

<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, DECEMBER 10, 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 – “October 22, 2014”
3. PUBLIC HEARINGS
  - a. Request for Planning Commission approval of a Use Permit Amendment to increase the number of legal cardroom tables from 13 to 15 at 1800 S. Cherokee Lane. (Applicant: Chris Ray, on behalf of Wine Country Cardroom & Restaurant.; File Number: 2014-33 U; CEQA Determination: Exempt Per Section 15321)
  - b. Request for Planning Commission approval of a 9 lot subdivision map and design review of Sunwest Cottages housing project at 2126, 2128 and 2130 Tienda Drive. (Applicant: Mr. Fred Baker; File 2014-39 S SP; CEQA Determination: Exempt per Section 15332)
  - c. Request for Planning Commission approval of a Use Permit to allow self-storage facility expansion at 515 South Lower Sacramento Road. (Applicant: Westgate Shopping Center, LLC; File 2014-40 U; CEQA Determination: Exempt per Section 15332)
  - d. Request for Planning Commission approval of a Use Permit Amendment to phase the establishment of a wine production facility at 27 East Vine Street. (Applicant: Jeff Hansen, on behalf of AH Wines, Inc, DBA Lodi City Wines; File Number: 2014-41 U; CEQA Determination: Exempt per Section 15301, 15183 and 15061)

**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, DECEMBER 10, 2014**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of December 10, 2014 was called to order by Chair Kiser at 7:00 p.m.

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

Absent: Planning Commissioners –

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

2. MINUTES

“October 22, 2014”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner , second, approved the minutes of October 22, 2014 as written. (Commissioner Olson abstained because she was not in attendance of the subject meeting)

3. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Kiser called for the public hearing to consider the request of the Planning Commission for approval of a Use Permit Amendment to increase the number of legal cardroom tables from 13 to 15 at 1800 S. Cherokee Lane. (Applicant: Chris Ray, on behalf of Wine Country Cardroom & Restaurant.; File Number: 2014-33 U; CEQA Determination: Exempt Per Section 15321)

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

Hearing Opened to the Public

- , applicant, came forward to answer questions.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner , second, finds the project has satisfied the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15321, and adopt a resolution approving the Use Permit Amendment to increase the number of legal cardroom tables from 13 to 15 at 1800 S. Cherokee Lane subject to conditions of approval contained in the draft resolution provided. The motion carried by the following vote:

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

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair 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 Sunwest Cottages housing project at 2126, 2128 and 2130 Tienda Drive. (Applicant: Mr. Fred Baker; File 2014-39 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 approval of the project as conditioned.

Hearing Opened to the Public

- , applicant, came forward to answer questions.

Public Portion of Hearing Closed

**MOTION / VOTE:**

The Planning Commission, on motion of Commissioner , second, finds the project has satisfied the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332, and adopt a resolution approval of a 9 lot subdivision map and design review of Sunwest Cottages housing project at 2126, 2128 and 2130 Tienda Drive subject to conditions of approval contained in the draft resolution provided. The motion carried by the following vote:

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

- c) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Kiser called for the public hearing to consider the request of the Planning Commission for approval of a Use Permit to allow self-storage facility expansion at 515 South Lower Sacramento Road. (Applicant: Westgate Shopping Center, LLC; File 2014-40 U; CEQA Determination: Exempt per Section 15332)

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

Hearing Opened to the Public

- , applicant, came forward to answer questions.

Public Portion of Hearing Closed

**MOTION / VOTE:**

The Planning Commission, on motion of Commissioner , second, finds the project has satisfied the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15321, and adopt a resolution for approval of a Use Permit to allow self-storage facility expansion at 515 South Lower Sacramento Road subject to conditions of approval contained in the draft resolution provided. The motion carried by the following vote:

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

- d) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Kiser called for the public hearing to consider the request of the Planning Commission for approval of a Use Permit Amendment to phase the establishment of a wine production facility at 27 East Vine Street. (Applicant: Jeff Hansen, on behalf of AH Wines, Inc, DBA Lodi City Wines; File Number: 2014-41 U; CEQA Determination: Exempt per Section 15301, 15183 and 15061)

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

Hearing Opened to the Public

- , applicant, came forward to answer questions.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner , second, finds the project has satisfied the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15321, and adopt a resolution approval of a Use Permit Amendment to phase the establishment of a wine production facility at 27 East Vine Street subject to conditions of approval contained in the draft resolution provided. The motion carried by the following vote:

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

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

None

6. ACTIONS OF THE CITY COUNCIL

Senior Planner Hoffman stated a memo has been provided and staff is available to answer any questions. City Attorney Magdich added that the City Council did adopt the cultivation of marijuana ordinance outlawing the outdoor cultivation.

7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

8. ART IN PUBLIC PLACES

Commissioner Kirsten gave a brief report of the items from the recent meeting.

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

None

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

None

11. ADJOURNMENT

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

ATTEST:

Kari Chadwick  
Planning Commission Secretary

Item 3a



**CITY OF LODI  
PLANNING COMMISSION  
Staff Report**

**MEETING DATE:** December 10, 2014

**APPLICATION NO:** 2014-33 U - (Previous files 07-U-01 and 12-U-20)

**REQUEST:** Request of Planning Commission Approval of a Use Permit Amendment to increase the number of legal cardroom tables from 13 to 15 at 1800 S. Cherokee Lane. (Applicant: Chris Ray, on behalf of Wine Country Cardroom & Restaurant.; File Number: 2014-33 U; CEQA Determination: Exempt Per Section 15321)

**LOCATION:** 1800 S. Cherokee Lane  
APN: 062-060-51

**APPLICANT:** Wine Country Cardroom & Restaurant, DBA.  
1800 S. Cherokee Lane  
Lodi, CA 95240

**PROPERTY OWNER:** Leon A. Croce Trust  
P.O. Box: 555  
Lodi, CA 95241

**RECOMMENDATION**

Staff recommends that the Planning Commission approve the Use Permit Amendment request of Chris Ray, on behalf of Wine Country Cardroom and Restaurant, to amend a previously approved Use Permit to increase the number of legal cardroom tables from 13 to 15 at 1800 S. Cherokee Lane, subject to the conditions in the attached draft resolution.

**PROJECT/AREA DESCRIPTION**

**General Plan Designation:** Commercial

**Zoning Designation:** General Commercial

**Property Size:** 48,352 square feet. (Approx. 6,000 sq. ft. existing building floor area)

The adjacent General Plan, zoning and existing land use are as follows:

	ADJACENT ZONING DESIGNATIONS AND LAND USES		
	GENERAL PLAN	ZONING CLASSIFICATION	EXISTING LAND USE
<b>North</b>	Commercial	General Commercial	Car dealership
<b>South</b>	Commercial	General Commercial	Surface Parking
<b>East</b>	Commercial	Not in City Limits	State Route 99
<b>West</b>	Mixed Use Corridor	Mixed Use Corridor	Retail/Commercial

## **SUMMARY**

The applicant's request would amend the Use Permit previously approved by the Planning Commission. The previously approved Use Permit allowed operation of a card room with thirteen (13) tables and a full service restaurant and bar. The proposed amendment to the approved Use Permit would increase number of tables allowed to fifteen (15). The proposed expansion, if approved, would conform to all applicable Federal, State and City of Lodi rules and regulations.

## **BACKGROUND / ANALYSIS**

The applicant, Wine Country Cardroom and Restaurant, has operated successfully at 1800 South Cherokee Lane since March of 2007. The business includes a full service restaurant and bar to complement the card room.

In May 2008, the applicant appeared before the Planning Commission requesting to amend their existing Use Permit consistent with the City's revised Cardroom Ordinance. The Planning Commission approved their request. As part of the condition of approval, the applicant was mandated to provide additional parking space commensurate with the expanded cardroom. The applicant purchased adjacent lot and developed it as surface parking.

In January 2009, the City Council directed the City Attorney's office to draft a revised cardroom ordinance that would expand the types of games that could be played, increase the number of players per table, increase the number of card room tables in Lodi, and expand the hours of operation for card rooms. The amendments to the cardroom ordinance were reviewed and approved by the California Attorney General's Office. At their hearing of April 1, 2009, the City Council repealed and reenacted Lodi Municipal Code Title 5, Permits and Regulations, Chapter 5.12 Cardrooms, increasing the number of legal cardroom games to add all games approved by the California Attorney General's Bureau of Gambling Control, expanding cardroom operations hours from 16 hours a day (10 a.m. - 2 a.m.) to 20 hours a day (8 a.m. – 4 a.m.) and increasing the number of tables from 8 to 11. The applicant amended their Use Permit consistent to the ordinance.

At their meeting of February 1, 2012, the City Council directed the City Attorney's staff to pursue amending the City's Cardroom Ordinance. Following that meeting, the City Attorney's office submitted to the State Attorney General's office for their review the following revisions: 1) Cap Card Room License Fee at \$20,000 on the first \$240,000 of monthly gross revenue the permittee received from cardroom operations, and 4.5% of monthly gross revenue in excess of \$240,000; 2) Allow the cashing of checks and issuance of credit to the extent permitted by State law; 3) Allow two additional tables (13); 4) Eliminate limits on players per table; 5) Eliminate specific daily hourly operation limits in favor of a maximum limit of 140 hours per week; and 6) Allow gaming in any rooms with an exterior unlocked door (instead of the current main entrance requirement). On August 7, 2012, the State Attorney General's office approved the City's request to amend the Cardroom Ordinance. The applicant amended their Use Permit consistent to the ordinance.

The City Council repealed and reenacted Lodi Municipal Code Title 5, Permits and Regulations, § 5.12 Cardrooms at their meeting of November 19, 2014. The Lodi Municipal Code increases the number of cardroom tables allowed in the City from eleven (13) to thirteen (15). In accordance with Section 17.39.025 of the Lodi Municipal Code, a card room business is permitted in the General Commercial district by securing a Use Permit from the Planning Commission.

Staff has contacted the Lodi Police Department for their comments regarding the proposed application. The Police Department has no concerns and recommends their approval. Similarly, the Public Works, Electrical and Utility, and the Fire Department also recommend their approval subject to the attached resolution. With respect to the existing ABC license, the proposed application does not concern the alcohol license and, therefore, is not an issue as the proposed application doesn't include modifying the existing ABC Use Permit.

The cardroom has operated without any problem since it has been open to business. The applicant has met every condition imposed by the Planning Commission and City Council. The Police Department and Code Enforcement have both indicated that they have no history of complaints or enforcement issues as the cardroom is currently operated. Based upon the review of the proposal and the proposed amendments to the Use Permit, staff supports the request for the modifications to the card room operations and the operation of the restaurant with a bar. As the history of this use had demonstrated, the proposed amendment is compatible with the surrounding land uses in the vicinity of the project site. Live entertainment has not been proposed, is not part of this application, and has not been approved as part of this amendment to Conditional Use Permit 2007-02.

#### **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. Further, the project was found to be categorically exempt according to the California Environmental Quality Act, Article 19 15311 Class 11 (b). No significant impacts are anticipated and no mitigation measures have been required.

#### **PUBLIC HEARING NOTICE:**

Legal Notice for the Use Permit was published in the Lodi News Sentinel on Saturday, November 22, 2014. Sixty-four (64) 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 motion is 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 15321, and adopt a Resolution approving the Use Permit Amendment to increase the number of legal cardroom tables from 13 to 15 at 1800 S. Cherokee Lane 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,

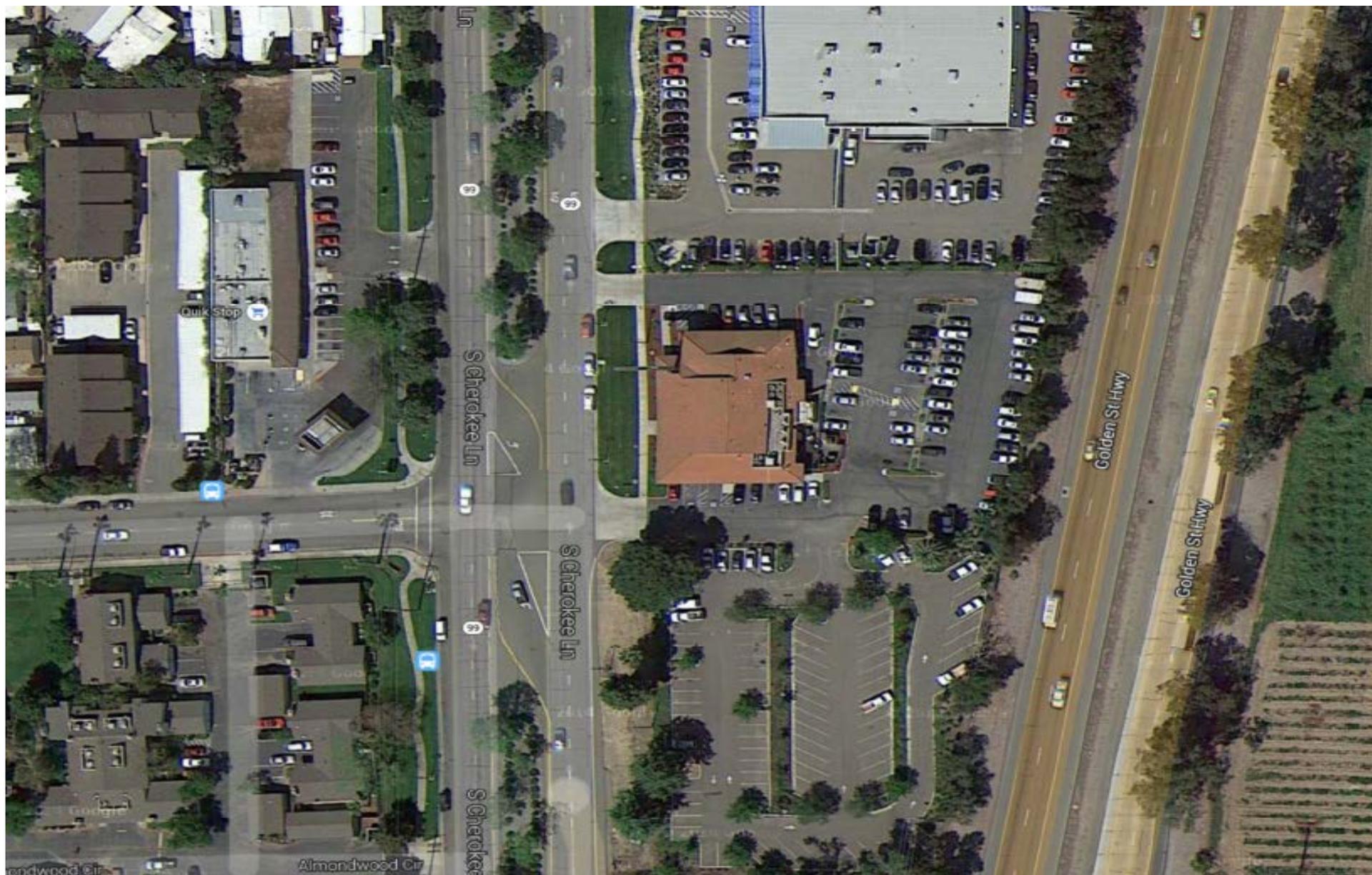
Craig Hoffman  
Senior Planner

Stephen Schwabauer  
Community Development Director

**ATTACHMENTS:**

- A. Vicinity / Aerial Map
- B. Cardroom floor
- C. City Council Report and Ordinance
- D. Draft Resolution

# VICINITY MAP



**1800 S. Cherokee Lane**



**AGENDA ITEM I-02**



**CITY OF LODI  
COUNCIL COMMUNICATION**

TM

**AGENDA TITLE:** Introduce Ordinance Amending Lodi Municipal Code Chapter 5.12 – Cardrooms, by Repealing and Re-enacting Section 5.12.140 (C) “Rules and Regulations”

**MEETING DATE:** October 15, 2014

**PREPARED BY:** City Attorney

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**RECOMMENDED ACTION:** Introduce Ordinance amending Lodi Municipal Code Chapter 5.12 - Cardrooms, by repealing and re-enacting Section 5.12.140 (C) “Rules and Regulations.”

**BACKGROUND INFORMATION:** At the August 6, 2014 City Council meeting, staff requested direction from the City Council regarding an amendment to the cardroom ordinance proposed by Wine Country Cardroom and Restaurant to allow two additional tables, increasing the number from 13 to 15; and capping the total number of tables permitted within the City of Lodi at 15. Following Council approval of the request, the proposed change was submitted to the Attorney General’s office for review and approval.

By letter dated September 22, 2014 (copy attached), the Attorney General’s office has approved the requested change in the number of cardroom tables from 13 to 15, and caps the total number of tables permitted in the City of Lodi at 15.

The Police Department and Community Development Department have both indicated that they have no history of complaints or enforcement issues as to the operation of the Wine Country Cardroom and Restaurant. Therefore, staff recommends that the City Council introduce the attached Ordinance.

**FISCAL IMPACT:** Unknown revenue increase to the General Fund.

**FUNDING AVAILABLE:** Not applicable.

Approved: \_\_\_\_\_  
Janice D. Magdich, City Attorney

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APPROVED: \_\_\_\_\_  
Stephen Schwabauer, City Manager

**KAMALA D. HARRIS**  
**Attorney General**

**State of California**  
**DEPARTMENT OF JUSTICE**



**BUREAU OF GAMBLING CONTROL**  
P. O. Box 168024  
Sacramento, CA 95816-8024  
Public: (916) 227-2319  
Fax: (916) 227-7965

September 22, 2014

Ms. Janice D. Magdich  
City Attorney  
City of Lodi  
P.O. Box 3006  
Lodi, California 95241-1910

Re: City of Lodi's Gambling Ordinance

Dear Ms. Magdich:

On September 12, 2014, the Bureau of Gambling Control (Bureau) received the City of Lodi's proposed amendments to its Municipal Code Title 5, Chapter 5.12.140 (C), in accordance with Business and Professions (B&P) Code section 19961.1. The Bureau reviewed the proposed amendment and offers the following comment regarding the submitted amendment.

The proposed amendment to increase the maximum number of tables from 13 to 15 in each gambling establishment and in the local jurisdiction pursuant to B & P Code Section 19961.06 (b) is in compliance with the California Gambling Control Act.

Upon approval and adoption of the proposed amendments, please provide the Bureau with a signed certified copy of the amendments. If you have any questions, please contact Analyst Rebecca Breen of my staff at (916) 227-1272. Thank you for your cooperation in this matter.

Sincerely,

*Frances Asuncion*  
FRANCES ASUNCION  
Department of Justice Administrator II  
Bureau of Gambling Control

For KAMALA D. HARRIS  
Attorney General

ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING  
LODI MUNICIPAL CODE CHAPTER 5.12 – CARDROOMS –  
BY REPEALING AND REENACTING SECTION 5.12.140  
(C), “RULES AND REGULATIONS”

=====

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Lodi Municipal Code Chapter 5.12 – Cardrooms is here amended by repealing and reenacting Section 5.12.140 (C), “Rules and Regulations,” and shall read as follows:

- C. Not more than ~~thirteen~~fifteen tables shall be permitted in any cardroom. No more than ~~thirteen~~fifteen tables shall be permitted to operate within the city.

SECTION 2. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 5. This ordinance shall be published pursuant to law and shall become effective 30 days from the date of passage and adoption.

Approved this \_\_\_\_ day of \_\_\_\_\_, 2014

\_\_\_\_\_  
PHIL KATZAKIAN  
MAYOR

ATTEST:

JENNIFER M. ROBISON  
City Clerk

**RESOLUTION NO. 2014-XX  
AMENDIND RESOLUTION NO.P.C. 07- 02A**

**AN AMENDED RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI  
APPROVING THE REQUEST OF WINE COUNTRY CASINO & RESTAURANT FOR A USE  
PERMIT TO ALLOW THE OPERATION OF A PROPOSED CARD ROOM AT 1800 S.  
CHEROKEE LANE**

- WHEREAS,** the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Use Permit, in accordance with the Lodi Municipal Code, Section 17.72.070; and
- WHEREAS,** the project proponent is Wine Country Casino & Restaurant, P.O. BOX 2367, Lodi, CA 95241 and
- WHEREAS,** the property owner is Leon A. Croce Trust, 2156 P.O. BOX: 555, Lodi, CA 95241
- WHEREAS,** the property is zoned General Commercial which allows a card room business with approval of a Use Permit; and
- WHEREAS,** the property is located at 1800 S. Cherokee Lane; and
- WHEREAS,** all legal prerequisites to the adoption of this Resolution have occurred; and
- WHEREAS,** the proposed Use Permit is consistent with all zoning and General Plan standards.

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

1. The proposed use will be consistent with all applicable goals, policies and standards of the City's adopted General Plan Policy Document and with the site's Commercial General Plan Diagram designation.
2. The proposed use is in compliance with the City's Municipal Code requirements and the Use Permit has been reviewed in accordance with Chapter 5.12 of the Lodi Municipal Code.
3. The proposed use will not be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood or be detrimental or injurious to the health, safety, peace or general welfare of the City.
4. 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. Further, the project was found to be categorically exempt according to the California Environmental Quality Act, Article 19 15311 Class 11 (b). No significant impacts are anticipated and no mitigation measures have been required.

