

<p>CARNEGIE FORUM 305 WEST PINE STREET LODI, CALIFORNIA</p>	<p>AGENDA LODI PLANNING COMMISSION</p>	<p>REGULAR SESSION WEDNESDAY, NOVEMBER 13, 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 – “October 9, 2013”
3. PUBLIC HEARINGS
 - a. Request for Planning Commission approval of a Use Permit to operate a fitness center known as Twin Arbor Express in an approximately 6,000 sq. ft. building located at 369 South Lower Sacramento Road, Suite B. (Applicants: Lodi Athletic Clubs; File Number: 13-U-16; CEQA Determination: Categorical Exemption Pursuant to CEQA Guidelines Section 15332 In-Fill Development Projects)
 - b. Request for Planning Commission approval of a Use Permit to allow a Type-41 On-Sale Beer and Wine Alcoholic Beverage Control License at 315 South Cherokee. (Applicant: Darlene Victorino Machado; File Number: 13-U-17; CEQA Determination: Categorical Exemption Pursuant to CEQA Guidelines Section 15332 In-Fill Development Projects)
 - c. Request for a Tentative Parcel Map to divide one parcel into three lots at 2311 Cochran Road. (Applicant: Baumbach and Piazza, Inc., on behalf of Shirley A. Meath; File 13-P-02; CEQA Determination: Categorical Exemption Pursuant to CEQA Guidelines Section 15315 (Class 15, Minor Land Divisions))

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

4. PLANNING MATTERS/FOLLOW-UP ITEMS
5. ANNOUNCEMENTS AND CORRESPONDENCE
6. ACTIONS OF THE CITY COUNCIL
 - a. Council Summary Memo
7. 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 to Appeal:

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

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

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, OCTOBER 9, 2013**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of October 9, 2013 was called to order by Chair Jones at 7:00 p.m.

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

Absent: Planning Commissioners – None

Also Present: Community Development Director Konradt Bartlam, Deputy City Attorney Janice Magdich, Neighborhood Services Manager Joseph Wood, and Administrative Secretary Kari Chadwick

2. MINUTES

“August 14, 2013”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Slater second, approved the minutes of August 14, 2013 as written. (Commissioners Heinitz and Jones abstained because they were not in attendance of subject meeting)

“September 11, 2013”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Heinitz, Kiser second, approved the minutes of September 11, 2013 as written. (Commissioners Hennecke and Kirsten abstained because they were not in attendance of subject meeting)

3. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Jones called for the public hearing to consider the request of the Planning Commission for approval of a Use Permit to allow a mixed martial arts studio and training facility within an existing industrial building located at 1744 Akerman Drive. (Applicant: Mike Kogan, on behalf of Diaz Ventures, LLC; File 13-U-14; CEQA Determination: Categorical Exemption Pursuant to CEQA Guidelines Section 15332 In-Fill Development Projects)

Director Bartlam gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of the project as conditioned.

Hearing Opened to the Public

- None

Public Portion of Hearing Closed

- Commissioner Olson asked if staff had the floor plan on one of the slides. She would like to know how all of the equipment was going to fit into the space. There seems to be a lot of activity going on in the space. Director Bartlam stated that he did not have that plan on one of the slides.
- Vice Chair Kiser asked if the applicant is going to be required to bring the building up to code for ADA purposes. Director Bartlam stated that they will need to meet all the codes.

MOTION / VOTE:

The Planning Commission, on motion of Kirsten, Kiser second, approved the request to continue the Use Permit to allow a mixed martial arts studio and training facility within an existing industrial building located at 1744 Akerman Drive subject to the conditions in the resolution.

- Commissioner Heinitz stated his opposition to approving a project when the applicant doesn't attend the meeting to answer questions such as Commissioner Olson's.
- Commissioner Olson asked if it could be a matter of the applicant being late. Director Bartlam stated that they were informed of the meeting.
- Commissioner Heinitz asked if the Commission could continue the item to a future date rather than deny the application, so the applicant won't have to incur new fees. Director Bartlam stated that if the Commission wished they could continue the item to a future meeting.
- Commissioner Kirsten stated that he was fine with the application and comfortable with staff recommendation and would like his motion to stand.
- Commissioner Hennecke stated that his support for the project.
- Commissioner Olson stated her support for the project and her disappointment that the applicant wasn't able to make to answer questions.

The motion carried by the following vote:

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

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Jones called for the public hearing to consider the request of the Planning Commission for approval of a Use Permit to establish a ready-mix batch plant at 1560 East Pine Street. (Applicant: Reyes Jaramillo; File No. 13-U-11; CEQA Determination: Categorical Exemption Pursuant to CEQA Guidelines Section 15332 In-Fill Development Projects)

Director Bartlam gave a brief PowerPoint presentation based on the staff report. The protest letters were pointed out to the Commission. Staff recommends approval of the project as conditioned.

Commissioner Hennecke asked for confirmation that there will not be any recycling on the property. Director Bartlam stated that the condition has been added because that is not the applicant's intent. Hennecke asked about the surplus concrete that customers bring back. Typically that is recycled. Bartlam stated that that is a good question for the applicant.

Vice Chair Kiser asked if the equipment has been check for the possibility of causing noise issues. Director Bartlam stated that the site is not going to be a crushing site. This will be very similar to the old US Rentals site.

Chair Jones asked about the distances on the sound level chart in the Blue Sheet letters. Mr. Snider stated that the column directly below the center circle is in feet.

Commissioner Heinitz asked if the chart that has been supplied is accurate and if the comparisons used correct. Director Bartlam stated that staff confirmed that the chart is accurate.

Hearing Opened to the Public

- Stephen Snider, representative for the applicant, came forward to answer questions. The facility is going to be mixing a yard at a time; it is not a large batch plant. Mr. Snider pointed out the correspondence that he sent to the Commission earlier today. He stated that the chart was sent to the Lodi Cemetery by his office along with some correspondence. The applicant has expressed his willingness to work with the neighbors if they have an event occurring at the cemetery.
- Commissioner Slater asked for confirmation regarding the fact that the business is only for the business use and not open to the public and if the applicant is willing to clean up any

accidental spillage of concrete in the streets. Mr. Snider stated that the applicant will definitely be proactive with any messes made by his business.

- Commission Hennecke asked if the trailers are the rotating trailers. Reyes Jaramillo stated that they are. Hennecke stated his concern for the noise that they put out. He would like to know what the noise factor is for the mobile trailers. Director Bartlam stated that our noise ordinance does not pertain to mobile noise sources.
- Mr. Snider questioned condition number twenty-nine addresses noise pertaining to the envelope of the building and there is no building involved with this situation. Bartlam stated that condition twenty-nine is directly out of the noise ordinance.
- Vice Chair Kiser asked if Mr. Jaramillo planned on getting a larger batch truck. Mr. Jaramillo came to the podium to answer the question. Kiser would like to insert a condition that would stipulate that only one yard trucks shall be used for the business. Mr. Jaramillo stated that he is does not plan to increase the size at this time. Kiser asked if he would be okay with a condition that states that only one yard trailers will be used. Mr. Jaramillo stated that he isn't sure if he will be using larger trucks, so he isn't sure.
- Commissioner Heinitz stated that since there isn't any plan at this time to have bigger trucks then we should be able to put the condition in and Mr. Jaramillo could come back and ask to enlarge the truck size. Heinitz stated that he visited the site and commended Mr. Jaramillo for placing the batch site as far away from the cemetery as possible.
- Commissioner Slater stated his agreement with Commission Kiser and Heinitz.

Public Portion of Hearing Closed

- Vice Chair Kiser would like to have a condition added for limiting the size of the trailer.
- Commissioner Olson asked if there is already a condition in the resolution that limits the size. Director Bartlam stated that there isn't a condition that addresses the size of the trucks, but the condition could be added as number thirty-seven.
- Commissioner Kirsten stated that the sound conversion chart seems to nullify the eighty disciple level for the concerns of the cemetery. Kiser stated that when the tubs on the trailers are rotating with dry material the noise is higher than after it is mixed. Bartlam added not to take away from the cemetery's historic location, but once the trucks exist the property they are on an industrial street surrounded by industrial uses.

MOTION / VOTE:

The Planning Commission, on motion of Vice Chair Kiser, Heinitz second, approved the request to continue the Use Permit to establish a ready-mix batch plant at 1560 East Pine Street subject to the conditions in the resolution with the condition below added.

Director Bartlam stated:

Condition #37 – "The maximum size of any truck/trailer hauling concrete from the site shall not exceed one yard capacity."

The motion carried by the following vote:

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

- c) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Jones called for the public hearing to consider the request of the Planning Commission Approval of:
- Growth Management Allocation for 232 Low Density Residential Lots; and

- A Vested Subdivision Map for the Proposed Rose Gate Subdivision, a 50 acre, 232 lot, single-family residential subdivision
- Adopt Development Standards for the subdivision known as Rose Gate Subdivision located within Planned Development 42 Zoning District

(Applicant: FCB Homes, Inc.; File #'s: 13-S-01 and 13-GM-01; CEQA Status: Project Environmental Impact Report, State Clearinghouse No. 2005092096, Certified on November 15, 2006)

Director Bartlam gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of the project as conditioned.

Vice Chair Kiser asked if another development agreement would be put into place since the original agreement has been cancelled. Bartlam stated there would not be another agreement. Kiser asked if there was originally supposed to be a 300 foot easement over the Woodbridge Irrigation District Canal. Bartlam stated that the easement is only 100 foot, but there was originally a 300 foot easement set up to run along the westerly edge which was the original city limits line. That line was pushed further to the west with the adoption of the new General Plan.

Commissioner Slater asked about a few of the flag lots and the parking issues that can occur. Bartlam stated that his personal view of flag lot allows for design flexibility and it takes a special kind of home owner to live on a flag lot. Heinritz stated that flag lots can be very successful in Lodi.

Commissioner Heinritz asked about the retention basin being so large and the departure from the plan to put smaller parks and a long line of water retention along the westerly edge of the project with a walking/biking path. Bartlam state that this is an in-between basin/park combination and will allow for smaller neighborhood style parks to be placed in all of the subsequent new subdivisions.

Commissioner Olson asked what staffs thoughts are regarding the subdivision street size. Bartlam stated that the improvements to Lodi Avenue will be fully built out for the project up to the roundabout and will then transition back to a two-lane road. Olson asked if the public services are in place to services this development. Bartlam stated that the community facility district will be collecting 650 dollars per year per dwelling.

Commission Kiser asked if there will be parking on both sides of the street. Bartlam stated there will be parking on both sides.

Commission Hennecke asked about the fire trucks needing 24' and the sizes illustrated on the plans are smaller than that. Bartlam stated that this is the same type of layout that has existed for the last then years in the development south of Century Boulevard around Mills Avenue and the Fire Department has had no problems maneuvering in the trucks through the area.

Commissioner Heinritz asked if there will be a Mello-Roos fee paid. Bartlam stated that there will be only the Community Facilities District Fee paid which will cover more than a typical Landscape District fee. Jones asked it will include the slurry-sealing of the streets. Bartlam stated it would not.

Hearing Opened to the Public

- Tom Doucette, applicant, came forward to answer questions.
- Commissioner Hennecke disclosed that he has had a conversation with the applicant regarding the project.
- Chair Jones asked why the lot sizes. Doucette stated that it allows for a good variety of housing prices as well as different looks. There will be a good mix of single-story and two-story dwelling styles.
- Commissioner Heinritz stated his appreciation of the project. He also added his concern with the way that the corners turn out.
- Mr. Doucette added that the size of the streets has caused a few complaints from people that live there, but all of the studies say that they are safer because they cause the vehicles to naturally slow down. Heinritz stated that the only complaint that he has heard over the years is on garbage day it can be tough to find an open spot to put the cans.

- Kathy Polinski, Lodi resident, came forward to ask about the roundabout and if anyone using Lodi heading towards Davis Road will encounter it. It was confirmed that you will encounter the roundabout if you head west on Lodi Avenue heading to Davis Road coming from Lower Sacramento Road.

Public Portion of Hearing Closed

- Commissioner Kirsten shared that on Myth-busters they confirmed that roundabouts make the roads safer. Heinritz stated that there is a roundabout in Woodbridge if you want to experience driving through one.
- Commissioner Hennecke stated his pleasure at seeing growth in Lodi.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Hennecke second, approved the request for a Vested Subdivision Map for Rose Gate Subdivision, a 50-acre, 234-lot, single-family residential subdivision, Development Standards for Rose Gate Subdivision and recommends that the City Council approve 232 Growth Management Allocations at 2875 West Lodi Avenue subject to the conditions in the resolution. The motion carried by the following vote:

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

Commissioner Heinritz asked Mr. Doucette to come forward and explain the reason for picking the name Rose Gate. Mr. Doucette came forward and explained that while developing the plans it came up that the City of Lodi’s official flower is the Rose.

- d) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Jones called for the public hearing to consider the request of the Planning Commission to recommend to the City Council Adoption of the Draft Climate Action Plan and Certify the Negative Declaration.

Director Bartlam introduced Joseph Wood, Neighborhood Services Manager and the Climate Action Plan (CAP) project manager. Mr. Wood introduced the item and the AECOM consultant representative, Culley Thomas, who has been working on this item with the City. Mr. Thomas gave a brief PowerPoint presentation based on the staff report.

Staff recommends that the Planning Commission recommend to the City Council approval of the plan as presented.

Chair Jones asked if the grant covered all of the costs to create the plan. Bartlam stated that it did not cover our staff costs; it did cover the consultant and outreach costs. Jones asked if the grant came from State or Federal monies. Bartlam stated that it was a Federal grant. Jones asked what the incentives will be. Culley stated that the incentives are the CEQA streamlining. Bartlam stated that the various businesses and homeowners can take advantage of the programs that are offered because the CAP is in place. The program is completely voluntary from a private sector standpoint, and will be mandatory for the City. There are things that are considered just good business that the City will be doing from an energy standpoint that will save the rate payers money. Jones stated that the State is mandating that energy companies be operating with 33% green energy by 2020; what percent of the City’s energy sources? Bartlam stated that the City is currently at 20%. Culley added that currently all large hydro in California is not considered green. Bartlam stated that the State does not consider large Hydro green because of the offsetting environmental impacts such as damning rivers and streams.

Commissioner Slater complimented the City on the programs that have been offered already to the citizens. How are we going to be delivering the wastewater, purple pipe? Bartlam stated that our own plant is currently putting things into motion to be a zero discharge plant within the next five to ten years.

Hearing Opened to the Public

- None

Public Portion of Hearing Closed

- None

MOTION / VOTE:

The Planning Commission, on motion of Kirsten, Kiser second, approved the request to Recommend to the City Council Adoption of the Draft Climate Action Plan and Certify the Negative Declaration. The motion carried by the following vote:

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

4. PLANNING MATTERS/FOLLOW-UP ITEMS

None

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

Director Bartlam stated that there wasn't a memo provided, but he would be happy to answer any questions the Commission may have.

7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

4. ART IN PUBLIC PLACES

Commissioner Kirsten gave a brief report on recent meetings. The bronze statues may come back to the downtown. The first phase of the Utility Box painting project is complete and the next phases are being planned. The Commissioners complimented how the boxes have turned out. Jones asked if the money being spent on renting the statues be put toward purchasing permanent art. Kirsten stated that the statues are extremely pricey, so probably not the statues. Heinitz asked if the new developments will be bringing in new revenues for Art In Public Places. Bartlam stated it will. Bartlam clarified that the boxes are traffic signal boxes not electrical utility boxes.

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

None

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

None

10. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 8:31 p.m.

