

<p>CARNEGIE FORUM 305 WEST PINE STREET LODI, CALIFORNIA</p>	<p>AGENDA LODI PLANNING COMMISSION</p>	<p>REGULAR SESSION WEDNESDAY, AUGUST 26, 2015 @ 7:00 PM</p>
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For information regarding this agenda please contact:

Kari Chadwick @ (209) 333-6711
Community Development Secretary

NOTE: All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the Community Development Department, located at 221 W. Pine Street, Lodi, and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the Community Development Department as soon as possible and at least 24 hours prior to the meeting date.

1. ROLL CALL

2. MINUTES – “July 22, 2015”

3. PUBLIC HEARINGS

- a. Request for Planning Commission Rescission of Use Permit 2014-06 for a Type-47 On-Sale Beer, Wine and Distilled Spirits for McGuire’s On Elm Street Irish Pub at 24 W Elm Street. (Applicant: Gary Arnold; File 13-U-18; CEQA Determination: Exempt per Section 15321)
- b. Request for Planning Commission approval of:
 - I. Growth Management Allocation for 22 Low-Density Residential Lots; and
 - II. A Subdivision Map for the Vintner Square Subdivision, a 9 acre, 57 unit subdivision; and
 - III. Adopt Development Standards for the subdivision known as Vintner Square located within Low Density Residential Zoning District.
South of Taylor Road and west of Lower Sacramento Road
(Applicant: Vintners Square LLC; File: 2015-14 GM / S / PD; CEQA Status: Section 15183 – Previous Environmental Review)

Item 3b continued from the July 22, 2015 Planning Commission Meeting

- c. Request for Planning Commission approval of a Use Permit to allow expansion of a personal fitness training studio within an existing industrial building located at 1205 E. Vine Street. (Applicant: Michael Phelan; File 2015-25 U; CEQA Determination: Categorical Exemption Pursuant to CEQA Guidelines Section 15332 In-Fill Development Projects)

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

- a. Downtown Vision and Direction
- b. Art In Public Places Development Impact Fee Discussion and Possible Direction

5. ANNOUNCEMENTS AND CORRESPONDENCE

6. ACTIONS OF THE CITY COUNCIL

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. REORGANIZATION

- a. Planning Commission Chair & Vice Chair
- b. Planning Commission Representatives to: SPARC and Art In Public Places

12. ADJOURNMENT

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

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

Right to Appeal:

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

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

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JULY 22, 2015**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of July 22, 2015 was called to order by Chair Kiser at 7:00 p.m.

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

Absent: Planning Commissioners – Hennecke and Kirsten

Also Present: Senior Planner Craig Hoffman, Deputy City Attorney John Fukasawa and Administrative Secretary Kari Chadwick

2. MINUTES

“May 13, 2015”, “June 10, 2015” & “June 24, 2015”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Olson, Cummins second, approved the minutes of May 13, 2015, June 10, 2015 and June 24, 2015 as written.

3. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Kiser called for the public hearing to consider the request of the Planning Commission for approval
- I. Growth Management Allocation for 22 Low-Density Residential Lots; and
 - II. A Subdivision Map for the Vintner Square Subdivision, a 9 acre, 57 unit subdivision; and
 - III. Adopt Development Standards for the subdivision known as Vintner Square located within Low Density Residential Zoning District. South of Taylor Road and west of Lower Sacramento Road
- (Applicant: Vintners Square LLC; File: 2015-14 GM / S / PD; CEQA Status: Section 15183 – Previous Environmental Review)

Senior Planner Craig Hoffman stated that staff has asked to postpone this item to the August 26, 2015 Planning Commission meeting and recommends the Commission make a motion to continue the public hearing to August 26, 2015.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Heinitz, Slater second, continued this item to the August 26, 2015 Planning Commission Meeting. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Heinitz, Olson, Slater and Chair Kiser

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 Kiser called for the public hearing to consider the request of the Planning Commission for approval of a Use Permit to allow a wine production facility, Type 2 ABC license, at 1011 East Pine Street. (Applicant: Vinedos Aurora / Gerardo Espinosa; File 2015-21 U; CEQA Determination: Exempt per Section 15321)

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

Hearing Opened to the Public

- Gerardo Espinosa, applicant, came forward to answer questions.
- Commissioner Slater asked if there are any plans for a tasting room at this location. Mr. Espinosa stated that there are no plans for a tasting room at this time. He added that they will maintain their wine tasting room in the downtown. Mr. Slater asked if there would be special event tastings for wine club members. Mr. Espinosa stated that they would like to do some special events for wine club releases eventually. Mr. Slater asked if there were enough facilities to accommodate a large event. Mr. Espinosa stated that there are enough facilities. Mr. Slater asked that Mr. Espinosa ensure that all staff is aware of and follows the ABC rules. Mr. Espinosa stated that he will ensure that all of his staff members follow the rules of ABC.
- Chair Kiser asked if Mr. Espinosa was aware of the condition to haul away all waste and if he had any concerns with that condition. Mr. Espinosa stated that he was aware of the condition and will ensure that all waste is hauled away from the facility in a timely manner.

Public Portion of Hearing Closed

- Vice Chair Heinitz asked if there were any conditions that the applicant would have to come back to the Commission if they wanted to have a special event at this location. Mr. Hoffman stated the Type II allows for the tastings, but conditions have been added to take into consideration any parking and noise issues.
- Chair Kiser asked if this project would fall under the review process. Mr. Hoffman stated that production facilities have not had that condition placed on them in the past. Mr. Kiser stated that he would like to place it on a review list for a six month time period. Mr. Hoffman stated that he will put it on the calendar.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Heinitz, Slater second, finds that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321, and adopts a Resolution approving the Use Permit to allow a Type-2 ABC license at 1011 E. Pine St. subject to conditions of approval contained in the draft resolution provided with the added condition for a six month review. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Heinitz, Olson, Slater and Chair Kiser
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 Kiser called for the public hearing to review existing zoning code in regard to transitional housing and expand as allowed use in all zones with residential housing as an allowed use and make recommendation to the City Council. (Applicant: City of Lodi; File 2015-22 Z; CEQA Determination: Exempt per Section 15321)

Senior Planner Craig Hoffman gave a brief presentation based on the staff report. Staff is recommending that the Planning Commission adopt the resolution recommending the City Council adopt an amended ordinance to make these changes.

Chair Kiser asked if we don't allow this the City will have to give money back to the State that is designated for housing. Mr. Hoffman stated that is correct.

Vice Chair Heinitz asked if the City could lose some of its State funding if we don't comply. Mr. Hoffman stated that is correct.

Commissioner Slater asked for clarification regarding where this will be allowed. Mr. Hoffman stated that this is allowed in any zoning code that allows residential uses. Mr. Slater asked what happens if a transitional house opens up next door and there ends up being trouble caused by some of the occupants. Mr. Hoffman stated that he would recommend they contact the appropriate agency with the State of California.

Commissioner Slater would like to see how many facilities are in the City Limits. Mr. Hoffman stated that he could contact the State and get an idea of how many facilities the city currently has. Mr. Slater mentioned not to take too much time looking into this item; it is more of a curiosity than a necessity.

Hearing Opened to the Public

- None

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Heinitz second, adopts a Resolution recommending the City Council amend the Zoning code to allow transitional and supportive housing in all zones where residential housing is an allowed use. The motion carried by the following vote:

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

4. PLANNING MATTERS/FOLLOW-UP ITEMS

- a) Downtown Vision and Direction. Mr. Hoffman does not have anything for tonight's meeting but will have something for the August 26th meeting.
- b) Art In Public Places Development Impact Fee Discussion and Possible Direction. Mr. Hoffman stated that Commissioner Kirsten requested this item and there isn't anything to report at this time. Chair Kiser stated asked to bring the item back to the next meeting, so Commissioner Kirsten can be in attendance for the discussion.

5. ANNOUNCEMENTS AND CORRESPONDENCE

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

6. ACTIONS OF THE CITY COUNCIL

None

7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

Chair Kiser gave a brief report regarding the The Farm Stand item approved at the meeting earlier this evening. This will be a farm to table style grocery and café.

8. ART IN PUBLIC PLACES

None

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

None

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

Mr. Hoffman stated that the Council has been delayed in appointing the two new Commissioners, so the re-organization of the Commission will be put on the August agenda.

11. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:28 p.m.

ATTEST:

Kari Chadwick
Planning Commission Secretary

DRAFT

Item 3a



**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: August 26, 2015

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

REQUEST: Request for Planning Commission Rescission of Use Permit 2014-06 for a Type-47 On-Sale Beer, Wine and Distilled Spirits for McGuire's On Elm Street Irish Pub at 24 W Elm Street. (Applicant: Gary Arnold; File 13-U-18; CEQA Determination: Exempt per Section 15321)

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

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

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

RECOMMENDATION

Staff recommends the Planning Commission approve the request of Gary Arnold and rescind Use Permit 13-U-18 for the sale of beer, wine and distilled spirits Alcoholic Beverage Control (ABC) Type 47 license (eating place) at 24 W Elm Street, subject to the attached resolution.

PROJECT/AREA DESCRIPTION

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

The adjacent zoning and land use characteristics:

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

SUMMARY

The applicant is requesting that Use Permit 13-U-18 / Planning Commission Resolution 2014-06 be rescinded. The Use Permit is for a Type 47 ABC license.

BACKGROUND / ANALYSIS

In March of 2014 the Planning Commission approved the request of Mr. Arnold for a Type 47 ABC license. Since that time, the applicant and property owner have not been able to reach a lease agreement. The active Use Permit would potentially allow another user to implement the Use Permit in this space.

Staff recommends rescinding the Use Permit and Resolution

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published in the Lodi News Sentinel on Saturday, August, 15 2015. Forty (40) 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 rescind Use Permit 13-U-18 / Planning Commission Resolution 2014-06 at the request of the applicant subject to the draft Resolution.”

Respectfully Submitted,

Concur,

Craig Hoffman
Senior Planner

Stephen Schwabauer
Community Development Director

ATTACHMENTS:

- A. Vicinity / Aerial Map
- B. Draft Resolution

RESOLUTION NO. P.C. 15-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF GARY ARNOLD FOR THE RESCISSION OF USE PERMIT 13-U-18 / PLANNING COMMISSION RESOLUTION 2014-06 AT 24 W ELM STREET

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

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

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

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

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

WHEREAS, the project applicant has requested that the previous project approvals for Use Permit 13-U-18 / Planning Commission Resolution 2014-06 be rescinded; 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 applicant has requested the rescission of Use Permit 13-U-18 / Planning Commission Resolution 2014-06.
2. The proposed use and activity authorized by the previous Use Permit was never engaged.
3. The property owner does not object to the entitlement being rescinded.
4. There is no material or physical damage rescinding the previous Use Permit.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Use Permit 13-U-18 / Planning Commission Resolution 2014-06 is hereby rescinded.

I certify that Resolution No. 15-XX was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on August 26, 2015 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: August 26, 2015

APPLICATION NO: Subdivision Application: 2015-14 S
Planned Development 2015-14 PD
Growth Management Allocation: 2015-14 GM

REQUEST: Request for Planning Commission approval of:
a) Growth Management Allocation for 22 Low-Density Residential Lots;
and
b) A Subdivision Map for the Vintner Square Subdivision, a 9 acre, 57
unit subdivision; and
c) Adopt Development Standards for the subdivision known as Vintner
Square located within Low Density Residential Zoning District.
South of Taylor Road and west of Lower Sacramento Road
(Applicant: Vintners Square LLC; File: 2015-14 GM / S / PD; CEQA
Status: Section 15183 – Previous Environmental Review)

LOCATION: South of Taylor Road and west of Lower Sacramento Road
APN: 027-420-08 and 027-420-10
Lodi, CA 95240

APPLICANT: Vintners Square LLC
The Grupe Company
Mr. Chris Conklin
3255 West March Lane, Suite 400
Stockton, CA 95219

PROPERTY OWNER: Geweke Family PTP
Mr. John Farris
P.O. Box 1420
Lodi, CA 95241

RECOMMENDATION

Staff recommends that the Planning Commission approve the Tentative Subdivision Map and Planned Development Guidelines for the Vintage Square Subdivision and recommend to the City Council approval of the request for 22 Low-Density growth management allocations subject to conditions in the attached resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: Low Density Residential
Zoning Designation: RLD - Low Density Residential
Property Size: 3.74 (162,914.4 sq ft) + 5.26 (229,125.6 sq ft) = 9.00 (392,040 sq ft)

The adjacent zoning and land use characteristics:

	ADJACENT ZONING DESIGNATIONS AND LAND USES		
	GENERAL PLAN	ZONING CLASSIFICATION	EXISTING LAND USE
North	Medium Density Residential,	San Joaquin County	Rural Residences
South	Commercial	Community Commercial	Lowe's Shopping Center
East	Low Density Residential	Low Density Residential	Vacant / residential
West	Low Density Residential,	San Joaquin County	Agricultural use

SUMMARY

The proposed project seeks to create a private / gated 57 single family lot community with associated landscape parcels and private streets.

All private streets meet the minimum City right of way standards.

The project does include a private 7,100 sq ft open space lot for the gated community.

The project takes access off Taylor Road with a secondary access off Westgate Drive

The project site was previously granted 35 growth allocations in 2005. The applicant seeks an additional 22 growth allocations

The applicant is proposing a different housing product and living experience that the last 3 major subdivisions in Lodi – Rose Gate, Van Ruiten Ranch and Reynolds Ranch.

BACKGROUND

The property was originally annexed into Lodi on April 25, 1996 as part of the Crossroads Annexation. This included the subject property as well as the southwest corner of Lower Sacramento Road and Kettleman Lane. In addition to annexation, the City designated the area as Commercial Shopping and the property along Taylor Road and Westgate as residential.

All Air Quality, Biological and Agricultural mitigation were satisfied during the annexation process. The project paid all development impact fees with the development of the Lowe's Shopping Center.

Subsequently, the 2010 General Plan designated the property low density residential with a density of 2 – 8 units per acre.

