

<p>CARNEGIE FORUM 305 WEST PINE STREET LODI, CALIFORNIA</p>	<p><b>AGENDA</b> <b>LODI</b> <b>PLANNING COMMISSION</b></p>	<p>REGULAR SESSION WEDNESDAY, AUGUST 13, 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 – “July 23, 2014”
3. PUBLIC HEARINGS
  - a. Request for Planning Commission approval of a Tentative Parcel Map to divide one parcel into two lots at 507 Daisy Ave. (Applicant: Aaron Shaddy; File 2014-24 P; CEQA Determination: Categorical Exemption Pursuant to CEQA Guidelines Section 15315)

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

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

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

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

**Right to Appeal:**

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

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

**LODI PLANNING COMMISSION  
REGULAR COMMISSION MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, JULY 23, 2014**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of July 23, 2014 was called to order by Vice Chair Kiser at 7:00 p.m.

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

Absent: Planning Commissioners – Olson

Also Present: Senior Planner Craig Hoffman, City Attorney Janice Magdich, and Administrative Secretary Kari Chadwick

2. MINUTES

“June 25, 2014”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Slater second, approved the minutes of June 25, 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 approval of a 9 lot subdivision map and design review of The Villas housing project at 2110 Tienda Drive. (Applicant: Mr. John M. Giannoni Jr.; File 2014-15 S SP; CEQA Determination: Exempt per Section 15332)

Senior Planner Craig Hoffman gave a brief PowerPoint presentation based on the staff report. Staff is recommending that Staff is recommending approval of the project as conditioned with the addition of condition #45 as illustrated on the blue sheet provided at the meeting.

Commissioner Heinitz asked if each resident will have their own trash cans or a single trash enclosure. Mr. Hoffman stated that each unit will have their own trash cans. Mr. Heinitz asked if there will be plumbing in the bonus room over the garage. Mr. Hoffman stated that plumbing could be added to the plans based on what the potential buyer would like to see in the space. Mr. Heinitz asked if the project could be conditioned to not allow plumbing to be put into those rooms to avoid having it turned into a secondary dwelling unit down the road. Mr. Hoffman stated that the Commission can add that if they choose.

Vice Chair Kiser stated his concern with the bonus room having plumbing as well as his concern about the trash cans needing to be pushed to the curb, so that the trucks do not have to try to drive into the development. Mr. Hoffman stated that the trash cans will need to be brought out to Tienda Drive to avoid having the trucks come into the development. Mr. Kiser also stated that he would like to see some signage at the entrance to the drive way stating that there is no parking along that area

Commissioner Slater asked if there is a yard for the dwellings. Mr. Hoffman stated that there is yard area for the residences. Mr. Slater would like to see some sort of sustainable fencing material used and asked about guest parking. Mr. Hoffman stated that there will be two guest parking spaces on site and other guest parking on the street.

Hearing Opened to the Public

- John Giannoni, applicant, came forward to answer questions. Mr. Giannoni stated that his vision for the Villas is to give all generations a place to call home. The single story

dwelling is meant to accommodate the older generation with the master bedrooms on the first floor and the townhouses will give the younger generation a place to settle. This project is going to be a high quality and energy efficient product. He added that the bonus room reflects a restroom because no matter what the space is used for it will need a restroom. The fence material will be 4x4 pressure treated wood. There is also a large trash bin and extra parking on the property to the south of this project and the residents can use that area in case they are having an extra-large gathering.

- Commissioner Heinitz asked if a truck could get into the complex to pick up a trash bin. Mr. Giannoni stated that he would prefer not to have a garbage truck driving into the complex. Mr. Heinitz asked if a walkway could be added on the east side of the property for the residents in the back. Mr. Giannoni stated that there is a gate and walkway along the eastern edge of the property that the residents can use to access Tienda Drive.
- Vice Chair Kiser asked if there can be something put into the CC&Rs that states that the residents can use the trash bin and parking on the property to the south of the project. Mr. Giannoni stated that would be a good idea.
- Zack Wong, Civil Engineer for the project, came forward to confirm the moving of the garage door from the side of the garage to the rear on the end unit. Vice Chair Kiser stated his support for the change.
- Al Ellis, Attorney for the applicant, came forward to answer questions. He has been working with Mr. Giannoni on the CC&Rs for the project and if the Commission has any questions he is available to answer them. Mr. Ellis added that Mr. Giannoni is Maintain the landscaping for three years going up to ten years depending on when the project is completed to ensure that it stays health.
- Commissioner Hennecke asked how the CC&Rs will be able to enforce the requirements for the common areas. Mr. Ellis stated that the CC&Rs are like any other contract and can be enforced through legal means.
- Vice Chair Kiser asked if a homeowners association could be set up later. Mr. Ellis stated that the applicant does not feel that an HOA is necessary, but if the future owners want to start an association then they should be able to do so. Mr. Giannoni came forward to further explain his vision with the help of the illustrations. The product being produced with this project will be individually owned except for the entrance.
- Commissioner Heinitz asked if the area in the middle is common area. Mr. Giannoni stated that the property lines all meet in the middle and every resident owns their own share of the Piazza.
- Fred Baker, Lodi resident, came forward to state some concerns for the project. Mr. Baker stated that a walkway was required with his project next door to allow for the garbage cans to be brought out to the street. He stated that he would like to see the residences in the back moved to the front and the two-story townhouses moved to the rear of the property. He believes this would be a better look on Tienda Drive. Mr. Baker would like to know who he will need to talk to if there are repairs to the shared drive lane.