ATTEST:

Konradt Bartlam
 Planning Commission Secretary

Item 3a

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: November 13, 2013

APPLICATION NO: Use Permit: 13-U-16

REQUEST: Request for Planning Commission approval of a Use Permit to operate a fitness center known as Twin Arbor Express in an approximately 6,000 sq. ft. space located at 369 South Lower Sacramento Road, Suite B. (Applicants: Lodi Athletic Clubs; File Number: 13-U-16; CEQA Determination: Categorical Exemption Pursuant to CEQA Guidelines Section 15332 In-Fill Development Projects)

LOCATION: 369 South Lower Sacramento Road, Suite B
(APN: 027-400-13)
Lodi, CA 95240

APPLICANT: Lodi Athletic Clubs,
11344 Coloma Road, Suite 350
Gold River, CA 95670

PROPERTY OWNER: Westgate Shopping Center, LLC.
7700 College Town Drive # 101
Sacramento, CA 95826

RECOMMENDATION

Staff recommends that the Planning Commission approve the requested Use Permit to operate a fitness center known as Anytime Fitness at 210 North Ham Lane, subject to the conditions outlined in the draft resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: Commercial
Zoning Designation: Planned Development (PD) - 35
Property Size: 1.21 acres (tenant space measures 4,773 sq. ft.)

The adjacent zoning and land use are as follows:

	ADJACENT ZONING DESIGNATIONS AND LAND USES		
	GENERAL PLAN	ZONING CLASSIFICATION	EXISTING LAND USE
North	Commercial	Planned Development (PD) - 35	Retail spaces
South	Commercial	Planned Development (PD) - 35	Vacant Land
East	Low Density Residential	Low Density Residence	Residences
West	Commercial	Planned Development (PD) - 35	Vacant Land

SUMMARY

The applicant has requested approval of a conditional use permit to occupy a 6,000 square foot suite for a fitness center at 369 South Lower Sacramento Road, Suite B, located near the corner of Lower Sacramento Road and Lodi Avenue. The project site is within is zoned Planned Development (PD) – 35, which is a commercial shopping center. Recreational uses, such as health club facilities and studios, are allowed with the approval of a Use permit. The proposed fitness center would provide fitness opportunities in the form of weight and cardiovascular

machines and a tanning facility for members. The center would be open daily from 5:00 a.m. to 11:00 p.m. on weekdays and from 7:00 a.m. to 10:00 p.m. on weekends. The fitness center would be owned and operated by Twin Arbors and would share employees with the other three Twin Arbors facilities. The facility would be staffed by up to four employees on site at any given time. The center would offer one-on-one training, group classes such as aerobics, spinning, yoga, etc.

BACKGROUND

The applicant requests approval of a Use Permit for Twin Arbors Express, a personal training and fitness center at 369 South Lower Sacramento Road, Suite B. The subject site is located in Planned Development (PD) 35, which is a community commercial shopping center. The parcel contains Raley's grocery store, a vacant building, a fuel station, and several pads consisting of individual spaces ranging in size from approximately 1,200 to 6,300 square feet. The fitness studio would occupy an existing tenant space of approximately 6,000 square feet. Spare Time, Inc. currently operates three significantly larger recreational facilities within the City of Lodi. The proposed business would be a smaller facility with limited services and equipment available for use. The proposed floor plan primarily consists of exercise space and weight training equipment. The conceptual floor plan also includes a reception area, bathrooms, and storage space. No significant interior or exterior building changes are proposed.

ANALYSIS

Conditional uses are uses that, by their nature, require individual review to ensure that impacts associated with their use will be minimal. Conditional use permits may be subject to appropriate conditions to ensure that any potential adverse impacts associated with the use will be mitigated. In order to achieve these purposes, the Planning Commission is empowered to approve, conditionally approve, or deny applications for use permits.

Land Use Compatibility: The project site has a Commercial land use designation and is located within the Raley's shopping center located at the southwest corner of Lower Sacramento Road and Lodi Avenue. The established shopping center contains a variety of commercial businesses including grocery, restaurant, and convenience uses. The health club would be located within a vacant one-story commercial suite near the southeast corner of the site. The existing suite is approximately 4,773 sq. ft. The General Plan Commercial Land Use designation is intended to provide sites for large scale retailers and major retail centers. Since the proposed project would include a fitness facility occupying space within an existing relatively small scale building, the proposed project would be consistent with the goals and objectives of the General Plan. Further, the project site is zoned Planned Development 35. The proposed use of a health/fitness club and gym falls under the use classification of Commercial Recreation and Entertainment as defined by Lodi Municipal Code. Commercial recreation uses within a building and within the commercial districts would be permitted subject to the approval of a use permit.

Parking: The parking for building was constructed per Lodi Development Code §17.32.040, at a ratio of 4 space per 1,000 square feet for general health/fitness center. The subject tenant space 4,773 sq. ft. in area. Calculated at a ratio of four per thousand square feet $[(4,773/1000) \times 4]$, a total of 20 parking stalls would be required to serve the proposed use. The project site provides 34 parking spaces immediately outside of the tenant space. In addition, the shopping center provides a total of 262 shared parking spaces. It is important to note the proposed facility does not include locker rooms, shower heads, or other amenities such as swimming pool, racquetball, etc. It would operate more like a studio type of center similar to Curves or Pilate. Since the shopping center provides a total of 262 parking stalls, which are non-exclusive and reciprocal, staff believes there is sufficient onsite parking available to accommodate the proposed use.

Hours of operation: The center would be open daily from 5:00 a.m. to 11:00 p.m. on weekdays and from 7:00 a.m. to 10:00 p.m. on weekends. The fitness center would be owned and operated by Twin Arbors and would share employees with the other three Twin Arbors facilities. The facility would be staffed by up to four employees on site at any given time. Based on a research project

conducted by the Institute of Transportation Engineers, health club parking demand varies by hour of day, day of week and month of year:

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

Peak hours for the proposed gym would fall between 5:00 a.m. to 7:00 a.m. and 6:00 p.m. to 7:00 p.m. As such, it is highly unlikely the proposed use will conflict with the other tenants in the shopping center. In addition, the size of the facility is not expected to generate traffic demands that would displace the other tenants.

Noise: All fitness center activities would be located within the building envelop; therefore, staff does not anticipate any adverse noise impacts upon the surrounding area. In addition, the relatively small size of the center would limit membership size and alter peak hours. If there becomes a concern regarding noise, a condition has been added to allow for review of the permit by the Community Development Department or, if needed, return to the Planning Commission for additional conditions or even revocation of the permit.

Signage: No signage is proposed as part of this application; however, any signage would be required to conform to sign standards established by the Lodi Development Code Section 17.34, and would require plan submittal for review and approval by Community Development Department prior to installation.

Staff finds that the proposed Use Permit application, including conditions in the attached resolution, will meet the requirements of the General Plan goals and policies, Zoning Ordinance and City Development Standards. 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 proposed project is located within Planned Development 35, which is a commercial land use category and regulated through the Community and General Commercial zoning designation of the Lodi Development Code. The request complies with the requirements of that designation. The request to establish a commercial recreation and entertainment use (health club) requires review and approval of a Use Permit by the Planning Commission. One purpose of the commercial districts is to provide locations to offer commodities and services to the residents of Lodi and the surrounding residential neighborhood. The proposed facility provides a physical conditioning service that is available to the community. Additionally, other businesses in the shopping center benefit from the presence of the facility as the students of the classes also shop at the other businesses, including the supermarket, before and after the classes. Staff believes the proposed use, as conditioned, will be compatible with the shopping center uses. The applicant will also be required to mitigate any future nuisances which may occur as a result of the proposed use. The City has also allowed similar small-scale fitness facilities to be located in office, industrial, and commercial areas, e.g., Curves and Vineyard Fitness, and they have not created any impacts on surrounding businesses in their respective zoning districts.
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 provides for the continuation of existing and the development of diversity of retail and service commercial use that oriented to the needs of local residents, serve the surrounding region. The proposed project is consistent with this designation and the policies, objectives, and

goals of the City's General Plan. The establishment of the health club promotes re-use of a prior commercial suite in a manner that will be consistent with the City policies, goals, and objectives of the City's General Plan. The project is consistent with General Plan Land Use goals, objectives and policies, which encourage additional recreational amenities such as health clubs and advocate development of new facilities where they are compatible with adjacent uses. The project is within an established commercial center that contains existing restaurants, retail, and service uses. The project serves to expand the range of goods and services provided in the area, and facilitates continued viability of the commercial center.

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:** Based on the proposal the facility would be a compatible use to the adjacent Commercial uses within the shopping center. In addition, the location would provide convenient location. The number of parking spaces available on-site will accommodate the parking demand for the proposed use and the neighboring tenants. The use of the facility will be restricted to indoor use and all doors would remain closed. The proposed conditions of approval will ensure that the facility will not operate in a manner that is detrimental to the public health, safety, or welfare or be materially injurious to the properties or improvements in the vicinity. 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. Therefore, staff believes that this finding may be made.
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. Third, the proposed use will not constitute a nuisance or be detrimental to the public welfare of the community in that the use is consistent with the size and intensity of existing businesses in the center, and the conditions address potential issues including but not limited to parking and indoor air quality standards. 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 site is less than 5 acres, is surrounded by urban uses, can be served by urban services and is not in an environmentally sensitive location.

In staff's opinion, the proposed use would not produce any adverse impacts on the adjacent properties in terms of noise, parking, litter, disorderly behavior, or other objectionable influences. Conditions have been added to mitigate typical concerns related to fitness centers and other similar establishments. Staff finds that, as conditioned, the facility will comply with all provisions and requirements of the City's zoning ordinance. As with any conditional use permit, the use permit may be revoked if the conditions are not met. Therefore, the proposed use will comply with the provisions of the Zoning Ordinance. Staff believes this finding can be made with the proposed conditions of approval.

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. No significant environmental impacts are anticipated and no mitigation measures have been required.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published on Saturday, November 2, 2013. Eighteen (18) public hearing notices were sent to all property owners of record within a 300-foot radius of the project site as required by California State Law §65091 (a) 3. Public notice also was mailed to interested parties who had expressed their interest of the project.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

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

Respectfully Submitted,

Concur,

Immanuel Bereket
Associate Planner

Konradt Bartlam
Community Development Director

ATTACHMENTS:

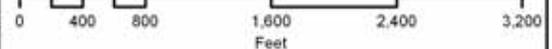
- A. Vicinity Map
- B. Aerial Photo
- C. Site Plan
- D. Floor Plan
- E. Draft Resolution



Legend

-  Project Site
-  City Limits

Vicinity Map



Aerial Map



38°08'14"N 121°15'52"W

300m
1000ft



Twin Arbors Fitness Improvement

Use Permit Application

369 S. Lower Sacramento Road, Suite B
Lodi, California

LIST OF SHEETS

UP1 TITLE SHEET
UP2 MASTER SITE PLAN
UP3 ENLARGED SITE PLAN
UP4 FLOOR PLAN
UP5 ELEVATIONS

PROJECT DESCRIPTION:
4,773 S.F. TENANT IMPROVEMENT IN AN EXISTING 6,000S.F. COMMERCIAL BUILDING FOR USE AS AN EXERCISE/FITNESS FACILITY.

CONTACT INFORMATION

OWNER

WESTGATE SHOPPING CENTER, LLC
ATTN: AKT PROPERTIES
7700 COLLEGE TOWN DRIVE, SUITE 101
SACRAMENTO, CA 95826
(916) 388-2300

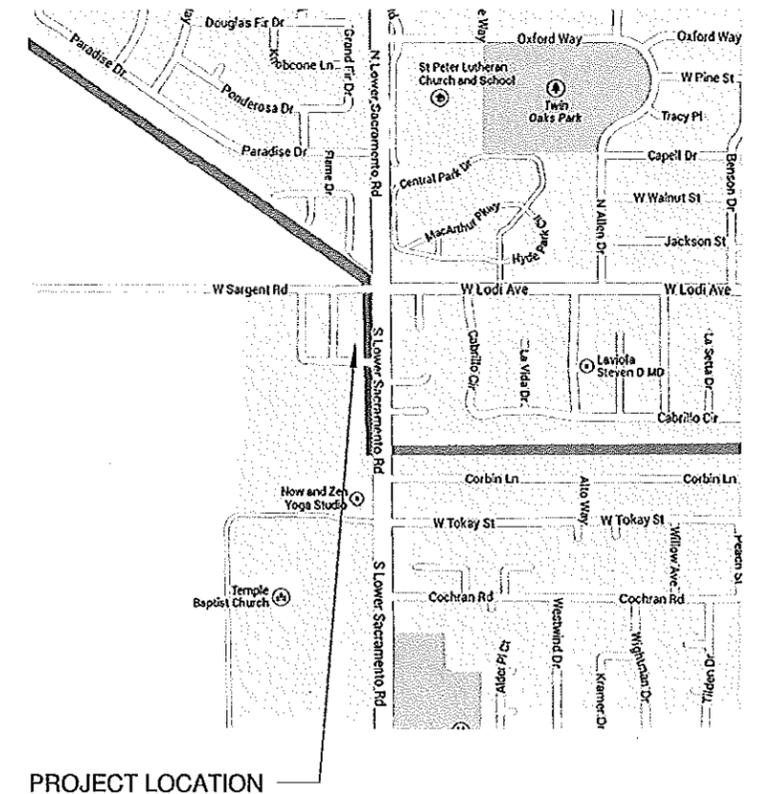
TENANT

LODI ATHELETIC CLUBS, A CALIFORNIA LIMITED PARTNERSHIP
11344 COLOMA ROAD, SUITE 350
GOLD RIVER, CA, 956700-4481
(916) 859-5910
EMAIL: larryg@sparetimeinc.com
CONTACT: LARRY GILZEAN

ARCHITECT

WMB ARCHITECTS
5757 PACIFIC AVE, SUITE 226
STOCKTON, CA 95207
(209) 944-9110
FAX (209) 944-5711
EMAIL: tm@wmbarchitects.com
CONTACT: TIM MATTHEIS

