked if a parking permit for residences would alleviate the parking issue. Mr. Stephens stated that he honestly couldn't say with the apartments across the street. Commissioner Hennecke asked if the properties along this section of Pleasant have alley access to get additional parking. Commissioner Heinritz asked Mr. Stephens to keep an open mind and this could solve the problems that currently exist.
- Linda Larocca, Walnut Street resident, came forward to support the project. Ms. Larocca is more concerned with the speeding traffic that comes down the street currently. Blocking the street will alleviate this problem and make the area safer for the kids. The parking problem could be resolved if the school would open up the playground in the back for dropping off and picking up of students.
- Carmen Musch, Oak Street resident, came forward to support the project. Ms. Musch stated that the parking in the area isn't just because of the church and school, Hutchins Street Square and the downtown events are to blame.
- Annett Murdaca, Winerose Court resident and church parishioner, came forward to support the project. The parking issue can be worked out. The plaza will be a great place for people to come and rest or just to walk through. This will be a benefit to the Lodi community. Commissioner Olson asked if the public will be able to use this for personal use. Ms. Murdaca stated that people using the space for personal gain hasn't been discussed at this point.
- Bob Smith, Parkland Construction contractor for the project, came forward to support the project and answer design questions. Mr. Smith stated that the church has done quite a bit of outreach to the Community, City Staff, City Council, as well as the Planning Commissioners. A traffic study and parking study have been provided in the staff report. Vice Chair Jones asked about the number of parking spaces verses staff members. Mr. Smith stated that he did not have those figures in front of him, but that there has been much discussion with the Staff Members for both the church and school and believes through notification and education all the parking issues can be worked out. Commissioner Heinritz stated that the parking and cueing need to be conditions in the resolution.
- Dennis Taricco, Principal of St. Anne's School, came forward to address a question by Commissioner Olson regarding the staff parking on the streets. Mr. Taricco stated that the majority of the staff at the school park on Church Street, not on Pleasant. The playground in the back of the school is opened up for student pick-up after school. Commissioner Kiser stated that working on the education of the school staff and parents regarding the parking and the possibility of parking permits for residences could help with some of the objections, but there will have to be a commitment from the church and school. Mr. Taricco stated that he agrees with the idea and will make it a priority to get all school staffing to park in designated areas. Commissioner Hennecke stated that maybe putting the St. Anne's parking lot as a permit parking only for St. Anne's staff would help to stop other downtown parkers from using the St. Anne's parking lot. Hennecke asked Mr. Taricco to point out where the playground is and suggested using that as additional parking as well as a drop-off and pick-up area for students. Mr. Taricco stated that the area is opened up for parents to pick up their children in the afternoon. Mr. Taricco pointed out the school crossing sign that sits at Pleasant and Walnut and stated that it has been hit so many times that it is now attached with tape to keep it in place. This intersection is a true hazard.

- Dave Kirsten, downtown business owner, came forward to address the Commission. Commissioner Hennecke asked if Chair Kirsten was allowed to address the Commission on an item that he had to recues himself. Director Bartlam stated that Mr. Kirsten, Joe Citizen, is allowed to address the Commission. Mr. Kirsten stated his support for the project. He believes that clear language should be placed in the resolution that allows for the public access to be maintained in perpetuity for all of time.

Public Portion of Hearing Closed

- Commissioner Kiser stated that he would be in favor of the project only if the parking issues could be worked out. The area will need to be left open to the public forever, St. Anne’s staff will have to park only in designated off street parking areas, and an approved cueing plan will need to be in place.
- Commissioner Heinitz asked what the options are for the Commission at this point. Mr. Bartlam stated that the resolution can be approved with additional conditions, the item can be continued, or the project can be denied.
- Commissioner Olson would like to see the resolution conditioned tonight rather than continuing the item to a later meeting. Mr. Bartlam suggests that the Commission direct staff to work with the City Traffic Engineer on the permit parking idea.
- Director Bartlam suggested the following conditions based on discussion:
 - The Plaza area shall not be closed from public access except for special events.
 - Staff parking for the St. Anne’s church and school shall not use the public right-of way.
 - Drop-off routes for St. Anne’s school will occur off of the public street and will be reviewed and approved by the Community Development Director prior to implementation.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Heinitz second, approved the 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 subject to the conditions in the resolution with the addition noted above. The motion carried by the following vote:

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

Chair Kirsten rejoined the Commission. He clarified the reason for recuesing himself from items 3b) and 3c) earlier was because of his property interest within the sphere of influence of the projects.

4. PLANNING MATTERS/FOLLOW-UP ITEMS

Director Bartlam stated that the Development Code Update will be going to the City Council to set the Public Hearing in February.

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.

7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

8. ART IN PUBLIC PLACES

None

9. COMMENTS BY THE PUBLIC (NON-AGENDA ITEMS)

None

10. COMMENTS BY STAFF AND COMMISSIONERS (NON-AGENDA ITEMS)

Commissioner Heinitz stated that he is concerned with the saturation of wine bars in the downtown. Even too much of a good thing can be bad. Chair Kirsten stated that if the free market is driving the need then it should be allowed.

11. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 9:16 p.m.

ATTEST:

Konradt Bartlam
Planning Commission Secretary

Item 3a

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: January 9, 2013

APPLICATION NO: Use Permit: 12-U-20

REQUEST: Request for Planning Commission approval of a Use Permit to allow a Type 2 (Winery) Alcoholic Beverage Control license at 1370 East Turner Road. (Applicants: Michael McCay, on behalf of McCay Cellars; File Number: 12-U-20).

LOCATION: 1370 East Turner Road
APN: 049-330-15
Lodi, CA 95240

APPLICANT: Michael McCay, on behalf of McCay Cellars
4 North Hutchins Street
Lodi, CA 95240

PROPERTY OWNER: Vaughan Anthony Coyne
P. O. Box 2701
Lodi, CA 95241

RECOMMENDATION

Staff recommends the Planning Commission approve Mr. McCay's request, on behalf McCay Cellars, for a Use Permit to allow a Type 2 (Winery) Alcoholic Beverage Control license at 1370 east Turner Road , subject to the conditions outlined in the attached resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: Industrial

Zoning Designation: M-2, Heavy Industrial

Property Size: Tenant space is approximately 1,500 sq. ft.

	ADJACENT ZONING DESIGNATIONS AND LAND USES		
	GENERAL PLAN	ZONING CLASSIFICATION	EXISTING LAND USE
North	Industrial	M-2, Heavy Industrial	Industrial Uses
South	Industrial	M-1, Light Industrial	Industrial Uses
East	Industrial	M-2, Heavy Industrial	Industrial condominiums
West	Industrial	M-2, Heavy Industrial	Industrial Uses

SUMMARY

The applicant, Michael McCay, on behalf of McCay Cellars, seeks a Use Permit approval to operate a wine retail and wine tasting room at 1370 East Turner Road. The facility will be located within an existing commercial tenant space previously occupied by another winery. No exterior changes to the building are proposed. The applicant is not requesting signage at this time. Any future signage will be reviewed at staff level to ensure conformance with applicable regulations. McCay Wine Cellars has a presence in a downtown wine tasting room they share with other wineries. While he wants his wines to maintain a presence in Downtown, McCay Cellars are seeking a tasting room that's exclusively promotes their various products.

BACKGROUND

Available City records indicate that the tenant space was previously occupied by another winery that closed approximately 2 years ago. The subject tenant space measures approximately 1,500 sq. ft. in area. Currently, there are no outstanding City or Building Code violations. The project site is bordered by a variety of industrial uses and similar uses on all sides.

ANALYSIS

The applicant, Michael McCay, on behalf of McCay Cellars, requests approval of a Use Permit to open a wine tasting room and retail sales in an existing building located at 1370 West Turner Road. The applicant currently shares a wine tasting space in an a downtown wine tasting room. The applicant intends to use the subject space 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 proposed hours of operations are Monday through Thursday from 11:00 a.m. to 5:00 p.m., daily. The project site is located in a Heavy Commercial (M-2) Zoning District. The M-2 zoning district is designated for a variety of general commercial and industrial uses, including wineries, wine manufacturing and associated retail 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 45 covers the project area. According to the State Department of Alcoholic Beverage Control guidelines, the project area is not over concentrated and the Planning Commission or City staff does not need to make a finding of public need or convenience in order to approve an additional Type 2 (Winery) Alcoholic Beverage Control License. Therefore, approval of this Use Permit would not require a determination that public convenience or necessity would be served by the issuance of this permit.

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 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 29, 2012. Forty-seven (47) 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 request
- Continue the request

Respectfully Submitted,

Concur,

Immanuel Bereket
Associate Planner

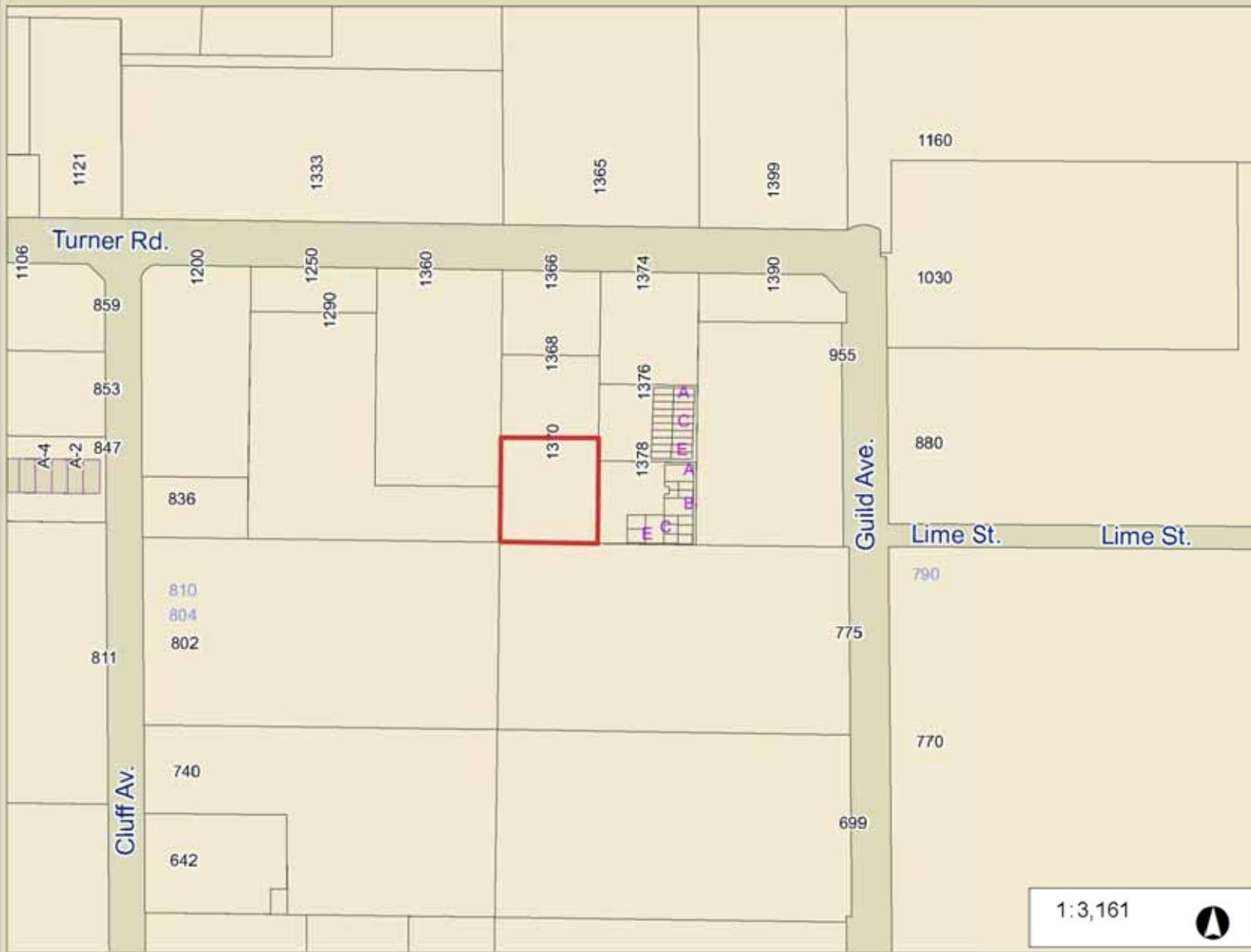
Konradt Bartlam
Community Development Director