**NOW, THEREFORE, BE IT DETERMINED AND RESOLVED** by the Planning Commission of the City of Lodi that the Use Permit 07-U-02 is amended by file 2014-33, subject to the following conditions:

1. The project proponent will defend, indemnify, and hold the City, its agents, officers, and employees harmless of any claim, action, or proceeding to attack, set aside, void, or annul this Use Permit, so long as the City promptly notifies the developer of any claim, action, or proceedings, and the City cooperates fully in defense of the action or proceedings.

2. The applicant shall secure all required Building, Fire Department, Electric Utility and Public Works Department permits and approvals, and pay all applicable fees.
3. The applicant shall comply with applicable Federal, State, and County regulations and adopted standards. The applicant shall also comply with Chapter 5.12, Cardrooms, of the Lodi Municipal Code.
4. Not more than ~~thirteen~~ **fifteen** tables shall be permitted in the card room.
5. No person under the age of twenty-one shall be permitted at the card room area, nor shall any person under the age of twenty-one be permitted to participate in any game played thereat.
6. Card rooms may be operated seven days a week and shall not open until the hour of nine (9) a.m. Card rooms shall close at five (5) a.m. Such schedule of hours shall be clearly posted at the card room in order to provide adequate notice of its hours of operation.
7. All card rooms shall be open to police inspection during all hours of operation
8. There shall be posted in the card room in letters plainly visible from all parts thereof, signs stating that "Only those games approved by and as defined by the California Office of the Attorney General, Bureau of Gambling Control, shall be played in the cardroom". These signs shall also contain such other information relating to the regulations contained in Section 5.12.140 of the Lodi Municipal Code as the chief of police may require.
9. No person who is in a state of intoxication shall be permitted in any card room.
10. Prior to initiation of the card room facility, a video surveillance system with continuous recording capability, and approved by the Police Department, shall be in place. The video surveillance system shall cover the exterior of the premises, including the parking lot and entrance to the card room. It shall also cover any counting room, cage, safes, gaming tables, and any other location on the premises that the Police Department deems necessary.
11. For 1 to 100 patrons, a minimum of one Police Department-approved, State-licensed, uniformed security officer shall be provided during the hours of operation.
12. The sliding wall separating the card room from the restaurant and bar shall remain closed at all times during card room operation.
13. Upon the discretion of the Chief of Police or a representative thereof, additional security guards may be required.
14. All signage shall be in full compliance with the City of Lodi Sign Ordinance, conditions of approval. A detailed sign package shall be submitted to the Community Development Department for review and approval of all replacement, alteration or instillation of all business signs associated with the cardroom.
15. Structures, landscaping, signs and other improvements, including exterior paint, shall be maintained in a manner so as not to be blighted or deteriorated.
16. Prior to opening to the public, the applicant shall submit a detailed landscape and irrigation plan to be reviewed and approved by the Community Development Director.
17. The operator of the card room shall police the area surrounding the building to prevent patrons from congregating/loitering outside the premises and to prevent parking and noise problems.
18. The project proponent shall provide a minimum of an additional 60 onsite parking spaces. The said parking spaces shall be in an improved parking lot that meets the City's Development Standards. The said parking spaces shall be provided by January 31, 2010.

The applicant shall submit a parking plan to the Community Development Department outlining the actions that will be taken to satisfy the parking demand during the construction period.

- 19. The applicant/project proponent and/or developer and/or successors in interest and management shall obtain an annual Operational Permit issued by the Lodi Fire Department, and meet all the conditions outlined in therein. The Fire Department may be contact at the Lodi Fire Department, 25 East Pine Street, Lodi, CA 95240-2127. Phone Number (209) 333-6739.
  - 20. **As per the project description there will be no changes to the site or building. As long as there is no construction, no changes to use of any area, and there are no changes to the occupant load, no building permits shall be required.**
  - 21. **Any 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. Please review our policy handouts for specific submittal procedures.**
- ~~The applicant shall submit complete and adequate Tenant Improvement plans to the Building Division for review and approval. The said plans shall be based on the City of Lodi Building Regulations and currently adopted 2010 California Building Code.~~
- 22. The Lodi Police Department may, at any time, request that the Planning Commission conduct a hearing on the Use Permit for the purpose of amending or adding new conditions to the Use Permit or to consider revocation of the Use Permit if the Use Permit becomes a serious policing problem.
  - 23. 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.
  - 24. Use of sirens, outside paging, amplified instrument or use of outdoor speakers shall be strictly prohibited outside of the building envelop.

**Dated: December 10, 2014**

I certify that Resolution 2014-XX amending Resolution No. 07-02A was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on December 10, 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:** December 10, 2014

**APPLICATION NO:** Subdivision Application: 2014-39 S  
SPARC: 2014-39 SP

**REQUEST:** Request for Planning Commission approval of a 9 lot subdivision map and design review of Sunwest Cottages housing project at 2126, 2128 and 2130 Tienda Drive. (Applicant: Mr. Fred Baker; File 2014-39 S SP; CEQA Determination: Exempt per Section 15332)

**LOCATION:** 2126, 2128 and 2130 Tienda Drive  
APN: 058-650-02, 03, 04 and 05  
Lodi, CA 95242

**APPLICANT:** Brittany LLC  
Mr. Fred Baker  
2375 Brittany Lane  
Lodi, CA 95242

**PROPERTY OWNER:** Brittany LLC  
Mr. Fred Baker  
2375 Brittany Lane  
Lodi, CA 95242

**RECOMMENDATION**

Staff recommends that the Planning Commission approve the 9 lot subdivision map and design review of Sunwest Cottages housing project at 2126, 2128 and 2130 Tienda Drive subject to conditions in the attached draft resolution.

**PROJECT/AREA DESCRIPTION**

**General Plan Designation:** Mixed Use Corridor  
**Zoning Designation:** Mixed Use Corridor (MCO)  
**Property Size:** 38,330 sq. ft. - 0.88 acres (4 parcels)

The adjacent zoning and land use characteristics:

	ADJACENT ZONING DESIGNATIONS AND LAND USES		
	GENERAL PLAN	ZONING CLASSIFICATION	EXISTING LAND USE
<b>North</b>	Low Density Residential	RLD - Low Density Residential	single family residences
<b>South</b>	Mixed Use Corridor	Mixed Use Corridor (MCO)	office building
<b>East</b>	Mixed Use Corridor	Mixed Use Corridor (MCO)	The Villas Multi-family housing
<b>West</b>	Mixed Use Corridor	Mixed Use Corridor (MCO)	Vintage - care facility

## **SUMMARY**

The proposed project would permit the construction of 9 medium density residential units on .88-acre parcel located on Tienda Drive, one block north of West Kettleman Lane. The project site consists of 4 parcels with an existing driveway from Tienda Drive and a duplex unit. The property allows for residential development units. The area surrounding the project site is fully developed with a variety of single and multi-family residences and office/institutional uses.

In 1997, 18 growth allocations were provided for the Sunwest Cottages project. This was comprised of two parcels (Baker and Giannoni). The Villas project (Giannoni) was approved in July 2014 for 9 units. This application will entitle the remaining 9 units.

## **ANALYSIS**

The project before the Planning Commission is a 9 unit development comprised of 5 attached townhouses, two duplex residences with detached garages. Project plans are included as Attachment B. The two duplex units were constructed in 2006.

### General Plan and Zoning Conformance

The project site has a General Plan land use designation of Mixed Use Corridor. The proposed project is consistent with the existing General Plan designation of Mixed Use Corridor and the proposed density of 11-units per acre is within the Mixed Use Corridor density range of 2.0 - 35 dwelling units per acre. The project site is zoned Mixed use Corridor (MCO) and multi-family dwellings (3 or more units) are an allowed use.

### Growth Management Allocation

The proposed project site is located in In-fill location. The project is in an area that is fully developed with residential and office/commercial uses. The surrounding uses are suitable and consistent with the type of development proposed by the applicant. The project has been allocated 9 residential units.

Subdivision Map: The proposed Tentative Map would subdivide the project site (4 parcels) into 9 residential lots with associated easements for public utilities and easements for access. No public spaces or dedications are created. The 9 lots range in size from 3,040 sq. ft. in size to 6,419 sq. ft. in size.

In accordance with Lodi Municipal Code Section, 17.52.070, the Commission may approve a tentative map only when it first finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan, and any applicable specific plan, and that none of the findings for denial can be made. The findings shall apply to each proposed parcel as well as the entire subdivision, including any parcel identified as a designated remainder in compliance with Map Act Section 66424.6. The findings are included as part of the resolution and staff recommends approval of the subdivision map.

In accordance with Lodi Municipal Code Section, 17.52.130, an approved Tentative Map is valid for 24 months after its effective date (Section 17.66.130). At the end of 24 months, the approval shall expire and become void unless, the applicant petitions the Planning Commission for an extension and the Commission grants an extension in accordance with Lodi Municipal Code Section 17.52.130 (B)(1). Phased Final Maps shall extend the expiration of the tentative map by 36 months or the date of the previously filed Final Map.

Access and Circulation: The project is accessed by a private shared access off Tienda Drive. The property to the east is a medium density development (Giannoni) that shares the access

drive. The project design includes an internal access drive that serves 9 private garages for the individual units. The garage doors are set back over 20 feet to the drive isle. This allows for guest parking and stacking distance to keep the access clear for other residences.

#### Fences and Buffers:

The General Plan and Zoning Code discourage walls and recommend buffers and landscaping to define boundaries. The project is required to include landscaping, however fencing is not required.

#### Project Design

The Sunwest Cottages project is comprised of 3 buildings that are a Mediterranean architectural style. They utilize rock / stone treatments with natural stucco tones and tile roofs.

New Building 1 is located along the southern boundary and contains 5 townhouse units of 1802 sq. ft. and 1843 sq. ft. in size. Each of these units have a private back yard with covered patio and balcony.

New Building 2 is located along Tienda Drive and will be a duplex unit. The duplexes are 1802 sq. ft. and 1843 sq. ft. in size with a private courtyard for each unit is included along Tienda Drive.

All of the units have a 2 car garage with a driveway for 2 guest parking spaces.

The applicant is proposing CC&R's to help maintain the long-term look and maintenance of the project. CC&Rs shall contain appropriate mechanisms for the permanent ongoing maintenance of areas, including but not limited to common landscaping, roofs, shared exterior walls and treatments (including color pallets), and shared drives. CC&Rs shall include appropriate mechanisms to assess and collect assessments for said maintenance and the ability to enforce adherence to the CC&Rs. CC&Rs shall clearly provide that the homeowner is responsible for compliance of CC&Rs and also responsible and liable for any renter's violations of the CC&Rs.

Staff is supportive of the project and this has the potential to be a model of medium density housing in the mixed use corridor and a buffer between commercial / office space and single family residences.

#### Conclusion

Staff sent a copy of the application to various City departments for review and comment. Their comments and requirements incorporated into the attached resolution. Staff believes that the Commission can make the findings in order to approve the proposed project, subject to conditions outlined in the attached resolution. The project, as described in the code compliance sections above, is consistent with the current General Plan (2010).

The medium density project in the Mixed Use Corridor is the transitional project staff envisioned as part of the General Plan and development code update.

### **ENVIRONMENTAL ASSESSMENT**

The project qualifies for a CEQA Categorical Exemption, Section 15332, In-Fill Development Project, Class 32. The project is consistent with the General Plan, is located in the City limits, is less than 5-acres in size and is surrounded by existing urban uses. The project site is not a habitat for any rare or endangered species of plant or wildlife, and the project will not create a significant environmental impact.

**PUBLIC HEARING NOTICE:**

Legal Notice for the Use Permit was published in the Lodi News Sentinel on Saturday, November 22 2014. Twenty (20) 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 motion is suggested:

1. “I move that the Planning Commission adopt a Resolution finding that the Sunwest Cottages 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 subject to conditions 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  
Community Development Director

**ATTACHMENTS:**

- A. Vicinity / Aerial Map
- B. Project Plans
- C. Draft Resolution

# VICINITY MAP



**2126, 2128 and 2130 Tienda Drive**





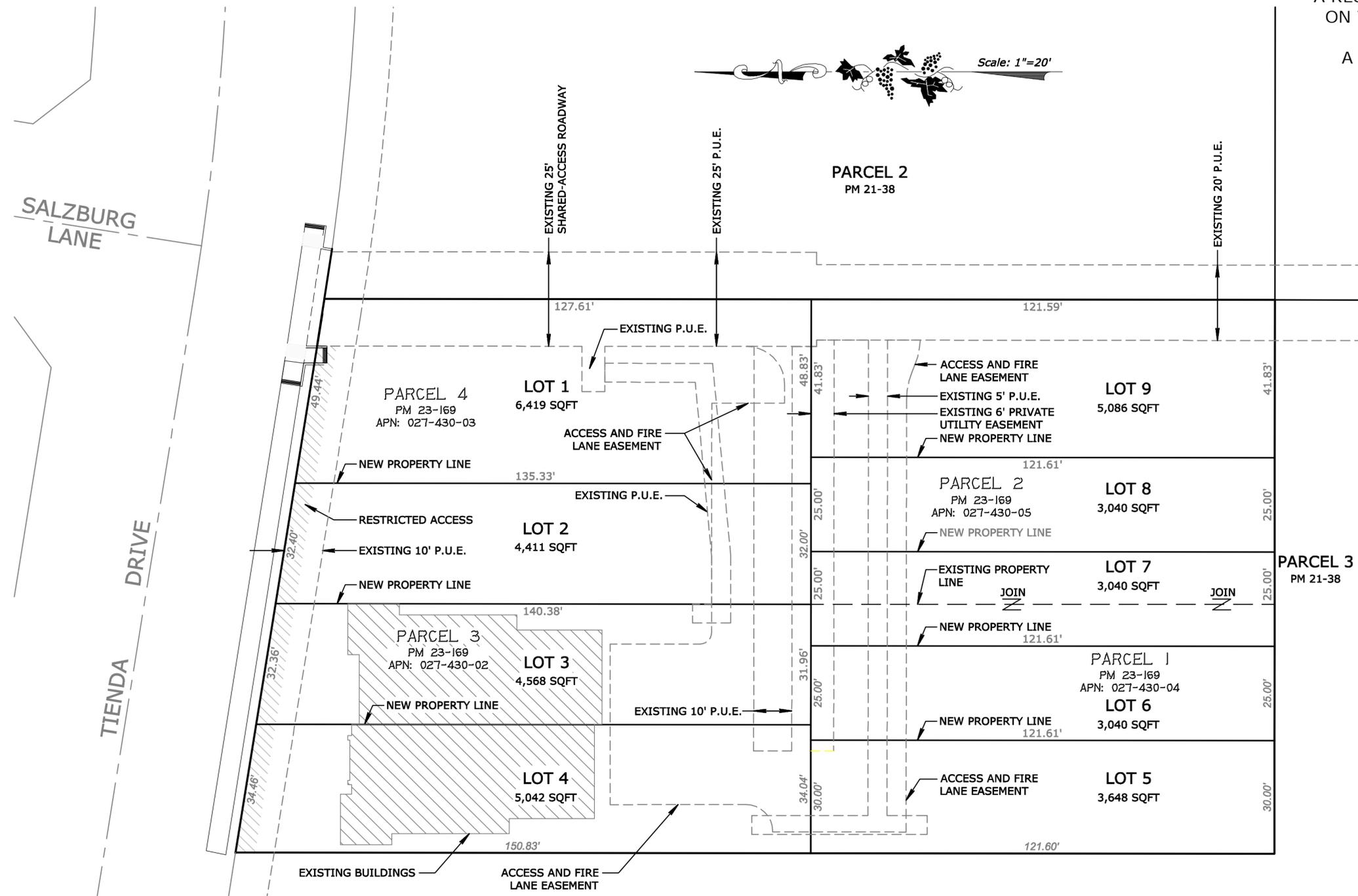
**BAUMBACH & PIAZZA, INC.**  
 CIVIL ENGINEERS • SURVEYORS  
 www.bpengineers.net

323 W. Elm St.  
 Lodi, CA 95240  
 209.368.6618

**VESTING TENTATIVE SUBDIVISION MAP**

A RESUBDIVISION OF PARCELS 1 THROUGH 4 AS SHOWN  
 ON THAT PARCEL MAP FILLED IN BOOK 23 OF PARCEL  
 MAPS, PAGE 169

A PORTION OF SEC. 10, T.3 N., R.6 E., M.D.B. & M.,  
 City of Lodi, San Joaquin County, California  
 October, 2014 Scale: 1"=20'  
 Sheet 1 of 1



LODI RETIREMENT RESIDENCES, LCC

OWNER:  
 FRED BAKER  
 BRITTANY LLC  
 2375 BRITTANY LANE  
 LODI, CA 95242

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

PROJECT DESCRIPTION:  
 CREATE 9 LOTS FROM 4 EXISTING PARCELS  
 AS SHOWN ON THIS MAP

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

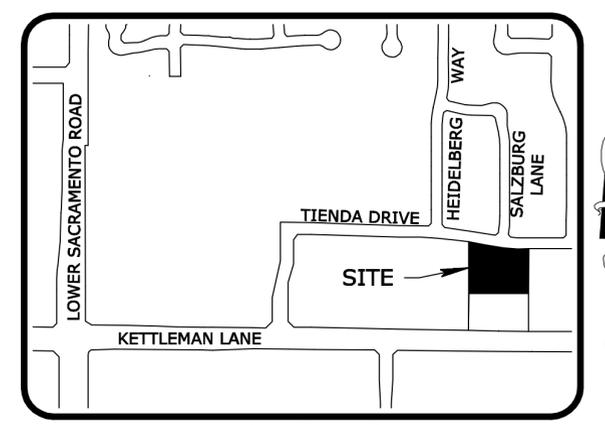
FLOOD INFORMATION:  
 NOT SUBJECT TO 100 YEAR FLOOD.

ASSESSOR PARCEL NUMBER:  
 027-430-02  
 027-430-03  
 027-430-04  
 027-430-05

SITES ADDRESS:  
 2126 TIENDA DRIVE  
 LODI CA, 95242

ZONING:  
 MCO (MIXED USE CORRIDOR)

GENERAL PLAN DESIGNATION:  
 MC (MIXED USE CORRIDOR)