VICINITY MAP

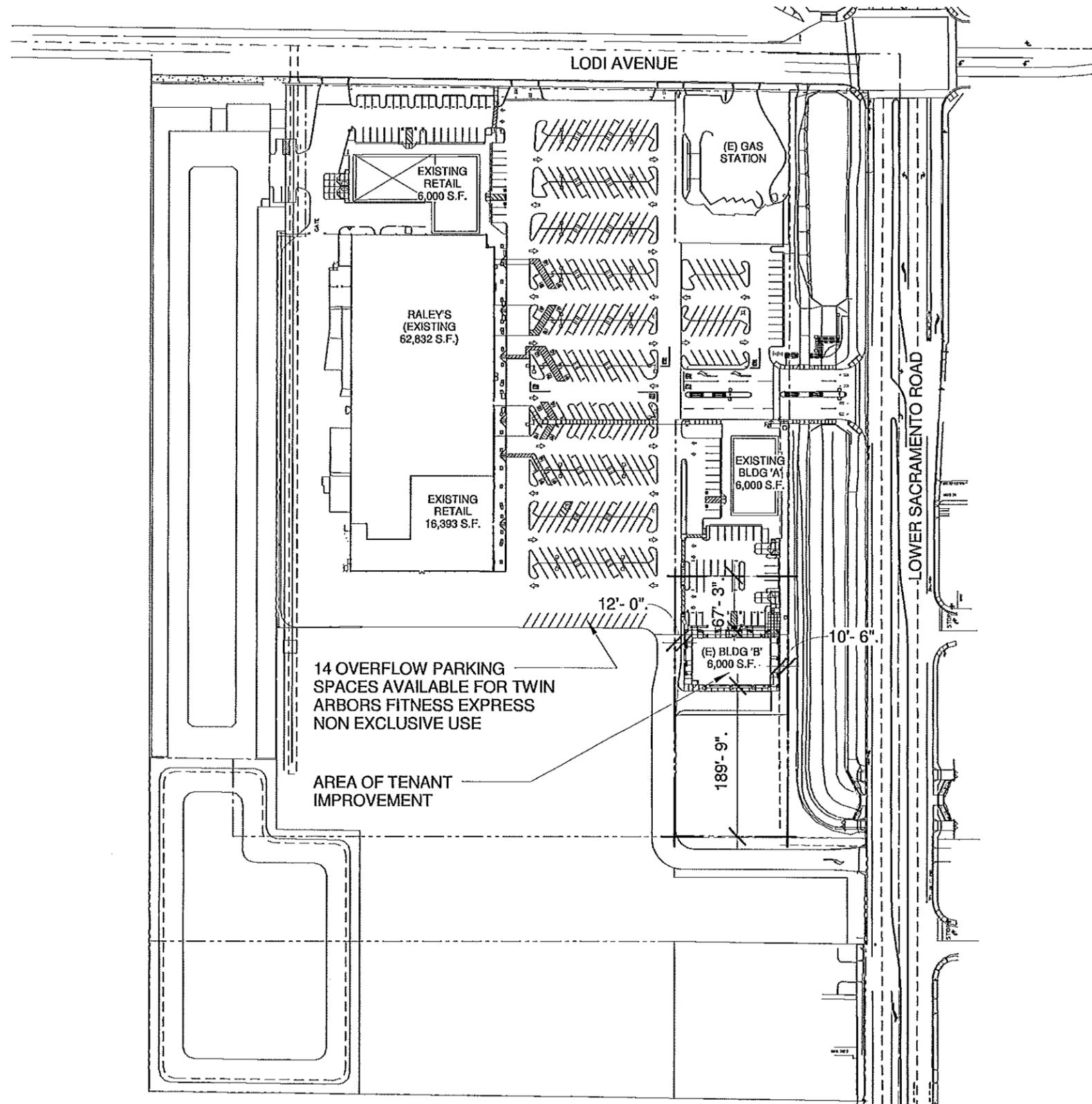


Twin Arbors Fitness Improvement

Lodi, California



WMB ARCHITECTS



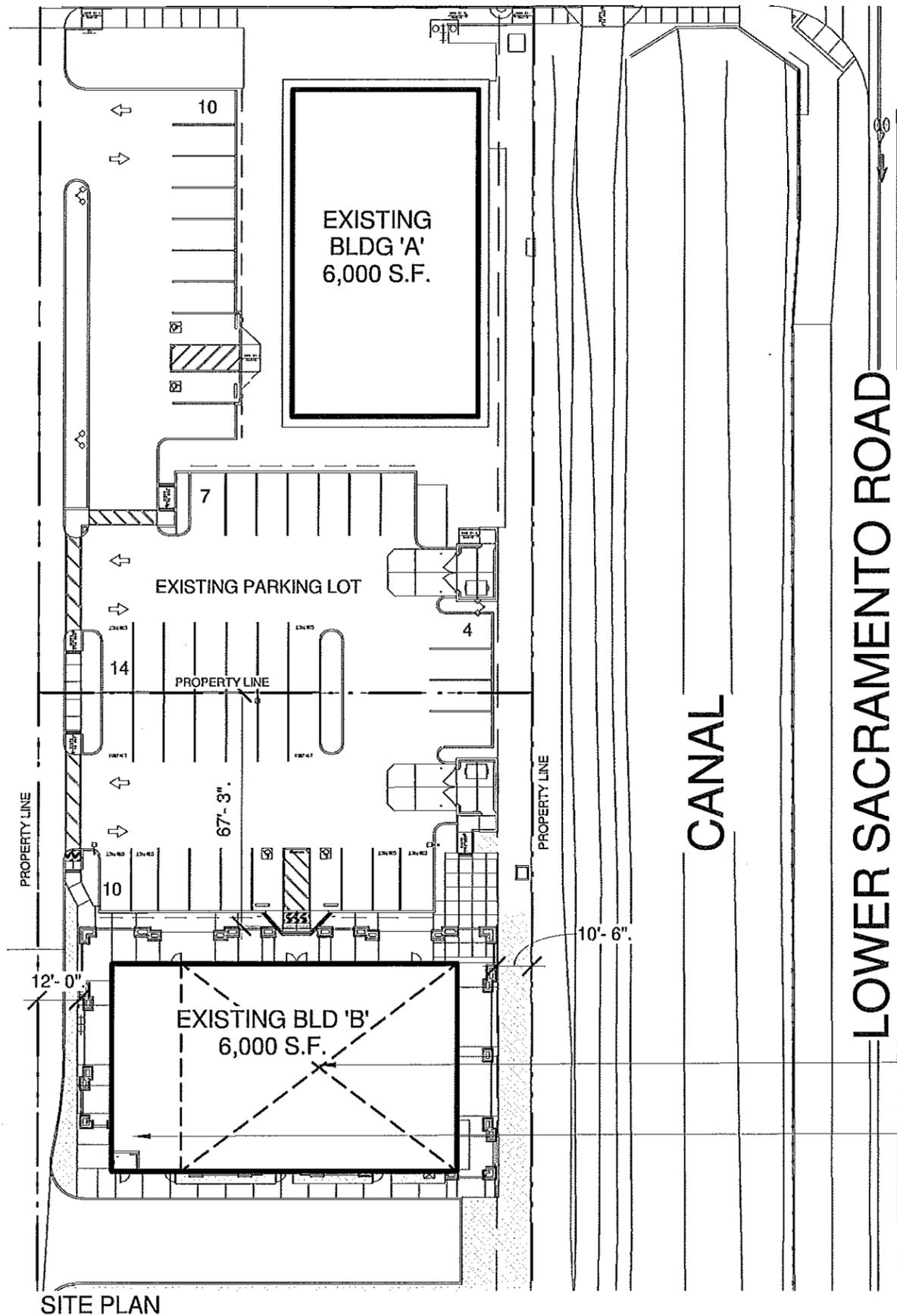
MASTER SITE PLAN
SCALE: 1" = 160'-0"

Twin Arbors Fitness Improvement

Lodi, California



WMB ARCHITECTS



SITE PLAN

SCALE: 1" = 40'-0"

PARKING REQUIREMENTS PER CITY OF LODI MUNICIPAL CODE:

BUILDING 'A'- 6,000 S.F.
 RETAIL SALES & SERVICES: 1 SPACE FOR 500 S.F. GROSS
 = 12 SPACES

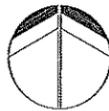
BUILDING 'B'- 6,000 S.F. (5,921 GROSS LEASABLE S.F.)

4,773 S.F. FITNESS CLUB: 1 SPACE FOR EVERY 250 S.F.= 19 SPACES
 1,148 S.F. CLINIC (ASSUMED- SPACE CURRENTLY NOT OCCUPIED)= 1 SPACE
 FOR EVERY 200 S.F.= 6 SPACES REQUIRED

TOTAL BUILDING 'A' AND 'B' PARKING REQUIREMENT= 37 SPACES REQUIRED
45 SPACES PROVIDED

PROPOSED FITNESS CENTER TENANT IMPROVEMENT (4, 773 S.F.)

SEPARATE TENANT (1,148 S.F.)

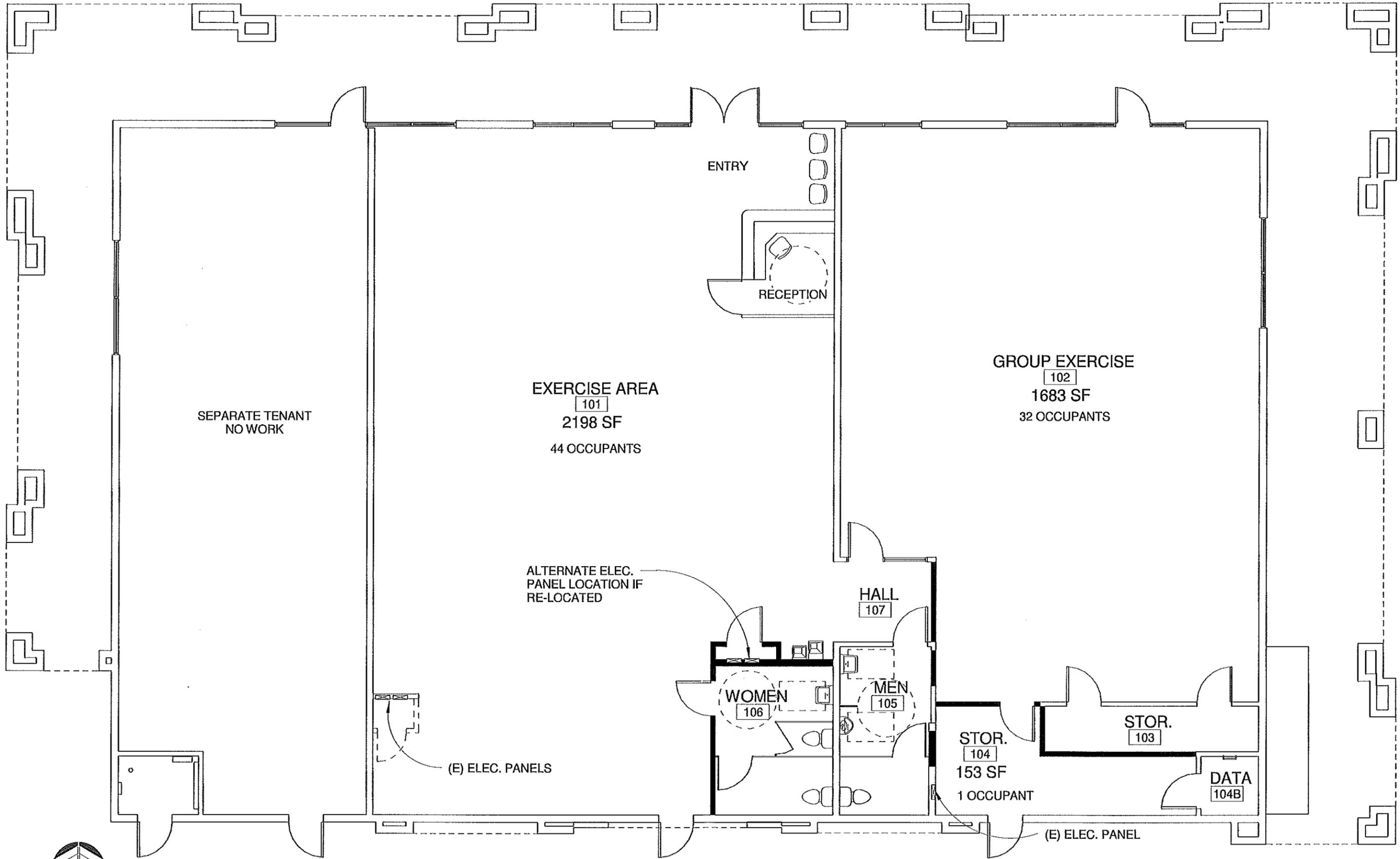


Twin Arbors Fitness Improvement

Lodi, California



WMB ARCHITECTS



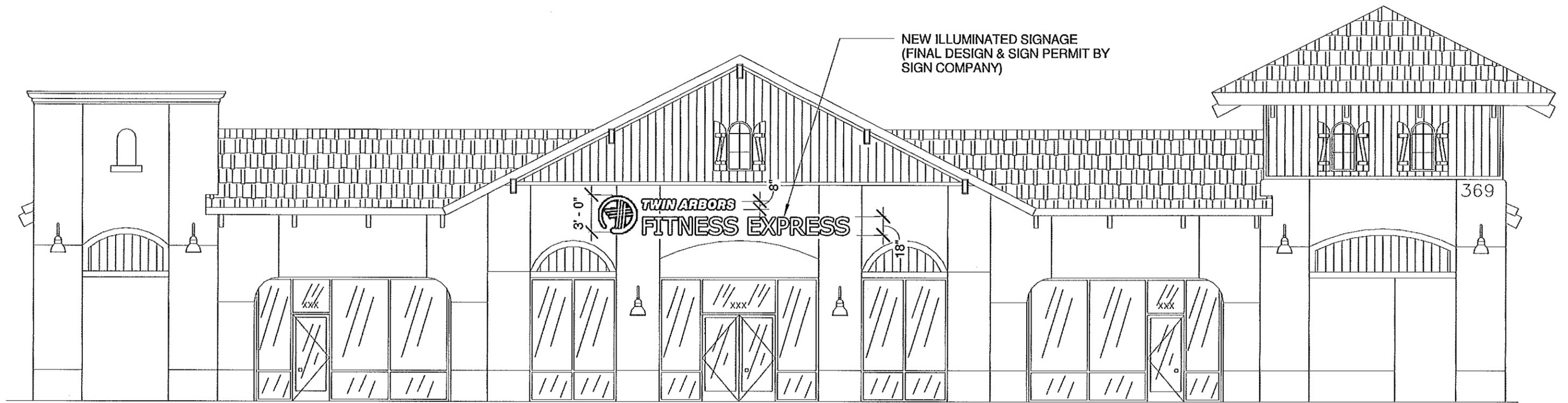
REMODELED FLOOR PLAN
 SCALE: 1/8" = 1'-0"

Twin Arbors Fitness Improvement

Lodi, California

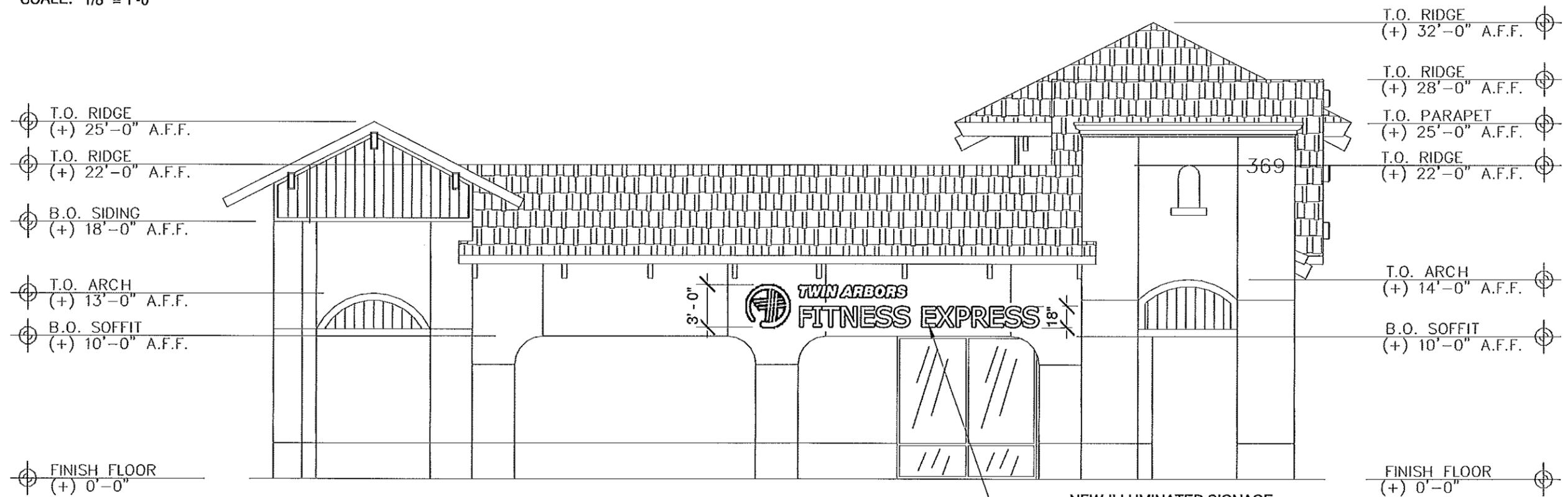


WMB ARCHITECTS



EXISTING NORTH ELEVATION

SCALE: 1/8" = 1'-0"



EXISTING EAST ELEVATION

SCALE: 1/8" = 1'-0"

Twin Arbors Fitness Improvement

Lodi, California



WMB ARCHITECTS

RESOLUTION NO. P.C. 13-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING A USE PERMIT (13-U-16) TO ALLOW A FITNESS CENTER KNOWN AS TWIN ARBOR EXPRESS IN AN APPROXIMATELY 6,000 SQ. FT. SPACE LOCATED AT 369 SOUTH LOWER SACRAMENTO ROAD, SUITE B.