ANALYSIS

Existing Conditions: The subject site consists of two parcels totaling 9 acres. To the western portion of the property is a 3 acre detention basin that the City is looking to vacate. Taylor Road forms the northern property border, to the east is Lower Sacramento Road, to the west is Westgate Lane and to the south is the Lowe's shopping center.

Along the north of Taylor Road are unincorporated rural properties that are identified to ultimately annex to the City.

General Plan Compliance: The project site includes General Plan Land Use designation of Low Density Residential. The proposed project is consistent with the current General Plan (2010) land use designations, layout and required density.

The Low Density Residential designation mandates density ranges between two (2) to eight (8) units per acre. The Vintner Square project has a density of 6.3 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.

Zoning Compliance: The project site is zoned RLD – Low Density Residential. This zoning designation identified design standards for the size and shape of parcels along with street access. The zoning code requires 5,000 sq. ft. lots with 50 ft. width.

The zoning code has provisions for a Planned Development (PD) overlay to be applied to projects, to 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 applicant has requested the PD overlay to allow for flexibility of design standards. The PD request is to develop a private gated community, private streets and lots that are on average 4,000 sq. ft. in size with a width of 46 ft. The front yard setback is 10 ft from the private roadway.

Planned Development Guidelines: The applicant has prepared the Vintners Square Planned Development Standards and Guidelines. (Attachment C) 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.

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.

Subdivision Map: The proposed Tentative Map would subdivide the project parcel into 57 Low-Density residential single-family lots, 1 private lot for an open space / park lot and associated public and private roadways.

The size and shape of the subject project area makes an efficient lotting design difficult. The applicant has proposed a number of lotting designs and ultimately decided to not try to compete with the housing product in Rose Gate, Van Ruiten Ranch and Reynolds Ranch.

The project includes lots that meet to 2 to 8 units per acre density, but overall do not meet the size standards for Low Density Residential

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 Taylor Road and Westgate Drive. The project is bordered by Lower Sacramento Road. The project does not restrict or impede existing roadways. The private development will include private access to the existing roadway system.

The General Plan discourages private roadways and gated communities. This is intended to ensure through roads and a gridded street pattern. The project proposal will not reduce area circulation and connectivity. The project size and location is one of a few sites in Lodi that would be appropriate for a gated community without reducing through streets and reducing connectivity.

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.

There is an existing masonry wall along the southern boundary. A masonry wall will be constructed along Westgate, Taylor and Lower Sacramento Roads. Landscaping will be located between a detached sidewalk and masonry wall.

Condition of approval 9 and 23 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.

Growth Management Compliance: The Vintner Square property was allocated 35 units in 2004. The applicant is requesting 22 additional units to construct the full project.

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 number of allocable units is figured, the City requires that the allocation units be distributed among housing types as follows; **44 percent low density, 28 percent medium density and 28 percent high density (GM-P4)**. The following calculation explains the current City population of **63,719** as of January 1, 2015 and **447** units available for 2015:

Growth Allocations for 2013 and 2014 were higher because the persons per household was lower. New Department of Finance numbers show Lodi at 2.85 persons per household in 2015 compared with 2.7 in the past.

1. Calculate two percent of the City's current population: **63,719** x 2% = 1,274.38
2. Divide 1,274 by the average number of persons per household 1,274 / 2.85 = 447.15
3. Divide the 447.15 (**447** du) units into the 3 housing types:
 - 44% low density = 197 units
 - 28% medium density = 125 units
 - 28% high density = 125 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 **4,674** as detailed below in Table A.

Table A: Growth Management Allocation History 2012

Density	Base Available Allocations		
	Total Available for 2012	2% Allocations for 2013	Total Available for 2013
Low (0.1-7)	2,995	197	3,192
Medium (7.1-20)	557	126	683
High (20.1-30)	1,122	125	1,247
TOTAL	4,674	448	5,122

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 2013 and 2014

	Available Allocations			
	Total Available for 2013	Total Allocated in 2013 (Rose Gate)	2% Allocations for 2014	Total Available for 2014
Low (0.1-7)	3,192	- 232 (2960)	199	3,159
Medium (7.1-20)	683	- 0 (683)	127	810
High (20.1-30)	1,247	- 0 (1,247)	127	1,374
TOTAL	5,122	4,890	453	5,343

Table C identifies the 2014 Total Allocations, the requested Allocations for projects, and the remaining overall Allocations.

Table C: Growth Management Allocation for 2014

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)	3,159	145	0	145 – 199 (54)	3,014
Medium (7.1-20)	810	55	227	282 – 127 (-155)	528
High (20.1-30)	1,374	88	330	418 – 127 (-291)	956
TOTAL	5,343	288	557	- 392	4,498

Table C identifies the 2015 Total Allocations, the requested Allocations for projects, and the remaining overall Allocations.

Table D: Growth Management Allocation for 2015

Density	Available Allocations				
	Total Remaining for 2014	2% Allocations for 2015	Total Available for 2015	Grupe – Taylor Road	Total Remaining for 2015
Low (0.1-7)	3,014	197	3,211	22	3,189
Medium (7.1-20)	528	125	653	0	653
High (20.1-30)	956	125	1081	0	1081
TOTAL	4,498	447	4,945	4,923	4,923

The Growth Management Ordinance includes a priority location area and a point system to assist the City with prioritizing issuance of growth management allocations. The priority location area designates lands available for development and provides development categories of one, two or three, with Priority Area 1 being the first priority area for development. The priority areas are based on availability of city services (e.g., water, wastewater, storm drains, streets, police, fire and parks). The proposed project site is classified as an in-fill project. For scoring purposes in-fill projects are considered Priority Area 1 projects. The point system was established to rate projects based on various project merits in order to determine if one project should be approved before another, particularly if there are more allocation requests than there are available allocations. However, because the City hasn't had growth management allocation requests since 2006, surplus allocations have been accumulated.

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 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 California Environmental Quality Act (CEQA) requires analysis of agency approvals of discretionary "Projects." A "Project," under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." The proposed Rezone, Tentative Subdivision Map, and Design Review for subdivision layout is a project under CEQA.

CEQA Guidelines Section 15183 (Public Resources Code §21083.3), provides that projects that are consistent with a Community Plan, General Plan, or Zoning for which an environmental impact report (EIR) has been certified "shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site."

The project site was annexed into the City of Lodi in 1996 and paid all mitigation costs and completed environmental measures to reduce impacts from the conversion from rural to urban uses.

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.

No potential new impacts related to the Project have been identified that would necessitate further environmental review beyond the impacts and issues already disclosed and analyzed in the General Plan EIR. No increase in development density beyond what was anticipated in the General Plan for the Project site would occur. 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 15183 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 11 2015 and August 15, 2015. 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 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 15183, the project is consistent with the findings of the previous environmental documents prepared for the 2010 Lodi General Plan and approve the Tentative Subdivision Map and Planned Development Guidelines for the Grupe Taylor Road Subdivision and recommend to the City Council approval of the request for 22 Low-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. Subdivision Map
- C. Planned Development Standards
- D. Draft Resolution

VICINITY MAP

North



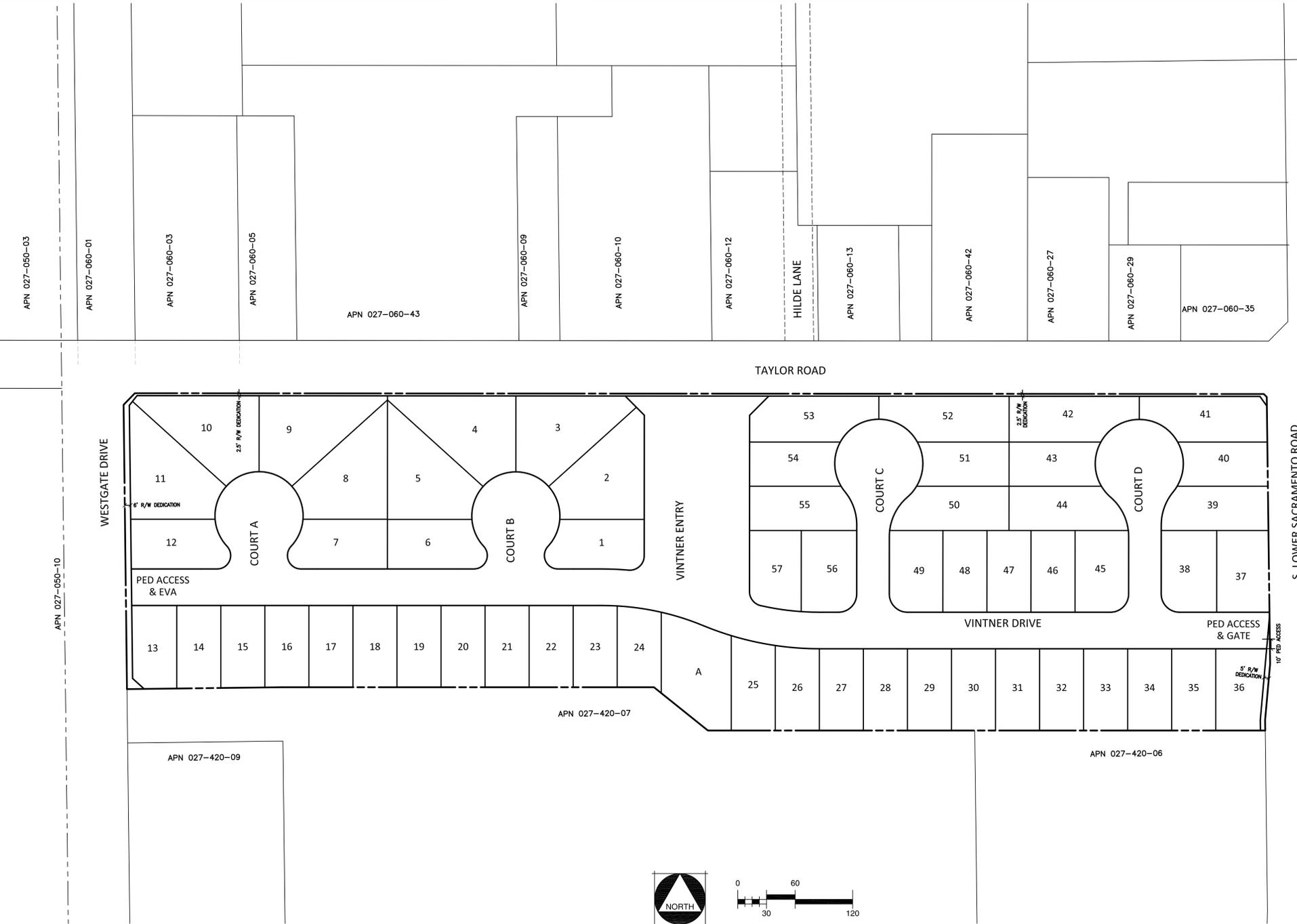
South

Taylor Road

TRACT NO. 3865
VESTING TENTATIVE SUBDIVISION MAP
VINTNERS SQUARE

A PORTION OF LOT 7 & 8 OF "TAYLOR TRACT" BEING THE
 SOUTHWEST QUARTER OF SECTION 10, T.3N., R.6E., M.D.B.&M.,
 CITY OF LODI, SAN JOAQUIN COUNTY, CALIFORNIA

SITE PLAN



VICINITY MAP

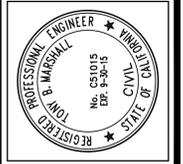


NOTES

1. OWNER/SUBDIVIDER: THE GRUPE COMPANY
3255 W. MARCH LANE, STE 400
STOCKTON, CA 95219
(209) 473-6067
CHRIS CONKLIN
2. APPLICANT: THE GRUPE COMPANY
3255 W. MARCH LANE, STE 400
STOCKTON, CA 95219
(209) 473-6067
3. ENGINEER: MCR ENGINEERING, INC.
1242 DUPONT COURT
MANTECA, CA 95336
4. NO. OF LOTS: 58 (57 RESIDENTIAL LOTS)
5. TYPICAL LOT AREA: +/- 4900 SF
6. LAND USE: EXISTING: LOW DENSITY RESIDENTIAL
PROPOSED: LOW DENSITY RESIDENTIAL
7. ZONING: EXISTING: LDR-LOW DENSITY RESIDENCE
PROPOSED: LDR-LOW DENSITY RESIDENCE
8. TOTAL AREA: 9.01 ACRES
TOTAL DEVELOPED AREA: 9.01 ACRES
9. UTILITIES: WATER: CITY OF LODI
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
10. APN: 027-420-08, 027-420-10
11. THE PROPERTY HAS A GENTLE SLOPE WITH ELEVATIONS RANGING FROM 31'-33'.
THE PROPERTY HAS AN EXISTING BASIN AND STOCKPILES WITH ELEVATIONS
RANGING FROM 21'-42'
12. STREET NAMES ARE SUBJECT TO APPROVAL BY CITY OF LODI.
13. EXISTING BOUNDARY BASED ON RECORD INFORMATION.
14. PUBLIC UTILITY EASEMENTS SHALL BE DEDICATED ALONG ALL INTERIOR STREET
FRONTAGES.
15. THIS PROPERTY IS NOT SUBJECT TO INUNDATION.
16. THIS PROJECT MAY BE DEVELOPED IN PHASES PER DEVELOPERS OPTION.
17. INTERIOR STREETS TO BE PRIVATELY OWNED AND MAINTAINED BY HOMEOWNERS
ASSOCIATION.