Commissioner Kirsten excused himself from the meeting at 7:42 p.m. because he is feeling ill.

- Roger Barker, Lodi resident, came forward to express his concerns for the project. Mr. Barker stated his agreement with staff on keeping the garage buildings for the single-family dwellings single story. He supports the condition for CC&Rs and hopes they will deal with any possible issues that may arise.
- Vice Chair Kiser stated that each dwelling will have its own fire suppression system. Mr. Kiser asked for clarification regarding staff recommending that the garage buildings be single story. Mr. Hoffman stated his confirmation that staff is recommending the garage buildings for the residences in the rear be single story. He added that if the Commission wishes to allow them to be two-story staff recommends a condition be added to the CC&Rs that states that they cannot be leased, sublet or rented out separately.

Public Portion of Hearing Closed

- Commissioner Hennecke asked if the CC&Rs would come back to the Commission. Mr. Hoffman stated that staff from various departments will be looking at the CC&Rs and approving them. Commissioner Slater asked if they could be brought back to the Commission as an informational item. Mr. Hoffman stated that he will bring them back to the Commission.
- Commissioner Heinitz amended the conditions by eliminating Condition #14 and stating that the CC&Rs clarify that the bonus rooms not be allowed to become rentals.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Heinitz, Kiser second, finds the project has satisfied the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332, the project is in-fill development and approve the Tentative Subdivision Map and architectural review for The Villas at 2110 Tienda Drive subject to conditions in the attached resolution along with additional condition 45 and amendments as stated below:

1 – Delete Condition #14.

2 - A statement to be added to the CC&Rs that will not allow for the bonus room to become a rental space.

The motion carried by the following vote:

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

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Vice Chair Kiser called for the public hearing to consider the request of the Planning Commission for a Use Permit Amendment (Condition 5 and 6) to allow an after school program (no additional students) at 2301 West Lodi Ave. (Applicant: Vineyard Christian Middle School; File 2014-21 U; CEQA Determination: Exempt per Section 15332)

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

Vice Chair Kiser asked if the portable classroom units will be staying. Mr. Hoffman stated that they will remain.

Commissioner Slater asked if there have been any complaints for this site. Mr. Hoffman stated that there have not been any protests submitted. Ms. Magdich stated that the City Attorney’s office has not received any complaints.

Hearing Opened to the Public

- Randal Oliver, Principal of Vineyard Christian Middle School, came forward to answer questions.
- Commissioner Heinitz stated that he has heard positive comments about the school.
- Commissioner Slater asked about the after school program. Mr. Oliver stated that the program will be to allow parents that need the extra time to pick up their children. They will have both indoor and outdoor activities during that time.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Slater, Hennecke second, finds the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332, and

adopt a Resolution approving the Use Permit Amendment (Condition 5 and 6) to allow an after school program (no additional students) at 2301 West Lodi Avenue subject to the findings and conditions of approval contained in the draft Resolution. The motion carried by the following vote:

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

4. PLANNING MATTERS/FOLLOW-UP ITEMS

Senior Planner Hoffman stated that the Tentative Looking Ahead Project List has been provided and staff is available to answer any questions.

5. ANNOUNCEMENTS AND CORRESPONDENCE

Senior Planner Hoffman showed off the proposed façade improvements that Smart and Final has submitted. He added that the application will be going to the Site Plan and Architectural Review Committee in August.

6. ACTIONS OF THE CITY COUNCIL

None

7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

8. ART IN PUBLIC PLACES

None

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

None

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

Commissioner Hennecke asked about the liquor license that has been approved in his neighborhood. Mr. Hoffman and Ms. Magdich stated that the resident has been approved for an office only. The license is a wholesale license only. There will not be any liquor sold out of the house.