- WHEREAS,** the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Use Permit, in accordance with the Lodi Municipal Code, Section 17.74; and
- WHEREAS,** the project proponent is Lodi Athletic Clubs, 11344 Coloma Road, Suite 350, Gold River, CA 95670; and
- WHEREAS,** the project is located at 369 South Lower Sacramento Road, Suite B., Lodi, CA 95240 (APN: 027-400-13); and
- WHEREAS,** the project property owner is Westgate Shopping Center, LLC., 7700 College Town Drive # 10, Sacramento, CA 95826; and
- WHEREAS,** the property has a General Plan designation of Commercial and is zoned Planned Development (PD) – 35; and
- WHEREAS,** the requested Use Permit to allow operation of a fitness center known as Twin Arbors, in a building located at 369 South Lower Sacramento Road, Lodi, CA 9240; and
- WHEREAS,** pursuant to City of Lodi Zoning Ordinance § 17.74.070, 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 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. No significant environmental impacts are anticipated and no mitigation measures have been required. No significant environmental impacts are anticipated and no mitigation measures have been required.
2. The proposed project site is within an existing 6,000-square-foot building located within a Planned Development (PD) 35 zoning district, which permits a gym subject to Use Permit approval, including any specific condition required for the proposed use in the district in which it would be located. The use conforms to the parking requirement for a health club/recreational facility.
3. The General Plan land use designation for the project site is Commercial, which permits the proposed use. The facility center is naturally restricted by size and space allocation within building in a manner that limits occupancy, and will be subject to operational conditions that govern day to day operational aspects necessary to ensure that parking and traffic impacts do not interfere with the primary daytime land uses in the area. The conditions for the restriction of the conditional use are consistent with the General Plan, will not effect neighborhood compatibility; and will not cause the operation of the conditional use to be detrimental to the welfare of persons or properties working, residing, or otherwise existing in the adjacent neighborhood areas.
4. The proposed use is within a 6,000 square feet vacant building. The tenant space is 4,773 sq. ft. There are no changes to the site and the proposed use is consistent with the Zoning Code and the General Plan policies. As such, the subject site is adequate in size and shape to accommodate the proposed use within an industrial area with all the required off-street parking provided on the subject site. Further, the project will not have a negative effect on the public

health, safety, or welfare; or be materially injurious to persons, properties or improvements in the vicinity. The primary activity in the martial arts studio will be limited during the afternoon and evening hours and on week-ends when some of the nearby businesses will be closed. The martial arts studio will therefore have a minimum impact on other businesses in the center.

5. The harmony in scale, bulk, coverage and density of the proposed project is consistent with and compatible to the existing and proposed land uses around the subject site, in that the proposed health club facility will be located within an existing building, with no additions or expansions to the approved exterior thereby maintaining the approved scale, bulk, coverage and density of the building with no impacts upon the surrounding neighborhood.
6. The availability of public facilities and utilities is adequate to serve the proposed use, in that the proposed health club facility will be located within an existing building where public facilities and services are provided, including sewer, water, electricity, phone, etc.
7. There would be no harmful effect upon the desirable neighborhood character with approval of this permit due to the building location within an established commercial neighborhood with no exterior additions proposed and an 8' high masonry wall separating the site from residential properties to the east.
8. The subject site will have adequate pedestrian and vehicular circulation and parking available, in that there is an adequate vehicle access point. Pedestrian movements are facilitated by paved and continuous path of travel that connects to the public sidewalk and the sidewalk accesses adjacent properties.
9. The generation of traffic would be minimal due to the fact that the project site is designed for vehicle use and the capacity of the surrounding streets is adequate to handle the proposed increase in use, due to Ham Lane being a major north-south thoroughfare and able to handle expanding traffic needs.
10. The location, design, landscaping and screening, and overall site planning of the proposed fitness center will provide an attractive, useful and convenient working and community-service area, in that the project has been landscaped with the original approval of the center and is located close to public transportation, arterial streets and residential neighborhoods.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Use Permit Application No. 13-U-16 is hereby approved, subject to the following conditions:

1. The applicant/Operator and/or successors in interest and management shall defend, indemnify, and hold the City of Lodi, its agents, officers, and employees harmless of any claim, action, or proceeding (including legal costs and attorney's fees) to attack, set aside, void, or annul this Use Permit, so long as the City promptly notifies the applicant of any claim, action, or proceedings, and the City cooperates fully in defense of the action or proceedings. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.
2. The City of Lodi, the Planning Commission and Lodi Police Department may, at any time, request that the Planning Commission conduct a hearing on this Use Permit for the purpose of amending or adding new conditions to the Use Permit or to consider revocation of the Use Permit if the Use Permit becomes a serious policing problem.
3. The Applicant/Operator and/or successors in interest and management shall insure that the operation of the proposed facility does not cause any condition that will cause or result in repeated activities that are harmful to the health, peace or safety of persons residing or working in the surrounding area. This includes, but is not limited to: disturbances of the peace, illegal drug activity, public intoxication, drinking in public, harassment of people passing by, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, excessive loud noises, traffic violations or traffic safety based upon last drink statistics, curfew violations, lewd conduct, or police detention and arrests.

4. The Use Permit shall be vested within six (6) months from the effective date of approval. A building permit for the tenant improvements allowed under this Use Permit shall have been obtained within six (6) months from the effective date of the Use Permit or the Use Permit shall expire; provided however that the Use Permit may be extended pursuant to the Lodi Municipal Code.
5. The proposed project shall be established and continuously operated in substantial conformance with the floor plan, written narrative, and other project submittals dated "Received, November 15, 2012" unless otherwise amended by the conditions of approval contained herein. Minor changes to the plans and operation may be allowed subject to the approval of the Community Development Director if found to be in substantial conformance with the approved exhibits.
6. On-site signage shall be allowed in accordance with the standards of the Lodi Municipal Code, and shall be submitted to the Community Development Department prior to installation for review and permitting.
7. In the event that the applicant proposes to modify any aspect of the business or modify the exterior of the building or site, the modification shall be subject to the review of the Community Development Director. The Community Development Director may approve the modification or refer the matter back to the Planning Commission if judged to be substantial.
8. If operation of this use results in conflicts pertaining to parking, noise, traffic, or other impacts, at the discretion of the Community Development Director, this conditional use permit may be referred to the Planning Commission for subsequent review at a public hearing. If necessary, the Commission may modify or add conditions of approval to mitigate such impacts, or may revoke said conditional use permit bound upon applicable findings.
9. The exterior of all the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times. Graffiti shall be removed within twenty-four hours after issuance of a notice of order.
10. Approval of this Use Permit shall be subject to revocation procedures contained in Section 17.72 of the Lodi Municipal Code in the event any of the terms of this approval are violated or if the operation of the business is conducted or carried out in a manner so as to adversely affect the health, welfare or safety of persons residing or working in the neighborhood.
11. Due to the change of use and occupancy of the building, Tenant Improvement plans shall be submitted to the Building Department. All plan submittals shall be based on the City of Lodi Building Regulations and currently adopted 2010 California Building code. Please review our policy handouts for specific submittal procedures.
12. The said plans shall include accurate occupant load calculations based on square footage divided by the appropriate occupant load factor from 2010 CBC, Table 1004.1.1.
13. 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.
14. The total plumbing occupant load appears to exceed 30. A drinking fountain (accessible) is required. 2010 CPC, Section 412 & Table 4-1 and Table A.
15. The applicant/project proponent and/or developer and/or successors in interest and management shall obtain an annual Operational Permit issued by the Lodi Fire Department, and meet all the conditions outlined in therein. The Fire Department may be contact at the Lodi Fire Department, 25 East Pine Street, Lodi, CA 95240-2127. Phone Number (209) 333-6739.

16. Any fees due the City of Lodi for processing this Project shall be paid to the City within thirty (30) calendar days of final action by the approval authority. Failure to pay such outstanding fees within the time specified shall invalidate any approval or conditional approval granted. No permits, site work, or other actions authorized by this action shall be processed by the City, nor permitted, authorized or commenced until all outstanding fees are paid to the City.
17. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

Dated: November 13, 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 November 13, 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: November 13, 2013

APPLICATION NO: Use Permit: 13-U-17

REQUEST: Request for Planning Commission approval of a Use Permit to allow a Type-41 On-Sale Beer and Wine Alcoholic Beverage Control License at 315 South Cherokee. (Applicant: Darlene Victorino Machado; File Number: 13-U-17; CEQA Determination: Categorical Exemption Pursuant to CEQA Guidelines Section 15332 In-Fill Development Projects)

LOCATION: 315 South Chrokee Lane
APN: 047-353-09
Lodi, CA 95240

APPLICANT: Darlene Victorino Machado
315 South Cherokee Lane
Lodi, CA 95240

PROPERTY OWNER: Leone Wiebe TR
1106 Devine Drive
Lodi, CA 95240

RECOMMENDATION

Staff recommends the Planning Commission approve the request of Ms. Machado for a Use Permit to allow Type-41 On-Sale Beer and Wine Alcoholic Beverage Control (ABC) license at 307 South Lower Sacramento Road, subject to conditions in the attached resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: Mixed Use Corridor
Zoning Designation: Mixed Use Corridor
Property Size: 2,600 sq. ft.)

The adjacent zoning and land use characteristics:

	ADJACENT ZONING DESIGNATIONS AND LAND USES		
	GENERAL PLAN	ZONING CLASSIFICATION	EXISTING LAND USE
North	Mixed Use Corridor	Mixed Use Corridor	Retail Services
South	Mixed Use Corridor	Mixed Use Corridor	Retail Services
East	Mixed Use Corridor	Mixed Use Corridor	Retail Services
West	Medium Density Residential	Medium Density Residential	Residences

SUMMARY

The applicant, Darlene Victorino Machado, is requesting approval of a Use Permit to allow a Type-41 Alcoholic Beverage Control (ABC) License. Ms. Darlene Victorino Machado currently operates a diner called Hollywood Café located at 315 South Cherokee Lane. Type 41 alcohol beverage control license authorizes the sale of beer and wine in conjunction with operation of a bone fide restaurant. In accordance with ABC requirements, receipts from food sales shall not be in excess

of alcohol sales receipts. In addition, the applicant is requesting that the Planning Commission make a finding that the sale of alcohol at the restaurant is a public convenience or necessity, in accordance with the requirements of the State Department of Alcoholic Beverage Control (ABC).

BACKGROUND

Available City records indicate that the tenant space has been used by successive restaurants under different ownerships. Currently, there are no outstanding City or Building Code violations.

ANALYSIS

According to the applicant, the restaurant offers breakfast, lunch and dinner menu. The hours of operations are from 5:00 a.m. to 3:00 p.m. on Sunday – Wednesday and from 5:00 a.m. to 8:00 p.m. on Thursday – Saturday. The restaurant measures approximately 2,600 square-feet in size and employs eight people. The restaurant accommodates up to 75 patrons. The restaurant provides a total of 21 parking stalls whereas the Lodi Development Code requires 19 stalls for a restaurant this size. The applicant requests a Use Permit approval to allow a Type 41 (Eating Place) ABC license, which authorizes the sale of beer and wine for consumption on or off the premise where sold. Type 41 prohibits the sale of distilled spirits and minors are allowed on the premise. In accordance with the State Department of Alcoholic Beverage Control (ABC) requirements, receipts from alcohol sale cannot be in excess of food sale receipts. ABC requires that restaurants with an alcohol license must operate and maintain the premise as a bona fide eating establishment.

Per Land Use Code Section 17.22.030, onsite consumption of alcohol beverages is permitted in the Mixed Use Corridor (MCO) 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 licenses. Planning staff is of the opinion a public need and necessity/convenience is warranted in this case because the primary function of the establishment is a bone fide restaurant and does not involve retail or wholesale distribution of alcohol. In the past, the Planning Commission and City staff have generally supported restaurants that wish to acquire ABC licenses because, typically, restaurants that serve alcohol in conjunction with food sales do not create alcohol related problems and is a way to increase sales. In addition, ABC requires that food sales must exceed alcohol sales, which would ensure the restaurant operates as a bone fide eating establishment.

The discretionary Use Permit procedure enables Planning and other 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 follows:

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 proposal involves a new restaurant in an existing restaurant building located within the Mixed Use Corridor (MCO) Zoning District, which allows sale of alcohol for on and off site consumption in accordance with Development Code Section 17.22.030. The intent of the MCO zoning district is to provide for a range of uses, emphasizing high quality development, and to encourage revitalization of existing buildings. The proposal is consistent with this intent. The proposed use permit reuses a restaurant building that has been vacant since 2011.

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 Mixed Use Corridor, which provides for sale of alcohol. The proposed sale of beer and wine in conjunction with a restaurant operation is the type of business allowed by the General Plan. The sale of alcoholic beverages as part of a restaurant is required by the State Department of Alcoholic Beverage Control to be secondary to food sales. Sale of beer and wine in conjunction with a restaurant is a common way to increase sales 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 sale of beer and wine in conjunction with a restaurant operation is compatible with existing and future land uses in the immediate vicinity of the project area. The sale of beer and wine in a restaurant is consistent with the General Plan because commercial uses such as the one proposed are permitted to sell alcohol in accordance with Land Use Policy subject to a discretionary review. The sale of alcoholic beverages for on-premise consumption is a normal part of business operations for a restaurant and provides a convenience for customers of the business.
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, restaurants with sale of alcohol license have operated at this location and did not create any problems. Third, the proposed use, as conditioned, will not have an adverse effect upon the use, enjoyment or valuation of property in the 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 sale of alcohol in a restaurant operation are secondary to the sale of food. In accordance with ABC requirements, receipts from alcohol sales shall not be in excess of food sales receipts. Lastly, it is found that the sale of alcoholic beverages as part of a restaurant is a convenience that does not typically create alcohol related problems.
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 from CEQA review under 14 CCR §15332. Class 32 consists of projects characterized as in-fill development meeting the following conditions: (a) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations, (b) the proposed development occurs within city limits on a project site of no more than five (5) acres substantially surrounded by urban uses, (c) the project site has no value as habitat for endangered, rare or threatened species, (d) approval of the proposed project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and (e) the site of the proposed project can be adequately served by all required utilities and public services.

Staff sent copies of the application to various City departments for review and comment. Their comments and requirements have been incorporated into the attached resolution. Staff has contacted the Lodi Police Department for their requirement for approval of the proposed on-sale beer and wine application and they do not anticipate alcohol related problems. The Lodi Police Department recommends approval subject to the conditions outlined in the attached resolution. Because the applicant's request is for a Use Permit to allow sale of alcohol in conjunction with a full service restaurant, staff does not anticipate the alcohol sales portion of the business to create any problems. This operation would be similar to other restaurants within Lodi. The Planning

Commission and Planning staff have generally supported restaurants that wish to acquire an ABC license. If problems or concerns related to the sale of alcoholic beverages occur in the future, staff and/or the Planning Commission may initiate a public hearing where the Commission would have the ability to amend conditions or revoke the Use Permit.