INDEX

- 1 GENERAL NOTES, KEY MAP, AND LEGEND
- 2 STREET SECTIONS
- 3 TOPOGRAPHIC SURVEY
- 4 DIMENSION PLAN
- 5 GRADING PLAN
- 6 UTILITY PLAN



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



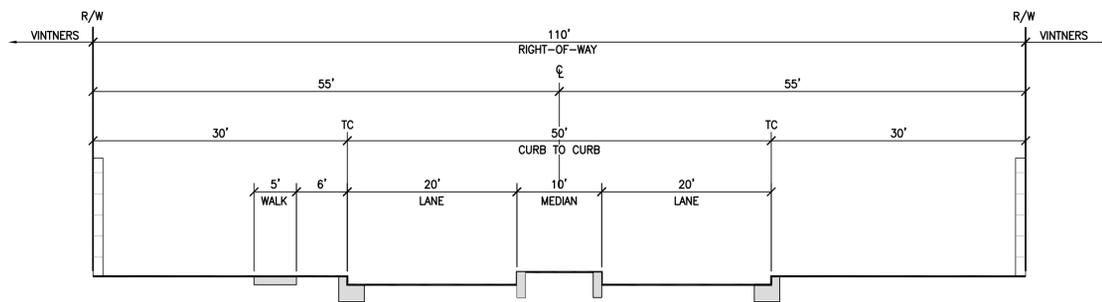
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JOB NO. 14-061	DATE AUGUST, 2015	SCALE AS SHOWN	DR. BY JK	CK. BY SS	FILE: J/2015/14-061/DWG/TM
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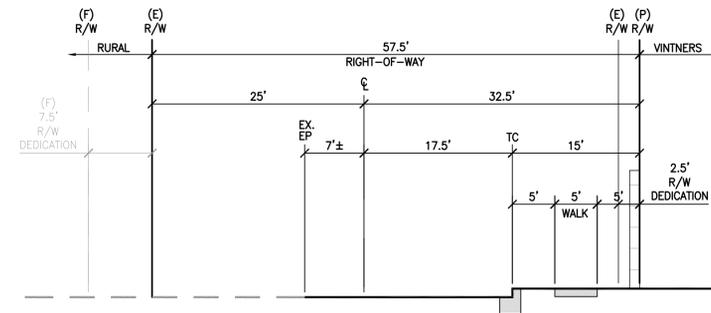
GENERAL NOTES, KEY MAP, AND LEGEND

VINTNERS SQUARE

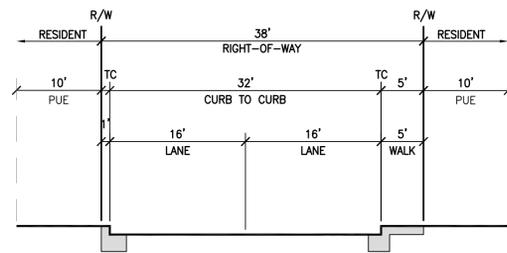
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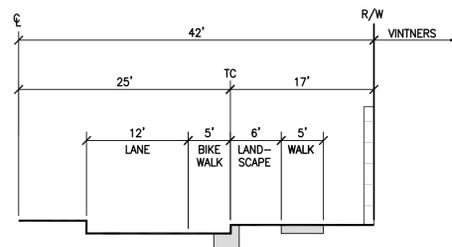
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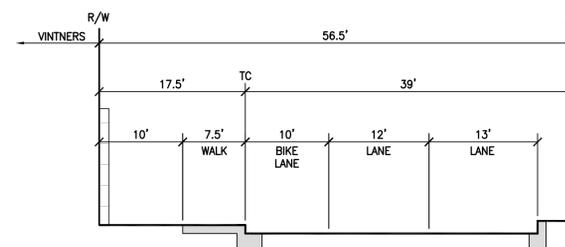
TAYLOR ROAD



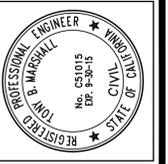
TYPICAL STREET



WESTGATE DRIVE



S. LOWER SACRAMENTO ROAD



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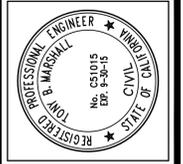
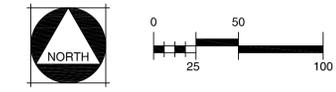
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JOB NO. 14-061
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 CK BY SS
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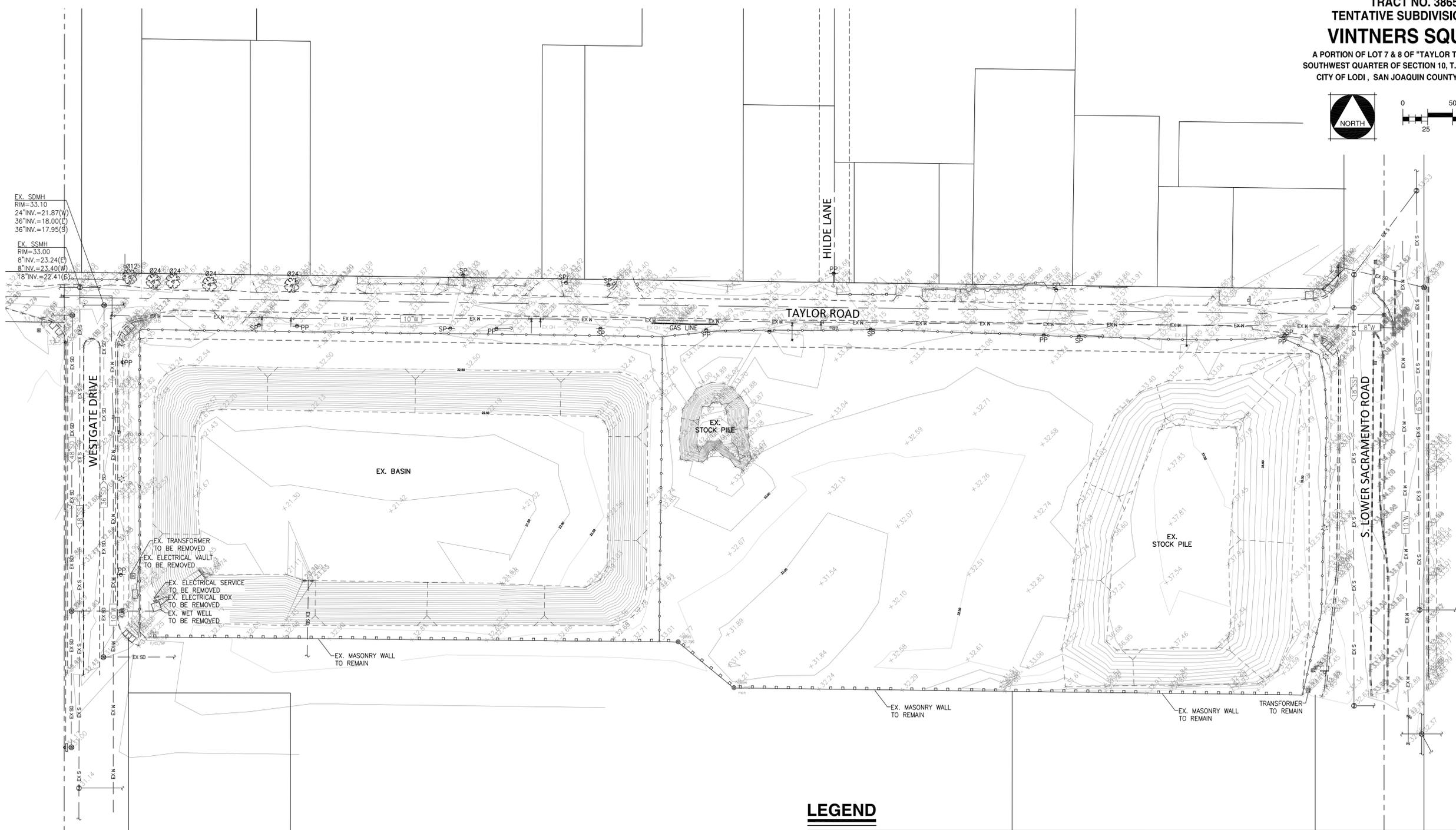
STREET SECTIONS
VINTNERS SQUARE
 CALIFORNIA
 LODI

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2
 OF 6 SHEETS

TRACT NO. 3865
TENTATIVE SUBDIVISION MAP
VINTNERS SQUARE
A PORTION OF LOT 7 & 8 OF "TAYLOR TRACT" BEING THE
SOUTHWEST QUARTER OF SECTION 10, T.3N., R.6E., M.D.B&M,
CITY OF LODI, SAN JOAQUIN COUNTY, CALIFORNIA



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MANATECA, CA 95336
TEL: (209) 239-6229
FAX: (209) 239-8839



EX. SDMH
RIM=33.10
24" INV.=21.87(W)
36" INV.=18.00(E)
36" INV.=17.95(S)

EX. SSMH
RIM=33.00
8" INV.=23.24(E)
8" INV.=23.40(W)
18" INV.=22.41(S)

EX. TRANSFORMER
TO BE REMOVED
EX. ELECTRICAL VAULT
TO BE REMOVED
EX. ELECTRICAL SERVICE
TO BE REMOVED
EX. ELECTRICAL BOX
TO BE REMOVED
EX. WET WELL
TO BE REMOVED
EX. MASONRY WALL
TO REMAIN

LEGEND

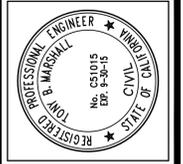
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WATER HOSE BIB	⊞	WASTE WATER	— 8" WW —	CONTOUR (0.5' INTERVAL)	
AIR RELEASE VALVE	--- X ---	STORM DRAIN	— 12" SD —	BARBED WIRE FENCE	— X X X X —
BLOWOFF	--- X ---	OID IRRIGATION	— 36" IRR —	WOOD FENCE	— O O O O —
FIRE HYDRANT	⊞	TYPICAL ELECTROLUER	⊞	RETAINING WALL	— A A A A —
WATER METER	⊞	TYPICAL LUMINAIRE	⊞	MASONRY WALL	— A A A A —
OID IRRIGATION BOX	⊞	ELECTRICAL VAULT	⊞	CURB, GUTTER & SIDEWALK	— D D D D —
SEWER MANHOLE	⊞	SURVEY MONUMENT	⊞		
STORM MANHOLE	⊞	UTILITY POLE	⊞		
DRAIN INLET	⊞	SIGNAGE	⊞		
CURB INLET	⊞	ELEVATION	40.50TC 40.00P		
CLEANOUT	⊞				

NO.	DESCRIPTIONS	DATE	APPROVED

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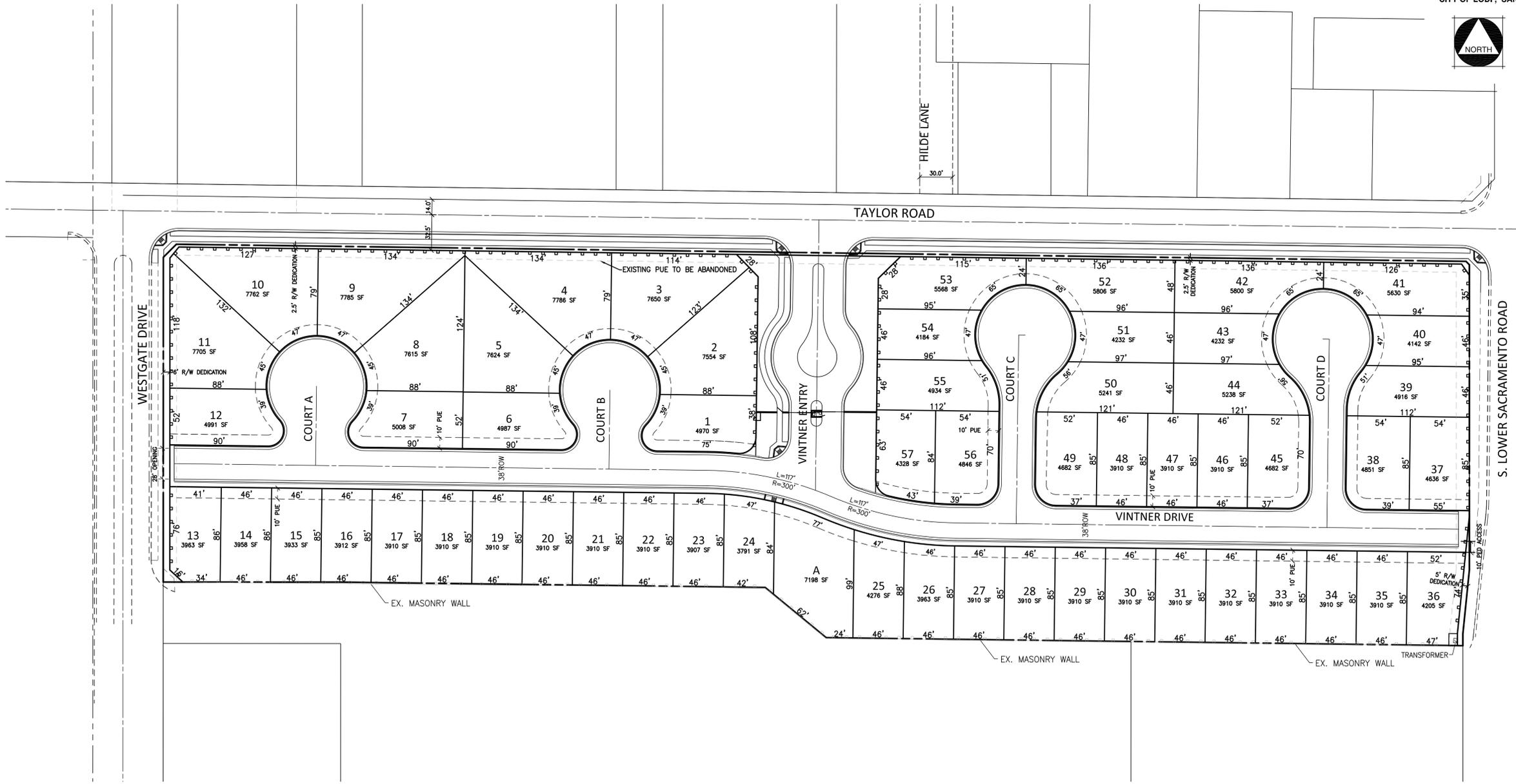
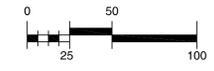
TOPOGRAPHIC SURVEY
VINTNERS SQUARE
CALIFORNIA
LODI

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OF 6 SHEETS



TRACT NO. 3865
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VINTNERS SQUARE

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SOUTHWEST QUARTER OF SECTION 10, T.3N., R.6E., M.D.B&M,
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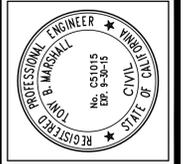


