

<p>CARNEGIE FORUM 305 WEST PINE STREET LODI, CALIFORNIA</p>	<p>AGENDA LODI PLANNING COMMISSION</p>	<p>REGULAR SESSION WEDNESDAY, APRIL 10, 2013 @ 7:00 PM</p>
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For information regarding this agenda please contact:

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

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

1. ROLL CALL
2. MINUTES – “September 12, 2012” & “February 13, 2013”
3. PUBLIC HEARINGS
 - a. Request for Planning Commission approval of a Use Permit to operate a community care facility for non-ambulatory adults with developmental disabilities at 651 North Cherokee Lane, Suite E. (Applicant: Denise Lane, on behalf of Person Centered Services; File Number: 13-U-01)
 - b. Request for Planning Commission approval of a Use Permit to establish concrete recycling for onsite processing and outdoor storage facility for recycling materials at 1011 East Lockeford Street. (Applicant: David Burkhardt, on behalf of Lodi Aggregates, Inc; File Number: 13-U-03)
 - c. Request for a Planning Commission approval of a Use Permit to establish a wine production facility at 1002 Black Diamond Way. (Applicant: Calwd, Inc., on behalf of Jeremy Wine Co.; File Number: 13-U-04)
 - d. Request for Planning Commission approval of a Use Permit to establish a wine production facility at 27 East Vine Street. (Applicant: Jeff Hansen, on behalf of AH Wines, Inc, DBA Lodi City Wines; File Number: 13-U-05)

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
 - a. Council Summary Memo
7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE
8. ART IN PUBLIC PLACES
9. COMMENTS BY THE PUBLIC (NON-AGENDA ITEMS)
10. COMMENTS BY THE PLANNING COMMISSIONERS & STAFF (NON-AGENDA ITEMS)
11. ADJOURNMENT

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

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

Right of Appeal: (see 2nd page)

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

Pursuant to Lodi Municipal Code Section 17.72.110, actions of the Planning Commission may be appealed to the City Council by filing, within ten (10) business days, a written appeal with the City Clerk and payment of \$300.00 appeal fee. The appeal shall be processed in accordance with Chapter 17.88, Appeals, of the Lodi Municipal Code. Contact: City Clerk, City Hall 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, FEBRUARY 13, 2013**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of February 13, 2013 was called to order by Chair Kirsten at 7:00 p.m.

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

Absent: Planning Commissioners – Cummins and Heinitz

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.

“January 9, 2013”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Jones second, approved the Minutes of January 9, 2013 as written. (Commissioner Hennecke abstained because he was not in attendance of the subject meeting)

Chair Kirsten recused himself from items 3a and 3b because he has property interest in the sphere of influence of the project.

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 Jones called for the public hearing to consider the request for Planning Commission approval of a Use Permit to allow a Type 2 (Winery) and Type 42 (On-Sale Beer and wine) Alcoholic Beverage Control license at 25 North School Street. (Applicants: Michael and Debra Green; File Number: 12-U-21)

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

Hearing Opened to the Public

- Debra and Michael Green, applicants, came forward to answer questions.
- Vice Chair Jones asked if there will be other wineries showcased at this location. Ms. Green stated that the business will be showcasing a variety of local wineries. Jones stated that the ABC License includes beer and asked if a brewery will be opened up at this location also. Ms. Green stated that there will not be a brewery on site, but they will bring in other venter product for special events.

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 a Type 2 (Winery) and Type 42 (On-Sale Beer and wine) Alcoholic Beverage Control license at 25 North School Street subject to the conditions in the resolution. The motion carried by the following vote:

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

- 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 an on-sale beer and wine license within an existing building in Downtown Business District located at 14 S. School Street, Suite B. (Applicant: Jamie Watts; File Number: 13-U-02)

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

Commissioner Kiser asked if this was going to be a bar rather than a restaurant. Director Bartlam stated that the applicant can better address her vision for the business.

Commissioner Hennecke asked if there is a number at which we feel that there is an over saturation of wineries in the downtown. Director Bartlam stated no. Hennecke ask how many wineries there are in the downtown area. Bartlam stated that there are 10 or 11 if you expand the downtown to the eastside of the railroad tracts. Vice Chair Jones asked how many of those are bars. Bartlam stated that number only reflects wineries/wine tasting. He added that the concern he would have would be if all of these businesses were concentrated in a single block.

Hearing Opened to the Public

- Jamie Watts, applicant, came forward to answer questions.
- Chair Jones asked where the food is going to be coming from. Ms Watts stated that the business is a bit different. It will be a type of lounge with live entertainment such as piano, jazz, comedy, and old movies, and will then be complimented by appetizers from the various downtown restaurants.
- Commissioner Kiser asked what the hours will be. Ms. Watts stated that the doors will open at 6 am for coffee and danishes and the closing time will be 9 pm, but will vary depending on the time of year and day of the week. They will be staying open later on Thursdays, Fridays, and Saturdays.

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 an on-sale beer and wine license within an existing building in Downtown Business District located at 14 S. School Street, Suite B subject to the conditions in the resolution. The motion carried by the following vote:

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

Chair Kirsten rejoined the Commission.

- c) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Kirsten called for the public hearing to consider the request of the Planning Commission for approval of a Tentative Parcel Map to divide one parcel into four lots at 2540 Legacy Way. (Applicant: Foster Advantage, Inc. File No. 12-P-01)

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

Vice Chair Jones asked why this wasn't done sooner. Director Bartlam stated that the owner chose not to divide and now the new owner wishes to do so.

Commissioner Olson asked what the plan is for the new parcels. Director Bartlam stated that staff is only aware that the applicant is requesting a division of the lot, but Mr. Murphy may know more about what the applicant intends to do with the parcels.

Hearing Opened to the Public

- Joe Murphy, with Dillon and Murphy representative of the owner, came forward to answer questions. Mr. Murphy stated that he does not believe the owner intends to develop the property herself.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Jones second, approved the request for a Tentative Parcel Map to divide one parcel into four lots at 2540 Legacy Way subject to the conditions in the resolution. The motion carried by the following vote:

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

- 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 review for consistency with the General Plan related to proposed abandonment of a portion of an existing Access Easement on private property located at 2223 West Kettleman Lane

Associate Planner Bereket gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of the request to be forwarded to the City Council.

Vice Chair Jones asked if the City paid for the easement. Director Bartlam stated that he was not aware of a payment. Mr. Bereket stated that there was not a payment made to the City.

Commissioner Kiser asked if this is the same property that the church came to the Planning Commission for an expansion plan. Director Bartlam stated that this is the same property.

Hearing Opened to the Public

- None

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Jones second, approved the request for consistency with the General Plan related to proposed abandonment of a portion of an existing Access Easement on private property located at 2223 West Kettleman Lane subject to the conditions in the resolution. The motion carried by the following vote:

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

4. PLANNING MATTERS/FOLLOW-UP ITEMS

None

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

Director Bartlam stated that the City Council took the action to adopt the Development Code with no modification. The code should go into affect in about six weeks.

Chair Kirsten asked if the Walnut Street Closure had gone before Council yet. Director Bartlam stated that it had not.

7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

8. ART IN PUBLIC PLACES

Chair Kirsten gave a brief report regarding the last meeting. Director Bartlam added that staff has applied for Transportation Grant monies to be used to finish the street enhancements on Sacramento Street from Oak to Lodi Avenue and if successful some of the funds could be used for art.

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

None

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

Commissioner Olson asked if Code Enforcement suffered any cuts during the last budget. Director Bartlam stated that there is currently one vacancy and the City has recently hire one and a half enforcement employees. Olson mentioned that she stumbled across an area that has fallen in disrepair and was curious as to if enforcement action has been taken. Bartlam stated that the Code Enforcement Division works off of public complaints.

Commissioner Hennecke asked if Public Works is the department to contact if a curb is in need of painting.

11. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:31 p.m.

ATTEST:

Konradt Bartlam

Planning Commission Secretary

Item 3a

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: April 10, 2013

APPLICATION NO: Use Permit: 13-U-01

REQUEST: Request for Planning Commission approval of a Use Permit to operate a community care facility for non-ambulatory adults with developmental disabilities at 651 North Cherokee Lane, Suite E. (Applicant: Denise Lane, on behalf of Person Centered Services. File Number: 13-U-01)

LOCATION: 651 North Cherokee Lane, Suite E
APN: 041-274-51
Lodi, CA 95240

APPLICANT: Denise Lane, on behalf of Person Centered Services, Inc.
240 North Union Street
Stockton, CA 95205

PROPERTY OWNER: 651 North Cherokee Lane LLC
19225 NW Tanasbourne Drive, 3rd Floor
Hillsboro, OR 97124

RECOMMENDATION

Staff recommends the Planning Commission approve the request of Person Centered Services for a Use Permit to operate a day care facility for non-ambulatory adults with developmental disabilities at 651 North Cherokee Lane, Suite E.

PROJECT AREA DESCRIPTION

General Plan Designation: Commercial
Zoning Designation: Community Commercial
Property Size: 2.32 acres (tenant space is 7,332 sq. ft).

The adjacent zoning and land use characteristics:

	ADJACENT ZONING DESIGNATIONS AND LAND USES		
	GENERAL PLAN	ZONING CLASSIFICATION	EXISTING LAND USE
North	Medium Density Residential	Medium Density Residential	Residences
South	Commercial	Community Commercial	Commercial
East	Commercial	Community Commercial	Commercial
West	Low Density Residential	Low Density Residential	Residences

SUMMARY

An application has been received from Person Centered Services, Inc., requesting Planning Commission approval of a Use Permit to operate a non-residential day care facility for non-ambulatory adults with developmental disabilities at 615 North Cherokee Ln, Suite E. The adult daycare will provide classes to develop and maintain life skills required for self-care, employment services both on-site and off-site, arts/craft activities, and occasional field trips. Clients will be supervised by staff at all times (staffing ratios are determined by the State and are typically 1 employee per 3 clients for these types of centers). Clients will be transported to the facility by a contract transit service.

BACKGROUND

The surrounding neighborhood consists of residential uses and businesses; including single-family homes to the west, apartments to the north, and a hotel and restaurant to the south. The project site itself is shared with other uses including a separate building at the west end of the site that is occupied by other commercial uses. The applicants would like to occupy space previously used as Blue Shield satellite office. The most recent use was a church, which has been closed since the summer of 2012.

ANALYSIS

Person Centered Services, Inc. proposes to operate a Licensed Adult Day Program at 651 North Cherokee Lane, Suite E, at the northern most end of Cherokee Lane in a commercial building originally constructed in 1983. The aforementioned suite totals 5,812 square feet. The site is zoned Commercial and has a General Plan Land Use Designation of Commercial. The center is fully developed with onsite parking and other uses. The existing uses within the complex are compatible with the zoning and the neighboring uses, which include apartments to the north, single-family homes to the west, a hotel restaurant and bar to the south, and on and off ramps for HWY 99 and Cherokee Lane to the east.

Person Centered Services, Inc. intends to provide Adult Day Care services for a maximum of 45 people, over 18 years of age, with developmental disabilities. The proposed hours of operation are Monday through Friday, 7:30 a.m. to 3:30 p.m. Students attend from the hours 8:30 a.m. to 2:00 p.m. Monday through Friday. Modes of transportation for clients include: 1) public transportation and 2) parent, family-member, or other care-giver drop-off/pick-up. The operation of the building for the adult day care program would consist of a class room, storage, general multi-purpose room, offices and restrooms. Onsite activities consist of education, vocational training, arts and crafts, and living independent skills.

An Adult Day Care Program is different from an Adult Day Health Care facility. An Adult Day Health Care facility is funded by the federal government and generally specializes in assisting people who are elderly or mentally ill, and who require medical monitoring and care. An Adult Day Care Program, such as the proposed project, provides activities such as daily living training, self-care training, and other training to increase the independence of people with developmental disabilities, while providing supervision. Adult Day Care Programs are funded by the State of California Department of Developmental Services through Valley Mountain Regional Center. Per State requirements, the center must maintain 1 to 3 ratio (one staff: three students).

Section 17.40.040(F) of the Development Code requires that five (5) findings are made to approve a Use Permit. The required findings are listed below in italicized print and are followed by an evaluation.

1. *The proposed use is allowed with a Use Permit within the applicable zoning district and complies with all applicable provisions of this Development Code.* **Comment:** The Zoning designation for this property is Community Commercial, which permits range of commercial uses, business and general services such as the proposed business. The Development Code includes adult daycare and commercial child care in the same use type classification, because both have similar operating characteristics. Both uses occupy commercial type buildings, maintain weekday business hours, maintain skilled staffing ratios, and are licensed and inspected by the state. The General Plan relies on the Zoning Ordinance to ensure compatibility with the neighborhood through the requirement for a Use Permit. The proposed use is allowed subject to the Development Code Section 17.36.030(c) and Section 17.40.040.

2. *The proposed use is consistent with the General Plan and any applicable specific plan.*
Comment: The General Plan land use designation for this area is Commercial, which allows general services subject to the requirements of the Zoning Ordinance. Since this request involves using an existing commercial building, the only development standard that applies to this project is the off-street parking requirement. The site currently has a total of 141 parking spaces. However, there is currently not a space that can accommodate the vans/shuttles that will be transporting clients to the center. Therefore, the project has been conditioned to create loading/unloading area adjacent to the tenant space.

The proposed adult daycare requires a minimum of one parking space per employee and loading/parking space for clients. Initially the facility will only have five employees (and 15 students) but anticipates being able to expand to a maximum of 15 staff and 45 students/clients, maintaining one staff for every three client. Based on this, the parking requirement is 15 spaces. The center provides 141 spaces. Available parking can accommodate these requirements. It is also worth noting this tenant space was used as a satellite office by Blue Shield for many years. Blue Shield employed far in excess of 15 employees at the site, and parking was never an issue. Therefore, staff anticipates parking will not become an issue.

3. *The location, size, design and operating characteristics of the use or development is compatible with and shall not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the area, or be detrimental or injurious to public or private property or improvements.* **Comment:** The proposed adult daycare will operate within an existing 7,332 square foot commercial tenant space that was previously used as a church and office building. The Center will operate Monday through Friday, 7:30 a.m. to 3:30 p.m. Students attend from the hours 8:30 a.m. to 2:00 p.m. Monday through Friday. As described in Attachment 5, the Center provides a variety of services that will enable their clients to gain life skills. A Use Permit is required for daycare centers in the Community Commercial zone district to ensure that there will not be any traffic, noise, safety, or other impacts to the surrounding neighborhood. Staff does not anticipate complaints regarding this use because it will occur within the building envelop. Staff also expects reduced traffic levels since clients will be arriving by a transport service rather than by individual vehicles. Staff has not identified any potential adverse effects of the proposed use upon the public health, safety, and welfare, or upon property or improvements in the vicinity.
4. *The location, size, design, and operating characteristics of the proposed use would be compatible with the existing and future land uses in the vicinity.* **Comment:** The proposed adult day care center use is proposed at an existing facility at 651 North Cherokee Lane within a neighborhood shopping center measuring 2.26 acres in size (111,414 sq ft). This center is a multi-tenant commercial and the tenant space has in the past been occupied by an office (more intensive use) and church. The proposed adult day care center use would be compatible with other existing and permitted uses in the Community Commercial zone. The proposed project is compatible with the surrounding uses in that the proposed use is similar to and less intensive than previous office use at the location. This project promotes the public health, safety, and welfare by providing a needed service to the community of Lodi.
5. *The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the Lodi Environmental Review Guidelines.*
Comment: Staff has determined the project to be categorically exempt from the

California Environmental Quality Act (CEQA) pursuant to section of 15301 (Existing Facilities). The project involves locating an adult day care use in an existing commercial-office facility. There will be no expansion of the existing building. No special circumstances exist that would create a significant adverse effect on the environment. The project meets this exemption because the proposed use does not expand the physical use of the existing structure.

The Use Permit process allows the Commission to evaluate each project individually and assure compatibility with existing uses. The requested Use Permit seeks to establish a day care for adults with developmental disabilities. In staff's opinion, an adult daycare use would not be detrimental to the health, safety, and general welfare of the city, in that the use would not engage in any activities that could be injurious to the city as a whole, or those assembling onsite, as long as city regulations are met, including those, in particular, related to construction of the Building and Fire Codes. Staff has reviewed the applicant's request for a Use Permit for compliance with City requirements. The project complies with the policies of the City of Lodi General Plan and Zoning Code. The Zoning Code allows adult day care uses within the Community Commercial zoning district subject to the issuance of a Use Permit. Staff believes that the proposed use is appropriate at this location; especially given the prior office tenant was more intensive. Staff recommends approval of the proposed Use Permit subject to the findings and attached Conditions of Approval.

