

<p>CARNEGIE FORUM 305 WEST PINE STREET LODI, CALIFORNIA</p>	<p>AGENDA LODI PLANNING COMMISSION</p>	<p>REGULAR SESSION WEDNESDAY, MARCH 26, 2014 @ 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 – “February 26, 2014”
3. PUBLIC HEARINGS
 - a. Request for Planning Commission approval of a Use Permit to allow a Type-47 On-Sale Beer, Wine and Distilled Spirits for McGuire’s On Elm Street Irish Pub at 24 W Elm Street. (Applicant: Gary Arnold; File 13-U-18; CEQA Determination: Exempt per Section 15321)
 - b. Request for Planning Commission approval of a Use Permit amendment to allow for beer manufacturing and add a Type 23 license to the existing Type 02, 14, and 19 and 241 Alcoholic Beverage Control licenses at 27 East Locust Street. (Applicant: The Dancing Fox Winery. File No. 2014-02 U. CEQA Determination: Exempt - Section 15321)
 - c. Request for Planning Commission approval of a Use Permit to allow a Type-20 Off-site Beer and Wine sales at an existing grocery store. (Applicant: Artegas Grocery Store. File No. 2014-03 U. CEQA Determination: Exempt - Section 15321)
 - d. Request for Planning Commission approval of a Use Permit for a new Americas’ Tire store within the Reynolds Ranch Phase 3 Development. (Applicant: RSC Engineering (Tiffany Wilson). File No. 2014-01 U. CEQA Determination: Prior EIRs Section 15153)
 - e. Request for Planning Commission approval of a Use Permit for an automated Kelly’s Car Wash in the Reynolds Ranch Phase 3 Development. (Applicant: RPM Company, LLC. File No. 2014-04 U. CEQA Determination: Prior EIRs Section 15153)
 - f. Request for Planning Commission approval of a Use Permit for a McDonald’s drive thru restaurant in the Reynolds Ranch Phase 3 Development. (Applicant: RPM Company, LLC. File No. 2014-06 U. CEQA Determination: Prior EIRs Section 15153)

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. 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, FEBRUARY 26, 2014**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of February 26, 2014 was called to order by Vice Chair Kiser at 7:05 p.m.

Present: Planning Commissioners – Heinitz, Kirsten, Slater and Vice Chair Kiser

Absent: Planning Commissioners – Hennecke, Olson and Chair Jones

Also Present: Interim Community Development Director Stephen Schwabauer, Senior Planner Craig Hoffman, Interim City Attorney Janice Magdich and Administrative Secretary Kari Chadwick

2. MINUTES

“January 8, 2014”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Heinitz, Slater second, approved the minutes of January 8, 2014 as written.

3. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Vice Chair Kiser called for the public hearing to consider the request of the Planning Commission for a Use Permit to allow Lodi Christian School to increase the number of students from 255 to 300 on the grounds of Temple Baptist Church located at 801 South Lower Sacramento Road. (Applicant: Steve Opp, on behalf of Temple Baptist Church File No. 13-U-19; CEQA Determination: Exempt per Section 15314)

Senior Planner Craig Hoffman gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of the project as conditioned.

Hearing Opened to the Public

- Steven Opp, representative for the applicant, came forward to answer questions.
- Commissioner Heinitz expressed his pleasure over the expansion of the school.
- Vice Chair Kiser asked what the planned maximum enrollment will be for the school. Mr Opp deferred the answer to Ron Hittle, principal for Lodi Christian School. Mr. Hittle stated that the request is for the maximum planned enrollment.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Heinitz, Kirsten second, approved the request for a Use Permit to allow Lodi Christian School to increase the number of students from 255 to 300 on the grounds of Temple Baptist Church located at 801 South Lower Sacramento Road subject to the conditions in the resolution. The motion carried by the following vote:

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

- 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 a Use Permit to allow a Type-47 On-Sale Beer, Wine and Distilled Spirits for McGuire’s On Elm Street Irish Pub at 24 W Elm Street. (Applicant: Gary Arnold; File 13-U-18; CEQA Determination: Exempt per Section 15321)

Commissioner Kirsten recused himself from this item because of property interest in the sphere of influence of the project.

Commissioner Heinitz recused himself from this item because of property interest in the sphere of influence of the project.

Interim Director Schwabauer stated that the applicant was informed that the item would not be heard due to the lack of a quorum of Commissioners in attendance tonight that could vote on the item and is in attendance to show his support for the project. Schwabauer stated that the item would be taken to the March 26th meeting.

- 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 for a Tentative Parcel Map to merge and subdivide three (3) parcels into twenty-five parcels and review and approve the Site Plan and Architectural Review application for the Reynolds Ranch Shopping Center Phases IIIA and IIIB Development. (Applicant: Kim Whitney, RSC Engineering Inc., on behalf of San Joaquin Valley Land Co., LLC. File No. 13-P-01 and 13-SP-04. CEQA Determination: Prior EIRs Section 15153)

Senior Planner Craig Hoffman gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of the project as conditioned.

Commissioner Kirsten asked if building thirteen was going to be the America’s Tire location. Senior Planner Hoffman stated that is correct.

Vice Chair Kiser disclosed that he had a conversation about the project with the applicant.

Hearing Opened to the Public

- Dale Gillespie, applicant, came forward to answer questions.
- Vice Chair Kiser expressed his appreciation for what Mr. Gillespie and his group are doing for this area. Commissioner Slater stated the same.
- Jeffery Kirst, Lodi resident and local developer/property owner, came forward to support the project.
- Pat Patrick, representative for the Chamber of Commerce, expressed his support for the project.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Heinitz, Olson second, approved the request for a Tentative Parcel Map to merge and subdivide three (3) parcels into twenty-five parcels and review and approve the Site Plan and Architectural Review application for the Reynolds Ranch Shopping Center Phases IIIA and IIIB Development subject to the conditions in the resolution. The motion carried by the following vote:

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

4. PLANNING MATTERS/FOLLOW-UP ITEMS

Senior Planner Hoffman briefly discussed the Tentative Looking Ahead Project List being presented to the Commission for the first time.

5. ANNOUNCEMENTS AND CORRESPONDENCE

Interim City Manager Stephen Schwabauer introduced the new players: Senior Planner Craig Hoffman, Interim City Attorney Janice Magdich, and himself as the new Interim Community Development Director in addition to his duties as interim City Manager.

6. ACTIONS OF THE CITY COUNCIL

Interim Director Schwabauer introduced the items on the memo and stated that staff is available to answer any questions.

Commissioner Kirsten asked if the new bathrooms at the Transit Station will be open to the public. Schwabauer stated that yes they will be open during transit hours. Kirsten stated he would really like to see the eastside light style stay and hopes City Staff can find a way to keep them. Kirsten asked about the downtown lighting and would like to know if there was a provision for future maintenance on them and the other items in the downtown. Kirsten expressed his disappointment in the café lights on Elm Street being taken down. He would really like to see them come back. Schwabauer stated that the tree lighting in the downtown went to the City Council and staff was given direction to address them. The café lights were an expensive project by the City that never worked correctly from the beginning. Schwabauer stated that staff is looking into the various maintenance problems within the downtown district. Kiser stated that he is glad that staff is looking into it. Heinitz stated his disappointment in the lack of maintenance by the City in the downtown when other private developments are conditioned to maintain their centers to a specific standard that the City doesn't bother to do the same.

7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

4. ART IN PUBLIC PLACES

Commissioner Kirsten stated that the committee did not have a quorum today to conduct a meeting, but there has been some news regarding the sculptures for downtown. The committee will not be getting some of the more iconic sculptures from the past.

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

None

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

Vice Chair Kiser asked why the concrete in front of the Post Office was not colored to match the other downtown sidewalks. He understands why the City didn't put the pavers back in place, but the color is not so expensive that it couldn't have been added. Director Schwabauer stated that the decision was made by the previous City Manager.

10. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:40 p.m.

ATTEST:

Kari Chadwick
Planning Commission Secretary

Item 3a

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: March 26, 2014

APPLICATION NO: Use Permit Amendment: 13-U-18

REQUEST: Request for Planning Commission approval of a Use Permit to allow a Type-47 On-Sale Beer, Wine and Distilled Spirits for McGuire's On Elm Street Irish Pub at 24 W Elm Street. (Applicant: Gary Arnold; File 13-U-18; CEQA Determination: Exempt per Section 15321)

LOCATION: 24 W Elm Street
Lodi, CA 95240
APN: 043-035-02

APPLICANT: Mr. Gary Arnold
339 Louie Ave.
Lodi, Cal 95240

PROPERTY OWNER: Tebo Partnerships LLP
24 W Elm Street
Lodi, Cal 95240

RECOMMENDATION

Staff recommends the Planning Commission approve the request of Gary Arnold of McGuire's On Elm Street Irish Pub for a Use Permit to allow the sale of beer, wine and distilled spirits Alcoholic Beverage Control (ABC) Type 47 license (eating place) at 24 W Elm Street, subject to conditions in the attached resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: Downtown Mixed Use
Zoning Designation: Downtown Mixed Use
Property Size: 5,124 sq. ft. (Restaurant measures 3,679 sq. ft.)

The adjacent zoning and land use characteristics:

	ADJACENT ZONING DESIGNATIONS AND LAND USES		
	GENERAL PLAN	ZONING CLASSIFICATION	EXISTING LAND USE
North	Downtown Mixed Use	Downtown Mixed Use	Retail/Services
South	Downtown Mixed Use	Downtown Mixed Use	Retail/Services
East	Downtown Mixed Use	Downtown Mixed Use	Retail/Services
West	Downtown Mixed Use	Downtown Mixed Use	Retail/Services

SUMMARY

The proposal is to allow a new full service restaurant/tavern in an Irish Pub style, serving beer, wine and distilled spirits (liquor) with food service. The project is located in the Downtown Mixed

Use zoning district, which allows on site sale of alcohol. The request involves the approval of a public convenience and necessity (PCN) and Use Permit in an area of the Downtown that historically is over-concentrated with alcohol licenses. In order to allow an additional ABC license, the Planning Commission must make a finding of necessity; and if determined necessary, then consider the appropriateness of conditions of approval for the Use Permit for the new use.

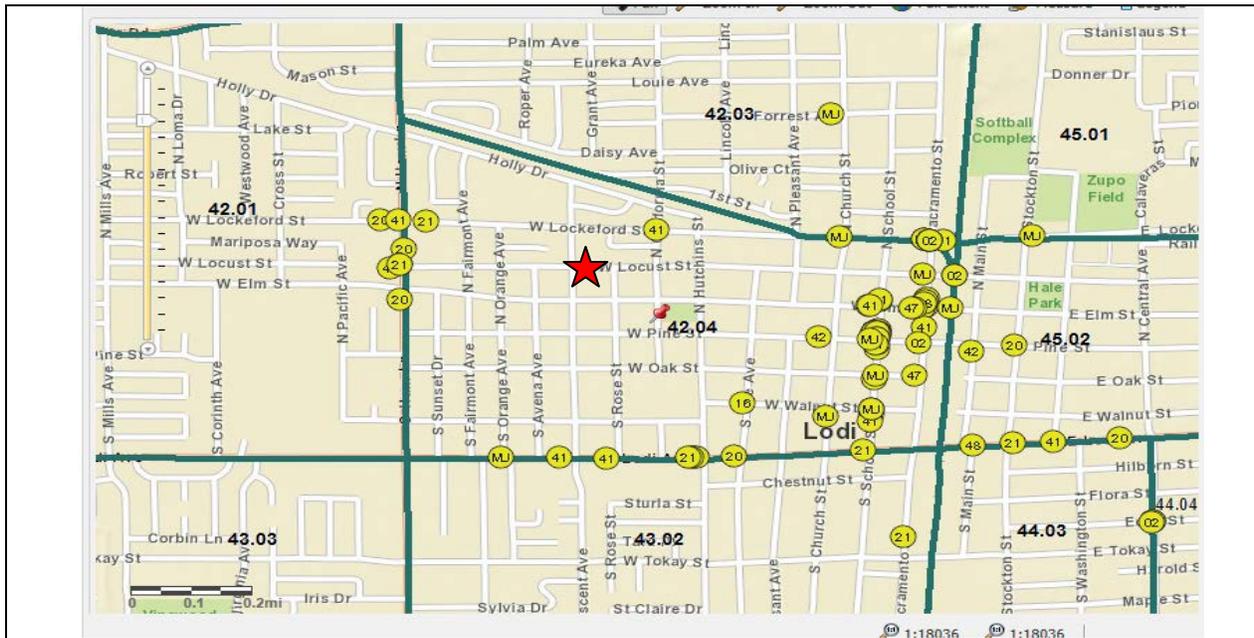
BACKGROUND

According to available records, the subject property has been used as a furniture store, a textile shop, a call center and most recently a party supply store. The building has a history of building permits with the City, for various interior improvements.

ANALYSIS

The proposed site 24 W Elm Street and 200 N. School would become McGuire's on Elm Street Irish Pub. The establishment would cater to mainly adult patrons serving food and alcoholic beverages within an Irish Pub theme on the ground floor of the building. The new floor plan proposes to serve approximately 117 patrons, with 90 seats at tables, 15 at the bar and 12 on the Elm Street frontage, with a second access onto School Street. The establishment would provide different forms of entertainment, including live music and dancing exclusively within the interior of the building. The proposed hours of operation are from 10AM to 1:30 AM excepting special holidays and events. ABC restricts the sale of alcohol after 2AM. Applicant's stated goal is to enhance the downtown Lodi experience.

Per Land Use Code Section 17.22.030, onsite consumption of alcohol is permitted in the Downtown Mixed Use (DMU) zoning designation, subject to a use permit. The City established the Use Permit requirement to gain local control over whether or not a license is appropriate for a particular location and place conditions upon the use. The State Department of Alcoholic Beverage Control primarily controls license issuance, based on concentration of licenses within a particular Census Tract.



Census Tract 42.04

The project site is within Census Tract 42.04, which covers the area north of Lodi Avenue, west of the U.P.R.R., south of Lockeford Street and east of Ham Lane. The area is over-concentrated as defined by ABC for licenses (see attached ABC form). Planning staff is of the opinion that a public need and necessity is warranted in this case because the primary function of the establishment is a restaurant/bar combination and does not involve off-site retail or wholesale distribution of alcohol. In the past, the Planning Commission and City staff have generally supported restaurant/bar combinations that wish to acquire ABC licenses because, typically, restaurants that serve alcohol in conjunction with food sales do not create alcohol related problems. ABC Type 47 license requires the restaurant to operate as a bone fide eating establishment. Staff has reviewed the proposed menu and would suggest additional items be added that includes; burgers, sandwiches and some traditional Irish pub foods. Staff has included condition 18 that requires additional menu items and the ability to review food verse alcohol sales.

The discretionary Use Permit procedure enables the Planning Commission to impose conditions designed to avoid, minimize potentially adverse effects. 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 building located within the Downtown Mixed Use (DMU) Zoning District, which allows sale of alcohol for on-site consumption in accordance with Development Code Section 17.22.030. The intent of the DMU 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.
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 Downtown Mixed Use, which provides for sale of alcohol. The proposed sale of beer, wine and distilled spirits 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 alcohol 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 alcohol 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 alcohol in a restaurant is consistent with other commercial uses, such as the one proposed, 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. The proposed use is located in the heart of the downtown area and is surrounded by other complementary uses that cater to the local and tourist trade. The establishment will offer theater patrons another option for food service prior to or after viewing a movie

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/bars, tasting rooms and other commercial uses with sale of alcohol operate in this area. 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/bar operation are customary for these types of businesses. 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 was found to be Categorical Exempt according to the California Environmental Quality Act, §15321, Class 21 (a) (2). The project is classified as an “Enforcement action by regulatory agencies” because it is the “adoption of an administrative decision for the use or enforcing the general rule, standard, or objective.” No significant environmental impacts are anticipated and no mitigation measures are required.

Staff sent a copy of the application to various City departments for comment and review. Their comments and requirements have been incorporated into the attached resolution. Heightened conditions of approval are proposed to ensure the restaurant is not operated in a negative manner or without adequate oversight. To this end, staff is recommending the new use be reviewed in six months after occupancy to review how the owners conduct the business and that the establishment is operating as a bone fide restaurant in compliance with all applicable ABC and City regulations for restaurants. If problems or concerns related to the sale of alcoholic beverages occur in the future, staff and/or the Planning Commission may initiate a public hearing where the Commission would have the ability to amend conditions or revoke the Use Permit.

ENVIRONMENTAL ASSESSMENT:

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

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published in the Lodi News Sentinel on Saturday, March, 15 2014. Forty-one (41) 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 expressed their interest of the project.

RECOMMENDED MOTIONS

Should the Planning Commission agree with staff's recommendation, the following motions are suggested:

1. "I move that the Planning Commission adopt a Resolution finding that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321. No significant impacts are anticipated and no mitigation measures have been required."
2. "I move that the Planning Commission adopt a Resolution approving the Use Permit Use Permit to allow the sale of beer, wine and distilled spirits Alcoholic Beverage Control (ABC) Type 47 license at 24 W Elm Street subject to the findings and conditions of approval contained in the draft Resolution."

ALTERNATIVE PLANNING COMMISSION ACTIONS:

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

Respectfully Submitted,

Concur,

Craig Hoffman
Senior Planner

Stephen Schwabauer
Interim Community Development Director

ATTACHMENTS:

- A. Vicinity / Aerial Map
- B. Tenant Improvement
- C. Floor Plan
- D. Menu
- E. Comment Letters
- F. Draft Resolution

Menu page 1

McGUIRE'S ON ELM STREET

IRISH PUB

Appetizers

QUESADILLAS

Cheddar & Jack Cheese, Red & Green Onions served with Salsa, Guacamole & Sour Cream on the side \$6.50

add: Chicken \$3.00

add: Beef \$2.00

McGUIRE'S NACHOS SUPREME

Toasted Corn Chips topped with our Mix of Melted Cheese, Red & Green Onions with a side of Salsa, Guacamole & Sour Cream \$7.50

add: Chicken \$3.00

add: Beef \$2.00

add: Shrimp \$4.00

IRISH NACHOS

Waffle Potatoes, Jack and Cheddar Cheese, Green Onions, Black Olives with Guacamole, Sour Cream & Salsa on the side \$8.00

add: Chili \$2.00

add: Corned Beef \$3.00

WINGS

Your Choice of Original, Mild, Lethal, Sweet & Spicy, Teriyaki, Garlic, Honey BBQ, Island, Sweet Sesame, Reggie's or Naked, served with Blue Cheese & Celery

10 Wings \$7.50

20 Wings \$13.50

30 Wings \$19.50

FINGERS 'n' CHIPS

Five Premium Select white meat Chicken Strips served over our hand cut fries \$7.00

POTATO SKINS

Your choice of Irish Style (corned beef and sauerkraut) or American Style (Jack and Cheddar Cheese with Bacon and Sour Cream) \$6.50

Menu page 2

PICK & PEEL SHRIMP

Fresh Shrimp served with Lemons & Cocktail Sauce

\$9.75

STEAMERS

Sautéed in a White Wine & Garlic Butter Sauce, served with Grilled Garlic Bread

\$9.50

MUSSELS

Served with Sausage and Steamed in a Sweet and Spicy Marinara Sauce

\$8.50

CALAMARI

Flash fried with Peppers and Marinara

\$9.00

MOZZARELLA STICKS

Served with Marinara Sauce

\$6.50

BEER BATTERED ONION RINGS

Handmade onion rings dipped in I.P.A. beer batter

\$5.00

PUB CHIPS

Hand Cut French Fries

\$3.50

add: Cheese

\$1.00

add: Chili

\$2.00

McGUIRE'S SAMPLER

All of your favorites served on one plate platter, includes: mozzarella sticks, chicken fingers, potato skins, and wings. Served with marinara and BBQ sauces, sour cream, blue cheese dressing and celery sticks.

DAILY SPECIALS AVAILABLE

Community Development Department
Lodi Planning Commission
221 W. Pine Street
Lodi, CA 95240

RE: Complaint for issuance of Type 47 License and Use Permit for McGuire's on Elm Street Irish Pub

Dear Planning Commissioners:

As stated in the proposal, the Planning Commission must make a finding of necessity to grant the approval of a Public Convenience and Necessity (PCN) and Use Permit in an area which is over-concentrated with alcohol licenses.

As Downtown business owners and property owners of Lodi, we do not feel it is warranted to grant a PCN and Use Permit thereby protest the opening of McGuire's on Elm Street Irish Pub.

As the City of Lodi Planning Commission contemplates granting a PCN and Use Permit to McGuire's, the following conditions should be considered:

1. The area of School and Elm Streets is over-concentrated and saturated with liquor licenses. Placing another alcohol related business in the same vicinity increases the concern for loitering or incidences related to undisciplined patrons. Downtown Lodi already has numerous bars and wine tasting rooms. There are 14 licensed establishments within a one block radius which include bars, tasting rooms and a liquor store. Adding yet another nightclub with live music and dancing increases the probability of public nuisance and noise ordinance violations.
2. Parking spaces are scarce. The Public Parking lot on Elm Street, directly across from McGuire's proposed site, is primarily used for movie patrons. Where are the movie goers going to be able to park? As a steady path of underage teens and children use the sidewalks to get to the movies, another bar to pass by doesn't seem a very attractive site to families who have come Downtown for years to enjoy a good show.
3. The proposed layout includes a second entrance on School Street to an additional bar/lounge area which is directly next to a long existing tavern, Ollie's Pub. Ollie's has been in business in its present location for 70+ years.

During its lengthy tenure, Ollie's Pub has created a pattern of responsible behavior. According to the layout, the entrance is not in clear view to the front of the building. How will this entrance be managed and watched? Placing another lounge/bar in such close proximity to the entrance of Ollie's Pub amplifies the opportunity for disruptive incidences without proper observation.