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DIMENSION PLAN
VINTNERS SQUARE
CALIFORNIA
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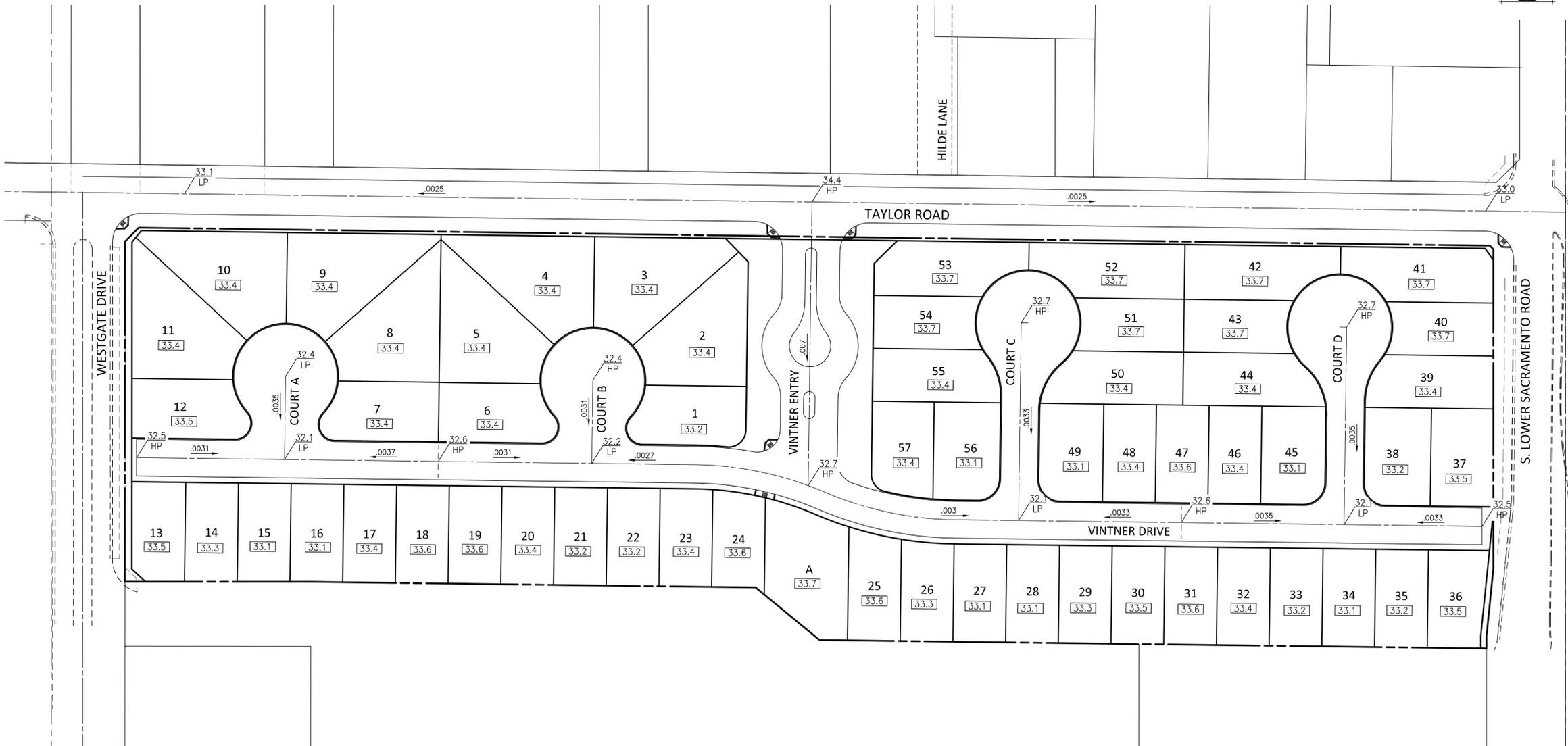
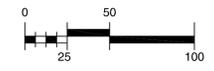


KEY:

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

**TRACT NO. 3865
TENTATIVE SUBDIVISION MAP
VINTNERS SQUARE**

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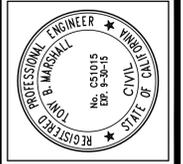
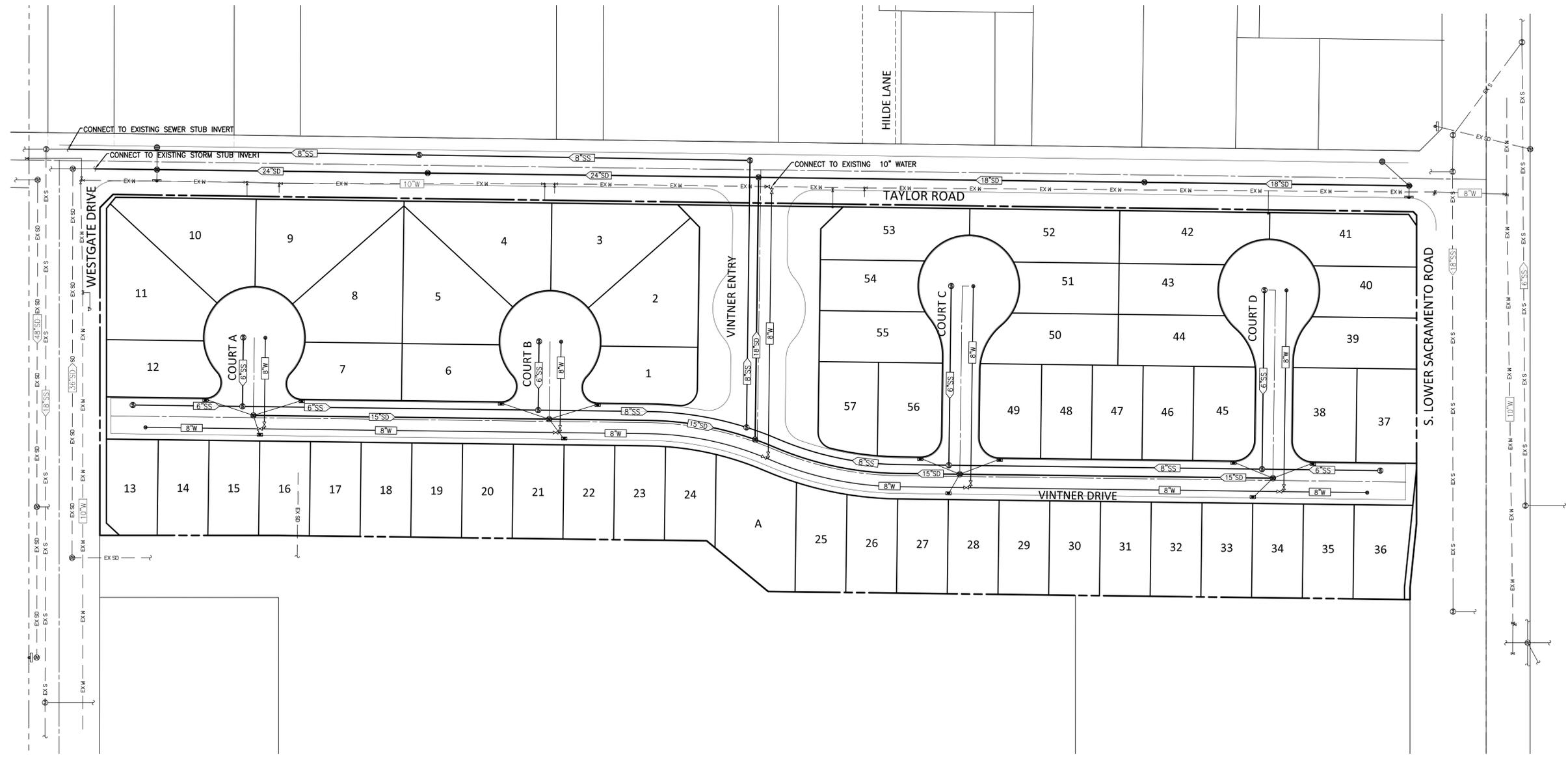
NO.	DESCRIPTIONS	DATE	APPROVED

JOB NO. 14-061
DATE AUGUST, 2015
SCALE AS SHOWN
DRL BY JK
CK BY SS
FILE: J/2015/14-061/DWG/TM

GRADING PLAN
VINTNERS SQUARE
CALIFORNIA
LODI

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TRACT NO. 3865
 TENTATIVE SUBDIVISION MAP
VINTNERS SQUARE
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UTILITY PLAN
VINTNERS SQUARE
 CALIFORNIA
 LODI

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 OF 6 SHEETS

THE HOMES AT VINTNER SQUARE



PLANNED DEVELOPMENT OVERLAY STANDARDS & GUIDELINES

Lodi, CA

August 2015

THE HOMES AT VINTNER SQUARE

PLANNED DEVELOPMENT OVERLAY

STANDARDS & GUIDELINES

Lodi, CA

May 2015

Prepared by:

Vintner's Square, LLC.
3255 W. March Lane, Suite 400
Stockton, CA 95219
(209) 473-6000

Project Architect:

William Hezmalhalch Architects, Inc.
5000 Executive Parkway, Suite 375
San Ramon, CA 94583
(925) 463-1700

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 Vintner Square*, 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.

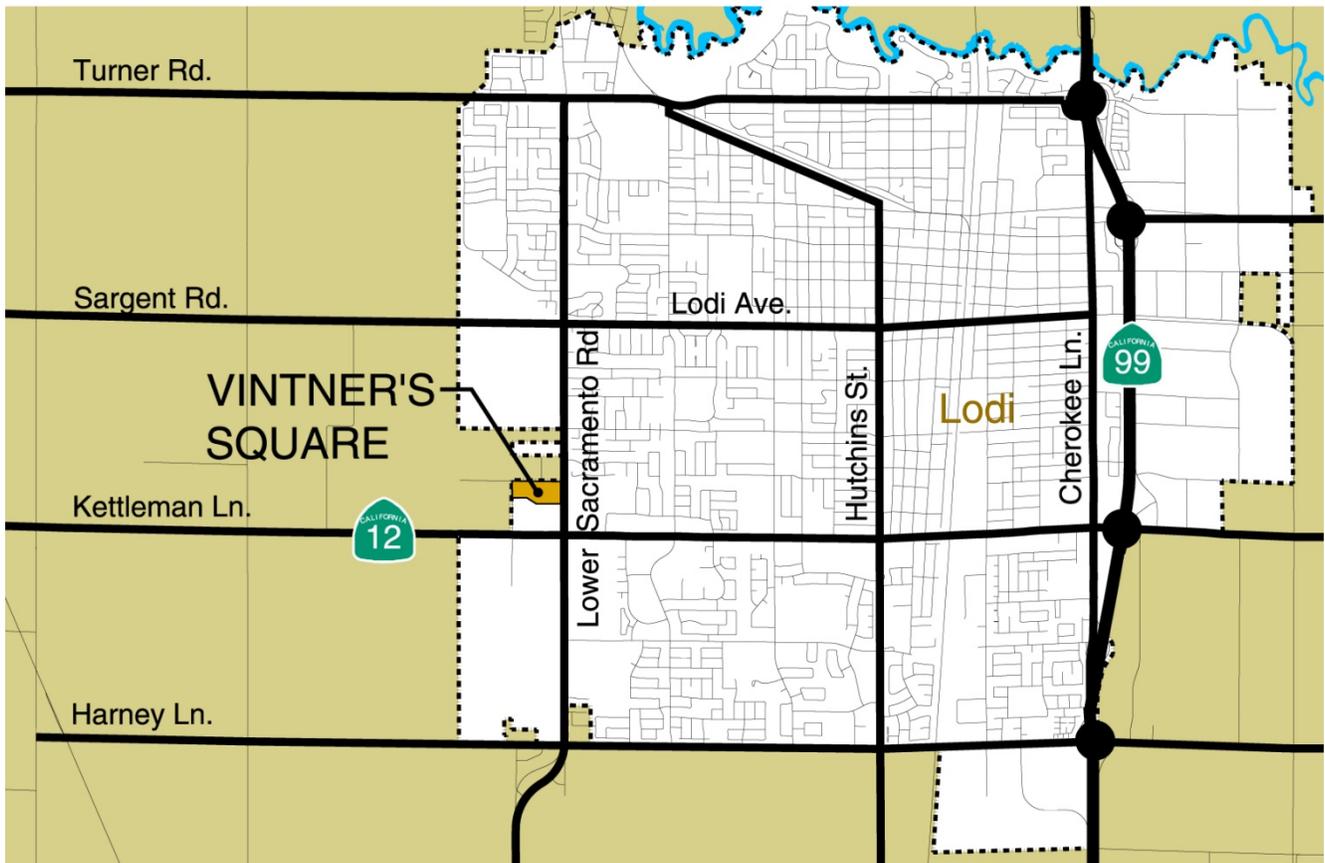
1.0 INTRODUCTION

1.1 Location

The Homes at Vintner Square will be developed on an existing 9 acre site adjacent to and south of Taylor Road and stretching between Westgate Drive on the west and Lower Sacramento Road on the east.

Adjacent to and directly south of the property is a large commercial development anchored by Lowe’s Home Improvement. Directly north of the site are existing single-family residential homes that were developed in the county (not annexed into the City of Lodi). Exhibit 1-1 shows the location of the project.

Exhibit 1-1 - Project Location



1.2 General Plan and Zoning

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

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

This document establishes the development standards for the PD Overlay.

1.3 Existing Conditions

The existing site is currently undeveloped fallow land. The western portion of the site occupies a storm drain basin that serves the commercial development to the south. This basin will be backfilled with the development of the property, and the storm water runoff from the existing commercial development and this project will be routed to Basin G. Exhibit 1-2 shows the location of the site (outlined in yellow).

Exhibit 1-2 – Aerial Photo



2.0 SITE PLANNING

The Homes at Vintner's Square will be a gated community offering a safe, enclosed neighborhood conveniently located within walking distance to shopping and other services. The entrance to the community will be along Taylor Road, and will feature lush landscaping, decorative paving and project signage. A small neighborhood "pocket" park is located directly opposite the entrance. Two pedestrian gates will be located at the east and west ends of the internal street to Lower Sacramento Road and Westgate Drive, allowing residents easy access to the nearby shopping and services.