ATTACHMENTS

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



Vicinity 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

Canal

Street Names

Parks

- BASINS
- PARKS

Parcels 2nd Story
 Parcels

1:3,161



527 0 263 527Feet

NAD_1983_StatePlane_California_III_FIPS_0403_Feet
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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
- DOGPAK
- FIRESTATIONS
- HIGH SCHOOLS
- HOSPITALS
- LIBRARY
- LND-MRKS
- PARKS
- POLICE
- POST OFFICE
- SCHOOLS
- SKATEPARK
- SOFTBALL
- STADIUM
- THEATRE
- TRAIN

Railroads

Street Names

- Parcels (Outline)
- City Limits

2008 Apr 6 inch

- Red: Band_1
- Green: Band_2
- Blue: Band_3

1,054 0 527 1,054 Feet

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Setbacks

Verified by

JT

Name

4/18/05

Date

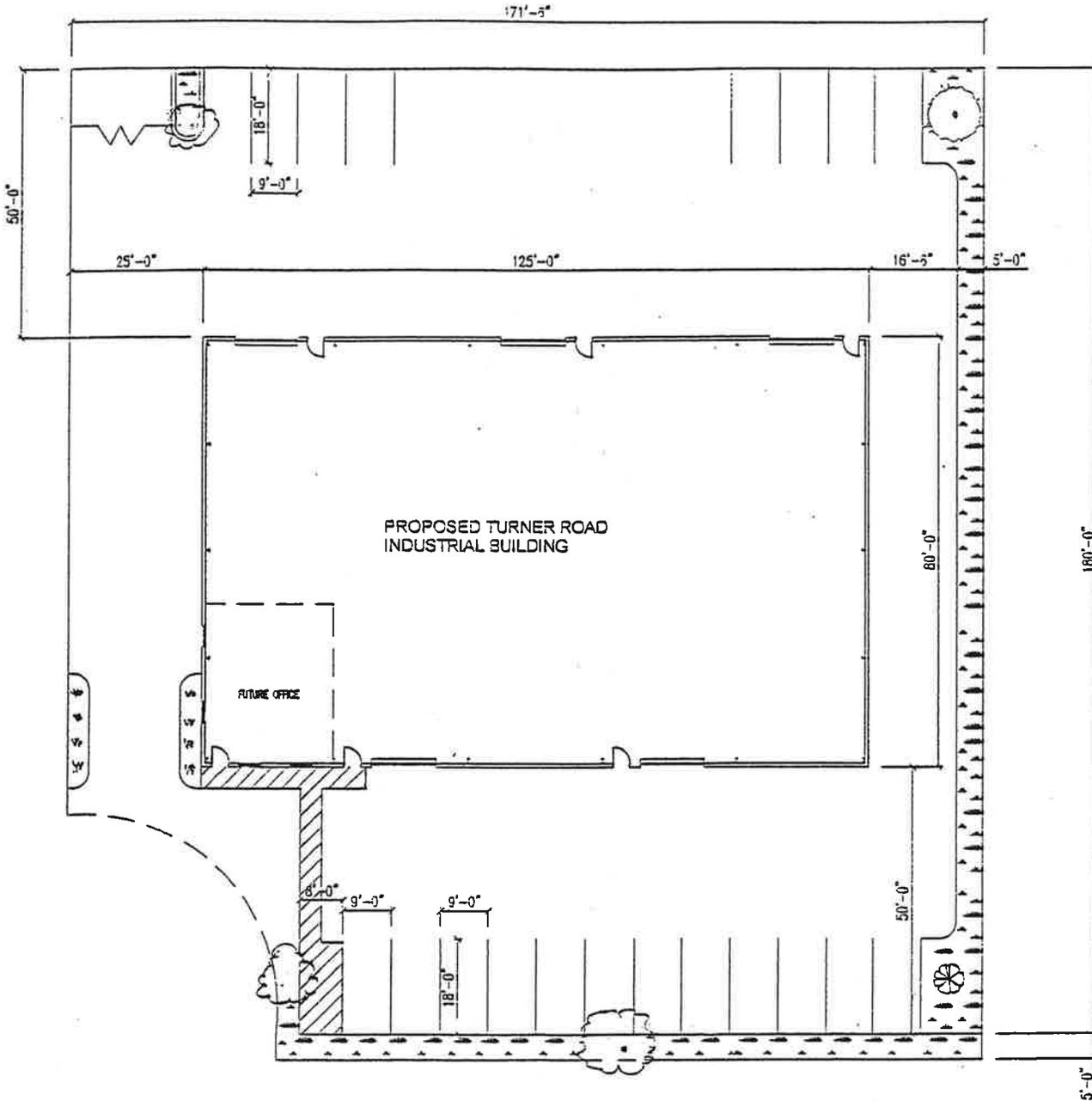
Permit No: B11114

1370 E TURNER RD

APN:

Subdivision: Lot No:

CITY OF LODI, CALIFORNIA



SITE PLAN

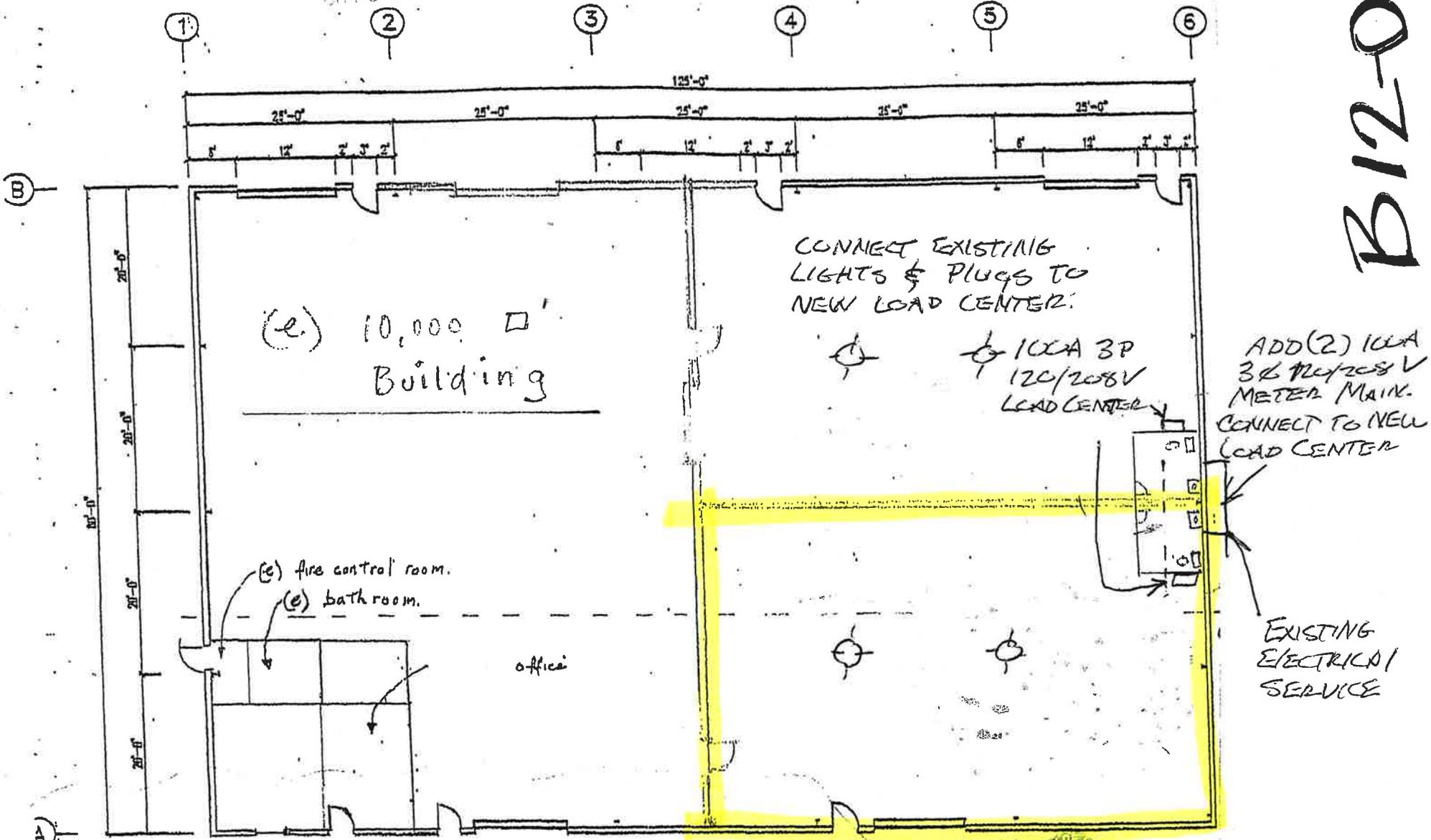
1370 E. TURNER RD.

RECEIVED

SEP 17 2012

COMMUNITY DEVELOPMENT DEPT
CITY OF LODI

B12-0992



E. Turner Rd.



CITY COPY

RESOLUTION NO. P.C. 13-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF MICHAEL MCCAY, ON BEHALF OF MCCAY CELLARS, FOR A USE PERMIT TO ALLOW A TYPE 2 ALCOHOLIC BEVERAGE CONTROL LICENSE AT 1370 EAST TURNER ROAD

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 Michael McCay, on behalf of McCay Cellars 4 North Hutchins Street, Lodi, CA 95240; and

WHEREAS, the project is located at 1370 West Turner Road, Lodi, CA 95240 (APN: 049-330-15); and

WHEREAS, the property has a General Plan designation of Industrial and is zoned M-2, Heavy Industrial; and

WHEREAS, the project parcel is owned by Tony Coyne, P. O Box 2701, Lodi, CA 95241; and

WHEREAS, the requested Use Permit to allow Type 2 on-site wine tasting and retail sales, and the request is an enforcement action in accordance with the City of Lodi Zoning Ordinance; and

WHEREAS, Census Tract 45 in which the business is located currently is not over-concentrated with ABC licenses; 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 M-2 (heavy Industrial) 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 M-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-20 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..
8. Prior to the issuance of a Type-2 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: January 9, 2013

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 January 9, 2013 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: January 9, 2012

APPLICATION NO: Parcel Map: 12-P-02

REQUEST: Request for a Tentative Parcel Map to divide one parcel in to two lots at 903 West Turner Road. (Applicant: Public Works Department. File No. 12-P-02).

LOCATION: 903 West Turner Road
(APN: 015-230-15)
Lodi, CA 95242

APPLICANT: City of Lodi, Public Works Department
221 West Pine Street
Lodi, CA 95240

PROPERTY OWNER: City of Lodi.

