

<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, JUNE 25, 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 – “May 14, 2014”
3. PUBLIC HEARINGS
  - a. Request for Planning Commission approval of:
    - I. Growth Management Allocation for 227 Medium-Density Residential Lots and 330 High-Density units; and
    - II. A Vested Subdivision Map for the Reynolds Ranch Subdivision, a 78 acre, 557 unit subdivision; and
    - III. Adopt Development Standards for the subdivision known as Reynolds Ranch Subdivision located within Planned Development 39 Zoning District.

(Applicant: Skinner Ranch Holdings LP; File: 2014-07 S / GM; CEQA Status: Section 15153 – Previous EIR)
  - b. Request for Planning Commission approval of a Use Permit Amendment to allow a Type-42 On-Sale Beer and Wine for The Cellar Door at 21 N School Street. (Applicant: Lodi Family Wineries; File 2014-17 U; CEQA Determination: Exempt per Section 15321)
  - c. Request for Planning Commission approval of a Use Permit to allow a Type-41 On-Sale Beer and Wine for Morino’s at 212 South School Street. (Applicant: Leona Morino; File 2014-20 U; CEQA Determination: Exempt per Section 15321)

**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, MAY 14, 2014**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of May 14, 2014 was called to order by Chair Jones at 7:00 p.m.

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

Absent: Planning Commissioners – Hennecke and Kirsten

Also Present: Interim Community Development Director Stephen Schwabauer, Senior Planner Craig Hoffman, Contract Interim Deputy City Attorney Judith Propp, and Administrative Secretary Kari Chadwick

2. MINUTES

“March 26, 2014”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Heinitz second, approved the minutes of March 26, 2014 as written.

“April 9, 2014”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Heinitz second, approved the minutes of April 9, 2014 as written.

Chair Jones announced that Item 3d will be the first public hearing to be reviewed.

3. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Jones called for the public hearing to consider the request of the Planning Commission for a Use Permit for a Popeyes Louisiana Kitchen drive thru restaurant at the southeast corner South Cherokee Lane and East Kettleman Lane. (Applicant: Norcal Cajun Foods. File No. 2014-09 U-SP. CEQA Determination: Exempt per 15303)

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

Commissioner Slater asked if there will be a monument sign other than the sign that is proposed with this project. Planner Hoffman stated that there will not be an additional sign at this time.

Commissioner Olson asked what the interior capacity of the restaurant will be. Planner Hoffman stated that he would refer that question to the applicant.

Commissioner Heinitz asked if the site with the entrance on Kettleman is a good idea. In the past there has been quite a bit of congestion. Hoffman stated that Public Works has reviewed the application and found that the current configuration in regards to the driveways is the best set up for this parcel.

Hearing Opened to the Public

- Julio Tinajero, representative for the applicant, came forward to answer questions. This application only shows the monument sign, but they would like to reserve the right to have a highway sign in the future. The parking will be restriped.

- Commissioner Heinitz asked if when the highway sign comes back to the Commission it would be nice if you collaborated with the AM/PM, so there will only be one sign. Mr. Tinajero stated that will be considered.
- Commissioner Olson asked if the interior capacity will get used or will there be a higher use in the drive-thru. Mr. Tinajero stated that the location near the highway will generate a high drive-thru demand around 60/70 to 40/30, but the interior is going to be very pedestrian friendly.
- Commissioner Slater asked if the project will be using drought tolerant plants. Mr. Tinajero stated that the landscape plan has adhered to the City's plant list and standards. Slater asked if the trash enclosure will be redone. Mr. Tinajero stated that a new CMU trash enclosure will be built. Slater asked if there will be any plantings done to protect it from possible graffiti. Mr. Tinajero stated that they don't typically do that because of the maintenance issue. Slater asked if the lighting will be changed. Mr. Tinajero stated that the lighting will be changed based on the site needs, but will not be overbearing. Slater asked about the noise from the speaker boxes. Mr. Tinajero stated that the technology for the speakers has come a long way and can be adjusted to maintain a level that only the occupants in the vehicle can hear it.
- Vice Chair Kiser asked for clarification regarding which way the 60/40 occupancy leans. Mr. Tinajero stated that the drive-thru should get 60 or 70 percent of the traffic. Kiser stated his concern over the amount of traffic at 70 percent. Mr. Tinajero stated that the traffic study is based on the past use.
- Charanjiv Dhaliwal, applicant, came forward to address the occupancy for this site. Mr. Dhaliwal believes this will be more of a 50/50 ratio between the drive thru and internal occupancy. Kiser stated that you can't base the traffic study on the past use since there wasn't a drive-thru at the location. Mr. Tinajero stated that the size of the building and the occupancy will be less than the previous use.

Public Portion of Hearing Closed

**MOTION / VOTE:**

The Planning Commission, on motion of Commissioner Kiser, Olson second, finds the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 and approves the Use Permit and site and architectural plans for the proposed Popeyes Louisiana Kitchen drive thru restaurant at 612 East Kettleman Lane subject to the findings and conditions of approval contained in the draft Resolution. The motion carried by the following vote:

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

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Jones called for the public hearing to consider the request of the Planning Commission for a Use Permit to allow a fitness center within an existing commercial shopping center located at 834 West Kettleman Lane. (Applicant: Ken Kaestner; File 2014-12 U; CEQA Determination: Categorical Exemption Pursuant to CEQA Guidelines Section 15301 Existing Facilities)

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

Hearing Opened to the Public

- Ken Kaestner, representative for the applicant, came forward to answer questions. Mr. Kaestner stated that this site was chosen because of the possible future expansion.

- Chair Jones asked how many facilities are currently open. Mr. Kaestner stated that they operate twenty facilities currently. The company likes to find locations where there is a high vacancy rate to give them an opportunity to grow to adjoining spaces. There has been a trend with past projects that the addition of the facility tends to bring in new tenants. Jones asked if there is any concern with over saturation of gyms in Lodi. Mr. Kaestner stated that they are not concerned.
- Commissioner Slater clarified that a sign will be put on the outside of the building. Kaestner stated there will be a sign put up. Slater asked about the hours of operation. Kaestner stated they will be open from approximately 6:00 am to 9:00 pm.
- Commissioner Olson asked about the number of showers on the plan. Kaestner stated that for the size they feel that one shower for each will suffice. Most patrons come to the gym already dressed and will then go home to shower.

Public Portion of Hearing Closed**MOTION / VOTE:**

The Planning Commission, on motion of Commissioner Kiser, Slater second, finds the project has satisfied the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 and approves the Use Permit for Fitness Evolution to operate a fitness center within an existing commercial shopping center located at 834 West Kettleman Lane subject to the findings and conditions of approval contained in the draft Resolution. The motion carried by the following vote:

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

- c) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Jones called for the public hearing to consider the request of the Planning Commission for a Tentative Parcel Map to divide one parcel into two lots at 740 California Street. (Applicant: Keith Wenger; File 2014-13 P; CEQA Determination: Categorical Exemption Pursuant to CEQA Guidelines Section 15315)

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

Commissioner Heinitz asked what the size is of the existing garage. Hoffman stated that he believes it is a 20 foot by 20 foot structure.

Hearing Opened to the Public

- Josh Ellis, Baumbach and Piazza representative for the applicant, came forward to answer questions. Mr. Ellis clarified that the current garage is a two car space.
- Chair Jones asked for clarification that the shed would be torn down. Mr. Ellis stated that it would. Jones asked what size of dwelling will be placed on the new site. Ellis stated it would be approximately 2800 square feet.
- Judy Shelton, resident, came forward to express some concerns for the project. The building at 732 North California is about 32 inches from the fence line. There is also an apartment on the property that she resides in and she is concerned with the privacy. She expressed several concerns regarding the state of the neighborhood and possibility of additional rentals.
- Commissioner Heinitz stated that this project will have to meet all of the conditions that are outlined in the resolution. There isn't any way to predict who the resident will be for the property, but hopefully they will be good neighbors. Infill is an important part of the Zoning Code.

Public Portion of Hearing Closed

**MOTION / VOTE:**

The Planning Commission, on motion of Commissioner Heinitz, Slater second, finds the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15315 and approves the Tentative Parcel Map to divide one parcel into two lots at 740 California Street subject to the findings and conditions of approval contained in the draft Resolution. The motion carried by the following vote:

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

- d) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Jones called for the public hearing to consider the request of the Planning Commission for a Use Permit to allow a Type-21 Off-Site Beer, Wine and Spirits sales at a new grocery store at 608 S. Central Ave. (Applicant: Davinder Singh Malhi. File No. 2014-14 U. CEQA Determination: Exempt - Section 15321)

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

Chair Jones commented that the project will only be open until 9:00 pm. Hoffman clarified that the closing time will be 10:00 pm.

Hearing Opened to the Public

- Davinder Singh Malhi, applicant, came forward to answer questions through interpretation by his son.
- Commissioner Heinitz asked if the applicant has other stores. Mr. Singh stated that he has stores in Modesto. Heinitz asked if the applicant would be running this store. Mr. Singh stated that he would like to make this store his home base.
- Maria Anaya, resident, came forward to object to the project. She does not feel this is the right use for the neighborhood and that it could possibly bring a place for loitering.
- Ricardo Anaya, resident, came forward to object to the project. He does not feel that this will be a benefit to the neighborhood. Heinitz asked how long Mr. Anaya has lived in the neighborhood. Mr. Anaya stated that he has lived there all of his life.

Public Portion of Hearing Closed

- Commissioner Heinitz stated his support for the project.
- Commissioner Slater stated his support for the project.

**MOTION / VOTE:**

The Planning Commission, on motion of Commissioner Heinitz, Slater second, finds the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321 and approves a Use Permit to allow a Type-21 Off-Site Beer, Wine and Spirits sales at a new grocery store at 608 S. Central Avenue subject to the findings and conditions of approval contained in the draft Resolution. The motion carried by the following vote:

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

Interim Director Schwabauer restated the conditions are there to protect the neighborhood. If the applicant is not following all of the conditions a complaint can be made and the item brought back to the Commission for review.

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.

Senior Planner Hoffman stated as a follow-up item from the March 26<sup>th</sup> Meeting the state has strict regulations on car washes and the percentage of water to be recycled is higher than what was discussed during the public hearing for Kelly's Car Wash. Commissioner Heinitz stated that Mr. Gillespie answered his concerns in the week following the meeting and the water recycling percentage is higher for the Kelly's Car Wash project than the 65% requirement of the state.

Senior Planner Hoffman gave a brief report regarding the Downtown ABC License Memo. This is just a start of the continued information that is being gathered to be brought back to the Commission to address concerns that have been expressed.

Commissioner Heinitz stated that he needed to excuse himself from the meeting at this point (8:01pm).

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

Senior Planner Hoffman stated that the memo has been provided and staff is available to answer any questions.

7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

Vice Chair Kiser gave a brief report regarding the meeting that was held on April 23<sup>rd</sup>.

4. ART IN PUBLIC PLACES

None

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

None

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

Commissioner Olson stated that she was a bit uncomfortable with the back and forth conversations that occurred with the public during the public comment period and would like to get some guidance from staff regarding the proper procedure. Director Schwabauer stated that the best practice is to accept the public comment take notes and then address the concerns once the public hearing has closed.

Vice Chair Kiser asked who the new person sitting at the staff table is. Schwabauer introduced Judith Propp who is assisting in the City Attorney's office on an interim basis.

10. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 8:09 p.m.

ATTEST:

Kari Chadwick  
Planning Commission Secretary

Item 3a



# CITY OF LODI PLANNING COMMISSION Staff Report

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**MEETING DATE:** June 25, 2014

**APPLICATION NO:** Subdivision Application: 2014-07 S  
Growth Management Allocation: 2014-07 GM

**REQUEST:** Request for Planning Commission approval of:

- a) Growth Management Allocation for 227 Medium-Density Residential Lots and 330 High-Density units; and
- b) A Vested Subdivision Map for the Reynolds Ranch Subdivision, a 78 acre, 557 unit subdivision; and
- c) Adopt Development Standards for the subdivision known as Reynolds Ranch Subdivision located within Planned Development 39 Zoning District.

(Applicant: Skinner Ranch Holdings LP; File: 2014-07 S / GM; CEQA Status: Section 15153 – Previous EIR)

**LOCATION:** South of Harney Lane and west of Reynolds Ranch Parkway  
APN: 058-650-04  
Lodi, CA 95240

**APPLICANT:** Skinner Ranch Holdings, LP  
Mr. Dale Gillespie  
1420 S. Mills Avenue, Suite M.  
Lodi, CA 95240

**PROPERTY OWNER:** Skinner Ranch Holdings, LP  
Mr. Dale Gillespie  
1420 S. Mills Avenue, Suite M.  
Lodi, CA 95240

## RECOMMENDATION

Staff recommends that the Planning Commission approve the Vesting Tentative Subdivision Map and Planned Development Guidelines for the Reynolds Ranch Subdivision and recommend to the City Council approval of the request for 227 Medium-Density and 330 High-Density growth management allocations subject to conditions in the attached resolution.

## PROJECT/AREA DESCRIPTION

**General Plan Designation:** Medium Density Residential, High Density Residential, Open Space and Industrial  
**Zoning Designation:** Planned Development 39 (PD-39)  
**Property Size:** 78.08 acres – 3,401,164 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>	Low Density Residential, Medium Density Residential, Industrial	Planned Development 39 (PD-39)	Agricultural crops
<b>South</b>	San Joaquin County	San Joaquin County	Agricultural use
<b>East</b>	Commercial, Business Park	Planned Development 39 (PD-39)	Commercial / Blue Shield
<b>West</b>	Low Density Residential, Medium Density Residential, Industrial	San Joaquin County	Agricultural use

**SUMMARY**

The proposed vesting subdivision map seeks to create 227 single family lots and a 14.3 acre - 330 unit High-Density parcel. The project includes a 10.2 acre regional detention basin and 2.19 acre park site. The proposed uses are consistent with the General Plan and Zoning designations. The project takes access off LeBaron Boulevard from Reynolds Ranch Parkway and Stockton Street to the north.

**BACKGROUND**

The Reynolds Ranch project annexed in to the City of Lodi in 2006 as a mixed-use development. The City certified an environmental impact, approved a new General Plan and Zoning designation (PD-39) and entered into a Development Agreement (later terminated). PD-39 paved the way for retail and commercial uses, a public park, fire station, a self-storage facility, and the Blue Shield office complex, a major component of the development. Subsequently, portions of the project site developed, including COSTCO public warehouse, Home Depot, and three smaller pads are currently under construction. A master sign program was approved in the year 2011 that will guide the design of all new signs for the center and the individual businesses. The developer is now proceeding with the next phases of the plan, including the Phase 3A commercial project approved in February 2014 and now the residential component.

On February 20, 2014, Skinner Ranch Holdings submitted an application for the Reynolds Ranch Subdivision project, which includes a Vesting Tentative Subdivision Map, review of the development standards for the Planned Development Unit and growth allocations.

**ANALYSIS**

Existing Conditions: The subject site consists of a vacant 78-acre parcel located at the extension of Lebaron Boulevard, west of Reynolds Ranch Parkway. The parcel represents 78 acres of the 220 acre “Reynolds Ranch Project” annexed into the City in 2006. Surrounding land uses include agricultural land to the north, south and west and urban uses to the east. The topography of the site is relatively flat and vineyards make up the entire site.

Vesting Subdivision Map: The proposed Vesting Tentative Map would subdivide the project parcel into 227 Medium-Density residential single-family lots, 1 high density lot (14.3 acres net) for future development, 1 – 10.2 acre detention basin, 1 – 2.19 acre park site, and associated public roadways.

The typical Medium-Density residential lot is 50 X 90 and 4,500 sq. ft. The High-Density parcel is 14.3 acres in size and anticipates 330 residential units. The development is separated into 3 distinct phasing areas identified within the Planned Development Guidelines. The layout and design of the high density parcel will take place in the future. The project developer is still working on a product for the high density site.

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 the extension of LeBaron Boulevard and Stockton Street with additional access points to the north consistent with land use diagrams in the General Plan. The overall circulation pattern anticipates development to the north and streets have detached sidewalks to create a tree canopy consistent with historical Lodi residential areas.

Fences and Buffers: The City places a high value on quality design and materials in the construction of fencing and buffers for developments. Fencing is an integral design feature in residential developments and defines property ownership and boundaries. The City expects quality materials that will last and maintain an appealing aesthetic within neighborhoods. Condition of approval 27 has been added to the resolution that sets the City's expectation, so developers of this subdivision know this is an important feature the City wants maintained.

The project includes a southern trail feature that helps define the urban limits of the City and the agricultural uses to the south. The trail buffer will include a chain link fence along the southern property line and include a meandering asphalt trail with landscaping, benches and fitness stations. The trail system is an important feature for the Reynolds Ranch development. It ties to the commercial portion of the project, including Blue Shield to the residential development to the west and ultimately to the north. A cross section is included in the PD Guidelines on page 8. Staff has required condition 28 that will require trail fitness stations as part of the project.

The drainage basin and park along the western edge provide a buffer between the railroad tracks and the residential development. The General Plan, CD-P22, identifies that alternative designs should be used to reduce soundwalls, including setbacks and landscaping. The right of way for the railroad is 200 feet wide with 100 feet to track centerline. The closest residence to the western property line is 300 feet. The closest residence to the railroad tracks is 400 feet. The park / basin and landscaping will provide a buffer to the railroad tracks without the need for masonry walls. The General Plan identifies that at 200 feet from the track centerline is a 60dB contour. At 400 feet that contour is significantly less and no additional noise mitigation is required.

The applicant is proposing a more natural looking basin and has provided examples from Rancho Cordova as Attachment D. Staff will work with the applicant to mimic the images proposed.

The upland park feature along the north-west boundary has been designed to extend to the north when the adjacent property develops. The goal is to provide ball fields that will meet the recreational needs of the community. A combined park feature is more efficient from a maintenance perspective and creates a larger park area.

General Plan Compliance: The project site includes General Plan Land Use designations of Industrial, Medium Density Residential, High Density Residential and Open Space. (Attachment B)

The proposed project is consistent with the current General Plan (2010) land use designations, layout and required density.

The Industrial designation along the railroad tracks was originally intended for a mini storage to provide screening and a buffer from the railroad tracks. The larger detention basin and park feature will act as the buffer to the residential uses. Staff also had concerns about an industrial use being accessed within a residential subdivision. The overpass on Harney Lane will restrict street frontage west of Stockton Street to the railroad tracks. The project layout meets the intent of the General Plan and creates a quality layout.

The Medium Density Residential designation mandates density ranges between eight (8) to twenty (20) units per acre. The High Density Residential designation mandates density ranges between twenty (20) to thirty-five (35) units per acre. The Reynolds Ranch project densities are Medium Density Residential – 8.0 units for acre and High Density Residential 23.0 units per acre. The General Plan Land Use Policy 3 (LU P3) prohibits development at less than the minimum and maximum density prescribed by each residential land use category. The proposed project does comply with applicable General Plan density requirements.

Allocating units to the High Density parcel helps the City meet our regional housing needs allocation in our Housing Element. The High Density parcel will require Site Plan and Architectural Review Committee approval in the future prior to any development.

Zoning Compliance: The project site is zoned Planned Development 39 (PD-39). Planned Development zoning designations provide flexibility in the application of development standards that will produce development projects of superior quality, including retention of unique site characteristics, creative and efficient project design, etc., than would have been achieved through strict application of the development standards required by the primary zoning district. The proposed project is divided into three distinct land uses areas; low density, medium density and high density. The project provides for a wide range of housing options for the community.

Planned Development Guidelines: The applicant has prepared the Reynolds Ranch Planned Development Standards and Guidelines. (Attachment E) The organization of these guidelines is presented as a series of community design components that when combined create a comprehensive project design. The chapters highlight and articulate the various community design components, establishing specific development guidelines and standards for how the project will develop.

As depicted in the development plans, the applicant is proposing to use several different elevation styles throughout the subdivision. The elevations use varying massing and architectural articulations. In addition, the subdivision is expected to allow custom homes and other builders to build homes at the project site, which will add architectural variations. Staff believes that the proposed design will provide not only an attractive streetscape, but interesting views from neighboring property owners as well.

The project also includes a preliminary landscape plan that generally places one large street tree in each front yard among other accent landscaping including various shrubs, ground cover and lawn. The landscaping plan would have to comply with the requirements of the Lodi Municipal Code Section 17.03.070 which regulate landscape water efficiency.

Growth Management Compliance: The allocation system gives priority through point assignments to projects that reduce impacts on services, infrastructure, and resources. The ordinance sets an annual growth limit of two percent of the City's population, compounded annually. Once the amount of allocation units is figured, the City requires that the allocation units be distributed among housing types as follows; 65 percent low density, 10 percent medium density and 25 percent high density.

For example, the following explains the current City population of **63,651** as of January 1, 2014 and **453** units available for 2014:

1. Calculate two percent of the City's current population: **63,651** x 2% = 1,273.02
2. Divide 1,273 by the average number of persons per household 1,273/2.812 = 452.70
3. Divide the 452.70 (**453** du) units into the 3 housing types:
  - 65% low density = 294 units
  - 10% medium density = 46 units
  - 25% high density = 113 units

In 2013, the City Council expired allocations accumulated since 2008. In the five-year period since 2008, 2,235 allocations were added to the reserve. The Council eliminated 800 Low Density and 1,435 High Density allocations. This Council action created a new balance of **4,634** as detailed below in **Table A**.

**Table A: Growth Management Allocation History**

Density	Base Available Allocations		
	Total Available for 2012	2% Allocations for 2013	Total Available for 2013
Low (0.1-7)	2,955	291	3,246
Medium (7.1-20)	557	45	602
High (20.1-30)	1,122	112	1,234
<b>TOTAL</b>	<b>4,634</b>	<b>448</b>	<b>5,082</b>

**Table B** identifies the available Allocations in 2013, Allocations provided to projects in 2013 and those available for 2014.