Commissioner Slater stated that there is a need to have an upper end gated community. Mr. Hoffman stated that he also sees the need. Mr. Heinitz stated that there is a very low turn around in these types of developments.

11. REORGANIZATION

a. Planning Commission Chair & Vice Chair

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Slater, Henitz second, approved the nomination of Commissioner Kiser for the 2014/15 Planning Commission Chair position. There being no other nominations the motion carried by the following vote:

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

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Slater second, approved the nomination of Commissioner Heinitz for the 2014/15 Planning Commission Vice Chair position. There being no other nominations the motion carried by the following vote:

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

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

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Heinitz, Slater second, approved the nomination of Commissioner Kiser for the 2014/15 Planning Commission representative for the Site Plan and Architectural Review Committee position. There being no other nominations the motion carried by the following vote:

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

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Slater, Heinitz second, approved the nomination of Commissioner Kirsten for the 2014/15 Planning Commission representative for the Art In Public Places Committee position. There being no other nominations the motion carried by the following vote:

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

12. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 8:13 p.m.

ATTEST:

Kari Chadwick  
Planning Commission Secretary

Item 3a



# CITY OF LODI PLANNING COMMISSION Staff Report

**MEETING DATE:** August 13, 2014

**APPLICATION NO:** Parcel Map: 2014-24 P

**REQUEST:** Request for Planning Commission approval of a Tentative Parcel Map to divide one parcel into two lots at 507 Daisy Ave. (Applicant: Aaron Shaddy; File 2014-24 P; CEQA Determination: Categorical Exemption Pursuant to CEQA Guidelines Section 15315)

**LOCATION:** 507 Daisy Ave  
Northwest corner of Daisy Ave. and California St.  
(APN: 039-361-10)  
Lodi, CA 95240

**APPLICANT:** Aaron Shaddy  
1318 Lake Shore Drive  
Lodi, CA 95242

Monte K. Seibel  
221 West Oak St. Suite B-2  
Lodi, CA 95240

**PROPERTY OWNER:** Aaron and Nanci Shaddy  
1318 Lake Shore Drive  
Lodi, CA 95242

## RECOMMENDATION

Staff recommends the Planning Commission approve the request of Aaron Shaddy for a Tentative Parcel Map to subdivide one parcel into two lots, subject to the conditions outlined in the draft resolution.

## PROJECT/AREA DESCRIPTION

**General Plan Designation:** Low Density Residential  
**Zoning Designation:** Low Density Residential  
**Property Size:** 0.24 acre (10,100 sq. ft.)

The adjacent zoning and land use are as follows:

ADJACENT ZONING DESIGNATIONS AND LAND USES			
	GENERAL PLAN	ZONING CLASSIFICATION	EXISTING LAND USE
<b>North</b>	Low Density Residential	Low Density Residential	Residence
<b>South</b>	Low Density Residential	Low Density Residential	Residence
<b>East</b>	Low Density Residential	Low Density Residential	Residence
<b>West</b>	Low Density Residential	Low Density Residential	Residence

**BACKGROUND:**

The subject property is located on the southwest corner of California St. and Daisy Ave. The property includes an existing house and detached garage. There are no pending Code violations.

The applicant is proposing to subdivide the property into two (2) lots. Parcel 2 would contain the existing house and the detached garage would be torn down and replaced with a 2 car garage. Parcel 1 would have new residential construction. Construction plans for the new house on Parcel 1 has not been submitted at this time, but will be subject to approval by all relevant City departments through the building permit review process.

**ANALYSIS**

The properties are currently zoned Low Density Residence (LDR) and designated Low Density Residential (1-8 units per acre) in the General Plan. As proposed, the lots will exceed minimum lot size and width and comply with land use density standards.

**General Plan Conformance:**

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

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

All of the surrounding parcels are currently designated Low Density Residential (1-8 units per acre). The average density that will be created as a result of the proposed subdivision is approximately 5 units per acre, which is consistent with this Low Density Residential density prescribed by the City's General Plan. Therefore, the proposed subdivision would result in new lot sizes that are consistent with the density prescribed by the General Plan. The attached Tentative Map illustrates the final parcel configuration that would result from the proposed project.

