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| <p>CARNEGIE FORUM 305 WEST PINE STREET LODI, CALIFORNIA</p> | <p>AGENDA LODI PLANNING COMMISSION</p> | <p>REGULAR SESSION WEDNESDAY, SEPTEMBER 14, 2016 @ 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 27, 2016” and “August 10, 2016”
3. PUBLIC HEARINGS
 - a. Continued from the August 10, 2016 regular Planning Commission Meeting - Request for Planning Commission approval of: Growth Management Allocation for 28 Medium-Density Residential Lots and a Subdivision Map for the Camper Subdivision, a 2.14 acre, 28 unit subdivision at 500 and 540 South Sacramento Street, north of Tokay Street (Applicant: Bruce Camper; File: 2016-09 GM / S; CEQA Status: Section 15183 – Previous Environmental Review)
 - b. Request for Planning Commission approval of a Use Permit to allow a Type-21 Off-Site Beer, Wine and Spirits sales at a convenience store at 1420 West Kettleman Lane. (Applicant: HarPreet Kaur; File 2016-22 U; CEQA Determination: Exempt per Section 15321)
 - c. Request for Planning Commission approval of a Use Permit to allow a yoga and health training studio within an office building located at 340 South Fairmont Street. (Applicant: Jennifer Kupka; File 2016-25 U; CEQA Determination: Categorical Exemption Pursuant to CEQA Guidelines Section 15301 - Existing Facility)
 - d. Request for Planning Commission approval for a revision to Use Permit to allow live music at a restaurant (Blue Cebra) with an existing Type-47 On-Sale Beer, Wine and Distilled Spirits at 910 South Cherokee Lane. (Applicant: Alberto Ortiz; File Number: 2016-26 U)

NOTE: The above item is a quasi-judicial hearing and requires disclosure of ex parte communications as set forth in Resolution No. 2006-31

4. PLANNING MATTERS/FOLLOW-UP ITEMS
 - a. Update of Downtown Police Service Calls
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. 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 27, 2016**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of July 27, 2016 was called to order by Vice Chair Hennecke at 7:00 p.m.

Present: Planning Commissioners – Cummins, Gomes, Kirst, Kirsten, Olson, Slater and Vice Chair Hennecke

Absent: Planning Commissioners – None

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

2. MINUTES

None

3. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Vice Chair Hennecke called for the public hearing to consider the request of the Planning Commission for approval of a Use Permit to allow a Type-41 On-Sale Beer and Wine for Blaze Pizza at Lodi Shopping Center – Pad 9 Building, 1537 South Lower Sacramento Road, Suite 130. (Applicant: DAMM Fine Pizza LLC.; File 2016-18 U; CEQA Determination: Exempt per Section 15321)

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

Commissioner Olson asked if this is the only restaurant in this shopping center that has requested an ABC license. Mr. Hoffman stated that Buffalo Wild Wings has a Type 47 License.

Hearing Opened to the Public

- Andrew Barnett, applicant, came forward to answer questions. Mr. Barnett stated that DAMM Fine Pizza is in the business to sell pizzas and the alcohol is for the occasional customer that likes to have some beer or wine with their pizza.
- Commissioner Slater asked if all of the restaurant staff will be trained with ABC. Mr. Barnett stated that they will. Mr. Slater stated that the Commission has become tuff on alcohol Use Permits and there are conditions placed on the project to ensure that the alcohol does not become a problem. Mr. Barnett stated that there will not be any alcohol related problems.
- Commissioner Olson welcomed them to Lodi and asked if they will be hiring local residences for management. Martha Olmos, operating partner, stated that all of the employees are hired locally for all of their restaurants. Ms. Olmos added that Friday, August 19th will be a free pizza all day event. The company does that at all of their restaurants for all grand openings.
- Commissioner Cummins welcomed them to Lodi.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Olson, Kirsten second, finds that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321, and adopts a resolution approving a Use Permit to allow a Type-41 On-Sale Beer and Wine for Blaze Pizza at Lodi Shopping Center – Pad 9 Building, 1537 South Lower Sacramento Road, Suite 130 subject to the findings and conditions of approval contained in the draft resolution provided. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Gomes, Kirst, Kirsten, Olson, Slater and Vice Chair Hennecke
Noes: Commissioners – None
Absent: Commissioners - None

Commissioner Kirsten recused himself from Item 3b because he has property interest within the sphere of influence of the project.

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Vice Chair Hennecke called for the public hearing to consider the request of the Planning Commission for approval of a Use Permit to allow a Type-47 On-Sale Beer, Wine and Spirits for Alicia's Restaurant at 114 West Pine Street. (Applicant: Alicia Valadez; File 2016-19 U; CEQA Determination: Exempt per Section 15321)

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

Vice Chair Hennecke stated that he does not have a problem with the applicant not being in attendance.

Commissioner Slater stated that he does have concerns that the applicant is not in attendance of the meeting and would like to be able to express his concerns regarding alcohol consumption directly to that applicant. Mr. Hoffman recommended that the Commission bring the item back in three months if the project is approved tonight to ensure that concerns and appreciations can be expressed directly to the applicant.

Commissioner Gomes asked about conditions 14, 15 and 16 and the conflict in the language regarding live music. Mr. Hoffman stated that typically music takes place inside the building, but there may be an occasion when they want to have music on the back patio. He added that language in condition 14 should be cleaned up to eliminate any confusion.

Commissioner Cummins clarified for the new Commissioners that in the downtown there have been some issues with some of the alcohol establishments. He added that he does not feel that those concerns should be reflexed on all alcohol serving establishments especially if they are located outside of the downtown area.

Commissioner Olson stated that she believes that the applicant should only be required to be in attendance if the Commission has concerns. It is a nice gesture when the applicant attends, but she does not feel it should be a requirement. Ms. Olson asked for clarification regarding the added condition for the shared security. Mr. Hoffman stated that the condition was added to this Use Permit and added that when an establishment has had a Use Permit and it is allowed to expire it gives staff the opportunity to add the conditions that have become important to the Commission. Ms. Olson stated that she would still like staff to encourage applicants to attend the meetings just in case concerns come up. Mr. Fukasawa added that all of the facts for the project are laid out in the staff report and then addressed in the resolution, so if the Commission requires additional facts then a request for a continuance can be made.

Commissioner Slater stated that the decibel levels are not very high, so if they were to have out door music it would not be very loud.

Hearing Opened to the Public

- None

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Slater, Kirst second, finds that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332, and adopts a resolution approving 1) Growth Management Allocation for 6 Low-Density Residential Lots; and 2) A Subdivision Map for 950 S. Garfield Subdivision, a 2.15 acre, 6 unit subdivision East of Garfield and north of Mission Street subject to the findings and conditions of approval contained in the draft resolution provided. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Gomes, Kirst, Slater, Olson and Vice Chair Hennecke

Noes: Commissioners – None

Absent: Commissioners - Kirsten

4. PLANNING MATTERS/FOLLOW-UP ITEMS

a) Update of Downtown Police Service Calls

- Mr. Hoffman stated that there has not been any new activity. He added that he is hearing that the Vintage has been sold and the new owners are possibly looking to change up the targeted clientele to an older group similar to the Whiskey Barrel across the street.

5. ANNOUNCEMENTS AND CORRESPONDENCE

Mr. Hoffman stated that the looking ahead for future meetings has been provided and staff is available to answer any questions.

Commissioner Olson asked about the news regarding the school site that was approved as part of the Southwest Gateway Annexation going away. She asked if that was a City or school district decision. Mr. Hoffman stated that this site has been removed from the districts Master Facilities Plan and is strictly a school district decision.

Mr. Hoffman stated that a couple of helpful Planning Commission booklets have been provided to each of the Commissioners.

6. ACTIONS OF THE CITY COUNCIL

Mr. Hoffman stated the growth allocations for the Garfield Street subdivision have been approved. A presentation regarding Lodi Development was made to the City Council at the July 26th Shirtsleeve Meeting.

7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

Commissioner Slater and Craig Hoffman gave a brief report regarding the Senior Housing Project at the Reynolds Ranch Development.

8. ART IN PUBLIC PLACES

Commissioner Kirsten gave a brief report regarding the most recent activities.

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

None

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

Commissioners and Staff welcomed the two new Commission Members, Crystal Kirst and Tiffany Gomes to the Commission.

11. REORGANIZATION

a. Chair & Vice Chair

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Slater, Kirsten second, approved the nomination of Commissioner Hennecke for the 2016/17 Planning Commission Chair position. There being no other nominations the motion carried by the following vote:

Ayes: Commissioners – Cummins, Gomes, Kirst, Kirsten, Olson, Slater and Chair Hennecke
Noes: Commissioners – None
Absent: Commissioners – None

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Hennecke second, approved the nomination of Commissioner Slater for the 2016/17 Planning Commission Vice Chair position. There being no other nominations the motion carried by the following vote:

Ayes: Commissioners – Cummins, Gomes, Kirst, Kirsten, Olson, Slater and Chair Hennecke
Noes: Commissioners – None
Absent: Commissioners – None

b. SPARC and Art In Public Places Representatives

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Hennecke second, approved the nomination of Commissioner Slater for the 2016/17 Planning Commission representative for the Site Plan and Architectural Review Committee position. There being no other nominations the motion carried by the following vote:

Ayes: Commissioners – Cummins, Gomes, Kirst, Kirsten, Olson, Slater and Chair Hennecke
Noes: Commissioners – None
Absent: Commissioners – None

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Olson, Hennecke second, approved the nomination of Commissioner Kirsten for the 2016/17 Planning Commission representative for the Art In Public Places Committee position. There being no other nominations the motion carried by the following vote:

Ayes: Commissioners – Cummins, Gomes, Kirst, Kirsten, Olson, Slater and Chair Hennecke
Noes: Commissioners – None
Absent: Commissioners – None

12. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:49 p.m.

ATTEST:

Kari Chadwick
Planning Commission Secretary

DRAFT

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, AUGUST 10, 2016**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of August 10, 2016 was called to order by Chair Hennecke at 7:00 p.m.

Present: Planning Commissioners – Cummins, Gomes, Kirst, Kirsten, Olson, Slater and Chair Hennecke

Absent: Planning Commissioners – None

Also Present: City Planner Craig Hoffman, Deputy City Attorney John Fukasawa, Deputy Public Works Director Lyman Chang and Administrative Secretary Kari Chadwick

2. MINUTES

“May 11, 2016”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Slater second, approved the minutes of May 11, 2016 as written.

“May 25, 2016”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Slater second, approved the minutes of May 25, 2016 as written.

“June 08, 2016”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Cummins second, approved the minutes of June 8, 2016 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 Hennecke called for the public hearing to consider the request of the Planning Commission for approval of: Growth Management Allocation for 28 Medium-Density Residential Lots and a Subdivision Map for the Camper Subdivision, a 2.14 acre, 28 unit subdivision at 500 and 540 South Sacramento Street, north of Tokay Street (Applicant: Bruce Camper; File: 2016-09 GM / S; CEQA Status: Section 15183 – Previous Environmental Review)

City Planner Craig Hoffman stated that staff received a request from the applicant to continue this item to the next Planning Commission Meeting. Staff recommends continuing the item to the September 14th meeting.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Slater second, continued the request for a Tentative Subdivision Map for the Camper – Sacramento Street Subdivision located at 500 and 540 South Sacramento Street to the September 14, 2016 regular Planning Commission meeting. The motion carried by the following vote:

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

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Hennecke called for the public hearing to consider the request of the Planning Commission for approval of a Use Permit to allow a brewery production facility, Type 20, 23, 42 and 84 ABC license, at 9 West Locust Street. (Applicant: Five Window Beer Company / Charles Lippert – Joseph Ehlers; File 2016-20 U; CEQA Determination: Exempt per Section 15321)

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

Chair Hennecke asked if the ABC license transfers from the previous tenant. Mr. Hoffman stated that AH Wines kept their ABC License and since they have been out of the space for six months or more and with the additional types of licenses being requested a new Use Permit is required for the location. Mr. Hennecke asked for clarification regarding the time period of six months. Mr. Hoffman stated that the Use Permit Policy states if there is a lapse in activity on a Use Permit of six months or more it void the approval.

Hearing Opened to the Public

- Charles Lippert and Joseph Ehlers, applicants, came forward to answer questions.
- Commissioner Slater asked if they have done alcohol sales prior to this. Mr. Lippert stated that this will be their first time to sale, but have been brewing for about five years. Mr. Slater asked if all employees will go through the ABC training. Mr. Lippert and Ehlers stated that everyone will be trained. Mr. Slater asked what types of beer were going to be brewed. Mr. Ehlers stated that they will have a couple of different types and will be trying to offer seasonal beers.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Slater second, finds that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321, and adopts a resolution approving a Use Permit to allow a brewery production facility, Type 20, 23, 42 and 84 ABC license, at 9 West Locust Street subject to the findings and conditions of approval contained in the draft resolution provided. The motion carried by the following vote:

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

Commissioner Kirsten recused himself from item 3c because he has property interest within the sphere of influence of the project.

- c) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Hennecke called for the public hearing to consider the request of the Planning Commission for approval of a Use Permit and Site Plan review to allow a brewery production facility, Type 23 ABC license and a wine tasting room, Type 2 ABC license at 100 South Sacramento Street. (Applicant: Grant Hamilton and Michael McCay; File 2016-21 U; CEQA Determination: Exempt per Section 15321)

Chair Hennecke disclosed that he met with the applicant at the proposed site to discuss the project.

City 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

- Grant Hamilton and Michael McCay, applicants, came forward to answer questions.
- Commissioner Slater asked if the applicants have run a facility like this in the past. Mr. Hamilton stated that he currently owns and runs the Flight Lounge in Woodbridge. Mr. Slater stated that he has been in that establishment and it is very well managed. Mr. Hamilton stated that they have had zero alcohol related issues at the Woodbridge location and pride themselves on maintaining a well-run business.
- Chair Hennecke stated that it seems different to have both wine and beer at the same location under two separate businesses. Mr. McCoy stated that it will hopefully offer something for both clienteles at one location. He added that they will be maintained as separate ABC Licenses and will be separated on site as well.
- Commissioner Slater asked if there will be any special events planned. Mr. McCay stated that he would like to have periodical special events. Mr. Hamilton stated that they would also like to hold special events. Mr. Slater stated that with the outside music there are specific conditions in the resolution regarding decibels levels. Mr. Hamilton stated that they have read and understand the conditions.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Hennecke second, finds that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321, and adopts a resolution approving a Use Permit and Site Plan review to allow a brewery production facility, Type 23 ABC license and a wine tasting room, Type 2 ABC license at 100 South Sacramento Street subject to the findings and conditions of approval contained in the draft resolution provided. The motion carried by the following vote:

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

Commissioner Kirsten rejoined the Commission

Chair Hennecke asked the new staff member to introduce himself. Lyman Chang, City Engineer/Deputy Public Works Director, introduced himself.

4. PLANNING MATTERS/FOLLOW-UP ITEMS

a) Update of Downtown Police Service Calls

- Mr. Hoffman stated that there has not been any new activity.

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

None

7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

8. ART IN PUBLIC PLACES

None

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

None

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

None

11. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:24 p.m.

ATTEST:

Kari Chadwick
Planning Commission Secretary

DRAFT

Item 3a



CITY OF LODI PLANNING COMMISSION Staff Report

MEETING DATE: September 14, 2016

APPLICATION NO: Subdivision Application: 2016-14 S
Growth Management Allocation: 2016-14 GM

REQUEST: Request for Planning Commission approval of: Growth Management Allocation for 28 Medium-Density Residential Lots and a Subdivision Map for the Camper Subdivision, a 2.14 acre, 28 unit subdivision.