**Table B: Growth Management Allocation for 2014**

Density	Available Allocations			
	Total Available for 2013	Total Allocated in 2013 (Rose Gate)	2% Allocations for 2014	Total Available for 2014
Low (0.1-7)	3,246	- 232 (3,014)	294	3,308
Medium (7.1-20)	602	- 0 (602)	46	648
High (20.1-30)	1,234	- 0 (1,234)	113	1,347
<b>TOTAL</b>	<b>5,082</b>	<b>4,850</b>	<b>453</b>	<b>5,303</b>

As indicated above in the background discussion, the present project is being reviewed for growth management allocations for 2014. The applicant has submitted an application for 227 medium density growth management allocation units (7.1-20 units/acre) and 330 high density growth management allocation units (20 - 35 units/acre). **Table C** identifies the 2014 Total Allocations, the requested Allocations for the project, and the remaining overall Allocations.

**Table C: Growth Management Allocation for Reynolds Ranch**

Density	Available Allocations				
	Total Available for 2014	Allocation for Van Ruiten Ranch	Allocation for Reynolds Ranch	Remaining Allocations for 2014	Total Remaining for 2014
Low (0.1-7)	3,308	145	0	145 – 294 (149)	3,163
Medium (7.1-20)	648	55	227	276 – 46 (-230)	372
High (20.1-30)	1,347	88	330	374 – 113 (-261)	973
<b>TOTAL</b>	<b>5,303</b>	<b>288</b>	<b>557</b>	<b>- 342</b>	<b>4,508</b>

Although a design for the high density parcel will be determined in the future, staff has requested that the applicant include the growth allocation for the high density project now. The 330 units are 23 units per acre on the 14.3 acre site and this is at the lower density range to be consistent with the General Plan. By allocating the high density units, the City is reducing obstacles for development of potentially affordable units in compliance with the Housing Element. Staff recommends approval of the growth allocations requested.

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 proposed vesting tentative map, as described in the code compliance sections above, is consistent with the current General Plan (2010).

The proposed exclusively residential development aligns with the residential land use designations and densities assigned to site in the current General Plan. The site for the proposed subdivision is suitable for the density and type of development proposed in that it is a flat piece of land. Also the design of the subdivision and type of improvements would not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision in that there are no existing public access easements on the site. Further, as stated in the code compliance sections above, the applicant has proposed development standards for this subdivision that are consistent with the historical development of the City.

**ENVIRONMENTAL ASSESSMENT**

The project is consistent with the findings of the previous environmental documents prepared for the Reynolds Ranch development. The Reynolds Ranch Final EIR, (SCH#2006012113) including comments and responses to comments, was certified by the City Council on August 30, 2006. An addendum to the certified and Final EIR, including comments and responses to comments, was certified by the City Council on September 17, 2008.

Subsequently, the City 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. This General Plan designated the project site as Low Density Residential, Medium Density Residential, High Density Residential, Public / Quasi Public and Open Space.

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

No other special circumstances exist that would create a reasonable possibility that the proposed Project will have a significant adverse effect on the environment. Therefore, the proposed Project qualifies for the exemption under CEQA Guidelines Section 15153 and no further environmental review is required.

**PUBLIC HEARING NOTICE:**

Legal Notice for the Use Permit was published in the Lodi News Sentinel on Saturday, June 14 2014. Sixteen (16) 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 project has satisfied the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15153, the project is consistent with the findings of the previous environmental documents prepared for the Reynolds Ranch development and approve the Vesting Tentative Subdivision Map and Planned Development Guidelines for the Reynolds Ranch Subdivision and recommend to the City Council approval of the request for 227 Medium-Density and 330 High-Density Growth Management Allocations subject to conditions in the attached resolution."

**ALTERNATIVE PLANNING COMMISSION ACTIONS:**

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

Respectfully Submitted,

Concur,

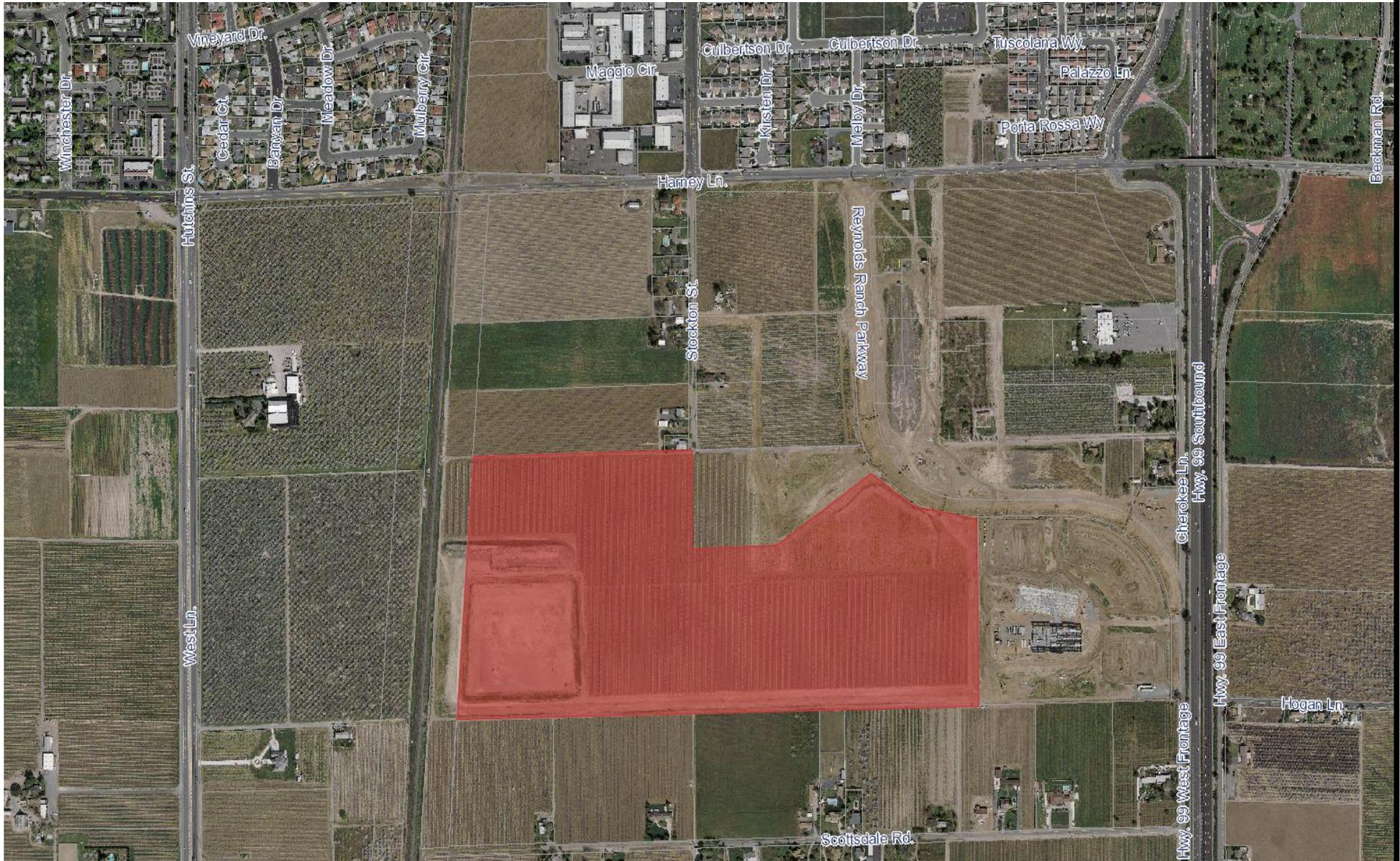
Craig Hoffman  
Senior Planner

Stephen Schwabauer  
Community Development Director

**ATTACHMENTS:**

- A. Vicinity / Aerial Map
- B. General Plan Map
- C. Subdivision Map
- D. Basin Imagery
- E. Planned Development Standards
- F. Draft Resolution

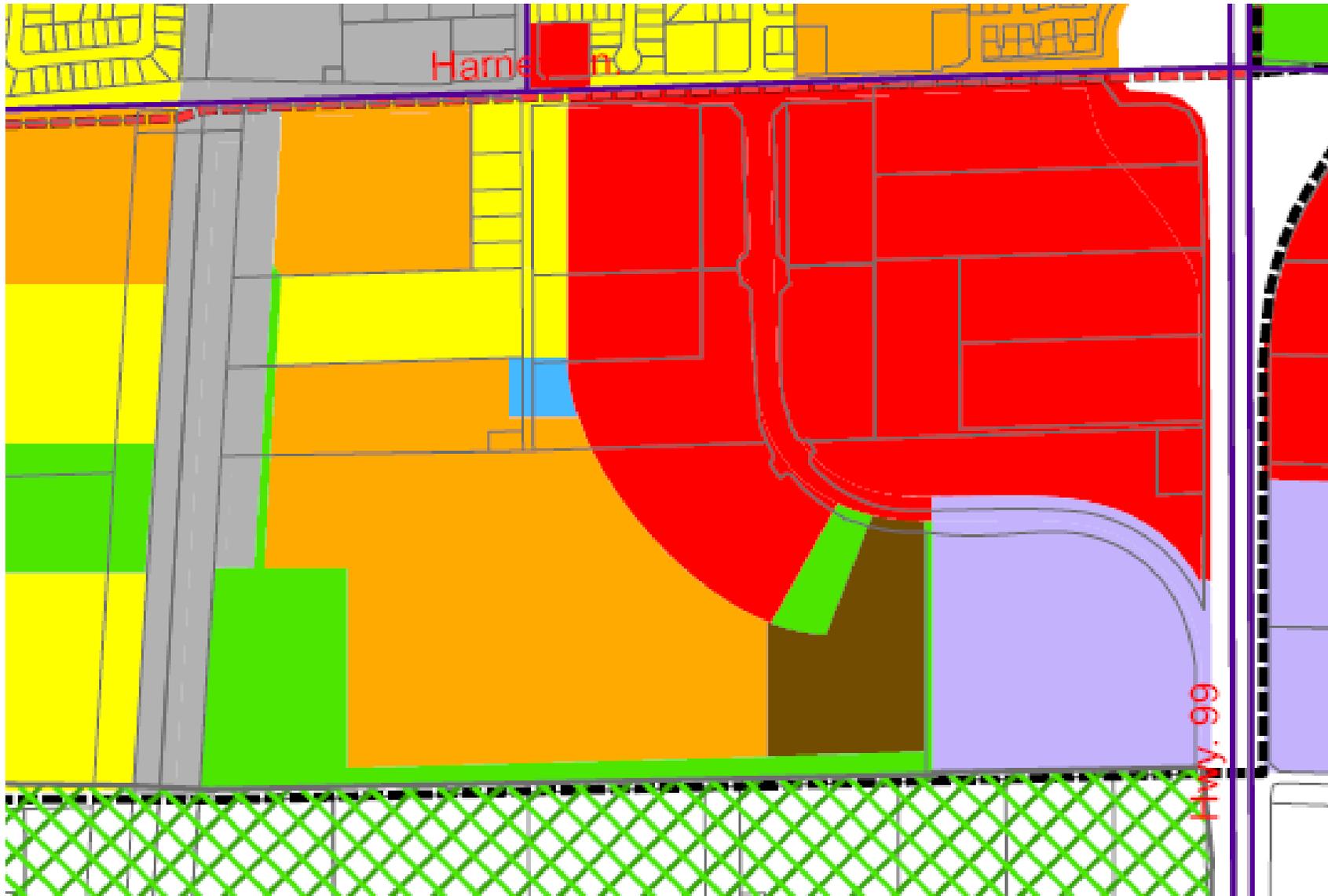
# VICINITY MAP



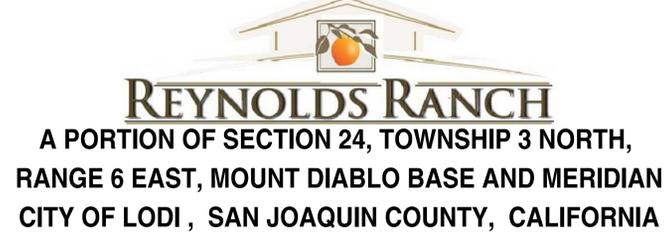
## Reynolds Ranch Subdivision

# General Plan Map

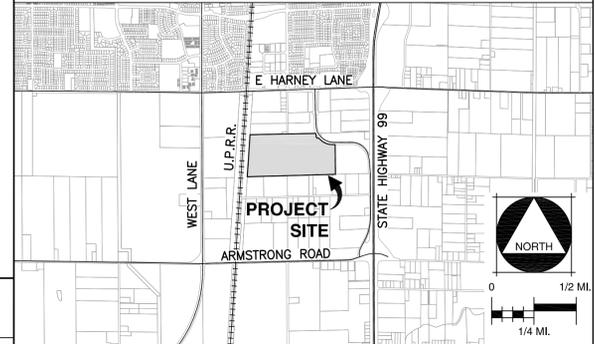
## Reynolds Ranch



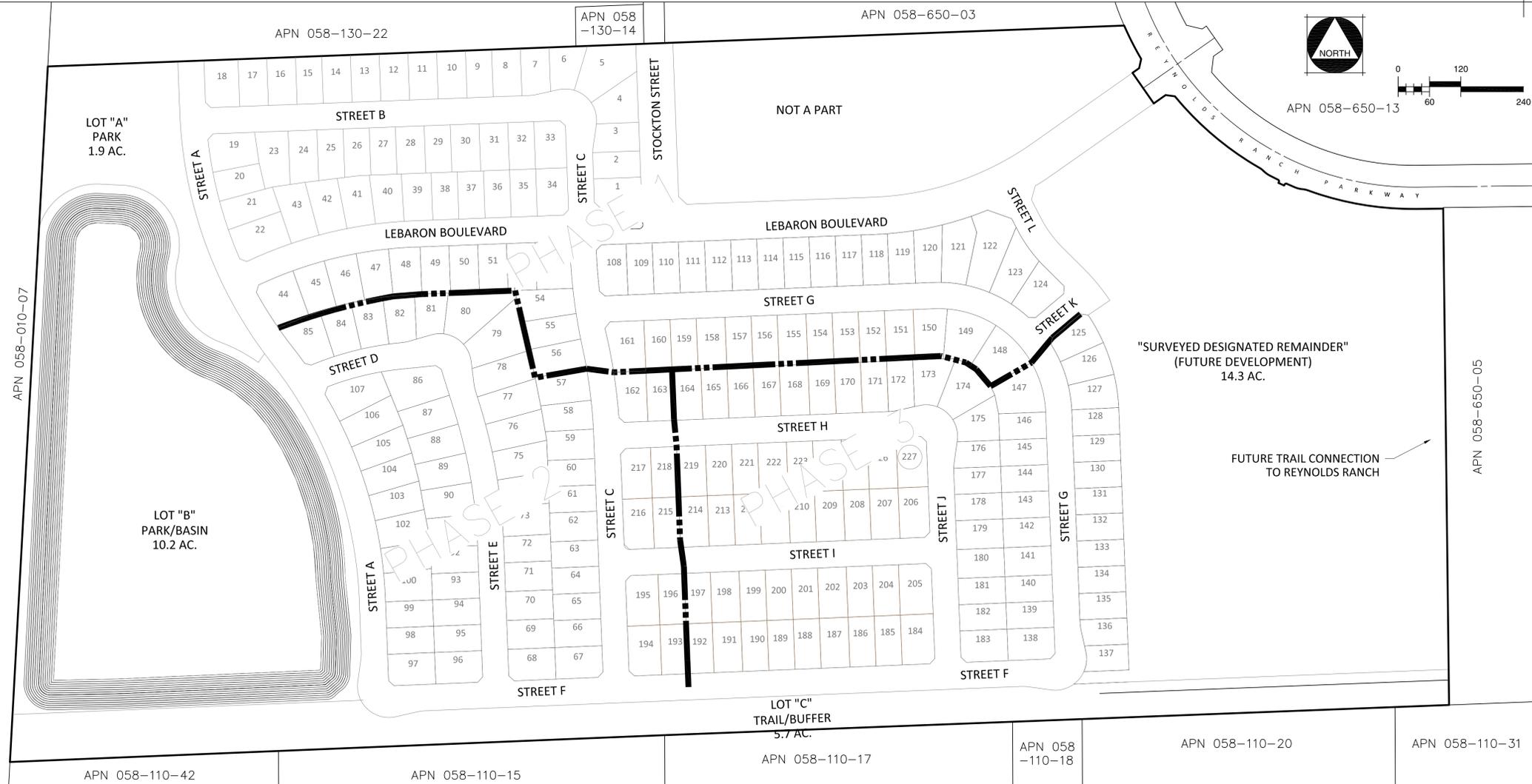
TRACT NO. 3805  
**VESTING TENTATIVE SUBDIVISION MAP**



**VICINITY MAP**



**SITE PLAN**



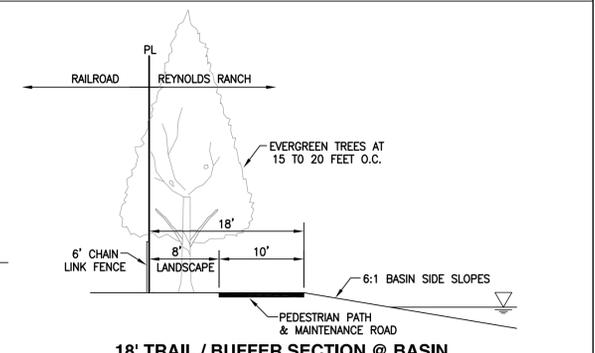
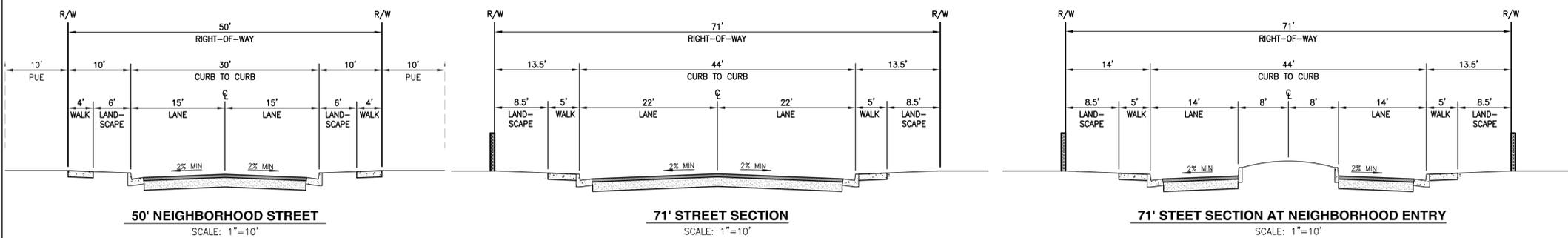
**NOTES**

- OWNER/SUBDIVIDER: SKINNER RANCH HOLDINGS, LP  
1420 S. MILLS AVENUE, STE. M  
LODI, CA 95240  
(209) 333-3400  
DALE GILLESPIE
- APPLICANT: SKINNER RANCH HOLDINGS, LP  
1420 S. MILLS AVENUE, STE. M  
LODI, CA 95240  
(209) 333-3400
- ENGINEER: MCR ENGINEERING, INC.  
1242 DUPONT COURT  
MANTECA, CA 95336
- NO. OF LOTS: 227
- LAND USE: EXISTING: AGRICULTURAL  
PROPOSED: SINGLE FAMILY RESIDENTIAL
- ZONING: PD-PLANNED DEVELOPMENT
- TOTAL AREA: 78.08 ACRES  
TOTAL DEVELOPED AREA: 72.78 ACRES
- UTILITIES: WATER: CITY OF LODI  
TELEPHONE: AT&T  
GAS: PACIFIC GAS & ELECTRIC COMPANY  
ELECTRIC: LODI ELECTRIC  
CABLE TV: COMCAST  
STORM DRAINAGE: CITY OF LODI  
IRRIGATION: WOODBRIDGE IRRIGATION DISTRICT
- APN: 058-650-04
- THE PROPERTY HAS A GENTLE SLOPE WITH ELEVATIONS RANGING FROM 45'-48'.
- STREET NAMES ARE SUBJECT TO APPROVAL BY CITY OF LODI.
- EXISTING BOUNDARY BASED ON RECORD INFORMATION.
- PUBLIC UTILITY EASEMENTS SHALL BE DEDICATED ALONG ALL STREET FRONTS.
- THIS PROPERTY IS NOT SUBJECT TO INUNDATION.
- THIS PROJECT MAY BE DEVELOPED IN PHASES PER DEVELOPERS OPTION.
- PORTION OF THIS PROPERTY IS IN FLOOD ZONES X 0.2% ANNUAL CHANCE OF FLOOD HAZARD & OUTSIDE THE 0.2% ANNUAL CHANCE PER FEMA ISSUED FLOOD INSURANCE RATE MAPS (COMMUNITY ID: 06077C03077)

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- GENERAL NOTES, KEY MAP, AND LEGEND
- TOPOGRAPHIC SURVEY
- 4 DIMENSION PLAN
- 5 GRADING PLAN
- 6 UTILITY PLAN

**STREET SECTIONS**



MCR ENGINEERING, INC.  
 1242 DUPONT COURT  
 MANTECA, CA 95336  
 TEL: (209) 239-6229  
 FAX: (209) 239-8839



NO.	DESCRIPTIONS	DATE	APPROVED

JOB NO. 13-093	DATE 06/10/14	SCALE AS SHOWN	DR. BY SCU/RF/JK	CK. BY TM	FILE: J:\2013\13-093\DWG\TM
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GENERAL NOTES, KEY MAP, AND LEGEND  
 VESTING TENTATIVE SUBDIVISION MAP  
 REYNOLDS RANCH  
 CALIFORNIA  
 LODI



TRACT NO. 3805  
 TENTATIVE SUBDIVISION MAP  
**REYNOLDS RANCH**  
 A PORTION OF SECTION 24, TOWNSHIP 3 NORTH,  
 RANGE 6 EAST, MOUNT DIABLO BASE AND MERIDIAN  
 CITY OF LODI, SAN JOAQUIN COUNTY, CALIFORNIA