ENVIRONMENTAL ASSESSMENTS:

The project was found to be categorically exempt according to the California Environmental Quality Act Section 15301 (Existing Facilities).

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published on Saturday, March 30, 2013. Fifty-three (53) public hearing notices were sent to all property owners of record within a 300-foot radius of the subject property as required by California State Law §65091 (a) 3.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

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

Respectfully Submitted,

Concur,

Immanuel Bereket
Assistant Planner

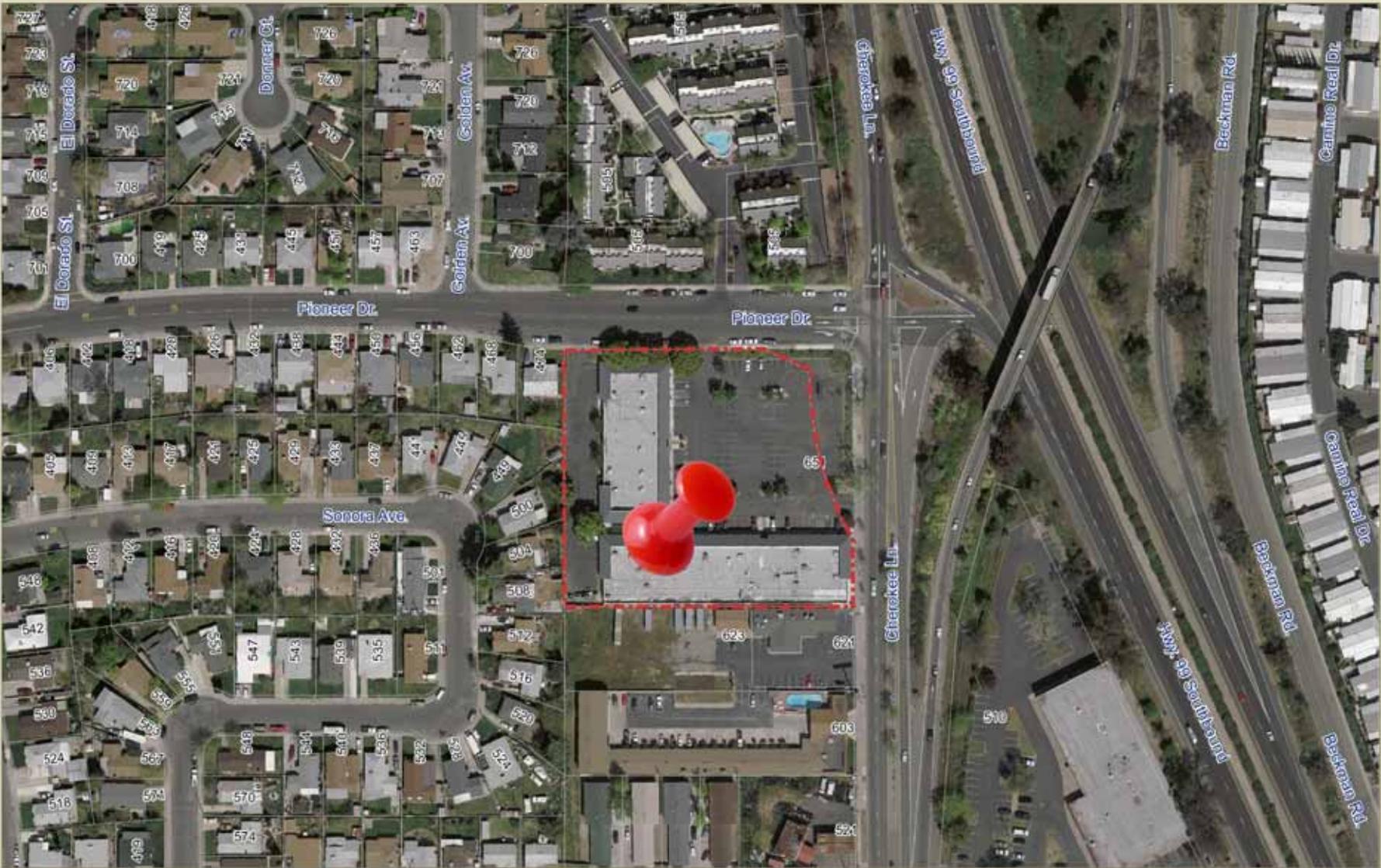
Konrad Bartlam
Community Development Director

ATTACHMENTS:

1. Vicinity Map
2. Aerial Map
3. Site Plan
4. Floor Plan
5. Project Description
6. Draft Planning Commission Resolution



Aerial Map



Legend
Project Site

Map Scale
1:1,464

Notes
For Reference Only.



NAD_1983_StatePlane_California_III_FIPS_0403_Feet
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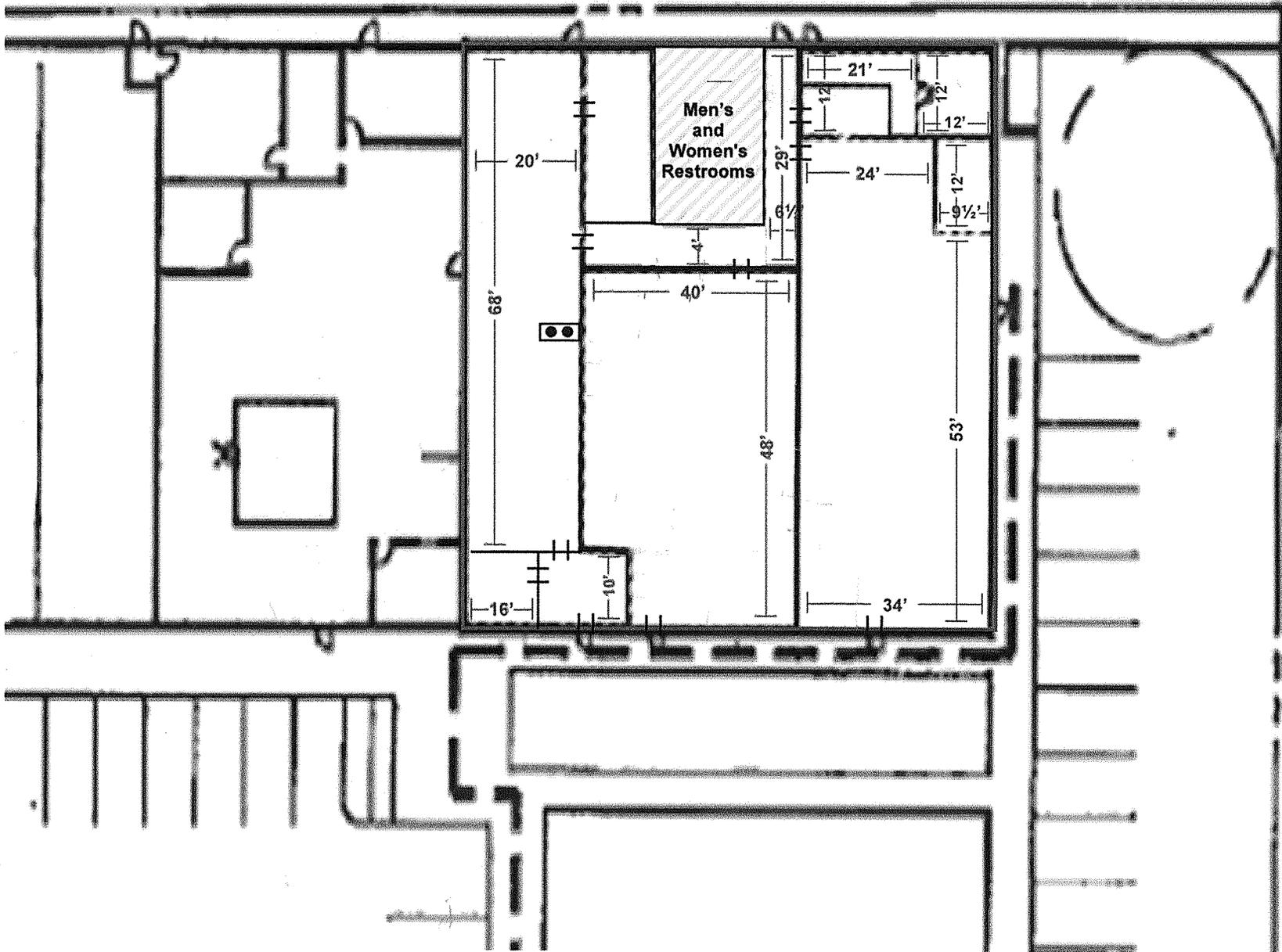
SITE PLAN AND PROPERTY INFORMATION

PROPERTY INFORMATION

• PREMISES:	651 N. Cherokee Lane, Lodi, CA (retail and/or office)		
• SUITE INFORMATION:	<u>Suite</u>	<u>Size</u>	<u>Notes</u>
	1. Suite A	±3,600 sf	Villa Truss
	2. Suite	±2,000 sf	Vanilla shell without ceilings.
	3. Suite F	±1,440 sf	Restaurant improvement. Two (2) ADA restrooms.
	4. Suite I	±2,160 sf	American National Insurance
	5. Suite G	±2,000 sf	Restaurant improvement. Two (2) ADA restrooms.
	6. Suite D	±1,500 sf	Tobacco Man. Former restaurant with full improvement. Two (2) ADA restrooms.
	7. Suite H	±4,929 sf	Office build-out. Contiguous with 8 & 9.
	8. Suite E	±3,622 sf	Office build-out. Shared restroom with 7 & 9.
	9. Suite C	±2,676 sf	Open floor plan. Shared restroom with 7 & 8.
	10. Suite 10	±4,394 sf	Available
	11. Suite B	±10,000sf	J & L Teamworks
• ASKING RENT:	\$0.65/sf NNN		
• NNN's:	\$0.19/sf		
• DEMOGRAPHICS:	<u>1 Mile</u>	<u>3 Mile</u>	<u>5 Mile</u>
Daytime Population (2012)	10,460	34,077	37,454
Population (2012)	13,161	64,935	74,939
HH Income (2012)	\$43,233	\$60,775	\$63,069

LOCATION MAP





** Measurements are approximate and not to scale.*

RESOLUTION NO. P.C. 13-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF PERSON CENTERED SERVICES TO OPERATE A COMMUNITY CARE FACILITY FOR NON-AMBULATORY ADULTS WITH DEVELOPMENTAL DISABILITIES AT 651 NORTH CHEROKEE LANE, SUITE E

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 17.74; and

WHEREAS, the project site is located at 651 North Cherokee Lane, Lodi, CA 95240 (APN: 041-274-51); and

WHEREAS, the project proponent is Denise Lane, on behalf of Person Centered Services, Inc. 240 North Union Street, Stockton, CA 95205; and

WHEREAS, the project property owners are 651 North Cherokee Lane LLC 19225 NW Tanasbourne Drive, 3rd Floor, Hillsboro, OR 97124; and

WHEREAS, the property has a General Plan designation of Commercial and is zoned Community Commercial; and

WHEREAS, the requested Use Permit to operate a community care facility for non-ambulatory adults with developmental disabilities at 651 North Cherokee Lane, Suite E; and

WHEREAS, based upon the facts and analysis presented in the staff report, and public testimony received and subject to the conditions of approval listed below, the Planning Commission finds that the establishment, maintenance or operation for the requested use or building applied for, will not, under the circumstances of this particular case, be detrimental to the health, safety, morals, comfort, convenience and general welfare of the persons residing or working in the neighborhood of such proposed use, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City; and

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; this project has been found to be categorically exempt from CEQA pursuant to section of 15301 (Existing Facilities). The project involves locating an adult day care use in an existing industrial-office facility. There will be no expansion of the existing building. No special circumstances exist that would create a significant adverse effect on the environment. The project meets this exemption because the proposed use does not expand the physical use of the existing structure; 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 is categorically exempt from CEQA review under section of 15301 (Existing Facilities). The project involves locating an adult day care use in an existing industrial-office facility. There will be no expansion of the existing building. No special circumstances exist that would create a significant adverse effect on the environment. The project meets this exemption because the proposed use does not expand the physical use of the existing structure.
2. The Zoning designation for this property is Community Commercial, which permits adult day care subject to a Use Permit per Lodi Municipal Code Section 17.36.030(c) and Section 17.40.040.
3. The proposed use is consistent with the General Plan. The General Plan land use designation for this area is Commercial, which provides for commercial, general service and other similar activities.

4. The location, size, design, and operating characteristics of the proposed use would be compatible with the existing and future land uses in the vicinity. 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 and associated parking spaces. 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. Third, the proposed use, as conditioned, will not have an adverse effect upon the use, enjoyment or valuation of property in the industrial neighborhood because the proposed use will be located within an existing building with no additions to the footprint of the building. Lastly, the proposed use will not have an adverse effect on the public health, safety, and general welfare in that the project promotes public health, safety and welfare by providing needed service to the community. The proposed business is a permitted use within the Community Commercial zoning district, and the facility will be located within an existing building. No conflicts with existing and potential uses have been identified.
5. The proposed use will not create an enforcement problem in that the proposed use is primarily education in nature and is properly located in a multi-tenant commercial building within a Community Commercial zoning district.
6. The proposed use will not create a demand for public services within the City beyond that of the ability of the City to meet in the light of taxation and spending restraints in that the use is private and does not require any additional public services.
7. The proposed use would not have a substantial adverse economic effect on nearby uses because operation of the proposed business in accordance with applicable laws, and under the conditions of this Use Permit, is anticipated to be an economic benefit to the community.
8. The conditional use is subject to and must comply with specific local conditions and additional regulations as deemed necessary by other regulatory or permit authorities. The approval does not relieve the applicant from an obligation to obtain any state or federal permits for recycling facilities

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Use Permit Application No. 13-U-01 is hereby approved, subject to the following conditions:

1. The property owner and/or developer and/or successors in interest and management shall, at their sole expense, defend, indemnify and hold harmless the City of Lodi, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include, but is not limited to, any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Lodi shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.
2. The property owner and/or developer and/or successors in interest and management shall operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
3. The property owner and/or developer and/or successors in interest and management shall insure that the proposed adult daycare 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,, harassment of people passing by, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, excessive loud noises, traffic violations or traffic safety based upon last drink statistics, curfew violations, lewd conduct, or police detention and arrests.

4. If any of the following conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted; deny or further condition issuance of all future building permits; deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted; record a notice of violation on the property title; institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. No vested rights are gained by Developer or a successor in interest by the City's approval of this Use Permit (13-U-01).
5. The Use Permit shall be vested within six (6) months from the effective date of approval. A building permit for the tenant improvements allowed under this Use Permit shall have been obtained within six (6) months from the effective date of the Use Permit or the Use Permit shall expire; provided however that the Use Permit may be extended pursuant to the Lodi Municipal Code.
6. The Use Permit shall not become effective until ten (10) business days after approval, providing that the action is not appealed to the City Council by any party within that 10 day period.
7. Any request for an extension of the Use Permit must be justified in writing and received by the Planning Department at least thirty (30) days prior to expiration.
8. Onsite client pick-up and drop-off area shall be established and shall be located adjacent to the primary entrance of the subject tenant space.
9. This Use Permit is granted subject to the following operating characteristics:
 - a. Non-residential day care services for 45 non-ambulatory adults with developmental disabilities;
 - b. Hours of operation 7:30 a.m. - 3:30 p.m. Monday through Friday;
 - c. The facility shall, at all times, maintain 3:1 student to staff ratio.
10. The project proponent/applicant and/or developer and/or successors in interest and management shall maintain the project site free of litter, shopping-carts or any other undesirable materials and shall be cleaned of loose debris on a daily basis.
11. In the event the use hereby permitted under this permit is: (a) found to be in violation of the terms and conditions of this permit; (b) found to have been obtained by fraud or perjured testimony; or (c) found to be detrimental to the public health, safety or general welfare, or a public nuisance; this permit shall be subject to the revocation procedures in accordance with the City of Lodi Municipal Code.
12. At all times during the conduct of the use(s) allowed by this permit, the use(s) shall maintain and keep in effect valid licensing from appropriate local, state and/or federal agencies as required by law. Should such required licensing be denied, expire or lapse at any time in the future, this permit shall become null and void.
13. Tenant Improvement plans are required for the change of use. 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.
14. The California Building Code (Title 24 Section 1134B) requires that existing buildings, when alterations are made, shall be verified for compliance with disabled access requirements. These requirements shall apply only to the specific area of alteration and shall include an accessible entrance, an accessible route to the altered area, at least one accessible restroom for each sex, telephones and drinking fountains (if existing), and when possible additional items such as parking, storage and alarms.
15. Any sign(s) shall require a building permit from the Community Development Department. Said sign(s) shall be in full compliance with the City of Lodi Sign Ordinance and any applicable master sign program for the subject site.