4. The floor plan does not indicate a dedicated smoking area. Will the patrons be loitering along the sidewalks to take a smoke break, and litter cigarette butts among the planters? Ollie's has taken great strides in controlling the crowd and littering by encouraging all smoking to be done in their back patio.
5. There is an issue of limited garbage storage and removal and the proposed building does not appear to have alley access. Where will the grease pits and garbage bins be placed and where will the truck deliveries be handled?
6. The menu is not conducive to fulfill a Type 47 license requirement - Bona Fide Eating Place - nor is the menu considered "traditional" Irish style cuisine. If the proposed site is in fact an authentic Irish Pub and Restaurant, then why doesn't the menu reflect that? I fail to see how nachos, mozzarella cheese sticks and chicken wings in any way represent the culture of Ireland. McGuire's is offering many duplicate menu items as Take 27 and Angelo's, which is next door and across the street.
7. If the business is operating as a "Bona Fide Eating Place", the hours should be adjusted to support the surrounding restaurants. The hours of operation should be adjusted to 10:00 a.m. to 10:00 p.m. and McGuire's should not be allowed to operate after hours as a "Nightclub". Once the food service closes, what will happen with the under-aged patrons who are enjoying a meal? Will they be asked to leave when the "Live Entertainment/Dancing" commences?
8. If the proposed site is in fact an authentic Irish restaurant, why is it catering to mostly adult patrons and proposing to maintain the hours of a nightclub? We already have numerous very nice restaurants Downtown, who when they applied for their business license didn't pretend to be something they weren't. It is pretty clear from the proposal that the

intention of McGuire's is to open another location whose primary purpose is to serve alcohol and be recognized as a bar/nightclub, not to maintain the integrity of the Irish culture.

We understand the City's desire to encourage local investment, but do not see how adding another bar/nightclub to the already saturated School and Elm Street circuit of businesses could ever be deemed a necessity or public convenience for the City of Lodi. The risk of unnecessary situations associated with undisciplined patrons is enormous.

We feel the opening of McGuire's on Elm Street Irish Pub will not enhance the Downtown Lodi experience and feel there are other options more appropriate for expanding business to the School and Elm Streets locality and for our Lodi community.

Respectfully,

Sean Guthrie
Justin O'byrne
Owners Ollie's Pub
Property Owner
18, 20, 22 N. School street

Petition against the opening of McGuire's on Elm street.

I, Kenneth A. Pratt, owner of

Stooges in Lodi. Would like to express my opposition of the opening of McGuire's on Elm street. I don't feel that there is a necessity for this business since myself and neighbors meet all the same requirements.

Signature

A handwritten signature in cursive script, appearing to read 'Kenneth A. Pratt', written over a horizontal line.

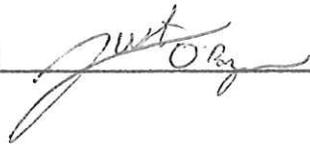
Date 3-10-14

Petition against the opening of McGuire's on Elm street.

I, JUSTIN O'BYRNE, owner of

OLLIE'S PUB. Would like to express my opposition of the opening of McGuire's on Elm street. I don't feel that there is a necessity for this business since myself and neighbors meet all the same requirements.

Signature

_____

Date

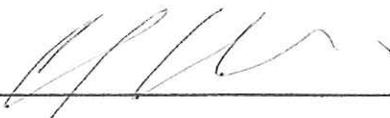
3/10/14

Petition against the opening of McGuire's on Elm street.

I, Carlos Phaverria, owner of

Twisted Fork Inc.. Would like to express my opposition of the opening of McGuire's on Elm street. I don't feel that there is a necessity for this business since myself and neighbors meet all the same requirements.

209 663 7319
209 369 3675

Signature 

Date March 10, 14

Petition against the opening of McGuire's on Elm street.

I, RUSS FIELDS, owner of

FIELDS FAMILY WINES. Would like to express my opposition of the opening of McGuire's on Elm street. I don't feel that there is a necessity for this business since myself and neighbors meet all the same requirements.

Signature *Russ Fields*

Date 3/10/14

Petition against the opening of McGuire's on Elm street.

I, Jerry Wolfe, owner of

Whisky Barrel Tavern Would like to express my opposition of the opening of McGuire's on Elm street. I don't feel that there is a necessity for this business since myself and neighbors meet all the same requirements.

Signature Jerry Wolfe

Date 3/10/14

Petition against the opening of McGuire's on Elm street.

Alicia Schmid &
I, Georgia Steiger, owner of

Take 27. Would like to express my opposition of the opening of McGuire's on Elm street. I don't feel that there is a necessity for this business since myself and neighbors meet all the same requirements.

Signature Alicia Schmid

Georgia Steiger

Date 3/10/14

3/10/14

Petition against the opening of McGuire's on Elm street.

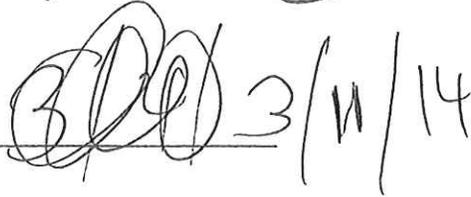
I, Michael Chau, owner of

Saigon Grill. Would like to express my opposition of the opening of McGuire's on Elm street. I don't feel that there is a necessity for this business since myself and neighbors meet all the same requirements.

Signature



Date



Petition against the opening of McGuire's on Elm street.

I, Bill Rogan, owner of

cellardoor. Would like to express my opposition of the opening of McGuire's on Elm street. I don't feel that there is a necessity for this business since myself and neighbors meet all the same requirements.

Signature

Bill Rogan

Date 3-11-14

Petition against the opening of McGuire's on Elm street.

I, Rodney Paiste, owner of

Vintage Sports Etc. Would like to express my opposition of the opening of McGuire's on Elm street. I don't feel that there is a necessity for this business since myself and neighbors meet all the same requirements.

Signature 

Date 3/10/14

Applicant Name: GARY ARNOLD

License / File No.: 541686

RECEIVED

DATE MUST BE RECEIVED BY: _____
MAR 10 2014

STATE OF CALIFORNIA
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

COMMUNITY DEVELOPMENT DEPT
CITY OF LODI

PROTESTANT'S / COMPLAINANT'S DECLARATION

I, GREG SOLIGAN, declare
PRINT YOUR NAME

under penalty of perjury.

That I am the Protestant / Complainant herein; that I have read my previously-submitted protest/complaint and know the contents thereof; that the same is true of my knowledge except to those matters which are therein stated on information and belief and as to those matters I believe them to be true.

EXECUTED on 1/17/14, at _____, at
(MONTH-DAY-YEAR)

_____, California
(CITY)

Signature: Greg R Soligan

Full Address: 20 A WEST ELM ST.
LODI CA 95240

Phone No. (non-public & optional): _____

Notice to Protestant / Complainant:

- This verification constitutes a personal oath and must, therefore, be signed by each individual verifying the protest.
- A copy of your valid protest (including your name and address) will be provided to the applicant as a public record and pursuant to applicant's discovery rights.

PROTEST AGAINST ALCOHOLIC BEVERAGE LICENSE APPLICATION

- Refer to Form ABC-510, Information Regarding ABC License Application and Protests (Rev. April 2010), before completing and submitting your protest. The ABC-510 is located at www.abc.ca.gov and in each district office
- **Please print legibly or type.** Incomplete and/or illegible information will cause the protest to be rejected
- You will be notified by letter whether or not your protest is accepted
- If the Department recommends licensure, you will be afforded the opportunity to request a hearing on your protest.
- If a hearing is scheduled as to whether or not a license should be granted, you or your authorized representative will need to attend the hearing to testify and/or present evidence to support your protest, or your protest will be deemed abandoned.
- All protests submitted to the ABC are public records and are open to inspection pursuant to the California Public Records Act (CPRA) (Gov. Code sec. 6254 et seq.)
- A copy of all valid and verified protests (ABC-510-A) and Protestant's/Complainant's Declaration (ABC-128) will be provided to the applicant as part of the licensing process.

I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to:

GARY ARNOLD

(Name(s) of Applicant(s))

For premises at:

24 W ELM ST LODI CA 95240

(Exact address of proposed premises)

on the grounds that:

MY NAME IS GREG SOLIGAN, I OWN THE MERLOT BANQUET HALL ACROSS THE STREET OF THE PROPOSED BAR. THE ADDITION OF ANOTHER BAR WOULD BE VERY BAD FOR THE NEIGHBORHOOD. WE HAVE BUMS ON THE TWO BENCHES ALREADY. VERY LITTLE PARKING THEN ADD DRUNKS ON THE STREET. OLLIES IS LESS THAN 100' AWAY IT'S AN IRISH PUB. ANGELO'S IS NEXT DOOR, TAKE 27 ACROSS THE STREET, RIASA WINE TASTING NEXT STORE, ALL SERVING ALCOHOL. THERE ARE TEN PLACES WITHIN 500'. PLEASE NO MORE!

Check here if additional sheets attached

Applicant Name: Arnold, Gary Louis
License / File No.: 541686

RECEIVED
MAR 16 2014

DATE MUST BE RECEIVED BY: _____

STATE OF CALIFORNIA
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

COMMUNITY DEVELOPMENT DEPT
CITY OF LODI

PROTESTANT'S / COMPLAINANT'S DECLARATION

I, Kelly La Mattina, declare
PRINT YOUR NAME
under penalty of perjury.

That I am the Protestant / Complainant herein; that I have read my previously-submitted protest/complaint and know the contents thereof; that the same is true of my knowledge except to those matters which are therein stated on information and belief and as to those matters I believe them to be true.

EXECUTED on January 18, 2014, at
(MONTH-DAY-YEAR)

Lodi, California
(CITY)

Signature: Kelly La Mattina
Full Address: 207 W. Elm St.
Lodi, CA 93240

Phone No. (non-public & optional): _____

Notice to Protestant / Complainant:

- This verification constitutes a personal oath and must, therefore, be signed by each individual verifying the protest.
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PROTEST AGAINST ALCOHOLIC BEVERAGE LICENSE APPLICATION

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- A copy of all valid and verified protests (ABC-510-A) and Protestants/Complainant's Declaration (ABC-128) will be provided to the applicant as part of the licensing process.

I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to:

McGuire's On Elm St. Irish Pub
(Name(s) of Applicant(s))

For premises at:

24 W. Elm St., Lodi, CA 95242
(Exact address of proposed premises)

on the grounds that:

The amount of businesses selling alcohol in that vicinity is out of control! There is 27, Angelos, Ollies, Fields Winery, Riara, Cellar Door, Wine Social, Visitor Center, Storges, Whiskey Barrel, and Weibel, not to mention others. Please consider the problems that another business selling alcohol will create.

Check here if additional sheets attached

I, *Kelly La Mattina*, *Kelly Salina La Mattina*, declare under penalty of perjury:
PRINT (Name of Protestant)

- (1) That I am the Protestant herein;
- (2) That I have read the above protest and know the contents thereof; and
- (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true

PROTESTANT'S SIGNATURE *Kelly La Mattina*

SIGNED AT (City and State) *Lodi, CA 95242*

PROTESTANT'S ADDRESS (Full address - Street name & number Unit or Apt No City, State, & Zip Code)

La Mattina
TELEPHONE NUMBER (Optional & non-public)

DATE SIGNED *1-18-14*

20 A W. Elm St.

Lodi, CA 95242

Applicant Name: Mc Guire's

License / File No.: 541686

RECEIVED

DATE MUST BE RECEIVED BY: MAR 16 2014

COMMUNITY DEVELOPMENT DEP
CITY OF LODI

STATE OF CALIFORNIA
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

PROTESTANT'S / COMPLAINANT'S DECLARATION

I, Erick L. Jewell, declare
PRINT YOUR NAME

under penalty of perjury.

That I am the Protestant / Complainant herein; that I have read my previously-submitted protest/complaint and know the contents thereof; that the same is true of my knowledge except to those matters which are therein stated on information and belief and as to those matters I believe them to be true.

EXECUTED on 1/24/2014, at
(MONTH-DAY-YEAR)

Lodi, California
(City)

Signature: Erick L. Jewell

Full Address: 14 W. Elm St
Lodi Ca 95240

Phone No. (non-public & optional): (209) 371-9980

Notice to Protestant / Complainant:

- This verification constitutes a personal oath and must, therefore, be signed by each individual verifying the protest.
- A copy of your valid protest (including your name and address) will be provided to the applicant as a public record and pursuant to applicant's discovery rights.

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- A copy of all valid and verified protests (ABC-510-A) and Protestants/Complainant's Declaration (ABC-128) will be provided to the applicant as part of the licensing process.

I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to:

Mc Guires

(Name(s) of Applicant(s))

For premises at:

24 W. Elm St, Lodi Ca 95240

(Exact address of proposed premises)

on the grounds that:

PLEASE DON'T ALLOW ANOTHER BAR ON ELM ST. WITH THE WHISKY BARREL, TAKE 27, OLLIES IRISH PUB, THE VINTAGE PLUS FOUR WINE TASTING ROOMS THAT'S TOO MUCH FOR ONE SMALL AREA. I HAVE TWO CHILDREN THIS MAKES A POOR INVIRONMENT.

Check here if additional sheets attached

I, *Erick L. Jewell*, declare under penalty of perjury:

PRINT (Name of Protestant)

- (1) That I am the Protestant herein;
- (2) That I have read the above protest and know the contents thereof; and
- (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

Erick L. Jewell
PROTESTANT'S SIGNATURE

14 W. Elm St. Lodi Ca 95240
SIGNED AT (City and State)

14 W. Elm St. Lodi Ca 95240
PROTESTANT'S ADDRESS (Full address - Street name & number, Unit or Apt. No., City, State, & Zip Code)

TELEPHONE NUMBER (Optional & non-public)

(209) 371-9980

DATE SIGNED

1/24/14

From: kazans@aol.com
Sent: Wednesday, March 12, 2014 5:47 PM
To: Kari Chadwick
Subject: Petition: McGuire's Irish Pub

Hello, as owners of Angelo's Mexican Restaurant we would like to share our opinion in which we oppose the opening of McGuire's Irish Pub. Due to downtown's already established bars and restaurants it does not seem necessary to add another business with alcohol distribution. With another bar opening, on top of the 14 liquor licenses already downtown, it would lead to more problems and especially add to the parking crisis. With our business there has been broken windows, stolen property, littering, and loitering all caused late in the evening and with another business open late in the hours it would only mean more of such nuisances to occur. Also with all that McGuire's has proposed it does not seem as if they are adding anything that downtown Lodi doesn't already have, but does create more competition and much more problems.

Sincerely, Mr.&Mrs. Paler

RESOLUTION NO. P.C. 14-XX

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI
APPROVING THE REQUEST OF GARY ARNOLD FOR A USE PERMIT FOR A TYPE
47 ABC LICENSE TO ALLOW SALE OF BEER, WINE AND DISTILLED SPIRITS AT
24 W ELM STREET**

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

WHEREAS, the project proponents are Gary Arnold, 339 Louie Avenue Lodi, CA 95240; and

WHEREAS, the project parcel is owned by Tebo Partnership LLP, 24 W Elm Street, Lodi, CA 95240; and

WHEREAS, the project is located at 24 West Elm Street, Lodi, CA 95240 (APN: 043-026-07); and

WHEREAS, the property has a General Plan designation of Downtown Mixed Use and is zoned Downtown Mixed Use (DMU); and

WHEREAS, Census Tract 42.04 in which the proposed restaurant/bar is to be located is over concentrated of licenses allowing on premise consumption of alcoholic beverages; and

WHEREAS, because Census Tract 42.04 has an over-concentration of On-sale beer, wine and distilled spirits alcohol licenses, the Planning Commission must make 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, based upon the facts and analysis presented in the staff report, and public testimony received and subject to the conditions of approval listed below, the Planning Commission finds that the establishment, maintenance or operation for the requested use or building applied for, will not, under the circumstances of this particular case, be detrimental to the health, safety, morals, comfort, convenience and general welfare of the persons residing or working in the neighborhood of such proposed use, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City; and

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

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

1. The project was found to be Categorically Exempt according to the California Environmental Quality Act Section 15321, Class 21. The project is classified as an "Enforcement action by regulatory agencies" because it is the "adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective." No significant environmental impacts are anticipated and no mitigation measures are required.
2. The sale of alcoholic beverages for on-premise consumption as part of a restaurant is a permitted use in the DMU Zoning District. The site is suitable and adequate for the proposed use because establishment of a restaurant/bar on this site would not create negative impacts on businesses in the vicinity.
3. On-sale of beer, wine and distilled spirits, in accordance with a Type 47 Alcoholic Beverage Control License and with the conditions attached herein, would be consistent and in

harmony with the Downtown Mixed Use General Plan Land Use Designation and DMU 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/bar 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 harmony in scale, bulk, coverage and density of the proposed project is consistent with and compatible to the existing built-in environment and land uses around the subject site, in that the proposed McGuire's on Elm Street Irish Pub will be located primarily within an existing building, with minor exterior/patio area additions, thereby maintaining the approved scale, bulk, coverage and density of the building.
7. The availability of public facilities and utilities is adequate to serve the proposed use, in that McGuire's on Elm Street Irish Pub will be located within a building where public facilities and services are currently provided, including sewer, water, electricity, phone, etc.
8. Steps will be taken by the Applicant/Operator to reduce the number of incidents resulting from the over-consumption of alcohol including the proper training and monitoring of employees serving alcohol; the careful screening of IDs of customers to avoid sales to under-aged individuals; limiting the number of drinks sold to individual customers to avoid over-consumption; providing properly trained on-site security to monitor customer behavior both in and outside of the establishment; and working with the Lodi Police Dept. to resolve any problems that may arise.
9. The proposed use can be compatible with the surrounding use and neighborhood if the business is conducted properly and if the Applicant/Operator works with neighboring businesses and residents to resolve any problems that may occur.
10. The proposed use would not be detrimental to the general welfare of persons residing and working in the immediate vicinity, the neighborhood or the community at large because the sale of alcohol with a restaurant operation is not associated with detrimental impacts to the community.
11. The sale of alcoholic beverages at this location can meet the intent of the DMU 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-18 is hereby approved, subject to the following conditions:

Community Development-Planning

1. The applicant/project proponent and/or property owner and/or developer and/or successors in interest and management shall, at their sole expense, defend, indemnify and hold harmless the City of Lodi, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this Use Permit approval. The obligation to defend, indemnify and hold harmless shall include, but is not limited to, any action to arbitrate, attack, review, set aside, void or annul this Use Permit approval on any grounds whatsoever. The City of Lodi shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.

2. The applicant/project proponent and/or property owner and/or developer and/or successors in interest and management shall operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control. Material violation of any of those laws in connection with the use may be cause for revocation of this Use Permit.
3. Starting from the effective date the business commences the sale of beer, wine and distilled spirits, this Use Permit shall be subject to a six-month and one-year review by Community Development Department and/or the Police Department. If the Community Development Department/Police Department determines it necessary, the Use Permit shall be subject to review by the Planning Commission to consider the business's operation for compliance with the conditions of the Use Permit, and in response to any legitimate complaints thereafter. Further, 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 Department, the Police Department and/or Planning Commission as needed during and after the one year probationary period.
4. If operation of this use results in conflicts pertaining to parking, noise, traffic, loitering, public safety or other impacts, at the discretion of the Community Development Department, 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.
5. "Last call" for alcohol sales shall be at 1:00 a.m. for a period of one year from commencement of use and close of business will be at 1:30 AM. At the end of the one year period, the applicant may submit a written request to the Community Development Department and Police Department for review to allow alcohol sales to extend to a later time. The Community Development and Police Department may approve, deny or refer the request to the Planning Commission.
6. The City Council, Lodi Police Department, the Planning Commission and City staff 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.
7. 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.
8. The business shall have interior security video cameras operating during all hours that the business is open. The videotapes of the security video cameras shall be maintained for a minimum period of 30 days, and the videotapes must be made immediately available for

any law enforcement officer who is making the request as a result of official law enforcement business. The video cameras must be positioned in a way to capture the facial features of anyone entering the business and include cameras that capture all money handling areas. If the Chief of Police determines that there is a necessity to have additional security cameras installed, the owner of the business must comply with the request within 7 calendar days. The Chief of Police can also require that the business change the position of the video cameras if it is determined that the position of the cameras do not meet security needs. The owner of the business must comply with the request within 7 calendar days. The said security video camera shall be installed and approved prior to business opening.

9. All owners, managers and employees selling alcoholic beverages shall undergo and successfully complete a certified training program in responsible methods and skills for selling alcoholic beverages. The certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service or other certifying/licensing body, which the State may designate. The establishment shall comply with the requirements of this section within 30 calendar days of effective date of this Use Permit. Records of each owner's, manager's and employee's successful completion of the required certified training program shall be maintained on the premises and shall be presented upon request by a representative of the City of Lodi. The business owner shall be responsible for on-going training to accommodate changes in personnel.
10. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of ABC license issued to McGuire's on Elm Street Irish Pub.
11. A minimum of four (4) Professional security staff shall be present during the hours entertainment occurs and one additional security guard for every 25 patrons. All persons responsible for security for the business shall have training as State-licensed security personnel. Security staff shall be stationed at the entry to the bar, in the area surrounding the premise and in the inside of the business itself. Security staff and their training program shall be subject to the review and approval of the Chief of Police.
12. Prior to the effective date of this Use Permit, a security plan which includes a management training plan, employee and security resource placement, crowd control and security measures, and provisions for overflow customers shall be submitted to the Community Development Department for review, and shall be approved by the Community Development Department and the Police Chief, or a designee thereof.
13. No person who is in a state of intoxication shall be permitted within the business nor shall an intoxicated patron be sold additional alcoholic beverages. It is the responsibility of the business owner/operator to ensure no patron in state of intoxication is allowed into the premise.
14. Prior to commencement of the use, the applicant shall prepare and submit a practical program for controlling litter, spills, and stains resulting from the use on the site to the Community Development Department for review and approval. The program shall include a detailed time frame for the policing and cleanup of the public sidewalk and right-of-way in front of the subject property as well as the adjacent public right-of-way (25 feet north and south of the subject property, and 25 feet down west down the alley) not just in front of the subject tenant space. Failure to comply with that program shall be considered a violation of the Use Permit and shall be subject to administrative remedy in accordance with Chapter 17.72 and Chapter 17.88 of the City of Lodi Municipal Code.
15. The subject property and its immediate surrounding shall be maintained neat and clean at all times. The subject property and its immediate surrounding shall be maintained free from debris and graffiti at all times. The property owner shall remove any debris or graffiti

within 24-hours upon notification by the City. Litter on the site and any litter scattered on nearby property, streets, and sidewalks shall be removed daily. If necessary, the applicant shall steam clean the project site and its immediate surrounding premises as often as needed.