MCR ENGINEERING, INC.  
 1242 DUPONT COURT  
 MANTECA, CA 95336  
 TEL: (209) 239-6229  
 FAX: (209) 239-8839

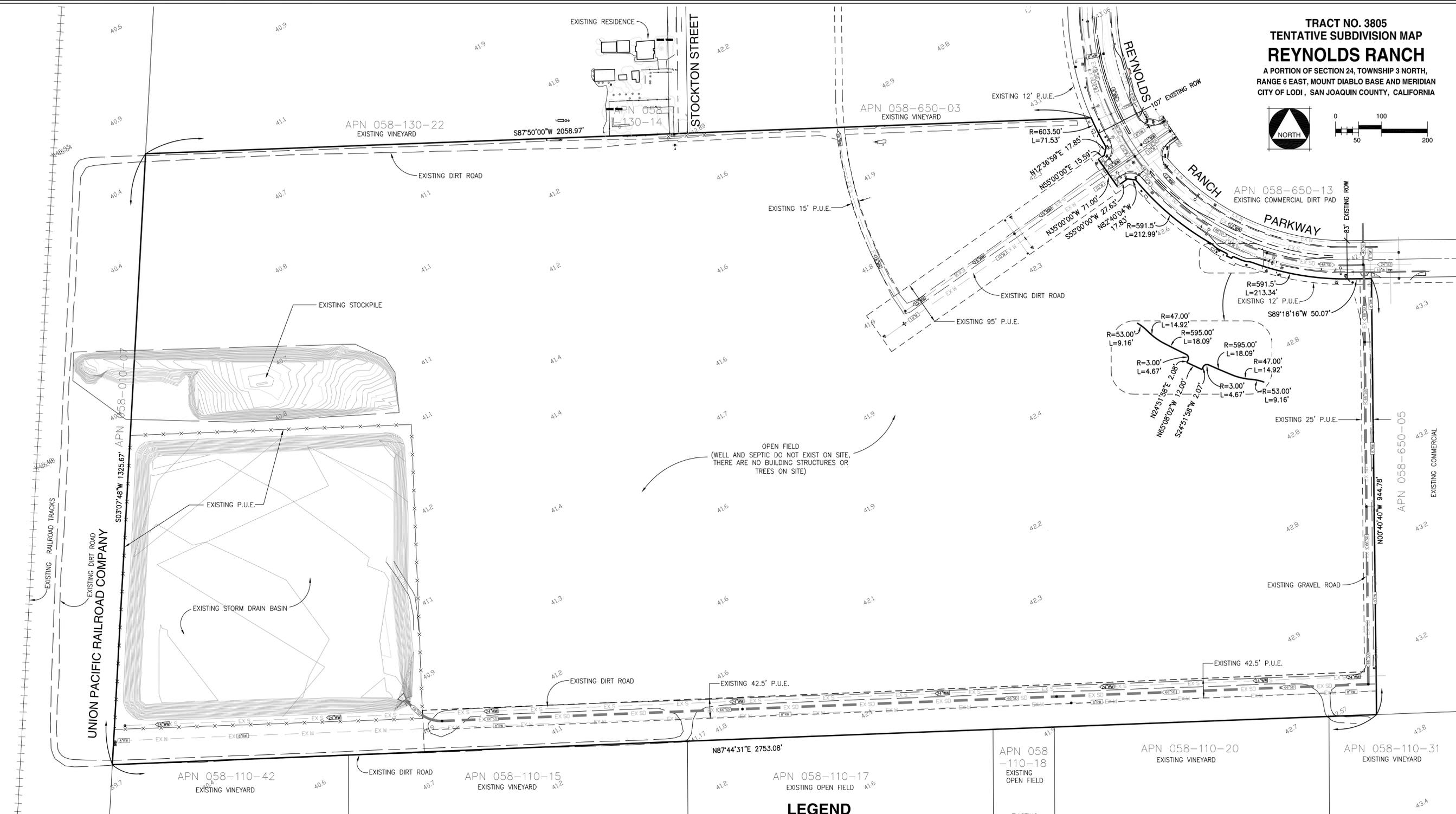


NO.	DESCRIPTIONS	DATE	APPROVED

JOB NO. 13-093  
 DATE 06/10/14  
 SCALE AS SHOWN  
 DR. BY SCU/RF/JK  
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 FILE: J:\2013\13-093\DWG\TM

TOPOGRAPHIC SURVEY  
 VESTING TENTATIVE SUBDIVISION MAP  
 REYNOLDS RANCH  
 LODI, CALIFORNIA

SHEET  
**2**  
 OF 6 SHEETS



BENCHMARK: BRASS CAP IN SIDEWALK, 0.5' BEHIND BACK OF CURB AT THE WEST END RADIUS. LOCATED AT THE NORTHWEST CORNER OF HARNEY LANE AND CHEROKEE LANE STAMPED "CITY OF LODI 1082"  
 ELEVATION: 46.37

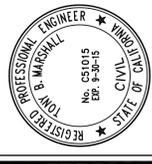
**LEGEND**

ITEM	EXISTING	ITEM	EXISTING	ITEM	EXISTING
WATER VALVE		WATER LINE		ORIGINAL GROUND ELEVATION	41.98
WATER HOSE BIB		WASTE WATER		CONTOUR (0.5' INTERVAL)	
AIR RELEASE VALVE		STORM DRAIN		BARBED WIRE FENCE	
BLOWOFF		OID IRRIGATION		WOOD FENCE	
FIRE HYDRANT		TYPICAL ELECTROLYZER		RETAINING WALL	
WATER METER		TYPICAL LUMINAIRE		MASONRY WALL	
OID IRRIGATION BOX		ELECTRICAL VAULT		CURB, GUTTER & SIDEWALK	
SEWER MANHOLE		SURVEY MONUMENT			
STORM MANHOLE		UTILITY POLE			
DRAIN INLET		SIGNAGE			
CURB INLET		ELEVATION	40.50TC 40.00P		
CLEANOUT					

APN 058-130-22

-130-14

TRACT NO. 3805  
 TENTATIVE SUBDIVISION MAP  
**REYNOLDS RANCH**  
 A PORTION OF SECTION 24, TOWNSHIP 3 NORTH,  
 RANGE 6 EAST, MOUNT DIABLO BASE AND MERIDIAN  
 CITY OF LODI, SAN JOAQUIN COUNTY, CALIFORNIA



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LOT "A"  
 PARK  
 1.9 AC.

LOT "B"  
 PARK/BASIN  
 10.2 AC.

NOT A PART

SEE SHEET 4 FOR CONTINUATION

APN 058-010-07



130-14

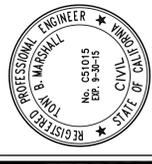
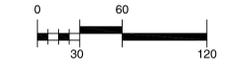


STOCKTON STREET

NOT A PART

TRACT NO. 3805  
TENTATIVE SUBDIVISION MAP  
**REYNOLDS RANCH**  
A PORTION OF SECTION 24, TOWNSHIP 3 NORTH,  
RANGE 6 EAST, MOUNT DIABLO BASE AND MERIDIAN  
CITY OF LODI, SAN JOAQUIN COUNTY, CALIFORNIA

APN 058-650-13



MCR ENGINEERING, INC.  
1242 DUPONT COURT  
MANTECA, CA 95336  
TEL: (209) 239-6229  
FAX: (209) 239-8839



LEBARON BOULEVARD

STREET G

STREET H

STREET I

STREET F

STREET L

STREET K

STREET J

STREET G

"SURVEYED DESIGNATED REMAINDER"  
(FUTURE DEVELOPMENT)  
14.3 AC.

APN 058-650-05

SEE SHEET 3 FOR PREVIOUS



LOT "C"  
TRAIL/BUFFER

N87°48'20"E  
1500.42'

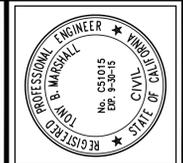
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NO.	DESCRIPTIONS	DATE	APPROVED

JOB NO. 13-093	DATE 06/10/14
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CK. BY TM	FILE: 11/2013/13-093/000/000.TM

DIMENSION PLAN  
VESTING TENTATIVE SUBDIVISION MAP  
REYNOLDS RANCH  
LODI CALIFORNIA

SHEET  
**4**  
OF 6 SHEETS



MCR ENGINEERING, INC.  
 1242 DUPONT COURT  
 MANTACA, CA 95336  
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NO.	DESCRIPTIONS	DATE	APPROVED

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 DATE 06/10/14  
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 CK. BY TM  
 FILE: J:\2013\13-093\DWG\TM

GRADING AND DRAINAGE PLAN  
 VESTING TENTATIVE SUBDIVISION MAP  
 REYNOLDS RANCH  
 CALIFORNIA  
 LODI

SHEET  
**5**  
 OF 6 SHEETS



**NOTE:**

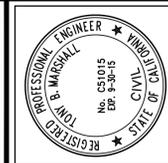
1. PLEASE REFER TO SHEET NO. 3 & 4 FOR OFFICIAL LAYOUT & LOT NUMBERS

**KEY:**

- LOT PAD ELEVATION      XX.X
- TOP OF CURB GRADES       XX.XX
- DIRECTION OF STREET SLOPE       →

TRACT NO. 3805  
 TENTATIVE SUBDIVISION MAP  
**REYNOLDS RANCH**  
 A PORTION OF SECTION 24, TOWNSHIP 3 NORTH,  
 RANGE 6 EAST, MOUNT DIABLO BASE AND MERIDIAN  
 CITY OF LODI, SAN JOAQUIN COUNTY, CALIFORNIA





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 1242 DUPONT COURT  
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NO.	DESCRIPTIONS	DATE	APPROVED

JOB NO. 13-093  
 DATE 06/10/14  
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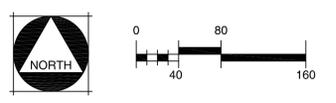
UTILITY PLAN  
 VESTING TENTATIVE SUBDIVISION MAP  
 REYNOLDS RANCH  
 CALIFORNIA

SHEET  
**6**  
 OF 6 SHEETS



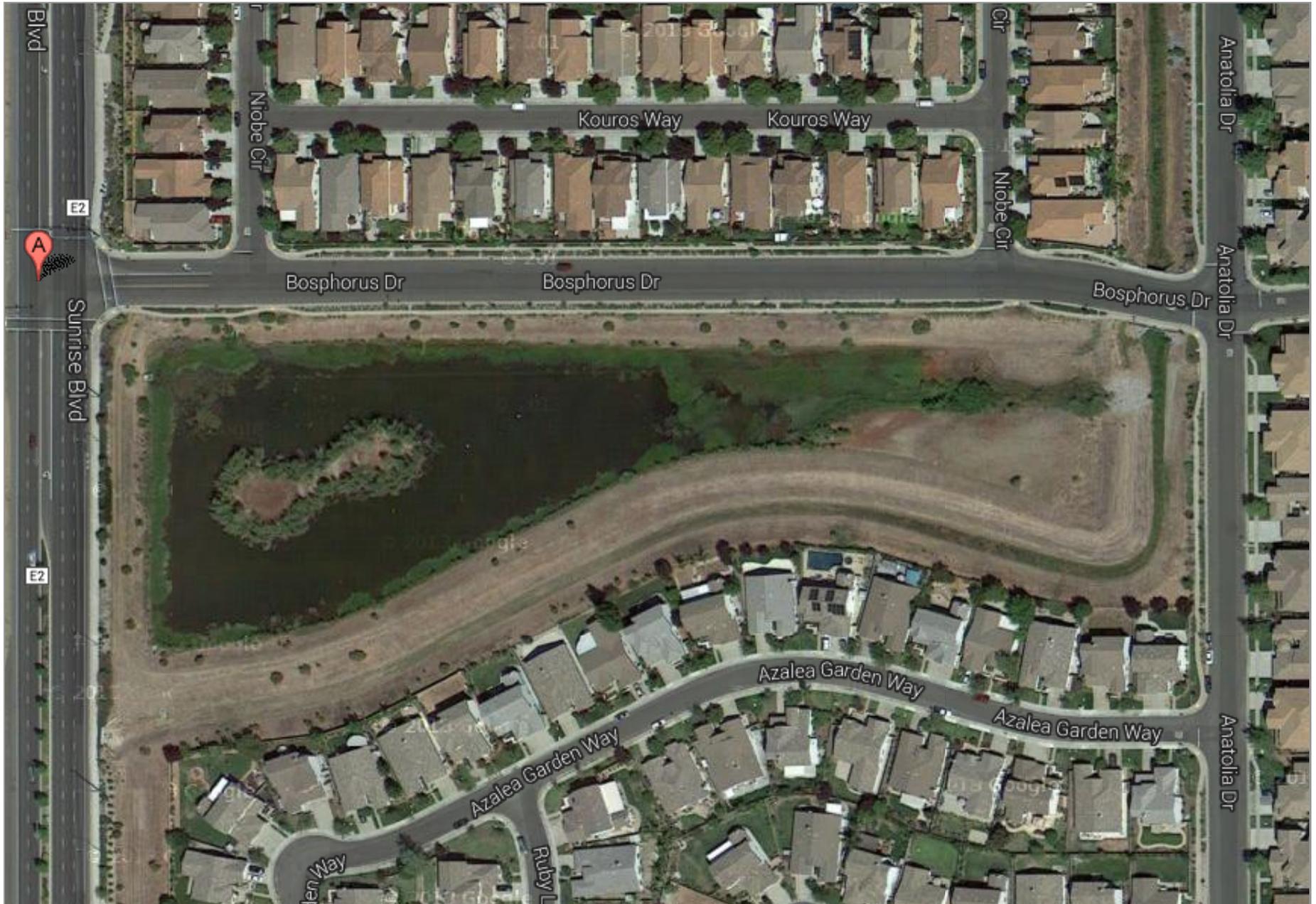
**NOTE:**  
 1. PLEASE REFER TO SHEET NO. 3 & 4 FOR OFFICIAL LAYOUT & LOT NUMBERS

TRACT NO. 3805  
 TENTATIVE SUBDIVISION MAP  
**REYNOLDS RANCH**  
 A PORTION OF SECTION 24, TOWNSHIP 3 NORTH,  
 RANGE 6 EAST, MOUNT DIABLO BASE AND MERIDIAN  
 CITY OF LODI, SAN JOAQUIN COUNTY, CALIFORNIA





To see all the details that are visible on the screen, use the "Print" link next to the map.





Bosphorus Dr  
Rancho Cordova, CA 95742 – approximate address  
NEW! Street View - May 2012

Image capture: May 2012 © 2014 Google



Image capture: May 2012 © 2014 Google



## PLANNED DEVELOPMENT OVERLAY STANDARDS & GUIDELINES

Lodi, CA

May, 2014



PLANNED DEVELOPMENT OVERLAY  
STANDARDS & GUIDELINES

Lodi, CA

May, 2014

**Prepared by:**

Reynolds Ranch Partners, Inc.  
1420 S. Mills Avenue, Suite M  
Lodi, CA 95242  
(209) 333-3400

**Project Engineer:**

MCR Engineering, Inc.  
1242 Dupont Court  
Manteca, CA 95336  
(209) 239-6229



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NOTE: Other than site plans and site-specific exhibits and tables, the images contained herein are for illustrative purposes only, and do not necessarily reflect in detail the actual house plans and elevations of *The Homes at Reynolds Ranch*, as this document must be produced prior to the review and approval of the City of Lodi, and therefore before house plans and elevations can be finalized.

*The Homes at Reynolds Ranch offer a truly unique setting. Residents enjoy a walking trail and their own neighborhood park, with major shopping, dining, and services a short walk or bike ride away.*

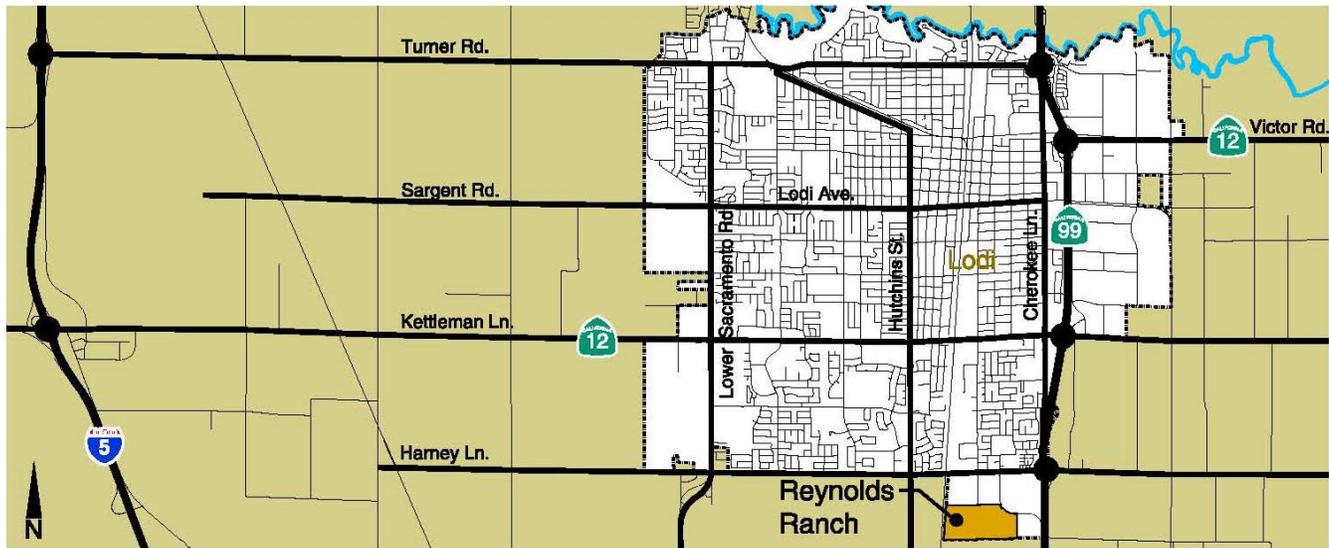


# 1.0 INTRODUCTION

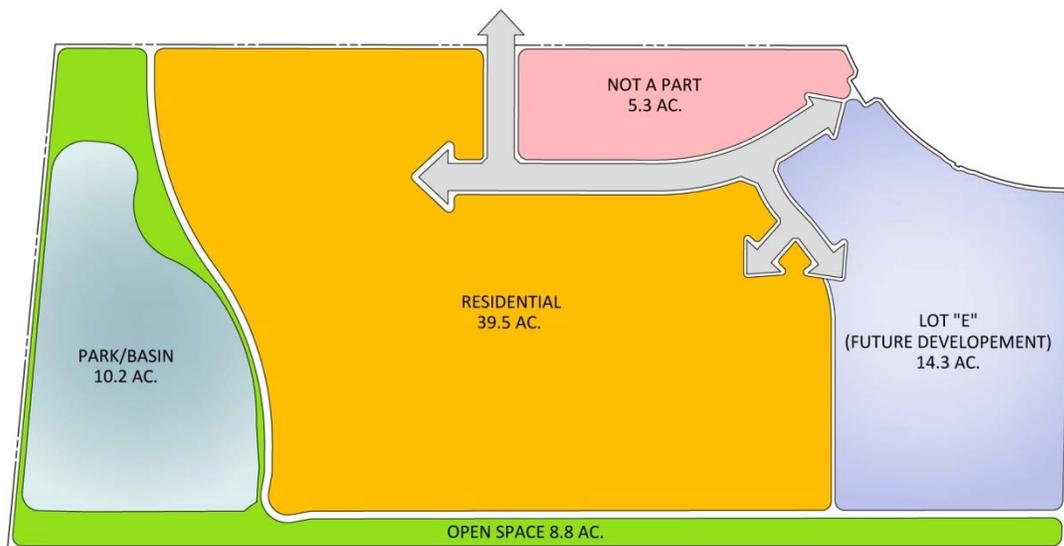
## 1.1 Location

*The Homes at Reynolds Ranch* comprise approximately 38 acres of the overall Reynolds Ranch project annexed to the City in of Lodi in 2006. Situated in the southwest corner of the project area, *The Homes at Reynolds Ranch* project is bordered by unincorporated agricultural and rural residential lands to the South, and UPRR railroad tracks to the West existing agriculture and residential to the North, and Blue Shield of California to the East.

*Exhibit 1-1---Project Location*



*Exhibit 1-2---Reynolds Ranch Land Use Diagram (Partial)*

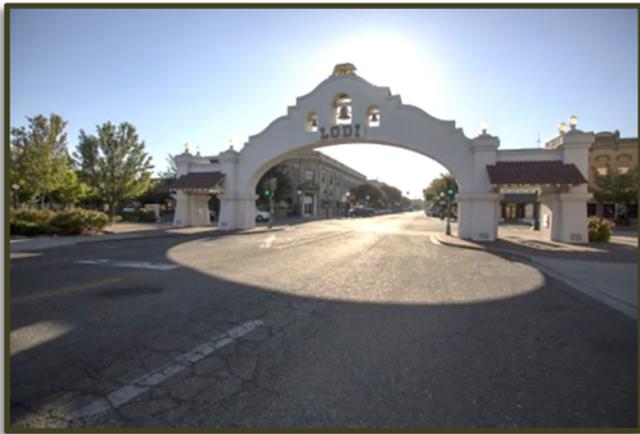


## 1.2 Purpose

This document outlines the Site Planning features, and sets forth the Development Standards and Design Standards for *The Homes at Reynolds Ranch* Planned Development (PD) Overlay zone. This PD Overlay zone promotes and encourages design flexibility while protecting the public health, safety, general welfare, integrity and character of the City of Lodi.

The PD is a living document that establishes comprehensive land use development regulations to promote and encourage quality neighborhood development within *The Homes at Reynolds Ranch*. Maximum height, minimum setbacks, design criteria, and more are established for *The Homes at Reynolds Ranch* consistent with the PD zone and permit requirements.