ENVIRONMENTAL ASSESSMENT

The project is found to be categorically exempt from CEQA review under 14 CCR §15332. Class 32 consists of projects characterized as in-fill development meeting the following conditions: (a) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations, (b) the proposed development occurs within city limits on a project site of no more than five (5) acres substantially surrounded by urban uses, (c) the project site has no value as habitat for endangered, rare or threatened species, (d) approval of the proposed project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and (e) the site of the proposed project can be adequately served by all required utilities and public services.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published in the Lodi News Sentinel on Saturday, November 2, 2013. Thirty-Five (35) public hearing notices were sent to all property owners of record within a 300-foot radius of the subject property as required by California State Law §65091 (a) 3.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

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

Respectfully Submitted,

Concur,

Immanuel Bereket
Associate Planner

Konradt Bartlam
Community Development Director

ATTACHMENTS:

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

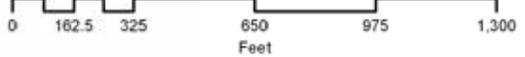


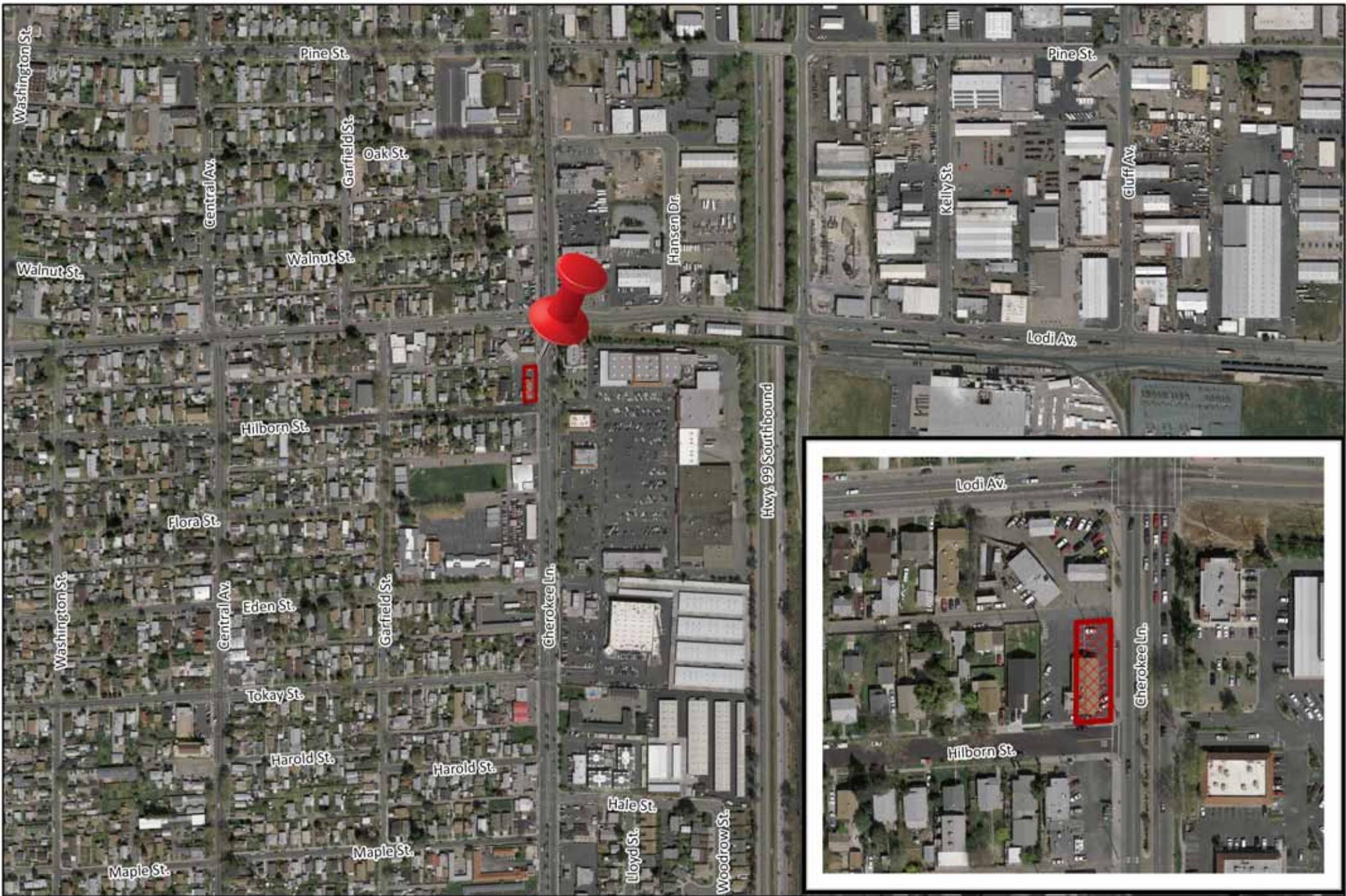
Hwy. 99 Southbound



 315 South Cherokee Lane

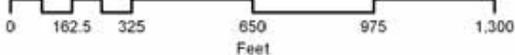
Vicinity Map

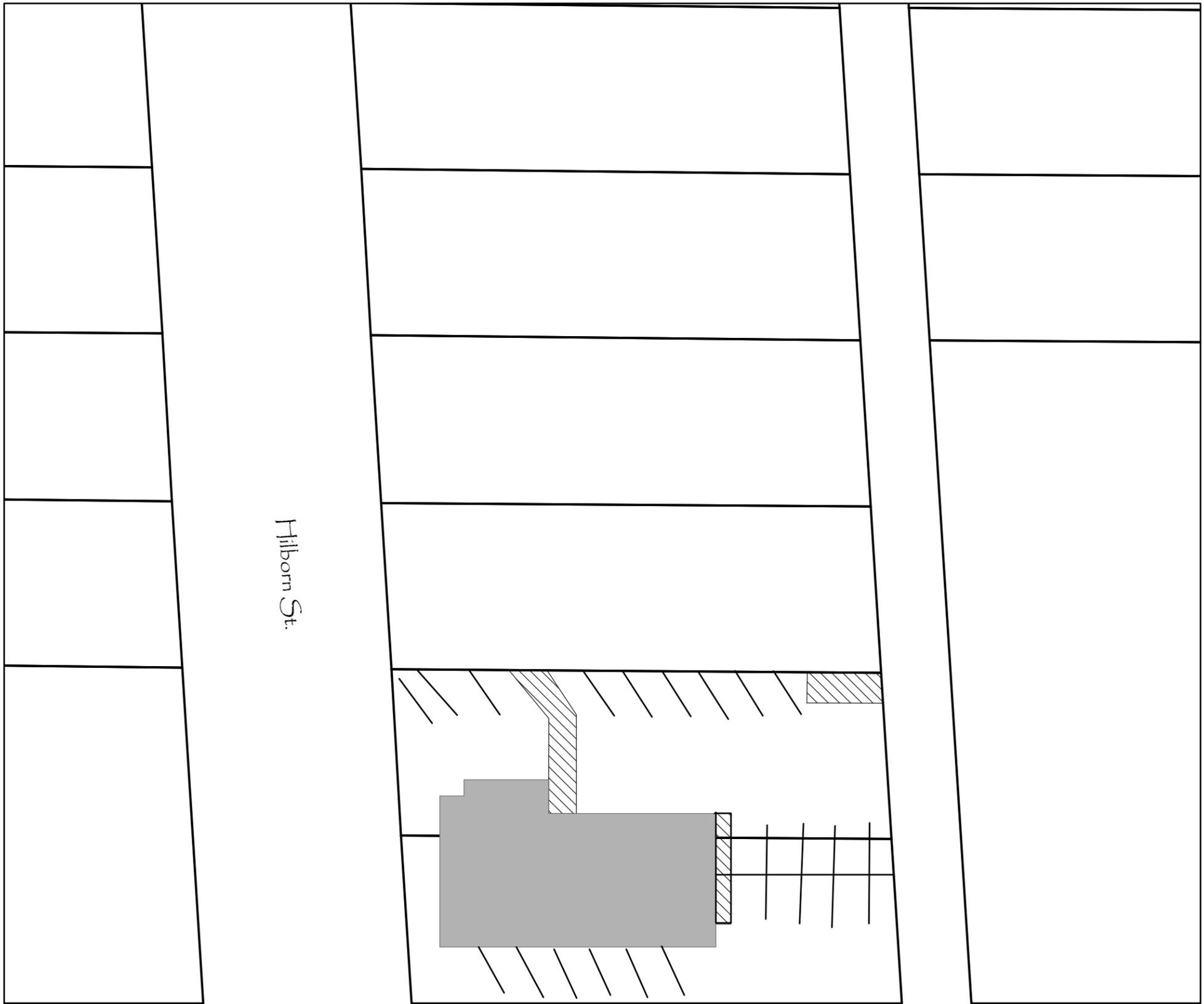




 315 South Cherokee Lane

Vicinity Map

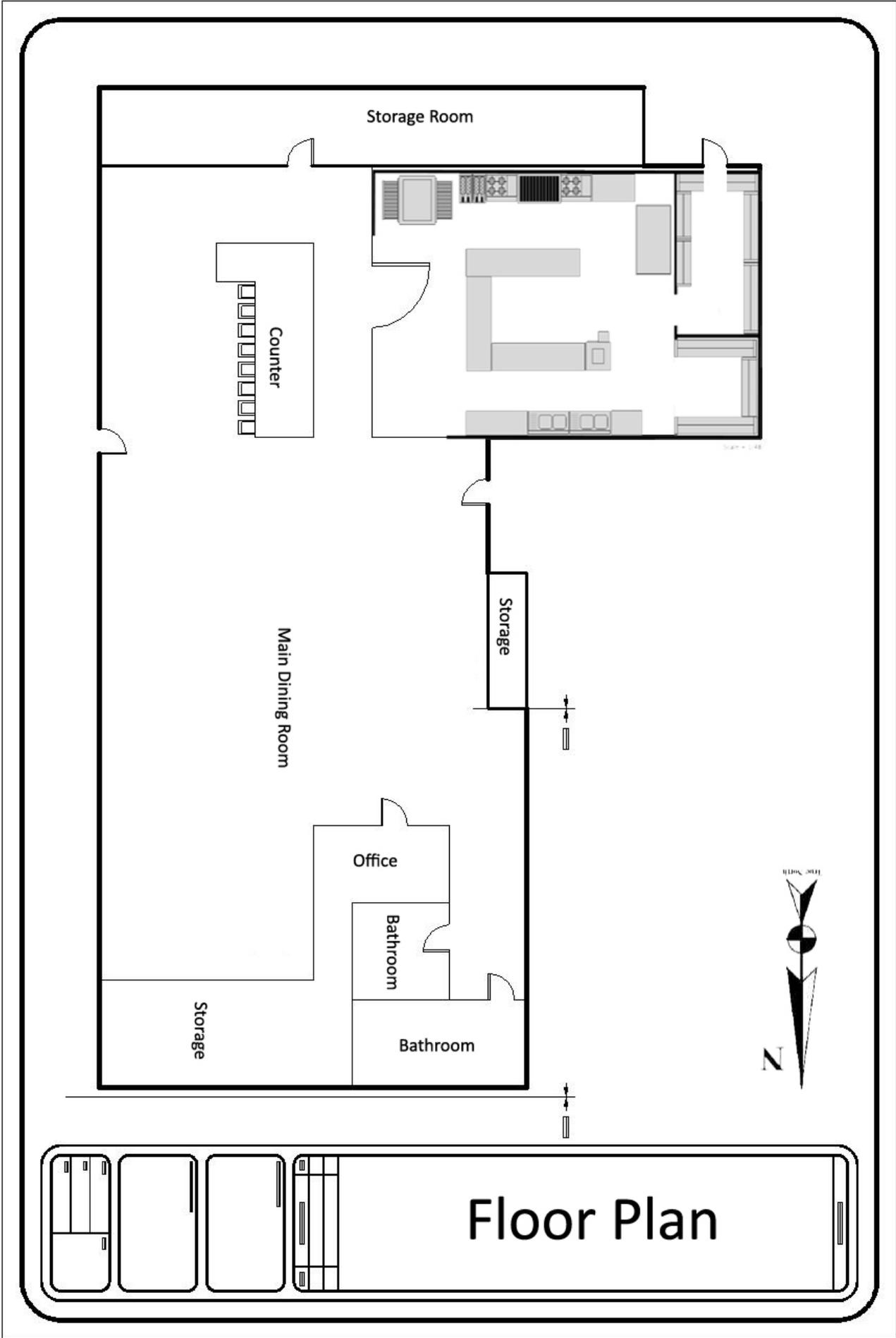




Hilborn St.

Cherokee Ln.

Site Plan



Welcome to Lodi's Hollywood Cafe!

Our number breakfasts Includes potatoes, toast and a fresh fruit garnish. Substitute toast for biscuits and gravy with your meal for 1.59 more. Salsa is available upon request.

#1

2 Eggs, any style 5.49

#2

2 Eggs with bacon, turkey bacon or sausages 6.99

#3

Grilled ham and eggs 6.99

#4

Linguisa and Eggs 8.99

#5

2 Eggs, 2 Pancakes, 2 Bacon & 2 Sausage Links 7.99
(Toast not included)

#6.

Bratwurst and Eggs 9.99
Bratwurst from Lakewood Meats in Lodi.

#7 Egg Sandwich Supreme

2 Eggs, Cheese, and your choice of Bacon, Turkey Bacon, Sliced Turkey or Ham. Served in sourdough 5.99

#8 Hamburger Breakfast Sandwich 8.99

Our juicy angus hamburger patty, 2 eggs, american cheese, bacon, hash browns and topped with hollandaise sauce. Served in a warm bun. Fruit garnish on side. (toast not included)

Pancakes, Waffles and French Toast

Pancakes and Waffles are available in traditional Buttermilk, or Buckwheat. Add Seasonal Fruit on top for 1.59

Buttermilk or Buckwheat Pancakes

Pancakes. Short Stack (2) 3.99 Full Stack (4) 4.99.

Add our home made warm Cinnamon Apple Topping 1.99

Belgian Waffle 5.99

Add warm cinnamon apple topping or fresh fruit for 1.59.

Belgian Waffle Combo 7.99

Belgian Waffle with 2 eggs and 2 bacon or 2 sausage links.

Strawberries and Whipped Cream Belgium Waffle 6.99

Captain Crunch or Fruity Pebbles French Toast 6.99

Make it a Combo meal with 2 eggs and 2 bacon or sausage. 8.99

French Toast 5.99

6 halves of French Toast served with butter and syrup.

French Toast Combo

4 halves 2 eggs and 2 bacon or sausage. 7.99

Chicken Waffle 8.99

Famous in the south. 3 large Chicken strips over our belgian waffle. Served with butter, syrup and honey mustard on the side.

Breakfast Sides

One egg 1.29 Two eggs 1.89

Sausage Links, Bacon or Ham 3.29

Grilled Linguica 3.99 - Grilled Bratwurst 5.99

Side of Toast or Bisquits 1.59

Biscuits and Gravy

Full-4.49 half - 2.99 Gravy - 1.59

Oatmeal or Cream of Wheat 3.99

Served with brown sugar, raisins, walnuts, butter and milk.

Oatmeal or Cream of Wheat Combo 5.99

Served with two eggs, toast and all the trimmings.

Cup of Cottage Cheese 2.99
Bowl 3.99

Seasonal Fresh Fruit

Cup 2.99 Bowl 4.49

Hash Browns or Country Potatoes 2.49

Plain Greek Yogurt with Granola 3.99

Fresh baked Cinnamon Roll 2.99

Topped with our cream cheese frosting.

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RENT OUR RESTAURANT SUNDAY - WEDNESDAY EVENING FOR YOUR PRIVATE EVENTS!

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Ask about our Gluten Free or Diabetic Menu.

HOLLYWOOD FAMILY CAFE

Cafe Omeletes & Scrambles

3 egg omelete served with potatoes and toast.

All Omeletes, Scrambles, & Specialty Breakfast include a homemade cinnamon roll & juice. Add a biscuit and gravy for 1.59 more. Salsa available upon request.