16. In the event of graffiti or other extraneous markings occurring, the applicant/operator and/or successors in interest and management shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
17. Any change in operational characteristics, expansion in area or other modification to the approved plans shall require an amendment to this Use Permit or the processing of a new Use Permit.
18. The Type 47 ABC license requires that food sales be a substantial activity of the business. Staff reserves the ability to monitor food sales as a portion of the business and audit inventory books. Staff advises that absent a fuller menu (with additional meal items that could include traditional Irish pub fares), the submitted menu is not likely to meet the food sale requirements.
19. All music and dancing-related activities, including live bands, video and disc jockeys, and karaoke, shall be conducted indoors at all times. Doors shall remain closed during all performances or while music is being played.
20. The applicant/project proponent and/or property owner and/or developer and/or successors in interest and management shall be responsible for the control of noise generated by the subject facility including, but not limited to, noise generated by patrons and employees. All noise generated by the proposed use shall comply with the provisions of Chapter 9.24 and other applicable noise control requirements.
21. The applicant shall obtain Operational Permits from the Lodi Fire Department, Fire Prevention Bureau. The Operational Permits shall be obtained prior to commencement of sale of alcohol. The Fire Department may be contacted at 25 East Pine Street, Lodi, CA 95240-2127. Phone Number (209) 333-6739.
22. The applicant shall obtain a tenant improvement permit prior to occupancy. All plan submittals shall be based on the City of Lodi Building Regulations and currently adopted 2013 California Building Code. Please review our policy handouts for specific submittal procedures. The Building and Safety Division may be contacted at 221 West Pine Street, Lodi, CA 95240-2127. Phone number (209)333-6714.
23. The applicant shall obtain all required permits and licenses from the California Department of Alcoholic Beverage Control and the San Joaquin County Health Department prior to commencement of the use and maintain said permits at all times while the use is operating. Copies of all permits and licenses shall be submitted to the Community Development Department prior to commencement of the use.
24. 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.
25. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

Building and Safety

26. Since the occupant load exceeds 49, the following requirements will need to be addressed:
- a. The occupancy classification for this space will change from a M to an A-2. It shall be demonstrated that the A-2 occupancy is allowed in the building based on construction type, square footage and 2013 CBC, Table 503
 - b. Plans shall show that the building qualifies for non-separated occupancies under 2013 CBC, Section 508.3.3 or show fire rated occupancy separation walls as specified by 2013 CBC, Table 508.4.
 - c. Two exits shall be required. Exit doors shall be equipped with panic hardware and show swing in the direction of egress travel. 2013 CBC, Sections 1008.1.2, 1008.1.10
 - d. Exit doors shall be separated by minimum of 1/2 the diagonal distance of the area served in non-sprinklered buildings or minimum of 1/3 the diagonal distance of the area served in sprinklered buildings. 2013 CBC, Section 1015.2.1
 - e. Egress shall not pass through kitchens, storage rooms, closets or spaces used for similar purposes. 2013 CBC, Section 1014.2 (4)
 - f. Emergency egress illumination, with back up power supply, shall be provided for all area discharge elements and the exterior landings. 2013 CBC, Section 1006
 - g. Illuminated exit signs shall be provided. 2013 CBC, Section 1011
 - h. Occupant load sign shall be provide at or near the main entrance. 2013 CBC, Section 1004.3
 - i. The rear door is now a required exit and is required to provide an accessible path of travel to the public way (alley, sidewalk or street). 2013 CBC, Sections 1027.5, 11B-206.4, 11B-206.4.1
27. An automatic fire sprinkler system shall be required for this A-2 occupancy, if (1) the fire area exceeds 5,000 square feet, (2) the occupant load is 100 or more, or (3) the fire area is located on a floor other than a level of discharge serving the occupancies, or (4) the building exceeds 12,000 square feet and contains more than one fire area containing exhibition and display rooms and is separated into two or more buildings by fire walls less than four hour fire resistive rating without openings. 2013 CBC, Section 903.2.1.2
28. The plans show a 1 hour fire rated exit corridor that terminates into a Lounge area. The 2013 CBC, Section 1018.6 requires fire resistive rated corridors to be continuous from the point of entry to an exit without passing through intervening rooms. Exception #1 to 2013 CBC, Section 1018.6 states foyers, lobbies or reception rooms constructed as required for corridors (same level of fire resistive rated construction) shall not be construed as intervening rooms.
29. The plans show a stage. If the stage is a raised platform, an accessible path of travel to the raised platform shall be provided (ramp or lift). 2013 CBC, Section 11B-206.2.6
30. The plans appear to show a new 3 compartment sink. Scullery/dishwashing sinks and/or dishwashing machines shall be connected directly to the drainage system and a floor drain shall be provided adjacent to such fixtures and the fixture shall be connected on the sewer side of the floor drain trap. 2013 CPC, Section 704.3
31. The plans show single accommodation Men's and Women's restrooms. Plumbing occupant load shall be calculated using the plumbing occupant load factor specified by 2013 CPC Table A for each area use. The required number of plumbing fixtures (water

closets, urinals, lavatories) shall be provided, as specified for A-2 occupancies by 2013 CPC, Table 422.1. Additional plumbing fixtures may be required.

- 32. The packet includes a menu that shows items that require cooking or heating. No cooking equipment (stoves, ovens, microwaves, etc.). Unless the cooking appliances are listed in accordance with EPA 202 for reduced emissions where the grease discharge does not exceed 2.9 E-09 ounces per cubic inch, a hood is required to be installed over the cooking equipment. Type I hood (with grease baffles and fire suppression system) is required over appliances that generate grease, such as fryers, ranges, griddles, etc.) 2013 CPC, Section 508
- 33. The California Building Code (Title 24 Section 11B-202) 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.
- 34. If the construction costs of the alterations to the building are less than the current valuation threshold of \$139,934.00 and if the cost of the above listed accessibility upgrades are disproportionate (exceeds 20% of the project without the upgrades), then the required accessibility upgrades may be provided to the extent that is proportionate (20% of the valuation) as per 2013 CBC, Section 11B-202.4, Exception 8. In choosing which accessible elements to provide, priority should be given to those elements that will provide the greatest access.

Public Works

- 35. The patio area shown on the public sidewalk must receive a downtown encroachment permit from the Public Works Department for the proposed outdoor seating and serving of alcohol as per the Downtown Development and Standards Guidelines

I certify that Resolution No. 14-XX was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on March 26, 2014 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST _____
Secretary, Planning Commission

Item 3b.

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: March 26, 2014

APPLICATION NO: Use Permit: 2014-02 U

REQUEST: Request for Planning Commission approval of a Use Permit amendment to allow for beer manufacturing and add a Type 23 license to the existing Type 02, 14, and 19 and 241 Alcoholic Beverage Control licenses at 27 East Locust Street. (Applicant: The Dancing Fox Winery. File No. 2014-02 U. CEQA Determination: Exempt - Section 15321)

LOCATION: Olde Ice House
27 East Locust Street
APN: 043-081-03
Lodi, CA 95240

APPLICANT: The Dancing Fox Winery
203 S. School Street
Lodi, CA 95240

PROPERTY OWNER: Olde Ice House Cellars LLC
1620 Edgewood Drive
Lodi, CA 95240

RECOMMENDATION

Staff recommends that the Planning Commission approve the request of The Dancing Fox Winery to amend their Use Permit to allow beer production and amend their Type-02, 14, 19 and 241 Alcoholic Beverage Control (ABC) licenses to include a new 23 license at 27 East Locust Street, subject to the conditions in the attached resolution.

PROJECT AREA DESCRIPTION

General Plan Designation: Mixed Use Corridor

Zoning Designation: Mixed Use Corridor

Property Size: 15,000 sq. ft.

	ADJACENT ZONING AND LAND USE CHARACTERISTICS		
	GENERAL PLAN	ZONING CLASSIFICATION	EXISTING LAND USE
North	Mixed Use Corridor	Mixed Use Corridor	<i>Auto related business</i>
South	Downtown Mixed Use	Downtown Mixed Use	<i>Vacant land</i>
East	Mixed Use Corridor	Mixed Use Corridor	<i>Light industrial use</i>
West	<i>Mixed Use Corridor</i>	<i>Mixed Use Corridor</i>	<i>UPRR Line/Retail businesses</i>

SUMMARY

The applicant is requesting a Use Permit amendment to produce beer, in addition with the current winery, related warehouse and wine tasting room with retail sales and office use in an existing industrial space located at 27 East Locust Street. The proposal involves the expansion of the ABC license (23) to manufacture small quantities of beer, along with the existing Type-02, 14, 19 and 241 licenses issued for the property.

BACKGROUND

The project site is comprised of a single building bordered by Locust Street to the south, the UPRR line to the west, Main Street to the east and an auto related business to the north. The building is a single-story building with 15,300 sq. ft. floor area. Available City records indicate that the building has been used as an ice manufacturing plant since its construction. The City approved Use Permit 11-U-17 in September of 2011 for the current use.

ANALYSIS

The applicant is requesting approval of a Use Permit amendment to produce small amounts (15 to 50 gallons/week) of craft beer to be sold in their retail/winery location at 203 School Street. No exterior changes are proposed. The applicant has purchased a 15 gallon unit (see attached exhibit) that will be used on site. The cooking of grains, fermentation and storage into kegs will be on site and the residual grain or malt will be used for making "beer bread" and sold at the restaurant or bakery.

The existing industrial building measures approximately 15,000 square feet in size. The building occupies almost the entire site. No onsite parking is provided. The project site was credited with 20 spaces based on the previous use (warehouse manufacture/industrial) when the Use Permit was approved. The proposed use would not generate significant additional parking demand. Given beer making is considered manufacturing, and can be viewed as a continuation of previous use, staff does not anticipate the total parking demand to exceed the total parking credited to this project site. Further, since the subject property is within walking distance from the Elm Street parking lot, staff is of the opinion there will not be significant parking related problems.

Section 17.72.040 of the Lodi Municipal Code requires a Use Permit for new Off-Sale and On-Sale alcohol licenses as well as changes in license type. The City established the Use Permit requirement to gain local control over whether or not a license is appropriate for a particular location. Staff is of the opinion that the proposed project is consistent with the surrounding land uses and zoning; and with the City's policy to encourage the wine tasting/restaurant/craft brewing industry, the intended nature of this operation would not promote excessive onsite consumption of alcohol and, therefore, staff does not expect any problems with this type of establishment.

Staff has contacted the various City departments for review and approval. Their requirements for approval have been added to the attached resolution. The proposed use is consistent with the City's vision of making Lodi a tourist destination point. The adjunct operation of a small lot brewery supporting the restaurant and bakery would add to the tourist trade. If problems or concerns related to the sale of alcoholic beverages occur in the future, staff and/or the Planning Commission may initiate a public hearing where the Commission would have the ability to amend conditions or revoke the Use Permit.

ENVIRONMENTAL ASSESSMENTS

The project was found to be categorically exempt according to the California Environmental Quality Act, Article 19 15321 Class 21 (a) (2). The project is classified as an "Enforcement Action by Regulatory Agencies" because it is the "adoption of an administrative decision or order

enforcing...the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective.” The project was also found to be categorically exempt according to the California Environmental Quality Act, Article 19 15332 Class 32 (a) (b) (c) (d) and (e). The project is classified as in-fill development meeting the conditions described therein. No significant impacts are anticipated and no mitigation measures are required.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published on March 15, 2014. Twenty-eight (28) 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.

RECOMMENDED MOTIONS

Should the Planning Commission agree with staff’s recommendation, the following motions are suggested:

1. “I move that the Planning Commission adopt a Resolution finding that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321. No significant impacts are anticipated and no mitigation measures are required.”
2. “I move that the Planning Commission adopt a Resolution approving the Use Permit Amendment to allow beer production and amend the Type-02, 14, 19 and 241 Alcoholic Beverage Control (ABC) licenses to include a new Type 23 license at 27 East Locust Street, subject to the conditions in the attached resolution.”

ALTERNATIVE PLANNING COMMISSION ACTIONS:

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

Respectfully Submitted,

Concur,

Craig Hoffman
Senior Planner

Stephen Schwabauer
Interim Community Development Director

ATTACHMENTS:

- A. Vicinity / Aerial Map
- B. Tenant Improvement
- C. Floor Plan
- D. Draft Resolution

VICINITY / AERIAL MAP



27 East Locust Street



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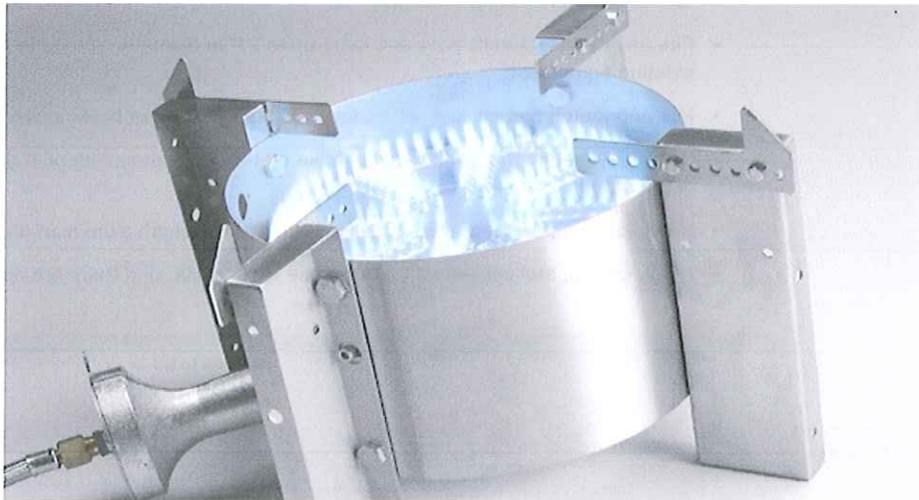


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RESOLUTION NO. P.C. 14-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF THE DANCING FOX WINERY FOR A USE PERMIT AMENDMENT TO MANUFACTURE BEER AT 27 EAST LOCUST STREET

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

WHEREAS, the project proponent is the Dancing Fox Winery, 27 East Locust Street, Lodi, CA: and

WHEREAS, the project site is located at 27 East Locust Street, Lodi CA (APN: 43-081-03) and

WHEREAS, the project site is owned by Olde Ice House Cellars LLC., 1620 Edgewood Drive, Lodi, CA 95240; and

WHEREAS, the property has a General Plan designation of Mixed Use Corridor and is zoned M2, Heavy Industrial; and

WHEREAS, the requested Use Permit Amendment is to allow for beer manufacturing and add a Type 23 license to the existing Type 2, 14, 19 and 241 Alcoholic Beverage Control licenses at 27 East Locust Street, and

WHEREAS, Census Tract 45 in which the proposed is located currently has an over concentration of licenses for alcoholic beverages production and consumption; and

WHEREAS, because Census Tract 45 has an over concentration of alcohol beverage control licenses, the planning Commission must make a finding of necessity or public convenience in order to permit the issuance of an additional Alcohol Beverage Control license in this tract; and

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

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

1. The project was found to be categorically exempt according to the California Environmental Quality Act, section 15321 Class 21 (a) (2). The project is classified as an "Enforcement Action by Regulatory Agencies" because it is the "adoption of an administrative decision or order enforcing...the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective." No significant impacts are anticipated and no mitigation measures are required.
2. No new impacts were identified during the public testimony that were not addressed as normal conditions of project approval.
3. 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.
4. The proposed use would not have a substantial adverse economic effect on nearby uses because operation of a small scale brewery in accordance with applicable laws and under the conditions of this Use Permit is anticipated to be an economic benefit to the community.
5. 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.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Use Permit Application No. 14-U-02 is hereby approved, subject to the following conditions:

1. All previously approved conditions of approval contained in 11-U-17 shall remain in effect, unless specifically modified by the conditions for this amendment.
2. The applicant/project proponent and/or property owner/developer and/or successors in interest and management shall operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
3. The Applicant/Operator shall operate and abide by the requirements and conditions of the State of California Department of Alcoholic Beverage Control. The on-site sale and consumption of beer shall occur only during the hours the business is open to the public.
4. 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. Further, starting from the effective date the brewing operation commences, this Use Permit shall be subject to a one year review by Community Development Department. If necessary, the Department 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 legitimate complaint thereafter.
5. All brewery waste shall not be stored outside and shall be properly disposed of or transported within 24 hours after the boiling activity.
6. All delivery truck cueing shall take place off the public right-of-way.
7. The applicant shall submit complete and adequate tenant improvement plans to the Building Division for review and approval. The said plans shall be based on the City of Lodi Building Regulations and currently adopted 2013 California Building Code.
8. The applicant shall obtain Operational Permits if necessary from the Lodi Fire Department, Fire Prevention Bureau, 25 East Pine Street, Lodi, CA 95240-2127. Phone Number (209) 333-6739.
9. Any fees due the City of Lodi for processing this Project shall be paid to the City within thirty (30) calendar days of final action by the approval authority. Failure to pay such outstanding fees within the time specified shall invalidate any approval or conditional approval granted. No permits, site work, or other actions authorized by this action shall be processed by the City, nor permitted, authorized or commenced until all outstanding fees are paid to the City.

I hereby certify that Resolution No. 14- XX was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on March 26, 2014, 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: March 26, 2014

APPLICATION NO: Use Permit Amendment: 2014-03U

REQUEST: Request for Planning Commission approval of a Use Permit to allow a Type-20 Off-site Beer and Wine sales at an existing grocery store. (Applicant: Artegas Grocery Store. File No. 2014-03 U. CEQA Determination: Exempt - Section 15321)

LOCATION: 200 E Oak Street, southeast corner of Oak Street and Stockton Street (APN: 043-035-02)

APPLICANT: Artegas Grocery Store
c/o Alonzo Lopez
200 E. Oak Street,
Lodi, Cal 95240

PROPERTY OWNER: Fida Khan, Etal.
325 North Church Street
Lodi, Cal. 95240

RECOMMENDATION

Staff recommends the Planning Commission approve the request by Artegas Grocery Store to off-site sell beer and wine, in conjunction with the existing grocery store, based on the findings and evidence in the staff report and subject to the conditions listed in Resolution XX-2014.

PROJECT/AREA DESCRIPTION

General Plan Designation: Mixed Use Corridor
Zoning Designation: Mixed Use Corridor MCO
Property Size: 13,600 square feet.

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 - MCO	Retail/Services
South	Mixed Use Corridor	Mixed Use Corridor - MCO	Retail/Services
East	High Density Residential	Residential-High Density	Residential
West	Mixed Use Corridor	Mixed Use Corridor - MCO	Retail/Services

SUMMARY

The proposal is to allow the off-site sale of beer and wine to local customers of the store. The small percentage of the floor area committed to the Type 20 license would not change the predominate use as a neighborhood market. Appropriate conditions of approval have been

crafted to control the sales of alcohol and provide for the periodic review to ensure the use does not become a local nuisance to the neighborhood from increased homelessness, vagrancy or increased crime to the business.

BACKGROUND

According to available records, the subject property has been used as a local market for a number of years. The current operation has been in existence since August of 2011 and has provided the local residence with convenience goods. According to the Building Department records a Certificate of Occupancy was issued in February, 2012 for some minor plumbing and electrical improvements. Planning Division has been made aware that the current market operation has been cited by Code Enforcement for outside food preparation and removal of City street trees. Staff will address the potential remedies within the conditions of approval to ensure compliance with the code.

ANALYSIS



The project site is within Census Tract 45.02, which covers the area as shown in Figure 1. The area is over-concentrated as defined by ABC for licenses (see attached ABC form). Planning staff is of the opinion that a public need and necessity is warranted in this case because the primary function of the establishment is a grocery store and would provide local customers the convenience of single stop shopping. Most of the ABC licenses in the census tract

(18) are on-site consumption type licenses, which 8 are off-site sales either Type 20 or 21. Area gas stations and local food markets are evenly split in the census tract in the Type 20 and 21 licenses.

The discretionary Use Permit procedure enables the Planning Commission 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 believes the Planning Commission can make the required findings to approve the requested Use Permit. The required findings are supported 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. Evidence:* The requested permit would allow an existing grocery store, within the Mixed Use Corridor Zoning District, to off-site sell alcohol in accordance with Development Code Section 17.22.030. Conditions of Approval have been prepared that will provide appropriate rules for the alcohol sales and the needed review of the operation to ensure the sales do not become a neighborhood problem. Although the existing use does not meet the current Zoning Code requirements for on-site parking, the added

sale of alcohol will not increase the parking demand for this parcel and the use would not be required to provide addition parking.

2. *The proposed use is consistent with the General Plan and any applicable specific plan. Evidence:* The General Plan land use designation and Zoning for this area is Mixed Use Corridor, which provides for sale of alcohol. The proposed sale of beer and wine is allowed in conjunction with a grocery store operation. The sale of alcoholic beverages as part of a grocery store is an acceptable and customary convenience to the local residence. The project is not within a Specific Plan or Planned Development, which would have additional rules on the sale of alcohol different from the properties base Zoning.

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. Evidence:* The proposed sale of alcohol in conjunction with the grocery store operation is compatible with existing and future land uses in the immediate vicinity of the project area. The sale of alcohol in the store is consistent with other similar retail commercial uses in the census tract. The sales of alcohol will not increase the existing floor area of the building and therefore the current on-site parking will be adequate to support the store.

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. Evidence:* 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. The proposed sale of alcohol in a grocery store is customary for these types of businesses. Lastly, it is found that the sale of alcoholic beverages as part of a grocery store is a convenience to the local residences that does not typically create alcohol related problems. The store hours will be a limiting feature in the control of alcohol sales, in that the store will be closed by 9PM reducing the probability of late night homelessness loitering in the neighborhood

5. *The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the Lodi Environmental Review Guidelines. Evidence:* The project was found to be Categorical Exempt according to the California Environmental Quality Act, §15321, Class 21 (a) (2). No significant environmental impacts are anticipated and no mitigation measures are required. See additional environmental justification below.

Staff sent a copy of the application to various City departments for comment and review. Their comments and requirements have been incorporated into the attached resolution. To this end, staff is recommending the new use be reviewed in 12 months after the date of approval to review how the owner conducts the business and that the establishment is operating under the approved conditions of approval. If problems or concerns related to the sale of alcoholic beverages occur in the future, staff and/or the Planning Commission may initiate a public hearing where the Commission would have the ability to amend conditions or revoke the Use Permit.

ENVIRONMENTAL ASSESSMENT:

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

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published in the Lodi News Sentinel on Saturday, March 15, 2014. Thirty-nine (39) 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.

RECOMMENDED MOTIONS

Should the Planning Commission agree with staff’s recommendation, the following motions are suggested:

1. “I move that the Planning Commission adopt a Resolution finding that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321. No significant impacts are anticipated and no mitigation measures are required.”
2. “I move that the Planning Commission adopt a Resolution approving the Use Permit Amendment to allow Artegas Grocery Store the sale of beer and wine Alcoholic Beverage Control Type 20 license at 200 E Oak Street, subject to the conditions of approval contained in the Resolution.”