16. An operational permit shall be required from the Lodi Fire Department for the operation of the day care facility. Please contact the Lodi Fire Prevention Bureau at 25 East Pine Street, Lodi - (209) 333-6735.
17. 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.
18. 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.
19. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

Dated: April 10, 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 April 10, 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: April 10, 2013

APPLICATION NO: Use Permit: 13-U-03

REQUEST: Request for Planning Commission approval of a Use Permit to establish a concrete recycling for onsite processing and outdoor storage facility for recycling materials at 1011 East Lockeford Street. (Applicant: David Burkhart, on behalf of Lodi Aggregates, Inc; File Number: 13-U-03).

LOCATION: 1011 East Lockeford Street
APN: 049-030-22
Lodi, CA 95240

APPLICANT: David Burkhart, on behalf of Lodi Aggregates, Inc.
3416 West Island Street
Elk Grove, CA 95624

PROPERTY OWNER: Sherrilyn McSunas
550 Navajo Place
Danville, CA 94526

RECOMMENDATION

Staff recommends that the Planning Commission approve the request of David Burkhart, on behalf of Lodi Aggregates, Inc., for a Use Permit to establish a concrete onsite recycling and processing facility at 1011 East Lockeford, subject to the conditions in the attached resolution.

PROJECT AREA DESCRIPTION

General Plan Designation: Industrial
Zoning Designation: Industrial
Property Size: 2.96-acres (128,938 sq. ft.)

The adjacent zoning and land use characteristics:

DIRECTION	GENERAL PLAN	ZONE	LAND USE
North	Industrial	Industrial	industrial use
South	Industrial	Industrial	industrial use
East	Industrial	Industrial	industrial use
West	Industrial	Industrial	industrial use

SUMMARY

The applicant, David Burkhart, on behalf of Lodi Aggregates, Inc, proposes a small concrete batch plant on property previously used for outdoor storage. This project involves onsite crushing and recycling aggregate products from diverted waste materials (i.e., asphalt, concrete). These recycled materials, which might otherwise be deposited in local landfills, are used to provide aggregate for construction projects. The site is designated for heavy industrial uses, which allows the proposed use subject to a Use Permit review and approval.

BACKGROUND

The project site contains vacant industrial land with multiple access points. The site was previously used for storage of construction material, trucks and similar uses. The site is vacant but is served by City utilities.

PROJECT AND SITE DESCRIPTION

The applicant is proposing to utilize a partially improved vacant industrial lot for a concrete batch plant located at 1011 East Lockeford Street, northeast of the intersection of Beckman Road and Lockeford Street. The adjacent parcel to the east is a vacant industrial lot. Attachment 1 shows the project site in a local setting. The subject parcel and the parcel immediately to the east are under the same ownership. There is a continuous 6'ft tall chain link fence around the properties. The project site is flat. The project parcel does not contain any buildings or equipment. There are no sidewalks, curb, gutter or street lights along this frontage.

The business involves batch plant and related accessory uses including contractors yard, general service, processing, professional office, and storage of machinery equipment or products. Products for sale will be Aggregate Recycling and Aggregate Material Sales, including Aggregate Base, Sand, Topsoil, and other Engineering and Landscape materials. The site is approximately 2.96 acres in size-and is located along the east side of Beckman Road. Ingress/egress points are provided from Beckman Road and Lockeford Street. The machinery involved will be a Loader, Excavator, Screen, Jaw, Cone, and Blender. The proposed batch plant is generally expected to operate Monday through Friday 7:00 am to 6:00 pm every day. The proposed plan is expected to have the following features:

- The tallest component of the plant will be the stack that is approximately 20 feet high.
- No asphalt production will occur.
- 8 full time employee positions will be created
- There is one asphalt silo, a "Gob hopper" type, enclosed on the top that holds.
- Crushing/recycling of concrete will constitute 25 percent or less of the entire business make up.

ANALYSIS

The business involves batch plant and related accessory uses including contractors yard, general service, processing, professional office, and storage of machinery equipment or products. The site is approximately 2.96 acres in size-and is located along the east side of Beckman Road. Ingress/egress points are provided from Beckman Road and Lockeford Street. The machinery being installed on the site will include: mixing drum, lime and product silos, various bins, bag house (air filtration), fuel storage, burner element, and an approximately 2,000 sq. ft. office building is also proposed.

The crushing operation will involve bringing truckloads of concrete. The material will come from various construction and road projects in the Lodi area. The material will be unloaded and stored on site until a sufficient quantity of material is accumulated. A portable rock crusher will then be trucked to the site and the stored material will be crushed to aggregate size. The applicant anticipates that the rock crusher may be onsite and operating only two or three months out of the year. This is because the Lodi area does not generate enough concrete material to warrant a full time operation. The aggregate, which is used as base material for road and other construction, will be stored in the concrete bins until they are needed on some construction site. The business does not involve production, manufacturing or recycling of asphalt or asphalt based products.

The applicant anticipates an average of 10 to 15 truckloads of material entering and exiting the property per day. Some days there may be as many as 20 trucks, some days as few as 2

trucks. There will also be a front-end loader and other equipment to move the material around. When there is actual crushing going on, there will be a water truck. There are also sprinklers attached onto the crusher and the conveyor belts to reduce dust. Portable sprinklers will be used to wet down the material piles. The proposed operation is similar to the batch plant located on east Turner Road.

The discretionary Use Permit procedure enables Planning and city staff to impose conditions designed to avoid, minimize or mitigate potentially adverse effects of a certain use upon the community or other properties in the vicinity. Staff finds that the proposed asphalt and concrete recycling request is a reasonable request for the property. The lot is zoned Industrial, a zone specifically designated for the most intense types of industrial uses. The property provides convenient ingress/egress points from Beckman Road and Lockeford Street. The previous use was outdoor storage of construction material and equipment. Easy access points and proximity to freeway makes this location ideal for the type of business proposed. The site was previously used to store construction equipment and trucks for the same reason.

Although the process will generate some noise and dust, the levels are not significantly higher than those produced by some of the surrounding businesses. The applicant will be required to obtain operational permits from San Joaquin Valley Air Pollution Control District and comply with all applicable air quality regulations. Standard air quality control operations include dust reduction by watering the ground and the stock piles of materials on a regular basis. The rock crusher will only operate 2 or 3 months out of the year and will be moved off site during the rest of the year.

The proposed concrete recycling will provide Lodi area residents and businesses a place to legally dispose of construction refuse. Taking the material to the landfill has become increasingly expensive in terms of dumping and transportation cost. The proposed business will take material that would ordinarily be considered construction waste and recycle it to a product that can be reused in other construction projects. One hundred percent of the material can be recycled, including the reinforcing steel, which is removed and sold as scrap metal. This keeps the material out of our land fills and will help Lodi meet the State mandated requirement to reduce the amount of solid waste that goes to the land fill.

Staff finds that the proposed Use Permit application, including conditions in the attached resolution, will meet the requirements of the Zoning Ordinance and are consistent with the General Plan. Staff believes that the Planning Commission can make the required findings to approve the requested Use Permit. The required findings are as followed:

1. *The proposed use is allowed with a Use Permit within the applicable zoning district and complies with all applicable provisions of this Development Code.* **Comment:** The Zoning designation for this property is Industrial, which permits facilities for the sorting, grading, and storage of aggregates as construction materials, such as batch plants subject to a Use Permit per Industrial Zoning District per Lodi Municipal Code Section 17.24.030. It is consistent with the requirements of the Industrial Zoning District.
2. *The proposed use is consistent with the General Plan and any applicable specific plan.* **Comment:** The General Plan land use designation for this area is Industrial, which provides for manufacturing facilities such as a batch plant. The proposed batch plant will be similar, if not smaller, than other batch plant located in the same district.
3. *The location, size, design and operating characteristics of the use or development is compatible with and shall not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the area, or be detrimental or injurious*

to public or private property or improvements. **Comment:** The proposed batch plant is compatible with existing and future industrial land uses. The parcel immediately east of the project site is vacant. The uses immediately south and north are industrial in nature. Beckman Road separates the project from parcels to the east. Staff recommends a number of standards to ensure safe and orderly operation of the business. These conditions include an 8' tall CMU fence along the entire Beckman and Lockeford Street frontages, instillation of new driveways, sidewalk, curb, gutter and street lights along Lockeford and Beckman Road frontages, fugitive dust control measures, and etc. In addition, the proposed use will not detrimentally affect residential buildings, churches, schools, hospitals, public playgrounds, and other similar uses. No aspects of the proposed uses has been identified that would create new detrimental impacts.

4. *The location, size, design, and operating characteristics of the proposed use would be compatible with the existing and future land uses in the vicinity.* **Comment:** 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. 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. Lastly, the proposed use, as conditioned, will not have an adverse effect upon the use, enjoyment or valuation of property in the industrial neighborhood because the proposed use is type of business specifically allowed in the Industrial zoning district.
5. *The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the Lodi Environmental Review Guidelines.* **Comment:** The project is found to be categorically exempt according to the California Environmental Quality Act, Article 19 §15332, Class 32, In-fill Development. The project is less than 5 acres, is surrounded by urban uses, can be served by urban services and is not in an environmentally sensitive location.

The proposed project has been reviewed by other City departments. Each department's requirements have been incorporated into the draft resolution. The proposed project will take material that would ordinarily be considered construction waste and recycle it to a product that can be reused in other construction projects. The project assists the City to meet State mandates related to reduction in waste dumped in landfills. In addition, the proposed project would not only provide additional employment opportunities and help preserve the City of Lodi's economic welfare, but provide economic activity to the neighborhood. The proposed facility will be consistent with the goals and objectives as specified in the General Plan for Industrial businesses and put to use an underutilized building that is in need of economic activity. As such, staff recommends that the Planning Commission approve the project, subject to the conditions outlined in the attached resolution.

ENVIRONMENTAL ASSESSMENTS

The project is found to be categorically exempt according to the California Environmental Quality Act, Article 19 §15332, Class 32, In-fill Development. The project is less than 5 acres, is surrounded by urban uses, can be served by urban services and is not in an environmentally sensitive location.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published on March 30, 2013. Thirty-six (36) public hearing notices were sent to all property owners of record within a 300-foot radius of the subject property as required by California State Law §65091 (a) 3.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

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

Respectfully Submitted,

Concur,

Immanuel Bereket
Associate Planner

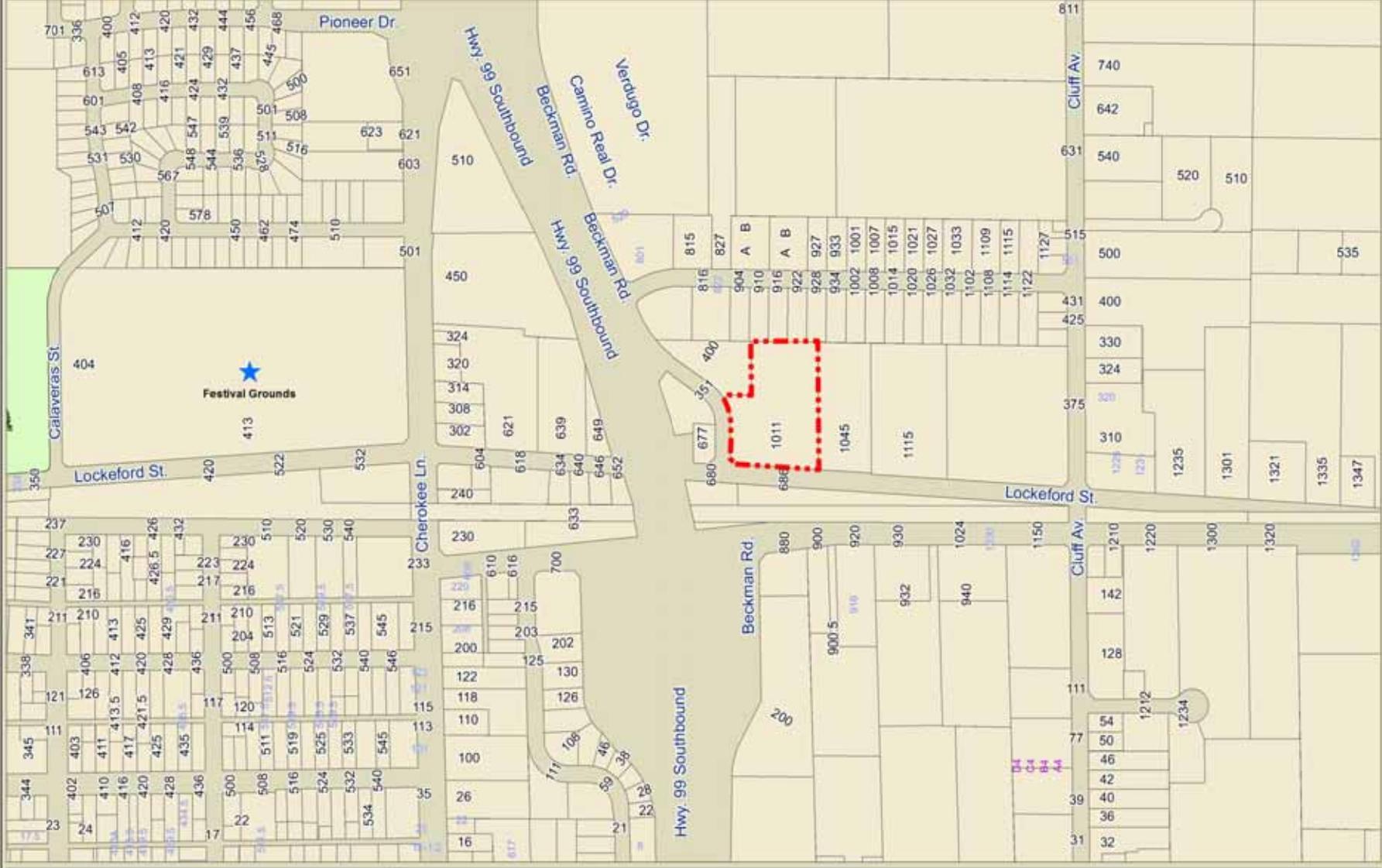
Konradt Bartlam
Community Development Director

ATTACHMENTS:

1. Vicinity Map
2. Aerial Photo
3. Proposed Floor Plan
4. Applicant's Project Description
5. Draft Resolution



Vicinity Map



Festival Grounds



Legend
 PROJECT SITE

Map Scale
 1:4,180

Notes
 For Reference Only.

697 0 348 697 Feet

NAD_1983_StatePlane_California_III_FIPS_0403_Feet
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 THIS MAP IS NOT TO BE USED FOR NAVIGATION



Aerial Map



Legend
[Red dashed box] PROJECT SITE

Map Scale
1:2,090

Notes
For Reference Only.



NAD_1983_StatePlane_California_III_FIPS_0403_Feet
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EXISTING COMMERCIAL BUILDINGS, ADDRESSES @ BLACK DIAMOND WAY

EXISTING INDUSTRIAL STORAGE

PINE VALLEY ELECTRIC

EXISTING INDUSTRIAL STORAGE

TRUCK ENTRANCE

F & H CONSTRUCTION



SCALE = 1" = 40'

TOTAL SITE, 5 ACRES
TOTAL USE, 1 ACRE,
WITH POTENTIAL INCREASE
TO TOTAL 5 ACRES

BECKMAN ROAD

8" CMU
6' HEIGHT

AGGREGATE
BASE
STORAGE

AGGREGATE
RECYCLE
STORAGE

PROPOSED
OFFICE,
20x32

OFFICE

LOADING
AREA

- ① ←
- ② ←
- ③ ←
- ④ ←
- ⑤ ←

TRUCK UNLOADING STALLS

PRODUCT BINS 8" CMU
8' HEIGHT

EXIT

E. LOCKEFORD STREET

1001 AGGREGATES
1011 E. LOCKEFORD STREET, LOOI

CONTACT: DAVID BURKHART 916 825 8112

Lodi Aggregates, 1011 E. Lockeford Street, Lodi, CA

General Description

Lodi Aggregates is seeking to begin an Aggregate Sales and Aggregate Recycling operation at 1011 E. Lockeford Street, Lodi, CA. We will be a wholesale only operation, which is to say that we will be serving Contractors, Trucking Companies, and Landscapers in the Lodi area. We will only serve the general public through a Commercial Trucking Company. We would like to operate from 6 am to 6 pm, Monday through Friday, and 7 am to 1 pm Saturday.