Denver Omelet

Ham, bell pepper and onions 7.99

Ham & Cheese Omelet

Ham with your choice of american, jack, swiss or cheddar/jack cheese. 7.99

Spinach & Feta Cheese Omelet

Spinach, and feta cheese, folded into three eggs. 8.99

Spanish Omelette

Stuffed with bell peppers, onions and tomatoes and topped with our famous Ranchera Sauce, melted cheese and avocado. 8.99

Western Omelete

Ham, bell peppers and onions topped with cheddar and jack cheeses. 8.99

Meat Lover's Omelete

Ham, bacon, sausage and linguica topped with cheddar and jack cheeses. 9.99

Veggie Omelete

Spinach, mushrooms, onions, zucchini, bell peppers and diced tomatoes topped with avocado slices and cheddar and jack cheeses. 8.99

Lodi Omelette

Bacon, bell peppers, onions and cheese topped with avocado slices and sour cream on the side. 8.99

Audrey Hepburn's Cafe Fitness Omelete

Fresh mushrooms, spinach, onions and diced tomatoes stuffed into a three (3) egg white omelete and topped with avocado slices. Served with tomato slices and dry wheat toast. 8.99

Healthy 3 in one Scramble

3 eggs, 2 turkey Bacon, spinach and feta cheese scrambled together with a fresh fruit cup and your choice of a buckwheat or sugar free wheat pancake. (toast and cinnamon roll not included) 9.99

Mexican Scramble

3 eggs, beef sirloin, onions, tomatoes, peppers and mild ranchera salsa scrambled together. Served with potatoes or Grandpa Bobs beans, toast or tortillas. 9.99

Specialty Breakfasts

Served with 2 eggs cooked any style, potatoes and toast.

Add a biscuit and gravy for 1.59 more. Salsa available upon request.

Specialty breakfast includes cinnamon roll and juice.

John Wayne's Ribeye Steak and Eggs. 12.99

Pot Roast and Eggs

Seasoned slow cooked Pot Roast served with gravy on the side. 8.99

Huevos Rancheros

2 eggs served on top crispy corn tortillas and topped with Hollywood's famous ranchera sauce and melted Cheddar and Jack cheese. Served with Grandpa Bob's famous beans and tortillas or toast. (Does not include potatoes). 8.99

Country Fried Steak and Eggs

Certified Angus Beef Country Fried Steak and Eggs. Topped with our delicious country gravy. 10.99

San Joaquin Rooster Special

Ham, country potatoes and yellow onions, sauteed together and topped with 2 eggs and hollandaise sauce. 8.99

Eggs Benedict

Tender slices of ham on 2 english muffins, topped with poached eggs and our special hollandaise sauce. 8.59

Eggs Florentine Benedict

Fresh spinach and bacon on 2 toasted english muffins, topped with poached eggs and our special hollandaise sauce. 8.99

Corned Beef Hash & Eggs

Corned Beef Hash with eggs. 8.99

Pork Chops & Eggs

2- 4oz grilled pork chops 9.99

Hamburger Steak or Turkey Patty & Eggs

1/3 pound USDA premium certified Angus Beef, cooked to order. 8.99

Add mushrooms and onions for only 1.00.

Smoked Apple Chicken Sausage & Eggs

Smoked apple sausage from Lakewood meats and Sausage with eggs. One of Hollywood's favorites 8.99

Chile Verde and Eggs 9.99

Served with beans and toast or tortillas.

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AT FRONT DESK 209-369-4065 - VISIT US ON FACEBOOK



HAVE YOUR NEXT MEETING HERE! LET US CATER YOUR NEXT EVENT WE DO PERSONAL TEA PARTY'S

Senior Breakfast

Proudly served to our guests 55 years of age and over. Instead of toast have a biscuit and gravy for 1.59.

2 Eggs and country potatoes or hash browns with toast. 3.99

☀ **Meat and cheese omelette. 5.99**

Ham, bacon or sausage and cheese with your choice of potatoes and toast. Served with a fresh fruit garnish.

Senior Breakfast

2 Eggs, 2 bacon, turkey bacon or sausage with potatoes and toast. 5.49

☀ **Senior Combo**

2 Eggs, 2 bacon or sausage with pancakes or French toast. Served with a fruit garnish. 5.99

Pot Roast and Eggs

Served with your choice of potatoes & toast. Gravy served on the side. 6.99

One, One and One

1 Egg, 1 Pancake, 1 Bacon or 1 Sausage. 2.99

Senior Lunch and Dinner

Sides: Mash Potatoes, French Fries, Sweet Potato Fries, Onion Rings, Potato Salad, and Coleslaw.

Senior Pot Roast Sandwich 6.99

Slow Cooked Pot Roast Sandwich with gravy served on a Genova Roll with your choice of side.

Hamburger Steak with Grilled mushrooms 6.99 Dinner 7.99

Fish and Chips 6.99

Fried Chicken 7.99 Dinner 8.99

1 Chicken Breast, 1 Chicken Thigh and 1 Chicken Wing served with your choice of side and coleslaw.

Pot Roast Dinner 7.99

Our slow roasted Pot Roast served with mashed potatoes, gravy, vegetables and soup or salad.

☀ **Grilled Tilapia 9.99**

Our Grilled Tilapia served with rice pilaf and vegetable.

Desserts and Beverages

Homemade Pie 3.29 Ala Mode 3.99

Bread Pudding 3.29

CoCo Flan Cake 3.29

☛ **Banana Splits 4.49**

Hot Fudge Sundae 2.99
Scoop of Chocolate, Strawberry or Vanilla Ice Cream 1.99

Egg Muffin Sandwich

Egg, cheese, sliced ham or bacon on an English muffin and served with potatoes and a fresh fruit garnish. 3.49

☀ **Ribeye steak and Eggs**

USDA Choice Angus Ribeye steak with 2 Eggs, potatoes & toast. 9.99 add grilled mushrooms and onions for 1.00

Egg Benedict Florentine

Made with 1 poached egg, fresh spinach, bacon or ham, and topped with our delicious hollandaise sauce. Served with potatoes and a fresh fruit garnish. 6.99

2 Pancakes or 2 slices of French Toast with 2 eggs

Your choice of Buttermilk or buckwheat pancakes, 2 slices of Texas toast French toast served with 2 eggs and a fruit garnish. 3.99 Short Stack only. 3.49 French toast only 3.49 (2 slices)

Hot Turkey Sandwich 5.99

Served with mashed potatoes and cranberry sauce.

☛ Ribeye Steak Dinner 9.99

6 oz of USDA Angus Choice Ribeye served with your choice of side, vegetable and a cup of soup or salad. Add Grilled onions and mushrooms for 1.00.

Soup and 1/2 Sandwich Combo 5.59

A cup of soup and your choice of tuna, turkey, ham, or bacon on white or wheat bread.

Spaghetti and meatballs 6.99 Dinner 7.99

Served with Garlic Bread.

Meatloaf 6.99 Dinner 7.99

Coffee, Tea or Hot Choc. 1.79

Large Milk 2.49 Small milk 1.99

Juice Lg. 2.99 Sm. 2.29 Soda 2.29

Orange Juice, Apple Juice, Cranberry Juice, Pineapple Juice, Grapefruit Juice and Tomato Juice.

Hand Dipped Milk Shake 3.49

Malts 3.99

Description here - 0.00

☀ Visit us on Facebook

Ask to see our Diabetic and Fitness Menu

Hollywood's Favorite Appetizers

Combination Platter

Choose any three of the following items. Chicken strips, onion rings, chips and salsa, quesadilla, sweet potato fries, fried zucchini or okra and french fries. 9.99

Fried Zucchini 5.99

Mozzarella Cheese Sticks 5.99

Onion Rings 4.49

Garlic Fries 4.49

Robert "Dude" Craggs

2012 Hollywood Chili cook Off
Award Winning "Spittin Fire Chili"
Chili Cheese Fries 5.99

Southern Style Okra 4.49

Hollywood Quesadilla

Served with salsa, avocado, slices and sour cream 8.99

Sweet Potato Fries 3.99

Home made Chips & Salsa 3.99

Bean Dip served with Grandpa Bobs famous salsa 4.99

Chicken Strips 6.99

Salads and Soups

Choose from Ranch, Bleu Cheese, Thousand Island, Italian, Raspberry Vinegarette, Poppyseed, Caesar, or Balsamic vinegarette.

Caesar Salad 4.99 add chicken 6.99

Grilled Chicken Salad

Your choice of crispy or grilled chicken on a bed of fresh greens, surrounded by tomatoes, bacon, mushrooms, shredded cheese and sliced egg with choice of dressing 7.49

Tuna Salad

Tuna on top of a bed of fresh greens surrounded by tomatoes, onions and sliced egg with your choice of dressing 7.99

✱ San Joaquin Chicken Salad

Baby spinach tossed in a poppyseed dressing topped with grilled chicken breast, thin slices of red onion, chopped bacon, sliced apple, candied pecans, and bleu cheese crumbles. 9.99

Chef Salad

A bed of fresh greens topped with sliced tomatoes, strips of turkey, ham and cheese, sliced egg and choice of dressing 7.99

✱ Chopped Cobb Salad

Fresh greens topped with grilled chicken breast, tomatoes, chopped bacon, mushrooms, avocado, bleu cheese crumbles and sliced egg with your choice of dressing 9.99

Spittin Fire Chili cup. 3.49 Bowl 4.49

House Salad 3.49

Soup of the Day

Cup 3.49
Bowl 4.99 Bread Bowl 5.99

Soup and Salad Combo

Cup of soup with salad 5.99
Bowl of Soup with salad 6.99

1/2 Sandwich Combo with a cup of soup or salad.

1/2 sandwich made with wheat or white bread & your choice of ham, turkey or tuna.
Cup 5.99 Bowl 6.99

Sandwich and soup cup 6.99 Bowl 7.99

Choice of white or wheat bread, turkey, ham,bacon or tuna.

Beverages & Desserts

Coffee, Hot Tea or Hot Chocolate 1.79

Coke, Diet Coke, Sprite, Raspberry Iced Tea, Root beer, Pibb Extra, Regular Iced Tea and Lemonade 2.25
Sm. Milk 1.99 Lg. Milk 2.49

ASK YOUR SERVER FOR OUR HOMEMADE PIE & CAKE SELECTION

Hand Scooped Milk Shakes 3.49 or Malts 3.99

Delicious Root Beer Floats 3.29

Juices Large 2.99 Small 2.29

Orange, Cranberry, Apple, Pineapple, Grapefruit and Tomato

Banana Splits 4.49 with Brownies 5.99

Hot fudge Sundae 3.49 Brownie Ala Mode 3.29
Scoop of ice cream 1.49

Bread Pudding with maple butter sauce 3.99

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RESOLUTION NO. P.C. 13-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF DARLENE VICTORINO MACHADO FOR USE PERMIT TO ALLOW A TYPE-41 ON-SALE BEER AND WINE ABC LICENSE IN CONJUNCTION WITH A RESTAURANT OPERATION AT 315 SOUTH CHEROKEE LANE

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

WHEREAS, the project proponent is Darlene Victorino Machado, 315 South Cherokee Lane Lodi, CA 95240; and

WHEREAS, the project is located at 315 South Cherokee Lane, Lodi, CA 95240 (APN: 047-359-09); and

WHEREAS, the project property owner is Leone Wiebe TR, 1106 Devine Drive, Lodi, CA 95240; and

WHEREAS, the property has a General Plan designation of Mixed Use Corridor and is zoned Mixed Use Corridor; and

WHEREAS, Census Tract 44.03 in which the restaurant is located is over concentrated with licenses allowing on premise consumption of alcoholic beverages; and

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

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

WHEREAS, 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 from CEQA review under 14 CCR §15332. Class 32 consists of projects characterized as in-fill development meeting the following conditions: (a) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations, (b) the proposed development occurs within city limits on a project site of no more than five (5) acres substantially surrounded by urban uses, (c) the project site has no value as habitat for endangered, rare or threatened species, (d) approval of the proposed project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and (e) the site of the proposed project can be adequately served by all required utilities and public services. No significant environmental impacts are anticipated and no mitigation measures have been required.
2. The sale of alcoholic beverages for on-premise consumption as part of a restaurant is a permitted use in the Mixed Use Corridor (MCO) Zoning District. The site is suitable and adequate for the proposed use because the reestablishment of a restaurant on this site would not create negative impacts on business or residential uses in the vicinity.
3. The on-sale of beer and wine, in accordance with a Type 41 Alcoholic Beverage Control License and with the conditions attached herein, would be consistent and in harmony with the Mixed Use Corridor General Plan Land Use Designation and MCO Zoning District.
4. The proposed use is consistent with the General Plan because commercial uses such as the one proposed are permitted in accordance with Land Use Policy subject to a discretionary review.
5. The proposed use would not have a substantial adverse economic effect on nearby uses because operation of a restaurant in accordance with applicable laws and under the conditions of this Use Permit is anticipated to be an economic benefit to the community.

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

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Use Permit Application No. 13-U-17 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 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.
3. The Applicant/Operator and/or successors in interest and management shall insure that the sale of alcohol does not cause any condition that will cause or result in repeated activities that are harmful to the health, peace or safety of persons residing or working in the surrounding area. This includes, but is not limited to: disturbances of the peace, illegal drug activity, public intoxication, drinking in public, harassment of people passing by, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, excessive loud noises, traffic violations or traffic safety based upon last drink statistics, curfew violations, lewd conduct, or police detention and arrests.
4. The Applicant/Operator and/or successors in interest and management shall operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
5. The Applicant/Operator shall operate and abide by the requirements and conditions of the State of California Department of Alcoholic Beverage Control License Type 41. The Type 41 License

shall be limited to on-site sale and consumption of beer and wine during the hours that the restaurant is open for business.

6. The City reserves the right to periodically review the area for potential problems. If problems (on-site or within the immediate area) including, but not limited to, public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct result from the proposed land use, the Use Permit may be subject to review and revocation by the City of Lodi after a public hearing and following the procedures outlined in the City of Lodi Municipal Code. Additional reviews may be prescribed by the Community Development Director, the Police Department and/or Planning Commission as needed during and after the first two years of probationary period. Further, starting from the effective date the business commences the sale of beer and wine, this Use Permit shall be subject to a one year, and two year review by Community Development Director. If the Director determines it necessary, he/she 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.
7. The Lodi Police Department may, at any time, request that the Planning Commission conduct a hearing on the Use Permit for the purpose of amending or adding new conditions to the Use Permit or to consider revocation of the Use Permit if the Use Permit becomes a serious policing problem.
8. The sale and consumption of alcohol shall not be permitted anywhere outside of the building envelop under any circumstances. It is the responsibility of the Applicant/Operator and/or successors in interest and management to ensure no sale or consumption of alcohol occurs outside of the building envelop.
9. Any changes to the interior layout of the business operation shall be subject to review and approval by the Planning Department and shall require appropriate City permits.
10. The monthly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records which reflect separately the gross sale of food and the gross sales of alcoholic beverages of the licensed business. These records shall be kept no less frequently than on a monthly basis and shall be made available to the Police Chief or his designee, upon demand.
11. There shall be no live entertainment, including but not limited to disc jockey, karaoke, topless entertainment, male or female performers or fashion shows. "Entertainment" shall mean all forms and types of entertaining patrons, whether such entertainment is provided by means of live performances or audio and/or video presentations, whether remote or prerecorded; provided, however, that "entertainment" shall not be deemed to include the use of any regularly broadcast television or radio programs, or coin-operated music machine.
12. No person who is in a state of intoxication shall be permitted within the restaurant nor shall an intoxicated patron already in the restaurant be served additional alcoholic beverages. It is the responsibility of the business owner/operator to ensure no patron in state of intoxication is allowed into the building.
13. The Applicant/Operator and/or successors in interest and management of the restaurant shall police the area surrounding the business to prevent patrons from congregating/loitering outside the premises and to prevent excessive noise or other objectionable behavior. Noise levels shall be monitored to insure that noise shall not violate the City's Noise Ordinance Section 9.24.020 and Section 9.24.030.
14. The Use Permit shall require the Applicant/Operator and/or successors in interest and management to secure an ABC Type 41 license, On Sale Beer and Wine (Eating Place).
15. Prior to the issuance of a Type 41 ABC license, the Applicant/Operator and/or successors in interest and management and employees shall complete Licensee Education on Alcohol and Drugs as provided by the State Department of Alcoholic Beverage Control. The owner or designee shall be responsible for ensuring that all employees receive the said training. Evidence

of such training and the training records of all employees shall be maintained on-site during business hours, and made available for inspection upon request.