**Zoning Compliance:**

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

PARCEL 1			
Standard	Required	Proposed	Compliance
Lot Area	5,000 sq. ft	5,100 sq. ft.	Yes, Exceeds
Lot Width	50 ft	53.53 ft.	Yes, Exceeds

PARCEL 2			
Standard	Required	Proposed	Compliance
Lot Area	5,000 sq. ft	5,000 sq. ft.	Yes, Exceeds
Lot Width	50 ft	50.53 ft.	Yes, Exceeds

The Zoning Code implements the goals and policies of the General Plan. The subject property is zoned Low Density Residence (LDR). As can be seen from the tables above, the proposed tentative parcel map meets or exceeds the minimum lot area, lot width, and street frontage standards. The applicant has not prepared construction plans at this time, but any future development on the parcels

will be subject to building permit review by City staff to ensure compliance with all applicable zoning standards and all other applicable provisions of the Municipal Code.

The design standards within the zoning code requires frontage onto public streets and design of developments need to match the scale of the neighborhood. The applicant proposes that Parcel 1 would mainly be accessed from the alley. That is allowed per the development code, but from a design standpoint, staff has conditioned the project to orient towards Daisy Ave. Conditions 11 – 15 are consistent with the requirements the Commission required for a flag lot at 421 and 423 Daisy Ave.

10. Provide applicable easements, agreements, and/or deed restrictions for access, use and maintenance of shared, private facilities to Community Development Department for approval, specifically for:
  - a) Access for Parcel 1 on 12 foot wide access / utility easement on Parcel 2 to provide service to garage on parcel 1.
11. That any buildings constructed on both Parcel 1 and Parcel 2 be subject to setback, lot coverage, parking and all other zoning code requirements
12. The placement of the proposed dwelling units on the two parcels shall be off-set as much as reasonably possible in order that each unit is visible from the street.
13. To the extent feasible, the garages shall be accessed indirectly and not within the line of sight of Daisy Avenue. Daisy Avenue shall provide the main access to parcel one with the alley as a secondary access.
14. Prior to placement of any fencing, a fencing plan shall be submitted for review and approval by the Planning Department. Fencing will not be oriented in a manner to block the driveway access to either lot and, to the extent possible, the line of site to rear house from Daisy Avenue.
15. The architecture of the proposed house shall complement the surrounding neighborhood. Prior to issuance of a building permit the applicant shall submit for review and approval elevations of the parcel 1 house from Daisy Avenue.
16. Prior to building permits for parcel 1 being issued, the garage on parcel 2 shall be torn down and a building permit issued for the new garage on parcel 2.
17. The trees along the western property edge shall not be removed in order for this development to take place.

*Site Circulation:* The project has been conditioned so that parcel 1 may be accessed from Daisy Ave and the residents on parcel 1 have the option to enjoy public street frontage.

Pursuant to Lodi Development Code Section 17.52.070, in order to approve the proposed tentative parcel map, the proposed subdivision must be found consistent with the general plan, zoning ordinance, and the Subdivision Map Act (State law). Based on the analysis above, staff finds that the proposed tentative map is in conformance with the General Plan, zoning ordinance, and the Subdivision Map Act. However, if any of the following findings can be made, the tentative map shall be denied.

1. *The proposed subdivision including design and improvements is not consistent with the General Plan or any applicable Specific Plan.* **Comment:** The site contains a General Plan designation of very low density residential reserved primarily for single-family residences and compatible uses. The maximum density allowed in the very low General Plan designation is eight (8) dwelling units per net acre. The proposed parcel split creates a density of roughly 5 units per acre. The proposed map is consistent with the General Plan in that creation of two (2) lots for single-family

homes are allowed within the maximum density (8) permitted onsite in the very low density, land use designation of the General Plan.