Exhibit 2-1--- Vintner's Square Site Plan



2.1 Lot Sizes

The minimum lot size is 46' x 84'. Larger (pie shaped) lots are offered in the two cul-de-sacs on the west side of the neighborhood.

2.2 Vehicular Circulation

The streets within *The Homes at Vintner Square* shall be private streets, maintained by a Community Association. Since there will be no "through traffic" in this gated community, and to encourage pedestrian activity, the streets will be smaller in width than those called for in the City of Lodi Standards. The cul-de-sacs, however, are designed to meet city standards to enable utility and emergency vehicles to turn around. At least one (1) canopy street tree shall be planted in front of every lot. Additional trees may be planted on wider lots subject to the review and approval of the landscape plans by the City of Lodi.

Exhibit 2-2 – Gated Entrance (Section)

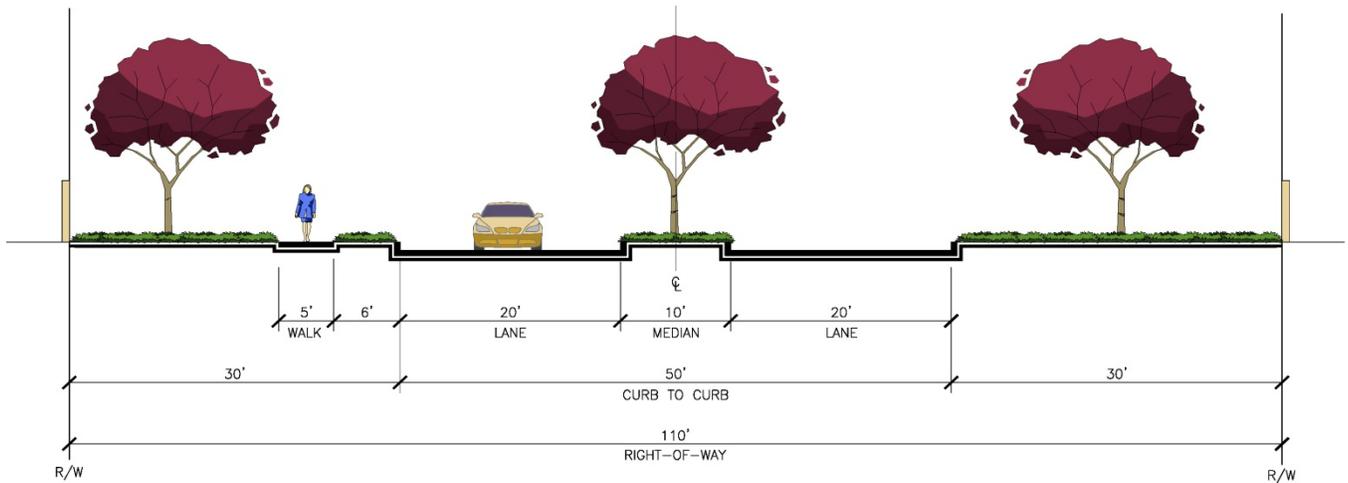


Exhibit 2-3 – Gated Entrance (Plan)

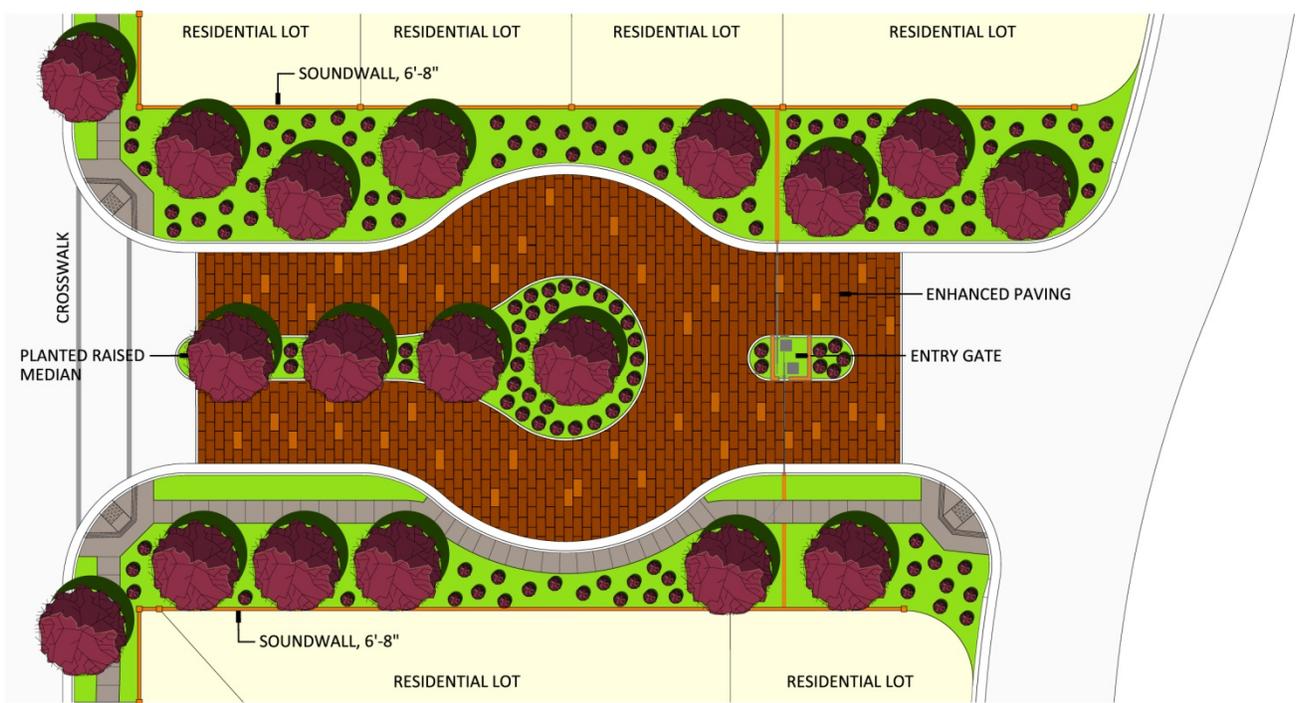


Exhibit 2-4 – Taylor Road

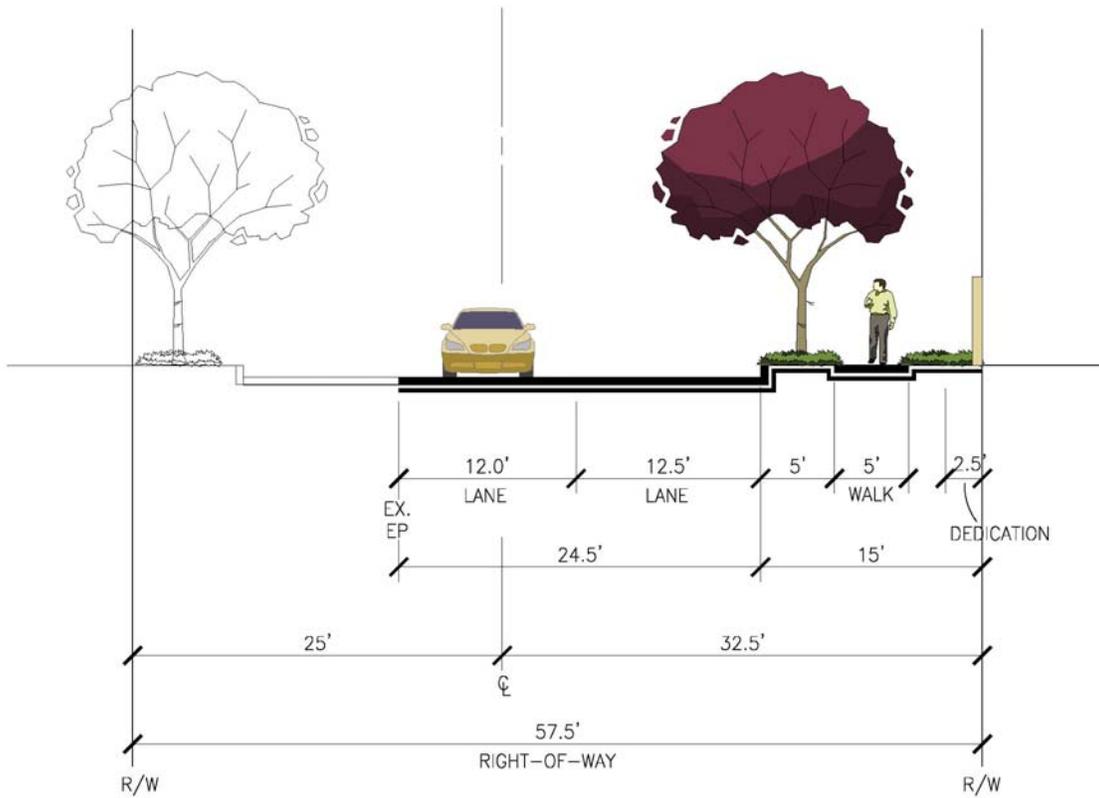
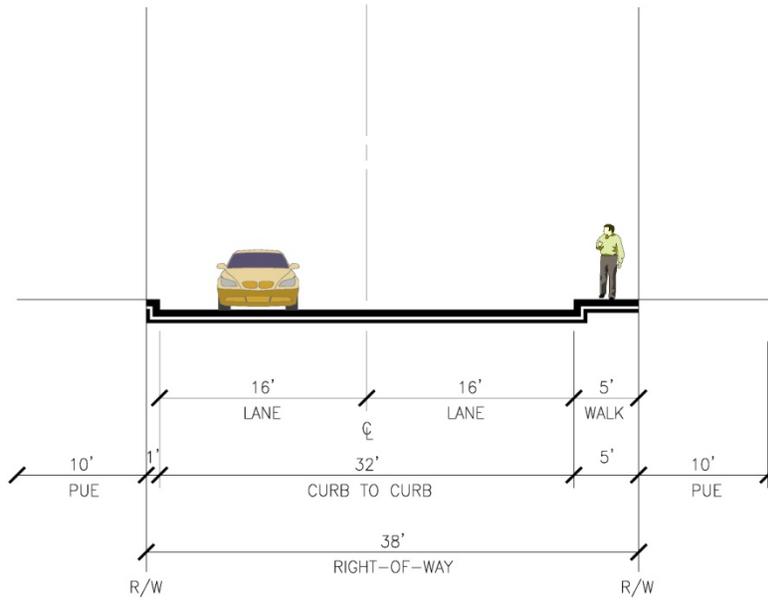


Exhibit 2-5 – Interior Street



3.0 DEVELOPMENT STANDARDS

3.1 Overlay Development Standards

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

3.1.1 Typical Plotting

The following diagram demonstrates sample setbacks for the lot types within *The Homes at Vintner Square*. 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 allowed to encroach into the front yard setback up to 8' ft. as long as a minimum 5' ft. clear is maintain from back of walk or curb for underground utility.

Exhibit 3 - 1- Standard Lot Development Standards Diagram

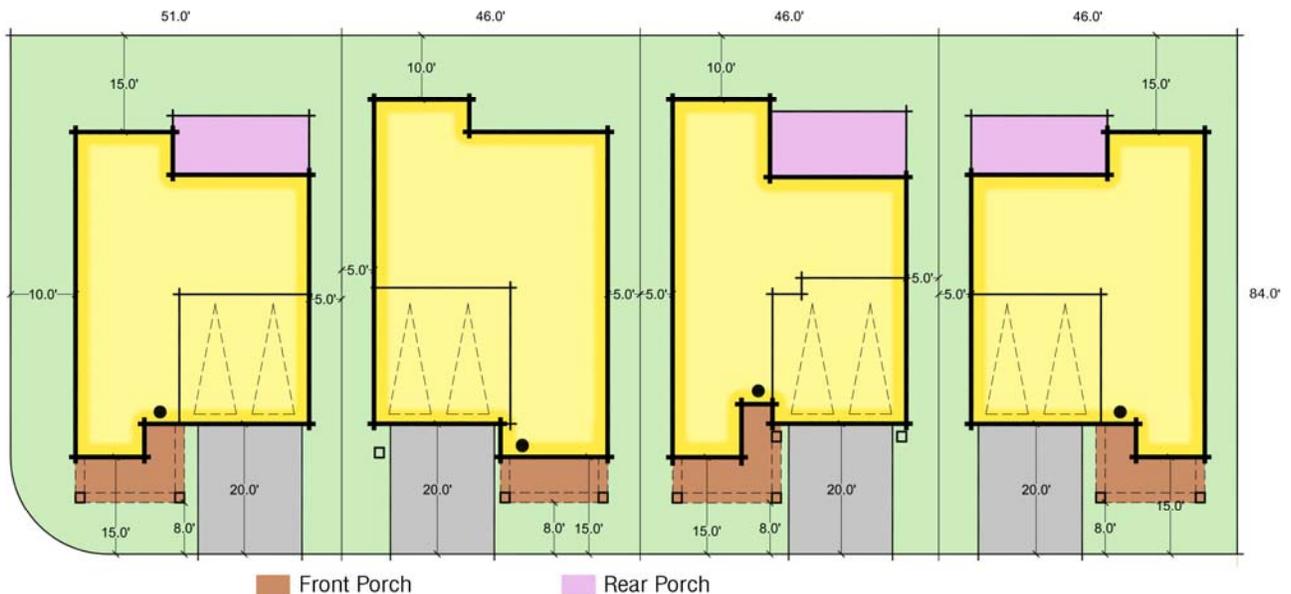


Table 3-1: Lot Type Development Standards Summary

Development Standard	RLD	PD Overlay
Minimum Lot Size	5,000 sf	3,800 sf
Density	maximum 8.0 du/ac	maximum 8.0 du/ac
Typical Street Frontage Width	50'	46'
Setbacks (minimums in feet)		
<i>Front</i>		
Living Space	15'	10'
Garage (2)	20'	20'
Porch	-	5'
<i>Interior Side</i>		
Living Space	5'	5'
<i>Street Side</i>		
Living Space	10'	10'
Porch	-	5'
<i>Rear</i>		
Living Space	10'	10'
Lot Coverage (maximum) (1)	45%	60%
Height Limit (3)	2 Stories, not to exceed 35 feet	2 Stories, not to exceed 35 feet
Landscaping	As required by Chapter 17.30 (Landscaping)	
Parking	2 garage spaces	2 garage spaces

(1) Lot coverage does not include eaves and roof overhangs.