- 16. The exterior of all the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times.
- 17. The operator/applicant and/or successors in interest and management shall comply with all the Municipal Codes relating to loitering, open container laws and other nuisance-related issues.
- 18. The operator/applicant and/or successors in interest and management shall ensure noise emanating from the property shall be within the limitations prescribed by the City's Noise Ordinance and shall not create a nuisance to surrounding residential neighborhoods, and/or commercial establishments.
- 19. The applicant/project proponent and/or developer and/or successors in interest and management shall obtain Operational Permit issued by the Lodi Fire Department, and meet all the conditions outlined therein. The Fire Department may be contacted at the Lodi Fire Department, 25 East Pine Street, Lodi, CA 95240-2127. Phone Number (209) 333-6739.
- 20. 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 may initiate a revocation procedures in accordance with the City of Lodi Municipal Code.
- 21. 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.
- 22. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

Dated: November 13, 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 November 13, 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: November 13, 2013

APPLICATION NO: Parcel Map: 13-P-02

REQUEST: Request for a Tentative Parcel Map to divide one parcel into three lots at 2311 Cochran Road. (Applicant: Baumbach and Piazza, Inc., on behalf of Shirley A. Meath; File 13-P-02; CEQA Determination: Categorical Exemption Pursuant to CEQA Guidelines Section 15315 (Class 15, Minor Land Divisions)).

LOCATION: 2311 Cochran Road
(APN: 027-320-01)
Lodi, CA 95242

APPLICANT: Baumbach and Piazza, Inc., on behalf of Shirley A. Meath
323 West Elm Street
Lodi, CA 95240

PROPERTY OWNER: Shirley A. Meath
2656 Bayberry Drive
Lodi, CA 95242

RECOMMENDATION

Staff recommends the Planning Commission approve the request of Baumbach and Piazza, Inc., on behalf of Shirley A. Meath, for a Tentative Parcel Map to subdivide one parcel into three lots, subject to the conditions outlined in the draft resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: Low Density Residence
Zoning Designation: Low Density Residence
Property Size: 1.04 acre (45,184 sq. ft.)

The adjacent zoning and land use are as follows:

ADJACENT ZONING DESIGNATIONS AND LAND USES			
	GENERAL PLAN	ZONING CLASSIFICATION	EXISTING LAND USE
North	Low Density Residence	Low Density Residence	Residence
South	Low Density Residence	Low Density Residence	Residence
East	Low Density Residence	Low Density Residence	Residence
West	Low Density Residence	Low Density Residence	Residence

EXECUTIVE SUMMARY:

The applicant is proposing to subdivide a 1.05-acre parcel located at 2311 Cochran Road into three (3) single-family lots. The existing lot contains a driveway, a house, a detached garage, a detached accessory structure and open space. The tentative parcel map proposes to contain all existing structures in one lot and create a flag-lot and regular lot. Plans for the new houses have not been submitted at this time, but will be subject to approval by all relevant City departments through the building permit review process. The property is currently zoned Low Density Residence (LDR) and designated Low Density Residential (1-8 units per acre) in the General Plan. The proposed subdivision would result in a density of three (3) units per acre, within the density range prescribed by the General Plan. All three lots will

exceed minimum lot size and width. For these reasons, staff recommends the Planning Commission approve Tentative Parcel Map subject to the findings and conditions contained in the draft resolution.

BACKGROUND

The parcel contains a residence, a detached garage and detached storage building, which predate annexation. The subject parcel was annexed into the City on February 18, 1975. There are no pending Code violations.

ANALYSIS

The applicant is proposing to subdivide a 1.05-acre (±45,184 square foot) parcel into three (3) lots. The first lot (Parcel 1) will consist of a standard rectangular-shaped parcel with full frontage along Cochran Road measuring 19,816 square feet (0.43 acre). The second lot (Parcel 2) will consist of a flag-shaped parcel measuring ±14,693 square feet (0.34 acre). The last lot (Parcel 3) will consist of a standard rectangular-shaped parcel with full frontage along Cochran Road measuring 10,110 square feet (0.23 acre). Parcel 1 is designed to utilize the existing drive-way. Parcels 2 and 3 will have new egress/ingress points.

General Plan Conformance:

The subject property is currently designated Low Density Residential (1-8 dwelling units per acre) by the Land Use Map of the General Plan. The following General Plan Land Use and Community Design and Livability (CDL) goals and policies are applicable to the proposed subdivision:

- **Land Use Policy 3:** Do not allow development at less than the minimum density prescribed by each residential land use category.
- **Land Use Policy 22:** promote infill development that maintains the scale and character of established neighbors.
- **CDL Policy 2:** Ensure that Zoning and Subdivision ordinances include measures that guide infill development to be compatible with the scale, character and identity of adjacent development.

All of the parcels located along the same (north) side of Cochran Road as the subject parcel are currently designated Low Density Residential (1-8 units per acre). The average density that will be created as a result of the proposed subdivision (3 units per acre) is consistent with this designation. The density of the property when calculated using the current lot size is .5 dwelling units per acre, well below the prescribed range. A number of the neighboring residential lots along the north side of Cochran Road are considerably smaller than the current size of the subject parcel, but still within the density range prescribed by the General Plan. Therefore, the proposed subdivision would result in new lot sizes that are more consistent with those lots in the surrounding neighborhood that are already in line with the prescribed density range of the General Plan. The attached Tentative Map illustrates the final parcel configuration that would result from the proposed project.

Zoning Compliance:

The following tables depict how each lot will comply with the standard Low Density Residence lot requirements:

PARCEL 1			
Standard	Required	Proposed	Compliance
Lot Area	5,000 sq. ft	19,816 ft	Yes, Exceeds
Lot Width	50 ft	100 ft	Yes, Exceeds

PARCEL 2			
Standard	Required	Proposed	Compliance
Lot Area	5,000 sq. ft	14,693 ft	Yes, Exceeds
Lot Width	50 ft	125 ft	Yes, Exceeds
Flag Pole (Access strip)	16 ft	24 ft	Yes, Exceeds

PARCEL 3			
Standard	Required	Proposed	Compliance
Lot Area	5,000 sq. ft	10,110 ft	Yes, Exceeds
Lot Width	50 ft	101 ft	Yes, Exceeds

As can be seen from the tables above, all proposed lots will meet or exceed the minimum lot area, lot width, and flag lot street frontage standards. The parcel to the rear (Parcel 2) is defined as a flag lot per Lodi Development Code Section 17.50.090 (3). Flag lots are required to be developed with the front yard being the area located perpendicularly to the “flagpole”, the long driveway leading to the buildable portion of the lot. Per Development Code Section 17.50.090 (3), the “flag pole” (access strip) portion of a flag lot shall not be less than 16 feet wide nor longer than 100 feet from the public street right-of-way to the buildable portion of the flag lot. Parcels 1 and 3 will resemble a standard rectangular-shaped lot. The applicant has not prepared plans for the new house on Parcel 2 and 3 at this time, but any future development on that lot will be subject to building permit review by City staff to ensure compliance with all applicable zoning standards, flag lot standards, and all other applicable provisions of the Municipal Code.

Site Circulation: Vehicular access to all parcels will be provided from Cochran Road. There will be no shared driveway. The application is conditioned to install driveways on Parcels 2 and 3, install new curb, gutter and sidewalk to match the rest of the street frontage.

Pursuant to Lodi Development Code Section 17.52.070, in order to approve the proposed tentative parcel map, the proposed subdivision must be found consistent with the general plan, zoning ordinance, and the Subdivision Map Act (State law). Based on the analysis above, staff finds that the proposed tentative map is in conformance with the General Plan, zoning ordinance, and the Subdivision Map Act. However, if any of the following findings can be made, the tentative map shall be denied. Staff was not able to make any of the following findings and recommends approval of the Tentative Map:

1. *The proposed subdivision including design and improvements is not consistent with the General Plan or any applicable Specific Plan. **NOTE:** The density that will be created as a result of the proposed subdivision is consistent with the density range of 1-8 units per acre prescribed by the Land Use Chapter of the General Plan, and there is no applicable specific plan governing the site.*
2. *The site is not physically suitable for the type or proposed density of development. **Note:** The subdivision will create two new lots both with adequate land area to support a detached single-family dwelling with standard setbacks and ample useable private yard space.*
3. *The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or injure fish or wildlife or their habitat. **Note:** The project site is not located in a sensitive environment but rather in a fully developed urban area surrounded by other residential and institutional land uses. The scope of the project would only add one new single-family dwelling to the area, making it of such minor nature so as not to have a significant adverse impact on the environment.*
4. *The design of the subdivision or type of improvements is likely to cause serious public health or safety problems. **Note:** The lots being created will comply with all applicable single-family sanitary sewer service and stormwater runoff treatment requirements, as well as other similar environmental and life safety regulations and standards.*
5. *The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large for access through or use of, property within the proposed subdivision. This finding may not be made if the Commission finds that alternate easements for access or use will be provided, and that they will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record, or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the review*

authority to determine that the public at large has acquired easements of access through or use of property within the proposed subdivision. **Note:** There are no public easements that currently encumber the property to be subdivided, and all modifications made to the existing public improvements fronting the two parcels during development of the properties will be required to be reconstructed to current City standards.

6. *The discharge of wastewater from the proposed subdivision into the community wastewater system would result in violation of existing requirements prescribed by the California Regional Water Quality Control Board. **Note:** Future development of the parcels will be subject to review and approval by the City and affected local and regional agencies. Full compliance with applicable water quality regulations would be required prior to issuance of a building permit.*
7. *Information available to the City indicates adverse soil or geological conditions and the subdivider has failed to provide sufficient information to the satisfaction of the Public Works Director or the Commission that the conditions can be corrected in the plan for the development. **Note:** No information has been found to indicate the project site is considered contaminated, or may contain contaminant particles.*
8. *The proposed subdivision is not consistent with all applicable provisions of this Title, any other applicable provision of the Municipal Code, and the Subdivision Map Act. **Note:** The procedural requirements of the Map Act are being followed and both parcels will comply with the applicable engineering and zoning standards pertaining to grading, drainage, utility connections, lot size and density.*

The tentative parcel map has been reviewed by the Public Works and Electrical Utility Departments and they recommended approval subject to the conditions outlined in the attached resolution. The Public Works Department has indicated that private easement deeds will be required. The Fire Department has determined that the proposed driveways will be adequate to provide emergency access to each parcel. The Building and Community Improvement Divisions have no comments regard this project. Staff has found that the proposed Tentative Parcel Map, subject to the conditions in the attached resolution, meet the requirements of the Zoning Ordinance and is consistent with the General Plan.

Staff believes that the proposed residential Tentative Parcel Map is a reasonable request that is consistent with the property's Zoning and General Plan land use designation. The proposed Tentative Parcel Map only allows for the division of land and does not authorize any improvements to the land. The project is a Tentative Parcel Map to subdivide an approximately 1.05 acre parcel into three lots. Staff finds that the proposed Tentative Parcel Map, including conditions in the attached resolution, creates new parcels that meet the requirements of the Zoning Ordinance and are consistent with the General Plan. Since the proposed map conforms to the existing development, and the applicant has no plans to further develop or improve the site at the moment, Staff believes the proposed parcels are of adequate size for development.

ENVIRONMENTAL ASSESSMENTS

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

PUBLIC HEARING NOTICE:

Legal Notice for the Parcel Map was published on Saturday, November 2, 2103. Sixty-eight (68) public hearing notices were sent to all property owners of record within a 300-foot radius of the project site as required by California State Law §65091 (a) 3. Public notice also was mailed to interested parties who had expressed their interest of the project.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

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

Respectfully Submitted,

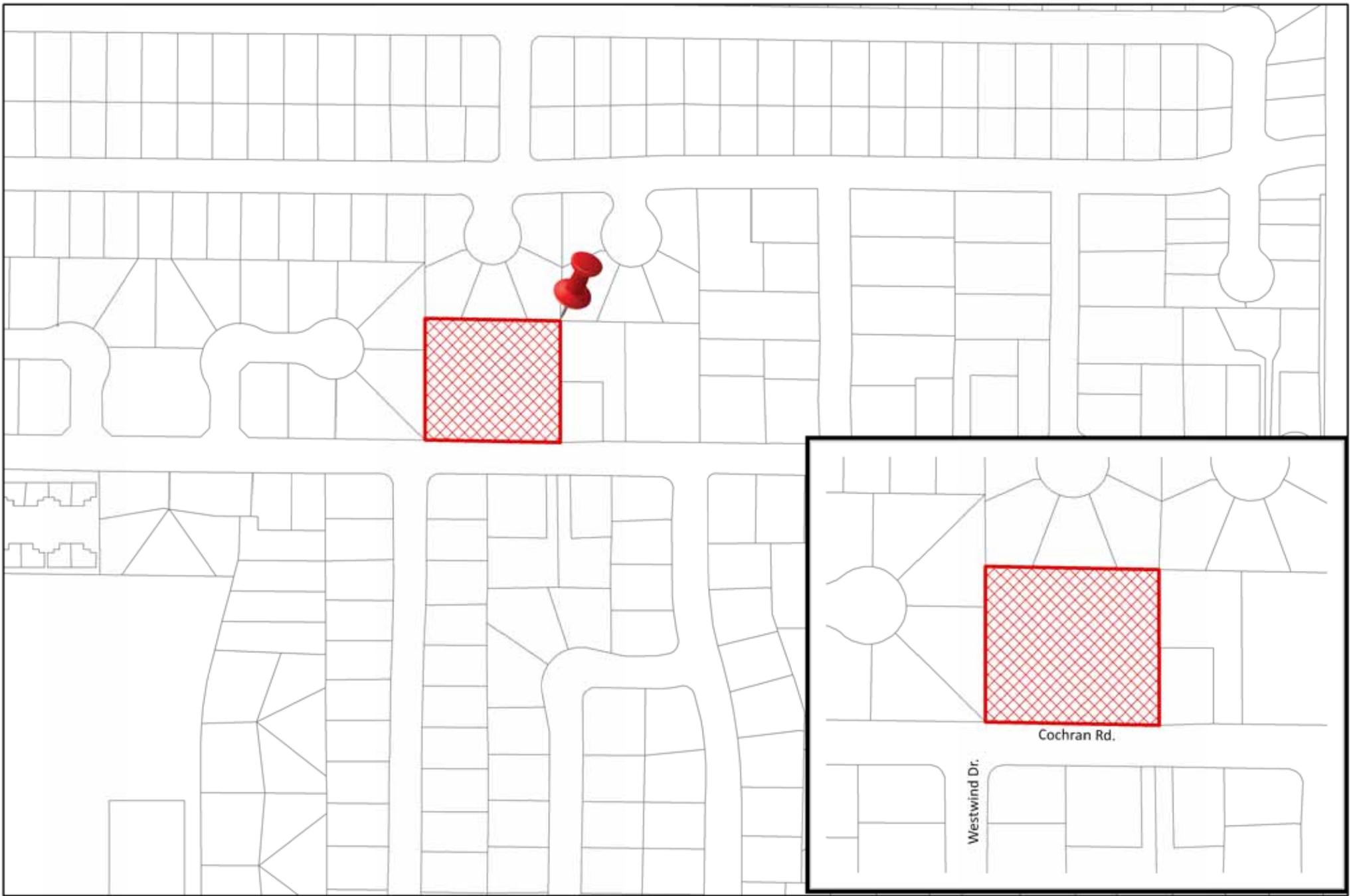
Concur,

Immanuel Bereket
Associate Planner

Konradt Bartlam
Community Development Director

ATTACHMENTS:

- A. Vicinity Map
- B. Aerial Map
- C. Tentative Map
- D. Draft Resolution



Legend

-  2311 Cochran Rd
-  Parcels
-  City Limits



Vicinity Map



Aerial Map



Corbin Ln.

Wintergreen Ct.

Cochran Rd.

Willow Ave.