Products offered will include Native Aggregate Base, Recycled Aggregate Base, Sand, Crushed Rock, and various Topsoil products, including Baseball Mix, Greens Mix, and various Blended Topsoils. We will construct block binds in a manner to keep all products separate and organized.

Lodi Aggregates will employ approximately 8 people full and part time, depending on demand, and the overall success of our venture.

Product Description at Site

Lodi Aggregates will offer for sale Aggregate Base, Sand, Crushed Rock, and Topsoil for sale at 1011 E. Lockeford Street location. These products will largely be manufactured at other locations, and offered for sale at our Lodi location.

Recycled Aggregate Base will be manufactured on site, and offered for sale at the Lockeford location. This will be possible by accepting broken concrete and asphalt from local demolition projects, stockpiling these materials in a pile, and then crushing and screening the final product into Recycled Aggregate Base.

Other products, Baseball Mix, Greens Mix, and Blended Topsoil, will be blended on site using products manufactured at other locations.

Lodi Aggregates will not be crushing or blending on a daily basis, but rather at selected, limited times each month, or every other month. The final products will be stockpiled, waiting to be sold each day. The size of the piles will vary, with the recycling pile maybe 40 to 50 feet, while the other piles will be closer to 20 to 25 feet high.

The hours of crushing and screening could vary, if that is deemed more desirable by the neighbors of our project. But again, the crushing, screening, and blending activities will be limited, probably not more than 25% of the days in a typical month.

Thank you,

Lodi Aggregates

RECEIVED

MAR 05 2013

COMMUNITY DEVELOPMENT DEPT
CITY OF LODI

RESOLUTION NO. P.C. 13-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF DAVID BURKHART, ON BEHALF OF LODI AGGREGATES, INC., FOR A USE PERMIT TO ESTABLISH A CONCRETE RECYCLING FOR ONSITE PROCESSING AND OUTDOOR STORAGE FACILITY FOR RECYCLING MATERIALS AT 1011 E. LOCKEFORD ST.

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 17.74; and

WHEREAS, the project site is located at 1011 East Lockeford Street, Lodi, CA 95240 (APN: 049-030-22); and

WHEREAS, the project proponent is David Burkhart, on behalf of Lodi Aggregates, Inc., 3416 West Island Street, Elk Grove, CA 95624; and

WHEREAS, the project properties owners Sherrilyn Msunas, 550 Navajo Place, Danville, CA 94526; and

WHEREAS, the property has a General Plan designation of Industrial and is zoned Industrial; and

WHEREAS, the requested Use Permit to establish a concrete recycling for onsite processing and outdoor storage facility for recycling materials at 1011 E. Lockeford Street; and

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto, the project is found to be categorically exempt according to the California Environmental Quality Act, Article 19 §15332, Class 32, In-fill Development. The project is less than 5 acres, is surrounded by urban uses, can be served by urban services and is not in an environmentally sensitive location.

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 is found to be categorically exempt according to the California Environmental Quality Act, Article 19 §15332, Class 32, In-fill Development. The project is less than 5 acres, is surrounded by urban uses, can be served by urban services and is not in an environmentally sensitive location. A Notice of Exemption was prepared for this project in compliance with the California Environmental Quality Act of 1970, as amended, and the Guidelines provided hereunder.
2. It is found that approval of the Use Permit will result in sound planning practice in that the Use Permit will allow for the orderly use of the site.
3. The Zoning designation for this property is Industrial, which permits a batch plant subject to a Use Permit per Lodi Municipal Code Section 17.24.030.
4. The proposed use is consistent with the General Plan. The General Plan land use designation for this area is Industrial, which permits facilities for the sorting, grading, and storage of aggregates as construction materials, such as batch plants.
5. The location, size, design and operating characteristics of the use or development is compatible with and will not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the area, or be detrimental or injurious to public or private property or improvements. The proposed batch plant is compatible with existing and future land uses because this subject property is located within the Industrial Zoning District. The surrounding uses are primarily industrial uses. In addition, the proposed use will not detrimentally affect residential buildings, churches, schools, hospitals, public playgrounds, and other similar uses because the project site is not proximate to any churches or hospitals;

and does not directly abut residentially zoned properties, parks, or schools. No aspects of the proposed uses has been identified that would create new detrimental impacts.

6. The location, size, design, and operating characteristics of the proposed use would be compatible with the existing and future land uses in the vicinity. 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. Third, the characteristics of the proposed batch plant are consistent with various industrial uses located within the vicinity of the project site and throughout the Industrial Zoning District. Lastly, the proposed use will not have an adverse effect on the public health, safety, and general welfare in that the proposed operational conditions and the limited size of the use business will mitigate any potential adverse effects to neighboring properties. The proposed business is a permitted use within the Industrial Zoning District, and the batch plant will be located within an industrial parcel. No conflicts with existing and potential uses have been identified.
7. The proposed use will not create an enforcement problem in that the proposed use is primarily industrial in nature and is properly located in the Industrial zoning district and will continue to operate under a suite of San Joaquin Valley Air Pollution Control District and environmental health and safety measures.
8. The proposed use will not create a demand for public services within the City beyond that of the ability of the City to meet in the light of taxation and spending restraints in that the use is private and does not require any additional public services.
9. The proposed use would not have a substantial adverse economic effect on nearby uses because operation of the proposed business in accordance with applicable laws, and under the conditions of this Use Permit, is anticipated to be an economic benefit to the community.
10. The conditional use is subject to and must comply with specific local conditions and additional regulations as deemed necessary by other regulatory or permit authorities. The approval does not relieve the applicant from an obligation to obtain any state or federal permits for concrete recycling facilities.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Use Permit Application No. 13-U-03 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 operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
3. Dust generated by the business shall be minimized by the use of water trucks or sprinklers to wet down the roadways, the crushing equipment and conveyor belts, and the piles of construction material.
4. A decorative masonry block wall, no less than 8-feet in height, shall be constructed along the entire Lockeford Street frontage. The said wall shall maintain a minimum of 10'ft setback from

front property line. The setback area along Lockeford Street shall be landscaped with evergreen trees, shrubs and other similar vegetation. All vegetation shall be maintained in a flourishing manner, and kept free of all foreign matters, weeds and plant materials not approved as part of the landscape plan. All irrigation shall be maintained in fully operational condition.

5. The designated outdoor material storage area shall be, designed, including selection and installation of surfacing material, to handle the load/traffic needed for the drop-off and pick-up. The surface of the area shall be treated with dust palliatives, such as magnesium chloride prior to the installation of the surface material. The outdoor material storage area improvements shall be installed concurrently with the building permit.
6. The applicant shall install public improvements such as curb, gutter, sidewalk, a curb return and repair or replace all damaged or below City standards roadway along the entire Lockeford Street and Beckman road frontages.
7. All existing driveways shall be replaced with new commercial driveways conforming to City Standard Plans 114.
8. One 24" box evergreen tree shall be planted for every 15-20 lineal feet of street frontage to provide screen the outdoor storage of materials. Spacing of the trees is dependant on the species of trees. Trees shall be planted according to City Standards.
9. The applicant shall submit landscape and irrigation plans to the Community Development Department for review and approval. Landscape improvements shall be installed according to the approved plans and shall comply with the City's Water Efficient Landscape Ordinance.
10. The applicant shall install parking spaces for the proposed office building. The parking space shall conform to the City's Parking Standards. All designated vehicle circulation driveways and parking areas depicted on the site plan shall remain clear, open and unobstructed at all times.
11. The facility shall be maintained so as to prevent or control on-site population of vectors using techniques appropriate for protection of human health and the environment and prevent the facility from being a vector breeding area.
12. Any materials stored outdoors shall not protrude above the 8-foot high CMU fence.
13. 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.
14. The applicant shall obtain a building permit for the proposed project. All plan submittals shall be based on the City of Lodi Building Regulations and currently adopted 2010 California Building Code (CBC). Please review our policy handouts for specific submittal procedures. The Building and Safety Division may be contacted at 221 West Pine Street, Lodi, CA 95240-2127. Phone number (209)333-6714.
15. Plans shall include all interior and exterior accessibility requirements as specified by the 2010 CBC. **Note:** The 2010 CBC, Section 1133B.1.1.1.1 requires all entrances and ground-floor exit doors to building and facilities shall be accessible to persons with disabilities and shall be connected by an accessible route to the public way and accessible parking spaces. Project plans must illustrate the accessible path of travel from the doors to the accessible parking spaces and the public way or to an area of safe dispersal in compliance with 2010 CBC. Further, plans to specify walkways and sidewalks along accessible routes of travel (1) are continuously accessible, (2) have maximum 1/2" changes in elevation, (3) are minimum 48" in width, (4) have a maximum 2% cross slope, and (5) where necessary to change elevation at a slope exceeding 5% (i.e., 1:20) shall have ramps complying with 2010 CBC, Section 1133B.5. Where a walk crosses or adjoins a vehicular way, and the walking surfaces are not separated by curbs, railings or other elements between the pedestrian areas and vehicular areas shall be defined by a continuous detectable warning which is

- 36" wide, complying with 2010 CBC, Section 1133B.8.5. 2010 CBC, Sections 1133B.1.1.1.1, 1127B.1.
16. The applicant shall obtain an Operational Permit from the Lodi Fire Department, Fire Prevention Bureau. The Operational Permit shall be obtained prior to commencement of sale of business. The Fire Department may be contacted at 25 East Pine Street, Lodi, CA 95240-2127. Phone Number (209) 333-6739.
 17. Processing recyclable materials, including but not limited to, crushing, ripping, shredding, shattering, compacting, etc, or otherwise fragmenting of cement/concrete materials by heavy equipment shall be prohibited on this site. Mixing of recycled materials on site shall be permitted.
 18. Loading and Off-loading of materials shall occur wholly within the materials storage areas within the fenced yard, as depicted on the site plan. The loading and unloading of any material on or adjacent to the public right of way shall be prohibited.
 19. No queuing on public right of way shall be permitted.
 20. The site shall be maintained free of litter and any other undesirable materials and shall be cleaned of loose debris on a daily basis. The applicant, operator, manager and successor's interest in management shall be responsible for picking up all litter and waste material within any public or private right-of-way within 300 feet of the tenant space boundaries.
 21. Project applicant shall obtain approvals from the Air Quality District and shall maintain a valid Permit to Operate issued by the San Joaquin Valley Air Quality Management District (AQMD) for the duration of the project.
 22. All new development is required to perform best management practices (BMP) as required in the City Stormwater Development Standard Plans (DSP). The project must include measures to mitigate the pollutants of concern listed in the DSP. The building plans must include the mitigation measures prior to Public Works approval.
 23. All project design and construction shall be in compliance with the Americans with Disabilities Act (ADA). Project compliance with ADA standards is the developer's responsibility.
 24. Payment of the following prior to building permit issuance unless noted otherwise:
 - I. Filing and processing fees and charges for services performed by City forces per the Public Works Fee and Service Charge Schedule.
 - II. Development Impact Mitigation Fee at the time of occupancy.
 - III. Regional Transportation Impact Fee (RTIF) at the time of building permit issuance.
 25. An encroachment permit issued by the Public Works Department is required for the following work:
 - I. All work along the Lockeford Street and Beckman Road right-of-way including, but not limited to, curb, gutter, sidewalk, a curb return, driveway entrances and all damaged or below city standard roadway improvements.
 26. All future external lighting, whether installed for security, safety or landscape design purposes, shall be shielded, downcast or shall be positioned in a manner that will not shine or allow light glare to exceed the boundaries of the parcel on which it is placed.
 27. The access road, driveway and interior circulation routes shall be maintained in such a manner as to ensure minimum dust generation subject to regulations of the Air Quality Management District (AQMD). Any rock material used for surfacing must comply with AQMD regulations regarding asbestos content. All grading activities shall comply with Regulation 1, Rule 4300 (Fugitive Dust Emissions).
 28. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this entitlement.

29. In the event that archaeological resources are encountered on the site, further disturbance in the immediate vicinity of the find shall be halted until all requirements of the City of Lodi Municipal Code.
30. Any equipment used for the business shall comply with the Noise Ordinance. If complaints are received and verified by the City regarding noise from equipment associated with the facility, the applicant/operator and/or successors in interest and management shall mitigate and/or make any necessary modifications so noise levels comply with acceptable standards identified in the City's General Plan.
31. Noise levels shall not exceed sixty-five (65) dBA, as measured from the outside wall of the building envelop. The business hours of operation shall be from 7:00 a.m. to 6:00 p.m., Monday through Sunday, unless modified in writing and approved by the Planning Division. All business related to the facility, including removal recyclable materials shall be within these approved hours.
32. In the event the use hereby permitted under this permit is: (a) found to be in violation of the terms and conditions of this permit; (b) found to have been obtained by fraud or perjured testimony; or (c) found to be detrimental to the public health, safety or general welfare, or a public nuisance; this permit shall be subject to the revocation procedures in accordance with the City of Lodi Municipal Code.
33. At all times during the conduct of the use(s) allowed by this permit, the use(s) shall maintain and keep in effect valid licensing from appropriate local, state and/or federal agencies as required by law. Should such required licensing be denied, expire or lapse at any time in the future, this permit shall become null and void.
34. Any sign(s) shall require a building permit from the Community Development Department. Said sign(s) shall be in full compliance with the City of Lodi Sign Ordinance and any applicable master sign program for the subject site.
35. 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.
36. 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.
37. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.
38. Additional comments and conditions will be provided in conjunction with the approval of a building permit for this project.

Dated: April 10, 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 April 10, 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: April 10, 2013

APPLICATION NO: Use Permit: 13-U-04

REQUEST: Request for Planning Commission approval of a Use Permit to establish a wine production facility at 1002 Black Diamond Way. (Applicant: Calwd, Inc., on behalf of Jeremy Wine Co. DBA: File Number: 13-U-04).

LOCATION: 1002 Black Diamond Way
APN: 049-180-26
Lodi, CA 95240

APPLICANT: Calwd, Inc., on behalf of Jeremy Wine Co. DBA
6 West Pine Street
Lodi, CA 95240

PROPERTY OWNER: Jiao Jie & Jian Qing Ma PTP
8842 Lansdowne Drive
Stockton, CA 95210

RECOMMENDATION

Staff recommends that the Planning Commission approve the request of Calwd, Inc., on behalf of Jeremy Wine Co. DBA, for a Use Permit to allow a winery production facility at 1002 Black Diamond Way, subject to the conditions in the attached resolution.

PROJECT AREA DESCRIPTION

General Plan Designation: Industrial
Zoning Designation: Industrial
Property Size: 0.31-acres (13,367 sq. ft.)

The adjacent zoning and land use characteristics:

	ADJACENT ZONING DESIGNATIONS AND LAND USES		
	GENERAL PLAN	ZONING CLASSIFICATION	EXISTING LAND USE
North	Industrial	Industrial	Warehouse/industrial use
South	Industrial	Industrial	Warehouse/industrial use
East	Industrial	Industrial	Warehouse/industrial use
West	Industrial	Industrial	Warehouse/industrial use

SUMMARY

The applicant requests a Use Permit to establish a winery production facility at 1002 Black Diamond Way. This proposed project will adaptively re-use an existing industrial facility to accommodate this project. The facility will be used for the purpose of crushing and fermenting of wine. Most of the building will be converted to a production facility, incorporate a small laboratory and the existing offices will remain as offices for the winery. No new structures or additions to the footprint of the existing building are proposed with this application. The proposed project also involves limited production facility tours, tasting, events, etc.

BACKGROUND

The project site contains a vacant industrial building with three tenant spaces and multiple onsite parking. One of the spaces is occupied by a food processing firm. The other two spaces are vacant. The subject tenant space has been vacant since 2009. Available City records indicate there are no pending Code violations. Jeremy Wine Co. currently operates a wine tasting room and retail services at 6 West Pine Street since 2010.