RECOMMENDATION

Staff recommends the Planning Commission approve the proposed Tentative Parcel Map to subdivide one parcel to two lots, subject to the conditions outlined in the draft resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: Open Space
Zoning Designation: PUB: Public
Property Size: 12.7 acre

The adjacent zoning and land use are as follows:

	GENERAL PLAN	ZONE	LAND USE
North	Open Space (San Joaquin County)	P-F: Public Facilities (San Joaquin County)	Open space
South	Industrial	Industrial	General Mills
East	Open Space	PUB: Public	Lodi Lake
West	Industrial	Industrial	Open Space

SUMMARY

The project involves a minor subdivision of land to divide a 12.7-acre parcel into two lots at 903 West Turner Road. The project site is where the newly constructed water treatment plant is located. Approval of the proposed map would create a parcel around the newly constructed water treatment plan and the remainder parcel would be open and used as a park. Staff recommends approval of the project as described in this report, subject to the attached findings and conditions of approval.

BACKGROUND

The subject site is level and is part of the Lodi Lake Park. The property is partially developed with the City's newly constructed water treatment facility and the remainder, mostly northern portion, is vacant lot. The site is bordered on the north by San Joaquin County, on the west by General Mills property, on the south by Turner Road and General Mills uses, and on the east by

Lodi Lake. Construction of the water treatment plant was completed in the Fall of 2012 and is now operational.

ANALYSIS

The application involves the subdivision of a City owned 12.7-acre parcel into two parcels (Attachment C). The site is partially developed with newly constructed water treatment facility. If approved, the proposed parcel 1 would measure approximately 6-acres and would contain the water treatment facility and parcel two would measure approximately 6.7 acres in size and would be part of the Lodi Lake Park. The City is requesting this subdivision of the project site in order to separate the treatment facility, which is not open to the public and from Lodi Park. Attachment C below illustrates the final parcel configuration that would result from the proposed subdivision. The proposed parcel map is consistent with both the City's General Plan and Zoning Code standards for public facilities and parks.

The tentative parcel map has also been reviewed by the Electrical Utility Department and they recommended approval subject to the conditions in the attached resolution. The Fire Department has determined that the existing access points are adequate to provide emergency access to each parcel. The Building and Community Improvement Divisions have no comments regard this project. The tentative parcel map has been reviewed by the Public Works Department and they recommend approval subject to the conditions in the attached resolution. Further, the Public Works Department has indicated that easement deeds will be required.

Staff believes that the proposed industrial Tentative Parcel Map is a reasonable request that is consistent with the property's Zoning and General Plan land use designation. The proposed Tentative Parcel Map only allows for the division of land and does not authorize any improvements to the land. The project is a Tentative Parcel Map to subdivide approximately 12.7-acre of parcel into two lots. Staff finds that the proposed Tentative Parcel Map, including conditions in the attached resolution, creates new parcels that meet the requirements of the Zoning Ordinance and are consistent with the General Plan. Since the proposed map conforms to the existing development, and the City has no plans to further develop or improve the site at the moment, Staff believes the proposed parcels are of adequate size for development.

ENVIRONMENTAL ASSESSMENTS

The project is exempt from CEQA review pursuant to § 15315 (Class 15, Minor Land Divisions) of the CEQA Guidelines. Class 15 exempts the division of land into four or fewer parcels when the division is in conformance with the General Plan and Zoning Code, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent. The Applicant's proposed tentative parcel map complies with all applicable residential development standards established in the General Plan and Zoning Code. No variances are required for the proposed subdivision. Access to all public facilities and infrastructure will be provided for each resultant parcel. The subject property is relatively flat and has not been involved in a subdivision within the last 2 years. Based on staff's review of the project, no special circumstances exist that would create a reasonable possibility that the proposed tentative parcel map will have a significant effect on the environment.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published on Saturday, December 29, 2012. Sixteen (16) 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 request
- Continue the request

Respectfully Submitted,

Concur,

Immanuel Bereket
Associate Planner

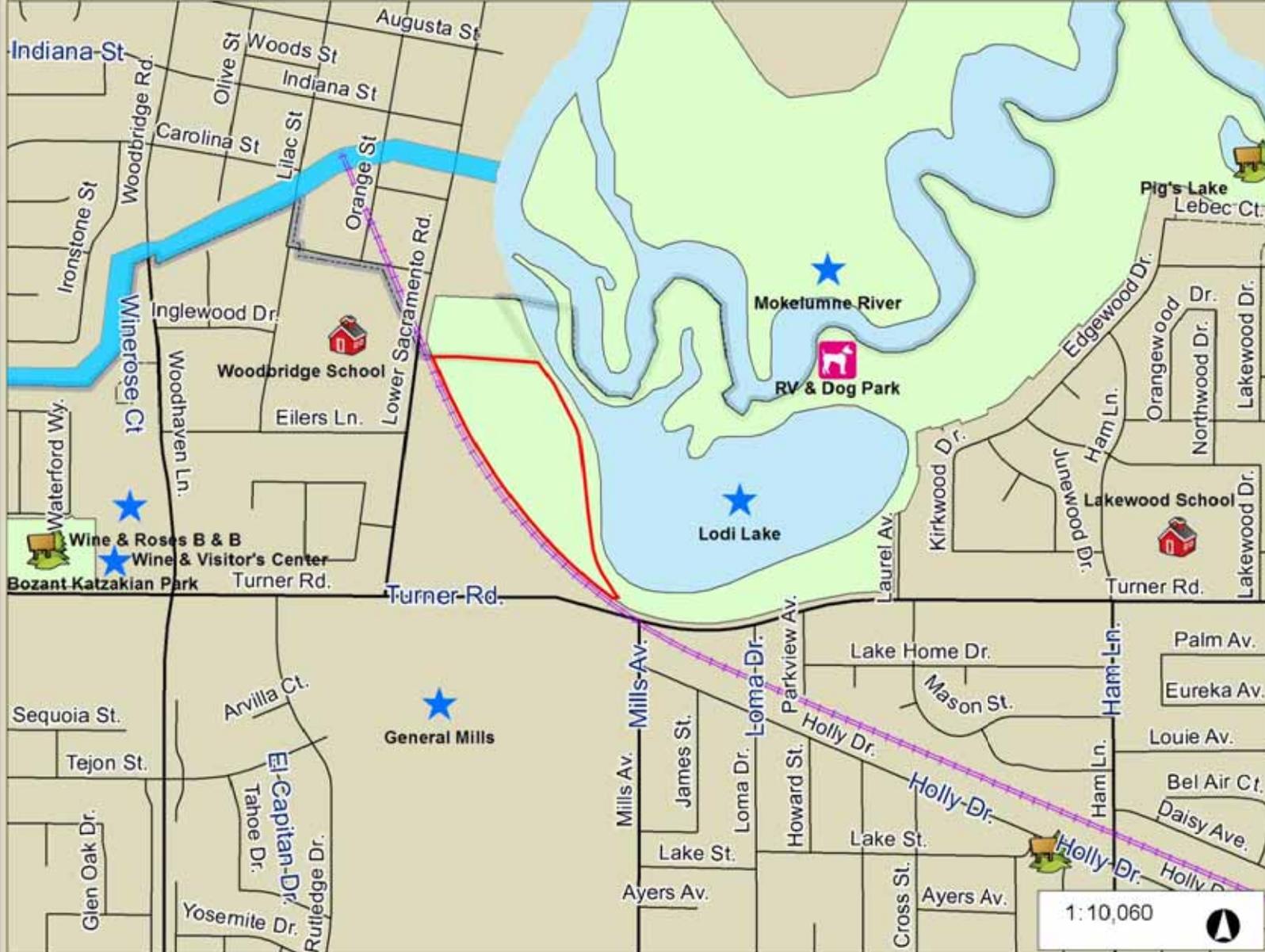
Konradt Bartlam
Community Development Director

ATTACHMENTS:

- A. Vicinity Map
- B. Aerial Map
- C. Site Plan
- D. Draft Resolution



Vicinity Map



Legend

Landmarks

- ARCH
- CITYBUILDINGS
- CITYHALL
- COURT
- DOGPAK
- FIRESTATIONS
- HIGH SCHOOLS
- HOSPITALS
- LIBRARY
- LAND-MARKS
- PARKS
- POLICE
- POST OFFICE
- SCHOOLS
- SKATEPARK
- SOFTBALL
- STADIUM
- THEATRE
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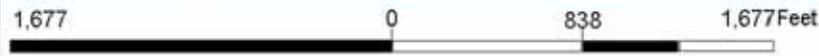
Railroads

Canal

Street Names

Centerlines

- Interstate
- Highway
- Ramps
- Major
- Minor



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



Lodi
Municipal
Lake



Sources: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, and the GIS User Community



BAUMBACH & PIAZZA, INC.
 CIVIL ENGINEERS • SURVEYORS
 www.bpengineers.net

323 W. Elm St.
 Lodi, CA 95240
 209.368.6618

TENTATIVE PARCEL MAP
 a portion of the southeast quarter of
 Section 34, T.4 N., R.6 E., M.D.B. & M.,
 City of Lodi, San Joaquin County, California
 December, 2012 Scale: 1"=100'
 Sheet 1 of 1

LODI LAKE



OWNER: CITY OF LODI
 P.O. BOX 3008
 LODI, CALIFORNIA 95241

MAP PREPARED BY: BAUMBACH AND PIAZZA, INC.
 323 WEST ELM STREET
 LODI, CALIFORNIA
 (209) 368-6618

PROJECT DESCRIPTION:
 SPLIT THE EXISTING PARCEL TO CREATE A 6.0 ACRE
 PARCEL AND A 6.7 PARCEL AS SHOWN.

UTILITIES AND FACILITIES:
 WATER-CITY OF LODI; SEWAGE-CITY OF LODI; STORM
 DRAINAGE-CITY OF LODI; ELECTRICITY-CITY OF LODI;
 GAS-PG&E; TELEPHONE-SBC

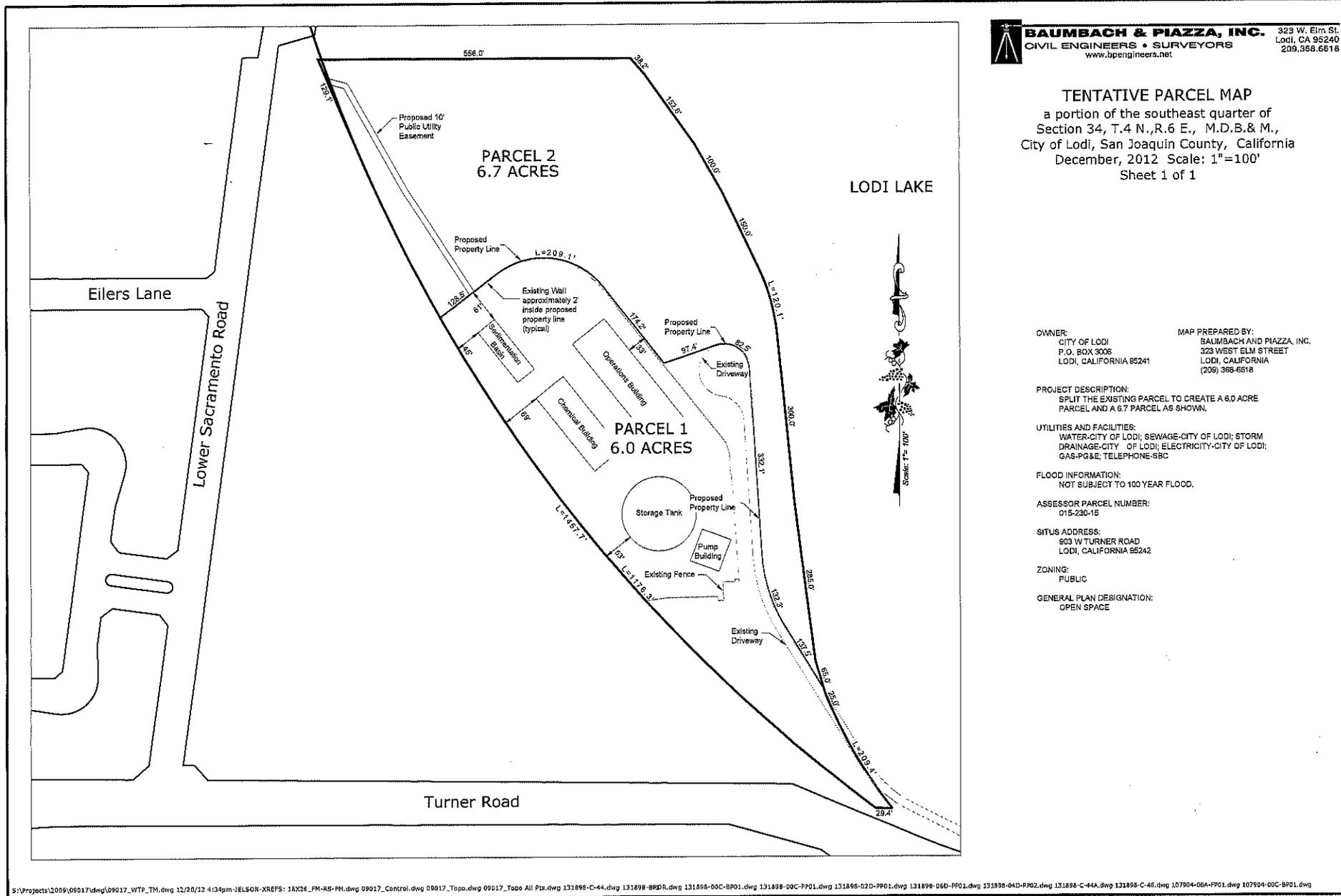
FLOOD INFORMATION:
 NOT SUBJECT TO 100 YEAR FLOOD.