500 and 540 South Sacramento Street, north of Tokay Street

(Applicant: Bruce Camper; File: 2016-09 GM / S; CEQA Status: Section 15183 – Previous Environmental Review)

LOCATION: 500 and 540 South Sacramento Street, north of Tokay Street. APN: 045-320-02 and 045-320-08

APPLICANT: Bruce Camper
1263 Heidelberg Way
Lodi, CA 95242

Dillon and Murphy
Joe Murphy
847 N. Cluff Ave., Suite A2
Lodi, CA 95241

PROPERTY OWNER: Bruce Camper
1263 Heidelberg Way
Lodi, CA 95242

RECOMMENDATION

Staff recommends that the Planning Commission approve the Tentative Subdivision Map for the Camper – Sacramento Street Subdivision and recommend to the City Council approval of the request for 28 Medium-Density growth management allocations subject to conditions in the attached resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: Mixed Use Corridor
Zoning Designation: MCO – Mixed Use Corridor
Property Size: 2.14 acres – 93,132 sq ft

The adjacent zoning and land use characteristics:

| | ADJACENT ZONING DESIGNATIONS AND LAND USES | | |
|--------------|--|-----------------------|------------------------------------|
| | GENERAL PLAN | ZONING CLASSIFICATION | EXISTING LAND USE |
| North | Mixed Use Corridor | Mixed Use Corridor | vacant |
| South | Mixed Use Corridor | Mixed Use Corridor | Market and self-storage |
| East | Industrial / Railroad | Industrial / Railroad | Railroad and M&R Packing Company |
| West | Mixed Use Corridor | Mixed Use Corridor | Residences, apartments, commercial |

SUMMARY

The proposed project seeks to create a private 28 unit single family lot community with associated landscape parcel and private driveway. This is not a gated community although the driveway through the project is private.

All private streets meet the minimum City right of way standards of 24 feet. There is no on-site guest parking.

The project takes access off South Sacramento Street with two driveways.

The proposed residences are detached single-family homes on individual private parcels.

A project located at Century Boulevard and Chickadee Lane (Century 22) is very similar in design and was built in the late 1980's. The project is located between Stockton Street and Cherokee Lane. This development is 22 units and has an HOA.

ANALYSIS

Existing Conditions: The subject site consists of two parcels totaling 2.14 acres. The property is currently vacant with fencing surrounding the property. This is a historically under-utilized property.

General Plan and Zoning Conformance

The project site has a General Plan land use designation of Mixed Use Corridor. The proposed multi-family use project is consistent with the existing General Plan designation of Mixed Use Corridor and the proposed density of 13-units per acre is within the Mixed Use Corridor density range of 2.0 - 35 dwelling units per acre. The project site is zoned Mixed use Corridor (MCO) and multi-family dwellings (3 or more units) are an allowed use.

The General Plan provided land use designations to provide options for housing that would be different from conventional single family subdivisions. This land use designation also promotes infill development. The proposed density allows for individual home ownership of detached single family homes in a more affordable configuration and density.

Noise

The General Plan identifies that within 60 feet of the railroad centerline, residences are subject to 65 dBs of noise and at 200 feet, 60 dBs. The General Plan conditionally allows residential within this 65 dBs noise contour. The back 15 feet of the project site is within this 65 dBs contour. The project has been conditioned to complete a noise study or provide construction materials that will reduce internal noise levels to 45 dBs for the project. Typically; triple pane windows, added insulation,

purple board gypsum for indoor sound attenuation, and added stucco layers reduce interior noise levels dramatically.

Parking

The project provides for a 2 car garage for all 28 single family residences. The interior private drive does not allow or provide for guest parking. The project site is 600 feet in length. That would provide for approximately 24 parking spaces along Sacramento Street in the front of the project site. Historically Sacramento Street has not had a lot of on-street parking along the eastern edge.

Single-family residential projects typically provide guest parking on City streets.

Fencing

A chain link fence is located along the eastern property line with the railroad tracks. The project applicant is proposing minimal fencing for the project to maintain as much open space as possible.

The project will include a solid wood fence to the southern, northern and eastern property boundary. Internal wood fencing would be between houses and out of setbacks to maintain open landscape areas.

Along the railroad tracks, the applicant is proposing a solid wood fence with landscaping to provide a buffer. Staff is not requiring a masonry wall. This would be something that would most likely be vandalized. Creeping vines like morning glory and ivy can be used to eventually cover the fence and create a green buffer along with cypress trees.

A masonry wall will not block or reduce noise from the railroad tracks. This noise is ambient and cannot be blocked. Residential design and construction measures will reduce noise

The project has been conditioned to use enhanced materials for fence construction – pressure treated wood and metal posts.

Project Design:

The applicant has proposed a 28 unit development that includes a private roadway, 12 single story residences fronting onto Sacramento Street and 16 two story homes along the eastern property line. See front elevations and site plan.

The homes along the eastern property line include a 10 ft rear yard with 5 ft side yards. A two car garage fronts onto the private drive along with front door.

The homes along Sacramento Street included a front elevation facing the street and will be single story. There will be a 10 ft front setback for landscaping and 4 to 5 ft side yards. The 2 car garage fronts onto the private drive. Many of the forward homes have courtyards for outside seating and barbeque area.

The homes along Sacramento Street will be about 1,200 sq ft in size and the 2 story homes will be 1,700 sq ft in size.

The internal private drive will be comprised of street pavers. (Think downtown School Street) The pavers create a different street scape and help the project meet stormwater infiltration standards from the State. The roadway will be owned by the project home owners.

Typical landscaping for the project will be drought tolerant with plants, shrubs and street trees. Along the eastern property line will be vertical trees (Italian cypress for visual screening). The preliminary landscape plan 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.

The project includes a landscape area for the residents to use The landscape lot will be owned by the project ownership group.

HOA / CCRs

A project that has unique features or common areas typically has a home owners association or other mechanism for maintenance and ownership of shared facilities. The project has been required to prepare documents for an HOA. The applicant has requested that the Commission consider the use of CCRs verses the typical HOA. Staff is willing to work with the applicant and to review prepared documents. The roadway and landscape area will need to be co-owned facilities and an ownership entity needs to own and ultimately maintain these areas.

The prepared documents also need to discuss: parking, garbage pick-up, shared maintenance, nuisance activities, uses of shared facilities, overall project condition and aesthetics. This document will be recorded with the final map.

Subdivision Map:

The proposed Tentative Map would subdivide the project parcel into 28 Medium-Density residential single-family lots, 1 private lot for an open space / park lot and associated private roadways.

The project includes lots that meet the required 2 to 35 units per acre density and are consistent with a medium density project allowed per the General Plan and zoning.

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.

Growth Management Compliance:

The allocation system gives priority through point assignments to projects that reduce impacts on services, infrastructure, and resources. The ordinance sets an annual growth limit of two percent of the City's population, compounded annually. Once the 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 California Department of Finance sets the City population for January 1st of each year. The population has been as follows:

2012 – 62,575
2013 – 63,233

2014 – 63,651
 2015 – 63,791 (62,772)
2016 – 63,219

Staff believes the drop in population is based upon how the state now counts temporary population and transient individuals.

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.

Growth allocations for 2016 are also lower because of a reduction in the City population.

The following calculation explains the current City population of **63,219** as of January 1, 2016 and **443** units available for 2016:

1. Calculate two percent of the City’s current population: **63,219** x 2% = 1,264.38
2. Divide 1,264 by the average number of persons per household 1,264 / 2.85 = **443.50**
3. Divide the 443.50 (**443 du**) units into the 3 housing types:
 - 44% low density = 195 units
 - 28% medium density = 124 units
 - 28% high density = 124 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 |

Table E: Growth Management Allocation for 2016

| Density | Total Remaining for 2015 | 2% Allocations for 2016 | Available Allocations | | | Total Remaining for 2016 |
|-----------------|--------------------------|-------------------------|--------------------------|--------------|--------------|--------------------------|
| | | | Total Available for 2016 | Garfield | Camper - Sac | |
| Low (0.1-7) | 3,189 | 195 | 3,384 | 6 | 0 | 3,378 |
| Medium (7.1-20) | 653 | 124 | 777 | 0 | 28 | 749 |
| High (20.1-30) | 1081 | 124 | 1205 | 0 | 0 | 1,205 |
| TOTAL | 4,923 | 443 | 5,366 | 5,360 | 5,332 | 5,332 |

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 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 Mixed Use Corridor.

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, July 30, 2016 and September 3, 2016. Forty-seven (47) 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 for the Camper – Sacramento Street Subdivision and recommend to the City Council approval of the request for 28 Medium-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
City Planner

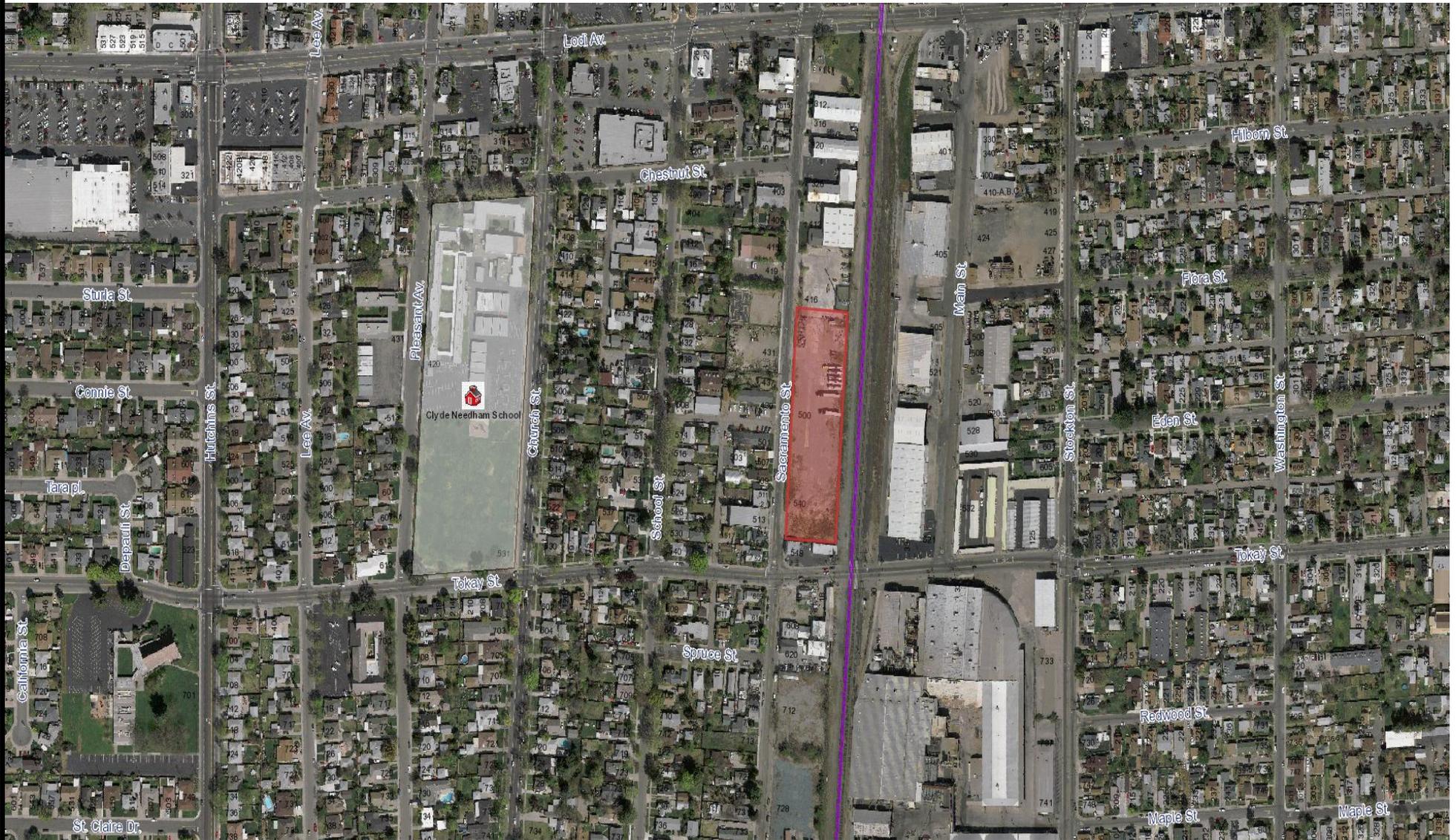
Stephen Schwabauer
Community Development Director

ATTACHMENTS:

- A. Vicinity / Aerial Map
- B. Site Map
- C. House Elevations
- D. Subdivision Map
- E. Draft Resolution

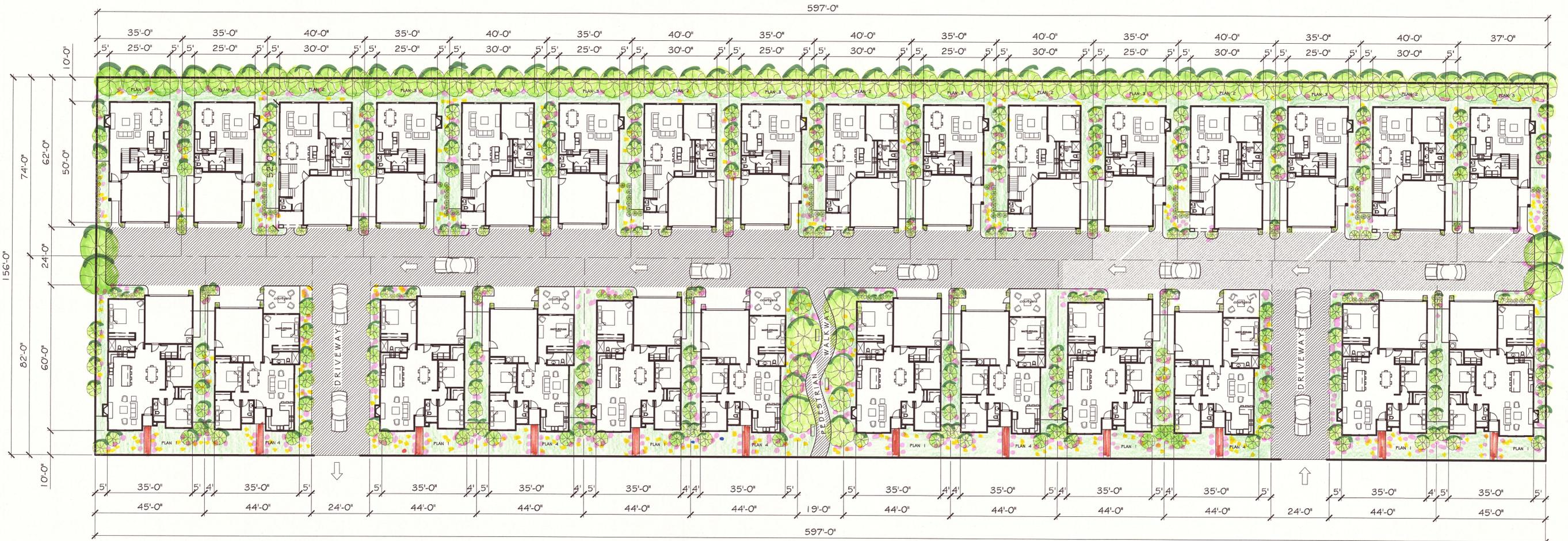
VICINITY MAP

North



South

500 South Sacramento Street



SACRAMENTO STREET

SITE PLAN

SCALE: 1" = 20'-0"

| REVISIONS | BY |
|-----------|----|
| | |
| | |
| | |
| | |



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

SITE PLAN

PROPOSED SPECULATIVE PLANS FOR:
 SACRAMENTO STREET PROJECT
 CITY OF LODI, CALIFORNIA

| | |
|--------|----------|
| Date: | 8-1-2016 |
| Scale: | AS NOTED |
| Drawn: | HERRERA |
| Job: | 16-011 |
| Sheet | 1 |
| Of 2 | Sheets |



SACRAMENTO STREET TENTATIVE SUBDIVISION MAP

JULY, 2016

1" = 60'



SCALE:

OWNER

BRUCE CAMPER & DEBORAH CAMPER COWAN
1263 HEIDELBURG WAY
LODI, CA. 95242
(209) 366-3991

ENGINEER

DILLON & MURPHY
P.O. BOX 2180
847 N. CLUFF AVENUE, SUITE A2
LODI, CA. 95241
(209) 334-6613

NOTES

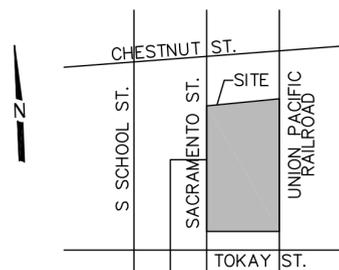
1. APN: 045-320-02, 045-320-08
2. WATER: CITY OF LODI
3. SANITARY SEWER: CITY OF LODI
4. STORM DRAINAGE: CITY OF LODI. SEE NOTE 12.
5. SITE ADDRESS: 500, 540 S SACRAMENTO ST.
LODI, CA. 95240
6. FLOOD ZONE: ZONE X, MAP NO.06077C0169F OCT. 16, 2009
7. ZONING: MUC (MIXED USE CORRIDOR)
8. INSTALL 790 LF ~2" W IN DRIVEWAY TO PROVIDE SERVICE TO NEW LOTS.
9. INSTALL 760 LF ~4" SS IN DRIVEWAY TO PROVIDE SERVICE TO NEW LOTS.
10. DRIVEWAYS PERPENDICULAR TO SACRAMENTO STREET SHALL BE 24' WIDE, DRIVEWAY PARALLEL TO SACRAMENTO TO BE 24' WIDE. SEE TABLE BELOW FOR LOT SIZES.
11. TWO YEAR STORM TO BE RETAINED ON-SITE IN LANDSCAPING AREAS AND PERMEABLE SURFACES. HEAVIER STORMS TO BE DISCHARGED TO EXISTING INDUSTRIAL WASTE LINE.
12. REMOVE EXISTING DRIVEWAYS ON SACRAMENTO STREET AS NECESSARY. REPLACE WITH CONCRETE WITH CURB, GUTTER OF SIDE AND SIDEWALK.