(2) 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.

(3) Measured from finished grade to the highest point of the roof ridge.

3.2 Landscaping

Water efficient Landscape shall be standard on all homes at *The Homes at Vintner Square*. The Community Association and recorded CC&R will help ensure that front and street side yard landscape continues to be well designed and maintained.

3.3 Lighting

All signage and outdoor lighting for illumination of landscaped areas, pathways, and other special features shall comply with the standards of the City of Lodi. All such signage and lighting shall be subject to review and approval of 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 Community Development Director.
- 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 City Engineer and the Community Development Director, and any deviations from the City minimum standards shall be subject to the approval of the City Engineer.

4.0 ARCHITECTURAL GUIDELINES

4.1 Architectural Objectives

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

- Create a distinct identity with a consistent level of quality within *The Homes at Vintner Square*.
- Present a variety of architectural styles, colors and detail to the homes to create curb appeal.

4.2 Neighborhood Conditions

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

- Vary front-to-back, side-to-side gables, hip roofs and integrate single-story elements where possible.
- Variety between plans or within plans may include:
 - Different elevation styles and massing per plan type.
 - Detail elements on the front elevation
 - Single-story elements on the front and rear elevation, where feasible
 - Roof plane variation (ridge height and direction) per plan
 - Varied first- and second-story massing between plans



4.3 Garages

The homes at Vintners Square will have a minimum 2 car garage per home with decorative garage door styles appropriate to the architectural styles.

Typically, plans are to be reversed and plotted so that garages and entries are adjacent to each. Occasionally, this pattern should be broken to avoid monotony.

All garages shall have roll-up doors. Garages are to be setback a minimum of 5' ft. to primary living space or front porch element to reduce the visual dominance of garages. The design of the garage doors should reflect the architectural style of the elevation selected.

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 Functional Elements

All street signs, traffic signs and street lights will be per the City standards or approved by the Community Development Director.

4.5.1 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.

4.5.2 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

4.5.3 Mechanical Equipment

Mechanical equipment should be screened from public view.

4.5.4 Gutters and Downspouts

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



5.0 PD PROCESS

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

RESOLUTION NO. 15-XX

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING
THE REQUEST OF THE GRUPE COMPANY FOR APPROVAL OF VINTNERS SQUARE
SUBDIVISION MAP FOR VINTNERS SQUARE SUBDIVISION, A 9-ACRE, 57 UNIT
SUBDIVISION AND 22 GROWTH MANAGEMENT ALLOCATION REQUESTS**

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

WHEREAS, the project site is located south of Taylor Road and west of Lower Sacramento Road, Lodi, CA 95240 (APN: 027-420-08 and 027-420-10); and

WHEREAS, the applicant is Vintners Square LLC, The Grupe Company, Mr. Chris Conklin, 3255 West March Lane, Suite 400, Stockton, CA 95219; and

WHEREAS, the project properties owners of record are Geweke Family PTP, Mr. John Farris, P.O. Box 1420, Lodi, CA 95240; and

WHEREAS, the applicant, Vintners Square LLC, The Grupe Company, Mr. Chris Conklin, has filed the Vintners Square Subdivision Map, Planned Development Guidelines 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 Low Density Residential for the project site; and

WHEREAS, the City Council by Ordinance No. 1869, which became effective on March 21, 2013, granted Low Density Residential for the project site; and

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

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

WHEREAS, the Subdivision Map contains 9 acres, 57-single family residential lots and is consistent with the density ranges of the General Plan; and

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

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

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

1. The California Environmental Quality Act (CEQA) requires analysis of agency approvals of discretionary "Projects." A "Project," under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." The proposed Rezone, Tentative Subdivision Map, and Design Review for subdivision layout is a project under CEQA.

CEQA Guidelines Section 15183 (Public Resources Code §21083.3), provides that projects that are consistent with a Community Plan, General Plan, or Zoning for which an

environmental impact report (EIR) has been certified “shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.”

The project site was annexed into the City of Lodi in 1996 and paid all mitigation costs and completed environmental measures to reduce impacts from the conversion from rural to urban uses.

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.

No potential new impacts related to the Project have been identified that would necessitate further environmental review beyond the impacts and issues already disclosed and analyzed in the General Plan EIR. No increase in development density beyond what was anticipated in the General Plan for the Project site would occur. 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 15183 and no further environmental review is required.

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 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.
6. 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.
7. The subdivision is conditioned to construct public street improvements thereby insuring that an adequate Level of Service is maintained on the roadways within the area.
8. The subdivision map allows for the orderly growth of Lodi in that the Land Use and Growth Management Element allows for the development of Medium Density Residential, High Density Residential on the project site.
9. Said Subdivision map complies with the requirements of Title 17, Article 5 of the Lodi Development Code, governing subdivision maps.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED, by the Planning Commission of the City of Lodi hereby approves the Subdivision Map and associated Development Standards for the Vintners Square Subdivision and recommends that the City Council award 22 low 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 Tentative Map shall expire within 24 months of Planning Commission approval or a time extension must be granted by the Planning Commission.
5. The Final Map shall be in substantial conformance to the approved Tentative Map, as conditioned, and that any future development shall be consistent with applicable sections of the Municipal Code.
6. The developer shall install, on each residence, minimum four-inch high block style numbers for address identification. The numbers shall be in color that is contrasting to the background surface to which they are adhered and shall be readily visible from the street during the day and night. The construction drawings for the house plans shall identify the location of the address boxes or numbers on the house façades, along with a detail or keynote that describes how the house numbers will be illuminated or made identifiable from the street.
7. 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. 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.

11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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 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.
18. 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.
19. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.
20. 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. This includes metal or pressure treated posts for fencing.

City of Lodi Fire Department

21. The developer shall comply with all applicable requirements of the California Fire Code and the adopted policies of the City of Lodi.
22. 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)
23. 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.
24. 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.
25. 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 Public Works Department has the following comments regarding the subject development plan for the Vintner's Square residential development:

26. 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 reverse frontages. Requires approval of the Community Development Director.
- g) Landscape, irrigation, lighting and construction for all reverse frontage, and side lot components, including reverse frontage walls. Walls (both existing and proposed) 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.
- h) All utilities, including water, wastewater, storm drainage, street lights and electrical, gas, telephone and cable television facilities.
- i) Joint trench.
- j) Undergrounding of existing overhead utilities in Taylor Road from Lower Sacramento Road to the west side of Westgate Drive.
- k) Public street improvements for Taylor Road, and Westgate Drive and Lower Sacramento Road per City Design Standards.
- l) Traffic striping and signage modifications for Taylor Road and Westgate Drive.

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.

27. All public street improvements shall be to the approval of the Public Works Director.
- a) Lower Sacramento Road. Install landscape and irrigation improvements and a reverse frontage wall. The reverse frontage wall, landscaping and irrigation improvements shall be constructed by the developer at the developer's expense to the approval of the Public Works Director and Community Development Director. The wall shall have a minimum height of 6 feet measured from the highest adjacent pad grade. EVA / secondary access at Westgate Drive shall be right in - right out only.
 - b) Taylor Road. Street improvements on Taylor Road shall conform to Standard Plan 101, Cross Section 2 on the south side of Taylor Road (termination of roadway improvements on the north side of Taylor Road may conform to existing pavement and driveway configurations but new pavement must be installed). Developer shall acquire temporary construction easements, if necessary, from the property owners along the north side of Taylor Road to allow construction of improvements, including, but not limited to street pavement, transitions to existing driveways and street lights along the south side of the roadway. Developer or developer's engineer shall core existing pavement to determine suitability of existing structural section. Street and utility improvements to be constructed may require removal and reconstruction of existing street pavement improvements. At a minimum, the existing pavement shall receive an asphalt overlay of no less than 0.15' in thickness. Install landscape and irrigation improvements and a reverse frontage wall. Reverse frontage wall, landscaping and irrigation improvements shall be constructed by the developer at the developer's expense to the approval of the Public Works Director

- and Community Development Director. The wall shall have a minimum height of 6 feet measured from the highest adjacent pad grade.
- c) Westgate Drive. Install landscape and irrigation improvements and a reverse frontage wall. The reverse frontage wall, landscaping and irrigation improvements shall be constructed by the developer at the developer's expense to the approval of the Public Works Director and Community Development Director. The wall shall have a minimum height of 6 feet measured from the highest adjacent pad grade.
28. Design and installation of public improvements to be in accordance with City master plans. Water, wastewater and storm drainage master plans and design calculations for the development will be required.
- a) Wastewater. Master plan wastewater facilities are not available south of Kettleman Lane until the Lodi Shopping Center public improvements are accepted by the City. If the development precedes the construction and acceptance of the Lodi Shopping Center wastewater improvements, a temporary lift station on Westgate Drive will be required to provide temporary wastewater service until master plan facilities are available. The temporary lift station design and installation shall be to the approval of the Public Works Director. The City will consider alternative wastewater pipeline alignments to *serve the subdivision.*
- b) Storm Drainage. Terminal master plan storm drain facilities are not available west of Lower Sacramento Road. Storm drain facilities shall be designed to accommodate future connection to the master plan storm drainage facilities.
- i) The Developer may temporarily discharge storm drainage into the G-Basin collection system as outlined in the Vintner's Square Development Storm Water Analysis dated May 2015 for a one-time payment of \$60,000. The payment will fund temporary storm water operations facilities improvements needed to establish storage capacity in the G-Basin watershed until the master plan facilities are available.
- ii) Prior to recording the final map, Developer shall submit to the City letters of approval from the property owners within the Vintner's Square Shopping Center acknowledging the possibility of more frequent nuisance flooding within the shopping center boundary due to the temporary configuration of the drainage system.
29. Underground all existing overhead utilities on the south side of Taylor Road and those crossing Taylor Road.
30. The design of underground facilities on Taylor Road (electric, telephone, cable TV) shall include provisions for future underground utilities north of Taylor Road. Although the properties north of Taylor Road are currently served by P.G. & E., upon annexation, the properties may be served by City of Lodi Electric Utility. Street crossings for future facilities shall be constructed with this project.
31. 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 for public improvements will be two (2) years, commencing on the date of acceptance of the public improvements.
32. 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.

33. Dedication of a Non-Exclusive Egress and Ingress Easement (extending along the private streets from property line to property line) along the common frontage of Lots 1 through 57, Lot A and the entry to the subdivision. Dedication shall be for the purposes of access only and exclusive of public utilities. Said access easement shall be to the approval of the Public Works Department, Community Development Department and Fire Department.
34. The proposed south right-of-way along Taylor Road will delineate the boundary between public and private roadway and surface improvements of the development. The entrance, entrance gate and all interior streets are private. Developer shall make provisions for providing emergency vehicles, City maintenance vehicles and waste collection vehicle access through the security gate.
35. Developer shall dedicate a public utility easement overlying the public water, wastewater and storm drain infrastructure within the private streets.
36. Excepting the project entrance, and proposed pedestrian access points on Lower Sacramento Road and Westgate Drive, Developer shall dedicate a restricted access easement along the east boundary of Westgate Drive, south boundary of Taylor Road, south boundary of the subdivision and the west boundary of Lower Sacramento Road.
37. 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.
38. Verification must be provided showing that the fire engines, garbage trucks, and buses can navigate the proposed private streets.
39. Existing water and wastewater pipelines shall not be impacted by this project. If portions of pipeline 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.
40. Provide all necessary traffic signs for the entire subdivision, including any necessary traffic signs needed along Taylor Road and Westgate Drive.
41. Provide a slope easement or retaining wall along the boundary of the development for all grade differentials of one foot or greater.
42. 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.
43. As set forth in Resolution No. 2007-59 approved by the City Council on April 4, 2007, the territory included in the subdivision map shall be annexed to the City of Lodi Community Facilities District No 2007-1 (Public Facilities) 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.