ASSESSOR PARCEL NUMBER:
 015-230-1E

SITUS ADDRESS:
 603 W TURNER ROAD
 LODI, CALIFORNIA 95242

ZONING:
 PUBLIC

GENERAL PLAN DESIGNATION:
 OPEN SPACE



RESOLUTION NO. P.C. 13-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING A TENTATIVE PARCEL MAP TO DIVIDE ONE PARCEL IN TO TWO LOTS AT 903 W. TURNER ROAD

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 property is located at 903 West Turner Road (APN: 015-230-15); and

WHEREAS, the project proponent is City of Lodi, Public Works Department, 221 West Pine Street, Lodi, CA 95240; and

WHEREAS, the property owner of record is the City of Lodi, 221 West Pine Street, Lodi, CA; and

WHEREAS, the property is zoned PUB: Public; and

WHEREAS, the property has a General Plan land use designation of Open Space; and

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

Based upon the evidence within the staff report, oral testimony and project file, **NOW THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Lodi, that the following findings are made:

1. The project is exempt from CEQA review pursuant to § 15315 (Class 15, Minor Land Divisions) of the CEQA Guidelines. Class 15 exempts the division of land into four or fewer parcels when the division is in conformance with the General Plan and Zoning Code, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent. The Applicant's proposed tentative parcel map complies with all applicable residential development standards established in the General Plan and Zoning Code. No variances are required for the proposed subdivision. Access to all public facilities and infrastructure will be provided for each resultant parcel. The subject property is relatively flat and has not been involved in a subdivision within the last 2 years. Based on staff's review of the project, no special circumstances exist that would create a reasonable possibility that the proposed tentative parcel map will have a significant effect on the environment.
2. The procedural requirements of the Map Act have been strictly followed and the tentative parcel map complies with all applicable engineering and zoning standards pertaining to grading, drainage, utility connections, lot size and density.
3. The site is physically suitable for the type or proposed minor land division. The proposed subdivision will create two lots with adequate land area to support existing and proposed uses.
4. The design of the proposed division and improvements will not cause serious public health problems. Adequate measures have been applied through the conditions of approval to address potential concerns related to public health and safety, including but not limited to utilities to the site, drainage, fire protection and ensure safe and reasonable access.
5. The proposed Tentative Parcel Map does not conflict with easements, acquired by the public at large, for access through or use of property within the proposed map.
6. The Tentative Parcel Map complies with the requirements of Chapter 16.08 of the Lodi Municipal Code regulating Tentative Maps.
7. None of the mandatory findings for tentative map denial within the State Subdivision Map Act, § 66474 apply to this proposal.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Parcel Map Application No. 12-P-02 is hereby approved, subject to the following conditions:

1. Dedication of public utility easements as required by the various utility companies and the City of Lodi.
2. Submit final map per City and County requirements including the following:
 - a) Preliminary title report.
 - b) Standard note regarding requirements to be met at subsequent date.
3. All future improvements shall comply with the City of Lodi NPDES Municipal Stormwater Permit, including the quantitative treatment standards. Conformance with the stormwater runoff control requirements must be demonstrated prior to issuance of building permit.

Dated: January 9, 2013

I certify that Resolution No. 13- was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on January 9, 2013 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST _____
Secretary, Planning Commission

Item 3c.

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: January 9, 2012

APPLICATION NO: Use Permit: 12-U-19

REQUEST: Request for Planning Commission approval of a Use Permit to operate a fitness facility in an existing building located at 1320 West Lockeford Street. (Applicants: Sandra Homan, on behalf of In-Shape Health Clubs, Inc.; File Number: 12-U-19)

LOCATION: 1320 West Lockeford Street
(APN: 035-340-09)
Lodi, CA 95240

APPLICANT: Sandra Homan, on behalf of In-Shape Health Clubs, Inc
6 South El Dorado Street, 7th Floor
Stockton, CA 95202

PROPERTY OWNER: Stone Brothers and Associates
5757 Pacific Avenue, Suite 220
Stockton, CA 95207-5159

RECOMMENDATION

Staff recommends that the Planning Commission approve the requested Use Permit to operate a fitness facility at 1320 North Ham Lane, subject to the conditions outlined in the draft resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: Commercial

Zoning Designation: C-S, Commercial Shopping

Property Size: 7.55 acre (total tenant space=32,094 sq ft)

The adjacent zoning and land use are as follows:

	General Plan	Zone	Land Use
North	Commercial	C-1, Commercial-Light Industrial	Strip mall
South	Commercial	C-1, Commercial-Light Industrial	Walgreen's
East	Commercial Low Density Res.	C-1, Commercial-Light Industrial R-LD, Residential Low Density	Commercial uses and single family residences
West	R-1: Single Family Res.	C-S, Commercial-Shopping	Mixed use shopping center

SUMMARY

The applicant, on behalf of In-Shape Health Clubs, Inc., has requested approval of a conditional use permit to allow a fitness facility in an existing, approximately 30,333 sq. ft. building. The project is proposed to be located within an existing single tenant building that is currently occupied Apple Market. The In-Shape Fitness Facility is proposed to be open seven days a week with operating hours likely falling between 4:00 a.m. to 11:00 p.m., Monday through Friday, and 6:30 a.m. to 8:30 p.m. on Saturday and Sunday; however, the applicant would like to have approval to operate 24 hours per day, depending on market demand. The project site is within the C-S Zone, which allows for health club facilities and studios with the approval of a Use permit.

PROJECT DESCRIPTION:

Existing Conditions: The project site is located at 1320 West Lockeford Street in the Lakewood Mall shopping center at the southwest corner of Lockeford and Ham Lane. The tenant space is currently

occupied by Apple Market. The project site currently consists of an existing 30,333 sq. ft. building with an adjoining parking lot that currently meets minimum landscaping requirements and accommodates 362 parking spaces. On the west side of the building (the back side), there is an existing loading dock with roll-up doors and some additional mature landscaping. Surrounding the site is an existing on parking lot (to serve the project site), residential properties to the west, and commercial properties to the north and east.

The In-Shape Fitness Facility is proposed to be open seven days a week with operating hours likely falling between 4:00 a.m. to 11:00 p.m., Monday through Friday, and 6:30 a.m. to 8:30 p.m. on Saturday and Sunday; however, the applicant would like to have approval to operate 24 hours per day, depending on market demand. The facility is expected employ approximately 10 full time and 25 part time people and will generally have anywhere from four to 14 employees on site at any given time.

The proposal includes a variety of amenities for members including a kids club (child care), juice bar/lounge area, indoor lap and family pool, group cycling and exercise classes, personal fitness training, cardio and weight machines, free weights, swimming lessons, steam room, sauna, racquetball, a separate women's fitness area, stretching area and tanning. To accommodate all of these amenities, the applicant proposes addition of a 3,934 sq. ft. mezzanine within the building.

BACKGROUND

Available City records indicate the project site was used by a grocery store called Sell-Rite since mid 1950s. The building was demolished and rebuilt in 1998 and was occupied by another grocery outfit called Landucci's Marketplace. Apple Marketplace in late 1999 and continues to operate the grocery. There are no outstanding code violations.

ANALYSIS

Conditionally permitted uses are those uses which, by their nature, require special consideration so that they may be located properly with respect to the objectives of the Municipal Code and with respect to their effects on surrounding uses and properties. In order to achieve these purposes, the Planning Commission is empowered to approve, conditionally approve, or deny applications for use permits.

Land Use Compatibility: One of the primary concerns in reviewing a conditional use permit application is the effect of the proposed use on surrounding properties. The location of the proposed fitness center is in a mixed use area consisting of neighborhood-serving shopping centers with retail stores, restaurants and personal service uses. The property has a land use designation of Commercial in the General Plan. This designation is intended to provide sites for large scale retailers and major retail centers. Since the proposed project would include a fitness facility occupying space within an existing relatively large scale retail building, the proposed project would be consistent with the goals and objectives of the General Plan. Further, the project site is zoned Commercial-Shopping (C-S) District. The proposed use of a health/fitness club and gym falls under the use classification of Commercial Recreation and Entertainment as defined by Lodi Municipal Code. Commercial recreation uses within a building and within the C-S District would be permitted subject to the approval of a use permit.

Parking: The parking for building was constructed per Lodi Municipal Code §17.60.100, at a ratio of 1 space per 250 square feet for general commercial-type uses. The shopping center encompasses 72,651 sq. ft. of tenant spaces, including the subject tenant space. Calculated at a ratio of four per thousand square feet $[(72,351/1000) \times 4]$, a total of 290 parking stalls would be required to serve the entire shopping center. The shopping center provides a total of 361 parking stalls. However, certain uses generate higher parking demand. A gym is such a use and, therefore, it's parking demand is calculated differently.

A gym/health club is required to have at least one parking space per each 250 sq. ft. of floor area, one space for each 150 sq. ft. of gross swimming pool surface area, and two spaces for each racquetball court. In Shape proposes two racquetball courts (1,600 sq. ft.), 1,575 sq. ft. of swimming pool surface area, and a general space of 28,918 sq. ft. With the addition of the new 3,934 sq. ft.

mezzanine area, the new total square footage of the proposed gym would be 32,093 sq. ft., which would yield a parking requirement for 131 spaces. In addition, 115 parking stalls would be required to meet the demands of the various tenants. In order to accommodate the gym as proposed, a total of 246 stalls would be needed. Since Lakewood Mall provides a total of 361 parking stalls, which are non-exclusive and reciprocal, there is sufficient onsite parking available for accommodate the proposed use.

