

<p>CARNEGIE FORUM 305 WEST PINE STREET LODI, CALIFORNIA</p>	<p>AGENDA LODI PLANNING COMMISSION</p>	<p>REGULAR SESSION WEDNESDAY, SEPTEMBER 28, 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 – None
3. PUBLIC HEARINGS
 - a. 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 416, 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 and Architectural Review for a gas station, car wash and convenience store and a Type-21 Off-Sale Beer, Wine and Spirits for Lodi Shopping Center – Pad Building 1, 2758 West Kettleman Lane, (Applicant: Darshan Mundy; File 2016-28 U/SP; CEQA Determination: prior EIRs Section 15153 and exempt per Section 15321)

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.

Item 3a



CITY OF LODI PLANNING COMMISSION Staff Report

MEETING DATE: September 28, 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.

416, 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: 416, 500 and 540 South Sacramento Street, north of Tokay Street. APN: 045-310-14, 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 17, 2016. Fifty-One (51) 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

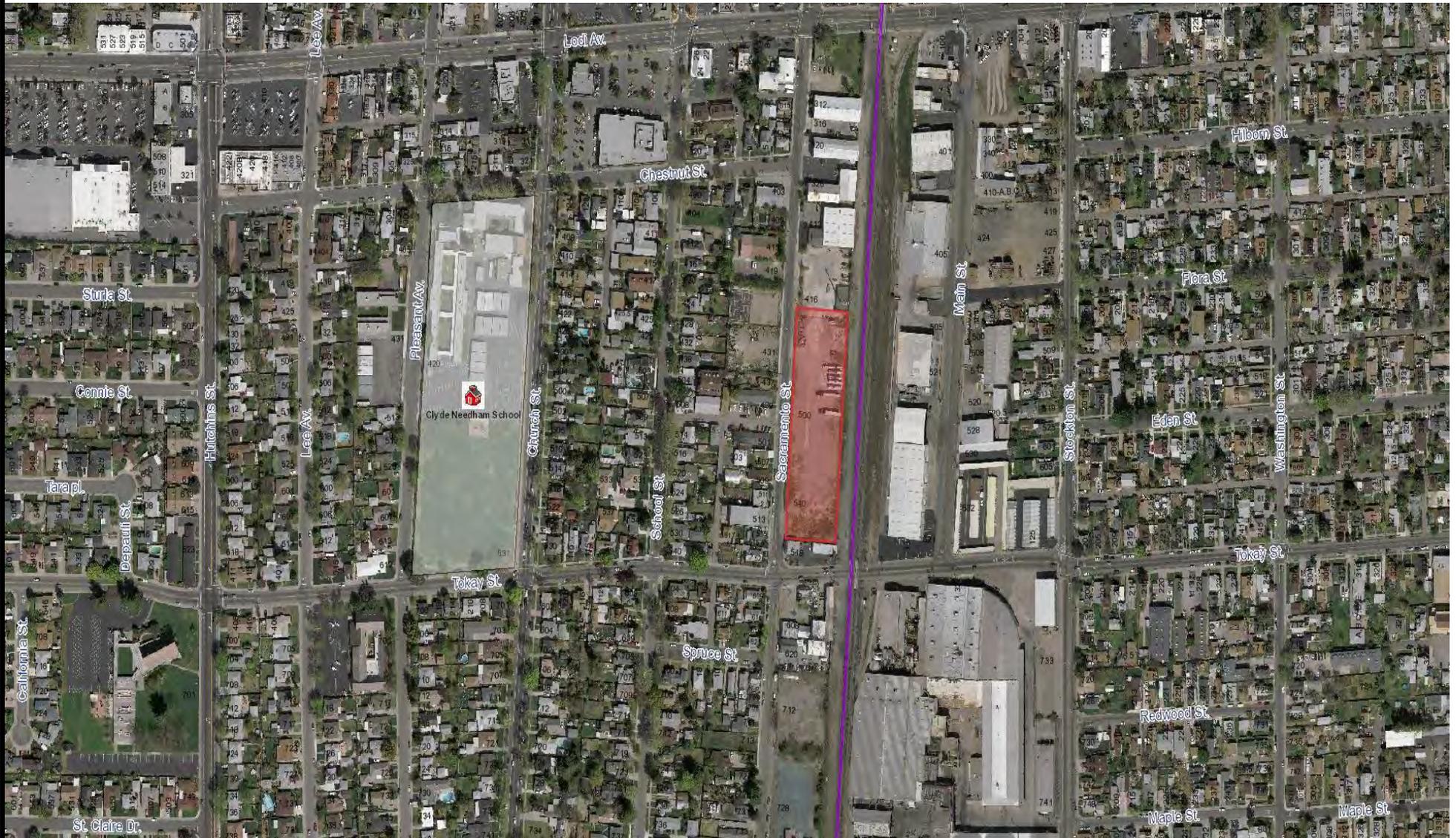
Stephen Schwabauer
Community Development Director

ATTACHMENTS:

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

VICINITY MAP

North



South

416, 500 and 540 South Sacramento Street



SACRAMENTO STREET TENTATIVE SUBDIVISION MAP

JULY, 2016

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

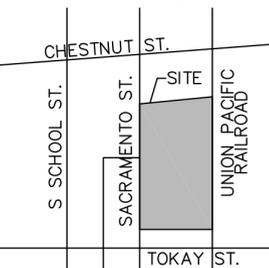
1. APN: 045-320-02, 045-320-08, 045-310-14 (PARTIAL)
2. WATER: CITY OF LODI
3. SANITARY SEWER: CITY OF LODI
4. STORM DRAINAGE: CITY OF LODI. SEE NOTE 12.
5. SITE ADDRESS: 500, 540 S SACRAMENTO ST. LODI, CA. 95240
6. FLOOD ZONE: ZONE X, MAP NO.06077C0169F OCT. 16, 2009
7. ZONING: MUC (MIXED USE CORRIDOR)
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.
11. SEE TABLE BELOW FOR LOT SIZES.
12. TWO YEAR STORM TO BE RETAINED ON-SITE IN LANDSCAPING AREAS AND PERMEABLE SURFACES. HEAVIER STORMS TO BE DISCHARGED TO EXISTING INDUSTRIAL WASTE LINE.
13. 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

APN	ASSESSOR'S PARCEL NUMBER
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

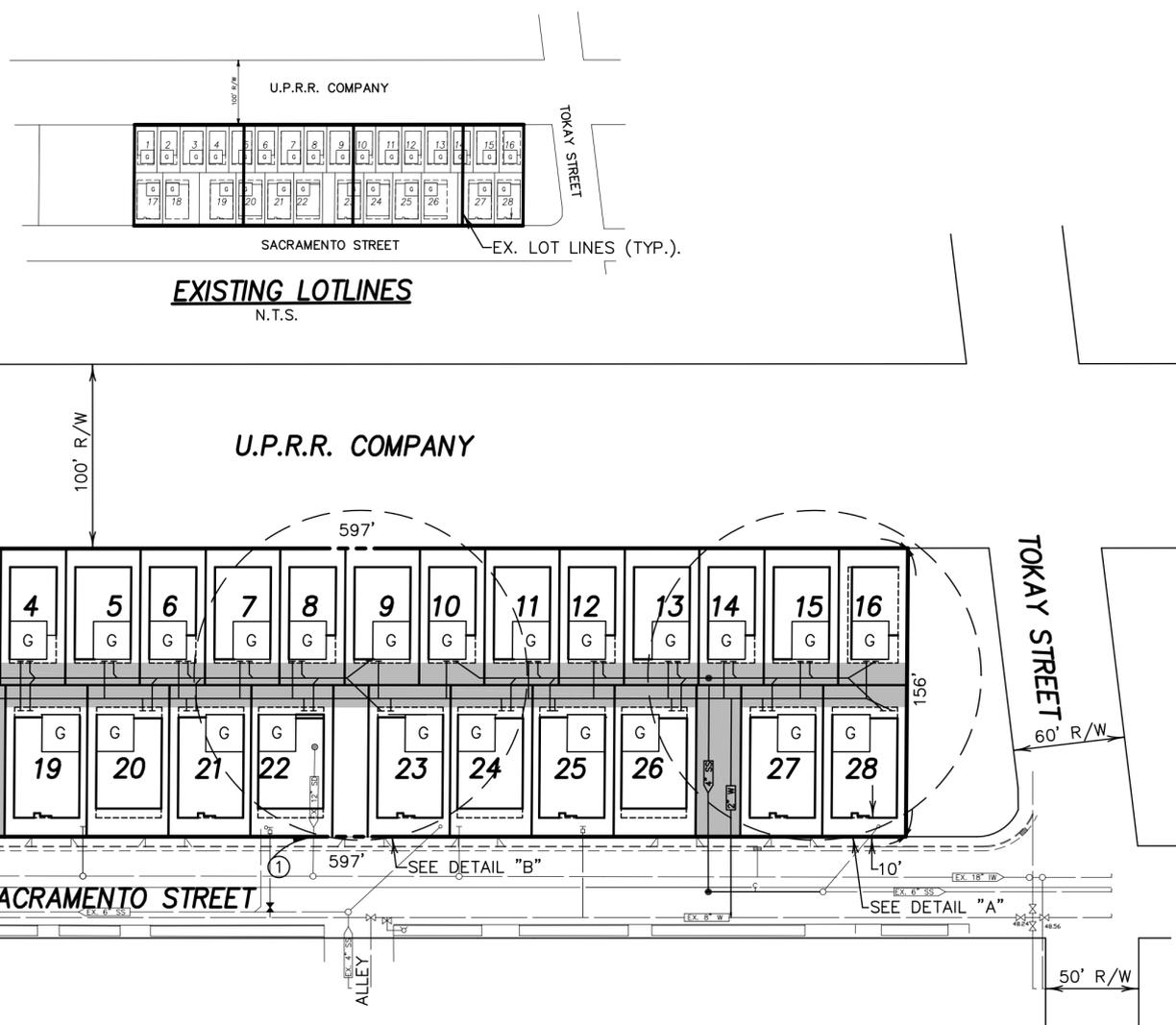


VICINITY MAP

N.T.S.