ANALYSIS

The applicant's proposal is to utilize a vacant industrial space located at 1002 Black Diamond Way into a wine production facility consisting of the crushing of grapes, fermenting wine and the aging of wine in barrels. The majority of the wine production will take place during the months of harvest in the fall. Grapes will be brought in from off-site to be crushed and fermented at the proposed facility. Truck traffic will be limited to the morning hours and consist of one daily delivery during a week-long harvest period. At any given time there may be 20-25 barrels of fermenting wine and between 100-200 cases of finished wine being stored on the site. The site will also contain a small office for administrative uses. The facility will be in use up to 7 days a week primarily for office use. During the harvest, the facility will operate 7 days a week. According to the applicant, facility tours and tasting will be conducted by appointment only and will be limited to small groups of 2-6 people. A small retail wine sales area will also be established inside the building where tasting groups may purchase wine for off-site consumption.

The property provides six (6) onsite parking spaces for all three tenants. Parking spaces are shared by all three tenants. There are no full time employees, except for the owner. There will be a maximum of 2-4 part-time employees during bottling operations and during such times, tastings will not occur. Since most of the businesses in the complex are closed on weekends, there is substantially more vacant parking on Saturdays and Sundays when most tasting appointments are proposed to occur. Therefore, available on-site parking is sufficient to meet the needs of employees and appointed guests.

Per Land Use Code Section 17.24.030, wine production is permitted in the Industrial zoning designation subject to an approved use permit by the Planning Commission. 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. The project site belongs to Census Tract 45. Census Tract 45 covers the area south of Mokelumne River, west of Guild Avenue, north of Lodi Avenue and east of Union Pacific Rail Road (U.P.R.R) Line. According to ABC, Census Tract 45 contains ten (10) existing on-sale licenses with eight (8) on-sale licenses allowed based on the ABC criteria. However, wineries, wine production facilities and associated wine tasting rooms and wholesales and retail sales of wine are exempt from ABC regulations related to over-concentration and the need to obtain public necessity and convenience from the Planning Commission. However, the Commission should review the application to ensure that sale of alcohol will not adversely affect surrounding residents, businesses, and institutions and to ensure that any such use operates in a manner compatible with existing and future adjacent uses. In the past, the Planning Commission and the Planning staff have generally supported wineries and wine manufacturing operations that wish to acquire an ABC on-sale license because, typically, they do not create alcohol related problems.

The discretionary Use Permit procedure enables the Planning and the city staff to impose conditions designed to avoid, minimize or mitigate potentially adverse effects of a certain use upon the community or other properties in the vicinity. Staff proposes operational conditions requiring orderly removal of wine waste within 24 hours, prohibition of public queuing, and noise and odor control mitigation measures. Staff believes that the Planning Commission can make the required findings to approve the requested Use Permit. The required findings are as followed:

1. *The proposed use is allowed with a Use Permit within the applicable zoning district and complies with all applicable provisions of this Development Code.* **Comment:** The Zoning designation for

this property is Industrial, which permits beverage production and on-site consumption subject to a Use Permit per Lodi Municipal. The proposed wine manufacturing establishment with limited on-site consumption (wine tasting) is permitted is the type of business permitted in the Industrial Zoning District per Lodi Municipal Code Section 17.24.030.

2. *The proposed use is consistent with the General Plan and any applicable specific plan. .*
Comment: The General Plan land use designation for this area is Industrial, which provides for manufacturing, warehousing, general service, storage and distribution activities. The proposed wine manufacturing and storage of wine is the type of business allowed by the General Plan. Limited retail sale of wine in conjunction with a wine manufacturing facility is a common way for wine manufacturers to expand and improve their activities and is therefore, consistent, with the General Plan.
3. *The location, size, design and operating characteristics of the use or development is compatible with and shall not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the area, or be detrimental or injurious to public or private property or improvements.* **Comment:** The proposed wine production facility with an associated retail and onsite wine tasting establishment is compatible with existing and future land uses because this subject property is located within the Industrial Zoning District. The surrounding uses are primarily industrial uses. Furthermore, the City has not received any complaints from surrounding properties since a noodle manufacturing facility was opened in Suite A of the subject building. In addition, the proposed use will not detrimentally affect residential buildings, churches, schools, hospitals, public playgrounds, and other similar uses, as well as other establishments dispensing alcoholic beverages, including beer and wine, for sale or other consideration in that the property is not proximate to any churches or hospitals; and does not directly abut residentially zoned properties, parks, or schools. No aspects of the proposed use has been identified that would create new detrimental impacts.
4. *The location, size, design, and operating characteristics of the proposed use would be compatible with the existing and future land uses in the vicinity.* **Comment:** 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. Third, the proposed use, as conditioned, will not have an adverse effect upon the use, enjoyment or valuation of property in the industrial neighborhood because the proposed use will be located within an existing building with no additions to the footprint of the building. Fourth, the characteristics of the proposed manufacturing of wine are consistent with various manufacturing uses located within the vicinity of the project site and throughout the Industrial Zoning District. 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 mitigate any potential adverse effects to neighboring properties. The proposed business is a permitted use within the Industrial Zoning District, and the facility will be located within an existing building. No conflicts with existing and potential uses have been identified.
5. *The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the Lodi Environmental Review Guidelines.* **Comment:** The project is categorically exempt from CEQA review under 14 CCR §15301(a). Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities or mechanical equipment, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The project meets this exemption because the proposed use does not expand the physical use of the existing structure. Further, proposed alterations are to be made primarily to the interior of the

existing building without increasing the square footage of the structure or changing its zoning designation. Further, the proposed project is also exempt from CEQA under 14 CCR §15183 (projects consistent with a community plan, general plan or zoning). CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an Environmental Impact Report (EIR) was certified shall not require additional environmental review. The project is consistent with the current zoning and the City's General Plan. In addition, the proposed project is exempt from CEQA review under 14 CCR §15061(b)(3). A project is exempt from CEQA if it does not have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in questions may have a significant effect on the environment, the activity is not subject to CEQA. For the reasons discussed above, no significant environmental effects would occur as the result of the proposed project.

Staff sent copies of the application to various City departments for comments and review. Their comments and requirements have been incorporated into the attached resolution. Staff believes that the proposed Use Permit is consistent with the requirements of the Zoning Ordinance and the policies outlined in the General Plan. The project site is appropriate for the proposed use given its isolation from residential and commercial uses. In addition, one of the primary goals of Lodi's General Plan is the continued support and preservation of agriculture and the wine industry. Establishing industry specific uses such as production facilities within the city's industrial districts is a means in which the city can continue to support the industry and preserve land for agricultural uses. As such, staff recommends that the Planning Commission approve the project, subject to the conditions outlined in the attached resolution.

ENVIRONMENTAL ASSESSMENTS

The project is categorically exempt from CEQA review under 14 CCR §15301(a), 14 CCR §15183, and 14 CCR §15061(b)(3). For the reasons discussed above, no significant environmental effects would occur as the result of the proposed project.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published on Saturday, March 30, 2013. Thirty-one (31) public hearing notices were sent to all property owners of record within a 300-foot radius of the subject property as required by California State Law §65091 (a) 3.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

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

Respectfully Submitted,

Concur,

Immanuel Bereket
Associate Planner

Konradt Bartlam
Community Development Director

ATTACHMENTS:

1. Vicinity Map
2. Aerial Photo
3. Proposed Site/Floor Plan
4. Draft Resolution



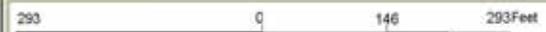
Vicinity Map



Legend
[Red dashed box] PROJECT SITE



Map Scale
1:1,756



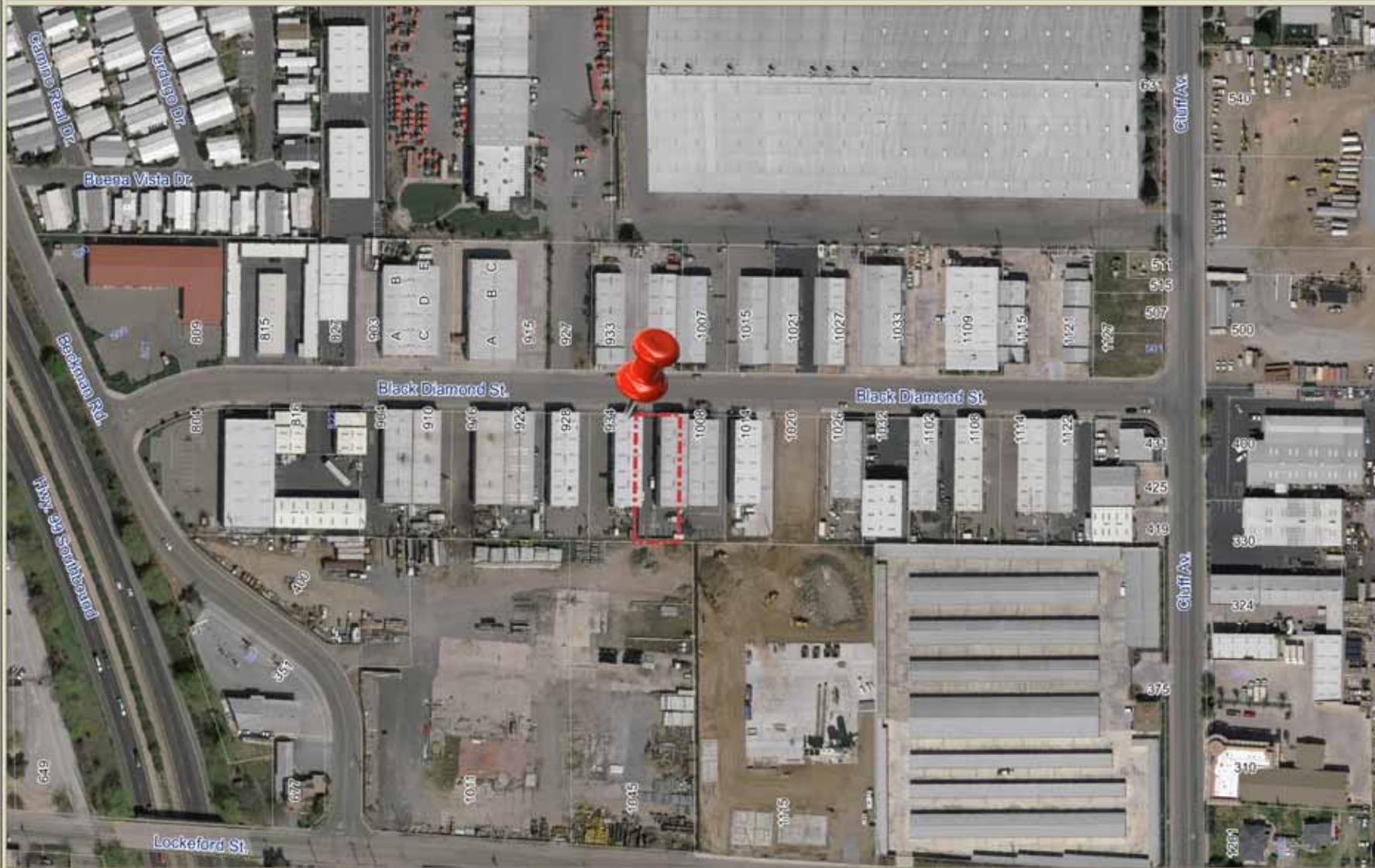
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes



Aerial Map



Legend
PROJECT SITE

Map Scale
1:1,756

Notes

293 0 146 293 Feet

NAD_1983_StatePlane_California_III_FIPS_0403_Feet
© City of Lodi Geographic Information Systems

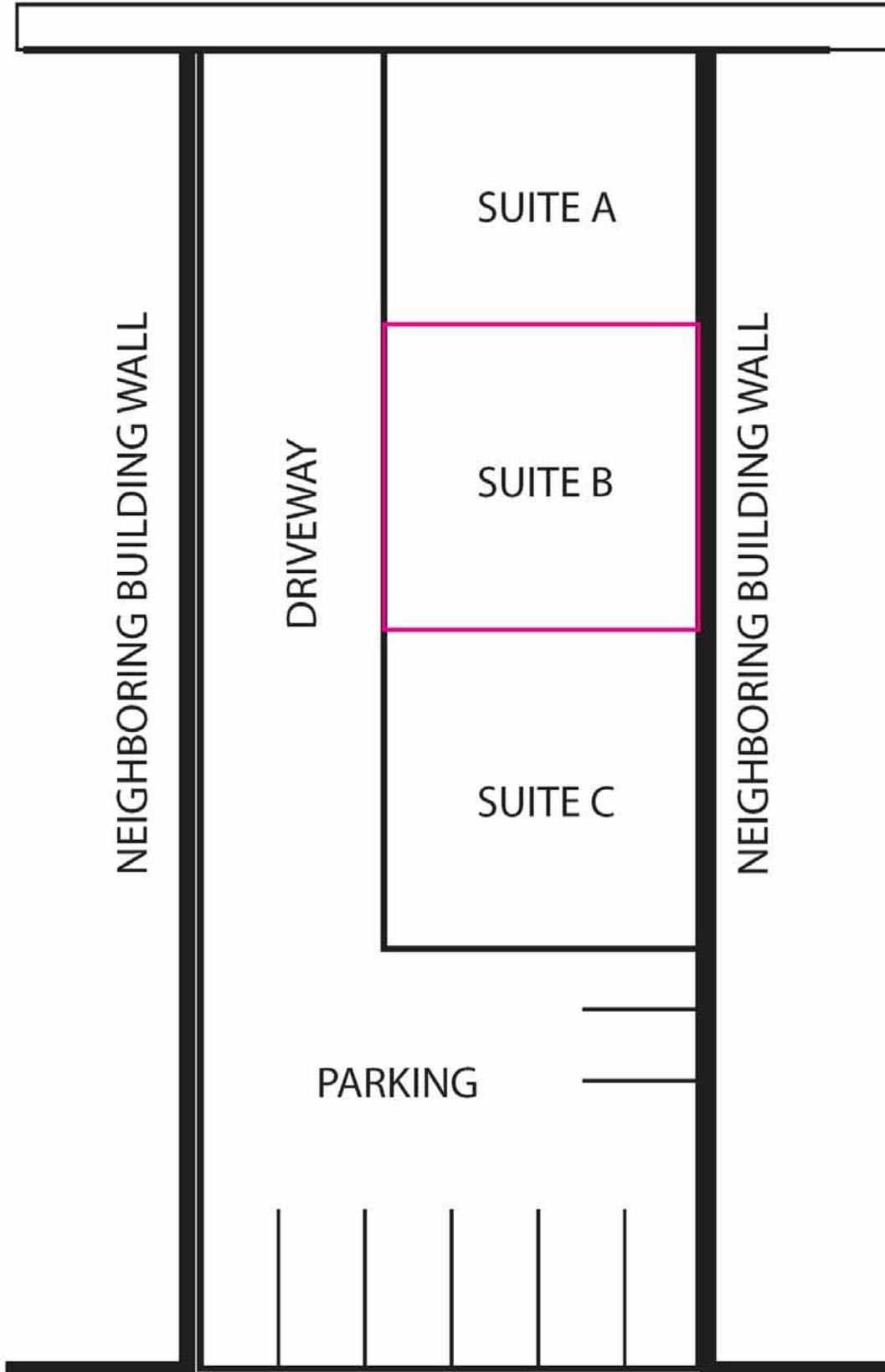
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

1002 BLACK DIAMOND WAY
LODI, CA 95240

BLACK DIAMOND WAY

I



RESOLUTION NO. P.C. 13-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF CALWD, INC., ON BEHALF OF JEREMY WINE CO. DBA A USE PERMIT TO ESTABLISH A WINE PRODUCTION FACILITY AT 1002 BLACK DIAMOND WAY

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 17.74; and

WHEREAS, the project site is located at 1002 Black Diamond Way, Lodi, CA 95240 (APN: 049-180-26); and

WHEREAS, the project proponent is Calwd, Inc., on behalf of Jeremy Wine Co. DBA 6 West Pine Street, Lodi, CA 95240; and

WHEREAS, the project property owners are Jiao Jie & Jian Qing Ma PTP, 8842 Lansdowne Drive Stockton, CA 95210; and

WHEREAS, the property has a General Plan designation of Industrial and is zoned Industrial; and

WHEREAS, the requested Use Permit to establish a wine manufacturing facility (ABC Type 2) and Public Warehouse (ABC Type 14) at 1002 Black Diamond Way; and

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; this project has been found to be categorically exempt from CEQA under 14 CCR §15301(a), 14 CCR §15183, and 14 CCR §15061(b)(3); 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 is categorically exempt from CEQA review under 14 CCR §15301(a). Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities or mechanical equipment, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The project meets this exemption because the proposed use does not expand the physical use of the existing structure. Further, proposed alterations are to be made primarily to the interior of the existing building without increasing the square footage of the structure or changing its zoning designation. Further, the proposed project is also exempt from CEQA under 14 CCR §15183 (projects consistent with a community plan, general plan or zoning). CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an Environmental Impact Report (EIR) was certified shall not require additional environmental review. The project is consistent with the current zoning and the City's General Plan. In addition, the proposed project is exempt from CEQA review under 14 CCR §15061(b)(3). A project is exempt from CEQA if it does not have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in questions may have a significant effect on the environment, the activity is not subject to CEQA. For the reasons discussed above, no significant environmental effects would occur as the result of the proposed project.
2. The Zoning designation for this property is Industrial, which permits beverage production and on-site consumption subject to a Use Permit per Lodi Municipal Code. The proposed wine manufacturing establishment with limited on-site consumption (wine tasting) is the type of business specifically permitted in the Industrial Zoning District per Lodi Municipal Code Section 17.24.030.