Hours of operation: The In-Shape Fitness Facility is proposed to be open seven days a week with operating hours likely falling between 4:00 a.m. to 11:00 p.m., Monday through Friday, and 6:30 a.m. to 8:30 p.m. on Saturday and Sunday; however, the applicant would like to have approval to operate 24 hours per day, depending on market demand. Based on a research project conducted by Institute of Transportation Engineers, health club parking demand varies by hour of day, day of week and month of year:

- January is commonly the busiest month;
- Mondays are usually the busiest day of the week;
- For suburban health clubs, typically 5:00 a.m. to 7:00 a.m. and 6:00 p.m. to 7:00 p.m. is the peak hour; and
- Health clubs located in an urban, mixed-use environment commonly experience a peak hour during the lunch hour, from 12:00 p.m. to 1:00 p.m.

Peak hours for the proposed gym would fall between 5:00 a.m. to 7:00 a.m. and 6:00 p.m. to 7:00 p.m. As such, it is highly unlikely the proposed use will conflict with the other tenants in the shopping center.

Noise: All fitness activities would occur within the building envelop; therefore, staff does not anticipate any adverse noise impacts upon the surrounding area. If the gym becomes a concern regarding noise, a condition has been added to allow for review of the permit by the Community Development Department or, if needed, return to the Planning Commission for additional conditions or even revocation of the permit.

Signage: No signage is proposed as part of this application; however, any signage would be required to conform to sign standards established by the Lodi Municipal Code Section 17.63, and would require plan submittal for review and approval by Community Development Department prior to installation.

Staff believes the Commission can make the required findings to approve the Use Permit as proposed. The use of a health/fitness club is appropriate for the proposed location in that it would occupy an existing vacant large scale retail building within an existing commercial center. A health/fitness club is a use that generally promotes and encourages healthy living within the community. In addition, because the health/fitness club is a membership and health based organization, it would be less likely than a retail facility (which was the previous use of the site and is a use that would be open to the general public), to cause any nuisance or enforcement problems within the neighborhood. If, in the future, concerns arise, and the Director/Police Department determines it necessary, the Use Permit can be subject to review by the Planning Commission to consider the business's operation for compliance with the conditions of the Use Permit. The City further reserves the right to periodically review the area for potential problems. If the operator is unable to abide by the conditions of approval, or prevent objectionable conditions from occurring, the Police Department or the Planning Commission will have the authority to modify, suspend, or revoke this Use Permit approval. Therefore, staff believes the proposed fitness center use would be beneficial to the other businesses as well as the proximate neighborhoods.

ENVIRONMENTAL ASSESSMENTS

The project was found to be Categorically Exempt according to the California Environmental Quality Act, Article 19 §15321, Class 21 (a) (2). The project is classified as an "Enforcement action by regulatory agencies" because it is the "adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule,

standard, or objective.” No significant environmental impacts are anticipated and no mitigation measures have been required.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published on Saturday, December 29, 2012. Eight-two (82) 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 request
- Continue the request

Respectfully Submitted,

Concur,

Immanuel Bereket
Associate Planner

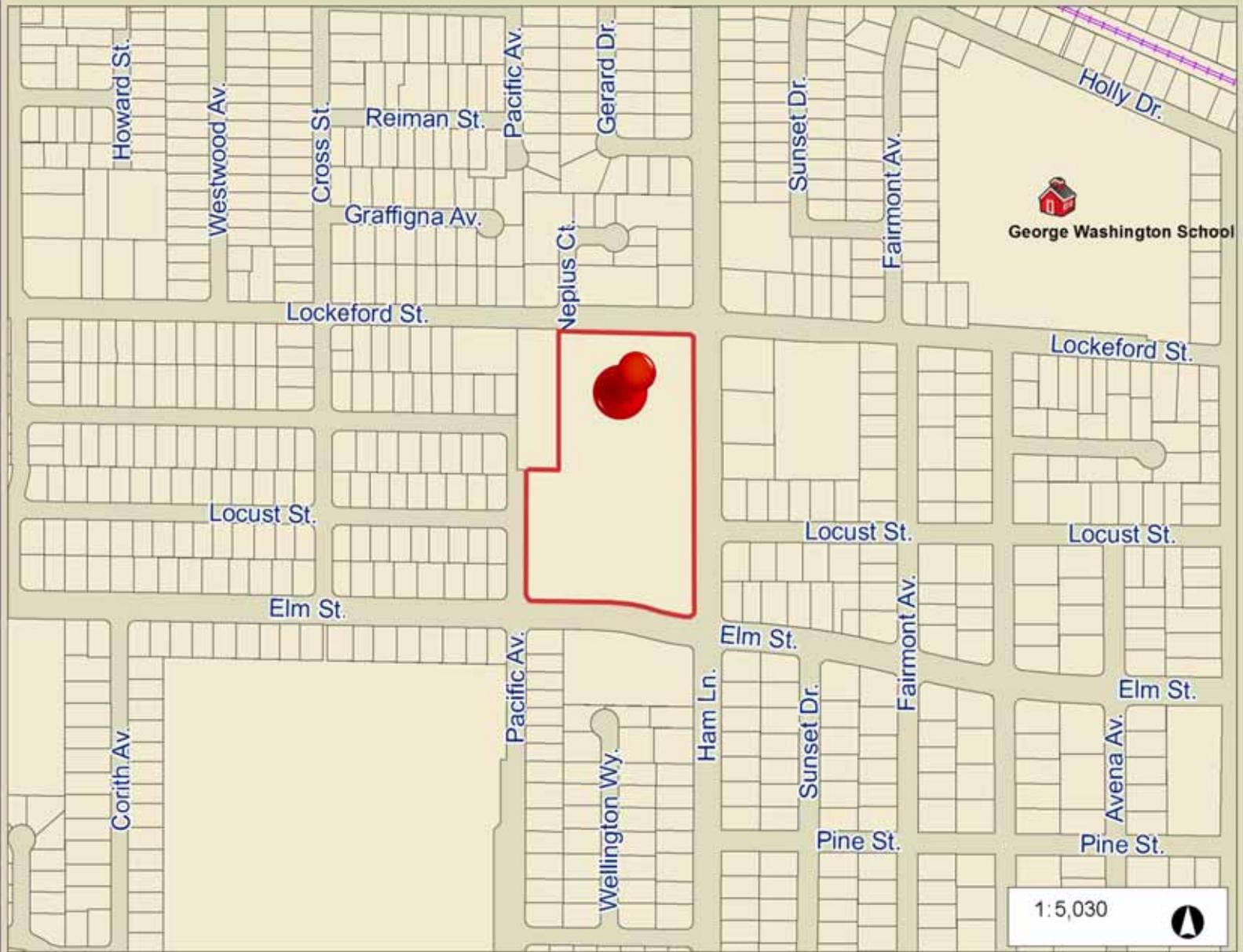
Konradt Bartlam
Community Development Director

ATTACHMENTS:

- A. Vicinity Map
- B. Aerial Map
- C. In-Shape Project Statement
- D. Existing and Proposed Floor Plan
- E. Color Rendering
- F. Draft Resolution



VICINITY MAP



Legend

 Project Site

1:5,030 



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.

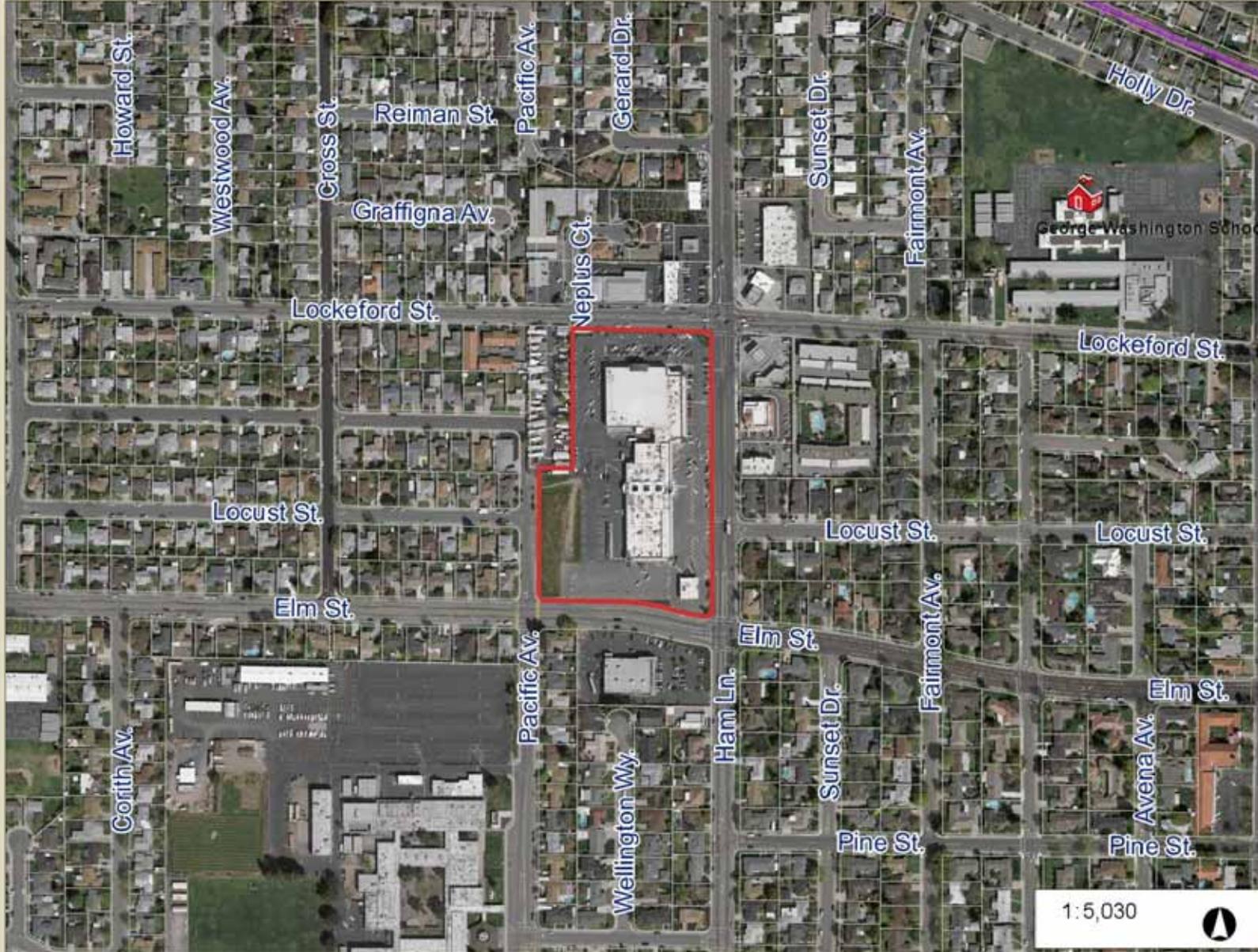
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

For Reference Only.



Aerial Map



Legend

Landmarks

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

Railroads

Street Names

- Parcels (Outline)
- City Limits

2008 Apr 6 inch

- Red: Band_1
- Green: Band_2
- Blue: Band_3

838 0 419 838Feet

NAD_1983_StatePlane_California_III_FIPS_0403_Feet
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

For Reference Only.



Live the life you want... Get In-Shape!

PROJECT STATEMENT:
1320 WEST LOCKEFORD STREET – LODI, CALIFORNIA

INTRODUCTION

In-Shape Health Clubs, Inc., a Stockton, California-based company with more than 60 locations in California (“In-Shape”), is proposing a fitness facility for 1320 West Lockeford Street in the Lakewood Mall shopping center at the southwest corner of Lockeford and Ham Lane. The site is currently occupied by Apple Market. In-Shape is very excited about the possibility of bringing one of its signature clubs to Lodi.