VICINITY MAP  
 NO SCALE

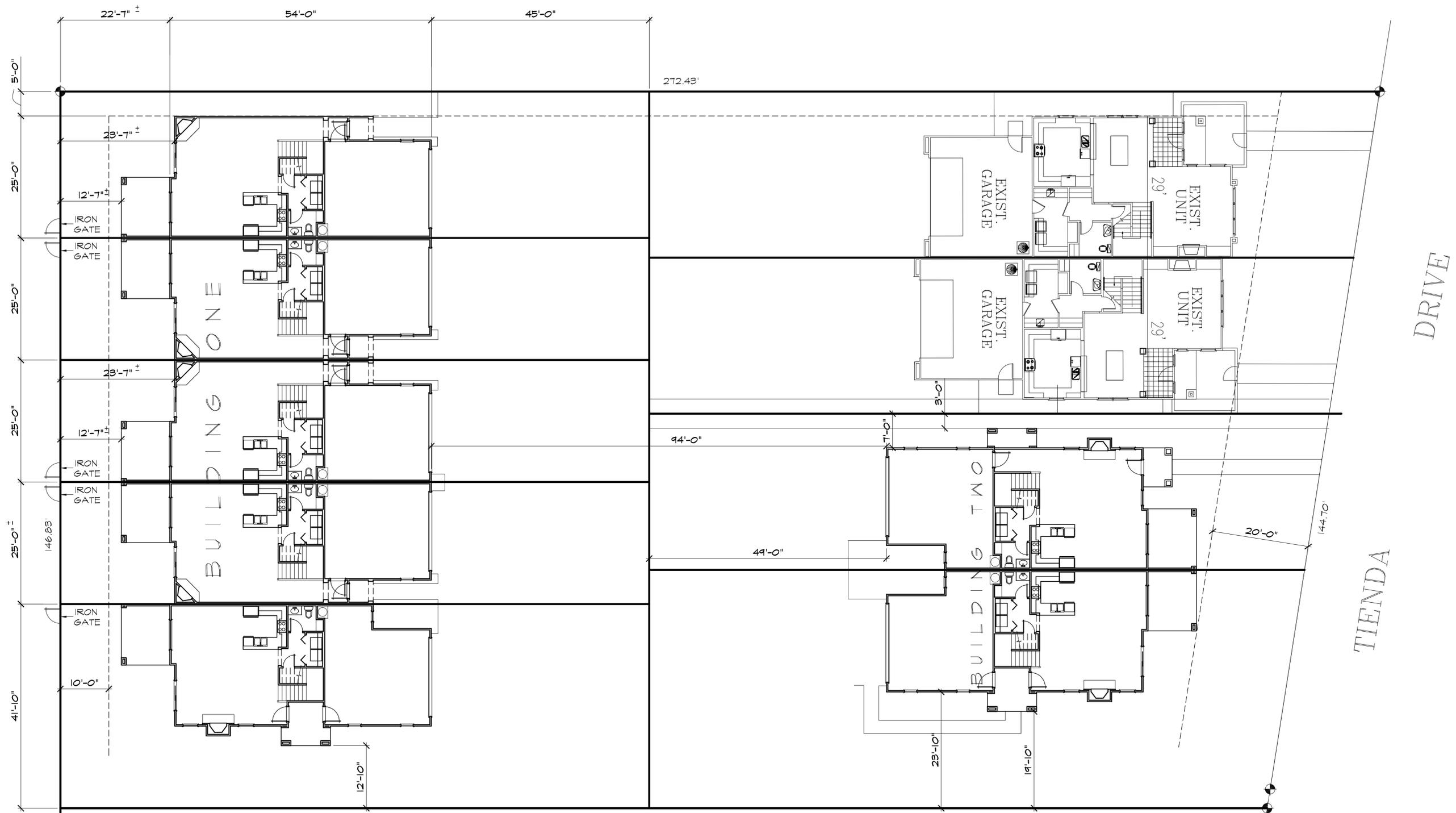
REVISIONS	BY

**JFH DESIGN**  
RESIDENTIAL DESIGN  
JUAN F. HERRERA  
(209) 470-4122

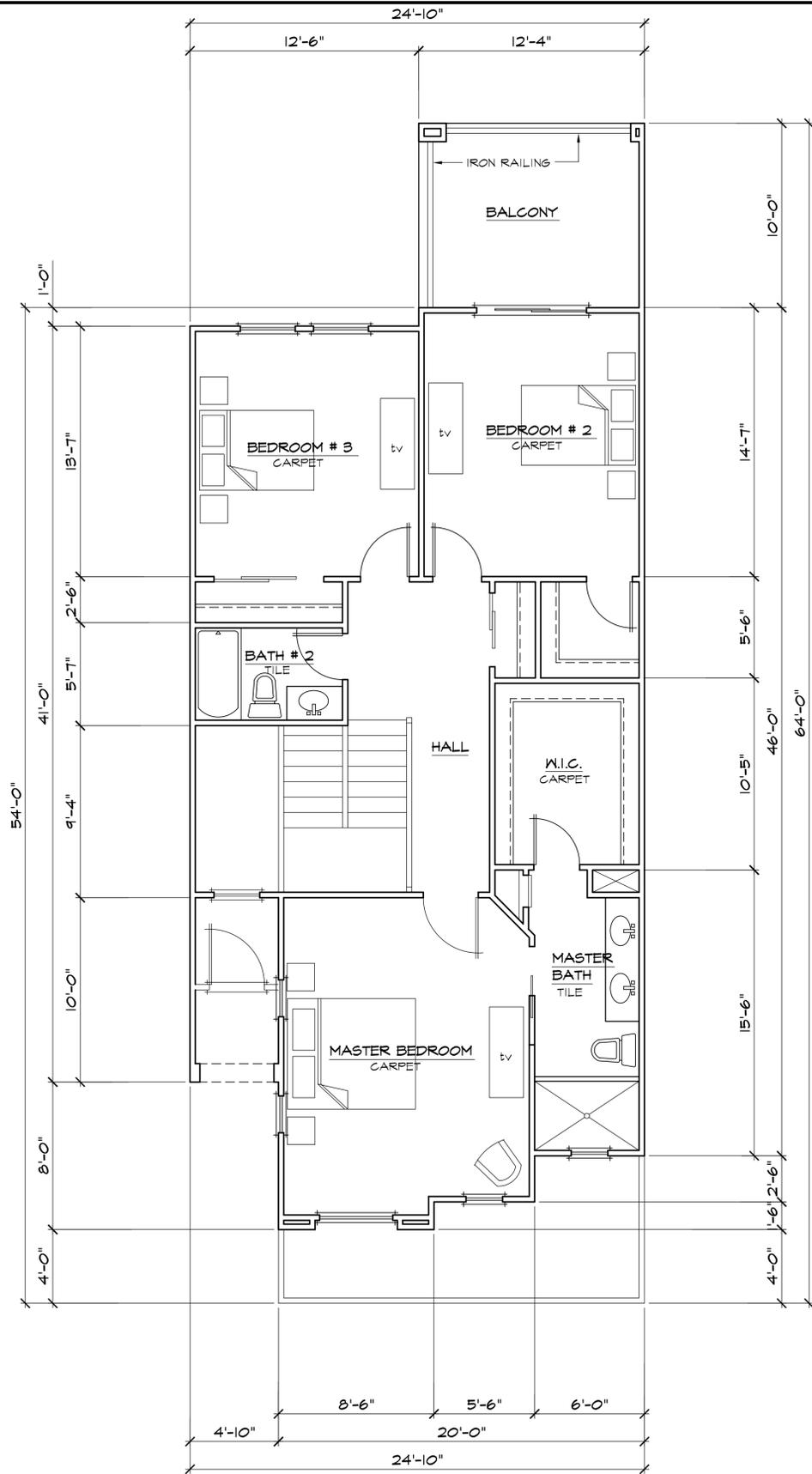
SITE PLAN

FLETCHER DEVELOPMENT, INC.  
SUNSET COTTAGES  
CITY OF LODI, CALIFORNIA

Date: 11-4-2014  
Scale: AS NOTED  
Drawn: HERRERA  
Job: 14-021  
Sheet: \_\_\_\_\_  
Of 10 Sheets

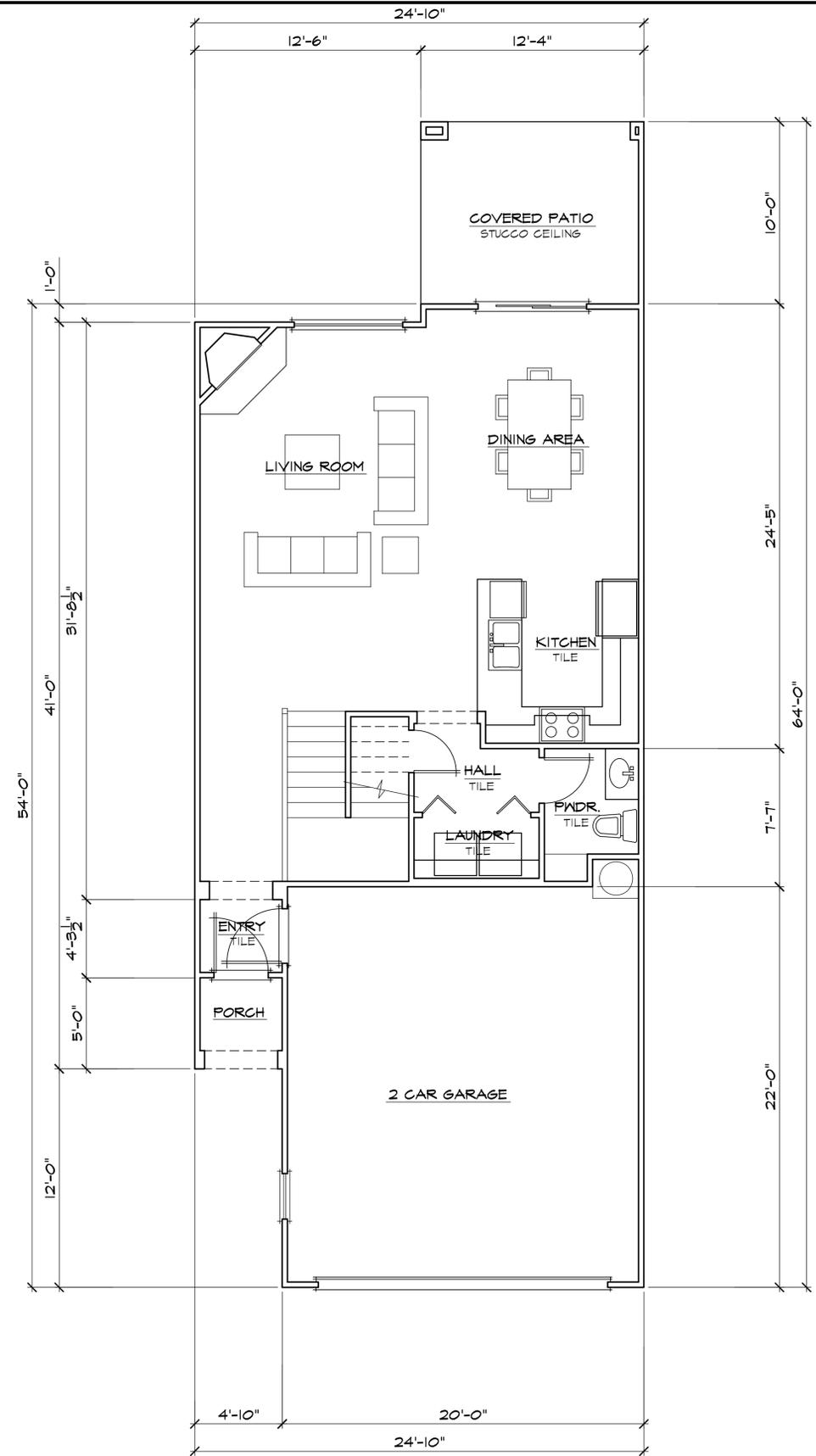


THIS DRAWING STRUCTURAL DESIGNS DISCLOSED THEREIN, AND THE TECHNICAL DATA INFORMATION REPRESENTED THEREBY ARE THE EXCLUSIVE PROPERTY OF JFH DESIGN, IT IS SUBMITTED IN CONFIDENCE AND SECRECY AND IS NOT TO BE REPRODUCED IN ANY MANNER OR DISCLOSED TO ANYONE ELSE WITHOUT EXPRESS WRITTEN CONSENT OF JFH DESIGN.



**SECOND FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"

FIRST FLOOR 804 SQ. FT.  
 SECOND FLOOR 918 SQ. FT.  
 TOTAL 1802 SQ. FT.



**FIRST FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"

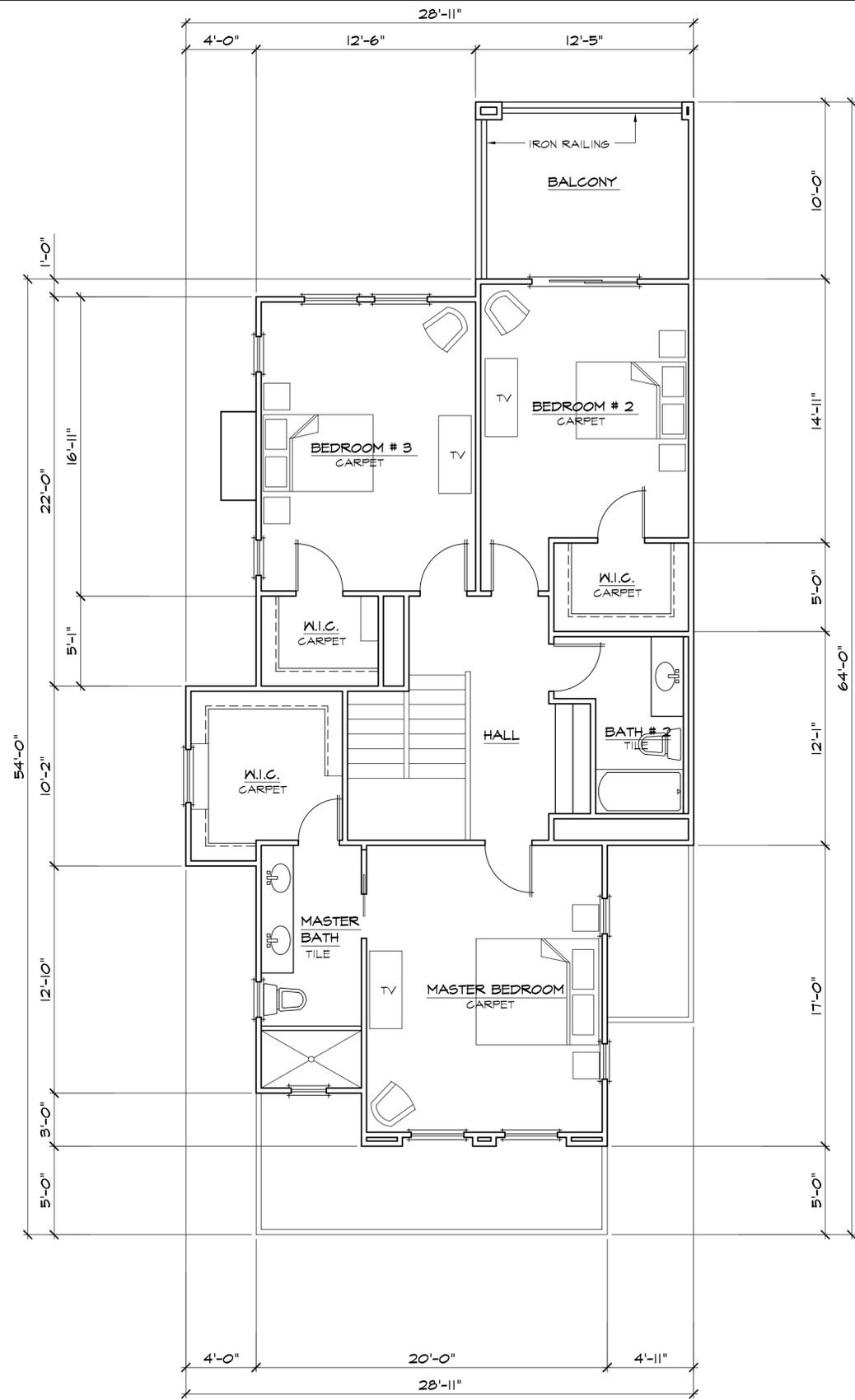
REVISIONS	BY

**JFH DESIGN**  
 RESIDENTIAL DESIGN  
 JUAN F. HERRERA (209) 470-4122

FLOOR PLAN

FLETCHER DEVELOPMENT, INC.  
 SUNSET COTTAGES  
 PLAN 1  
 CITY OF LODI, CALIFORNIA

Date:	11-4-2014
Scale:	AS NOTED
Drawn:	HERRERA
Job:	14-021
Sheet	4
Of 11	Sheets

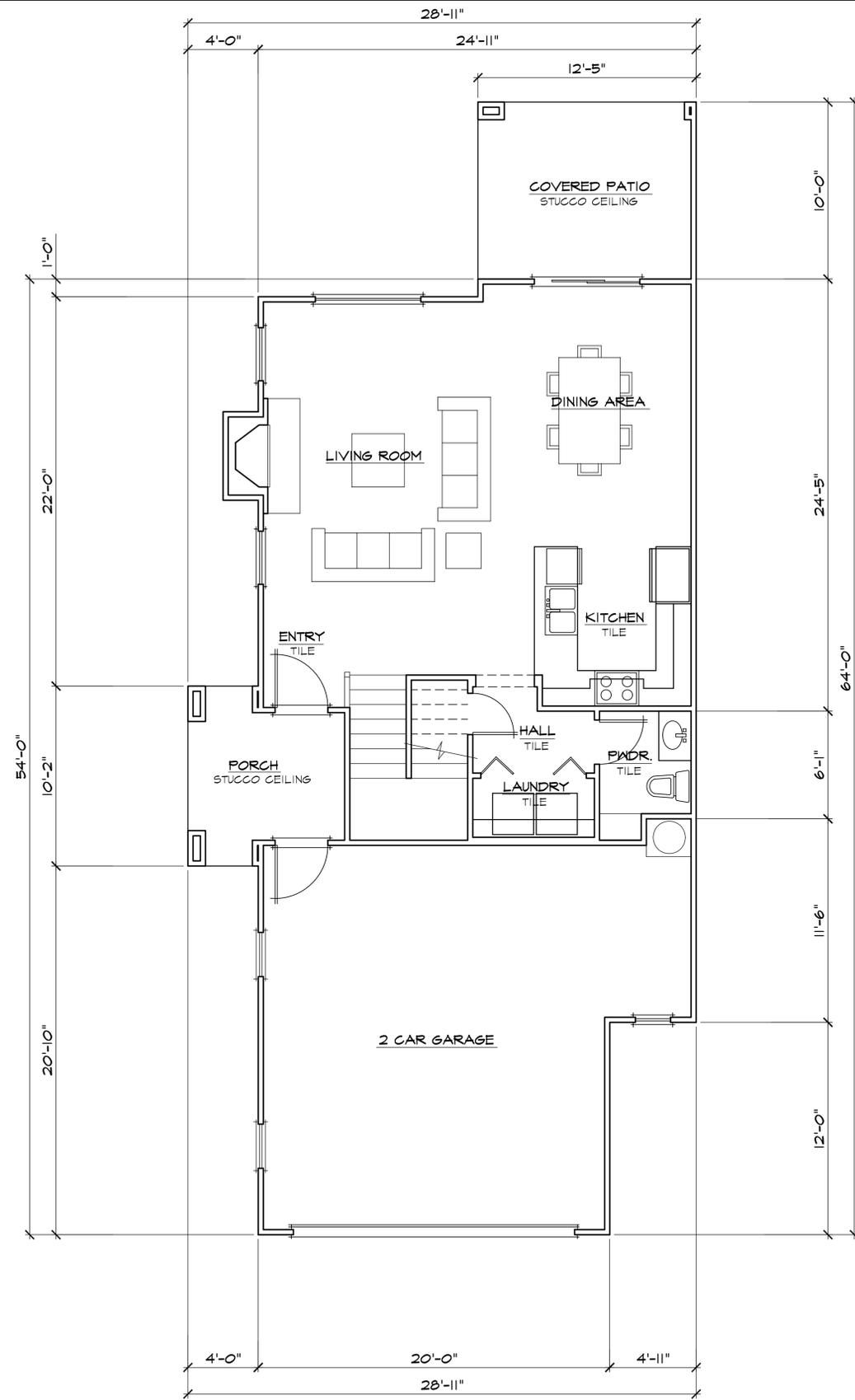


**SECOND FLOOR PLAN**

SCALE: 1/4" = 1'-0"

FIRST FLOOR  
SECOND FLOOR  
TOTAL

754 SQ. FT.  
1089 SQ. FT.  
1843 SQ. FT.



**FIRST FLOOR PLAN**

SCALE: 1/4" = 1'-0"

REVISIONS	BY

**JFH DESIGN**  
RESIDENTIAL DESIGN  
JUAN F. HERRERA (209) 470-4122

FLOOR PLAN

FLETCHER DEVELOPMENT, INC.  
SUNSET COTTAGES  
PLAN 2  
CITY OF LODI, CALIFORNIA

Date: 11-4-2014
Scale: AS NOTED
Drawn: HERRERA
Job: 14-021-2
Sheet <b>4</b>
Of 11 Sheets

FLETCHER DEVELOPMENT INC.  
SUNWEST COTTAGES



BUILDING ONE



BUILDING TWO



BUILDING TWO

**RESOLUTION NO. 14-XX**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF FRED BAKER FOR APPROVAL OF NINE LOT SUBDIVISION MAP AND ARCHITECTURAL REVIEW FOR SUNWEST COTTAGES, AT 2126, 2128 AND 2130 TIENDA DRIVE.**

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

**WHEREAS**, the project site is located at 2126, 2128 and 2130 Tienda Drive, Lodi, CA 95242. APN: 058-650-02, 03, 04 and 05

**WHEREAS**, the applicant is Brittany LLC., Mr. Fred Baker, 2375 Brittany Lane, Lodi, CA 95242; and

**WHEREAS**, the project properties owners of record are Brittany LLC., Mr. Fred Baker, 2375 Brittany Lane, Lodi, CA 95242; and

**WHEREAS**, the applicant, Mr. Fred Baker, has filed "Sunwest Cottages" Subdivision Map and Architectural Review Application with the City of Lodi; and

**WHEREAS**, City Council Resolution No. 2010-41 adopted by the City Council on April 7, 2010, approved the land use designation as Mixed Use Corridor, for the project site; and

**WHEREAS**, the City Council by Ordinance No. 1869, which became effective on March 21, 2013, granted Mixed Use Corridor for the project site; and

**WHEREAS**, the City Council by Resolution No. 2010-41, which became effective on April 7, 2010, certified an Environmental Impact Report (EIR), State Clearinghouse No. 20009022075, for the City of Lodi General Plan; and

**WHEREAS**, a copy of the Environmental Impact Report (EIR), State Clearinghouse No. 20009022075, is kept on file for public review within the Community Development Department by the Community Development Director at 221 West Pine Street, Lodi, CA; and

**WHEREAS**, the Subdivision Map contains .88 acres, 9 residential parcels and is consistent with the density ranges of the General Plan; and

**WHEREAS**, the Community Development Department did study and recommend approval of said request; and

**WHEREAS**, after due consideration of the project, the Planning Commission did conditionally approve the project; and

**WHEREAS**, the Planning Commission's recommendation is based upon the following findings and determinations:

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

2. The proposed design and improvement of the tentative subdivision, as conditioned, will conform to the standards and improvements mandated by the adopted City of Lodi Public Works Department Standards and Specifications, Zoning Ordinance, as well as all other applicable standards.
3. The standard size, shape and topography of the site is physically suitable for residential development proposed in that the site is generally flat and is not within an identified natural hazard area.
4. The site is suitable for the density proposed by the tentative subdivision map in that the site can be served by all public utilities and creates design solutions for storm water, traffic and air quality issues.
5. The standard design of the proposed tentative subdivision and the proposed improvements are not likely to cause substantial environmental damage or injure fish or wildlife or their habitat in that the site has been previously disturbed by agricultural activities and no significant environmental issues or concerns were identified through the Initial Study prepared for this development.
6. The design of the proposed tentative subdivision and type of improvements are not likely to cause serious public health problems in that all public improvements will be built per City standards and all private improvements will be built per the California Building Code.
7. The design of the proposed tentative subdivision and the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed tentative subdivision.
8. The subdivision is conditioned to construct public and private improvements thereby insuring that an adequate Level of Service is maintained on the roadways within the area.
9. The subdivision map allows for the orderly growth of Lodi in that the Land Use and Growth Management Element allows for the development of Medium Density Residential on the project site.
10. Said Subdivision map complies with the requirements of Title 17, Article 5 of the Lodi Development Code, governing subdivision maps.