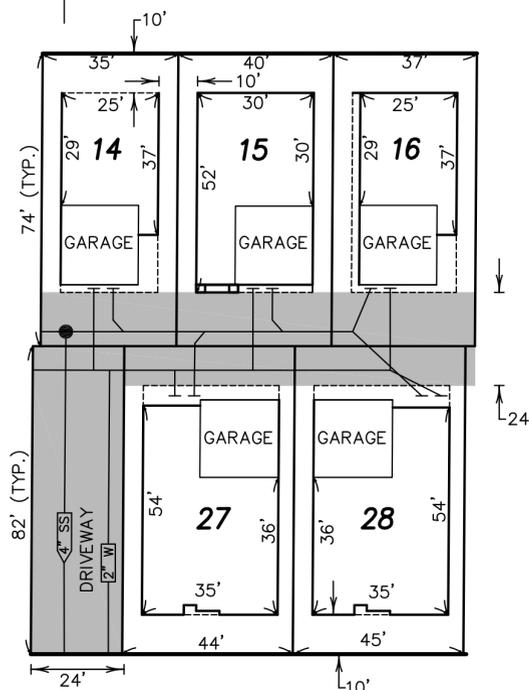
1607

1" = 60'
SCALE:
N



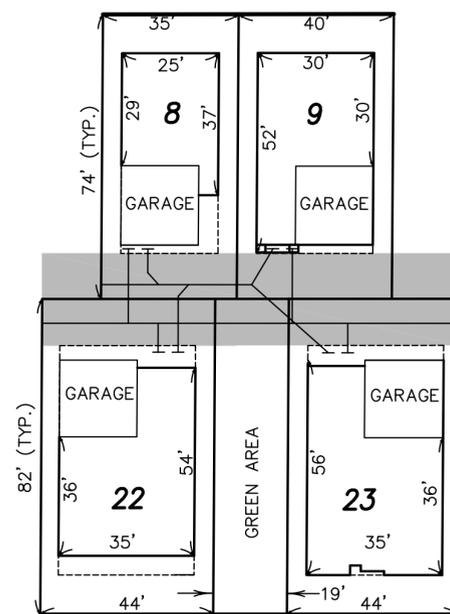
LOT SIZE TABLE

LOT NO.	LOT S.F.	BLDG. PAD S.F. (INCLUDING GARAGE)	LOT NO.	LOT S.F.	BLDG. PAD S.F. (INCLUDING GARAGE)
1	2590	1300	15	2960	1560
2	2590	1300	16	2738	1404
3	2960	1560	17	3690	2100
4	2590	1300	18	3608	2100
5	2960	1560	19	3608	2100
6	2590	1300	20	3608	2100
7	2960	1560	21	3608	2100
8	2590	1300	22	3608	2100
9	2960	1560	23	3608	2100
10	2590	1300	24	3608	2100
11	2960	1560	25	3608	2100
12	2590	1300	26	3608	2100
13	2960	1560	27	3608	2100
14	2590	1300	28	3690	2100



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 416, 500 and 540 South Sacramento Street, north of Tokay Street. APN: 045-310-14, 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 conforming to the City's Design Standards and to the approval of the City Engineer. 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 28, 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 28, 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 28, 2016

APPLICATION NO: Use Permit: 2016-28 U / SP

REQUEST: Request for Planning Commission approval of a Use Permit and Architectural Review for a gas station, car wash and convenience store and a Type-21 Off-Sale Beer, Wine and Spirits for Lodi Shopping Center – Pad Building 1, 2758 West Kettleman Lane, (Applicant: Darshan Mundy; File 2016-28 U/SP; CEQA Determination: prior EIRs Section 15153 and exempt per Section 15321)

LOCATION: Lodi Shopping Center – Pad Building 1
2758 West Kettleman Lane
Lodi, CA 95242
APN: 058-030-19

APPLICANT: Tera Properties, LLC
Darshan Mundy
4810 Childes Road
Davis, CA 95618

PROPERTY OWNER: BDC III LP (Browman Development Company, Inc.)
c/o Aaron Zuzack
1556 Parkside Drive
Walnut Creek CA 94596

RECOMMENDATION

Staff recommends the Planning Commission approve the request of Darshan Mundy for a Use Permit and Architectural Review for a gas station, car wash and convenience store and a Type-21 Off-Sale Beer, Wine and Spirits for Lodi Shopping Center – Pad Building 1, 2758 West Kettleman Lane, subject to conditions in the attached resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: Commercial
Zoning Designation: Community Commercial
Property Size: 1.38 acres – 60,112 sq ft

The adjacent zoning and land use characteristics:

	ADJACENT ZONING DESIGNATIONS AND LAND USES		
	GENERAL PLAN	ZONING CLASSIFICATION	EXISTING LAND USE
North	Commercial	Community Commercial	Lowe’s shopping Center
South	Commercial	Community Commercial	Wal-Mart
East	Commercial	Community Commercial	Commercial Center
West	Residential / Public	PD(41) / Public	Vacant – farm land

BACKGROUND

The Planning Commission approved the Use Permit and Architectural Review request of Browman Development Company for drive-through and Pad Buildings at the Sunwest Village Shopping Center (Lodi Shopping Center) in October of 2014. This approval set the design of the pad buildings and approved drive thru features.

Pad Building 1 did not get specific architecture designed for it, but did include a drive-thru feature on the approved site plan.

ANALYSIS

The applicant is proposing a gas station, convenience store and car wash. The proposed use requires a Use Permit and Architecture Review within the Community Commercial zoning district.

The proposed building is 7,200 sq ft in size with 4,200 sq ft being the convenience store and 2,900 sq ft for the car wash. The project includes a 5,500 sq ft fuel canopy and 10 vacuum stations.

The applicant is proposing a business that will be open 7 days a week with 24 hour operations. The proposed hours of operation are consistent with the Wal-Mart superstore. The applicant wants to capture the various center patrons while businesses are open.

The architecture proposed for Pad Building 1 is included as Attachment B. This architecture is consistent with overall design scheme for the center.

The color palate and design features and textures are what were previously approved by SPARC and the Planning Commission. This building will complement the center and act as a gateway building for Kettleman Lane and Westgate.

The fuel canopy includes the same cornice treatments and rock and stucco treatments as the other buildings and will complement the design of the building and center. The applicant is currently in contract with Chevron to act as the gas provider.

The Community Commercial zoning designation requires a use permit for enhanced review and compatibility with surrounding uses for a gas station. The proposed location is within the Lodi Shopping Center and immediately adjacent to Westgate and Kettleman Lane. This property is the current entry point for Lodi and likely will be for years to come. This is a location that makes sense from an access perspective.

The property is also buffered to any future residential uses. The gas station also compliments the mix of retail, restaurant and serve businesses within the center. A gas station use has the potential to reduce vehicle trips for customers in the center.

The proposal includes a 4,200 sq ft convenience store as that will provide convenience retail items as well as a Type 21 ABC license for beer, wine and spirits.

The applicant has identified that ABC training is a major part of operations and will include State and any City programs.

The project is located in the Community Commercial zoning district, which allows on site sale of alcohol. The request involves the approval of a public convenience and necessity (PCN) and Use Permit in an area that is over-concentrated with alcohol licenses. In order to allow an additional ABC license, the Planning Commission must make a finding of necessity; and if determined necessary, then consider the appropriateness of conditions of approval for the Use Permit for the new use. The majority of the ABC licenses in this census tract are in the City of Stockton and in the county. The overconcentration is not within the City limits.

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

The project site is within Census Tract 41.06, which covers the area south of Mokelumne River, east of Lower Sacramento Road and Davis Road, north of Eight Mile Road and west of Interstate 5.



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

1. *The proposed use is allowed with a Use Permit within the applicable zoning district and complies with all applicable provisions of this Development Code.* **Comment:** The Lodi Shopping Center is designated Commercial in the General Plan and Community Commercial in the Lodi Development Code. Drive-through facilities are allowed subject to a use permit in this zone. The project has been conditioned to be consistent with the zoning code and the use will not be detrimental to the welfare of persons or properties working, residing, or otherwise existing in the adjacent neighborhood areas. The project site is consistent to what was previously approved in 2009 with the overall site plan and proposed architecture.