PROCEDURAL BASIS

The zoning classification for the property is Commercial Shopping District (CS). The proposed fitness use is permitted under a Conditional Use Permit as governed by Chapter 17.72, Adjustments and Use Permits. The General Plan Designation for the site is Commercial. The proposed use is consistent with the intent of the General Plan. This application and request is submitted in accordance with Chapter 17.72 and all other applicable sections. Applicant believes this request is appropriate to be reviewed as a Conditional Use Permit for this zone. The findings required under Chapter 17.72.080 can be made, in that the establishment, maintenance and/or the conduct of the use will not, under the circumstances of this particular case, be detrimental to the health, morals, comfort or welfare of persons residing or working in the neighborhood of the proposed use, or to property or improvements in the neighborhood, or will not be contrary to the general public welfare. The project is believed to be exempt from CEQA under California Administrative Code Title 14 Section 15061 (b)(3).

COMPANY BACKGROUND

In-Shape Health Clubs, Inc. was founded in 1981 in Stockton, California, with the goal of creating a family fitness atmosphere and helping to improve quality of life and lifestyle for its members. Now with over 60 clubs throughout central California, including existing Vallejo clubs at 765 Sereno Boulevard and 125 Lincoln Road East, In-Shape remains committed to its founding message. In-Shape is a leader in the fitness industry with a proven track record of successful, well-received and impressively appointed facilities, strong membership retention and a variety of programs to encourage and support physical fitness, good health and balanced wellness. In-Shape facilities range from 6,000 to over 60,000 square feet and include, where applicable, group programs, children’s areas, well-appointed locker rooms, free exercise space, individual fitness training, family facilities and state of the art fitness equipment and the latest in exercise physiology and technology. The company promotes corporate memberships and wellness programs with an emphasis on healthy lifestyles for adults and children alike. In-Shape programming supports a wide variety of interests among members of all ages and strives to offer the broadest

selection and highest quality of services and facilities for the most affordable rates possible. More information can be found at inshapeclubs.com.

PROJECT OVERVIEW

In-Shape's plan is to bring a state of the art, family oriented fitness destination to Lodi at 1320 West Lockeford. The facility will offer a wide variety of amenities and fitness selections and will maintain the neighborhood feel and accessibility that has been a cornerstone of Lakewood Mall's success since its inception. No changes are planned for the exterior of the building or the shopping center.

The first floor is comprised of 27,637 square feet and a mezzanine will add 3,934 square feet for a total including accessory and circulation areas of 31,571 square feet. The interior of the space will welcome members and guests to a spectrum of amenities including group exercise and cycling, multiple exercise areas, cardio theatre, indoor pool, racquetball, mens' and womens' locker rooms and kids' club (see Appendix 1 for complete table).

OPERATIONAL HIGHLIGHTS

Relevant aspects of operations for the proposed use are outlined below.

1. The club will employ 8 full time and 14 part time individuals and will provide opportunities for approximately four independent contractors.
2. Bicycle parking will be provided, and alternative transportation will be encouraged.
3. A new trash enclosure will be constructed per City standards.
4. Applicant requests approval to operate up to 24 hours per day depending on member preference. No decision has yet been made as to operating hours. It is the corporate policy of In-Shape to operate 24 hours per day as member needs dictate. The percentage of residents who are subject to rotating occupational shifts or other non-traditional work hours, such as military, law enforcement and health care, has been found in nearby In-Shape facilities to be high enough to warrant 24-hour operation.
5. Expected membership level is confidential, however, peak usage hours are 5:00 a.m. to 7:30 a.m. and 5:30 p.m. to 7:30 p.m. As such the proposed use will complement existing uses in the center that have peak hours that are more typical of commercial and retail uses.
6. Noise levels for this use are likely to be less than those generated by the previous use. The proposed project will comply with any applicable noise ordinances.
7. The proposed project will not emit any noxious odors, vibrations or other air quality concerns.

SITE CONSIDERATIONS

Parking. Parking requirements for the proposed use are subject to Chapter 17.60.100 D 11, 12 and Chapter 17.60.120 of the Zoning Ordinance. One parking space for every 150 square feet of pool surface area and two spaces for each court are required. Beyond that, parking is to be determined by the Planning Commission for any uses not otherwise identified. Applying a standard typical for Applicant's existing facilities of comparable size, a 1:250 ratio for non-designated use areas is reasonable. This brings the total parking requirement for the proposed use to 115 (see Appendix 1 for complete table).

The premises is located within the Lakewood Mall, a shopping center containing multiple uses all served by reciprocal and non-exclusive parking (Protective Covenants, Conditions and Restrictions Affecting the Real Property Known As Lakewood Shopping Center recorded November 29, 1963, volume 2759 of Official Records, page 189). Total parking on the shopping center parcel is stated by the shopping center owner to be 362 which includes 15 accessible stalls. Under Chapter 17.60.080, whenever a single lot contains several different activities, the overall requirement for off-street parking and loading shall be the sum of the requirements for each such activity calculated separately. Based on the current tenant mix, a total of 230 parking spaces should be provided, including parking for the proposed use (see Appendix 2 for complete table).

Based on this, parking in the center is adequate to serve the anticipated membership and usage of the proposed use along with all existing tenants.

Signage. Signage will be submitted under separate application. Applicant will comply with the Sign Criteria for Lakewood Mall and the Sign Ordinance.

Site Lighting. No changes are planned or necessary for existing site lighting. Lighting as currently in place is believed to be in compliance with all applicable state and local ordinances and requirements.

Landscaping. The site is completely landscaped and no changes are planned.

Compatibility with Surrounding Uses. The proposed site, a fully developed commercial property, is bordered on the north and east by existing commercial uses, to the west by residential and the south by residential. The tenant space is sufficiently distant from residential areas such that no impact is expected.

COMPLIANCE WITH SITE DEVELOPMENT STANDARDS

The proposed project is appropriate for the tenant space and will

- make a positive contribution to existing development in the area;
- be harmonious and compatible with the design of surrounding existing uses;
- respect views, privacy and access to light and safety of neighboring properties; and
- not adversely affect neighboring properties.

USE PERMIT FINDINGS

Findings required to be made under Chapter 17.72.080 state that, to approve the use permit, the proposed use, and its

establishment, maintenance and/or the conduct of the use will not, under the circumstances of this particular case, be detrimental to the health, morals, comfort or welfare of persons residing or working in the neighborhood of the proposed use, or to property or improvements in the neighborhood, or will not be contrary to the general public welfare.

In response, the following conclusions are appropriate:

1. The project as proposed is well-suited for this existing building. The use is compatible with and highly desirable as a complement to existing surrounding uses.
2. The use encourages and promotes healthy, balanced lifestyles and is positive influence for people of all ages and walks of life.
3. Utilities and infrastructure existing and ready to serve the site are adequate for this proposed use and require no intensification.
4. The project will have no harmful effects on any desirable neighborhood characteristics and in fact will enhance the neighborhood.
5. The project will be served adequately by existing streets and transportation systems and will not require any change to such systems.
6. No impact of or detriment from the project, if any, results in any condition that is contrary to the intent of the General Plan.

CONCLUSION

Fitness facilities promote public health and general welfare and have been a valued and welcome participant in communities, neighborhoods and commercial shopping districts for many years. In-Shape facilities in particular are well-received, and contribute positively to community well-being. In-Shape is committed to maintaining this contribution long into the future and is very pleased to expand its involvement in the Lodi community.

SUBMITTAL ELEMENTS

Application and Environmental Assessment form
Project Statement
Exhibit A – Existing Site Plan
Exhibit B – Existing Floor Plan
Exhibit C – Proposed First Floor Plan
Exhibit D - Proposed Mezzanine Plan
Exhibit H Existing Elevations

APPENDIX 1

Proposed Use Area	Sq. Ft.
Free weights	2,560
Cardio, 1st floor	2,971
Group exercise	2,174
Kids club	1,765
Reception/lounge	1,231
Sales	72
Sales Manager	97
Abs/Stretch	753
Selectorized	1,018
Functional	773
Racquetball	1,600
Mens lockers	1,888
Womens lockers	1,900
Pool	5,261
Laundry/storage	318
Sauna	62
Steam	75
Aqua storage	43
General Manager	113
Staff	74
Family Changing Room	77
Group Cycle	740
Sales	462
Cardio, mezzanine	547
CBP Training	105
Shapes	1,521
<hr/>	
<i>Total Use Area SF</i>	28,200
Total accessory and circulation area	3,371
Total overall square footage	<u>31,571</u>
Total Use area of racquetball and pool service area (1,575sf) (excluded for parking count purposes)	3,175