## 1.3 The Vision



Reynolds Ranch was conceived and developed with the central goal of creating more jobs and more revenue for this great community of Lodi. A parallel set of goals included creating a variety of land uses, including various types of residential housing, senior care and senior housing, retail, and office. The initial phase constructed the backbone infrastructure to enable one of Lodi's largest private employers, Blue Shield of California, to retain their existing workforce and almost double it. Blue Shield's goal of creating

an environmentally friendly design earned Lodi its first Leadership in Energy Efficient Design, ("LEED"), designation. The infrastructure that was designed for Reynolds Ranch played a major role in meeting the LEED criteria, including Lodi's first permanent storm retention basin. All of the storm water from the project area filters through the ground to recharge our precious underground aquifer. Reynolds Ranch is also the first project plumbed to use recycled water for irrigating landscaping in the commercial retail and office areas of the project. Home Depot followed suit with their first ever LEED certified store, and Costco also constructed their Reynolds Ranch store to a level well above the LEED standards. As the commercial/retail centers in the project area continue to add retailers, services, and eating establishments, the stage is set for the arrival of *The Homes at Reynolds Ranch*.

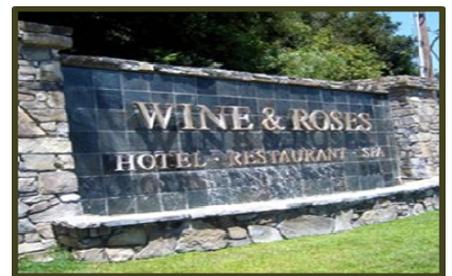
The first of many retail and restaurant shop buildings were recently completed and their architectural styling serves as a reminder of our area's rich agricultural heritage. Strict guidelines have been established to insure that new retail and restaurant development in the project area also incorporate this theme in their new buildings. The developers of Reynolds Ranch are appreciative of art, especially creations that all can view and enjoy. Reynolds Ranch volunteered to participate in Lodi's public art program, and as proof of its commitment, the first of several public art works has recently been completed by a local

muralist, Carlos Lopez, who is respected and admired for large outdoor murals. It is entitled “Luscious Lodi”, and is a 10’ high mural depicting Lodi’s fruit packing heritage with a cherry crate label. These commitments to sustainability, energy efficiency, Lodi’s agricultural heritage, public art, and emphasis on increasing Lodi’s employment and financial base are paramount to creating the entire Reynolds Ranch project, one that the Lodi community can be proud of.



*The Homes at Reynolds Ranch* will be accessed from Reynolds Ranch Parkway, then westward on LeBaron Boulevard. Enhanced landscaping will be planted as an entry feature and to buffer the future retail area on the north side of LeBaron. Upon entering the residential area, LeBaron Boulevard will terminate into a park feature introducing the park/basin and open space provided in the subdivision. Homes will front all park and open space areas, providing extra ‘eyes and ears’ for the safety of park visitors. A walking trail will be provided around the park/basin and in the buffer provided on the south boundary of the Reynolds Ranch project area, which also serves as the City limits and limits to Lodi’s General Plan in this area. The trail/buffer overlooks agricultural land to the south, and views from the trail include fields, vineyards, and orchards. The trail/buffer also connects the retail shopping areas, as well as providing a connection to the storm water basin, which will have somewhat of a seasonal pond appearance. An upland turf park will occupy the north end of the open space. It is anticipated that this upland park area can be expanded to the north to provide adequate space for development of soccer fields when the residential land northward develops. All homes will have easy walking/cycling access to park, the basin area, and the Reynolds Ranch retail areas.

The architecture of *The Homes at Reynolds Ranch* will incorporate a variety of architectural styles, each providing variety and character from the street. Some will include front porches to enhance the neighbor-friendly feel of the walkable environment.



### 1.3.1 Objectives

*The Homes at Reynolds Ranch* PD Overlay includes the following objectives:

1. Ensure energy efficient and creative design
2. Provide a range of housing opportunities
3. Design neighborhoods around the trail/buffer, basin, and park areas
4. Create a 'sense of place'
5. Incorporate architecture that represents the best of architecture in our region
6. Design indoor and outdoor living spaces integral to the home's architecture
7. Encourage and create a comfortable and walkable neighborhood atmosphere
8. Thoughtfully configure edge treatments to fit the particular locations, i.e. trail/buffer, railroad right of way, retail



## 1.4 Land Use & Zoning

### 1.4.1 Existing Conditions

The 38.3 acre portion comprising *The Homes at Reynolds Ranch* is currently a vineyard.

The requirements of CEQA have been met for the Project by the certification of the Reynolds Ranch Annexation Environmental Impact Report, (EIR #2006012113) and adoption of Findings and Statement of Overriding Considerations for the Project by City Council Resolution in August, 2006.

#### *Exhibit 1-3---Existing Conditions*



### 1.4.2 General Plan and Zoning

The Lodi General Plan designates this site **Medium Density Residential**.

The Lodi Zoning Map designates this site as **PD (Planned Development) Overlay**.

This document establishes the development standards for the PD Overlay.

## 2.0 SITE PLANNING

*The Homes at Reynolds Ranch* combines an array of site planning details, and importantly, emphasizes pedestrian connectivity. A park is within walking distance of all homes. Pedestrian travel to the Reynolds Ranch retail center is enhanced by the landscaped pedestrian travel way along LeBaron Boulevard. Smaller block sizes are provided where possible, recognizing practical limitations such as the storm water basin. Other important site planning features include:

1. Variety of lot sizes with 2 different products types
2. Single loaded streets "fronting" the basin and trail/buffer.
3. Application of linear lot and block design where possible
4. Enhanced project entry landscaping/masonry

*Exhibit 2-1--- Reynolds Ranch Site Plan*



### 2.1 Lot Types

Lot types presented in this section further define the City of Lodi's land use requirements to allow for flexibility in design and a more diverse range of housing types to meet the needs of the local community. Generally speaking, there is a blending of lot sizes between the two complimentary house plan offerings.

Lot types and sizes to be utilized within *The Homes at Reynolds Ranch* include:

**Village I (MDR-V1):** At 50'x90' minimum, and some with more lot depth, Village 2 comprises the smaller size. All of these lots are located north and west of the park, though there are 2 areas where both Village 1 and Village 2 lots are adjacent. These lots will accommodate both single story and 2 story designs.

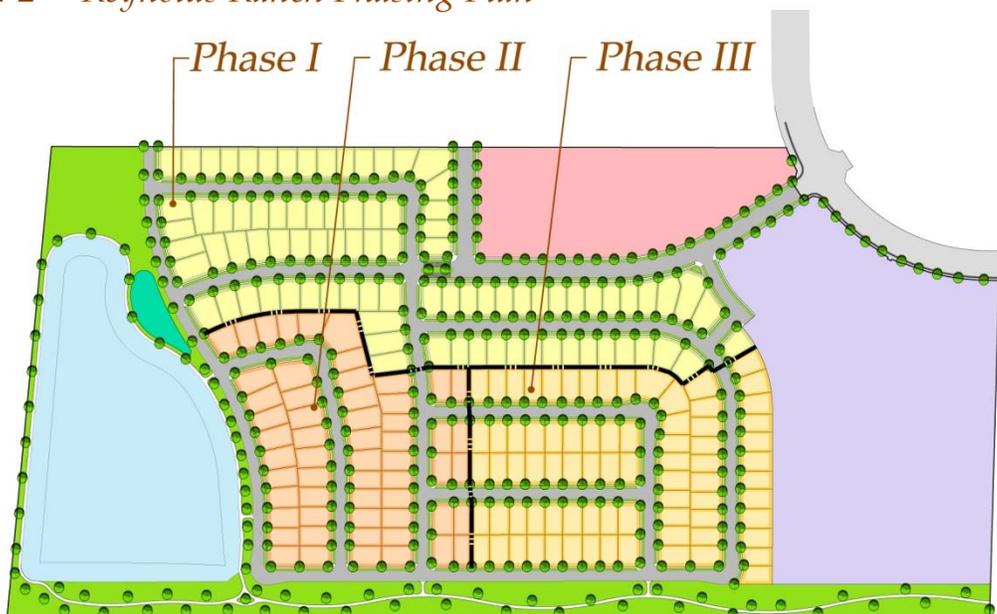
**Village II (MDR-V-2):** This Village comprises our largest lot offering at a minimum size of 55'x90', with some larger. Homes will be both single and 2 stories, with the possibility of a 3<sup>rd</sup> car garage in a tandem configuration in some floor plans.

## 2.2 Phasing

Certain backbone infrastructure both within and outside of the project boundary will be constructed with the initial phase of the project as required by the City. These improvements will include rough grading, storm drain, water, sewer, communications, electric, and natural gas, in addition to street improvements. It is anticipated that lots will be finished in three phases per village according to market conditions.

The project shall be developed in three phases. Phase I will include the northerly lots and park/basin. Model homes will be established on LeBaron Boulevard leading to the park. Phase II will include the lots directly south of Phase I nearest the park/basin, and Phase III will include the balance of the lots to the east.

### *Exhibit 2-2--- Reynolds Ranch Phasing Plan*



Project development is anticipated to begin the 2<sup>nd</sup> half of 2014. The exact timing cannot be determined at this stage of the development and construction process.

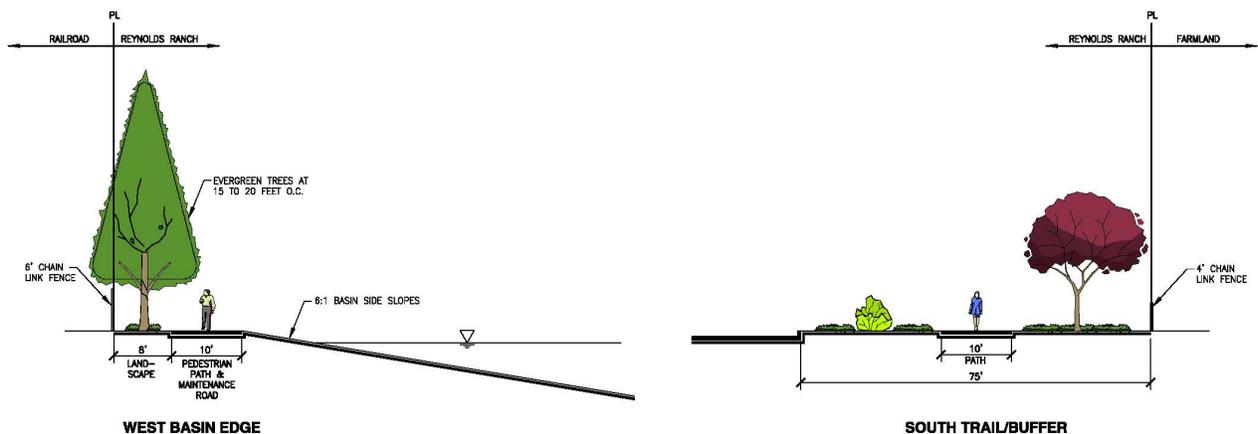
## 2.3 Open Space & Storm Water Concept

The combined park, open space and storm water basin totaling approximately 10 acres serves an important functional and aesthetic purpose for *The Homes at Reynolds Ranch* as well as the overall Reynolds Ranch project area. It provides a long-term storm water retention solution and a surrounding open space trail area for residents. The landscaping concept is to leave the basin itself 'wild' with only occasional maintenance to insure that adequate storm water storage is kept, while the trail of decomposed granite gets some grooming to maintain an adequate trail width. Amenities such as benches and overlook areas are subject to more specific design and approval of the City Public Works Department.

*Exhibit 2-3--- Open Space/ Storm Water Basin Concept*



*Exhibit 2-4--- Basin/Buffer Edge Conditions*



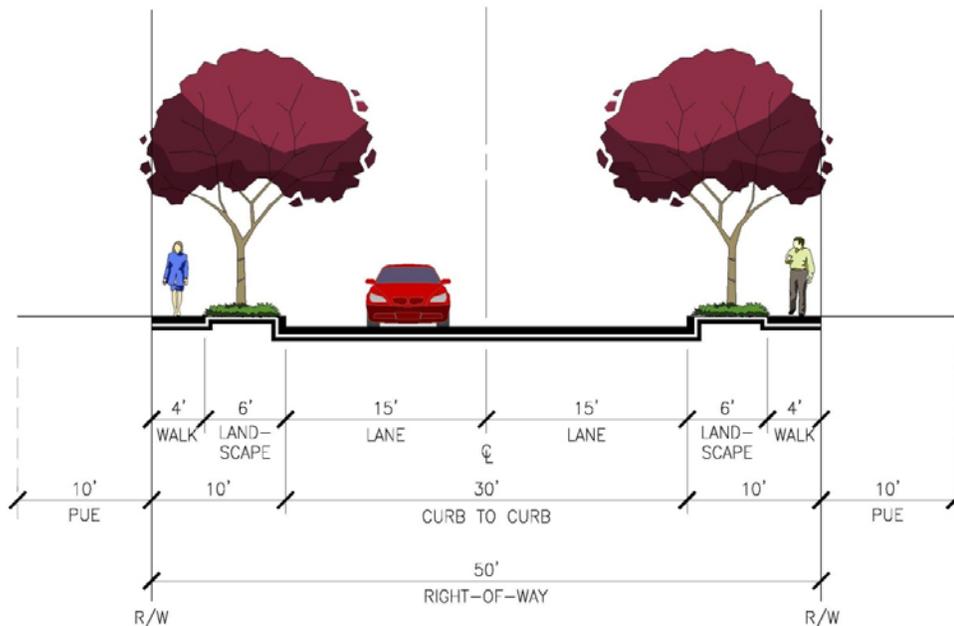
## 2.4 Neighborhood Integration

Reynolds Ranch is located at the southern-most and eastern-most edge of Lodi, bordered by Hwy 99 on the East, UPRR line on the West, Harney Lane on the North, and agricultural lands along the south boundary, making a connection from *the Homes at Reynolds Ranch* to the existing community difficult. Rather, Reynolds Ranch, with its varied land uses ranging from office, retail, senior, multi-family, park and open space, a future fire station, and a pedestrian/bike trail, creates its own sense of place within the Lodi community.

## 2.5 Vehicular Circulation

All streets within *The Homes at Reynolds Ranch* shall be designed to accommodate traffic speeds of 25 miles per hour or less and comply with City of Lodi street standards. Sidewalks shall be separated by parkway streets. At least one (1) canopy street tree shall be planted at every lot front. Additional trees may be planted on wider lots subject to the review and approval of the landscape plans by the City of Lodi. A canopy street tree will be planted along side streets. The parkways will be landscaped with low-water use groundcover and plant materials.

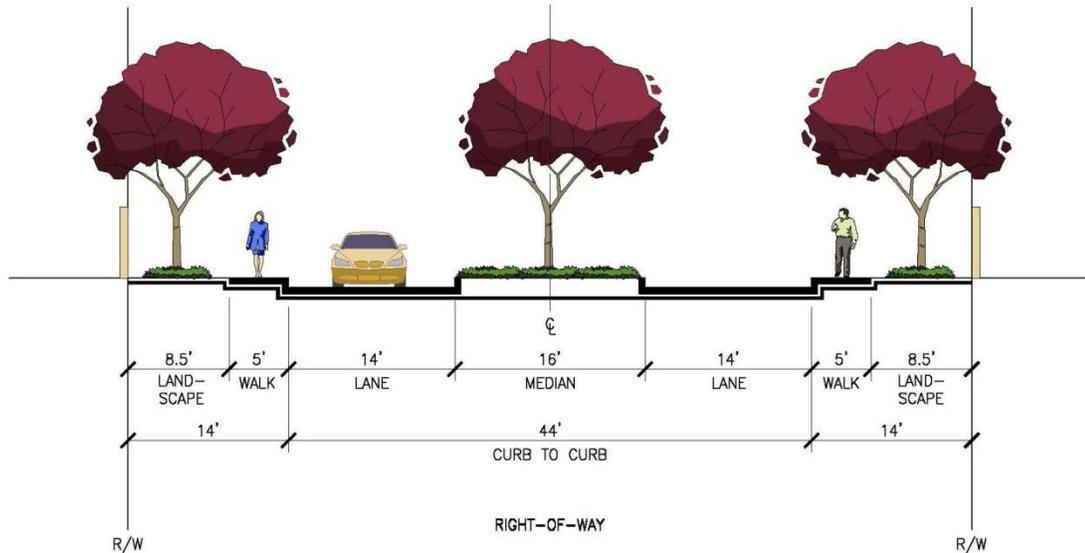
*Exhibit 2-5 --- Neighborhood Street Section (50-foot wide ROW)*



## 2.6 Primary Entry

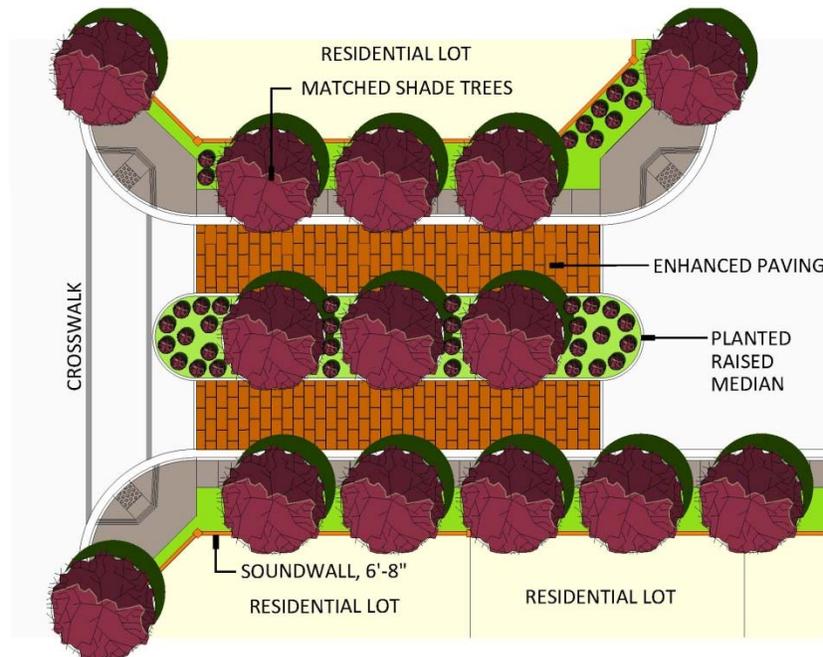
The one primary entry will feature a landscape median and enhanced landscape along the wall to complement the architectural character of the community. *The Homes at Reynolds Ranch* monument sign(s) will be located at the entry, and the pedestrian experience will be enhanced by a design to be determined in the near future. Emphasis on the street tree selection and pattern will highlight connectivity and access to *The Homes at Reynolds Ranch*.

*Exhibit 2-6---Primary Entry Street Section – LeBaron Blvd. (71-foot wide ROW)*



Note: LeBaron Blvd. will not have a raised median east of Stockton Blvd.

*Exhibit 2-7---Primary Entry Plan- LeBaron Blvd.*



## 3.0 DEVELOPMENT STANDARDS

### 3.1 Overlay Development Standards

The Overlay Development Standards for *The Homes at Reynolds Ranch* were crafted to ensure that all development within *The Homes at Reynolds Ranch* would result in an attractive, desirable and secure environment that is compatible with the adjoining neighborhoods.

The Master Developer shall create a Design Review Board for *The Homes at Reynolds Ranch* charged with reviewing all proposed development for consistency with these PD Guidelines. The Design Review Board shall include a licensed architect and structural engineer as well as a representative from the Master Developer. All project plans shall be reviewed and approved by the Design Review Board prior to any application submittal to the City of Lodi for approval of building permits.

#### 3.1.1 Typical Plotting

The following diagram demonstrates sample setbacks for the lot types within *The Homes at Reynolds Ranch*. All setbacks are measured from property lines to foundation. Encroachments are permitted per LMC Section 17.14.060A.2 and LMC Table 2.2, "Allowed Projections into Residential Setbacks". Porches are not part of this 30% of building wall calculation since they are permitted to be 8 feet from the street side property line.

*Exhibit 3 - 1---Standard Lot Development Standards Diagram*



## 3.2 Signs

*The Homes at Reynolds Ranch* development may have a sign identifying the name of the community at each primary entry. These signs may be either in the median or on the community wall on either side of the entry.

### 3.2.1 Temporary Real Estate Signage

The following temporary real estate signs are permitted within *The Homes at Reynolds Ranch* PD Overlay provided they are not located within the public right-of-way.

- Future Development Signs: Signs indicating 'future development' and/or 'builder product identification', to be used by a residential builder to market the sales of their homes. At least one Future Development Sign for each separate development project is permitted. A Future Development Sign shall not exceed 100 square feet in area nor a height of 8 feet including the base.
- Flags: Flags up to four (4) feet by six (6) feet are permitted at model complexes and along the perimeter wall.
- Directional A-Frame Signs: A-frame signs that direct home buyers within the community while active sales and marketing are underway. The signs shall not exceed three (3) feet in height. Typically these signs will be located near intersections to direct visitors to the sales offices and would be removed from public view at the end of each business day.
- Directional Signs: Small two (2) feet by three (3) feet signs that direct home buyers within the community while active sales and marketing are underway. These signs shall not exceed three (3) feet in height. Typically these signs will be located near intersections to direct visitors to the sales offices on the weekends and holidays and would be removed by the end of the weekend.

### 3.3 Corner Lots

Corner lots have a high level of visibility and impact on the community as a whole. These lots serve as an introduction to the architectural style and individualized character of a neighborhood as a secondary level entry statement.

- Corner lots shall be at least five (5) feet wider than interior lots to allow for greater setbacks and architectural detailing on the corner side.
- Materials and details should wrap to the corner-side elevation.
- Fencing along the corner side shall not screen more than 60 percent of the corner-side elevation of the home.
- Corner lots set the tone for architectural crafting and should be designed for two-sided exposure.
- All windows on the corner-side elevation should be fully trimmed, and consistent with the architectural style.
- Architectural enhancements are encouraged , such as, wall offsets, single story elements, visible porch or courtyard, balcony, Juliet balcony, roof plane breaks, roof pitch breaks, or a principle window treatment.