The proposal involves a new gas station, car wash and convenience store in a new building located within the Community Commercial Zoning District, which allows sale of alcohol for on-site consumption in accordance with Development Code Section 17.22.030. The intent of the Community Commercial zoning district is to provide for a range of uses, emphasizing

high quality development, and to encourage a wide range of commercial uses that serve the public. The proposal is consistent with this intent.

2. *The proposed use is consistent with the General Plan and any applicable specific plan. **Comment:*** The General Plan land use designation for the project site is Commercial, which permits the proposed use. The conditions for the restriction of the conditional use are consistent with the General Plan, will not affect neighborhood compatibility; and will not cause the operation of the conditional use to be detrimental to the welfare of persons or properties working, residing, or otherwise existing in the adjacent neighborhood areas.

The General Plan land use designation for this area is Community Commercial zoning district, which provides for sale of alcohol. The proposed sale of beer, wine and spirits in conjunction with a gas station and convenience store operation is the type of business allowed by the General Plan. The sale of alcohol in conjunction with a convenience store 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:*** In May 2009, the Lodi City Council approved the Lodi Shopping Center project. This approval set the site plan for the center, the architecture for the Wal-Mart building, placed conditions and mitigation on the project and required subsequent approvals for the 11 pad buildings. There are no proposed changes to the overall site and the proposed use is consistent with the Zoning Code and the General Plan policies. As such, the subject site is adequate in size and shape to accommodate the proposed use within a commercial area with all the required off-street parking provided on the subject site. Further, the project will not have a negative effect on the public health, safety, or welfare; or be materially injurious to persons, properties or improvements in the vicinity.

The proposed sale of alcohol in conjunction with a gas station and convenience store operation is compatible with existing and future land uses in the immediate vicinity of the project area. The sale of alcohol with a gas station and convenience store is consistent with other commercial uses, such as the one proposed, in accordance with Land Use Policy subject to a discretionary review. The sale of alcoholic beverages for off-premise consumption is a normal part of business operations for a convenience and provides a convenience for customers of the business. The proposed use is surrounded by other complementary uses that cater to the local and tourist trade.

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 existing use complies with all requirements as set forth for the issuance of a Use Permit, in that the site is adequate in size, shape and topography for the proposed use, consisting of an existing building. Second, the site is located in a commercial area that is accessible from public streets. Existing street networks are adequate in size and shape to accommodate the quantity and quality of traffic generated by the proposed use without any significant impacts to the street system. Third, the proposed use, as conditioned, will not have an adverse effect upon the use, enjoyment or valuation of property in the neighborhood.
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 exempt from CEQA review under 14 CCR §15153. The project is consistent with the findings, analysis and mitigation of the previous environmental document prepared for the Lodi Shopping Center development. On March 11, 2009, the Lodi City Council certified the Final Revised Environmental Impact Report for the project. At this meeting, the Council took in comments, responses to comments, made findings and ultimately adopted

City Council Resolution No. 2009-27 certifying Final Revised Environmental Impact Report EIR-03-01.

Subsequently, the City of Lodi 2010 General Plan identified a consistent land use designations for the project site and the General Plan Final EIR, including comments and responses to comments, was certified by the City Council on April 7, 2010.

The proposed project does not create any new environmental impacts that were not previously addressed in the Mitigation Monitoring and Report Program for the project and the conditions of approval require the development to implement the adopted MMRP.

The Type 21 ABC license 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 for the use or enforcing the general rule, standard, or objective.” No significant environmental impacts are anticipated and no mitigation measures are required.

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

ENVIRONMENTAL ASSESSMENT:

The project is found to be exempt from CEQA review under 14 CCR §15153. The project is consistent with the findings, analysis and mitigation of the previous environmental document prepared for the Lodi Shopping Center development. On March 11, 2009, the Lodi City Council certified the Final Revised Environmental Impact Report for the project. At this meeting, the Council took in comments, responses to comments, made findings and ultimately adopted City Council Resolution No. 2009-27 certifying Final Revised Environmental Impact Report EIR-03-01.

Subsequently, the City of Lodi 2010 General Plan identified a consistent land use designations for the project site and the General Plan Final EIR, including comments and responses to comments, was certified by the City Council on April 7, 2010.

The proposed project does not create any new environmental impacts that were not previously addressed in the Mitigation Monitoring and Report Program for the project and the conditions of approval require the development to implement the adopted MMRP.

The Type 21 ABC license is 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 17, 2016. Six (6) 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 prior EIRs Section 15153 and exempt per Section 15321, and adopt a Resolution approving the Use Permit and Architectural Review for a gas station, car wash and convenience store and a Type-21 Off-Sale Beer, Wine and Spirits for Lodi Shopping Center – Pad Building 1, 2758 West Kettleman 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

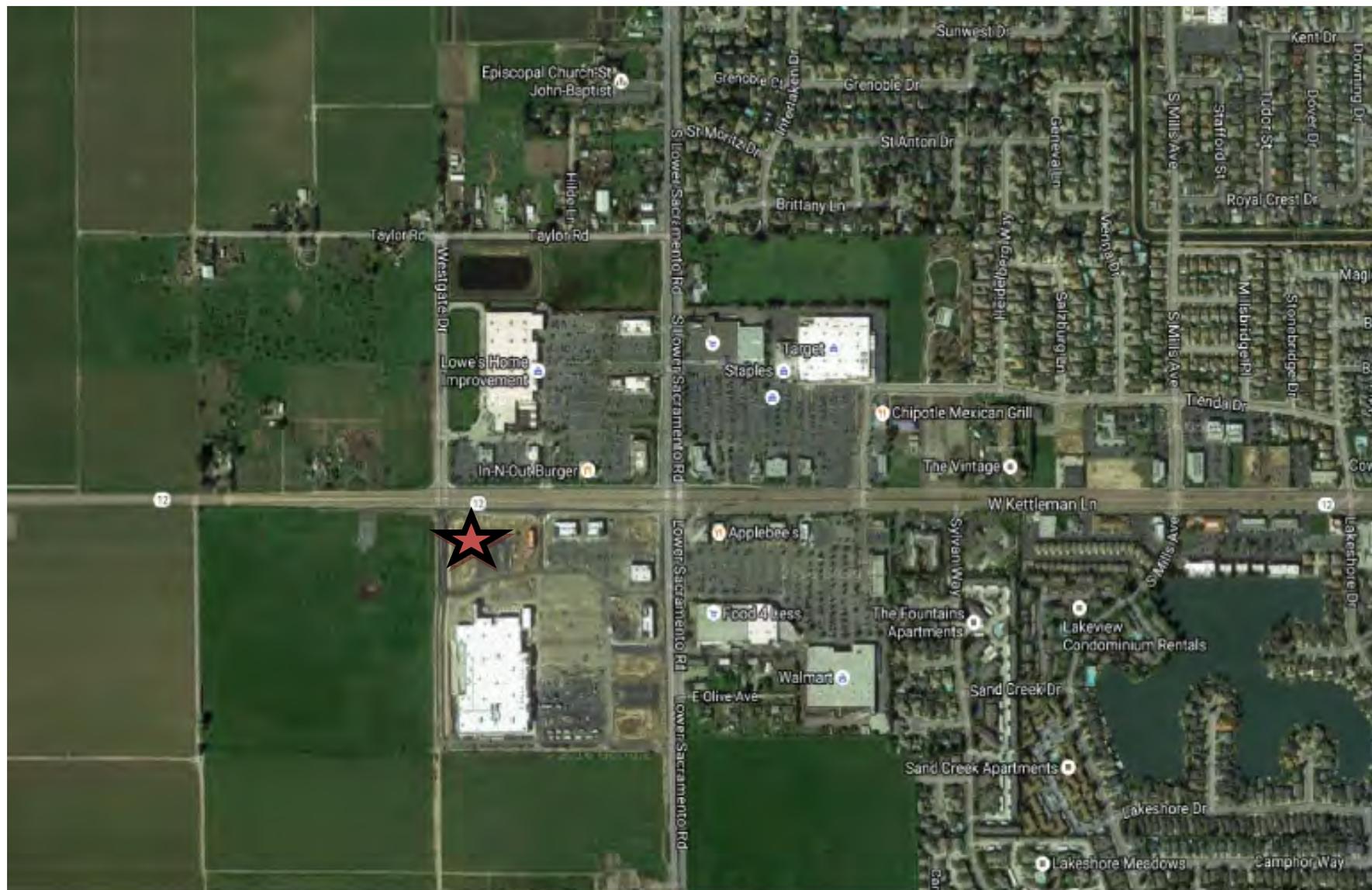
Stephen Schwabauer
Community Development Director

ATTACHMENTS:

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

VICINITY MAP

NORTH



SOUTH

2754 West Kettleman Lane



PROPOSED PROJECT SITE

PAD 2
11,200 SF

PAD 3
2,800 SF

PARCEL 5
6,200 SF

PAD 6
8,500 SF

PAD 7
10,000 SF

PAD 8
4,000 SF

PAD 9
10,030 SF

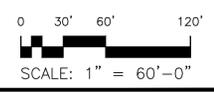
RETAIL STORE
210,700 SF

PAD 10
4,520 SF

PAD 11

MAJOR
15,300 SF

MAJOR
10,300 SF



SCALE: 1" = 60'-0"



Architects

K12 Architects, Inc
3090 Fite Circle, #104
Sacramento, CA 95827
PH:(916) 455-6500 FAX:(916) 455-8100