2. *The site is not physically suitable for the type or proposed density of development.* **Comment:** No unusual topographic features are present onsite that would prohibit development of proposed parcels. The site is generally flat, with no regulated sensitive areas or other limiting topographic features. The site consists of a stand residential lot and associated structures. The subdivision will create lots with adequate land area to support a detached single-family dwelling with standard setbacks and ample useable private yard space.
3. *The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or injure fish or wildlife or their habitat.* **Comment:** The project site is not located in a sensitive environment but rather in a previously disturbed area surrounded by other residential land uses. The scope of the project would only add one new parcel to the area, making it of such minor nature so as not to have a significant adverse impact on the environment.
4. *The design of the subdivision or type of improvements is likely to cause serious public health or safety problems.* **Comment:** Frontage improvements along Daisy Avenue are required for the development of the parcels and public access and utilities for each lot are available. The lots being created will comply with all applicable single-family sanitary sewer service and stormwater runoff treatment requirements, as well as other similar environmental and life safety regulations and standards.
5. *The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large for access through or use of, property within the proposed subdivision. This finding may not be made if the Commission finds that alternate easements for access or use will be provided, and that they will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record, or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the review authority to determine that the public at large has acquired easements of access through or use of property within the proposed subdivision.* **Comment:** There are no public easements that currently encumber the properties to be subdivided, and all modifications made to the existing public improvements fronting the two parcels during development of the properties will be required to be reconstructed to current City standards.
6. *The discharge of wastewater from the proposed subdivision into the community wastewater system would result in violation of existing requirements prescribed by the California Regional Water Quality Control Board.* **Comment:** Future development of the parcels will be subject to review and approval by the City and affected local and regional agencies. Full compliance with applicable water quality regulations would be required prior to issuance of a building permit.
7. *Information available to the City indicates adverse soil or geological conditions and the subdivider has failed to provide sufficient information to the satisfaction of the Public Works Director or the Commission that the conditions can be corrected in the plan for the development.* **Comment:** No information has been found to indicate the project site is considered contaminated, or may contain contaminant particles.
8. *The proposed subdivision is not consistent with all applicable provisions of this Title, any other applicable provision of the Municipal Code, and the Subdivision Map Act.* **Comment:** The procedural requirements of the Map Act are being followed and both parcels will comply with the applicable engineering and zoning standards pertaining to grading, drainage, utility connections, lot size and density.

The tentative parcel map has been reviewed by the Public Works and Electrical Utility Departments and they recommended approval subject to the conditions outlined in the attached resolution. Staff has found that the proposed Tentative Parcel Map, subject to the conditions in the attached resolution, meet the requirements of the Zoning Ordinance and is consistent with the General Plan.

Based on the information provided in the analysis above, staff recommends approval of the Tentative Parcel Map subject to the findings and conditions of approval contained in the staff report.

### **ENVIRONMENTAL ASSESSMENTS**

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

### **PUBLIC HEARING NOTICE:**

Legal Notice for the Use Permit was published in the Lodi News Sentinel on Saturday, August 2, 2014. Fifty-seven (57) 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:

"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 15315 and approve the request of Shaddy for a Tentative Parcel Map to subdivide one parcel into two lots, subject to the conditions outlined 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  
Community Development Director

### **ATTACHMENTS:**

- A. Vicinity / Aerial Map
- B. Street View
- B. Tentative Map
- C. Draft Resolution

# VICINITY MAP



Recent Projects - 507 Daisy Ave.

# STREET VIEW



507 Daisy Ave.

OWNER: AARON AND NANJI SHADY  
11255 N. LEACH ROAD  
LODI, CA 95242  
PH. (209) 470-7557

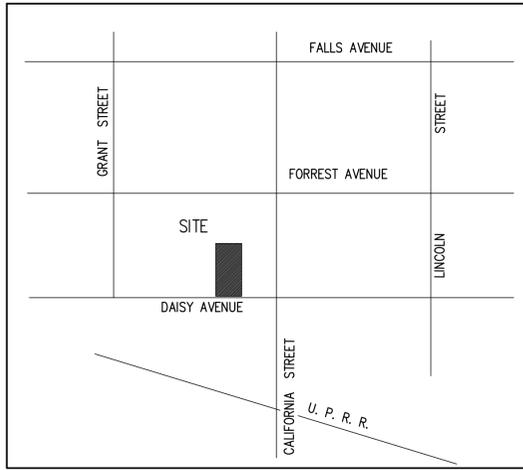
APN: 039-361-10

SITUS ADDRESS: 507 DAISY AVENUE

**SURVEYOR'S STATEMENT:**

THIS TENTATIVE MAP WAS PREPARED BY ME  
AT THE REQUEST OF AARON SHADY ON APRIL 4, 2014.