### 3.4 Fences, Walls & Hedges

The provisions included in this section shall not apply to a fence or wall required by a law or regulation of the City of Lodi or any agency thereof.

- Fences, walls, hedges, signs, artwork, or any other structure or landscape materials located at the road, street corner or driveway of any parcel shall not be sized or located in such a way to obstruct the safe stopping sight distance along adjoining streets and driveways.
- The use of chain-link, welded wire mesh, barbed wire, razor wire or razor tape as part of a fence, wall, or barrier shall be prohibited.
- Fences shall be constructed of approved materials and are permitted up to six (6) feet in height with no required setbacks, except fences on corner lots require a ten (10) foot setback from the property line.

### 3.5 Landscaping

To allow for walkways and other pedestrian friendly landscape features, no more than 55% of the front and street side required minimum setback on standard rectangular lots may be paved with hardscape materials such as concrete or asphalt. Permeable paving or pavers do not count toward the maximum hardscape criteria. Hardscape design flexibility will be allowed for narrow frontage lots, (e.g. bulb shaped and cul-de-sacs), and flag lots in excess of the 55% limitation. These designs will be subject to review and approved by the Design Review Board. The remaining front yard shall be designed by the Master Developer/Builder to meet the requirements of LMC Section 17.30.070, "Water Efficient Landscape Requirements". *The Homes at Reynolds Ranch* CC&Rs will help ensure that front and street side yard landscape continues to be well designed and maintained.

### 3.6 Lighting

All signage and outdoor lighting for illumination of landscaped areas, pathways, and other special features shall comply with (1) the standards of the City of Lodi, or (2) the design criteria including these PD Guidelines. All such signage and lighting shall be subject to review and approval of the Design Review Board and the Community Development Director.

- Exterior lighting shall be shielded or recessed to minimize direct glare or reflections. Lighting that represents movement, flashes, blinks, or is unusually high in intensity or brightness shall be prohibited. Temporary holiday lighting within public right-of-ways is not excluded from this regulation.
- All lighting fixtures shall be appropriate scale and intensity for the use intended as determined and approved by the Design Review Board.
- All street lighting shall conform to the minimum standards and design criteria established by the City of Lodi. However, all street lighting systems, layout, fixtures, and lighting patterns shall be subject to the review and approval of the Design Review Board and the Community Development Director, and any deviations from the City minimum standards shall be subject to the approval of the City Engineer.

*Table 3-1: Lot Type Development Standards Summary*

Development Standard	Village I MDR-VI	Village II MDR-V2	
Minimum Lot Area	4500	4950	
Typical Street Frontage Width	50'	55'	
<b>Setbacks(minimums in feet)(1)</b>			
<i>Front</i>			
Living Space	13'	13'	
Side-on Garage (2)(6)	N/A	12'	
Garage Door (5)	20'		
Balcony/Porch (9)	10'	10'	
Courtyard (3)	8'	8'	
<i>Interior Side</i>			
Living Space/Garage/Courtyard(3)(7)	5'		
<i>Street Side</i>			
Living Space	10'		
Garage Door	20'		
Porches (9)	8'		
Courtyard (3)	6'		
<i>Rear</i>			
Living Space/Patio Cover/Porch	10'	10'	
<i>Site Coverage (4)</i>			
1-Story	60%	60%	
2-Story	60%	60%	
<i>Height Limits</i>			
Buildings(8)	2 Stories; not to exceed 35'		
Fences	6'		
Arbors/Trellis	12'		
<i>Parking</i>			
	2 enclosed stalls		
<i>Accessory Structures</i>			
	Permitted up to 6' in height within 3' of any side or rear property line, and in excess of 6' shall be located not less than 5' from any side or rear property line. No accessory structures permitted within front yard setback or exceeding 12' in height.		

(1) All setbacks are measured from property lines to foundation. Required setback applies to habitable space and porches, but excludes an architectural projections listed below.

(2) Side-on garages only permitted on lots 55' and wider.

(3) Courtyard wall may not exceed 36 inches measured from finished grade.

(4) Lot coverage does not include eaves, roof overhangs, and covered porches and patios.

(5) Twenty-foot (20') setback applies to garage door(s) facing street frontage, measured from the P/L except at private streets without sidewalks, in this case the setback is measured from the back of curb.

(6) In conditions where the garage door(s) are set perpendicular to the street (swing garages), the minimum front yard setback from the garage shall be twelve feet (12').

(7) Permitted architectural include; roof overhangs, pop-outs and decorative trim, fireplaces, bay windows and entertainment niches extending up to 2'-0" into the setback area. Projections cannot exceed 30% of building wall.

(8) Measured from the highest point where grade abuts the structure to the highest point of the roof.

(9) Front porches shall be a minimum depth of 6 feet and corner wrap around porches shall be 5 feet on side yards.

## 4.0 ARCHITECTURAL GUIDELINES

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### 4.1 Architectural Forward

The design standards in this section seek to address the following objectives:

- Create a distinct unified identity with a consistent level of quality within *The Homes at Reynolds Ranch*.
- Create residential neighborhoods that provide interest and are visually pleasing.
- Incorporate single-story elements including the use of porches and courtyards to add variety to the streetscape.
- Present a variety of architectural elements to adjacent arterial, collector streets, and the central park.

### 4.2 Neighborhood Conditions

Exposed rear elevations along public edges should include a variety of rooflines, wall offsets, or details to avoid monotonous edge conditions.

- Vary front-to-back, side-to-side gables, hip roofs and/or integrate single-story elements where possible.
- Maximize rear yard setbacks, as feasible.
- Variety between plans or within plans may include:
  - Primary windows
  - Fully trimmed windows
  - Detail elements from front elevation
  - Single-story elements
  - Second-story balconies, (Juliet or supported)
  - Roof plane breaks (ridge height and direction) per plan
  - Offset wall planes
  - Varied first- and second-story massing between plans
  - Varied first- and second-story massing per plan



## 4.3 Garages

A variety of garage placements are encouraged to emphasize the pedestrian environment while accommodating the automobile. Typically, plans are to be reversed and plotted so that garages and entries are adjacent to each other to create an undulating setback. Occasionally, this pattern should be broken to avoid monotony.

Additional garage orientations may include:

- Side-on garage – the garage is accessed from a side driveway (only allowed on lots wider than 55 feet)
- Street-side entry garage – the garage is accessed from the corner side

All garages shall have roll-up doors that are set back from the exterior wall. The design of the garage doors should reflect the architectural style of the elevation selected. No three car front facing garages on lots less than 70 feet wide from the setback line are allowed.

## 4.4 Primary Entrances

The primary entrance to the homes will be from the street with either the front doors facing the street or with entry porticos facing the street and the front door(s) accessed from the side.

## 4.5 Windows

At least one (1) feature window treatment should be present on all front and corner-side elevations. Feature windows are trimmed or detailed in a manner that creates visual interest to the front elevation and represents the architectural style in an aesthetic way. Feature window treatments may include:

- A window of unique size or shape
- Picture window
- Bay window
- Decorative iron window grilles
- A completely trimmed window in conjunction with a porch
- Decorative head or sill treatments
- Grouped or ganged windows with complete trim surrounds or unifying head and/or sill trim
- A Juliet balcony with style-appropriate materials

All windows on side and rear elevations exposed to edge conditions shall be fully trimmed.

## 4.6 Materials

Building materials and colors play an important role in enhancing neighborhoods. To further the goal of diversity, the following criteria should be met:

- Use durable and low maintenance finish materials.
- Employ materials and finishes authentic to the architectural style.
- Avoid awkward transitions at intersection of different materials.
- Consider different roof colors for each selected style.
- Provide visual interest with detailed elements such as shutters, exposed rafter ends, decorative grill work, decorative stucco, clay pipe vents, decorative ceramic tile, and/or other features appropriate to the selected style.
- Encourage embellishments such as stone veneer, brick, and tile to reflect the architectural style of each home.
- When using more than one material on any elevation:
  - Change materials at inside corners or return siding or masonry veneers to building breaks or fence lines.
  - Wrap columns, tower elements and pilasters in their entirety.



*Material change at inside corner*

## 4.7 Functional Elements

All street signs, cluster mail boxes, traffic signs and street lights will be finished in a dark green color as to provide a thoughtful integration into the community landscape. All street signs, traffic signs and street lights will be per the City standards. Mail boxes will be per USPS standard.

### 4.7.1 Address Numbers

All residential addresses shall be clearly marked, located in an area visible from the street and sufficiently lit for ease of recognition by postal and public safety agencies.

### 4.7.2 Mailboxes

U.S. Postal Service approved mailboxes shall be provided in a ganged configuration with enhancements per U.S. Postal Service standards. Details and colors should complement the architectural character of the neighborhood. Style and color will be selected by the Master Developer.

### 4.7.3 Mechanical Equipment

Mechanical equipment should be screened from public view.

### 4.7.4 Gutters and Downspouts

Drainage solutions should be unobtrusive, complementing the overall building design and color.

### 4.7.5 Street Lights, Traffic Signs, & Street Signs

All street signs, cluster mail boxes, traffic signs and street lights will be finished in a dark green color as to provide a thoughtful integration into the community landscape.



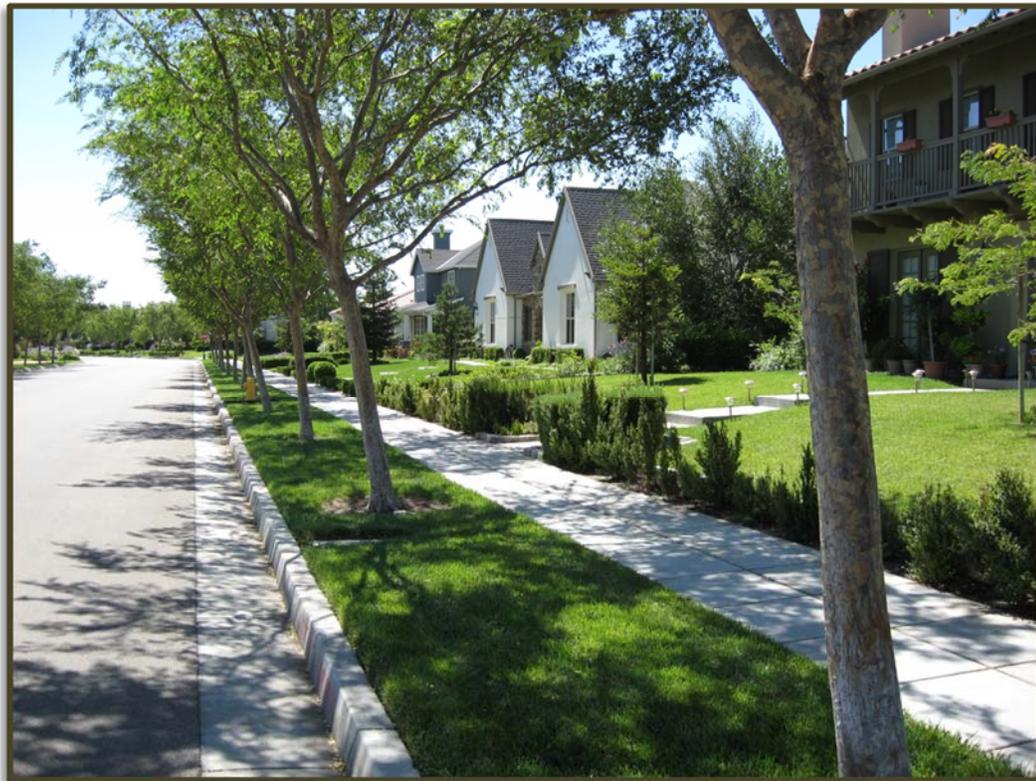
## 4.8 Architectural Styles

*The Homes at Reynolds Ranch* is envisioned as a diverse community where architectural massing, roof forms, detailing, walls, and landscape collaborate to reflect historic, regional, and climate-appropriate styles.

Three broad families of styles have been selected for *The Homes at Reynolds Ranch*:

- European
- California Colonial
- American Traditional

*The Homes at Reynolds Ranch* will display a variety of architecture; however, individual neighborhoods may reflect a combination of all three style families, or, may include individual styles from within a particular style family.



## 4.8.1 European

The European style is a good example of transplanted styles developed in climate zones similar to the climate found in California. Specific European styles include Tuscan, Mediterranean, French, and English. The European style family is not strictly European, but rather American stylization of European landmarks and residences that were popular in the late nineteenth century. Primarily stemming from Italian and French influences, these styles are principally based on simpler and informal residential living styles of country settlements or old world villages. Their appeal is in their informal, rustic character expressed in warm colors, textures, and materials. Although residential adaptations were less formal, sometimes traditional classical elements are included.

### *Typical European Elements:*

- *Plan form is typically a series of simple or inter-connected boxes.*
- *Exposed rafter tails with decorative end cuts or brackets may be used.*
- *Front entries are typically detailed with a historic – look trim surround and/or wood head trim.*
- *Wall materials typically consist of stucco with stone and classical accents.*
- *An arched element is often used in conjunction with windows or doors.*
- *Windows are sometimes detailed with projecting head trim of brick, stone, or wood, and also plank shutters.*
- *A horizontal banding element is sometimes used.*
- *Details sometimes include wrought iron elements, classical trim elements, a Juliette balcony, arch windows or quoins.*





*European Architectural Details*

## 4.8.2 Californian Colonial

This style family reflects the traditional heritage of the California homes that were influenced by the Spanish Mission and Mexican Rancho eras. Examples of specific styles within this family include Spanish Eclectic, Monterey, Hacienda, and Santa Barbara.

Over the years, architectural styles in California became reinterpreted traditional styles that reflect the indoor-outdoor lifestyle choices available in this Mediterranean climate. These styles included the addition of western materials while retaining the decorative detailing of exposed woodwork, wrought iron hardware, and shaped stucco of the original Spanish styles. Mixing of style attributes occurred between styles such as adapting Spanish detailing to colonial style form, or colonial materials and details to the Hacienda form.

The mixing of style attributes allows creative interpretation of the traditional styles utilizing details to express an abstracted architectural expression of a recognizable style that incorporates new, modern, or alternative forms, details, and materials in the modern context of architecture.

Typical Californian Colonial Elements:

- Plan form is typically a courtyard or a two-story box with a strong first story element.
- Roofs are typically shallow to moderately pitched.
- Roof materials can include shingles flat concrete tile, "S" tile or barrel tile.
- Roof forms are typically simple gable roofs with moderate overhangs.
- Wall materials typically consist of stucco, brick, or siding.
- Shaped corbels, beams, and rafters are typical.
- Balconies are typically detailed by simple columns without cap or base trim.
- Porch details include arches or simple columns without cap or base trim.
- The front entry is typically pedimented by a surround, porch or portico.
- Windows may include a window head or sill trim and shutters.
- Corbels and posts sometimes incorporate more "rustic" details.
- Arcades are sometimes used.
- Decorative wrought-iron accents, grille work, and post or balcony railing may be used.





*California Colonial*



*California Colonial Rear Closeup*



*California Colonial Front Entry*



### 4.8.3 American Traditional

This broad family of styles is sometimes characterized as “traditional” architecture. Examples include Cottage, Farmhouse, Craftsman, and Bungalow. Ranch is also considered a California Traditional style. This collection represents traditional American styles found throughout the country and in Central California. The architectural form and elements of these styles descend from the first homes built in the New England colonies in the 17<sup>th</sup> century. These traditional- influenced styles became part of the early California vernacular as the new state experienced an influx of money and population from the East Coast during the gold rush era of the mid-19<sup>th</sup> century. This influx brought East Coast culture, materials, and technological advancements to the West. Second stories with overhangs, dormers, and gabled roof forms are classic elements of these traditional American styles. Wood shutters can also be used as finishing details for an otherwise simple and functional form.

Typical American Traditional Elements:

- Plan form typically simple box or “L”-shaped or a combination of the two.
- Roofs are typically of moderate to steeper pitch with exaggerated eaves.
- Roof materials can include asphalt shingles or flat concrete tiles.
- Windows often are fully trimmed and may include shutters.
- Decorative or pedimented head and sill trim is typical.
- Porches can be prominent.
- Windows are usually vertically proportioned with divided lites.
- Wall materials may include stucco, horizontal or shingle siding, and stone accents.





*American Traditional*



*American Traditional Window Shutters*



*American Traditional Eave & Gable*

## 5.0 PD PROCESS AND FINDINGS

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The standards and guidelines of this document provide the blueprint for development for *The Homes at Reynolds Ranch*. Upon approval of *The Homes at Reynolds Ranch* PD Overlay, the standards, guidelines and procedures shall become the applicable zoning standards for all land uses and development within *The Homes at Reynolds Ranch*. In the case of differences between this document and the City of Lodi's Zoning and Development Ordinances, *The Homes at Reynolds Ranch* PD Overlay shall prevail.

The Master Developer and homebuilders will be responsible for complying with *The Homes at Reynolds Ranch* PD Overlay. Plans shall not be submitted to the City without review and approval by the Design Review Board.

### 5.1 Design Review Process

A quality community is more than the completion of the rules and regulations. The streets need to do more than convey automobile traffic; they need to foster a daily experience that creates the context for living, working, and playing. Homes need to be more than an individual residence; they need to express the character and context of the community to generate a street scene that has an identity and texture. Parks need to be more than the planning of left over space; they need to add texture and interest to infuse physical and social activity into the community fabric. *The Homes at Reynolds Ranch* needs to be more than a place to reside, it needs to be a place to live and thrive. The standards and guidelines of this document have been set forth to establish a vision and level of quality for *The Homes at Reynolds Ranch* development.

The Master Developer will utilize an internal design review process to achieve the vision and quality of community outlined by this document. This Master Developer design review process includes concept review through plan development, and any modification to ensure individual homebuilder packages foster a cohesive community design that meets the vision of *The Homes at Reynolds Ranch* development. Design review includes the following elements:

- Site Planning
- Residential architecture
- Landscape
- Civil Engineering
- CC&Rs

It is the Master Developer's intent that internal design review be of a caliber that City-submitted plans will be in compliance with the PD Overlay and processed in an efficient and timely manner.

Approval of this PD Overlay will allow for any development within the Project that complies with this document. As part of the building permit process, the Community Development Department shall review for compliance with the development standards. However, the City of Lodi will not be responsible for compliance with the architectural guidelines in the PD Overlay. The architectural review will be conducted by the Design Review Board. The Architect and homebuilders are encouraged to meet informally with City staff to review preliminary building plans prior to plan check to clarify any questions or issues regarding the compliance with City codes and regulations. Any preliminary advice or consultation from staff shall not be considered as approval. In the even the Community Development Department identifies issues of noncompliance, the applicant will be given a specific and detailed list of corrections necessary to be in compliance.

## 5.2 Overlay Findings

*The Homes at Reynolds Ranch* PD Overlay encourages innovations in residential development and provides a greater variety in housing type and design through development standards, design guidelines, and housing prototypes that allow flexibility in design and configuration of homes. *The Homes at Reynolds Ranch* PD Overlay will include a mix of lot types that appeal to a wider range of economic levels and lifestyles.

1. *The Homes at Reynolds Ranch* PD Overlay is consistent with the base zoning district of MDR. Alternative development standards and guidelines will generate creative and efficient development design. The maximum density permitted by the Medium Density Residential General Plan designation is not exceeded.

The Project is in compliance with the applicable provisions of the City of Lodi Zoning Ordinance and accommodates flexibility in site planning and property development. The standards and guidelines set forth in this document respond to the City's desire for more creative and neighborhood-oriented development by allowing for residential development that is pedestrian friendly and includes quality housing.

2. *The Homes at Reynolds Ranch* PD Overlay will produce a comprehensive development of superior quality with higher quality architectural design than would otherwise occur from more traditional development applications and will provide a clear benefit to the City.

3. *The Homes at Reynolds Ranch* PD Overlay ensures the development will not endanger, jeopardize, or otherwise constitute a hazard to the public health, safety, or general welfare, or injure other property improvements in the vicinity or base zoning district.

4. *The Homes at Reynolds Ranch* PD Overlay is:

- Physically suitable for the type and density of proposed development and it complements the surrounding development.

- Adequate in shape and size to accommodate the residential development and the walls, landscape, open space , yards, and other features generally required by the Lodi Municipal Code and necessary to support the development.
- Served by adequate streets to carry the quantity and type of expected traffic. Vehicle, private and emergency, will have ample access and maneuvering space as street sections will comply with City standards.

5. The project has been reviewed and is in compliance with the California Environmental Quality Act, ("CEQA"). See Reynolds Ranch Annexation Environmental Impact Report, ("EIR") August 2006, and the EIR Addendum, September, 2008.

**RESOLUTION NO. 14-XX**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF BENNETT HOMES FOR APPROVAL OF VESTED SUBDIVISION MAP FOR REYNOLDS RANCH SUBDIVISION, A 78-ACRE, 557 UNIT SUBDIVISION AND 557 GROWTH MANAGEMENT ALLOCATION REQUEST WEST OF REYNOLDS RANCH PARKWAY**

- WHEREAS**, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Vested Subdivision application, in accordance with the Lodi Municipal Code, Section 17.74; and
- WHEREAS**, the project site is located South of Harney Lane and west of Reynolds Ranch Parkway, Lodi, CA 95240 (APN: 058-650-04); and
- WHEREAS**, the applicant is Skinner Ranch Holdings, LP., c/o Mr. Dale Gillespie, 1420 S. Mills Avenue, Suite M., Lodi, CA 95240; and
- WHEREAS**, the project properties owners of record are Skinner Ranch Holdings, LP., Mr. Dale Gillespie, 1420 S. Mills Avenue, Suite M., Lodi, CA 95240; and
- WHEREAS**, the applicant, Skinner Ranch Holdings, LP., c/o Mr. Dale Gillespie, has filed the "Reynolds Ranch" Vested Subdivision Map and Growth Management 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 Medium Density Residential, High Density Residential, Industrial and Open Space, for the project site; and
- WHEREAS**, the City Council by Ordinance No. 1869, which became effective on March 21, 2013, granted Planned Development Zone P-D(39), to allow Medium Density Residential, High Density Residential, and Open Space for the project site; and
- WHEREAS** The Reynolds Ranch Final EIR, (SCH#2006012113) including comments and responses to comments, was certified by the City Council on August 30, 2006. An addendum to the certified and Final EIR, including comments and responses to comments, was certified by the City Council on September 17, 2008; and
- WHEREAS**, a copy of the Environmental Impact Report (EIR), State Clearinghouse No. 2006012113, 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 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 Vested Subdivision Map contains 78 acres, 227-single family residential lots, a high density parcel and 557 overall units and is located west of Reynolds Ranch Parkway 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. CEQA Guidelines Section 15153, the project is consistent with the findings of the previous environmental documents prepared for the Reynolds Ranch development. The Reynolds Ranch Final EIR, (SCH#2006012113) including comments and responses to comments, was certified by the City Council on August 30, 2006. An addendum to the certified and Final EIR, including comments and responses to comments, was certified by the City Council on September 17, 2008.