CONSULTANTS:

CONTRACTOR:

PROJECT:
LODI SHOPPING CENTER FUELING STATION & EXPRESS CAR WASH

CONVENIENCE STORE, FUELING CANOPY, EXPRESS CAR WASH AND SELF-SERVICE VACUUMS

Lodi Shopping Center
2758 W. Kettleman Lane
Lodi, California 95242

DEVELOPER:

Tera Properties, LLC
4810 Chiles Road
Davis, CA 95618

REVISIONS:

PROFESSIONAL SEALS:



PROJECT NUMBER:

16-010

PROJECT DATE:

08-23-2016

SHEET CONTENTS:

OVERALL SHOPPING CENTER SITE PLAN

SHEET NUMBER:

A100

SITE PLAN KEYNOTES

- ① TENANT MONUMENT SIGN
- ② CONCRETE CURB AND GUTTER
- ③ CONCRETE WALK
- ④ BICYCLE RACK
- ⑤ ENTRY CANOPY WITH AUTOMATED ATM STYLE GATES.
- ⑥ LANDSCAPING, SEE LANDSCAPING DRAWING'S.
- ⑦ A/C PAVING.
- ⑧ 395 L.F. OF QUEUING LANE IDENTIFIED BY CENTERLINE
- ⑨ 40' TALL FLAG POLE
- ⑩ TRASH ENCL. CONC. APPROACH SLAB.
- ⑪ DASHED LINE INDICATES 2'-0" VEHICLE OVERHANG
- ⑫ TRUNCATED ACCESS DOMES ALONG ACCESS PATH
- ⑬ YARD LIGHT
- ⑭ CENTRAL VACUUM ENCLOSURE
- ⑮ 9'-0" x 17'-0" PARKING STALL W/ 24" OF OVERHANG INTO LANDSCAPING
- ⑯ 4" WIDE WHITE PAINTED STRIPES
- ⑰ ACCESSIBLE VAN PARKING STALL.
- ⑱ CAR WASH DIRECTIONAL ENTRY SIGN
- ⑲ VACUUM ARCHES AND SHADE FABRIC BY VACUTECH LLC.
- ⑳ MULTI-PRODUCT FUEL DISPENSER
- ㉑ CUSTOMER CAR VALET
- ㉒ 48" WIDE STRIPED ACCESS WALK WAY.
- ㉓ VEHICLE PROTECTION BOLLARD
- ㉔ FUELING CANOPY COLUMNS W/ VENEER TO MATCH BUILDINGS
- ㉕ EXISTING FIRE HYDRANT
- ㉖ BUILDING SETBACK LINE
- ㉗ EXISTING ELECTRICAL TRANSFORMER
- ㉘ VEHICLE PRICE MONUMENT SIGN

PROJECT DATA

ASSESSOR'S PARCEL NUMBER(S):
 ZONING:
 PROJECT SITE AREA (GROSS): (±1.16 ACRES) 50,346 S.F.

BUILDING DATA:

STRUCTURE	U.B.C. OCCUP.	TYPE OF CONST.	AREA
BUILDING GROSS AREA			7,166 S.F.
CONVENIENCE STORE	M	V B	4,233 S.F.
CAR WASH	B	V B	2,933 S.F.
FUELING CANOPY	M	II B	5,535 S.F.

FLOOR TO AREA RATIO:
 TOTAL AREA OF SITE: 50,346 S.F.
 TOTAL AREA OF BUILDINGS: (W/O CANOPY) (14.2%) 7,166 S.F.
 TOTAL AREA OF BUILDINGS: (W/ CANOPY) (25.2%) 12,701 S.F.

LANDSCAPING DATA:
 TOTAL AREA OF LANDSCAPING: 13,569 S.F.
 PERCENTAGE OF SITE LANDSCAPED: 26.9 %

PARKING DATA:

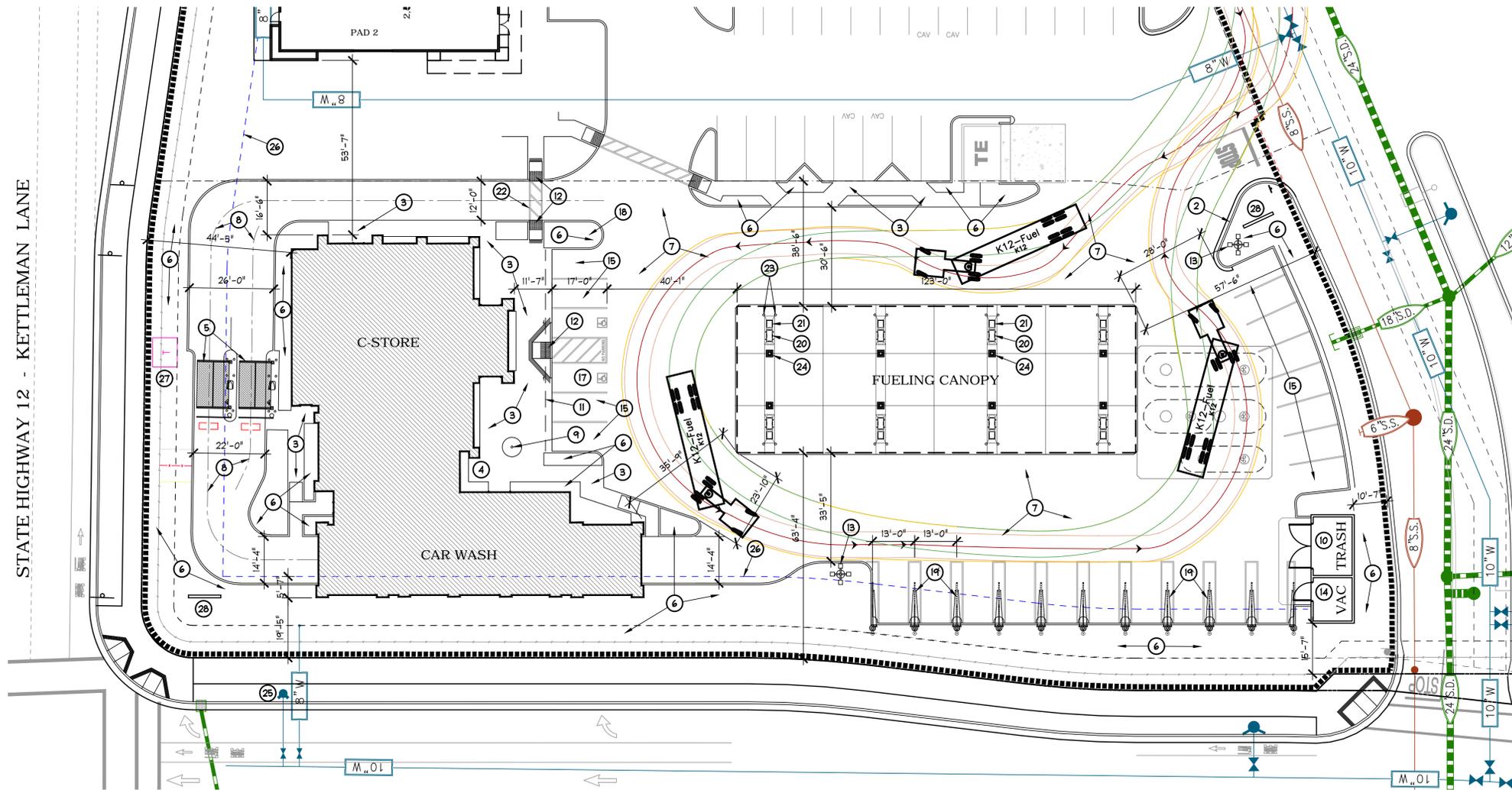
BUILDING AREA	PARKING RATIO	REQ'D.
RETAIL STORE:	1,250 S.F. (4,233 / 250)	= 16.9
EXPRESS CAR WASH: (2 STALL FOR QUEUING & DRYING)	= 2.0	
CAR WASH IS A SELF SERVE VACUUM TYPE		
TOTAL	=	18.9

PARKING PROVIDED:

REGULAR SPACES	= 12
ACCESSIBLE SPACES	= 2
WASH QUEUING LANE AREA 335' (335' / 25' = 13.4 VEH.)	= 13
VACUUM SPACES	= 10
FUELING POSITIONS	= 16
TOTAL =	24 STALLS + QUEUING FOR 13 VEHICLES AND 16 VEHICLE FUELING POSITIONS



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 Sacramento, CA 95827
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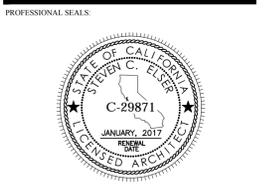
CONTRACTOR:

LODI SHOPPING CENTER FUELING STATION & EXPRESS CAR WASH

CONVENIENCE STORE, FUELING CANOPY, EXPRESS CAR WASH AND SELF-SERVICE VACUUMS
 Lodi Shopping Center
 2758 W. Kettleman Lane
 Lodi, California 95242

DEVELOPER:
 Tera Properties, LLC
 4810 Chiles Road
 Davis, CA 95618

REVISIONS:

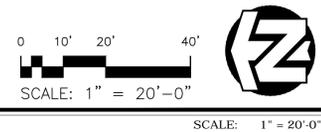


PROJECT NUMBER: 16-010 PROJECT DATE: 08-23-2016

SHEET CONTENTS:

ARCHITECTURAL SITE PLAN

SHEET NUMBER:





K12
Architects

K12 Architects, Inc
3090 Fite Circle, #104
Sacramento, CA 95827

PH:(916) 455-6500 FAX:(916) 455-8100

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LODI
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CONVENIENCE STORE,
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PROFESSIONAL SEALS:



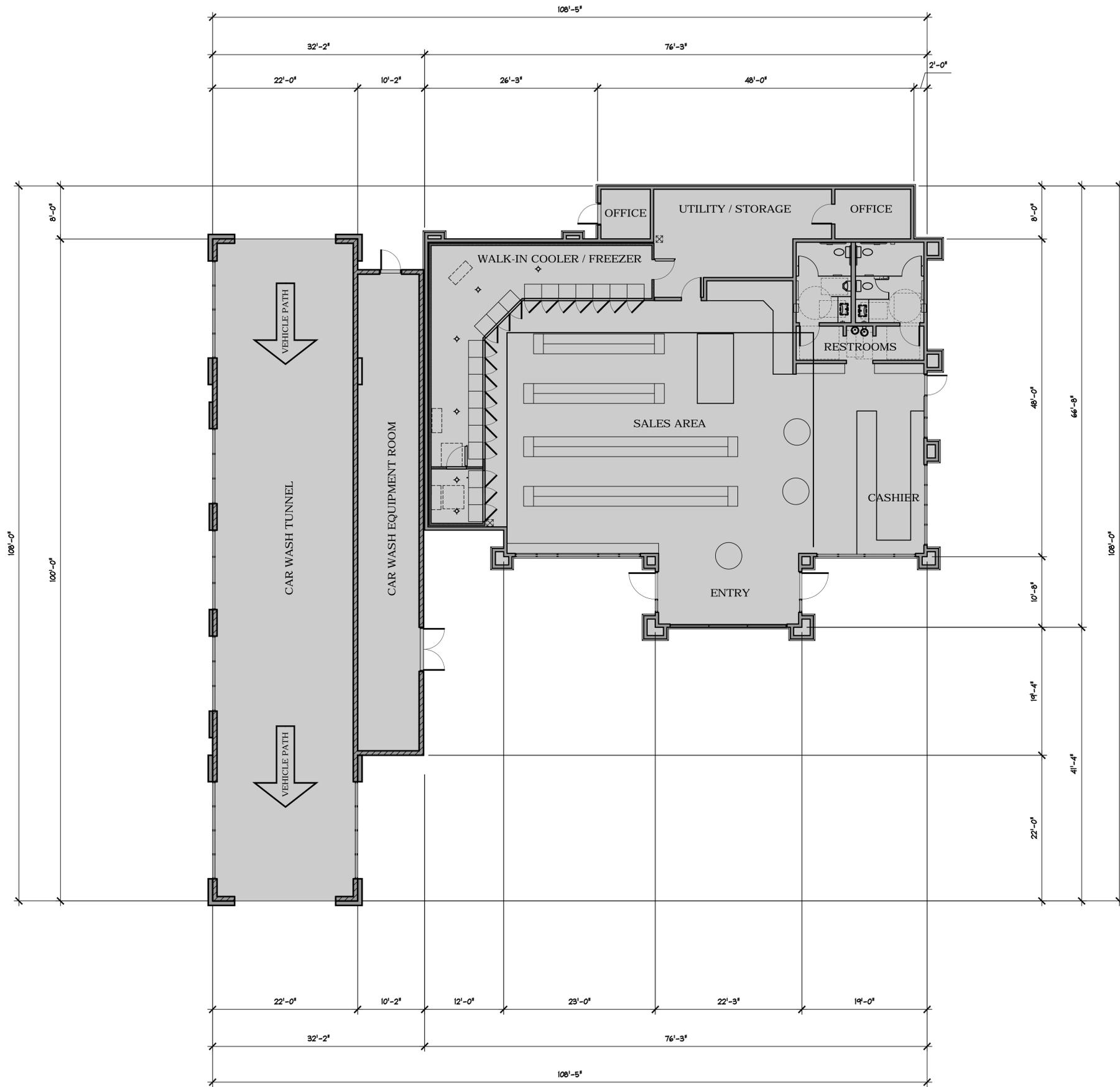
PROJECT NUMBER: 16-010 PROJECT DATE: 08-23-2016

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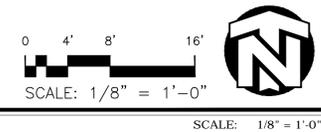
CONCEPT FLOOR
PLAN

SHEET NUMBER:

A201



CONCEPTUAL FLOOR PLAN



SCALE: 1/8" = 1'-0"



K12 Architects

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PROJECT NUMBER: 16-010 PROJECT DATE: 08-23-2016

SHEET CONTENTS:

EXTERIOR BUILDING ELEVATIONS

SHEET NUMBER:

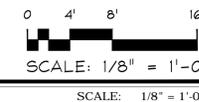
A301

KEY NOTES

- ① PAINTED CORNICE
- ② STOREFRONT WINDOW SYSTEM; DARK BRONZE ANODIZED, 2"x4.5" CENTER GLAZING SYSTEM; WITH 1" CLEAR DUAL GLAZING
- ③ FUTURE SIGN LOCATION
- ④ STUCCO SILL DETAIL
- ⑤ BOARD AND BATTEN VERTICAL SIDING
- ⑥ HORIZONTAL LAP SIDING
- ⑦ STANDING SEAM METAL ROOFING
- ⑧ CONCRETE TILE ROOFING
- ⑨ STUCCO STONE OVER EXTERIOR CEMENT PLASTER OVER METAL LATH OVER DUPONT TYVEK DRAINWRAP
- ⑩ STREET ADDRESS, 12" HIGH LETTERS, 1 1/2" STROKE, BLACK, BACKGROUND COLOR TO MATCH TRIM COLOR.
- ⑪ HOLLOW METAL DOOR AND FRAME
- ⑫ WALL MOUNTED LIGHT FIXTURE
- ⑬ 7/8" THREE COAT STUCCO SYSTEM OVER DUPONT TYVEK DRAINWRAP
- ⑭ ALUMINUM FRAMED AWNING
- ⑮ WOOD OUTRIGGER OVER 2x FRAMING
- ⑯ TUBE STEEL TRELLIS VERTICAL PLANTER
- ⑰ METAL FLASHING; PAINTED TO MATCH SURROUNDING BUILDING FINISH
- ⑱ STEEL METAL DECK OVER STEEL FRAMED CANOPY
- ⑲ STEEL ROD WITH CLEVIS CONNECTION
- ⑳ PANEL WOOD SHUTTER; TWO TONE PAINT
- ㉑ ACCENT TRIM BOARD
- ㉒ STUCCO FOAM TRIM
- ㉓ FASCIA BOARD

COLOR LEGEND

- A SHERWIN WILLIAMS SW6108 "LATTE".
- B SHERWIN WILLIAMS SW7032 "WARM STONE".
- C SHERWIN WILLIAMS SW7068 "GRIZZLE GRAY".
- D SHERWIN WILLIAMS SW0042 "RUSKIN ROOM GREEN".
- E SHERWIN WILLIAMS SW7061 "CITYSCAPE".
- F SHERWIN WILLIAMS SW6328 "FIREWEED".
- G SHERWIN WILLIAMS SW2809 "ROCKWOOD SHUTTER GREEN".
- H SHERWIN WILLIAMS SW2118 "GUNMETAL GRAY".
- J SHERWIN WILLIAMS SW6388 "DOMINO".
- K SHERWIN WILLIAMS SW6131 "BURLAP".
- L SHERWIN WILLIAMS SW2104 "HERB SACHET".
- M SHERWIN WILLIAMS SW2371 "YEW HEDGE".
- N ROOFING SYSTEM - EAGLE ROOFING "PONDEROSA CHARCOAL RANGE".
- P STANDING SEAM METAL ROOFING
- Q CORONADO STONE - OLD WORLD LEDGESTONE "CAMEL MOUNTAIN".
- R
- S ALUMINUM STOREFRONT SYSTEM - KALNEER "DARK BRONZE".
- T SHERWIN WILLIAMS SW6141 "SOFTER TAN".
- U SHERWIN WILLIAMS SW7038 "TONY TAUPE".
- V SHERWIN WILLIAMS SW6189 "ROSEMARY".