CONSTRUCTION NOTES

1. EXISTING 12" SD LINE TO BE CAPPED AT PROPERTY LINE.

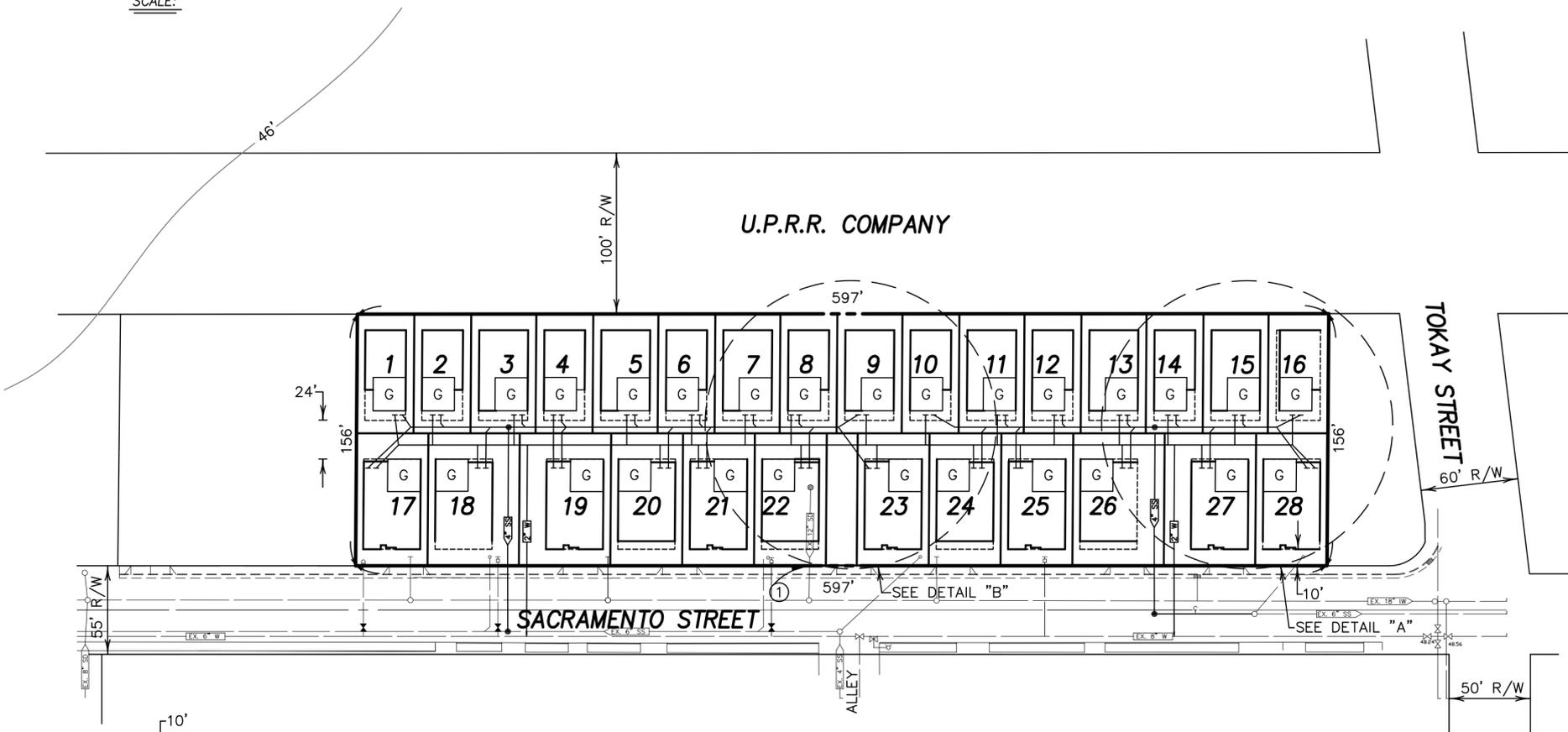
LEGEND

| | |
|--------|-----------------------------------|
| BLDG. | BUILDING |
| DRWY | DRIVEWAY |
| EX. | EXISTING |
| G | GARAGE |
| IW | INDUSTRIAL WASTE |
| P.U.E. | PUBLIC UTILITY EASEMENT |
| R/W | RIGHT OF WAY |
| SS | SANITARY SEWER |
| SD | STORM DRAIN |
| S.F. | SQUARE FEET |
| W | WATER |
| 46 | EXISTING GROUND ELEVATION CONTOUR |



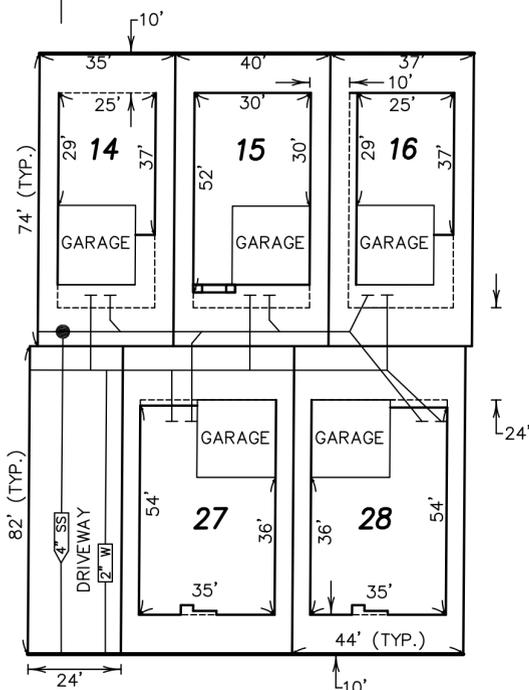
VICINITY MAP

N.T.S.



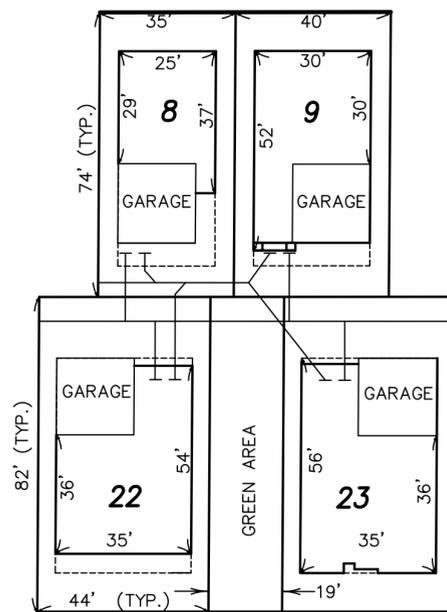
LOT SIZE TABLE

| LOT NO. | LOT S.F. | BLDG. PAD S.F. (INCLUDING GARAGE) | LOT NO. | LOT S.F. | BLDG. PAD S.F. (INCLUDING GARAGE) |
|---------|----------|--------------------------------------|---------|----------|--------------------------------------|
| 1 | 2590 | 1702 | 15 | 2960 | 1816 |
| 2 | 2590 | 1702 | 16 | 2738 | 1702 |
| 3 | 2960 | 1816 | 17 | 3621 | 1497 |
| 4 | 2590 | 1702 | 18 | 3621 | 1200 |
| 5 | 2960 | 1816 | 19 | 3621 | 1497 |
| 6 | 2590 | 1702 | 20 | 3621 | 1200 |
| 7 | 2960 | 1816 | 21 | 3621 | 1497 |
| 8 | 2590 | 1702 | 22 | 3621 | 1200 |
| 9 | 2960 | 1816 | 23 | 3621 | 1497 |
| 10 | 2590 | 1702 | 24 | 3621 | 1200 |
| 11 | 2960 | 1816 | 25 | 3621 | 1497 |
| 12 | 2590 | 1702 | 26 | 3621 | 1200 |
| 13 | 2960 | 1816 | 27 | 3621 | 1497 |
| 14 | 2590 | 1702 | 28 | 3621 | 1497 |



DETAIL "A"

1" = 30'



DETAIL "B"

1" = 30'

RESOLUTION NO. 16-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF BRUCE CAMPER FOR A TENTATIVE SUBDIVISION MAP FOR THE 28 LOT CAMPER – SACRAMENTO STREET SUBDIVISION AND RECOMMEND TO THE CITY COUNCIL APPROVAL OF THE REQUEST FOR 28 MEDIUM-DENSITY GROWTH MANAGEMENT ALLOCATIONS

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 500 and 540 South Sacramento Street, north of Tokay Street. APN: 045-320-02 and 045-320-08; and

WHEREAS, the project applicant is Bruce Camper, 1263 Heidelberg Way, Lodi, CA 95242; and

WHEREAS, the project engineer is Dillon and Murphy, Joe Murphy, 847 N. Cluff Ave., Suite A2, Lodi, CA 95241; and

WHEREAS, the project properties owners of record is a Bruce Camper, 1263 Heidelberg Way, Lodi, CA 95242; and

WHEREAS, the applicant, Bruce Camper, has filed the Camper Sacramento Street Subdivision Map and Growth Management Application with the City of Lodi; and

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

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

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

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

WHEREAS, the Subdivision Map contains 2.14 acres, 28-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 Multi-Family 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 recommends that the City Council award 28 medium 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. Meters, hydrants, poles, etc. shall be located clear of the sidewalk and driveways or as determined by the City Engineer. Final locations and the number of such facilities shall be determined at the time the improvement plans are reviewed.
8. 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. Fencing shall be provided along the north, south and east property lines.
9. 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.
10. 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.
11. 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.

12. 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.
13. 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.
14. 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.
15. The Developer shall notify all purchasers of homes or lots, either through the Department of Real Estate Subdivision Report or, if there is no Subdivision Report, through a statement signed by each buyer and submitted to the City, that the this subdivision is adjacent to an active railroad line. The wording and format for notifying home buyers of this information is subject to approval by the Community Development Director.
16. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.
17. 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.
18. The project shall be developed consistent with the plans approved by the Planning Commission.
19. A comprehensive landscape plan shall be developed for the project by a landscape architect and meet the state water efficiency standards.
20. The applicant shall prepare a noise study or provide construction materials that will reduce internal noise levels to 45 dBs for the project. Typically; triple pane windows, added insulation, purple board gypsum for indoor sound attenuation, and added stucco layers reduce interior noise levels

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.

Building Department

26. Building permit is required for Site work. All plan submittals shall be based on the City of Lodi Building Regulations and currently adopted 2013 California Building code. Please review our policy handouts for specific submittal procedures.
27. The 2013 California Residential Code, Section R313.2 requires all new one and two-family dwellings to have an automatic residential fire sprinkler system installed.
28. Dwelling unit walls less than 3' from the property lines are required to be 1 hour fire rated. 2013 CRC, Section R302, Table R302.1 (2)
29. Sanitary sewer drainage pipe shall be sized as per 2013 CPC, Table 703.2 or 717.1 and is to be sloped a minimum of 1% (4" – 6" pipe). 2013 CPC, Section 718.1

City of Lodi Public Works Department

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

30. 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) Storm drainage facilities design shall conform to the Multi-Agency Post-Construction Stormwater Standards Manual (PCSP) as adopted by City Council on November 4, 2015.

- c) Irrigation plans and plantings shall conform to the Model Water Efficient Landscaping Ordinance (MWELo) per the Governor's Executive Order B-29-12 adopted on December 31, 2015.
- d) 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.
- e) Grading, drainage and erosion control plan.
- f) Copy of Notice of Intent for NPDES permit, including storm water pollution prevention plan (SWPPP).
- g) All utilities, including electrical, gas, telephone and cable television facilities.
- h) Joint Trench plans.
- i) Provide an onsite fire truck/garbage truck turning analysis.

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.

31. Design and installation of public improvements to be in accordance with City master plans. Street, wastewater, storm drainage, and water master plans and design calculations for the development will be required.

a) Street

- i) Install frontage improvements including but not limited to pavement, driveways, streetlights, curb, gutter and sidewalk along Sacramento Street frontage within the project limits in accordance with City Standards.
- ii) All existing unused driveways shall be removed and new curb, gutter, and sidewalk shall be installed per City Standards.
- iii) Access driveways shall be a minimum of 24 feet and function for two way vehicular access.

b) Wastewater

- i) Individual wastewater service shall be provided to each parcel from an on-site private wastewater main.
- ii) The on-site private wastewater pipe shall be connected to the existing 6-inch public wastewater main in Sacramento Street per City Standards. A manhole or riser shall be installed to separate the private wastewater line from the public wastewater line.

c) Water

- i) Individual water service shall be provided to each parcel from an on-site public water main.
- ii) The on-site public water main shall be looped and connected to the existing public water main in Sacramento Street per City Standards.
- iii) Water meter boxes shall be located outside of areas of vehicular travel.

d) Storm Drainage

- i) On-site storm water shall be collected on-site and discharged to a public storm drain system. A manhole or riser shall be installed to separate the private storm water from the public storm water line
- ii) Public storm drain facilities are not available in Sacramento Street. Developer shall install new storm drain facilities to connect to the existing public storm drain system in Tokay Street and/or Chestnut Street. Engineering calculations shall be submitted with the plans.

32. All unused water, wastewater or storm drain connections shall be abandoned at the owner's expense.
33. Project design and construction shall be in compliance with applicable terms and conditions of the Multi-Agency Post-Construction Stormwater Standards Manual (PCSP) as adopted by City Council on November 4, 2015.
 - a) 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 parcel map filing or commencement of construction operations, whichever occurs first.
34. All project design and construction shall be in compliance with the Americans with Disabilities Act (ADA). City of Lodi Standard Plans are in the process of being revised and it should not be assumed that current standard plans are fully ADA compliant. Project compliance with ADA standards is the developer's responsibility.
35. If this project is constructed in phases, the following improvements shall be constructed with the first phase:
 - a) All public frontage improvements.
 - b) Public and private utility mains and services for each parcel including the extension of the public water main from Sacramento Street.
 - c) Private access road improvements.
36. All public improvements to be installed within one year under the terms of an improvement agreement to be approved by the City Council prior to final parcel map filing. The developer will be required to provide warranty security in the amount of 10% of the value of the public improvements. The warranty period will be two (2) years commencing on the date of acceptance of the public improvements.
37. 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.
38. Dedication of utility easements as required by the various utility companies and the City of Lodi, including, but not limited to the on-site public water main.
39. Dedication of the 24' Non-Exclusive Egress and Ingress Easement along the frontage of Lots 1 through 16 and the driveways between properties 18 and 19 and 26 and 27 shall be dedicated for the purposes of access. Said access easement shall be to the approval of the Public Works Department, Community Development Department and Fire Department.
40. 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.
41. The Project will include a Home Owner Association (HOA). HOA for the project shall be provided to the Community Development for review and approval prior to recordation of the final map. HOA shall contain appropriate mechanisms for the permanent ongoing maintenance of facilities, including but not limited to private storm drain system, private wastewater system, common landscaping and shared drives. HOA shall include

appropriate mechanism to assess and collect assessments for said maintenance and the ability to enforce adherence to the HOA. HOA shall clearly provide that the homeowner is responsible for compliance of HOA and also responsible and liable for any renter's violations of the HOA. The HOA shall also discuss guest parking and garbage pick-up. Following approval of the HOA by staff, the HOA shall be recorded concurrently with the final map.