Subsequently, the City 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. This General Plan designated the project site as Low Density Residential, Medium Density Residential, High Density Residential, Public / Quasi Public and Open Space.

The EIR addressed the impacts of the total scope of the new commercial, residential impacts on the community of the various phases of the project. The proposed project yields no potential new impacts related to the original Project, which would necessitate further environmental review beyond the impacts and issues already disclosed and analyzed in the Reynolds Ranch EIR. The project is required to comply with all the mitigation measures outlined for the project in the Environmental Impact Report and in the Mitigation Monitoring and Report Program.

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 vested subdivision is conditioned to construct public street improvements thereby insuring that an adequate Level of Service is maintained on the roadways within the area.
9. The vested 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, High Density Residential on the project site.
10. Said Vested 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 hereby recommends that the City Council approve the Vested Subdivision Map, associated Development Standards for the Reynolds Ranch Subdivision, and award 227 medium density growth management allocation units and 330 high density growth management allocation units, subject to the following development conditions and standards:

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 Vesting 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 Vesting 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. The developer shall submit detailed landscape and irrigation plans (concurrently with the improvement plans) for the review and approval of the Parks & Recreation Department. The landscape plan shall include, in addition to normal landscape and irrigation details, screening of any above ground utility vaults and anti-siphon water valves.
8. 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.
9. A conceptual fencing/wall plan shall be submitted for the entire subdivision with the grading plan and a detailed fencing/wall plan shall be submitted with the improvement plans for each phase of development. The design, height, and location of walls shall be subject to approval of the Community Development Director prior to approval of improvement plans. Where fencing is adjacent to public parks and/or trails, plans shall be approved by the Recreation Commission at the time of park plan approval. When the adjacent area is sloped, the fence/wall design shall include a 4' bench (sloped no more than 2%) along the fence/wall for maintenance purposes, as determined by the Parks and Recreation and Cultural Services Department.
10. The project shall incorporate all applicable mitigation measures as specified in the adopted Reynolds Ranch Final EIR, (SCH#2006012113) for the project.

11. Mitigation 2.2 Conservation and Open Space Plan (SJMHCPC). This includes payment of Open Space Conversion fees in accordance with the fee schedule in-place at the time construction commences and implementation of the Plan's "Measures to Minimize Impacts" pursuant to Section 5.2 of the SJMHCP.
12. Mitigation 2.3 Clearing, grubbing, and/or removal of vegetation shall not occur during the bird-nesting season (from February 1 – September 31) unless a biologist with qualifications that meet the satisfaction of the City of Lodi conducts a preconstruction survey for nesting special status birds including Swainson's hawk, western burrowing owl, whitetailed kite, California horned lark, and loggerhead shrike. If discovered, all active nests shall be avoided and provided with a buffer zone of 300 feet (500 feet for all raptor nests) or a buffer zone that otherwise meets the satisfaction of the California Department of Fish and Game. Once buffer zones are established, work shall not commence/resume within the buffer until the biologist confirms that all fledglings have left the nest. In addition to the preconstruction survey, the biologist shall conduct weekly nesting surveys of the construction site during the clearing, grubbing, and/or removal of vegetation phase, and any discovered active nest of a special-status bird shall be afforded the protection identified above. Clearing, grubbing, and/or removal of vegetation conducted outside the bird-nesting season (from October 1 - January 31) will not require nesting birds surveys.
13. Mitigation Measure 7.1: The notifications shall disclose that the residence is located in an agricultural area subject to ground and aerial applications of chemical and early morning or nighttime farm operations which may create noise, dust, etcetera. The language and format of such notification shall be reviewed and approved by the City Community Development Department prior to recordation of final maps. Each disclosure statement shall be acknowledged with the signature of each prospective owner. Additionally, each prospective owner shall also be notified of the City of Lodi and the County of San Joaquin Right-to- Farm Ordinance.

The conditions of approval for tentative maps shall include requirements ensuring the approval of a suitable design and the installation of a landscaped open space buffer area, fences, and/or walls around the perimeter of the project site affected by the potential conflicts in land use to minimize conflicts between project residents, non-residential uses, and adjacent agricultural uses prior to occupancy of adjacent houses

Prior to recordation of the final maps for homes adjacent to existing agricultural operations, the applicant shall submit a detailed wall and fencing plan for review and approval by the Community Development Department.

14. Mitigation Measure 7.2: Prior to issuance of a building permit, the applicant shall pay an Agricultural Land Mitigation fee to the City of Lodi. Said fee is to be determined by the pending adoption of an ordinance of the City establishing a fee mitigation program to offset the loss of agricultural land to future development. In the event said ordinance is not effective at the time building permits are requested, the applicant shall pay a fee to the Central Valley Land Trust (Central Valley Program) or other equivalent entity to offset the loss of the Prime Farmland. The City Council, acting within its legislative capacity and as a matter of policy, shall determine the sufficiency of fees paid to mitigate the loss of Prime Farmland. The loss of Prime Farmland caused by the project is mitigated through implementation of Mitigation Measure 7.2. The inclusion of Parcel 058-110-41 on the project site in an active Williamson Act Contract was formally protested by the City with the County Board of Supervisors (Resolution 4449 adopted December 21, 1977). Additionally, the San Joaquin Local Agency Formation Commission adopted a formal resolution upholding the City's protest of the conservation contract because the parcel is located within one mile of the City limits. This condition will be satisfied per the Development Agreement termination agreement.
15. If archeological materials are uncovered during any construction or pre-construction activities on the site, all earthworks within one hundred feet (100') of these materials shall be stopped, the Community Development Department notified, and a professional archeologist, certified by the Society of California Archeology and/or the Society of Professional Archeology, shall be notified.

Site work in this area shall not occur until the archeologist has had an opportunity to evaluate the significance of the find, and outline appropriate mitigation measures, if they are deemed necessary.

16. All stub end streets planned for future continuation and undeveloped cul-de-sacs shall be temporarily protected with warning barricades and redwood headers to be approved by the City Engineer.
17. The developer shall pay for and install all street name signs, traffic regulatory and warning signs, and any necessary street striping and markings required by the City Engineer. Street striping and markings shall be raised ceramic markers or thermoplastic material, as directed by the City Engineer.
18. Road or street names shall not duplicate any existing road or street name in the City, except where a new road or street is a continuation of an existing street. Road or street names that may be spelled differently but sound the same shall also be avoided. Road or street names shall be approved by the Fire Chief and the Community Development Director.
19. 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.
20. The developer shall ensure finished pad elevations are at a minimum one foot above the 100 year base flood elevation as shown on the latest Federal Emergency Management Agency (FEMA) floodplain maps for San Joaquin County, California. The developer shall be responsible for all necessary activities, applications, documentation and costs to amend floodplain maps for their development.
21. 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.
22. A master street tree plan shall be approved by the Public Works Department for each phase of this vesting tentative subdivision map. A minimum of one street tree shall be provided for each lot within this subdivision. On corner lots, three street trees shall be provided; one on the shorter lineal frontage and two on the longer lineal frontage. Street trees shall be a species selected from the City's adopted tree list, shall be a minimum fifteen (15) gallon size, spaced at thirty (30) feet intervals, and planted as reflected in the Engineering Department's Standard Plans and Specifications, with branches above average eye level. The trees selected shall be deep rooted and drought tolerant. Location and species shall be to the approval of the Public Works Department.
23. 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.
24. 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.
25. The Developer shall notify all purchasers of homes or lots, either through the Department of Real Estate Subdivision Report or, if there is no Subdivision Report, through a statement signed by each buyer and submitted to the City, that the this subdivision is adjacent to an agricultural area, and as such, there are ground and aerial applications of chemicals, and early morning/night time farming operations which may create noise and dust, etc. In addition, all purchasers of homes or

lots shall be made aware of the future possibility of oil and gas well exploration on surrounding and adjacent properties and that farm animals may be kept on adjacent properties that may be outside the City limits. The wording and format for notifying home buyers of this information is subject to approval by the Community Development Director.

26. All conditions of approval for this project shall be written by the project developer on all master building permit plan check sets submitted for review and approval. It is the responsibility of the developer to ensure that the project contractor is aware of, and abides by, all conditions of approval. If the subdivision is to be built out using master plans. Please follow City of Lodi, Community Development Department Policies and Procedures # B-[08]-[13] Plan Submittal - Residential Master Plans and # B-[08]-[14] Permit Processing – Production Homes.
27. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.
28. The City places a high value on quality design and materials in the construction of fencing and buffers for developments. Fencing is an integral design feature in residential developments and defines property ownership and boundaries. The City expects quality materials that will last and maintain an appealing aesthetic within neighborhoods.
29. The buffer / trail system shall include a fit trail system. The number and spacing shall be agreed to by the Community Development Director and the applicant. This system shall tie into the Blue Shield property and follow the Reynolds Ranch trail system.

#### City of Lodi Fire Department

30. The developer shall comply with all applicable requirements of the California Fire Code and the adopted policies of the City of Lodi.
31. 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)
32. 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.
33. The developer shall install on-site and/or boundary water mains, fire hydrants and related services. Hydrants shall adhere to the City's standard details, with their location determined by the Fire District and City Engineer, and shall be installed and in service prior to any combustible construction on the site. Public fire hydrant spacing and distribution shall be determined as follows:
  - a) At 300 feet spacing in high density, commercial, industrial zoning or high-value areas;
  - b) At 500 feet spacing in low density residential areas;
  - c) At 1000 feet spacing in residential reverse frontage;
  - d) A fire hydrant shall be located within 200 feet of the radius point of all cul-de-sacs;
  - e) Hydrants shall be required on both sides of the street whenever one or more of the following conditions exist:
    - i. Streets have median center dividers that make access to hydrants difficult, cause time delays, or create undue hazards or both;
    - ii. On major arterials where there is more than four lanes of traffic;
    - iii. Width of street in excess of 88 feet;
    - iv. The existing street being widened or having a raised median center divider in the future pursuant to the General Plan Roadway Improvement Plans for the City of Lodi.

34. 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 Public Works Department

The following conditions of approval apply to the residential subdivision and are required for the subject project per City codes and standards, all to be accomplished prior to, or concurrent with phase specific final map filing unless noted otherwise. In the event a condition of approval conflicts with a map designation, the condition of approval overrides the map designation.

Phasing is based on the Vesting Tentative Subdivision Map dated June 10, 2014, and is described as follows:

Phase 1: Lots 1-56, 108-124, and 148-161 (87 Total Lots)

Phase 2: Lots 57-107, 162-163, 193-196, and 215-218 (61 Total Lots)

Phase 3: Lots 125-147, 164-192, 197-214, 219-227 (79 Total Lots)

Modifications to the phasing shall be to the satisfaction of the Public Works Director.

35. Master plan documents shall be prepared and submitted to the City. Master plans must be approved by the City prior to submitting the improvement plans. Master plans shall be consistent with the Reynolds Ranch master plans, City's master plans, the City's Design Standards, and the Reynolds Ranch Commercial Development - Phase 3. The plans can be separate or combined (as long as they are legible) and shall include the following:

a) Overall Site Grading

- i) Plan shall show the entire site and shall include elevations for catch basins, high points, pads, basin hinge points (top and bottom), and general park and trail sloping information. The plan shall also include existing site contours and elevation information at all existing curb connections and adjacent properties.

Note: Plan shall coordinate with and match the proposed elevations from Reynolds Ranch Commercial – Phase 3.

b) Geometric Layout

- i) A detailed geometric layout of the major intersection shall be provided with the master plan submittal. Layouts shall include all existing and proposed striping, lane widths and transition lengths. Intersections shall include:
  - a) Le Baron Boulevard and Reynolds Ranch Parkway
  - b) Stockton Street and Harney Lane

c) Storm Drainage

- i) Plan shall show the entire site and shall include manhole rim and invert elevations, pipe sizes and pipe slopes. All potential crossing conflicts shall be analyzed. Calculations shall be submitted with the master plan.
- ii) Engineer shall use the 2012 City of Lodi Storm Drainage Master Plan and Reynolds Ranch Storm Drain Master Plan design criteria for all pipe sizing calculations and basin sizing calculations. When there is conflicting criteria, use the more conservative criteria. The minimum size for storm drain mains shall be 15-inch diameter. The rainfall intensity used for design of the pipelines shall be based on a five (5) year, 48-hour rain event. Storm drain coefficient of runoff, C-factor, shall be 0.5 (minimum) for low-density residential, 0.5 (minimum) for medium-density residential, 0.6 for high-density residential, and 0.8 (minimum) for commercial. All pipeline and basin locations shall follow the Master Plan. Any deviations from the Master Plan shall require an amendment document

- consisting of a description of the deviation(s) and all of the corresponding calculations and exhibits. The amendment will be subject to the Public Works Director approval and the developer will be responsible for all costs associated with the deviation.
- iii) The proposed permanent basin does not have an outlet. Therefore shall be designed to hold two (2) 48-hour, 100-Year rain events.
  - iv) The basin shall provide outlets at the northern portion and the southwest corner of the basin for future connections. The outlet pipe to the north shall run through the park lot and shall be plugged at the northern property line. The outlet pipe at the southwest corner shall be extend into the trail and shall run under the railroad to the western-most railroad right-of-way.
- d) Water
- i) Plan shall show the entire site and shall include fire flow analysis for critical locations throughout the subdivision. Water capacity and supply analysis (with calculations) shall be submitted with the master plan.
  - ii) A domestic ground water well is required with this project In accordance with the Sections 4.2 and 5.2 of the Water Master Plan for Reynolds Ranch Development, Dated July 2007. The location of the well shall be identified on the master plan and included in the calculations. Developer will be responsible for all cost and coordination of the planning and construction of the well with the City, County, and State.
  - iii) Developer shall prepare and submit a Drinking Water Source Assessment to identify the new well site. The assessment shall be submitted and approved by the California Department of Public Health (CDPH). The assessment shall be submitted to CDPH at the same time as the first master plan submittal to the City.
  - iv) If a domestic ground water well is not possible on the site, the develop shall construct a water storage tank with all the necessary appurtenances. If a tank is necessary, the water capacity and supply analysis shall be updated accordingly.
  - v) Any deviations from the Master Plan shall require an amendment document consisting of a description of the deviation(s) and all corresponding calculations and exhibits. The amendment will be subject to the Public Works Director approval and the developer will be responsible for all costs associated with the deviation.
- e) Wastewater
- i) Plan shall show the entire site and shall include manhole rim and invert elevations, pipe sizes and pipe slopes. All potential crossing conflicts shall be analyzed. Calculations shall be submitted with the master plan.
  - ii) In accordance with Paragraph 1 of the Phase 1 Wastewater Lift Station Device Access and Maintenance Agreement (Agreement) executed July 25, 2011, for any development beyond those parcels included in the Agreement as Phase 1 in addition to those parcels known as APN 058-650-14 and 058-650-18; developer shall construct the Phase 2 public wastewater station improvements as specified in the Hawkins and Associates Engineering Inc., September 26, 2008 report (or subsequent revisions).
  - iii) The plan shall identify the wastewater trunk line extension under the railroad right of way.
  - iv) The plan shall include the capacity increase measures in Stockton Street, north of Harney Lane.
- f) Non-Potable Water
- i) Plan shall show the extension of the 10" non-potable water main (purple pipe) in Le Baron Boulevard, from Reynolds Ranch Parkway to the proposed park / basin. The main

- line shall run in "Street A" from Le Baron Boulevard and connect to the existing 8" main in the trail.
- ii) Plan shall show the extension of the non-potable water main (purple pipe) in Stockton Street, from the Le Baron Boulevard to Harney Lane.
36. Engineered Improvement plans and cost estimate shall be submitted for approval per the City Public Improvement Design Standards for all public improvements prior to final map filing. Plan submittal shall include:
- a) Approved tentative map, signed by the Community Development Director.
  - b) Approved master plans for the project.
  - 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.
  - e) Copy of Notice of Intent for NPDES permit, including storm water pollution prevention plan (SWPPP) and WDID number.
  - f) Street tree planting plan for parkway strip along lot frontages. Requires approval of the Community Development Director.
  - g) Landscape, irrigation, lighting and construction for all park and trail components.
  - h) Landscape, irrigation, lighting and construction for all reverse frontage, side lot, and median components, including reverse frontage walls. Wall shall be inside the street right-of-way and shall have a height of 6 feet above the adjacent pad elevation or as required by Community Development Department to satisfy General Plan requirements.
  - i) All utilities, including water, wastewater, storm drainage, non-potable water, street lights and electrical, gas, telephone and cable television facilities.
  - j) Wastewater improvements to the temporary lift station and Stockton street main line.
  - k) Joint trench.
  - l) Relocation of existing overhead utilities in Stockton Street from Harney Lane to the northern project limits.
  - m) Street Improvements for all interior streets, Stockton Street, and Le Baron Boulevard per City Design Standards, Section 1. Curb returns and corner cut-offs shall be per City Standard Plan 611 and 612.
  - n) Traffic striping and signage modifications for Stockton Street and Le Baron Boulevard.
  - o) Traffic signal modifications and loop detector relocation plan at the intersections of Stockton Street/ Harney Lane, and Le Baron Boulevard/Reynolds Ranch parkway. Coordinate Stockton Street / Harney Lane modifications with Harney Lane Grade Separation Project and Reynolds Ranch Shopping Center Phases IIIA and IIIB.
- 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.
37. Installation of all public utilities and street improvements within the limits of the map, plus the following "off-site" improvements (See phased construction requirements included in these conditions):

- a) Construction of pavement, curb, gutter, sidewalk, and street lights along both sides of Le Baron Boulevard. Sidewalk along both sides shall be 7ft. wide and detached from the curb and gutter and separated by a 6ft. wide landscaped parkway with landscape and irrigation on each side of the street.
  - b) Stockton Street street improvements shall be extended from its intersection with Harney Lane to the intersection at Le Baron Boulevard.
  - c) Construction of pavement, curb, gutter, sidewalk, and street lights along both sides of Stockton Street. Sidewalk along both sides shall be 7ft. wide and detached from the curb and gutter and separated by a 6ft. wide landscaped parkway with landscape and irrigation on each side of the street. Sidewalk along the west side of Stockton Street is not required north of the project limits.
  - d) Installation/extension of the wastewater, water, non-potable water and storm drain infrastructure within Stockton Street and La Baron Boulevard. Provide adjacent existing residences with sewer and water service stubs.
  - e) Improvements to the temporary wastewater lift station.
  - f) Improvements to increase capacity in the Stockton Street wastewater main.
  - g) Extension of 24" wastewater main in trail to the west, under the railroad right-of-way. This condition may not be required if the developer elects to pay the fees in lieu of constructing the improvements as approved by the Public Works Director.
  - h) Construction of storm drain main to the west, under the railroad right-of-way.
  - i) Utility and service stubs (water, wastewater, non-potable water, electric, telephone, cable, etc.) for the parcels adjacent to the northern and eastern subdivision boundaries.
  - j) Modifications to Le Baron Boulevard / Reynolds Ranch Parkway and Stockton Street / Harney Lane traffic signals including but not limited to traffic loop installation and timing modifications.
  - k) Installation of sidewalk, lighting, landscaping, irrigation and other amenities along the trail and park.
  - l) Transit amenities, including, but not limited to, a bus stop and signage on the east side of Stockton Street, south of Harney Lane, as approved by the Transit Manager.
  - m) Relocation of overhead utilities in Stockton Street from Harney Lane to Le Baron Boulevard as necessary to complete the required street widening..
38. Submit final map per City and County requirements, including but not limited to the following:
- a) Preliminary title report with copies of all referenced documents.
  - b) Dedicate Public Utilities Easements (PUE) as required by the City and various utilities.
  - c) Dedicate to the City all street, basin, trail, park, and well site properties.
  - d) Waiver of access rights to:
    - i) Le Baron Boulevard for all reverse frontage lots.
    - ii) Stockton Street for all reverse frontage lots
    - iii) Side of lots along the subdivision entrances
    - iv) Site of lot adjacent to the trail.
  - e) Standard note regarding requirements to be met at subsequent date.
  - f) Final Map Guarantee

39. 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.
40. All property dedicated to the City of Lodi shall be free and clear of all liens and encumbrances and without cost to the City of Lodi and free and clear of environmental hazards, hazardous materials or hazardous waste. Developer shall prepare and submit a hazardous materials report and shall indemnify the City against any and all hazardous materials and/or ground water contamination for all property/easements dedicated to the City.
41. Abandon/remove of all wells, septic systems and underground tanks in conformance with applicable City, County, and State requirements and codes prior to acceptance of public improvements.
42. An overland flood release pathway shall be incorporated into the streets and circulation design plan for each subarea. For example, when any particular catch basin is obstructed or overwhelmed with water, the street drainage design (high points and low points) shall be calculated so that no water shall pond higher than the one foot (1') below any finished floor elevation without releasing the excess water toward the planned flood release point.
43. Any changes in horizontal alignment of vehicle paths of travel shall have the necessary transitions.
44. The intersection of Le Baron Boulevard and "Street C" shall have a 4-way stop.
45. All project design and construction shall be in compliance with the Americans with Disabilities Act (ADA) and California Title 24. Project compliance with ADA standards is the Developer's responsibility. Any components found to be out of compliance shall be removed and replaced prior to City acceptance.
46. Verification must be provided showing that the fire engines, garbage trucks, and buses can navigate the proposed streets.
47. Existing water and wastewater service flows shall not be impacted by this project. If portions are to be temporarily taken out of service or modified, the developer must provide alternative services with equal or greater flow capacity. Any modification and/or alternative services must be approved by the Public Works Director prior to disturbing any services.
48. The masonry walls along Stockton Street and Le Baron Boulevard shall be inside the City right-of-way.
49. Provide all necessary traffic signs for the entire subdivision, including any necessary traffic signs needed along Le Baron Boulevard and Stockton Street.
50. The development must conform to the General Plan Bike Master Plan. Provide a Class II bike route along Stockton Street and Le Baron Boulevard. "No Parking" signs shall be installed along these streets (both sides).
51. All dead-end streets shall install barricades per City of Lodi Standard Plans 128.
52. Provide a slope easement or retaining wall along the boundary of the development for all grade differentials of one foot or greater.
53. Provide a wall easement for the public masonry wall footings along all parcels that will have a public masonry wall along their property. The easement is not required if a wall design is provided with the footing contained entirely in the public right-of-way.