3. The proposed use is consistent with the General Plan. The General Plan land use designation for this area is Industrial, which provides for manufacturing, warehousing, general service, storage and distribution activities. The proposed wine manufacturing and storage of wine is the type of business allowed by the General Plan. Limited retail sale of wine in conjunction with a wine manufacturing facility is a common way for wine manufacturers to expand and improve their activities and is therefore, consistent, with the General Plan.
4. The location, size, design and operating characteristics of the use or development is compatible with and will not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the area, or be detrimental or injurious to public or private property or improvements. The proposed wine production facility with an associated retail and onsite wine tasting establishment is compatible with existing and future land uses because this subject property is located within the Industrial Zoning District. The surrounding uses are primarily industrial uses. Furthermore, the City has not received any complaints from surrounding properties since a noodle manufacturing facility was opened in Suite A of the subject building. In addition, the proposed use will not detrimentally affect residential buildings, churches, schools, hospitals, public playgrounds, and other similar uses, as well as other establishments dispensing alcoholic beverages, including beer and wine, for sale or other consideration in that in that the property is not proximate to any churches or hospitals; and does not directly abut residentially zoned properties, parks, or schools. No aspects of the proposed uses have been identified that would create new detrimental impacts.
5. The location, size, design, and operating characteristics of the proposed use would be compatible with the existing and future land uses in the vicinity. 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. Third, the proposed use, as conditioned, will not have an adverse effect upon the use, enjoyment or valuation of property in the industrial neighborhood because the proposed use will be located within an existing building with no additions to the footprint of the building. Fourth, the characteristics of the proposed manufacturing of wine are consistent with various manufacturing uses located within the vicinity of the project site and throughout the Industrial Zoning District. 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 mitigate any potential adverse effects to neighboring properties. The proposed business is a permitted use within the Industrial Zoning District, and the facility will be located within an existing building. No conflicts with existing and potential uses have been identified.
6. The proposed use will not create an enforcement problem in that the proposed use is primarily industrial in nature and is properly located in the Industrial zoning district and will continue to operate under a suite of environmental health and safety measures.
7. The proposed use will not create a demand for public services within the City beyond that of the ability of the City to meet in the light of taxation and spending restraints in that the use is private and does not require any additional public services.
8. The proposed use would not have a substantial adverse economic effect on nearby uses because operation of the proposed business in accordance with applicable laws, and under the conditions of this Use Permit, is anticipated to be an economic benefit to the community.
9. The conditional use is subject to and must comply with specific local conditions and additional regulations as deemed necessary by other regulatory or permit authorities. The approval does not relieve the applicant from an obligation to obtain applicable state or federal permits for manufacturing and sale of alcohol products.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Use Permit Application No. 13-U-04 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 operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
3. The property owner and/or developer and/or successors in interest and management shall insure that the sale of alcohol does not cause any condition that will cause or result in repeated activities that are harmful to the health, peace or safety of persons residing or working in the surrounding area. This includes, but is not limited to: disturbances of the peace, illegal drug activity, public intoxication, drinking in public, harassment of people passing by, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, excessive loud noises, traffic violations or traffic safety based upon last drink statistics, curfew violations, lewd conduct, or police detention and arrests.
4. If any of the following conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted; deny or further condition issuance of all future building permits; deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted; record a notice of violation on the property title; institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. No vested rights are gained by Developer or a successor in interest by the City's approval of this Use Permit (13-U-04).
5. The Use Permit shall be vested within six (6) months from the effective date of approval. A building permit for the tenant improvements allowed under this Use Permit shall have been obtained within six (6) months from the effective date of the Use Permit or the Use Permit shall expire; provided however that the Use Permit may be extended pursuant to the Lodi Municipal Code.
6. The Use Permit shall not become effective until ten (10) business days after approval, providing that the action is not appealed by the City Council or any other interested party within that 10 day period.
7. Any request for an extension of the Use Permit must be justified in writing and received by the Planning Department at least thirty (30) days prior to expiration.
8. The 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 License Type 2 and Type 14.
9. 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 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.

10. Prior to the issuance of a Type-2 and Type 14 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.
11. 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.
12. All temporary and permanent signage proposed in connection with the wine making operation shall be reviewed and approved by the Community Development Department.
13. All winery waste shall not be stored outside and shall be properly disposed of within 24 hours of crush activity.
14. All delivery truck cueing shall take place off of the public right-of-way.
15. The project proponent/applicant and/or developer and/or successors in interest and management shall maintain the project site free of litter, shopping-carts or any other undesirable materials and shall be cleaned of loose debris on a daily basis.
16. Any equipment used for the business shall comply with the Noise Ordinance. If complaints are received and verified by the City regarding noise from equipment associated with the facility, the applicant/operator and/or successors in interest and management shall mitigate and/or make any necessary modifications so noise levels comply with acceptable standards identified in the City's General Plan.
17. Noise levels shall not exceed sixty-five (65) dBA, as measured from the outside wall of the building envelop. The business hours of operation shall be from 6:00 a.m. to 6:00 p.m., Monday through Sunday, unless modified in writing and approved by the Planning Division. All business related to the facility, including removal recyclable materials shall be within these approved hours.
18. Subsequent modifications of this approval, which do not intensify the use, including but not limited to alteration of parking and circulation design, minor changes to the conditions of approval, interpretations of the conditions of approval relative to intent, necessity of, and timing, may be approved by the Community Development Director, unless the Community Development Director requires a Substantial Conformance or Revised Permit application in accordance with the Zoning Ordinance.
19. In the event the use hereby permitted under this permit is: (a) found to be in violation of the terms and conditions of this permit; (b) found to have been obtained by fraud or perjured testimony; or (c) found to be detrimental to the public health, safety or general welfare, or a public nuisance; this permit shall be subject to the revocation procedures in accordance with the City of Lodi Municipal Code.
20. At all times during the conduct of the use(s) allowed by this permit, the use(s) shall maintain and keep in effect valid licensing from appropriate local, state and/or federal agencies as required by law. Should such required licensing be denied, expire or lapse at any time in the future, this permit shall become null and void.
21. Tenant Improvement plans are required for the change of use. 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.

- 22. Storage racks greater than 6' in height are required to be submitted under separate permit and cover. Storage racks greater than 8' in height shall be provided with structural calculations. Storage 12' or greater in height must be reviewed as high piled storage." City of Lodi Policy and Procedure B-[08]-[09]
- 23. The California Building Code (Title 24 Section 1134B) requires that existing buildings, when alterations are made, shall be verified for compliance with disabled access requirements. These requirements shall apply only to the specific area of alteration and shall include an accessible entrance, an accessible route to the altered area, at least one accessible restroom for each sex, telephones and drinking fountains (if existing), and when possible additional items such as parking, storage and alarms.
- 24. Any sign(s) shall require a building permit from the Community Development Department. Said sign(s) shall be in full compliance with the City of Lodi Sign Ordinance and any applicable master sign program for the subject site.
- 25. An operational permit shall be required from the Lodi Fire Department for the operation of the wine manufacturing facility. Please contact the Lodi Fire Prevention Bureau at 25 East Pine Street, Lodi - (209) 333-6735.
- 26. 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.
- 27. 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.
- 28. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

Dated: April 10, 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 April 10, 2013 by the following vote:

- AYES:** Commissioners:
- NOES:** Commissioners:
- ABSENT:** Commissioners:

ATTEST _____
Secretary, Planning Commission

Item 3d.

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: April 10, 2013

APPLICATION NO: Use Permit: 13-U-05

REQUEST: Request for Planning Commission approval of a Use Permit to establish a wine production facility at 27 East Vine Street. (Applicant: Jeff Hansen, on behalf of AH Wines, Inc, DBA Lodi City Wines; File Number: 13-U-05).

LOCATION: 27 East Vine Street
APN: 047-030-02
Lodi, CA 95240

APPLICANT: Jeff Hansen, on behalf of AH Wines, Inc. DBA Lodi City Wines
9 West Locust Street
Lodi, CA 95240

PROPERTY OWNER: Janet Griffin Yarborough ETA
119 North Crescent Avenue
Lodi, CA 95240

RECOMMENDATION

Staff recommends that the Planning Commission approve the request of Jeff Hansen, on behalf of AH Wines, Inc., DBA Lodi City Wines, for a Use Permit to allow a winery production facility at 27 East Vine Street, subject to the conditions in the attached resolution.

PROJECT AREA DESCRIPTION

General Plan Designation: Industrial
Zoning Designation: Industrial
Property Size: 0.95-acre (41,500 sq. ft.)

The adjacent zoning and land use characteristics:

	ADJACENT ZONING DESIGNATIONS AND LAND USES		
	GENERAL PLAN	ZONING CLASSIFICATION	EXISTING LAND USE
North	Industrial	Industrial	Warehouse/industrial use
South	Industrial	Industrial	Warehouse/industrial use
East	Industrial	Industrial	Warehouse/industrial use
West	Industrial	Industrial	Warehouse/industrial use

SUMMARY

The applicant, Jeff Hansen, on behalf of AH Wines, Inc., DBA Lodi City Wines, requests Planning Commission approval of a Use Permit to operate a wine center winery production facility at 27 East Vine Street. The proposal includes a wine crushing, fermentation, storage and distribution of wine to local and overseas businesses. Application is conditioned to remove all wine waste within twenty-four (24) hours. The proposed project will adaptively re-use existing vacant industrial buildings. No exterior changes are proposed. Proposed hours of operation are 7 a.m. to 6 p.m.

BACKGROUND

The project site is comprised of three single-story buildings bordered by the UPRR line to the west, and industrial buildings to the north, east and south. Available City records indicate that the buildings have been used by various uses ranging from auto mechanic shops to metal welding to storage. The design and construction of the building permits the proposed use. There are no outstanding code violations as of the preparation of this staff report. The property will be remodeled to accommodate the proposed use.

ANALYSIS

The applicant's proposal is to utilize vacant industrial buildings located at 27 East Vine Street for wine production facility consisting of the crushing of grapes, fermenting wine, the aging of wine in barrels and wholesale distribution of products. The majority of the wine production will take place during the months of harvest in the fall. Grapes will be brought in from off-site to be crushed and fermented at the proposed facility. Truck traffic will be limited to the morning hours and consist of one daily delivery during a week-long harvest period. The facility will be in use up to 7 days a week and is expected to employ up to 9 people. The subject property and all the surrounding properties are within Industrial Zoning District, which permits a variety of industrial and commercial uses, including manufacturing and sale of alcohol for on and/or off site consumption. The business would also require several alcohol licenses (type 2, 9, 14, 17 and 20) from the California Department of Alcoholic Beverage Control (ABC) to allow the proposed use.

Type 02 (Winery) ABC license authorizes the sale of wine and brandy to any person holding a license authorizing the sale of wine and brandy, and to consumers for consumption off the premises where sold. It also allows winetastings. Type 09 (Beer and Wine Importer) ABC license is only issued to a person who holds another type of license which permits the sale of beer and wine for resale. This license has no sale privileges. It only permits the holder to import and export alcoholic beverages and to transfer the beverages to him/herself under another license. Type 12 (Public Warehouse) ABC license authorizes warehouse service for alcoholic beverage where wholesale and retail distribution may occur. A public warehouse is one of the types of premises to which imports may come to rest and It is also one of the types of premises from which a distilled spirits wholesaler may make deliveries if it is in the county where he/she is licensed. Type 17 (Beer and Wine Wholesaler) ABC authorizes wholesale distribution of beer and wine products. Type 17 ABC license also permits incidental sales to other licensees such as restaurants, bars, etc.

Per Land Use Code Section 17.24.030, wine production is permitted in the Industrial zoning designation subject to an approved use permit by the Planning Commission. 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. The project site belongs in Census Tract 44.03, which covers the area north of Kettleman Lane, east of the UPRR line, south of Lodi Avenue and west of the CCT line. The area is over-concentrated as defined by ABC for license Type 17 (beer and wine). Planning staff is of the opinion a public need and necessity/convenience is warranted on this case because of the entire nature of the proposed business. The wholesale application is not a retail business and wholesale distribution is unlike a retail business in that single serving beverages are not sold, which tend to cause unnecessary policing problems. In the past, the Planning Commission and the Planning staff have generally supported wineries and wine manufacturing operations that wish to acquire an ABC on- and off-sale license because, typically, they do not create alcohol related problems.

The discretionary Use Permit procedure enables the Commission to impose conditions designed to avoid, minimize or mitigate potentially adverse effects of a certain use upon the community or adjacent properties. Staff proposes operational conditions requiring orderly removal of wine waste within 24 hours, prohibition of public queuing, and noise and odor control mitigation measures. Staff believes that the Planning Commission can make the required findings to approve the requested Use Permit. The required findings are as followed:

1. *The proposed use is allowed with a Use Permit within the applicable zoning district and complies with all applicable provisions of this Development Code.* **Comment:** The Zoning designation for this property is Industrial, which permits beverage production and on-site consumption subject to a Use Permit per Lodi Municipal Code Section 17.040.030. The proposed wine manufacturing establishment with limited on-site consumption (wine tasting) is permitted is the type of business permitted in the Industrial Zoning District per Lodi Municipal Code Section 17.24.030.
2. *The proposed use is consistent with the General Plan and any applicable specific plan.* **Comment:** The General Plan land use designation for this area is Industrial, which provides for manufacturing, warehousing, general service, storage and distribution activities. The proposed wine manufacturing and storage of wine is the type of business allowed by the General Plan. Limited retail sale of wine in conjunction with a wine manufacturing facility is a common way for wine manufacturers to expand and improve their activities and is therefore, consistent, with the General Plan.
3. The location, size, design and operating characteristics of the use or development is compatible with and shall not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the area, or be detrimental or injurious to public or private property or improvements. **Comment:** The proposed wine production facility with an wholesale distribution establishment is compatible with existing and future land uses because this subject property is located within the Industrial Zoning District and will be conducted entirely within building footprints. In addition, the proposed use will not detrimentally affect residential buildings, churches, schools, hospitals, public playgrounds, and other similar uses, as well as other establishments dispensing alcoholic beverages, including beer and wine, for sale or other consideration in that in that the property is not proximate to any churches or hospitals; and does not directly abut residentially zoned properties, parks, or schools. No aspects of the proposed uses has been identified that would create new detrimental impacts.
4. The location, size, design, and operating characteristics of the proposed use would be compatible with the existing and future land uses in the vicinity. **Comment.** 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. Third, the proposed use, as conditioned, will not have an adverse effect upon the use, enjoyment or valuation of property in the industrial neighborhood because the proposed use will be located within an existing building with no additions to the footprint of the building. Fourth, the characteristics of the proposed manufacturing of wine are consistent with various manufacturing uses located within the vicinity of the project site and throughout the Industrial Zoning District. 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 mitigate any potential adverse effects to neighboring properties. The proposed business is a permitted use within the Industrial Zoning District, and the facility will be located within an existing building. No conflicts with existing and potential uses have been identified.
5. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the Lodi Environmental Review Guidelines. **Comment:** The project is categorically exempt from CEQA review under 14 CCR §15301(a). Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities or mechanical equipment, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The project meets this exemption because the proposed use does not expand the physical use of the existing structure. Further, proposed alterations are to be made primarily to the interior of the existing building without increasing the square footage of the structure or changing its zoning designation. Further, the proposed project is also exempt from CEQA under 14 CCR §15183 (projects consistent with a community plan, general plan or zoning). CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an Environmental

Impact Report (EIR) was certified shall not require additional environmental review. The project is consistent with the current zoning and the City's General Plan. In addition, the proposed project is exempt from CEQA review under 14 CCR §15061(b)(3). A project is exempt from CEQA if it does not have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in questions may have a significant effect on the environment, the activity is not subject to CEQA. For the reasons discussed above, no significant environmental effects would occur as the result of the proposed project.