ALTERNATIVE PLANNING COMMISSION ACTIONS:

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

Respectfully Submitted,

Concur,

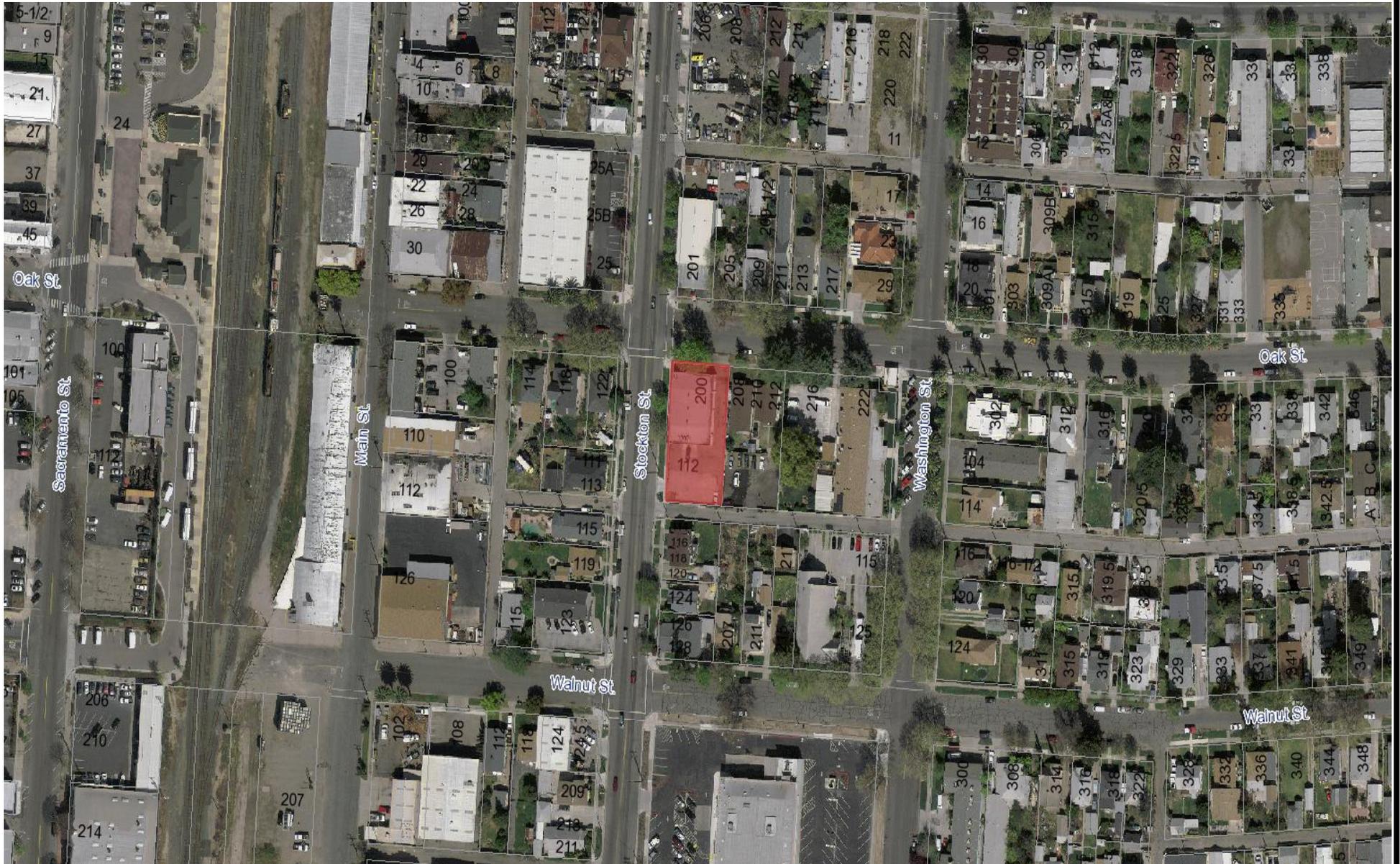
Craig Hoffman
Senior Planner

Stephen Schwabauer
Interim Community Development Director

ATTACHMENTS:

- A. Vicinity / Aerial Map
- B. Floor Plan
- C. Draft Resolution

VICINITY / AERIAL MAP



Artegas Market – 200 E. Oak Street

RESOLUTION NO. P.C. 14-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF ARTEGAS GROCERY STORE FOR A USE PERMIT TO SELL BEER AND WINE AT 200 E OAK STREET.

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

WHEREAS, the project proponent is the Artegas Grocery Store; and

WHEREAS, the project site is located at 200 East Oak Street (APN: 043-064-01); and

WHEREAS, the project site is owned by Fida Khan, 325 North Church Street, Lodi, CA 95240; and

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

WHEREAS, the requested Use Permit is to allow for off-site beer and wine sales (Type 20 license) for the existing grocery store; and

WHEREAS, Census Tract 45.02 in which the proposed is located currently has an over concentration of licenses for alcoholic beverage sales and consumption; and

WHEREAS, the Planning Commission must make a finding of necessity or public convenience in order to permit the issuance of an additional Alcohol Beverage Control license in this tract; and

WHEREAS, the City of Lodi has taken all legal prerequisites to the adoption of this Resolution have occurred.

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

1. The project was found to be categorically exempt according to the California Environmental Quality Act, section 15321 Class 21 (a) (2). The project is classified as an "Enforcement Action by Regulatory Agencies" because it is the "adoption of an administrative decision or order enforcing...the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective." No significant impacts are anticipated and no mitigation measures have been required.
2. No new impacts were identified during the public testimony that was not addressed as normal conditions of project approval.
3. 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.
4. The proposed use would not have a substantial adverse economic effect on nearby uses because beer and wine sales within an existing grocery store; in accordance with applicable laws and under the conditions of this Use Permit, are anticipated to be an economic benefit to the community and provide the local residence a one-stop shop opportunity.

5. Planning Commission finds that a public need and necessity is warranted in this case because the primary function of the establishment is a grocery store and the sale of alcoholic beverages, as part of a grocery store, is an acceptable and customary convenience to the local residence.
6. 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.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Use Permit Application No. 2014-03U is hereby approved, subject to the following conditions:

1. The Applicant/Operator shall operate and abide by the requirements and conditions of the State of California Department of Alcoholic Beverage Control for a Type 20 Licenses. The off-site sale of beer and wine shall occur only during the hours of 8:00 am to 9:00pm. Any change of hours shall require an amendment to the Use Permit, as prescribed within the Zoning Code.
2. The applicant/project proponent and/or property owner/developer and/or successors in interest and management shall operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
3. The 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. Further, this Use Permit shall be subject to a one year review by Community Development Department. If necessary, the Department 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 legitimate complaint thereafter.
4. Beer, wine coolers and/or malt beverages shall be sold in original factory packaging of a six-pack or greater, except wine or malt based coolers shall be sold in the original factory assembled four-pack or greater.
5. The sale of wine shall be in bottles or containers no smaller than 750ml, with two exceptions: 1.) dessert wines shall be no smaller than 375ml, and 2.) wine containers smaller than 750ml may only be sold in manufacturers pre-packaged multi-unit packs that are no smaller than a four-pack.
6. Outside food preparation shall be out of the public right-of-way and monitored to ensure public safety. The applicant shall consider barriers to keep pedestrians away from the barbecue unit.
7. The two (2) tree planter wells on Oak Street shall be replaced / replanted with trees approved of by the Public Works Department. Tree species shall be consistent with the Public Works street tree standards. The project applicant will maintain the trees with appropriate watering and care.

- 8. The applicant shall obtain Operational Permits if necessary from the Lodi Fire Department, Fire Prevention Bureau, 25 East Pine Street, Lodi, CA 95240-2127. Phone Number (209) 333-6739.
- 9. Any fees due the City of Lodi for processing this Project shall be paid to the City within thirty (30) calendar days of final action by the approval authority. Failure to pay such outstanding fees within the time specified shall invalidate any approval or conditional approval granted. No permits, site work, or other actions authorized by this action shall be processed by the City, nor permitted, authorized or commenced until all outstanding fees are paid to the City.
- 10. Any future changes to the existing building, which are regulated by the current codes, shall require a building permit. All plan submittals shall be based on the City of Lodi Building Regulations and currently adopted 2013 California Building Code, according to the City's handouts for specific submittal procedures.

I hereby certify that Resolution No. 14- XX was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on March 26, 2014, by the following vote:

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

ATTEST: _____
 Secretary, Planning Commission

Item 3d.

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: March 26, 2014

APPLICATION NO: Use Permit: 2014-01 U
SPARC: 13-SP-04 (Previously approved)

REQUEST: Request for Planning Commission approval of a Use Permit for a new Americas' Tire store within the Reynolds Ranch Phase 3 Development. (Applicant: RSC Engineering (Tiffany Wilson). File No. 2014-01 U. CEQA Determination: Prior EIRs Section 15153).

LOCATION: Southwest corner of Rocky Lane and Reynolds Ranch Parkway.
APN: 058-650-002 and 003

APPLICANT: RSC Engineering (Tiffany Wilson)
2250 Douglas Road Suite 150
Roseville, Cal 95661

PROPERTY OWNER: Skinner Ranch Holdings
1420 S Mills Street
Lodi, Cal 95242

RECOMMENDATION

Staff recommends the Planning Commission approve the Use Permit to develop the new America's Tire store, based on the findings contained in the attached Planning Commission Resolution, and subject to the conditions of approval.

PROJECT AREA DESCRIPTION

General Plan Designation: Commercial
Zoning Designation: PD-39 (Commercial).
Property Size: 1.97 acres

	ADJACENT ZONING AND LAND USE CHARACTERISTICS		
	GENERAL PLAN	ZONING CLASSIFICATION	EXISTING LAND USE
North	Commercial	Planned Development (39)	Agricultural uses
South	Commercial	Planned Development (39)	Agricultural uses
East	Commercial	Planned Development (39)	Commercial uses
West	Commercial	Planned Development (39)	Agricultural uses

SUMMARY

The applicant proposes to construct a 7,454 square foot tire store with 8 service bays and a sales and display show room within the newly developing Reynolds Ranch Planned Development. The total building area is 9,667 square feet in size, which includes a 2,213 square feet mezzanine for additional tire and wheel storage. The company expects to create

ten new full time jobs and generate approximately 3 million dollars in retail sales annually. Store hours are Monday thru Friday 8:00AM to 6:00PM, Saturday 8:00AM to 5:00PM and closed on Sunday.

BACKGROUND

The City of Lodi annexed the Reynolds Ranch project in 2006 as a mixed-use development. As part of the annexation process, the city certified an environmental impact report, approved a new General Plan and Zoning designation (PD-39) and approved a Development Agreement. PD-39 paved the way for retail and commercial uses, a public park, fire station, a self-storage facility, and the Blue Shield office complex, a major component of the development. Subsequently, COSTCO public warehouse, Home Depot, and three smaller pads completed construction. A master sign program will guide the design of all new signs for the center and the individual businesses.

ANALYSIS

Use Permit Application:

Lodi Zoning Code requires a Use Permit for an auto repair and maintenance facility in this Planned Development area. As stated by the applicant, the tire store does not perform general repair on vehicles, besides alignments and only installs new tires and wheels. However, the maintenance of the vehicles tires would place this use as a conditional use within this zone category. The summary section above describes the day to day operations. The location of the intended use is far enough away from future sensitive land uses that it will not cause any significant impacts on those adjoining properties.

Noise:

Since the proposed project site is not adjacent to sensitive land uses, the project will not be inconsistent with the commercial noise standard of 65 dBA. Noise generated from the tire store primarily would be from two sources: pneumatic tools and from vehicles entering and exiting the tire store facility. It is staffs opinion that the ambient noise levels generated by Reynolds Ranch Parkway and Rocky Lane will exceed the noise generation caused by the tire store operations.

Parking:

The parking plan provides 41 parking spaces, consisting of 36 regular spaces, 3 clean air/carpool spaces and 2 ADA spaces. Employee parking will be handled on site, along with ample parking for customers. Although not counted as required parking, the 8 service bays within the building will add to total on-site parking aggregate. The parking lot is connected to the adjoining property and a condition of the recently approved parcel map requires cross access and reciprocal parking agreements between all the Reynolds Ranch parcels.

Landscape Plan

As shown on the preliminary landscape plan, a 12-ft to 20-ft landscape areas are provided along the street frontages of Rocky Lane and Reynolds Ranch Parkway. Additional landscape strips surround the perimeter of the project site main drive corridor and sufficient tree planter islands will provide the required parking lot shading. A recommended condition of approval requires the developer to submit a detailed landscape and irrigation plan for approval by the Community Development and Public Works Departments for review and approval. All landscape and irrigation improvements are to be designed and installed in compliance with the requirements of the Water Efficient Landscape Guidelines, Lodi Municipal Code, and all other applicable City standards.

Architecture

The proposed building design utilizes exterior materials and colors that conform to the overall Center design. The exterior finishes include stucco, corrugated metal, cement based siding, CMU split-faced block, and lumber. Large storefront glass panels with clear anodized aluminum frames will provide the sales/showroom area with ambient light. Fabric awnings, steel landscape trellis, and lumber will be used for accents, similar to the recently built Reynolds Ranch shop buildings across Reynolds Ranch Parkway.

The proposed America's Tire site plan and architecture is the same as approved by the Planning Commission on February 26, 2014.

Trash Enclosure:

The project provides a refuse enclosure on the west side of the building. A masonry wall and metal doors enclose refuse bins inside. The proposed enclosure meets the criteria of Section 17.58.130. The final landscape plan will install creeping vines or similar landscape material around the enclosure to discourage graffiti and soften the hard surface of the masonry walls.

Signs:

Exterior building signs will be governed by the adopted Master Sign Program for the Reynolds Ranch Planned Development

Conclusion

The location and design of the proposed development is consistent with the goals and policies of the 2010 General Plan and the PD-39 zoning district. The General Plan Land Use Commercial designation allows such commercial uses the proposed business. The PD-39 zoning district allows tire stores with a Use Permit. The proposed tire store would not create special problems in the area, because the building is situated within a larger commercial center that is surrounded by other vehicle oriented uses; therefore, any of the typical nuisance issues have been mitigated by appropriate site location. Staff believes that future traffic is not anticipated to impact the planned circulation system and would not cause undue congestion upon the adjoining streets and intersections.

ENVIRONMENTAL ASSESSMENTS

The project is consistent with the findings of the previous environmental documents prepared for the Reynolds Ranch development. The Reynolds Ranch Final EIR, including comments and responses to comments, was certified by the City Council on August 30, 2006. The City Council certified an addendum to the Final EIR, including comments and responses to comments on September 17, 2008. Subsequently, the City of Lodi 2010 General Plan identified a consistent land use designations for the project site and the City Council certified the General Plan Final EIR, including comments and responses to comments on April 7, 2010.

The proposed project does not create any new environmental impacts that were not previously addressed in the Mitigation Monitoring and Report Program for the project and the conditions of approval require the development to implement the adopted MMRP.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published in the Lodi News Sentinel on Saturday, March, 15 2014. Thirty-nine (39) 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.

RECOMMENDED MOTIONS

Should the Planning Commission agree with staff's recommendation, the following motions are suggested:

1. "I move that the Planning Commission adopt a Resolution finding that the project has satisfied the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15153. The project is consistent with the findings of the previous environmental documents prepared for the Reynolds Ranch development. The proposed project does not create any new environmental impacts that were not previously addressed in the Mitigation Monitoring and Report Program for the project and the conditions of approval require the development to implement the adopted MMRP."
2. "I move that the Planning Commission adopt a Resolution approving the use permit and the site and architectural plans for the America's Tire store project, subject to the conditions listed in the attached draft Resolution."

ALTERNATIVE PLANNING COMMISSION ACTIONS:

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

Respectfully Submitted,

Concur,

Craig Hoffman
Senior Planner

Stephen Schwabauer
Interim Community Development Director

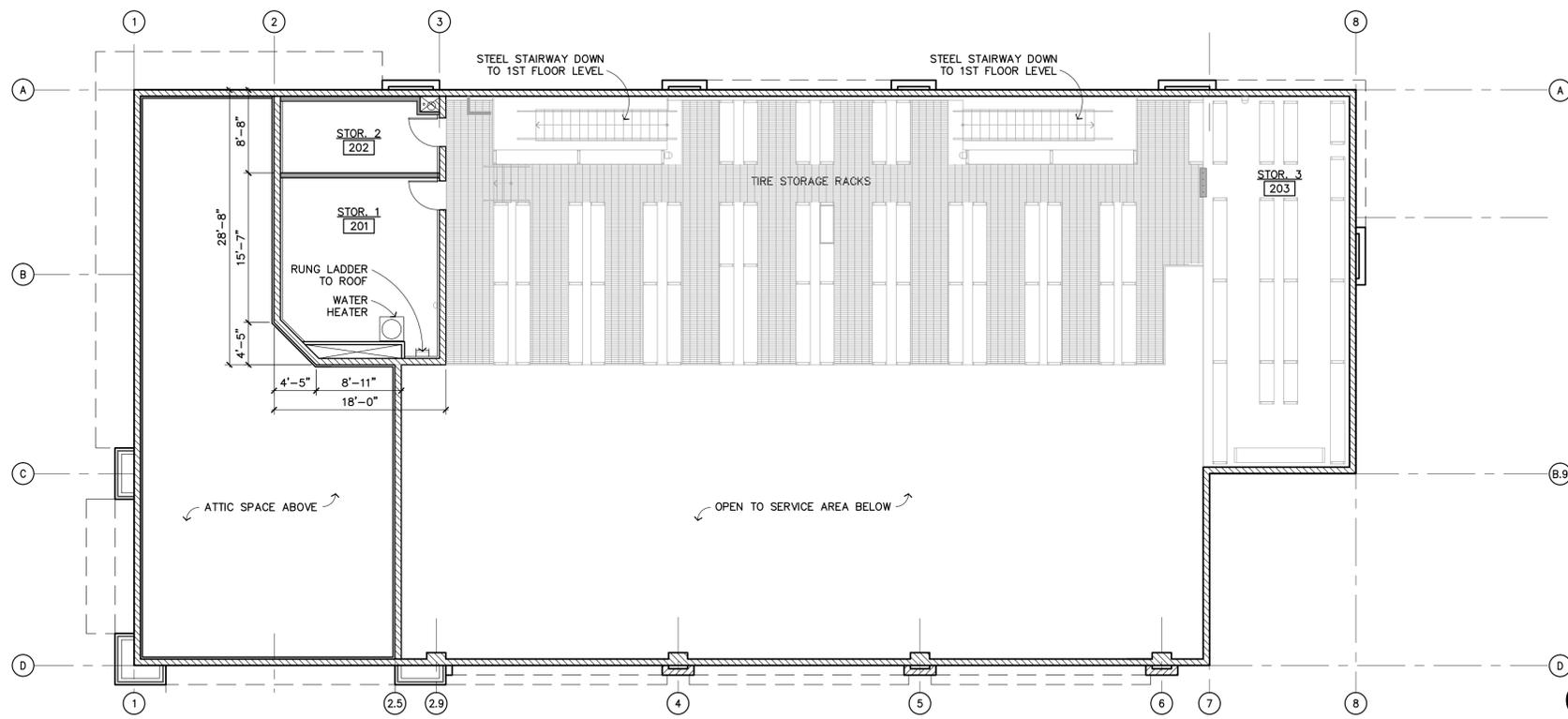
ATTACHMENTS:

- A. Vicinity / Aerial Map
- B. Architectural Review Package, consisting site plans, building elevations, colored renderings, material samples.
- C. Draft Resolution

VICINITY MAP



Reynolds Ranch Phase 3A Development

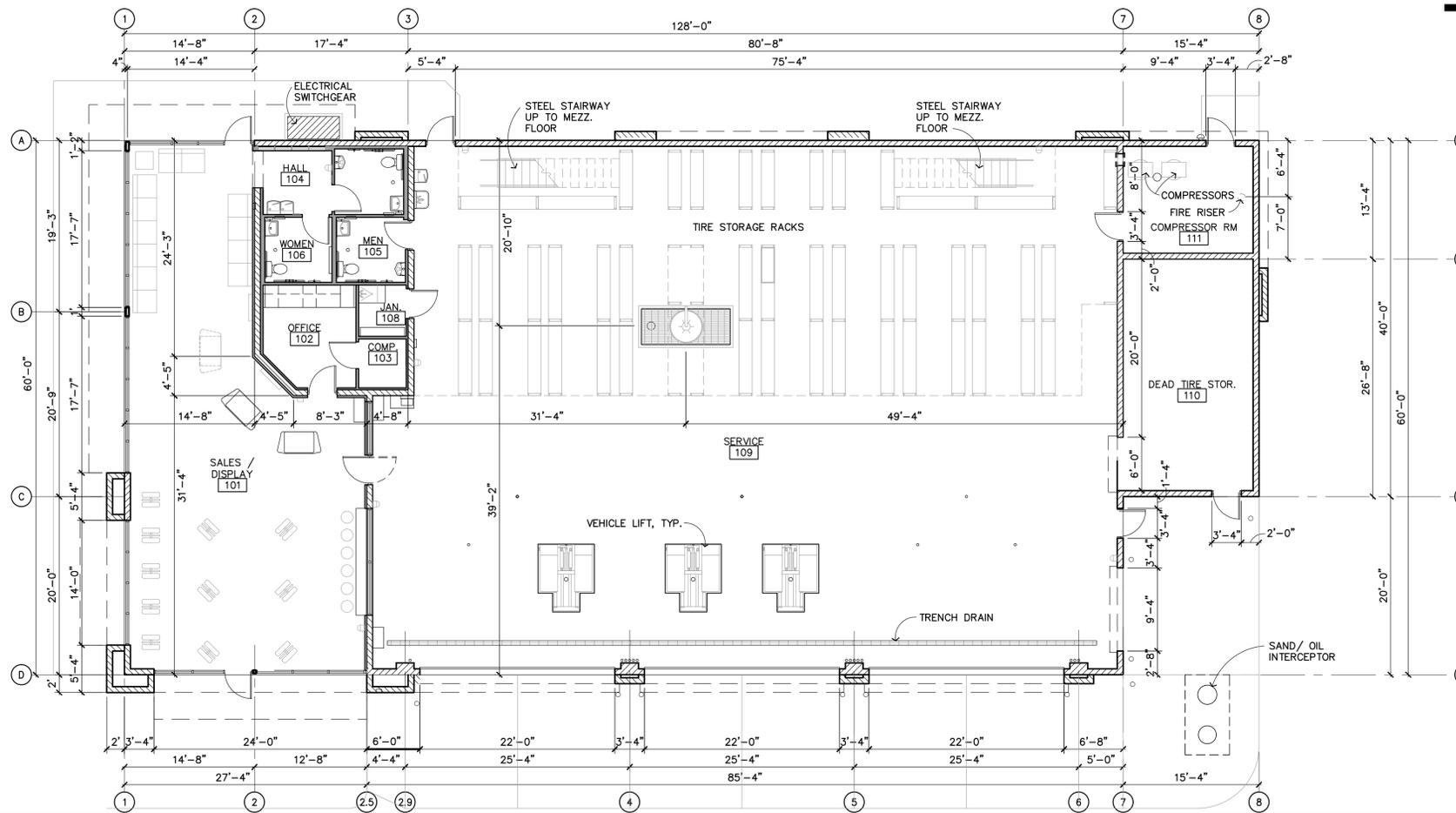


BUILDING AREA CALCULATIONS	
GROUND FLOOR AREA	
M.OCCUPANCY	
SALES DISPLAY	1,204 S.F.
OFFICE	113 S.F.
COMPUTER	2 S.F.
HALL	10 S.F.
MEN	3 S.F.
WOMEN	3 S.F.
EMPLOYEE	3 S.F.
JANITOR ROOM	30 S.F.
SUBTOTAL	
SERVICES	4 S.F.
RECYCLE TIRE	31.33 S.F.
COMPRESSOR ROOM	1 S.F.
TOTAL GROUND FLOOR AREA	
1,628.66 S.F. (NET AREA) (USABLE)	
MEZZANINE LEVEL AREA	
SUBTOTAL	
STOR. 1	102 S.F.
STOR. 2	244.3 S.F.
STOR. 3	2 S.F.
WALL IN RATE	11 S.F.
TOTAL MEZZANINE AREA	
361.6 S.F. (NET AREA) (USABLE)	



CONCEPTUAL MEZZANINE FLOOR PLAN

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



CONCEPTUAL 1ST FLOOR PLAN

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

ALT - 3L

REV:
DATE: 12.04.13
JOB # A.131070



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CONCEPTUAL FLOOR PLANS

SWC Harney Ln & Reynolds Ranch Pkwy
LODI, CA 95240

914 E. KATELLA AVENUE, ANAHEIM, CA 92805
P (714) 385-1835 F (714) 385-1834
www.plumpgroup.com

Sheet No.