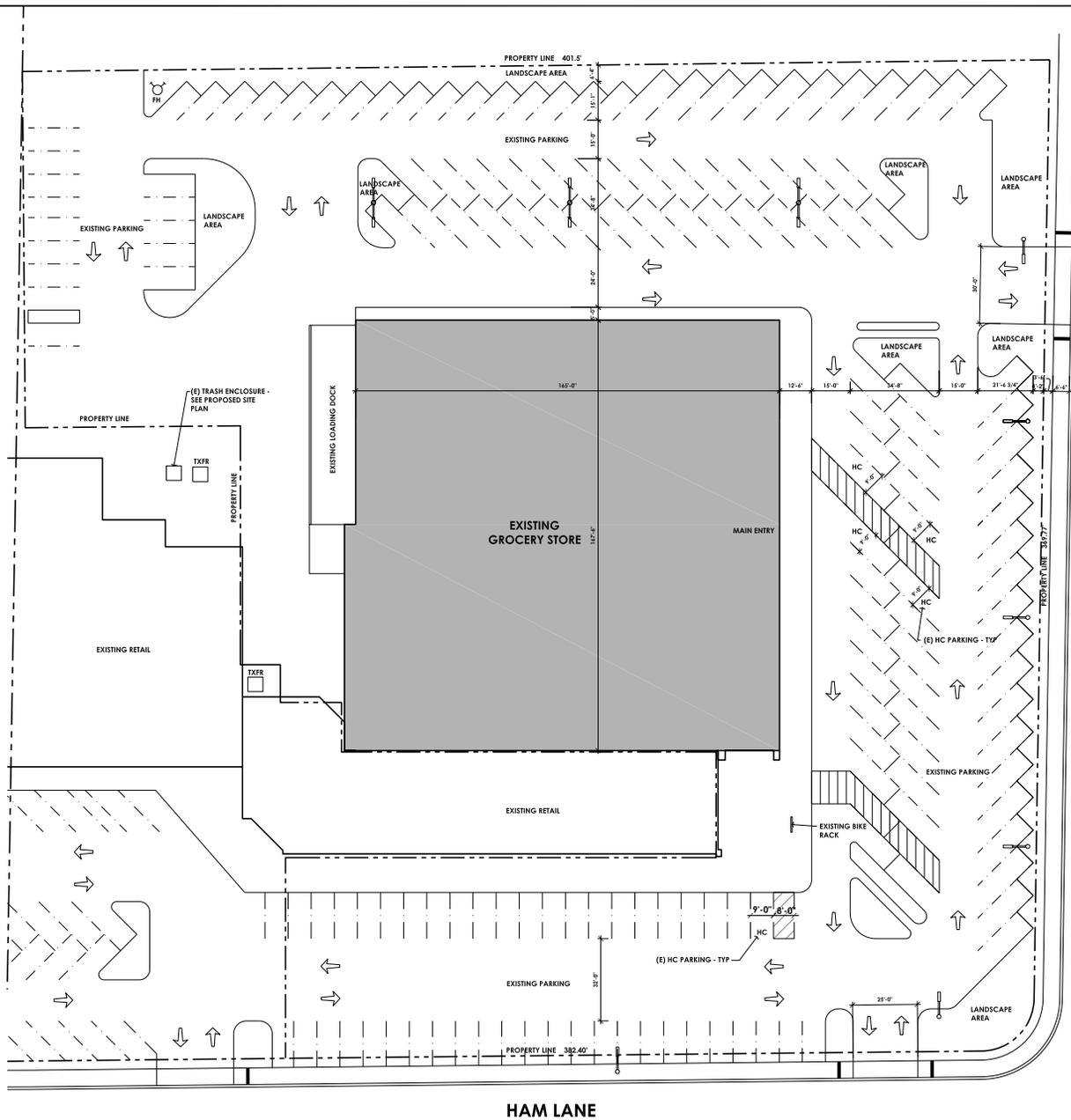
APPENDIX 1

APPENDIX 2

Suite No.	Use/Business (Seating is estimated)	Sq. Ft.	Parking Ratio	Parking Required
1365	Vacant (most likely future use: retail)	2090	500	4
209	Vacant (most likely future use: retail)	1781	500	4
10	Skyline Barbershop	300	200	2
990	Rick's Pizza (Seating: 40)	2364	1:4 seats	10
105	Advance America	1095	250	4
1306	Perfect Pear	525	500	1
1308	Sheri's Hair Shop	820	200	4
1313	J'aime Nail	765	200	4
1321	Dragon Lite Deli (Seating: 16)	1624	1:4 seats	4
135	Baskin Robbins (Seating: 10)	1080	1:4 seats	3
1355	State Farm	1257	250	5
1373	Lodi Community Arts Center	1870	500	4
145	Gourmet Bread Bowl (Seating: 20)	1320	1:4 seats	5
211	Randall's	2200	500	4
215	Lakewood Liquors	2324	500	5
223	Precision 6 Hairstyling	960	200	5
225	Max Muscle	810	500	2
227	Style of India Eyebrow	600	200	3
231	Wrappin' Up	1015	500	2
235	Matsuyama Restaurant (Seating: 35)	1200	1:4 seats	9
239	House of Coffee (Seating: 8)	900	1:4 seats	2
89	Umpqua Bank	2000	300	7
D11	Dollar Tree	12180	500	24
<i>Total Parking, Existing Uses</i>				115
		41080		
Total Parking for Proposed Use				
	Racquetball courts at 2 per court		2 per ct	4
	Pool surface area	1575	150	11
	Remainder SF (discretionary) ¹	25025	250	100
	Subtotal, proposed use			115
TOTAL PARKING OVERALL				230

¹ The Parking Ordinance provides parking requirements for court uses and pools. Under Chapter 17.60.120, "parking requirements for land uses not specified...shall be determined by the planning commission. Such determination shall be based on the most comprable use specified in these standards. Applicant has applied a ratio of 1:250sf for any use areas not otherwise specified in this Chapter.

APPENDIX 2



1 EXISTING SITE PLAN
SCALE: 1" = 20'-0"

EXISTING PROJECT DATA	
PROJECT DESCRIPTION:	BUILDING DATA
CONVERT A FULLY DEVELOPED COMMERCIAL BUILDING, CURRENTLY A GROCERY STORE, INTO A FULLY EQUIPPED FITNESS FACILITY WITH AN INDOOR POOL.	MAIN FLOOR: 28,159 S.F. (ACTUAL AREA) (PER AS-BUILT PLANS) MEZZANINE: 2,174 S.F. TOTAL BUILDING AREA: 30,333 S.F.
OWNER:	CONSTRUCTION TYPE:
STONE BROTHERS AND ASSOCIATES 5757 PACIFIC AVENUE SUITE 220 STOCKTON, CA 95207	V-8 YES 1 23'-0" (TOP OF PARAPET)
TENANT / APPLICANT:	
IN-SHAPE HEALTH CLUBS, INC. 6 SOUTH EL DORADO STREET, SUITE 700 STOCKTON, CA 95202 TEL: 209-472-2233 FAX: 209-473-6401 CONTACT: SANDRA HOMAN	
LOCATION:	
1320 WEST LOCKEFORD STREET LODI, CALIFORNIA 95242 APN: 035-340-09	
SITE DATA:	
JURISDICTION: CITY OF LODI ZONE: COMMERCIAL SHOPPING DISTRICT (CS) FLOOD PLANE: XS	
ENTIRE PARCEL: 7.72 AC (336,283.2 S.F.) FLOOR AREA RATIO: 30.333 / 336,283.2 = .09 LOT COVERAGE: 28,159 / 336,283.2 = .08	
EXISTING PARKING CALCULATION:	
EXISTING RETAIL: 115 STALLS (SEE APPENDIX 2)	
TOTAL CENTER PARKING REQUIRED:	230 STALLS
TOTAL CENTER PARKING PROVIDED:	362 STALLS
ACCESSIBLE STALLS REQUIRED:	8 STALLS
ACCESSIBLE STALLS PROVIDED:	15 STALLS



**EXHIBIT A:
EXISTING
SITE PLAN**

USE PERMIT:
**CLUB #66
IN SHAPE HEALTH
CLUBS, INC**

**1320 WEST LOCKEFORD STREET
LODI, CA. 95242**

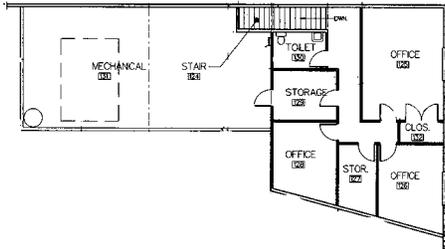
PLANNING ARCHITECTURE

api

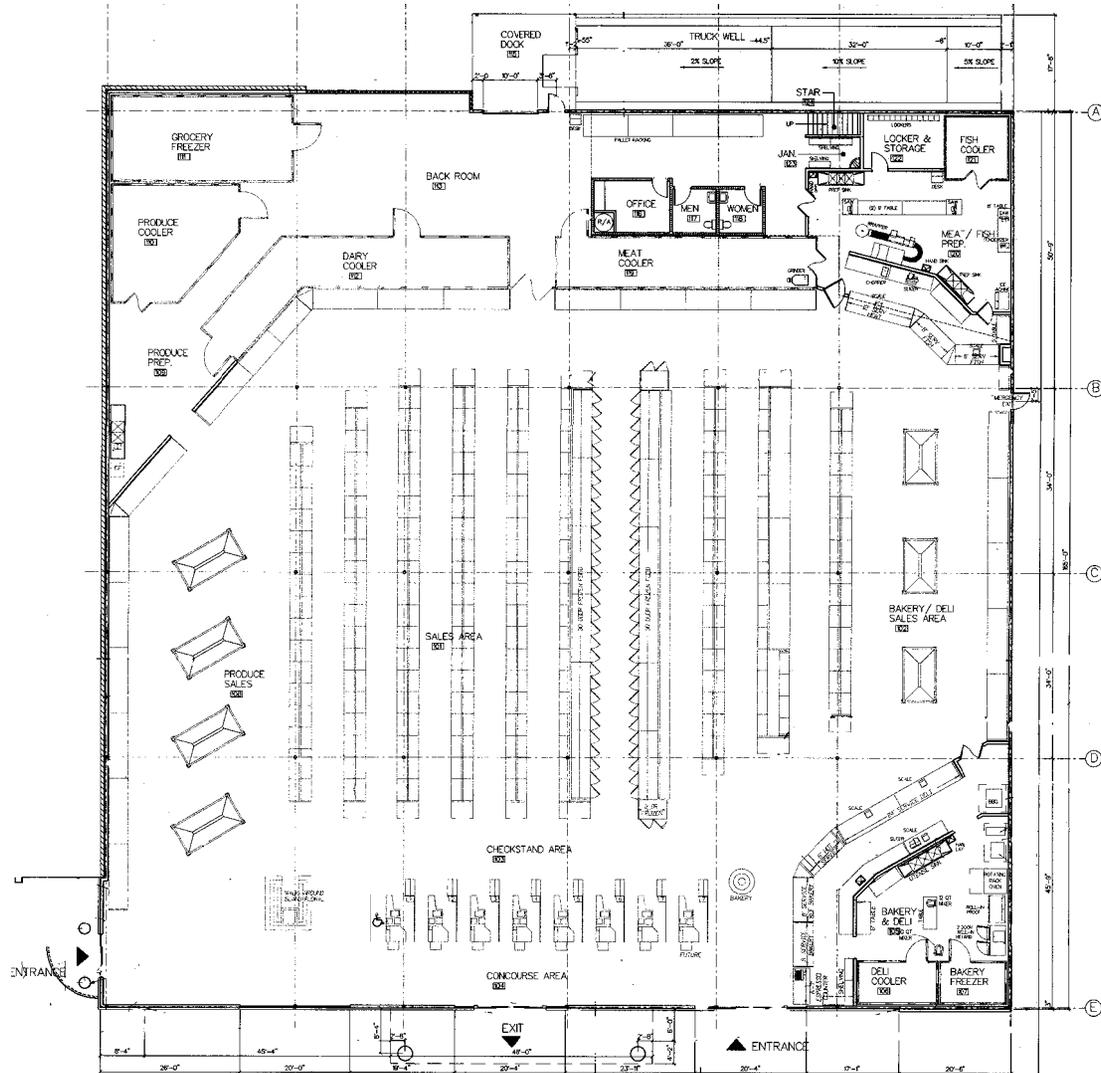
ARCHITECTURE PLUS INC.
4335-B NORTH STAR WAY
MODESTO, CA 95356

ph. 209.577.4661
fx. 209.577.0213

www.apicarc.com



1 EXISTING MEZZANINE PLAN
SCALE: 3/32" = 1'-0"



1 EXISTING MAIN FLOOR PLAN
SCALE: 3/32" = 1'-0"



EXHIBIT C: EXISTING FLOOR PLANS

USE
PERMIT:

**CLUB #66
IN SHAPE HEALTH
CLUBS, INC**

**1320 WEST LOCKEFORD STREET
LODI, CA. 95242**

PLANNING
ARCHITECTURE

api

ARCHITECTURE PLUS INC.
4335-B NORTH STAR WAY
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fx 209.577.0213