18 FRONT EXTERIOR BUILDING ELEVATION - SOUTH



20 REAR EXTERIOR BUILDING ELEVATION - NORTH



Architects

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3090 Fite Circle, #104
Sacramento, CA 95827

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CONTRACTOR:

PROJECT:

**LODI
SHOPPING
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FUELING
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&
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CONVENIENCE STORE,
FUELING CANOPY,
EXPRESS CAR WASH AND
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Lodi Shopping Center
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REVISIONS:

PROFESSIONAL SEALS:



PROJECT NUMBER: 16-010 PROJECT DATE: 08-23-2016

SHEET CONTENTS:

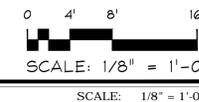
EXTERIOR BUILDING
ELEVATIONS

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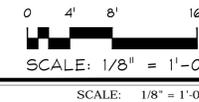
A302

KEY NOTES

- 1 PAINTED CORNICE
- 2 STOREFRONT WINDOW SYSTEM; DARK BRONZE ANODIZED, 2"x4.5" CENTER GLAZING SYSTEM; WITH 1" CLEAR DUAL GLAZING
- 3 FUTURE SIGN LOCATION
- 4 STUCCO SILL DETAIL
- 5 BOARD AND BATTEN VERTICAL SIDING
- 6 HORIZONTAL LAP SIDING
- 7 STANDING SEAM METAL ROOFING
- 8 CONCRETE TILE ROOFING
- 9 STUCCO STONE OVER EXTERIOR CEMENT PLASTER OVER METAL LATH OVER DUPONT TYVEK DRAINWRAP
- 10 STREET ADDRESS, 12" HIGH LETTERS, 1 1/2" STROKE, BLACK, BACKGROUND COLOR TO MATCH TRIM COLOR.
- 11 HOLLOW METAL DOOR AND FRAME
- 12 WALL MOUNTED LIGHT FIXTURE
- 13 7/8" THREE COAT STUCCO SYSTEM OVER DUPONT TYVEK DRAINWRAP
- 14 ALUMINUM FRAMED AWNING
- 15 WOOD OUTRIGGER OVER 2x FRAMING
- 16 TUBE STEEL TRELLIS VERTICAL PLANTER
- 17 METAL FLASHING; PAINTED TO MATCH SURROUNDING BUILDING FINISH
- 18 STEEL METAL DECK OVER STEEL FRAMED CANOPY
- 19 STEEL ROD WITH CLEVIS CONNECTION
- 20 PANEL WOOD SHUTTER; TWO TONE PAINT
- 21 ACCENT TRIM BOARD
- 22 STUCCO FOAM TRIM
- 23 FASCIA BOARD



18 RIGHT SIDE EXTERIOR BUILDING ELEVATION - EAST



20 LEFT SIDE EXTERIOR BUILDING ELEVATION - WEST

COLOR LEGEND

- A SHERWIN WILLIAMS SW6108 "LATTE".
- B SHERWIN WILLIAMS SW7032 "WARM STONE".
- C SHERWIN WILLIAMS SW1068 "GRIZZLE GRAY".
- D SHERWIN WILLIAMS SW0042 "RUSKIN ROOM GREEN".
- E SHERWIN WILLIAMS SW1061 "CITYSCAPE".
- F SHERWIN WILLIAMS SW6328 "FIREWEED".
- G SHERWIN WILLIAMS SW2809 "ROCKWOOD SHUTTER GREEN".
- H SHERWIN WILLIAMS SW2118 "GUNMETAL GRAY".
- J SHERWIN WILLIAMS SW6388 "DOMINO".
- K SHERWIN WILLIAMS SW6131 "BURLAP".
- L SHERWIN WILLIAMS SW1014 "HERB SACHET".
- M SHERWIN WILLIAMS SW2311 "YEW HEDGE".
- N ROOFING SYSTEM - EAGLE ROOFING "PONDEROSA CHARCOAL RANGE".
- P STANDING SEAM METAL ROOFING
- Q CORONADO STONE - OLD WORLD LEDGESTONE "CAMEL MOUNTAIN".
- R
- S ALUMINUM STOREFRONT SYSTEM - KAWNEER "DARK BRONZE".
- T SHERWIN WILLIAMS SW6141 "SOFTER TAN".
- U SHERWIN WILLIAMS SW1038 "TONY TAUPE".
- V SHERWIN WILLIAMS SW6189 "ROSEMARY".



K12 Architects

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Sacramento, CA 95827

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CONTRACTOR:

PROJECT:

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CONVENIENCE STORE, FUELING CANOPY, EXPRESS CAR WASH AND SELF-SERVICE VACUUMS

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REVISIONS:

PROFESSIONAL SEALS:



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SHEET CONTENTS:

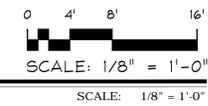
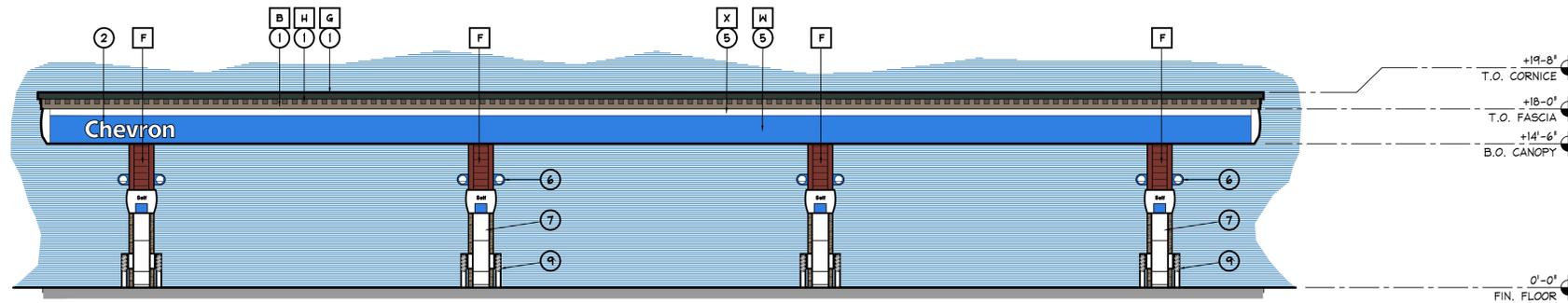
FUELING CANOPY ELEVATIONS

SHEET NUMBER:

A303

KEY NOTES

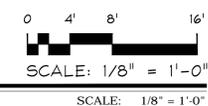
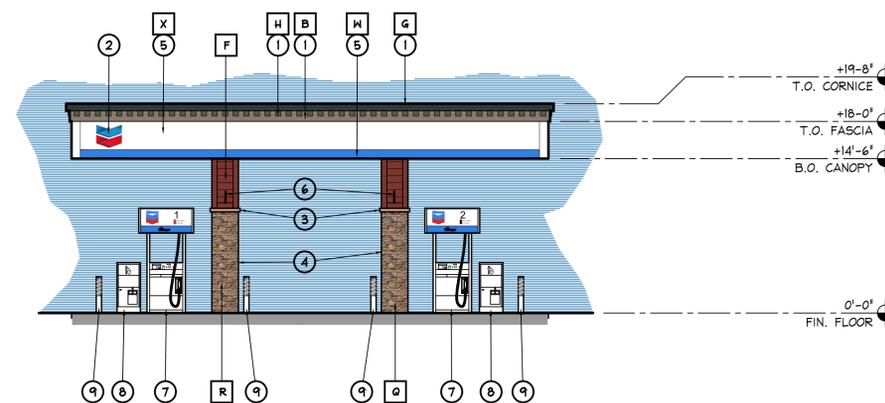
- ① PAINTED CORNICE
- ② SIGN LOCATION
- ③ STUCCO SILL DETAIL
- ④ STUCCO STONE OVER EXTERIOR CEMENT PLASTER OVER METAL LATH OVER DUPONT TYVEK DRAINWRAP
- ⑤ ACM CANOPY FASCIA
- ⑥ PUMP ID SIGNAGE
- ⑦ MULTI-PRODUCT FUEL DISPENSER
- ⑧ CUSTOMER VALET
- ⑨ VEHICLE PROTECTION BOLLARD
- ⑩ FUELING COMPANY PUMP TOPPER



18 FUEL CANOPY ELEVATION - EAST / WEST

COLOR LEGEND

- A SHERWIN WILLIAMS SW6108 "LATTE".
- B SHERWIN WILLIAMS SW1032 "WARM STONE".
- C SHERWIN WILLIAMS SW1068 "GRIZZLE GRAY".
- D SHERWIN WILLIAMS SW0042 "RUSKIN ROOM GREEN".
- E SHERWIN WILLIAMS SW1061 "CITYSCAPE".
- F SHERWIN WILLIAMS SW6328 "FIREWEED".
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- H SHERWIN WILLIAMS SW2118 "GUNMETAL GRAY".
- J SHERWIN WILLIAMS SW6388 "DOMINO".
- K SHERWIN WILLIAMS SW6131 "BURLAP".
- L SHERWIN WILLIAMS SW1014 "HERB SACHET".
- M SHERWIN WILLIAMS SW2311 "YEW HEDGE".
- N ROOFING SYSTEM - EAGLE ROOFING "PONDEROSA CHARCOAL RANGE".
- P STANDING SEAM METAL ROOFING
- Q CORONADO STONE - OLD WORLD LEDGESTONE "CAMEL MOUNTAIN".
- R
- S ALUMINUM STOREFRONT SYSTEM - KAWNEER "DARK BRONZE".
- T SHERWIN WILLIAMS SW6141 "SOFTER TAN".
- U SHERWIN WILLIAMS SW1038 "TONY TAUPE".
- V SHERWIN WILLIAMS SW6189 "ROSEMARY".
- W CHEVRON - ID BLUE
- X CHEVRON - ID WHITE