A.1



WEST ELEVATION

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

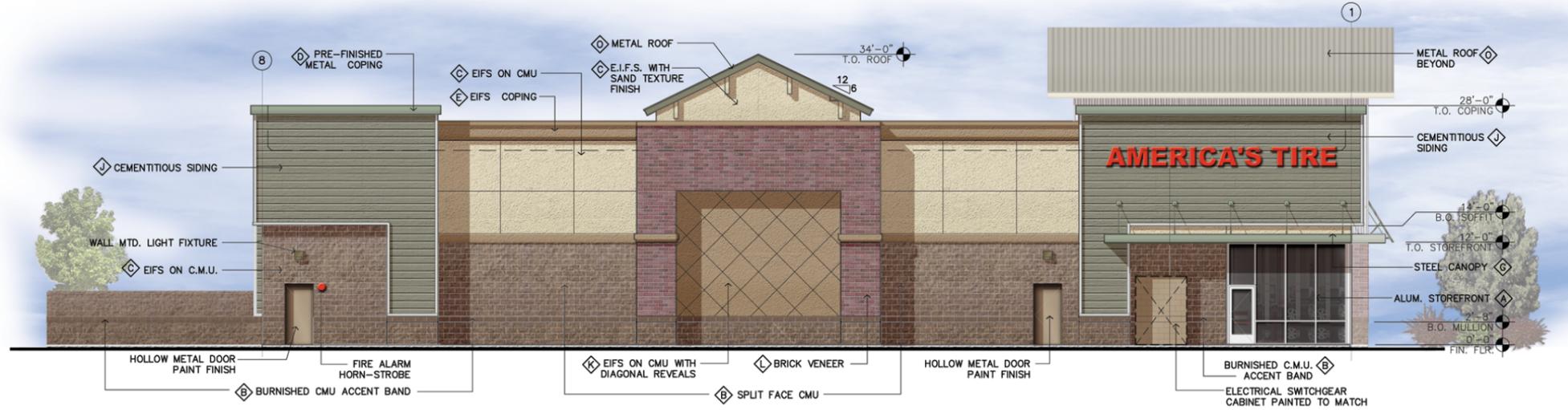


EAST ELEVATION (Reynolds Ranch Pkwy)

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

FINISH LEGEND

- ◊ ANODIZED ALUMINUM STOREFRONT SYSTEM MANUFACTURER'S STANDARD COLOR "CLEAR ANODIZED" FINISH
- ◊ INTEGRAL COLOR C.M.U. (SPLIT-FACE OR BURNISHED AS NOTED) BASALITE, D375
- ◊ PAINT - SHERWIN WILLIAMS SW2833 "ROYCROFT VELLUM"
- ◊ PAINT - SHERWIN WILLIAMS SW2834 "BIRDEYE MAPLE"
- ◊ PAINT - SHERWIN WILLIAMS SW2835 "CRAFTSMAN BROWN"
- ◊ PAINT - SHERWIN WILLIAMS SW2841 "WEATHERED SHINGLE"
- ◊ PAINT - SHERWIN WILLIAMS SW6192 "COASTAL PLAIN"
- ◊ PAINT - SHERWIN WILLIAMS SW6117 "SMOKEY TOPAZ"
- ◊ PAINT - SHERWIN WILLIAMS SW6165 "CONNECTED GRAY"
- ◊ PAINT - SHERWIN WILLIAMS SW6363 "GINGERY"
- ◊ BRICK VENEER - H.C. MUDDOX "MONTEREY BAY FLASHED"
- ◊ CORRUGATED METAL SIDING - ZINCALUME BY AEP SPAN
- ◊ STEEL CANOPY WITH TIE-RODS AND TURNBUCKLES PAINT AS NOTED
- ◊ METAL ROOF - STANDING SEAM METAL PANELS BY AEP SPAN "COOL ZATIQUE II"



SOUTH ELEVATION

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



NORTH ELEVATION (Rocky Ln)

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

REV:
DATE: 10.22.13
JOB # A.131070

ALT - 3L



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CONCEPTUAL ELEVATIONS
SWC Harney Ln & Reynolds Ranch Pkwy
LODI. CA 95240

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 www.plumpgroup.com

Sheet No.
A.4

RESOLUTION NO. P.C. 14-XX**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING A USE PERMIT TO ALLOW DEVELOPMENT OF A AMERICA'S TIRE STORE ON A 1.97-ACRE SITE LOCATED ON THE SOUTHWEST CORNER OF ROCKY LANE AND RENYOLDS RANCH PARKWAY.**

- WHEREAS**, the project proponent is RSC Engineering, Inc. on behalf of Discount Tire Company has applied for a Use Permit to construct an America's Tire store in the Reynolds Ranch Planned Development. The use will provide the installation of new tires and wheels, within the enclosed service bays of the new building.
- 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 property has a General Plan designation of Commercial and is zoned PD-39 Planned Development, General Commercial; and
- WHEREAS**, the Planning Commission the City of Lodi previously considered the SPARC application 12-SP-02 concerning architectural and site development plans to construct the new tire store; and
- WHEREAS**, the Planning Commission the City of Lodi has considered the information provided in the staff report and public testimony for the Use Permit 2014-01U to establish a new tire store and all legal prerequisites to the adoption of this Resolution have occurred.

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

1. California Environmental Quality Act

Finding: The Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations, Chapter 3, Article 10 (State CEQA Guidelines) Section 15153 (Projects consistent with previous project approval and certified Final EIRs).

CEQA Guidelines Section 15153, the project is consistent with the findings of the previous environmental documents prepared for the Reynolds Ranch development. The proposed project does not create any new environmental impacts that were not previously addressed in the Mitigation Monitoring and Report Program for the project and the conditions of approval require the development to implement the adopted MMRP.

The project is consistent with the findings of the previous environmental documents prepared for the Reynolds Ranch development. The Reynolds Ranch Final EIR, (SCH#2006012113) including comments and responses to comments, was certified by the City Council on August 30, 2006. An addendum to the certified and Final EIR, including comments and responses to comments, was certified by the City Council on September 17, 2008. Subsequently, the City of Lodi 2010 General Plan identified a consistent land use designations for the project site and the General Plan Final EIR, including comments and responses to comments, was certified by the City Council on April 7, 2010.

The EIR addressed the impacts of the total scope of the new commercial, residential impacts on the community of the various phases of the project. The proposed project yields no potential new impacts related to the original Project, which would necessitate further environmental review beyond the impacts and issues already disclosed and analyzed in the Reynolds Ranch EIR. No other special circumstances exist that would create a reasonable possibility that the proposed Project will have a significant adverse effect on the environment. Therefore, the proposed Project

qualifies for the exemption under CEQA Guidelines Section 15153 and no further environmental review is required.

2. The location and design of the proposed development is consistent with the goals and policies of the Lodi General Plan relating to Commercial land use designations and PD-39 Zoning District, which requires automotive service and maintenance facilities to obtain a Use Permit. The proposed tire store facility would not create special problems in the area because the building has been designed and located to reduce noise levels to the point where city standards are met. The Public Works Department indicated that traffic is not anticipated to significantly increase, and all vehicular traffic generated by the project would be accommodated safely and without causing undue congestion upon the adjoining streets and intersections.
3. The proposed development will be well integrated with its surrounding since it is designed to complement the built-in environment. Appropriate setbacks and landscape buffers are provided from adjacent uses, and the use is located on a minor commercial corner of Reynolds Ranch Parkway. The approximately 1.197 acre site is suitable for the proposed use since the site is relatively flat and would not require any extensive grading or result in any adverse impacts to surrounding uses or environmental resources. The project will not be visually obstructive or disharmonious with surrounding areas, or harm major views from adjacent properties, since the facility is relatively small in area and single-story in height.
4. The subject site will have adequate pedestrian and vehicular circulation and parking available.
5. The location and the design of the building and improvements proposed to accommodate the project are appropriate because the project, as conditioned, will be functional in providing adequate access and creating an attractive environment through approved building designs, landscaping plans and the installation of related improvements.
6. The bulk and scale of the proposed project is consistent with and compatible to the proposed land uses around the subject site.
7. The proposed location and design allows the project site to be adequately serviced by existing public facilities and utilities since sewer and water service currently is provided to the site and will not be affected by this project. An onsite water clarifier/recycling system would be incorporated into the carwash.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Use Permit Application No. 2014-01U is hereby approved, subject to the following conditions:

1. The project proponent and/or the property owner and/or successors in interest and management shall, at their sole expense, defend, indemnify and hold harmless the City of Lodi, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this Use Permit approval. The obligation to defend, indemnify and hold harmless shall include, but is not limited to, any action to arbitrate, attack, review, set aside, void or annul this Use Permit approval on any grounds whatsoever. The City of Lodi shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.
2. The project proponent and/or the property owner and/or successors in interest and management shall comply with all federal, State, and local laws. Material violations of any of those laws in connection with the use may be a cause for revocation of the permits granted herein.
3. The project proponent and/or the property owner and/or successors in interest and management shall insure that business will not cause or result in repeated activities that are harmful to the health, peace or safety of persons residing or working in the surrounding area.

4. This Use Permit shall be subject to periodic review for compliance with these conditions by the Planning Commission.
5. All construction and grading shall comply with all applicable requirements of the Lodi Municipal Code and requirements of the Planning Department, Engineering Department, Building Division, and Fire Department. Fire sprinklers may be required, as determined by the Fire Department.
6. All plan building permit submittals shall be based on the City of Lodi Building Regulations and currently adopted 2010 California Building Code. Applicant should review our policy handouts for specific submittal procedures.
7. The applicant shall obtain Operational Permits from the Lodi Fire Department, Fire Prevention Bureau. The Fire Department may be contacted at 25 East Pine Street, Lodi, CA 95240-2127. Phone Number (209) 333-6739.
8. Colors, materials and design of the project shall conform to the exhibits and references in the staff report and presented to the Planning Commission, to the satisfaction of the Community Development Department.
9. A separate sign permit and building permit shall be required prior to the installation of any signs. All proposed signage shall be consistent with the adopted Master Sign Program for the Reynolds Ranch development.
10. All new utilities shall be underground.
11. Any rooftop equipment must be fully screened from all public view utilizing materials and colors which match the building. This shall be clearly indicated on the building plans.
12. All project generated noise shall comply with the City's Noise Ordinance. Any noise complaints regarding the operation of the facility shall be promptly addressed by the applicant/operator.
13. The applicant shall be responsible for all dust control during any construction and shall follow the construction methods established by the San Joaquin Valley Air Pollution Control District.
14. Prior to the issuance of building permits, the developer shall submit to the Community Development Department for review and approval a final landscape plan showing all the proposed plant materials by genus and common name and the size containers to be installed. No tree planted shall be less than 15 gallon in size. The landscape plan shall conform to Water Efficient Landscape Ordinance and must include Statement of Compliance and water usage calculations prepared by the landscape designer.
15. All vegetation shall be maintained in a flourishing manner, and kept free of all foreign matter, weeds and plant materials not approved as part of the landscape plan. All irrigation shall be maintained in fully operational condition.
16. Trash enclosures shall be designed to accommodate separate facilities for trash and recyclable materials. Trash enclosures having connections to the wastewater system shall install a sand/grease trap conforming to Standard Plan 205. Trash enclosure shall be covered or have covers on the separate facilities.
17. The site does not specify the location of a bioswale. If bioswales are used to meet water quality standards, they are not allowed in public easements or rights of way.
18. The site must conform to the Stormwater Development Standards Plan (DSP) requirements. The DSP Worksheet must be provided before the issuance of the Building Permit.

- 19. Payment of the following prior to building permit issuance unless noted otherwise:
 - a. Filing and processing fees and charges for services performed by City forces per the Public Works Fee and Service Charge Schedule
 - b. Habitat Conservation Fee
 - c. Stormwater Compliance Inspection Fee prior to building permit issuance or commencement of construction operations, whichever occurs first.

- 20. Payment of the following prior to temporary occupancy or occupancy of the building unless noted otherwise:
 - a. Development Impact Mitigation Fees
 - b. Wastewater Capacity Impact Mitigation Fee
 - c. County Facilities Fees
 - d. Regional Transportation Impact Fee (RTIF)
 - e. Water Capacity Impact Mitigation Fee.

- 21. Dedication of public utility easements as required by the various utility companies and the City of Lodi.

- 22. Provision of all necessary Public Utility Easements, payment of Electric Utility Department charges, and installation of necessary equipment/infrastructure to provide electrical service to the properties in accordance with the Electric Department's rules and regulations.

- 23. Any fees due the City of Lodi for processing this Use Permit 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.

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

I certify that Resolution No. 14-XX was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on March 26, 2014 by the following vote:

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

ATTEST _____
Secretary, Planning Commission

Item 3e

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: March 26, 2014

APPLICATION NO: Use Permit: 2014-04 U
SPARC: 13-SP-04 (Previously approved)

REQUEST: Request for Planning Commission approval of a Use Permit for an automated Kelly's Car Wash in the Reynolds Ranch Phase 3 Development. (Applicant: RPM Company, LLC. File No. 2014-04 U. CEQA Determination: Prior EIRs Section 15153)

LOCATION: Northwest corner of Rocky Lane and Reynolds Ranch Parkway. (See Attachment 1).

APPLICANT: RPM Company
1420 S. Mills Street
Lodi, Cal 95242

PROPERTY OWNERS: Skinner Ranch Holdings LP
1420 S. Mills Ave., Suite L
Lodi, CA 95242

RECOMMENDATION

Staff recommends the Planning Commission approve the Use Permit application to develop a drive-through carwash facility at the northwest corner of Rocky Lane and Reynolds Ranch Parkway, based on the findings contained in the attached Planning Commission Resolution and subject to the conditions of approval within.

PROJECT AREA DESCRIPTION

General Plan Designation: Commercial
Zoning Designation: PD-39 (Commercial).
Property Size: 0.93 acres

	ADJACENT ZONING AND LAND USE CHARACTERISTICS		
	GENERAL PLAN	ZONING CLASSIFICATION	EXISTING LAND USE
North	Commercial	Planned Development (39)	Agricultural uses
South	Commercial	Planned Development (39)	Agricultural uses
East	Commercial	Planned Development (39)	Commercial uses
West	Commercial	Planned Development (39)	Agricultural uses

SUMMARY

This project is one of several in the third phase of the Reynolds Ranch development. The carwash will provide another auto-oriented service to the residence of the Lodi area and compliment the other auto serving uses within the center. The project is consistent with the overall design direction established for the center and is located on a corner parcel for ease of access. The projects location will not negatively impact future development in the area and will be sufficiently far enough away from more sensitive land uses in the later phases of the Reynolds Ranch development.

BACKGROUND

The City of Lodi annexed the Reynolds Ranch project in 2006 as a mixed-use development. As part of the annexation process, the city certified an environmental impact report, approved a new General Plan and Zoning designation (PD-39) and approved a Development Agreement. PD-39 paved the way for retail and commercial uses, a public park, fire station, a self-storage facility, and the Blue Shield office complex, a major component of the development. Subsequently, COSTCO public warehouse, Home Depot, and three smaller pads completed construction. A master sign program will guide the design of all new signs for the center and the individual businesses.

PROJECT DESCRIPTION

The proposed use includes an automated car wash with an employee who greets and guides customers, who remain in their car through the wash process. There are 2 entry lanes with a total stacking capacity of 18 vehicles. A conveyor system guides the car through the various pre-wash, wash, finish protecting cycle, and air dry system. As the car exits the car wash tunnel, the customer takes control of the car under its own power where it can enter one of 11 vacuum stations in order to clean the interior of their car, or simply exits the car wash site.

Adequate turn around space is provided for the customer who may wish to vacuum the vehicle first, then proceed to the queuing line for the carwash.

ANALYSIS

Use Permit Application:

Lodi Zoning Code requires a Use Permit for a car wash in this Planned Development area. The project scope includes site improvements, such as AC pavement for the driveways, vacuum stations, parking stalls, ADA path of travel, trash enclosure, site lighting and landscaping, utility infrastructure, as well as construction of the car wash building. The trash enclosure will be constructed of a 6' high masonry walls matching the building design and solid metal gates to access trash and recycling bins.

Noise:

Since the proposed project site is not adjacent to sensitive land uses, the project will not be inconsistent with the commercial noise standard of 65 dBA. Noise generated from the carwash primarily would be from two sources: the wash/dry cycle/vacuum equipment (primarily the drying equipment) and from vehicles exiting the carwash facility. The vacuum equipment is placed along industrial uses on the west and has no impact on the residential uses. Hours of operation will be approximately 8 AM to 8 PM seven days a week, though closing times will vary seasonally. It is staff's opinion that the ambient noise levels generated by Reynolds Ranch Parkway and Rocky Lane will exceed the noise generation caused by the car wash operation.

Parking:

There is one employee parking space and one ADA handicap parking space near the ADA path of travel, which connects to the existing sidewalk on Reynolds Ranch Parkway. Though not intended for any longer term parking, customers have the ability to park in one of the 11 vacuum stations. A bike locker will also be located on the site. Typically there is one employee at any given time at the facility during operating hours. No overnight parking of vehicles will occur.

Landscape Plan

As shown on the preliminary landscape plan, a 12-ft to 20-ft landscape areas is provided along the street frontages of Rocky Lane and Reynolds Ranch Parkway. Additional landscape strips surround the perimeter of the project site main drive corridor and adjacent to the vehicle stacking lanes. A recommended condition of approval requires the developer to submit a detailed landscape and irrigation plan for approval by the Community Development and Public Works Departments for

review and approval. All landscape and irrigation improvements are to be designed and installed in compliance with the requirements of the Water Efficient Landscape Guidelines, Lodi Municipal Code, and all other applicable City standards.

Architecture

The proposed building design utilizes exterior materials and colors that conform to the overall Center design. A metal roof tower element will give the linear mass of the building a greater presence on Rocky Lane. The exterior finishes include stucco, corrugated metal, cement based siding, CMU split-faced block, and lumber. Large storefront glass panels with clear anodized aluminum frames will provide the wash tunnel with natural light. Fabric awnings, steel landscape trellis, and lumber will be used for accents, similar to the recently built Reynolds Ranch shop buildings across Reynolds Ranch Parkway. An architectural shade structure at the pay station of the car wash will add additional dimension to the project.

The proposed Kelly's Car Wash site plan and architecture is the same as approved by the Planning Commission on February 26, 2014.

Trash Enclosure:

The project provides refuse enclosure on the west end of the property. A masonry wall and metal doors enclose refuse bins inside. The proposed enclosure meets the criteria of Section 17.58.130. Staff has placed a condition requiring the applicant to install creeping vine or similar landscape material around the enclosure to discourage graffiti and soften the hard surface of the masonry walls.

Signage:

Exterior building signs will be governed by the adopted Master Sign Program for the Reynolds Ranch Planned Development.

Conclusion

The location and design of the proposed development is consistent with the goals and policies of the 2010 General Plan and the PD-39 zoning district. The General Plan Land Use Commercial designation allows such commercial uses the proposed business. The PD-39 zoning district allows car washes with a Use Permit. The proposed carwash facility would not create special problems in the area, because the building is situated within a larger commercial center that is surrounded by other vehicle oriented uses, therefore any of the typical nuisance issues have been mitigated by site location. Engineering Division indicated that traffic is not anticipated to increase, and all vehicular traffic generated by the project would be accommodated safely and without causing undue congestion upon the adjoining streets and intersections.

ENVIRONMENTAL ASSESSMENTS

The project is consistent with the findings of the previous environmental documents prepared for the Reynolds Ranch development. The Reynolds Ranch Final EIR, including comments and responses to comments, was certified by the City Council on August 30, 2006. An addendum to the certified and Final EIR, including comments and responses to comments, was certified by the City Council on September 17, 2008. Subsequently, the City of Lodi 2010 General Plan identified a consistent land use designations for the project site and the General Plan Final EIR, including comments and responses to comments, was certified by the City Council on April 7, 2010.

The proposed project does not create any new environmental impacts that were not previously addressed in the Mitigation Monitoring and Report Program for the project and the conditions of approval require the development to implement the adopted MMRP.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published in the Lodi News Sentinel on Saturday, March, 15 2014. Thirty-nine (39) 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.

RECOMMENDED MOTIONS

Should the Planning Commission agree with staff's recommendation, the following motions are suggested:

1. "I move that the Planning Commission adopt a Resolution finding that the project has satisfied the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15153. The project is consistent with the findings of the previous environmental documents prepared for the Reynolds Ranch development. The proposed project does not create any new environmental impacts that were not previously addressed in the Mitigation Monitoring and Report Program for the project and the conditions of approval require the development to implement the adopted MMRP."
2. "I move that the Planning Commission adopt a Resolution approving the Use Permit and the site and architectural plans for the proposed Kelly's Car Wash, subject to the conditions listed in the attached draft Resolution."