**NOW, THEREFORE, BE IT DETERMINED AND RESOLVED** by the Planning Commission of the City of Lodi that Subdivision Map and SPARC Application No. 2014-39 is hereby approved, subject to the following conditions:

1. The property owner and/or developer and/or successors in interest and management shall, at their sole expense, defend, indemnify and hold harmless the City of Lodi, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include, but is not limited to, any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Lodi shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.
2. This recommendation for approval by the Planning Commission shall not constitute an authorization to begin any construction.
3. The developer shall comply with all the applicable requirements of the City's Community Development Department including Planning and Building Divisions; Public Works, Fire and Electric Utility Departments; and all other applicable local, state and federal agencies. It is the responsibility of the applicant to check with each agency for requirements that may pertain to the project.

4. The Tentative Map shall expire within 24 months of Planning Commission approval or a time extension must be granted by the Planning Commission.
5. The Final Map shall be in substantial conformance to the approved Tentative Map, as conditioned, and that any future development shall be consistent with applicable sections of the Municipal Code.
6. The developer shall install, on each residence, minimum four-inch high block style numbers for address identification. The numbers shall be in color that is contrasting to the background surface to which they are adhered and shall be readily visible from the street during the day and night. The construction drawings for the house plans shall identify the location of the address boxes or numbers on the house façades, along with a detail or keynote that describes how the house numbers will be illuminated or made identifiable from the street.
7. Meters, hydrants, poles, etc. shall be located clear of the sidewalk and driveways or as determined by the City Engineer. Final locations and the number of such facilities shall be determined at the time the improvement plans are reviewed.
8. All improvements, public and private, shall be designed and constructed in accordance with the most recent edition of the City Plans and all applicable state and local ordinances, standards and requirements. Should a conflict arise, the governing specification shall be determined by the City Engineer.
9. In accordance with the Growth Management and Infrastructure/Public Facilities Element of the City's General Plan, the environmental review prepared for this project, and the regulations of the applicable school districts, the Developer shall demonstrate that adequate provision is made for school facilities. To the extent permitted by law, this may include the payment of school facility mitigation fees adopted by the Lodi Unified School district, or alternative financial arrangements negotiated by agreement between the Developer and the applicable school districts.
10. The developer, in order to reduce tracking of mud throughout the City, shall be responsible for cleaning up or any expenses incurred by the City for cleaning up mud, debris, etc. from City streets that is attributed to this project during construction.
11. Construction activities shall be limited to the hours of 7:00 a.m. to 10:00 p.m. Monday through Sunday, consistent with the City's Ordinance.
12. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

#### City of Lodi Community Development – Planning

13. Sunwest Cottages project is approved subject to the exhibits included as part of the staff report Attachment B.

#### City of Lodi Fire Department

14. The developer shall comply with all applicable requirements of the California Fire Code and the adopted policies of the City of Lodi.
15. Fire apparatus access roads shall have an unobstructed width of not less than 24 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6 of the California Fire Code and an unobstructed vertical clearance of not less than 13 feet 6 inches. (Ord. No. 1840, § 1, 11-17-2010)
16. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend within 150 feet (45,720 mm) of all portions of the facility and all portions of the exterior walls of the first

story of the building as measured by an approved route around the exterior of the building or facility.

17. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

#### City of Lodi 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 common wall between townhomes shall be a minimum 1 hour rated, and the wall shall extend from foundation to roof sheathing. 2013 CRC, Section 302.2
20. The 1 hour rated wall between townhomes shall have a 1 hour rated parapet, which is a minimum 30" above the roof surface and shall have non-combustible faces for the uppermost 18" including counter flashing and coping materials. Or the plans will show that structure meets one of the exceptions of Section R302.2.2. 2013 CRC, Sections R302.2.2, R302.2.3
21. Dwellings in the two family condominium units shall be separated by a 1 hour wall assembly from foundation to roof sheathing. The property line is designated as the common wall between the units. The existing duplexes which will be converted to condominiums shall be retrofitted for the 1 hour wall separation. 2013 CRC, Section R302.1
22. Exterior walls located less than 3' from the property line are required to be 1 hour fire rated (sprinklered structures). 2013 CRC, Section R302.1, Table R302.1 (2)
23. Projections, including eaves 2' -3' from the property line are required to be 1 hour rated from the underside (sprinklered structures). 2013 CRC, Section R302.1, Table R302.1 (2)
24. Openings (windows, etc.) not allowed in walls less than 3' from the property line (sprinklered structures). 2013 CRC, Section R302.1, Table R302.1 (2)
25. All new townhomes, and one and two family dwellings are required to be equipped with automatic fire sprinkler systems. 2013 CRC, Section R313
26. Dwelling units in a building consisting of 3 or more dwelling units or four or more condominiums units (Building One) shall meet the requirements of the California Building Code, Chapter 11A. Dwelling units within a single structure separated by firewalls do not constitute separate buildings. 2013 CRC, Section R320.1
27. Of the required building (Building One), all ground floor dwelling units in a non-elevator building shall be adaptable and on an accessible route, unless an accessible route is not required as determined by site impracticality provisions in Section 1150A. The Site Plan appears to show lot 9 only with an accessible route to the public way. 2013 CRC, Section 1104A1.
28. Of the required building (Building One) the private attached garages shall be made accessible by one of the options listed by the exception to Section 1109A.2.1. The simplest option is an accessible door from the garage to dwelling with level landing and maneuvering clearances on both sides of the door. 2013 CBC, Section 1109A.2.1
29. 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 1112A or 1114A as appropriate. 2013 CBC Sections 1110A, 1112A, 1113A, 1114A

## City of Lodi 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 parcel map filing unless noted otherwise.

30. The submitted map application does not contain the contents required to qualify for vesting in accordance with the City of Lodi Development Code 17.52.120.
31. Parcels shall be served by a public water main and private wastewater and storm drain mains extending from the shared accessway located east of Lots 1 and 9. All utilities, public and private, shall be designed in accordance with City of Lodi design standards and specifications or the current Uniform Building Code.
32. Dedication of utility easements as required by the various utility companies and the City of Lodi, including, but not limited to, the following:
  - a) Public utility easement having a minimum width of 10 feet for existing 4-inch diameter public water main only.
  - b) Private storm drain easement having a minimum width of 10 feet overlying all private storm drain facilities serving more than one lot.
  - c) Private wastewater easement having a minimum width of 10 feet overlying all wastewater facilities serving more than one lot.
33. Dedication of a 25' wide (minimum) Non-Exclusive Egress and Ingress Easement along the common boundaries of Lots 1 through 9 shall be dedicated for the purposes of access only and be exclusive of public utilities. Said access easement shall be to the approval of the Public Works Department, Community Development Department and Fire Department.
34. Abandonment/removal of wells, septic systems and underground tanks in conformance with applicable City and County requirements and codes.
35. In order to assist the City of Lodi in providing an adequate water supply, the Owner/Developer on behalf of itself, its successors and assigns, shall enter into an agreement with the City that the City of Lodi be appointed as its agent for the exercise of any and all overlying water rights appurtenant to the proposed parcels, and that the City may charge fees for the delivery of such water in accordance with City rate policies. In addition, the agreement shall assign all appropriative or prescriptive rights to the City. The agreement will establish conditions and covenants running with the land for all lots within the boundaries of the parcel map and provide deed provisions to be included in each conveyance.
36. Submit final map per City and County requirements including the following:
  - a) Preliminary title report.
  - b) Waiver of vehicle access rights at Tienda Drive except at the proposed driveway entrance to the shared access roadway along the east boundary of Lots 1 and 9.
  - c) Final Map Guarantee

The following items are conditions of approval for the tentative parcel map, but may be deferred until the time of development of the first parcel.

37. Engineered improvement plans and cost estimate shall be submitted for approval per City Public Improvement Design Standards for all public improvements and private wastewater and storm drainage improvements prior to final map filing. Plan submittal to include:

- a) Detailed public improvement plans, including engineering calculations, for all phases of the development.
  - i) The public water main shall be extended through the site to provide domestic service and fire hydrants as required by the Fire Department. Separate water services in conformance with Standard Plan 414 shall be provided for each parcel – served from the existing 4-inch diameter public water main.
  - ii) The on-site sewer main shall be private and be provided from the existing public wastewater manhole adjacent to the southeast corner of Lot 1. Separate wastewater services in conformance with Standard Plan 414 shall be provided for each parcel.
  - iii) Remove and replace existing commercial driveway on Tienda Drive if determined non-compliant with ADA standards.
  - iv) All frontage improvements including but not limited to curb gutter and sidewalk along Tienda Drive frontage within the project limits in accordance with City Standards.
  - v) Street tree planting plan for parkway strip along lot frontages. Requires approval of the Community Development Director.
- b) The on-site storm drain system shall be private and shall be provided from the existing 15" SD located in the shared access roadway along the east boundary of the proposed subdivision. Developer to demonstrate existing valley gutter and surface drain inlet will accommodate the additional storm water runoff associated with the completed development plan.
- c) Current soils report. If the soils report was not issued within the past three (3) years, provide an updated soils report from a licensed geotechnical engineer.
- d) Grading, drainage and erosion control plan. All utilities, including street lights and electrical, gas, telephone and cable television facilities.
- e) Joint Trench plans.

A complete plan check submittal package, including all the items listed above plus the Map/Improvement Plan Submittal cover letter, Improvement Plan Checklist and engineering plan check fees, is required to initiate the Public Works Department plan review process for the engineered improvement plans.

38. Copy of Notice of Intent for NPDES permit, including storm water pollution prevention plan (SWPPP) as required by current State storm water regulations. If SWPPP is not required, an erosion control plan shall be included with the improvement plan submittal.

Installation/relocation as necessary of all public and private utilities and street improvements within the limits of the map and off-site improvements.

All public improvements to be installed under the terms of an improvement agreement to be approved by the City Council.

39. Project design and construction shall be in compliance with applicable terms and conditions of the City's Stormwater Management Plan (SMP) and Development Standard Plan (DSP); project shall employ the Best Management Practices (BMPs) identified in the SMP for projects deemed complete for processing by July 1, 2015.

If the project is not deemed complete for processing by July 1, 2015, the City shall require the most current Post-Construction Standards be applied on applicable new and redevelopment Regulated Projects, both private development requiring municipal permits and public projects, to the extent allowable by applicable law.

40. 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, including construction and post construction storm drain inspection fees.
- b) Development Impact Mitigation Fees per the Public Works Fee and Service Charge Schedule at certificate of occupancy.
- c) Regional Transportation Impact Fee (RTIF) at the time of building permit issuance.
- d) Stormwater compliance inspection fee prior to map filing or commencement of construction operations, whichever is first.
- e) Annexation into the City of Lodi Community Facilities District – Estimated at \$5,000.
- f) Reimbursement fees per existing agreements:
- i) Fees for RA99-108 (Kettleman Lane Lift Station) were paid in full on June 28, 2007.

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 collection indicated above.

41. Obtain the following permits:

- a) San Joaquin County well/septic abandonment permit if needed.
- b) Grading Permit issued from the City of Lodi Building Department.
- c) Encroachment Permit issued from the City of Lodi Public Works Department for any work within the public right of way or on existing public water, wastewater and storm drain infrastructure.

42. Verification must be provided showing that the fire engines, garbage trucks, and buses can navigate the proposed private street(s).

43. All public improvements shall be installed within one year of final map filing under the terms of an improvement agreement to be approved by the City Council prior to final map filing. The Developer will be required to provide to the City acceptable security to guarantee the construction of the public improvements. Prior to acceptance of the improvements, a warranty security in the amount of 10% of the value of the public improvements shall be provided to the City. The warranty period will be two (2) years, commencing on the date of acceptance of the public improvements.

44. Verification must be provided showing that the fire engines, garbage trucks, and buses can navigate the proposed private street(s).

45. All public improvements shall be installed within one year of final map filing under the terms of an improvement agreement to be approved by the City Council prior to final map filing. The Developer will be required to provide to the City acceptable security to guarantee the construction of the public improvements. Prior to acceptance of the improvements, a warranty security in the amount of 10% of the value of the public improvements shall be provided to the City. The warranty period will be two (2) years, commencing on the date of acceptance of the public improvements.

46. Covenants, conditions and restrictions (CC&Rs) for the project shall be provided to the Community Development Department for review and approval prior to recordation of the final map. CC&Rs shall contain appropriate mechanisms for the permanent ongoing maintenance of areas, including but not limited to common landscaping, roofs, shared

exterior walls and treatments (including color pallets), and shared drives. CC&Rs shall include appropriate mechanisms to assess and collect assessments for said maintenance and the ability to enforce adherence to the CC&Rs. CC&Rs shall clearly provide that the homeowner is responsible for compliance of CC&Rs and also responsible and liable for any renter's violations of the CC&Rs. The CC&Rs shall also discuss guest parking and garbage pick-up. Following approval of the CC&Rs by staff, the CC&Rs shall be recorded concurrent with the final map.

**Dated: December 10, 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 December 10, 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:** December 10, 2014

**APPLICATION NO:** Use Permit: 2014-40 U  
(Previous files 13-U-07 and 13-SP-03)

**REQUEST:** Request for Planning Commission approval of a Use Permit to allow self-storage facility expansion at 515 South Lower Sacramento Road. (Applicant: Kristmont West, LLC; File 2014-40 U; CEQA Determination: Exempt per Section 15332)

**LOCATION:** 515 South Lower Sacramento Road  
APN 027-400-09

**APPLICANT:** ThomasTown Builders Inc.  
c/o Mr. Ryan Smith  
11711 Quartz Drive  
Auburn, CA 95602

**PROPERTY OWNER:** Kristmont West, LLC  
c/o Mr. Mark Enos  
7700 College Town Drive, Suite 111  
Sacramento, CA 95826

**RECOMMENDATION**

Staff recommends that the Planning Commission approve the Use Permit request of Westgate Shopping Center, LLC to allow a self-storage facility expansion at 515 South Lower Sacramento Road, subject to the conditions in the attached draft resolution.

**PROJECT/AREA DESCRIPTION**

**General Plan Designation:** Commercial  
**Zoning Designation:** PD (35) Planned Development  
**Property Size:** 9.3 acres

The adjacent zoning and land use characteristics:

	ADJACENT ZONING DESIGNATIONS AND LAND USES		
	GENERAL PLAN	ZONING CLASSIFICATION	EXISTING LAND USE
<b>North</b>	Low Density Residential	PD (42) Planned Development	Rose Gate Subdivision
<b>South</b>	Commercial	PD (16) Planned Development	Church / schools
<b>East</b>	Low Density Residential	Low Density Residential	Low Density Residential
<b>West</b>	Medium and High Density Residential	PD (42) Planned Development	Vacant farmland

## **BACKGROUND**

The Kristmont West Shopping Center has been operating at its present location since before the property was annexed to the City in approximately 1966. In 2000, the property owner applied for a Zoning Amendment to change the zoning to Planned Development (PD). The underlying zoning designation is General Commercial. The property in question was designated at that time to be used as a mini-storage facility.

In 2003 the SPARC approved the development of a storage facility (SP-03-01) of approximately 81,800 square feet, 78,355 square feet for the storage units, and 3,482 square feet for the office/manager's residence. The project architecture is consistent with the overall Raley's shopping center.

In October 2014, the Planning Commission approved a Use Permit for existing Suite 315 (18,137 square feet). The Use Permit allows Vista Oaks Charter School to occupy 11,495 square feet and a self-storage facility to utilize 6,642 square feet with 70 storage units of various sizes.

## **REQUEST**

ThomasTown Builders Inc. / Kristmont West, LLC are proposing to build a 30,410 sq. ft. addition to the West Lodi Storage project. The proposal is comprised of three buildings to the south of the Raley's shopping center and existing self-storage facility. Building 1 is U-shaped and 18,000 sq. ft. in size. Building 2 is 8,800 sq. ft. and Building 3 is 3,590 sq. ft. and connects to the existing storage center.

The proposed architecture is consistent with the existing storage facility and blends in with the Raley's shopping center.

The proposed storage buildings are 11 ft. in height with increased height at the north-east corner. The exposed wall is masonry with cement plaster finish. Landscaping is along the north, east and south elevations.

The applicant has indicated that the existing West Lodi Self Storage is at approximately 99.5% occupancy and customers are turned away that need self-storage. The storage facility will provide additional supply for the growing west side of Lodi.

- The expansion area will be managed by the West Lodi Self Storage operator.
- The facility will be able to be accessed 24 hours a day with a key card system for safety and security purposes.
- Storage area is accessed from existing storage center.
- Office Hours: 9:00 am – 5:00 pm, 7 days per week.
- Storage Users shall not use the premises for the storage of illegal substances, perishable or food items, explosives, paint, varnish, thinner, gasoline and/or other highly flammable materials.

## ANALYSIS

Staff has been working with the applicant to make sure that the Westgate / Raley's shopping center provides the services that the citizens of Lodi need on the west side of the community.

For this center, finding retail users that help grow the center has been difficult with changes in the economy and the need for brick and mortar tenant space. The existing 10 year lease with Raley's also limits competing businesses within the shopping center.

With the growth and development of other regional centers in Lodi, the need for larger retail space has diminished. The City is committed to ensuring that retail space and sales tax remain available for future growth of this center.

The applicant is proposing to expand the storage facility along the western edge of the property and in line with the Raley's building. This leaves commercial space along Lower Sacramento Road and to the south along the eventual extension of Tokay. The storage center will occupy harder to lease and develop areas of the property.

Staff supports the applicants request and proposed tenants at the Westgate Shopping Center.

The discretionary Use Permit procedure enables Planning and other city staff to impose conditions designed to avoid, minimize or mitigate potentially adverse effects of a certain use upon the community or other properties in the vicinity. Staff believes that the Planning Commission can make the required findings, in accordance with Lodi Development Code § 17.40.040(F), 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 existing Westgate Shopping Center is zoned PD (35), the underlying designation is general commercial. A school and storage facility are allowed subject to a use permit in this zone. The project has been conditioned to be consistent with the zoning code and the use will not be detrimental to the welfare of persons or properties working, residing, or otherwise existing in the adjacent neighborhood areas.
2. *The proposed use is consistent with the General Plan and any applicable specific plan.* **Comment:** The General Plan land use designation for the project site is Commercial, which permits the proposed use. The conditions for the restriction of the conditional use are consistent with the General Plan, will not affect neighborhood compatibility; and will not cause the operation of the conditional use to be detrimental to the welfare of persons or properties working, residing, or otherwise existing in the adjacent neighborhood areas.
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 change to the site and the proposed use is consistent with the Zoning Code and the General Plan policies. As such, the subject site is adequate in size and shape to accommodate the proposed use within a commercial area with all the required off-street parking provided on the subject site. Further, the project will not have a negative effect on the public health, safety, or welfare; or be materially injurious to persons, properties or improvements in the vicinity.

4. *The location, size, design, and operating characteristics of the proposed use is compatible with the existing and future land uses in the vicinity.* **Comment:** The existing use complies with all requirements as set forth for the issuance of a Use Permit, in that the site is adequate in size, shape and topography for the proposed use, consisting of an existing building. Second, the site is located in a commercial area that is accessible from public streets. Existing street networks are adequate in size and shape to accommodate the quantity and quality of traffic generated by the proposed use without any significant impacts to the street system. 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 facility and no expansion is proposed.
  
5. *The proposed project is in compliance with the California Environmental Quality Act (CEQA) and the Lodi Environmental Review Guidelines.* **Comment:** The project qualifies for a CEQA Categorical Exemption, Section 15332, In-Fill Development Project, Class 32. The project is consistent with the General Plan, is located in the City limits, is less than 5-acres in size and is surrounded by existing urban uses. The project site is not a habitat for any rare or endangered species of plant or wildlife, and the project will not create a significant environmental impact. The project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and the site of the proposed project can be adequately served by all required utilities and public services.

Staff believes the Commission can make the required findings to approve the Use Permit as proposed. In staff's opinion, the proposed modification would not produce any adverse impacts on the adjacent properties in terms of noise, parking, litter, disorderly behavior, or other objectionable influences. If, in the future, concerns arise, and the Director/Police Department determines it necessary, the Use Permit can be subject to review by the Planning Commission to consider the business's operation for compliance with the conditions of the Use Permit.