20 FUEL CANOPY ELEVATION - NORTH / SOUTH



KEY NOTES

- ① PAINTED CORNICE
- ② SIGN LOCATION
- ③ STUCCO SILL DETAIL
- ④ STUCCO STONE OVER EXTERIOR CEMENT PLASTER OVER METAL LATH OVER DUPONT TYVEK DRAINWRAP
- ⑤ ACM CANOPY FASCIA
- ⑥ PUMP ID SIGNAGE
- ⑦ MULTI-PRODUCT FUEL DISPENSER
- ⑧ CUSTOMER VALET
- ⑨ VEHICLE PROTECTION BOLLARD
- ⑩ FUELING COMPANY PUMP TOPPER

COLOR LEGEND

- A SHERWIN WILLIAMS SW6108 "LATTE".
- B SHERWIN WILLIAMS SW7032 "WARM STONE".
- C SHERWIN WILLIAMS SW7068 "GRIZZLE GRAY".
- D SHERWIN WILLIAMS SW2042 "RUSKIN ROOM GREEN".
- E SHERWIN WILLIAMS SW7061 "CITYSCAPE".
- F SHERWIN WILLIAMS SW6328 "FIREWEED".
- G SHERWIN WILLIAMS SW2809 "ROCKWOOD SHUTTER GREEN".
- H SHERWIN WILLIAMS SW2118 "GUNMETAL GRAY".
- J SHERWIN WILLIAMS SW6388 "DOMINO".
- K SHERWIN WILLIAMS SW6131 "BURLAP".
- L SHERWIN WILLIAMS SW2104 "HERB SACHET".
- M SHERWIN WILLIAMS SW2371 "YEW HEDGE".
- N ROOFING SYSTEM - EAGLE ROOFING "PONDEROSA CHARCOAL RANGE".
- P STANDING SEAM METAL ROOFING
- Q CORONADO STONE - OLD WORLD LEDGESTONE "CARAMEL MOUNTAIN".
- R SHADE FABRIC - BURGANDY
- S ALUMINUM STOREFRONT SYSTEM - KALLNEER "DARK BRONZE".
- T SHERWIN WILLIAMS SW6141 "SOFTER TAN".
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- V SHERWIN WILLIAMS SW6189 "ROSEMARY".
- W CHEVRON - ID BLUE
- X CHEVRON - ID WHITE



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SHEET CONTENTS:

SHADE CANOPY ELEVATIONS

SHEET NUMBER:

A304

WEST KETTKEMAN ROAD HIGHWAY 12



TREE LIST

DESCRIPTION	SIZE	COUNT
SEQUOIA SEMPERVIRENS 'APTOS BLUE' COAST REDWOOD	15 GAL.	5
PYRUS CALLERYANA 'ARISTOCRAT' FLOWERING PEAR TREE	15 GAL.	3
ULMUS PARVIFOLIA 'DRAKE' CHINESE EVERGREEN ELM	15 GAL.	4
MALUS PRAIRIFERE CRABAPPLE	15 GAL.	5
SYAGRUS ROMANZOFRANUM QUEEN PALM	24" BOX	7
PLATANUS RACEMOSA 'YARWOOD' BYCAMORE	15 GAL.	2
LAGERSTROEMIA 'CHEROKEE' CRAPE MYRTLE	15 GAL.	6

SHRUB LIST

SYMBOL	DESCRIPTION	SIZE
A	PITTOSPORUM TOBIRA 'VARIGATA' VARIGATED TOBIRA	5 GAL.
B	RHAPHIOLEPIS 'JACK EVANS' PINK INDIA HAWTHORNE	5 GAL.
D	PLUMBAGO AURICULATA CAPE PLUMBAGO	5 GAL.
E	PRUNUS CAROLINIANA 'COMPACTA' DWARF CAROLINA LAUREL CHERRY	5 GAL.
F	ESCALLONIA 'TERRI' DWARF ESCALLONIA	5 GAL.
H	PHOTINIA 'FRASER' RED PHOTINIA	5 GAL.
I	PHORMIUM TENAX 'RUBRUM' RED FLAX	5 GAL.
J	DIETES 'BICOLOR' YELLOW BUTTERFLY IRIS	1 GAL.
	AGAPANTHUS 'AFRICANUS' WHITE LILY OF THE NILE	1 GAL.
	HEMEROCALLIS 'YELLOW EVERGREEN' DAYLILY	1 GAL.

GROUND COVERS

SYMBOL	NO.	SIZE	BOTANICAL NAME
[Pattern]	30' O.C.	1 GAL.	COPROSMA KIRKII
[Pattern]	30' O.C.	1 GAL.	TRACHELOSPERMUM JASMINOIDES
[Pattern]	12' O.C.	FLATS	GAZANIA 'YELLOW TRAILING'
[Pattern]	30' O.C.	1 GAL.	LANTANA 'PURPLE'
[Pattern]			OTHER BARK MULCH AREAS

NOTE:

ALL PLANTERS ARE TO BE MULCHED TO A DEPTH OF 2" WITH BROWN WALK-ON TYPE BARK MULCH.
IRRIGATION SHALL BE AN AUTOMATIC, IN-LINE DRIP SYSTEM PROVIDING 100% COVERAGE OF ALL NEW PLANTERS.



SITE PLAN

SCALE: 1" = 20' - 0"



JAMES FERGUSON CLABAUGH

LANDSCAPE ARCHITECT

4556 SHAWN LANE
VACAVILLE, CA 95688
PHONE/FAX: 707-449-3916

These drawings are the instrument of the service and shall not be used, in part or in whole, for any work not specifically contracted with James Clabaugh, Landscape Architect. Copyright 2015



MUNDY FUELING STATION

LODI, CA

Scale	1" = 20'-0"	REVISIONS
Date	8/22/16	No. Date
Job No.		
Designed by	J.C.	
Drawn by	J.C.	

CONCEPTUAL LANDSCAPE PLAN

Sheet No.

L1
of 3

RESOLUTION NO. P.C. 16-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF DARSHAN MUNDY FOR A USE PERMIT AND ARCHITECTURAL REVIEW FOR A GAS STATION, CAR WASH AND CONVENIENCE STORE AND A TYPE-21 OFF-SALE BEER, WINE AND SPIRITS FOR LODI SHOPPING CENTER – PAD BUILDING 1, 2758 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 Tera Properties, LLC, Darshan Mundy, 4810 Childes Road, Davis, CA 95618; and

WHEREAS, the project parcel is owned by BDC III LP (Browman Development Company, Inc., 1556 Parkside Drive, Walnut Creek CA 94596; and

WHEREAS, the project is located at Lodi Shopping Center - Sunwest Village Shopping Center Pad Building 1 at 2758 West Kettleman Lane, Lodi, CA 95240, APN: 058-030-19; and

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

WHEREAS, Census Tract 41.06 in which the proposed gas station, car wash and convenience store is to be located is over concentrated of licenses allowing on premise consumption of alcoholic beverages; and

WHEREAS, because Census Tract 41.06 has an over-concentration of off-sale beer, wine and spirits alcohol licenses, the Planning Commission must make a finding of necessity and/or public convenience in order to permit the issuance of an additional Alcohol Beverage Control license in this tract; and

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

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

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

1. The project is found to be exempt from CEQA review under 14 CCR §15153. The project is consistent with the findings, analysis and mitigation of the previous environmental document prepared for the Lodi Shopping Center development. On March 11, 2009, the Lodi City Council certified the Final Revised Environmental Impact Report for the project. At this meeting, the Council took in comments, responses to comments, made findings and ultimately adopted City Council Resolution No. 2009-27 certifying Final Revised Environmental Impact Report EIR-03-01.

Subsequently, the City of Lodi 2010 General Plan identified a consistent land use designations for the project site and the General Plan Final EIR, including comments and responses to comments, was certified by the City Council on April 7, 2010.

The proposed project does not create any new environmental impacts that were not previously addressed in the Mitigation Monitoring and Report Program for the project and the conditions of approval require the development to implement the adopted MMRP.

The Type 21 ABC license 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 for the use or enforcing the general rule, standard, or objective.” No significant environmental impacts are anticipated and no mitigation measures are required.

2. The Lodi Shopping Center is designated Commercial in the General Plan and Community Commercial in the Lodi Development Code. Drive-through facilities are allowed subject to a use permit in this zone. The project has been conditioned to be consistent with the zoning code and the use will not be detrimental to the welfare of persons or properties working, residing, or otherwise existing in the adjacent neighborhood areas. The project site is consistent to what was previously approved in 2009 with the overall site plan and proposed architecture.
3. The proposal involves a new gas station, car wash and convenience store in a new building located within the Community Commercial Zoning District, which allows sale of alcohol for on-site consumption in accordance with Development Code Section 17.22.030. The intent of the Community Commercial zoning district is to provide for a range of uses, emphasizing high quality development, and to encourage a wide range of commercial uses that serve the public. The proposal is consistent with this intent.
4. The General Plan land use designation for the project site is Commercial, which permits the proposed use. The conditions for the restriction of the conditional use are consistent with the General Plan, will not affect neighborhood compatibility; and will not cause the operation of the conditional use to be detrimental to the welfare of persons or properties working, residing, or otherwise existing in the adjacent neighborhood areas.
5. The General Plan land use designation for this area is Community Commercial zoning district, which provides for sale of alcohol. The proposed sale of beer, wine and spirits in conjunction with a gas station and convenience store operation is the type of business allowed by the General Plan. The sale of alcohol in conjunction with a convenience store is a common way to increase sales and is therefore, consistent, with the General Plan.
6. In May 2009, the Lodi City Council approved the Lodi Shopping Center project. This approval set the site plan for the center, the architecture for the Wal-Mart building, placed conditions and mitigation on the project and required subsequent approvals for the 11 pad buildings. There are no proposed changes to the overall site and the proposed use is consistent with the Zoning Code and the General Plan policies. As such, the subject site is adequate in size and shape to accommodate the proposed use within a commercial area with all the required off-street parking provided on the subject site. Further, the project will not have a negative effect on the public health, safety, or welfare; or be materially injurious to persons, properties or improvements in the vicinity.
7. The proposed sale of alcohol in conjunction with a gas station and convenience store operation is compatible with existing and future land uses in the immediate vicinity of the project area. The sale of alcohol with a gas station and convenience store is consistent with other commercial uses, such as the one proposed, in accordance with Land Use Policy subject to a discretionary review. The sale of alcoholic beverages for off-premise consumption is a normal part of business operations for a convenience and provides a convenience for customers of the business. The proposed use is surrounded by other complementary uses that cater to the local and tourist trade.