42. Submit final map per City and County requirements including the following:
 - a) Preliminary title report.
 - b) Standard note regarding requirements to be met at subsequent date.
 - c) Waiver of access rights on Sacramento Street except at driveway locations specifically approved by the Public Works Department.
 - d) Parcel Map Guarantee.
 - e) Annexation to Community Facilities District 2007-1.
 - f) Home Owners Association's proposed Declaration of Covenants, Conditions, and Restriction.
43. Payment of the following:
 - a) Filing and processing fees and charges for services performed by City forces per the Public Works Fee and Service Charge Schedule.
 - b) Development Impact Mitigation Fees per the Public Works Fee and Service Charge Schedule at the time of certificate of occupancy.
 - c) Water meter installation fees at the time of building permit issuance for each parcel.
 - d) Regional Transportation Impact Fee (RTIF) at the time of building permit issuance for each parcel.
 - e) Stormwater compliance inspection fee prior to parcel map filing or commencement of construction operations, whichever occurs first.
 - f) Annexation into the City of Lodi Community Facilities District – Estimated at \$10,000 prior to recording the final subdivision map. The annexation process generally requires 2-3 months to complete.

The above fees are subject to periodic adjustment as provided by the implementing ordinance/resolution. The fee charged will be that in effect at the time of collection indicated above.
44. Obtain the following permits:
 - a) Grading Permit issued from the City of Lodi Building Department.
 - b) Encroachment Permit issued from the City of Lodi Public Works Department for any work within the public right of way or on existing public water, wastewater and storm drain infrastructure.
 - c) NPDES Construction General Permit (SWPPP)
 - d) San Joaquin Valley Air Pollution Control District (SJVAPCD) permits

The following comments are provided as a matter of information. The items listed are not requirements of the Public Works Department, but indicate conditions normally imposed by other City departments or agencies which affect and/or need to be coordinated with the design and installation of Public Works requirements:

1. On-site fire protection as required by the Fire Department.

2. Landscaping and irrigation system as required by the Community Development Department.
3. Applicable agreements and/or deed restrictions for access, use and maintenance of shared, private facilities to Community Development Department approval.

Dated: September 14, 2016

I certify that Resolution No. 16-XX was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on September 14, 2016 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST

Secretary, Planning Commission

DRAFT

Item 3b



**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: September 14, 2016

APPLICATION NO: Use Permit: 2016-22 U

REQUEST: Request for Planning Commission approval of a Use Permit to allow a Type-21 Off-Site Beer, Wine and Spirits sales at a convenience store at 1420 West Kettleman Lane. (Applicant: HarPreet Kaur; File 2016-22 U; CEQA Determination: Exempt per Section 15321)

LOCATION: 1420 West Kettleman Lane
APN 060-020-01

APPLICANT: RAJA Market
c/o HarPreet Kaur
3011 Sofia Way
Stockton, CA

PROPERTY OWNER: Wine Country Plaza, LLC
Chris Gianuliac
PO Box 576469
Modesto, CA 95357

RECOMMENDATION

Staff recommends that the Planning Commission approve the Use Permit request of Har Preet Kaur for a Type 21 Beer, Wine and Spirits license at 1420 West Kettleman Lane, subject to the conditions in the attached resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: Mixed Use Corridor
Zoning Designation: PD(15) – Commercial (Mixed Use Corridor)
Property Size: 2.52 acres – 1,500 sq. ft. tenant space

The adjacent zoning and land use characteristics:

| | ADJACENT ZONING DESIGNATIONS AND LAND USES | | |
|--------------|--|--------------------------|---------------------------|
| | GENERAL PLAN | ZONING CLASSIFICATION | EXISTING LAND USE |
| North | Public | Public | Municipal Service Center |
| South | Low Density Residential | PD(15) – Residential | Single Family Residential |
| East | PD(15) - Commercial | MCO – Mixed Use Corridor | Commercial |
| West | Mixed Use Corridor | PD(21) | Offices |

BACKGROUND

The project site is the Wine Country Plaza commercial center. The center has a mixture of retail, service, office and restaurant spaces. The applicant is proposing a convenience store within the commercial center. A convenience store is an allowed use. The alcohol sales requires a use permit.

The applicants currently have a convenience store in Stockton with a Type 21 ABC License - Beer, Wine and Spirits license. They are looking to move their business to Lodi and transfer their existing ABC license. They have operated their store in Stockton for 12 years.

REQUEST

The proposal is to convert an existing retail space into a convenience store.

The convenience store hours will be seven days a week from 7:00 a.m. to 12:00 a.m. (mid-night). All alcohol sales would stop at 12:00 midnight.

There will be 2 to 3 employees with 2 employees per shift.

The store will be 1,500 sq ft in size and sell items that reduce trips to grocery stores.

The small percentage of the floor area committed to the Type 21 license would be secondary to the predominate use as a convenience store. Appropriate conditions of approval have been crafted to control the sales of alcohol and provide for the periodic review to ensure the use does not become a local nuisance to the neighborhood from increased homelessness, vagrancy or increased crime to the business.

ANALYSIS

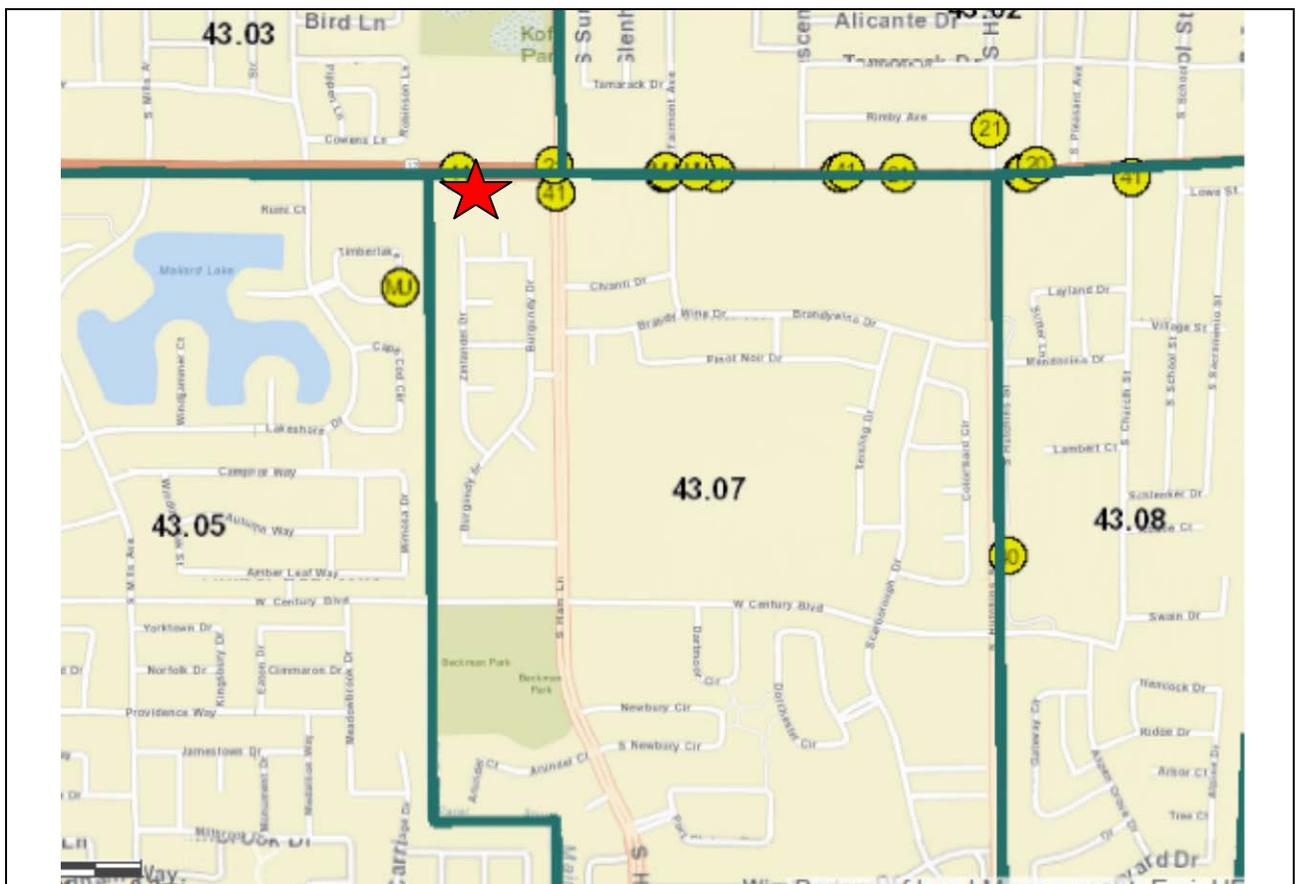


Figure 1 - Census Tract 43.07

The project site is within Census Tract 43.07, which covers the area as shown in Figure 1. The area is not over-concentrated as defined by ABC for licenses. Other ABC licenses in this census tract include grocery store and gas station sales of alcohol for off-site consumption.

The discretionary Use Permit procedure enables the Planning Commission to impose conditions designed to avoid, minimize or mitigate potentially adverse effects of a certain use upon the community or other properties in the vicinity. Staff believes the Planning Commission can make the required findings to approve the requested Use Permit. The required findings are supported as follows:

1. *The proposed use is allowed with a Use Permit within the applicable zoning district and complies with all applicable provisions of this Development Code. **Evidence:*** The requested permit would allow a convenience store, within the Mixed Use Corridor Zoning District, to sell alcohol off-site in accordance with Development Code Section 17.22.030. Conditions of Approval have been prepared that will provide appropriate rules for the alcohol sales and the needed review of the operation to ensure the sales do not become a neighborhood problem.
2. *The proposed use is consistent with the General Plan and any applicable specific plan. **Evidence:*** The General Plan land use designation and Zoning for this area is Mixed Use Corridor, which provides for sale of alcohol. The proposed sale of beer, wine and spirits is allowed in conjunction with a convenience store operation. The sale of alcoholic beverages as part of a convenience store is an acceptable and customary convenience to the local residences in the area. The project is not within a Specific Plan, which would have additional rules on the sale of alcohol different from the properties overlay zoning.
3. *The location, size, design and operating characteristics of the use or development is compatible with and shall not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the area, or be detrimental or injurious to public or private property or improvements. **Evidence:*** The proposed sale of alcohol in conjunction with the convenience store operation is compatible with existing and future land uses in the immediate vicinity of the project area. The sale of alcohol in the store is consistent with other similar retail commercial uses in the census tract. The sales of alcohol will not increase the existing floor area of the building and therefore the current on-site parking will be adequate to support the store.
4. *The location, size, design, and operating characteristics of the proposed use would be compatible with the existing and future land uses in the vicinity. **Evidence:*** The proposed use, as conditioned, will not have an adverse effect upon the use, enjoyment or valuation of property in the neighborhood because the proposed use will be located within an existing building with no additions to the footprint of the building. The proposed sale of alcohol in a convenience store is customary for these types of businesses. Lastly, it is found that the sale of alcoholic beverages as part of a convenience store is a convenience to the local residences that does not typically create alcohol related problems. The store hours will be a limiting feature in the control of alcohol sales, in that the store will be closed by 12PM reducing the probability of late night homelessness loitering in the neighborhood
5. *The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the Lodi Environmental Review Guidelines. **Evidence:*** The project was found to be Categorical Exempt according to the California Environmental Quality Act, §15321, Class 21 (a) (2). The project is classified as an “Enforcement action by regulatory agencies” because it is the “adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective.” No significant environmental impacts are anticipated and no mitigation measures are required.

Staff sent a copy of the application to various City departments for comment and review. Their comments and requirements have been incorporated into the attached resolution. Staff believes the Commission can make the required findings to approve the Use Permit Amendment as proposed. The existing property use does not have any complaints over the use and operations. In staff's opinion, the proposed modification would not produce any adverse impacts on the adjacent properties in terms of noise, parking, litter, disorderly behavior, or other objectionable influences. The permit is conditioned to mitigate typical concerns related to noise and nuisance related to late night activities. If, in the future, concerns arise, and the Director/Police Department determines it necessary, the Use Permit can be subject to review by the Planning Commission to consider the business's operation for compliance with the conditions of the Use Permit.

ENVIRONMENTAL ASSESSMENT:

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

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published in the Lodi News Sentinel on Saturday, September 3 2016. Thirty-eight (38) public hearing notices were sent to all property owners of record within a 300-foot radius of the project site as required by California State Law §65091 (a) 3. Public notice also was mailed to interested parties who expressed their interest of the project.

RECOMMENDED MOTIONS

Should the Planning Commission agree with staff's recommendation, the following motion is suggested:

"I move that the Planning Commission adopt a Resolution finding that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321, and adopt a Resolution approving the Use Permit to allow the sale of beer, wine and spirits Alcoholic Beverage Control Type 21 license at 1420 West Kettleman Lane, for RAJA Market subject to the findings and conditions of approval contained in the draft Resolution."

ALTERNATIVE PLANNING COMMISSION ACTIONS:

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

Respectfully Submitted,

Concur,

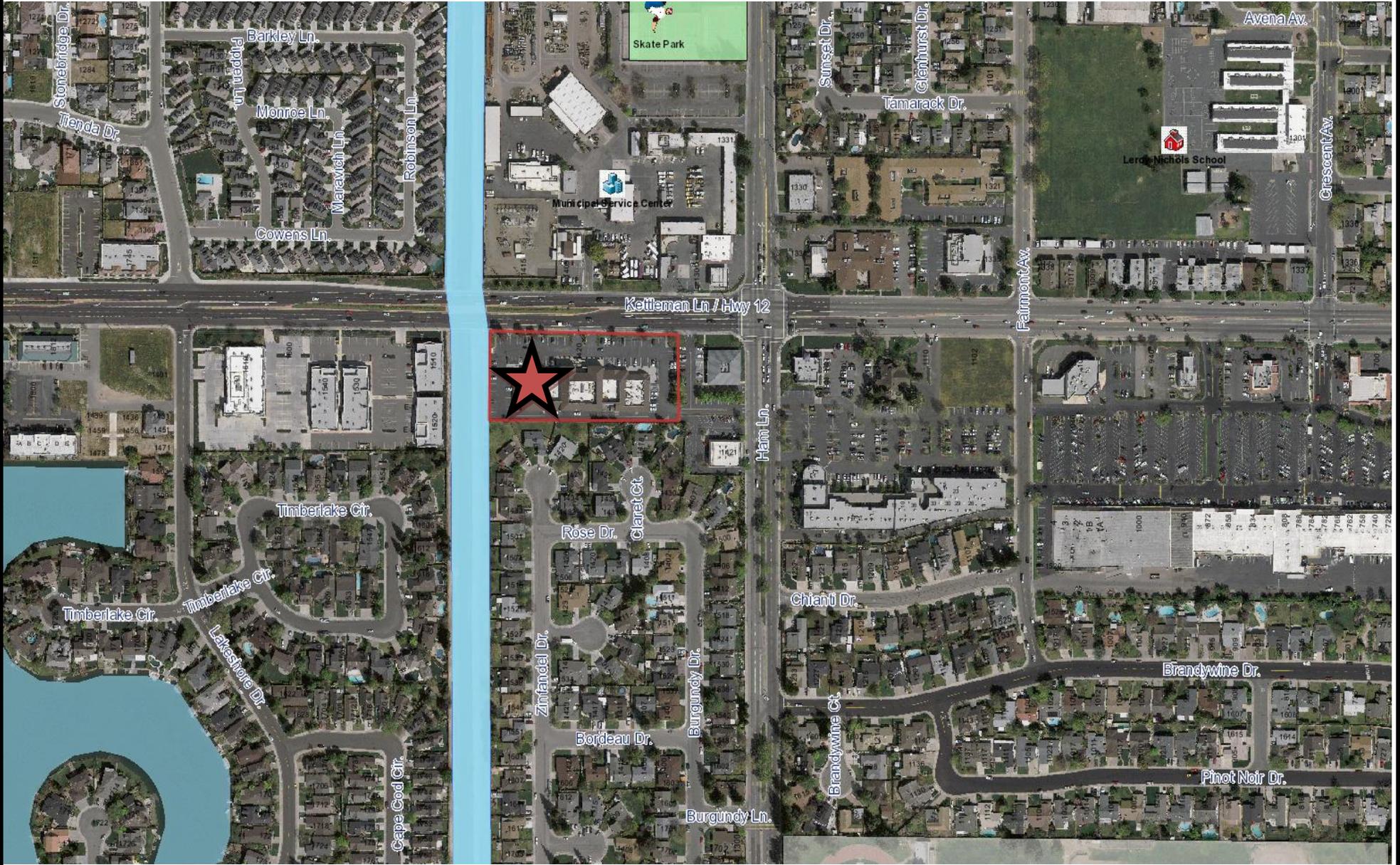
Craig Hoffman
City Planner

Stephen Schwabauer
Community Development Director

ATTACHMENTS:

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

VICINITY MAP



1420 West Kettleman Lane

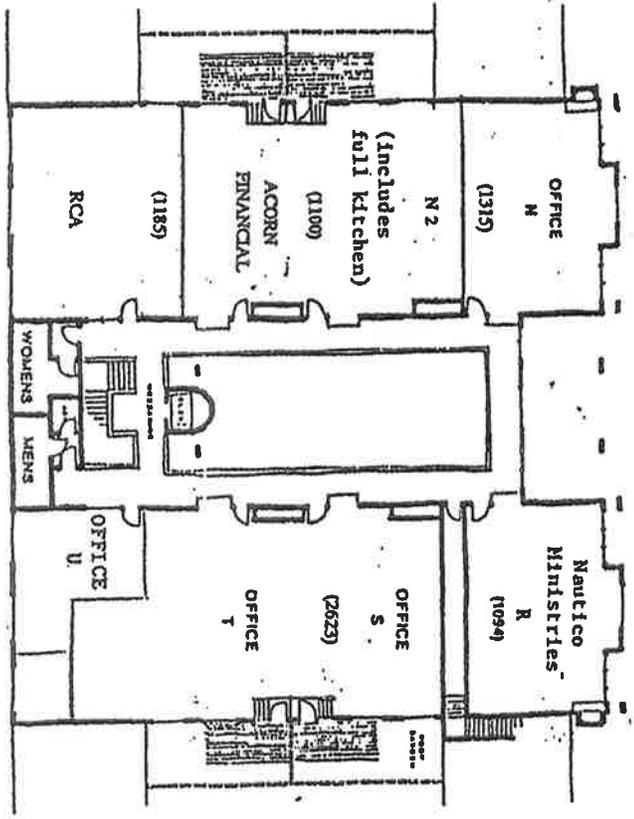
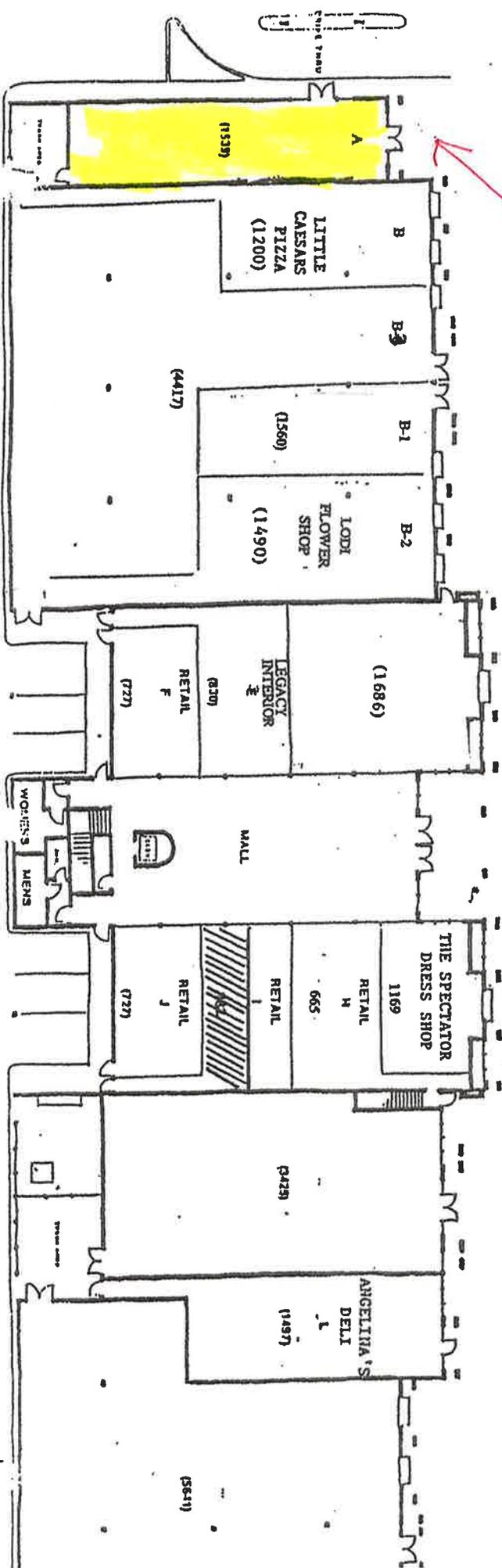
STATISTICS:

Total Site: 104,989 sf
 Total Building: 40,164 sf
 Parking: 131 cars
 Retail Space: 28,512 sf
 Office Space: 8,568 sf
 Mall Lobby: 2,380 sf

FLOOR PLANS NOT TO SCALE

NO INITIAL

A



MEZZANINE

SPECIAL FEATURES:

- 10-Passenger Elevator
- Ceiling Skylights above Main Lobby
- 2nd Floor Mezzanine overlooking Me
- 8 Interior Mall Shops - 6 Outdoor Sh
- 9' Ceiling Height in Office
- Roof Gardens & Fireplaces in Office

RESOLUTION NO. P.C. 16-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF HARPREET KAUR FOR A TYPE 21 BEER, WINE AND SPIRITS LICENSE AT 1420 WEST KETTLEMAN LANE

- WHEREAS**, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Use Permit, in accordance with the Lodi Municipal Code, Section 17.74; and
- WHEREAS**, the project proponents are RAJA Market, c/o HarPreet Kaur, 3011 Sofia Way, Stockton, CA; and
- WHEREAS**, the project parcel is owned by Wine Country Plaza, LLC, Chris Gianuliac, PO Box 576469, Modesto, CA 95357; and
- WHEREAS**, the project is located at 1420 West Kettleman Lane, Lodi, CA (APN 060-020-01); and
- WHEREAS**, the property has a General Plan designation of Mixed Use Corridor and is zoned PD(15) – Commercial - Mixed Use Corridor (MCO); and
- WHEREAS**, the requested Use Permit is to allow for off-site beer, wine and spirits sales (Type 21 license) for the proposed convenience store; and
- WHEREAS**, Census Tract 43.07 in which the proposed is located is not over-concentrated as defined by ABC for licenses; and
- WHEREAS**, the City of Lodi has taken all legal prerequisites to the adoption of this Resolution have occurred.
- WHEREAS**, a gas station requires the approval of a Use Permit by the Planning Commission; and
- WHEREAS**, based upon the facts and analysis presented in the staff report, and public testimony received and subject to the conditions of approval listed below, the Planning Commission finds that the establishment, maintenance or operation for the requested use or building applied for, will not, under the circumstances of this particular case, be detrimental to the health, safety, morals, comfort, convenience and general welfare of the persons residing or working in the neighborhood of such proposed use, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City; and
- WHEREAS**, all legal prerequisites to the adoption of this Resolution have occurred; and

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

1. The project was found to be Categorically Exempt according to the California Environmental Quality Act, §15321, Class 21 (a) (2). The project is classified as an “Enforcement action by regulatory agencies” because it is the “adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective.” No significant environmental impacts are anticipated and no mitigation measures are required.
2. The requested permit would allow an existing convenience store, within the Mixed Use Corridor Zoning District, to off-site sell alcohol in accordance with Development Code Section 17.22.030. Conditions of Approval have been prepared that will provide appropriate rules for the alcohol sales and the needed review of the operation to ensure the sales do not become a neighborhood problem.
3. The General Plan land use designation and Zoning for this area is Mixed Use Corridor, which provides for sale of alcohol. The proposed sale of beer, wine and spirits is allowed in conjunction with a convenience store operation. The sale of alcoholic beverages as part of a convenience

store is an acceptable and customary convenience to the local residence. The project is not within a Specific Plan, which would have additional rules on the sale of alcohol different from the properties overlay Zoning.

4. The proposed sale of alcohol in conjunction with the convenience store operation is compatible with existing and future land uses in the immediate vicinity of the project area. The sale of alcohol in the store is consistent with other similar retail commercial uses in the census tract. The sales of alcohol will not increase the existing floor area of the building and therefore the current on-site parking will be adequate to support the store.
5. 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.
6. The proposed sale of alcohol in a convenience store is customary for these types of businesses. Lastly, it is found that the sale of alcoholic beverages as part of a convenience store is a convenience to the local residences that does not typically create alcohol related problems.
7. The store hours will be a limiting feature in the control of alcohol sales, in that the store will be closed by 12PM reducing the probability of late night homelessness loitering in the neighborhood

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Use Permit Application No. 2016-22 U is hereby approved, subject to the following conditions:

1. The applicant/project proponent and/or property owner and/or developer and/or successors in interest and management shall, at their sole expense, defend, indemnify and hold harmless the City of Lodi, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this Use Permit approval. The obligation to defend, indemnify and hold harmless shall include, but is not limited to, any action to arbitrate, attack, review, set aside, void or annul this Use Permit approval on any grounds whatsoever. The City of Lodi shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.
2. The applicant/project proponent and/or property owner and/or developer and/or successors in interest and management shall operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control. Material violation of any of those laws in connection with the use may be cause for revocation of this Use Permit.
3. Starting from the effective date the business commences, this Use Permit shall be subject to a three –month, six-month and one-year review by Community Development Department and/or the Police Department. If the Community Development Department/Police Department determines it necessary, the Use Permit shall be subject to review by the Planning Commission to consider the business's operation for compliance with the conditions of the Use Permit, and in response to any legitimate complaints thereafter. Further, the City reserves the right to periodically review the area for potential problems. If problems (on-site or within the immediate area) including, but not limited to, public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct result from the proposed land use, the Use Permit may be subject to review and revocation by the City of Lodi after a public hearing and following the procedures outlined in the City of Lodi Municipal Code. Additional reviews may be prescribed by the Community Development Department, the Police Department and/or Planning Commission as needed during and after the one year probationary period.

4. If operation of this use results in conflicts pertaining to parking, noise, traffic, loitering, public safety or other impacts, at the discretion of the Community Development Department, this conditional use permit may be referred to the Planning Commission for subsequent review at a public hearing. If necessary, the Commission may modify or add conditions of approval to mitigate such impacts, or may revoke said conditional use permit bound upon applicable findings.
5. The City Council, Lodi Police Department, the Planning Commission and City staff may, at any time, request that the Planning Commission conduct a hearing on this Use Permit for the purpose of amending or adding new conditions to the Use Permit or to consider revocation of the Use Permit if the Use Permit becomes a serious policing problem.
6. The Applicant/Operator and/or successors in interest and management shall insure that the sale of alcohol does not cause any condition that will cause or result in repeated activities that are harmful to the health, peace or safety of persons residing or working in the surrounding area. This includes, but is not limited to: disturbances of the peace, illegal drug activity, public intoxication, drinking in public, harassment of people passing by, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, excessive loud noises, traffic violations or traffic safety based upon last drink statistics, curfew violations, lewd conduct, or police detention and arrests.
7. All owners, managers and employees selling alcoholic beverages shall undergo and successfully complete a certified training program in responsible methods and skills for selling alcoholic beverages. The certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service or other certifying/licensing body, which the State may designate. The establishment shall comply with the requirements of this section within 30 calendar days of effective date of this Use Permit. Records of each owner's, manager's and employee's successful completion of the required certified training program shall be maintained on the premises and shall be presented upon request by a representative of the City of Lodi. The business owner shall be responsible for on-going training to accommodate changes in personnel.
8. No person who is in a state of intoxication shall be permitted within the business nor shall an intoxicated patron be sold additional alcoholic beverages. It is the responsibility of the business owner/operator to ensure no patron in state of intoxication is allowed into the premise.
9. The business shall have interior security video cameras operating during all hours that the business is open. The videotapes of the security video cameras shall be maintained for a minimum period of 30 days, and the videotapes must be made immediately available for any law enforcement officer who is making the request as a result of official law enforcement business. The video cameras must be positioned in a way to capture the facial features of anyone entering the business and include cameras that capture all money handling areas. If the Chief of Police determines that there is a necessity to have additional security cameras installed, the owner of the business must comply with the request within 7 calendar days. The Chief of Police can also require that the business change the position of the video cameras if it is determined that the position of the cameras do not meet security needs. The owner of the business must comply with the request within 7 calendar days. The said security video camera shall be installed and approved prior to business opening.
10. Prior to commencement of the use, the applicant shall prepare and submit a practical program for controlling litter, spills, and stains resulting from the use on the site to the Community Development Department for review and approval. The program shall include a detailed time frame for the policing and cleanup of the public sidewalk and right-of-way in front of the subject. Failure to comply with that program shall be considered a violation of the Use Permit and shall be subject to administrative remedy in accordance with Chapter 17.72 and Chapter 17.88 of the City of Lodi Municipal Code.
11. The subject property and its immediate surrounding shall be maintained neat and clean at all times. The subject property and its immediate surrounding shall be maintained free from debris and graffiti at all times. The property owner shall remove any debris or graffiti within 24-hours upon

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

12. In the event of graffiti or other extraneous markings occurring, the applicant/operator and/or successors in interest and management shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
13. Any change in operational characteristics, expansion in area or other modification to the approved plans shall require an amendment to this Use Permit or the processing of a new Use Permit.
14. The Applicant/Operator shall operate and abide by the requirements and conditions of the State of California Department of Alcoholic Beverage Control for a Type 21 Licenses. The off-site sale of beer, wine and spirits shall occur only during the hours of 7:00 am to 12:00pm. Any change of hours shall require an amendment to the Use Permit, as prescribed within the Zoning Code.
15. Beer, wine coolers and/or malt beverages shall be sold in original factory packaging of a six-pack or greater, except wine or malt based coolers shall be sold in the original factory assembled four-pack or greater.
16. The sale of wine shall be in bottles or containers no smaller than 750ml, with two exceptions: 1.) dessert wines shall be no smaller than 375ml, and 2.) wine containers smaller than 750ml may only be sold in manufacturers pre-packaged multi-unit packs that are no smaller than a four-pack.
17. Any changes to the existing building, which are regulated by the current codes, shall require a building permit. All plan submittals shall be based on the City of Lodi Building Regulations and currently adopted 2013 California Building code. Please review our policy handouts for specific submittal procedures.
18. 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.
19. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

I certify that Resolution No. 16-XX was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on September 14, 2016 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: September 14, 2016

APPLICATION NO: Use Permit: 2016-25 U

REQUEST: Request for Planning Commission approval of a Use Permit to allow a yoga and health training studio within an office building located at 340 South Fairmont Ave. (Applicant: Jennifer Kupka; File 2016-25 U; CEQA Determination: Categorical Exemption Pursuant to CEQA Guidelines Section 15301 - Existing Facility)

LOCATION: 340 South Fairmont Ave
Lodi, CA 95240
APN: 033-110-35

APPLICANT: Flow and Fuction
Ms. Jennifer Kupka
P.O. Box 10
Acampo, CA 95220

PROPERTY OWNER: Paul Calosso
P.O. Box 971
Lockeford, CA 95237

RECOMMENDATION

Staff recommends that the Planning Commission approve the Use Permit to allow a yoga and health training studio within an office building located at 340 South Fairmont Street, subject to the conditions outlined in the attached resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: Office

Zoning Designation: Office

Property Size: 0.23 acres – 10,000 sq ft - with a 2,500 sq ft building

The adjacent zoning and land use are as follows:

| ADJACENT ZONING DESIGNATIONS AND LAND USES | | | |
|---|----------------------------|----------------------------|-------------------------|
| | GENERAL PLAN | ZONE | LAND USE |
| North | Mixed Use Corridor | MCO | Commercial building |
| South | Office | Office | Medical office building |
| East | Medium Density Residential | Medium Density Residential | Single family homes |
| West | Office | Office | Multi-family housing |

ANALYSIS

The applicant applied for Planning Commission approval of a personal yoga and health studio at 340 South Fairmont Street. The Studio provides individual and group training sessions. Attachment B provides a summary of the proposal along with site plan and floor plan.

The business is comprised of 1 owner and eventually 6 employees/trainers. The business is designed for individual and class programs designed for up to 20 individuals at a largest class.