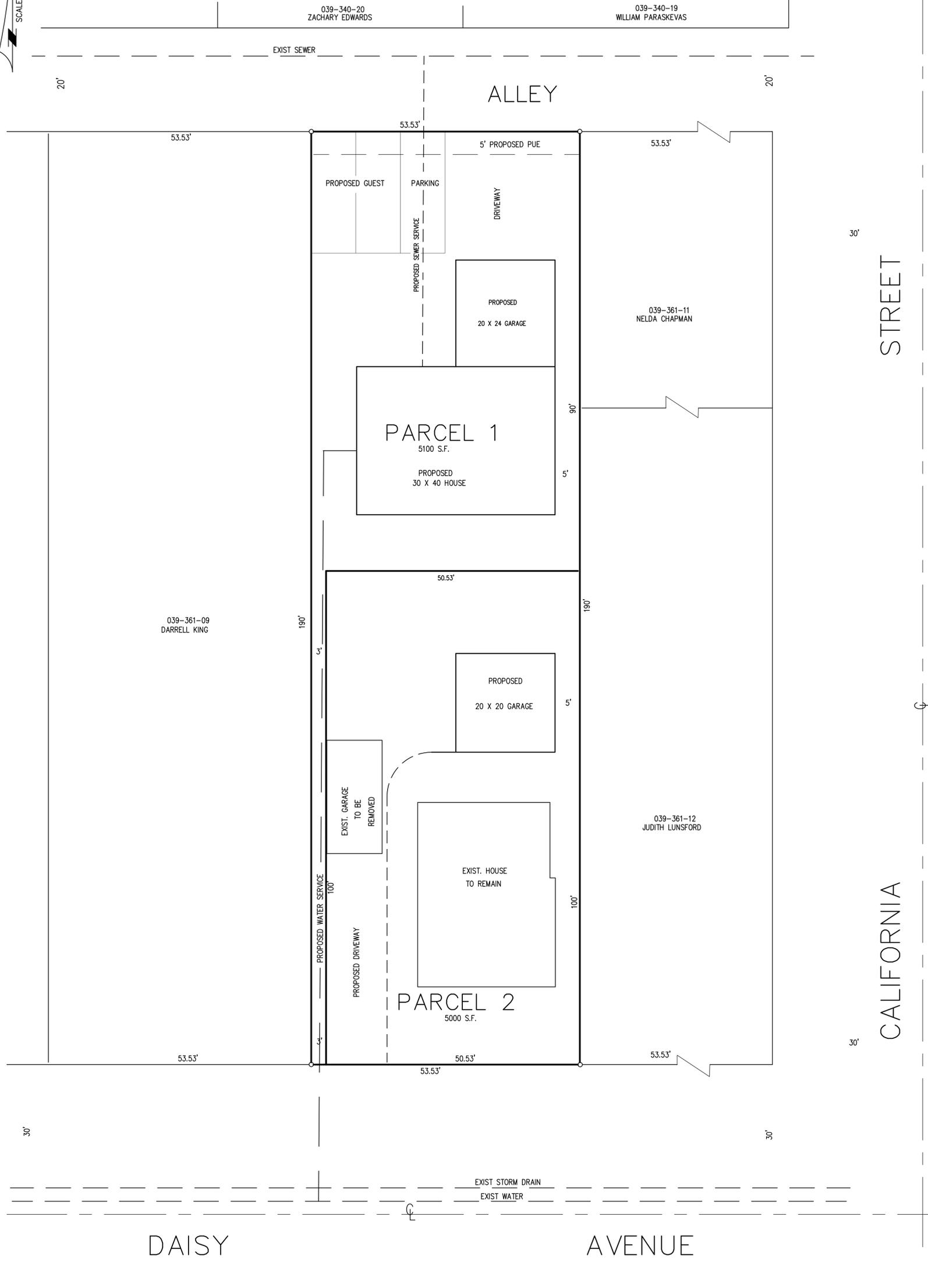
MONTE K. SEIBEL, P.L.S. 4124



# TENTATIVE FOR SHADY PARCEL MAP

RE-SUBDIVISION OF  
LOT 18 OF FORREST'S ADDITION  
CITY OF LODI,  
SAN JOAQUIN COUNTY, CALIFORNIA  
SCALE: 1"=10' ONE SHEET MARCH, 2014

MONTE K. SEIBEL \* LAND SURVEYOR  
221 WEST OAK STREET, SUITE B-2 LODI, CALIFORNIA  
PHONE (209) 334-6523 FAX (209) 334-2611



**RESOLUTION NO. P.C. 14-XX**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF AARON SHADDY FOR A TENTATIVE PARCEL MAP TO SUBDIVIDE ONE PARCEL INTO TWO LOTS**

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

**WHEREAS**, the property is located at 507 Daisy Ave (APN: 039-361-10); and

**WHEREAS**, the project proponent is Aaron Shaddy, 1318 Lake Shore Drive, Lodi, CA 95242; and

**WHEREAS**, the project surveyor is; Monte K. Seibel, 221 West Oak St. Suite B-2 Lodi, CA 95240 and

**WHEREAS**, the property owner is Aaron and Nanci Shaddy, 1318 Lake Shore Drive, Lodi, CA 95242; and

**WHEREAS**, the property is zoned Low Density Residential; and

**WHEREAS**, the property has a General Plan land use designation of LDR, Low Density Residential; and

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

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

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

other residential and institutional land uses. The scope of the project will only add two single-family dwellings to the area, making it of such minor nature so as not to have a significant adverse impact on the environment.