#### **ENVIRONMENTAL ASSESSMENT:**

The project is found to be categorically exempt from CEQA review under 14 CCR §15332. Class 32 consists of In-Fill Development Projects. The project is consistent with the General Plan, is located in the City limits, is less than 5-acres in size and is surrounded by existing urban uses. The project site is not a habitat for any rare or endangered species of plant or wildlife, and the project will not create a significant environmental impact. The project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and the site of the proposed project can be adequately served by all required utilities and public services.

#### **PUBLIC HEARING NOTICE:**

Legal Notice for the Use Permit was published in the Lodi News Sentinel on Saturday, November 22, 2014. Eighteen (18) public hearing notices were sent to all property owners of record within a 300-foot radius of the project site as required by California State Law §65091 (a) 3. Public notice also was mailed to interested parties who expressed their interest of the project.

#### **RECOMMENDED MOTIONS**

Should the Planning Commission agree with staff's recommendation, the following motion is 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 15332, and adopt a Resolution approving the Use Permit to allow the expansion of a self-storage space at 515

South Lower Sacramento Road 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  
Community Development Director

**ATTACHMENTS:**

- A. Vicinity / Aerial Map
- B. Applicant's Request with floor plans
- C. Draft Resolution

# VICINITY MAP



**Lodi Ave and South Lower Sacramento Road**

WESTGATE SHOPPING CENTER, LLC  
7700 COLLEGE TOWN DRIVE, SUITE 101  
SACRAMENTO, CA. 95826

---

November 24<sup>th</sup>, 2014

Mr. Craig Hoffman  
City of Lodi – Community Development  
221 West Pine Street  
P.O. Box 3006  
Lodi, CA. 95241-1910

Re: 2650 W. Lodi Avenue, Conditional Use Permit

Dear Mr. Hoffman,

Please find enclosed Kristmont West Inc.'s ("Kristmont") application for a Conditional Use Permit ("CUP") at our property located at 2650 W. Lodi Avenue, Lodi, CA. The CUP consists of a +/- 30,686 Square Footage expansion of the West Lodi Self Storage ("WLSS") Facility.

Kristmont requests the City of Lodi to grant a CUP for WLSS to expand its facility +/- 30,686 Square Feet and 7 RV Stalls on its adjacent vacant land. The expansion will be connected to the existing WLSS to the south and will include construction of an additional exit gate. The entrance to the WLSS expansion will be the same entrance used for the existing facility and as you can tell from the site plan, the expansion flows with the existing facility.

WLSS is currently 99.6% occupied and the operators are turning away people every day that wish to lease storage space. There is a high demand for self storage in this area, which is currently not being met. Moreover, with the commencement of the Rosegate housing development adjacent to our property, we feel this demand will only increase.

We have enclosed architectural plans detailing the layout and look of the expansion. As you can tell, we will be maintaining a consistent look with both the existing WLSS, and the adjacent Westgate Shopping Center. This plans include landscaping improvements on the south wall to be consistent with the Westgate Shopping Center. We feel this is a cohesive use with the surrounding uses and will be attractive to the surrounding neighborhoods.

We look forward to your review of our application and please feel free to contact me should you have any questions or comments.

Sincerely,

Westgate Shopping Center, LLC, a California limited liability company  
By: Kristmont West, a California corporation

By:

  
MARK GNES



11711 Quartz Dr.  
Auburn, Ca 95602

(530) 886-8558 Office

(530) 886-8147 Fax

[www.norcalselfstorages.com](http://www.norcalselfstorages.com)

[ryan@norcalselfstorages.com](mailto:ryan@norcalselfstorages.com)

November 13, 2014, 2014

AKT Development  
Att: Joshua Stark  
7700 College Town Drive #101  
Sacramento, CA 95826

RE: West Lodi Self Storage Occupancy History

Mr. Stark,

The purpose of this letter is to show the history of occupancy at West Lodi Self Storage. For the past 3 years we have been at or above 99.5% occupancy. I have attached along with this letter a report that shows the last 12 months occupancy for each unit size. After reading the report you can see all of our unit sizes have been at capacity. On average we turn away between one and three prospective tenants a day because we do not have any units available. There is a great demand for more storage space especially on the west end of town, also taking into account the future growth anticipated around the facility. We would like to expand the facility with new construction to add more units to the project. I hope this report and letter helps demonstrate the need for more storage space at West Lodi Self Storage.

Best

*Ryan T. Smith*

Ryan Smith  
Property Manager

# Occupied History

## Friday, November 21, 2014

West Lodi Self Storage, 2650 West Lodi Ave, Lodi CA 95242

### Total Occupied as of the End of Each Month

Unit Type: 10x10i

Size	Area	Total Units	Occupied	Nov 2014	Oct 2014	Sep 2014	Aug 2014	Jul 2014	Jun 2014	May 2014	Apr 2014	Mar 2014	Feb 2014	Jan 2014	Dec 2013	Nov 2013	Oct 2013
10.0x10.0	100.0	139	99.3 %	138	136	139	139	139	137	138	139	139	135	138	139	138	139
		139		138	136	139	139	139	137	138	139	139	135	138	139	138	139

Unit Type: 10x15

Size	Area	Total Units	Occupied	Nov 2014	Oct 2014	Sep 2014	Aug 2014	Jul 2014	Jun 2014	May 2014	Apr 2014	Mar 2014	Feb 2014	Jan 2014	Dec 2013	Nov 2013	Oct 2013
10.0x15.0	150.0	118	100.0 %	118	116	118	117	117	118	118	118	117	118	112	113	112	111
		118		118	116	118	117	117	118	118	118	117	118	112	113	112	111

Unit Type: 10x20

Size	Area	Total Units	Occupied	Nov 2014	Oct 2014	Sep 2014	Aug 2014	Jul 2014	Jun 2014	May 2014	Apr 2014	Mar 2014	Feb 2014	Jan 2014	Dec 2013	Nov 2013	Oct 2013
10.0x20.0	200.0	76	100.0 %	76	76	76	76	76	76	75	76	76	76	75	76	76	76
		76		76	76	76	76	76	76	75	76	76	76	75	76	76	76

Unit Type: 10x25

Size	Area	Total Units	Occupied	Nov 2014	Oct 2014	Sep 2014	Aug 2014	Jul 2014	Jun 2014	May 2014	Apr 2014	Mar 2014	Feb 2014	Jan 2014	Dec 2013	Nov 2013	Oct 2013
10.0x25.0	250.0	21	100.0 %	21	21	21	21	21	21	21	21	20	21	21	21	21	21
		21		21	21	21	21	21	21	21	21	20	21	21	21	21	21

Unit Type: 10x30

Size	Area	Total Units	Occupied	Nov 2014	Oct 2014	Sep 2014	Aug 2014	Jul 2014	Jun 2014	May 2014	Apr 2014	Mar 2014	Feb 2014	Jan 2014	Dec 2013	Nov 2013	Oct 2013
10.0x30.0	300.0	24	100.0 %	24	24	24	24	24	24	24	24	24	23	24	24	24	22
		24		24	24	24	24	24	24	24	24	24	23	24	24	24	22

Unit Type: 12x30

Size	Area	Total Units	Occupied	Nov 2014	Oct 2014	Sep 2014	Aug 2014	Jul 2014	Jun 2014	May 2014	Apr 2014	Mar 2014	Feb 2014	Jan 2014	Dec 2013	Nov 2013	Oct 2013
12.0x30.0	360.0	26	100.0 %	26	26	25	26	26	26	26	26	26	26	26	25	26	26
		26		26	26	25	26	26	26	26	26	26	26	26	25	26	26

Unit Type: 5x10

Size	Area	Total Units	Occupied	Nov 2014	Oct 2014	Sep 2014	Aug 2014	Jul 2014	Jun 2014	May 2014	Apr 2014	Mar 2014	Feb 2014	Jan 2014	Dec 2013	Nov 2013	Oct 2013
5.0x10.0	50.0	24	100.0 %	24	24	23	24	24	24	24	24	24	24	24	23	24	23
		24		24	24	23	24	24	24	24	24	24	24	24	23	24	23

Unit Type: 5x15

Size	Area	Total Units	Occupied	Nov 2014	Oct 2014	Sep 2014	Aug 2014	Jul 2014	Jun 2014	May 2014	Apr 2014	Mar 2014	Feb 2014	Jan 2014	Dec 2013	Nov 2013	Oct 2013
5.0x15.0	75.0	4	100.0 %	4	4	4	4	4	4	4	4	4	4	4	4	4	4
		4		4	4	4	4	4	4	4	4	4	4	4	4	4	4

Unit Type: 5x5

Size	Area	Total Units	Occupied	Nov 2014	Oct 2014	Sep 2014	Aug 2014	Jul 2014	Jun 2014	May 2014	Apr 2014	Mar 2014	Feb 2014	Jan 2014	Dec 2013	Nov 2013	Oct 2013
5.0x5.0	25.0	34	100.0 %	34	34	33	32	34	33	33	31	34	34	33	33	34	34
		34		34	34	33	32	34	33	33	31	34	34	33	33	34	34

# Occupied History

## Friday, November 21, 2014

Total	466	465	461	463	463	465	463	463	463	464	461	457	458	459	456
	Nov 2014	Oct 2014	Sep 2014	Aug 2014	Jul 2014	Jun 2014	May 2014	Apr 2014	Mar 2014	Feb 2014	Jan 2014	Dec 2013	Nov 2013	Oct 2013	
<b>Occupied: Start of Month</b>	461	463	463	465	463	463	463	464	461	457	458	459	456	453	
<b>Rented During Month</b>	6	10	13	9	14	11	10	14	14	19	14	10	12	14	
<b>Vacated During Month</b>	2	12	13	11	12	11	10	15	11	15	15	11	9	11	
<b>Net Change</b>	4	-2	0	-2	2	0	0	-1	3	4	-1	-1	3	3	
<b>Occupied: End of Month</b>	465	461	463	463	465	463	463	463	464	461	457	458	459	456	

### Explanation

- (1) Total Units include rentable and unrentable units as of the report date.
- (2) Move-Ins and Move-Outs do not include transfers.

EXISTING RETENTION BASIN  
2.35 ACS.

3,590 SF

EXISTING  
STORAGE AREA

EXISTING STORAGE FACILITY

8,800 SF

18,296 SF

30,686 SF TOTAL

AVAILABLE  
16,393 SF

**RALEY'S**  
(EXISTING)  
62,832 SF

FUTURE  
SHOPS 2  
5,632 SF

(E) SHOPS 1  
6,000 SF

(E) PAD B  
6,000 SF

(E) PAD A  
6,000 SF

(E) GAS STATION

WID CANAL

WID CANAL

LODI AVENUE

18" Tree

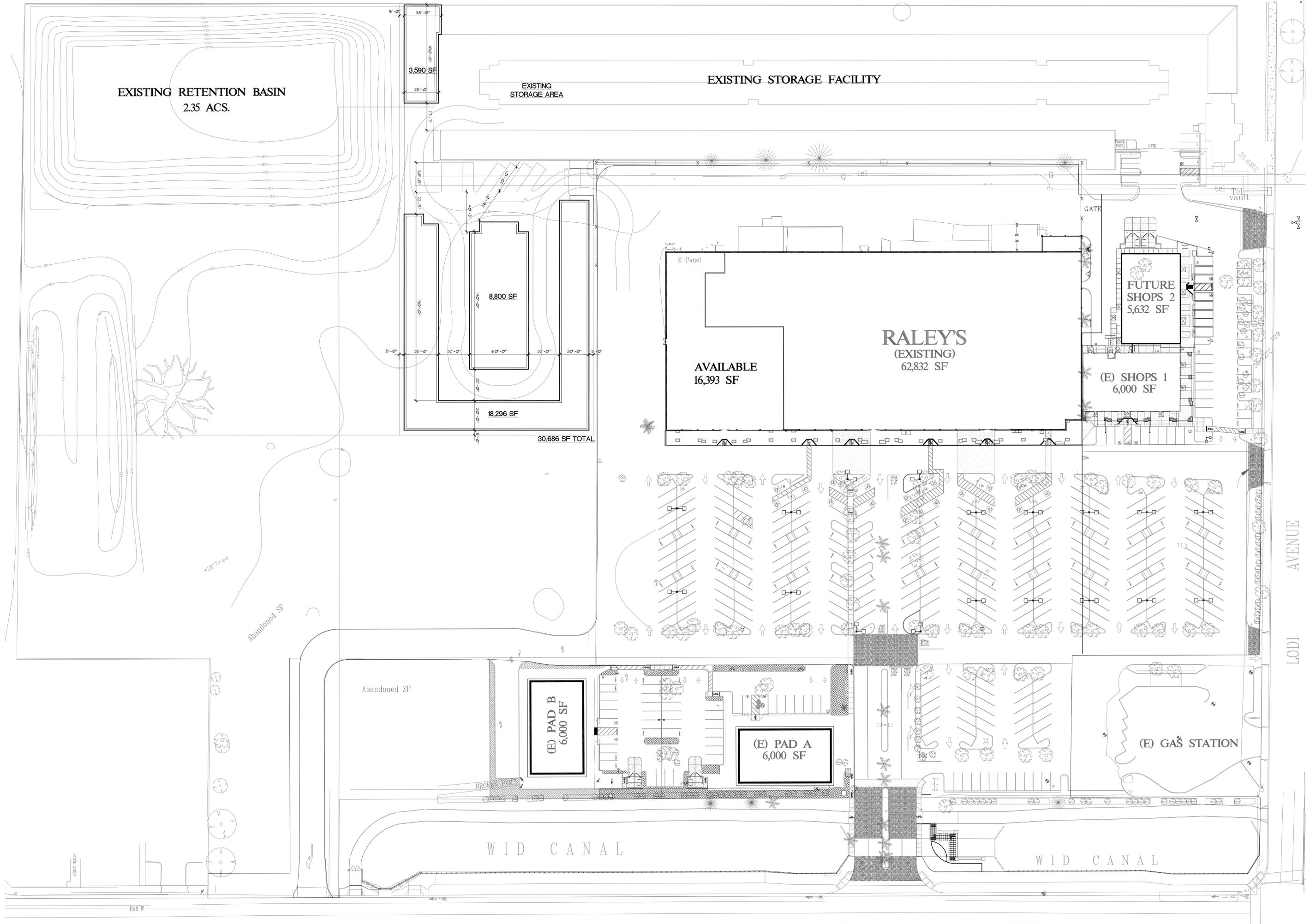
Abandoned SP

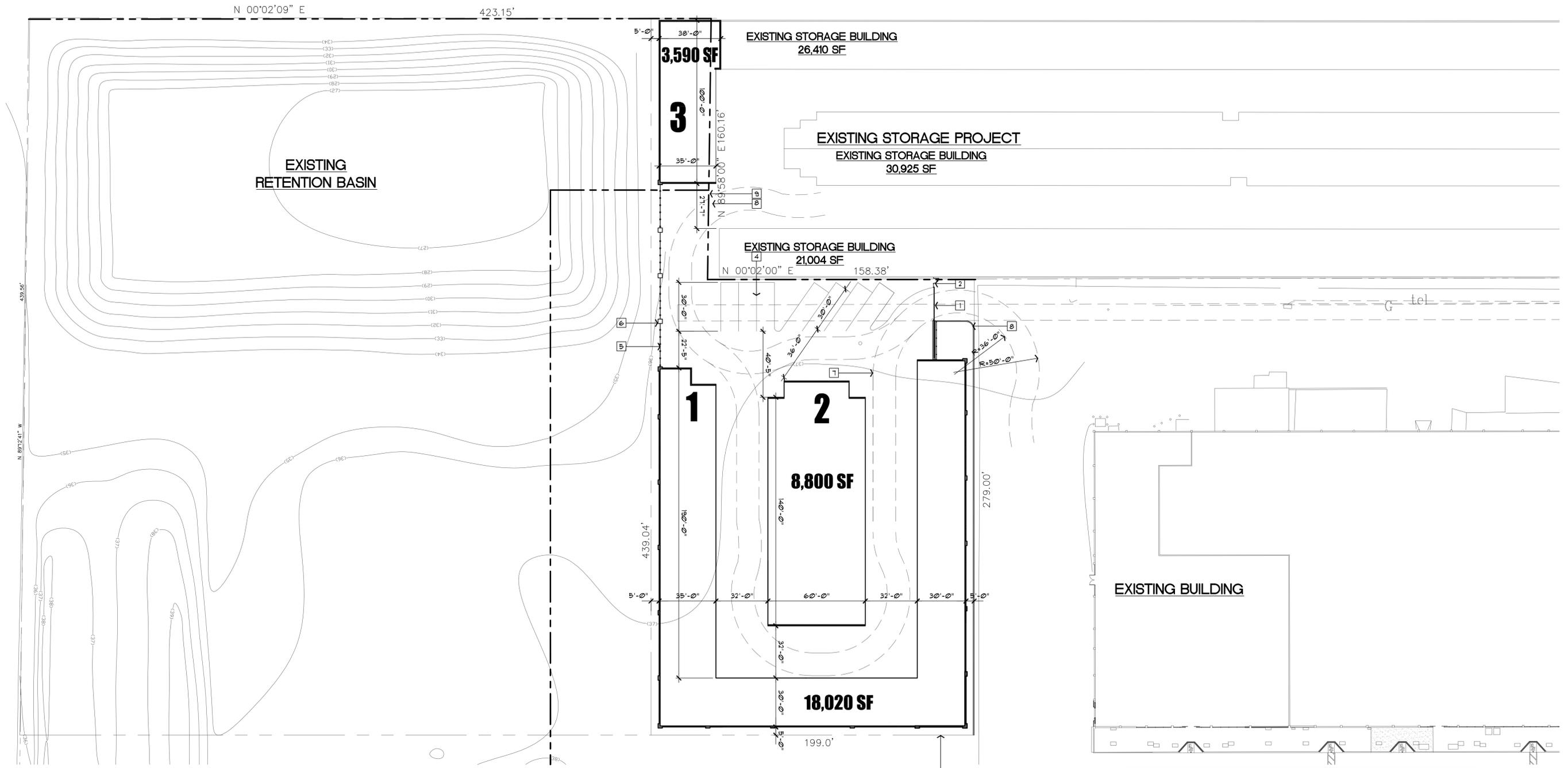
Abandoned SP

BROOKLYN AVE

CONC WALK

Ex8 W





TABULATION

TABULATION			
EXISTING SITE	141,288	SF.	(3.24 AC)
EXISTING BUILDING AREA	78,339	SF.	
NEW ADDED SITE	61,238	SF.	(1.40 AC)
NEW BUILDING AREA	SF.	OCC.	TYPE OF CONSTRUCTION
1	18,020	S-1	V-B (SPRINKLERED)
2	8,800	S-1	V-B (SPRINKLERED)
3	3,590	S-1	V-B (SPRINKLERED)
TOTAL NEW AREA	30,410		
NEW F.A.R.		50%	
COMBINED SITE AREA	202,526	SF.	(4.65 AC)
COMBINED BUILDING AREA	108,149	SF.	
COMBINED F.A.R.		54%	

### SITE PLAN



### KEYNOTES

- 1 SLIDING IRON WROUGHT GATE, SEE P3
- 2 IRON WROUGHT MAN GATE, SEE P3
- 3 PROPERTY LINE
- 4 PARKING STRIPING
- 5 8'-0" HIGH WROUGHT IRON FENCE
- 6 PLASTER COLUMN
- 7 FIRE TRUCK TURNING RADIUS
- 8 CONCRETE CURB
- 9 REMOVE (E) FENCE
- 10 ADJUST (E) PROPERTY LINE