Staff sent copies of the application to various City departments for comments and review. Their comments and requirements have been incorporated into the attached resolution. Staff believes that the proposed Use Permit is consistent with the requirements of the Zoning Ordinance and the policies outlined in the General Plan. The project site is appropriate for the proposed use given its isolation from residential and commercial uses. In addition, one of the primary goals of Lodi's General Plan is the continued support and preservation of agriculture and the wine industry. Establishing industry specific uses such as production facilities within the city's industrial district is a means in which the city can continue to support the industry and preserve land for agricultural uses. Therefore, staff finds that the use of an existing building for this business will be compatible with the adjacent uses and will not negatively impact the surrounding neighborhood. In addition, the proposed project would provide additional employment opportunities and help preserve the City of Lodi's economic welfare and the project will occupy underutilized buildings. As such, staff recommends that the Planning Commission approve the project, subject to the conditions outlined in the attached resolution.

ENVIRONMENTAL ASSESSMENTS

The project is categorically exempt from CEQA review under 14 CCR §15301(a), 14 CCR §15183, and 14 CCR §15061(b)(3). For the reasons discussed above, no significant environmental effects would occur as the result of the proposed project.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published on Saturday, March 30, 2013. Fourteen (14) public hearing notices were sent to all property owners of record within a 300-foot radius of the subject property as required by California State Law §65091 (a) 3.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

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

Respectfully Submitted,

Concur,

Immanuel Bereket
Associate Planner

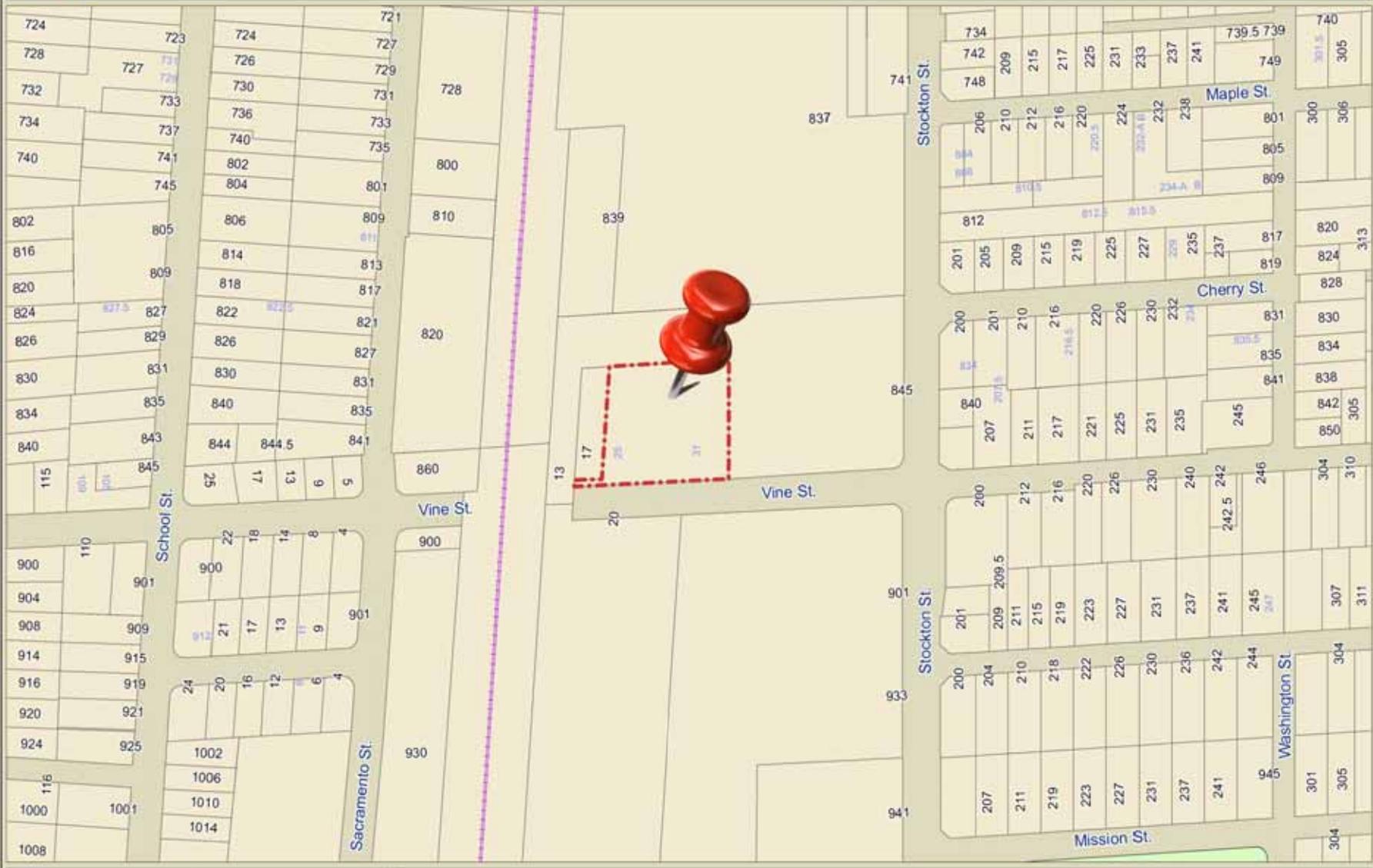
Konradt Bartlam
Community Development Director

ATTACHMENTS:

1. Vicinity Map
2. Aerial Photo
3. Proposed Site/Floor Plan
4. Draft Resolution



Vicinity Map



Legend
 PROJECT SITE

Map Scale
 1:2,086

Notes
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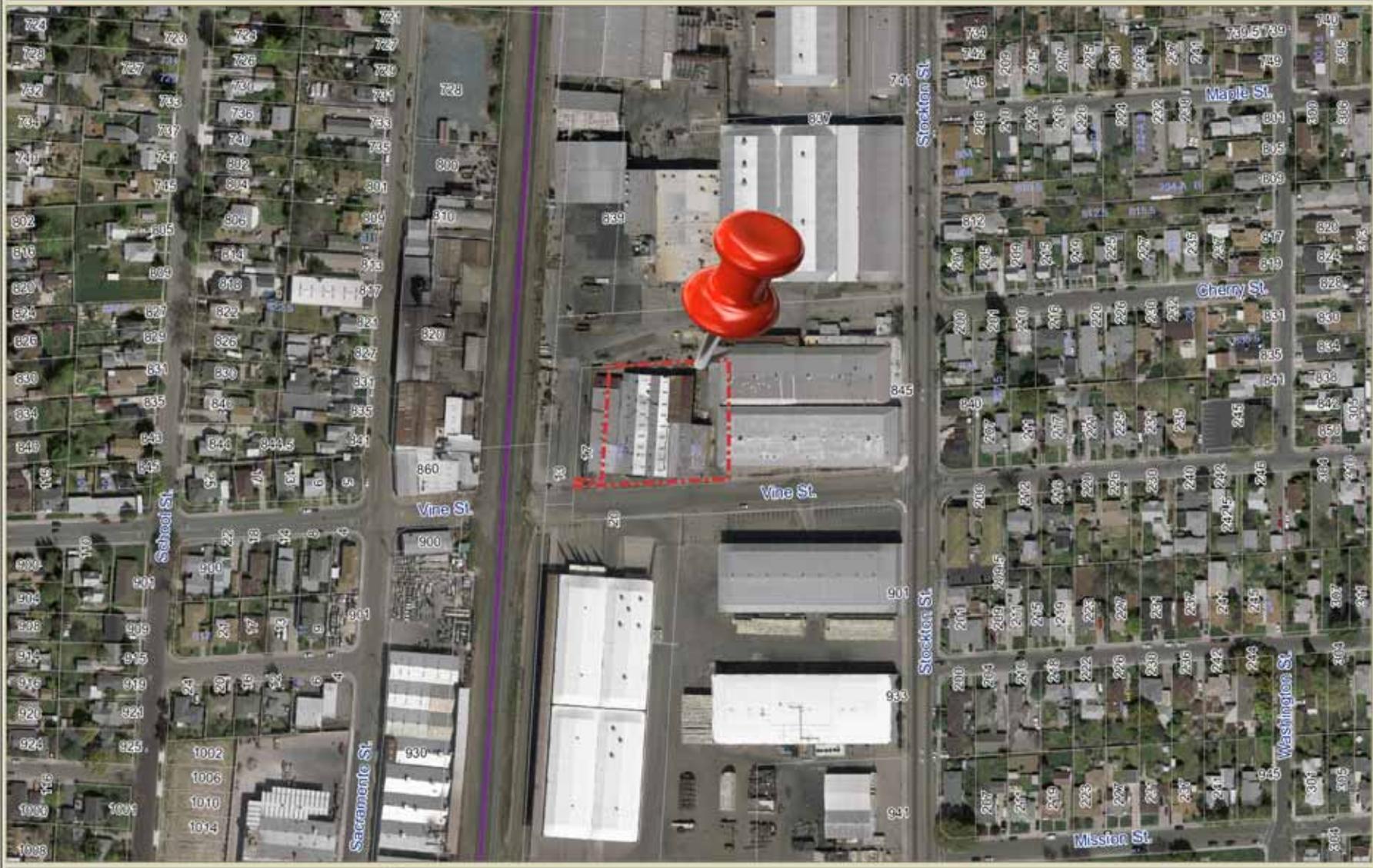


NAD_1983_StatePlane_California_III_FIPS_0403_Feet
 © City of Lodi Geographic Information Systems



Lodi

Aerial Map



Legend

PROJECT SITE

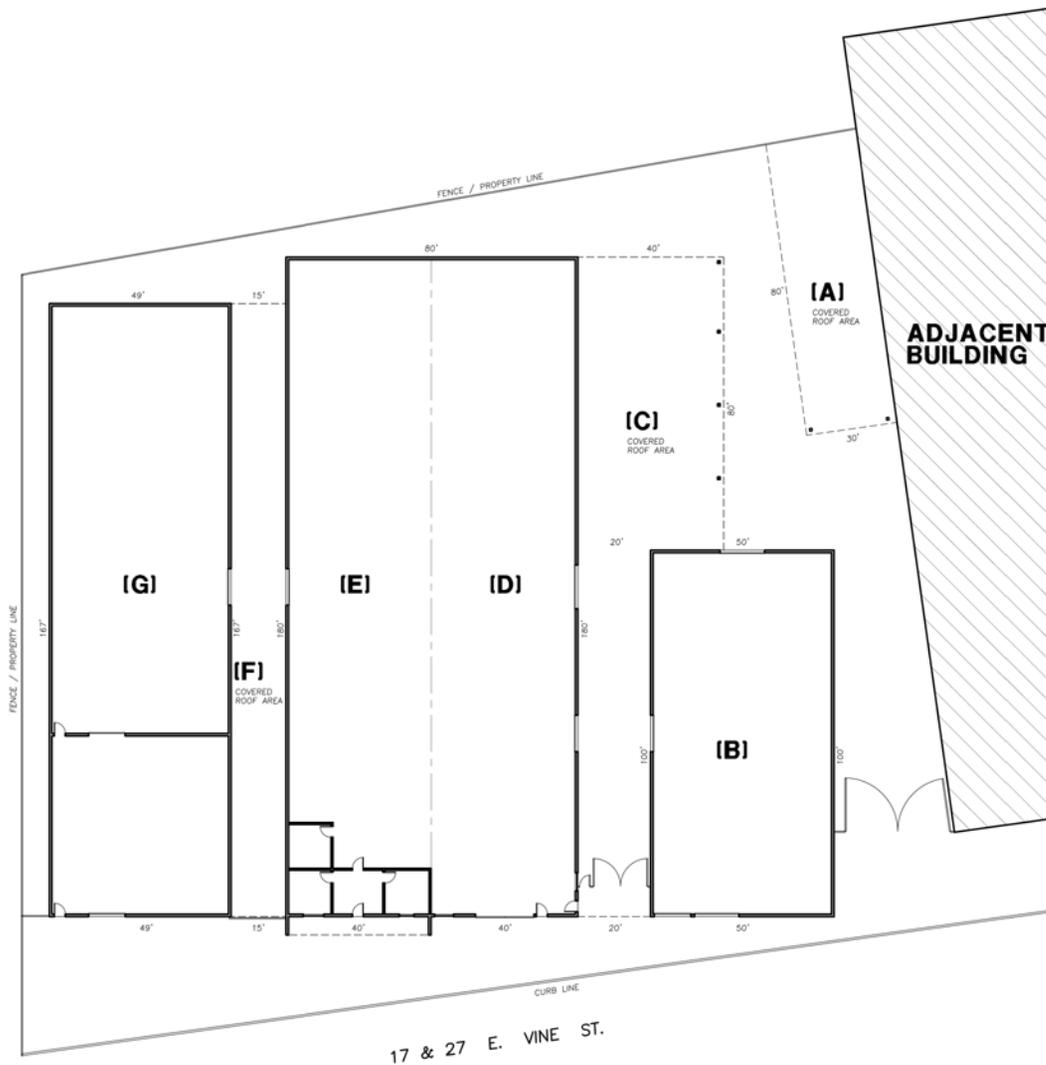
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Notes



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SITE PLAN

NOT TO SCALE



G R A Architects & Associates, Inc.