Class schedule is 6:00 am, 7:30 am, 5:30 pm and 7:00 pm – Monday thru Friday and 8:00 am, 10:00 am and 4:30 pm on Saturday and Sunday. The applicant intends to provide classes in hours that are opposite of typical office business hours of 8:00 am to 5:00 pm. The proposed yoga studio does not generate a great deal of peak traffic and parking. Any overflow parking can be accommodated on the street.

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 property is zoned Office on the City of Lodi Zoning Map, and is designated Office on the General Plan Land Use Map. Surrounding land uses include a combination of office, commercial and residential type land uses, and various service type uses. A yoga and health studio/facilities in the office zoning district requires discretionary review and approval of a Use Permit per Lodi Development Code § 17.20.030.

Parking: There are approximately 10 existing parking spaces on-site and ample parking on Fairmont Ave. The peak business hours for the yoga studio are off-hours for the surrounding office and commercial uses.

The proposed use has been reviewed and analyzed to ensure that traffic impacts and parking deficiencies will not arise. To staff's knowledge this area has not suffered parking constraints or excess street traffic.

Noise: All fitness and health 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 1,500-square-foot tenant space located within an office zoning district, which permits 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 Office, 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 1,500 sq. ft. tenant space of a 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 office / commercial 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.
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 office 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 §15301. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Examples include but are not limited to: interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances. 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 yoga training studio is appropriate for the proposed location in that it would occupy an existing vacant tenant space. 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 found to be categorically exempt from CEQA review under 14 CCR §15301. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Examples include but are not limited to: interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances. 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, September 3, 2016. Thirty (30) 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 15301 and approve the Use Permit for Jennifer Kupka to operate a yoga studio within the office 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
City Planner

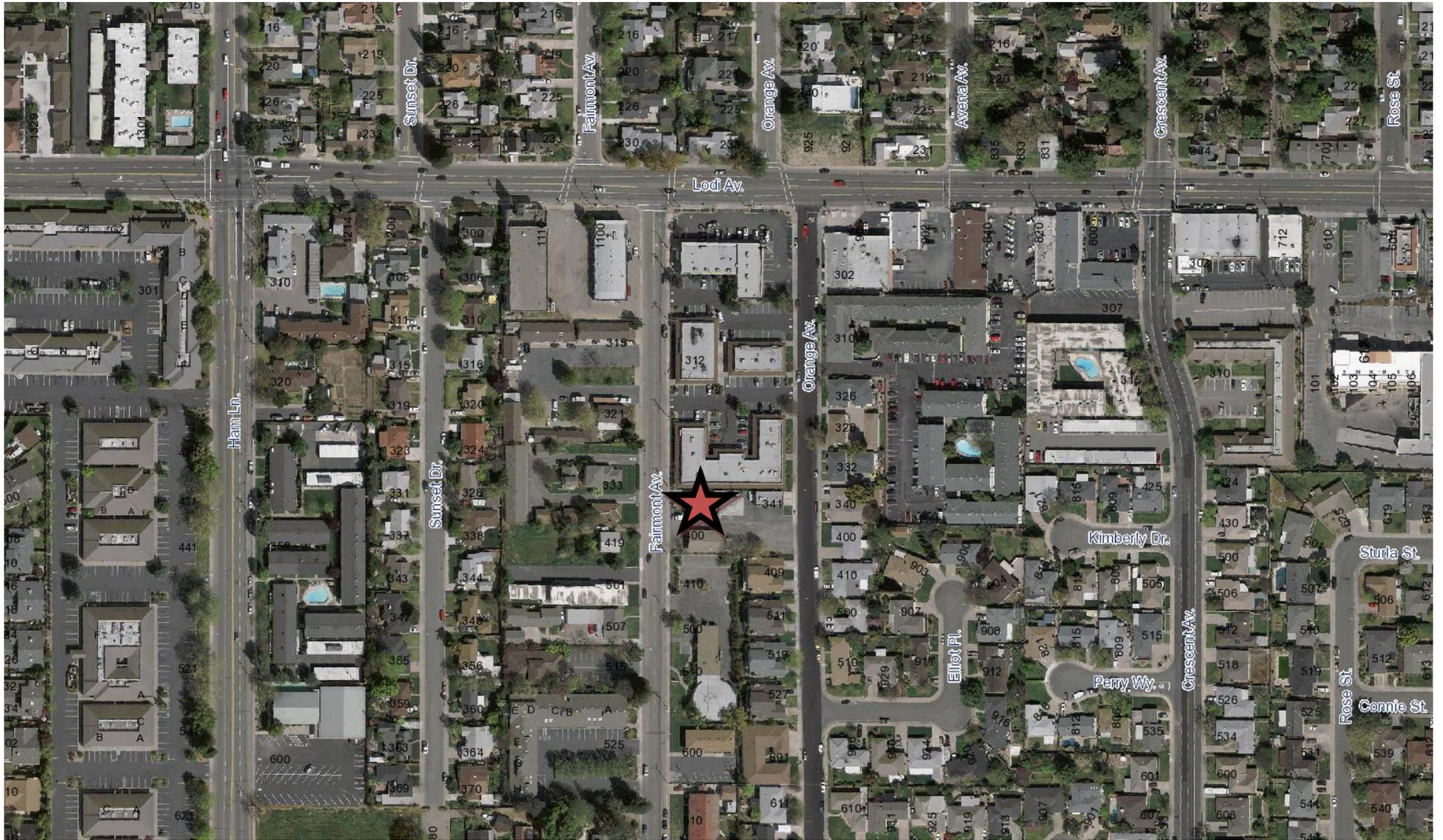
Stephen Schwabauer
Community Development Director

ATTACHMENTS

- A. Vicinity / Aerial Map
- B. Applicant's Proposal with Floor Plan
- C. Draft Resolution

VICINITY / AERIAL MAP

North



South

340 South Fairmont Ave.

FLOW + FUNCTION YOGA STUDIO

USE PERMIT SUMMARY

background

Flow + Function Yoga Studio was founded and is being run by Jennifer Kupka. Jennifer is a life-long Lodi native, and is most well-known for managing the Lodi Airport Café.

Jennifer is a Registered Yoga Teacher (RYT) and is opening Flow + Function Yoga Studio at 340 S. Fairmont to teach yoga as well as provide health coaching and Ayurvedic consulting.

number of employees

Initially Flow + Function will have two (2) employees (Jennifer and one-part time administrative staff person), with plans to have up to a total of six (6) employees. The employees will rarely be at the studio at the same time, as the employees will be instructing classes at different times throughout the day and week. It is most likely that there will be two (2) employees at the studio at any given time.

facility information

Jennifer recently executed a multi-year lease at 340 S. Fairmont Avenue in Lodi. 340 S. Fairmont's commercial footprint is approximately 1,500 rentable square feet, contiguous on the first floor. 340 S. Fairmont was purchased in May 2016 by Paul Calosso. The tenant (a boat rental agency) previously occupying the space moved out in July 2016.

Jennifer and her designer have plans to significantly remodel and upgrade the existing interior improvements, exterior signage and exterior landscaping once the use permit and building permits have been issued.

Jennifer plans to grow the membership/clientele organically and deliberately. Membership will be available on a monthly basis, and customers are welcome to attend classes on a "walk-in" basis. She has no members currently, but has plans to achieve a membership base of 100-200 over the first three (3) years of opening the studio.

configuration

The space is currently configured as per the attached exhibit, and will be modified to the configuration on the following page of the exhibit.

class schedule

Classes will be likely be held at 6:00 am, 7:30 am, 5:30 pm and 7 pm, Monday through Friday and 8:00 am, 10:00 am, and 4:30 pm Saturday and Sunday. The studio (at maximum capacity) will hold approximately 20 students, 1 instructor and 1 staff person. Not all classes are anticipated to be at maximum capacity.

Flow + Function also offers one-on-one health and ayurvedic consulting throughout the day (between 8 and 4:30).

parking (on-site and immediate neighborhood)

340 S. Fairmont features total on-site parking of approximately eleven (11) vehicles. Three (3) on the north side of the building, seven (7) on the south side of the building, and one (1) garage space.

340 S. Fairmont is bordered by Fairmont Avenue to the west which has unencumbered street parking on both sides (east and west).

340 S. Fairmont is bordered by S. Orange Avenue to the east which has unencumbered street parking on both sides (east and west).

340 S. Fairmont is bordered by New Hope Community Church to the north (330 S. Fairmont Avenue). Based on our research, their services are predominantly on Sunday at 10:30 am, with administrative services Monday through Friday between 8:00 am and 3:00 pm. (<http://www.newhopecommunitychurchlodi.com/#!/blank-2/tvaxi>). 330 S. Fairmont (New Hope Community Church) has parking available within its own parking lot as well. Our proposed use of the street level parking should have very minimal impact on their heaviest use on Sunday mornings.

340 S. Fairmont is bordered by a vacant building to the south (400 S. Fairmont Avenue). 400 S. Fairmont has a surface parking lot that services that building immediately to the east of the structure. Even if this building were occupied, our proposed use of the street level parking (3 stalls nearby as outlined below) should have very minimal impact on their use of the building.

At maximum capacity, Flow + Function would require an additional ten (10) stalls on the street. There is one available stall immediately in front of the building. Assuming the average American vehicle is fifteen (15) feet in length with a three (3) foot buffer to the next vehicle, we can park seven (7) vehicles to the north along the S. Fairmont and three (3) additional vehicles to the south. There will be impact to the residential use on the west side of S. Fairmont, and we will not require any parking on S. Orange.

signage

Flow + Function plans to rehabilitate the existing exterior signage. Any modifications will confirm with all City of Lodi code.

noise

All classes and consultations will occur inside the building. There will be no additional or any noise impact upon the surrounding area.



FLOW + FUNCTION *designing the way we live*

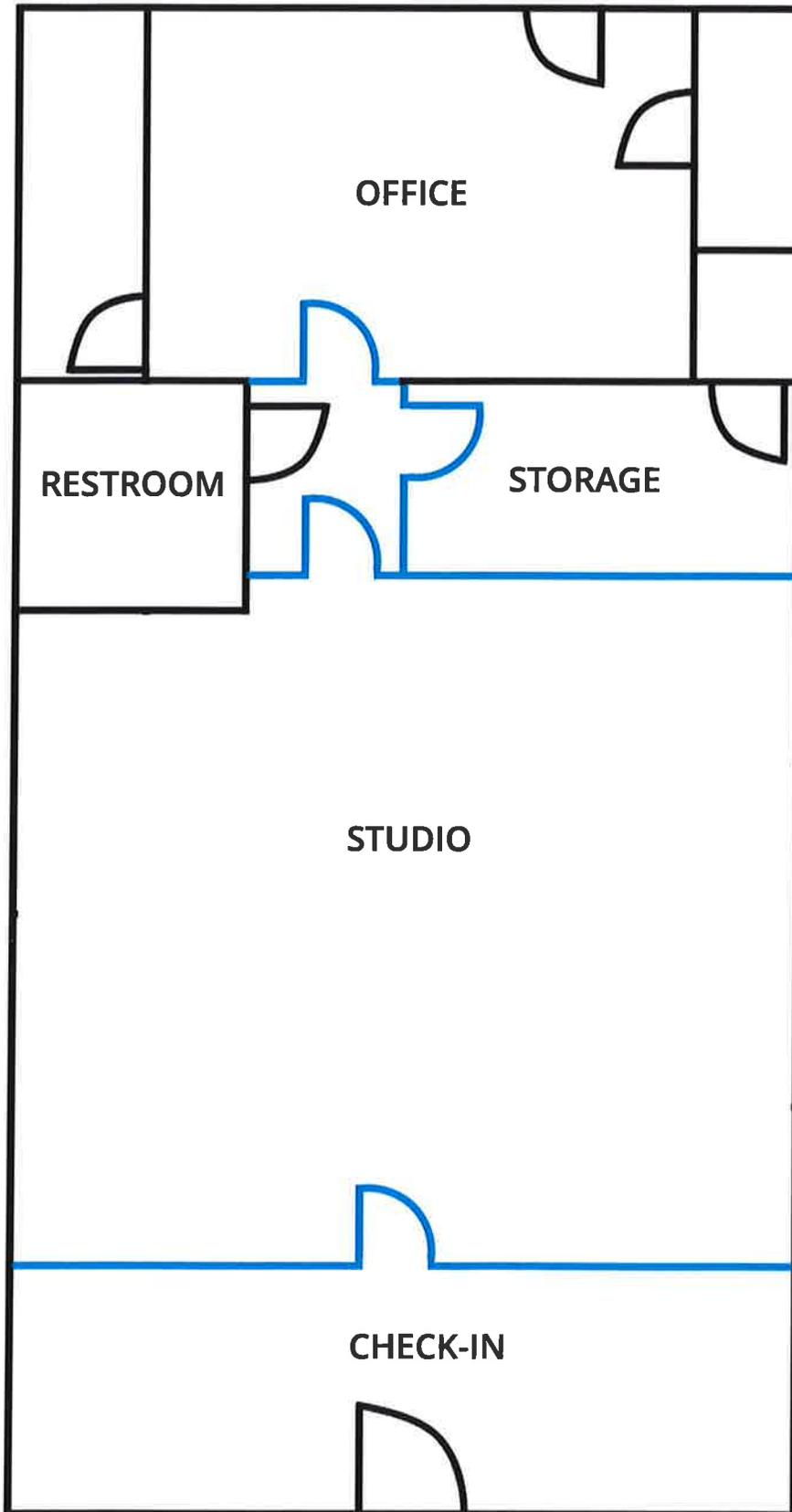
PARKING OVERVIEW



FLOW + FUNCTION

Yoga Studio & Wellness Center

CONSTRUCTION PLAN



GENERAL NOTES

- New window coverings throughout (style TBD)
- Blue denotes new wall construction
- Wall construction to be done in front or backside of existing wood beams to preserve existing condition
- New interior doors to be solid core (style TBD)
- All existing and future walls to be smooth textured
- Door hardware to be replaced (style TBD)
- New or painted baseboard throughout

OFFICE

- New 18" square carpet tiles
- Remove kitchenette
- Replace kitchenette lower cabinetry (style TBD)
- Replace kitchenette sink (style TBD)
- New LED can fixtures

STORAGE

- New 18" square carpet tiles
- New LED suspended fixture (style TBD)

RESTROOM

- New LVT or similar flooring (style TBD)
- New wall treatments to match space

STUDIO

- New hardwood floors
- New suspended LED fixtures (style TBD)
- Built-in wood shelving on new wall

CHECK-IN

- New hardwood floors / or concrete

EXTERIOR

- Update entry landscaping
- Replace top portion of existing pole sign for Tenant's logo/sign
- Stucco finish exterior planter boxes

RESOLUTION NO. P.C. 16-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING A USE PERMIT TO ALLOW A YOGA STUDIO AND HEALTH TRAINING FACILITY WITHIN AN EXISTING OFFICE BUILDING LOCATED AT 340 SOUTH FAIRMONT AVE

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 340 South Fairmont Ave, Lodi, CA 95240 (APN: 033-110-35); and

WHEREAS, project proponent is Flow and Fuction, Ms. Jennifer Kupka, P.O. Box 10, Acampo, CA 95220; and

WHEREAS, the project property owner is Paul Calosso, P.O. Box 971, Lockeford, CA 95237; and

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

WHEREAS, the requested Use Permit to allow yoga studio and training facility within an existing office building located at 340 South Fairmont Ave; 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 §15301. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Examples include but are not limited to: interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances. 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 1,500-square-foot tenant space located within an office zoning district, which permits 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.
3. The General Plan land use designation for the project site is Office, 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 affect neighborhood compatibility; and will not cause the operation of the conditional use to be detrimental to the welfare of persons or properties working, residing, or otherwise existing in the adjacent neighborhood areas.
4. The proposed use is within a 1,500 sq. ft. tenant space of a 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 office / commercial 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 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 office 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.
6. The availability of public facilities and utilities is adequate to serve the proposed use, in that the proposed yoga 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. 2016-25 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 building at 340 South Fairmont Ave.
11. The activities allowed by the use permit cover fitness studio activities and health related activities that would be consist with that use.
12. In the event that on-street parking becomes an issue, the applicant and staff will work together to find solutions. If nuisance activities occur, review by the Commission may be warranted.