www.aplarc.com

IN-SHAPE CLUB 66-LODI

EXISTING PARAPET CAP TO REMAIN

EXISTING EXTERIOR CEMENT PLASTER FINISH

EXISTING MASONRY WAINSCOT

EXISTING STOREFRONT SYSTEM TO REMAIN

EXISTING COLUMNS-TYPICAL



IN-SHAPE CLUB 66-LODI

EXISTING PARAPET CAP TO REMAIN

EXISTING EXTERIOR CEMENT PLASTER FINISH

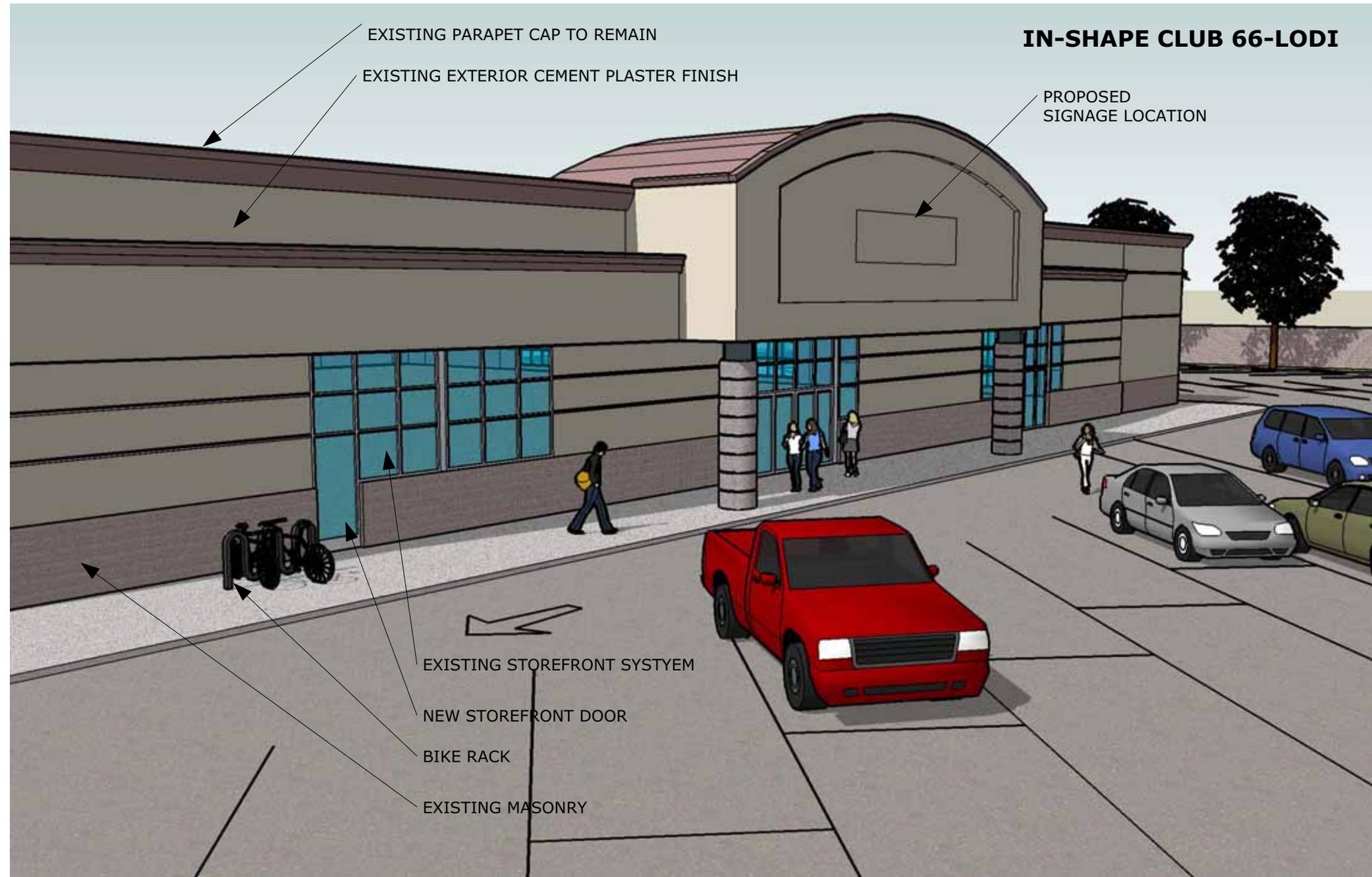
PROPOSED SIGNAGE LOCATION

EXISTING STOREFRONT SYSTEM

NEW STOREFRONT DOOR

BIKE RACK

EXISTING MASONRY



IN-SHAPE CLUB 66-LODI

PROPOSED
SIGNAGE LOCATION

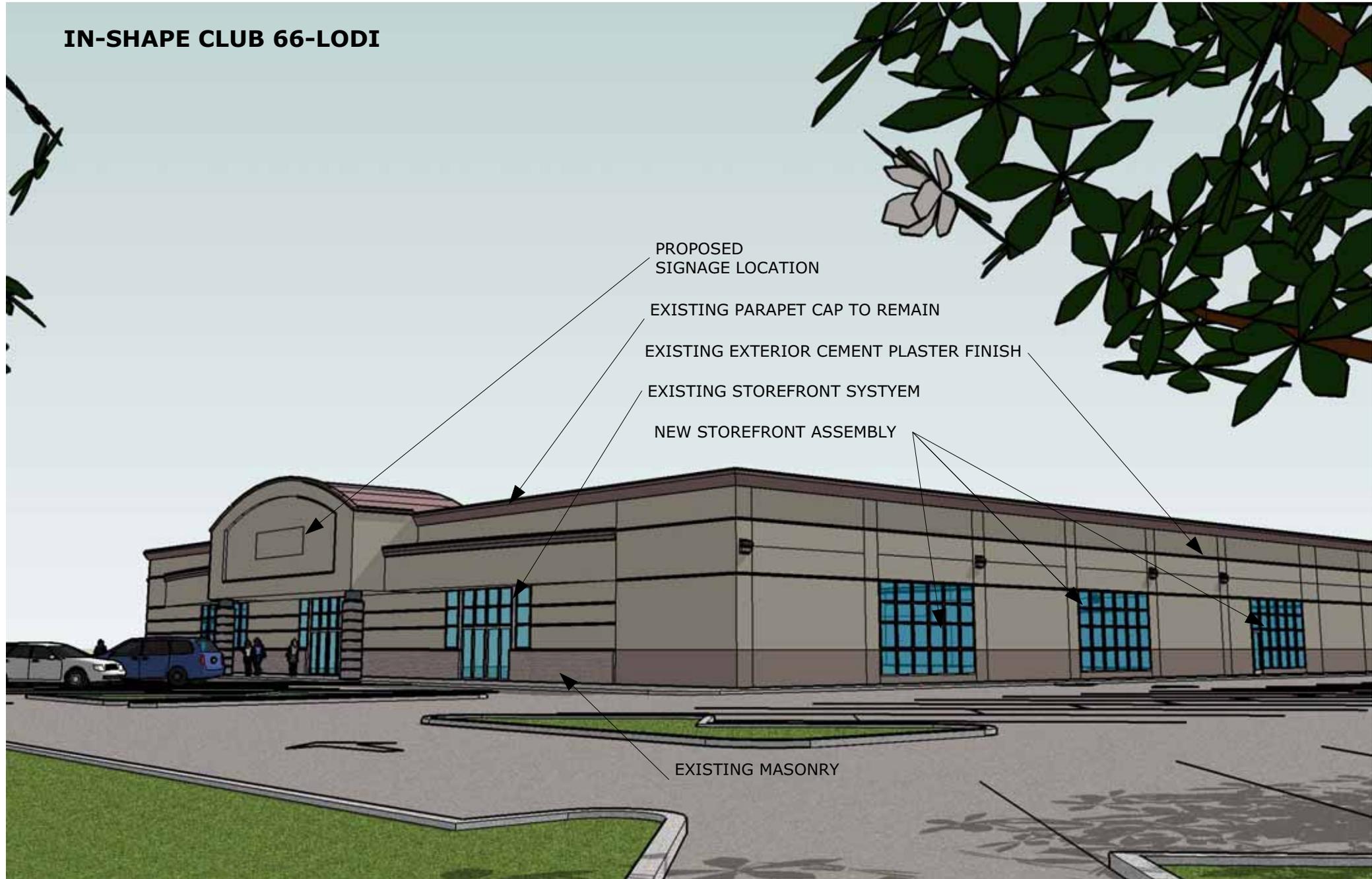
EXISTING PARAPET CAP TO REMAIN

EXISTING EXTERIOR CEMENT PLASTER FINISH

EXISTING STOREFRONT SYSTEM

NEW STOREFRONT ASSEMBLY

EXISTING MASONRY



RESOLUTION NO. P.C. 13-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING A USE PERMIT (12-U-19) TO ALLOW THE OPERATION OF A 4,050-SQUARE-FOOT FITNESS CENTER KNOWN AS ANYTIME FITNESS LOCATED AT 210 NORTH HAM 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 1320 West Lockeford Street, Lodi, CA 95240 (APN: 035-340-09); and

WHEREAS, project proponent is Sandra Homan, on behalf of In-Shape Health Clubs, Inc., 6 South El Dorado Street, 7th Floor Stockton, CA 95202; and

WHEREAS, the project property owner is Stone Brothers and Associates, 5757 Pacific Avenue, Suite 220, Stockton, CA 95207-5159; 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 operation a fitness center known as In-Shape Health Clubs, in an building located at 1320 West Lockeford Street, Lodi, CA 95240; 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 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 consistent to the General Plan and the Zoning Ordinance. Fourth, the proposed use, as conditioned, will not have an adverse effect upon the use, enjoyment or valuation of property in the neighborhood. 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 harmony in scale, bulk, coverage and density of the proposed project is consistent with and compatible to the existing and proposed land uses around the subject site, in that the proposed Anytime Fitness facility will be located within an existing building, with no additions or expansions to the approved exterior thereby maintaining the approved scale, bulk, coverage and density of the building with no impacts upon the surrounding neighborhood.
4. The availability of public facilities and utilities is adequate to serve the proposed use, in that the Anytime Fitness facility will be located within an existing building where public facilities and services are provided, including sewer, water, electricity, phone, etc.

5. There would be no harmful effect upon the desirable neighborhood character with approval of this permit due to the building location within an established commercial neighborhood with no exterior additions proposed and an 8' high masonry wall separating the site from residential properties to the east.
6. The subject site will have adequate pedestrian and vehicular circulation and parking available, in that there is an adequate vehicle access point. Pedestrian movements are facilitated by paved and continuous path of travel that connects to the public sidewalk and the sidewalk accesses adjacent properties.
7. The generation of traffic would be minimal due to the fact that the project site is designed for vehicle use and the capacity of the surrounding streets is adequate to handle the proposed increase in use, due to Ham Lane being a major north-south thoroughfare and able to handle expanding traffic needs.
8. The location, design, landscaping and screening, and overall site planning of the proposed fitness center will provide an attractive, useful and convenient working and community-service area, in that the project has been landscaped with the original approval of the center and is located close to public transportation, arterial streets and residential neighborhoods.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Use Permit Application No. 12-U-19 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 of Lodi, its agents, officers, and employees harmless of any claim, action, or proceeding (including legal costs and attorney's fees) to attack, set aside, void, or annul this Use Permit, so long as the City promptly notifies the applicant of any claim, action, or proceedings, and the City cooperates fully in defense of the action or proceedings. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.
2. The City of Lodi, the Planning Commission and Lodi Police Department may, at any time, request that the Planning Commission conduct a hearing on this 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/Operator and/or successors in interest and management shall insure that the operation of the proposed facility 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. 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.
5. The proposed project shall be established and continuously operated in substantial conformance with the floor plan, written narrative, and other project submittals dated "Received, November 15, 2012" unless otherwise amended by the conditions of approval contained herein. Minor changes to the plans and operation may be allowed subject to the approval of the Community Development Director if found to be in substantial conformance with the approved exhibits.

6. On-site signage shall be allowed in accordance with the standards of the Lodi Municipal Code, and shall be submitted to the Community Development Department prior to installation for review and permitting.
7. In the event that the applicant proposes to modify any aspect of the business or modify the exterior of the building or site, the modification shall be subject to the review of the Community Development Director. The Community Development Director may approve the modification or refer the matter back to the Planning Commission if judged to be substantial.
8. If operation of this use results in conflicts pertaining to parking, noise, traffic, or other impacts, at the discretion of the Community Development Director, this conditional use permit may be referred to the Planning Commission for subsequent review at a public hearing. If necessary, the Commission may modify or add conditions of approval to mitigate such impacts, or may revoke said conditional use permit bound upon applicable findings.
9. The exterior of all the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times. Graffiti shall be removed within twenty-four hours after issuance of a notice of order.
10. Approval of this Use Permit shall be subject to revocation procedures contained in Section 17.72 of the Lodi Municipal Code in the event any of the terms of this approval are violated or if the operation of the business 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.
11. Due to the change of use and occupancy of the building, Tenant Improvement plans shall be submitted to the Building Department. All plan submittals shall be based on the City of Lodi Building Regulations and currently adopted 2010 California Building code. Please review our policy handouts for specific submittal procedures.
12. 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.
13. 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.
14. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

Dated: January 9, 2013

I certify that Resolution No. 12-19 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on January 9, 2013 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST _____

Secretary, Planning Commission