ALTERNATIVE PLANNING COMMISSION ACTIONS:

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

Respectfully Submitted,

Concur,

Craig Hoffman
Senior Planner

Stephen Schwabauer
Interim Community Development Director

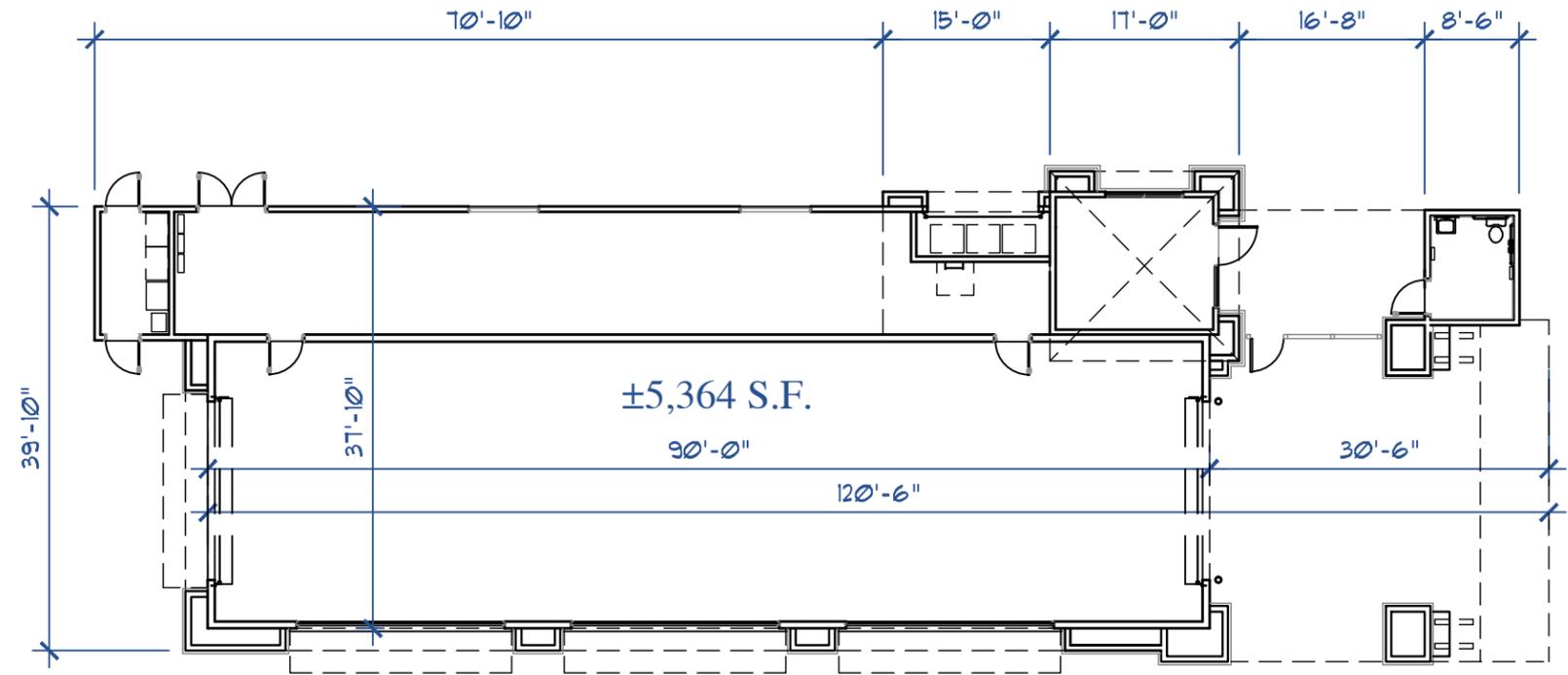
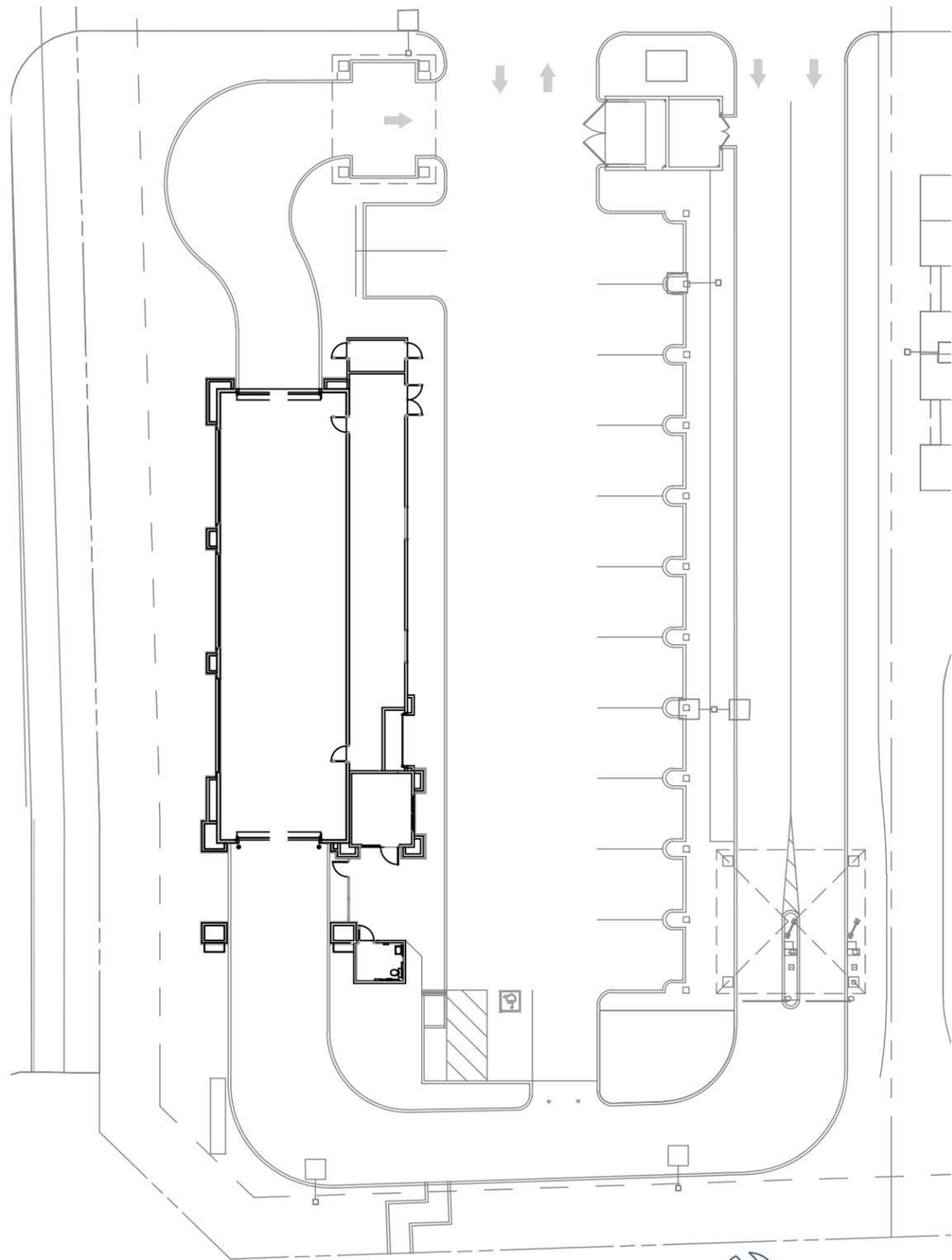
ATTACHMENTS:

- A. Vicinity / Aerial Map
- B. Architectural Review Package, consisting site plans, building elevations, colored renderings, material samples.
- C. Draft Resolution

VICINITY MAP



Reynolds Ranch Phase 3A Development



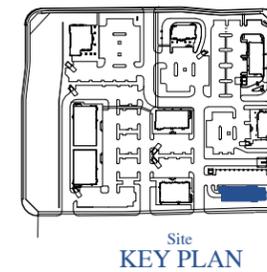
Floor Plan

Scale: 1/16" = 1'-0"

Parcel 7 - Car Wash
Reynolds Ranch

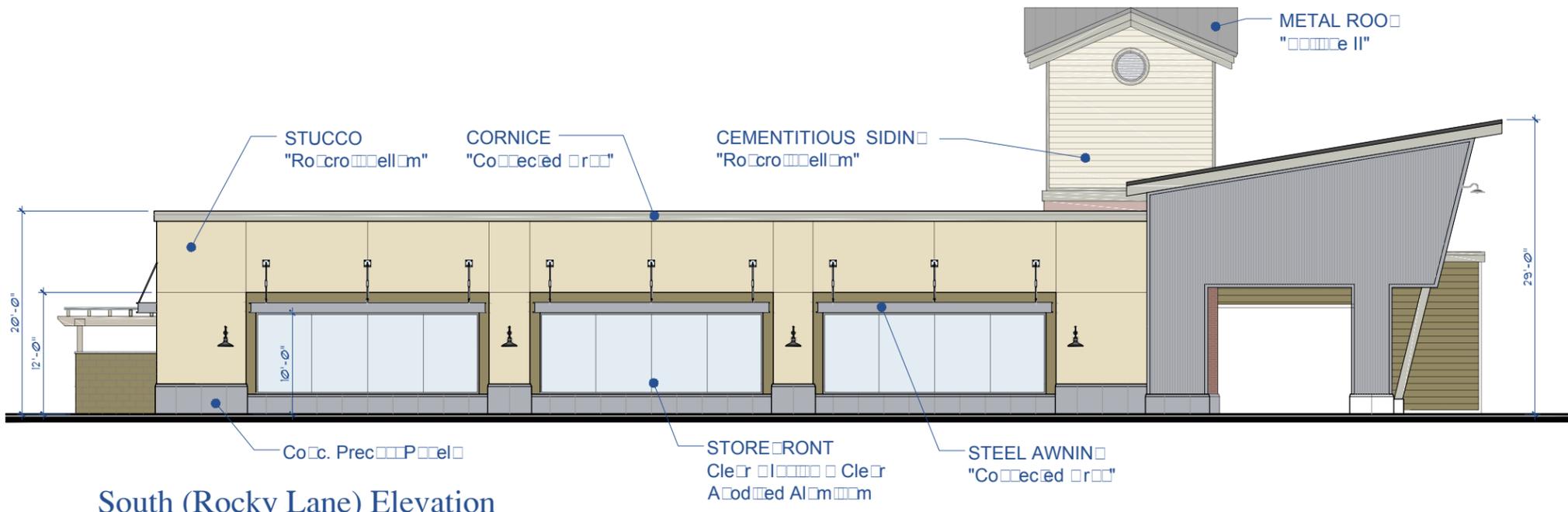
Lodi, CA

February 4, 2014



DE KLEER +
ASSOCIATES
i n c o r p o r a t e d

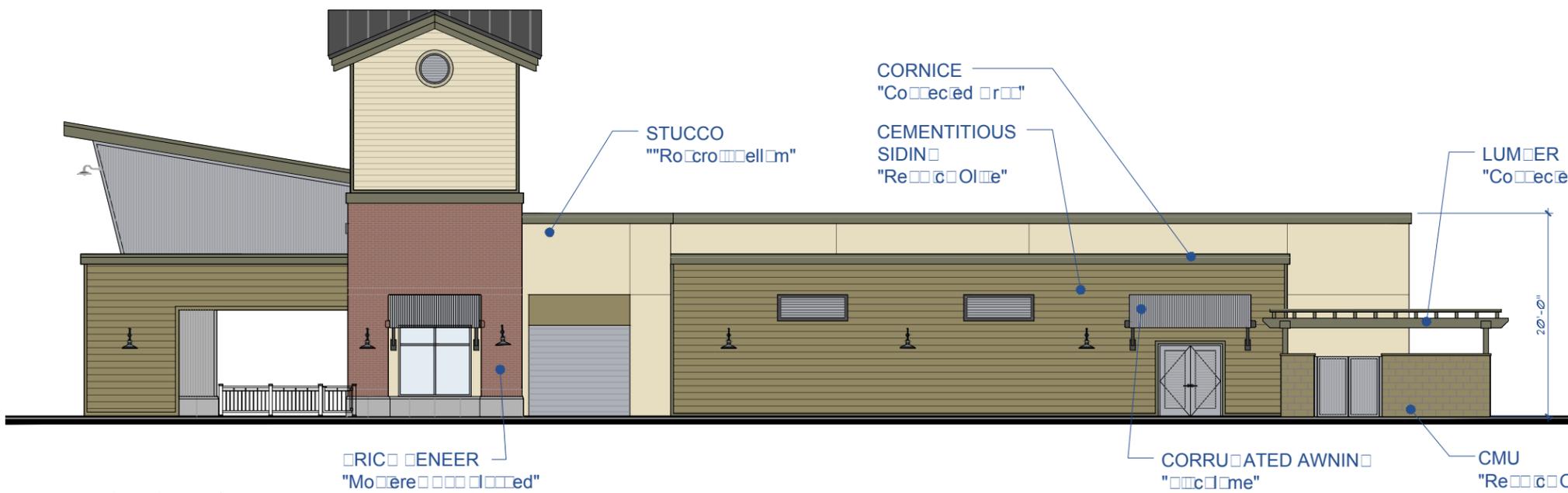
3001 I Street Ste. 100 Sacramento, CA 95816 916.731.4726 Fax 916.731.4916



South (Rocky Lane) Elevation



East Elevation



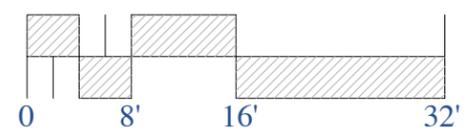
North Elevation



West Elevation

Car Wash - Elevations
Reynolds Ranch Lodi, CA

November 18, 2013



3001 I Street Ste. 100 Sacramento, CA 95816 916.731.4726 Fax 916.731.4916

RESOLUTION NO. P.C. 14-XX**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING A USE PERMIT FOR A DRIVE THROUGH CARWASH FACILITY ON A .98-ACRE SITE LOCATED ON THE NORTHWEST CORNER OF ROCKY LANE AND REYNOLDS RANCH PARKWAY.**

- WHEREAS**, the project proponent is RPM Company, 1420 Mills Avenue, Lodi, California 95242; has filed a Use Permit to construct a automated carwash facility within the Reynolds Ranch Planned Development, and
- WHEREAS**, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Use Permit, in accordance with the Lodi Municipal Code, Section 17.74; and
- WHEREAS**, the property has a General Plan designation of Commercial and is zoned PD-39 Planned Development, General Commercial; and
- WHEREAS**, the Planning Commission the City of Lodi previously considered the SPARC application 13-SP-04 concerning architectural and site development plans to construct a drive through carwash with associated outdoor vacuum area; and
- WHEREAS**, the Planning Commission the City of Lodi has considered the information provided in the staff report and public testimony for the Use Permit 14-U-04 to establish a drive-through carwash facility and all legal prerequisites to the adoption of this Resolution have occurred.

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

1. California Environmental Quality Act

Finding: The Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations, Chapter 3, Article 10 (State CEQA Guidelines) Section 15153 (Projects consistent with previous project approval and certified Final EIRs).

CEQA Guidelines Section 15153, the project is consistent with the findings of the previous environmental documents prepared for the Reynolds Ranch development. The proposed project does not create any new environmental impacts that were not previously addressed in the Mitigation Monitoring and Report Program for the project and the conditions of approval require the development to implement the adopted MMRP.

The project is consistent with the findings of the previous environmental documents prepared for the Reynolds Ranch development. The Reynolds Ranch Final EIR, (SCH#2006012113) including comments and responses to comments, was certified by the City Council on August 30, 2006. An addendum to the certified and Final EIR, including comments and responses to comments, was certified by the City Council on September 17, 2008. Subsequently, the City of Lodi 2010 General Plan identified a consistent land use designations for the project site and the General Plan Final EIR, including comments and responses to comments, was certified by the City Council on April 7, 2010.

The EIR addressed the impacts of the total scope of the new commercial, residential impacts on the community of the various phases of the project. The proposed project yields no potential new impacts related to the original Project, which would necessitate further environmental review beyond the impacts and issues already disclosed and analyzed in the Reynolds Ranch EIR. No other special circumstances exist that would create a reasonable possibility that the proposed Project will have a significant adverse effect on the environment.

Therefore, the proposed Project qualifies for the exemption under CEQA Guidelines Section 15153 and no further environmental review is required.

2. The location and design of the proposed development is consistent with the goals and policies of the Lodi General Plan relating to Commercial land use designations and PD-39 Zoning District. The proposed carwash facility would not create special problems in the area because the building has been designed and located to reduce noise levels to the point where city standards are met. The Public Works Department indicated that traffic is not anticipated to significantly increase, and all vehicular traffic generated by the project would be accommodated safely and without causing undue congestion upon the adjoining streets and intersections.
3. The proposed development will be well integrated with its surrounding since it is designed to complement the built-in environment. Appropriate setbacks and landscape buffers are provided from adjacent uses, especially residential uses to the north and east. The approximate one acre site is suitable for the proposed use since the site is relatively flat and would not require any extensive grading or result in any adverse impacts to surrounding uses or environmental resources. Appropriate on-site circulation would be provided, especially around the vacuum islands. The project will not be visually obstructive or impact major views from adjacent properties, since the facility is relatively small in area and single-story in height.
4. The subject site will have adequate pedestrian and vehicular circulation and parking available.
5. The location and the design of the building and improvements proposed to accommodate the project are appropriate because the project, as conditioned, will be functional in providing adequate vehicle access and creating an attractive environment through the proposed building designs, landscaping plans and the installation of related improvements.
6. The proposed location and design allows the project site to be adequately serviced by existing public facilities and utilities since sewer and water service currently is provided to the site and will not be affected by this project. An onsite water clarifier/recycling system would be incorporated into the carwash.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Use Permit Application No. 2014-04U is hereby approved, subject to the following conditions:

1. The project proponent and/or the property owner and/or successors in interest and management shall, at their sole expense, defend, indemnify and hold harmless the City of Lodi, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this Use Permit approval. The obligation to defend, indemnify and hold harmless shall include, but is not limited to, any action to arbitrate, attack, review, set aside, void or annul this Use Permit approval on any grounds whatsoever. The City of Lodi shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.
2. The project proponent and/or the property owner and/or successors in interest and management shall comply with all federal, State, and local laws. Material violations of any of those laws in connection with the use may be a cause for revocation of the permits granted herein.
3. The project proponent and/or the property owner and/or successors in interest and management shall insure that the project will not cause or result in repeated activities that are harmful to the health, peace or safety of persons residing or working in the surrounding area. This includes, but is not limited to: disturbances of the peace, illegal drug activity, harassment of passerby, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, curfew violations, lewd conduct, or police detention and arrests.
4. This Use Permit shall be subject to periodic review for compliance with these conditions by the Planning Commission and be consistent with the mitigation measures of the Environmental Impact Report prepared for the Reynolds Ranch Planned Development, if applicable.

5. The automated carwash facility and the outdoor vacuums shall operate between the hours of 8:00 a.m. and 8:00 p.m. daily. These hours may be further limited (as may be determined by the Planning Commission) based on any valid complaints due to early morning or early evening noise/nuisance issues.
6. All construction and grading shall comply with all applicable requirements of the Lodi Municipal Code and requirements of the Planning Department, Engineering Department, Building Division, and Fire Department. Fire sprinklers may be required, as determined by the Fire Department.
7. All plan building permit 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.
8. The applicant shall obtain Operational Permits from the Lodi Fire Department, Fire Prevention Bureau. The Fire Department may be contacted at 25 East Pine Street, Lodi, CA 95240-2127. Phone Number (209) 333-6739.
9. Colors, materials and design of the project shall conform to the exhibits and references in the staff report and presented to the Planning Commission as Exhibit A of this resolution to the satisfaction of the Community Development Department.
10. A separate sign permit and building permit shall be required prior to the installation of any signs. All proposed signage shall be consistent with City of Lodi Sign Ordinance, exhibits in the staff report, and recommendations of the Planning Commission.
11. All new utilities shall be underground.
12. Any rooftop equipment must be fully screened from all public view utilizing materials and colors which match the building. This shall be clearly indicated on the building plans.
13. All project generated noise shall comply with the City's Noise Ordinance. Any noise complaints regarding the operation of the facility shall be promptly addressed by the applicant/operator.
14. The applicant shall be responsible for all dust control during any construction and shall follow the construction methods established by the San Joaquin Valley Air Pollution Control District.
15. Prior to the issuance of building permits, the developer shall submit to the Community Development Department for review and approval a final landscape plan showing all the proposed plant materials by genus and common name and the size containers to be installed. No tree planted shall be less than 15 gallon in size. The landscape plan shall conform to Water Efficient Landscape Ordinance and must include Statement of Compliance and water usage calculations prepared by the landscape designer.
16. All vegetation shall be maintained in a flourishing manner, and kept free of all foreign matter, weeds and plant materials not approved as part of the landscape plan. All irrigation shall be maintained in fully operational condition.
17. Trash enclosures shall be designed to accommodate separate facilities for trash and recyclable materials. Trash enclosures having connections to the wastewater system shall install a sand/grease trap conforming to Standard Plan 205. Trash enclosure shall be covered or have covers on the separate facilities.
18. Any discharge into the City wastewater system from the carwash or canopy must be treated by a sand/oil separator or another approved clarifying device.

19. Any bioswale installed on site cannot be located within any public utility easements or public rights of way.
20. The site must conform to the Stormwater Development Standards Plan (DSP) requirements. The DSP Worksheet must be provided before the issuance of the Building Permit.
21. All project design and construction shall be in compliance with the Americans with Disabilities Act (ADA). Project compliance with ADA standards is the developer's responsibility.
22. Payment of the following prior to building permit issuance unless noted otherwise:
 - a. Filing and processing fees and charges for services performed by City forces per the Public Works Fee and Service Charge Schedule
 - b. Habitat Conservation Fee
 - c. Stormwater Compliance Inspection Fee prior to building permit issuance or commencement of construction operations, whichever occurs first.
23. Payment of the following prior to temporary occupancy or occupancy of the building unless noted otherwise:
 - a. Development Impact Mitigation Fees
 - b. Wastewater Capacity Impact Mitigation Fee
 - c. County Facilities Fees
 - d. Regional Transportation Impact Fee (RTIF)
 - e. Water Capacity Impact Mitigation Fee.
24. Dedication of public utility easements as required by the various utility companies and the City of Lodi.
25. Provision of all necessary Public Utility Easements, payment of Electric Utility Department charges, and installation of necessary equipment/infrastructure to provide electrical service to the properties in accordance with the Electric Department's rules and regulations.
26. Any fees due the City of Lodi for processing this Use Permit 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.
27. No variance from any City of Lodi adopted code, policy or specification is granted or implied by the approval of this resolution.