8. The existing use complies with all requirements as set forth for the issuance of a Use Permit, in that the site is adequate in size, shape and topography for the proposed use, consisting of an existing building. Second, the site is located in a commercial area that is accessible from public streets. Existing street networks are adequate in size and shape to accommodate the quantity and quality of traffic generated by the proposed use without any significant impacts to the street system. Third, the proposed use, as conditioned, will not have an adverse effect upon the use, enjoyment or valuation of property in the neighborhood.
9. Steps will be taken by the Applicant/Operator to reduce the number of incidents resulting from the over-consumption of alcohol including the proper training and monitoring of employees serving alcohol; the careful screening of IDs of customers to avoid sales to under-aged individuals; limiting the number of drinks sold to individual customers to avoid over-consumption; providing properly trained on-site security to monitor customer behavior both in and outside of the establishment; and working with the Lodi Police Dept. to resolve any problems that may arise.
10. The proposed use would not have a substantial adverse economic effect on nearby uses because operation of a restaurant in accordance with applicable laws and under the conditions of this Use Permit is anticipated to be an economic benefit to the community.
11. The proposed use would not be detrimental to the general welfare of persons residing and working in the immediate vicinity, the neighborhood or the community at large because the sale of alcohol with a restaurant operation is not associated with detrimental impacts to the community.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Use Permit Application No. 2016-28 U is hereby approved, subject to the following conditions:

Community Development - Planning

1. The applicant/project proponent and/or property owner and/or developer and/or successors in interest and management shall, at their sole expense, defend, indemnify and hold harmless the City of Lodi, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this Use Permit approval. The obligation to defend, indemnify and hold harmless shall include, but is not limited to, any action to arbitrate, attack, review, set aside, void or annul this Use Permit approval on any grounds whatsoever. The City of Lodi shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.
2. The applicant/project proponent and/or property owner and/or developer and/or successors in interest and management shall operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control. Material violation of any of those laws in connection with the use may be cause for revocation of this Use Permit.
3. Starting from the effective date the business commences, 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 2:00am. 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 and cannot be broken and sold individually.
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. 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.
18. The automated carwash facility and the outdoor vacuums shall noise shall comply with the City's Noise Ordinance. Any noise complaints regarding the operation of the facility shall be promptly addressed by the applicant/operator.
19. Colors, materials and design of the project shall conform to the exhibits and references in the staff report and presented to the Planning Commission as Attachment B of the staff report to the satisfaction of the Community Development Department.

20. A separate sign permit and building permit shall be required prior to the installation of any signs. All proposed signage shall be consistent with City of Lodi Sign Ordinance, exhibits in the staff report, and recommendations of the Planning Commission.
21. Any rooftop equipment must be fully screened from all public view utilizing materials and colors which match the building. This shall be clearly indicated on the building plans.
22. Prior to the issuance of building permits, the developer shall submit to the Community Development Department for review and approval a final landscape plan showing all the proposed plant materials by genus and common name and the size containers to be installed. No tree planted shall be less than 15 gallon in size. The landscape plan shall conform to Water Efficient Landscape Ordinance and must include Statement of Compliance and water usage calculations prepared by the landscape designer.
23. All vegetation shall be maintained in a flourishing manner, and kept free of all foreign matter, weeds and plant materials not approved as part of the landscape plan. All irrigation shall be maintained in fully operational condition.
24. The applicant shall obtain Operational Permits from the Lodi Fire Department, Fire Prevention Bureau. The Operational Permits shall be obtained prior to commencement of sale of alcohol. The Fire Department may be contacted at (209) 333-6739.

Community Development - Building - General Comments:

25. Separate building permits are required for the building, underground tanks, canopy, vapor recovery system and the signage. 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.
26. The underground fuel tanks and the fuel dispensers shall meet all fire, life, safety requirements as specified by Chapter 23 of the 2013 California Fire Code.
27. Vapor recovery system shall be located a minimum of 20' from the nearest fuel dispenser and a minimum of 10' from any building or property line. 2013 CFC, Section 2306.7.9.2.2
28. Plans to specify and show accessible parking spaces in compliance with 2013 CBC, Sections 11B-208.2, 11B-502 and Table 11B-208.2. At least one space shall be van accessible as per 2013 CBC, Section 11B-208.2.4.

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

- 1) A 9' wide x 18' deep accessible parking space(s) with 5' wide striped access aisle. "Van accessible" parking spaces shall be a minimum 12' wide x 18' deep with a 5' wide access aisle or 9' wide with an 8' wide access aisle. 2013 CBC, Section 11B-502.2
- 2) The access aisle(s) may be located on either side of the accessible parking space(s), except "van accessible" parking spaces shall have the access aisle located on the passenger side of the accessible parking space. Two accessible parking spaces shall be permitted to share a common access aisle. 2013 CBC, Sections 11B-502.3.4, 11B-502.3
- 3) The access aisles shall be marked with a blue painted borderline around their perimeter. The area within the blue borderlines shall be marked with hatched lines a maximum of 36" on center in a color contrasting with the aisle surface, preferable blue or white. The words "NO PARKING" shall be painted in 12" high white letters in each access aisle. 2013 CBC, Section 502.3.3
- 4) The accessible parking spaces and the access aisles shall not exceed 2% cross slope in any direction. 2013 CBC, Section 11B-502.4

29. Accessible fuel dispenser point of sale devices shall comply with the 2013 CBC, Section 11B-220.2
30. Site Plan to show an accessible path of travel from the building entrance to the accessible parking space and the accessible fuel dispenser and from all building exits to the public way. 2013 CBC, Sections 11B-206.1, 11B-206.2.1, 11B-206.2.2, 11B-206.2.4, 11B-206.4, 11B206.4.1.1, 11B-Division 4
31. Plans to specify walkways and sidewalks along accessible routes of travel (1) are continuously accessible, (2) have maximum 1/2" changes in elevation, (3) are minimum 48" in width, (4) have a maximum 2% cross slope, and (5) where necessary to change elevation at a slope exceeding 5% (i.e., 1:20) shall have ramps complying with 2013 CBC, Section 11B-405 or 11B-406 as appropriate. Where a walk crosses or adjoins a vehicular way, and the walking surfaces are not separated by curbs, railings or other elements between the pedestrian areas and vehicular areas shall be defined by a continuous detectable warning which is 36" wide, complying with 2013 CBC, Sections 11B-247.1.2.5 & 11B-705.1.2.5.

Public Works

32. All existing Public Utility Easements shall be identified and labeled.
33. Trees shall not be planted inside any of the existing Public Utility Easements (typical).
34. All project design and construction shall be in compliance with the Americans with Disabilities Act (ADA).
35. The trash enclosures shall conform to the Stormwater Design Standards section 3.1.4 and be wide enough to provide separate containers for recyclable materials and other solid waste.
36. As required by the California Green Building Code (CALGreen), project shall participate in the Construction and Demolition Recycling Program.
37. Payment of the following prior to building permit issuance unless noted otherwise:
 - a. Filing and processing fees and charges for services performed by City forces per the Public Works Fee and Service Charge Schedule.
 - b. Regional Transportation Impact Fee (RTIF).
 - c. Stormwater Compliance Inspection Fee.
38. Payment of the following prior to temporary occupancy or occupancy of the building unless noted otherwise:
 - a. Development Impact Mitigation Fees.
 - b. County Facilities Fees.
39. Any discharge into the City wastewater system from the carwash or canopy must be treated by a sand/oil separator or another approved clarifying device.
40. A water conservation strategy will be developed by the applicant and submitted to Community Development Department and Public Works staff for review and approval. This strategy will be for the recirculation and reuse of water by the carwash consistent with State standards.
41. The applicant shall obtain all required permits and licenses from the California Department of Alcoholic Beverage Control and the San Joaquin County Health Department prior to commencement of the use and maintain said permits at all times while the use is operating. Copies of all permits and licenses shall be submitted to the Community Development Department prior to commencement of the use.

42. 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.

43. 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 28, 2016 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST _____

Secretary, Planning Commission

DRAFT