6. The lots being created will comply with all applicable single-family sanitary sewer service and stormwater runoff treatment requirements, as well as other similar environmental and life safety regulations and standards.
7. The proposed Tentative Parcel Map can be served by all public utilities.
8. The proposed Tentative Parcel Map does not conflict with easements, acquired by the public at large, for access through or use of property within the proposed map.
9. The Tentative Parcel Map complies with the requirements of Chapter 17.52 of the Lodi Development Code regulating Tentative Maps.
10. None of the mandatory findings for tentative map denial within the State Subdivision Map Act, § 66474 apply to this proposal.

**NOW, THEREFORE, BE IT DETERMINED AND RESOLVED** by the Planning Commission of the City of Lodi that Parcel Map Application No. 2014-24 P is hereby approved, subject to the following conditions:

1. The applicant/owner and/or successors in interest and management shall defend, indemnify, and hold the City of Lodi, its agents, officers, and employees harmless of any claim, action, or proceeding (including legal costs and attorney's fees) to attack, set aside, void, or annul this Use Permit, so long as the City promptly notifies the applicant of any claim, action, or proceedings, and the City cooperates fully in defense of the action or proceedings. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.
2. The Tentative Parcel Map shall expire within 24 months of Planning Commission approval or a time extension must be granted by the Planning Commission.
3. The Final Map shall be in substantial conformance to the approved Tentative Parcel Map, as conditioned, and that any future development shall be consistent with applicable sections of the Municipal Code.
4. Any buildings constructed on the new parcels shall be subject to setback, lot coverage, off street parking, and all other City of Lodi Municipal Code requirements.
5. The applicant shall meet all requirements of the adopted edition of the California Building, Fire and City of Lodi Municipal Codes in effect at the time of building permit application.
6. Final plans for the development of Parcel 1, and any modifications to the existing development of Parcel 2, shall be submitted to the City for review and approval to ensure compliance with relevant codes, policies and other requirements of the Lodi Municipal Code.
7. All development shall comply with the City of Lodi Stormwater Run-off requirements, including the quantitative treatment standards. Conformance with the stormwater runoff control requirements must be demonstrated prior to issuance of building permit.
8. Any fees due the City of Lodi for processing this Project shall be paid to the City within thirty (30) calendar days of final action by the approval authority. Failure to pay such outstanding fees within the time specified shall invalidate any approval or conditional approval granted. No permits, site work, or other actions authorized by this action shall be processed by the City, nor permitted, authorized or commenced until all outstanding fees are paid to the City.

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

Community Development - Planning

10. Provide applicable easements, agreements, and/or deed restrictions for access, use and maintenance of shared, private facilities to Community Development Department for approval, specifically for:
  - a) Access for Parcel 1 on 12 foot wide access / utility easement on Parcel 2 to provide service to garage on parcel 1.
11. That any buildings constructed on both Parcel 1 and Parcel 2 be subject to setback, lot coverage, parking and all other zoning code requirements
12. The placement of the proposed dwelling units on the two parcels shall be off-set as much as reasonably possible in order that each unit is visible from the street.
13. To the extent feasible, the garages shall be accessed indirectly and not within the line of sight of Daisy Avenue. Daisy Avenue shall provide the main access to parcel one with the alley as a secondary access.
14. Prior to placement of any fencing, a fencing plan shall be submitted for review and approval by the Planning Department. Fencing will not be oriented in a manner to block the driveway access to either lot and, to the extent possible, the line of site to rear house from Daisy Avenue.
15. The architecture of the proposed house shall complement the surrounding neighborhood. Prior to issuance of a building permit the applicant shall submit for review and approval elevations of the parcel 1 house from Daisy Avenue.
16. Prior to building permits for parcel 1 being issued, the garage on parcel 2 shall be torn down and a building permit issued for the new garage on parcel 2.
17. The trees along the western property edge shall not be removed in order for this development to take place.