I certify that Resolution No. 14-XX was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on March 26, 2014 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST _____
Secretary, Planning Commission

Item 3f

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: March 26, 2014

APPLICATION NO: Use Permit: 2014-06 U
SPARC: 13-SP-04 (Previously approved)

REQUEST: Request for Planning Commission approval of a Use Permit for a McDonald's drive thru restaurant in the Reynolds Ranch Phase 3 Development. (Applicant: RPM Company, LLC. File No. 2014-06 U. CEQA Determination: Prior EIRs Section 15153)

LOCATION: Northwest corner of Rocky Lane and Reynolds Ranch Parkway. (See Attachment 1).

APPLICANT: RPM Company
1420 S. Mills Street
Lodi, Cal 95242

PROPERTY OWNERS: Skinner Ranch Holdings LP
1420 S. Mills Ave., Suite L
Lodi, CA 95242

RECOMMENDATION

Staff recommends the Planning Commission approve the Use Permit application to develop a 4,316 sq.ft. Drive-thru McDonald's restaurant, based on the findings contained in the attached Planning Commission Resolution and subject to the conditions of approval within.

PROJECT AREA DESCRIPTION

General Plan Designation: Commercial
Zoning Designation: PD-39 (Commercial)
Property Size: 1.25 acres

	ADJACENT ZONING AND LAND USE CHARACTERISTICS		
	GENERAL PLAN	ZONING CLASSIFICATION	EXISTING LAND USE
North	Low Density Residential	Low Density Residential and Planned Development Area 38	Residential, orchard and open field
South	Commercial	PD-39	Agricultural uses
East	Commercial	PD-39	Commercial
West	Commercial	PD-39	Agricultural Uses

SUMMARY

The McDonald's will provide another auto-oriented service to the residence of the Lodi area and compliment the other auto serving uses within the center. The project is consistent with the overall design direction established for the center and is located on a corner parcel for ease of access. The projects location will not negatively impact the residential land use to the north due to the building orientation and placing the order boards and queuing lines furthest away from the residence.

BACKGROUND

The City of Lodi annexed the Reynolds Ranch project in 2006 as a mixed-use development. As part of the annexation process, the city certified an environmental impact report, approved a new General Plan and Zoning designation (PD-39) and approved a Development Agreement. PD-39 paved the way for retail and commercial uses, a public park, fire station, a self-storage facility, and the Blue Shield office complex, a major component of the development. Subsequently, COSTCO public warehouse, Home Depot, and three smaller pads completed construction. A master sign program will guide the design of all new signs for the center and the individual businesses.

PROJECT DESCRIPTION

The proposed restaurant use includes a drive thru, which is a current design of McDonalds called a dual point drive thru. This concept allows approximately 12-15 cars in the queuing lane that reduces the overall wait time for the customer. The building footprint consists of full service kitchen, restrooms, along with the kitchen support facilities of a freezer/cooler area, dry storage, crew locker room and manager's area. The proposed operational hours of the restaurant is 24 hours, with minimum (3) 8 hours shifts with an average crew of 6-7 employees per shift. The restaurant will provide limited outside seating on the north side of the store, in conjunction with the normal indoor dining area.

ANALYSIS

Use Permit Application:

Lodi Zoning Code requires a Use Permit for a Drive-thru in this Planned Development area. Drive-thru restaurants pose unique problems to adjoining uses and the Use Permit application is a valued tool of the City to mitigate these issues. Many of the problems associated with this type of use i.e. noise from speaker boxes, vehicle noise in the queuing lanes and the amount of traffic generated by these uses is reduced by the site location and placement of the building. The specifics of the project will be addressed in the subsequent sections; however, the adoption of the Reynolds Ranch Planned Development clearly had this type of use pre-planned in the overall concept. Conditions of Approval have been crafted to address the various issues associated with drive-thru operations to reduce those issues to a minimum.

Noise:

Since the proposed project site is not adjoining any sensitive land uses, the project should not be inconsistent with the standard commercial noise standard of 65 dBA. No project within the Reynolds Ranch development would be impacted by the 24 hour operation; however the residential units on the eastside of Melby Drive could be impacted. The property on the westside of Melby Drive, directly across the Harney Lane, is currently being used by Spirit Life Fellowship and would not be directly impacted by the 24 hour operation or its associated traffic noise. Within the conditions of approval, staff is recommending a review of the 24 operation if valid complaints are received from the residential neighborhood on the north side of Harney Lane.

Parking:

The project site is approximately 1.25 acres in size and will support 54 parking stalls, 3 are committed ADA parking stalls and 4 spaces are dedicated as "Clean Air Vehicle" stalls for all electric vehicles. The required parking is located on the west side of the new building, with the dual point drive thru lanes entering along the south side of the building and wrapping around the east side of the building, between Reynolds Ranch Parkway and the new store. There is no direct ingress and egress to the site from the public rights of way, therefore all circulation to and from the site is internal to the adjoining parcels. Although the stacking lane runs parallel to Reynolds Ranch Parkway, which is discouraged in the Parking provisions of the Zoning Code, the large landscape setback between

the street and the drive-thru lane provides a reasonable mitigation to the otherwise unsightly queuing of vehicles along Reynolds Ranch Parkway. There is no other feasible alternative for the location of the building and the drive thru lane, due to the configuration of the corner lot and the main internal access ways of the Center.

Landscape Plan

As shown on the preliminary landscape plan, a 15-ft to 40-ft plus landscape areas are provided along the street frontages of Harney Lane and Reynolds Ranch Parkway. Additional landscape islands are proposed in the parking field to support the shading requirement. A recommended condition of approval requires the developer to submit a detailed landscape and irrigation plan for approval by the Community Development and Public Works Departments for review and approval. All landscape and irrigation improvements are to be designed and installed in compliance with the requirements of the Water Efficient Landscape Guidelines, Lodi Municipal Code, and all other applicable City standards.

Architecture

The proposed building design utilizes exterior materials and colors that conform to the overall Center design. The exterior finishes include stucco, Accoya* siding, a paint scheme to break the horizontal lines of the building and corrugated metal panel at the parapet line to screen the mechanical equipment. Accent metal features are applied to the building and trellis metal features have been incorporated on the building to give greater definition and articulation.

(*) Accoya siding is a brand name manufactured wood product that has longer life and durability than regular wood siding products.

The proposed McDonald's site plan and architecture is the same as approved by the Planning Commission on February 26, 2014.

Trash Enclosure:

The project provides refuse enclosure on the south side of the building, to be served by the primary access isle running in front of the new building and in close proximity to the service door in the restaurant' kitchen area. A masonry wall and metal doors enclose refuse bins inside. The proposed enclosure meets the criteria of Section 17.58.130. Staff has placed a condition requiring the applicant to install creeping vine or similar landscape material around the enclosure to discourage graffiti and soften the hard surface of the masonry walls.

Signage:

Exterior building signs will be governed by the adopted Master Sign Program for the Reynolds Ranch Planned Development.

Conclusion

The location and design of the proposed development is consistent with the goals and policies of the 2010 General Plan and the PD-39 zoning district. The General Plan Land Use Commercial designation allows such commercial uses the proposed business. The PD-39 zoning district allows drive-thru restaurants with a Use Permit. The proposed restaurant facility would not create special problems in the area, because the building is situated within a larger commercial center that is surrounded by other vehicle oriented uses, therefore any of the typical nuisance issues have been mitigated by site location. Engineering Division indicated that traffic is not anticipated to increase, and all vehicular traffic generated by the project would be accommodated safely and without causing undue congestion upon the adjoining streets and intersections.

ENVIRONMENTAL ASSESSMENTS

The project was found to be Categorically Exempt according to the California Environmental Quality Act, §15303, Class 3(c) New Construction of Small Structures- commercial buildings under 10,000 square feet. The project is consistent with the findings of the Environmental Impact Report prepared for the Reynolds Ranch development. The proposed project does not create any new environmental impacts that were not previously addressed in the Mitigation Monitoring and Report Program for the project and the conditions of approval require the development to implement the adopted MMRP.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published in the Lodi News Sentinel on Saturday, March, 15 2014. Thirty-nine (39) 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.

RECOMMENDED MOTIONS

Should the Planning Commission agree with staff's recommendation, the following motions are suggested:

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ALTERNATIVE PLANNING COMMISSION ACTIONS:

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

Respectfully Submitted,

Concur,

Craig Hoffman
Senior Planner

Stephen Schwabauer
Interim Community Development Director

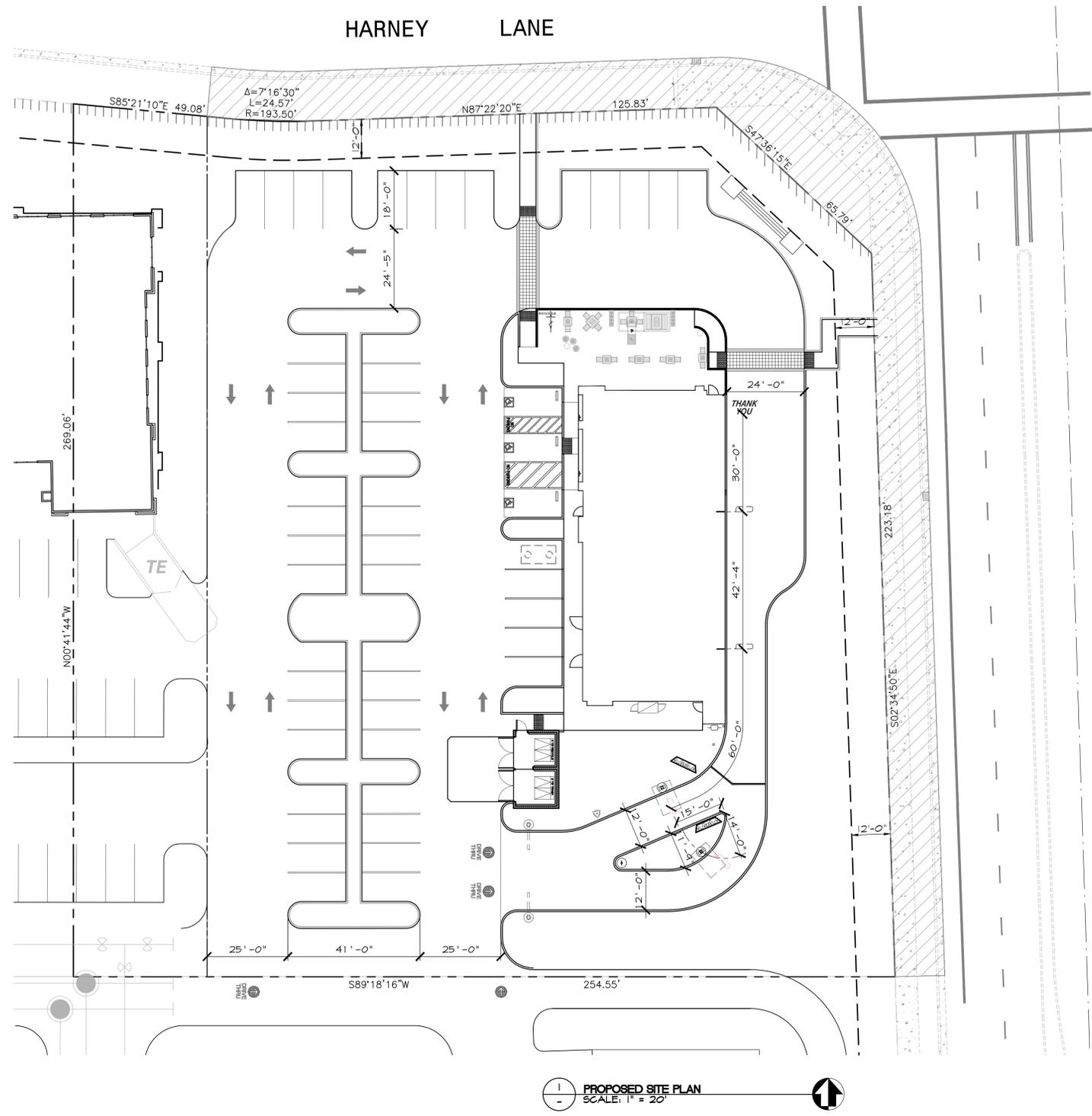
ATTACHMENTS:

- A. Vicinity / Aerial Map
- B. Architectural Review Package, consisting site plans, building elevations, colored renderings, material samples.
- C. Draft Resolution

VICINITY MAP



Reynolds Ranch Phase 3A Development



1
-
PROPOSED SITE PLAN
SCALE: 1" = 20'



CONSULTANT

McDonald's USA LLC
These drawings and specifications are the confidential and proprietary property of McDonald's Corporation and shall not be copied, altered, reproduced, or disseminated in any form without the written consent of McDonald's Corporation. The contents were prepared for use on this specific site in conjunction with its issue date and are not suitable for use on a different site or at a later time. Use of these drawings for reference or example on another project requires the services of properly licensed architects and engineers. Reproduction of the contract documents for reuse on another project is not authorized.



REVISIONS

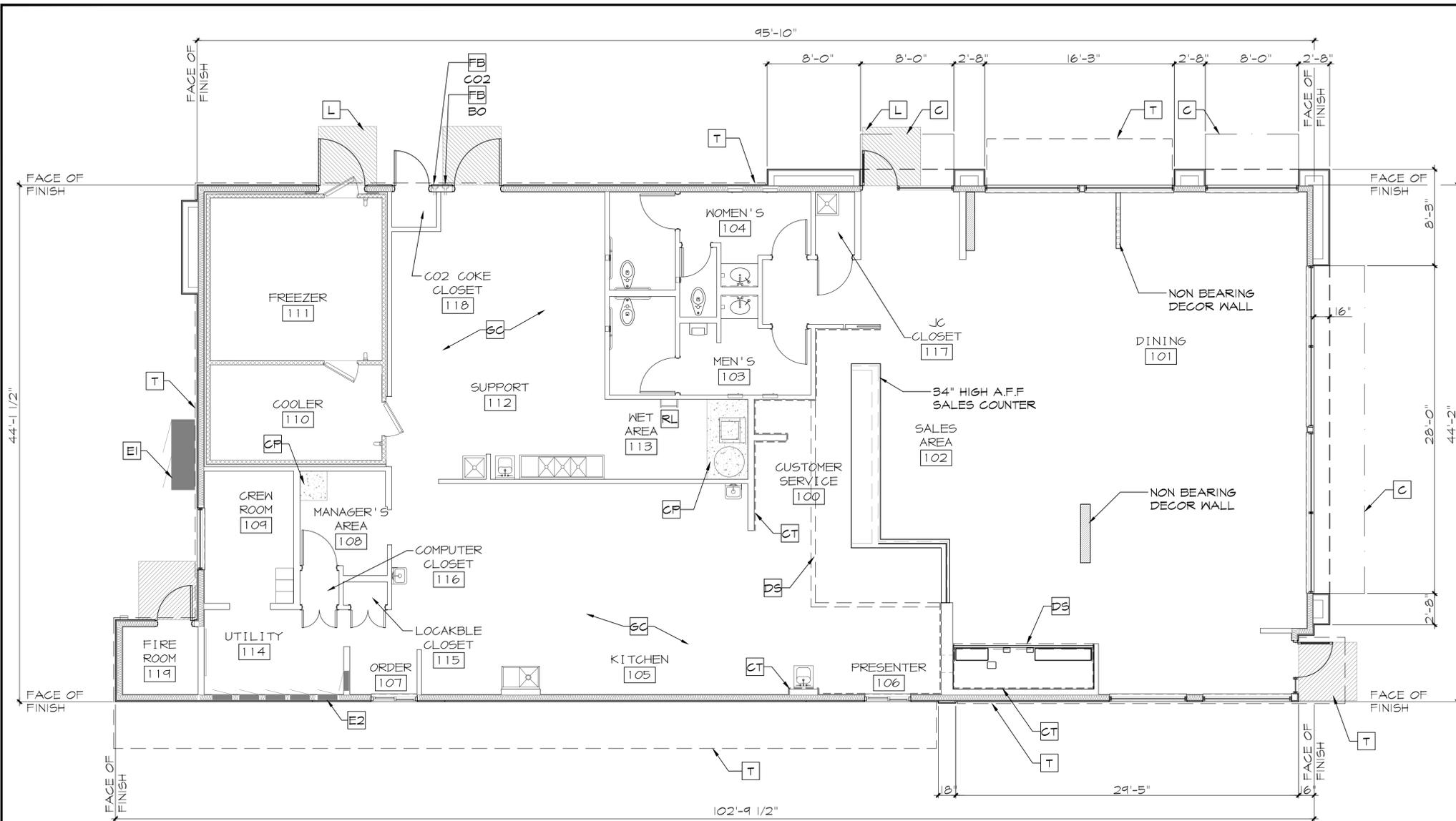
DRAWING TITLE
PROPOSED SITE PLAN

PROJECT NO. 1226	DATE JAN. 2013
FILE NO. sheet 2.1	1
DRAWN BY GWS, BGM	
CHECKED BY MEM	

REYNOLDS RANCH PARKWAY

HARNEY LANE

SW CORNER OF HARNEY LANE & REYNOLDS RANCH PARKWAY, LODI, CA. LC# 004-4791



KEY NOTES:

- [C] ALUMINUM CANOPY SYSTEM ABOVE.
- [CP] 6" CONCRETE EQUIPMENT PAD
- [CT] CERAMIC WALL TILE @ CUSTOMER SERVICE AND KITCHEN SERVING AREAS COORDINATE WITH DECOR COMPANY
- [DS] DROPPED SOFFIT ABOVE.
- [E1] MAIN DISTRIBUTION ELECTRICAL PANEL
- [E2] ELECTRICAL PANELS
- [FB CO2] CO2 FILL BOX
- [FB BO] OPTIONAL BULK OIL
- [GC] G.C. TO PROVIDE 4" x 4" x 5'-0" HIGH STAINLESS STEEL CORNER GUARDS AT ALL EXPOSED LOCATIONS IN KITCHEN AREA AND SUPPORT AREA CORNERS STARTING AT FINISH FLOOR. ATTACH WITH WOOD SCREWS INTO WOOD BLOCKING BULL NOSE COVERED BASE WHERE TILE MEETS STAINLESS STEEL CORNER
- [L] CONTRACTOR SHALL VERIFY A LEVEL LANDING AT ALL EXTERIOR DOORS WITH A MAXIMUM 2% SLOPE AWAY FROM BUILDING AND 2% MAXIMUM CROSS SLOPE.
- [RL] ROOF ACCESS LADDER W/HATCH
- [T] WALL MOUNTED ALUMINUM TRELLIS SYSTEM ABOVE

1
-
PROPOSED FLOOR PLAN
SCALE: 3/16" = 1'-0"

DISABLED ACCESS NOTES

1. IF FIXED OR BUILT-IN SEATING, TABLES OR COUNTERS AND PROVIDED IN PUBLIC, COMMONUSE, OR GENERAL EMPLOYEE AREA, AT LEAST FIVE PERCENT (5%) BUT NOT LESS THAN ONE MUST BE ACCESSIBLE AS DETAILED BELOW.
 - A) HEIGHT OF TABLES OR COUNTERS IS BETWEEN 28" & 34" FROM THE FLOOR OF GROUND.
 - B) MINIMUM 30" X 48" CLEAR FLOOR SPACE IS PROVIDED.
 - C) ONE FULL UNOBSTRUCTED SIDE OF THE CLEAR FLOOR SPACE ADJOINS OR OVERLAPS AN ACCESSIBLE ROUTE OR ANOTHER WHEELCHAIR CLEAR FLOOR SPACE.
 - D) KNEE CLEARANCE AT TABLES, COUNTERS AND WORK SURFACES IS AT LEAST 27" HIGH, 30" WIDE AND 14" DEEP.
2. DINING AREA SHALL HAVE ONE WHEELCHAIR SEATING SPACE FOR EVERY 20 SEATS (THE RATIO OF ACCESSIBLE SEATING IS BASED ON THE TOTAL NUMBER OF SEATS PROVIDED). SUCH SEATING SHALL BE DESIGNED AND ARRANGED TO PERMIT USE BY WHEELCHAIR OCCUPANTS, AND SHALL COMPLY WITH SECTION 1122B. ACCESS TO SUCH SEATING SPACES SHALL BE PROVIDED WITH MAIN AISLES NOT LESS THAN 36" CLEAR WIDTH.
3. ACCESSIBLE SEATING SHALL BE INTEGRATED WITH GENERAL SEATING TO ALLOW A REASONABLE SELECTION OF SEATING AREA AND TO AVOID HAVING ONE AREA SPECIFICALLY HIGHLIGHTED AS THE AREA FOR PERSONS WITH DISABILITIES.
4. WHERE FIXED OR BUILT-IN TABLES, COUNTERS OR SEATS ARE PROVIDED FOR THE PUBLIC, AND IN GENERAL EMPLOYEE AREAS, 5% (BUT NEVER LESS THAN ONE) MUST BE ACCESSIBLE.
5. THE TOPS OF TABLES AND COUNTERS SHALL BE 28" TO 34" FROM THE FLOOR, WHERE A SINGLE COUNTER CONTAINS MORE THAN ONE TRANSACTION STATION, SUCH AS A BANK COUNTER WITH MULTIPLE TELLER WINDOW OR A RETAIL SALES COUNTER WITH MULTIPLE CASH REGISTER STATIONS, AT LEAST 5% (BUT NEVER LESS THAN ONE OF EACH TYPE OF STATION) SHALL BE LOCATED AT A SECTION OF COUNTER THAT IS AT LEAST 36" LONG AND NO MORE THAN 28" TO 34" HIGH.