933 N. El Dorado St., Ste. 1
Stockton, CA 95202
Phone: 209-462-8410
Fax: 209-462-4101
Email: GRA22875@gmail.com

Architecture ♦ Consulting

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Consultant

Project For

Mr. Larry Osborn
Phone: (916)343-7300

Project

Park Models
Manufacturing Plant
17 & 27 E. Vine St.
Lodi, CA 95240

Sheet Contents

Existing Site Plan

DRAWING STATUS	DATE
ISSUED	11-20-12

BUILDING PERMIT NO.:	N/A
DRAWN BY:	NEO KLAYBO
CHECKED BY:	GAR
SCALE:	AS NOTED
PROJECT NO.:	OSB-21210238
SHEET:	

A-1

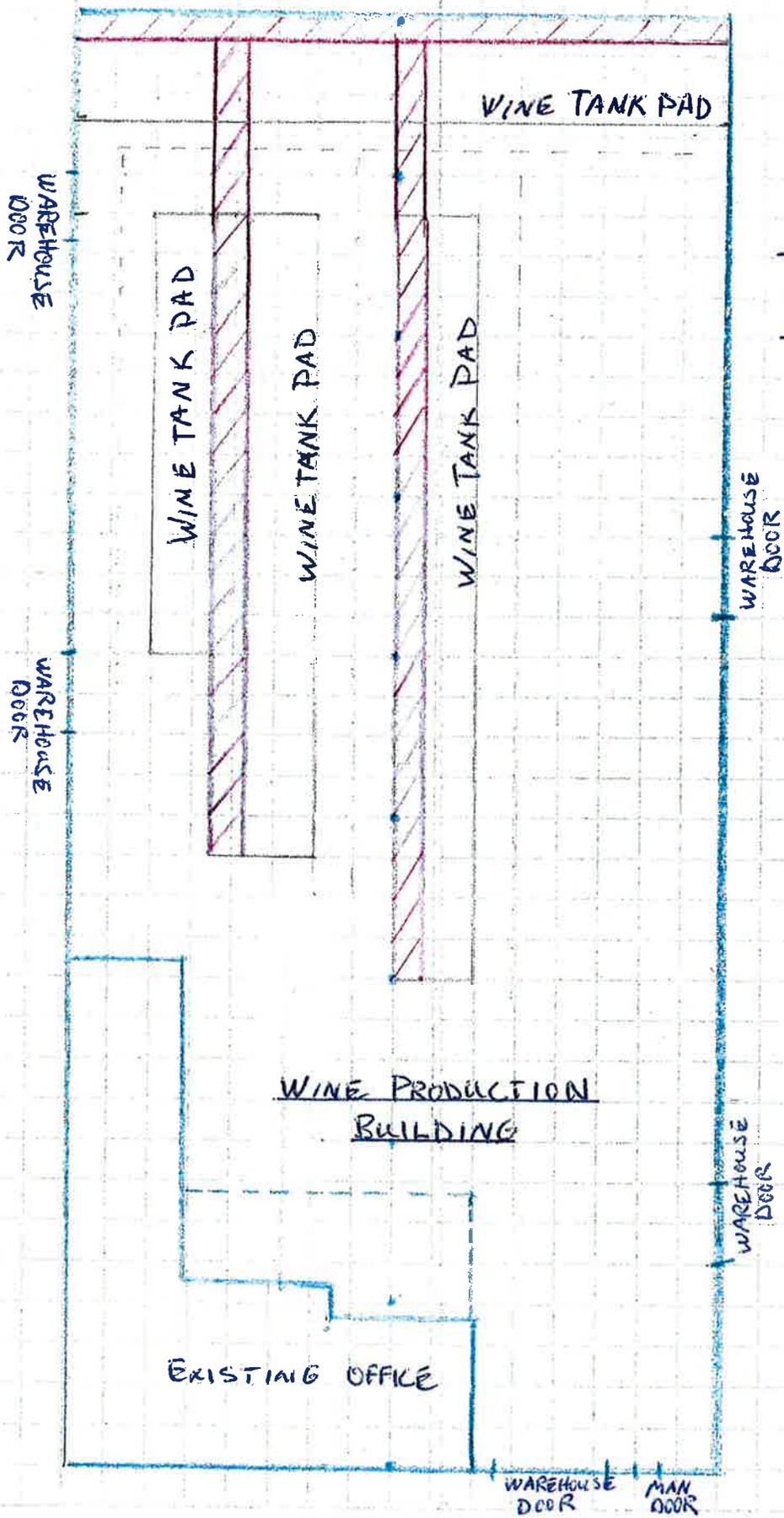
BLDG 1

NO. 1000000
DATE



SCALE
1/4" = 5'

BLDG 2



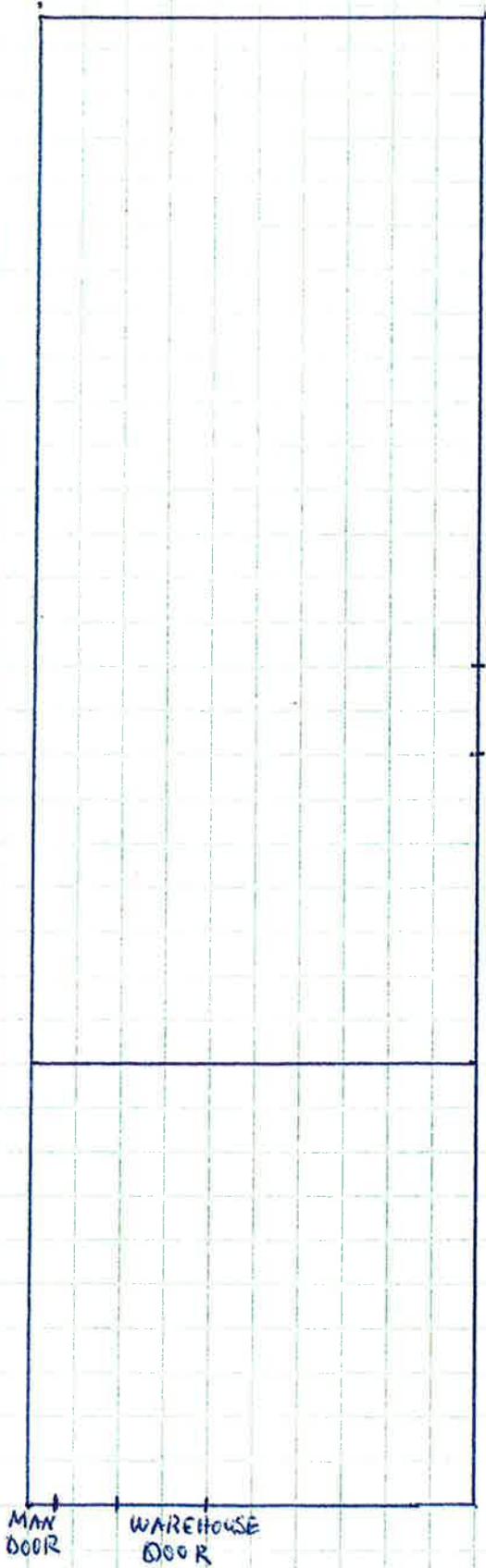

CAT WALK


FLOOR DRAINS

SCALE
1/4" = 5'

BLDG 3

DATE	
TIME	



SCALE
1/4" = 5'

RESOLUTION NO. P.C. 13-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST JEFF HANSEN, ON BEHALF OF AH WINES, INC. DBA LODI CITY WINES FOR A USE PERMIT TO ESTABLISH A WINE PRODUCTION FACILITY AT 27 EAST VINE STREET

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Use Permit, in accordance with the Lodi Municipal Code, Section 17.74.; and

WHEREAS, the project site is located at 27 E. Vine St, Lodi, CA 95240 (APN: 047-030-02); and

WHEREAS, the project proponent is Jeff Hansen, on behalf of AH Wines, Inc. DBA Lodi City Wines., 9 West Locust Street, Lodi, CA 95240; and

WHEREAS, the project property owners are Janet Griffin Yarborough ETA., 119 North Crescent Avenue, Lodi, CA 95240; and

WHEREAS, the property has a General Plan designation of Industrial and is zoned Industrial; and

WHEREAS, the requested Use Permit to allow a Type 2 (Wine grower), Type 09 (Beer and Wine Importer), Type 14 (Public Warehouse), and Type 17 (Beer and Wine Wholesaler) Alcohol Beverage Control licenses at 27 East Vine Street; and

WHEREAS, Census Tract 44.03 in which the proposed establishment is to be located, is over concentrated for the requested alcohol licenses; and

WHEREAS, because Census Tract 44.03 has an over-concentration of On-sale beer, wine and distilled spirits alcohol licenses, the Planning Commission makes a finding of public need and/or necessity and/or convenience in order to permit the issuance of an additional Alcohol Beverage Control license in this tract; and

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

WHEREAS, based upon the facts and analysis presented in the staff report, and public testimony received and subject to the conditions of approval listed below, the Planning Commission finds that the establishment, maintenance or operation for the requested use or building applied for, will not, under the circumstances of this particular case, be detrimental to the health, safety, morals, comfort, convenience and general welfare of the persons residing or working in the neighborhood of such proposed use, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City; and

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; this project has been found to be categorically exempt from CEQA under 14 CCR §15301(a), 14 CCR §15183, and 14 CCR §15061(b)(3); 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 is categorically exempt from CEQA review under 14 CCR §15301(a). Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities or mechanical equipment, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The project meets this exemption because the proposed use does not expand the physical use of the existing structure. Further, proposed alterations are to be made primarily to the interior of the existing building without increasing the square footage of the structure or changing its zoning designation. Further, the proposed project is also exempt from CEQA under 14 CCR §15183 (projects consistent with a community plan, general plan or zoning). CEQA mandates

that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an Environmental Impact Report (EIR) was certified shall not require additional environmental review. The project is consistent with the current zoning and the City's General Plan. In addition, the proposed project is exempt from CEQA review under 14 CCR §15061(b)(3). A project is exempt from CEQA if it does not have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in questions may have a significant effect on the environment, the activity is not subject to CEQA. For the reasons discussed above, no significant environmental effects would occur as the result of the proposed project.

2. The Zoning designation for this property is Industrial, which permits beverage production, retail and wholesale of alcohol products, public warehousing and on-site and off-site consumption of alcohol subject to a Use Permit per Lodi Municipal Code Section 17.040.030. The proposed wine manufacturing establishment is the type of business permitted in the Industrial Zoning District per Lodi Municipal Code Section 17.24.030.
3. The proposed use is consistent with the General Plan. The General Plan land use designation for this area is Industrial, which provides for manufacturing, warehousing, general service, storage and distribution activities. The proposed wine manufacturing and storage of wine is the type of business allowed by the General Plan. Limited retail sale of wine in conjunction with a wine manufacturing facility is a common way for wine manufacturers to expand and improve their activities and is therefore, consistent, with the General Plan.
4. The location, size, design and operating characteristics of the use or development is compatible with and will not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the area, or be detrimental or injurious to public or private property or improvements. The proposed wine production facility with an associated retail and onsite wine tasting establishment is compatible with existing and future land uses because this subject property is located within the Industrial Zoning District. The surrounding uses are primarily industrial uses. In addition, the proposed use will not detrimentally affect residential buildings, churches, schools, hospitals, public playgrounds, and other similar uses, as well as other establishments dispensing alcoholic beverages, including beer and wine, for sale or other consideration in that the property is not proximate to any churches or hospitals; and does not directly abut residentially zoned properties, parks, or schools. No aspects of the proposed uses has been identified that would create new detrimental impacts.
5. The location, size, design, and operating characteristics of the proposed use would be compatible with the existing and future land uses in the vicinity. 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. Third, the proposed use, as conditioned, will not have an adverse effect upon the use, enjoyment or valuation of property in the industrial neighborhood because the proposed use will be located within an existing building with no additions to the footprint of the building. Fourth, the characteristics of the proposed manufacturing of wine are consistent with various manufacturing uses located within the vicinity of the project site and throughout the Industrial Zoning District. 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 mitigate any potential adverse effects to neighboring properties. The proposed business is a permitted use within the Industrial Zoning District, and the facility will be located within an existing building. No conflicts with existing and potential uses have been identified.
6. The proposed use will not create an enforcement problem in that the proposed use is primarily industrial in nature and is properly located in the Industrial zoning district and will continue to operate under a suite of environmental health and safety measures.

7. The proposed use will not create a demand for public services within the City beyond that of the ability of the City to meet in the light of taxation and spending restraints in that the use is private and does not require any additional public services.
8. The proposed use would not have a substantial adverse economic effect on nearby uses because operation of the proposed business in accordance with applicable laws, and under the conditions of this Use Permit, is anticipated to be an economic benefit to the community.
9. The conditional use is subject to and must comply with specific local conditions and additional regulations as deemed necessary by other regulatory or permit authorities. The approval does not relieve the applicant from an obligation to obtain applicable state or federal permits for manufacturing and sale of alcohol products.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Use Permit Application No. 13-U-05 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 operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
3. The property owner and/or developer and/or successors in interest and management shall insure that the sale of alcohol does not cause any condition that will cause or result in repeated activities that are harmful to the health, peace or safety of persons residing or working in the surrounding area. This includes, but is not limited to: disturbances of the peace, illegal drug activity, public intoxication, drinking in public, harassment of people passing by, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, excessive loud noises, traffic violations or traffic safety based upon last drink statistics, curfew violations, lewd conduct, or police detention and arrests.
4. If any of the following conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted; deny or further condition issuance of all future building permits; deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted; record a notice of violation on the property title; institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. No vested rights are gained by Developer or a successor in interest by the City's approval of this Use Permit (12-U-13).
5. The Use Permit shall be vested within six (6) months from the effective date of approval. A building permit for the tenant improvements allowed under this Use Permit shall have been obtained within six (6) months from the effective date of the Use Permit or the Use Permit shall expire; provided however that the Use Permit may be extended pursuant to the Lodi Municipal Code.
6. The Use Permit shall not become effective until ten (10) business days after approval, providing that the action is not appealed to the City Council by any interested party within that 10 day period.

7. Any request for an extension of the Use Permit must be justified in writing and received by the Planning Department at least thirty (30) days prior to expiration.
8. The 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, 9, 14 and 17.
9. 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, this Use Permit shall be subject to a one year, and two year review by Community Development Director. If the Director determines it necessary, the Director shall forward the review to the Planning Commission to review the business's operation for compliance with the conditions of the Use Permit, and in response to any complaints thereafter.
10. Prior to the issuance of a Type 2, 9, 14 and 17 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.
11. 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.
12. All temporary and permanent signage proposed in connection with the wine making operation shall be reviewed and approved by the Community Development Department.
13. All winery waste shall not be stored outside and shall be properly disposed of within 24 hours of crush activity.
14. All delivery truck cueing shall take place off of the public right-of-way.
15. The project proponent/applicant and/or developer and/or successors in interest and management shall maintain the project site free of litter, shopping-carts or any other undesirable materials and shall be cleaned of loose debris on a daily basis.
16. Any equipment used for the business shall comply with the Noise Ordinance. If complaints are received and verified by the City regarding noise from equipment associated with the facility, the applicant/operator and/or successors in interest and management shall mitigate and/or make any necessary modifications so noise levels comply with acceptable standards identified in the City's General Plan.
17. Noise levels shall not exceed sixty-five (65) dBA, as measured from the outside wall of the building envelop.
18. Subsequent modifications of this approval, which do not intensify the use, including but not limited to alteration of parking and circulation design, minor changes to the conditions of approval, interpretations of the conditions of approval relative to intent, necessity of, and timing, may be approved by the Community Development Director, unless the Community Development Director requires a Substantial Conformance or Revised Permit application in accordance with the Zoning Ordinance.
19. In the event the use hereby permitted under this permit is: (a) found to be in violation of the terms and conditions of this permit; (b) found to have been obtained by fraud or perjured testimony; or (c) found to be detrimental to the public health, safety or general welfare, or a

public nuisance; this permit shall be subject to the revocation procedures in accordance with the City of Lodi Municipal Code.

20. At all times during the conduct of the use(s) allowed by this permit, the use(s) shall maintain and keep in effect valid licensing from appropriate local, state and/or federal agencies as required by law. Should such required licensing be denied, expire or lapse at any time in the future, this permit shall become null and void.
21. Tenant Improvement plans are required for the change of use. 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.
22. Storage racks greater than 6' in height are required to be submitted under separate permit and cover. Storage racks greater than 8' in height shall be provided with structural calculations. Storage 12' or greater in height must be reviewed as high piled storage." City of Lodi Policy and Procedure B-[08]-[09]
23. The California Building Code (Title 24 Section 1134B) requires that existing buildings, when alterations are made, shall be verified for compliance with disabled access requirements. These requirements shall apply only to the specific area of alteration and shall include an accessible entrance, an accessible route to the altered area, at least one accessible restroom for each sex, telephones and drinking fountains (if existing), and when possible additional items such as parking, storage and alarms.
24. Any sign(s) shall require a building permit from the Community Development Department. Said sign(s) shall be in full compliance with the City of Lodi Sign Ordinance and any applicable master sign program for the subject site.
25. An operational permit shall be required from the Lodi Fire Department for the operation of the wine manufacturing facility. Please contact the Lodi Fire Prevention Bureau at 25 East Pine Street, Lodi - (209) 333-6735.
26. 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.
27. 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.
28. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

Dated: April 10, 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 April 10, 2013 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST _____
Secretary, Planning Commission

Item 6a.



MEMORANDUM, City of Lodi, Community Development Department

To: City of Lodi Planning Commissioners
From: Rad Bartlam, Community Development Director
Date: Planning Commission Meeting of 04/10/13
Subject: Past meetings of the City Council and other meetings pertinent to the Planning Commission

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

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

Date	Meeting	Title
February 20, 2013	Regular	Adopt Ordinance No. 1869 Entitled, "An Ordinance of the City Council of the City of Lodi Repealing Lodi Municipal Code Title 16 – Subdivisions – in Its Entirety; and Further Repealing and Reenacting Lodi Municipal Code Title 17 – Zoning – in Its Entirety" (CLK)
February 26, 2013	Shirtsleeve	Review of Growth Management Program (CD)
March 6, 2013	Regular	Public Hearing to Consider the Appeal of California Citizens for the Equal Application of the Law Regarding the Planning Commission's Decision to Approve a Use Permit to Operate a Fitness Facility at 1320 West Lockeford Street (APN 035-340-09; Use Permit No. 12-U-19) (CD)
		Public Hearing to Consider Adopting Resolution Vacating the 200 Block of West Walnut Street and Authorizing the City Manager to Execute the Required Agreements (PW)
March 19, 2013	Shirtsleeve	Receive Information on Harney Lane Grade Separation Project Environmental Review and Design (PW)