Building Department

18. The construction of the new buildings and related site improvements shall require building permits. All plan submittals shall be based on the City of Lodi Building Regulations and currently adopted 2013 California Building codes. Please review our policy handouts for specific submittal procedures.
19. The Site Plan shows new a single family dwelling with an attached garage on Parcel 1. All new one and two family dwellings are required to be equipped with automatic fire sprinkler systems. 2013 CRC, Section R313
20. The Site Plan shows a new detached garage on Parcel 2. Non-sprinklered structures with eaves or other projections less than 5' from the property line are required to be 1 hour fire rated from the underside of the eave or projection. 2013 CRC, Section R302.1, Table R302.1(1)

Public Works Department:

The following conditions of approval are required for the subject project per City codes and standards, all to be accomplished prior to, or concurrent with, final map filing unless noted otherwise:

21. Provide separate water and wastewater services for each parcel. Submit a layout showing any existing on-site water and wastewater facilities.

- a) Any existing shared services between Parcel 1 and Parcel 2 need to be capped and abandoned.
  - b) Provide water and sewer services, per City Standards, for Parcel 1. The water and sewer services installation can be provided by City crews at the owner's expense or by an approved licensed private contractor.
  - c) The new water service for Parcel 1 shall be served from the existing water main in Daisy Avenue as shown. A 12' wide easement shall be dedicated to Parcel 1 from Parcel 2 for the purposes of maintaining the water service and vehicle access. Location of water service shall be located outside any existing tree canopy.
  - d) At time of Building Permit issuance, Public Works may require improvements to the sidewalk/driveway(s) along the lot frontage. The existing driveway on Daisy is not compliant and must be replaced.
22. Dedication of public utility easements as required by the various utility companies and the City of Lodi.
  23. Abandonment / removal of wells, septic systems and underground tanks in conformance with applicable City and County requirements and codes.
  24. In order to assist the City of Lodi in providing an adequate water supply, the Owner/Developer on behalf of itself, its successors and assigns, shall enter into an agreement with the City that the City of Lodi be appointed as its agent for the exercise of any and all overlying water rights appurtenant to the parcels within the limits of the parcel map, and that the City may charge fees for the delivery of such water in accordance with City rate policies. In addition, the agreement shall assign all appropriative or prescriptive rights to the City. The agreement will establish conditions and covenants running with the land for all parcels within the limits of the parcel map and provide deed provisions to be included in each conveyance.
  25. All project design and construction shall be in compliance with the Americans with Disabilities Act (ADA). City of Lodi Standard Plans are in the process of being revised and it should not be assumed that current standard plans are fully ADA compliant. Project compliance with ADA standards is the developer's responsibility.
  26. Submit final map per City and County requirements including the following:
    - a) Preliminary title report.
    - b) Standard note regarding requirements to be met at subsequent date.
  27. Payment of the following:
    - a) Filing and processing fees and charges for services performed by City forces per the Public Works Fee and Service Charge Schedule.
    - b) Development Impact Mitigation Fees per the Public Works Fee and Service Charge Schedule at the time of building permit issuance for Parcel 1: \$3,319.00 per parcel (Infill parcel: Includes Water, Wastewater and Electric Fee only). The Electric Fee assumes a 200Amp panel.
    - c) City installation of wastewater service at the time of building permit issuance: \$2,582.71 per parcel.
    - d) City installation of water service at the time of building permit issuance: \$5,254.00 for a complete ¾-inch meter service per parcel.

- e) Regional Transportation Impact Fee (RTIF) at the time of building permit issuance:  
\$2,988.25 for Parcel 1.

The above fees are subject to periodic adjustment as provided by the implementing ordinance/resolution. The fee charged will be that in effect at the time of payment.

**Dated: August 13, 2014**

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 August 13, 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 08/13/14  
**Subject:** Past meetings of the City Council and other meetings pertinent to the Planning Commission

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

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

Date	Meeting	Title
August 6, 2014	Regular	Provide Direction Regarding Wine Country Cardroom and Restaurant Request for Ordinance Change Increasing the Number of Tables Allowed and Use of "Casino" in Signage (CA)
		Conduct a Public Hearing to Consider Adopting a Resolution Approving the Planning Commission's Recommendation to Authorize 227 Medium-Density Residential and 330 High-Density Residential Growth Management Allocations for Reynolds Ranch Subdivision (CD)
		Introduce Ordinance Amending Section 17.52.120 to Add Submittal Requirements for a Vesting Tentative Map (CD)
		Set a Public Hearing for September 3, 2014, to Consider and Approve the 2013/14 Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER) and an Amendment of the 2014/15 Action Plan to Accommodate the Reallocation of Unused CDBG Funds From Previous Years (CD)
July 22, 2014	Shirtsleeve	Union Pacific Railroad Operation Lifesaver Rail Safety Presentation (PW)
July 29, 2014	Special Shirtsleeve	Receive Update on Potential Park Use Permit Ordinance (PRCS)