Building - General Comments:

13. The change of use/occupancy of the suite 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.
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 calculated occupant load of the suite 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
 - 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
- g) Fire rated separation between this suite and the adjoining occupancies may be required as per 2013 CBC, Table 5084.
- 16. 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.
- 17. The California Building Code (Title 24 Section 11B-202) requires that existing buildings, when alterations are made, shall be verified for compliance with disabled access requirements. These requirements shall apply only to the specific area of alteration and shall include an accessible entrance, an accessible route to the altered area, at least one accessible restroom for each sex, telephones and drinking fountains (if existing), and when possible additional items such as parking, storage and alarms.

If the construction costs of the alterations to the building are less than the current valuation threshold of \$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.
- 18. 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.
- 19. 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.
- 20. No variance from any City of Lodi adopted code, policy or specification is granted or implied by the approval of this resolution.

Dated: September 14, 2016

I certify that Resolution No. 16-XX was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on Wednesday, September 14, 2016 by the following vote:

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

ATTEST: _____
 Secretary, Planning Commission

Item 3d



**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: September 14, 2016

APPLICATION NO: Use Permit Amendment: 2016-26 U
Previous Permit: 13-U-08

REQUEST: Request for Planning Commission approval of a Use Permit to allow live music at a restaurant (Blue Cebra) with an existing Type-47 On-Sale Beer, Wine and Distilled Spirits at 910 South Cherokee Lane. (Applicant: Alberto Ortiz; File Number: 2016-26 U)

LOCATION: 910 South Cherokee Lane
APN: 047-420-09
Lodi, CA 95240

APPLICANT: Alberto Ortiz
2424 Douglas Road
Stockton, CA 95207

PROPERTY OWNER: Alberto Ortiz
2424 Douglas Road
Stockton, CA 95207

RECOMMENDATION

Staff recommends the Planning Commission approve the request of Alberto Ortiz, on behalf of Blue Cebra Restaurant for a Use Permit to allow live music at a restaurant at 910 South Cherokee Lane, subject to conditions in the attached resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: Mixed Use Corridor
Zoning Designation: Mixed Use Corridor
Property Size: 33,000 sq. ft. (Restaurant measures 2,800 sq. ft.)

The adjacent zoning and land use characteristics:

| | ADJACENT ZONING DESIGNATIONS AND LAND USES | | |
|--------------|--|-----------------------|-------------------|
| | GENERAL PLAN | ZONING CLASSIFICATION | EXISTING LAND USE |
| North | Mixed Use Corridor | Mixed Use Corridor | Retail Services |
| South | Mixed Use Corridor | Mixed Use Corridor | Retail Services |
| East | Low Density Residential | Low Density Residence | Residences |
| West | Mixed Use Corridor | Mixed Use Corridor | Retail Services |

BACKGROUND

In January 2014, the Planning Commission issued a Use Permit for a Type 47 ABC license for the Blue Cebra restaurant. At that time, staff and the Commission were concerned about historical nuisance activities along the Cherokee Lane Corridor.

The applicant's original application in late 2013 was for a Type 48 Alcohol Beverage Control license, which is issued to bars, taverns and night clubs. The Police Department and Planning staff met with the applicant to express concerns related to the presence of a bone fide bar close to residential uses and within an area generally known to be problematic. The applicants were advised that City staff would not support such an establishment and would only permit a restaurant operation at this location. The applicants revised their application for a bone fide restaurant.

The review process in 2013-2014 for the Use Permit was intended to ensure that a restaurant located on a corridor historically deemed to be high in crime not be operated as a bar and result in nuisances sometimes associated with such establishments.

Conditions of approval were adopted to ensure that the restaurant would not be operated similar to a bar or without adequate oversight. Staff recommended that no live entertainment be approved at this site for at least a period of six months to review how the owners conduct the business and that the establishment shall operate as a bonafide restaurant in compliance with all applicable ABC and City regulations for restaurants. This operation would be similar to other restaurants that operated at this location in the past.

The Blue Cebra restaurant began operating in August 2015 after renovation of the building. After operating as a restaurant for the past year, the applicant is requesting to add live entertainment.

ANALYSIS

The Blue Cebra operates as a full service restaurant and consists of a 2,800 square-foot dining room with 12 tables and 41 chairs (approximate). The existing restaurant is open seven days a week and hours of operation are from 10:00 am to 12:00 pm. The restaurant offers a lunch and dinner menu. The project is located at 910 South Cherokee Lane, which was previously occupied by Porfi's and La Luna Restaurants. The project is located in the Mixed Use Corridor zoning district, which allows on and off sale of alcohol.

Available City records indicate the project site has been used as a restaurant under different names, ownerships and management groups. The lot contains a one-story restaurant with onsite parking. To the east are detached single family residences. To the west of the property along Cherokee Lane are motel and commercial uses. To the north and south are commercial uses. Currently, there are no outstanding City or Building Code violations.

In accordance with the State Department of Alcoholic Beverage Control (ABC) requirements, receipts from alcohol sale cannot be in excess of food sale receipts. ABC requires that restaurants with an alcohol license must operate and maintain the premise as a bona fide eating establishment. ABC also allows off-sale as part of an on-sale restaurant license.

Within the past 2 years, the Planning Commission has reviewed requests for additional amenities and activities that are secondary to the primary business. The Planning Commission has recently approved a number of businesses that have also requested live entertainment. Staff has reviewed the applicants request to offer live entertainment to enhance the restaurant operation.

The discretionary Use Permit procedure enables the Planning and 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 proposes operational conditions regulating live

entertainment and noise control mitigation measures. Staff believes that the Planning Commission can make the required findings to approve the requested Use Permit. The required findings are as follows:

1. *The proposed use is allowed with a Use Permit within the applicable zoning district and complies with all applicable provisions of this Development Code.* **Comment:** The proposal involves a restaurant in an existing building located within the Mixed Use Corridor (MCO) Zoning District, which allows sale of alcohol for on and off site consumption and live entertainment in accordance with Development Code Section 17.22.030. The intent of the MCO zoning district is to provide for a range of uses, emphasizing high quality development, and to encourage revitalization of existing buildings. The proposal is consistent with this intent. The proposed use permit continues a restaurant use in a building historically used for restaurants.
2. *The proposed use is consistent with the General Plan and any applicable specific plan.* **Comment:** The General Plan land use designation for this area is Mixed Use Corridor, which provides for restaurants, live entertainment and sale of alcohol. The proposed sale of beer, wine and distilled spirits and live music in conjunction with a restaurant operation is the type of business allowed by the General Plan. The sale of alcoholic beverages as part of a restaurant is required by the State Department of Alcoholic Beverage Control to be secondary to food sales. Sale of beer and wine in conjunction with a restaurant is a common way to increase sales and is therefore, consistent, with the General Plan.
3. *The location, size, design and operating characteristics of the use or development is compatible with and shall not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the area, or be detrimental or injurious to public or private property or improvements.* **Comment:** The proposed sale of beer and wine and live entertainment in conjunction with a restaurant operation is compatible with existing and future land uses in the immediate vicinity of the project area. The sale of beer and wine and live music in a restaurant is consistent with the General Plan because commercial uses such as the one proposed are permitted to sell alcohol in accordance with Land Use Policy subject to a discretionary review. The sale of alcoholic beverages for on-premise consumption is a normal part of business operations for a restaurant and provides a convenience for customers of the business.
4. *The location, size, design, and operating characteristics of the proposed use would be compatible with the existing and future land uses in the vicinity.* **Comment:** The proposed use complies with all requirements as set forth for the issuance of this Use Permit, in that the site is adequate in size, shape and topography for the proposed use, consisting of an existing building. Second, restaurants with sale of alcohol license have operated at this location and did not create a nuisance problem. Third, the proposed use, as conditioned, will not have an adverse effect upon the use, enjoyment or valuation of property in the neighborhood because the proposed use will be located within an existing building with no additions to the footprint of the building. Fourth, the characteristics of the proposed sale of alcohol in a restaurant operation are secondary to the sale of food. In accordance with ABC requirements, receipts from alcohol sales shall not be in excess of food sales receipts. Lastly, it is found that the sale of alcoholic beverages as part of a restaurant is a convenience that does not typically create alcohol related problems.
5. *The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the Lodi Environmental Review Guidelines.* **Comment:** The project 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 sent a copy of the application to various City departments for comment and review. Their comments and requirements have been incorporated into the attached resolution. This operation would be similar to other restaurants that operated at this location in the past. The Planning Commission and the Planning staff have generally supported restaurants that wish to acquire an ABC license. If problems or concerns related to the sale of alcoholic beverages occur in the future, staff and/or the Planning Commission may initiate a public hearing where the Commission would have the ability to amend conditions or revoke the Use Permit.

ENVIRONMENTAL ASSESSMENT:

The project is found to be categorically exempt from CEQA review under 14 CCR §15332. Class 32 consists of projects characterized as in-fill development.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published in the Lodi News Sentinel on Saturday, September 3, 2016. Forty-one (41) public hearing notices were sent to all property owners of record within a 300-foot radius of the project site as required by California State Law §65091 (a) 3. Public notice also was mailed to interested parties who expressed their interest of the project.

RECOMMENDED MOTIONS

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

"I move that the Planning Commission adopt a Resolution finding that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 and approve the Use Permit to allow live entertainment for the Blue Cebra restaurant at 910 South Cherokee Lane, subject to the findings and conditions of approval contained in the draft Resolution."

ALTERNATIVE PLANNING COMMISSION ACTIONS:

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

Respectfully Submitted,

Concur,

Craig Hoffman
City Planner

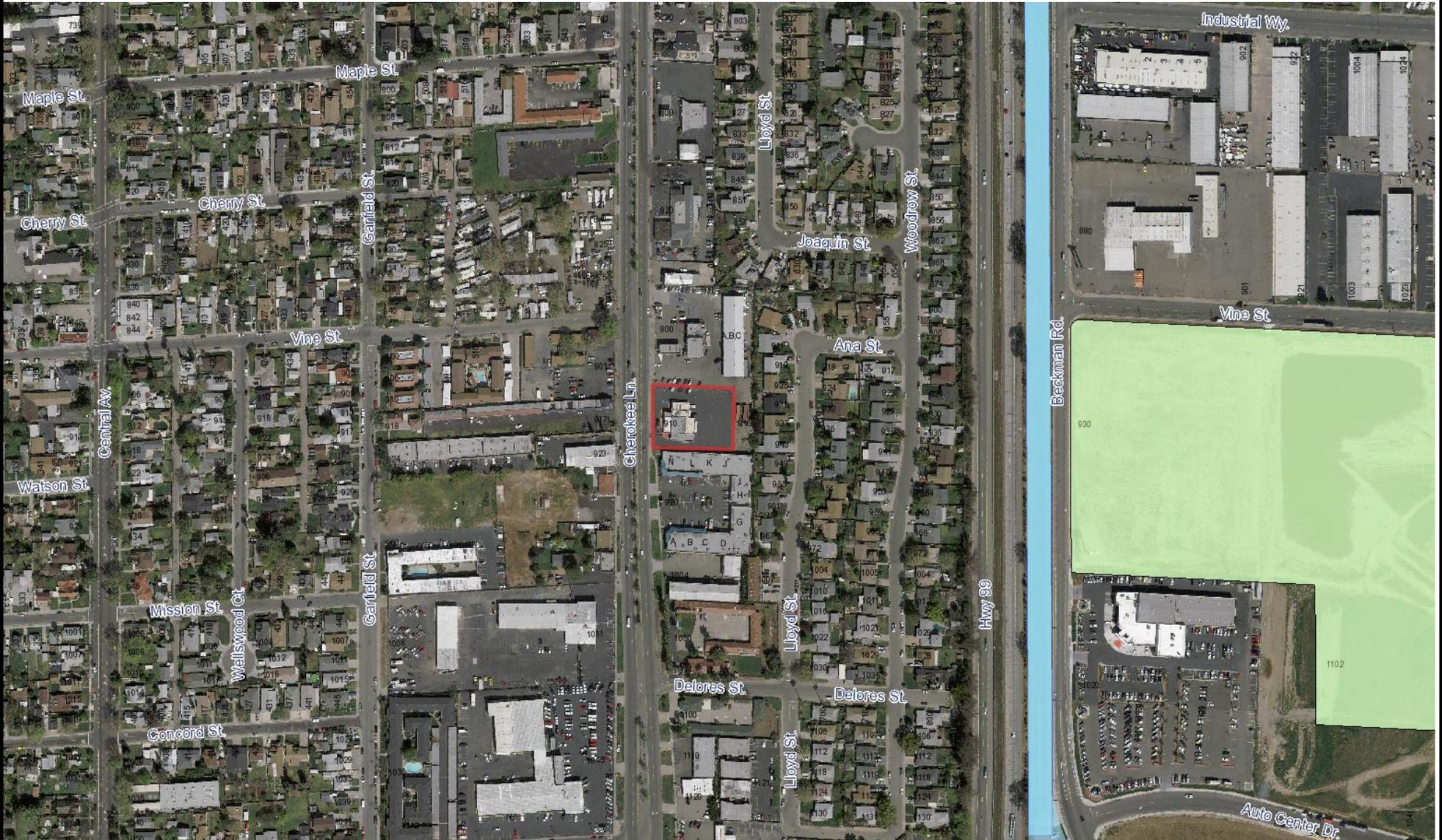
Stephen Schwabauer
Community Development Director

ATTACHMENTS:

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

VICINITY MAP

NORTH



SOUTH

910 S Cherokee Lane

| REVISIONS | BY |
|-----------|----|
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J. ANTHONY ACEVEDO & ASSOCIATES ARCHITECTURE
 8825 THORNTON ROAD, SUITE B
 STOCKTON, CALIFORNIA 95209
 209.956.2808
 J. ANTHONY ACEVEDO, AIA, ARCHITECT

THESE DRAWINGS ARE THE PROPERTY OF J. ANTHONY ACEVEDO & ASSOCIATES AND SHALL NOT BE USED ON ANY JOB OTHER THAN THAT FOR WHICH THEY ARE INTENDED. THESE DRAWINGS MAY NOT BE COPIED OR REPRODUCED IN ANY FORM WITHOUT THE WRITTEN AGREEMENT OF J. ANTHONY ACEVEDO & ASSOCIATES