54. Any enhanced pavement or concrete within the street shall require a maintenance agreement complete with deposit for two (2) future replacements in kind. Developer will be responsible for providing an estimated cost and replacement frequency of the proposed improvements.
55. The Developer shall provide for on-going maintenance and replacement of reverse frontage walls, landscaping and irrigation improvements, street trees in the parkways, as well as other public services as set forth in Resolution No. 2007-59 approved by the City Council on April 4, 2007, by annexation to the City of Lodi Community Facilities District No 2007-1 prior to final map filing. All costs associated with annexation to the District shall be the Developer's responsibility. Developer shall be responsible for the regular and ongoing maintenance and replacement of the landscaping and irrigation improvements and street trees in the parkways until the first revenues are received by the City from the District.
56. Slopes for all parcels within the development must flow towards the proposed streets. All stormwater must be collected within the development and cannot flow to neighboring parcels. The proposed trail and park shall be designed to drain in a manner approved by the City.
57. Storm Drainage for all streets shall be collected and conveyed to the proposed storm drainage basin.
58. Project design and construction shall be in compliance with applicable terms and conditions of the City's Stormwater Management Plan (SMP) and shall employ the Best Management Practices (BMPs) identified in the SMP.
  - a) Stormwater Development Standards will be required for this project. The design of projects containing more than 10 units in a home subdivision is required to follow these Standards.
  - b) State-mandated construction site inspections to assure compliance with the City of Lodi Storm Discharge Permit are required. The fee for the inspections is the responsibility of the Developer and must be paid prior to map filing or commencement of construction operations, whichever occurs first.
59. Construct outfall structure and storm drain pipe at the southwest corner of the basin. Extend the pipe under the railroad to the westernmost railroad right-of-way. Developer will be responsible for all costs and railroad coordination for construction, easements, and obtaining all of the necessary permits.
60. Construct outfall structure and 24" storm drain pipe at the northern portion of the basin. Extend the 24" pipe under the park lot and plug at the northern limits of the property.
61. In order to assist the City of Lodi in providing an adequate water supply, the 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 subdivision, 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 in the subdivision and provide deed provisions to be included in each conveyance.
62. Install temporary blow-off valves per Standard Plan 409 (or temporary hydrants) to the ends of all dead-end water mains planned for future extension.
63. Provide locations of all water valves and fire hydrants within the development. All water valves and fire hydrants shall have a maximum spacing conforming to the City Design Standards section 4.501 and 4.502, respectively.
64. Install up to three (3) automatic water flushing valves at locations to be determined by the Public Works Utilities Superintendent.

65. Install up to three (3) water sampling stations per Standard Plan 417 at locations to be determined by the Public Works Utilities Superintendent.
66. Remove the existing 10" water main and 15" wastewater main, and 18" wastewater main where lots are being proposed in the current Le Baron Boulevard alignment extension.
67. Extend the existing 24" wastewater main (in the trail) under the railroad right-of-way. Developer will be responsible for all costs and railroad coordination for construction, easements, and obtaining all of the necessary permits. This condition may not be required if the developer elects to pay the fees in lieu of constructing the improvements as approved by the Public Works Director.
68. Developer shall provide improvement plans, estimate, and deposit for removal of the Phase 2 wastewater lift station and related temporary appurtenances upon ultimate connection to the Southwest Trunk Line.
69. The park amenities for a neighborhood park can include the following items:
  - a) Bike racks
  - b) ~~e~~ Water play area
  - c) Horseshoes
  - d) Playground
  - e) Picnic tables
  - f) Picnic shelter (rental) BBQ
  - g) Passive area
  - h) Fields
  - i) Trees
  - j) Turf
  - k) Irrigation booster pump
  - l) Restroom (fees paid for half)
  - m) Drinking fountain
  - n) Furniture
  - o) Lights
  - p) Signs
  - q) Handicap parking
  - r) Maxicom Irrigation Equipment

Developer shall coordinate park configuration and design with the Parks Department. Actual layout and features to be determined at time of park design.

Developer shall provide Parks and Recreation with preliminary and final park design and submittals for review and comments. The Developer shall also provide the Parks and Recreation a minimum of 180 days of park and trail maintenance after the improvements have been accepted by the City of Lodi.

70. All landscaping proposed within the development must conform to the City of Lodi Landscape Maintenance Ordinance.

71. All public irrigation components in the park, trail, reverse frontage, median and entrance side yard shall be colored purple to identify it as being connected to a non-potable water system. Signs shall also be provided to identify areas that are irrigated with non-potable water.
72. The project will install landscape areas along Stockton Street, Le Baron Boulevard, the Trail, and the Park. After the City accepts the landscape improvements, the Developer will be required to maintain the landscaping for two years. Provide a two-year maintenance agreement and surety for the landscaping Stockton Street and Le Baron.
73. The trail and park shall contain a programmable LED lighting system capable of adjusting light intensities at various programmed times.
74. Street light standards shall be per City Standard and consistent with other decorative lights in the City. Street lights shall contain LED fixtures.
75. Developer shall prepare a Cost Sharing Analysis. The analysis shall include the entire tributary area for the given master plan components (upstream and downstream).
76. Per Lodi Municipal Code Section 16.24.040, all reimbursements shall be made by private reimbursement agreement in accordance with Chapter 16.40.
77. The City of Lodi is a participant in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). An application for evaluation of the project site with respect to SJMSCP requirements shall be submitted to the San Joaquin Council of Governments (SJCOG) prior to commencement of any clearing, grading or construction activities on the project site. The developer will be responsible for paying all associated costs and fees.
78. Contact the United States Postal Service for the location and type of mailboxes to be installed in this subdivision.
79. The following improvements may be constructed with different phases as follows:
  - a) Phase 1:
    - i) Two connections to the City water system
    - ii) Wastewater lift station upgrades
    - iii) Stockton Street wastewater main capacity improvements
    - iv) Le Baron Boulevard complete construction to Reynolds Ranch Parkway, including all utilities, curb, gutter, sidewalk, pavement, landscaping, block wall, lighting and signal modifications
    - v) Stockton Street complete construction within the project boundary, including all utilities, curb, gutter, sidewalk, pavement, landscaping, block wall and lighting
    - vi) Full basin excavation and stabilization
    - vii) Transit Improvements
  - b) Phase 2:
    - i) Stockton Street complete widening to Harney Lane, including all utilities, curb, gutter, sidewalk (east side only), pavement, lighting and signal modifications
    - ii) Water Well or approved alternative (unless water capacity study requires it with Phase 1)
    - iii) Trail (all components)
    - iv) Park (all components)
    - v) Basin outfall (northern outfall) and storm drain pipe through park site.
  - c) Phase 3:

- i) 24" wastewater trunk line (in trail) extension to the west under the railroad right-of-way (not applicable if in lieu fees are paid)
- ii) Basin outfall (southwestern outfall) and storm drain trunk line extension to the west under the railroad right-of-way.

Note: Each phase must maintain two (2) points of approved emergency access at all times. Approvals shall be obtained from the Fire Marshal.

80. Obtain the following permits:

- a) San Joaquin County well/septic abandonment permit.
- b) City of Lodi encroachment permit for work within their right-of-way.
- c) Grading Permit from the City of Lodi Building Department
- d) NPDES Construction General Permit (SWPPP).
- e) San Joaquin Valley Air Pollution Control District (SJVAPCD) permits.
- f) State permit for water well

81. Payment of the following:

- a) Filing and processing fees and charges for services performed by City forces per the Public Works Fee and Service Charge Schedule.
- b) Development Impact Mitigation Fees per the Public Works Fee and Service Charge Schedule at the certificate of occupancy.
- c) Habitat Conservation Fee
- d) Regional Transportation Impact Fee (RTIF) at the time of building permit issuance.
- e) Stormwater compliance inspection fee prior to map filing or commencement of construction operations, whichever occurs first.
- f) Fees charged for design, review, inspection, impact, or encroachment by the various agencies and utility companies having jurisdiction in this area.
- g) Future costs to abandon the temporary "Phase 2 Wastewater Lift Station" and appurtenances. This fee shall be paid at the beginning of Phase 3 development
- h) Annexation into the City of Lodi Community Facilities District – Estimated at \$10,000.
- i) Any existing reimbursement fees per existing agreements

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.

82. The project is required to fulfill the following obligations from the previous Development Agreement for the Reynolds Ranch development.

- i. Electric Utility Impact Fees. Developer shall pay \$291,336.28 in electric utility line extension costs called for in paragraph 6.4.10 of the Development Agreement by January 1, 2013.
- ii. Agricultural Mitigation. Developer shall satisfy the Agricultural Mitigation Requirements set forth in paragraph 6.1.2 and 6.4.11 of the Development Agreement. (See condition 14)
- iii. Maintenance of Public Improvements. Developer shall comply with the requirements of paragraph 6.4.5 of the development agreement.
- iv. Dedication of Fire Station property has taken place.

- v. Public Art. Developer shall comply with the requirement to install public art set forth in paragraph 6.4.8 of the Development Agreement. The \$60,000 amount shall be reduced by the ratio of the project to the overall Reynolds Ranch development. (78/220 acres)

**Dated: June 25, 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 June 25, 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:** June 25, 2014

**APPLICATION NO:** Use Permit Amendment: 2014-17 U

**REQUEST:** Request for Planning Commission approval of a Use Permit Amendment to allow a Type-42 On-Sale Beer and Wine for The Cellar Door at 21 N School Street. (Applicant: Lodi Family Wineries; File 2014-17 U; CEQA Determination: Exempt per Section 15321)

**LOCATION:** 21 N. School Street  
APN 043-033-13

**APPLICANTS:** Phillips Farms LLC.  
4580 W. HWY 12  
Lodi, CA 95242  
  
Van Ruiten Family Winery  
340 W. HWY 12  
Lodi, CA 95242

**PROPERTY OWNER** Farmers & Merchants Bank  
121 W Pine St  
Lodi, CA 95240

**RECOMMENDATION**

Staff recommends the Planning Commission approve the request of Lodi Family Wineries for a Use Permit Amendment to allow the sale of beer and wine, Alcoholic Beverage Control (ABC) Type 42 license, at an existing wine tasting room, 21 N School Street, subject to conditions in the attached resolution.

**PROJECT/AREA DESCRIPTION**

**General Plan Designation:** Downtown Mixed Use  
**Zoning Designation:** Downtown Mixed Use  
**Property Size:** 12,000 sq. ft. building (tasting room is 4,000 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>	Downtown Mixed Use	Downtown Mixed Use	Retail/Services
<b>South</b>	Downtown Mixed Use	Downtown Mixed Use	Retail/Services
<b>East</b>	Downtown Mixed Use	Downtown Mixed Use	Retail/Services
<b>West</b>	Downtown Mixed Use	Downtown Mixed Use	Bank

**SUMMARY**

The applicants, Inc., Phillips Farms LLC, and Van Ruiten Family Winery, (heretofore referred to as Lodi Family Wineries) were granted a Type 2 (Winery) Alcoholic Beverage Control License / Use Permit in October 2006. This Use Permit is to allow the sale of bottles and cases of wine, a wine tasting operation, use of the wine tasting space for various events such as wine dinners catered by outside vendors, private mixers, wine tasting and parties for organizations and businesses who want to rent space, and to host feature wine tasting events that may include educational components.

The applicant’s existing business operation hours:

Tuesday – Thursday	12:00 p.m. – 9:00 p.m.
Friday – Saturday	12:00 p.m. – 11:00 p.m.
Sunday	12:00 p.m. – 5:00 p.m.
Monday	Closed.

The existing use is consistent with the City’s vision of making Lodi a wine tasting tourist destination point. The wine tasting rooms are a large part of this vision, for they not only compliment other downtown businesses such as restaurants and boutiques, but add to the character of the City by promoting local wineries and viticulture.

The proposed Type 42 license is to allow the existing wine tasting room the opportunity to add beer taps and sell craft beers, additional wines from different appalachia and imported wines to augment the existing tasting room use. The Cellar Door is looking to increase exposure for their wines with partners in the craft beer and wine industry. This includes partnerships in and outside of the Lodi region.

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

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



The project site is within Census Tract 42.04, which covers the area north of Lodi Avenue, west of the U.P.R.R., south of Lockeford Street and east of Ham Lane. The area is over-concentrated as defined by ABC for licenses. Planning staff is of the opinion that a public need and necessity is warranted in this case because the primary function of the establishment is an existing wine tasting room. In the past, the Planning Commission and City staff has supported wine tasting rooms in the downtown area to enhance the City’s vision of making Lodi a wine tasting tourist destination point. The Cellar Door has been a key part of this vision and has helped make the downtown area a destination point.

The discretionary Use Permit procedure enables the Planning Commission to impose conditions designed to avoid, minimize potentially adverse effects. Staff believes that the Planning Commission can make the required findings to approve the requested Use Permit. The required findings are as follows:

1. *The proposed use is allowed with a Use Permit within the applicable zoning district and complies with all applicable provisions of this Development Code.* **Comment:** The proposal involves the expansion of an alcohol license in an existing tasting room within the downtown area. The Downtown Mixed Use (DMU) Zoning District, which allows sale of alcohol for on-site consumption in accordance with Development Code Section 17.22.030. The intent of the DMU zoning district is to provide for a range of uses, emphasizing high quality development, and to encourage revitalization of downtown. The proposal is consistent with this intent and making Lodi a wine tasting tourist destination point.
2. *The proposed use is consistent with the General Plan and any applicable specific plan.* **Comment:** The General Plan land use designation for this area is Downtown Mixed Use, which allows onsite beverage consumption. The proposed wine tasting room is the type of business allowed by the General Plan. The addition beer taps, selling of craft beers,

additional wines from different appalachia and imported wines to augment the existing tasting room use is a common way for wine manufacturers to expand and improve their business 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 sale of alcohol in conjunction with a wine tasting room is compatible with existing and future land uses in the immediate vicinity of the project area. The Downtown Business District envisions wine tasting rooms, retail services, restaurants and the like as the type of business encouraged to operate in the Downtown area. In addition, the primary function of the facility is wine tasting room and retail services. No aspect of the proposed uses have 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, restaurants/bars, tasting rooms and other commercial uses with sale of alcohol operate in this area. Third, the proposed use, as conditioned, will not have an adverse effect upon the use, enjoyment or valuation of property in the neighborhood because the proposed use will be located within an existing building with no additions to the footprint of the building. Fourth, the characteristics of the proposed sale of alcohol in a tasting room operation are customary for these types of businesses.
5. *The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the Lodi Environmental Review Guidelines. **Comment:*** The project was found to be Categorical Exempt according to the California Environmental Quality Act, §15321, Class 21 (a) (2). The project is classified as an “Enforcement action by regulatory agencies” because it is the “adoption of an administrative decision for the use or enforcing the general rule, standard, or objective.” No significant environmental impacts are anticipated and no mitigation measures are required.

Staff sent a copy of the application to various City departments for comment and review. Their comments and requirements have been incorporated into the attached resolution. The Community Development Department is of the opinion that the proposed project is consistent with the surrounding land uses and zoning; and with the City’s policy to encourage the wine production and wine tasting industry. The intended nature of this operation does not promote excessive onsite consumption of alcohol and, therefore, staff does not expect any problems with the proposed establishment. The proposed use is consistent with the City’s vision of making Lodi a wine tasting tourist destination. We, therefore, are recommending that the Use Permit be approved, subject to the attached resolution.

#### **ENVIRONMENTAL ASSESSMENT:**

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

**PUBLIC HEARING NOTICE:**

Legal Notice for the Use Permit was published in the Lodi News Sentinel on Saturday, June 14, 2014. Thirty-eight (38) public hearing notices were sent to all property owners of record within a 300-foot radius of the project site as required by California State Law §65091 (a) 3. Public notice also was mailed to interested parties who expressed their interest of the project.

**RECOMMENDED MOTIONS**

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

“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 approve the Use Permit Amendment to allow the sale of beer Alcoholic Beverage Control (ABC) Type 42 license at 21 N. School 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:**

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

# VICINITY MAP



21 North School Street

## Street Frontage



21 North School Street

**RESOLUTION NO. P.C. 14-XX****A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF LODI FAMILY WINERIES FOR A USE PERMIT AMENDMENT TO ADD A TYPE 42 LICENSE TO THE EXISTING TYPE 2 ALCOHOLIC BEVERAGE CONTROL LICENSE AT 21 NORTH SCHOOL STREET**

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

**WHEREAS**, the project proponents are Phillips Farms LLC and Van Ruiten Family Winery, collectively known as Lodi Family Wineries; and

**WHEREAS**, the project site is located at 21 North School Street, Lodi CA (APN: 043-033-13) and

**WHEREAS**, the project site is owned by Farmers & Merchants Bank, 121 W Pine St., Lodi, CA 95240; and

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

**WHEREAS**, the requested Use Permit Amendment is to allow for the sale of beer and wine, adding a Type 42 license to the existing Type 2 Alcoholic Beverage Control license at 21 North School Street, and

**WHEREAS**, because Census Tract 42.04 has an over concentration of alcohol beverage control licenses, the planning Commission must make a finding of necessity or public convenience in order to permit the issuance of an additional Alcohol Beverage Control license in this tract; and

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

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

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

1. The project was found to be Categorically Exempt according to the California Environmental Quality Act Section 15321, Class 21. The project is classified as an "Enforcement action by regulatory agencies" because it is the "adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective." No significant environmental impacts are anticipated and no mitigation measures are required.
2. No new impacts were identified during the public testimony that were not addressed as normal conditions of project approval.

3. The proposed use is consistent with the General Plan because commercial uses such as the one proposed are permitted in accordance with Land Use Policy subject to a discretionary review.
4. The proposed use would not have a substantial adverse economic effect on nearby uses because operation of an existing wine tasting facility in accordance with applicable laws and under the conditions of this Use Permit is anticipated to be an economic benefit to the community.
5. The proposed use 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.
6. The proposed use would not be detrimental to the general welfare of persons residing and working in the immediate vicinity, the neighborhood or the community at large because the sale of alcohol with a restaurant operation is not associated with detrimental impacts to the community.
7. The sale of alcoholic beverages at this location can meet the intent of the DMU Zoning District and can provide a public convenience or necessity for customers of the business.

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

1. The applicant/project proponent and/or property owner/developer and/or successors in interest and management shall operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
2. The Applicant/Operator shall operate and abide by the requirements and conditions of the State of California Department of Alcoholic Beverage Control. The on-site sale and consumption of beer shall occur only during the hours the business is open to the public.
3. The City reserves the right to periodically review the area for potential problems. If problems (on-site or within the immediate area) including, but not limited to, public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct result from the proposed land use, the Use Permit may be subject to review and revocation by the City of Lodi after a public hearing and following the procedures outlined in the City of Lodi Municipal Code. Further, starting from the effective date the brewing operation commences, this Use Permit shall be subject to a one year review by Community Development Department. If necessary, the Department shall forward the review to the Planning Commission to review the business's operation for compliance with the conditions of the Use Permit, and in response to any legitimate complaint thereafter.
4. That the winery and wine tasting operation is conducted in a manner that will not adversely impact neighboring properties or businesses.
5. All temporary and permanent signage proposed in connection with the wine tasting operation shall be reviewed and approved by the Community Development Department.
6. That warehouse and storage of wine shall be ancillary to the office and sales aspect of the operation. The subject facility shall not serve as the primary distribution center.
7. That applicants shall be allowed to use the wine tasting space for various events such as wine dinners catered by outside vendors, private mixers, wine tasting and parties for organizations and businesses who want to rent space, and to host feature wine tasting events that may include educational components.

8. The applicant shall submit complete and adequate tenant improvement plans to the Building Division for review and approval. The said plans shall be based on the City of Lodi Building Regulations and currently adopted 2013 California Building Code.
9. Any fees due the City of Lodi for processing this Project shall be paid to the City within thirty (30) calendar days of final action by the approval authority. Failure to pay such outstanding fees within the time specified shall invalidate any approval or conditional approval granted. No permits, site work, or other actions authorized by this action shall be processed by the City, nor permitted, authorized or commenced until all outstanding fees are paid to the City.

I hereby certify that Resolution No. 14- XX was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on June 25, 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:** June 25, 2014

**APPLICATION NO:** Use Permit Amendment: 2014-20 U

**REQUEST:** Request for Planning Commission approval of a Use Permit to allow a Type-41 On-Sale Beer and Wine for Morino's at 212 South School Street. (Applicant: Leona Morino; File 2014-20 U; CEQA Determination: Exempt per Section 15321)

**LOCATION:** 212 South School Street  
Lodi, CA 95240  
APN: 043-046-15

**APPLICANT:** Ms. Leona Morino  
2755 Village Drive  
Lodi, CA 95640

**PROPERTY OWNER:** Jose and Modesta Aguilar  
4333 E. Guernsey Ave  
Stockton, CA 95209

**RECOMMENDATION**

Staff recommends the Planning Commission approve the request of Leona Morino for a Use Permit to allow the sale of beer and wine Alcoholic Beverage Control (ABC) Type 41 license (eating place) at 212 South School Street, subject to conditions in the attached resolution.