44. 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.
45. Submit final map per City and County requirements including the following:
 - a) Preliminary title report.
 - b) Waiver of vehicle access rights at Taylor Road except at the proposed driveway entrance to the private shared access roadway along the interior of the subdivision; Westgate Drive and Lower Sacramento Road.
 - c) Final Map Guarantee
46. Project application was deemed complete prior to July 1, 2015 post construction standards deadline. 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.
47. 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 appropriate 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.
48. 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.
49. 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.
50. Install up to two (2) automatic water flushing valves at locations to be determined by the Public Works Utilities Superintendent.
51. The project will install landscape areas along Taylor Road, Westgate Drive and Lower Sacramento Road. After the City accepts the landscape improvements, the Developer will be required to maintain the landscaping for two years.
52. Per Lodi Municipal Code Section 17.62.040, all reimbursements shall be made by private reimbursement agreement in accordance with Chapter 17.62.
53. Contact the United States Postal Service for the location and type of mailboxes to be installed in this subdivision.
54. Obtain the following permits:

- a) City of Lodi encroachment permit for work within their right-of-way for work taking place prior to execution of the Improvement Agreement.
- b) Grading Permit from the City of Lodi Building Department
- c) NPDES Construction General Permit (SWPPP).
- d) San Joaquin Valley Air Pollution Control District (SJVAPCD) permits

55. 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. Note that inspection fees will be based on the cost of constructing all elements of public improvements (e.g. private streets over water, wastewater and storm drain pipelines to establish all weather access to utilities).
- b) Development Impact Mitigation Fees per the Public Works Fee and Service Charge Schedule at the certificate of occupancy.
- c) Regional Transportation Impact Fee (RTIF) at the time of building permit issuance.
- d) Stormwater compliance inspection fee prior to map filing or commencement of construction operations, whichever occurs first.
- e) Fees charged for design, review, inspection, impact, or encroachment by the various agencies and utility companies having jurisdiction in this area.
- f) Annexation into the City of Lodi Community Facilities District – Estimated at \$10,000.
- g) Any existing reimbursement fees per existing agreements

Dated: August 26, 2015

I certify that Resolution No. 15-XX was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on August 26, 2015 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: August 26, 2015

APPLICATION NO: Use Permit: 2015-25 U

REQUEST: Request for Planning Commission approval of a Use Permit to allow expansion of a personal fitness training studio within an existing industrial building located at 1205 E. Vine Street. (Applicant: Michael Phelan; File 2015-25 U; CEQA Determination: Categorical Exemption Pursuant to CEQA Guidelines Section 15332 In-Fill Development Projects)

LOCATION: 1205 East Vine Street
Lodi, CA 95240
APN: 049-310-76

APPLICANT: Another Level Cross Fit
Mr. Michael Phelan
2139 Seahawk Lane
Lodi, CA 95240

PROPERTY OWNER: Classic Cache LP
Mr. Don Lewis
1205 East Vine Street, Suite A
Lodi, CA 95240

RECOMMENDATION

Staff recommends that the Planning Commission approve the Use Permit to allow the expansion of a personal fitness training studio within an existing industrial building located at 1205 East Vine Street, subject to the conditions outlined in the attached resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: Industrial
Zoning Designation: Industrial
Property Size: 0.58 acres – 11,196 sq ft building

The adjacent zoning and land use are as follows:

ADJACENT ZONING DESIGNATIONS AND LAND USES			
	GENERAL PLAN	ZONE	LAND USE
North	Industrial	Industrial	Industrial uses
South	Industrial	Industrial	Industrial / office uses
East	Industrial	Industrial	Vacant lot / Highway 99
West	Industrial	Industrial	Residence

SUMMARY

The applicant requests approval of a Use Permit to master plan the expansion of a fitness training studio within an existing industrial building.

The Another Level Cross Fit business has been operating at 1205 E. Vine Street since June 2011. The existing building is 11,196 sq. ft. in size and was designed for 8 tenet spaces. The existing training facility currently occupies 3 tenant spaces.

occupy vacant industrial building totaling 3,585-square-feet for a personal fitness training studio. The project site has a General Plan Land Use Designation of Industrial and is zoned Industrial, which permits the proposed use subject to a Use Permit. The project meets all applicable development standards and will not impact existing land uses in the immediate area.

ANALYSIS

The applicant applied for Planning Commission approval of a personal fitness training studio at 1205 East Vine Street. The Studio provides individual and group training sessions. The maximum amount of people at the training facility is 20. The interior of the Studio's space is primarily open consisting of a reception area and exercise area. There are restrooms and storage areas (See Exhibit C). There are approximately thirty-five (35) parking spaces provided, including two (2) handicap spaces (See Exhibit B).

A Use Permit allows the comprehensive review of sensitive uses and ensures the proper integration of these uses into the community. These uses may only be suitable in specific locations, and only if such land uses are designed or constructed in a manner on a site that is consistent with zoning regulations and with the required findings for a Use Permit outlined in §17.40.040(F) of the City of Lodi Development Code. A Use Permit review allows the opportunity to address any specific issues related to the proposal and to prevent or mitigate any adverse impacts to the surrounding area.

Land Use Compatibility: The project site encompasses approximately 1.01-acres and is developed with 1 building measuring 3,585 sq. ft in area. The property is zoned Industrial on the City of Lodi Zoning Map, and is designated Industrial on the General Plan Land Use Map. Surrounding land uses include a combination of industrial type land uses, and various service type uses. A personal fitness studio/facilities in the industrial zoning district requires discretionary review and approval of a Use Permit per Lodi Development Code § 17.24.030.

Parking: There are approximately 15 existing parking stalls. The applicant will be using approximately 20 stalls at a maximum. Parking will not be an issue on the project site.

The proposed use has been reviewed and analyzed to ensure that traffic impacts and parking deficiencies will not arise. Trip generation for the subject use has been determined by staff to be consistent with the overall intensity of development of the site.

Noise: All fitness activities will occur within the building envelope; therefore, staff does not anticipate any adverse noise impacts upon the surrounding area. If the facility becomes a concern regarding noise, a condition has been added to allow for review of the permit by the Community Development Department or, if needed, returned to the Planning Commission for additional conditions or even revocation of the permit.

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

The discretionary Use Permit procedure enables Planning and other city staff to impose conditions designed to avoid, minimize or mitigate potentially adverse effects of a certain use upon the community or other properties in the vicinity. Staff believes that the Planning Commission can make the required findings, in accordance with Lodi Development Code § 17.40.040(F), to approve the requested Use Permit. The required findings are as follows:

1. *The proposed use is allowed with a Use Permit within the applicable zoning district and complies with all applicable provisions of this Development Code.* **Comment:** The proposed project site is within an existing 3,585-square-foot building located within an Industrial zoning district, which permits personal fitness studios subject to Use Permit approval, including any specific condition required for the proposed use in the district in which it would be located. The use conforms to the parking requirement for a fitness studio.
2. *The proposed use is consistent with the General Plan and any applicable specific plan.* **Comment:** The General Plan land use designation for the project site is Industrial, which permits the proposed use. The facility center is naturally restricted by size and space allocation within the building in a manner that limits occupancy, and will be subject to operational conditions that govern day to day operational aspects necessary to ensure that parking and traffic impacts do not interfere with the primary daytime land uses in the area. The conditions for the restriction of the conditional use are consistent with the General Plan, will not effect neighborhood compatibility; and will not cause the operation of the conditional use to be detrimental to the welfare of persons or properties working, residing, or otherwise existing in the adjacent neighborhood areas.
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 use is within a 3,585 square feet vacant building. There are no changes to the site and the proposed use is consistent with the Zoning Code and the General Plan policies. As such, the subject site is adequate in size and shape to accommodate the proposed use within an industrial area with all the required off-street parking provided on the subject site. Further, the project will not have a negative effect on the public health, safety, or welfare; or be materially injurious to persons, properties or improvements in the vicinity.
4. *The location, size, design, and operating characteristics of the proposed use is compatible with the existing and future land uses in the vicinity.* **Comment:** The proposed use complies with all requirements as set forth for the issuance of this Use Permit, in that the site is adequate in size, shape and topography for the proposed use, consisting of an existing building. Second, the site is located in an industrial area that is accessible from public streets. Existing street networks are adequate in size and shape to accommodate the quantity and quality of traffic generated by the proposed use without any significant impacts to the street system. Third, the proposed use, as conditioned, will not have an adverse effect upon the use, enjoyment or valuation of property in the neighborhood because the proposed use will be located within an existing building with no additions to the footprint of the building.
5. *The proposed project is in compliance with the California Environmental Quality Act (CEQA) and the Lodi Environmental Review Guidelines.* **Comment:** The project is found to be categorically exempt from CEQA review under 14 CCR §15332. Class 32 consists of projects characterized as in-fill development meeting the following conditions: (a) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations, (b) the proposed development occurs within city limits on a project site of no more than five (5) acres substantially surrounded by urban uses, (c) the project site has no value as habitat for endangered, rare or threatened species, (d) approval of the proposed project would not result

in any significant effects relating to traffic, noise, air quality, or water quality, and (e) the site of the proposed project can be adequately served by all required utilities and public services.

Staff believes the Commission can make the required findings to approve the Use Permit as proposed. The use of a fitness training studio is appropriate for the proposed location in that it would occupy an existing vacant industrial building. A fitness facility is a use that generally promotes and encourages healthy living within the community. In staff's opinion, the proposed use would not produce any adverse impacts on the adjacent properties in terms of noise, parking, litter, disorderly behavior, or other objectionable influences. The permit is conditioned to mitigate typical concerns related to fitness centers and other similar establishments. If, in the future, concerns arise, and the Director/Police Department determines it necessary, the Use Permit can be subject to review by the Planning Commission to consider the business's operation for compliance with the conditions of the Use Permit. The City further reserves the right to periodically review the area for potential problems

ENVIRONMENTAL ASSESSMENT

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

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published in the Lodi News Sentinel on Saturday, August 15, 2015. Five (5) 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 in the project.

RECOMMENDED MOTION

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 15032 and approve the Use Permit for Another Level Cross Fit to operate within the Industrial zone subject to the findings and conditions of approval contained in the draft Resolution."

ALTERNATIVE PLANNING COMMISSION ACTIONS:

- Approve with modified conditions.
- Deny the Use Permit Amendment, providing reasons the required findings could not be met.
- Continue the request.

Respectfully Submitted,

Concur,

Craig Hoffman
Senior Planner

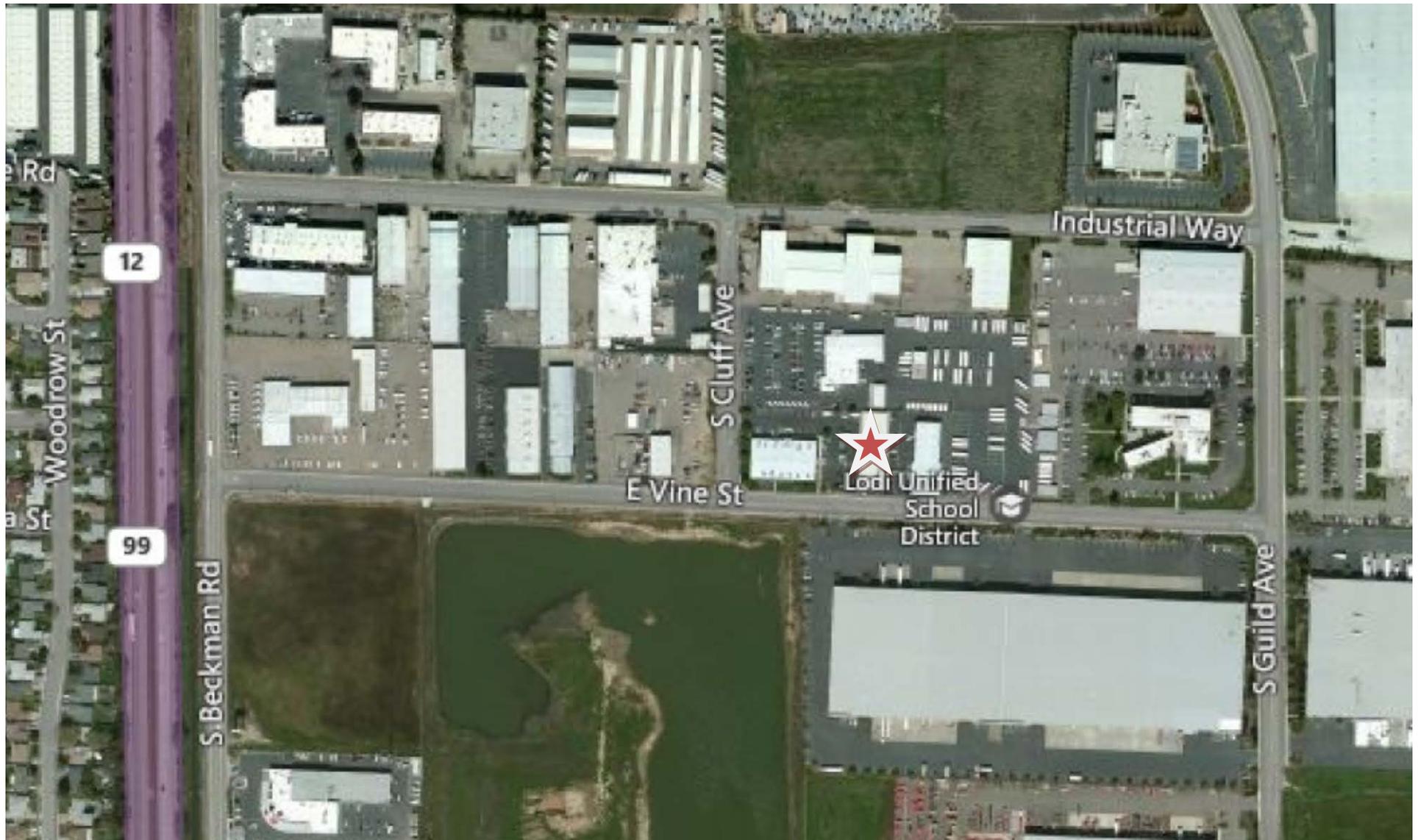
Stephen Schwabauer
Community Development Director