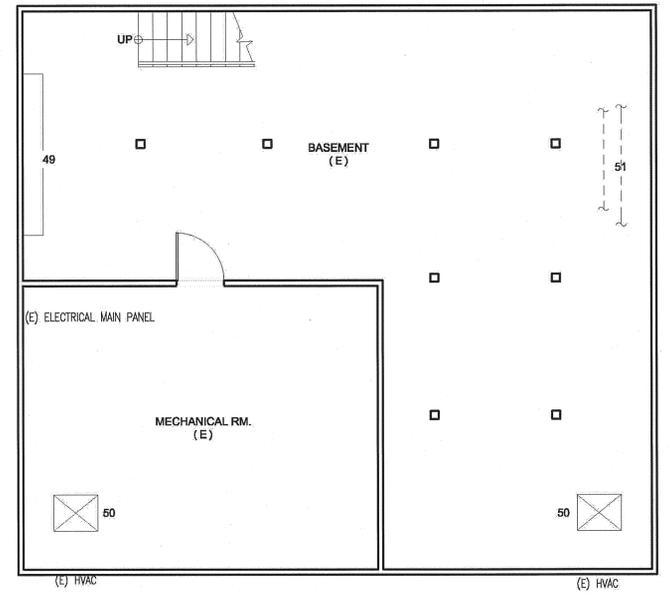
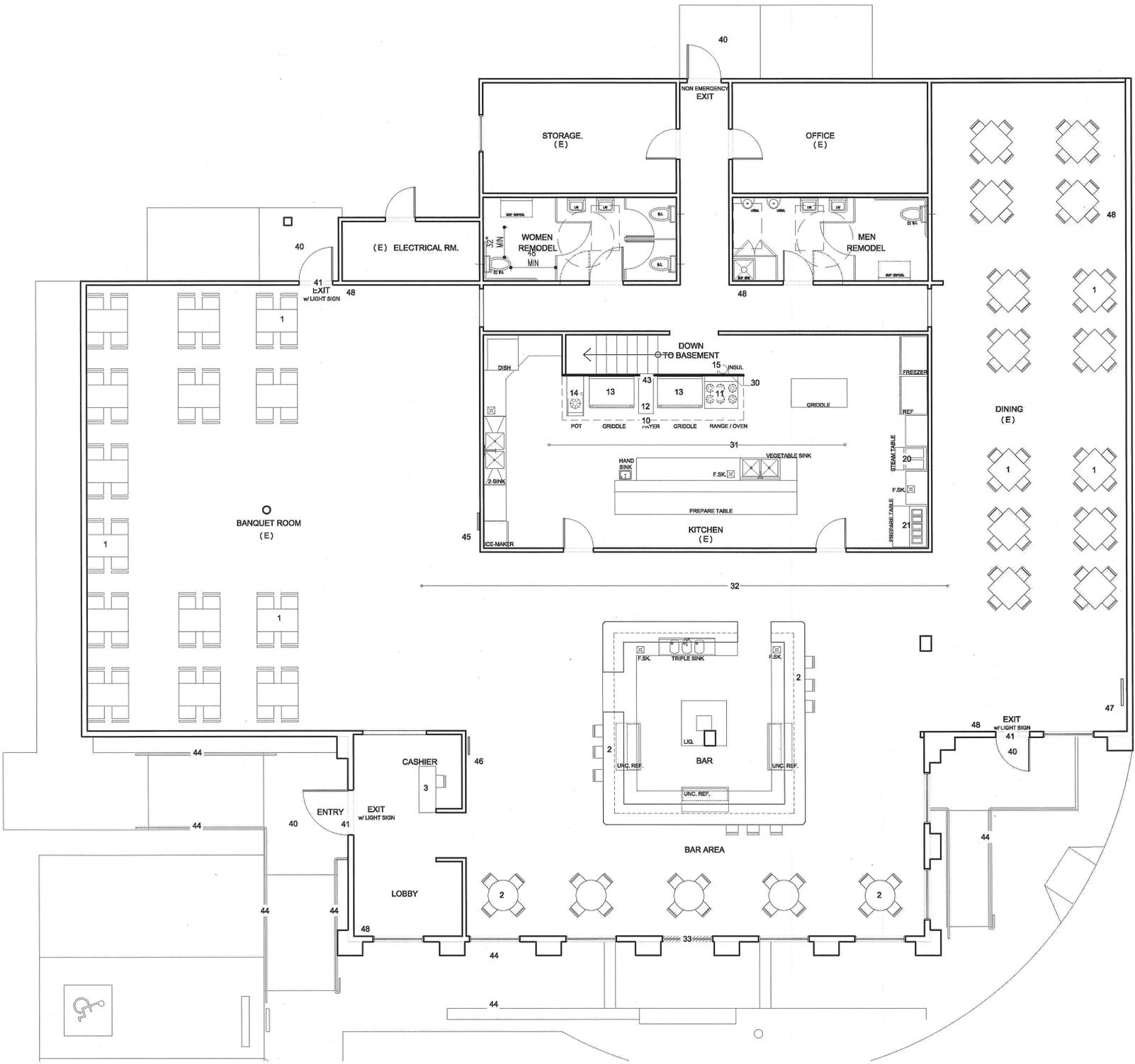
TENANT IMPROVEMENTS FOR BLUE CEBRA RESTAURANT -BAR
 916 CHEROKEE LN
 LODI, CALIFORNIA
 95240 A.P.N. 047420 09

FURNITURE FLOOR PLAN

| | |
|--------------|---------|
| Date | 10/2013 |
| Scale | |
| Drawn | |
| Job | |
| Sheet Number | |

A3
OF

- FLOOR PLAN KEY NOTES**
 SCOPE OF WORK
 THE INTENT OF THIS PROJECT IS TO RESTORE THE EXISTING RESTAURANT COMMERCIAL KITCHEN FOR THE PREPARATION OF MEXICAN FOOD.
- FURNITURE**
- NEW DINING TABLES & CHAIRS
 - NEW BAR & CHAIRS
 - NEW CASHIER COUNTER
 -
- KITCHEN EQUIPMENT**
- EXISTING STAINLESS STEEL HOOD, TYPE 1
 - NEW AMERICAN RANGE GAS RANGE & OVEN
 - NEW DEEP FRYER
 - NEW GAS GRIDDLE
 - NEW STOCK POT
 - EXISTING ANSUL SYSTEM
- KITCHEN FURNITURE**
- NEW STAINLESS STEEL STEAM TABLE UNDER GAS GRIDDLE - NSF APPROVED
 - STAINLESS STEEL PREPARATION TABLE - NSF APPROVED
- ARCHITECTURAL FEATURES**
- STAINLESS STEEL WALL FINISH
 - CERAMIC TILE FLOOR - NON SLIP
 - NEW WOOD FLOOR BY OWNER
 - CANCEL WINDOW
- REQUIRED CODE ITEMS**
- A REQUIRED 60" MINIMUM LEVEL PAVED AREA AT ALL EXTERIOR DOORS
 - THRESHOLD SHALL NOT EXCEED 1/4" VERTICAL HEIGHT
 - REMOVE & REPLACE DOOR TO 36" WIDE WITH LEVER HARDWARE - SCHLAGE OMEGA AL SERIES OR APPROVED EQUAL
 - EXISTING GREASE INTERCEPTOR
 - NEW HANDRAILS EACH SIDE OF NEW RAMP TO +34, ABOVE CONCRETE
 - OCCUPANCY SIGN ON WALL: MAXIMUM OCCUPANCY: 81
 - OCCUPANCY SIGN ON WALL: MAXIMUM OCCUPANCY: 69
 - OCCUPANCY SIGN ON WALL: MAXIMUM OCCUPANCY: 60
 - FIRE EXTINGUISHER: 2A10BC
- BASEMENT NOTES**
- REMOVE & REPLACE ELECTRICAL PANELS & RELATED DAMAGED COMPONENTS - REFER TO ELECTRICAL DRAWINGS
 - REMOVE & REPLACE DAMAGED HVAC DUCTS WITH NEW - REFER TO MECHANICAL PLANS
 - REMOVE ABANDONED ABS WASTE LINES - REFER TO PLUMBING PLAN FOR NEW ASSEMBLIES
- GENERAL NOTES**
- A. CONTRACTOR TO REVIEW ALL FINISHES, MATERIALS, HARDWARE, FIXTURES, ETC., WITH THE OWNER PRIOR TO FABRICATION OR INSTALLATION WHERE DECORATOR SHEETS ARE NOT PROVIDED.
- B. SQUARE FOOTAGES:
 EXISTING FLOOR PLAN: 5,737 SQUARE FEET



FURNITURE FLOOR PLAN

SCALE 3/16" = 1'-0"

BASEMENT

SCALE 3/16" = 1'-0"

RESOLUTION NO. P.C. 16-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF ALBERTO ORTIZ FOR A USE PERMIT TO ALLOW LIVE ENTERTAINMENT AT A RESTAURANT WITH A TYPE-47 ON-SALE BEER, WINE AND DISTILLED SPIRITS AT 910 SOUTH CHEROKEE LANE

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

WHEREAS, the project proponent is Alberto Ortiz 2424 Douglas Road Stockton, CA 95207; and

WHEREAS, the project is located at 910 South Cherokee Lane, Lodi, CA 95240 (APN: 047-420-09); and

WHEREAS, the project proponent is Alberto Ortiz 2424 Douglas Road Stockton, CA 95207; and

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

WHEREAS, Census Tract 44.03 in which the restaurant is located is over concentrated with licenses allowing on premise consumption of alcoholic beverages; and

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

WHEREAS, the State Department of Alcoholic Beverage Control has training available that clearly communicates State law concerning the sale of alcoholic beverages; 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. No significant environmental impacts are anticipated and no mitigation measures have been required.
2. The proposal involves a restaurant in an existing building located within the Mixed Use Corridor (MCO) Zoning District, which allows sale of alcohol for on and off site consumption and live entertainment in accordance with Development Code Section 17.22.030. The intent of the MCO zoning district is to provide for a range of uses, emphasizing high quality development, and to encourage revitalization of existing buildings. The proposal is consistent with this intent. The proposed use permit continues a restaurant use in a building historically used for restaurants.
3. The General Plan land use designation for this area is Mixed Use Corridor, which provides for restaurants, live entertainment and sale of alcohol. The proposed sale of beer, wine and distilled spirits and live music in conjunction with a restaurant operation is the type of business allowed by the General Plan. The sale of alcoholic beverages as part of a restaurant is required by the State Department of Alcoholic Beverage Control to be secondary to food sales. Sale of beer and wine in conjunction with a restaurant is a common way to increase sales and is therefore, consistent, with the General Plan.

4. The proposed sale of beer and wine and live entertainment in conjunction with a restaurant operation is compatible with existing and future land uses in the immediate vicinity of the project area. The sale of beer and wine and live music in a restaurant is consistent with the General Plan because commercial uses such as the one proposed are permitted to sell alcohol in accordance with Land Use Policy subject to a discretionary review. The sale of alcoholic beverages for on-premise consumption is a normal part of business operations for a restaurant and provides a convenience for customers of the business.
5. The proposed use complies with all requirements as set forth for the issuance of this Use Permit, in that the site is adequate in size, shape and topography for the proposed use, consisting of an existing building. Second, restaurants with sale of alcohol license have operated at this location and did not create a nuisance problem. Third, the proposed use, as conditioned, will not have an adverse effect upon the use, enjoyment or valuation of property in the neighborhood because the proposed use will be located within an existing building with no additions to the footprint of the building. Fourth, the characteristics of the proposed sale of alcohol in a restaurant operation are secondary to the sale of food. In accordance with ABC requirements, receipts from alcohol sales shall not be in excess of food sales receipts. Lastly, it is found that the sale of alcoholic beverages as part of a restaurant is a convenience that does not typically create alcohol related problems.
6. The sale of alcoholic beverages for on-premise consumption is a normal part of business operations for a restaurant and provides a convenience for customers of the business.
7. The sale and consumption of alcohol can sometimes result in customer behavior problems that can require police intervention.
8. Steps can be taken by the Applicant/Operator to reduce the number of incidents resulting from the over-consumption of alcohol including the proper training and monitoring of employees serving alcohol; the careful screening of IDs of customers to avoid sales to under-aged individuals; limiting the number of drinks sold to individual customers to avoid over-consumption; providing properly trained on-site security to monitor customer behavior both in and outside of the establishment; and working with the Lodi Police Department to resolve any problems that may arise.
9. The proposed use can be compatible with the surrounding use and neighborhood if the business is conducted properly and if the Applicant/Operator works with neighboring businesses and residents to resolve any problems that may occur.
10. The proposed use would not be detrimental to the general welfare of persons residing and working in the immediate vicinity, the neighborhood or the community at large because the sale of alcohol and live entertainment with a restaurant operation is not associated with detrimental impacts to the community.
11. The sale of alcoholic beverages at this location can meet the intent of the MCO Zoning District and can provide a public convenience or necessity for customers of the business.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Use Permit Application No. 2016-26 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 Use Permit shall be vested within six (6) months from the effective date of approval. A building permit for the tenant improvements allowed under this Use Permit shall have been obtained within

six (6) months from the effective date of the Use Permit or the Use Permit shall expire; provided however that the Use Permit may be extended pursuant to the Lodi Municipal Code.

3. The Applicant/Operator and/or successors in interest and management shall insure that the sale of alcohol does not cause any condition that will cause or result in repeated activities that are harmful to the health, peace or safety of persons residing or working in the surrounding area. This includes, but is not limited to: disturbances of the peace, illegal drug activity, public intoxication, drinking in public, harassment of people passing by, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, excessive loud noises, traffic violations or traffic safety based upon last drink statistics, curfew violations, lewd conduct, or police detention and arrests.
4. The Applicant/Operator 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.
5. The Applicant/Operator shall operate and abide by the requirements and conditions of the State of California Department of Alcoholic Beverage Control License Type 47. The Type 47 License shall be limited to on-site sale and consumption of beer, wine and distilled spirits during the hours that the restaurant is open for business.
6. The City reserves the right to periodically review the area for potential problems. If problems (on-site or within the immediate area) including, but not limited to, public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct result from the proposed land use, the Use Permit may be subject to review and revocation by the City of Lodi after a public hearing and following the procedures outlined in the City of Lodi Municipal Code. Additional reviews may be prescribed by the Community Development Director, the Police Department and/or Planning Commission as needed during and after the first two years of probationary period. Further, starting from the effective date the business commences the sale of beer, wine and distilled spirits, this Use Permit shall be subject to a one year, and two year review by Community Development Director. If the Director determines it necessary, he/she shall forward the review to the Planning Commission to review the business's operation for compliance with the conditions of the Use Permit, and in response to any complaints thereafter.
7. The Lodi Police Department may, at any time, request that the Planning Commission conduct a hearing on the Use Permit for the purpose of amending or adding new conditions to the Use Permit or to consider revocation of the Use Permit if the Use Permit becomes a serious policing problem.
8. The sale and consumption of alcohol shall not be permitted anywhere outside of the building envelop under any circumstances. It is the responsibility of the Applicant/Operator and/or successors in interest and management to ensure no sale or consumption of alcohol occurs outside of the building envelop.
9. Any changes to the interior layout of the business operation shall be subject to review and approval by the Planning Department and shall require appropriate City permits.
10. The monthly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records which reflect separately the gross sale of food and the gross sales of alcoholic beverages of the licensed business. These records shall be kept no less frequently than on a monthly basis and shall be made available to the Police Chief or his designee, upon demand.
- ~~11. There shall be no live entertainment, including but not limited to disc jockey, karaoke, topless entertainment, male or female performers or fashion shows. "Entertainment" shall mean all forms and types of entertaining patrons, whether such entertainment is provided by means of live performances or audio and/or video presentations, whether remote or prerecorded; provided, however, that "entertainment" shall not be deemed to include the use of any regularly broadcast television or radio programs, or coin-operated music machine.~~

12. **Typical outside noise levels are approximately 65 dBA. Live music outside the building should mimic the existing conditions within a few decibels variation.**
13. **All music and dancing-related activities, including live bands, video and disc jockeys, and karaoke, shall be conducted indoors at all times. Doors shall remain closed during all performances or while music is being played.**
14. **The applicant/project proponent and/or property owner and/or developer and/or successors in interest and management shall be responsible for the control of noise generated by the subject facility including, but not limited to, noise generated by patrons and employees. All noise generated by the proposed use shall comply with the provisions of Chapter 9.24 and other applicable noise control requirements.**
15. **The applicant is responsible for noise generated by patrons and employees in the parking lot and other outside areas. The highest potential for noise complaints will come from outside noise from late night activities. The applicant needs to provide security to monitor these areas.**
16. **Noise complaints from surrounding properties can and will be justification to initiate use permit revocation procedures in accordance with the City of Lodi Municipal Code.**
17. No person who is in a state of intoxication shall be permitted within the restaurant nor shall an intoxicated patron already in the restaurant be served additional alcoholic beverages. It is the responsibility of the business owner/operator to ensure no patron in state of intoxication is allowed into the building.
18. The Applicant/Operator and/or successors in interest and management of the restaurant shall police the area surrounding the business to prevent patrons from congregating/loitering outside the premises and to prevent excessive noise or other objectionable behavior. Noise levels shall be monitored to insure that noise shall not violate the City's Noise Ordinance Section 9.24.020 and Section 9.24.030.
19. The Use Permit shall require the Applicant/Operator and/or successors in interest and management to secure an ABC Type 47 license, On Sale Beer, Wine and Distilled Spirits (Eating Place).
20. Prior to the issuance of a Type 47 ABC license, the Applicant/Operator and/or successors in interest and management and employees shall complete Licensee Education on Alcohol and Drugs as provided by the State Department of Alcoholic Beverage Control. The owner or designee shall be responsible for ensuring that all employees receive the said training. Evidence of such training and the training records of all employees shall be maintained on-site during business hours, and made available for inspection upon request.
21. The exterior of all the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times.
22. The operator/applicant and/or successors in interest and management shall comply with all the Municipal Codes relating to loitering, open container laws and other nuisance-related issues.
23. The operator/applicant and/or successors in interest and management shall ensure noise emanating from the property shall be within the limitations prescribed by the City's Noise Ordinance and shall not create a nuisance to surrounding residential neighborhoods, and/or commercial establishments.
24. 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 therein. The Fire Department may be contacted at the Lodi Fire Department, 25 East Pine Street, Lodi, CA 95240-2127. Phone Number (209) 333-6739.
25. 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.

26. 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.

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

Dated: September 14, 2016

I certify that Resolution No. 14-03 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on January 8, 2014 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST _____
Secretary, Planning Commission

DRAFT