GENERAL NOTES

1. EXTERIOR DIMENSIONS ARE TO FACE OF FINISH UNLESS OTHERWISE NOTED.
2. INTERIOR DIMENSIONS ARE TO FACE OF FINISH.
3. SEATING MUST MEET ALL CA. TITLE 24 REQUIREMENTS
4. SEE SITE PLAN FOR SIDEWALKS, RAMPS, ETC.
5. DO NOT SCALE DRAWINGS.
6. EVERY FLOOR OR LANDING SHALL BE LEVEL AND THAT EACH SIDE OF ALL DOORS THE LANDING SHALL BE LESS THAN 1/2 INCH LOWER THAN THE THRESHOLD
7. EXIT DOORS SHALL BE OPENABLE FROM THE INSIDE WITHOUT THE WITHOUT THE USE OF A KEY OR ANY SPECIAL KNOWLEDGE.
8. A SIGN SHALL BE PROVIDED ON OR NEAR THE EXIT DOOR THAT STATES: "THIS DOOR IS TO REMAIN UNLOCKED DURING BUSINESS HOURS". THIS SIGN MUST BE LOCATED AT THE MAIN EXIT ONLY.
9. TACTILE EXIT SIGNS SHALL BE REQUIRED AT THE FOLLOWING REQUIRED AT THE FOLLOWING LOCATIONS:
 - A) WHEREVER BASIC UBC PROVISIONS REQUIRE EXIT SIGNS FROM A ROOM OR AREA TO A CORRIDOR OR HALLWAY. THE TACTILE EXIT SIGN SHALL HAVE THE WORDS, "EXIT ROUTE."
 - B) EACH GRADE-LEVEL EXIT DOOR. THE TACTILE EXIT SIGN SHALL HAVE THE WORD, "EXIT."
10. NO FLOOR OR LANDING SHALL BE LESS THAN 1/2 BELOW THE THRESHOLD ON EACH SIDE OF AN EXIT DOOR. SECTION 1003.3.1.6

WALL ASSEMBLY

- 2 X 6" X 16 WOOD STUDS @ 16" ON CENTER. EXTERIOR FINISH SHALL BE 7/8" STUCCO (SEE EXTERIOR ELEVATIONS) INTERIOR FINISH SHALL BE 1/2" GYPSUM WALL BOARD. (PROVIDE A SMOOTH TEXTURE BEFORE PAINTING WALL BOARD). SEE FINISH SCHEDULE FOR COLOR OF WALLS. PROVIDE R-19 BATT INSULATION IN WALLS.
- INTERIOR WALL; 3 5/8" - 16 GAUGE METAL STUDS @ 24" O.C. ATTACH SILL TRACKS TO FLOOR SLAB WITH MINIMUM 0.145 DIAMETER SHOT PINS @ 32" O.C. AND WITHIN 9" OF EACH END. 1/2" GYPSUM WALLBOARD, TYPICAL UNLESS NOTED OTHERWISE. PROVIDE R-11 BATT INSULATION. TAPE, PRIME & PAINT.
- INTERIOR WALL; 6" - 16 GAUGE METAL STUDS @ 24" O.C. ATTACH SILL TRACKS TO FLOOR SLAB WITH MINIMUM 0.145 DIAMETER SHOT PINS @ 32" O.C. AND WITHIN 9" OF EACH END. 1/2" GYPSUM WALLBOARD, TYPICAL UNLESS NOTED OTHERWISE. PROVIDE R-11 BATT INSULATION. TAPE, PRIME & PAINT.
- COOLER/FREEZER WALL; 4" MAXIMUM, 26 GAUGE STEEL-FACED WALL & CEILING URETHANE INSULATED PANELS. PANELS TO HAVE A CLASS I RATING FLAME SPREAD (ASTM-84) OF 20 AND SMOKE DEVELOPED 200



CONSULTANT

McDonald's USA LLC
 These drawings and specifications are the confidential and proprietary property of McDonald's Corporation and shall not be copied or reproduced without the written consent of McDonald's Corporation. The contents were prepared for use on this specific site in conjunction with its issue date and are not suitable for use on a different site or at a later time. Use of these drawings for reference or example on another project requires the services of properly licensed architects and engineers. Reproduction of the contract documents for reuse on another project is not authorized.

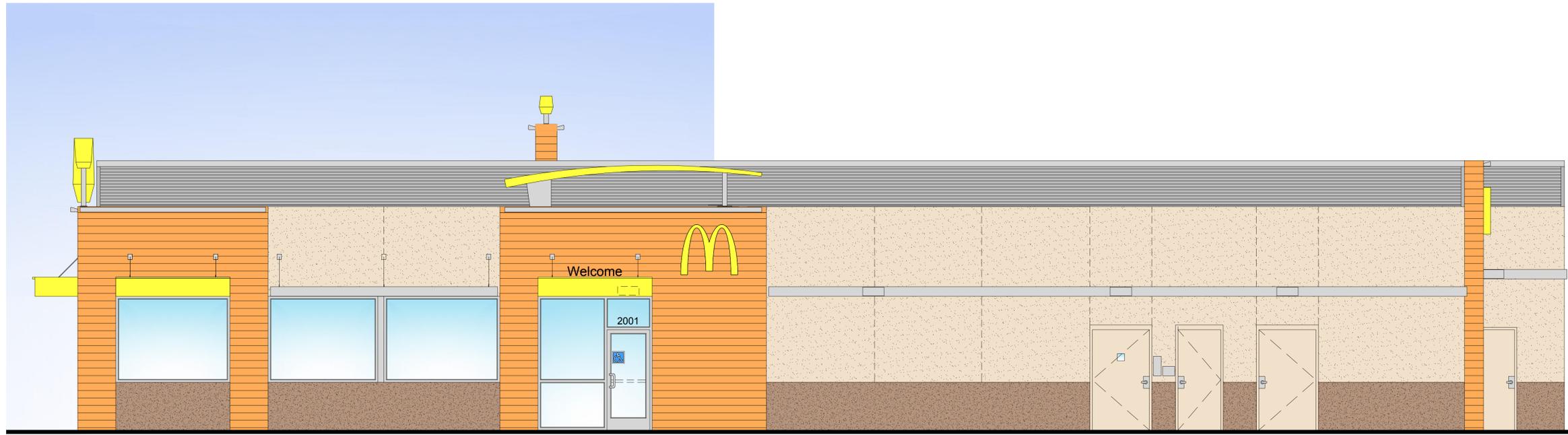


REVISIONS

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DRAWING TITLE
PROPOSED FLOOR PLAN

PROJECT NO.	1226	DATE	JAN. 2013
FILE NO.	a4.1 plan		
DRAWN BY	GWK		
CHECKED BY	MEM		
			2



1 PROPOSED WEST ELEVATION
SCALE: 1/4" = 1'-0"



2 PROPOSED NORTH ELEVATION
SCALE: 1/4" = 1'-0"

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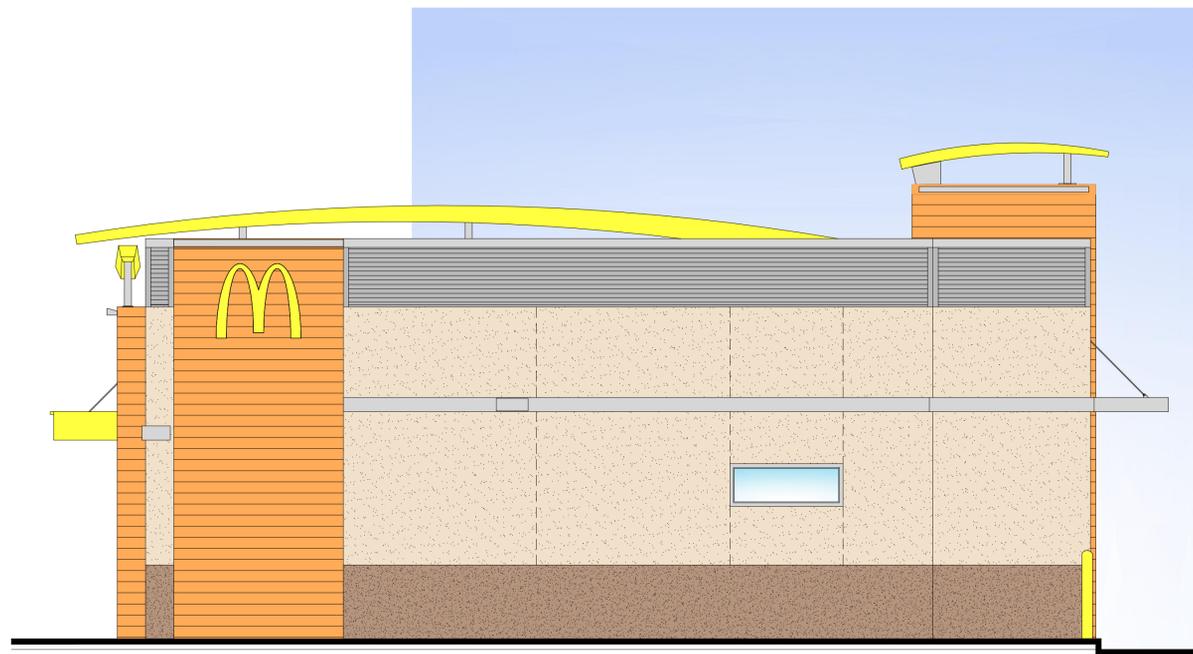
REVISIONS

DRAWING TITLE
COLOR ELEVATIONS

PROJECT NO. 1226	DATE JAN. 2013
FILE NO. sheet 5	5
DRAWN BY GJK	
CHECKED BY MEM	



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PROPOSED EAST ELEVATION
SCALE: 1/4" = 1'-0"



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PROPOSED SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



CONSULTANT

McDonald's USA LLC

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PROJECT NO. 1226	DATE JAN. 2013
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SW CORNER OF HARNEY I ANF & REYNONI DS RANCH PARKWAY I ODI CA I C# 004-4791

RESOLUTION NO. P.C. 14-XX

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI
APPROVING A USE PERMIT FOR A DRIVE THRU MCDONALDS RESTAURANT
ON A 1.25-ACRE SITE LOCATED ON THE SOUTHWEST CORNER OF
HARNEY LANE AND REYNOLDS RANCH PARKWAY.**

WHEREAS, the project proponent is RPM Company, 1420 Mills Avenue, Lodi, California 95242; has filed a Use Permit to construct a new McDonalds restaurant within the Reynolds Ranch Planned Development, and

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

WHEREAS, the subject property has a General Plan designation of Commercial and is zoned PD-39 Planned Development, General Commercial; and

WHEREAS, the Planning Commission the City of Lodi previously considered the SPARC application 13-SP-04 concerning architectural and site development plans to construct a drive thru restaurant at this location; and

WHEREAS, the Planning Commission the City of Lodi has considered the information provided in the staff report, given public testimony for the Use Permit 14-U-06 to establish a drive-thru restaurant and all legal prerequisites have occurred for the adoption of this Resolution

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

1. California Environmental Quality Act

Finding: The Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations, Chapter 3, Article 10 (State CEQA Guidelines) Section 15153 (Projects consistent with previous project approval and certified Final EIRs).

CEQA Guidelines Section 15153, the project is consistent with the findings of the previous environmental documents prepared for the Reynolds Ranch development. The proposed project does not create any new environmental impacts that were not previously addressed in the Mitigation Monitoring and Report Program for the project and the conditions of approval require the development to implement the adopted MMRP.

The project is consistent with the findings of the previous environmental documents prepared for the Reynolds Ranch development. The Reynolds Ranch Final EIR, (SCH#2006012113) including comments and responses to comments, was certified by the City Council on August 30, 2006. An addendum to the certified and Final EIR, including comments and responses to comments, was certified by the City Council on September 17, 2008. Subsequently, the City of Lodi 2010 General Plan identified a consistent land use designations for the project site and the General Plan Final EIR, including comments and responses to comments, was certified by the City Council on April 7, 2010.

The EIR addressed the impacts of the total scope of the new commercial, residential impacts on the community of the various phases of the project. The proposed project yields no potential new impacts related to the original Project, which would necessitate further environmental review beyond the impacts and issues already disclosed and analyzed in the Reynolds Ranch EIR. No other special circumstances exist that would create a reasonable

possibility that the proposed Project will have a significant adverse effect on the environment. Therefore, the proposed Project qualifies for the exemption under CEQA Guidelines Section 15153 and no further environmental review is required.

2. The location and design of the proposed development is consistent with the goals and policies of the Lodi General Plan relating to Commercial land use designations and PD-39 Zoning District. The proposed restaurant would not create special problems in the area because the building has been designed and located to reduce noise levels to the point where city standards can be met. The Public Works Department indicated that traffic is not anticipated to significantly increase, and all vehicular traffic generated by the project would be accommodated safely and without causing undue congestion upon the adjoining streets and intersections.
3. The proposed development will be well integrated with its surrounding since it is designed to complement the built-in environment. The approximate one acre site is suitable for the proposed use since the site is relatively flat and would not require any extensive grading or result in any adverse impacts to surrounding uses or environmental resources. Appropriate on-site circulation has been provided, especially the drive-thru configuration. The project will not be visually obstructive or impact major views from adjacent properties, since the facility is relatively small in area and single-story in height.
4. The subject site will have adequate pedestrian and vehicular circulation and parking available for the restaurant use, according to the Zoning Code.
5. The location and the design of the building and improvements proposed to accommodate the project are appropriate because the project, as conditioned, will be functional in providing adequate vehicle access and creating an attractive environment through the proposed building designs, landscaping plans and the installation of related improvements.
6. The proposed location and design allows the project site to be adequately serviced by existing public facilities and utilities since sewer and water service currently is provided to the site and will not be affected by this project.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Use Permit Application No. 2014-06U is hereby approved, subject to the following conditions:

1. The project proponent and/or the property owner and/or successors in interest and management shall, at their sole expense, defend, indemnify and hold harmless the City of Lodi, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this Use Permit approval. The obligation to defend, indemnify and hold harmless shall include, but is not limited to, any action to arbitrate, attack, review, set aside, void or annul this Use Permit approval on any grounds whatsoever. The City of Lodi shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.
2. The project proponent and/or the property owner and/or successors in interest and management shall comply with all federal, State, and local laws. Material violations of any of those laws in connection with the use may be a cause for revocation of the permits granted herein.
3. The project proponent and/or the property owner and/or successors in interest and management shall insure that the project will not cause or result in repeated activities that are harmful to the health, peace or safety of persons residing or working in the surrounding area. This includes, but is not limited to: disturbances of the peace, illegal drug activity, harassment of passerby, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, curfew violations, lewd conduct, or police detention and arrests.

4. This Use Permit shall be subject to the mitigation measures of the Environmental Impact Report prepared for the Reynolds Ranch Planned Development, if applicable.
5. The McDonalds restaurant is permitted to operate on a 24 hour basis. These hours may be limited (as may be determined by the Planning Commission) based on any valid complaints from the adjoining residential property owners, due to noise and/or other nuisance issues related to the 24 hour operation.
6. All project generated noise shall comply with the City's Noise Ordinance. Any noise complaints regarding the operation of the facility shall be promptly addressed by the applicant/operator.
7. No promotional banners shall be placed or erected above the parapet line of the building or attached to the mechanical equipment screen.
8. All construction and grading shall comply with all applicable requirements of the Lodi Municipal Code and requirements of the Planning Department, Engineering Department, Building Division, and Fire Department. Fire sprinklers may be required, as determined by the Fire Department.
9. All plan building permit 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.
10. The applicant shall obtain Operational Permits from the Lodi Fire Department, Fire Prevention Bureau. The Fire Department may be contacted at 25 East Pine Street, Lodi, CA 95240-2127. Phone Number (209) 333-6739.
11. Colors, materials and design of the project shall conform to the exhibits and references in the staff report and as presented to the Planning Commission to the satisfaction of the Community Development Department.
12. A separate building permit shall be required prior to the installation of any signs. All proposed signs shall be consistent with adopted Master Sign Program for the Reynolds Ranch development.
13. All new utilities shall be underground.
14. Any rooftop equipment must be fully screened from all public view utilizing materials and colors which match the building. Compliance shall be clearly indicated on the building plans in elevation and section plan view.
15. The applicant shall be responsible for all dust control during any construction and shall follow the construction methods established by the San Joaquin Valley Air Pollution Control District.
16. Prior to the issuance of building permits, the developer shall submit to the Community Development Department for review and approval a final landscape plan showing all the proposed plant materials by genus and common name and the size containers to be installed. Reviewing staff shall pay special attention to the screening vegetation along Reynolds Ranch Parkway to ensure the optimal screening of vehicles in the waiting lanes. No tree planted shall be less than 15 gallon in size. The landscape plan shall conform to Water Efficient Landscape Ordinance and must include Statement of Compliance and water usage calculations prepared by the landscape designer.
17. All vegetation shall be maintained in a flourishing manner, and kept free of all foreign matter, weeds and plant materials not approved as part of the landscape plan. All irrigation shall be maintained in fully operational condition.

18. The trash enclosure shall be designed to accommodate separate facilities for trash and recyclable materials. If the trash enclosure area is required to have connection to the wastewater system, it shall be installed with a sand/grease trap conforming to Standard Plan 205. Trash enclosure shall be covered with a roof or have covers on the separate facilities.
19. Any bioswale installed on site cannot be located within any public utility easements or public rights of way.
20. The site must conform to the Stormwater Development Standards Plan (DSP) requirements. The DSP Worksheet must be provided before the issuance of the Building Permit.
21. All project design and construction shall be in compliance with the Americans with Disabilities Act (ADA). Project compliance with ADA standards is the developer's responsibility.
22. Payment of the following prior to building permit issuance unless noted otherwise:
 - a. Filing and processing fees and charges for services performed by City forces per the Public Works Fee and Service Charge Schedule
 - b. Habitat Conservation Fee
 - c. Stormwater Compliance Inspection Fee prior to building permit issuance or commencement of construction operations, whichever occurs first.
23. Payment of the following prior to temporary occupancy or occupancy of the building unless noted otherwise:
 - a. Development Impact Mitigation Fees
 - b. Wastewater Capacity Impact Mitigation Fee
 - c. County Facilities Fees
 - d. Regional Transportation Impact Fee (RTIF)
 - e. Water Capacity Impact Mitigation Fee.
24. Provision of all necessary Public Utility Easements, payment of Electric Utility Department charges, and installation of necessary equipment/infrastructure to provide electrical service to the properties in accordance with the Electric Department's rules and regulations.
25. The construction of the new building and related site improvements shall require a building permit. All plan submittals shall be based on the City of Lodi Building Regulations and currently adopted 2013 California Building code. Please review our policy handouts for specific submittal procedures.
26. Apply for required operational permits at the Lodi Fire Department. Approval of required operational permits required prior to building permit issuance. 2013 CFC, Section 105.6
27. Plans shall provide occupancy load calculations for each area of the building based on square footage and the applicable occupant load factor from Table 1004.1.2. 2013 CBC, Section 1004.1.2
28. If the occupant load for any area of the building exceeds 49, the plans shall show:
 - a) A minimum of two (2) exits that are separated by a minimum of 1/2 (1/3 in sprinklered buildings) of the diagonal distance of the area served. 2013 CBC, Section 1015.2.1
 - b) Exit doors shall swing in the direction of egress travel. 2013 CBC, Section 1008.1.2
 - c) The exit doors and exit access doors shall be equipped with panic hardware. 2013 CBC, Section 1008.1.10

- d) A means of illuminating the egress path of travel in case of power failure, including path to the egress doors, the corridor and the exterior landings. The emergency power system shall provide back up power for the duration of at least 90 minutes and shall illuminate the path of travel at the rate of an average of 1 foot candle at floor level. 2013 CBC, Sections 1006.1 thru 1006.3.1
- e) Show locations of required illuminated exit signs. 2013 CBC, Section 1011
- f) Provide complete and adequate details and locations of the required tactile exit signs at the following locations:
1. Each grade-level exterior exit door shall be identified by a tactile exit sign with the word, "EXIT."
 2. Each exit access door from an interior room or area that is required to have a visual exit sign, shall be identified by a tactile exit sign with the words, "EXIT ROUTE." 2013 CBC, Section 1011.4
29. Site Plan to show all building entrances and ground level exits shall be connected on an accessible route to other buildings on the site, public transportation stops, accessible parking and passenger loading zones and to public streets and sidewalks. 2013 CBC, Sections 11B-206.1, 11B-206.2.1, 11B-206.2.2, 11B-206.2.4, 11B-206.4, 11B206.4.1.1, 11B-Division 4
30. Plans to specify walkways and sidewalks along accessible routes of travel (1) are continuously accessible, (2) have maximum 1/2" changes in elevation, (3) are minimum 48" in width, (4) have a maximum 2% cross slope, and (5) where necessary to change elevation at a slope exceeding 5% (i.e., 1:20) shall have ramps complying with 2013 CBC, Section 11B-405 or 11B-406 as appropriate. Where a walk crosses or adjoins a vehicular way, and the walking surfaces are not separated by curbs, railings or other elements between the pedestrian areas and vehicular areas shall be defined by a continuous detectable warning which is 36" wide, complying with 2013 CBC, Sections 11B-247.1.2.5 & 11B-705.1.2.5.
31. Plumbing occupant load shall be calculated using the plumbing occupant load factor specified by 2013 CPC Table A for each area use. The required number of plumbing fixtures (water closets, urinals, lavatories) shall be provided, as specified for A-2 occupancies by 2013 CPC, Table 422.1.
32. Restrooms will be required to be accessible as per 2013 CBC, Section 11B-213
33. The Fire Sprinkler system shall be submitted under a separate permit and cover to the Building Department by a C-16 licensed contractor.
34. Fire sprinkler monitoring alarm system is required by 2013 CFC, Section 903.4. The Fire Alarm System shall be submitted under a separate permit and cover to the Building Department by a C-10 licensed fire alarm contractor.
35. All automatic sprinkler systems shall require a fire department connection (FDC) in a location approved by the Fire Chief. On site FDC's shall be within 50 feet on a fire hydrant unless placed along a public street within 20 feet of the property line. FDC's shall be placed on the same side of fire access roads as the fire hydrant. Plans to show the location of the Fire Department Connection within the required distance to a hydrant.
36. Scullery/dishwashing sinks and/or dishwashing machines shall be connected **directly** to the drainage system and a floor drain shall be provided adjacent to such fixtures and the fixture shall be connected on the sewer side of the floor drain trap. 2013 CPC, Section 704.3
37. Any fees due the City of Lodi for processing this Use Permit 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.

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

I certify that Resolution No. 14-XX was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on March 26, 2014 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: Craig Hoffman, Senior Planner
Date: Planning Commission Meeting of 03/26/14
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
March 4, 2014	Shirtsleeve	Street Lighting Issues and Potential Solutions for East Lodi (EU)
March 5, 2014	Regular	Approve Plans and Specifications and Authorize Advertisement for Bids for Americans with Disabilities Act Improvement Project Phase 3 – Church Street Parking Lots (PW)
March 19, 2014	Regular	Introduce Ordinance Adding an Exemption for an Expansion of Existing Non-Conforming Uses Within the Mixed Use Corridor Zone (CD)