ATTACHMENTS

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

VICINITY / AERIAL MAP

North



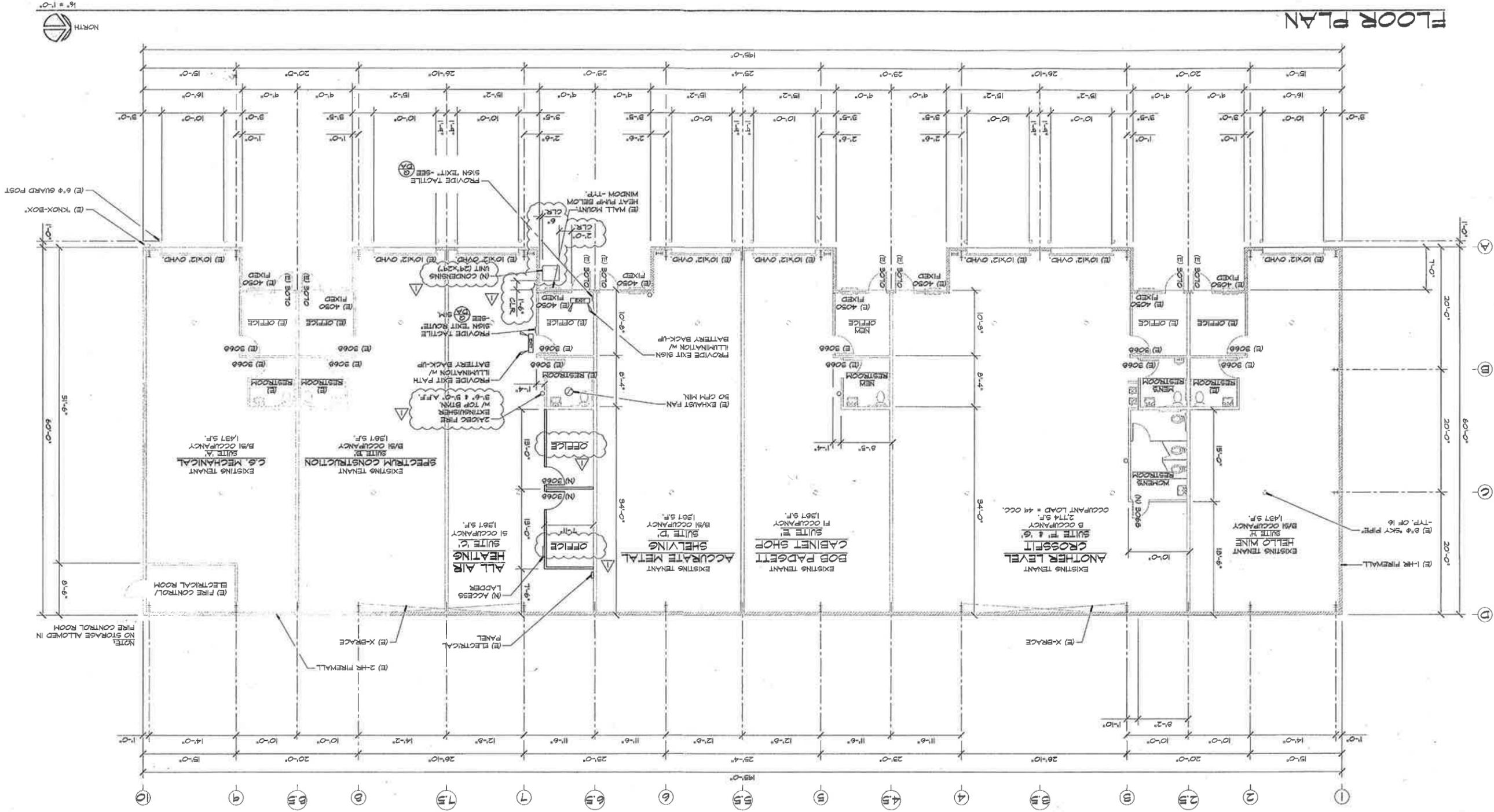
South

1205 E. Vine Street

3/27/2012

1387sf

FLOOR PLAN



WALL LEGEND:

(N) STUD WALL	
(R) ROCK VENEER	
(E) 6" STUD WALL	
(E) 4" STUD WALL	
(E) 6" STUD 1-HR OR 2-HR FIREWALL	
(E) 6" STUD WALL	

2 of 6 SHEETS
A2
 SUITE 'C'
 SHEET
 05312
 AS NOTED
 SCALE
 2/12
 DATE
 MS
 DRAWN
 GYM
 CHECKED



PROJECT:
 PROPOSED TENANT IMPROVEMENT FOR:
AIR HEATING & AIR CONDITIONING
 PROJECT LOCATION:
 1205 E. VINE ST., SUITE 'C',
 LODI, CALIFORNIA 95240

TITLE:
FLOOR PLAN

MS
MIKE SMITH
ENGINEERING, INC.
 4 NORTH MAIN STREET
 LODI, CALIFORNIA 95240
 PHONE (209) 334-2332

BY	DATE	REVISIONS
CS	3/27/12	PLAN CHECK

We are requesting approval for a use permit at 1205 E Vine St. The building square foot totals 11,196. At the current date we occupy 5,548 sqft for use of personal and another 1,387 in office space. At this time we do not have any classified employees. We have five (5) owner operators and three (3) independent contractors. Our facility provides individual and group training sessions with class programs designed for no more than twenty (20) people. The peak hours of operation vary on time of year but past trends show 5:00am, 4:00pm and 5:00pm to be the largest. The main area of use is an open floor plan for class training with office space and restrooms. Our hours of operation are Monday to Friday 5:00am to 11:00am and 3:00pm to 8:00pm. Saturdays 8:00am to 10:00am. We currently have nine (9) regular parking stalls, two handicapped and easy access to street parking. We also share a parking lot with another building which allows us use of their parking.

As our company grows we would like to request approval to expand our business to connecting sites. At this time we could not tell exactly what we will expand into. Our proposed plans include but are not limited

to the following: Crossfit, Olympic
Weight lifting, power lifting, sport
specific training and yoga.

Thank You.

John Phelan (209) 712-3037.

Michael Phelan (209) 712-8999

RESOLUTION NO. P.C. 15-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING A USE PERMIT (2015-25 U) TO ALLOW EXPANSION OF A PERSONAL FITNESS STUDIO AND TRAINING FACILITY WITHIN AN EXISTING INDUSTRIAL BUILDING LOCATED AT 1205 EAST VINE STREET

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Use Permit, in accordance with the Lodi Development Code, Section 17.40; and

WHEREAS, the project site is located at 1205 East Vine Street, Lodi, CA 95240 (APN: 049-310-76); and

WHEREAS, project proponent is Another Level Cross Fit, Mr. Michael Phelan, 2139 Seahawk Lane, Lodi, CA 95240; and

WHEREAS, the project property owner is Classic Cache LP., Mr. Don Lewis, 1205 East Vine Street, Suite A, Lodi, CA 95240; and

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

WHEREAS, the requested Use Permit to allow the expansion of a personal fitness studio and training facility within an existing industrial building located at 1205 East Vine Street; and

WHEREAS, pursuant to City of Lodi Zoning Ordinance § 17.42.020, this resolution becomes effective ten (10) business days from its adoption in the absence of the filing of an appeal; and

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

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

1. The project is found to be categorically exempt from CEQA review under 14 CCR §15332. Class 32 consists of projects characterized as in-fill development meeting the following conditions: (a) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations, (b) the proposed development occurs within city limits on a project site of no more than five (5) acres substantially surrounded by urban uses, (c) the project site has no value as habitat for endangered, rare or threatened species, (d) approval of the proposed project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and (e) the site of the proposed project can be adequately served by all required utilities and public services.
2. The proposed project site is within an existing 11,196 square-foot building located within an Industrial zoning district, which permits personal fitness studio subject to Use Permit approval, including any specific condition required for the proposed use in the district in which it would be located.
3. The General Plan land use designation for the project site is Industrial, which permits the proposed use. The facility center is naturally restricted by size and space allocation within building in a manner that limits occupancy, and will be subject to operational conditions that govern day to day operational aspects necessary to ensure that parking and traffic impacts do not interfere with the primary daytime land uses in the area. The conditions for the restriction of the conditional use are consistent with the General Plan, will not effect neighborhood compatibility; and will not cause the operation of the conditional use to be detrimental to the welfare of persons or properties working, residing, or otherwise existing in the adjacent neighborhood areas.
4. The proposed use is within a 11,196 square foot building. There are no changes to the site and the proposed use is consistent with the Zoning Code and the General Plan policies. As such, the subject site is adequate in size and shape to accommodate the proposed use within an industrial area. Further, the project will not have a negative effect on the public health, safety, or welfare; or be materially injurious to persons, properties or improvements in the vicinity.

5. The harmony in scale, bulk, coverage and density of the proposed project is consistent with and compatible to the existing and proposed land uses around the subject site, in that the proposed health club facility will be located within an existing building, with no additions or expansions to the approved exterior thereby maintaining the approved scale, bulk, coverage and density of the building with no impacts upon the surrounding neighborhood.
6. The availability of public facilities and utilities is adequate to serve the proposed use, in that the proposed health club facility will be located within an existing building where public facilities and services are provided, including sewer, water, electricity, phone, etc.
7. The subject site will have adequate pedestrian and vehicular circulation and parking available, in that there is an adequate vehicle access point. Pedestrian movements are facilitated by paved and continuous path of travel that connects to the public sidewalk and the sidewalk accesses adjacent properties.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Use Permit Application No. 2015-25 U is hereby approved, subject to the following conditions:

1. The property owner and/or developer and/or successors in interest and management shall, at their sole expense, defend, indemnify and hold harmless the City of Lodi, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include, but is not limited to, any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Lodi shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.
2. The property owner and/or developer and/or successors in interest and management shall operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
3. The Lodi Police Department, the Planning Commission and/or City Staff may, at any time, request that the Planning Commission conduct a hearing on the Use Permit for the purpose of amending or adding new conditions to the Use Permit or to consider revocation of the Use Permit if the Use Permit becomes a serious policing problem.
4. Music and business related noise shall be maintained at a level that does not disturb neighboring tenants during all hours the fitness studio is open. No sound may emanate from the building, uses, or other operations which cause a disturbance or nuisance, or violate City noise standards.
5. The Use Permit shall be vested within six (6) months from the effective date of approval. A building permit for the tenant improvements allowed under this Use Permit shall have been obtained within twelve (12) months from the effective date of the Use Permit or the Use Permit shall expire; provided however that the Use Permit may be extended pursuant to the Lodi Municipal Code.
6. The applicant shall adhere to the operations plan approved by the Planning Commission. Any proposed changes to the operation that would intensify the use shall be subject to review by the Planning Commission.
7. On-site signage shall be allowed in accordance with the standards of the Lodi Municipal Code, and shall be submitted to the Community Development Department prior to installation for review and permitting.
8. The premises shall be kept clean and the operator of the establishment shall insure that no trash or litter originating from the site is deposited outside the tenant space, onto neighboring properties, or onto the public right-of-way. The exterior of all the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times. Graffiti shall be removed within twenty-four hours after issuance of a notice of order.

9. The applicant/project proponent and/or developer and/or successors in interest and management shall obtain Operational Permit issued by the Lodi Fire Department, and meet all the conditions outlined in therein. The Fire Department may be contact at the Lodi Fire Department, 25 East Pine Street, Lodi, CA 95240-2127. Phone Number (209) 333-6739.
10. The Use Permit approval is for the entire building at 1205 E. Vine Street. The applicant intends to grow the fitness business over the next few years to ultimately encompass the entire building.
11. The activities allowed by the use permit cover fitness studio activities and health related activities that would be consist with that use.

Building - General Comments:

12. The change of use/occupancy of the adjoining suites to A-3 occupancy shall require a Tenant Improvement 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.
13. Assembly areas require an operational permit. Apply for required operational permits at the Lodi Fire Department. Approval of required operational permits required prior to building permit issuance. 2013 CFC, Section 105.6
14. Occupant load calculations shall be provided for the entire building and individual rooms in the building based on square footage divided by the appropriate occupant load factor from 2013 CBC, Table 1004.1.2. The occupant load factor for exercise rooms is 50 square feet gross floor area/person and shall include items such as restrooms, locker rooms, hallways, closets, etc.
15. If the occupant load of the building or any area of the building exceeds 49, the plans shall show:
 - a) A minimum of two (2) exits that are separated by a minimum of 1/2 (1/3 in sprinklered buildings) of the diagonal distance of the area served. 2013 CBC, Section 1015.2.1
 - b) Exit doors shall swing in the direction of egress travel. 2013 CBC, Section 1008.1.2
 - c) The exit doors and exit access doors shall be equipped with panic hardware. 2013 CBC, Section 1008.1.10
 - d) A means of illuminating the egress path of travel in case of power failure, including path to the egress doors and the exterior landings. The emergency power system shall provide backup power for the duration of at least 90 minutes and shall illuminate the path of travel at the rate of an average of 1 foot candle at floor level. 2013 CBC, Sections 1006.1 thru 1006.3.1
 - e) Show locations of required illuminated exit signs. 2013 CBC, Section 1011
16. f) Provide complete and adequate details and locations of the required tactile exit signs at the following locations:
 1. Each grade-level exterior exit door shall be identified by a tactile exit sign with the word, "EXIT."
 2. Each exit access door from an interior room or area that is required to have a visual exit sign, shall be identified by a tactile exit sign with the words, "EXIT ROUTE." 2013 CBC, Section 1011.4
17. Provide an active or passive space heating system capable of maintaining a minimum indoor temperature of 68 degrees F at a point 3 foot above the finished floor. 2013 CBC, Section 1204.1
18. Plumbing fixtures shall be provided for the type of occupancy and in the minimum number specified by 2013 CPC, Table 422.1. Plumbing occupant load shall be calculated using the plumbing occupant load factor specified by 2013 CPC Table A for each area use. The required number of plumbing fixtures (water closets, urinals, lavatories and drinking fountains) shall be provided, as specified for A-3 occupancies by 2013 CPC, Table 422.1. Additional plumbing fixtures may be required.
19. The California Building Code (Title 24 Section 11B-202) requires that existing buildings, when alterations are made, shall be verified for compliance with disabled access requirements. These requirements shall apply only to the specific area of alteration and shall include an accessible entrance, an accessible route to the altered area, at least one accessible restroom for each sex,

telephones and drinking fountains (if existing), and when possible additional items such as parking, storage and alarms.

20. If the construction costs of the alterations to the building are less than the current valuation threshold of \$146,303.00 and if the cost of the above listed accessibility upgrades are disproportionate (exceeds 20% of the project without the upgrades), then the required accessibility upgrades may be provided to the extent that is proportionate (20% of the valuation) as per 2013 CBC, Section 11B-202.4, Exception 8. In choosing which accessible elements to provide, priority should be given to those elements that will provide the greatest access.
21. In the event the use hereby permitted under this permit is: (a) found to be in violation of the terms and conditions of this permit; (b) found to have been obtained by fraud or perjured testimony; or (c) found to be detrimental to the public health, safety or general welfare, or a public nuisance; this may initiate a revocation procedures in accordance with the City of Lodi Municipal Code.
22. A copy of the approved Resolution shall be incorporated into the plans prior to the submittal for plan check. Failure to meet any conditions of approval for this development shall constitute a violation of the Use Permit.
23. 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.
24. No variance from any City of Lodi adopted code, policy or specification is granted or implied by the approval of this resolution.

Dated: August 26, 2015

I certify that Resolution No. 15-XX was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on Wednesday, August 26, 2015 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST: _____
Secretary, Planning Commission