**PROJECT/AREA DESCRIPTION**

**General Plan Designation:** Downtown Mixed Use  
**Zoning Designation:** Downtown Mixed Use  
**Property Size:** Restaurant measures 2,000 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>	Downtown Mixed Use	Downtown Mixed Use	Retail/Services
<b>South</b>	Downtown Mixed Use	Downtown Mixed Use	Retail/Services
<b>East</b>	Downtown Mixed Use	Downtown Mixed Use	Retail/Services
<b>West</b>	Downtown Mixed Use	Downtown Mixed Use	Retail/Services

## BACKGROUND

The El Pajaro restaurant has been at this site since 1977, and in constant use with multiple owners. The restaurant had a type 23 small beer manufacturing permit since 2000. The ABC license was limited to serving beer. The project owners have retired and the applicant is starting a new restaurant business and a new Type 41 – beer and wine license. The proposal is to allow a new Italian restaurant, serving beer and wine.

The applicant provided a floor plan and menu for the business. (Attachment B and C.)

The applicant intends to operate the restaurant as follows:

Monday – Saturday – 11:00 am to 9:00 pm

Sunday – 8:00 – 2:00 pm.

Occupancy of the restaurant is 40 persons.

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

## ANALYSIS

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



The project site is within Census Tract 42.04, which covers the area north of Lodi Avenue, west of the U.P.R.R., south of Lockeford Street and east of Ham Lane. The area is over-concentrated as defined by ABC for licenses. Planning staff is of the opinion that a public need and necessity is warranted in this case because the primary function of the establishment is a restaurant and does not involve off-site retail or wholesale distribution of alcohol. In the past, the Planning Commission and City staff has supported restaurants that wish to acquire ABC licenses because, typically, restaurants that serve alcohol in conjunction with food sales do not create alcohol related problems. The ABC Type 41 license requires the restaurant to operate as a bone fide eating establishment.

The discretionary Use Permit procedure enables the Planning Commission to impose conditions designed to avoid, minimize potentially adverse effects. Staff believes that the Planning Commission can make the required findings to approve the requested Use Permit. The required findings are as follows:

1. *The proposed use is allowed with a Use Permit within the applicable zoning district and complies with all applicable provisions of this Development Code. **Comment:*** The proposal involves a new restaurant in an existing building located within the Downtown Mixed Use (DMU) Zoning District, which allows sale of alcohol for on-site consumption in accordance with Development Code Section 17.22.030. The intent of the DMU zoning district is to provide for a range of uses, emphasizing high quality development, and to encourage revitalization of existing buildings. The proposal is consistent with this intent.
2. *The proposed use is consistent with the General Plan and any applicable specific plan. **Comment:*** The General Plan land use designation for this area is Downtown Mixed Use, which provides for sale of alcohol. The proposed sale of beer and wine in conjunction with a restaurant operation is the type of business allowed by the General Plan. The sale of alcoholic beverages as part of a restaurant is required by the State Department of Alcoholic Beverage Control to be secondary to food sales. Sale of alcohol in conjunction with a restaurant is a common way to increase sales and is therefore, consistent, with the General Plan.
3. *The location, size, design and operating characteristics of the use or development is compatible with and shall not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the area, or be detrimental or injurious to public or private property or improvements. **Comment:*** The proposed sale of alcohol in conjunction with a restaurant operation is compatible with existing and future land uses in the immediate vicinity of the project area. The sale of alcohol in a restaurant is consistent with other commercial uses, such as the one proposed, in accordance with Land Use Policy subject to a discretionary review. The sale of alcoholic beverages for on-premise consumption is a normal part of business operations for a restaurant and provides a convenience for customers of the business. The proposed use is located in the heart of the downtown area and is surrounded by other complementary uses that cater to the local and tourist trade. The establishment will offer theater patrons another option for food service prior to or after viewing a movie
4. *The location, size, design, and operating characteristics of the proposed use would be compatible with the existing and future land uses in the vicinity. **Comment:*** The proposed use complies with all requirements as set forth for the issuance of this Use Permit, in that the site is adequate in size, shape and topography for the proposed use, consisting of an existing building. Second, restaurants/bars, tasting rooms and other commercial uses

with sale of alcohol operate in this area. Third, the proposed use, as conditioned, will not have an adverse effect upon the use, enjoyment or valuation of property in the neighborhood because the proposed use will be located within an existing building with no additions to the footprint of the building. Fourth, the characteristics of the proposed sale of alcohol in a restaurant/bar operation are customary for these types of businesses. In accordance with ABC requirements, receipts from alcohol sales shall not be in excess of food sales receipts. Lastly, it is found that the sale of alcoholic beverages as part of a restaurant is a convenience that does not typically create alcohol related problems.

5. *The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the Lodi Environmental Review Guidelines.* **Comment:** The project was found to be Categorical Exempt according to the California Environmental Quality Act, §15321, Class 21 (a) (2). The project is classified as an “Enforcement action by regulatory agencies” because it is the “adoption of an administrative decision for the use or enforcing the general rule, standard, or objective.” No significant environmental impacts are anticipated and no mitigation measures are required.

Staff sent a copy of the application to various City departments for comment and review. Their comments and requirements have been incorporated into the attached resolution. Conditions of approval are proposed to ensure the restaurant is not operated in a negative manner or without adequate oversight. If problems or concerns related to the sale of alcoholic beverages occur in the future, staff and/or the Planning Commission may initiate a public hearing where the Commission would have the ability to amend conditions or revoke the Use Permit.

#### **ENVIRONMENTAL ASSESSMENT:**

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

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

Legal Notice for the Use Permit was published in the Lodi News Sentinel on Saturday, June 14 2014. Thirty-two (32) 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 Use Permit to allow the sale of beer and wine Alcoholic Beverage Control (ABC) Type 41 license at 212 South School 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:**

- A. Vicinity / Aerial Map
- B. Street Elevation
- C. Floor Plan
- D. Menu
- E. Draft Resolution

# VICINITY MAP



212 South School Street - (old El Pajaro)

## STREET VIEW

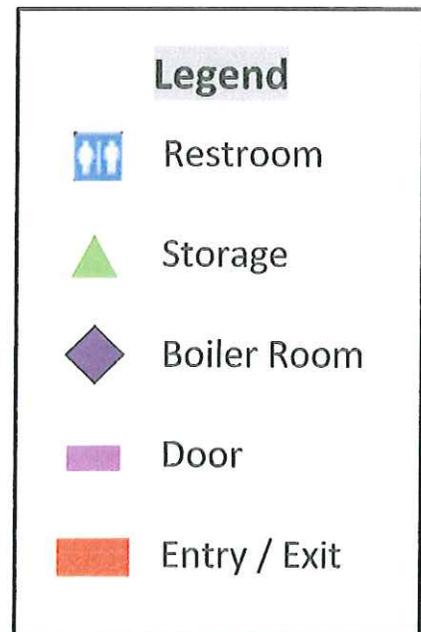
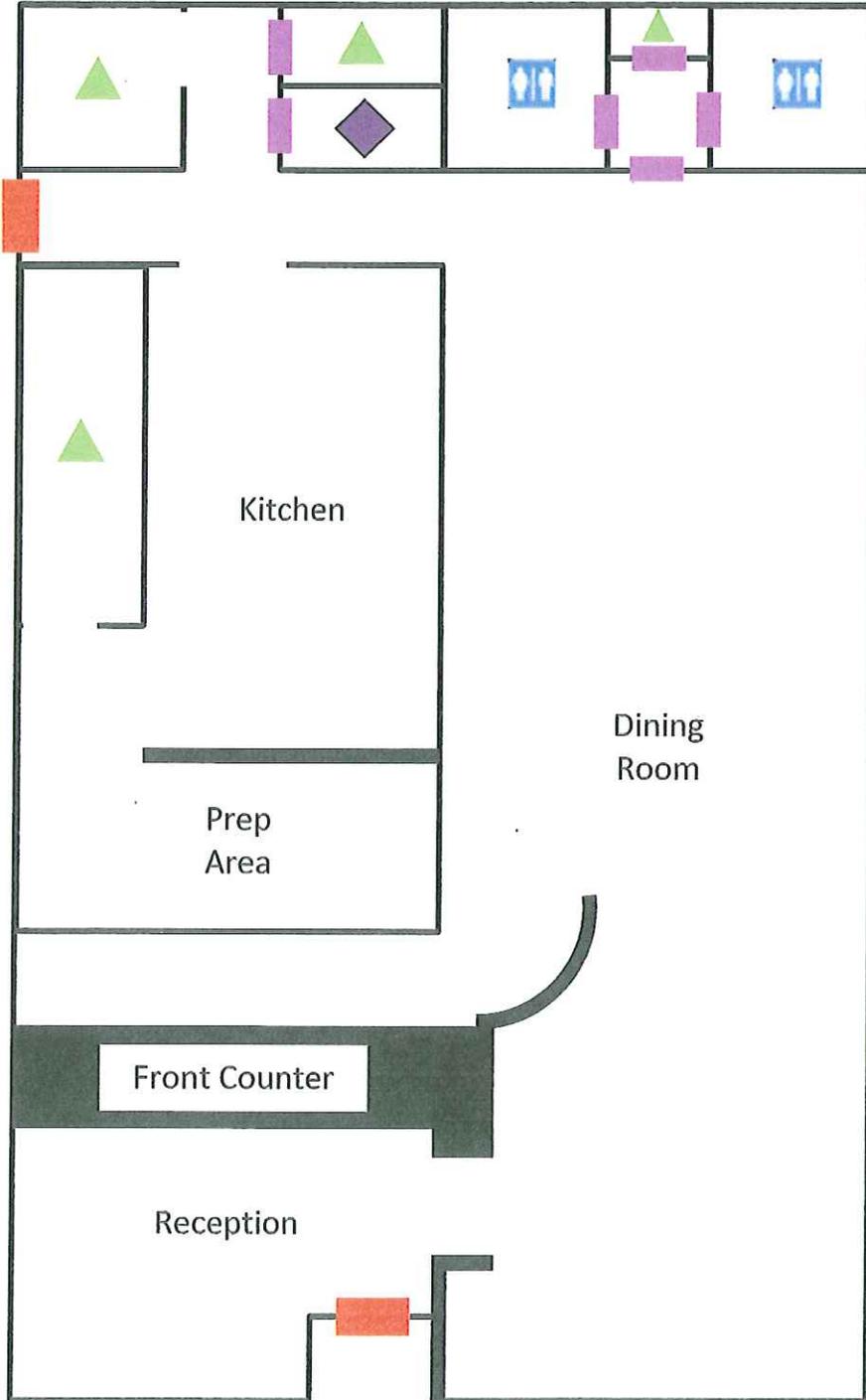


212 South School Street

# Floor Plan

212 South School Street, Lodi, CA, 95240

Approximately 33' wide x 60' long / 1.980 sq. ft.



*School Street*

## Menus: Marino Italian Restaurant

### Lunch

Piroshky and Fries

### Sandwiches:

Roast Beef, Turkey, Tuna Melt, Chicken

Grilled Cheese

Tuna Melt

Ruben

All served with Fries

Spaghetti and Meatball

Lasagna

Zutto

Italian Chef Salad

All meals excluding sandwiches served with soup and salad

Dinner:

Meatballs and Spaghetti

Zutto

Clam Linguini

Lasagna

Garlic Basil Fettuccini

Spaghetti

Garlic Mushroom Pasta

Chicken Cacciatore

Raviolis

Shrimp Scampi

Chicken Alfredo

GF Pasta/Vegetarian

Italian Chef Salad

Dessert:

Vanilla Chocolate or Spumoni Ice Cream

Drinks:

Coca Cola

Sprite

Root Beer

Dr. Pepper

Coffee

Beer and Wine

Italian Creamed Soda

Italian Soda (No Cream)

Visa Master Discover Card

No Checks

All meals served with Bread, Soup, Salad and Raviolis

## Sunday Morning Breakfast

Chicken Fried Steak

School Street Strips

Buenos Dias Burritos

Mickey's Sunrise Sandwich

Sign It Warren Pancakes

Biscuits and Gravy

Eggs Benedict

Oatmeal

Bacon and Eggs

Sausage and Eggs

Apple Juice, Orange Juice or Milk

Coffee is Free with breakfast

Seniors receive a 5% discount

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

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF GARY ARNOLD FOR A USE PERMIT FOR A TYPE 41 ABC LICENSE TO ALLOW SALE OF BEER AND WINE AT 212 SOUTH SCHOOL STREET**

- WHEREAS**, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Use Permit, in accordance with the Lodi Municipal Code, Section 17.74; and
- WHEREAS**, the project proponents are Leona Morino, 2755 Village Drive, Lone, CA 95640; and
- WHEREAS**, the project parcel is owned by Jose and Modesta Aguilar, 333 E. Guernsey Ave., Stockton, CA 95209; and
- WHEREAS**, the project is located at 212 South School Street, Lodi, CA 95240 (APN: 043-046-15); and
- WHEREAS**, the property has a General Plan designation of Downtown Mixed Use and is zoned Downtown Mixed Use (DMU); and
- WHEREAS**, Census Tract 42.04 in which the proposed restaurant/bar is to be located is over concentrated of licenses allowing on premise consumption of alcoholic beverages; and
- WHEREAS**, because Census Tract 42.04 has an over-concentration of On-sale beer and wine alcohol licenses, the Planning Commission must make a finding of necessity and/or public convenience in order to permit the issuance of an additional Alcohol Beverage Control license in this tract; and
- WHEREAS**, based upon the facts and analysis presented in the staff report, and public testimony received and subject to the conditions of approval listed below, the Planning Commission finds that the establishment, maintenance or operation for the requested use or building applied for, will not, under the circumstances of this particular case, be detrimental to the health, safety, morals, comfort, convenience and general welfare of the persons residing or working in the neighborhood of such proposed use, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City; and
- WHEREAS**, all legal prerequisites to the adoption of this Resolution have occurred; and

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

1. The project was found to be Categorical Exempt according to the California Environmental Quality Act Section 15321, Class 21. The project is classified as an "Enforcement action by regulatory agencies" because it is the "adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective." No significant environmental impacts are anticipated and no mitigation measures are required.
2. The sale of alcoholic beverages for on-premise consumption as part of a restaurant is a permitted use in the DMU Zoning District. The site is suitable and adequate for the proposed use because establishment of a restaurant/bar on this site would not create negative impacts on businesses in the vicinity.
3. On-sale of beer, wine and distilled spirits, in accordance with a Type 41 Alcoholic Beverage Control License and with the conditions attached herein, would be consistent and in harmony with the Downtown Mixed Use General Plan Land Use Designation and DMU Zoning District.

4. The proposed use is consistent with the General Plan because commercial uses such as the one proposed are permitted in accordance with Land Use Policy subject to a discretionary review.
5. The proposed use would not have a substantial adverse economic effect on nearby uses because operation of a restaurant in accordance with applicable laws and under the conditions of this Use Permit is anticipated to be an economic benefit to the community.
6. The harmony in scale, bulk, coverage and density of the proposed project is consistent with and compatible to the existing built-in environment and land uses around the subject site, in that the proposed Morino's will be located within an existing building, with minor exterior/patio area additions, thereby maintaining the approved scale, bulk, coverage and density of the building.
7. The availability of public facilities and utilities is adequate to serve the proposed use, in that Morino's will be located within a building where public facilities and services are currently provided, including sewer, water, electricity, phone, etc.
8. Steps will be taken by the Applicant/Operator to reduce the number of incidents resulting from the over-consumption of alcohol including the proper training and monitoring of employees serving alcohol; the careful screening of IDs of customers to avoid sales to under-aged individuals; limiting the number of drinks sold to individual customers to avoid over-consumption; providing properly trained on-site security to monitor customer behavior both in and outside of the establishment; and working with the Lodi Police Dept. to resolve any problems that may arise.
9. The proposed use can be compatible with the surrounding use and neighborhood if the business is conducted properly and if the Applicant/Operator works with neighboring businesses and residents to resolve any problems that may occur.
10. The proposed use would not be detrimental to the general welfare of persons residing and working in the immediate vicinity, the neighborhood or the community at large because the sale of alcohol with a restaurant operation is not associated with detrimental impacts to the community.
11. The sale of alcoholic beverages at this location can meet the intent of the DMU Zoning District and can provide a public convenience or necessity for customers of the business.

**NOW, THEREFORE, BE IT DETERMINED AND RESOLVED** by the Planning Commission of the City of Lodi that Use Permit Application No. 2014-20 U is hereby approved, subject to the following conditions:

Community Development-Planning

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

Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control. Material violation of any of those laws in connection with the use may be cause for revocation of this Use Permit.

3. Starting from the effective date the business commences the sale of beer, wine and distilled spirits, this Use Permit shall be subject to a six-month and one-year review by Community Development Department and/or the Police Department. If the Community Development Department/Police Department determines it necessary, the Use Permit shall be subject to review by the Planning Commission to consider the business's operation for compliance with the conditions of the Use Permit, and in response to any legitimate complaints thereafter. Further, the City reserves the right to periodically review the area for potential problems. If problems (on-site or within the immediate area) including, but not limited to, public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct result from the proposed land use, the Use Permit may be subject to review and revocation by the City of Lodi after a public hearing and following the procedures outlined in the City of Lodi Municipal Code. Additional reviews may be prescribed by the Community Development Department, the Police Department and/or Planning Commission as needed during and after the one year probationary period.
4. If operation of this use results in conflicts pertaining to parking, noise, traffic, loitering, public safety or other impacts, at the discretion of the Community Development Department, this conditional use permit may be referred to the Planning Commission for subsequent review at a public hearing. If necessary, the Commission may modify or add conditions of approval to mitigate such impacts, or may revoke said conditional use permit bound upon applicable findings.
5. 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.
6. The Applicant/Operator and/or successors in interest and management shall insure that the sale of alcohol does not cause any condition that will cause or result in repeated activities that are harmful to the health, peace or safety of persons residing or working in the surrounding area. This includes, but is not limited to: disturbances of the peace, illegal drug activity, public intoxication, drinking in public, harassment of people passing by, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, excessive loud noises, traffic violations or traffic safety based upon last drink statistics, curfew violations, lewd conduct, or police detention and arrests.
7. All owners, managers and employees selling alcoholic beverages shall undergo and successfully complete a certified training program in responsible methods and skills for selling alcoholic beverages. The certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service or other certifying/licensing body, which the State may designate. The establishment shall comply with the requirements of this section within 30 calendar days of effective date of this Use Permit. Records of each owner's, manager's and employee's successful completion of the required certified training program shall be maintained on the premises and shall be presented upon request by a representative of the City of Lodi. The business owner shall be responsible for on-going training to accommodate changes in personnel.
8. No person who is in a state of intoxication shall be permitted within the business nor shall an intoxicated patron be sold additional alcoholic beverages. It is the responsibility of the

business owner/operator to ensure no patron in state of intoxication is allowed into the premise.

9. Prior to commencement of the use, the applicant shall prepare and submit a practical program for controlling litter, spills, and stains resulting from the use on the site to the Community Development Department for review and approval. The program shall include a detailed time frame for the policing and cleanup of the public sidewalk and right-of-way in front of the subject property as well as the adjacent public right-of-way (25 feet north and south of the subject property, and 25 feet down the alley) not just in front of the subject tenant space. Failure to comply with that program shall be considered a violation of the Use Permit and shall be subject to administrative remedy in accordance with Chapter 17.72 and Chapter 17.88 of the City of Lodi Municipal Code.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. The applicant shall obtain all required permits and licenses from the California Department of Alcoholic Beverage Control and the San Joaquin County Health Department prior to commencement of the use and maintain said permits at all times while the use is operating. Copies of all permits and licenses shall be submitted to the Community Development Department prior to commencement of the use.
17. 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.

- 18. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.
- 19. The patio area shown on the public sidewalk must receive a downtown encroachment permit from the Public Works Department for the proposed outdoor seating and serving of alcohol as per the Downtown Development and Standards Guidelines

I certify that Resolution No. 14-XX was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on June 25, 2014 by the following vote:

**AYES:** Commissioners:

**NOES:** Commissioners:

**ABSENT:** Commissioners:

**ATTEST** \_\_\_\_\_

**Secretary, Planning Commission**

# Item 6a.



**MEMORANDUM, City of Lodi, Community Development Department**

**To:** City of Lodi Planning Commissioners  
**From:** Craig Hoffman, Senior Planner  
**Date:** Planning Commission Meeting of 06/25/14  
**Subject:** Past meetings of the City Council and other meetings pertinent to the Planning Commission

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

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

Date	Meeting	Title
May 21, 2014	Regular	Public Hearing to Consider Adopting Resolution Approving the Planning Commission's Recommendation to Authorize 145 Low-Density Residential, 55 Medium-Density Residential, and 88 High-Density Residential Growth Management Allocations for Van Ruiten Ranch Subdivision (CD)
		Authorize City Manager to Execute Addendum to Memorandum of Understanding Between Visit Lodi! Conference and Visitors Bureau and the City of Lodi (CM)
		Direct Staff Regarding Provision of Industrial Wastewater Treatment Service to Michael/David Winery, LLC (PW)
June 4, 2014	Regular	Adopt Resolution Approving the City of Lodi Financial Plan and Budget for the Fiscal Year Beginning July 1, 2014 and Ending June 30, 2015, and Approving the Fiscal Year 2014/15 Appropriation Spending Limit (CM)
		Adopt Resolution Appointing Stephen Schwabauer as City Manager and Approving the Related Employment Agreement
		Adopt Resolution Appointing Janice D. Magdich as City Attorney and Approving the Related Employment Agreement