**LODI SELF STORAGE ADDITION**  
**2650 WEST LODI AVENUE**  
**LODI, CALIFORNIA**  
**AKT PROPERTIES**

SD JOB NO.: 6.162  
 DATE: 11-18-14

**1**

**SITE PLAN**

**Stark Designs**  
**ARCHITECTURE**

2411 Saint Andrews Dr.  
 Rocklin, CA 95765  
 916 390-2236  
 916-624-6520 FAX  
 tdws@starkglobal.net

© 2015



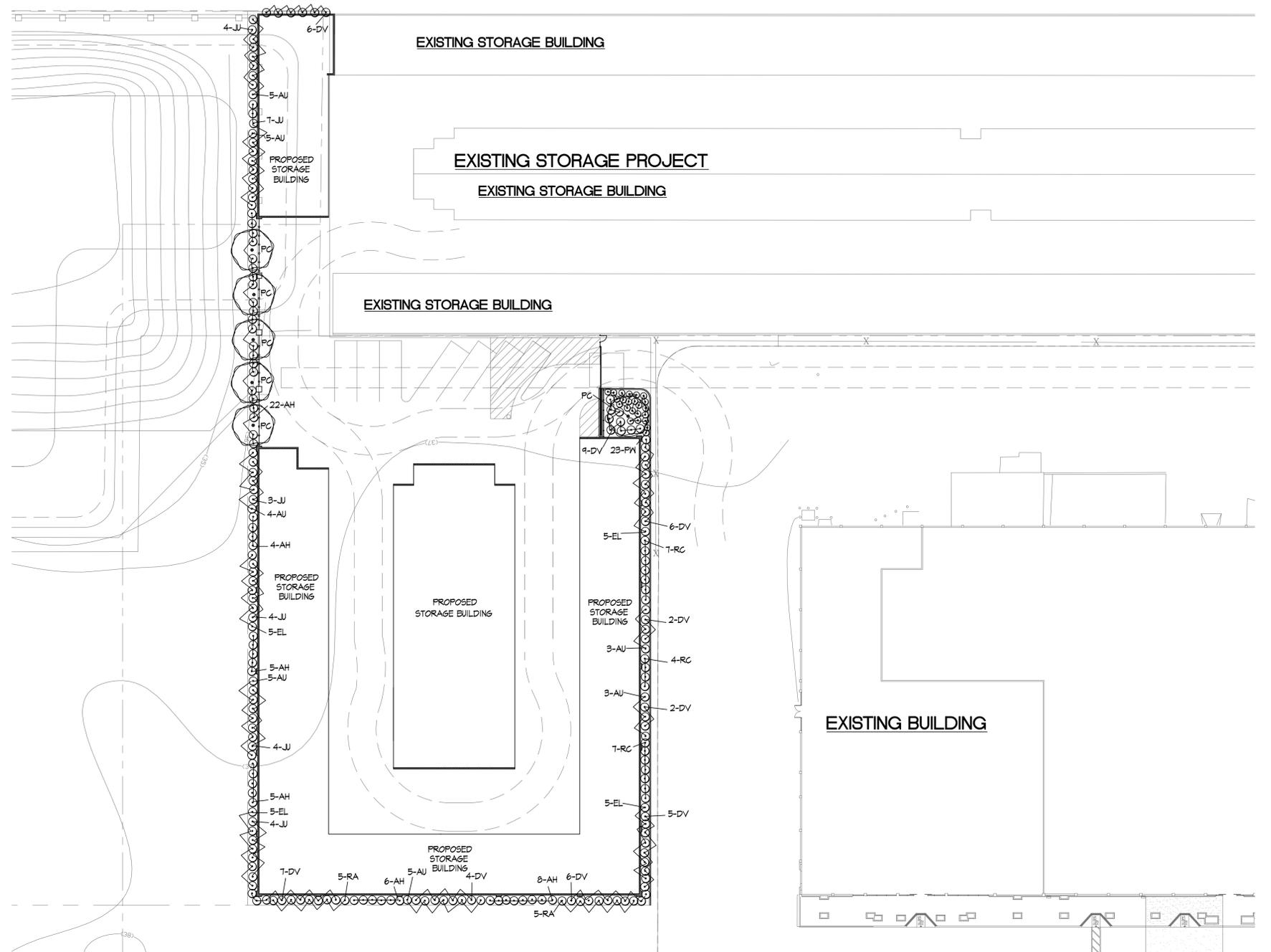
## Plant Legend

KEY	SIZE	H X W	Average height when planted	BOTANICAL NAME	COMMON NAME
<b>TREES</b>					
PC	15	35x35	7' to 8'	<i>Pistacia chinensis</i> Keith Davies	Chinese Pistache
<b>SHRUBS</b>					
			SPACING		
AU	5	8x8	8'	<i>Arbutus unedo</i>	Strawberry Tree
EL	5	8x6	8'	<i>Elaeagnus pungens</i> Fruitland (green/silver)	Silverberry
RA	5	10x6	8'	<i>Rhamnus alaternus</i> John Edwards	Italian Buckthorn
AH	5	4x6	5'	<i>Arctostaphylos</i> Howard McMinn	Manzanita
RC	5	4x5	5'	<i>Rhaphiolepis</i> Clara	India Hawthorne
<b>GROUND COVER</b>					
DV	1	4x4	4'	<i>Dietses vegeta</i>	
JU	1	15x8	5'	<i>Juniperus chinensis</i> Parsonii	Fortnight Lily
PW	1	2x4	4'	<i>Pittosporum</i> Wheeler's Dwarf	

The Landscape Plan as proposed will comply with the CA Water Efficient Landscape statute.

## Plant Notes

- Final construction drawings to include detailed Irrigation Plan, Details, and Specifications that meet the landscape water conservation rules.
- Exact location of plants on site to be adjusted so as to best coordinate with sprinkler head locations, lights, drainage features, and swales.
- Use 3 inch deep walk on bark top dress mulch in all planting areas. Bid Walk On Bark from Redi Grow Supply (Sharon - phone (916) 381-6063) or Golden Nuggets from Sun Up (800) 222-2551. Provide optional samples and prices to owner for different types of mulch. Options should be types of mulch that don't easily blow away and hold to slopes. Avoid using "Gorilla Hair" mulch if possible. The top dress mulch material is to be approved by the City and the Fire Department prior to final contract and installation.
- The plan is schematic. Don't install plants too close to edges of paving or buildings. Be sure plants are not blocking sprinkler spray excessively.
- Plants are spaced to fill in and cover soil at maturity.
- All landscaping shall be maintained in a live and healthy condition free of weeds. See Irrigation Plan in construction drawings for notes for other minimal required maintenance.
- Locate trees at least 10 feet from sewer laterals and street lights and at least 5 feet from water laterals, gas laterals, fire hydrant, driveway aprons, and telephone/cable/electrical junction boxes and bollard lights.
- As soon as is practical and you know the soil that will be used in the landscape areas, do a soil fertility test to determine soil fertilizer and preparation. See sheet L4 Landscape Specifications for Soil Fertility Test requirements. Give the soil lab a copy of the plant list so they can determine the best soil preparation for the particular plants and any plants that might have problems.



# LODI SELF STORAGE ADDITION

2650 WEST LODI AVENUE  
LODI, CA. 95242

# PLANTING PLAN

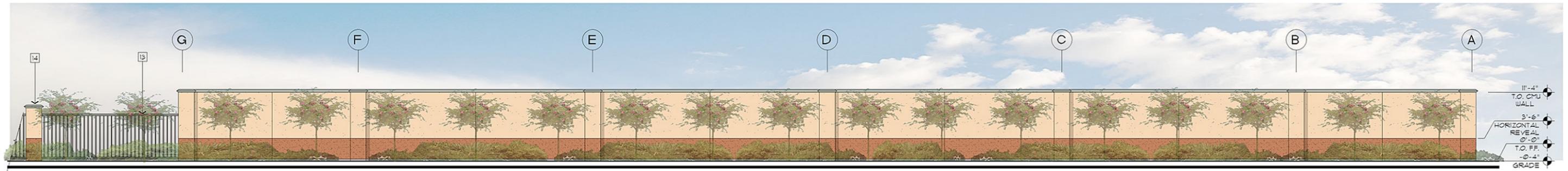
Gregory Lewis  
Landscape  
Architect  
#2176  
736 Park Way  
Santa Cruz, CA 95065  
(831) 425-4747  
lewislandscape@sbcglobal.net

SD JOB NO.: 6.162  
DATE: 11-19-14  
REVISIONS

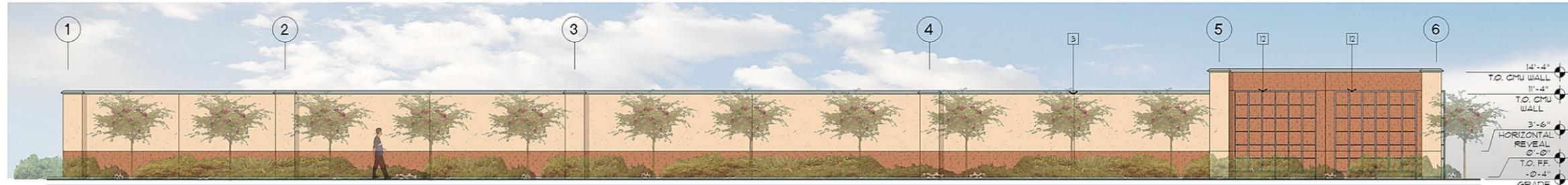
**Stark Designs**  
**ARCHITECTURE**

2411 Saint Andrews Dr.  
Rocklin, CA 95765  
916 390-2236  
916-624-6520 FAX  
tdws@sbcglobal.net

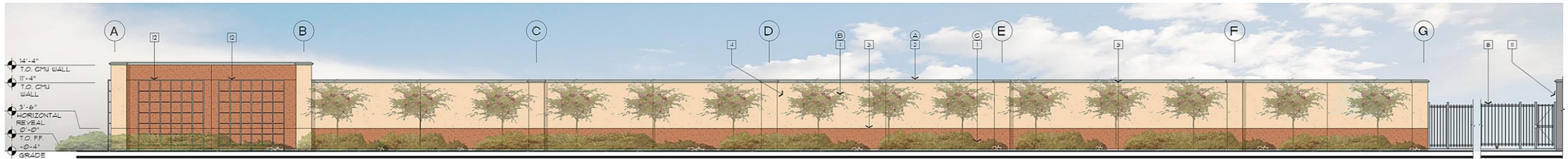
© 2014



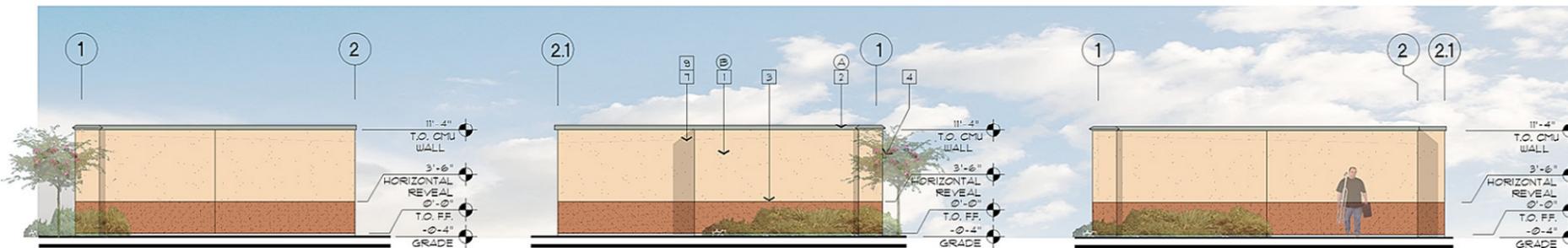
**BUILDING 1 SOUTH ELEVATION**



**BUILDING 1 EAST ELEVATION**



**BUILDING 1 NORTH ELEVATION**



**BUILDING 1 WEST ELEVATION 'A'**

**BUILDING 1 WEST ELEVATION 'B'**

**BUILDING 3 EAST ELEVATION**

**COLOR SCHEDULE**

NOTE: PROPOSED COLORS AND MATERIALS WILL MATCH THOSE USED ON THE EXISTING BUILDINGS

(A)	'ICI PAINTS' #043 (WOODLAIN) AT FOAM SHAPED CORNICE
(B)	'ICI PAINTS' #582 (STUCCO) AT CEMENT PLASTER
(C)	'ICI PAINTS' #268 (EMBERGLO) AT CEMENT PLASTER

**KEYNOTES**

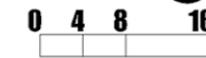
1	BLOCK WALL WITH CEMENT PLASTER FINISH
2	FOAM SHAPED WALL CAP ( CEMENT PLASTER FINISH)
3	HORIZONTAL/ VERTICAL REVEAL
4	BLOCK WALL PILASTER WITH CEMENT PLASTER FINISH
5	METAL ROLL UP DOOR
6	CMU WALL
7	METAL ROOFING
8	WROUGHT IRON SLIDING GATE, SEE P2 FOR FULL ELEVATION
9	ROOF PROFILE BEYOND
10	LOCATION OF WALL SIGNAGE
11	ADJACENT (E) BUILDING
12	LANDSCAPE LATTICE, TYP.
13	8'-0" HIGH WROUGHT IRON FENCE BETWEEN BUILDING 1 AND 3
14	8'-8" HIGH PLASTER COLUMN BETWEEN WROUGHT IRON FENCE

**LODI SELF STORAGE ADDITION**  
 2650 WEST LODI AVENUE  
 LODI, CALIFORNIA  
 AKT PROPERTIES

SD JOB NO.: 6.162  
 DATE: 11-18-14

**3**

**ELEVATIONS**



**Stark Designs  
 ARCHITECTURE**

2411 Saint Andrews Dr.  
 Rocklin, CA 95765  
 916 390-2236  
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 1dws@shcgo10haLoet

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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 THOMASTOWN BUILDERS INC FOR A USE PERMIT TO ALLOW AN EXPANSION OF SELF-STORAGE SPACE AT 515 SOUTH LOWER SACRAMENTO ROAD**

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

**WHEREAS**, the project proponents are ThomasTown Builders Inc., c/o Mr. Ryan Smith, 11711 Quartz Drive, Auburn, CA 95602; and

**WHEREAS**, the project parcel is owned by Kristmont West, LLC, 7700 College Town Drive, Suite 111, Sacramento, CA 95826; and

**WHEREAS**, the project is located at 515 South Lower Sacramento Road, Lodi, CA 95240 (APN: 027-400-09); and

**WHEREAS**, the property has a General Plan designation of Commercial and is zoned Planned Development (35); and

**WHEREAS**, a storage facility requires the approval of a Use Permit by the Planning Commission; and; 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 is found to be categorically exempt from CEQA review under 14 CCR §15332. In-Fill Development Project, Class 32. The project is consistent with the General Plan, is located in the City limits, is less than 5-acres in size and is surrounded by existing urban uses. The project site is not a habitat for any rare or endangered species of plant or wildlife, and the project will not create a significant environmental impact. The project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and the site of the proposed project can be adequately served by all required utilities and public services.
2. The existing Westgate Shopping Center is zoned PD (35), the underlying designation is general commercial. A storage facility is allowed subject to a use permit in this zone. The project has been conditioned to be consistent with the zoning code and the use will not be detrimental to the welfare of persons or properties working, residing, or otherwise existing in the adjacent neighborhood areas.
3. The General Plan land use designation for the project site is Commercial, which permits the proposed use. The conditions for the restriction of the conditional use are consistent with the General Plan, will not affect neighborhood compatibility; and will not cause the operation of the conditional use to be detrimental to the welfare of persons or properties working, residing, or otherwise existing in the adjacent neighborhood areas.

4. The proposed change to the site and the proposed use is consistent with the Zoning Code and the General Plan policies. As such, the subject site is adequate in size and shape to accommodate the proposed use within a commercial area with all the required off-street parking provided on the subject site. Further, the project will not have a negative effect on the public health, safety, or welfare; or be materially injurious to persons, properties or improvements in the vicinity.
5. The existing use complies with all requirements as set forth for the issuance of a Use Permit, in that the site is adequate in size, shape and topography for the proposed use, consisting of an existing building.
6. The site is located in a commercial area that is accessible from public streets. Existing street networks are adequate in size and shape to accommodate the quantity and quality of traffic generated by the proposed use without any significant impacts to the street system.
7. 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 facility and no expansion is proposed.
8. 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.
9. 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.
10. 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.

**NOW, THEREFORE, BE IT DETERMINED AND RESOLVED** by the Planning Commission of the City of Lodi that Use Permit Application No. 2014-40 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. 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.

4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
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. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.
12. West Lodi Self Storage Expansion shall operate as described below. Substantial changes shall require subsequent review by the Planning Commission:
  - The expansion area will be managed by the West Lodi Self Storage operator.
  - The facility will be able to be accessed 24 hours a day with a key card system for safety and security purposes. The building doors will be closed at all times.
  - Access to the storage building is from the existing storage facility.
  - Office Hours: 9:00 am – 5:00 pm, 7 days per week.
  - Storage Users shall not use the premises for the storage of illegal substances, perishable or food items, explosives, paint, varnish, thinner, gasoline and/or other highly flammable materials.
13. Prior to the issuance of Building Permits, the project will pay the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Development Fees for the amount of land disturbed. The applicant will need to prepare an exhibit that identifies the area of disturbance for the project. (Multi-Purpose Open Space)

14. Prior to issuance of a building permit, the project will need to complete a Lot Line Adjustment to create final property boundary lines. The building permit requirements should be taken into account.
15. Prior to issuance of a building permit, the project will need to secure reciprocal access easements with adjacent properties to ensure project safety can be met.
16. Security measures including video surveillance will be put in place in the expansion areas to the satisfaction of Community Development and the Police Department.

## Building and Safety

17. 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 code. Please review our policy handouts for specific submittal procedures.
18. All buildings and structures shall have the required fire separation distance separation to the property lines and from other buildings as specified by the 2013 CBC, Table 602 or shall provide the required fire rated protection of walls, limitations of protected and unprotected openings for each building, as per 2013 CBC, Sections 705.3, 705.5, 705.8, 705.11, 716.5, Tables 601, 602 ,705.8 and 716.5
19. The Site Plan shows a new 3,590 sq ft building, a new 8,800 sq ft building and a new 18,296 sq ft building. It must be verified that the square footage of the new buildings do not exceed the allowable area (square footage), for the Construction Type and proposed Occupancy Type, as per 2013 CBC, Table 503 and as modified per Sections 506 & 507. Each portion of a building separated by one or more fire walls complying with Section 706 and Table 706.4 shall be considered a separate building. 2010 CBC, Section 503.1
20. Lodi Municipal Code, Section 15.20.160 requires new buildings, 6,000sqft or more (regardless of installed fire separation walls), to be equipped with an automatic fire sprinkler system. The Fire Sprinkler system shall be submitted under a separate permit and cover to the Building Department by a C-16 licensed contractor.
21. Buildings that are equipped with fire sprinklers are required to include a fire control room. Each fire control room shall a) be a minimum of 35 sq ft, b) have minimum interior dimensions of 5' x 7', c) have an exterior door with minimum dimensions of 36" x 80" and d) contain all fire sprinkler system control valves, fire alarm control panels, extra fire sprinkler heads, and other fire equipment required by the Chief. LMC 15.20.180 & Lodi Fire Standard D-01
22. Fire sprinkler monitoring alarm system is required by 2013 CFC, Section 903.4 for buildings equipped with fire sprinklers. 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.
23. 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.
24. The plans shall specify and show a fire access lane to extend within 150' of all portions of the new buildings. The fire access lane is to be a minimum of 24' wide. Dead end fire access lanes in excess of 150' in length shall be provided with an approved area for turning around fire apparatus. Further, the plans shall specify and show fire lane striping (red curb or stripe with "Fire Lane" in white letters, ¾" stroke at intervals not less than 50') and fire

lane sign at the entrance and the extremity of the lane. 2013 CFC, Section 503.1 and LMC 15.20.080

25. 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
26. 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.
27. Plans to specify and show accessible parking spaces in compliance with 2013 CBC, Sections 11B-208.2, 11B-502 and Table 11B-208.2. At least one space shall be van accessible as per 2013 CBC, Section 11B-208.2.4.

Provide complete and adequate accessible parking details to specify and show:

- 1) A 9' wide x 18' deep accessible parking space(s) with 5' wide striped access aisle. "Van accessible" parking spaces shall be a minimum 12' wide x 18' deep with a 5' wide access aisle or 9' wide with an 8' wide access aisle. 2013 CBC, Section 11B-502.2
  - 2) The access aisle(s) may be located on either side of the accessible parking space(s), except "van accessible" parking spaces shall have the access aisle located on the passenger side of the accessible parking space. Two accessible parking spaces shall be permitted to share a common access aisle. 2013 CBC, Sections 11B-502.3.4, 11B-502.3
  - 3) The access aisles shall be marked with a blue painted borderline around their perimeter. The area within the blue borderlines shall be marked with hatched lines a maximum of 36" on center in a color contrasting with the aisle surface, preferable blue or white. The words "NO PARKING" shall be painted in 12" high white letters in each access aisle. 2013 CBC, Section 502.3.3
  - 4) The accessible parking spaces and the access aisles shall not exceed 2% cross slope in any direction. 2013 CBC, Section 11B-502.4
28. Five (5) percent, but not less than one (1) of the self-storage units shall be accessible. In this expansion of an existing storage facility, if the total number of storage spaces exceeds 201, ten (10) units plus two (2) percent of the total number of units over 200 shall be made accessible. Also, individual self-storage spaces shall be dispersed throughout the various classes of spaces provided. Accessible storage units shall provide an accessible path of travel to the accessible parking spaces, the public way, transportation stops and on-site office (if exists) 2013 CBC, Section 11B-225.3

#### Lodi Electric Utility

29. Please contact Lodi Electric Utility at your earliest convenience to discuss current and future electrical service needs for the project - (209-333-6763). Proposed project improvements will require additional electric service. The following information will be required to determine service needs.

A. A final and approved site plan showing:

- Your desired metering location
  - Proposed trench route
  - Landscape and irrigation design
  - Street improvements (for Street Light design)
  - Depths of existing and planned other underground utilities
  - Future plan for peripheral improvements
- B. CAD Drawing for proposed improvements.
- C. One line diagram
- D. Square footage and use / Load calculations / Load history for similar property
- E. A completed service application
- F. Provide a location, on-site suitable to the utility, for a pad-mount transformer and other equipment as needed by the utility to serve this project.
- G. Any Panel Upgrade will require coordination with Lodi Electric. Developer will bear the cost of these dedicated improvements to the primary distribution system. Developer to contact Lodi Electric Utility (LEU) to proceed with required work order and billing letter.