Westwind Dr.

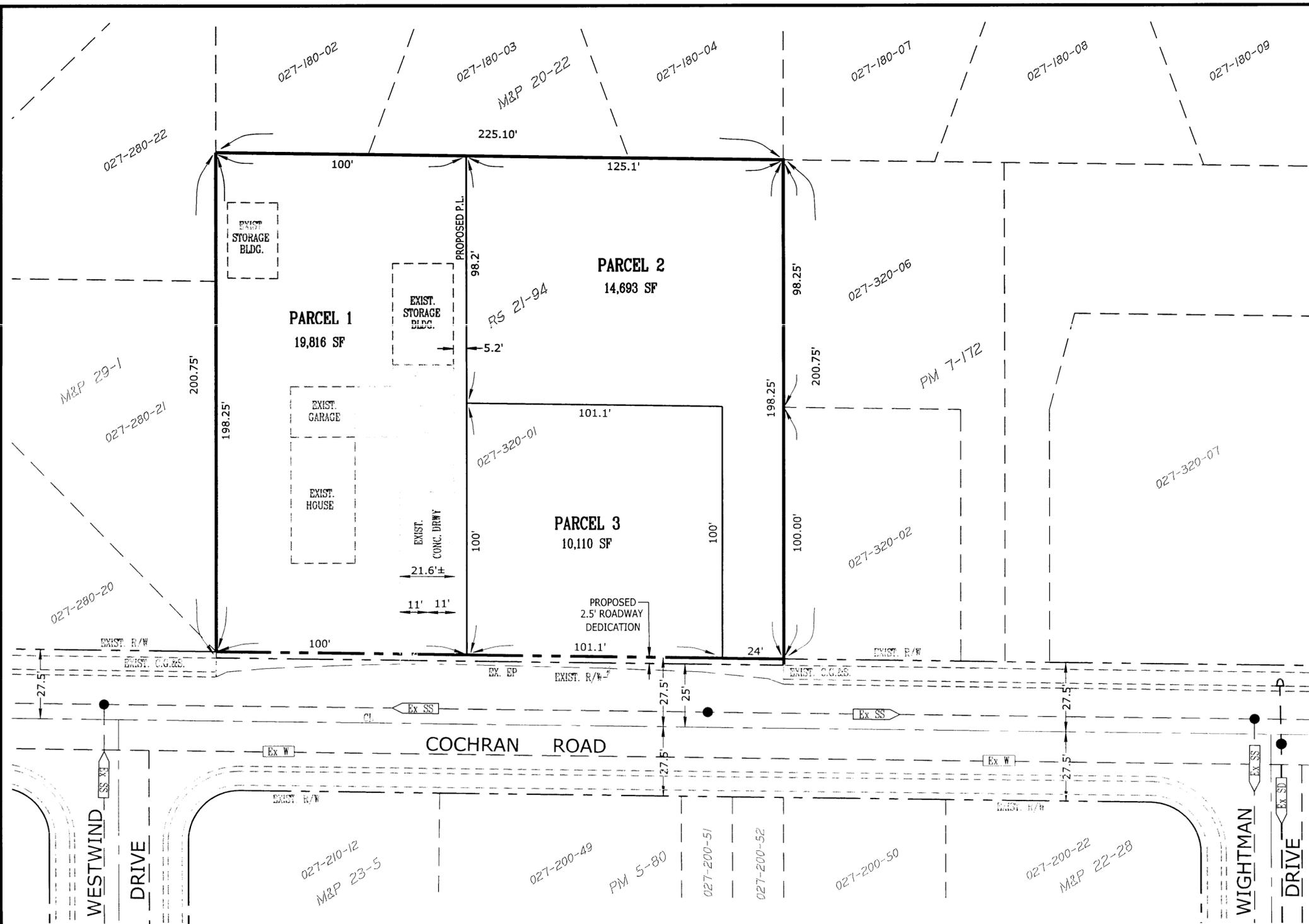
Wightmon Dr.

Tilden Drive

Kramer Dr.

38°07'27"N 121°18'20"W
35m
100ft





LEGEND

CL	CENTERLINE
R/W	RIGHT OF WAY
PL	PROPERTY LINE
P.U.E.	PUBLIC UTILITY EASEMENT
M&P	MAPS & PLATS
PM	PARCEL MAP
RS	RECORD OF SURVEY
EX. or EXIST.	EXISTING
AC.	ACRES
SF	SQUARE FEET
- 8"SS -	EXISTING SANITARY SEWER
- 12"SD -	EXISTING STORM DRAIN
- 6"W -	EXISTING WATER LINE



OWNER:
 THE DOUGLAS and JUNELLA KORT TRUST
 SHIRLEY MEATH, SUCCESSOR TRUSTEE
 2656 BAYBERRY DRIVE
 LODI, CALIFORNIA 95242
 (209) 369-8926

APPLICANT:
 BAUMBACH AND PIAZZA, INC.
 323 WEST ELM STREET
 LODI, CALIFORNIA 95240
 (209) 368-6618

MAP PREPARED BY:
 BAUMBACH AND PIAZZA, INC.
 323 WEST ELM STREET
 LODI, CALIFORNIA 95240
 (209) 368-6618

PROJECT DESCRIPTION:
 CREATE THREE PARCELS FROM
 ONE EXISTING PARCEL.

ASSESSOR PARCEL NUMBER:
 APN: 027-320-01

SITUS ADDRESS:
 2311 COCHRAN ROAD
 LODI, CA 95240

CURRENT ZONING:
 LOW DENSITY RESIDENTIAL

CURRENT GENERAL PLAN DESIGNATION:
 LOW DENSITY RESIDENTIAL

FLOOD INFORMATION:
 NOT SUBJECT TO 100 YEAR FLOOD.

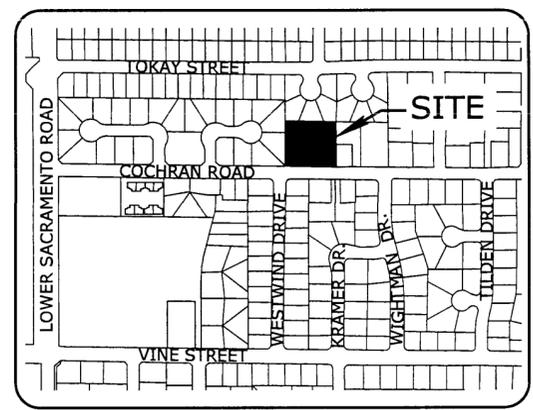
UTILITIES AND FACILITIES:
 WATER - CITY OF LODI
 SEWAGE - CITY OF LODI
 STORM DRAINAGE - CITY OF LODI
 ELECTRICITY - CITY OF LODI
 GAS - PG&E
 TELEPHONE - ATT

TENTATIVE PARCEL MAP

A PORTION OF THE NORTHEAST QUARTER OF
 SECTION 10, T.3N., R.6E., M.D.B.& M.,
 SAN JOAQUIN COUNTY, CALIFORNIA
 SEPTEMBER, 2013 SCALE 1" = 30'

I AM THE OWNER OF RECORD AND CONSENT TO THE FILING OF
 THIS TENTATIVE MAP.

Shirley Meath 9-19-2013
 SHIRLEY MEATH, DATE
 SUCCESSOR TRUSTEE of
 THE DOUGLAS and JUNELLA KORT TRUST



VICINITY MAP
 NO SCALE

<p>DESIGN: SEP DRAWN BY: A.J.D./SEP</p> <p>APPROVED BY: _____</p> <p>RCE: _____ EXP. DATE: _____</p>	<p style="text-align: center;">TENTATIVE PARCEL MAP</p> <hr/> <p style="text-align: center;">PREPARED IN THE OFFICE OF: BAUMBACH & PIAZZA, INC. CIVIL ENGINEERS • SURVEYORS www.bbengineers.net 209.368.6618 STEVEN E. PECHIN RCE 42764</p>
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S:\Projects\2013\03014.dwg\3014_Tent.dwg 09/19/13 11:23am - SPECIEM - YRBS

RESOLUTION NO. P.C. 13-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF BAUMBACH AND PIAZZA, INC., ON BEHALF OF SHIRLEY A. MEATH, FOR A TENTATIVE PARCEL MAP TO SUBDIVIDE ONE PARCEL INTO THREE LOTS AT 2311 COCHRAN ROAD

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

WHEREAS, the property is located at 2311 Cochran Road (APN: 027-320-01); and

WHEREAS, the project proponent is Baumbach and Piazza, Inc., on behalf of Shirley A. Meath, 323 West Elm Street, Lodi, CA 95240; and

WHEREAS, the property owner is Shirley A. Meath, 2656 Bayberry Drive, Lodi, CA 95242; and

WHEREAS, the property is zoned Low Density Residential; and

WHEREAS, the property has a General Plan land use designation of LDR, Low Density Residential; 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 exempt from CEQA review pursuant to § 15315 (Class 15, Minor Land Divisions) of the CEQA Guidelines. Class 15 exempts the division of land into four or fewer parcels when the division is in conformance with the General Plan and Zoning Code, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent. The Applicant's proposed tentative parcel map complies with all applicable residential development standards established in the General Plan and Zoning Code. No variances are required for the proposed subdivision. Access to all public facilities and infrastructure will be provided for each resultant parcel. The subject property is relatively flat and has not been involved in a subdivision within the last 2 years. Based on staff's review of the project, no special circumstances exist that would create a reasonable possibility that the proposed tentative parcel map will have a significant effect on the environment.
2. The procedural requirements of the Map Act have been strictly followed and the tentative parcel map complies with all applicable engineering and zoning standards pertaining to grading, drainage, utility connections, lot size and density.
3. The density and lot sizes that will be created as a result of the proposed subdivision are consistent with the density range of 1-8 units per acre prescribed by the Land Use Chapter of the General Plan, and there is no applicable specific plan governing the site.
4. The site is physically suitable for the type or proposed density of development. The proposed subdivision will create four new lots with adequate land area to support a detached single-family dwelling with standard setbacks and ample useable private yard space.
5. The project site is not located in a sensitive environment or in close proximity to the habitat of any sensitive wildlife species, but rather in a fully developed urban area surrounded by other residential and institutional land uses. The scope of the project will only add two single-family dwellings to the area, making it of such minor nature so as not to have a significant adverse impact on the environment.
6. The lots being created will comply with all applicable single-family sanitary sewer service and stormwater runoff treatment requirements, as well as other similar environmental and life safety regulations and standards.

7. The proposed Tentative Parcel Map can be served by all public utilities.
8. The proposed Tentative Parcel Map does not conflict with easements, acquired by the public at large, for access through or use of property within the proposed map.
9. The Tentative Parcel Map complies with the requirements of Chapter 17.52 of the Lodi Development Code regulating Tentative Maps.
10. None of the mandatory findings for tentative map denial within the State Subdivision Map Act, § 66474 apply to this proposal.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Parcel Map Application No. 13-P-02 is hereby approved, subject to the following conditions:

1. The applicant/owner and/or successors in interest and management shall defend, indemnify, and hold the City of Lodi, its agents, officers, and employees harmless of any claim, action, or proceeding (including legal costs and attorney's fees) to attack, set aside, void, or annul this Use Permit, so long as the City promptly notifies the applicant of any claim, action, or proceedings, and the City cooperates fully in defense of the action or proceedings. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.
2. The Tentative Parcel Map shall expire within 24 months of Planning Commission approval or a time extension must be granted by the Planning Commission.
3. The Final Map shall be in substantial conformance to the approved Tentative Parcel Map, as conditioned, and that any future development shall be consistent with applicable sections of the Municipal Code.
4. Any buildings constructed on the new parcels shall be subject to setback, lot coverage, off street parking, and all other City of Lodi Municipal Code requirements.
5. The applicant shall meet all requirements of the adopted edition of the California Building, Fire and City of Lodi Municipal Codes in effect at the time of building permit application.
6. Final plans for the development of Parcels 2 and three, and any modifications to the existing development of Parcel 1, shall be submitted to the City for review and approval to ensure compliance with relevant codes, policies and other requirements of the Lodi Municipal Code.
7. All development shall comply with the City of Lodi Stormwater Run-off requirements, including the quantitative treatment standards. Conformance with the stormwater runoff control requirements must be demonstrated prior to issuance of building permit.
8. 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.
9. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

Public Works Department

NOTE: The following items are conditions of approval for the tentative parcel map, all to be accomplished prior to, or concurrent with, final parcel map filing unless noted otherwise:

10. Installation of public improvements (roadway - from the property line to the center line of the street, curb, gutter and sidewalk) along Cochran Road fronting Parcel 1. The installation of all public improvements will be required prior to final parcel map filing. The installation of the public improvements may be allowed after the final parcel map is filed if the applicant provides a City Council approved Improvement Deferral Agreement and a letter of credit for the total amount of the improvements.

11. Dedication of street right-of-way as shown on the tentative map with the following changes/additions:
 - a. Dedication of street easement (2.5 feet) along the south property line of Parcels 1, 2 and 3.
12. The applicant shall obtain an encroachment permit issued by the Public Works Department for all work within the public right-of-way for the installation of roadway, curb, gutter and sidewalk.
13. Dedication of public utility easements as required by the various utility companies and the City of Lodi.
14. The applicant shall pay filing and processing fees and charges for services performed by City forces per the Public Works Fee and Service Charge Schedule.
15. In order to assist the City of Lodi in providing an adequate water supply, the Owner/Developer on behalf of itself, its successors and assigns, shall enter into an agreement with the City that the City of Lodi be appointed as its agent for the exercise of any and all overlying water rights appurtenant to the proposed parcels, and that the City may charge fees for the delivery of such water in accordance with City rate policies. In addition, the agreement shall assign all appropriative or prescriptive rights to the City. The agreement will establish conditions and covenants running with the land for all parcels within the boundaries of the map and provide deed provisions to be included in each conveyance.
16. All project design and construction shall be in compliance with the Americans with Disabilities Act (ADA). City of Lodi Standard Plans are in the process of being revised and it should not be assumed that current standard plans are fully ADA compliant. Project compliance with ADA standards is the developer's responsibility.
17. Submit final parcel map per City and County requirements including the following:
 - a. Preliminary title report.
 - b. Standard note regarding requirements to be met at subsequent date.
 - c. Include items conditioned above.

NOTE: The following items are conditions of approval for the tentative parcel map, but may be deferred until the time of development or as indicated below:

18. Provide water and sewer services, per City Standards, for Parcels 2 and 3. The water and sewer services installation can be provided by City crews at the owner's expense or by an approved private contractor.
19. The electrical, phone and cable TV lines are located on the opposite side of the street from Parcels 2 and 3. Installation of these service connection shall be placed underground to the subject parcels from pole on the south to the point of connection at the structure.
20. Installation of public improvements (roadway - from the property line to the center line of the street, curb, gutter and sidewalk) along Cochran Road fronting both Parcels 2 and 3. The installation of all public improvements will be required upon development of either parcel, whichever occurs first.
21. Payment of the following in effect at the time of collection:
 - a. Filing and processing fees and charges for services performed by City forces per the Public Works Fee and Service Charge Schedule.
 - b. Development Impact Mitigation Fees per the Public Works Fee and Service Charge Schedule at the time of building permit issuance for Parcels 2 and 3: \$6,507.00 per parcel.
 - c. City installation of wastewater service at the time of building permit issuance: \$2,582.71 per parcel.

- d. City installation of water service at the time of building permit issuance: \$5,254.00 for a complete ¾-inch meter service per parcel.
- e. Regional Transportation Impact Fee (RTIF) at the time of building permit issuance: \$3,000.82 per parcel.

Dated: November 13, 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 November 13, 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 11/13/13
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
October 16, 2013	Regular	Public Hearing to Consider Resolution Approving Storm Drainage and Parks Impact Mitigation Fee Program Schedule of Fees (PW)
		Public Hearing to Consider Adopting a Resolution Setting the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Development Fees for 2014 (CD)