In accordance with LEU Rules and Regulations #16 Subsection J “Reconciliation of Billing”: A Developer/Applicant is required to pay for the services based on the Estimated Cost prior to LEU Construction, the billing will be Reconciled with the Actual Cost upon the completion of the project.

## Public Works

The Public Works Department has the following comments concerning the approval of the use permit request for 515 South Lower Sacramento Road. The conditions listed below will be required at the time of development of the subject parcels:

30. Per the parcel map recorded on December 30, 2002 in Book 22 of Parcel Maps at Page 124 in the San Joaquin County Book of Records, parcel #027-400-09 is a designated remainder. A Certificate of Compliance must be requested and is required prior to building permit issuance.
31. Replace/repair the chainlink fence around the storm drainage basin.
32. Either provide calculations showing the private storm drainage basin is sufficient for the project’s storm water runoff or expand the private storm drainage basin for the addition of the subject project.
33. Dedication of private access easement agreement. We recommend that a common access easement be provided over Parcel 027-400-05 for the benefit of Parcel #'s 027-400-09 and 027-400-04 to allow use of the driveway on Parcel #027-400-05.
34. Dedication of public utility easements as required by the various utility companies and the City of Lodi.
35. Project design and construction shall be in compliance with the City of Lodi Stormwater Development Design Standards.
36. 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.

37. In order to assist the City of Lodi in providing an adequate water supply, the Owner/Developer on behalf of itself, its successors and assigns, shall enter into an agreement with the City that the City of Lodi be appointed as its agent for the exercise of any and all overlying water rights appurtenant to the proposed parcels, and that the City may charge fees for the delivery of such water in accordance with City rate policies. In addition, the agreement shall assign all appropriative or prescriptive rights to the City. The agreement will establish conditions and covenants running with the land for all parcels within the boundaries of the map and provide deed provisions to be included in each conveyance.
38. 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) Stormwater Compliance Inspection Fee prior to building permit issuance or
  - c) Commencement of construction operations, whichever occurs first.
  - d) Regional Transportation Impact Fee (RTIF) at the time of building permit issuance.
39. Payment of the following prior to temporary occupancy or occupancy of the building unless noted otherwise:
- a) Development Impact Mitigation Fees per the Public Works Fee and Service Charge Schedule.

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 collection indicated above.

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 December 10, 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:** December 10, 2014

**APPLICATION NO:** Use Permit Amendment 2014-41 U  
(Previous files: 13-U-05)

**REQUEST:** Request for Planning Commission approval of a Use Permit Amendment to phase the establishment of a wine production facility at 27 East Vine Street. (Applicant: Jeff Hansen, on behalf of AH Wines, Inc, DBA Lodi City Wines; File Number: 2014-41 U; CEQA Determination: Exempt per Section 15301, 15183 and 15061)

**LOCATION:** 25, 27, 29 and 31 East Vine Street  
APN: 047-030-02  
Lodi, CA 95240

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

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

**RECOMMENDATION**

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

**PROJECT AREA DESCRIPTION**

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

The adjacent zoning and land use characteristics:

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

## **SUMMARY**

The applicant, Jeff Hansen, on behalf of AH Wines, Inc., DBA Lodi City Wines, requests Planning Commission approval of a Use Permit Amendment to phase the construction and operation of a winery production facility at 27 East Vine Street. The proposal includes a wine crushing, fermentation, storage and distribution of wine to local and overseas businesses. The proposed project will adaptively re-use existing vacant industrial buildings.

The project site is comprised of three single-story buildings bordered by the UPRR line to the west, and industrial buildings to the north, east and south. Available City records indicate that the buildings have been used by various uses ranging from auto mechanic shops to metal welding to storage.

The Planning Commission granted a previous conditional use permit on this site for this applicant, but it has since expired.

## **ANALYSIS**

In April of 2013, the Planning Commission approved a Use Permit to allow the Lodi City Winery to convert industrial properties into a winery operation. Since that approval, the applicant has needed to phase the operation and construction of the ultimate project configuration based upon timing constraints and operations necessities.

The applicant's proposal is to utilize vacant industrial buildings located at 27 East Vine Street for wine production facility consisting of the crushing of grapes, fermenting wine, the aging of wine in barrels and wholesale distribution of products. Proposed hours of operation are 7 a.m. to 6 p.m. and the application is conditioned to remove all wine waste within twenty-four (24) hours.

The majority of the wine production will take place during the months of harvest in the fall. Grapes will be brought in from off-site to be crushed and fermented at the proposed facility. Truck traffic will be limited to the morning hours and consist of one daily delivery during a week-long harvest period. The facility will be in use up to 7 days a week and is expected to employ up to 9 people.

The applicant is proposing to phase the project as follows:

Phase One: To occupy the existing property for warehousing and storage of wine and wine related materials.

Phase Two: The winery will have full production, storage and shipping operations. The property consists of three buildings, which are indicated on the Site Plan as: "Bldg 1", "Bldg 2" and "Bldg 3". The following are the uses for each building :

- Bldg 1: This is a 5,000 square foot metal building that will be used for storage of finished wine in cases and dry goods for case production (i.e. glass, cork, capsule, etc.).
- Bldg 2: This is a 14,400 square foot metal building that will become the main wine production building. This building will house stainless steel tanks, grape press, pumps, filters and related equipment needed for wine production. The building also includes offices and wine tasting area.
- Bldg 3: This is a 8,138 square foot masonry block building that will be used for wine barrel storage

There is a covered area located in the Northwest corner of the property where a loading dock will be constructed.

The business requires several alcohol licenses (type 2, 9, 14, 17 and 20) from the California Department of Alcoholic Beverage Control (ABC). These licenses are currently in place.

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

Per Land Use Code Section 17.24.030, wine production is permitted in the Industrial zoning designation subject to an approved use permit by the Planning Commission. The City established the Use Permit requirement to gain local control over whether or not a license is appropriate for a particular location. The State Department of Alcoholic Beverage Control primarily controls issuance based on concentration of licenses within a particular Census Tract. The project site belongs in Census Tract 44.03, which covers the area north of Kettleman Lane, east of the UPRR line, south of Lodi Avenue and west of the CCT line.

The area is over-concentrated as defined by ABC for license Type 17 (beer and wine). Planning staff is of the opinion a public need and necessity/convenience is warranted on this case because of the entire nature of the proposed business. The wholesale application is not a retail business and wholesale distribution is unlike a retail business in that single serving beverages are not sold, which tend to cause unnecessary policing problems. In the past, the Planning Commission and the Planning staff have generally supported wineries and wine manufacturing operations that wish to acquire an ABC on- and off-sale license because, typically, they do not create alcohol related problems.

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

1. *The proposed use is allowed with a Use Permit within the applicable zoning district and complies with all applicable provisions of this Development Code.* **Comment:** The Zoning designation for this property is Industrial, which permits beverage production and on-site consumption subject to a Use Permit per Lodi Municipal Code Section 17.040.030. The proposed wine manufacturing establishment with limited on-site consumption (wine tasting) is permitted is the type of business permitted in the Industrial Zoning District per Lodi Municipal Code Section 17.24.030.
2. *The proposed use is consistent with the General Plan and any applicable specific plan.* **Comment:** The General Plan land use designation for this area is Industrial, which provides for manufacturing, warehousing, general service, storage and distribution activities. The proposed wine manufacturing and storage of wine is the type of business allowed by the General Plan. Limited retail sale of wine in conjunction with a wine manufacturing facility is a common way for wine manufacturers to expand and improve their activities and is therefore, consistent, with the General Plan.
3. The location, size, design and operating characteristics of the use or development is compatible with and shall not adversely affect or be materially detrimental to the health, safety, or welfare of

persons residing or working in the area, or be detrimental or injurious to public or private property or improvements. **Comment:** The proposed wine production facility with a wholesale distribution establishment is compatible with existing and future land uses because this subject property is located within the Industrial Zoning District and will be conducted entirely within building footprints. In addition, the proposed use will not detrimentally affect residential buildings, churches, schools, hospitals, public playgrounds, and other similar uses, as well as other establishments dispensing alcoholic beverages, including beer and wine, for sale or other consideration in that in that the property is not proximate to any churches or hospitals; and does not directly abut residentially zoned properties, parks, or schools. No aspects of the proposed uses has been identified that would create new detrimental impacts.

4. The location, size, design, and operating characteristics of the proposed use would be compatible with the existing and future land uses in the vicinity. **Comment.** The proposed use complies with all requirements as set forth for the issuance of this Use Permit, in that the site is adequate in size, shape and topography for the proposed use, consisting of an existing building. Second, the site has sufficient access to streets, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use. Third, the proposed use, as conditioned, will not have an adverse effect upon the use, enjoyment or valuation of property in the industrial neighborhood because the proposed use will be located within an existing building with no additions to the footprint of the building. Fourth, the characteristics of the proposed manufacturing of wine are consistent with various manufacturing uses located within the vicinity of the project site and throughout the Industrial Zoning District. Lastly, the proposed use will not have an adverse effect on the public health, safety, and general welfare in that security measures and the limited size of the use will mitigate any potential adverse effects to neighboring properties. The proposed business is a permitted use within the Industrial Zoning District, and the facility will be located within an existing building. No conflicts with existing and potential uses have been identified.
5. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the Lodi Environmental Review Guidelines. **Comment:** The project is categorically exempt from CEQA review under 14 CCR §15301(a). Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities or mechanical equipment, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The project meets this exemption because the proposed use does not expand the physical use of the existing structure. Further, proposed alterations are to be made primarily to the interior of the existing building without increasing the square footage of the structure or changing its zoning designation. Further, the proposed project is also exempt from CEQA under 14 CCR §15183 (projects consistent with a community plan, general plan or zoning). CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an Environmental Impact Report (EIR) was certified shall not require additional environmental review. The project is consistent with the current zoning and the City's General Plan. In addition, the proposed project is exempt from CEQA review under 14 CCR §15061(b)(3). A project is exempt from CEQA if it does not have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in questions may have a significant effect on the environment, the activity is not subject to CEQA. For the reasons discussed above, no significant environmental effects would occur as the result of the proposed project.

Staff sent copies of the application to various City departments for comments and review. Their comments and requirements have been incorporated into the attached resolution. Staff believes that the proposed Use Permit is consistent with the requirements of the Zoning Ordinance and the policies outlined in the General Plan. The project site is appropriate for the proposed use given its isolation from residential and commercial uses. In addition, one of the primary goals of Lodi's General Plan is the continued support and preservation of agriculture and the wine industry.

Establishing industry specific uses such as production facilities within the city's industrial district is a means in which the city can continue to support the industry and preserve land for agricultural uses. Therefore, staff finds that the use of an existing building for this business will be compatible with the adjacent uses and will not negatively impact the surrounding neighborhood. In addition, the proposed project would provide additional employment opportunities and help preserve the City of Lodi's economic welfare and the project will occupy underutilized buildings. As such, staff recommends that the Planning Commission approve the project, subject to the conditions outlined in the attached resolution.

#### **ENVIRONMENTAL ASSESSMENTS**

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

#### **PUBLIC HEARING NOTICE:**

Legal Notice for the Use Permit was published on Saturday, November 22, 2014. Twelve (12) 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 motion is 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 15301, 15183 and 15061, and adopt a Resolution approving the Use Permit Amendment to phase the establishment of a wine production facility at 27 East Vine 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  
Community Development Director

#### **ATTACHMENTS:**

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

# VICINITY MAP

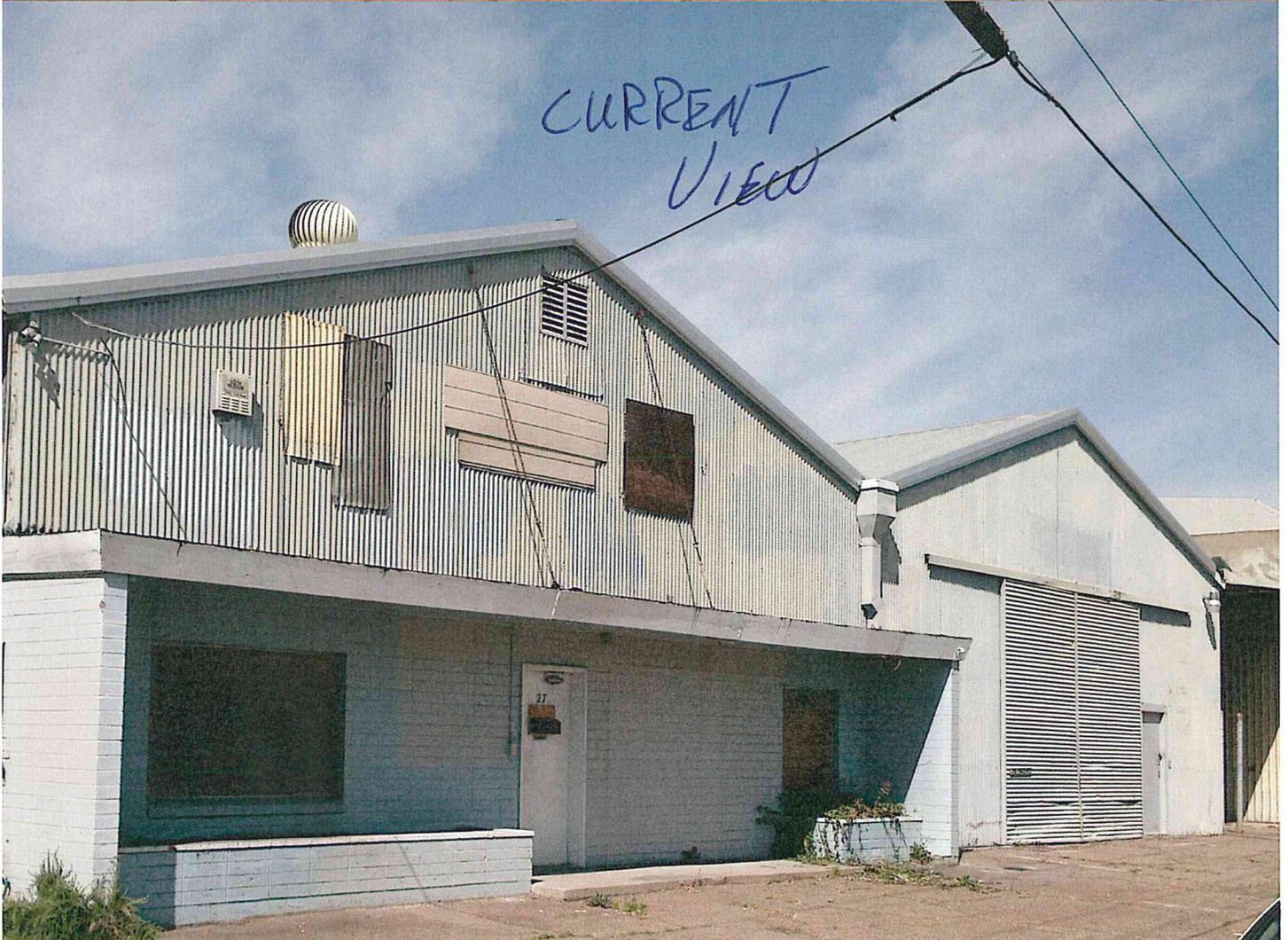


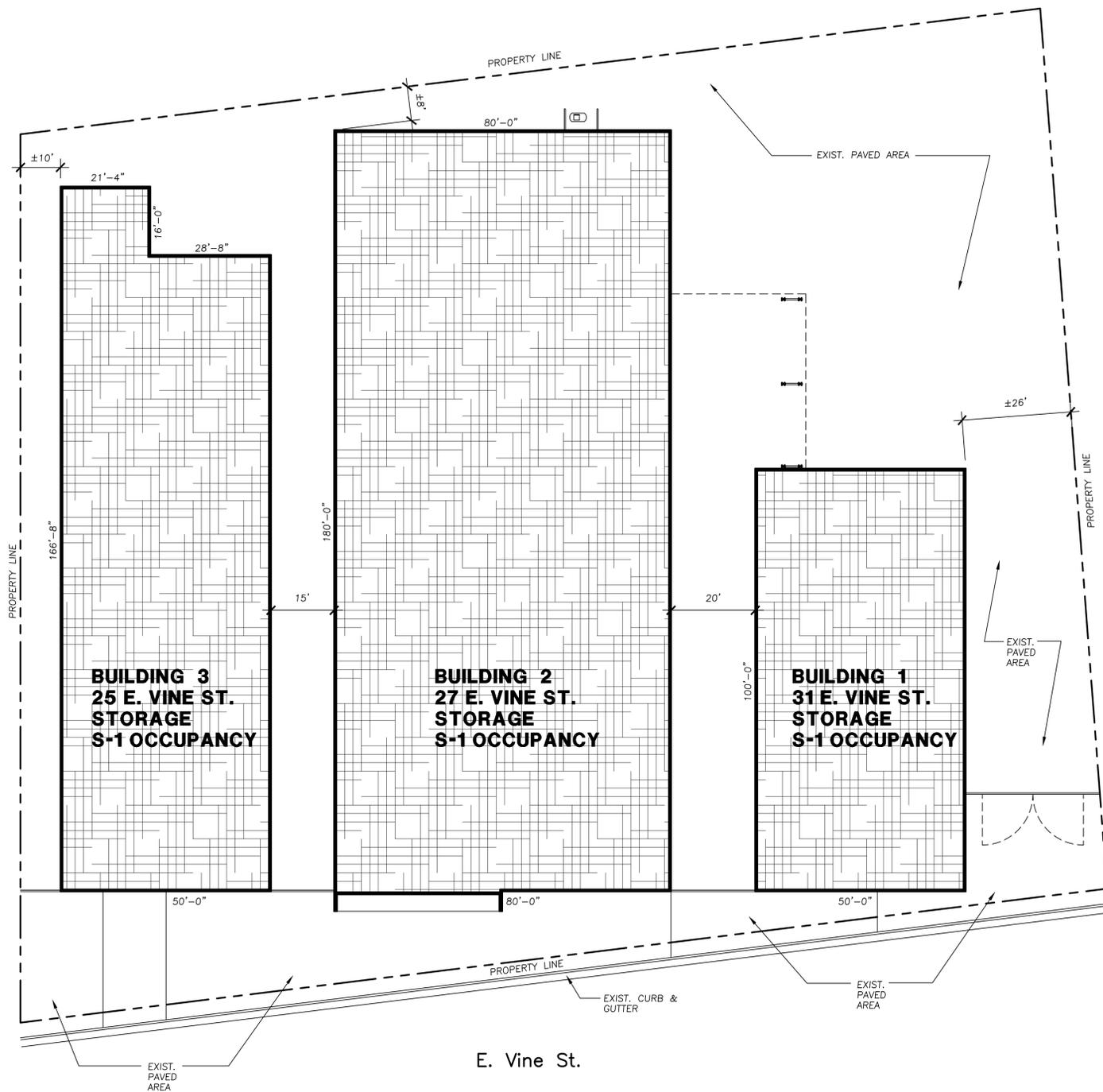
**25, 27, 29 and 31 East Vine Street**

FINISHED  
VIEW



CURRENT  
VIEW





# EXISTING SITE PLAN

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



## PROJECT DATA

**PROPERTY ADDRESSES:** LODI CITY WINERY  
 BUILDING 1 - 31 E. VINE ST.  
 BUILDING 2 - 27 E. VINE ST.  
 BUILDING 3 - 25 E. VINE ST.  
 LODI, CA 95240

**APN:** 047-030-02

**PROPERTY OWNER:** AH WINES  
 9 WEST LOCUST STREET  
 LODI, CA 95240  
 PHONE: (209) 625-8170

**PROJECT DESCRIPTION:** USE PERMIT FOR USE OF EXISTING BUILDINGS FOR STORAGE FACILITIES.  
 NO CHANGE OF USE.

**JURISDICTION(S):** CITY OF LODI COMMUNITY DEVELOPMENT DEPT.  
 221 W. PINE ST.  
 LODI, CA 95240  
 PHONE: (209) 333-6714

CITY OF LODI FIRE PREVENTION DEPARTMENT  
 25 E. PINE ST.  
 LODI, CA 95240  
 PHONE: (209) 333-6739

**CODES & STANDARDS:** 1. CITY OF LODI MUNICIPAL & DEVELOPMENT CODE

**PROPERTY ZONING:** EXIST. 'M' (INDUSTRIAL)

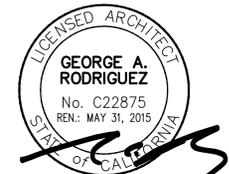
**PROPOSED USE(S):** FROM TABLE 2-10 OF THE DEVELOPMENT CODE;  
 1. STORAGE & WAREHOUSING; ALLOWED USE

BUILDING:	BUILDING 1	BUILDING 2	BUILDING 3	TOTAL
<b>BUILDING AREAS:</b>	± 5,000 SF	±14,400 SF	± 7,870 SF	±27,270 SF
<b>BUILDING STORIES/HEIGHT:</b>	SINGLE, ±15'	SINGLE, ±22'	SINGLE, ±15'	
<b>OCCUPANCY GROUP(S):</b>	S-1 (STORAGE) - NO CHANGE IN USE	S-1 (STORAGE) - NO CHANGE IN USE	S-1 STORAGE - NO CHANGE IN USE	
<b>TYPE OF CONSTRUCTION:</b>	ESTIMATED II-B	ESTIMATED II-B	ESTIMATED III-B	
<b>FIRE SPRINKLERS:</b>	NONE EXIST.	NONE EXIST.	NONE EXIST.	
<b>OCCUPANT LOADS:</b>	5,000 SF (W/H) / 500 (FACTOR) = 10 OCCUPANTS	14,400 SF (W/H) / 500 (FACTOR) = 29 OCCUPANTS	7,870 SF (W/H) / 500 (FACTOR) = 16 OCCUPANTS	

## GRA Architects & Associates, Inc.

P.O. Box 9082  
 Stockton, CA 95208-1082  
 Phone: (209) 609-6801  
 Email: GRA22875@gmail.com

Architecture ♦ Consulting



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### Consultant

### Project For

AH Wines  
 9 W. Locust Street  
 Lodi, CA 95240  
 Phone: (209)263-0840

### Project

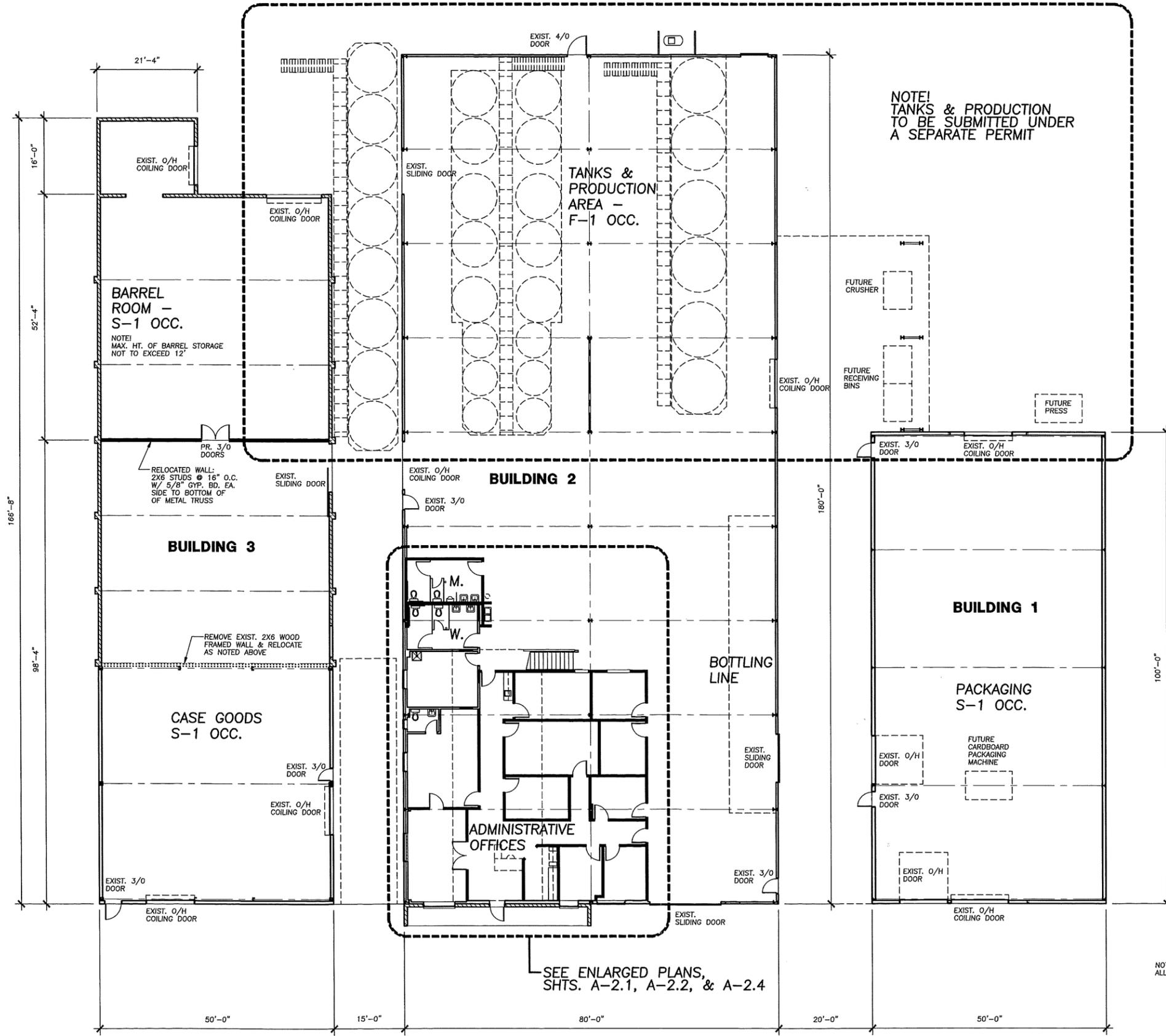
Lodi City Winery  
 Use Permit for  
 Storage Facilities  
 25,27,&31 E. Vine St.  
 Lodi, CA 95240

### Sheet Contents

Project Data &  
 Existing Site Plan

DRAWING STATUS	DATE
ISSUED	11-03-14
BUILDING PERMIT NO.:	TBD
DRAWN BY:	NEO KLAYBO
CHECKED BY:	GAR
SCALE:	AS NOTED
PROJECT NO.:	AHW-21305134
SHEET:	

# A-1



NOTE!  
TANKS & PRODUCTION  
TO BE SUBMITTED UNDER  
A SEPARATE PERMIT

TANKS &  
PRODUCTION  
AREA -  
F-1 OCC.

BARREL  
ROOM -  
S-1 OCC.

NOTE!  
MAX. HT. OF BARREL STORAGE  
NOT TO EXCEED 12'

BUILDING 2

BUILDING 3

BUILDING 1

CASE GOODS  
S-1 OCC.

PACKAGING  
S-1 OCC.

ADMINISTRATIVE  
OFFICES

BOTTLING  
LINE

SEE ENLARGED PLANS,  
SHTS. A-2.1, A-2.2, & A-2.4

NOTE!  
ALL DIMENSIONS SHOWN ARE APPROXIMATE

**FACILITY BUILDING PLANS**

SCALE: 3/32" = 1'-0"



**G R A  
Architects &  
Associates, Inc.**

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Architecture ♦ Consulting



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**Consultant**

**Project For**  
AH Wines  
9 W. Locust Street  
Lodi, CA 95240  
Phone: (209)263-0840

**Project**  
Tenant Improvements at  
New Facilities  
25,27,&31 E. Vine St.  
Lodi, CA 95240

**Sheet Contents**  
Facility Building Plans

DRAWING STATUS	DATE
PERMIT SUBMITTAL SET	03-10-14

BUILDING PERMIT NO.:	TBD
DRAWN BY:	NEO KLAYBO
CHECKED BY:	GAR
SCALE:	AS NOTED
PROJECT NO.:	AHW-21305134

SHEET:  
**A-2.0**

**RESOLUTION NO. P.C. 2014-XX**

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

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

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

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

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

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

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

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

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

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

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

**WHEREAS**, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; this project has been found to be categorically exempt from CEQA under 14 CCR §15301(a), 14 CCR §15183, and 14 CCR §15061(b)(3); and

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

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

1. The project is categorically exempt from CEQA review under 14 CCR §15301(a). Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities or mechanical equipment, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The project meets this exemption because the proposed use does not expand the physical use of the existing structure. Further, proposed alterations are to be made primarily to the interior of the existing building without increasing the square footage of the structure or changing its

zoning designation. Further, the proposed project is also exempt from CEQA under 14 CCR §15183 (projects consistent with a community plan, general plan or zoning). CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an Environmental Impact Report (EIR) was certified shall not require additional environmental review. The project is consistent with the current zoning and the City's General Plan. In addition, the proposed project is exempt from CEQA review under 14 CCR §15061(b)(3). A project is exempt from CEQA if it does not have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in questions may have a significant effect on the environment, the activity is not subject to CEQA. For the reasons discussed above, no significant environmental effects would occur as the result of the proposed project.

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

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

**NOW, THEREFORE, BE IT DETERMINED AND RESOLVED** by the Planning Commission of the City of Lodi that Use Permit Application No. 2014-41 U is hereby approved, amending application 13-U-05, subject to the following conditions:

1. The property owner and/or developer and/or successors in interest and management shall, at their sole expense, defend, indemnify and hold harmless the City of Lodi, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include, but is not limited to, any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Lodi shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.
2. The property owner and/or developer and/or successors in interest and management shall operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
3. The property owner and/or developer and/or successors in interest and management shall insure that the sale of alcohol does not cause any condition that will cause or result in repeated activities that are harmful to the health, peace or safety of persons residing or working in the surrounding area. This includes, but is not limited to: disturbances of the peace, illegal drug activity, public intoxication, drinking in public, harassment of people passing by, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, excessive loud noises, traffic violations or traffic safety based upon last drink statistics, curfew violations, lewd conduct, or police detention and arrests.
4. If any of the following conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted; deny or further condition issuance of all future building permits; deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted; record a notice of violation on the property title; institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. No vested rights are gained by Developer or a successor in interest by the City's approval of this Use Permit (2014-41 U).
5. The Use Permit shall be vested within six (6) months from the effective date of approval. A building permit for the tenant improvements allowed under this Use Permit shall have been obtained within six (6) months from the effective date of the Use Permit or the Use Permit shall expire; provided however that the Use Permit may be extended pursuant to the Lodi Municipal Code.
6. The Use Permit shall not become effective until ten (10) business days after approval, providing that the action is not appealed to the City Council by any interested party within that 10 day period.

7. Any request for an extension of the Use Permit must be justified in writing and received by the Planning Department at least thirty (30) days prior to expiration.
8. The project proponent/applicant/operator and/or developer and/or successors in interest and management shall operate and abide by the requirements and conditions of the State of California Department of Alcoholic Beverage Control Licenses Type 2, 9, 14 and 17.
9. The City reserves the right to periodically review the area for potential problems. If problems (on-site or within the immediate area) including, but not limited to, public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct result from the proposed land use, the Use Permit may be subject to review and revocation by the City of Lodi after a public hearing and following the procedures outlined in the City of Lodi Municipal Code. Additional reviews may be prescribed by the Community Development Director, the Police Department and/or Planning Commission as needed during and after the first two years of probationary period. Further, starting from the effective date the business commences, this Use Permit shall be subject to a one year, and two year review by Community Development Director. If the Director determines it necessary, the Director shall forward the review to the Planning Commission to review the business's operation for compliance with the conditions of the Use Permit, and in response to any complaints thereafter.
10. Prior to the issuance of a Type 2, 9, 14 and 17 licenses, the project proponent/applicant/operator and/or developer and/or successors in interest and management shall complete Licensee Education on Alcohol and Drugs as provided by the State Department of Alcoholic Beverage Control.
11. The Lodi Police Department may, at any time, request that the Planning Commission conduct a hearing on the Use Permit for the purpose of amending or adding new conditions to the Use Permit or to consider revocation of the Use Permit if the Use Permit becomes a serious policing problem.
12. All temporary and permanent signage proposed in connection with the wine making operation shall be reviewed and approved by the Community Development Department.
13. All winery waste shall not be stored outside and shall be properly disposed of within 24 hours of crush activity.
14. All delivery truck cueing shall take place off of the public right-of-way.
15. The project proponent/applicant and/or developer and/or successors in interest and management shall maintain the project site free of litter, shopping-carts or any other undesirable materials and shall be cleaned of loose debris on a daily basis.
16. Any equipment used for the business shall comply with the Noise Ordinance. If complaints are received and verified by the City regarding noise from equipment associated with the facility, the applicant/operator and/or successors in interest and management shall mitigate and/or make any necessary modifications so noise levels comply with acceptable standards identified in the City's General Plan.
17. Noise levels shall not exceed sixty-five (65) dBA, as measured from the outside wall of the building envelop.
18. Subsequent modifications of this approval, which do not intensify the use, including but not limited to alteration of parking and circulation design, minor changes to the conditions of approval, interpretations of the conditions of approval relative to intent, necessity of, and timing, may be approved by the Community Development Director, unless the Community Development Director requires a Substantial Conformance or Revised Permit application in accordance with the Zoning Ordinance.
19. In the event the use hereby permitted under this permit is: (a) found to be in violation of the terms and conditions of this permit; (b) found to have been obtained by fraud or perjured testimony; or (c) found to be detrimental to the public health, safety or general welfare, or a

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

20. At all times during the conduct of the use(s) allowed by this permit, the use(s) shall maintain and keep in effect valid licensing from appropriate local, state and/or federal agencies as required by law. Should such required licensing be denied, expire or lapse at any time in the future, this permit shall become null and void.
21. Any sign(s) shall require a building permit from the Community Development Department. Said sign(s) shall be in full compliance with the City of Lodi Sign Ordinance and any applicable master sign program for the subject site.
22. An operational permit shall be required from the Lodi Fire Department for the operation of the wine manufacturing facility. Please contact the Lodi Fire Prevention Bureau at 25 East Pine Street, Lodi - (209) 333-6735.
23. If operation of this use results in conflicts pertaining to parking, noise, traffic, or other impacts, at the discretion of the Community Development Director, this conditional use permit may be referred to the Planning Commission for subsequent review at a public hearing. If necessary, the Commission may modify or add conditions of approval to mitigate such impacts, or may revoke said conditional use permit bound upon applicable findings.
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.
- ~~26. Tenant Improvement plans are required for the change of use. All plan submittals shall be based on the City of Lodi Building Regulations and currently adopted 2010 California Building code. Please review our policy handouts for specific submittal procedures.~~
- ~~27. Storage racks greater than 6' in height are required to be submitted under separate permit and cover. Storage racks greater than 8' in height shall be provided with structural calculations. Storage 12' or greater in height must be reviewed as high piled storage." City of Lodi Policy and Procedure B-[08]-[09]~~
- ~~28. The California Building Code (Title 24 Section 1134B) requires that existing buildings, when alterations are made, shall be verified for compliance with disabled access requirements. These requirements shall apply only to the specific area of alteration and shall include an accessible entrance, an accessible route to the altered area, at least one accessible restroom for each sex, telephones and drinking fountains (if existing), and when possible additional items such as parking, storage and alarms.~~

#### Community Development – Building

26. Any changes to the existing building (including use or occupancy), 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. Please review our policy handouts for specific submittal procedures.
27. All outstanding fees due to the Building Department shall be paid prior to any further permits or approvals will be issued. The following fees are outstanding:
  - a) A Stop Work Notice (20143632) was issued 10/15/2014 for bottling operations without a Certificate of Occupancy for the use/occupancy. \$1000.00 penalty fee is due.
  - b) Tenant Improvement (20142237) plans were reviewed and approved. The plans are expired as of 09/11/2014. The plan review fees were not paid. Building Plan Review Fee \$810.72,

Fire Plan Review Fee \$202.68, Public Works Plan Review Fee \$710.00, Zoning Plan Review Fee \$350.00

Total Fees Due: \$3073.40

28. The Use Permit Application shows the project is to be phased. Phase One is listed as "Occupy property for warehousing and storage". Complete and adequate plans shall be submitted to the Building Department, for review and approval. Plans shall specify and show the commodity to be stored, quantity, commodity packaging, means of storage (i.e. racks, pallets, stacks, etc.) and maximum storage height.

29. Storage racks greater than 6' in height are required to be submitted under separate permit and cover. Storage racks greater than 8' in height shall be provided with structural calculations. Storage 12' or greater in height must be reviewed as high piled storage." City of Lodi Policy and Procedure B-[08]-[09]

30. The Tenant Improvement (20142237) building permit application and plan review for the conversion of Building 2 into offices and wine production has expired. Complete and adequate plans for the proposed construction and change of use/occupancy to Building 2 shall be submitted to the Building Department for review and approval. The Use Permit Application shows this work is to be Phase Two of the project. The notes on the Use Permit application state that Phase Two may require up to 2 years to complete.

As per the 2013 CBC, Section 105.5 every permit issued shall become invalid unless work is commenced within 180 days after its issuance or if the work is suspended or abandoned for a period of 180 days after the time the work has commenced. In order to meet time restrictions on the validity of the building permit, you may consider applying for separate permits for portions of the building, such as a permit for the offices and a separate permit for the production area. Be aware that no portion of the building may be occupied for the proposed use or occupancy until the building permit for proposed changes is finalized and Certificate of Occupancy is issued.

31. The Building Facility Plan has a note stating that the tanks and production to be submitted under a separate permit. The Building Facility Plan also shows exterior tanks located between Buildings 2 and 3. The exterior tanks have an occupancy classification of U as per 2013 CBC, Section 312.1 and must have the required fire separation distance or fire rating as specified by 2013 CBC, Table 602.

32. Fire rated separation may be required between different occupancies in the building as per 2013 CBC, Section 508.4 and Table 508.4

33. 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

34. If the occupant load of the building or 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 backup 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
35. Any new doors or newly required entrance or exit doors are required to be accessible. The 2013 CBC, Section 11B-206.4.1 requires all entrances and ground-floor exit doors to building and facilities shall be accessible to persons with disabilities and shall be connected by an accessible route to the public way. Plans to specify and show the accessible path of travel from any new door(s) to the public way or to an area of safe dispersal in compliance with 2013 CBC, Section 1027.5, Exception.
36. 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.
37. The required number of plumbing fixtures (water closets, urinals, lavatories) shall be provided, as specified for the proposed occupancies by 2013 CPC, Table 422.1. Plumbing occupant load shall be calculated using the plumbing occupant load factor specified by 2013 CPC Table A for each area use.
38. New restrooms will be required to be accessible as per 2013 CBC, Section 11B-213
39. Areas of the building where people are engaged at labor are required to be heated. Provide an active or passive space heating system capable of maintaining a minimum indoor temperature of 68 degrees F at a point 3 foot above the finished floor in areas where people will be working. 2013 CBC, Section 1204.1
40. 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.

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.

#### Lodi Electric Utility

41. Please contact Lodi Electric Utility at your earliest convenience to discuss current and future electrical service needs for the project - (209-333-6763). Proposed project improvements will require additional electric service. The following information will be required to determine service needs.
- A. A final and approved site plan showing:
- Your desired metering location

- Proposed trench route
- Landscape and irrigation design
- Street improvements (for Street Light design)
- Depths of existing and planned other underground utilities
- Future plan for peripheral improvements

B. CAD Drawing for proposed improvements.

C. One line diagram

D. Square footage and use / Load calculations / Load history for similar property

E. A completed service application

F. Provide a location, on-site suitable to the utility, for a pad-mount transformer and other equipment as needed by the utility to serve this project.

G. Panel Upgrade will require a completely new primary feed from Lodi Avenue Overhead Power lines. Developer will bear the cost of these dedicated improvements to the primary distribution system. Developer to contact Lodi Electric Utility (LEU) to proceed with required work order and billing letter.

In accordance with LEU Rules and Regulations #16 Subsection J "Reconciliation of Billing": A Developer/Applicant is required to pay for the services based on the Estimated Cost prior to LEU Construction, the billing will be Reconciled with the Actual Cost upon the completion of the project.

## Public Works

The Public Works Department has the following comments concerning the approval of a Use Permit amendment to phase winery operations for a A. H. Wines to be located at 25, 27, 29, 31 East Vine Street:

42. Public improvements will be required for curb, gutter, sidewalk and commercial driveways along the Vine street frontage conforming to City of Lodi Design Standards and Standard Plans.
43. An encroachment permit issued by the Public Works Department is required for the following work:
  - a. All work along the Vine Street right-of-way including, but not limited to, curb, gutter, sidewalk, and driveway entrance.
44. Installation of a 4" wastewater service lateral into the industrial line as per City of Lodi Standard Plan 203.
45. Installation of a monitoring system and flow meter for the industrial wastewater discharge. See Lodi Municipal Code 13.12.120 Federal Pretreatment Requirements.
46. All new development is required to perform best management practices (BMP) as required in the City Stormwater Development Standard Plans (DSP). The project must include measures to mitigate the pollutants of concern listed in the DSP. The building plans must include the mitigation measures prior to Public Works approval.
47. 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.
48. 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. Wastewater Capacity Impact Fee at the time of occupancy.
  - c. Regional Transportation Impact Fee (RTIF) at the time of building permit issuance.

49. Payment of the following prior to temporary occupancy or occupancy of the building unless noted otherwise:

- a. Development Impact Mitigation Fees per the Public Works Fee and Service Charge Schedule.

50. Additional comments and conditions will be provided in conjunction with the approval of a building permit for this project.

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 collection indicated above.

**Dated: December 10, 2014**

I certify that Resolution No. 2014-XX was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on December 10, 2014 by the following vote:

**AYES:** Commissioners:

**NOES:** Commissioners:

**ABSENT:** Commissioners:

**ATTEST** \_\_\_\_\_  
Secretary, Planning Commission